



Board Agenda Item 41

DATE: July 12, 2022

TO: Board of Supervisors

SUBMITTED BY: Hollis Magill, Director of Human Resources

SUBJECT: Resolutions Rejecting Claims for Damages and Leave to Present a Late Claim

RECOMMENDED ACTION(S):

- 1. Adopt Resolutions Rejecting Claims for Damages.**
- 2. Adopt Resolution Rejecting Application for Leave to Present a Late Claim**

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>
10516	Robert Perryman
10526	Victor Vidrio III
10576	Shancee Monclova
10578	Jarrett Geyer
10579	Henry Beltran

Application for Leave to Present a Late Claim for Damages

<u>Claimant No.:</u>	<u>Claimant(s)</u>
10553	Michael Gonzalez

Summary of Claims

Robert Perryman - Claims \$10,000,000 and alleges Sheriff's employees failed to supervise or protect claimant while on the phone and was beaten and kicked by other inmates, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Daniel Harralson. This incident is located in District 3.

Victor Vidrio III - Claims within Unlimited Court Limits and alleges a dangerous condition of road near Ashlan and Highland Avenue resulted in a solo car accident, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Scott Vanwagenen. The location of this incident does not involve the County of Fresno.

Shancee Monclova - Claims within Unlimited Court Limits and alleges a defective pedestrian crossing resulted in her being struck by a vehicle while crossing the pedestrian crosswalk, which was the proximate cause of the claimants' injuries and damages. Claimant is represented by Attorney, Sweet Lawyers. The location of this incident does not involve the County of Fresno.

Jarrett Geyer - Claims \$5,000,000 and alleges the Sheriff's Department falsely arrested him and he was not provided medical care by jail staff, which was the proximate cause of the claimant's injuries. Claimant is not represented by an Attorney. The location of this incident is in District 3.

Henry Beltran - Claims \$250,000 and alleges he was incorrectly classified by jail staff which resulted in him being beaten by inmates, which was the proximate cause of the claimants' injuries. Claimant is not represented by an Attorney. The location of this incident is in District 3.

Summary of Application(s) for Leave to Present a Late Claim

Michael Gonzalez - Claims \$250,000 and alleges Sheriff deputies in the jail intentionally and with malice placed Michael with violent gang members where he was assaulted, which was the proximate cause of the claimants' injuries. Claimant alleges a lack of understanding of the legal system and was unaware of the deadline to submit a claim. The claim was submitted to the Board of Supervisors 2 years past the date of loss. Claimant is not represented. The location of this incident is in District 3.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (6)

CAO ANALYST:

Yussel Zalapa