

- f. Deny Claim of Rebecca Huerta.



CITY COUNCIL STAFF REPORT

MEETING DATE: September 9, 2024
ITEM TITLE: Deny Claim of Rebecca Huerta.

RECOMMENDATION:

Staff recommends that the City Council deny the claim of Rebecca Huerta 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 Rebecca Huerta ("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 noticed that when she had her car parked on Hull Drive and Elm Street on June, 9, 2024, there was paint sprayed onto her vehicle. Claimant alleged that there was a painting crew near her car prior to the incident; therefore, she is seeking over \$4,000 from the City.

The City is not liable for the Claimant's damages as there were no City crew nor City contractors working in the loss area on the date of loss. For this reason, Sedgwick recommends formal rejection of Rebecca Huerta'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 Rebecca Huerta; or
2. Do not deny claim of Rebecca Huerta; or
3. Provide staff with alternative direction.

Respectfully submitted by:

Rebecca Mendenhall, Administrative Services Director

Approved for submission by:



Jeff Maltbie, City Manager

ATTACHMENT(S):

1. Huerta, R. Claim



City of San Carlos

City Claim Form for all Persons or Property

MAIL TO: CITY OF SAN CARLOS
ATTN: Crystal Mui, City Clerk
600 Elm Street
San Carlos, CA 94070-1309

1. CLAIMS FOR DEATH, INJURY TO PERSON, OR TO PERSONAL PROPERTY MUST BE FILED NOT LATER THAN SIX (6) MONTHS AFTER THE OCCURRENCE (GOV'T. CODE, SEC. 911.2).
2. CLAIMS FOR DAMAGES TO REAL PROPERTY MUST BE FILED NOT LATER THAN ONE YEAR AFTER THE OCCURRENCE (GOV'T. CODE SEC. 911.2).
3. ATTACH SEPARATE SHEETS, IF NECESSARY TO GIVE FULL DETAILS.

NAME OF CLAIMANT: Rebecca Huerta

CLAIMANT'S ADDRESS: [REDACTED]
Street Apt. No City State Zip

EMAIL: [REDACTED]

HOME PHONE: [REDACTED] CELL PHONE: [REDACTED] WORK PHONE: [REDACTED]

ADDRESS WHERE NOTICES SHOULD BE SENT IF DIFFERENT FROM ABOVE:

[REDACTED]
Name Street Apt. No City State Zip

EMAIL IF DIFFERENT FROM ABOVE: [REDACTED]

AMOUNT OF CLAIM \$ \$4,429.11 (ATTACH COPIES OF BILLS/ESTIMATES)

IF AMOUNT CLAIMED IS MORE THAN \$10,000, INDICATE WHERE JURISDICTION RESTS:

LIMITED CIVIL CASE [REDACTED] UNLIMITED CIVIL CASE [REDACTED]

DATE OF INCIDENT: 06/09/2024 TIME: 6:00 PM

LOCATION OF INCIDENT: Hull/Elm st San Carlos

DESCRIBE THE INCIDENT OR ACCIDENT INCLUDING YOUR REASON FOR BELIEVING THAT THE CITY IS LIABLE

FOR YOUR DAMAGES

Approximately, 6/9/2024, I was getting into my car and noticed white paint sprayed on the passenger side front and rear lower part of doors and both wheel wells and paint splatter on passenger front and rear tires.

There was a painting crew on Hull street prior to this incident . I never noticed wet paint signs or orange cones alerting drivers of wet paint.

DESCRIBE ALL DAMAGES WHICH YOU BELIEVE YOU HAVE INCURRED AS A RESULT OF THE INCIDENT

Permanent white paint damage to blue vehicle. Auto estimate will be emailed to City Clerk office

NAME(S) OF PUBLIC EMPLOYEE(S) CAUSING THE DAMAGES YOU ARE CLAIMING:

WERE POLICE AT SCENE? YES [REDACTED] NO X

DATED: July 23, 2024 SIGNED: [REDACTED]

ANY PERSON WHO, WITH INTENT TO DEFRAUD, PRESENTS ANY FALSE OR FRAUDULENT CLAIM MAY BE PUNISHED BY IMPRISONMENT OR FINE OR BOTH.