

ORDINANCE NO. 144-07

**AN ORDINANCE AMENDING ORDINANCE NO. 119-96, AS AMENDED, TO
ADD SECTION 9.4 REGARDING CLAIMS AGAINST
SCOTTS VALLEY WATER DISTRICT**

BE IT ORDAINED by the Board of Directors of the Scotts Valley Water District, Santa Cruz County, California, that Ordinance No. 119-96, as amended, is hereby further amended pursuant to Section 935 of the California Government Code to add Section 9.4:

Section 9.4 – Claims Against District

(a) All claims against Scotts Valley Water District for money or damages, including, but not limited to any claims for refunds or reimbursements of fees or assessments, not otherwise governed by the Government Claims Act, California Government Code Sections 900 et seq., or another state law (hereinafter in this Ordinance, “claims”) shall be presented within the time, and in the manner, prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900 thereof) for the claims to which that Part applies by its own terms, as those provisions now exist or shall hereafter be amended, and as further provided by this Ordinance.

(b) All claims shall be made in writing and verified by the claimant or by his or her guardian, conservator, executor or administrator. No claim 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 California Government Code Section 910.

(c) In accordance with California Government Code Sections 935(b) and 945.6, all claims shall be presented as provided in this section and acted upon by the District prior to the filing of any action on such claims and no such action may be maintained by a person who has not complied with the requirements of subdivision (a) of this section.

(d) Any action brought against the District upon any claim or demand shall conform to the requirements of Sections 940-949 of the California Government Code. Any action brought against any employee of the District shall conform with the requirements of Section 950-951 of the California Government Code.”

SEVERABILITY

If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance; and the Board declares that this Ordinance and each section, subsection, paragraph, subparagraph, sentence, clause and phrases thereof would have been adopted irrespective of the fact that one or more of such section, subsection, paragraph, subparagraph, sentence, clause or phrase be declared invalid or unconstitutional.

IMMEDIATE EFFECT

This Ordinance shall be in full force and effect forthwith upon adoption and shall be published once in full in a newspaper of general circulation, printed, published, and circulated in the District within fifteen (15) days after adoption and shall be posted within said time in three (3) public places within the District.

PASSED AND ADOPTED this 12th day of April, 2007, by the following vote:

AYES:	DIRECTORS – Hober, Hodgkin, Kannegaard, Perri
NOES:	DIRECTORS -
ABSENT:	DIRECTORS - Kassis
ABSTAIN:	DIRECTORS -

By: /s/ David T. Hodgkin
President of the Board of Directors
Scotts Valley Water District

ATTEST:

/s/ Deborah L. Hazen
Secretary to the Board

I hereby certify that the foregoing Ordinance was duly passed and adopted by the Board of Directors of the Scotts Valley Water District, Santa Cruz County, California, at its regular meeting thereof held on the 12th day of April in the year 2007, by the following vote:

AYES: DIRECTORS - Hober, Hodgkin, Kannegaard, Perri
NOES: DIRECTORS -
ABSENT: DIRECTORS - Kassis
ABSTAIN: DIRECTORS -

By: /s/ David T. Hodgkin
President of the Board of Directors
Scotts Valley Water District

ATTEST:

/s/ Deborah L. Hazen
Secretary to the Board