

SOUTH PLACER MUNICIPAL UTILITY DISTRICT POLICIES

Policy Name:	1040 – CLAIMS AGAINST THE DISTRICT		
Approval Authority:	SPMUD BOARD OF DIRECTORS	Adopted:	
Resolution No	15-23	Revised:	

PURPOSE

The purpose of this policy is to provide direction to District staff for processing and resolving (if possible) claims against the District.

POLICY STATEMENT

Section 1: General

The South Placer Municipal Utility District desires to ensure that the District's operations are conducted in a manner that minimizes risk, protects District resources, and promotes the health and safety of staff and the public. Any and all claims against the District shall be presented to and acted upon in accordance with the California Tort Claims Act, Government Code §910 *et seq.*, as such may be amended from time to time, Board policy, as well as the District's insurance coverage.

Section 2: Property Damage Claims

In the event sewage enters a building as a result of a failure within the District's facilities or from District maintenance operations and restoration services are required, the District will complete an Incident Report form and take the following steps:

1. The property owner will be provided the District's brochure "Information to Property Owners Regarding Sewer System Responsibilities".
2. District staff will contact restoration services as required, and inform the property owner that they have been contacted.
3. District staff will take photographs of damage(s).
4. The District's insurance representative will determine if hotel accommodations are necessary for the occupants of the affected property.

In the event sewage enters a building as a result of a failure in the privately-owner portion of the system, the District will complete an Incident Report form and take the following steps:

1. The property owner will be informed that the failure is in the privately-owned portion of the system.
2. The property owner will be provided the District's brochure "Information to Property Owners Regarding Sewer System Responsibilities".
3. If the resident/property owner disagrees with the determination, they will have an opportunity to speak with the General Manager during regular business hours, or alternatively, the property owner's information will be provided to the District's insurance representative for follow up.

If the owner of damaged property informs a member of the Board of Directors, the information will be given to the General Manager. Directors shall not independently investigate claims or make any representations or promises to any third party regarding the District's response to a claim or any potential responsibility the District or District staff may have.

At the General Managers direction investigations shall be completed by the department manager in a timely fashion and documented with a written report, including photographs and/or interviews, when appropriate. A copy of the report shall be submitted to the General Manager.

The General Manager shall review the damage claim and the proposed repair work. If he/she determines that the damage is the District's responsibility and that the proposed repair work is appropriate, he/she may authorize the work if the cost of material for the repairs will not exceed \$5,000. A report shall be submitted to the Board of Directors describing the damage claim, including a description of the manner in which it was resolved.

If the cost of material for repairs is estimated to exceed \$5,000, the claim will be submitted to the Board of Directors where they will receive input from staff and legal counsel in closed session as permitted by the Ralph M. Brown Act, Government Code Section 54950 *et seq.* After reviewing the damage claim, the Board may accept or reject the claim. The claimant shall be notified of the Board's action regarding their claim. Notification that a claim has been rejected shall be accompanied by a proof of service.

Claims in excess of the District's insurance deductible shall be forwarded to the District's insurance company.

Claims for personal injury/wrongful death shall not be investigated by District staff or Directors but shall be immediately forwarded to the District's insurance company.

Section 3: Property (Vehicles and Unsecured Property) Damage Claims

All claims of damage to vehicles or other unsecured property shall be submitted to the General Manager. He/she shall review the damage claim and the requested restitution. If he/she determines that the damage is the District's responsibility, he/she may authorize repairs or reimbursement of expenses in an amount not to exceed \$5,000.

Section 4: Property Damage Claims on District Form

Except for damage to land and improvements estimated to cost less than \$5,000, all damage claims must be submitted in writing on a District claim form. This will ensure that a claim is valid and protect important rights of the District. A copy of the Claim for Damages form is attached to this policy.

If an individual does not wish to file a claim on the District form, he/she may present the claim by letter to the General Manager if it conforms with §910 and §910.2 of the California Tort Claims Act, Government Code. §910 specifies that a claim needs to show all of the following:

- (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 as the time of presentation of the claim.

- (e) The name or names of the public employee or employees causing the injury, damage, or loss, if known.
- (f) The amount claimed if it totals less than ten thousand dollars (\$10,000) 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 the presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case.

District staff shall provide no assistance to the claimant in filling out the claim form. A claimant must fill out the claim form in its entirety and submit it via mail, FAX, or personal delivery to the District office. Upon receipt, administrative staff shall date-stamp the document.

Section 5: Response

Following receipt of the claim, the District has 45 days in which to act on the claim. Otherwise, the claim is deemed to have been automatically rejected as a matter of law. A rejection letter must be sent to the claimant or their representative at the address specified in the claim. The rejection notice must contain the mandatory notification language advising the claimant that they have six (6) months from the date of the Notice of Rejection to file a lawsuit.

If the filed letter/claim does not meet the requirements of the California Government Code §910 and §910.2, then the General Manager may send a notice of insufficiency of claim to the claimant.



SOUTH PLACER MUNICIPAL UTILITY DISTRICT
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(916) 786-8555
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CLAIM for DAMAGES AGAINST
SOUTH PLACER MUNICIPAL UTILITY DISTRICT

Instructions:

A claim relating to a Cause of Action for death or for injury to person or personal property shall be presented not later than six months after the accrual of the Cause of Action. A claim relating to any other Cause of Action (including injury to real property) shall be presented not later than one year after the accrual of the Cause of Action.

Your claim must actually be on file with the General Manager by the deadline to be timely. Your claim must:

- be submitted on this South Placer Municipal Utility District claim form;
- include all information required; and
- be signed by you or your representative.

Failure to complete the entire claim form may cause your claim to be legally insufficient. Attach additional sheets if necessary.

Identification of Claimant and Claim:

a) Name and Address –

b) Post Office address to which claimant 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 the injury, damage, or loss, if known –

- f) The amount claimed if it totals less than ten thousand dollars (\$10,000) 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 the presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case –

Name and address of claimant's representative (if applicable)

Signature (claimant or representative)

Date