

DEPARTMENT: County Counsel BY: Jeffrey G. Green PHONE: 966-3222

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

Pass and adopt this Resolution authorizing Chairman to sign an order of the Board to reject Claim No. C97-22, which was filed with this Board on July 17, 1997, in the amount of \$1,500. Claimant contends that although there were warning signs on a County road indicating approaching road problems, claimant was unable to "react in any fashion" and drove over a large mound in the roadway causing damage to his vehicle. According to staff at the Public Works Department, "slow" warning signs were placed on barricades 150 feet from the problem area. Based on this information, Counsel does not believe that the County has 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.

| | |
|----------------------------------------------------------------|----------|
| COSTS: (X) Not Applicable | |
| A. Budgeted current FY | \$ _____ |
| B. Total anticipated costs | \$ _____ |
| C. Required additional funding | \$ _____ |
| D. Internal transfers | \$ _____ |
| SOURCE: () 4/5ths Vote Required | |
| A. Unanticipated revenues | \$ _____ |
| B. Reserve for contingencies | \$ _____ |
| C. Source description: | _____ |
| Balance in Reserve for Contingencies, if approved: \$ _____ | |

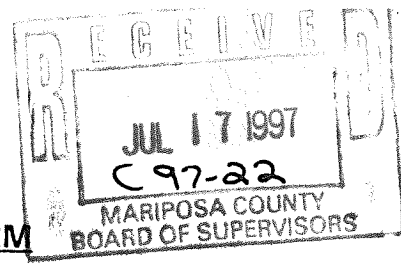
SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

Claim No. C97-22.
Notice of Rejection.

CLERK'S USE ONLY:
Res. No.: 97-364 Ord. No. _____
Vote - Ayes: 5 Noes: _____
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

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:
 Recommended
 Not Recommended
 For Policy Determination
 Submitted with Comment
 Returned for Further Action
Comment: _____
A.O. Initials: JG



COUNTY OF MARIPOSA CLAIM FORM

CLAIM OF MERLE ALAN RUEFF)
(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: MERLE ALAN RUEFF
Whose address is: 34726 Spanglegold road
City and State: Coarsegold CA Zip: 93614

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

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

- Property Damage Other (LIST)
- Personal Injury _____
- Contract _____

which occurred on JAN 26, 1996, in the vicinity of:

BEN HUR ROAD, MARIPOSA, CA
(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 PROCEEDING ON BEN HUR ROAD, W/B IN MARIPOSA AND CAME UPON A WARNING SIGN INDICATING ROAD PROBLEMS AND BEFORE I COULD SLOW DOWN OR REACT IN ANY FASHOON I WENT OVER A LARGE MOUND IN THE ROADWAY CAUSING EXTENSIVE DAMAGE TO MY CAR.

The name(s) of the public employee(s) causing claimant's injuries or damages under the above-described circumstances is/are:
UNKNOWN BUT INCLUDING THE DEPARTMENT OF ROADWAYS OR HIGHWAY MAINTENENCE

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)

EXTENSIVE FRONT END DAMAGE AND UNDER CARRAIGE AND MUFFLER DAMAGE TO MY 1988 Plymouth horizon

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) | |
| <u>same as above</u> | \$ <u>presently</u> unknown. |
| _____ | \$ _____ |
| Other damages (ITEMIZE) | |
| _____ | \$ _____ |
| _____ | \$ _____ |
| TOTAL DAMAGES INCURRED TO DATE: | \$ _____ |

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: \$ 1,500.00**

All notices or other communications with regard to this claim should be sent to claimant at: POST OFFICE BOX 131, RAYMOND, CA 93653

(ADDRESS TO WHICH NOTICES ARE TO BE SENT)

Dated: _____ Signed: Jim A. Ruff
(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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JEFFREY G. GREEN
County Counsel
P. O. Box 189
5037 Stroming Rd.
Mariposa, CA 95338

BEFORE THE BOARD OF SUPERVISORS

OF

MARIPOSA COUNTY, STATE OF CALIFORNIA

In the Matter of:)
) CLAIM NO. C97-22
CLAIM FOR DAMAGES PURSUANT)
TO GOVERNMENT CODE § 911.6)
_____)

Merle Alan Rueff
P.O. Box 131
Raymond, CA 93653

having filed with this Board on July 17, 1997, a claim for damages in the amount of \$1,500.

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:

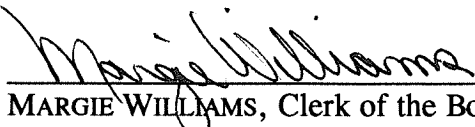
AYES: Reilly, Balmain, Stewart, Parker, Pickard
NOES: None
ABSENT: None
ABSTAINED: None

Dated this 9th day of September, 1997.



ROBERT C. STEWART, Chairman
Board of Supervisors

ATTEST:



MARGIE WILLIAMS, Clerk of the Board

TO: Merle Alan Rueff
P.O. Box 131
Raymond, CA 93653

RE: CLAIM FOR DAMAGES (Claim No. C97-22)
NOTICE OF REJECTION

AMOUNT OF CLAIM: \$1,500

NOTICE IS HEREBY GIVEN that the claim, which you presented to the Board of Supervisors of Mariposa County on July 17, 1997, was rejected by action of the Board on September 9, 1997.

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.)

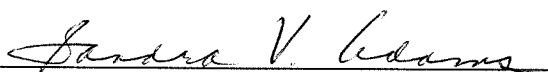
STATE OF CALIFORNIA, COUNTY OF MARIPOSA:

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 5037 Stroming Road (P. O. Box 189), Mariposa, CA 95338. On September 24, 1997, I served the within Notice of Rejection of Claim No. C97-22 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:

Merle Alan Rueff
P.O. Box 131
Raymond, CA 93653

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

Executed on 9/24/97 at Mariposa, California.


Sandra V. Adams