

ORDINANCE NO. _____(N.S.)
**AN ORDINANCE AMENDING ARTICLE X OF THE SAN DIEGO COUNTY ADMINISTRATIVE
CODE, RELATING TO CLAIMS AGAINST THE COUNTY**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Section 145 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 145. SUBJECT MATTER.

- (a) Claims for Money or Damages. All claims for money or damages that are required to be presented to the County under the provisions of Government Code Section 900, et seq. shall be governed by this Article.
- (b) Required Presentation of Claim for All Claims Excepted by Government Code Section 905. In accordance with Government Code Section 935, the County requires the presentation of a claim for all claims for money or damages that are otherwise excepted by Government Code Section 905. Such claims shall be governed by this Article, unless expressly governed by another statute or regulation.
- (c) Claims Against Public Employees or Former Public Employees. All claims for money or damages ~~that are~~ required to be presented to the County under the provisions of Government Code Section 950, et seq. shall be governed by this Article.

Section 2. Section 159 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 159. ACTION BY COUNTY COUNSEL ON CLAIMS.

- (a) Unless otherwise provided by this Article, all claims required to be presented to the County under the provisions of Government Code Section 900, et seq. or this Article shall be presented to the County Counsel Claims Office. For purposes of Government Code Section 915 only, County Counsel is designated as a Deputy Clerk of the Board.
- (b) County Counsel is authorized to allow, deny, compromise, or settle any such claim or action that is filed against the County, its officers or employees, provided:
 - 1. The amount to be paid pursuant to such allowance, compromise or settlement of a claim does not exceed ~~twenty-five~~fifty thousand dollars (\$~~25~~50,000);
 - 2. The amount to be paid pursuant to such allowance, compromise or settlement of an action does not exceed one-hundred thousand dollars (\$100,000);
 - ~~2.3.~~ The claim or action is not subject to the terms of an insurance policy wherein the insurer is granted the authority to allow, deny, compromise, or settle claims or actions within the scope of such policy; and

~~3.4.~~ County Counsel represents the County, its officers or employees in a litigation case, or where there exists a conflict of interest, represents the County (or some of the defendant County officers or employees) in the same litigation case in which outside counsel retained by the County represents other County officers or employees.

- (c) In all claims or actions that are allowed, compromised or settled, the Auditor shall, upon written direction from County Counsel, and in accordance with the terms of such allowance, compromise or settlement, cause the necessary warrant to be issued upon the treasury of the County in an amount for which such claim or action has been allowed, compromised or settled pursuant to this section.
- (d) County Counsel shall provide the Board with an annual report relating to pending claims and actions.
- (e) If the amount to be paid exceeds ~~twenty-five~~ fifty thousand dollars (\$~~25~~50,000) for a claim or one-hundred thousand dollars (\$100,000) for an action, the allowance, compromise or settlement must be approved by the Board of Supervisors.

Section 3. Section 159.2 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 159.2 CLAIMS FOR REIMBURSEMENT OF PUNITIVE OR EXEMPLARY DAMAGES

(a) This section is intended to establish a procedure for processing claims for punitive or exemplary damages and is not intended to in any way alter the substantive laws applicable to payment of such damages by the County of San Diego. This section shall not entitle claimant to any civil remedies not otherwise provided by law.

~~(a)~~ All County employees making a claim for payment by the County of punitive or exemplary damages pursuant to subdivision (b) of Government Code section 825 shall file such claims with the County Counsel Claims Office. These claims constitute claims by public employees for other expenses or claims for principal or interest on evidences of indebtedness which are excepted by Government Code section 905 from the claims procedure provided in the Government Code. These claims shall be governed exclusively by this section 159.2.

~~(b)~~ Any claim for payment by the County of punitive or exemplary damages, including the written authorization for release of records described under subdivision (c), shall be filed with the County Counsel Claims Office on a form prescribed by the County Counsel (hereinafter the "claim form"). The claim form shall be filed not later than six months from the date that the judgment awarding such punitive or exemplary damages is final, or six months from the date notification of the judgment was sent to claimant, whichever is later.

Failure to submit the required claim form, including ~~the a~~ written authorization for release of confidential personnel records described under subdivision (c), within the time specified shall constitute an incomplete claim under this section, and shall result in an automatic denial of payment by the County of the requested punitive or exemplary damages.

(ed) The claim form for the payment of punitive or exemplary damages must includes an authorization for the release of confidential personnel records. In executing the authorization for release of personnel records included in the claim form, the claimant shall authorize the release of his confidential personnel records to members of the Board of Supervisors and the Chief Administrative Officer relating to the following personnel records of claimant:

1. All materials regarding the incident giving rise to the judgment for punitive or exemplary damages;
2. All performance evaluations;
3. A complete list of discipline imposed on claimant, including the charges giving rise to the discipline;
4. For those departments employing peace officers, a list of internal affairs investigations of complaints against the claimant setting forth only the following information:
 - a. Date of complaint;
 - b. Nature of the complaint;
 - c. Disposition of the complaint;
 - d. Discipline imposed, if any.

(de) The Board of Supervisors shall consider the claim and determine whether or not to grant the request for payment of punitive or exemplary damages. The decision of the Board to deny the claim or to grant the claim in whole or in part shall be final.

~~(e) This section is intended to establish a procedure for processing claims for punitive or exemplary damages and is not intended to in any way alter the substantive laws applicable to payment of such damages by the County of San Diego. This section shall not entitle claimant to any civil remedies not otherwise provided by law.~~

Section 4. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
CLAUDIA G. SILVA
COUNTY COUNSEL

By: Walter J. de Lorrell III, Chief Deputy County Counsel