

City of Richmond

Administrative Manual

SUBJECT: Receipt of Claims and Services of Legal Process

SECTION: Legal/City Attorney

POLICY NUMBER: AP 253

INITIAL DATE PREPARED: August 25, 1999

LAST DATE REVISED: August 25, 1999

I. Purpose

The purpose of this policy is to provide orderly procedure for receipt and service of claims, summons and complaints, subpoenas, petitions, writs and other legal process consistent with California laws and with proper protection of the City's interests. This administrative procedure deals only with service on the City and members of the City Council, not on individual City employees and City Council members in their individual capacities, even if the matter is City of Richmond related.

II. Policy

- A. It is the policy of the City of Richmond to comply with California laws designating persons who may receive claims and other legal process on behalf of the City as a public entity.
- B. The City Clerk is designated as the primary officer authorized by law to accept service of legal process.
- C. The City Attorney is designated as the primary officer authorized to accept service of liability claims, subpoenas, wage garnishments, wage assignments, family support orders, tax levies and bankruptcy court orders.

III. Procedures

A. Summons and Complaints, Petitions, Writs and Other Legal Process

- 1. Process servers and other persons attempting personally to serve process are directed to the office of the City Clerk. No other employee is authorized to accept service on behalf of the City and will so inform the process server or other person attempting to serve summons and complaints, petitions, writs and other legal process.

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2. Summons and complaints, petitions, writs and other legal process received by mail are delivered to the City Attorney's Office to determine appropriateness of acknowledging receipt and accepting service by mail.
3. The City Attorney shall decide whether to accept service by mail and so direct the City Clerk.
4. The City Clerk will log and time/date stamp receipt of summons and complaints and other legal process and forward them immediately to the City Attorney.

B. Liability Claims

1. Claims should be addressed to the City Attorney by mail and accepted by him or her. The City Attorney logs and time/date stamps the claims. Claims received by mail addressed to other City offices or departments are sent directly to the City Attorney's Office. Time is of the essence in receiving and processing claims.
2. Process servers and other persons hand delivering claims are directed to the City Attorney's Office; no City employee other than the City Attorney accepts service of claims.
3. Applications to file late claims shall be handled in the same manner as in items 1 and 2 above.

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C. Subpoenas

1. Subpoenas for City records, including employee's employment records, are directed to the City Attorney. The City Attorney will log and time/date stamp receipt of such subpoenas and review them for compliance as appropriate. The City Attorney does not receive subpoenas directed to individual employees or individual City Council members. Subpoenas directed to individual employees may be received by the individual at his or her work location. Such subpoenas relating to City business are sent to the City Attorney immediately for review and compliance.

D. Wage Garnishments, Wage Assignments, Family Support Orders, Tax Levies and Bankruptcy Court Orders

These items whether received by mail or delivered by the Contra Costa Sheriff or process server are delivered directly to the City Attorney's Office for handling and processing as appropriate.