



City of Long Beach

Working Together to Serve

Office of the City Attorney

Government Claim Activity for July 01 – December 31, 2022

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 *July 01 – December 31, 2022*. 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,

Dawn McIntosh

Dawn McIntosh
City Attorney

Analysis of Claims Data for July 01 – December 31, 2022

Figure 1 shows that between July 01 – December 31, 2022, the City Attorney’s Office received 367 claims (including 22 claims that were not considered) and that 77 of the 345 considered claims were settled.

A claim presented to the City Attorney is settled 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 settle claims typically comes from the City’s Insurance Fund.

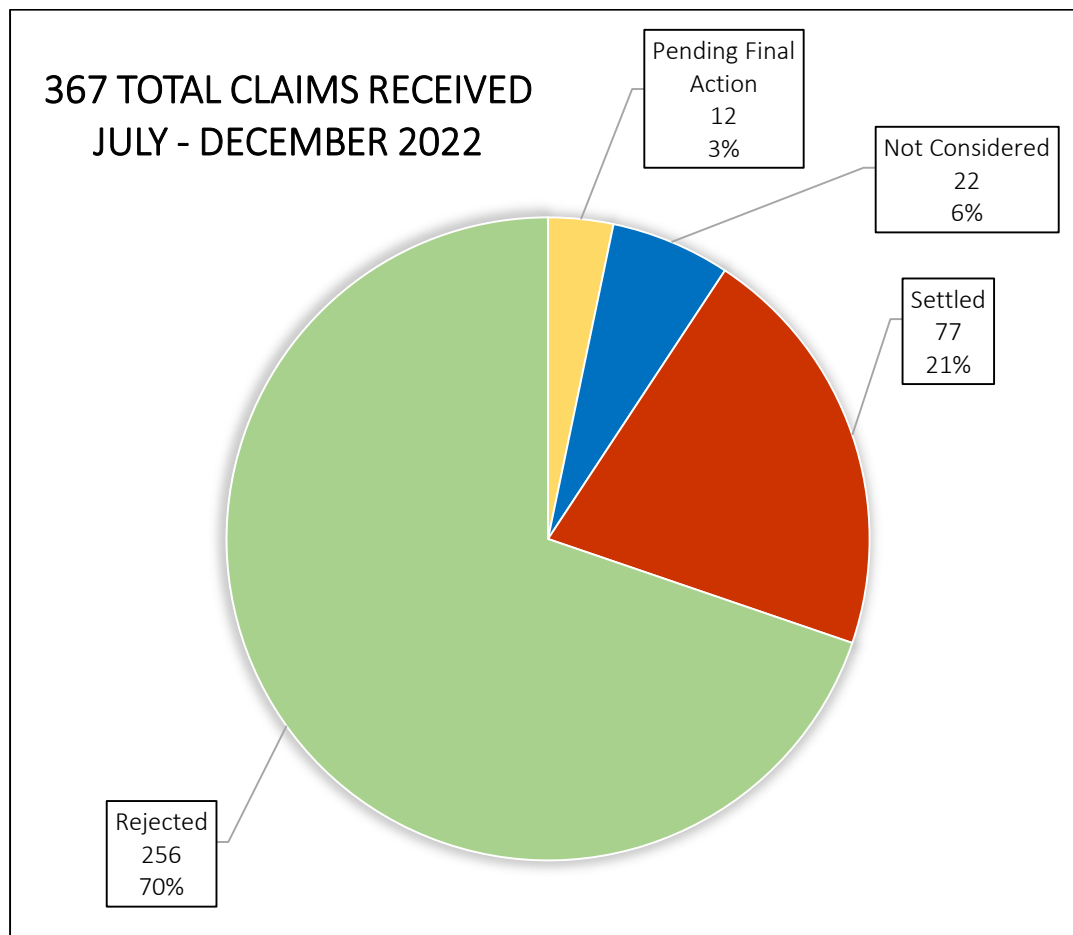


Figure 1

In resolving the 77 claims in the first half of 2022, the City Attorney authorized a total payout of \$193,140.88 which is less than the first half of 2022 (77 settled claims with a total payout of \$230,480.69).

The average payout per settled claim decreased: \$2,508.32 for the second half of 2022 vs \$2,993.26 for the first half of 2022.

Figures 2 & 3 display the types of claims the City received and paid during the second half of 2022.

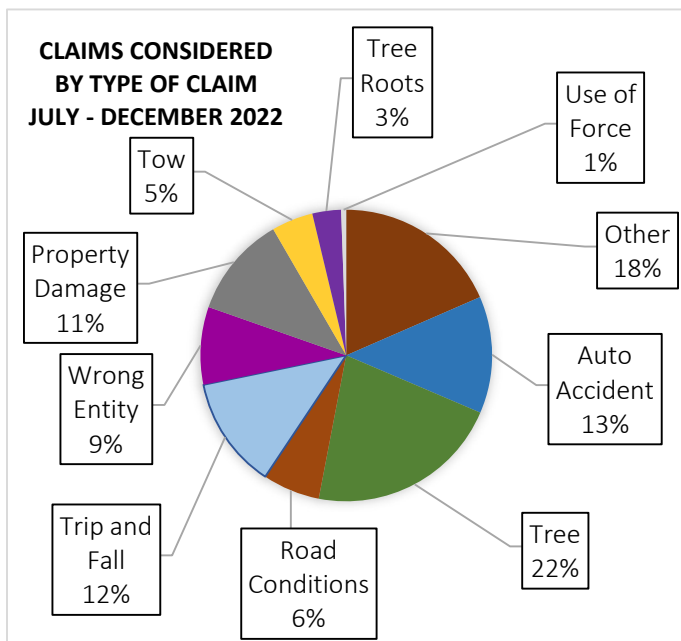


Figure 2

Type of Claim	Number of Claims Considered	Number of Claims Settled	Amount Paid
Tree	75	23	\$55,935.28
Other	64	9	\$15,872.60
Auto Accident	45	20	\$56,789.09
Trip & Fall	43	4	\$10,855.66
Property Damage	39	12	\$19,737.82
Wrong Entity	30	0	\$0.00
Road Condition	22	5	\$9,960.46
Tree Roots	11	5	\$22,138.47
Invalid Tow	16	3	\$1,851.50
Use of Force	2	0	\$0
Total	347	81	\$193,140.88

Figure 3

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

AUTO ACCIDENTS

Auto accidents account for the largest number of claims paid out; this is consistent with historical data. However, there were fewer auto accidents in the second half of 2022 (46) versus the first half of the year (61), and the payout was also less (\$56,789.09 versus \$168,307.41).

Figures 4 and 5 show auto accident claim data by Department/Bureau.

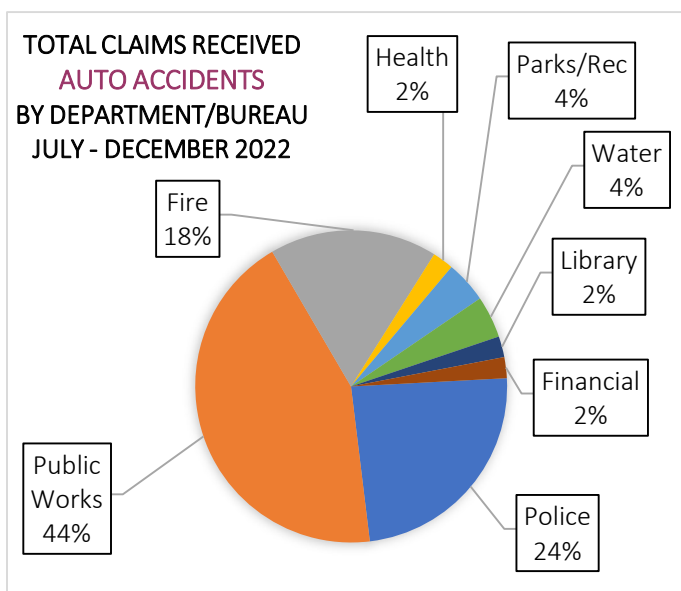


Figure 4

Department/Bureau	Number of Claims Received	Number of Claims Settled	Amount Paid
Public Works	20	8	\$28,264.06
Police	11	2	\$6,771.15
Fire	8	6	\$6,163.60
Parks, Recreation & Marine	2	1	\$7,323.44
Water	2	1	\$6,866.84
Health	1	1	\$1,400.00
Financial	1	0	\$0.00
Library	1	0	\$0.00
Total	46	19	\$56,789.09

Figure 5

CLAIMS BY DEPARTMENT/BUREAU

Figure 6 shows claims received by City Department or Bureau.

Department/Bureau	Number of Claims Received	Number of Claims Settled	Amount Paid
Public Works	194	44	\$136,269.60
Police Department	41	5	\$7,613.25
Financial Management	29	7	\$8,180.07
Parks, Recreation & Marine	20	5	\$12,773.44
Fire Department	13	7	\$7,797.18
Water (Public Utilities)	12	5	\$16,516.84
Energy Resources	6	4	\$2,590.50
Harbor	6	0	\$0.00
Development Services	4	0	\$0.00
Health & Human Services	3	1	\$1,400.00
Library	3	0	\$0.00
Airport	2	0	\$0.00
Legislative	2	0	\$0.00
City Prosecutor	1	0	\$0.00
Wrong Entity	31	0	\$0.00
Total	367	78	\$193,140.88

Figure 6

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).

Public Works Department:

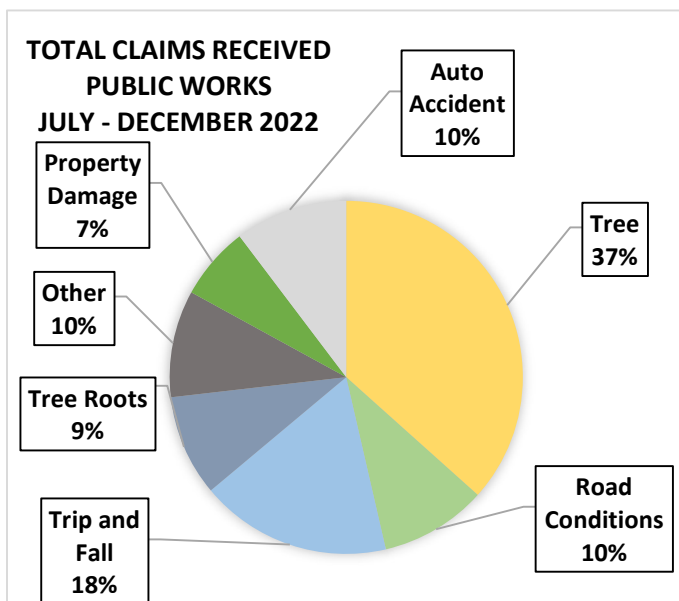


Figure 7

Type of Claim	Number of Claims Received	Number of Claims Settled	Amount Paid
Tree	71	21	\$55,935.28
Trip and Fall	34	5	\$22,138.47
Auto Accident	20	8	\$28,264.06
Other	19	0	\$0.00
Road Condition	19	5	\$9,960.46
Tree Roots	18	5	\$22,138.47
Property Damage	13	5	\$9,815.67
Total	194	49	\$148,252.41

Figure 8

The City Attorney’s Office received a total of 194 claims during the second half of 2022 relating to Public Works and settled 49 of those claims for a total payout of \$148,252.41. (Fig. 8)¹

Most of the 194 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).

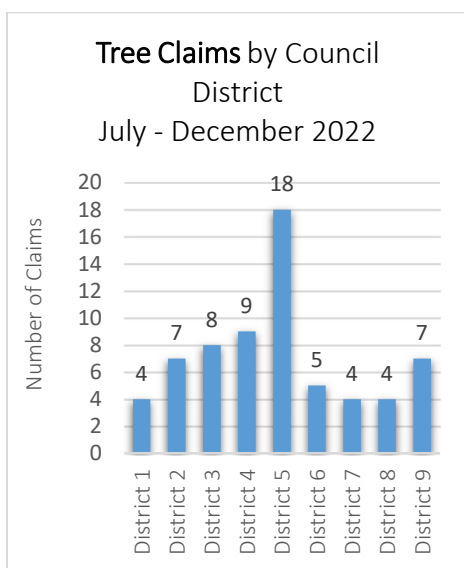


Figure 9

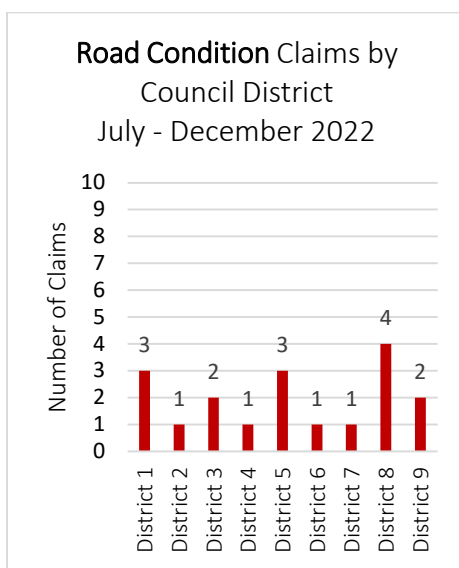
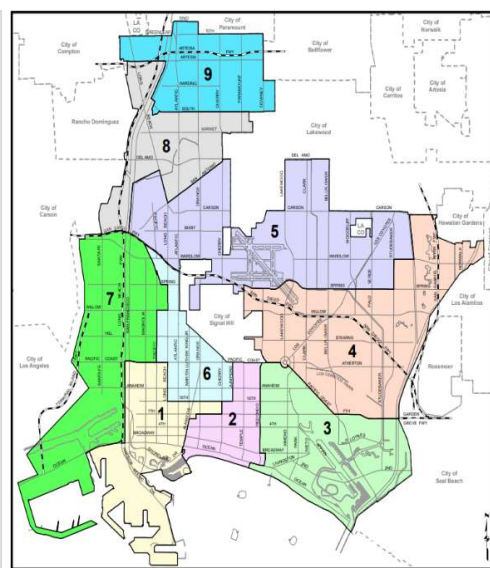


Figure 10



The City Attorney’s Office received 16 claims related to Refuse Operations which is a Bureau of Public Works. 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.

¹ This is a smaller number of claims compared to the first half of 2022 (207 claims), but a larger payout (\$73,738.08).

Long Beach Police Department:

In the second half of 2022, the City Attorney’s Office received 41 claims relating to the Long Beach Police Department. The City Attorney’s Office settled 5 of the claims, for a total payout of \$7,613.25. (Figure 11)².

The City Attorney’s Office received 21 claims that were categorized as “**other**.” These claims include: allegations of false arrest, failure to protect, violation of Civil Rights, discrimination and property lost/not returned by a police officer.

There were four 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 five claims 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	Number of Claims Received	Number of Claims Settled	Amount Paid
Auto Accident	11	2	\$6,771.15
Other	21	3	\$842.10
Property Damage	5	0	\$0.00
Use of Force	4	0	\$0.00
Total	41	5	\$7,613.25

Figure 11

² In the first half of the year, there were 37 claims related to LBPD and a payout of \$106,205.54.

Financial Management Department:

During the second half of 2022, the City received 28 claims related to Towing Operations and one (1) claim related to an Auto Accident. These claims include: alleged invalid tows, damage to a vehicle during towing, and damage to a vehicle while stored at the City's tow yard. (Figure 12)³

Type of Claim	Number of Claims Received	Number of Claims Settled	Amount Paid
Invalid Tow	16	3	\$1,851.50
Property Damage	11	4	\$6,328.57
Auto Accident	1	0	\$0.00
Other	1	0	\$0.00
Total	29	7	\$8,180.07

Figure 12

Parks, Recreation and Marine Department:

During the second half of 2022, the City received 20 claims related to the Parks, Recreation and Marine Department. These claims include: alleged trip and/or fall incidents, auto accidents and park trees. The City received six claims that were categorized as "other" which include: vessel tow, property damage and injuries alleged to have been caused by City property and/or staff. Five claims were settled with a total payout of \$12,773.44. (Figure 13).⁴

Type of Claim	Number of Claims Received	Number of Claims Settled	Amount Paid
Other	6	1	\$4,750.00
Trip and Fall	6	0	\$0.00
Tree	6	2	\$700.00
Auto Accident	2	2	\$7,323.44
Total	20	5	\$12,773.44

Figure 13

³ There were 23 claims for Financial Management in the first half of the year, and settlements cost \$3,856.80

⁴ There were 16 claims for that department in the first half of 2022, and settlements cost \$21,697.29

Long Beach Water Department:

During the second half of 2022, the City Attorney's Office received 12 claims related to the Long Beach Water Department. Four claims were settled, for a total payout of \$16,516.84 (Figure 14).⁵

Several claims allege property damage caused by a water department employee, such as when 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	Number of Claims Received	Number of Claims Settled	Amount Paid
Other	7	3	\$9,650.00
Property Damage	1	0	\$0.00
Auto Accident	2	1	\$6,866.84
Trip and Fall	2	0	\$0.00
Total	12	4	\$16,516.84

Figure 14

Long Beach Energy Resources:

During the second half of 2022, the City Attorney's Office received six claims related to Energy Resources. Four claims were settled for a total payout of \$2,590.50. (Figure 15)⁶

Type of Claim	Number of Claims Received	Number of Claims Settled	Amount Paid
Other	3	3	\$730.50
Property Damage	3	1	\$1,860.00
Total	6	4	\$2,590.50

Figure 15

⁵ 15 claims in the first half of the year, with \$9,498.54 paid out.

⁶ Eight claims in the first half of the year and \$2,687.21 in settlements.

Long Beach Fire Department:

During the second half of 2022, the City Attorney's Office received 13 claims related to the Long Beach Fire Department. Seven claims were settled, for a total payout of \$7,797.18. (Figure 16)⁷.

Auto accidents account for the majority of the claims, and the 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	Number of Claims Received	Number of Claims Settled	Amount Paid
Auto Accident	8	6	\$6,163.60
Property Damage	4	1	\$1,633.58
Other	1	0	\$0.00
Total	13	7	\$7,797.18

Figure 16

Other Departments:

The City Attorney's Office also received a small number of claims for other City departments or bureaus. (Figure 17)⁸

Department/Bureau	Type of Claim	Number of Claims Received	Number of Claims Settled	Amount Paid
Health	Auto Accident and Property Damage	3	0	\$1,400.00
Port	Property Damage, physical injury and road conditions	6	0	\$0.00
Development Services	Other	4	0	\$0.00
Library	Trip & Fall, Auto Accident and Other	3	0	\$0.00
Airport	Trip & Fall and Other	2	0	\$0.00
Legislative	Other	2	0	\$0.00
City Prosecutor	Other	1	0	\$0.00
Total		21	0	\$1,400.00

Figure 17

⁷ Eight claims in the first half of 2022 and \$10,879.23 in settlements.

⁸ 16 claims in the first half of the year. No settlements.