



# Board Agenda Item 39

DATE: March 11, 2025

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 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.

### Claims

<u>Claim No.:</u>	<u>Claimant(s)</u>
11337	Luis Ramos
11338	Rogelio Reyes Barraza obo Jose Reyes-Larreynaga
11343	Yerica Ramirez-Vega
11346	A Minor
11347	Logan Stewart
11351	Antoinette Morales and A Minor
11356	Raul Navarro Carrasco
11357	Austin Kennedy

### Summary of Claims

Luis Ramos - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges a police officer reversed into his parked vehicle at or near the parking lot of 1633 East Fedora Avenue, Fresno, CA 93726, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Joshua Zokaeem. This incident does not involve the County of Fresno because it is alleged to have involved the City of Fresno Police Department.

Rogelio Reyes Barraza obo Jose Reyes-Larreynaga - Claimant claims in excess of \$1,000,000 and alleges a hazardous condition of road at the intersection of Fairfax Avenue and Belmont Ave resulted in a vehicle accident in which claimant was a passenger, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Megan Koster. This incident is alleged to have occurred in District 1 .

Yerica Ramirez-Vega - Claimant claims in excess of \$1,000,000 and alleges a hazardous condition of road at the intersection of E. Moutain Avenue and S Madsen Avenue resulted in a vehicle accident, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Megan Koster. This incident is alleged to have occurred in District 4.

A Minor - Claimant claims \$250,000 and alleges the lights outside the restrooms at Hume Lake Christian Camp went out which caused him to trip and fall, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Timothy Mazzella. This incident does not involve the County of Fresno because it is alleged to have occurred in jurisdiction of the United States Forest Service.

Logan Stewart - Claimant claims \$100,000,000 and alleges he is a special needs adult and a student at Central Learning Adult/Alternative School Site who is severely allergic to tree nuts and was in the premises when he was given a meal that contained tree nuts, which was the proximate cause of the claimants' injuries. Claimants are represented by attorney Caleb Blumenshine. This incident does not involve the County of Fresno because it is alleged to have occurred in the jurisdiction of the Central Unified School District.

Antoinette Morales and A Minor - Claimants each claim in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges a Caltrans bus operator ran a red signal light causing a city bus to collide with claimant, which was the proximate cause of the claimant's injuries. A Minor, who is the child of claimant Antoinette Morales, alleges he suffered from psychological disturbances due to the event. Claimants are represented by attorney Benjamin Drake. This incident does not involve the County of Fresno because it is alleged to have involved Caltrans.

Raul Navarro Carrasco - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges he was riding his bicycle near First Street between Earl Park and Heritage Park and encountered a rope tied across his path which knocked him off his bicycle, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Maryam Ardaian. This incident does not involve the County of Fresno because it is alleged to have occurred in the jurisdiction of City of Parlier.

Austin Kennedy - Claimant claims \$50,000 and alleges he was wrongfully arrested, 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.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions Rejecting Claims for Damages (8)

CAO ANALYST:

Paige Benavides