

FILING A CLAIM AGAINST THE CITY

The City of Ann Arbor has an Insurance Board which administers the self-insurance fund of the city. For most types of claims, the city is self-insured. This Board and its adjusters are the only persons empowered to take action on such claims. If the city has obtained insurance for the type of damage for which the claim is filed, the insurance company handles the adjustment and payment, if any, for the claim.

Any statements or promises made to you concerning your claim by any other city employee or agency are unauthorized and are not binding on the Board.

A claim can be considered only after it is filed in writing at the office of the City Clerk or on line at <http://www.a2gov.org/government/financeadminservices/planning/Pages/Claimagainstcity.aspx>.

ACCEPTANCE OF THIS REPORT BY THE CITY IS NOT AN ADMISSION OF LIABILITY AND DOES NOT WAIVE ANY OTHER NOTICE REQUIREMENTS TO THE CITY UNDER MICHIGAN LAW.

A hard copy of the claim should be mailed or delivered to:

**City of Ann Arbor, City Clerk
301 E. Huron Street
P.O. Box 8647
Ann Arbor, MI 48107-8647
or
FAX: (734) 994-2777 – Attn: Risk Specialist**

The City separates claims into two types:

1. Standard – Any claim not related to sewer overflow or backup.
2. Sewer – Any claim related to sewer overflow or backup

In order for the Board to consider your claim, you must provide the following information within forty-five (**45**) days of the date the damage was discovered for a sewer claim and within ninety (**90**) days of the incident for a standard claim:

- A statement that you intend to hold the city liable for the injury or damage, or claim.
- The time, date and exact location of the reported incident.
- The nature and extent of the injury, damage, or claim so far as known.
- The manner in which the injury, damage, or claim occurred.
- The name and address of any witnesses.
- Police accident report or number, if any.
- The amount of damages claimed. In all cases, damages should be itemized and totaled.

You must file your claim within the stated time even if you do not have all the required information.

For property damage cases, this would include estimates for repair (at least 2 estimates for automobile damage), evidence of the fair market value of the property, and evidence of the condition of the property immediately prior to the accident. For proof of damages, attach receipts, photos, or written estimates.

For personal injury cases, necessary information includes records of the injury and medical reports.

Provide name, policy number and phone number of your insurance company. Be sure your name, address, email address and telephone numbers are on your claim.

By filing a claim, you agree to allow the City or its agent to inspect your property or investigate the physical injury. Unreasonable refusal of such inspection or investigation will be grounds for denial of your claim.

The Insurance Board cannot consider your claim until all necessary information has been received. No money may be paid out of the Insurance Fund until the Board has investigated your claim and the Board's report has been received and accepted by the City Council. Because of the procedure that must be followed, some time must elapse between the filing and final disposition of your claim. Please be assured that as soon as you provide the Board with the necessary information, your claim will be promptly considered and you will receive a response on your claim.

What Happens After a Claim is Filed?

Once a claim is received, the City will perform an investigation. A third party contractor for the City may perform this investigation. Until a final decision is made on a claim, any statement or promise made concerning your claim by any City employee or its agent is unauthorized and not binding on the City's final approval or denial.

If the City's investigation determines a different party may be responsible, the City will notify the claimant so that the claimant may take appropriate steps. In the case of a sewer claim, if the City's investigation determines that a different or additional governmental agency may be responsible, the City will notify the other governmental agency.

As a claimant, you should be aware that the City has three levels of approval, depending on the value of your claim.

1. Payments of \$500 or less may be approved by the City's Chief Financial Officer.
2. Payments of \$5,000 or less – may be approved by the City's Insurance Board.
3. Payments over \$5,000 – are considered and recommended by the City's Insurance Board but must be approved by City Council.

No monies will be paid until a final approval has been made. However, be assured your claim will be promptly considered.

The Board typically meets on the fourth Thursday each month. At its meetings, the Board will consider claims and make decisions regarding the City's liability for claims. These decisions are communicated to claimants as soon as practicable. Extenuating circumstances or the need for Council approval of the decision may delay this communication.

If your claim is approved, in part or in whole, you will be compensated as approved by the Board and Council. Upon completion of a release of liability, a check will be delivered by mail. If your claim is denied and you believe the Board has erred in its decision, you may appeal. If you wish to appeal a determination, you may appeal to the City's Insurance Board. You may call (734) 794-6570 to schedule a time on the Insurance Board agenda.

What is the Appeal Process?

The appeal process is a presentation by the appellant contesting the Board's decision. It is not a legal proceeding, question and answer session, fact finding or examination. An appeal may be scheduled by calling (734) 794-6570. A claimant may file an appeal up to 90 days after the claimant is notified in writing of the Board's determination on their claim.

At the Board meeting when your appeal is heard, you will be given an opportunity to make a presentation to the Board. Appeals are limited to 15 minutes in duration. Appeals are typically made solely by the claimant(s), but you may make your appeal with assistance from others as long as all speakers can be heard in the allotted time. You should focus on why you believe the Board erred in its decision or present new information that was not submitted with the claim. Written materials are welcome in advance of the Board meeting.

If you believe 15 minutes is insufficient to present your appeal, you may utilize the scheduled 15 minutes to explain why the time is inadequate. The Board will consider the request, and if approved additional time will be scheduled for a subsequent meeting.

If you have any special requests regarding your appeal, please call (734) 794-6570. The Board's deliberation following the appeal presentation will be done in a meeting without members of the public, the claimants or others. The claimant will receive a written decision on the appeal after the appropriate level of approval is obtained.

The above process represents the extent of the City's administrative claims and appeal process.

If you have any questions or would like more information, please call (734) 794-6570.

THE CITY IS REQUIRED TO PROVIDE THE FOLLOWING LEGAL NOTICES

MOTOR VEHICLE ACCIDENT ADDENDUM TO MICHIGAN MOTOR VEHICLE NO-FAULT INSURANCE LAW APPLICATION FOR BENEFITS

Claimant may have the right to personal protection insurance benefits, property insurance benefits, and/or residual liability insurance benefits if in compliance with the regulations and restrictions contained in the Michigan No-Fault Insurance Law, Public Act 294 of 1972. Please contact your insurance company to determine if you are eligible to receive these benefits. If your policy is not covered under Michigan No-Fault, please contact the City of Ann Arbor's risk management at (734) 794-6570.

The City of Ann Arbor will pay claims in a timely manner as prescribed by the Michigan No-Fault Insurance Law.

If there are any questions concerning the City of Ann Arbor's failure to fulfill its responsibilities under the Michigan No-Fault Law, please contact:

Michigan Department of Insurance & Financial Services
P.O. Box 30220
Lansing, MI 48909-7720
Telephone: (877) 999-6442

SEWER OVERFLOW OR BACKUP

Under Public Act 222 of 2001 (MCL 691.1416 - 691.1419), a claimant may seek compensation for property damage or physical injury from a governmental agency if the claimant shows that **all** of the following existed at the time of the event:

- The governmental agency was the 'appropriate governmental agency',
- The sewage disposal system had a defect,
- The governmental agency knew, or in the exercise of reasonable diligence should have known, about the defect,
- The governmental agency, having the legal authority to do so, failed to take reasonable steps in a reasonable amount of time to repair, correct, or remedy the defect, and
- The defect was a substantial proximate cause of the event in the property damage or physical injury.
- In addition to the above requirements to seek damages, to obtain compensation for property damage or physical injury, a claimant has to show **both** of the following:
- Personal Property – reasonable proof of ownership and the value of the damaged personal property (reasonable proof could include testimony or records documenting ownership, purchase price or value of the property or photographic or similar evidence showing the value of the property) and
- The claimant followed the proper notification protocol to seek damages from the governmental agency.

A claimant may not file a civil action against the City until at least 45 days have passed after the date the claimant's sewer claim was filed with the City.

**CITY OF ANN ARBOR
CLAIM REPORTING FORM**

PERSONAL INFORMATION

*CLAIMANT(S)'S NAME: _____
* Address: _____
* Phone Number: _____ Fax Number: _____
Email address: _____

PROPERTY OWNER'S NAME (if different than claimant): _____
Address: _____
Phone Number: _____ Fax Number: _____ Email address: _____
Name of your Insurance Company: _____
Insurance Company Phone Number _____ Policy Number: _____

CLAIM INFORMATION

Standard Claim

- Vehicle Damage
- Personal Injury
- Property Damage

Sewer Claim

- Sewer Backup

Amount of claim \$ _____
Where did the incident occurred? _____
*Date of incident _____ Time of incident _____
Date property damage and/or physical injury was discovered _____
*Affected property _____

Brief description of incident: (Include the facts and reason why you think the City is liable for payment for the injury, damage or claim). (Attach itemized charges, damages, receipts, photos, repair estimates, etc.)

(Vehicle Claims) Vehicle damage claims must provide the police accident report or number, if any. Attach at least two (2) estimates for repair. Please state if the vehicle was parked or moving at the time of the incident.

I (we) declare the above statements are true to the best of my (our) knowledge.

Signature(s) of Claimant

Date

*The above marked information is required to be provided by Public Act 222 of 2001; MCL 691.1416 – 691-1419.

Forms must be submitted to:

*City of Ann Arbor, City Clerk, 301 E. Huron St., PO Box 8647, Ann Arbor, MI 48107
or fax to 734-994-2777 or on line at*

<http://www.a2gov.org/government/financeadminservices/planning/Pages/Claimagainstcity.aspx>

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