



Board Agenda Item 38

DATE: November 6, 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>
9958	Waheed Adams
9964	Javier Fonseca
9967	David and Carolina Benatti Atwood and a Minor

9969
9970

Inderjit Singh
Jerald Williams

Summary of Claims

Waheed Adams - Claims \$61,000,000 and alleges excessive force by Correctional Officers while incarcerated in the Fresno County Jail, which is the proximate cause of the claimant's injuries. Claimant is not represented.

Javier Fonseca - Claims within Unlimited Civil Court Limits and alleges a hazardous condition of the roadway at the intersection of San Pablo and Vassar Avenues and failure by the County of Fresno to maintain the road. This resulted in a vehicle tire pop and the vehicle losing control and striking the claimant who was on the sidewalk, which is the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Michael Shemtaub. The location of this incident is in District 3.

David and Carolina Benatti Atwood and a Minor - Claim within Unlimited Civil Court Limits. The claimants allege a Civil Rights violation by the Department of Social Services for placing a hold on their child without probable cause, which is the proximate cause of the claimants' injuries/damages. Claimants are represented by Attorney, Paul Leehey.

Inderjit Singh - Claims \$60,000 and alleges the Fresno County Public Works Department did not put up any signs stating when North Avenue, where the claimant's business is located, will be re-opened or notifying the public that his business is still open, which is the proximate cause of the claimants' damages. Claimant is not represented. The location of this incident is in District 3.

Jerald Williams - Claims \$150,000 - \$350,000 and alleges excessive force by Correctional Officers while incarcerated in the Fresno County Jail and a failure to protect him from other inmates, which is the proximate cause of the claimant's injuries. Claimant is not represented.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (5)

CAO ANALYST:

Juan Lopez