

ORDINANCE NO. 08-05

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF WILDOMAR, CALIFORNIA, ADDING
CHAPTER 3.03 TO THE WILDOMAR MUNICIPAL CODE
ESTABLISHING PROCEDURES FOR CLAIMS AGAINST
THE CITY

THE CITY COUNCIL OF THE CITY OF WILDOMAR DOES ORDAIN AS
FOLLOWS:

SECTION 1. Addition of Chapter 3.03. Chapter 3.03, "Claims Against the City," is hereby added to Title 3, "Revenue and Finance," of the Wildomar Municipal Code, and shall read as follows:

"Chapter 3.03

CLAIMS AGAINST THE CITY

Sections:

- 3.03.010 Claim Required.
- 3.03.020 Scope of Chapter.
- 3.03.030 Presentation and Consideration of Claims.
- 3.03.040 Claim Required to Bring Suit.
- 3.03.050 Auditing of Claims.
- 3.03.060 Register of Claims.
- 3.03.070 City Council Approval
- 3.03.080 Record of Approved Claims.
- 3.03.090 Prepayment of Claims.

3.03.010 Claim Required. Pursuant to Section 935 of the California Government Code, any and all claims against the City for money or damages that are excepted from the requirements of Title 1, Division 3.6, Part 3, Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of the California Government Code, and which are not expressly governed by any other statute or regulation, shall be governed by the procedures prescribed in this chapter.

3.03.020 Scope of Chapter. This chapter does not apply to the authority of the City Treasurer, the City Council, and other City officers to process and pay the just obligations of the City in the ordinary course of business, such as routine salaries and wages, principal and interest on bonds, payments for purchases, and other like expenditures for which there is an express budget appropriation and in connection with which there is no dispute as to the obligation and/or the amount payable.

3.03.030 Presentation and Consideration of Claims. Any and all claims for money or damages shall be presented and considered 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 California Government Code.

3.03.040 Claim Required to Bring Suit. The presentation of a claim, as provided in Section 3.03.030 of this chapter, shall be a prerequisite to bringing a suit based thereon, and such suit shall be subject to the provisions of Sections 945.6 and 946 of the Government Code.

3.03.050 Auditing of Claims. The City Council shall approve or reject claims only after such claims have been audited in the manner prescribed in this section.

(a) *Departmental Audit.* Except for tort claims, every claim received against the City shall be first presented to and approved in writing by the receiving department or office, which shall certify the actual delivery or rendition of the supplies, materials, property, or service for which payment is claimed. The receiving department or office shall determine whether the quality and prices correspond with the original specifications and contracts, if any, upon which the claim is based, and whether the claim in all other respects is proper and valid. If the receiving department or office determines that the claim is proper and valid, it shall indicate the budgetary account to which said claim is to be charged.

(b) *Audit by City Manager.* Each claim audited by the receiving department or office shall then be presented to the City Manager, who shall determine whether:

- (1) The claim is legally due and owing by the City;
- (2) There are budgeted or otherwise appropriated funds available to pay said claim;
- (3) The claim conforms to a valid requisition or order;
- (4) The prices and computations shown on the claim are verified;
- (5) The claim contains the approval of other departments and officials as required.

3.03.060 Register of Claims. Following the audit of claims, the City Manager shall prepare a register of audited claims showing the claimant's name, amount of claim, the warrant number and date thereof, and transmit said register to the City Council, with a recommendation of approval or denial. The City Manager shall attach to the register an affidavit certifying the accuracy of the claims and the availability of funds for payment thereof.

3.03.070 City Council Approval. The register of claims shall be presented to the City Council at the next meeting thereof. The City Council may by resolution approve, deny, or conditionally or partially approve or deny such register of claims.

3.03.080 Record of Approved Claims. Following approval of the register of claims by the City Council, the Mayor and the City Manager shall endorse the register of audited claims to signify that the claims therein were properly processed prior to any action taken by the City Council.

3.03.090 Prepayment of Claims.

(a) Prepayment of claims prior to audit by the City Council may be made by the City Manager in conformance with the authority provided by Section 37208 the California Government Code.

(b) Whenever the City Manager determines that a refund of fees, taxes, or other receipts collected in error or in advance of being earned is due, or that a refund of money is otherwise required pursuant to specific provisions of this Code or of any other ordinance of this City is due, then any such refund shall be deemed as conforming to the currently approved budget, and may be prepaid in the same as other demands encompassed within the terms of Subsection (a) of this Section."

SECTION 2. Intent to Supersede County Ordinances. The provisions of this ordinance shall supersede the County ordinances codified in Chapter 4.04 of the Riverside County Code, as those County ordinances were adopted by City Ordinance No. 08-01.

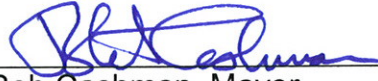
SECTION 3. Declaration of Facts Constituting Urgency. State law requires that the City prescribe by ordinance an auditing procedure for the payment of claims. State law also authorizes the City to adopt procedures for claims that are not otherwise regulated by State law. This ordinance prescribes and auditing procedure and procedures for the presentation and consideration of claims not governed by State law. The City Council finds that this ordinance is necessary for the immediate preservation of the public peace, health, and safety, because it establishes procedures necessary for the processing and paying of claims against the City, and declares that it shall take effect immediately upon its adoption as an urgency ordinance.

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. Effective Date. This ordinance shall take immediate effect upon its passage by the City Council.

SECTION 6. Publication. The City Clerk shall cause this ordinance to be published or posted in accordance with Government Code section 36933.

PASSED, APPROVED, AND ADOPTED this 1st day of July, 2008.



Bob Cashman, Mayor

ATTEST:



John Danielson, Interim City Clerk

APPROVED AS TO FORM:



Julie Hayward Biggs, Interim City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF WILDOMAR)

I, John Danielson, Interim City Clerk of the City of Wildomar, do hereby certify that the foregoing Ordinance No. 08-05 was duly adopted by the City Council of the City of Wildomar at a special first meeting, held on the 1st day of July, 2008, by the following vote of the Council:

AYES: Cashman; Swanson; Moore; Farnam; Ade

NOES: None

ABSTAIN: None

ABSENT: None



John Danielson, Interim City Clerk