



# Board Agenda Item 50

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DATE: September 22, 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>
10255	Lawrence Green
10277	Keya Rice
10283	Beatrice Santellan
10290	Christian Stovall
10294	Evelin Contreras
10296	Ricky Foster

### **Summary of Claims**

Lawrence Green - Claims \$10,000,000 and alleges a dangerous condition of the roadway on Olive and Winery Avenues that caused a vehicle versus pedestrian accident, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Sharona Hakim. This incident did not occur in the County of Fresno.

Keya Rice - Claims within Unlimited Civil Court Limits and alleges a dangerous condition of the sidewalk on Hamilton and Cedar Avenues that caused the claimant to trip and fall, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Scott VanWagenen. This incident did not occur in the County of Fresno.

Beatrice Santellan - Claims within Unlimited Civil Court Limits and alleges a hazardous condition of the sidewalk/curb on Fifth Street in Clovis caused the claimant to trip and fall, which was the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Rory Pendergast. This incident did not occur in the County of Fresno.

Christian Stovall - Claims \$100,000,000 and alleges insufficient supervision by an Edison Football coach and failure of the coach to recognize the medical condition the claimant was in during practice in extreme heat, which was the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Hazel Chang. The incident does not involve a County of Fresno employee.

Evelin Contreras - Claims \$1,200,000 and alleges an employee from Mid Valley Disposal failed to stop at a stop sign at Van Ness and Merced Street and then collided with the claimant who was a pedestrian, which was the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Ryan Banafshe. The incident does not involve a County of Fresno employee.

Ricky Foster - Claims within Unlimited Civil Court Limits and alleges a Fresno County employee from the Sheriff's Department failed to give the Summons and Complaint paperwork to the defendants in the Sheriff's Department, 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.

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

On file with Clerk - Resolutions (6)

### **CAO ANALYST:**

Yussel Zalapa