



County of Fresno

Hall of Records, Rm. 301
2281 Tulare Street
Fresno, California
93721-2198

Legislation Details (With Text)

File #: 16-1360 **Name:** Request to Defend Public Officers or Employees

In control: Human Resources

On agenda: 10/18/2016 **Final action:** 10/18/2016

Enactment date: **Enactment #:** Agreement No. 16-621, Agreement No. 16-622

Title: Approve and authorize Chairman to execute Agreements to Defend Public Officers or Employees for the employees listed: Sheriff Margaret Mims and Department of Public Health Director David Pomaville, as named in Fresno County Superior Court No. 16CECG01663, Dustin Callison v. Corizon Healthcare, et al

Sponsors:

Indexes:

Code sections:

Attachments: 1. Agenda Item, 2. Agreement A-16-621 to Defend Public Officer or Employee, 3. Agreement A-16-622 to Defend Public Officer or Employee

| Date | Ver. | Action By | Action | Result |
|------------|------|----------------------|--------------------|--------|
| 10/18/2016 | 1 | Board of Supervisors | Conducted Hearings | Pass |

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:

Name of Officer(s)/

| <u>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