

**GOLETA WEST SANITARY DISTRICT
ORDINANCE NO. 07-75**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
GOLETA WEST SANITARY DISTRICT ADOPTING A CLAIMS ORDINANCE
REGARDING CLAIMS AGAINST GOLETA WEST SANITARY DISTRICT**

Recitals

A. The Tort Claims Act (Gov. Code, § 810 et seq.) (“Act”) establishes the basic principles of public agency liability for damage claims, whether those claims sound in tort or contract.

B. The Act establishes the procedural rules pursuant to which a claimant may seek a damage award from a public agency, including procedural rules requiring the filing of an administrative claim within the applicable six-month or one-year statute of limitation as prerequisites to the filing of a civil action against the public agency;

C. The procedural requirements provide public agencies the opportunity to timely investigate claims, to reduce litigation expenses and potential judgments and to limit liability by barring some claims which would otherwise be substantively valid;

D. The uniform procedures for claims against local public entities exempt some damage claims from the Act’s requirements;

E. Under Government Code section 935 claims, which are excluded from the claims presentation provisions, and which are not governed by other statutes or regulations expressly related thereto, may be covered by local agency ordinances which specifically require the filing of an administrative claim for those claims which would otherwise be excluded; and

F. Enacting a claims filing ordinance would benefit the District and its customers by imposing a more uniform procedure for filing claims against the District and streamlining the process, which, in turn, reduces the District’s time and expense responding to such claims.

NOW, THEREFORE, THE BOARD OF THE GOLETA WEST SANITARY DISTRICT, SANTA BARBARA COUNTY, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Claims

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

(b) **Claim Required.** All claims against the District for money or damages 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 in the 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 Goleta West Sanitary District (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.

I HEREBY CERTIFY that the forgoing Ordinance was adopted by the Board of the **GOLETA WEST SANITARY DISTRICT** at a regular meeting thereof held on the 18th day of October, 2007, by the following vote of the members thereof:

AYES: Bearman, Geyer, Lewis, McFarland

NOES: None

ABSTENTIONS: None

ABSENT: Meyer

ATTEST:

Diane Powers, Secretary

(SEAL)

Larry D. Meyer, President