

Kittitas County Prosecutor

Agenda Staff Report

AGENDA DATE:

9/7/2011

ACTION REQUESTED:

Consider Claim against County by Springer

BACKGROUND:

The Springer's car was damaged while traveling on I-90 from rocks falling from a County dump truck. The Springers filed a claim for damages with the Auditor. The Prosecutor's office asked Public Works about the incident and was told that the dump truck, as described by the Springers, was a County vehicle operating in that area at that time and that its tailgate was malfunctioning and letting gravel out. Once the malfunction was identified, the truck was sent in for repairs and no longer used. Meanwhile, the Risk Pool assigned an adjuster to the case who was able to secure a lower repair cost. The Risk Pool, for some reason before liability (ownership of the truck and verification that it was leaking rock) was established, sent a check to the Springers in the amount of \$3,065.72, which corresponds to the adjuster's amount. Hence, this request is to (1) approve payment of the claim and (2) authorize the reimbursement to the Risk Pool, rather than the usual of sending a check to the claimant upon receipt of a release of claim.

INTERACTION:

The Springers filed a claim with the Auditor who sent copies to, among other, the Prosecutor and the Risk Pool. The Risk Pool assigned an adjuster and paid the claim. The Prosecutor, then contacted Public Works and established liability. That is obviously backwards, but when the Risk Pool sent an email that it had sent the check the day before, the Prosecutor's Office went ahead and called Public Works and, fortunately in a way, learned that that it actually appeared the County was liable. So, while the cart is before the horse in this, it appears to work out right in the end.

RECOMMENDATION:

Approve claim.

HANDLING:

Springers filed with Auditor, Prosecutor and Risk Pool engaged in their own investigation, the former as to cost and the latter as to liability.

LEAD STAFF:

Neil Caulkins