



# Board Agenda Item 41

DATE: June 6, 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>
9637	American National Insurance as Subrogee for Michael Colby
9644	Diane Hedstrom
9653	Christine Austin
9674	Anthony and Paula Capozzi
9678	Abraham Kendoyan on Behalf of his son
9687	Laila Benavidez
MM17-0001	Raul Torres

### **Summary of Claims**

American National Insurance as Subrogee for Michael Colby - Claims \$13,394.20 and alleges a malfunctioning traffic signal on Palm and Gettysburg Avenues caused a collision that involved their insured's vehicle, which is the proximate cause of damages. The traffic signal is maintained by the City of Fresno. Claimant is not represented.

Diane Hedstrom - Claims \$500,000 and alleges an illegal break-in and damage to her house, which is the proximate cause of the claimant's damages. A concerned family member called the Fresno Sheriff's Office requesting a welfare check on the claimant. The Sheriff's deputies had probable cause to enter the house as they asked the claimant's son multiple times to let them in to conduct a welfare check on the claimant, which the claimant's son refused. Claimant is not represented.

Christine Austin - Claims within Unlimited Civil Court Limits and alleges harassment, discrimination, and retaliation that resulted in the loss of her job in the District Attorney's Office as an Extra-Help law clerk, which is the proximate cause of the claimant's injuries/damages. Claimant is not represented.

Anthony and Paula Capozzi - Claim within Unlimited Civil Court Limits and allege a premature and unfounded press release by the Fresno Sheriff's Office caused damage to their reputation, emotional stress, and loss of economic opportunities, which is the proximate cause of the claimants' injuries/damages. Claimants are represented by Attorney, Kevin G. Little.

Abraham Kendoyan on Behalf of his son - Claims \$5,000,000 and alleges insufficient supervision at the Central Valley Training Center resulted in his son being assaulted, which is the proximate cause of the claimant's injuries/damages. Central Valley Training Center is not under the jurisdiction of the County. Claimant is represented by Attorney, Christopher Dolan.

Laila Benavidez - Claims within Unlimited Civil Court Limits and alleges a hazardous condition of the roadway on Tulare Avenue and 7th Street in the City of Fresno caused her to be struck by a car while crossing the street, which is the proximate cause of claimant's injuries/damages. The location of this incident is not under the jurisdiction of the County. Claimant is represented by Attorney, Diem T. Tran.

Raul Torres - Claims \$1,000,000 and alleges negligent treatment by the Corizon medical staff, while incarcerated in the Fresno County Jail, which is the proximate cause of the claimant's bodily injuries. The claim was tendered to Corizon on April 10, 2017. Claimant is not represented.

### **ATTACHMENTS INCLUDED AND/OR ON FILE:**

On file with Clerk - Resolutions (7)

### **CAO ANALYST:**

Sonia De La Rosa