

ORDINANCE NO. 8971 (NEW SERIES)

AN ORDINANCE ADDING SECTION 159.2 TO THE
SAN DIEGO COUNTY ADMINISTRATIVE CODE RELATING
TO CLAIMS FOR PUNITIVE OR EXEMPLARY DAMAGES

The Board of Supervisors of the County of San Diego

ordains as follows:

SECTION 159.2 is added to the San Diego County Administrative Code as follows:

SECTION 159.2. CLAIMS FOR REIMBURSEMENT OF PUNITIVE OR
EXEMPLARY DAMAGES. (a) All County employees making a claim for payment by the
County of punitive or exemplary damages pursuant to subdivision (b) of Government Code
section 825 shall file such claims with the Claims Division of County Counsel. These claims
constitute claims by public employees for other expenses or claims for principal or interest on
evidences of indebtedness which are excepted by Government Code section 905 from the claims
procedure provided in the Government Code. These claims shall be governed exclusively by this
section 159.2.

(b) Any claim for payment by the County of punitive or exemplary damages, including
the written authorization for release of records described under subdivision (c), shall be filed with
the Claims Division of County Counsel on a form prescribed by the County Counsel (hereinafter
the ? claim form?). The claim form shall be filed not later than six months from the date that the
judgment awarding such punitive or exemplary damages is final, or six months from the date
notification of the judgment was sent to claimant, whichever is later.

Failure to submit the required claim form, including the written authorization for release
of confidential personnel records described under subdivision (c), within the time specified shall
constitute an incomplete claim under this section, and shall result in an automatic denial of
payment by the County of the requested punitive or exemplary damages.

(c) The claim form for the payment of punitive or exemplary damages includes an
authorization for the release of confidential personnel records. In executing the authorization for
release of personnel records included in the claim form, the claimant shall authorize the release of
his/her confidential personnel records to members of the Board of Supervisors and the Chief
Administrative Officer relating to the following personnel records of claimant:

1. All materials regarding the incident giving rise to the judgment for punitive
or exemplary damages;
2. All performance evaluations;
3. A complete list of discipline imposed on claimant, including the
charges giving rise to the discipline;

4. For those departments employing peace officers, a list of internal affairs investigations of complaints against the claimant setting forth only the following information:
 - a. Date of complaint;
 - b. Nature of the complaint;
 - c. Disposition of the complaint;
 - d. Discipline imposed, if any.

(d) The Board of Supervisors shall consider the claim and determine whether or not to grant the request for payment of punitive or exemplary damages. The decision of the Board to deny the claim or to grant the claim in whole or in part shall be final.

(e) This section is intended to establish a procedure for processing claims for punitive or exemplary damages and is not intended to in any way alter the substantive laws applicable to payment of such damages by the County of San Diego. This section shall not entitle claimant to any civil remedies not otherwise provided by law.

PASSED, APPROVED AND ADOPTED this 27th day of October, 1998.