

ADMINISTRATIVE REGULATION 3810

SOUTH ORANGE COUNTY
COMMUNITY COLLEGE DISTRICT

GENERAL INSTITUTION

CLAIMS AGAINST THE DISTRICT

I. CLAIM PROCEDURE

- A. Any and all claims, excluding those set forth in Government Code Section 905, for money or damages against the District must be presented to and acted upon by the District 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 that expressly free the claimant from the obligation to comply with this regulation and the claims procedures set forth in Government Code Section 900 et seq.

The District claim form (RM#5) shall be used in the submission of all claims, except for reasons noted in Government Code Section 905. The person presenting a claim shall use form RM#5 for their claim to conform with Government Code Sections 910 through 910.4. A claim may be returned to the person if it is not presented using the form. Any claim returned may be amended using the appropriate form before the expiration of the six (6) month or one (1) year claim period. Claim forms may be obtained from the District Risk Manager or on the District website.

Claims submitted on the District approved claim form shall include the following:

1. Name and post office address of the claimant.
 2. Post office address to which the claimant desires notices to be sent.
 3. Date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted.
 4. A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it 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. Amount claimed as of the date the claim is presented.
- B. A claim, any amendment thereto, or an application for leave to present a late claim shall be deemed presented when submitted to the:
- Office of Risk Management,
Attention: District Risk Manager
28000 Marguerite Parkway
Mission Viejo, California 92692

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Revised: 08-30-99 Revised: 09-17-26
Revised: 10-18-18

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- C. Any claims, complaints, or summons received by the District must be date stamped on the same date received.

II. CLAIM TIMELINES

- A. Claims covered under Government Code Section 910 for money or damages relating to a cause of action must comply with the following timelines for consideration.

For death or injury to person, personal property, or growing crops, shall be presented to the Board not later than six (6) months after the accrual of the cause of action.

- B. Claims for money or damages excluded under Government Code Section 905 and which are not included in the above shall be filed pursuant to each exempt category and processed in accordance with the alternate statutory procedures as defined in their respective governing statutes.

Claims excepted from recovery pursuant to Government Code Section 905 include the following claims:

1. Revenue and Taxation Code claims (refund, rebate, exemption, cancellation, amendment, modification, or adjustment of any tax, assessment, fee, or charge or any portion of the charge, or of any penalties, costs, or related charges).
2. Claims which require filing a notice of lien, statement of claim, or stop notice by law as it relates to mechanic's, laborers', or materialmen's liens.
3. Public employee compensation claims (fees, salaries, wages, mileage, or other expenses and allowances).
4. Workers' compensation claims where Division 4 (commencing with Section 3200) of the Labor Code is the exclusive remedy.
5. Public assistance program claims under the Welfare and Institutions Code or other laws relating to public assistance programs, and claims for goods, services, provisions, or other assistance rendered for recipients of public assistance.
6. Public retirement or pension system claims (money or benefits under public retirement or pension systems).
7. Municipal debt instrument claims (principal or interest on bonds, notes, warrants, other indebtedness).
8. Special assessment claims constituting specific liens and payable from assessment proceeds or offset of a claim for damages or by warrant or bond.
9. Claims by government entities (state, state departments or agencies, local public entities, or judicial branch entities).
10. Unemployment Insurance (UI) Code claims (UI benefits, money or benefits, refunds or credits of worker contributions, penalties, interest, or refunds to workers of deductions from wages).

11. Labor Code penalties/forfeitures claims under Labor Code Sections 1720 et seq. (public works wage violations).
12. Pedestrian Mall Law of 1960 claims.
13. Childhood sexual assault claims under Section 340.1 of the Code of Civil Procedure.
14. Recovery of money under the Government Code Section 26680 for claims pursuant to Section 701.820 of the Code of Civil Procedure.
15. Reimbursement of pupil fees for participation in educational activities claims pursuant to Section 49013 of the Education Code.

III. LATE CLAIMS

A. Filing Timelines

Claims that comply with Government Code Sections 910 and 910.2 are subject to strict statutory deadlines. Only claims with a recognized justification per Government Code Section 911.6 may have their late claim application considered if filed within one (1) year of the date of injury or accrual.

B. Submission Requirements

1. The late claim application must articulate the reason(s) for failing to timely present the claim.
2. The claim must be submitted to the: Office of Risk Management, Attention: District Risk Manager within one (1) year of the date of injury or accrual.

C. District Action Related to the Late Application

The District shall act on the application within 45 days after it is presented. If a claim is amended, the Board shall act on the amended claim within 45 days after the amended claim is presented.

D. Notice of Denial of a Late Claim Application

If the late claim is not accompanied by the application, the District may, within 45 days, give written notice that the claim was not filed timely, and that it is being returned without further action.

If the application to present a late claim is denied, the claimant shall be given notice, which includes the following warning:

“The claim you presented to the District Risk Manager on (indicated date) is being returned because it was not presented within six (6) months after the event or occurrence as required by law. See Sections 901 and 911.2 of the Government Code. Because the claim was not presented within the time allowed by law, no action was taken on the claim.

If you wish to file a court action on this matter, you must first petition the appropriate court for an order relieving you from the provisions of Government Code Section 945.4 (claims presentation requirement). See Government Code Section 946.6. Such petition must be filed with the court

within six (6) months from the date your application for leave to present a late claim was denied.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.”

IV. DEFICIENT CLAIMS

The District Risk Manager shall cause to have all claims reviewed for sufficiency of information. The District may, within 20 days of receipt of claim, either deliver or mail to claimant/person presenting the claim a notice stating the deficiencies in the claim presented. If such notice is delivered or mailed to claimant, the Board or its agent shall not act upon the claim until at least 15 days after such notice is given. No notice need be given where the claim or application fails to state either an address to which the person presenting the claim or making the application desires notices to be sent or an address of the claimant.

V. AMENDMENTS TO CLAIM

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.

VI. ACTION ON CLAIM

Within 45 days after the presentation or amendment of a claim, the Board or its agent 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 commenced or barred by legal limitations. The Office of Risk Management or District's third party claims administrator shall transmit to the claimant a notice of action taken.

If the Board or its agent fails or refuses to act on an application within the time prescribed, the claim shall be deemed to have been rejected. Notice of action or inaction shall be given to the claimant consistent with applicable codes.

VII. RESPONSIBILITIES TO COVERAGE PROVIDER/THIRD PARTY ADMINISTRATOR

As soon as the Office of Risk Management becomes aware of a claim or incident that results in or may result in a loss occurrence under the District's coverage, the Office of Risk Management shall notify the District's coverage provider/third party claims administrator immediately.

VIII. ROSTER OF PUBLIC AGENCIES

The District Risk Manager or their designee will annually verify that the information regarding the District and the Board is filed accurately with the Roster of Public Agencies in the office of the Secretary of State and the County Clerk. The verified

information shall include the name of the District, the mailing address of the Board, and the names and business addresses of the Board President, the Board Clerk, and other members of the Board.

IX. DISTRICT RESPONSIBILITY FOR PRIVATE PROPERTY

A. Privately Owned Personal Property

The District assumes no responsibility for loss or damage to privately owned property on District premises or used on District projects.

B. Vehicles and Contents

The District accepts no responsibility for theft or physical damage to privately owned vehicles, including its contents, while operated or parked on District property. The District reserves the sole discretion to settle any physical damage loss (not including any contents) to privately owned vehicles if proven that the District was actively negligent and caused such loss. The extent of such settlement shall be limited to any out-of-pocket deductible or as assessed by the District. Such losses shall be submitted to:

South Orange County Community College District
Office of Risk Management
Attention: District Risk Manager
28000 Marguerite Parkway
Mission Viejo, CA 92692

Or via email at riskmanagement@socccd.edu.

References:

Education Code Section 72502

Government Code Sections 900 et seq., 945.6, and 53051

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