

96-337

MARIPOSA COUNTY  
BOARD OF SUPERVISORS

AGENDA  
ACTION FORM

DATE: August 6, 1996  
AGENDA ITEM NO.: C 10-14

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. C96-12 which was filed with this Board on July 2, 1996, for an undetermined amount. Claimant alleges that he was falsely arrested and jailed which caused him severe embarrassment, humiliation, and emotional distress. According to the Sheriff's Department, the proper procedures were followed and a valid arrest warrant was issued. Based on the information received from the Sheriff's Department, the County has no 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: \$ \_\_\_\_\_

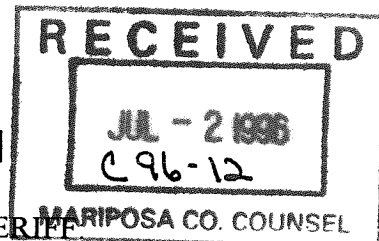
SPECIAL INSTRUCTIONS:  
List the attachments and number the pages consecutively:  
  
Claim No. C96-12.  
Notice of Rejection of Claim.  
\_\_\_\_\_  
\_\_\_\_\_

CLERK'S USE ONLY:  
Res. No.: 96-337 Ord. No. \_\_\_\_\_  
Vote - Ayes: 5 Noes: \_\_\_\_\_  
Absent: \_\_\_\_\_ Abstained: \_\_\_\_\_  
(X) 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: 

CLAIM AGAINST PUBLIC ENTITY  
[Government Code Sections 905, 905.2, 910, 910.2]



TO THE COUNTY OF MARIPOSA, and MARIPOSA COUNTY SHERIFF

RICK JARRATT hereby makes claim against the County of Mariposa and Mariposa County Sheriff, and makes the following statements in support of the claim:

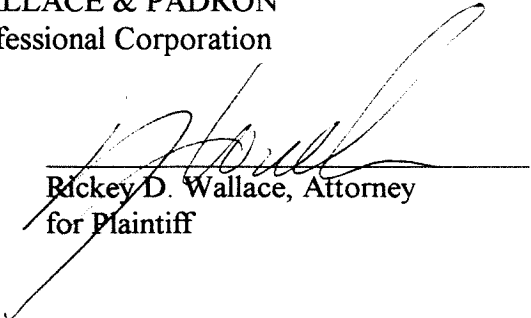
1. Claimant's address is 3340 Elizabeth Lane, Mariposa, CA, 95338.
2. Notices concerning this claim should be sent to Rick Jarratt, c/o CANELO, HANSEN, WILSON, WALLACE & PADRON, Professional Corporation, P.O. Box 2165, Merced, California, 95344-0165.
3. The date and place of the occurrence giving rise to this claim are May 14, 1996, at in the County of Mariposa, California.
4. The circumstances giving rise to this claim are as follows:

During the period January 12, 1996 through and including May 14, 1996, Sergeant Green, Officer C. Verley, and Captain Sinclair, agents, officers, and employees of the Mariposa County Sheriff's Office, and each of them, used the color and power of their office for personal reasons and gain; provided false information to the Clerk and a Judge of the Mariposa County Municipal Court and the Mariposa County District Attorney; and withheld information from the Clerk and a Judge of the Mariposa County Municipal Court, Mariposa County District Attorney; all of which culminated in the false arrest and imprisonment of Claimant. The above officers of the Mariposa County Sheriff, knowingly, intentionally, and negligently caused and set events into motion which were intended or which said officers reasonably should have known would cause claimant great humiliation, embarrassment, and emotional distress. Moreover, agents and employees of the County of Mariposa and the Mariposa County Sheriff's Office failed to fulfill a mandatory duty, namely giving claimant notice of a complaint filed against him, which failure further caused the false arrest and imprisonment of Claimant. All of the above acts of the agents and employees of the County of Mariposa were violations of Claimant's civil rights, and were oppressive, fraudulent, and done with malice and a reckless disregard for the rights and privileges of others.
5. Claimant suffered severe embarrassment, humiliation, and emotional distress, injury to his reputation, loss of his liberty and freedom, and loss of his civil rights.
6. This claim, as of the date of this claim, is in an amount that would place it within the jurisdiction of the Superior Court. The claim is based on injuries to Claimant's person, and psyche, injury to Claimant's reputation, loss of claimant's liberty and freedom, loss and injury to Claimant's civil rights, punitive damages and general damage in an amount to be proven later.

DATED: June 27, 1996

CANELO, HANSEN, WILSON,  
WALLACE & PADRON  
Professional Corporation

By:

  
\_\_\_\_\_  
Rickey D. Wallace, Attorney  
for Plaintiff

**PROOF OF SERVICE BY CERTIFIED AND REGULAR MAIL**  
**(Section 1013a, 2015.5 CCP)**

COUNTY OF MERCED     )  
STATE OF CALIFORNIA ) ss.

I am over the age of 18 and not a party to this case. I am a resident of or employed in the county where the mailing occurred. My business address is: 548 West 21st Street, Merced, California. I served the within:

**CLAIM AGAINST PUBLIC ENTITY**  
**[Government Code §§905, 905.2, 910, 910.2]**

on each person named below by enclosing a copy in an envelope addressed as shown below and placing the envelope for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid. Date of Deposit: June 28, 1996. Place of Deposit (city/state): Merced, California.

**Mariposa County Board of Supervisors**  
**Post Office Box 784**  
**Mariposa, California 95338**

**Mariposa County Sheriff's Department**  
**Post Office Box 276**  
**Mariposa, California 95338**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: June 28, 1996

*Brenda Gatlula*  
BRENDA GATDULA

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. C96-12

13 Rick Jarratt  
14 c/o CANELO, HANSEN, WILSON, WALLACE, & PADRON  
15 P.O. Box 2165  
16 Merced, CA 95344-0165


17 having filed with this Board on July 2, 1996 a claim for damages for an  
18 undetermined amount;

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

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

22 AYES: Reilly, Balmain, Stewart, Parker, and Taber  
23 NOES: None  
24 ABSENT: None  
25 ABSTAINED: None

26 Dated this 9th day of August, 1996.

27   
28 \_\_\_\_\_  
29 DOUG BALMAIN, Chairman  
30 Board of Supervisors

31 ATTEST:

32   
33 \_\_\_\_\_  
34 MARGIE WILLIAMS, Clerk of the Board

TO: Rick Jarratt  
c/o CANELO, HANSEN, WILSON, WALLACE & PADRON  
P.O. Box 2165  
Merced, CA 95344-0165

RE: CLAIM FOR DAMAGES (Claim No. C96-12) AMOUNT OF CLAIM: Undetermined  
NOTICE OF REJECTION

NOTICE IS HEREBY GIVEN that the claim, which you presented to the Board of Supervisors of Mariposa County on July 2, 1996 was rejected by action of the Board on August 6, 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 § 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 August 12, 1996, I served the within Notice of Rejection of Claim No. C96-12 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:

Rick Jarratt  
c/o CANELO, HANSEN, WILSON, WALLACE & PADRON  
P.O. Box 2165  
Merced, CA 95344-0165

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

Executed on August 12, 1996 at Mariposa, California.

  
Sandra V. Adams