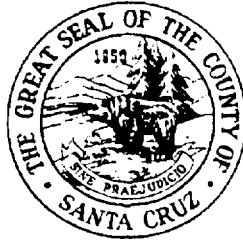


OFFICE OF THE
COUNTY COUNSEL

GOVERNMENT CENTER
(408)454-2040
FAX(408)454-2115

DWIGHT L. HERR
COUNTY COUNSEL

DEBORAH STEEN
SAMUEL TORRES, JR.
CHIEF ASSISTANTS



COUNTY OF SANTA CRUZ

701 OCEAN STREET, ROOM 505, SANTA CRUZ, CALIFORNIA 95060-4068

HARRY A. OBERHELMAN III
MARIE COSTA
JANE M. SCOTT
RAHN GARCIA
TAMYRA CODE
PAMELA FYFE
ELLEN LEWIS
KIM BASKETT
LEE GULLIVER
DANA McRAE

ASSISTANTS

GOVERNMENT TORT CLAIM
RECOMMENDED ACTION

Agenda August 25, 1998

To: The Board of Supervisors

Re: Claim of Walter Williams, No. 899-008

Original Document and associated materials are on file at the Clerk to the Board of Supervisors.

In regard to the above-referenced claim, this is to recommend that the Board take the following action:

X 1. Deny the claim of Walter Williams, No. 899-008 and refer to County Counsel.

Deny 2 the application to file a late claim on behalf of _____ and refer to County Counsel.

Grant 3 the application to file a late claim on behalf of _____ and refer to County Counsel.

_____ 4. Approve the claim of _____ in the amount of _____ and reject it as to the balance, if any, and refer to County Counsel.

5. Reject the claim of _____ as insufficiently filed and refer to County Counsel.

cc: John Fantham, Director
Department of Public Works

Alvin James, Director
Planning Department

RISK MANAGEMENT

By Janet McKinley

COUNTY COUNSEL

By Elaine Lewis

LTR9.WPT

PER 5107 Rev 4/97

CLAIM AGAINST THE COUNTY OF SANTA CRUZ
(Pursuant to Section 9 10 et Seq., Govt. Code)

899-008

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TO: BOARD OF SUPERVISORS
COUNTY OF SANTA CRUZ
AT-TN: Clerk of the Board
Governmental Center
701 Ocean Street, Santa Cruz, CA 95060



1. Claimant's Name: WALTER WILLIAMS
Address: 525 Debbie Court
Boulder Creek 95006
Phone No: 338-1705

P.O. Box to which notices are to be sent: _____

2. Occurrence: Mudslide on County Setback onto County Road
Date: 2/7/1998 Place: Fairmont / 525 Debbie Court
Circumstances of occurrence or transaction giving rise to claim: Read Addendum

4. General description of indebtedness, obligation, injury, damage or loss incurred so far as is now known:
Read Addendum

5. Name(s) of public employee(s) causing injury, damage or loss, if known: _____

6. Amount claimed now \$ 16,000
Estimated amount of future loss, if known \$ _____

TOTAL \$ 16,000

7. Basis for above computations: To Pay for and restore Property \$16,000 - This covers amount spent & estimate for retaining Wall & replanting Hillside

8. If the amount claimed is over \$ 10,000, indicate the court of jurisdiction:
✓ Municipal Court _____ Superior Court

CLAIMANT'S SIGNATURE: Walter Williams

Note: Claim must be presented to Clerk, Board of Supervisors, within six (6) months after the act which occasioned the injury.

Americans with Disabilities Act questions or requests for accommodations may be directed to the ADA Coordinator at 454-2962 (TDD 454-2 123).

CLAIM AGAINST THE COUNTY OF SANTA CRUZ

1. CLAIMANT'S NAME: WALTER AND CLAUDIA WILLIAMS
 ADDRESS: 525 DEBBIE COURT BOULDER CREEK, 95006
 PHONE NO. 338 1705
2. OCCURRENCE: MUDSLIDE ON BACK OF MY PROPERTY. THE SLIDE BEGAN ON COUNTY SETBACK FROM COUNTY ROAD, FAIRMONT.

CIRCUMSTANCES OF OCCURRENCE OR TRANSACTION GIVING RISE TO CLAIM. JOHN FANTHAM , JOHN SWENSON OF PUBLIC WORKS AND JEFF ALMQUIST OFFICE. THESE ARE PEOPLE I HAVE CONTACTED AND TALKED TO ABOUT SLIDE. THE SLIDE HAFENED ON FEB. 7, 1998. I CONTACTED PUBLIC WORKS TELLING THEM THAT THE TOE OF THE SLOPE HAD FALLEN ONTO FAIRMONT, A PUBLIC ROAD. PEOPLE WERE NOT ABLE TO LEAVE OR COME INTO AREA. THE TOE OF THE SLOPE WAS AND IS LOCATED ON THE COUNTY RIGHT OF WAY. FROM THERE WITH THE CONTINUING RAIN MORE SLIPPAGE HAPPENED GOING UP THE SLOPE TOWARDS OUR HOUSE. PAIA LEVINE RECOMMENDED WE TARP THE SLOPE AND TAKE TREES OFF SLOPE WHICH WE DID. WE LATER GO-I- A LETTER FROM JOHN FANTHAM OF PUBLIC WORKS TELLING US WE HAD DONE THE CORRECT ACTION ALSO STATING THEY WERE APPLYING TO FEMA FOR REIMBURSEMENT FOR THE MUD AND DEBRIS REMOVAL AS WELL FUNDING FOR A PERMANENT PROJECT THAT WOULD REDUCE THE CHANCE OF FURTHER SLIDING AND DAMAGE TO THE ROADWAY. A PROJECT OF THIS NATURE WOULD BE A RETAINING WALL. JOHN SWENSON, JOE HANNA, COUNTY GEOLOGIST, COUNTY LEGAL COUNCIL, AND JOHN FANTHAM DROVE BY MY PROPERTY. AT THIS POINT PUBLIC WORKS SAID "THE COUNTY HAS SOME LIABILITY IN THIS MATTER". THAT IS THE REASON THERE HAS BEEN CONTINUED DIALOG BETWEEN PUBLIC WORKS AND MY FAMILY. I AM ASKING THE COUNTY TO TAKE SOME RESPONSIBILITY FOR THE SLIDE AND HELP PROTECT MY FAMILY FROM FURTHER POSSIBLE OCCURRENCES. AS I HAVE TOLD JOHN SWENSON I AM WILLING TO HELP PAY FOR FIXING PROBLEM. I DO NOT HAVE THE RESOURCES FOR THE COMPLETE FIX: I AM A PUBLIC SCHOOL TEACHER WITH A FAMILY. WE HAVE ALSO DISCUSSED HOW DO IT

IS FOR ME A TAXPAYER, TO PAY TO PROTECT A PUBLIC ROAD, FAIRMONT
FROM FURTHER DAMAGE WHEN OCCURRENCE HAPPENED ON PUBLIC WORKS
PROPERTY TO BEG IN WITH. I HAVE CONTACTED MY INSURANCE COMPANY
AND THERE COMMENT WAS THERE IS NO INSURANCE FOR MUDSLIDES IN
CALIFORNIA.

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OUR ATTORNEY IN THIS MATTER, TONY MARSH OF SAN JOSE HAS ADVISED US
TO SEE HOW THE COUNTY RESPONDS TO THIS PETITION BEFORE ANY FURTHER
LEGAL ACTION ON OUR PART. WE HAVE HIRED AN ENGINEER WHO HAS COME
UP WITH A PLAN TO PROTECT THE COUNTY ROAD AS WELL AS OUR HOUSE
FROM FURTHER PROBLEMS.

4. GENERAL DESCRIPTION OF INDEBTEDNESS, OBLIGATION, INJURY, DAMAGE
OR LOSS INCURRED SO FAR AS IS NOW KNOWN:

A. TARPING SLOPE, CUTTING DOWN TREES ON SLOPE, CLEANING SLOPE
AFTER TAKING OFF TARP, GEOLOGICAL REPORT, ATTORNEY FEES,
REPLANTING HILLSIDE, RETAINING WALL ENGINEERED. THESE ARE THE
DEBTS WE HAVE INCURRED SO FAR. WE HAVE ESTAMATES FOR RETAINING
WALL AND REPLANTING AFTER WALL IS IN PLACE WHICH IS INCLUDED IN
TOTAL OF \$ 16,000.