



Board Agenda Item 20

DATE: October 18, 2016

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 “AGREEMENTS TO DEFEND PUBLIC OFFICERS OR EMPLOYEES” for the employees listed below:

<u>Name of Officer(s)/ Employees</u>	<u>Position</u>	<u>Title of Action</u>
Margaret Mims	Sheriff Sheriff-Coroner	Dustin Callison v Corizon Healthcare, et al
David Pomaville	Director Department of Public Health	

Description:

Claimant alleges improper care by Corizon medical staff at the Fresno County Jail infirmary caused claimant to suffer bodily injuries, which is the proximate cause of the claimant's injuries/damages.

Fresno County Claim No.: MM15-0004 (Fresno County Superior Court Case No. 16CECG01663)
Claimant: Dustin Callison

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:

Funds to finance the cost of defense are contained in the 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 to the Board.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreements to Defend Public Officer or Employee for Margaret Mims and David Pomaville with Exhibit "A" Article 4. Indemnification of Public Employees

CAO ANALYST:

Sonia De La Rosa