

96-129

MARIPOSA COUNTY
BOARD OF SUPERVISORS

AGENDA
ACTION FORM

DATE: April 9, 1996
AGENDA ITEM NO.: CA-4

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

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

Authorize the Chairman to sign an order of the Board to reject Claim No. C96-1, in the amount of \$3,745.88 which was filed with this Board on January 5, 1996. According to the Public Works Department, the damage to the PG&E power line was unavoidable due to the placement of the electrical line in relationship to the water line which burst. The PG&E power line was set directly underneath the water line and there should have been at least a six inch separation between the lines. In an emergency situation, damage to an underground pipeline requiring immediate repair is exempt from the notification requirement of calling for a location of the line. Based on this information, Counsel does not believe 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 was 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. C96-1.
Notice of Rejection of Claim.

CLERK'S USE ONLY:

Res. No.: 96-129 Ord. No. _____

Vote - Ayes: _____ Noes: _____

Approved _____ Abstained: _____

() 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

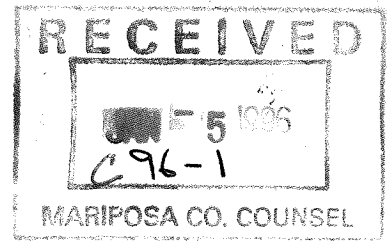
For Policy Determination

Submitted with Comment

Returned for Further Action

Comment: _____

A.O. Initials: gm



COUNTY OF MARIPOSA CLAIM FORM

CLAIM OF Pacific Gas & Electric Co.)
(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: Pacific Gas & Electric Company

Whose address is: P. O. Box 8329

City and State: Stockton, CA Zip: 95208

claims damages from the COUNTY OF MARIPOSA in the amount, computed as of the date of presentation of this claim, of \$ 3,745.88

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

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

which occurred on September 28, 1995, in the vicinity of:

Manzanita & Yosemite Park Way
(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.)

Brent Long working to repair a broken water line for Mariposa County struck and damaged our underground electrical facility while operating a backhoe under the direction of Mitch Joansky

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

Mitch Jonasky Maintenance Department

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 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)
_____ \$ _____

_____ \$ _____

Other damages (ITEMIZE)
See Attached _____ \$ _____

_____ \$ _____

TOTAL DAMAGES INCURRED TO DATE: \$ _____

Estimated future damages as far as known from this incident:

Total estimated prospective damages: \$ _____

**TOTAL AMOUNT CLAIMED AS OF DATE
OF PRESENTATION OF THIS CLAIM:** \$ 3,745.88

All notices or other communications with regard to this claim should be sent to claimant at: PG&E - Credit & Collection Center - P. O. Box 8329 - Stockton, CA 95208
(ADDRESS TO WHICH NOTICES ARE TO BE SENT)

Dated: 1-4-96 Signed: [Signature] for PG&E
(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.

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COPIES 4

D&C NUMBER

INVOICE DATE



UTQ-1326206-3 11/14/95

374588



MARIPOSA COUNTY

374588

UTQ D

126 PO/ BOX
YOSEMITE, N.P. CA 95389

1326206-3

951-3010

Please Pay This Amount

\$3,745.88

Please return this portion with payment. Bring entire bill when making payment in office.

When making inquiries contact
our office at

MARIPOSA COUNTY

D&C NUMBER

P O BOX C
OAKHURST CA 93644
(800) 743-5000

UTQ-1326206-3

NOVEMBER 14, 1995

ACCIDENT REPORT NO 951-3010

DESCRIPTION	AMOUNT
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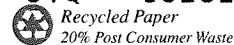
REPAIR UG.
MANZANITA & YOSEMITE PARKWAY Y.N.P.

LABOR	3,247.65
MATERIALS AND SUPPLIES	199.43
VEHICLE & CONSTRUCTION EQUIPMENT	184.85
OTHER COSTS	113.95

TOTAL AMOUNT NOW DUE \$3,745.88

DC

UTQ 1326206



This Bill is Now Due and Payable

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JEFFREY G. GREEN
County Counsel
P. O. Box 189
5100 Bullion St.
Mariposa, CA 95338

BEFORE THE BOARD OF SUPERVISORS

OF

MARIPOSA COUNTY, STATE OF CALIFORNIA

In the Matter of:)
) CLAIM NO. C96-1
CLAIM FOR DAMAGES PURSUANT)
TO GOVERNMENT CODE § 911.6)
_____)

PG&E Credit & Collection Center
P.O. Box 8329
Stockton, CA 95208


having filed with this Board on January 5, 1996 a claim for damages in the amount of
\$ 3,745.88 ;

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

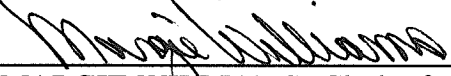
The foregoing order was passed by the following vote of the Board:

- AYES: Reilly, Balmain, Stewart, Parker, and Taber
- NOES: None
- ABSENT: None
- ABSTAINED: None

Dated this 9th day of April, 1996.



DOUG BALMAIN, Chairman
Board of Supervisors

ATTEST:


MARGIE WILLIAMS, Clerk of the Board

TO: PG&E Credit & Collection Center
P.O. Box 8329
Stockton, CA 95208

RE: CLAIM FOR DAMAGES (Claim No. C96-1) AMOUNT OF CLAIM: \$ 3,745.88
NOTICE OF REJECTION

NOTICE IS HEREBY GIVEN that the claim which you presented to the Board of Supervisors of Mariposa County on January 5, 1996 was rejected by action of the Board on April 9, 1996.

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 April 15, 1996 I served the within Notice of Rejection of Claim No. C96-1 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:

PG&E Credit & Collection Center
P.O. Box 8329
Stockton, CA 95208

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

Executed on April 15, 1996 at Mariposa, California.


Sandra V. Adams