



Board Agenda Item 35

DATE: September 9, 2025

TO: Board of Supervisors

SUBMITTED BY: Hollis Magill, Director of Human Resources

SUBJECT: Resolutions Rejecting Claims for Damages and Denying Application for Leave to Present a Late Claim

RECOMMENDED ACTION(S):

**Adopt Resolutions Rejecting Claims for Damages; and
Adopt Resolution Denying Application for Leave to Present a Late Claim**

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 recommendations for action. 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 pursuant to Chapter 5.02 of the County's Ordinance Code. 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.

Claims

<u>Claim No.:</u>	<u>Claimant(s)</u>
GHC0086185	Virginia Castro Martinez and Leopoldo Hernandez
GHC0086247	A Minor
GHC0086259	Thomas Brown
GHC0086275	Daisy Lopez Fernandez
GHC0086282	Sara Samourian-Kamciyan
GHC0086466	Christine Kurtz
GHC0086471	Jesus Esquivel
GHC0086490	Federico Rios Cabrera, Juan Ojeda Vazquez, Guadalupe Mosqueda, and Franklin Ojeda Vazquez
GHC0086596	Ralph Grijalva

Application for Leave to Present a Late Claim for Damages

<u>Claim No.:</u>	<u>Claimant</u>
11477	Phineas Alexander

Summary of Claims

Virginia Castro Martinez and Leopoldo Hernandez - Claimants each claim \$15,000 and they allege their property was stolen at the Cherry Avenue Auction and that the reporting officer both omitted facts from his report and falsely reported the events that occurred, which was the proximate cause of the claimants' injuries. Claimants are not represented by an attorney. This incident is alleged to have occurred in District 3.

A Minor - Claimant claims \$100,000 and alleges he is a special needs student at Sun Empire Elementary School and was physically and verbally assaulted by an unidentified student while he played soccer, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Angie Alvarez. This incident does not involve the County of Fresno because it is alleged to have occurred in the jurisdiction of Kerman Unified School District.

Thomas Brown - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges he was traveling on I-10 freeway when an employee struck his vehicle at or near the intersection of Archibald Avenue in the City of Ontario, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Larry Parker. This incident does not involve the County of Fresno because it is alleged to have involved a City of Clovis employee.

Daisy Lopez Fernandez - Claimant claims \$500,000 and alleges she was rear-ended by a City of Fresno employee, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Mark Peacock. This incident does not involve the County of Fresno because it is alleged to have involved a City of Fresno employee.

Sara Samourian-Kamciyan - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges the County Public Guardian Office facilitated multiple wrongful evictions of her property without providing proper legal notices, due process, or obtaining a court order, which was the proximate

cause of the claimant's injuries. Claimant alleges she was locked out of her residence and her items were removed. Claimant is represented by attorney Areg Sarkissian. This incident is alleged to have occurred in District 2.

Christine Kurtz - Claimant claims \$1,000,000 and alleges the County Jail released a violent, homeless repeat offender from their custody, who broke into her 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 5.

Jesus Esquivel - Claimant claims \$100,000 and alleges the hazardous condition of the sidewalk at or near N. Blackstone Avenue and 1542 E. Webster Avenue, Fresno, CA, caused him to trip and fall, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Caleb Blumenshine. This incident does not involve the County of Fresno because it is alleged to have occurred in the jurisdiction of the City of Fresno.

Federico Rios Cabrera, Juan Ojeda Vazquez, Guadalupe Mosqueda, and Franklin Ojeda Vazquez - Claimants each claim in excess of \$35,000 (the jurisdictional amount for limited civil cases) and they allege the wrongful death of a family member was caused by the County's failure to inspect and provide adequate warnings of an inoperable water hydrant, which was the proximate cause of the claimants' injuries. Claimants allege the home of the family member was on fire and emergency response was delayed due to a water hydrant's water supply being turned off. Claimant is represented by attorney Edward Ocampo. This incident does not involve the County of Fresno because it is alleged to have occurred in the jurisdiction of the City of Joaquin.

Ralph Grijalva - Claimant claims in excess of \$35,000 (the jurisdictional amount for limited civil cases) and alleges the hazardous condition of the sidewalk at or near 3127 W. Alamos Avenue, Fresno, CA, caused him to trip and fall, which was the proximate cause of the claimant's injuries. Claimant is represented by attorney Clara Gross. This incident does not involve the County of Fresno because it is alleged to have occurred in the jurisdiction of the City of Fresno.

Summary of Application for Leave to Present a Late Claim

Phineas Alexander - Claimant claims an unknown amount and alleges he was falsely arrested by a Deputy Sheriff which was the proximate cause of the claimant's injuries. Claimant alleges he was unaware that he needed to file a government claim within six months after the date of loss. The claim was submitted a year after the date of loss. The CRC recommends that this late claim application be denied because the application does not establish any of the criteria set forth in Government Code section 911.6, subdivision (b), for granting such an application. Claimant is not represented by an attorney. This incident is alleged to have occurred in District 3.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolutions Rejecting Claims for Damages (9)

On file with Clerk - Resolution Denying Application for Leave to Present a Late Claim

CAO ANALYST:

Sevag Tateosian