



Legislation Details (With Text)

**File #:** 19-1008      **Name:** Resolutions Rejecting Claims for Damages

**In control:** Human Resources

**On agenda:** 9/10/2019      **Final action:** 9/10/2019

**Enactment date:**      **Enactment #:** Resolution No. 19-334, Resolution No. 19-335, Resolution No. 19-336, Resolution No. 19-337

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

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Item, 2. Resolution No. 19-334, 3. Resolution No. 19-335, 4. Resolution No. 19-336, 5. Resolution No. 19-337

Date	Ver.	Action By	Action	Result
9/10/2019	1	Board of Supervisors	Conducted Hearings	Pass

**DATE:** September 10, 2019

**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>
10101	Noe Prieto
10104	A Minor
10108	Carol Sanchez
10109	Leigh Glass

### **Summary of Claims**

Noe Prieto - Claims within Unlimited Civil Court Limits and alleges a hazardous condition while riding his scooter on the sidewalk near Ashlan and N. Fruit Avenues when he fell over a broken street sign on the sidewalk, 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.

A Minor - Claims within Unlimited Civil Court Limits and alleges a hazardous condition of the roadway on DeWolf and Manning Avenues that resulted in his father's death, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, James Holland. The location of this incident is in District 4.

Carol Sanchez - Claims \$6,275.00 and alleges property damage on Peach Avenue after a high speed chase by the Fresno Police Department, which led to the suspect to running into a cement wall on the claimant's property, which is the proximate cause of the claimant's damages. Claimant is not represented. This does not involve the County of Fresno.

Leigh Glass - Claims within Unlimited Civil Court Limits and alleges excessive force by the Sheriff's Department, 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 (4)

### **CAO ANALYST:**

Debbie Paolinelli