



# Board Agenda Item 32

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DATE: September 6, 2022

TO: Board of Supervisors

SUBMITTED BY: Hollis Magill, 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 and reject claims for damages up to \$25,000. 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>  |
|----------------------|---------------------|
| 10592                | Diana Gamez, et al. |
| 10598                | Bryan Stark         |
| 10603                | Melanie Villagomez  |
| 10612                | Gloria Floyd        |

### **Summary of Claims**

Diana Gamez, et al. - Claim \$10,000,000 and alleges wrongful death when deputies returned fire, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Daniel L. Harralson. The location of this incident is in District 3.

Bryan Stark - Claims \$2,000,000 and alleges unsafe road conditions causing the claimant to lose balance and crash, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Sharona Eslamboly Hakim. The location of this incident is in District 5.

Melanie Villagomez- Claims within Unlimited Court Limits and alleges there was a traffic collision while a passenger on a Clovis Unified school bus, which was the proximate cause of the claimant's injuries. Claimant is represented by B&D Law Group. The location of this incident does not involve the County of Fresno.

Gloria Floyd - Claims within Unlimited Court Limits and alleges a hazardous condition of the sidewalk which caused her to fall due to lifting cement, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Tim E Simmen. The location of this incident does not involve Fresno County

### **ATTACHMENTS INCLUDED AND/OR ON FILE:**

On file with Clerk - Resolutions

### **CAO ANALYST:**

Samantha Buck