

TO: Board of Directors

FROM: District Manager

DATE: February 8, 2007

SUBJECT: Procedures for Claims Against San Lorenzo Valley Water District.

RECOMMENDATION:

It is recommended that your Board review this memo and adopt the attached ordinance which establishes procedures for claims against the San Lorenzo Valley Water District.

BACKGROUND:

The procedure for making a claim for money or damages against the District is governed by the provisions of the Tort Claims Act, Government Code Section 900 and following. Section 905 of the Act exempts certain types of claims from the procedures, such as: claims for the refund, rebate, exemption or adjustment of any tax, assessment or fee; claims by public employees; claims for money or benefits under any public retirement system; claims for principle or interest upon any bonds, notes, warrants or other indebtedness and claims which relate to special assessments which constitute a lien against property. Section 935 authorizes the District to adopt its own ordinance prescribing its own procedures for these exempt claims.

The attached Ordinance would apply to claims notification procedures and requirements of the Act for all claims for money or damages which are exempt under Section 905 or are not otherwise governed by any other statute or regulation. The attached Ordinance also provides reasonable time period to present claims which exist as of the effective date of this Ordinance.

It is recommended that your Board review this memo and adopt the attached ordinance which establishes procedures for claims against the San Lorenzo Valley Water District.

James A. Mueller, District Manager

JAM/bsb

SAN LORENZO VALLEY WATER DISTRICT

ORDINANCE NO. 104

SUBJECT: CLAIMS AGAINST THE SAN LORENZO VALLEY WATER DISTRICT

WHEREAS, the Board of Directors desire to enact procedures relative to claims against the San Lorenzo Valley Water District.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the San Lorenzo Valley Water District as follows

Section 1. CLAIMS AGAINST THE DISTRICT

a) Authority

This ordinance is enacted pursuant to Section 935 of the California Government Code.

b) Claims Required

All claims against the San Lorenzo Valley Water District for money or damages, including, but not limited to any claims for refunds or reimbursements of fees or assessments, not otherwise governed by the Government Claims Act, California Government Code Sections 900 et seq., or another state law (hereinafter in this ordinance, "claims") shall be presented within the time, and manner, prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900 thereof) for the claims to which that Part applies by its own terms, as those provisions now exist or shall hereafter be amended, and as further provided by this ordinance.

c) Form of Claim

All claims shall 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 as required by this section. In addition, all claims shall contain the information required by California Government Code Section 910.

d) Claim Prerequisite to Suit

In accordance with California Government Code Sections 935(b) and 945.6 all claims shall be presented as provided in this section and acted upon by the District prior to the filing of any action on such claims and no such action may be maintained by a person who has not complied with the requirements of subdivision (b) of this section.

e) Suit

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

Section 2. SEVERABILITY

Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

Section 3. EFFECTIVE DATE; TRANSITIONAL CLAUSE

This Ordinance shall take effect thirty (30) days after adoption as provided by Government Code Section 36937. However, any claim that would have been timely if presented on the day before this Ordinance becomes effective which claim would be untimely under the requirements of this Ordinance may, notwithstanding this Ordinance, be presented not later than the 45th day after the adoption of this Ordinance.

Section 4. CERTIFICATION

The District Secretary is hereby directed to certify the passage and adoption of this Ordinance and shall cause the same to be published according to law.

* * * * *

PASSED AND ADOPTED by the Board of Directors of the San Lorenzo Valley Water District, County of Santa Cruz, State of California, on the 15th day of February 2007, by the following vote of the members thereof:

AYES:

NOES:
ABSTAIN:
ABSENT:

BY: _____
Larry Prather, President
Board of Directors
San Lorenzo Valley Water District

ATTEST: _____
Brandon Barchi
District Secretary
San Lorenzo Valley Water District