



**CITY OF MARTINEZ**

**CITY COUNCIL AGENDA  
February 6, 2008**

**TO:** Mayor and City Council  
**FROM:** Mercy G. Cabral, Deputy City Clerk  
**SUBJECT:** Rejection of Claim  
**DATE:** January 22, 2008

**RECOMMENDATION:**

Reject claim against the City by Greg Mathias, Claim #07-33, 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 rejecting claim against the City and order that the claimant be notified of rejection.

Attachment: Claim

**APPROVED BY:**

A handwritten signature in cursive script that reads "Don Blubaugh".

City Manager



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

RECEIVED  
DEC 10 2007

CITY OF MARTINEZ  
CITY CLERK'S OFFICE

0733

1. Claimant's Name: (PRINT) GREG MATHIAS  
Address: 1225 OAK CREST CT  
Day Phone: (925) 681-4566 Eve Phone: (510) 813 3234

2. When did the damage or injury occur?  
Month: 11 Day: 05 Year: 07 Time: a.m./p.m. 7:00 Police Report # \_\_\_\_\_

3. At which location did the damage or injury occur?  
1225 OAK CREST CT MARTINEZ, CA 94553

4. a. What happened and why is the City responsible? \* SEE ATTACHED LETTER

b. Name and position of responsible City Employee(s), if known: N/A

5. What damage or injury occurred? \$ 199.50 RESCUE ROOPER BILL \* SEE ATTACHED LETTER

6. Claim amount (only if less than \$10,000): \$ 199.50  
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 OF THE RESCUE ROOPER BILL

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 12/06/2007 2007, 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) N/A  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Daytime Telephone: ( ) \_\_\_\_\_ Evening Telephone: ( ) \_\_\_\_\_

Cathy Heater  
Finance Director  
City of Martinez Water  
525 Henrietta  
Martinez 94553

Dear Cathy,

On November 5, 2007 I, Greg Mathias, came home around 7pm. After using the restroom I flushed the toilet and my toilet started making all these loud noises and backing up. I thought I may have broke a pipe or had some blockage, I proceeded to check the sinks and other bathrooms which also backed up with a rusty debris. I called Rescue Rooter out of fear that I needed something fixed quickly before it could get worse.

When the plumber arrived he commented that the city had people working down on Morello Ave. just below my court, 1225 Oak Crest CT Martinez Ca 94553. He said that there must have been a broken water line they were fixing and that it caused the problem I was having. He told me to run all my sinks and showers as well as flushing my toilets until all the air released and the water cleared, but I had no plumbing issue to fix. They charged me \$199.50 to tell me this. I don't feel this bill should be my responsibility and would appreciate if the city of Martinez water company could reimburse me, since I had no warning that the work they were doing on Morello Ave would create this temporary problem but not to be alarmed, by any back up of rusty water.

I can be contacted at (510) 813-3234 in regards to this situation.

Thank you,

Greg Mathias  
1225 Oak Crest CT  
Martinez CA 94553