

**CITY OF SAN MATEO
DRAFT ORDINANCE**

AMENDING CHAPTER HEADING OF 3.35 TO REMOVE SPECIFIC REFERENCE TO TAX REFUNDS AND SECTION 3.35.030, "FORM OF CLAIMS," OF THE SAN MATEO MUNICIPAL CODE TO PROVIDE FOR ELECTRONIC CLAIMS

WHEREAS, The City's claims procedure is currently set forth in Chapter 3.35 of the City's Municipal Code; and

WHEREAS, The heading of Chapter 3.35 is currently "Claims for Tax Refunds" and should be "Claims;" and

WHEREAS, Senate Bill 1473 has amended Government Code Sections 915, 915.2 and 915.4 to authorize the electronic submission of claims against a city can be submitted electronically if authorized by city resolution or ordinance; and

WHEREAS, The City of San Mateo has a claims-filing procedure codified in Chapter 3.35 of the San Mateo Municipal Code;

WHEREAS, The City of San Mateo wishes to authorize the electronic filing of claims;

WHEREAS, Because Government Code Sections 900 and following are now commonly referred to as the "Government Claims Act," the City of San Mateo wishes to update references to the "Tort Claims Act" with references to the "Government Claims Act;" and

WHEREAS, The City of San Mateo wishes to make other minor editorial edits;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SAN MATEO ORDAINS AS FOLLOWS:

Section 1. The heading of Chapter 3.35 is amended to read: "Claims."

Section 2. Section 3.35.020 is amended as follows:

3.35.020 Claims Required

All claims against the City for money or damages not otherwise governed by the Government Claims Act, codified at Government Code Sections 900 and following, or another state law (hereinafter in this Chapter, "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 be hereafter amended, and as further provided by this Chapter.

Section 3. Section 03.35.030 is amended as follows:

03.35.030 Form of Claim

All claims shall be made in writing, which may include electronic transmissions, 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.

Section 4. Section 3.35.040 is amended as follows:

3.35.040 Claim Prerequisite to Suit

In accordance with California Government Code Sections 935(b) and 945.6, all claims shall be presented 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 this Chapter.

Section 5. Environmental Determination. This proposed ordinance is not a project subject to CEQA, because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. (CEQA Guidelines Section 15378(b)(5).)

Section 6. Severability. In the event any section, clause or provision of this ordinance shall be determined invalid or unconstitutional, such section, clause or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Section 7. Publication. This Ordinance shall be published in summary in a newspaper of general circulation, posted in the City Clerk's Office, and posted on the City's website, all in accord with Section 2.15 of the City Charter.

Section 8. Legislative History and Effective Date. This ordinance was introduced on Clerk to complete., and adopted on Clerk to complete., and shall be effective 30 days after its adoption.