



Board Agenda Item 48

DATE: July 10, 2018

TO: Board of Supervisors

SUBMITTED BY: Paul Nerland, Director of Human Resources

SUBJECT: Request to Defend Public Officer or Employee

RECOMMENDED ACTION(S):

Approve and authorize Chairman to execute Agreement to Defend Public Officer(s) or Employee(s) for the employee(s) listed below:

<u>Name of Officer/ Employee(s)</u>	<u>Position</u>	<u>Title of Action</u>
Lisa Smittcamp	District Attorney-Public Administrator District Attorney	Matthew G. Gregory, et al. v County of Fresno, et al.
Jeffrey Dupras	District Attorney-Public Administrator Assistant District Attorney	

Description:

Claimants allege the District Attorney's Office retaliated against the claimants and their charity Wounded Warriors Support Group, as well as violating their right to privacy that resulted in damaged reputations for the claimants and their charity group, which is the proximate cause of the claimant's damages.

Fresno County Claim No.: 9881 (Eastern District Court Case No.1:18-cv-00524-LJO-SAB))
Claimant: Matthew G. Gregory, et al.

ALTERNATIVE ACTION(S):

No alternative action is available as Article 4 (commencing with section 825), Chapter 1, Part 2, Division 3.6 of Title 1 of the Government Code requires the County indemnify its public employees.

FISCAL IMPACT:

Funds to finance the cost of defense are contained in the Risk Management Internal Services Fund. Defense costs are supported by annual budgetary contributions based on actuarial projections.

DISCUSSION:

The California Government Code requires the County to defend its officer(s) and/or employees(s) who are sued because of their actions while in the course and scope of employment. The County may require

officer(s) and/or employee(s) to agree that the County's rights under the law are protected.

In the above-mentioned action, the officer(s) and/or employee(s) who have been named in the suit have requested the County to provide legal defense. The necessary agreement to protect the County's rights has been signed by said officer(s) and/or employee(s) and is on file with the Clerk of the Board.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement to Defend Public Officer(s) or Employee(s) for Lisa Smittcamp with Exhibit "A" Article 4. Indemnification of Public Employees

On file with Clerk - Agreement to Defend Public Officer(s) or Employee(s) for Jeffrey Dupras with Exhibit "A" Article 4. Indemnification of Public Employees

CAO ANALYST:

Juan Lopez