

September 26, 2023

Mr. John Hidahl
Board Chair
El Dorado Local Agency Formation Commission
550 Main Street, Suite E
Placerville, California 95667

Re: President's Special Acknowledgement Award – Property/Liability Program

Dear Mr. Hidahl,

This letter and enclosed certificate are to formally acknowledge the dedicated efforts of the El Dorado Local Agency Formation Commission's Governing Body, management, and staff towards proactive risk management and loss prevention training for earning the President's Special Acknowledgement Award! The Award is to recognize members with no "paid" claims during the prior **five consecutive program years** in the Property/Liability Program.

A "paid" claim for the purposes of this recognition represents the first payment on an open claim during the prior program year and excludes property claims. Your agency's efforts have resulted in no "paid" property/liability claims for the prior five consecutive program years from 2018-23. This is an outstanding accomplishment that serves as an example for all SDRMA members!

In addition to this annual recognition, members with no "paid" claims during 2022-23 earned one credit incentive point (CIP) reducing their annual contribution amount, and members with no "paid" claims for the prior 5 consecutive program years earned three additional bonus CIPs.

On behalf of the SDRMA Board of Directors and staff, it is my honor to congratulate your Governing Body, management, and staff for your commitment to proactive risk management and loss prevention training.

Sincerely,
Special District Risk Management Authority



Sandy A. Seifert-Raffelson, President
Board of Directors





President's Special Acknowledgement Award

The President of the Special District Risk Management Authority

Hereby gives special recognition to

El Dorado Local Agency Formation Commission

The President's Special Acknowledgement Award is to recognize members with no "paid" claims during the prior five consecutive program years in the Property/Liability Program. A "paid" claim for the purposes of this recognition represents the first payment on an open claim during that same period and excludes property claims. Congratulations on your excellent claims record!

Sandy A. Seifert-Raffelson, SDRMA Board President

September 26, 2023

Date

September 26, 2023

Mr. John Hidahl
Board Chair
El Dorado Local Agency Formation Commission
550 Main Street, Suite E
Placerville, California 95667

Re: President's Special Acknowledgement Award - Workers' Compensation Program

Dear Mr. Hidahl,

This letter and enclosed certificate are to formally acknowledge the dedicated efforts of the El Dorado Local Agency Formation Commission's Governing Body, management, and staff towards proactive loss prevention and workplace safety for earning the President's Special Acknowledgement Award! The Award is to recognize members with no "paid" claims during the prior **five consecutive program years** in the Workers' Compensation Program.

A "paid" claim for the purposes of this recognition represents the first payment on an open claim during the prior program year. Your agency's efforts have resulted in no "paid" workers' compensation claims for the prior five consecutive program years from 2018-23. This is an outstanding accomplishment that serves as an example for all SDRMA members!

In addition to this annual recognition, members with no "paid" claims during 2022-23 earned one credit incentive point (CIP) reducing their annual contribution amount, and members with no "paid" claims for the prior five consecutive program years earned three additional bonus CIPs. Also, members without claims receive a lower "experience modification factor" (EMOD), which also reduces their annual contribution amount.

On behalf of the SDRMA Board of Directors and staff, it is my privilege to congratulate your Governing Body, management, and staff for your commitment to proactive loss prevention and safety in the workplace.

Sincerely,
Special District Risk Management Authority



Sandy A. Seifert-Raffelson, President
Board of Directors



President's Special Acknowledgement Award

The President of the Special District Risk Management Authority
Hereby gives special recognition to

El Dorado Local Agency Formation Commission

The President's Special Acknowledgement Award is to recognize members with no "paid" claims during the prior five consecutive program years in the Workers' Compensation Program. A "paid" claim for the purposes of this recognition represents the first payment on an open claim during that same period. Congratulations on your excellent claims record!

Sandy A. Seifert-Raffelson, SDRMA Board President

September 26, 2023

Date



LOCAL AGENCY FORMATION COMMISSION
550 Main Street, Suite E. Placerville, CA 95667
(530) 295-2707 • lafco@edlafco.us • www.edlafco.us

October 31, 2023

Brent A. Robinson
Aiman-Smith & Marcy
7677 Oakport Street, Suite 1150
Oakland, CA 94621

Dear Counsel:

On August 7, 2023, the El Dorado Local Agency Formation Commission (“LAFCO”) received the claim you presented on behalf of Cari McCormick (“Claimant”), dated June 28, 2023 (“Claim”). In light of your letter of October 12, 2023, please allow this letter—which corrects language regarding presentation deadline requirements—to serve as LAFCO’s further response to the Claim. We further note that LAFCO’s September 14, 2023, letter did not raise the issue of claim insufficiency.

Notice of Return without Action

With respect to any cause of action which accrued more than six (6) months and less than one year before the presentation of the Claim, please be advised of the following:

You are hereby notified that the Claim is being returned because it was not presented within six (6) months after the event or occurrence, as required by law. (See Gov. Code, §§ 901, 911.2.) Because the claim was not presented within the time allowed by law, no action was taken on the claim.

Your only recourse at this time is to apply, without delay, to LAFCO for leave to present a late claim. (See Gov. Code, §§ 911.4-912.2, 946.6.) Under some circumstances, leave to present a late claim will be granted. (See Gov. Code, § 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.

Notice of One (1) Year Statutory Return of Claim

With respect to any cause of action which accrued more than one (1) year before the presentation of the Claim, please be advised of the following:

The Claim has been reviewed and is being returned to you because it was not presented within one (1) year after the event or occurrence, as required by law. (See Gov. Code, §§ 901, 911.2.)

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STAFF
Shiva Frentzen, Executive Officer • Erica Sanchez, Assistant Executive Officer
Malathy Subramanian, Commission Counsel

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October 31, 2023
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Because the claim was not presented within the time allowed by law, no action was taken on the claim. (See Gov. Code, § 910, *et seq.*)

You may wish to seek the advice of an attorney of your choice in connection with this matter to determine whether you have any further remedy and/or whether other procedures are open to you. If you desire to consult an attorney, you should do so immediately.

Notice of Rejection of Claim

With respect to any cause of action which accrued within a time period allowed by law, please be advised of the following:

The Claim has been reviewed. Notice is hereby given that only as to any cause of action which accrued within a time period as allowed by law, said Claim is rejected.

WARNING: Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on claims subject to the Government Claims Act. (See Gov. Code, § 945.6.)

You may wish to 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.

The six-month (6-month) time limit referred to in this notice applies only to causes of action which are governed by the California Tort Claims Act. The notice does not affect or extend any other applicable statute of limitations. Depending on the type of action, a shorter statute of limitations may apply.

WARNING

If you wish to file a court action on this matter, you must first petition the appropriate court for an order relieving you from the provisions of Government Code section 945.4 (claims presentation requirement). (See Gov. Code, § 946.6.) Such petition must be filed with the court within six (6) months from the date your application for leave to present a late claim was denied.

Please be advised that pursuant to California Code of Civil Procedure sections 128.7 and 1038, LAFCO may seek to recover all legal fees and costs of defense in the event an action is filed in this matter and it is determined that the action was not brought, or continued, in good faith and with reasonable cause.

Sincerely,

shiva frentzen

Shiva Frentzen
Executive Officer

AIMAN-SMITH & MARCY
PROFESSIONAL CORPORATION

October 12, 2023

VIA UPS NEXT DAY DELIVERY

Clerk, Secretary, Auditor, or Governing Body
c/o Shiva Frentzen, Executive Officer
El Dorado Local Agency Formation Commission
550 Main Street, Suite E
Placerville, CA 95667

Re: McCormick v. CalPERS et al.

Dear Ms Frentzen:

As you know, my firm represents Cari McCormick. Thank you for your letter dated September 14, 2023. I respond to the points you raised in your letter regarding the timeliness of her claim.

In your letter, you also suggest that Ms McCormick's claims are untimely, but that position is contrary to controlling law. Ms McCormick alleged in her claim that she and other similarly situated employees continue to receive discriminatory pension payments on a monthly basis through the present, and binding precedent holds each such discriminatory payment within the limitations period is actionable. *See, Carroll v. City and County of San Francisco* (2019) 41 Cal.App.5th 805, 813.

Moreover, the discovery rule operates to extend the limitations period applicable to the putative Plaintiff Class's claims. *See, Aryeh v. Canon Business Solutions, Inc.* (2013) 55 Cal.4th 1185, 1192; *Weatherly v. Universal Music Publ'g Grp.* (2004) 125 Cal.App.4th 913, 918-19; *Norgart v. Upjohn Co.* (1999) 21 Cal.4th 383, 397-98; CACI 455; *Prudential Home Mortg. Co. v. Superior Court* (1998) 66 Cal.App.4th 1236, 1248; Gov. Code § 12960(e)(6)(A); *Williams v. City of Belvedere* (1999) 72 Cal.App.4th 84, 88; *Gryczman v. 4550 Pico Partners, Ltd.* (2003) 107 Cal.App.4th 1, 4-6. Here, neither Ms McCormick nor putative class members previously discovered their harm, nor did they previously know of facts that would have caused a reasonable person to suspect they had suffered harm caused by someone else's wrongful conduct. Indeed, Ms McCormick only discovered her harm, and learned of facts leading her to suspect that her harm was caused by others, within the last six months. Accordingly, her limitations period under FEHA is extended by 90 days, and her limitations period under her contract claim is extended to the date of initial injury. Thus, Ms McCormick's and the Plaintiff Class's claims are clearly timely under controlling law.



Re: McCormick v. CalPERS et al.

October 12, 2023

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In your letter, you state that Ms McCormick's claim "is being returned," yet no relevant provision of the Government Claims Act permits purportedly insufficient claims to be returned without consideration. Instead, section 910.6, permits claims to be "amended," not resubmitted as you propose. Moreover, section 910.8's provision for notice of deficiencies expressly contemplates that the claim should be retained, insofar as it prohibits further "action on the claim for a period of 15 days after the notice is given." Accordingly, I enclose Ms McCormick's claim-as-previously presented so that your Entity may duly comply with its legal obligations under the Government Claims Act.

For those reasons, Ms McCormick's position is that she has sufficiently and timely complied with the requirements of the Government Claims Act, such that your entity must now take action on Ms McCormick's claim as required by the same.

Regards,

AIMAN-SMITH & MARCY
PROFESSIONAL CORPORATION

/s/ Hallie Von Rock

Counsel for Plaintiff Cari McCormick

hvr@asmlawyers.com