

1 [Updating provisions of Administrative Code, Chapter 10, Article II, relating to claims against
2 the City.]

3 **Ordinance amending Part I, Chapter 10, Article II, of the San Francisco Municipal Code**
4 **(Administrative Code), by amending Sections 10.20-2, 10.20-6, 10.20-7, 10.20-8, 10.22,**
5 **10.22-2, and 10.25, amending Section 10.20-9 and renumbering it as Section 10.21, and**
6 **repealing Section 10.21, all relating to claims against the City and County.**

7 Note: Additions are *italic; Times New Roman*; deletions
8 are ~~strikethrough italic, Times New Roman~~
9 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

10 Be it ordained by the People of the City and County of San Francisco:

11
12 Section 1. Chapter 10 of the San Francisco Administrative Code is hereby amended
13 by amending Section 10.20-2, to read as follows:

14 **SEC. 10.20-2. PRESENTATION AND FORM OF CLAIM.**

15 A claim as required to be filed pursuant to Section 10.20-1 shall be presented by the
16 claimant or by a person acting in his or her behalf as indicated by Section 915 of Government
17 Code and shall show:

- 18 (a) The name and post office address of the claimant;
- 19 (b) The post office address to which the claimant desires notices to be sent;
- 20 (c) The date, place and other circumstances of the occurrence or transaction which
21 gave rise to the claim asserted;
- 22 (d) A general description of the indebtedness, obligation, injury, damage or loss
23 incurred so far as it may be known at the time of presentation;
- 24 (e) The name or names of the public employee or employees causing the injury,
25 damage, or loss, if known; and

1 (f) The amount claimed *if it totals less than ten thousand dollars (\$10,000)* as of the
2 date of presentation of the claim, including the estimated amount of any prospective injury,
3 damage, or loss, insofar as it may be known at the time of the presentation of the claim,
4 together with the basis of computation of the amount claimed. *If the amount claimed exceeds ten*
5 *thousand dollars (\$10,000), no dollar amount need be included in the claim. However, the claim shall*
6 *indicate whether it would be a limited jurisdiction civil case.*

7 The claim shall be signed by the claimant or by some person on his or her behalf,
8 except that claims against the City and County for supplies, equipment or services need not
9 be signed by the claimant or on his or her behalf if presented on a billhead or invoice regularly
10 used in conduct of the business of the claimant.

11 A claim may be amended as set forth in Section 910.6 (a) of Government Code of the
12 State of California.

13
14 Section 2. Chapter 10 of the San Francisco Administrative Code is hereby amended by
15 amending Section 10.20-6, to read as follows:

16 **SEC. 10.20-6. DISPOSITION OF CLAIMS BY COMMISSIONS.**

17 Pursuant to Sections 935.2 and 935.4 of Government Code, State of California, and
18 *Section B3.585 Sections 3.581, 3.585, 3.594, 3.598, 3.690, 3.691 and 3.694* of the Charter of the City
19 and County of San Francisco, the Port Commission *is*, ~~Public Utilities Commission and Airports~~
20 ~~Commission are~~ hereby authorized to perform all functions of the Board of Supervisors under
21 Part III of Division 3.6 of Title I of Government Code, State of California, relative to claims
22 arising out of or in connection with any matter or property under *its jurisdiction* ~~their respective~~
23 ~~jurisdictions~~; provided, however, that applications for leave to present late claims pursuant to
24 Section 10.20-7 of the San Francisco Administrative Code and Section *911.4* ~~911.6~~ of
25

1 Government Code, State of California, may be acted upon by the *Port Commission* ~~respective~~
2 ~~commission, the its~~ chief executive officer ~~thereof~~ or a duly designated employee ~~thereof~~.

3 In carrying out these functions, the *Port Commission* ~~respective commissions above~~
4 ~~designated~~ may authorize, within prescribed limits, designated officers or employees to extend
5 by agreement with the claimant the time within which the claim may be considered for
6 allowance or compromise and settlement.

7
8 Section 3. Chapter 10 of the San Francisco Administrative Code is hereby amended by
9 amending Section 10.20-7, to read as follows:

10 **SEC. 10.20-7. APPLICATION FOR LEAVE TO PRESENT LATE CLAIM.**

11 (a) An application for leave to present a late claim shall be made in the manner
12 prescribed in Section 10.20-4 for the presentment of a claim within a reasonable time not to
13 exceed one year after the accrual of the cause of action. The application shall state the
14 reason for the delay in presenting the claim and the proposed claim shall be attached thereto;

15 (b) Subject to Section 10.20-6, the application shall be forwarded to the City
16 Attorney, who is hereby authorized, pursuant to Government Code Section 935.4, to perform
17 the functions of the Board of Supervisors prescribed by Government Code, State of
18 California, Section ~~911.4 911.6~~, with respect to said application. The City Attorney shall give
19 notice in writing to the applicant of the action taken upon such application;

20 (c) An application for leave to present a late claim which is subject to Section
21 10.20-6 shall be forwarded to the Port Commission, ~~Public Utilities Commission or Airports~~
22 ~~Commission, as the case may be~~, for action pursuant to Sections ~~911.4 911.6~~ and 911.8 of
23 Government Code, State of California.

1 Section 4. Chapter 10 of the San Francisco Administrative Code is hereby amended by
2 amending Section 10.20-8, to read as follows:

3 **SEC. 10.20-8. REQUESTS FOR WAIVER OF STATUTE OF LIMITATIONS.**

4 (a) All requests by claimants for waiver of the statute of limitations by the Board of
5 Supervisors ~~pursuant to Section 2.300 of the Charter~~ shall be in writing and shall be filed with the
6 Controller.

7 (b) Every claimant requesting such waiver shall pay a fee to the Controller in an
8 amount to be established as hereafter provided.

9 (c) The Board of Supervisors shall determine and fix by resolution the fee to be
10 paid by claimants requesting such waiver. Fees so fixed shall remain effective until new fees
11 are established as hereafter provided.

12 Annually, on or before the fifteenth day of May of each year, the Controller shall
13 determine and report to the Board of Supervisors an estimate of the costs to be incurred by
14 departments, boards and commissions of the City and County, including the cost of
15 publication of any ordinance or resolution in the official newspaper, in processing said
16 requests for the ensuing fiscal year. The Board of Supervisors may thereupon by resolution
17 revise the amount of the fee heretofore fixed.

18 All fees collected and retained pursuant to the terms of this Section shall be applied in
19 defraying the costs of processing said requests.

20 (d) Upon the denial of any such request, the claimant shall be entitled to a refund of
21 any fee paid pursuant to this Section upon application to the Controller.

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1 Section 5. Chapter 10 of the San Francisco Administrative Code is hereby amended by
2 amending Section 10.20-9 and renumbering it as Section 10.21, to read as follows:

3 **SEC. 10.21 ~~10.20-9~~. ADJUSTMENT, PAYMENT AND SETTLEMENT OF CLAIMS,**
4 **JUDGMENTS AND DEMANDS PRIOR TO THEIR PRESENTMENT AS CLAIMS.**

5 The City Attorney or staff member of the Office of the City Attorney designated by the
6 City Attorney may adjust, pay and settle any claim, judgment (together with allowable costs
7 as approved by the court) or demand made prior to its presentment as a claim where the
8 amount of the adjustment, *payment*, or settlement does not exceed \$25,000. ~~Such payment shall~~
9 ~~be made from the Cash Revolving Fund as set forth in Section 10.136-1.~~

10 *No claim shall be paid until the Controller shall certify that monies are available from the*
11 *proper funds or appropriations to pay the claim as allowed or as compromised and settled. The City*
12 *Attorney shall submit, on a quarterly basis, a confidential attorney-client report to the Board of*
13 *Supervisors listing claims settled for an amount not in excess of \$25,000 during that quarter. Said*
14 *report shall list each claim by amount demanded, amount paid, nature of incident giving rise to the*
15 *claim, and the City department involved.*

16
17 Section 6. Chapter 10 of the San Francisco Administrative Code is hereby amended by
18 repealing Section 10.21.

19 ~~SEC. 10.21. ALLOWANCE AND SETTLEMENT OF UNLITIGATED CLAIMS.~~

20 ~~Any unlitigated claim may be allowed or settled and compromised on the written~~
21 ~~recommendation of the head of the department or of the board or commission in charge of the~~
22 ~~department against which the claim is made, with the written approval of by the City Attorney, where~~
23 ~~the amount of such allowance or settlement and compromise is not in excess of \$25,000; otherwise,~~
24 ~~there shall be required additionally the consent of the Board of Supervisors. No claim shall be paid~~
25 ~~until the Controller shall certify that monies are available from the proper funds or appropriations to~~

1 ~~pay the claim as allowed or as compromised and settled. The City Attorney shall submit, on a quarterly~~
2 ~~basis, a confidential attorney client report to the Board of Supervisors listing claims settled for an~~
3 ~~amount not in excess of \$25,000 during that quarter. Said report shall list each claim by amount~~
4 ~~demanded, amount paid, nature of incident giving rise to the claim, and the City department involved.~~

5
6 Section 7. Chapter 10 of the San Francisco Administrative Code is hereby amended by
7 amending Section 10.22, to read as follows:

8 **SEC. 10.22. ALLOWANCE OR SETTLEMENT OF UNLITIGATED CLAIMS EXCEEDING**
9 **TWENTY-FIVE THOUSAND DOLLARS, ~~WITH EXCEPTIONS.~~**

10 Any unlitigated claim against the City and County *in excess of \$25,000* may be allowed or
11 settled and compromised on the written recommendation of the head of the department or of
12 the board or commission in charge of the department against which the claim is made, with
13 the written approval of the City Attorney ~~and, for an amount in excess of \$25,000; only with~~ the
14 approval of the Board of Supervisors by resolution. No claim shall be paid until the Controller
15 shall certify that monies are available from the proper funds or appropriations to pay the claim
16 as allowed or as compromised and settled.

17
18 Section 8. Chapter 10 of the San Francisco Administrative Code is hereby amended by
19 amending Section 10.22-2, to read as follows:

20 **SEC. 10.22-2. SETTLEMENT OF LITIGATION NOT EXCEEDING TWENTY-FIVE**
21 **THOUSAND DOLLARS.**

22 Any litigated claim may be compromised and settled with the written approval of the
23 City Attorney or a staff member of the Office of the City Attorney, designated by the City
24 Attorney, where the amount of such compromise or settlement is not in excess of \$25,000,
25 provided such settlement has been approved by the head of the department which has

1 jurisdiction over the matter. ~~Except where paid from the Cash Revolving Fund established by Section~~
2 ~~10.136.1, no~~ No payment by way of compromise and settlement authorized by this Section
3 shall be made until the Controller shall certify that monies are available from the proper funds
4 or appropriations to pay such compromise and settlement. The City Attorney shall submit, on
5 a monthly basis, a report to each City department and commission and the Board of
6 Supervisors listing litigation settled for an amount not in excess of \$25,000 during that month.
7 Said reports shall list each litigation by amount demanded, amount paid, nature of incident
8 giving rise to the litigation and the city department involved.
9

10 Section 9. Chapter 10 of the San Francisco Administrative Code is hereby amended by
11 amending Section 10.25, to read as follows:

12 **SEC. 10.25. EXCEPTIONS TO FOUR PRECEDING SECTIONS.**

13 The provisions of Sections 10.21 to 10.24 of this Code shall not apply to claims
14 ~~presented against, by or in favor of any municipally owned utility under the jurisdiction of the Public~~
15 ~~Utilities Commission, or~~ claims referred to the Bureau of Delinquent Revenue Collection,
16 pursuant to the provisions of Sections 10.37 to 10.42 of this Code.
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20 APPROVED AS TO FORM:

21 LOUISE H. RENNE, City Attorney

22
23
24 By:


THOMAS J. OWEN
Deputy City Attorney

12/5/00
grh



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 001909

Date Passed:

Ordinance amending Part I of the San Francisco Municipal Code (Administrative Code), by amending Sections 10-20-2, 10-20-6, 10-20-7, 10-20-8, 10.22, 10-22-2, and 10.25, amending Section 10.20-9 and renumbering it as Section 10.21, and repealing Section 10.21, all relating to claims against the City and County.

December 11, 2000 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

December 18, 2000 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Yaki, Yee

Absent: 2 - Katz, Teng

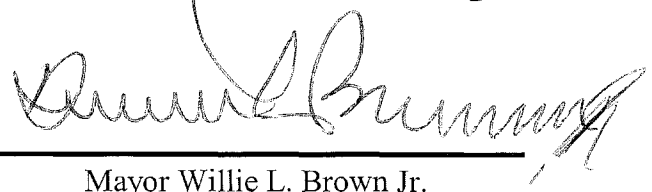
File No. 001909

I hereby certify that the foregoing Ordinance was FINALLY PASSED on December 18, 2000 by the Board of Supervisors of the City and County of San Francisco.

DEC 28 2000

Date Approved


Gloria L. Young
Clerk of the Board


Mayor Willie L. Brown Jr.