



## CITY COUNCIL STAFF REPORT

**MEETING DATE:** November 25, 2024  
**ITEM TITLE:** Deny Claim of Thomas Feledy.

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### RECOMMENDATION:

Staff recommends that the City Council deny the claim of Thomas Feledy as recommended by the Sedgwick representative.

### FISCAL IMPLICATIONS:

None for this action.

### BACKGROUND:

This item is coming before the Council to act on the claim submitted by Thomas Feledy ("Claimant"). Staff recommends that the City Council deny the claim based on Sedgwick's guidance.

**The Tort Claims Act.** California Government Code Sections 900, seq., mandates that all claims for money or damages against a public entity must be presented in writing to the public entity prior to filing suit. Generally, claims concerning personal injury, wrongful death, damage to personal property, or damage to crops must be presented to the public within six (6) months of the accrual of the claim. All other claims, principally claims on contracts and damage to real property, are subject to a one-year statute of limitations for presentation of the tort claim. Once a tort claim is received by the public entity, the entity has forty-five (45) days to act on the claim. A claim can be settled or rejected. If no action is taken within 45 days, the claim is deemed rejected by operation of law on the last day.

**Claims Processing in San Carlos.** When the City receives a claim, the claim is immediately forwarded to claims examiners at Sedgwick for investigation. After Sedgwick investigates the claim, Sedgwick provides a recommendation to the City on the handling of the claim.

**About Sedgwick.** Sedgwick is a leading global provider of technology-enabled risk, benefits and integrated business solutions. In July 2019, Sedgwick acquired York Risk Services Group ("York"). York was originally hired through the Pooled Liability Assurance Network Joint Powers Authority ("PLAN JPA"), and Sedgwick will continue claims administration services to provide claims administration services to the City. The City Council approved the City's participation in the PLAN JPA (previously known as the Association of Bay Area Government Pooled Liability Assurance Network or "ABAG PLAN") on November 27, 2017 and designated the Administrative

Services Director and Senior Management Analyst as primary and alternate PLAN JPA Board members

ANALYSIS:

The Claimant filed a claim against the City for property damages. The Claimant alleges that his vehicle drove over a pothole on May 23, 2024, while attempting to park in front of 566 Wellington Avenue. The Claimant further alleges that his vehicle was damaged by the protruding edge of the pothole. He is seeking \$1,816.53 for damages to his vehicle.

This does not appear to be a case of liability against the City as the City had no prior actual or constructive notice of the condition causing the damages. Government Code Section 835 provides immunities when there was no known prior notice to the City of a "hazardous condition". For this reason, Sedgwick recommends formal rejection of Thomas Feledy's claim.

The Council's rejection of this claim does not prevent City staff or the staff of Sedgwick from continuing to work with the Claimant to resolve the dispute.

ALTERNATIVES:

The alternatives available to the City Council include:

1. Deny claim of Thomas Feledy; or
2. Do not deny claim of Thomas Feledy; or
3. Provide staff with alternative direction.

Respectfully submitted by:

Rebecca Mendenhall, Administrative Services Director

Approved for submission by:



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Jeff Maltbie, City Manager

ATTACHMENT(S):

1. Feledy, T. Claim Form