



MARIPOSA COUNTY

County Counsel • (209) 966-3222



RESOLUTION - ACTION REQUESTED 2016-172

MEETING: April 19, 2016

TO: The Board of Supervisors

FROM: Steve Dahlem, County Counsel

RE: Ratify Rejection of Claim for Personal Injury And/Or Property Damage

RECOMMENDATION AND JUSTIFICATION:

Ratify rejection of Government Tort Claim submitted by William E. Davis against the County of Mariposa for personal injury and/or property damage. (Govt. Code §910).

On February 17, 2016, Mariposa County received a claim demanding the County stop collecting the County Service Area No. 3 Fire Suppression Benefit Assessment and refund unspecified amounts "in excess of \$25,000.00 to William E. Davis and other unspecified County taxpayers."

The claim was returned untimely to the extent it sought refunds of any sums paid the County on or before February 17, 2015 because it was not presented within one year after the event or occurrence as required by law. (See Sections 901 and 911.2 of the Government Code.) Because the claim was not presented within the time required by law, no action was taken on that aspect of the claim.

The claim was rejected to the extent it sought refund of any sums paid the County on or after February 18, 2015. A letter to that effect was sent to Mr. Davis' attorney last month. Subject to certain exceptions, he has six (6) months from the date the notice was personally delivered or deposited in the mail to file a court action on the claim.

The assessment is the subject of ongoing litigation between Mr. Davis and the County. The County's position is that the assessment satisfies all applicable Constitutional and statutory requirements and is valid. The County has received Davis' trial brief and is drafting its response, which is due on 4/18/16. A trial date has not yet been set.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

CAO RECOMMENDATION

Requested Action Recommended


Mary Hodson, CAO 4/13/2016

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Smallcombe, Jones, Long, Cann, Carrier