



Board Agenda Item 42

DATE: November 24, 2020
TO: Board of Supervisors
SUBMITTED BY: Paul Nerland, 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 \$10,000 and reject claims up to \$5,000. 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>
10204	CSAA Insurance as Subrogee for Valerie and Martin Valadez
10213	Jerry Cruz
10278	John Vargas
10311	Two Minors and Reyna Briseno through her successor in interest a Minor
10319	Angelina Anderson
10321	Nationwide A/S/O Black Executive Car Services dba Navo Transportation LLC
10322	Enedina Carrillo
10323	A Minor

Summary of Claims

CSAA Insurance as Subrogee for Valerie and Martin Valadez - Claim \$14,562.63 and allege they were hit by a County employee's vehicle from Internal Services while driving on Tuolumne and Broadway Streets, which is the proximate cause of the claimants' injuries and damages. Claimants are not represented. The location of this incident occurred in District 3.

Jerry Cruz - Claims \$10,553.00 and alleges during a search warrant Sheriff's Deputies destroyed his garage, handcuffed and allegedly pointed guns at the claimant and his family, which was the proximate cause of the claimant's injuries and damages. Claimant is not represented. The location of this incident occurred in District 3.

John Vargas - Claims \$1,000,000.00 and alleges the Fresno County Jail allowed two Bulldog gang members in an area where inactive gang members were held resulting in a fight, which was the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Ronald D. Smith. The location of this incident occurred in District 3.

Two Minors and Reyna Briseno through her successor in interest A Minor - Claim \$45,000,000.00 and allege a hazardous condition of the roadway on Belmont and Golden State Avenues caused their mother's death, which was the proximate cause of the claimants' injuries and damages. Claimants are represented by Attorney, Candice S. Klein. This incident does not involve the County of Fresno.

Angelina Anderson - Claims \$30,000,000.00 and alleges excessive force by Sheriff's Deputies that caused the claimant's husband to die in the intersection of Hazelwood and Ventura Avenues, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, William Schmidt. The location of this incident occurred in District 3.

Nationwide A/S/O Black Executive Car Services dba Navo Transportation LLC - Claims \$28,948.00 and alleges our County vehicle, which was stolen, failed to yield to a stop sign and collided with our insured on Mesa and Harrison Avenues, which was the proximate cause of the claimant's injuries and damages. Claimant is not represented. This incident does not involve a County employee.

Enedina Carrillo - Claims \$1,000,000.00 and alleges she was on a Fresno Area Express bus when the driver stopped abruptly causing the claimant to fall, which was the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Downtown LA Law Group. This incident does not involve the County of Fresno.

A Minor - Claims \$1,000,000.00 and alleges a coach from an elementary school assaulted the claimant, which was the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Downtown LA Law Group. This incident does not involve the County of Fresno.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (8)

CAO ANALYST:

Yussel Zalapa