



**City of Long Beach**

*Working Together to Serve*

**Office of the City Attorney**

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

The California Government Code requires citizens seeking money damages from the City of Long Beach to first file a Government Claim. See Government Code § 910 et seq. Each Government Claim filed, in turn, is individually reviewed by a Claims Adjuster in the Law Department's Liability Section. This process includes collection of supporting documentation and a thorough investigation by staff. The investigation includes obtaining evidence and may include interviewing witnesses and inspecting the scene of the alleged incident. When the investigation is complete, the Government Claim is reviewed by an attorney for a final determination. At that time, claims are either (1) paid outright; (2) compromised; or (3) rejected. By law, this entire process must be completed within forty-five (45) days.

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 and second 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 Second Quarter, 2016

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During the second quarter in 2016, the City Attorney's Office received, investigated and adjusted a total of *170 claims*. During the first quarter in 2016, the City Attorney received *221 claims*, or fifty-one (51) more claims in the first quarter compared to the second quarter. That's 23% less claims filed. Comparing the second quarter 2016 to the second quarter 2015 we see a difference of only twelve (12) claims, or a decrease from last year of about 6.5%.

Of the 170 claims adjusted, the City Attorney's Office determined City liability existed for forty-one (41) claims. That is roughly 24% of all claims considered. That is an increase from the first quarter of only 1%. Of the forty-one (41) meritorious claims, this office was able to resolve thirty-five (35) of them. Again, resolving meritorious claims spares the City the costs associated with lawsuits.

In resolving the thirty-five (35) claims, the City Attorney authorized a total payout of *\$92,854*. By comparison, last quarter the City Attorney authorized a total payout of *\$73,492*. This is an increase of *\$19,363* or roughly 20% during the 2nd Quarter 2016. Last year during the 2nd Quarter 2015, the City Attorney's Office authorized total payouts in the amount of *\$53,414*. Thus, payouts increased from the 2nd Quarter 2015 to 2nd Quarter 2016 by *\$39,440* or 42%. The City Attorney accounts for this increase because of the increase in the value of damages claimed and severity of the incidents involved. Money used to satisfy meritorious claims comes from the City's Insurance Fund.

The percentage of claims accepted has remain fairly consistent from last year. This year, during the second quarter, the City Attorney accepted 24% of claims filed; last year, during this same time period, the City Attorney accepted 30% of claims filed.

This quarter, the City Attorney recognized potential liability in six (6) claims, but did not authorize any payouts. The primary reason for this is because the claimants did not provide *adequate documentation* to support alleged damages (see Figures 1, 2 & 3). The City Attorney requires all claimants to provide sufficient documentation to prove damages.

During the second quarter, the City Attorney refused to consider fourteen (14) 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 had been made (see Figure 3).

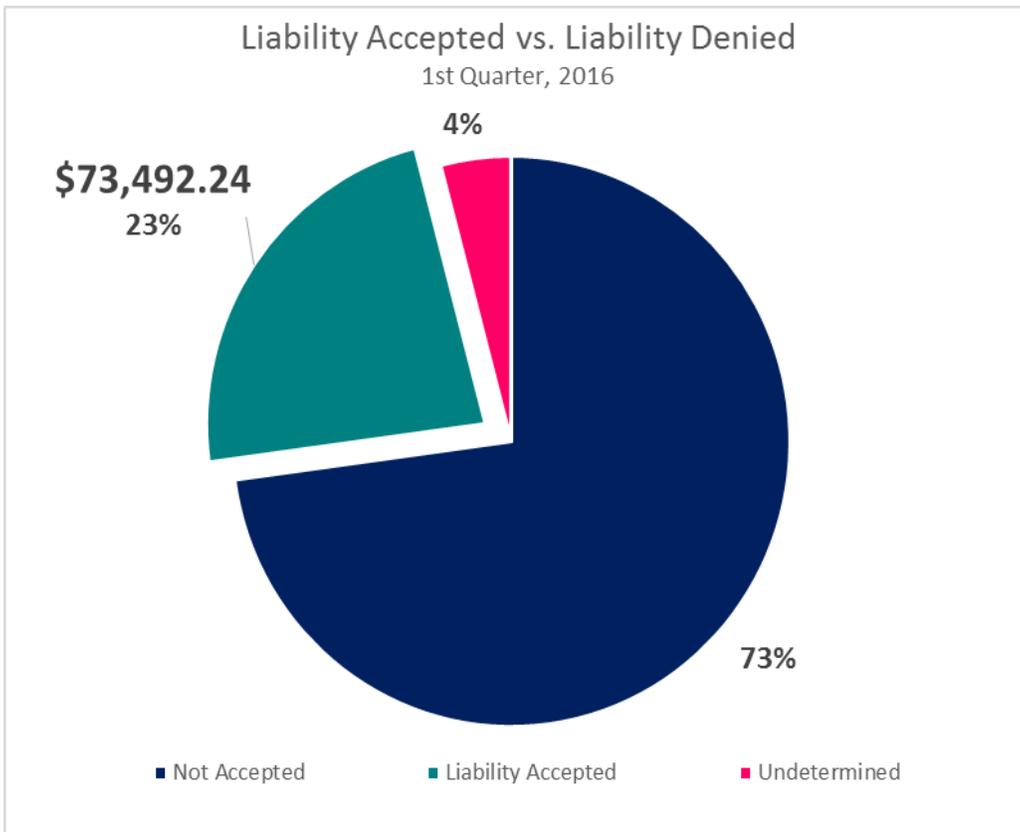


Figure 1

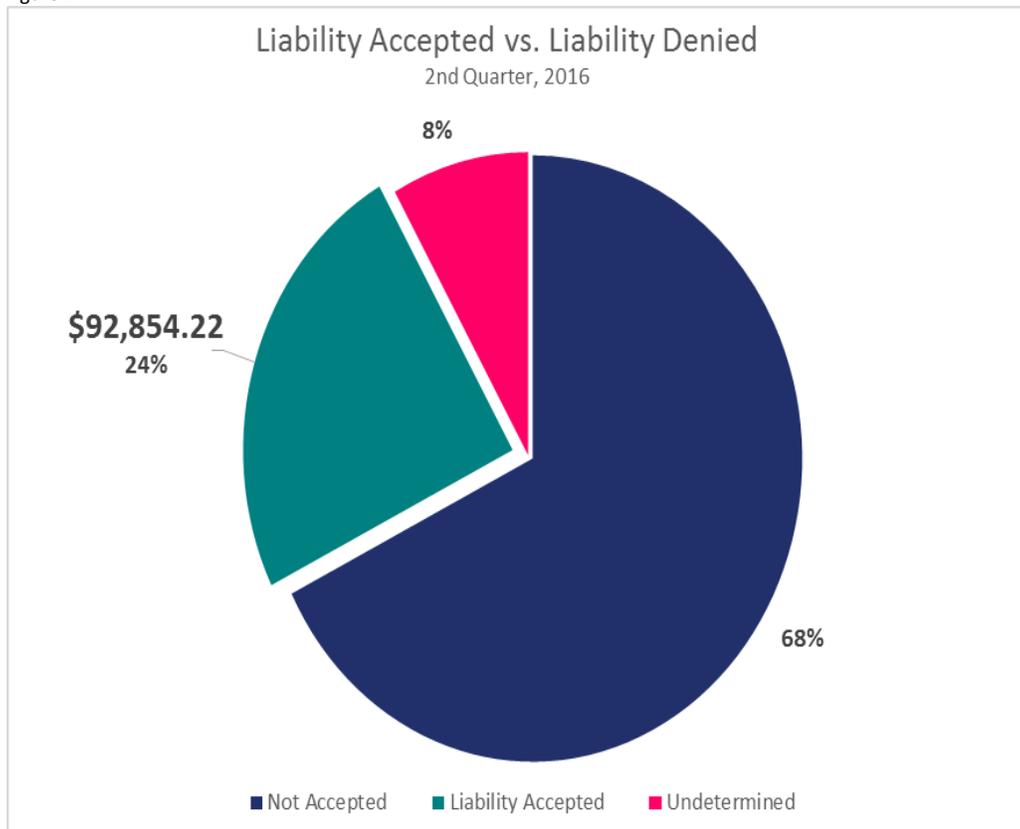


Figure 2

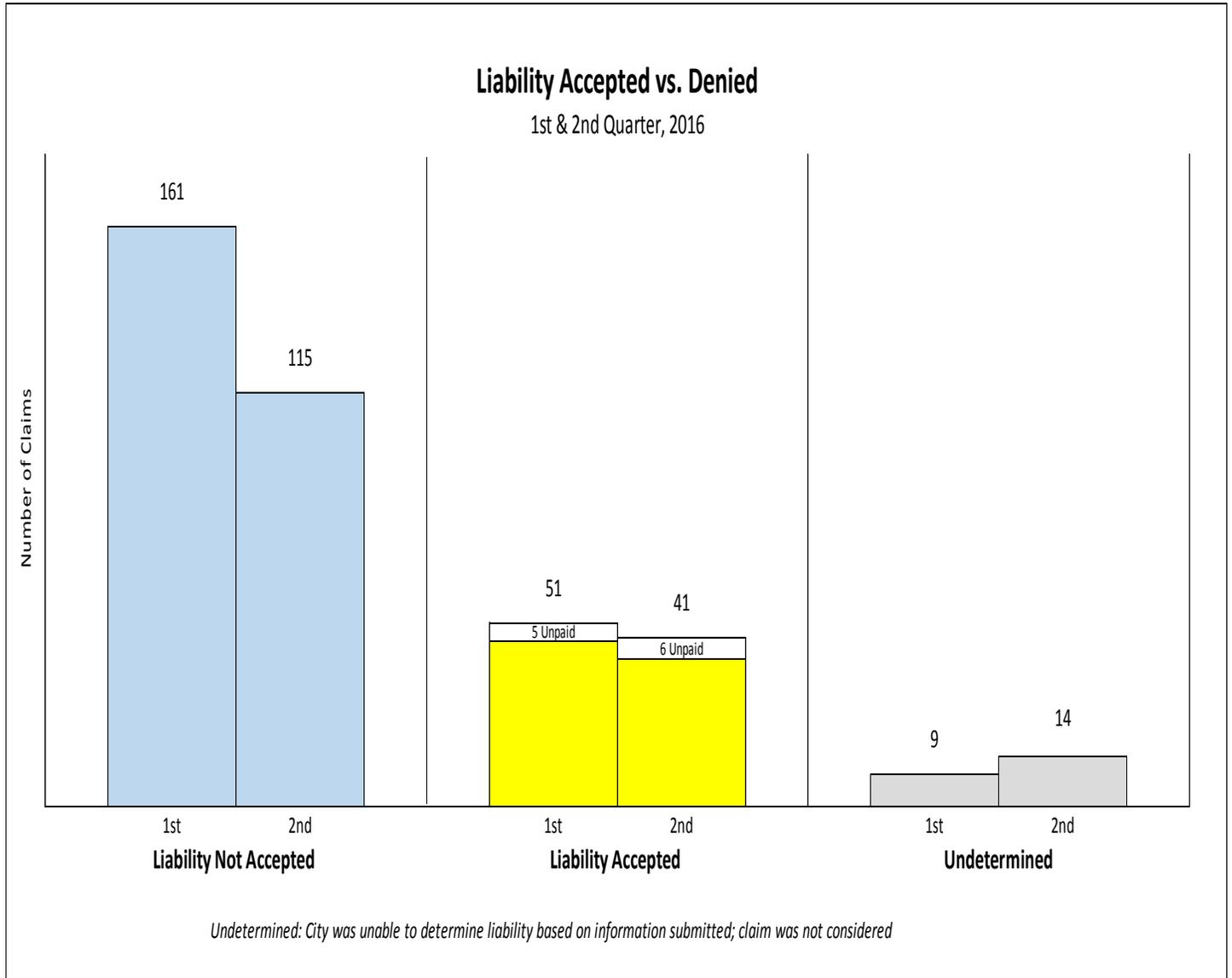


Figure 3

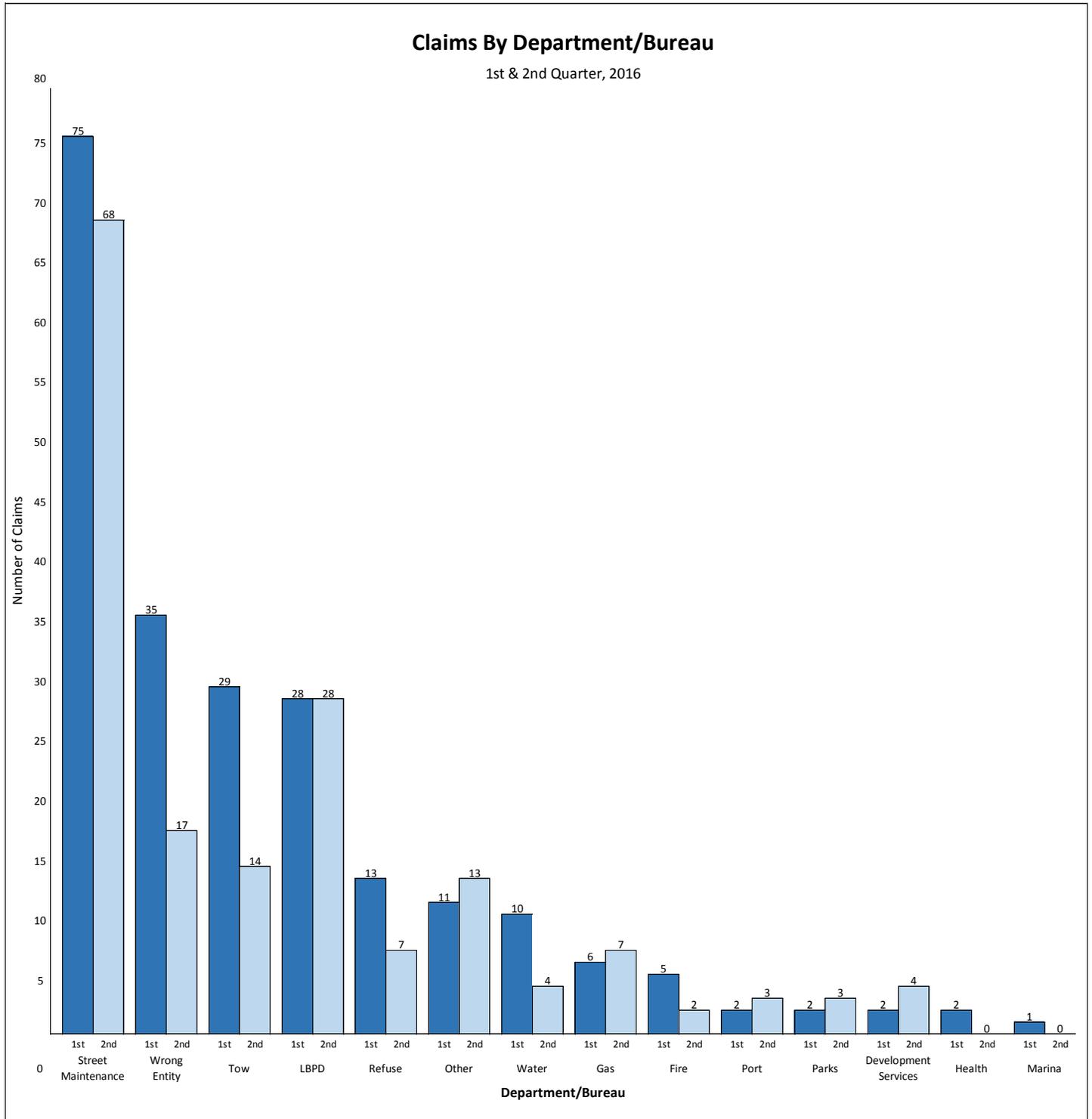


Figure 4

## Public Works

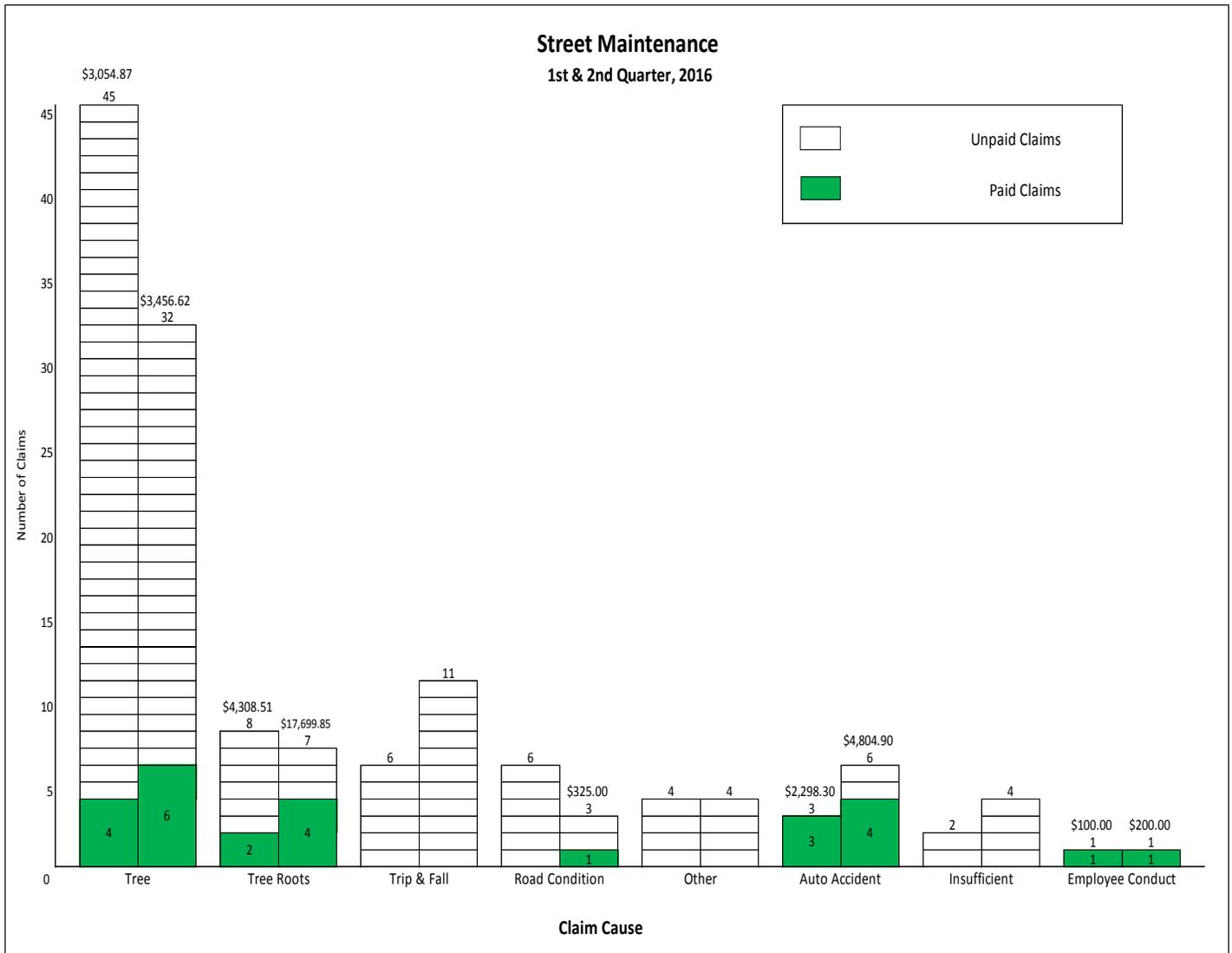
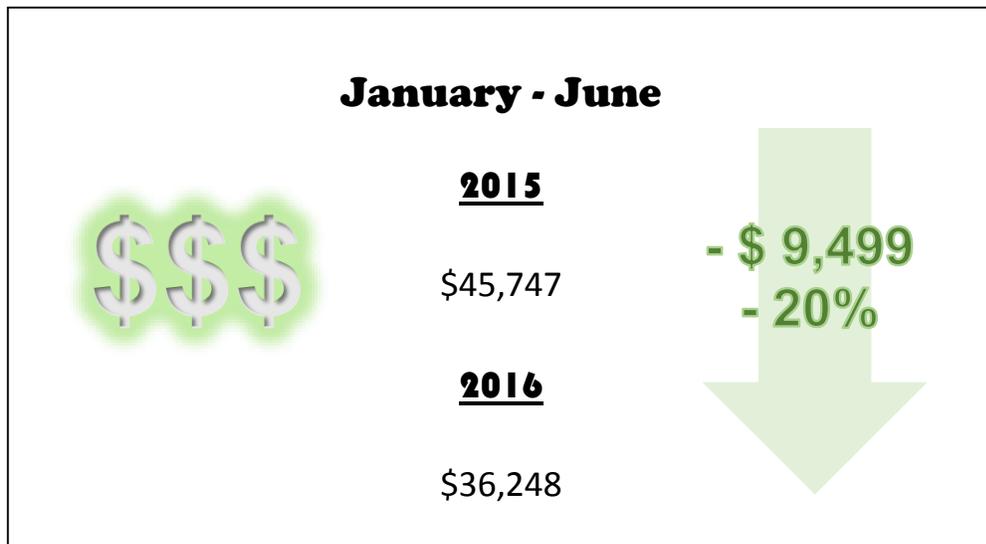


Figure 5



**Street Maintenance:**

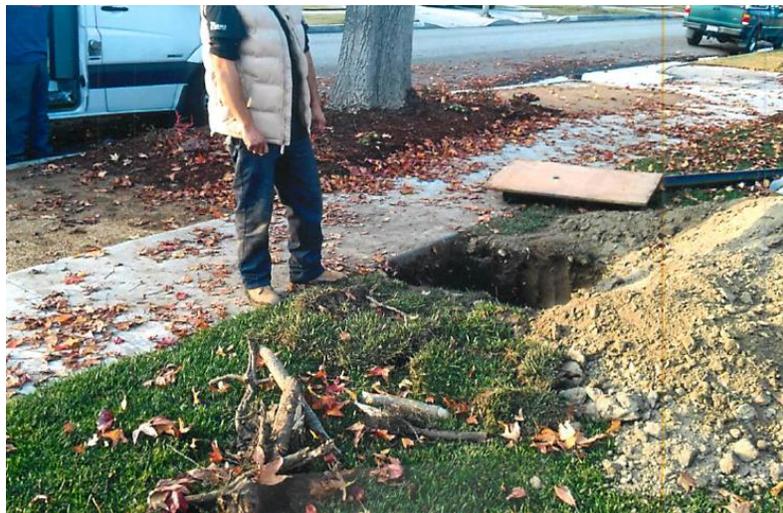
The City Attorney’s office adjusted a total of sixty-eight (68) claims in during the second quarter relating to Public Works, Street Maintenance Division. Almost half of the claims sought compensation for damages caused by City trees. The City Attorney accepted six (6) tree claims, with a total payout of \$3,456.62; which reflects 3.5% of claims paid. (see Figure 5).



*Damage to vehicle by City tree limb*

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.

Seven (7) tree root related claims were filed during the second quarter, five (5) were for damage to water/sewer lines. Four (4) claims for damages to water/sewer lines was accepted, for a total payout of \$17,699; which reflects 19% of the total payout for all claims paid.



*Damage to sewer main caused by City tree roots*

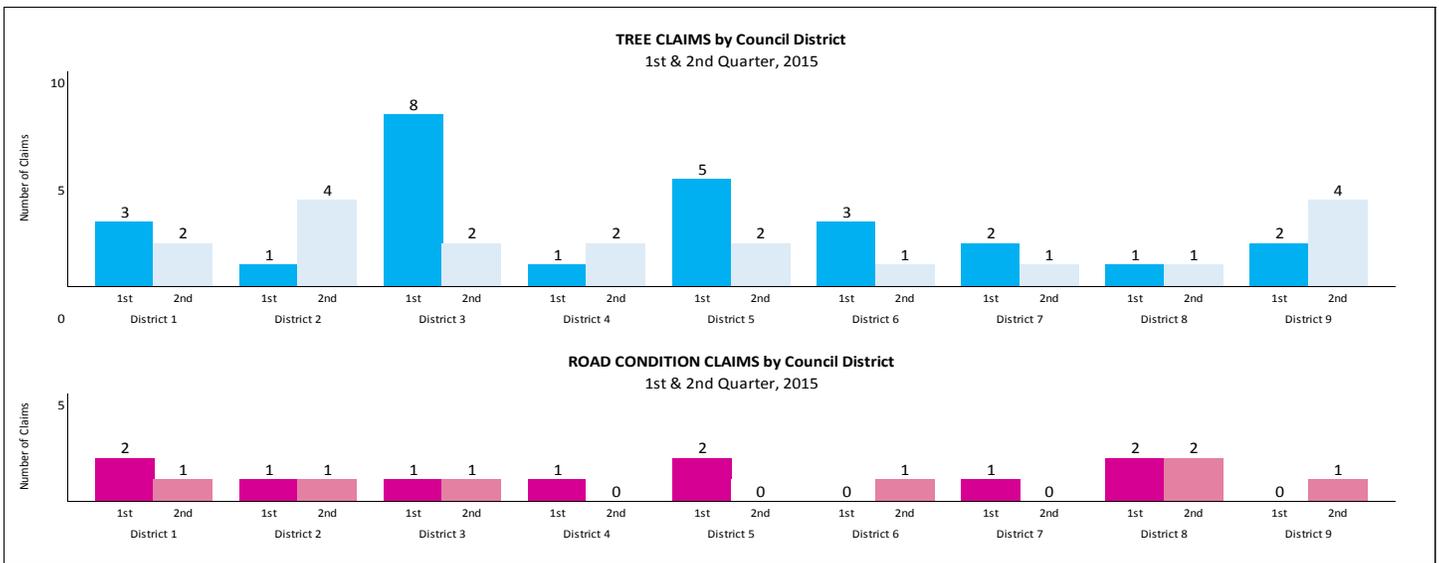


Figure 6

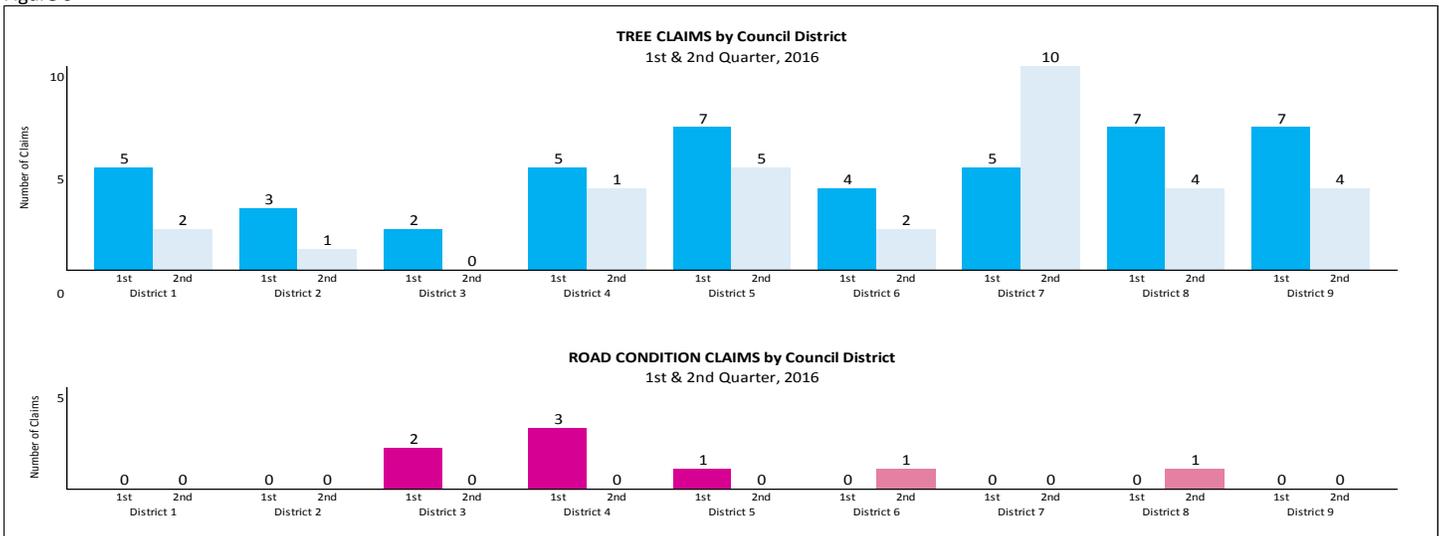


Figure 7

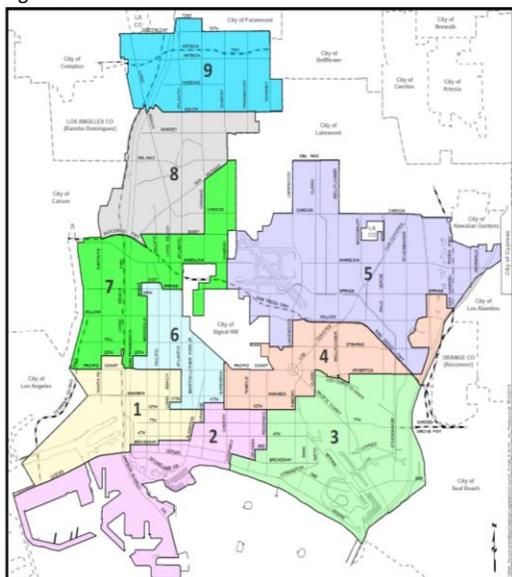


Figure 6 & 7 depict tree and road condition claims filed by council district in January through June of 2015 & 2016. During the second quarter of 2016, one (1) road condition claim was insufficient; the exact location was not provided.

From January through June of 2016, the City received a total of seventy-seven (77) claims related to damages caused by City trees. In the first half of 2015, the City received a total of forty-six (46) claims; this reflects a 67% increase in tree related claims.

However, January through June of 2016, the City received a total of nine (9) claims related to damages resulting from City road conditions (i.e. potholes). In the first half of 2015, the City received a total of seventeen (17) claims; this reflects 47% decrease in claims related to road conditions.

**Refuse:**

During the first quarter, the City Attorney’s office adjusted seven (7) claims related to Refuse. The City Attorney resolved two (2) claims, totaling \$1,665.79. These claims were from auto accidents.



*Damage to fence caused by refuse truck*

**Tow Claims:**

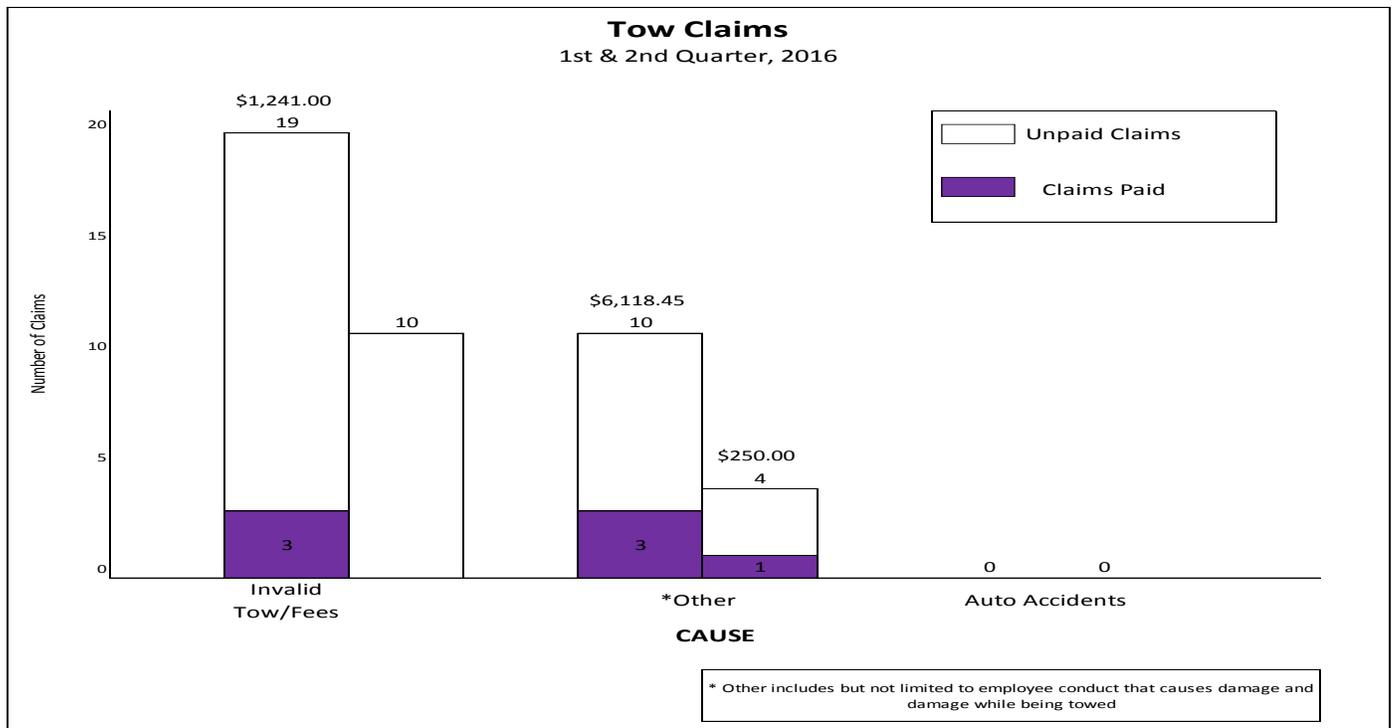


Figure 8



*Damage to vehicle while impounded*

During the second quarter, the City received fourteen (14) claims related to Tow Operations. These claims include claims for refunds of costs and fees where a claimant proves the tow was invalid. However, none of the claims for allegations of invalid tow were accepted. One (1) claim for damages to a vehicle while impounded was accepted; for a total payout of \$250. There were no claims filed for an auto accident involving tow operations. (See figure 8).

## Long Beach Police Department

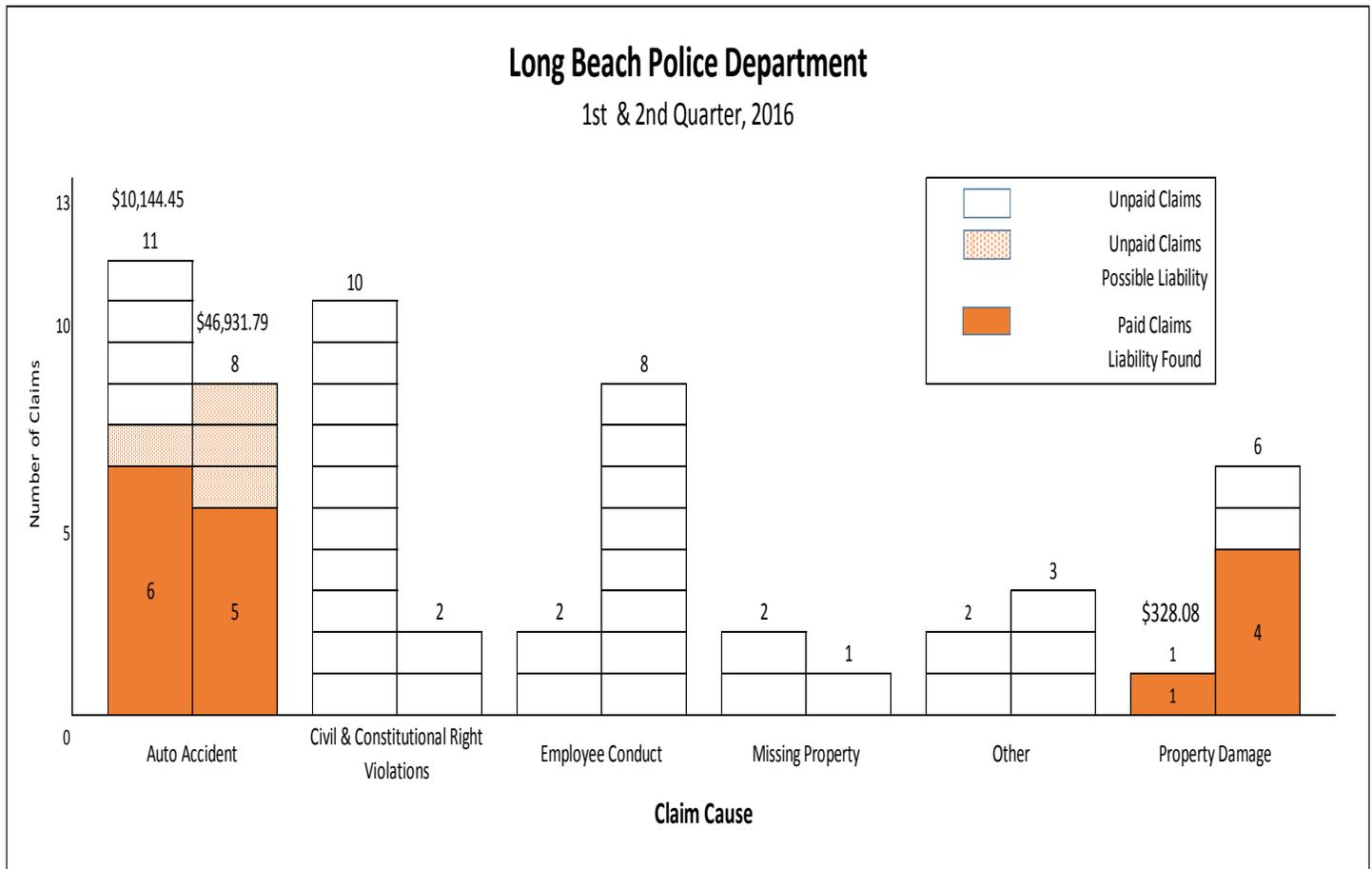


Figure 9

The City Attorney adjusted twenty-eight (28) claims during the second quarter relating the Police Department (see Figure 9). Of the twenty-eight (28), nine (9) claims were accepted, for a total of \$53,361.40 paid; which included one claim payout of \$36,205. Of the nine (9) claims accepted, five (5), or approximately 17% of the claims, arose from automobile accidents.

In two (2) automobile accident claims filed, the City Attorney found possible liability, but the claimant did not provide documentation to support damages. Therefore, the claim was denied.

In one (1) automobile accident claim filed, the City Attorney found possible liability, but the claim was submitted late. Therefore, the claim was not considered.



Patrol vehicle damages resulting from traffic collision

## Auto Accidents

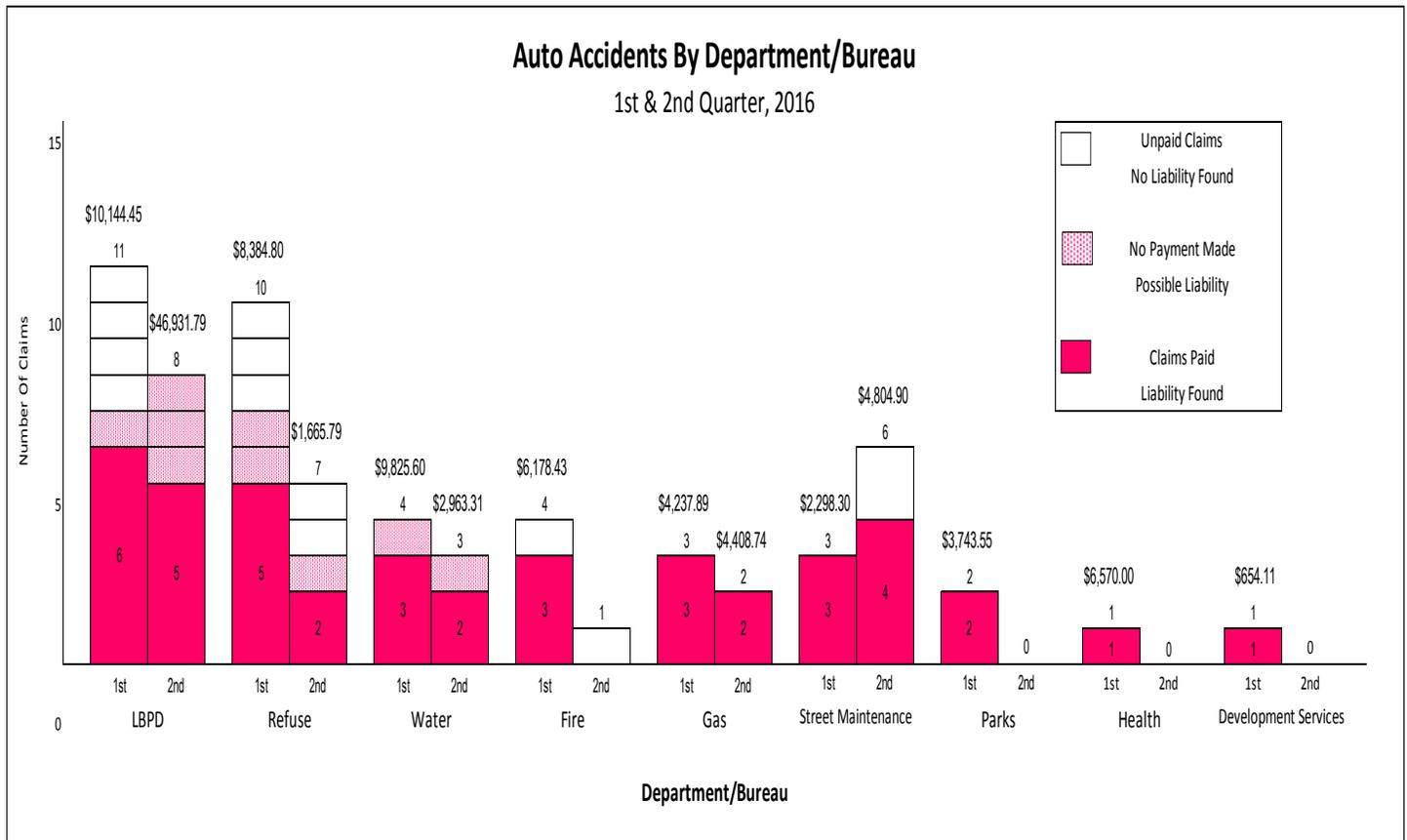
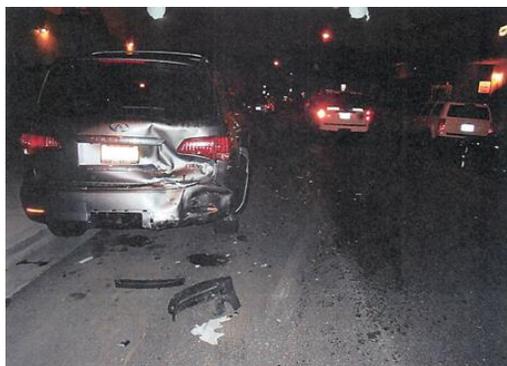


Figure 10

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 second quarter, the City Attorney adjusted twenty-seven (27) automobile claims. Of the twenty-seven (27) claims received, the City found liability in twenty (20) claims, but only paid out on fifteen (15) claims.

This constitutes 55% of claims received, for a total payout of \$60,774. 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 three (3) automobile claims filed, and these claims were rejected.



*Auto accidents involving City vehicles*