

**FILING CLAIMS AND ACTIONS AGAINST THE DISTRICT****CLAIMS AND ACTIONS AGAINST THE DISTRICT**

Any and all claims for money or damages against the District must be presented to and acted upon in accordance with the following procedures. Compliance with these procedures is a prerequisite to any court action, unless the claim is governed by statutes or regulations which expressly free the claimant from the obligation to comply with this policy and the claims procedures set forth in Government Code Section 900 et seq.

**Necessity of filing claims**

Any claims against the District for money or damages which are not governed by any other statutes or regulations expressly relating thereto or are excepted by Government Code section 905, shall be presented and acted upon in accordance with Title I, Division 3.6, Part 3, Chapter 1 (commencing with section 900) and Chapter 2 (commencing with section 910) of the California Government code.

No suit for money or damages may be brought against the District unless written claim therefor has been presented to the District in the time and manner set forth in this policy, Business Procedure 8.40, and the Government Code.

**Time and manner of claim presentation**

All claims against the District shall be made in writing and signed by claimants or their guardians, conservators, executors, or administrators as required by Government Code section 910.2, and shall contain all information required by Government Code section 910.

The designated place for service of claims, lawsuits, or other types of legal process upon the District is:

Executive Vice Chancellor, Administrative Services  
Contra Costa Community College District  
500 Court Street  
Martinez, California 94553

See Business Procedure 8.40, Claims Against the District

1. Claims for money or damages relating to a cause of action for death or for injury to a person, or personal property, or growing crops, shall be presented to the Governing Board not no later than six (6) months after accrual of the cause of action pursuant to (Government Code Sections 905, 911.2).

Claims pertaining to any other cause of action shall be presented no later than one year after the accrual of the cause of action.

**Application of claims requirement**

Claims that are subject to the requirements of this policy include, but are not limited to, the following:

1. All claims presented by public entities including, claims by the state or by a state department or agency or by any other public entity, local government, or any judicial branch entity.

2. Claims for money or damages as authorized in Government Code Section 905 and not included in paragraph 1 above shall be filed not later than one year from the date the cause of action accrues. (Government Code Sections 905, 911.2)
3. Claims for money or damages specifically excepted from Government Code Section 905, including, but not limited to, claims by public employees for fees, salaries, wages, mileage or other expenses and allowances, shall be filed not later than one year after the accrual of the cause of action. (Government Code Sections 905, 911.2, 935)
4. All claims for indemnity.

### **LATE CLAIMS**

Claims under paragraph 1 above which are filed outside the specified time limitations must be accompanied by an application to file a late claim. Such claim and application to file a late claim must be filed not later than one year after the accrual of the cause of action. If a claim under paragraph 1 is filed later than six months after the accrual of the cause of action and is not accompanied by the application, the Governing Board or Chancellor or designee shall, within forty five (45) days, give written notice that the claim was not filed timely and that it is being returned without further action.

The application shall state the reason for the delay in presenting the claim. The Governing Board shall grant or deny the application within 45 days after it is presented. By mutual agreement of the claimant and the Governing Board, this 45-day period may be extended by written agreement made before the expiration of such period. If the Governing Board does not take action on the application within 45 days, it shall be deemed to have been denied on the 45th day unless such time period has been extended, in which case it shall be denied on the last day of the period specified in the extension agreement.

If the application to present a late claim is denied, the claimant shall be given notice in substantially the following form:

#### **WARNING**

IF YOU WISH TO FILE A COURT ACTION ON THIS MATTER YOU MUST FIRST PETITION THE APPROPRIATE COURT FOR AN ORDER RELIEVING YOU FROM THE PROVISIONS OF GOVERNMENT CODE SECTION 945.4 (CLAIMS PRESENTATION REQUIREMENT). SEE GOVERNMENT CODE SECTION 945.6. SUCH PETITION MUST BE FILED WITH THE COURT WITHIN SIX (6) MONTHS FROM THE DATE YOUR APPLICATION FOR LEAVE TO PRESENT A LATE CLAIM WAS DENIED.

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.  
(Government Code Sections 911.3, 911.4, 911.6, 911.8, 912.2, 935)

### **DELIVERY AND FORM OF CLAIM**

A claim, any amendment thereto, or an application for leave to present a late claim shall be deemed presented when delivered to the office of the Chancellor or designee or deposited in a post office, sub post office, substation, or mail chute or other like facility maintained by the U. S. Government in a sealed envelope properly addressed to the office of the Chancellor or designee with postage paid. (Government Code Sections 915, 915.2) A claim must be made on a form as prescribed by Government Code Section 910.4.

## NOTICE OF CLAIM INSUFFICIENCY

The Chancellor or designee shall review all claims for sufficiency of information. The Chancellor or designee may, within twenty (20) days of receipt of claim, either personally deliver or mail to claimant a notice stating deficiencies in the claim presented. If such notice is delivered or sent to claimant, the Governing Board shall not act upon the claim until at least fifteen (15) days after such notice is sent. (Government Code Sections 910.8, 915.4)

## AMENDMENTS TO CLAIM

Claims may be amended within the above time limits or prior to final action by the Governing Board, whichever is later, if the claim, as amended, relates to the same transaction or occurrence which gave rise to the original claim.

## ACTION ON CLAIM

Within forty-five (45) days after the presentation or amendment of a claim, the Governing Board shall take action on the claim. (Government Code Section 912.4) This time limit may be extended by written agreement before the expiration of the 45-day period or before legal action is commenced or barred by legal limitations. (Government Code Section 912.4) The Chancellor or designee shall transmit to the claimant a notice of action taken. (Government Code Section 913) If no action is taken within the prescribed time limits, the claim shall be deemed to have been rejected and the claimant notified in accordance with Government Code Section 913. (Government Code Section 945.6)

## RETROACTIVITY OF THIS POLICY

This policy is intended to apply retroactively to any existing causes of action and/or claims for money and/or damages.

## ROSTER OF PUBLIC AGENCIES

The Chancellor or designee shall annually verify that all information regarding the District and the Governing Board is filed accurately with the Roster of Public Agencies in the office of the Secretary of State and the County Clerk. The verified information shall include the name of the District, the mailing address of the Governing Board, and the names and addresses of the Governing Board presiding officer, the Governing Board clerk or secretary and other members of the Governing Board. (Government Code Section 53051)

### References

Education Code

72500 Liability for debts and contracts

Education Code 72502 Claims against Districts; applicability of Government Code

Government Code 810, et seq. Claims and actions against public entities, 900, et seq. Claims against public entities, 910 and 935 Claims and Actions Against Public Entities

946.4 Waiver of compliance with claims statute

53051 Information filed with secretary of state and county clerk