

BOISE RIVER FLOOD CONTROL DISTRICT NO. 10

RESOLUTION NO. 02-2013

BY THE BOARD OF COMMISSIONERS OF THE BOISE RIVER FLOOD CONTROL DISTRICT NO. 10:

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BOISE RIVER FLOOD CONTROL DISTRICT NO. 10, ADOPTING A CLAIMS HANDLING POLICY FOR THE BOISE RIVER FLOOD CONTROL DISTRICT NO. 10, DIRECTING ITS ADHERENCE TO, AND MAKING THE SAME EFFECTIVE UPON PASSAGE AND APPROVAL.

THIS RESOLUTION, made on the date hereinafter set forth by the Boise River Flood Control District No. 10, authorized under the authority of the Flood Control District Act (the "Act"), as amended, Chapter 31, Title 42, Idaho Code, a duly created and functioning flood control district, hereinafter referred to as "FCD10";

WHEREAS, FCD10 is a governmental entity and political subdivision of the State of Idaho subject to the provisions of the *Idaho Tort Claims Act*, IDAHO CODE §§ 6-901 *et seq.*;

WHEREAS, there are instances in which a person may claim they have suffered personal injuries or property damage as a result of conduct or activities of FCD10, or FCD10's employees;

WHEREAS, FCD10 desires to have in place a process for the intake and handling of claims that may be made against it or its employees;

WHEREAS, FCD10 Legal Counsel has prepared a Claims Handling Policy for FCD10 (copy attached), which has previously been distributed to the Board for review;

WHEREAS, the Board finds it in the best interests of FCD10 and the public to approve and adopt the Claims Handling Policy attached to this Resolution;

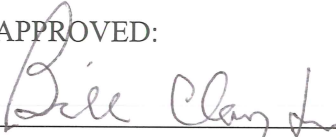
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE BOISE RIVER FLOOD CONTROL DISTRICT NO. 10 –

THAT the FCD10 Claims Handling Policy, a copy of which is attached hereto and incorporated herein by reference, be and is hereby approved, authorized and adopted by the FCD10 Board, and that FCD10 shall take all action necessary to implement the same;

THAT this Resolution shall be in full force and effect immediately upon its adoption and approval.

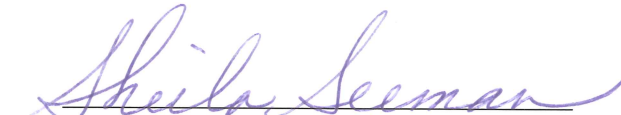
PASSED by the Boise River Flood Control District No. 10, on the 25th day of September, 2013. Signed by the Chairman of the Board of Commissioners and attested by the Secretary to the Board of Commissioners on said date.

APPROVED:



Bill Clayton, Chairman

ATTEST:



FCD10 Secretary

BOISE RIVER FLOOD CONTROL DISTRICT NO. 10

CLAIMS HANDLING POLICY

Section 1. Statement of Intent. FCD10 intends, by this policy, to provide a process by which claims for personal injuries or property damages can be received, investigated and resolved by FCD10 in a thorough, efficient and cost-effective framework consistent with the Idaho Act.

Section 2. Definitions. For purposes of this Claims Handling Policy, the following terms shall have the meanings set forth below –

- (a) “Board” shall mean the board of commissioners of FCD10;
- (b) “Claim” shall mean a written demand to recover Damages from FCD10 or an Employee for alleged negligence or other wrongful act or omission, and shall include any submission to FCD10 in the form of that attached hereto as **Exhibit A**;
- (c) “Claims Handling Policy” shall mean this Claims Handling Policy for FCD10;
- (d) “Damages” shall mean any bodily injury, sickness, disease or death sustained by any person and caused by an occurrence, and any injury or destruction to tangible property caused by an occurrence;
- (e) “Employee” shall mean any officer, commissioner, executive, employee or servant of FCD10 while acting on behalf of FCD10, but shall not include any independent contractor under contract with FCD10 while acting on behalf of FCD10;
- (f) “FCD10” shall mean Boise River Flood Control District Number 10;
- (g) “Idaho Act” shall mean the *Idaho Tort Claims Act*, IDAHO CODE §§ 6-901 *et seq.*, and as it may be amended from time to time.

Section 3. Applicability. This Claims Handling Policy shall apply to all Claims by any person against FCD10 or an Employee.

Section 4. Initiation of a Claim. Any person can submit a Claim for Damages against FCD10 or an Employee by making a written demand in compliance with the Idaho Act, or by submitting a Claim Form in the form of that attached hereto as **Exhibit A**. The Claim must be presented to and filed with the Secretary/Treasurer of FCD10. A Claim must contain –

- (a) an accurate description of the conduct and circumstances that caused the Damages;
- (b) a description of the Damages;
- (c) the money value or amount of the Damages;
- (d) the date and time the Damages were incurred;
- (e) the names of all persons involved (if known);

- (f) the identity and actual residence of the person making the Claim, and all other places the person making the Claim has resided in the six (6) months prior to the date the Damages occurred.

Section 5. Action on Receipt of a Claim. On receipt of a Claim by the FCD10 Secretary/Treasurer, the Secretary/Treasurer shall, within three (3) business days of receipt, send by first-class U.S. mail, postage prepaid, a letter to the person making the Claim acknowledging only receipt of the Claim, and the date the Claim was filed with FCD10. A copy of said letter, together with a copy of the Claim, shall be delivered at the same time to each member of the Board, to the FCD10 general legal counsel, and to FCD10's insurer.

Section 6. Investigation of a Claim. After receiving notice of the presentment of a Claim, FCD10's general legal counsel, in cooperation with the Board and FCD10's insurer, shall coordinate the investigation of all facts and circumstances surrounding the Claim. FCD10's general legal counsel shall report to the Board by confidential attorney-client communication, at intervals of at least thirty (30) calendar days, as to the facts and circumstances surrounding the Claim, opinions as to liability, and recommendations for further action and disposition.

Section 7. Disposition of a Claim. Within ninety (90) calendar days of receipt of a Claim, the Board shall meet and review the Claim. Review of the Claim must be done at a special meeting held for the purpose of reviewing the Claim, or at a regular meeting of the Board where review of the Claim is an agenda item. Notice of the date, time and place of the meeting and agenda items shall be published at least twenty-four (24) hours before the time and place of the meeting. At said meeting, provided two-thirds of the Board agree, the Board may adjourn in to executive session, pursuant to Idaho Code § 67-2345(1)(b), (f), (i), for the purpose of reviewing the Claim. The FCD10 Secretary/Treasurer, FCD10 legal counsel, and representatives of FCD10's insurer may participate in the executive session. At said meeting, in open session, the Board shall dispose of the Claim by either (a) approving the Claim; (b) denying the Claim; (c) deciding not to respond to the Claim; or (d) deciding to negotiate a compromise of the Claim and appointing a qualified person to conduct negotiations on behalf of the Board. If the Claim is approved, the FCD10 Secretary/Treasurer shall notify the person making the Claim of the approval within three (3) business days of Board action approving the Claim. Any Claim that is not reviewed and acted upon by the Board within ninety (90) days of the date the Claim was presented to FCD10 shall be deemed a denial of the Claim by FCD10.

Section 8. Records Retention. Upon becoming aware of a Claim, FCD10 shall take steps to safeguard and retain all documents, records and things related to the Claim, including digital and electronic data, recordings and communications. All such information shall be retained for a period no less than three years after the date the Claim arose, unless the person making the Claim

