

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

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.

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. C95-19.
Letter from Bob Johnson to Counsel dated 11/2/95.
Notice of Rejection of Claim.

CLERK'S USE ONLY:

Res. No.: 45-504 Ord. No. _____

Vote - Ayes: 4 Noes: _____

Absent: Stewart Abstained: _____

Approved: [Signature] () 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: [Signature]

1 JEFFREY G. GREEN
2 County Counsel
3 P. O. Box 189
4 5100 Bullion St.
5 Mariposa, CA 95338

6 BEFORE THE BOARD OF SUPERVISORS

7 OF

8 MARIPOSA COUNTY, STATE OF CALIFORNIA

9 In the Matter of:)
10 CLAIM FOR DAMAGES PURSUANT)
11 TO GOVERNMENT CODE § 911.6)
12 Claim No. C95-19)

13 Pamela M. Henderson
14 _____
15 2295 Golfito Way
16 _____
17 La Grange, CA 95329
18 _____


19 having filed with this Board on October 23, 1995 a claim for damages in the amount of
20 \$ 536.30 or \$611.90;


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

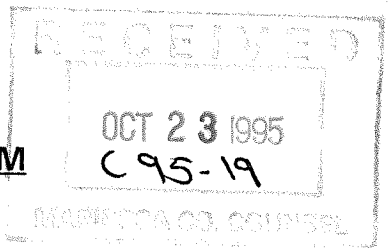
23 The foregoing order was passed by the following vote of the Board:

- 24 AYES: REILLY, BALMAIN, PARKER, TABER
25 NOES: NONE
26 ABSENT: STEWART
27 ABSTAINED: NONE

28 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 Golfito 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)

- <X> Property Damage < > Other (LIST)
< > Personal Injury
< > Contract

which occurred on 10/19, 1995, in the vicinity of:

J-20 (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 \$ Ø

Loss of earnings \$ Ø

Specific damages (ITEMIZE)

_____ \$ _____

_____ \$ _____

Other damages (ITEMIZE)

Broken Windshield \$ See attached

_____ \$ estimates

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: \$ See attached estimates

All notices or other communications with regard to this claim should be sent

to claimant at: 2295 Goffito Way, La Grange, Ca 95329
(ADDRESS TO WHICH NOTICES ARE TO BE SENT)

Dated: October 19th 1995 Signed: Pamela 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, H
FROM: CARPLUS
(MARIA).

EST. for windshield
"92" LINCOLN Town
CAR.

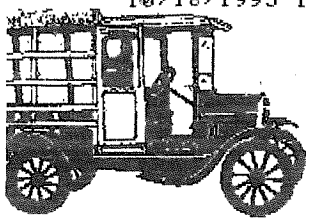
PART 519.17
+ TX.
37.63

Laboe.
3.8
hrs

55.10

~~554.80~~
~~+ 55.10~~

est. → 611.90



DON'S AUTO GLASS
"Over 30 years in Quality Glass Wares"

REMIT TO: 310 River Rd.
Modesto, CA 95351

INVOICE NUMBER
GT-2-5312
FEDERAL TAX ID
94-1631634 94-1631634

<<< QUOTE >>>

ALLSTATE INS. RIEDEMAN J
2849 NORTH G STREET
MERCED, CA 95340-

Elder Henderson

BAR #AB008607
Cont. Lic # 975316-C17

CASH	CHARGE	CREDIT	WHEEL	METAL	WPU	DEL.	INST.	MOBILE	TR	Y	REMEDIAL	DATE	TIME
DATE	ACCOUNT NUMBER	P.O. / POLICY NUMBER	CLAIM NUMBER	SALESMAN	WORK ORDER	PHONE NUMBER							
10-18-95	5271			UNKNOWN	2-5312	209-723-877							
DATE OF LOSS	TYPE OF DAMAGE	CAUSE	AUTHORIZED BY	DEBITABLE	AGENT								
YEAR	MAKE	MODEL	BODY STYLE	VIN	MILEAGE	DICENSE	INSTALLED BY						
92	LINCOLN	TOWN	4D SEDAN										

QTY	PART NO	DESCRIPTION	CTL	LIST	PRICE	TOTAL
1	W11000	GB WINDSHIELD W/ATTACHMENTS @ 2U		943.95	453.10	453.10
1		LABOR 3.8 Hour(s)			38.00	38.00
2		KIT			5.50	11.00

SPECIAL INSTRUCTIONS	SUB TOTAL
	502.10
	SALES TAX 34.20
	TOTAL 536.30
	DEPOSIT
	BALANCE DUE 536.30

work authorized by and payment guaranteed by the undersigned who her ety acknowledges replacement of glass as set forth on this invoice and does release above insurance company from any and all claims.

former Signature _____

Note: All accounts due and payable on the 10th of the month following the month of purchase. Past due accounts subject to FINANCE CHARGE at the periodic rate of 1 1/2% per month, which is an ANNUAL PERCENTAGE RATE of 18%. The Minimum FINANCE CHARGE IS \$9.95. Purchaser further agrees to pay reasonable attorney fees and court cost in the event legal action is necessary for collection of account.

1824 "H" Street Modesto, 95354 • 526-9100 • 1-800-564-4800 FAX (209) 544-7160

Commercial Division River Rd., Modesto, 95351 • 544-7162



COUNTY of MARIPOSA

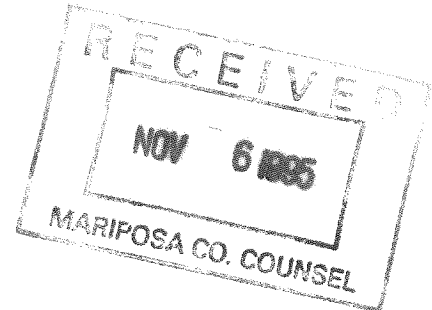
4639 Ben Hur Road
Mariposa, CA 95338
(209) 966-5356

**DEPARTMENT OF
PUBLIC WORKS**
Divisions of:
• Design & Construction
• Administration
• Operations

Michael D. Edwards
Director

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.

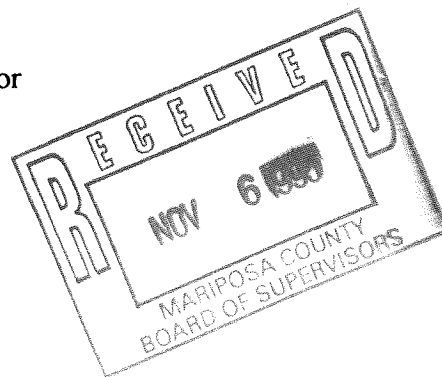
She stated that the incident occurred between Kow and Cemetery streets in Coulterville on J-20. The construction work she described was a water main being installed by a private contractor for the Christian Fellowship Church (see attached encroachment permit). There was not a County or Caltrans crew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



COUNTY OF MARIPOSA
ENCROACHMENT PERMIT
10/12/1995

JAMES HARRISON
P. O. BOX 256
COULTERVILLE, CA 95311

PERMIT #2672

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: _____

FISCAL APPROVAL BY: _____ DATE: _____


MARIPOSA CO. DEPT. OF
PUBLIC WORKS

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

RE: CLAIM FOR DAMAGES AMOUNT OF CLAIM \$ 536.30 or \$611.90
NOTICE OF REJECTION

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