

MARIPOSA COUNTY
BOARD OF SUPERVISORS

AGENDA
ACTION FORM

DATE: June 25, 1991
AGENDA ITEM NO. RAS

DEPT.: COUNTY COUNSEL

BY: JEFFREY G. GREEN

PHONE: 966-3625

RECOMMENDED ACTION AND JUSTIFICATION:

Pass and adopt this resolution authorizing Chairman to sign order of the Board to reject Claim No. C91-7 which was filed with this Board on May 22, 1991 in the amount of \$100,000.00.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board usually follows the recommendation of Counsel in these matters.

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. Source: _____

SPECIAL INSTRUCTIONS:

List the attachments and number the pages consecutively:

Claim No. C91-7 and Notice of
Rejection of Claim

SOURCE: () 4/5ths Vote Required

A. Internal transfers \$ _____
B. Unanticipated revenues \$ _____
C. Reserve for contingency \$ _____
D. Description: _____
Balance in Reserve for Contingencies,
if approved: \$ _____

CLERK'S USE ONLY:

Resolution No. 91-290
Ordinance No. _____
Vote: Ayes: 5 Noes: _____
Absent: _____ Abstained: _____
Approved () Denied
() Minute Order Attached

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: [Signature]

1 JEFFREY G. GREEN
2 County Counsel
3 Courthouse
4 Mariposa, California

5
6 BEFORE THE BOARD OF SUPERVISORS

7 OF

8 MARIPOSA COUNTY, STATE OF CALIFORNIA

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

12 Gerald W. House

13 2136 Locust Court

14 Hughson, CA 95326

15 having filed with this Board on May 22, 1991 a claim
16 for damages in the amount of \$ 100,000.00 ;

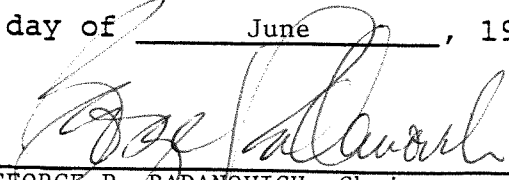
17 NOW, THEREFORE, it is ordered by the Board of Super-
18 visors that the claim is hereby REJECTED.

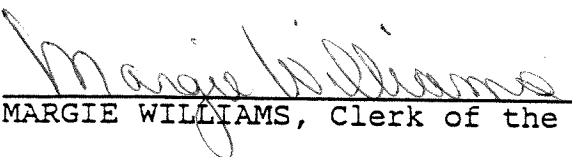
19 The foregoing order was passed by the following vote of
20 the Board:

21 AYES: BAGGETT, PUNTE, ERICKSON, RADANOVICH, TABER
22 NOES: NONE
23 ABSENT: NONE
24 ABSTAINED: NONE

25 Dated this 25th day of June, 1991.

26 ATTEST:

27 
28 GEORGE P. RADANOVICH, Chairman
Board of Supervisors

27 
28 MARGIE WILLIAMS, Clerk of the Board

TO: Gerald W. House
2136 Locust Court
Hughson, CA 95326

RE: CLAIM FOR DAMAGES, NOTICE OF REJECTION

NOTICE IS HEREBY GIVEN that the claim which you presented to the Board of Supervisors of Mariposa County on May 22, 1991, was rejected by action of the Board on June 25, 1991.

"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:

5088 Bullion Street (Courthouse), P. O. Box 189, Mariposa, CA 95338

On July 5, 1991, I served the within Notice of Rejection of Claim No. C91-7

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:

Gerald W. House
2136 Locust Court
Hughston, CA 95326

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

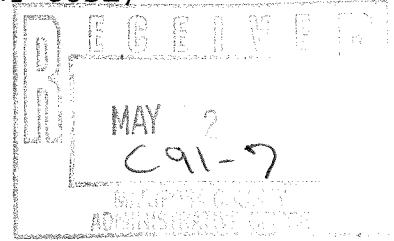
Executed on July 5, 1991, at Mariposa California.

Sandra V. Adams

County of Mariposa Claim Form

Claim of GERALD W. HOUSE)
(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: Gerald W. House

Whose address is: 2136 Locust Court

City and State: Hughson, California Zip: 95326

claims damages from the COUNTY OF MARIPOSA in the amount, computed as of the date of presentation of this claim, of \$ 100,000.00

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

- | | | | |
|-------------------------------------|-----------------|--------------------------|--------------|
| <input checked="" type="checkbox"/> | Property Damage | <input type="checkbox"/> | Other (list) |
| <input checked="" type="checkbox"/> | Personal Injury | _____ | _____ |
| <input type="checkbox"/> | Contract | _____ | _____ |

which occurred on January 17, 1991, in the vicinity of:
(month) (day)

Old Toll Road, 5½ miles West of Highway 49, 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.)

Claimant was traveling westbound on the Old Toll Road. The road was under construction and there was loose gravel on the roadway. As I came around an "s" shaped curve, my car's wheels slid on the loose gravel and my car slid onto a culvert and overturned, there were no warning signs apparent.

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

Mariposa County Road Maintenance Department

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:) Lower and upper back was injured.

Claimant suffers from headaches.

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 \$ 1,500.00 approx.

Loss of earnings \$ 10,000.00

Specific damages (itemize)

\$ _____

\$ _____

Other damages (itemize)

\$ _____

\$ _____

Total damages incurred to date: \$ 11,500.00

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: \$ 100,000.00

All notices or other communications with regard to this claim should be sent to claimant at: 2136 Locust Court

Hughson, California 95326

(address to which notices are to be sent)

Dated: 5/20/91

Signed: _____

(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.