

SAN BERNARDINO MUNICIPAL WATER DEPARTMENT

POLICIES & PROCEDURES MANUAL

POLICY 20.090 - CLAIMS HANDLING

Date: July 2024
Revision No: 5
Supersedes: July 2023
March 26, 2019 (BOWC Resolution 743)
First Adopted: December 1, 1998 (BOWC Resolution 555)

POLICY:

It is the policy of the Water Department to process claims submitted to the Department as expeditiously as possible. Claims will be evaluated fairly, and settlements reasonably calculated, in an effort to balance the interests of the Water Department and the claimant. The claims will be handled in accordance with all applicable laws, codes and regulations.

RESPONSIBILITY:

It is the responsibility of the management staff to make a prompt and orderly response to liability claim demands against the Department. The Water Board has delegated authority to the General Manager, or the General Manager's authorized representative, to investigate, accept or deny claims, under the following guidelines.

Resolution No. 743 was adopted by the Board of Water Commissioners on May 20, 2008. The resolution granted authority for the General Manager, or the General Manager's authorized representative, to investigate and process all claims, and to settle certain claims within set limits in the name of the Board of Water Commissioners, now collectively known as the Water Board.

The limits of settlement authority are as follows:

Claims of \$5,000 and less: The General Manager may appoint his/her designee, including the Deputy General Manager, Finance Director, or Environmental & Regulatory Compliance (ERC) Director, as an authorized representative. In turn, the ERC Director may task the Risk Management Analyst, Safety Coordinator, Safety Manager, or the Environmental Manager with investigation and analysis tasks related to decisions on claims. The Safety Manager or Environmental Manager may settle or deny a claim, if the decision is approved by the General Manager. Consultation with the City Attorney's Office may be necessary during this process.

Claims of more than \$5,000 but less than \$25,000: The General Manager may appoint his/her designee, including the Deputy General Manager, Finance Director or the Environmental & Regulatory Compliance (ERC) Director, as his/her authorized representative. The ERC Director, or other authorized designee, shall make a recommendation to the General Manager, after a thorough investigation and analysis of the claim, and consultation with the City Attorney's Office. In order to settle a claim, the ERC Director or General Manager's designee, shall have approval by the General Manager or his/her authorized representative.

Claims of \$25,000 or more: The General Manager may appoint his/her designee, including the Deputy General Manager, Finance Director or Environmental & Regulatory Compliance (ERC) Director, as his/her authorized representative. The ERC Director, or other authorized designee, shall make a recommendation to the General Manager, after a thorough investigation and analysis of the claim, and consultation with the City Attorney's Office. In order to settle and pay or deny claim, the ERC Director shall present a recommendation to the General Manager. The recommendation shall then be submitted to the Water Board, which shall have final authority to settle and pay or deny the claim.

The General Manager or his/her designee has the authority and discretion to take a claim of any amount before the Water Board for final resolution.

PROCEDURE:

1. In accordance with Government Code Section 910 *et seq.*, all demands for damages must be made in writing by using the City of San Bernardino or the Water Department's claim form.
2. Blank claim forms shall be made available through the following: City Clerk's Office, Water Department Customer Service or the ERC section of the Water Department. Only the following personnel shall have authority to disseminate claim forms: City Clerk staff, Water Department ERC staff, Customer Service Manager or Supervisors, Directors, Deputy General Manager, and General Manager.
3. Completed claim forms will be kept and processed using a sequential numbering system assigned by the ERC section of the Water Department.
4. The Risk Management Analyst shall keep a sequential log of all claims brought against the Department.
5. Any claim form returned to the Water Department will be date stamped and kept in a common incident log maintained by the

Risk Management Analyst in the ERC division.

6. All Water Department division staff shall fully cooperate with the ERC staff in the investigation and processing of claims. Failure to comply with the ERC section's investigation may be grounds for disciplinary action.
7. All claims shall be promptly investigated. A decision to deny or accept liability shall be made within the time prescribed by Government Code.
8. Claims shall be processed in accordance with the limits of settlement authority set forth above.
9. Payment of any claim will not be made until the claimant has signed and submitted to ERC staff, the Department's release of future liability form. Release forms shall be maintained by the ERC division. Consultation with the General Manager and City Attorney's Office may be necessary during this process.
10. The Water Board will be advised on a quarterly basis of the acceptance or rejection of claims. The ERC division will provide the Board with a quarterly written report detailing all claims processed within the authority granted in this Policy.
11. The ERC division will be responsible for notifying the Water Department's insurance carrier(s) of any potential or pending claims so that the insurance carrier may participate in the claims' processing, if necessary.

Policy Review

Board approved:	<u>12/1/1998</u>
Revision Board approved:	<u>5/20/2008</u>
No changes:	<u>7/2018</u>
Revision Board approved:	<u>3/26/2019</u>
No changes:	<u>7/2020</u>
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Minor changes GM approved:	<u>7/2022</u>
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