

ORDINANCE NO. 2008-01

AN ORDINANCE OF THE PAJARO VALLEY WATER MANAGEMENT AGENCY
ESTABLISHING PROCEDURES AND LIMITATIONS PERIOD FOR FILING REFUND
CLAIMS

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The Board of Directors of the Pajaro Valley Water Management Agency does hereby find and determine as follows:

SECTION 1: This ordinance shall be known as the PAJARO VALLEY WATER MANAGEMENT AGENCY REFUND CLAIMS ORDINANCE.

SECTION 2: Authority. This ordinance is enacted pursuant to California Government Code Section 935.

SECTION 3: Claims required. All claims against the Agency for money, damages or refunds, not otherwise governed by the Tort Claims Act, California Government Code Sections 900, et seq., or any other law of the State of California (hereinafter "claims"), including all claims for refunds of management fees, augmentation charges or delivery charges shall be governed by the provisions of this Ordinance.

SECTION 4: Time limit for presentment of claims. Any claim specified in this ordinance shall be presented within one (1) year after the accrual of the claim pursuant to California Government Code Section 911.2. All claims for refunds shall be deemed to have accrued as follows:

- A. As of the effective date of this ordinance: All claims for refunds of augmentation charges paid pursuant to Section 4 of Ordinance 2003-01 or Section 4 of Ordinance 2004-02, and made pursuant to the stipulation for entry of judgment in the consolidated actions entitled James P. Scurich et al. v. PVWMA (SCSC Case No. CV 144843; 6th Civil No. H025776); PVWMA v. All Persons Interested (Case No. CV 146754; 6th Civil No. H027817); Harold W. Griffith v. PVWMA (SCSC Case No. 150716); San Andreas Mutual Water Company v. PVWMA (SCSC Case No. 150923).
- B. As of the date of payment of the fee or charge. All other claims for refunds of management fees, augmentation charges or delivery charges.

SECTION 5: Form of claim. All claims shall be made in writing and verified by a claimant or by the claimant's guardian, conservator, executor or administrator. No claim may be filed on behalf of a class of persons unless verified by every member of the class. In addition, all

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claims shall contain the information required by California Government Code Section 910. Claims shall be made on a form provided by the Agency and shall be filed with the General Manager.

SECTION 6: Claim prerequisite to suit. All claims shall be presented as provided in this chapter and acted upon by the Board of Directors prior to the filing of any lawsuit or action on such claim, and no lawsuit or action shall be maintained by a person or entity that has not complied with this ordinance.


SECTION 7: Agency action on claim. The Board of Directors shall act to approve or deny a claim within forty-five days of its presentment as required under this Ordinance. Failure of the Board of Directors to act within the time required shall be deemed a denial of the claim.

SECTION 8: Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

SECTION 9: Effective date. This ordinance shall be in full force and effect sixty (60) days after entry of judgment in the consolidated actions referenced in Section 4.A., above, and after judgment in said actions has become final. The Ad Hoc Executive Committee of the Agency is hereby directed to publish a copy of this ordinance in accordance with the requirements of California Government Code Section 6063 in a newspaper of general circulation within the Agency boundaries.

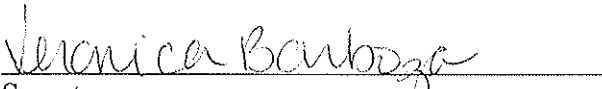
PASSED AND ADOPTED this 20th day of February 2008, by the following votes:

AYES: Directors: Osmer, Cervantes, Eiskamp, Kegebein, Imazio, Dobler, Koenig
NOES: Directors: None
ABSENT: Directors: None
ABSTAIN: Directors: None



Marc Cervantes, Vice Chair

ATTEST:



Secretary

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