

## CITY OF PLANO CLAIM PROCESSING FREQUENTLY ASKED QUESTIONS

### I. GENERAL

**No matter what has happened to cause the damage, no matter who may be ultimately responsible to pay, YOU must make every reasonable effort to mitigate your damage. That means you must do whatever is necessary to prevent additional damage. For example, if you have a leaking water pipe, the first step should be to shut the water off and stop the leak. If necessary you may need to call a plumber to stop the water from causing further damage. Please document all your loss expenses and damages with receipts and photographs.**

#### 1. How do I present a claim to the City of Plano?

To begin, you will need to completely fill out a Notice of Claim form with all the details of your claim including all supporting documents. This form should be properly completed and mailed, faxed or e-mailed to The City Secretary's Office in order to be logged in as received. After logging in your Notice of Claim, the City Secretary will **not** be able to provide an update or a status of your claim. Please contact the assigned adjuster, if an adjuster has not been assigned contact Risk Management Division at 972-208-8250 for assistance.

City Secretary  
P. O. Box 860358  
Plano, Texas 75086-0358  
Fax-972-423-9587 or  
E-Mail-dianez@plano.gov

This **MUST** be done within six (6) months from the date of the incident or you may be barred from pursuing your claim. Of course, the sooner you file your Notice of Claim, the better the City will be able to respond to your claim in a timely manner.

#### NOTICE OF CLAIM AGAINST THE CITY OF PLANO

Article 11 of the Charter of the City of Plano requires written notice within 6 months of the incident before any claim for injury or damage may be considered. The Charter provisions are quoted below for your information.

#### Section 11.06 – Special provisions Governing Damage Suits:

Before the city shall be liable to damage claim or suit for personal injury, or damage to property, the person who is injured or whose property is damaged or someone in his behalf shall give the city manager, or the person performing the duties of city secretary, notice in writing within six (6) months after the occurrence of the alleged injury, or damage, stating specifically in such notice when, where and how the injury or damage was sustained, and setting forth the extent of the injury or damage as accurately as possible. No action at law for damages shall be brought against the city for personal injury or damage to property prior to the expiration of thirty (30) days after the notice hereinbefore described has been filed with the city manager or the person performing the duties of city secretary, not later than two (2) years after the occurrence of the injury or damage to property. In case of injuries resulting in death, before the city shall be liable in damages therefore the person or persons claiming such damages shall after the death of the injured person give notice as above required in case of personal injury. Provided, however, that nothing herein contained shall be construed to mean that the City of Plano waives any rights, privileges, defenses or immunities in tort actions which are provided under the common law, the constitution and general laws of the State of Texas.

#### 2. What information is required to process my claim?

The notice must reasonably describe: (1) the damage or injury claimed; (2) the time and place of the incident; and (3) the incident. You should sign your Notice of Claim and any additional pages. You should provide any other documents such as a police report, repair estimates, bills, photographs or medical reports as necessary to support your claim.

**3. How can I confirm my claim has been received?**

After you have submitted your Notice of Claim to the City Secretary and they log receipt of your claim, the City Secretary's office will **not** be able to provide an update or a status of your claim. After the City Secretary receives and logs in your claim it will be forwarded to the City's Risk Management Division's Contract Claim Staff. Please contact the assigned adjuster for a status of your claim. To confirm your claim has been received you may contact the assigned adjuster at 972-208-8250 or City's Claims Coordinator at 972-208-8253.

**4. Who will be handling my claim?**

Alternative Service Concepts (ASC) is a Third Party Administrator (TPA), a company providing contract claim service for the City of Plano. ASC operates under the oversight of the City of Plano's Risk Manager. The TPA will set up a file and begin an investigation. You will receive an acknowledgement of your claim from ASC; which should take 1-3 days from your submission if you provide an e-mail address or up to 3-7 days for regular mailed acknowledgment. The acknowledgement will have the name of the assigned adjuster and his or her contact information.

**5. How long does the investigation process take?**

Depending on the complexity and nature of your claim, it may take several days, weeks or months for your adjuster to conduct the investigation. An investigation may include a visit to the site for inspection and photographs, contact with the City Department or workers involved in the area or incident and follow up with you for additional information or documentation.

During this time frame, you may obtain a status on your claim by contacting the ASC assigned adjuster or City's Claims Coordinator at 972-208-8253. Please note: The City Secretary or other city department representatives will **not** be able to assist you once your claim is submitted. Please allow our TPA a reasonable period of time to investigate and respond to your claim.

**6. When will I receive a determination on my claim?**

You will receive a written response to your claim from the assigned adjuster. Depending on the complexity and nature of your claim this may take several days, weeks or months. Should you have any questions or concerns about the results of their investigation or the status of your claim, please address these to your assigned adjuster.

**7. What happens after the investigation is complete?**

If your claim is valid and the City is legally obligated to pay, you will receive a letter advising you that your claim has been accepted. At this time the adjuster will advise you of the amount of the settlement and provide you with a Release of Claims Form. You must have your signature notarized and return the original Release to the assigned adjuster, before the City will send your settlement check.

## **8. What if my claim is denied?**

If the City is not legally obligated to pay your claim, you will receive a denial letter with an explanation of the reason(s) your claim was denied. There are situations where the City may not be responsible or obligated to pay your claim. For example, there may be another party responsible for the claim, a sub-contractor may be doing work for the City and the sub-contractor may be obligated to pay the claim.

## **9. Why can the City deny my claim even if they caused the damage?**

The City is protected from certain types of claims under state statutes. Even if the City was at fault there may be no legal obligation to pay the claim due to sovereign immunity laws. More information is provided in the denial letter and sections below.

The City has a process to review claims that have been denied and where the citizen has requested reconsideration or an appeal of the denial.

## **10. How do I request reconsideration of a claim denial?**

If your claim has been denied, the denial letter will give you the specific reason for the denial and provide you the information needed to request reconsideration of that decision. You must make your request for reconsideration in writing and provide any new or additional information in support of your claim and mail it to the assigned adjuster. Your file will be reviewed by the Claim Adjuster's Supervisor who will respond accordingly.

Please note that all work and activity performed by ASC is done under the oversight and is subject to review by the City of Plano Risk Manager. Once you have received a response from the Adjuster's Supervisor and you continue to have questions, you may pursue your appeal through the Risk Management Division by submitting a written request with any new or additional information to the assigned adjuster to have your file reviewed. The City of Plano's Risk Manager will review the file and respond to you by letter.

**SEE BELOW FOR SPECIFIC INFORMATION ON YOUR TYPE OF CLAIM: HOME,  
AUTO OR INJURY.**

## **II. BODILY INJURY CLAIM**

### **1. What if I am injured and have medical expenses?**

If you are injured in an automobile accident you should seek reasonable care and treatment for your injuries at a doctor or facility of your choice. Keep in mind that you may be responsible for the cost of your care through your automobile or health insurance or out of pocket payments if you are not insured, while the claim is being investigated or if the City is not legally obligated to pay. It is in everyone's best interest to keep track of your expenses and avoid unnecessary costs. The assigned adjuster will send you a medical authorization to sign and return and will obtain your medical records and bills for evaluation.

## **2. How long will it take to evaluate and settle my bodily injury claim?**

Depending on the nature and complexity of your claim and the alleged injuries, this can take several days, weeks or months until you have been discharged by your doctor. Once all the bills and records have been provided to the adjuster, he/she will review them for reasonable and related treatment and charges. The City of Plano will only pay those claims or portions of claims that are reasonably related and appropriately billed that result from the accident. Once this evaluation is complete the assigned adjuster will discuss a settlement offer.

## **3. What happens once I accept a settlement offer?**

The assigned adjuster will send you a claim acceptance letter with a Release of Bodily Injury Claims which you must sign before a Notary Public and return the original to the adjuster. It may take several days after the receipt of your properly executed Release for the assigned adjuster to process your settlement check. Once you sign the Release and receive the settlement check your claim is concluded and is final.

### **III. PROPERTY DAMAGE-HOME**

#### **1. What happens when my home is damaged?**

It is your home and you must take reasonable measures to avoid further damage. The City does not have the ability to come out on an emergency basis to perform repairs or fix damage to your property. For example, if a tree falls on your home and causes damage, as the homeowner, you must mitigate your loss. You must arrange for the removal of the debris and cover up any openings in your roof to avoid further damage by rain. Until an investigation is complete, we do not know if the City is at fault or legally obligated to pay, so it is in your best interest to take reasonable steps to protect your property from further damage.

When plumbing backs up it is up to the homeowner to call a plumber to stop the water from causing further damage. The assigned adjuster will determine if the City is responsible for any part or your entire claim. In general, the City would not be responsible for your toilet backing up or any damage caused by the water.

#### **2. Does the City use Independent Contractors to perform work and can they be responsible for damage they cause during the contracted work?**

Yes, the City often uses Independent Contractors and they may be responsible for damage they cause while performing work on behalf of the City. Keep informed about the work being done in your area by logging on to the City website and watching for mailers or door hangers when workers are on your block. These notices can be helpful to identify programs in your neighborhood such as water meter change outs, sidewalk or street repairs. If an Independent Contractor is responsible for your damage, the assigned adjuster will provide you the name of the Independent Contractor.

#### **3. What happens if the City accepts my claim for damage to my home?**

You will receive an acceptance letter with a Release of Property Damage Claim. You must have this signed before a Notary Public and return the original to the assigned adjuster. It may take several days after receipt of your properly executed Release for the assigned adjuster to process your settlement check. Once you sign the Release and receive your settlement check your claim is concluded and is final.

#### **IV. PROPERTY DAMAGE-VEHICLE**

##### **1. What do I do when my car is damaged?**

It is your car and you must take reasonable measures to avoid further damage. Have your car damage appraised by at least two repair shops and forward the estimates to your assigned adjuster. The assigned adjuster can not recommend a repair facility, it is your choice where to have your vehicle repaired and only the shop is responsible for the quality of the repairs. The assigned adjuster will work with you and your repair facility to coordinate payment and release of your vehicle with minimal delay using a Direction To Pay (DTP) form. If your car is totaled the City will settle your claim based on the Actual Cash Value minus the Salvage value. It is still your car, the City does not take possession of totaled vehicles.

##### **2. How does the Direction To Pay process work?**

Once the assigned adjuster has investigated and accepted your claim you are ready to have your vehicle repaired. In order to expedite the payment process we ask that you and your repair facility representative complete a Direction To Pay (DTP) form. When fully completed by all parties and returned to the assigned adjuster, this form allows the City to pay the repair facility directly once your repairs are complete and your vehicle is returned to you. You do not have to pay out any money in advance to the shop and they agree to accept payment directly from the City. You will also need to complete a Release of Property Damage form and return the original to the assigned adjuster.

##### **3. Do I need to file a claim with my insurance company?**

It is your decision to file a claim with your insurance company if you are not at fault. Only your insurance agent or company representative can advise you on the pros and cons of processing your claim with your insurance company. If you are at fault for the accident you must notify your insurance company since the City will be making a claim against you for damage you cause.

##### **4. Will I be entitled to a rental car?**

If your claim is accepted and you need temporary transportation while your vehicle is being repaired, you are entitled to a rental but only for the time your vehicle is actually being repaired. You may select a rental car company of your choice but you will have to pay out of pocket in advance and provide proof of payment for reimbursement. If your car is a total loss no rental will be considered. In order to minimize expenses and for your convenience, the City works with

Enterprise Rent A Car and has a Direct Billing arrangement. That means you do not have pay out of pocket for the rental, Enterprise will bill the City directly. We ask that you cooperate with the assigned adjuster to minimize expenses by coordinating repairs and rental days with the repair facility. The City will only pay the reasonable daily rate and will not be responsible for additional insurance or collision damage waivers that you elect.

We understand you may have been inconvenienced by this incident, but we hope having knowledge of the process will give you confidence that the City is addressing your concern in a prompt and fair manner under all appropriate State and Federal Laws.