



Board Agenda Item 34

DATE: March 9, 2021

TO: Board of Supervisors

SUBMITTED BY: Hollis Magill, Interim Director of Human Resources

SUBJECT: Request to Defend Public Officers or Employees

RECOMMENDED ACTION(S):

Approve and authorize Chairman to execute Agreement to Defend Public Officer(s) or Employee(s) for the employee(s) listed below:

Name of Officer(s)/

Employee(s)

Position

Title of Action

Lisa Gamoian	Judge Fresno County Superior Court Former Assistant District Attorney	Ricky Foster v County of Fresno, et al.
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Description:

The claimant alleges the District Attorney's office failed to present DNA evidence, the abuse of authority, denial of Civil Rights and excessive and prolonged incarceration, which was the proximate cause of the claimant's injuries and damages.

Fresno County Claim No.:	10218
Fresno County Superior Court Case No.:	19CECG04061
Claimant:	Ricky Foster

ALTERNATIVE ACTION(S):

No alternative action is available as Article 4 (commencing with section 825), Chapter 1, Part 2, Division 3.6 of Title 1 of the Government Code requires the County indemnify its public employees.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. Funds to finance the cost of defense are contained in the Department's Org 8925, Risk Management Internal Services Fund. Defense costs are supported by annual budgetary contributions based on actuarial projections.

DISCUSSION:

The California Government Code requires the County to defend its officer(s) and/or employees(s) who are sued because of their actions while in the course and scope of employment. The County may require officer(s) and/or employee(s) to agree that the County's rights under the law are protected.

In the above-mentioned action, the officer(s) and/or employee(s) who have been named in the suit have requested the County to provide legal defense. The necessary agreement to protect the County's rights has been signed by said officer(s) and/or employee(s) and is on file with the Clerk of the Board.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement to Defend Public Officer(s) or Employee(s) for Lisa Gamoian
On file with Clerk - Exhibit "A" Article 4. Indemnification of Public Employees

CAO ANALYST:

Yussel Zalapa