



CITY OF LONG BEACH

C-6

DEPARTMENT OF PUBLIC WORKS

333 West Ocean Boulevard • Long Beach, CA 90802 • (562) 570-6383 • FAX (562) 570-6012

January 15, 2008

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Authorize the City Manager to sign Property Damage Release from Viking Insurance Company (Viking) and accept prorated share of damage claim. (Citywide)

DISCUSSION

On February 21, 2007, a traffic signal controller cabinet was struck and damaged by an insured of Viking. The cabinet was repaired per work order and a claim submitted by the Department of Public Works in the amount of \$2,602.70. Viking subsequently offered to the City a prorated settlement amount of \$2,081.30, or \$521.40 less than the amount claimed.

This matter was reviewed by Deputy City Attorney Lori A. Conway on December 17, 2007, and Budget Management Officer Victoria Bell on December 18, 2007.

TIMING CONSIDERATIONS

City Council action is requested on January 15, 2008, to allow this matter to be settled.

FISCAL IMPACT

The City will receive \$521.40 less than the cost incurred to repair the damage and it would not be cost effective to attempt to recover the remainder. The property damage check of \$2,081.30 will be deposited in the General Fund (GP100) in the Department of Public Works (PW).

ADMINISTRATION,
PLANNING & FACILITIES
333 W. Ocean Blvd., 9th Floor
Long Beach, CA 90802
Ph. (562) 570-6383
Fax (562) 570-6012

AIRPORT
4100 Donald Douglas Dr.
Long Beach, CA 90808
Ph. (562) 570-2600
Fax (562) 570-2601

ENGINEERING & STREET
MAINTENANCE
333 W. Ocean Blvd., 9th Floor
Long Beach, CA 90802
Ph. (562) 570-6634
Fax (562) 570-6012

ENVIRONMENTAL
SERVICES
2929 E. Willow Street
Long Beach, CA 90806
Ph. (562) 570-2850
Fax (562) 570-2861

FLEET SERVICES
2600 Temple Avenue
Long Beach, CA 90806
Ph. (562) 570-5400
Fax (562) 570-5414

TRAFFIC &
TRANSPORTATION
333 W. Ocean Blvd., 10th Floor
Long Beach, CA 90802
Ph. (562) 570-6331
Fax (562) 570-7161

HONORABLE MAYOR AND CITY COUNCIL
January 15, 2008
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SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



MICHAEL P. CONWAY
DIRECTOR OF PUBLIC WORKS

MAW:mw:
P\CL\Wiking Insurance Settlement

APPROVED:


for _____
PATRICK H. WEST
CITY MANAGER

Sentry Insurance
2405 Front Street NE
Salem, OR 97301-0724

503 585-5313
800 547-7830
503 371-4470 Fax

P.O. Box 7138
Salem, OR 97303-0026



SENTRY
INSURANCE

November 7, 2007

City of Long Beach
Bureau of Traffic & Transportation
333 W. Ocean Blvd.
Long Beach, CA. 90803

RE: Insured : Zairos Garcia Tapia
Claimant : Operations Division
Our Claim No. : 42a121155-K8
Date of Loss : 02/21/07
Company : **VIKING INSURANCE COMPANY OF WISCONSIN**

Dear Ms. Stiles:

We have received all the property damage for this claim. As we discussed, the total amount of property damage incurred in the loss exceeds our policy limits of \$10,000.

Our policy limit has been pro-rated as indicated below:

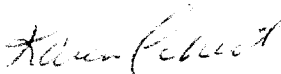
	<u>DEMAND</u>	<u>PRO-RATED SHARE</u>
David Pinhero	\$9902.48	\$7918.70
City of Long Beach	\$2602.70	\$2081.30
Total:		\$10,000

Please sign and return the enclosed releases.

Once we have received all of the releases, we will issue the property damage checks. Thank you for your assistance in resolving these claims.

Sincerely,

VIKING INSURANCE COMPANY OF WISCONSIN


Karen Chesnut
Claim Representative

Enclosure

Members of the Sentry Insurance Group:

SENTRY INSURANCE A MUTUAL COMPANY
SENTRY LIFE INSURANCE COMPANY
SENTRY LIFE INSURANCE COMPANY OF NEW YORK
SENTRY SELECT INSURANCE COMPANY
SENTRY CASUALTY COMPANY

SENTRY LLOYDS OF TEXAS
DAIRYLAND INSURANCE COMPANY
DAIRYLAND COUNTY MUTUAL INSURANCE COMPANY OF TEXAS
MIDDLESEX INSURANCE COMPANY
PARKER SERVICES, L.L.C.

PATRIOT GENERAL INSURANCE COMPANY
PEAK PROPERTY AND CASUALTY INSURANCE CORPORATION
VIKING COUNTY MUTUAL INSURANCE COMPANY
VIKING INSURANCE COMPANY OF WISCONSIN

**PROPERTY DAMAGE RELEASE
(California)**

KNOW ALL MEN BY THESE PRESENTS:

That the Undersigned, being of lawful age, for sole consideration of Two Thousand, eighty-one 30/100 Dollars (\$2081.30) to be paid to City of Long Beach do/does hereby and for my/our/its heirs, executors, administrators, successors and assigns release, acquit and forever discharge Viking Insurance Company of Wisconsin and Zairos Garcia Tapia and its agents, affiliates, subsidiaries, parent companies, successors, employees, officers, directors and assigns, from any and all claims, actions, causes of action, demands, rights, damages, costs, loss of service, expenses and compensation whatsoever, which the undersigned now has/have or which may hereafter accrue on account of or in any way growing out of any and all known and unknown, foreseen and unforeseen property damage and the consequences thereof resulting or to result from the occurrence on or about the 21st day of February, 2007, at or near City of Long Beach, California.

It is understood and agreed that this settlement is the compromise of a doubtful and disputed claim, and that the payment made is not to be construed as an admission of liability on the part of the party or parties hereby released, and that said releases deny liability therefore and intend merely to avoid litigation and buy their peace.

The undersigned further declare(s) and represent(s) that no promise, inducements or agreement not herein expressed has been made to the undersigned, and that this Release contains the entire agreement between the parties hereto, and that the terms of this Release are contractual and not a mere recital.

FOR YOUR PROTECTION THE CALIFORNIA INSURANCE CODE, SECTION 556.1 REQUIRES THE FOLLOWING TO APPEAR ON THIS FORM.
(a) It is unlawful to
1) Knowingly present to or cause to be presented any false or fraudulent claim for the payment of a loss under a contract of insurance.
(2) Knowingly file multiple claims for the same loss or injury with more than one insurer with an intent to defraud the insurer.
(3) Knowingly prepare, make or subscribe any writing, with intent to present or use the same, or to allow it to be presented or used in support of any such claim.
(b) Every person who violates any provisions of this section is punishable by imprisonment in the state prison, for two, three, or four years, or by fine not exceeding ten thousand dollars (\$10,000) or by both.
(c) Notwithstanding any other provision of law, probation shall not be granted to, nor shall the execution or imposition of a sentence be suspended for, any adult person convicted of a violation of this section who has been previously convicted of violations of this section as an adult under charges separately brought and tried two or more times. The existence of any fact which would make a person ineligible for probation under this subdivision shall be alleged in the information or indictment, and either admitted by the defendant in open court or found to be true by the jury trying the issue of guilt or by the court where guilt is established by pleas of guilty or nolo contendere or by trial by the court sitting without a jury. Except where the existence of such fact was not admitted or found to be true or the court finds that a prior conviction was invalid, the court shall not strike or dismiss any prior convictions alleged in the information or indictment. This subdivision does not prohibit the adjournment of criminal proceedings pursuant to Division 3 (commencing with Section 3000) or Division 6 (commencing with Section 6000) of the Welfare and Institutions Code.

**THE UNDERSIGNED HAS READ THE FOREGOING RELEASE
AND FULLY UNDERSTANDS IT.**

I/WE HAVE READ, UNDERSTAND, AND AGREE THAT THIS IS A FINAL SETTLEMENT OF THIS MATTER AND SHALL NOT BE AFFECTED BY THE OUTCOME OF ANY CHALLENGES TO PROPOSITION 213. I/WE FURTHER STATE THAT I/WE ACT ON MY/OUR OWN FREE WILL.

Signed this _____ day of _____, 20_____.

SIGNATURE _____
City of Long Beach Representative

WITNESS _____

Signed, sealed and delivered this _____ day of _____, 20_____.

CAUTION: READ BEFORE SIGNING BELOW

Witness

[NAME] LS



CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS

333 WEST OCEAN BOULEVARD • LONG BEACH, CA 90802 • (562) 570-6383 • FAX (562) 570-8012

From: RITA STILES
TRAFFIC SIGNAL SECTION
1601 SAN FRANCISCO AVE.
LONG BEACH, CA. 90813

PHONE: (562) 570-2768
FAX: (562) 570-2729

FAX

From: City of Long Beach
Bureau of Traffic & Transportation
Operations Division

To: Juan Sanchez Date: 5-31-07 Pages: 3

Company/Agency: Sentry Insurance

Fax No.: 949 553-2463

Subject: Bill for damage at Atlantic & 10th

If there any questions or problems with this transmittal, please call me at the above number.

Comments:

\$793.90 Service
+ 1808.80 Materials
\$2602.70

TRAFFIC & TRANSPORTATION BUREAU

333 West Ocean Boulevard, 10th Floor, Long Beach, CA 90802
(562) 570-6331 • Fax (562) 570-7161

Search By: EMPLOYEE LAST NAME

Name: _____ Title: _____

Employee SID: _____

Start Date: MM/DD/YYYY

Finish Date: MM/DD/YYYY

Description: _____

Account: _____

Hourly: _____

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Work Order

Save Print Tools Inspections Tests Labor Material Equipment Find Work Order: _____

General | Details | Attachments | Cycle | Print | Custom

Custom Field: **ADDRESS**

Field Name	Value
BILL_SYSTEM	PW
BILL_TO_NAME	GARCIA, ZAFROS
BILL_TO_PHONE_AREA_CODE	952
BILL_TO_PHONE_PREFIX	495
BILL_TO_PHONE_NBR	3688
BILL_TO_MAIL_ADDR1	1226 E. 7TH ST., #11
BILL_TO_MAIL_ADDR2	LONG BEACH, CA
BILL_TO_MAIL_SPOS_ZIP	90813
BILL_TO_MAIL_4POS_ZIP	
REVENUE_INDEX_CODE	PWTR31A
BILLABLETYPE	BILLCOLL
EXPENDITURE_INDEX_CODE	540000
W_ORDER_SITE_HOUSE_NBR	
W_ORDER_SITE_PARTITION	

General Location: ATLANTIC AVE & 10TH ST Locate

Locate With Streets Locate With Parcels

Comments | Entities | Inspections | Map Layers

New Comments: *Auto Log*

Existing Comments:

Inc 2/21/07 (SELVIA, 466) TC: 2308, 2/21/07, TA 2337, 2/21/07, TD 0150,
 sev 02/22/07) CALL: 332 CABINET KNOCKED DOWN. INTERSECTION DARK.
 soc DR # 070014434, (MO # 2548)
 FOUND THAT EDISON SERVICE HAD BEEN KNOCKED DOWN. CALLED

Search By: KEYWORD

Storage Room: _____

A TROPS

Material ID	Description	Unit of Measure	Unit Cost	Stock on Hand	Manufacturer	Supplier

Date: MM/DD/YYYY

Account: _____ Actual Estimated Contractor Provided

Units: _____

Add Remove Switch Entities/Tasks

Total Actual: **\$1,804.80** *material*

Material ID	Description	Units Required	Cost	Task	Entity Type	Entity ID
WAREHOUSE	(1) TYPE W TESCO CAN	1	1804			
WAREHOUSE	30 FT # 2 CONDUCTOR	1	4.8			

Highlight Create Themes Remove From List Save List Print MS Project Work Order Print Reports

Microsoft Excel - sh... ArcView GIS 3.2a Work Order Search Work Order 11:07 AM