



STAFF REPORT

CITY of YORBA LINDA

ADMINISTRATION DEPARTMENT

DATE: FEBRUARY 18, 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-VICKI KODA AND VINTAGE AT STONEHAVEN

RECOMMENDATION

It is recommended that the City Council of the City of Yorba Linda deny the claims for damages filed by Vicki Koda and Vintage at Stonehaven.

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.

Vicki Koda

The claimant alleges that her storm drains were damaged by City tree roots at 4317 Camphor Ave. Upon review, our investigation has revealed no evidence that the roots of any tree belonging to the City of Yorba Linda caused or contributed to the alleged damage. Additionally, a thorough inspection, including troubleshooting and excavation of the drainage area, confirmed that the drainage pipe in question is not connected to any system and has been abandoned. Based on these findings, the third-party claims administrator and City staff recommend denial of the claim.

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Vintage at Stonehaven

The claimant alleges that their fence sustained damage due to a falling tree branch from a City-owned tree at 5303 Stonehaven Dr. on January 8, 2025. Upon review, City records confirm that there were no prior unaddressed complaints regarding the condition of the tree, and inspections indicate that the tree was in good health and properly maintained.

Under California Government Code Section 835, a public entity is liable for damage caused by a dangerous condition of public property only if the condition was created by a public employee or if the entity had prior notice and failed to take corrective action. Branches falling are a natural occurrence influenced by weather conditions such as wind, rain, and drought, which are unforeseeable and beyond the City's control. 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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