



# City of Grand Island

Tuesday, August 23, 2022

Council Session

## Item G-3

**Receipt of Official Document – Tort Claim filed by Javier Rendon**

Staff Contact: Stacy Nonhof, Interim City Attorney

# Council Agenda Memo

**From:** Stacy Nonhof, Interim City Attorney

**Meeting:** August 23, 2022

**Subject:** Receipt of Official Document – Tort Claim filed by Javier Rendon

**Presenter(s):** Stacy Nonhof, Interim City Attorney

## Background

The City of Grand Island has received a Notice of Tort Claim from Javier Rendon alleging certain claims for an incident which occurred on June 6, 2022. Mr. Rendon is claiming he was injured as he stepped on an unsecured manhole cover at or near 303 West 3<sup>rd</sup> Street in Grand Island.

Without getting into issues concerning the City's and other parties' liability, and whether the claim of Javier Rendon is fair and reasonable, we are simply providing a copy of this claim to you in compliance with the Nebraska Political Subdivision Tort Claims Act.

For a person to assert a tort claim against the City of Grand Island, a written notice of the claim must be filed with the City Clerk, Secretary or other official responsible for keeping official records. The claim must be filed within one year of the accrual of the claim, and the Council has six months to act on the claim. No suit can be filed until after the Council acts on the claim, or the six months has run.

Historically, the City of Grand Island has simply let the six months run. Not all claims result in a suit being filed, so it makes good sense to not act affirmatively in many instances. In any event, if you wish to look further into this claim, please contact the City Attorney's office, and we will provide you with the information which we have in connection with the claim. Our recommendation is to continue to take no affirmative action on tort claims. It must be emphasized that by providing copies of alleged claims to you, we are not making an admission or representation that a claim has been properly filed in any respect. We also recommend that no comments concerning a particular claim be made during Council meetings, unless you decide to bring the matter on for formal consideration. Even then, we ask that comments be carefully considered so that the legal rights of all parties are preserved.

## **Discussion**

This is not an item for council action other than to simply acknowledge that the claim has been received.

## **Recommendation**

City Administration recommends that the Council take no action other than acknowledge receipt of the claim.

## **Sample Motion**

Move to approve acknowledgement of the tort Claim filed by Javier Rendon.



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August 10, 2022

**VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Grand Island City Clerk

Attn: The clerk, secretary or other official whose duty it is to maintain the official records of the political subdivision and the duly constituted law department  
City Hall

100 E. First Street  
Grand Island, NE 68801

Grand Island City Attorney

100 E. First Street  
Grand Island, NE 68801

Re: Our Client: Javier Rendon  
Date of Loss: June 10, 2022



Dear Sir or Madam:

Please be advised that this office will be representing the interest of Javier Rendon in connection with an incident which occurred on June 6, 2022. Mr. Rendon was injured as he stepped on a unsecured manhole cover at or near 303 West 3<sup>rd</sup> Street in Grand Island, Hall County, Nebraska.

Pursuant to the terms and conditions of the Political Subdivision Tort Claims Act, I am hereby filing a tort claim on behalf of Mr. Rendon against City of Grand Island for damages resulting from this incident. Please accept the filing of this tort claim pursuant to the terms and conditions of the Political Subdivisions Tort Claim Act.

Demand is hereby made for all special and general damages allowed for personal injury claims under Nebraska law. The total amount of damages is unknown currently.

Sincerely,

Timothy R. O'Brien  
For the Firm  
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