

ORDINANCE NO. 9386 (NEW SERIES)

AN ORDINANCE AMENDING THE ADMINISTRATIVE CODE
RELATING TO PROCESSING CLAIMS

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Article V-A is hereby added to the San Diego County Administrative Code to read as follows:

ARTICLE V-A
PROCESSING AND CERTIFICATION
OF ROUTINE CLAIMS

SEC. 95. AUDITOR TO ALLOW OR REJECT ROUTINE CLAIMS FOR PAYMENT.

The Auditor shall audit and allow or reject routine claims for payment, in those cases described in Government Code section 29741, in lieu of and with the same effect as allowance or rejection by the Board.

SEC. 95.1. PROCESSING ROUTINE CLAIMS FOR PAYMENT.

Routine claims for payment shall be presented as specified in subsections (a) through (l) below. Unless otherwise specified in this Article or in the form provided by the Auditor, the terms “certified” and “certification,” refer to a signature, including an electronic signature, that serves to authorize, approve or attest to the validity of the claim presented.

(a) Claims for salaries and wages of County officers and employees shall be presented to the Auditor on forms prescribed by the Auditor. The claim shall be certified by the department that is charged with the expenditure.

(b) Claims for mileage, travel and other expenses of County employees shall be presented to the Auditor on forms prescribed by the Auditor. The claim shall be signed by the claimant and certified by the department that is charged with the expenditure.

(c) Claims for transportation of County officers or employees, wards, prisoners or other authorized persons, payable to public carriers, shall be presented to the Auditor on forms prescribed by the Auditor. The claim shall be certified by the department that is charged with the expenditure.

(d) Claims for public assistance under any law pursuant to which the County administers such assistance shall be presented to the Auditor on forms prescribed by the Auditor. (The Auditor may prescribe a procedure eliminating the filing of claims for routine or repetitive public assistance benefits.) The claim shall be certified by the department that is charged with the expenditure. Where the form or forms prescribed by the Auditor require the signature of the claimant and/or the recipient, either or both signatures may be waived at the discretion of the Auditor.

(e) Claims under Penal Code section 987, subdivision (a) or other statute providing for counsel for persons not financially able to employ counsel shall be presented to the Auditor on forms prescribed by the Auditor. The claim shall be signed by the claimant, and a judge of the court in which the services were performed shall certify that payment was authorized by that court.

(f) Claims for principal or interest shall be presented to the Auditor on forms prescribed by the Auditor, and shall be based solely upon presentation of the matured bond, interest coupon, or other evidences of indebtedness.

(g) Claims by the State or a department or agency thereof or by another public entity shall be presented to the Auditor on forms prescribed by the Auditor. The Auditor shall secure certification of the claim from the County department that is charged with the expenditure.

(h) Claims for money or benefits under the Workers' Compensation Law (Division 4, commencing with section 3200 of the Labor Code) that have been processed in accordance with section 200.8 of this Code shall be presented by the Department of Human Resources to the Auditor on forms prescribed by the Auditor. The claim shall be certified by the Department of Human Resources.

(i) Claims for materials or services furnished in compliance with purchase orders issued by the County shall be presented as follows: The claimant shall present one copy of the invoice to the Auditor, County Administration Center, 1600 Pacific Highway, Room 166, San Diego, California 92101, unless an alternate procedure is provided by the Auditor. The invoice shall include (1) the date service was rendered or materials furnished; (2) the purchase order reference under which the materials or services were furnished; (3) the claimant's name, address or post office box to which the remittance is to be mailed; (4) a detail of the items invoiced, the unit price, sales tax where applicable, and the total amount claimed. A claim will not be deemed presented until it is actually received by the Auditor. The Auditor shall, prior to payment of the invoice, secure certification from the ordering department that goods or services were received in compliance with the purchase order.

(j) Claims based upon an agreement other than a purchase order shall be presented to the Auditor by the department that is charged with responsibility for administering the agreement on forms prescribed by the Auditor. The Auditor shall, prior to payment of the claim, secure certification from the department that payment is based upon a legally binding agreement and due under the terms of the agreement.

(k) Claims valued at \$2500 or less for loss or damage to personal property entrusted to the care and custody of a County officer or employee as a result of such claimant's confinement in any County facility shall be presented to the Auditor. The Auditor shall, prior to payment of the claim, obtain certification that the loss occurred from the department that is charged with the expenditure. However, the Auditor shall not act on any claim valued in excess of \$2500 but shall refer such claims to County Counsel for action.

(l) All other claims for payment authorized under Government Code section 29741 shall be presented to the Auditor on forms prescribed by the Auditor. The claim shall be certified by the department that is charged with the expenditure.

SEC. 95.2. CERTIFICATION OF ROUTINE CLAIMS FOR PAYMENT.

(a) Whenever section 95.1 requires certification of a claim by a department, the certification shall be made by the head of the department or by any authorized designee. Whenever the claimant is required to obtain certification prior to presenting a claim to the Auditor, the claimant shall present the claim to the department or court for certification before presentation to the Auditor. If within 10 days after presentation, the department or court fails or refuses to certify the claim, the claimant may present the uncertified claim to the Auditor. The claim shall include an appropriate notation showing presentation to the department or court, and failure or refusal to certify.

(b) Whenever section 95.1 requires certification of a claim for salaries and wages of County officers and employees, and a state of emergency exists as defined in Chapter 1 (commencing with section 31.101) of Division 1, Title 3 of the San Diego County Code, it shall be presumed, unless the Auditor receives information to the contrary, that County officers and employees have performed work during normal working hours. In such event, the salaries and wages of such County officers and employees may be paid without the certification required by section 95.1. Any amounts paid in excess of salaries and wages actually due and owing shall be recovered by the County from such County officers and employees in the same manner as other over-payments for salaries and wages are recovered.

(c) Whenever section 95.1 requires certification of a claim for public assistance, and a state of emergency exists as defined in Chapter 1 (commencing with section 31.101) of Division 1, Title 3 of the San Diego County Code, it will be presumed, unless

the Auditor receives information to the contrary, that no change in status of routine or repetitive public assistance benefits has occurred. Such routine or repetitive public assistance benefits are presumed to be the same as those paid for the period immediately preceding the state of emergency. In such event, routine or repetitive public assistance benefits may be paid without a certification of a claim. Any amounts paid in excess of the public assistance benefits actually due and owing shall be recovered from the persons receiving such benefits in accordance with the County and California Department of Social Services rules and regulations regarding overpayment of public assistance.

SEC. 95.3. PROCESSING OF CERTAIN CAR RENTAL AGREEMENT CLAIMS.

Notwithstanding sections 95 and 95.1, claims for damages to rental cars under contracts or agreements with the County shall be administered by County Counsel, subject to the provisions of Article X of this Code.

SEC. 95.4. NO WAITING PERIOD FOR ISSUANCE OF WARRANTS.

The three-day waiting periods for consideration of claims and issuance of warrants prescribed by Government Code sections 29701 and 29742 shall not apply to any claim processed under sections 95 through 95.2, inclusive.

SEC. 95.5. REJECTION OF UNTIMELY CLAIMS.

The Auditor may reject any untimely claim.

SEC. 95.6. REQUIREMENTS TO BRING SUIT ON DISPUTED OR REJECTED ROUTINE CLAIMS.

No suit for money or damages may be brought against the County or its employees on a disputed or rejected routine claim unless a separate claim is first presented to County Counsel in accordance with Government Code section 900, et seq. and Article X of this Code.

Section 2. San Diego County Administrative Code, Article X, sections 145 through 159.1 are hereby amended; and sections 159.3 and 200.8 are hereby added to the San Diego County Administrative Code, as follows:

SEC. 145. SUBJECT MATTER.

(a) Claims for Money or Damages. All claims for money or damages that are required to be presented to the County under the provisions of Government Code section 900, et seq. shall be governed by this Article.

(b) Required Presentation of Claim for All Claims Excepted by Government Code section 905. In accordance with Government Code section 935, the County requires the presentation of a claim for all claims for money or damages that are otherwise excepted by Government Code section 905. Such claims shall be governed by this Article, unless expressly governed by another statute or regulation.

(c) Claims Against Public Employees or Former Public Employees. All claims for money or damages that are required to be presented to the County under the provisions of Government Code section 950, et seq. shall be governed by this Article.

SEC. 146. WRITTEN CLAIM REQUIRED TO BRING SUIT.

No suit for money or damages may be brought against the County on a cause of action for which this Article requires a claim to be presented, until a written claim has been presented in conformity with the provisions of this Article.

SEC. 147. TIME LIMITATION FOR PRESENTING CLAIM.

All claims shall be presented in the manner provided in section 149 of this Article and in accordance with the following requirements:

(a) A claim relating to a cause of action for death or for injury to person or to personal property or growing crops shall be presented not later than six months after the accrual of the cause of action.

(b) A claim relating to any other cause of action shall be presented not later than one year after the accrual of the cause of action.

For the purpose of computing the time limits prescribed by this section, the date of the accrual of a cause of action is the date upon which the cause of action accrued within the meaning of the applicable statute of limitations, as defined by Government Code section 901.

SEC. 148. LATE FILING OF CLAIMS.

The filing of late claims pursuant to this Article is governed by Government Code sections 911.4 to 912.2, inclusive.

SEC. 149. CLAIM FORM.

Claims under this Article shall be presented to the County Counsel Claims Section. The claim shall contain the information required by Government Code section 910.

[SEC. 150. RESERVED.]

SEC. 150.1. COUNTY COUNSEL DUTIES.

County Counsel shall allow or reject claims, within the limitations set forth in section 159, with the same effect as allowance or rejection by the Board of Supervisors.

SEC. 151. TIME FOR ACTION BY COUNTY COUNSEL AND CLAIMANT.

(a) Time for Action by County Counsel. County Counsel shall act upon any claim presented pursuant to this Article within the time prescribed by Government Code section 912.4, and in the manner prescribed by section 912.6 of that Code. The failure or refusal of County Counsel to act on a claim shall have the effect stipulated in section 912.4.

(b) Time for Legal Action by Claimant. Any legal action brought by a claimant on a cause of action set forth in a claim presented pursuant to this Article shall be brought within the time specified in Government Code section 945.6.

SEC. 151.5. REEXAMINATION OF REJECTED CLAIMS.

In accordance with Government Code section 913.2, County Counsel retains the discretion to reexamine a previously rejected claim within the time prescribed by Government Code section 945.6 for commencing an action on the claim.

SEC. 152. AGREEMENTS SUBJECT TO CLAIMS PROCEDURES.

In accordance with Government Code section 930.2, the County may include claims presentation requirements in any written agreement to which the County, or its governing body, or any board, or any employee thereof in an official capacity, is a party.

The agreement must expressly provide that its claims presentation requirements govern in lieu of the claims presentation requirements set forth in Government Code section 900, et seq. and this Article.

[SECS. 153-158 RESERVED].

SEC. 159. ACTION BY COUNTY COUNSEL ON CLAIMS.

(a) Unless otherwise provided by this Article, all claims required to be presented to the County under the provisions of Government Code section 900, et seq. or this Article shall be presented to the County Counsel Claims Section. For purposes of

Government Code section 915 only, County Counsel is designated as a Deputy Clerk of the Board.

(b) County Counsel is authorized to allow, deny, compromise or settle any such claim or action that is filed against the County, its officers or employees, provided:

1. The amount to be paid pursuant to such allowance, compromise or settlement does not exceed twenty-five thousand dollars (\$25,000);

2. The claim or action is not subject to the terms of an insurance policy wherein the insurer is granted the authority to allow, deny compromise or settle claims or actions within the scope of such policy; and

3. If the matter is in litigation, and County Counsel does not represent the County, its officers or employees, counsel retained by the County concurs with the allowance, compromise or settlement.

(c) In all claims or actions that are allowed, compromised or settled, the Auditor shall, upon written direction from County Counsel, and in accordance with the terms of such allowance, compromise or settlement, cause the necessary warrant to be issued upon the treasury of the County in an amount for which such claim or action has been allowed, compromised or settled pursuant to this section.

(d) County Counsel shall provide the Board with an annual report relating to pending claims and actions.

(e) If the amount to be paid exceeds twenty-five thousand dollars (\$25,000), the allowance, compromise or settlement must be approved by the Board of Supervisors.

SEC. 159.1. ACTION BY DEPARTMENT OF HUMAN RESOURCES ON WORKERS' COMPENSATION CLAIMS.

County employees making a claim for Workers' Compensation Benefits under the provisions of Division 4 (commencing with Section 3200) of the Labor Code shall present a claim to the Department of Human Resources for processing in accordance with section 200.8 of this Code.

SEC. 159.3. CLAIMS REQUIREMENTS SEPARATE FROM PROCEDURES FOR PROCESSING ROUTINE CLAIMS FOR PAYMENT.

The claims presentation requirements set forth in this Article are separate from the procedures for processing routine claims for payment under Article V-A, commencing with section 95, of this Code.

SEC. 200.8. PROCESSING OF WORKERS' COMPENSATION CLAIMS.

(a) The Director is authorized to allow, deny, compromise or settle any Workers' Compensation claim or case that is filed against the County, provided:

1. The claim or action is for benefits as defined under the Workers' Compensation Laws of the State of California;
2. The claim or action is not subject to the terms of an insurance policy wherein the insurer is granted the authority to allow, deny, compromise or settle claims or actions within the scope of such policy;
3. That any such compromise or settlement is approved by the Workers' Compensation Appeals Board (WCAB).

(b) In all Workers' Compensation claims or actions that are allowed, compromised or settled, the Auditor shall, upon the Director's presentation of the forms required by section 95.1(h) of this Code, cause the necessary warrant to be issued upon the treasury of the County in an amount for which any Workers' Compensation claim or action has been allowed, compromised or settled by the Department and approved by the WCAB.

(c) The Director shall provide the Chief Administrative Officer with a quarterly status report relating to pending Workers' Compensation claims and actions.

Section 3. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption. Within fifteen (15) days after the date of adoption of this Ordinance, a summary shall be published once with the name of those members voting for and against the same in the newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED this 25h day of September, 2001.