



City of Long Beach

Working Together to Serve

Office of the City Attorney

Report by the City Attorney Regarding First Quarter Government Claim Activity

The City Attorney's Office receives, investigates and adjusts between approximately 800-1000 Government Claims each year. Each claim is reviewed by the Law Department's Liability Claims Adjuster, is carefully investigated by staff, and reviewed by counsel for a final determination. Claims are either paid outright, compromised, or rejected.

For example, where the claimant meets his or her burden of proof, has competent evidence that establishes liability and can prove damages, the claim is paid as demanded. In some instances, where liability exists, but the demand is excessive, a settlement is negotiated. Claims are rejected where the City has no legal responsibility for the damages, or the claimant has failed to meet his or her burden of proof. By law, this analysis must be completed within forty-five (45) days after the Government Claim is filed with the City Clerk.

In an effort to continue to provide quality service to our clients, I have directed that claims data be organized by type of claim, Department, and in some cases, by Bureau. This information is intended to help each Department better understand its area of exposure, locate areas of concern, and better manage risk.

I invite you to review this report and contact me with any specific questions you may have. Going forward, we plan to continue to provide similar reports each quarter, and plan to include data for litigated matters in the near future. If there is specific data that would assist you in evaluating your Department for potential liability risks, please let me know and we will attempt to provide this information to you.

Best Regards,

CHARLES PARKIN
City Attorney

In the first quarter of 2015, the City Attorney handled a total of 164 claims. Sixty-four percent (64%) of the claims were rejected. (See Figure 1.) A Government Claim might be rejected for a number of reasons, the most common being that, in the judgment of the City Attorney, the City is not legally responsible for the alleged damages. In some cases, the City is the wrong entity, for example, when the City is sued for an incident involving Long Beach Transit. Likewise, a Government Claim may be late, and rejected for failure to comply with the Government Claims Act.

In the first quarter, six percent (6%) of the claims were categorized “undetermined.” (See Figure 1.) An “undetermined” claim has insufficient information to permit this office to properly investigate the merits of the claim. Pursuant to the Government Code, such claims are returned and not considered unless the claimant timely provides additional information.

When this office rejects a claim, the claimant has six (6) months to file a lawsuit. Only a handful of rejected claims, however, actually result in lawsuits filed against the City.

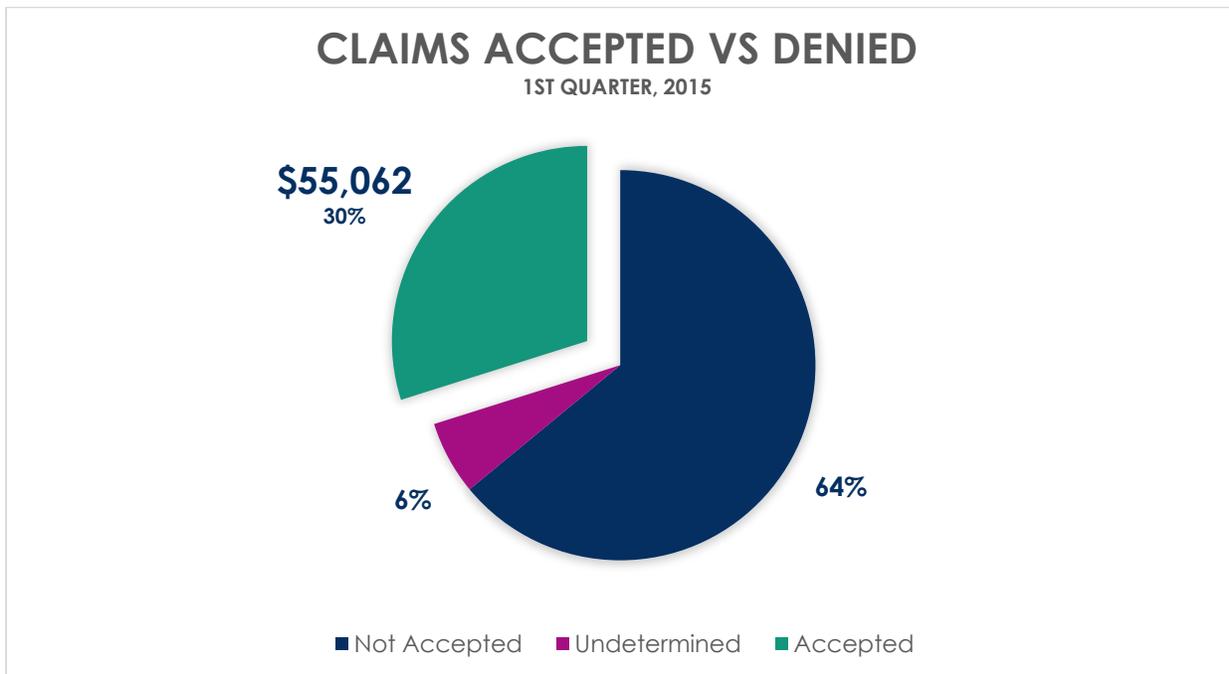


Figure 1

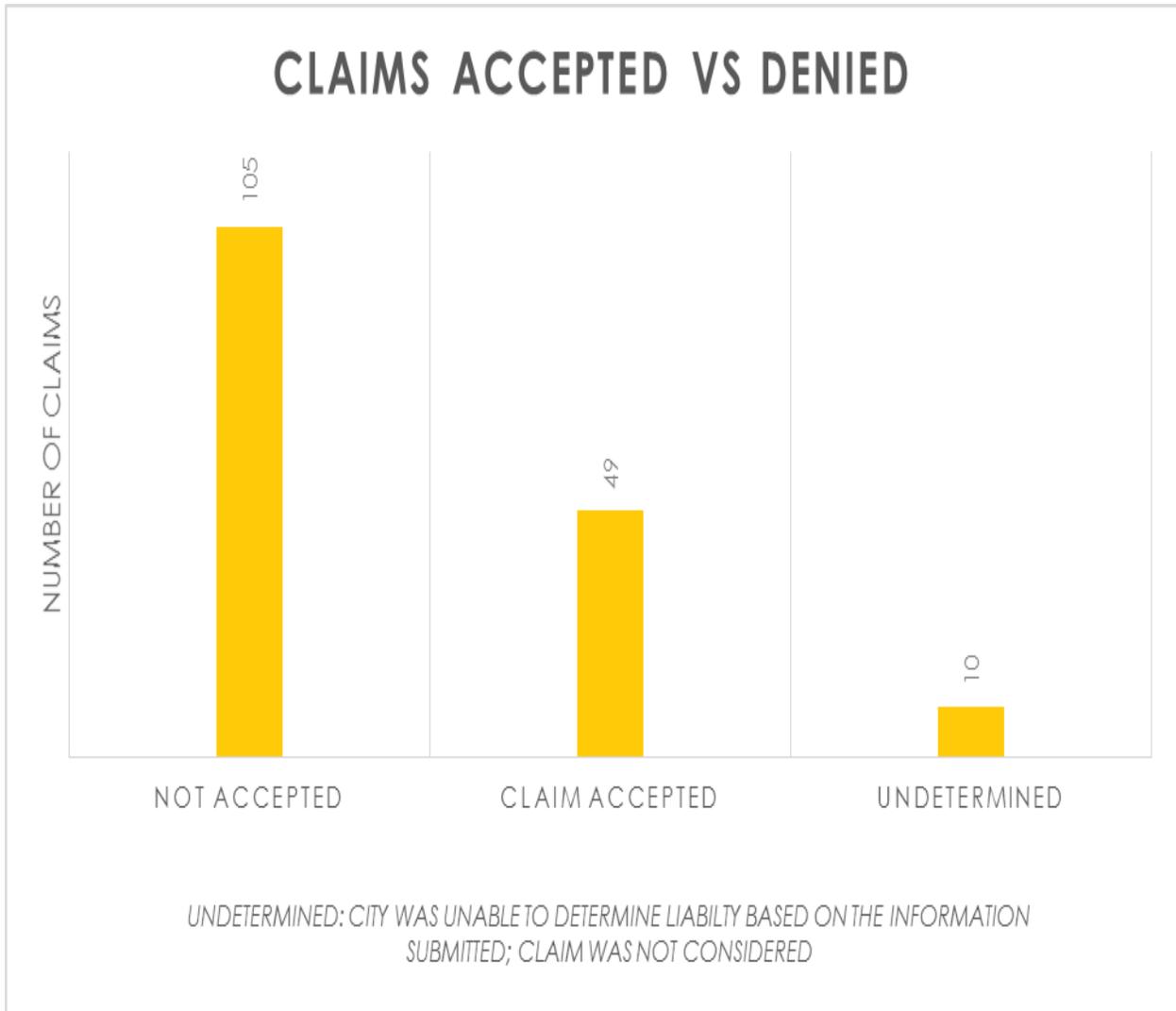


Figure 2

For this report, we looked at selected claims by Department or, in some cases, by Bureau. Claims involving automobile accidents are also considered separately in Figure 8.

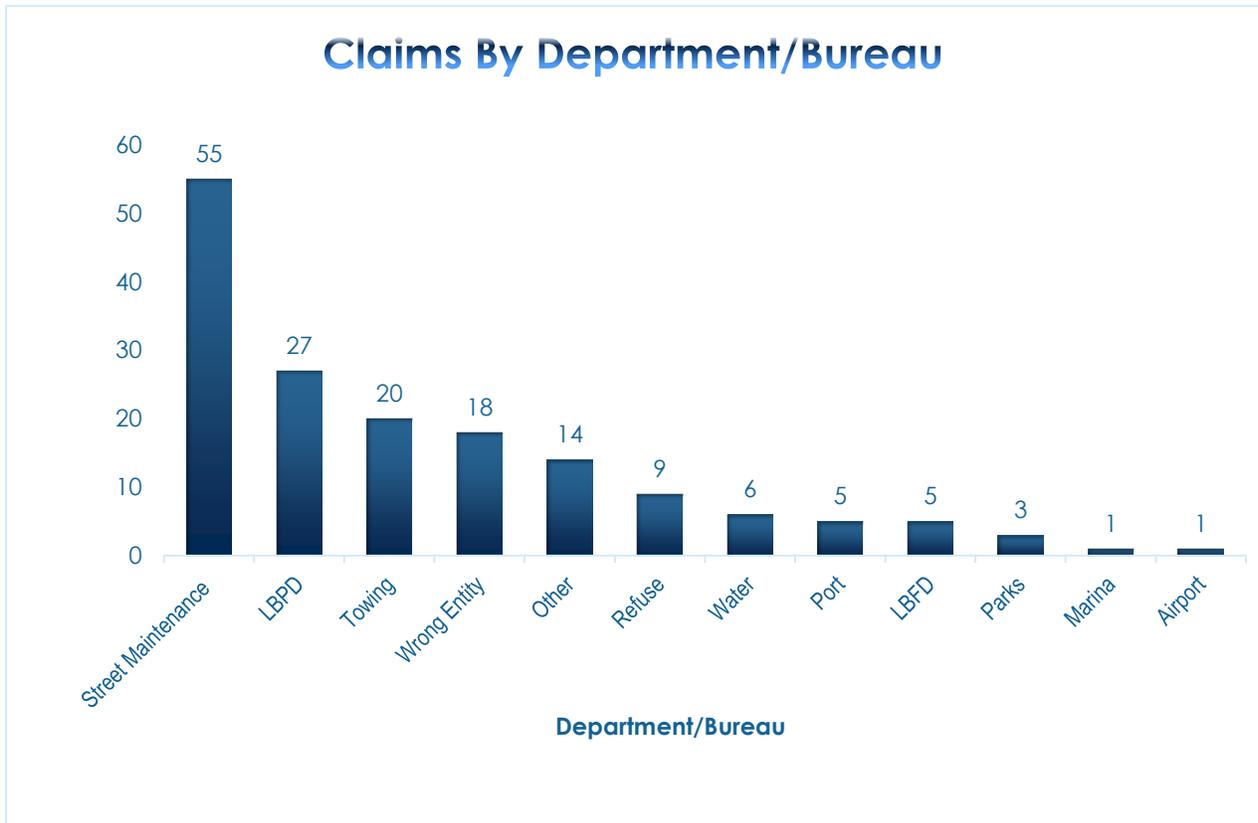


Figure 3

Street Maintenance:

The City adjusted a total of fifty-five (55) claims through the first quarter relating to Public Works, Street Maintenance Division. (See Figure 3.) More than half of the claims filed arise from property (personal and real) damage caused by City trees. These claims typically involve tree branches/fronds that fall from the tree, or, in some cases, where the tree completely falls over. (See Figure 4.)

Our investigations on tree claims, however, demonstrate that the City has done an excellent job in trimming trees within the trim cycle and have responded to service requests within a reasonable amount of time. Thus, only two (2) of these types of claims were accepted for the first quarter, totaling \$478.00. (See Figure 4.)

Tree Root claims have been categorized separately. These claims are for damages to real property (i.e. plumbing, driveways, walkways etc.) and occur over a period of time, unlike

the fallen trees or branches that are sudden occurrences and usually unforeseeable. During the first quarter, five (5) tree root claims accounted for payouts of \$4,798.00. (See Figure 4.)

Road Condition (personal property) claims primarily involve vehicular damage caused by potholes. At the end of the first quarter, a total of four (4) road condition claims were paid, totaling \$2,842. (See Figure 4.)

Trip and Fall (personal injury) claims include alleged injuries resulting from uplifted sidewalks, walkways, uneven roadways, etc. No claims were paid during the first quarter. (See Figure 4.)

Refuse:

Claims filed against Refuse include auto accidents and employees hitting parked cars or other property, such as fixed objects, resulting in property damage. During the first quarter, we accepted four (4) claims, totaling \$6,816.50. Three (3) of these claims are for accident involving automobiles. (See Figure 8.)

Public Works

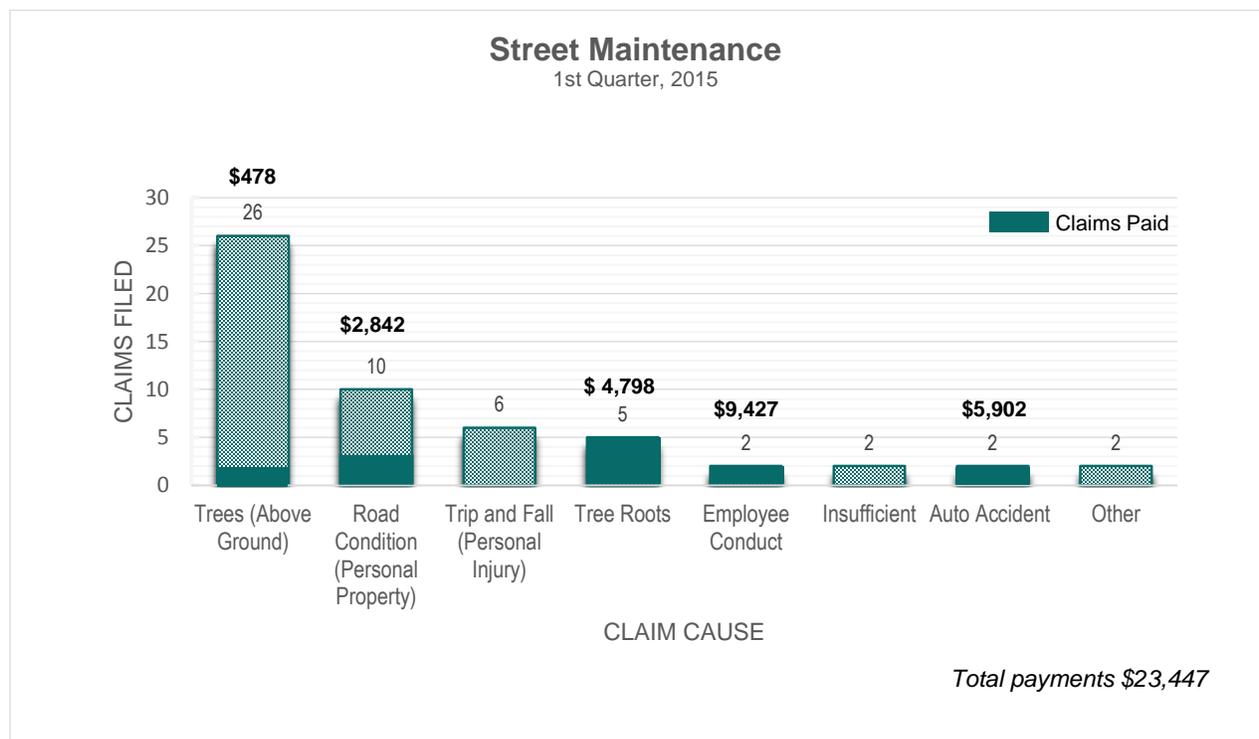


Figure 4

The graph below identifies Tree and Road Claims by Council District.

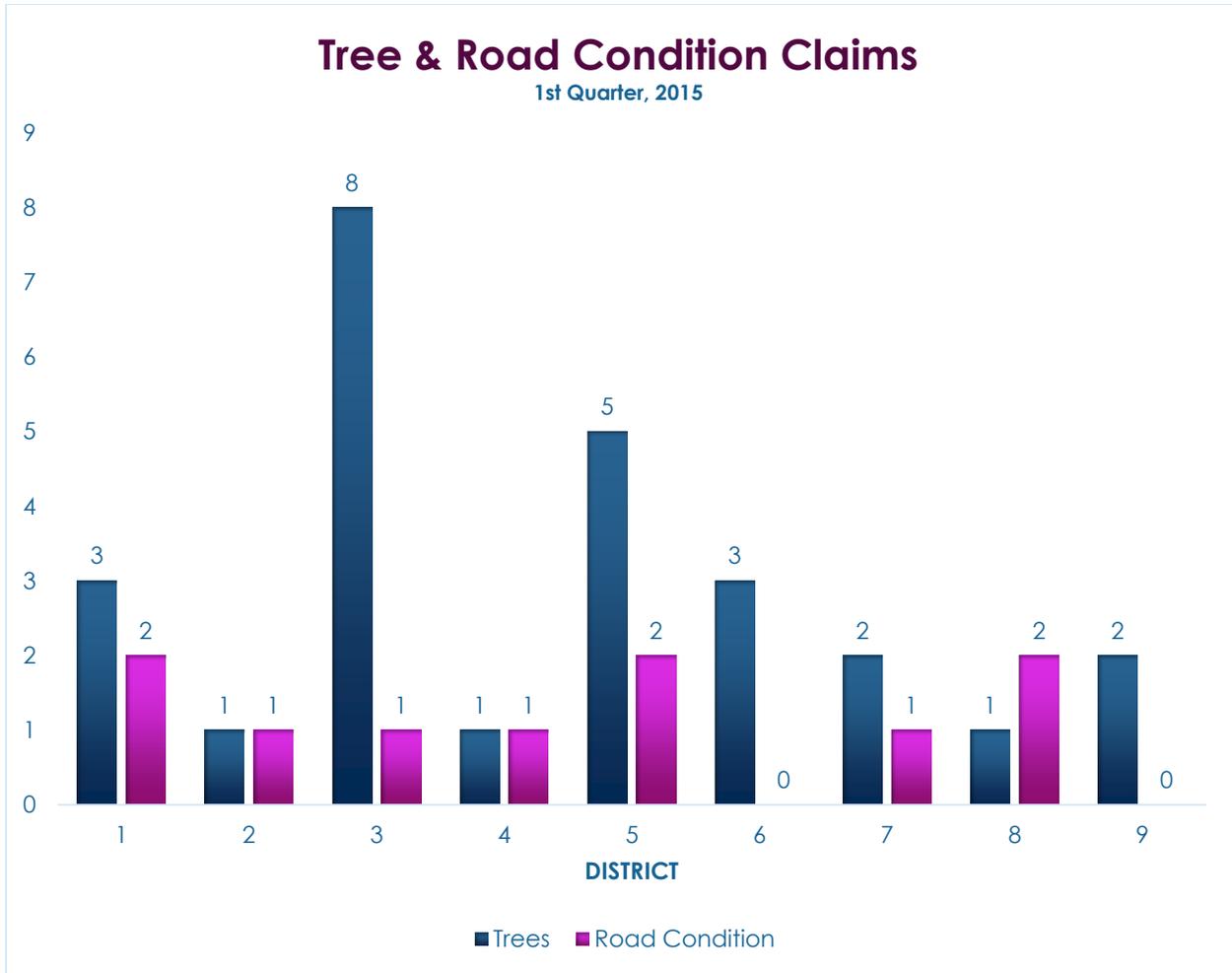


Figure 5

Towing:

The majority of claims filed related to Tow Operations are allegations of invalid towing. Other claims include, but are not limited to, damage while being towed and employee conduct that causes damages. During the first quarter, we accepted five (5) claims arising from fees associated with invalid tows, totaling \$1,793.00. (See Figure 6.)

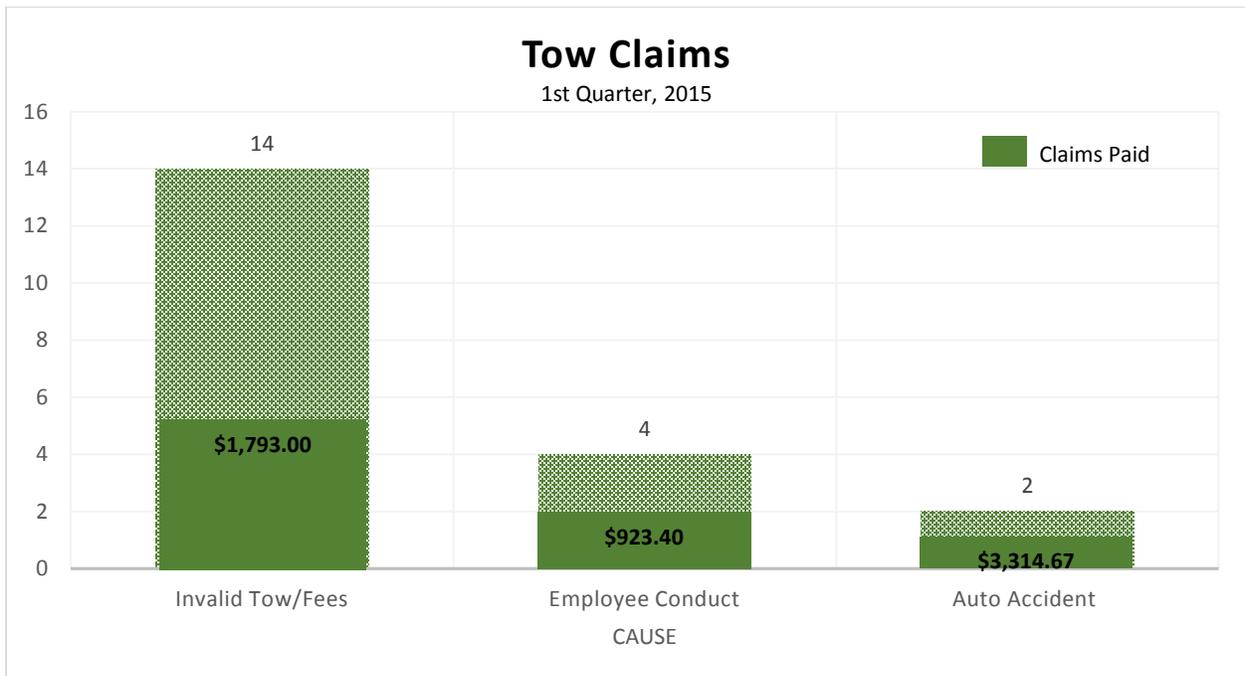


Figure 6

Long Beach Police Department

The City Attorney's office adjusted twenty-seven (27) claims through the first quarter relating to the Long Beach Police Department. (See Figure 7.) During the first quarter:

- Three (3) missing property claims were accepted, totaling \$685.00.
- Four (4) property damage claims caused by the Police Department were accepted, totaling \$6,970.00. Non automobile property damages typically involve damages caused to property during police activities. Claims related to police vehicles involved in automobile accidents are reflected in Figure 8.



Figure 7

Automobile Accidents

The City Attorney's office adjusted twenty-five (25) claims during the first quarter involving the alleged negligent conduct of City employees, primarily automobile accidents. We accepted sixteen (16) of the claims. (See Figure 8.) During the first quarter, combining property damage and bodily injury, this office authorized payment of approximately \$26,800.00. This money comes from the City's Insurance Fund.

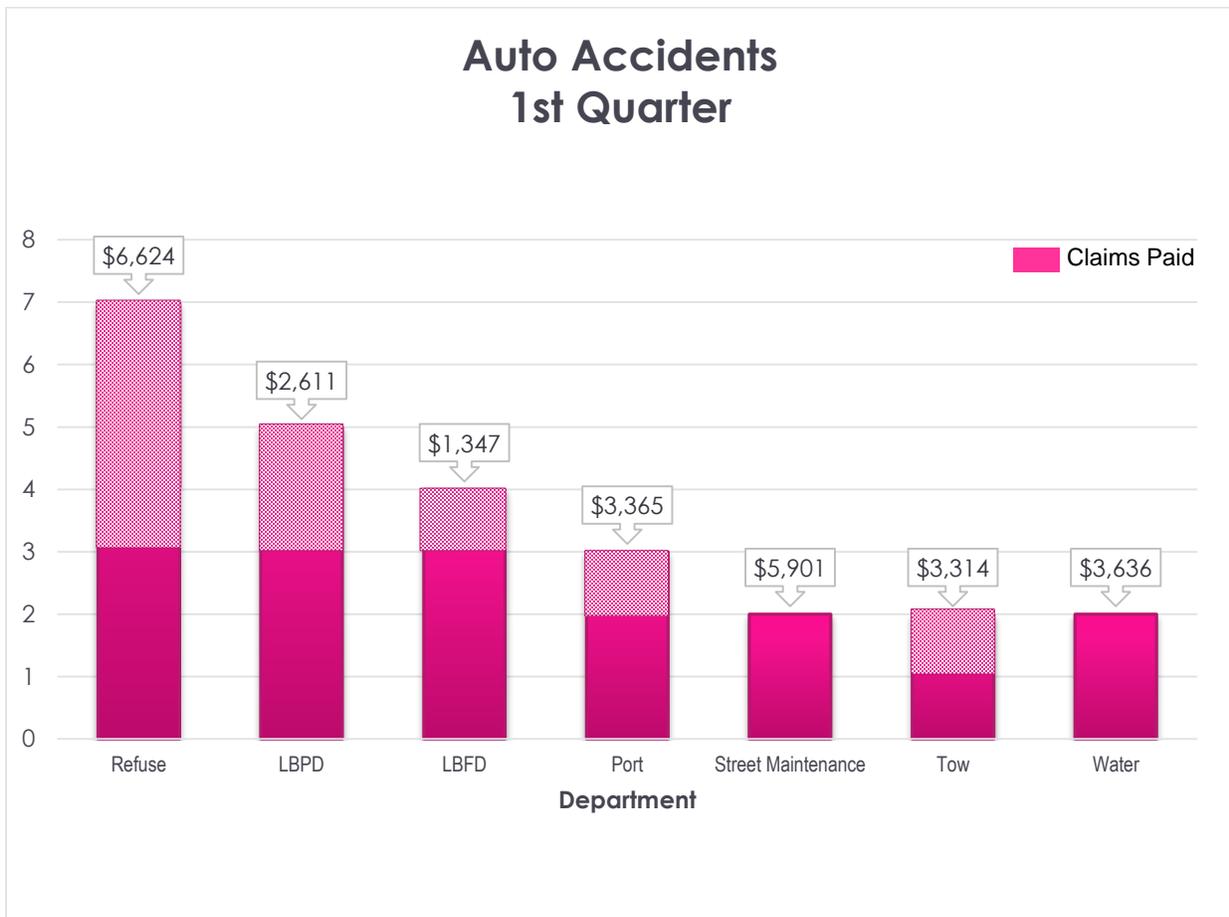


Figure 8