



# Board Agenda Item 37

DATE: August 9, 2016

TO: Board of Supervisors

SUBMITTED BY: Paul Nerland, Director of Human Resources

SUBJECT: Approve Resolutions Rejecting Claims for Damages

## RECOMMENDED ACTIONS:

- 1. Approve Resolutions Rejecting Claims for Damages.**
- 2. Approve Resolution Rejecting Applications for Leave to Present a Late Claim.**

## 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 of the Claims Review Committee (CRC). The CRC considers various claims 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>
9473	Janice Hormel
9519	Juan Manzano
9532	Gricelda Cortes Mendoza and Gregorio and David Cantu
9534	Santana Sandoval and Julian Barba
9538	John Stout, Tiffany Stout and Martha Richardson for the Estate of Dana Jeanean Stout
9539	Abdi Sharifeh
9539	Saed Davoudi
MM16-0001	Juan Rios

**Application for Leave to Present a Late Claim for Damages**

<u>Claimant No.:</u>	<u>Claimant</u>
9495	Denise Martin
9525	Marian Farms

**Summary of Claims**

Janice Hormel - Claims \$10,000 and alleges an Ag Standards Specialist from the Department of Agriculture, driving a County vehicle, hit the claimant's car on December 15, 2015, which is the proximate cause of the claimant's bodily injuries/damages. The location of this accident was on Manning and Frankwood Avenues in Fresno County. The County employee's vehicle was rear-ended by another vehicle, pushing it into the claimant's vehicle. Claimant is represented by Attorney Justin Harris.

Juan Manzano - Claims Unlimited Civil and alleges the Fresno County District Attorney's Office failed to return the claimant's property (beehives) after his appeal was dismissed on or about April 4, 2016, which is the proximate cause of the claimant's loss of income and property Claimant is represented by Attorney Jeff Reich.

Gricelda Cortes Mendoza and Gregorio and David Cantu - Claim Unlimited Civil and allege a hazardous condition of the roadway on December 14, 2015, caused the death of their husband/father, which is the proximate cause of the claimant's injuries/damages. The location of this accident was on Academy and Rose Avenues in Fresno County. Claimants are represented by Attorney James Otto Heiting.

Santana Sandoval and Julian Barba, Minors - Claim Unlimited Civil and allege a hazardous condition of the roadway caused a vehicle versus pedestrian accident on West McKinley and Teilman Avenues on December 16, 2015. The claimants, both minors, were crossing the street in a marked crosswalk when a vehicle struck one of the claimants, which is the proximate cause of the claimants' emotional distress and bodily injuries. The accident occurred in the City of Fresno. Fresno County has no jurisdiction over this location. Claimants are represented by Attorney Harmandeep Kaur.

John Stout, Tiffany Stout and Martha Richardson for the Estate of Dana Jeanean Stout - Claim Unlimited Civil and allege a hazardous condition of the roadway caused a vehicle to strike a pedestrian, which is the proximate cause of the pedestrian's fatal injuries on December 17, 2015. The accident occurred on Bullard Avenue, north of Villa Avenue which is in the City of Clovis. Fresno County has no jurisdiction over this location. Claimants are represented by Attorney Philip Aman.

Abdi Sharifeh - Claims Unlimited Civil and alleges a hazardous condition of the roadway at Manning and Clovis Avenues, which resulted in a vehicle accident on March 31, 2016. This vehicle accident was the proximate cause of fatal injuries to claimant's daughter. The location of this accident is in Fresno County. Claimant is represented by Attorney Brian Andrews.

Saed Davoudi - Claims Unlimited Civil and alleges a hazardous condition of the roadway at Manning and Clovis Avenues, which resulted in a vehicle accident on March 31, 2016. This vehicle accident was the proximate cause of fatal injuries to the claimant's daughter. The location of this accident is in Fresno County. Claimant is represented by Attorney Brian Andrews.

Juan Rios - Claims \$13,167.63. The claimant alleges negligent standard of medical care for his son by the staff at the Fresno County Jail on April 8, 2016, which resulted in his son's death. Claimant alleges while his son was incarcerated he did not receive proper medical treatment, which is the proximate cause of the claimant's son's injuries/damages. The infirmary is handled by Corizon Health, Inc. The County tendered the claim to Corizon on July 6, 2016. Claimant is not represented.

**Summary of Applications for Leave to Present a Late Claim**

Denise Martin - Claims \$8,000. This is a Leave to Present a Late Claim for Damages. The claimant alleges she was

retaliated against during her employment with the Department of Behavioral Health, which led to her emotional distress. The claimant states she was not aware that she could file a claim against the County of Fresno. Claimant is not represented.

Marian Farms - Claims \$750. This is a Leave to Present a Late Claim for Damages. The claimant alleges an Agriculture Field Aide from the Department of Agriculture backed into an irrigation standpipe on the claimant's property. The claimant states they were not aware of the incident until a year later. Claimant is not represented.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (10)

CAO ANALYST:

Sonia De La Rosa