



## Item No. 9 Town of Atherton

### **CITY COUNCIL STAFF REPORT – CONSENT AGENDA**

**TO:** HONORABLE MAYOR AND CITY COUNCIL  
GEORGE RODERICKS, CITY MANAGER

**FROM:** ANTHONY SUBER, DEPUTY CITY MANAGER/ CITY CLERK

**DATE:** JULY 19, 2023

**SUBJECT:** CLAIM REJECTION FOR ALL DAMAGES – TORRES,  
EMMANUEL (CLAIM NO. 4A2208H3P8K-0001)

### **RECOMMENDATION**

A claim for damages was received from Mr. Emmanuel Torress on August 16, 2022. The amount of the claim is \$3,811. It is recommended that the Council deny this claim.

### **BACKGROUND**

Mr. Torress alleges that due to negligence on the part of the Town of Atherton, a defective and dangerous condition existed along El Camino Real and Valparaiso driving southbound. Mr. Torress alleges that due to an overgrowth of brush obstructing the roadway, his vehicle sustained paint damage along the passenger side. The Town has confirmed that the subject area is outside of the Town's jurisdiction. Sedgwick, the Town's Risk Advisor recommend a plan of action to reject the claim as the location in question is not owned or maintained by the Town of Atherton.

### **FISCAL IMPACT**

None at this time. Rejection of a claim does not cause an immediate financial impact.

### **GOAL ALIGNMENT**

This Report and its contents are in alignment with the following Council Policy Goals:

- Goal Area A – Maintain Fiscal Responsibility

### **PUBLIC NOTICE**

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents

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as well as stakeholders –to include, but be not limited to, media outlets, school districts, Menlo Park Fire Protection District, service provides (water, power, and sewer), and regional elected officials.

**COMMISSION/COMMITTEE FEEDBACK/REFERRAL**

This item has not been before a Town Committee or Commission

**ATTACHMENTS**

1. Claim Form