



Legislation Details (With Text)

File #: 17-0250

On agenda: 4/4/2017

Final action: 4/4/2017

Enactment date:

Enactment #: Resolution No. 17-195 through Resolution No. 17-205

Title: Approve Resolutions Rejecting Claims for Damages

Attachments: 1. Agenda Item, 2. Resolution No. 17-195, 3. Resolution No. 17-196, 4. Resolution No. 17-197, 5. Resolution No. 17-198, 6. Resolution No. 17-199, 7. Resolution No. 17-200, 8. Resolution No. 17-201, 9. Resolution No. 17-202, 10. Resolution No. 17-203, 11. Resolution No. 17-204, 12. Resolution No. 17-205

Date	Ver.	Action By	Action	Result
4/4/2017	1	Board of Supervisors	Approved (Consent Agenda)	Pass

DATE: April 4, 2017

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.**

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>
9618	Krystal Avila
9621	Mee Vang
9622	Dani Alldredge
9624	Doris Gaines
9626	Ronnie Rogers
9627	Gerald Monge
9628	Carlos Burks
9631	Safeco Insurance as Subrogee for Ronald Jones
9632	Gloria, Michael and Lily Roberts
9633	Wilma Deloney
9640	Ermelinda Hayes

### Summary of Claims

Krystal Avila - Claims within Unlimited Civil Court Limits and alleges a driver from the County Clerk's Office failed to stop at a red light and collided with the claimant causing bodily injuries, which is the proximate cause of injuries/damages. The collision occurred at the intersection of Fruit and Clinton Avenues in the County. Claimant is represented by Attorney, Marla Garcia.

Mee Vang - Claims \$10,000,000 and alleges the wrongful death of her daughter while attending the "Hot Summer Nights" event at the Crest Theatre, which is the proximate cause of injuries/damages. The Crest Theatre is not under the jurisdiction of the County. Claimant is represented by Attorney, James Johnson.

Dani Alldredge - Claims \$10,000 and alleges a County employee rear-ended another vehicle, pushing it into the claimant's vehicle, which is the proximate cause of injuries/damages. The named driver is an employee of the City of Fresno. Claimant is not represented.

Doris Gaines - Claims \$25,000,000 and alleges a hazardous condition of the roadway caused a vehicle accident on State Route (SR) 180 resulting in her son's death, which is the proximate cause of damages. SR 180 is not under the jurisdiction of the County. Claimant is not represented.

Ronnie Rogers - Claims within Unlimited Civil Court Limits and alleges a hazardous condition of the roadway on Golden State Boulevard. The claimant alleges the County left an uncovered hole in the roadway that caused the claimant to fall when his bike struck the hole, which is the proximate cause of injures/damages. Golden State Boulevard is not under the jurisdiction of the County. Claimant is represented by Attorney, David Milligan.

Gerald Monge - Claims within Unlimited Civil Court Limits and alleges a hazardous condition of the sidewalk at Weldon and Kenmore Avenues in the County. The claimant tripped and fell on a raised portion of the sidewalk, which is the proximate cause of the claimant's bodily injuries/damages. The sidewalk is not under the jurisdiction of the County and is maintained by the property owner. Claimant is represented by Attorney, Benjamin Tryk.

Carlos Burks - Claims within Unlimited Civil Court Limits and alleges he was a passenger on a Fresno Area Express bus that rear-ended another vehicle causing the claimant bodily injuries, which is the proximate cause of his bodily injuries/damages. Fresno Area Express is not under the jurisdiction of the County. Claimant is represented by Attorney, Daniel Geoulla.

Safeco Insurance as Subrogee for Ronald Jones - Claims \$9,701.82. The claimant alleges the Fresno County Sheriff's Office damaged their insured's home and property upon entry to serve a proper search warrant on December 22, 2016, which was the proximate cause of damages. Claimant is represented by Attorney, Nicole Messamore.

Gloria, Michael and Lily Roberts - Claim within Unlimited Civil Court Limits and allege a County employee failed to yield the right-of-way, causing a collision at Chestnut and Sierra Avenues, which is the proximate cause of injuries/damages. The driver is not a County employee. Claimant is represented by Sarwinder Dhanjan.

Wilma Deloney - Claims within Unlimited Civil Court Limits and alleges the wrongful death of her son while incarcerated in the County Jail, which is the proximate cause of injuries/damages. Claimant is represented by Attorney, John Burris.

Ermelinda Hayes - Claims \$5,000,000 and alleges negligent maintenance of a sidewalk in the city of Kingsburg, causing the claimant to fall, which is the proximate cause of bodily injuries. The sidewalk is not under the jurisdiction of the County. Claimant is represented by Attorney, James Bergener.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (11)

CAO ANALYST:

Sonia De La Rosa