

CARMICHAEL WATER DISTRICT

Regulations Manual

REGULATION TITLE: **Claims Procedures**

REGULATION NUMBER: **1010**

1010.10 The purpose of this regulation is to provide the public, Carmichael Water District (District) staff, and Board of Directors the guidelines on how Government Claims Act claims should be presented to the District and how the District will handle the claims.

1010.20 All claims against the District for money, which are not otherwise governed by any other applicable statute or regulation, shall be presented and acted upon within the time limitations and in the manner prescribed by Chapter 2, commencing with § 910 of Part 3 (Claims Against Public Entities) of Division 3.6 of Title 1 of the Government Claims Act, or as these provisions may be amended from time to time.

1010.30 In accordance with Government Code §§ 935(b) and 945.4, before commencing, filing, or initiating any lawsuit, legal action, arbitration or any other legal proceeding against the District based on a claim for money exempt under § 905 of the Government Claims Act from the claims presentation procedures, a Government Claim must be presented and acted upon, as provided in § 1010.20, above.

1010.40 When an individual first notifies District staff – in person, by telephone, or in writing – that he/she is presenting a claim against the District, and describing a set of circumstances or facts as to how the District is responsible, the person receiving the information will do the following:

1010.41 Record the time and date of telephone calls or office visits, and take notes as to the information provided by the claimant on the phone or in the office.

1010.42 Do not discuss District's responsibility or make any statements that would implicate the District – staff should respond to questions, be cordial, but refrain from commenting on liability questions.

1010.43 Ask the claimant to fill out a District claim form which is available at the District office. District staff should not assist in filling out the claim form.

1010.431 If an individual sends a letter or written correspondence that appears to be a claim, a letter in response will be sent which asks for clarification and includes a claim form with a request that it be filled out if the individual wishes to file a claim.

1010.50 Investigation of the claim shall be done as soon as reasonably possible after it is filed.

1010.60 Pursuant to Government Code § 935.4, the General Manager (or his/her designee), in consultation with General Counsel, is hereby authorized to allow, deny, or settle any Government Claim for money in an amount not exceeding \$10,000. Upon written authorization of the General Manager (or his/her designee), the Finance Manager (or his/her designee) shall cause payment to be issued in the amount for which the General Manager has allowed or settled a Government Claim under this Regulation.

1010.61 The General Manager, at his/her own discretion, may refer the consideration of a Government Claim under §1010.10 to the District's Board of Directors as he/she deems appropriate.

1010.62 In the event that the General Manager has any conflicts of interest, the consideration of the Government Claim shall be referred to the District's Board of Directors.

1010.70 The District's General Manager shall report to the District's Board of Directors any actual allowance or settlement of Government Claim authorized by § 1010.60, above.

1010.80 Any Government Claim exceeding \$10,000 shall be considered by the District's Board of Directors.

1010.90 District staff will work with Association of California Water Agencies Joint Powers Authority in handling claims within the guidelines of the claims procedures.