



City of Long Beach

Working Together to Serve

Office of the City Attorney

Government Claim Activity for January 1 – June 30, 2021

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, 2021*. 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, 2021

Figure 1 shows that between January 1 - June 30, 2021, the City Attorney's Office received 307 claims (including 28 claims that were not considered), and that 63 of the 279 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.

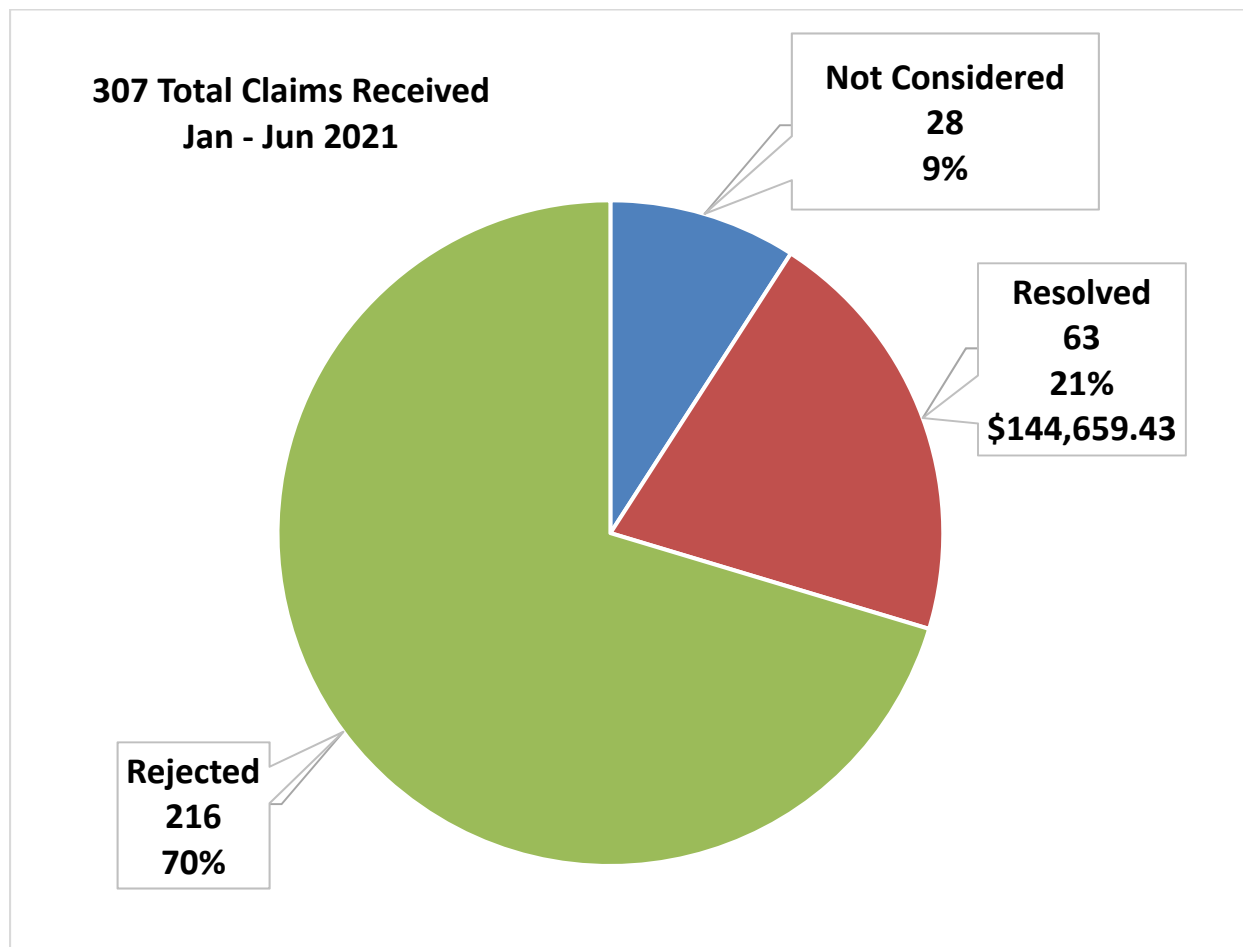


Figure 1

In resolving the 63 claims in first half of 2021, the City Attorney authorized a total payout of **\$144,659.53** which is less than the same period in 2020 (78 resolved claims with a total payout of \$210,412.41).

The average payout per resolved claim also significantly decreased: \$1,831.13 for the first half of 2021 vs \$2,697.59 for the first half of 2020.

Figure 2 shows claims received by City Department or Bureau.

Department/Bureau	# of Claims Received	# of Claims Resolved	Amount Paid
Street Maintenance	119	22	\$ 42,418.81
Wrong Entity	57	0	\$ -
LBPD	29	8	\$ 35,656.58
Tow	20	1	\$ 219.00
Refuse	19	12	\$ 25,120.80
LBFD	15	7	\$ 17,167.50
Insufficient	13	0	\$ -
LBWD	11	7	\$ 14,202.58
Other	10	1	\$ 400.00
Parks, Recreation & Marine	7	0	\$ -
Port	4	3	\$ 6,043.49
Health	2	2	\$ 3,430.67
Housing	1	0	\$ -
Total	307	63	\$ 144,659.43

Figure 2

A claim coded “wrong entity” means that a business, a private entity, 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 2021.

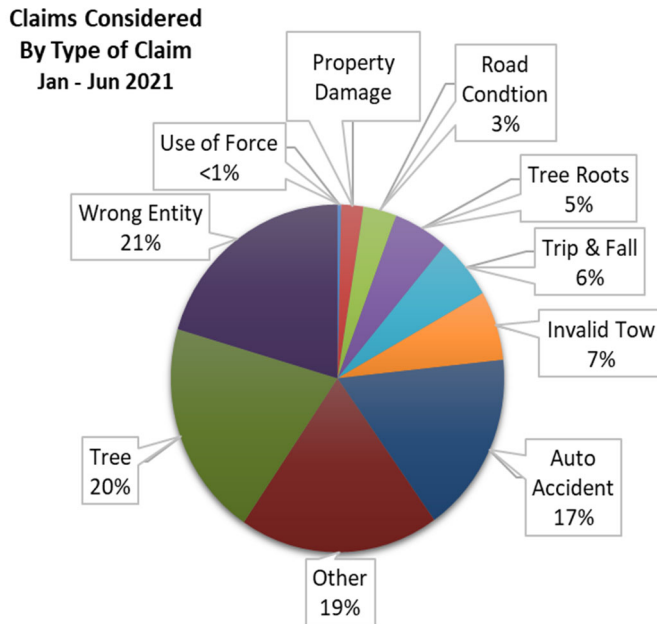


Figure 3

Type of Claim	# of Claims Considered	# of Claims Resolved	Amount Paid
Auto Accident	47	31	\$ 90,292.19
Tree	56	12	\$ 12,418.41
Other	54	7	\$ 14,683.94
Tree Roots	15	7	\$ 25,147.00
Road Condition	9	4	\$ 1,398.89
Invalid Tow	18	1	\$ 219.00
Property Damage	6	1	\$ 500.00
Wrong Entity	57	0	\$ -
Trip & Fall	16	0	\$ -
Use of Force	1	0	\$ -
Total	279	63	\$ 144,659.43

Figure 4

Auto accidents account for the largest number of claims resolved 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.

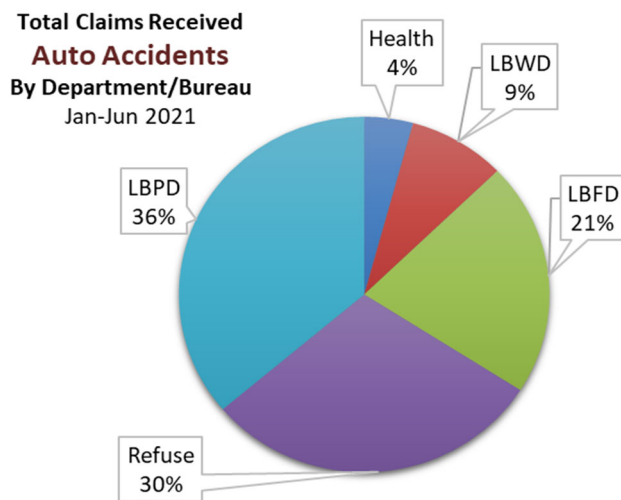


Figure 5

Department/Bureau	# of Claims Received	# of Claims Resolved	Amount Paid
LBPB	17	7	\$ 33,680.77
Refuse	14	11	\$ 23,960.67
LBFD	10	7	\$ 17,167.50
LBWD	4	4	\$ 12,052.58
Health	2	2	\$ 3,430.67
Total	47	31	\$ 90,292.19

Figure 6

Street Maintenance (Public Works Department):

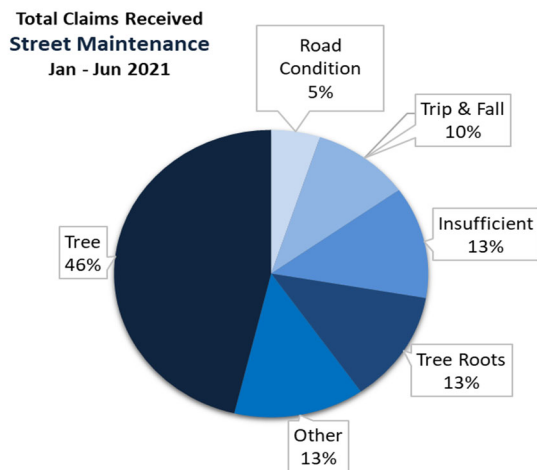


Figure 7

Type of Claim	# of Claims Received	# of Claims Resolved	Amount Paid
Tree	55	12	\$ 12,418.41
Tree Roots	15	7	\$ 25,147.00
Road Condition	6	2	\$ 257.55
Other	16	1	\$ 4,595.85
Trip & Fall	12	0	\$ -
Insufficient	15	0	\$ -
Total	119	22	\$ 42,418.81

Figure 8

The City Attorney's Office received a total of 119 claims during the first half of 2021 relating to Street Maintenance and resolved 22 of those claims for a total payout of \$42,418.81. (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).

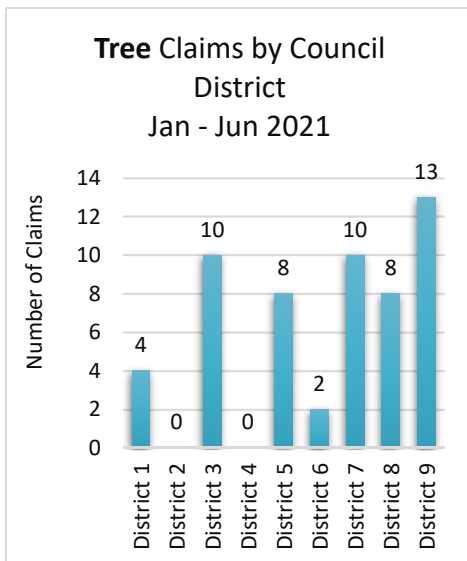


Figure 9

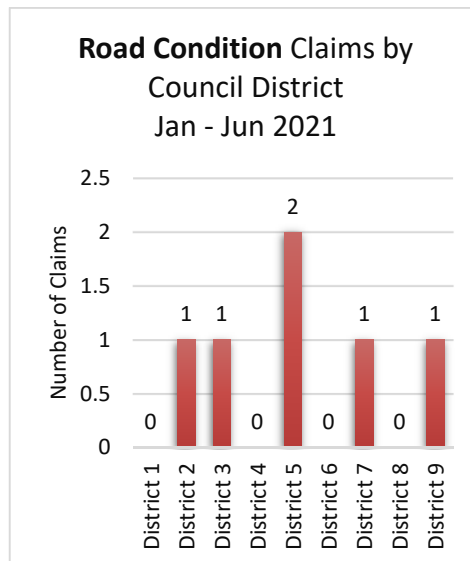
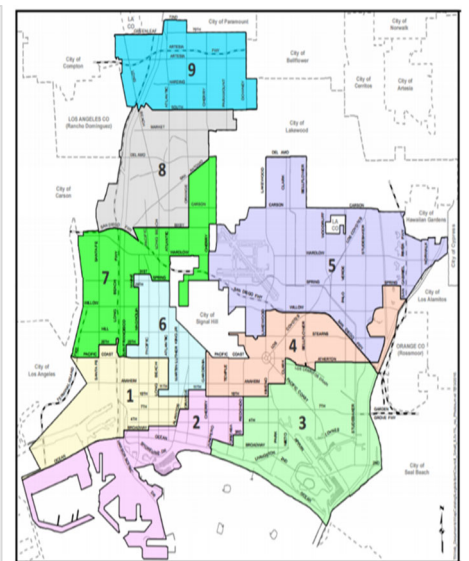


Figure 10



Long Beach Police Department:

In the first half of 2021, the City Attorney's Office received 29 claims relating to the Long Beach Police Department. The City Attorney's Office resolved 8 of the claims, for a total payout of \$35,656.58. (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: property damage caused by K-9, allegations of false arrest, failure to protect, and property lost/not returned by police officer.

There was one claim 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 one claim related to property damage 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.

Type of Claim	# of Claims Received	# of Claims Resolved	Amount Paid
Auto Accident	17	7	\$ 33,680.77
Other	10	1	\$ 1,975.81
Property Damage	1	0	\$ -
Use of Force	1	0	\$ -
Total	29	8	\$ 35,656.58

Figure 11

Refuse Operations:

During the first half of 2021, the City Attorney's Office received 19 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	14	11	\$ 23,960.67
Other	3	1	\$ 1,160.13
Property Damage	2	0	\$ -
Total	19	12	\$ 25,120.80

Figure 12

Towing Operations:

During the first half of 2021, the City received 20 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	18	1	\$ 219.00
Other	2	0	\$ -
Total	20	1	\$ 219.00

Figure 13

Long Beach Water Department:

During the first half of 2021, the City Attorney's Office received 11 claims related to the Long Beach Water Department. Six claims were resolved, for a total payout of \$13,702.58. (Figure 14)

A couple of 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 Claim Received	# of Claim Resolved	Amount Paid
Auto Accident	4	4	\$ 12,052.58
Other	5	2	\$ 1,650.00
Property Damage	2	0	\$ -
Total	11	6	\$ 13,702.58

Figure 14

Long Beach Fire Department:

During the first half of 2021, the City Attorney's Office received 15 claims related to the Long Beach Fire Department. Seven claims were resolved, for a total payout of \$17,167.50. (Figure 15).

Auto accidents account for the vast majority of the claims, and 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	10	7	\$ 17,167.50
Other	4	0	\$ -
Property Damage	1	0	\$ -
Total	15	7	\$ 17,167.50

Figure 15

Port of Long Beach:

During the first half of 2021, the City Attorney's Office received two claims related to the Port of Long Beach. Three claims were resolved, for a total payout of \$6,043.49. (Figure 16).

Note: Payments for claims related to the Port of Long Beach do not come from the City's insurance fund.

Type of Claim	# of Claims Received	# of Claims Resolved	Amount Paid
Road Condition	2	2	\$ 1,141.34
Other	2	1	\$ 4,902.15
Total	4	3	\$ 6,043.49

Figure 16

Other Departments:

The City Attorney's Office also received a small number of claims for other City departments or bureaus. (Figure 17)

Department/Bureau	Type of Claim	# of Claims Received	# of Claims Resolved	Amount Paid
Health	Auto Accident	2	2	\$ 3,430.67
Housing	Other	1	0	\$ -
Totals		3	2	\$ 3,430.67

Figure 17