



# County of Santa Cruz

0017

## OFFICE OF THE COUNTY COUNSEL

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## GOVERNMENT TORT CLAIM

### RECOMMENDED ACTION

Agenda October 26, 1999

To: Board of Supervisors

Re: Claim of Elise Stassart, No. 900-041

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 Elise Stassart, No. 900-041 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: Nancy Carr-Gordon, Deputy Director  
General Services Department

RISK MANAGEMENT

By Janet McKinley

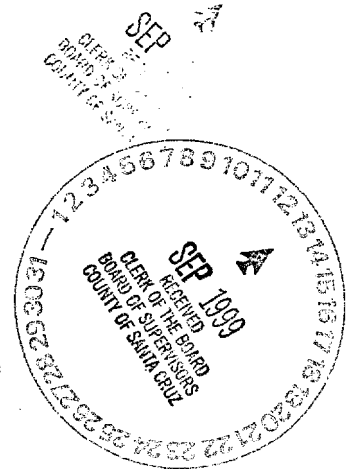
COUNTY COUNSEL

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  
ATTN: Clerk of the Board  
Governmental Center  
701 Ocean Street  
Santa Cruz, CA 95060

1. Claimant's Name: Elise Stassart  
Address: 2 1884 Bear Creek Way  
Los Gatos, CA 95033  
Phone No: (408) 354-2175
2. Occurrence: Inability to receive mail due to County's negligence  
Date: 9/11 /99 forward  
Place: 2 1884 Bear Creek Way Los Gatos, CA 95033



Circumstances of occurrence or transaction giving rise to claim:

A single-family dwelling was built in Santa Cruz County and assigned the address of 2 1884 Bear Creek Road on or about December 1980. This was the legal and proper address of the residence when it was purchased in December 1989 by Philippe & Elise Stassart. The house is located in a rural area on a private driveway that is shared by fourteen (14) residences. The private driveway is owned and maintained solely by the residents. In 1992, a family with the name Patel moved onto the driveway into a new house. They were unhappy by the fact that the driveway was not provided with a street name and felt that the driveway would be improved and their house value would increase if the driveway was named and the houses numbered in order similar to a suburban environment. The residents protested and appealed, but the county assigned the name Bear Creek Way to the driveway and re-assigned numbers to the houses. At that time, they mis-located the residence at 2 1884 Bear Creek Road on their maps and instead assigned an address to the location of a tree house located on the Stassart property. The Stassarts brought this to the attention of the County and demanded that the house be located properly on county maps and an appropriate number issued and the County refused.

In 1993, the Patels sold their house and moved to Palo Alto.

In 1993, the Stassarts notified the County that they would retain the use of the 21884 Bear Creek Road address since the County had **refused** to act to correct the error of assigning an address to a tree house. They contacted the Los Gatos Post Office and the Post Office agreed to continue delivering mail to the 2 1884 Bear Creek Rd address.

In 1998, the USPS created a policy that they could only deliver mail to addresses deemed valid by the county or city that had jurisdiction.

In August 1999, the residents on the private driveway, now called Bear Creek Way, experienced a rash of mail thefts. They met and decided to procure a cluster box. The Stassarts having been elected by their neighbors to facilitate the purchase and installation of the mailbox distributed flyers and likewise disseminated information to proceed with the operation. Unbeknownst to the Stassarts, the installation of a cluster box results in a cut in pay for rural route carriers.

On September 1, 1999, the postal carrier for the Bear Creek Way route refused to continue delivering mail to the 2 1884 Bear Creek Road address, stating that it was not a valid County address. Elise Stassart contacted the Los Gatos Post Office and the Los Gatos Postmaster informed her that they would require a letter from the County allowing continued delivery to the address.

On September 7, 1999, Elise Stassart went down to the Santa Cruz County offices and asked for a letter allowing continued usage of the 21884 Bear Creek Rd address and the County staff **refused** such letter and referred her to Chief Steve Wert, the County Fire Marshall. On September 8, 1999, Elise Stassart spoke to Chief Wert by telephone. Chief Wert stated that he did not care what mailing address the post office used, but he **refused** to provide a letter.

General description of indebtedness, obligation, injury, damage or loss incurred so far is now known:

At this point in time, mail delivery is precarious. If the County does not provide a letter acknowledging that the address is valid for use as a mailing address, the Stassarts will be forced to rent a post office box to ensure continued delivery of their mail at a cost of approximately \$300. Additionally, since September 1, 1999, mail to the 21884 Bear Creek Rd address has been marked by the **postal** carrier as 'No such address' and returned to the sender. Since the Stassarts run a business out of their **home**, checks and other business materials have been lost.

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

County Office of Emergency Services,  
Chief Steve Wert

Amount claimed now: \$300

Estimated amount of future loss: \$300/year for rental of postal box unit

CLAIMANT'S SIGNATURE:

Elise Stassart

## ADDEDUM:

Claimants would like the following noted for the record:

- 1) 'The County has at no time either before or after assigning a street name to a driveway has ever inspected said driveway to determine whether or not it fits County's definitions of a street
- 2) The County has at no time since 1993 verified compliance with the street naming or re-numbering of the addresses
- 3) The County has at no time acted to correct the assignment of an address to a tree house since 1993 even though they have been aware of that error since that time and it is a matter of record.
- 4) Mail service has continued with minimal interruption since 1989 to the 2 1884 Bear Creek Rd address. At no time has the house or mail box moved during that time.
- 5) The Office of Emergency Services has stated that the reason for the re-numbering was to provide emergency services the ability to locate each residence yet has made no effort to prevent emergency services to arriving at a tree house in the event of an actual emergency.
- 6) Since 1989, no emergency vehicles have been required to service the property at 2 1884 Bear Creek Rd.
- 7) Since 1989, mail delivery has been a requirement for every business day.
- 8) There are no signs or other identifying markers that show the tree house address at this time.
- 9) Claimants have no intention of using a mis-leading or false address and therefore have continued using the 2 1884 Bear Creek Rd address.
- 10) Claimants would be happy to drop any future and present claims against the County if the County would provide a letter allowing the continued use of the 21884 Bear Creek Rd address
- 11) If the County does not allow the continued use of the address and refuses to correct the addressing of a tree house, then the Claimants request the County reimburse for the cost of a postal box to ensure secure mail delivery.
- 12) Claimants reserve the right to advance this case to court if necessary.