



County of Fresno

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

Legislation Details (With Text)

File #: 22-0447 **Name:** Resolutions Rejecting Claims for Damages

In control: Human Resources

On agenda: 5/17/2022 **Final action:** 5/17/2022

Enactment date: **Enactment #:** Resolution No. 22-164, Resolution No. 22-165, Resolution No. 22-166, Resolution No. 22-167

Title: Adopt Resolutions Rejecting Claims for Damages

Sponsors:

Indexes:

Code sections:

Attachments: 1. Agenda Item, 2. Resolution No. 22-164, 3. Resolution No. 22-165, 4. Resolution No. 22-166, 5. Resolution No. 22-167

Date	Ver.	Action By	Action	Result
5/17/2022	1	Board of Supervisors	Consent Agenda be approved	Pass

DATE: May 17, 2022

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>
10551	Ralph Jordan
10555	Kay Moseley
10557	Jillinda Lahman (aka Adkins)
10558	Deborah Ponce

Summary of Claims

Ralph Jordan - Claims within Unlimited Court Limits and alleges dangerous condition of public property resulting in an apartment complex fire at 4949 N. Gearhart Ave. Fresno, which was the proximate cause of the claimant's injuries and damages. Claimant is represented by Attorney, Sharona Safaradi. This incident does not involve the County of Fresno.

Kay Moseley - Claims \$1,000,000.00 and alleges a Fresno Area Express bus driver suddenly and without warning stopped the bus, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Amira Rezkallah. This incident does not involve the County of Fresno.

Jillinda Lahman (aka Adkins) - Claims within Unlimited Court Limits and alleges providers and staff at Community Regional Medical Center failed to properly diagnose, treat, and care for claimant, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Steven Schultz. This incident does not involve the County of Fresno.

Deborah Ponce - Claims \$1,000,000.00 and alleges a Fresno Area Express bus driver refused to assist Ms. Ponce in disembarking the bus and she fell off the ramp, which was the proximate cause of the claimant's injuries. Claimant is represented by Attorney, Ryan Daneshrad. This incident does not involve the County of Fresno.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (4)

CAO ANALYST:

Yussel Zalapa