



- **Board of Directors**  
***Legal and Claims Committee***

10/14/2025 Board Meeting

7-5

## Subject

Adopt a resolution authorizing electronic submissions of Government Code claims, any amendment thereto, and applications for leave to present a late claim, pursuant to Government Code section 915(a)(3), and approve amendments and an addition to the Metropolitan Water District Administrative Code to conform to the authority set forth in the resolution; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

## Executive Summary

Pursuant to Administrative Code Section 9305 (Claims by Local Public Entities) and Government Code section 915, Metropolitan is authorized only to accept Government Code claims for damages by personal delivery or mail. Government Code section 915, subsection (a)(3) authorizes a public entity to also accept electronic submissions of a Government Code claim, claim amendments, or late claim applications (collectively "Government Code claim materials"), only if the public entity adopts an ordinance or resolution expressly authorizing electronic submissions in the manner specified therein. This action would adopt a resolution authorizing the option of electronic submissions of Government Code claim materials to Metropolitan's Board Executive Secretary and make corresponding amendments to Administrative Code Sections 9303 and 9305, and add Section 9400, to conform to the authority set forth in the resolution (**Attachment 1**).

## Proposed Action(s)/Recommendation(s) and Options

### Staff Recommendation: Option #1

#### Option #1

Adopt a resolution authorizing electronic submissions of Government Code claims, any amendments thereto, and applications for leave to present a late claim, pursuant to Government Code section 915(a)(3), and approve amendments and an addition to the Metropolitan Water District Administrative Code to conform to the authority set forth in the resolution.

**Fiscal Impact:** None

**Business Analysis:** Authorizing the option of electronic submissions of Government Code claims, any amendments thereto, and applications for leave to present a late claim, would streamline Government Code claims processing and handling for Metropolitan staff and would align Metropolitan's practices with those of most other local public entities, which accept electronic submissions of Government Code claims, while also increasing transparency and public access to the Government Code claim submission process.

#### Option #2

Do not adopt a resolution authorizing electronic submissions of Government Code claims, any amendments thereto, and applications for leave to present a late claim, and do not amend or add to the Metropolitan Water District Administrative Code.

**Fiscal Impact:** None

**Business Analysis:** No resolution will be adopted, and the Administrative Code will not be amended to authorize electronic submissions of Government Code claims, any amendments thereto, and applications for leave to present a late claim.

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### **Alternatives Considered**

Not applicable

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### **Applicable Policy**

Metropolitan Water District Administrative Code Section 9303: Notice of Insufficiency of Claim

Metropolitan Water District Administrative Code Section 9305: Presentation of Claim to District

Metropolitan Water District Administrative Code Section 11104: Delegation of Responsibilities

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### **Related Board Action(s)/Future Action(s)**

Not applicable

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### **California Environmental Quality Act (CEQA)**

#### **CEQA determination for Option #1:**

The proposed action is not defined as a project under CEQA because it involves organizational, maintenance, or administrative activities; personnel-related actions; and/or general policy and procedure making that will not result in direct or indirect physical changes in the environment. (Public Resources Code Section 21065; State CEQA Guidelines Section 15378(b)(2) and (5)).

#### **CEQA determination for Option #2:**

None required

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### **Details and Background**

#### **Background**

The California Government Claims Act (Govt. Code, §§ 810, et seq.) generally requires a claim for damages against a public entity in California to be presented to that public entity in accordance with the specific procedures.

While the Government Claims Act excepts local public entities from the general claim presentation requirement (Govt. Code, § 905(i)), it authorizes public entities (e.g., Metropolitan) to prescribe its own procedures to govern claims against it by other local public entities, including a requirement that a claim be presented and acted upon as a prerequisite to suit thereon. (Govt. Code, §935.) Pursuant to this authority, Metropolitan has adopted Administrative Code Sections 9300–9310, Claims by Local Public Entities, which set forth the procedures by which local public entities may bring claims against Metropolitan and require that such claims are presented to Metropolitan and acted upon as a prerequisite to suit thereon. Meanwhile, the Government Claims Act governs all claims against Metropolitan by persons or entities other than local public entities.

Currently, pursuant to Government Code section 915 and Administrative Code Section 9305, Metropolitan is only authorized to accept Government Code claims for damages that are presented to Metropolitan by personal delivery or mail. For a public entity to accept Government Code claims electronically, Government Code section 915, subsection (a)(3) requires that the public entity expressly authorize by ordinance or resolution electronic submissions of a claim, any amendment thereto, and any application for leave to present a late claim, in the manner specified in the ordinance or resolution.

Authorizing the option of electronic submission of Government Code claims by local public entities and persons or entities other than local public entities would streamline claims processing for Metropolitan staff. Furthermore, authorizing electronic submission of Government Code claims would align Metropolitan with the practices of most local public entities, including cities, counties, and other water agencies, which now accept electronic submissions of Government Code claims.

The proposed resolution would authorize electronic submissions of Government Code claims, any amendments thereto, and any application for leave to present a late claim, by email to Metropolitan's Board Executive Secretary's email address: [BoardExecutiveSecretary@mw2dh.com](mailto:BoardExecutiveSecretary@mw2dh.com), or by any other means as deemed appropriate by the General Manager and General Counsel. If in the future the General Manager and General Counsel determine that another means of electronic submission is appropriate, staff can recommend that the Board approve an update to the Administrative Code. The resolution would also direct the Board Executive Secretary to promptly forward any claims received to the Risk Manager for processing.

Furthermore, Administrative Code Sections 9303 and 9305 would be amended to reflect the authorization of electronic submissions of Government Code claim materials by local public entities, while a new Section 9400 would be added to expressly authorize electronic submissions of Government Code claim materials by persons or entities other than local public entities. The Government Code would continue to govern all other aspects of claims submission by persons or entities other than local public entities.

The proposed resolution and Administrative Code amendments would fulfill internal organizational needs because it is anticipated that many claimants would opt for electronic submission, while also increasing transparency and public access to the claim submission process.

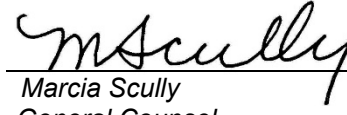
#### **Proposed Administrative Code Amendments:**

The proposed changes to the Administrative Code include updating portions of Title IX, Chapter 3, of the Administrative Code, entitled Claims by Local Public Entities, and adding Title IX, Chapter 4, entitled "Claims by Persons or Entities Other Than Local Public Entities", to provide for the option of electronic submission of Government Code claim materials by all parties. Specifically, the following changes to the Administrative Code are recommended:

1. Amend Section 9303 (Notice of Insufficiency of Claim), subsection (b) to add that if a claim by a local public entity was submitted electronically, a notice of insufficiency of claim may be given by emailing it to the email address from which the claim was received unless the person presenting the claim requests notice to be sent to an alternative email address.
2. Amend Section 9305 (Presentation of Claim to District) to add that a claim by a local public entity may be presented electronically to the District by emailing the claim to the Board Executive Secretary at [BoardExecutiveSecretary@mw2dh.com](mailto:BoardExecutiveSecretary@mw2dh.com), or by any other means as deemed appropriate by the General Manager and General Counsel, and consistent with state law, clarifying that even if a claim is not emailed as provided herein it is deemed to have been presented correctly if it is actually received by the Secretary or Board Executive Secretary or Board within the time prescribed.
3. Add Title IX, Chapter 4 and its Section 9400 (Electronic Submission of Claims) to provide that in addition to presenting claim materials in the manner authorized under California Government Code section 915, subsections (a)(1) and (a)(2), a person or entity other than a local public entity, as defined in section 9300, may electronically present claim materials to the District by emailing the claim materials to the Board Executive Secretary at [BoardExecutiveSecretary@mw2dh.com](mailto:BoardExecutiveSecretary@mw2dh.com), or by any other means as deemed appropriate by the General Manager and General Counsel.

The foregoing proposed amendments to Administrative Code Sections 9303 and 9305, and addition of Section 9400, are found in **Attachment 2** (with changes marked) and in **Attachment 3** (clean copy).

All amendments and changes are effective upon Board approval unless specified otherwise.

  
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Marcia Scully  
General Counsel

10/8/2025  
\_\_\_\_\_  
Date

**Attachment 1 – Proposed Resolution**

**Attachment 2 - The Administrative Code of The Metropolitan Water District of Southern California (with changes marked)**

**Attachment 3 - The Administrative Code of The Metropolitan Water District of Southern California (clean copy)**

Ref# I12706798

**Resolution \_\_\_\_\_****RESOLUTION OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA AUTHORIZING ELECTRONIC SUBMISSIONS OF GOVERNMENT CODE CLAIMS, ANY AMENDMENT THERETO, AND APPLICATIONS FOR LEAVE TO PRESENT A LATE CLAIM PURSUANT TO GOVERNMENT CODE SECTION 915(a)(3)**

WHEREAS, claims for damages against public entities in California must be presented to the public entity in accordance with the specific procedures set forth in the California Government Code; and

WHEREAS, Government Code section 915, subsection (a)(3) provides that “a claim, any amendment thereto, or an application to the public entity for leave to present a late claim shall be presented to a local public entity by any of the following means: . . . 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, pursuant to Government Code section 915, subsection (a)(3), the Board of Directors must adopt this resolution to authorize The Metropolitan Water District of Southern California to accept electronic submissions of Government Code claims, any amendment thereto, and applications for leave to present a late claim, as prescribed herein.

NOW, THEREFORE, the Board of Directors of The Metropolitan Water District of Southern California does hereby resolve, determine, and order as follows:

**Section 1. Recitals.** The recitals set forth above are true and correct and are incorporated into this Resolution by this reference and are made a part of the official findings of the Board of Directors.

**Section 2. Electronic Submissions of Government Code Claims, Amendments Thereto, and Applications for Leave to Present a Late Claim.** Pursuant to Government Code section 915, subsection (a)(3), The Metropolitan Water District of Southern California (“District”) is hereby authorized to accept Government Code claims for damages, any amendment thereto, and applications for leave to present a late claim. Electronic submission of Government Code claims, any amendment thereto, and applications for leave to present a late claim, shall be made by e-mail to the District’s Board Executive Secretary’s e-mail address, [BoardExecutiveSecretary@mwdh2o.com](mailto:BoardExecutiveSecretary@mwdh2o.com), or by any other electronic means as deemed appropriate by the General Manager and General Counsel.

**Section 3. Forwarding Electronic Submissions to the Risk Manager.** Once the District’s Board Executive Secretary receives an e-mail submission of a Government Code claim, any amendment thereto, or an application for leave to present a late claim, the Board Executive Secretary shall promptly forward that e-mail submission to the District’s Risk Manager.

**Section 4. Other Methods of Presenting a Claim.** This Resolution shall in no way eliminate or otherwise affect any other lawfully authorized means or requirement of presenting a Government Code claim, any amendment thereto, or an application for leave to present a late claim, to the District, as set forth in the Government Code and the District's Administrative Code.

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of a resolution adopted by the Board of Directors of The Metropolitan Water District of Southern California, at its meeting held on October \_\_\_\_, 2025.

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Secretary of the Board of Directors  
of The Metropolitan Water District  
of Southern California

### **Chapter 3**

#### **CLAIMS BY LOCAL PUBLIC ENTITIES**

Sec.	
9300.	Definition
9301.	Necessity of Claim
9302.	Contents of Claim
9303.	Notice of Insufficiency of Claim
9304.	Waiver of Defects in Claim
9305.	Presentation of Claim to District
9306.	Time for Presentation of Claims
9307.	Grant or Denial of Application by Board
9308.	Notice of Claim
9309.	Contract Procedure for Presenting Claims
9310.	Application of Chapter

#### **§ 9300. Definition.**

As used in this chapter, "local public entity" includes any county or city and any district, local authority or other political subdivision of the State but does not include the State or any office, officer, department, division, bureau, board, commission or agency thereof, claims against which are paid by warrants drawn by the Controller of the State of California. "Local public entity" shall include any chartered county, chartered city and county, and chartered city.

#### **§ 9301. Necessity of Claim.**

No suit for money or damages shall be brought against the District by or on behalf of any local public entity on a cause of action until a written claim therefor has been presented in conformity with the provisions of this chapter.

#### **§ 9302. Contents of Claim.**

A claim shall be presented by the local public entity and shall show:

- (a) The name and post office address of the local public entity;
- (b) The post office address to which the local public entity presenting the claim desires notices to sent;
- (c) The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted;

(d) A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of the presentation of the claim; and

(e) The amount claimed as of the date of presentation of the claim, together with the basis of computation thereof. The claim shall be signed by a duly authorized officer on behalf of the local public entity. A claim may be amended at any time, and the amendment shall be considered a part of the original claim for all purposes.

### **§ 9303. Notice of Insufficiency of Claim.**

(a) If in the opinion of the Board a claim as presented fails to comply substantially with the requirements of Section 9302 the Board may, at any time within 20 days after the claim is presented, give written notice of its insufficiency, stating with particularity the defects or omissions therein.

(b) Such notice may be given by mailing it to the address, if any, stated in the claim as the address to which the local public entity presenting the claim desires notices to be sent. If no such address is stated in the claim the notice may be mailed to the address, if any, of the local public entity as stated in the claim. If the claim was submitted electronically, such notice may be given by e-mailing it to the e-mail address from which the claim was received unless the person presenting the claim requests notice to be sent to an alternative e-mail address.

(c) The Board will not take action on the claim for a period of 20 days after such notice is given. A failure or refusal to amend the claim shall not constitute a defense to any action brought upon the cause of action for which the claim was presented if the court finds that the claim as presented complied substantially with Section 9302.

### **§ 9304. Waiver of Defects in Claim.**

Any defense based upon a defect or omission in a claim as presented is waived by failure of the Board to mail notice of insufficiency with respect to such defect or omission as provided in Section 9303.

### **§ 9305. Presentation of Claim to District.**

A claim may be presented to the District (1) by delivering the claim to the Secretary of the Board or the Board Executive Secretary within the time prescribed by Section 9306, ~~or~~ (2) by mailing the claim to such Secretary or Board Executive Secretary or to the Board at its principal office not later than the last day of such period, or (3) by e-mailing the claim to the Board Executive Secretary at BoardExecutiveSecretary@mwdh2o.com, or by any other electronic means as deemed appropriate by the General Manager and General Counsel. A claim shall be deemed to have been presented in compliance with this section even though it is not delivered, ~~or~~ mailed, or e-mailed as provided herein if it is actually received by the Secretary or Board Executive Secretary or Board within the time prescribed.



**§ 9306. Time for Presentation of Claims.**

(a) A claim relating to a cause of action for death or for physical injury to the person or to personal property or growing crops shall be presented as provided in Section 9305 not later than six months after the accrual of the cause of action. A claim relating to any other cause of action shall be presented as provided in Section 9305 not later than one year after the accrual of the cause of action.

(b) For the purpose of computing the time limit prescribed by this section, the date of accrual of a cause of action to which a claim relates is the date upon which the cause of action accrued within the meaning of the applicable statute of limitations.

**§ 9307. Grant or Denial of Application by Board.**

(a) The Board shall grant or deny the application within 45 days after it is presented to the Board. If the Board does not act upon the application within 45 days after the application is presented, the application shall be deemed to have been denied on the 45th day.

(b) If the Board acts on a claim, it will do so in one of the following ways:

(1) If the Board finds that the claim is not a proper charge against the District, it shall reject the claim;

(2) If the Board finds the claim is a proper charge against the District and is for an amount justly due, it shall allow the claim;

(3) If the Board finds the claim is a proper charge against the District but is for an amount greater than is justly due, it shall either reject the claim or allow it in the amount justly due and reject it as to the balance. If the Board allows the claim in part and rejects it in part it may require the local public entity if it accepts the amount allowed, to accept it in settlement of the entire claim.

**§ 9308. Notice of Claim.**

Written notice of the action taken under Section 9307(b) or the inaction which is deemed rejection under Section 9307(a) shall be given in writing by the General Manager or General Counsel to the local public entity which presented the claim.

**§ 9309. Contract Procedure for Presenting Claims.**

The Board may include in any written agreement to which the District and other local public entities are parties provisions governing the presentation, by or on behalf of such local public entities, of any or all claims arising out of or related to the agreement and the consideration and payment of such claims. The written agreement may incorporate by reference the claim provisions set forth in this chapter. A claims proceeding established by an agreement

made pursuant to the section exclusively governs the claims to which it relates. This chapter does not apply to any agreement to which the District is a party, which was executed or which became effective prior to September 20, 1962.

**§ 9310. Application of Chapter.**

This Chapter 3 applies only to claims relating to causes of action which have accrued subsequent to September 20, 1962.

**Chapter 4****CLAIMS BY PERSONS OR ENTITIES OTHER THAN LOCAL PUBLIC ENTITIES****§ 9400. Electronic Submission of Claims.**

In addition to presenting a claim, any amendment thereto, or an application for leave to present a late claim to the District in the manner required under California Government Code section 915, subsections (a)(1) and (a)(2), a person or entity other than a local public entity, as defined in section 9300, may electronically present a claim to the District by e-mailing the claim to the Board Executive Secretary at BoardExecutiveSecretary@mw2dh.com, or by any other means as deemed appropriate by the General Manager and General Counsel.

### **Chapter 3**

#### **CLAIMS BY LOCAL PUBLIC ENTITIES**

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#### **§ 9300. Definition.**

As used in this chapter, "local public entity" includes any county or city and any district, local authority or other political subdivision of the State but does not include the State or any office, officer, department, division, bureau, board, commission or agency thereof, claims against which are paid by warrants drawn by the Controller of the State of California. "Local public entity" shall include any chartered county, chartered city and county, and chartered city.

#### **§ 9301. Necessity of Claim.**

No suit for money or damages shall be brought against the District by or on behalf of any local public entity on a cause of action until a written claim therefor has been presented in conformity with the provisions of this chapter.

#### **§ 9302. Contents of Claim.**

A claim shall be presented by the local public entity and shall show:

- (a) The name and post office address of the local public entity;
- (b) The post office address to which the local public entity presenting the claim desires notices to sent;
- (c) The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted;

(d) A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of the presentation of the claim; and

(e) The amount claimed as of the date of presentation of the claim, together with the basis of computation thereof. The claim shall be signed by a duly authorized officer on behalf of the local public entity. A claim may be amended at any time, and the amendment shall be considered a part of the original claim for all purposes.

### **§ 9303. Notice of Insufficiency of Claim.**

(a) If in the opinion of the Board a claim as presented fails to comply substantially with the requirements of Section 9302 the Board may, at any time within 20 days after the claim is presented, give written notice of its insufficiency, stating with particularity the defects or omissions therein.

(b) Such notice may be given by mailing it to the address, if any, stated in the claim as the address to which the local public entity presenting the claim desires notices to be sent. If no such address is stated in the claim the notice may be mailed to the address, if any, of the local public entity as stated in the claim. If the claim was submitted electronically, such notice may be given by e-mailing it to the e-mail address from which the claim was received unless the person presenting the claim requests notice to be sent to an alternative e-mail address.

(c) The Board will not take action on the claim for a period of 20 days after such notice is given. A failure or refusal to amend the claim shall not constitute a defense to any action brought upon the cause of action for which the claim was presented if the court finds that the claim as presented complied substantially with Section 9302.

### **§ 9304. Waiver of Defects in Claim.**

Any defense based upon a defect or omission in a claim as presented is waived by failure of the Board to mail notice of insufficiency with respect to such defect or omission as provided in Section 9303.

### **§ 9305. Presentation of Claim to District.**

A claim may be presented to the District (1) by delivering the claim to the Secretary of the Board or the Board Executive Secretary within the time prescribed by Section 9306, (2) by mailing the claim to such Secretary or Board Executive Secretary or to the Board at its principal office not later than the last day of such period, or (3) by e-mailing the claim to the Board Executive Secretary at [BoardExecutiveSecretary@mwdh2o.com](mailto:BoardExecutiveSecretary@mwdh2o.com), or by any other electronic means as deemed appropriate by the General Manager and General Counsel. A claim shall be deemed to have been presented in compliance with this section even though it is not delivered, mailed, or e-mailed as provided herein if it is actually received by the Secretary or Board Executive Secretary or Board within the time prescribed.

**§ 9306. Time for Presentation of Claims.**

(a) A claim relating to a cause of action for death or for physical injury to the person or to personal property or growing crops shall be presented as provided in Section 9305 not later than six months after the accrual of the cause of action. A claim relating to any other cause of action shall be presented as provided in Section 9305 not later than one year after the accrual of the cause of action.

(b) For the purpose of computing the time limit prescribed by this section, the date of accrual of a cause of action to which a claim relates is the date upon which the cause of action accrued within the meaning of the applicable statute of limitations.

**§ 9307. Grant or Denial of Application by Board.**

(a) The Board shall grant or deny the application within 45 days after it is presented to the Board. If the Board does not act upon the application within 45 days after the application is presented, the application shall be deemed to have been denied on the 45th day.

(b) If the Board acts on a claim, it will do so in one of the following ways:

(1) If the Board finds that the claim is not a proper charge against the District, it shall reject the claim;

(2) If the Board finds the claim is a proper charge against the District and is for an amount justly due, it shall allow the claim;

(3) If the Board finds the claim is a proper charge against the District but is for an amount greater than is justly due, it shall either reject the claim or allow it in the amount justly due and reject it as to the balance. If the Board allows the claim in part and rejects it in part it may require the local public entity if it accepts the amount allowed, to accept it in settlement of the entire claim.

**§ 9308. Notice of Claim.**

Written notice of the action taken under Section 9307(b) or the inaction which is deemed rejection under Section 9307(a) shall be given in writing by the General Manager or General Counsel to the local public entity which presented the claim.

**§ 9309. Contract Procedure for Presenting Claims.**

The Board may include in any written agreement to which the District and other local public entities are parties provisions governing the presentation, by or on behalf of such local public entities, of any or all claims arising out of or related to the agreement and the consideration and payment of such claims. The written agreement may incorporate by reference the claim provisions set forth in this chapter. A claims proceeding established by an agreement

made pursuant to the section exclusively governs the claims to which it relates. This chapter does not apply to any agreement to which the District is a party, which was executed or which became effective prior to September 20, 1962.

**§ 9310. Application of Chapter.**

This Chapter 3 applies only to claims relating to causes of action which have accrued subsequent to September 20, 1962.

## **Chapter 4**

### **CLAIMS BY PERSONS OR ENTITIES OTHER THAN LOCAL PUBLIC ENTITIES**

#### **§ 9400. Electronic Submission of Claims.**

In addition to presenting a claim, any amendment thereto, or an application for leave to present a late claim to the District in the manner required under California Government Code section 915, subsections (a)(1) and (a)(2), a person or entity other than a local public entity, as defined in section 9300, may electronically present a claim to the District by e-mailing the claim to the Board Executive Secretary at [BoardExecutiveSecretary@mw2o.com](mailto:BoardExecutiveSecretary@mw2o.com), or by any other means as deemed appropriate by the General Manager and General Counsel.