



City of Long Beach

Working Together to Serve

Office of the City Attorney

Government Claim Activity for 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 lawsuit 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 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 2020

Figure 1 shows that in 2020, the City Attorney's Office received 605 claims (including 20 claims that were not considered), and that 155 of the 585 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.

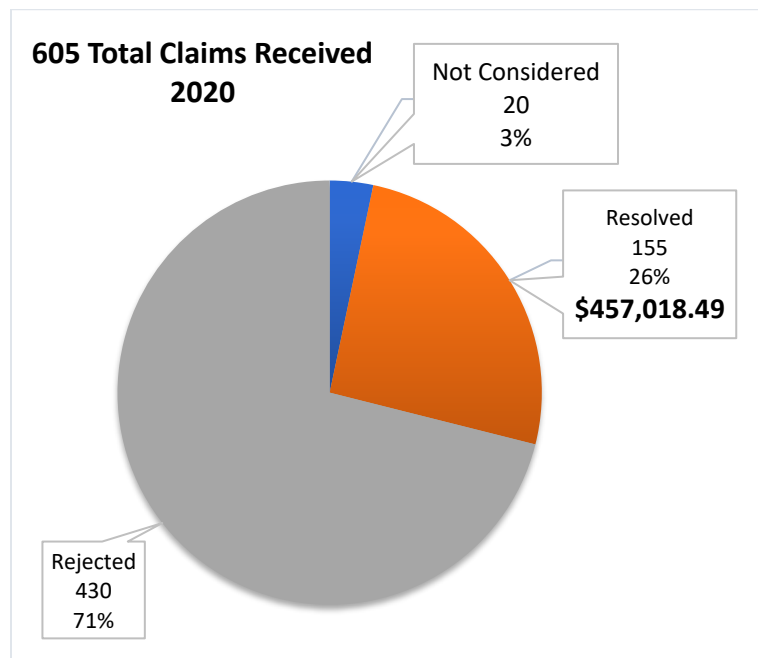


Figure 1

In resolving the 155 claims in 2020, the City Attorney authorized a total payout of \$457,018.49. There were fewer claims resolved – and a lower total payout – in 2020 than in 2019 (196 resolved claims with a total payout of \$538,512.07), but more than in 2018 (141 resolved claims with a total payout of \$246,121.45).

The average payout per resolved claim in 2020 also increased: \$2,948.50 in 2020 vs \$2747.51 in 2019, and \$1,745.54 in 2018.

Figure 2 shows claims received by the City Department or Bureau during the years 2018-2020.

Total Claims Received By Department/Bureau 2018 - 2019-2020									
Department/Bureau	# 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	# of Claims Received in 2020	# of Claims Resolved in 2020	Amount Paid in 2020
Public Works	269	48	\$ 74,390.87	412	77	\$ 165,388.21	272	55	\$ 97,143.14
LBPD	102	27	\$ 88,808.61	107	40	\$ 153,640.55	95	31	\$ 130,084.74
Wrong Entity	74	0	\$ -	89	0	\$ -	75	0	\$ -
Towing	69	15	\$ 5,614.54	76	12	\$ 9,021.63	25	5	\$ 2,424.00
LBWD	24	12	\$ 21,123.02	36	23	\$ 58,839.02	28	19	\$ 116,998.53
Refuse	33	11	\$ 15,497.56	32	20	\$ 78,977.76	33	18	\$ 39,671.72
Parks, Recreation & Marine	14	0	\$ -	23	10	\$ 47,407.67	9	1	\$ 250.00
LBFD	33	14	\$ 24,289.99	20	8	\$ 15,062.16	24	17	\$ 42,761.46
Insufficient	24	0	\$ -	17	0	\$ -	6	0	\$ -
Other	21	0	\$ -	14	2	\$ 1,253.00	24	3	\$ 13,655.87
Energy Resources	13	8	\$ 5,738.16	8	2	\$ 1,082.50	3	2	\$ 327.12
Port	10	4	\$ 9,253.19	5	1	\$ 589.57	5	0	\$ -
Development Services	8	2	\$ 1,405.51	4	0	\$ -	2	2	\$ 6,150.30
Health	0	0	\$ -	1	1	\$ 7,250.00	2	1	\$ 3,813.15
Airport	3	0	\$ -	1	0	\$ -	1	0	\$ -
Technology	0	0	\$ -	0	0	\$ -	1	1	\$ 3,738.46
Total	697	141	\$ 246,121.45	845	196	\$ 538,512.07	605	155	\$ 457,018.49

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 2020 the Public Works Department and the Long Beach Police Department generated the majority of claims received, claims resolved, and total payout.

Figures 3 shows the types of claims the City considered in 2020, while Figure 4 shows the number 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.

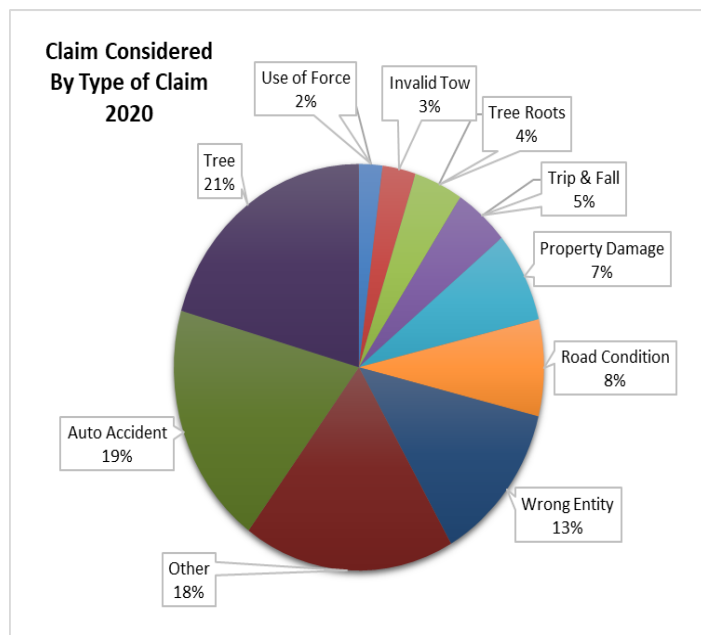


Figure 3

Type of Claim	# of Claims Considered	# of Claims Resolved	Amount Paid
Tree	120	20	\$ 35,709.57
Auto Accident	113	72	\$ 261,168.95
Other	108	9	\$ 82,825.68
Wrong Entity	75	0	\$ -
Road Condition	45	8	\$ 3,047.75
Property Damage	42	23	\$ 35,547.74
Trip & Fall	28	1	\$ 1,509.87
Tree Roots	25	17	\$ 34,784.93
Invalid Tow	17	5	\$ 2,424.00
Use of Force	12	0	\$ -
Total	585	155	\$ 457,018.49

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.

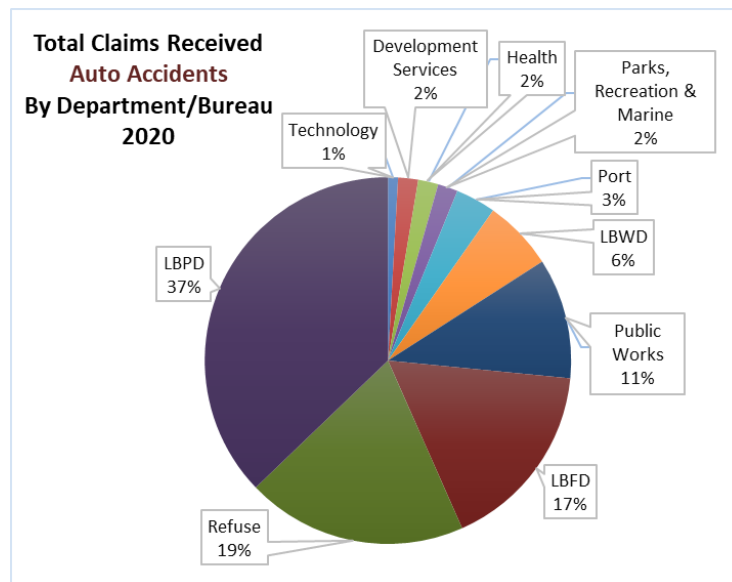


Figure 5

Figure 6 compares 2020 auto accident data to data from 2018 and 2019.

Auto Accidents By Department/Bureau 2018 - 2019 - 2020									
Department/Bureau	# 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	# of Claims Received in 2020	# of Claims Resolved in 2020	Amount Paid in 2020
LBPD	48	22	\$ 89,926.61	63	35	\$ 123,916.17	42	28	\$ 122,202.54
Public Works	8	4	\$ 7,282.20	28	18	\$ 52,119.06	12	3	\$ 4,231.59
Refuse	22	10	\$ 14,840.56	23	16	\$ 64,412.76	22	15	\$ 34,560.97
LBFD	22	13	\$ 24,039.99	12	7	\$ 14,562.16	19	16	\$ 42,126.53
LBWD	3	3	\$ 4,642.36	9	5	\$ 8,516.62	7	6	\$ 44,345.41
Parks, Recreation & Marine	1	1	\$ -	6	6	\$ 35,437.31	2	0	\$ -
Energy Resources	4	2	\$ 1,180.66	2	0	\$ -	0	0	\$ -
Towing	0	0	\$ -	1	1	\$ 2,481.16	0	0	\$ -
Health	0	0	\$ -	1	1	\$ 7,250.00	2	1	\$ 3,813.15
Airport	0	0	\$ -	1	0	\$ -	0	0	\$ -
Port	4	4	\$ 9,253.19	1	1	\$ 589.57	4	0	\$ -
Development Services	3	2	\$ 1,405.51	0	0	\$ -	2	2	\$ 6,150.30
Technology	0	0	\$ -	0	0	\$ -	1	1	\$ 3,738.46
Total	115	61	\$ 152,571.08	147	90	\$309,284.81	113	72	\$261,168.95

Figure 6

Street Maintenance (Public Works Department):

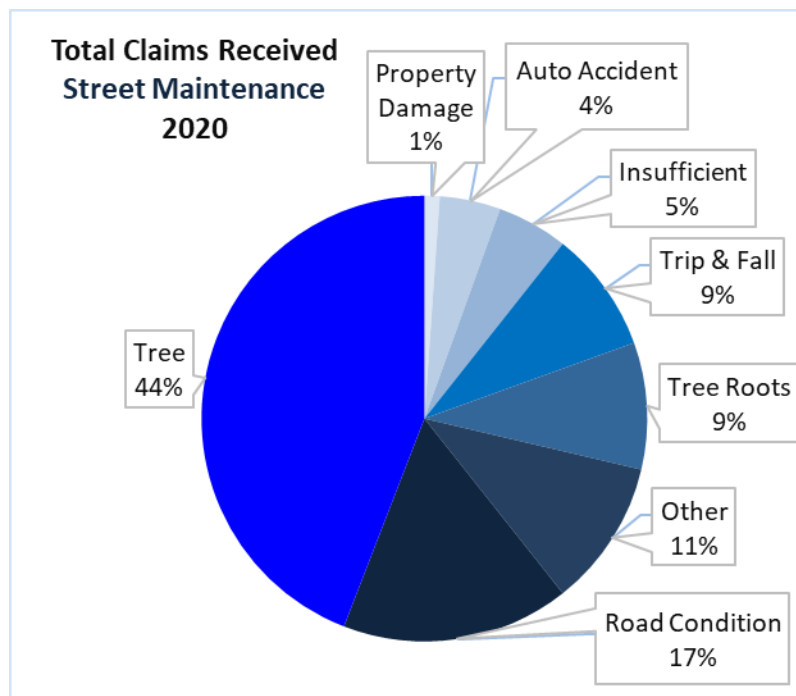


Figure 7

The City Attorney's Office received a total of 272 claims in 2020 relating to Street Maintenance and resolved 55 of those claims for a total payout of \$97,143.14. (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).

Type of Claim	# of Claims Received	# of Claims Resolved	Amount Paid
Tree	120	20	\$ 35,709.57
Road Condition	45	8	\$ 3,047.75
Other	29	3	\$ 5,604.81
Tree Roots	25	17	\$ 34,784.93
Trip & Fall	24	1	\$ 1,509.87
Insufficient	14	0	\$ -
Auto Accident	12	3	\$ 4,231.59
Property Damage	3	3	\$ 12,254.62
Total	272	55	\$ 97,143.14

Figure 8

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

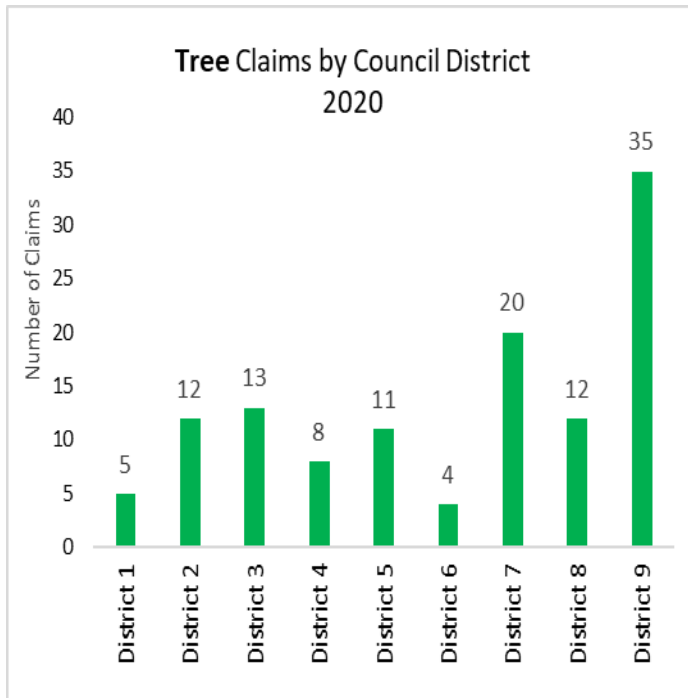


Figure 9

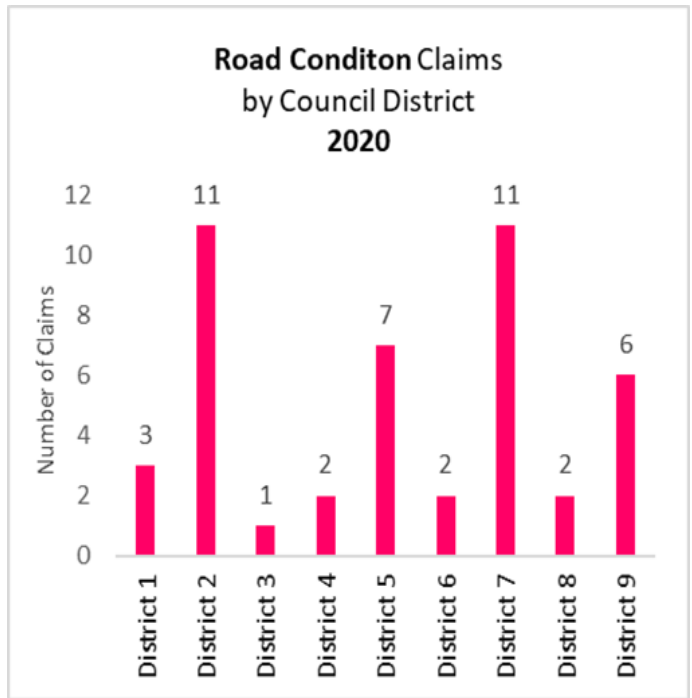
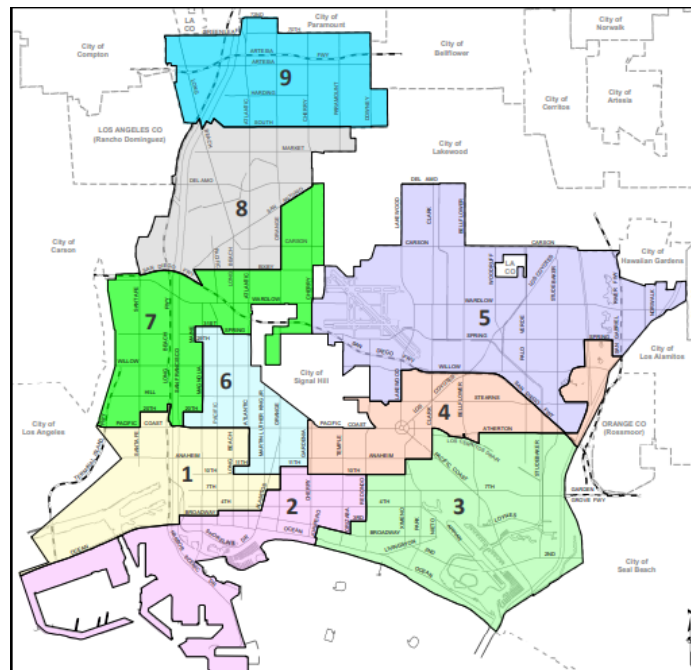


Figure 10



Council District Map

Long Beach Police Department:

In 2020, the City Attorney’s Office received 95 claims relating to the Long Beach Police Department. The City Attorney’s Office resolved 31 of the claims, for a total payout of \$130,084.74. (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 34 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 12 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 2020, the City Attorney’s Office resolved two (2) property damage claims for a total of **\$7,682.20**.

Type of Claims	# of Claims Received	# of Claims Resolved	Amount Paid
Auto Accident	42	28	\$ 122,202.54
Other	34	1	\$ 200.00
Use if Force	12	0	\$ -
Property Damage	7	2	\$ 7,682.20
Total	95	31	\$ 130,084.74

Figure 11

Long Beach Fire Department:

During 2020, the City Attorney’s Office received 24 claims related to the Long Beach Fire Department. Seventeen claims were resolved, for a total payout of \$42,761.46. (Figure 12).

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	19	16	\$ 42,126.53
Property Damage	3	1	\$ 634.93
Other	2	0	\$ -
Total	24	17	\$ 42,761.46

Figure 12

Long Beach Water Department:

During 2020, the City Attorney's Office received 28 claims related to the Long Beach Water Department. Nineteen claims were resolved, for a total payout of \$116,998.53. (Figure 13)

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
Property Damage	16	12	\$ 9,538.12
Auto Accident	7	6	\$ 44,345.41
Other	5	1	\$ 63,115.00
Total	28	19	\$ 116,998.53

Figure 13

Refuse:

During 2020, the City Attorney's Office received 33 claims related to Refuse Operations. The City Attorney's Office resolved 18 of the claims, for a total payout of \$39,671.72. (Figure 14).

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 Claims	# of Claims Received	# of Claims Resolved	Amount Paid
Auto Accident	22	15	\$ 34,560.97
Property Damage	10	3	\$ 5,110.75
Other	1	0	\$ -
Total	33	18	\$ 39,671.72

Figure 14

Towing:

During 2020, the City received 25 claims related to Towing Operations. Five claims were resolved, for a total payout of \$2,424.00. These claims resulted from an invalid tow. (Figure 15).

Type of Claim	# of Claims Received	# of Claims Resolved	Amount Paid
Invalid Tow	17	5	\$ 2,424.00
Other	8	0	\$ -
Auto Accident	0	0	\$ -
Total	25	5	\$ 2,424.00

Figure 15

Other Departments:

The City Attorney's 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 Resolved	Amount Paid
Airport	Other	1	0	\$ -
Development Services	Auto Accident	2	2	\$ 6,150.30
Energy Resources	Property Damage	3	2	\$ 327.12
Health	Auto Accident	2	1	\$ 3,813.15
Other	Other *Including but not limited to Covid Cost, Gift Card Scams, City property cause of damage	24	3	\$ 13,655.87
Port	Auto Accident (4) Other (1)	5	0	\$ -
Parks, Recreation and Marine	Trip & Fall (4), Other (3), Auto Accident (2)	9	1	\$ 250.00
Technology	Auto Accident	1	1	\$ 3,738.46

Figure 16