

96-213

MARIPOSA COUNTY
BOARD OF SUPERVISORS

AGENDA
ACTION FORM

DATE: May 14, 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. C96-9, which was filed with this Board on April 8, 1996, for \$289. Claimant alleges negligent handling of her stolen property, however, the Sheriff's Office followed proper release procedures in accordance with the State statute. 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. C96-9.
Notice of Rejection of Claim.

CLERK'S USE ONLY:

Res. No.: 96-213 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:

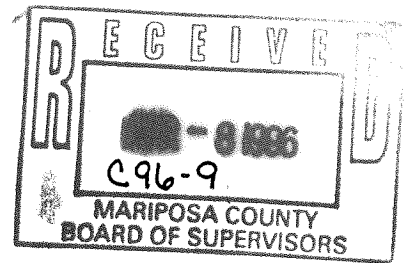
The foregoing instrument is a correct copy of the original on file in this office.

Date: _____

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

By: _____
Deputy

COUNTY OF MARIPOSA CLAIM FORM



CLAIM OF Dana Callahan)
(Claimant))
v.)
COUNTY OF MARIPOSA)
_____)

CLAIM FOR PERSONAL INJURY
AND/OR PROPERTY DAMAGE
(Government Code § 91C)

TO THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY:

YOU ARE HEREBY NOTIFIED that: (PLEASE TYPE OR PRINT)

Claimant: Dana Callahan

Whose address is: P. O. Box 262

City and State: Midpines, CA Zip: 95345

claims damages from the COUNTY OF MARIPOSA in the amount, computed as of
the date of presentation of this claim, of \$ 289.00.

This claim is based on: (CHECK APPROPRIATE BOX OR BOXES)

<XX> Property Damage < > Other (LIST)
< > Personal Injury _____
< > Contract _____

which occurred on 01/05, 1996, in the vicinity of:

Mariposa County Sheriffs Office

(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.) Neglegent handeling of personal
property by Crime Lab. Released to Merced Pawn, where it was
recovered from as stolen property, while I am the owner of the
stolen property. Burglery was reported on 06/28/95. Case #
MF 9501409.

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

Brien Muller Investigator

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)

Loss of stolen property : Value: \$ 289.00

While in possession of Mariposa County Crime Lab.

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)

Panasinic VCR S/N E4SA47918 \$ 289.00

_____ \$ _____

Other damages (ITEMIZE)

_____ \$ _____

_____ \$ _____

TOTAL DAMAGES INCURRED TO DATE: \$ 289.00

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: \$ 289.00

All notices or other communications with regard to this claim should be sent to claimant at: P.O. Box 262 Midpines, CA 95345

(ADDRESS TO WHICH NOTICES ARE TO BE SENT)

Dated: 4/8/96

Signed: *Dana Callahan*

(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 § 915) of this chapter not later than six months 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 § 915) of this chapter not later than one year after the accrual of the cause of action.

1 JEFFREY G. GREEN
2 County Counsel
3 P. O. Box 189
4 5100 Bullion St.
5 Mariposa, CA 95338

6 BEFORE THE BOARD OF SUPERVISORS

7 OF

8 MARIPOSA COUNTY, STATE OF CALIFORNIA

9 In the Matter of:)

10 CLAIM NO. C96-9

11 CLAIM FOR DAMAGES PURSUANT)
12 TO GOVERNMENT CODE § 911.6)
13 _____)

14 Dana Callahan
15 P.O. Box 262
16 Midpines, CA 95345

17 having filed with this Board on April 8, 1996 a claim for damages in the amount
18 of \$289.00;

19 **NOW, THEREFORE,** it is ordered by the Board of Supervisors that the claim is
20 hereby **REJECTED.**

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

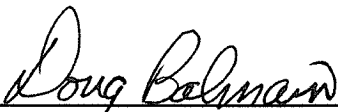
22 AYES: REILLY, BALMAIN, STEWART, PARKER, TABER

23 NOES: NONE

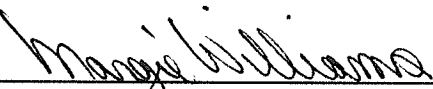
24 ABSENT: NONE

25 ABSTAINED: NONE

26 Dated this 14th day of May, 1996.

27 
28 _____
DOUG BALMAIN, Chairman
Board of Supervisors

29 ATTEST:

30 
31 _____
MARGIE WILLIAMS, Clerk of the Board

TO: Dana Callahan
P.O. Box 262
Midpines, CA 95345

RE: CLAIM FOR DAMAGES (Claim No. C96-9)
NOTICE OF REJECTION

AMOUNT OF CLAIM: \$289.00

NOTICE IS HEREBY GIVEN that the claim, which you presented to the Board of Supervisors of Mariposa County on April 8, 1996, was rejected by action of the Board on May 14, 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 § 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.)

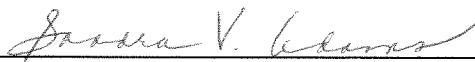
STATE OF CALIFORNIA, COUNTY OF MARIPOSA:

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 May 24, 1996, I served the within Notice of Rejection of Claim No. C96-9 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:

Dana Callahan
P.O. Box 262
Midpines, CA 95345

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

Executed on May 24, 1996 at Mariposa, California.



Sandra V. Adams