



# Board Agenda Item 35

DATE: December 12, 2023

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 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.

<u>Claim No.:</u>	<u>Claimant(s)</u>
10955	Crispina Reyes Garcia
10965	Christian Quezada
10969	Emily Perez Garcia
10970	Alicia Chavez
10974	Albert Azevedo Jr. and a Minor
10976	Chi Thanh Ngo
10977	Anirudh Chowdhry
10978	Vanessa Grogan heir and Successor in interest to decedent Analiea Alvarez
10980	Armando Fimbres Jr.
10982	Lee Ventresca
10983	Thomas Low

### **Summary of Claims**

Crispina Reyes Garcia - Claimant claims in excess of \$25,000 (the jurisdictional amount for limited civil cases) and alleges a cow walked into the middle of the road on Lac Jac Ave. near Manning Ave. and they were unable to avoid a collision with the cow, which was the proximate cause of claimant's injuries and damages. Claimant is represented by attorney Patricia Mamac. This incident is alleged to have occurred in District 4.

Christian Quezada - Claimant claims \$103,664 and alleges a hazardous condition of sidewalk caused the claimant to fall from their skateboard near 811 DeWitt Avenue Sanger, CA, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Andres Arango. This incident does not involve the County of Fresno because it is alleged to have occurred in the City of Sanger.

Emily Perez Garcia - Claimant claims in excess of \$25,000 (the jurisdictional amount for limited civil cases) and alleges a police officer ran a red light at the intersection of Shaw and 168 Freeway resulting in a two-vehicle accident, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Michael Chaloupka. This incident does not involve the County of Fresno because it is alleged to have involved a City of Clovis police officer.

Alicia Chavez - Claimant claims \$1,000,000 and alleges they were walking in a cross walk near 5th and Lolita Street in Mendota, CA when they were hit by a car, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Erica Esquivel. This incident does not involve the County of Fresno because it is alleged to have occurred in the City of Mendota.

Albert Azevedo Jr. and a Minor - Claimants claim in excess of \$1,000,000 and allege a hazardous condition of sidewalk resulted in the claimant tripping and falling while pushing a stroller near 6901 N. Maple Avenue Fresno, CA, which was the proximate cause of the claimants' injuries. Claimants are represented by attorney Patricia Mamac. This incident does not involve the County of Fresno because it is alleged to have occurred in the City of Fresno.

Chi Thanh Ngo - Claimant claims in excess of \$25,000 (the jurisdictional amount for limited civil cases) and alleges Sheriff deputies performed a wrongful search and seizure of claimant and have failed to return their property and money, which was the proximate cause of the claimant's damages. Claimant is represented by attorney Mark Coleman. This incident is alleged to have occurred in District 1.

Anirudh Chowdhry - Claimant claims in excess of \$25,000 (the jurisdictional amount for limited civil claims)

and alleges they were wrongfully terminated from their position with FCERA, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Elisa Stewart. This incident is alleged to have occurred in District 2.

Vanessa Grogan Heir and Successor in Interest to Decedent Analiea Alvarez - Claimant claims \$10,000,000 and alleges a hazardous condition of road on State Route 180 near Alta Avenue resulted in a vehicle accident that led to the death of the claimant's daughter, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney June Kim. This incident does not involve the County of Fresno because it is alleged to have occurred in Caltrans jurisdiction.

Armando Fimbres Jr. - Claimant claims \$500,000 and alleges they were sexually assaulted while in the jail, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Michael McKneely. This incident is alleged to have occurred in District 3.

Lee Ventresca - Claimant claims in excess of \$1,000,000 and alleges a hazardous condition of sidewalk near 1038 E. Yale Avenue Fresno, CA resulted in a trip and fall, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Raymond Ghermezian. This incident does not involve the County of Fresno because it is alleged to have occurred in the City of Fresno.

Thomas Low - Claimant claims in excess of \$25,000 (the jurisdictional amount for limited civil cases) and alleges a hazardous condition in a parking lot located at 1867 E. Dakota Avenue Fresno, CA which resulted in the claimant falling off their skateboard, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Garrett May. This incident does not involve the County of Fresno because it is alleged to have occurred in the City of Fresno.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (11)

CAO ANALYST:

Paige Benavides