

# REPORT

To the Honorable Mayor and City Council  
From the City Manager

February 8, 2010

## SUBJECT

Claim from Kim Mather

## RECOMMENDATION

Reject subject claim by operation of law.

## BACKGROUND

This claim is being brought to the Council because if this claim results in a monetary settlement, the settlement could exceed \$15,000. According to resolution no. 14595, if an amount to be paid for a general liability claim exceeds \$15,000, any denial, allowance, allowance in part, settlement, or compromise must be approved by Council.

Ms. Mather has placed a claim against the City requesting reimbursement for damages to her water line.

It has been recommended by Rosemary Oberhelman, the City's liability adjuster from George Hills Company, that this claim be denied.

## ALTERNATIVES

If this claim is not rejected by operation of law, the statute of limitations for the claimant to file a court action on the claim is extended from six months to two years, thereby placing the City in a more fiscally vulnerable position in defending this matter.

## FISCAL IMPACT

The rejection of this claim by operation of law has no direct fiscal impact. However, should the claimant elect to affect litigation to this incident, we have no basis with which to estimate the legal expenses or a settlement, should such estimates ultimately be required.



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Brian Ponty  
Director of Finance



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Peter Ingram  
City Manager

## ATTACHMENTS

None

## RELATED DOCUMENTS IN CITY CLERK'S OFFICE

None