



## Legislation Details (With Text)

**File #:** 20-1215

**On agenda:** 11/3/2020

**Final action:** 11/3/2020

**Enactment date:**

**Enactment #:** Resolution No. 20-341, Resolution No. 20-342,  
Resolution No. 20-343

**Title:** Adopt Resolutions Rejecting Claims for Damages

**Attachments:** 1. Agenda Item, 2. Resolution No. 20-341, 3. Resolution No. 20-342, 4. Resolution No. 20-343

Date	Ver.	Action By	Action	Result
11/3/2020	1	Board of Supervisors	Approved as Recommended	Pass

**DATE:** November 3, 2020

**TO:** Board of Supervisors

**SUBMITTED BY:** Paul Nerland, Director of Human Resources

**SUBJECT:** Resolutions Rejecting Claims for Damages

### RECOMMENDED ACTION(S):

#### **Adopt Resolutions Rejecting Claims for Damages.**

There is no increase in Net County Cost associated with the recommended action. After evaluation by the Claims Review Committee, submitted claims are presented to the 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:

There is no increase in Net County Cost associated with the recommended action. Payment of claims and the cost of defending claims are charged to the Department's Org 8925, Risk Management Internal Services Fund. The Fund is supported by annual budgetary contributions based on actuarial projections.

### DISCUSSION:

The 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 the 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 CRC 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 the 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 below and rejection for each claim is recommended.

<u>Claimant No.:</u>	<u>Claimant(s)</u>
10299	Hilda Meza
10302	Lynette Torres
10316	Erick Hedstrom

### Summary of Claims

Hilda Meza - Claims within Unlimited Civil Court Limits and alleges a dangerous condition of the sidewalk because she tripped over uneven pavement as she was walking on Campus Drive and Barstow Avenue, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Joe Nazarian. This incident does not involve the County of Fresno.

Lynette Torres - Claims within Unlimited Civil Court Limits and alleges insufficient supervision as well as not adequately staffing, adequately securing, providing security, or training their staff at Sanger Place Mental Hospital, which was the proximate cause of the claimant's daughter's injuries and damages. Claimant is represented by Attorney, Alex Lopez. The location of this incident is in District 4.

Erik Hedstrom - Claims within Unlimited Civil Court Limits and alleges false arrest, illegal break in, obstruction of justice and pain and suffering by Sheriff's Deputies, which was the proximate cause of the claimant's injuries and damages. Mr. Hedstrom was supposed to be taking care of his mother and living at her house. The mother, whose power of attorney was given to the sister, who owns the house. The sister was concerned for the welfare of her mother and called the Sheriff's department. Mr. Hedstrom would not let them in the house. Claimant is not represented. The location of this incident is in District 5.

### ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (3)

### CAO ANALYST:

Yussel Zalapa