

MARIPOSA COUNTY
BOARD OF SUPERVISORS

AGENDA
ACTION FORM

DATE: April 14, 1992
AGENDA ITEM NO. CA9

DEPT.: COUNTY COUNSEL

BY: JEFFREY G. GREEN

PHONE: 966-3625

RECOMMENDED ACTION AND JUSTIFICATION:

(Policy Item: Yes ___ No x)

Pass and adopt this Resolution authorizing the Chairperson to sign order of the Board to reject Claim No. C92-10 which was filed with this Board on April 7, 1992 in the amount of \$50,000.00. Counsel recommends denial of the claim due to the fact the accident that the claimant was involved in occurred on a State route. Counsel does not believe that the County has any 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 was taken.

COST: () Not Applicable
A. Budgeted current FY \$ _____
B. Total anticipated costs \$ _____
C. Required add'l funding \$ _____
D. Source: _____

SPECIAL INSTRUCTIONS:

List the attachments and number the pages consecutively:

Claim No. C92-10

SOURCE: () 4/5ths Vote Required
A. Internal transfers \$ _____
B. Unanticipated revenues \$ _____
C. Reserve for contingency \$ _____
D. Description: _____
Balance in Reserve for Contingencies,
if approved: \$ _____

CLERK'S USE ONLY:

Resolution No. 92-186
Ordinance No. _____
Vote: Ayes: 4 Noes: _____
Absent: 1 Abstained: _____
(4) Approved () Denied
() Minute Order Attached

ADMINISTRATIVE OFFICER'S
RECOMMENDATION:

This item on agenda as:

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

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

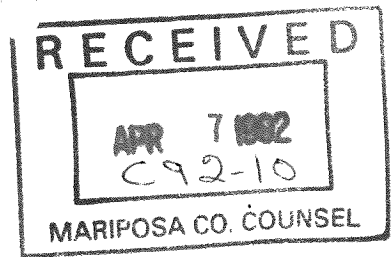
DATE: _____

ATTEST: MARGIE WILLIAMS
Clerk of the Board of Supervisors
County of Mariposa, State of Calif.

By: _____
Deputy

Comment: _____

A.O. Initials: JWG / JYM



CLAIM AGAINST Mariposa County

1. Claimant's Name John Clark Telephone (209) 966-6427
2. Claimant's Address P.O. Box 153 Cathey's Valley, CA 95306 Birthdate 2/27/62
3. Address Where Notices Are To Be Sent 2180 Harvard Street, Sacramento, CA 95815
4. Amount of Claim \$50,000.00 Date of Accident 10/7/91
5. Place of Accident S.R. 140 at S.R. 49 N.
6. How Did Accident Happen Traffic which was being directed by a Cal Trans flagman was negligently directed causing claimant and another vehicle to collide.
7. Describe Injury or Damage Soft tissue neck and shoulder injury
8. Name of Public Employee(s) Causing Injury or Damage, if Known Ronald Dubs
9. List Expenses or Other Items of Your Claim

<u>Medical Specials</u>	<u>\$ Unknown</u>
<u>General</u>	<u>\$ Unknown</u>
<u>Loss of Wages</u>	<u>\$ Unknown</u>
<u>Transportation</u>	<u>\$ Unknown</u>
<u>Pain and Suffering</u>	<u>\$ Unknown</u>
TOTAL	<u>\$ 50,000.00</u>

Signed by or for Claimant

John Clark

Dated: 4/3/92

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PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA)
) ss
COUNTY OF SACRAMENTO)

I declare that I am employed in the County of Sacramento, California. I am over the age of eighteen years and not a party to the within cause. My business address is 2180 Harvard Street, Suite 200, Sacramento, California 95815.

On April 3 , 1992 , I served the within Claim against Mariposa County

in said cause to each of the following parties, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail of Sacramento, California, addressed as follows:

Mariposa County
County Clerks Office
P.O. Box 247
Mariposa, CA 95338

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 3 , 1992 , at Sacramento, California.


Rita DeAngelis, Legal Assistant

1 JEFFREY G. GREEN
2 County Counsel
3 Courthouse
4 Mariposa, California

5
6 BEFORE THE BOARD OF SUPERVISORS

7 OF

8 MARIPOSA COUNTY, STATE OF CALIFORNIA

9 In the Matter of:)
10 CLAIM FOR DAMAGES)
11 PURSUANT TO GOVERNMENT CODE)
SECTION 911.6)

12 John Clark
c/o Jacoby and Meyers

13 2180 Harvard St.

14 Sacramento, CA 95815

15 having filed with this Board on April 7, 1992 a claim
16 for damages in the amount of \$ 50,000;

17 NOW, THEREFORE, it is ordered by the Board of Super-
18 visors that the claim is hereby REJECTED.



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

21 AYES: BAGGETT, PUNTE, ERICKSON, RADANOVICH
22 NOES: NONE
23 ABSENT: TABER
ABSTAINED: NONE

24 Dated this 14th day of April, 1992 .

25
26 ATTEST:


27 SALLY S. PUNTE, Chairperson
28 Board of Supervisors


28 MARGIE WILLIAMS, Clerk of the Board


TO: John Clark
c/o Jacoby and Meyers
2180 Harvard St.
Sacramento, CA 95815

RE: CLAIM FOR DAMAGES, NOTICE OF REJECTION

NOTICE IS HEREBY GIVEN that the claim which you presented to the Board of Supervisors of Mariposa County on April 7, 1992, was rejected by action of the Board on April 14, 1992.

"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 Section 945.6.)

"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:

P. O. Box 189, (5160 Bullion St.) Mariposa, CA 95338

On April 16, 1992, I served the within Notice of Rejection of Claim No. C92-10

on the claimant in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Mariposa, California addressed as follows:

John Clark
c/o Jacoby and Myers
2180 Harvard St.
Sacramento, CA 95815

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on 4/16/92, at Mariposa California.

Sandra V. Adams
Sandra V. Adams