

RESOLUTION NUMBER R- 314369  
DATE OF FINAL PASSAGE OCT 12 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING THE SUBMISSION TO THE  
CITY OF CLAIMS, AMENDMENTS TO CLAIMS, AND  
APPLICATIONS FOR LEAVE TO FILE LATE CLAIMS IN  
ELECTRONIC FORM IN ACCORDANCE WITH CALIFORNIA  
GOVERNMENT CODE SECTION 915

WHEREAS, the Government Claims Act (GCA), at California Government Code section 810 *et seq.*, establishes the extent to which public entities are liable for injuries; and

WHEREAS, as provided by the GCA, all claims for money or damages against a public entity must be presented in writing to the public entity; and

WHEREAS, under the GCA, at California Government Code section 915, a claim, any amendment of a claim, or an application for leave to present a late claim, must be presented to a local public entity by any of the following means: (1) Delivering it to the clerk, secretary, or auditor; (2) Mailing it to the clerk, secretary, auditor, or to the governing body at its principal office; or (3) If expressly authorized by an ordinance or resolution of the public entity, submitting it electronically to the public entity in the manner specified in the ordinance or resolution; and

WHEREAS, as set forth in section 22.2501 of the San Diego Municipal Code, the City Council (Council) has designated the Director of Risk Management to serve as the Secretary of the Council for the purpose of receiving and processing all claims against the City under the GCA; and

WHEREAS, the Risk Management Director has historically received claims by personal delivery and mail, as required by Government Code section 915; and

WHEREAS, during the COVID-19 pandemic when many City offices were closed to the public for health and safety reasons, the Risk Management Department recognized that accepting claims via electronic mail (email) would benefit the public by providing broader and more efficient access to the claims filing process for those who are able, and want, to use email; and

WHEREAS, the Risk Management Director is now recommending that the City make available a web-based claim form to permit claimants to access, complete, and submit electronically a claim through an online portal on the Risk Management Department's website; and

WHEREAS, implementation of an online portal for the electronic submission of claims will provide a convenient, optional means for members of the public to present claims to the City; and

WHEREAS, implementation of an online portal will also improve efficiencies for City staff in processing claims; and

WHEREAS, efficiencies in claims management and customer service will also be achieved by allowing claimants to submit amended claims or applications to file late claims by email to the staff member assigned to a claim or, if none has been assigned, to a publicly available email address; and

WHEREAS, the traditional means of presenting claims, amendments of claims, and applications for leave to present a late claim to the City of personal delivery or mail will continue following implementation of an electronic claims receipt and filing system; and

WHEREAS, the Council authorizes the Risk Management Director to take all steps necessary to implement an electronic claims receipt and filing system, in accordance with California Government Code section 915, which must include access to submitting claims

electronically through an online portal and submitting by email amendments to existing claims and applications for leave to file late claims; and

WHEREAS, the Council requests that the Risk Management Department publish instructions on the filing of electronic claims and related documents on the Risk Management Department's website and through other publicly available communications; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, as follows:

1. In accordance with section 915(a)(3) of the Government Code, the Council authorizes the electronic submission of claims to the City through an online portal located on the Risk Management Department's website.
2. In accordance with section 915(a)(3) of the Government Code, the Council also authorizes the electronic submission of amended claims to the City by email.
3. In accordance with section 915(a)(3) of the Government Code, the Council also authorizes the electronic submission of applications for leave to present late claims to the City by email.

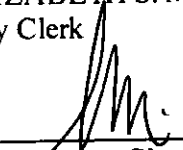
APPROVED: MARA W. ELLIOTT, City Attorney

By     /s/ Alison P. Adema      
Alison P. Adema  
Senior Deputy City Attorney

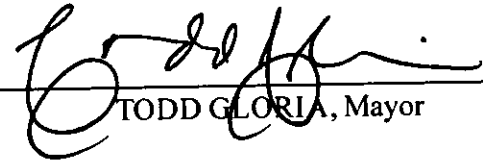
APA:hm  
September 9, 2022  
Or.Dept: PW Claims  
Doc. No.: 3090481

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 03 2022.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 10/12/22  
(date)

  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on OCT 03 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 12 2022.

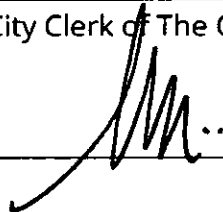
**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

TODD GLORIA  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

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