

ORDINANCE NO. 39
AN ORDINANCE OF THE UKIAH VALLEY SANITATION DISTRICT
ESTABLISHING PROCEDURES FOR SUBMITTING A CLAIM FOR MONEY OR
DAMAGES.

The Board of Directors of the Ukiah Valley Sanitation District hereby ordains as follows:

Section 39-1. Claim Procedure in General:

The provisions of this Ordinance recognize that the claims procedures applicable to local public agencies are governed by the provisions of Chapter 1 of Division 3.6 of the Government Code of the State of California, commencing with Government Code section 900.

Section 39-2. Claim Required;

Under the Authority of Government Code Section 935, all claims against the Ukiah Valley Sanitation District for money or damages which are excepted by section 905 of the Government Code from chapter 1 (commencing with section 900) and chapter 2 (commencing with section 910) of part 3 of division 3.6 of said code, and which are not governed by any other statutes or regulations expressly relating thereto, shall be presented to the District Board and acted upon as a prerequisite to suit thereon as further provided in this section. All such claims shall be presented as required by chapter 2 of part 3 of division 3.6 of the California Government Code and within the time periods specified therein. Claims subject to the filing requirements of this section shall include, but not be limited to, claims by public employees for fees, salaries, wages, mileage or other expenses and allowances and claims by the state or by a state department or agency or by another local public entity, including school districts. The provisions of this section shall apply to any claim whether it relates to events, transactions or occurrences that took place prior to the effective date of this section or after the effective date of this section.

Any claim against the District for money or damages not otherwise subject to the procedures set out in the Tort Claims Act, California Government Code Sections 900 et seq., or any other state law imposing a specific claim or refund process, must be presented within the time and in the manner prescribed by Part 3 of Division 3.6 of Title 1 of the Government Code (commencing with Section 900 thereof), as those provisions now exist or may hereafter be amended, and as further provided in this article. Claims shall be determined according to the process established in Government Code Section 900 et seq., unless otherwise specified in this article.

Section 39-3. Contents of Claim;

All claims must be made in writing and verified by the claimant or by his or her guardian, conservator, executor, or administrator. No claim may be filed on behalf of a class of persons unless verified by every member of that class. All claims filed must contain, for each person or entity on whose behalf the claim is filed, all of the information required by California Government Code Section 910, and, as attachments, any and all documents on which the claimant relies to support his or her claim.

Section 39-4. Claim Prerequisite to Suit;

In accordance with Government Code Sections 935 and 945.6, all claims shall be presented as provided in this article and must be acted upon, or deemed denied by, the board prior to the filing of any legal action on such claim. No action at law or in equity may be maintained unless the person or entity bringing such action has complied with the requirements of this article.

Section 39-5. Suit;

Any action brought against the Ukiah Valley Sanitation District upon any claim or demand shall conform to the requirements of Sections 940-949 of the Government Code. Any action brought against any employee of the Ukiah Valley Sanitation District shall conform with the requirements of Sections 950-951 of the Government Code.

This ordinance shall become effective thirty (30) days after adoption.

Introduced by title only on _____, by the following roll call vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

PASSED AND ADOPTED by the Board of Directors of the Ukiah Valley Sanitation District, County of Mendocino, State of California, on this _____ day of _____ 2016, by the following roll call vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

James Ronco, Board Chair

APPROVED AS TO FORM:

ATTEST:

Frank McMichael
District Manager/Board Clerk

Law Office of Duncan M. James