



**CITY OF MARTINEZ**

**CITY COUNCIL AGENDA  
October 17, 2007**

**TO:** Mayor and City Council  
**FROM:** Mercy G. Cabral, Deputy City Clerk  
**SUBJECT:** Rejection of Claim(s)  
**DATE:** October 1, 2007

**RECOMMENDATION:**

Reject claims against the City by Marcus Pierre, Claim #07-25; James Morphy, Claim #07-26; Sharon L. Clark, Claim #07-27; and order that the claimants 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 rejecting claims against the City and order that the claimants be notified of rejection.

Attachment: Claim(s)

**APPROVED BY:**

City Manager



CLAIM PRESENTED TO THE CITY OF MARTINEZ  
\* Please read the instructions on the back before completing.

RECEIVED  
SEP 5 2007

CITY OF MARTINEZ  
CITY CLERK'S OFFICE

1. Claimant's Name: (PRINT) Marcus Pierre  
 Address: 1343 Rolling Hill way, Martinez  
 Day Phone: ( 925 ) 435-5774 Eve Phone: ( ) same.

2. When did the damage or injury occur?  
 Month: 08 Day: 02 Year: 07 Time: a.m./p.m. Police Report # 07-3300

3. At which location did the damage or injury occur? @ 1343 Rolling Hill way, Martinez

4. a. What happened and why is the City responsible? Vehicle towed in error - Martinez, P.D "watch-Commander" has waived release fee - AND has instructed me to file this claim for re-imboursement with the city as a result - Towed for Exp. Registration - when b. Name and position of responsible City Employee(s), if known: Registration EXTENSION was visible in front windshield as instructed. watch-Commander's officer name not known

5. What damage or injury occurred? 325<sup>00</sup> Charge paid to tow yard as a result.

6. Claim amount (only if less than \$10,000): \$ 325<sup>00</sup>  
 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. per attached receipt.

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 September 5, 2007, at Martinez CA.  
Marcus Pierre  
 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: ( ) \_\_\_\_\_



## CLAIM PRESENTED TO THE CITY OF MARTINEZ

1. CLAIMANT'S NAME: James Morphy  
1200 Henrietta Street  
Martinez, CA 94553  
Day phone: (925) 313-4195  
Eve phone: (925) 372-5486  
Cell phone: (925) 383-0803

2. WHEN DID THE DAMAGE OCCUR?  
July 25, 2007                      Approximately 3:00 p.m.

3. AT WHICH LOCATION?  
819 Talbart Street, Martinez

### 4.a. WHAT HAPPENED AND WHY IS THE CITY RESPONSIBLE?

The City had a contractor working on the water system in the street in front of the property. For some reason, which I do not understand, the contractor shut off the water supply to our entire 7-unit apartment complex from about 9:30 a.m. to about 3:00 p.m. while they were working on the water system. When they turned the water back on, mud came into the water system of the apartment complex. Delia Monroy, of 819 Talbart, was the only resident home at the time. She ran water in her kitchen and bathroom and consequently had mud in her toilet, bathtub, and kitchen sink. When she tried to run hot water in the kitchen sink, it wouldn't get hot. This is because the tankless water heater shut itself off due to mud fouling up the intricate and very delicate thermostat system within it. Later a PG&E technician came by and re-lit the pilot in the water heater, and it began producing hot water. However, when the hot water faucet is turned off, the main burner in the heater is supposed to shut off, and it wasn't shutting off. The resident discovered this the hard way, by opening the hot water faucet about 10 minutes after it had been shut off the first time, and immediately steam came rushing out of the faucet. Fortunately the PG&E technician was still in his truck outside, and he came back in and shut down the water heater.

Two different plumbers came and looked at the water heater, and neither of them was willing to take on the responsibility of repairing it due to the complexity of the thermostat system and the potential danger if the system failed again. So I purchased a new tankless water heater, exactly like the damaged one, and had it installed by a licensed plumber, Furtado Plumbing.

4.b. There was a contractor working on the water system. I don't know if any city employees were involved, but I spoke with Don Salt about the problem. He said he would discuss it with the contractor and get back to me. I haven't heard back yet.

5. WHAT DAMAGE OCCURRED?

One of our four tankless water heaters was ruined. It was only 2 years old. Fortunately, Delia Monroy flushed the rest of the mud out of our water system before the other residents arrived home. I still have the damaged water heater and would be happy to relinquish it to the City.

6. CLAIM AMOUNT:                      \$901.24

7. HOW DID YOU ARRIVE AT THE AMOUNT CLAIMED?

The new water heater cost \$541.24, including sales tax. Installation cost \$360.00. Documentation is attached.



Reserve for filing stamp

**CLAIM PRESENTED TO THE CITY OF MARTINEZ**  
\* Please read the instructions on the back before completing.

**RECEIVED**  
SEP 19 2007

CITY OF MARTINEZ  
CITY CLERK'S OFFICE

0707

1. Claimant's Name: (PRINT) SHARON L. CLARK  
 Address: 535 Main St. MARTINEZ  
 Day Phone: (925) 370 3712 Eve Phone: (925) 372 8115

2. When did the damage or injury occur?  
 Month: 6 Day: 13 Year: 2007 Time: a.m./p.m. 2:39 Police Report # 070612098

3. At which location did the damage or injury occur? 1421 Date St. MARTINEZ

4. a. What happened and why is the City responsible? police officer did not run records, would not listen to my account of incident, I was compelled to ambulance and committed to mental ward S150  
 b. Name and position of responsible City Employee(s), if known: Jim Chase police officer

5. What damage or injury occurred?  
I spent all night in a mental ward - I had tests for drugs - my reputation was injured and I was falsely imprisoned. I received bills for Ambulance and medical. I was compelled by officer to take

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. It is for a jury to say what a night S150 and Attorney's reputation is worth but here are bills.

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 SEP 20, 2007, at MARTINEZ, CA  
Sharon Clark  
 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: ( ) \_\_\_\_\_