MARIPOSA COUNTY
BOARD OF SUPERVISORS

AGENDA
DATE: April 9, 1996
AGENDA ITEM NO.: CA-5

DEPARTMENT: County Counsel
BY: Jeffrey G. Green
PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No x)

Authorize the Chairman to sign an order of the Board to reject Claim No. C96-3 in the amount of $3,947.32 which was filed with this Board on January 29, 1996. According to the Public Works Department, the telephone line was damaged when a water line was being repaired. The telephone line was six to eight inches below grade, however, the standard depth for a telephone cable is 24 inches. In an emergency situation, damage to an underground pipeline requiring immediate repair is exempt from the notification requirement of calling for a location of the line. Counsel believes that as a result of the improper depth of the telephone line, the County does not have 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.

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:
Claim No. C96-3.
Notice of Rejection of Claim.

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: 

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

Res. No.: 96-130
Vote - Ayes: 
Noes: 
Absent: 
Approved: 
Denied: 
( ) Minute Order Attached ( ) No Action Necessary

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

Action Form Revised 5/92
CLAIM AGAINST THE COUNTY OF MARIPOSA

Pacific Bell presents a claim for damages against the County of Mariposa as provided in Government Code Section 900 et. seq.

CLAIMANT'S ADDRESS:

   Pacific Bell
   140 New Montgomery St., Room 209
   San Francisco, CA 94105

DATE OF OCCURRENCE:

   9/30/95

LOCATION:

   7589 Dogwood Ln., Yosemite West, Yosemite Park

CIRCUMSTANCES GIVING RISE TO THE CLAIM:

   Brent Long Backhoe Service, while working for Mariposa County Department of Public Works, damaged Pacific Bell's 600 pair buried cable. A locate of the underground utilities as required by Section 4216 of the Government Code had not been requested.

NAME(S) OF PERSON(S) AWARE OF DAMAGE:

   Cliff Price
   Greg Wass

AMOUNT OF CLAIM:

   $3,947.32 - See attached repair invoice.

DATE OF CLAIM:

   January 24, 1996

PACIFIC BELL CLAIM NUMBER:

   4N561592

K. D. BLACK

KAROL D. BLACK
AREA CLAIMS MANAGER
916-888-2044
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AREA CLAIMS MANAGER
916-888-2044
FOR THE COST OF REPAIR TO PACIFIC BELL
PLANT FACILITIES DAMAGED AT
LOCATION:
7589 DOGWOOD LN. YOSEMITE WEST, YOSEMITE PARK
DATE OF DAMAGE: 09/30/95
ADDITIONAL INFORMATION CONTACT:
KAROL BLACK 916 888-2044

CHARGES:
PACIFIC BELL LABOR 38.75 HOURS $3,075.39
CONTRACTOR $757.20
MATERIAL:
BURIED CABLE QUANTITY 25 $114.73

TOTAL AMOUNT DUE $3,947.32

BC 046 AC 000

PACIFIC BELL - CLAIMS
Room 209
140 New Montgomery Street
San Francisco, CA. 94105

Mariposa County Department of Public Works
Brent Long Backhoe Service

Please return this portion of bill with payment.

For Questions Call 415-542-0269
CWBD No. 46CR151592
JAN 159 12/13/95

Date 12/13/95
CWBD No. 46CR151592 4N561592
Total Amount Due: $3,947.32

Payment Due By:
Due Upon Receipt

IRS Federal Tax ID #94-0745535
California Tax ID #D-0001234
WORK DETAIL FOR CWBO

MARIPOSA COUNTY DEPARTMENT OF PUBLIC WORKS
BRENT LONG BACKHOE SERVICE

FOR THE COST OF REPAIR TO PACIFIC BELL
PLANT FACILITIES DAMAGED AT
LOCATION:
7589 DOGWOOD LN. YOSEMITE WEST, YOSEMITE PARK
DATE OF DAMAGE: 09/30/95

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<th>DATE</th>
<th>RC/FC</th>
<th>REGULAR AND EXTRA HRS</th>
<th>HOURLY RATE</th>
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LABOR/ENGINEERING TOTAL: $3,075.39

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MATERIAL TOTAL: $114.73

ADDITIONAL EXPENSES

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TOTAL AMOUNT DUE: $3,947.32
### Labor

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<td>Duran R.A.</td>
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### Equipment

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### Remarks

Charge ARC: 9UE20J

For Telephone Co. (Co. Representative): [Signature]
Date: 10/16/95

Originating ARC: [Signature]
Date: 10/11/95

For Contractor (Foreman): [Signature]
Date: 10/11/95
<table>
<thead>
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<td>2940</td>
<td>750</td>
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<td>Tiz AR</td>
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<th>Amount</th>
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Remarks: QUESAT 100

For Telephone Co (Co. Representative): [Signature]
Date: 11/17/75
For Contractor (Foreman): [Signature]
Date: 11/1/75
JEFFREY G. GREEN
County Counsel
P. O. Box 189
5100 Bullion St.
Mariposa, CA 95338

BEFORE THE BOARD OF SUPERVISORS

OF

MARIPOSA COUNTY, STATE OF CALIFORNIA

In the Matter of: )
) CLAIM NO. C96-3
CLAIM FOR DAMAGES PURSUANT ) TO GOVERNMENT CODE § 911.6 )

Pacific Bell
140 New Montgomery St., Room 209
San Francisco, CA 94105

having filed with this Board on January 29, 1996 a claim for damages in the amount of
$3,947.32;

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, Balmain, Stewart, Parker, and Taber
NOES: None
ABSENT: None
ABSTAINED: None

Dated this 9th day of April, 1996.

DOUG BALMAIN, Chairman
Board of Supervisors

ATTEST:

MARGIE WILLIAMS, Clerk of the Board
TO: Pacific Bell  
140 New Montgomery St., Room 209  
San Francisco, CA  94105

RE: CLAIM FOR DAMAGES (Claim No. C96-3) AMOUNT OF CLAIM: $3,947.32  
NOTICE OF REJECTION

NOTICE IS HEREBY GIVEN that the claim which you presented to the Board of Supervisors of Mariposa County on January 29, 1996 was rejected by action of the Board on April 9, 1996.

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)

"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 April 15, 1996 I served the within Notice of Rejection of Claim No. C96-3 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:

Pacific Bell  
140 New Montgomery St., Room 209  
San Francisco, CA  94105

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

Executed on April 15, 1996 at Mariposa, California.  

Sandra V. Adams