



Board Agenda Item 41

DATE: May 25, 2021
TO: Board of Supervisors
SUBMITTED BY: Hollis Magill, Interim Director of Human Resources
SUBJECT: Resolutions Rejecting Claims for Damages

RECOMMENDED ACTION(S):

Adopt Resolutions Rejecting Claims for Damages.

There is no increase in Net County Cost associated with the recommended action. After evaluation by the Claims Review Committee, submitted claims are presented to the Board with a rejection recommendation. If the claim is in the County's jurisdiction, the Summary of Claims denotes the affected supervisorial district.

ALTERNATIVE ACTION:

The Board could choose not to approve the Department of Human Resources' recommendations.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. Payment of claims and the cost of defending claims are charged to the Department's Org 8925, Risk Management Internal Services Fund. The Fund is supported by annual budgetary contributions based on actuarial projections.

DISCUSSION:

The Board has delegated authority to the Department to accept claims for damages in amounts up to \$10,000 and reject claims up to \$5,000. Claims exceeding that amount are referred to the Board after evaluation by the Claims Review Committee (CRC). The CRC considers various claim elements, which include jurisdiction, allocation of fault, immunities, and compliance with the Government Tort Claims Act by claimants. The CRC consists of Department staff, a Deputy County Counsel, and an Independent Legal Counsel.

For claims involving damages over \$5,000, a reserve is established, which is estimated to be sufficient to pay the cost of investigating and defending the claim, and to pay any damages for which the County is liable.

After evaluation by the CRC, claims are presented to the Board with a recommendation to reject submitted claims, which places the County in the strongest position to negotiate and/or defend the claim.

The CRC has reviewed the claims that are summarized briefly below and rejection for each claim is recommended.

<u>Claimant No.:</u>	<u>Claimant(s)</u>
10378	Jeremy Cargill
10383	Fred and Gloria Johnson

10384	Lydia Rios and Tony Pulido
10389	Frank Birl Weekly
10396	Ubaldo Estrada
10397	Ralph Jordan
10398	Mary Lopez

Summary of Claims

Jeremy Cargill - Claims within Unlimited Court Limits and alleges he was classified incorrectly while being booked into the Fresno County jail. He was then placed in an incorrect cell where he was assaulted by the inmates, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Kevin Little. The location of this incident is in District 3.

Fred and Gloria Johnson - Claim within Unlimited Court Limits and allege that Gloria was at the Fresno County voting location at 1377 W. Shaw Ave. She got out of her vehicle and walked up to the voting location when her foot contacted with a raised unmarked cement curbing that allegedly caused her to fall, which was the proximate cause of the claimants' injuries and damages. Claimants are represented by Attorney, Jason Bell. The location for this incident is in District 2.

Lydia Rios and Tony Pulido - Claim \$100,000,000.00 and allege Jose Pulido was struck in a marked crosswalk on Fresno and E street by an on-duty Detective with the Fresno Police Department in a marked patrol vehicle. The claimants allege the City of Fresno and the Fresno Police Department were negligent in the hiring, retention, training, and supervision of the Detective and in the entrustment of the subject vehicle. They also allege negligent, careless, reckless, owning, designing, maintaining, controlling, inspecting, repairing, failure to warn of the subject crosswalk, which was the proximate cause of the claimants' injuries and damages. Claimants are represented by Attorney, Arin Khodaverdian. This incident does not involve a County of Fresno employee.

Frank Birl Weekly - Claims \$1,000,000.00 and alleges he was at the Veterans Hospital for an eye exam located at 2615 East Clinton. While he was being seated, the chair rolled out from underneath him, causing him to fall and sustain injuries, which was the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Amira Rezkallah. The location of this incident did not occur on County of Fresno property.

Ubaldo Estrada - Claims within Unlimited Court Limits and alleges a Sheriff's deputy rear ended the claimant on SR 99 and Herndon, which was the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Taimur Qazi. The location for this incident is in District 1.

Ralph Jordan - Claims within Unlimited Court Limits and alleges he arrived home at the El Cortez Apartments located at 4949 N. Gearhart and noticed a large flood near the bottom of his stairway. There was no lighting and the claimant slipped and fell, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Sharona Safaradi. The location of this incident did not occur on County of Fresno property.

Mary Lopez - Claims within Unlimited Court Limits and alleges a trip and fall near 14920 W. D street in Kerman, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Daniel Geoulla. The location of this incident did not occur on County of Fresno property.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (7)

CAO ANALYST:

Yussel Zalapa