

## Speech to the City Council Members on May 10, 1994

Recently, I won a small claims case against the city, but the city plans to appeal the decision on May 20 in Superior Court. I am here to ask the city to waive the appeal. But let me explain. It will take less than three minutes.

- A large limb fell from a city elm on Saturday, August 7, last year. It crushed my car. Only one minute earlier, I was standing under the tree, sweeping the sidewalk.

- In February, I won a small claims case against the city, and the court awarded me the amount I asked for, which was \$1,750. I had simply asked for the worth of the car. I did not want to gauge the city, and in fact, as I should have, I took \$150 off the original estimate because I sold the remains of the car for salvage.

- Now the city is appealing the small claims case. However, I won the case based on the following:

- First, my property owner, Jim Powell, had called in a complaint to the city before the limb fell, saying the tree needed trimming. The tree was never trimmed.

- Second, an arborist gave me a signed statement that the tree was rotted throughout and was top heavy. He declared the tree a hazard to public safety.

- Third, the city cites a government code section that grants it immunity for incidents such as this. I have learned that another code section makes incidents such as mine an exception to the code the city has cited.

Let me add, that a second limb from another elm on the same half-block fell on my second car in February, and I had decided not to pursue the city about it, even though the property owner had called the city beforehand about that limb, too.

Also, last week, another limb from a third elm on the same half-block also fell on one of my neighbor's cars. That's three limbs from three separate elm trees on the same half-block. Though the city finally removed the first tree in February, after the second incident, it has still not trimmed any of the other limbs on the other elms.

Moreover, simply by looking at the trees, I can see at least two more dangerous limbs. So far, a limb has not fallen on a person.

Further, I am a small business owner who lost a car in the second year of business, a time when most businesses are still struggling to get established. Losing the car *was* a financial setback.

Finally, I am an honest, hardworking person who cares deeply about being a responsible citizen. In fact, I have helped to make my street a safer one by calling the police about several crimes as they were taking place. Two of my calls have led to arrests. I have also initiated communication between myself and my neighbors to create our own informal neighborhood watch. I have also belonged to the Fremont Park Neighborhood Association, yet I am a tenant, not a home owner.

I would ask the city to look at the merits of my case and the fact that I am a person of good character who simply is asking for justice. Thank you.

(By the way, Josh Pane is my council member, and is planning to discuss this issue with you on May 17.)