

TRIUNFO SANITATION DISTRICT

ORDINANCE NO. TSD-102 (Adopted 11/26/18) ESTABLISHING POLICIES AND PROCEDURES FOR FILING CLAIMS AGAINST THE TRIUNFO SANITATION DISTRICT

WHEREAS, the California Government Code, commencing with Section 900 et seq. specifies the procedures, rules, and regulations pertaining to filing claims for money or damages against local public entities; and

WHEREAS, the California Tort Claims Act generally mandates the filing of claim as a prerequisite to the recovery of money or damages from the Triunfo Sanitation District ("District") and Government Code Section 905 describes certain limited exceptions when such a claim need not be filed; and

WHEREAS, Government Section 935 permits the District to adopt local ordinances or regulations to require the filing of a claim when otherwise exempted by Section 905; and

WHEREAS, the District is duly organized and established under the laws of the State of California and as such is empowered to adopt regulations and ordinances relative to claims for money and damages against the District; and

WHEREAS, a public hearing, noticed pursuant to and in compliance with Government Code Section 6062(a) was held at a scheduled meeting of the Board of Directors; and

WHEREAS, after hearing a staff presentation, considering the testimony received at the public hearing and discussion of the issue by the Board of Directors, the Board of Directors concludes that there exists a need to adopt certain regulations and ordinances dealing with the presentment of claims against the District for money or damages.

NOW, THEREFORE, the Board hereby ordains as follows:

SECTION 1. FILING CLAIM

All claims against the District for money or damages shall be presented in writing and acted upon by the District prior to the commencement of a lawsuit on the cause of action represented by the claim. The filing of a written claim against the District for money and damages shall be a prerequisite to the individual commencing a lawsuit on the cause of action represented by the claim and said written claim shall be presented to the clerk of the District at the District offices.

Except as provided for herein, all other filing requirements and time limitations for filing of claims for money and damages shall be in compliance with the California Government Code and such ordinances adopted in compliance with the California Government Code by the District.

SECTION 2. SEVERABILITY

If any section, subsection, sentence, clause or phrase in this ordinance or the application thereof to any person or circumstance is for any reason held invalid, the validity of the remainder of the ordinance or the application of such provision to other persons or circumstances shall be adopted thereby. The Board of Directors hereby declares it would have

passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or the application thereof to any person or circumstance be held invalid.

SECTION 3. REPEAL OF PRIOR INCONSISTENT ORDINANCES

Any prior ordinances or portions of ordinances previously adopted by the District Board of Directors that are in conflict with this Ordinance, are repealed as of the Effective Date of this Ordinance. This includes TSD-35.

SECTION 4. EFFECTIVE DATE

This Ordinance shall become effective January 1, 2019.

PASSED, APPROVED AND ADOPTED this 26th day of November 2018 by the following vote:

AYES: J. Orkney, S. Pan, L. Shapiro, R. Bulander, J. Wall

NOES: none

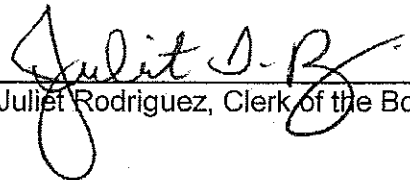
ABSENT: none

TRIUNFO SANITATION DISTRICT



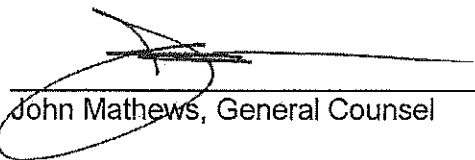
Janna Orkney, Chair

ATTESTED:



Juliet Rodriguez, Clerk of the Board

APPROVED AS TO FORM:



John Mathews, General Counsel