

ORDINANCE NO. OC SAN-55

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

NOW, THEREFORE, the Board of Directors of the Orange County Sanitation District does hereby ORDAIN as follows:

Section 1: Claims for Money or Damages. As a prerequisite to bringing suit against the District or any officer, employee, Department or Committee of the Orange County Sanitation District, any claim for money or damages, including claims which would otherwise be expected by Sections 905 and 935 of the Government Code of the State of California, which are not governed by any other statutes or regulations expressly relating thereto, shall be presented and acted upon in accordance with Title 1, Division 3.6, Part 3, Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of the Government Code of the State of California. This Section relates only to bringing of suit upon a claim and shall not be deemed to apply to the authority of the Assistant General Manager/Director of Finance and the Board of Directors to process and pay, in the ordinary course of business, just obligations of the Orange County Sanitation District, such as routine salaries and wages, principal and interest on bonds, payments for purchases, and other like expenditures where there is no dispute as to the obligation and amount being payable.

Section 2: Filing of Claims. All claims against the Orange County Sanitation District, as described in Section 1 of this Ordinance, shall be filed with the Clerk of the Board.

Section 3. Audit and Approval of Demands.

A. Except for claims described in Section 1 of this Ordinance, every demand, invoice, or claim for purchases, supplies, or services (hereinafter "demand"), shall be presented in writing to and approved in writing by the receiving Department Head or officer, who shall certify to the actual delivery or rendition of the supplies, materials, property, or service for which payment is claimed; that the quality and prices correspond with the original specifications in the contract or purchase order upon which the demand is based; that the demand in all other respects is proper and valid and shall further indicate the budgetary account to which such demand is to be charged.

B. All demands may be presented, and all Orange County Sanitation District responses provided, in either physical or electronic format.

C. All demands approved by the receiving Department or officer shall be presented to the Assistant General Manager/Director of Finance, who shall satisfy himself or herself as to whether:

1. The amount is legally due and owing by the Orange County Sanitation District;
2. There are budgeted or otherwise appropriated funds available to pay the claim or invoice;
3. The demand conforms to a valid requisition, contract, or purchase order;
4. The prices and computations shown on the demand are verified; and
5. The demand contains the approval of other Departments and officials, as required.

D. Payroll warrants and checks and warrants and checks drawn for payment of demands that have been certified by the Assistant General Manager/Director of Finance or the General Manager as conforming to a budget approved by the Board of Directors, need not be approved by the Board of Directors prior to payment. Except for payroll warrants or checks, demands certified by the Assistant General Manager/Director of Finance and paid prior to presentation to the Board of Directors shall be presented to the Board of Directors for inspection and ratification at its first meeting after delivery of warrants or checks. Should the Assistant General Manager/Director of Finance fail to certify a demand as in conformance with the Orange County Sanitation District's budget, no check or warrant shall be issued until the Board of Directors has approved the demand for payment.

E. Department Heads shall certify or approve Departmental payrolls or attendance records for employees in their Departments. The General Manager or designee(s) shall certify or approve payrolls or attendance records of other officers or employees.

F. Budgeted expenses shall be presented to the Board of Directors for ratification in the form of an audited comprehensive annual financial report prepared by the Assistant General Manager/Director of Finance or his or her designee.

G. Following audit of the demands, as set forth in Subsection B of this Section 3, the Assistant General Manager/Director of Finance shall prepare a register of demands showing the claimant's name, the amount of the demand, and if paid, the warrant or check number and date thereof, and shall transmit the register to the Board of Directors with an affidavit stating that:

1. "In accordance with California Government Code Section 37208, the Assistant General Manager/Director of Finance hereby certifies that the attached demand register has been found to conform to the approved budget, exact as noted, and has been paid. These demands are hereby submitted for Board of Directors' inspection and ratification."

2. "In accordance with California Government Code Section 37202, the Assistant General Manager/Director of Finance certifies to the accuracy of the attached register of demands and to the availability of monies for payment thereof. These demands are hereby submitted to the Board of Directors for approval of payment."

H. An annual audit shall be prepared by and independent certified public accountant and submitted to the Board of Directors for review.

Section 4: Checks and Warrants. No check, order, or warrant upon the Orange County Sanitation District treasury shall be drawn unless there are sufficient monies in the fund upon which it is drawn. All checks, orders, and warrants upon the Orange County Sanitation District treasury of any money shall bear the signature of the persons authorized by the Board of Directors.

Section 5: The Clerk of the Board shall certify to the adoption of this Ordinance and shall cause a summary to be published in a newspaper of general circulation, as required by law.

PASSED AND ADOPTED by the Board of Directors of the Orange County Sanitation District at a regular meeting held May 26, 2021.

David John Shawver
Chair, Board of Directors
Orange County Sanitation District

ATTEST:

Kelly A. Lore, MMC
Clerk of the Board of Directors
Orange County Sanitation District

Bradley R. Hogin, General Counsel
Orange County Sanitation District

