DEPARTMENT: Administration/Risk Management  BY: Rich Inman, CAO
PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

Authorize payment of claim No. CO4-12 for $11,513.00 to Mr. Robert Barron for damage to his property that occurred as a result of the detonation of explosives by Mariposa County Sheriff's Department.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

This claim was originally submitted to the Board of Supervisors on March 8, 2005. A number of questions were raised and the matter was referred back to Risk Management for additional information. The issues raised were how many windows were actually purchased and replaced. 10 windows were purchased and the other windows were used for the bunkhouse. Proof of payment is enclosed as copies of cancelled checks were provided.

There is no refuting the fact the explosion damaged Mr. Barron’s property. No other claims were filed in connection with this event.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Deny payment of claim and face potential litigation.

Financial Impact? (X) Yes ( ) No  Current FY Cost $11,513  Annual Recurring Cost: $ 0
Budgeted In Current FY? (X) Yes ( ) No ( ) Partially Funded
Amount in Budget:
Additional Funding Needed: $  
Source:
Internal Transfer  ______  4/5's vote
Unanticipated Revenue  ______  4/5's vote
Transfer Between Funds  ______  4/5's vote
Contingency  ______  4/5's vote
( ) General ( ) Other

List Attachments, number pages consecutively
Board Pkg. and M/o from 8-8-05

CLERK’S USE ONLY:
Vote - Ayes:  ______  Noes:  ______  Absent:  ______  
Approved  ______  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
By:  ________________  Deputy

COUNTY ADMINISTRATIVE OFFICER:
Requested Action Recommended  ______  No Opinion
Comments:

CAO:  ______

Revised Dec. 2002
COUNTY of MARIPOSA
P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

BOB PICKARD, CHAIR
LEE STETSON, VICE CHAIR
LYLE TURPIN
JANET BIBBY
DIANNE FRITZ

DISTRICT V
DISTRICT I
DISTRICT II
DISTRICT III
DISTRICT IV

MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: RICH INMAN, County Administrative Officer
FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: PAYMENT OF CLAIM NO. C04-12 TO MR. ROBERT BARRON FOR DAMAGES DONE ON OR ABOUT APRIL 8, 2004

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on June 7, 2005

ACTION AND VOTE:

Consent Agenda item 16 – Supervisor Bibby initiated discussion and advised that she still has questions relative to the law enforcement report and the number of windows that were replaced, and the checks that were written versus the claim amount. She also asked whether the property owner of the mine has responsibility in this matter. Rich Inman, County Administrative Officer, advised that would be a separate issue from this claim and he would work with County Counsel. (M)Turpin, (S)Stetson, item 16 was approved/Ayes: Stetson, Turpin, Fritz, Pickard; Noes: Bibby.

CA-16 
Authorize Payment of Claim No. C04-12 for $11,513 to Mr. Robert Barron for Damage to his Property that Occurred as a Result of the Detonation of Explosives by Mariposa County Sheriff’s Department (County Administrative Officer); Res. 05-241

cc: File
COUNTY of MARIPOSA
P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

BOB PICKARD, CHAIR
LEE STETSON, VICE CHAIR
LYLE TURPIN
JANET BIBBY
DIANNE FRITZ

DISTRICT V
DISTRICT I
DISTRICT II
DISTRICT III
DISTRICT IV

MARIPOSA COUNTY BOARD OF SUPERVISORS
MINUTE ORDER

TO: RICH INMAN, County Administrative Officer
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: CLAIM NO. C04-12 IN THE AMOUNT OF $11,513

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on March 8, 2005

ACTION AND VOTE:

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Bibby pulled items 2 and 3. Supervisor Turpin pulled item 1. (M)Bibby, (S)Stetson, the balance of the items was approved/Ayes: Unanimous.

Consent Agenda item 2 – Supervisor Bibby initiated discussion relative to the recommendation for payment of the claim; she asked for clarification of the six months versus 180-days to respond to a claim; and as to whether there is a possibility that this would be covered by a homeowners’ policy; and as to whether the County has proof that the work was done, and in what amount. Rich Inman, County Administrative Officer, and Tom Guarino, County Counsel, responded to the questions; and Rich advised that he could bring the matter back on March 22nd. Supervisor Bibby stated she would like to see the photographs of the damage, and she would like to know whether others suffered damages in this incident. The matter was continued to be brought back with additional information.

CA-2 Adopt a Resolution Authorizing Payment in the Amount of $11,513 for Claim No. C04-12 (County Administrative Officer); Direction was given to staff to bring back more information

cc: Tom Guarino, County Counsel
File
Resolution authorizing payment in the amount of $11,513.00 for Claim No. C04-12.

Claimant sustained damage to the windows in his home as a result of the detonation of aged explosives in a nearby mineshaft by the Mariposa County Sheriff's Department and Merced Police Department Explosives Unit. The County Administrative Officer/Risk Manager recommends approval of the full amount of the claim ($11,513.00) based on information contained in the claim and a report by the Mariposa County Sheriff's Department.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The County Administrative Officer/Risk Manager has authority to settle claims up to the amount of $10,000.00 pursuant to Resolution No. 03-369.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Financial Impact? ( ) Yes (X) No Current FY Cost: $
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded
Amount in Budget: $ __________ Additional Funding Needed: $ __________
Source:
Internal Transfer
Unanticipated Revenue __________ 4/5's vote
Transfer Between Funds __________ 4/5's vote
Contingency __________ 4/5's vote
( ) General ( ) Other

List Attachments, number pages consecutively
Claim
Report by Sheriff's Department

CLERK'S USE ONLY:
Res. No.: _______ Ord. No. _______
Vote – Ayes: _______ Noes: _______
Absent: _______
( ) Approved
✓ 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
By: __________________________
Deputy

COUNTY ADMINISTRATIVE OFFICER:
✓ Requested Action Recommended
No Opinion
Comments:

CAO: ____________________________

Revised Dec. 2002
COUNTY OF MARIPOSA CLAIM FORM

CLAIM OF Robert L. Barron
(Claimant)

v.

COUNTY OF MARIPOSA

TO THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY:

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

Claimant: Robert L. Barron

Whose address is: 6985 Dogtown Rd.

City and State: Coarseville, Ca. Zip: 95311

claims damages from the COUNTY OF MARIPOSA in the amount, computed as of the date of presentation of this claim, of Oct. 4, 2004

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

< > Property Damage < > Other (LIST)

< > Personal Injury

< > Contract

which occurred on April 8th, 2004, in the vicinity of:

address listed above

(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.)

The Mariposa County set off dynamite and fertilizer at the Red Cloud Mine, blowing out the windows and frames of my building.

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

Names goes to contact: 1. Capt. Brunner

2. Undcr Sherff -966-3615
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)

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 $0
- Loss of earnings $0

Specific damages (ITEMIZE)

- [signature]
- [signature]

Other damages (ITEMIZE)

- $________
- $________

**TOTAL DAMAGES INCURRED TO DATE:** $10,013

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:** $12,013

All notices or other communications with regard to this claim should be sent to claimant at:

6975 El Cortez Rd., Chico, CA 95928

(ADDRESS TO WHICH NOTICES ARE TO BE SENT)

Dated: 9/2/2021  
Signed: Robert Harrison

(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.
Dear Linda,

As per our telephone call I want to restate that the glass in the windows was antique glass and irreplaceable. The outside trim was all clear redwood and had to be replaced. The interior oak was oak over eighty years old which had to be removed and is unusable because it is too narrow to fit around the new windows. In addition I don’t know yet if I have to take the wallpaper down form the kitchen walls because of the molding a new windows shape. The tile under the kitchen window is going to create another major problem.

I am including some pictures that may help assess the damage. Needless to say it has been an extreme inconvenience and time consuming project.

I believe we both can be thankful no one was hurt as I was standing three feet from the windows. The blast was so great the excursion sucked all of the glass out of the window. If it had been cased I am sure I may not
Hi. Here is the claim form. I apologize for sending it in the last moment.
If you need to get in touch with me, please call 209-578-3812 or 650-736-2080.

Thank you,

[Signature]

[Handwritten Name]
Subj: Closet компью in

1. Clean up of glass  8 hrs.  $6.00
2. Taping of plastic    3 hrs.  $6.00
3. Plastic cover      72 square
4. Measuring windows
5. Melting and window removal  $20.00
6. Windows
   a. Fixing up condenser  Curt. Rail.  etc.
   b. Installation of window @ 2 per $1.00 each excluding outline molding
7. Painting of windows
   a. Priming
   b. 2 coats of enamel on outside $19.00
   c. Clamp & made
8. Picture development
9. Light fixture replacement
10. No charge for fixture
11. Picture repairs (3 pictures)  $10.00
11. No charge for glass
11. Installation around windows

Total amount spent $16.013.00
Oct 1, 1974
12. Unknown possibilities:
   a. Molding (oak) interior
   b. Wallpaper replacement

Estimation $200
Dear Linda,

Enclosed are various subject areas as referred to in my letter of October 30th. The windows worked at 6985 Lighthouse Rd., Charlotte, N.C.

- No. 6 Windows: $600.00
- This is a contractor price that I purchased through a friend, including all labor.
- No. 7, 8, and 12: $500.00
- This is a bid proposal as requested
- Other expenses: $125.00

Total billing: $1,135.00

If you need to get in touch, please call:
209-878-3812
or 661-724-2030

Thank you,
Bob Benson
**Invoice**

**DATE** | **INVOICE #**  
--- | ---  
8/3/2004 | 28456

**BILL TO**

Barron Robert  
2171 St Andrews Rd  
Half Moon Bay, Ca 94019

<table>
<thead>
<tr>
<th>QUANTITY</th>
<th>DESCRIPTION</th>
<th>RATE</th>
<th>AMOUNT</th>
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<tbody>
<tr>
<td>1</td>
<td>Marvin windows for Baron Ranch</td>
<td>5,601.00</td>
<td>5,601.00</td>
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|          | Window Sales  
White Vinly windows for Half Moon Bay  
Quoted | 8,675.00 | 8,675.00 |

Paid in full  
Check # 1549

**Total**  
$8,276.00
# Invoice

**LCT Construction, Inc.**  
1657 Madeira Circle  
Petaluma, CA 94954

---

**Bill To**  
Bob Barron  
6985 Dogtown Rd.  
Coulterville, CA 95311

---

**Date** | **Invoice #**  
---|---  
02/15/2005 | Barron 1

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<tr>
<th>Item</th>
<th>Description</th>
<th>Prior Amt</th>
<th>Prior %</th>
<th>Qty</th>
<th>Rate</th>
<th>Curr %</th>
<th>Total %</th>
<th>Amount</th>
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<tr>
<td>00 Windows...</td>
<td>Installing Windows</td>
<td>10</td>
<td>200.00</td>
<td>1900.00</td>
<td>1500.00</td>
<td>100.00%</td>
<td>100.00%</td>
<td>2000.00</td>
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<tr>
<td>17 Miscella...</td>
<td>Painting windows</td>
<td>1</td>
<td>1900.00</td>
<td>1900.00</td>
<td>1900.00</td>
<td>100.00%</td>
<td>100.00%</td>
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<tr>
<td>13 Miscella...</td>
<td>Interior molding- oak and pine, wallpaper, finish work</td>
<td>1</td>
<td>1500.00</td>
<td>1500.00</td>
<td>1500.00</td>
<td>100.00%</td>
<td>100.00%</td>
<td>1500.00</td>
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Thank you for your business.

**Total**  
$5,400.00

**Payments/Credits**  
$0.00

**Balance Due**  
$5,400.00
Date: 12/02/2004

Proposal Submitted To:
Bob Barron
6985 Dogtown Rd.
Coulterville, CA 95311

Work To Be Performed At:
6985 Dogtown Road
Coulterville, CA 95311

LCT Construction, Inc. hereby proposes to perform all labor to complete the work described below in a good, workmanlike, and substantial manner:

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>TOTAL</th>
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<tbody>
<tr>
<td>7. Installation of Windows</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>$200 per window X 10 windows (includes outside molding).</td>
<td></td>
</tr>
<tr>
<td>8. Painting of Windows</td>
<td>$1,900.00</td>
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<tr>
<td>Includes priming, 2 coats of finish on outside, staining inside.</td>
<td></td>
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<tr>
<td>12. Miscellaneous:</td>
<td>$1,500.00</td>
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<tr>
<td>Molding and sills- oak and pine interior</td>
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<tr>
<td>Wallpaper Replacement</td>
<td></td>
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<tr>
<td>Finish Work</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$5,400.00</strong></td>
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</table>

If you have any questions regarding this bid, or scope of work involved, please do not hesitate to contact me.

Thank you,

Leo C. Tubbs
ROBERT BARRON
PATRICIA BARRON
2171 ST ANDREWS RD (650) 726-2080
HALF MOON BAY, CA 94019

Pay to the Order of
L. C. T. Construction

$5,400.00

Five Thousand Four Hundred Dollars

Bank of America

Date March 27-05

ROBERT BARRON
PATRICIA BARRON
2171 ST ANDREWS RD (650) 726-2080
HALF MOON BAY, CA 94019

Pay to the Order of
Cottonwood Glass

$8,375.00

Eight Thousand Three Hundred Seventy-Five Dollars

Bank of America

Date Sept. 16-05

ROBERT BARRON
PATRICIA BARRON
2171 ST ANDREWS RD (650) 726-2080
HALF MOON BAY, CA 94019

Pay to the Order of
Cottonwood Glass

$6,110.00

Six Thousand One Hundred Ten Dollars

Bank of America

Date Aug 1-04
### EXPLOSIVES

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<tr>
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<th>OTHER</th>
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<td>HAZMATS IN</td>
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<td>2nd Code Section</td>
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### Disposition

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<th>Date / Time Reported</th>
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<td>04/05/04 13:00  MON</td>
<td>04/05/04 13:00  DAY</td>
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Street Address 9821 RED CLOUD MINE ROAD , GREELEY HILL

### Reporting Office

Reporting Officer: ESINCLAIR

### NON SUSPECT(s)

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<thead>
<tr>
<th>NO</th>
<th>Name (Last, First, Middle)</th>
<th>Residential Address</th>
<th>Business Address</th>
<th>Phone</th>
<th>DOB</th>
<th>Race</th>
<th>Sex</th>
<th>Nickname</th>
<th>Approval</th>
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<tr>
<td>01</td>
<td>SCHILBER, RAY D.</td>
<td>26431 YNEZ A, TEMECULA, CA 92591</td>
<td></td>
<td>(909) 296-9424</td>
<td>07/17/46</td>
<td>W</td>
<td>M</td>
<td></td>
<td>APPROVED</td>
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<tr>
<td>02</td>
<td>PETERSON, DAVID LEE</td>
<td>9821 RED CLOUD MINE ROAD , GREELEY HILL,</td>
<td></td>
<td>(909) 699-9184</td>
<td>05/04/59</td>
<td>W</td>
<td>M</td>
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<tr>
<td>03</td>
<td>BARRON, ROBERT</td>
<td>6985 DOG TOWN ROAD , GREELEY HILL, CA</td>
<td></td>
<td>(209) 878-3812</td>
<td>06/04/30</td>
<td>M</td>
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<td>04</td>
<td>RENFRO, RICHARD</td>
<td>MERCED PD EOD</td>
<td></td>
<td>( )</td>
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<td>W</td>
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### Owner of Property

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<th>Name (Last, First, Middle)</th>
<th>Residential Address</th>
<th>Business Address</th>
<th>Phone</th>
<th>DOB</th>
<th>Race</th>
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### Care Taker Red Cloud Mine

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<tr>
<th>Name (Last, First, Middle)</th>
<th>Residential Address</th>
<th>Business Address</th>
<th>Phone</th>
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<th>Sex</th>
<th>Nickname</th>
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### Citation

- NCP 14
- 10/6/2004
- 4:41:57PM
- Print Date/Time
- Controlled Document, Duplication of Re-issuance Controlled by Law.
CASE NARRATIVE

Synopsis:

On 4-5-04, while operating on an anonymous report of suspicious activity at the Red Cloud Mine, a large amount of explosives were found in a mineshift located on the property. The entrance to the mineshift was unsecured and a large amount of what appeared to be dynamite was situated near the entrance.

On 4-7-04, Merced Police Department Explosives Unit arrived at the above location, and evaluated how to safely dispose of the dynamite. While evaluating the area, a large amount of “Amfo” was found further inside the mineshift.

After evaluating the scene it was determined that the only safe way to dispose of the dynamite and “Amfo” was to detonate it in place.

Using the Reverse 911 system residences in the area were informed of the operation, and that a large explosion was to be heard in the area. Personal contact was made with residence in the nearby area.

At approx. 1400 hours, the explosives were detonated in the mineshift.

Details:

On 4-5-04, while operating on an anonymous report of suspicious activity at the Red Cloud Mine located in Mariposa County, Sergeant Jones, Detectives Sarno, Estep, and I located a unsecured mineshift on westerly portion of the property. Upon examining the mineshift, a large amount of what appeared to be aged dynamite was situated near the entrance.

On 4-7-04, Sergeant Jones contacted Merced Police Department Explosives Unit and explained to them the discovery of the dynamite. They then stated that they would respond and assist with the disposal of the dynamite.

At approx. 1000 hours, I spoke with Ray Schilber, the owner of the property where the mineshift was situated. I explained to Mr. Schilber that there had been dynamite discovered near the entrance of the mineshift, and the shaft was not secured, causing a potentially serious hazard. Mr. Schilber then gave permission to enter the property to dispose of the dynamite.

At approx. 1045 hours, Merced Police Department Explosives Unit and myself arrived at the Red Cloud Mine. I directed the Unit members to the mineshift where they confirmed the substance near the entrance of the mineshift was in fact aged dynamite. They continued to evaluate the area, and then discovered a large amount of “Amfo” further inside the mineshift.

After evaluating the scene, it was determined that the only safe way to dispose of the dynamite and “Amfo” was to detonate it in place.

I then re-contacted Mr. Schilber and informed him of the discovery of the “Amfo”. I explained that it along with the dynamite it had to be disposed of. I explained to Mr. Schilber that the only safe way to dispose of the dynamite and “Amfo” was to detonate it in place. Mr.
Schilber stated that he understood and stated however the items needed to be disposed of to
due so.

I informed Mariposa County Sheriff's dispatch and informed them of the finding and
explained that the items were going to have to be detonated in place. Using the Reverse 911
System, residences in the immediate, and outlying areas were informed of the operation and
that a large explosion was going to be heard in the area.

Deputy Robinson then traveled to the Barron residence situated at 6985 Dogtown Road,
which was situated South West of the Red Cloud Mine property. Deputy Robinson informed the
residence in person that a large explosion was going to happen at the mine and they told him
that they had received the Reverse 911 call earlier.

Mariposa County Fire Department was contacted and a fire apparatus was dispatched to
stage in the area.

At approx. 1400 hours, the disposal of the dynamite and "Amfo" was completed, causing
a large explosion.

Shortly after the detonation, Mr. Barrow arrived at our location. Mr. Barrow appeared to
be upset and stated that several windows at his residence were damaged due to the force of the
explosion and wished to speak with the person in charge. I began speaking with Mr. Barrow
where he told me that several windows in at his residence were damaged and wanted to know
what action should be taken.

After speaking with my supervisor I provided Mr. Barrow with the Mariposa County
Sheriff's Department's phone number, as well as who to contact in regards to the damage at his
residence.

Deputy Paige later responded to Mr. Barrow's residence to document the reported
damage to the windows. Refer to Deputy Paige's supplemental report.

Recommendations:

For review and hold for Deputy Paige's supplemental report.

Follow-up:

☐ Attachments:
On 040704 I, Deputy Fred Paige, contacted Robert Barron at his residence, 6985 Dogtown Road. He showed me the five windows in one residence and one window in another residence that were broken when the dynamite was blown up. Robert then took me into the first residence. He showed me several pictures that were knocked off of the wall. The glass was broken on the frames. He then took me into the second residence and showed me several pictures that fell off of the wall. In the kitchen the globe was broken on one of the ceiling lights. I took photographs of the broken items.

I gave Robert the Mariposa County Property Damage Claim form and told him to fill out the form, attach all of his receipts for the repairs and turn it into the Board of Supervisors Office.

Approved: CPT.BINNEWIES

Date/Time: 04/08/2004 08:32