CHAPTER ONE: ORGANIZATION, FUNCTIONS, AND GENERAL PROVISIONS

Subchapter 1.14: Claims Against the Town of Colma

1.14.010 Claims Required.

(a) All claims against the Town of Colma for money or damages not otherwise governed by the Tort Claims Act, California Government Code Sections 900 et seq., or another state law (hereinafter in this Chapter, "claims"), including but not limited to claims for tax refunds, shall be presented within the time, and in the manner, prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900 thereof) for the claims to which that Part applies by its own terms, as those provisions now exist or shall hereafter be amended, and as further provided by this chapter.

(b) A tax or assessment refund claim shall be deemed to accrue as of the date of payment of the tax or assessment.

[*History*: ORD. 592, 1/9/02; ORD. 687, 1/13/10]

1.14.020 Form of Claim.

All claims shall be made in writing and verified by the claimant or by his or her 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 as required by this section. In addition, all claims shall contain the information required by California Government Code Section 910.

[*History*: ORD. 592, 1/9/02]

1.14.030 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 City Council 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 Section 2 of this Chapter.

[*History*: ORD. 592, 1/9/02]

1.14.040 Suit.

Any action brought against the Town of Colma 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 the Town of Colma shall conform with the requirements of Section 950-951 of the California Government Code.

[*History*: ORD. 592, 1/9/02]

1.14.050 Authority to Approve or Deny Certain Claims.

(a) The City Manager shall be, and hereby is authorized to:

(1) Approve and pay any claim for $25,000 or less against the Town provided that the claim is for monetary damages only and approval is recommended by both the Town's insurance carrier and the City Attorney; and

(2) Deny any claim where denial of the claim is recommended by the liability insurance company for the Town of Colma;

(b) Within 30 days after approving or denying a claim, the city Manager must submit a written report to the City Council advising it of the claim, the disposition, and actions taken, if any, to remedy or mitigate the cause of the claim.

[*History*: ORD. 607, 12/10/03]

[*Cross-reference:* CMC § 1.504]

1.14.060 Payment/Collection of Taxes, Assessments or Fees as Condition Precedent to Seeking Judicial Review.

Notwithstanding any other provision of this Code, no injunction, writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the Town of Colma or an officer thereof, to prevent or enjoin the collection of taxes, assessments or fees (whether established by ordinance, resolution or other action of the City Council), which are sought to be collected from any person/claimant, or are otherwise due and owing from any person/claimant to the Town of Colma pursuant to this Code or otherwise, and payment of all said taxes, assessments, fees, plus any interest and penalties shall be required as a condition precedent to seeking judicial review of any tax, assessment or fee liability. For purposes of this section, the term "Town of Colma" shall include, but not be limited to, any agency, district or entity formed or governed by the Town of Colma.

[*History*: ORD. 694, 4/13/11]

1.14.070 Prohibition of Class Actions Challenging Taxes, Assessments and Fees.

No provision in this Code shall be deemed to permit the filing by or on behalf of a class or group, of a claim for refund of taxes, assessments or fees (whether established by ordinance, resolution or other action of the City Council), which have been paid to or collected by the Town of Colma. For purposes of this section, the term "Town of Colma" shall include, but not be limited to, any agency, district or entity formed or governed by the Town of Colma.

[*History*: ORD. 694, 4/13/11]