

CLAIMS AGAINST THE DISTRICT

Policy # **2205**
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Type of Policy: ☐ BOARD ☒ DISTRICT ☐ FIRE ☐ PARKS

POLICY

2205.1 Cosumnes Community Services District (“District”) will respond to all claims and lawsuits alleging District liability for damages or injuries in a prompt timeframe.

PURPOSE AND SCOPE

- 2205.2 The purpose of this policy is to provide direction to District personnel for processing and resolving (if possible) personal and property damage claims and lawsuits against the District. Inherent in this policy is the recognition that every claim or lawsuit will be unique, and that guidelines cannot be written to accommodate every case. Therefore, personnel must use discretion and good sense in handling each claim and lawsuit.
- 2205.3 This policy applies to all District elected officials, executives, employees, interns, volunteers, contractors, vendors, suppliers, members of the public, and other persons who participate in District programs and services.

APPLICATION

- 2205.4 Definitions:
- a. Claim: written request for payment arising out of a claim of liability and must be presented to the public entity prior to the filing of a lawsuit.
 - b. Claimant: person filing a claim.
- 2205.5 The District is a member of a joint powers authority (“JPA”) for insurance. The JPA self-administers claims filed against the District. The JPA will investigate, evaluate, and determine the District’s potential liability exposure on all claims and will negotiate a settlement or deny liability on behalf of the District. In some cases, a claim will proceed into litigation and the JPA will direct District Counsel in the defense of the action and ultimate resolution of the claim.
- 2205.6 Under California Government Codes 910.2 and 911.2, before any payment is made to a third party (“claimant”) for injuries or damage to real or personal property, a claim must be filed with the public entity specifying the allegations against the public entity and the amount of the claim.
- a. A claim relating to a cause of action for death or for injury to person or to personal

property shall be presented no later than six months after the accrual of the cause of action.

- b. A claim relating to any other cause of action shall be presented no later than one year after the accrual of the cause of action.

2205.7 Claims Process

- a. If a claimant wishes to file a claim for monetary damages for either alleged property damage or personal injury caused by the District, the claimant must complete and submit a District Claim Form located on the District's website.
- b. District staff shall provide no assistance to the claimant in filling out the claim form. Claimant must fill out the claim form in its entirety and submit it via mail, fax, personal delivery to the District office, or electronically online. Upon receipt, the District Clerk shall date-stamp the document.
- c. The District has 45 days to reply to the claim before it falls under the "rejection by the operation of law".
 - 1. If the claim is not acted upon within 45 days, it is deemed rejected by operation of law on the last day of the 45-day period. District should provide notice of the rejection of the claim immediately to begin the 180 statute of limitations for claimant to file a court action on the claim.
 - 2. If the claim is acted upon within 45 days, the claimant has 180 days to file a court action on the claim.
- d. The Risk Manager will submit all claims to the JPA for review and recommendation. The JPA will assign an adjuster to work with the District to answer questions related to the claim to determine if there is liability by the District. The JPA will make a recommendation to either reject or pay the claim:
 - 1. If denied, the Risk Manager will prepare a resolution formally rejecting the claim which will be included as an item in an upcoming Board of Director's meeting for Board's review and approval. A rejection letter as well as proof of service by mail must be sent within 10 days of the formal rejection by the Board to the claimant or their representative at the address specified in the claim.
 - 2. If accepted, the JPA will send an adjuster to investigate the claim allegations, determine an acceptable amount, and submit a recommendation to the District. The District will review the recommendation and determine if terms are acceptable. If acceptable, the JPA will work with the claimant and issue payment. If the District finds the recommendation not acceptable, the JPA will be notified and must provide proof of their findings and if needed, send another recommendation to the District.

3. The District is responsible for paying the deductibles as outlined in the District's current insurance coverage program.

REFERENCES

- 2205.8 California Government Code 910.2
- 2205.9 California Government Code 911.2