



Board Agenda Item 31

DATE: August 6, 2019

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.**

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>
9882	Israel Martinez
10072	Anthony Toles
10077	Dennis Rhea
10081	Pacific Gas and Electric Company
10085	Jonathan Gonzales
10092	Edgar Torres Amador

Applications for Leave to Present a Late Claim for Damages

<u>Claimant No.:</u>	<u>Claimant(s)</u>
10063	Kelly Goad and a Minor
10070	Assistance League of Fresno

Summary of Claims

Israel Martinez - Claims Indemnity and Unlimited Civil Court Limits. The claimant alleges a Fresno County employee from the Library failed to stop at a red signal light on Clovis Avenue and Kings Canyon Road and rear-ended the claimant causing a chain reaction to occur with multiple vehicles, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Jane Randolph. The location of this incident is in District 5.

Anthony Toles - Claims within Unlimited Civil Court Limits and alleges a dangerous condition of the roadway on the northbound Fresno Street and eastbound Bullard crosswalk, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Harmandeep Kaur. The location of this incident is not within the County's jurisdiction.

Dennis Rhea - Claims within Unlimited Civil Court Limits and alleges a slip and fall due to a hazardous condition of the sidewalk on 6th Avenue Drive in Kingsburg, which is the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Scott Vanwagenen. The location of this incident is not within the County's jurisdiction.

Pacific Gas and Electric Company - Claim Indemnity and allege a hazardous condition of the roadway on Nebraska and Peach Avenues caused a vehicle collision that resulted in a death, which is the proximate cause of the claimants' damages. The claimants are named in a lawsuit filed by the decedent's family and PG&E is asking for indemnity by the County. Claimants are represented by Attorney, Steven Lamb. The location of this incident is located in District 4.

Jonathan Gonzales - Claims \$10,000,000 and alleges excessive force by inmates and Correctional Officers while incarcerated in the Fresno County jail, which is the proximate cause of the claimant's injuries. Claimant is not represented.

Edgar Torres Amador - Claims \$3,000,000 and alleges inadequate and improper medical care by jail staff while incarcerated in the Fresno County Jail, which is the proximate cause of the claimant's injuries. The claim was tendered to Wellpath on June 5, 2019. Claimant is represented by Attorney, Daniel L. Harralson.

Summary of Applications for Leave to Present a Late Claim

Kelly Goad and a Minor - Claim \$2,000,000. This is a Leave to Present a Late Claim for Damages. The claimants' allege a hazardous condition of the roadway at Siskyou and Church Avenues, which is the

proximate cause of the claimants' injuries and damages. The claimants Attorney states he filed a late claim because the claimants did not contact him for representation until the statute had lapsed. Claimants are represented by Attorney, Collin Jones. The location of this incident is in District 1.

Assistance League of Fresno- Claims \$25,000 and Indemnity. This is a Leave to Present a Late Claim for Damages. The claimants' allege an IHSS caregiver failed to properly care for an IHSS recipient who fell while browsing in the claimants' store, which is the proximate cause of the claimants' damages. The claimants are looking to the County of Fresno to pay for Attorney costs and potential judgements. The claimants Attorney cited the delayed discovery doctrine for the reason behind filing a late claim. Claimants are represented by Attorney, Leonard Herr. The location of this incident is in District 2. This does not involve a County of Fresno employee.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (8)

CAO ANALYST:

Debbie Paolinelli