



Board Agenda Item 40

DATE: April 13, 2021

TO: Board of Supervisors

SUBMITTED BY: Hollis Magill, Interim Director of Human Resources

SUBJECT: Resolutions Rejecting Claims for Damages and Leave to Present a Late Claim

RECOMMENDED ACTION(S):

- 1. Adopt Resolutions Rejecting Claims for Damages.**
- 2. Adopt Resolution Rejecting Application for Leave to Present a Late Claim.**

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>
10379	Joel Carrillo and Josephina Ybarra on behalf of Joel Jr. Carrillo
10380	Elenca Faz and Maria Santos Lopez
10381	Grant Bellach and Carmen Almendarez
10382	Ramneek Kaur

Application for Leave to Present a Late Claim for Damages

<u>Claimant No.:</u>	<u>Claimant(s)</u>
10372	Mid Valley Disposal

Summary of Claims

Joel Carrillo and Josephina Ybarra on behalf of Joel Jr. Carrillo - Claim \$10,000,000.00 and allege a hazardous condition of southbound SR 41 that resulted in an auto accident where one of the claimants was killed, which was the proximate cause of the claimant's injuries. Claimants are represented by Attorney, Tae Kim. This incident did not occur in the County's jurisdiction.

Elenca Faz and Maria Santos Lopez - Claim \$45,000,000.00 and allege a hazardous condition of the roadway at southbound 180 & Chateau Fresno for failure to install a left turn lane which allegedly caused the adverse truck to veer into the eastbound lane causing a head-on collision that was fatal to two relatives of the claimants', which was the proximate cause of the claimants' injuries and damages. Claimants are represented by Attorney, John Carpenter. The location of this incident is in District 1.

Grant Bellach and Carmen Almendarez - Claim \$250,000.00 and allege a Sheriff's deputy ran a red light at SR 180 and Brawley Avenue which caused the Sheriff's vehicle to hit the claimants' vehicle driver's side, which was the proximate cause of the claimants' injuries and damages. Claimants are represented by Attorney, Steven Dias. The location of this incident is in District 1.

Ramneek Kaur - Claims within Unlimited Court Limits and alleges excessive force by Sheriff's Deputies, which was the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Tony Piccuta. The location of this incident is in District 5.

Summary of Application(s) for Leave to Present a Late Claim

Mid Valley Disposal - Claims \$2,054.63 and alleges a Sheriff's deputy was making a right turn and lost control of their vehicle causing damage to the claimant's vehicle, which was the proximate cause of the claimant's damages. The claim was submitted to the Board of Supervisors 6 months past the date of loss. Claimant is not represented. The location of this incident is in District 1.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (5)

CAO ANALYST:

Yussel Zalapa