



Board Agenda Item 36

DATE: July 9, 2024
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 Officers or Employees, Reservation of Rights, and Non Waiver” for each of the employees listed below:

<u>Name of Employee</u>	<u>Current Position</u>	<u>Title of Action</u>
Roberto Cerda	Sheriff Sergeant, Sheriff Department	Kwabena Watson Jr. v County of Fresno, et. al.
Mark Fam	Sheriff Sergeant, Sheriff Department	
Christopher Lewis	Deputy Sheriff, Sheriff Department	
Alexander Meyer	Deputy Sheriff, Sheriff Department	
Justin Rangel	Deputy Sheriff, Sheriff Department	

Description:

The plaintiff alleges that Sheriff Deputies used excessive force and wrongfully detained and arrested claimant at his residence, which was the proximate cause of the plaintiff's injuries. All employees were employed with the Sheriff Department at the times relevant to the allegations in the lawsuit.

Fresno County Claim No.: 10910
Fresno County Superior Court.: 24CECG01503
Plaintiff: Kwabena Watson Jr.

ALTERNATIVE ACTION(S):

No alternative action is available because Article 4 (commencing with section 825), Chapter 1, Part 2, Division 3.6 of Title 1 of the Government Code requires the County to indemnify its public employees who

timely request such defense.

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 officers and employees who are sued because of their actions while in the course and scope of employment, if they timely request such defense. The County may require officers and employees to agree that the County's rights under the law are protected.

In the above-mentioned action, the employee who has been named in the suit has requested the County to provide legal defense. The necessary agreement to protect the County's rights has been signed by said employees 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 or Employee, Roberto Cerda
- On file with Clerk - Agreement to Defend Public Officer or Employee, Mark Fam
- On file with Clerk - Agreement to Defend Public Officer or Employee, Christopher Lewis
- On file with Clerk - Agreement to Defend Public Officer or Employee, Alexander Meyer
- On file with Clerk - Agreement to Defend Public Officer or Employee, Justin Rangel
- On file with Clerk - Exhibit "A" Article 4. Indemnification of Public Employees

CAO ANALYST:

Salvador Espino