



STAFF REPORT

CITY of YORBA LINDA

ADMINISTRATION DEPARTMENT

DATE: NOVEMBER 15, 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 CLAIMS FOR DAMAGES

RECOMMENDATION

It is recommended that the City Council of the City of Yorba Linda deny the claims for damages by Michael Maksimos, Helen Ohirko, and Don Zeng.

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.

Michael Maksimos

The claimant alleges that City tree branches severely damaged the tailgate of his truck. The City's liability is questionable as the pictures included with the claim packet only showed a small branch in the back of his truck bed. The branch did not appear large enough to have caused the reported damage to the tailgate of the truck. The claimant was contacted by the third-party administrator and asked if there were any other branches near the vehicle which he denied. When a copy of the vehicle registration was also requested, the claimant informed the administrator that the vehicle is owned by the company he works for and he is not named on the registration. He was informed that the City cannot accept the claim from

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him as he is not the legal registered owner of the vehicle. Therefore, the third-party claims administrator and City staff recommend denying the claim.

Helen Ohirko

The claimant alleges her tire was punctured by bolts protruding from a City storm drain grate on Lakeview Avenue. Staff reviewed the claim and determined the storm drain grate shown in the claimant's pictures was on private property. Therefore, City staff recommend denying the claim.

Don Zeng

The claimant alleges he was driving southbound on Imperial Highway when a rock struck the front hood of his car which dented and damaged the paint. The claimant provided insufficient evidence as to whether the City is liable for this occurrence. In addition, the City is not responsible for debris in the roadway which was not directly caused by the City. 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.
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