

**MARIPOSA COUNTY  
BOARD OF SUPERVISORS**

**AGENDA  
ACTION FORM**

**DATE: 8-21-01  
AGENDA ITEM NO.: CA-7**

**DEPARTMENT:** County Counsel

**BY:** Jeffrey G. Green

**PHONE:** 966-3222

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

Authorize Chair to sign an Order of the Board to reject Claim No. C01-5 in the amount of \$50,000. Claimant is alleging that the County is liable for approving the construction of a bridge on the claimant's property and the acceptance into the County road system. Counsel is requesting denial of this claim for reasons that the County has no liability in this matter in addition to the claim not being filed timely.

**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:**

- Reject claim as recommended.
- Take no action; claim will 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:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**CLERK'S USE ONLY:**

Res. No.: 01-239 Ord. No. \_\_\_\_\_

Vote - Ayes: 4 Noes: \_\_\_\_\_

Absent: Ballman 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

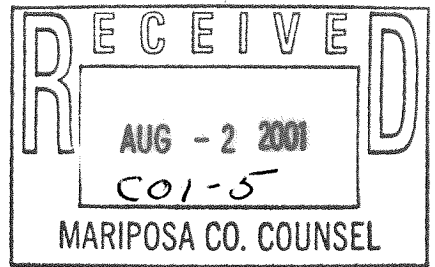
\_\_\_\_\_ For Policy Determination

\_\_\_\_\_ Submitted with Comment

\_\_\_\_\_ Returned for Further Action

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

A.O. Initials: JG



**COUNTY OF MARIPOSA CLAIM FORM**

CLAIM OF MARDEAN PETERSON )  
(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: MARDEAN PETERSON  
Whose address is: 3972 B SILVER BAR RD  
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 \$ \_\_\_\_\_.

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

- < X > Property Damage
- < > Personal Injury
- < > Contract
- < X > Other (LIST) BREACH OF EASEMENT

which occurred on DECEMBER 19, 2000, in the vicinity of:  
(MONTH/DAY)  
3972 B SILVER BAR RD. MARIPOSA CA  
(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.)

COUNTY OF MARIPOSA APPROVED THE CONSTRUCTION  
OF A BRIDGE ON THE CLAIMANT'S PROPERTY AND  
ACCEPTED IT INTO THE COUNTY ROAD SYSTEM

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)

THE EASEMENT FOR INGRESS & EGRESS HAS BEEN BREACHED  
BY INCREASING THE BURDEN ON THE CLAIMANTS  
PROPERTY AND DECREASING ITS VALUE.

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 \$ 0

Loss of earnings \$ 0

Specific damages (ITEMIZE)

BREACH OF EASEMENT, \$ 50,000

TRESPASS, \$ \_\_\_\_\_

Other damages (ITEMIZE)

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

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

**TOTAL DAMAGES INCURRED TO DATE:** \$ \_\_\_\_\_

**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:**

\$ 50,000

All notices or other communications with regard to this claim should be sent to claimant at: WILLIAM FJELUO ATTORNEY AT LAW

(ADDRESS TO WHICH NOTICES ARE TO BE SENT)  
47948 SEMINOLE AVE GOANSEGOVA, CA 93614

Dated: 7-27-01 Signed: William Fjeluo  
(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 Street  
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. 01-5

13 NADEAN PETERSON, 3972-B Silver Bar Road, Mariposa, California, having filed  
14 with this Board on August 2, 2001, a claim for damages in the amount of \$50,000.

15 NOW, THEREFORE, IT IS ORDERED by the Board of Supervisors that the claim is  
16 hereby rejected.

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

18 AYES: Parker, Reilly, Stewart, Pickard  
19 NOES: None  
20 ABSENT: Balmain  
21 ABSTAINED: None

22 Dated this 21st day of August, 2001.

23 Doug Balmain  
24 DOUG BALMAIN, Chair  
25 Board of Supervisors

26 ATTEST:

27 Margie Williams  
28 MARGIE WILLIAMS, Clerk of the Board

1 TO: William Fjellbo, Esq.  
2 47948 Seminole Avenue  
3 Coarsegold, California 93614

4 RE: CLAIM FOR DAMAGES (Nadean Peterson-Claim No. C01-5)  
5 AMOUNT OF CLAIM: \$50,000  
6 NOTICE OF REJECTION

7 NOTICE IS HEREBY GIVEN that the claim, which you presented to the Board of Supervisors  
8 of Mariposa County on August 2, 2001 was rejected by action of the Board on August 21, 2001.

9 **WARNING**

10 "Subject to certain exceptions, you have only six (6) months from the date this notice was  
11 personally delivered or deposited in the mail to file a court action on this claim." (See Government Code  
12 § 945.6)

13 "NOTE: This six-month filing period applies only to State Court actions. If your action is based  
14 on federal law and/or you intend to file it in Federal Court, a shorter or longer period within which to file  
15 the action may apply."

16 "You may seek the advice of an attorney of your choice in connection with this matter. If you  
17 desire to consult an attorney, you should do so immediately."

18 JEFFREY G. GREEN  
19 Mariposa County Counsel

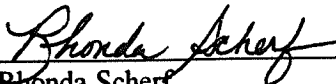
20 **PROOF OF SERVICE BY MAIL (1013a, 2015.5 C.C.P.)**

21 STATE OF CALIFORNIA, COUNTY OF MARIPOSA:

22 I am a citizen of the United States and a resident of the County aforesaid. I am over the age of  
23 eighteen years and not a party to the within entitled action; my business address is 5100 Bullion Street  
24 (P.O. Box 189), Mariposa, CA 95338. On August 30, 2001, I served the within Notice of Rejection of  
25 Claim on the claimant in said action by placing a true copy in a postage paid envelope addressed to the  
26 person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing a copy into an  
27 inter-office delivery receptacle located in Counsel's office:

28 William Fjellbo, Esq.  
47948 Seminole Avenue  
Coarsegold, California 93614

I declare, under penalty of perjury, that the foregoing is true and correct. Executed on August  
30, 2001 at Mariposa, California.

  
Rhonda Scherf