



County of Santa Cruz

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OFFICE OF THE COUNTY COUNSEL

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GOVERNMENT TORT CLAIM

RECOMMENDED ACTION

Agenda September 14, 1999

To: Board of Supervisors

Re: Claim of Michele Gray, No. 900-019

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:

- 1 ^X . Deny the claim of Michele Gray, No. 900-019 and refer to County Counsel.
- 2 . Deny the application to file a late claim on behalf of _____ and refer to County Counsel.
- 3 . Grant 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 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

RISK MANAGEMENT

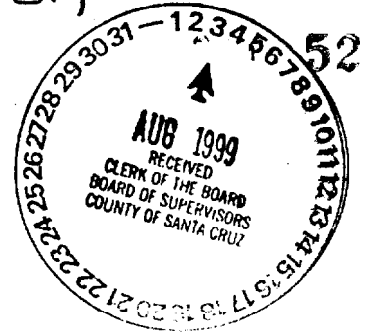
By Janet McKinley

COUNTY COUNSEL

By Samuel Torres, Jr.

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

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



1. Claimant's Name: Michelle Gray
Mailing Address: 1344 University Ave.
San Jose, CA 95126
Phone No: (408) 998-2067
Address: 209 Eschwege Dr.
Capitola, CA
(831) 476-7431

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

2. Occurrence: Flat tire and rim damages
Date: 7/19/99 Place: 9th Street and East Cliff Drive

Circumstances of occurrence or transaction giving rise to claim: I was driving down 9th Street towards East Cliff Drive and I drove off a grate that was uplifted in the street and landed on a broken curb underneath it and popped my back right tire, damaged the front right tire and both rims were damaged.

4. General description of indebtedness, obligation, injury, damage or loss incurred so far as is now known:
The back right tire was blown out. the front right tire was cut into and both right rims were dented and scraped.

5. Name(s) of public employee(s) causing injury, damage or loss, if known: none

6. Amount claimed now.....\$ 303.44

Estimated amount of future loss, if known.....\$ 370.00

TOTAL \$ 673.44

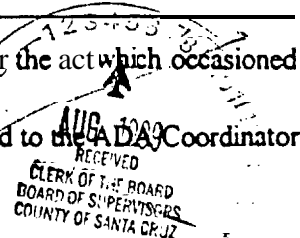
7. Basis for above computations: \$303.44 for the 2 tires replaced, \$370 for the two rims that need replacement (\$185 x 2 = \$370)

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

CLAIMANT'S SIGNATURE: Michelle Gray

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).



July 29, 1999

Risk Management
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95062

To Whom It May Concern:

On Monday July 19, 1999, I was driving down 9th Street in Santa Cruz at the speed limit of 25mph, and at the bottom of the street, right before ending at East Cliff Drive, I got a flat tire. With more investigation I realized that a drain grate was lifted several inches out of the ground and below it the broken down curb jetted out. Apparently I must have driven off the grate and landed on the curb which tore into my front right tire and popped my back right tire completely. Both of my rims have also been damaged by this incident.

Normally I would take responsibility for something of this nature, however, when speaking with the neighbor who lives right near this place in the road, I thought otherwise. Anne Silva, who lives at 2825 9th Street, Santa Cruz, CA, informed me that the same thing happens about five times a month. Someone drives down the street at the speed limit of 25mph, and his or her back right tire blows out at the same exact place. She said that each time it has happened she has called the road maintenance for the area and nothing has been done to fix it. People have come to look at it, but nothing has been repaired. No caution signs were placed there at the site either, and on the left side of the street there is even a sign reading "STAY RIGHT," which I did and paid the unfair consequences.

Like the several times before, Anne Silva called road maintenance. Frank Holdener responded and came out to investigate the problem. He took pictures of the part of the street in concern and of both my tires. He was very sorry about the incident and gave me his card and told me to call Risk Management for the County of Santa Cruz to inquire about covering the damage.

I am disturbed at this knowledge that the frequent phone calls concerning this problem were ignored and I have to pay for it. I believe that it is unfair that I have to pay for something that is an obvious problem that the city has continuously been aware of and reminded frequently about, and it still had not been taken care of. I am not looking to cause any trouble here, however I would appreciate it if the damage to my car could be covered. I am a 19-year-old college student and just bought my first car and will not be able to afford car payments because of this. I have replaced the two damaged tires by putting it on a credit card, which will be very difficult for me to pay off. Unfortunately, I cannot replace the rims because of lack of funds. I need my car for work

and soon to go back down to school. I would very much appreciate it if the damage to my car could be paid for.

Enclosed are the receipt for the two tires that were damaged and replaced, and an estimate for the two damaged rims that also need replacing.

If someone could get back to me about this request as soon as possible I would really appreciate it.

Also, in speaking with Anne Silva, the neighbor, on Wednesday, July 21, 1999, she was pleased to inform me that the road was fixed early in the morning on Tuesday, July 23, 1999, after the incident with my car. I would like to thank whoever is responsible for that quick response.

Sincerely,

Michele Gray
209 Escalona Drive
Capitola, CA

Mailing address:
1344 University Ave.
San Jose, CA 95126