

CITY OF NEW ORLEANS
CHIEF ADMINISTRATIVE OFFICE

POLICY MEMORANDUM

April 15, 1986

TO: All Departments, Boards, Agencies and Commissions
FROM: Coralee Basile, Chief Administrative Officer
SUBJECT: CLAIMS MADE BY CITIZENS AGAINST THE CITY OF NEW ORLEANS

1. PURPOSE.

This memorandum is republished in order to revise the procedure for payment of claims against the City and to consolidate information on claims in one memorandum.

This revised issue of the policy replaces the following memoranda:

Policy Memorandum No. 7 - November 8, 1978
Policy Memorandum No. 7 (Revised), Amendment #1 - July 22, 1980.

2. AUTHORIZATION FOR CLAIMS SETTLEMENT.

- a. Under Chapter 13, Section 4-1303 of the City Charter, the Director of Finance shall execute no settlement of any disputed claim for any tax, license, or debt due the City without the approval of the City Attorney and that of the Mayor or the Chief Administrative Officer.
- b. Under Section 62-15 of the Code of the City of New Orleans, the City Attorney and the Mayor or the Chief Administrative Officer have the authority to give blanket approval to the cancellation or refund by the Director of Finance of any tax, license or debt due the City, when such tax, license, or debt does not exceed the sum of fifty dollars (\$50) and may likewise give blanket approval to the cancellation or refund by the Director of Finance of the interest or penalties or any portion of such interest or penalties accrued on any tax, license or debt due the City. (M.C.S., Ord. No. 103, 1.)

3. DESCRIPTION OF SUNDRY CLAIM FORMS.

- a. Attached to this memorandum are copies of the sundry claim forms which shall be used when a citizen wishes to file a claim against the City of New Orleans. Each type of claim form is assigned a particular CAO form number. Departments shall make their own photocopies of the appropriate form or order a supply from Central Duplicating.

- b. All claims for refund of taxes illegally, erroneously, or excessively collected; refunds for miscellaneous charges; cancellations of charges; personal injury claims and various types of property damage claims, shall be reported on the sundry claim form designated as CAO Form No. 17.
- c. All claims for automobile tow and boot damage are to be reported on the City's Auto Damage Claim Form, CAO Form No. 18. If the claim is for tow damage, a properly completed tow slip should accompany the claim form.
- d. All claims for personal or property damage due to City streets or sidewalks, traffic signs and traffic signals shall be reported on the Accident/Damage Claim Form, CAO Form No. 19.

4. **SMALL CLAIMS DIVISION.**

- a. A Small Claims Division is established in the City Attorney's Office which is responsible for coordinating all claims for property damage and/or personal injury, with the exception of those claims handled by the Department of Streets, Parking Division, Auto Pound.
- b. In particular, the Small Claims Division shall be responsible for the following:
 - 1) initial receipt of all claims for personal injury and/or property damage filed against the City of New Orleans with the exception of those claims initiated by the Auto Pound of the Department of Streets, Parking Division.
 - 2) maintaining a docket of all claims and explaining the City's claim procedure to the claimants.
 - 3) ensuring that all claims contain pertinent information and proper cost estimates as requested for reimbursement.
 - 4) submitting all claims to the appropriate City agency for investigation and recommendation; reviewing for approval or disapproval of the claim; submitting claims to the Chief Administrative Office and the Finance Department for review and approval or disapproval.
 - 5) maintaining a file of all executed claim regardless of type of claims; preparing vouchers for payment of all approved claims for personal injury and/or property damage.

- 6) sending notification to all claimants requesting reimbursement for personal injury and/or property damage concerning final disposition of the claim.

5. **PROCEDURE FOR CLAIMS INVOLVING PROPERTY DAMAGE AND/OR PERSONAL INJURY.**

- a. With the exception of the Auto Pound, Department of Streets, Parking Division, all requests from citizens for reimbursement by the City for personal injury and/or property damage shall be referred to the Small Claims Division. The Auto Pound, Department of Streets, Parking Division shall initiate its own claims, and, in the case of tow damages, shall accompany the claim with a completed tow slip.
- b. A claim form is to be executed in duplicate by the claimant with an original signature on each and forwarded to the Small Claims Division which shall submit the claim to the appropriate department for its recommendation.
- c. Departments having claims filed against them are required to process all claims received from the Small Claims Division within ten (10) working days and resubmit the claim to the Small Claims Division. The department shall investigate the claim and shall recommend approval or disapproval with an explanation for the recommended action. The recommendation shall be signed by the department director or designated representative.
- d. If the department is unable to process a claim within a ten (1) day period, the department shall submit a memorandum to the Small Claims Division explaining the reason for the delay and giving an estimated deadline for submission of the claim to the Small Claims Division.
- e. Sundry Claims submitted for automobile damage shall be accompanied by estimates which specifically state the damage and the amount of labor and parts necessary for repair of the vehicle. If the vehicle has less than \$100 damage, one estimate is sufficient. If the vehicle requires repairs in excess of \$100, three estimates for repair shall be attached to the claim form.
- f. Claimants may use Louisiana Auto Appraisal Co., 133 N. Broad, or Independent Appraisal Company, 4400 Bienville Ave., New Orleans, to provide an appraisal. If one of these appraisal companies is used, claimants need only attach one estimate of damages to the claim form, regardless of the amount estimated.
- g. Policemen and firemen will no longer received reimbursement for uniform damage. Recompense for uniform damage shall be paid by the policemen or firemen out of the annual uniform allowance as provided by the City under the provisions of Policy Memorandum No. 39 (Revised).

- h. Employees who are required to use personally owned tools in the course of their duties shall maintain with their departments annual inventories of their personal property used at work. The inventory for each such employee should include an itemized listing of all tools owned by the employee and a dollar value for each item. The inventory must include the date and year the inventory was completed and the signature of the employee under a statement acknowledging that the information included on the inventory form is true and correct. The inventory form shall also be signed by the immediate supervisor of the employee attesting to the accuracy of the information. Each inventory should be updated annually and maintained on file by the department.

Sundry claims submitted for the reimbursement of stolen tools must be accompanied by a copy of the current tool inventory along with a copy of the police report. Claims which are not accompanied by a copy of the current inventory form shall be disapproved by the Claims Committee for lack of sufficient evidence.

The provisions of this section shall also apply to City employees who are required to use other types of personal property in the course of their normal on-going duties.

- i. If a claim submitted for reimbursement of property damage and/or personal injury is disapproved, the Small Claims Division shall inform the claimant by letter that the request for settlement has been denied. This will complete the disapproval action.

6. **PROCEDURE FOR CLAIMS INVOLVING THE REFUND OF TAXES OR MISCELLANEOUS CHARGES.**

- a. All claims for the refund of taxes and miscellaneous charges and cancellations of charges shall be initiated by the department having the claim filed against it. The claim shall be supported by all appropriate documentation including cost estimates, if applicable.
- b. The department head or designated representative shall sign the claim form recommending approval or disapproval of the claim, with a reason for the recommended action.
- c. The claim shall be executed in duplicate and submitted to the Small Claims Division, City Attorney's Office.
- d. If a claim submitted for the refund of taxes or miscellaneous charges is disapproved, the initiating department shall inform the claimant by letter that the request for settlement has been denied. This will complete the disapproval action.

7. **DISPOSITION OF SUNDRY CLAIMS REGARDLESS OF TYPE.**

- a. The authorization for the final decision on claims settlement is cited in Section 2 of this memorandum. Claims reviewed and approved or disapproved by the City Attorney's Office, the Chief Administrative Office, and the Department of Finance, in that order. The City Attorney reviews the claim for approval or disapproval from a legal standpoint.
- b. In order for a citizen to receive reimbursement for payment, all officials listed on the bottom of the claim form must indicate approval in the space provided on the form. One disapproval is sufficient for denial of the claim.
- c. After final disposition of the claim, the Department of Finance shall forward the claim form to the Small Claims Division. The Small Claims Division shall retain the duplicate copy of each claim for its files. If the claim is approved for reimbursement of payment of property damage and/or personal injury, including those claims initiated by the Auto Pound, Department of Streets, Parking Division, the Small Claims Division shall prepare a voucher for payment. If the claim is for the refund or cancellation of taxes or miscellaneous charges, the Small Claims Division shall forward one original copy of the completed claim form to the initiating department.

8. **PAYMENT OF SUNDRY CLAIMS REGARDLESS OF TYPE.**

- a. Payments of approved sundry claims shall be accompanied by a public voucher made payable to the claimant. One original claim form shall be attached to the public voucher to serve as an invoice for payment. In the space for "Organization Charge Code" type in "4002" and in the space for "Account Code" type in "6280". Below the line identified as "Authorized Certifying Official" there shall be typed in "Sundry Claims". The remainder of the form shall be completed with the pertinent information concerning the claim and forwarded, with the original approved claim form, to the Department of Finance for signature and payment.
- b. The Small Claims Division shall prepare vouchers for payment of all approved claims for personal injury and/or property damage, including those claims initiated by the Auto Pound, Department of Streets, Parking Division.
- c. The Department having a claim filed against it for the refund of taxes or miscellaneous charges shall prepare the voucher for all approved claims of this type. However, if the approved claim is for the refund of taxes or miscellaneous charge applicable to the current calendar year, payment shall be made from the account that was originally credited with the tax or charge. The public voucher should include the appropriate departmental budget code in the space

entitled "Organization Charge Code". The voucher shall also be signed by the person authorized to sign public vouchers for the department involved. The public voucher supported by the approved Sundry Claim shall be forwarded to the Chief Administrative Office for approval. If the approved claim is for the refund of taxes or charges applicable to a prior year, the voucher shall be prepared in accordance with the provisions of Section 8(a) of this memorandum.

9. **INQUIRIES.**

Any questions concerning this memorandum should be addressed to the City Attorney's Office, Small Claims Division or the Department of Finance, Director's Office or the Management, Audit and Special Projects Division of the Chief Administrative Office.

Coralee Basile
Chief Administrative Officer

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