



# City of La Quinta

**CITY / SA/ HA/ FA MEETING DATE:** January 6, 2015

**ITEM TITLE:** DENIAL OF CLAIM FOR DAMAGES FILED BY TED HAMMAN AND JOYCE LITCH; DATE OF LOSS – SEPTEMBER 8, 2014

**AGENDA CATEGORY:**

**BUSINESS SESSION:**

**CONSENT CALENDAR:** 4

**STUDY SESSION:**

**PUBLIC HEARING:**

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## **RECOMMENDED ACTION:**

Deny the claim for damages of Ted Hamman and Joyce Litch in its entirety.

## **EXECUTIVE SUMMARY:**

- A claim was filed by Ted Hamman and Joyce Litch with a reported date of loss of September 8, 2014.
- It was forwarded to Carl Warren & Company ("CW"), the City's claims administrator.
- CW reviewed the claim and recommends denial.

## **FISCAL IMPACT:**

Reported damages are \$93,333.

## **BACKGROUND/ANALYSIS:**

The claimants allege their property and home were severely damaged by floodwaters generated during the September 8, 2014 storm and hold the City responsible for failure to 1) maintain the storm drains system, and 2) not opening flood control pipes at the golf course adjacent to their property. CW recommends denying this claim as the property damage appears to have been caused by the large volume of water accompanying the 700-year storm, which overwhelmed the existing storm drain system by washing debris into the storm drain, causing a blockage. In addition, the City does not own or maintain the flood control pipes to the Dunes Golf Course.

**ALTERNATIVES:**

As CW 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, 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