



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
January 11, 2012**

TO: Mayor and City Council
FROM: Mercy G. Cabral, Deputy City Clerk
SUBJECT: Rejection of Claim(s)
DATE: January 5, 2012

RECOMMENDATION:

Reject claims against the City by Carlos Gomez 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 ordering that the claimant be notified of rejection.

Attachment: Claims #11-26

APPROVED BY:

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) CARLOS A. GOMEZ
 Address: 133 MIDHILL RD.
 Day Phone: 415 748-0058 Eve Phone: () SAME

RECEIVED
 OCT 06 2011
 CITY OF MARTINEZ
 CITY CLERK'S OFFICE
 (11-26)

2. When did the damage or injury occur?
 Month: SEP. Day: 9TH Year: 2011 Time: a.m./p.m. Police Report # 11-2439

3. At which location did the damage or injury occur? 133 MIDHILL RD. MARTINEZ CA 94553

4. a. What happened and why is the City responsible? POLICE BROKE SEVERAL ENTRY DOORS & CASINGS & LOCKSETS SUSPECT DANIEL LAWRENCE KELLY WAS EVICTED ONE MONTH PRIOR TO RAID & APPARENTLY IN POLICE CUSTODY
 b. Name and position of responsible City Employee(s), if known: POLICE DEPARTMENT

5. What damage or injury occurred? SEE ATTACHED LIST

6. Claim amount (only if less than \$10,000): \$1500 priced at Home Depot.
 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. WENT TO HOME DEPOT & PRICED ALL MATERIALS

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 October 6, 2011, 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) _____
 Address: _____
 City, State, Zip: _____
 Daytime Telephone: () _____ Evening Telephone: () _____