

# ADMINISTRATIVE REGULATION 3810

SOUTH ORANGE COUNTY  
COMMUNITY COLLEGE DISTRICT

GENERAL INSTITUTION

## CLAIMS AGAINST THE DISTRICT

### A. CLAIM PROCEDURE

Any and all claims, including those set forth in California 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 South Orange County Community College District claim form, (FS#36) 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 the form in order that his or her claim is deemed in conformity with Government Sections 910 and 910.2. A claim may be returned to the person if it was not presented using the form. Any claim returned to a person may be resubmitted using the appropriate form. Claim forms can be obtained from the District Risk Manager or online on the District website.

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 at 28000 Marguerite Parkway, Mission Viejo, California 92692.

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

### B. CLAIM TIMELINES

- a. Claims for money or damages relating to a cause of action for death, injury to person, to 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 (Government Code, Sections 905, 911.2, 935).
- b. Claims for money or damages as authorized in Government Code Section 905, that are not included in paragraph "a" above shall be filed not later than one (1) year after the accrual of the cause of action.

### C. LATE CLAIMS

Claims filed outside the specified time limitations as identified above in paragraphs "a" and "b" must be accompanied by an application to file a late claim. The application shall state the reason for the delay in presenting the claim. The late claim along with the application to file a late claim shall be presented to the Office of Risk Management, Attention: District Risk Manager and must be filed not later than one year after the accrual of the cause of action. The Board or its agent shall

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grant or deny the application within 45 days after it is presented pursuant to the provisions of Government Code Section 911.6.

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:

“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.”

**D. DEFICIENT CLAIMS**

The Vice Chancellor of Business Services or designee 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.

**E. 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.

**F. 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 shall transmit to the claimant a notice of action taken. If no action is taken by the Board or its agent, the claim shall be deemed to have been rejected. Notice of action or inaction shall be given to the claimant consistent with applicable codes.

**G. 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 coverage provider/third party administrator immediately.

H. RETROACTIVITY OF THIS POLICY

This regulation is intended to apply retroactively to any existing causes of action and/or claim for money and/or damages.

I. ROSTER OF PUBLIC AGENCIES

The Vice Chancellor of Business Services or her/his 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.

J. 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.

*Reference:*

*Education Code Section 72502;*

*Government Code Sections 900 et seq., 905, 910 et seq., 935, 945.6, 53051*