



# Board Agenda Item 42

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DATE: July 18, 2023  
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. 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>
10842	Margarita Cingoz
10843	Betty Roman
10844	Josefina Arvizu
10850	Gregg Olivas
10851	Alex Ortiz
10860	Ray Jacob Rodarte and 5 Minors
10861	Brenda Jewell Manter
10868	Megan Gonzales GAL (guardian ad litem) for A Minor
10869	Leanna Marie Vella
10870	Jason Cousins

### **Summary of Claims**

Margarita Cingoz - Claimant claims in excess of \$25,000 (the jurisdictional amount for limited civil cases) and alleges a hazardous condition of sidewalk near 4661 N. 4th Street Fresno, CA resulted in a trip and fall, which was the proximate cause of claimant's injuries. Claimant is represented by attorney Michael Chaloupka. This incident does not involve the County of Fresno because it is alleged to have occurred in the City of Fresno.

Betty Roman - Claimant claims in excess of \$25,000 (the jurisdictional amount for limited civil cases) and alleges a hazardous condition of sidewalk near the Malaga Community Park and Recreation Center resulted in a trip and fall, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Koorosh Shahrokh. This incident does not involve the County of Fresno because it is alleged to have occurred within the Malaga County Water District.

Josefina Arvizu - Claimant claims in excess of \$25,000 (the jurisdictional amount for limited civil cases) and alleges a hazardous condition of sidewalk between 673 Oller Street and 667 Oller Street Mendota, CA resulted in a trip and fall, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Jesse Fretwell. This incident does not involve the County of Fresno because it is alleged to have occurred in the City of Mendota.

Gregg Olivas - Claimant claims in excess of \$25,000 (the jurisdictional amount for limited civil cases) and alleges he was attacked in an elevator inside the jail by other inmates and received untimely treatment, which was the proximate cause of the claimant's injuries. Claimant is not represented by an attorney. This incident is alleged to have occurred in District 3.

Alex Ortiz - Claimant claims in excess of \$25,000 (the jurisdictional amount for limited civil cases) and alleges jail staff assaulted and used excessive force on him while in custody and he did not receive adequate medical treatment, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Charles Piccuta. This incident is alleged to have occurred in District 3.

Ray Jacob Rodarte and 5 Minors - Claimants claim \$100,000,000 and allege a hazardous condition of road at the intersection of North and DeWolf lead to Ray Rodarte's vehicle being t-boned by oncoming traffic and ultimately resulting in his death, which was the proximate cause of the claimants' injuries. All claims were filed by attorney Ilyas Akbari, but three claimants are now represented by attorney Mario Valladares. This incident is alleged to have occurred in District 4.

Brenda Jewell Manter - Claimant claims in excess of \$25,000 (the jurisdictional amount for limited civil cases) and alleges she was hit by a door inside the Fresno Superior Courthouse, which is a State of California facility, when that door was opened by a Public Defender employee, which was the proximate

cause of the claimant's injuries. Claimant is represented by attorney Daniel Carter. This incident is alleged to have occurred in District 3.

Megan Gonzales GAL (guardian ad litem) for A Minor - Claimant claims \$3,000,000 and alleges Fresno City Police pursued a suspect at an unreasonable speed resulting in a collision and wrongful death of a minor, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Nicholas Wagner. This incident does not involve the County of Fresno because it is alleged to have involved the City of Fresno Police Department.

Leanna Marie Vella - Claimant claims in excess of \$25,000 (the jurisdictional amount for limited civil cases) and alleges she was stopped for a traffic stop by Sheriff deputies when the deputies threw her to the ground and assaulted her, which was the proximate cause of the claimant's injuries. Claimant is not represented by an attorney. This incident is alleged to have occurred in District 5.

Jason Cousins - Claimant claims \$250,000 and alleges his application for a concealed carry weapon was denied and violated his constitutional rights, which was the proximate cause of the claimant's injuries. Claimant is not represented by an attorney. This incident is alleged to have occurred in District 3.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (10)

CAO ANALYST:

Greg Reinke