



Legislation Details (With Text)

File #: 17-0749

On agenda: 7/11/2017

Final action: 7/11/2017

Enactment date:

Enactment #: Resolution No. 17-359 through Resolution No. 17-365

Title: Approve Resolutions Rejecting Claims for Damages; and, Resolution Rejecting Application for Leave to Present a Late Claim

Attachments: 1. Agenda Item, 2. Resolution No. 17-359, 3. Resolution No. 17-360, 4. Resolution No. 17-361, 5. Resolution No. 17-362, 6. Resolution No. 17-363, 7. Resolution No. 17-364, 8. Resolution No. 17-365

Date	Ver.	Action By	Action	Result
7/11/2017	1	Board of Supervisors	Consent Agenda be approved	Pass

DATE: July 11, 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 Resolution Rejecting Application 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>
9692	Nicholas Costa
9697	Jasbir Singh and his daughter
9700	Maria Guerrero-Lopez, Romina Rodriguez, Jaylene Cuevas-Rodriguez and Martha Cuevas
MM17-0002	Chris Duarte
9690	Deborah Pratt
9703	Donna Renner on behalf of Jaidyn Holt, a minor

Application for Leave to Present a Late Claim for Damages

<u>Claimant No.:</u>	<u>Claimant(s)</u>
9686	Michele Munro

Summary of Claims

Nicholas Costa - Claims \$100,000,000 and alleges while being booked in the County Jail he was negligently labeled a gang member after Sheriff's Deputies misinterpreted a tattoo on his hand. The claimant was housed in a gang module at the County Jail, which led the claimant to be a target of extortion and violence by gang members, which is the proximate cause of damages. Claimant is represented by Attorney, David Woolf.

Jasbir Singh and his daughter- Claim within Unlimited Civil Court Limits and allege that Child Protective Services failed to protect his daughter and falsely accused the claimant of causing his daughter's injuries resulting in the claimant's loss of wages, pain, and suffering, which were the proximate causes of the claimants' injuries/damages. Claimant is not represented.

Maria Guerrero-Lopez, Romina Rodriguez, Jaylene Cuevas-Rodriguez and Martha Cuevas - Claim within Unlimited Civil Court Limits and allege the County failed to ensure the traffic signals at the intersection of Cedar and Jensen Avenues were functioning properly. The claimants state that the signals at the aforementioned intersection were flashing red in all directions, thus resulting in a vehicle-versus-pedestrian accident, which is the proximate cause of the claimants' injuries/damages. The lights at this intersection are maintained by the City of Fresno. Claimants are represented by Attorney, Theodore Kreit.

Chris Duarte - Claims \$75,000 and alleges that a lack of medical attention while incarcerated in the County Jail resulted in a broken foot and damage to the claimant's ankle, which is the proximate cause of the claimant's injuries/damages. This claim was tendered to Corizon on May 24, 2017. Claimant is not represented.

Deborah Pratt - Claims \$5,300 and alleges the County Public Administrator's Office locked her out of her boyfriend's house after his death. Claimant alleges a vehicle in the garage was her vehicle and she was never paid for the vehicle or given the vehicle, which is the proximate cause of claimant's injuries/damages. The estate file remains open; therefore, the heirs have not received a distribution. The investigation is ongoing. Claimant is not represented.

Donna Renner on behalf of Jaidyn Holt, a minor - Claims within Unlimited Civil Court Limits and alleges that the Probation Department did not supervise a violent offender who was on mandatory supervised release. This offender murdered the minor's father during a robbery attempt, which is the proximate cause of the claimant's injuries/damages. The claimant further alleges that this offender should have been arrested prior to the murder due to a probation violation. Claimant is not represented.

Summary of Application for Leave to Present a Late Claim

Michele Munro - Claims \$43,637.50. This is a Leave to Present a Late Claim for Damages. The claimant alleges the County Public Administrator's Office mismanaged the claimant's family estate resulting in financial loss and mental

pain, which is the proximate cause of the claimant's injuries/damages. After investigating this claim, it was determined that the claimant is not an heir to the estate and the Public Administrator had no fiduciary responsibility to pay the claimant's demands. The claimant states that her claim was not timely filed due to her mistake. Claimant is not represented.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (7)

CAO ANALYST:

Sonia De La Rosa