

**Office of
The City Attorney
City of San Diego**

**MEMORANDUM
MS 59**

(619) 533-5800

DATE: December 11, 2017

TO: Honorable Mayor and Councilmembers

FROM: City Attorney

SUBJECT: Indemnification of Recreation Council Members

At the Public Safety & Livable Neighborhoods Committee meeting on December 6, 2017, I was asked to confirm that the City will indemnify recreation council members when the Special Use Permits expire. As you know, Council Policy 700-42, which establishes recreation councils and authorizes activities in accordance with Park and Recreation Department (Department) policies, states that the City will defend and indemnify recreation council members from liability for acts performed while assisting with Department community recreation programs so long as the member was acting under the direction, control, or supervision of Department staff.¹ The City will also indemnify and defend recreation council members from liability for acts performed in connection with the recreation council acting as a body within the City's policy guidelines. The City will not defend or indemnify recreation council members for liability or damage alleged to have occurred as a result of a member's criminal act.

Since the recreation councils will continue to be governed by Council Policy 700-42 and the Department's adopted policies, the City's agreement to indemnify recreation council members as described in the Council Policy will survive expiration of the Special Use Permit.²

MARA W. ELLIOTT, CITY ATTORNEY

By /s/ Mara W. Elliott
Mara W. Elliott
City Attorney

HMF:hmf:vj

MS-2017-32

Doc. No.: 1642367

cc: David Graham, Deputy Chief Operating Officer
Andrea Tevlin, Independent Budget Analyst
Herman Parker, Director, Park and Recreation Department

¹ The Department's proposed Interim Standard Operating Procedures also reiterate the City's agreement to defend and indemnify recreation council members when acting in accordance with Council Policy 700-42.

² This is consistent with the City's general policy of defending and indemnifying City volunteers in Council Policy 300-01. Also note, the Special Use Permit states that the indemnification of recreation council members survives expiration of the Permit.