



Board Agenda Item 28

DATE: December 15, 2015
TO: Board of Supervisors
SUBMITTED BY: Paul Nerland, Interim Director of Personnel Services
SUBJECT: Approve Resolutions Rejecting Claims for Damages

RECOMMENDED ACTION(S):

Approve Resolutions Rejecting Claims for Damages

ALTERNATIVE ACTION(S):

The Board could choose not to approve Personnel's recommendation.

FISCAL IMPACT:

Payment of claims and the cost of defending claims are charged to the Risk Management Internal Services Fund. This fund is supported by annual budgetary contributions based on actuarial projections.

DISCUSSION:

Your Board has delegated authority to Personnel Services 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 your Board after evaluation of the Claims Review Committee (CRC). The CRC considers various claims elements to include jurisdiction, allocation of fault, immunities, and compliance with the Government Tort Claims Act by claimants. The committee consists of Personnel 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 your 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 and rejection for each claim is recommended.

Claims List:

Claimant No.
9376

Claimant(s)
Fidel Ramirez
Gabino Pizano
Edgar Torres
Kao Hang
Ismael Arreazola
Sheriff's Foundation for Public Safety
Gregory Shehee

9422

9423	Dionicio Ramirez
9424	Robert and Mary Sandoval
9432	State Farm Insurance as Subrogee for Bob Bounlevang
9433	AAA as Subrogee for Rosalva Maldonado

Summary of Claims

Fidel Ramirez - Claims Unlimited Civil, and alleges a Fresno County employee driving a front loader caused a gas explosion resulting in injuries. Claimant is represented by Attorney, Nicholas Wagner.

Gabino Pizano - Claims Unlimited Civil, and alleges a Fresno County employee driving a front loader caused a gas explosion resulting in injuries. Claimant is represented by Attorney, Nicholas Wagner.

Edgar Torres - Claims Unlimited Civil, and alleges a Fresno County employee driving a front loader caused a gas explosion resulting in injuries. Claimant is represented by Attorney, Nicholas Wagner.

Kao Hang - Claims Unlimited Civil, and alleges a Fresno County employee driving a front loader caused a gas explosion resulting in injuries. Claimant is represented by Attorney, Nicholas Wagner.

Ismael Arreazola - Claims Unlimited Civil, and alleges Fresno County directed the claimant to take part in an ultra-hazardous activity on the property where he alleges the County knew a gas line was buried without inspecting the property first. Claimant is represented by Attorney, Amanda Riddle.

Sheriff's Foundation for Public Safety - Claims Unlimited Civil and Indemnity. Claimant alleges a Fresno County employee allegedly struck a gas line with a loader resulting in an explosion. Claimant alleges that a contract calls for the County to indemnify claimant for this incident. Claimant is represented by Attorney, Cornelius Callahan.

Gregory Shehee - Claims \$8,234,000,000, and alleges failure to protect him in the jail which resulted in injuries. He is also alleging that a nurse denied him medical treatment. Claimant is not represented.

Dionicio Ramirez - Claims Unlimited Civil, and alleges excessive force by a Fresno County Sheriff's Deputy who rammed a car into Mr. Ramirez's vehicle in an attempt to arrest him. Claimant is represented by Attorney, Salvatore Sciandra.

Robert and Mary Sandoval - Claims Unlimited Civil, and alleges Fresno County deputies chased another vehicle which caused that vehicle to collide with Mr. Sandoval's vehicle, killing Mr. Sandoval's wife and injuring Mr. Sandoval. Claimant is represented by Attorney, Nathan Miller.

State Farm as Subrogee for Bob Bounlevang - Claims \$12,914.00, and alleges a Fresno County Deputy ran a red light in response to a call colliding with their insured's vehicle. Claimant is not represented.

AAA as Subrogee for Rosalva Maldonado - Claims \$10,596.53, and alleges that a Fresno County Deputy failed to yield the right of way during a call. Claimant is not represented.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolution (Ramirez)
On file with Clerk - Resolution (Pizano)
On file with Clerk - Resolution (Torres)
On file with Clerk - Resolution (Hang)
On file with Clerk - Resolution (Arreazola)
On file with Clerk - Resolution (Sheriff Foundation)
On file with Clerk - Resolution (Shehee)

On file with Clerk - Resolution (Ramirez)
On file with Clerk - Resolution (Sandoval)
On file with Clerk - Resolution (State Farm)
On file with Clerk - Resolution (AAA)

CAO ANALYST:

Samantha Buck