

RANCHO MURIETA COMMUNITY SERVICES DISTRICT

Category:	Claims	Policy # P2023-01
Title:	Claims Processing Policy	

PURPOSE

The principal purpose of this policy is to provide the Rancho Murieta Community Services District (District) with a claims handling process that complies with the Government Claims Act (Act), Government Code sections 810 et seq. This process will be used by persons and entities that file claims seeking reimbursement from the District for damages incurred due to injuries to personal or real property, personal injuries, or breaches of contract alleged to be caused by District facilities or equipment, or its directors, officers, employees, or agents. Compliance with the procedures specified in the Act and this policy is mandatory in order for the claimant to maintain a judicial action against the District for monetary damages.

POLICY STATEMENT

Pursuant to the authority granted by the Government Claims Act, the District must take action on each claim made by a person or entity against the District for damages incurred as a result of injuries to personal or real property, personal injuries, or breaches of contract before the person or entity is permitted to file legal action on such claims. Under this Policy, the Board of Directors grants the General Manager or the General Manager's designee the authority to review and to approve any claim up to \$25,000 or reject any claim in whole or in part. Any claim amount over \$25,000 that the General Manager recommends for approval must be submitted to the Board of Directors for review and approval or rejection. The General Manager shall adopt and implement appropriate procedures to carry out this Policy and report to the District Board of Directors at its next regular meeting on each claim. The processing of all claims will be conducted in accordance with the Government Claims Act, including the time limits on claims processing and requirements for claims presentation.

DELEGATION OF AUTHORITY

The Board of Directors delegates all actions required or allowed to be taken under the Government Claims Act to the District's General Manager, provided that the General Manager may approve any claim up to \$25,000 or reject any claim in whole or in part. Approval of claims over \$25,000 is reserved to the Board of Directors. The General Manager may further designate a member of the District staff to complete the actions authorized by this Policy.

TIME LIMITS FOR PRESENTATION OF CLAIMS

Claims for money or damages related to causes of action for death, injury to persons, or injury to personal property must be filed within six (6) months after the accrual of the cause of action. Claims for money or damages relating to any other cause of action must be filed within one (1) year after accrual of the cause of action.

METHOD OF PRESENTATION OF CLAIM

The claimant may present the claim by either delivering the document to the District Secretary at the District's office or mailing it to the District Secretary at the address of the District's principal office. A mailed claim will be deemed filed effective on the date that a properly stamped and addressed envelope containing the claim is deposited in the mail.

TENDER OF CLAIMS TO RISK POOL OR INSURER

Upon receipt of any claim, District staff will provide notice of the claim and all relevant documents to any risk pool or insurer from which the District may obtain any insurance coverage or indemnity for claims.

NOTICE OF INSUFFICIENCY OF CLAIM

Within twenty (20) days after a claim has been presented, the District shall give the claimant written notice of any substantial defects or omissions in the content of the claim that prevents the claim from complying with the requirements of this policy.

ACTION ON CLAIM

The District is authorized, within a period of forty-five (45) days after the claim has been presented to the District, to take any of the following actions: (1) reject the claim entirely; (2) allow the claim in full; (3) allow the claim in part and reject the balance of the claim; (4) compromise the claim or settle the claim if the liability or amount due is disputed; (5) take no action, thus permitting the claim to be denied by operation of law pursuant to Government Code Section 912.4(c).

NOTICE OF ACTION ON CLAIM

Upon action by the District on any claim, written notice of the action shall be mailed to the claimant. The giving of such notice limits the statute of limitations applicable to any judicial action which the claimant may desire to file in the event of a rejected claim to six (6) months after the date of the written notice of the rejection of the claim from the District.

NOTICE AND RETURN OF LATE CLAIM

When a claim that is required under this policy to be presented six (6) months after accrual of the cause of action is presented late, or when a claim is required under this policy to be presented within either six (6) months after the accrual of the cause of action, or one year after accrual of the cause of action is presented late, the General Manager shall give notice to the claimant that the claim was not timely filed and that the claim is being returned without further action. This notice shall be sent within forty-five (45) days after the receipt of the claim. The form of notice is specified by Government Code Section 911.3(a). The notice advises the claimant that the claimant's only recourse is to apply without delay for leave to present a late claim to the District for consideration.

LATE CLAIM PROCEDURE

The late claim procedure is comprised of the following steps:

- A. The claimant must file an Application for Leave to File a Late Claim with the District. The application must be presented within a reasonable time not to exceed one year after the accrual of the cause of action.
- B. The District has forty-five (45) days in which to grant or deny the Application for Leave to File a Late Claim. Failure of the District to take any action within forty-five (45) days operates as a denial of the application. If the District approves the Application to File a Late Claim, the District will, upon its consideration, reject or accept the claim either in whole or in part.
- C. If the District denies the Application for Leave to File a Late Claim, the claimant has six (6) months in which to file a petition with the court for an order excusing the claimant from complying with these claim presentation requirements.

METHOD OF NOTICE

All communications between the District and the claimant, after the date a Claim is filed with the District, shall be by first class mail postage prepaid mailed to the address of the claimant. In certain

circumstances, the District may use Certified Mail-Return Receipt Requested to obtain evidentiary support for receipt of mailed documents from the District.

Approved Rancho Murieta Community Services District Board of Directors	Adopted
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