

ORDINANCE NO. 3551

AN ORDINANCE ADDING SECTION 170 TO THE GENERAL PROVISIONS OF THE ORDINANCE CODE OF TULARE COUNTY, PERTAINING TO CLAIMS AND DEMANDS AGAINST THE COUNTY AND/OR ITS OFFICERS OR EMPLOYEES.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE ORDAINS AS FOLLOWS:

Section 1. SECTION 170 ("CLAIMS AND DEMANDS AGAINST THE COUNTY AND/OR ITS OFFICERS OR EMPLOYEES") IS ADDED TO THE GENERAL PROVISIONS of the Ordinance Code of Tulare County, to read as follows:

170 CLAIMS AND DEMANDS AGAINST THE COUNTY AND/OR ITS OFFICERS OR EMPLOYEES:

(a) Authority and purpose. The provisions of this section are adopted under the authority of and in conformity with the provisions of Government Code Section 935. It is the intention of the Board that claims against the County and/or its officers or employees for money or damages which are excepted by Section 905 of the Government Code from Chapter 1 and Chapter 2 of Division 3.6 of Title 1 of the Government Code and which are not governed by any other statutes or regulations expressly relating thereto shall be governed by the procedure prescribed in the California Tort Claims Act, Division 3.6 of Title 1 of the California Government Code, commencing at Section 900.

(b) Claims subject to presentation. Pursuant to the authority contained in Section 935 of the California Government Code, the following claims shall be subject to the procedures established by the California Tort Claims Act:

(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, costs, or charges related thereto.

(2) Claims in connection with which the filing of a notice of lien, statement of claim, or stop notice is required under any law relating to liens of mechanics, laborers, or materialmen.

(3) Claims by public employees for fees, salaries, wages, mileage, or other expenses and allowances.

(4) Claims for which the workers' compensation authorized by Division 4 (commencing with Section 3200) of the Labor Code is the exclusive remedy.

(5) Applications or claims for any form of public assistance under the Welfare and Institutions Code or other provisions 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.

(6) Applications or claims for money or benefits under any public retirement or pension system.

(7) Claims for principal or interest upon any bonds, notes, warrants, or other evidences of indebtedness.

(8) Claims that relate to a special assessment constituting a specific lien against the property assessed and that are payable from the proceeds of the assessment, by offset of a claim for damages against it or by delivery of any warrant or bonds representing it.

(9) Claims by the state, by a state department or agency, by another local public entity, or by a judicial branch entity.

(10) 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.

(11) Claims for the recovery of penalties or forfeitures made pursuant to Article 1 (commencing with Section 1720) of Chapter 1 of Part 7 of Division 2 of the Labor Code.

(12) Claims governed by the Pedestrian Mall Law of 1960 (Part 1 (commencing with Section 11000) of Division 13 of the Streets and Highways Code).

(13) Claims made pursuant to Section 340.1 of the Code of Civil Procedure for the recovery of damages suffered as a result of childhood sexual abuse. This subdivision shall apply only to claims arising out of conduct occurring on or after January 1, 2009.

(14) Claims made pursuant to Section 701.820 of the Code of Civil Procedure for the recovery of money pursuant to Section 26680.

(15) Claims made pursuant to Section 49013 of the Education Code for reimbursement of pupil fees for participation in educational activities.

(c) Compliance with claim—Presentation requirement jurisdictional. Except as provided in Government Code Sections 946.4 and 946.6, no suit for money or damages may be brought against the County and/or an officer or employee thereof, on a cause of action for which a claim is required to be presented in accordance with requirements of this section until a written claim therefore has been presented to the County and has been acted upon or has been deemed to have been

rejected in accordance with law. This section does not require a shorter time for the presentation of any claim than the time provided in Government Code Section 911.2. This section does not provide a longer time for the taking of action upon any claim than the time provided in Government Code Section 912.4.

(d) Availability of claim forms and instructions—Contents of claim. Claim forms and instruction for completing the forms are available at the Risk Management Division offices that specify the information to be contained in claims against the County and/or its officers or employees. If such forms are not used, any claim submitted must contain:

- (1) The name and post office address of the claimant.
- (2) The post office address to which the person presenting the claim desires notices to be sent.
- (3) The date, place, and other circumstances of the occurrence or transaction that gave rise to the claim asserted.
- (4) A general description of the indebtedness, obligation, injury, damage, or loss incurred so far as it may be known at the time of presentation of the claim.
- (5) The name or names of the public employee or employees causing the injury, damage, or loss, if known.
- (6) The amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case.

If the claim fails to comply substantially with the requirements of this section and the County's Risk Manager mails notice of such insufficiency within twenty days after claim presentation, the claimant shall have an additional fifteen days after such notice is given to amend his or her claim. Failure to amend will result in rejection of the claim for insufficiency.

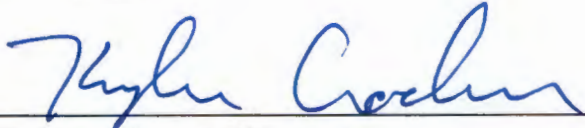
(e) Applicability—transitional period. This section shall apply retroactively to previously accrued claims. However, any claim that would have been timely if presented on the day before this section becomes effective and which claim would be untimely under the requirements of the this section may, notwithstanding this section, be presented not later than the 45th day after the adoption of this section and be considered timely if so presented.

Section 2. SEVERABILITY AND EFFECT: The provisions of this Ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. PUBLICATION: The foregoing Ordinance shall take effect thirty (30) days from the date of the passage hereof, and prior to the expiration of fifteen (15) days from the passage hereof [a summary] shall be published once in a newspaper printed and published in the County of Tulare, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

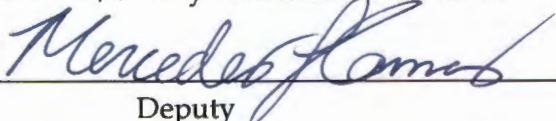
THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on April 2, 2019 at a regular meeting of said Board duly and regularly convened on said day, by the following vote:

AYES: SUPERVISORS CROCKER, VANDER POEL, SHUKLIAN, VALERO AND
TOWNSEND
NOES: NONE
ABSENT: NONE



Chairman, Board of Supervisors

ATTEST: JASON T. BRITT, Clerk of the Board of
Supervisors/County Administrative Officer

By: 

Deputy

Approved as to Legal Form:
COUNTY COUNSEL

By: _____
Deputy

Matter # 2017390

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