



City of La Quinta

CITY / SA/ HA/ FA MEETING DATE: February 17, 2015
ITEM TITLE: DENIAL OF CLAIM FOR DAMAGES
FILED BY RICHARD AND KRISTEN SIMONS; DATE
OF LOSS – SEPTEMBER 8, 2014

AGENDA CATEGORY:

BUSINESS SESSION:

CONSENT CALENDAR: 5

STUDY SESSION:

PUBLIC HEARING:

RECOMMENDED ACTION:

Deny the claim for damages of Richard and Kristen Simons in its entirety.

EXECUTIVE SUMMARY:

- A claim was filed by Richard and Kristen Simons 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:

Stated damages are approximately \$50,000.

BACKGROUND/ANALYSIS:

The claimants allege the City failed to properly maintain the storm drain system, which caused floodwaters to back up into the street, onto their property, and into their home causing damage. CW recommends denying the claim as the floodwaters were due to a 700-year storm, which overwhelmed the existing storm drain system by washing debris into the storm drain, causing a blockage.

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

