



City of La Quinta

CITY / SA/ HA/ FA MEETING DATE: March 17, 2015

ITEM TITLE: DENIAL OF CLAIM FOR DAMAGES FILED BY MALCOLM CHERNICK, DATE OF LOSS – SEPTEMBER 8, 2014

AGENDA CATEGORY:

BUSINESS SESSION:

CONSENT CALENDAR: 3

STUDY SESSION:

PUBLIC HEARING:

RECOMMENDED ACTION:

Deny the claim for damages of Malcolm Chernick in its entirety.

EXECUTIVE SUMMARY:

- A claim was filed by Malcolm Chernick 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 \$2,880.

BACKGROUND/ANALYSIS:

The claimant alleges the City failed to drill the proper size weep holes in a soundproofing wall it constructed behind the homeowners' association's backyard wall at his residence. Water from adjacent properties collected in the neighbor's back yard and ponded several inches high against the side of the claimant's home, seeping through the stucco and causing damage to several rooms. CW recommends denying the claim stating the cause of damage was due to a general lack of drainage at the property that occurred during the construction phase of the development and the homeowners' association's lack of annual maintenance to keep the soundwall's weep holes unclogged.

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