



# County of Fresno

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

## Legislation Details (With Text)

**File #:** 20-0968 **Name:** Request to Defend Public Officers or Employees

**In control:** Human Resources

**On agenda:** 9/22/2020 **Final action:** 9/22/2020

**Enactment date:** **Enactment #:**

**Title:** Approve and authorize Chairman to execute Agreement to Defend Public Officers or Employees for: Andres Borgeas, State Senator, Susan Anderson, Deborah Poochigian, Judy Case McNairy and Henry Perea, Former Board of Supervisors; William Jesse Gilliam v County of Fresno, et al

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Item, 2. Agreement to Defend Andres Borgeas, 3. Agreement to Defend Susan Anderson, 4. Agreement to Defend Deborah Poochigian, 5. Agreement to Defend Judy Case McNairy, 6. Agreement to Defend Henry Perea, 7. Exhibit "A" Article 4. Indemnification of Public Employees

Date	Ver.	Action By	Action	Result
9/22/2020	1	Board of Supervisors	Deleted	

**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)**

Andres Borgeas

Susan Anderson

Deborah Poochigian

Judy Case McNairy

Henry Perea

#### **Position**

State Senator

Former Board of Supervisor

Former Board of Supervisor

Former Board of Supervisor

Former Board of Supervisor

#### **Title of Action**

William Jesse Gilliam

v

County of Fresno, et al.

### **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