



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
February 5, 2014**

TO: Mayor and City Council
FROM: Mercy G. Cabral, Deputy City Clerk
SUBJECT: Rejection of Claim
DATE: January 29, 2014

RECOMMENDATION:

Reject claim against the City by Jason Holman, #13-30, and order that the claimant be notified.

BACKGROUND:

Claims should be rejected, claimant notified of the rejection, and referred to Municipal Pooling Authority and/or the City Attorney. Government Code Section 912.6(4) provides, "If legal liability of the public entity ... is disputed, the City Council may reject the claim..."

The statute of limitations for filing a court action on a claim commences upon notification of rejection of claim.

FISCAL IMPACT:

No impact to General Fund.

ACTION:

Motion rejecting claim against the City and order that the claimant be notified.

Attachment:
Claim #13-30

APPROVED BY:


Interim City Manager



Reserve for filling stamp

CLAIM PRESENTED TO THE CITY OF MARTINEZ

* Please read the instructions on the back before completing.

RECEIVED

DEC 12 2013

CITY OF MARTINEZ
CITY CLERK'S OFFICE

(13-30)

1. Claimant's Name: (PRINT) Jason K. Holmen
 Address: 901 Country run dr. Martinez, CA 94553
 Day Phone: (919) 509-1871 Eve Phone: (419) 509-1871

2. When did the damage or injury occur?
 Month: 12 Day: 6 Year: 2013 Time: a.m./p.m. 5:30 Police Report # 13-3503

3. At which location did the damage or injury occur? 723 Main St. Martinez, CA 94553

4. a. What happened and why is the City responsible? Vehicle was towed without proper 24hr street notice given. The signs were not posted until the morning of the event downtown. I went out of town on 12/5 for the evening and no signs were present. I left at 7:30 pm, my car was towed at 5:19 pm the day of.
 b. Name and position of responsible City Employee(s), if known: Parks and Recreation. Bob Cellini informed me that his dept. did not hang signs.

5. What damage or injury occurred? \$412.00 in tow fees.

6. Claim amount (only if less than \$10,000): \$412.00
 If the amount exceeds \$10,000, please check (X) the court of appropriate jurisdiction:
 Municipal Court (claims up to \$25,000) Superior Court (claims over \$25,000)

7. How did you arrive at the amount claimed? Please attach documentation. my tow fee

8. I declare under penalty of perjury under the laws of the State of California that the following information is true and correct, and that this declaration was executed on Dec 12, 2013 at Martinez CA.
[Signature]
 Signature of Claimant or Representative's Signature

9. Official Notices and Correspondence
 If represented by an insurance company or an attorney, please provide the information requested below.
 Name and Capacity: (PLEASE PRINT) _____
 Address: _____
 City, State, Zip: _____
 Daytime Telephone: () _____ Evening Telephone: () _____