



# Board Agenda Item 35

DATE: May 3, 2022

TO: Board of Supervisors

SUBMITTED BY: Hollis Magill, Director of Human Resources

SUBJECT: Request to Defend Public Officers or Employees

**RECOMMENDED ACTION(S):**

**Approve and authorize the 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**

Jeffrey Morse	Sheriff's Deputy III, Sheriff's Department	Eric Martinez Felix v County of Fresno, et al.
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**Description:**

The claimant alleges Fresno County Sheriff's Deputies used excessive force while being taken into custody in his front yard, which was the proximate cause of the claimant's injuries.

Fresno County Claim No.:	10361
Fresno County Superior Court Case No.:	21CECG02851
Claimant:	Eric Martinez Felix

**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 Jeffrey Morse

On file with Clerk - Exhibit "A" Article 4. Indemnification of Public Employees

CAO ANALYST:

Yussel Zalapa