



City of Long Beach

Working Together to Serve

Office of the City Attorney

Government Claim Activity For the First Half of 2017

Before any suit for money damages against the City of Long Beach, or a City employee, can be filed in court, a claimant must first file a Government Claim. See Government Code § 901 et seq. The claim form, found on the City Attorney's webpage, requires a claimant to describe his or her contentions, the amount of money that he or she is seeking, and why the City is responsible. Each Government Claim is individually reviewed by a claims adjuster in the Law Department's Liability Section, is thoroughly investigated by staff, and then reviewed by an attorney for a final determination. To avoid potential litigation on meritorious claims, valid claims are paid outright or compromised. Claims without merit are rejected.

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 summarizes the first half of 2017, and also compares that data with the first half of 2016. This side by side comparison will permit the reader to see changes in claims activity, the total number of claims, the total payouts, and possible areas of concern. I have further directed that this information be posted on the City Attorney website so that the public can be informed of the process and resolution of Government Claims filed with the City of Long Beach.

Best Regards,

Charles Parkin,
City Attorney

Analyses of Claims Data 1st Half, 2017

TOTAL CLAIMS FILED AND ACCEPTED:

During the first half of 2017, the City Attorney's Office received, investigated and adjusted a total of *470 claims*. During the first half in 2016, the City Attorney received *391 claims*. Consequently, the City Attorney's Claims Unit adjusted seventy-nine (79) *more* claims in the first half of 2017 compared to the first half of 2016. This is a **17% increase** in claims filed from the same time last year. If this trend continues, this data suggests that 2017 will see more claims filed at the end of the year than in previous years, or close to *900 claims*.

Of the 470 claims the City Attorney adjusted, this office determined ***liability existed for ninety-six (96) claims***. That is roughly 20% of all claims considered. ***Of the ninety-six (96) meritorious claims, this office resolved eighty-five (85) claims, or 89% of outstanding meritorious claims.*** The obvious benefit of resolving meritorious claims is that the City's Insurance Fund is spared the additional costs associated with lawsuits.

PAYOUTS:

The City Attorney authorized payments of ***\$164,580*** to resolved meritorious claims in the first half of 2017. In the first half of 2016, by contrast, the City Attorney authorized a total payout of ***\$166,346***. Thus, while more claims were filed in the first half of 2017, payouts were ***actually slightly less*** in 2017 when compared to 2016, by *\$1,766* or -1% decrease. Money used to satisfy meritorious claims comes from the City's Insurance Fund.

In the first half of 2017, the City Attorney concluded that potential liability existed in eleven (11) claims, in which it did not authorize any payout. The primary reason for this is because the claimants did not provide *adequate documentation* to support alleged damages (see Figure 3). The City Attorney requires all claimants to provide sufficient documentation to prove damages before paying any claim.

The City Attorney also refused to even consider eleven (11) 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 Figures 1, 2 & 3).

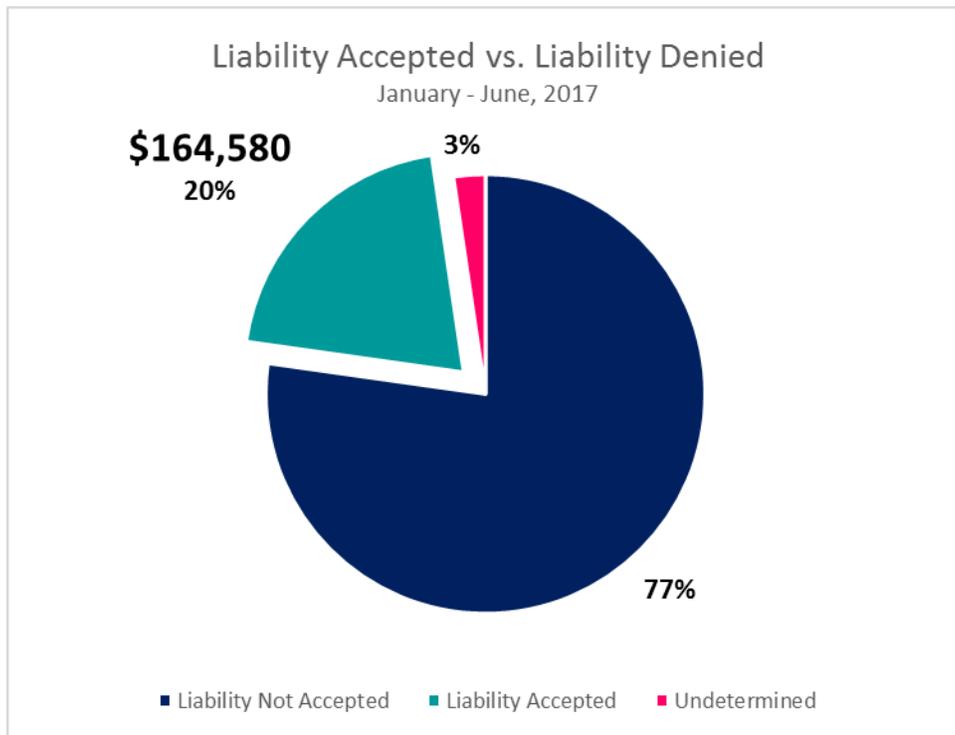


Figure 1

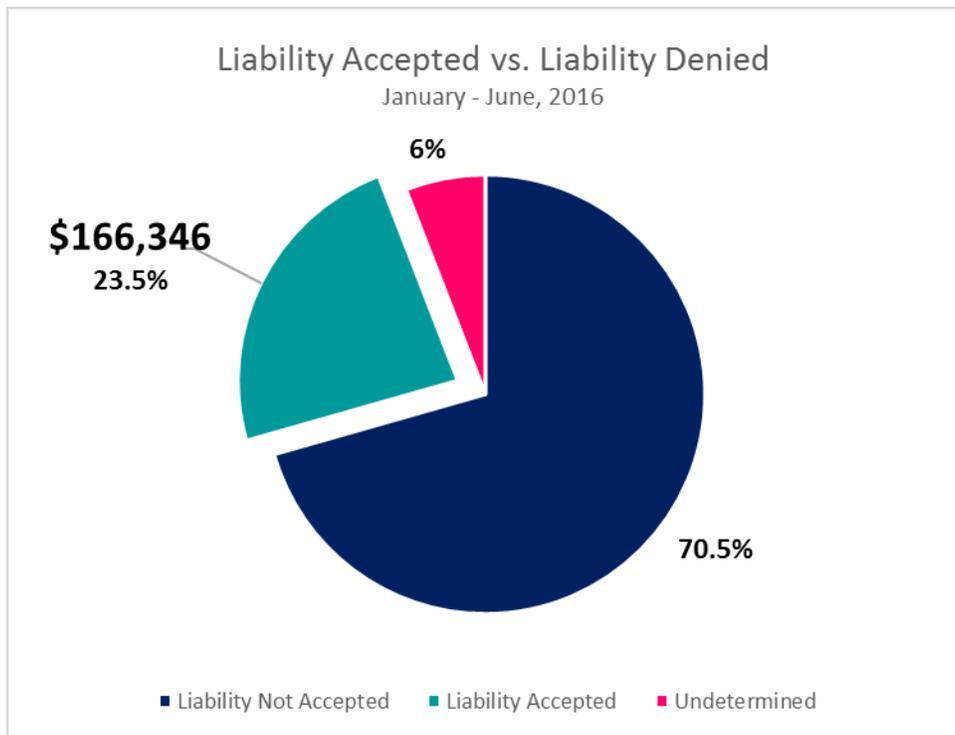
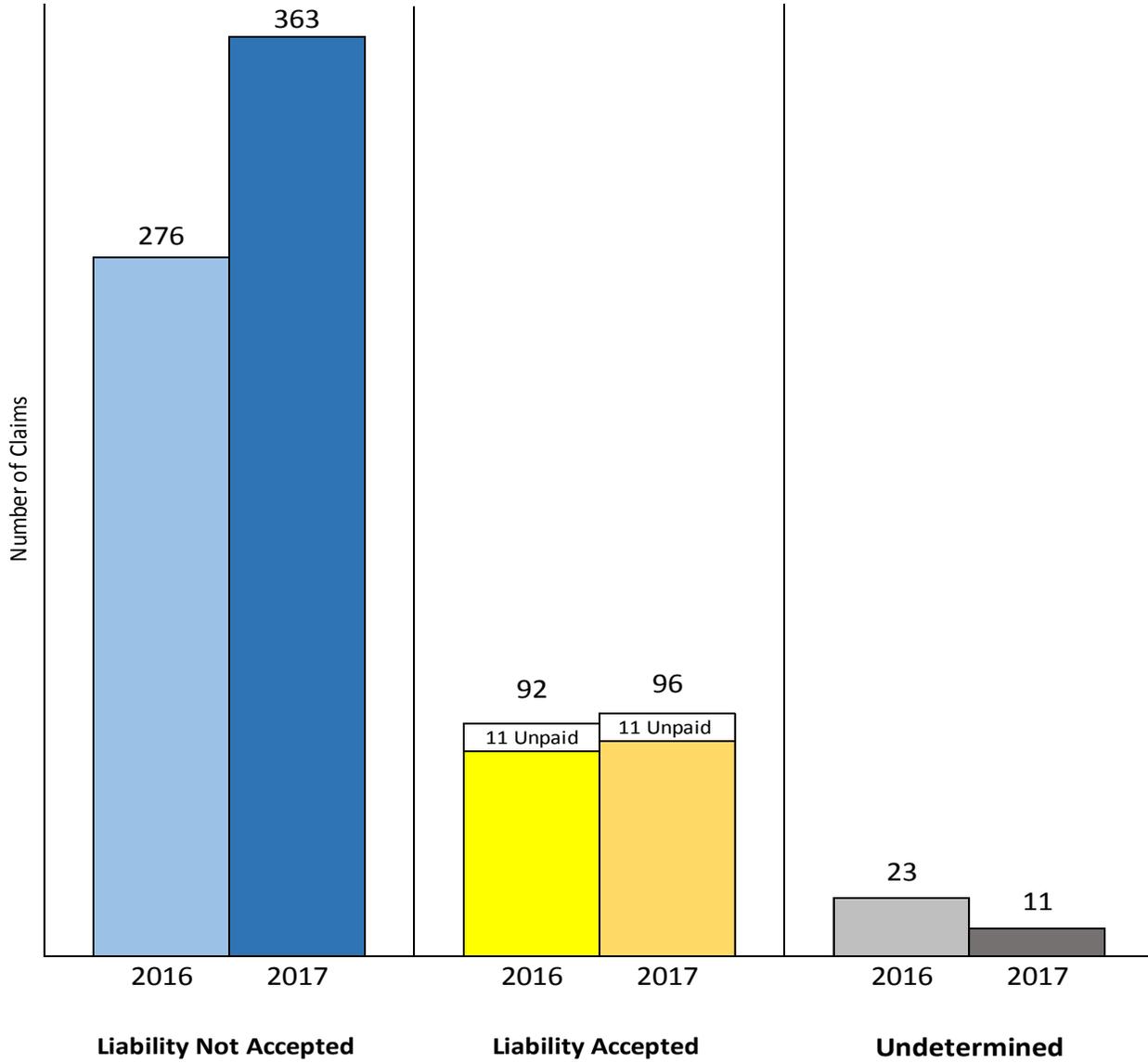


Figure 2

Liability Accepted vs. Denied

2016 vs. 2017

January - June



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

Figure 3

Claims By Department/Bureau

2016 vs. 2017
 January - June

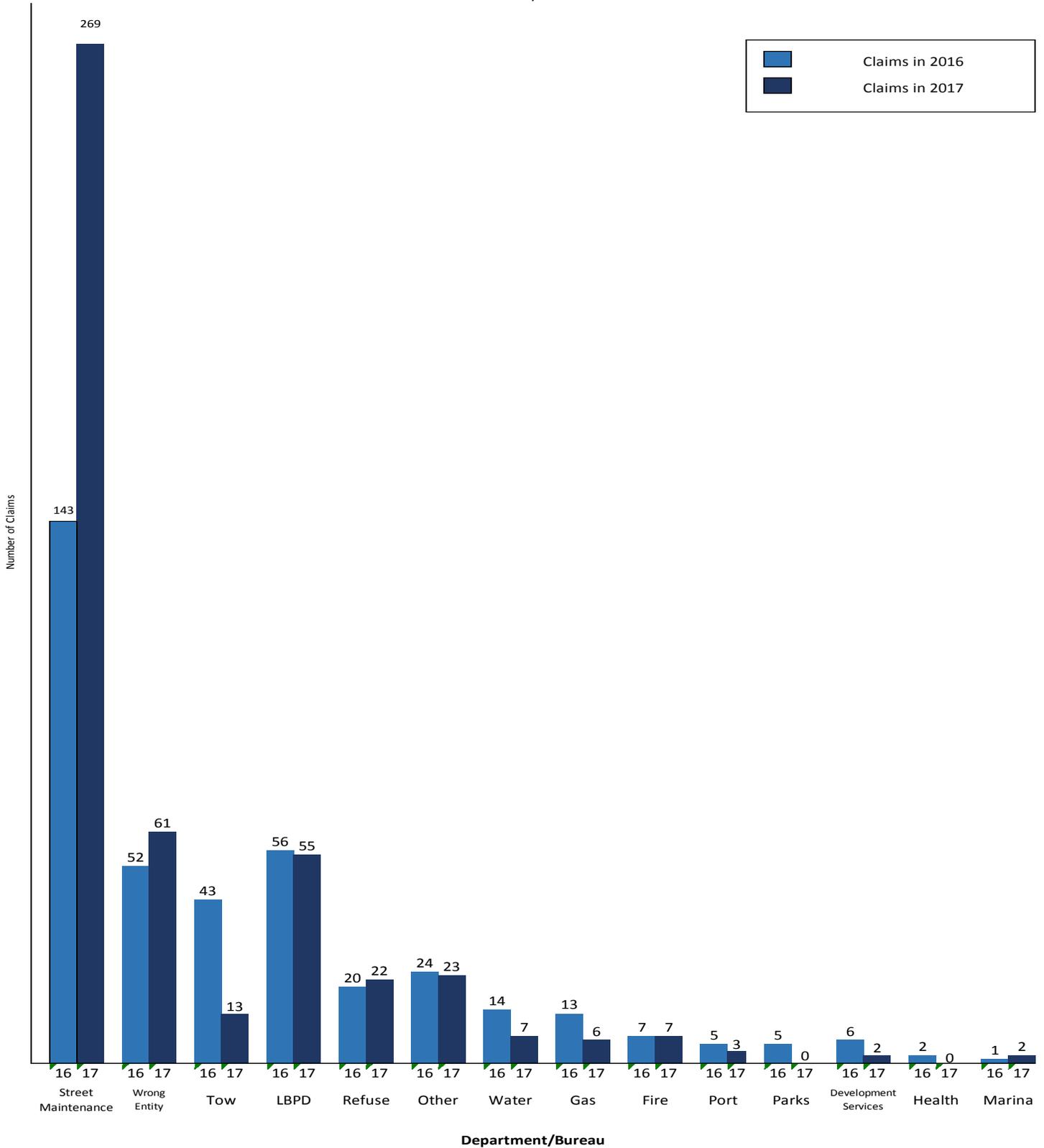


Figure 4

PUBLIC WORKS

Street Maintenance

2016 vs. 2017

January - June

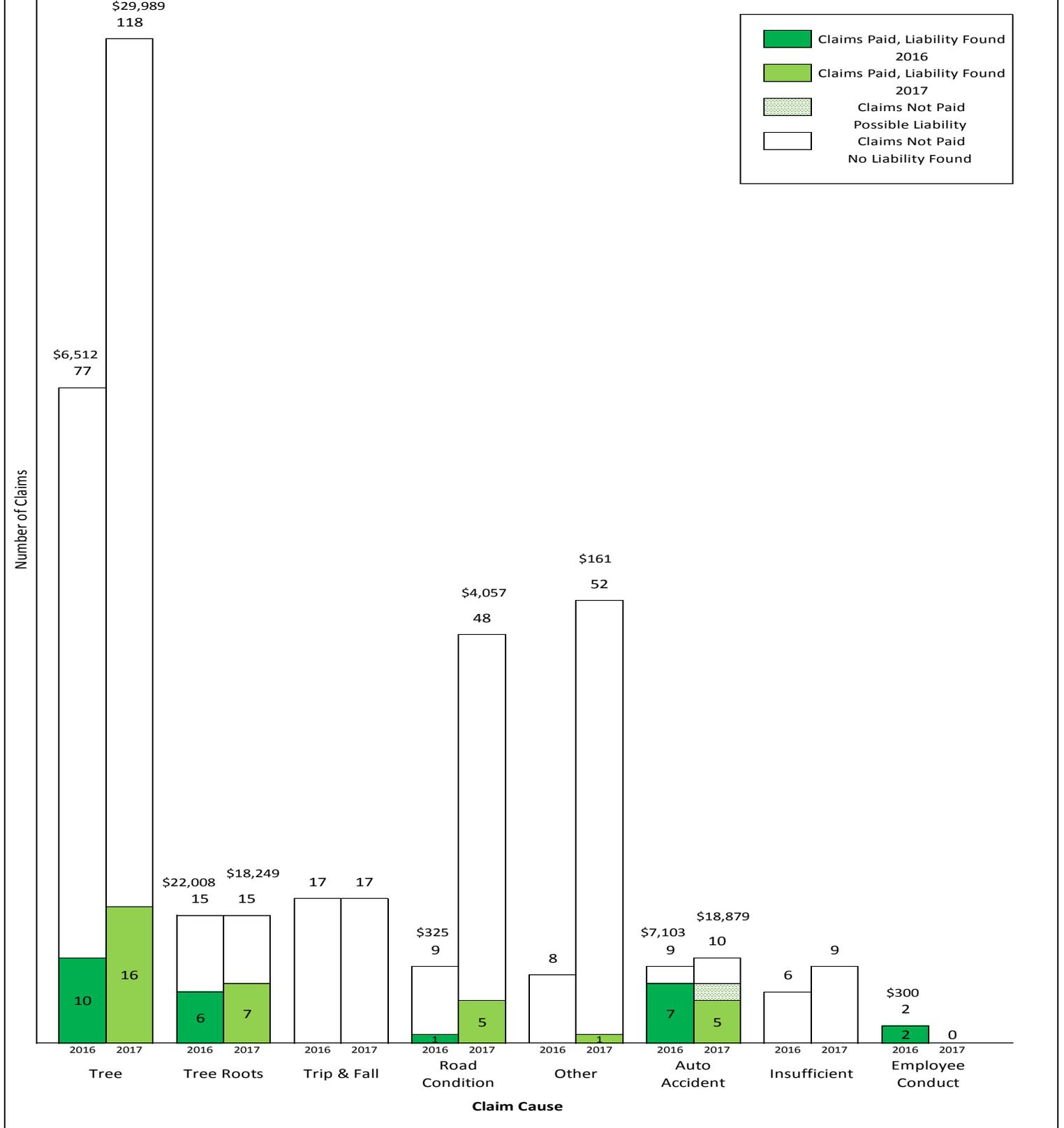


Figure 5

PUBLIC WORKS, STREET MAINTENANCE DIVISION- CITY TREES

The City Attorney's Claims Unit adjusted 269 claims during the first half in 2017 relating to Public Works, Street Maintenance Division. *Almost half of those claims* sought compensation for damages *caused by City trees*. Compared to the first half of 2016, the City had a significant **increase** in these kinds of claims. Also, because of unusually heavy rains in January and February, the Claims Unit adjusted thirty-four (34) claims for damages resulting from flood water. The City Attorney accepted sixteen (16) tree claims, paying a total of **\$29,989**, or 18.2% of claims paid.



Damage to private vehicles from City tree

City trees are maintained by the Public Works Department. Claims for damage to plumbing and sewage lines caused by City tree roots, however, also usually involve the Water Department. In the first half of 2017, seven (7) of the fifteen (15) tree root related claims sought money for damages to water and sewer lines. (Tree root claims also typically involve cracked driveways and aprons.) To resolve the seven (7) claims accepted, the City Attorney authorized a total payout of **\$18,249**. This is a **17% decrease** of claims paid compared to the first half of 2016 (see Figure 5).



Sewer main clogged by City tree roots

To summarize, of the 269 claims filed in the first half of 2017, and pertaining to the Public Works, Street Maintenance Division, the City accepted liability in thirty-four (34) claims, with a total payout of **\$71,335**. In the first half of 2016, the City accepted twenty-six (26) claims pertaining to Public Works, Street Maintenance Division, with a total payout of **\$36,248**. This reflects a \$35,087 increase from the first half of 2016, or almost double of the total paid in 2016. *Claims paid on behalf of Public Works total 40% of all claims paid in the first half, 2017.*

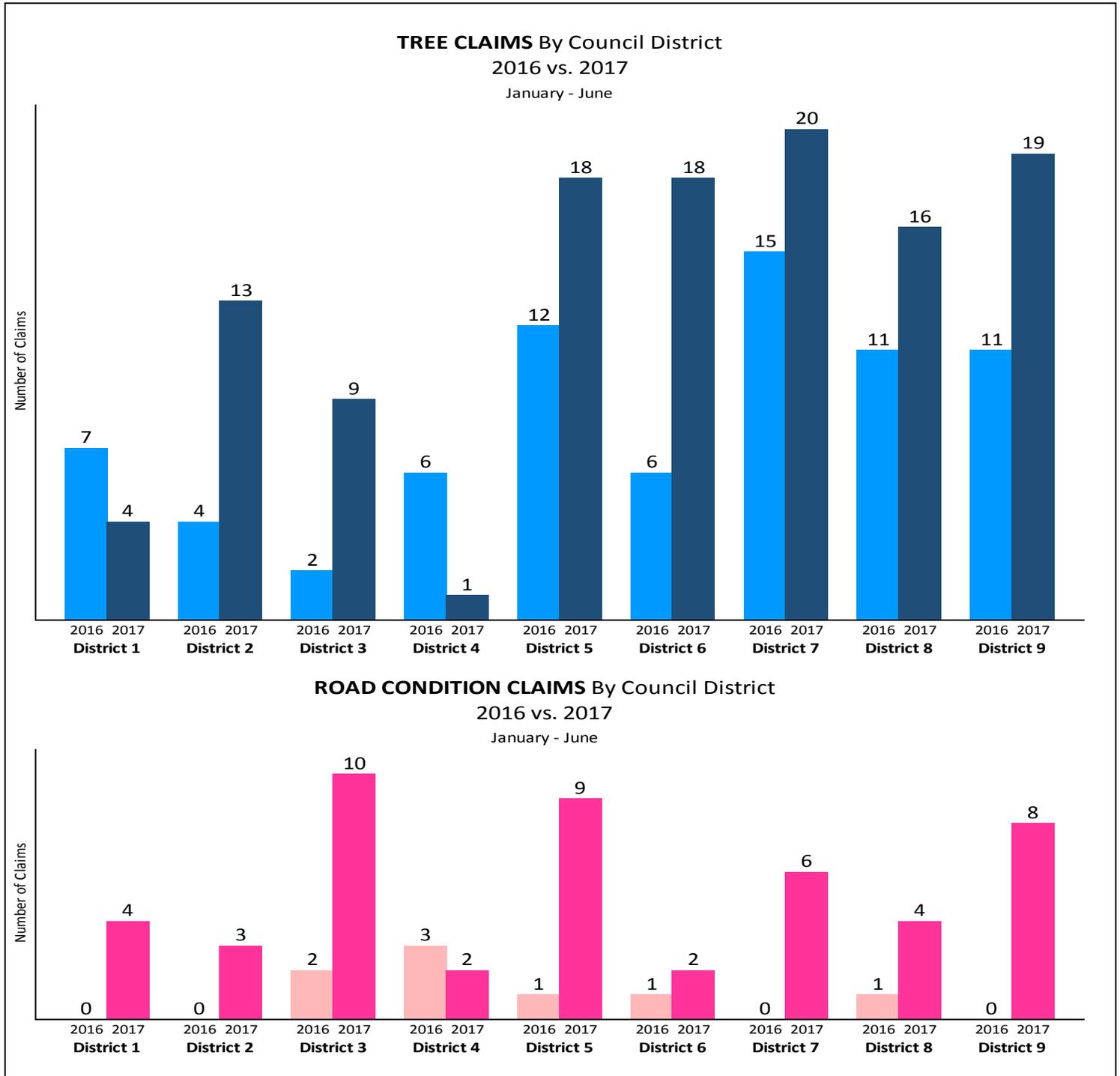
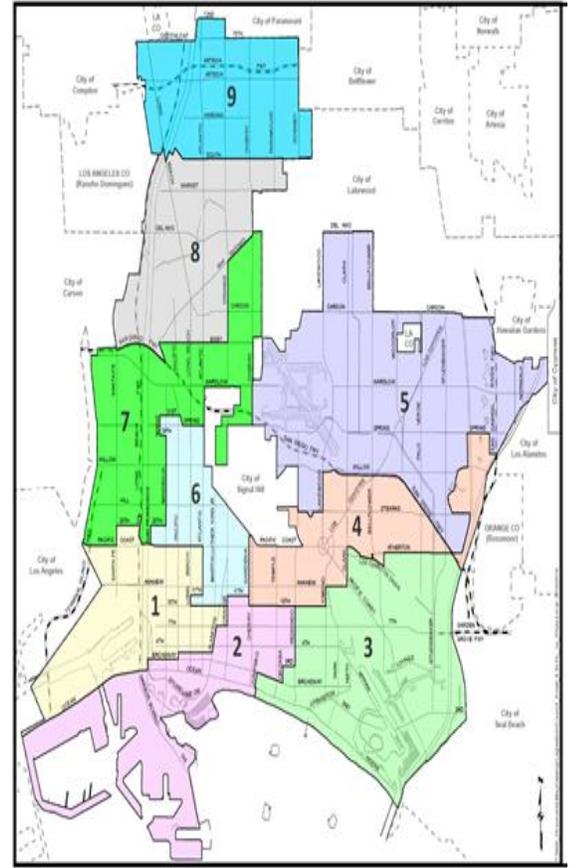


Figure 6

Figure 6 depicts tree and road condition claims filed by Council District from January through June 2016 and 2017.

On January 20-22, 2017 and February 17, 2017, the City experienced especially heavy rainstorms and wind. This meteorological event caused trees and branches to fall throughout the City. During the first half of 2017, the January storm generated *fourteen (14) claims*; the February storm alone generated *forty-nine (49) claims*.

The storms also created and/or worsened potholes throughout the City. Consequently, the City received above average claims for damages to vehicles driving over potholes. For example, during the first half of 2017, the City adjusted a total of *forty-eight (48) pothole claims*. During the first half of 2016, the City only adjusted *eight (8) pothole claims*. Accordingly, inclement weather appears responsible for a 500% increase in these types of claims.



PUBLIC WORKS- REFUSE:

During the first half of 2017, the City Attorney's Claims Unit adjusted twenty-two (22) claims related to Refuse. The City Attorney accepted liability on **eleven (11) claims, paying out a total of \$23,226**. Ten (10) of the eleven (11) claims paid arose from **auto accidents**. In the first half of 2016, the City adjusted a total of twenty (20) claims related to Refuse, accepting eight (6) claims, with a total **payout of \$10,700**. Thus, in the first quarter of 2017, the City Attorney accepted three (3) more claims, and **increased payouts by \$12,526**, compared to the first half of 2016.

Below are two (2) photographs depicting typical damage caused by City refuse trucks.



Damage to utility pole caused by Refuse truck



Damage to light pole caused by Refuse truck

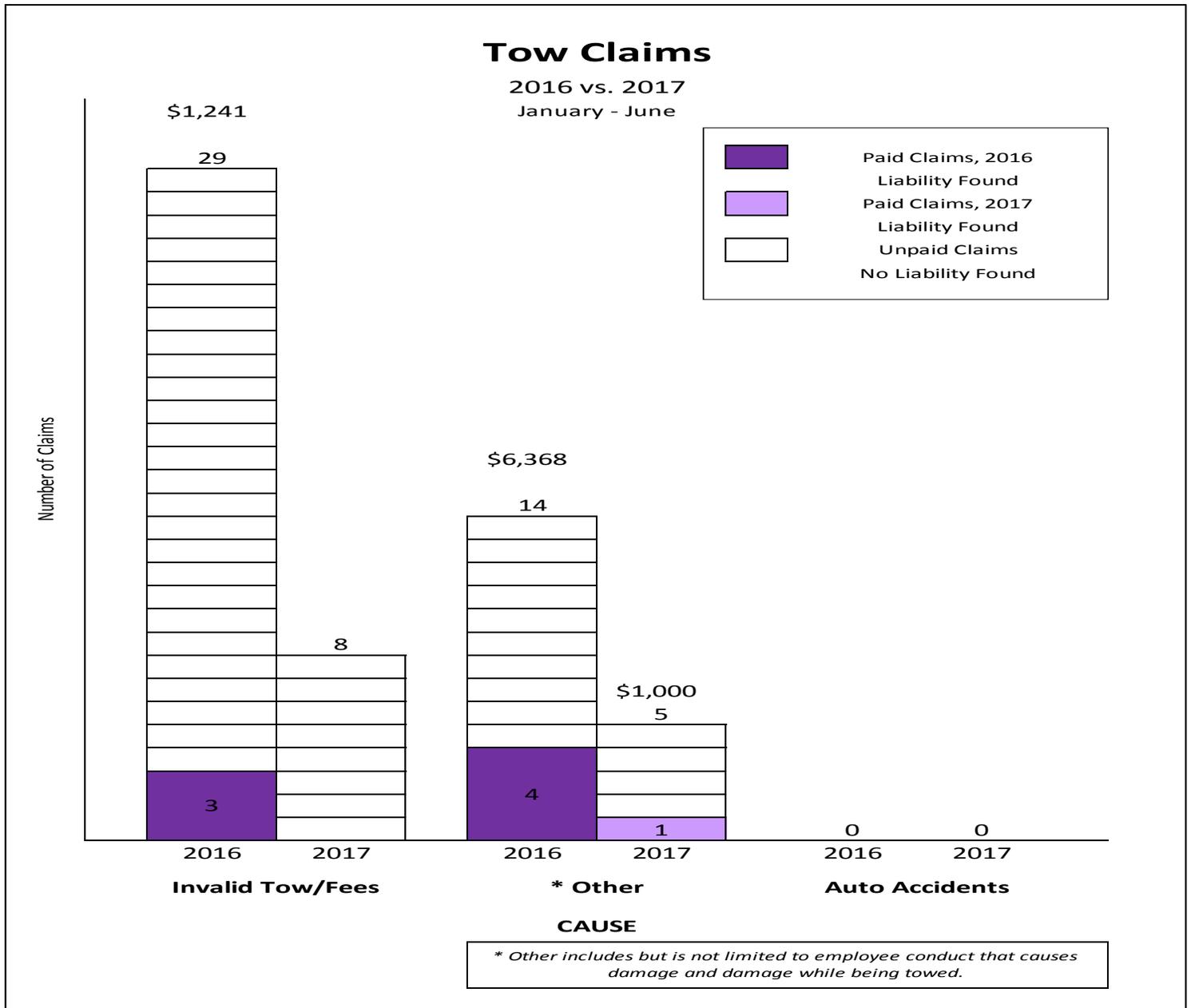


Figure 7

PUBLIC WORKS- TOW OPERATIONS:

During the first half of 2017, the City received thirteen (13) claims related to Tow Operations. These include, but are not limited to, claims alleging invalid tows, employee conduct that caused damage and damages while being towed. The City Attorney accepted one (1) claim, which resulted from vandalism while under the care of Tow Operations. Of interest, there were **no claims** filed for **auto accidents** involving tow operations in the first half of 2017 (see Figure 7).

THE POLICE DEPARTMENT:

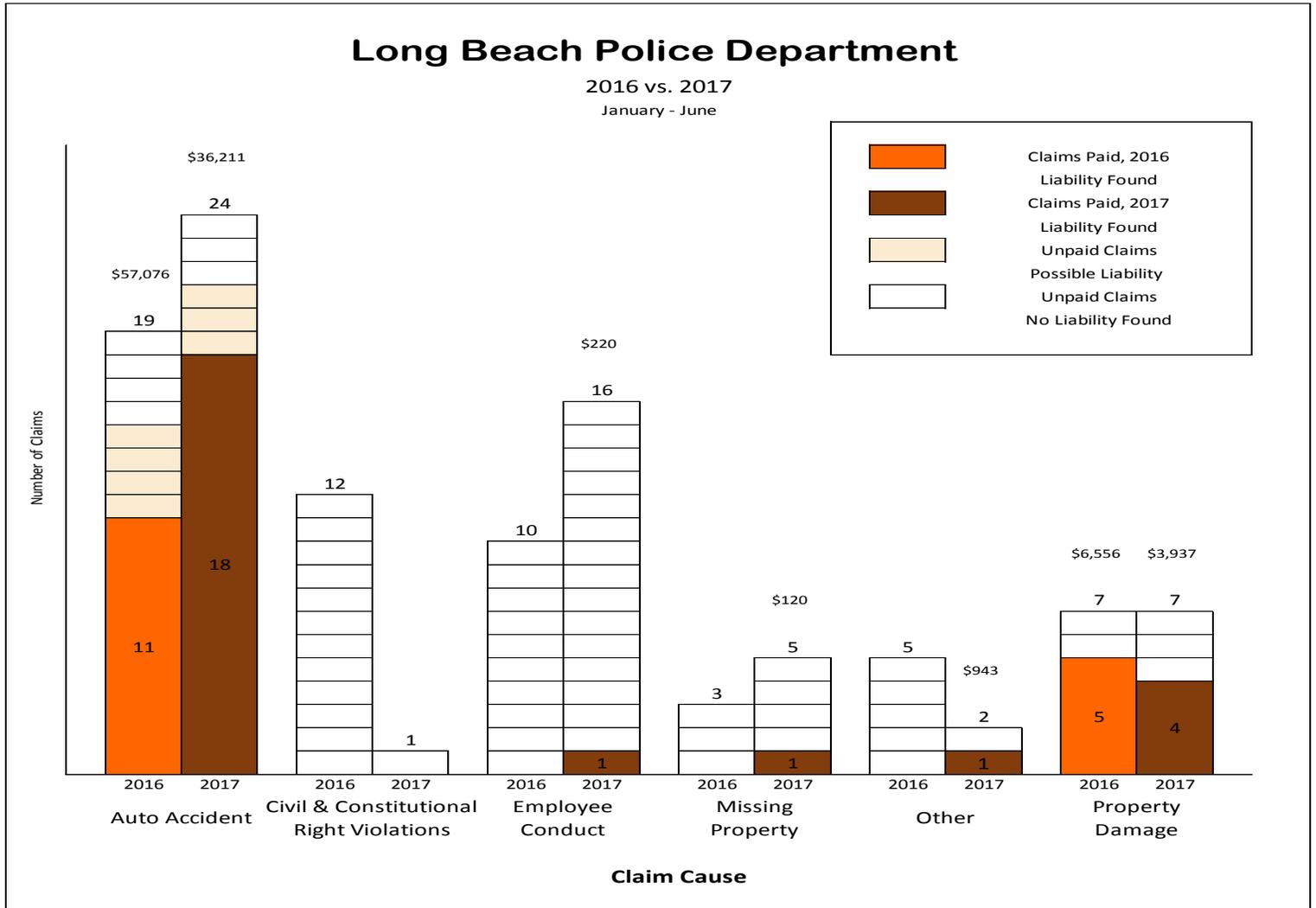


Figure 8

In the first half of 2017, the City Attorney adjusted fifty-five (55) claims relating to the Police Department. Of all government claims involving the Police Department, the City Attorney accepted twenty-five (25) of these, for a total payout of **\$41,431** (see Figure 8). This amounts to **31% of all government claims paid**.

Of all the Police Department’s claims filed in the first half of 2017, twenty-four (24) claims, or 43%, *concerned automobile accidents*. Of the twenty-four (24) automobile claims filed, the City Attorney accepted eighteen (18) of these claims. The number of *accepted* automobile accidents *increased* by 63% compared to 2016 (see Figure 8). But the total amount paid out from automobile claims in the first half of 2017 *decreased* by \$22,201 or -38% compared to the first half of 2016. In three (3) automobile accident claims filed in 2017, the City Attorney accepted liability, but the claimant did not provide documentation to support damages. Therefore, the City Attorney rejected these claims

AUTO ACCIDENTS:

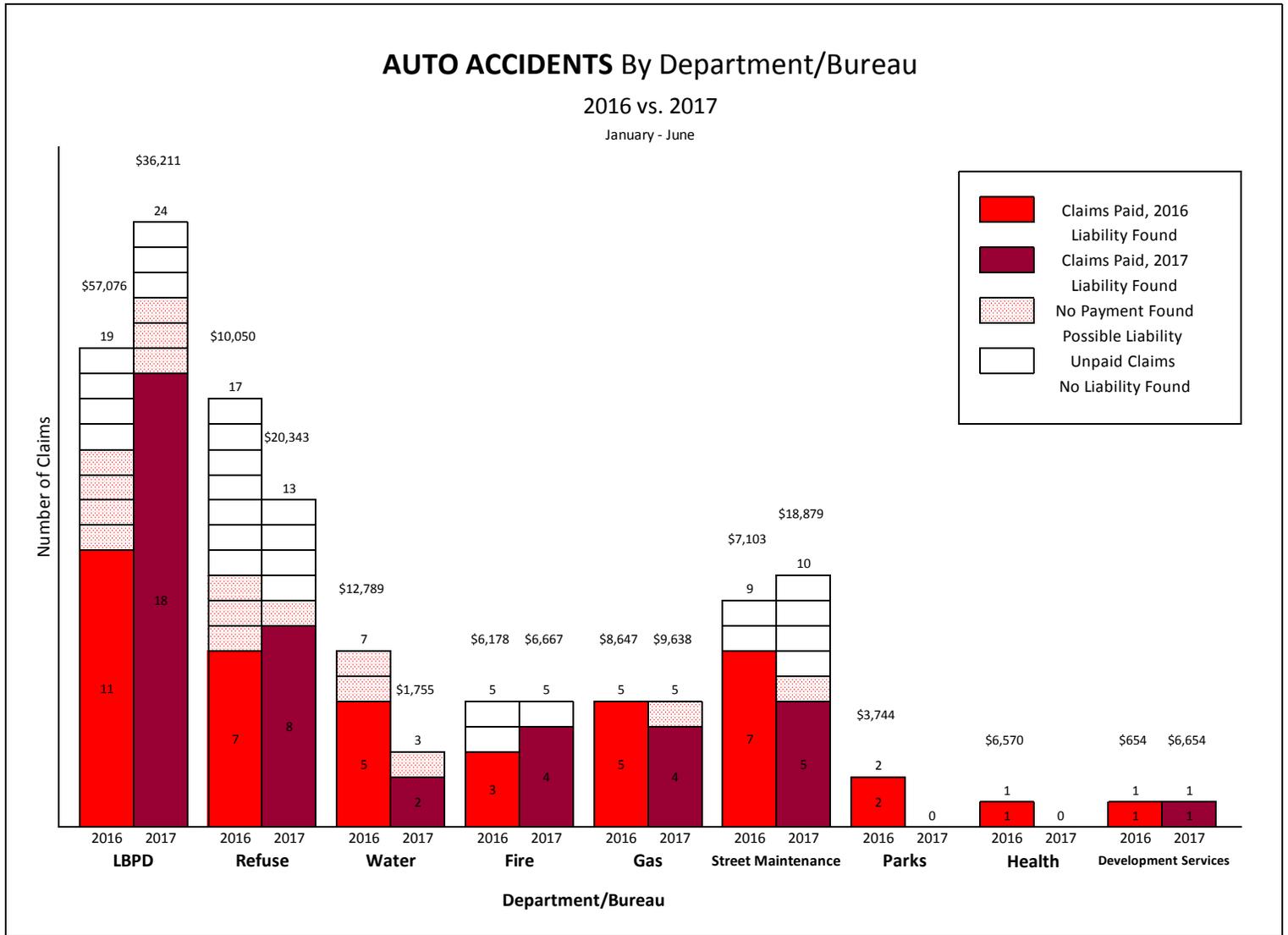


Figure 9

We created Figure 9 because automobile accidents continue to be a significant source of City liability. These claims include automobile vs. automobile accidents, but also include single vehicle accidents where, for example, a trash truck strikes a fixed object causing property damage. Not surprisingly, several automobile accidents are rear enders caused by inattention.

During the first half of 2017, the City Attorney adjusted sixty-one (61) automobile claims. Of the sixty-one (61) claims received, the City *accepted forty-two (42)*. Thus, about 68% of government claims involving automobile accidents, regardless of Department, are accepted.

Automobile claims constitutes **12% of all government claims** received citywide in the first half of 2017. This office authorized a total payout of **\$100,147** for vehicular accidents. In the first half of 2016, the City Attorney accepted the same number of claims, with a **total payout of \$112,811**. Therefore, there was a *decrease* of \$12,664 or -11% in total auto accident settlements in the first half of 2017. Below are some photographs of typical automobile accidents adjusted by this office.



Damages resulting from Auto Accidents involving City vehicles