



City of Long Beach

Working Together to Serve

Office of the City Attorney

Government Claim Activity for 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 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 2019

Figure 1 shows that in 2019, the City Attorney's Office received 845 claims (including 60 claims that were not considered), and that 196 of the 785 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.

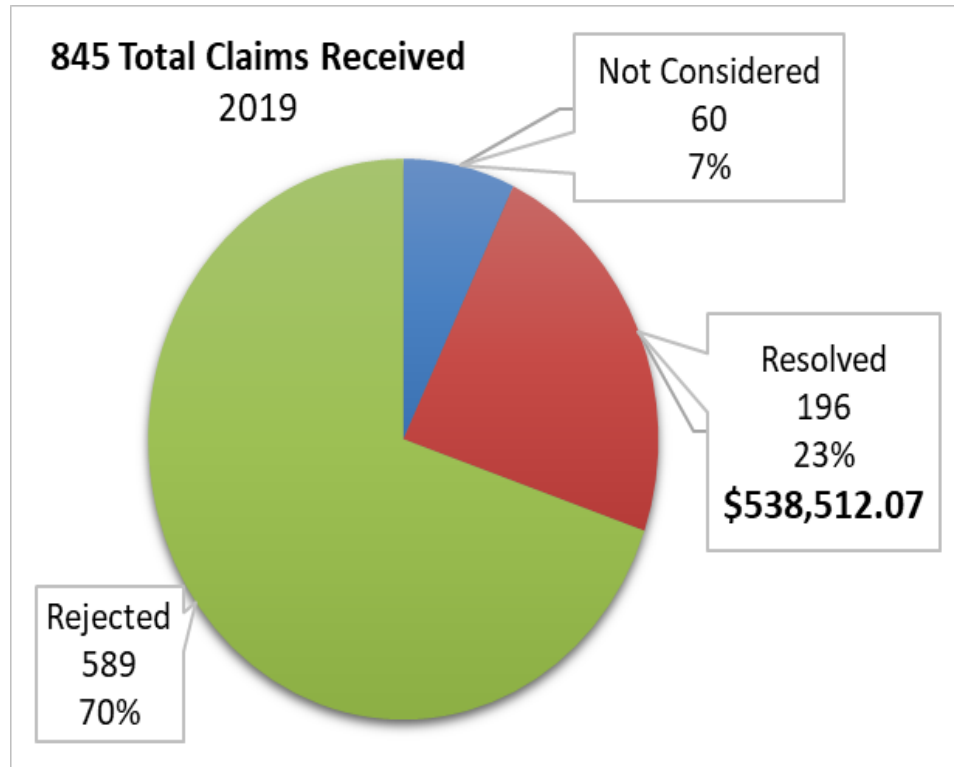


Figure 1

In resolving the 196 claims in 2019, the City Attorney authorized a total payout of \$538,512.07. There were more claims resolved – and a higher total payout – in 2019 than in both 2017 (150 resolved claims with a total payout of \$303,331.26) and 2018 (141 resolved claims with a total payout of \$246,121.45).

The average payout per resolved claim in 2019 also significantly increased: \$2747.51 in 2019, vs \$2,022.20 in 2017 and \$1,745.54 in 2018.

Figure 2 shows claims received by City Department or Bureau during the years 2017-2019.

Total Claims Received By Department/Bureau 2017 - 2018 - 2019									
Department/Bureau	# of Claims Received in 2017	# of Claims Resolved in 2017	Amount Paid in 2017	# of Claims Received in 2018	# of Claims Resolved in 2018	Amount Paid in 2018	# of Claims Received in 2019	# of Claims Resolved in 2019	Amount Paid in 2019
Public Works	418	58	\$ 115,144.26	269	48	\$ 74,390.87	412	77	\$ 165,388.21
LBPD	119	37	\$ 80,933.90	102	27	\$ 88,808.61	107	40	\$ 153,640.55
Wrong Entity	85	0	\$ -	74	0	\$ -	89	0	\$ -
Towing	46	3	\$ 1,197.00	69	15	\$ 5,614.54	76	12	\$ 9,021.63
LBWD	13	5	\$ 4,206.11	24	12	\$ 21,123.02	36	23	\$ 58,839.02
Refuse	46	27	\$ 59,549.05	33	11	\$ 15,497.56	32	20	\$ 78,977.76
Parks, Recreation & Marine	15	3	\$ 8,294.56	14	0	\$ -	23	10	\$ 47,407.67
LBFD	15	7	\$ 8,088.34	33	14	\$ 24,289.99	20	8	\$ 15,062.16
Insufficient	4	0	\$ -	24	0	\$ -	17	0	\$ -
Other	29	0	\$ -	21	0	\$ -	14	2	\$ 1,253.00
Energy Resources	10	7	\$ 14,038.56	13	8	\$ 5,738.16	8	2	\$ 1,082.50
Port	8	2	\$ 5,225.44	10	4	\$ 9,253.19	5	1	\$ 589.57
Development Services	3	1	\$ 6,654.04	8	2	\$ 1,405.51	4	0	\$ -
Health	0	0	\$ -	0	0	\$ -	1	1	\$ 7,250.00
Airport	6	0	\$ -	3	0	\$ -	1	0	\$ -
Total	817	150	\$303,331.26	697	141	\$246,121.45	845	196	\$538,512.07

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.

Consistent with previous years, in 2019 the Public Works Department and the Long Beach Police Department generated the majority of claims received, claims resolved, and total payout.

Figure 3 shows the types of claims the City received in 2019, while Figure 4 shows the types of claims resolved and the amount paid. **Tree-related claims accounted for the largest number of claims; auto accidents, however, account for the highest total payout.** This is consistent with data from previous years.

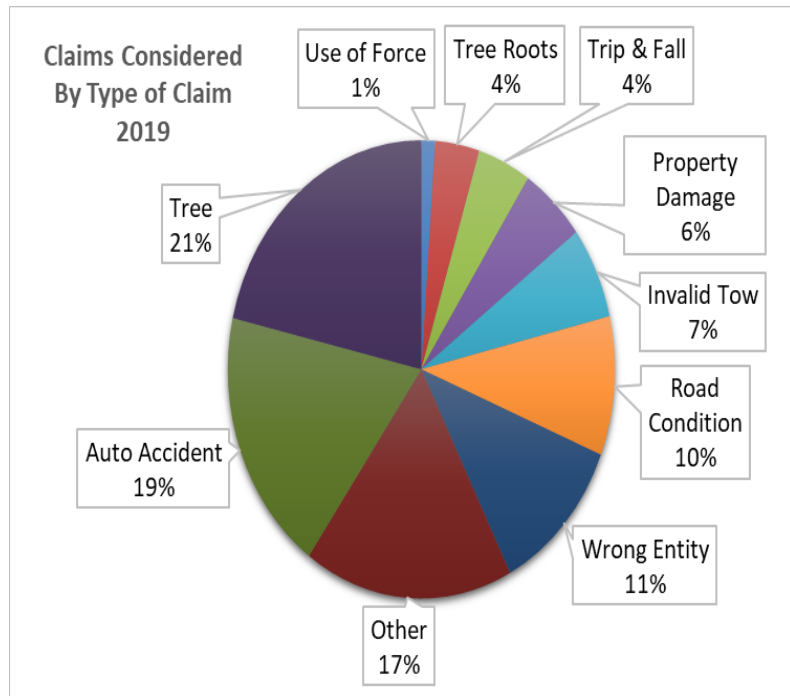


Figure 3

Type of Claim	# of Claims Considered	# of Claims Resolved	Amount Paid
Tree	168	18	\$ 63,789.42
Auto Accident	147	90	\$ 309,284.81
Other	137	18	\$ 59,232.97
Wrong Entity	89	0	
Road Condition	77	19	\$ 9,419.23
Invalid Tow	51	5	\$ 2,842.00
Property Damage	43	27	\$ 54,428.14
Trip & Fall	35	1	\$ 974.84
Tree Roots	29	18	\$ 38,540.66
Use of Force	9	0	\$ -
Total	785	196	\$ 538,512.07

Figure 4

Tree-related 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).

Auto accident claims include: vehicle vs. vehicle accidents, and single-vehicle accidents where a City vehicle strikes a fixed object causing property damage.

AUTO ACCIDENTS:

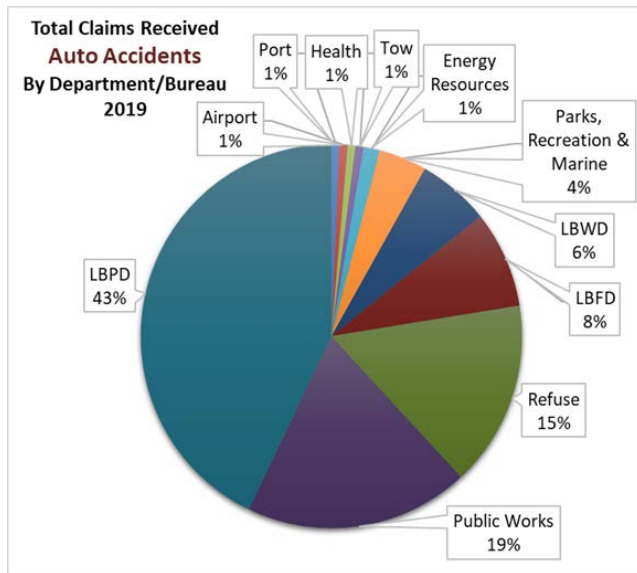


Figure 5 shows the percentage of auto accident claims by Department/Bureau.

Figure 6 compares 2019 auto accident data to data from 2017 and 2018.

Figure 5

Auto Accidents By Department/Bureau 2017 - 2018 - 2019									
Department/Bureau	# of Claims Received in 2017	# of Claims Resolved in 2017	Amount Paid in 2017	# of Claims Received in 2018	# of Claims Resolved in 2018	Amount Paid in 2018	# of Claims Received in 2019	# of Claims Resolved in 2019	Amount Paid in 2019
LBPB	54	30	\$ 75,833.85	48	22	\$ 89,926.61	63	35	\$ 123,916.17
Public Works	23	11	\$ 40,631.53	8	4	\$ 7,282.20	28	18	\$ 52,119.06
Refuse	33	24	\$ 56,666.75	22	10	\$ 14,840.56	23	16	\$ 64,412.76
LBFD	10	7	\$ 8,088.34	22	13	\$ 24,039.99	12	7	\$ 14,562.16
LBWD	5	2	\$ 1,755.36	3	3	\$ 4,642.36	9	5	\$ 8,516.62
Parks, Recreation & Marine	2	1	\$ 1,284.56	1	1	\$ -	6	6	\$ 35,437.31
Energy Resources	7	6	\$ 13,922.56	4	2	\$ 1,180.66	2	0	\$ -
Towing	1	1	\$ 500.00	0	0	\$ -	1	1	\$ 2,481.16
Health	0	0	\$ -	0	0	\$ -	1	1	\$ 7,250.00
Airport	0	0	\$ -	0	0	\$ -	1	0	\$ -
Port	3	1	\$ 3,623.86	4	4	\$ 9,253.19	1	1	\$ 589.57
Development Services	1	1	\$ 6,654.04	3	2	\$ 1,405.51	0	0	\$ -
Total	139	84	\$ 208,960.85	115	61	\$ 152,571.08	147	90	\$ 309,284.81

Figure 6

Street Maintenance (Public Works Department):

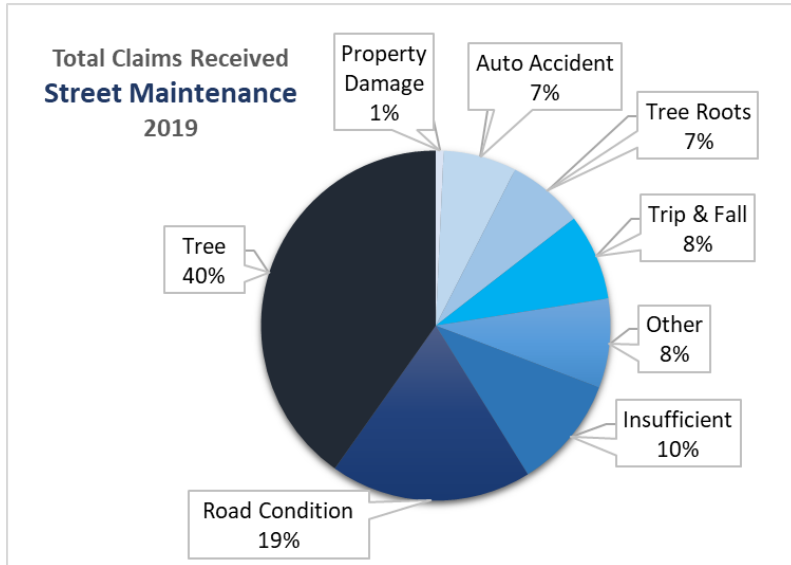


Figure 7

Type of Claim	# of Claims Received	# of Claims Resolved	Amount Paid
Tree	166	18	\$ 63,789.42
Road Condition	77	19	\$ 9,419.23
Insufficient	43	0	\$ -
Other	34	0	\$ -
Trip & Fall	33	1	\$ 974.84
Tree Roots	29	18	\$ 38,540.66
Auto Accident	28	18	\$ 52,119.06
Property Damage	3	3	\$ 545.00
Total	413	77	\$ 165,388.21

Figure 8

The City Attorney’s Office received a total of 413 claims in 2019 relating to Street Maintenance and resolved 77 of those claims for a total payout of \$165,388.21. (Figures 7 and 8)

Most of the claims were related to **City trees**. 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).

Figures 9 and 10 show tree claims and road condition claims by Council District.

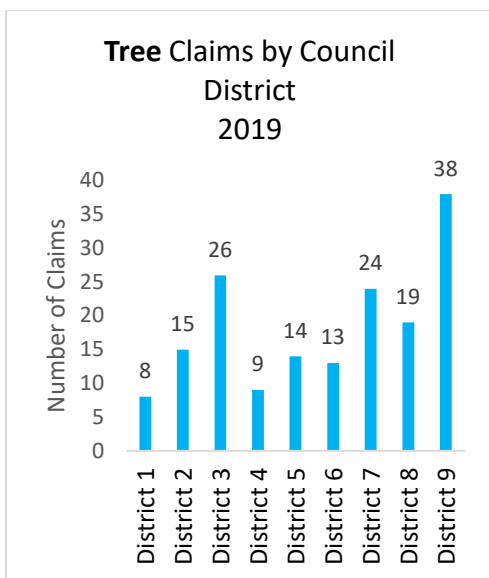


Figure 9

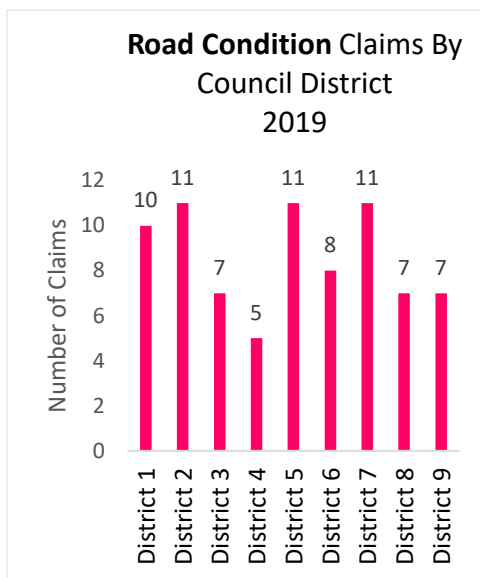
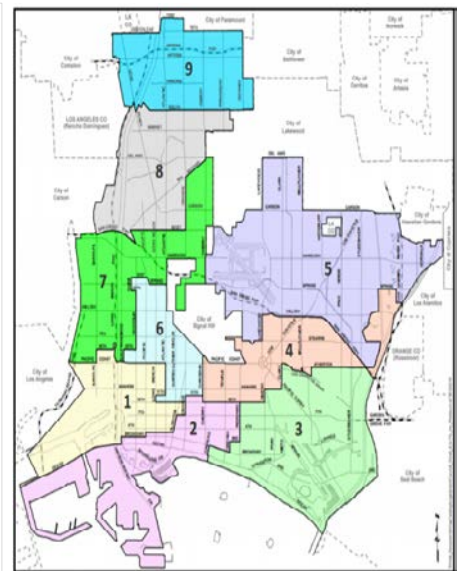


Figure 10



Long Beach Police Department:

In 2019, the City Attorney’s Office received 107 claims relating to the Long Beach Police Department. The City Attorney’s Office resolved 40 of the claims, for a total payout of \$153,640.55. (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 27 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 eight (8) 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 2019, the City Attorney’s Office resolved three (3) property damage claims for a total of **\$2,724.38**.

Type of Claim	# of Claims Received	# of Claims Resolved	Amount Paid
Auto Accident	63	35	\$ 123,916.17
Other	27	2	\$ 27,000.00
Use of Force	9	0	\$ -
Property Damage	8	3	\$ 2,724.38
Total	107	40	\$ 153,640.55

Figure 11

Refuse Operations:

During 2019, the City Attorney’s Office received 32 claims related to Refuse Operations. The City Attorney’s Office resolved 32 of the claims, for a total payout of \$78,977.76. (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. One claim was categorized as other, which related to a refuse billing dispute.

Type of Claim	# of Claims Received	# of Claims Resolved	Amount Paid
Auto Accident	23	16	\$ 64,412.76
Property Damage	8	4	\$ 14,565.00
Other	1	0	\$ -
Total	32	20	\$ 78,977.76

Figure 12

Towing Operations:

During 2019, the City received 76 claims related to Towing Operations. Twelve claims were resolved, for a total payout of \$9,021.63. These claims include: auto accident involving a City tow truck, 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	51	5	\$ 2,842.00
Other	24	6	\$ 3,698.47
Auto Accident	1	1	\$ 2,481.16
Total	76	12	\$ 9,021.63

Figure 13

Long Beach Water Department:

During 2019, the City Attorney’s Office received 36 claims related to the Long Beach Water Department. Twenty-three claims were resolved, for a total payout of \$58,839.02. (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 billing disputes and damages resulting from flooding from a water main break.

Type of Claim	# of Claims Received	# of Claims Resolved	Amount Paid
Other	14	6	\$ 23,289.08
Property Damage	13	12	\$ 27,033.32
Auto Accident	9	5	\$ 8,516.62
Total	36	23	\$ 58,839.02

Figure 14

Long Beach Fire Department:

During 2019, the City Attorney’s Office received twenty claims related to the Long Beach Fire Department. Eight claims were resolved, for a total payout of \$15,062.15. (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 Accident	12	7	\$ 14,562.15
Property Damage	5	1	\$ 500.00
Other	3	0	\$ -
Total	20	8	\$ 15,062.15

Figure 15

Energy Resources:

During 2019, the City Attorney’s Office received 8 claims related to the Energy Resources Department. Two claims were resolved, for a total payout of \$1,082.50. (Figure 16).

Three claims allege property damage caused by a Energy Resources department employee, such as a Energy Resources employee installing a gas line mistakenly pierces a private electrical line. Three claims allege damages resulting from “other causes” such as but not limited to billing disputes.

Type of Claim	# of Claims Received	# of Claims Resolved	Amount Paid
Property Damage	3	2	\$ 1,082.50
Other	3	0	\$ -
Auto Accident	2	0	\$ -
Total	8	2	\$ 1,082.50

Figure 16

Other Departments:

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

Department/Bureau	Type of Claims	# of Claims Received	# of Claims Resolved	Amount Paid
Airport	Auto Accident	1	0	\$ -
Development Services	Other	4	0	\$ -
Health	Auto Accident	1	1	\$ 7,250.00
Total		6	1	\$ 7,250.00

Figure 17