



City of Long Beach

Working Together to Serve

Office of the City Attorney

Government Claim Activity for January 1 – June 30, 2019

Government Code § 910 et seq. requires persons or businesses seeking money damages from the City to first file a government claim; in fact, without a judicial exception, no law suit alleging violation of California law is permitted without first filing a claim. The claim presentation requirement is intended to allow local agencies to investigate claims and - where appropriate - resolve claims outside of the judicial process, which can save litigation costs for the claimant and the agency.

Preprinted claim forms are available to the public from the City Attorney's webpage, and from the City Clerk, but any document can be used if it includes all the information required by the Government Code.

Every government claim filed with the City Clerk is referred to the City Attorney's Office. The Litigation Division in my office has Claims Investigators who investigate the claims and recommend appropriate disposition. The investigation and recommendation are then reviewed by a Litigation attorney for final decision.

The City has forty-five days to investigate the claim, and then: (1) accept liability and offer to pay the amount claimed; (2) offer to compromise and pay part of the amount claimed; or (3) reject the claim. The money used to pay claims typically comes from the City's Insurance Fund.

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 does not provide enough information to properly investigate the claim.

In this report, we look at claims data for the period *January 1 – June 30, 2019*. The City Attorney makes this information available so all stakeholders (City and public) better understand the claims process and so each City Department better understands liability exposure, identifies ways to improve, and better manages risk.

Best Regards,

Charles Parkin
City Attorney

Analysis of Claims Data for January 1 – June 30, 2019

Figure 1 shows that between January 1 - June 30, 2019, the City Attorney’s Office received 470 claims (including 39 claims that were not considered), and that 103 of the 431 considered claims were resolved.

A claim presented to the City Attorney is resolved when the claimant establishes (1) that he or she has a legal right to recovery; (2) presents evidence of his or her damages; and (3) the City Attorney accepts the amount claimed, or the claimant accepts a lower amount. The money paid to resolve claims typically comes from the City’s Insurance Fund.

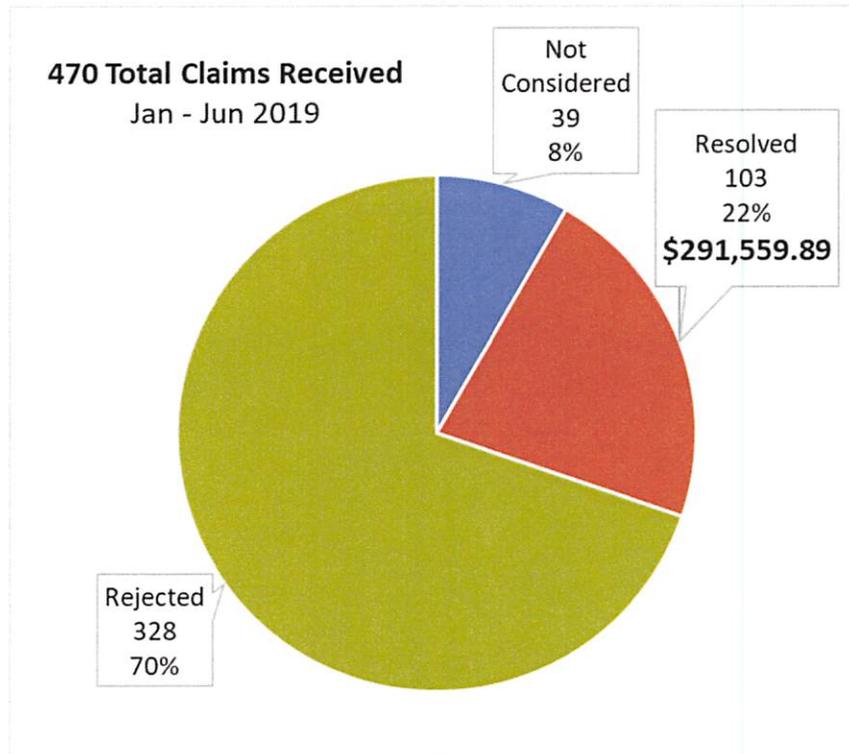


Figure 1

In resolving the 103 claims in first half of 2019, the City Attorney authorized a total payout of **\$291,559.89** which is more than the same period in 2018 (73 resolved claims with a total payout of \$83,409).

The average payout per resolved claim also significantly increased: \$2,830.68 for the first half of 2019 vs \$1,142.58 for the first half of 2018.

Figure 2 shows claims received by City Department or Bureau.

Department/Bureau	# of Claims Received	# of Claims Resolved	Amount Paid
Street Maintenance	246	47	\$ 82,006.38
LBPD	61	23	\$107,565.08
Tow	44	7	\$ 4,854.85
Wrong Entity	44	0	\$ -
LBWD	14	10	\$ 42,235.88
Parks, Recreation & Marine	13	5	\$ 23,577.73
LBFD	12	5	\$ 12,722.22
Refuse	11	4	\$ 17,962.25
Other	7	1	\$ 153.00
Insufficient	6	0	\$ -
Energy Resources	6	1	\$ 482.50
Port	3	0	\$ -
Development Services	2	0	\$ -
Airport	1	0	\$ -
Total	470	103	\$291,559.89

Figure 2

A claim coded “wrong entity” means that a business, or public agency other than City of Long Beach, is involved (for example, a claim for an alleged injury on a Long Beach Transit bus is presented to the City instead of Long Beach Transit).

“Other” claims are unique and do not easily fit into an established category. For example, these claims include: damages resulting from rain water flood, permit denials, and improper utility billing.

Figures 3 & 4 display the types of claims the City received and paid during the first half of 2019.

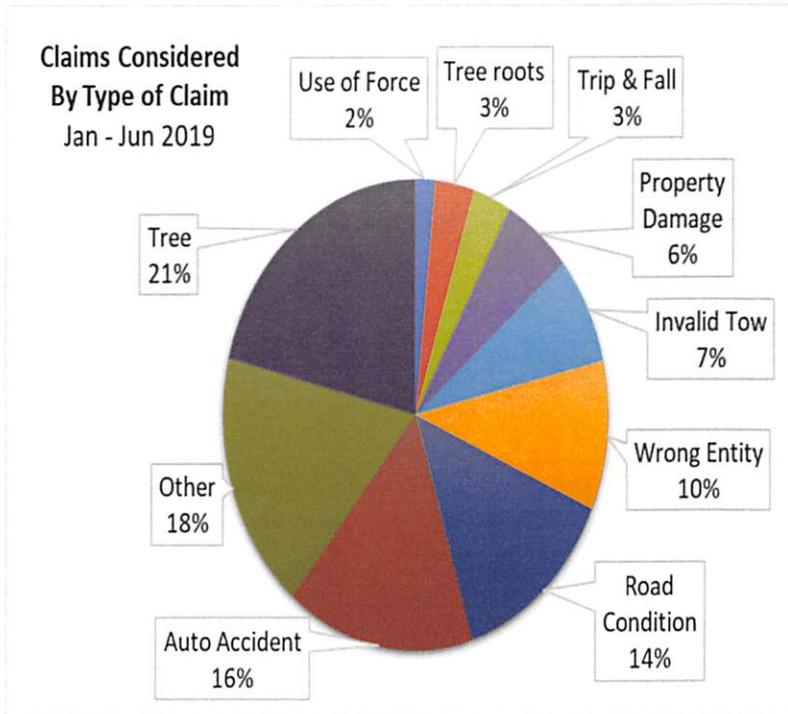


Figure 3

Type of Claim	# of Claims Considered	# of Claims Resolved	Amount Paid
Auto Accident	68	34	\$ 126,802.85
Other	77	11	\$ 54,013.15
Tree	91	12	\$ 37,839.09
Property Damage	25	15	\$ 37,712.88
Tree Roots	14	10	\$ 24,530.00
Road Condition	59	16	\$ 7,345.08
Invalid Tow	32	4	\$ 2,342.00
Trip & Fall	14	1	\$ 974.84
Wrong Entity	44	0	\$ -
Use of Force	7	0	\$ -
Total	431	103	\$ 291,559.89

Figure 4

Auto accidents account for the largest number of claims as well as the highest total payout; this is consistent with historical data. This category includes vehicle vs. vehicle accidents, and single-vehicle accidents where a City vehicle strikes a fixed object causing property damage. Figures 5 and 6 show auto accident claim data by Department/Bureau.

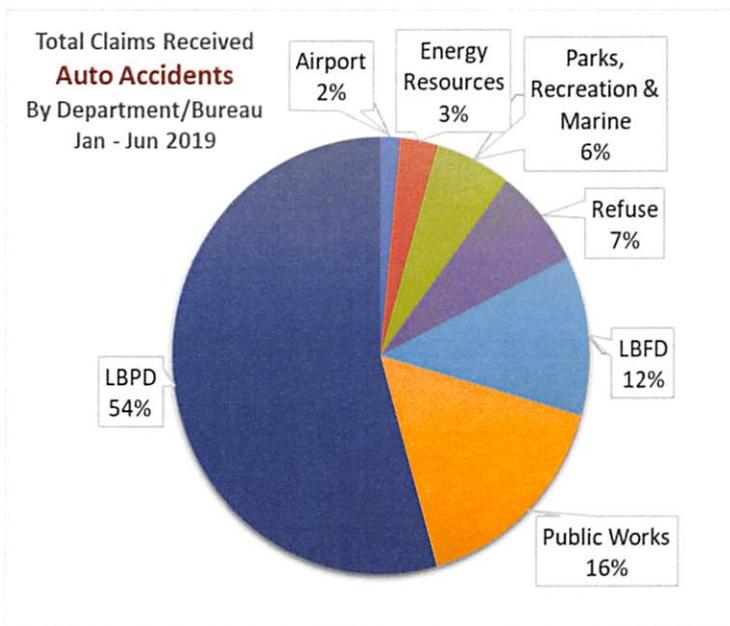


Figure 5

Department/Bureau	# of Claims Received	# of Claims Resolved	Amount Paid
LBDP	37	19	\$ 79,840.70
Public Works	11	6	\$ 10,872.37
LBFD	8	4	\$ 12,222.22
Refuse	5	1	\$ 3,897.25
Parks, Recreation & Marine	4	4	\$ 19,970.31
Energy Resources	2	0	\$ -
Airport	1	0	\$ -
Total	68	34	\$ 126,802.85

Figure 6

Street Maintenance (Public Works Department):

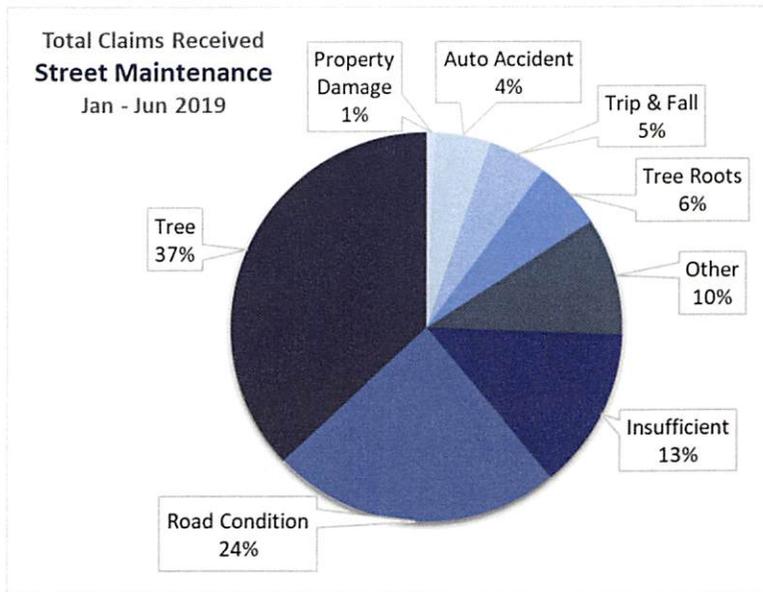


Figure 7

Type of Claim	# of Claims Received	# of Claims Resolved	Amount Paid
Tree	91	12	\$ 37,839.09
Road Condition	59	16	\$ 7,345.08
Insufficient	33	0	\$ -
Other	24	0	\$ -
Tree Roots	14	10	\$ 24,530.00
Trip & Fall	12	1	\$ 974.84
Auto Accident	11	6	\$ 10,872.37
Property Damage	2	2	\$ 445.00
Total	246	47	\$ 82,006.38

Figure 8

The City Attorney’s Office received a total of 246 claims during the first half of 2019 relating to Street Maintenance and resolved 47 of those claims for a total payout of \$82,006.38. (Fig. 8)

Most of the claims were related to **City trees**. These claims include: damage caused by the tree falling, damage caused by falling tree limbs, and damage caused by the tree roots (typically to underground pipes). Investigating these claims will focus on when the tree was last trimmed; whether there was any “notice” of the tree being a hazard; and, for tree root claims, when the claimant discovered (or reasonably should have discovered) the property damage.

The City also received multiple claims related to **road conditions** (primarily potholes). Resolving these claims will also require some showing that the City had “notice” of the pothole (e.g. someone had reported it and the claimed damage occurred before the City could repair the pothole).

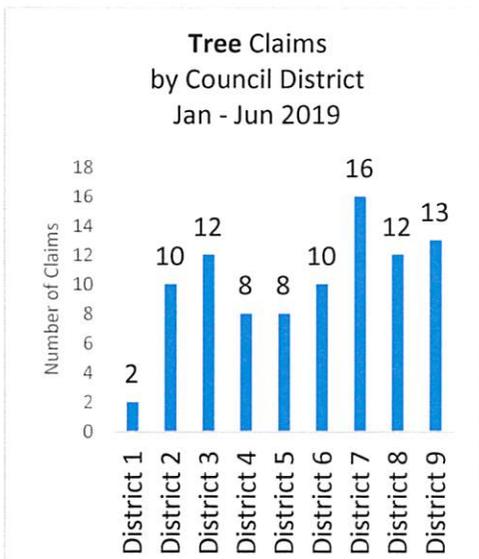


Figure 9

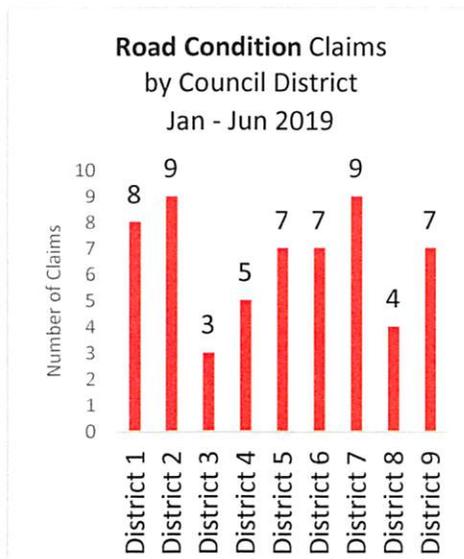
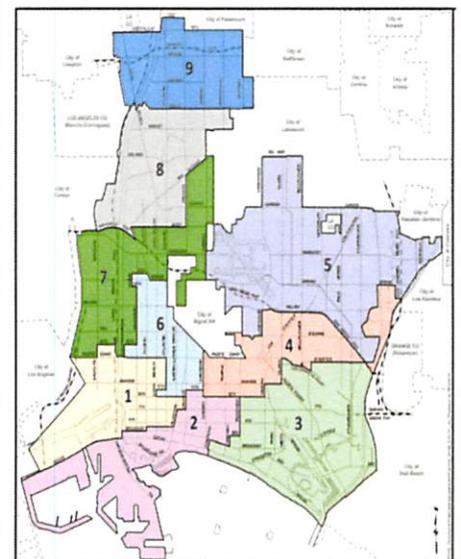


Figure 10



Long Beach Police Department:

In the first half of 2019, the City Attorney’s Office received 61 claims relating to the Long Beach Police Department. The City Attorney’s Office resolved 23 of the claims, for a total payout of \$107,565.08. (Figure 11). As the table below shows, the largest number of claims – and the highest payout – involves auto accidents.

The City Attorney’s Office received 10 claims that were categorized as “**other.**” These claims include: allegations of false arrest, failure to protect, and property lost/not returned by police officer.

There were seven (7) claims involving alleged improper use-of-force. It’s important to note that this figure only includes government claims received; use-of-force complaints (without a tort claim) may have been made to the Long Beach Police Department or the City’s Citizen Police Complaint Commission.

The City Attorney’s Office also received several claims related to property damage arising from police activity. There are several Government Code sections that may immunize the City from liability for police activity. Depending on the circumstances, though, the City Attorney may authorize settlement for these claims. During the first half of 2019, the City Attorney’s Office resolved three (3) property damage claims for a total of **\$2,727.38.**

Type of Claim	# of Claims Received	# of Claims Resolved	Amount Paid
Auto Accident	37	19	\$ 79,840.70
Other	10	1	\$ 25,000.00
Property Damage	7	3	\$ 2,724.38
Use of Force	7	0	\$ -
Total	61	23	\$ 107,565.08

Figure 11

Refuse Operations:

During the first half of 2019, the City Attorney’s Office received 10 claims related to Refuse Operations. (Figure 12)

These claims typically involve a refuse truck hitting a car or fixed object, such as an electrical pole or fence, or an employee action (while not driving) that results in property damage.

Type of Claim	# of Claims Received	# of Claims Resolved	Amount Paid
Property Damage	6	3	\$ 14,065.00
Auto Accident	4	1	\$ 3,897.25
Total	10	4	\$ 17,962.25

Figure 12

Towing Operations:

During the first half of 2019, the City received 13 claims related to Towing Operations. These claims include: alleged invalid tows, damage to a vehicle while during towing, and damage to a vehicle while stored at the City’s tow yard. (Figure 13)

Type of Claim	# of Claims Received	# of Claims Resolved	Amount Paid
Invalid Tow	32	4	\$ 2,342.00
Other	12	3	\$ 2,512.85
Total	44	7	\$ 4,854.85

Figure 13

Long Beach Water Department:

During the first half of 2019, the City Attorney’s Office received 14 claims related to the Long Beach Water Department. Ten claims were resolved, for a total payout of \$42,235.88. (Figure 14)

Several claims allege property damage caused by a water department employee, such as a Water Department employee installing a water line mistakenly pierces a private electrical line. The majority of claims allege damages resulting from “other causes” such as but not limited to damages resulting from flooding from a water main break.

Type of Claim	# of Claims Received	# of Claims Resolved	Amount Paid
Other	9	5	\$ 22,739.88
Property Damage	5	5	\$ 19,496.00
Total	14	10	\$ 42,235.88

Figure 14

Long Beach Fire Department :

During the first half of 2019, the City Attorney’s Office received eight claims related to the Long Beach Fire Department. Five claims were resolved, for a total payout of \$12,722.22. (Figure 15).

Auto accidents account for the vast majority of the claims, and almost the entire total payout. These claims do not involve a fire engine responding to an emergency call; rather, the Fire Department vehicle struck another vehicle in a non-emergency situation.

Type of Claim	# of Claims Received	# of Claims Resolved	Amount Paid
Auto Accidents	8	4	\$ 12,222.22
Property Damage	3	1	\$ 500.00
Other	0	0	\$ -
Total	11	5	\$ 12,722.22

Figure 15

Other Departments:

The City Attorney’s Office also received a small number of claims for other City departments or bureaus.

Department	Type of Claim	# of Claims Received	# of Claims Resolved	Amount Paid
Airport	Auto Accident	1	0	\$ -
Development Services	Other	2	0	\$ -
Energy Resources	Auto Accident (2), Property Damage (2), Other (2)	6	1	\$ 482.50
Other	Other	7	1	\$ 153.00
Total		16	2	\$ 635.50

Figure 16