



Board Agenda Item 37

DATE: March 28, 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 a rejection recommendation. 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. 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, Risk Manager, 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>
10723	Jillian Larsen
10724	Alec Rod
10726	Rosaura Miramontes and A Minor
10734	Johanna Guzman and Adriana Poblete
10737	Hector Pino Doing Business as Electrical Power Source
10739	Kevin Hayes
10742	Bennett Reed
10743	Manuel Hernandez III, Manuel Hernandez Jr., Shanael Hernandez and A Minor
10744	Dale Cottrell
10748	Daisy Rangel

Summary of Claims

Jillian Larsen - Claimant claims in excess of \$25,000 (the jurisdictional amount for limited civil cases) and alleges negligence and deliberate indifference by Fresno County Correctional Officers and Jail Staff led to claimant's son passing away, 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 3.

Alec Rod - Claimant claims in excess of \$25,000 (the jurisdictional amount for limited civil cases) and alleges he was rear-ended after having to swerve to the shoulder and reenter the road due to a Sheriff's vehicle moving across the westbound lane of Lodge Road and into the eastbound lane, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Timothy Mazzela. This incident is alleged to have occurred in District 5.

Rosaura Miramontes and A Minor - Claimants claim in excess of \$25,000 (the jurisdictional amount for limited civil cases) and allege a dangerous condition of public property along State Route 99, south of Manning Avenue, resulted in a two-vehicle accident killing claimants family member, which was the proximate cause of the claimant's injuries. Claimants are represented by attorney George Martin. This incident does not involve the County of Fresno because it is alleged to have occurred within the jurisdiction of Caltrans.

Johanna Guzman and Adriana Poblete - Claimants claim in excess of \$10,000 and allege the Fresno County Jail was charging unconstitutional charges on telephone, commissary, vending and gift package services, which was the proximate cause of the claimant's injuries. Claimants are represented by attorney Barrett Litt. This incident is alleged to have occurred in District 3.

Hector Pino Doing Business as Electrical Power Source - Claimant claims \$866,176.07 and alleges the County agreed to work order changes and is now refusing to pay for work performed, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney D. Mitchell Taylor. This incident involves a public contract on which claimant is a subcontractor.

Kevin Hayes - Claimant claims \$27,000 and alleges Sheriff Deputies have not returned his lawfully owned firearms and the Property and Evidence office will not return his calls, which was the proximate cause of the claimant's injuries. Claimant is not represented by an attorney. This incident is alleged to have occurred in District 1.

Bennet Reed - Claimant claims in excess of \$25,000 (the jurisdictional amount for limited civil cases) and alleges housing located at 2720 E. Clinton has accessibility issues and that the claimant has previously been trapped in the elevator due to maintenance issues, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney, Deborah Gettleman. This incident does not involve the County

of Fresno because it is alleged to have occurred within the jurisdiction of the Fresno Housing Authority.

Manuel Hernandez II, Manuel Hernandez Jr., Shanael Hernandez and A Minor - Claimants claim in excess of \$25,000 (the jurisdictional amount for limited civil cases) and allege a hazardous condition of road resulted in Susan Hernandez's bike getting stuck on train tracks and being struck by a train at or near Golden State Boulevard and N. Cornelia Avenue, which was the proximate cause of the claimant's injuries. Claimants are represented by attorney Breanne Reguly. This incident does not involve the County of Fresno because it is alleged to have occurred within the jurisdictions of the City of Fresno and Union Pacific Railroad.

Dale Cottrell - Claimant claims \$1,000,000 and alleges a hazardous condition of sidewalk located at or near W. Chennault and Peach Avenues, Clovis, CA resulted in a trip and fall, which was the proximate cause of the claimant's injuries. Claimant is represented by law firm Bauman Law. This incident does not involve the County of Fresno because it is alleged to have occurred within the City of Clovis.

Daisy Rangel - Claimant claims \$1,000,000 and alleges a Cal Fire employee rear-ended her on State Route 99, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Mario Caesar Valladares. This incident does not involve the County of Fresno because it is alleged to have involved a Cal Fire employee.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (10)

CAO ANALYST:

Greg Reinke