



## Legislation Text

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**File #:** 15-0876, **Version:** 2

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HEARING - Chief Administrative Office and Auditor-Controller, recommending the Board consider Final Passage (Second Reading) of Ordinance **5023** repealing Ordinance 305, Chapter 3.16 of Title 3 of the El Dorado County Ordinance Code, entitled "Claims Procedures" including subsequent revisions thereto (Ordinance 595 and Ordinance 840), and adding a new Chapter 3.16 to the El Dorado County Code. (Est. Time: 5 Min.) (Cont. 7/14/15, Item 41)

**FUNDING:** N/A

### **DEPARTMENT RECOMMENDATION**

Staff recommends the Board consider an ordinance repealing the current El Dorado County Ordinance Code Chapter 3.16, entitled "Claims Procedures", and adding a new Chapter 3.16 to the El Dorado County Code (also referred to as the "County Claim Ordinance").

As part of the County's project to review and update existing ordinances and policies, the Auditor-Controller identified the need to update the County Claim Ordinance to conform the ordinance to the County's existing practices which are consistent with requirements as outlined in Government Code and Board of Supervisors Resolution 181-78.

The new Claims Procedures Ordinance effectively adopts the claims procedures provided in Article 2 of Chapter 4 of Division 3 of Title 4 of the Government Code (§29740 et seq.), as they may be amended from time to time. Staff recommendation to adopt a new Claims Procedures Ordinance is made in keeping with Board direction regarding the update of County ordinances and policies with a stated desire to streamline our internal governing documents and ensure the result is in compliance with State and Federal law.

### **DISCUSSION/BACKGROUND**

On July 14, 2015 (Item 41) the Board approved the Introduction (First Reading) of Ordinance 5023 and set a public hearing for July 28, 2015 for Final Passage (Second Reading).

Government Code provides for the manner in which the Board of Supervisors may process payment of County charges as well as the filing and approval of claims against the County (§29700 - 29749). County Ordinance Chapter 3.16, Claims Procedures, was adopted in 1958 for the purpose of approving a method for the submission, allowance and payment of claims against the County as authorized by Government Code §29705.

In 1978, the Board of Supervisors adopted Resolution 181-78 authorizing the Auditor-Controller to allow or reject claims in lieu of, and with the same force and effect as, allowance or rejection by the Board of Supervisors. Resolution 181-78 was adopted to provide a more efficient and effective process for the processing of claims by the County, and to update and supersede the certain procedures previously identified in the County Claim Ordinance; however, the ordinance was not updated to reflect the changes adopted in the resolution.

County Ordinance Code Chapter 3.12, Procurement (also referred to as the Purchasing Ordinance), was adopted in 2006 and has been subsequently reviewed and updated on a regular basis. This chapter provides requirements related to the procurement of services, supplies, materials, goods, furnishings, equipment and other personal property by the County. The requirements outlined in the Purchasing Ordinance are more current and effectively supersede several sections in the County Claim Ordinance including 3.16.040 Purchase Orders, 3.16.050 Contractual Obligations, 3.16.060 Utilities, and 3.16.070 Expenses; however, the County Claim Ordinance was not updated to reflect these changes.

Staff in the Chief Administrative Office and County Counsel have reviewed the current County Claim Ordinance in detail to ensure that provisions being repealed are addressed in Government Code, County Charter, other County ordinances, Board Policy and Personnel Rules, or are no longer applicable.

Staff recommends that the a new Claims Ordinance be adopted to:

1. Provide that the County's claims procedures be in accordance with the specific requirements as set forth in Government Code
2. Waive the three-day waiting period for processing of claims in accordance with Government Code §29742
3. Dispense with the use of an Allowance Book pursuant to Government Code §25102
4. Eliminate outdated provisions, and provisions that are now addressed in other governance documents

### **ALTERNATIVES**

N/A - The current ordinance and related resolution are outdated and should be updated to allow for the efficient and effective processing of claims in accordance with Government Code.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

The proposed ordinance was developed and reviewed by staff in the Chief Administrative Office, County Counsel and Auditor-Controller's Office.

### **CAO RECOMMENDATION**

CAO recommending the approve staff's recommendation and continue this matter to July 28, 2015 for final passage.

### **FINANCIAL IMPACT**

There is no Net County Cost associated with this agenda item.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) Publish the Ordinance in the appropriate local newspaper(s) following Board approval of the Introduction (First Reading) of the Ordinance;
- 2) Continue this agenda item to Tuesday, July 28, 2015 for Final Passage of Ordinance.

### **STRATEGIC PLAN COMPONENT**

Financial Sustainability

### **CONTACT**

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