



**City of Long Beach**

*Working Together to Serve*

**Office of the City Attorney**

## ***First Quarter Report of 2016 Government Claim Activity***

As a mandatory prerequisite to filing a lawsuit seeking money damages against the City of Long Beach, potential plaintiffs must first file a Government Claim. See Government Code § 910 et seq. Each Government Claim filed is individually reviewed by a Claims Adjuster in the Law Department's Liability Section, is thoroughly investigated by staff, and reviewed by an attorney for a final determination. Claims are either (1) paid outright; (2) compromised; or (3) rejected.

In some cases, Government Claims are simply returned without being considered. This happens when a claim is late, e.g., not filed within the time allowed by the Government Code, or are so vague and unclear that City Attorney staff are unable to properly investigate the claim.

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.

The data presented here is a first quarter summary of Government Claims activity for 2016. I have directed that this information be posted on the City Attorney website so that the public can be informed as to the process and resolution of Government Claims filed with the City of Long Beach.

Best Regards,

Charles Parkin,  
City Attorney

## **Analyses of Claims Data First Quarter, 2016**

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During the first quarter in 2016, the City Attorney's Office received, investigated and adjusted a total of 221 *claims*. This is fifty-seven (57) more claims than during the same period last year, or a 26% increase.

Of the 221 claims adjusted, the City Attorney's Office determined City liability existed for fifty-one (51) claims. That is roughly 23% of all claims considered. Of the fifty-one (51) meritorious claims, this office was able to resolve forty-six (46) of them. Again, resolving meritorious claims spares the City the costs associated with lawsuits. In resolving the forty-six (46) claims, the City Attorney authorized a total payout of \$73,492.24. Compared to this same time last year, the payout increased by \$18,430, or approximately a 25% increase. The increase in payouts is likely because of the increase in the number of claims made. Money used to satisfy meritorious claims comes from the City's Insurance Fund.

The City Attorney recognized potential liability in five (5) claims, but did not authorize any payouts, primarily because the claimants did not provide adequate documentation to support alleged damages (see Figures 1 & 2).

During the first quarter, the City Attorney refused to consider nine (9) claims because the claims were so vague, unclear or provided so little information, that City Attorney staff could not investigate the claim even after a request to the claimant to supply additional information (see Figure 2).

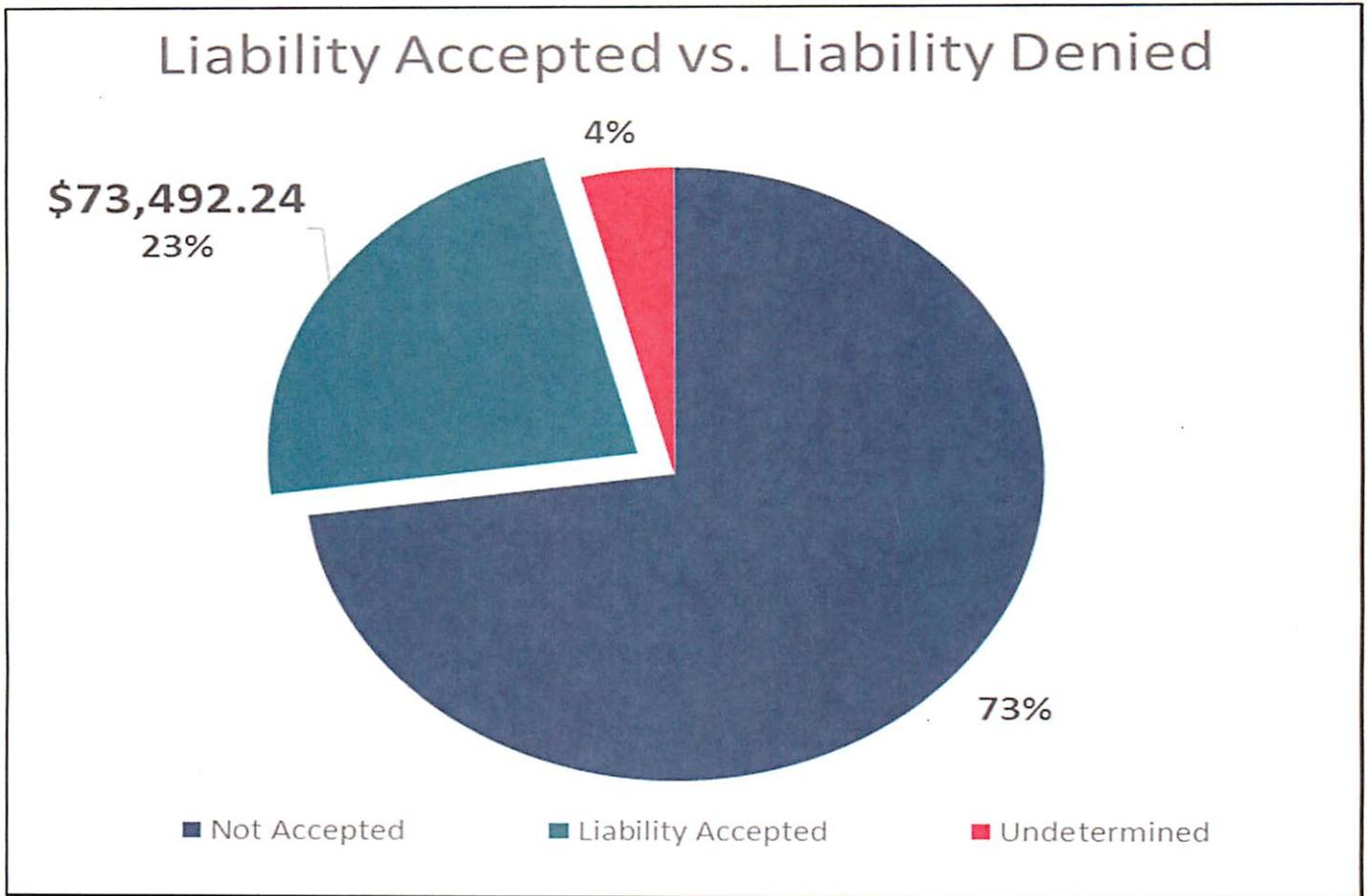


Figure 1

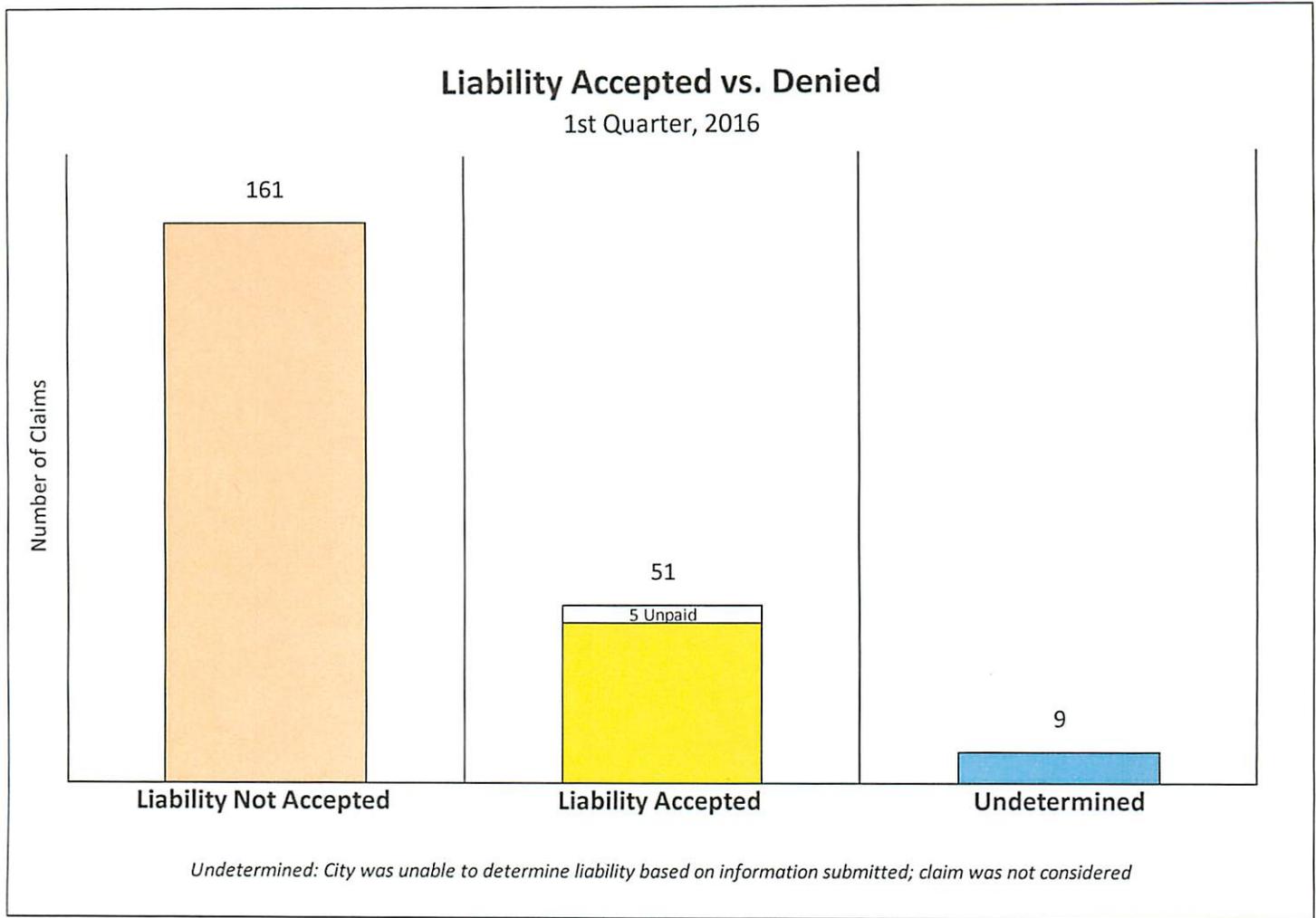


Figure 2

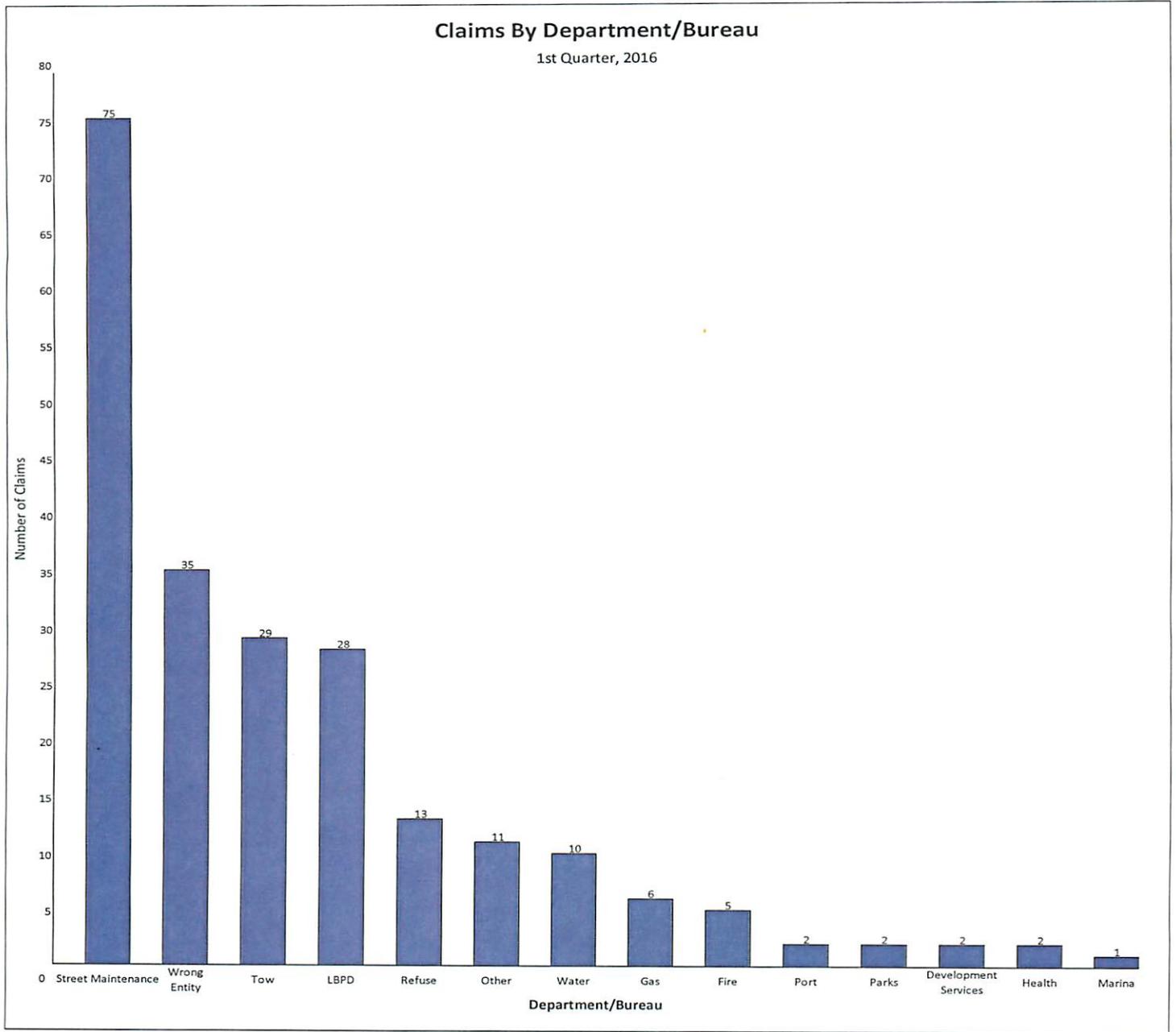


Figure 3

## Public Works

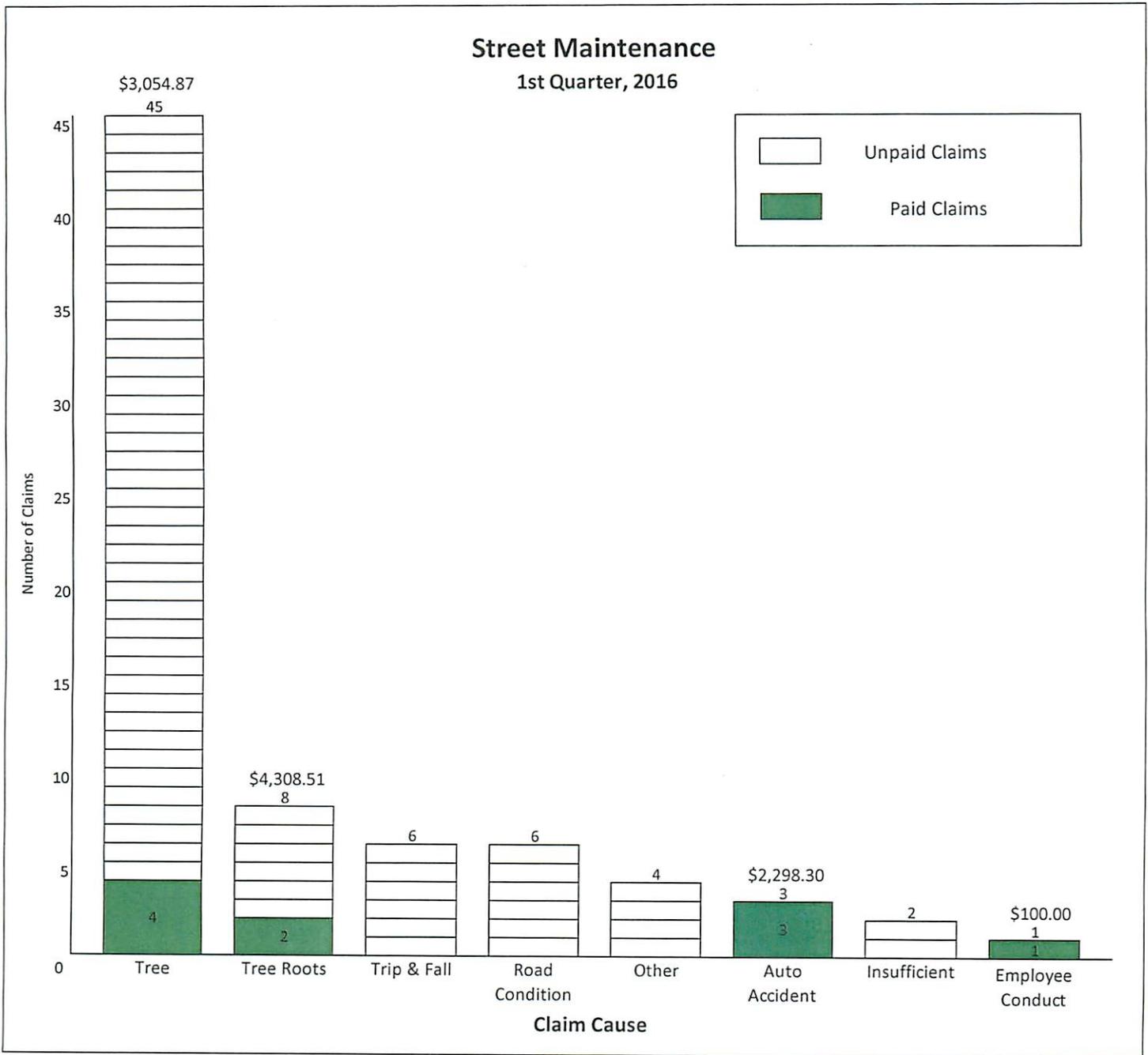


Figure 4

**Street Maintenance:**

The City Attorney's office adjusted a total of seventy-five (75) claims during the first quarter relating to Public Works, Street Maintenance Division. More than half of the claims sought compensation for damages caused by City trees. The City Attorney accepted four (4) tree claims, with a total payout of \$3,054.87; which reflects 4% of claims paid. (see Figure 4).



*Damage to vehicle by City tree branch*

City trees are maintained by Public Works. The City, however, receives claims for damage to plumbing and sewage lines caused by City tree roots. With most of these claims, the Water Department is involved.



*Damage to driveway by City Tree Roots*

Eight (8) tree root related claims were filed during the first quarter, five (5) were for damage to water/sewer lines. One (1) claim for damages to water/sewer lines was accepted, for a total payout of \$933.51.

**Refuse:**

During the first quarter, the City Attorney's office adjusted thirteen (13) claims related to Refuse. The City Attorney accepted six (6) claims, totaling \$9,034.80. Primarily these claims were from auto accidents or damage caused by a Refuse employee.

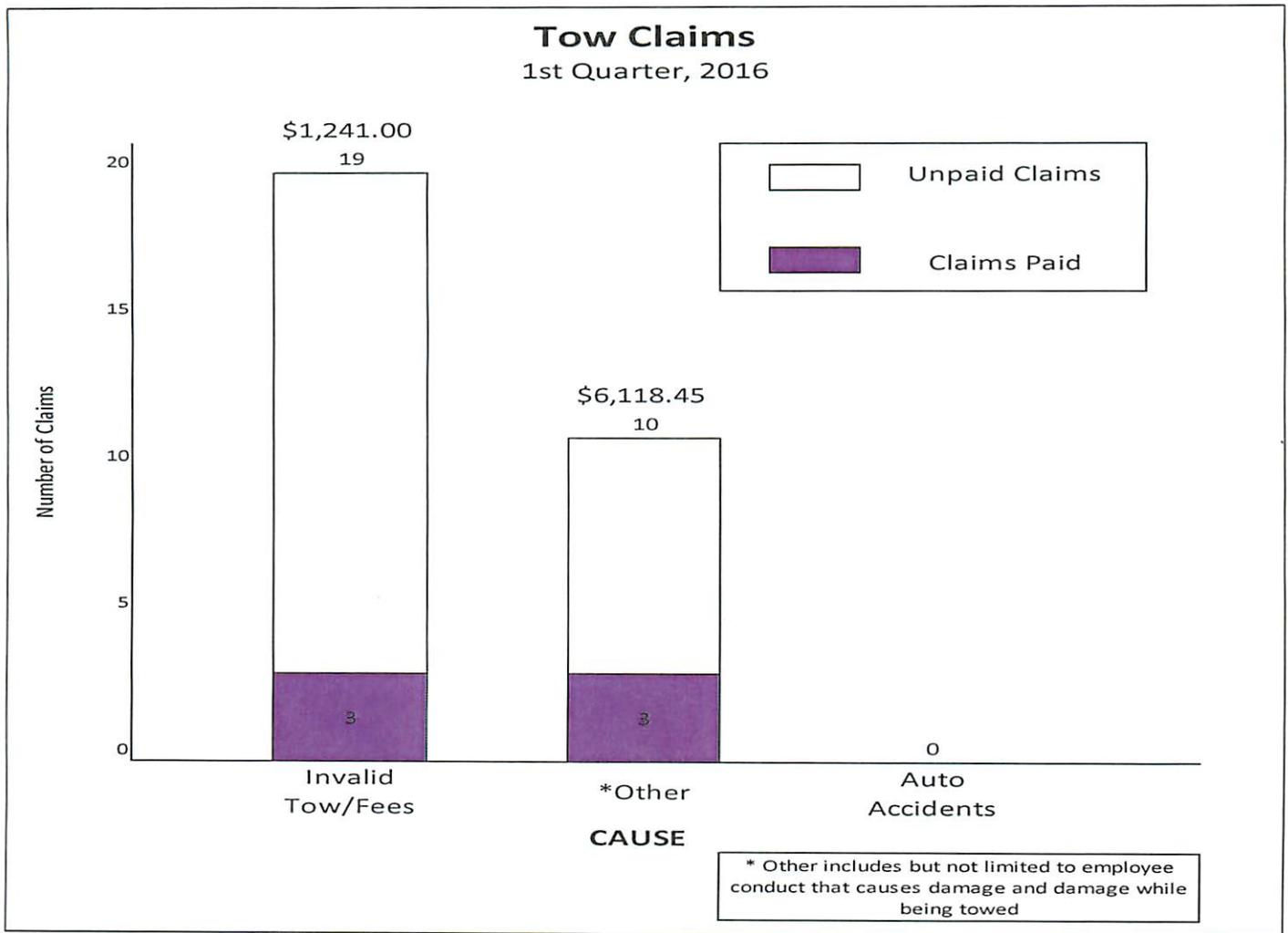


Figure 5

**Towing:**

During the first quarter, the City received twenty-nine (29) claims related to Tow Operations. These claims include claims for refunds of costs and fees where a claimant proves the tow was invalid. Six (6) claims were accepted, for a total payout of \$7,359.45.



*Damage to vehicle while impounded*

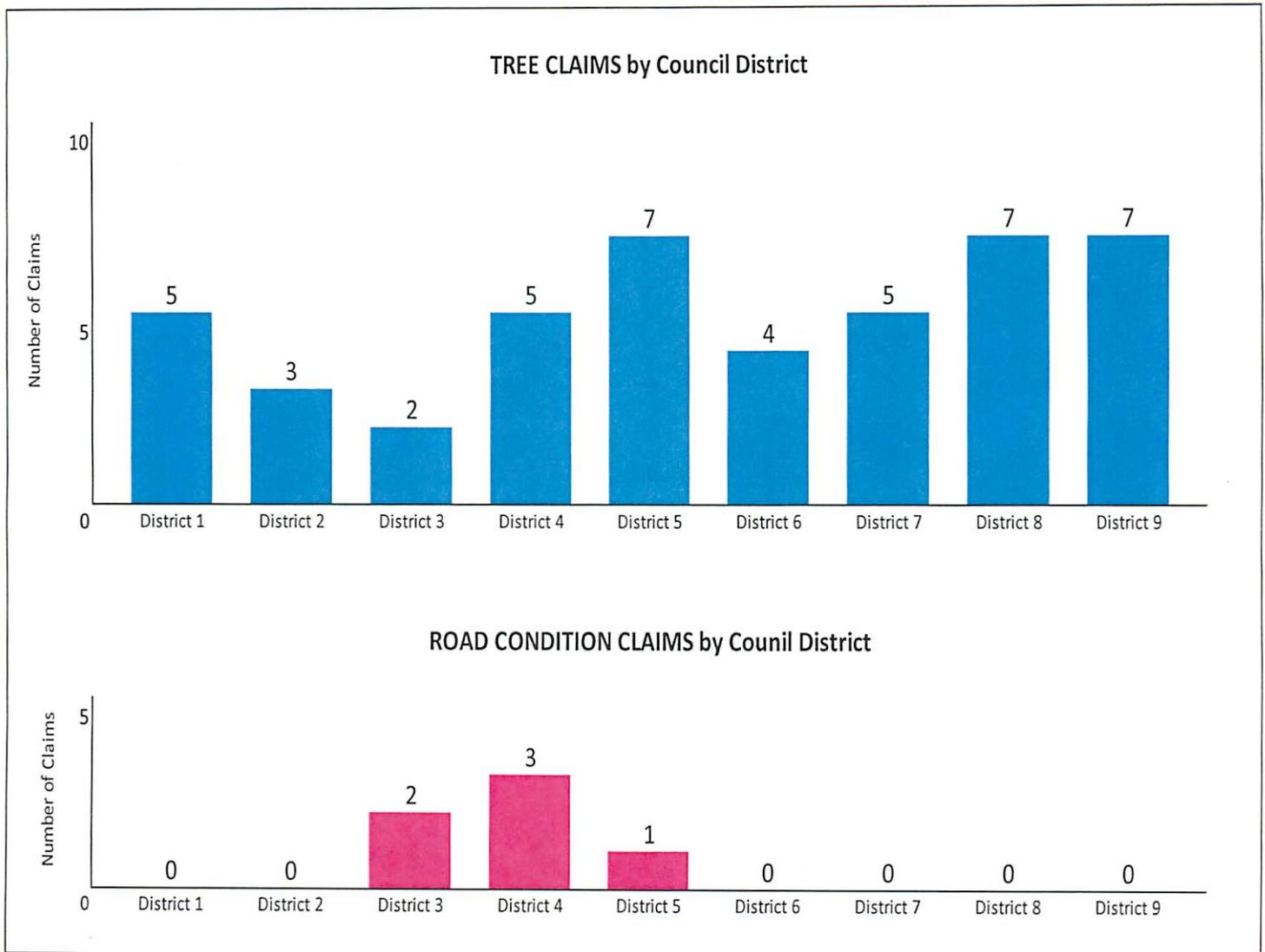


Figure 6



*Damage to vehicle from fallen palm husk*



*Damage to vehicle from driving over pothole*

## Long Beach Police Department

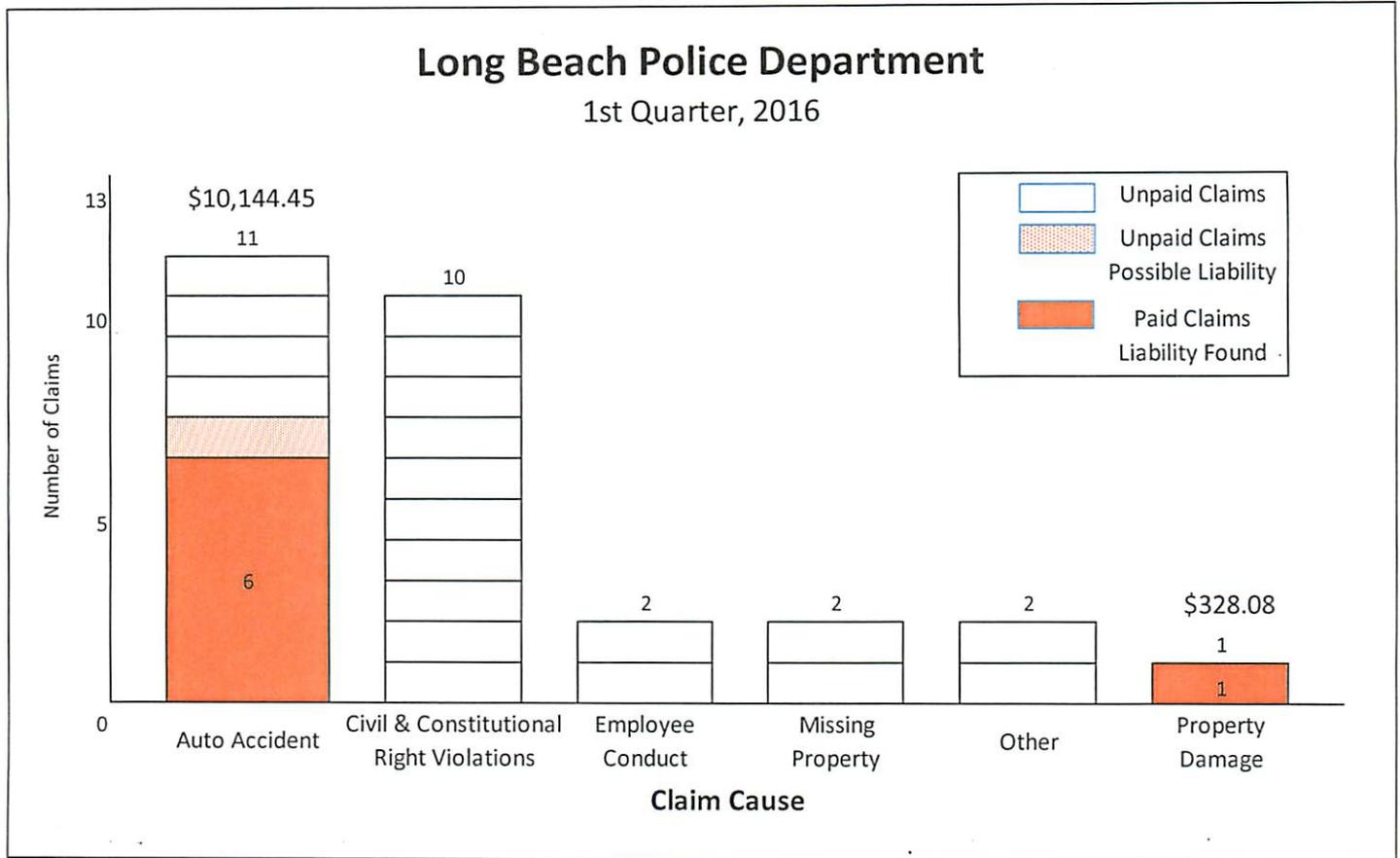


Figure 7

The City Attorney adjusted twenty-eight (28) claims during the first quarter relating to the Police Department (see Figure 7). Of the twenty-eight (28), seven (7) claims were accepted, for a total of \$10,472.53 paid. Of the seven (7) claims accepted, six (6), or approximately 21% of the claims, arose from automobile accidents.

In one (1) automobile accident claim filed, the City Attorney found possible liability, but the claimant's demand amount was considered excessive, and the City Attorney's settlement was not accepted. Therefore, the claim was denied.

## Auto Accidents

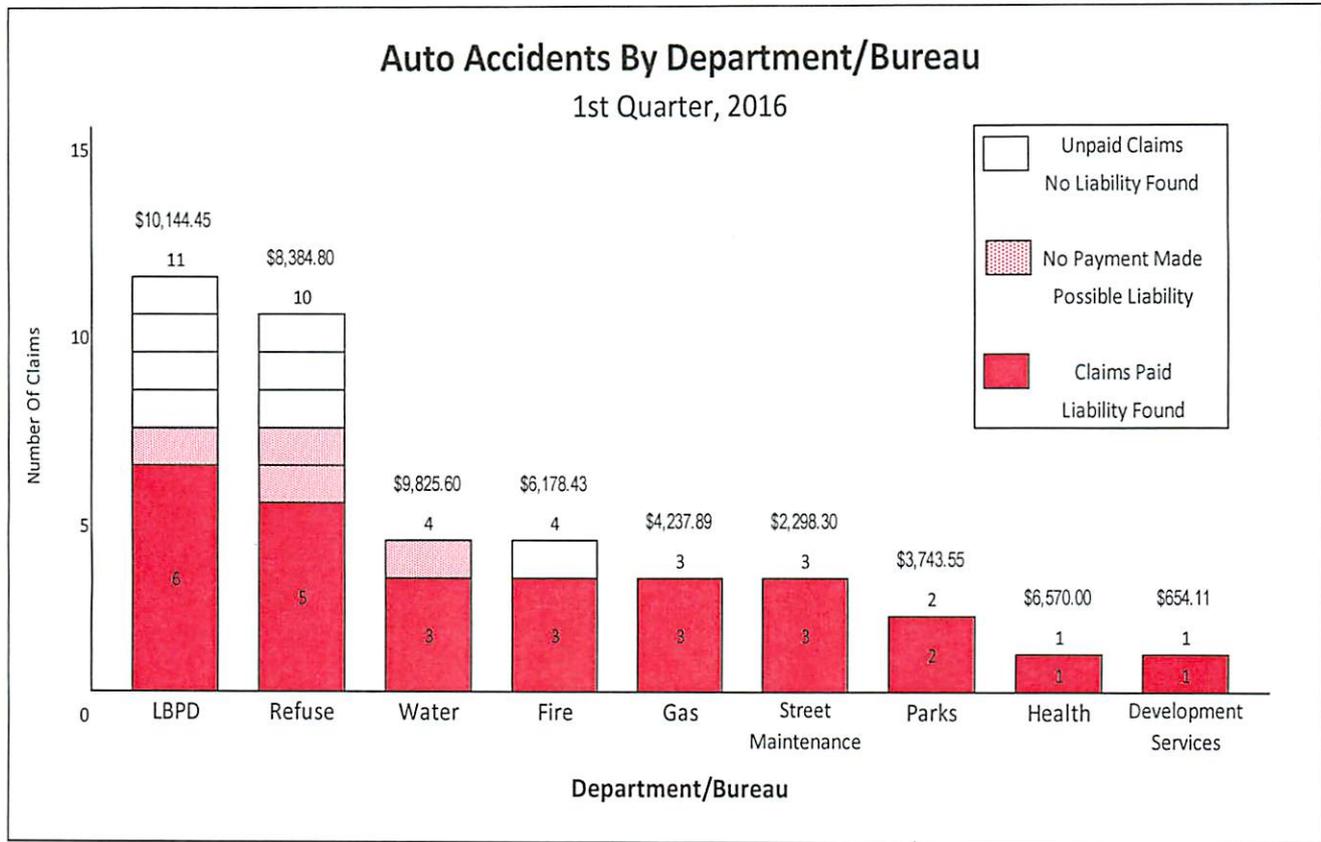


Figure 8

Government claims in this category include automobile vs. automobile accidents, as well as single vehicle accidents where, for example, a trash truck strikes a fixed object causing property damage.

During the first quarter, the City Attorney adjusted thirty-nine (39) automobile claims. Of the thirty-nine (39) claims received, the City found liability in thirty-one (31) claims, but only paid out on twenty-seven (27) claims.

This constitutes 69% of claims received, for a total payout of \$53,301.03. No payments were made on four (4) claims in which the City found liability, again primarily because of the lack of adequate documentation supporting damages. The City concluded that there was no liability in eight (8) automobile claims filed, and these claims were rejected.



*Vehicle vs. Vehicle Collision*