



# Board Agenda Item 30

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DATE: January 24, 2023  
TO: Board of Supervisors  
SUBMITTED BY: Hollis Magill, Director of Human Resources  
SUBJECT: Resolutions Rejecting Claims for Damages

RECOMMENDED ACTION(S):

**1. Adopt Resolutions Rejecting Claims for Damages**

There is no increase in Net County Cost associated with the recommended actions. 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 below denotes the affected supervisorial district.

ALTERNATIVE ACTION:

Your Board could choose not to approve the Claims Review Committee's recommendations.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. 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 from County departments based on actuarial projections.

DISCUSSION:

The Board has delegated authority to the Department to accept claims for damages in amounts up to \$50,000 and reject claims up to \$25,000. Claims exceeding that amount are referred to your 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 Claims Act by claimants. The CRC consists of the Human Resources Director, Risk Manager, Risk Management staff, and a Deputy County Counsel.

For all claims, a reserve is established, which is estimated by Risk Management 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 exceeding the authority of the Human Resources Director and the County Administrative Officer are presented to the Board with a recommendation for action on each claim. Upon rejection of a claim, the claimant has six months to file a lawsuit against the County for damages based on the claim.

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

<u>Claim No.:</u>	<u>Claimant(s)</u>
10560	Christian Gonzalez
10695	Wade Bamberger
10696	A Minor
10697	Touna Moua

### **Summary of Claims**

Christian Gonzalez - Claims in excess of \$25,000 (the jurisdictional amount for limited civil cases) and alleges jail staff failed to keep the claimant safe, resulting in claimant being attacked by inmates, which was the proximate cause of claimant's injuries. Claimant is represented by Attorney, Jeremy Dobbins. This incident is located in District 3.

Wade Bamberger - Claims \$100,000,000 and alleges the "County of Fresno's Department of Transportation" failed to properly train employees resulting in a bus making an abrupt stop, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Jazmine Gomez. This incident does not involve the County of Fresno because it does not have a "Department of Transportation" and does not operate any buses.

A Minor - Claims \$1,000,000 and alleges a hazardous condition of the sidewalk near 525 W. Elm Ave., Coalinga, CA, caused claimant (a minor) to fall while riding their bike, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Kate Jamsheed. The location of this incident does not involve the County of Fresno because it occurred within the City of Coalinga.

Touna Moua - Claims \$1,000,000 and alleges the lights were out at the intersection of Gettysburg and Willow avenues resulting in the claimant being hit by a car, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Jason Lieber. The location of this incident does not involve the County of Fresno because it occurred within the City of Clovis.

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

On file with Clerk - Resolutions (4)

### **CAO ANALYST:**

Greg Reinke