

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. C95-10 for an undetermined amount. Based on information received from the Public Works Director, Counsel does not believe that the County has any liability in this matter. A copy of the supporting information is included in this package.

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. C95-10.  
Letter from PWD to Counsel dated 7/24/95.  
Notice of Rejection.

CLERK'S USE ONLY:  
Res. No.: 95-399 Ord. No. \_\_\_\_\_  
Vote - Ayes: 3 Noes: \_\_\_\_\_  
Absent: 1 Abstained: Parker  
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: MC / JG

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. C95-10 )

13 Ronald G. Menzies and Glenda J. Menzies

14 P.O. Box 34

15 Mariposa, CA 95338

16 having filed with this Board on July 11, 1995 a claim for damages in the amount of  
17 \$ Undetermined;

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

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


21 AYES: REILLY, BALMAIN and STEWART

22 NOES: NONE

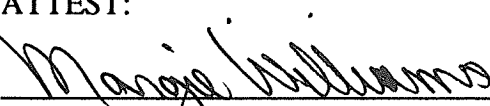
23 ABSENT: TABER

24 ABSTAINED: PARKER

25 Dated this 5th day of September, 1995.

26   
27 GARRY R. PARKER, Chairman  
28 Board of Supervisors

29 ATTEST:

30   
31 MARGIE WILLIAMS, Clerk of the Board

TO: Ronald G. Menzies/Glenda J. Menzies  
P.O. Box 34  
Mariposa, CA 95338

RE: CLAIM FOR DAMAGES AMOUNT OF CLAIM \$ Undetermined  
NOTICE OF REJECTION Claim No. C95-10

NOTICE IS HEREBY GIVEN that the claim which you presented to the Board of Supervisors of Mariposa County on July 11, 1995 was rejected by action of the Board on September 5, 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:

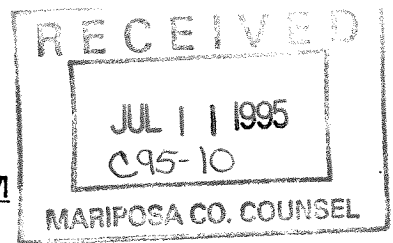
I am a citizen of the United States and a resident of the County aforesaid. I am over the age of eighteen years and not a party to the within entitled action; my business address is 5100 Bullion Street (P. O. Box 189), Mariposa, CA 95338. On September 13, 1995 I served the within Notice of Rejection of Claim No. C95-10 on the claimants 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:

Ronald G. Menzies and Glenda J. Menzies  
P.O. Box 34  
Mariposa, CA 95338

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

Executed on September 13, 1995 at Mariposa, California.

  
\_\_\_\_\_  
Sandra V. Adams



COUNTY OF MARIPOSA CLAIM FORM

CLAIM OF Ronald G. Menzies and Glenda J. Menzies (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: Ronald G. Menzies and Glenda J. Menzies
Whose address is: 5060 Bullion Street
City and State: Mariposa, California Zip: 95338

claims damages from the COUNTY OF MARIPOSA in the amount, computed as of the date of presentation of this claim, of \$ 120,000.00 + unknown

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

- < x > Property Damage
< > Other (LIST)
< > Personal Injury
< > Contract

which occurred on or about January 14, 19 95, in the vicinity of:

5060 Bullion Street, Mariposa, California 95338 (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.)

Mariposa County negligently omitted to inspect and approve of the construction of a road built by Mariposa County Unified School District on Jones Street. Said road has caused water to run off onto claimants' property on Bullion Street. By the County's negligence, the County allowed excess water during severe rainstorms to enter onto claimants' property, causing substantial damage to claimants' residence. The name(s) of the public employee(s) causing claimant's injuries or damages under the above-described circumstances is/are: Unknown

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)

Property damages: Substantial damage to claimants' residence, foundation, and basement, including, but not limited to, damaged carpeting and floors, moldy and mildewed walls and floors, flooded basement, water heater damage, and damage to personal household items.

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 \$ N/A

Loss of earnings \$ N/A

Specific damages (ITEMIZE) The full nature and extent of property damage is unknown at this time. \$ 120,000.00+

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

Other damages (ITEMIZE) The full nature and extent of property damage and other damages are unknown at this time. \$ Unknown

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

**TOTAL DAMAGES INCURRED TO DATE:** \$ 120,000.00+

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

Total estimated prospective damages: \$ Unknown

**TOTAL AMOUNT CLAIMED AS OF DATE OF PRESENTATION OF THIS CLAIM:** \$ 120,000.00+

All notices or other communications with regard to this claim should be sent to claimant at: 5060 Bullion Street, Mariposa, California 95338

(ADDRESS TO WHICH NOTICES ARE TO BE SENT)

Dated: July 10, 1995

Signed: Ronald G. Menzies  
(CLAIMANT/AGENT FOR CLAIMANT) Ronald G. Menzies

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.

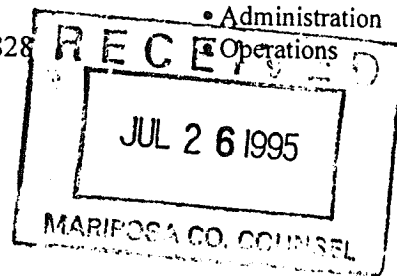


# COUNTY of MARIPOSA

4639 Ben Hur Road  
Mariposa, CA 95338  
(209) 966-5356 FAX (209) 966-2828

DEPARTMENT OF  
PUBLIC WORKS  
Divisions of:  
• Design & Construction  
• Administration  
• Operations

July 24, 1995



MICHAEL D. EDWARDS  
Director

## INTEROFFICE MEMO

TO: Jeffrey G. Green, County Counsel

FROM: Michael D. Edwards, Public Works Director *ME*

SUBJECT: Menzies Drainage Claim, No. C95-10

We have reviewed the claim which you transmitted to us on July 20, 1995.

Drainage facilities on the School property are not under the control of the County. The County does not review school drainage plans prior to or during construction. The County does not review facilities construction, including roads, on school property prior to or during construction. We do review and approve driveway encroachments unto County Roads. This involves only the 30 feet distance back of the County Road Centerline. The School did not obtain an encroachment permit for this road before it was constructed. It was therefore not inspected until after it was placed. However, we do not believe that the encroachment has any effect on the drainage crossing Jones Street.

The Public Works Department, therefore does not believe there is any basis for a claim by the Menzies against the County.

If you have any questions, please call.