

## GENERAL INSTITUTION

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2     **AP 3810     CLAIMS AGAINST THE DISTRICT**3     **References:**

4             Education Code Section 72502;  
5             Government Code Sections 900 et seq.

6     **Claims and Actions Against the District**

7     Any and all claims for money or damages against the District must be presented to, and  
8     acted upon, in accordance with the following procedures. Compliance with these  
9     procedures is a prerequisite to any court action, unless the claim is governed by  
10    statutes or regulations which expressly relieve the claimant from the obligation to  
11    comply with this policy and the claims procedures set forth in Government Code  
12    Sections 900 et seq.

13    If a claim, amendment to a claim, or application for leave to present a late claim is  
14    presented or sent by mail, or if any notice regarding a claim or application is given by  
15    mail, the claim, amendment, or notice shall be deposited in the United States mail, in a  
16    sealed envelope, properly addresses, with postage paid. Any period of notice, and any  
17    duty to respond after receipt of service of a claim, amendment, application, or notice set  
18    forth in this Board Policy is extended five days upon service by mail, if the place of  
19    address is within the State of California, ten days if the place of address is within the  
20    United States, and 20 days if the place of address is outside the United States. Proof of  
21    mailing may be made in the manner prescribed by Section 1013a of the Code of Civil  
22    Procedure. (Government Code Section 915.2)

23    **Delivery and Form of Claim**

24    A claim, any amendment thereto, or an application for leave to present a late claim shall  
25    be deemed presented when delivered to the Office of the President, or deposited in a  
26    post office, sub-post office, substation, or mail chute or other like facility maintained by  
27    the U.S. Government in a sealed envelope properly addressed to the District with  
28    postage paid. (Government Code Sections 915 and 915.2)

29    Claims shall be submitted on the District's approved claim form, which may be obtained  
30    in the Business and Contract Services Office, shall provide all of the information  
31    required by Government Code Section 910 and shall be signed by the claimant or a  
32    person acting on the claimant's behalf. Any claim not presented using the form may be  
33    returned to the person presenting it. A claim returned for failure for use the form may be  
34    resubmitted using the appropriate form within the time in which a claim may be  
35    presented. (Government Code Sections 910, 910.3, 910.4, and 911.2)

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**Date Approved: SPC 04/21/09**

*(Replaces current Palomar College Procedure 509)*

**36 Time Limitations**

37 Claims for money or damages relating to a cause of action for death, injury to a person  
38 or personal property, or damage to growing crops, shall be presented to the Governing  
39 Board not later than six months after the accrual of the cause of action. Claims for  
40 money or damages relating to any other cause of action shall be filed not later than one  
41 year from the date the cause of action accrues. (Government Code Sections 905,  
42 911.2, and 935)

**43 Late Claims**

44 Claims for money or damages relating to a cause of action for death, injury to a person  
45 or personal property, or damage to growing crops which are filed outside the specified  
46 time limitation must be accompanied by an application to file a late claim. Such claim  
47 and application to file a late claim must be filed not later than one year after the accrual  
48 of the cause of action. If such claim is filed later than six months after the accrual of the  
49 cause of action and is not accompanied by the application, the Governing Board or Vice  
50 President, Finance and Administrative Services, may within 45 days, give written notice  
51 that the claim was not filed timely and that it is being returned without further action.

52 The application shall state the reason for the delay in presenting the claim. The  
53 Governing Board shall grant or deny the application within 45 days after it is presented.  
54 By mutual agreement of the claimant and the Governing Board, such 45 day period may  
55 be extended by written agreement made before the expiration of such period. If the  
56 Governing Board does not take action on the application within 45 days, it shall be  
57 deemed to have been denied on the 45<sup>th</sup> day unless such time period has been  
58 extended, in which case it shall be denied on the last day of the period specified in the  
59 extension agreement.

60 If the application to present the claim is denied, the claimant shall be given notice in the  
61 form set forth in Government Code Section 911.8. The appropriate form may be  
62 obtained in the Business and Contract Services Office. (Government Code Sections  
63 911.3, 911.4, 911.6, 911.8, 912.2, and 935)

**64 Notice of Claim Insufficiency**

65 The Vice President, Finance and Administrative Services, shall cause to have all claims  
66 reviewed for sufficiency of information. The Vice President or designee may, within 20  
67 days of receipt of claim, either personally deliver or mail to claimant a notice stating  
68 deficiencies in the claim presented. If such notice is delivered or sent to claimant, the  
69 Governing Board shall not act upon the claim until at least 15 days after such notice is  
70 sent. (Government Code Sections 910.8 and 915.4)

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72     **Amendments to Claim**

73     Claims may be amended within the above limits or prior to final action by the Governing  
74     Board, whichever is later, if the claim, as amended, relates to the same transaction or  
75     occurrence which gave rise to the original claim.

76     **Action on Claim**

77     Within 45 days after the presentation or amendment of a claim, the Governing Board  
78     shall take action on the claim. This time limit may be extended by written agreement  
79     before the expiration of the 45 day period or before legal action is commenced or barred  
80     by legal limitations. The Vice President, Finance and Administrative Services shall  
81     transmit to the claimant a notice of action taken. If no action is taken by the Governing  
82     Board, the claim shall be deemed to have been rejected. (Government Code Section  
83     912.4)

84     **Retroactivity**

85     This procedure shall apply retroactively to any causes of action or claims for money or  
86     damages that accrued prior to adoption of this procedure.

87     Office of Primary Responsibility:    Business and Contract Services