



Board Agenda Item 25

DATE: February 11, 2025
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 action. 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> |
|-------------------|---------------------------------|
| 11269 | Jesus Gonzalez-Ramirez |
| 11318 | Lee Mitchell |
| 11321 | Maria Gomez |
| 11328 | Sarah Nunley |
| 11330 | Juan Calderon and Mary Calderon |
| 11333 | Maricela Villalvazo |
| 11334 | Shannon Silva |
| 11336 | John Bagent |

Summary of Claims

Jesus Gonzalez-Ramirez - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges they were in an auto accident with a Sheriff Deputy, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Malek Shraibati. This incident is alleged to have occurred in District 1.

Lee Mitchell - Claimant claims \$2,000,000 and alleges an explosion occurred at 5365 N. Mariposa Street, Fresno, CA 93710, where claimant was residing and was exposed to smoke, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Sharona Eslamboly Hakim. This incident does not involve the County of Fresno because the County does not own or maintain the property .

Maria Gomez - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges Fresno County colluded with a third party in the submission of a fraudulent claim for tax refunds that belonged to them, and alleges the County is refusing to pay the tax refund to claimant, 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.

Sarah Nunley - Claimant claims an unspecified amount and alleges Fresno County Sheriff-Coroner failed to properly conduct a death investigation, preserve critical evidence, and complete required reports within a reasonable time of the death of claimant's daughter, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney James Arrasmith. This incident is alleged to have occurred in District 5.

Juan Calderon and Mary Calderon - Claimants each claim in excess of \$35,000 (the jurisdictional amount for limited civil cases) and they allege the hazardous condition of a sidewalk near 6019 N. Ninth Street, Fresno, CA 93710 caused claimant Juan Calderon to trip and fall, which was the proximate cause of the claimants' injuries. Claimant Mary Calderon alleges loss of consortium due to the alleged injury to claimant Juan Calderon, who is her husband. Claimants are represented by attorney Nathaniel Patterson. This incident does not involve the County of Fresno because it is alleged to have occurred in the jurisdiction of the City of Fresno.

Maricela Villalvazo - Claimant claims \$500,000 and alleges the hazardous condition of a sidewalk at or near 17839 Millerton Road, Friant, CA 93626 caused her wheelchair to turn over, 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 the County does not own or maintain the property.

Shannon Silva - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges an on-duty emergency vehicle rear ended the ambulance she was being transported in, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Tal Hassid. This incident does not involve the County of Fresno because the driver of the on-duty emergency vehicle is not a County of Fresno employee.

John Bagent - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges he was wrongfully and unlawfully held as a civil detainee at the Coalinga State Hospital for many years without trial, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Arnoldo Casillas. This incident is alleged to have occurred in District 4.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions Rejecting Claims for Damages (8)

CAO ANALYST:

Paige Benavides