

# EDC taxpayers pay twice for same roadwork



Tahoma roads disintegrated from a bad chip seal project. Photo/El Dorado County

**By Kathryn Reed**

The botched roadwork in Tahoma in 2015 ended up costing El Dorado County thousands of dollars.

Normally government agencies deny claims when they are submitted. Not so with this case.

“These are unique claims in which the allegation of negligent application of emulsion and chips by county forces created an exposure to liability. While the county denies such negligence, there has not been a satisfactory answer to the question of what went wrong with the chip seal,” Carla Hass, spokeswoman for El Dorado County, told *Lake Tahoe News*. “There is no ‘general rule’ rather, all claims are evaluated on their own merits according to the facts and the law.”

Payment on the claims involving this case were at least in part all paid. That is unusual.

Based on numbers supplied by the county, from Nov. 1, 2011, to Oct. 31, 2017, there were 23 road surface condition claims throughout the county. Of those, 23.5 percent were paid; an average of less than three per year. These were road surface condition claims.

As for the Tahoma case, "13 claims have been filed. No claims have been denied; \$41,860.05 in claims have been filed, \$19,285.84 have been paid," Hass said. She did not explain the discrepancy between the amount requested and the amount paid.

Western Emulsions was contracted to use a chip seal on about 21 miles of roadway on the West Shore. The following winter it started to deteriorate, especially with snow removal. The sticky oil surfaced. That is what caused much of the damage to personal vehicles and why the claims started being submitted.

*Lake Tahoe News* nearly two months ago requested all written communications between the county and the emulsion company. The county has refused to provide those documents.

"There is no evidence that the failure of the project performed in August 2015 was the result of negligence on the part of the county or its employees," Hass said. However, taxpayers were still left with part of the bill from the subpar work.

Western Emulsions, per the settlement agreement with the county, was to pay \$8,977.60 for the residents' claims – so, not even half.

The settlement agreement said to fix the mess it would cost \$383,900. Of that amount, Western Emulsion was liable for \$271,920. So, the county ended up in part paying twice for the same job and then for part of the claims to appease vehicle owners even though the county spokeswoman says the county was not negligent.

In the end, it meant less money for road repairs in other

parts of the county.

The settlements states, "This agreement or any payment made pursuant to it, is not and may not be construed as an admission of liability, fault or responsibility by the parties." Parties refers to the county and the contractor.