



Board Agenda Item 23

DATE: February 7, 2017

TO: Board of Supervisors

SUBMITTED BY: Paul Nerland, Director of Human Resources

SUBJECT: Approve Resolutions Rejecting Claims for Damages

RECOMMENDED ACTION(S):

- 1. Approve Resolutions Rejecting Claims for Damages.**
- 2. Approve Resolutions 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 by 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>
9573	Eliza Cervantes & Ray Bernal
9594	Archie Castellano
9601	Jess Lopez
9602	Glen Webster
9612	Jesus Flores
9613	Terry Gillian
MM16-0002	Phillip Long

Applications for Leave to Present a Late Claim for Damages

<u>Claimant No.:</u>	<u>Claimant(s)</u>
9603	Stacy Brodehl
9609	Talmage Robinson

Summary of Claims

Eliza Cervantes and Ray Bernal - Claim within Unlimited Civil Court Limits and allege the County did not provide their child with the treatment she needed while incarcerated at the Juvenile Justice Campus, resulting in her death, which is the proximate cause of damages. The claimants allege their daughter sustained pain and suffering and that they lost the comfort, society, potential love and support from their daughter. Claimants are represented by Attorney, John Burton.

Archie Castellano - Claims \$250,000 and alleges excessive force by Fresno County Sheriff Deputies while incarcerated in the County Jail, which is the proximate cause of injuries/damages. Claimant is not represented.

Jess Lopez - Claims \$2,000,000 and alleges excessive force by Fresno County Sheriff Deputies while in the booking area at the County Jail causing bodily injuries, which is the proximate cause of injuries/damages. Claimant is not represented.

Glen Webster - Claims \$11,000 and alleges an employee of the Department of Agriculture sprayed poison that killed his service dog, which is the proximate cause of damages. The claimant was told by the employee that the chemical should not harm animals. Claimant is not represented.

Jesus Flores - Claims \$250,000 and alleges excessive force by a Fresno County Sheriff Deputy while incarcerated in the County Jail that caused bodily injuries and emotional distress, which is the proximate cause of injuries/damages. Claimant is not represented.

Terry Gillian - Claims within Unlimited Civil Court Limits and alleges a hazardous condition of the roadway at the intersection of Woodson and Locust Avenues. The claimant was jogging when he claims a Fresno County employee waived him through the intersection and he fell in a ditch causing bodily injuries, which is the proximate cause of the claimant's injuries/damages. Claimant is represented by Attorney, Daniel Baradat.

Phillip Long - Claims \$175,250 and alleges medical neglect in the Fresno County Jail by Corizon that caused him pain and suffering, which is the proximate cause of his bodily injuries. This claim was tendered to Corizon on December 9, 2016. Claimant is not represented.

Summary of Applications for Leave to Present a Late Claim

Stacy Brodehl - Claims \$4,352. This is a Leave to Present a Late Claim for Damages. The claimant alleges Fresno County and the Courts kept her in jail 17 days too long and caused the claimant economic and personal hardship, which was the proximate cause of her damages. The claimant states the claim was late because she was notified by her attorney in November that this restitution was available to her. Claimant is not represented.

Talmage Robinson - Claims \$125,000. This is a Leave to Present a Late Claim for Damages. The claimant alleges he was placed on a bunk in the Fresno County Jail, even though it was known to the officers that the claimant suffered from a medical condition which could cause him to fall. The claimant subsequently fell out of the bunk due to his medical condition, which was the proximate cause of his bodily injuries/damages. The claimant stated that his claim was filed timely but it was with the wrong reviewing authority. Claimant is not represented.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (9)

CAO ANALYST:
Sonia De La Rosa