AP 3810 Claims Against the District

Reference:

Education Code Section 72502;
Government Code Sections 900, ~~910~~, et seq.

1.0 Claims and Actions Against the District

1.1 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 relieve the claimant from the obligation to comply with this policy and the claims procedures set forth in Government Code 900 et seq.

1.2 If a claim, amendment to a claim, or application for leave to present a late claim is presented or sent by mail, or if any notice regarding a claim or application is given by mail, the claim, amendment, application, or notice shall be deposited in the United States mail, in a sealed envelope, properly addressed, with postage paid. Any period of notice and any duty to respond after receipt of service of a claim, amendment application, or notice set forth in this Board Policy is extended five days upon service by mail, if the place of address is within the State of California, 10 days if the place of address is within the United States, and 20 days if the place of address is outside the United States. Proof of mailing may be made in the manner prescribed by Section 1013a of the Code of Civil Procedure. (Government Code Section 915.2)

2.0 Time Limitations

2.1 Claims for money or damages relating to a cause of action for death, injury to a person or personal property, or damage to growing crops, shall be presented to the Board not later than six months after the accrual of the cause of action. (Government Code Sections 905 and 911.2)

2.2 Claims for money or damages as authorized in Government Code Section 905 that are not included in 2.1 shall be filed not later than one year from the date the cause of action accrues. (Government Code Sections 905, 911.2, and 935)

3.0 Late Claims

3.1 Claims under "Time Limitations" paragraph 2.1, which are filed outside the specified time limitation 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 2.1 is filed later than six months after the accrual of the cause of action and is not accompanied by the

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application, the Board or Vice Chancellor, Finance and Facilities, may, within 45 days, give written notice that the claim was not filed timely and that it is being returned without further action.

3.2 The application shall state the reason for the delay in presenting the claim. The Board shall grant or deny the application within 45 days after it is presented. By mutual agreement of the claimant and the Board, such 45-day period may be extended by written agreement made before the expiration of such period. If the 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.

3.3 If the application to present a late claim is denied, the claimant shall be given notice in the form set forth in Government Code Section 911.8. (Government Code Sections 911.3, 911.4, 911.6, 911.8, 912.2, and 935)

4.0 **Delivery and Form of Claim**

4.1 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 Vice Chancellor, Finance and Facilities, 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 District Office with postage paid. (Government Code Sections 915 and 915.2)

4.2 Claims shall be submitted on the District's approved claim form, which may be obtained in the Risk Management Office of the District, or in the Physical Plant\Facilities Offices on the college campus, shall provide all of the information required by Government Code Section 910 and shall be signed by the claimant or a person acting on the claimant's behalf. Any claim not presented using the form may be returned to the person presenting it. A claim returned for failure to use the form may be resubmitted using the appropriate form within the time in which a claim may be presented. (Government Code Sections 910, 910.3, 910.4, and 911.2)

5.0 **Notice of Claim Insufficiency**

5.1 The Vice Chancellor, Finance and Facilities, shall cause to have all claims reviewed for sufficiency of information. The Vice Chancellor or designee may, within 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 Board shall not act upon the claim until at least 15 days after such notice is sent. (Government Code Sections 910.8 and 915.4)

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6.0 **Amendments to Claim**

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

7.0 **Action on Claim**

7.1 Within 45 days after the presentation or amendment of a claim, the Board shall take action on the claim. This time limit may be extended by written agreement before the expiration of the 45-day period or before legal action is commended or barred by legal limitations. The Chancellor or designee shall transmit to the claimant a notice of action taken. If no action is taken by the Board, the claim shall be deemed to have been rejected. (Government Code Section 912.4)

8.0 **Retroactivity**

8.1 This procedure shall apply retroactively to any causes of action or claims for money or damages that accrued prior to adoption of this procedure.

Date of Adoption: March 23, 2004

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