

SALT LAKE COUNTY
COUNTY-WIDE POLICY
ON

RECEIVING AND PROCESSING A NOTICE OF CLAIM

Purpose –

The purpose of this Policy is to help County elected officials and employees identify and correctly process correspondence or documents received by the county which may constitute a Notice of Claim under the Utah Governmental Immunity Act.

Definition –

The term “Notice of Claim” shall mean a written correspondence or document delivered to any Salt Lake County elected official which, regardless of format, purports to provide notice of an intent by any person, business or other entity of a claim for money damages against Salt Lake County or any of its elected officials or employees.

1.0 Recognizing a Notice of Claim:

- 1.1 A Notice of Claim need not follow any particular format or include any specific words or phrases. A form Notice of Claim is available from County Risk Management and a copy is attached as Exhibit 1; however, a claimant is not required to use that form.
- 1.2 A typical Notice of Claim will include some or all of the following information: (i) a statement of facts; (ii) the type of claim asserted; (iii) any damages suffered by the claimant; (iv) the name of an elected official or employee if the claim is being pursued against an elected official or employee; and (v) the claimant’s contact

information. If a Notice of Claim does not include all of this information, it shall still be processed as provided in this Policy.

1.3 To determine whether a document may constitute a Notice of Claim, elected officials and employees should look for the following terms: ‘notice of claim’, ‘NOC’, ‘demand’, ‘damages’, ‘injury,’ ‘bodily injury’, ‘Governmental Immunity Act’, ‘offer to settle’, ‘settlement’, ‘negligent’ or ‘negligence’, ‘sue’ or ‘suit,’ or ‘lawsuit against the County.’

2.0 Processing a Notice of Claim

2.1 Any elected official or employee who receives correspondence or a document which purports to be a Notice of Claim shall immediately forward the document to the District Attorney’s Office, Risk Management, regardless of the document’s form or appearance, or whether it appears to the recipient to be legally effective, valid or complete.

2.1.1 The document shall be date-stamped in a way that identifies the county office receiving the document and the date the document was received.

2.1.2 All materials, papers, photographs, sketches and documents included with the Notice of Claim, along with any envelope, shall also be forwarded.

2.2 In case of doubt, elected officials and employees shall assume a document is a Notice of Claim and shall process it as provided herein.

2.3 In order to constitute a valid Notice of Claim under the Governmental Immunity Act, a Notice of Claim must be delivered to the County by hand-delivery or through the United States Mail. However, if any elected official or employee receives what purports to be a Notice of Claim by any electronic means, including fax or email, that

electronic document shall be forwarded to the District Attorney's Office, Risk Management, but shall not be considered a legally valid delivery or a valid Notice of Claim.

2.4 The District Attorney's Office will make all determinations regarding the legal effectiveness or validity of a Notice of Claim or the adequacy of the filing with or delivery to the County.

3.0 Filing a Notice of Claim

3.1 In order to expedite forwarding a Notice of Claim to the District Attorney, a document purporting to be a Notice of Claim shall immediately be either faxed or scanned and emailed to the District Attorney at ClaimNotice@slco.org. Hard-copy documents shall be sent to the District Attorney at 35 East 500 South, Salt Lake City, Utah 84111.

3.2 The District Attorney's Office shall forward all hard-copy and original documents to the County Clerk for filing.

3.3 The County Clerk shall maintain a file for all original and hard-copy Notices of Claim, with supporting documents, subject to an appropriate retention schedule.

APPROVED and PASSED this _____ day of _____, 2019.

SALT LAKE COUNTY COUNCIL

Richard Snelgrove, Chair

ATTEST:

Sherrie Swensen, County Clerk

APPROVED AS TO FORM

Gavin Anderson 11 Sep 2019
Deputy County Attorney, Date