RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No x )
Pass and adopt this Resolution approving Claim No. C92-22 in the amount of $404.17 for repair of a Pacific Bell telephone cable which was cut during the repair of a culvert on October 8, 1992. Further authorize Auditor to draw warrant, upon approval by the Board, in the amount of $404.17 made payable to Pacific Bell. Warrant should be forwarded to County Counsel’s office for processing to claimant. Based upon the attached memorandum to Counsel from the Deputy Director of Roads, it appears that this is a reasonable claim and the County does have some liability in this matter.

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:
Claim would automatically be denied if no action is taken.

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COST: ( ) Not Applicable
A. Budgeted current FY $________
B. Total anticipated costs $________
C. Required add'l funding $________
D. Internal Transfers $________

SOURCE: ( ) 4/5ths Vote Required
A. Unanticipated revenues $________
C. Reserve for contngencies $________
D. Source Description:____________________

Balance in Reserve for Contingencies, if approved: $________

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CLERK’S USE ONLY:
Res. No.: #3-7 Ord. No.: ________
Vote: Ayes: ________ Noes: ________
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 of Supervisors
County of Mariposa, State of Calif.
By: ________________________________

Deputy

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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: __________________________

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For Auditor's Use Only: Account #014-100-2-501
CLAIM AGAINST THE County of Mariposa

Pacific Bell presents a claim for damages against the County of Mariposa as provided in Government Code Section 900 et seq.

CLAIMANT'S ADDRESS:

Pacific Bell
1400 Burlingame Ave, Rm 449
Burlingame, CA 94010

DATE OF OCCURRENCE:

10-8-92

LOCATION:

Greeley Hill Rd, between Park Circle Entrance & Exit, Coulterville

CIRCUMSTANCES GIVING RISE TO THE CLAIM:

While digging with backhoe to expose culvert to repair, the road department cut a 200 pair cable

DESCRIPTION & ITEMIZATION OF DAMAGE:

Buried 200 Cable

NAME(S) OF PERSON(S) CAUSING DAMAGE:

Billy Slaughter

AMOUNT OF CLAIM

$204.17

DATE OF CLAIM:

December 18, 1992

PACIFIC BELL CLAIM NUMBER:

2B246-1048

M.C. DRAKE
AREA CLAIMS MANAGER
209-454-3621
FOR THE COST OF REPAIR TO PACIFIC BELL
PLANT FACILITIES DAMAGED AT
LOCATION:
GRIELEY RD BTW PARK CIRCLE ENTR & EXIT COULTRVL
DATE OF DAMAGE: 10/08/92

ADDITIONAL INFORMATION CONTACT:
M C DRAKE
209 454-3621

CHARGES:
PACIFIC BELL LABOR 6.50 HOURS $404.17

TOTAL AMOUNT DUE $404.17

BC 046
AC 000

Pacific Bell
WORK DETAIL FOR CWBO 46CR121048

COUNTY OF MARIPOSA
P O BOX 247
MARIPOSA, CA 95338

FOR THE COST OF REPAIR TO PACIFIC BELL
PLANT FACILITIES DAMAGED AT
LOCATION:
  GREELEY RD BTW PARK CIRCLE ENTR & EXIT COULTRVLE
DATE OF DAMAGE: 10/08/92

<table>
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<th>DATE</th>
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<th>REGULAR AND EXTRA HRS</th>
<th>HOURLY RATE</th>
<th>SUB-TOTAL</th>
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<td>1.50 5.00</td>
<td>$62.18</td>
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LABOR/ENGINEERING TOTAL  $404.17

TOTAL AMOUNT DUE  $404.17
MEMORANDUM

TO: Jeff Green, County Counsel
FROM: Bob Johnson, Deputy Director, Roads
DATE: January 19, 1993
SUBJECT: Claim No.'s C92-22 and C92-23

The cable was damaged by the road crew while cleaning out a plugged culvert. Although the cable was not the required 30" deep, the County Road Division accepts the responsibility for the damaged cable.

However, regarding Claim No. C92-23, we were acting as agent for Pacific Bell in exposing the cable for permanent repairs. I don't feel we should be held responsible for this claim.

dp