



COUNTY OF LOS ANGELES
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MARY C. WICKHAM
County Counsel

April 18, 2018

TO: CELIA ZAVALA
Acting Executive Officer
Board of Supervisors
Attention: Agenda Preparation

FROM: ROGER H. GRANBO
Senior Assistant County Counsel
Executive Office

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Atziri Olivo, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 502 929

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

RHG:scr

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Atziri Olivo, et al. v. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC 502 929 in the amount of \$985,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Beaches and Harbors' budget.

This dangerous condition lawsuit arises from injuries sustained by a toddler when she stepped into a fire ring on Dockweiler Beach.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Atziri Olivo, et al. v. County of Los Angeles, et al.
CASE NUMBER	BC502929
COURT	Los Angeles Superior Court
DATE FILED	March 13, 2013
COUNTY DEPARTMENT	Department of Beaches and Harbors
PROPOSED SETTLEMENT AMOUNT	\$ 985,000
ATTORNEY FOR PLAINTIFF	Sanford Jossen, Esq.
COUNTY COUNSEL ATTORNEY	Michael J. Gordon, Deputy County Counsel
NATURE OF CASE	<p>On July 15, 2011, Plaintiff Jaelene Salinas suffered severe burns to her feet and hand when she stepped into a fire ring at Dockweiler Beach while playing without adult supervision. At the time, her mother Plaintiff Atziri Olivo was preparing her lunch about twenty feet away. Plaintiffs allege the fire ring was in a dangerous condition because of "confusing" signage which prohibited fires "on the beach" and allege a "basketball-sized" chunk of the fire ring was missing allowing Miss Salinas, a toddler, to walk directly into the fire ring which contained hot coals and embers that were partially concealed beneath the sand.</p> <p>Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$985,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 391,025
PAID COSTS, TO DATE	\$ 67,154

Case Name: J.Salinas v. County of Los Angeles, et al.



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	July 15, 2011
Briefly provide a description of the incident/event:	<p>Location of the incident: Dockweiler State Beach, 12000 Vista del Mar, Playa del Rey, CA 90293</p> <p>On July 15, 2011, a toddler suffered severe burns to her feet as a result of climbing in a fire ring at Dockweiler State Beach. The toddler was at the beach with her family, including her mother and grandmother, and was playing unsupervised next to a fire ring in the fire ring area. She climbed into the fire ring and sustained severe burns to her feet, as the fire ring contained hot materials from previous usage.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

1. The fire rings are low to the ground and the beach is accessible 24-7.
2. Hot coals or fire remnants are not always readily ascertainable and can remain hot for a lengthy period, especially if covered with sand.
3. Non-Department Root Cause - The toddler was playing unsupervised next to a fire ring.

2. Briefly describe recommended corrective actions:
(include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

June-July 2015 – New fire rings were ordered and placed on the beach with warnings in red on the sides reading "CAUTION HOT COALS" in the top line and "ALLOW FIRES TO BURN OUT" in the second line. Also, the warning contains the rendering of a flame/fire (see attached pictures). The design was approved by County Counsel.

April 2017 – Signage was placed at the beach entrance and at intervals on the beach visually showing a foot ready to step into a fire ring with the writing "CAUTION HOT ASHES" (on the rendered fire ring) and "DO NOT STEP IN FIRE PITS" crossed by a red line (see attached pictures). Signage design was approved by County Counsel.

April 2018 – The Department will conduct an investigation of the beach fire rings in consultation with the CEO's Risk Management Loss Control and Prevention Unit, an insurance consultant with subject matter expertise in fire and burn-related injuries/incidents, and County Counsel. This investigation will include, but not be limited to, a review of fire ring design, height, accessibility, and location/placement, as well as options to limit the Department's risks of liability and financial exposure.

December 2018 – The Department will propose changes to the County Code Section 17.12.370 - Fires Prohibited, to include a prohibition on extinguishing fires with sand.

January 2019 – In 2017, the Department sponsored legislation (SB 720) to obtain immunity from civil liability for operating beach fire rings similar to the immunity that public entities have for operating dog and skate parks. The Department recently received word that SB 720 will not be re-introduced with the same subject matter in 2018. The Department will continue efforts to ultimately secure passage of State legislation providing the County with protection from liability merely for making the fire rings available.

The person responsible for implementing additional signage and ordering redesigned fire rings was Kenneth Foreman, Chief of Operational Services Division.

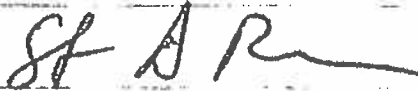
The person responsible for coordinating the investigation/review of the fire rings, sponsoring of legislation and for changes to the County Code is Stefan Popescu, Department's Legislative Analyst.

3. Are the corrective actions addressing department-wide system issues?

- Yes – The corrective actions address department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)
Stefan D. Popescu

Signature:



Date:

12/14/2017

Name: (Department Head)
GARY JONES

Signature:



Date:

12-18-17

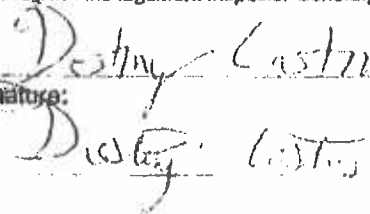
Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

- Yes, the corrective actions potentially have County-wide applicability.
 No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)

Signature:



Date:

12/14/2017