

COMMISSION ON STATE MANDATES

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May 13, 2013

Ms. Evelyn Tseng, Revenue Manager
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Mr. Aaron C. Harp, City Attorney
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

And Interested Parties and Affected State Agencies (See Mailing List)

Re: **Notice of Approval of Extension Request, Postponement of Hearing,
and Request for Comments on Potential Consolidation with the *Peace
Officers Procedural Bill of Rights I (POBOR I)* Parameters and Guidelines**

Peace Officers Procedural Bill of Rights II (POBOR II), 03-TC-18
Statutes 1976, Chapter 465; Statutes 1998, Chapter 786;
Statutes 2000, Chapter 209; and Statutes 2002, Chapter 170
City of Newport Beach, Claimant

Dear Ms. Tseng and Mr. Harp:

On May 9, 2013, the Commission on State Mandates (Commission) received your request for an extension of time to file comments on the staff analysis and proposed parameters and guidelines to propose a reasonable reimbursement methodology (RRM), and to postpone the May 24, 2013 hearing on the above-named matter.

The proposal for an RRM for the *POBOR II* reimbursable activities raises the issue of whether the *POBOR II* parameters and guidelines should be consolidated with the *POBOR I* parameters and guidelines. *POBOR II* addresses an incremental higher level of service over the *POBOR I* approved activities, which are the subject of an RRM. Among other activities in *POBOR II*, the Commission approved reimbursement for the requirements to provide notice to the chief of police who is subject to dismissal, notice to the officer being investigated of discovery of misconduct that he may face disciplinary action, and notice regarding the employer's decision to impose discipline, as required by Government Code section 3304. Section 3304 is the statute that governs "protection of procedural rights." Some of the reimbursable activities in *POBOR I* are also imposed by section 3304.

Because these claims involve the same program and even the same code section, it seems appropriate that they be consolidated to avoid confusion in the reimbursement claims process. Therefore, **comments on the issue of consolidation are requested from all parties and interested parties on or before June 13, 2013.**

The request for extension of time to file comments on the above-named matter and the request for postponement are approved for good cause, pursuant to section 1183.01 (c)(1)(B) and (2)(A) of the Commission's regulations.

Ms. Tseng and Mr. Harp

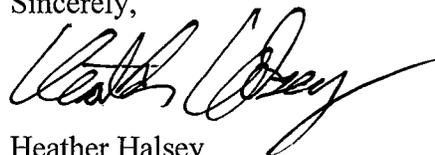
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Therefore, comments on the parameters and guidelines and a proposal for an RRM from the claimant are due on or before **September 23, 2013**. This matter is now set for the January 2014 Commission hearing which is tentatively scheduled for **January 24, 2014**.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Halsey", written in a cursive style.

Heather Halsey
Executive Director