



# Board Agenda Item 37

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DATE: March 19, 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 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>
11029	A Minor
11030	Brian Lee Davis
11033	Rachael Salazar
11035	Rebecca Vivenzi and 4 Minors
11038	Nick Mercado Jr.
11039	Talmage Robinson
11040	Ronald Lillard
11042	James Ardaiz, Pamella Ardaiz, and Ernest Duran
11043	Norma Martin
11045	Ma Dolores Cruz De Cornejo
11047	David Douglas
11048	Lisa DeGunya
11049	Klassen Corporation

### **Summary of Claims**

A Minor - Claimant claims in excess of \$1,000,000 and alleges the minor was unsupervised on the playground during school resulting in the minor breaking their arm, which was the proximate cause of claimant's injuries. Claimant is represented by attorney Hovannes Stepanian. This incident does not involve the County of Fresno because it is alleged to have involved Washington Unified School District.

Brian Lee Davis - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges a hazardous condition of road at the intersection of Dudley and Valentine avenues, Fresno, CA resulted in a pedestrian v. vehicle accident where the claimant was pronounced deceased, which was the proximate cause of the claimants' injuries. Claimant is represented by attorney Anita Keshishyan. This incident is alleged to have occurred in District 1.

Rachael Salazar - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges a hazardous condition of sidewalk located at Buchanan High School in Clovis, CA resulted in a trip and fall, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Jessica Behmanesh. This incident is alleged to have occurred in District 2.

Rebecca Vivenzi and 4 Minors - Claimants all claim in excess of \$35,000 (the jurisdictional amount for limited civil cases) and allege the principal at Quail Lake Charter School has created a toxic and unsafe learning environment, which was the proximate cause of the claimants' injuries. Claimants are not represented by an attorney. This incident does not involve the County of Fresno because it is alleged to have involved Sanger Unified School District.

Nick Mercado Jr. - Claimant claims \$1,000,000 and alleges Fresno County Correctional Officers failed to correctly classify and protect claimant which resulted in the claimant being assaulted by other inmates, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Eric Escamilla. This incident is alleged to have occurred in District 3.

Talmage Robinson - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges he was approached by unidentified law enforcement officers at or near First and Clinton Avenues who used excessive force on the claimant, 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 involved the City of Fresno Police Department.

Ronald Lillard - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges they slipped in water due to a water leak from a washing machine inside their house, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Maria Gomez. This incident does not involve the County of Fresno because it is alleged to have occurred within a Fresno Housing Authority building.

James Ardaiz, Pamela Ardaiz, and Ernest Duran - Claimants all claim in excess of \$35,000 (the jurisdictional amount for limited civil cases) and allege that while working at the downtown Courthouse the soil and groundwater below the building contained high levels of Benzene that posed a risk to claimants, which was the proximate cause of the claimants' injuries. Claimants are represented by attorney Warren Paboojian. This incident is alleged to have occurred in District 3.

Norma Martin - Claimant claims \$100,000,000 and alleges a hazardous condition of sidewalk at or near 6192 N. Carnegie Ave., Fresno, CA resulted in a trip and fall, which was the proximate cause of the claimant's injuries. Claimant is represented by law firm Downtown LA Law Group. This incident does not involve the County of Fresno because it is alleged to have occurred in the City of Fresno.

Ma Dolores Cruz De Cornejo - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges a Fresno City Firetruck was travelling behind her and rearended her as she was trying to merge left, which was the proximate cause of the claimant's injuries and damages. Claimant is represented by attorney Daniel Carter. This incident does not involve the County of Fresno because it is alleged to have involved a Fresno City fire truck.

David Douglas - Claimant claims \$100,000,000 and alleges they were a passenger on a bus when the bus was operated in an unsafe manner and collided with another vehicle, which was the proximate cause of the claimant's injuries. Claimant is represented by law firm Downtown LA Law Group. This incident does not involve the County of Fresno because it is alleged to have involved a bus and the County does not operate any buses.

Lisa DeGunya - Claimant claims \$90,000,000 and alleges her and her children were neglected, trafficked and harassed on fraudulent orders, 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.

Klassen Corporation - Claimant claims \$2,253,065.22 and alleges monetary loss due to breach of contract for construction on a Sheriff Substation, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Nicholas Street. This incident is alleged to have occurred in District 2.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (13)

CAO ANALYST:

Salvador Espino