

County of Los Angeles

June 9, 2026

Dawyn R. Harrison
County Counsel

Board of Supervisors

Hilda L. Solis
Supervisor, First District

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Supervisor, Second District

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Supervisor, Third District

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Supervisor, Fourth District

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Supervisor, Fifth District



The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**NEW BOARD POLICY – LEGAL REPRESENTATION IN
ADMINISTRATIVE PROCEEDINGS
(ALL DISTRICTS) (3 VOTES)**

SUBJECT

Approval of a Board policy to grant the Office of the County Counsel (County Counsel) the authority to approve or deny the provision of a defense in an administrative proceeding for a County of Los Angeles (County) employee or former employee (employee) pursuant to Government Code section 995.6 (Section 995.6).

IT IS RECOMMENDED THAT YOUR BOARD:

Adopt the attached proposed Legal Representation in Administrative Proceedings Board Policy (Policy).

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to delegate authority to County Counsel to determine whether the County should provide a defense for an employee in an administrative proceeding, pursuant to Section 995.6. County Counsel recommends the Board adopt this policy to streamline the decision-making process, reduce congestion on the Board's calendar, and to avoid unnecessary delays in retaining and paying outside counsel to represent County employees.

FISCAL IMPACT/FINANCING

The recommended action will have no fiscal impact.

FACTS AND PROVISIONS/LEGAL REQUIREMENT

The Government Claims Act (Act) permits, but does not require, a public entity to provide for the defense of an administrative proceeding brought against an employee if the administrative proceeding is brought on account of an act or omission in the scope of the employee's employment and the public entity determines that providing the defense would be in the best interests of the public entity, that the employee acted, or failed to act, in good faith, without actual malice, and in the apparent interests of the public entity. (Section 995.6.)

The Act does not prescribe a specific process by which a public entity should determine whether to provide for the defense of an employee in an administrative proceeding. Currently, County departments seek approval from your Board to provide for such a defense. The Policy delegates to County Counsel the authority to approve the provision of a defense in an administrative proceeding for an employee in accordance with the standards set in the Act. It further delegates to County Counsel the authority to approve the payment of fines, fees, or costs not exceeding \$20,000 in the administrative proceeding. County Counsel will annually provide the Board of Supervisors with a report of the administrative proceedings for which it has and has not approved a County-funded defense.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the proposed policy would more efficiently provide a defense for County employees in administrative proceedings, where appropriate.

CONCLUSION

Approval of the Policy will ensure employees who acted within the scope of their employment, in good faith, and in the apparent interests of the County receive an expeditious defense in administrative proceedings.

Respectfully submitted,



DAWYN HARRISON
County Counsel

Attachment

c: Joseph M. Nicchitta, Chief Executive Officer
Edward Yen, Executive Officer, Board of Supervisors



Los Angeles County
BOARD OF SUPERVISORS POLICY MANUAL

Policy #:	Title:	Effective Date:
0.000	Legal Representation in Administrative Proceedings	00/00/00

PURPOSE

Delegates to the Office of the County Counsel (County Counsel) the authority to determine whether to provide for the defense of a County of Los Angeles (County) employee or former employee (employee) in an administrative proceeding arising from an act or omission in the employee's or former employee's scope of employment.

REFERENCE

California Government Code sections [995.6](#), [996](#), [23005](#), [31000](#)

[Board Policy 20.170 Contracts for Legal Services](#)

POLICY AND PROCEDURES

Background:

The County is legally authorized, but not required, to provide for the defense of an employee in an administrative proceeding brought against the employee. The administrative proceeding must be brought on account of an act or omission that occurred in the scope of the employee's employment with the County. The County must also determine that providing such a defense would be in the best interest of the County, and that the employee acted, or failed to act, in good faith, without actual malice and in the apparent interest of the County.

Policy:

County Counsel is authorized to provide for the defense of a County employee or former employee if County Counsel determines the requirements of Government Code section 995.6 have been met. In accordance with Government Code section 996, the employee's defense may be provided by retaining outside counsel.

To obtain County-provided representation, the employee must enter into an agreement with the County in which the County reserves the right to withdraw its defense at any time if County Counsel determines that: (1) the employee did not act within the scope of their employment; (2) the employee did not act in good faith, without actual malice, or in the apparent interest of the County; (3) the defense is not in the best interest of the County; or (4) the employee is failing or has failed to cooperate with the defense.

Determinations to provide a defense are to be made on a case-by-case basis. If an employee chooses not to have a County-provided defense in an administrative proceeding, the employee may be precluded from later receiving a defense from the County, including receiving payment or reimbursement of attorneys' fees from the County for an independently-retained attorney, in that same administrative proceeding or an administrative proceeding arising from the same or substantially similar facts.

County Counsel is authorized to approve payment of fines, fees, or costs not exceeding \$20,000 in the administrative proceeding if County Counsel determines the requirements of Government Code section 995.6 have been met.

County Counsel shall annually provide the Board of Supervisors a report of the administrative proceedings for which it has and has not approved a County-funded defense.

RESPONSIBLE DEPARTMENT

Office of the County Counsel

DATE ISSUED/SUNSET DATE

Issue Date: XXXX, 2026

Sunset Review Date: XXX, 2028