

BEFORE THE BOARD OF DIRECTORS OF THE INDIAN WELLS VALLEY GROUNDWATER AUTHORITY

In the matter of:

Ordinance No. 10-17


**ADOPTION OF STATUTORY LIMITS AND
PROCEDURES FOR CLAIMS AGAINST THE
INDIAN WELLS VALLEY GROUNDWATER AUTHORITY.**

I, Lauren Duffy, Clerk of the Board of Directors for the Indian Wells Valley Groundwater Authority, do certify that the following ordinance, on motion of Director Breeden, seconded by Director Harrington, was duly passed and adopted by the Board of Directors at an official meeting this 16th day of November, 2017, by the following vote:

AYES: Breeden, Gleason, Griffin, Harrington, Page

NOES: _____0_____

ABSENT: _____0_____


Clerk of the Board of Directors
Indian Wells Valley Groundwater Authority

Deputy Clerk

Section 1. WHEREAS:

(a) California Government Code Section 935 provides in relevant part that claims against the Indian Wells Valley Groundwater Authority ("Authority"), which are excepted by California Government Code Sections 905 and/or 910 and which are not governed by any other statutes or regulations, shall be governed by the procedures prescribed by Authority ordinance; and

(b) Given the statutory mandate, the Authority feels that it is good public policy to establish the following procedures because said procedures will: 1) allow the Authority to make informed fiscal planning decisions; and, 2) allow the Authority to act on meritorious claims before the cost of litigation is incurred.

Section 2. THEREFORE, the Board of Directors of the Indian Wells Valley Groundwater Authority ordains as follows:

1. This Board finds that the recited facts are true and that it has the jurisdiction to consider, approve, and adopt this Ordinance.

2. In accordance with the provisions of California Government Code Section 935, the Authority adopts the following claims procedures:

A. Claims Required. All claims against the Authority for money or damages of any kind not otherwise governed by the Government Claims Act (California Government Code Sections 900 *et seq.*), or another state law 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 hereafter be amended, and as further provided by this Ordinance.

B. Form of Claim. All claims shall be made in writing 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 Ordinance. Additionally, all claims shall contain the information required by California Government Code Section 910. This Ordinance in no way grants, or should be construed to grant, a right to claims on behalf of classes of persons beyond that right which already exists and governs in state law.

C. Claim Prerequisite to Suit. In accordance with California Government Code Sections 935(b) and 945.6, all claims shall be presented as provided for in this Ordinance and acted upon by the Authority 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 Ordinance.

D. Suit. Any action brought against the Authority upon any claim or demand shall conform to the requirements of California Government Code Sections 940-949. Any action brought against any employee, agent or volunteer of the Authority shall conform with the requirements of California Government Code Sections 950 *et seq.*

3. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

4. Effective Date; Transitional Clause. This Ordinance shall take effect thirty days after its adoption and it shall remain in force until expressly rescinded. Any claim that would have been timely if presented on the day before this Ordinance becomes effective which claim would be untimely under the requirements of this Ordinance may, notwithstanding this Ordinance, be presented not later than the 45th day after the adoption of this Ordinance.

5. Certification. The Secretary of the Board of Directors shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.