



# Board Agenda Item 38

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DATE: April 23, 2024

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 actions. After evaluation by the Claims Review Committee, submitted claims are presented to the Board with recommendations for action. If the claim is in the County's jurisdiction, the Summary of Claims denotes the affected supervisorial district.

ALTERNATIVE ACTION:

For any claim, your Board could choose not to approve the Claims Review Committee's recommendations, and instead direct staff to allow, compromise, settle, or further investigate the claim.

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 Human Resources Director to allow, reject, compromise, or settle claims for damages covered by the County's self-insured program or excess liability insurance in amounts up to \$50,000 pursuant to Chapter 5.02 of the County's Ordinance Code. Similarly, the board has delegated authority to the County Administrative Officer to settle or compromise claims up to the same amount. 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, Assistant Director of Human Resources, Risk Management staff, and a Chief 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>
11051	Anna Gonzales
11053	Madeline Kelly and Her Estate and A Minor by Guardian Kristi Jacobsen
11055	Ernesto Carrillo
11059	MaryJane Tarango
11060	Scott Taylor and Melissa Florez Cunningham
11061	Socorro Perez

### **Summary of Claims**

Anna Gonzales - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges hazardous condition of pavement at or near E. Shaw avenue and N. 9th street, Fresno, CA resulted in a trip and fall, which was the proximate cause of claimant's injuries. Claimant is represented by attorney Daniel Geoulla. This incident does not involve the County of Fresno because it is alleged to have occurred in the City of Fresno.

Madeline Kelly and Her Estate and A Minor by Guardian Kristi Jacobsen - Claimants both claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges Fresno County employees and its fire department negligently caused power lines to fall and allowed the live power lines to stay on the ground resulting in the death of claimant Madeline Kelly, which was the proximate cause of the claimants' injuries. Claimants are represented by attorney Martin Kanarek. This incident does not involve the County of Fresno because it is alleged to have involved PG&E.

Ernesto Carrillo - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges City of Reedley police officers used excessive force and falsely arrested claimant, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Sanjay Schmidt. This incident does not involve the County of Fresno because it is alleged to have involved the City of Reedley Police Department.

MaryJane Tarango - Claimant claims in excess of \$500,000 and alleges they were in a vehicle vs. pedestrian accident at the intersection of N. Sunnyside and Magill avenues, which was the proximate cause of the claimant's injuries. Claimants is represented by attorney Nicholas Lerman. This incident does not involve the County of Fresno because it is alleged to have involved Clovis Roundup Transit.

Scott Taylor and Melissa Florez Cunningham - Claimants both claim in excess of \$35,000 (the jurisdictional amount for limited civil cases) and allege a Fresno County employee was trying to pass a vehicle on Avenal Road and travelled into the path of the claimant's oncoming motorcycle resulting in a collision, which was the proximate cause of the claimants' injuries. Claimants are represented by attorney Jennifer Burkes. This incident does not involve the County of Fresno because it does not involve a County of Fresno employee.

Socorro Perez - Claimant claims \$88,000,000,000 and alleges Kaiser Permanente employees provided negligent care to the claimant and allowed Fresno Police officers to interrogate claimant after surgery, 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 because it is alleged to have involved the City of Fresno Police Department and Kaiser Permanente.

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

On file with Clerk - Resolutions (6)

CAO ANALYST:

Salvador Espino