



City of La Quinta

CITY / SA/ HA/ FA MEETING DATE: November 18, 2014

ITEM TITLE: DENIAL OF CLAIM FOR DAMAGES FILED BY LISA TURNER AND MICHAEL DORN; DATE OF LOSS – SEPTEMBER 8, 2014

AGENDA CATEGORY:

BUSINESS SESSION:

CONSENT CALENDAR: 2

STUDY SESSION:

PUBLIC HEARING:

RECOMMENDED ACTION:

Deny the claim for damages of Lisa Turner and Michael Dorn in its entirety.

EXECUTIVE SUMMARY:

- A claim was filed by Lisa Turner and Michael Dorn with a reported date of loss of September 8, 2014.
- It was forwarded to Carl Warren & Company, the City's claims administrator.
- Carl Warren reviewed the claim and recommends denial.

FISCAL IMPACT:

Stated damages are in excess of \$1,029,000.

BACKGROUND/ANALYSIS:

The claimants allege their property and home were severely damaged by flood waters generated during the September 8, 2014 storm that struck the City and surrounding communities. Damage to the claimants' property appears to have been caused due to sediment filling the homeowners association's storm channel, permitting runoff storm water to breach the claimants' back yard retaining wall and enter the property. Carl Warren & Company believes that under normal circumstances the channel appears to be more than adequate to handle a large volume of water. Additionally, the homeowners association (not the City) is responsible for the maintenance of the storm channel. Therefore, Carl Warren & Company recommends denying this claim.

ALTERNATIVES:

The City's claims administrator is relied on to perform an accurate and thorough preliminary assessment of the claim from a liability standpoint and has recommended rejection of this claim. Therefore, staff does not recommend an alternative action.

Report prepared by: Terry Deeringer, Human Resources/Risk Manager

Report approved for submission by: Frank J. Spevacek, City Manager