

Number: 217
Sections: 1-6
Effective Date: 11/01/96
Revised: 3/1/97

SUBJECT: City Property Damage

1. Purpose: The purpose of this regulation is to bill for recovery of city damages or expenses.

2. Authority: Charter of the City of Huntington Beach; Section 401.

3. Scope: This regulation is applicable to all City departments and offices.

4. Policy:

4.1 The City is dedicated to pursuing recovery for all damage to City property.

4.2 The cost of damage to City property caused by the negligence of others shall be recovered from the responsible party.

4.3 The cost of injuries to City employees caused by the negligence of others shall be recovered from the responsible party.

5. Responsibilities:

5.1 It is the responsibility of the department with jurisdiction over the damaged property to notify the Risk Management Division of the costs of repair including loss of services or revenues of property so that all damages can be billed for recovery of these losses.

5.2 It is the responsibility of the Risk Management Division to determine the amount to be recovered for such damages and/or injuries.

5.3 It is the responsibility of the Accounting Division to bill responsible parties for such damages and/or injuries.

5.4 It is the responsibility of the Treasurer's Office to collect such bills.

6. Procedure:

6.1 A copy of all police fire or other department reports which report any damage to City operations, equipment, property or personnel shall be sent to the Risk Management Division. Risk Management will send a copy of the report and a request for cost estimate or work order to the department responsible for the repair of the damaged property.

6.1-1 For damages to City property for which repairs are estimated to cost in excess of 10 percent of the balance in the appropriate facility maintenance account, Public Works shall effect measures to secure the immediate safety of the facility and public; and shall proceed as described in subsections 6.1-1, 6.1-2, or 6.1-3.

6.1-2 For non-recoverable damages such as "hit and runs", Public Works shall take actions necessary to maintain a safe condition until a request for budget appropriation has been approved by the City Council.

6.1-3 For recoverable damages from the responsible party, Public Works may request a budget appropriation revision or may elect to request Risk Management to notify the insurance company to arrange for the necessary repairs.

6.1-4 For all damages involving repairs made by Public Works, a work order will be sent to Risk Management and repairs started immediately.

6.1-5 In cases where automobile damage is involved, the department whose vehicle is damaged, or Risk Management, will obtain estimates for repair.

6.1-6 When bodily injury to a City employee is involved, workers' compensation benefits being paid, medical costs, temporary disability and permanent disability, if any, shall be combined and billed. The Workers' Compensation Unit of the Risk Management Division shall pursue recovery for injuries to City employees from the responsible party.

6.1-7 If property damage is determined by Risk Management to be the fault and responsibility of the City, the cost of repair to correct such property damage shall be borne by the City.

6.1-8 All billings shall be processed through the Accounting Division and collected by the Treasurer's Office for the General Fund.

6.1-8.1 If the loss was caused by another public agency, a claim against that public agency must be filed within 100 days of the incident or accident.

6.1-9 For any property damage caused by the City and/or its employees, a copy of the incident report and a copy of the billing shall be sent to Risk Management and retained for matching in case a liability claim is filed.

City Administrator