



County of Fresno

Hall of Records, Rm. 301
2281 Tulare Street
Fresno, California
93721-2198

Legislation Details (With Text)

File #: 19-1338 **Name:** Resolutions Rejecting Claims for Damages

In control: Human Resources

On agenda: 10/22/2019 **Final action:** 10/22/2019

Enactment date: **Enactment #:** Resolution No. 19-389, Resolution No. 19-390

Title: Approve Resolutions Rejecting Claims for Damages

Sponsors:

Indexes:

Code sections:

Attachments: 1. Agenda Item, 2. Resolution No. 19-389, 3. Resolution No. 19-390

Date	Ver.	Action By	Action	Result
10/22/2019	1	Board of Supervisors	Conducted Hearings	Pass

DATE: October 22, 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>
10110	AP Robertson
10111	Natalie Martinez and Carla Renteria

Summary of Claims

AP Robertson - Claims within Unlimited Civil Court Limits and alleges a breach of contract by the Fresno County Tax Collector's office, regarding a tax defaulted property that was up for bid and the claimant alleges he was the highest bidder. The claimant alleges the County failed to follow state guidelines, forfeited the claimants deposit to itself and breached its statutory duties to the claimant, 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.

Natalie Martinez and Carla Renteria - Claims within Unlimited Civil Court Limits and alleges a hazardous condition of the sidewalk on 540 E. California Avenue, near Edison High School, that caused a fence to fall on the claimants, which is the proximate cause of the claimant's bodily injuries. Claimant is represented by Attorney, David Milligan. The location of this incident is not within the County's jurisdiction.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (2)

CAO ANALYST:

Debbie Paolinelli