

**MARIPOSA COUNTY
BOARD OF SUPERVISORS**

**AGENDA
ACTION FORM**

DATE: 11-27-01
AGENDA ITEM NO.: CA-14

DEPARTMENT: County Counsel

BY: Jeffrey G. Green

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes___ No__)

Authorize Chair to sign an Order of the Board to reject Claim No. C01-6 in the amount of \$50,000. Counsel is requesting denial of this claim for reason that the County has no liability as there was no negligence of the County 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:

- Reject claim as recommended.
- Take no action; claim will automatically be denied if no action is taken.

COSTS: (x) Not Applicable

A. Budgeted current FY \$ _____

B. Total anticipated costs \$ _____

C. Required additional funding \$ _____

D. Internal transfers \$ _____

SOURCE: () 4/5ths Vote Required

A. Unanticipated revenues \$ _____

B. Reserve for contingencies \$ _____

C. Source description: _____

Balance in Reserve for Contingencies, if approved: \$ _____

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

CLERK'S USE ONLY:

Res. No.: 01-320 Ord. No. _____

Vote - Ayes: 5 Noes: _____

Absent: _____ Abstained: _____

Approved _____ () Denied _____

() Minute Order Attached () No Action Necessary

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: AG

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

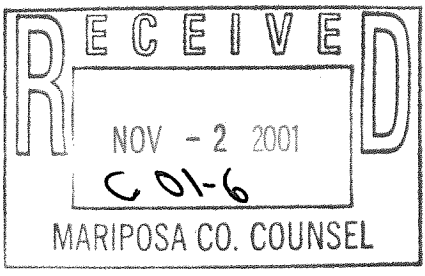
Date: _____

ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____
Deputy

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Michael D. Macomber, #106011
THE LAW OFFICE OF PATRICK B. GREENWELL,
A PROFESSIONAL CORP.
11 South Washington Street, Suite 200
Sonora, CA 95370
209-588-8233
209-532-8040 (fax)
mick@mlode.com



Attorneys for Plaintiff,
Beverly A. Brown

In the matter of: _____

BEVERLY A. BROWN, _____

Claimant. _____

**CLAIM OF BEVERLY A.
BROWN FOR PERSONAL
INJURIES**

TO: BOARD OF SUPERVISORS OF THE COUNTY OF MARIPOSA

NAME OF CLAIMANT: BEVERLY A. BROWN
ADDRESS OF CLAIMANT: Post Office Box 326
Sonora, CA 95370

ADDRESSES TO WHICH NOTICES
SHOULD BE SENT: Law Offices of Patrick B. Greenwell
Attention: Michael D. Macomber
11 South Washington St., Suite 200
Sonora, CA 95370

DATE OF ACCIDENT: July 19, 2001

PLACE OF ACCIDENT: Sidewalk and handicapped ramp in front of
County Office Building

CIRCUMSTANCES OF ACCIDENT:

On July 19, 2001, Claimant was walking from the upper parking area towards
the Mariposa County Building Department. After walking downstairs she proceeded to
walk toward the office and slipped, tripped and fell on the unmarked handicapped ramp.
Claimant suffered a fractured ankle as a result of the conditions of the public property

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described above.

The area in question is under the ownership and control of the County of Mariposa and constituted a dangerous condition of public property.


PUBLIC EMPLOYEES RESPONSIBLE:

At this time the public employees responsible for the dangerous condition faced by Claimant are unknown.

AMOUNT OF CLAIM:

The amount of Claimants medical bills are as yet unascertained. Claimant continues to undergo physical therapy. The amount of loss of earnings is unascertained. Claimant has suffered general damages in the sum of \$50,000.00.

DATED: Law Offices of Patrick B. Greenwell

By: 
Michael D. Macomber
Attorney for Claimant,
Beverly A. Brown

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JEFFREY G. GREEN
County Counsel
P. O. Box 189
5100 Bullion Street
Mariposa, CA 95338

BEFORE THE BOARD OF SUPERVISORS

OF

MARIPOSA COUNTY, STATE OF CALIFORNIA

In the Matter of:)
) CLAIM NO. 01-6
CLAIM FOR DAMAGES PURSUANT)
TO GOVERNMENT CODE § 911.6)
_____)


BEVERLY A. BROWN, P.O. Box 326, Sonora, California, having filed with this Board on November 2, 2001, a claim for damages in the amount of \$50,000.

NOW, THEREFORE, IT IS ORDERED by the Board of Supervisors that the claim is hereby rejected.

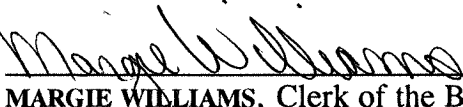
The foregoing order was passed by the following vote of the Board:

- AYES: Reilly, Stewart, Parker, Balmain, Pickard
- NOES: None
- ABSENT: None
- ABSTAINED: None

Dated this 27th day of November, 2001.



DOUG BALMAIN, Chair
Board of Supervisors

ATTEST:


MARGIE WILLIAMS, Clerk of the Board

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TO: Michael D. Macomber
THE LAW OFFICE OF PATRICK B. GREENWELL,
A PROFESSIONAL CORPORATION
11 South Washington Street, Suite 200
Sonora, CA 95370

RE: CLAIM FOR DAMAGES (Beverly A. Brown-Claim No. C01-6)
AMOUNT OF CLAIM: \$50,000
NOTICE OF REJECTION

NOTICE IS HEREBY GIVEN that the claim, which you presented to the Board of Supervisors of Mariposa County on November 2, 2001 was rejected by action of the Board on November 20, 2001.

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 § 945.6)

"NOTE: This six-month filing period applies only to State Court actions. If your action is based on federal law and/or you intend to file it in Federal Court, a shorter or longer period within which to file the action may apply."

"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 5100 Bullion Street (P.O. Box 189), Mariposa, CA 95338. On December 4, 2001, I served the within Notice of Rejection of Claim on the claimant in said action by placing a true copy in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing a copy into an inter-office delivery receptacle located in Counsel's office:

Michael D. Macomber
THE LAW OFFICE OF PATRICK B. GREENWELL,
A PROFESSIONAL CORPORATION
11 South Washington Street, Suite 200
Sonora, CA 95370

I declare, under penalty of perjury, that the foregoing is true and correct. Executed on Dec. 4, 2001 at Mariposa, California.


Rhonda Scherf