



Board Agenda Item 39

DATE: July 8, 2025

TO: Board of Supervisors

SUBMITTED BY: Hollis Magill, Director of Human Resources

SUBJECT: Resolutions Rejecting Claims for Damages and Denying Application for Leave to Present a Late Claim

RECOMMENDED ACTION(S):

- 1. Adopt Resolutions Rejecting Claims for Damages; and**
- 2. Adopt Resolution Denying Application for Leave to Present a Late Claim**

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.

Claims

<u>Claim No.:</u>	<u>Claimant(s)</u>
11374	Two Minors
11436	Alexander Diaz
11437	Jotham Trumbo
11438	Robert Yniguez
11439	Alysia Saiz
11441	Jaden Warkentin
11442	Jordan Ramirez
11443	Allen Helseth
11444	Mason Tammataya
11446	Christian Olmo
11450	Carlos Cota Freitas
11455	Timothy Ingram
11456	Jocelyn Younger

Application for Leave to Present a Late Claim for Damages

<u>Claim No.:</u>	<u>Claimant</u>
11445	Manuel Lopez Jr.

Summary of Claims

Two Minors - Claimants each claim in excess of \$35,000 (the jurisdictional amount for limited civil cases) and they allege Fresno County Jail employees' negligence caused the death of their father who was found deceased in his jail cell, which was the proximate cause of the claimants' injuries. Claimants are represented by attorney Samer Salhab. This incident is alleged to have occurred in District 3.

Alexander Diaz - Claimant claims \$500,000 and alleges while he was incarcerated and pending trial, a nurse at the Fresno County Jail gave him the wrong medication and he was given the medication twice, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Noah Phillips. This incident is alleged to have occurred in District 3.

Jotham Trumbo - Claimant claims \$262,848 and alleges he was wrongfully arrested, 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 3.

Robert Yniguez - Claimant claims \$1,000,000 and alleges his rights were violated because he was pulled over for his vehicle registration in violation of the Vehicle Code and subsequently arrested, which was the proximate cause of the claimant's injuries. Claimant is not represented by an attorney. This incident is alleged have occurred in District 1.

Alysia Saiz - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges she was rear-ended by a FAX bus, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Benjamin Drake. This incident does not involve the County of Fresno

because it is alleged to have occurred in the jurisdiction of the City of Fresno and because the County does not own or maintain passenger buses.

Jaden Warkentin - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges she was rear-ended by a Fresno County employee which caused her to rear-end the vehicle in front, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Mark Vogt. This incident is alleged to have occurred in District 5.

Jordan Ramirez - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and he alleges the hazardous condition of the intersection at West Front Street and Whitson Street, Selma, CA, caused him to hit a curb and be ejected from his motorcycle, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Mark Vogt. This incident is alleged to have occurred in District 4.

Allen Helseth - Claimant claims \$1,500,000 and alleges he tripped over a concrete deck post block that had no post at or near 7037 N. Blackstone Ave, Pinedale, CA 93650, which was the proximate cause of the claimant's injuries. Claimant is represented by V&A Law Firm. This incident does not involve the County of Fresno because it is alleged to have occurred in the jurisdiction of the City of Pinedale.

Mason Tammataya - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges he was a passenger on a FAX bus and the bus driver accelerated in the path of a moving vehicle which caused a vehicle accident, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Shay Brown. This incident does not involve the County of Fresno because it is alleged to have occurred in the jurisdiction of the City of Fresno and because the County does not own or maintain passenger buses.

Christian Olmo - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges he was a passenger on a bus that was involved in a vehicle collision, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Ian Wallach. This incident does not involve the County of Fresno because the County does not own or maintain passenger buses.

Carlos Cota Freitas - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and he alleges a County employee driving a bus made an unsafe turn directly into his path causing a collision, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Jesse Fretwell. This incident does not involve the County of Fresno because the County does not own or maintain passenger buses.

Timothy Ingram - Claimant claims \$1,000,000 and he alleges the hazardous condition of the intersection at G Street and Fresno Street, Fresno CA 93706, caused him to get hit by a vehicle while he was riding his bicycle, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney David Azizi. This incident does not involve the County of Fresno because it is alleged to have occurred in the jurisdiction of the City of Fresno.

Jocelyn Younger - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges she was residing at a Fresno Housing facility and the ceiling in the bathroom suddenly fell on top of her, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Jane Volfson. This incident does not involve the County of Fresno because the County does not own or maintain Fresno Housing facilities.

Summary of Application for Leave to Present a Late Claim

Manuel Lopez Jr. - Claimant claims \$250,000 and alleges Fresno Fire Department and the Emergency Medical Services did not perform their legally mandated duties, which was the proximate cause of the claimant's injuries. Claimant did not present a reason for the untimely submission of claim. The claim was

submitted a year after the date of loss. The CRC recommends that this late claim application be denied because it is not County's jurisdiction and the application does not establish any of the criteria set forth in Government Code section 911.6, subdivision (b), for granting such an application. Claimant is not represented by an attorney. This incident does not involve the County of Fresno because the County does not own or maintain Fresno Fire Department and Emergency Medical Services.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions Rejecting Claims for Damages (13)

On file with Clerk - Resolution Denying Late Claim for Damages

CAO ANALYST:

Sevag Tateosian