

## **BOARD POLICY 600 LEGAL CLAIMS**

### **Article I. Government Claims Act**

#### **Section 6-1.01 Policy**

Unless otherwise provided by law, all claims or demands against the District shall comply with the Government Claims Act, Government Code section 810, et seq. (the "Act").

#### **Section 6-1.02 Filing a Claim**

Claims and amendments to claims shall be filed with the District's Chief Executive Officer ("CEO") or Secretary of the Board at the District's principal office.

#### **Section 6-1.03 Insufficient Claims**

The CEO shall review claims to determine if they comply with the Act, and may return an insufficient claim in accordance with the Act without first obtaining Board approval.

#### **Section 6-1.04 Late Claims**

(a) The CEO shall review claims to determine if they have been timely filed, and may deliver a notice of late claim in accordance with the Act without first obtaining Board approval.

(b) An application for leave to present a late claim shall be presented to the Board for consideration.

#### **Section 6-1.05 Board Action on a Claim**

(a) The Board may act on a claim in one of the following ways:

(1) If the Board finds the claim is not a proper charge against the District, it shall reject the claim.

(2) If the board finds the claim is a proper charge against the District, and is for an amount justly due, it shall allow the claim.

(3) If the Board finds the claim is a proper charge against the District, but is for an amount greater than is justly due, it shall either reject the claim or allow it in the amount justly due and reject it as to the balance.

(4) If legal liability of the District or the amount justly due is disputed, the Board may reject the claim or may compromise the claim.

(b) If the Board allows the claim in whole or in part or compromises the claim, it may require the claimant, if the claimant accepts the amount allowed or offered to settle the claim, to accept it in settlement of the entire claim.

## ARTICLE II. Claims Not Governed by Government Claims Act

### Section 6-2.01 Policy

This Article shall govern claims and demands that are not governed by the Government Claims Act and that are not expressly exempt by law from the claims filing requirement. This procedure shall apply to claims filed by governmental agencies and employees.

### Section 6-2.02 Claims and Demands

(a) A claim, or amendment filed pursuant to this section, shall be presented to the District by delivering or by mailing it to the CEO or Secretary of the Board at its principal office.

(b) A claim filed pursuant to this section shall be presented by the claimant or by a person acting on behalf of the claimant, and shall show:

- (1) The name and post office address of the claimant
- (2) The post office address to which the person presenting the claim desired notice to be sent;
- (3) The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted;
- (4) The general description of the indebtedness, obligation, injury, damage or loss incurred so far as may be known at the time of presentation of the claim;
- (5) The name or names of the public employee or employees causing the injury, damage or loss if known;
- (6) The amount claimed as of the date of presentation of the claim, including the estimated amount of a 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; and
- (7) The signature of the claimant or some person on his behalf.

(c) A claim filed pursuant to this section relating to a cause of action for death or for injury to person or to personal property or growing crop shall be presented as provided herein not later than six months after accrual of cause of action. A claim relating to any other cause of action shall be presented as provided herein not later than one year after the accrual of the cause of action.

(d) If a claim filed pursuant to this section is not presented within the required time, an application may be made to the District for leave to present such claim. Section 911.4(b), and Sections 911.6 through 912.2 inclusive, and Sections 946.4 and 946.6 of the Government Code are applicable to such claims, and the time specified in this section shall be the time specified in Section 911.2 of the Government Code within the meaning of Sections 911.6 and 946.6 of the Government Code.

(e) The Board shall act on the claim within 45 days after the claim has been presented to the District.

(f) Written notice of any action taken pursuant to this section rejecting a claim in whole or in part shall be given to the person who presented the claim.

**Section 6-2.023      Limitations**

The provisions of Code of Civil Procedure Section 1094.6 shall be applicable to the judicial review of the decisions of the Board made pursuant to the Article II.