



County of Fresno

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

File #: 23-0441 **Name:** Resolutions Rejecting Claims for Damages

In control: Human Resources

On agenda: 5/23/2023 **Final action:** 5/23/2023

Enactment date: **Enactment #:** Resolution No. 23-163, Resolution No. 23-164, Resolution No. 23-165, Resolution No. 23-166

Title: Adopt Resolutions Rejecting Claims for Damages

Sponsors:

Indexes:

Code sections:

Attachments: 1. Agenda Item, 2. Resolution No. 23-163, 3. Resolution No. 23-164, 4. Resolution No. 23-165, 5. Resolution No. 23-166, 6. Resolution No. 23-167, 7. Resolution No. 23-168, 8. Resolution No. 23-169, 9. Resolution No. 23-170, 10. Resolution No. 23-171, 11. Resolution No. 23-172

Date	Ver.	Action By	Action	Result
5/23/2023	1	Board of Supervisors	Consent Agenda be approved	Pass

DATE: May 23, 2023

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 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:

For any claim, your Board could choose not to approve the Claims Review Committee's recommendations, and instead direct staff to allow, compromise, settle, or further investigate the claim.

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 from County departments based on actuarial projections.

DISCUSSION:

The Board has delegated authority to the Human Resources Director to allow, reject, compromise, or settle claims for damages covered by the County's self-insured program or excess liability insurance in amounts up

to \$50,000. Similarly, the board has delegated authority to the County Administrative Officer to settle or compromise claims up to the same amount. Claims exceeding that amount are referred to your 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 Claims Act by claimants. The CRC consists of the Human Resources Director, Assistant Director of Human Resources, Risk Management staff, and a Chief Deputy County Counsel.

For all claims, a reserve is established, which is estimated by Risk Management 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 exceeding the authority of the Human Resources Director and the County Administrative Officer are presented to the Board with a recommendation for action on each claim. Upon rejection of a claim, the claimant has six months to file a lawsuit against the County for damages based on the claim.

The CRC has reviewed the claims that are summarized briefly below, and rejection is recommended for each claim.

<u>Claim No.:</u>	<u>Claimant(s)</u>
10796	Loida Cavazos
10797	John Delgado
10804	Micaela Nunez
10805	Adrian Pizano
10808	Makennah Rather, Matthew Rather, Rebecca Rather, and Steven Rather
10809	Lee Miles Jr.
10810	Jennifer Manson
10812	Anna Jones
10813	Natasha Latrice Dawn Smith
10815	Maria Del Carmen Navarrete

Summary of Claims

Loida Cavazos - Claimant claims in excess of \$3,000,000 and alleges Sheriff Deputies used excessive force and wrongfully shot her son, which was the proximate cause of claimant's injuries. Claimant is represented by attorney Dale Galipo. This incident is alleged to have occurred in District 3.

John Delgado - Claimant claims \$999,000,000,000,000 and alleges Department of Social Services employees falsified information in order to have a child removed from his home, which was the proximate cause of the claimant's injuries. Claimant is not represented by an attorney. This incident is alleged to have occurred in District 4.

Micaela Nunez - Claimant claims in excess of \$25,000 (the jurisdictional amount for limited civil cases) and alleges a hazardous condition of sidewalk near 275 S Madera Avenue, Kerman, California, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Jennifer Reiz. This incident does not involve the County of Fresno because it is alleged to have occurred within the City of Kerman.

Adrian Pizano- Claimant claims \$50,000 and alleges Sheriff Deputies used excessive force and wrongful detainment while claimant was attempting to put away his child's ATV in his driveway, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Robert Lamanuzzi. This incident is alleged to have occurred in District 3.

Makennah Rather, Matthew Rather, Rebecca Rather, and Steven Rather- Claimants claim \$600,000,000 and allege a hazardous condition of roadway led to the death of Steven Rather who was riding his motorcycle

southbound on Avenal Cutoff Road when a northbound vehicle was making a left turn, which was the proximate cause of the claimant's injuries. Claimants are represented by attorney Brian Beecher. This incident does not involve the County of Fresno because it is alleged to have occurred in Kings County.

Lee Miles Jr. - Claimant claims in excess of \$25,000 (the jurisdictional amount for limited civil cases) and alleges a City employee failed to yield the right of way resulting in a two-car collision, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Amir Nevis. This incident does not involve the County of Fresno because it is alleged to not have involved a County of Fresno employee.

Jennifer Manson - Claimant claims \$100,000,000 and alleges the County failed to warn the general public of a hazardous condition when the elevator at 2720 E. Clinton Avenue Fresno, California rapidly descended, which was the proximate cause of the claimant's injuries. Claimant is represented by law firm DTLA Law Group. This incident does not involve the County of Fresno because it is alleged to have occurred within a Fresno Housing Authority building.

Anna Jones - Claimant claims in excess of \$25,000 (the jurisdictional amount for limited civil cases) and alleges negligent care and deliberate indifference by jail and medical staff resulting in her son's death, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Kevin Little. This incident is alleged to have occurred in District 3.

Natasha Latrice Dawn Smith - Claimant claims in excess of \$1,000,000 and alleges a hazardous condition of road near the intersection of Dakota and Cedar resulted in the claimant being hit by a vehicle that lost control while claimant was walking on the sidewalk, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Shervin Ghanoongooi. This incident does not involve the County of Fresno because it is alleged to have occurred in the City of Fresno.

Maria Del Carmen Navarrete - Claimant claims in excess of \$1,000,000 and alleges a hazardous condition of roadway at the intersection of Woodrow and Matoian resulted in the claimant being hit by a vehicle while crossing the street, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Mario Caesar Valladares. This incident does not involve the County of Fresno because it is alleged to have occurred in the City of Fresno.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions (10)

CAO ANALYST:

Greg Reinke