

**North Orange County Regional Occupational Program
CLAIMS AND ACTIONS AGAINST
NORTH ORANGE COUNTY REGIONAL OCCUPATIONAL PROGRAM
ROP BP 3545**

BP 3545 (a)

Business Operations

Policy

Any and all claims for money or damages against the North Orange County Regional Occupational Program 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 months after the accrual of the cause of action.
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.
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, wage, mileage, or other expenses and allowances, shall be filed not later than one year after the accrual of the cause of action.

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 claim. 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, the Superintendent, or the Superintendent's designee, shall, within forty-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, the Superintendent, or the Superintendent's designee shall grant or deny the application within 45 days after it is presented. By mutual agreement of the claimant and the Board the Superintendent, or Superintendent's designee, this 45day period may be 2 extended

Adopted: July 19, 2006

**North Orange County Regional Occupational Program
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by written agreement made before the expiration of such period. If the Board or Superintendent 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.

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 Superintendent or deposited in a post office, sub-post office, substation, or mail chute or other like facility maintained by the U.S. Government, in a sealed envelope properly addressed to the ROP office with postage paid.

Claims shall be submitted on the ROP claim form. The Board or Superintendent may return a claim not using the ROP's claim form and the claim may be resubmitted using the ROP's form.

Notice of Claim Insufficiency

The Superintendent or designee shall review all claims for sufficiency of information. The Superintendent 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.

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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 shall take action on the claim. 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 of limitations provided in Section 945.6. The Superintendent or designee shall transmit to the claimant a notice of action taken. 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.

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.

Roster of Public Agencies

The Superintendent or designee shall assure that all information regarding the ROP and the Board is filed accurately with the Roster of Public Agencies in the office of the Secretary of State and the County Clerk. Any changes to such information shall be filed within 10 days after the change in facts.

The verified information shall include the name of the ROP, the mailing address of the Board, and the names and addresses of the Board presiding officer, the Board clerk or secretary and other members of the Board.