



County of Fresno

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

Legislation Details (With Text)

File #: 20-0987 **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: Ernest Buddy Mendes, Supervisor, District 4, Brian Pacheco, Supervisor, District 1: William Jesse Gilliam v County of Fresno, et al

Sponsors:

Indexes:

Code sections:

Attachments: 1. Agenda Item, 2. Agreement to Defend Ernest Buddy Mendes, 3. Agreement to Defend Brian Pacheco, 4. 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)

Position

Ernest Buddy Mendes Supervisor, District 4
Brian Pacheco Supervisor, District 1

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 Ernest Buddy Mendes
On file with Clerk - Agreement to Defend Public Officer(s) or Employee(s) for Brian Pacheco
On file with Clerk - Exhibit "A" Article 4. Indemnification of Public Employees

CAO ANALYST:

Yussel Zalapa