



Board Agenda Item 20

DATE: January 7, 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>
11283	A Minor
11298	Sandra Virgen
11308	Delilah Marroquin
11309	Kary Marshall
11311	Amari Goosby
11315	Joshua Stonehouse

Summary of Claims

A Minor - Claimant claims an unspecified amount and alleges the minor, who has disabilities, requested to call his mother multiple times because he was experiencing emotional distress, and Fugman Elementary School staff declined each request, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Shanon Trygstad. This incident does not involve the County of Fresno because it is alleged to have occurred in the jurisdiction of Clovis Unified School District.

Sandra Virgen - Claimant claims \$1,500,000 and alleges there were malfunctioning traffic lights at the intersection of Chestnut and McKinley avenues, Fresno, CA, resulting in an auto accident, which was the proximate cause of the claimant's injuries. Claimant is not represented by an attorney. This incident does not involve the County of Fresno because it is alleged to have occurred in the jurisdiction of the City of Fresno.

Delilah Marroquin - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges a hazardous condition near a construction zone at or near Highway 99 and N. Golden State Boulevard, Fresno, CA, resulted in an auto accident, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Megan Koster. This incident does not involve the County of Fresno because it is alleged to have occurred in Caltrans jurisdiction.

Kary Marshall - Claimant claims \$1,000,000 and alleges a hazardous condition at or near 545 N. Parkway Drive, Fresno, CA 93728, caused claimant to step on a metal rod, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Sayan Aboudi. This incident does not involve the County of Fresno because it is alleged to have occurred in the jurisdiction of the City of Fresno.

Amari Goosby - Claimant claims \$25,000,000 and alleges a hazardous condition at the intersection of Clinton and Brawley avenues, Fresno, CA, resulted in claimant being struck by a vehicle, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Scott Aval. This incident does not involve the County of Fresno because it is alleged to have occurred in the jurisdiction of the City of Fresno.

Joshua Stonehouse - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges wrongful termination of employment by the County of Fresno, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Roger Bonakdar. 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 (6)

CAO ANALYST:

Paige Benavides