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

Authorize the Chairman to sign an order of the Board to reject Claim No. C95-19, which was filed with this Board on October 23, 1995, in the amount of $536.30 or $611.90 (claimant referred to "see attached estimates" in the claim). According to the Public Works Department in a memorandum which is included in this package, the construction work described in the claim was the installation of a water main by a private contractor for a nearby church. Therefore, the County does not have any liability 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:

Claim would automatically be denied if no action was taken.
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. C95-19

Pamela M. Henderson
2295 Golfito Way
La Grange, CA 95329

having filed with this Board on October 23, 1995 a claim for damages in the amount of $536.30 or $611.90;

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: REILLY, BALMAIN, PARKER, TABER
NOES: NONE
ABSENT: STEWART
ABSTAINED: NONE

Dated this 28th day of November, 1995.

GARRY R. PARKER, Chairman
Board of Supervisors

ATTEST:

MARGIE WILLIAMS, Clerk of the Board
COUNTY OF MARIPOSA CLAIM FORM

CLAIM OF __________________________ (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: Pamela M. Henderson

Whose address is: 2295 Goffito Way

City and State: La Grange, Ca  Zip: 95329

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

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

<><> Property Damage  < > Other (LIST)

< > Personal Injury

< > Contract

which occurred on 10/20, 1995, in the vicinity of:

(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.)

After going through road construction on my way home a truck threw a rock into my windshield.

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

Cal-Trans
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)

Broken Windshield

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) $0

Other damages (ITEMIZE) $0

**TOTAL DAMAGES INCURRED TO DATE:** $0

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:** $0

All notices or other communications with regard to this claim should be sent to claimant at: 8295 Golf Dr Way, La Grange, Ca 95329

(ADDRESS TO WHICH NOTICES ARE TO BE SENT)

Dated: October 19th, 1995 Signed: Pamela M. Henderson

(CLAIMANT/AGENT FOR CLAIMANT)

**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.
TO: MR. ELDER
FROM: CARPLUS
(MARIA)

EST. for windshield
"92" LINCOLN TOWN CAR

Part 519.17      Labor 3.8 hrs
    + TX.            37.63      55.10
    554.80
    + 55.10
---
Est. $611.90
<table>
<thead>
<tr>
<th>Qty</th>
<th>Hour(s)</th>
<th>Description</th>
<th>Rate</th>
<th>List</th>
<th>Price</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td>GB WINDSHIELD W/ATTACHMENTS 2U</td>
<td>943.95</td>
<td>453.10</td>
<td>453.10</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td></td>
<td>LABOR 3.8 Hour(s)</td>
<td>38.00</td>
<td>38.00</td>
<td>38.00</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>KIT</td>
<td>5.50</td>
<td>11.00</td>
<td>11.00</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL**

- **Pre Total:** 502.10
- **Sales Tax:** 50.62
- **Total:** 552.72
- **Deposit:** 536.30
- **Balance Due:** 536.30
MEMORANDUM

TO: Jeff Green, County Counsel
FROM: Bob Johnson, Deputy Director, Roads
DATE: November 2, 1995
SUBJECT: Claim No. C95-19 - Pamela M. Henderson

I have contacted Ms. Henderson to ascertain the location and who was working at that location at the time of the incident to determine responsibility.

She stated that the incident occurred between Kow and Cemetery streets in Coulterville on J-20. The construction work she described was a water main being installed by a private contractor for the Christian Fellowship Church (see attached encroachment permit). There was not a County or Caltrans crew working on J-20 during this time.

If you have any further questions related to this, please don't hesitate to call.

dp

Attachment

cc: Michael D. Edwards, Public Works Director
    Judye Mangan, Engineering Tech
IN COMPLIANCE WITH YOUR REQUEST OF AUGUST 7, 1995, AND SUBJECT TO ALL THE TERMS, CONDITIONS AND RESTRICTIONS WRITTEN BELOW OR PRINTED AS GENERAL OR SPECIAL PROVISIONS ON ANY PART OF THIS FORM.

FOR INSTALLATION OF WATER AND SEWER LINE ALONG AND ACROSS APN 002-040-048 ON MAIN STREET

1. WATER AND SEWER LINE MUST BE 10' APART HORIZONTALLY AND INSTALLED PER CONVERSATION WITH D. TUCKER AND SLURRIED FOR COMPACTION, PER ST-1, ATTACHED, IN/WITHIN THE COUNTY ROAD OR RIGHT-OF-WAY OF MAIN STREET.

2. WATER AND ELECTRICAL MAY BE PLACED IN THE SAME TRENCH ACCORDING TO P. G. & E. SPECIFICATIONS, AND MUST BE SLURRIED FOR COMPACTION.

3. TRAFFIC ACCESS MUST BE MAINTAINED ON MAIN STREET AT ALL TIMES DURING CONSTRUCTION. NO TRENCHES ARE TO BE LEFT OPEN OVERNIGHT WITHOUT PROPER TRENCH PLATES.

4. PROPER TRAFFIC CONTROL AND SIGNING WILL BE MAINTAINED WHEN WORKING WITHIN THE COUNTY ROAD OR RIGHT-OF-WAY PER ATTACHED.

5. ROAD SURFACE WILL BE PAVED AND RESTORED TO PRESENT CONDITION OR BETTER.

ANY CHANGE OTHER THAN APPROVED ABOVE, REQUIRES PRIOR APPROVAL.

THIS PERMIT MUST BE IN POSSESSION OF PERMITTEE OR AUTHORIZED CONTRACTOR.

THIS PERMIT IS TO BE STRICTLY CONSTRUED AND NO WORK OTHER THAN THAT SPECIFICALLY MENTIONED ABOVE IS HEREBY AUTHORIZED.

THIS PERMIT SHALL BE VOID UNLESS THE WORK HEREIN SPECIFIED SHALL HAVE BEEN COMPLETED BEFORE JUNE 1, 1996.

INSPECTIONS:
DATE:__________  BY:__________________  NOTES:________________________________________

DATE:__________  BY:__________________  NOTES:________________________________________

FINAL APPROVAL BY:___________________DATE:___________________

[Signature]
MARIPOSA CO. DEPT. OF PUBLIC WORKS
TO: Pamela M. Henderson
2295 Golfito Way
La Grange, CA 95329

RE: CLAIM FOR DAMAGES
NOTICE OF REJECTION

AMOUNT OF CLAIM $536.30 or $611.90

NOTICE IS HEREBY GIVEN that the claim which you presented to the Board of Supervisors of Mariposa County on October 23, 1995 was rejected by action of the Board on November 28, 1995.

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 Section 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 December 5, 1995 I served the within Notice of Rejection of Claim No. C95-19 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:

Pamela M. Henderson
2295 Golfito Way
La Grange, CA 95329

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on December 5, 1995 at Mariposa, California.

Sandra V. Adams