



**COMPTON COMMUNITY COLLEGE DISTRICT
ADMINISTRATIVE REGULATIONS**

AR 3811 Claims against the District

Issued: January 26, 2016

Reference:

Education Code Sections 72500, 72502

Government Code Sections 800; 810, et seq.; 900, et seq., 946.4; 53051

Any and all claims for money or damages against the District must be presented to and acted upon 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 which expressly free the claimant from the obligation to comply with this policy and the claims procedures set forth in Government Code Section 900, et seq.

1. Claims for money or damages relating to a cause of action for death or for injury to person, personal property, or growing crops shall be presented to the Board not later than six month after the accrual of the cause of action. (Government Code Sections 905, 911.2)
2. Claims for money or damages as authorized in Government Code Section 905 and not included in paragraph 1 above shall be filed not later than one year from the date the cause of action accrues. (Government Code Sections 905, 911.2)
3. Claims for money or damages specifically excepted from Government Code Section 905, including but not limited to claims by public employees for fees, salaries, wages, mileage, or other expenses and allowances, shall be filed not later than one year after the accrual of the cause of action. (Government Code Sections 905, 911.2, 935).

Late Claims

Claims under paragraph 1 above that are presented later than six months after the accrual of the cause of action, shall present, along with the claim, an application to file a late claims. Such claim and application to file a late claim must be filed not later than one year after the accrual of the cause of action. If a claim under paragraph 1 is filed later than six months after the accrual of the cause of action and is not accompanied by the application, the Board or the CEO, or their designee, shall, within forth-five (45) days, give written notice that the claim was not filed timely and that it is being returned without further action.

The application shall state the reason for the delay in presenting the claim. The Board shall grant or deny the application within 45 days after it is presented. By mutual agreement of the claimant and the Board, or the CEO, or their designee, this 45 day period may be extended by written agreement made before the expiration of such period. If the Board does not take action on the application within 45 days, it shall be deemed to have been denied on the 45th day unless such time period has been extended, in which case it shall be denied on the last day of the period specified in the extension agreement.

If the application to present a late claim is denied, the claimant shall be given notice in substantially the following form:

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 945.6. 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.

(Government Code Sections 911.3, 911.4, 911.6, 911.8, 912.2, 935; See accompanying form.)

Delivery and Form of Claim

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

Notice of Claim Insufficiency

The CEO or designee shall review all claims for sufficiency of information. The CEO or designee may, within twenty (20) days of receipt of claim, either personally deliver or mail to claimant a notice stating deficiencies in the claim presented. If such notice is delivered or sent to claimant, the Board shall not act upon the claim until at least fifteen (15) days after such notice is sent. (Government Code Sections 910.8, 915.4)

Amendments to Claim

Claims may be amended within the time limits specified in Section 1, above, 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.

Action on Claim

Within forty-five (45) days after the presentation or amendment of a claim, the Board of Trustees shall take action on the claim. (Government Code Section 912.4) This time limit may be extended by written agreement before the expiration of the 45-day period, or after the expiration of the 45 day period if an action based on the claim has not been commenced and is not yet barred by the period limitations provided in Section 945.6. (Government Code Section 912.4) The CEO or designee shall transmit to the claimant a notice of action taken. (Government Code Section 913) If no action is taken within the prescribed time limits, the claim shall be deemed to have been rejected and the claimant notified in accordance with Government Code Section 913. (Government Code Section 945.6)

Retroactivity of this Policy

This policy is intended to apply retroactively to any existing causes of action and/or claims for money and/or damages in accordance with the Board Action of August 21, 2007.