



Board Agenda Item 47

DATE: September 22, 2020
TO: Board of Supervisors
SUBMITTED BY: Paul Nerland, 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

Andres Borgeas	State Senator	William Jesse Gilliam
Susan Anderson	Former Board of Supervisor	v
Deborah Poochigian	Former Board of Supervisor	County of Fresno, et al.
Judy Case McNairy	Former Board of Supervisor	
Henry Perea	Former Board of Supervisor	

Description:

Plaintiff alleges that his constitutional due process right to a speedy trial was violated as a result of delays by his appointed defense counsel in bringing him to trial on allegations that he was a sexually violently predator and that County officials were deliberately indifferent to the delay, which was the proximate cause of the claimant's injuries/damages.

Fresno County Claim No.: 10249
Fresno County Superior Court Case No.: 1:19- CV-01711- DAD-SAB
Claimant: William Jesse Gilliam

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 Andres Borgeas
- On file with Clerk - Agreement to Defend Public Officer(s) or Employee(s) for Susan Anderson
- On file with Clerk - Agreement to Defend Public Officer(s) or Employee(s) for Deborah Poochigian
- On file with Clerk - Agreement to Defend Public Officer(s) or Employee(s) for Judy Case McNairy
- On file with Clerk - Agreement to Defend Public Officer(s) or Employee(s) for Henry Perea
- On file with Clerk - Exhibit "A" Article 4. Indemnification of Public Employees

CAO ANALYST:

Yussel Zalapa