



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
June 4, 2008**

TO: Mayor and City Council
FROM: Mercy G. Cabral, Deputy City Clerk
SUBJECT: Rejection of Claim
DATE: May 28, 2008

RECOMMENDATION:

Reject claim against the City by Rick and Micheala Morales, Claim #08-15, 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:

Acting City Manager

08-15

Reserve for filing stamp



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

RECEIVED
APR 16 2008

CITY OF MARTINEZ
CITY CLERKS OFFICE

1. Claimant's Name: (PRINT) RICK AND MICHAELA MORALES
 Address: 5624 ALHAMBRA Hills Ct., MARTINEZ, CA 94553
 Day Phone: (510)464-6075 Eve Phone: (925) 228-5448

2. When did the damage or injury occur?
 Month: 3 Day: 13 Year: 2008 Time: a.m./p.m. Police Report # N/A

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

4. a. What happened and why is the City responsible? Storm drains impacted with roots from trees owned by City of Martinez (See attached photos) Bill Cellini + Art Tucker visited my home to confirm damage. Along with cement walkway lifted
 b. Name and position of responsible City Employee(s), if known: by redwood tree roots causing potential hazard to walk on.

5. What damage or injury occurred?
Storm drains impacted by roots from trees owned by City of Martinez. along with cement walkway lifted by redwood tree's roots.
(photos of replaced drainage + new cement attached, as well as back of house which shows trees)

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.
(See attached receipts) \$3864.00 / \$2500.00 replacement + labor - drainage
\$864.00 cement replacement
\$500.00 plant replacement = approx.

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 14, 2008 at Martinez CA.
Michela Morales
 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: () _____