



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION  
500 WEST TEMPLE STREET  
LOS ANGELES, CALIFORNIA 90012-2713

ROBERT E. KALUNIAN  
Acting County Counsel

May 14, 2009

TELEPHONE  
(213) 974-1838  
FACSIMILE  
(213) 626-7446  
TDD  
(213) 633-0901

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

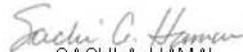
TO: SACHI A. HAMAI  
Executive Officer  
Board of Supervisor

64

JUNE 2, 2009

Attention: Agenda Preparation

FROM: JOHN F. KRATTLI   
Senior Assistant County Counsel

  
SACHI A. HAMAI  
EXECUTIVE OFFICER

RE: **Claims of James and Carol Hamada, et al.**  
**Los Angeles Superior Court Case No. SC 081 806**

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, the Summary Corrective Action Plan, and the Corrective Action Plan to be made available to the public.

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

JFK:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Claims of James and Carol Hamada, et al., in the amount of \$400,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Public Works' budget.

These claims arise from flooding damage to twelve homes in the City of Rancho Palos Verdes.

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Claims of James and Carol Hamada, et al.
CASE NUMBER	N/A
COURT	N/A
DATE FILED	N/A
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ 400,000
ATTORNEY FOR PLAINTIFF	Robert Silverberg, Esq.
COUNTY COUNSEL ATTORNEY	Warren R. Wellen Principal Deputy County Counsel
NATURE OF CASE	<p>The owners of 12 Rancho Palos Verdes homes claim that a blocked storm drain inlet owned and maintained by Los Angeles County ("County") and County of Los Angeles Flood Control District ("District") caused flooding damage to their homes during a February 19, 2005, storm. The County and District did not clean out the inlet for at least a few years prior to the storm. The property owners seek reimbursement for estimated repair costs of \$868,000.</p> <p>The County and District contend that the severe storm event produced a substantial amount of</p>

surface water that exceeded the capacity of the storm drains. Even if the storm drain inlet had not been blocked, the homes still would have been flooded.

Due to the risks and uncertainties of litigation, the Department of Public Works and County Counsel propose a full and final settlement in the amount of \$400,000.

PAID ATTORNEY FEES, TO DATE	\$	51,276
PAID COSTS, TO DATE	\$	2,143



**Summary Corrective Action Plan**  
**County of Los Angeles Department of Public Works**

The intent of this form is to assist departments in writing a corrective action plan summary as an 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.

<p>Claim: Date of incident/event:</p>	<p>Hamada, et al February 19, 2005</p>
<p>Briefly provide a description of the incident/event:</p>	<p>Twelve property owners in the City of Rancho Palos Verdes have brought claims against the County of Los Angeles and the Los Angeles County Flood Control District (LACFCD) for flooding damage to their homes during a severe storm on February 19, 2005. The storm produced a large amount of surface water that overwhelmed Private Drain 557 (PD 557). In February 2005, the storm drain inlet of PD 557, located below the sixth hole of Los Verdes Golf Course, was partially covered with bamboo and vegetation. On February 20, 2005, a Public Works crew removed debris and vegetation from the inlet. Public Works engineers estimate that on February 19, 2005, the surface runoff at the inlet was approximately 87 cubic feet per second (cfs). The inlet was designed to accommodate 40 cfs. Public Works engineers contend that the unusually large storm event produced enough surface water to overwhelm PD 557, even if it had been functioning properly</p> <p>LACFCD, operated by Public Works, is responsible for maintaining PD 557 For an unknown period of time (at least two years) prior to February 2005, Public Works did not inspect or clear out the subject inlet because a fence between 30124 and 30136 Avenida de Calma impeded access. Flood Maintenance Division personnel did not attempt to access the inlet via the golf course (a County owned facility) because the operator of the golf course had admonished them in the past for driving trucks on the golf course.</p>

1 Briefly describe the root cause of the claim/lawsuit:

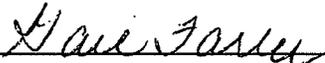
As described above, Public Works engineers contend that the unusually large storm event produced enough surface water to overwhelm PD 557, even if it had been functioning properly However, additionally, there was a lack of maintenance of the PD 557 Inlet as a result of access issues. The blocked inlet caused additional water to flood the residences.

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

Public Works will inspect the PD 557 inlet annually and has added the inlet to the Work Order for inspection and Maintenance of Inlets/Outlets in this area. By June 30, 2009, Public Works will contact the owners of 30124 and 30136 Avenida de Calma regarding removal or modification of the structures in their backyards so that maintenance workers have better access to the inlet, and, if necessary, modification of the Flood Control District's easement.

3. State if the corrective actions are applicable to only your department or other County departments:  
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- Potentially has County-wide implications.
- Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments)
- Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator)	Date:
Pat Proano 	4/28/09
Signature: (Director)	Date:
Gail Farber 	4-28-09

C:\MyFiles\word files\Files\SCAP-Preliminary\FM-SCAP-Hamada, et al6.doc

**DEPARTMENT OF PUBLIC WORKS  
CORRECTIVE ACTION PLAN**

**CLAIMS OF:** Hamada et al vs. Los Angeles County Flood Control District

**INCIDENT DATE:** February 19, 2005

**INCIDENT LOCATIONS:** Following is a list of the twelve claimant's and their properties:  
in the City of Rancho Palos Verdes:

James and Carol Hamada: 30137 Avenida de Calma, City of Rancho Palos Verdes  
Frank Bigdeli: 31136 Avenida de Calma, City of Rancho Palos Verdes  
Finwall: 30125 Avenida de Calma, City of Rancho Palos Verdes  
Harry and Besty Wilkes: 30124 Avenida de Calma, City of Rancho Palos Verdes  
Tom and Barbara Schorer: 30158 Avenida de Calma, City of Rancho Palos Verdes  
Richard Uyeminami: 7189 Crest Road, City of Rancho Palos Verdes  
Gerhard and Patricia Moll: 7244 Avenida Altisima, City of Rancho Palos Verdes  
Derek and Pamela Gable: 7246 Avenida Altisima, City of Rancho Palos Verdes  
Preston Lee: 30210 Via Borica, City of Rancho Palos Verdes  
John and Gina Kare: 30224 Via Borica, City of Rancho Palos Verdes  
James and Deborah Baker: 30232 Via Borica, City of Rancho Palos Verdes  
Dick and Gail Effros: 30404 Camino Porvenir, City of Rancho Palos Verdes

**RISK ISSUES:**

The Los Angeles County Flood Control District (LACFCD) could be held liable in Inverse Condemnation if its public works drainage system operating as designed and it caused damage to the claimant's private properties. LACFCD could be held liable for a dangerous condition of its property if it is proven there was a dangerous condition of which LACFCD had notice and opportunity to cure.

**INVESTIGATIVE REVIEW:**

Twelve property owners have brought claims against the County of Los Angeles and the Los Angeles County Flood Control District (LACFCD) for flooding damage to their homes during a severe storm on February 19, 2005. The storm produced a large amount of surface water that overwhelmed Private Drain 557 (PD 557). In February 2005, the storm drain inlet of PD 557, located below the sixth hole of Los Verdes Golf Course, was partially covered with bamboo and vegetation. On February 20, 2005, a Public Works crew removed vegetation and debris from the inlet. The crew leader estimated that the inlet was 50 per cent obstructed. It is not known how much of the obstruction was from the bamboo and vegetation at the inlet and how much was from debris washed down from the golf course by the storm. Public Works engineers estimate that on February 19, 2005, the surface runoff at the inlet was approximately 87 cubic feet per second (cfs). The inlet was designed to accommodate 40 cfs. Public

**DEPARTMENT OF PUBLIC WORKS  
CORRECTIVE ACTION PLAN**

Works engineers contend that the unusually large storm event produced enough surface water to overwhelm PD 557, even if it had been functioning properly.

The surface water flooded the upstream properties (Hamada, Bigdeli, Finwall, and Schorer) on Avenida de Calma and the downstream properties (Uyeminami, Moll, Gable, Lee, Kare, and Baker). The Uyeminami house is located almost directly in front of two PD 557 catch basins. The catch basins are designed to accommodate approximately 89 cfs. Public Works engineers estimate that the actual peak flow on February 19, 2005, was 220 cfs.

LACFCD, operated by Public Works, is responsible for maintaining PD 557. The claimant's attorney alleged that Mr. Chang (not a claimant), owner of 30136 Avenida de Calma, complained to Public Works about the vegetation in the inlet. Public Works does not have a record of this complaint. For an unknown period of time (at least two years) prior to February 2005, Public Works did not inspect or clear out the subject inlet because a fence between 30124 and 30136 Avenida de Calma impeded access. Flood Maintenance Division personnel did not attempt to access the inlet via the golf course (a County owned facility) because the operator of the golf course had admonished them in the past for driving trucks on the golf course.

**POLICY ISSUES:**

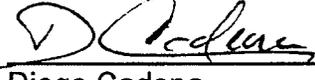
Public Works program for maintaining storm drain inlets consists of inspecting the inlet once each year, before the storm season. For at least two years prior to February 2005, Public Works did not inspect or clear out the subject inlet because of access issues.

**CORRECTIVE ACTION:**

Public Works will inspect the PD 557 inlet annually and has added the inlet to the Work Order for inspection and Maintenance of Inlets/Outlets in this area. By June 30, 2009, Public Works will contact the owners of 30124 and 30136 Avenida de Calma regarding removal or modification of the structures in their backyards so that maintenance workers have better access to the inlet, and, if necessary, modification of the Flood Control District's easement.

DEPARTMENT OF PUBLIC WORKS  
CORRECTIVE ACTION PLAN

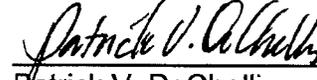
Reviewed & Recommended

 4/28/09

Diego Cadena  
Deputy Director

Date

Approved

 4-29-2009

Patrick V. DeChellis  
Deputy Director

Date

C:\MyFiles\word files\Files\CAP-PreliminaryWork\FM-Claim-Hamada, et al Warren2.doc