



REPORT TO CITY COUNCIL

To: Honorable Mayor and Members of the City Council
From: Jason Simpson, City Manager
Prepared by: Shannon Buckley, Assistant City Manager
Date: April 23, 2024
Subject: Rejection of Claim by Nitin Jindal

Recommendation

Direct the City Clerk to notify claimant Nitin Jindal that his claim submitted to the City Clerk's Department on February 15, 2024, is rejected.

Background

Nitin Jindal has submitted a claim to the City seeking reimbursement for "financial damages" totaling \$60,000.

Code Enforcement personnel first contacted Mr. Jindal on October 17, 2023, and observed that Mr. Jindal was remodeling the residence. Mr. Jindal, the property owner, was advised to stop work until the City issued permits through the Community Development Department. He was advised that he could be fined if he did not seek the required City permits.

On October 26, 2023, Code Enforcement personnel conducted an inspection; no activity was seen on the property at the time of inspection. However, Staff noticed a trailer loaded with new construction material.

On December 19, 2023, the Code Enforcement Department received a complaint that multiple commercial vehicles were parked on the property and included significant amounts of construction materials.

On December 20, 2023, Staff visited the property and noticed several inoperative commercial vehicles. There is also excessive storage of construction materials. On December 21, 2023, a Notice of Violation was sent to Mr. Jindal.

On January 10, 2024, Staff inspected the property and noted 19 vehicles being stored. Of the 19

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vehicles, eight were commercial vehicles. Staff also noted that several tires, building supplies, fencing materials, generators, and forklifts remained onsite. An Administrative Citation (#32006) was issued.

On January 16, 2024, the City received another citizen complaint. Staff inspected the property and observed no effort had been made to rectify the prior conditions. Staff reached out to Mr. Jindal but was unable to reach him. Another Administrative Citation (#32009) was issued.

On February 13, 2024, Staff inspected the property for compliance. Staff noted no changes in the condition of the property.

On February 15, 2024, Mr. Jindal filed a claim with the City Clerk's Department for \$60,000. A copy of the claim is attached.

On February 22, 2024, at the request of Mr. Jindal, Staff met with him at his property. Staff was granted access to the property. Staff went over the violations with Mr. Jindal and advised him that he could not move forward with the development process until he came into full compliance. There was unpermitted construction inside the building, which the Building & Safety team addressed during their inspections. Staff granted him 30 days to comply. Staff further advised him that the property is not zoned for commercial use and that having the vehicles stored there and all the other debris was not allowed.

Mr. Jindal has appealed the citations, which remain pending.

Discussion

Mr. Jindal's claim was initially referred to the City's carrier, the California Joint Powers Insurance Authority, through its claim's administrator, Carl Warren & Company. On February 15, 2024, the City Attorney's office was notified by Carl Warren that the claim was not covered under the City's policy.

In his claim, Mr. Jindal notes that he seeks reimbursement for "financial damages" totaling \$60,000.

As noted above, Mr. Jindal's property is not zoned for the storage of commercial vehicles, and that, along with the other activities, has created public nuisance conditions.

The City Attorney's office recommends that the City Council reject the claim submitted by Mr. Jindal and direct the City Clerk to notify Mr. Jindal of the rejection as required under the Tort Claims Act.

Following notification of the City's rejection, the claimant has six (6) months to file a lawsuit should he choose to act against the City.

Fiscal Impact

None.

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Attachments

Attachment 1 - Claim