

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 Chairman to sign order of the Board to reject Claim No. C91-15 which was filed with this Board on October 18, 1991. Claimant contends that this claim is based on an improper building inspection which occurred on June 14, 1978. Counsel recommends denial of the claim due to the fact it was not timely filed. Furthermore, Counsel does not believe that the County has any liability in this matter. A copy of a letter from the Planning Director to Counsel detailing a record of the building inspections for this particular dwelling is attached hereto.

**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. C91-15  
Planning Director Letter

**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. 91-544  
Ordinance No. \_\_\_\_\_  
Vote: Ayes: 3 Noes: \_\_\_\_\_  
Absent: Parsons; Abstained: \_\_\_\_\_  
KWS Approved Tabor ( ) 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: AP

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 David A. & Eileen M. Peters

13 1958 Catalina Dr.

14 Santa Cruz, CA 95062

15 having filed with this Board on October 18, 1991 a claim  
16 for damages in the amount of \$ 25,000.00;

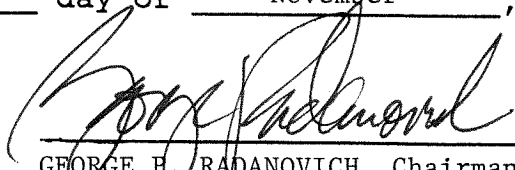
17 NOW, THEREFORE, it is ordered by the Board of Super-  
18 visors that the claim is hereby REJECTED.

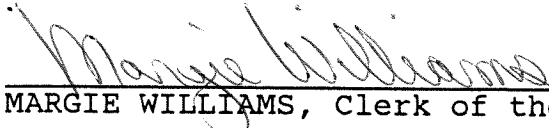
19 The foregoing order was passed by the following vote of  
20 the Board:

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

25 Dated this 12th day of November, 1991.

26 ATTEST:

27   
28 GEORGE H. RADANOVICH, Chairman  
Board of Supervisors

27   
28 MARGIE WILLIAMS, Clerk of the Board

TO: David A. & Eileen M. Peters  
1958 Catalina Dr.  
Santa Cruz, CA 95062

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 October 18, 1991, was rejected by action of the Board on November 12, 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:

5160 Bullion Street, P. O. Box 189, Mariposa, CA 95338

On November 18, 1991, I served the within Notice of Rejection for Claim C91-15

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:

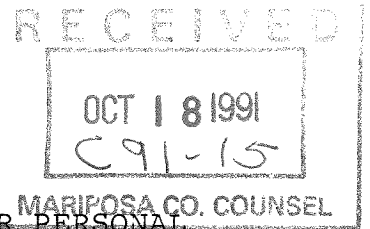
David A. & Eileen M. Peters  
1958 Catalina Dr.  
Santa Cruz, CA 95062

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

Executed on November 18, 1991, at Mariposa California.

Sandra V. Adams  
Sandra V. Adams

County of Mariposa Claim Form



Claim of DAVID A. & EINEEN M. PETERS )  
(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: DAVID A. & EINEEN M. PETERS

Whose address is: 1958 CATALINA DRIVE

City and State: SANTA CRUZ, CA. Zip: 95062

claims damages from the COUNTY OF MARIPOSA in the amount, computed as of the date of presentation of this claim, of \$ 25,000.00

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

Property Damage

Other (list)

Personal Injury

Improper Building  
Inspection

Contract

which occurred on JUNE 14, 1978, in the vicinity of:

5676 PILOT PEAK RD. 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.)

IN MAY OF 1978 WE PURCHASED A HOME THAT WAS AS YET UNCOMPLETED. ONE OF THE CONDITIONS OF THE PURCHASE AGREEMENT WAS THAT IT WAS TO HAVE FINAL INSPECTION BEFORE WE TOOK POSSESSION. THE FINAL WAS GIVEN ON JUNE 14, 1978, AND WE TOOK POSSESSION SHORTLY THEREAFTER.

WE HAVE USED THE HOME AS A RENTAL, AND OVER THE YEARS I HAVE MADE MANY THAT I SHOULD HAVE HAD TO (THE DECK FELL DOWN AFTER TWO YEARS, NO WATER SHUT OFF VALVES AT PLUMBING FIXTURES, TO NAME A FEW). - SEE BACK PAGE

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

MARIPOSA COUNTY BUILDING DEPARTMENT

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:) ESTIMATED COST OF REPAIRS TO MAKE IT A SAFE BUILDING

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 (RENT) \$ 1,275

Specific damages (itemize)  
LOST OR REPAIRS (EST.) \$ 23,000

Other damages (itemize)

Total damages incurred to date: \$ 1,275

Estimated future damages as far as known from this incident:

Total estimated prospective damages: \$ 23,000

TOTAL AMOUNT CLAIMED AS OF DATE OF PRESENTATION OF THIS CLAIM: \$ 23,000

All notices or other communications with regard to this claim should be sent to claimant at: 1958 CATALINA DRIVE  
SANTA CRUZ, CA 95062  
(address to which notices are to be sent)

Dated: Oct 18, 1991 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 Section 915) of this chapter not later than the 100th day 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 Section 915) of this chapter not later than one year after the accrual of the cause of action.

Closed - 6-15-78

H# 58

~~Mobile Home~~ Re-inspection Date Open-5-24-77

Owner: PHIPPS, PASTOR & MRS. QUINCY

Location: Lot 323 Ponderosa Basin

Type: New Dwelling

Applicant: as above

Address: AS above

6-20-77 - OK to pour foundation

6-30-77 - Remainder of Footings OK by Tom

9-22-77 - Questions on plumbing by Tom. and John

9-29-77 - Close in - OK

10-3-77 - RE-INSPECTION OK by Tom

~~M/H Re-inspection~~

10-20-77 - MAIN SERVICE OK - GAVE BLUE TAG

6-5-78 - Final - notes many violations, Gas water heater in Bathroom, no stove, Deck not built right. by Tom

6-8-78 - Final - notes wood stove does not have

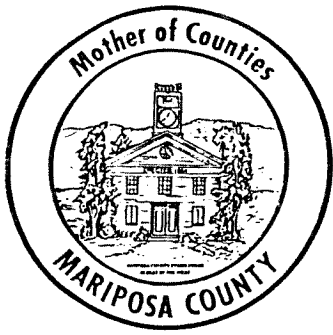
non combustible floor - GFI in bath not

complete - Deck railing not strong enough - BX

type wiring installed underground to wash house, by Tom & Larry.

6-14-78 - check violations as per letter to owner OK - EXCEPT. U/G wire to laundry not in conduit where exposed.

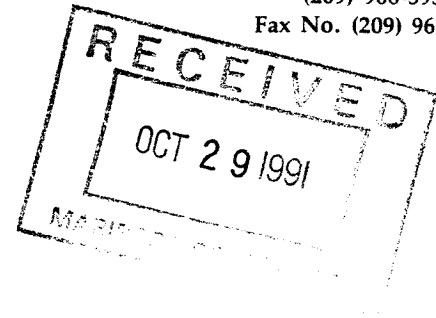
6-15-78 - FINAL - OK



# Mariposa County Planning and Building Department

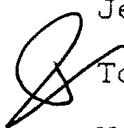
TONY LASHBROOK  
Director  
JOHN DAVIS  
Building Official

5101 Jones Street  
P.O. Box 1268  
Mariposa, CA 95338  
(209) 966-3934  
Fax No. (209) 966-5147



October 28, 1991

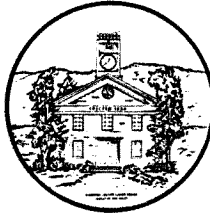
## MEMORANDUM

TO: Jeffrey G. Green, County Counsel  
FROM:  Tony Lashbrook, Planning Director  
RE: Mariposa County Claim No. C91-15

The Building Department records show that Pastor and Mrs. Quincy Phipps obtained a permit for an 840 square foot dwelling. Permit #58 was issued on May 24, 1977 and was approved by Larry James by Cindy. Cindy was the secretary at that time. It was an owner-builder project with no contractor listed on the permit. The septic approval in the file appears to be for another lot and there is no copy of the approved septic for lot 323 in question.

The inspections, as noted on the building permit inspection card, consisted of a foundation inspection on June 20, 1977 with the remainder of the footing approved on June 30, 1977. Apparently the owner had questions on the plumbing and an inspector was at the property on September 22, 1977. Subsequently, the close-in was approved on September 29, 1977. A reinspection on the electrical occurred on October 3, 1977. The main service was approved on October 20, 1977. An attempt to do a final occurred on June 5, 1978 and it was noted that many violations existed such as gas waterheater in bathroom, no stove, deck not built correctly. Another inspection was conducted on June 8, 1978 and it was noted that the woodstove does not have a non-combustible floor, GFI in bathroom was not complete and the deck railing was not strong enough. The type of wiring installed underground to a wash house was questioned. Evidently a letter was written to the owner regarding the violations and an inspection was conducted on June 14, 1978 to see if violations had been corrected and everything was alright except the underground wire to the laundry was not in conduit where it was exposed. A final inspection was done on June 14, 1978 and the file was closed on June 15, 1978.

OFFICE OF



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

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

The County Counsel  
MARIPOSA COUNTY

September 25, 1991

David Peters  
1958 Catalina Dr.  
Santa Cruz, CA 95062

Dear Mr. Peters:

Pursuant to your request, you will find enclosed a Mariposa County claim form. Please complete the form as indicated and return it to this office in the self-addressed envelope which I have provided.

Should you have any additional questions regarding this matter, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sandra Adams".

Sandra V. Adams  
Secretary to County Counsel

sa

encl/as stated