

94-190

MARIPOSA COUNTY
BOARD OF SUPERVISORS

AGENDA
ACTION FORM

DATE: May 24, 1994
AGENDA ITEM NO.: CA-6

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

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

Pass and adopt this Resolution authorizing the Chairman to sign an order of the Board to reject Claim No. C94-10 in the amount of \$120.00. After reviewing the Sheriff's Office report relative to the September 28, 1993 incident, Counsel does not believe that the County has 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 is taken.

COSTS: (X) Not Applicable
A. Budgeted current FY \$ _____
B. Total anticipated costs \$ _____
C. Required additional funding \$ _____
D. Internal transfers \$ _____

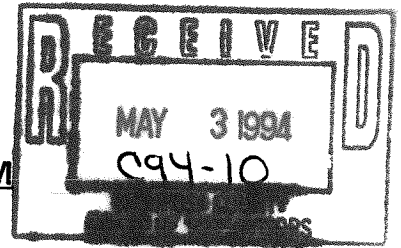
SOURCE: () 4/5ths Vote Required
A. Unanticipated revenues \$ _____
B. Reserve for contingencies \$ _____
C. Source description: _____
Balance in Reserve for Contingencies, if approved: \$ _____

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:
Claim No. C94-10.
Notice of Rejection.

CLERK'S USE ONLY:
Res. No.: 94-190 Ord. No. _____
Vote - Ayes: 5 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: KE



COUNTY OF MARIPOSA CLAIM FORM

CLAIM OF MICHAEL A. DALBY (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: MICHAEL A. DALBY

Whose address is: P.O. BOX 577131

City and State: Modesto, Ca. Zip: 95357

claims damages from the COUNTY OF MARIPOSA in the amount, computed as of the date of presentation of this claim, of \$ 120.00.

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

- < > Property Damage < x > Other (LIST) Gas and motel fees < > Personal Injury < > Contract

which occurred on March 1994 & April 5, 1994, in the vicinity of:

4734 Penon Blanco Road; Coulterville, Ca. 95311

(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.)

On Sept. 28, 1993, Sheriff Deputy R. Hogan investigated an alleged complaint involving this Claimant and as a result filed a false and misleading report. As a result of the aforementioned act, the Claimant was required to report to Mariposa Judicial Court two different times (Case #C13445). This, in return, required the Claimant to drive from Modesto to Mariposa 2 times and lodge at the 49er Motel twice. The charge made against the Claimant were eventually dropped.

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

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)
gas for travel from Modesto to Mariposa 2 times; lodging at motel 2 times.

The amount claimed, as of the date of presentation of this claim is computed as follows:

Damages incurred to date:

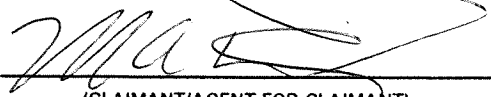
Expenses for medical and hospital care	\$ _____
Loss of earnings	\$ _____
Specific damages (ITEMIZE)	
<u>Motel & meals</u>	\$ <u>80.00</u>
<u>Gas for vehicle</u>	\$ <u>40.00</u>
Other damages (ITEMIZE)	
_____	\$ _____
_____	\$ _____
TOTAL DAMAGES INCURRED TO DATE:	\$ <u>120.00</u>

Estimated future damages as far as known from this incident:

Total estimated prospective damages: \$ unknown at this time

TOTAL AMOUNT CLAIMED AS OF DATE OF PRESENTATION OF THIS CLAIM: \$ 120.00

All notices or other communications with regard to this claim should be sent to claimant at: P.O. Box 577131; Modesto, Ca. 95357
(ADDRESS TO WHICH NOTICES ARE TO BE SENT)

Dated: April 25, 1994 Signed: 
(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. C94-10))

13 Michael A. Dalby

14 P. O. Box 577131

15 Modesto, CA 95357

16 having filed with this Board on May 3, 1994 a claim for damages in the amount of
17 \$ 120.00;

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: BAGGETT, BALMAIN, ERICKSON, PARKER, TABER

22 NOES: NONE

23 ABSENT: NONE

24 ABSTAINED: NONE

25 Dated this 24th day of May, 1994.

26 
27 ARTHUR G. BAGGETT, JR., Chairman
28 Board of Supervisors

29 ATTEST:

30 
31 MARGIE WILLIAMS, Clerk of the Board

TO: Michael A. Dalby
P. O. Box 577131
Modesto, CA 95357

RE: CLAIM FOR DAMAGES AMOUNT OF CLAIM \$ 120.00
NOTICE OF REJECTION (C94-10)

NOTICE IS HEREBY GIVEN that the claim which you presented to the Board of Supervisors of Mariposa County on May 3, 1994 was rejected by action of the Board on May 24, 1994.

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 6, 1994 I served the within Notice of Rejection Claim No. C94-10 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 A. Dalby
P. O. Box 577131
Modesto, CA 95357

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

Executed on June 6, 1994 at Mariposa, California.

Sandra V. Adams
Sandra V. Adams