



Item No. 13 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: MARCH 21, 2018

SUBJECT: RESOLUTION TO REJECT CLAIM OF LOUIS FRIAS SUBMITTED ON BEHALF OF HIS DAUGHTER CHEYENNE FRIAS

RECOMMENDATION

Adopt Resolution 18-xx denying the claim filed by Louis Frias on behalf of his daughter Cheyenne Frias.

BACKGROUND

Louis Frias submitted a claim on behalf of his daughter Cheyenne Frias on February 23, 2018 claiming that an Atherton Police Officer caused Cheyenne Frias to rear-end a vehicle during the officer's flag-down of another vehicle. The Officer had noted a vehicle traveling at an unsafe speed and therefore conducted a "flag-down" traffic stop, leading to vehicles behind the offender needing to slow down. Two of the trailing vehicles end up colliding, with a vehicle owned by claimant Louis Frias rear-ending a driver in front of him, a driver not identified in claimant's claim. The Officer confirmed none of the involved drivers to be injured, and the involved parties chose to exchange information at the scene.

The Town's insurance claims administrator, Association of Bay Area Governments (ABAG) received and reviewed information from the claimant noting damages of the vehicle and repair estimates, which are requested at \$7111.50 for damages to their 2012 Dodge Avenger.

It would appear claimant's daughter, driver Cheyenne Frias', own negligent driving led to her not being able to stop in time to keep from hitting a car stopped in front of her which had been flagged down to a slow-stop by the Atherton Officer. Had the claimant driver allowed sufficient stopping distance based on speed of travel, as required under the Vehicle Code, she should have been able to stop in enough time to keep from impacting a second vehicle. It is for this reason that our insurer, ABAG recommends rejecting the claim.

ATTACHMENT

- Resolution

RESOLUTION 18-xx

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
REJECTING THE CLAIM OF LOUIS FRIAS ON BEHALF OF CHEYENNE
FRIAS**

(Date of Occurrence: February 20, 2018)

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

That the claim of the Louis Frias on behalf of Cheyenne Frias for damages, which was filed with the City Clerk on February 23, 2018 is hereby rejected.

DULY AND REGULARLY ADOPTED this 21st day of March, 2018.

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:

Cary Wiest, Mayor
Town of Atherton

ATTEST:

Theresa N. DellaSanta, City Clerk

APPROVED AS TO FORM:

William B. Conners, City Attorney