



Board Agenda Item 33

DATE: September 21, 2021

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 \$10,000 and reject claims up to \$5,000. 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>
10418	Angelia Sedano On Behalf of Isaac Clark
10422	Percy Rhodes
10437	Jarnail Singh and Manjit Multani
10441	Jose Moreno Ramirez
10446	Terry Thelen

Summary of Claims

Angelia Sedano On Behalf of Isaac Clark - Claim within Unlimited Court Limits and allege a hazardous condition of the roadway on Shephard and Peach Avenues that caused a pedestrian versus vehicle accident, which was the proximate cause of the claimants' injuries and damages. Claimants are represented by Attorney, Colin Jones. The location of this incident is in District 2.

Percy Rhodes- Claims \$40,000 and alleges false arrest by Sheriff's Deputies and the loss of his vehicle after a traffic stop on Kings Canyon Road, which was the proximate cause of the claimant's injuries and damages. Claimant is not represented. The location for this incident is in District 5.

Jarnail Singh and Manjit Multani - Claim within Unlimited Court Limits and allege Fresno County Sheriff's Deputies were in pursuit of a subject when the subject crashed into multiple vehicles at the intersection of Cedar and McKinley resulting in the death of the claimants' daughter and bodily injuries for Jarnail Singh, which was the proximate cause of the claimants' injuries and damages. Claimants are represented by Attorney, Don Murphy. The location for this incident is in District 3.

Jose Moreno Ramirez - Claims within Unlimited Court Limits and alleges excessive force by Sheriff's Deputies while being arrested at his home, which was the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Eric Valenzuela. The location of this incident is in District 1.

Terry Thelen - Claims within Unlimited Court Limits and alleges a hazardous condition of the roadway near 660 W. Shaw Avenue that resulted in a trip and fall, which was the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Warren Paboojian. The location for this incident is not within the County of Fresno.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (5)

CAO ANALYST:

Yussel Zalapa