

ORDINANCE 21-12-01

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

December 13, 2021

**AMENDING AND RESTATING TITLE V,
PROVIDING A SPECIAL CLAIMS PROCEDURE,
OF THE SACRT ADMINISTRATIVE CODE**

THE BOARD OF DIRECTORS OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT DO ORDAIN AS FOLLOWS:

SECTION 1:

This Ordinance is adopted pursuant to the authority set forth in Public Utilities Code section 102121(d). This Section authorizes the SacRT Board of Directors to adopt an Administrative Code prescribing the powers and duties of District officers. Public Utilities Code section 102107 provides, in part, that: No ordinance shall be passed by the Board on the day of its introduction, nor within three days thereafter, nor at any time other than at a regular or adjourned regular meeting.

SECTION 2:

Ordinance No. 06-02-01, Resolution No. 98-12-3249, and Resolution No. 21-03-0015 are hereby repealed.

SECTION 3:

Title V of the Administrative Code is hereby amended and restated. Title V of the Administrative Code of Sacramento Regional Transit District shall read as follows:

TITLE V – CLAIMS PROCEDURE

**Article I
Claims**

§ 5.101 Authority

This Title is enacted pursuant to Section 935 of the California Government Code.

§ 5.102 Claims Required

All claims against the Sacramento Regional Transit District (“SacRT”) for money or damages which are excepted by Section 905 of the Government Code from the provision of Division 3.6 of the Government Code (Sec. 810 et seq.), and which are not governed by any other statutes or regulations expressly relating thereto, shall be governed by the procedure prescribed in this Article.

Unless otherwise provided in this Title, the manner and timing of the presentation and consideration of claims filed pursuant to this Title shall be as provided in Part 3 of Division 3.6 of Title I of the Government Code (Sec. 900 et seq.) as those provisions now exist or may hereafter be amended.

Pursuant to Chapter 5 of Part 3 of Division 3.6 of Title 1 of the Government Code (Sec. 930 et seq.) written agreements entered into by or on behalf of SacRT may provide that all claims arising out of or related to the agreement must be presented not later than six months after the accrual of the cause of action, and such claims shall be governed by the provisions of this section.

§ 5.103 Form of Claim

All Claims shall be made in writing and verified by the claimant or by their 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. In addition, all claims shall contain the information required by California Government Code Section 910.

§ 5.104 Claim Prerequisite to Suit

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 SacRT prior to the filing of any action on such claim; and no such action may be maintained by a person who has not complied with the requirements of this Title.

§ 5.105 Late Filing

The late filing of claims governed by this Title will be subject to the procedures set forth in those provisions of the Government Code referred to in subsection (e) of Government Code Section 935.

§ 5.106 General Manager/CEO Settlement Authority

The General Manager/CEO is delegated authority to finally settle any claim or lawsuit brought against SacRT for monetary damages where present value of the settlement does not exceed \$150,000. The General Manager/CEO may further delegate all or a portion of such authority to other SacRT officers or employees, but any such delegation must be made in writing. The form of any such settlement must be approved as to legal

form by the General Counsel of SacRT or their designee. The General Manager/CEO is delegated authority to reject any offer to settle a claim by a claimant or plaintiff in any amount, even if the offer to settle exceeds the General Manager/CEO's settlement authority. Notwithstanding the foregoing, any Offers to Compromise served on SacRT pursuant to Cal. Code Civ. Pro. §998 for an amount that exceeds the General Manager/CEO's settlement authority, may only be rejected by the Board of Directors.

§ 5.107 Suit

Any action brought against SacRT 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 SacRT shall conform to the requirements of Sections 950-951.

Article II

Effective Date

§ 5.201 No Reinstatement or Revival

Nothing in this section revives or reinstates any cause of action which, on the effective date of the ordinance codified in this section, is barred by either: (1) failure to comply with an applicable statute, regulation, or ordinance requiring the presentation of a claim; or (2) failure to commence an action thereon within the period prescribed by an applicable statute of limitations.

§ 5.202 Effective Date; Retroactivity

This Title shall be effective upon adoption. Subject to Section 5.201 of this Article, as of the effective date of this Title, the provisions of this Title shall be applicable to any claim described in this Title which is not otherwise time-barred. If the application of the time periods established by this Article would extinguish an existing claim which is not otherwise time-barred, then the date by which that claim must be presented to SacRT shall be the sooner of:

- (i) The date any applicable claims period would have expired; or
- (ii) Six months after the effective date of this Title for claims described in the first sentence of Government Code Section 911.2 or one year after the effective date of this Title for claims described in the second sentence of that Section. Nothing in this Title shall be construed to extend the time for presentation of any claim which time was established by statute, ordinance, or other law in effect prior to the adoption of this Title.

SECTION 4:

This Ordinance shall become effective immediately upon its enactment.

SECTION 5:

Within 15 calendar days after adoption, the SacRT Secretary is hereby directed to publish this Ordinance, in full, in a newspaper of general circulation published within SacRT's activated boundaries or on SacRT's Internet Website as authorized under California Public Utilities Code section 102107.


Passed and adopted at a regular meeting of the Sacramento Regional Transit District on this 13th day of December 2021 by the following vote:

AYES: Budge, Harris, Howell, Hume, Jennings, Kennedy, Nottoli, Schenirer, Serna, Valenzuela, Miller

NOES: None

ABSTAIN: None

ABSENT: None

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STEVE MILLER, Chair

A T T E S T:

HENRY LI, Secretary

DocuSigned by:

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By: _____
Tabetha Smith, Assistant Secretary