RESOLUTION NO. 20 - 66

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
EL CENTRO ADOPTING A POLICY FOR REPORTING
AND RECOVERING FOR THIRD-PARTY DAMAGE TO
CITY PROPERTY

WHEREAS, the City Council of the City of El Centro, California (hereinafter referred to as “City Council”) wishes to establish guidelines to govern how the City reports damage caused to City facilities and property by third-parties, as well as the timing and method to recover for the cost of repair or replacement, whether through collection directly from insurers, through the City’s coverage or the parties themselves (the “Damage to City Property Policy”); and

WHEREAS, the City Council has discussed the Damage to City Property Policy provided for its consideration and wishes to approve such Policy, with or without changes; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL CENTRO, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. That the foregoing is true, correct and adopted.

2. That General Policy Statement No. 114, a copy of which is on file in the office of the City Clerk, is hereby adopted.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of El Centro, California held on 21st day of July, 2020.

CITY OF EL CENTRO

By

Efrain Silva, Mayor

ATTEST:

By

Norma Wyles, City Clerk
STATE OF CALIFORNIA )
COUNTY OF IMPERIAL ) ss
CITY OF EL CENTRO )

I, Norma Wyles, City Clerk of the City of El Centro, California do hereby certify that the foregoing Resolution No. 20-66 was duly and regularly adopted at a regular meeting of the City Council of the City of El Centro, California, held on the 21st day of July, 2020, by the following vote:

AYES: Jackson, Silva, Viegas-Walker, Oliva
NOES: None
ABSENT: Garcia
ABSTAINED: None

By

Norma Wyles, City Clerk
CITY OF EL CENTRO
INCIDENT REPORT – DAMAGE TO CITY PROPERTY

REPORTED BY: Employee Name: ____________________________________________

Department: ____________________________________________________________

Date of Incident: ____________________ Time: __________ __ AM __________ PM

Location of Incident: ____________________________________________________

Were Police notified?  Yes [ ]  No [ ]  Did unit respond to scene?  Yes [ ]  No [ ]

Police Report?  Yes [ ]  No [ ]

Property Damaged:  Vehicle? [ ]  Other Property? [ ]

Describe Damage: ______________________________________________________

____________________________________________________________________

Attach Photos

Responsible Party:

Name: ________________________ Phone #: ________________________________

Address: ________________________________

Driver’s License #: _______________________________ State: __________________

Insurance Carrier: _______________________________ Policy #: __________________

Were their injuries to private property or to persons in this incident?  Yes [ ]  No [ ]  If yes, complete the following:

Injured’s Name: ________________________ Phone #: ________________________

Address: ________________________________

Passenger [ ]  Driver [ ]  in a vehicle? [ ]  Pedestrian [ ]

Nature of injury: ______________________________________________________

Estimated extent of injuries:  unknown [ ]  minor [ ]  moderate [ ]  major [ ]

Did injured leave work?  Yes [ ]  No [ ]  Return to work:  Yes [ ]  No [ ]
Injured’s Name: ___________________________ Phone #: ___________________________
Address: ___________________________________________________________
Passenger [ ] Driver [ ] Pedestrian [ ]
Nature of injury: ____________________________________________________
Estimated extent of injuries: unknown [ ] minor [ ] moderate [ ] major [ ]
Did injured require treatment? Yes [ ] No [ ]

Describe incident: (State factual points only – do not give opinions as to fault, negligence or liability:)

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

SKETCH OF INCIDENT

Prepared by: (PRINT) __________________________________ Title: ___________________________
Preparer’s Signature: ___________________________ Date: ___________________________
Dept. Head Signature: ___________________________ Date: ___________________________

Original to: Risk Manager
CITY OF EL CENTRO
POLICY STATEMENT

Policy Statement No.  114
Category:  General
Subject:  Damage to City Property Collection

Adopted: July 21, 2020
Revised:
Distribution: ALL

I.  Purpose:

State law provides that a public agency may recover for the cost of damage to its
real and personal property. This includes damage caused by third parties as well
as that caused by the negligence of City employees (in some cases). The reason
for this policy is to be sure that the three-year statute of limitations for the City
to be compensated for the damage is met.

II.  Policy:

This policy applies only to personal property including vehicles and
improvements, such as signs, bus shelters, and fire hydrants.

III.  Procedures:

This policy applies only when there is no coverage under the CalJPIA
Memorandum of Coverage, as follows:

a. vehicles other than ambulances and fire trucks, under $2,500;
b. fire trucks and ambulances, under $10,000;
c. equipment and or fixed improvements such as signs, bus shelters, and fire
hydrants, under $10,000.

For damage above these amounts, a claim should be submitted to CalJPIA.

1.  Documenting the Damage: The damage should be documented by the
department whose personal property is damaged as follows:

   a. Prepare a City Incident Report-Damage to City Property. A sample
      of the incident report(s) to be used is attached as Exhibit 1.
   b. Include photos.
   c. Include the names as much information as possible regarding those
      responsible for the damage and their contact information.
   d. Include insurance information, if possible.
2. **Timing of Report:** This report must be made within 10 business days after the City learns of the damage and must state the date of the damage to the best of the reporter's knowledge. As the report is prepared, please be thorough as this report will be provided to an insurer or used in a small claims action to obtain recovery of the cost of repair and/or replacement.

3. **Obtaining Cost of Repair or Replacement:** The incident report should be used to have the Department whose property was damaged provide the cost of repair and/or replacement, including but not limited to labor (at the burdened rate set out in the fee study), equipment, and any incidental cost of the damage such as rental of equipment for interim use or loss of fee revenue.

4. **Routing of Report and Cost Estimate:** Once the incident report and costs are done, they should be routed to the Risk Manager, City Clerk, and City Attorney.
   a. For all such claims, whether for damages or improvements, the City Attorney's office shall assign an LSR number and there will be a determination of the ability to recover versus the cost of recovery. The LSR process will calendar the date of the incident so that recovery (through whatever means) and the statute of limitations can be tracked. The LSR will be closed when the matter is resolved by recovery or a determination the full or partial recovery cannot be achieved.
   b. The Risk Manager shall calendar six months, one year, and 18 months for reminders of action on the damage claims above the amounts set out above for vehicles only.
   c. The City Clerk shall calendar reminders of the claims resolution for improvements for the same time periods.