



Board Agenda Item 38

DATE: August 9, 2022

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>
10547	Eddie Randolph
10556	Mario Moreno Garcia and Two Minors
10569	Alexis Ortiz
10572	Robert Campo
10575	Ryan Kaehler
10580	Sheldon Niiyama
10585	Leonard Gonzales
10586	Gabriel Mata
10588	Julia Silva Cabrales
10590	A Minor
10596	Alejandro Jacuinde
10597	Jose Moreno
10602	Josephine Reyes

Summary of Claims

Eddie Randolph - Claims \$1,000,000 and alleges the operator of a Fresno Area Express bus failed to properly operate the bus and failed to warn passengers of a dangerous condition, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Amira Rezkallah. This incident does not involve the County of Fresno.

Mario Moreno Garcia and Two Minors - Claim \$75,000 and allege reckless driving of a firetruck resulted in the side of claimant's vehicle being struck, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Michael Avanesian. The location of this incident does not involve the County of Fresno.

Alexis Ortiz - Claims within Unlimited Court Limits and alleges Fresno County Sheriff Officers approached and forcibly grabbed the claimant from behind which led to physical assault, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Christopher Dean. The location of this incident is in District 1.

Robert Campo- Claims \$1,000,000 and alleges unsafe conditions of the road on Olive Ave West of Cornelia Ave resulted in a vehicle being unable to see the claimant and getting hit, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Mario Valladares. The location of this incident is in District 1.

Ryan Kaehler - Claims \$1,000,000 and alleges a hazardous condition of the road resulted in the claimant hitting a cone while on his bicycle, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Matthew Danh. The location of this incident is in District 2.

Sheldon Niiyama - Claims within Unlimited Court Limits and alleges a hazardous condition of the roadway resulted in a two-car collision located on Jayne Ave east of Butte Ave, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Laura Morris. This location of this incident is in District 4.

Leonard Gonzales - Claims within Unlimited Court Limits and alleges a wire laying across the street created a hazardous condition of the road that resulted in a solo motorcycle accident located on Olive and Recreation Ave, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Sawsan Mansour. The location of this incident does not involve the County of Fresno .

Gabriel Mata - Claims \$5,000,000 and alleges improper medical attention when in custody at the Fresno County Jail, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney,

Michael Aed. This location of this incident is in District 3.

Julia Silvia Cabrales- Claims \$10,000,000 and alleges the coroner's office refused to release the remains of her deceased husband, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Raul Uribe. This location of this incident is in District 4.

A Minor- Claims \$15,000,000 and alleges Caruthers Unified School District failed to adequately supervise students during recess resulting in the claimant being injured by other students, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Christopher Aumais. This incident does not involve the County of Fresno.

Alejandro Jacuinde - Claims within Unlimited Court Limits and alleges a Fresno Police Department Officer misidentified and wrongfully arrested the claimant on the pretense of an outstanding warrant from Madera County, resulting in being placed in the Fresno County Jail for 8 days, which is the proximate cause of the claimants' injuries. Claimant is represented by Attorney, T. Kennedy Helm. This incident is located in District 3.

Jose Moreno- Claims within Unlimited Court Limits and alleges an uncovered hole on the sidewalk resulted in the claimant to partially fall in, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Jason Lieber. This location of this incident does not involve the County of Fresno.

Josephine Reyes - Claims within Unlimited Court Limits and alleges the ceiling in her home collapsed and was unsafe to live in, which is the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Gladys Galvez. The location of this incident does not involve the County of Fresno.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (13)

CAO ANALYST:

Yussel Zalapa