



City of Alameda

Staff Report

File Number:2016-2857

City Council

Agenda Date: 5/17/2016

File Type: Consent Calendar Item

Agenda Number: 5-F

Recommendation to Accept the Semi-Annual Report on Litigation and Liability Claims Settlements and Availability of Any Documents Which Have Become Disclosable to the Public for the Period October 1, 2015 to March 31, 2016. (City Attorney 7120)

To: Honorable Mayor and Members of the City Council

From: Janet C. Kern, City Attorney

Re: Recommendation to Accept the Semi-Annual Report on Litigation and Liability Claims Settlements and Availability of Any Documents Which Have Become Disclosable to the Public for the Period October 1, 2015 to March 31, 2016

BACKGROUND

This report identifies the dollar value of litigation and liability claims settlements recently finalized by the City Attorney's Office. These settlements were previously approved either by City Council in closed session or by members of the Claims Board in Claims Board meetings within authority limits previously delegated by the City Council. This report serves as public disclosure as to the settlement amounts and the individual claim or litigation from which the settlements stemmed.

The Sunshine Ordinance provides that semi-annually the City Attorney present to the City Council a list of documents that have been determined to be public after such documents have been determined to be unavailable to the public and determine whether any closed session minutes should continue to be exempt from disclosure because to do so would be detrimental to the City. See Sections 2-91.12 (e) and 2-91.8 (a), Alameda Municipal Code. Other than the information on the attached chart, there are no other documents to be made public. Moreover, disclosing closed session minutes would be detrimental to the City and, therefore, those minutes are to remain exempt from disclosure.

DISCUSSION

Please see the attached chart for the names of claimants/plaintiffs, the date their incidents occurred, a brief description of the incident, and the dollar value of their settlements.

FINANCIAL IMPACT

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The funds for these settlements are budgeted in the Risk Management Internal Service Fund (Fund 712).

ENVIRONMENTAL REVIEW

This action is not a project for the purposes of the California Environmental Quality Act (CEQA) under CEQA guidelines section 15061(b)(3) as there is no possibility that this action may have a significant effect on the environment.

RECOMMENDATION

This report is offered for informational purposes only.

Respectfully submitted,
Janet C. Kern, City Attorney

Financial Impact section reviewed,
Elena Adair, Finance Director

Exhibit:

1. Report to Council October 2015-March 2016

OCTOBER 2015 - MARCH 2016

LITIGATION AND LIABILITY CLAIMS SETTLEMENTS			
Claimant/Plaintiff	Date of Incident	Incident Description	Amount Paid
Richard Burgess	10/19/2015	Alleged City tree roots caused damage to driveway	\$6,758.00
Rhonda Winger	7/23/2014	Alleged trip and fall on sidewalk	\$39,999.00
Allstate / Aman	10/18/2015	Alleged Alameda Fire vehicle collided with insured's parked automobile	\$7,581.23
Tatiana Goodwin	09/05/2012	Alleged Alameda Fire vehicle collided with Claimant's vehicle	\$10,183.82
Roger Yang	09/01/2015	Alleged City employee collided with Claimant's vehicle	\$1,679.27
Robery Cressy	08/17/2015	Alleged transformer leaked oil onto Claimant's parked vehicle	\$240.00
Esther Polm	11/23/2014	Alleged trip and fall on sidewalk	\$300.00
Mary Pritchett	11/1/2014	Alleged power surge caused damages	\$335.07
Betty Weichhardt	12/6/2014	Alleged trip and fall	\$15,000.00
Municipal Auditing Services	2/14/2014	Alleged Breach of Contract	\$60,000.00
TOTAL			\$142,076.39

Other than the information on the above chart, there are no other documents to be made public. Additionally, disclosing closed session minutes would be detrimental to the City and therefore those minutes are to remain exempt from disclosure.