

96-426

MARIPOSA COUNTY
BOARD OF SUPERVISORS

AGENDA
ACTION FORM

DATE: 10/8/96
AGENDA ITEM NO.: 13

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. C96-17, which was filed with this Board on August 28, 1996, for \$335.83. Claimant contends that while following a pilot car after a chip seal project, small tar covered rocks landed and stuck to the hood of her vehicle and paint was pulled from the hood when attempting to remove one of the rocks. Based on information received from staff at the Public Works Department, there doesn't appear to be any negligence on behalf of the County. A copy of a memo from Bob Johnson regarding this claim is included in this package.

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 is 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: \$	_____

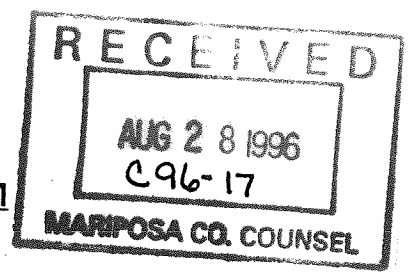
SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

Claim No. C96-17.
Bob Johnson memo dated 9/5/96.
Notice of Rejection.

CLERK'S USE ONLY:
Res. No.: 96-426 Ord. No. _____
Vote - Ayes: 4 Noes: _____
Absent: Reilly 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: [Signature]



COUNTY OF MARIPOSA CLAIM FORM

CLAIM OF John C. Barton (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: John C. Barton Whose address is: 4825 B Hirsch Road City and State: Mariposa, CA Zip: 95338

claims damages from the COUNTY OF MARIPOSA in the amount, computed as of the date of presentation of this claim, of \$ 335.83

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

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

which occurred on August 13, 19 96, in the vicinity of:

Hwy 49 SO side Hirsch Road before the 25mph corner(Creek View)

Describe generally the facts and circumstances that give rise to the claim: (PLEASE USE BACK OF THIS PAGE IF MORE SPACE IS NEEDED.)

Following piolot car on Hirsch Rd. towards 49So. after chipseal/oil project at approximately 5:30pm. Three small tar covered rocks landed on hood of Bronco, when trying to remove one of the rocks stuck to hood, lifting paint from the hood.

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

Do not know who was driving pilot car. (Tom Deal was flagging @ 49So.& Hirsch Rd.)

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)

Paint lifted off hood of Bronco when trying to remove rock from hood.

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)
_____ \$ _____

_____ \$ _____

Other damages (ITEMIZE)
_____ \$ 335.83

_____ \$ _____

TOTAL DAMAGES INCURRED TO DATE: \$ 335.83

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: \$ 335.83


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

to claimant at: PO BOX 153 El Portal, CA 95318

(ADDRESS TO WHICH NOTICES ARE TO BE SENT)

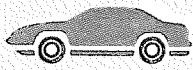
Dated: 08-22-96

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 § 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.



**MARIPOSA
AUTO BODY**
4086-B Ben Hur Road
MARIPOSA, CA 95338
(209) 966-5409

ESTIMATE OF REPAIRS

1656

NAME <u>John Bartram</u>	DATE <u>8-21-96</u>	PREPARED BY <u>Geo</u>
ADDRESS <u>4855 D Hirsch Rd</u>	YEAR, MAKE, MODEL <u>90 Ford Bronco</u>	LICENSE NO. <u>2TFL512</u>
CITY <u>MARIPOSA</u> STATE <u>CA</u> ZIP <u>95338</u>	LICENSE NO. <u>2TFL512</u> MILEAGE _____	V.I.N. <u>1FMEU15A8LLA74575</u>
HOME PHONE <u>966-4650</u> BUS. PHONE <u>379-8825</u> EXT. _____	PROD. DATE <u>1-90</u> BODY TYPE _____ PAINT CODE _____	DATE OF LOSS _____ DEDUCTIBLE/BETTERMENT _____
INS. CO. _____ PHONE _____	ADJUSTER _____ CLAIM NO. _____	

Re-pair	Re-plate	DESCRIPTION All parts new unless otherwise specified.	Parts	Body	Frame	Paint	Clear Coat	Mech.	Sublet/Misc.
1	✓	Hood chips		1.5		3.9	1.5		
2									
3									
4									
5									
6									
7									
8									
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23									
24									
25									

Old parts discarded unless otherwise instructed. Repair of rust damage not guaranteed.

TOTAL 1.5 38.15

LABOR	HRS.	RATE	AMOUNT	TOTAL PARTS (Prices Subject to Invoice)
BODY				TOTAL LABOR 243.00
FRAME				TOTAL SUBLET/ Misc. 86.00
PAINT				PAINT & MATERIALS
CLEAR COAT				
MECHANICAL				
TOTAL LABOR				TOWING/ STORAGE

This Quotation is based on our inspection and does not cover any additional parts or labor which may be required after the work has been started. Occasionally, worn or damaged parts are discovered which may not be evident on the first inspection. Quotation on parts are current and subject to change.

AUTHORIZATION FOR REPAIR. You are hereby authorized to make the above repairs. It is understood that full payment is due upon release of vehicle, including supplemental charges.

TOTAL 335.83

SIGNATURE _____ DATE _____



COUNTY of MARIPOSA

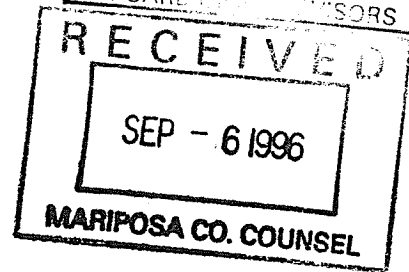
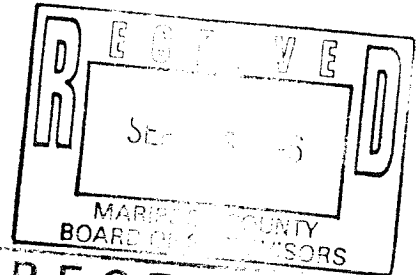
4639 Ben Hur Road
Mariposa, CA 95338
(209) 966-5356 FAX (209) 966-2828

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

September 5, 1996

MICHAEL D. EDWARDS
Director

MEMO



To: Jeff Green, County Counsel
From: Bob Johnson, Deputy Director, Roads
Subject: John C. Barton; Claim No. C96-17

The County Road Division was chip sealing Hirsch Road on Tuesday, August 13, 1996.

It is possible that the oil-covered 3/8" rock could have hit his vehicle while following the pilot car through the project. I have had many rocks stuck to my County vehicle while driving and inspecting the project; however, none of the rocks pulled the paint from the hood during cleaning. In fact, this is the first time I have heard of this happening. There are many products on the market used to remove road oil and tar from painted surfaces. There have been instances when we have been asked to either recommend a product or help with the removal during or after a road project, and we are glad to help. There has never been a time that we have experienced paint being pulled off or complaints by those whom we have assisted.

Please let me know if I can be of any further assistance.

sm

TO: John C. Barton
P.O. Box 153
El Portal, CA 95318

RE: CLAIM FOR DAMAGES (Claim No. C96-17)
NOTICE OF REJECTION

AMOUNT OF CLAIM: \$335.83

NOTICE IS HEREBY GIVEN that the claim, which you presented to the Board of Supervisors of Mariposa County on August 28, 1996 was rejected by action of the Board on October 8, 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 § 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 October 21, 1996, I served the within Notice of Rejection of Claim No. C96-17 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:

John C. Barton
P.O. Box 153
El Portal, CA 95381

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

Executed on October 21, 1996 at Mariposa, California.


Sandra V. Adams