

DATE SUBMITTED 4-27-2023
 SUBMITTED BY Adriana Zamudio
 DATE ACTION REQUIRED 03-20-2023

COUNCIL ACTION (x)
 PUBLIC HEARING REQUIRED ()
 RESOLUTION ()
 ORDINANCE 1ST READING ()
 ORDINANCE 2ND READING ()
 CITY CLERK'S INITIALS WJ

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: <p style="text-align: center;">1. Approve Claim Rejection</p>	
DEPARTMENT INVOLVED: BACKGROUND/SUMMARY: Rejection notice of Claim Filed #3044735 filed by Oscar Olmos Jr. Claim was submitted on 3-20-2023, requesting replacement of damaged vehicle tire in the amount of \$446.00. It was recommended that the claim was to be rejected due to the claim having insufficient information.	
FISCAL IMPACT: NOT TO EXCEED	FINANCE INITIALS <u>DA</u>
STAFF RECOMMENDATION: Staff recommends rejection of claim	DEPT. INITIALS <u>[Signature]</u>
MANAGER'S RECOMMENDATION: <p style="text-align: center;"><i>approve staff recommendation</i></p>	CITY MANAGER'S INITIALS <u>[Signature]</u>
MOTION: SECONDED: APPROVED () REJECTED () AYES: DISAPPROVED () DEFERRED () NAYES: ABSENT: REFERRED TO:	

March 24, 2023

TO: City of Imperial

ATTENTION: Kristen Smith

RE: Claim : Olmus vs. Imperial
Claimant : Oscar Olmus Jr.
D/Event : 3/20/23
Rec'd Y/Office : 3/20/23
Our File : 3044735 MZV

We have reviewed the above captioned claim and request that you take the action indicated below:

- **CLAIM INSUFFICIENCY: Please send a notice of insufficiency, which must be mailed to the claimant no later than April 9, 2023. THIS MUST BE MAILED TO THE CLAIMANT WITHIN 20 DAYS OF RECEIPT OF THE ORIGINAL CLAIM IN YOUR OFFICE. DO NOT SEND A "REJECTION LETTER". See Government Code Sections 910 and/or 910.2 and/or 910.4. Use the attached format for responding and give the reasons indicated for insufficiency.**

Please provide us with a copy of the notice sent, as requested above. If you have any questions please contact the undersigned.

Very Truly Yours,

CARL WARREN & CO.

Timothy M. Varon

Timothy M. Varon
Claims Supervisor

enc: Form #2 Insufficiency Letter
cc: California JPIA

RECEIVED

MAR 20 2023

CLAIM FOR DAMAGE OR INJURY

- 1. Claims for death, injury to person, or to personal property must be filed not later than six months after the occurrence (Gov. Code, Sec. 911.2)
- 2. Claims for damages to real property must be filed not later than 1 year after the occurrence (Gov. Code, Sec. 911.2)

TO: CITY OF IMPERIAL

CITY OF IMPERIAL
420 S. IMPERIAL AVE.
IMPERIAL, CA 92251

Oscar Olmos JR 134 W Olive Ave 92243 (442)231-9191 19

Name of Claimant Address Zip Phone Age

134 W Olive Ave apt. C
Address to which Claimant wishes notices sent

WHEN did damage or injury occur? ~~11:40am~~ 11:40am March 20, 2023

WHERE did damage or injury occur? Clark Rd, Imperial, CA to turn right to W Aten Rd

HOW and under what circumstances did damage or injury occur?

WHAT particular action by the City, or its employees, caused the alleged damage or injury?
(Include names of employees, if known)

WHAT sum do you claim? Include the estimated amount of any prospective loss, insofar as it may be known at the time of the presentation of this claim, together with the basis of computation of the amount claimed:
(Attach estimates or bills, if possible)

\$ _____

\$ _____

\$ _____

Total Amount Claimed \$ _____

NAMES and addresses of witnesses, Doctors and Hospitals:

Oscar A. Olmos JR
Signature of Claimant

3/20/2023
Date

VALLEY TIRE AND WHEEL XPERTS
717 SOUTH 4TH ST EL CENTRO CA 92243
760 353 3025 760 353 3118 BAR #254608

VALLEY TIRE & WHEELS
XPERTS
717 SOUTH 4TH STREET
EL CENTRO, CA 92243
(760) 353-3118 FAX: (760) 353-3025

CUSTOMER OSCAR OLMOS
EL CENTRO

SALES MA : DANIEL

DATE : 3/20/2023 DUE: 4/15/2023
UNI : #
PO # XXXXXX

VEHICLE : xx 1987 GMC TRUCK

SIZE 20X9 BLACK US MAG WHEEL RAMBLER 5X127

PRICE : 389

QUANTITY: 1

LABOR 25

TAX 32

TOTAL: 446



May 05, 2023

Oscar Olmos Jr.
134 W. Olive Ave., Apt. C
El Centro, CA 92243

CITY COUNCIL
Katie Burnworth- Mayor
Robert Amparano- Mayor Pro-Tern
James Tucker - Councilmember
Ida Obeso-Martinez- Councilmember
Stacy Mendoza- Councilmember

CITY CLERK
Kristina Shields

CITY MANAGER
Dennis H. Morita

ASSISTANT CITY MANAGER
Alexis Brown

CITY ATTORNEY
Katherine Turner

NOTICE OF INSUFFICIENCY

Your claim, which was received by the City of Imperial on March 20, 2023, failed to comply substantially with certain Government Code Sections. Pursuant to Government Code Section 910 any claim presented by a claimant or by a person acting on his or her behalf shall show all of the following:

- The name and post office address of the claimant.
- The post office address to which the person presenting the claim desires notices to be sent.
- Description of the date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted;
- A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the claim;
- The name or names of the public employee or employees causing the injury, damage or loss, if known;
- The amount claimed as of the date of the presentation of the claim, including the estimated amount of any prospective injury, damage or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed, if less than \$10,000.00. No dollar amount shall be included in the claim if the amount claimed exceeds \$10,000.00. The claim must however, state the court in which jurisdiction of the claim lies.
- The claim must be signed unless the claim is for supplies, materials, equipment or services and the claim is presented on a billhead or invoice regularly used in the conduct of the business of the claimant.

Your claim was insufficient for one or more of the above-indicated reasons.

For your information, consult Sections 910, 910.2, 910.4, and 910.8 and other sections of the Government Code pertaining to the filing of claims against a public entity. Pursuant to Section 910.8, no action will be taken by the City of Imperial for a period of 15 days after the date of this notice.

Dennis Morita, City Manager



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Robert Amparano- Mayor Pro-Tern
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CITY CLERK
Kristina Shields

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CITY ATTORNEY
Katherine Turner

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA
COUNTY OF IMPERIAL
CITY OF IMPERIAL

I am employed in the county aforesaid, State of California. I am over the age of eighteen years and not a party to the within cause or claim; my business address is: City of Imperial City Hall, 420 S. Imperial Ave., Imperial, CA 92251.

On May 5, 2023, I served the within "Notice of Insufficiency", presented to City of Imperial (Claim No. 3044735) by placing a true copy, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Imperial, California, addressed as follows:

Oscar Olmos Jr.
134 W. Olive Ave., Apt. C
El Centro, CA 92243

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

Executed on May 05, 2023, at Imperial, California

Kristen Smith, Human Resources Manager

Signature