

OLIVENHAIN MUNICIPAL WATER DISTRICT ADMINISTRATIVE AND ETHICS CODE	Article No. 23	Page 1 of 2
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	Latest Revision Date February 12, 2014	Ordinance No. 413

ARTICLE 23. CLAIMS AGAINST THE DISTRICT

Sec. 23.1. revised via Ordinance No. 413 / February 12, 2014

Sec. 23.1. revised via Ordinance No. 382 / August 25, 2010

Sec. 23.1. revised via Ordinance No. 348 / May 23, 2007

Sec. 23.1. Claims Against the District. All claims against the District must comply with the California Tort Claim Act, Government Code Section 810, et seq. The failure of a claimant to comply with all provisions of the Tort Claims Act shall be grounds for denial of the claim. All claims must contain the information required by Government Code Sections 910 and 910.2.

Upon receipt of a claim, copies shall be sent to the District's General Manager who will forward copies to the District's General Counsel and other individuals as appropriate. After proper examination and investigation, the claim and pertinent information shall be submitted to the Board of Directors for action on the claim. The Board of Directors may approve payment of the claim, compromise all or part of the claim, defer action to a later time or date, request additional information, deny the claim, and/or refer the claim to the District's legal counsel or insurance carrier for further action.

All claims in amounts of \$25,000 or less may be settled or rejected by the General Manager in the manner in which the General Manager deems appropriate.

Sec. 23.2. Claims Against the District for Money or Damages or Challenging or Seeking Refund of Any Fees, Charges, or Assessments not Otherwise Governed by Government Code Sections 900 et seq. or the California Constitution or any State Law.

(a) Authority
This ordinance is enacted pursuant to Section 935 of the California Government Code.

(b) Claims Required
All Claims against the District for money or damages or challenging or seeking a refund of any fees, charges, or assessments paid by any person or entity to the District not otherwise governed by the Government Claims Act, California Government Code Sections 900 et seq., or any other section of the State Constitution or any State law (hereinafter collectively referred to as "claims") shall be presented within the time, and in the manner, prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900 thereof) as those provisions now exist

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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 filed against the District 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 any person or entity 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 all requirements of Sections 940 through 949 of the California Government Code. Any action brought against any employee of the District shall meet all requirements of Sections 950 through 951 of the California Government Code.

(f) Shorter Statutes of Limitation Apply

Any action brought against the District upon any claim or action governed by a shorter statute of limitations under any laws of the State of California than those prescribed by California Government Code Sections 900 et seq. shall be governed by the shorter statute of limitations that applies to that particular claim or action. All claimants shall be required to satisfy the shorter statute of limitations in pursuing any action against the District.