



Board Agenda Item 39

DATE: October 24, 2023
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 actions. 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.

<u>Claim No.:</u>	<u>Claimant(s)</u>
10713	Estate of a Minor, Janice Palacio, Alfonso A. Vega, Sr., and a Minor
10910	Kwabena Watson
10915	Tiffany Shoemaker and 2 Minors

Summary of Claims

Estate of a Minor, Janice Palacio, Alfonso A. Vega, Sr., and a Minor - Claimants claim in excess of \$25,000 (the jurisdictional amount for limited civil cases) and allege a lack of parking, speed bumps, and other maintenance at Lost Lake resulted in the death of a minor, which was the proximate cause of claimant's injuries. Claimant is represented by attorney Kevin Little. This incident is alleged to have occurred in District 5.

Kwabena Watson - Claimant claims in excess of \$25,000 (the jurisdictional amount for limited civil cases) and alleges Sheriff Deputies used excessive force and wrongfully detained and arrested claimant at his residence, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Kevin Little. This incident is alleged to have occurred in District 5.

Tiffany Shoemaker and 2 Minors - Claimant claims in excess of \$25,000 (the jurisdictional amount for limited civil cases) and alleges a tree fell on her and her daughter while they were walking along the sidewalk near 2220 Villa Ave. Clovis, Ca, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney William Berg. This incident does not involve the County of Fresno because it is alleged to have occurred in the City of Clovis.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (3)

CAO ANALYST:

Paige Benavides