Board Agenda Item 43

DATE: August 7, 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 or Employee for the employee listed below:

Name of Officer/ Employee	Position	Title of Action
Kari Gilbert	Director, Department of Child Support Services	Madhu Sameer v Sameer Khera, et al.

Description:

Claimant alleges fraudulent behavior by Child Support Services and other parties that resulted in damages, which is the proximate cause of the claimant's damages/injuries.

Fresno County Claim No.:   9857 (Eastern District Court Case No.1:17-CV-01748-DAD-EPG)
Claimant: Madhu Sameer

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 or Employee for Kari Gilbert with Exhibit "A" Article 4. Indemnification of Public Employees

CAO ANALYST:

Juan Lopez