

ORDINANCE NO. 326-97

ORDINANCE ESTABLISHING PROCEDURE FOR PRESENTING CLAIM
FOR MONEY OR DAMAGES TO EAST BAY MUNICIPAL UTILITY DISTRICT


Introduced by Director Gioia ; Seconded by Director Wan

BE IT ENACTED by the Board of Directors of East Bay Municipal Utility District that this Ordinance is adopted as the policy of East Bay Municipal Utility District setting forth that:

Pursuant to the authority contained in Section 935 of the Government Code of the State of California, the following claims procedures are established for those claims against East Bay Municipal Utility District for money or damages not now governed by state or local laws:

Notwithstanding the exemptions set forth in Section 905 of the Government Code of the State of California, all claims against East Bay Municipal Utility District for damages or money asserted by or on behalf of the State or by a state department or agency or by another local public entity, when a procedure for processing such claims is not otherwise provided by state or local laws, shall be presented within the time limitations and in the manner prescribed by Title I, Division 3.6, Part 3, Chapters 1 and 2 of the California Government Code. Such claims shall further be subject to the provisions of said Title I, Division 3.6, Part 4, Chapter 2 of the California Government Code relating to the prohibition of suits in the absence of the presentation of claims and action thereon by the district. No suit for money or damages may be brought against East Bay Municipal Utility District or its employees on a cause of action for which a claim is required to be presented in accordance with the provisions of this Ordinance until a written claim therefor has been presented to East Bay Municipal Utility District and has been rejected, in whole or in part.

THE EFFECTIVE DATE of this Ordinance shall be 30 days after its adoption. The provisions of this Ordinance shall apply to causes of action which accrued prior to said effective date, and which are not otherwise barred by a statute of limitations; provided that the time to file a claim with respect thereto shall not commence to run until the effective date of this Ordinance.



John A. Coleman, President

I HEREBY CERTIFY that the foregoing Ordinance was duly and regularly introduced at a regular meeting of EAST BAY MUNICIPAL UTILITY DISTRICT held on March 25, 1997 at the offices of said District, 375 - 11th Street, Oakland, California, and thereupon, after being read, further action was scheduled for the regular meeting of said Board of Directors held at the same place on April 8, 1997 at which time the same was finally adopted by the following vote:

AYES: Directors Foulkes, Gioia, Mellon, Selkirk, Wan and President Coleman.

NOES: None.

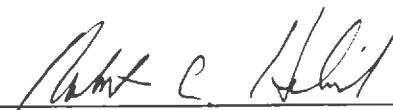
ABSENT: Director Simmons.

ABSTAIN: None.

ATTEST:


Secretary

APPROVED AS TO FORM AND PROCEDURE


General Counsel