

ORDINANCE NO. 14

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE ALAMEDA-CONTRA COSTA TRANSIT DISTRICT RELATING TO CLAIMS FOR MONEY OR DAMAGES EXCEPTED BY SECTION 905 OF THE CALIFORNIA GOVERNMENT CODE

Be it enacted by the Board of Directors of the Alameda Contra Costa Transit District:

Section 1.

A. Claims against the Alameda Contra Costa Transit District.

Any claim against the Alameda-Contra Costa Transit District for money, damages, or a refund that is excepted by section 905 of the Government Code from the claims presentation requirements of the Tort Claims Act, including any claims filed pursuant to Section 9 of Resolution 2067, and which is not governed by other statutes or ordinances expressly relating thereto, shall be governed by this Ordinance. Any person pursuing such a claim must file a claim with the District Secretary, and the claim must conform to the following requirements:

- (a) It shall be in writing.
- (b) It shall contain the name and post office address of the claimant.
- (c) It shall be verified by the person who claims to be entitled to be paid the money or damages or who has paid the money sought to be refunded, except that it can be verified by the claimant's guardian, conservator, or the executor or administrator of his or her will or estate.
- (d) It shall state the date, place, and circumstance of the occurrence or transaction giving rise to the claim and a general description of the indebtedness, obligation, or injury so far as it may be known. If the claim is seeking a refund of a tax, fee, or assessment, the claim shall state whether the payment or payments of the tax, fee, or assessment were made to the Alameda-Contra Costa Transit District directly or to another entity collecting the tax, fee, or assessment on behalf of the Alameda-Contra Costa Transit District.
- (e) It shall state the total amount of the claim, together with the basis for computation of the amount claimed.
- (f) It shall be filed with the District Secretary not later than one year after the accrual of the cause of action of the underlying claim.

B. Action by Board of Directors.

The Board of Directors shall take action upon a claim submitted pursuant to section A., above within 45 days of its filing with the District Secretary. If the Board of Directors fails to do so, the demand or claim shall be deemed to have been rejected by the Board of Directors on the last day of the period within which the Board of Directors

was required to act. Action by the Board of Directors shall otherwise be subject to the provisions of section 912.4 of the Government Code.

C. Prerequisite to lawsuit.

No lawsuit may be brought against the Alameda-Contra Costa Transit District on any cause of action for which a claim must be filed under section A. above, until the claim has been filed with the District Secretary as required by this Ordinance and has been acted upon by the Board of Directors or has been deemed to have been rejected. Any action brought against the Alameda-Contra Costa Transit District on such a claim shall be subject to the provisions of sections 945.6 and 946 of the Government Code. Only the person who filed the claim may bring such a lawsuit, and if another person should do so judgment shall not be rendered for the plaintiff.

D. Claims for Refund Subject to the Tort Claims Act—Procedure

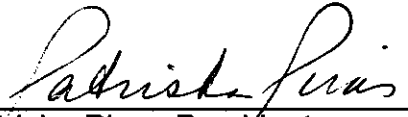
Where a claim for refund is subject to Chapter 1 and Chapter 2 of Part 3 of Division 3.6 of Title 1 of the Government Code of the State of California (§900, et seq.) the claim shall be verified by the person who has paid the money sought to be refunded, by his guardian or conservator, or by the executor or administrator of his or her will or estate. No suit for refund may be brought against the District until a written claim pursuant to this section has been presented to the District and has been acted upon or has been deemed to be rejected by the District, in accordance with the Tort Claims Act.

Section 2. Severability. If any section, subsection, phrase or clause of this ordinance is for any reasons held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The Board of Directors hereby declares that it would have passed this ordinance and each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

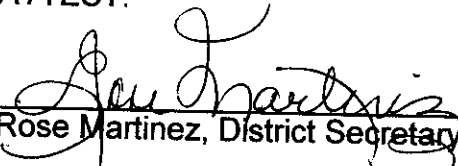
Section 3. Effective Date. This ordinance shall take effect thirty (30) days after passage thereof.

Section 4. Publication. This ordinance shall become effective thirty (30) days after its adoption which shall be at least three days after its introduction. This ordinance shall be published once a week for two consecutive weeks following its passage in a newspaper of general publication within the District.



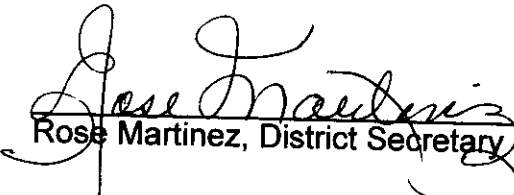
Patrisha Piras, President

ATTEST:


Rose Martinez, District Secretary

I, Rose Martinez, District Secretary for the Alameda-Contra Costa Transit District, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the Board of Directors held on April 3, 2003 and adopted at a regular Meeting of the Board of Directors held on the 17th day of April 2003, by the following roll call vote:

AYES:	DIRECTORS:	Peeples, Vice President Wallace, Bischofberger, Harper, Jaquez, Kaplan, President Piras
NOES:	DIRECTORS:	None
ABSENT:	DIRECTORS:	None
ABSTAIN:	DIRECTORS:	None


Rose Martinez, District Secretary

Approved as to Form:


Kenneth C. Scheidig, General Counsel