

Status **Active** PolicyStat ID **10110540**

San Bernardino County Employees'
Retirement Association

Origination 7/2/2009
Last Approved 9/2/2021
Effective 9/2/2021
Last Revised 9/2/2021
Next Review 9/1/2024

Area **General**
Applicability **SBCERA
systemwide**

Legal Representation of Trustees and Employees of SBCERA

POLICY NO. 013

Trustees and employees may have the right to be defended and indemnified by SBCERA under the California Tort Claims Act if they are acting within the scope of their duties. This obligation is limited by Government Code section 995.2 and other statutory or case law. Further SBCERA has the discretion to provide legal representation to Trustees and employees who are called as witnesses in state or federal investigations regarding SBCERA activities.

If an SBCERA current or former Trustee or employee is called as a witness in a state or federal investigation regarding SBCERA activities, SBCERA may reimburse such party up to \$50,000 in legal fees for consultation and representation or appoint counsel of its own choosing for consultation and representation depending on the facts and circumstances in each case as determined by SBCERA.

Any request for reimbursement of legal fees and/or assignment of legal counsel must be in writing and include a written statement, subject to the penalty perjury, that the requesting person's conduct, which is the subject of such federal or state interview, was within the scope of his or her SBCERA duties. The requesting party must also acknowledge and agree in writing to a reservation of SBCERA's rights that SBCERA may refuse to provide reimbursement if it is later determined that the requesting party was not acting within the scope of his or her duties; that the requesting party acted or failed to act because of fraud, corruption, or actual malice; or that the requesting party refused to cooperate in good faith with SBCERA. SBCERA may also refuse to honor any such request if SBCERA determines in its sole discretion that such reimbursement or assignment of counsel would create a conflict of interest between SBCERA and the requesting party.

This is a discretionary policy and may be revoked at any time by a majority vote of the Board. Any reimbursement beyond \$50,000 is not authorized by this policy and requires further Board action.

Approval Signatures

Step Description	Approver	Date
HR Final Review & Distribution	Iliana Torres	1/27/2022
Board Approval & Quality Assurance Review	Christa James: Executive Assistant	1/8/2022
Board Approval & Quality Assurance Review	Barbara Hannah: Chief Counsel	8/25/2021
Administrative Committee	Christa James: Executive Assistant	8/19/2021
Administrative Committee	Barbara Hannah: Chief Counsel	8/11/2021
Chief Executive Officer Review	Debby Cherney: Chief Executive Officer	8/10/2021
Chief Counsel Review	Barbara Hannah: Chief Counsel	8/10/2021
Policy Owner	Barbara Hannah: Chief Counsel	8/10/2021

Applicability

SBCERA, SBCERA Internal