

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 the 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

APPROVED AS TO FORM:
Office of the City Attorney

By Elizabeth L. Martyn
Elizabeth L. Martyn, City Attorney

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
Norma Wyles, City Clerk

CITY OF EL CENTRO
INCIDENT REPORT – DAMAGE TO CITY PROPERTY

EXHIBIT 1

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 _____ in a vehicle? _____ 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.