RECOMMENDED ACTION AND JUSTIFICATION:  (Policy Item:  Yes___ No___)

Authorize Chair to sign an Order of the Board to reject Claim No. C02-1 in the amount of $300. Claimant alleges that a gun was seized in a search for stolen items and not returned to him. Due to a report provided by the Sheriff’s Department that their records indicate no such gun was confiscated, Counsel is requesting denial of this claim.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board usually follows Counsel’s recommendation in matters of this nature.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- Reject claim as recommended.
- Take no action; claim will automatically be denied if no action is taken.

<table>
<thead>
<tr>
<th>COSTS:</th>
<th>SPECIAL INSTRUCTIONS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(x) Not Applicable</td>
<td>List the attachments and number the pages consecutively:</td>
</tr>
<tr>
<td>A. Budgeted current FY</td>
<td></td>
</tr>
<tr>
<td>$</td>
<td></td>
</tr>
<tr>
<td>B. Total anticipated costs</td>
<td></td>
</tr>
<tr>
<td>$</td>
<td></td>
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<tr>
<td>C. Required additional funding</td>
<td></td>
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<tr>
<td>$</td>
<td></td>
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<tr>
<td>D. Internal transfers</td>
<td></td>
</tr>
<tr>
<td>$</td>
<td></td>
</tr>
<tr>
<td>SOURCE:</td>
<td></td>
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<tr>
<td>( ) 4/5ths Vote Required</td>
<td></td>
</tr>
<tr>
<td>A. Unanticipated revenues</td>
<td></td>
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<tr>
<td>$</td>
<td></td>
</tr>
<tr>
<td>B. Reserve for contingencies</td>
<td></td>
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<tr>
<td>$</td>
<td></td>
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<tr>
<td>C. Source description:</td>
<td></td>
</tr>
<tr>
<td>Balance in Reserve for Contingencies, if approved: $</td>
<td></td>
</tr>
</tbody>
</table>

Clerk’s Use Only:

<table>
<thead>
<tr>
<th>Res. No.:</th>
<th>Ord. No.:</th>
</tr>
</thead>
<tbody>
<tr>
<td>02-21</td>
<td></td>
</tr>
</tbody>
</table>

Vote - Ayes: 5  Noes: 0  Absent: 0  Approved: 5  Denied: 0  Abstained: 0

Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: ____________________________

ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
Deputy

Action Form Revised 5/92

Administrative Officer’s Recommendation:

This item on agenda as:

Recommended
Not Recommended
For Policy Determination
Submitted with Comment
Returned for Further Action

Comment: ____________________________

A.O. Initials: ___________________
COUNTY OF MARIPOSA CLAIM FORM

CLAIM OF Michael J. Starr   CLAIM FOR PERSONAL INJURY
(Claimant) and/or property damage

Goverment Code § 910)

v.

COUNTY OF MARIPOSA

TO THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY:

YOU ARE HEREBY NOTIFIED that: (PLEASE TYPE OR PRINT)

Claimant: Michael J. Starr

Whose address is: P.O. Box 333

City and State: Middletown, Ca Zip: 95345

claims damages from the COUNTY OF MARIPOSA in the amount, computed as of

the date of presentation of this claim, of $ 300.00

This claim is based on: (CHECK APPROPRIATE BOX OR BOXES)

< > Property Damage  < X > Other (LIST)

< > Personal Injury

< > Contract

A gun is missing
from a seizure of property.

which occurred on June 28th, 2001, in the vicinity of:

5800 Allred Rd. Mariposa, Ca 95338

(PLACE WHERE INCIDENT OCCURRED)

Describe generally the facts and circumstances that give rise to the claim:

(please use back of this page if more space is needed.)

On June 28th some property was
seized during a raid for stolen property.
One of our guns was not included on the
property report. The gun in question is a .38.

The name(s) of the public employee(s) causing claimant's injuries or
damages under the above-described circumstances is/are:

Mariposa County Sheriffs Department: Officer
Skio Swain & Detective Buson Robles
Semi-automatic rifle. On Sept. 11th 2001 and again in January of 2002 these weapons were released, it was at this time we realized that this gun was not listed.

RECEIVED
FEB 13 2005
MARRIPOSA CO. COUNSEL
The injuries sustained by claimant, as far as known, as of the date of presentation of this claim consist of: (DESCRIBE GENERALLY CLAIMANT'S INJURIES OR DAMAGES)

1. missing SKS - semi automatic rifle.
While these guns are legal to have they can no longer be purchased.

The amount claimed, as of the date of presentation of this claim is computed as follows:

**Damages incurred to date:**

Expenses for medical and hospital care

$ __________

Loss of earnings

$ __________

Specific damages (ITEMIZE)

lost - SKS - semi automatic rifle

$ 300.00

$ __________

Other damages (ITEMIZE)

$ __________

$ __________

TOTAL DAMAGES INCURRED TO DATE: $ 300.00

Estimated future damages as far as known from this incident:

Total estimated prospective damages:

$ __________

TOTAL AMOUNT CLAIMED AS OF DATE OF PRESENTATION OF THIS CLAIM: $ 300.00

All notices or other communications with regard to this claim should be sent to claimant at: P.O. Box 333 Hidalgo, CA 95345

(ADDRESS TO WHICH NOTICES ARE TO BE SENT)

Dated: 02/16/02  Signed: __________

(CLAIMANT/AGENT FOR CLAIMANT)

**Government Code § 911.2. Time of or presentation of claims**

A claim relating to a cause of action for death or for injury to person or to personal property or growing crops shall be presented as provided in Article 2 (commencing with § 915) of this chapter not later than six months after the accrual of the cause of action. A claim relating to any other cause of action shall be presented as provided in Article 2 (commencing with § 915) of this chapter not later than one year after the accrual of the cause of action.
JEFFREY G. GREEN
County Counsel
P. O. Box 189
5100 Bullion Street
Mariposa, CA 95338

BEFORE THE BOARD OF SUPERVISORS

OF

MARIPOSA COUNTY, STATE OF CALIFORNIA

In the Matter of: 

CLAIM FOR DAMAGES PURSUANT TO GOVERNMENT CODE § 911.6

CLAIM NO. 02-1

MICHAEL J. STARR, P.O. Box 333, Midpines, California, having filed with this Board on February 19, 2002, a claim for damages in the amount of $300.

NOW, THEREFORE, IT IS ORDERED by the Board of Supervisors that the claim is hereby rejected.

The foregoing order was passed by the following vote of the Board:

AYES: Parker, Reilly, Stewart, Pickard, Balmain
NOES: None
ABSENT: None
ABSTAINED: None

Dated this 19th day of March, 2002.

ROBERT C. STEWART, Chair
Board of Supervisors

ATTEST:

MARGIE WILLIAMS, Clerk of the Board
TO: Michael J. Starr  
P.O. Box 333  
Midpines, CA 95345

RE: CLAIM FOR DAMAGES (Michael J. Starr-Claim No. C02-1)  
AMOUNT OF CLAIM: $300  
NOTICE OF REJECTION

NOTICE IS HEREBY GIVEN that the claim, which you presented to the Board of Supervisors of Mariposa County on February 19, 2002 was rejected by action of the Board on March 12, 2002.

WARNING

"Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim." (See Government Code § 945.6)

"NOTE: This six-month filing period applies only to State Court actions. If your action is based on federal law and/or you intend to file it in Federal Court, a shorter or longer period within which to file the action may apply."

"You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately."

JEFFREY G. GREEN  
Mariposa County Counsel

PROOF OF SERVICE BY MAIL (1013a, 2015.5 C.C.P.)

STATE OF CALIFORNIA, COUNTY OF MARIPOSA:

I am a citizen of the United States and a resident of the County aforesaid. I am over the age of eighteen years and not a party to the within entitled action; my business address is 5100 Bullion Street (P.O. Box 189), Mariposa, CA 95338. On March 22, 2002, I served the within Notice of Rejection of Claim on the claimant in said action by placing a true copy in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing a copy into an inter-office delivery receptacle located in Counsel’s office:

Michael J. Starr  
P.O. Box 333  
Midpines, CA 95345

I declare, under penalty of perjury, that the foregoing is true and correct. Executed on March 22, 2002 at Mariposa, California.

Rhonda Scherf