



County of Fresno

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

Legislation Details (With Text)

File #: 20-0658 **Name:** Resolutions Rejecting Claims for Damages

In control: Human Resources

On agenda: 7/7/2020 **Final action:** 7/7/2020

Enactment date: **Enactment #:** Resolution No. 20-241, Resolution No. 20-242, Resolution No. 20-243, Resolution No. 20-244

Title: Adopt Resolutions Rejecting Claims for Damages

Sponsors:

Indexes:

Code sections:

Attachments: 1. Agenda Item, 2. Resolution No. 20-241, 3. Resolution No. 20-242, 4. Resolution No. 20-243, 5. Resolution No. 20-244

Date	Ver.	Action By	Action	Result
7/7/2020	1	Board of Supervisors	Approved as Recommended	Pass

DATE: July 7, 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>
10238	Nicole Rivera
10254	Eric Ramos
10256	Lavell Smith
10260	Richard Hernandez

Summary of Claims

Nicole Rivera - Claims within Unlimited Civil Court Limits and alleges that her doctor placed her on medical leave from July 2020 to August 2020. When her doctor released her, her employer, Coalinga hospital, would not allow her to return to work until December which caused her loss of wages for an extended amount of time, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Brandon Hamilton. This incident did not involve the County of Fresno.

Eric Ramos - Claims \$1,000,000 and alleges excessive force by Sheriff's Deputies after being detained and arrested after a high-speed chase on Madera and Clinton Avenues, 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.

Lavell Smith - Claims within Unlimited Civil Court Limits and alleges a hazardous condition of the roadway on Zediker, 400 ft. north of Floral Avenue, that resulted in a pedestrian versus vehicle accident in which a vehicle struck the claimant, which is the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Steven Lerman. The location of this incident is in District 3.

Richard Hernandez - Claims \$1,000,000 and alleges the water department and the sewer department contaminated his land, which is the proximate cause of the claimant's damages. The claimant further alleges that the underground canal began overflowing yearly and that there was a sewer leak involved with the overflow. Claimant is not represented. This incident did not involve the County of Fresno.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (4)

CAO ANALYST:

Yussel Zalapa