



City of La Quinta

CITY / SA/ HA/ FA MEETING DATE: April 7, 2015

ITEM TITLE: DENIAL OF CLAIM FOR DAMAGES
FILED BY SHAWN BLACKWELL, DATE OF LOSS –
JUNE 27, 2014

AGENDA CATEGORY:

BUSINESS SESSION:

CONSENT CALENDAR: 4

STUDY SESSION:

PUBLIC HEARING:

RECOMMENDED ACTION:

Deny the claim for damages of Shawn Blackwell in its entirety.

EXECUTIVE SUMMARY:

- A claim was filed by Shawn Blackwell with a reported date of loss of June 27, 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 \$3,800.

BACKGROUND/ANALYSIS:

The claimant alleges the City failed to maintain trees in the median along Avenue 50 between Park Avenue and Jefferson Street causing a branch to break off and obstruct the roadway. The driver hit the branch, which damaged the windshield, driver's side mirror, and hood. CW recommends denying the claim, stating the City followed its landscape maintenance schedule and that the likely cause of the broken branch was due to high winds that day, for which the City cannot be held responsible.

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