



STAFF REPORT

CITY of YORBA LINDA

Administration Department

DATE: September 21, 2021

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 Blume, Rana Shah and Alisha Medina.

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 Blume

The claimant alleges a tire blew out due to a gaping hole along a water trench line crossing over Lakeview Avenue near an adjacent construction site. Staff checked the roadway and verified that the road damage was attributed to ETCO's development. The claim was tendered to ETCO for handling and ETCO resolved the issue. Therefore, the third-party claims administrator and City staff recommend denying the claim.

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Rana Shah

The claimant alleges two tires blew out because of a pothole on La Palma Avenue. Staff checked the roadway and determined that the pothole is not within the City's jurisdiction. The claimant has been notified accordingly. Therefore, the third-party claims administrator and City staff recommend denying the claim.

Alisha Medina

The claimant was involved in a two-vehicle motor incident at the intersection of Imperial Highway and Yorba Linda Boulevard. The claimant alleges that the City's malfunctioning traffic signal was the contributing factor to the incident. Per the vehicle incident report, a Sheriff's Patrol Deputy traveling five minutes before the collision confirmed the traffic lights were "flashing red" as he passed through the intersection. In addition, two separate contractors were on-site as part of the City's Imperial Highway Traffic Signal Synchronization Project who also verified that the traffic lights were "flashing red" and operating properly. Moreover, a third City contractor was contacted directly by Public Works staff to check and repair the traffic lights (if needed) and upon arriving at the scene noted the "flashing red" lights were operational. 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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