

CLAIMS AGAINST THE DISTRICT

Presentation of Claims

No suit for money or damages can be brought against the District unless a written claim therefor has been presented to the District in the time and manner outlined in Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900). Claims must be submitted to the Executive Vice Chancellor, Administrative Services at 500 Court Street, Martinez, California 94553.

Government Code section 910.4(a) requires the District to provide a standardized tort claim form ("Claim Form") that claimants may use to file their claims for submission to the District. The Claim Form must include information specified in Government Code sections 910 and 910.2. If a claim that is not on the Claim Form contains all of the information that is required on the Claim Form in a legible manner, the District may still consider such a claim as "submitted" without the Claim Form. The District will provide the Claim Form whenever it is requested.

If a claim is not submitted on the designated form and it does not contain all of the information required by the Claim Form, it may be returned.

1. Any claim returned may be resubmitted using the proper form (Exhibit A).
2. Claim forms may be obtained by contacting the Office of the Executive Vice Chancellor, Administrative Services.
3. Properly completed Claim Forms should be submitted as follows: Office of the Executive Vice Chancellor, Administrative Services at 500 Court Street, Martinez, California, 94553.
4. Pursuant to the authority contained in Government Code section 935, the following claims procedures are established for those claims against the District for money or damages not now governed by State or local laws:
 - a. Employee claims. Notwithstanding the exceptions contained in Government Code Section 905, all claims by public officers or employees for fees, salaries, wages, mileage and any other expenses for allowances claimed due from the District, when a procedure for processing such claims is not otherwise provided by the State or local laws, shall be presented within the time limitations and in the manner prescribed by Government Code Sections 910 through 915.2. Such claims shall further be subject to the provisions of Section 945.4 relating to the prohibition of suits in the absence of the presentation of claims and action thereon by the District.
 - b. Contract and other claims. In addition to the requirements of subsection (a) of this section, and notwithstanding the exemptions set forth in Government Code Section 905, all claims against the District for damages or money, when a procedure for processing such claims is not otherwise provided by State or local laws, shall be presented within the time limitations and in the manner prescribed by Government Code Sections 910 through 915.2. Such claims shall further be subject to the provisions of Section 945.4 relating to prohibition of suits in the absence of the presentation of claims and action thereon by the District. Claims shall be in writing and shall stipulate date(s), time(s), nature of claim(s).

Time Limitations

Claims for money or damages related to a cause of action for death, or injury to a person or to personal property or growing crops, must be presented to the District not later than six (6) months after the accrual of the cause of action.

Claims for money or damages related to any cause of action other than that stated above, must be presented to the District not later than one (1) year after the accrual of the cause of action.

Response to Claim

The District shall act on a claim within forty-five (45) days after the claim has been presented. The District may reject the entire claim, allow the entire claim, partially allow the claim and reject the remainder, or compromise in terms of liability or amount. Claims filed with the District are not publicly announced/stated on the Governing Board Meeting agenda, nor are the matters regarding rejection announced/stated on the Board agenda. The District or their Third-Party Administrator (TPA) will provide written notice of the action with proof of service to the claimant, at their address supplied by the claimant. If there is no mailing address or missing elements considered a valid tort claim, the district or TPA would send a notice of insufficiency.

If the District allows the claim or offers a compromise in an attempt to settle the claim, the District shall require the claimant to sign a release or waiver agreeing to payment as full and complete settlement of the entire claim. Settlements within District contribution amounts or Joint Powers Authority (JPA) should be approved by the Board or have a District representative designated to approve the amount. Any amounts not subject to the district contribution would be paid by the TPA subject to their policy provisions.

See Board Policy 5028 – Claims Against the District and the Claim Form (Exhibit A, attached)

Education Code Section 72502

Government Code Sections 900 et seq., 905, 910 et seq., 915 et seq., 935 and 945 et seq.

CLAIM FORM

To: Executive Vice Chancellor, Administrative Services
Contra Costa Community College District
500 Court Street, Martinez, CA 94553

1. Claims for death, injury to person, or to personal property must be filed not later than six (6) months after the occurrence (Govt. Code, Section 911.2)
2. Claims for damages to real property or breach of contract must be filed not later than one year after the occurrence (Govt. Code, Section 911.2)

Name of Claimant _____ DOB _____ Phone No _____

Address _____ City _____ Zip _____

WHEN did damage or injury occur? _____

WHERE did damage or injury occur? _____

HOW and under what circumstances did damage or injury occur? _____

WHAT particular action by the District or its employees caused the alleged damage or injury? Include names of employees, if known. _____

WHAT sum do you claim? Include the estimated amount of any prospective loss insofar as it may be known at the time of the presentation of this claim, together with the basis of computation of the amount claimed. Attached estimates or invoices, if possible. If amount claimed exceeds \$10,000, no dollar amount shall be stated.

\$ _____
\$ _____
\$ _____
\$ _____

Total Amount Claimed

If total amount claimed exceeds \$10,000, is this a Limited Civil case? Yes _____ No _____

NAMES and addresses of witnesses, doctors and hospitals: _____

DATE: _____

Signature of Claimant

NOTICE: Section 72 of the California Penal Code provides: "Every person who with intent to defraud, presents for payment to any School District any false or fraudulent claim, is guilty of a felony punishable by fine and/or imprisonment."