



# Board Agenda Item 43

DATE: September 13, 2016  
TO: Board of Supervisors  
SUBMITTED BY: Paul Nerland, Director of Human Resources  
SUBJECT: Approve Resolution Rejecting Claim for Damages

RECOMMENDED ACTION:

**Approve Resolution Rejecting Claim for Damages.**

ALTERNATIVE ACTION(S):

The Board could choose not to approve the Department of Human Resources' recommendation.

FISCAL IMPACT:

Payment of claims and the cost of defending claims are charged to the Risk Management Internal Services Fund. The Fund is supported by annual budgetary contributions based on actuarial projections.

DISCUSSION:

Your 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 your Board after evaluation of the Claims Review Committee (CRC). The CRC considers various claims elements which include jurisdiction, allocation of fault, immunities, and compliance with the Government Tort Claims Act by claimants. The committee 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 your 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 claim summarized below and rejection for the claim is recommended.

<u>Claimant No.:</u>	<u>Claimant(s)</u>
9551	David and Gretchen Jessen

**Summary of Claim**

David and Gretchen Jessen - Claim \$750,000 and allege Fresno County Sheriff's Deputies caused damage to their home. A vagrant broke into the claimant's home, told the Sheriff's Deputies he was armed and would kill anyone who attempted entry, which was the proximate cause of the claimant's damages. During the disposition of their duties to remove the suspect, the Sheriff's Deputies deployed tear gas into several different rooms causing some damage to the house. The home is located in Fresno County. Claimant is represented by

Attorney, Russ Georgeson.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolution (1)

CAO ANALYST:

Sonia De La Rosa