RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes  No)

Authorize Chair to sign an Order of the Board to reject Claim No. C02-11 for an amount of $240.59. Claimant alleges that he sustained damage to his windshield as a result of a County vehicle throwing a rock up which cracked his windshield. Counsel is requesting denial of this claim based on information received from the Public Works Department that the pickup truck that was involved was not hauling any material in the truck bed on that day. The County is not liable for rocks on a road which may create a road hazard, as was the case in this matter.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board usually follows Counsel’s recommendation in matters of this nature.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- Reject claim as recommended.
- Take no action; claim will automatically be denied if no action is taken.

<table>
<thead>
<tr>
<th>COSTS:</th>
<th>SPECIAL INSTRUCTIONS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Budgeted current FY</td>
<td>List the attachments and number</td>
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<tr>
<td>B. Total anticipated costs</td>
<td>the pages consecutively:</td>
</tr>
<tr>
<td>C. Required additional funding</td>
<td></td>
</tr>
<tr>
<td>D. Internal transfers</td>
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<table>
<thead>
<tr>
<th>SOURCE:</th>
<th>4/5ths Vote Required</th>
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<tbody>
<tr>
<td>A. Unanticipated revenues</td>
<td>$</td>
</tr>
<tr>
<td>B. Reserve for contingencies</td>
<td>$</td>
</tr>
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<td>C. Source description:</td>
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<tr>
<td>Balance in Reserve for Contingencies, if approved:</td>
<td>$</td>
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</table>

CLERK'S USE ONLY:

Res. No.: C02-338

Vote - Ayes: 5

Ord. No.: __________

Noes: 0

Absent: ______

Abstained: ______

Approved ( )

Denied ( )

Minute Order Attached ( )

No Action Necessary ( )

The foregoing instrument is a correct copy of the original on file in this office.

Date: __________

ATTEST: MARGIE WILLIAMS, Clerk of the Board

County of Mariposa, State of California

By: Deputy

A.O. Initials: __________

Action Form Revised 5/92
COUNTY OF MARIPosa CLAIM FORM

CLAIM OF Andrew Alan Dahlgren 
(Claimant) 

v. 

COUNTY OF MARIPosa 

CLAIM FOR PERSONAL INJURY AND/OR PROPERTY DAMAGE 
(Government Code § 910)

TO THE BOARD OF SUPERVISORS OF MARIPosa COUNTY:

YOU ARE HEREBY NOTIFIED that: (PLEASE TYPE OR PRINT)

Claimant: Andrew Alan Dahlgren

Whose address is: P.O. Box 121

City and State: Coulterville, Ca. Zip: 95311

claims damages from the COUNTY OF MARIPosa in the amount, computed as of the date of presentation of this claim, of $240.59.

This claim is based on: (CHECK APPROPRIATE BOX OR BOXES)

<XX> Property Damage < > Other (LIST)

< > Personal Injury

< > Contract

which occurred on July 11, 2002, in the vicinity of:

Hiway 49 in Mariposa

(PLACE WHERE INCIDENT OCCURRED)

Describe generally the facts and circumstances that give rise to the claim: (PLEASE USE BACK OF THIS PAGE IF MORE SPACE IS NEEDED.)

I was leaving Mariposa heading for Coulterville, just past the DMV/Hiway patrol offices, when a Mariposa county truck passed by going the other way. His truck threw a rock which hit my truck, cracking the windshield.

The name(s) of the public employee(s) causing claimant's injuries or damages under the above-described circumstances is/are: Randy McAndrews 

Mariposa Public Works
The injuries sustained by claimant, as far as known, as of the date of presentation of this claim consist of: (DESCRIBE GENERALLY CLAIMANT'S INJURIES OR DAMAGES)

The amount claimed, as of the date of presentation of this claim is computed as follows:

**Damages incurred to date:**

Expenses for medical and hospital care $__________

Loss of earnings $__________

Specific damages (ITEMIZE) $240.59

Other damages (ITEMIZE) $__________ $__________

**TOTAL DAMAGES INCURRED TO DATE:** $240.59

Estimated future damages as far as known from this incident:

Total estimated prospective damages: $__________

**TOTAL AMOUNT CLAIMED AS OF DATE OF PRESENTATION OF THIS CLAIM:** $240.59

All notices or other communications with regard to this claim should be sent to claimant at: P.O. Box 121 Coulterville, Ca. 95311

(ADDRESS TO WHICH NOTICES ARE TO BE SENT)

Dated: 7-16-52 Signed: [Signature]

CLAIMANT/AGENT FOR CLAIMANT

Government Code § 911.2. Time of presentation of claims

A claim relating to a cause of action for death or for injury to person or to personal property or growing crops shall be presented as provided in Article 2 (commencing with § 915) of this chapter not later than six months after the accrual of the cause of action. A claim relating to any other cause of action shall be presented as provided in Article 2 (commencing with § 915) of this chapter not later than one year after the accrual of the cause of action.
**Quality Glass Wares**

*Since 1960*

**QUOTE 02300**

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<tr>
<th>CASH SALE</th>
<th>CHARGE</th>
<th>CREDIT</th>
<th>CUSTOMER SERVICE REP</th>
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<tbody>
<tr>
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<td>2</td>
<td>PPS</td>
<td>URETHANE/DAM/PRIME R, 2.8, NAGS CODE 2</td>
<td>5.48</td>
<td>10.95</td>
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<tr>
<td>1</td>
<td>WFS D115</td>
<td>PRP FILLER (STRIP) (BLACK) (3/4 (TOP AND SIDES)) (MOULDING)</td>
<td>33.25</td>
<td>33.25</td>
<td>33.25</td>
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</tbody>
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**DIRECTION TO PAY:** The glass listed has been replaced with new parts unless otherwise indicated to my satisfaction, and I authorize my insurance company to pay DON'S MOBILE GLASS, directly. Additionally, I assign to Don's Mobile Glass the rights to benefits claimed under my policy. I agree that if my insurance company does not pay in full, I am responsible for the balance. Purchases on account are due 90 days from date of purchase. A FINANCE CHARGE of 11% per month or 18% ANNUAL PERCENTAGE RATE will be added to all past-due accounts. The collection effort is made by suit or otherwise. I agree to pay interest at the above rate until the amount due is paid. Collection costs, including reasonable attorneys' fees and legal expenses, may be added to the balance due.

**CUSTOMER'S SIGNATURE**

---

**SUB TOTAL**

**SALES TAX**

**TOTAL**

**DEPOSIT**

**BALANCE DUE**
TO: Jeff Green, County Counsel
FROM: Kent Woolsey, Road Superintendent
SUBJECT: Mariposa County Claim No. C02-11

In response to your memo of July 22, 2002, the Road Division had no heavy trucks traveling on Highway 49 North on July 11, 2002. However, we did have several pickup trucks on that stretch of road.

The claim doesn’t state the time of day or the type of vehicle involved in this incident. More information would be helpful.

8/15
Darleen spoke to Randy McAndrews & received the road log & determined that he was not hauling anything on the day of the incident. No others were hauling anything on that stretch of highway on that day. Mr. A spoke of the claimant & gave him his road that day.
JEFFREY G. GREEN  
County Counsel  
P. O. Box 189  
5100 Bullion Street  
Mariposa, CA 95338  

BEFORE THE BOARD OF SUPERVISORS  
OF  
MARIPOSA COUNTY, STATE OF CALIFORNIA  

In the Matter of:  
CLAIM FOR DAMAGES PURSUANT TO GOVERNMENT CODE § 911.6  

CLAIM NO. 02-11  

ANDREW DAHLGREN, P.O. Box 121, Coulterville, California, having filed with this Board on July 19, 2002, a claim for damages in the amount of $240.59.  

NOW, THEREFORE, IT IS ORDERED by the Board of Supervisors that the claim is hereby rejected.  

The foregoing order was passed by the following vote of the Board:  

AYES: Parker, Reilly, Stewart, Pickard, Balmain  
NOES: None  
ABSENT: None  
ABSTAINED: None  

Dated this 3rd day of September, 2002.  

ROBERT C. STEWART, Chair  
Board of Supervisors  

ATTEST:  

MARGIE WILLIAMS, Clerk of the Board
TO: Andrew Alan Dahlgren  
P.O. Box 121  
Coulterville, CA 95311  

RE: CLAIM FOR DAMAGES (Andrew Alan Dahlgren Claim No. C02-11)  
AMOUNT OF CLAIM: $240.59  
NOTICE OF REJECTION  

NOTICE IS HEREBY GIVEN that the claim, which you presented to the Board of Supervisors of Mariposa County on July 19, 2002 was rejected by action of the Board on September 3, 2002.  

WARNING  

"Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim." (See Government Code § 945.6)  

"NOTE: This six-month filing period applies only to State Court actions. If your action is based on federal law and/or you intend to file it in Federal Court, a shorter or longer period within which to file the action may apply."  

"You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately."  

JEFFREY G. GREEN  
Mariposa County Counsel  

PROOF OF SERVICE BY MAIL (1013a, 2015.5 C.C.P.)  

STATE OF CALIFORNIA, COUNTY OF MARIPOSA:  

I am a citizen of the United States and a resident of the County aforesaid. I am over the age of eighteen years and not a party to the within entitled action; my business address is 5100 Bullion Street (P.O. Box 189), Mariposa, CA 95338. On Sept. 10, 2002, I served the within Notice of Rejection of Claim on the claimant in said action by placing a true copy in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing a copy into an inter-office delivery receptacle located in Counsel’s office:  

Andrew Alan Dahlgren  
P.O. Box 121  
Coulterville, CA 95311  

I declare, under penalty of perjury, that the foregoing is true and correct. Executed on Sept. 10, 2002 at Mariposa, California.  

Rhonda Scherf