

THIRD PROGRESS REPORT

CLAIMS STATUTE DRAFT

Submitted to California Law Revision
Commission

by

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PROPOSED GENERAL CLAIMS STATUTE

[Title of Bill]

The People of the State of California do enact as follows:

§ 1. Division 3.5 is added to Title 1 of the Government Code, to read:

DIVISION 3.5
CLAIMS AGAINST THE STATE,
LOCAL PUBLIC ENTITIES, AND
PUBLIC OFFICERS AND EMPLOYEES

CHAPTER 1.
CLAIMS AGAINST THE STATE

[NOTE: This Chapter is to be transferred "as is" from Part 1 of Division 4 of Title 2 of the Government Code (Sections 16000-16054). Chapters 1, 2 and 3 as they presently appear in said Part 1 will be redesignated here as Articles 1, 2 and 3, respectively; and the sections will be renumbered 600 through 654.]

CHAPTER 3.
CLAIMS AGAINST LOCAL PUBLIC ENTITIES
Article 1. General

700. As used in this chapter, "local public entity" includes any county or city, whether chartered or not, and any district, local authority or other political subdivision of the State. "Local public entity" does not include the State or any office, officer, department, division, bureau, board, commission or agency thereof.

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700.5. This chapter shall be applicable only to claims against local public entities relating to causes of action which accrue subsequent to its effective date.

701. This chapter applies to all claims for money or damages against local public entities except:

- (a) Claims under the Revenue & Taxation Code or other provisions of law prescribing procedures for refund, rebate, exemption, cancellation, amendment, modification or adjustment of any tax, assessment, fee or charge or any portion thereof, or of any penalties, costs or charges related thereto.
- (b) Claims in connection with which the filing of a notice of lien, statement of claim, or stop notice is required under any provision of law relating to mechanics', laborers' or materialmen's liens.
- (c) Claims by public officers and employees for wages, salaries, fees, mileage or other expenses and allowances.

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- (d) Claims for which the workmen's compensation authorized by Division 4 of the Labor Code is the exclusive remedy.
- (e) Applications or claims for any form of public assistance under the Welfare and Institutions Code or other provisions of law relating to public assistance programs, and claims for goods, services, provisions or other assistance rendered for or on behalf of any recipient of any form of public assistance.
- (f) Applications or claims for money or benefits under any public retirement or pension system.
- (g) Claims for principal or interest upon any bonds, notes, warrants, or other evidences of indebtedness.
- (h) Claims, petitions, objections, estimates of damages or protests required by law to be presented in the course of proceedings relating to (1) the determination of benefits, damages or assessments in connection with any public improvement project, or (2) the establishment or change of grade or of boundary line of any road, street or highway.

- (i) Claims which, either in whole or in part, are payable (1) from the proceeds of or by offset against a special assessment constituting a specific lien against the property assessed, or (2) from the proceeds, or by delivery to the claimant, of any warrant or bonds representing such assessment.
- (j) Claims against a public entity by the State or a department or agency thereof or by another public entity.

702. A claim against a local public entity presented in substantial compliance with any other applicable claims procedure established by or pursuant to a statute, charter or ordinance in effect immediately prior to the effective date of this act shall satisfy the requirements of this chapter, if such compliance takes place before the repeal of such statute, charter or ordinance or before July 1, 1964, whichever occurs first.

703. The governing body of a local public entity may authorize the inclusion in any written agreement to which the entity, its governing body, or any board or officer thereof in an official capacity is a party, of provisions governing the presentation, consideration or payment of any or all claims arising out of or related to the agreement by or on behalf of any party thereto. A claims procedure established by agreement pursuant to this section exclusively governs the claims to which it relates, except that the agreement may not require a shorter time for presentation of any claim than the time provided in Section 708, and Sections 709 and 715 are applicable to all claims thereunder.

Article 2. Claim As Prerequisite to Suit.

705. Except as provided in this chapter, no suit may be brought for money or damages against a local public entity until a written claim therefor has been presented to the entity in conformity with the provisions of this chapter and has been rejected in whole or in part.

706. A claim shall be presented by the claimant or by a person acting on his behalf and shall show -

- (a) The name of the claimant.
- (b) The residence or business address of the person presenting the claim.
- (c) The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted.

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- (d) A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the claim.
- (e) The amount claimed as of the date of presentation of the claim, together with the basis of computation thereof.

707. (a) If a claim as presented fails to comply substantially with the requirements of Section 605 the governing body of the local public entity may give the person presenting the claim written notice of its insufficiency, stating with particularity the defects or omissions therein. Within ten days after receipt of the notice, the person presenting the claim may present a corrected or amended claim which shall be considered a part of the original claim for all purposes but a failure or refusal to present a corrected or amended claim shall not constitute a ground for rejection of the claim nor a defense to any action brought upon the cause of action for which the claim was presented.

(b) In any suit upon a cause of action for which a claim has been presented, unless such defense has been waived, the local public entity may assert as a defense that the claim did not comply substantially with the requirements of Section 605. Any defense based upon a defect or omission in a claim is waived by failure of the governing body to give notice of insufficiency with respect to such defect or omission, except

that no notice need be given and no waiver shall result when the claim fails to give the residence or business address of the person presenting it.

708. A claim may be presented to a local public entity (1) by delivering the claim personally to clerk or secretary thereof not later than the hundredth day after the cause of action to which the claim relates has accrued or (2) by sending the claim to such clerk or secretary or to the governing body at its principal office by mail postmarked not later than such hundredth day. A claim shall be deemed to have been presented in compliance with this section even though it is not delivered or mailed as provided herein if it is actually received by the clerk, secretary, or governing body within the time prescribed. For the purpose of computing the time limit prescribed by this Section 708, the date of accrual of a cause of action to which a claim relates is the date upon which the cause of action would be deemed to have accrued within the meaning of the statute of limitations which would be applicable thereto if the claim were being asserted against a defendant other than a local public entity.

709. (a) The Superior Court of the county in which the local public entity has its principal office may grant leave to present a claim after the expiration of the time allowed, if the entity against which the claim is made will not be unduly prejudiced thereby, where no claim was presented during

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the time allowed and where -

- (1) Claimant was less than 16 years of age during all of such time, or
- (2) Claimant was physically or mentally incapacitated during all such time and by reason of such disability failed to present a claim during the time allowed, or
- (3) Claimant died before the expiration of the time allowed.

(b) Application for such leave must be made by verified petition showing the reason for the delay. A copy of the proposed claim shall be attached to the petition. The petition shall be filed within a reasonable time not to exceed one year after the time allowed for presentation. A copy of the petition and the proposed claim shall be served on the clerk or secretary or governing body of the local public entity, together with notice of the time and place of hearing thereon, not less than ten days before such hearing. The petition shall be determined upon the basis of the facts set forth therein and in any affidavits in support of or in opposition thereto. An order entered under this section is appealable.

710 . Within eighty days after a claim is presented, the governing body shall act on the claim in one of the following ways:

- (a) If the governing body finds the claim

is not a proper charge against the local public entity, it shall reject the claim.

- (b) If the governing body finds the claim is a proper charge against the local public entity and is for an amount justly due, it shall allow the claim.
- (c) If the governing body finds the claim is a proper charge against the local public entity but is for an amount greater than is justly due, it may allow the claim in part and reject it in part and may require the claimant to accept the amount allowed in settlement of the entire claim.

Notice of any action taken by the governing body under this section shall be given in writing by the clerk or secretary of the governing body to the person who presented the claim. Action taken under this section shall be final and may not be reconsidered by the governing body, except that the governing body may compromise in good faith any action pending against the local public entity if the attorney for the entity approves of the compromise.

711. If the governing body of the local public entity fails or refuses to act on a claim in the manner provided in Section 710 within eighty days after the claim has been presented, the claim shall be deemed to have been rejected on the eightieth day

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712. A suit may not be maintained on a cause of action
for -

- (a) Any portion of a claim which has been allowed in full by the governing body.
- (b) The allowed portion of a claim which has been allowed in part and rejected in part where the governing body has not required the claimant to accept the amount allowed in settlement of the entire claim.
- (c) Either the allowed or rejected portion of a claim which has been allowed in part and rejected in part where the claimant has accepted the amount allowed in settlement of the entire claim.

Nothing in this chapter shall be construed to deprive a claimant of the right to resort to writ of mandamus or other proceeding against ~~the local~~ public entity or the governing body or any officer thereof to compel it or him to act upon a claim or to pay the same when and to the extent that it has been allowed.

713. A suit may be maintained upon a cause of action
for -

- (a) All or any portion of a claim which has been rejected in whole by the governing body or by operation of law under Section 711.

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- (b) The rejected portion of a claim which has been allowed in part and rejected in part where the governing body has not required the claimant to accept, and claimant has not accepted, the amount allowed in settlement of the entire claim.
- (c) All or any portion of a claim which has been allowed in part and rejected in part, where the governing body has required the claimant, but claimant has refused, to accept the amount allowed in settlement of the entire claim.

714. Neither the amount set forth in the claim nor any amendment thereto as presented to the governing body, nor the amount representing either the allowed or rejected portion of a claim which was allowed in part and rejected in part, shall constitute a limitation upon the amount which may be pleaded, proven or recovered if suit is brought.

715. A/^{local}public entity shall be estopped from asserting as a defense to an action the insufficiency of a claim as to form or contents or as to time, place or method of presentation of the claim if the claimant or person presenting the claim on his behalf has reasonably and in good faith relied on any representation, express or implied, made by any officer, employee or agent of the entity, that a presentation of claim was unnecessary or that a claim had been presented in conformity

with legal requirements.

716. A suit authorized by Section 713 on a cause of action for all or any portion of a claim must be commenced within nine months after the date of presentation of the claim.

Article 3. Claims Procedures
Established By Local Public Entities.

720. Claims against a local public entity which are excepted by Section 701 from Articles 1 and 2 of this chapter, and which are not governed by any other statutes or regulations expressly relating thereto, shall be governed by the procedure prescribed in any charter, ordinance or regulation adopted by the local public entity pursuant to law. The procedure so prescribed may include a requirement that a claim be presented and rejected as a prerequisite to suit thereon, but may not require a shorter time for presentation of any claim than the time provided in Section 708 of this code, and Sections 709 and 715 of this code shall be applicable to all claims thereunder.

CHAPTER 3
PRESENTMENT OF CLAIM AS PREREQUISITE
TO SUIT AGAINST PUBLIC OFFICER OR EMPLOYEE

800. As used in this chapter:

- (a) "Public property" includes any form of real or personal property which is owned by the State or by a local public entity or which is operated by or under the direction,

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authority or at the request of any
officer or employee thereof.

(b) "Officer or employee" includes any
deputy, assistant or agent.

801. A cause of action against an officer or employee of the State for damages to person or property resulting from (a) negligence upon the part of such officer or employee while acting within the course and scope of his employment, or (b) the dangerous or defective condition of any public property, alleged to be due to the negligence of such officer or employee, shall be barred unless within 100 days after the accident has occurred a written claim for such damages has been presented to the Governor. The claim shall specify the name and address of the claimant, the date and place of the accident, and the extent of the injuries or damages received.

802. A cause of action against an officer or employee of any local public entity for damages to person or property resulting from (a) negligence upon the part of such officer or employee while acting within the course and scope of his employment, or (b) the dangerous or defective condition of any public property, alleged to be due to the negligence of such officer or employee, shall be barred unless a written claim for such damages has been presented to the employing local public entity in the manner and within the period prescribed by Chapter 2 (commencing with Section 700) of this division.

NOTES RE PROPOSED GENERAL CLAIMS STATUTE

General Format of New Claims Statute. In a recent letter, Ralph Kleps has suggested that our proposed statute would be much tidier and more attractive if we included the general provisions governing claims against the State. This suggestion strikes me as being so eminently sound that I have taken the liberty of incorporating it in the present proposal. The justification for doing so is best expressed in Ralph's own words, which I quote from his letter:

"Since we have decided to create a new division in Title 1 of the Government Code I have had some qualms about the logical justification of using a full division heading for such a minor problem in government operations. This is particularly the case since the new division follows immediately after such major topics as the structure of state government itself. With a view to improving the allocation problem, I wonder if we could not produce a much more attractive piece of legislation if we also move the statutory provisions with respect to claims against the State into this new division. My concept of the new division would be, then, a first chapter dealing with claims against the State, a second chapter dealing with claims against local public entities (our new claims statute), and a third chapter dealing with claims against public officers and employees. This seems to wrap the whole problem up in a neat package which would be attractive to the lawyers and, I should think, to the Legislature as well. This would be done, of course, simply by transferring the material from Section 16000, et seq. of the Government Code to the new location without any change in language. While I have not included it in my attached suggestion with reference to Division 3.5, we might even want to consider moving the 'county claims' statutes from Section 29700 of the Government Code up to the new Division 3.5."

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As a result, the new General Claims Statute has been renumbered as Chapter 2 with Sections 700 et seq.

Section 700. This was formerly Section 601 in the previous draft ("Proposed General Claims Statute as of July 22, 1952", hereinafter referred to as "July 22 draft"). Since this definition section defines the scope of the entire chapter, I believe it should come first in the chapter. Four changes have been made in its language:

(1) The phrase "local public entity" has been substituted for the phrase "public entity". This is in accordance with a suggestion of Ralph Kleps that the use of the word "local" will reflect the scope of each section more adequately and thereby promote clarity. Similarly the adjective "local" is used before the word "authority", thereby making it clear that the intent is to cover such local authorities as housing authorities, but not such state agencies as the San Francisco Toll Bridge Authority.

(2) The words "whether chartered or not" have been rearranged so that they modify only the words "county" and "city".

(3) The phrase "city and county" has been deleted since it is unnecessary in light of Government Code Section 20.

(4) The exclusion for the "State" has been made more explicit by adopting the general language found in Government Code Section 11000. (Thanks again to Ralph Kleps.)

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Section 700.5. This is the same as Section 600.5. in the July 22 draft, with addition of words "against local public entities".

Section 701. This section is based upon former Section 600 as it appeared in the July 22 draft. Certain revisions of language have been made at the suggestion of Ralph Kleps in an effort to make the section less formidable and therefore more appealing than the previous one. The changes are:

(1) Subsection (a) as it appears in the present draft is a combination of subdivisions (a) and (b) of former Section 600, without change of meaning.

(2) Subdivision (b) in the present draft is a shortened version of former subdivision (c), eliminating therefrom the list of explicit cross-references to other Codes.

Section 702. This section is based upon Section 602 as it appeared in the July 22 draft. In a recent letter, Ralph Kleps pointed out that "The intent of Section 602 may be frustrated unless some redrafting is done. As presently worded, it would preserve conflicting statutory claims procedures even though the 1959 Legislature attempted to repeal them entirely . . . [and] would prevent a county or municipality from repealing its conflicting procedures effectively--until June 30, 1964. That is, even though repealed (to eliminate the conflicts), the local procedures would be preserved by this section for five years." In . . .

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order to meet these objections, the section has been rewritten to make the substantial compliance procedure applicable only to "unpepealed" procedures, and in any event only until June 30, 1964.

Section 703. Same as Section 603 in the July 22 draft, with only minor changes of wording.

Section 705. Same as Section 604 in the July 22 draft, except that the second sentence as contained in that draft has been deleted and moved down to become a new section numbered 710. The new location is believed to be more desirable from a chronological standpoint.

Section 706. Down through subdivision (e), this section is merely rewritten in accordance with the decisions made at the Coronado meeting.

Section 707. The first sentence and second sentence through the word "purposes" are as approved at the Coronado meeting. The rest of the section has been revised to make it clear that where notice is given, a waiver will still exist with respect to particular defects or omissions not specified in the notice; and that the waiver extends to the entire claim only when no notice is given, subject to the exception stated in the section; and to make it clear

that where the claim fails to give the address of the person presenting it, the only consequence is that a defense based upon defects in the claim has not been waived.

Section 708. This section is here set forth in the language approved at the Coronado meeting.

Section 709. This section is substantially in the form approved at the Coronado meeting with the exception of changes made in the last three sentences, and the division of the section into two paragraphs (a) and (b). The third sentence from the end (beginning with the words "a copy of the petition") has been enlarged by adding on the clause following the comma; and the last two sentences are new. The purpose of these additions is to clarify the procedure for a hearing upon a petition for leave to file a late claim. The procedure adopted has been based upon that which is customarily followed in connection with ordinary noticed motions, and expressly contemplates that the petition shall be determined on the basis of affidavits rather than on the basis of testimonial evidence. Provision is also made for appealability of an order entered under Section 709.

Section 710. This section is based upon Section 610 as it appeared in the July 22 draft. The section has been enlarged to specify in greater detail exactly the manner in which the governing body is required to act on a claim. A sentence has been added providing that written notice of the action taken by the governing body shall be given to the person who presented the claim. In line with the apparent consensus at the Coronado meeting, an express provision has been inserted that the board's action is final and

not subject to reconsideration thereafter. Finally, express authority has been added for the board to compromise pending actions against the public entity, the language of this clause being adapted in large part from the existing language of Section 53055 of the Government Code.

In connection with the provision that action taken by the governing board is final as soon as taken, it should be observed that in the case of a claim allowed in part only, Section 710 should be construed in connection with proposed Sections 712 and 713 below. Thus, (a) where the governing body allows a claim in part and rejects it in part but does not demand that the claimant accept the amount allowed in settlement of the entire claim, such action by the board is appropriately final immediately. Regardless of whether the claimant is willing to accept the portion of the claim which has been allowed, proposed Section 712 below, expressly provides that an action may not be maintained on the allowed portion, and Section 713 expressly authorizes action to be brought on the rejected portion. (b) Where the governing body allows a claim in part and rejects it in part and requires the claimant to accept the amount allowed in settlement of the entire claim, the claimant has an option. If the claimant gives a release in consideration of accepting the portion of the claim which has been allowed, Section 712 expressly forbids any suit to be maintained upon either the allowed or rejected portion of the claim. In this instance finality of the governing body's action when taken is clearly appropriate. On the other hand if the claimant refuses to accept

the amount allowed, and elects instead to sue upon the entire claim or any portion thereof pursuant to Section 713 (c), the date of rejection should still be fixed as the date upon which the board acted, rather than upon the date when the claimant gives notice of his refusal to accept the portion allowed in settlement of the entire claim. Since, under the proposed claims statute, the date of rejection merely marks the point after which institution of an action is no longer premature, and does not mark the time limit for commencing an action upon the rejected claim, it is believed that the immediate finality rule will not cause any difficulties of computation of time; and in view of Section 705 (which imposes a condition precedent that a claim must have been presented and "rejected in whole or in part") and Section 713 (c) (which expressly authorizes an action to be brought on "all or any portion" of a claim allowed in part and rejected in part where the claimant has refused to accept the amount allowed in settlement of the entire claim), it does not appear that there will be any difference between the rights of such a claimant, and those of a claimant whose claim has been rejected in its entirety, except that the former must make his decision before the time to sue has elapsed.

Section 711. This section consists of the last sentence of Section 604 of the July 22 draft, with an express cross-reference to Section 710 to identify the particular way in which the governing body must act.

Section 712. This section is new. It sets forth the circumstances under which a suit may not be maintained on a cause of action represented by a claim. In subdivisions (b) and (c), the language has been worded in such a way as to cover a situation in which the claimant voluntarily gives a release of the entire claim even though the governing body has not insisted upon such a release as a condition to partial allowance. The last sentence, which preserves the claimant's right to bring a writ of mandamus or other proceeding to compel payment or to act upon a claim has been adapted chiefly from a similar provision found in the Metropolitan Water District Act.

Section 713. This section is new. It is a counterpart to Section 712 and sets forth the circumstances in which a suit may be maintained upon a cause of action represented by a claim. The philosophy of both Sections 712 and 713 are that no suit may be brought upon any portion of a claim which has been allowed by the governing body, except in the one situation in which the claimant has refused to accept the partial allowance in settlement of the entire claim, where the governing body has required the claimant to give such a release. Thus, if the governing body partially allows a claim but does not require the claimant to give a release as a condition to receiving the amount allowed, the claimant may not sue on the allowed portion. Where the governing body has imposed a condition of a complete release, the claimant may not sue on any part of the claim if he has accepted the partial allowance in settlement of the entire claim, but may sue if he has refused

to give the required release. Finally, where the governing body has not required the claimant to give a complete release in consideration of a partial allowance, but the claimant has voluntarily done so, he is precluded from suing by Section 712 (c).

Section 714. This section is new. It sets forth the policy approved at the Coronado meeting that the amount set forth in the claim should not constitute a limitation upon the amount of recovery. It is placed in the statute at this point since it appears to deal appropriately with potential defenses and other matters related to the prosecution of the action, rather than directly with the form of the claim as presented.

Section 715. This is Section 609 as it appeared in the July 22 draft with no changes.

Section 716. This section is based upon Section 611 of the July 22 draft. In view of the explicit spelling out of the ways in which the governing body may act on a claim and of the circumstances under which a suit may and may not be maintained, (see Section 710, 712 and 713) the section has been reworded to incorporate an explicit cross-reference to Section 713, rather than to have a blanket reference to claims which have been "presented and rejected in whole or in part" as in the previous draft.

Section 720. This section has been added at the suggestion of Ralph Kleps. Its purpose is to authorize all entities to prescribe claims procedures for claims not covered by the new general claims statute or by other statutes or regulations. In the July 22 draft, such authorization was only given to counties.

Section 800. This definition section is based on Section 1980 of the Government Code, but has been extensively revised.

The changes are:

(1) Section 1980 contained a definition of "person" as including public school pupils. This definition was misleading, since it suggests that private school pupils or minors not attending school are not included; yet the policy of the claims statute clearly does include them. In addition, it was unnecessary since the matter is fully covered by Section 17 of the Government Code. Hence, it is omitted here.

(2) The definition of "public property" as found in Section 1980 has been restated in simpler and more general language, but with no apparent change in meaning.

(3) Unnecessary words have been eliminated from the definition of "officer" as set out in Section 1980; and for the sake of clarity, the words "or employee" are added.

Section 801. This section makes applicable, for the benefit of the State, substantially the same procedures provided below in Section 802 in the case of claims against personnel of local public entities. At present, only Govt. Code § 1981 requires such a claims procedure where State personnel are the alleged tort-feasors; but, as set forth in the Report, Section 1981 no longer serves any useful purpose in light of Stewart v. McCollister, 37 Cal. 2d 203, 231 P. 2d 48 (1951) and Porter v. Bakersfield & Kern Electric Railway, 36 Cal. 2d 582, 225 P. 2d 223 (1950). It appears desirable to make uniform, insofar as possible, the procedures governing such matters with respect to claims against

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personnel of all levels of government. As pointed out below, with reference to Section 802, the policy reflected by Section 2003 of the Government Code has here been selected as the basis for the proposed uniform procedure.

Section 802. This section combines the essential features of Government Code § 1981 and § 2003, insofar as claims against personnel of local public entities are concerned. The only major change is that the claim need not be presented to the employee, but only to the entity. This follows the policy of Govt. Code § 2003 rather than that of § 1981, thereby resolving an obvious inconsistency between the two sections. Section 2003 is the latest expression of legislative intent in this area.

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PROPOSED REVISION
OF
GOVERNMENT CODE, DIVISION 3, TITLE 3
CHAPTER 4
CLAIMS
ARTICLE 1
FILING AND APPROVAL

29700. This chapter applies to all claims for money or damages against counties, including claims which are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of the Government Code.

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29701. The board shall not pass upon a claim, unless it is filed with the clerk or auditor not less than three days, or if prescribed by ordinance five days, prior to the time of the meeting of the board at which it is asked to be allowed.

29702. A claim based upon an expenditure directed to be made by any officer shall be approved by such officer before it is considered by the board.

29703. When the board acts upon a claim, the clerk of the board shall file a memorandum, and shall endorse on the claim a statement, of the action taken. If the claim is allowed in whole or in part, the memorandum and endorsement shall include the date of the allowance, the amount of the allowance, and from what fund, and in cases of partial allowance whether the board requires the claimant to accept the amount allowed in settlement of the entire claim. The endorsement shall be attested by the clerk with his signature and countersigned by the chairman; and the claim, when duly endorsed, attested and countersigned shall be transmitted by the clerk to the auditor.

29704. If the auditor approves the action taken upon the claim, he shall endorse on the claim "approved" and attest the endorsement with his signature. He shall then issue and tender to the claimant his warrant for the amount allowed. Where the board has allowed the claim in part only and has required the claimant to accept the amount allowed in settlement of the entire claim, the warrant shall not be delivered to the claimant until there has been delivered to the auditor a duly executed release

or other instrument evidencing acceptance of the amount tendered in settlement of the entire claim.

29705. The board may adopt forms for the submission and payment of claims for money due under the terms of express contracts, and may prescribe and adopt warrant forms separate from claim forms, to the end that the approved claims may be permanently retained in the auditor's office as vouchers supporting the warrants issued. The forms so adopted may not be inconsistent with the provisions of this article or of any other statutes or regulations expressly governing any such claims or the payment thereof, and shall provide:

(a) For the approval of the officer directing the expenditure. In counties having a system under which expenditures may be initiated by requisition, the approval may be omitted from claims initiated by requisition.

(b) For the approval of the purchasing agent or other officer issuing the purchase order under which the charge was incurred, or having charge of contracts or schedules of salaries under which the claim arose.

(c) For the approval of at least one member of the board. In lieu of the supervisor's approval on each claim there may be substituted duplicate lists of claims allowed, showing, as to each claim, the name of the claimant, the amount allowed, the date of allowance, and the fund on which allowed. The lists shall be certified to the board by the clerk of the board or other competent officer or employee designated by it for the purpose, as being a

true list of claims properly and regularly coming before the board. Upon allowance of claims, each of the lists, after amendment if necessary, shall be certified to as correct by one member of the board and by the clerk of the board and filed, one in the office of the clerk of the board and one in the office of the auditor. When filed, the lists constitute respectively the "allowance book" and the "warrant book".

(d) For the certificate of the clerk of the board as to the date and amount of allowance of the claim by the board. If the duplicate lists of claims allowed are filed, the certificate may be omitted, but in its stead there shall appear on each claim a reference by date, number, or otherwise to the list on which the claim appears listed as allowed.

(e) For the certificate of the clerk of the board or of the auditor as to the correctness of the computations.

(f) For the auditor's approval.

29706. Any claim or demand against the county presented by a member of the board for per diem and mileage or other service rendered by him shall be itemized and state that the service was actually rendered. Before allowance, any such claim or demand shall be presented to the District Attorney or County Counsel, who shall endorse upon it his written opinion as to its legality. If the District Attorney or County Counsel declares the claim or any part thereof illegal, he shall state specifically wherein it is illegal, and the claim or such part shall be rejected by the board.

29707. Except for his own service, no county officer or employee shall present any claim for allowance against the county, or in any way, except in the discharge of his official duty, advocate the relief asked in the claim made by any other person.

29708. Any person may appear before the board and oppose the allowance of any claim made against the county.

29709. No fee or charge shall be made or collected by any officer for verifying or filing any claim against the county.

ARTICLE 2

APPROVAL OF AUDITOR

[All sections in Article 2, i.e. Government Code Sections 29740-29749, are recommended to be left unchanged, except as follows:]

29741. The auditor shall audit and allow or reject claims in lieu of, and with the same effect as, allowance or rejection by the board of supervisors in any of the following cases:

(a) The expenditures have been authorized by purchase orders issued by the purchasing agent or other officer authorized by the board.

(b) The expenditures have been authorized by contract, ordinance, resolution, or order of the board.

(c) Expenditures under the Welfare and Institutions Code have been ordered by the Board.

29744. If the claimant is unwilling to receive the amount tendered in full payment, he shall return the warrant to the auditor within 30 days after the tender together with his written refusal to accept the amount in full payment of the claim. The auditor shall immediately transmit the claim to the board, together with a statement of his action, his reasons therefor, and claimant's refusal. The board shall consider and take action upon the claim within 10 days after its receipt, ~~and may~~ . It shall allow such an amount in payment thereof as is a proper county charge, not to exceed the amount originally claimed, and may require the claimant to accept the amount allowed in settlement of the entire claim. Sections 29708 and 29704 of the Government Code shall be applicable thereto. ~~The auditor shall issue his warrant therefor.~~

29748. The board shall may prescribe, by resolution, the additional procedures for the filing, audit, and disposition of claims, to which this article relates, but the procedures so prescribed may not be inconsistent with the provisions of this chapter, of Chapter 2 (commencing with Section 700 of Division 3.5 of Title 1 of the Government Code, or of any other statutes or regulations expressly governing any such claims or the payment thereof.

NOTES RELATING TO PROPOSED REVISION OF COUNTY CLAIMS
STATUTE (GOVT. CODE 29700 ET SEQ.)

The proposed revision of the county claims statute as set forth above is chiefly based upon the discussions at the Coronado meeting in October. For the convenience of the Commission, the entire proposal is reproduced in full. The following changes which have been introduced in the draft should be noted:

Section 29700. This section has been revised to clearly state the applicability of the chapter to all claims against counties. This was the previous intent, but was not very accurately stated in the July 22 draft.

Section 29701. Former Section 29701 has been deleted as now unnecessary in view of the new general authorization contained in Section 720 of the General Claims Statute. All sections have been renumbered accordingly.

Section 29703. (Formerly Section 29704) This section has been revised to provide that the memorandum and endorsement shall be made whenever the board acts upon the claim, and not merely when the claim is allowed, as was the case in the previous draft. Other changes have been made in wording in the interest of readability.

Section 29704. (Formerly Section 29705.) This section has been completely redrafted to spell out in some detail the duties of the auditor in cases where the governing body has partially allowed a claim with a condition that the claimant accept the amount allowed in settlement of the entire claim.

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Under the procedure here provided for, the auditor tenders his warrant for the amount allowed in all cases of allowance, in whole or in part; but he is not permitted to actually deliver the warrant in the partial allowance cases until he has received a release, where the board has so required.

Section 29705. (Formerly Section 29707.) The section numbered 29706 in the "second progress report" has been deleted in the present draft on the ground that it is unnecessary. The present section numbered 29705 corresponds to Section 29707 as it appeared in the "second progress report", and is based chiefly upon existing Section 29712 of the Government Code, with certain modifications. In accordance with the views expressed at the Coronado meeting, the section has here been redrafted so that it is applicable to all contract claims to which the principles of the section are applicable (i.e. claims for money due under the terms of express contracts), and to spell out explicitly the rule that the claim forms authorized to be adopted may not be inconsistent with other statutory provisions.

Section 29741. This section has been amended to expressly provide that rejection by the auditor shall have the same effect as rejection by the Board of Supervisors. The section as it previously stood expressly so provided only with respect to allowance; although it is obvious that the same rule should obtain with respect to rejection.

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Section 29744. This section has been redrafted to make explicit reference to the authority of the Board, after the auditor has retransmitted a claim to it, to take the same action thereon as would have been proper had the claim originally been considered by the Board. In particular, the section as now drafted expressly authorizes the Board to allow the claim in part and to require the claimant to accept the amount allowed in settlement of the entire claim; and in such cases makes the provisions of Sections 29703 and 29704, as set forth in the proposed draft above, applicable thereto.

Section 29748. At the Coronado meeting, I was instructed to reconsider the purpose and effect of Section 29748 and make recommendations with respect to its disposition. This section was originally enacted in 1941 as part of Section 4076a of the Political Code. (Statutes 1941, Chapter 648, § 1, p. 2101.) In its original form, the section read as follows in its context in the Political Code: "The Board of Supervisors shall prescribe, by resolution, the procedure for the filing, audit and disposition of claims to which this section relates . . ." (Stats. 1941 at p. 2102.)

It thus seems clear that Section 29748 was intended to be restricted to claims to which Article 2 (the alternative procedure of auditing by the auditor) is made applicable by resolution of the Board of Supervisors. To the extent that the section permits the Board to prescribe procedures for "filing" of claims, it would seem to be inconsistent with those express

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statutory provisions which already relate to the matter of "filing". To a lesser extent, the same criticism would seem to be true with respect to the authority to prescribe procedures for auditing and disposition of such claims.

The section as here redrafted has eliminated all reference to procedures relating to "filing", and has restricted the Board's authority to provide additional procedures with respect to auditing and disposition to the extent not inconsistent with the provisions of the county claims statute ("This chapter", thereby including both Article 1 and the present Article 2), the new general claims statute, or any other statutory provisions or applicable regulations.

ADDITIONAL STATUTES RELATING TO CLAIMS AGAINST COUNTIES

1. Indemnity for livestock killed by dogs.

Section 439.56 of the Agricultural Code is amended to read:

439.56. Each such claim ~~shall be verified~~ is governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except that the claim as presented shall be accompanied by the affidavits of two disinterested witnesses ~~who shall fix the value of the livestock, the affidavits to be executed within four days after the finding of the carcasses of each animal. The affidavits shall fix the value of the livestock and to establish the fact beyond reasonable doubt that the animal was killed by a dog or dogs. Such~~ When allowed, such claims shall be paid from the fund provided for in this chapter in the same manner as other claims against the county are paid. The word "livestock" as used in this article includes domestic fowls and rabbits.

[NOTE: The affidavits under this section appear to provide an important proof function as well as an appraisal function - they are to "fix the value" and "establish the fact". Hence it is believed the affidavits should be retained as an additional requirement. The likelihood that this additional requirement will create a trap for the unwary is regarded as slight, for the indemnity in question is purely statutory. A claimant familiar with the statute is likely to have notice of the requirement. One ~~who does not~~ know of the statute will never file a claim anyway. Hence the only "trap" likely to result will be the ~~result of ignorance of the indemnity, not ignorance of the affidavit requirement.~~

2. Statute of Limitations.

Section 342 of the Code of Civil Procedure is repealed.

Section 342 is added to the Code of Civil Procedure to read:

342. An action against a local public entity upon a cause of action for which a claim is required to be presented by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code must be commenced within the time provided in Section 716 of the Government Code.

[NOTE: It is deemed desirable that the Code of Civil Procedure contain a cross-reference to the General Claims Statute in the series of sections dealing with Statute of Limitations. Section 342, as here amended, incorporates such a cross-reference, and has been made applicable to actions against all public entities governed by the General Claims Statute. The former section related only to actions against a county.]

3. Claims for assistance given to blind pupils attending California schools for the blind.

Education Code Section 20497 - no amendment needed.

[NOTE: No amendment to this section is deemed necessary, since all claims covered by Section 20947 appear to be excluded from the proposed General Claims Statute by Section 701, subdivision (f).]

4. Claims for injury to person or property as a result of the dangerous or defective condition of public property.

Sections 53052 of the Government Code is amended to read:

53052. When it is claimed that a person has been injured or property damaged as a result of the dangerous or defective condition of public property, a ~~verified~~ written claim for damages shall be ~~filed with the clerk or secretary of the legislative body of the local agency within ninety days after the accident occurred~~ presented in conformity with and shall be governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code.

Section 53053 of the Government Code is repealed.

5. Claims for services given physically handicapped children by the State Department of Public Health.

Health and Safety Code Section 257 - no amendment needed.

[NOTE: No amendment is recommended because all claims under this section appear to be excluded from the General Claims Statute by proposed Section 701, subdivision (j).]

6. Claims for expenses reasonably incurred for furnishing fire-fighting services.

Health and Safety Code Section 13052 - no amendment needed.

[NOTE: Claims under this section appear to be excluded by proposed Section 701, subdivision (j) of the General Claims Statute.]

7. Claims for burial expenses of veterans and their widows.

Section 945 of the Military and Veterans Code is amended to read:

945. The expenses to the county of each burial or contribution shall not exceed the sum of one hundred fifty dollars (\$150). Claims therefor ~~and the proof required under the terms of this article may be made at any time within sixty days after the date of death of the veteran or widow of a veteran~~ are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code.

CLAIMS AGAINST CITIES

1. Definition.

Section 37200 is added to the Government Code, to read:

37200. As used in this chapter, "demand" includes claim for money or damages.

[NOTE: Chapter 4 of Part 2, Division 3, Title 4 of the Government Code uses the term "demands" rather than "claims". This definition is designed to prevent any confusion of terminology.]

2. Claims generally.

Section 37201 of the Government Code is amended to read:

37201. Demands against the city are governed by the provisions of Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of this Code, except as provided therein. Demands not governed thereby or by provisions of other statutes or of regulations expressly authorized by law applicable to such demands, shall be presented and considered as prescribed by ordinance.

[NOTE: Section 37201 of the Government Code is the provision granting local legislative autonomy to general law cities with respect to claims procedures. The proposed amendments incorporate by reference the provisions of the General Claims Statute insofar as it is applicable, retaining the powers of general law cities with respect to claims not governed by the General Claims Statute or other expressly applicable claims provisions.]

3. Damages resulting from weed and rubbish abatement.

Section 39586 of the Government Code is amended to read:

39586. If the legislative body finds that property damage was caused by the negligence of a city officer or employee in connection with the abatement of a nuisance pursuant to this

article, a claim for such damages may be paid from the city
general fund. ~~The legislative body shall not consider or pay a
claim unless it is presented in writing and filed with the clerk
of the legislative body within one hundred eighty days after
the damages occurred.~~ Claims therefor are governed by Chapter
2 (commencing with Section 700) of Division 3.5 of Title 1 of
the Government Code.

CLAIMS AGAINST DISTRICTS

The following pages contain recommendations for amendments to the numerous special district statutes to bring them into harmony with the General Claims Statute.

The proposed amendments take several forms, depending on the present state of the district legislation in question. The district statutes, together with the proposed amendments thereto, are thus grouped for convenience of consideration in various categories which present similar policy questions, as follows:

- I. District Laws Requiring Special Treatment.
- II. District Laws Containing Explicit Policy Expression To Effect That District Claims Procedure Shall Be Same As For County.
- III. District Laws Requiring Repeal of Existing Incompatible Claims Provisions, and Addition of a New Section Incorporating the General Claims Statute By Reference.
- IV. District Laws Requiring Here Addition Of A New Section Incorporating the General Claims Statute By Reference.
- V. District Laws Identified In The Basic Claims Study For Which No Amendments Are Recommended.

I. DISTRICT LAWS REQUIRING
SPECIAL TREATMENT

1. CLAIMS AGAINST SCHOOL DISTRICTS.

Section 1007 of the Education Code is amended to read:

1007. A governing board of any school district is liable as such in the name of the district for any judgment against the district on account of injury to person or property arising because of the negligence of the district, or its officers or employees ~~in any case where a verified claim for damages has been presented in writing and filed with the secretary or clerk of the school district within ninety (90) days after the accident has occurred,--The claim shall specify the name and address of the claimant, the date and place of the accident, and extent of the injuries or damages received.~~

Article 1.5 is added to Chapter 1 of Division 2 of the Education Code, to read:

Article 1.5 Claims

1018. All claims for money or damages against a school district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein.

2. CLAIMS AGAINST PORT DISTRICTS.

Section 6370 of the Harbors and Navigation Code is amended to read:

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6370. All claims and demands for money or damages against the district, ~~except interest coupons and installments of the principal on bonds payable by the district and salaries and wages, shall be filed with the auditor on forms and blanks prescribed by him~~ are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. A claim or demand shall not be paid without the endorsement of the auditor certifying to its correctness.

The auditor shall keep a record, which shall be a public record, of all claims and demands against the district showing by whom made, for what purpose, the amount thereof and when paid.

[NOTE: In cross-referencing this claims procedure to the General Claims Statute, the provisions requiring endorsement of the auditor and that the auditor keep a record of claims have been retained, since these matters are not covered in the General Claims Statute and are not inconsistent therewith.]

3. CLAIMS AGAINST RIVER PORT DISTRICTS.

Section 6960 of the Harbors and Navigation Code is amended to read:

6960. All claims for money or damages against the district, ~~except interest coupons and installments of the principal on bonds payable by the district and salaries and wages, shall be filed with the auditor on forms and blanks prescribed by him~~ are governed by

Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. A claim shall not be paid without the endorsement of the auditor certifying to its correctness.

The auditor shall keep a record, which shall be a public one, of all claims against the district showing by whom made, for what purpose, the amount thereof and when paid.

[NOTE: In cross-referencing this claims procedure to the General Claims Statute, the provisions requiring endorsement of the auditor and that the auditor keep a record of claims have been retained, since these matters are not covered in the General Claims Statute and are not inconsistent therewith.]

4. CLAIMS AGAINST FIRE PROTECTION DISTRICTS IN UNINCORPORATED AREAS.

Section 14163.5 is added to the Health and Safety Code to read:

14163.5. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein.

Section 14164 of the Health and Safety Code is amended to read:

14164. ~~All-accounts,-bills,-and-demands~~ Subject to the provisions of Section 14163.5, claims against the district shall be audited, allowed, and paid by the district board by warrants drawn on the county treasurer. As an alternative, the district board may

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instruct the county auditor to audit, allow and draw his warrant on the county treasurer for all legal demands claims presented to him and authorized by a majority of the district board. The county treasurer shall pay the warrants in the order in which they are presented.

[NOTE: The provisions of Section 14164 are here retained on the ground that such provisions, when subject to the overriding requirement of compliance with the General Claims Statute, are not inconsistent with the General Claims Statute.]

5. CLAIMS AGAINST REGIONAL PARK DISTRICTS.

Section ~~5553~~ of the Public Resources Code is amended to read:

5553. The accountant shall install and maintain a system of auditing and accounting, which will completely and at all times show the financial condition of the district. He shall draw all warrants to pay demands claims made against the district after the demands claims have been first approved by a majority of the board at a meeting thereof, and he shall perform such other duties as may be imposed upon him by this article or by the Board.

Section 5553.5 is added to the Public Resources Code to read:

5553.5. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein.

[NOTE: The provisions of the Public Resources Code relating to regional park districts (Public Resources Code §§5500-5595 do not contain any provisions relating to presentation of claims. However Section 5553 refers to payment of "demands". In order to conform the terminology of this section to that of the General Claims Statute, it is deemed best to alter the word "demands" to read "claims".]

6. CLAIMS AGAINST REGIONAL, SHORELINE, PARK AND RECREATIONAL DISTRICTS.

Section 5735 of the Public Resources Code is amended to read:

5735. The controller shall install and maintain a system of auditing and accounting, which will completely and at all times show the financial condition of the district. He shall draw all warrants to pay demands claims made against the district after the demands claims have been first approved by a majority of the board at a meeting thereof, and he shall perform such other duties as may be imposed upon him by this article or by the board.

Section 5735.5 is added to the Public Resources Code to read:

5735.5. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein.

[NOTE: The provisions of the Public Resources Code relating to regional shoreline, park and recreation districts (Public Resources Code §§ 5680 - 5777) do not contain any provisions relating to claims. However Section 5735 refers to payment of

"demands". In order to conform the terminology of this section to that of the General Claims Statute, it is deemed best to alter the word "demands" to read "claims".]

7. CLAIMS AGAINST RECREATION AND PARK DISTRICTS.

Section 5784.19 of the Public Resources Code is amended to read:

5784.19. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. All ~~accounts, bills, and demands~~ claims against the district shall be audited, allowed, and paid by the district board by warrants drawn on the county treasurer. As an alternative, the district board may instruct the county auditor to audit, allow and draw his warrant on the county treasurer, for all legal ~~demands~~ claims presented to him and authorized by a majority of the district board. The county treasurer shall pay the warrants in the order in which they are presented.

[NOTE: Section 5784.19 is the only section in the provisions of the Public Resources Code (Public Resources Code §§ 5730-5797.4) relating to recreation and park districts which relates to the payment of claims by the district. In order to conform the terminology to the language of the new General Claims Statute, it is deemed advisable to amend the section to use the blanket expression "claims" instead of the phrase "accounts, bills and demands".]

8. CLAIMS AGAINST BRIDGE & HIGHWAY DISTRICTS.

Chapter 10.5 is added to Part 3 of Division 16 of the Streets & Highways Code, to read:

Chapter 10.5

Claims

27190. All claims for money or damages are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein.

Section 27182 of the Streets & Highways Code is amended to read:

27182. The auditor under the direction of the general manager shall install and maintain a system of auditing and accounting which shall completely show the financial condition of the district at all times. He shall draw warrants to pay those demands claims made against the district which have been approved by the general manager, and the auditing committee, consisting of at least three members of the board, and passed by the board.

9. CLAIMS AGAINST COUNTY DRAINAGE DISTRICTS.

Section 56117 of the Water Code is amended to read:

56117. Payment from the operating fund shall be made upon demands claims allowed by the district board. Claims for money or damages against the district are governed by the provisions of Chapter 2 (commencing with

Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims, shall be and prepared, presented to the governing body and audited and paid in the same manner and with the same effect as demands claims against ~~upon-the-funds-of~~ the county.

10. CLAIMS AGAINST THE FAIRFIELD-SUISUN SEWER DISTRICT.
(Stats. 1951, ch. 303, p. 553)

Section 53 of the Fairfield-Suisun Sewer District Act is amended to read:

53. The district may issue warrants in payment of district obligations. When not paid for want of funds, the warrants shall be registerable as provided in the Government Code for registration of county warrants when not paid for want of funds. ~~Demands-allowed-by-the board-shall-be-prepared,-presented,-and-audited-in-the same-manner-as-demands-upon-the-funds-of-the-county,-but~~ Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared, presented to the governing body, audited and paid in the same manner and with the same effect as

claims against the county. All claims shall in every respect be free of the limitation of any budget law.

[NOTE: The section as amended attempts to carry out the previous legislative policy to conform district claims procedure to that of the county, and to relieve the district of compliance with the budget law.]

11. CLAIMS AGAINST THE KINGS RIVER CONSERVATION DISTRICT.
Stats. 1951, Ch. 931, p. 2463 (Deerings General Law, Act 4025)

Section 15 of the Kings River Conservation District Act is repealed.

Section 15 is added to the Kings River Conservation District Act, to read:

15. Claims for money or damages against the district are governed by the provisions of Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared, presented to the governing body, audited and paid in the same manner and with the same effect as claims against the county. The district may employ counsel to defend any action brought against it or any of its directors, officers, agents or employees on account of any taking, injury, damage or destruction to any property or injury or damage to any person, and the fees and expenses involved therein shall be a lawful charge against the district.

[NOTE: The last sentence of the new Section 15, as here proposed, is an adaptation of the last sentence of the former Section 15. Since the employment of counsel is entirely consistent with the provisions of the General Claims Statute, retention of this provision would seem to be consistent with basic legislative policy.]

12. CLAIMS AGAINST LEVEE DISTRICTS FORMED UNDER THE PROVISIONS OF THE LEVEE DISTRICT AND PROTECTION WORK ACT.
Stats. 1904, Ch. 310, p. 327 (Deerings General Laws, Act 4284)

Section 11 of Chapter 310 of the Statutes of 1905 is amended to read:

11. All monies collected from such district for such taxes, and all monies received from any source for the benefit of such district shall be by the county treasurer placed in a fund, to be called the "levee district fund"; and all payment of any of the expenses of the work or improvements for other expenses of such district shall be made upon warrants drawn upon the county auditor upon such fund, and paid by said treasurer, and all claims as well for the land and improvements taken or damaged, as for charges and expenses of said district, shall be paid on claims prepared in the manner required by law for the preparation of claims against the county and first presented to the Board of Trustees of said district, and by them approved, and then to be presented and filed as are the claims against the county, and shall thereupon be paid as are the claims against

~~the-county,-and-upon-the-order-of-the-Board-of-Super-~~
~~visers,-and-the-claims-shall-be-identified-in-the-same~~
~~manner-as-are-the-claims-against-the-county.~~ Claims
for money or damages against the district are governed
by the provisions of Chapter 2 (commencing with Section
700) of Division 3.5 of Title 1 of the Government Code,
except as provided therein. Claims not governed thereby
or by other statutes or by ordinances or regulations
authorized by law and expressly applicable to such claims
shall be prepared, presented to the governing body,
audited and paid in the same manner and with the same
effect as claims against the county.

13. CLAIMS AGAINST THE LEVEE DISTRICT NO. 1 OF SUTTER COUNTY.
(Stats. 1873-74 Ch. 349, p. 511 as amended)

1. Section 3 of Chapter 349 of the Statutes of 1873-74, as amended by Chapter 25 of the Statutes of 1939, is amended to read:

Sec. 3. The term of office of directors of the district shall be four years. At the general election for the election of State and county officers to be held next after the effective date of this act and at the general election to be held each fourth year thereafter three directors (who shall hold office for four years after the first Monday in March following their election and until their successors have been elected and qualify) shall be elected.

The directors shall each, within ten days after their election, take the usual oath of office, and at their first meeting shall elect a chairman and a clerk from their number. A majority of the members of the board of directors shall constitute a quorum for the transaction of any business. The board of directors are hereby constituted and declared to be the legal representatives and successors to the Board of Supervisors of Sutter County, in all matters appertaining to Levee District No. 1, and are hereby authorized to take absolute charge, control and possession of all levees, or other works of reclamation, and all property, real and personal, belonging to said district, and to

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perform all the duties appertaining to said levee district heretofore devolving on said board of supervisors, except as herein provided. All bills and accounts against said levee district, either for ~~contracts or otherwise, shall be presented to the board of directors, and be by them approved and certified to as correct by the clerk of the board, before payment for the same can be made, and the county auditor is hereby required to draw his warrant on the county treasurer for the amount of any account so approved and certified, in the same manner as if ordered by the board of supervisors.~~ All claims and demands against said district shall, before the same are approved and allowed by the board of directors, be itemized and verified in the same manner as claims against a county are required by law to be itemized and verified. Each director of said district shall, before taking office and within ten days after his election or appointment, file a bond in the sum of five hundred dollars, with sufficient sureties, conditioned for the faithful performance of his official duties, said bond to be approved by the judge of the superior court of said Sutter County and to be filed in the office of the county clerk of said county. The board of directors of said district shall, in addition to the duties now required of them by law, keep all necessary and proper books of account in which

shall be entered all receipts and expenditures, with the source and nature of the same, for or on behalf of said district, and shall keep a minute book in which shall be entered the proceedings of each meeting of said board. The books and accounts of the district shall be expeted once a year and the said board shall annually publish, in a newspaper printed and published in said district, a complete statistical report showing in detail the financial transactions for and on behalf of the district for the preceding year and the financial condition of the district. The board shall keep an office in said district for the transaction of the business thereof, and all books, maps, records, papers and contracts relating to the affairs of the district shall at all times be open to the inspection of the taxpayers of the district and all persons interested therein. The board shall hold regular meetings on the second Monday of each and every month and special meetings may be held at any time, all of the members of the board being present; or special meetings may be ordered by a majority of the board by an order in writing signed by the members calling such meeting. At least one day's notice of such special meeting must be given, personally or by mail, to the members not joining in the order. All meetings must be held at the office of the board. No member of the board shall be interested, directly or indirectly, in any property

purchased for the use of the district, nor in the purchase or sale of any property belonging to the district, nor in any contract made by the board, or other person, on behalf of the district, for the construction or repair of any levee or other improvement for the district. The board shall annually cause to be prepared, and shall adopt, plans and specifications of all necessary repairs to the levees of said district and of any new levees to be constructed and all other works of improvement for the benefit of the district, and shall divide such work into convenient sections. Said plans and specifications shall be filed in the office of the board not later than the first day of July of each year and shall be subject to inspection by any person interested therein for at least two weeks prior to the letting of any contract for work in accordance with such plans and specifications. If the cost of repair or construction in any one of said sections will exceed the sum of five hundred dollars the board must, not later than the first day of July in each year, give notice by publication at least once a week for two consecutive weeks in one or more newspapers printed and published in said Sutter County, that sealed proposals will be received and opened at the office of said board, at a time in said notice specified, for the construction of repairs, new levees and other

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works of improvement in each separate section of said work, and for the whole work, in accordance with said plans and specifications. At the time and place specified in said notice the board shall publicly open said bids and let the contract or contracts to the lowest responsible bidder or bidders; provided, however, that the board may reject any and all bids. If any or all such bids are rejected the board shall immediately readvertise for bids, as in the first instance, for such work as has not been let and upon the opening and consideration of such new bids the board shall have the right to reject any or all of them and have such work done by day's work. Every person, firm or corporation to whom a contract shall be awarded shall enter into a bond with sufficient / sureties, to be approved by the board, in a sum equal to one-half of the contract price, conditioned for the faithful performance of said contract in accordance with said plans and specifications. In cases of great emergency the board may, by the unanimous consent of all the members, proceed at once to replace or repair any and all levees in the district without notice.

In case of vacancy in the office of any director or directors of said district by reason of death, resignation or other cause (whether the same shall occur before or after the effective date of this act),

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the board of supervisors of Sutter County shall have power to fill the same by appointment. The person or persons so appointed to fill such vacancy or vacancies shall hold office until the first Monday in March following the next election in the district at which directors are to be elected and until his or their successor or successors have been elected and qualify.

2. Section 3.1 is added to Chapter 349 of the Statutes of 1873-74, to read:

Sec. 3.1. ~~Claims~~ for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared, presented to the governing body, audited and paid in the same manner and with the same effect as claims against the county. The county auditor shall draw his warrant on the county treasurer for the amount of any claim allowed in whole or in part in the same manner as if ordered by the board of supervisors.

[NOTE: The last sentence of Section 3.1
is based on a similar provision stricken
from Section 3.]

14. CLAIMS AGAINST THE LOWER SAN JOAQUIN LEVEE DISTRICT.
(Stats. 1955, ch. 1075, p. 2047)

Section 11 of the Lower San Joaquin Levee District Act is amended to read:

Sec. 11. Claims for money or damages against the district ~~shall be presented, allowed, audited and paid as are~~ are governed by Chapter 3 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared, presented to the governing body, audited and paid in the same manner and with the same effect as claims against the County of Merced, except that all claims must be presented to and allowed by the board. For the purposes of this section the County Auditor and County Treasurer of Merced County are ex officio the auditor and treasurer of the district. Any reasonable and necessary expenses actually incurred by Merced County in carrying out any of the provisions of this act relating to the district shall be paid out of the funds of the district applicable thereto.

15. CLAIMS AGAINST THE MONTALVO MUNICIPAL IMPROVEMENT DISTRICT.
(Stats. 1955, ch. 549, p. 1016)

Section 53 of the Montalvo Municipal Improvement District Act is amended to read:

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Sec. 53. The district may issue warrants on any moneys with the county treasurer in payment of district obligations. The warrants shall be registerable as provided for county warrants when not paid for want of funds. ~~Demands-allowed-by-the-board-shall-be-prepared,-presented,-and-audited-in-the-same-manner-as demands-upon-the-funds-of-the-county,-but~~ Claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared, presented to the governing body, audited and paid in the same manner and with the same effect as claims against the county. All claims shall in every respect be free of the limitation of any budget laws.

16. CLAIMS AGAINST PROTECTION DISTRICTS FORMED UNDER THE PROTECTION DISTRICT ACT OF 1895.

Stats. 1895, Ch. 201, p. 247, as amended
(Deering's General Laws, Act 6174)

Section 9 of Chapter 201 of the Statutes of 1895 is amended to read:

Section 9. All such charges and expenses shall be deemed as expenses of said work or improvement, and be a charge only upon the funds devoted to the particular work or improvement as provided hereafter. ~~All-claims-~~

~~as well for the land and improvements taken or damaged
as for the charges and expenses, shall be paid as are
other claims against the county and upon order of the
board of supervisors and the claims shall be itemized
in the same manner as are other claims against the
county.~~ Claims for money or damages against the
district are governed by Chapter 2 (commencing with
Section 700) of Division 3.5 of Title 1 of the
Government Code, except as provided therein. Claims
not governed thereby or by other statutes or by
ordinances or regulations authorized by law and
expressly applicable to such claims shall be prepared,
presented to the governing body, audited and paid in
the same manner and with the same effect as claims
against the county.

17. CLAIMS AGAINST THE SOLVANG MUNICIPAL IMPROVEMENT
DISTRICT.
(Stats. 1951, Ch. 1635, p. 3676)

Section 53 of the Solvang Municipal Improvement District
Act is amended to read:

Sec. 53. The district may issue warrants in payment
of district obligations. The warrants shall be
registerable as provided for county warrants when not
paid for want of funds. ~~Demands allowed by the board
shall be prepared, presented, and audited in the same
manner as demands upon the funds of the county, but~~
Claims for money or damages against the district are

governed by Chapter 2 (commencing with Section 700)
of Division 3.5 of Title 1 of the Government Code,
except as provided therein. Claims not governed
thereby or by other statutes or by ordinances or
regulations authorized by law and expressly applicable
to such claims shall be prepared, presented to the
governing body, audited and paid in the same manner
and with the same effect as claims against the county.
All claims shall in every respect be free of the
limitation of any budget law.

18. CLAIMS AGAINST STORMWATER DISTRICTS FORMED UNDER THE
"STORMWATER DISTRICT ACT OF 1909".
Stats. 1909, Ch. 222, p. 339, as amended
(Deering's General Law, Act 6176)

Section 19 of the Storm-Water District Act of 1909 is
amended to read:

19. All monies paid upon such assessments, either
by property owners or by the county or counties affected,
shall be placed in the county treasury of the county in
which such storm-water district was organized, to the
credit of a special fund to be known as the _____
storm-water improvement fund; shall be used only to
pay the expense and cost of constructing the improve-
ments described in the map, plans and specifications
adopted by the Board of Trustees. Any surplus remain-
ing after the construction thereof shall be paid into
the current expense fund. All payments from said fund
shall be made upon claims prepared in the manner

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required by Section 19.1. law-or-the-preparation-of
claims-against-a-county,-and-first-presented-to-the
Board-of-Trustees-of-said-district-and-by-them-approved,
and-thereafter-presented-and-called-as-claims-against
the-county-and-approved-by-the-Board-of-Supervisors
of-said-county,-and-upon-a-warrant-drawn-by-the
auditor-of-said-county-upon-the-order-of-said-Board
of-Supervisors,-in-the-same-manner-as-other-claims
upon-the-county-treasury.

Section 19.1 is added to the Storm-Water District Act of
1909, to read:

19.1. Claims for money or damages against the
district are governed by the provisions of Chapter 2
(commencing with Section 700) of Division 3.5 of Title
I of the Government Code, except as provided therein
or in this section. Claims not governed thereby or by
other statutes or by ordinances or regulations authorized
by law and expressly applicable to such claims shall
be prepared, presented to the governing body, audited
and paid in the same manner and with the same effect
as claims against the county, except as provided in
this section.

For the purposes of the claims procedures required
by this section, the Board of Supervisors of the county
in which the storm-water district was organized shall
be deemed the governing body of the district, and

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payments of claims allowed in whole or in part by said Board of Supervisors shall be paid upon a warrant drawn by the auditor of the said county upon the order of said board in the same manner as claims upon the county treasury.

In addition to other requirements imposed by law with respect to claims, all claims shall before presentation to the Board of Supervisors of said county be first presented to the Board of Trustees of the storm-water district and by them approved or rejected in whole or in part. The Board of Supervisors may not approve a claim or any part thereof which has been rejected by the Board of Trustees; but if the board of supervisors finds that a claim or any part thereof which has been approved by the Board of Trustees is not a proper charge against the district or its funds, the Board of Supervisors may reject said claim in whole or in part.

[NOTE: Section 19 of the Storm-Water District Act of 1909 presents a unique procedure, under which claims must first be presented and approved by the Board of Trustees of the district and thereafter presented and approved by the Board of Supervisors of the county in the same manner as other claims against the county. Since this dual presentation procedure appears to represent a deliberate legislative policy determination, it has been retained in substance in the revision here recommended.]

II. DISTRICT LAWS CONTAINING EXPLICIT POLICY EXPRESSION
TO EFFECT THAT DISTRICT CLAIMS PROCEDURE SHALL BE
SAME AS FOR COUNTY

In the following district laws, there is found an express statement indicating a legislative policy determination that district claims procedure should be the same as that of the county in which the district exists. In such cases, the proposed amendment to the district law may appropriately continue its existence this policy determination, subject, however, to the general authorization found in Section 720 of the General Claims Statute, under which districts may prescribe their own procedures for claims excepted from the General Claims Statute and not otherwise covered, would not be applicable in these cases, for here the claims in question "are governed by . . . other statutes . . . expressly relating thereto" within the meaning of Section 720.

Standard provision: It is recommended that the following standard provision be inserted into each of the following district laws to conform to the policy outlined above:

Claims for injury or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared, presented to the governing body, audited and paid in the same manner and with the same effect as claims against the county.

1. COUNTY SANITATION DISTRICTS.

Section 4817 of the Health & Safety Code is repealed, and new Section 4817 is added to the Health & Safety Code (standard provision).

2. COUNTY SEWERAGE AND WATER DISTRICTS.

Section 5617 of the Health & Safety Code is repealed, and new Section 5617 is added to the Health & Safety Code (standard provision).

3. REGIONAL SEWERAGE DISPOSAL DISTRICTS.

Section 6096 of the Health & Safety Code is repealed, and new Section 6096 is added to the Health & Safety Code (standard provision).

4. ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ACT.

Stats. 1949, ch. 1275, p. 2240 (Deering's Gen. Laws, Act 205)

Section 29 is repealed, and new Section 29 is added (standard provision).

5. CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ACT.

Stats. 1951, ch. 1617, p. 3638 (Deering's Gen. Laws, Act 1656),

Section 30 is repealed, and new Section 30 is added (standard provision).

6. CONTRA COSTA COUNTY WATER AGENCY ACT.

Stats. 1957, ch. 518, p. ___ (Deering's Gen. Laws, Act 1658)

Section 20 is repealed, and new Section 20 is added (standard provision - use "agency" instead of "district").

7. DEL NORTE COUNTY FLOOD CONTROL DISTRICT ACT.
Stats. 1955, ch. 166, p. 613 (Deering's Gen.
Laws, Act 2040)

Section 31 is repealed, and new Section 31 is added
(standard provision).

8. HUMBOLDT COUNTY FLOOD CONTROL DISTRICT ACT.
Stats. 1945, ch. 939, p. 1754 (Deering's Gen.
Laws, Act 3515)

Section 31 is repealed, and new Section 31 is added
(standard provision).

9. LAKE COUNTY FLOOD CONTROL AND WATER CONSERVATION
DISTRICT ACT.
Stats. 1951, ch. 1544, p. 3522 (Deering's Gen.
Laws, Act 4145)

Section 34 is repealed, and new Section 34 is added
(standard provision).

10. LOS ANGELES COUNTY FLOOD CONTROL ACT.
Stats. 1915, ch. 756, p. 1502 as amended (Deering's
Gen. Laws, Act 4463)

Section 14.5 is repealed, and new Section 14.5 is added
(standard provision).

11. MARIN COUNTY FLOOD CONTROL AND WATER CONSERVATION
DISTRICT ACT.
Stats. 1953, ch. 666, p. 1914 as amended (Deering's
Gen. Laws, Act 4599)

Section 29 is repealed, and new Section 29 is added
(standard provision).

12. MENDECIÑO COUNTY FLOOD CONTROL AND WATER CONSERVATION
DISTRICT ACT.
Stats. 1949, ch. 995, p. 1810 as amended (Deering's
Gen. Laws, Act 4830)

Section 8 is repealed, and new Section 8 is added
(standard provision).

13. MONTEREY COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ACT.
Stats. 1947, ch. 699, p. 1739 as amended (Deering's Gen. Laws, Act 5064)

Section 30 is repealed, and new Section 30 is added
(standard provision).

14. MORRISON CREEK FLOOD CONTROL DISTRICT ACT.
Stats. 1963, ch. 1771, p. 3528, as amended (Deering's Gen. Laws, Act 6749)

Section 8 is repealed, and new Section 8 is added
(standard provision).

15. NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ACT.
Stats. 1951, ch. 1449, p. 3411, as amended (Deering's Gen. Laws, Act 5275)

Section 30 is repealed, and new Section 30 is added
(standard provision).

16. RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ACT.
Stats. 1945, ch. 1122, p. 2131, as amended (Deering's Gen. Laws, Act 6642)

Section 15 is repealed, and new Section 15 is added
(standard provision).

17. SACRAMENTO COUNTY WATER AGENCY ACT.
Stats. 1st Ex. Sess. 1952, ch. 10, p. 315, as amended (Deering's Gen. Laws, Act 6730a)

Section 8.1 is repealed, and new Section 8.1 is added
(standard provision - use "agency" instead of "district").

18. SAN BENITO COUNTY WATER CONSERVATION AND FLOOD CONTROL DISTRICT ACT.
Stats. 1953, ch. 1598, p. 3279, as amended (Deering's Gen. Laws, Act 6808)

Section 34 is repealed, and new Section 34 is added
(standard provision).

19. SAN LOUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ACT.
Stats. 1945, ch. 1294, p. 2426 (Deering's Gen. Laws, Act 7205)

Section 30 is repealed, and new Section 30 is added (standard provision).

20. SANTA BARBARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ACT.
Stats. 1955, ch. 1057, p. 2006, as amended (Deering's Gen. Laws, Act 7304)

Section 31 is repealed, and new Section 31 is added (standard provision).

21. SANTA BARBARA COUNTY WATER AGENCY ACT.
Stats. 1945, ch. 1501, p. 2780, as amended (Deering's Gen. Laws, Act 7303)

Section 8.1 is repealed, and new Section 8.1 is added (standard provision - use "agency" instead of "district").

22. SANTA CLARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ACT.
Stats. 1951, ch. 1405, p. 3336, as amended (Deering's Gen. Laws, Act 7335)

Section 30 is repealed, and new Section 30 is added (standard provision).

23. SANTA CRUZ COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ACT.
Stats. 1955, ch. 1489, p. 2701, as amended (Deering's Gen. Laws, Act 7390)

Section 154 is repealed, and new Section 154 is added (standard provision).

24. SOLANO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ACT.
Stats. 1951, ch. 1656, p. 3748, as amended (Deering's Gen. Laws, Act 7733)

Section 8.1 is repealed, and new Section 8.1 is added (standard provision).

25. SONOMA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ACT.

Stats. 1949, ch. 994, p. 1793, as amended
(Deering's Gen. Laws, Act 7757)

Section 8 is repealed, and new Section 8 is added
(standard provision).

26. VENTURA COUNTY FLOOD CONTROL ACT.

Stats. Fourth Ex. Sess 1944, Ch. 44, p. 168,
as amended (Deering's Gen. Laws, Act 8955)

Section 13 is repealed, and new Section 13 is added
(standard provision).

27. YOLO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ACT.

Stats. 1951, ch. 1657, p. 3772 (Deering's Gen.
Laws, Act 9307)

Section 8 is repealed, and new Section 8 is added
(standard provision).

III. DISTRICT LAWS REQUIRING REPEAL OF EXISTING
INCOMPATIBLE CLAIMS PROVISIONS, AND ADDITION
OF A NEW SECTION INCORPORATING THE GENERAL
CLAIMS STATUTE BY REFERENCE

The following district laws at present contain their own specially provided claims procedure. In order to achieve the desired uniformity of treatment of claims, it is recommended that these special (and frequently quite incompatible) claims procedures be repealed, and a general cross-reference to the new general claims procedure substituted therefor.

Standard provision: The following standard provision is recommend to be used as the cross-reference:

All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein.

1. COMMUNITY SERVICES DISTRICTS.

Sections 61628, 61630 and 61631 of the Government Code are repealed, and a new Section 61628 is added (standard provision).

2. MUNICIPAL UTILITY DISTRICTS.

Article 5a (commencing at Section 12830) of Chapter 6 of Division 6 of the Public Utilities Code is repealed, and a new Article 5a is added thereto, to read:

Article 5a. Claims

12830. (standard provision)

3. PUBLIC UTILITY DISTRICTS.

Sections 16682, 16683, 16684, 16685 and 16686 of the Public Utilities Code are repealed, and a new Section 16682 is added thereto (standard provision).

4. METROPOLITAN BAY AREA RAPID TRANSIT DISTRICT.

Article 6 of Chapter 6 of Part 2 of Division 10 of the Public Utilities Code is repealed, and a new Article 6 is added thereto, to read:

Article 6. Claims

29060. (standard provision)

5. IRRIGATION DISTRICTS.

Sections 22727, 22728 and 22729 of the Water Code are repealed, and a new Section 22727 is added to the Water Code, to read: (standard provision)

6. COUNTY WATER DISTRICTS.

Sections 31084, 31085, 31086 and 31087 of the Water Code are repealed, and a new Section 31084 is added, to read: (standard provision).

7. CALIFORNIA WATER DISTRICTS.

Sections 35752, 35753 and 35754 of the Water Code are repealed, and a new Section 35752 is added, to read: (standard provision).

8. METROPOLITAN WATER DISTRICT ACT.

Stats. 1927, ch. 429, p. 694 (Deering's Gen. Laws, Act 9129)

Section 6.1 is repealed, and a new Section 6.1 is added (standard provision).

9. MUNICIPAL WATER DISTRICT ACT OF 1911.

Stats. 1911, ch. 671, p. 1290 (Deering's Gen. Laws, Act 5243)

Section 20 is repealed, and a new Section 20 is added (standard provision).

IV. DISTRICT LAWS REQUIRING MERE ADDITION OF A NEW SECTION INCORPORATING THE GENERAL CLAIMS STATUTE BY REFERENCE

The following special district laws contain no procedural provisions relating to claims. In each case, in order to give notice and prevent the General Claims Statute from acting as a trap, it is recommended that an appropriate provision be inserted making express cross-reference to the new General Claims Statute.

Standard provision: The following standard cross-reference provision is recommended for insertion at the indicated locations:

All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein.

[NOTE: In listing the various statutes below, the appropriate location of the new section is identified. In the case of uncodified special district laws, the "short title" of the Act is given, together with its citation; and in those instances where the Act has no short title, a note to that effect is appended as an aid to preparation of the full text of the ultimate bill.]

1. STUDENT TRANSPORTATION DISTRICTS.

Article 5 is added to Chapter 10 of Division 10 of the Education Code, to read:

Article 5. Claims

21658. (standard provision)

2. LIBRARY DISTRICTS IN UNINCORPORATED TOWNS AND VILLAGES.

Article 2.5 is added to Chapter 4 of Division 11 of the Education Code, to read:

Article 2.5. Claims

22360. (standard provision)

3. LIBRARY DISTRICTS.

Article 3.5 is added to Chapter 5 of Division 11 of the Education Code, to read:

Article 3.5. Claims

22680. (standard provision)

4. UNION HIGH SCHOOL LIBRARY DISTRICTS.

Article 8.5 is added to Chapter 6 of Division 11 of the Education Code, to read:

Article 8.5. Claims

22980. (standard provision)

5. JOINT HARBOR IMPROVEMENT DISTRICTS.

Chapter 4 is added to Part 1.5 of Division 8 of the Harbors and Navigation Code, to read:

Chapter 4. Claims

5790. (standard provision)

6. HARBOR IMPROVEMENT DISTRICTS.

Chapter 3.5 is added to Part 2 of Division 8 of the Harbors and Navigation Code, to read:

Chapter 3.5. Claims

5905. (standard provision)

7. HARBOR DISTRICTS.

Chapter 3.5 is added to Part 3 of Division 8 of the Harbors and Navigation Code, to read:

Chapter 3.5. Claims

6095. (standard provision)

8. RECREATIONAL HARBOR DISTRICTS.

Article 3 is added to Chapter 5 of Part 5 of Division 8 of the Harbors and Navigation Code, to read:

Article 3. Claims

6680. (standard provision)

9. LOCAL HEALTH DISTRICTS.

Section 954 is added to the Health and Safety Code, to read:

954. (standard provision)

10. MOSQUITO ABATEMENT DISTRICTS.

Article 5.5 is added to Chapter 5 of Division 3 of the Health & Safety Code, to read:

Article 5.5. Claims

2320. (standard provision)

11. PEST ABATEMENT DISTRICTS.

Article 4.5 is added to Chapter 8 of Division 3 of the Health & Safety Code, to read:

Article 4.5. Claims

2880. (standard provision)

12. GARBAGE DISPOSAL DISTRICTS.

Article 4.5 is added to Chapter 1 of Part 2 of Division 5 of the Health & Safety Code, to read:

Article 4.5. Claims

4130. (standard provision)

13. GARBAGE AND REFUSE DISPOSAL DISTRICTS.

Article 5.5 is added to Chapter 1.5 of Part 2 of Division 5 of the Health & Safety Code, to read:

Article 5.5. Claims

4185.1. (standard provision)

14. SEWER DISTRICTS IN UNINCORPORATED TERRITORY.

Section 4665.6 is added to the Health & Safety Code, to read:

4665.6. (standard provision)

15. JOINT MUNICIPAL SEWERAGE DISPOSAL DISTRICTS.

Article 5.5 is added to Chapter 9 of Part 3 of Division 3.5 of the Health & Safety Code, to read:

Article 5.5. Claims

5745. (standard provision)

16. SANITARY DISTRICTS.

Article 8 is added to Chapter 7 of Part 1 of Division 6 of the Health & Safety Code, to read:

Article 8. Claims

6805. (standard provision)

17. PUBLIC CEMETERY DISTRICTS.

Article 5 is added to Chapter 9 of Part 4 of Division 8 of the Health & Safety Code, to read:

Article 5. Claims

9010. (standard provision)

18. METROPOLITAN FIRE PROTECTION DISTRICTS.

Article 6.5 is added to Chapter 1A of Part 3 of Division 12 of the Health & Safety Code, to read:

Article 6.5. Claims

14363. (standard provision)

19. COUNTY FIRE PROTECTION DISTRICTS.

Article 7.1 is added to Chapter 2 of Part 3 of Division 12 of the Health & Safety Code, to read:

Article 7.1. Claims

14488. (standard provision)

20. POLICE PROTECTION DISTRICTS.

Article 4.1 is added to Chapter 1 of Part 1 of Division 14 of the Health & Safety Code, to read:

Article 4.1.1 Claims

20115. (standard provision)

21. AIR POLLUTION CONTROL DISTRICTS.

Article 8 is added to Chapter 2 of Division 20 of the Health & Safety Code, to read:

Article 8. Claims

24343. (standard provision)

22. BAY AREA AIR POLLUTION CONTROL DISTRICT.

Article 16 is added to Chapter 2.5 of Division 20 of the Health & Safety Code, to read:

Article 16. Claims

24374. (standard provision)

23. HOSPITAL DISTRICTS.

Chapter 7 is added to Division 23 of the Health & Safety Code, to read:

Chapter 7. Claims

32492. (standard provision)

24. COMMUNITY REDEVELOPMENT AGENCIES.

Article 6 is added to Chapter 2 of Part 1 of Division 24 of the Health & Safety Code, to read:

Article 6. Claims

33340. (standard provision - use word "agency" instead of "district")

[NOTE: Claims against Community Redevelopment Agencies were inadvertently omitted from the lists of special district laws relating to claims procedure in the original study. Such agencies have the power to sue and be sued (Sec. 33262); and the act expressly declares that the fact that the agency is financially supported by funds granted by the city or county does not make the agency or its employees part of the city or county government (Sec. 33854). Hence, I now conclude that a cross-reference should be inserted in this law also.]

25. HOUSING AUTHORITIES.

Article 6 is added to Chapter 1 of Part 2 of Division 24 of the Health & Safety Code, to read:

Article 6, Claims

34380. (standard provision - use word "authority" instead of "district")

26. PUBLIC SERVICE DISTRICTS.

Article 4 is added to Chapter 3 of Part 8 of Division 2 of the Labor Code, to read:

Article 4, Claims

2190. (standard provision)

27. MEMORIAL DISTRICTS.

Article 2.5 is added to Chapter 1 of Division 6 of the Military and Veterans Code, to read:

Article 2.5, Claims

1209. (standard provision)

28. SOIL CONSERVATION DISTRICTS.

Article 3 is added to Chapter 4 of Division 9 of the Public Resources Code, to read:

Article 3, Claims

9420. (standard provision)

29. RESORT DISTRICTS.

Article 1.5 is added to Chapter 7 of Division 10 of the Public Resources Code, to read:

Article 1.5, Claims

11520. (standard provision)

30. AIRPORT DISTRICTS.

Chapter 4.5 is added to Part 2 of Division 9 of the Public Utilities Code, to read:

Chapter 4.5. Claims

22601. (standard provision)

31. TRANSIT DISTRICTS IN ALAMEDA OR CONTRA COSTA COUNTIES.

Article 9 is added to Chapter 6 of Part 1 of Division 10 of the Public Utilities Code, to read:

Article 9. Claims

25951. (standard provision)

32. SEPARATION OF GRADE DISTRICTS.

Chapter 9.5 is added to Part 2 of Division 9 of the Streets & Highways Code, to read:

Chapter 9.5. Claims

8230. (standard provision)

33. HIGHWAY LIGHTING DISTRICT ACT.

Chapter 11.5 is added to Part 4 of Division 14 of the Streets & Highways Code, to read:

Chapter 11.5. Claims

19190. (standard provision)

34. JOINT HIGHWAY DISTRICTS.

Chapter 15.5 is added to Part 1 of Division 16 of the Streets & Highways Code, to read:

Chapter 15.5. Claims

25360. (standard provision)

35. BOULEVARD DISTRICTS.

Chapter 13.5 is added to Part 2 of Division 16 of the Streets & Highways Code, to read:

Chapter 13.5. Claims

26225. (standard provision)

36. VEHICLE PARKING DISTRICTS.

Section 31867 is added to the Streets & Highways Code, to read:

31867. (standard provision)

37. PARKING AUTHORITIES.

Section 33550 is added to the Streets & Highways Code, to read:

33550. (standard provision - use word "authority" instead of "district")

38. PARKING DISTRICTS.

Section 35707 is added to the Streets & Highways Code, to read:

35707. (standard provision)

39. SACRAMENTO AND SAN JOAQUIN DRAINAGE DISTRICT.

Section 8991 is added to the Water Code, to read:

8991. (standard provision)

40. CALIFORNIA WATER STORAGE DISTRICTS.

Section 44457 is added to the Water Code, to read:

44457. (standard provision)

41. RECLAMATION DISTRICTS.

Article 4.5 is added to Chapter 2 of Part 1 of Division 15 of the Water Code, to read:

Article 4.5. Claims

50145. (standard provision)

42. COUNTY WATERWORKS DISTRICTS.

Chapter 4 is added to Part 4 of Division 16 of the Water Code, to read:

Chapter 4. Claims

55720. (standard provision)

43. AMERICAN RIVER FLOOD CONTROL DISTRICT ACT.

Stats. 1927, ch. 808, p. 1596 (Deering's Gen. Laws, Act 320)

Section 20a is added (standard provision).

44. CALIFORNIA WATER STORAGE AND WATER CONSERVATION DISTRICT ACT.

Stats. 1941, ch. 1253, p. 3139 (Deering's Gen. Laws, Act 9126a)

Section 135.5 is added (standard provision).

45. COSTA COSTA COUNTY STORM DRAINAGE DISTRICT ACT.

Stats. 1953, ch. 1532, p. 3191 (Deering's Gen. Laws, Act 1657)

Section 9.5 is added (standard provision).

46. COUNTY WATER AUTHORITY ACT.

Stats. 1943, ch. 545, p. 2090 (Deering's Gen. Laws, Act 9100)

Section 15.5 is added (standard provision - use word "authority" instead of "district").

47. DRAINAGE LAW OF 1885.

Stats. 1885, ch. 158, p. 204 (Deering's Gen. Laws, Act 2200) (NOTE: No short title clause)

Section 12.5 is added (standard provision).

48. DRAINAGE DISTRICT ACT OF 1903.

Stats. 1903, ch. 238, p. 291 (Deering's Gen. Laws, Act 2202) (NOTE: No short title clause)

Section 49.5 is added (standard provision).

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49. FLOOD CONTROL DISTRICT LAW.
Stats. 1931, ch. 641, p. 1369 (Deering's Gen.
Law, Act 9178) (NOTE: No short title clause)

Section 10.5 is added (standard provision).

50. FRESNO METROPOLITAN FLOOD CONTROL ACT.
Stats. 1955, ch. 503, p. 971 (Deering's Gen.
Laws, Act 2791)

Section 11.5 is added (standard provision).

51. KNIGHT'S LANDING RIDGE DRAINAGE DISTRICT.
Stats. 1913, ch. 99, p. 109

Section 8.5 is added to Chapter 99 of the Statutes of
1913, to read:

Sec. 8.5. (standard provision)

52. MONTEREY PENINSULA AIRPORT DISTRICT.
Stats. 1941, ch. 52, p. 684

Section 15.1 is added to the Monterey Peninsula Airport
District Act, to read:

Sec. 15.1. (standard provision)

53. ORANGE COUNTY FLOOD CONTROL ACT.
Stats. 1927, ch. 723, p. 1325 (Deering's Gen.
Laws, Act 5682)

Section 3.1 is added (standard provision).

54. ORANGE COUNTY WATER DISTRICT ACT.
Stats. 1933, ch. 924, p. 2400 (Deering's Gen.
Laws, Act 5683)

Section 20.5 is added (standard provision).

55. PALO VERDE IRRIGATION DISTRICT.
Stats. 1923, ch. 452, p. 1067
(NOTE: No short title clause)

Section 29.5 is added to Chapter 452 of the Statutes of
1923, to read:

Sec. 29.5. (standard provision)

56. PROTECTION DISTRICT ACT OF 1880.
Stats. 1880, ch. 63, p. 55 (Deering's Gen.
Laws, Act 8172) (NOTE: No short title clause)

Section 9.5 is added (standard provision).

57. PROTECTION DISTRICT ACT OF 1907.
Stats. 1907, ch. 25, p. 16 (Deering's Gen.
Laws, Act 8175) (NOTE: No short title clause)

Section 46.5 is added (standard provision).

58. SACRAMENTO RIVER WEST SIDE LEVEE DISTRICT.
Stats. 1915, ch. 361, p. 516 (NOTE:
(NOTE: No short title clause)

Section 8.5 is added to Chapter 361 of the Statutes of
1915, to read:

8.5. (standard provision)

59. SAN BERNARDINO COUNTY FLOOD CONTROL ACT.
Stats. 1939, ch. 73, p. 1011 (Deering's Gen.
Laws, Act 8850)

Section 8 is added (standard provision).

60. SAN DIEGO COUNTY FLOOD CONTROL DISTRICT ACT.
Stats. 1945, ch. 1372, p. 2550 (Deering's Gen.
Laws, Act 8914)

Section 17.5 is added (standard provision).

61. SANTA CLARA - ALAMEDA - SAN BENITO WATER AUTHORITY ACT.
Stats. 1955, ch. 1289, p. 2349 (Deering's Gen.
Laws, Act 9102)

Section 48 is added (standard provision - use word
"authority" instead of "district").

62. VALLEJO SANITATION & FLOOD CONTROL DISTRICT ACT.
Stats. 1st Sess. 1952, ch. 17, p. 351
(Deering's Gen. Laws, Act 8934)

Section 2.5 is added (standard provision).

[NOTE: This Act contains black letter
section headings which were part of
the original statute. Accordingly,
the new Section 2.5 should have a
section heading such as "Claims".]

63. WATER CONSERVATION ACT OF 1927.
Stats. 1927, ch. 91, p. 160 (Deering's Gen.
Laws, Act 9127a)

Section 34.5 is added (standard provision).

[NOTE: This Act has black letter
section headings which appear in
the official statutes. Accordingly,
the new section should be entitled
"Claims".]

64. WATER CONSERVATION ACT OF 1931.
Stats. 1929, ch. 166, p. 6307, as reenacted
by Stats. 1931, ch. 1020, p. 2045 (Deering's
Gen. Laws, Act 9127c)

Section 21.1 is added (standard provision).

V. DISTRICT LAWS IDENTIFIED IN THE BASIC CLAIMS
STUDY FOR WHICH NO AMENDMENTS ARE RECOMMENDED

For the reasons expressed below, the following special
district provisions are not recommended for amendment:

1. Education Code 7220 - deals only with claims by
school districts in adjoining states for tuition of California
pupils. Such claims are excluded from the operation of the
General Claims Statute by Section 701.

2. Harbors and Navigation Code 5548 - this section,
which relates to municipal port districts, has been repealed
along with the entire Municipal Port District Act.

3. Health and Safety Code 13051.- relates only to claims
by public entities against one another; excluded from General
Claims Statute by Section 701.

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- 4. Public Resources Code 2401-2606)
- 5. Public Resources Code 5400-5428) all have been
- 6. Public Resources Code 5431-5467) repealed.
- 7. Public Resources Code 5630-5667)

8. Streets and Highways Code 30000-30506 - this part of the Code relates to the California Toll Bridge Authority. Section 30050 declares that the Authority is "in the State Government". Accordingly, claims against the Authority are excluded from the new General Claims Statute. I deem a cross-reference to the State Claims Statute as unnecessary.

9. Water Code 24601-24604 - these sections govern claims against irrigation districts for mileage and expenses by district employees. Such claims are excluded from the new General Claims Statute by Section 701. A general cross-reference section is recommended above to be inserted into the irrigation district law to cover other types of claims which are within the scope of the new statute.

10. Water Code 50606, 50955, 50956 and 50957 - these sections relate to claims against Reclamation Districts for salaries, wages and expenses, and are excluded from the new General Claims Statute by Section 701. A general cross-reference is recommended above to be placed in the Reclamation District Law covering claims which are within the new statute.

11. Avenal Community Services District Law, Stats. 1955, ch. 1702 - this act incorporates a general cross-reference to all of the provisions of the Community Services District Law;

and thus will embrace the new claims provisions thereof.
Hence an express cross-reference is here deemed unnecessary.

12. Brisbane County Water District Act, Stats. 1st Ex. Sess. 1950 ch. 13 - this act already incorporates all of the County Water District Act, including the claims procedure therein provided.

13. Donner Summit Public Utility District Act, Stats. 1st Ex. Sess 1950, ch. 15 - already incorporates the Public Utility District Act, including the new claims procedure therein provided.

14. Olivehurst Public Utility District Act, Stats. 1st Ex. Sess. 1950, ch. 50 - same as Donner Summit District, supra.

CLAIMS AGAINST DISTRICT OFFICERS
AND EMPLOYEES

The foregoing material has consisted of proposals to cross-reference in the various district acts the new provisions setting up a uniform procedure for claims against districts.

The same general problem of cross-referencing also potentially exists as to the provisions in Chapter 3 of Division 3.5 of Title 1 of the Government Code (i.e. Sections 800-802) which provide a uniform procedure for claims against employees of local public entities.

There are two ways to handle the problem:

1. Insert an express cross-reference provision in the district laws, as well as in the County Claims Statute and the General Law Cities sections. A recommended form of section is:

Claims against officers or employees of the district (county, city, authority, agency, etc.) for damages to person or property are governed by Chapter 3 (commencing with Section 800) of Division 3.5 of Title 1 of the Government Code.

2. Leave existing law unchanged with respect to such cross-referencing. Very few statutes (other than Government Code Sections 1931 and 2003) make any provision for claims against employees. Only seven such statutes were identified in the basic Study. Hence, the possibility that overlapping or conflicting statutory provisions may create a trap for the unwary is slight, as compared with provisions relating to claims against the entities themselves. In this view, cross-referencing may be unnecessary, except perhaps in a general section in the Code of Civil Procedure.

A recommended form of cross-reference in the Code of Civil Procedure, which relates to all types of claims, is:

Section 313 is added to the Code of Civil Procedure, to read:

313. The general procedure, including limitations of time, for the presentation of claims and commencement of actions against the State of California, counties, cities, cities and counties, districts, local authorities, and other political subdivisions of the State, and against the officers and employees thereof, is prescribed by Division 3.5 (commencing with Section 600) of Title 1 of the Government Code.