

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. C95-21 which was filed with this Board on November 22, 1995, in the amount of \$146. According to the Public Works Department in a memorandum which is included in this package, the sidewalk does not jut out as claimant asserts and there is evidence of tire marks on the sidewalk. 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. C95-19.  
Letter from Bob Johnson to Counsel dated 11/30/95.  
Notice of Rejection of Claim.

\_\_\_\_\_

\_\_\_\_\_

CLERK'S USE ONLY:

Res. No.: 96-2 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: JP

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. C95-21 )

13 Michele Wickham

14 P.O. Box 802

15 Mariposa, CA 95338

16 having filed with this Board on November 22, 1995 a claim for damages in the amount of  
17 \$ 146.00;

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

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

21 AYES: REILLY, BALMAIN, STEWART, PARKER, TABER

22 NOES: NONE

23 ABSENT: NONE

24 ABSTAINED: NONE

25 Dated this 2nd day of January, 1995. 6.

26 Doug Balmain  
27 DOUG BALMAIN, Chairman  
28 Board of Supervisors

29 ATTEST:

30 Margie Williams  
31 MARGIE WILLIAMS, Clerk of the Board

TO: Michele Wickham  
P.O. Box 802  
Mariposa, CA 95338

RE: CLAIM FOR DAMAGES  
NOTICE OF REJECTION

AMOUNT OF CLAIM \$ 146.00  
Claim No. C95-21

NOTICE IS HEREBY GIVEN that the claim which you presented to the Board of Supervisors of Mariposa County on November 22, 1995 was rejected by action of the Board on January 2, 1996.

**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 January 8, 1996 I served the within Notice of Rejection of Claim No. C95-21 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:

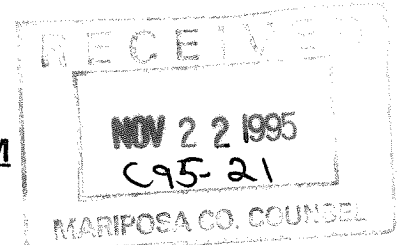
Michele Wickham  
P.O. Box 802  
Mariposa, CA 95338

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

Executed on January 8, 1996 at Mariposa, California.

  
\_\_\_\_\_  
Sandra V. Adams

COUNTY OF MARIPOSA CLAIM FORM



CLAIM OF MICHELE WICKHAM )  
(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: MICHELE WICKHAM

Whose address is: 5037 BULLIQUIN ST. #C

City and State: MARIPOSA, CALIFORNIA Zip: 95338

claims damages from the COUNTY OF MARIPOSA in the amount, computed as of the date of presentation of this claim, of \$ 146.00.

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

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

which occurred on NOVEMBER 6, 1995, in the vicinity of:  
(MONTH/DAY)

9 th and 5082 Bullion Mariposa County Title Co.  
(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.)

On Monday Nov. 6, 1995 There were no available parking spaces at the Courthouse. Located a space along side of sidewalk curb and proceeded to park. When turning tire to straighten car even with sidewalk, the corner of the sidewalk slab was uneven with other slab sticking out enough to pop a three month old tire.

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

\_\_\_\_\_

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)

The damage to the tire wasn't repairable and no other tires I had would match the existing new front tire. I had to have two old and bald tires mounted on front of car, take my chances on going to Merced and try to exchange the other new tire.

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)**

three month old tire that the corner blew \$ 75.00

had to get two more new tires \$ 50.00

**Other damages (ITEMIZE)**

\* repair, change and mount two old tires to be \$ 11.00

able to go to Merced

Gas for transportation to Merced \$ 10.00

**TOTAL DAMAGES INCURRED TO DATE:** \$ 146.00

**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:** \$ 146.00

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

to claimant at: Michele Wickham P.O. Box 802 Mariposa, Ca. 95338

(ADDRESS TO WHICH NOTICES ARE TO BE SENT)

Dated: November 14, 1995

Signed: Michele Wickham

(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.





**CNG TIRE CO.**  
 1262 W. 16th Street  
 MERCED, CA 95340  
 (209) 383-4992

*-bought the tires here*

SOLD BY		DATE <i>Nov 7 19 95</i>	
NAME <i>cool</i>			
ADDRESS			
CITY			
<input type="checkbox"/> CASH	<input type="checkbox"/> CHARGE	<input type="checkbox"/> MDSE. RETD.	PREVIOUS BALANCE
<input type="checkbox"/> C.O.D.	<input type="checkbox"/> PAID OUT	<input type="checkbox"/> PD. ON ACCT.	
<i>2 P2.2 TO truck</i>		<i>50.00</i>	
<i>[Handwritten notes and signatures]</i>			
<b>Thank You!</b>		RECEIVED BY	

4917 Miller Rd.  
 HWY 49  
 Miller Rd.  
 HWY 140

**3D TIRE**

**OPEN 7 DAYS A WEEK**  
**742-5525**

*MOUNT & REPAIR*

**06754.4**



*[Faint, mostly illegible text, possibly a receipt or invoice fragment]*





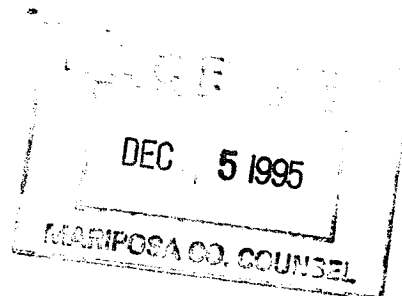
# COUNTY of MARIPOSA

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

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

## MEMORANDUM

**TO:** Jeff Green, County Counsel  
**FROM:** Bob Johnson, Deputy Director, Roads  
**DATE:** November 30, 1995  
**SUBJECT:** Claim No. C95-21 - Michele Wickham



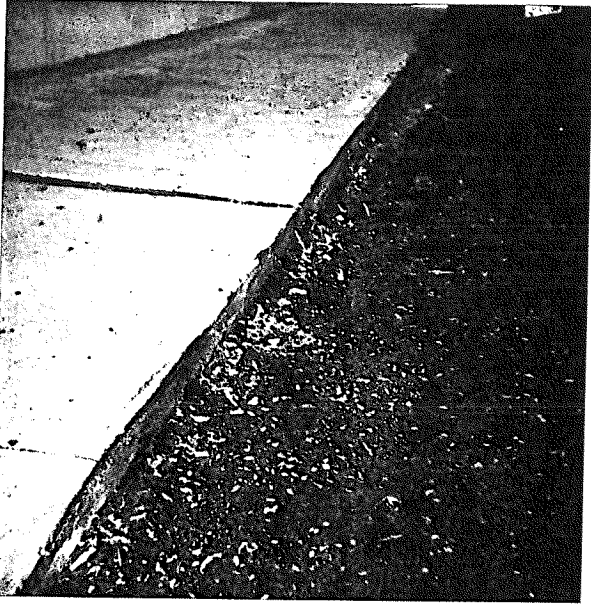
According to our records, the concrete walkway at the corner of 9th and Bullion Streets is within the County's right-of-way.

Attached are three pictures taken of the area. Pictures one and three show that the sidewalk does not jut-out and there is visible evidence of tire marks on the concrete walk. Picture two shows the slab which the claimant describes as jutting-out.

If you have any further questions regarding this matter, please let me know.

dp

Attachment



1



2



3