



Board Agenda Item 23

DATE: January 26, 2021
TO: Board of Supervisors
SUBMITTED BY: Steve Johnson, Interim 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>
10194	Joe Garcia
10328	Alan Watson
10331	Ricky Foster
10336	William Brandt, Jr.
10340	Doris Anderson, individually and as successor in interest for Jah-Quavious Anderson and James Jenkins
10341	Alejandro Sanchez and a minor, by his father, Alejandro Sanchez
10342	Ronald Harris
10347	Ashley Jones
10349	A minor, Rocio Aguilera-Villegas, Maria Villegas, Paloma Aguilera and Esperanza Contreras-Aguilera

Summary of Claims

Joe Garcia - Claims \$8,750.00 and alleges a Fresno County Sheriff's deputy rear-ended him on Blackstone and Divisadero Avenues causing injuries, which was the proximate cause of the claimant's injuries and damages. Claimant is not represented. The location of this incident is in District 3.

Alan Watson - Claims within Unlimited Court Limits and alleges negligence in design, construction, improper signage resulted in another vehicle colliding with his vehicle on White Avenue, 2 feet west of Park Avenue, which was the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, David Milligan. The location of this incident did not occur on a County road.

Ricky Foster - Claims within Unlimited Court Limits and alleges racial discrimination, failure to train, indifference, and failure to serve a summons and complaint in a prior civil matter, 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.

William Brandt, Jr. - Claims within Unlimited Court Limits and alleges a hazardous condition of the roadway on South Auberry and North Summit Mountain Roads caused a vehicle versus bicycle collision, which was the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, David Moeck. The location of this incident occurred in District 5.

Doris Anderson, individually and as successor in interest for Jah-Quavious Anderson and James Jenkins - Claim within Unlimited Court Limits and allege the jail failed to provide Jah-Quavious Anderson with the proper medications he required while incarcerated and that the jail improperly housed the deceased in general population where there was excessive heat and a lack of supervision, which was the proximate cause of the claimants' injuries and damages. Claimants are represented by Attorney, John Burton. The location of this incident occurred in District 3.

Alejandro Sanchez and a minor, by his father Alejandro Sanchez - Claim \$61,500,000.00 and allege the fire department failed to respond to the fire scene on SR 99 North Bound about .4 miles South of Mountain View, that resulted in bodily injuries for Alejandro Sanchez, a minor, and the death of Brianna Sanchez, which was the proximate cause of the claimants' injuries and damages. Claimants are represented by Attorney, Robert Brown. This incident does not involve the County of Fresno.

Ronald Harris - Claims \$500,000 and alleges excessive force by Sheriff's Deputies, which was the proximate cause of the claimant's injuries and damages. Claimant is not represented. The location of this incident is in District 3.

Ashley Jones - Claims \$50,000.00 and alleges the Fresno Police responded to a domestic violence call and that the Fresno Police Department falsely arrested her and removed her children from her custody because of a domestic violence incident, which was the proximate cause of the claimant's injuries and damages.

Claimant is not represented. This incident does not involve the County of Fresno.

A minor, Rocio Aguilera-Villegas, Maria Villegas, Paloma Aguilera and Esperanza Contreras-Aguilera - Claim \$110,000,000.00 and allege a hazardous condition of roadway on SR 99, which resulted in the death of Cecilia Aguilera Villegas, which was the proximate cause of the claimants' injuries and damages. Claimants are represented by Attorney, Brian Beecher. This incident did not occur on a County road.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (9)

CAO ANALYST:

Yussel Zalapa