

MARIPOSA COUNTY  
BOARD OF SUPERVISORS

AGENDA  
ACTION FORM

DATE: October 13, 1992  
AGENDA ITEM NO. CA

DEPT.: COUNTY COUNSEL

BY: JEFFREY G. GREEN

PHONE: 966-3625

**RECOMMENDED ACTION AND JUSTIFICATION:** (Policy Item: Yes \_\_\_ No x)  
Pass and adopt this Resolution authorizing Chairperson to sign order of the Board to reject Claim No. C92-17 which was filed with this Board on September 29, 1992 for \$3,117.60. Claimant is requesting reimbursement for loss of earnings and prospective therapy as a result of a vehicle accident which involved a County vehicle. Counsel does not believe that the County has any liability in this matter as the accident was caused by the actions of the claimant.

**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.

**COST:** (X) Not Applicable  
A. Budgeted current FY \$ \_\_\_\_\_  
B. Total anticipated costs \$ \_\_\_\_\_  
C. Required add'l funding \$ \_\_\_\_\_  
D. Internal Transfers \$ \_\_\_\_\_

**SPECIAL INSTRUCTIONS:**  
List the attachments and number the pages consecutively:  
Claim No. C92-17

**SOURCE:** ( ) 4/5ths Vote Required  
A. Unanticipated revenues \$ \_\_\_\_\_  
C. Reserve for cntngncies \$ \_\_\_\_\_  
D. Source Description: \_\_\_\_\_

Balance in Reserve for Contingencies, if approved: \$ \_\_\_\_\_

**CLERK'S USE ONLY:**  
Res. No.: 92-528 Ord. No.: \_\_\_\_\_  
Vote: Ayes: 5 Noes: \_\_\_\_\_  
Absent: \_\_\_\_\_ Abstained: \_\_\_\_\_  
*mw* Approved ( ) Denied  
( ) Minute Order Attached  
( ) No Action Necessary

**ADMINISTRATIVE OFFICER'S RECOMMENDATION:**  
This item on agenda as:  
 Recommended  
\_\_\_\_ Not Recommended  
\_\_\_\_ For Policy Determination  
\_\_\_\_ Submitted with Comment  
\_\_\_\_ Returned for Further Action

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

DATE: \_\_\_\_\_  
ATTEST: MARGIE WILLIAMS  
Clerk of the Board of Supervisors  
County of Mariposa, State of Calif.  
By: \_\_\_\_\_  
Deputy

Comment: \_\_\_\_\_  
A.O. Initials: mw/aj mw

1 JEFFREY G. GREEN  
County Counsel  
2 P. O. Box 189  
5160 Bullion St.  
3 Mariposa, CA 95338

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BEFORE THE BOARD OF SUPERVISORS

OF

MARIPOSA COUNTY, STATE OF CALIFORNIA

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

Richard Tucker  
\_\_\_\_\_  
22162 Fortuna Mine Rd.  
\_\_\_\_\_  
Sonora, CA 95370  
\_\_\_\_\_

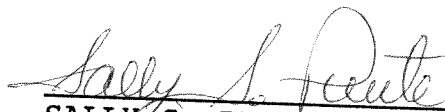
having filed with this Board on September 29, 1992 a claim for  
damages in the amount of \$ 3,117.60;

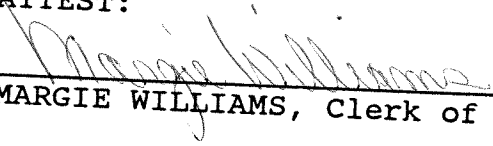
NOW, THEREFORE, it is ordered by the Board of Supervisors  
that the claim is hereby REJECTED.

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

AYES: BAGGETT, PUNTE, ERICKSON, RADANOVICH, TABER  
NOES: NONE  
ABSENT: NONE  
ABSTAINED: NONE

Dated this 13th day of October, 1992.

  
\_\_\_\_\_  
SALLY S. PUNTE, Chairperson  
Board of Supervisors

ATTEST:  
  
\_\_\_\_\_  
MARGIE WILLIAMS, Clerk of the Board

TO: Richard Tucker  
22162 Fortuna Mine Rd.  
Sonora, CA 95370

RE: CLAIM FOR DAMAGES AMOUNT OF CLAIM \$ 3,117.60  
NOTICE OF REJECTION

NOTICE IS HEREBY GIVEN that the claim which you presented to the Board of Supervisors of Mariposa County on September 29, 1992 was rejected by action of the Board on October 13, 1992.

**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)

"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:

5160 Bullion St., (P. O. Box 189) Mariposa, CA 95338

On October 19, 1992, I served the within Notice of Rejection of  
Claim No. C92-17 on the Claimant in said  
action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Mariposa, California addressed as follows:

Richard Tucker  
22162 Fortuna Mine Rd.  
Sonora, CA 95370

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

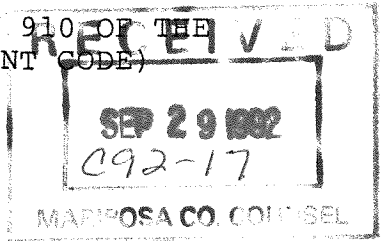
Executed on October 19, 1992, at Mariposa California.

Sandra V. Adams  
Sandra V. Adams

County of Mariposa Claim Form

Claim of \_\_\_\_\_ )  
(Claimant) )  
v. )  
COUNTY OF MARIPOSA )  
\_\_\_\_\_ )

CLAIM FOR PERSONAL  
INJURIES AND/OR PROPERTY  
DAMAGES  
(SECTION 910 OF THE  
GOVERNMENT CODE)



To the BOARD OF SUPERVISORS OF MARIPOSA COUNTY:

You are hereby notified that: (Please print)

Claimant: Richard Tucker

Whose address is: 22162 Fortuna Mine Rd

City and State: Sonsona Calif Zip: 95370

claims damages from the COUNTY OF MARIPOSA in the amount, computed as of the date of presentation of this claim, of \$ 3117.60

This claim is based on (check appropriate box or boxes)

- Property Damage  Other (list) \_\_\_\_\_
- Personal Injury
- Contract

which occurred on 6 - 15, 1992, in the vicinity of:

Cowese & Dexter Rd Greder Hill. Mariposa County  
(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.)

*to James*  
was driving on Cowese & Dexter rd. Delivery Propane  
when car came around corner hit hit my truck.  
My left elbow hit the wing divider & caused damage  
to my left elbow. went to doctor for medical.

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

JAMES PHILLIPS -

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:) Left Elbow

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 \$ 1917.60

Specific damages (itemize) \_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

Other damages (itemize) \_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

Total damages incurred to date: \$ \_\_\_\_\_

Estimated future damages as far as known from this incident:

Total estimated prospective damages: \$ 12000.00 Therapy

TOTAL AMOUNT CLAIMED AS OF DATE OF PRESENTATION OF THIS CLAIM: \$ 3117.60

All notices or other communications with regard to this claim should be sent to claimant at: 22162 Fortuna Mine Rd  
Sonoma Calif 95370  
(address to which notices are to be sent)

Dated: 9-25-92 Signed: Ricard Tucke  
(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 Section 915) of this chapter not later than the 100th day 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 Section 915) of this chapter not later than one year after the accrual of the cause of action.