

M E M O R A N D U M
CITY OF CHINO
HUMAN RESOURCES DEPARTMENT

COUNCIL MEETING DATE: MAY 22, 2019

TO: MATTHEW C. BALLANTYNE, CITY MANAGER

**FROM: ANTHONY ARROYO, DIRECTOR OF HUMAN RESOURCES/RISK
MANAGEMENT**

SUBJECT: DENY CLAIM AGAINST THE CITY - DONALD EARL CAYER.

RECOMMENDATION

Reject liability claim filed on May 1, 2019 by Donald Earl Cayer.

FISCAL IMPACT

No fiscal impact associated with the recommended action.

Revenue:

Expenditure:

Transfer In:

Transfer Out:

BACKGROUND

On May 1, 2019, the City of Chino received a claim for damages from Donald Earl Cayer alleging tire damage to his vehicle after driving over a pothole. The incident occurred on April 1, 2019, as he was driving Northbound on Central Avenue and Phillips Boulevard at the Northeast corner past the intersection. The demand is for \$256.74.

ISSUES/ANALYSIS

An investigation into the claim revealed the incident occurred outside of the City's jurisdiction. Therefore, the City is not liable for the damages.

Staff recommends that this claim be rejected and proper notification be sent to claimant. Chino Municipal Code Section 3.70.070 provides that the City Council shall act on a claim in the manner provided in Government Code Section 912.4 and 912.6 within forty-five days after the claim has been presented. If the City Council fails to act on any claim filed under this chapter, the claim will be deemed denied on the forty-fifth day after the claim was presented.

Attachment: Cayer Claim