

AGENDA ITEM 1 E
Consent Item

MEMORANDUM

DATE: August 1, 2024
TO: El Dorado County Transit Authority
FROM: Christine Parker, Safety Coordinator
SUBJECT: Electronic Claims Policy

REQUESTED ACTION:

BY MOTION,

Approve the Electronic Claims Policy as Proposed

BACKGROUND

The El Dorado County Transit Authority (El Dorado Transit) uses Sedgwick Claims Management Services Inc. as a third-party administrator for all claims against the organization and follows the Government Code for Claims and Actions against Public Entities. Government Code section 945.4 requires a claimant to present El Dorado Transit with a written claim before commencing a lawsuit against El Dorado Transit for any damages. Government Code section 915 indicates a written claim shall be presented to a local public entity by delivering directly or by mail to El Dorado Transit. Furthermore, California Government Code section 915(a)(3) permits electronic submission of a claim if a public entity has current authorization by resolution.

DISCUSSION

Currently claimants can only submit documents to El Dorado Transit by fax, mail, or direct delivery. Staff have reviewed the current policy with Sedgwick Claims Management Services Inc. and have identified the need for an electronic claim submittal policy. As a result, staff have compiled the attached Electronic Claims Policy to streamline the claims handling process. This policy will allow claimants to submit claims to El Dorado Transit electronically through email, thereby improving efficiency and decreasing related staff time.

Introducing this policy will not change the current handling of claims once they are received. Staff recommends that the Board approve the Electronic Claims Policy as proposed to elevate El Dorado Transit's efficiency and streamline the claims handling process.

FISCAL IMPACT

None

**EL DORADO COUNTY TRANSIT AUTHORITY
RESOLUTION NO. 24-18**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE EL DORADO COUNTY
TRANSIT AUTHORITY APPROVING THE ELECTRONIC CLAIMS FILING POLICY**

WHEREAS, the Government Claim Act pursuant to California Government Code section 945.4, requires a claimant to present El Dorado with a written claim prior to commencing a lawsuit against the El Dorado County Transit Authority for damage; and

WHEREAS, California Government Code section 915(a)(3) authorizes a claimant to present a claim to El Dorado County Transit Authority electronically if the Board of Directors adopts an resolution that establishes requirements for electronic claim submissions; and

WHEREAS, California Government Code section 915.4(a)(3) authorizes the El Dorado County Transit Authority to send notices related to electronic claim submissions to the email address associated with the claim, or an alternative email address if the claimant so requests; and

WHEREAS, in the modern workplace, the use of electronic record has become routine in the regular course of business, with employees of public and private entities increasingly using various electronic forms of communication; and

WHEREAS, the use of electronic records and communication has drastically increased; and

WHEREAS, obtaining claims and other documents electronically reduces staff time and material waste compared to mailing and handling hard copy claims; and

WHEREAS, this Electronic Claims Filing Policy outlines the means by which the El Dorado County Transit Authority will accept electronic claims, the information required for each claim, the consequences for not providing all required information, and the method of sending notices regarding of such claims.

NOW, THEREFORE, BE IT RESOLVED, that the El Dorado County Transit Authority Board of Directors approves and adopts the attached El Dorado County Transit Authority Electronic Claims Filing Policy.

PASSED AND ADOPTED BY THE GOVERNING BOARD OF THE EL DORADO COUNTY TRANSIT AUTHORITY at a regular meeting of the Board held on the 1st day of August 2024 by the following vote of the Board:

AYES:

NOES:

ABSTAIN:

ABSENT:

George Turnboo, Chairperson

ATTEST:

Megan Wilcher, Secretary to the Board

EL DORADO COUNTY TRANSIT AUTHORITY ELECTRONIC CLAIMS FILING POLICY

Adopted by Resolution No. 24-18

Purpose

This policy establishes the process by which persons may submit claims electronically to the El Dorado County Transit Authority (El Dorado Transit).

- A. The Government Claims Act provides that prior to bringing a lawsuit for damages against a public entity, a claimant must submit a written claim to the entity. Recent amendments to the Act provide for electronic processing of claims where authorized by ordinance or resolution.
- B. This policy, adopted by the Resolution noted above; authorizes electronic processing of claims, outlines the information required by El Dorado Transit for each claim, indicates the consequences of not providing all required information, and describes the means by which El Dorado Transit will send claimants notice regarding electronically submitted claims.
- C. Nothing in this policy requires claims to be filed electronically. Claims may continue to be filed by other than electronic means in accordance with applicable law.

Regardless of the incident, all claim forms must be requested directly from El Dorado Transit.

Electronic Claim Submission Procedures

- A. Submitting electronic claims: Persons may submit a claim to El Dorado Transit solely using email and in accordance with this policy.
- B. Required information: Claimants must provide the following information with each claim:
 1. Information regarding the claimant:
 - a. The name of the claimant.
 - b. An email address for the claimant.
 - c. The postal address of the claimant.
 - d. A phone number by which El Dorado Transit may reach the claimant during daytime business hours.
 2. Information regarding the incident on which the claim is based:
 - a. The date of the incident.
 - b. The place of the incident.

- c. The circumstances that led to the incident. Claimants must provide sufficient information for El Dorado Transit to thoroughly investigate and consider the claim.
 - d. The reason(s) why the claimant believes El Dorado Transit is responsible for the claimant's damages. If the claimant relies on more than one theory of recovery, the claimant should state the basic facts to support all potential theories of recovery.
 3. A description of the injury, damage, indebtedness, obligation, or loss incurred (collectively "losses"), as far as known when the claimant submits the claim.
 4. The amount claimed:
 - a. If the amount claimed is less than \$10,000, the full amount claimed.
 - b. If the amount claimed is more than \$10,000 the claimant need not specify the amount, but the claimant must specify whether superior court jurisdiction over the claim is limited (up to \$25,000) or unlimited (over \$25,000).
 5. The claimant's electronic signature or the electronic signature of another person authorized to file the claim on the claimant's behalf agrees, by signing electronically or by authorizing a third-party to sign electronically on the claimant's behalf that:
 - a. The electronic signature will bind the claimant to the same extent as a handwritten signature.
 - b. The claim will not be signed with a handwritten signature.
 - c. El Dorado Transit may ask the claimant to provide a handwritten signature in the future.
- C. Required information, if known: Claimants must provide the following information with each claim, if known to them:
 1. The name of the public employee(s) who may have caused the claimant's losses.
 2. The time of the incident.
 3. The names, addresses, phone numbers, and email addresses of any witnesses to the incident.
 4. If the claim concerns the claimant's vehicle, the vehicle license plate number; the vehicle make, model, and year; the vehicle's mileage at the time of the incident; and the claimant's driver's license number.

- D. Optional information: Claimant may optionally provide an alternative contact to receive official notices and correspondence regarding the claim. Alternative contact information includes:
1. The name of the alternative contact.
 2. The alternative email address.
 3. The alternative postal address.
 4. The phone number by which El Dorado Transit may reach the alternative contact during daytime business hours.
- E. Consequences for failure to provide required information:
1. Failure to provide all required information to support the claim may delay processing of the claim, result in rejection of the claim, or preclude the claimant from later bringing a lawsuit against a public employee as an individual defendant.
 2. Failure to provide a valid email address for the claimant or an alternative contact absolves El Dorado Transit of its duty to send notices of defects regarding the claim.
- F. Notices regarding electronically submitted claims: By submitting a claim electronically, the claimant agrees that El Dorado Transit may send notices and all other correspondence regarding the claim exclusively to the email address associated with the claim or to the alternative email address as specified.