

ORDINANCE NO. _____
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

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AN ORDINANCE AMENDING SECTION 2.12.230 OF THE
SAN MATEO COUNTY ORDINANCE CODE RELATING TO
CLAIMS FOR MONEY OR DAMAGES

The Board of Supervisors of the County of San Mateo, State of California, **ORDAINS** as follows:

SECTION 1. The Board of Supervisors of the County of San Mateo hereby finds and determines that it is in the best interest of the County to require claimants to adhere to the administrative claims process set forth in the California Tort Claims Act for those claims that are not already governed by the Act or by any other statute or regulation. Such a claims process would provide an opportunity to resolve claims before expensive and time-consuming litigation is filed.

SECTION 2. Section 2.12.230 of the San Mateo County Ordinance Code is amended to read in its entirety as follows:

2.12.230 Claims for Money or Damages

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

(b) *Claims Required.* All claims against the County for money or damages not otherwise governed by the California Tort Claims Act, Government Code Sections 900 *et seq.*, or another state law or regulation (hereinafter "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 Section.

(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 Board of Supervisors as set forth in Government Code Section 912.4 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 subsection (b) of this Section.

(e) *Suit.* Any action brought against the County upon any Claim shall conform to the requirements of Sections 940-949 of the California Government Code. Any action brought against any employee of the County upon any Claim shall conform with the requirements of Section 950-951 of the California Government Code.

(f) *Claims for Personal Injury or Property Damage.* Whenever the Clerk of the Board of Supervisors receives a claim against the County for personal injuries or property damage, a copy thereof shall be sent to the Director of Employee and Public Services on the same day said claim is received. Whenever any claim against either the County or any officer or employee is received by any officer or employee, it shall be sent to the Clerk of the Board of Supervisors on the same day said claim is received.

SECTION 3. If any portion of this ordinance is for any reason held by any court to be invalid or unconstitutional, that portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof nor other applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4. This ordinance shall be effective thirty (30) days from the date of passage thereof.