



CITY COUNCIL STAFF REPORT

MEETING DATE: March 27, 2023
ITEM TITLE: Deny Claim of Scott Rhodes.

RECOMMENDATION:

Staff recommends that the City Council deny the claim of Scott Rhodes as recommended by the Sedgwick representative.

FISCAL IMPLICATIONS:

None for this action.

BACKGROUND:

This item is coming before the Council to act on the claim submitted by Scott Rhodes. Staff recommends that the City Council deny the claim based on Sedgwick's guidance.

The Tort Claims Act. California Government Code Sections 900, seq., mandates that all claims for money or damages against a public entity must be presented in writing to the public entity prior to filing suit. Generally, claims concerning personal injury, wrongful death, damage to personal property, or damage to crops must be presented to the public within six (6) months of the accrual of the claim. All other claims, principally claims on contracts and damage to real property, are subject to a one-year statute of limitations for presentation of the tort claim. Once a tort claim is received by the public entity, the entity has forty-five (45) days to act on the claim. A claim can be settled or rejected. If no action is taken within 45 days, the claim is deemed rejected by operation of law on the last day.

Claims Processing in San Carlos. When the City receives a claim, the claim is immediately forwarded to claims examiners at Sedgwick for investigation. After Sedgwick investigates the claim, Sedgwick provides a recommendation to the City on the handling of the claim.

About Sedgwick. Sedgwick is a leading global provider of technology-enabled risk, benefits and integrated business solutions. In July 2019, Sedgwick acquired York Risk Services Group ("York"). York was originally hired through the Pooled Liability Assurance Network Joint Powers Authority ("PLAN JPA"), and Sedgwick will continue claims administration services to provide claims administration services to the City. The City Council approved the City's participation in the PLAN JPA (previously known as the Association of Bay Area Government Pooled Liability Assurance Network or "ABAG PLAN") on November 27, 2017 and designated the Administrative Services Director and Senior Management Analyst as primary and alternate PLAN JPA Board members.

ANALYSIS:

On behalf of Scott Rhodes, Daniel Geoulla of B&D Law Group, APLC filed a claim against the City for a vehicle incident on February 22, 2022. Claimant alleges that on the date of loss, a Samtrans driver hit Scott Rhodes in Burlingame near Old Bayshore Highway. Scott Rhodes sustained bodily injury.

This does not appear to be a case of liability against the City for two reasons. First, the claim was received on February 22, 2022. The claimant's claim for damages should have been received by August 22, 2022. The claim was returned as untimely on October 17, 2022. An application for late claim was received by the City on November 7, 2022; however, the claimant did not have proper grounds for granting relief for a late claim.

In addition, based on the information provided, the claim location and party involved appear to be outside of San Carlos' jurisdiction. The loss location, described as "City of Burlingame near Old Bayshore Highway," is not within the City of San Carlos' jurisdiction. The Samtrans driver who allegedly hit Scott Rhodes is also not a City of San Carlos employee. Samtrans belongs to the San Mateo County Transit District. For these reasons, Sedgwick recommends formal rejection of Scott Rhodes' claim.

The Council's rejection of this claim does not prohibit staff or the staff of Sedgwick from continuing to work with the claimant to resolve the dispute.

ALTERNATIVES:

The alternatives available to the City Council include:

1. Deny claim of Scott Rhodes; or
2. Do not deny claim of Scott Rhodes; or
3. Provide staff with alternative direction.

Respectfully submitted by:

Rebecca Mendenhall, Administrative Services Director

Approved for submission by:



Jeff Maltbie, City Manager

ATTACHMENT(S): Click or tap here to enter text.

1. Rhodes Claim