

1 [Professional Services Contract Indemnification]

2 AUTHORIZING THE SHERIFF'S DEPARTMENT TO ENTER INTO A PROFESSIONAL
3 SERVICES AGREEMENT WITH GEORGE BACH-Y-RITA, M.D., WHICH PROVIDES FOR
4 INDEMNIFICATION OF DR. BACH-Y-RITA FROM COMPENSATORY DAMAGES FOR
5 NEGLIGENT FORMATION OF HIS PROFESSIONAL OPINION AS TO PSYCHOLOGICAL
6 SUITABILITY OF APPLICANTS FOR EMPLOYMENT AS DEPUTY SHERIFFS IN SAN
7 FRANCISCO COUNTY.

8

9 WHEREAS, The Sheriff's Department wishes to obtain final pre-employment psychological
10 evaluation for referred applicants for employment as Deputy Sheriffs in San Francisco County, as
11 required by state law and Civil Service Rules; and,

12 WHEREAS, George Bach-Y-Rita, M.D. is qualified, willing, and able to provide such services
13 on condition that he be indemnified by the City from compensatory damages for negligent formation of
14 his professional pre-employment opinion as to the psychological suitability of such applicants; now,
15 therefore, be it

16 RESOLVED, That the Board of Supervisors of the City and County of San Francisco authorizes
17 the Sheriff's Department to enter into an Agreement with George Bach-Y-Rita, M.D., for the provision
18 of the aforementioned services, which Agreement constitutes the standard personal services contract
19 between the City and contractors, but which contains the following added indemnification provision:

20 Notwithstanding the terms of Section 16, "Indemnification", and Section 18, "Liability of City",
21 the City shall indemnify Contractor for money damages awarded to an applicant for employment as a
22 Deputy Sheriff with the San Francisco Sheriff's Department, where all of the following conditions are
23 met:

24 a. such damages are awarded as compensatory damages for wrongful denial by the City of such
25 employment, resulting directly from negligence on the part of Contractor in the formation of

1 Contractor's professional opinion as to the psychological suitability of the applicant for such
2 employment, and

3 b. such opinion is rendered as part of the pre-employment appraisal of the applicant's suitability
4 for such employment, mandated by the laws of the State of California and the Rules of the San
5 Francisco Civil Service Commission, and

6 c. such opinion is presented by Contractor to the City, at the request of the City, in the course of
7 performance of Contractor's services under this Agreement.

8 In no case shall the liability of the City extend to any other form of damages, compensation,
9 reimbursement, or remedy granted to any person, arising from any action of whatever kind against
10 Contractor.

11 In no case shall the City be obligated under this Agreement to provide Contractor with legal advice,
12 legal representation, or other legal services.



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Resolution

File Number: 990724

Date Passed:

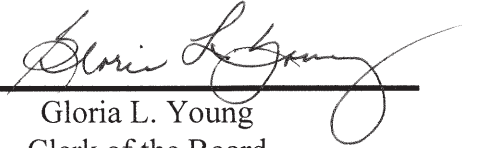
Resolution authorizing the San Francisco Sheriff's Department to enter into a professional services agreement with George Bach-Y-Rita, M.D., which provides for indemnification of Dr. Bach-Y-Rita from compensatory damages for negligent formation of his professional opinion as to psychological suitability of applicants for employment as Deputy Sheriffs in San Francisco County.

May 10, 1999 Board of Supervisors — ADOPTED

Ayes: 11 - Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee,
Ammiano, Becerril

File No. 990724

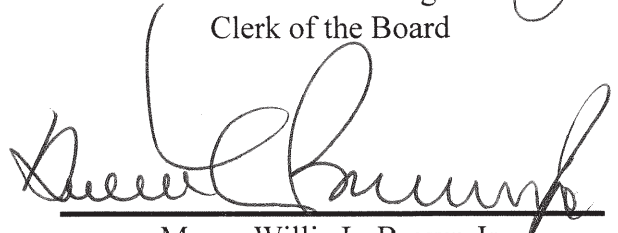
I hereby certify that the foregoing Resolution was ADOPTED on May 10, 1999 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

MAY 21 1999

Date Approved



Mayor Willie L. Brown Jr.

File No. 990724 continued...