

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

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes\_\_\_ No\_X)

Pass and adopt this Resolution authorizing the Chairman to sign an order of the Board to reject Claim No. C95-5 for an undetermined amount. According to the Public Works Department, the location where the incident occurred is under the jurisdiction of Caltrans and is not a County maintained road (see memorandum from Bob Johnson attached hereto). Because the County has no control over this property, there is no liability exposure. The law firm representing the claimant has been notified of this in writing (see attached letter to Jacoby and Meyers).

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 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:

Claim No. C95-5.  
Letter from PWD to Counsel dated 5/2/95.  
Letter from Counsel to J&M dated 5/3/95.  
Notice of Rejection.

\_\_\_\_\_

\_\_\_\_\_

CLERK'S USE ONLY:

Res. No.: 95-212 Ord. No. \_\_\_\_\_

Vote - Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_

Approved: [Signature] Abstained: \_\_\_\_\_

( ) 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: [Signature]

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

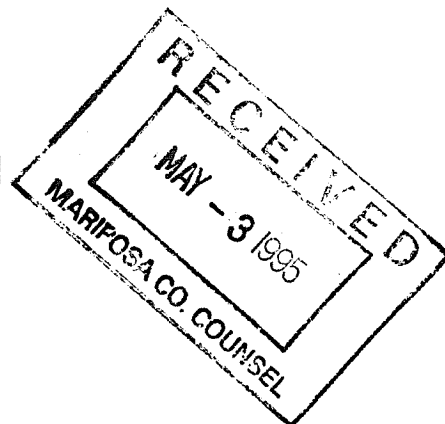
4639 Ben Hur Road  
Mariposa, CA 95338  
(209) 966-5356

## DEPARTMENT OF PUBLIC WORKS

Divisions of:  
• Design & Construction  
• Administration  
• Operations

**Michael D. Edwards**  
Director

### MEMORANDUM



TO: Jeff Green, County Counsel  
FROM: Bob Johnson, Deputy Director, Roads  
DATE: May 2, 1995  
SUBJECT: Dixie Dee Knight - Claim No. C95-5

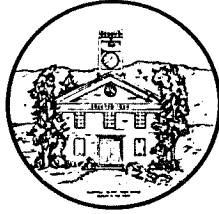
In reference to the above-mentioned claim, we believe the cross-walk to be on State Route 49 North just north of the entrance to the 49er Shopping Center. It is approximately 110 feet north of State Highway 140. This area is under the jurisdiction of Caltrans and is not a County maintained road.

If you have any further questions, please don't hesitate to call.

dp

cc: Mike Edwards

OFFICE OF



JEFFREY G. GREEN  
County Counsel  
(209) 966-3222

P. O. Box 189  
Mariposa, CA 95338  
FAX (209) 966-5147

The County Counsel

MARIPOSA COUNTY

May 3, 1995

JACOBY & MEYERS  
2180 Harvard St., #200  
Sacramento, CA 95815

Re: Dixie Dee Knight  
Mariposa County Claim No. C95-5

Gentlemen:

I am enclosing herewith a copy of a memorandum dated May 2, 1995 from the Mariposa County Public Works Department. As you can see from the memorandum, based upon the claim which you filed, the County of Mariposa has no responsibility for this area where the accident occurred. I am, therefore, giving you this opportunity to withdraw your claim and/or to reconsider filing any action against the County. Should you file an action against the County of Mariposa, I will defend on the basis that the County has no liability exposure in that they have no control over this property and request attorney's fees and cost of suit in order to have the action dismissed.

Should you desire any additional information regarding this matter, please feel free to contact the undersigned. You might also take this matter up with Caltrans as it is my understanding that the area in question is controlled by Caltrans.

Very truly yours,

Jeffrey G. Green  
County Counsel

sa

encl/as stated

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

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes\_\_\_ No\_X)

Pass and adopt this Resolution authorizing the Chairman to sign an order of the Board to reject Claim No. C95-5 for an undetermined amount. According to the Public Works Department, the location where the incident occurred is under the jurisdiction of Caltrans and is not a County maintained road (see memorandum from Bob Johnson attached hereto). Because the County has no control over this property, there is no liability exposure. The law firm representing the claimant has been notified of this in writing (see attached letter to Jacoby and Meyers).

BACKGROUND AND HISTORY OF BOARD ACTIONS:

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LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Claim would 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  
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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. C95-5.  
Letter from PWD to Counsel dated 5/2/95.  
Letter from Counsel to J&M dated 5/3/95.  
Notice of Rejection.

CLERK'S USE ONLY:  
Res. No.: 95-212 Ord. No. \_\_\_\_\_  
Vote - Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_  
Absent: \_\_\_\_\_ Abstained: \_\_\_\_\_  
Approved: \_\_\_\_\_ ( ) Denied  
( ) Minute Order Attached ( ) No Action Necessary

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

ADMINISTRATIVE OFFICER'S RECOMMENDATION:  
This item on agenda as:

- Recommended
- Not Recommended
- For Policy Determination
- Submitted with Comment
- Returned for Further Action

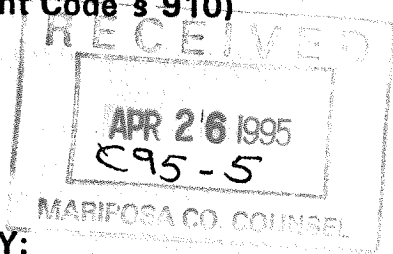
Comment: \_\_\_\_\_

A.O. Initials: JP

**COUNTY OF MARIPOSA CLAIM FORM**

CLAIM OF Dixie Dee Knight )  
(Claimant) )  
v. )  
COUNTY OF MARIPOSA )

**CLAIM FOR PERSONAL INJURY  
AND/OR PROPERTY DAMAGE  
(Government Code § 910)**



**TO THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY:**

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

Claimant: Dixie Dee Knight  
Whose address is: P.O. Box 2198  
City and State: Mariposa, CA Zip: 95338

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

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

- Property Damage        Other (LIST)
- Personal Injury      \_\_\_\_\_
- Contract      \_\_\_\_\_

which occurred on November, 5, 1994, in the vicinity of:

State Route 49 North, approximately 110 Feet North of State Route 140,  
(PLACE WHERE INCIDENT OCCURRED)  
Mariposa County, California.

**Describe generally the facts and circumstances that give rise to the claim:**  
(PLEASE USE BACK OF THIS PAGE IF MORE SPACE IS NEEDED.)

Claimant, a pedestrian, was crossing State Route 49 North, when she  
was struck by an oncoming vehicle. The roadway, including the area  
surrounding the crosswalk, is inadequately lit, which creates a  
hazardous condition for pedestrians when faced with oncoming traffic  
at night.

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

Specific identities unknown.

as provided in Article 2 (commencing with § 915) of this chapter not later than one year after the accrual of the cause of action.

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)  
Including, but not limited to, leg fractures and a fractured skull.

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 \$ unknown at this time.

Loss of earnings \$ \_\_\_\_\_

Specific damages (ITEMIZE) \_\_\_\_\_ \$ unknown at this time

\_\_\_\_\_ \$ \_\_\_\_\_

Other damages (ITEMIZE) \_\_\_\_\_ \$ unknown at this time.

\_\_\_\_\_ \$ \_\_\_\_\_

**TOTAL DAMAGES INCURRED TO DATE:** \$ in excess of \$25,000.00

**Estimated future damages as far as known from this incident:**

Total estimated prospective damages: \$ in excess of \$25,000.00

**TOTAL AMOUNT CLAIMED AS OF DATE OF PRESENTATION OF THIS CLAIM:** \$ in excess of \$25,000.00

All notices or other communications with regard to this claim should be sent to claimant at: Jacoby & Meyers, 2180 Harvard Street, #200, Sacramento, CA 95815  
(ADDRESS TO WHICH NOTICES ARE TO BE SENT)

Dated: 4-25-95 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 § 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 FOR DAMAGES PURSUANT )  
11 TO GOVERNMENT CODE § 911.6 )  
12 Claim No. C95-5 )

13 Dixie Dee Knight  
14 c/o JACOBY AND MEYERS

15 2180 Harvard Street, #200

16 Sacramento, CA 95815


17 having filed with this Board on April 26, 1995 a claim for damages in the amount of  
18 \$undetermined ;

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  
23 NOES: NONE  
24 ABSENT: TABER  
25 ABSTAINED: NONE

26 Dated this 16th day of May, 1995.

27   
28 GARRY R. PARKER, Chairman  
Board of Supervisors

29 ATTEST:

30   
31 MARGIE WILLIAMS, Clerk of the Board

TO: Dixie Dee Knight  
c/o JACOBY AND MEYERS  
2180 Harvard Street, #200  
Sacramento, CA 95815

RE: CLAIM FOR DAMAGES  
NOTICE OF REJECTION

AMOUNT OF CLAIM \$ undetermined  
Claim No. C95-5

NOTICE IS HEREBY GIVEN that the claim which you presented to the Board of Supervisors of Mariposa County on April 26, 1995 was rejected by action of the Board on May 16, 1995.

**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 June 13, 1995 I served the within Notice of Rejection of Claim No. C95-5 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:

Dixie Dee Knight  
c/o JACOBY AND MEYERS  
2180 Harvard Street, #200  
Sacramento, CA 95815

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

Executed on June 13, 1995 at Mariposa, California.

  
Sandra V. Adams