



Board Agenda Item 38

DATE: April 25, 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>
9643	Jeffrey Rettinhouse
9644	Erik Hedstrom
9645	Burl Cox
9651	Erik Hedstrom
9652	Mercury Insurance as Subrogee for Ricky Krikorian
9654	Juanita Davila, Toamalama Scanlan and Tepatasi Scanlan
9658	Sharon Mack
9659	Julia Martinez
9662	Priscilla Zanatta
9664	Brian Gumm

9670
9671

Elaine Martinez
National General Insurance as Subrogee for Tria Vang

Summary of Claims

Jeffrey Rettinhouse - Claims \$6,837.30 and alleges a hazardous condition of the road at Clinton and Milburn Avenues. The claimant alleges a stop sign was not repaired and resulted in a traffic collision, which was the proximate cause of the claimant's injuries/damages. The location of this accident is not under the jurisdiction of the County. Claimant is not represented.

Erik Hedstrom - Claims \$500,000 and alleges false arrest and damage to his house, which is the proximate cause of the claimant's injuries/damages. A concerned family member called the Fresno Sheriff's Office requesting a welfare check on the claimant's mother, who lives at the house with the claimant. The Sheriff's deputies had probable cause to enter the house as they asked the claimant multiple times to let them in to conduct the welfare check, which the claimant refused. Claimant is not represented.

Burl Cox - Claims \$15,000 and alleges excessive force by Fresno Sheriff's deputies while incarcerated in the Fresno County Jail, which is the proximate cause of the claimant's injuries/damages. Claimant is not represented.

Erik Hedstrom (same individual as listed above) - Claims \$100,000 and alleges Fresno Sheriff's Office falsified a crime report, failed to completely investigate, and arrest a suspect, which resulted in the claimant's emotional distress, pain, and suffering, which is the proximate cause of the claimant's damages. Claimant is not represented.

Mercury Insurance Group as Subrogee for Ricky Krikorian - Claims \$12,482.84 and alleges a hazardous condition due to negligent maintenance of a tree that fell and damaged their insured's vehicle, which is the proximate cause of the claimant's damages. Although County crews maintain the road, the trees are the responsibility of Pinedale Public Utility District and not under the jurisdiction of the County. Claimant is not represented.

Juanita Davila, Toamalama Scanlan and Tepatasi Scanlan - Claim within Unlimited Civil Court Limits and allege hazardous conditions at the Fresno County Jail, which was the proximate cause of injuries/damages to the claimants. The claimants' exclusive remedy for this claim is Workers' Compensation. Juanita Davila is represented by Attorney, Carolyn Cottrell. Claimants Toamalama Scanlan and Tepatasi Scanlan are not represented.

Sharon Mack - Claims within Unlimited Civil Court Limits and alleges a hazardous condition of the sidewalk on North First Street and East Herndon Avenue. The claimant alleges she tripped and fell due to newsstand bolts protruding from the sidewalk, which was the proximate cause of the claimant's injuries. The sidewalk is under the jurisdiction of the City of Fresno and not under the jurisdiction of the County. Claimant is represented by Attorney, Paloma Carrero.

Julia Martinez - Claims \$10,000 and alleges excessive force by Fresno Sheriff's deputies, which is the proximate cause of the claimant's injuries/damages. Claimant is not represented.

Priscilla Zanatta - Claims within Unlimited Civil Court Limits and alleges a hazardous condition at the Pacific Gardens Apartments on Kings Canyon Road. The claimant alleges the Fresno Housing Authority (FHA) failed to maintain the property resulting in a tree branch falling on her, which is the proximate cause of the claimant's injuries/damages. The FHA is not under the jurisdiction of the County. Claimant is represented by Attorney, Dean Hiyama.

Brian Gumm - Claims \$300,000 and alleges a Fresno Sheriff's deputy was traveling at an unsafe speed and rear-ended the claimant's vehicle, which is the proximate cause of the claimant's injuries/damages. Claimant is represented by Attorney, Timothy Mazzela.

Elaine Martinez - Claims within Unlimited Civil Court Limits and alleges negligent maintenance of a sidewalk on North 2nd Street in Fresno. The claimant alleges a protruding tree root on the sidewalk caused her to trip and fall, which is the proximate cause of the claimant's injuries. The sidewalk is under the jurisdiction of the City of Fresno and not under the jurisdiction of the County. Claimant is represented by Attorney, Abraham Dervishian.

National General Insurance as Subrogee for Tria Vang - Claims \$6,743.84 and alleges a County employee failed to

yield the right of way causing damage to their insured's vehicle, which was the proximate cause of the claimant's damages. The alleged driver is not a County employee. Claimant is not represented.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (12)

CAO ANALYST:

Sonia De La Rosa