



October 9, 2020

TO: CADA Board of Directors

SUBJECT: **October 16, 2020, Board Meeting**
AGENDA ITEM 7
Leave to Present a Late Claim

CONTACT: Jill Azevedo, Human Resources Manager

RECOMMENDED ACTION:

Staff recommends the Board direct the Executive Director to approve the application for leave to present a late claim from Pinar Buyuk based on her claim that she suffers from medical conditions which prevented her from meeting the claims deadline.

BACKGROUND

December 2019 – A water leak is discovered in 1606 15th Street, affecting several units, including #15 where Ms. Buyuk resided at the time. Affected residents are temporarily relocated while repairs and remediation are performed by trained CADA maintenance staff and NorCal Construction.

1/31/2019 - CADA sends a Claim for Money Damages Against the Capitol Area Development Authority form to Ms. Buyuk along with Environmental Safety Training certificates for CADA staff that worked on repairs in her unit, per her verbal request to Resident Services Manager, Merri Stutes. (**Attachment 1**)

3/32/20 -Ms. Buyuk emails CADA Risk Manager Jill Azevedo asking for the agency's liability insurance carrier. This information is provided and Ms. Buyuk is also informed that claims must first be submitted to CADA via the Claim for Damages form she was sent on 1/31/19. Ms. Buyuk responds that she will submit her claim form "soon".

8/19/20 – Ms. Buyuk contacts CADA's Risk Manager to again request a liability insurance claim form. She is provided another electronic copy of the Claim for Damages Form along with the original accompanying letter sent to her in January 2019 and is again informed that all claims must first be submitted to the agency via the Claim for Damages form. Ms. Buyuk is further informed of the following via email:

"Pursuant to Government code sections 901 and 911.2, a claim for personal injury, injury to personal property, or damage to crops must be presented with six (6) months to the date of the occurrence giving rise to the claim, which, in this case, would be in or around December 2019.

Because CADA did not receive anything from you, including the Claim for Damages form or any other supporting documents, within the 6 month period from December to June, your

only recourse at this time is to apply without delay to the Capitol Area Development Authority (CADA) for leave to present a late claim. See sections 911.4 to 912.2, inclusive, and section 946.6 of the Government Code. Under some circumstances, leave to present a late claim will be granted. See Government Code section 911.6. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately."

9/29/20 – Ms. Buyuk sends an email to the CADA Risk Manager along with a letter (**Attachment 2**) requesting leave to submit a late claim.

POLICY ISSUES

Government Code 911.4 (a) states "When a claim that is required by Section 911.2 to be presented not later than six months after the accrual of the cause of action is not presented within that time, a written application may be made to the public entity for leave to present a late claim."

Government Code 911.6 (b) states, "The Board shall grant or deny the application within 45 days after it is presented to the board."

In her application for leave to present a late claim, Ms. Buyuk states that she was unable to present the claim within the 6 month period following the event giving rise to her claim because of her "medical conditions". She also submitted two doctor's notes with her application that both state Ms. Buyuk's medical conditions affect her ability to meet deadlines. Staff would like to note that, while both doctor's notes are on letterhead from local health providers, neither of them are signed by anyone. If the Board allows Ms. Buyuk to file a late claim, she will be asked to submit signed notes from her physician(s) documenting her condition.

Staff recommends the Board allow Ms. Buyuk to present her late claim on the grounds that the circumstances meet the criteria in Government Code 911.6 (1), which states: "The failure to present the claim was through mistake, inadvertence, surprise, or excusable neglect and the public entity (CADA) was not prejudiced in its defense of the claim by failure to present the claim within the time specified by Government Code Section 911.2."

STRATEGIC PLAN

Not applicable.

FISCAL IMPACT

Currently unknown. Any fiscal impact will only be known in the event that Ms. Buyuk's application to present a late claim is approved, and once the agency is able to review the merits of Ms. Buyuk's claim following receipt of her Claim for Damages form and any other documentation provided.

ENVIRONMENTAL REVIEW

Not applicable. This is an administrative action and is not a project subject to the guidelines of the California Environmental Quality Act (CEQA).

CONTRACT AWARD CONSIDERATIONS

Not applicable. This action is not subject to CADA Contract Policy.

Approved for transmittal to the Board:

Wendy S. Saunders, Executive Director

ATTACHMENT 1 – Buyuk – Claim for Damages Cover Letter – January 2020

ATTACHMENT 2 – Buyuk - Application for Leave to Present a Late Claim



January 31, 2020

Pinar Buyuk
1606 15th #10
Sacramento, CA 95814

Re: Leak in Apartment – on or around December 2019

Dear Ms. Buyuk:

Enclosed you will find a Claim Form for Money Damages against The Capitol Area Development Authority.

Should you determine that you incurred any damage due to the leak in your apartment, please complete the claim form, provide all required documentation and attachments and return to me within the specified period of time.

Also enclosed please find copies of the environment safety training certificates for the maintenance staff that worked on your apartment, pursuant to your request.

If you have any questions please call me at (916) 323-9814.

Sincerely,

Jill Azevedo, PHR, SHRM-CP
Human Resources & Risk Manager
(916) 323-9814 | jazevedo@cadanet.org

cc: Marc de la Vergne, Deputy Executive Director

Certificate of Training

This Certifies that

Melissa Haulman

has successfully completed 4 hours training entitled

Asbestos Operations and Maintenance Refresher

Title 8 CCR § 1529 (9)(E)

This is an annual certification. It must be renewed.

**Environmental
Safety
Training
Professionals Ltd.**

3140 Gold Camp Drive #130
Rancho Cordova, CA 95670
Phone 916 638-5550
Fax 916 638-5551

I.D. #: 7547

Certification #: 8335

Course Date: 01/13/20

Expiration Date: 01/13/21

By Brandy Snider

Authorized Signature: Brandy Snider

Certificate of Training

This Certifies that

George Fredericks

has successfully completed 4 hours training entitled

Asbestos Operations and Maintenance Refresher

Title 8 CCR § 1529 (9)(E)

This is an annual certification. It must be renewed.

**Environmental
Safety
Training
Professionals Ltd.**

3140 Gold Camp Drive #130
Rancho Cordova, CA 95670
Phone 916 638-5550
Fax 916 638-5551

I.D. #: 7931
Certification #: 8336
Course Date: 01/13/20

Expiration Date: 01/13/21

By: Brandy Snider
Authorized Signature: Brandy Snider

Pinar Buyuk

11050 Autumnwind Ln
Rancho Cordova, CA 95670
(916) 607-3476
pinarbuyuk@yahoo.com

To Whom it may concern :

I would like to request permission to submit a late claim for the damages to my property in the apartment of 1606 15th Street Apt 10 Sacramento, CA from water leakage that occurred in the apartment while I was living there. I did not make the 6 months deadline because of my current medical condition. I have provided a letter from my physician stating the nature of my illness. In the doctor's letter it states that I have poor concentration & unable to meet the deadlines required for office procedures and that it is the doctor's recommendation that I be granted an extension. Again I apologize for the failure to submit the claim within the 6 months, the leakage of water in my apartment caused contamination of my apartment. CoVid19 caused my home and work situation to change and all of this made it difficult to send the final submission within the 6 months. I am hoping to resolve the situation as soon as possible and I appreciate your consideration.

Sincerely,

Pinar Buyuk