Board Agenda Item 26

DATE: April 8, 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

Claim No.:	Claimant(s)
11341	Araceli Gonzalez, Alejandra Gonzalez, Laura Gonzalez, Prisilla Gonzalez, Juan Casas, and A Minor
11360	Anna Lazo and William Lazo
11373	Eddie Grider
11374	Stacy Brock
11376	Kyle Muell
11377	Juan Escobar Hernandez

Summary of Claims

Araceli Gonzalez, Alejandra Gonzalez, Laura Gonzalez, Prisilla Gonzalez, Juan Casas, and A Minor - Claimants each claim $100,000,000 and alleges claimant Araceli Gonzalez was driving on Shaw Ave when she was suddenly struck by a Sheriff deputy vehicle who executed a U-turn in front of their vehicle, which was the proximate cause of the claimants' injuries. Claimants Alejandra, Laura, Prisilla, Juan and A Minor allege they were passengers in the vehicle. Claimants are represented by the law firm DTLA Law. This incident is alleged to have occurred in District 5.

Anna Lazo and William Lazo - Claimants each claim $100,000,000 and allege a hazardous condition of road at the intersection of Fowler Avenue and Perrin Road resulted in the death of their minor son, who was riding a bicycle at the time of the incident, which was the proximate cause of the claimants' injuries. Claimants are represented by attorney Richard Harris. This incident is alleged to have occurred in District 5.

Eddie Grider - Claimant claims $500,000 and alleges he was a passenger on a city bus that was struck by another vehicle, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Michael Saeedian. This incident does not involve the County of Fresno because the County does not own or operate city buses.

Stacy Brock - Claimant claims in excess of $35,000 (the jurisdictional amount for limited civil cases) and alleges her son was an inmate at Fresno County Jail and the County's negligence caused his death, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Samer Salhab. This incident is alleged to have occurred in District 3.

Kyle Muell - Claimant claims $300,000 and alleges he resided at the Palazzo dorms and his roommate would intimidate and threaten him. He alleges Fresno State's negligence to intervene led to his roommate attacking him, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Heather Gibson. This incident does not involve the County of Fresno because it is alleged to have occurred in the jurisdiction of the California State University, Fresno.

Juan Escobar Hernandez - Claimant claims in excess of $35,000 (the jurisdictional amount for limited civil cases) and alleges the ferris wheel cart at the Kerman Harvest Festival struck his back as he got off, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Haik Ter-Nersesyan. This incident does not involve the County of Fresno because it is alleged to have occurred in the jurisdiction of the City of Kerman.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions Rejecting Claims for Damages (6)

CAO ANALYST:

Paige Benavides