

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- Reject claim as recommended.
- Take no action; claim will 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. C99-3.
Notice of Rejection.

CLERK'S USE ONLY

Res. No.: _____ Ord. No. _____

VOEG - Ayes: 99-120 Noes: _____

Absent: _____ Abstained: _____

Approved: _____

Minute Order Attached () Denied _____

() 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]

Approval of Consent Agenda (See End of Minutes)

BOARD ACTION: Supervisor Pickard pulled item 4. (M)Parker, (S)Stewart, balance of items were approved/Ayes: Unanimous.

Consent agenda item 4 – Jeff Green, County Counsel, advised that Mr. and Mrs. Wirth were present to provide input on their claim against the County.

Walter Wirth advised that it was he who had the accident and not his wife. He stated he feels that the issue is the lack of a shoulder on that section of the road and not the width of the road. While waiting for the tow truck, he observed other vehicles crossing the yellow line that would force oncoming traffic off of the roadway. He also noted that since he filed his claim, the County has worked on that section of the road.

Kent Woolsey, PWD/Superintendent of Roads, advised that there was a drop-off on the side of the road caused by erosion from recent rains and that this is a problem throughout the County. However, they are working to alleviate these situations as they are brought to their attention. He further advised that the traffic travels too fast for the road conditions in this particular area.

Walter Wirth suggested that speed limit signs might help, and he also stated that he feels that this whole section of Triangle Road needs to be improved.

Wendy Wirth stated she feels the road is not designed for the amount of truck traffic that she has observed traveling on it.

(M)Parker, (S)Stewart, Res. 99-120 adopted rejecting Claim No. C99-3/Ayes: Unanimous. Jeff Green advised the claimants of options they have to pursue this matter further if they so determine.

CA-4 Resolution Authorizing Chairman to Sign an Order of the Board to Reject Claim No. C99-3 in the Amount of \$370.54 (County Counsel); Res. 99-120

cc: File

When measured on March 16, 1999, the narrowest portion of the roadway lane was eight feet from the centerline to the shoulder. On March 16, 1999, our "East Area" crew installed a French drain to aid in expanding the road shoulder. Further, we paved the same shoulder to prevent any future erosion.

Please feel free to contact either Brian Atkinson or myself regarding this matter.

Thank you.

ds

cc: Michael D. Edwards, Director of Public Works

ds

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

< > Property Damage < > Other (LIST)

< > Personal Injury

< > Contract

which occurred on Feb. 19, 1999, in the vicinity of:

Drumple Road, 9/10 of a mile North of Hwy 47.
(MONTH/DAY) (PLACE WHERE INCIDENT OCCURRED) (What side of road)

Describe generally the facts and circumstances that give rise to the claim:

(PLEASE USE BACK OF THIS PAGE IF MORE SPACE IS NEEDED.)

A large delivery truck was over the center line, which is only 7 1/2 feet from edge of road, forcing my car into "shoulder", which is about a 10 inch deep "ditch". This ditch both tires & destroyed the trim. My wife with Brian Brown who marketed site and The name(s) of the public employee(s) causing claimant's injuries or damages under the above-described circumstances is/are:

NA

marked with a warning stake.

Utner damages (ITEMIZE)

_____ \$ 0
_____ \$ 0

TOTAL DAMAGES INCURRED TO DATE: \$ ~~88~~ 370.54

Estimated future damages as far as known from this incident:

Total estimated prospective damages: \$ NA

TOTAL AMOUNT CLAIMED AS OF DATE
OF PRESENTATION OF THIS CLAIM: \$ 370.54

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

to claimant at: Home n first page

(ADDRESS TO WHICH NOTICES ARE TO BE SENT)

Dated: 3-16-99 Signed: Wendy Wintko

(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.

AMT PAID \$ 188.56
 OTHER
 CHECK # 336
 CASH
 VISA
 M/C

PTION	LIST PRICE	NET PRICE	SELL UNIT	AMOUNT
	165.00	125.00	EA.	125.00
		50.00	ea.	50.00

				175.00
				13.56
TOTAL				
188.56				

CHARGE - ANNUAL RATE 18%

COLL	PP	TERMS	Vehicle Info
X		C.O.D.	Various

By Kevin

MIRTHS

INVOICE	
NUMBER	DATE
6086	3/09/99
Page	MK
DATE SHIPPED	
3/09/99 11:56 A	
1 of 1	

15 JEFFREY G. GREEN
16 Mariposa County Counsel

17 PROOF OF SERVICE BY MAIL (1013a, 2015.5 C.C.P.)


18 STATE OF CALIFORNIA, COUNTY OF MARIPOSA.

19 I am a citizen of the United States and a resident of the County aforesaid. I am over the
20 age of eighteen years and not a party to the within entitled action; my business address is 5100
21 Bullion Street (P. O. Box 189), Mariposa, CA 95338. On May 5, 1999, I
22 served the within Notice of Rejection of Claim No. C99-3 on the claimant in said action by
23 placing a true copy in a postage paid envelope addressed to the person(s) hereinafter listed, by
24 depositing said envelope in the U.S. Mail, or by placing a copy into an inter-office delivery
25 receptacle located in Counsel's office:

23 Wendy Wirths
24 4186 Triangle Road
25 Mariposa, CA 95338

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

27 Executed on May 5, 1999 at Mariposa, California.

28 
Sandra V. Adams

33797

TOTAL LABOR	81.50
TOTAL PARTS	213.97
ACCESSORIES	
GAS, OIL & GREASE	
OUTSIDE REPAIRS	24.00
STORAGE FEE (IF APPLICABLE)	
TAX	15.52
TOTAL AMOUNT	

- Method of Payment:
- Cash
 - Check
 - Charge
- labor:
- Flat rate
 - Hourly
 - Both

#181.92
 14.00
 4.00
 163.92

Please may be less than the estimate but will not exceed the estimate without your
 consent. If the rate shown is chosen not to authorize the services recommended.

14.00

ROUT FOLKERS FOR TURNING W/NEW DRUMS DO
 ect KONE SHES O.K with ADJUST KONS 22 50

INSTRUCTIONS

TYPE OR MODEL	CACACHN
YEAR	91
RECEIVED	AM
PROMISED	AM
PHONE WHEN READY	YES <input type="checkbox"/> NO <input type="checkbox"/>
TERMS	2WD 530
ORDER WORK NUMBER	
DATE	2/27/91

Lubrication	<input type="checkbox"/>
Change Oil	<input type="checkbox"/>
Change Oil Filter Cart.	<input type="checkbox"/>
Change Trans.	<input type="checkbox"/>
Change Diff.	<input type="checkbox"/>
Pack Front Wheel Brgs.	<input type="checkbox"/>
Adjust Brakes	<input type="checkbox"/>
Rotate Tires	<input type="checkbox"/>
Wash Polish	<input type="checkbox"/>
State Inspection	<input type="checkbox"/>

DSS ISS LABOR CHARGE

IFORNIA WHOLESALE
 P.O. BOX 1897
 MARIPOSA, CA 95338

15 hereby rejected.

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


17 AYES: Reilly, Balmain, Stewart, Parker, Pickard

18 NOES: None


19 ABSENT: None

20 ABSTAINED: None

21 Dated this 20th day of April, 1999.


BOB PICKARD, Chair
Board of Supervisors

22 ATTEST:


MARGIE WILLIAMS, Clerk of the Board

23
24
25
26
27
28