

Procedure for Processing a Liability Claim

1. Purpose

This document outlines the step-by-step procedure for processing liability claims to ensure a standardized, efficient, and fair review process.

2. Scope

This procedure applies to all liability claims filed against the City of Whitewater, including but not limited to personal injury, property damage, and financial losses.

3. Responsibilities

The Claims Administrator is responsible for receiving, reviewing, and coordinating the investigation of claims. The Director of Finance is responsible for the duties assigned to this role.

The Legal Department ensures compliance with legal requirements and provides guidance on liability matters. All claims and supporting documentation will be submitted to CVMIC for a review and recommendation.

The Finance Committee is responsible for reviewing and approving or denying all claims, supporting documentation and recommendations.

4. Procedure

4.1 Claim Submission

Claimants must submit a written claim form provided by the City, including all required supporting documentation, such as incident reports, photographs, invoices, or medical records.

Claims should be submitted via email, postal mail, or in person to the Finance Department.

The Claims Administrator logs the claim and supporting documentation into the claims management system to obtain a recommendation.

4.2 Acknowledgment of Receipt

The Claims Administrator sends a written acknowledgment to the claimant within five (5) business days of receiving the claim.

The acknowledgment should include the expected processing timeline.

4.3 Initial Review and Verification

The Claims Administrator verifies that all required information has been provided.

If information is incomplete, the claimant is notified in writing and given a deadline to provide missing details.

4.4 Investigation

The Claims Administrator conducts a thorough investigation, which may include:

Interviewing relevant parties (e.g., witnesses, employees, or contractors).

Reviewing applicable policies, contracts, and safety protocols.

Gathering additional evidence, such as video footage or maintenance logs.

The investigation should be completed within 30 business days unless additional time is required.

4.5 Determination of Liability

Based on the investigation findings, a determination is made regarding the organization's liability.

If the organization is deemed liable, an assessment of damages is conducted.

The Legal Department reviews high-value or complex claims before approval.

4.6 Sewer Backup Damage Claims

The intent for this program is to reduce health hazards by encouraging property owners who have experienced a sewer backup to get it appropriately cleaned up as quickly as possible and to provide a method for assisting homeowners with the financial burden of a sewer backup when the City is not legally liable for the resulting damage.

The City can choose to reimburse a customer up to \$7,500 of clean up costs, property damages, and mechanical equipment, essential to the habitation of the residence cause by sanitary sewer backup.

The following guidelines should be used when considering a claim:

- A. The backup must have resulted from a condition in the City's sanitary sewer system lines and not from a condition in a private line.
- B. Claim should be submitted to the City within 120 days of the incident.
- C. Payments should only be considered for customers not covered or with limited coverage of insurance. The appropriate documentation should be submitted for the claim.
- D. The property sewer bills should be current.
- E. This is a one-time payment per lateral.

4.7 Claim Approval or Denial

The Finance Committee is responsible for approving or denying all claims submitted to the City.

The claimant is notified in writing of the decision:

If approved, the notification includes the settlement amount and payment terms.

If denied, the claimant is provided with a written explanation of the reasons for denial.

Claimants may appeal a denial by submitting a written appeal within 15 business days.

4.8 Settlement and Payment Processing

Upon approval, the Finance Department processes payment according to the agreed terms.

A release of liability form may be required before payment is issued.

Payment should be processed within 15 business days of approval unless additional time is needed to complete all necessary paperwork.

4.9 Record-Keeping and Reporting

All claim-related documents and correspondence are stored in the claims management system.

5. Compliance and Review

This procedure is reviewed annually to ensure compliance with legal and regulatory requirements.

Updates or modifications are made as necessary to improve efficiency and effectiveness.