



# County of Santa Cruz

## OFFICE OF THE COUNTY COUNSEL

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## GOVERNMENT TORT CLAIM

### RECOMMENDED ACTION

Agenda August 27, 2002

To: Board of Supervisors

Re: Claim of Janine Hall, No. 203-008

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:

1. Reject the claim of \_\_\_\_\_ and refer to County Counsel.
2. Deny the application to file a late claim on behalf of \_\_\_\_\_ and refer to County Counsel.
- X   3. Grant the application to file a late claim on behalf of Janine Hall, No. 203-008 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: Tom Bolich, Director  
Department of Public Works

### RISK MANAGEMENT

By Janet McKinley  
Janet McKinley, Risk Manager

DANA McRAE, COUNTY COUNSEL

By Kim Elizabeth Baskett  
Kim Elizabeth Baskett, Assistant County Counsel

APPLICATION FOR LEAVE TO FILER LATE CLAIM

0018

*Pursuant to Section 911.4 of the Government Code*

TO: CLERK OF THE BOARD OF SUPERVISORS  
 701 OCEAN STREET, ROOM 500  
 SANTA CRUZ, CA 95060

(831)454-2323 Phone  
 (831)454-2327 Fax

Janine Hall hereby makes application for leave to present a late claim founded on a cause of action for Damage to my property during the Capitola Rd project which occurred on 11/11 and 12/9/2001 and for which a claim was not presented within six (6) months, (for death, injury to personal property or person or crops) or 1 year (any other cause of action), by Section 911.2 of the Government Code. For additional circumstances relating to the said cause of action, claimant refers to and hereby incorporates by reference, the proposed claim attached to this application.

Claimant hereby sets forth the following reasons why said claim was not timely presented:

The claim, receipts and pictures were sent to Peter Porfidio at his request. He came out and witnessed the damage. When I received no action I spoke to him and was told my claim had been sent to Glenn Goeffert, who never returned my calls. Please see attached copies of correspondence.

Said application is being presented within a reasonable time after occurrence of said cause of action, not to exceed one year from the date of the occurrence giving rise to the claim.

WHEREFORE, claimant respectfully requests that said application be granted pursuant to Government Code 911.6 and that said claim which is hereby attached, be received and acted on in accordance with Sections 910 et seq., of the Government Code of the State of California.

DATED 7/22/02 CLAIMANT Janine Hall

July 22, 2002  
Janine Hall  
2272 Capitola Road  
Santa Cruz, CA 95062

Janet McKinley  
Risk Manager  
County of Santa Cruz  
701 Ocean Street, Room 310  
Santa Cruz, California 95060

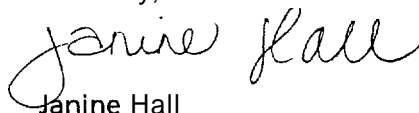
Dear Ms. McKinley,

I have filled out the claim and the application to file a late claim. As I mentioned on the phone, I originally filed the claim within a month of the last damage and turned it in to Pete Porfidio, who told me to send him the receipts and pictures and he would take of it. When I heard nothing from him, I made several calls until Pete returned my call and said he had forwarded my claim to Glenn Goeffert. I then started calling him and never received a return call. I was attempting to reach Mr. Goeffert again when I was directed to you.

Enclosed are my original letter to Mr. Portfidio, receipts, letter from my vacating renter and photographs of the damage. Mr. Portfidio came out to see the damage as it was happening and helped in getting the workers to accelerate the portion in front of my house to prevent further damage.

I would appreciate a speedy resolution and thank you in advance for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Janine Hall". The signature is written in dark ink and is positioned above the printed name.

Janine Hall

January 8, 2001  
 2272 Capitola Road  
 Santa Cruz, CA 95062

Peter Porfido  
 County of Santa Cruz  
 701 Ocean Street, Room 214  
 Santa Cruz, CA 95060

Dear Peter,

Enclosed are pictures of the water damage caused by the rain storms November 11th and December 9th.

As part of the Capitola Road sidewalk project, the county removed the water diversion rollovers I had constructed around my property, thus causing this damage. Because of the severity of the damage and the inconvenience caused to my renters, they moved out and I had to reimburse them their rent money as well as pay for their hotel bills. These bills and a letter from my renters are also included in this envelope.

The carpet had to be replaced **\$3488** and the walls disinfected and painted. I have included the receipts for the carpet and paint. I paid \$200 to have the cottage painted. The place still isn't rented so I would like to get this handled as soon as possible because this has and is costing me a lot of money.

Carpet	<b>3488.00</b>	
Paint	93.86	
Painting	200.00	
Reimbursement	525.90	
loss of income	<u>754.80</u>	because cottage could not be rented until repaired
	5062.56	

Thank you for your attention to this matter,

Janine Hall