ORDINANCE NO. 2007 - 1684

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE I OF THE SOLANO COUNTY CODE TO ADD SECTION 2-07 RELATING TO CLAIMS AGAINST THE COUNTY

WHEREAS, Government Code section 935 permits a county to establish procedures for addressing claims against the county for money or damages; and

WHEREAS, establishing procedures pursuant to Section 935 will assist the County in providing both the public and County staff with a clear and consistent process for handling claims against the County; and

WHEREAS, Section 935 further permits a county to place certain restrictions on the filing of claims and actions against the county with respect to class actions and statutes of limitations; and

WHEREAS, placing restrictions on class actions and statutes of limitations will prevent the County from incurring unnecessary liability or being unnecessarily subjected to complex, costly, and time-consuming litigation.

The Solano County Board of Supervisors ordains as follows:

Section 1. Chapter 2, Article I of the Solano County Code is amended to add Section 2-07 as follows:

"Sec. 2-07. Claims Against the County
(a) This ordinance is enacted pursuant to Article XI, Section 7 of the California Constitution and Government Code section 935.

(b) All claims against the County for money or damages, not otherwise governed by the California Tort Claims Act, Government Code section 900 et seq., or another state law (collectively “claims”), shall be presented within the time and in the manner prescribed by Government Code section 900 et seq., as amended, for claims to which those sections apply by their own terms, and as further provided by this section; provided, however, that notwithstanding Government Code section 911.2, all claims governed by this ordinance shall be presented to the County not later than one (1) year after the accrual of the cause of action. For purposes of this section, claims against the County shall include, but not be limited to, any and all claims for refund of taxes, assessments, fees, rates, charges, or any other exactions.

(c) 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 subsection. All claims must contain the information required by Government Code section 910, as amended.

(d) In accordance with Government Code sections 935(b) and 945.6, all claims shall be presented and acted upon by the County prior to the filing of any action on such claims, and no claim may be maintained by any person who has not complied with the requirements of this section.

(e) Any action brought against the County upon any claim shall conform to the requirements of Government Code sections 940-949, and any action brought against any employee of the County shall conform to the requirements of Government Code sections 950-951.”

Section 2. In the event of any conflict between any provision of this ordinance and any law or regulation, the conflicting provision of this ordinance shall be deemed superseded and severed and all remaining portions of this ordinance shall remain in full force and effect.

Section 3. This ordinance shall be effective thirty (30) days after its adoption.

Section 4. A summary of this ordinance will be published within fifteen (15) days after its adoption in a newspaper of general circulation in Solano County.

Passed and adopted by the Solano County Board of Supervisors on February 13, 2007 by the following vote:

AYES: Supervisors Kondylis, Silva, Spering, Vasquez, Chair Reagan

NOES: Supervisors None

EXCUSED: Supervisors None

Attest:
Michael D. Johnson, Clerk
Board of Supervisors

By: Patricia Crittenden, Chief Deputy Clerk

Introduced: Jan. 23, 2007
Effective: Mar. 15, 2007