



# Board Agenda Item 55

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DATE: June 20, 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. 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>                                   |
|-------------------|--|
| 10818             | Martin Aguayo  |
| 10822             | Phorum Sheth   |
| 10830             | Alice Jean Williams-Johnson and David James Williams |

**Summary of Claims**

Martin Aguayo - Claimant claims in excess of \$25,000 (the jurisdictional amount for limited civil cases) and alleges Sheriff Deputies assaulted and falsely arrested claimant while inside the BF Sisk Courthouse, which was the proximate cause of claimant's injuries. Claimant is not represented by an attorney. This incident is alleged to have occurred in District 3.

Phorum Sheth - Claimant claims in excess of \$600,000 and alleges a lack of signage near Temperance and Alluvial resulted in the claimant being struck by a vehicle while they were riding an electric scooter in the roundabout, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Nicholas Wagner. This incident does not involve the County of Fresno because it is alleged to have occurred within the City of Clovis.

Alice Jean Williams-Johnson and David James Williams - Claimants claim \$50,000 and allege Fresno Police evacuated them from their apartment and allowed dogs in their home and set off tear gas and smoke bombs inside, which was the proximate cause of the claimants' damages. Claimants are not represented by an attorney. This incident does not involve the County of Fresno because it is alleged to have involved the Fresno Police Department.

**ATTACHMENTS INCLUDED AND/OR ON FILE:**

On file with Clerk - Resolutions (3)

**CAO ANALYST:**

Greg Reinke