

MARIPOSA COUNTY  
BOARD OF SUPERVISORS

AGENDA  
ACTION FORM

DATE: 4/9/91  
AGENDA ITEM NO. RA 7

DEPT.: COUNTY COUNSEL

BY: JEFFREY G. GREEN

PHONE: 966-3625

RECOMMENDED ACTION AND JUSTIFICATION:

Resolution authorizing Chairman to sign Notice of Rejection for Claim C91-3.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Board usually follows Counsel's recommendations in these matters.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Claim would 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: \_\_\_\_\_

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

SPECIAL INSTRUCTIONS:  
List the attachments and number the  
pages consecutively:  
Attachments - 9 pages  
Pages 1-2 Notice of Rejection  
3-8 Claim No. 91-3  
9 Probation letter

CLERK'S USE ONLY:  
Resolution No. 91-140  
Ordinance No. \_\_\_\_\_  
Vote: Ayes: 4 Noes: \_\_\_\_\_  
mw Absent: Rodriguez Abstained: \_\_\_\_\_  
Approved ( ) Denied  
( ) Minute Order Attached

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

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: mw / by mw



**JEFFREY G. GREEN**  
County Counsel  
(209) 966-3625

County Courthouse  
P. O. Box 189  
Mariposa, CA 95338

**The County Counsel**  
**MARIPOSA COUNTY**

April 3, 1991

To: Board of Supervisors  
John W. McCamman, Administrative Officer

From: Jeffrey G. Green, County Counsel

Re: Claim No. 91-3 - NOTICE OF REJECTION

Dear Board Members and John:

You will find attached copies of the following:

- |    |                                  |       |       |
|----|----------------------------------|-------|-------|
| 1. | Notice of Rejection of Claim     | Pages | 1 - 2 |
| 2. | Claim No. 91-3                   | "     | 3 - 8 |
| 3. | Letter from Probation Department | Page  | 9     |

In regard to the above-captioned claim, I have discussed this matter with the Chief Probation Officer and have been informed that neither the Probation Department nor the Human Services Department had any prior knowledge of the individual, associated with this incident, being involved in setting fires. Therefore, there is no basis for liability of the County relative to this fire. My recommendation to the Board is to deny Claim No. 91-3.

Further, I have requested an explanation of the Deputy's statements to the fire investigator, but as of this date I have received no information from the Deputy.

Respectfully submitted,

Jeffrey G. Green  
County Counsel

cb

attch/as stated

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 California Department of Forestry & Fire Protection

13 5366 Highway 49 North

14 Mariposa, CA 95338

15 having filed with this Board on March 14, 1991 a claim  
16 for damages in the amount of \$ 1,113.68;

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, TABER  
22 NOES: NONE  
23 ABSENT: RADANOVICH  
24 ABSTAINED: NONE

25 Dated this 9th day of April, 1991.

26 ATTEST:

GEORGE P. RADANOVICH, Chairman  
Board of Supervisors

27 Margie Williams  
28 MARGIE WILLIAMS, Clerk of the Board

BY Kelly L. White  
VICE CHAIRMAN

California Department of Forestry

TO: and Fire Protection  
5366 Highway 49 North  
Mariposa, CA 95338

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 March 14, 1991, was rejected by action of the Board on April 9, 1991.

"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:

5088 Bullion Street, (P. O. Box 189) Mariposa, CA 95338

On April 16, 1991, I served the within

Notice of Rejection of Claim

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:

California Department of Forestry and Fire Protection  
5366 Highway 49 North  
Mariposa, CA 95338

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

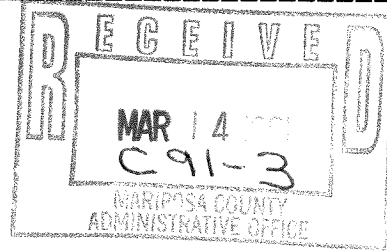
Executed on April 16, 1991, at Mariposa, California.



STATE OF CALIFORNIA-THE RESOURCES AGENCY

GEORGE DEUKMEJIAN, GOVERNOR

DEPARTMENT OF FORESTRY  
AND FIRE PROTECTION  
MADERA-MARIPOSA-MERCED RANGER UNIT  
5366 Highway 49 North  
Mariposa, CA 95338  
(209) 966-3622



March 6, 1991

Mariposa County Board of Supervisors  
Post Office Box 784  
Mariposa, CA 95338

Incident #: MMU 5928  
Fire Name : MIDPINES  
Fire # :

Attached is the Fire Activity Cost Report (Form FC-40) covering a fire suppressed by the Department of Forestry and Fire Protection on August 17, 1990. The Department of Forestry and Fire Protection expended \$1,113.68 suppressing and investigating this fire. The fire was caused by negligence and/or violation of law:

Health & Safety Code 13001, Causing a Fire

Health and Safety Codes (H&SC) 13007-13009 provide for the recovery of the cost of suppressing such fires. H&SC 13009.1 provides for the recovery of investigation and administrative costs of such fires when negligence or violation of law is the cause, as in this case.

Demand is hereby made for the above sum of \$1,113.68. The State is entitled to interest on the above sum from the date of receipt of this letter. We will forego this interest provided payment is received within 30 days of the date of this letter.

A check or money order may be made payable to the California Department of Forestry and Fire Protection and mailed to: Attention: Fire Prevention, California Department of Forestry and Fire Protection, 5366 Highway 49 North, Mariposa, CA 95338. If you have any questions, please direct them to Pete Marquez, Law Enforcement Supervisor at: (209) 966-3622.

Sincerely,

*Gary Gilbert*  
GARY GILBERT  
Ranger Unit Chief  
Madera-Mariposa-Merced Ranger Unit

PM/bls

Attachments

cc: Finance

County of Mariposa Claim Form

California Department of Forestry  
Claim of and Fire Protection )  
(Claimant) )  
v. )  
COUNTY OF MARIPOSA )  
\_\_\_\_\_ )

CLAIM FOR PERSONAL  
INJURIES AND/OR PROPERTY  
DAMAGES  
(SECTION 910 OF THE  
GOVERNMENT CODE)

To the BOARD OF SUPERVISORS OF MARIPOSA COUNTY:

You are hereby notified that: (Please print)

Claimant: California Department of Forestry & Fire Protection

Whose address is: 5366 Highway 49 North

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 \$1113.68

This claim is based on (check appropriate box or boxes)

Property Damage

Other (list)

Personal Injury

Fire Cost Recovery

Contract

which occurred on August 17, 1990, in the vicinity of:  
(month) (day)

6242 Highway 140, Midpines, 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.)

See attached report.

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

Mariposa County Probation Department

# 4



ACTIVITY COST REPORT

1. MASTER ADDRESS		3. SUPPORTING DOCUMENTS ATTACHED			4.		5. CIVIL LIABILITY	
FORM REGION RU DO INCA	NO DAY YRS	FC 40A	FC11	FC77				
140 4	2 23MMU-5928 8 17 90	FC 40B	FC81	FC34				
		FC 40C	FL&D	FC101				
2. INCIDENT NAME MIDPINES							6. AGREEMENT REIMBURSEMENT	

7. CDF PUMPING EQUIPMENT (A)

SIZE	NO	TOT PUMP HR	RATE/HR.	AMOUNT
+250	4	6	X 20.50	= 123.00
-250			X	=
Sub-Total(A)				\$123.00

9. CDF HOURLY EQUIPMENT (C)

UNITS	HOURS	TOT-HR	COST	DAYS	TOT-DY	COST
1	3	8.25				
Sub-Total(C)						\$ 8.25

8. CDF VEHICLE MILEAGE & DAILY RATE (B)

NO.	TOTAL MILES	TOTAL AMOUNT
7	92	115.64
NO.	TOTAL DAYS	TOTAL AMOUNT
6	6	128.09
Sub-Total(B)		\$ 243.73

10. REGULAR DEPARTMENT PAYROLL (D)

STRAIGHT TIME HOURS	AMOUNT
67	393.16
OVERTIME HOURS	AMOUNT
Sub-Total(D) \$ 393.16	

11. SUMMARY OF COSTS

(A) CDF PUMPING EQUIPMENT	123.00	
(B) CDF VEHICLE MILEAGE & DAILY RATE	243.73	
(C) CDF HOURLY EQUIPMENT - HOURS & DAILY RATE	8.25	
(D) REGULAR PAYROLL	393.16	
(E) CONTRACT LABOR WAGES		
(F) PICK-UP LABOR WAGES		
(G) CDF TOOL/EQUIPMENT LOSS		
(H) RENTED EQUIPMENT		
(I) CONTRACT EQUIPMENT		
(J) FIRE RETARDANT		
(K) ACTIVITY SUPPORT PURCHASES		
(L) OTHER AGENCY	234.00	
(M) CLAIM SCHEDULE		
SUB-TOTAL		1002.14
ADMINISTRATIVE CHARGE	11.130	111.54
GRAND TOTAL		\$ 1113.68

12. UNIT PREPARATION

The costs listed on this report are true to the best of my knowledge and belief. They have been prepared from original documents and invoices.

NAME	PHONE	TITLE	DATE

13. CONFIRMATION OF ACTIVITY SUPERVISOR

Costs and supporting data have been reviewed. The costs shown above were necessary expenditures made in accordance with existing instructions.

NAME	PHONE	TITLE	DATE
FPOJ	317/91		

14. ACCOUNTING CERTIFICATION

The rates shown for items 7-11 and extensions thereof are correct. All totals shown above are arithmetically correct.

NAME	PHONE	TITLE	DATE
Sandy Chase	209 966-3622		
Dr. Noel Clark	316/91		



STATE OF CALIFORNIA - DEPARTMENT OF FORESTRY AND FIRE PROTECTION  
SUPPLEMENTARY INVESTIGATION REPORT

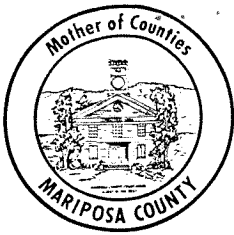
1. <u>Master Address</u> 71A-4-2-2	2. <u>Originator's Case Number</u> 90-422-5928	
3. <u>Fire or Case Name</u> Brown	4. <u>Offense</u> PC 452(c)	5. <u>Period Covered by Report</u> 08-17-90

On August 17, 1990 at 1125 hours, the Mariposa Emergency Command Center received a call on "911" of a vegetation fire at 6242 Highway 140, Midpines, in Mariposa County. The Command Center operator received information from the reporting party that a juvenile may have been responsible for setting the fire. I was dispatched to the fire at 1134 hours. I arrived at scene at 1142 hours and met with Battalion Chief Lee Winton. Chief Winton informed me the fire had been contained at approximately 1/3 of an acre. I walked to the Rawls residence located at 6242 Highway 140. I noticed there had been a small grass fire next to the residence. I contacted Mrs. Barbara Rawls and asked her if she had any idea of how the fire had started. She stated she thought she knew who had started the fire. Mrs. Rawls walked to the rear of the residence and returned with a male juvenile. The juvenile identified himself as William Jonathan Brown. He stated his date of birth as May 6, 1979. I asked him to come outside on the porch so we could talk about what had happened. I asked him if he knew how the fire had started. He stated he was down by the creek and he had one match. Jonathan stated the match didn't have a white head on it and he didn't think it would light. He said he rubbed the match on a rock and it lit, at which time he dropped it in the grass which caught fire. He stated he threw

grass on the fire to put it out but it only got worse. At that point he ran to the house and reported the fire. I asked him where he got the match. He stated he picked it up off of the floor in the house. I asked him if he knew how the fire next to the house started. He stated he didn't know that fire had started.

At approximately 1210 hours, Mrs. Rawls called the Mariposa County Probation Department. She told me the lady from Probation wanted to talk to me. I explained to the lady what had happened and I felt Jonathan should not be left at the foster home. She agreed with me and asked if I could transport Jonathan to her office. I agreed to transport Jonathan to the County Probation Office. At that point in time Deputy Kathy Sarno arrived at the house. I briefed her on what had happened. Deputy Sarno told me her Department had dealt with Jonathan before on other fires he had started. Deputy Sarno said she would transport Jonathan to the Probation Department. In talking with Mrs. Rawls, I learned she had not been informed by Probation that Jonathan was a fire setter. I left the scene at 1227 hours and returned to my office in Mariposa.

BEN NUNLEY  
Fire Investigator



## PROBATION DEPARTMENT

James W. Moffett, Chief Probation Officer

DATE: March 22, 1991

TO: JEFF GREEN  
COUNTY COUNSEL

FROM: JAMES W. MOFFETT  
CHIEF PROBATION OFFICER

RE: CLAIM OF CALIFORNIA DEPARTMENT  
OF FORESTRY, GARY GILBERT

I have reviewed the claim and reports associated with the August 17, 1990, brush fire in Midpines. The fire was started by a Juvenile Court ward, \_\_\_\_\_, while he was in foster placement.

William B. first came to the attention of this office on 7/9/90 as the result of a report alleging vandalism and burglary. Pending the disposition of that matter, the eleven year old minor was placed in a foster home in Midpines. While detained there, the minor, on 8/17/90, started a brush fire near the foster home. He eventually admitted this, together with the original burglary allegation.

The minor was placed on probation with restitution ordered. \_\_\_\_\_ and his parents would be responsible for the cost of suppression of this fire, within their ability to do so.

Contrary to the report of Investigator Nunley, this office had no information about \_\_\_\_\_ proclivities toward fire setting, prior to this incident. Additionally, lengthy diagnostic and psychological reports concerning \_\_\_\_\_, contained in our case file, fail to mention a fire setting problem. Further, I am informed that Mariposa County Child Protective Services had dealt with this minor prior to probation's involvements and they also were apparently unaware of a fire setting history.

If I can be of further assistance, please do not hesitate to call.