

## CLAIMS AGAINST THE DISTRICT

### Presentation of Claims

Any claims No suit for money or damages can be brought against the District for money or damages, which are not governed by any other statutes or regulations, shall be presented and acted upon unless a written claim therefor has been presented to the District in the time and manner outlined in accordance with Sections 900 et seq. and 910 et seq. Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900). Claims must be submitted to the Director of Risk Management Executive Vice Chancellor, Administrative Services at 500 Court Street, Martinez, California 94553, on the attached claim form (see Exhibit A) as required by Government Code 910.4.

Government Code section 910.4(a) requires the District to provide a standardized tort claim form ("Claim Form") that claimants may use to file their claims for submission to the District. The Claim Form must include information specified in Government Code sections 910 and 910.2. If a claim that is not on the Claim Form contains all of the information that is required on the Claim Form in a legible manner, the District may still consider such a claim as "submitted" without the Claim Form. The District will provide the Claim Form whenever it is requested.

If a claim is not submitted on the designated form and it does not contain all of the information required by the Claim Form, it may be returned.

- 1. Questions Relating to Filing Claims:** Anyone inquiring as to the proper procedure to file a claim against the District should be referred to Government Code Sections 900 et. seq. In particular, Sections 910, 910.2 and 911.2 which deal with the contents of a claim and the timeliness of presentation. The District claim form (Exhibit A) shall be made available upon request.
- 2. Receipt of Claims against the District:** Any authorized representative of the District may receive a claim on behalf of the District; however, the Director of Risk Management must be immediately informed of the claim. All original documents are to be date stamped and forwarded to the Director of Risk Management by the next working day. Claim forms cannot not be filed electronically.
- 3. Review of Claim:** The Director of Risk Management will review the claim for compliance with Government Codes 910, Content of Claim; 910.2, Signatures, and 911.2, Time of Submission. The Director of Risk Management will notify the District's claim representative as appropriate.
- 4. Notice of Insufficiency of Claim:** If the claim presented fails to comply with Government Code 910 et. seq., the Director of Risk Management or District's claim representative shall notify the claimant of such insufficiency (see Exhibit B) within twenty (20) days of the defects or omissions therein. No further action is required by the District unless the claim is amended or resubmitted.
- 5. Notice of Late Claim:** If the claim was not presented within the time limits prescribed by Government Code 911.2, the Director of Risk Management or District's claim representative shall notify the claimant of such failure (see Exhibit C) within forty five (45) days of the date the claim was presented.

The Governing Board may either grant or deny an application to present a late claim. Instances where the Governing Board is to grant the application are detailed in Government Code 911.6. If the application is granted, the claim shall be deemed to have been presented to the Governing Board upon the day that leave to present the claim is granted per Government Code 912.2. Denial

of the application requires no further action on the claim (see Exhibit D).

6. **Acceptance of Claim for Governing Board Action:** If the claim has no exceptions after review, the Director of Risk Management will prepare a Governing Board report recommending rejection of the claim or acceptance/denial of the leave to present a late claim at the next regular meeting of the Board. Rejection or acceptance of the claim must be within forty five (45) days of the date the claim was first presented to the District.

7. **Notice of Governing Board Action:** Immediately after the Governing Board meeting, the Director of Risk Management or District's claim representative shall notify the claimant of the Governing Board's action, by sending a certified Governing Board Report along with a notice of the Governing Board's action (see Exhibit E). Notice is to be given in accordance with Government Code 915.4.

1. Any claim returned may be resubmitted using the proper form (Exhibit A).

2. Claim forms may be obtained by contacting the Office of the Executive Vice Chancellor, Administrative Services.

3. Properly completed Claim Forms should be submitted as follows: Office of the Executive Vice Chancellor, Administrative Services at 500 Court Street, Martinez, California, 94553.

4. Pursuant to the authority contained in Government Code section 935, the following claims procedures are established for those claims against the District for money or damages not now governed by State or local laws:

a. Employee claims. Notwithstanding the exceptions contained in Government Code Section 905, all claims by public officers or employees for fees, salaries, wages, mileage and any other expenses for allowances claimed due from the District, when a procedure for processing such claims is not otherwise provided by the State or local laws, shall be presented within the time limitations and in the manner prescribed by Government Code Sections 910 through 915.2. Such claims shall further be subject to the provisions of Section 945.4 relating to the prohibition of suits in the absence of the presentation of claims and action thereon by the District.

b. Contract and other claims. In addition to the requirements of subsection (a) of this section, and notwithstanding the exemptions set forth in Government Code Section 905, all claims against the District for damages or money, when a procedure for processing such claims is not otherwise provided by State or local laws, shall be presented within the time limitations and in the manner prescribed by Government Code Sections 910 through 915.2. Such claims shall further be subject to the provisions of Section 945.4 relating to prohibition of suits in the absence of the presentation of claims and action thereon by the District. Claims shall be in writing and shall stipulate date(s), time(s), nature of claim(s).

### Time Limitations

Claims for money or damages related to a cause of action for death, or injury to a person or to personal property or growing crops, must be presented to the District not later than six (6) months after the accrual of the cause of action.

Claims for money or damages related to any cause of action other than that stated above, must be

presented to the District not later than one (1) year after the accrual of the cause of action.

### Response to Claim

The District shall act on a claim within forty-five (45) days after the claim has been presented. The District may reject the entire claim, allow the entire claim, partially allow the claim and reject the remainder, or compromise in terms of liability or amount. Claims filed with the District are not publicly announced/stated on the Governing Board Meeting agenda, nor are the matters regarding rejection announced/stated on the Board agenda. The District or their Third-Party Administrator (TPA) will provide written notice of the action with proof of service to the claimant, at their address supplied by the claimant. If there is no mailing address or missing elements considered a valid tort claim, the district or TPA would send a notice of insufficiency.

If the District allows the claim or offers a compromise in an attempt to settle the claim, the District shall require the claimant to sign a release or waiver agreeing to payment as full and complete settlement of the entire claim. Settlements within District contribution amounts or Joint Powers Authority (JPA) should be approved by the board or have a district representative designated to approve the amount. Any amounts not subject to the district contribution would be paid by the TPA subject to their policy provisions.

See Board Policy 5028 – Claims Against the District and the Claim Form (Exhibit A, attached)

Education Code Section 72502

Government Code Sections 900 et seq., 905, 910 et seq., 915 et seq., 935 and 945 et seq.



CERTIFIED MAIL

(Date)

(Claimant)

(c/o Attorney)

(Address)

(City, State Zip)

Dear (Claimant):

\_\_\_\_\_ The claim you presented to the (Officer) on (Date) is being returned because 1) it is not presented on the claim form required by Government Code Section 910.4 or 2) the claim form is incomplete per Government Code Section 910 or 910.2.

\_\_\_\_\_ The claim form does not show: (select any or all reasons)

- a) \_\_\_\_\_ The name and post office address of the claimant;
- b) \_\_\_\_\_ the post office address to which the person presenting the claim desires notices to be sent;
- c) \_\_\_\_\_ the date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted;
- d) \_\_\_\_\_ a general description of the indebtedness obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the claim;
- e) \_\_\_\_\_ the name or names of the public employee or employees causing injury, damage, or loss, if known;
- f) \_\_\_\_\_ the amount claimed as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage or loss, insofar as it may be known at the time of presentation of the claim, together with the basis of computation known at the time of presentation of the claim, together with the basis of computation of the amount claimed;  
or
- g) \_\_\_\_\_ the signature of the claimant or of some other person authorized to sign on their behalf.

\_\_\_\_\_ 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.

Sincerely,

(Name)

Director of Risk Management

cc: \_\_\_\_\_ (Chief Administrative Services Officer)

\_\_\_\_\_ (College President)

\_\_\_\_\_ (Chief Financial Officer)

CERTIFIED MAIL

(Date)

(Claimant)

(c/o Attorney)

(Address)

(City, State Zip)

Dear (Claimant):

The claim you presented to the Contra Costa Community College District on \_\_\_\_\_, 20\_\_\_\_ is being returned because it was not presented within the time limits prescribed by law. See Sections 901 and 911.2 of the Government Code. Because the claim was not presented within the time allowed by law, no action was taken on the claim.

Your only recourse at this time is to apply without delay to the Contra Costa Community College district for leave to present a late claim. See Sections 911.4 and 912.2, inclusive, and Section 946.6 of the Government code. Under some circumstances, leave to present a late claim will be granted. See Section 911.6 of the Government Code.

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.

Sincerely,

(Name)

Director of Risk Management

cc: (Chief Administrative Services Officer)

(College President)

(Chief Financial Officer)

CERTIFIED MAIL

(Date)

(Claimant)

(c/o Attorney)

(Address)

(City, State Zip)

Dear (Claimant):

—— Notice is hereby given that the application to present a late claim which you presented to the (office) on (date) was denied by the Governing Board on (date of meeting).

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 946.6. 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.

Sincerely,

(Name)

Director of Risk Management

cc: (Chief Administrative Services Officer)

(College President)

(Chief Financial Officer)

CERTIFIED MAIL

(Date)

(Claimant)

(c/o Attorney)

(Address)

(City, State Zip)

Dear (Claimant):

———— Notice is hereby given that the claim which you presented to the (office) on (date) was (rejected, allowed, or other appropriate language) by the Governing Board on (date of meeting).

WARNING

———— Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code Section 945.6

———— 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.

Sincerely,

(Name)

Director of Risk Management

cc: ——— (Chief Administrative Services Officer)

———— (College President)

———— (Chief Financial Officer)