

ORDINANCE NO. 05.15.19.02

**AN ORDINANCE OF THE FLORIN RESOURCE
CONSERVATION DISTRICT BOARD OF DIRECTORS PRESCRIBING
PROVISIONS FOR CLAIMS AND LAWSUITS**

WHEREAS, the Florin Resource Conservation District (District) is a resource conservation district duly organized and existing under and pursuant to Division 9 of the Public Resources Code of California; and

WHEREAS, the general claim procedures applicable to local public agencies are governed by the provisions of the California Government Code, Chapters 1 and 2 of Division 3.6, commencing with Section 900 and following; and

WHEREAS, the District is authorized by the provisions of Section 935 of the California Government Code to establish procedures for all claims against the District for money or damages, provided that such claims are not governed by any other statute or regulation; and

WHEREAS, the District wishes to adopt such procedures governing claims and lawsuits in order to process such claims and lawsuits more efficiently and expeditiously; and

WHEREAS, the District Board of Directors finds that this Ordinance is in the best interests of the District to protect the financial health of the District and to preserve the services provided to the community; and

WHEREAS, the District Board of Directors finds that this Ordinance is consistent with state law and the policies of the District.

**NOW, THEREFORE, THE FLORIN RESOURCE CONSERVATION DISTRICT
BOARD OF DIRECTORS HEREBY DETERMINES AND ORDAINS AS FOLLOWS:**

Section 1. Recitals. The District hereby finds and determines that the above recitals are true and correct and are incorporated herein.

Section 2. Approval of Ordinance. The Florin Resource Conservation District/Elk Grove Water District Ordinance Prescribing Provisions for Claims and Lawsuits, as described in Exhibit A, attached hereto and incorporated by reference, is hereby approved.

Section 3. California Environmental Quality Act Compliance. The District Board of Directors find, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

Section 4. Severability. If any provision, section, subsection, sentence, clause or phrase or sections of this Ordinance, or the application of same to any person or set of

circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions, provisions or regulations contained herein shall become inoperative, or fail by reason of unconstitutionality of any other provision hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 5. Ordinance Effective Date. This Ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

PASSED AND ADOPTED by the Florin Resource Conservation District Board of Directors on this 15th day of May, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:



Tom Nelson

Chairman of the Board of Directors

ATTEST:



Stefani Phillips

Secretary to the Board of Directors

EXHIBIT “A”

FLORIN RESOURCE CONSERVATION DISTRICT/ELK GROVE WATER DISTRICT

“PROVISIONS FOR CLAIMS AND LAWSUITS”

[Attached behind this cover page]

PROVISIONS FOR CLAIMS AND LAWSUITS

SECTION 1. CLAIMS AND LAWSUITS.

1.1 Claims Governed by This Ordinance. Claims against the District for money or damages that are not governed either by the Claims Act or other state law shall be governed by this Ordinance. The claims governed by this Ordinance are:

1. Claims under the Revenue and Taxation Code or other statute prescribing procedures for the refund, rebate, exemption, cancellation, amendment, modification, or adjustment of any tax, assessment, fee, or charge or any portion thereof, or of any penalties, cost or charges related thereto;
2. Claims by public employees for fees, salaries, wages, or other expenses and allowances;
3. Claims for which workers' compensation authorized by Division 4 (commencing with Section 3200) of the Labor Code is the exclusive remedy;
4. Applications or claims for any form of public assistance under any provision of law relating to public assistance programs, and claims for goods, services, provisions, or other assistance rendered for or on behalf of any recipient of any form of public assistance;
5. Applications or claims for money or benefits under any public retirement or pension system;
6. Claims for principal or interest upon any bonds, notes, warrants, or other evidences of indebtedness;
7. Claims by the state or by a state department or agency or by another local public entity or by a judicial branch entity;
8. Claims arising under any provision of the Unemployment Insurance Code, including, but not limited to, claims for money or benefits, or for refunds or credits of employer or worker contributions, penalties, or interest, or for refunds to workers of deductions from wages in excess of the amount prescribed; and
9. Claims for the recovery of penalties or forfeitures made pursuant to Article I (commencing with Section 1720) of Chapter 1 of Part 7 of Division 2 of the Labor Code.

1.2 Claim Presentation Requirements. The claims listed in Section 1.1 must comply with the claim presentation requirements of the Claims Act and shall be presented within the time and manner

prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900 thereof), as those provisions now exist or may be hereafter amended.

1.3 Prerequisite to a Legal Action. Prior to filing a legal action on a claim in Section 1.1, the claim must be presented as required under this Ordinance and acted upon by the District according to law, including the Claims Act. No legal action may be maintained by a person or entity who has not complied with the requirements of this Ordinance.

1.4 Requirements to Bringing a Legal Action. Any legal action brought against the District on a claim in Section 1.1 must conform to the requirements in Government Code Sections 940-949. Any legal action brought against any employee of the District on a claim in Section 1.1 must conform to the requirements in Sections 940-944 and 950-951 of the Government Code.

1.5 Delegation to General Manager of Certain Board Authority.

1. Pursuant to Government Code Section 935.4, the District's General Manager is authorized and directed to perform all functions of the Board of Directors under the Claims Act to allow, compromise or settle any claim, including but not limited to the claims in Section 1.1, against the District up to fifty thousand dollars (\$50,000).
2. After the claim is resolved and the agreement memorializing the settlement is fully executed by all parties to the claim, the General Manager shall report resolution of the claim to the Board during an open session of a District Board meeting.
3. Except as expressly delegated to the General Manager herein, the Board of Directors shall retain and exercise all authority under the Claims Act.

