



**City of Long Beach**

*Working Together to Serve*

**Office of the City Attorney**

## ***Government Claim Activity for January 1 – June 30, 2020***

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, 2020*. 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, 2020

Figure 1 shows that between January 1 - June 30, 2020, the City Attorney's Office **received 291 claims (including 11 claims that were not considered), and that 78 of the 280 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.

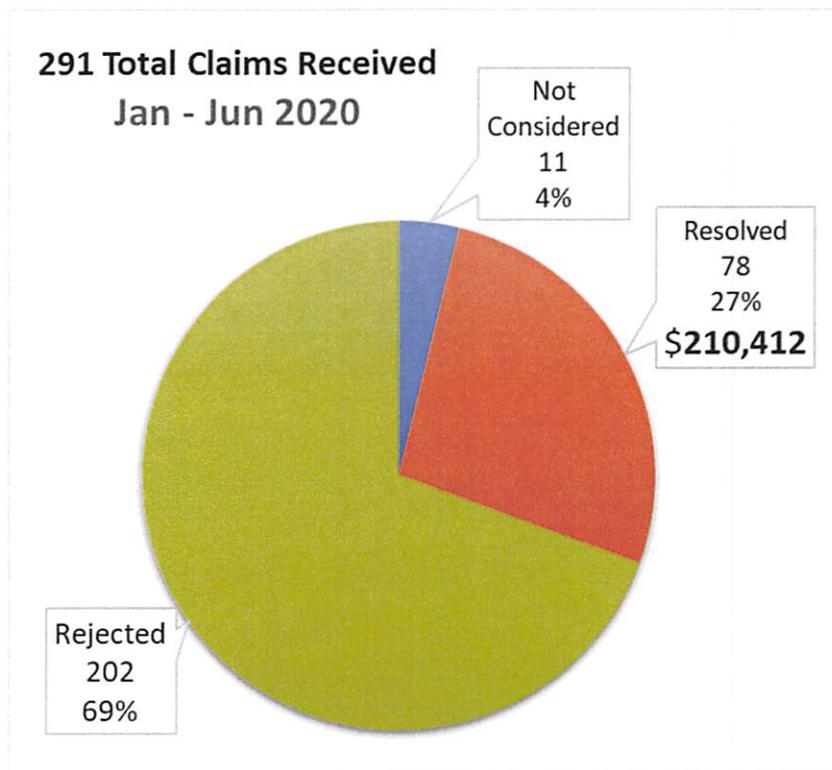


Figure 1

**In resolving the 78 claims in first half of 2020, the City Attorney authorized a total payout of \$210,412, which is less than the same period in 2019 (103 resolved claims with a total payout of \$291,560).**

**The average payout per resolved claim also slightly decreased: \$2,697.59 for the first half of 2020 vs \$2,830.68 for the first half of 2019.**

Figure 2 shows claims received by City Department or Bureau.

Department/ Bureau	# of Claims Received	# of Claims Resolved	Total Amount Paid
Street Maintenance	132	27	\$ 36,391
LBPD	46	18	\$ 96,795
Wrong Entity	33	0	\$ -
Refuse	22	11	\$ 34,576
LBWD	16	9	\$ 18,200
Towing	13	3	\$ 1,051
Other	10	1	\$ 4,000
LBFD	8	6	\$ 17,572
Energy Resources	3	2	\$ 327
Port	3	0	\$ -
Insufficient	2	0	\$ -
Parks, Recreation & Marine	2	0	\$ -
Development Services	1	1	\$ 1,500
<b>Total</b>	<b>291</b>	<b>78</b>	<b>\$ 210,412</b>

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 2020.

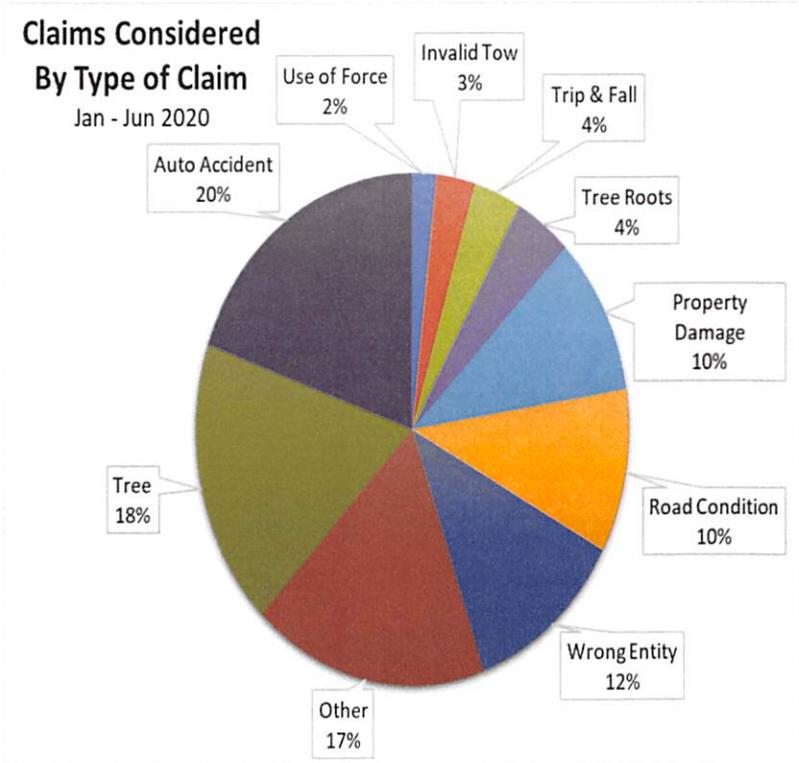


Figure 3

Type of Claim	# of Claims Considered	# of Claims Resolved	Amount Paid
Auto Accident	55	36	\$ 153,890
Property Damage	28	13	\$ 19,724
Tree Roots	12	10	\$ 16,200
Tree	51	7	\$ 11,405
Road Condition	29	6	\$ 2,432
Invalid Tow	8	3	\$ 1,051
Other	49	2	\$ 4,200
Trip & Fall	10	1	\$ 1,510
Use of Force	5	0	\$ -
Wrong Entity	33	0	\$ -
<b>Total</b>	<b>280</b>	<b>78</b>	<b>\$ 210,412</b>

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.

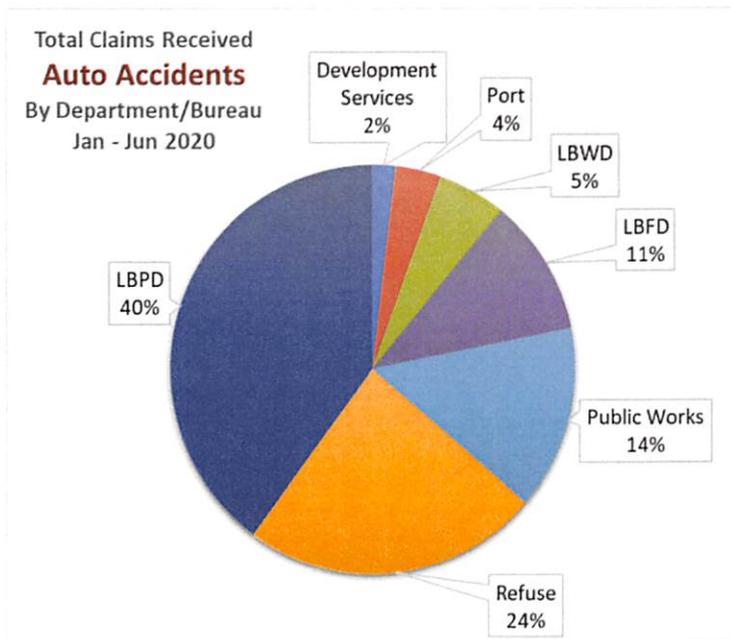


Figure 5

Department/Bureau	# of Claims Received	# of Claims Resolved	Amount Paid
LBPD	22	15	\$ 88,912.71
Refuse	13	10	\$ 30,596.00
Public Works	8	2	\$ 3,777.00
LBFD	6	5	\$ 16,937.70
LBWD	3	3	\$ 12,167.49
Port	2	0	\$ -
Development Services	1	1	\$ 1,500.00
<b>Totals</b>	<b>55</b>	<b>36</b>	<b>\$ 153,890.90</b>

Figure 6

**Street Maintenance (Public Works Department):**

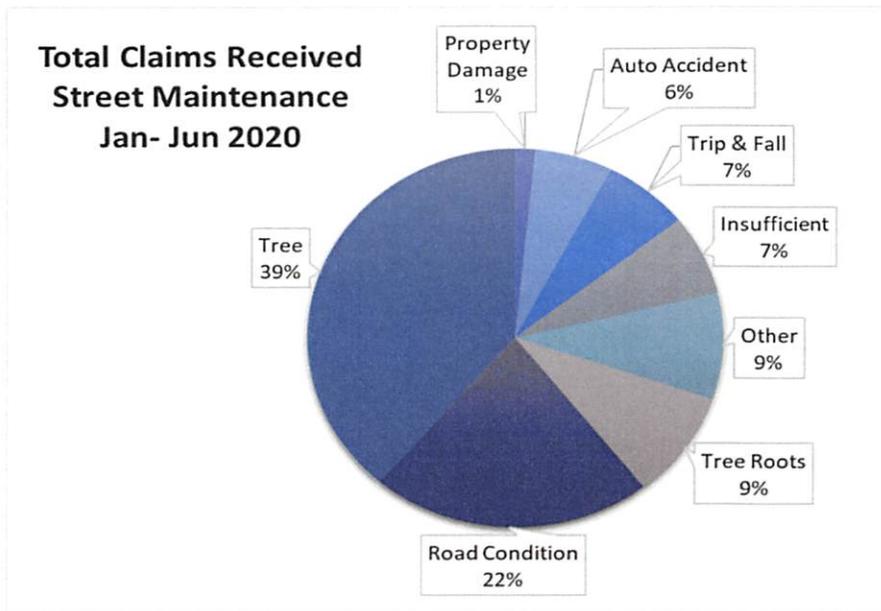


Figure 7

Type of Claim	# of Claims Received	# of Claims Resolved	Amount Paid
Tree Roots	12	10	\$ 16,200
Tree	51	7	\$ 11,405
Road Condition	29	6	\$ 2,432
Auto Accident	8	2	\$ 3,777
Property Damage	2	1	\$ 1,067
Trip & Fall	9	1	\$ 1,510
Insufficient	9	0	\$ -
Other	12	0	\$ -
<b>Total</b>	<b>132</b>	<b>27</b>	<b>\$ 36,391</b>

Figure 8

The City Attorney’s Office received a total of 132 claims during the first half of 2020 relating to Street Maintenance and resolved 27 of those claims for a total payout of \$36,391. (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).

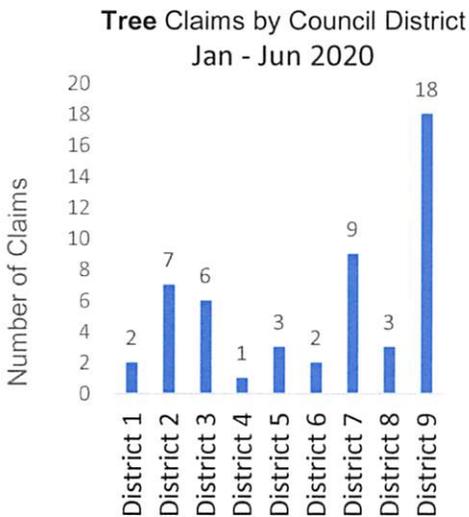


Figure 9

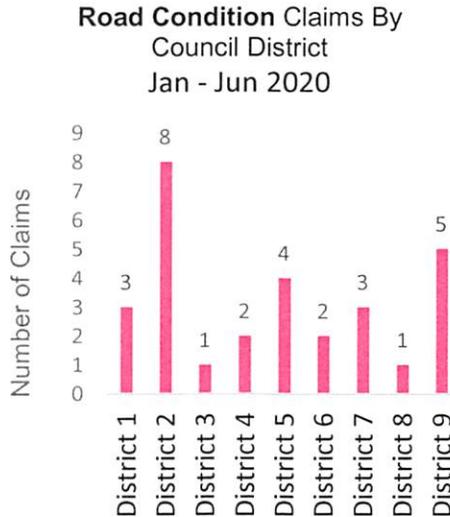
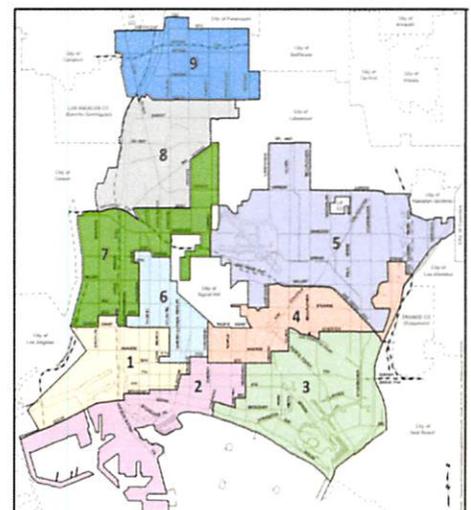


Figure 10



**Long Beach Police Department:**

In the first half of 2020, the City Attorney’s Office received 46 claims relating to the Long Beach Police Department. The City Attorney’s Office resolved 18 of the claims, for a total payout of \$96,795. (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 15 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 five 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 2020, the City Attorney’s Office resolved two property damage claims for a total of \$7,682.

Type of Claim	# of Claims Received	# of Claims Resolved	Amount Paid
Auto Accident	22	15	\$ 88,913
Other	15	1	\$ 200
Use of Force	5	0	\$ -
Property Damage	4	2	\$ 7,682
<b>Total</b>	<b>46</b>	<b>18</b>	<b>\$ 96,795</b>

Figure 11

**Refuse Operations:**

During the first half of 2020, the City Attorney’s Office received 22 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
Auto Accident	13	10	\$ 30,596
Other	1	0	\$ -
Property Damage	8	1	\$ 3,980
<b>Total</b>	<b>22</b>	<b>11</b>	<b>\$ 34,576</b>

Figure 12

**Towing Operations:**

During the first half of 2020, 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	8	3	\$ 1,051
Other	5	0	\$ -
Auto Accident	0	0	\$ -
<b>Total</b>	<b>13</b>	<b>3</b>	<b>\$ 1,051</b>

Figure 13

**Long Beach Water Department:**

During the first half of 2020, the City Attorney’s Office received **16 claims related to the Long Beach Water Department**. Nine claims were resolved, for a total payout of **\$18,200**. (Figure 14)

Most of the claims alleged property damage caused by a water department employee, such as a Water Department employee installing a water line mistakenly pierces a private electrical line.

Type of Claim	# of Claims Received	# of Claims Resolved	Amount Paid
Property Damage	10	6	\$ 6,033
Auto Accident	3	3	\$12,167
Other	3	0	\$ -
<b>Total</b>	<b>16</b>	<b>9</b>	<b>\$18,200</b>

Figure 14

**Long Beach Fire Department:**

During the first half of 2020, the City Attorney’s Office received eight claims related to the Long Beach Fire Department. Six claims were resolved, for a total payout of \$17,572. (Figure 15).

Auto accidents account for the clear 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 Accident	6	5	\$16,938
Property Damage	1	1	\$ 634
Other	1	0	\$ -
<b>Total</b>	<b>8</b>	<b>6</b>	<b>\$17,572</b>

Figure 15

**Other Departments:**

The City Attorneys Office also received a small number of claims for other City departments or bureaus. (Figure 16).

Department/ Bureau	Type of Claim	# of Claims Received	# of Claims Paid	Amount Paid
Development	Auto Accident	1	1	\$ 1,500.00
Port	Auto Accident	2	0	\$ -
Parks, Recreation & Marine	Injury while using skate park, trip & fall at City park	2	0	\$ -
Energy Resources	Property Damage	3	2	\$ 327.00
<b>Total</b>		<b>5</b>	<b>1</b>	<b>\$ 1,827.00</b>

Figure 16