



Board Agenda Item 40

DATE: January 23, 2018

TO: Board of Supervisors

SUBMITTED BY: Paul Nerland, Director of Human Resources

SUBJECT: Resolutions Rejecting Claims for Damages

RECOMMENDED ACTION(S):

Approve Resolutions Rejecting Claims for Damages.

Following the review committee, submitted claims are presented to your 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:

Payment of claims and the cost of defending claims are charged to the Risk Management Internal Services Fund. The Fund is supported by annual budgetary contributions based on actuarial projections.

DISCUSSION:

Your 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 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 Tort Claims Act by claimants. The Committee 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 your 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 and rejection for each claim is recommended.

| <u>Claimant No.:</u> | <u>Claimant(s)</u> |
|----------------------|--|
| 9782 | Robert Peele |
| 9789 | Alleyne Johnson |
| 9791 | Sylvia Perez |
| 9792 | A minor, by and through his Guardian ad Litem Michelle Virgen |
| 9793 | Quinn and Kevin McGinnis and Danette Hartley |
| 9797 | Danielle, Steven & Maia Harrison, Jason Daniels, Lawrence Boyd & Jeremiah Stroud |

9798 Balwinder Mehat and Dalbir Singh
9799 Alfred and Kimberly Oaxaca
9800 Ron and Tiffany Kennedy

Summary of Claims

Robert Peele - Claims \$16,946 and alleges a Fresno Sheriff's Deputy was chasing a suspect through the intersection of Shaw Ave and Golden State Boulevard which caused the suspect to hit the claimant's vehicle, which is the proximate cause of the claimant's injuries/damages. Claimant is not represented. The location of this incident is in District 1.

Alleyne Johnson - Claims within Unlimited Civil Court Limits and alleges a hazardous condition of Hotel Fresno located at 1263 Broadway Plaza, which caused the claimant to fall through the roof of the hotel, which is the proximate cause of the claimant's injuries. The location of this incident is not within the County's jurisdiction. Claimant is represented by Attorney, Steven Roberts.

Sylvia Perez - Claims \$100,000 and alleges excessive force by Fresno Sheriff's Deputies while incarcerated in the County Jail, which is the proximate cause of the claimant's injuries. Claimant is not represented.

A minor by and through his Guardian ad Litem Michelle Virgen - Claims \$1,000,000 and alleges sexual harassment and abuse by an Unlicensed Mental Health Clinician in the Department of Behavioral Health, which is the proximate cause of the claimant's injuries. The incident is being investigated by the Fresno Police Department. Claimant is represented by Attorney, Douglas Gordon.

Quinn and Kevin McGinnis and Danette Hartley - Claim \$150,000,000 and allege a hazardous condition of the roadway on Auberry Road west of Comstock Lane caused a fatal accident involving the claimants' relative, which is the proximate cause of claimants' injuries/damages. The California Highway Patrol incident report puts the claimants' relative at fault for the accident. Claimants are represented by Attorney, Santo Riccobono. The location of this incident is in District 5.

Danielle, Steven and Maia Harrison, Jason Daniels, Lawrence Boyd and Jeremiah Stroud - Claim \$60,000,000 and allege a hazardous condition of the roadway on State Route 99 near Fresno Street caused a vehicle accident resulting in a relative's death, which is the proximate cause of the claimants' injuries. The location of this incident is not within the County's jurisdiction. Claimants are represented by Attorney, Nathan Zerbib-Berda.

Balwinder Mehat and Dalbir Singh - Claim within Unlimited Civil Court Limits and indemnity. The claimants allege James Garner, an individual, is suing them as a result of a vehicle accident on North Weber and Valentine Avenues, which is the proximate cause of the claimants' damages. The location of this incident is not within the County's jurisdiction. Claimants are represented by Attorney, Yvonne Marialaki.

Alfred and Kimberly Oaxaca - Claim within Unlimited Civil Court Limits and allege a hazardous condition of the roadway at the intersection of Sand Creek and Pepperweed Roads when an alleged County employee driver collided with the claimants' vehicle, which is the proximate cause of the claimants' injuries/damages. The incident does not involve a County employee. The claim was tendered to Terry Johnson Trucking on December 6, 2017 and Telfer Pavement Technologies on December 8, 2017. Claimants are represented by Attorney, Mitchell De Anda. The location of this incident is in District 5.

Ron and Tiffany Kennedy - Claim within Unlimited Civil Court Limits and allege they hit a pothole which caused the claimants to crash their motorcycle on Little Panoche Road, which is the proximate cause of the claimants' injuries/damages. The location of this accident is not within the County's jurisdiction. Claimants are represented by Attorney, Dan Geoulla of B & D Law Group.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (9)

CAO ANALYST:

Sonia M. De La Rosa