



SAN DIEGO COUNTY  
REGIONAL AIRPORT AUTHORITY  
**STAFF REPORT**

Item No.  
**6**

Meeting Date: **APRIL 7, 2011**

**Subject:**

**Authorize the Rejection of the Claim of Lia McGuinness**

**Recommendation:**

Adopt Resolution No. 2011-0040, authorizing the rejection of the claim of Lia McGuinness.

**Background/Justification:**

On March 3, 2011, Lia McGuinness ("McGuinness") filed a claim with the Authority alleging that on February 17, 2011, damage was sustained by her vehicle as a result of driving through pot holes in the Cell Phone Lot ("Lot") at San Diego International Airport. McGuinness claims damages in the amount of \$344.25 to include tire replacement and wheel refurbishing.

McGuinness alleges in her claim that on February 17, 2011, she was parked in the Lot at San Diego International Airport while waiting for her husband to arrive on an incoming flight. She states as she exited the Lot in her vehicle that she drove through "multiple" pot holes which she claims were "unavoidable" and deep enough to blow her left rear tire and damage the wheel.

McGuinness's claim should be denied. The Authority was not on notice of an unsafe condition of public property or an unsafe or dangerous condition, despite the unusually high levels of rain during that time period.

**Fiscal Impact:**

Not applicable.

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**Environmental Review:**

- A. California Environmental Quality Act: This Board action is not a project that would have a significant effect on the environment as defined by the California Environmental Quality Act (CEQA), as amended. 14 Cal. Code Regs. §15378. This Board action is not a "project" subject to CEQA. Cal. Pub. Res. Code §21065.
- B. California Coastal Act: This Board action is not a "development" as defined by the California Coastal Act. Cal. Pub. Res. Code §30106.

**Equal Opportunity Program:**

Not applicable.

**Prepared by:**

SUZIE JOHNSON  
PARALEGAL



SDCRAA  
 MAR 03 2011  
 Corporate Services

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Filed: 3/3/2011

**SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY  
 ACCIDENT OR DAMAGE CLAIM FORM**  
 Please complete all sections.  
 Incomplete submittals will be returned, unprocessed.  
 Use typewriter or print in ink.

1) Claimant Name: LIA MCGUINNESS	
2) Address to which correspondence regarding this claim should be sent:	
Telephone No.:	Date: 2-25-2011
3) Date and time of incident: 2-17-11 7:40 p.m.	
4) Location of incident: AIRPORT CELL PHONE LOT	
5) Description of incident resulting in claim:	
<p>On 2/17 at 7:40 p.m. I left the cell phone lot to pick up my husband from an American Airlines flight. While exiting I drove through multiple pot holes that were unremediated in the path of travel due to the minimal space between parked cars and the drive. The pot holes were so deep that they blew out the left rear tire and damaged the wheel rim. [NOTE: on wed 2/23 at approx 12:30-1:30pm, the potholes were being repaired as witnessed by friend Dianne</p>	
6) Name(s) of the Authority employee(s) causing the injury, damage or loss, if known: Salcedo →	
7) Persons having firsthand knowledge of incident:	
Witness (es) DAN MCGUINNESS	Physician(s):
Name: ↓	Name:
Address:	Address:
Phone:	Phone:

8) Describe property damage or personal injury claimed:		
1)	near left tire	
2)	near left wheel	
9) Owner and location of damaged property or name/address of person injured:		
SAME AS CLAIMANT		
10) Detailed list and amount of damages claimed as of date of presentation of claim, including prospective damages. If amount exceeds \$10,000.00, a specific amount need not be included.		
TIRE REPLACEMENT	209.25	DISCOUNT TIRE
WHEEL REFURBISHING	135.00	← <del>DISCOUNT</del> quote
	<u>344.25</u>	by Hoehn Mercedes
		760-438-4457

Dated: 2-25-2011 Claimant: *Lee McSwain*  
(Signature)

**Notice to Claimant:**

Where space is insufficient, please use additional paper and identify information by proper section number.

Return completed form to:

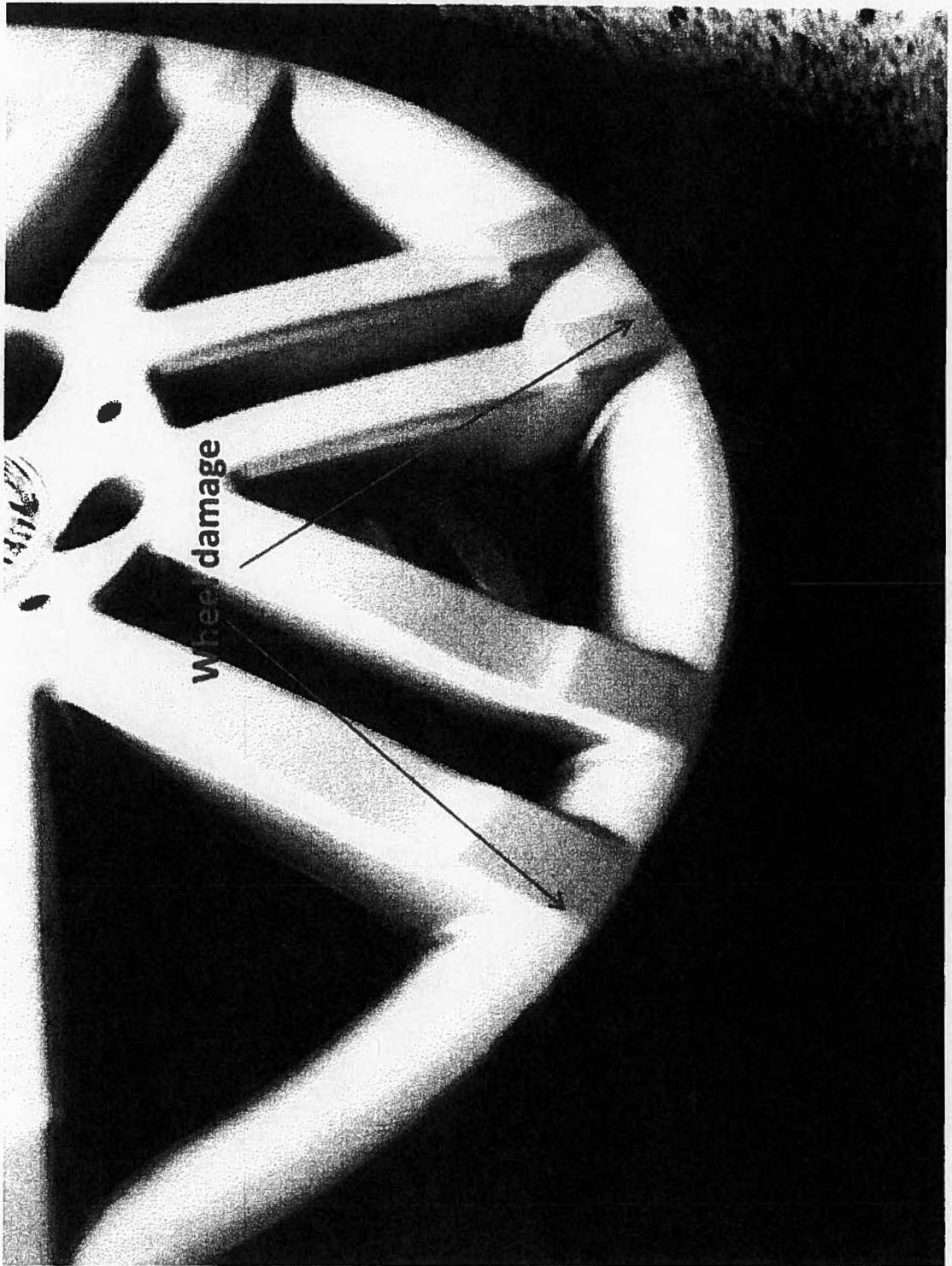
Tony Russell, Director, Corporate Services/Authority Clerk  
Corporate Services Department  
P.O. Box 82776  
San Diego, CA 92138-2776

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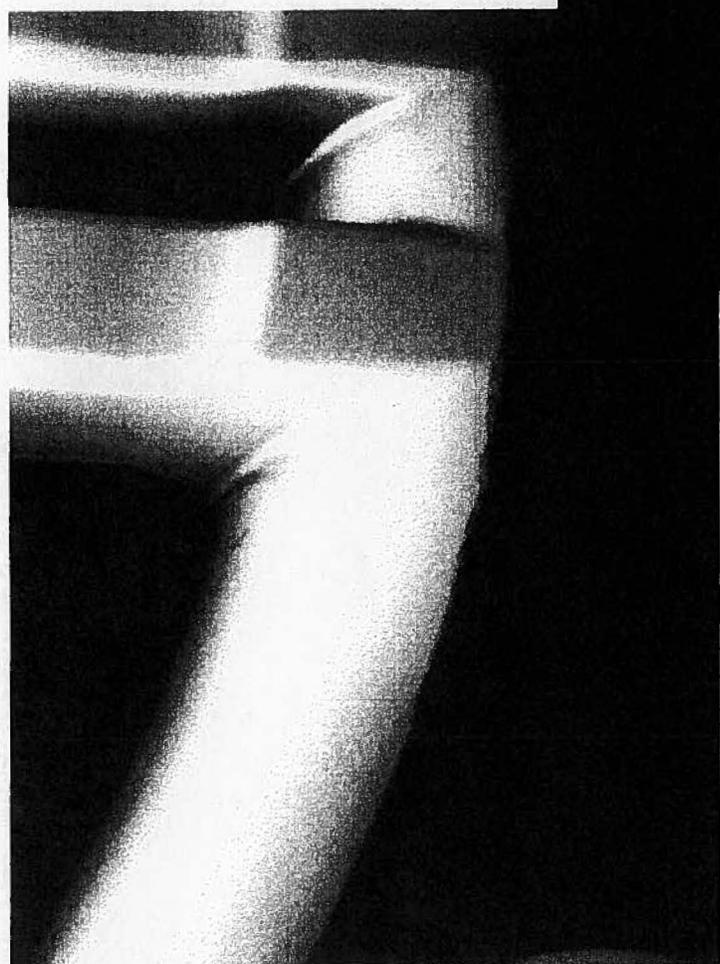
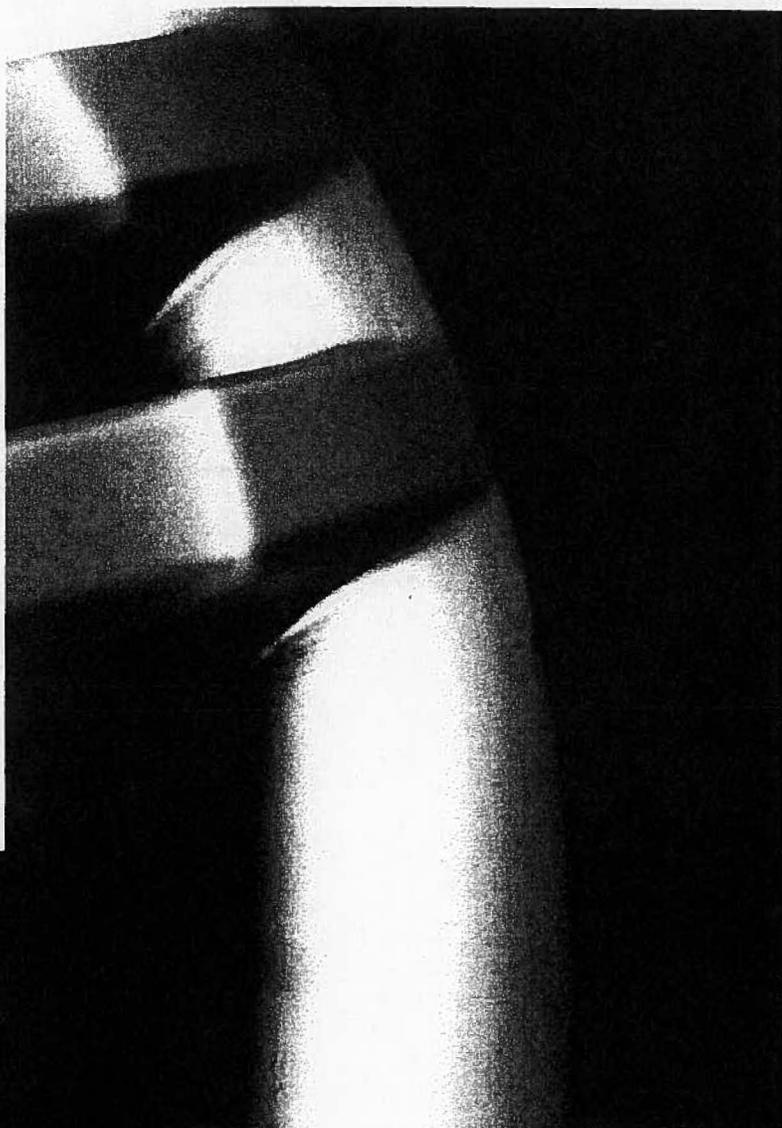
Photo taken 2-27-11 7:00am. After pothole repairs made on 2-23-11.  
Note that repairs are not to the level of the rest of the parking area



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# DISCOUNT TIRE

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DATE: 02-10-2011 TIME: 10:15 AM

CUSTOMER INFORMATION		VEHICLE INFORMATION	STORE LOCATION
LIQ	MCGUINNESS	2009 MERCEDES BENZ C300 LUXURY 17" BASE 204 CHASSIS MILEAGE: 33,212  TORQUE SPECS: 100	CAS 00 605 SAN RODOLFO SOLANA BEACH CA 92075 PHONE: 858-401-6387 023 BEAU D FREEMAN  WORK ORDER#

CODE	CC	QTY	SIZE	DESCRIPTION	FEET	PRICE	AMOUNT
26061	NRM	1	245/40R17 91H MBZ B3	CON CONTI PRO CONTACT	.00	184.00 ✓	184.00
WARRANTY: MILEAGE- 60,000 SEE REVERSE SIDE FOR WARRANTY DETAILS							
COMMENT: BOLT PATTERN: 5-112							
COMMENT: INFLATION F:20 R:33							
80017	NRM	2	CERTIFICATES	FOR FREE REPLACEMENT	.00	25.90	51.80
80075	NRM	1	STATE REQUIRED	ENVIRONMENTAL FEE	.00	1.75 ✓	1.75
80224	NRM	1	WASTE TIRE DISPOSAL	FEE	.00	2.50 ✓	2.50
80210	NRM	1	INSTALLATION &	LIFETIME SPIN BALANCING	.00	16.00 ✓	16.00
86666	NRM	1	LIFETIME ROTATION	LIFETIME REPAIRS INCLUDED	.00	.00	.00
26095	NRM	0	225/45R-17 91H MBZ B	CON CONTI PRO CONTACT	.00	158.00 <del>144</del>	.00
WARRANTY: MILEAGE- 60,000 SEE REVERSE SIDE FOR WARRANTY DETAILS							
COMMENT: INFLATION F:20 R:33							
80017	NRM	2	CERTIFICATES	FOR FREE REPLACEMENT	.00	23.90	47.80
90273	NRM	1	#20016 TPMS INVLDS	TPMS REBUILD KIT	.00	5.00 ✓	5.00
COMMENT: 1r to spare							

The tire and/or wheel you have chosen is different from the original equipment provided with your vehicle and may change its handling or stability characteristics. Further information is available from your Discount Tire salesperson.

SUBTOTAL: 305.80  
TAX: 23.75  
TOTAL: 329.55  
DISCOUNT: 305.40  
TENDERED: 329.40

XXXXXXXXXXXX 1740

Signature on file

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RESOLUTION NO. 2011-0040

A RESOLUTION OF THE BOARD OF THE  
SAN DIEGO COUNTY REGIONAL AIRPORT  
AUTHORITY AUTHORIZING THE REJECTION OF  
THE CLAIM OF LIA MCGUINNESS

WHEREAS, on March 3, 2011, Lia McGuinness filed a claim with the San Diego County Regional Airport Authority for damages allegedly sustained by her vehicle as the result of driving through pot holes in the Cell Phone Lot at San Diego International Airport on February 17, 2011; and

WHEREAS, at its regular meeting on April 7, 2011, the Board considered the claim filed by Lia McGuinness, the report submitted to the Board, and found that the claim should be rejected.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby authorizes the rejection of the claim of Lia McGuinness.

BE IT FURTHER RESOLVED THAT this Board Action is not a "project" as defined by the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code §21065; nor is it a "development" as defined by the California Coastal Act, Cal. Pub. Res. Code §30106.

PASSED, ADOPTED, AND APPROVED by the Board of the San Diego County Regional Airport Authority at a regular meeting this 7th day of April, 2011, by the following vote:

AYES: Board Members:

NOES: Board Members:

ABSENT: Board Members:

ATTEST:

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TONY R. RUSSELL  
DIRECTOR, CORPORATE SERVICES/  
AUTHORITY CLERK

APPROVED AS TO FORM:

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BRETON K. LOBNER  
GENERAL COUNSEL

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