



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
July 21, 2010**

TO: Mayor and City Council
FROM: Mercy G. Cabral, Deputy City Clerk
SUBJECT: Rejection of Claim(s)
DATE: July 15, 2010

RECOMMENDATION:

Reject claims against the City by Rachel Cochran and order that the claimant be notified.

BACKGROUND:

Claims should be rejected, the 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 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 #09-33

APPROVED BY:

A handwritten signature in cursive script, appearing to read "Phil Vucic".

City Manager



Reserve for filing stamp

CLAIM PRESENTED TO THE CITY OF MARTINEZ

* Please read the instructions on the back before completing.

1. Claimant's Name: (PRINT) Rachel Cochran
 Address: 1033 Estudillo St.
 Day Phone: ^{DK} (925) 1289-4244 Eve Phone: ^{cell} (925) 812-0074

RECEIVED
Dec 15 2009

CITY OF MARTINEZ
CITY CLERKS OFFICE

09-33

2. When did the damage or injury occur?
 Month: December Day: Tuesday Year: 2009 Time: a.m./p.m. 8:45 Police Report # _____
8th

3. At which location did the damage or injury occur?
1033 Mellus St. between Estudillo St. & Ferry St.

4. a. What happened and why is the City responsible? A water main/pipe burst under ground blowing out a patch in the road causing debris to strike our vehicle. The patch in the street was placed there by the city a few weeks prior due to a break in the water main.

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

5. What damage or injury occurred?
The vehicle was covered in asphalt, which was shot into the air by water force and fell onto the car like rain. This impact from all the asphalt was strong enough to set off our alarm and put a small crack on the drivers side of the windshield. Debris was frozen to vehicle.

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

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 December 17th, 2009, at Martinez CA.
Rachel Cochran
 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: () _____