



City of Long Beach
Working Together to Serve

Office of the City Attorney

Report by the City Attorney Regarding 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.

This data is presented quarterly and posted to 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 Between the First and Second Quarters 2015

The second quarter covers the period of time between April to June 2015. During the second quarter, the City Attorney adjusted 182 claims. In the second quarter, sixty-four percent (64%) of the claims were rejected while thirty percent (30%) were accepted, *totaling \$53,414.00 in paid claims.* (See Figure 2)

The City Attorney's Office noted a *slight increase* in the total number of Government Claims filed during this period. In the first quarter, this office received 164 claims; in the second quarter, our office received 182 claims. This amounts to eighteen (18) additional claims, and represents an increase of approximately eleven percent (11%) from the first quarter (See Figures 1 & 2). As noted above, however, the percentage of claims accepted verses claims rejected remained the same during the first two quarters.

On the other hand, total payments on claims made during the second quarter *declined slightly*. In the first quarter, the City Attorney authorized payment of \$55,062 to persons making claims against the City. In the second quarter, this amount dropped by \$1,648, for a total payout of \$53,414. This represents *a decrease* in payouts of three percent (3%) from the first quarter (See Figures 1 & 2).

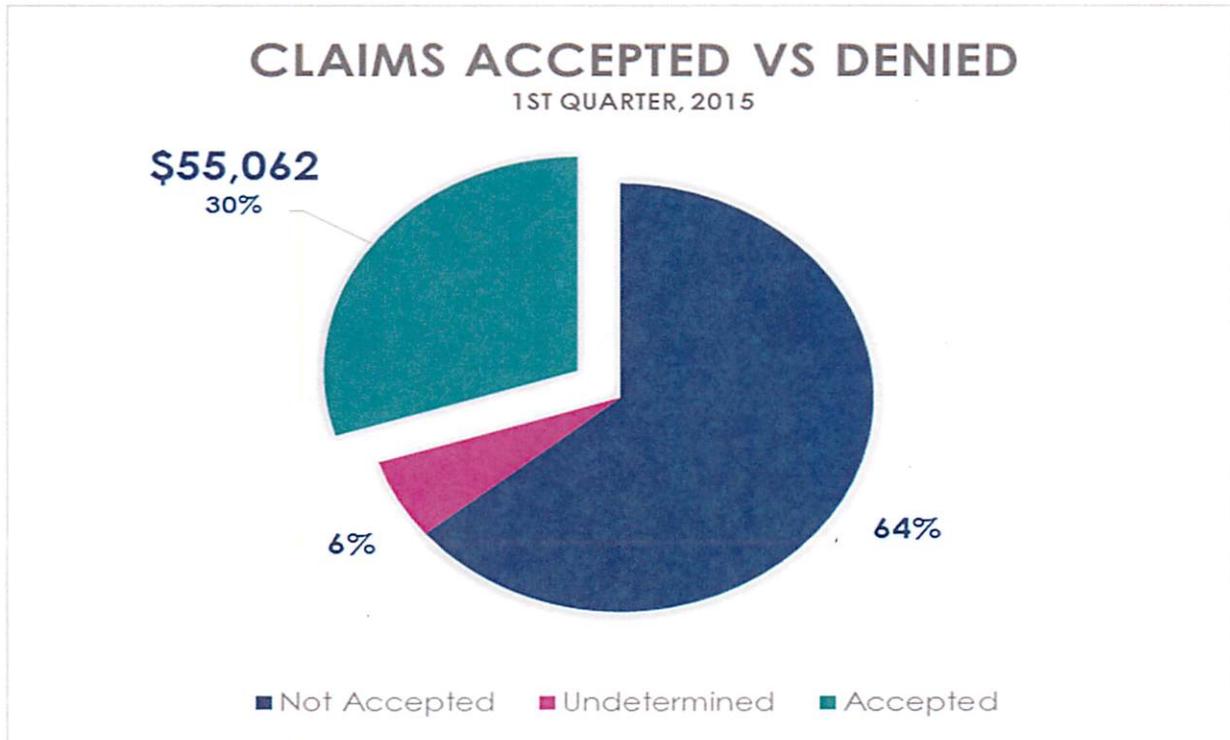


Figure 1

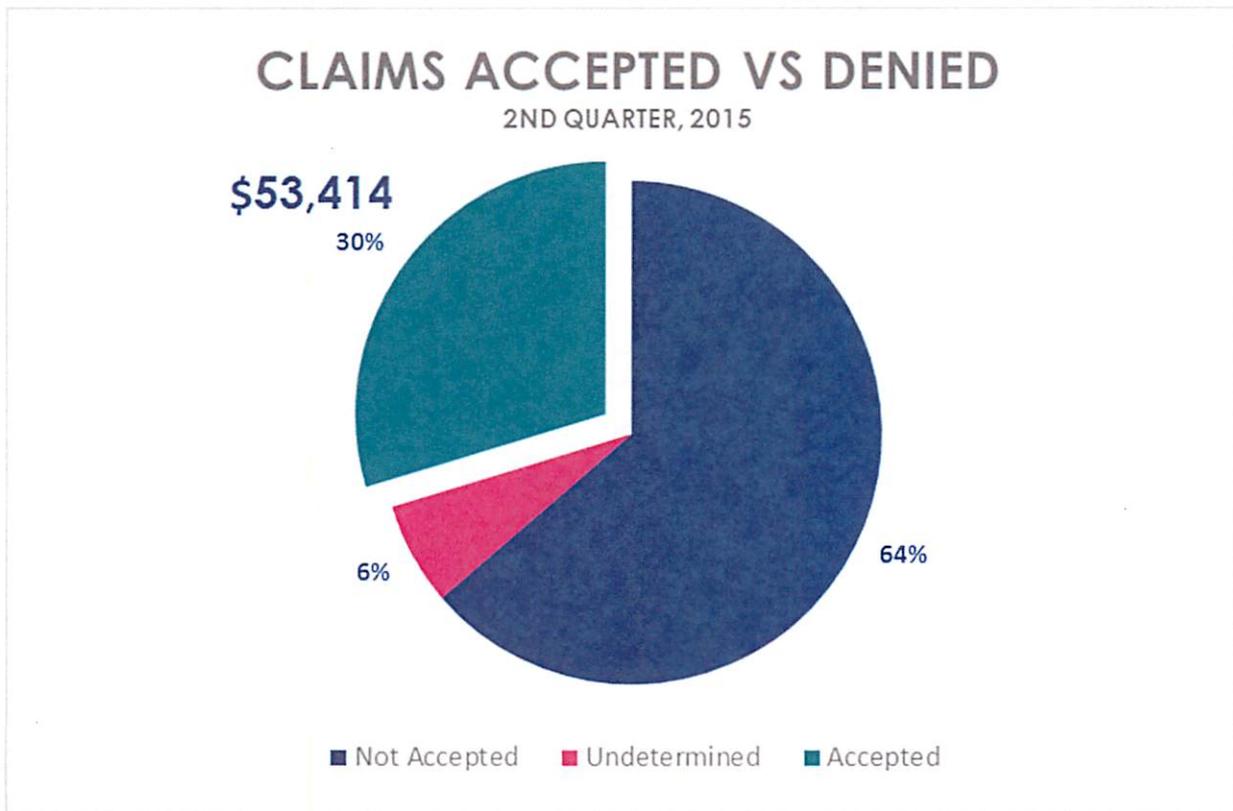
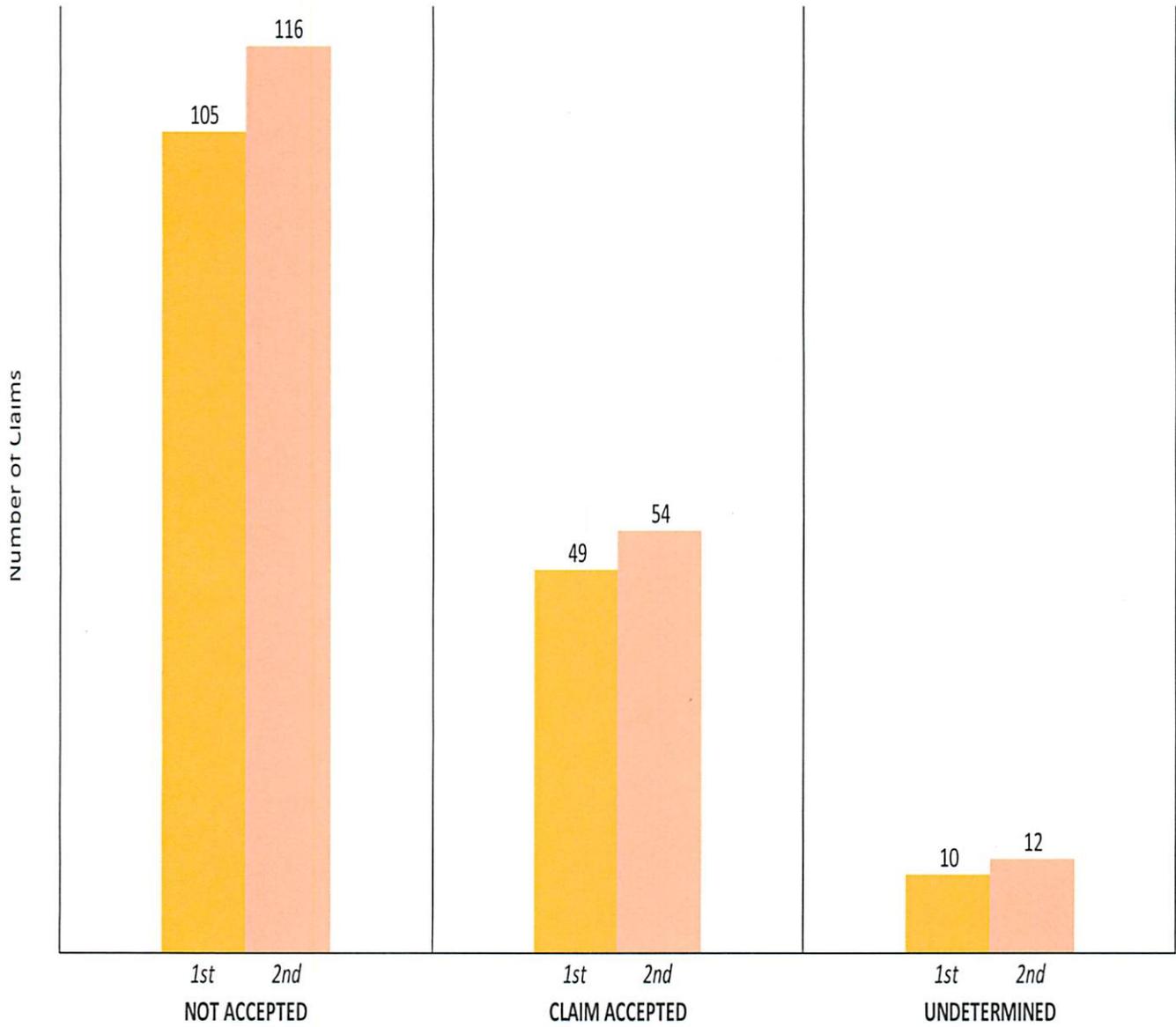


Figure 2

CLAIMS ACCEPTED VS DENIED 1ST & 2ND QUARTER, 2015



UNDETERMINED: CITY WAS UNABLE TO DETERMINE LIABILITY BASED ON THE INFORMATION
SUBMITTED; CLAIM WAS NOT CONSIDERED

Figure 3

In Figure 4, claims by Department or Bureau are compared by quarter. For example, Street Maintenance had a slight decrease in claims compared to the first quarter; Towing Operations has a slight increase in claim compared to the first quarter.

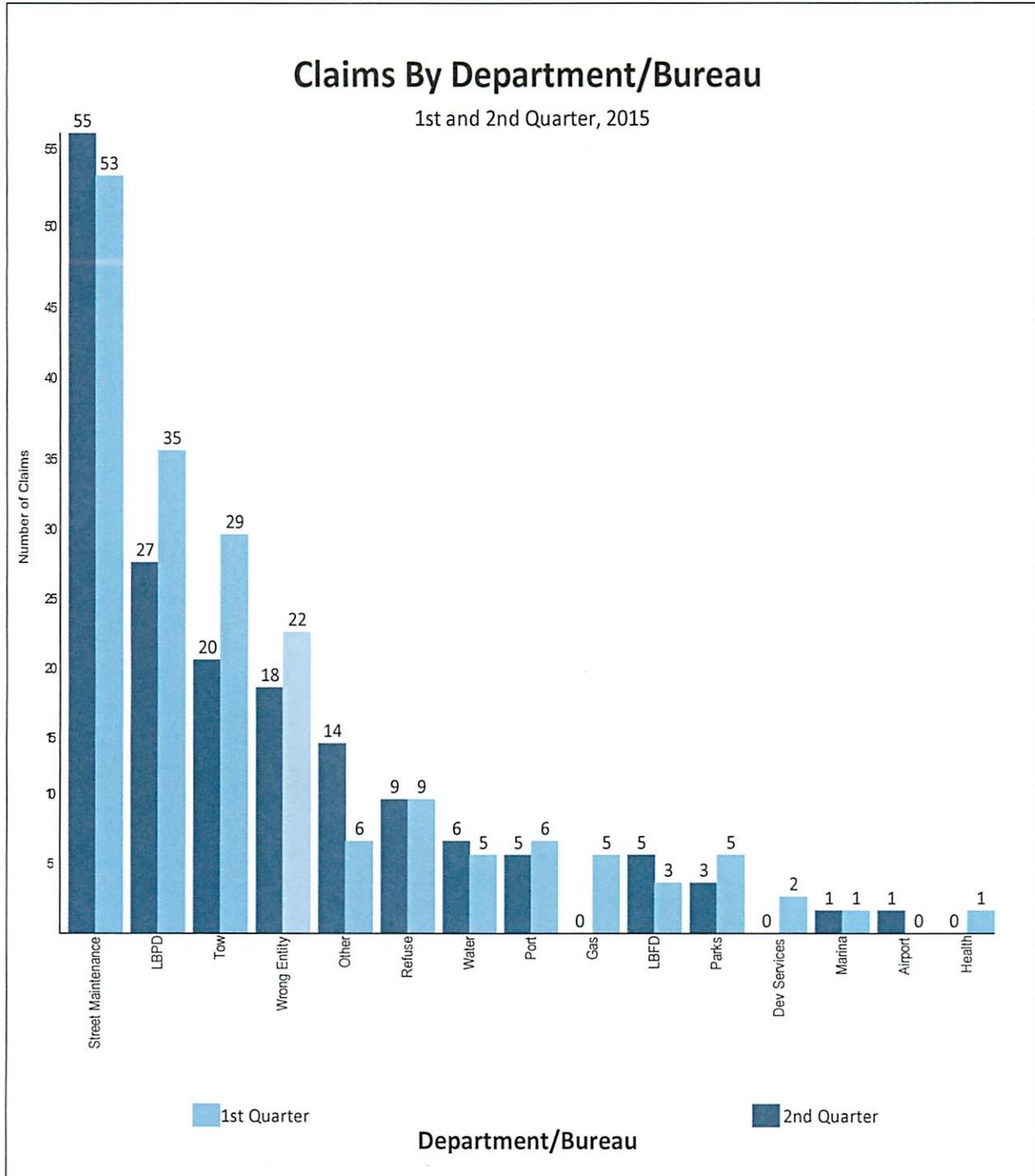


Figure 4

Public Works

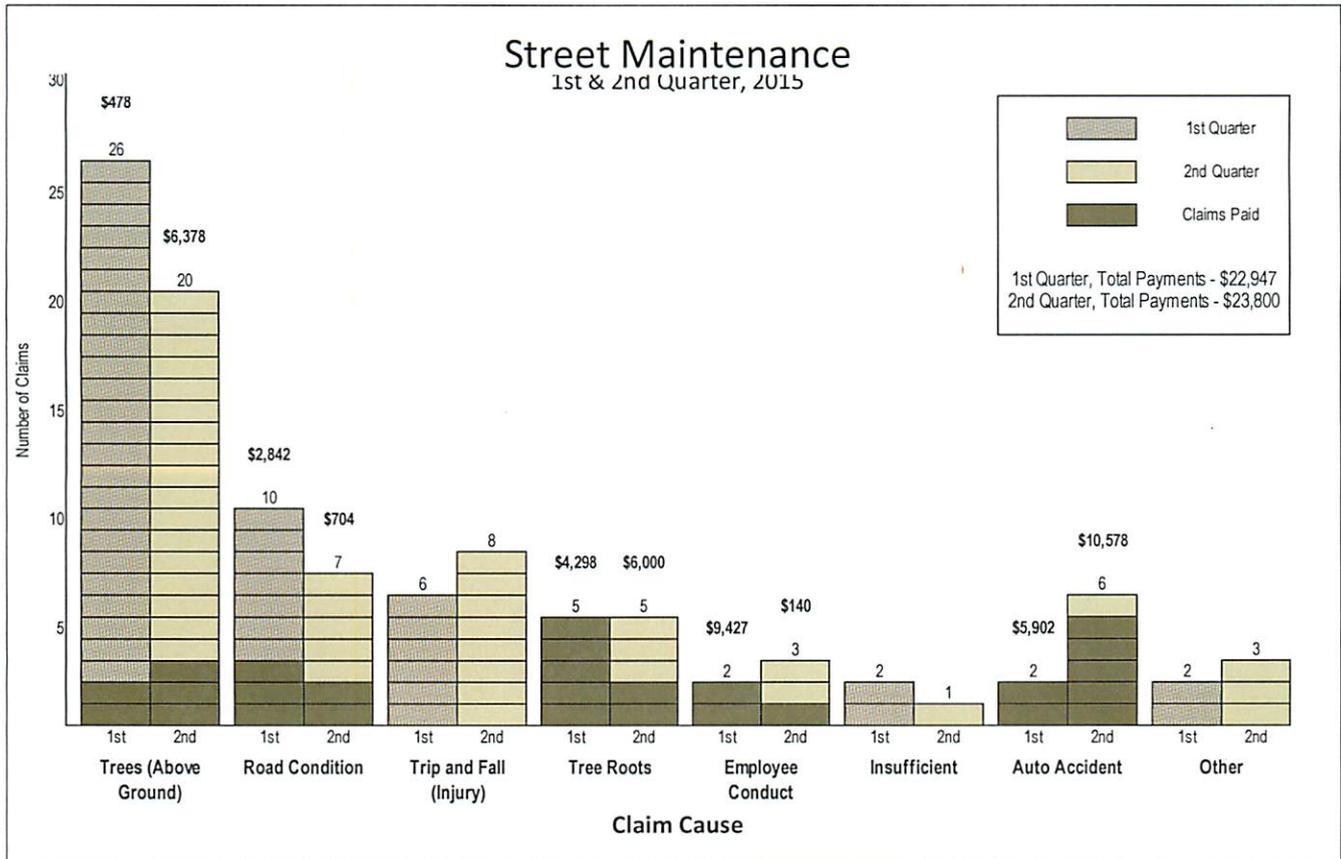


Figure 5

Street Maintenance:

The City Attorney's office adjusted a total of fifty-three (53) claims during the second quarter relating to Public Works, Street Maintenance Division. Thirteen (13) claims, primarily arising from auto accidents, were accepted. The Insurance Fund paid a total of \$22,800 in claims.

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

During the second quarter, of the five (5) tree root related claims filed, two (2) were for damage to water/sewer lines. Both claims were accepted. The City Attorney resolved both claims, for a total payout of \$6,000.00.

Refuse:

During the second quarter, nine (9) claims, primarily involving automobiles, related to Refuse. The City Attorney accepted five (5) claims, totaling \$3,723.

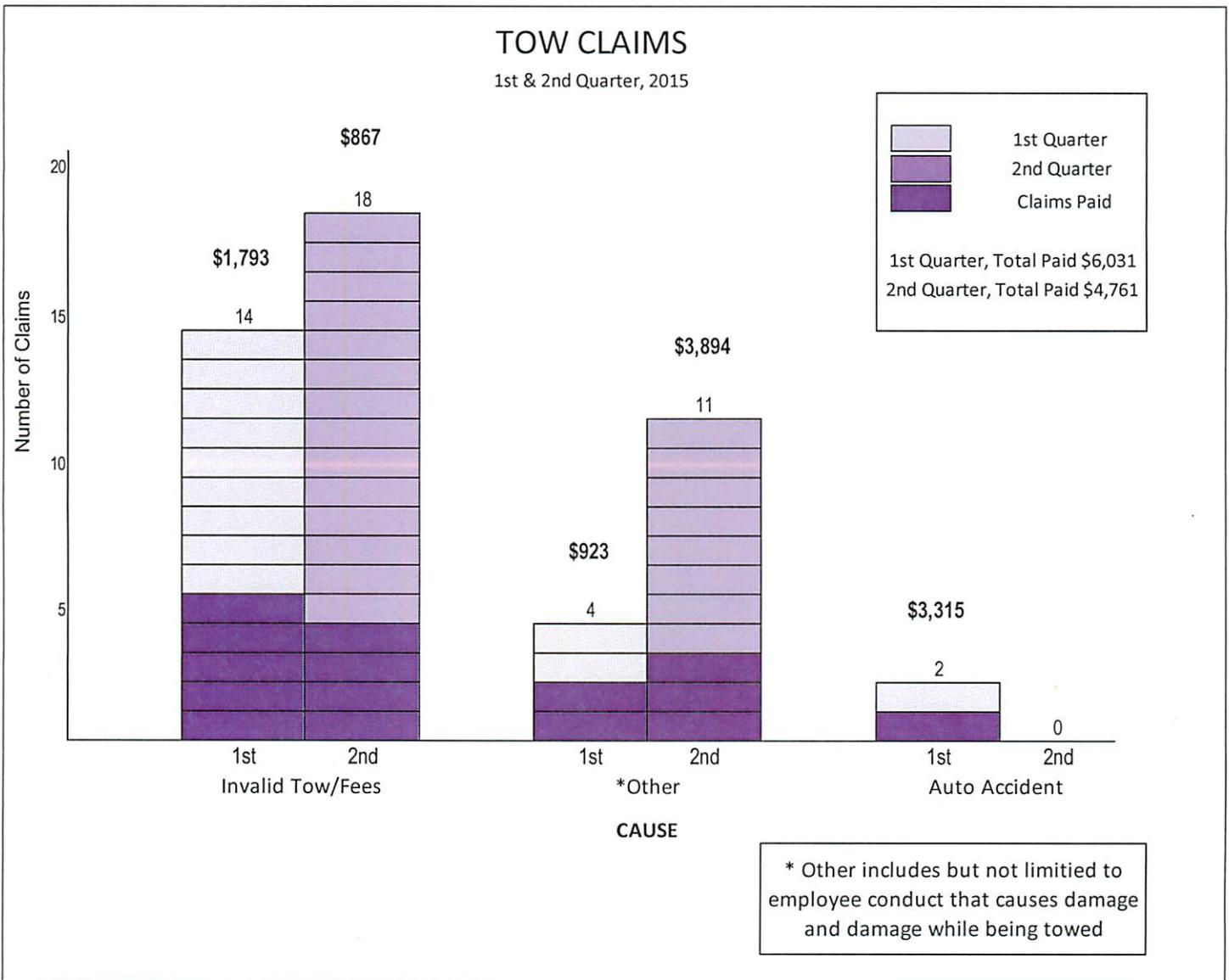


Figure 6

Towing:

During the second 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 can prove the tow was invalid. Of the twenty-nine (29) claims, the City Attorney accepted seven (7) claims. These claims included damage to impounded vehicles, invalid tow fees and one (1) claim for a vehicle sold at auction.

Street Maintenance Claims by Council District

Tree and Road Condition Claims

1st & 2nd Quarter, 2015

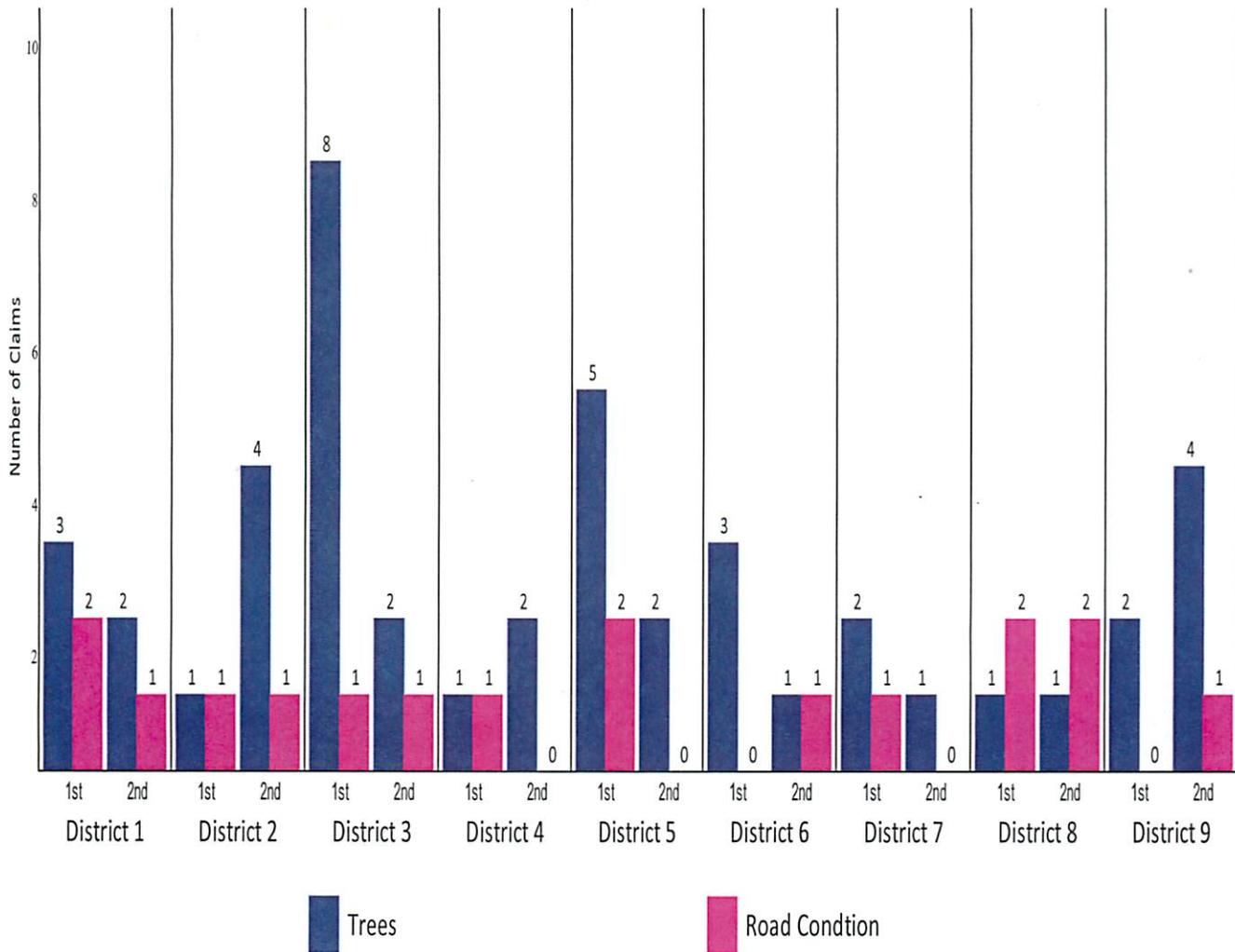


Figure 7

As a whole, the City has experienced a *decline* in tree claims during the second quarter. With the forecasted weather, however, the City Attorney anticipates an increase in tree claims for the third and fourth quarters.

Long Beach Police Department

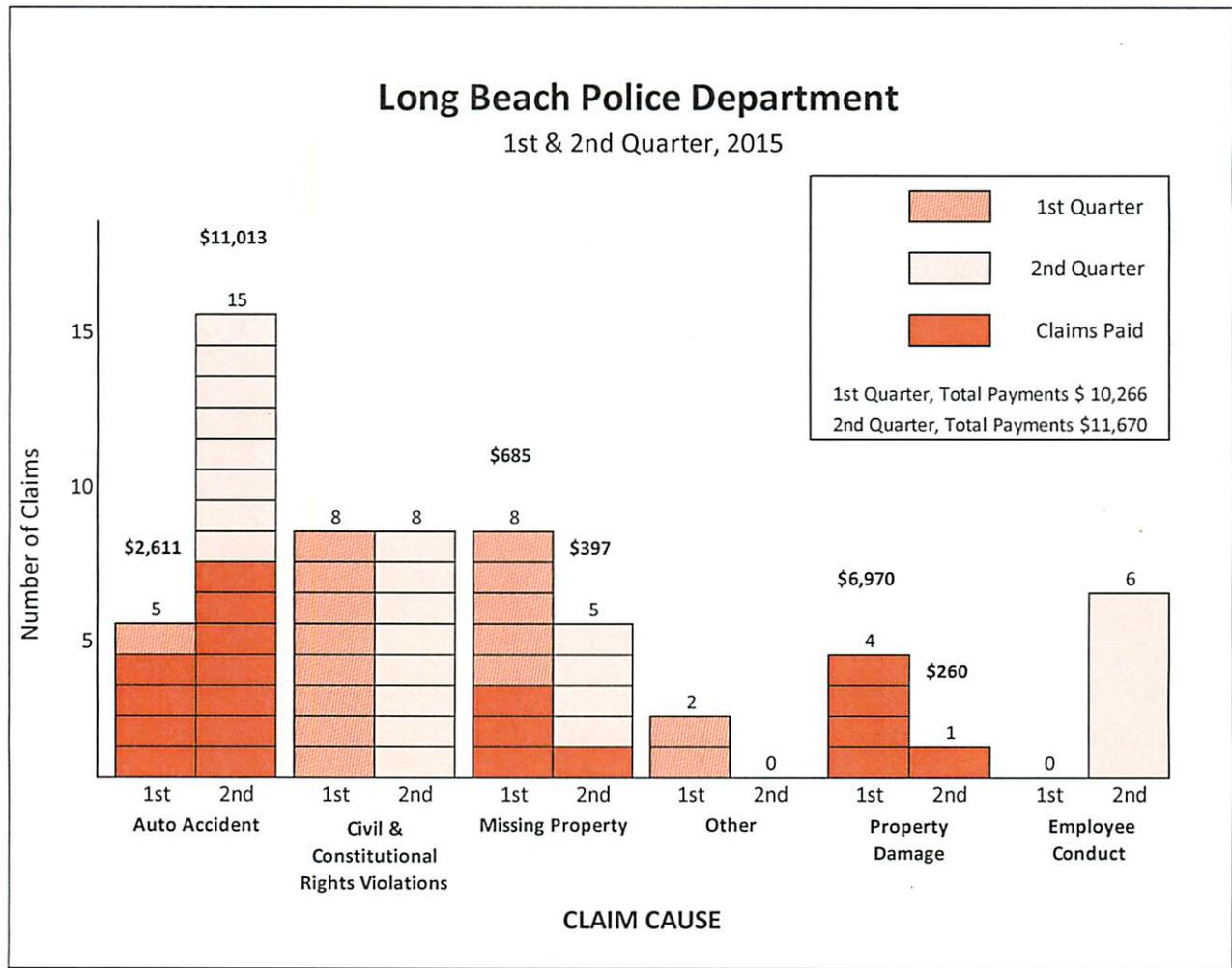


Figure 8

The City Attorney adjusted thirty-five (35) claims during the second quarter relating the Police Department (See Figure 8). During the second quarter, nine (9) claims were accepted, for a total of \$11,670 paid from the Insurance Fund. In five (5) 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.

Automobile Accidents

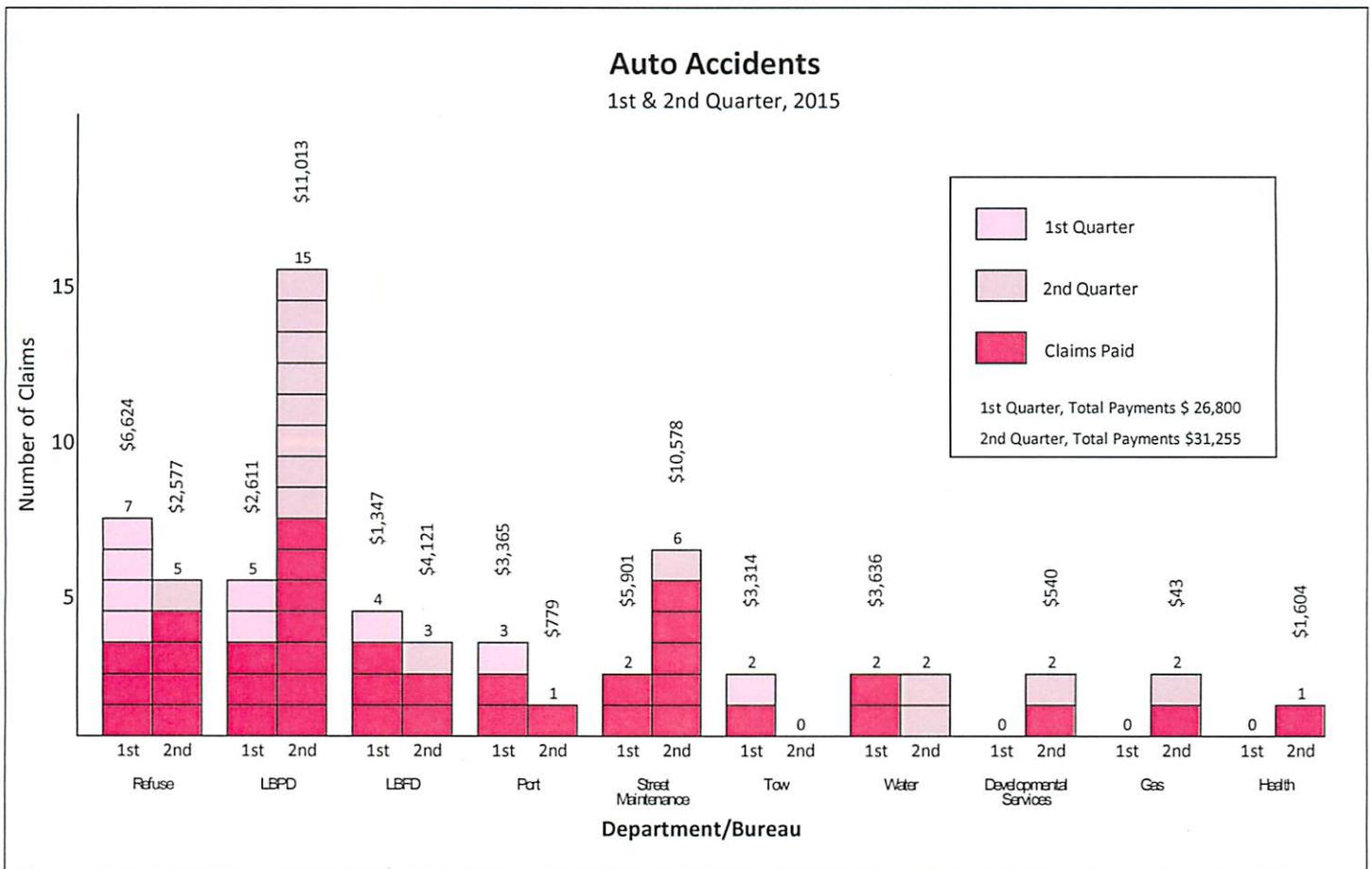


Figure 9

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

In the second quarter, automobile accidents continued to be a significant source of claims and payouts. In the first quarter the City Attorney adjusted twenty-three (23) automobile claims; in the second quarter, the City Attorney adjusted thirty-seven (37) claims (See Figure 9). This reflects *an increase* in claims (although not necessarily payouts) of thirty-eight percent (38%) between the first and second quarters.

Payments on claims arising from automobile accidents also *increased* from the first quarter by \$4,455, for a total second quarter payout of \$31,255. This reflects roughly a sixteen percent (16%) increase in payouts between the first and second quarters.

During the first quarter, the City Attorney found possible liability on two (2) claims but was unable to justify paying on the claims because of a lack of documentation supporting the damages. Since then, however, one claimant did provide supporting documentation and, accordingly, the City Attorney paid \$4,000.00 on that claim.

During the second quarter, the City found possible liability on six (6) claims in which no payment was made, primarily due to not receiving documentation to support damages.