



# Board Agenda Item 36

DATE: October 31, 2017

TO: Board of Supervisors

SUBMITTED BY: Paul Nerland, Director of Human Resources

SUBJECT: Resolutions Rejecting Claims for Damages

RECOMMENDED ACTION(S):

**Approve Resolutions Rejecting Claims for Damages.**

ALTERNATIVE ACTION:

The Board could choose not to approve the Department of Human Resources' recommendations.

FISCAL IMPACT:

Payment of claims and the cost of defending claims are charged to the Risk Management Internal Services Fund. The Fund is supported by annual budgetary contributions based on actuarial projections.

DISCUSSION:

Your 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 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 Tort Claims Act by claimants. The Committee 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 your 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 and rejection for each claim is recommended.

| <u>Claimant No.:</u> | <u>Claimant(s)</u>                                      |
|----------------------|---------------------------------------------------------|
| 9719                 | Janice, Aaron and Randall Lee                           |
| 9722                 | Rudolph Kriegler                                        |
| 9752                 | Pacific Gas & Electric Company                          |
| 9759                 | Saerna Law                                              |
| 9760                 | National Subrogation Services as Subrogee for CVIN, LLC |
| 9761                 | Risico as Subrogee for Dalain Medina                    |
| 9762                 | Ashleigh Cavey                                          |
| 9763                 | Brandon Whitfield                                       |

Summary of Claims

Janice, Aaron and Randall Lee - Claim \$1,500,000 and allege a Fresno County Sheriff's Sergeant failed to yield the right of way and caused an auto collision, which is the proximate cause of the claimant's injuries/damages. The collision occurred at the intersection of Olive and Hayes Avenues in Fresno County. Claimants are represented by Attorney, Timothy Mazzela.

Rudolph Kriegler - Claims \$115,000 and alleges error and omission by the Fresno County Public Administrator's Office that led to the financial loss of his brother's estate, which is the proximate cause of the claimant's damages. The claimant alleges he did not get a full accounting of his brother's estate, which led to a loss in compensation. Claimant is not represented.

Pacific Gas & Electric Company - Claims \$5,568.89 and alleges a County Road Equipment Operator II backed into a power pole owned by the claimant, which is the proximate cause of the claimant's damages. The investigation shows that the County employee did hit the power pole but the top of the pole was in such bad condition that it broke off from the top. Claimant is not represented.

Saerna Law - Claims \$6,000 and alleges lost property due to the Fresno County Jail losing her belongings while incarcerated, which is the proximate cause of the claimant's damages. The investigation is ongoing. Claimant is not represented.

National Subrogation Services as Subrogee for CVIN, LLC - Claims \$16,708.63 and alleges property damage to some of its conduit cables, which is the proximate cause of the claimant's damages. The claimant states that a City of Fresno contracted worker was digging and struck the conduit cables. The incident is not the County's jurisdiction; allegations are against the City of Fresno. Claimant is not represented.

Risico as Subrogee for Dalain Medina - Claims within Unlimited Civil Court Limits and alleges a Fresno County Sheriff's Deputy backed into the claimant's car in the Multi-Agency Gang Enforcement Consortium parking lot, which is the proximate cause of the claimant's bodily injuries. Claimant is not represented.

Ashleigh Cavey- Claims \$250,000 and alleges a Fresno County employee fell asleep while driving and hit the claimant's vehicle, which is the proximate cause of the claimant's bodily injuries. The alleged at-fault driver is not employed by the County of Fresno. Claimant is represented by Attorney, Daniel Johnson.

Brandon Whitfield- Claims \$250,000 and alleges excessive force by Fresno County Sheriff's Deputies, which is the proximate cause of the claimant's bodily injuries. The only force used was to deescalate the situation whereby the claimant was assaulting a deputy and not listening to orders that were being given to him. There is a criminal case against the claimant for the assault on the deputy. Claimant is not represented.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (8)

CAO ANALYST:

Sonia De La Rosa