

Hearing Date: September 26, 2014

J:\MANDATES\2001\01-TC-16 (Fire Safety Care Facs)\13-MR-01\Proposed Decision and Amendment to Parameters and Guidelines\TOC.docx

ITEM 6
PROPOSED DECISION
AND
AMENDMENT TO PARAMETERS AND GUIDELINES

Health and Safety Code section 13235(a)

Statutes 1989, Chapter 993 As Modified by:
Statutes 2009-2010, Chapter 12 (ABX 4 12)

Fire Safety Inspection of Care Facilities, 01-TC-16 (13-MR-01)

Department of Finance, Requester

TABLE OF CONTENTS

Exhibit A

Draft Proposed New Test Claim Decision, issued July 29, 2014 2

Exhibit B

Draft Expedited Amendment to Parameters and Guidelines, issued July 29, 2014 41

Exhibit C

State Controller's Office Comments on Draft Expedited Amendment to Parameters and Guidelines, filed August 19, 2014.....48

COMMISSION ON STATE MANDATES

980 NINTH STREET, SUITE 300
 SACRAMENTO, CA 95814
 PHONE: (916) 323-3562
 FAX: (916) 445-0278
 E-mail: csminfo@csm.ca.gov



July 29, 2014

Mr. Michael Byrne
 Department of Finance
 915 L Street, 8th Floor
 Sacramento, CA 95814

And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: **Adopted Decision, Notice of Second Hearing Draft Proposed Decision, Draft Expedited Amendment to Parameters and Guidelines, and Notice of Hearing**
 Mandate Redetermination Request, 13-MR-01
Fire Safety Inspections of Care Facilities, (01-TC-16)
 Health and Safety Code Section 13235(a); as added or amended by
 Statutes 1989, Chapter 993; Statutes 2009, Chapter 12 (ABX4 12)
 Department of Finance, Requester

Dear Mr. Byrne:

On July 25, 2014 the Commission on State Mandates (Commission) adopted the decision on the adequate showing issue for the above-named matter and directed staff to notice a second hearing to determine whether to adopt a new test claim decision to supersede the previously adopted test claim decision. The adopted decision, the draft proposed decision for the second hearing, and the draft expedited amendment to parameters and guidelines are enclosed for your review and comment.

Written Comments on Second Hearing Draft Proposed Decision

Written comments may be filed on the draft proposed decision by **August 19, 2014**.

Written Comments on Draft Expedited Amendment to Parameters and Guidelines

Staff has prepared a draft expedited amendment to parameters and guidelines for adoption at the September Commission hearing. The draft expedited amendment to parameters and guidelines is set for hearing on **September 26, 2014** and will only be taken up if the Commission first approves the request for redetermination.

Review of Draft Expedited Amendment to Parameters and Guidelines. Proposed modifications or comments may be filed on staff's draft proposal by **August 19, 2014**. (Cal. Code Regs., tit. 2, § 1183.9(c).)

Rebuttals. Written rebuttals may be submitted within 15 days of service of the comments. (Cal. Code Regs., tit. 2, § 1183.8(f).)

You are advised that comments filed with the Commission are required to be simultaneously served on the other interested parties on the mailing list, and to be accompanied by a proof of service. However, this requirement may also be satisfied by electronically filing your documents. Please see <http://www.csm.ca.gov/dropbox.shtml> on the Commission's website for instructions on electronic filing. (Cal. Code Regs., tit. 2, § 1181.3.)

Mr. Michael Byrne

July 29, 2014

Page 2

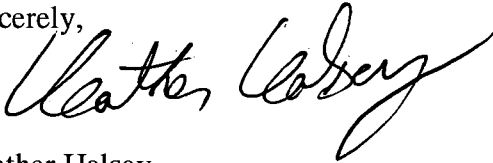
If you would like to request an extension of time to file comments, please refer to section 1187.9(a) of the Commission's regulations.

Hearing

The second hearing on the request for a mandate redetermination is set for **Friday, September 26, 2014**, at 10:00 a.m., State Capitol, Room 447, Sacramento, California. Additionally, the amendment to the parameters and guidelines is also set for hearing on **Friday, September 26, 2014**, but will only be taken up if the Commission first approves the request for redetermination. The proposed decision for the second hearing and amendment to the parameters and guidelines will be issued on or about September 12, 2014. Please let us know in advance if you or a representative of your agency will testify at the hearing, and if other witnesses will appear. If you would like to request postponement of the hearing, please refer to section 1187.9(b) of the Commission's regulations.

Please contact Heidi Palchik at (916) 323-3562 if you have any questions.

Sincerely,



Heather Halsey
Executive Director

ITEM __
MANDATE REDETERMINATION
SECOND HEARING: NEW TEST CLAIM DECISION
DRAFT PROPOSED DECISION

Health and Safety Code section 13235(a)

Statutes 1989, Chapter 993

Fire Safety Inspections of Care Facilities, (01-TC-16)

As Alleged to be Modified by:

Statutes 2009-2010, Chapter 12 (ABX 4 12)

13-MR-01

Department of Finance, Requester

EXECUTIVE SUMMARY

Overview

On March 29, 2006, the Commission on State Mandates (Commission) adopted the Statement of Decision for the *Fire Safety Inspections of Care Facilities* test claim.¹ The Commission found that Health and Safety Code section 13235(a) imposed a reimbursable new program or higher level of service upon local agencies within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514.

The Commission approved the test claim for the following reimbursable activities relating to the preinspection of a facility:

1. The preinspection of community care facilities, residential care facilities for the elderly, and child daycare facilities;
2. The consultation and interpretation of applicable fire safety regulations for the prospective facilities licensee; and
3. Written notice to the prospective facility licensee of the specific fire safety regulations which shall be enforced in order to obtain the final fire clearance approval.

The Commission also found that inspection activities relating to the final fire clearance approval are not reimbursable.

Statutes 2009-2010, Extraordinary Session, chapter 12 amended Health and Safety Code section 13235(a) to provide as follows in underline and strikeout:

¹ Test Claim 01-TC-16 Statement of Decision, adopted March 29, 2006.

A fee of not more than fifty dollars (\$50) equal to, but not exceeding, the actual cost of the preinspection services may be charged for the preinspection of a facility with a capacity to serve 25 or fewer persons. A fee of not more than one hundred dollars (\$100) equal to, but not exceeding, the actual cost of the preinspection services may be charged for a preinspection of a facility with a capacity to serve 26 or more persons.

On July 29, 2013, the Department of Finance (DOF) filed a request for redetermination of the test claim decision pursuant to Government Code section 17570.² Pursuant to 17570(f), a request “shall be filed on or before June 30 following a fiscal year in order to establish eligibility for reimbursement or loss of reimbursement for that fiscal year.” Thus, based on the filing date of July 29, 2013, the period of reimbursement potentially affected by this decision begins July 1, 2012. DOF alleges that Health and Safety Code section 13235(a) as amended constitutes a subsequent change in law as defined in section 17570. DOF further alleges that this change, pursuant to Government Code section 17556(d), results in a modification of the state’s liability under the test claim statute. DOF specifically states, “the amendment provides authority to charge fees sufficient to cover the full costs of the mandated activities in the Fire Safety Inspections of Care Facilities Program.”³

Section 17570 provides a process whereby a previously determined mandate finding can be redetermined by the Commission based on a subsequent change in law. The Government Code provides for a two-step hearing process. The Commission’s regulations state that “[i]f the Commission proceeds to the second hearing, it shall consider whether the state’s liability...has been modified based on the subsequent change in law alleged by the requester, thus requiring adoption of a new test claim decision to supersede the previously adopted test claim decision.”⁴ If the Commission adopts a new test claim decision that supersedes the previously adopted test claim decision, and “which finds that there are costs mandated by the state pursuant to article XIII B, section 6(a) of the California Constitution, the amount and method of reimbursement shall be redetermined in accordance with article 3 of these regulations.”⁵

On July 25, 2014, the Commission held the first hearing on this matter. The Commission found that DOF made an adequate showing that the request had a substantial possibility of prevailing at the second hearing, and the Commission therefore directed staff to set the matter for hearing on whether a new test claim decision should be adopted. The issue in this second hearing, pursuant to the code and the applicable regulations, is whether to adopt a new test claim decision to supersede the previously adopted test claim decision. If a new test claim decision is adopted that finds that the states liability for any of the reimbursable activities has been modified, the parameters and guidelines must be amended to reflect such modification in accordance with the period of eligibility established by the filing date of the request for redetermination.

² Exhibit B, Request for Determination, filed July 29, 2013 at p. 6.

³ Exhibit B, Request for Determination, filed July 29, 2013 at p. 6.

⁴ California Code of Regulations, title 2, section 1190.5 (Register 2014, No. 21).

⁵ California Code of Regulations, title 2, section 1190.5(b)(7) (Register 2014, No. 21).

Staff Analysis

Government Code section 17570 provides, with respect to mandate redetermination, that:

“Subsequent change in law” is a change in law that requires a finding that an incurred cost is a cost mandated by the state, as defined by Section 17514, or is not a cost mandated by the state pursuant to section 17556, or a change in mandates law...⁶

Government Code section 17556(d) provides that the Commission *shall not find* costs mandated by the state, within the meaning of article XIII B, section 6, if “[t]he local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the mandated program or increased level of service.” Section 17556(d) also states that this rule “applies regardless of whether the authority to levy charges, fees, or assessments was enacted or adopted prior to or after the date on which the statute or executive order was enacted or issued.”⁷

Staff finds that Statutes 2009-2010, Extraordinary Session, chapter 12 (ABX 4 12) constitutes a subsequent change in law, as defined in section 17570. Health and Safety Code section 13235(a), as amended, provides local government with the authority to charge a fee equal to the actual cost of preinspection services. Thus, Statutes 2009-2010, chapter 12 provides fee authority sufficient to pay for the mandated program, and, pursuant to Government Code section 17556(d), the Commission shall not find costs mandated by the state where a local government has such fee authority.

Section 17570(f) provides that a request for adoption of a new test claim decision shall be filed on or before June 30 following a fiscal year in order to establish eligibility for reimbursement for that fiscal year. This request was filed on July 29, 2013, establishing eligibility beginning on July 1, 2012. Therefore, as a result of this proposed decision, staff finds that the approved activities in the prior test claim decision are no longer reimbursable as of July 1, 2012.

Staff Recommendation

Staff recommends that the Commission adopt this analysis as its new test claim decision, ending reimbursement for the mandated program as of July 1, 2012.

Staff also recommends that the Commission, for its next item of business, adopt the proposed expedited amended parameters and guidelines that reflect the end of the state’s liability for this program, beginning July 1, 2012.

Staff further recommends that the Commission authorize staff to make any non-substantive, technical changes to the proposed new test claim decision following the hearing.

⁶ Government Code section 17570(a)(2) (Stats. 2010, ch. 719 (SB 856)).

⁷ Government Code section 17556 (As amended by Stats. 2010, ch. 719 (SB 856)).

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE MANDATE REDETERMINATION:
SECOND HEARING: NEW TEST CLAIM
DECISION FOR:

Health and Safety Code Section 13235(a);
As amended by Statutes 1989, Chapter 993.

*Fire Safety Inspections of Care
Facilities, 01-TC-16*

As Alleged to be Modified by:
Statutes 2009-2010, Chapter 12 (ABX 4 12)

Filed on July 29, 2013

By the Department of Finance, Requester.

Case No.: 13-MR-01

*Fire Safety Inspections of Care Facilities
(01-TC-16)*

DECISION PURSUANT TO
GOVERNMENT CODE SECTION
17500, ET SEQ.; CALIFORNIA CODE
OF REGULATIONS, TITLE 2,
DIVISION 2, CHAPTER 2.5,
ARTICLE 7.

[Gov. Code, § 17570; Cal. Code Regs.,
tit. 2, § 1190.5]

(Adopted September 26, 2014)

DECISION

The Commission on State Mandates (Commission) heard and decided this mandate redetermination during a regularly scheduled hearing on September 26, 2014. [Witness list will be included in the final decision.]

Government Code section 17570 and section 1190 et seq. of the Commission's regulations establish the mandate redetermination process. In addition, the law applicable to the Commission's determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code section 17500 et seq., title 2, California Code of Regulations 1181 et seq., and related case law.

The Commission [adopted/modified] the proposed decision as its new test claim decision, granting the request for redetermination and approving the request to end reimbursement for the test claim activities by a vote of [vote count will be included in the final decision].

Summary of the Findings

The Commission finds the state's liability pursuant to article XIII B, section 6(a) of the California Constitution, for the *Fire Safety Inspections of Care Facilities, 01-TC-16* mandate has been modified based on a subsequent change in law, and that a new test claim decision must be adopted to supersede the previously adopted test claim decision. Specifically, Statutes 2009-2010, chapter 12 (ABX 4 12) amended Health and safety Code section 13235(a) to provide local

agencies with the authority to charge a fee equal to the actual cost of the mandated preinspection services. Government Code section 17556(d) proscribes a finding of costs mandated by the state where the local government has fee authority sufficient to cover the costs of the mandate. Pursuant to Government Code section 17570, the Commission approves the request for redetermination and concludes that the *Fire Safety Inspection of Care Facilities*, 01-TC-16 program does not constitute a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17556(d), beginning July 1, 2012.

COMMISSION FINDINGS

I. Chronology

- 03/29/06 The Commission adopted the test claim statement of decision for *Fire Safety Inspections of Care Facilities*, 01-TC-16.⁸
- 03/28/08 The Commission adopted parameters and guidelines.⁹
- 07/29/13 Department of Finance (DOF) filed a request for redetermination on test claim 01-TC-16.¹⁰
- 08/09/13 Commission staff deemed the filing complete.
- 09/09/13 The State Controller's Office (SCO), Division of Accounting and Reporting, filed comments concurring with DOF's request for redetermination.
- 05/16/14 Commission staff issued the draft staff analysis for the first hearing.
- 07/25/14 The Commission adopted the decision for the first hearing, directing Commission staff to set the matter for the second hearing.
- 07/29/14 Commission staff issued the draft proposed decision for the second hearing and the amendment to parameters and guidelines.

II. Background

Health and Safety Code Section 13235(a) and Test Claim Decision

Health and Safety Code section 13235(a) was enacted in 1989 (Stats. 1989, ch. 993), amending previous section 13235. The purpose of the amendments was to ensure that community care facilities, residential care facilities for the elderly, and child care facilities, during the process of being licensed by the State Department of Social Services, timely receive correct fire clearance information from the local fire enforcing agency or the State Fire Marshal. Upon receipt of a request from a prospective licensee, the local fire department or State Fire Marshal, whichever has primary jurisdiction, is required to conduct a preinspection of the facility prior to the fire

⁸ Exhibit A, Test Claim 01-TC-16 Statement of Decision.

⁹ Exhibit C, Test Claim 01-TC-16 Parameters and Guidelines.

¹⁰ Exhibit B, DOF Request for Redetermination, filed July 29, 2013.

clearance approval. At the time of preinspection, the applicable fire enforcing agency will provide consultation and interpretation of the fire safety regulations that are to be enforced in order to obtain the clearances necessary to obtain a license.

On March 29, 2006, the Commission adopted the Statement of Decision for the *Fire Safety Inspections of Care Facilities* test claim.¹¹ The Commission found that Health and Safety Code section 13235(a), constituted a new program or higher level of service and imposes a state-mandated program upon local agencies within the meaning of article XIII B, section 6 of the Californian Constitution and Government Code section 17514.

The Commission approved the test claim for the following reimbursable activities relating to the preinspection of the facility:

1. The preinspection of community care facilities, residential care facilities for the elderly, and child day care facilities;
2. The consultation and interpretation of applicable fire safety regulations for the prospective facility licensee; and
3. Written notice to the prospective facility licensee of the specific fire safety regulations which shall be enforced in order to obtain the final fire clearance approval.¹²

At the time of the test claim decision, Health and Safety Code section 13235(a), specifically allowed the following fees to be charged for the preinspection of a facility: 1) not more than \$50 for a facility serving 25 or fewer persons; and 2) not more than \$100 for a facility serving more than 25 persons. In the test claim Statement of Decision for this program, the Commission found that this limited fee authority did not cover the actual cost of the program and identified it as offsetting revenue.¹³

Health and Safety Code section 13235(a) was amended as follows, in underline and strikeout to provide:

A fee of not more than fifty dollars (\$50) equal to, but not exceeding, the actual cost of the preinspection services may be charged for the preinspection of a facility with a capacity to serve 25 or fewer persons. A fee of not more than one hundred dollars (\$100) equal to, but not exceeding, the actual cost of the preinspection services may be charged for a preinspection of a facility with a capacity to serve 26 or more persons.¹⁴

As amended, section 13235(a) provides fee authority for the full actual cost of preinspection services.

¹¹ Exhibit A, Test Claim 01-TC-16 Statement of Decision.

¹² Exhibit A, Test Claim 01-TC-16 Statement of Decision, p. 13.

¹³ Exhibit A, Test Claim 01-TC-16 Statement of Decision, pp.12-13.

¹⁴ Statutes 2009-2010, 4th Extraordinary Session, chapter 12 (AB 12), section 14, effective July 28, 2009.

Mandate Redetermination Process under Section 17570

Government Code section 17570 provides a process whereby a test claim decision may be redetermined and superseded by a new test claim decision, if a subsequent change in law, as defined, has modified the state's liability for reimbursement. Section 17570 calls for a two hearing process; at the first hearing, the requestor must make "an adequate showing which identifies a subsequent change in law as defined by Government Code section 17570, material to the prior test claim decision, that may modify the state's liability pursuant to article XIII B, section 6, (a) of the California Constitution."¹⁵ At the second hearing, the Commission "shall consider whether the state's liability pursuant to Article XIII B, section 6(a) of the California Constitution has been modified based on the subsequent change in law alleged by the requester, thus requiring the adoption of a new test claim decision to supersede the previously adopted test claim decision."¹⁶

A subsequent change in law is defined in section 17570 as follows:

[A] change in law that requires a finding that an incurred cost is a cost mandated by the state, as defined by section 17556, or a change in mandates law, except that a "subsequent change in law" does not include the amendments to Section 6 of Article XIII B of the California Constitution that were approved by the voters on November 2, 2004. A "subsequent change in law" also does not include a change in the statutes or executive orders that impose new state-mandated activities and require a finding pursuant to subdivision (a) of Section 17551.¹⁷

If the Commission finds, at the second hearing, that the state's liability has been modified based upon a subsequent change in law, "it shall adopt a new decision that reflects the modified liability of the state."¹⁸ If the Commission adopts a new test claim statement of decision that supersedes the previously adopted test claim decision, the Commission shall amend existing parameters and guidelines pursuant to Section 17557.¹⁹

III. Position of the Parties

A. Department of Finance, Requester

DOF asserts that Statutes 2009-2010, chapter 12 (ABX 4 12) constitutes a subsequent change in the law, as defined in section 17570, which, when analyzed in light of section 17556, results in the state's liability under the test claim statutes being modified. DOF asserts that the amendment to section 13235(a) "provides authority to charge fees sufficient to cover the full costs of the mandated activities in the Fire Safety Inspection Program." Therefore the state is no longer

¹⁵ California Code of Regulations, title 2, section 1190.5(a)(1).

¹⁶ California Code of Regulations, title 2, section 1190.5(b)(1).

¹⁷ Government Code section 17570, as added by Statutes 2010, chapter 719 (SB 856).

¹⁸ California Code of Regulations, Title 2, section 1190.5(b)(1).

¹⁹ Government Code section 17570(i) (Stats. 2010, chapter 719 (S.B. 856)).

obligated to reimburse any costs for the mandated activities, pursuant to Government Code sections 17570 and 17556(d).²⁰

State Controller's Office

The SCO filed comments concurring with the DOF request for redetermination.

IV. Discussion

Under article XIII B, section 6 of the California Constitution, local agencies and school districts are entitled to reimbursement for the increased costs of state-mandated new programs or higher levels of service. In order for local government to be eligible for reimbursement, one or more similarly situated local agencies or school districts must file a successful test claim with the Commission. "Test claim" means the first claim filed with the Commission alleging that a particular statute or executive order imposes costs mandated by the state. Test claims function similarly to class actions and all members of the class have the opportunity to participate in the test claim process and all are bound by the final decision of the Commission for purposes of that test claim.

The Commission is the quasi-judicial body vested with exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6.²¹ The determination whether a statute or executive order imposes a reimbursable state-mandated program is a question of law.²² In making its decisions, the Commission must strictly construe article XIII B, section 6, and not apply it as an "equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities."²³

Under Government Code section 17570, upon request, the Commission may consider the adoption of a new test claim decision to supersede a prior test claim decision based on a subsequent change in law which modifies the state's liability. If the Commission adopts a new test claim decision that supersedes the previously adopted test claim decision which approved reimbursement, the Commission is required to amend existing parameters and guidelines.

A. Statutes 2009-2010, Chapter 12 Constitutes a Subsequent Change in Law.

On March 29, 2006, the Commission adopted a test claim decision for the *Fire Safety Inspections of Care Facilities* test claim 01-TC-16.²⁴ The Commission found that Health and Safety Code section 13235(a), added by Statutes 1989, chapter 993 imposed a reimbursable state-mandated program upon local agencies within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. On March 28, 2008, the

²⁰ Exhibit B, Request for Redetermination, filed July 29, 2013 at p. 6.

²¹ *Kinlaw v. State of California* (1991) 53 Cal.3d 482, 487; Government Code sections 17551; 17552.

²² *County of San Diego v. State of California*, (1997) 15 Cal.4th 68, 109.

²³ *County of Sonoma v. Commission on State Mandates*, (2000) 84 Cal.App.4th 1265, 1280, citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817.

²⁴ Exhibit A, Test Claim 01-TC-16 Statement of Decision.

Commission adopted parameters and guidelines which outlined the reimbursable activities as follows:

A. One-Time Activity (one time per employee)

Training for each new fire inspector assigned to preinspection of care facilities, pursuant to Health and Safety Code section 13235, subdivision (a). A maximum of four hours of training is allowable per employee.

B. Ongoing Activities

1. Conduct preinspections of community care facilities, residential care facilities for the elderly, and child day care facilities upon receipt of a request from a prospective licensee of such a facility, before final fire clearance approval. More than one preinspection per facility as deemed necessary by the local fire agency is reimbursable.
2. Provide consultation and interpretation of applicable fire safety regulations for the prospective facility licensee.
3. Provide a written notice to the prospective licensee of the specific fire safety regulations that shall be enforced in order to obtain the final fire clearance approval.
4. Maintain files relating solely to preinspection activities pursuant to Health and Safety Code section 13235, subdivision (a).²⁵

Statutes 2009-2010, 4th Extraordinary Session, chapter 12 (AB 12), effective July 28, 2009, amended section 13235(a) to provide as follows in ~~strikeout~~ and underline:

(a) Upon receipt of a request from a prospective licensee of a community care facility, as defined in Section 1502, of a residential care facility for the elderly, as defined in Section 1569.2, or of a child day care facility, as defined in Section 1596.750, the local fire enforcing agency, as defined in Section 13244, or the State Fire Marshal, whichever has primary jurisdiction, shall conduct a preinspection of the facility prior to the final fire clearance approval. At the time of the preinspection, the primary fire enforcing agency shall provide consultation and interpretation of fire safety regulations, and shall notify the prospective licensee of the facility in writing of the specific fire safety regulations which shall be enforced in order to obtain fire clearance approval. A fee ~~of not more than fifty dollars (\$50)~~ equal to, but not exceeding, the actual cost of the preinspection services may be charged for the preinspection of a facility with a capacity to serve 25 or fewer persons. A fee ~~of not more than one hundred dollars (\$100)~~ equal to, but not exceeding, the actual cost of the preinspection services may be charged for a preinspection of a facility with a capacity to serve 26 or more persons.²⁶

²⁵ Exhibit C, 01-TC-16, Parameters and Guidelines, adopted March 28, 2008, pp. 2-3.

²⁶ Health and Safety Code section 13235(a), amended by Statutes 2009-2010 4th Extraordinary session, chapter 12 (AB 12), § 14, effective July 28, 2009.

In its request for mandate redetermination,²⁷ DOF asserts that the amendment of Health and Safety Code section 13235(a) granted local agencies authority to “charge a fee sufficient to cover all of the costs attributable to the mandated activities under Health and Safety Code section 13235, subdivision (a).”²⁸ As sufficient fee authority has been provided, DOF maintains that a new test claim decision must issue finding there are no costs mandated by the state pursuant to Government Code section 17556(d). DOF asserts that the amendment to section 13235(a) is a “subsequent change in law” as defined in Government Code section 17570.²⁹

B. Section 17556(d) is Not Self-Executing, but Requires Commission Action Pursuant to Section 17570, Where a Commission Decision on the Test Claim Statutes has been Previously adopted.

Government Code section 17556(d) provides that the Commission “shall not find costs mandated by the state, as defined in Section 17514” if the Commission finds that “the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the mandated program or increased level of service.” The California Supreme Court upheld the constitutionality of Government Code section 17556(d), in *County of Fresno v. State of California*.³⁰ The court, in holding that the term “costs” in article XIII B, section 6, excludes expenses recoverable from sources other than taxes, stated:

Section 6 was included in article XIII B in recognition that article XIII A of the Constitution severely restricted the taxing powers of local governments. (See *County of Los Angeles I, supra*, 43 Cal.3d at p. 61.) The provision was intended to preclude the state from shifting financial responsibility for carrying out governmental functions onto local entities that were ill equipped to handle the task. (*Ibid.*; see *Lucia Mar Unified School Dist. v. Honig* (1988) 44 Cal.3d 830, 836, fn. 6 [244 Cal.Rptr. 677, 750 P.2d 318].) Specifically, it was designed to protect the tax revenues of local governments from state mandates that would require expenditure of such revenues. Thus, although its language broadly declares that the “state shall provide a subvention of funds to reimburse ... local government for the costs [of a state-mandated new] program or higher level of service,” read in its textual and historical context section 6 of article XIII B requires subvention only when the costs in question can be recovered *solely from tax revenues*.³¹

Accordingly, in *Clovis Unified School District v. Chiang*, the court found that the SCO was not acting in excess of its authority in reducing reimbursement claims to the full extent of the districts’ authority to impose fees, even if there existed practical impediments to collecting the fees. In making its decision the court noted that the concept underlying the state mandates

²⁷ Exhibit B, DOF Request for Mandate Redetermination, filed July 29, 2013, p. 6.

²⁸ Exhibit B, DOF Request for Mandate Redetermination, filed July 29, 2013, p. 6.

²⁹ Exhibit B, DOF Request for Mandate Redetermination, filed July 29, 2013, p. 6.

³⁰ *County of Fresno v. State of California, supra*, 53 Cal.3d 482.

³¹ *Id.*, at p. 487.

process that Government Code sections 17514 and 17556(d) embody is that “[t]o the extent a local agency or school district ‘has the authority’ to charge for the mandated program or increased level of service, that charge cannot be recovered as a state-mandated cost.”³² The court further noted that, “this basic principle flows from common sense as well. As the Controller succinctly puts it, ‘Claimants can choose not to require these fees, but not at the state’s expense.’”³³

Section 17556(d) further provides that the limitation “applies regardless of whether the authority to levy charges, fees, or assessments was enacted or adopted prior to or after the date on which the statute or executive order was enacted or issued. In the context of fee authority enacted *after the test claim decision* on the subject matter has been adopted, an analysis under section 17556(d) cannot be entertained absent the redetermination process provided in section 17570. The Commission’s process is the sole and exclusive venue in which eligible claimants vindicate the reimbursement requirement of article XIII B, section 6, and the Commission’s decision on a test claim is final and binding, absent judicial review.³⁴ A later-enacted statute providing fee authority for a mandated program cannot, of its own force, undermine the Commission’s mandate determination in a prior test claim decision. Section 17570 thus provides the mechanism for considering section 17556(d) when there is a subsequent change in law, as defined, “material to the prior test claim decision, that may modify the state’s liability” pursuant to article XIII B, section 6.

“Subsequent change in law,” is defined in section 17570(a)(2) as follows:

[A] change in law that requires a finding that an incurred cost is a cost mandated by the state, as defined by Section 17514, or is not a cost mandated by the state pursuant to Section 17556, or a change in mandates law, except that a “subsequent change in law” does not include the amendments to Section 6 of Article XIII B of the California Constitution that were approved by the voters on November 2, 2004. A “subsequent change in law” also does not include a change in the statutes or executive orders that impose new state-mandated activities and require a finding pursuant to subdivision (a) of Section 17551.³⁵

Here, the amendments effected by Statutes 2009-2010, 4th Extraordinary Session, chapter 12 (AB 12), authorize local fire enforcing agencies to charge a fee “equal to, but not exceeding the actual cost of the preinspection service”, implicate a section 17556(d) analysis, and therefore the amendments constitute a subsequent change in law, as defined.

Based on the foregoing, the Commission finds that there are no costs mandated by the state, as defined in section 17514, under Health and Safety Code section 13235(a), as amended by Statutes 2009-2010, chapter 12 (ABX 4 12). Section 17570 provides that a request for adoption of a new test claim decision shall be filed on or before June 30 following a fiscal year in order to

³² *Clovis Unified School Dist. v. Chiang* (2010) 188 Cal.App.4th 794, at p. 812.

³³ *Ibid.*

³⁴ *CSBA I, supra*, 171 Cal.App.4th 1183, at pp. 1199-1200.

³⁵ Government Code section 17570, as added by Statutes 2010, chapter 719 (SB 856).

establish eligibility for reimbursement for that fiscal year. This request was filed on July 29, 2013, establishing eligibility beginning July 1, 2012. Therefore, the activities approved for reimbursement in the prior test claim decision are no longer reimbursable as of July 1, 2012.

V. CONCLUSION

Based on the foregoing, the Commission approves the request for redetermination and concludes that the *Fire Safety Inspection of Care Facilities*, 01-TC-16 program does not constitute a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17556(d), beginning July 1, 2012.

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Solano and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On July 29, 2014, I served the:

Adopted Decision, Notice of Second Hearing Draft Proposed Decision, Draft Expedited Amendment to Parameters and Guidelines, and Notice of Hearing Mandate Redetermination Request, 13-MR-01
Fire Safety Inspections of Care Facilities, (01-TC-16)
Health and Safety Code Section 13235(a); as added or amended by Statutes 1989, Chapter 993; Statutes 2009, Chapter 12 (ABX4 12)
Department of Finance, Requester

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on July 29, 2014 at Sacramento, California.



Heidi J. Palchik
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 7/29/14

Claim Number: 13-MR-01

Matter: Fire Safety Inspections of Care Facilities (01-TC-16)

Requester: Department of Finance

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

Bob Adler, *County of San Mateo*

555 County Center, 4th Floor, Redwood City, CA 94063

Phone: (650) 363-4777

badler@smcgov.org

Anita Agramonte, *City of Los Alamitos*

3191 Katella Ave., Los Alamitos, CA 90720

Phone: N/A

aagramonte@ci.los-alamitos.ca.us

Roberta Allen, *County of Plumas*

520 Main Street, Room 205, Quincy, CA 95971

Phone: (530) 283-6246

robertaallen@countyofplumas.com

Mark Alvarado, *City of Monrovia*

415 S. Ivy Avenue, Monrovia, CA 91016

Phone: N/A

malvarado@ci.monrovia.ca.us

Gary Ameling, *City of Santa Clara*

1500 Warburton Ave, Santa Clara, CA 95050

Phone: (408) 615-2345

Finance@santaclaraca.gov

LeRoy Anderson, *County of Tehama*

444 Oak Street, Room J, Red Bluff, CA 96080

Phone: (530) 527-3474
landerson@tehama.net

Paul Angulo, Auditor-Controller, *County of Riverside*
4080 Lemon Street, 11th Floor, Riverside, CA 92501
Phone: (951) 955-3800
pangulo@co.riverside.ca.us

Socorro Aquino, *State Controller's Office*
Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-7522
SAquino@sco.ca.gov

Jordan Ayers, *City of Lodi*
City Hall, 221 West Pine Street, Lodi, CA 95241-1910
Phone: (209) 333-6702
cityclerk@lodi.gov

Lisa Bailey, *City of San Marino*
2200 Huntington Dr., San Marino, CA 91108
Phone: N/A
lbailey@cityofsanmarino.org

Harmeet Barkschat, *Mandate Resource Services, LLC*
5325 Elkhorn Blvd. #307, Sacramento, CA 95842
Phone: (916) 727-1350
harmeet@calsdrc.com

Timothy Barry, *County of San Diego*
Office of County Counsel, 1600 Pacific Highway, Room 355, San Diego, CA 92101-2469
Phone: (619) 531-6259
timothy.barry@sdcountry.ca.gov

David Baum, *City of San Leandro*
835 East 14th St., San Leandro, CA 94577
Phone: N/A
dbaum@sanleandro.org

Deborah Bautista, *County of Tuolumne*
2 South Green St., Sonora, CA 95370
Phone: (209) 533-5551
dbautista@co.tuolumne.ca.us

Lacey Baysinger, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-0254
lbaysinger@sco.ca.gov

Terrance Beaman, *City of Gardena*
1700 West 162nd Street, Gardena, CA 90247
Phone: N/A
tbeaman@ci.gardena.ca.us

Mary Bedard, *County of Kern*
1115 Truxtun Avenue, 2nd Floor, Bakersfield, CA 93301

Phone: (805) 868-3599
bedardm@co.kern.ca.us

John Beiers, *County of San Mateo*
Office of the County Counsel, 400 County Center, Redwood City, CA 94063
Phone: (650) 363-4775
jbeiers@smcgov.org

Maria Bemis, *City of Porterville*
291 North Main Street, Porterville, CA 93257
Phone: N/A
mbemis@ci.porterville.ca.us

Richard Benson, Assessor - Recorder - County Clerk, *County of Marin*
3501 Civic Center Drive, Room 208, San Rafael, CA 94903
Phone: (415) 499-7215
rbenson@co.marin.ca.us

Robin Bertagna, *City of Yuba City*
1201 Civic Center Blvd, Yuba City, CA 95993
Phone: N/A
rbertagn@yubacity.net

Karen Bradley, *City of Fresno*
2600 Fresno St. Rm. 2157, Fresno, CA 93721
Phone: N/A
karen.bradley@fresno.gov

Dawn Brooks, *City of Fontana*
8353 Sierra Way, Fontana, CA 92335
Phone: N/A
dbrooks@fontana.org

Allan Burdick,
7525 Myrtle Vista Avenue, Sacramento, CA 95831
Phone: (916) 203-3608
allanburdick@gmail.com

J. Bradley Burgess, *MGT of America*
895 La Sierra Drive, Sacramento, CA 95864
Phone: (916) 595-2646
Bburgess@mgtamer.com

Jeff Burgh, *County of Ventura*
County Auditor's Office, 800 S. Victoria Avenue, Ventura, CA 93009-1540
Phone: (805) 654-3152
jeff.burgh@ventura.org

Vanessa Burke, Chief Financial Officer, *City of Stockton*
425 N. El Dorado St., Stockton, CA 95202
Phone: (209) 937-8460
vanessa.burke@stocktongov.com

Rob Burns, *City of Chino*
13220 Central Avenue, Chino, CA 91710

Phone: N/A
rburns@cityofchino.org

Gary Burton, Admin. Services Director, *City of Irvine*
One Civic Center Plaza, Irvine, CA 92606
Phone: N/A
gburton@cityofirvine.org

Michael Byrne, *Department of Finance*
Requester Representative
915 L Street, 8th Floor, Sacramento, CA 95814
Phone: (916) 445-3274
michael.byrne@dof.ca.gov

David Cain, *City of San Bernardino*
300 North "D" Street, San Bernardino, CA 92418-0001
Phone: (909) 384-7272
cain_da@sbcity.org

Rebecca Callen, *County of Calaveras*
891 Mountain Ranch Road, San Andreas, CA 95249
Phone: (209) 754-6343
rcallen@co.calaveras.ca.us

James Cameron, *City of Oxnard*
300 West Third Street, Suite 302, Oxnard, CA 93030
Phone: N/A
jim.cameron@ci.oxnard.ca.us

Robert Campbell, *County of Contra Costa*
625 Court Street, Room 103, Martinez, CA 94553
Phone: (925) 646-2181
bob.campbell@ac.cccounty.us

Joy Canfield, *City of Murrieta*
1 Town Square, Murrieta, CA 92562
Phone: N/A
jcanfield@murrieta.org

Lisa Cardella-Presto, *County of Merced*
2222 M Street, Merced, CA 95340
Phone: (209) 385-7511
LCardella-presto@co.merced.ca.us

Gwendolyn Carlos, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 323-0706
gcarlos@sco.ca.gov

Rebecca Carr, *County of Kings*
1400 West Lacey Blvd, Hanford, CA 93230
Phone: (559) 582-1236
becky.carr@co.kings.ca.us

Giny Chandler, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA
Phone: (916) 323-3562
giny.chandler@csm.ca.gov

Lin-Lin Cheng, *City of Foster City*
610 Foster City Blvd, Foster City, CA 94404
Phone: N/A
lcheng@fostercity.org

Annette Chinn, *Cost Recovery Systems, Inc.*
705-2 East Bidwell Street, #294, Folsom, CA 95630
Phone: (916) 939-7901
achinncrs@aol.com

Lawrence Chiu, Director of Finance & Administrative Services, *City of Daly City*
Finance and Administrative Services, 333 90th Street, Daly City, CA 94015
Phone: (650) 991-8049
lchiu@dalycity.org

Brian Cochran, *City of Novato*
75 Rowland Way #200, Novato, CA 94945
Phone: N/A
bcochran@novato.org

Russell Cochran Branson, *City of Roseville*
311 Vernon Street, Roseville, CA 95678-2649
Phone: N/A
rbranson@roseville.ca.us

Harriet Commons, *City of Fremont*
P.O. Box 5006, Fremont, CA 94537
Phone: N/A
hcommons@fremont.gov

Stephen Conway, *City of Los Gatos*
110 E. Main Street, Los Gatos, CA 95031
Phone: N/A
sconway@losgatosca.gov

Cass Cook, *City of Dinuba*
405 East El Monte, Dinuba, CA 93618
Phone: N/A
ccook@dinuba.ca.gov

Julia Cooper, *City of San Jose*
200 East Santa Clara Street, San Jose, CA 95113
Phone: N/A
Finance@sanjoseca.gov

Viki Copeland, *City of Hermosa Beach*
1315 Valley Drive, Hermosa Beach, CA 90254
Phone: N/A
vcopeland@hermosabch.org

Vicki Crow, *County of Fresno*

2281 Tulare Street, Room 101, Fresno, CA 93721
Phone: (559) 488-3496
vcrow@co.fresno.ca.us

Deborah Cullen, *City of El Segundo*
350 Main Street, El Segundo, CA 90245-3813
Phone: N/A
dcullen@elsegundo.org

David Culver, *City of San Mateo*
330 West 20th Avenue, San Mateo, CA 94403-1388
Phone: (650) 522-7100
dculver@cityofsanmateo.org

Sheila Cumberland, *City of Ceres*
2720 Second Street, Ceres, CA 95307-3292
Phone: N/A
sheila.cumberland@ci.ceres.ca.us

Gavin Curran, *City of Laguna Beach*
505 Forest Avenue, Laguna Beach, CA 92651
Phone: N/A
gcurran@lagunabeachcity.net

William Davis, *County of Mariposa*
Auditor, P.O. Box 729, Mariposa, CA 95338
Phone: (209) 966-7606
wdavis@mariposacounty.org

Dilu DeAlwis, *City of Colton*
125 E. College Street, Covina, CA 91723
Phone: N/A
ddealwis@covinaca.gov

Marieta Delfin, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-4320
mdelfin@sco.ca.gov

Johnny Dellinger, Fire marshall, *San Jose Fire Department*
1661 Senter Road, San Jose, CA 95112
Phone: N/A
johnny.dellinger@sanjoseca.gov

Brent Dennis, *County of Tuolumne*
1021 Harvard Way, El Dorado Hills, CA 95762
Phone: (916) 614-3237
Bdennis@edhcsd.org

Tom Dibble, *City of Hanford*
315 North Douty Street, Hanford, CA 93230
Phone: (559) 585-2525
tdibble@ci.hanford.ca.us

Richard Digre, *City of Union City*

34009 Alvarado-Niles Road, Union City, CA 94587

Phone: N/A

rdigre@ci.union-city.ca.us

Cheryl Dyas, *City of Mission Viejo*

200 Civic Center, Mission Viejo, CA 92691

Phone: N/A

cdyas@cityofmissionviejo.org

Tom Dyer, *Department of Finance (A-15)*

915 L Street, Sacramento, CA 95814

Phone: (916) 445-3274

tom.dyer@dof.ca.gov

Jennie Ebejer, *County of Siskiyou*

311 Fourth Street, Room 101, Yreka, CA 96097

Phone: (530) 842-8030

Jebejer@co.siskiyou.ca.us

Richard Eberle, *County of Yuba*

915 8th Street, Suite 105, Marysville, CA 95901

Phone: (530) 749-7810

reberle@co.yuba.ca.us

Kerry Eden, *City of Corona*

400 S. Vicentia Avenue. Suite 320, Corona, CA 92882

Phone: (951) 817-5740

kerry.eden@ci.corona.ca.us

Scott Edwards, *City of Poway*

PO Box 789, Poway, CA 92074

Phone: N/A

sedwards@poway.org

Pamela Ehler, *City of Brentwood*

150 City Park Way, Brentwood, CA 94513

Phone: N/A

pehler@brentwoodca.gov

Bob Elliot, *City of Glendale*

141 North Glendale Ave, Ste. 346, Glendale, CA 91206-4998

Phone: N/A

belliot@ci.glendale.ca.us

James Erb, *County of San Luis Obispo*

1055 Monterey Street, Room D222, San Luis Obispo, CA 93408

Phone: (805) 781-5040

jerb@co.slo.ca.us

Paul Espinoza, *City of Alhambra*

111 South First Street, Alhambra, CA 91801

Phone: N/A

pespinoza@cityofalhambra.org

Lori Ann Farrell, Finance Director, *City of Huntington Beach*

2000 Main St., Huntington Beach, CA 92648
Phone: (714) 536-5630
loriann.farrell@surfcity-hb.org

Donna Ferebee, *Department of Finance*
915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
donna.ferebee@dof.ca.gov

Karen Fouch, *County of Lassen*
221 S. Roop Street, Ste 1, Susanville, CA 96130
Phone: (530) 251-8233
kfouch@co.lassen.ca.us

James Francis, *City of Folsom*
50 Natoma Street, Folsom, CA 95630
Phone: N/A
jfrancis@folsom.ca.us

Genevieve Frederick, Finance Director, *City of Millbrae*
621 Magnolia Avenue, Millbrae, CA 94030
Phone: N/A
gfrederick@ci.millbrae.ca.us

Eric Frost, *City of Visalia*
707 West Acequia, Visalia, CA 93291
Phone: (559) 713-4474
efrost@ci.visalia.ca.us

Harold Fujita, *City of Los Angeles*
Department of Recreation and Parks, 211 N. Figueroa Street, 7th Floor, Los Angeles, CA 90012
Phone: (213) 202-3222
harold.fujita@lacity.org

Mary Furey, *City of Saratoga*
13777 Fruitvale Avenue, Saratoga, CA 95070
Phone: N/A
mfurey@saratoga.ca.us

Susan Geanacou, *Department of Finance*
915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
susan.geanacou@dof.ca.gov

Robert Geis, *County of Santa Barbara*
Auditor-Controller, 105 E Anapamu St, Room 303, Santa Barbara, CA 93101
Phone: (805) 568-2100
geis@co.santa-barbara.ca.us

Jeri Gilley, Finance Director, *City of Turlock*
156 S. Broadway, Ste 230, Turlock, CA 95380
Phone: (209) 668-5570
jgilley@turlock.ca.us

Cindy Giraldo, *City of Burbank*

301 E. Olive Avenue, Financial Services Department, Burbank, CA 91502

Phone: N/A

cgiraldo@ci.burbank.ca.us

James Goins, *City of Richmond*

1401 Marina Way South, P.O. Box 4046, Richmond, CA 94804

Phone: N/A

james_goins@ci.richmond.ca.us

Vivian Gong, *City of Dublin*

100 Civic Plaza, Dublin, CA 94568

Phone: N/A

vivian.gong@ci.dublin.ca.us

Jan Grimes, *County of Orange*

P.O. Box 567, Santa Ana, CA 92702

Phone: (714) 834-2459

jan.grimes@ac.ocgov.com

John Gross, *City of Long Beach*

333 W. Ocean Blvd., 6th Floor, Long Beach, CA 90802

Phone: N/A

john.gross@longbeach.gov

Pall Gudgeirsson, *City of San Clemente*

100 Avenida Presidio, San Clemente, CA 92672

Phone: N/A

gudgeirssonp@san-clemente.org

Marcia Hall, *County of Madera*

Auditor-Controller, 200 W Fourth Street, 2nd Floor, Madera, CA 93637

Phone: (559) 675-7707

marcia.hall@madera-county.com

Anne Haraksin, *City of La Mirada*

13700 La Mirada Blvd., La Mirada, CA 90638

Phone: N/A

aharaksin@cityoflamirada.org

Joe Harn, *County of El Dorado*

360 Fair Lane, Placerville, CA 95667

Phone: (530) 621-5633

joe.harn@edcgov.us

George Harris, *City of Rialto*

150 South Palm ave., Rialto, CA 92376

Phone: N/A

gharris@rialto.ca.gov

Emily Harrison, Interim Finance Director, *County of Santa Clara*

70 West Hedding Street, San Jose, CA 95110

Phone: (408) 299-5205

emily.harrison@ceo.sccgov.org

Jennifer Hennessy, *City of Temecula*

41000 Main St., Temecula, CA 92590

Phone: N/A

Jennifer.Hennessy@cityoftemecula.org

Darren Hernandez, *City of Santa Clarita*

23920 Valencia Blvd., Suite 295, Santa Clarita, CA 91355

Phone: N/A

dhernandez@santa-clarita.com

Dennis Herrera, *City and County of San Francisco*

Office of the City Attorney, 1 Dr. Carlton B. Goodlett Place, Rm. 234, San Francisco, CA 94102

Phone: (415) 554-4700

tara.collins@sfgov.org

Robert Hicks, *City of Berkeley*

2180 Milvia Street, Berkeley, CA 94704

Phone: N/A

finance@ci.berkeley.ca.us

Rod Hill, *City of Whittier*

13230 Penn Street, Whittier, CA 90602

Phone: N/A

rhill@cityofwhittier.org

Daphne Hodgson, *City of Seaside*

440 Harcourt Avenue, Seaside, CA 93955

Phone: N/A

dhodgson@ci.seaside.ca.us

Sherri Holman, *City of Fountain Valley*

10200 Slater Ave, Fountain Valley, CA 92646

Phone: N/A

sherri.holman@fountainvalley.org

Dorothy Holzem, *California Special Districts Association*

1112 I Street, Suite 200, Sacramento, CA 95814

Phone: (916) 442-7887

dorothyh@csda.net

Marilyn Horn, *County of Trinity*

Auditor/Controller Department, PO Box 1230, 11 Court Street, Weaverville, CA

Phone: (530) 623-1317

Mhorn@trinitycounty.org

David Houser, *County of Butte*

25 County Center Drive, Suite 120, Oroville, CA 95965

Phone: (530) 538-7607

dhouser@buttecounty.net

Shannon Huang, *City of Arcadia*

240 West Huntington Drive, Arcadia, CA 91007

Phone: N/A

shuang@ci.arcadia.ca.us

Elizabeth Hudson, *City of Danville*

510 La Gonda Way, Danville, CA 94526

Phone: N/A

ehudson@danville.ca.gov

Sung Hyun, *City of Buena Park*

6650 Beach Boulevard, Buena Park, CA 90622

Phone: N/A

shyun@buenapark.com

Mark Ibele, *Senate Budget & Fiscal Review Committee*

California State Senate, State Capitol Room 5019, Sacramento, CA 95814

Phone: (916) 651-4103

Mark.Ibele@sen.ca.gov

Richard Jacobs, *City of Orange*

300 E. Chapman Avenue, Orange, CA 92866-1508

Phone: (714) 744-2234

rjacobs@cityoforange.org

Julia James, *City of Fullerton*

303 W. Commonwealth Ave., Fullerton, CA 92832

Phone: N/A

juliaj@ci.fullerton.ca.us

Edward Jewik, *County of Los Angeles*

Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012

Phone: (213) 974-8564

ejewik@auditor.lacounty.gov

Scott Johnson, Assistant City Manager, *City of Oakland*

1 Frank H. Ogawa Plaza, Oakland, CA 94612

Phone: N/A

sjohnson@oaklandnet.com

Ferlyn Junio, *Nimbus Consulting Group, LLC*

2386 Fair Oaks Boulevard, Suite 104, Sacramento, CA 95825

Phone: (916) 480-9444

fjunio@nimbusconsultinggroup.com

Will Kaholokula, *City of Bell Gardens*

7100 S. Garfield Avenue, Bell Gardens, CA 90201

Phone: (562) 806-7700

wkaholokula@bellgardens.org

Harshil Kanakia, *County of San Mateo*

Controller's Office, 555 County Center, 4th Floor, Redwood City, CA 94063

Phone: (650) 599-1080

hkanakia@smcgov.org

Jill Kanemasu, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 322-9891

jkanemasu@sco.ca.gov

Anita Kerezsi, *AK & Company*

3531 Kersey Lane, Sacramento, CA 95864
Phone: (916) 972-1666
akcompany@um.att.com

Nancy Kerry, *City of South Lake Tahoe*
1901 Airport Road, South Lake Tahoe, CA 96150
Phone: N/A
nkerry@cityofslt.us

Jean Kinney Hurst, Senior Legislative Representative, Revenue & Taxation, *California State Association of Counties (CSAC)*
1100 K Street, Suite 101, Sacramento, CA 95814-3941
Phone: (916) 327-7500
jhurst@counties.org

Lauren Klein, *County of Stanislaus*
1010 Tenth Street, Suite 5100, Modesto, CA 95353
Phone: (209) 525-6398
kleinl@stancounty.com

Patty Kong, *City of Mountain View*
P.O. Box 7540, Mountain View, CA 94039-7540
Phone: N/A
patty.kong@mountainview.gov

Tina Kundig, *City of Redlands*
P.O. Box 3005, Redlands, CA 92373
Phone: N/A
tkundig@cityofredlands.org

Jay Lal, *State Controller's Office (B-08)*
Division of Accounting & Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-0256
JLal@sco.ca.gov

Karina Lam, *City of Paramount*
16400 Colorado Avenue, Paramount, CA 90723
Phone: N/A
klam@paramountcity.com

Judy Lancaster, *City of Chino Hills*
14000 City Center Drive, Chino Hills, CA 91709
Phone: N/A
jlancaster@chinohills.org

James Larson, *City of King City*
212 South Vanderhurst Avenue, King City, CA 93930
Phone: N/A
jlarson@kingcity.com

Tamara Layne, *City of Rancho Cucamonga*
10500 Civic Center Drive, Rancho Cucamonga, CA 91730
Phone: (909) 477-2700
Tamara.Layne@cityofrc.us

Grace Leung, City of Sunnyvale

Sunnyvale City Hall, 456 W. Olive Ave., Sunnyvale, CA 94086
Phone: (408) 730-7284
gleung@ci.sunnyvale.ca.us

Darcy Locken, County of Modoc

204 S. Court Street, Alturas, CA 96101
Phone: (530) 233-6204
darcylocken@co.modoc.ca.us

Kenneth Louie, City of Lawndale

14717 Burin Avenue, Lawndale, CA 90260
Phone: N/A
klouie@lawndalecity.org

Joe Lowe, County of Amador

810 Court Street, Jackson, CA 95642-2131
Phone: (209) 223-6357
jlowe@amadorgov.org

Kathleen Lynch, Department of Finance (A-15)

915 L Street, Suite 1280, 17th Floor, Sacramento, CA 95814
Phone: (916) 445-3274
kathleen.lynch@dof.ca.gov

Van Maddox, County of Sierra

211 Nevada Street, 2nd Floor, P.O. Box 425, Downieville, CA 95936
Phone: (530) 289-3273
vmaddox@sierracounty.ws

Susan Mahoney, City of Orinda

22 Orinda Way, Orinda, CA 94563
Phone: N/A
smahoney@cityoforinda.org

Suzanne Mallory, City of Manteca

1001 W Center Street, Manteca, CA 95337
Phone: N/A
smallory@ci.manteca.ca.us

Eddie Manfro, City of Westminster

8200 Westminster Blvd., Westminster, CA 92683
Phone: N/A
emanfro@westminster-ca.gov

Denise Manoogian, City of Cerritos

P.O. Box 3130, Cerritos, CA 90703-3130
Phone: N/A
dmanoogian@cerritos.us

Noel Marquis, City of Beverly Hills

455 N. Rexford Dr., Beverly Hills, CA 90210
Phone: N/A
nmarquis@beverlyhills.org

Thomas Marston, *City of San Gabriel*
425 South Mission Drive, San Gabriel, CA 91776
Phone: N/A
tmarston@sgch.org

Hortensia Mato, *City of Newport Beach*
100 Civic Center Drive, Newport Beach, CA 92660
Phone: (949) 644-3000
hmato@newportbeachca.gov

Mike Matsumoto, *City of South Gate*
8650 California Ave, South Gate, CA 90280
Phone: N/A
zcaltitla@pico-rivera.org

Dan Matusiewicz, *City of Newport Beach*
3300 Newport Blvd, Newport Beach, CA 92663
Phone: N/A
danm@newportbeachca.gov

Charles McBride, *City of Carlsbad*
1635 Faraday Avenue, Carlsbad, CA 92008-7314
Phone: N/A
chuck.mcbride@carlsbadca.gov

Michelle McClelland, *County of Alpine*
P.O. Box 266, Markleeville, CA 96120
Phone: (530) 694-2284
mmclelland@alpinecountyca.gov

Dennis McLean, *City of Rancho Palos Verdes*
30940 Hawthorne Blvd., Rancho Palos Verdes, CA 90275
Phone: N/A
dennism@rpv.com

Susie Mears, *City of Ojai*
PO Box 1570, Ojai, CA 93024
Phone: N/A
mears@ci.ojai.ca.us

Paul Melikian, *City of Reedley*
1717 Ninth Street, Reedley, CA 93654
Phone: (559) 637-4200
paul.melikian@reedley.ca.gov

Joe Mellett, *County of Humboldt*
825 Fifth Street, Room 126, Eureka, CA 95501
Phone: (707) 476-2452
jmellett@co.humboldt.ca.us

Rebecca Mendenhall, *City of San Carlos*
600 Elm Street, P.O. Box 3009, San Carlos, CA 94070-1309
Phone: (650) 802-4205
rmendenhall@cityofsancarlos.org

Michelle Mendoza, *MAXIMUS*

17310 Red Hill Avenue, Suite 340, Irvine, CA 95403
Phone: (949) 440-0845
michellemendoza@maximus.com

Dawn Merchant, *City of Antioch*

P.O. Box 5007, Antioch, CA 94531
Phone: (925) 779-7055
dmerchant@ci.antioch.ca.us

Joan Michaels Aguilar, *City of Dixon*

600 East A Street, Dixon, CA 95620
Phone: N/A
jmichaelsaguilar@ci.dixon.ca.us

Michael Miller, *County of Monterey*

168 W. Alisal Street, 3rd floor, Salinas, CA 93901
Phone: (831) 755-4500
millerm@co.monterey.ca.us

Leyne Milstein, *City of Sacramento*

915 I Street, 5th Floor, Sacramento, CA 98514
Phone: N/A
lmilstein@cityofsacramento.org

Bruce Moe, *City of Manhattan Beach*

1400 Highland Ave., Manhattan Beach, CA 90266
Phone: N/A
bmoe@citymb.info

Minnie Moreno, *City of Patterson*

1 Plaza Circle, Patterson, CA 95363
Phone: N/A
mmoreno@ci.patterson.ca.us

Debbie Moreno, *City of Anaheim*

200 S. Anaheim Boulevard, Anaheim, CA 92805
Phone: (716) 765-5192
DMoreno@anaheim.net

Russell Morreale, *City of Los Altos*

One North San Antonio Road, Los Altos, CA 94022
Phone: N/A
rmorreale@losaltosca.gov

Brian Muir, *County of Shasta*

1450 Court St., Suite 238, Redding, CA 96001
Phone: (530) 225-5541
bmuir@co.shasta.ca.us

Tim Nash, *City of Encinitas*

505 S Vulcan Avenue, Encinitas, CA 92054
Phone: N/A
finmail@encinitasca.gov

Geoffrey Neill, Senior Legislative Analyst, Revenue & Taxation, *California State Association of Counties (CSAC)*

1100 K Street, Suite 101, Sacramento, CA 95814
Phone: (916) 327-7500
gneill@counties.org

Howard Newens, *County of Yolo*

625 Court Street, Room 102, Woodland, CA 95695
Phone: (530) 666-8625
howard.newens@yolocounty.org

Doug Newland, *County of Imperial*

940 Main Street, Ste 108, El Centro, CA 92243
Phone: (760) 482-4556
dougnewland@co.imperial.ca.us

Andy Nichols, *Nichols Consulting*

1857 44th Street, Sacramento, CA 95819
Phone: (916) 455-3939
andy@nichols-consulting.com

Mark Nuaimi, *Town of Yucca Valley*

57090 Twentynine Palms Highway, Yucca Valley, CA 92284
Phone: N/A
mnuaimi@yucca-valley.org

Patrick O'Connell, *County of Alameda*

1221 Oak Street, Room 249, Oakland, CA 94512
Phone: (510) 272-6565
pat.oconnell@acgov.org

Marianne O'Malley, *Legislative Analyst's Office (B-29)*

925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8315
marianne.O'malley@lao.ca.gov

Andy Okoro, *City of Norco*

2870 Clark Avenue, Norco, CA 92860
Phone: N/A
aokoro@ci.norco.ca.us

Simona Padilla-Scholtens, *County of Solano*

675 Texas Street, Suite 2800, Fairfield, CA 94533
Phone: (707) 784-6280
spadilla@solanocounty.com

Susan Paragas, *City of Azusa*

PO Box 1395, Azusa, CA 91702
Phone: N/A
sparagas@ci.azusa.ca.us

Alice Park-Renzie, *County of Alameda*

CAO, 1221 Oak Street, Oakland, CA 94612
Phone: (510) 272-3873

Alice.Park@acgov.org

Donald Parker, *City of Montclair*

5111 Benito St., Montclair, CA 91763

Phone: N/A

dparker@cityofmontclair.org

Joe Paul Gonzalez, *County of San Benito*

440 Fifth Street, Room 206, Hollister, CA 95023

Phone: (831) 636-4090

jgonzalez@auditor.co.san-benito.ca.us

Lalo Perez, *City of Palo Alto*

P.O. Box 10250, Palo Alto, CA 94303

Phone: N/A

lalo.perez@cityofpaloalto.org

Diane Perkin, *City of Lakewood*

5050 Clark Avenue, Lakewood, CA 90712

Phone: (562) 866-9771

dperkin@lakewoodcity.org

Eva Phelps, *City of San Ramon*

2226 Camino Ramon, San Ramon, CA 94583

Phone: N/A

ephelps@sanramon.ca.gov

Marcus Pimentel, *City of Santa Cruz*

809 Center Street, Rm 101, Santa Cruz, CA 95060

Phone: N/A

dl_Finance@cityofsantacruz.com

Adam Pirrie, *City of Claremont*

207 Harvard Ave, Claremont, CA 91711

Phone: (909) 399-5328

apirrie@ci.claremont.ca.us

Brian Ponty, *City of Redwood City*

1017 Middlefield Road, Redwood City, CA 94063

Phone: (650) 780-7300

finance@redwoodcity.org

Jai Prasad, *County of San Bernardino*

Office of Auditor-Controller, 222 West Hospitality Lane, 4th Floor, San Bernardino, CA 92415-0018

Phone: (909) 386-8854

jai.prasad@atc.sbcounty.gov

Lorena Quijano, *City of Baldwin Park*

14403 East Pacific Avenue, Baldwin Park, CA 91706

Phone: N/A

lquijano@baldwinpark.com

John Quinn, *City of Calexico*

608 Heber Ave., Calexico, CA 92231

Phone: N/A
jqinn@calexico.ca.gov

Frank Quintero, *City of Merced*
678 West 18th Street, Merced, CA 95340
Phone: N/A
quinterof@cityofmerced.org

Yvonne Quiring, *City of Davis*
23 Russell Blvd., Davis, CA 95616
Phone: N/A
yquiring@cityofdavis.org

Roberta Reed, *County of Mono*
P.O. Box 556, Bridgeport, CA 93517
Phone: (760) 932-5490
RReed@mono.ca.gov

Karan Reid, Finance Director, *City of Concord*
1950 Parkside Drive, Concord, CA 94519
Phone: (925) 671-3178
karan.reid@cityofconcord.org

Mark Rewolinski, *MAXIMUS*
625 Coolidge Drive, Suite 100, Folsom, CA 95630
Phone: (949) 440-0845
markrewolinski@maximus.com

James Riley, Administrative Services Director, *City of Lake Elsinore*
130 South Main Street, Lake Elsinore, CA 92530
Phone: N/A
jriley@lake-elsinore.org

Rosa Rios, *City of Delano*
1015 11th Ave., Delano, CA 93216
Phone: N/A
rrios@cityofdelano.org

Kathy Rios, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-5919
krios@sco.ca.gov

Ann Ritzma, *City of Pacifica*
170 Santa Maria Avenue, Pacifica, CA 94044
Phone: N/A
ritzmaa@ci.pacifica.ca.us

Amanda Roberson, *City of Lynwood*
11330 Bullis Road, Lynwood, CA 90262
Phone: (310) 603-0220
aroberson@lynwood.ca.us

Mark Roberts, *City of National City*
1243 National City Blvd., National City, CA 91950

Phone: N/A
finance@nationalcityca.gov

Laura Rocha, *City of San Marcos*
1 Civic Center Drive, San Marcos, CA 92069
Phone: (760) 744-1050
Lrocha@san-marcos.net

Gil Rojas, Finance Director, *City of Escondido*
201 N. Broadway, Escondido, CA 92025
Phone: N/A
grojas@ci.escondido.ca.us

Benjamin Rosenfield, *County of San Francisco*
1 Dr. Carlton B. Goodlett Place, Rm. 316, San Francisco, CA 94102
Phone: (415) 554-7500
ben.rosenfield@sfgov.org

Benjamin Rosenfield, *City & County of San Francisco*
1 Dr. Carlton B. Goodlett Place, Room 316, San Francisco, CA 94102
Phone: (415) 554-7500
ben.rosenfield@sfgov.org

Cathy Saderlund, *County of Lake*
255 N. Forbes Street, Lakeport, CA 95453
Phone: (707) 263-2311
cathy.saderlund@lakecountyca.gov

Leticia Salcido, *City of El Centro*
1275 Main Street, El Centro, CA 92243
Phone: N/A
lsalcido@ci.el-centro.ca.us

Marcia Salter, *County of Nevada*
950 Maidu Avenue, Nevada City, CA 95959
Phone: (530) 265-1244
marcia.salter@co.nevada.ca.us

Robert Samario, *City of Santa Barbara*
P.O. Box 1990, Santa Barbara, CA 93102-1990
Phone: (805) 564-5336
BSamario@SantaBarbaraCA.gov

Kathy Samms, *County of Santa Cruz*
701 Ocean Street, Room 340, Santa Cruz, CA 95060
Phone: (831) 454-2440
shf735@co.santa-cruz.ca.us

Tracy Sandoval, *County of San Diego*
1600 Pacific Highway, Room 166, San Diego, CA 92101
Phone: (619) 531-5413
tracy.sandoval@sdcounty.ca.gov

Clinton Schaad, *County of Del Norte*
981 H Street, Suite 140, Crescent City, CA 95531

Phone: (707) 464-7202
cschaad@co.del-norte.ca.us

Stuart Schillinger, *City of Brisbane*
50 Park Place, Brisbane, CA 94005-1310
Phone: N/A
schillinger@ci.brisbane.ca.us

Tracy Schulze, *County of Napa*
1195 Third Street, Suite B-10, Napa, CA 94559
Phone: (707) 299-1733
tracy.schulze@countyofnapa.org

Lee Scott, *Department of Finance*
15 L Street, 8th Floor, Sacramento, CA 95814
Phone: (916) 445-3274
lee.scott@dof.ca.gov

Peggy Scroggins, *County of Colusa*
546 Jay Street, Ste 202, Colusa, CA 95932
Phone: (530) 458-0400
pscroggins@countyofcolusa.org

Amy Shepherd, *County of Inyo*
Auditor-Controller, P.O. Drawer R, Independence, CA 93526
Phone: (760) 878-0343
ashepherd@inyocounty.us

Wayne Shimabukuro, *County of San Bernardino*
Auditor/Controller-Recorder-Treasurer-Tax Collector, 222 West Hospitality Lane, 4th Floor,
San Bernardino, CA 92415-0018
Phone: (909) 386-8850
wayne.shimabukuro@atc.sbcounty.gov

Lucy Simonson, *County of Mendocino*
501 Low Gap Road, Rm 1080, Ukiah, CA 95482
Phone: (707) 463-4388
simonsol@co.mendocino.ca.us

Andrew Sisk, *County of Placer*
2970 Richardson Drive, Auburn, CA 95603
Phone: (530) 889-4026
asisk@placer.ca.gov

Nelson Smith, *City of Bakersfield*
1600 Truxtun Avenue, Bakersfield, CA 93301
Phone: N/A
nsmith@bakersfieldcity.us

Jim Spano, Chief, Mandated Cost Audits Bureau, *State Controller's Office*
Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 323-5849
jspano@sco.ca.gov

Dennis Speciale, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-0254
DSpeciale@sco.ca.gov

Betsy St. John, *City of Palmdale*
38300 Sierra Highway, Suite D, Palmdale, CA 93550
Phone: N/A
bstjohn@cityofpalmdale.org

Robert Stark, *County of Sutter*
463 2nd Street, Suite 117, Yuba City, CA 95991
Phone: (530) 822-7127
rstark@co.sutter.ca.us

Jim Steele, *City of South San Francisco*
P.O. Box 711, South San Francisco, CA 94083
Phone: N/A
jim.steele@ssf.net

Stephen Strong, Finance Director, *City of Redding*
Finance Department, 3rd Floor City Hall, 777 Cypress Avenue, Redding, CA 96001
Phone: (530) 225-4079
sstrong@ci.redding.ca.us

Jana Stuard, *City of Norwalk*
P.O. Box 1030, Norwalk, CA 90650
Phone: N/A
jstuard@norwalkca.gov

Leslie Suelter, *City of Coronado*
1825 Strand Way, Coronado, CA 92118
Phone: N/A
lsuelter@coronado.ca.us

Paul Sundeen, *City of Riverside*
3900 Main Street, 6th Floor, Riverside, CA 92522
Phone: N/A
psundeen@riversideca.gov

David Sundstrom, *County of Sonoma*
585 Fiscal Drive, Room 100, Santa Rosa, CA 95403
Phone: (707) 565-3285
david.sundstrom@sonoma-county.org

David Sung, *City of Hawaiian Gardens*
21815 Pioneer Boulevard, Hawaiian Gardens, CA 90716
Phone: N/A
dsung@hgcity.org

Meg Svoboda, *Senate Office of Research*
1020 N Street, Suite 200, Sacramento, CA
Phone: (916) 651-1500
meg.svoboda@sen.ca.gov

Jesse Takahashi, *City of Campbell*

70 North First Street, Campbell, CA 95008

Phone: N/A

jesset@cityofcampbell.com

Jill Taura, *City of Glendora*

116 East Foothill Blvd, Glendora, CA 91741-3380

Phone: N/A

jtaura@ci.glendora.ca.us

Rick Teichert, *City of Moreno Valley*

14177 Frederick Street, Moreno Valley, CA 92552-0805

Phone: N/A

richardt@moval.org

Geoff Thomas, *City of El Cerrito*

10890 San Pablo Avenue, El Cerrito, CA 94530-2392

Phone: N/A

gthomas@ci.el-cerrito.ca.us

Sheryl Thur, *County of Glenn*

516 West Sycamore Street, Willows, CA 95988

Phone: (530) 934-6402

sthur@countyofglenn.net

Lorie Tinfow, *Assistang City Manager/Admin Services Director, City of Walnut Creek*

1666 N. Main Street, City of Walnut Creek, CA 94596

Phone: N/A

tinfow@walnut-creek.org

Jolene Tollenaar, *MGT of America*

2001 P Street, Suite 200, Suite 200, Sacramento, CA 95811

Phone: (916) 443-9136

jolene_tollenaar@mgtamer.com

Evelyn Tseng, *City of Newport Beach*

100 Civic Center Drive, Newport Beach, CA 92660

Phone: (949) 644-3127

etseng@newportbeachca.gov

Brian Uhler, *Legislative Analyst's Office*

925 L Street, Suite 1000, Sacramento, CA 95814

Phone: (916) 319-8328

brian.uhler@lao.ca.gov

Julie Valverde, *County of Sacramento*

700 H Street, Room 3650, Sacramento, CA 95814

Phone: (916) 874-7248

valverdej@saccounty.net

Sue Vannucci, *City of Woodland*

300 First Street, Woodland, CA 95695

Phone: N/A

svannucci@cityofwilliams.org

Ruby Vasquez, *County of Colusa*

546 Jay Street, Suite 202, Colusa, CA 95932
Phone: (530) 458-0424
rvasquez@countyofcolusa.com

Mary Jo Walker, *County of Santa Cruz*
701 Ocean Street, Room 100, Santa Cruz, CA 95060-4073
Phone: (831) 454-2500
Aud002@co.santa-cruz.ca.us

Melinda Wall, *City of Lompoc*
P.O. Box 8001, Lompoc, CA 93438-8001
Phone: N/A
m_wall@ci.lompoc.ca.us

Sarah Waller-Bullock, *City of La Mesa*
P.O. Box 937, La Mesa, CA 91944-0937
Phone: N/A
sbullock@ci.la-mesa.ca.us

George Warman Jr., *City of Corte Madera*
P.O. Box 159, Corte Madera, CA 94976-0159
Phone: N/A
gwarman@ci.corte-madera.ca.us

David Wellhouse, *David Wellhouse & Associates, Inc.*
3609 Bradshaw Road, Suite 121, Sacramento, CA 95927
Phone: (916) 368-9244
dwa-david@surewest.net

David White, *City of Fairfield*
1000 Webster Street, Fairfield, CA 94533
Phone: N/A
dwhite@fairfield.ca.gov

Barry Whitley, *City of American Canyon*
4381 Broadway, Suite 201, American Canyon, CA 94503
Phone: N/A
bwhitley@cityofamericancanyon.org

David Wilson, *City of West Hollywood*
8300 Santa Monica Blvd., West Hollywood, CA 90069
Phone: N/A
dwilson@weho.org

Colleen Winchester, *City of San Jose*
200 E. Santa Clara Street, 16th Floor, San Jose, CA 95113
Phone: (408) 535-1946
colleen.winchester@sanjoseca.gov

Jeff Woltkamp, *County of San Joaquin*
44 N San Joaquin St. Suite 550, Stockton, CA 95202
Phone: (209) 468-3925
jwoltkamp@sjgov.org

Clara Wong, *City of West Covina*

1444 W. Garvey Ave. South, West Covina, CA 91790

Phone: N/A

clara.wong@westcovina.org

David Woo, *City of Cupertino*

10300 Torre Avenue, Cupertino, CA 95014-3202

Phone: N/A

davidw@cupertino.org

Rita Woodard, *County of Tulare*

County Civic Center , 221 South Mooney Blvd, Room 101-E, Visalia, CA 93291-4593

Phone: (559) 636-5200

rwoodard@co.tulare.ca.us

Susie Woodstock, *City of Newark*

37101 Newark Blvd., Newark, CA 94560

Phone: N/A

susie.woodstock@newark.org

Hasmik Yaghobyan, *County of Los Angeles*

Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012

Phone: (213) 974-9653

hyaghobyan@auditor.lacounty.gov

Annie Yaung, *City of Monterey Park*

320 West Newmark Avenue, Monterey Park, CA 91754

Phone: N/A

ayaung@montereypark.ca.gov

Carl Yeats, *City of Burlingame*

501 Primrose Rd., Burlingame, CA 94010

Phone: N/A

cyeats@burlingame.org

Bobby Young, *City of Costa Mesa*

77 Fair Drive, Costa Mesa, CA 92626

Phone: N/A

Bobby.Young@costamesaca.gov

Amended: September 26, 2014

Adopted: March 28, 2008

J:\MANDATES\2001\tc\01-tc-16 (Fire Safety Care Facs)\Ps&Gs\New Test Claim Decision Ps&Gs\Draft Expedited Ps&Gs Amendment.doc

DRAFT EXPEDITED AMENDMENTS TO
PARAMETERS AND GUIDELINES

Health and Safety Code Section 13235, Subdivision (a)

Statutes 1989, Chapter 993

Fire Safety Inspections of Care Facilities

01-TC-16

(amended by 13-MR-01)

As Modified by:

Statutes 2009-2010, Chapter 12 (ABX 4 12)

The reimbursement period for this program ends June 30, 2012

I. SUMMARY OF THE MANDATE

Health and Safety Code section 13235, subdivision (a), requires local fire departments to perform fire safety inspections of all community care facilities, residential care facilities for the elderly, and child daycare facilities. Upon receipt of a request from a prospective licensee, the local fire department, or State Fire Marshal, whichever has primary jurisdiction, is required to conduct a preinspection of the facility prior to the fire clearance approval. At the time of the preinspection, the applicable fire enforcing agency will provide consultation and interpretation of the fire safety regulations that are to be enforced in order to obtain the clearances necessary to obtain a license.

On March 29, 2006, the Commission on State Mandates (Commission) adopted the Statement of Decision for the *Fire Safety Inspections of Care Facilities* test claim. The Commission found that Health and Safety Code section 13235, subdivision (a), constitutes a new program or higher level of service and imposes a state-mandated program upon local agencies within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514.

The Commission approved this test claim for the following reimbursable activities relating to the preinspection of the facility:

1. the preinspection of community care facilities, residential care facilities for the elderly, and child day care facilities;
2. the consultation and interpretation of applicable fire safety regulations for the prospective facility licensee; and
3. written notice to the prospective facility licensee of the specific fire safety regulations which shall be enforced in order to obtain the final fire clearance approval.

Inspection activities relating to the final fire clearance approval are not reimbursable.

On July 29, 2013, the Department of Finance (Finance) filed a request for redetermination of the test claim decision pursuant to Government Code section 17570. Finance asserted that Statutes 2009-2010, chapter 12 (ABX 4 12) constitutes a subsequent change in the law, as defined in section 17570, which pursuant to section 17556(d), results in the state's liability under the test claim statute being modified.

On September 26, 2014, the Commission adopted a new test claim decision, finding that Statutes 2009-2010, chapter 12 (ABX 4 12), effective July 28, 2009, amended Health and Safety Code, section 13235(a) to provide fee authority sufficient to cover the full costs attributable to the mandated inspection activities required by section 13235(a). Thus, a subsequent statutory change has eliminated the state's obligation to reimburse this program as of June 30, 2012, pursuant to Government Code section 17556(d). These parameters and guidelines have been amended in accordance with that decision.

II. ELIGIBLE CLAIMANTS

Any city, county, city and county, and any fire protection district or other district performing fire protection services at the local level, formed pursuant to Health and Safety Code sections 13800 et seq., that is subject to the tax and spend limitations of articles XIII A and XIII B, and that incurs increased costs as a result of this reimbursable state-mandated program is eligible to claim reimbursement of those costs.

III. PERIOD OF REIMBURSEMENT

Government Code section 17557, subdivision (e) states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The City of San Jose filed the test claim on June 3, 2002. Therefore, costs incurred on or after July 1, 2000, in compliance with Health and Safety Code section 13235, subdivision (a) (Stats. 1989, ch. 993), are eligible for reimbursement.

Actual costs for one fiscal year shall be included in each claim. Pursuant to Government Code section 17561, subdivision (d)(1)(A), all claims for reimbursement of initial fiscal year costs shall be submitted to the State Controller within 120 days of the issuance date for the claiming instructions.

If the total costs for a given fiscal year do not exceed \$1,000, no reimbursement shall be allowed except as otherwise allowed by Government Code section 17564, subdivision (a).

Statutes 2009-2010, chapter 12 (ABX 4 12) provided fee authority sufficient to fund this program effective June 28, 2009.

IV. REIMBURSABLE ACTIVITIES

The activities of this program are no longer reimbursable as of June 30, 2012.

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, calendars, training packets, and declarations. Declarations must include a certification or declaration stating, “I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct,” and must further comply with the requirements of Code of Civil Procedure section 2015.5.

Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

Claimants may use time studies to support salary and benefit costs when an activity is task-repetitive. Time study usage is subject to the review and audit conducted by the State Controller’s Office.

The claimant is only allowed to claim and be reimbursed for increased costs for reimbursable activities identified below. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate.

For each eligible claimant, the following activities related to the preinspection are reimbursable:

A. One-Time Activity (one time per employee)

Training for each new fire inspector assigned to the preinspection of care facilities, pursuant to Health and Safety Code section 13235, subdivision (a). A maximum of four hours of training is allowable per employee.

B. Ongoing Activities

1. Conduct preinspections of community care facilities, residential care facilities for the elderly, and child day care facilities upon receipt of a request from a prospective licensee of such a facility, before the final fire clearance approval. More than one preinspection per facility as deemed necessary by the local fire agency is reimbursable.
2. Provide consultation and interpretation of applicable fire safety regulations for the prospective facility licensee.
3. Providing a written notice to the prospective facility licensee of the specific fire safety regulations that shall be enforced in order to obtain the final fire clearance approval.
4. Maintain files relating solely to preinspection activities pursuant to Health and Safety Code section 13235, subdivision (a).

V. CLAIM PREPARATION AND SUBMISSION

Each of the following cost elements must be identified for each reimbursable activity identified in Section IV, Reimbursable Activities, of this document. Each claimed reimbursable cost must be supported by source documentation as described in Section IV. Additionally, each reimbursement claim must be filed in a timely manner.

A. Direct Cost Reporting

Direct costs are those costs incurred specifically for the reimbursable activities. The following direct costs are eligible for reimbursement.

1. Salaries and Benefits

Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.

2. Materials and Supplies

Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable activities. Purchases shall be claimed at the actual price after deducting discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged on an appropriate and recognized method of costing, consistently applied.

3. Contracted Services

Report the name of the contractor and services performed to implement the reimbursable activities. If the contractor bills for time and materials, report the number of hours spent on the activities and all costs charged. If the contract is a fixed price, report the services that were performed during the period covered by the reimbursement claim. If the contract services are also used for purposes other than the reimbursable activities, only the pro-rata portion of the services used to implement the reimbursable activities can be claimed. Submit contract consultant and attorney invoices with the claim and a description of the contract scope of services.

4. Fixed Assets and Equipment

Report the purchase price paid for fixed assets and equipment (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset or equipment is also used for purposes other than the reimbursable activities, only the pro-rata portion of the purchase price used to implement the reimbursable activities can be claimed.

5. Travel

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination point, the specific reimbursable activity requiring travel, and related travel expenses reimbursed to the employee in compliance with the rules of the local jurisdiction. Report employee travel time according to the rules of cost element A.1, Salaries and Benefits, for each applicable reimbursable activity.

6. Training

Report the cost of training an employee to perform the reimbursable activities, as specified in Section IV of this document. Report the name and job classification of each employee preparing for, attending, and/or conducting training necessary to implement the reimbursable activities. Provide the title, subject, and purpose (related to the mandate of the training session), dates attended, and location. If the training encompasses subjects broader than the reimbursable activities, only the pro-rata portion can be claimed. Report employee training time for each applicable reimbursable activity according to the rules of cost element A.1, Salaries and Benefits, and A.2, Materials and Supplies. Report the cost

of consultants who conduct the training according to the rules of cost element A.3, Contracted Services.

B. Indirect Cost Rates

Indirect costs are costs that are incurred for a common or joint purpose, benefiting more than one program, and are not directly assignable to a particular department or program without efforts disproportionate to the result achieved. Indirect costs may include both (1) overhead costs of the unit performing the mandate; and (2) the costs of the central government services distributed to the other departments based on a systematic and rational basis through a cost allocation plan.

Compensation for indirect costs is eligible for reimbursement utilizing the procedure provided in the Office of Management and Budget (OMB) Circular A-87. Claimants have the option of using 10% of direct labor, excluding fringe benefits, or preparing an Indirect Cost Rate Proposal (ICRP) if the indirect cost rate claimed exceeds 10%.

If the claimant chooses to prepare an ICRP, both the direct costs (as defined and described in OMB Circular A-87 Attachments A and B) and the indirect costs shall exclude capital expenditures and unallowable costs (as defined and described in OMB Circular A-87 Attachments A and B). However, unallowable costs must be included in the direct costs if they represent activities to which indirect costs are properly allocable.

The distribution base may be (1) total direct costs (excluding capital expenditures and other distorting items, such as pass-through funds, major subcontracts, etc.), (2) direct salaries and wages, or (3) another base which results in an equitable distribution.

In calculating an ICRP, the claimant shall have the choice of one of the following methodologies:

1. The allocation of allowable indirect costs (as defined and described in OMB Circular A-87 Attachments A and B) shall be accomplished by (1) classifying a department's total costs for the base period as either direct or indirect, and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate which is used to distribute indirect costs to mandates. The rate should be expressed as a percentage which the total amount allowable indirect costs bears to the base selected; or
2. The allocation of allowable indirect costs (as defined and described in OMB Circular A-87 Attachments A and B) shall be accomplished by (1) separating a department into groups, such as divisions or sections, and then classifying the division's or section's total costs for the base period as either direct or indirect, and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate that is used to distribute indirect costs to mandates. The rate should be expressed as a percentage which the total amount allowable indirect costs bears to the base selected.

The activities of this program are no longer reimbursable beginning July 1, 2012.

VI. RECORD RETENTION

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter¹ is subject to the initiation of an audit by the Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim. In any case, an audit shall be completed not later than two years after the date that the audit is commenced. All documents used to support the reimbursable activities, as described in Section IV, must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

VII. OFFSETTING REVENUES AND OTHER REIMBURSEMENTS

Any offsetting revenues the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate from any source, including but not limited to, service fees collected, federal funds, and other state funds, shall be identified and deducted from this claim.

Pursuant to Health and Safety Code section 13235, subdivision (a), fee recovery for the preinspection activity is limited to: 1) \$0 for facilities which serve six or fewer persons; 2) \$50 for facilities with a capacity to serve seven to 25 persons; and 3) \$100 for facilities with a capacity to serve 26 or more persons. This revenue shall be identified and deducted from total costs claimed. In the event that the Legislature enacts legislation which either increases or decreases the fee authority, such legislation shall control and will not necessitate an amendment to these parameters and guidelines unless the activities to be performed are also amended.

VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Pursuant to Government Code section 17558, subdivision (b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than 60 days after receiving the adopted parameters and guidelines from the Commission, to assist local agencies and school districts in claiming costs to be reimbursed. The claiming instructions shall be derived from the test claim decision and the parameters and guidelines adopted by the Commission.

Pursuant to Government Code section 17561, subdivision (d)(1), issuance of the claiming instructions shall constitute a notice of the right of the local agencies and school districts to file reimbursement claims, based upon parameters and guidelines adopted by the Commission.

IX. REMEDIES BEFORE THE COMMISSION

Upon request of a local agency or school district, the Commission shall review the claiming instructions issued by the State Controller or any other authorized state agency for reimbursement of mandated costs pursuant to Government Code section 17571. If the Commission determines that the claiming instructions do not conform to the parameters and guidelines, the Commission shall direct the Controller to modify the claiming instructions and

¹ This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

the Controller shall modify the claiming instructions to conform to the parameters and guidelines as directed by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557, subdivision (d), and California Code of Regulations, title 2, section ~~1183.2~~ 1183.17.

X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

The ~~Statement of Decision~~ test claim and parameters and guidelines decisions are legally binding on all parties and provide the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record ~~for the test claim~~. The administrative record, ~~including the Statement of Decision~~, is on file with the Commission.



Exhibit C

RECEIVED
August 19, 2014
**Commission on
State Mandates**

JOHN CHIANG
California State Controller
Division of Accounting and Reporting

August 19, 2014

Ms. Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Re: Adopted Decision, Notice of Second Hearing Draft Proposed Decision, Draft Expedited Amendment to Parameters and Guidelines, and Notice of Hearing Mandate Redetermination Request, 13-MR-01
Fire Safety Inspections of Care Facilities, (01-TC-16)
Health and Safety Code Section 13235(a); as added or amended by Statutes 1989, Chapter 993; Statutes 2009, Chapter 12 (ABX4 12)
Department of Finance, Requester

Dear Ms. Halsey:

The State Controller's Office reviewed the draft expedited amendment to Parameters and Guidelines for the Fire Safety Inspections of Care Facilities program and recommends no changes.

Should you have any questions regarding the above, please contact Afsana Saida at (916) 324-7870 or email ASaida@sco.ca.gov.

Sincerely,

JAY LAL, Manager
Local Reimbursements Section

MAILING ADDRESS P.O. Box 942850, Sacramento, CA 94250
STREET ADDRESS 3301 C Street, Suite 700, Sacramento, CA 95816