



STAFF REPORT

CITY of YORBA LINDA

ADMINISTRATION DEPARTMENT

DATE: FEBRUARY 4, 2025

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: MARK A. PULONE, CITY MANAGER
PREPARED BY: ARLENE QUINTERO, PRINCIPAL RISK AND SAFETY ANALYST

SUBJECT: DENIAL OF CLAIM FOR DAMAGES- MINA GILL, ALBERTO ALVA AND SETTLEMENT AUTHORITY FOR SCOTT NORMINTON

RECOMMENDATION

It is recommended that the City Council of the City of Yorba Linda deny the claims for damages filed by Mina Gill and Alberto Alva and settle the claim for damages filed by Scott Norminton.

BACKGROUND

Claims for damages filed against the City are reviewed and investigated by City staff and a third-party claims administrator with George Hills Company, Inc. 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. City staff make 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.

Mina Gill

The claimant alleges that their vehicle sustained damage caused by a falling pinecone near Yorba Linda Boulevard and San Antonio. Upon review, City records confirm that the tree in question was within the City's regular trimming schedule. A falling pinecone is considered a sudden and unforeseeable event, for which the City could not have had prior notice or the opportunity to mitigate the hazard. Based on these findings, the third-party claims administrator and City staff recommend denial of the claim.

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Alberto Alva

The claimant alleges their vehicle was damaged by a pothole located on southbound North Rose Drive, south of Bastanchury Road. The claim has been reviewed and is deemed timely and sufficient. However, a City investigation determined that the condition resulted from spalling pavement surrounding a manhole maintained by the Orange County Sanitation District (OCSD). The third-party claims administrator and City staff recommend denying the claim and referring the claimant to OCSD for further resolution.

Scott Norminton

The following claim for damages is recommended for settlement based on investigations conducted by City staff and the third-party claims administrator.

The claimant alleges that concrete mow strips and a block wall at their property located at 5329 Vista Montana were damaged by roots from a City-owned tree. Based on the City's investigation, the roots were confirmed to be from a City tree. The damage was caused by a tree located within two feet of the property line. Before the claim was submitted, the City took proactive action upon becoming aware that the tree roots were damaging the wall. The roots were cut and removed, a root barrier was installed on September 26, 2024, and the tree was removed on October 28, 2024.

The claimant seeks \$4,800 in damages for repairs. City staff and the third-party claims administrator recommend that the City Council approve settlement authority to resolve the claim.

FISCAL IMPACT

Acceptance of the Scott Norminton claim will result in a fiscal impact of \$4,800.

ALTERNATIVES

As an alternative to staff's recommendations for the denial of 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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