



# ADMINISTRATION COMMITTEE

## Agenda Report

Administration Building  
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**File #:** 2021-1526

**Agenda Date:** 4/14/2021

**Agenda Item No:** 3.

**FROM:** James D. Herberg, General Manager  
Originator: Lorenzo Tyner, Assistant General Manager

**SUBJECT:**

**PROPOSED ADOPTION OF ORDINANCE NO. OC SAN-XX UPDATING ELECTRONIC REQUIREMENTS FOR THE PRESENTATION OF CLAIMS OR DEMANDS FOR PAYMENT**

**GENERAL MANAGER'S RECOMMENDATION**

RECOMMENDATION: Recommend to the Board of Directors to:

- A. Introduce Ordinance No. OC SAN-XX, entitled: "An Ordinance of the Board of Directors of the Orange County Sanitation District Establishing Requirements for the Presentation of Claims or Demands for Payment; and Repealing Ordinance No. OCSD-17";
- B. Motion to read Ordinance No. OC SAN-XX by title only and waive reading of said entire Ordinance on April 28, 2021;
- C. Set May 26, 2021, as the date for the second reading and adoption of Ordinance No. OC SAN-XX; and
- D. Direct the Clerk of the Board to publish summaries of the Ordinance as required by law.

**BACKGROUND**

Under the Government Claims Act, California Government Code Sections 800, et seq., most claims for money or damages against a public agency must be presented to the agency first before a lawsuit is filed against the agency.

In 2001, the Orange County Sanitation District (OC San) adopted Ordinance No. OCSD-17 which established the requirements for the presentation of such claims or demands for payment to OC San.

**RELEVANT STANDARDS**

- Ordinance No. OCSD-17
- SB 1473 Local Government Omnibus Act of 2020 Chapter 371

## **PROBLEM**

A new law effective January 1, 2021 allows a claimant to submit a claim to a public agency electronically if the agency has adopted an ordinance or resolution authorizing the electronic submission of claims.

Ordinance No. OCSD-17 does not authorize the electronic submission of claims. Allowing the electronic submission of claims would benefit both claimants and OC San by providing the convenience of electronic transmission and storage of claims.

## **PROPOSED SOLUTION**

Modify OC San's Ordinance No. OCSD-17 to include that all claims or demands may be presented, and all OC San responses provided, in either physical or electronic format.

## **TIMING CONCERNS**

The current change to state law took effect January 1, 2021. In light of the current pandemic and OC San's efforts to adopt a paperless environment, we are requesting this change take place as soon as possible.

## **RAMIFICATIONS OF NOT TAKING ACTION**

OC San would be unable to accept claims or demands electronically.

## **PRIOR COMMITTEE/BOARD ACTIONS**

December 2001 - Adopted Ordinance No. OCSD-17, entitled: "An Ordinance of the Board of Directors of Orange County Sanitation District Establishing Requirements for the Presentation of Claims or Demand for Payment".

## **ADDITIONAL INFORMATION**

Minor changes in staff position titles during reorganization, considered housekeeping, are also included in this update.

## **ATTACHMENT**

*The following attachment(s) may be viewed on-line at the OC San website ([www.ocsan.gov](http://www.ocsan.gov)) with the complete agenda package:*

- Draft Ordinance OC SAN-XX (redline)
- Draft Ordinance OC SAN-XX (clean)