



# STAFF REPORT

## CITY of YORBA LINDA

---

### ADMINISTRATION DEPARTMENT

**DATE:** MAY 3, 2022

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** MARK A. PULONE, CITY MANAGER  
**PREPARED BY:** MARK K. AALDERS, ASSISTANT TO THE CITY MANAGER

**SUBJECT:** DENIAL OF CLAIM FOR DAMAGES

---

### **RECOMMENDATION**

It is recommended that the City Council of the City of Yorba Linda deny the claim for damages by Steve Reese.

### **BACKGROUND**

Claims for damages filed against the City are reviewed and investigated by City staff and a third-party claims administrator with the George Hills Company. George Hills Company specializes in claims management and risk management services. These services are provided through the City's contract membership in the California Insurance Pool Authority. Staff makes recommendations to the Council for settlement or denial based on the investigatory findings. A claimant's failure to provide evidence of and/or supporting documents to substantiate the claim for damages will also result in a recommendation for denial of the claim.

### **DISCUSSION**

The following claims for damages have been recommended for denial based on the investigations by City staff and the third-party claims administrator. Further details for each claim are available upon request.

#### **Steve Reese**

The claim entails a tree falling onto the claimant's wrought iron fencing during a windstorm. City contractors responded to the claim to remove the fallen tree and staff investigated the incident. The claimant states that the tree fell on February 17, 2022 at approximately 5am. During this two-hour timeframe, the weather report reflects high winds upwards of 14-20 miles-per-hour which qualifies as a wind event.

## **DENIAL OF CLAIM FOR DAMAGES**

Page | 2

Staff also reviewed the tree trimming maintenance record for the eucalyptus tree(s) located on the slope behind the claimant's property. The record reflected that the tree was maintained in accordance with arborist standards and the City's three-year trimming cycle.

In such a case that a wind event caused the damage and the City maintained its trees in accordance with National Arborist standards, the occurrence of such damage is deemed an "act of God" and thereby the City is not liable for said damage.

Therefore, the third-party claims administrator and City staff recommend denying the claim.

### **FISCAL IMPACT**

None

### **ALTERNATIVES**

As an alternative to staff's recommendations for the claims, the City Council has the following options:

1. Accept liability for the claims and pay the amount specified in the claim forms.
  2. Grant settlement authority up to a certain amount and direct the claims adjuster to enter into settlement negotiations with the claimants.
-