

HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS

Policy and Procedure for Claims Otherwise Exempt From Administrative Claims Filing Requirement

SECTION 1: POLICY

1.1 This policy and procedure is established as a prerequisite to bringing of any lawsuit, legal action, arbitration or any other proceeding against the Housing Authority of the County of Stanislaus (“HACS”) that is based on any claim for money or damages that is otherwise exempt from the claims presentation requirements under the Government Claims Act. This policy and procedure also delegates authority to HAC’s Executive Director, or designee to approve, allow, deny, compromise or settle certain Government Claims as set forth herein.

SECTION 2: DEFINITIONS

2.1 Government Claims Act: The Government Claims Act codified in California Government Code Section 810 through 960.8. The Government Claims Act sets forth administrative claim requirements that need to be satisfied before commencing most actions seeking money or damages against a public agency, like HACS, or a public employee acting within the course and scope of his/her employment. The Government Claims Act further sets forth the requirements that need to be included in the administrative claim as well as the timing periods for filing and responding to such claims. The Government Claims Act expressly authorizes public agencies like HACS, to establish its own claims presentation procedure to include certain types of claims for money or damages that would otherwise be exempt from the requirements of the Government Claims Act. Additionally, the Government Claims Act expressly permits a public agency to delegate authority to approve, allow, deny, compromise or settle certain Government Claims.

2.2 Government Claim: An administrative claim that is subject to the Government Claims Act and/or this policy and procedure.

SECTION 3: PROCEDURES:

3.1 Notwithstanding the exemptions set forth in Section 905 of the Government Claims Act, all claims against HACS for money or damages, which are not otherwise governed by any other applicable statute or regulation, shall be presented and acted upon within the time limitations and in the manner prescribed by Chapter 2, commencing with Section 910 of Part 3 (Claims Against Public Entities of Division 3.6 of Title 1 of the Government Claims Act), or as these provisions may be amended from time to time.

3.2 In accordance with Government Code Section 935(b) and 945.4, before commencing, filing, or initiating any lawsuit, legal action, arbitration or any other legal proceeding against HACS based on a claim for money or damages exempt under Section 905 of the Government Claims Act, a Government Claim must be presented and acted upon as provided in Section 3.1, above.

3.3 Delegation to the Executive Director or his/her designee:

3.3.1 Pursuant to the authority under Government Code Section 935.4, the Executive Director, in consultation with General Counsel, is hereby authorized to allow, compromise, negotiate, or settle any Government Claim for money or damages in the amount not exceeding \$50,000.00. Upon written order or authorization of the Executive Director or his/her designee, the Director of Finance or his/her designee shall cause payment to be issued in the amount for which a Government Claim has been allowed, negotiated, compromised, or settled under this Section.

3.3.2 The Executive Director or his /her designee shall promptly report to the HACS's Board of Commissioners any action taken pursuant to Section 3.3.1, above.

3.3.3 The Executive Director or his/her designee at his/her own discretion may refer the consideration of a Government Claim under this Section 3.3 to HACS's Board of Commissioners as he/she deems appropriate.

3.3.4 Any Government Claim exceeding \$50,000.00 shall be considered and acted upon by the HACS's Board of Commissioners

HOUSING AUTHORITY OF THE CITY OF RIVERBANK

Policy and Procedure for Claims Otherwise Exempt From Administrative Claims Filing Requirement

SECTION 1: POLICY

1.1 This policy and procedure is established as a prerequisite to bringing of any lawsuit, legal action, arbitration or any other proceeding against the Housing Authority of the City of Riverbank (“HACR”) that is based on any claim for money or damages that is otherwise exempt from the claims presentation requirements under the Government Claims Act. This policy and procedure also delegates authority to HACR’s Executive Director, or designee to approve, allow, deny, compromise or settle certain Government Claims as set forth herein.

SECTION 2: DEFINITIONS

2.1 Government Claims Act: The Government Claims Act codified in California Government Code Section 810 through 960.8. The Government Claims Act sets forth administrative claim requirements that need to be satisfied before commencing most actions seeking money or damages against a public agency, like HACR, or a public employee acting within the course and scope of his/her employment. The Government Claims Act further sets forth the requirements that need to be included in the administrative claim as well as the timing periods for filing and responding to such claims. The Government Claims Act expressly authorizes public agencies like HACR, to establish its own claims presentation procedure to include certain types of claims for money or damages that would otherwise be exempt from the requirements of the Government Claims Act. Additionally, the Government Claims Act expressly permits a public agency to delegate authority to approve, allow, deny, compromise or settle certain Government Claims.

2.2 Government Claim: An administrative claim that is subject to the Government Claims Act and/or this policy and procedure.

SECTION 3: PROCEDURES:

3.1 Notwithstanding the exemptions set forth in Section 905 of the Government Claims Act, all claims against HACR for money or damages, which are not otherwise governed by any other applicable statute or regulation, shall be presented and acted upon within the time limitations and in the manner prescribed by Chapter 2, commencing with Section 910 of Part 3 (Claims Against Public Entities of Division 3.6 of Title 1 of the Government Claims Act), or as these provisions may be amended from time to time.

3.2 In accordance with Government Code Section 935(b) and 945.4, before commencing, filing, or initiating any lawsuit, legal action, arbitration or any other legal proceeding against HACR based on a claim for money or damages exempt under Section 905 of the Government Claims Act, a Government Claim must be presented and acted upon as provided in Section 3.1, above.

3.3 Delegation to the Executive Director or his/her designee:

3.3.1 Pursuant to the authority under Government Code Section 935.4, the Executive Director, in consultation with General Counsel, is hereby authorized to respond to, reject, allow, compromise, negotiate, or settle any Government Claim for money or damages in the amount not exceeding \$50,000.00. Upon written order or authorization of the Executive Director or his/her designee, the Director of Finance or his/her designee shall cause payment to be issued in the amount for which a Government Claim has been allowed, negotiated, compromised, or settled under this Section.

3.3.2 The Executive Director or his /her designee shall promptly report to the HACR's Board of Commissioners any action taken pursuant to Section 3.3.1, above.

3.3.3 The Executive Director or his/her designee at his/her own discretion may refer the consideration of a Government Claim under this Section 3.3 to HACR's Board of Commissioners as he/she deems appropriate.

3.3.4 Any Government Claim exceeding \$50,000.00 shall be considered and acted upon by the HACR's Board of Commissioners