



Mendocino County

Legislation Text

File #: 23-0534, Version: 1

To: Board of Supervisors

From: County Counsel and Executive Office

Meeting Date: May 9, 2023

Department Contact: Christian Curtis

Phone: 707-234-6885

Department Contact: Heather Correll Rose

Phone: 707-463-4441

Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Denial of Application of Jody Koozer to Present a Late Claim Against the County

Recommended Action/Motion:

Deny application of Jody Koozer to present a late claim against the County.

Previous Board/Board Committee Actions:

None.

Summary of Request:

Under the Government Claims Act (Government Code Section 900 *et seq.*), a claim relating to a cause of action for injury to a person or to personal property must be presented to the County no later than six months after the accrual of the cause of action. Claimant in this matter allegedly suffered injuries while walking on School Street, behind the Mendocino County Superior Court, on April 20, 2022, claiming to have costs related to bodily injury and pain and suffering in the amount of \$100,000,000.00. Attorneys for claimant request to file a late claim as they were unaware the claim they submitted to the County in October 2022 was never received by the County.

A request to file a late claim shall be granted in certain circumstances, including where the failure to present the claim was through “mistake, inadvertence, surprise or excusable neglect and the public entity was not prejudiced in its defense of the claim by the failure to present the claim” within the required time period. Government Code Section 911.6.

County Counsel recommends rejection of the request. The actions by claimant’s attorneys do not show inadvertence or excusable neglect, as they waited until the end of the six-month period to attempt to file a claim with the County, used tracking services of the United States Postal Service but then did not confirm that the County had actually received the claim until preparing to file suit against the defendants - right before the deadline to do so.

Alternative Action/Motion:

Grant Application of Jody Koozer to Present Late Claim Against the County

Does This Item Support the General Plan? N/A

Strategic Plan Priority Designation: An Effective County Government

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At: n/a

Fiscal Details:

source of funding: N/A

current f/y cost: N/A

annual recurring cost: N/A

budget clarification: N/A

budgeted in current f/y: N/A

if no, please describe:

revenue agreement: N/A

Agreement/Resolution/Ordinance Approved by County Counsel: N/A

CEO Liaison: Executive Office

CEO Review: Yes

CEO Comments:

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Executed By: Atlas Pearson, Senior Deputy Clerk

Date: May 9, 2023

Final Status: Approved

