



Item No. 14 Town of Atherton

CITY COUNCIL STAFF REPORT – CONSENT AGENDA

TO: HONORABLE MAYOR AND CITY COUNCIL

THROUGH: GEORGE RODERICKS, CITY MANAGER

FROM: THERESA DELLASANTA, DEPUTY CITY MANAGER

DATE: NOVEMBER 15, 2017

SUBJECT: RESOLUTION TO REJECT CLAIMS OF MEDINA SETO LAW GROUP ON BEHALF OF CHRIS GARCIA, IRELYN GARCIA, JASMINE GARCIA, JODI COHEN, JULIE DALE, AND ZEALYN GARCIA

RECOMMENDATION

Adopt Resolution 17-xx denying the claim filed by Medina Seto Law Group on behalf of Chris Garcia, Irelyn Garcia, Jasmine Garcia, Jodi Cohen, Julie Dale, and Zealyn Garcia.

BACKGROUND

Rowena Sota of the Medina Seto Law Group submitted claims on October 12, 2017 claiming that a tree bough fell and struck the claimants at Menlo College, 1000 El Camino Real, Atherton, CA 94027. The Town's insurance claims administrator, ABAG received and reviewed information from the claimant noting damages of an unspecified amount.

The review demonstrated that the address of the incident is outside the Town of Atherton's jurisdiction and based on the review, ABAG recommends that a Notice of Rejection be sent to the claimant.

ATTACHMENT

- Resolution
- Rejection for Jurisdiction Letter

RESOLUTION 17-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
REJECTING THE CLAIM OF THE MEDINA SETO LAW GROUP ON BEHALF
OF CHRIS GARCIA, IRELYN GARCIA, JASMINE GARCIA, JODI COHEN,
JULIE DALE, AND ZEALYN GARCIA AND SENDING A NOTICE OF
REJECTION LETTER**

(Date of Occurrence: August 5, 2017)

**BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ATHERTON,
CALIFORNIA, AS FOLLOWS:**

That the claim of the Medina Seto Law Group on behalf of Chris Garcia, Irelyn Garcia, Jasmine Garcia, Jodi Cohen, Julie Dale, And Zealyn Garcia for damages, which was filed with the City Clerk on October 12, 2017 is hereby rejected.

DULY AND REGULARLY ADOPTED this 15th day of November, 2017.

TOWN OF ATHERTON

Michael Lempres, Mayor

ATTEST

Theresa DellaSanta, City Clerk



**Town of Atherton
91 Ashfield Road
Atherton, California 94027
Phone: (650) 752-0500
Fax: (650) 614-1212**

November 15, 2017

TO: Rowena Sota
Medina Seto Law Group
582 Market Street, Suite 306
San Francisco, CA 94101

RE: Claim of: Chris Garcia, Irelyn Garcia, Jasmine Garcia, Jodi Cohen, Julie Dale, and Zealyn Garcia

Date of Loss: August 5, 2017

I, Theresa DellaSanta, am Deputy City Manager of the Town of Atherton, 91 Ashfield Road, CA 94027.

As Deputy City Manager, I have reviewed the Town of Atherton maps and records for land development in the jurisdiction of the (Town of Atherton, and for boundaries on adjacent jurisdictions. Based upon my review of these maps and records, I have concluded that the claim incident location, 1000 El Camino Real, Atherton, CA 94027, is not under the control or jurisdiction of the Town of Atherton, nor is the Town of Atherton responsible for its design, protection, construction, or maintenance.

Based upon personal knowledge and a review of the official records of the Town of Atherton, 1000 El Camino Real, Atherton, CA 94027 is identified in the County records as Assessor's Parcel No. 070-360-100 and is under the jurisdiction/ownership of Menlo College with a mailing address of 1000 El Camino Real, Atherton, CA 94027.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on November 15, 2017, in the City of Atherton, in County of San Mateo, in the State of California.

Signature

Theresa DellaSanta, Deputy City Manager

Name & Title

AS A RESULT OF THE ABOVE FINDINGS, NOTICE IS HEREBY GIVEN that the claim for damages you presented to the Town of Atherton on October 12, 2017 was rejected by the City Council for the Town of Atherton on November 15, 2017.

WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code Section 945.6. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

As allowed by California Code of Civil Procedure Sections 128.5 and 1038, the Town of Atherton will seek to recover all incurred costs and attorney fees from you and your attorney should you ultimately serve the Town of Atherton with a lawsuit and it is later determined the suit was not brought in good faith or on reasonable grounds. If you feel you must name the Town of Atherton in the lawsuit to protect yourself, we urge you not to serve the Town of Atherton with a summons and complaint until you are certain there is a justiciable controversy with the Town of Atherton.

Very truly yours,

Town of Atherton

Theresa DellaSanta, Deputy City Manager

encl: Claim forms for:

- Chris Garcia
- Irelyn Garcia
- Jasmine Garcia
- Jodi Cohen
- Julie Dale
- Zealyn Garcia

cc: ABAG PLAN