

Kittitas County
Prosecutor

Agenda Staff Report

AGENDA DATE:

9/7/2011

ACTION REQUESTED:

Consider Claim against County

BACKGROUND:

Ms. McCroskey claims that gravel from a passing vehicle chipped her window on her car. By the date of this incident, the County had completed its maintenance of the section of road involved here and completed the normal and customary activities involved in chipsealing and brooming a road.

INTERACTION:

Ms. McCroskey claims to have contacted the road department who advised her to fill out a claim for damages, which she did.

RECOMMENDATION:

Deny claim. The County completed its usual and customary road maintenance and so satisfied all its safety and due diligence requirements. The fact that someone's windshield gets chipped from a flung rock does not cause the County to be liable for that chip when it performed all normal maintenance and when the County is not responsible for the location and trajectory of all rocks in Kittitas County.

HANDLING:

Claim was filed with Auditor, copy sent to Prosecutor's Office, recommendation received from Public Works.

LEAD STAFF:

Neil Caulkins