



Board Agenda Item 33

DATE: October 23, 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:

<u>Name of Officer/ Employee</u>	<u>Position</u>	<u>Title of Action</u>
Wendy Eisenberg	Library Supervising Librarian	Stephanie Betancourt v County of Fresno, et al.

Description:

Claimant alleges a Fresno County employee was traveling at an unsafe speed and rear-ended another vehicle causing a multi car collision, which is the proximate cause of the claimant's injuries and damages. The location of this incident was in District 5.

Fresno County Claim No.: 9882 (Fresno Superior Court Case No.18CECG02835)
Claimant: Stephanie Betancourt

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 Wendy Eisenberg with Exhibit "A"
Article 4. Indemnification of Public Employees

CAO ANALYST:

Juan Lopez