

CLAIM AGAINST THE CITY OF MORENO VALLEY
(For Damage to Persons or Personal Property)

CITY CLERK
MORENO VALLEY
RECEIVED
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FOR OFFICE USE ONLY

Received by Renee B.

CLAIM NO. 2018-47

via U.S. Mail
 Inter Office Memo
 Over the Counter

A claim must be filed with the City Clerk of the City of Moreno Valley within six (6) months after occurrence of the incident or event on which the claim is based. Be sure your claim is against the City of Moreno Valley, not another public entity. Where space is insufficient, please use additional paper and identify information by paragraph number.

Completed claims must be mailed or delivered to: the City Clerk, City of Moreno Valley, 14177 Frederick St., P.O. Box 88005, Moreno Valley, California 92552-0805.

TO THE HONORABLE MAYOR AND CITY COUNCIL, The City of Moreno Valley California,
The undersigned respectfully submits the following claim and information relative to damage to persons and/or personal property:

- 1. NAME OF CLAIMANT JEFFREY J. GIBA
- a. ADDRESS OF CLAIMANT [REDACTED]
- b. PHONE NUMBER [REDACTED]
- c. DATE OF BIRTH NOT REQUIRED BY GOVERNMENT CODE
- d. SOCIAL SECURITY NO. NOT REQUIRED BY GOVERNMENT CODE
- e. DRIVER'S LICENSE NO. NOT REQUIRED BY GOVERNMENT CODE

2. Name, telephone, and mailing address to which claimant desires notices to be sent, if other than above:
[REDACTED]

- 3. Occurrence or event from which the claim arises: SEE ATTACHED
- a. DATE _____
- b. TIME _____
- c. PLACE (Exact & specific location) _____

d. How and under what circumstances did damage or injury occur? Specify the particular occurrence, event, act, or omission you claim caused the injury or damage (use additional paper if necessary).

SEE ATTACHED.

e. What particular action by the City, or its employees, caused the alleged damage or injury?

SEE ATTACHED.

4. A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the claim. If there were no injuries, state "no injuries".

SEE ATTACHED.

5. Give the name(s) of the City employee(s) causing the damage or injury. If unknown, provide whatever information is available which might identify the person responsible.

SEE ATTACHED.

MAJORITY BLOCK OF CITY COUNCIL INCLUDES MAYOR CRISTIAN GUTIERREZ, VICTORIA BACA, AND ULSES CABRERA

6. Name and address of any other person(s) injured:

SEE ATTACHED.

7. Name and address of the owner of any damaged property:

SEE ATTACHED.

8. Damages claimed:

a. Amount claimed as of this date: \$ _____

b. Estimate amount of future costs: \$ _____

c. Total amount claimed: \$ _____

d. Basis for computation of amounts claimed (Include copies of all bills, invoices, estimates, etc.):

WITHIN THE JURISDICTION OF THE SUPERIOR COURT

9. Names and addresses of all witnesses, hospitals, doctors, etc:

a. SEE ATTACHED

b. _____
c. _____
d. _____

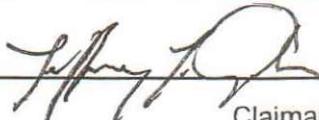
10. Any additional information that might be helpful in considering this claim:

SEE ATTACHED

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM.
(Penal Code Section 72; Insurance Code Section 556)

I have read the matters and statement made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this 26TH day of OCTOBER, 2018, at MORENO VALLEY, California.


Claimant's Signature

1 JEFFREY GIBA
2 Claimant

3 CITY OF MORENO VALLEY

5 JEFFREY GIBA, Claimant

6 vs.

7 CITY OF MORENO VALLEY, Respondent

**SUPPLEMENTAL INFORMATION
REGARDING CLAIM AGAINST THE
CITY OF MORENO VALLEY**

10 **INTRODUCTION**

11 Claimant's due process rights and equal protection rights under the United States Constitution
12 were violated by the City. The maintenance of a 42 United States Code Section 1983 action does
13 not require a Government Claim. However, the Claimant wishes to give the City of Moreno
Valley an opportunity to remedy the situation and to settle this matter without further litigation.

14 In addition, because of the actions by the parties described below, Claimant has been placed in
15 the position of unwillingly depriving his constituents of their right to good government. Claimant
16 has been harmed because his constituents being so deprived could make a claim that Claimant
17 is committing "honest services fraud." The actions described below are designed to intimidate
and chill the Claimant's free speech, and to thwart and obstruct his diligence in serving his
18 constituents. Therefore, Claimant is being deprived of his First Amendment and Fourteenth
Amendment right to serve faithfully in the office to which he was elected.

19 **SPECIFIC ACTIONS TAKEN BY VARIOUS PARTIES AS AGENTS OF THE CITY**

- 20
- 21 • As Assistant City Manager, Tom DeSantis intercepted my personal private City email
22 and then proceeded to contact March JPA (Joint Powers Agency) Executive Director Dr.
23 Danielle Wheeler to inform her that I did not represent Moreno Valley in anyway, at any
24 time or anywhere. She had invited me to an update on the Cactus Channel (a drainage
25 ditch) – a project I was instrumental in moving forward when on the Board of the JPA.
This communication was clearly meant to undermine my relationship with the JPA and
set the tone for the future obstruction I would be subjected to by Moreno Valley executive
staff and elected officials with the goal of damaging my ability to effectively represent
both my city and constituents.

- After receiving a letter of advice from the FPPC fully supporting my right to send out these letters via the City's inter-office mail system, I re-sent these letters. City Manager DeSantis again removed them from the mailroom. City Attorney Koczanowicz justified their removal this time under accusations that I was violating the Council/City Manager form of governance under local law despite our ordinance clearly saying the exact opposite.
- City Manager DeSantis has thwarted other vital City-related information from reaching me, even information specifically related to the District I represent, that was clearly given to the majority of the City Council.
- During Council meetings and contrary to our Rules of Procedure, Mayor Yxstian Gutierrez has repeatedly used his gavel to silence and unilaterally overrule me, so I could not speak on behalf of my constituents. City Attorney Koczanowicz allowed his actions despite my protests.
- During Council meetings and lacking the authority to do so, Mayor Gutierrez has repeatedly turned off my microphone at his sole discretion.
- Video staff, at the direction of the Mayor and City Manager DeSantis, have turned off the live video feed of Council Meetings so that viewers are unable to further see or hear me.
- The Council's rules for placing items on City Council meeting agendas were intentionally changed from two to three votes (a per se violation of the Brown Act), specifically to not allow me to agendize any matters of importance to my constituents during the past two years; and to prevent me from publicly addressing the abuses going on within our City.
- City Attorney Koczanowicz has justified his actions by informing me he works for the majority of the City Council and not the City of Moreno Valley.
- All of above are examples of disparate treatment towards me when compared to how the majority bloc of the Moreno Valley City Council are treated. This list is not intended to be exhaustive. All of what I've described has been known by the Council to have happened, and yet the majority has done nothing to stop the abuse. Regrettably, I must now threaten legal action in order to protect my City and constituents from further damage.

Dated: 10/26/18



JEFFREY GIBA
Claimant