



**RANCHO PALOS VERDES CITY COUNCIL
AGENDA REPORT**

MEETING DATE: 08/18/2020
AGENDA HEADING: Consent Calendar

AGENDA TITLE:




Consideration and possible action regarding a claim against the City by Suzanne Willoughby.

RECOMMENDED COUNCIL ACTION:

- 1) Reject the claim and direct Staff to notify the claimant, Suzanne Willoughby.

FISCAL IMPACT: None

Amount Budgeted:	N/A
Additional Appropriation:	N/A
Account Number(s):	N/A

ORIGINATED BY: Teresa Takaoka, Deputy City Clerk 
REVIEWED BY: Karina Bañales, Deputy City Manager 
APPROVED BY: Ara Mhrianian, AICP, City Manager 

ATTACHED SUPPORTING DOCUMENTS:

- A. Suzanne Willoughby claim (page A-1)
-

BACKGROUND AND DISCUSSION:

The City of Rancho Palos Verdes (City) is a member of the California Joint Powers Insurance Authority (Authority), which provides risk management services and handles any liability claims received by the City. Under the current practice, claims presented to the City Clerk are forwarded by the Authority to a third party claims administrator, Carl Warren and Company (Carl Warren) for adjusting.

Carl Warren's staff reviews each claim on its merits and contacts the City with any requested action pertaining to the disposition of the claim. The City Clerk and the City Attorney review each claim when received and work closely with Carl Warren throughout the claims process.

Currently, the City Council either rejects or accepts the claim at a public meeting and Carl Warren sends a written notice of the City Council's action to the claimant after the meeting.

Claimant:

On July 23, 2020, the City received a claim for damages from Suzanne Willoughby and was referred to Carl Warren for review and investigation. The claimant alleges that pinecones from a City-owned tree fell onto her vehicle and caused damage to her windshields.

Deposition:

Carl Warren has reviewed the claim and found that the tree was in good condition, healthy and on a proper trim cycle. Since the City could not predict or prevent the pinecones falling, Carl Warren recommends denying the claim for damages.

FILE WITH:
CITY CLERK'S OFFICE
City of Rancho Palos Verdes
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275

CLAIM FOR DAMAGES
TO PERSON OR PROPERTY

RESERVE FOR FILING STAMP

CLAIM NO. 2020-05

RECEIVED
CITY OF RANCHO PALOS VERDES

JUL 23 2020

CITY CLERK'S OFFICE

INSTRUCTIONS

1. Claims for death, injury to person or to personal property must be filed not later than six months after the occurrence. (Gov. Code Sec. 911.2.)
2. Claims for damages to real property must be filed not later than 1 year after the occurrence. (Gov. Code Sec. 911.2.)
3. Read entire claim form before filing.
4. See Page 2 for diagram upon which to locate place of accident.
5. THIS CLAIM FORM MUST BE SIGNED ON PAGE 2 AT BOTTOM.
6. Attach separate sheets, if necessary, to give full details. SIGN EACH SHEET.

TO: CITY OF RANCHO PALOS VERDES

Date of Birth of Claimant

Name of Claimant

Suzanne Willoughby

Occupation of Claimant

Home Address of Claimant

City and State

Home Telephone Number

Business Address of Claimant

City and State

Business Telephone Number

Give address and telephone number to which you desire notices or communications to be sent regarding this claim: Prefer email correspondence

Claimant's Social Security No.

When did DAMAGE or INJURY occur?

Date 6/29/20 Time 8am

If claim is for Equitable Indemnity, give date claimant served with the complaint:

Date

Names of any city employees involved in INJURY or DAMAGE

Where did DAMAGE or INJURY occur? Describe fully, and locate on diagram on Page 2. Where appropriate, give street names and address and measurements from landmarks:

Damage occurred in front of my home, alongside my curb.

Describe in detail how the DAMAGE or INJURY occurred.

I was on my way to work. Walked out to my car. My car was parked in front of my home. It was parked under the large pine tree. I got in my car, started to drive away, and saw a crack in my windshield and looked in my rear view mirror and could not see out my back window. Both windows had damage. I could not drive to work since it was not safe to drive car with damaged glass. I parked the car in my driveway. I looked at the ground where I had been parked and there were significant amounts of large pine cones and glass on the ground.

Why do you claim the city is responsible?

The tree is a city tree. This tree is in an area that appears to drop a lot of pine needles making a clean up job in the street and in my yard daily at times. In addition, the tree drops green hard new looking large pine cones.

I never thought pine cones could contribute to breaking glass, until it made sense when it was brought to my attention.

Describe in detail each INJURY or DAMAGE.

The cracked glass was on windshield and back glass.

The amount claimed, as of the date of presentation of this claim, is computed as follows:

Damages incurred to date (exact):

Damage to property \$ _____
Expenses for medical and hospital care ... \$ _____
Loss of earnings \$ _____
Special damages for \$ _____

General damages \$ _____
Total damages incurred to date \$ _____

Estimated prospective damages as far as known:

Future expenses for medical and hospital care . \$ _____
Future loss of earnings \$ _____
Other prospective special damages \$ _____
Prospective general damages \$ _____
Total estimate prospective damages \$ _____

Total amount claimed as of date of presentation of this claim: \$ 600.00 for payment to LA Auto Glass

Was damage and/or injury investigated by police? _____ If so, what city? _____
Were paramedics or ambulance called? _____ If so, name city or ambulance _____
If injured, state date, time, name and address of doctor of your first visit _____

WITNESSES to DAMAGE or INJURY: List all persons and addresses of persons known to have information:

Name _____	Address _____	Phone _____
Name _____	Address _____	Phone _____
Name _____	Address _____	Phone _____

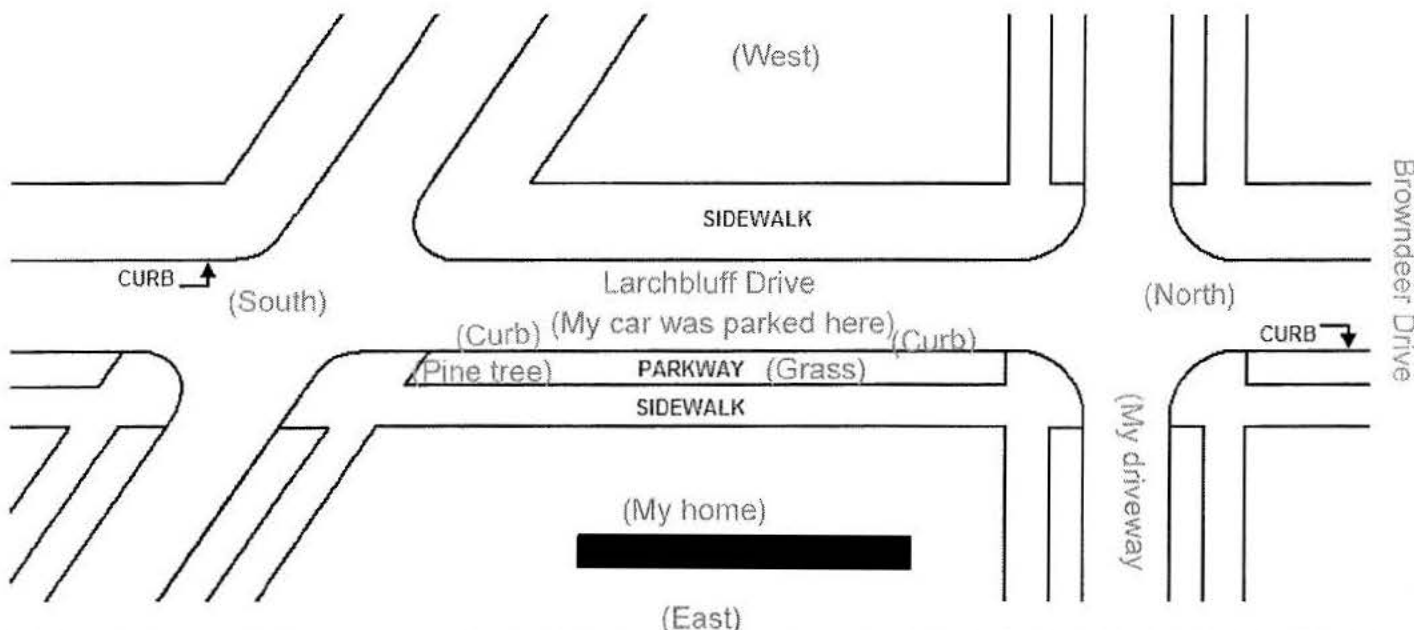
DOCTORS and HOSPITALS:

Hospital _____	Address _____	Date Hospitalized _____
Doctor _____	Address _____	Date of Treatment _____
Doctor _____	Address _____	Date of Treatment _____

READ CAREFULLY

For all accident claims place on following diagram names of streets, including North, East, South, and West; indicate place of accident by "X" and by showing house numbers or distances to street corners. If City Vehicle was involved, designate by letter "A" location of City Vehicle when you first saw it, and by "B" location of yourself or

your vehicle when you first saw City vehicle; location of City vehicle at time of accident by "A-1" and location of yourself or your vehicle at the time of the accident by "B-1" and the point of impact by "X." NOTE: If diagrams below do not fit the situation, attach hereto a proper diagram signed by the claimant.



Signature of Claimant or person filing on his behalf giving relationship to Claimant:

[Redacted signature]

Typed Name:

Suzanne Willoughby

Date:

7/23/20

NOTE: CLAIMS MUST BE FILED WITH CITY CLERK (Gov. Code Sec. 915a). Presentation of a false claim is a felony (Pen. Code Sec. 72.) THIS DOCUMENT IS A PUBLIC RECORD AND MAY BE PROVIDED TO A REQUESTOR UPON DEMAND.

July 23, 2020

CITY CLERK'S OFFICE/Claims Department
City of Rancho Palos Verdes
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275
TeriT@rpvca.gov

Dear City Clerk & Claims Dept.,

My damage occurred on June 29, 2020 to my car's glass. I had to have both front and rear replaced. I lost going into work that day since my car was not safe to drive. In order to get back to work asap, I had to book my glass repair as a rush. LA Auto Glass came out the next day and still lost going into work that day as well. As a rush, I tipped the workers \$100.00, in addition to paying my deductible of \$500.00. I am looking for the City of RPV to reimburse me \$600.00 for the damage of my windows.

In reviewing and accessing the situation with the glass people and others, the damage had to have come from the from the dropped pine cones of the city tree in front of my home. My car had been parked on the street at my curb for over 3 days before I had to drive into work. Before that, the car was fine.

I've submitted a request to the city for an approval of removing the tree. I've lived in my home almost 20 years and have never seen in the past several years the amount of large hard green pine cones fallen. In the past years, the fallen pine cones were brown and very dry, making them very light and not heavy. Please let me know if you need anything else.

I can be best reached by email at [REDACTED]

Thank you,

/s/ Suzanne Willoughby

Suzanne Willoughby
[REDACTED]

RPV
[REDACTED]



Winaffix Auto Glass, Inc.
10336 Wilshire Blvd, Ste 203
Los Angeles, CA 90024
(310) 560-2173
winaffix@gmail.com

Sales Receipt
35776

BILL TO

Suzanne Willoughby

Ranch Palos Verdes 90275

DATE
06/30/2020

PLEASE PAY
\$0.00

ACTIVITY	QTY	RATE	AMOUNT
Back Glass	1	500.00	500.00
part#			
FB23753			
Windshield	1		0.00
Windshield			
part# FW2913			

Total invoice is due in 30 days.

Please include invoice number on your check.

TOTAL 500.00

Please remit payment to the following address:

TOTAL DUE \$0.00

Winaffix Auto Glass, Inc.
10336 Wilshire Blvd Ste 203
Los Angeles, CA 90024

THANK YOU.

PAID \$100 TIP TO WORKERS

Thank You For Your Business!