



COUNTY OF SAN MATEO
Inter-Departmental Correspondence

Office of County Counsel

DATE: July 16, 2002

BOARD MEETING DATE: August 6, 2002

TO: Honorable Board of Supervisors

FROM: Thomas F. Casey III, County Counsel

SUBJECT: Introduction of an Ordinance Amending Section 2.12.230 of the San Mateo County Ordinance Code Relating to Claims for Money or Damages

Recommendation

Introduce an Ordinance Amending Section 2.12.230 of the San Mateo County Ordinance Code Relating to Claims for Money or Damages, and waive reading of the ordinance in its entirety.

Background

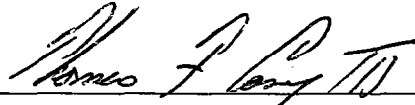
Claimants who seek money or damages from the County are generally required by the California Tort Claims Act (the "Claims Act") to submit a claim to the County describing the nature of the alleged injury and a demand for compensation. The Claims Act sets forth certain exceptions to this general rule, however, such as claims for tax refunds, those relating to public employee salaries, and claims made by other public entities. Some of these exceptions are governed by specific claim procedures such as the procedures set forth in Revenue & Tax Code section 5097 for tax refunds, but others are not governed by any specific statute or regulation ("Non-Covered Claims"). The Claims Act allows local entities to prescribe, by ordinance, a claims procedure to be followed for these Non-Covered Claims. We recommend that the Board enact the attached Ordinance which amends Section 2.12.230 of the San Mateo County Ordinance Code to provide that Non-Covered Claims would also be required to be presented to the Board within one year of an alleged injury. The Ordinance would also require that the claimants and the County follow the procedures set forth in the Claims Act for these Non-Covered Claims.

Vision Alignment

No. 20: Government decisions are based on careful consideration of future impact, rather than temporary relief or immediate gain.

Fiscal Impact

It is not possible to quantify the fiscal impact of this change, but the enactment of a claims procedure for Non-Covered Claims would provide the County with an opportunity to settle these claims before lawsuits are filed. In some cases, the Ordinance would also shorten the statute of limitations applicable to a particular claim.



Thomas F. Casey III, County Counsel