



Board Agenda Item 39

DATE: January 27, 2026

TO: Board of Supervisors

SUBMITTED BY: Hollis Magill, Director of Human Resources

SUBJECT: Request to Defend Public Officer or Employee

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute “Agreement to Defend Public Officer or Employee, Reservation of Rights, and Non-Waiver” for the employee listed below:

<u>Name of Employee</u>	<u>Current Position</u>	<u>Title of Action</u>
Jeffrey Allen Kertson	Sheriff's Lieutenant, Sheriff's Department	Elisa Wheeler, et al. v Sara Ann Spane, et. al.

Description:

The plaintiffs allege that the Sheriff's Lieutenant defamed the plaintiffs, invaded their privacy, intentionally inflicted emotional distress, and interfered or attempted to interfere with their constitutional rights in violation of the Tom Bane Civil Rights Act, all in relation to criminal charges against a member of their family, which was the proximate cause of the plaintiffs' injuries. The employee was employed with the Sheriff's Office at the times relevant to the allegations in the lawsuit.

Fresno County Claim No.: 11218
Fresno County Superior Court: 25CECG02378
Plaintiffs: Elisa Wheeler, James T. Wheeler Jr, and Skyla R. Wheeler

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 employee 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, Jeffrey Allen Kertson

On file with Clerk - Exhibit "A" Article 4. Indemnification of Public Employees

CAO ANALYST:

Sevag Tateosian