



Item No. 16 Town of Atherton

CITY COUNCIL STAFF REPORT – CONSENT AGENDA

TO: HONORABLE MAYOR AND CITY COUNCIL

THROUGH: GEORGE RODERICKS, CITY MANAGER

FROM: JUDI HERREN, ACTING CITY CLERK

DATE: JULY 19, 2017

SUBJECT: RESOLUTION TO REJECT CLAIM OF CYRUS S. SAFAI

RECOMMENDATION

Adopt Resolution 17-xx denying the claim filed by Cyrus S. Safai.

BACKGROUND

Mr. Safai submitted a claim May 9, 2017 alleging that the Town wrongfully withheld permit fees. The Town's insurance claims administrator, ABAG received and reviewed information from the claimant noting damages in a range of \$484.36. Mr. Safai submitted background information in his claim.

The review demonstrated that the applicant only paid the Plan Check Fees in the amount of \$440.27 on October 31, 2016. Planning performed two plan checks, Building performed an Architectural and Structural plan checks and sent out correction letters for both, and the Arborist performed one plan check and had corrections that needed to be addressed. The correction letters sent out in November 2016 received no response from the applicant. The Permit Cancellation and Request for Refund form, signed by Mr. Safai, states under Fee Refunds #2 "The building official may authorize refunding of 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done"; plan reviewing was done for this permit.

Based on the review, ABAG recommends that a Notice of Rejection be sent to the claimant.

ATTACHMENT

- Resolution

RESOLUTION 17-xx

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
REJECTING THE CLAIM OF CYRUS S. SAFAI AND SENDING A NOTICE OF
REJECTION LETTER**

(Date of Occurrence: April 18, 2017)

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

That the claim of Cyrus S. Safai for damages, which was filed with the City Clerk on May 9, 2017 is hereby rejected.

DULY AND REGULARLY ADOPTED this 19th day of July, 2017.

TOWN OF ATHERTON

Michael Lempres, Mayor

ATTEST

Judi Herren, Acting City Clerk