



staff report

TO: Honorable Mayor and Members of the City Council
ATTENTION: Jeffrey L. Stewart, City Manager
FROM: Susan Crumly, Human Resources and Risk Manager
SUBJECT: Consideration and possible action to receive and file denial of a claim submitted by Richard Yim.
DATE: January 25, 2016

EXECUTIVE SUMMARY

Carl Warren & Company has denied the claim for Damages filed by Richard Yim for damage done to his vehicle when a tree limb fell on it. The date of the incident was August 15, 2015.

RECOMMENDATION TO CITY COUNCIL

- 1) Receive and file denial of claim submitted by Richard Yim; or
- 2) Alternatively, discuss and take other action related to this item.

FISCAL IMPACT

None

ATTACHMENT

Denial of Claim from Richard Yim..... 2



CARL WARREN & COMPANY
Claims Management and Solutions

January 20, 2016

Richard Yim

RE: Principal : CJPIA
 Member : City of Bellflower
 Date of Incident : 8/15/15
 Claimant : Richard Yim - Tree limb fell on vehicle.
 Our File : 1918317 DBG

As the claims administrators for the self-insured City of Bellflower we have made a careful examination of the circumstances surrounding the captioned occurrence. We can appreciate your desire to be reimbursed for the damage to your vehicle. However, the City is not absolutely liable for damages caused by property owned by it and it is both cost prohibitive and impractical to expect city crews to anticipate every possible condition that may cause damage. The City only becomes liable under the provisions of Section 830 of the Government Code if a dangerous condition of City property existed which the city could have protected against upon reasonable notice. In this case the City had no notice of any structural defect in the tree. Rather the damage was due to an act of nature over which the City had no control. Under such circumstances the fact that the tree that was involved in the incident was a City tree is immaterial inasmuch as it was really an act of nature that caused the damage.

The City of Bellflower has a regular maintenance schedule and also conducts corrective maintenance when notified of problems. This action does not however make the city responsible for your damage. Normally insurance companies sell coverage whereby persons can insure themselves against damage resulting from an occurrence such as this. You may want to consider submitting your claim to your insurance company if you purchased such coverage.

Under these circumstances there is no legal basis to justify paying to reimburse you for the damage to your vehicle. We are sorry we are unable to recommend settlement of your claim.

Very truly yours,
CARL WARREN & CO.

Deborah Been
Deborah Been

cc: City of Bellflower, Susan Crumly

AN EMPLOYEE-OWNED COMPANY

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