



Board Agenda Item 42

DATE: December 14, 2021

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 claims for damages in amounts up to \$50,000 and reject claims 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>
10437	Lisa De Los Santos and Anthony Alonzo
10469	Mark Gelazela
10480	The Estate of Somchay Olay Xayadeth
10488	Matt Downer
10493	Gerry Goodwin

Summary of Claims

Lisa De Los Santos and Anthony Alonzo - Claim within Unlimited Court Limits and allege the Sheriff's Department conducted an improper vehicle pursuit resulting in a multi-vehicle collision at the intersection of Cedar and McKinley Avenues which was the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Morteza Aghavali. The location for this incident is in District 3.

Mark Gelazela - Claims within Unlimited Court Limits and alleges personnel at the Mendota Federal Corrections Center neglected to provide proper medical care which was the proximate cause of the claimant's injuries. Claimant is not represented by an Attorney. This incident does not involve the County of Fresno.

The Estate of Somchay Olay Xayadeth - Claims within Unlimited Court Limits and alleges the Sheriff's Department and Department of Public Health failed to provide adequate medical or mental health care resulting in the death of an inmate, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Michael D. Green. This incident is located in District 3.

Matt Downer - Claims within Unlimited Court Limits and alleges an undercover Sheriff's officer rear ended his car while actively pursuing a suspect, which was the proximate cause of the claimants' injuries and damages. Claimant is represented by Attorney, Brandon Carr. This incident does not involve the County of Fresno.

Gerry Goodwin- Claims within Unlimited Court Limits and alleges dangerous condition of public property and negligent maintenance of premises resulting in a one-person motorcycle accident, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Robert Buzzard. The location of this incident does not involve the County of Fresno.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (5)

CAO ANALYST:

Yussel Zalapa