

MARIPOSA COUNTY
BOARD OF SUPERVISORS

AGENDA
ACTION FORM

11-19-91
DATE: November 12, 1991 County
AGENDA ITEM NO. RAS

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. C91-14 which was filed with this Board on October 17, 1991. 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. C91-14

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. 91-548

Ordinance No. _____

Vote: Ayes: 4 Noes: _____

Absent: Frickson Abstained: _____

Must 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: [Signature]

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 Paul D. Silva

13 632 Loma Prieta

14 Aptos, CA 95003

15 having filed with this Board on October 17, 1991 a claim
16 for damages in the amount of \$ 915.00 ;

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

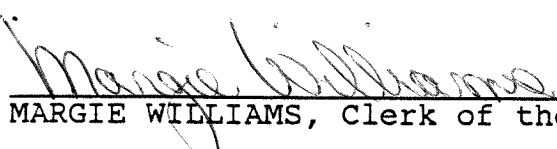
19 The foregoing order was passed by the following vote of
20 the Board:

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

25 Dated this 19th day of November, 19 91.

26 ATTEST:

27 
28 GEORGE P. RADANOVICH, Chairman
Board of Supervisors

27 
28 MARGIE WILLIAMS, Clerk of the Board

TO: Paul D. Silva
632 Loma Prieta
Aptos, CA 95003

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 17, 1991, was rejected by action of the Board on 11/19/91.

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

On 12/16/91, I served the within Notice of Rejection of Claim No. C91-14

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:

Paul D. Silva
632 Loma Prieta
Aptos, CA 95003

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

Executed on 12/16/91, at Mariposa California.

Sandra V. Adams
Sandra V. Adams

County of Mariposa Claim Form

REC
OCT 17 1991
C91-14
MARIPOSA CO. COUNSEL

Claim of Paul David Silva)
(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: Paul D. Silva

Whose address is: 632 Loma Prieta

City and State: Aptos, CA.

Zip: 95003

claims damages from the COUNTY OF MARIPOSA in the amount, computed as of the date of presentation of this claim, of \$ 915.⁰⁰

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

Property Damage

Other (list)

Personal Injury

Recovered stolen

Contract

property withheld from owner

which occurred on August 8, 19 91, in the vicinity of:

Mariposa County

(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.)

My Honda XL600 motorcycle was stolen on 3/3/89. At that time I had it for sale for \$900.00. The theft and value was reported to the Capitola PD. In late August on a Friday I was notified by the Capitola PD that my motorcycle was recovered by the Mariposa County Sheriff's Office. I called the Mariposa S.O and was told to call back Monday. I called Monday and was told to talk to Chris George who was not available and for me to call Tuesday or Wednesday. I made repeated calls and left messages. Deputy George called my house and talked to my mother (Linda Silva). She was told that the motorcycle was being held for investigation or inspection and that it could not be picked up at that time. He did not say when it could be picked up. I tried to reach Deputy George and was told he was not in. During one of these calls I was told to contact the CHP. I called them and was told that they had no records on it. I finally was able to reach Deputy George and was told to wait a couple of weeks and the Sheriff's Office would call me. (continued on second page)

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

Deputy Chris George, Jim Allen

(Continued from page one)

After approximately 1 1/2 weeks I called the Sheriff's Office. I was told that they didn't know that they were supposed to call me but that I was to talk to Deputy George. He was not in and I left a message.

Deputy George called me and said that he had taken care of his part and implied that he could not help me anymore. I called the Sheriff's office because Deputy George said that he had turned the paper work in there. I was told that I should contact the District Attorney's office.

Up to this point I believed, because I was told, that my motorcycle was at the Sheriff's office and that as long as it was there no storage would be charged.

I called the District Attorney's office and was given the name of Mike Turkington. Mr. Turkington called me back and for the first time I became aware that my motorcycle was at Country Auto. He also gave me some background on the case.

I then called Country Auto and was told that I would have to pay \$620 if I wanted my motorcycle back. I called Mr. Tarkington back and he told me to talk to Jim Allen. I called Jim Allen on Monday and couldn't reach him. I called him Tuesday and was told that the motorcycle was never stored at the Sheriff's Office. He indicated that I had received some bad information regarding the motorcycle.

Mr. Allen tried to help and got the price down to between \$500 and \$600 (I don't recall the exact amount). At this point I did not have that much money.

From the beginning I attempted to reclaim my motorcycle. I was prepared to go to Mariposa County to do this. I was told that my motorcycle was not available for release, and that it was stored at the Sheriff's Office where no storage would be charged. Both of these were not correct and because of this information a storage lot was able to charge \$15 per day until such time that I was finally able to find out the truth. At that point the fee was too much for me to afford.

This claim is for either my motorcycle to be returned to me or it's value when it was stolen plus incidental expenses I incurred trying to reclaim it.

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:) NO INJURIES

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)		
<u>Recovered Stolen property withheld</u>	\$	<u>900.⁰⁰</u>
<u>from owner.</u>	\$	_____
Other damages (itemize)		
<u>Total Phone charges.</u>	\$	<u>15.⁰⁰</u>
	\$	_____
Total damages incurred to date:	\$	<u>915.⁰⁰</u>

Estimated future damages as far as known from this incident:

Total estimated prospective damages:

\$ _____

TOTAL AMOUNT CLAIMED AS OF DATE OF PRESENTATION OF THIS CLAIM:

\$ 915.⁰⁰

All notices or other communications with regard to this claim should be sent to claimant at: 632 Loma Prieta Dr. Aptos, CA.

95003
(address to which notices are to be sent)

Dated: Oct. 9, 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.