



Board Agenda Item 35

DATE: August 4, 2020

TO: Board of Supervisors

SUBMITTED BY: Paul Nerland, 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 a rejection recommendation. If the claim is in the County's jurisdiction, the Summary of Claims denotes the affected supervisorial district.

ALTERNATIVE ACTION:

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

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. 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 based on actuarial projections.

DISCUSSION:

The 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 the 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 CRC 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 the 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 below and rejection for each claim is recommended.

<u>Claimant No.:</u>	<u>Claimant(s)</u>
10265	Rosemary Hinojosa Mullins as GAL for A Minor
10271	Marlene Riofrio
10272	John Daughtrey
10274	Kayla Rathjens
10279	Patricia and Alma Rodriguez, Concepcion Mena and 2 Minors
10280	Mary, Herman and Darnel Thompson

Summary of Claims

Rosemary Hinojosa Mullins as GAL for A Minor - Claims within Unlimited Civil Court Limits and alleges excessive force by Sheriff's Deputies that resulted in the death of the claimant's father, which is the proximate cause of the claimant's injuries and damages. The claimant's father had illegally entered the auto dismantling shop and was thought to be armed. The claimant's father had refused Deputies orders. Claimant is represented by Attorney, Nicholas Wagner. The location of this incident is in District 1.

Marlene Riofrio - Claims within Unlimited Civil Court Limits and alleges a trip and fall, hazardous condition of the sidewalk on 777 E. Olive Avenue in Fresno, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Sean Cook. This incident did not involve the County of Fresno.

John Daughtrey - Claims within Unlimited Civil Court Limits and alleges negligent care by medical staff and correctional officers while incarcerated in the Fresno County Jail, which is the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Kevin Little. This claim was tendered to Wellpath on June 8, 2020. The location of this incident is in District 3.

Kayla Rathjens - Claims within Unlimited Civil Court Limits and alleges Sheriff's Deputies were chasing another vehicle on Clinton and West Avenues when the evading suspect's vehicle hit the claimant's vehicle, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Nathan Miller. This incident did not involve the County of Fresno.

Patricia and Alma Rodriguez, Concepcion Mena and 2 Minors - Claim within Unlimited Civil Court Limits and allege a hazardous condition of the property at 94 E. Sussex Way, that resulted in the death of one of the claimants after a fire at the residence, which is the proximate cause of the claimants' injuries and damages. Claimants are represented by Attorney, Sarwinder Dharjian. The location of this incident is in District 2.

Mary, Herman and Darnel Thompson - Claim within Unlimited Civil Court Limits and alleges the County of Fresno negligently owned, operated and supervised the Union Pacific Train and its conductor at the time of the incident that resulted in the death of one of the claimants, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, James Bergener. This incident did not involve the County of Fresno.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (6)

CAO ANALYST:

Yussel Zalapa