



# County of Fresno

Hall of Records, Rm. 301  
2281 Tulare Street  
Fresno, California  
93721-2198

## Legislation Details (With Text)

**File #:** 18-0687 **Name:** Request to Defend Public Officer or Employee

**In control:** Human Resources

**On agenda:** 7/10/2018 **Final action:** 7/10/2018

**Enactment date:** **Enactment #:** Agreement No. 18-369, Agreement No. 18-370

**Title:** Approve and authorize Chairman to execute Agreement to Defend Public Officer(s) or Employee(s) for: Lisa Smittcamp, District Attorney-Public Administrator and Jeffrey Dupras, Assistant District Attorney, as named in United States District Court Eastern District Court of California Case No: 1:18-cv-00524-LJO-SAB, Matthew G. Gregory, et al. v. County of Fresno, et al.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Agenda Item, 2. Agreement A-18-369 with Lisa Smittcamp, 3. Agreement A-18-370 with Jeffrey Dupras

Date	Ver.	Action By	Action	Result
7/10/2018	1	Board of Supervisors	Consent Agenda be approved	Pass

**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:**

### Name of Officer/ Employee(s)

### Position

### Title of Action

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