



# ADMINISTRATIVE REGULATION

## OFFICE OF THE CITY ADMINISTRATOR

Number: 213  
Sections: 1-5  
Effective Date: November 1, 1996

<b>SUBJECT:</b>	<b>Liability Claims Processing</b>
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1. **Purpose.** To ensure proper handling of liability claims by City staff.
2. **Authority.** Section 401 Huntington Beach City Charter and Resolution 6080.
3. **Application.** To provide the various departments with guidelines for the processing of liability claims.
4. **Definitions.** City's departmental process of liability claim handling.
5. **Policy.** Liability claim procedures.
6. **Responsibilities.**
  - 6.1. It is the City Clerk's Office responsibility to accept all claims including Small Claim Court notices and determine if the claim is timely, if the correct information has been supplied as per the Government Code, and assign a number and record same.
  - 6.2. It is Risk Management's responsibility to coordinate all claim investigations, work closely with the third-party administrator when needed, work to resolve and settle all claims in an expeditious and cost effective manner.
  - 6.3. It is the City Attorney's responsibility to manage all legal defense of claims that are litigated.
  - 6.4. Subpoenas shall be accepted only by the City Attorney's Office
7. **Procedures.**
  - 7.1. The following steps shall be followed on all liability claims:
    - 7.1.1. All liability claims, whether delivered by mail, paid carrier, process server, resident or citizen must be filed with the City Clerk's Office.
    - 7.1.2. After the claim has been received and date and time stamped, the City Clerk's Office shall determine if the claim is timely (filed with the six month time frame from date of occurrence as per the 900 Section of the Government Code).



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- 7.1.3. The City Clerk's Office shall assign a claim number for each claim in accordance with the liability claim period. The City Clerk's Office shall also designate claims that are submitted after the legal time frame as "LATE CLAIM".
- 7.1.4. After the number has been assigned and the claim recorded by the City Clerk, the original shall be forwarded to Risk Management with any attached bills or receipts and, if received by mail, the envelope showing the date mailed.
- 7.1.5. Upon receipt by Risk Management, the claim will be entered into a claim log and an investigation commenced into the merits of the claim. Additional documents such as police reports, paramedic reports, contracts, certificates of insurance, etc. may be obtained in order to fully evaluate the claim.
- 7.1.6. The claim may be assigned to the City's third-party administrator for investigation and handling.
- 7.1.7. After review of all documents and information, a decision will be made to accept/settle the claim or to send out a claim denial.
- 7.1.8. The Risk Manager has the authority to issue claim denials, give written notice of insufficiency of claims, and act on claims in accordance with Government Code Section 912.6.
- 7.1.9. Pursuant to Resolution 6515, the Risk Manager is vested with the authority to settle claims in an amount not-to-exceed \$10,000. Claims over \$10,000 but less than \$75,000, shall be referred by the Risk Manager to the City Settlement Committee for authorization. Claims over \$75,000 shall be referred to the City Council.
- 7.1.10. If litigation is commenced, the summons and complaint must be filed and served on the City Clerk's Office. The City Clerk will send the original to the City Attorney's Office and a copy to Risk Management. The Risk Management Office will forward the original claim and documents to the City Attorney for further handling of the case.
- 7.1.11. If the City wins a judgment for damages or for attorney fees, the City Treasurer should be notified immediately so that collection may be started for the funds. The Treasurer should be provided with all necessary documentation to pursue collections.