



# County of Fresno

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

## Legislation Details (With Text)

**File #:** 18-0848 **Name:** Request to Defend Public Officers or Employees

**In control:** Human Resources

**On agenda:** 8/7/2018 **Final action:** 8/7/2018

**Enactment date:** **Enactment #:** Agreement No. 18-423

**Title:** Approve and authorize Chairman to execute Agreement to Defend Public Officer or Employee for: Department of Child Support Services, Director Kari Gilbert, as named in United States District Court Eastern District Court of California Case No.1:17-CV-01748-DAD-EPG, Madhu Sameer v. Sameer Khera, et al.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Agenda Item, 2. Agreement A-18-423 to Defend Public Officer or Employee Gilbert

| Date     | Ver. | Action By            | Action                  | Result |
|----------|------|----------------------|-------------------------|--------|
| 8/7/2018 | 1    | Board of Supervisors | Approved as Recommended | Pass   |

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,<br>Department of Child<br>Support Services | Madhu Sameer<br>v<br>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