File #:	21-0987	**Name:**	Resolutions Rejecting Claims for Damages
		In control:	Human Resources
On agenda:	10/19/2021	**Final action:**	10/19/2021
Enactment date:		**Enactment #:**	Resolution No. 21-294, Resolution No. 21-295, Resolution No. 21-296, Resolution No. 21-297
Title:	Adopt Resolutions Rejecting Claims for Damages		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Agenda Item, 2. Resolution No. 21-294, 3. Resolution No. 21-295, 4. Resolution No. 21-296, 5. Resolution No. 21-297, 6. Resolution No. 21-298, 7. Resolution No. 21-299		

Date	Ver.	Action By	Action	Result
10/19/2021	1	Board of Supervisors	Consent Agenda be approved	Pass

DATE: October 19, 2021

TO: Board of Supervisors

SUBMITTED BY: Hollis Magill, 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.

Claimant No.:	Claimant(s)
10442	Sam Alvidrez
10444	Antonio Aguilar Flores
10460	CRST Main
10461	Susan Dahlstrom, Brandon Rogers, Charles and Sharon Richardson
10464	Daniel Zalpa
10465	Alyssa Coghlan, Thomas Steiner, Dillon and Mystic Snyder, William Axsom III, Robert Ray Campo and Leland Smith OBO Samantha Axsom

Summary of Claims

Sam Alvidrez - Claims within Unlimited Court Limits and alleges excessive force by Sheriff's Deputies while being detained at the intersection of Blackstone and Ashlan, which was the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Kevin Little. The location of this incident is in District 5.

Antonio Aguilar Flores - Claims within Unlimited Court Limits and alleges a Fresno County employee from the Sheriff's Department ran a stop sign at the intersection of Henderson Road and Marks Avenue and collided with the claimant's vehicle, which was the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Taimur Qazi. The location for this incident is in District 4.

CRST Main - Claims within Unlimited Court Limits and alleges the claimant hit a manhole cover on North Avenue and Northpoint Drive that damaged his company's vehicle, which was the proximate cause of the claimant's damages. Claimant is not represented. This incident does not involve the County of Fresno.

Susan Dahlstrom, Brandon Rogers, Charles and Sharon Richardson - Claim within Unlimited Court Limits and allege negligent acts of our employees, agents, independent contractors, and representatives and that the Trails End mobile home park was a dangerous area that was full of hazards. Brandon Rogers, Charles and Sharon Richardson also allege the wrongful death of Ronald Richardson, which was the proximate cause of the claimants' injuries and damages. Claimants are represented by Attorney, Maria Gomez. The location of this incident does not involve the County of Fresno.

Daniel Zalpa - Claims within Unlimited Court Limits and alleges a tree branch fell on top of his vehicle while parked at his home address on South Clara Avenue, which was the proximate cause of the claimant's damages. Claimant is not represented. The location of this incident does not involve the County of Fresno.

Alyssa Coghlan, Thomas Steiner, Dillon and Mystic Snyder, William Axsom III, Robert Ray Campo and Leland Smith OBO Samantha Axsom - Claim within Unlimited Court Limits and allege a hazardous condition of the road on SR 41 and Harlan Avenue that resulted in the death of Samantha Axsom, which was the proximate

cause of the claimants' injuries and damages. Claimants are represented by Attorney, Tae Kim. The location of this incident is not within the County's jurisdiction.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (6)

CAO ANALYST:

Yussel Zalapa

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