

CALAVERAS PUBLIC UTILITY DISTRICT POLICIES

Policy Name:	1025 – CLAIMS AGAINST THE DISTRICT		
Approval Authority:	CPUD BOARD OF DIRECTORS	Adopted:	3/10/2020
Resolution No.	Resolution 2020-3	Revised:	

1025.1 Claims Against the District

The purpose of this policy is to provide direction to District staff and Board members for processing and resolving (if possible) account adjustment requests and property damage, personal injury, inverse condemnation and all other types of claims which may be asserted against the District. Inherent in this policy is the recognition that every adjustment request or claim will be unique, and that guidelines cannot be written to accommodate every case. Therefore, staff must use discretion and good sense in handling each claim.

1025.1.2 Property Damage Claims – Land and Improvements

In the course of the District’s operations, damage to land and improvements thereon occasionally occurs due to the proximity of the District’s facilities to private property. When District employees are aware that private property has been damaged in the course of their work, such damage must be reported to the General Manager, who shall notify the affected property owner. To the extent authorized by the General Manager and affected property owner, restorative measures are to be taken to return the property as close to its original condition, if possible.

When a property owner informs a District employee of damage to their property (by telephone, email, text message or in person), the employee receiving the claim will document (in writing) the time, date, and description of the stated circumstances and allegations. Employees should respond to questions, be cordial and respectful, but refrain from commenting on liability questions.

As soon as possible after information about the damage has been received, it shall be given to the General Manager. The General Manager shall investigate the property owner’s allegations in coordination with the District’s Legal Counsel.

If the owner of damaged property informs a Board member, the information will be given to the General Manager as soon as possible. Directors should not independently investigate claims.

Claims in excess of the District’s insurance deductible shall be forwarded to the insurance company (ACWA/JPIA), and the claimant shall be advised of this action. The District shall follow guidance from ACWA/JPIA regarding further handling of the claim.

Claims for personal injury/wrongful death shall not be investigated by District staff but shall be immediately forwarded to ACWA/JPIA.

1025.1.3 Damage Claims – Vehicles and Unsecured Property

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 to an amount not to exceed \$1,000. Claims in excess of \$1,000 shall be forwarded to the insurance company.

1025.2 Property Damage Claims Form

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. If an individual does not wish to file a claim on the District form, he/she may present the claim by letter if it conforms to Section 910 and Section 910.2, *et seq.* of the California Government Code, as such may be amended from time to time. Section 910 specifies that a claim needs to contain all of the following information:

- 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(s) of the public employee(s) causing the 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 of the amount claimed.

Section 910.2 of the California Government Code specifies the following: "The claim shall be signed by the claimant or by some person on his/her behalf. Claims against local public entities for supplies, materials, equipment or services need not be signed by the claimant or on his/her behalf if presented on a billhead or invoice regularly used in the conduct of the business of the claimant."

If the filed letter/claim does not meet the requirements of California Government Code 910 and 910.2, then a notice of insufficiency of claim may be sent by the District to the claimant.

The Board of Directors may, in its sole and exclusive discretion, accept or reject, in whole or in part, any claim presented to the District.

District staff may not assist the claimant in filling out the claim form. Claimant must fill out the claim form in its entirety and submit it via mail or personal delivery to the District office. Upon receipt, office staff shall date-stamp the document.