

Mountains Recreation and Conservation Authority

POLICY FOR PROCESSING CLAIMS FILED AGAINST MRCA RELATING TO PERSONAL INJURY OR DAMAGE TO PERSONAL OR REAL PROPERTY

Section 1. Definitions

- 1.0. A “claim” is a formal legal claim for money and/or damages against a public entity.
- 1.1. “Mountains Recreation and Conservation Authority” shall hereinafter be known as “Authority”.

Section 2. Governing Statute

- 2.0. This policy is adopted in order to ensure compliance with California Government Code section 910, *et seq.*, outlining the procedures for processing claims against public entities of the State of California.

Section 3. Purpose of Filing Claim

- 3.0. Claims against public entities are a prerequisite to filing a lawsuit requesting relief for damages or money against the public agency. Courts have determined that the filing of a claim is not simply a perfunctory condition precedent, but are required as they allow the government to assess the claim and make a meaningful determination in allowing or disallowing the claim.

Section 4. Filing a Claim

- 4.0. The Authority has prepared a Claim Form, which is attached hereto. The Claim Form will be available to any person who requests it. Pursuant to Gov. Code sec. 910.4, the Authority will provide forms specifying the information to be contained in any claim filed. Likewise, the Authority shall refer all potential claimants to the statutes governing the filing of claims against a public agency.

- 4.1 Authority staff counsel may assist any member of the public in filling out a claims form, but is prohibited from giving legal advice regarding the claim or the success of any claim.
- 4.2 Notwithstanding the Authority providing the Claim Form, the claimant need not use it so long as the claim presented is in compliance with Gov. Code sections 910 and 910.2.
- 4.3 Authority shall comply with all notices of insufficiency and allowances for amendments of any insufficient claim, as provided for in Gov. Code sec 910, *et seq.*

Section 5. Consideration of Claims

- 5.0 In order to meet the statute of limitations for filing a claim, the claimant must submit a claim within 6 months of the accrual of a cause of action for death, injury to persons, personal property or growing crops, or, within one year of the accrual of any other cause of action.
- 5.1 Once in receipt of a properly filed claim, within 45 days, unless otherwise agreed to by Authority and claimant, the Authority may convene a formal hearing for the claim, where it may, pursuant to Gov. Code sec. 912.6, act on the claim in one of the following ways:
 - (1) If the board finds the claim is not a proper charge against the public entity, it shall reject the claim.
 - (2) If the board finds the claim is a proper charge against the public entity and is for an amount justly due, it shall allow the claim.
 - (3) If the board finds the claim is a proper charge against the public entity but is for an amount greater than is justly due, it shall either reject the claim or allow it in the amount justly due and reject it as to the balance.
 - (4) If legal liability of the public entity or the amount justly due is disputed, the board may reject the claim or may compromise the claim.
- 5.2 If the Authority the allows the claim in whole or in part or compromises the claim, it may require the claimant, if the claimant accepts the amount allowed or offered to settle the claim, to accept it in settlement of the entire claim.

- 5.3 If the Authority decides to reject the claim, it shall give claimant a formal written notice as prescribed in Gov. Code section 913.
- 5.4 Nothing herein shall prevent the Authority from reexamining any rejected claim pursuant to Gov. Code section 913.2.
- 5.5 Notwithstanding the above, the Authority Executive Officer shall have the power to approve and authorize payment of any claim for nominal damages and/or amount of money.

Section 6. Post Claim Procedures

- 6.0 Authority legal counsel shall provide any claims to its general liability insurance carrier and shall notify carrier of the status of any claims.