



# County of Fresno

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## Legislation Details (With Text)

**File #:** 16-1283 **Name:** Approve Resolutions Rejecting Claims for Damages

**In control:** Human Resources

**On agenda:** 9/27/2016 **Final action:** 9/27/2016

**Enactment date:** **Enactment #:** Resolution No. 16-376 through 16-381, Resolution No. 16-380, Resolution No. 16-381

**Title:** Approve Resolutions Rejecting Claims for Damages; and, approve Resolutions Rejecting Applications for Leave to Present a Late Claim

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Item, 2. Resolution No. 16-376, 3. Resolution No. 16-377, 4. Resolution No. 16-378, 5. Resolution No. 16-379, 6. Resolution No. 16-380, 7. Resolution No. 16-381, 8. Resolution No. 16-390, 9. Resolution No. 16-391

Date	Ver.	Action By	Action	Result
9/27/2016	1	Board of Supervisors	Approved as revised	Pass
9/27/2016	1	Board of Supervisors	denied	Pass
9/27/2016	1	Board of Supervisors	denied	Pass

**DATE:** September 27, 2016

**TO:** Board of Supervisors

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

**SUBJECT:** Approve Resolutions Rejecting Claims for Damages

### RECOMMENDED ACTIONS:

1. **Approve Resolutions Rejecting Claims for Damages.**
2. **Approve Resolutions Rejecting Applications 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 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 of 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>
9516	Rosendo Abarca
9543	L.M. Daniels
9544	State Farm Insurance as Subrogee for Bedros Khederian
9557	Ronald Talley
9559	Glenda Carey

#### **Applications for Leave to Present a Late Claim for Damages**

<u>Claimant No.:</u>	<u>Claimant</u>
9521	Elizabeth Medina
9542	William Marshall IV
9546	William Lollis

#### **Summary of Claims**

Rosendo Abarca - Claims \$6,327.45 and alleges a Fresno County Sheriff's Deputy made a U-turn when it was not safe to do so, causing damage to the claimant's vehicle, which is the proximate cause of claimant's property damages. The incident occurred on Central Avenue and State Route 41. The deputy was traveling west bound on Central Avenue and the claimant was traveling behind the deputy. The deputy stated he activated the patrol vehicle lights and stayed in his lane and then proceeded to make the U-turn. The deputy states that the claimant was traveling too close behind him. Claimant is not represented.

L.M. Daniels- Claims \$7,500 and alleges Fresno County Sheriff's Deputies failed to protect the claimant while in custody from an attack by another inmate at the Fresno County Jail, which was the proximate cause of the claimant's emotional and physical injuries. Claimant is not represented.

State Farm Insurance as Subrogee for Bedros Khederian - Claims \$7,600.06 and alleges a Maintenance Janitor for the County Library, while driving a county vehicle, rear-ended their insured's vehicle, which was the proximate cause of claimant's property damage. This incident occurred on State Route 41 and Ashlan Avenue. Claimant is not represented.

Ronald Talley - Claims Unlimited Civil and alleges he was working as a landscaper and suffered bodily injuries. The claimant was participating in the adult offender work program when he was injured at a facility on Kings Canyon and Cedar Avenue, which is County property. The claimant alleges that the Fresno County Probation Department was aware of his physical impairment but still gave him work that he should not have been doing, which was the proximate cause of the claimant's injuries and property damages. Claimant is represented by Attorney, Thomas Campagne.

Glenda Carey - Claims \$72,178 and alleges a Fresno County Sheriff's Deputy crashed his patrol vehicle into her garage causing damage to her car, garage and items in the garage, which was the proximate cause of claimant's damages. This incident occurred at the claimant's residence of 1240 Greenwood Avenue, Sanger, California. Claimant is not represented.

**Summary of Applications for Leave to Present a Late Claim**

Elizabeth Medina - Claims \$150,000. This is a Leave to Present a Late Claim for Damages. The claimant alleges unlawful sale of her parent's property and failure of the Public Administrator's Office to provide a probate inventory, which was the proximate cause of claimant's damages. The claimant states she did not file a timely claim because she has been waiting for her parent's property inventory, along with money from Fresno County and has never received it. Claimant is not represented.

William Marshall IV - Claims \$50,000,000. This is a Leave to Present a Late Claim for Damages. The claimant alleges Fresno County Sheriff's Deputies were pursuing a vehicle and that vehicle hit the claimant's vehicle, which was the proximate cause of bodily injuries and property damage sustained by the claimant. The accident occurred on 22<sup>nd</sup> Avenue and Grangeville Boulevard in Kings County. During our investigation, it was determined that the Fresno County Sheriff's helicopter, Eagle One, was only assisting the California Highway Patrol by air. The investigation is ongoing but it does not appear that Fresno County is liable for this accident. Claimant presented a late claim due to his injuries. Claimant is represented by Attorney, Elise R. Sanguinetti.

William Lollis - Claims 5,000,000. This is a Leave to Present a Late Claim for Damages. The claimant alleges malicious prosecution by the District Attorney's Office as well as not allowing the claimant his right to free speech, which caused medical issues and was the proximate cause of the claimant's injuries and damages. The claim was filed late due to the claimant not having access to a claim form. Claimant is not represented.

**ATTACHMENTS INCLUDED AND/OR ON FILE:**

On file with Clerk - Resolutions (8)

**CAO ANALYST:**

Sonia De La Rosa