

ORDINANCE NO. 70
AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE LAKE
ARROWHEAD COMMUNITY SERVICES DISTRICT, REGARDING
CLAIMS AGAINST THE LAKE ARROWHEAD COMMUNITY
SERVICES DISTRICT

THE BOARD OF DIRECTORS OF THE LAKE ARROWHEAD COMMUNITY SERVICES DISTRICT ORDAINS AS FOLLOWS:

Section 1. *Claims.*

(a) Authority

The provisions of this Ordinance are subject to the provisions of Part 3 of Chapter 1 of Division 3.6 of Title 1 of the California Government Code, commencing with Section 900 *et seq.* Pursuant to the authority contained in California Government Code section 935, the following claims procedures are established for those claims against the Lake Arrowhead Community Services District (the "District") for money or damages.

(b) Claims Required

Notwithstanding the exceptions set forth in California Government Code section 905, all claims against the District for money, refunds or damages, when a procedure for processing such claims is not otherwise provided by state or local laws, shall contain the information required and be presented within the time limitations and in the manner prescribed by California Government Code sections 910 through 915.2, and as further provided by this Ordinance. Such claims shall further be subject to the provisions of California Government Code section 945.4 relating to the prohibition of suits in the absence of the presentation of claims and action thereon by the District Board of Directors.

(c) Form of Claim

All claims or demands against the District shall be filed with the Secretary of the Board of Directors of the District, made in writing, and verified by the claimant or by his or her guardian, conservator, executor, or administrator. No claim or demand may be filed on behalf of a class of persons unless verified by every member of that class as required by this section. Notwithstanding the forgoing, nothing herein shall permit the filing of a refund claim on behalf of a class or group of taxpayers for a refund of taxes.

(d) 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 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 subdivisions (b) and (c) of this section.

(e) Suit

Any action brought against the District upon any claim or demand shall conform to the requirements of California Government Code sections 940 through 949. Any action brought against any employee of the District shall conform with the requirements of California Government Code sections 950 through 951.

Section 2. *References to the California Government Code.* All references to the California Government Code contained herein pertain to those provisions as they now exist or shall hereafter be amended.

Section 3. *Severability.* Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

Section 4. *Effective Date; Transitional Clause.* This Ordinance shall take effect thirty days after adoption as provided by California Government Code Section 25123. However, any claim that would have been timely if presented on the day before this Ordinance becomes effective, which claim would be untimely under the requirements of this Ordinance, may, notwithstanding this Ordinance, be presented not later than the 45th day after the adoption of this Ordinance.

Section 5. Rescind previous resolution. This Ordinance shall rescind Resolution No. 96-38 of the District in its entirety.

Section 6. *Certification.* The Secretary of the District shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to California Government Code section 25124.

PASSED, APPROVED AND ADOPTED, this 28 day of October 2008 by the following Vote:

AYES: Ben-Hur, Carver, Goss, Sievers and Wagner

NOES: None

ABSTENTIONS: None

ABSENT: None

Geoffrey K. Goss, President of the Board of
Directors of the Lake Arrowhead Community
Services District.

ATTEST:

(SEAL)

Kathleen Fankhauser, Secretary of the
Board of Directors of the Lake Arrowhead
Community Services District

ADOPTED
OCTOBER 28, 2008

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