



City of Long Beach

Working Together to Serve

Office of the City Attorney

2016 Year End Report of Government Claim Activity

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 § 910 et seq. The claim form, found on the City Attorney's webpage, sets forth the claimant's contentions, and the amount of money that he or she is seeking. 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.

Occasionally, a Government Claim is 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 is so vague and unclear that City Attorney staff is 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 2016, and a comparison of the year end data from years 2015 and 2016. 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, 2016

In 2016, the City Attorney's Office received, investigated and adjusted a total of 739 *claims*. This reflects a 5.2% *increase* from 2015, in which the City Attorney's Office received 37 fewer claims, or only 702 claims.

Of the 739 claims adjusted, the City Attorney's Office determined City liability existed for 180 claims, or roughly 24% of all claims considered. Of the 180 claims that the City Attorney found meritorious, this office was able to resolve 88%, or 160 claims. This office seeks to resolve meritorious claims as this spares the City the *litigation costs* associated with lawsuits.

For the 160 claims resolved, the City Attorney authorized a total year-end payout of \$334,624. By contrast, the total 2015 year-end payout was \$312,437. Thus, payouts in 2016 were slightly greater, reflecting an increase of \$22,187, or approximately 7%. This money is paid primarily from the City's Insurance Fund.

The City Attorney also accepted liability in twenty (20) claims. For these claims, however, no settlements were authorized, primarily because the claimants did not provide adequate documentation to support alleged damages (see Figures 1 & 2).

Throughout the year, the City Attorney refused to consider forty-eight (48) 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 1).

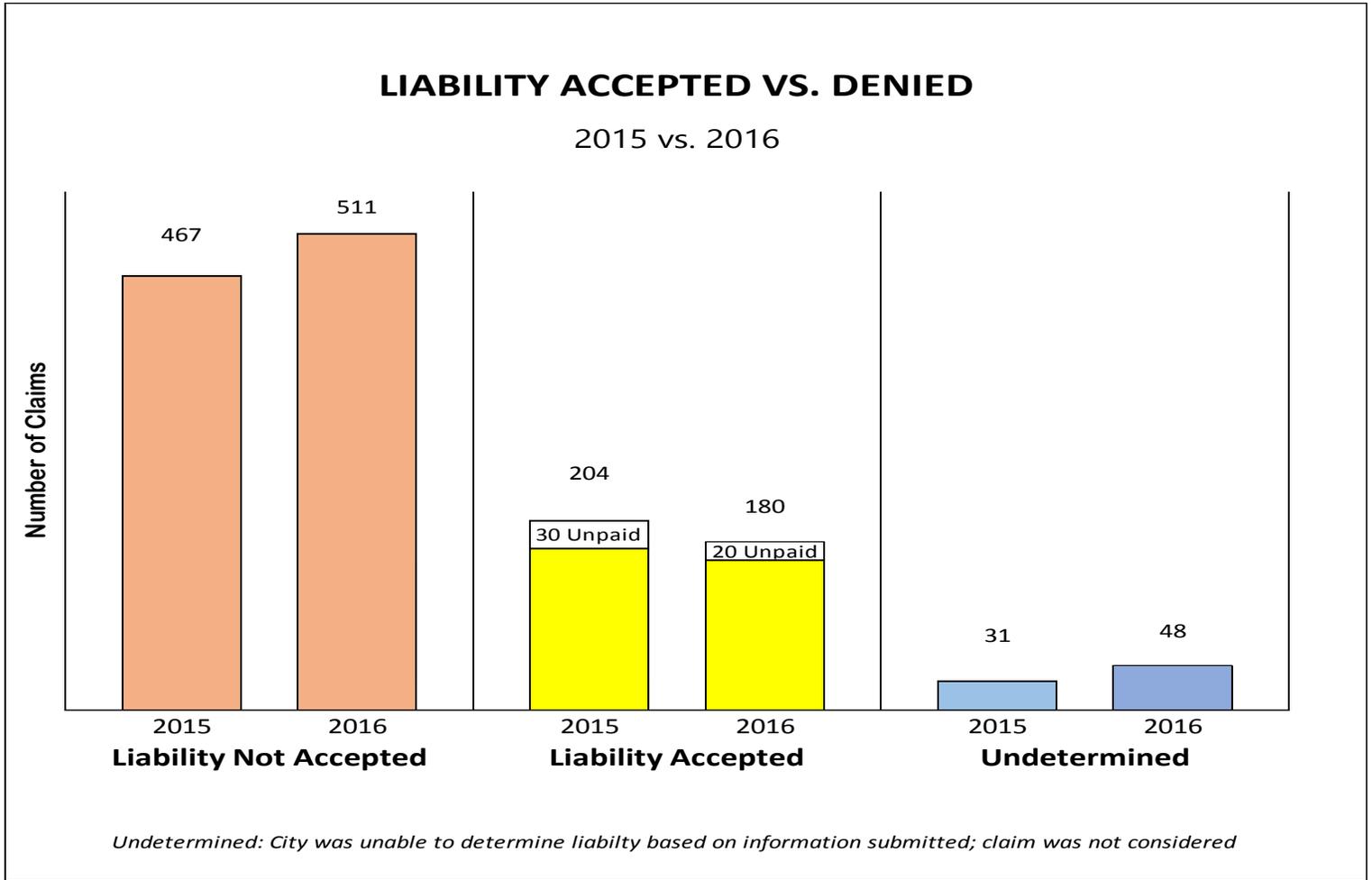


Figure 1

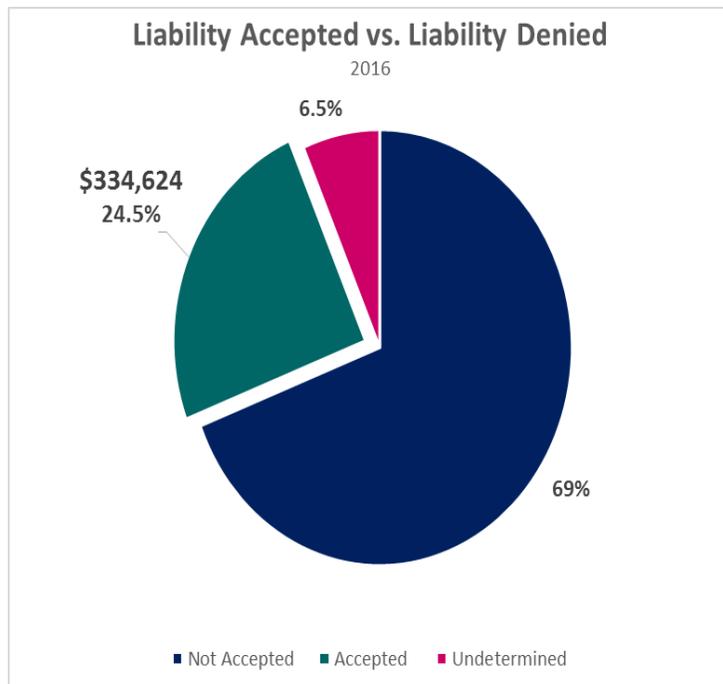


Figure 2

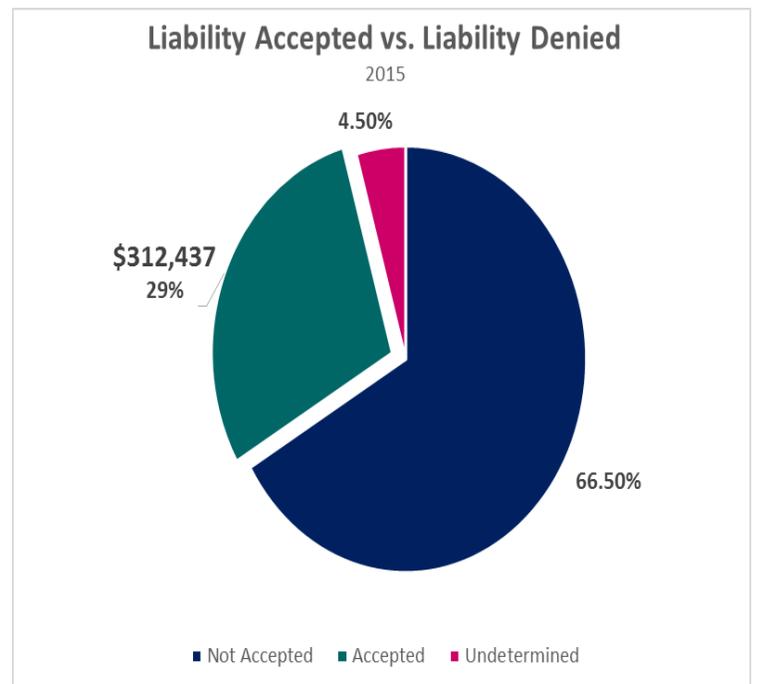


Figure 3

Total Payout

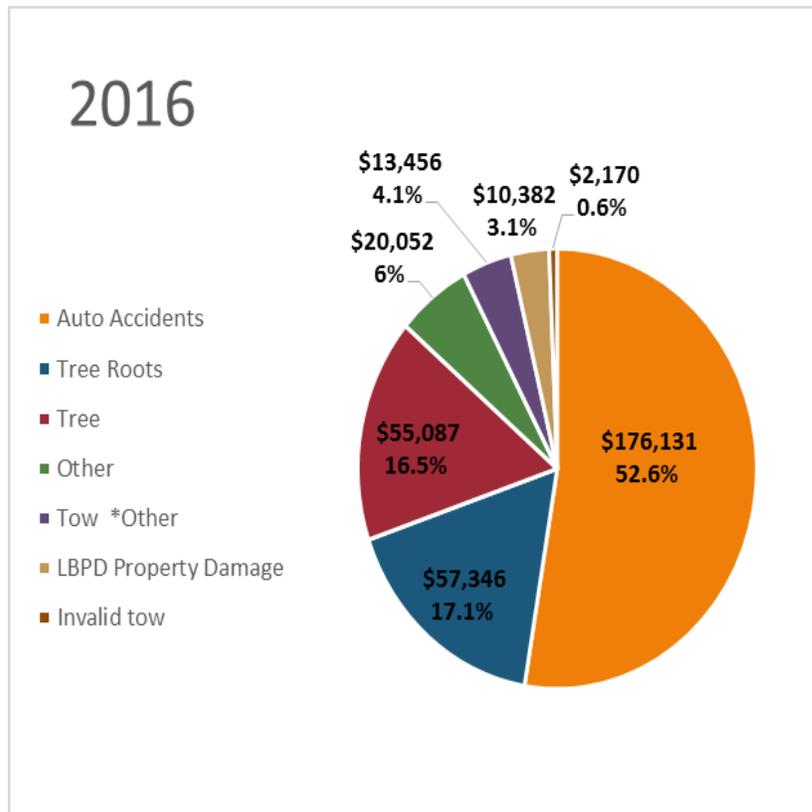


Figure 4

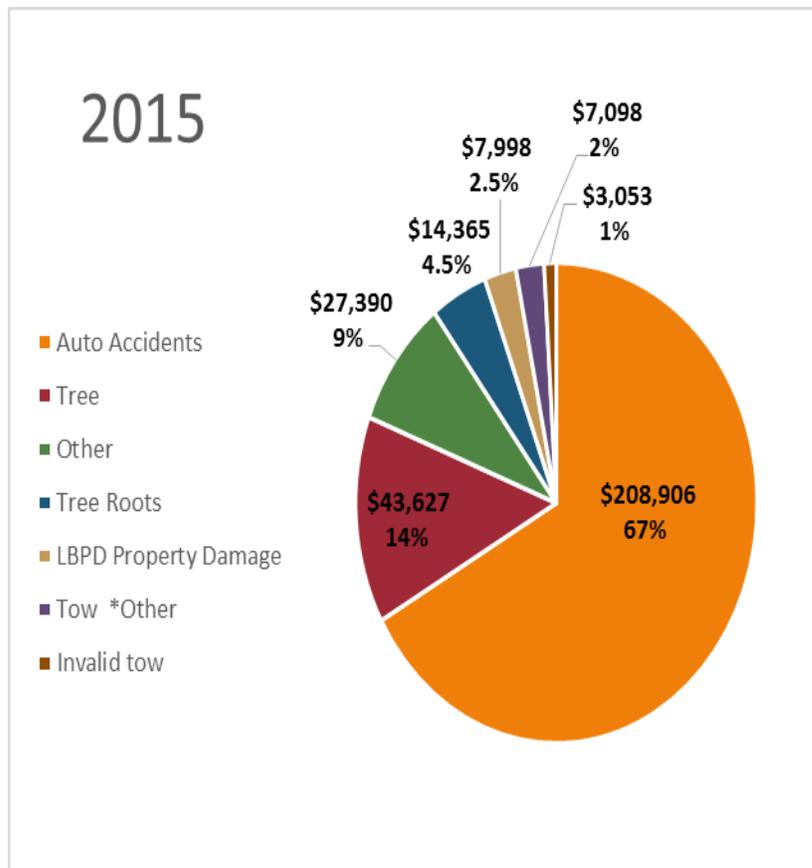


Figure 5

Figure 4 & 5 examines the nature of claims the City paid in 2015 & 2016. The data shows that *automotive accidents* continue to be a significant source of City liability.

In 2016, 52.6% of claims paid arose from negligent operation of an automobile (or equipment, such as a trash truck). However, this is a *14% decrease* from 67% in 2015.

In 2016 claims arising from City *tree roots* constituted the second largest single category of liability, or 17.1%. This is a significant *increase* from 2015, where damages from tree roots amounted to 4.5% of paid claims. Tree roots are analyzed separately from tree limbs, and typically cause damage to sewers, driveways or driveway aprons.

On the other hand, claims arising from trees in 2016 amounts to 16.5% of claims paid. This reflects a 2.5% increase from 2015. These claims include property damage resulting from entire trees falling onto cars or houses, or falling tree limbs.

In 2016, 3.1% of the claims paid in damages resulting from Police activity; a slight increase from 2.5% in 2015. Although several Government Codes may provide some immunity to the City from damages resulting from Police activity, the City Attorney does accept liability under some circumstances.

Damages to vehicles while impounded, employee conduct and other causes made up the remaining claims paid.

Claims By Department/Bureau 2015 VS. 2016

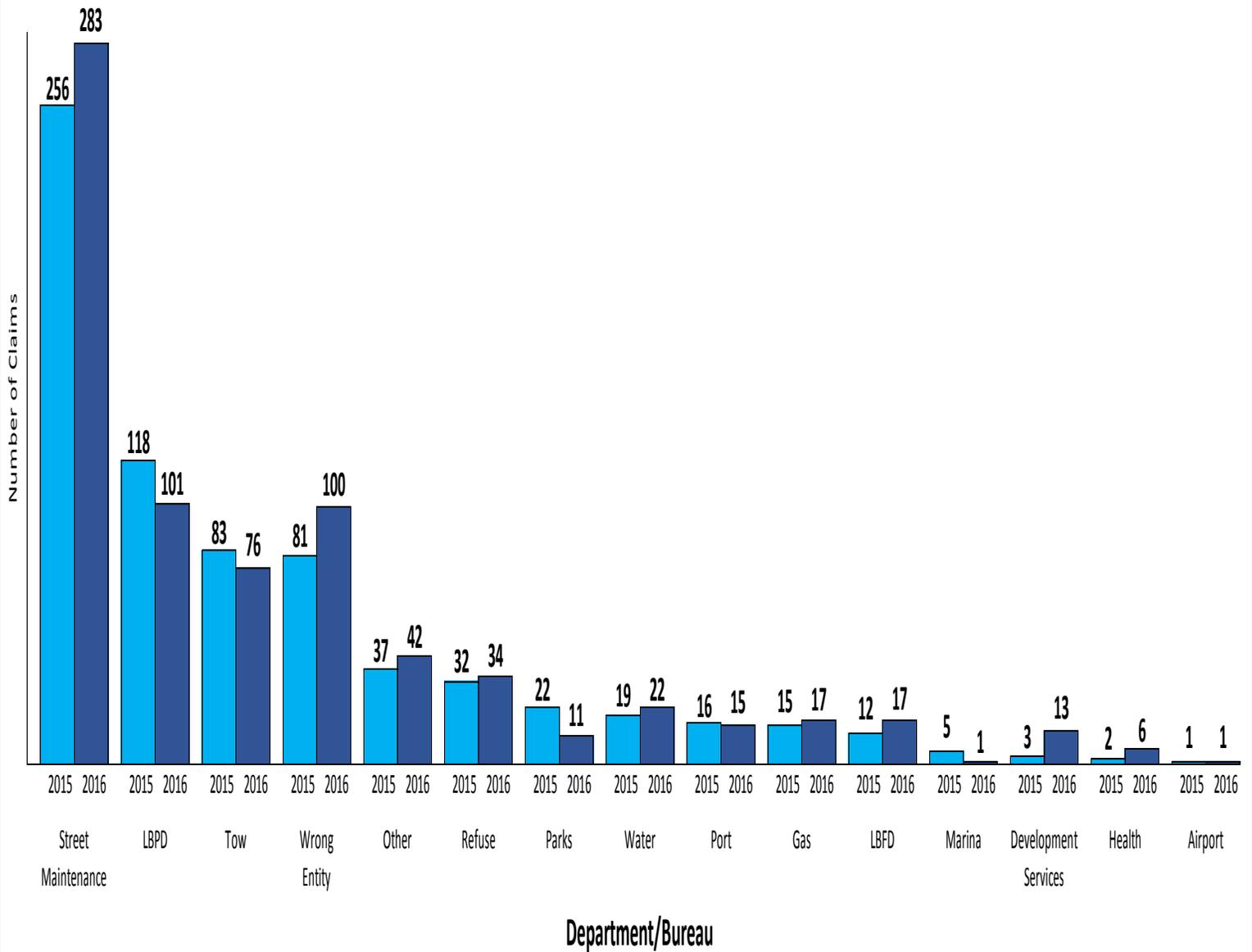


Figure 6

In Figure 6, we compare claims by Department or Bureau by year. For example, Street Maintenance had an *increase* in claims, compared to the prior year. Overall, however, most departments fluctuate only slightly in the number of claims when comparing 2015 to 2016.

Public Works

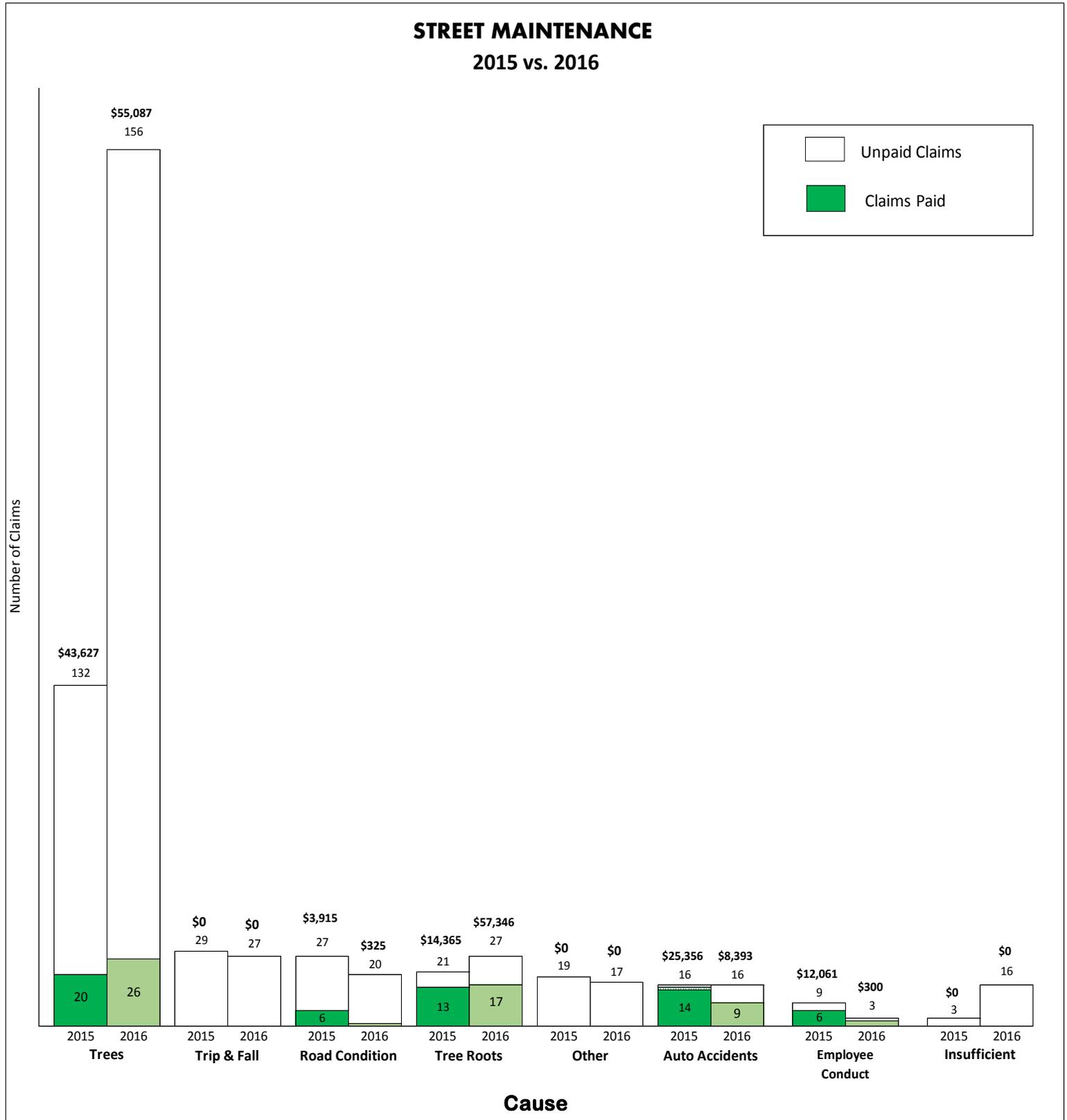


Figure 7

Street Maintenance:

The City Attorney's office adjusted a total of 282 claims in 2016 relating to Public Works, Street Maintenance Division. This is an *increase* of 10%, or 26 claims additional claims to the 256 claims in 2015. More than half of the claims were for damage caused by City trees. The City Attorney accepted twenty-six (26) tree claims, with a total payout of \$55,087; which reflects 16.4% of claims paid in 2016. This is a 26% increase from 2015, in which the City paid \$43,627 in tree related claims (see Figure 7).



Damage to house from City tree limb



Damage to vehicle caused by City tree limb

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 2016, eighteen (18) of the twenty-seven (27) tree root related claims sought money for damages to water and sewer lines, as opposed to cracked driveways. Of the eighteen (18), the City Attorney accepted twelve (12) of these claims, for a total of \$51,427. This is a 15.3% increase of claims paid in 2015. Although the number of paid tree roots claims only increased by two (2) claims compared to 2015, the total payout more than tripled (see Figure 7).



City tree roots cause main sewage back up



Extracted City tree roots from plumbing line

Refuse:

In 2016, the City Attorney's office adjusted thirty-four (34) claims related to Refuse, a slight increase from thirty-two (32) claims adjusted in 2015. The City Attorney accepted eighteen (18) claims in 2016, totaling \$35,026. In 2015, the total payout for similar claims was \$18,662. Thus, 2016 saw an almost 50% increase in payouts. These claims arise primarily from auto accidents or damage caused by a Refuse employee.



Damages caused by Refuse

Tow Claims:

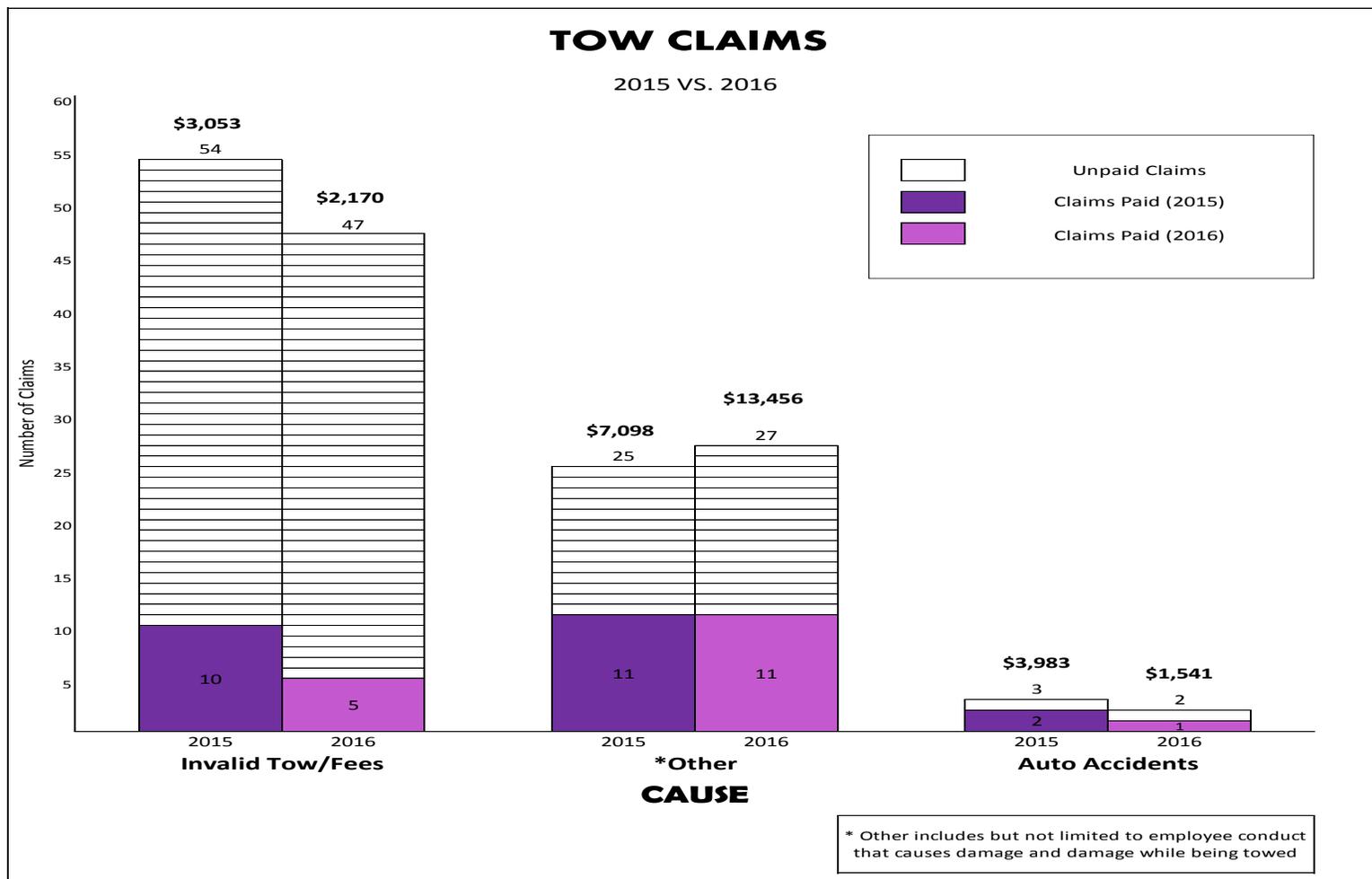


Figure 8

Towing:

In 2016, the City received seventy-six (76) claims related to Tow Operations. These claims include, but are not limited to, claims for refunds where a claimant proves the tow was invalid. Primarily, though, the claims paid resulted from damages to personal property while either being towed or while under the care of the City tow facility. Seventeen (17) claims were accepted, for a total payout of \$17,167. Compared to 2015, there was a slight *decrease* in the number of claims received; however, there was a *slight decrease* in the total payout 2016.



Damages caused while being towed or under the care of City tow yard

Street Maintenance Claims by Council District

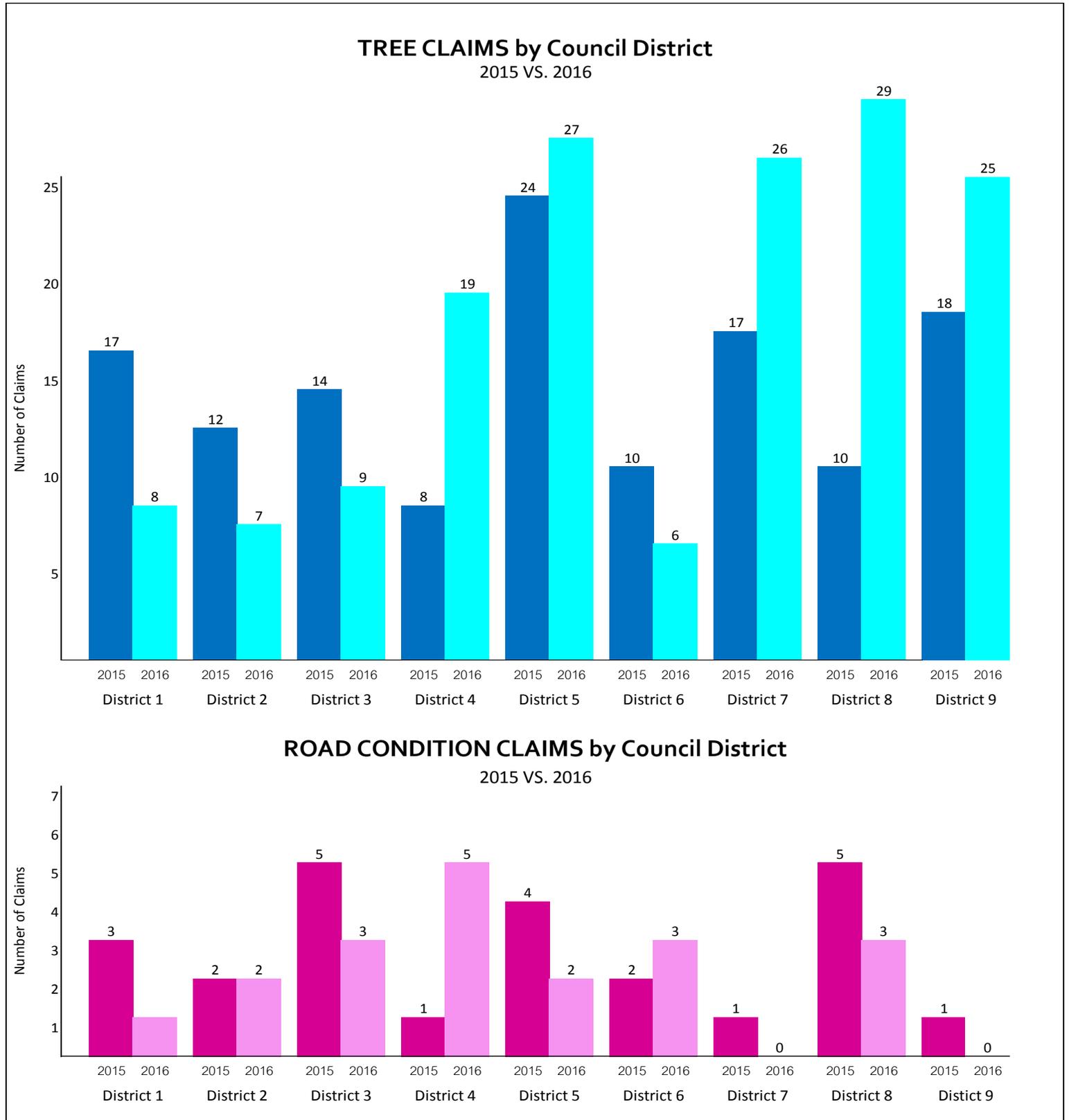
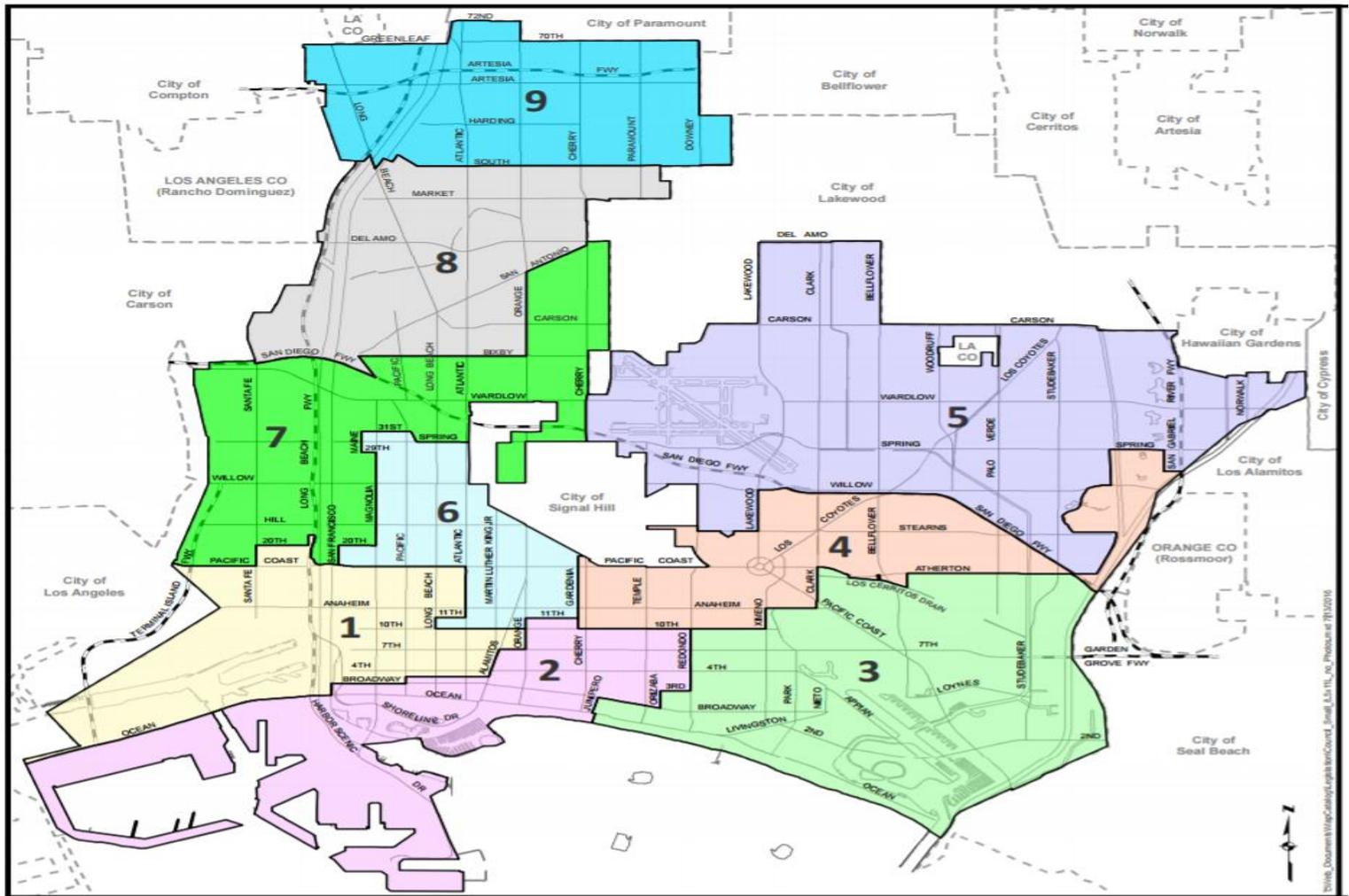


Figure 9



City map divided by Council District

Figure 9 provides a broad view of tree and road condition claims filed by council district. These graphs depict claims in 2015 and 2016.

In 2016, the City received a total of 156 claims related to trees. In 2015, citizens filed 132 claims. This reflects a 18% *increase* in tree related claims in 2016.

In 2016, the City received a total of twenty (20) claims pertaining to road conditions, such as potholes. In 2015, the City received twenty-seven (27) claims related to road conditions. This reflects a 25% *decrease* in claims related to road conditions.

Long Beach Police Department

LONG BEACH POLICE DEPARTMENT 2015 VS. 2016

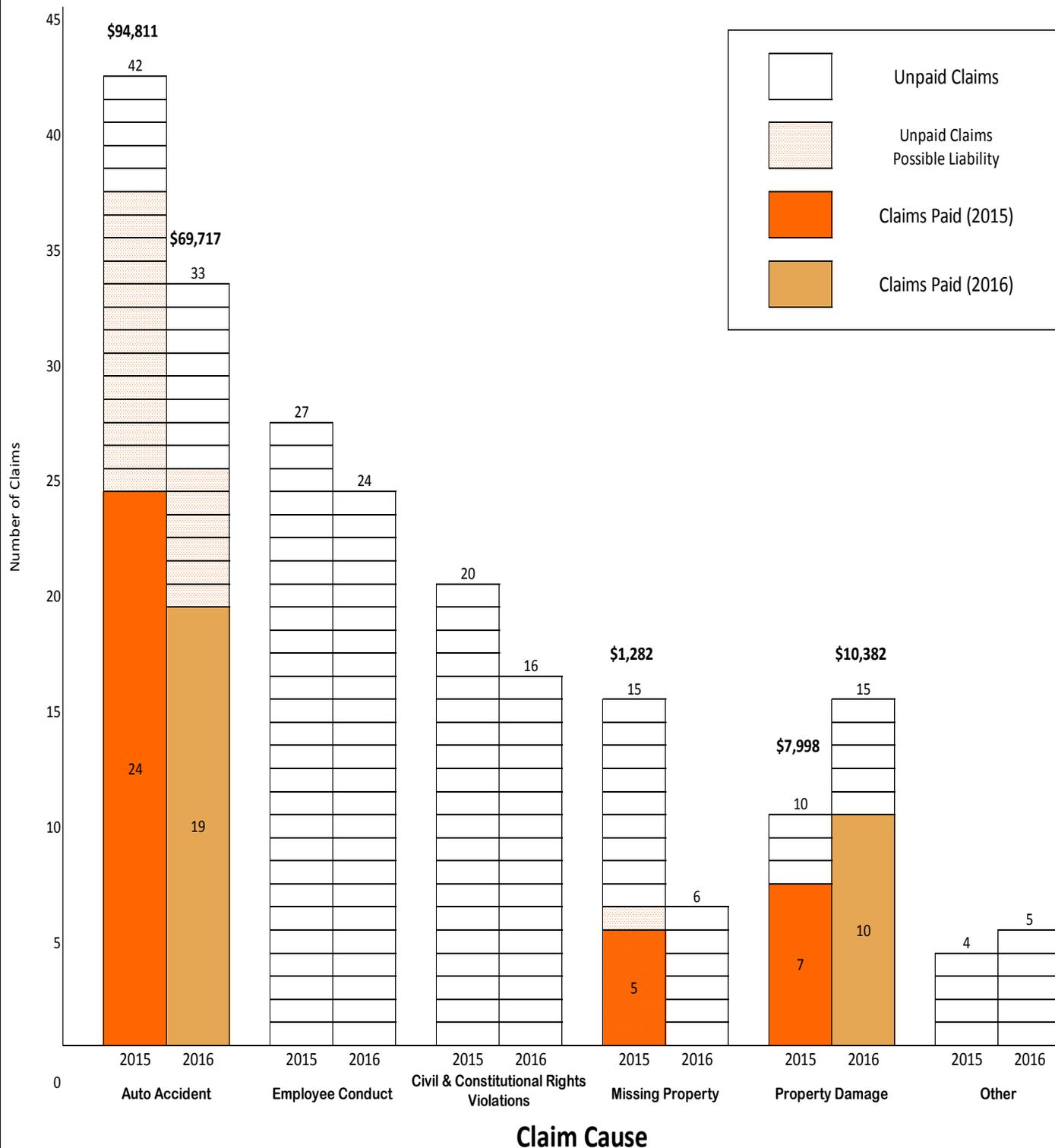
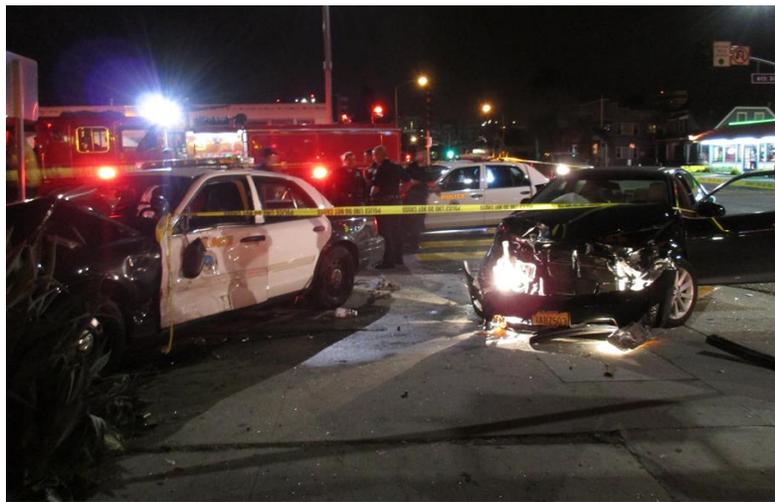


Figure 10

The City Attorney adjusted ninety-nine (99) Police Department related claims in 2016 (see Figure 10). Twenty-nine (29) claims were accepted, for a total of \$80,009 paid. Of these, nineteen (19) arose from automobile accidents. That is approximately 19% of the claims, and totals \$69,717 in payouts. In 2015, on the other hand, the City Attorney received 118 claims relating to the Police Department. In 2015, the City Attorney authored payouts of \$94,811 resulting from automobile accidents (see Figure 10).

Total payouts slightly increased on claims related to property damage caused by the Police Department: \$7,998 in 2015; \$10,382 in 2016. Again, there are several Government Codes that provide immunities to the City and City employees. However, the City Attorney authorizes reasonable settlement when the circumstances require it.

In six (6) 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.



Traffic collisions involving Long Beach Police Dept.

Auto Accidents

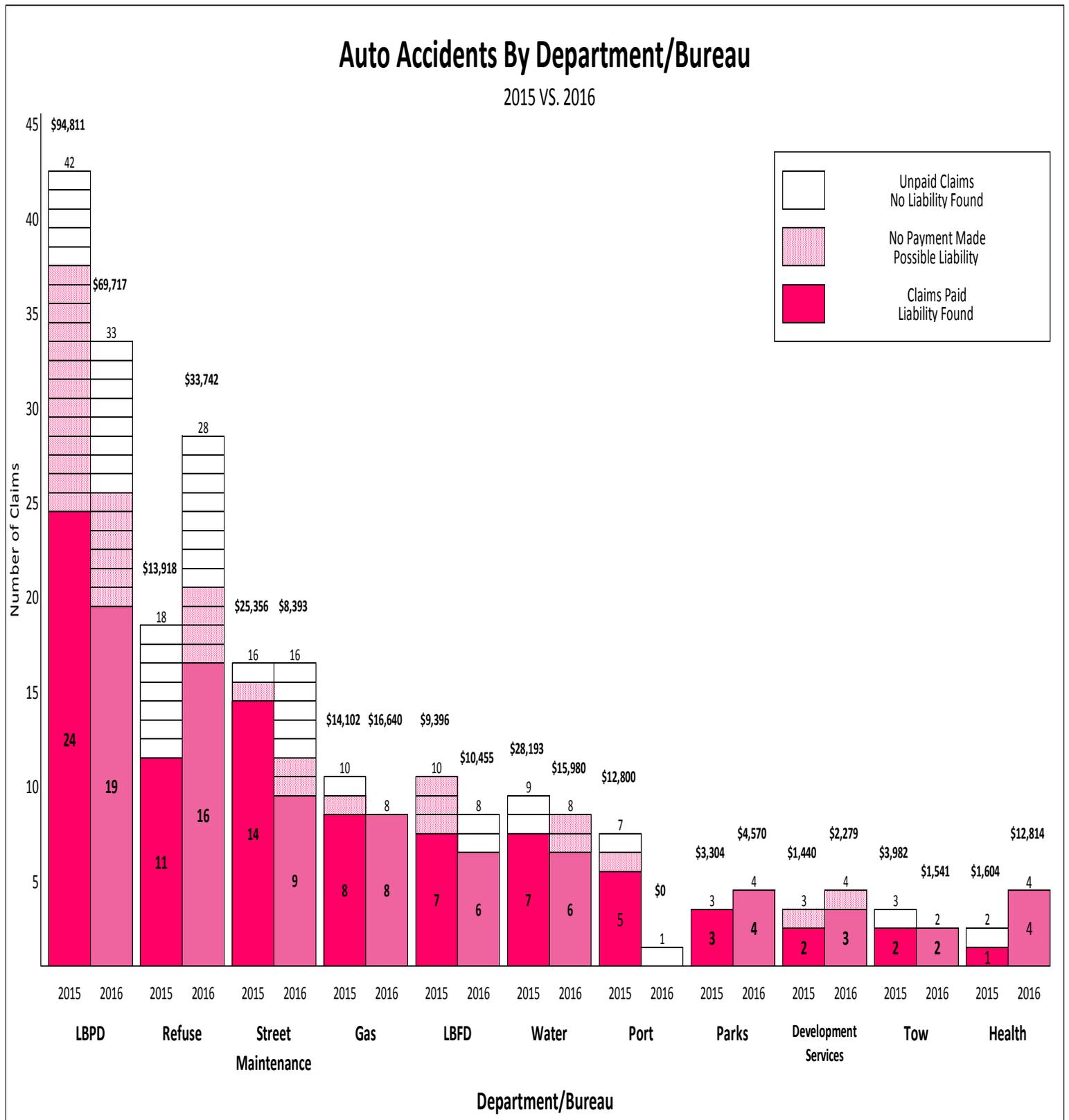


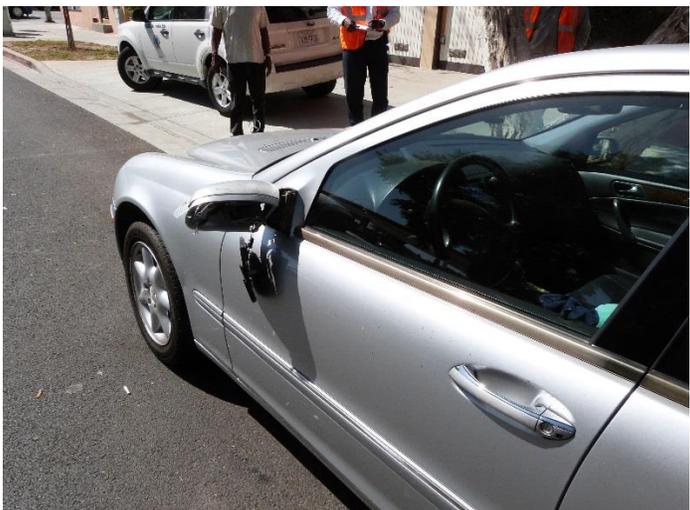
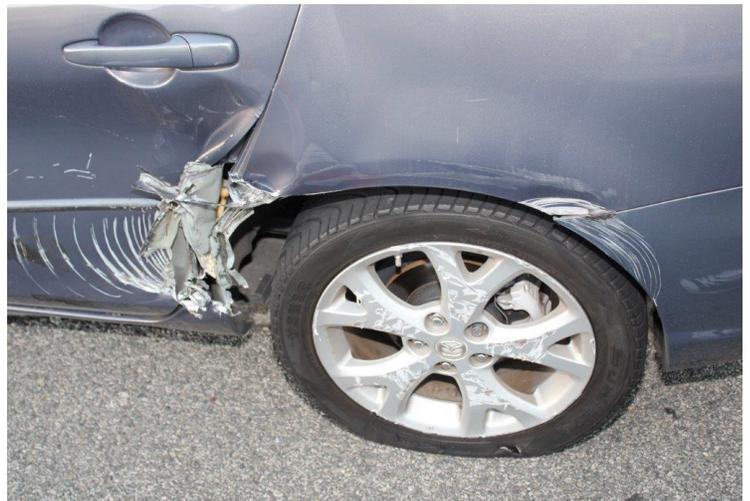
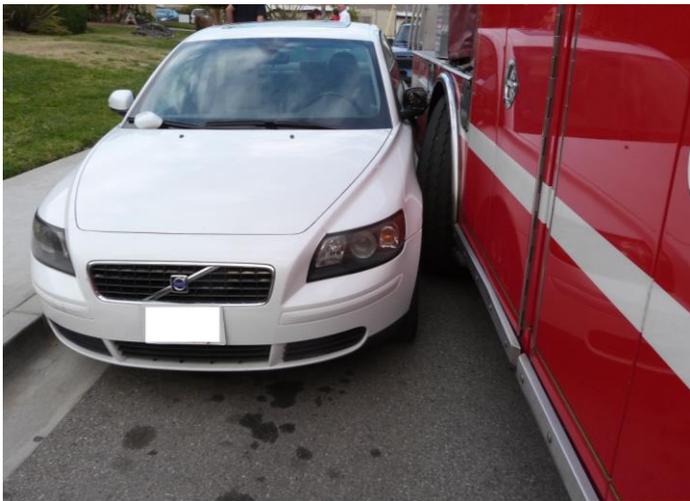
Figure 11

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 2016, the City Attorney adjusted 116 automobile claims. Of the 116 claims received, the City found liability in eighty-seven (87) claims, but only paid out on seventy-seven (77) claims. This constitutes 66% of claims received, for a total payout of \$176,131.

In 2015, the City paid a total of \$208,906 in automobile accident claims. This reflects a *decrease of 16.8%* in the total payout in 2016. However, in 2015, one (1) claim was settled for \$31,768. Removing this one claim from consideration, the total payout in 2015 would be \$177,138. Viewed this way, 2015 and 2016 pay-outs are only very slightly different.

No payments were made on fifteen (15) 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 twenty-four (24) automobile claims filed, and these claims were rejected.



Traffic Collisions involving City vehicles