



# County of Fresno

Hall of Records, Rm. 301  
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## Legislation Details (With Text)

**File #:** 21-1096 **Name:** Resolutions Rejecting Claims for Damages

**In control:** Human Resources

**On agenda:** 11/16/2021 **Final action:** 11/16/2021

**Enactment date:** **Enactment #:** Resolution No. 21-323, Resolution No. 21-324, Resolution No. 21-325, Resolution No. 21-326

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

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Item, 2. Resolution No. 21-323, 3. Resolution No. 21-324, 4. Resolution No. 21-325, 5. Resolution No. 21-326, 6. Resolution No. 21-327, 7. Resolution No. 21-328, 8. Resolution No. 21-329

Date	Ver.	Action By	Action	Result
11/16/2021	1	Board of Supervisors	Consent Agenda be approved	Pass

**DATE:** November 16, 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 \$50,000 and reject claims up to \$25,000. 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>
10391	Cirenia Lozano, et al.
10434	Marlena Oaxaca
10448	Jesus Zepeda
10456	Navneet Mann
10470	Martin Plum
10476	Gabriel and Marisela Villarreal
10477	Tammy Mitchell

### **Summary of Claims**

Cirenia Lozano, et al. - Claim within Unlimited Court Limits and allege hazardous condition of roadway that resulted in a train versus car accident resulting in death of a minor and injuries of other claimants, which was the proximate cause of the claimants' injuries. Claimants are represented by Attorney, Bryan Garcia. The location of this incident does not involve the County of Fresno.

Marlena Oaxaca - Claims within Unlimited Court Limits and alleges a Fresno County employee from the Sheriff's Department ran a red light at the intersection of Sierra and Blackstone Avenues and collided with the claimant's vehicle, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Ryan Naim. The location for this incident is in District 2.

Jesus Zepeda - Claims within Unlimited Court Limits and alleges Fresno County Correctional Officers allowed gang members access to him and was attacked, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Kevin Little. The location of this incident is in District 3.

Navneet Mann - Claims within Unlimited Court Limits and alleges Fresno County Correctional Officers failed to keep her safe, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Rene Sample. The location of this incident is in District 3.

Martin Plum - Claims within Unlimited Court Limits and alleges Fresno County employees from the Sheriff's Department illegally evicted the claimant from the premises, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Alfred Gallegos. The location of this incident is in District 4.

Gabriel and Marisela Villareal - Claim within Unlimited Court Limits and allege the Sheriff's Department failed to enforce the California mandated prohibition on indoor dining which resulted in the wrongful death of Martin Chavez, which was the proximate cause of the claimants' injuries. Claimants are represented by Attorney, Steve S. Dias. This incident does not involve the County of Fresno.

Tammy Mitchell - Claims within Unlimited Court Limits and alleges failure to administer the correct protocol of getting someone on the bus who is in a wheelchair, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Daniel Miller. This incident does not involve the County of Fresno.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (7)

CAO ANALYST:

Yussel Zalapa