



City of Long Beach

Working Together to Serve

Office of the City Attorney

2015 Year End Report of 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 year-end summary of Government Claims activity for 2015. 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, 2015

In 2015, the City Attorney's Office received, investigated and adjusted a total of *702 claims*. This is slightly fewer Government Claims than in previously years.

Of the 702 claims adjusted, the City Attorney's Office determined City liability existed for 204 claims, or roughly 29% of all claims considered. Of the 204 claims that the City Attorney found meritorious, this office was able to resolve 184 claims. Resolving meritorious claims spares the City the costs associated with lawsuits. In resolving the 184 claims, the City Attorney authorized a total year-end payout of *\$312,437*. This money is paid from the City's Insurance Fund.

The City Attorney recognized potential liability in thirty (30) claims, but did not authorize any payouts, primarily because the claimants did not provide adequate documentation to support alleged damages (see Figures 1 & 3).

Throughout the year, the City Attorney refused to consider thirty-one (31) 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 3).

Liability Accepted vs. Liability Denied

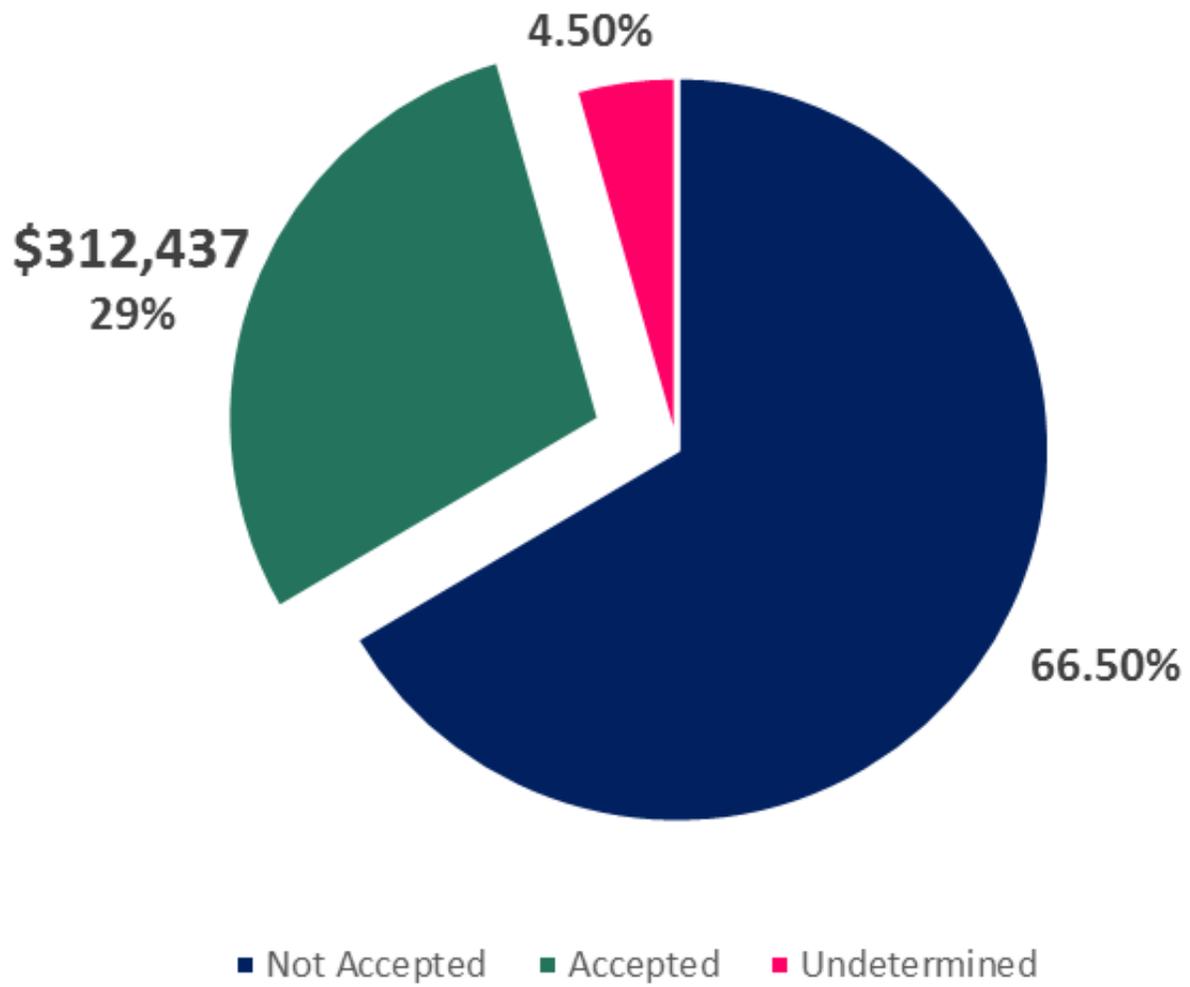


Figure 1

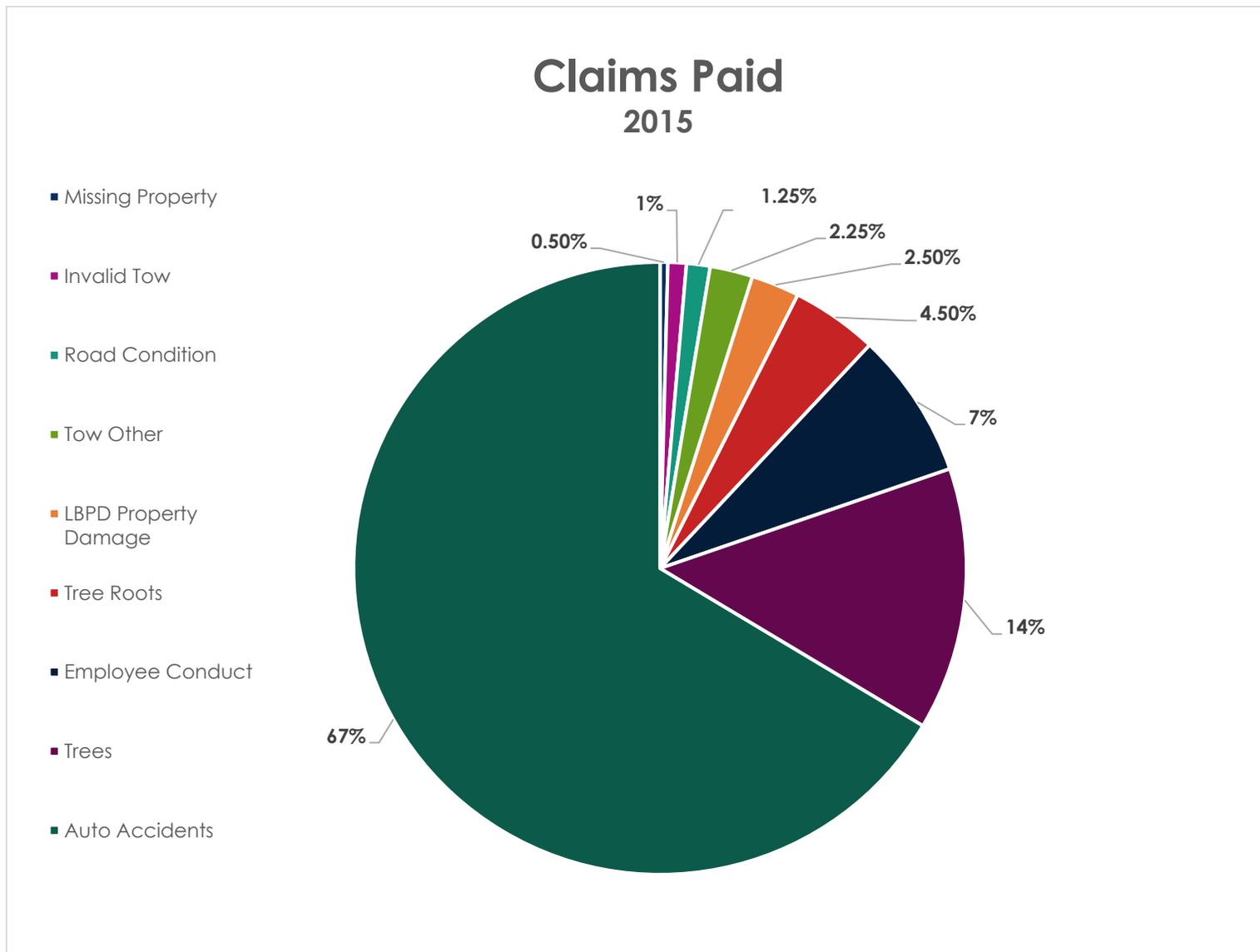
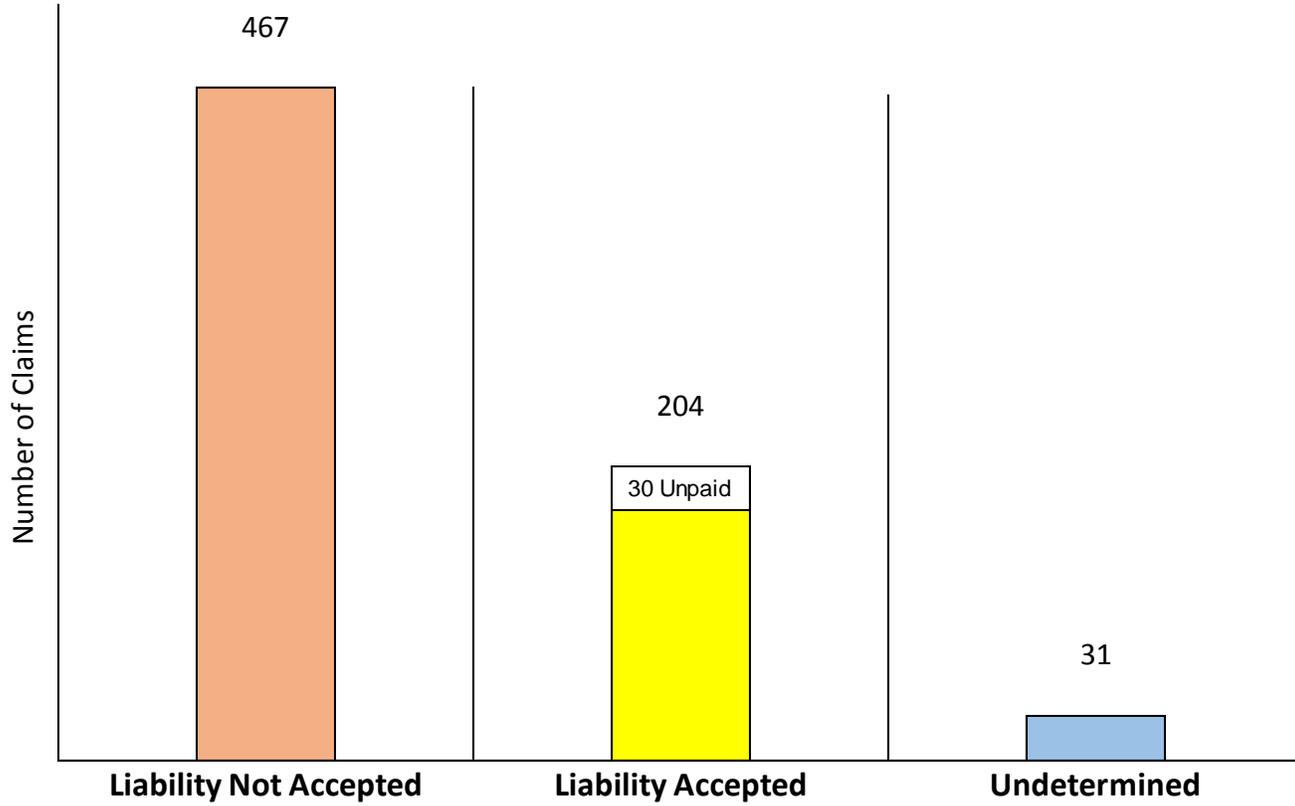


Figure 2

Examining the nature of claims the City pays shows that *automotive accidents* continue to be a significant source of City liability. In 2015, 67% of claims paid arose from negligent operation of an automobile (or equipment, such as a trash truck). Claims arising from City trees constituted the second largest single category of liability: 14% of claims paid was because of trees, or tree limbs, falling on cars or houses (see Figure 2). Tree roots are analyzed separately from tree limbs. Damages caused from tree roots invading sewers or cracking driveways or driveway aprons amounts to 4.5% of claims paid. Employee conduct, which includes employee negligence unrelated to automobile accidents, accounts for 7% of all claims paid.

Liability Accepted vs. Denied 2015



Undetermined: City was unable to determine liability based on information submitted; claim was not considered

Figure 3

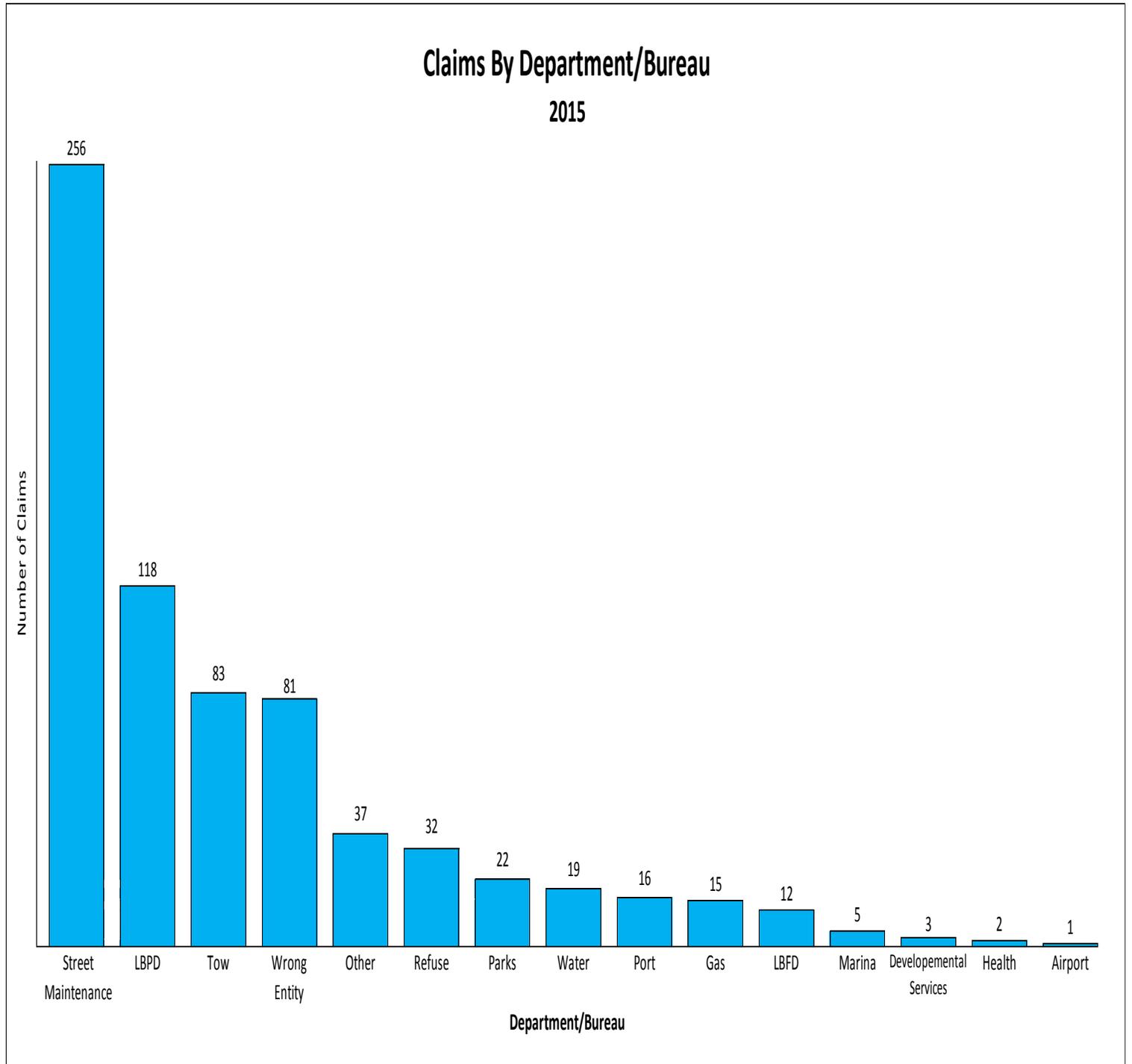


Figure 4

Public Works

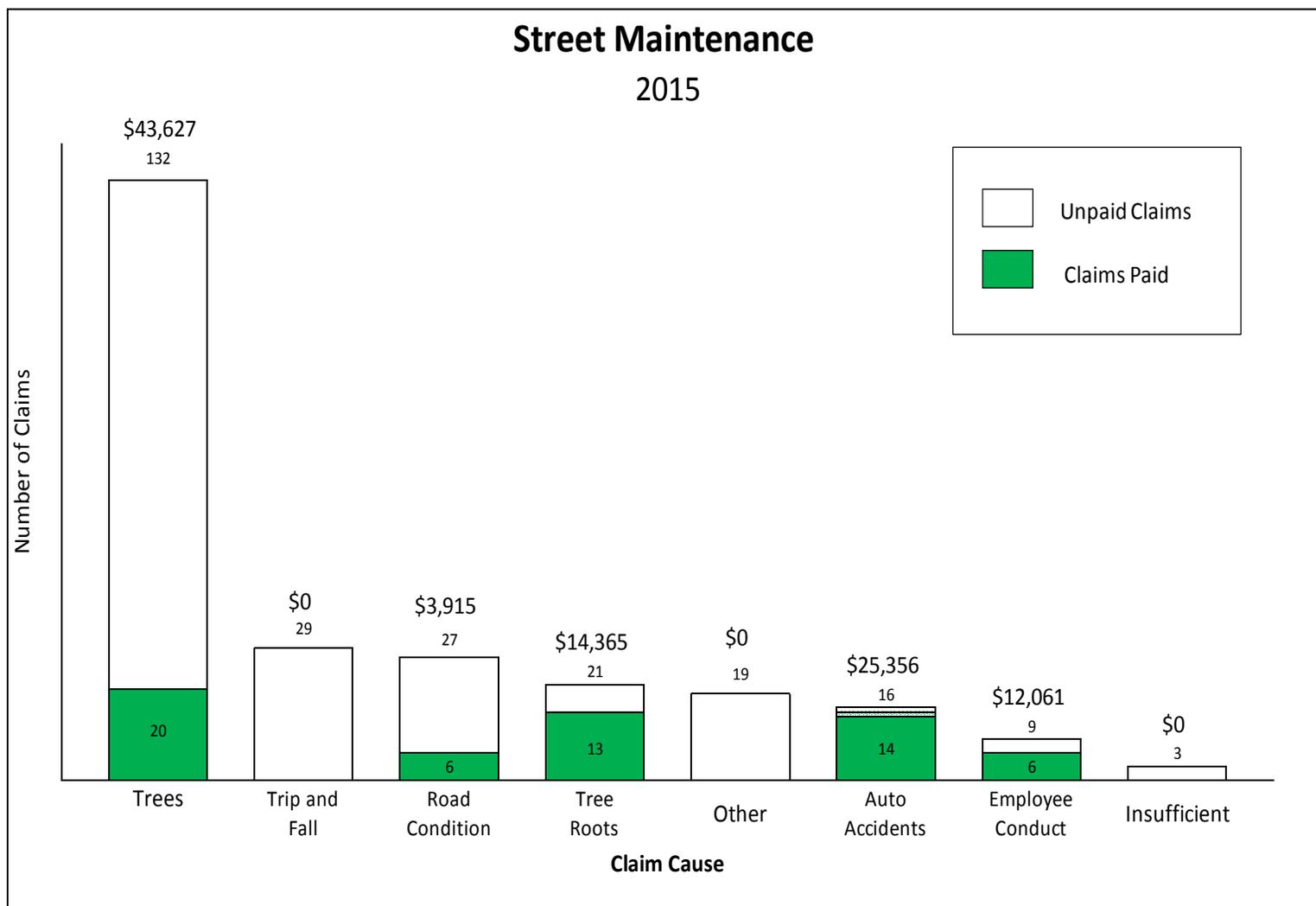


Figure 5

Street Maintenance:

The City Attorney's office adjusted a total of 256 claims in 2015 relating to Public Works, Street Maintenance Division. Again, more than half of the claims were for damage caused by City trees. The City Attorney accepted twenty (20) tree claims, with a total payout of \$43,627; which reflects 14% of claims paid in 2015 (see Figure 5).

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.

In 2015, of the twenty-one (21) tree root related claims filed, fourteen (14) were for damage to water/sewer lines. Eleven (11) claims for damages to water/sewer lines were accepted, for a total payout of \$11,215.

Refuse:

In 2015, the City Attorney's office adjusted thirty-two (32) claims related to Refuse. The City Attorney accepted seventeen (17) claims, totaling \$18,662. Primarily these claims were from auto accidents or damage caused by a Refuse employee.

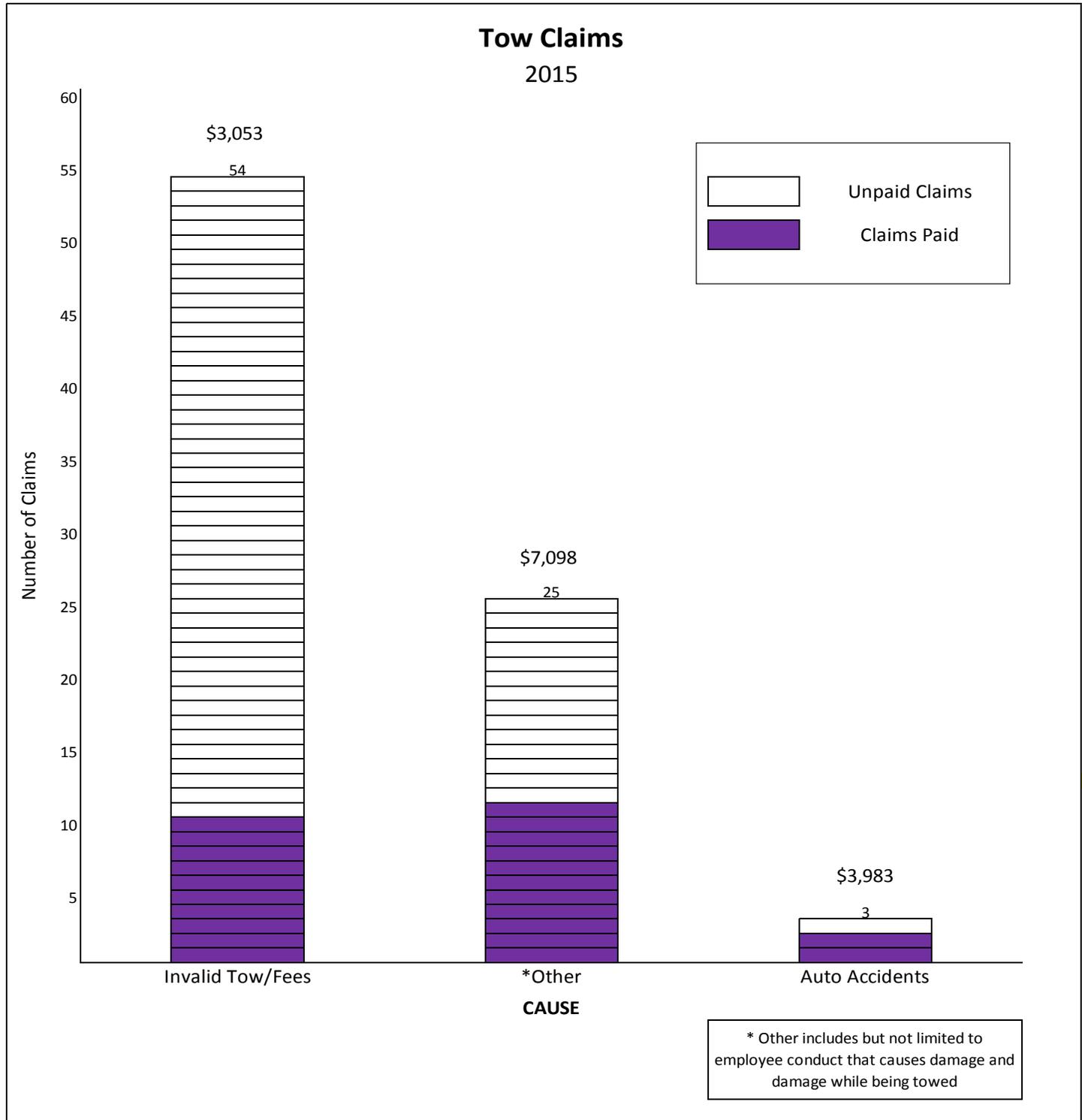


Figure 6

Towing:

In 2015, the City received eighty-two (82) claims related to Tow Operations. These claims include claims for refunds of costs and fees where a claimant proves the tow was invalid. Twenty-three (23) claims were accepted, for a total payout of \$14,134.

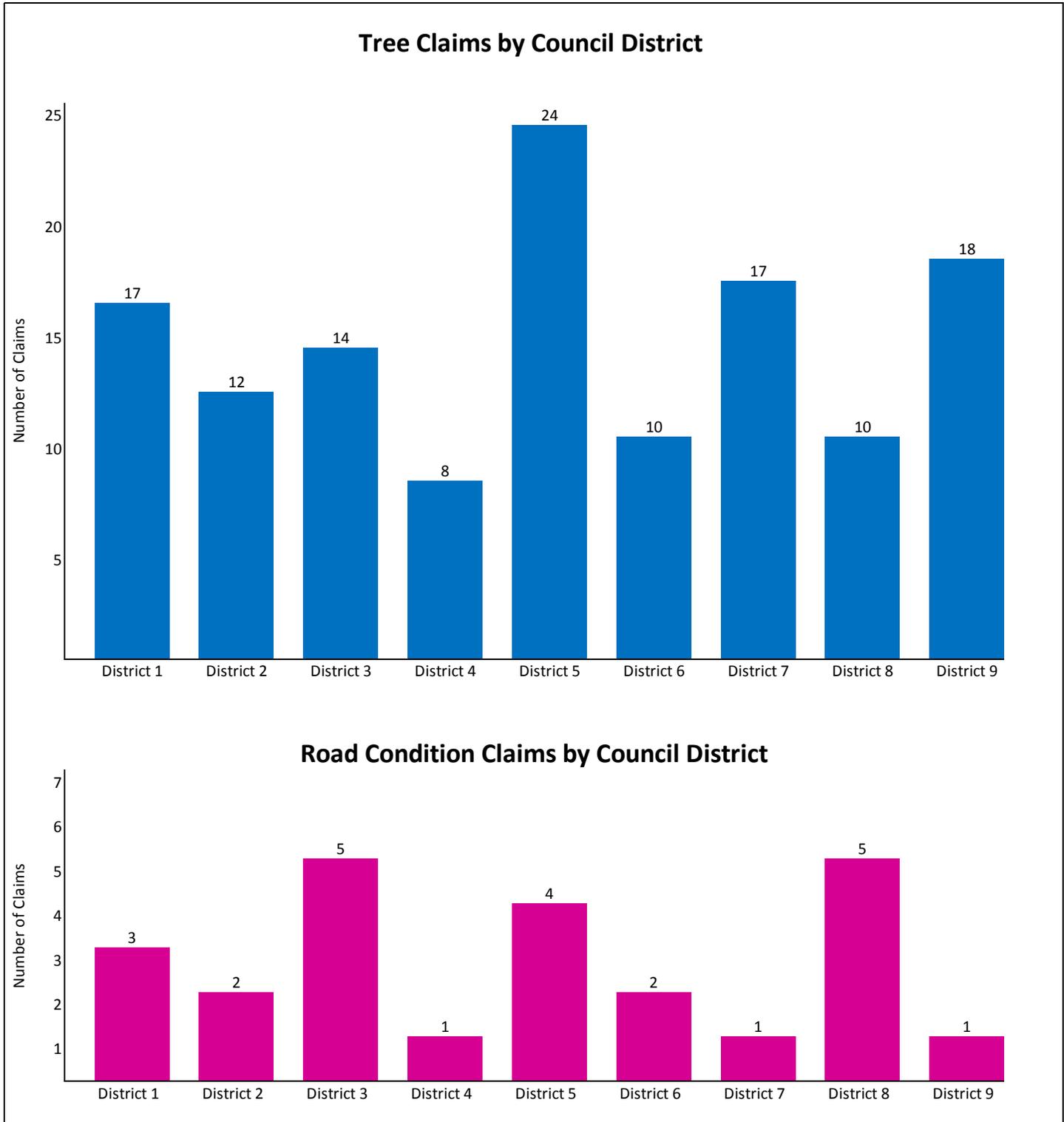


Figure 7

Long Beach Police Department

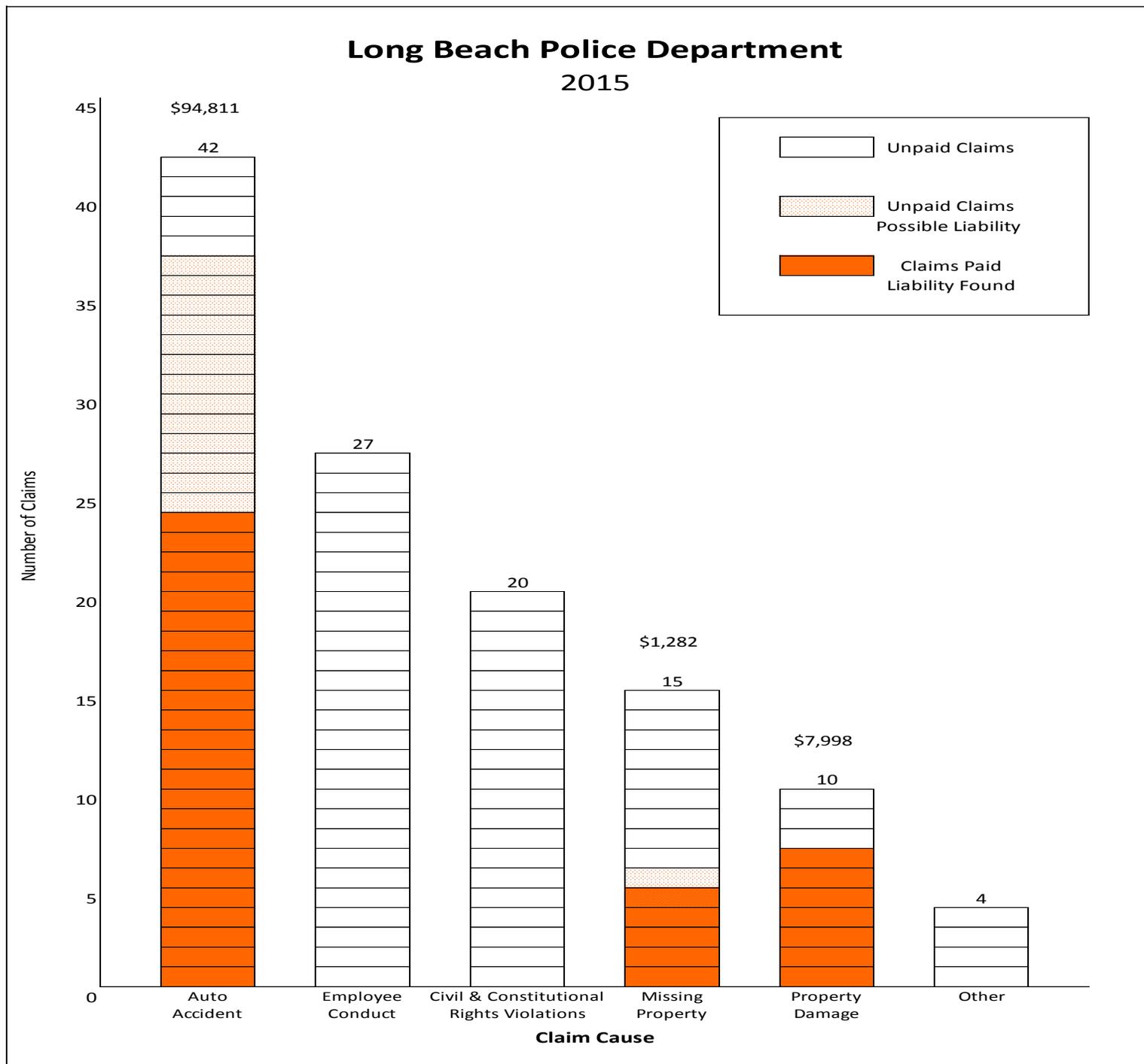


Figure 8

The City Attorney adjusted 118 claims in 2015 relating the Police Department (see Figure 8). In 2015, thirty-six (36) claims were accepted, for a total of \$104,325 paid. Of the thirty-six (36) claims accepted, twenty-four (24), or approximately 30% of the claims, arose from automobile accidents. This totals \$94,811 in payouts.

In fourteen (14) automobile accident claims filed, the City Attorney found possible liability, but the claimants did not provide adequate documentation supporting the damages. Therefore, the claims were not paid.

Auto Accidents

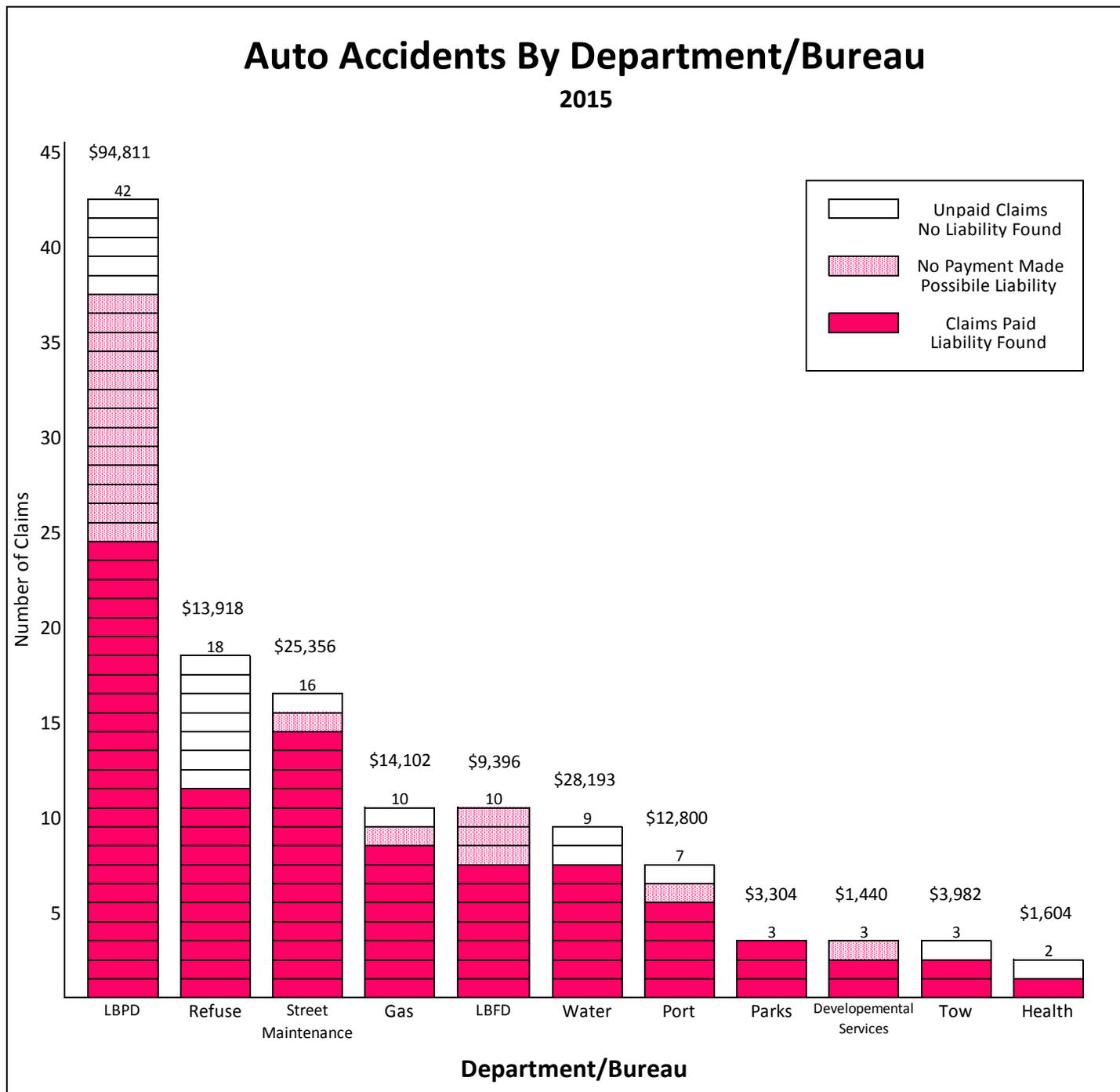


Figure 12

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.

In 2015, the City Attorney adjusted 123 automobile claims. Of the 123 claims received, the City found liability in 104 claims, but only paid out on eighty-four (84) claims. This constitutes 67% of claims received, for a total payout of \$208,906. No payments were made on twenty (20) claims in which the City found liability, again because of the lack of adequate documentation supporting damages. The City concluded that there was no liability in nineteen (19) automobile claims filed, and these claims were rejected.