



County of Fresno

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Legislation Details (With Text)

File #: 20-0387 **Name:** Resolutions Rejecting Claims for Damages

In control: Human Resources

On agenda: 4/28/2020 **Final action:** 4/28/2020

Enactment date: **Enactment #:** Resolution No. 20-144, Resolution No. 20-145, Resolution No. 20-146, Resolution No. 20-147

Title: Adopt Resolutions Rejecting Claims for Damages; Adopt Resolution Rejecting Application for Leave to Present a Late Claim

Sponsors:

Indexes:

Code sections:

Attachments: 1. Agenda Item, 2. Resolution No. 20-144, 3. Resolution No. 20-145, 4. Resolution No. 20-146, 5. Resolution No. 20-147, 6. Resolution No. 20-148, 7. Resolution No. 20-149, 8. Resolution No. 20-150, 9. Resolution No. 20-151, 10. Resolution No. 20-152, 11. Resolution No. 20-153

Date	Ver.	Action By	Action	Result
4/28/2020	1	Board of Supervisors	Approved as Recommended	Pass

DATE: April 28, 2020

TO: Board of Supervisors

SUBMITTED BY: Paul Nerland, Director of Human Resources

SUBJECT: Resolutions Rejecting Claims for Damages

RECOMMENDED ACTION(S):

1. Adopt Resolutions Rejecting Claims for Damages.

2. Adopt Resolution Rejecting Application for Leave to Present a Late Claim.

There is no increase in Net County Cost associated with the recommended actions. 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 actions. 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>
10154	Jaime Mendoza
10170	Juan Higuera Berber
10193	Emanuel Terrell, Jr.
10221	Bhaudar Atkar
10223	Kyle Rasmussen
10227	Martin Vega
10228	Jacquelyn Cruz
10229	Jacquelyn Cruz
10242	Linda White for Henri White

Application for Leave to Present a Late Claim for Damages

<u>Claimant No.:</u>	<u>Claimant(s)</u>
10203	Ulysses Dunn

Summary of Claim

Jamie Mendoza - Claims \$20,000 and alleges a hazardous road condition of the roadway on Mountain View and Clovis Avenue, that caused the death of his child, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Eddie Ruiz. The location of this incident is in District 4.

Juan Higuera Berber - Claims within Unlimited Civil Court Limits and alleges a County driver from the Parks Division was driving recklessly on Humboldt and American Avenues, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Scott VanWagenen. The location of this incident is in District 1.

Emanuel Terrell, Jr. - Claims \$5,000,000 and alleges an employee from the Security Division ran a red light on Fresno and M Street causing a vehicle collision, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Shervin Lalezary. The location of this incident is in District 3.

Bhaudar Atkar - Claims \$26,500 and alleges the tenants at his rental property in Fowler caused significant property damage, which is the proximate cause of the claimant's damages. Claimant is not represented. This incident does not involve the County of Fresno

Kyle Rasmussen - Claims within Unlimited Civil Court Limits and alleges another driver was confused by hazard cones and detour signs on Bullard and Temperance Avenues, which caused the other driver to turn in

front of the claimant, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Peter Kapetan. This incident did not occur on a County Road.

Martin Vega - Claims \$10,000 and alleges a Sheriff's Deputy rear ended the claimant on SR 99 and SR 180, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Edward Fanucchi. This incident did not occur on a County Road.

Jacquelyn Cruz - Claims within Unlimited Civil Court Limits and alleges while she was incarcerated in the Fresno County Jail, she was not given a special diet per her doctor's orders, 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.

Jacquelyn Cruz - Claims within Unlimited Civil Court Limits and alleges she was not given an inmate grievance form after she requested one from Correctional Officers, while incarcerated in the Fresno County Jail, 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.

Linda White for Henri White - Claim \$10,000,000 and allege a hazardous road condition of the roadway on San Diego and Shaw Avenues, caused a vehicle accident that resulted in Henri White losing his life, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Arin Khodaverdian. The location of this incident is in District 1.

Summary of Application(s) for Leave to Present a Late Claim

Ulysses Dunn - Claims within Unlimited Civil Court Limits. This is a Leave to Present a Late Claim for Damages. The claimant alleges the District Attorney and the Fresno Superior Courts committed negligence by not giving the claimant the correct prison sentence, which is the proximate cause of the claimant's injuries and damages. The claimant alleges that his claim was late because he did not know the statute was 6 months for initiating a claim. Claimant is not represented. The location of this incident is in District 3.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (10)

CAO ANALYST:

Yussel Zalapa