



Board Agenda Item 39

DATE: September 25, 2018

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.

Following the review committee, submitted claims are presented to your Board with a rejection recommendation. If the claim is in the County's jurisdiction, the Summary of Claims denotes the affected supervisorial district.

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>
9818	Jacob Renshaw
9920	Yanet Torres Ortiz
9922	Omar and Roberto Perez, Jose Santiago and Veronica Ordaz Gonzalez

9923	Jasbir Singh and a minor
9932	Jesus Sanchez
9934	Maria Barragan, Connie Vega, Maria De La Riva and Vivian Gutierrez
9938	Jaime Loza
9940	Matilde Castanon and Jose Garcia
9941	Ramiro Ortiz
9944	Alexander Concepcion III
9945	Billy Shaw
9952	Beverly Jorgenson
9954	Mike Tolmachoff
9955	Roberta Williams

Summary of Claims

Jacob Renshaw - Claims within Unlimited Civil Court Limits and alleges excessive force by Sheriff's Deputies while incarcerated in the Fresno County Jail, which is the proximate cause of the claimant's injuries. The claimant further alleges that Deputies failed to assist the claimant on to a raised area that contributed to a slip and fall in pretrial detainment. Claimant is not represented.

Yanet Torres Ortiz- Claims \$45,000 and alleges false detainment, which is the proximate cause of the claimant's injuries/damages. The claimant alleges ICE detained her and the Fresno County policy of ICE detainment should not be honored. Claimant is represented by Attorney, Yuli Kaplunovsky.

Omar and Roberto Perez, Jose Santiago and Veronica Ordaz Gonzalez - Claim within Unlimited Civil Court Limits. The claimants allege false arrest and detainment by Fresno County Sheriff's Deputies while at the claimants' residence in Fresno, which is the proximate cause of the claimants' injuries/damages. The claimants also allege that Sheriff's Deputies shot and killed their dog after it got loose and ran to the back of its home while the Deputies were searching the claimants' home. Claimants are represented by Attorney, Nolan Kane. The location of this incident is in District 3.

Jasbir Singh and a minor- Claim \$10,000,000 and allege the Social Services Department tried to intimidate the claimant's daughter during an interview, and that Social Services should have never placed his daughter in a foster home previously that led to her contracting medical issues, which is the proximate cause of the claimants' injuries/damages. Claimant is not represented.

Jesus Sanchez - Claims within Unlimited Civil Court Limits and alleges a Fresno County Sheriff's Deputy was under the influence, made a left turn in front of the claimant and caused a vehicle collision on SR 41 and Road 200, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Jesse Fretwell. The location of this incident is in District 5.

Maria Barragan, Connie Vega, Maria De La Riva and Vivian Gutierrez - Claim within Unlimited Civil Court Limits. The claimants allege a dangerous condition of the roadway on Highland and Floral Avenues in Selma that resulted in their father's death, which is the proximate cause of the claimants' injuries. The location of this incident is not within the County's jurisdiction. Claimant is not represented. The location of this incident is in District 4.

Jaime Loza - Claims \$25,000 and alleges the Board of Supervisors, Sheriff's Deputies and Fresno County Security Officers humiliated him on national television while attending the Board meeting on August 7, 2018, which is the proximate cause of the claimant's injuries.

Matilde Castanon and Jose Garcia - Claim \$1,000,000 and allege a Fresno County employee ran a red light,

colliding with the claimants on SR 99 and Fresno Street, which is the proximate cause of the claimants' bodily injuries/damages. This incident did not involve a County employee. Claimants are represented by Attorney, Vy Nguyen. The location of this incident is in District 3.

Ramiro Ortiz - Claims \$8,686.70 and alleges Public Works Department workers were working with a compressor on the roads at 3382 E. Clinton Avenue which caused rocks to fly up and hit the claimant's vehicle, which is the proximate cause of the claimant's damages. Claimant is not represented. The location of this incident is in District 3.

Alexander Concepcion III - Claims within limited Civil Court Limits and alleges a Correctional Officer assaulted the claimant while he was incarcerated at the Fresno County Jail, which is the proximate cause of the claimant's injuries. Claimant is not represented.

Billy Shaw - Claims \$250,000 and alleges false imprisonment because he was held in jail over the 72-hour limit for new inmates, and during this time while he was in jail he was denied medications, which is the proximate cause of the claimant's injuries. The claim was tendered to California Forensic Medical Group on August 10, 2018. Claimant is not represented.

Beverly Jorgenson - Claims within Unlimited Civil Court Limits and alleges a hazardous condition as she was walking around the Fresno Fairgrounds when the heel of her shoe became caught in a dangerous and defective area causing her to fall, which is the proximate cause of the claimant's injuries. The claim was tendered to the 21st Ag District for handling. Claimant is represented by Attorney, Roger Bonahdar. The location of this incident is in District 3.

Mike Tolmachoff - Claims \$21,460 and alleges a dangerous condition of the roadway on the 24000 block of Mt. Whitney Avenue in Cantua Creek, which is the proximate cause of the claimant's property damages. Claimant is not represented. The location of this incident is in District 1.

Roberta Williams - Claims within Unlimited Civil Court Limits and alleges a dangerous condition of the roadway at 2888 S. Ivy Avenue after a vehicle she was a passenger in collided with another vehicle that failed to yield the right of way, which is the proximate cause of the claimant's injuries. The location of this incident is not within the County's jurisdiction. Claimant is represented by Attorney, Harmandeep Kaur. The location of this incident is in District 3.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (14)

CAO ANALYST:

Juan Lopez