



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
September 5, 2007**

TO: Mayor and City Council
FROM: Mercy G. Cabral, Deputy City Clerk
SUBJECT: Rejection of Claim(s)
DATE: July 27, 2007

RECOMMENDATION:

Reject Claim against the City by David & Cindy Brokman and order that the claimant be notified.

BACKGROUND:

Claims should be rejected, the claimant notified of the rejection, and referred to Municipal Polling 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 to reject the Claim against the City by David & Cindy Brokman, Claim #07-13, and order that the claimant be notified of rejection.

Attachment: Claim(s)

APPROVED BY:

City Manager

CLAIM PRESENTED TO THE CITY OF MARTINEZ

Reserve for Filing Stamp

* Please read the instructions on the back before completing.

1. Claimant's Name: (PLEASE PRINT) DAVID & Cindy BROKINAN

Claimant's Address: 909 Andrews Drive

City, State, Zip: MARTINEZ, CA 94553

Day Phone: (925) 370-1380 Eve Phone: (925) 370-1380

cc:

City Claim #

2. When did the damage or injury occur?

Month: OCTOBER Day: 24-25 Year: 2006 Time: a.m. (p.m.) Afternoon

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

Police Report #

909 Andrews Dr. Martinez, CA

4. What happened and why is the City responsible? The City hired the company to slurry seal the streets. The companies equipment hit our boat parked in our driveway, knocking it into our house and damaging the skee guard.

Name and position of responsible City Employee(s), if known:

b. CHRIS - C 372-3546

5. What damage or injury occurred?

The company that the City hired to slurry seal the street caused damage to our boat, house and brick work. Their equipment came up on our driveway & caught our boat hitched. It rammed the boat into ~~the~~ our house, damaging our the pillar, chipping brickwork and the boat propeller. Then they left the boat resting there.

6. Claim amount (only if less than \$10,000):

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.

Invoice, Picture

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 April 22, 2007, at Martinez CA.

Cindy Brokinan
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: () _____