



# Board Agenda Item 42

DATE: September 26, 2017

TO: Board of Supervisors

SUBMITTED BY: Paul Nerland, Director of Human Resources

SUBJECT: 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 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>
9664	Michael Lay
9735	Kathy De Anda-Soliz
9742	Shannon White
9743	Laura Gomez
9744	Farshad Oreizi
9750	Kelly Duley
9754	Paul Meza
MM17-0003	Michael Whitfield

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

<u>Claimant No.:</u>	<u>Claimant(s)</u>
9721	Mark Montano
9727	Kathryn Blodgett

**Summary of Claims**

Michael Lay - Claims \$30,000 and alleges a Fresno County Sheriff's deputy was traveling at an unsafe speed and rear-ended the claimant's vehicle on Whitesbridge and Chateau Avenues, which is the proximate cause of damages. Supporting documents have been requested from the claimant and have not been received to date. Claimant is not represented.

Kathy De Anda-Soliz - Claims \$7,500 and alleges property damage to her sewer line caused by tree roots that the claimant alleges should have been maintained by the County of Fresno on Del Mar Avenue, which is the proximate cause of damages. The County does not own or maintain the trees on this property; it is the responsibility of the property owner. Claimant is not represented.

Shannon White - Claims \$25,000 and alleges excessive force by Fresno City police officers during an arrest, which is the proximate cause of the claimant's injuries/damages. The incident is not the County's jurisdiction, as it did not involve County employees. Claimant is not represented.

Laura Gomez - Claims \$2,000,000 and alleges excessive force by Fresno County Sheriff's deputies which resulted in her son's shooting death, which is the proximate cause of the claimant's injuries. The claimant is not represented.

Farshad Oreizi - Claims \$1,500,000 and alleges discrimination and retaliation during his employment as a Supervising Agricultural Standards Specialist in the Department of Agriculture, which is the proximate cause of the claimant's injuries/damages. The employee no longer works for Fresno County. Claimant is represented by Attorney, Peter Sean Bradley.

Kelly Duley - Claims \$750,000,000 and alleges obstruction of justice and abuse by the District Attorney's Office that resulted in false imprisonment, which is the proximate cause of claimant's injuries/damages. Claimant is not represented.

Paul Meza - Claims within Unlimited Civil Court Limits and alleges Fresno County Sheriff's deputies an inaction to accommodate his disability that led to a fall, which is the proximate cause of the claimant's injuries. The claimant alleges he was being restrained in leg shackles with no regard for his disability. Claimant is not represented.

Michael Whitfield - Claims \$600,000 and alleges negligent treatment by medical staff at the Fresno County Jail that resulted in high blood pressure and mental anguish, which is the proximate cause of the claimant's injuries. The claim was tendered to Corizon Health, Inc. on July 31, 2017. Claimant is not represented.

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

Mark Montano - Claims \$24,000. This is a Leave to Present a Late Claim for Damages. The claimant alleges excessive force by Correctional Officers during a medical emergency while incarcerated in the Fresno County Jail, which is the proximate cause of the claimant's injuries. The claimant further alleges that the jail lacks resources to properly address the medical needs of inmates. The claimant alleges he was incarcerated resulting in a lack of resources to file the claim in a timely manner. Claimant is not represented.

Kathryn Blodgett - Claims \$75,000. This is a Leave to Present a Late Claim for Damages. The claimant alleges financial loss due to Public Administrator's Office employees stealing money and items from her brother's estate, which is the proximate cause of the claimant's damages. The investigation is ongoing. The claimant alleges she was late filing the claim because she is dealing with her own health problems and did not know there was a deadline to file. Claimant is not represented.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (10)

CAO ANALYST:

Sonia De La Rosa