

ORDINANCE NO. 2293

AN ORDINANCE OF THE CITY OF CHULA VISTA ADDING  
CHAPTER 1.34 TO THE CHULA VISTA MUNICIPAL CODE  
RELATING TO CLAIMS REQUIREMENT AND PROCEDURES

The City Council of the City of Chula Vista does hereby  
ordain as follows:

SECTION I: That Chapter 1.34 is hereby added to the  
Chula Vista Municipal Code to read as follows:

CHAPTER 1.34 CLAIMS REQUIREMENT AND PROCEDURES.

Sec. 1.34.010 Purpose and Intent of Claim Regulations.

The purpose of this ordinance is to require the  
filing of claims for matters which are specifically  
excluded under Government Code §905 and which are not  
governed by any other statutes or regulations expressly  
related thereto. Additionally, this ordinance sets  
forth claims presentation, consideration and payment  
provisions applicable to and to be incorporated by  
reference in, all written agreements entered into by the  
City. (See Government Code §§935 and 930.2).

Sec. 1.34.020 Claim Requirement.

No suit shall be brought against the City unless a  
claim has been presented in writing and filed with the  
City of Chula Vista and acted upon by the City.

Sec. 1.34.030 Claims Procedure.

Each claim filed pursuant to this chapter, shall  
follow the requirements prescribed by Title 1, Division  
3.6 of the California Government Code (commencing with  
Section 900, excluding Section 905).

Sec. 1.34.040 Time for Presentation of Claims.

- 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, in the manner  
provided in Article 2 (commencing with Section 915)  
of the California Government Code, not later than  
six (6) months after the accrual of the cause of  
action.

- B. Claims by the State or a state department or agency or by another local public entity for equitable indemnity or partial equitable indemnity shall be presented, in the manner provided in Article 2 (commencing with Section 915) of the California Government Code, not later than six (6) months from the date the claimant is served with the complaint giving rise to the claimant's claim for equitable indemnity or partial equitable indemnity.
- C. A claim by a public employee for fees, salaries, wages, mileage or other expenses and allowances shall be presented, pursuant to Government Code §930.4 within 100 days of the accrual of the cause of action; or if a grievance procedure applicable to the claimant provides for submission of grievances regarding the payment of fees, salaries, wages, mileage or other expenses, such claim shall be presented, pursuant to Government code §935, within the time specified in said grievance procedure.
- D. A claim relating to any other cause of action shall be presented, in the manner provided in Article 2 (commencing with Section 915) of the California Government Code, not later than one year after the accrual of the cause of action.

Sec. 1.34.050 Delegation.

The functions of the City Council required to be performed in considering and rejecting, approving, compromising or settling claims provided for by this chapter are hereby delegated to and shall be performed by the Director of Personnel. The Director of Finance may cause a warrant to be issued upon the City Treasury in the amount for which any such claim has been allowed, compromised or settled, by the Director of Personnel, provided such amount does not exceed \$10,000.

Sec. 1.34.060 Late Claims.

If claims required by this chapter to be submitted within a period of less than one year are not submitted within the stated time (See §1.34.040 A, B, and C), an application may be made to the City to present such claim within one year of the accrual of the cause of action and in accordance with the requirements of Government Code §§930.4 and 935(e).

SECTION II: This ordinance shall take effect and be in full force on the thirtieth day from and after its adoption.

Presented by and Approved as to form by

 1/19/89  
\_\_\_\_\_  
D. Richard Rudolf, Assistant City Attorney

5154a

FIRST READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF CHULA VISTA, CALIFORNIA, HELD February 7, 19 89, AND  
FINALLY PASSED AND ADOPTED AT A REGULAR MEETING THEREOF HELD February 14,  
19 89, BY THE FOLLOWING VOTE, TO-WIT:

AYES: Councilmen : McCandliss, Nader, Cox, Malcolm, Moore  
NAYES: Councilmen : None  
ABSTAIN: Councilmen : None  
ABSENT: Councilmen : None

*Gregory R. Cox*

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Mayor of the City of Chula Vista

ATTEST *Jennie M. Fulasz*  
City Clerk

STATE OF CALIFORNIA     )  
COUNTY OF SAN DIEGO   ) ss.  
CITY OF CHULA VISTA     )

I, JENNIE M. FULASZ, CMC, CITY CLERK of the City of Chula Vista, California,  
DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of  
ORDINANCE NO. 2293, and that the same has not been amended or repealed.

DATED \_\_\_\_\_



CC-660

\_\_\_\_\_  
City Clerk