



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
FEBRUARY 18, 2015**

TO: Mayor and City Council
FROM: Mercy G. Cabral, Deputy City Clerk
SUBJECT: Rejection of Claim
DATE: February 11, 2015

RECOMMENDATION:

Reject claim against the City by Brad and Sandra Leach, Claim #14-22, and order that the claimants 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 the rejection of claim.

FISCAL IMPACT:

No impact to General Fund.

ACTION:

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

Attachment:
Claim #14-22

APPROVED BY:


Interim City Manager



Reserve for filing stamp

CLAIM PRESENTED TO THE CITY OF MARTINEZ

* Please read the instructions on the back before completing.

CITY OF MARTINEZ
CITY CLERK'S OFFICE

NOV 26 2014 AON

RECEIVED

(14-22)

1. Claimant's Name: (PRINT) Brad + Sandra Leach
 Address: 202 Miller Ave Martinez, CA
 Day Phone: (925) 360-9073 Eve Phone: (925) 689-6568

2. When did the damage or injury occur?
 Month: November Day: 14 Year: 2014 Time: a.m./p.m. Police Report # N/A

3. At which location did the damage or injury occur?
above address

4. a. What happened and why is the City responsible? OC communications was boring below surface on road above said property. They hit a water main causing damage. Dan Wiggins of OC comm. claims City of Martinez in property marked where water main was located. Took 2 hours for city to shut off water.
 b. Name and position of responsible City Employee(s), if known: Bob Cellini Public Works Superintendent

5. What damage or injury occurred? Water from above street caused sink hole in backyard. Mud + water (sludge) covering deck. Water came in kitchen floor, damaged floor, went into register ruining duct work. Water damage in garage. Front landscaping washed away.

6. Claim amount (only if less than \$10,000): pending
 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.
Amount paid for initial visit + \$225 + Estimate for water clean up + removal \$2389.25. Additional estimates pending.

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 November 25, 2014, at Concord 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: () _____