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CITY OF OAKLAND



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November 6, 2007

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HONORABLE CITY COUNCIL  
Oakland, California

**Re: Supplemental Report Regarding Ordinance Amending Chapter 1.20 of the Oakland Municipal Code to Establish and Codify Requirements for Claims for Money or Damages against the City Of Oakland That Are Not Otherwise Governed by the Claims Presentation Provisions of the Government Claims Act, California Government Code Sections 900 et seq., or Other State Law.**

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President De La Fuente and Members of the City Council:

**I. Introduction**

At its October 9, 2007 meeting, the Finance and Management Committee requested a supplemental report explaining the proposed ordinance and the reasons favoring its adoption. This supplemental report responds to the Committee's request.

**II. Discussion**

The proposed ordinance will eliminate exceptions to the claim requirements that currently apply to claims against the City for money or damages under the state Government Code. Under the proposed amendment to Oakland Municipal Code Chapter 1.20, any person asserting a claim against the City for money or damages will be required to submit a claim as prerequisite to bringing a court action.

Among the twelve categories of claims excepted from claim presentation requirements under Government Code section 905 are:

- claims under the Revenue and Taxation Code or other statute for refunds of illegally collected taxes;

- claims for principal or interest upon any bond or other financial instrument;
- claims for employment benefits or salaries;
- claims by the State and other public agencies;
- welfare claims;
- claims by public employees for fees, salaries, wages, mileage or other expenses and allowances;
- public retirement or pension system claims.

The proposed amendment to the Oakland Ordinance would require presentation of a claim to the City before filing a court action in all of these above categories. Recognizing the express authority granted to local governments under Government Code section 935, California courts have consistently upheld claims ordinances in jurisdictions including Pasadena, Ontario, and Los Angeles.

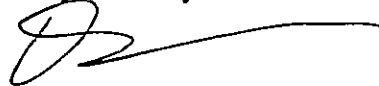
Similar claim presentation requirements are already codified in various ordinances within the Oakland Municipal Code, including the Business Tax Ordinance (§ 5.04.540), Parking Tax Ordinance (§ 4.16.160), and Utility Users Tax (§ 4.28.120). The proposed amendment will extend and standardize City claim requirements.

### **III. Conclusion**

The City Attorney recommends City Council approval of the ordinance amending Chapter 1.20 of the Oakland Municipal Code to establish and codify the claim requirements and procedures for claims for money or damages against the City of Oakland.

Very truly yours,

John A. Russo  
City Attorney



By:  
Kathleen Salem-Boyd  
Deputy City Attorney

KSB:ww

cc: City Administrator, Deborah Edgerly