



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: September 21, 2021

FROM: CITY ATTORNEY'S OFFICE WARDS: ALL

SUBJECT: ADOPTION OF AN ORDINANCE AMENDING CHAPTER 1.05 OF THE RIVERSIDE MUNICIPAL CODE TO ALLOW FOR THE ELECTRONIC SERVICE OF GOVERNMENT TORT CLAIMS AND NOTICES

ISSUE:

The issue presented for consideration by the City Council is whether to amend Chapter 1.05 of the Riverside Municipal Code to allow for the electronic service of government claims and notices by adding Section 1.05.035.

RECOMMENDATION:

That the City Council introduce and subsequently adopt an Ordinance amending Chapter 1.05 of the Riverside Municipal Code entitled Claims Against the City to allow for the electronic service of government claims and notices by adding Section 1.05.035.

DISCUSSION:

Effective January 1, 2021, Senate Bill 1473 amended the Government Tort Claims Act to authorize a person to present a claim by electronically submitting it to a public entity, if expressly authorized to do so by an ordinance or resolution of the public entity (Cal. Government Code Section 915(a)(3)). The City Attorney's Office has prepared this ordinance to amend the City of Riverside Municipal Code to formally authorize, and provide procedures for, electronic filing of claims to ensure compliance with state law.

In particular, the ordinance amends Chapter 1.05 of the Riverside Municipal Code by adding Section 1.05.035 to:

- Require an individual who is submitting the claim electronically to use the online claim form available on the City's webpage at <https://www.riversideca.gov/claims>.
- Allow the City Manager the option of adopting additional instructions, if needed, consistent with the Government Code provisions in state law.
- Indicate that proof of electronic service may be made and signed consistent with Cal.

Government Code Section 915.2 which requires that proof of service include the date of electronic service, the name and electronic service address of the person, a statement that the document was served electronically, and an electronic signature by signing the actual printed form and submitting it electronically, or signing using the computer or other technology.

- Acknowledge that anyone who has submitted an electronic claim has consented to accept service of notices electronically.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

Prepared by: Phaedra A. Norton, City Attorney

Certified as to
availability of funds: Edward Enriquez, Chief Financial Officer/City Treasurer