**MARIPOSA COUNTY**

**BOARD OF SUPERVISORS**

**AGENDA**

**ACTION FORM**

**DATE:** 8-21-01

**DEPARTMENT:** County Counsel

**BY:** Jeffrey G. Green

**PHONE:** 966-3222

**AGENDA ITEM NO.: CA-7**

---

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

Authorize Chair to sign an Order of the Board to reject Claim No. C01-5 in the amount of $50,000. Claimant is alleging that the County is liable for approving the construction of a bridge on the claimant’s property and the acceptance into the County road system. Counsel is requesting denial of this claim for reasons that the County has no liability in this matter in addition to the claim not being filed timely.

---

**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.

---

**COSTS:**

<table>
<thead>
<tr>
<th>x</th>
<th>Budgeted current FY</th>
<th>$</th>
<th>Total anticipated costs</th>
<th>$</th>
<th>Required additional funding</th>
<th>$</th>
<th>Internal transfers</th>
<th>$</th>
</tr>
</thead>
</table>

**SOURCE:**

<table>
<thead>
<tr>
<th>x</th>
<th>4/5ths Vote Required</th>
<th>$</th>
<th>Unanticipated revenues</th>
<th>$</th>
<th>Reserve for contingencies</th>
<th>$</th>
<th>Source description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance in Reserve for Contingencies, if approved</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

**SPECIAL INSTRUCTIONS:**

List the attachments and number the pages consecutively:

---

**ADMINISTRATIVE OFFICER'S RECOMMENDATION:**

This item on agenda as:

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

Comment:

---

**CLERK’S USE ONLY:**

Res. No.: [01-239]

Vote - Ayes: Absent: Abstained: [ ] Approved [ ] Denied

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

[Signature]

A.O. Initials: [Signature]

Action Form Revised 5/92
COUNTY OF MARIPOSA CLAIM FORM

CLAIM OF NADEAN PETERSON (Claimant)

v.

COUNTY OF MARIPOSA

CLAIM FOR PERSONAL INJURY AND/OR PROPERTY DAMAGE (Government Code § 910)

TO THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY:

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

Claimant: NADEAN PETERSON

Whose address is: 3972 B SILVER BANK

City and State: MARIPOSA CA Zip: 95338

claims damages from the COUNTY OF MARIPOSA in the amount, computed as of the date of presentation of this claim, of $______________.

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

< X> Property Damage < X> Other (LIST)

< > Personal Injury BREACH OF EASEMENT

< > Contract __________________________

which occurred on DECEMBER 19, 2000, in the vicinity of:

3972 B SILVER BANK MARIPOSA CA

(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.)

COUNTY OF MARIPOSA APPROVED THE CONSTRUCTION
OF A BRIDGE ON THE CLAIMANT'S PROPERTY AND
ACCEPTED IT INTO THE COUNTY ROAD SYSTEM

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

UNKNOWN.
The injuries sustained by claimant, as far as known, as of the date of presentation of this claim consist of: *(DESCRIPT GENERALLY CLAIMANT'S INJURIES OR DAMAGES)*

**THE EASEMENT FOR INGRESS AND EGRESS HAS BEEN BREACHED BY INCREASING THE BURDEN ON THE CLAIMANT'S PROPERTY AND DECREASING ITS VALUE.**

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)*

Breach of easement $50,000

**Other damages** *(ITEMIZE)*

$______

$______

**TOTAL DAMAGES INCURRED TO DATE:** $______

Estimated future damages as far as known from this incident:

Total estimated prospective damages: $**UNKNOWN AT THIS TIME**

**TOTAL AMOUNT CLAIMED AS OF DATE OF PRESENTATION OF THIS CLAIM:** $50,000

All notices or other communications with regard to this claim should be sent to claimant at: **WILLIAM FEDURO ATTORNEY AT LAW**

(address to which notices are to be sent)

Dated: 7-27-01 Signed: **[Signature]**

(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. 01-5

NADEAN PETERSON, 3972-B Silver Bar Road, Mariposa, California, having filed with this Board on August 2, 2001, a claim for damages in the amount of $50,000.

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
NOES: None
ABSENT: Balmain
ABSTAINED: None

Dated this 21st day of August, 2001.

DOUG BALMAIN, Chair
DOUG BALMAIN, Chair
Board of Supervisors

ATTEST:

MARGIE WILLIAMS, Clerk of the Board
TO: William Fjellbo, Esq.
47948 Seminole Avenue
Coarsegold, California 93614

RE: CLAIM FOR DAMAGES (Nadean Peterson-Claim No. C01-5)
AMOUNT OF CLAIM: $50,000
NOTICE OF REJECTION

NOTICE IS HEREBY GIVEN that the claim, which you presented to the Board of Supervisors of Mariposa County on August 2, 2001 was rejected by action of the Board on August 21, 2001.

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 August 30, 2001, 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:

William Fjellbo, Esq.
47948 Seminole Avenue
Coarsegold, California 93614

I declare, under penalty of perjury, that the foregoing is true and correct. Executed on August 30, 2001 at Mariposa, California.

Rhonda Scherr

Rhonda Scherr