

6. Approve a letter of support for Assembly Bill 859 by Assembly Member Alexandra Macedo, for an act that will enable counties to seek cost recovery at demurrer. Approve a letter of support for Senate Bill 577 by Senator John Laird, for an act that will enable counties to seek cost recovery at demurrer and set a 5-year limit on the refiling of childhood sexual assault cases that were dismissed without prejudice, and make certain procedural clarifications regarding refund bonds.



# Board of Supervisors

## COUNTY OF TULARE AGENDA ITEM

### BOARD OF SUPERVISORS

LARRY MICARI  
District One

PETE VANDER POEL  
District Two

AMY SHUKLIAN  
District Three

EDDIE VALERO  
District Four

DENNIS TOWNSEND  
District Five

**AGENDA DATE:** April 8, 2025-REVISED

Public Hearing Required	N/A
Scheduled Public Hearing w/Clerk	N/A
Published Notice Required	N/A
Advertised Published Notice	N/A
Meet & Confer Required	N/A
Budget Transfer (Aud 308) attached	N/A
Personnel Resolution attached	N/A
Agreement(s) attached	N/A

CONTACT PERSON: Israel Sotelo    PHONE: 559-636-5000

**SUBJECT:** Letters of Support

**REQUEST(S):**

That the Board of Supervisors:

1. Approve a letter of support for Assembly Bill 859 by Assembly Member Alexandra Macedo, for an act that will enable counties to seek cost recovery at demurrer.
2. Approve a letter of support for Senate Bill 577 by Senator John Laird, for an act that will enable counties to seek cost recover at demurrer, set a 5-year limit on the refiling of childhood sexual assault cases that were dismissed without prejudice, and make certain procedural clarifications regarding refund bonds.

**SUMMARY:**

Under current law, defendants in civil cases under the Government Claims Act, or in cases involving indemnity or contribution, cannot recover costs if they are dismissed from the case on demurrer. Over the last 5 years, the County of Tulare has demurred on 42 state cases, expending roughly \$235,000 in the process.

AB 859 (Macedo) would grant counties and other government entities the authority to seek cost recovery at the demurrer stage. In addition to making the county whole after being removed from a case in which the plaintiff could not provide sufficient legal basis for the lawsuit, AB 859 will discourage future frivolous lawsuits that impose legal expenses for wrongly sued defendants.

In attrition to the cost recovery at demurrer component of AB 859 (Macedo), SB 577 (Laird) contains two other provisions:

1. SB 577 sets a 5 year statute of limitation on the refiling of an action that was dismissed without prejudice for the recovery of damages suffered as a result of childhood sexual assault, including an action for liability against an entity who owed a duty of care to the plaintiff, and action for liability against an entity for an

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intentional act that was the cause of the childhood sexual assault. Under existing law there exists no such statute of limitation for the refiling of an action of the type described above.

2. SB 577 clarifies that refunding bonds issued to pay tort action judgements are in existence upon authorization of the liable public agency, not at the time the actions are filed or final judgements are entered into by the court if certain conditions are met. This locks in the validity of these obligations at the moment they are authorized, preventing legal challenges over procedural timing issues.

**FISCAL IMPACT/FINANCING:**

There is no net county cost the General Fund.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

Support of these bills furthers the Strategic Business Plan's Strategic Initiative of Organizational Performance by continuously improving organizational effectiveness and fiscal stability.

**ADMINISTRATIVE SIGN-OFF:**

/s/ Israel Sotelo

Israel Sotelo  
Chief of Staff

Cc: County Administrative Office

Attachments: AB 859 (Macedo) Support Letter  
SB 577 (Laird) Support Letter





# COUNTY OF TULARE

## BOARD OF SUPERVISORS

Administration Bldg. 2800 West Burrel Visalia, CA 93291

Telephone: (559) 636-5000

Fax: (559) 615-3009

April 8, 2025

The Honorable Senator John Laird  
California State Senate  
State Capitol, Suite 8720  
Sacramento, CA 95814

**RE: SB 577 (Laird): Civil Actions – SUPPORT**

Dear Senator Laird:

On behalf of the Tulare County Board of Supervisors, I am writing to express our support for Senate Bill 577, which amends sections of the Code of Civil Procedure related to civil actions. We appreciate your leadership in bringing clarity and efficiency to legal proceedings that directly impact public entities and the communities we serve. By establishing a five-year limitation for refiling certain childhood sexual assault claims that were previously dismissed without prejudice, SB 577 strikes a necessary balance between respecting the rights of survivors and ensuring the timely resolution of cases. This limitation helps preserve the integrity of evidence and witness testimony, both of which are critical to fair adjudication.

Additionally, SB 577 clarifies that, for the purpose of validating proceedings, indebtedness related to refunding bonds issued by public entities to address tort action judgments is deemed to exist as of the date a public entity adopts a resolution or ordinance meeting specified conditions. This provision offers much-needed financial clarity for counties like Tulare when managing legal obligations arising from such judgments.

Finally, by granting counties and other government entities the ability to seek cost recovery at the demurrer stage, SB 577 discourages frivolous lawsuits that unnecessarily burden public resources. This provision not only helps protect counties from undue legal expenses but also ensures that Tulare County can recover costs when it is wrongly sued and subsequently dismissed on demurrer.

We believe SB 577 will contribute to a more efficient and equitable legal system, benefiting both public entities and the residents we serve. For these reasons, the County of Tulare supports SB 577.

Sincerely,

Pete Vander Poel, Chair  
Tulare County Board of Supervisors

cc: Tulare County State Delegation  
Shaw Yoder Antwih Schmelzer and Lange

Larry Micari  
District One

Pete Vander Poel  
District Two

Amy Shuklian  
District Three

Eddie Valero  
District Four

Dennis Townsend  
District Five



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## BOARD OF SUPERVISORS

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Telephone: (559) 636-5000

Fax: (559) 615-3009

April 8, 2025

The Honorable Assembly Member Alexandra Macedo  
California State Assembly  
State Capitol, Suite 5530  
Sacramento, CA 95814

**RE: AB 859 (Macedo) Civil Procedure: Recovery of Defense Costs—— SUPPORT**

Dear Assembly Member Macedo,

On behalf of the Tulare County Board of Supervisors, I am writing to express our strong support for Assembly Bill 859, which seeks to include demurrers among the motions eligible for defense cost recovery in specified civil actions. We appreciate your leadership in promoting legislative measures that enhance the efficiency and fairness of our legal system.

Tulare County, like many other public entities, often faces civil proceedings that can be both time-consuming and costly, especially when such cases lack reasonable cause or are not brought in good faith. AB 859 addresses this issue by expanding eligibility for defense cost recovery by including demurrers in the list of motions/requests eligible for defense cost recovery, AB 859 allows public entities to seek reimbursement for reasonable and necessary defense costs at an earlier stage in the litigation process. This expansion is crucial for mitigating the financial burden associated with defending against unmeritorious claims.

Additionally, the prospect of plaintiffs being held responsible for defense costs if a demurrer is granted and the action is deemed to lack reasonable cause, serves as a deterrent against the filing of frivolous lawsuits. This deterrence is essential for conserving judicial resources and ensuring that the courts can focus on cases with genuine merit.

The ability to recover defense costs at the demurrer stage enables the county to allocate taxpayer resources more effectively, ensuring that funds are directed toward essential public services rather than being expended on unwarranted legal defenses. We believe that this bill represents a meaningful step toward enhancing the fairness and efficiency of civil proceedings, ultimately benefiting both public entities and the constituents we serve.

For these reasons, the County of Tulare strongly supports AB 859.

Sincerely,

Pete Vander Poel, Chair  
Tulare County Board of Supervisors

cc: Tulare County State Delegation  
Shaw Yoder Antwih Schmelzer and Lange

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