



# Board Agenda Item 50

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DATE: December 17, 2024

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>
11042	Franicher Raley
11253	Henry OBO Two minors and Robert Broyles III
11263	Dawn Bain
11267	Jonathan Luque
11274	Carl Morgan
11275	Natasha Harrison and A minor
11276	Luz Cubillos
11278	Roberto Martinez Ramirez
11281	Leah Alvarez
11286	Mayra Garcia
11290	Alejandro Esquivel-Bahena

### Summary of Claims

Franicher Raley - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges while they worked at the downtown Courthouse the soil and groundwater below building contained high levels of Benzene and posed a risk to claimant, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Warren Paboojian. This incident is alleged to have occurred in District 3.

Henry OBO Two minors and Robert Broyles III - Both minors each claim in excess of \$35,000 (the jurisdictional amount for limited civil cases) and they allege the death of their mother was caused by law enforcement who was in a high-speed vehicle pursuit with a third-party vehicle that struck their mother, which was the proximate cause of the claimant's injuries. Claimant Robert Broyles III claims \$15,000,000 and alleges he was a pedestrian at Cary Park and was struck by a third-party vehicle that was evading arrest from law enforcement, which was the proximate cause of the claimant's injuries. The two minors are represented by attorney Megan Koster. Claimant Robert Broyles III is represented by attorney Daniel Stefanic. This incident does not involve the County of Fresno because it is alleged to have involved the City of Fresno Police Department.

Dawn Bain - Claimant claims an unspecified amount and alleges she struck a wire leading out from an electric pole to the sidewalk near the intersection of Peralta Avenue and Blackstone Avenue, Fresno, CA, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney John Ye. This incident does not involve the County of Fresno because it is alleged to have occurred in the jurisdiction of the City of Fresno.

Jonathan Luque - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges the negligence and failure to properly inspect the safety of the crosswalk at the intersection of E. Barstow Avenue and N. First Street, Fresno, CA, resulted in him being hit by a vehicle, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Alan Blanco. This incident does not involve the County of Fresno because it is alleged to have occurred in the jurisdiction of the City of Fresno.

Carl Morgan - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges he was exercising his first amendment rights at the Department of Social Services Building 1 location when two security officers assaulted him and violated his constitutional rights, 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 5.

Natasha Harrison and A minor - Claimant Natasha Harrison claims \$1,000,000 and the minor claims an unspecified amount, and they allege the Department of Social Services rehomed the minor in an unsafe home, which was the proximate cause of claimant's injuries. Claimant Natasha Harrison, who is the aunt of the minor, alleges her rights were violated because her petition for appointment of guardianship of the minor was denied. Claimants are not represented by an attorney. This incident is alleged to have occurred in District 3.

Luz Cubillos - Claimant claims \$100,000 and alleges a hazardous condition of a sidewalk at or near 330 S. Argyle Avenue, Fresno, CA 93727, resulted in a slip and fall, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Joe Nazarian. This incident does not involve the County of Fresno because it is alleged to have occurred in the jurisdiction of the City of Fresno.

Robert Martinez Ramirez - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges he came to a complete stop due to traffic and was rear-ended by a Fresno Police vehicle, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Elliot Eslamboly. This incident does not involve the County of Fresno because it is alleged to have involved the City of Fresno Police Department.

Leah Alvarez - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges a hazardous condition of a floor of the Fresno County Courthouse resulted in a slip and fall, which was the proximate cause of the claimant's injuries. Fresno County Courthouse is part of the County's jurisdiction, but the County is not responsible for the maintenance of the courthouse. Claimant is not represented by an attorney. This incident is alleged to have occurred in District 3.

Mayra Garcia - Claimant claims \$100,000 and alleges a hazardous condition of a sidewalk at or near 129 E Elm Avenue, Coalinga CA 93210, resulted in a trip and fall, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Alan Blanco. This incident does not involve the County of Fresno because it is alleged to have occurred in the jurisdiction of the City of Coalinga.

Alejandro Esquivel-Bahena - Claimant claims \$64,000 and alleges two correctional officers assaulted him at the Fresno County Jail, 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.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions Rejecting Claims for Damages (12)

CAO ANALYST:

Ron Alexander