



Board Agenda Item 43

DATE: May 26, 2020
TO: Board of Supervisors
SUBMITTED BY: Paul Nerland, 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>
10225	Frank Rendon
10231	Marshall Hutchings

10245	Oliver Perry
10248	Maureen and Emil Dupras and Maureen Dupras as representative of the estate and heirs of Alan Dupras
10250	David and Matthew Ramos Ponce, Lourdes Vega Ponce, Montserrat Ramos
10251	Rommel Medina
10252	Aliah and Jasmine Richardson
10258	Sandra Culpepper

Summary of Claims

Frank Rendon - Claims within Unlimited Civil Court Limits and alleges he was arrested with a recalled warrant and the Sheriff's Department failed to notify the District Attorney's office of the claimant's arrest and incarceration, which is the proximate cause of the claimant's injuries and damages. The claimant further alleges the District Attorney's office failed to bring the claimant before the magistrate to give him the opportunity to challenge his arrest and incarceration. Claimant is represented by Attorney, Dan Moseley. The location of this incident is in District 4.

Marshall Hutchings - Claims within Unlimited Civil Court Limits and that Dana Hutchings choked and died while participating in an amateur food eating contest held at Chukchansi Park and that the event was negligently approved by a local enforcement officer of the County of Fresno, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Martin Talesinik. The location of this incident is in District 3.

Oliver Perry - Claims \$50,000 and alleges while driving on Blackstone, near Ashlan Avenue, a Sheriff's Deputy made an unsafe lane change, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Edward Fanuchhi. The location of this incident is in District 3.

Maureen and Emil Dupras and Maureen Dupras as representative of the estate and heirs of Alan Dupras - Claims \$26,500 and alleges Correctional officers and medical staff were negligent in the care and protection of the decedent and showed intentional disregard for the decedent, which is the proximate cause of the claimants' injuries and damages. Claimants are represented by Attorney, Kevin Little. The location of this incident is in District 3.

David and Matthew Ramos Ponce, Lourdes Vega Ponce and Montserrat Ramos - Claim \$10,000,000 and allege excessive force by police officers while being detained on Blackstone Avenue at El Pollo Loco, which is the proximate cause of the claimants' injuries and damages. Claimants are represented by Attorney, Andrea Marcus. This incident did not involve the County of Fresno.

Rommel Medina - Claims \$750,000 and alleges while incarcerated in the Fresno County jail he was deprived of human necessities, that resulted in an allergic reaction and other health issues, which is the proximate cause of the claimant's injuries and damages. Claimant is not represented. The location of this incident is in District 3.

Aliah and Jasmine Richardson- Claim within Unlimited Civil Court Limits and allege a Public Health employee backed their vehicle into the claimants in a parking lot on North Fresno Street, which is the proximate cause of the claimants' injuries and damages. Claimant is represented by Attorney, David Hernandez. The location of this incident is in District 3.

Sandra Culpepper - Claims within Unlimited Civil Court Limits and alleges a City of Clovis employee is at fault for negligent driving on Shaw and Willow Avenues as well as alleging a hazardous road condition in the same area, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Pamela Abella. This incident did not involve the County of Fresno.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (8)

CAO ANALYST:

Yussel Zalapa