

RESOLUTION 41 -18

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE GROVELAND
COMMUNITY SERVICES DISTRICT RESCINDING THE EXISTING CLAIMS POLICY
APPROVING A NEW CLAIMS POLICY**

WHEREAS, the Groveland Community Services District (herein referred to as District) is a local government agency formed and operating in accordance with Section §61000 et seq. of the California Government Code; and

WHEREAS, the District Board of Directors on October 11, 2010 adopted and Operating Policies and Procedures Manual which contained a policy and various procedural documents related to the filing and processing of claims against the District; and

WHEREAS, the Board of Directors also on October 11, 2010 adopted Claims Ordinance 03A-10; and

WHEREAS, the Board of Directors desires to update its policies including the Claims policy.

NOW THEREFORE BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE GROVELAND COMMUNITY SERVICES DISTRICT DOES HEREBY RESCIND EFFECTIVE IMMEDIATELY THE FOLLOWING LISTED POLICIES:

1. Operating Policies and Procedures Manual (OPPM) Sections 106.1 through 106.13.
2. OPPM Appendix 100-B, Claims Ordinance 03A-10 in its entirety
3. OPPM Appendix 100-C and 100-C-A, Instructions for Filing a Claim and Claim Form in their entirety
4. OPPM Appendix 100-D, Form Letters for Insurance Claims Items D1A-D5 inclusive, in their entirety

BE IT FURTHER RESOLVED THAT the revised claims policy Sections 6.01 through 6.11 inclusive, included herein, is hereby adopted and effective immediately.

THE FOLLOWING LANGUAGE IS TO BE ADDED IN ITS ENTIRETY

106 CLAIMS AGAINST THE DISTRICT

106.1 PURPOSE

The Groveland Community Services District (District) is a political subdivision of the State of California and thus subject to the Government Claims Act located in Government Code Sections 810 et. Seq. This policy provides the procedures for the District to follow from when an accident occurs to receipt of a claim and through the District's reply.

106.2 WHEN AN ACCIDENT OR INCIDENT OCCURS

When an accident or incident occurs, employees should:

1. Stay calm and assist any injured or upset individuals;
2. Contact emergency personnel if appropriate (do not transport injured parties in a District

- or personal vehicle);
3. Collect information by taking photographs, writing down observations, the names of involved parties, license plate numbers, witness information, police report numbers, and so on;
 4. Only discuss details of the accident/incident with his/her supervisor, the police, the District's insurance provider and District Legal Counsel.

At no time are employees to assign or admit any responsibility or liability for any actions or on behalf of the District. Employees may not make promises to anyone, except that the situation will be investigated by the District. Statements NOT to make include:

- "It was my/our fault".
- "I knew this was going to happen".
- "The District will take care of everything".

It is appropriate to express concern and sympathy, but not to the extent it comes across as accepting blame.

Statements that are acceptable include

- "I am sorry you were hurt/injured/lost [whatever it is]/ or you feel that way".
- "What can I do to help you?"
- "Is there someone we can call for you?"

106.3 INQUIRIES REGARDING HOW TO FILE A CLAIM

During or immediately following an accident or incident, employees may be approached regarding the possibility of filing a claim against the District. These informational inquiries can be done in person, by phone, by letter or email, or by a third party. However, all submissions of a claim must be made in writing. Employees should respond that there are two ways to make a claim, if someone believes the District is responsible for their injury or loss.

106.4 HOW TO FILE A CLAIM (one of the two following methods must be followed):

1. The person wishing to submit a claim ("Claimant") can send a letter addressed to the District that includes the following:
 - Name and address of claimant
 - Date, place and circumstances of the occurrence or action which caused damage, injury, or loss
 - General description of the indebtedness, obligation, injury, damage, or loss incurred, so far as it may be known at the time of the presentation of the claim
 - Name(s) of the employee(s) or witnesses involved with or having knowledge of the accident/incident, if known
 - The amount claimed, as of the date of the presentation of the claim, including an estimate of any future amount, including a statement about the basis of the computation of the amount claimed
 - Signed and dated by the person making the claim, or another person, on their behalf

2. Claimant may submit a claim using a completed District Claim Form (attached). NOTE: Form may also be used by District Employees for accidents or injuries.

106.5 PROCESSING A SUBMITTED WRITTEN CLAIM

When accepting a claim letter or form, employees are not to: comment on or evaluate the information provided; agree to or promise anything (except that the District will investigate their claim and they will be notified); or speculate on the possible outcome. The employee accepting the claim letter or form shall write the day's date, their own name, and submit it to the General Manager's office the same day.

Once a claim letter or form is received, and depending on the situation, the District may respond to the claimant with a letter stating that the District has received the claim and that the District is investigating it.

106.6 GATHERING INFORMATION

Claims will be investigated by assigned District staff, in conjunction with the District's Risk Administrator, the General Manager, and/or the District's Legal Counsel. Information to be collected may include, but is not limited to: Accident/Incident Reports; photographs; observations; District records and reports; police reports; and, written statements from witnesses and other relevant parties.

106.7 FORWARDING POTENTIAL CLAIM INFORMATION

Assigned staff will forward any accident or incident information to the District's insurance provider and the District's Legal Counsel. This is should be done as soon as possible.

106.8 DETERMINING THE COURSE OF ACTION

The General Manager, in consultation with the District's insurance provider and/or the District's Legal Counsel, may determine the course of action, on claims of \$50,000 or less. For claims over \$50,000, the Board of Directors, in consultation with the General Manager, the District's Legal Counsel, and the District's insurance provider, may determine the course of action during a closed session Board Meeting.

After the initial investigation of a claim, the claim may be:

1. Accepted, by the General Manager if the claim is \$50,000 or less or by the Board of Directors for claims of more than \$50,000
2. Deemed denied by operation of law after 45 days
3. Denied by the General Manager if the claim is \$50,000 or less or by the Board of Directors for claims greater than \$50,000
4. Submitted to the District's insurance provider or Legal Counsel for further discussions and resolution of the matter with the claimant

106.9 NOTIFYING THE CLAIMANT

The claimant, or a party representing the claimant, will be notified in writing by the General Manager if a claim is denied or "deemed denied", via the U.S. Postal Service. If a claim is accepted, the District's insurance provider or their Third Party Administrator will contact the claimant and negotiate a settlement.

106.10 THIRD PARTY REPRESENTATION OF THE CLAIMANT

All Claimants who are represented by a third-party (e.g. and attorney) must provide an authorization letter indicating that the third party is authorized to represent the claimant and that the third-party is authorized to act on behalf of claimant and receive information related to the claim. No information should be provided to any third party without an authorization letter from the claimant.

106.11 TIME FOR FILING CLAIMS

CLAIMS FOR DEATH, INJURY TO PERSON OR TO PERSONAL PROPERTY MUST BE FILED NOT LATER THAN 6 MONTHS AFTER THE OCCURRENCE. (GOVERNMENT CODE SECTION 911.2)

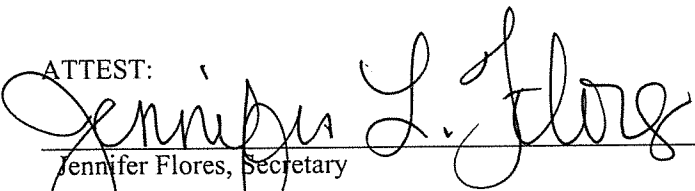
ALL OTHER CLAIMS FOR DAMAGES MUST BE FILED NOT LATER THAN ONE YEAR AFTER THE OCCURRENCE. (GOVERNMENT CODE SECTION 911.2)

If a claim is determined to have been filed after the deadline to file a claim, the General Manager shall contact promptly District Legal Counsel for instructions for how to respond to the Claimant.

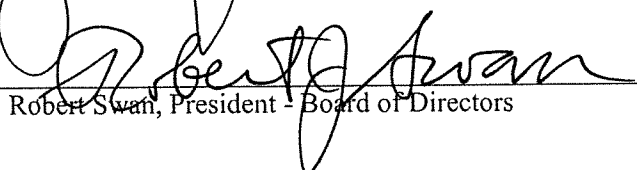
WHEREFORE, this Resolution is passed and adopted by the Board of Directors of the Groveland Community Services District on December 11, 2018, by the following vote:

AYES: Directors Armstrong, Mora, Edwards, Kwiatkowski, & Swan
NOES: 0
ABSTAIN: 0
ABSENT: 0

ATTEST:



Jennifer Flores, Secretary



Robert Swan, President - Board of Directors

Resolution 41-18
December 11, 2018

CERTIFICATE OF SECRETARY

I, Jennifer Flores, the duly appointed and acting Secretary of the Board of Directors of the Groveland Community Services District, do hereby declare that the foregoing Resolution was duly passed and adopted at a Regular Meeting of the Board of Directors of the Groveland Community Services District, duly called and held on December 11, 2018.

DATED: Dec-11, 2018