



Legislation Details (With Text)

File #: 20-0020

On agenda: 2/4/2020

Final action: 2/4/2020

Enactment date:

Enactment #: Resolution No. 20-035 through Resolution No. 20-045

Title: Approve Resolutions Rejecting Claims for Damages

Attachments: 1. Agenda Item, 2. Resolution No. 20-035, 3. Resolution No. 20-036, 4. Resolution No. 20-037, 5. Resolution No. 20-038, 6. Resolution No. 20-039, 7. Resolution No. 20-040, 8. Resolution No. 20-041, 9. Resolution No. 20-042, 10. Resolution No. 20-043, 11. Resolution No. 20-044, 12. Resolution No. 20-045

Date	Ver.	Action By	Action	Result
2/4/2020	1	Board of Supervisors	Approved (Consent Agenda)	Pass

DATE: February 4, 2020

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.

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>
10159	Spartan Recoveries as Subrogee for National General Insurance
10160	Jerone Billingsly
10166	Michael Pitman
10170	Mario Berber Pimentel and Maria Zertuche
10172	Jacqueline Alvarez
10175	Sheila Reese
10176	Eric Foster
10179	Juan Corrales
10180	Emily Holguin
10181	Bernia Walker
10182	Juan Rea

Summary of Claim

Spartan Recoveries as Subrogee for National General Insurance - Claims \$6,000 and alleges a Fresno City water main broke causing flooding to their insured's home, which is the proximate cause of the claimant's damages. Claimant is not represented. This incident does not involve the County of Fresno.

Jerone Billingsly - Claims within Unlimited Civil Court Limits and alleges a teacher from Fresno High School physically and verbally assaulted him, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Eugenia Steele. This incident does not involve the County of Fresno.

Michael Pitman - Claims within Unlimited Civil Court Limits and alleges he was struck by a vehicle while riding his bicycle through the intersection of Blackstone and McKinley, which is the proximate cause of the claimant's injuries and damages. The claimant did not stop for the signal light and proceeded through the intersection when he was not cleared to go. Claimant is represented by Attorney, Harmandeep Kaur. The location of this incident is not within the County's jurisdiction.

Mario Berber Pimentel and Maria Zertuche - Claim within Unlimited Civil Court Limits and allege a County driver with the Public Works and Planning, Parks and Grounds Division, recklessly caused the vehicle collision at the intersection of Humbolt and American Avenues, due to his negligence while driving, which is the proximate cause of the claimants' injuries and damages. The claimants are at fault for trying to pass through an intersection when it was not safe to do so. Claimants are represented by Attorney, Maria Cordova. The location of this incident is in District 1.

Jacqueline Alvarez - Claims \$100,000 and alleges she was hit by another vehicle driven by an employee from the Probation Department while the claimant was turning left into a parking lot on West and Ashlan, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Douglas Gordon. The location of this incident is in District 1.

Sheila Reese - Claims \$25,000 and alleges a slip and fall while walking on a sidewalk located on Norris and Mayfair Drive in Fresno, which is the proximate cause of the claimant's injuries. The location of this incident is the homeowner's responsibility per the Streets and Highways code. Claimant is not represented. The location of this incident is in District 3.

Eric Foster - Claims within Unlimited Civil Court Limits and a slip and fall on the stairs outside his residence on

Bond Street, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Daniel Geoulla. The location of this incident is not within the County's jurisdiction.

Juan Corrales - Claims within Unlimited Civil Court Limits and alleges he was hit by a County vehicle from the Sheriff's Department while crossing SB 99, which is the proximate cause of the claimant's injuries. The claimant was in dark clothing at night, while crossing the freeway as well as failing to yield the right of way to vehicles. Claimant is represented by Attorney, Brett Sachs. The location of this incident is in District 3.

Emily Holguin - Claims \$50,000,000 and alleges a wrongful death by Adult Protective Services when they failed to properly address and investigate the inadequate care being given to the claimant's brother, which is the proximate cause of the claimant's injuries and damages. Claimants are represented by Attorney, Laura Brown. The location of this incident is in District 5.

Bernia Walker - Claims within Unlimited Civil Court Limits and alleges assault by her foster child and was not warned of the violent tendencies the child had, which is the proximate cause of the claimant's injuries. The claimant had youths from other foster agencies but not from Fresno County. Claimant is represented by Attorney, Jordan Sussman. This does not involve the County of Fresno.

Juan Rea - Claims \$10,000 and alleges negligent care while incarcerated in the Fresno County Jail and alleges he was held past the 72-hour hold, which is the proximate cause of the claimant's injuries and damages. Claimant is not represented. The location of this incident is in District 3.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (11)

CAO ANALYST:

Debbie Paolinelli