

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Defense of Members of Planning Groups and Sponsor Groups

**Policy
Number**

I-1A

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Purpose

To establish a policy under which the County of San Diego will provide defense and indemnification for members of planning groups and sponsor groups.

Background

The Board of Supervisors, through its Policy I-1, seeks to encourage a high level of citizen participation in the community planning process through the use of planning groups and sponsor groups. This process is designed to facilitate such citizen participation in an organized and representative manner. The members of these planning groups and sponsor groups are not officers, employees or servants of the County of San Diego. Nevertheless, in order to encourage the fullest possible participation of qualified and interested persons as members of planning groups and sponsor groups, the Board of Supervisors as a matter of public policy only has decided in its discretion that the members of such planning groups and sponsor groups should receive legal defense and indemnification provided they come within the scope of this policy.

Policy

It is the policy of the Board of Supervisors:

A. To defend and indemnify, through the office of County Counsel, any member of a planning group or sponsor group against any claim or action against such member, if all the following circumstances exist:

1. The person is a duly elected or appointed member of a recognized planning or sponsor group at the time the alleged act or omission occurred;
2. The alleged act or omission occurred during a lawful meeting of the recognized planning or sponsor group, or at a lawful meeting of a sub-committee appointed by a planning group or sponsor group at a lawful meeting, and required to report action back to planning group or sponsor group at a lawful meeting;
3. The alleged act or omission was within the reasonable scope of duties of a planning or sponsor group as described in Board Policy I-1 and was not in violation of any of the provisions of Board Policy I-1 or the regularly adopted by-laws of the planning or sponsor group;
4. The member has attended a training course designated by the Board of Supervisors as a Board Policy I-1A Training Course;

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5. The member has made a request in writing to County Counsel for defense and indemnification within five (5) working days of having been served with legal papers; and

6. The member has performed his/her duties in good faith with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

B. The County of San Diego may decline to represent a member of a planning or sponsor group who would otherwise be entitled to defense and indemnification under this policy if any of the following circumstances exist:

1. The member does not reasonably cooperate in good faith with County Counsel in the defense of the claim for action; or

2. The member acted or failed to act because of fraud, corruption, actual malice or bad faith.

C. In the event County Counsel determines that a member of a planning or sponsor group is not entitled to or should not receive a defense and indemnification under this policy, the County Counsel will advise the planning group or sponsor group member and the Supervisor in whose District the planning group or sponsor group is located. It will be the responsibility of the Supervisor to bring the matter before the Board for further consideration.

D. Nothing in this policy authorizes the County of San Diego:

1. To pay any part of a claim or judgment as is for punitive or exemplary damages; or

2. To take any action not authorized by law.

E. This policy applies only to planning and sponsor groups within Board of Supervisors Policy I-1.

F. This policy may be repealed or amended from time to time as the Board of Supervisors deems appropriate.

G. This policy does not constitute an admission or a waiver of the position of the County of San Diego that members of planning or sponsor groups are not officers, employees or servants of the County of San Diego.

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Sunset Date

This policy will be reviewed for continuance by 12-31-17.

Board Action

9-15-87 (110)

8-8-89 (33)

5-15-96 (11)

6-15-04 (25)

12/09/08 (33)

12/07/10 (27)

12/5/12 (4) DELETED

CAO Reference

1. County Counsel