RECOMMENDED ACTION AND JUSTIFICATION:

Authorize Chair to sign an Order of the Board to reject Claim No. C05-4 in the amount of $170.75. Claimant alleges that the two right tires of her vehicle were blown out and her vehicle suffered front end alignment as a result of potholes on Oak Road in Midpines. The County Administrative Officer/Risk Manager recommends rejection of this claim based on his belief that the County has no responsibility in this matter.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board usually follows the Risk Manager’s recommendation in matters of this nature.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

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

Financial Impact? ( ) Yes (X) No  Current FY Cost: $
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded
Amount in Budget: $
Additional Funding Needed: $
Source:
Internal Transfer
Unanticipated Revenue  4/5’s vote
Transfer Between Funds  4/5’s vote
Contingency  4/5’s vote
( ) General  ( ) Other

Annual Recurring Cost: $
List Attachments, number pages consecutively
Claim

CLERK’S USE ONLY:
Vote – Ayes: 4  Noes: 3
Absent: __
Approved

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

COUNTY ADMINISTRATIVE OFFICER:
(X) Requested Action Recommended
No Opinion
Comments:

CAO: ________________

Revised Dec. 2002
COUNTY OF MARIPOSA CLAIM FORM

CLAIM OF Janet Hill
(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: Janet Hill

Whose address is: P.O. Box 254 - 5525 Colorado Rd.

City and State: Midpines, Ca. Zip: 95345

claims damages from the COUNTY OF MARIPOSA in the amount, computed as of the date of presentation of this claim, of $170.75.

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

✓ Property Damage  < > Other (LIST)
✓ Personal Injury
✓ Contract

which occurred on March 30, 2005, in the vicinity of:
Colorado Rd. - Just Before Rancheria Creek Rd.

(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.)

As I was driving on Colorado Rd. where the road is narrow and no center line, there were 2 cars coming in the opposite direction. This made me have to drive closer to the right side of road, where it appears

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

Road Department, Public Works, Road Repair - ?
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)

2 Tires blown out from potholes and a front end alignment.

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 $ 0
Loss of earnings $ 0

Specific damages (ITEMIZE & PROVIDE 3 REPAIR ESTIMATES)

2 new Tires $ 98.80
Front End Alignment $ 71.95

Other damages (ITEMIZE)


TOTAL DAMAGES INCURRED TO DATE: $ 170.75

Estimated future damages as far as known from this incident:

Total estimated prospective damages: $ 0

**TOTAL AMOUNT CLAIMED AS OF DATE OF PRESENTATION OF THIS CLAIM:** $ 170.75

All notices or other communications with regard to this claim should be sent to claimant at: P.O. Box 254 midpines, Ca. 95345 (ADDRESS TO WHICH NOTICES ARE TO BE SENT)

Dated: 4-10-05 Signed: [Signature]

(CLAIMANT/AGENT FOR CLAIMANT)

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*Government Code § 911.2. Time of or 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.
BEFORE THE BOARD OF SUPERVISORS
OF
MARIPOSA COUNTY, STATE OF CALIFORNIA

In the Matter of: CLAIM NO. C05-4
CLAIM FOR DAMAGES PURSUANT TO GOVERNMENT CODE § 911.6

JANET HILL, P.O. Box 254, Midpines, California, having filed with this Board on April 12, 2005, a claim for damages in an amount of $170.75.

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: STETSON, TURPIN, FRITZ, PICKARD
NOES: BIBBY
ABSENT: NONE
ABSTAINED: NONE

Dated this 26th day of April 2005.

BOB PICKARD, Chair
Board of Supervisors

MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

THOMAS P. GUARINO, County Counsel
TO: Janet Hill  
P.O. Box 254  
Midpines, CA 95345  

RE: CLAIM FOR DAMAGES (JANET HILL- CLAIM NO. C05-4)  
AMOUNT OF CLAIM: $170.75  
NOTICE OF REJECTION  

NOTICE IS HEREBY GIVEN that the claim, which you presented to the Board of Supervisors of Mariposa County on April 12, 2005, was rejected by action of the Board on April 26, 2005.

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."

RICHARD H. INMAN  
Mariposa County Administrative Officer/  
Risk Manager

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

STATE OF CALIFORNIA, COUNTY OF MARIPOSA:

I am a citizen of the United State 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 784), Mariposa, CA 95338. On May 23, 2005, 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 Administration’s office:

Janet Hill  
P.O. Box 254  
Midpines, CA 95345

I declare, under penalty of perjury, that the foregoing is true and correct. Executed on May 23, 2005, 2005 at Mariposa, California.

Rhonda Scherf
TO: RICH INMAN, County Administrative Officer
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: ORDER OF THE BOARD TO REJECT CLAIM NO. C05-4
Resolution No. 05-157

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on April 26, 2005

ACTION AND VOTE:

Consent Agenda item 4 – Supervisor Bibby initiated discussion relative to item 4, and stated she anticipates that several claims may be filed due to the deterioration of the roads, and she feels that the County needs to make sure that if there is a safety hazard that it is addressed. Tom Guarino, County Counsel, advised that each claim is investigated by staff who assist with risk management in the evaluation. With respect to the roads, there is a program in place for addressing those, and the County is immune from such claims when there is a regular program in place for maintenance. Discussion was held. (M)Stetson, (S)Fritz, item 4 was approved rejecting the claim. Supervisor Bibby asked that future staff reports for agenda items for claims reflect what if any investigation has occurred relative to the claim. Ayes: Stetson, Turpin, Fritz, Pickard; Noes: Bibby.

CA-4 Authorize the Chairman of the Board of Supervisors to Sign an Order of the Board to Reject Claim No. C05-4 in the Amount of $170.75 (County Administrative Officer); Res. 05-157

cc: Dana Hertfelder, Public Works Director
    File