



Board Agenda Item 23

DATE: February 1, 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>
10461	The Estate of Ronald Richardson, by and through its representatives, Sharon Richardson and Charles Richardson
10483	Lane Whittenberg
10491	Otis Lee Simpkins
10492	Lenora Padilla
10495	Holly Wadham
10501	Guadalupe Ramos
10503	Evan Huang
10505	Lisa Bailon
10508	Tracey Davis

Summary of Claims

The Estate of Ronald Richardson, by and through its representatives, Sharon Richardson and Charles Richardson - Claims within Unlimited Court Limits and alleges the County of Fresno neglected to make safe or shut down Trails End Mobile Home Park resulting in a fire and wrongful death, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Shane Hapuarachy. This incident does not involve the County of Fresno.

Lane Whittenberg - Claims within Unlimited Court Limits and alleges that during a jail search a physical altercation broke out and the Sheriff's Department used excessive force and violated his civil rights, 1st, 4th, 8th and 14th amendment rights, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Raquel Busani. This incident is located in District 3.

Otis Lee Simpkins - Claims \$1,000,000.00 and alleges he was a passenger on a bus when the driver failed to operate the bus properly and made a sudden stop without warning, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Nicole Rios. This incident is located in District 3.

Lenora Padilla - Claims \$1,000,000.00 and alleges a hazardous condition of a sidewalk near 1321 Jensen Avenue in Sanger caused her to trip and fall, which was the proximate cause of the claimants' injuries. Claimant is represented by Attorney, Sharona Hakim. The location of this incident does not involve the County of Fresno.

Holly Wadham - Claims within Unlimited Court Limits and alleges she was driving on E street coming up to Stanislaus Street when a garbage truck driver ran the red light on Stanislaus Street which resulted in a motor vehicle accident, which was the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Jason Helsel. This incident does not involve the County of Fresno.

Guadalupe Ramos - Claims within Unlimited Court Limits and alleges they were a passenger on a transit bus when it was operated in an unsafe manner which resulted in being jerked from the bus seat, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Daniel Geoulla. This incident does not involve the County of Fresno.

Evan Huang - Claims \$1,000,000.00 and alleges a traffic light malfunctioned at the corner of Shaw and Chestnut avenue while claimant was crossing the street causing an automobile to hit the claimant, which was the proximate cause of the claimant's injuries. Claimant is not represented by an Attorney. The location of this incident does not involve the County of Fresno.

Lisa Bailon - Claims within Unlimited Court Limits and alleges a dangerous condition of the sidewalk on Palo Alto and Blythe avenue, that resulted in a trip and fall, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Daniel Geoulla. The location of this incident does not involve the County of Fresno.

Tracey Davis - Claims \$5,000,000.00 and alleges the wrongful death of Hannah Pimental, the claimant's daughter, which was the proximate cause of the claimant's injuries and damages. The Claimant's daughter was driving westbound on Stanislaus when a wanted person in a police pursuit was driving northbound on N street and ran a stop sign colliding with the claimant's daughter's vehicle. The claimant also alleges negligence in conduct by the Respondents Public Entities' and failure to use reasonable care to avoid causing emotional distress to another individual. Claimant is not represented by an Attorney. This incident does not involve the County of Fresno.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (9)

CAO ANALYST:

Yussel Zalapa