

## ORDINANCE 2018-02

MARIN CLEAN ENERGY

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF MARIN CLEAN ENERGY  
ESTABLISHING AN ALTERNATIVE CLAIMS PROCEDURE PURSUANT TO  
GOVERNMENT CODE SECTION 935**

**WHEREAS**, the Government Claims Act (Government Code section 900 et seq.) (hereinafter "Act") sets forth the general procedure for the presentation of claims as a prerequisite to commencement of actions for money or damages against local public entities; and

**WHEREAS**, the Act excepts certain claims against local public entities from the presentation procedures of the Act; and

**WHEREAS**, the Act also specifies that local public entities may adopt a procedure for claims excepted under the Act and which are not governed by any other statutes or regulations; and

**WHEREAS**, the Board now desires to adopt a procedure to govern the presentation requirements of those excepted claims to establish an alternative claims procedure pursuant to Government Code section 935.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF MARIN CLEAN ENERGY  
DOES ORDAIN AS FOLLOWS:**

Section 1. Claims for money or damages.

All claims against Marin Clean Energy, for money or damages, which are excepted by section 905 from Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 within Division 3.6 of Title 1 of the California Government Code and which are not otherwise governed by any other statute or regulation expressly related thereto, shall be governed by the procedure prescribed in this Ordinance, in accordance with Government Code section 935, as it may be amended.

Section 2. Claim prerequisite to suit.

All claims shall be presented as provided in this Ordinance and acted upon by Marin Clean Energy prior to the filing of any legal action on such claims. No such action may be maintained by a person who has not complied with the procedures set forth in this Ordinance.

Section 3. Time of presentation.

The claim must be presented to the Secretary of the Board within the time requirements set forth in Government Code section 911.2. For purposes of determining whether a claim is timely presented, a claim is presented to the Secretary when it is received at the mailing address for the Board.

Section 4. Form.

All claims shall be made in writing and verified by the claimant or by his or her guardian, conservator, executor or administrator. No claims may be filed on behalf of a class of persons unless verified by every member of that class as required by this section. In addition, all claims shall contain the information required by Government Code section 910.

Section 5. Review of claims.

All claims shall be reviewed and audited by the Secretary for the Board for compliance with this Ordinance and submitted to the Board or the Executive Committee for approval or rejection. The Board or the Executive Committee shall act on a claim in the manner provided in Government Code sections 912.4, within 45 days after the claim has been presented. If a claim is amended, the Board or Executive Committee shall act on the amended claim within 45 days after the amended claim is presented.

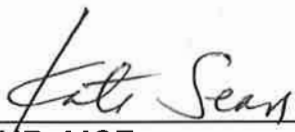
Section 6. Notice and effect.

This Ordinance shall take effect and be in force thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days after its passage, it or a summary of it, shall be published once, with the names of the members of the Board of Directors voting for and against the same in the Marin Independent Journal, a newspaper of general circulation published in the County of Marin.

PASSED, APPROVED, and ADOPTED by the Board of Directors of Marin Clean Energy, Marin County, State of California, this 21st day of March, 2019, by the following vote:

	AYES	NOES	ABSTAIN	ABSENT
County of Marin	✓			
Contra Costa County				✓
County of Napa	✓			
County of Solano				✓
City of American Canyon	✓			
City of Belvedere	✓			
City of Benicia	✓			
City of Calistoga	✓			
City of Concord	✓			
Town of Corte Madera	✓			
Town of Danville				✓
City of El Cerrito	✓			
Town of Fairfax	✓			

City of Lafayette	✓			
City of Larkspur	✓			
City of Martinez				✓
City of Mill Valley				✓
Town of Moraga	✓			
City of Napa	✓			
City of Novato	✓			
City of Oakley	✓			
City of Pinole	✓			
City of Pittsburg	✓			
City of San Ramon	✓			
City of Richmond	✓			
Town of Ross	✓			
Town of San Anselmo				✓
City of San Pablo				✓
City of San Rafael				✓
City of Sausalito	✓			
City of St. Helena	✓			
Town of Tiburon	✓			
City of Walnut Creek	✓			
Town of Yountville	✓			

  
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 CHAIR, MCE

**Attest:**

  
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 SECRETARY, MCE