

BETTY T. YEE California State Controller

RECEIVED
January 08, 2015
Commission on
State Mandates

LATE FILING

January 7, 2015

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

Re: Incorrect Reduction Claim (IRC)

Animal Adoption, 11-9811-I-01

Civil Code Sections 1834 and 1846 and

Food and Agriculture Code Sections 31108, 31752, 31752.5, 31753, 32001, and 32003

Statutes 1998, Chapter 752; Statutes 2004, Chapter 313

Fiscal Years: 1998-1999. 1999-2000, 2000-01, 2001-2002, 2002-2003, 2005-2006, 2006-2007, and 2007-2008

City of Hayward, Claimant

Dear Ms. Halsey:

The State Controller's Office is transmitting our response to the above-named IRC.

If you have any questions, please contact me by telephone at (916) 323-5849.

Sincerely,

JIM L. SPANO, Chief

Mandated Cost Audits Bureau

Division of Audits

JS/kw

14931

RESPONSE BY THE STATE CONTROLLER'S OFFICE TO THE INCORRECT REDUCTION CLAIM (IRC) BY THE CITY OF HAYWARD

Animal Adoption Program

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Note: References to Exhibits relate to the city's IRC filed on March 8, 2012, as follows:

- Exhibit A PDF page 2
- Exhibit B PDF page 11
- Exhibit C PDF page 73
- Exhibit D PDF page 123
- Exhibit E PDF page 195
- Exhibit F PDF page 269
- Exhibit G PDF page 349
- Exhibit H PDF page 385
- Exhibit I PDF page 439
- Exhibit J PDF page 475
- Exhibit K PDF page 497
- Exhibit L PDF page 501
- Exhibit M PDF page 549
- Exhibit N PDF page 552
- Exhibit O PDF page 578
- Exhibit P PDF page 581

Tab 1

4								
1	OFFICE OF THE STATE CONTROLLER 3301 C Street, Suite 725							
2	Sacramento, CA 94816 Telephone No.: (916) 323-5849							
3								
4	BEFORE THE							
5	COMMISSION ON STATE MANDATES							
6	STATE OF (CALIFORNIA						
7	STATE OF	CALIFORNIA						
8		I .						
9								
10	INCORRECT REDUCTION CLAIM (IRC) ON:	No.: IRC 11-9811-I-01						
11	Animal Adoption Program	AFFIDAVIT OF BUREAU CHIEF						
12	Civil Code Sections 1054 and 1040 and							
13	Sections 31108, 31/32, 31/32.3, 31/33, 32001 and 32003							
14								
15	Chapter 313, Statutes of 2004)							
16								
17	CITY OF HAYWARD, Claimant							
18	I, Jim L. Spano, make the following declarat	ions:						
19	I am an employee of the State Controller years.	's Office (SCO) and am over the age of 18						
20	I am currently employed as a bureau chic	of and have been so since April 21, 2000						
21	Before that, I was employed as an audit in							
22	3) I am a California Certified Public Accou	ntant.						
23	4) I reviewed the work performed by the SO	CO auditor.						
24	5) Any attached copies of records are true c	opies of records, as provided by the City of						
25	Hayward or retained at our place of busin	ness.						

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- 6) The records include claims for reimbursement, along with any attached supporting documentation, explanatory letters, or other documents relating to the above-entitled Incorrect Reduction Claim.
- 7) A field audit of the claims for fiscal year (FY) 1998-99, FY 1999-2000, FY 2000-01, FY 2001-02, FY 2002-03, FY 2005-06, FY 2006-07, and FY 2007-08 ended on May 6, 2011.

I do declare that the above declarations are made under penalty of perjury and are true and correct to the best of my knowledge, and that such knowledge is based on personal observation, information, or belief.

Date: January 7, 2015

OFFICE OF THE STATE CONTROLLER

By:

Jim L. Spano, Chief

Mandated Cost Audits Bureau

Division of Audits

State Controller's Office

Tab 2

STATE CONTROLLER'S OFFICE ANALYSIS AND RESPONSE TO THE INCORRECT REDUCTION CLAIM BY THE CITY OF HAYWARD

For Fiscal Year (FY) 1998-99, FY 1999-2000, FY 2000-01, FY 2001-02, FY 2002-03, FY 2005-06, FY 2006-07, and FY 2007-08

Animal Adoption Program
Civil Code Sections 1834 and 1846 and Food and Agriculture Code
Sections 31108, 31752, 31752.5, 31753, 32001, and 32003
(Chapter 752, Statutes of 1998; and Chapter 313, Statutes of 2004)

SUMMARY

The following is the State Controller's Office's (SCO) response to the Incorrect Reduction Claim (IRC) that the City of Hayward submitted on March 8, 2012. The SCO audited the city's claims for costs of the legislatively mandated Animal Adoption Program for the period of July 1, 1998, through June 30, 2008, excluding July 1, 2003, through June 30, 2005. The SCO issued its final report on May 6, 2011 (Exhibit B).

The city submitted reimbursement claims totaling \$2,363,283—\$153,362 for fiscal year (FY) 1998-99 (Exhibit C), \$630,730 for FY 1999-2000 (Exhibit D), \$391,674 for FY 2000-01 (Exhibit E), \$314,742 for FY 2001-02 (Exhibit F), \$152,467 for FY 2002-03 (Exhibit G), \$234,178 for FY 2005-06 (Exhibit H), \$253,456 for FY 2006-07 (Exhibit I), and \$232,674 for FY 2007-08 (Exhibit J). Subsequently, the SCO audited these claims and determined that \$1,024,131 is allowable and \$1,339,152 is unallowable because the city claimed ineligible costs.

The following table summarizes the audit results:

	Ac	tual Costs	Al	lowable		Audit
Cost Elements		Claimed	Pe	r Audit	_A	djustments
July 1, 1998, through June 30, 1999						
Direct and indirect costs:						
Policies and procedures	\$	333	\$	333	\$	-
Training		486		486		_
Acquiring space and facilities		40,633		248		(40,385)
Care and maintenance of other animals		850		589		(261)
Holding period		72,594		1,075		(71,519)
Feral cats		-		767		767
Lost and found lists		9,101		2,275		(6,826)
Non-medical records		10,679		3,944		(6,735)
Veterinary care		18,686		5,545		(13,141)
Total program costs	\$	153,362		15,262	\$	(138,100)
Less amount paid by the State ¹				(15,262)		
Allowable costs claimed in excess of (less than) amount paid		\$	-			

	Actual Costs	Allowable	Audit
Cost Elements	Claimed	Per Audit	_Adjustments_
July 1, 1999, through June 30, 2000			
Direct and indirect costs: Training Computer software Acquiring space and facilities Care and maintenance of dogs and cats Care and maintenance of other animals Holding period Feral cats Lost and found lists Non-medical records Veterinary care Total program costs Less amount paid by the State ¹	\$ 4,093 16,854 354,735 105,094 1,529 138,657 - 9,768 - \$ 630,730	\$ 4,093 4,483 195,191 11,032 1,027 43,824 1,495 5,145 7,659 10,633 284,582 (284,582)	\$ - (12,371) (159,544) (94,062) (502) (94,833) 1,495 (4,623) 7,659 10,633 \$ (346,148)
Allowable costs claimed in excess of (less than) amount	ount paid	\$ -	
July 1, 2000, through June 30, 2001 Direct and indirect costs: Training Computer software Acquiring space and facilities Care and maintenance of dogs and cats Care and maintenance of other animals Holding period Feral cats Lost and found lists Non-medical records Veterinary care Procuring equipment Total direct and indirect costs Less offsetting savings/reimbursements Total program costs Less amount paid by the State ¹	\$ 260 11,345 124,984 99,787 1,715 148,621 - 11,859 - - 398,571 (6,897) \$ 391,674	\$ 260 100,228 14,293 467 47,594 1,279 5,545 8,382 10,776 3,415 192,239 192,239 (192,239)	\$ - (11,345) (24,756) (85,494) (1,248) (101,027) 1,279 (6,314) 8,382 10,776 3,415 (206,332) 6,897 \$ (199,435)
Allowable costs claimed in excess of (less than) amount July 1, 2001, through June 30, 2002 Direct and indirect costs: Training Care and maintenance of dogs and cats Care and maintenance of other animals Holding period Feral cats Lost and found lists Non-medical records Veterinary care	\$ 1,157 130,269 3,122 169,216 - 18,900	16,855 1,381 48,633 1,828	(113,414) (1,741) (120,583) 1,828 (13,235) 8,812
Total direct and indirect costs Less offsetting savings/reimbursements Total program costs Less amount paid by the State ¹ Allowable costs claimed in excess of (less than) and	322,664 (7,922 \$ 314,742	95,249	(227,415) 7,922 \$ (219,493)

		Actual				
		Costs	Allowable			Audit
Cost Elements		Claimed	pe	r Audit	Adj	justments
July 1, 2002, through June 30, 2003						
Direct and indirect costs: Training Care and maintenance of dogs and cats Care and maintenance of other animals Holding period Feral cats Lost and found lists Non-medical records Veterinary care	\$	588 31,717 1,667 117,533 3,513 23,934	\$	588 12,568 1,398 41,338 1,949 5,893 9,096 9,279	\$	(19,149) (269) (76,195) (1,564) (18,041) 9,096 9,279
Total direct and indirect costs Less offsetting savings/reimbursements		178,952 (26,485)		82,109		(96,843) 26,485
Total program costs Less amount paid by the State		152,467		82,109	\$	(70,358)
Allowable costs claimed in excess of (less than) amo	ount j	paid	\$	82,109		
July 1, 2005, through June 30, 2006						
Direct and indirect costs: Training Computer software Care and maintenance of dogs and cats Care and maintenance of other animals Holding period Feral cats Lost and found lists Non-medical records Veterinary care Procuring equipment Total program costs Less amount paid by the State Allowable costs claimed in excess of (less than) amounts	\$ sount	522 1,008 42,261 1,901 104,216 977 9,319 36,968 17,389 19,617 234,178	\$	522 - 18,844 2,015 46,920 2,340 6,719 10,061 13,452 3,308 104,181 (104,181)	\$	(1,008) (23,417) 114 (57,296) 1,363 (2,600) (26,907) (3,937) (16,309) (129,997)
July 1, 2006, through June 30, 2007						
Direct and indirect costs: Training Computer software Care and maintenance of dogs and cats Care and maintenance of other animals Holding period Feral cats Lost and found lists Non-medical records Veterinary care Total program costs	\$	152 3,637 46,362 12,340 142,151 931 10,790 15,301 21,792 253,456	\$	32,788 4,952 54,139 2,496 7,710 12,600 12,346	\$ 	(3,637) (13,574) (7,388) (88,012) 1,565 (3,080) (2,701) (9,446)
_	<u></u>	233,430	=			(126,273)
Less amount paid by the State ¹				(127,183)	_	
Allowable costs claimed in excess of (less than) amount paid				-	-	

Cost Elements	Actual Costs Claimed	Allowable Per Audit	Audit Adjustments
July 1, 2007, through June 30, 2008			
Direct and indirect costs: Care and maintenance of dogs and cats Care and maintenance of other animals Holding period Feral cats Lost and found lists Non-medical records Veterinary care	\$ 15,219 925 157,647 3,382 12,300 18,198 25,003	\$ 27,087 2,111 57,259 2,056 8,090 11,840 14,883	\$ 11,868 1,186 (100,388) (1,326) (4,210) (6,358) (10,120)
Total program costs	\$ 232,674	123,326	\$ (109,348)
Less amount paid by the State ¹ Allowable costs claimed in excess of (less than) an	\$ 123,326		
Summary: July 1, 1998, through June 30, 2008 (excluding FY 2003-04 and FY 2004-05)			
Direct and indirect costs: Policies and procedures Training Computer software Acquiring space and facilities Care and maintenance of dogs and cats Care and maintenance of other animals Holding period Feral cats Lost and found lists Non-medical records Veterinary care Procuring equipment	\$ 333 7,258 32,844 520,352 470,709 24,049 1,050,635 8,803 105,971 81,146 82,870 19,617	\$ 333 7,258 4,483 295,667 133,467 13,940 340,782 14,210 47,042 72,394 87,832 6,723	\$ - (28,361) (224,685) (337,242) (10,109) (709,853) 5,407 (58,929) (8,752) 4,962 (12,894)
Total direct and indirect costs Less offsetting savings/reimbursements	2,404,587 (41,304)	1,024,131	(1,380,456) 41,304
Total program costs Less amount paid by the State ¹	\$ 2,363,283	1,024,131 (723,447)	\$ (1,339,152)
Allowable costs claimed in excess of (less than) amo	ount paid	\$ 300,684	

Payment information current as of December 30, 2014.

I. ANIMAL ADOPTION PROGRAM CRITERIA

Adopted Parameters and Guidelines-February 28, 2002

Food and Agriculture Code sections 31108, 31752, 31753, 32001, and 32003 (added and amended by Chapter 752, Statutes of 1998) attempted to end the euthanasia of adoptable and treatable animals. It expressly identifies the state policy that no adoptable animal should be euthanized if it can be adopted into a suitable home, and that no treatable animal should be euthanized. The legislation also increases the holding period for stray and abandoned dogs, cats, and other specified animals. It also requires public or private shelters to:

- Verify the temperament of feral cats;
- Post lost-and-found lists;
- Maintain records for impounded animals; and
- Ensure that impounded animals receive necessary and prompt veterinary care.

The Commission on State Mandates (Commission) determined that Chapter 752, Statutes of 1998, imposed a state mandate reimbursable under Government Code section 17561.

The program's parameters and guidelines establish the state mandate and define reimbursement criteria. The Commission adopted the parameters and guidelines on February 28, 2002 (**Tab 5**) and corrected them on March 20, 2002 (**Tab 6**). In compliance with Government Code section 17558, the SCO issues claiming instructions to assist local agencies and school districts in claiming mandated-program reimbursable costs. The parameters and guidelines are applicable to the city's FY 1998-99, FY 1999-2000, FY 2000-01, FY 2001-02 and FY 2002-03 claims.

For FY 2003-04, the Legislature suspended the Animal Adoption Program.

Amended Parameters and Guidelines -January 26, 2006

On January 26, 2006, the Commission adopted amended parameters and guidelines for the Animal Adoption program (**Tab 7**). In compliance with Government Code section 17558, the SCO issues claiming instructions to assist local agencies and school districts in claiming mandated-program reimbursable costs. The amended parameters and guidelines are applicable to the city's FY 2005-06, FY 2006-07, and FY 2007-08 claims.

The amended parameters and guidelines clarify the source documentation requirements by defining the terms "actual costs" and "source documents." In addition, these parameters and guidelines state that corroborating documents cannot be substituted for source documents.

The amended parameters and guidelines also provide a specific formula for claimants to use when calculating costs under the Acquiring Space and Facilities, and the Remodeling/Renovating cost components. The eligible costs for both components take into account the increased holding period as a result of the mandate relative to the animal census (the total days an animal is impounded).

SCO Claiming Instructions

The SCO annually issues mandated cost claiming instructions, which contain filing instructions for mandated cost programs. The May 7, 2002 claiming instructions (Exhibit K) are believed to be, for the purposes and scope of the audit period, substantially similar to the version extant at the time the city filed its FY 1998-99, FY 1999-2000, FY 2000-01, FY 2001-02, and FY 2002-03 mandated cost claims. The SCO issued amended claiming instructions on April 3, 2006 (Exhibit O). These claiming

instructions are believed to be, for the purposes and scope of the audit period, substantially similar to the version extant at the time the city filed its FY 2005-06, FY 2006-07, and FY 2007-08, mandated cost claims.

II. APPLICATION OF PURIFOY V. HOWELL

<u>Issue</u>

The city's IRC contests SCO's application of the First District Court of Appeal decision in the matter of *Purifoy v. Howell, supra,* for the entire audit period. The court determined that Saturday was not a business day for purposes of determining the required holding period for a dog. This issue affects the allowable cost calculations in the SCO's final audit report issued May 6, 2011, for Finding 2, Acquiring Space and Facilities; Finding 3, Care and Maintenance of Dogs, Cats and Other Animals; Finding 8, Veterinary Care; and Finding 9, Procuring Equipment, in the SCO's final audit report issued May 6, 2011. The SCO concluded that the city claimed ineligible costs because the city misstated animal census data, co-mingled costs, claimed ineligible costs, claimed reimbursement using misstated pro-rata percentages, claimed ineligible and unsupported costs, misclassified costs, and understated allowable costs. The SCO determined unallowable costs totaling \$579,968 for Findings 2, 3, 8, and 9. For the purposes of determining allowable costs in our audit report, we did not consider Saturday to be a business day consistent with the Appellate Court decision cited above. However, the city believes that Saturday should be considered a business day when calculating reimbursable costs.

The following table summarizes the claimed, allowable, and audit adjustment amounts related to audit Findings 2, 3, 8, and 9.

Cost Elements	Actual Costs Claimed		1101441 00010		1101441 00010				1101001		1101001		Allowable Per Audit	Audit Adjustments	
Acquiring space and facilities	\$	520,352	\$ 295,667	\$ (224,685)	Finding 2										
Care and maintenance of dogs and cats		470,709	133,467	(337,242)	Finding 3										
Care and maintenance of other animals		24,049	13,940	(10,109)	Finding 3										
Veterinary care		82,870	87,832	4,962	Finding 8										
Procuring equipment		19,617	6,723	(12,894)	Finding 9										
	\$	1,117,597	\$ 537,629	\$ (579,968)											

SCO Analysis:

The city believes that application of the Appellate Court decision in the case of *Purifoy et al v. Howell*, should not apply to the audit period. In that case, Saturday was determined **not** to be a business day for the purposes of determining the required holding period for dogs. For the purposes of our audit, this affected the allowable cost calculations for overstated space and facilities acquisition costs (Finding 2) (**Tab 10**), unallowable care and maintenance costs (Finding 3) (**Tab 11**), misstated necessary and prompt veterinary care costs (Finding 8) (**Tab 13**), and misstated equipment procurement costs (Finding 9) (**Tab 14**).

The SCO contends that the court decision clarifies the legal definition of a business day for the required holding period as of the date that the applicable statute was enacted in 1998.

I. Misapplication Of Purifoy v. Howell

During the pendency of the SCO audit of the City, a decision came down from the First District Court of Appeal in the matter of *Purifoy v. Howell, supra*. At issue before the court was the definition of a business day for purposes of the animal holding period under the Hayden Bill. This holding period forms the basis for reimbursable activities under the Animal Adoption mandate. This Commission was silent as to the definition of business day. The court held that although the Hayden Bill requires animal shelters to hold animals longer or be open for business on a weekday evening or Saturday, Saturday is not a business day for the purposes of calculating how long to hold an animal before it can be released for adoption or disposal. While the decision, published on March 26, 2010, is likely applicable to all future claims, the SCO in seeking to apply the court's holding to current audits overlooks whether such application is proper. The City argues that it is not.

First, the SCO is jumping the gun. *Purifoy* is not a decision of the Commission nor is it a decision to which the Commission was a party. There has been no change to the Commission's Statement of Decision or Ps & Gs in the Animal Adoption mandate nor has there been any proposed amendment to the Ps & Gs or request for a new test claim decision, under the new test claim process. Thus, the effect of this decision on the Ps & Gs has not been addressed by this Commission and until that is the case, the 2002 and 2006 Ps & Gs remain in full force and effect. Moreover, were such a request brought before this Commission and the decision found applicable, the effective date of any change to the Ps & Gs or Statement of Decision would be the filing date of the request which would, in any case, not be retroactive back to 1998 as the SCO is now attempting.

Second, neither this Commission nor the courts would support retroactivity of *Purifoy*. In 1989, the California Supreme Court set forth the rule for retroactive application of judicial decisions in *Newman v. Emerson Radio Corp.* (1989) 48 Cal.3d 973, 978, which states: "The general rule that judicial decisions are given retroactive effect is basic in our legal tradition." The Court explains that the historic rationale for retroactivity lies in "the idea adhered to by Blackstone that "judges do not 'create,' but instead 'find' the law. A decision interpreting the law, therefore, does no more than declare what the law had always been."

This rule, however, has exceptions which favor prospective application and which reflect considerations of "fairness", "public policy" (Newman v. Emerson Radio Corp. (1989) 48 Cal.3d 973, 983-984 [258 Cal.Rptr. 592].), and "hardship" (Moradi-Shalal v. Fireman's Fund Ins. Companies (1988) 46 Cal.3d 287, 305 [250 Cal.Rptr. 116].) to the parties. As the Court defined a few years later:

Several factors are relevant in determining whether an exception to the general rule of retroactivity is warranted, including: "the reasonableness of the parties' reliance on the former rule, the nature of the change as substantive or procedural, retroactivity's effect on the administration of justice, and the purposes to be served by the new rule. [Citations.]" (Camper v. Workers' Comp. Appeals Bd. (1992) 3 Cal.4th 679, 688 [12 Cal.Rptr. 101].)¹

The SCO appears to have relied upon the general rule that *Purifoy* should be applied retroactively to the audit. The City argues it falls within the stated exceptions.

The parties' reliance on the old rule was reasonable: The purpose of the Hayden Bill was, in part, to ensure that shelters were open for business outside of normal working hours to allow owners to retrieve their pets. To that end, the Bill required shelters to remain open either later on a weekday or on Saturday. Thus as the shelter was open to transact business, it was reasonable to assume Saturday was a business day. Local governments filed claims for reimbursement based upon this reliance. This Commission saw no issue with the term "business day", the trial court found Saturday was a business day and SCO had presumed as much when beginning its audits. Moreover, trying to recreate what would have happened years ago if the current law had been in existence during the time the claim was filed will cause undue hardship on claimants who relied upon the old rule for calculating the date upon which an animal could be euthanized. Reliance on the old rule and the un-foreseeability of change support prospective application.

<u>The change is procedural:</u> This new rule changes the manner in which shelters will do business by altering holding periods. Generally, substantive changes are applied retroactively while procedural changes are applied prospectively. This is due in part because procedural changes can determine the rights of the parties, especially in setting a statute of limitations. (Camper v. Workers' Comp. Appeals Bd., supra, at p. 689.)²

Although the change is substantive on its face, in this case, the retroactive application of the law will affect the rights of claimants as reimbursement can only be had for those animals euthanized after the holding period. Extending the holding period years later means that reimbursement will be unavailable to claimants complying with the law as it was understood at the time. Ensuring recovery to claimants in procedural compliance with a mandate program supports prospective application.

Retroactive application will produce unjust results: Judicial decisions are routinely applied retroactively so as to resolve pending cases where the parties are similarly situated and all unfiled cases. In this instance, however, the decision is being applied retroactively to audits of claims which may date back over a decade. The new rule will not be dispositive as to all claimants and will ensure unequal application of the rule to only those who are being audited. The administration of justice in a consistent manner supports prospective application.

The new rule will extend holding periods: The purpose of the new rule set forth in *Purifoy* is to clarify statutory provisions to ensure that the spirit of the Hayden Bill, adequate time for owner retrieval of pets, is promoted. This objective is not compromised by prospective application of the new rule. (Woods v. Young (1991) 53 Cal.3d 315, 331 [279 Cal.Rptr. 613].) The retroactive application will not increase the holding period for animals long ago retrieved.

Although the general rule is a judicial decision is given retroactive effect, the weighing of relevant factors balances in favor of an exception to the general rule and supports a prospective application of the *Purifoy* decision.

Were the above-stated analysis not enough to support the City's position, the Legislature has recently concurred through the enactment of AB 222³ which, *inter alia*, provided the following addition to Food and Agriculture Code section 31108:

(d) As used in this division, a "business day" includes any day that a public or private shelter is open to the public for at least four hours, excluding state holidays.

Although it may be argued that this addition arose from circumstances other than as a response to the faulty interpretation of "business day" in *Purifoy*, the facts demonstrate that that cannot be the case: In 2009, the Legislature failed to fund the Animal Adoption mandate thus suspending the program as a matter of law pursuant to Government Code section 17581. Then the Legislature enacted AB 12 of the 4th extraordinary session⁴, to ensure that local agencies hold dogs and cats for 72 hours which was the law prior to the Hayden Bill. As a result, the requirement of the Hayden Bill that animals be held longer than 72 hours is no longer the law of the land. For what reason would the Legislature alter statutory language that is no longer enforceable? The City points to the only reasonable conclusion: The Legislature stepped in to correct the current retroactive application of *Purifoy* to audits.

The City submits that the above-stated argument provides sufficient reason for the Commission to reverse the SCO as to the retroactive application of the *Purifoy* case to the instant audit and reimburse any and all attendant costs.

SCO's Comment

In the city's IRC filed on March 8, 2012, (Exhibit A), the city brings the same general argument already addressed in the audit report. The city has not provided any additional support since the final audit report was issued showing why Saturday should be considered a business day.

The city disagrees with our application of the Appellate Court decision in the case of *Purifoy et al.* v. Howell. In that case, Saturday was determined not to be a business day for the purposes of determining the required holding period for a dog. The city also contends that enactment of Assembly Bill (AB) 222 (Saturday business day issue) and AB 12 support its position. The SCO addressed this issue in the audit report under the "Other Issue – Retroactive application of *Purifoy v. Howell*" (Exhibit B, pages 46 through 50). The SCO's position is that the court decision clarifies the legal definition of a business day for the required holding period and that no changes to the audit findings are necessary.

Appellate Court Decision in Purifoy et al v. Howell

The city's IRC reiterated the following reasons why the SCO should not apply the court's decision retroactively:

- The Commission was not a party to the decision and there has been no change to the Commission's statement of decision or parameters and guidelines.
- While retroactive application of judicial decisions is the general rule, prospective application is warranted in this instance because the nature of the decision qualifies as an exception to the general rule.
- Claimants' assumption that Saturday was to be treated as a business day was reasonable in light of the requirements of the Hayden Bill.
- The court decision provides for a procedural change in law rather than a substantive change and procedural changes are applied prospectively.
- Retroactive application is unjust because it will only be applied to claims audited by the SCO.
- Retroactive application will not increase the holding period for animals long ago retrieved.

A considerable amount of public record is related to this mandated program, including, but not limited to, the initial test claim, statement of decision (Tab 4), the adopted parameters and guidelines (Tabs 5, 6, and 7), Commission draft and final staff analyses, and comments made by various local agencies and other interested parties. These documents did not define what specific days of the week were considered to be business days. Therefore, we followed the decision of the Appellate Court which opined that Saturday is not to be treated as a business day for the purposes of determining the required holding period (Tab 8).

¹ See also, Gentis v. Safeguard Business Systems, Inc. (1998) 60 Cal.App.4th 1294 [71 Cal.Rptr.2d 122], Rose v. Hudson (2007) 153 Cal.App.4th 641 [63 Cal.Rptr.3d 248].

² See also, Woods v. Young (1991) 53 Cal.3d 315 [279 Cal.Rptr. 613].

³ Stats. 2011, ch. 97.

⁴ Stats. 2009, ch.12, Fourth Extraordinary Session.

The city is correct in stating that the Commission was not a party to the *Purifoy et al. v. Howell* court case and there has been no change to the Commission's adopted statement of decision or the parameters and guidelines. However, a proposed amendment to the statement of decision or the parameters and guidelines would not be warranted in this instance. The court decision did not make changes to the test claim statutes on which the mandated program is based. The court case clarified what the statutes mean. Therefore, the clarification would apply to all of the city's Animal Adoption claims within the audit period.

We acknowledge that many animal shelters were operating under the assumption that they could count Saturday as a business day to calculate the holding period of an animal. However, the court's decision declared that this assumption was incorrect. We looked specifically at the language which the court used in their opinion, which stated in part:

In short, if the Legislature, having provided an incentive for shelters to remain open on weekend days, had also intended to permit shelters to count Saturdays as "business days" (thus further shortening the total number of calendar days in the holding period), we would expect a clearer expression of such an intention in the statute. More broadly, a construction of "business days" that includes Saturdays would both (1) shorten the holding period, and (2) reduce the opportunities for redemption and adoption. It thus would fail to achieve the dual purposes reflected in the legislative findings.

Accordingly, in the absence of a clear expression of legislative intent to treat Saturdays as "business days," and in light of our obligation to choose a construction that most closely comports with the Legislature's intent and promotes, rather than defeats, the statute's general purposes (see *Smith, supra*, 39 Cal.4th at p. 83; *California Highway Patrol, supra*, 135 Cal.App.4th at pp. 496-497), we conclude that "business days" in section 31108(a) means Monday through Friday, the meaning most commonly used in ordinary discourse. (Tab 8, page 16)

The court decision did not change the audit criteria used to audit the claims; the decision clarified the legal definition of a business day for the required holding period as of the date that the applicable statute was enacted in 1998. The city did not support its opinion with any language from the administrative record related to the Animal Adoption Program that supports a definition for a "business day" other than the ordinary meaning which excludes Saturdays, Sundays, and legal holidays.

The definition of a "business day" for the purpose of the Animal Adoption Program is clarified in Assembly Bill (AB) 222.

The usual and ordinary meaning of the term "business days" remains Monday through Friday, and excluding Saturdays, Sundays, and legal holidays. However, for the purpose of determining the holding period for the Animal Adoption Program, AB 222 (Chapter 97, Statutes of 2011) was enacted on July 25, 2011. This bill was a non-urgency bill and took effect January 1, 2012 (**Tab 9**). This bill states that a "business day" includes any day that a public or private animal shelter is open to the public for at least four hours, excluding state holidays.

The legislature acknowledged the Appellate Court's interpretation of Food and Agriculture Code section 31108, subdivision (a), and made the necessary changes in AB 222 to redefine prospectively a "business day."

III. THE CITY OVERSTATED ACQUIRING SPACE AND FACILITIES

Issue

The city's IRC contests Finding 2, Acquiring Space and Facilities, in the SCO's final audit report issued May 6, 2011. The SCO concluded that the city claimed ineligible costs because it claimed reimbursement using pro-rata percentages that were misstated, claimed ineligible and unsupported costs, misclassified costs, and understated allowable costs. The SCO determined unallowable costs totaling \$224,685 (Tab10). The city believes that additional costs may be reimbursable under the mandated program.

SCO Analysis:

The city believes that unallowable construction costs for FY 1998-99 is due to the SCO's misinterpretation of what census data should be used to calculate the percentage of reimbursable costs incurred by the city. In its response, the city states that "In no place is there any reference to removing the number of dogs and cats from determining what construction costs should be reimbursed."

For FY 1998-99, the city incorrectly claimed \$40,633, which is 100% of construction costs incurred from January 1, 1999, to June 30, 1999 (Tab 15). The city failed to properly calculate the eligible proportionate share of actual costs incurred to comply with the mandated activities cited in the programs parameters and guidelines. All construction costs incurred related to the Acquiring Space and Facilities cost component are not eligible for reimbursement. Instead, the parameters and guidelines specify that eligible claimants are only entitled to reimbursement for the proportionate share of actual costs. We recalculated the eligible portion of actual costs incurred for FY 1998-99 by excluding census data for dogs and cats.

The parameters and guidelines allow reimbursement under this cost component beginning January 1, 1999. However, while the period of reimbursement for "other" animals began as of January 1, 1999, the parameters and guidelines state that allowable costs for stray dogs and cats are reimbursable as of July 1, 1999 (FY 1999-2000).

City's Response

A. Finding 2: Overstated space and facilities acquisition costs

Controller Finding: The city claimed \$520,352 under this cost component. We determined that \$282,182 is allowable and \$239,170 is unallowable. The misstated costs occurred because the city claimed reimbursement using pro-rata percentages that were misstated, claimed ineligible and unsupported costs, misclassified costs, and understated allowable costs.

The SCO's disallowance of over 99% of the construction costs incurred and claimed in FY 1998-99 is due to its misinterpretation of what census data should be used to calculate the percentage of reimbursable costs incurred by the City. Allowable costs for this component are based on a formula: all costs incurred by the City applicable to animal shelter construction multiplied by a ratio of animals euthanized after the required holding period to the number of animals housed at the shelter during the required holding period.

The SCO disallowed \$40,385 of \$40,633 of the claimed costs because in calculating those costs, it only used the number "other animals" euthanized to the total population of the "other animals." The Controller comments:

For FY 1998-99, only "other animals" are eligible for reimbursement. As animal census information for FY 1998-99 was unavailable, we used an average of the last six fiscal years of the audit period to determine the number of eligible "other animals." In addition, for reimbursement for "other animal" begins on January 1, 1999, so we divided the six-year average of eligible "other animals" by two.

This Commission, when addressing the construction of new facilities in its statement of decision, found its "regulations allow reimbursement for the most reasonable methods of complying with the activities determined by the Commission to constitute reimbursable state mandated activities" noting that claimants would have "to show at the parameters and guidelines phase that construction of new buildings occurred as a direct result of the mandated activities and was the most reasonable method of complying with the mandated activities." In determining what portion of new facility costs should be reimbursed, this Commission concluded that it should be based on:

the proportionate share of actual costs required to plan, design, acquire, and/or build facilities in a given fiscal year based on the pro rata representation of impounded stray or abandoned dogs, cats, and other animals ... that are held during the increased holding period ... and die during the increased holding period or are ultimately euthanized, to the total population of animals housed in the facility during the entire holding period....⁷

The SCO takes the position that the increased number of animals for which the costs were incurred between January 1, 1999, and June 30, 1999, should not include the costs for dogs and cats. The Ps & Gs did not suggest that that six month period should limit the state's share of the costs to only considering eligible construction costs for "other animals." Indeed, in no place is there any reference to removing the number of dogs and cats from determining what construction costs should be reimbursed. The City requests the Commission recalculate the costs for FY 1998-99 and restore the cost claimed by the City for that period. In accordance with the Controller's methodology for used in other calculations, the City suggests the six-year average of all dogs, cats and other animals be used to make that calculation.

In addition, the SCO, by improperly applying the *Purifoy* decision, supra, understated the proportionate share of costs to construct the new facilities in fiscal years 1999-00 and 2000-01 by reducing the number of eligible animals contained in the reimbursement formula. In 1999-00, the SCO reduced the ratio of allowable costs from 50.10% to 27.40% and in 2000-01 from 42.30% to 23.51%. The City requests the Commission direct the SCO to recalculate the eligible costs by including Saturday as a business day.

SCO's Comment

The city cites an incorrect audit adjustment for this finding. The city states that we determined \$282,182 to be allowable and \$239,170 to be unallowable. This is incorrect. Subsequent to the issuance of the draft audit report, we revised the audit finding to correct the reimbursement ratio for FY 2000-01 from 23.51% to 27.60%. As a result, allowable materials and supplies costs increased by \$14,485, from \$276,087 to \$290,572. Allowable costs totaled \$295,667 for this cost component during the audit period when combined with eligible salaries and benefits and related indirect costs. Therefore, the audit report shows that the city claimed \$520,352 under this cost component and we determined that \$295,667 is allowable and \$224,685 is unallowable (Tab10).

For FY 1998-99, the city incorrectly claimed 100% of its construction costs incurred from January 1, 1999, to June 30, 1999, which totaled \$40,633 (**Tab 15**). The city failed to properly calculate the eligible "proportionate share" of actual costs incurred to comply with the mandated activities, as required by the parameters and guidelines. The city believes that unallowable construction costs for FY 1998-99 are due to the SCO's misinterpretation of what census data should be used to calculate the percentage of reimbursable costs incurred by the city. In its response, the city states that "In no place is there any reference to removing the number of dogs and cats from determining what construction costs should be reimbursed." The city challenges the "census data [which] should be used to calculate the percentage of reimbursable costs incurred by the City." However, we believe that Section IV.(B)(3) - (Care and Maintenance of Dogs and Cats), makes a clear distinction that

⁵ Statement of Decision at p. 27.

⁶ I4

⁷ Parameters and Guidelines, as corrected March 20, 2002, at pp 3-4 (emphasis in the original).

reimbursement for dogs and cats begins July 1, 1999 (FY 1999-2000). On the other hand, Section IV.(B)(4) makes a clear distinction that reimbursement for other animals begins January 1, 1999.

The SCO disagrees with the city's position and addressed this issue in the SCO's response to Finding 2 in the final audit report (Exhibit B, page 17). We concur that the parameters and guidelines allow reimbursement under this cost component beginning January 1, 1999. However, while the period of reimbursement for "other" animals began as of January 1, 1999, the parameters and guidelines state that allowable costs for stray dogs and cats are reimbursable as of July 1, 1999 (FY 1999-2000). Therefore, allowable costs for stray or abandoned dogs and cats are not reimbursable for any cost component of the mandated program until July 1, 1999 (FY 1999-2000).

The city did not present any additional information subsequent to the issuance of our final audit report for consideration. The city believes that allowable costs should be determined by taking all eligible animals divided by the total animals housed at the shelter. The city believes that the SCO should disregard the specific period for reimbursement contained in the parameters and guidelines for dogs and cats and other animals.

Section IV.B.1, Acquiring Space and Facilities, requires that the city claim the *proportionate share* [emphasis added] of actual costs incurred beginning January 1, 1999. The program's parameters and guidelines state in part:

Eligible claimants are only entitled to reimbursement for the proportionate share of actual costs required [emphasis added] to plan, design, acquire, and/or build facilities in a given fiscal year based on the pro rata representation of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 that are held during the increased holding period [emphasis added] specified in Sections IV (B) (3) and (4) [emphasis added] of these Parameters and Guidelines and die during the increased holding period or are ultimately euthanized, [emphasis added] to the (including those animals that are excluded from reimbursement, as specified in total population of animals housed in the facility [emphasis added] Sections IV (B)(3) and (4) of these Parameters and Guidelines) during the entire holding period required by Food and Agriculture Code sections 31108, 31752 and 31753.

All actual costs incurred for the Acquiring Space and Facilities cost component beginning January 1, 1999, to June 30, 1999 are not eligible for reimbursement. The parameters and guidelines adopted on February 28, 2002, state that only the "proportionate share of actual costs" incurred are eligible. The eligible proportionate share of animals noted in the paragraph above are those associated with providing care and maintenance of dogs and cats (Section IV.B.3), and other animals (Section IV.B.4) during the increased holding period. Section IV.B.3 (Care and Maintenance for Impounded Stray or Abandoned Dogs and Cats that Die During the Increased Holding Period or are Ultimately Euthanized) begins by noting that costs are eligible starting on July 1, 1999. Section IV.B.4 (Care and Maintenance for Impounded Stray or Abandoned Animals Specified in Food and Agriculture Code Section 31753 that Die During the Increased Holding Period or are Ultimately Euthanized) begins by noting that costs are eligible on January 1, 1999. Therefore, the city's statement that "in no place is there any reference to removing the number of dogs and cats from determining what construction costs should be reimbursed" is incorrect when applying the language contained in the parameters and guidelines. The proportionate share is determined by the number of eligible animals that are "held during the increased holding period... or are ultimately euthanized [numerator]... to the total population of animals housed in the facility [denominator]..." As noted in the parameters and guidelines, eligible animals for FY 1998-99 includes only "other animals."

In addition, the parameters and guidelines (section III-Period of Reimbursement) state:

Section 21 of Statues of 1998, Chapter 752 establishes an operative date of July 1, 1999 for the amendment to Food and Agriculture Code section 31108 (holding period for stray dogs) and Food and Agriculture Code section 31752 (holding period for stray cats). Therefore, costs incurred for Food and Agriculture Code section 31108 and 31752, as amended by Statues of 1998, Chapter 752, are eligible for reimbursement on or after July 1, 1999 [FY 1999-2000].

The city concludes with a statement that relates the SCO application of the Appellate Court decision in the case of *Purifoy et al v. Howell*. This issue is addressed in section II of this document.

IV. THE CITY CLAIMED UNALLOWABLE HOLDING PERIOD COSTS

The city's IRC contests Finding 4, Holding Period costs, in the SCO's final audit report issued May 6, 2011, related to the Animal Adoption Program. The SCO concluded that the city claimed unallowable costs because the city included costs for employee classifications that were not reimbursable under this cost component. The city also did not account for the animal shelter being closed on the last Saturday of the month in the last four years of the audit period. The SCO determined unallowable costs totaled \$709,853 (Tab 12). The city believes that additional costs may be reimbursable under the mandated program.

SCO Analysis:

The parameters and guidelines allow reimbursement under this category for the costs associated with holding shelters open to the public on one weekend day, one weekday evening, or under certain circumstances, for costs incurred in establishing an after-hours redemption process. We believe that labor costs related to staff not performing the activity of making animals available for owner redemption should not be included as allowable costs under this cost component.

Costs for staff on duty during Saturdays are already reimbursable within other cost components of the mandated program. Shelter employees' time devoted to feeding animals, cleaning cages, duties related to the care of animals, feral cat testing, performing lost-and-found list activities, processing non-medical records, performing initial physical examinations, and administering wellness vaccines are already allowable costs that were supported by the time studies that the city conducted. Reimbursing the city for this same staff under the Holding Period cost component would constitute reimbursing the city twice for the same costs.

We believe that other animal services such as animal control officer duties, euthanasia, spay and neutering procedures, implanting microchips, licensing, processing animal adoptions, and certain other animal services are not reimbursable activities.

City's Response

B. Finding 4: Unallowable Holding Period Costs

Controller Finding: The city claimed \$1,050,635 for the Holding Period component during the audit period. We determined that \$340,782 is allowable and \$790,853 is unallowable. The costs were determined to be unallowable because he City claimed employee classifications that were not reimbursable. The city also did not account for the animal shelter being closed on the last Saturday of the month in the last four years of the audit period. For these years, we allowed for costs for the shelter being open an additional hour on 12 Wednesdays per year.

We determined that when the shelter is open to the public to make animals available for owner redemption, one additional Animal Care Attendant, two Police Records Clerks II, one "floating" Police Records Clerk II (may be on shelter staff on limited duty), and one Senior Police Records Clerk Supervisor or Acting Records Supervisor were on duty to perform the required mandated activities. Our calculations of allowable costs for each year of the audit period were based on the salaries and benefits and related indirect costs of these employees according to the hours of operation noted in the paragraph above.

As noted below, the city's claims included costs under this cost component for all shelter employees that were on duty during the holding period days. Only the employees noted above were on duty to make animals available for owner redemption. However, the additional employees on duty also performed reimbursable activities that are already included in other cost components of the city's claims (care and maintenance, feral cats, lost and found lists, non-medical records, and necessary and prompt veterinary care).

The City objects to the SCO's determination that when the shelter is open to the public on Saturdays, only a portion of its staff time and costs are reimbursable. The City contends that the Animal Adoption mandate requires the local agency to be open on Saturdays for normal business operations that are reasonably required by the Hayden Bill which is not limited to the redemption of animals.

In arguing that the City should not be reimbursed for all the staff present on Saturday, the SCO places too much emphasis on the choice of wording in the Ps & Gs concluding that the costs for only those staff members involved with making animals available for redemption should be reimbursable. The SCO mistakes the term "making the animal available for owner redemption" as a limitation on reimbursement rather than as a mere explanation for why the shelter is open for extended hours. Moreover, Food and Agriculture Code sections 31108, 31752 and 31753 set forth the requirement that the shelter be open on a weekday evening or a Saturday without any direction as to how that is to be accomplished. Finally, this Commission in its Statement of Decision left the implementation of this up the shelters. The City should be allowed to staff its shelter as it sees fit to accomplish the goals set forth in statute. If the state wishes to set limits, it should do so not through the SCO but through the Legislature.

SCO's Comments

The city is disputing the SCO's determination that only a portion of its staff time and costs are reimbursable under the Holding Period cost component. The city has not provided any additional information to consider since our final audit report was issued. The SCO responded to this same issue in our final audit report (Exhibit B, pages 27 through 28).

Section IV.B.5 of the parameters and guidelines allow reimbursement under this category for the costs associated with holding shelters open for the public on one weekend day, one weekday evening, or under certain circumstances, for costs incurred in operating an after-hours animal redemption process. We believe that labor costs related to staff not performing the activity of making animals available for owner redemption should not be included as allowable costs under this cost component.

The SCO is relying on language in the parameters and guidelines that the reason to be open extra hours is to make animals available for owner redemption on one weekday evening until 7:00 p.m. or on one weekend day. Therefore, this is the criterion to determine the actual costs associated with this cost component, which is to make animals available for owner redemption. Our audit report notes the additional employee classifications that performed this activity during the audit period. All salary, benefit, and related indirect costs incurred for the employees that performed this activity at the city's animal shelter on Saturdays were allowable costs in the final audit report (Exhibit B, page 24 through 26).

Our audit report has addressed that other shelter staff on duty during Saturdays are already reimbursable within other cost components of the mandated program. For example, the Animal Care Attendants not involved with duties under this cost component as well as the Senior Animal Care Attendants' perform activities allowable under the Care and Maintenance cost component. In addition, costs incurred for these and other employee classifications on duty during Saturdays are also reimbursable for providing feral cat testing, performing lost-and-found list activities, processing non-medical records, performing initial physical examinations, and administering wellness vaccines. Such costs were supported by the time studies that the city conducted. To conclude that costs for these employees are reimbursable under these other cost components and again under the Holding Period cost component would result in the city being reimbursed twice for the same mandated costs.

In addition, some staff on duty during Saturdays are performing activities not reimbursable under the mandated program. Just because the mandated program requires agencies to be open extra hours one weekday evening or on one weekend day to make animals available for owner redemption does not make activities such as euthanasia, spay and neutering procedures, implanting microchips, licensing, processing animal adoptions, as well as other unallowable activities reimbursable for that time period. These activities are not reimbursable under any cost component of the mandated program at any time. Our finding identifies allowable costs under the mandated program per the requirements of the adopted parameters and guidelines.

V. CONCLUSION

The SCO audited the City of Hayward's claims for costs of the legislatively mandated Animal Adoption Program (Chapter 752, Statutes of 1998; and Chapter 313, Statutes of 2004) for the period of July 1, 1998, through June 30, 2009, excluding July 1, 2003, through June 30, 2005. The city claimed \$2,363,283 for the mandated program. Our audit found that \$1,024,131 is allowable and \$1,380,456 is unallowable. The costs are unallowable primarily because the city claimed unallowable costs, estimated costs, misclassified costs, claimed ineligible employees, claimed ineligible animals and incorrect pro rata percentages, misstated animal census data, and overstated offsetting revenues.

The Commission should find that: (1) the SCO correctly reduced the city's FY 1998-99 claim by \$138,100; (2) the SCO correctly reduced the city's FY 1999-2000 claim by \$346,148; (3) the SCO correctly reduced the county's FY 2000-01 claim by \$199,435; (4) the SCO correctly reduced the city's FY 2001-02 claim by \$219,493; (5) the SCO correctly reduced the city's FY 2002-03 claim by \$70,358; (6) the SCO correctly reduced the city's FY 2005-06 claim by \$129,997; (7) the SCO correctly reduced the city's FY 2006-07 claim by \$126,273; and (8) the SCO correctly reduced the city's FY 2007-08 claim by \$109,348.

VI. CERTIFICATION

I hereby certify by my signature below that the statements made in this document are true and correct of my own knowledge, or, as to all other matters, I believe them to be true and correct based upon information and belief.

Executed on January 7, 2015, at Sacramento, California, by:

Jim L. Spano, Chief

Mandated Cost Audits Bureau

Division of Audits

State Controller's Office

Tab 3

MANDATED COST MANUAL FOR LOCAL AGENCIES

STATE OF CALIFORNIA



STEVE WESTLY STATE CONTROLLER

FILING A CLAIM

1. Introduction

The law in the State of California, (Government Code Sections 17500 through 17616), provides for the reimbursement of costs incurred by school districts for costs mandated by the State. Costs mandated by the State means any increased costs which a school district is required to incur after July 1, 1980, as a result of any statute enacted after January 1, 1975, or any executive order implementing such statute which mandates a new program or higher level of service of an existing program.

Estimated claims that show costs to be incurred in the current fiscal year and reimbursement claims that detail the costs actually incurred for the prior fiscal year may be filed with the State Controller's Office (SCO). Claims for on-going programs are filed annually by January 15. Claims for new programs are filed within 120 days from the date claiming instructions are issued for the program. A 10 percent penalty, (up to \$1,000 for continuing claims, no limit for initial claims), is assessed for late claims. The SCO may audit the records of any school district to verify the actual amount of mandated costs and may reduce any claim that is excessive or unreasonable.

When a program has been reimbursed for three or more years, the COSM may approve the program for inclusion in the State Mandates Apportionment System (SMAS). For programs included in SMAS, the SCO determines the amount of each claimant's entitlement based on an average of three consecutive fiscal years of actual costs adjusted by any changes in the Implicit Price Deflator (IPD). Claimants with an established entitlement receive an annual apportionment adjusted by any changes in the IPD and, under certain circumstances, by any changes in workload. Claimants with an established entitlement do not file further claims for the program.

The SCO is authorized to make payments for costs of mandated programs from amounts appropriated by the State Budget Act, by the State Mandates Claims Fund, or by specific legislation. In the event the appropriation is insufficient to pay claims in full, claimants will receive prorated payments in proportion to the dollar amount of approved claims for the program. Balances of prorated payments will be made when supplementary funds are made available.

The instructions contained in this manual are intended to provide general guidance for filing a mandated cost claim. Since each mandate is administered separately, it is important to refer to the specific program for information relating to established policies on eligible reimbursable costs.

2. Types of Claims

There are three types of claims: Reimbursement, Estimated, and Entitlement. A claimant may file a reimbursement claim for actual mandated costs incurred in the prior fiscal year or may file an estimated claim for mandated costs to be incurred during the current fiscal year. An entitlement claim may be filed for the purpose of establishing a base year entitlement amount for mandated programs included in SMAS. A claimant who has established a base year entitlement for a program would receive an automatic annual payment which is reflective of the current costs for the program.

All claims received by the SCO will be reviewed to verify actual costs. An adjustment of the claim will be made if the amount claimed is determined to be excessive, improper, or unreasonable. The claim must be filed with sufficient documentation to support the costs claimed. The types of documentation required to substantiate a claim are identified in the instructions for the program. The certification of claim, form FAM-27, must be signed and dated by the entity's authorized officer in order for the SCO to make payment on the claim.

A. Reimbursement Claim

A reimbursement claim is defined in GC Section 17522 as any claim filed with the SCO by a local agency for reimbursement of costs incurred for which an appropriation is made for the purpose of paying the claim. The claim must include supporting documentation to substantiate the costs claimed.

Initial reimbursement claims are first-time claims for reimbursement of costs for one or more prior fiscal years of a program that was previously unfunded. Claims are due 120 days from the date of issuance of the claiming instructions for the program by the SCO. The first statute that appropriates funds for the mandated program will specify the fiscal years for which costs are eligible for reimbursement.

Annual reimbursement claims must be filed by January 15 following the fiscal year in which costs were incurred for the program. A reimbursement claim must detail the costs actually incurred in the prior fiscal year.

An actual claim for the 2002-03 fiscal year may be filed by January 15, 2004, without a late penalty. Claims filed after the deadline will be reduced by a late penalty of 10%, not to exceed \$1,000. However, initial reimbursement claims will be reduced by a late penalty of 10% with no limitation. In order for a claim to be considered properly filed, it must include any specific supporting documentation requested in the instructions. Claims filed more than one year after the deadline or without the requested supporting documentation will not be accepted.

B. Estimated Claim

An estimated claim is defined in GC Section 17522 as any claim filed with the SCO, during the fiscal year in which the mandated costs are to be incurred by the local agency, against an appropriation made to the SCO for the purpose of paying those costs.

An estimated claim may be filed in conjunction with an initial reimbursement claim, annual reimbursement claim, or at other times for estimated costs to be incurred during the current fiscal year. Annual estimated claims are due January 15 of the fiscal year in which the costs are to be incurred. Initial estimated claims are due on the date specified in the claiming instructions. Timely filed estimated claims are paid before those filed after the deadline.

After receiving payment for an estimated claim, the claimant must file a reimbursement claim by January 15 following the fiscal year in which costs were incurred. If the claimant fails to file a reimbursement claim, monies received for the estimated claims must be returned to the State.

C. Entitlement Claim

An entitlement claim is defined in GC Section 17522 as any claim filed by a local agency with the SCO for the sole purpose of establishing or adjusting a base year entitlement for a mandated program that has been included in SMAS. An entitlement claim should not contain nonrecurring or initial start-up costs. There is no statutory deadline for the filing of entitlement claims. However, entitlement claims and supporting documents should be filed by January 15 to permit an orderly processing of claims. When the claims are approved and a base year entitlement amount is determined, the claimant will receive an apportionment reflective of the program's current year costs. Local mandates included in SMAS are listed in Section 2, number 6.

Once a mandate has been included in SMAS and the claimant has established a base year entitlement, the claimant will receive automatic payments from the SCO for the mandate. The automatic apportionment is determined by adjusting the claimant's base year entitlement for changes in the implicit price deflator of costs of goods and services to governmental agencies, as determined by the State Department of Finance. For programs approved by the COSM for inclusion in SMAS on or after January 1, 1988, the payment for each year succeeding the three year base period is adjusted according to any changes by both the deflator and average daily attendance. Annual apportionments for programs included in the system are paid on or before November 30 of each year.

A base year entitlement is determined by computing an average of the claimant's costs for any three consecutive years after the program has been approved for the SMAS process. The amount is first adjusted according to any changes in the deflator. The deflator is applied separately to each year's costs for the three years, which comprise the base year. The SCO will perform this computation for each claimant who has filed claims for three consecutive years. If a claimant has incurred costs for three consecutive years but has not filed a claim in each of those years, the claimant may file an entitlement claim, form FAM-43, to establish a base year entitlement. An entitlement claim does not result in the claimant being reimbursed for the costs incurred, but rather entitles the claimant to receive automatic payments from SMAS.

3. Minimum Claim Amount

For initial claims and annual claims filed on or after September 30, 2002, if the total costs for a given year do not exceed \$1,000, no reimbursement shall be allowed except as otherwise allowed by GC Section 17564. Combined claims may be filed only when the county is the fiscal agent for the special districts. The county shall determine if the submission of a combined claim is economically feasible and shall be responsible for disbursing the funds to each special district. A combined claim must show the individual claim costs for each eligible school district. All subsequent claims based upon the same mandate shall only be filed in the combined form unless a special district, provides to the county and to the Controller, at least 180 days prior to the deadline for filing the claim, a written notice of its intent to file a separate claim.

GC Section 17564(a) provides that no claim shall be filed pursuant to Sections 17551 and 17561, unless such a claim exceeds one thousand dollars (\$1,000), provided that a county may submit a combined claim on behalf of direct service districts or special districts within their county if the combined claim exceeds \$1,000, even if the individual direct service district's or special district's claim does not each exceed \$1,000. The county shall determine if the submission of the combined claim is economically feasible and shall be responsible for disbursing the funds to each direct service district or special district. These combined claims may be filed only when the county is the fiscal agent for the districts. A combined claim must show the individual claim costs for each eligible district. All subsequent claims based upon the same mandate shall only be filed in the combined form unless a direct service district or special district provides a written notice of its intent to file a separate claim to the county and to the SCO at least 180 days prior to the deadline for filing the claim.

4. Filing Deadline for Claims

Initial reimbursement claims (first-time claims) for reimbursement of costs of a previously unfunded mandated program must be filed within 120 days from the date of issuance of the program's claiming instructions by the SCO. If the initial reimbursement claim is filed after the deadline, but within one year of the deadline, the approved claim must be reduced by a 10% penalty. A claim filed more than one year after the deadline cannot be accepted for reimbursement.

Annual reimbursement claims for costs incurred during the previous fiscal year and estimated claims for costs to be incurred during the current fiscal year must be filed with the SCO and postmarked on or before January 15. If the annual or estimated reimbursement claim is filed after the deadline, but within one year of the deadline, the approved claim must be reduced by a 10% late penalty, not to exceed \$1,000. Claims must include supporting data to show how the amount claimed was derived. Without this information, the claim cannot be accepted.

Entitlement claims do not have a filing deadline. However, entitlement claims and supporting documents should be filed by January 15 to permit an orderly processing of claims. Entitlement claims are used to establish a base year entitlement amount for calculating automatic annual payments. Entitlement does not result in the claimant being reimbursed for costs incurred, but rather entitles the claimant to receive automatic payments from SMAS.

5. Payment of Claims

In order for the SCO to authorize payment of a claim, the Certification of Claim, form FAM-27, must be properly filled out, signed, and dated by the entity's authorized officer.

Reimbursement and estimated claims are paid within 60 days of the filing deadline for the claim. A claimant is entitled to receive accrued interest at the pooled money investment account rate if the payment was made more than 60 days after the claim filing deadline or the actual date of claim receipt, whichever is later. For an initial claim, interest begins to accrue when the payment is made more than 365 days after the adoption of the program's statewide cost estimate. The SCO may withhold up to 20 percent of the amount of an initial claim until the claim is audited to verify the actual amount of the mandated costs. The 20 percent withheld is not subject to accrued interest.

In the event the amount appropriated by the Legislature is insufficient to pay the approved amount in full for a program, claimants will receive a prorated payment in proportion to the amount of approved claims timely filed and on hand at the time of proration.

The SCO reports the amounts of insufficient appropriations to the State Department of Finance, the Chairperson of the Joint Legislative Budget Committee, and the Chairperson of the respective committee in each house of the Legislature which considers appropriations in order to assure appropriation of these funds in the Budget Act. If these funds cannot be appropriated on a timely basis in the Budget Act, this information is transmitted to the COSM which will include these amounts in its report to assure that an appropriation sufficient to pay the claims is included in the next local government claims bill or other appropriation bills. When the supplementary funds are made available, the balance of the claims will be paid.

Unless specified in the statutes, regulations, or parameters and guidelines, the determination of allowable and unallowable costs for mandates is based on the Parameters and Guidelines adopted by the COSM. The determination of allowable reimbursable mandated costs for unfunded mandates is made by the COSM. The SCO determines allowable reimbursable costs, subject to amendment by the COSM, for mandates funded by special legislation. Unless specified, allowable costs are those direct and indirect costs, less applicable credits, considered to be eligible for reimbursement. In order for costs to be allowable and thus eligible for reimbursement, the costs must meet the following general criteria:

- 1. The cost is necessary and reasonable for proper and efficient administration of the mandate and not a general expense required to carry out the overall responsibilities of government.
- 2. The cost is allocable to a particular cost objective identified in the Parameters and Guidelines.
- 3. The cost is net of any applicable credits that offset or reduce expenses of items allocable to the mandate.

The SCO has identified certain costs that, for the purpose of claiming mandated costs, are unallowable and should not be claimed on the claim forms unless specified as reimbursable under the program. These expenses include, but are not limited to, subscriptions, depreciation, memberships, conferences, workshops general education, and travel costs.

6. State Mandates Apportionment System (SMAS)

Chapter 1534, Statutes of 1985, established SMAS, a method of paying certain mandated programs as apportionments. This method is utilized whenever a program has been approved for inclusion in SMAS by the COSM.

When a mandated program has been included in SMAS, the SCO will determine a base year entitlement amount for each county that has submitted reimbursement claims, (or entitlement claims), for three consecutive fiscal years. A base year entitlement amount is determined by averaging the approved reimbursement claims, (or entitlement claims), for 1982-83, 1983-84, and 1984-85 years or any three consecutive fiscal years thereafter. The amounts are first adjusted by any change in IPD, which is applied separately to each year's costs for the three years that

comprise the base period. The base period means the three fiscal years immediately succeeding the COSM's approval.

Each county with an established base year entitlement for the program will receive automatic annual payments from the SCO reflective of the program's current year costs. The amount of apportionment is adjusted annually for any change in the IPD. If the mandated program was included in SMAS after January 1, 1988, the annual apportionment is adjusted for any change in both the IPD and workload.

For cities and counties, "workload" means a change in population within their boundaries; for special districts, a change in population of the county in which the largest percentage of the district's population is located.

In the event a county has incurred costs for three consecutive fiscal years but did not file a reimbursement claim in one or more of those fiscal years, the county may file an entitlement claim for each of those missed years to establish a base year entitlement. An "entitlement claim" means any claim filed by a county with the SCO for the sole purpose of establishing a base year entitlement. A base year entitlement shall not include any nonrecurring or initial start-up costs.

Initial apportionments are made on an individual program basis. After the initial year, all apportionments are made by November 30. The amount to be apportioned is the base year entitlement adjusted by annual changes in the IPD for the cost of goods and services to governmental agencies as determined by the State Department of Finance.

In the event the county determines that the amount of apportionment does not accurately reflect costs incurred to comply with a mandate, the process of adjusting an established base year entitlement upon which the apportionment is based, is set forth in GC Section 17615.8 and requires the approval of the COSM.

The following programs are placed in SMAS:

Program Name	Chapter/Statute	Program Number
Conservatorship: Developmentally Disabled Adults	Ch. 1304/80	67
Coroners	Ch. 498/77	88
Mentally Retarded Defendants: Diversion	Ch. 1253/80	66
Senior Citizens Property Tax Postponement	Ch. 1242/77	18

Listed are state mandated local programs and counties that are entitled to receive automatic apportionments in those fiscal years in which the program is funded.

Counties of:	Ch. 498/77 Coroners	Ch. 1242/77 Senior Citizens Property Tax Postponement	Ch. 1253/80 Mentally Retarded Defendants: Diversion	Ch. 1304/80 Developmentally Disabled Adults: Conservatorship
Alameda	<u></u>	X	X	X
Butte		X.	X	X
Calaveras		Х	х	X
Contra Costa		X	x	X
El Dorado		Х	X	X
Fresno		X	X	X
Humbolt		х	Х	X
Kern		X	х	x
Lake		· X	Х	X
Los Angeles	X	mioning and X	X	х ,
Marin		Х	X	x
Mendocino		X	X	X
Monterey		Х	х	X
Napa	X	X	×	X
Nevada		Х	X	x
Orange	x	X	X	X
Placer		Х	X	x
Plumas		X	X	χ
Riverside		X	Х	x
Sacramento		X	X	X
San Bernardino	X	x	X	×
San Diego		X	X	X
San Francisco		X	X	x
San Joaquin	X	x		43.000
San Luis Obispo	x	x	X	x
San Mateo		x	x	X
Santa Barbara		х	X	x
Santa Clara	X	х	X	X
Santa Cruz		х	X	х
Shasta		X	x	x
Solano		x	X	x
Sonoma	X	X	X	X
Stanislaus		x	X	X
Tulare	X	X	X	X
Tuolumne		x		
Ventura	X	X	×	X
Yolo		х	X	X
Yuba		X		

7. Direct Costs

A direct cost is a cost that can be identified specifically with a particular program or activity. Each claimed reimbursable cost must be supported by documentation as described in Section 12. Costs that are typically classified as direct costs are:

(1) Employee Wages, Salaries, and Fringe Benefits

For each of the mandated activities performed, the claimant must list the names of the employees who worked on the mandate, their job classification, hours worked on the mandate, and rate of pay. The claimant may, in-lieu of reporting actual compensation and fringe benefits, use a productive hourly rate:

(a) Productive Hourly Rate Options

A local agency may use one of the following methods to compute productive hourly rates:

- · Actual annual productive hours for each employee
- The weighted-average annual productive hours for each job title, or
- 1,800* annual productive hours for all employees

If actual annual productive hours or weighted-average annual productive hours for each job title is chosen, the claim must include a computation of how these hours were computed.

- * 1,800 annual productive hours excludes the following employee time:
- o Paid holidays
- o Vacation earned
- o Sick leave taken
- o Informal time off
- o Jury duty
- o Military leave taken.

(b) Compute a Productive Hourly Rate

Compute a productive hourly rate for salaried employees to include actual fringe benefit
costs. The methodology for converting a salary to a productive hourly rate is to
compute the employee's annual salary and fringe benefits and divide by the annual
productive hours.

Table 1 Productive Hourly Rate, Annual Salary + Benefits Method

Formula:	Description:
[(EAS + Benefits) ÷ APH] = PHR	EAS = Employee's Annual Salary
	APH = Annual Productive Hours
[(\$26,000 + \$8,099)] ÷ 1,800 hrs = 18.94	PHR = Productive Hourly Rate

As illustrated in Table 1, if you assume an employee's compensation was \$26,000 and \$8,099 for annual salary and fringe benefits, respectively, using the "Salary + Benefits Method," the productive hourly rate would be \$18.94. To convert a biweekly salary to EAS, multiply the biweekly salary by 26. To convert a monthly salary to EAS, multiply the monthly salary by 12. Use the same methodology to convert other salary periods.

2. A claimant may also compute the productive hourly rate by using the "Percent of Salary Method."

Table 2 Productive Hourly Rate, Percent of Salary Method

Example:		
Step 1: Fringe Benefits as a Po Salary	ercent of	Step 2: Productive Hourly Rate
Retirement	15.00 %	Formula:
Social Security & Medicare	7.65	$[(EAS \times (1 + FBR)) \div APH] = PHR$
Health & Dental Insurance	5.25	
Workers Compensation	3.25	$[(\$26,000 \times (1.3115)) \div 1,800] = \18.94
Total	31.15 %	
Description:		
EAS = Employee's Annual Salary		APH = Annual Productive Hours
FBR = Fringe Benefit Rate		PHR = Productive Hourly Rate

As illustrated in Table 3, both methods produce the same productive hourly rate.

Reimbursement for personnel services includes, but is not limited to, compensation paid for salaries, wages and employee fringe benefits. Employee fringe benefits include employer's contributions for social security, pension plans, insurance, workmen's compensation insurance and similar payments. These benefits are eligible for reimbursement as long as they are distributed equitably to all activities. Whether these costs are allowable is based on the following presumptions:

- The amount of compensation is reasonable for the service rendered.
- The compensation paid and benefits received are appropriately authorized by the governing board.
- Amounts charged for personnel services are based on payroll documents that are supported by time and attendance or equivalent records for individual employees.
- The methods used to distribute personnel services should produce an equitable distribution of direct and indirect allowable costs.

For each of the employees included in the claim, the claimant must use reasonable rates and hours in computing the wage cost. If a person of a higher-level job position performs an activity which normally would be performed by a lower-level position, reimbursement for time spent is allowable at the average salary range for the lower-level position. The salary rate of the person at the higher level position may be claimed if it can be shown that it was more cost effective in comparison to the performance by a person at the lower-level position under normal circumstances and conditions. The number of hours charged to an activity should reflect the time expected to complete the activity under normal circumstances and conditions. The numbers of hours in excess of normal expected hours are not reimbursable.

(c) Calculating an Average Productive Hourly Rate

In those instances where the claiming instructions allow a unit as a basis of claiming costs, the direct labor component of the unit cost should be expressed as an average productive hourly rate and can be determined as follows:

	<u>Time</u> Spent	Productive <u>Hourly Rate</u>	Total Cost . by Employee
Employee A	1.25 hrs	\$6.00	\$7.50
Employee B	0.75 hrs	4.50	3.38
Employee C	3.50 hrs	10.00	35.00
Total	5.50 hrs		\$45.88

(d) Employer's Fringe Benefits Contribution

A local agency has the option of claiming actual employer's fringe benefit contributions or may compute an average fringe benefit cost for the employee's job classification and claim it as a percentage of direct labor. The same time base should be used for both salary and fringe benefits when computing a percentage. For example, if health and dental insurance payments are made annually, use an annual salary. After the percentage of salary for each fringe benefit is computed, total them.

For example:

Employer's Contribution	% of Salary
Retirement	15.00%
Social Security	7.65%
Health and Dental	5 25%
Insurance	3.23 /
Worker's Compensation	0.75%
Total	28.65%

(e) Materials and Supplies

Only actual expenses can be claimed for materials and supplies, which were acquired and consumed specifically for the purpose of a mandated program. The claimant must list the materials and supplies that were used to perform the mandated activity, the number of units consumed, the cost per unit, and the total dollar amount claimed. Materials and supplies purchased to perform a particular mandated activity are expected to be reasonable in quality, quantity and cost. Purchases in excess of reasonable quality, quantity and cost are not reimbursable. Materials and supplies withdrawn from inventory and charged to the mandated activity must be based on a recognized method of pricing, consistently applied. Purchases shall be claimed at the actual price after deducting discounts, rebates and allowances received by local agencies.

(f) Calculating a Unit Cost for Materials and Supplies

In those instances where the claiming instructions suggest that a unit cost be developed for use as a basis of claiming costs mandated by the State, the materials and supplies component of the unit cost should be expressed as a unit cost of materials and supplies as shown in Table 1 or Table 2:

Table 1 Calculating a Unit Cost for Materials and Supplies

		Amount of Supplies Used	Unit Cost of Supplies
Supplies	Cost Per Unit	Per Activity	Per Activity
Paper	0.02	4	\$0.08
Files	0.10	1	0.10
Envelopes	0.03	2	0.06
Photocopies	0.10	4	0.40
			<u>\$0.64</u>

Table 2 Calculating a Unit Cost for Materials and Supplies

Supplies	Supplies <u>Used</u>	Unit Cost of Supplies <u>Per Activity</u>
Paper (\$10.00 for 500 sheet ream)	250 Sheets	\$5.00
Files (\$2.50 for box of 25)	10 Folders	1.00
Envelopes (\$3.00 for box of 100)	50 Envelopes	1.50
Photocopies (\$0.05 per copy)	40 Copies	2.00
		\$9.50

If the number of reimbursable instances, is 25, then the unit cost of supplies is \$0.38 per reimbursable instance (\$9.50 / 25).

(g) Contract Services

The cost of contract services is allowable if the local agency lacks the staff resources or necessary expertise, or it is economically feasible to hire a contractor to perform the mandated activity. The claimant must give the name of the contractor; explain the reason for having to hire a contractor; describe the mandated activities performed; give the dates when the activities were performed, the number of hours spent performing the mandate, the hourly billing rate, and the total cost. The hourly billing rate shall not exceed the rate specified in the claiming instructions for the mandated program. The contractor's invoice, or statement, which includes an itemized list of costs for activities performed, must accompany the claim.

(h) Equipment Rental Costs

Equipment purchases and leases (with an option to purchase) are not reimbursable as a direct cost unless specifically allowed by the claiming instructions for the particular mandate. Equipment rentals used solely for the mandate are reimbursable to the extent such costs do not exceed the retail purchase price of the equipment plus a finance charge. The claimant must explain the purpose and use for the equipment, the time

period for which the equipment was rented and the total cost of the rental. If the equipment is used for purposes other than reimbursable activities, only the prorata portion of the rental costs can be claimed.

(i) Capital Outlay

Capital outlays for land, buildings, equipment, furniture and fixtures may be claimed if the claiming instructions specify them as allowable. If they are allowable, the claiming instructions for the program will specify a basis for the reimbursement. If the fixed asset or equipment is also used for purposes other than reimbursable activities for a specific mandate, only the prorata portion of the purchase price used to implement the reimbursable activities can be claimed.

(i) Travel Expenses

Travel expenses are normally reimbursable in accordance with travel rules and regulations of the local jurisdiction. For some programs, however, the claiming instructions may specify certain limitations on expenses, or that expenses can only be reimbursed in accordance with the State Board of Control travel standards. When claiming travel expenses, the claimant must explain the purpose of the trip, identify the name and address of the persons incurring the expense, the date and time of departure and return for the trip, description of each expense claimed, the cost of transportation, number of private auto mileage traveled, and the cost of tolls and parking with receipts required for charges over \$10.00.

(k) Documentation

It is the responsibility of the claimant to make available to the SCO, upon request, documentation in the form of general and subsidiary ledgers, purchase orders, invoices, contracts, canceled warrants, equipment usage records, land deeds, receipts, employee time sheets, agency travel guidelines, inventory records, and other relevant documents to support claimed costs. The type of documentation necessary for each claim may differ with the type of mandate.

8. Indirect Costs

GC Section 17564(b) provides that claims for indirect costs shall be filed in the manner prescribed by the SCO. Indirect costs (or overhead) are those costs incurred for a common or joint purpose, benefiting more than one program and are not directly assignable to a particular program without efforts disproportionate to the result achieved. Indirect costs may include both (1) the overhead costs for the unit performing the mandate and (2) the costs of central government services distributed through the central service cost allocation plan and not otherwise treated as a direct cost.

Previously, the costs of elected officials were considered "expenses related to general government" and, thus, were unallowable for reimbursement purposes. Recent interpretation has moved in the opposite direction, except for those items of cost, which are unallowable in the cost principles set forth in Office of Management and Budget Circular (OMB) Circular A-87. A cost that is necessary for proper and efficient administration of a program and is identifiable to that program is eligible for consideration as allocable indirect costs. Allocable costs for time spent on programs must be supported by time records.

Local agencies have the option of using 10% of direct labor as indirect costs or claiming indirect costs through a department's Indirect Cost Rate Proposal (ICRP) for the program prepared in accordance with the provisions of OMB Circular A-87 (Refer to the Appendix-Costs Computation: Indirect Costs). An ICRP must be prepared if the claim for indirect costs is in excess of 10% of direct salaries; the ICRP must be submitted with the claim.

A. Fixed 10% Rate Method

Indirect costs may be computed as 10% of direct labor costs (excluding fringe benefits) of employees, provided their services are required by a program. The use of the 10% rate may benefit small agencies where few supportive services are provided.

Direct costs are defined as "those that can readily be identified with a single program or activity." Normally direct costs will include the salaries, benefits, and supplies that can be directly identified with a particular function.

For example, if a county auditor prepares warrants for other county departments, the direct costs of providing the service would include the salary and benefits of the persons in the auditor's office who actually work on the warrants, the cost of the paper on which warrants are written, and the salaries and benefits of a first-line supervisor. Indirect costs of the warrant writing service would include the cost of space, equipment, utilities, maintenance, supervision above first-line and administration of the auditor's office.

Direct Costs Incurred By	On Be	half of
	Welfare	Health
<u>Auditor</u>	<u>Administration</u>	<u>Department</u>
Warrant Writing:		
A. Salary of employee working	\$5,000	\$1,000
B. Benefits of above	800	200
C. Cost of paper	350	100
D. First-line supervision	3,000	500
(salaries)		
E. Indirect cost 10% of A + D	800	150_
Total amount charged to benefited		
departments for warrant writing		
services	<u>\$9,950</u>	<u>\$1,950</u>
Direct Costs Incurred By	On Be	half of
	Welfare	Health
Building & Grounds Department	<u>Administration</u>	<u>Department</u>
Maintenance of Buildings:		
A. Salary of employees	\$1,000	\$500
performing maintenance		
B. Benefits of above	200	100
C. Cleaning supplies	250	150
. D. First-line supervision	500	200
(salaries)		
E. Indirect cost 10% of A + D	150	70
Total amount charged to		
benefited departments for	60.400	#4 000
building maintenance services	\$2,100	<u>\$1,020</u>

Any local agency using this method for claiming costs must submit a statement similar to the example above and with supporting data. The cost data required for desk audit purposes are

described in the claiming instructions for that mandated program under Salaries and Employee Benefits, Materials and Supplies, Contract Services, Travel Expenses, etc.

B. Indirect Cost Rate Proposal Method

If a local agency elects not to utilize the 10% fixed rate method but wants to claim indirect costs, it must prepare an ICRP for the program. The proposal must follow the provisions of the OMB circular No. A-87, Cost Principles for State, Local and Indian Tribal Governments. The development of the indirect cost rate proposal requires that the indirect cost pool include only those costs which are incurred for a common or joint purpose that benefit more than one cost objective. The indirect cost pool may only include costs that can be shown to provide benefits to the program. In addition, total allocable indirect costs may only include costs, which cannot be directly charged to an identifiable cost center (i.e., program).

A method for preparing a departmental indirect cost rate proposal for programs is presented as Exhibit 1. Only this format is acceptable under the SCO reimbursement requirements. If more than one department is involved in the reimbursement program, each department must have their own indirect cost rate proposal for the program.

INDIRECT COST RATE PROPOSAL PUBLIC DEFENDER'S OFFICE INVESTIGATION PROGRAM FISCAL YEAR 20___-20___

Exhibit 1

•					(B)			(C)		(D)	*******	Identifiable P	rogran	Costs
(A) Description of Cos	te		Total Costs		xcludable nallowable Costs		Ir	owable idirect Costs	,	Allowable Direct Costs		estigation C 987.9		All Others
Salaries & Benefits			00313		00313			20313		00313		0 007.0		All Others
Salaries & Wages		\$	1,150,000	\$	50,000 (F	=) 9	\$	150,000	\$	950,000 (F	\$	100,000	\$	850,000
Overtime		•	20,000	*	0	′ `	*	20,000	•	0	•	0	•	0.00
Benefits			230,000		10,000			30,000		190,000		20,000		170,000
Total		\$	1,400,000	\$	60,000	3	\$	200,000	\$	1,140,000	\$	120,000	\$	1,020,000
Services & Supplies														
Office Expense		\$	200,000	\$	10,000	5	\$	20,000	\$	170,000	\$	10,000	\$	160,000
Communications			100,000		2,000			10,000		88,000		1,000		87,000
Transportation			120,000		5,000			0		115,000		5,000		110,000
Special Dept Expe	nse (Contracts)		250,000		0			0		250,000		0		250,000
Other, Pass Throu	gh Program		800,000		800,000			0		0		0_		_ 0
Total		\$	1,470,000	\$	817,000		\$	30,000	\$	623,000	\$	16,000	\$	607,000
Capital Expenditures		\$	100,000	\$	100,000									
Total Budgetary Expe	nditures	\$	2,970,000	\$	977,000		\$	230,000	\$	1,763,000	_\$	136,000	\$	1,627,000
	Distribution Base													
Cost Plan Costs														
Building Use	(Each line item should	\$	50,000	\$	2,000	,	\$	6,000	\$	42,000	\$	2,000	\$	40,000
Equipment Use	be reviewed to see if it		30,000		1,000			3,000		26,000		1,000		25,000
Data Processing	benefits the mandate		50,000		5,000			30,000		15,000		0		15,000
Auditor	to insure a fair and equitable distribution.)		20,000		0			20,000		0		0		0
Personnel	equitable distribution.)		10,000		1,000			1,000		8,000		1,000		7,000
Roll Forward			10,000		0			10,000		0		0_		0
Total		_\$_	170,000	(E) <u>\$</u>	9,000		\$	70,000	\$	91,000		4,000	\$	87,000
Total Allocable Indired	ct Costs					. (\$	300,000 (F	-)					
Distribution of Allocab														
Based on Salaries	& Wages			\$	15,000		\$	(300,000)	\$	285,000	\$	30,000	\$	255,000
Totals		\$	3,140,000	\$	1,001,000	_ :	\$	0	\$	2,139,000	\$	170,000	\$	1,969,000

(1) Notes to Exhibit 1

- (a) The department's ICRP plan for the distribution of costs to programs must follow the same format as shown on Exhibit 1. Specifically, there must be columns as follows: Description of Costs, Total Cost, Excludable and Unallowable Costs (may be combined or separated), Allowable Indirect Costs, and Allowable Direct Costs (which are further allocated to identifiable programs and other). No other format will be accepted.
- (b) Excluded costs are all costs that are unallowable and unallocable according to specific guidelines (OMB A-87 and state laws).

Examples:

Contributions and donations: Cost of amusement; social activities and related incidental costs such as meals, beverages, lodging, rentals, transportation and gratuities; and pass through revenues to another unit or organization.

- (c) Allocable indirect costs are costs that are not identifiable to a specific program or cost pool and indirectly benefit all cost pools.
- (d) Direct costs are costs that benefit a specific program or cost pool.
- (e) Overhead costs are distributed to the department in the cost allocation plan, which was prepared in accordance with the OMB circular A-87. Use the same year's cost allocation plan for developing the ICRP as the year for which the ICRP is being prepared. Do not include a roll forward adjustment when the program is in its initial year.
- (f) Distribution base for the computation of the indirect cost rate is total salaries and wages.

Total Allocable Direct Costs (direct S&W)	\$950,000
Excluded and Unallowable Costs (direct S&W)	50,000
Distribution Base	\$1,000,000

Therefore, the Indirect Cost Rate for Penal Code 987.9 Program is:

$$ICRP = \frac{Allowable Indirect Costs}{Total Salaries and Wages} = \frac{$300,000}{$1,000,000} = 30.00\%$$

9. Offset Against State Mandated Claims

When part or all the costs of a mandated program are specifically reimbursable from non-local agency sources (e.g., state, federal, foundation, etc.), only that portion of any increased costs payable from local agency funds is eligible for reimbursement under the provisions of Government Code Section 17561.

A. Example 1

This example shows how the offset against state mandated claims is determined for local agencies receiving block grant revenues not based on a formula allocation. Listed below are six situations, which may occur at a local agency level. For hypothetical program costs of \$100,000: (1) through (4) show intended funding at 100% from non-local agency sources and (5) through (6) show cost sharing on a 50/50 basis with the local agency. Of the \$100,000 program cost, \$2,500 is the cost of state mandated activity. Offset against state mandated claims is the amount of actual non-local agency funding which exceeds the difference between

program costs and state mandated costs. The offset against state mandated claims cannot exceed the amount of state mandated costs. In (4), non-local revenues were fully realized to cover the entire cost of the program, including the state mandate activity; therefore, the offset against state mandated claims is \$2,500. In (1), non-local revenues were less than expected. Non-local agency funding was not in excess of the difference between program costs and state mandated costs. As a result, the offset against state mandated claims is zero and \$2,500 is claimable as mandated costs. In (5), the local agency is sharing 50% of the program cost. Since non-local revenues of \$50,000 were fully realized, the offset against state mandated claims is \$1,250.

	Program <u>Costs</u>	Actual Non-Local Agency <u>Funding</u>	State Mandated <u>Costs</u>	Offset Against State Mandated <u>Claims</u>	Claimable Mandated <u>Costs</u>
A.	Block Grants (f	unding not base	ed on a formula	a allocation)	
1.	\$100,000	\$95,000	\$2,500	\$-0-	\$2,500
2.	100,000	97,000	2,500	-0-	2,500
3.	100,000	98,000	2,500	500	2,000
4.	100,000	100,000	2,500	2,500	-0-
5.	100,000 *	50,000	2,500	1,250	1,250

^{6.} If in (5) the non-local matching share is less than the amount expected, for example \$49,000, the offset against state mandated claims is \$250. Therefore, the claimable mandated costs are \$2,250.

B. Example 2

This example shows how the offset against state mandated claims is determined for local agencies receiving special project funds based on approved actual costs. Non-local revenues for special projects must be applied proportionately to approved costs. In (2), the entire program cost was approved. Since the non-local agency source covers 75% of the program cost, it also proportionately covered 75% of the \$2,500 state mandated costs, or \$1,875.

	Actual Non-Local Program Agency Costs Funding		State Mandated <u>Costs</u>	Offset Against State Mandated <u>Claims</u>	Claimable Mandated <u>Costs</u>
В.	Special Projects	(funding based	on approved a	actual costs)	
1.	\$100,000	\$100,000	\$2,500	\$2,500	\$-0-
2.	100,000 **	75,000	2,500	1,875	625

^{3.} If in (2) the non-local matching share is less than the amount expected, because only \$60,000 of the program costs were determined to be valid by the contracting agency, then a proportionate share of state mandated costs is likewise reduced to \$1,500. The offset against state mandated claims is \$1,125. Therefore, the claimable mandated costs are \$375.

With respect to local agencies, the offset against state mandated claims for applicable federal

^{*} Local agency share is \$50,000 of the program costs.

^{**} Local agency share is \$25,000 of the program costs.

and state local assistance programs includes, but is not limited to, the following funding sources:

Federal Programs

CETA, PL 93-203

Federal-Health - Administration

Federal Aid for Construction

Federal-Public Assistance – Administration

Federal Aid for Disaster

State Programs

State Aid for Agriculture

State-Health - Administration

State Aid for Construction

State-Public Assistance - Administration

State Aid for Corrections

Federal and State Funding Sources

The listing in Appendix C is not inclusive of all funding sources that should be offset against mandated claims but contains some of the more common ones. State school fund apportionments and federal aid for education, which are based on average daily attendance and are part of the general system of financing public schools as well as block grants which do not provide for specific reimbursement of costs (i.e., allocation formulas not tied to expenditures), should not be included as reimbursements from local assistance revenue sources.

Governing Authority

The costs of salaries and expenses of the governing authority, such as the school superintendent and governing board, are not reimbursable. These are costs of general government as described in the Office of Management and Budget Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments".

10. Notice of Claim Adjustment

All claims submitted to the SCO are reviewed to determine if the claim was prepared in accordance with the claiming instructions. If any adjustments are made to a claim, the claimant will receive a "Notice of Claim Adjustments" detailing adjustments made by the SCO.

11. Audit of Costs

All claims submitted to the State Controller's Office (SCO) are reviewed to determine if costs are related to the mandate, are reasonable and not excessive, and the claim was prepared in accordance with the SCO's claiming instructions and the Parameters and Guidelines (P's & G's) adopted by the Commission on State Mandates (COSM). If any adjustments are made to a claim, a "Notice of Claim Adjustment" specifying the claim component adjusted, the amount adjusted, and the reason for the adjustment, will be mailed within 30 days after payment of the claim.

Pursuant to Government Code (GC) Section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter 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. All documents used to support the reimbursable activities, 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.

On-site audits will be conducted by the SCO as deemed necessary. Accordingly, all documentation to support actual costs claimed must be retained for a period of three years after the end of the calendar year in which the reimbursement claim was filed or amended regardless of the year of costs incurred. When no funds are appropriated for initial claims at the time the claim is filed, supporting documents must be retained for three years from the date of initial payment of the claim. Claim documentation shall be made available to the SCO on request.

12. Source Documents

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, training packets, and declarations. Declarations must include a certification or declaration stating, "I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct based upon personal knowledge." 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.

13. Claim Forms and Instructions

A claimant may submit a computer generated report in substitution for Form-1 and Form-2, provided the format of the report and data fields contained within the report are identical to the claim forms included with these instructions. The claim forms provided with these instructions should be duplicated and used by the claimant to file an estimated or reimbursement claim. The SCO will revise the manual and claim forms as necessary.

A. Form-2, Component/Activity Cost Detail

This form is used to segregate the detail costs by claim component. In some mandates, specific reimbursable activities have been identified for each component. The expenses reported on this form must be supported by the official financial records of the claimant and copies of supporting documentation, as specified in the claiming instructions, must be submitted with the claims. All supporting documents must be retained for a period of not less than three years after the reimbursement claim was filed or last amended.

B. Form-1, Claim Summary

This form is used to summarize direct costs by component and compute allowable indirect costs for the mandate. The direct costs summarized on this form are derived from Form-2 and are carried forward to form FAM-27.

Community colleges have the option of using a federally approved rate (i.e., utilizing the cost accounting principles from the Office of Management and Budget Circular A-21) or form FAM-29C.

C. Form FAM-27, Claim for Payment

This form contains a certification that must be signed by an authorized officer of the county. All applicable information from Form-1 must be carried forward onto this form in order for the SCO to process the claim for payment. An original and one copy of the FAM-27 is required.

Claims should be rounded to the nearest dollar. Submit a signed original and one copy of form FAM-27, Claim for Payment, and all other forms and supporting documents (To expedite the payment process, please sign the form FAM-27 with blue ink, and attach a copy of the form FAM-27 to the top of the claim package.) Use the following mailing addresses:

If delivered by U.S. Postal Service:

If delivered by Other delivery services:

Office of the State Controller Attn: Local Reimbursements Section Division of Accounting and Reporting P.O. Box 942850 Sacramento, CA 94250 Office of the State Controller Attn: Local Reimbursements Section Division of Accounting and Reporting 3301 C Street, Suite 500 Sacramento, CA 95816

14. RETENTION OF CLAIMING INSTRUCTIONS

For your convenience, the revised claiming instructions in this package have been arranged in alphabetical order by program name. These revisions should be inserted in the School Mandated Cost Manual and the old forms they replace should be removed. The instructions should then be retained permanently for future reference, and the forms should be duplicated to meet your filing requirements. Annually, updated forms and any other information or instructions claimants may need to file claims, as well as instructions and forms for all new programs released throughout the year will be placed on the SCO's web site at www.sco.ca.gov/ard/local/locreim/index/shtml.

If you have any questions concerning mandated cost reimbursements, please write to us at the address listed for filing claims, send e-mail to Irsdar@sco.ca.gov, or call the Local Reimbursements Section at (916) 324-5729.

All claims submitted to the SCO are reviewed to determine if costs are related to the mandate, are reasonable and not excessive, and the claim was prepared in accordance with the SCO's claiming instructions and the COSM's P's and G's. If any adjustments are made to a claim, a "Notice of Claim Adjustment" specifying the claim component adjusted, the amount adjusted, and the reason for the adjustment, will be mailed within 30 days after payment of the claim.

On-site audits will be conducted by the SCO as deemed necessary. Pursuant to GC Section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a school district is subject to audit by the State Controller no later than three years after the date the actual reimbursement claim was filed or last amended, whichever is later. However, if no funds were appropriated or no payment was made to a claimant for the program for the fiscal year for which the claim was filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim. Therefore, all documentation to support actual costs claimed must be retained for the same period, and shall be made available to the SCO on request.

Tab 4

BEFORE THE COMMISSION ON STATE MANDATES STATE OF CALIFORNIA

IN RE TEST CLAIM:

Civil Code Sections 1815, 1816, 1834, 1834.4, 1845, 1846, 1847, and 2080; Food and Agricultural Code Sections 17005, 17006, 31108, 31752, 31752.5, 31753, 31754, 32001, and 32003; Penal Code Sections 597.1 and 599d; and Business and Professions Code Section 4855,

As Added or Amended by Statutes of 1978, Chapter 1314; and Statutes of 1998, Chapter 752; and

California Code of Regulations, Title 16, Division 20, Article 4, Section 2031 (Renumbered 2032.3 on May 25, 2000); and

Filed on December 22, 1998;

By the County of Los Angeles, City of Lindsay, County of Tulare, County of Fresno, and Southeast Area Animal Control Authority, Claimants. NO. CSM 98-TC-11

Animal Adoption

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

(Adopted on January 25, 2001)

STATEMENT OF DECISION

The attached Statement of Decision of the Commission on State Mandates is hereby adopted in the above-entitled matter.

This Decision shall become effective on February 2, 2001.

Paula Higashi, Executive Director

BEFORE THE COMMISSION ON STATE MANDATES STATE OF CALIFORNIA

IN RE TEST CLAIM:

Civil Code Sections 1815, 1816, 1834, 1834.4, 1845, 1846, 1847, and 2080; Food and Agricultural Code Sections 17005, 17006, 31108, 31752, 31752.5, 31753, 31754, 32001, and 32003; Penal Code Sections 597.1 and 599d; and Business and Professions Code Section 4855,

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

(Adopted on January 25, 2001)

STATEMENT OF DECISION

On October 26, 2000, and November 30, 2000, the Commission on State Mandates (Commission) heard this test claim during regularly scheduled hearings.

At the October 26, 2000 hearing, Mr. Leonard Kaye appeared for the County of Los Angeles. Dr. Dennis Davis, Animal Care and Control Department, Lancaster Shelter, and Mr. Robert Ballenger, Senior Manager, Animal Care and Control Department, appeared as witnesses for the County of Los Angeles. Mr. Allan Burdick and Ms. Pam Stone appeared for the City of Lindsay and County of Tulare. Lt. Ramon Figueroa, Department of Public Safety, appeared as a witness for the City of Lindsay. Ms. Pat Claerbout appeared for the Southeast Area Animal Control Authority. Ms. Meg Halloran, Deputy Attorney General, and Mr. James Apps appeared for the Department of Finance.

At the October 26, 2000 hearing, the Commission received public testimony from the following persons: Mr. Richard Ward, State Humane Association of California; Ms. Dolores Keyes, Coastal Animal Services Authority; Mr. Greg Foss, County of Mendocino; Ms. Lois Newman, The Cat and Dog Rescue Association of California; Ms. Patricia Wilcox, California Animal Control Directors Association; Ms. Kate Neiswender, on behalf of Senator Tom Hayden, author of SB 1785; Dr. Dena Mangiamele and Mr. John Humphrey, County of San Diego; Ms. Virginia Handley, The Fund for Animals; Mr. Mike Ross, Contra Costa County; Ms. Teri Barnato, Association of Veterinarians for Animal Rights; and Mr. Howard J. Davies, Mariposa County Sheriff's Department. In addition, a statement prepared by Ms. Taimie L. Bryant was read into the record by Ms. Kate Neiswender.

At the November 30, 2000, hearing, Mr. Leonard Kaye and Mr. Robert Ballenger appeared for the County of Los Angeles. Mr. Allan Burdick and Ms. Pam Stone appeared for the City of Lindsay and the County of Tulare. Mr. Hiren Patel, Deputy Attorney General, and Mr. James Apps appeared for the Department of Finance.

At the hearings, oral and documentary evidence was introduced, the test claim was submitted, and the vote was taken.

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 and following, and related case law.

The Commission, by a vote of 5 to 2, partially approved this test claim.

BACKGROUND

Test Claim Legislation

In 1998, the Legislature enacted Senate Bill 1785 (Stray Animals) in an attempt to end the euthanasia of adoptable and treatable stray animals by the year 2010. The test claim legislation expressly identifies the state policy that "no adoptable animal should be euthanized if it can be adopted into a suitable home" and that "no treatable animal should be euthanized." Thus, the test claim legislation provides, in part, that:

- The required holding period for stray animals is increased from three days, to four to six business days as specified.² Stray animals shall be held for owner redemption during the first three days of the holding period. If the owner has not redeemed the stray animal within the first three days, the animal shall be available for redemption or adoption during the remainder of the holding period;
- The stray animal shall be released to a nonprofit animal rescue or adoption organization if requested by the organization prior to the scheduled euthanization of that animal. In addition to the required spay or neuter deposit, the pound or shelter has the authority to assess a fee, not to exceed the standard adoption fee, for animals released;

¹ See, Civil Code section 1834.4; Food and Agriculture Code section 17005; and Penal Code section 599d.

² The stray animals subject to this legislation include dogs, cats, rabbits, guinea pigs, hamsters, pot-bellied pigs, birds, lizards, snakes, turtles, and tortoises legally allowed as personal property.

- Shelter personnel are required to verify the temperament of an apparent feral cat by using a "standardized protocol" to determine if the cat is truly feral, or simply a frightened or difficult tame cat. If the cat is determined to be tame, then the cat is required to be held for the entire holding period. If the cat is truly feral, the cat may be euthanized or relinquished to a nonprofit animal adoption organization after the first three days of the holding period;
- Animals that are relinquished to a pound or shelter by the purported owner shall be held for two full business days, not including the day of impoundment. The animal shall be available for owner redemption on the first day, and shall be available for owner redemption or adoption on the second day. After the second required day, the animal may be held longer, euthanized, or relinquished to a nonprofit animal adoption organization;
- Public entities and private entities that contract with a public entity have the "mandatory duty' to maintain lost and found lists and other information to aid owners of lost pets;
- All public pounds and private shelters shall keep and maintain accurate records for three years on each animal taken up, medically treated, and impounded; and
- Impounded animals shall receive "necessary and prompt veterinary care."

On October 2, 2000, the claimants amended their test claim to include Business and Professions Code section 4855, enacted in 1978, and section 2032.3 of the regulations issued by the California Veterinary Medical Board. These provisions require all veterinarians to keep a written record of all animals receiving veterinary services for a minimum of three years.

History

In 1981, the Board of Control approved a test claim filed by the County of Fresno on legislation requiring a 72-hour holding period prior to the euthanasia of stray cats (*Detention of Stray Cats*, SB 90-3948).³ The Parameters and Guidelines adopted by the Board of Control authorized reimbursement for the one-time costs of building modification; feeding, water and litter receptacles; and additional cages. The Parameters and Guidelines also authorized reimbursement for ongoing personnel activities, and the purchase of food, litter and cleaning supplies. Except for the County of Los Angeles, all cities and counties were eligible for reimbursement. The County of Los Angeles sponsored the "stray cat" legislation and, thus, was not entitled to reimbursement under the former Revenue and Taxation Code. In 1982, the Board of Control adopted a statewide cost estimate. However, the Legislature elected not to fund the mandate in 1984.⁴

Claimants' Position

The claimants contend that the test claim legislation constitutes a reimbursable state mandated program pursuant to article XIII B, section 6 of the California Constitution and Government Code section 17514. The claimants are requesting reimbursement for the initial costs to obtain

³ Food and Agriculture Code section 31752, as added by Statutes of 1980, Chapter 1060.

⁴ Statutes of 1984, Chapter 268.

new and additional facilities, to develop new policies and procedures, and to develop new protocols such as the one required for feral cats. The claimants are also requesting continuing costs to maintain records; provide veterinary services; provide services to animals, other than dogs and cats; and costs resulting from the increased holding period.

On October 2, 2000, the claimants filed a response to the Draft Staff Analysis clarifying that they are seeking reimbursement for the following activities: construction of cat housing; construction of isolation/treatment facilities; construction of additional kennel buildings; extra kennel staffing; lost and found staffing; additional medical personnel; medical equipment and supplies; emergency treatment costs; and additional administrative costs. The County of Los Angeles estimates their initial costs to implement the program at \$5,762,662.

Department of Finance Position

The Department contends that the test claim should be denied. The Department argues that the test claim legislation imposes animal control activities on both public and private sector entities. Therefore, although the test claim legislation may result in additional costs to local agencies, those costs are not reimbursable because they are not unique to local government. The Department further states the duty imposed on local agencies to accept and care for lost or abandoned animals is not a new duty and, thus, does not constitute a new program or higher level of service. Finally, the Department contends that no reimbursement is required since there are no costs mandated by the state pursuant to Government Code section 17556, subdivisions (d) and (e).

Position of Interested Party, City of Fortuna

The City of Fortuna contends that the test claim legislation constitutes a reimbursable state mandated program by increasing the length of time animals can be held before they are euthanized, by adding new requirements related to adoption services, and by adding new requirements related to veterinary care. The City contends that the test claim legislation increased the cost of its animal control program by 284 percent.

Position of Interested Party, County of Mariposa

Howard Davies, assistant sheriff of Mariposa County, testified that the test claim legislation has resulted in increased costs in the form of housing animals, building a new facility, and increased staffing. He further testified that the four to six business-day holding period required by the test claim legislation essentially forces agencies to hold animals for six or seven days, when taking weekends into account.

Position of Interested Parties, Counties of San Diego, Fresno, and Mendocino

The Counties of San Diego, Fresno, Mendocino, and Contra Costa contend that the test claim legislation constitutes a reimbursable state mandated program. Both counties filed comments on the Draft Staff Analysis. The Counties of San Diego and Contra Costa contend that local agencies are required by the test claim legislation to provide "new" veterinary care services. The County of San Diego further contends that local agencies are required to perform new activities related to the seizure of animals. The County of Fresno filed comments, and Greg

Foss of the County of Mendocino provided testimony, clarifying the list of offsetting savings to be included in the parameters and guidelines.

Position of Interested Person, Senator Tom Hayden, Author of SB 1785

Kate Neiswender, staff to Senator Tom Hayden, testified that the test claim legislation does not impose a reimbursable state mandated program. The test claim legislation seeks to increase adoptions and reduce the rate, and costs, of killing animals. If all of the pieces of the test claim legislation are fully implemented, there is a net effect of no new costs.

Position of Interested Person, Taimie L. Bryant, Ph.D., J.D.

Ms. Bryant is a Professor of Law at UCLA Law School. She assisted in the design and drafting of the test claim legislation at the request of Senator Tom Hayden. She teaches a course entitled "Animals and the Law," which has been offered at UCLA each academic year since 1995. She is also the faculty sponsor for the UCLA Animal Welfare Association.

Ms. Bryant contends that this test claim should be denied. Ms. Bryant argues that the test claim legislation applies to both public and private entities and, thus, is not unique to local government pursuant to the court's holding in *County of Los Angeles* v. State of California. She further contends that the test claim legislation authorizes local agencies to assess fees sufficient to pay for the mandated program and that the legislation "has no net negative financial impact on local government." Therefore, Ms. Bryant contends that no reimbursement is required since there are no costs mandated by the state pursuant to Government Code section 17556, subdivisions (d) and (e).

Position of Other Interested Persons

Virginia Handley of the Fund for Animals, Inc., contends that the test claim legislation constitutes a reimbursable state mandated program. Ms. Handley filed comments on the Draft Staff Analysis supporting reimbursement for the entire holding period, for owner relinquished animals, and for increased veterinary care.

Lois Newman, founder and president of The Cat and Dog Rescue, states that the test claim legislation is cost-effective. Ms. Newman contends that the claimants' argument that the costs resulting from the test claim legislation are substantial is without merit. She further argues that some local agencies decided to expend monies for capital improvements before the test claim legislation was enacted and, thus, there is no proof that the test claim legislation resulted in costs mandated by the state.

The San Francisco Society for the Prevention of Cruelty to Animals (SPCA) states that it entered into a partnership called the "Adoption Pact" with the San Francisco Animal Care and Control Department in 1994. Several provisions and incentives provided in the Adoption Pact were written into the test claim legislation. The San Francisco SPCA contends that the test claim legislation is cost-effective and can be accomplished on a revenue-neutral or revenue-positive basis without expenditures for new facilities or increased space.

The state of the s

⁵ County of Los Angeles v. State of California (1987) 43 Cal.3d 46.

B. Robert Timone, Executive Director for the Haven Humane Society, states that the test claim legislation imposes a reimbursable state mandated program by increasing civil and criminal liability, by severely increasing mandatory shelter retention time for stray and owner released animals, and by subjecting animal sheltering agencies to open-ended veterinary medical expenses. The Haven Humane Society has contracted with the City of Redding for 15 years and can no longer provide animal care services as a result of the test claim legislation.

Jeffrey E. Zinder filed comments on behalf of Animal Issues Movement (a Los Angeles/Orange County nonprofit organization) and United Activists for Animal Rights (a Riverside County nonprofit organization) contending that the test claim legislation constitutes a reimbursable state mandated program. Mr. Zinder filed comments on the Draft Staff Analysis contending that veterinary care and care and treatment for owner-relinquished animals are reimbursable activities.⁶

Richard Ward of the State Humane Association of California contends that the test claim legislation constitutes a reimbursable state mandated program and supports the positions of the County of San Diego, Mr. Jeffrey Zinder, and the claimants.

Dolores Keyes of the Coastal Animal Services Authority, a small shelter providing animal care services for the cities of Dana Pointe and San Clemente, testified that she has seen a definite fiscal impact that includes higher veterinarian costs, higher staffing costs, and new in-house services as a result of the test claim legislation.

Patricia Wilcox of the California Animal Control Directors Association testified that the test claim legislation has resulted in increased costs for medical care for lost, stray, abandoned, and relinquished animals.

Teri Barnato of the Association of Veterinarians for Animal Rights testified that veterinary care is not a new activity imposed by the test claim legislation since prior law required care and treatment for stray and abandoned animals. She testified that many shelters have increased their veterinary care, not because of the test claim legislation, but as a result of public pressure.

FINDINGS

In order for a statute to impose a reimbursable state mandated program under article XIII B, section 6 of the California Constitution and Government Code section 17514, the statutory language must direct or obligate an activity or task upon local governmental agencies. If the statutory language does not mandate or require local agencies to perform a task, then compliance with the test claim statute is within the discretion of the local agency and a reimbursable state mandated program does not exist.

⁶ The comments filed by Yvonne Hunter of the League of California Cities and the comments filed by the Animal Care and Control Department of the City and County of San Francisco are helpful in providing background information. However, these comments do not address the issue before the Commission as to whether the test claim legislation imposes a reimbursable state mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514.

In addition, the required activity or task must constitute a new program or create an increased or higher level of service over the former required level of service. The California Supreme Court has defined the word "program" subject to article XIII B, section 6, of the California Constitution as a program that carries out the governmental function of providing a service to the public, or laws which, to implement a state policy, impose unique requirements on local governments and do not apply generally to all residents and entities in the state. To determine if the "program" is new or imposes a higher level of service, a comparison must be made between the test claim legislation and the legal requirements in effect immediately before the enactment of the test claim legislation. Finally, the new program or increased level of service must impose "costs mandated by the state."

This test claim presents the following issues:

- Is the test claim legislation subject to article XIII B, section 6 of the California Constitution?
- Does the test claim legislation impose a new program or higher level of service on local agencies within the meaning of article XIII B, section 6 of the California Constitution?
- Does the test claim legislation impose "costs mandated by the state" within the meaning of Government Code sections 17514 and 17556?

The Commission also addresses a fourth issue raised by the claimants and interested party, County of San Diego, pertaining to seized animals under Penal Code section 597.1:

• Do the activities imposed by Penal Code section 597.1, relating to the seizure of animals, constitute a reimbursable state mandated program pursuant to article XIII B, section 6 of the California Constitution and Government Code section 17514?

These issues are addressed below.

Is the test claim legislation subject to article XIII B, section 6 of the California Constitution?

In order for the test claim legislation to be subject to article XIII B, section 6 of the California Constitution, the legislation must constitute a "program." The California Supreme Court, in the case of County of Los Angeles v. State of California⁸, defined the word "program" within the meaning of article XIII B, section 6 as a program that carries out the governmental function of providing a service to the public, or laws which, to implement a state policy, impose unique requirements on local governments and do not apply generally to all residents and entities in the state. Only one of these findings is necessary to trigger the applicability of article XIII B, section 6.9

⁷ Article XIII B, section 6 of the California Constitution; County of Los Angeles v. State of California, supra, 43 Cal.3d at 56; Carmel Valley Fire Protection Dist. v. State of California (1987) 190 Cal.App.3d 521, 537; City of Sacramento v. State of California (1990) 50 Cal.3d 51, 66; Lucia Mar Unified School Dist. v. Honig (1988) 44 Cal.3d 830, 835; Government Code section 17514.

⁸ County of Los Angeles, supra, 43 Cal.3d 46, 56.

⁹ Carmel Valley Fire Protection Dist., supra, 190 Cal.App.3d at 537.

The Commission analyzes this issue in two parts. The first part addresses Senate Bill 1785, the stray animal legislation. The second part addresses the provisions added to the test claim by the claimants' test claim amendment; namely, Business and Professions Code section 4855 and section 2032.3 of the California Veterinary Medical Board's regulations.

Senate Bill 1785 - Stray Animals

Both the Department of Finance and Ms. Bryant contend that the test claim legislation on stray animals is not subject to article XIII B, section 6 of the California Constitution because the animal control activities required by the test claim legislation are not unique to local government. With the exception of posting lost and found lists, it is their position that the test claim activities are imposed on both public and private shelters.

The claimants disagree and contend that the test claim legislation is subject to article XIII B, section 6 of the California Constitution. The claimants argue that the Legislature has imposed a duty on local government to provide animal services in the state pursuant to Penal Code sections 597f and 597.1, Food and Agriculture Code section 31105, and Health and Safety Code section 121690, subdivision (e). Private animal shelters do not have similar duties and can refuse to accept a stray animal. Therefore, the claimants contend that the test claim legislation is unique to local government. The claimants also argue that the test claim legislation provides a service to the public and, thus, the test claim legislation qualifies as a program under article

XIII B, section 6 of the California Constitution.

For the reasons stated below, the Commission finds that the test claim legislation constitutes a "program" within the meaning of article XIII B, section 6 of the California Constitution.

The purpose of the test claim legislation is to carry out the "state policy" that no adoptable animal should be euthanized if it can be adopted into a suitable home and that no treatable animal should be euthanized. In this respect, the test claim legislation does impose duties on both public and private animal shelters. In Section 1 of the test claim legislation, the Legislature declared that "public and private shelters and humane organizations share a common purpose in saving animals' lives" and that "public and private shelters and humane organizations should work together to end euthanasia of adoptable and treatable animals." Thus, the test claim legislation requires both public and private shelters to perform the following activities:

- keep stray animals for a longer holding period;
- provide the animal with necessary and prompt veterinary care, adequate nutrition, water, and shelter, and make reasonable attempts to notify the owner if the animal has identification;
- release the stray animal to an animal rescue and adoption organization upon request prior to the euthanization of the animal;
- · determine whether an apparently feral cat is truly feral; and

¹⁰ Civil Code section 1834.4; Penal Code section 599d; and Food and Agriculture Code section 17005.

• keep and maintain accurate records on each animal for three years. 11

Although the test claim legislation applies to both public and private shelters, existing law, which was not amended or repealed by the test claim legislation, does not require private shelters to accept stray or abandoned animals. Instead, the act of accepting and caring for stray animals is within the discretion of the private shelter. Thus, the Commission finds that the requirements imposed by the test claim legislation apply to private shelters only if the private shelter decides to accept the stray or abandoned animal, and that existing law cannot be ignored.

For example, Civil Code section 1816, subdivision (a), provides that a private entity with whom a stray animal is deposited "is bound to take charge of it, if able to do so."

The Department of Finance contends that Civil Code section 1816, subdivision (a), is not relevant to this analysis. Instead, the Department contends that it is subdivision (b) of section 1816 that applies and requires both public and private shelters to accept stray animals. That section states the following: "A public agency or shelter with whom a thing is deposited in the manner described in Section 1513 is bound to take charge of it, as provided in Section 597.1 of the Penal Code." (Emphasis added.) The Department argues that the phrase "a public agency or shelter" means both public and private shelters. The Department supports its position with Senate and Assembly floor analyses that state that the test claim legislation applies to both private and public shelters. ¹²

The Commission disagrees with the Department of Finance's argument. When determining the intent of a statute, the first step is to look at the statute's words and give them their plain and ordinary meaning. Where the words of the statute are not ambiguous, they must be applied as written and may not be altered in any way. Moreover, the intent must be gathered from the whole of a statute, rather than from isolated parts or words, in order to make sense of the entire statutory scheme.¹³

There is no evidence that the Legislature intended the phrase "a public agency or shelter" in Civil Code section 1816, subdivision (b), to include private shelters. Such a reading ignores the plain language of Civil Code section 1816, subdivision (a), which does address private shelters by the express reference to a "private entity." In subdivision (a), the Legislature expressly stated that private entities are only required to take charge of stray animals "if able to do so."

Moreover, other statutes enacted as part of Senate Bill 1785 specifically include the word "private" when referring to private shelters. ¹⁴ Thus, had the Legislature intended to apply

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¹¹ Ms. Lois Newman of The Cat and Dog Rescue Association submitted a survey revealing the number of private animal shelters operating in California. There are 187 private shelters and 246 public shelters.

¹² Department of Finance's response to Draft Staff Analysis.

¹³ City of Merced v. State of California (1984) 153 Cal. App.3d 777; Carrisales v. Department of Corrections (1999) 21 Cal.4th 1132.

¹⁴ See Section 1, subdivision (a)(1) and (2), and subdivision (e), of Statutes of 1998, Chapter 752 (Legislature's Findings and Declarations); Food and Agriculture Code section 32001 (Lost and Found Lists); and Food and Agriculture Code section 32003 (Maintaining Records).

Civil Code section 1816, subdivision (b), to private shelters, they would have included the word "private" in subdivision (b).

Finally, the Senate Floor Analysis of Senate Bill 1785, dated August 27, 1998, specifically recognizes that the duties imposed by the test claim legislation are mandatory duties for public entities and only those private entities which contract with the public entity to perform *their* required governmental duties.¹⁵

Accordingly, the Commission finds that Civil Code section 1816, subdivision (a), supports the conclusion that private animal shelters are not required to perform the activities imposed by the test claim legislation since the act of accepting and caring for stray animals is within the discretion of the private shelter.

Moreover, Civil Code section 2080 states that "any person who finds a thing lost [including a stray animal] is *not* bound to take charge of it, unless the person is otherwise required to do so by contract or law." In this regard, the Department of Finance and Ms. Bryant contend that many private shelters have the legal obligation to take in stray animals because their mission statements and by-laws require them to take in strays. However, there is *no state law* requiring private shelters to accept and care for an animal. Thus, only if the private shelter decides to accept and care for an animal, or enter into a contract with a local agency to perform such services, is the private shelter required to perform the activities imposed by the test claim legislation.

Public shelters, on the other hand, have a pre-existing legal duty to accept and care for stray animals. Food and Agriculture Code section 31105 requires the county board of supervisors to take up and impound stray dogs. That section states the following:

The board of supervisors shall provide for both of the following:

¹⁵ The Commission notes that the Senate Floor Analysis, analyzing the same version of the bill, changed for the August 30, 1998 hearing. The August 30, 1998 analysis did not contain the paragraph recognizing that the duties imposed by the test claim legislation are mandatory duties for public entities and those private entities that contract with the public entity. The vote on the bill by the Senate occurred on August 30, 1998.

The Commission notes, however, that the Senate Floor Analysis dated August 28, 1998 is consistent with Corporations Code section 14503, which provides that the governing body of a local agency may contract with private humane societies and societies for the prevention of cruelty to animals to provide animal care or protection services. In this regard, the private entity's jurisdiction is limited to the jurisdiction of the local agency. Corporations Code section 14503 states the following:

The governing body of a local agency, by ordinance, may authorize employees of public pounds, societies for the prevention of cruelty to animals, and humane societies, who have qualified as humane officers pursuant to Section 14502, and which societies or pounds have contracted with such local agency to provide animal care or protection services, to issue notices to appear in court

^{....} for violations of state or local animal control laws. Those employees shall not be authorized to take any person into custody even though the person to whom the notice is delivered does not give his or her written promise to appear in court. The authority of these employees is to be limited to the jurisdiction of the local agency authorizing the employees.

- (a) The taking up and impounding of all dogs which are found running at large in violation of any provision of this division.
- (b) The killing in some humane manner or other disposition of any dog which is impounded. (Emphasis added.)¹⁶

Health and Safety Code section 121690, subdivision (e), also requires counties and cities to maintain a pound system. That section states the following:

(e) It shall be the duty of the governing body of each city, city and county, or county to maintain or provide for the maintenance of a pound system and a rabies control program for the purpose of carrying out and enforcing this section. (Emphasis added.)¹⁷

The test claim legislation, in Civil Code section 1816, subdivision (b), furthers this duty by stating that public agencies or shelters with whom a thing is deposited is "bound to take charge of it, as provided in Section 597.1 of the Penal Code." Since 1991, Penal Code section 597.1 has required peace officers and animal control officers employed by local agencies to take possession of any stray or abandoned animal, and provide care and treatment for the animal. Penal Code section 597.1 states in relevant part the following:

Any peace officer, humane society officer, or animal control officer shall take possession of the stray or abandoned animal and shall provide care and treatment for the animal until the animal is deemed to be in suitable condition to be returned to the owner.

Although the above provision includes privately employed humane society officers, the law does *not* require humane societies and/or societies for the prevention of cruelty to animals to hire humane society officers. Rather, these private entities have the choice to hire such employees. Accordingly, the requirement in Penal Code section 597.1, to take possession of any stray or abandoned animal, imposes a state-mandated duty on local governmental agencies only.

Therefore, unlike private animal shelters, local agencies have no choice but to perform the activities required by the test claim legislation. Accordingly, the Commission finds that the

¹⁶ Added by Statutes of 1967, Chapter 15.

¹⁷ Added by Statutes of 1995, Chapter 415 (derived from Statutes of 1957, Chapter 1781).

¹⁸ Added by Statutes of 1991, Chapter 4.

¹⁹ Corporations Code section 14502. Pursuant to the provisions of Corporations Code section 14502, if the private entity decides to hire a humane society officer, the entity must first file an application with the court for the appointment of the prospective employee as a humane society officer. If the individual meets the requirements, then the individual will be appointed a humane society officer and possess limited peace officer powers to prevent the perpetration of any act of cruelty upon an animal. Corporations Code section 14502, subdivision (n), further states that "[a] humane society or a society for the prevention of cruelty to animals shall notify the sheriff of the county in which the society is incorporated, prior to appointing a humane officer, of the society's intent to enforce laws for the prevention of cruelty to animals."

test claim legislation does impose unique requirements on local agencies to implement the state's policy to end euthanasia of adoptable and treatable animals.

The Commission further finds that the test claim legislation satisfies the second test that triggers the applicability of article XIII B, section 6 in that it constitutes a program that carries out the governmental function of providing a service to the public. As indicated above, only local agencies are mandated by the state to accept and care for stray and abandoned animals. The courts have held that the licensing and regulation of the manner in which animals are kept and controlled are within the legitimate sphere of governmental police power. In this respect, the Legislature recognized in Section 1 of the test claim legislation that "taking in of animals is important for public health and safety, to aid in the return of the animal to its owner, and to prevent inhumane conditions for lost or free roaming animals." Although Ms. Bryant urges the Commission to deny this test claim, she acknowledges that "collection of stray animals has been deemed a legitimate and necessary function of government as opposed to a duty to be placed on private citizens."

Based on the foregoing, the Commission finds that Senate Bill 1785 (Stray Animals) constitutes a "program" within the meaning of article XIII B, section 6 of the California Constitution.

Sections Added by the Claimants' Test Claim Amendment

On October 2, 2000, the claimants amended their test claim to add Business and Professions Code section 4855 and section 2032.3 of the Veterinary Medical Board's regulations. These provisions require all veterinarians to keep a written record of all animals receiving veterinary services for a minimum of three years.

For the reasons stated below, the Commission finds that these provisions do not constitute a "program" within the meaning of article XIII B, section 6 of the California Constitution.

In order for a statute or an executive order to constitute a "program" subject to article XIII B, section 6 of the California Constitution, the statute or executive order must be unique to local government or carry out the governmental function of providing a service to the public. Neither test is satisfied here.

Business and Professions Code section 4855 states the following:

A veterinarian subject to the provisions of this chapter shall, as required by regulation of the [Veterinary Medical Board], keep a written record of all animals receiving veterinary services, and provide a summary of that record to the owner of animals receiving veterinary services, when requested. The minimum amount of information which shall be included in written records and summaries shall be established by the board. The minimum duration of time for which a licensed premise shall retain the written record or a complete copy of the written record shall be determined by the board. (Emphasis added.)

²⁰ Simpson v. City of Los Angeles (1953) 40 Cal. 2d 271, 278 (where the California Supreme Court stated that "it is well settled that the licensing of dogs and the regulation of the manner in which they shall be kept and controlled are within the legitimate sphere of the police power, and that statutes and ordinances may provide for impounding dogs and for their destruction or other disposition.")

In response to Business and Professions Code section 4855, the Veterinary Medical Board issued section 2032.3 of its regulations. That regulation provides in pertinent part the following:

(a) Every veterinarian performing any act requiring a license pursuant to the provisions of Chapter 11, Division 2, of the [Business and Professions Code], upon any animal or group of animals shall prepare a legible, written or computer generated record concerning the animal or animals. . . . (Emphasis added.)

Based on the express language of these provisions, the Commission finds that the record keeping requirements imposed by Business and Professions Code section 4855 and the regulation issued by the Veterinary Medical Board apply to all veterinarians licensed in this state. Thus, these provisions are not unique to local government. Nor does the activity to keep records constitute a peculiarly governmental function since the activity is imposed on all veterinarians.

Therefore, the Commission finds that Business and Professions Code section 4855 and section 2032.3 of the Veterinary Medical Board's regulations do not constitute a "program" and, thus, are not subject to article XIII B, section 6 of the California Constitution.

Accordingly, the remainder of this analysis addresses only those provisions enacted as part of Senate Bill 1785 (Stray Animals).

Issue 2: Does the test claim legislation impose a new program or higher level of service on local agencies within the meaning of article XIII B, section 6 of the California Constitution?

To determine if the "program" is new or imposes a higher level of service, a comparison must be made between the test claim legislation and the legal requirements in effect immediately before the enactment of the test claim legislation.

Holding Period for Dogs and Cats

Food and Agriculture Code sections 31108 and 31752 describe the required holding period for impounded dogs and cats. Those sections provide that an impounded dog or cat shall be held for six business days, not including the day of impoundment. The six-day holding period can be reduced to four business days if the local agency complies with one of the following provisions:

- If the pound or shelter has made the dog or cat available for owner redemption on one weekday evening until at least 7:00 p.m., or one weekend day, the holding period shall be four business days, not including the day of impoundment.
- If the pound or shelter has fewer than three full-time employees or is not open during all regular weekday business hours, and if it has established a procedure to enable owners to reclaim their dog or cat by appointment at a mutually agreeable time when the pound or shelter would otherwise be closed, the holding period shall be four business days, not including the day of impoundment.

These test claim statutes further require, that prior to euthanizing an impounded dog or cat for any reason other than irremediable suffering, the impounded dog or cat shall be released to a nonprofit animal rescue or adoption organization, if requested by the organization, before the scheduled euthanization of the impounded animal. In addition to any spay or neuter deposit, the pound or shelter, at its discretion, may assess a fee, not to exceed the standard adoption fee, for the animals released.

The holding period and adoption requirements described above do not apply to animals that are irremediably suffering from a serious illness or severe injury and newborn animals that need maternal care and have been impounded without their mothers. Such animals may be euthanized without being held for owner redemption or adoption.²¹

Before the test claim legislation was enacted; public shelters were required to hold impounded dogs and cats for 72 hours from the time of capture. The 72-hour holding period did not apply to cats that were severely injured, seriously ill, or to newborn cats unable to feed themselves.²²

In addition, there was no requirement under prior law to release impounded animals to nonprofit animal rescue or adoption organizations, upon request of the organization, prior to euthanizing the animal.

Accordingly, the Commission finds that Food and Agriculture Code sections 31108 and 31752 impose a new program or higher level of service by:

- Requiring local agencies to provide care and maintenance during the increased holding period for impounded dogs and cats. The increased holding period shall be measured by calculating the difference between three days from the day of capture, and six business days from the day after impoundment, or four business days from the day after impoundment requiring local agencies to either:
 - (1) Make the animal available for owner redemption on one weekday evening until at least 7:00 p.m., or one weekend day; or
 - (2) For those local agencies with fewer than three full-time employees or that are not open during all regular weekday business hours, establish a procedure to enable owners to reclaim their animals by appointment at a mutually agreeable time when the agency would otherwise be closed;²³ and by
- Requiring the release of the animal to a nonprofit animal rescue or adoption organization upon request by the organization prior to euthanasia.

²¹ Food and Agriculture Code section 17006.

²² Food and Agriculture Code sections 31108 (as added by Statutes of 1967, Chapter 15) and 31752 (as added by Statutes of 1980, Chapter 1060)

²³ The claimants and several commentators contend that as a result of the increased holding period, the cost of veterinary care has increased. The Commission can consider the argument, that veterinary care during the increased holding period is reimbursable, at the parameters and guidelines phase.

Holding Period for Other Animals

Food and Agriculture Code section 31753 imposes the same holding period and adoption requirements for impounded rabbits, guinea pigs, hamsters, pot-bellied pigs, birds, lizards, snakes, turtles, or tortoises legally allowed as personal property, as is required for dogs and cats. Thus, section 31753 provides that the holding period for these other animals is six business days, not including the day of impoundment. The six-day holding period can be reduced to four business days if the local agency complies with one of the following provisions:

- If the pound or shelter has made the other animals available for owner redemption on one weekday evening until at least 7:00 p.m., or one weekend day, the holding period shall be four business days, not including the day of impoundment.
- If the pound or shelter has fewer than three full-time employees or is not open during all regular weekday business hours, and if it has established a procedure to enable owners to reclaim their animals by appointment at a mutually agreeable time when the pound or shelter would otherwise be closed, the holding period shall be four business days, not including the day of impoundment.

Ms. Bryant contends that Food and Agriculture Code section 31753 does not constitute a new program or higher level of service. Ms. Bryant contends that before the enactment of the test claim legislation, Penal Code sections 597f and 597.1 required peace officers, humane society officers, and animal control officers to take possession of any abandoned or neglected animal and care for the animal until the owner redeems the animal. Under these provisions, the animal control officer is required to perform a "due search" for the owner prior to euthanizing the animal. Thus, she argues that a holding period is legally implied from the requirement that owners be given a chance to redeem their animals.

Ms. Bryant further argues that the holding period established under prior law is equivalent to a "reasonable" period that allows the owner to redeem the animal. In this respect, Ms. Bryant argues that a five-day holding period has been deemed reasonable and, thus, required under prior law. In support of her position, Ms. Bryant cites a federal regulation, governing the sale of shelter animals to research labs, that deems five days the minimum necessary to provide owners a reasonable chance to reclaim their pets. She also cites California's vicious dog law, Food and Agriculture Code section 31621, which provides that an owner must receive five days notice to contest the "vicious dog" designation in order to reclaim the dog. Finally, Ms. Bryant states that the Humane Society of the United States promotes five days as the minimum reasonable holding period. Accordingly, Ms. Bryant contends that the test claim requirement to hold other animals for four days constitutes a lower level of service.

Government Code section 17565 states that "if a local agency or school district, at its option, has been incurring costs which are subsequently mandated by the state, the state shall reimburse the local agency or school district for those costs incurred after the operative date of the mandate." The Commission finds that Government Code section 17565 applies here.

Before the enactment of the test claim legislation, Penal Code sections 597f and 597.1 required animal control officers to take possession and provide care and treatment to *any* stray or abandoned animal until the animal was deemed to be in suitable condition to be returned to the

owner. If the owner could not be found after a due search, the animal control officer could have the animal euthanized or placed in a suitable home. Thus, the Commission agrees that Penal Code sections 597f and 597.1 apply to the animals specified in the test claim statute and that *some* holding period is implied in these sections.

However, there was no prior state or federal law mandating local agencies to hold these specified animals for any time period. Rather, the appropriate time period was left up to the discretion of the local agency. With the enactment of Food and Agriculture Code section 31753, the state is now requiring local agencies, for the first time, to hold these animals for four days. Therefore, the Commission finds that the four or six day holding period is new.

Accordingly, the Commission finds that Food and Agriculture Code sections 31753 imposes a new program or higher level of service by:

- Requiring local agencies to provide care and maintenance during the increased holding period for impounded rabbits, guinea pigs, hamsters, pot-bellied pigs, birds, lizards, snakes, turtles, or tortoises legally allowed as personal property. The increased holding period shall be measured by calculating the difference between three days from the day of capture, and six business days from the day after impoundment, or four business days from the day after impoundment requiring local agencies to either:
 - (1) Make the animal available for owner redemption on one weekday evening until at least 7:00 p.m., or one weekend day; or
 - (2) For those local agencies with fewer than three full-time employees or that are not open during all regular weekday business hours, establish a procedure to enable owners to reclaim their animals by appointment at a mutually agreeable time when the agency would otherwise be closed; and by
- Requiring the release of the animal to a nonprofit animal rescue or adoption organization upon request by the organization prior to euthanasia.

Feral Cats

The test claim legislation added section 31752.5 to the Food and Agriculture Code to address feral cats. Feral cats are defined as cats without owner identification whose usual and consistent temperament is extreme fear and resistance to contact with people. A feral cat is totally unsocialized to people.

Food and Agriculture Code section 31752.5, subdivision (c), states the following:

Notwithstanding Section 31752 (establishing the holding period for stray cats), if any apparently feral cat has not been reclaimed by its owner or caretaker within the first three days of the required holding period, shelter personnel qualified to verify the temperament of the animal shall verify whether it is feral or tame by using a standardized protocol. If the cat is determined to be docile or a frightened or difficult tame cat, the cat shall be held for the entire required holding period specified in Section 31752. If the cat is determined to be truly feral, the cat may be euthanized or relinquished to a nonprofit animal adoption organization that agrees to the spaying or neutering of the cat

if it has not already been spayed or neutered. In addition to any required spay or neuter deposit, the pound or shelter, at its discretion, may assess a fee, not to exceed the standard adoption fee, for the animal released. (Emphasis added.)

The claimants contend that section 31752.5 constitutes a new program or higher level of service by establishing holding periods for feral cats and by requiring local agencies to verify whether a cat is feral or tame by using a "newly developed or obtained" standardized protocol. The claimants state the following:

The mandatory holding periods for feral cats are completely new. There is no prior law on the subject. The 'standard adoption fee[s]' for feral cats shall not be exceeded. In addition, local government must now 'verify whether it is feral or tame by using a standardized protocol' in order to determine the correct holding period. Therefore, the costs of obtaining or developing such a protocol as well [as] its administration would be reimbursable 'costs mandated by the state' as claimed herein.

Regarding holding periods for feral cats, the clock starts to run after (not including) . . . the day of impoundment.' Under prior law, there were no holding periods for feral cats. Now holding periods are established, mandated, and defined in terms of a number of 'business days', considerably longer than the same number of calendar days. Therefore, Chapter 752/98 explicitly increases mandatory holding periods for feral cats and related costs upon local government.

The Commission disagrees with the claimants' statement that holding periods for feral cats are completely new and that there was no prior law on the subject. Before the enactment of the test claim legislation, Food and Agriculture Code section 31752 required a 72-hour holding period from the time of capture for *all* impounded stray cats, except cats that were severely injured, seriously ill, or newborn cats unable to feed themselves. That section stated the following:

No stray cat which has been impounded by a public pound, society for the prevention of cruelty to animals shelter, or humane shelter shall be killed before 72 hours have elapsed from the time of the capture of the stray cat.

This section shall not apply to cats which are severely injured or seriously ill, or to newborn cats unable to feed themselves. (Emphasis added.)

Thus, the 72-hour holding period established under prior law applied to both feral and tame cats.

The Commission finds that the only new requirement imposed by Food and Agriculture Code section 31752.5 is the requirement to verify within the first three days of the holding period whether the cat is feral or tame by using a standardized protocol. If the cat is determined to be tame, the same holding period established by Food and Agriculture Code section 31752, as amended by the test claim legislation and described in the section above, applies; i.e., four or six business days.

Accordingly, the Commission finds that Food and Agriculture Code section 31752.5 constitutes a new program or higher level of service by requiring local agencies to verify, within the first three days of the holding period, whether a cat is feral or tame by using a standardized protocol.

Owner Relinquished Animals

The test claim legislation added Food and Agriculture Code section 31754 to address animals relinquished by their owners. That section provides in relevant part the following:

[A]ny animal relinquished by the purported owner that is of a species impounded by pounds or shelters shall be held for two full business days, not including the day of impoundment. The animal shall be available for owner redemption for the first day, not including the day of impoundment, and shall be available for owner redemption and adoption for the second day. After the second required day, the animal may be held longer, killed, or relinquished to a nonprofit . . . animal adoption organization under the same conditions and circumstances provided for stray dogs and cats. . . .

Section 31754 became operative on July 1, 1999, and sunsets on July 1, 2001.

On July 1, 2001, Food and Agriculture Code section 31754 will provide, with the exception stated below, that any animal relinquished by the purported owner that is of a species impounded by pounds or shelters shall be held for the same holding periods, and with the same requirements of care, applicable to stray dogs and cats in sections 31108 and 31752 of the Food and Agriculture Code.²⁴ However, the period for owner redemption shall be one day, not including the day of impoundment, and the period for owner redemption or adoption shall be the remainder of the holding period.

The holding period described above does not apply to relinquished animals that are irremediably suffering from a serious illness or severe injury, or newborn animals that need maternal care and have been impounded without their mothers.

Ms. Bryant contends that neither prior law, nor Food and Agriculture Code section 31754, require local agencies to take in owner-relinquished animals. Thus, she argues that taking in such animals is within the discretion of the local agency and that the holding periods established by section 31754 only apply if the local agency chooses to accept owner-relinquished animals.

The claimants contend that section 31754 imposes mandatory duties on the local agency to accept owner-relinquished pets since, in reality, owners relinquish their animals on the streets

²⁴ The Commission notes that section 31754 requires the same holding periods for owner-relinquished animals as the holding period for stray dogs and cats. The statute correctly refers to section 31108 for the holding period for stray dogs. But, the statute references section 31755, which is not the statute relating to stray cats. The statute relating to stray cats is section 31752. Accordingly, the Commission finds that there is a typographical error in section 31754 and that the Legislature intended to refer to section 31752 instead of 31755.

if the agency will not accept the animal. At that point, the animal will be deemed a stray or an abandoned animal and, thus, require the agency to take possession of the animal.²⁵

The Commission agrees with Ms. Bryant. At the time the test claim legislation was enacted, local agencies were not required to accept owner-relinquished animals. They were simply required to take possession of stray or abandoned animals.²⁶

The test claim legislation did not change existing law. Rather, based on the plain language of the test claim legislation and existing law, taking possession of owner-relinquished animals, and caring and maintaining the owner-relinquished animal during the required holding period, is within the discretion of the local agency.

Accordingly, the Commission finds that Food and Agriculture Code section 31754 does not constitute a new program or higher level of service since there are no state mandated duties imposed on local agencies.

Posting Lost and Found Lists

Food and Agriculture Code section 32001 provides the following:

All public pounds, shelters operated by societies for the prevention of cruelty to animals, and humane shelters, that contract to perform public animal control services, shall provide the owners of lost animals and those who find lost animals with all of the following:

- (a) Ability to list the animals they have lost or found on 'Lost and Found' lists maintained by the pound or shelter.
- (b) Referrals to animals listed that may be the animals the owner or finders have lost or found.
- (c) The telephone numbers and addresses of other pounds and shelters in the same vicinity.
- (d) Advice as to means of publishing and disseminating information regarding lost animals.
- (e) The telephone numbers and addresses of volunteer groups that may be of assistance in locating lost animals.

The duties imposed by this section are mandatory duties for public entities for all purposes of the Government Code and for all private entities with which a public entity has contracted to perform those duties. (Emphasis added.)

Before the enactment of the test claim legislation, the duty imposed by section 32001 to post lost and found lists was *not* mandatory. The last two sentences of former section 32001 stated the following:

²⁵ Other commentators share the claimants' view (e.g., Virginia Handley, Jeffrey Zinder, and Richard Ward.)

²⁶ Food and Agriculture Code section 31105; Penal Code section 597.1.

Notwithstanding Section 9, a violation of this section is not a misdemeanor. Furthermore, the duty imposed by this section is not a mandatory duty for purposes of Division 3.6 (commencing with Section 810) of Title 1 of the Government Code [entitled "Claims and Actions Against Public Entities and Public Employees"], and no cause of action for damages is created by this section against a public entity or employee or against any other person. (Emphasis added.)

The above sentences were repealed with the enactment of the test claim legislation. Thus, the test claim legislation created a legal duty for local agencies to post the lost and found lists required by section 32001, and at the same time, established a cause of action for an agency's failure to comply.

Accordingly, the Commission finds that Food and Agriculture Code section 32001 imposes a new program or higher level of service by requiring local agencies to provide the owners of lost animals and those who find lost animals with all of the following:

- Ability to list the animals they have lost or found on "Lost and Found" lists maintained by the pound or shelter.
- Referrals to animals listed that may be the animals the owner or finders have lost or found.
- The telephone numbers and addresses of other pounds and shelters in the same vicinity.
- Advice as to means of publishing and disseminating information regarding lost animals.
- The telephone numbers and addresses of volunteer groups that may be of assistance in locating lost animals.

Records

The test claim legislation amended Penal Code section 597.1 and added section 32003 to the Food and Agriculture Code to address the maintenance of records.

Penal Code section 597.1, subdivision (d), provides that "[a]n animal control agency that takes possession of an animal pursuant to subdivision (c) [i.e., injured cats and dogs found without their owners and conveyed to a veterinarian to determine if the animal should be euthanized or treated] shall keep records of the whereabouts of the animal from the time of possession to the end of the animal's impoundment, and those records shall be available for inspection by the public upon request for three years after the date the animal's impoundment ended."

Food and Agriculture Code section 32003 requires the maintenance of records on each animal taken up, medically treated, or impounded. That section states the following:

All public pounds and private shelters shall keep accurate records on each animal taken up, medically treated, or impounded. The records shall include all of the following information and any other information required by the California Veterinary Medical Board:

- (a) The date the animal was taken up, medically treated, euthanized, or impounded.
- (b) The circumstances under which the animal is taken up, medically treated, euthanized, or impounded.
- (c) The names of the personnel who took up, medically treated, euthanized, or impounded the animal.
- (d) A description of any medical treatment provided to the animal and the name of the veterinarian of record.
- (e) The final disposition of the animal, including the name of the person who euthanized the animal or the name and address of the adopting party. These records shall be maintained for three years after the date the animal's impoundment ends.

The claimant contends that these sections impose new and increased duties. Ms. Bryant, on the other hand, contends that no new records are required. She states that the requirement to keep records was previously required by the Public Records Act and by other areas of California law. Thus, Ms. Bryant contends that Penal Code section 597.1, subdivision (d), and Food and Agriculture Code section 32003 do not impose a new program or higher level of service.

For the reasons described below, the Commission finds that Food and Agriculture Code section 32003 imposes a partial new program or higher level of service.

Before the enactment of the test claim legislation, Penal Code section 597.1, subdivision (d), and Penal Code section 597f, subdivision (c), required animal control agencies to keep records for public inspection indicating the whereabouts of an injured dog or cat conveyed to a veterinarian for a 72-hour period from the time of possession.

In addition, pursuant to the Business and Professions Code and regulations enacted by the California Veterinary Medical Board in 1979, existing law requires all veterinarians to keep a written record of all animals receiving veterinary services. The record shall contain the following information, if available: name, address and phone number of the owner; name and identity of the animal; age, sex and breed of the animal; dates of custody (with the veterinarian); short history of the animal's condition; diagnosis or condition at the beginning of custody; medication and treatment provided; progress and disposition of the case; and surgery log. Such records shall be maintained for a minimum of three years after the last visit.²⁷

The Commission agrees that the test claim legislation imposes some of the same record-keeping responsibilities as existing law. For example, the Commission agrees that the requirements imposed by Penal Code section 597.1, subdivision (d), to keep records for three years on the whereabouts of the animal are not new. That section applies to injured cats and dogs that are conveyed to a veterinarian to determine whether the animal should be euthanized

²⁷ Business and Professions Code section 4855; California Code of Regulations, title 16, division 20, article 4, section 2032.3.

or treated. Although the test claim legislation increased the retention of the records from 72 hours to three years, existing regulations issued by the Veterinary Medical Board already require the maintenance of records describing the dates of custody, progress and disposition of the case for three years. Thus, the Commission finds that Penal Code section 597.1, subdivision (d), does not constitute a new program or higher level of service.

Similarly, the requirement imposed by Food and Agriculture Code section 32003 to maintain records for three years on animals receiving medical treatment by veterinarians is not new since the same requirement was previously imposed by the regulations issued by the Veterinary Medical Board.

However, the requirement imposed by Food and Agriculture Code section 32003 on local agencies to maintain records describing the "taking up" or "impoundment" of an animal is broader than the record keeping requirements imposed on veterinarians in prior law. Moreover, the requirement for local agencies to keep records regarding the euthanasia of an animal was not a requirement imposed in prior law. In this respect, the Commission disagrees with the arguments raised by Ms. Bryant and other commentators that euthanasia is a veterinary procedure and, thus, information regarding the euthanasia of an animal was required to be kept in the veterinarian's records. The Commission finds that euthanasia is not a veterinary procedure since employees of animal control shelters who are *not* veterinarians or registered veterinary technicians are legally allowed to perform the procedure after eight hours of training. The training covers the following topics: history and reasons for euthanasia; humane animal restraint techniques; sodium pentobarbital injection methods and procedures; verification of death; safety training and stress management for personnel; and record keeping and regulation compliance for sodium pentobarbital. 29

Accordingly, the Commission finds that Food and Agriculture Code section 32003 imposes new requirements on local agencies to maintain records for three years after the date the animal's impoundment ends on animals that are *not medically treated* by a veterinarian, but are either taken up, euthanized after the end of the holding period, or impounded. Such records shall include the following:

- The date the animal was taken up, euthanized, or impounded;
- The circumstances under which the animal is taken up, euthanized, or impounded;
- The names of the personnel who took up, euthanized, or impounded the animal; and
- The final disposition of the animal, including the name of the person who euthanized the animal or the name and address of the adopting party.

The Commission agrees that making these records available to the public complies with the Public Records Act, as argued by Ms. Bryant. "Public records" are defined as any writing containing information relating to the conduct of the public's business that is prepared, owned, used or retained by any state or local agency, regardless of the physical form or characteristic

²⁸ Comments filed by Ms. Bryant and comments filed by Lois Newman of The Cat and Dog Rescue Association.

²⁹ See section 2039 of the Veterinary Medical Board's regulations.

of the writing. Local agencies are required under the Public Records Act to keep public records open for inspection at all times during the office hours of the local agency.³⁰ However, local agencies would not be compelled to make information on animals that do not receive veterinary services available to the public if the state had not created the requirement to maintain such records.

Accordingly, the Commission finds that the requirement to maintain records for three years on animals that are not medically treated by a veterinarian, but are either taken up, euthanized after the end of the holding period, or impounded constitutes a new program or higher level of service.

Veterinary Care

The claimants contend that the test claim legislation imposes a new program or higher level of service by requiring local agencies to provide veterinary care, which was not required under prior law. The claimants cite Civil Code section 1834.4, Penal Code section 599d, and Food and Agriculture Code section 17005, which expresses the state's policy that no adoptable animal should be euthanized and no treatable animal should be euthanized. All of these sections state the following:

- (a) It is the policy of the state that no adoptable animal should be euthanized if it can be adopted into a suitable home. Adoptable animals include only those animals eight weeks of age or older that, at or subsequent to the time the animal is impounded or otherwise taken into possession, have manifested no sign of a behavioral or temperamental defect that could pose a health or safety risk or otherwise make the animal unsuitable for placement as a pet, and have manifested no sign of disease, injury, or congenital or hereditary condition that adversely affect the animal's health in the future.
- (b) It is the policy of the state that no treatable animal should be euthanized. A treatable animal shall include any animal that is not adoptable but that could become adoptable with reasonable efforts. This subdivision, by itself, shall not be the basis of liability for damages regarding euthanasia. (Emphasis added.)

The claimants contend that the italicized language quoted above "requires" local agencies to provide reasonable veterinary treatment services in order to make them adoptable.

The claimants also cite Civil Code section 1834, which was amended by the test claim legislation. That section provides that:

A depositary of living animals shall provide the animals with necessary and prompt veterinary care, nutrition, and shelter, and treat them kindly. Any depositary that fails to perform these duties may be liable for civil damages as provided by law. (Emphasis added.)

³⁰ Government Code section 6253.

Similarly, Civil Code section 1846 was amended by the test claim legislation to provide in part that "[a] gratuitous depositary of a living animal shall provide the animal with necessary and prompt veterinary care." (Emphasis added.)

Ms. Bryant contends that veterinary care does not constitute a new program or higher level of service. She states the following:

It is important to note that veterinary care is already mandated under Penal Code Sections 597f and 597.1, which require humane officers and animal control officers to 'take possession of [a] stray or abandoned animal and . . . provide care and treatment for the animal until the animal is deemed to be in suitable condition to be returned to the owner.' (Penal Code Sec. 597.1(a)) Subsection (b) permits injured or sick animals other than cats or dogs to be killed or impounded and treated. Cats and dogs must be seen by a veterinarian before a determination is made to kill.

Accordingly, the addition of the words 'prompt and necessary veterinary care' to Civil Code Section 1834 does not add to shelters' veterinary care responsibilities because of the pre-existing care provisions of Penal Code Section 597f and 597.1. (Emphasis in original.)

First, the Commission finds that the policy statements found in Civil Code section 1834.4, Penal Code section 599d, and Food and Agriculture Code section 17005 do not impose any requirements on local agencies. They simply describe the state's policy regarding euthanasia. The Commission acknowledges that the word "shall" is used in the sentence, which provides that "a treatable animal shall include any animal that is not adoptable but that could become adoptable with reasonable efforts." However, that sentence is merely defining "treatable animals." It is not imposing the requirement to provide veterinary care for animals.

The issue of whether the requirement imposed by Civil Code sections 1834 and 1846 to provide necessary and prompt veterinary care constitutes a new program or higher level of service is more complicated, however.

Before the enactment of the test claim legislation, Penal Code section 597.1 contained a provision requiring local agencies to provide "care and treatment" for the animal until the animal is in a suitable condition to be returned to the owner. The Commission agrees that care and treatment can include necessary veterinary treatment. But, the provisions of Penal Code section 597.1 became operative *only if* the governing body of the local agency determined that it would operate under section 597.1. Penal Code section 597.1 stated in relevant part the following:

- (a) Any peace officer, humane society officer, or animal control officer shall take possession of the stray or abandoned animal and shall provide care and treatment for the animal until the animal is deemed to be in suitable condition to be returned to the owner. . . .
- (1) This section shall be operative in a public agency or a humane society under the jurisdiction of the public agency, or both, only if the governing body of that public agency, by ordinance or resolution, determines that this section shall be

operative in the public agency or the humane society and that Section 597f shall not be operative. (Emphasis added.)³¹

Thus, the Commission finds that local agencies were not required to comply with the provisions of Penal Code section 597.1 before the enactment of the test claim legislation.

Before the test claim legislation was enacted, existing law, through Penal Code section 597f, also required local agencies to "care" for abandoned animals until the animal is redeemed by the owner. Penal Code section 597f further required local agencies to convey all injured dogs and cats to a veterinarian for treatment or euthanization. Local agencies had the option of providing "suitable care" for abandoned animals, other than cats and dogs, until the animal is deemed to be in a suitable condition to be delivered to the owner. Penal Code section 597f states in relevant part the following:

- (a) . . . And it shall be the duty of any peace officer, officer of the humane society, or officer of a pound or animal regulation department of a public agency, to take possession of the animal so abandoned or neglected and care for the animal until it is redeemed by the owner or claimant, and the cost of caring for the animal shall be a lien on the animal until the charges are paid. Every sick, disabled, infirm, or crippled animal, except a dog or cat, which shall be abandoned in any city, city and county, or judicial district, may, if after due search no owner can be found therefore, be killed by the officer; and it shall be the duty of all peace officers, an officer of such society, or officer of a pound or animal regulation department of a public agency to cause the animal to be killed on information of such abandonment. The officer may likewise take charge of any animal, including a dog or cat, that by reason of lameness, sickness, feebleness, or neglect, is unfit for the labor it is performing, or that in any other manner is being cruelly treated; and if the animal is not then in the custody of its owner, the officer shall give notice thereof to the owner, if known, and may provide suitable care for the animal until it is deemed to be in a suitable condition to be delivered to the owner, and any necessary expenses which may be incurred for taking care of and keeping the animal shall be a lien thereon, to be paid before the animal can be lawfully recovered.
- (b) It shall be the duty of all officers of pounds or humane societies, and animal regulation departments of public agencies to convey, and for police and sheriff departments, to cause to be conveyed all injured cats and dogs found without their owners in a public place directly to a veterinarian known by the officer or agency to be a veterinarian that ordinarily treats dogs and cats for a determination of whether the animal shall be immediately and humanely destroyed or shall be hospitalized under proper care and given emergency treatment. . . . (Emphasis added.)

³¹ The Commission notes that the test claim legislation deleted subdivision (1) from Penal Code section 597.1 to codify the court's decision in *Carrera* v. *Bertaini* (1976) 63 Cal.App.3d 721. There, the court held that making optional the provisions on post-seizure hearings in Penal Code section 597.1 was unconstitutional. Thus, with the deletion of subdivision (1), post-seizure hearings are now required.

Based on the language of section 597f, the Commission finds that local agencies had a preexisting duty to obtain necessary veterinary care for injured cats and dogs. Thus, the Commission finds that providing "necessary and prompt veterinary care" for injured cats and dogs given emergency treatment, as required by Civil Code sections 1834 and 1846, does *not* constitute a new program or higher level of service.

However, the Commission finds that the requirement to provide "prompt and necessary veterinary care" for abandoned animals, other than injured cats and dogs given emergency treatment, is new. The Commission acknowledges that Penal Code section 597f requires local agencies to provide "care" to other animals. The word "care" is not defined by the Legislature. Nevertheless, for the reasons stated below, the Commission finds that the word "care" in section 597f does *not* include veterinary treatment.

The courts have determined that if a statute on a particular subject contains a particular word or provision, and another statute concerning the same or related subject omits that word or provision, then a different intention is indicated.³²

Penal Code section 597f requires local agencies to "care" for the animal until it is redeemed by the owner. That section was originally added by the Legislature in 1905, and was last amended in 1989. In 1991, the Legislature added Penal Code section 597.1. That section provides that local agencies shall provide "care and treatment" for the animal until it is redeemed by the owner. As indicated above, "care and treatment" can include veterinary care and treatment. However, since the Legislature did not use the word "treatment" in Penal Code section 597f like it did in Penal Code section 597.1, the Commission finds that the Legislature did not intend Penal Code section 597f to require local agencies to treat or provide "prompt and necessary veterinary care" to these other abandoned animals.

Accordingly, the Commission finds that providing prompt and necessary veterinary care for abandoned animals, other than injured cats and dogs given emergency treatment, as required by Civil Code sections 1834 and 1846, is new and, thus, imposes a new program or higher level of service.³³

³² Volume 58, Cal. Jur., sections 127 and 172; Kaiser Steel Corp. v. County of Solano (1979) 90 Cal. App.3d 662.

³³ Interested party, County of San Diego, contends that the test claim legislation constitutes a new program or higher level of service by "providing veterinary care for stray or abandoned animals found and delivered by any person (other than a peace officer, humane society officer, or animal control officer) to a public animal shelter, that are ultimately euthanized." The County of San Diego contends that Penal Code sections 597f and 597.1, when read in context, only apply when animals are seized by specified officers in the field and do not apply when other individuals find such animals.

The Commission disagrees with this interpretation. Penal Code section 597f, subdivision (a), states that "it shall be the duty of any peace officer, officer of the humane society, or officer of a pound or animal regulation department of a public agency, to take possession of the animal so abandoned or neglected and care for the animal until it is redeemed by the owner. . . ." While section 597f does apply to seized animals, it does not limit the requirement to care for the animal to only those animals that are seized by an officer. The duty to care for the animal is imposed on the "animal regulation department of a public agency" once the animal comes into their possession.

Construction of New Buildings

Finally, the claimants' are requesting reimbursement for the construction of cat housing, isolation/treatment facilities, and additional kennel buildings in order to comply with the test claim legislation. The Department of Finance and other commentators contend that this request is suspect.

The Commission notes that the test claim legislation does *not* expressly require or mandate local agencies to construct new buildings. However, the Commission's regulations allow reimbursement for the most reasonable methods of complying with the activities determined by the Commission to constitute reimbursable state mandated activities under article XIII B, section 6 of the California Constitution.³⁴ Therefore, in order for the claimants to be entitled to reimbursement for construction of new buildings, the claimants will have to show at the parameters and guidelines phase that construction of new buildings occurred as a direct result of the mandated activities and was the most reasonable method of complying with the mandated activities.

Issue 3: Does the test claim legislation impose "costs mandated by the state" within the meaning of Government Code sections 17514 and 17556?

As indicated above, the Commission finds that the test claim legislation constitutes a new program or higher level of service for the following activities:

- Providing care and maintenance for impounded dogs and cats for the increased holding period established by the test claim legislation (measured by calculating the difference between three days from the day of capture, and four business days from the day after impoundment, as specified in the third bullet below, or six business days from the day after impoundment);
- Providing care and maintenance for impounded rabbits, guinea pigs, hamsters, potbellied pigs, birds, lizards, snakes, turtles, or tortoises legally allowed as personal property during the increased holding period established by the test claim legislation (measured by calculating the difference between three days from the day of capture, and four business days from the day after impoundment, as specified in the third bullet below, or six business days from the day after impoundment);
- For impounded dogs, cats, and other specified animals that are held for four business days after the day of impoundment, either;
 - (a) Making the animal available for owner redemption on one weekday evening until at least 7:00 p.m., or one weekend day; or
 - (b) For those local agencies with fewer than three full-time employees or that are not open during all regular weekday business hours, establishing a procedure to enable owners to reclaim their animals by appointment at a mutually agreeable time when the agency would otherwise be closed;

³⁴ Title 2, California Code of Regulations, section 1183.1, subdivision (a)(4).

- Requiring the release of the impounded animal to a nonprofit animal rescue or adoption organization upon request prior to the euthanization of the animal;
- Verifying whether a cat is feral or tame by using a standardized protocol;
- Posting lost and found lists;
- Maintaining records on animals that are not medically treated by a veterinarian, but are either taken up, euthanized after the holding period, or impounded; and
- Providing prompt and necessary veterinary care for abandoned animals, other than injured cats and dogs that receive emergency treatment.

The Commission continues its inquiry to determine if these activities impose "costs mandated by the state."

Increased Holding Periods/ Release to Nonprofit Rescue or Adoption Organization/ Veterinary Care for Animals Other Than Cats and Dogs

The claimants contend that the longer holding periods established by the test claim legislation for impounded and owner-relinquished animals, and the veterinary care result in increased costs mandated by the state. The claimant acknowledges that, in addition to a spay or neuter deposit, the test claim legislation authorizes the local agency to assess a fee, not to exceed the standard adoption fee, for animals released to an adoption organization. However, the claimants argue that the fee authority is not sufficient to cover the "substantial new costs."

Both the Department of Finance and Ms. Bryant, citing Government Code section 17556, subdivisions (d) and (e), contend that the test claim legislation does not impose "costs mandated by the state" since the legislation authorizes local agencies to assess fees sufficient to pay for the mandated program and that the legislation has no net negative financial impact on local government. Ms. Bryant states the test claim legislation includes a number of cost saving measures such as (a) turning over shelter animals to qualified nonprofit animal rescue and adoption groups, which saves the costs of killing and carcass disposal and brings in adoption revenues paid by the nonprofit groups; (b) waiting before automatically killing ownerrelinquished pets so that they can be reunited with their real owner or adopted by a new owner or nonprofit group - - thereby bringing in revenues and saving the expense of killing and disposing of the bodies; (c) providing for lost/found listings and other information to aid owners of lost pets, which obviates the need for many animals to enter the shelters at all; (d) enabling shelters to collect freely offered rewards for the return of lost pets; and (e) creating more legal avenues for dealing with anti-cruelty statute enforcement. The Department of Finance and Ms. Bryant further contend that the costs of impoundment must be passed on to the owners under the existing authority of Penal Code sections 597f and 597.1 and Government Code section 25802.

Government Code section 17514 defines "costs mandated by the state" as any increased cost a local agency is required to incur as a result of a statute that mandates a new program or higher level of service.

Government Code section 17556 lists seven exceptions to reimbursement, two of which are pertinent here. That section states that the Commission shall not find "costs mandated by the state" if the Commission finds that:

- The local agency has the authority to levy service charges, fees or assessments sufficient to pay for the mandated program or increased level of service (Gov. Code, § 17556, subd. (d)); or
- The statute provides for offsetting savings to local agencies which result in no net costs to the local agencies, or includes additional revenue that was specifically intended to fund the costs of the state mandate in an amount sufficient to fund the cost of the state mandate (Gov. Code, § 17556, subd. (e)).

Government Code section 17556, subdivisions (d) and (e), are analyzed below.

Fee Authority – Government Code Section 17556, Subdivision (d). Government Code section 17556, subdivision (d), provides that there shall be no costs mandated by the state if the local agency has the authority to levy service charges, fees, or assessments sufficient to pay for the mandated program.

In the present case, local agencies do have the authority, under certain circumstances, to assess fees upon the owner of an impounded animal for the care and maintenance of the animal. For example, pursuant to Civil Code section 2080, any public agency that takes possession of an animal has the authority to charge the owner, if known, a reasonable charge for saving and taking care of the animal.

Similarly, Penal Code sections 597f and 597.1 also allow local agencies to pass on the costs of caring for abandoned or seized animals to their owners by providing that "the cost of caring for the animal shall be a lien on the animal until the charges are paid."

Moreover, Penal Code section 597f allows the cost of hospital and emergency veterinary services provided for impounded animals to be passed on to the owner, if known.³⁵

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The fee authority granted under the foregoing authorities applies only if the owner is known. Thus, local agencies have the authority to assess a fee to care and provide treatment for animals relinquished by their owners pursuant to Food and Agriculture Code section 31754. Local agencies also have the authority to assess a fee for the care and treatment of impounded animals that are ultimately redeemed by their owners. Under such circumstances, the Commission finds that the fee authority is sufficient to cover the increased costs to care,

³⁵ Penal Code section 597f also allows the cost of such veterinary services to be partially paid pursuant to Food and Agriculture Code section 30652, which provides the following: "All fees for the issuance of dog license tags and all fines collected pursuant to this division shall be paid into the county, city, or city and county treasury, as the case may be, and shall be used: (a) First, to pay fees for the issuance of dog license tags; (b) Second, to pay fees, salaries, costs, expenses, or any or all of them for the enforcement of this division and all ordinances which are made pursuant to this division; (c) Third, to pay damages to owners of livestock which are killed by dogs; (d) Fourth, to pay costs of any hospitalization or emergency care of animals pursuant to Section 597f of the Penal Code. (Emphasis added.) The monies collected for licenses and fines can be identified as an offset in the Parameters and Guidelines.

maintain, and provide necessary veterinary treatment for the animal during the required holding period since the "cost of caring" for the animal can be passed on to the owner.

Accordingly, pursuant to Government Code section 17556, subdivision (d), the Commission finds that there are no costs mandated by the state for the care, maintenance and necessary veterinary treatment of animals relinquished by their owners or redeemed by their owners during the required holding period.

The Commission further finds that there are no costs mandated by the state under Government Code section 17556, subdivision (d), for the care, maintenance, and treatment of impounded animals that are ultimately adopted by a new owner; for the care, maintenance, and treatment of impounded animals that are requested by a nonprofit animal rescue or adoption organization; or for the administrative activities associated with releasing the animal to such organizations.

The test claim legislation gives local agencies the authority to assess a standard adoption fee, in addition to any spay or neuter deposit, upon nonprofit animal rescue or adoption organizations that request the impounded animal prior to the scheduled euthanization of the animal.³⁶

The claimant contends that the "standard adoption fee" is not sufficient to cover the costs for animals adopted or released to nonprofit animal rescue or adoption organizations. However, based on the evidence presented to date, the Commission finds that local agencies are not prohibited by statute from including in their "standard adoption fee" the costs associated with caring for and treating impounded animals that are ultimately adopted by a new owner or released to nonprofit animal rescue or adoption organizations, and the associated administrative costs. Rather, local agencies are only prohibited from charging nonprofit animal rescue or adoption organizations a higher fee than the amount charged to individuals seeking to adopt an animal.

However, the fees recovered by local agencies under the foregoing authorities do *not* reimburse local agencies for the care and maintenance of stray or abandoned animals, or the veterinary treatment of stray or abandoned animals (other than cats and dogs) during the holding period required by the test claim legislation when:

- The owner is unknown;
- The animal is not adopted or redeemed; or
- The animal is not released to a nonprofit animal rescue or adoption organization.

Thus, the fee authority is not sufficient to cover the increased costs for care, maintenance, and treatment during the required holding period for those animals that are ultimately euthanized. Under such circumstances, the Commission finds that that Government Code section 17556, subdivision (d), does not apply to deny this claim. Rather, local agencies may incur increased costs mandated by the state to care for these animals during the required holding period.

³⁶ See Food and Agriculture Code sections 31108 (dogs), 31752 (cats), 31752.5 (feral cats), 31753 (other animals), and 31754 (owner-relinquished animals).

Offsetting Savings or Additional Revenue – Government Code Section 17556, Subdivision (e). Government Code section 17556, subdivision (e), states that the Commission shall not find costs mandated by the state if:

- The test claim statute provides for offsetting savings to local agencies which result in no net costs to the local agencies, or
- The test claim statute includes additional revenue that was specifically intended to fund the costs of the state mandate in an amount sufficient to fund the cost of the state mandate.

As indicated above, the Department of Finance and Ms. Bryant contend that Government Code section 17556, subdivision (e), applies to this claim since the legislation has no net negative financial impact on local government and includes a number of cost saving measures.

Additionally, the San Francisco SPCA contends that the test claim legislation is cost-effective and can be accomplished on a revenue-neutral or revenue-positive basis without expenditures for new facilities or increased space.

The Commission agrees that one of the purposes of the test claim legislation was to reduce the cost of euthanasia. The Legislature expressly declared in Section 1 of the test claim legislation that the "redemption of owned pets and adoption of lost or stray adoptable animals is preferable to incurring social and economic costs of euthanasia." To reduce the rate of killing, the Legislature made it easier for owners to redeem their pets by establishing longer holding periods, mandatory record-keeping, and lost and found lists.

In this respect, both the Department of Finance and Ms. Bryant describe a hypothetical situation showing the projected cost savings to a local agency when complying with the test claim legislation. The Commission recognizes that if complying with the test claim legislation really does result in cost savings, then local agencies will not be filing claims for reimbursement with the State Controller's Office. Government Code section 17514 only authorizes reimbursement by the state for the *increased* costs in complying with the mandate. The Commission notes that the claimants and several other commentators have filed declarations stating that local agencies have incurred increased costs as a result of the test claim legislation.

But, with regard to the legal issue of whether Government Code section 17556, subdivision (e), applies to this test claim, the only provision in the test claim legislation that provides for offsetting savings for the care and maintenance of the animal during the required holding period is the authorization to accept advertised rewards or rewards freely offered by the owner of the animal.³⁷ Rewards are not offered in every case, however. In addition, the rewards do not reimburse local agencies for the care and maintenance of a stray or abandoned animal when the owner cannot be found.

Thus, the Commission finds that there is no evidence that the test claim legislation provides for offsetting savings that result in no net costs to local agencies.

³⁷ Civil Code section 1845.

Moreover, the test claim legislation does not include additional revenue specifically intended to fund the costs of the mandate.

Accordingly, the Commission finds that Government Code section 17556, subdivision (e), does not apply to this claim.

Feral Cats, Lost and Found Lists, Maintaining Records

The Commission finds that none of the exceptions to reimbursement in Government Code section 17556 apply to deny this test claim with respect to the activities listed below. In this regard, the Commission finds that local agencies may incur increased costs mandated by the state pursuant to Government Code section 17514:

- For impounded dogs, cats, and other specified animals that are held for four business days after the day of impoundment, to either:
 - (1) Make the animal available for owner redemption on one weekday evening until at least 7:00 p.m., or one weekend day; or
 - (2) For those local agencies with fewer than three full-time employees or that are not open during all regular weekday business hours, establish a procedure to enable owners to reclaim their animals by appointment at a mutually agreeable time when the agency would otherwise be closed (Food & Agr., Code §§ 31108, 31752, and 31753);
- To verify whether a cat is feral or tame by using a standardized protocol (Food & Agr. Code, § 31752.5);
- To post lost and found lists (Food & Agr. Code, § 32001); and
- To maintain records on animals that are not medically treated by a veterinarian, but are either taken up, euthanized after the holding period, or impounded (Food & Agr. Code, § 32003).

Issue 4: Do the activities imposed by Penal Code section 597.1, relating to the seizure of animals, constitute a reimbursable state mandated program pursuant to article XIII B, section 6 of the California Constitution and Government Code section 17514?

At the hearing on October 26, 2000, interested party, the County of San Diego, testified that the activities required by Penal Code section 597.1, relating to the seizure of animals, constitutes a reimbursable state mandated program. The claimants did not request reimbursement for such activities.

However, on November 9, 2000, the claimants submitted a "Review of Transcript and Proposed Recommendation" requesting that the Commission's decision incorporate the County of San Diego request. Specifically, the claimants are requesting that the Commission find that the activities listed below constitute reimbursable state mandated activities, and that the Commission adopt the following language in the statement of decision:

For dogs, cats and other animals seized pursuant to Penal Code Section [PC] 597.1:

- A. Conducting pre-seizure hearings [PC 597.1(g)],
- B. Conducting post-seizure hearings [PC 597.1(f)], in those cases where it is determined the seizure was justified,
- C. Providing care, maintenance, and required veterinary treatment, except for emergency treatment of injured dogs and cats, during the new segment of the 14 day holding period, if not paid for by the animals' owner or on the owner's behalf [PC 597.1(h)], or, if required veterinary care is not provided by the owner and the animal is deemed to be abandoned [PC 597.1(i)].

For the reasons stated below, the Commission disagrees with the claimants and interested parties, and finds that the activities listed above do not constitute reimbursable state mandated activities pursuant to article XIII B, section 6 of the California Constitution and Government Code section 17514.

Pre-Seizure and Post-Seizure Hearings

Before the test claim legislation was enacted, Penal Code section 597.1 made it a misdemeanor to permit an animal to be in any building, street, or lot without proper care and attention. In cases where the local agency determined that prompt action was required to protect the health and safety of the animal or others, the local agency was authorized to immediately seize the animal. Under such circumstances, subdivision (f) required that the local agency provide the owner, if known, with the opportunity for a post-seizure hearing before the commencement of the criminal proceeding to determine the validity of the seizure.

In cases where the immediate seizure was not justified, the local agency was required by subdivision (g) to provide the owner, if known, with the opportunity of a pre-seizure hearing. In such cases, the owner was required to produce the animal at the time of the hearing, unless the owner made arrangements with the local agency to view the animal, or unless the owner could provide verification that the animal was euthanized. The purpose of the hearing was to determine if the animal should be seized for care and treatment.

Although, in prior law, subdivisions (f) and (g) contained language requiring agencies to conduct pre-seizure and post-seizure hearings, the provisions of Penal Code section 597.1, including subdivisions (f) and (g), became operative *only if* the governing body of the local agency determined that it would operate under section 597.1. Former Penal Code section 597.1, subdivision (l), stated the following:

(1) This section shall be operative in a public agency or a humane society under the jurisdiction of the public agency, or both, only if the governing body of that public agency, by ordinance or resolution, determines that this section shall be operative in the public agency or the humane society and that Section 597f shall not be operative.

Thus, before the test claim legislation was enacted, adherence to Penal Code section 597.1 was optional.

The test claim legislation deleted subdivision (l). With the deletion of subdivision (l), preseizure and post-seizure hearings are now required.

Nevertheless, for the reasons provided below, the Commission finds the requirement to conduct either a pre-seizure or post-seizure hearing does *not* constitute a new program or higher level of service, and does not impose costs mandated by the state.

In 1976, the California Court of Appeal determined, in the case of *Carrera v. Bertaini*, ³⁸ that pre-seizure and post-seizure hearings are constitutionally required pursuant to Fourteenth Amendment, Due Process Clause, of the United States Constitution. In *Carrera*, the petitioner's farm animals were seized and impounded for running at large and the owner was charged with cruelty and neglect. The seizure immediately resulted in petitioner incurring several hundred dollars in fees and costs that had to be paid before she could get possession of her animals. Petitioner was not given the opportunity under either a pre-seizure or post-seizure hearing to determine if the seizure was valid. Instead, by the time she was able to institute a lawsuit and obtain a court hearing, six weeks after the seizure, the fees increased to over \$2,500. The court found that the county's procedures violated the Due Process Clause and recognized that where the government takes a person's property, the Due Process Clause requires some form of notice and hearing. The court stated the following:

As a matter of basic fairness, to avoid the incurrence of unnecessary expenses appellant was entitled to a hearing *before* her animals were seized or, if the circumstances justified a seizure without notice and a hearing, she was entitled to a *prompt hearing after* the animals were seized. Manifestly, the hearing in the superior court six weeks after the seizure cannot be said to satisfy appellant's due process rights.³⁹ (Emphasis added.)

Since pre-seizure and post-seizure hearings were *previously required* by the United States Constitution, these same activities imposed by Penal Code section 597.1 do not constitute a new program or higher level of service.

Moreover, the requirement to conduct pre-seizure and post-seizure hearings does not impose costs mandated by the state. Government Code section 17556, subdivision (b), provides that the Commission shall not find costs mandated by the state when "the statute or executive order affirmed for the state that which had been declared existing law or regulation by action of the courts." The Commission finds that Government Code section 17556, subdivision (b), applies here since before the enactment of the test claim legislation, the court in *Carrera* declared that existing law, through the Due Process Clause of the United States Constitution, required local agencies to conduct pre-seizure and post-seizure hearings when animals are seized. Moreover, bill analyses of the test claim legislation reveal that the amendment to Penal Code section 597.1 was intended to codify the court's decision in *Carrera*.

³⁸ Carrera v. Bertaini (1976) 63 Cal. App. 3d 721.

³⁹ Id. at 729.

Accordingly, the Commission finds that the requirement imposed by Penal Code section 597.1 to conduct pre-seizure and post-seizure hearings does not constitute a reimbursable state mandated activity pursuant to article XIII B, section 6 of the California Constitution and Government Code section 17514.

Holding Period for Seized Animals

The claimants and interested parties also request reimbursement for the following activities as a result of the 14-day holding period for seized animals:

Providing care, maintenance, and required veterinary treatment, except for emergency treatment of injured dogs and cats, during the new segment of the 14 day holding period, if not paid for by the animals' owner or on the owner's behalf [PC 597.1(h)], or, if required veterinary care is not provided by the owner and the animal is deemed to be abandoned [PC 597.1(i)].

The Commission disagrees with the claimants' request.

Penal Code section 597.1, subdivisions (h), provides that if an animal is properly seized, the owner shall be personally liable to the local agency for the cost of the seizure and care of the animal. The owner has 14 days after the animal was seized to pay the charges and redeem the animal. The charges constitute a lien on the animal. If the owner does not pay the charges permitted under section 597.1, then the animal shall be deemed an abandoned animal and may be disposed of by the local agency.

Penal Code section 597.1, subdivision (i), further provides that if the seized animal requires veterinary care and the local agency is not assured, within 14 days of the seizure of the animal, that the owner will provide the necessary care, the animal is deemed abandoned and may be disposed of by the local agency.

The 14-day holding period does *not* apply if it has been determined that the seized animal incurred severe injuries, is incurably crippled, or is afflicted with a serious contagious disease and the owner does not immediately authorize treatment of the animal at the expense of the owner. In such cases, the seized animal may be euthanized without regard to the holding period. (Pen. Code, § 597.1, subd. (i).)

Furthermore, the Commission finds that the 14-day holding period does *not* apply when the owner is truly unknown. Under such circumstances, the animal may be euthanized if sick or injured without regard to the 14-day holding period, or is deemed an abandoned or stray animal requiring the local agency to comply with the four or six day holding period established for dogs, cats, and other animals in Food and Agriculture Code sections 31108, 31752, and 31753. For example, Penal Code section 597.1, subdivision (b), provides that "every sick, disabled, infirm, or crippled animal, except a dog or cat, that is abandoned in any city, county, city and county, or judicial district may be killed by the officer if, after a reasonable search, no owner of the animal can be found." Subdivision (b) further provides that the local agency has the duty to cause the animal to be euthanized or rehabilitated and placed in a suitable home on information that the animal is stray or abandoned. Moreover, subdivision (c) requires that all injured dogs and cats be conveyed to a veterinarian. If the owner does not redeem the injured

dog or cat "within the locally prescribed waiting period," the veterinarian may euthanize the animal.

When the 14-day holding period does apply, the Commission agrees that it constitutes a new program or higher level of service. Before the enactment of the test claim legislation, Penal Code section 597f required local agencies to take possession of animals that were abandoned, neglected, unfit for labor, or cruelly treated, and care for the animal until it is redeemed by the owner

The Commission finds that prior law established in Penal Code section 597f implies some holding period for seized animals to allow the owner to redeem the animal after payment of expenses. However, there was no prior state or federal law mandating local agencies to hold seized animals for any specified time period. With the enactment of the test claim legislation, which deleted subdivision (l) of section 597.1 making its provisions mandatory, the state is now requiring local agencies, for the first time, to hold seized animals for 14 days before the animal may be disposed of by the local agency.

Thus, the Commission finds that providing care and maintenance for seized animals during the 14-day holding period constitutes a new program or higher level of service.

The Commission also finds the providing treatment for seized animals during the 14-day holding period, constitutes a new program or higher level of service. Penal Code section 597.1, subdivision (a), states that "any peace officer, humane society officer, or animal control officer shall take possession of the stray or abandoned animal and shall provide care and treatment for the animal until it is deemed in suitable condition to be returned to the owner." Subdivisions (f) and (g) of section 597.1 also require that the due process notice given to owners of seized animals contain a statement that the owner is liable for the cost of caring for and treating the seized animal. Thus, necessary treatment is required during this time period.

But, the Commission finds that there are *no* costs mandated by the state associated with the 14-day holding period.

Government Code section 17556, subdivision (d), provides that the Commission shall not find costs mandated by the state when the local agency has the authority to levy service charges, fees or assessments sufficient to pay for the mandated program or increased level of service.

The Commission finds that Government Code section 17556, subdivision (d), applies here. Penal Code section 597.1 authorizes the local agency to pass on the costs of the seizure and care, including veterinary care, of the animal to the owner when the seizure is upheld at the due process hearing. The charges become a lien on the animal until paid. If the owner pays all costs associated with the seizure of the animal, then the owner can redeem the animal and the local agency's costs are fully recovered. (Pen. Code, § 597.1, subd. (a).) Under such circumstances, there are no costs mandated by the state.

Even in situations where the owner abandons the seized animal, and fails or refuses to pay the costs of the seizure and care during the 14-day holding period, the local agency still has the authority to recover their costs in full from the owner. Under such circumstances, the owner becomes personally liable for the charges. For example, subdivisions (f) and (g) of section 597.1 provide that the owner's failure to request or attend the due process hearing "shall result

in liability" for the cost of caring for and treating any animal properly seized. Moreover, once the owner is found guilty of a misdemeanor under section 597.1, the costs of caring for and treating the animal become restitution to be paid by the owner to the local agency. Thus, even if the owner abandons the animal, liability for the costs of care and treatment during the 14-day holding period follow the owner and are collectible by the local agency.

The Commission further finds that Government Code section 17556, subdivision (d), applies to deny reimbursement for the costs incurred as a result of the 14-day holding period when the local agency is not able to collect the full amount of the charges from the owner. In Santa Margarita Water District v. Kathleen Connell, as State Controller⁴⁰ the court rejected the interpretation that authority to levy fees sufficient to cover costs under Government Code section 17556, subdivision (d), turns on economic feasibility. Rather, the court held that the plain language of subdivision (d) precludes reimbursement where the local agency has the authority, the right or the power to levy fees sufficient to cover the costs of the state-mandated program. The court stated the following:

The Districts in effect ask us to construe 'authority,' as used in the statute, as a practical ability in light of surrounding economic circumstances. However, this construction cannot be reconciled with the plain language of the statute and would create a vague standard not capable of reasonable adjudication. Had the Legislature wanted to adopt the position advanced by the Districts, it would have used "reasonable ability' in the statute rather than "authority". 41

Accordingly, the Commission finds that the 14-day holding period established under Penal Code

section 597.1 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 17514.

CONCLUSION

The Commission concludes that the test claim legislation imposes a partial reimbursable state mandated program on local agencies pursuant to article XIII B, section 6 of the California Constitution and Government Code section 17514 for the *increased costs* in performing the following activities:

1. Providing care and maintenance during the increased holding period for impounded dogs and cats that are ultimately euthanized. The increased holding period shall be measured by calculating the difference between three days from the day of capture, and four business days from the day after impoundment, as specified below in 3(a) and 3(b), or six business days from the day after impoundment (Food & Agr. Code, §§ 31108, 31752);

⁴⁰ (1997) 59 Cal. App. 4th 382.

⁴¹ Id. pg. 401

- 2. Providing care and maintenance for four business days from the day after impoundment, as specified below in 3(a) and 3(b), or six business days from the day after impoundment, for impounded rabbits, guinea pigs, hamsters, pot-bellied pigs, birds, lizards, snakes, turtles, or tortoises legally allowed as personal property that are ultimately euthanized (Food & Agr. Code, § 31753);
- 3. For impounded dogs, cats, and other specified animals that are held for four business days after the day of impoundment, either:
 - (a) Making the animal available for owner redemption on one weekday evening until at least 7:00 p.m., or one weekend day; or
 - (b) For those local agencies with fewer than three full-time employees or that are not open during all regular weekday business hours, establishing a procedure to enable owners to reclaim their animals by appointment at a mutually agreeable time when the agency would otherwise be closed (Food & Agr., Code §§ 31108, 31752, and 31753);
- 4. Verifying whether a cat is feral or tame by using a standardized protocol (Food & Agr. Code, § 31752.5);
- 5. Posting lost and found lists (Food & Agr. Code, § 32001);
- 6. Maintaining records on animals that are not medically treated by a veterinarian, but are either taken up, euthanized after the holding period, or impounded (Food & Agr. Code, § 32003); and
- 7. Providing "necessary and prompt veterinary care" for abandoned animals, other than injured cats and dogs given emergency treatment, that are ultimately euthanized (Civ. Code, §§ 1834 and 1846).

The Commission also concludes that all other statutes included in the test claim legislation that are not listed above do not impose a reimbursable state mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514.

The Commission further concludes that several statutes outside the test claim legislation that provide local agencies with revenues to offset the costs of the mandated program should be included in the Parameters and Guidelines as offsetting savings to the extent they are collected and received by the local agency. For example, local agencies have the authority to attribute part of the fees collected from owners for dog license tags and fines to pay salaries, costs, and expenses for the enforcement of animal control and emergency care of impounded animals. (Food & Agr. Code, § 30652; Pen. Code, § 597f.) Local agencies also have the authority to use a portion of the unclaimed spay and neuter deposits and fines collected for not complying with spay and neuter requirements to the administrative costs incurred by a local agency. (Food & Agr. Code, §§ 30520 et seq., and 31751 et seq.)⁴² Finally, local agencies have the

⁴² The Commission recognizes that as of January 1, 2000, dogs and cats are required to be spayed or neutered before they are adopted or released. (Food & Ag. Code, §§ 30503 and 31751.3.) Thus, local agencies stopped collecting spay/neuter deposits for cats and dogs as of January 1, 2000. (See comments from County of Fresno.) The reimbursement period for this test claim will begin January 1, 1999. Accordingly, the Commission concludes

authority to use the fines imposed and collected from owners of impounded animals to pay for the expenses of operation and maintenance of the public pound and for the compensation of the poundkeeper. (Gov. Code, § 25802.)

that the spay/neuter deposits collected by local agencies for cats and dogs from January 1, 1999 to January 1, 2000, be identified as an offset.

Tab 5

BEFORE THE COMMISSION ON STATE MANDATES STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Civil Code Sections 1834 and 1846; Food and Agriculture Code Sections 31108; 31752, 31752.5, 31753, 32001, and 32003; As Added or Amended by Statutes of 1998, Chapter 752;

Filed on December 22, 1998;

By the County of Los Angeles, City of Lindsay, County of Tulare, County of Fresno, and Southeast Area Animal Control Authority, Claimants. No. 98-TC-11

Animal Adoption

ADOPTION OF PARAMETERS AND GUIDELINES PURSUANT TO GOVERNMENT CODE SECTION 17557 AND TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 1183.12

(Adopted on February 28, 2002)

ADOPTED PARAMETERS AND GUIDELINES

The attached Parameters and Guidelines is hereby adopted in the above-entitled matter.

This Decision shall become effective on March 6, 2002.

PAULA HIGASHI, Executive Director

PARAMETERS AND GUIDELINES

Civil Code Sections 1834 and 1846; Food and Agriculture Code Sections 31108, 31752, 31752.5, 31753, 32001, and 32003 As Added or Amended by Statutes of 1998, Chapter 752

Animal Adoption

I. Summary of the Mandate

The test claim legislation was enacted in an attempt to end the euthanasia of adoptable and treatable animals. Generally, the test claim legislation increased the holding period for stray and abandoned dogs, cats, and other specified animals; required the verification of the temperament of feral cats; required the posting of lost and found lists; required the maintenance of records for impounded animals; and required that impounded animals receive "necessary and prompt veterinary care."

The Commission partially approved this test claim, pursuant to article XIII B, section 6 of the California Constitution and Government Code section 17514, for the *increased costs* in performing the following activities only:

- 1. Providing care and maintenance during the increased holding period for impounded dogs and cats that are ultimately euthanized. The increased holding period shall be measured by calculating the difference between three days from the day of capture and four business days from the day after impoundment, as specified below in 3 (a) and 3 (b), or six business days from the day after impoundment (Food & Agr. Code, §§ 31108, 31752);
- 2. Providing care and maintenance for four business days from the day after impoundment, as specified below in 3 (a) and 3 (b), or six business days from the day after impoundment, for impounded rabbits, guinea pigs, hamsters, pot-bellied pigs, birds, lizards, snakes, turtles, or tortoises legally allowed as personal property that are ultimately euthanized (Food & Agr. Code, § 31753);
- 3. For dogs, cats, and other specified animals held for four business days after the day of impoundment, either:
 - (a) Making the animal available for owner redemption on one weekday evening until at least 7:00 p.m., or one weekend day; or
 - (b) For those local agencies with fewer than three full-time employees or that are not open during all regular weekday business hours, establishing a procedure to enable owners to reclaim their animals by appointment at a

mutually agreeable time when the agency would otherwise be closed (Food & Agr., Code §§ 31108, 31752, and 31753);

- 4. Verifying whether a cat is feral or tame by using a standardized protocol (Food & Agr. Code, § 31752.5);
- 5. Posting lost and found lists (Food & Agr. Code, § 32001);
- 6. Maintaining records on animals that are not medically treated by a veterinarian, but are either taken up, euthanized after the holding period, or impounded (Food & Agr. Code, § 32003); and
- 7. Providing "necessary and prompt veterinary care" for abandoned animals, other than injured cats and dogs given emergency treatment, that are ultimately euthanized (Civ.Code, §§ 1834 and 1846).

II. Eligible Claimants

Any city, county, city and county, dependent special district, and joint powers authority comprised of a city, county, and/or city and county 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, as amended by Statutes of 1998, Chapter 681 (which became effective on September 22, 1998), states that a test claim shall be submitted on or before June 30 following a fiscal year in order to establish eligibility for reimbursement for that fiscal year. On December 22, 1998, the County of Los Angeles filed the test claim for this mandated program, establishing eligibility for reimbursement beginning on or after July 1, 1997.

However, except for the amendments to Food and Agriculture Code sections 31108 and 31752, Statutes of 1998, Chapter 752 became operative and effective on January 1, 1999. Therefore, except for the amendments to Food and Agriculture Code sections 31108 and 31752, the costs incurred for Statutes of 1998, Chapter 752 are eligible for reimbursement on or after January 1, 1999.

Section 21 of Statutes of 1998, Chapter 752 establishes an operative date of July 1, 1999 for the amendments to Food and Agriculture Code section 31108 (holding period for stray dogs) and Food and Agriculture Code sections 31752 (holding period for stray cats). Therefore, costs incurred for Food and Agriculture Code sections 31108 and 31752, as amended by Statutes of 1998, Chapter 752, are eligible for reimbursement on or after July 1, 1999.

Actual costs for one fiscal year shall be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to section 17561, subdivision (d)(1) of the Government Code, all claims for reimbursement of initial years' costs shall be submitted within 120 days of notification by the State Controller of the issuance of claiming instructions.

If the total costs for a given year do not exceed \$200, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.

IV. Reimbursable Activities

For each eligible claimant, all direct and indirect costs of labor, materials, supplies, fixed assets, contracted services, training and travel for the performance of the activities listed below are eligible for reimbursement.

Except as specified in Component (B)(3) and (4), reimbursement claims for the performance of the activities listed below shall be based on actual or estimated costs as provided in Government Code section 17560.

A. One Time Activities

- 1. Develop policies and procedures to implement the reimbursable activities listed in Section IV (B) of these parameters and guidelines.
- 2. Train staff on the reimbursable activities listed in Section IV (B) of these parameters and guidelines. (One-time per employee.)
- 3. Develop or procure computer software for the maintenance of records on animals specified in Section IV (B) (8) of these parameters and guidelines to the extent these costs are not claimed as an indirect cost under Section V (B) (8) of these parameters and guidelines. If the computer software is utilized in some way that is not directly related to the maintenance of records specified in Section IV (B) (8), only the pro rata portion of the activity that is used for compliance with Section IV (B) (8) is reimbursable.

B. Ongoing Activities

1. Acquisition of Additional Space and/or Construction of New Facilities

Beginning January 1, 1999 - Acquiring additional space by purchase or lease and/or construction of new facilities to provide appropriate or adequate shelter necessary to comply with the mandated activities during the increased holding period for impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 that die during the increased holding period or are ultimately euthanized.

Eligible claimants are only entitled to reimbursement for the proportionate share of actual costs required to plan, design, acquire, and/or build facilities in a given fiscal year based on the pro rata representation of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 that are held during the *increased* holding period specified in Sections IV (B) (3) and (4) of these Parameters and Guidelines and die during the increased holding period or are ultimately euthanized, to the total population of animals housed in the facility (including those animals that are excluded from

reimbursement, as specified in Sections IV (B) (3) and (4) of these Parameters and Guidelines) during the entire holding period required by Food and Agriculture Code sections 31108, 31752 and 31753.

<u>Supporting Documentation Submitted with the Initial and Subsequent</u> Reimbursement Claims

Acquiring additional space and/or construction of new facilities is reimbursable only to the extent that an eligible claimant submits, with the initial and/or subsequent reimbursement claim, documentation reflecting the following:

A determination by the governing board that acquiring additional space and/or constructing new facilities is necessary for the increased holding period required by Statutes of 1998, Chapter 752 because the existing facilities do not reasonably accommodate impounded stray or abandoned dogs, cats and other specified animals that are ultimately euthanized. The determination by the governing board shall include all of the following findings:

- The average daily census of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 that were impounded in 1998. Average Daily Census is defined as the average number of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 housed on any given day, in a 365-day period;
- The average daily census of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 that were impounded in a given year under the holding periods required by Food and Agriculture Code sections 31108, 31752, and 31753, as added or amended by Statutes of 1998, Chapter 752;
- Existing facilities are not appropriately configured and/or equipped to comply with the increased holding period required by Statutes of 1998, Chapter 752;
- Remodeling existing facilities is not feasible or is more expensive than acquiring additional space and/or constructing new facilities; and
- Contracting with existing private or public shelters in the area
 to house the increase of impounded stray or abandoned dogs,
 cats, or other animals specified in Statutes of 1998, Chapter
 752 is not feasible or is more expensive than acquiring
 additional space and/or constructing new facilities.

Documentation requirements may be satisfied in whole or in part by staff agenda items, staff reports, minutes of governing board meetings, transcripts of governing board meetings, certification by the governing board describing the findings and determination, and/or a resolution adopted by the governing board pursuant to Food and Agriculture Code section 31755, as added by Statutes of 1999, Chapter 81 (Assembly Bill 1482).

2. Remodeling/Renovating Existing Facilities

Beginning January 1, 1999 - Remodeling/renovating existing facilities to provide appropriate or adequate shelter necessary to comply with the mandated activities during the increased holding period for impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 that die during the increased holding period or are ultimately euthanized.

Eligible claimants are only entitled to reimbursement for the proportionate share of actual costs required to plan, design, remodel and/or renovate existing facilities in a given fiscal year based on the pro rata representation of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 that are held during the *increased* holding period specified in Sections IV (B) (3) and (4) of these Parameters and Guidelines and die during the increased holding period or are ultimately euthanized, to the total population of animals housed in the facility (including those animals that are excluded from reimbursement, as specified in Sections IV (B) (3) and (4) of these Parameters and Guidelines) during the entire holding period required by Food and Agriculture Code sections 31108, 31752 and 31753.

<u>Supporting Documentation Submitted with the Initial and Subsequent</u> Reimbursement Claims

Remodeling/renovating existing facilities is reimbursable only to the extent that an eligible claimant submits, with the initial and/or subsequent reimbursement claim, documentation reflecting the following:

A determination by the governing board or a delegated representative that remodeling/renovating existing facilities is necessary because the existing facilities do not reasonably accommodate impounded stray or abandoned dogs, cats and other specified animals that are ultimately euthanized for the increased holding period required by Statutes of 1998, Chapter 752. The determination by the governing board or delegated representative shall include all of the following findings:

 The average daily census of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 that were impounded in 1998. Average Daily Census is defined as the average number of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 housed on any given day, in a 365-day period;

- The average daily census of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 in a given year under the holding periods required by Food and Agriculture Code sections 31108, 31752, and 31753, as added or amended by Statutes of 1998, Chapter 752;
- Existing facilities are not appropriately configured and/or equipped to comply with the increased holding period required by Statutes of 1998, Chapter 752;
- Contracting with existing private or public shelters in the area to house the increase of impounded stray or abandoned dogs, cats, or other animals specified in Statutes of 1998, Chapter 752 is not feasible or is more expensive than remodeling/renovating existing facilities.

Documentation requirements may be satisfied in whole or in part by staff agenda items, staff reports, minutes of governing board meetings, transcripts of governing board meetings, certification by the governing board or declaration from the delegated representative describing the findings and determination, and/or a resolution adopted by the governing board pursuant to Food and Agriculture Code section 31755, as added by Statutes of 1999, Chapter 81 (Assembly Bill 1482).

2. Care and Maintenance for Impounded Stray or Abandoned Dogs and Cats that Die During the Increased Holding Period or are Ultimately Euthanized (Food & Agr. Code, §§ 31108, 31752)

Beginning July 1, 1999 - Providing care and maintenance during the increased holding period for impounded stray or abandoned dogs and cats that die during the increased holding period or are ultimately euthanized. The increased holding period shall be measured by calculating the difference between three days from the day of capture, and four or six business days from the day after impoundment.

Exclusions

Eligible claimants are *not* entitled to reimbursement for the care and maintenance of the following population of dogs and cats:

- Stray or abandoned dogs and cats that are irremediably suffering from a serious illness or severe injury (Food & Agr. Code, § 17006);
- Newborn stray or abandoned dogs and cats that need maternal care and have been impounded without their mothers (Food & Agr. Code, § 17006);

- Stray or abandoned dogs and cats too severely injured to move or where a veterinarian is not available and it would be more humane to dispose of the animal (Pen. Code, §§ 597.1, subd. (e), 597f, subd. (d));
- · Owner relinquished dogs and cats; and
- Stray or abandoned dogs and cats that are ultimately redeemed, adopted, or released to a nonprofit animal rescue or adoption organization.

Methods for Claiming Costs

Eligible claimants may elect one of following two methods to claim costs for the care and maintenance of impounded stray or abandoned dogs and cats that die during the increased holding period or are ultimately euthanized:

- Actual Cost Method Under the actual cost method, actual reimbursable care and maintenance costs per animal per day are computed for an annual claim period.
 - a) Determine the total annual cost of care and maintenance for all dogs and cats impounded at a facility. Total cost of care and maintenance includes labor, materials, supplies, indirect costs, and contract services.
 - b) Determine the average daily census of dogs and cats.
 - c) Multiply the average daily census of dogs and cats by 365 = yearly census of dogs and cats.
 - d) Divide the total annual cost of care by the yearly census of dogs and cats = cost per animal per day.
 - e) Multiply the cost per animal per day, by the number of impounded stray or abandoned dogs and cats that die during the increased holding period or are ultimately euthanized, by each reimbursable day (the difference between three days from the day of capture, and four or six business days from the day after impoundment).
- Time Study Method Under the time study method, a random sample of impounded stray or abandoned dogs and cats are observed to determine the amount of time to provide care and maintenance during a reimbursable day.

The time study shall be developed using one representative month each quarter and be supported with actual source documentation. Time studies shall be conducted on a more frequent basis if there are significant variations of time expended from month to month. The time study shall identify hours devoted to each specific category. If the time study

supports a fixed-cost approach such as an animal day (i.e., dog-day, cat-day, etc.), the eligible claimant shall document the analysis supporting the method used.

Time records used to support the time study shall:

- a) Reflect an after-the-fact distribution of each employee's actual activity;
- b) Account for the total activity for which each employee is compensated;
- c) Account for the total labor hours of the month;
- d) Be signed and dated by the employee not later than the end of the pay period that follows the pay period covered by the report; and
- e) Document, by signature or initials and date, supervisor approval.
- 3. Care and Maintenance for Impounded Stray or Abandoned Animals Specified in Food and Agriculture Code Section 31753 that Die During the Increased Holding Period or are Ultimately Euthanized (Food & Agr. Code, § 31753)

Beginning January 1, 1999 - Providing care and maintenance for four or six business days from the day after impoundment for impounded stray or abandoned rabbits, guinea pigs, hamsters, pot-bellied pigs, birds, lizards, snakes, turtles, and tortoises legally allowed as personal property that die during the increased holding period or are ultimately euthanized.

Exclusions

Eligible claimants are *not* entitled to reimbursement for the care and maintenance of the following population of animals:

- Stray or abandoned animals that are irremediably suffering from a serious illness or severe injury (Food & Agr. Code, § 17006);
- Newborn animals that need maternal care and have been impounded without their mothers (Food & Agr. Code, § 17006);
- Stray or abandoned animals too severely injured to move or where a veterinarian is not available and it would be more humane to dispose of the animal (Pen. Code, §§ 597.1, subd. (e), 597f, subd. (d));
- Owner relinquished animals; and

 Stray or abandoned animals that are ultimately redeemed, adopted, or released to a nonprofit animal rescue or adoption organization.

Methods for Claiming Costs

Eligible claimants may elect one of following two methods to claim costs for the care and maintenance of impounded stray or abandoned animals specified in Food and Agriculture Code section 31753 that die during the increased holding period or are ultimately euthanized:

- Actual Cost Method –Under the actual cost method, actual reimbursable care and maintenance costs per animal per day are computed for an annual claim period.
 - a) Determine the total annual cost of care and maintenance for all animals specified in Food and Agriculture Code section 31753 that are impounded at a facility. Total cost of care and maintenance includes labor, materials, supplies, indirect costs, and contract services.
 - b) Determine the average daily census of the animals specified in Food and Agriculture Code section 31753.
 - c) Multiply the average daily census of the animals specified in Food and Agriculture Code section 31753 by 365 = yearly census of animals specified in Food and Agriculture Code section 31753.
 - d) Divide the total annual cost of care by the yearly census of animals specified in Food and Agriculture Code section 31753 = cost per animal per day.
 - e) Multiply the cost per animal per day, by the number of impounded stray or abandoned animals specified in Food and Agriculture Code section 31753 that die during the increased holding period or are ultimately euthanized, by each reimbursable day (four or six business days from the day after impoundment).
- Time Study Method Under the time study method, a random sample of impounded stray or abandoned animals are observed to determine the amount of time to provide care and maintenance during a reimbursable day.

The time study shall be developed using one representative month each quarter and be supported with actual source documentation. Time studies shall be conducted on a more frequent basis if there are significant variations of time expended from month to month. The time study shall identify hours devoted to each specific category. If the time study supports a fixed-cost approach such as an animal day, the

eligible claimant shall document the analysis supporting the method used.

Time records used to support the time study shall:

- a) Reflect an after-the-fact distribution of each employee's actual activity;
- b) Account for the total activity for which each employee is compensated;
- c) Account for the total labor hours of the month;
- d) Be signed and dated by the employee not later than the end of the pay period that follows the pay period covered by the report; and
- e) Document, by signature or initials and date, supervisor approval.
- 4. Agencies Using the Holding Period of Four Business Days After the Day of Impoundment (Food & Agr. Code, §§ 31108, 31752, 31753)

Beginning January 1, 1999 - For impounded animals specified in Food and Agriculture Code section 31753, either:

- Making the animal available for owner redemption on one weekday evening until at least 7:00 p.m., or one weekend day; or
- For those local agencies with fewer than three full-time employees or that are not open during all regular weekday business hours, establishing a procedure to enable owners to reclaim their animals by appointment at a mutually agreeable time when the agency would otherwise be closed.

Beginning July 1, 1999 - For impounded dogs and cats, either:

- Making the animal available for owner redemption on one weekday evening until at least 7:00 p.m., or one weekend day;
- For those local agencies with fewer than three full-time employees or that are not open during all regular weekday business hours, establishing a procedure to enable owners to reclaim their animals by appointment at a mutually agreeable time when the agency would otherwise be closed.
- 5. Feral Cats (Food & Agr. Code, § 31752.5)

Beginning January 1, 1999 - Verifying whether a cat is feral or tame by using a standardized protocol within the first three days of the required holding period if an apparently feral cat has not been reclaimed by its owner or caretaker. 6. Lost and Found Lists (Food & Agr. Code, § 32001)

Beginning January 1, 1999 - Providing owners of lost animals and those who find lost animals with all of the following:

- Ability to list the animals they have lost or found on "lost and found" lists maintained by the local agency;
- Referrals to animals listed that may be the animals the owner or finders have lost or found;
- The telephone numbers and addresses of other pounds and shelters in the same vicinity;
- Advice as to means of publishing and disseminating information regarding lost animals; and
- The telephone numbers and addresses of volunteer groups that may be of assistance in locating lost animals.
- 7. Maintaining Non-Medical Records (Food & Agr. Code, § 32003)

Beginning January 1, 1999 - Maintaining non-medical records on animals that are either taken up, euthanized after the holding period, or impounded. Such records shall include the following:

- The date the animal was taken up, euthanized, or impounded;
- The circumstances under which the animal is taken up, euthanized, or impounded;
- The names of the personnel who took up, euthanized, or impounded the animal; and
- The final disposition of the animal, including the name of the person who euthanized the animal or the name and address of the adopting party.

The cost of software license renewal contracts, to the extent these costs are not claimed as an indirect cost under these parameters and guidelines, is eligible for reimbursement under Section V (A) (2) of these parameters and guidelines. If the computer software is utilized in some way that is not directly related to the maintenance of records specified in this section, only the pro rata portion of the software license renewal contract that is used for compliance with this section is reimbursable.

8. "Necessary and Prompt Veterinary Care" (Civ. Code, §§ 1834 and 1846)

Beginning January 1, 1999 - Providing "necessary and prompt veterinary care" for stray and abandoned animals, other than injured cats and dogs given emergency treatment, that die during the holding

period or are ultimately euthanized, during the holding periods specified in Statutes of 1998, Chapter 752.

"Necessary and prompt veterinary care" means all reasonably necessary medical procedures performed by a veterinarian or someone under the supervision of a veterinarian to make stray or abandoned animals "adoptable." The following veterinary procedures, if conducted, are eligible for reimbursement:

- An initial physical examination of the animal to determine the animal's baseline health status and classification as "adoptable," "treatable," or "non-rehabilitatable."
- A wellness vaccine administered to "treatable" or "adoptable" animals.
- Veterinary care to stabilize and/or relieve the suffering of a "treatable" animal.
- Veterinary care intended to remedy any applicable disease, injury, or congenital or hereditary condition that adversely affects the health of a "treatable" animal or that is likely to adversely affect the animal's health in the future, until the animal becomes "adoptable."

Population Exclusions

Eligible claimants are *not* entitled to reimbursement for providing "necessary and prompt veterinary care" to the following population of animals:

- Animals that are irremediably suffering from a serious illness or severe injury (Food & Agr. Code, § 17006);
- Newborn animals that need maternal care and have been impounded without their mothers (Food & Agr. Code, § 17006);
- Animals too severely injured to move or where a veterinarian is not available and it would be more humane to dispose of the animal. (Pen. Code, §§ 597.1, subd. (e), 597f, subd. (d));
- Owner relinquished animals; and
- Stray or abandoned animals that are ultimately redeemed, adopted, or released to a nonprofit animal rescue or adoption organization.

Veterinary Care Exclusions

Eligible claimants are *not* entitled to reimbursement for providing the following veterinary procedures:

- Emergency treatment given to injured cats and dogs (Pen. Code, § 597f, subd. (b));
- Administration of rabies vaccination to dogs (Health & Saf. Code, § 121690);
- Implantation of microchip identification;
- Spay or neuter surgery and treatment;
- Euthanasia.
- 10. Beginning January 1, 1999 Procuring medical, kennel, and computer equipment necessary to comply with the reimbursable activities listed in Section IV (B) of these parameters and guidelines, to the extent these costs are not claimed as an indirect cost under Section V (B) of these parameters and guidelines. If the medical, kennel, and computer equipment is utilized in some way not directly related to the mandated program or the population of animals listed in Section IV (B), only the pro rata portion of the activity that is used for the purposes of the mandated program is reimbursable.

V. Claim Preparation and Submission

Each claim for reimbursement must be timely filed and identify each cost element for which reimbursement is claimed under this mandate. Claimed costs must be identified to each reimbursable activity identified in Section IV. of these Parameters and Guidelines.

A. Direct Costs

Direct costs are defined as costs that can be traced to specific goods, services, programs, activities, or functions and shall be supported by the following cost element information:

1. Salaries and Benefits

Identify the employee(s), and/or show the classification of the employee(s) involved. Describe the reimbursable activities performed, specify the actual time devoted to each activity by each employee, and the productive hourly rate, and related fringe benefits.

Reimbursement for personnel services includes compensation paid for salaries, wages, and employee fringe benefits. Employee fringe benefits include regular compensation paid to an employee during periods of authorized absences (e.g., annual leave, sick leave) and the employer's contributions to social security, pension plans, insurance, and worker's compensation insurance. Fringe benefits are eligible for reimbursement when distributed equitably to all job activities performed by the employee.

2. Materials and Supplies

Only expenditures that can be identified as direct costs of this mandate may be claimed. List the cost of the materials and supplies consumed specifically for the purposes of this mandate. Purchases shall be claimed at the actual price after deducting cash discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged based on a recognized method of costing, consistently applied.

Contract Services

Provide the name(s) of the contractor(s) who performed the services, including any fixed contracts for services. Describe the reimbursable activity(ies) performed by each named contractor and give the number of actual hours spent on the activities, if applicable. Show the inclusive dates when services were performed and itemize all costs for those services. Attach consultant invoices to the claim.

4. Travel

Travel expenses for mileage, per diem, lodging, and other employee entitlements are eligible for reimbursement in accordance with the rules of the local jurisdiction. Provide the name(s) of traveler(s), purpose of travel, inclusive dates and times of travel, destination point(s), and travel costs.

5. Training

The cost of training an employee to perform the mandated activities, as specified in Section IV (A) of these Parameters and Guidelines, is eligible for reimbursement. Identify the employee(s) by name and job classification. Provide the title and subject of the training session, the date(s) attended, and the location. Reimbursable costs may include salaries and benefits, registration fees, transportation, lodging, and per diem.

Fixed Assets

List the costs of the fixed assets that have been acquired specifically for the purpose of this mandate. If the fixed asset is utilized in some way not directly related to the mandated program, only the pro-rata portion of the asset that is used for the purposes of the mandated program is reimbursable.

B. Indirect Costs

Compensation for indirect costs is eligible for reimbursement. Indirect costs are those that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the results achieved. After direct costs have been determined and assigned to other activities, as appropriate, indirect costs are those remaining to be allocated to

benefited cost objectives. A cost may not be allocated as an indirect cost if any other cost incurred for the same purpose, in like circumstances, has been claimed as a direct cost.

Indirect costs include (a) the indirect costs originating in each department or agency of the governmental unit carrying out state mandated programs and (b) the costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs.

Claimants have the option of using 10% of direct labor, excluding fringe benefits, or preparing an Indirect Cost Rate Proposal (ICRP) pursuant to the Office of Management and Budget (OMB) Circular A-87.

VI. Supporting Data

For auditing purposes, all costs claimed shall be traceable to source documents (e.g., employee time records, cost allocation reports, invoices, receipts, purchase orders, contracts, worksheets, calendars, declarations, time studies, etc.) that show evidence of the validity of such costs and their relationship to this mandate. All documentation in support of claimed costs shall be made available to the State Controller's Office, as may be requested. Pursuant to Government Code section 17558.5, these documents must be kept on file by the agency submitting the claim for a period of no less than two years after the later of (1) the end of the calendar year in which the reimbursement claim is filed or last amended, or (2) if no funds are appropriated for the fiscal year for which the claim is made, the date of initial payment of the claim.

VII. Offsetting Savings and Other Reimbursements

Any offsetting savings that the claimant experiences as a direct result of this mandate must be deducted from the costs claimed. Additionally, reimbursement for this mandate received from any source shall be identified and deducted from this claim. These sources shall include, but not be limited to, rewards received under the authority of Civil Code section 1845; licensing fees and fines received and applied pursuant to Food and Agriculture Code section 30652, Government Code section 28502, and Penal Code section 597f; other state funds, and federal funds. The fees and fines received pursuant to Food and Agriculture Code section 30652 shall be deducted from the claim according to the priority specified in the statute and stated below:

- First, to pay fees for the issuance of dog license tags pursuant to Food and Agriculture Code section 30652, subdivision (a);
- Second, in accordance with Food and Agriculture Code section 30652, subdivision (b), any excess revenue held after the payment of dog license tags shall be applied to the fees, salaries, costs, expenses, or any or all of them for the enforcement of Division 14 of the Food and Agriculture Code, including Food and Agriculture Code section 31108, and all ordinances that are made pursuant to Division 14. Costs incurred under Food and Agriculture Code section 31108 are

specified in Section IV (B) (1), (2), (3), and (5), and Section IV (A) of these parameters and guidelines. Any or all excess revenue must be applied to the costs incurred under Food and Agriculture Code section 31108 before any revenue can be applied to subdivisions (c) and (d) of Food and Agriculture Code section 30652.

VIII. State Controller's Office Required Certification

An authorized representative of the claimant shall be required to provide a certification of the claim, as specified in the State Controller's Office claiming instructions, for those costs mandated by the state contained herein.

IX. Parameters and Guidelines Amendments

Pursuant to title 2, California Code of Regulations, section 1183.2, Parameters and Guidelines amendments filed before the deadline for initial claims as specified in the Claiming Instructions shall apply to all years eligible for reimbursement as defined in the original Parameters and Guidelines. A Parameters and Guidelines amendment filed after the initial claiming deadline must be submitted on or before January 15, following a fiscal year in order to establish eligibility for reimbursement for the fiscal year.

Tab 6

BEFORE THE

COMMISSION ON STATE MANDATES STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Civil Code Sections 1834 and 1846; Food and Agriculture Code Sections 3 1108; 31752, 31752.5, 31753, 32001, and 32003; As Added or Amended by Statutes of 1998, Chapter 752;

Filed on December 22, 1998;

By the County of Los Angeles, City of Lindsay, County of Tulare, County of Fresno, and Southeast Area Animal Control Authority, Claimants. No. 98-TC-11

Animal Adoption

ADOPTION OF PARAMETERS AND GUIDELINES PURSUANT TO GOVERNMENT CODE SECTION 17557 AND TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 1183.12

(Adopted on February 28, 2002, Effective on March 6, 2002; Corrected on March 20, 2002)

CORRECTED PARAMETERS AND GUIDELINE23

The Parameters and Guidelines are corrected as follows:

- On page 3, under Section IV .A, paragraph 3, line 4, "Section V (B)(8)" was changed to "Section V (B)."
- On page 6, ongoing activity #2, "Care and Maintenance for Impounded Stray or Abandoned Dogs and Cats that Die During, the Increased Holding Period or are Ultimately Euthanized," was renumbered to "3."
- On page 8, ongoing activity #3, "Care and Maintenance for Impounded Stray or Abandoned Animals Specified in Food and Agriculture Code Section 31753 that Die During the Increased Holding Period or are Ultimately Euthanized," was renumbered to "4."
- On page 10, ongoing activity #4, "Agencies Using the Holding Period of Four Busines—Days After the Day of Impoundment"; and ongoing activity #5, "Feral Cats," were renumbered to "5" and "6," respectively,
- On page 11, ongoing activity #6, "Lost and Found Lists"; ongoing activity #7, "Maintaining Non-Medical Records"; and ongoing activity #8, "Necessary and Prompt—Veterinary Care, "were renumbered to "7," "8," and "9," respectively.

PAULA HIGASHI, Executive Director

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PAULA HIGASHI, Executive Director

Adopted: February 28, 2002 Corrected: March 20, 2002

J:/mandates/98TC11/PsGs/correctedPsGs

PARAMETERS AND GUIDELINES

Civil Code Sections 1834 and 1846; Food and Agriculture Code Sections 31108, 3 1752, 31752.5, 31753, 32001, and 32003 As Added or Amended by Statutes of 1998, Chapter 752

Animal Adoption

I. Summary of the Mandate

The test claim legislation was enacted in an attempt to end the euthanasia of adoptable and treatable animals. Generally, the test claim legislation increased the holding period for stray and abandoned dogs, cats, and other specified animals; required the verification of the temperament of feral cats; required the posting of lost and found lists; required the maintenance of records for impounded animals; and required that impounded animals receive "necessary and prompt veterinary care."

The Commission partially approved this test claim, pursuant to article XIII B, section 6 of the California Constitution and Government Code section 175 14, for the *increased* costs in performing the following activities only:

- 1. Providing care and maintenance during the increased holding period for impounded dogs and cats that are ultimately euthanized. The increased holding period shall be measured by calculating the difference between three days from the day of capture and four business days from the day after impoundment, as specified below in 3 (a) and 3 (b), or six business days from the day after impoundment (Food & Agr. Code, §§ 3 1108, 3 1752);
- 2. Providing care and maintenance for four business days from the day after impoundment, as specified below in 3 (a) and 3 (b), or six business days from the day after impoundment, for impounded rabbits, guinea pigs, hamsters, pot-bellied pigs, birds, lizards, snakes, turtles, or tortoises legally allowed as personal property that are ultimately euthanized (Food & Agr. Code, § 3 1753);
- 3. For dogs, cats, and other specified animals held for four business days after the day of impoundment, either:
 - (a) Making the animal available for owner redemption on one weekday evening until at least 7:00 p.m., or one weekend day; or
 - (b) For those local agencies with fewer than three full-time employees or that are not open during all regular weekday business hours, establishing a procedure to enable owners to reclaim their animals by appointment at a

- mutually agreeable time when the agency would otherwise be closed (Food& Agr., Code §§ 31108, 31752, and 31753);
- 4. Verifying whether a cat is feral or tame by using a standardized protocol (Food & Agr. Code, § 3 1752.5);
- 5. Posting lost and found lists (Food & Agr. Code, § 32001);
- 6. Maintaining records on animals that are not medically treated by a veterinarian, but are either taken up, euthanized after the holding period, or impounded (Food & Agr. Code, \$32003); and
- 7. Providing "necessary and prompt veterinary care" for abandoned animals, other than injured cats and dogs given emergency treatment, that are ultimately euthanized (Civ.Code, §§ 1834 and 1846).

II. Eligible Claimants

Any city, county, city and county, dependent special district, and joint powers authority comprised of a city, county, and/or city and county 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, as amended by Statutes of 1998, Chapter 681 (which became effective on September 22, 1998), states that a test claim shall be submitted on or before June 30 following a fiscal year in order to establish eligibility for reimbursement for that fiscal year. On December 22, 1998, the County of Los Angeles filed the test claim for this mandated program, establishing eligibility for reimbursement beginning on or after July 1, 1997.

However, except for the amendments to Food and Agriculture Code sections 3 1108 and 3 1752, Statutes of 1998, Chapter 752 became operative and effective on January 1, 1999. Therefore, except for the amendments to Food and Agriculture Code sections 3 1108 and 3 1752, the costs incurred for Statutes of 1998, Chapter 752 are eligible for reimbursement on or after January 1, 1999.

Section 21 of Statutes of 1998, Chapter 752 establishes an operative date of July 1, 1999 for the amendments to Food and Agriculture Code section 3 1108 (holding period for stray dogs) and Food and Agriculture Code sections 3 1752 (holding period for stray cats). Therefore, costs incurred for Food and Agriculture Code sections 3 1108 and 3 1752, as amended by Statutes of 1998, Chapter 752, are eligible for reimbursement on or after July 1, 1999.

Actual costs for one fiscal year shall be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to section 1756 1, subdivision (d)(1) of the Government Code, all claims for reimbursement of initial years' costs shall be submitted within 120 days of notification by the State Controller of the issuance of claiming instructions.

If the total costs for a given year do not exceed \$200, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.

IV. Reimbursable Activities

For each eligible claimant, all direct and indirect costs of labor, materials, supplies, fixed assets, contracted services, training and travel for the performance of the activities listed below are eligible for reimbursement.

Except as specified in Component (B)(3) and (4), reimbursement claims for the performance of the activities listed below shall be based on actual or estimated costs as provided in Government Code section 17560.

A. One Time Activities

- 1. Develop policies and procedures to implement the reimbursable activities listed in Section IV (B) of these parameters and guidelines.
- 2. Train staff on the reimbursable activities listed in Section IV (B) of these parameters and guidelines. (One-time per employee.)
- 3. Develop or procure computer software for the maintenance of records on animals specified in Section IV (B) (8) of these parameters and guidelines to the extent these costs are not claimed as an indirect cost under Section V (B) (8) of these parameters and guidelines. If the computer software is utilized in some way that is not directly related to the maintenance of records specified in Section IV (B) (8), only the pro rata portion of the activity that is used for compliance with Section IV (B) (8) is reimbursable.

B. Ongoing Activities

Acquisition of Additional Space and/or Construction of New Facilities
Beginning January 1, 1999 - Acquiring additional space by purchase
or lease and/or construction of new facilities to provide appropriate or
adequate shelter necessary to comply with the mandated activities
during the increased holding period for impounded stray or abandoned
dogs, cats, and other animals specified in Statutes of 1998, Chapter
752 that die during the increased holding period or are ultimately
euthanized.

Eligible claimants are only entitled to reimbursement for the proportionate share of actual costs required to plan, design, acquire, and/or build facilities in a given fiscal year based on the pro rata representation of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 that are held during the *increased* holding period specified in Sections IV (B) (3) and (4) of these Parameters and Guidelines and die during the increased holding period or are ultimately euthanized, to the total population of animals housed in the facility (including those animals that are excluded from

reimbursement, as specified in Sections IV (B) (3) and (4) of these Parameters and Guidelines) during the entire holding period required by Food and Agriculture Code sections 3 1108, 3 1752 and 3 1753.

Supporting Documentation Submitted with the Initial and Subsequent Reimbursement Claims

Acquiring additional space and/or construction of new facilities is reimbursable only to the extent that an eligible claimant submits, with the initial and/or subsequent reimbursement claim, documentation reflecting the following:

A determination by the governing board that acquiring additional space and/or constructing new facilities is necessary for the increased holding period required by Statutes of 1998, Chapter 752 because the existing facilities do not reasonably accommodate impounded stray or abandoned dogs, cats and other specified animals that are ultimately euthanized. The determination by the governing board shall include all of the following findings:

- The average daily census of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998,
 Chapter 752 that were impounded in 1998. Average Daily Census is defined as the average number of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 housed on any given day, in a 365-day period;
- The average daily census of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 that were impounded in a given year under the holding periods required by Food and Agriculture Code sections 31108, 31752, and 31753, as added or amended by Statutes of 1998, Chapter 752;
- Existing facilities are not appropriately configured and/or equipped to comply with the increased holding period required by Statutes of 1998, Chapter 752;
- Remodeling existing facilities is not feasible or is more expensive than acquiring additional space and/or constructing new facilities; and
- Contracting with existing private or public shelters in the area to house the increase of impounded stray or abandoned dogs, cats, or other animals specified in Statutes of 1998, Chapter 752 is not feasible or is more expensive than acquiring additional space and/or constructing new facilities.

Documentation requirements may be satisfied in whole or in part by staff agenda items, staff reports, minutes of governing board meetings, transcripts of governing board meetings, certification by the governing board describing the findings and determination, and/or a resolution adopted by the governing board pursuant to Food and Agriculture Code section 3 1755, as added by Statutes of 1999, Chapter 8 1 (Assembly Bill 1482).

2. Remodeling/Renovating Existing Facilities

Beginning January 1, 1999 - Remodeling/renovating existing facilities to provide appropriate or adequate shelter necessary to comply with the mandated activities during the increased holding period for impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 that die during the increased holding period or are ultimately euthanized.

Eligible claimants are only entitled to reimbursement for the proportionate share of actual costs required to plan, design, remodel and/or renovate existing facilities in a given fiscal year based on the pro rata representation of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 that are held during the *increased* holding period specified in Sections IV (B) (3) and (4) of these Parameters and Guidelines and die during the increased holding period or are ultimately euthanized, to the total population of animals housed in the facility (including those animals that are excluded from reimbursement, as specified in Sections IV (B) (3) and (4) of these Parameters and Guidelines) during the entire holding period required by Food and Agriculture Code sections 3 1108, 31752 and 31753.

<u>Supporting Documentation Submitted with the Initial and Subsequent Reimbursement Claims</u>

Remodeling/renovating existing facilities is reimbursable only to the extent that an eligible claimant submits, with the initial and/or subsequent reimbursement claim, documentation reflecting the following:

A determination by the governing board or a delegated representative that remodeling/renovating existing facilities is necessary because the existing facilities do not reasonably accommodate impounded stray or abandoned dogs, cats and other specified animals that are ultimately euthanized for the increased holding period required by Statutes of 1998, Chapter 752. The determination by the governing board or delegated representative shall include all of the following findings:

The average daily census of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 that were impounded in 1998. Average Daily Census is defined as the average number of impounded stray or

abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 housed on any given day, in a 365-day period;

- The average daily census of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 in a given year under the holding periods required by Food and Agriculture Code sections 3 1108, 3 1752, and 31753, as added or amended by Statutes of 1998, Chapter 752;
- Existing facilities are not appropriately configured and/or equipped to comply with the increased holding period required by Statutes of 1998, Chapter 752;
- Contracting with existing private or public shelters in the area to house the increase of impounded stray or abandoned dogs, cats, or other animals specified in Statutes of 1998, Chapter 752 is not feasible or is more expensive than remodeling/renovating existing facilities.

Documentation requirements may be satisfied in whole or in part by staff agenda items, staff reports, minutes of governing board meetings, transcripts of governing board meetings, certification by the governing board or declaration from the delegated representative describing the findings and determination, and/or a resolution adopted by the governing board pursuant to Food and Agriculture Code section 3 1755, as added by Statutes of 1999, Chapter 8 1 (Assembly Bill 1482).

2.3. Care and Maintenance for Impounded Stray or Abandoned Dogs and Cats that Die During the Increased Holding Period or are Ultimately Euthanized (Food & Agr. Code, §§ 3 1108, 3 1752)

Beginning July 1, 1999 - Providing care and maintenance during the increased holding period for impounded stray or abandoned dogs and cats that die during the increased holding period or are ultimately euthanized. The increased holding period shall be measured by calculating the difference between three days from the day of capture, and four or six business days from the day after impoundment.

Exclusions ____

Eligible claimants are *not* entitled to reimbursement for the care and maintenance of the following population of dogs and cats:

- Stray or abandoned dogs and cats that are irremediably suffering from a serious illness or severe injury (Food & Agr. Code, § 17006);
- Newborn stray or abandoned dogs and cats that need maternal care and have been impounded without their mothers (Food & Agr. Code, § 17006);

- Stray or abandoned dogs and cats too severely injured to move or where a veterinarian is not available and it would be more humane to. dispose of the animal (Pen. Code, §§ 597.1, subd. (e), 597f, subd. (d));
- Owner relinquished dogs and cats; and
- Stray or abandoned dogs and cats that are ultimately redeemed, adopted, or released to a nonprofit animal rescue or adoption organization.

Methods for Claiming Costs

Eligible claimants may elect one of following two methods to claim costs for the care and maintenance of impounded stray or abandoned dogs and cats that die during the increased holding period or are ultimately euthanized:

- Actual Cost Method Under the actual cost method, actual reimbursable care and maintenance costs per animal per day are computed for an annual claim period.
 - a) Determine the total annual cost of care and maintenance for all dogs and cats impounded at a facility. Total cost of care and maintenance includes labor, materials, supplies, indirect costs, and contract services,
 - b) Determine the average daily census of dogs and cats.
 - c) Multiply the average daily census of dogs and cats by 365 = yearly census of dogs and cats.
 - d) Divide the total annual cost of care by the yearly census of dogs and cats = cost per animal per day.
 - e) Multiply the cost per animal per day, by the number of impounded stray or abandoned dogs and cats that die during the increased holding period or are ultimately euthanized, by each reimbursable day (the difference between three days from the day of capture, and four or six business days from the day after impoundment).
- Time Study Method Under the time study method, a random sample of impounded stray or abandoned dogs and cats are observed to determine the amount of time to provide care and maintenance during a reimbursable day.

The time study shall be developed using one representative month each quarter and be supported with actual source documentation. Time studies shall be conducted on a more frequent basis if there are significant variations of time expended from month to month. The time study shall identify hours devoted to each specific category. If the time study

supports a fixed-cost approach such as an animal day (i.e., dog-day, cat-day, etc.), the eligible claimant shall document the analysis supporting the method used.

Time records used to support the time study shall:

- a) Reflect an after-the-fact distribution of each employee's actual activity;
- b) Account for the total activity for which each employee is compensated;
- c) Account for the total labor hours of the month;
- d) Be signed and dated by the employee not later than the end of the pay period that follows the pay period covered by the report; and
- e) Document, by signature or initials and date, supervisor approval.
- 3.4. Care and Maintenance for Impounded Stray or Abandoned Animals Specified in Food and Agriculture Code Section 3 1753 that Die During the Increased Holding Period or are Ultimately Euthanized (Food & Agr. Code, § 3 1753)

Beginning January 1, 1999 - Providing care and maintenance for four or six business days from the day after impoundment for impounded stray or abandoned rabbits, guinea pigs, hamsters, pot-bellied pigs, birds, lizards, snakes, turtles, and tortoises legally allowed as personal property that die during the increased holding period or are ultimately euthanized.

Exclusions

Eligible claimants are *not* entitled to reimbursement for the care and maintenance of the following population of animals:

- Stray or abandoned animals that are irremediably suffering from a serious illness or severe injury (Food & Agr. Code, § 17006);
- Newborn animals that need maternal care and have been impounded without their mothers (Food & Agr. Code, § 17006);
- Stray or abandoned animals too severely injured to move or where a veterinarian is not available and it would be more humane to dispose of the animal (Pen. Code, §§ 597.1, subd. (e), 597f, subd. (d));
- Owner relinquished animals; and

Stray or abandoned animals that are ultimately redeemed, adopted, or released to a nonprofit animal rescue or adoption organization.

Methods for Claiming Costs

Eligible claimants may elect one of following two methods to claim costs for the care and maintenance of impounded stray or abandoned animals specified in Food and Agriculture Code section 3 1753 that die during the increased holding period or are ultimately euthanized:

- Actual Cost Method -Under the actual cost method, actual reimbursable care and maintenance costs per animal per day are computed for an annual claim period.
 - a) Determine the total annual cost of care and maintenance for all animals specified in Food and Agriculture Code section 3 1753 that are impounded at a facility. Total cost of care and maintenance includes labor, materials, supplies, indirect costs, and contract services.
 - b) Determine the average daily census of the animals specified in Food and Agriculture Code section 3 1753.
 - c) Multiply the average daily census of the animals specified in Food and Agriculture Code section 3 1753 by 365 = yearly census of animals specified in Food and Agriculture Code section 3 1753.
 - d) Divide the total annual cost of care by the yearly census of animals specified in Food and Agriculture Code section 3 1753 = cost per animal per day.
 - e) Multiply'the cost per animal per day, by the number of impounded stray or abandoned animals specified in Food and Agriculture Code section 3 1753 that die during the increased holding period or are ultimately euthanized, by each reimbursable day (four or six business days from the day after impoundment).
- Time Study Method Under the time study method, a random sample of impounded stray or abandoned animals are observed to determine the amount of time to provide care and maintenance during a reimbursable day.

The time study shall be developed using one representative month each quarter and be supported with actual source documentation. Time studies shall be conducted on a more frequent basis if there are significant variations of time expended from month to month. The time study shall identify hours devoted to each specific category. If the time study supports a fixed-cost approach such as an animal day, the

eligible claimant shall document the analysis supporting the method used.

Time records used to support the time study shall:

- a) Reflect an after-the-fact distribution of each employee's actual activity;
- b) Account for the total activity for which each employee is compensated;
- c) Account for the total labor hours of the month;
- d) Be signed and dated by the employee not later than the end of the pay period that follows the pay period covered by the report; and
- e) Document, by signature or initials and date, supervisor approval.
- 4.5. Agencies Using the Holding Period of Four Business Days After the Day of Impoundment (Food & Agr. Code, §§ 3 1108, 3 1752, 3 1753)

Beginning January 1, 1999 - For impounded animals specified in Food and Agriculture Code section 3 1753, either:

- Making the animal available for owner redemption on one weekday evening until at least 7:00 p.m., or one weekend day; or
- For those local agencies with fewer than three full-time employees or that are not open during all regular weekday business hours, establishing a procedure to enable owners to reclaim their animals by appointment at a mutually agreeable time when the agency would otherwise be closed.

Beginning July 1, 1999 - For impounded dogs and cats, either:

- Making the animal available for owner redemption on one weekday evening until at least 7:00 p.m., or one weekend day; or
- For those local agencies with fewer than three full-time employees or that are not open during all regular weekday business hours, establishing a procedure to enable owners to reclaim their animals by appointment at a mutually agreeable time when the agency would otherwise be closed.

5.6. Feral Cats (Food & Agr. Code, § 3 1752.5)

Beginning January 1, 1999 - Verifying whether a cat is feral or tame by using a standardized protocol within the first three days of the required holding period if an apparently feral cat has not been reclaimed by its owner or caretaker.

6.7. Lost and Found Lists (Food & Agr. Code, § 32001)

Beginning January 1, 1999 - Providing owners of lost animals and those who find lost animals with all of the following:

- Ability to list the animals they have lost or found on "lost and found" lists maintained by the local agency;
- Referrals to animals listed that may be the animals the owner or finders have lost or found;
- The telephone numbers and addresses of other pounds and shelters in the same vicinity;
- Advice as to means of publishing and disseminating information regarding lost animals; and
- The telephone numbers and addresses of volunteer groups that may be of assistance in locating lost animals.

7-8. Maintaining Non-Medical Records (Food & Agr. Code, § 32003)

Beginning January 1, 1999 - Maintaining non-medical records on animals that are either taken up, euthanized after the holding period, or impounded. Such records shall include the following:

- The date the animal was taken up, euthanized, or impounded;
- The circumstances under which the animal is taken up, euthanized, or impounded;
- The names of the personnel who took up, euthanized, or impounded the animal; and
- The final disposition of the animal, including the name of the person who euthanized the animal or the name and address of the adopting party.

The cost of software license renewal contracts, to the extent these costs are not claimed as an indirect cost under these parameters and guidelines, is eligible for reimbursement under Section V (A) (2) of these parameters and guidelines. If the computer software is utilized in some way that is not directly related to the maintenance of records specified in this section, only the pro rata portion of the software license renewal contract that is used for compliance with this section is reimbursable.

8.9. "Necessary and Prompt Veterinary Care" (Civ. Code, §§ 1834 and 1846)

Beginning January 1, 1999 - Providing "necessary and prompt veterinary care" for stray and abandoned animals, other than injured cats and dogs given emergency treatment, that die during the holding

period or are ultimately euthanized, during the holding periods specified in Statutes of 1998, Chapter 752.

"Necessary and prompt veterinary care" means all reasonably necessary medical procedures performed by a veterinarian or someone under the supervision of a veterinarian to make stray or abandoned animals "adoptable." The following veterinary procedures, if conducted, are eligible for reimbursement:

- An initial physical examination of the animal to determine the animal's baseline health status and classification as "adoptable, "treatable, or non-rehabilitatable."
- A wellness vaccine administered to "treatable" or "adoptable" animals.
- Veterinary care to stabilize and/or relieve the suffering of a "treatable" animal.
- Veterinary care intended to remedy any applicable disease, injury, or congenital or hereditary condition that adversely affects the health of a "treatable" animal or that is likely to adversely affect the animal's health in the future, until the animal becomes "adoptable."

Pouulation Exclusions

Eligible claimants are *not* entitled to reimbursement for providing "necessary and prompt veterinary care" to the following population of animals:

- Animals that are irremediably suffering from a serious illness or severe injury (Food & Agr. Code, § 17006);
- Newborn animals that need maternal care and have been impounded without their mothers (Food & Agr. Code, § 17006);
- Animals too severely injured to move or where a veterinarian is not available and it would be more humane to dispose of the animal. (Pen. Code, §§ 597.1, subd. (e), 597f, subd. (d));
- e Owner relinquished animals; and
- Stray or abandoned animals that are ultimately redeemed, adopted, or released to a nonprofit animal rescue or adoption organization.

Veterinary Care Exclusions

Eligible claimants are *not* entitled to reimbursement for providing the following veterinary procedures:

- Emergency treatment given to injured cats and dogs (Pen. Code, § 597f, subd. (b));
- Administration of rabies vaccination to dogs (Health & Saf. Code, § 121690);
- Implantation of microchip identification;,
- Spay or neuter surgery and treatment;
- Euthanasia.
- 10. Beginning January 1, 1999 Procuring medical, kennel, and computer equipment necessary to comply with the reimbursable activities listed in Section IV (B) of these parameters and guidelines, to the extent these costs are not claimed as an indirect cost under Section V (B) of these parameters and guidelines. If the medical, kennel, and computer equipment is utilized in some way not directly related to the mandated program or the population of animals listed in Section IV (B), only the pro rata portion of the activity that is used for the purposes of the mandated program is reimbursable.

V. Claim Preparation and Submission

Each claim for reimbursement must be timely filed and identify each cost element for which reimbursement is claimed under this mandate. Claimed costs must be identified to each reimbursable activity identified in Section IV. of these Parameters and Guidelines.

A. Direct Costs

Direct costs are defined as costs that can be traced to specific goods, services, programs, activities, or functions and shall be supported by the following cost element information:

1. Salaries and Benefits

Identify the employee(s), and/or show the classification of the employee(s) involved. Describe the reimbursable activities performed, specify the actual time devoted to each activity by each employee, and the productive hourly rate, and related fringe benefits.

Reimbursement for personnel services includes compensation paid for salaries, wages, and employee fringe benefits. Employee fringe benefits include regular compensation paid to an employee during periods of authorized absences (e.g., annual leave, sick leave) and the employer's contributions to social security, pension plans, insurance, and worker's compensation insurance. Fringe benefits are eligible for reimbursement when distributed equitably to all job activities performed by the employee.

2. Materials and Supplies

Only expenditures that can be identified as direct costs of this mandate may be claimed. List the cost of the materials and supplies consumed specifically for the purposes of this mandate. Purchases shall be claimed at the actual price after deducting cash discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged based on a recognized method of costing, consistently applied.

3. Contract Services

Provide the name(s) of the contractor(s) who performed the services, including any fixed contracts for services. Describe the reimbursable activity(ies) performed by each named contractor and give the number of actual hours spent on the activities, if applicable. Show the inclusive dates when services were performed and itemize all costs for those services. Attach consultant invoices to the claim.

4. Travel

Travel expenses for mileage, per diem, lodging, and other employee entitlements are eligible for reimbursement in accordance with the rules of the local jurisdiction. Provide the name(s) of traveler(s), purpose of travel, inclusive dates and times of travel, destination point(s), and travel costs.

5. Training

The cost of training an employee to perform the mandated activities, as specified in Section IV (A) of these Parameters and Guidelines, is eligible for reimbursement. Identify the employee(s) by name and job classification. Provide the title and subject of the training session, the date(s) attended, and the location. Reimbursable costs may include salaries and benefits, registration fees, transportation, lodging, and per diem.

6. Fixed Assets

List the costs of the fixed assets that have been acquired specifically for the purpose of this mandate. If the fixed asset is utilized in some way not directly related to the mandated program, only the pro-rata portion of the asset that is used for the purposes of the mandated program is reimbursable.

B. Indirect Costs

Compensation for indirect costs is eligible for reimbursement. Indirect costs are those that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the results achieved. After direct costs have been determined and assigned to other activities, as appropriate, indirect costs are those remaining to be

allocated to benefited cost objectives. A cost may not be allocated as an indirect cost if any other cost incurred for the same purpose, in like circumstances, has been claimed as a direct cost.

Indirect costs include (a) the indirect costs originating in each department or agency of the governmental unit carrying out state mandated programs and (b) the costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs.

Claimants have the option of using 10 % of direct labor, excluding fringe benefits, or preparing an Indirect Cost Rate Proposal (ICRP) pursuant to the Office of Management and Budget (OMB) Circular A-87.

VI. Supporting Data

For auditing purposes, all costs claimed shall be traceable to source documents (e.g., employee time records, cost allocation reports, invoices, receipts, purchase orders, contracts, worksheets, calendars, declarations, time studies, etc.) that show evidence of the validity of such costs and their relationship to this mandate. All documentation in support of claimed costs shall be made available to the State Controller's Office, as may be requested. Pursuant to Government Code section 1755 8.5, these documents must be kept on file by the agency submitting the claim for a period of no less than two years after the later of (1) the end of the calendar year in which the reimbursement claim is filed or last amended, or (2) if no funds are appropriated for the fiscal year for which the claim is made, the date of initial payment of the claim.

VII. Offsetting Savings and Other Reimbursements

Any offsetting savings that the claimant experiences as a direct result of this mandate must be deducted from the costs claimed. Additionally, reimbursement for this mandate received from any source shall be identified and deducted from this claim. These sources shall include, but not be limited to, rewards received under the authority of Civil Code section 1845; licensing fees and fines received and applied pursuant to Food and Agriculture Code section 30652, Government Code section 28502, and Penal Code section 597f; other state funds, and federal funds. The fees and fines received pursuant to Food and Agriculture Code section 30652 shall be deducted from the claim according to the priority specified in the statute and stated below:

- First, to pay fees for the issuance of dog license tags pursuant to Food and Agriculture Code section 30652, subdivision (a);
- Second, in accordance with Food and Agriculture Code section 30652, subdivision (b), any excess revenue held after the payment of dog license tags shall be applied to the fees, salaries, costs, expenses, or any or all of them for the enforcement of Division 14 of the Food and Agriculture Code, including Food and Agriculture Code section 3 1108, and all ordinances that are made pursuant to Division 14.

Costs incurred under Food and Agriculture Code section 3 1108 are specified in Section IV (B) (1), (2), (3), and (5), and Section IV (A) of these parameters and guidelines. Any or all excess revenue must be applied to the costs incurred under Food and Agriculture Code section 3 1108 before any revenue can be applied to subdivisions (c) and (d) of Food and Agriculture Code section 30652.

VIII. State Controller's Office Required Certification

An authorized representative of the claimant shall be required to provide a certification of the claim, as specified in the State Controller's Office claiming instructions, for those costs mandated by the state contained herein.

IX. Parameters and Guidelines Amendments

Pursuant to title 2, California Code of Regulations, section 1183.2, Parameters and Guidelines amendments filed before the deadline for initial claims as specified in the Claiming Instructions shall apply to all years eligible for reimbursement as defined in the original Parameters and Guidelines. A Parameters and Guidelines amendment filed after the initial claiming deadline must be submitted on or before January 15, following a fiscal year in order to establish eligibility for reimbursement for the fiscal year.

Tab 7

BEFORE THE COMMISSION ON STATE MANDATES STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Civil Code Sections 1834 and 1846; Food and Agriculture Code Sections 31108; 31752, 31752.5, 31753, 32001, and 32003; As Added or Amended by Statutes of 1998, Chapter 752;

Filed on December 22, 1998;

By the County of Los Angeles, City of Lindsay, County of Tulare, County of Fresno, and Southeast Area Animal Control Authority, Claimants NO. 04-PGA-01 and 02 (98-TC-11)

ANIMAL ADOPTION

ADOPTION OF PARAMETERS AND GUIDELINES AMENDMENT PURSUANT TO GOVERNMENT CODE SECTION 17557 AND TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 1183.2.

Adopted on January 26, 2006

PARAMETERS AND GUIDELINES AMENDMENT

On January 26, 2006, the Commission on State Mandates adopted the attached Parameters and Guidelines Amendment for the *Animal Adoption* program. The period of reimbursement for the activities in this parameters and guidelines amendment begins on July 1, 2005, as specified.

Date: February 1, 2006

Paula Higashi, Executive Director

MAILED: Mail List PAXED:

CHRON: FILE: VD

FILE: VD

WORKING BINDER:

Amended: January 26, 2006 Adopted: February 28, 2002 j:mandates/2004/pga/04pga01 and 02/draftpga

PARAMETERS AND GUIDELINES AMENDMENT

Civil Code Sections 1834 and 1846; Food and Agriculture Code Sections 31108, 31752, 31752.5, 31753, 32001, and 32003 As Added or Amended by Statutes of 1998, Chapter 752

AND

Amended Pursuant to Statutes 2004, Chapter 313 (AB 2224) and Request of the State Controller's Office

Animal Adoption

I. Summary of the Mandate

The test claim legislation was enacted in an attempt to end the euthanasia of adoptable and treatable animals. Generally, the test claim legislation increased the holding period for stray and abandoned dogs, cats, and other specified animals; required the verification of the temperament of feral cats; required the posting of lost and found lists; required the maintenance of records for impounded animals; and required that impounded animals receive "necessary and prompt veterinary care."

The Commission partially approved this test claim, pursuant to article XIII B, section 6 of the California Constitution and Government Code section 17514, for the *increased costs* in performing the following activities only:

- 1. Providing care and maintenance during the increased holding period for impounded dogs and cats that are ultimately euthanized. The increased holding period shall be measured by calculating the difference between three days from the day of capture and four business days from the day after impoundment, as specified below in 3 (a) and 3 (b), or six business days from the day after impoundment (Food & Agr. Code, §§ 31108, 31752);
- 2. Providing care and maintenance for four business days from the day after impoundment, as specified below in 3 (a) and 3 (b), or six business days from the day after impoundment, for impounded rabbits, guinea pigs, hamsters, pot-bellied pigs, birds, lizards, snakes, turtles, or tortoises legally allowed as personal property that are ultimately euthanized (Food & Agr. Code, § 31753);
- 3. For dogs, cats, and other specified animals held for four business days after the day of impoundment, either:
 - (a) Making the animal available for owner redemption on one weekday evening until at least 7:00 p.m., or one weekend day; or

- (b) For those local agencies with fewer than three full-time employees or that are not open during all regular weekday business hours, establishing a procedure to enable owners to reclaim their animals by appointment at a mutually agreeable time when the agency would otherwise be closed (Food & Agr., Code §§ 31108, 31752, and 31753);
- 4. Verifying whether a cat is feral or tame by using a standardized protocol (Food & Agr. Code, § 31752.5);
- 5. Posting lost and found lists (Food & Agr. Code, § 32001);
- 6. Maintaining records on animals that are not medically treated by a veterinarian, but are either taken up, euthanized after the holding period, or impounded (Food & Agr. Code, § 32003); and
- 7. Providing "necessary and prompt veterinary care" for abandoned animals, other than injured cats and dogs given emergency treatment, that are ultimately euthanized (Civ.Code, §§ 1834 and 1846).

II. Eligible Claimants

Any city, county, city and county, dependent special district, and joint powers authority comprised of a city, county, and/or city and county 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

The period of reimbursement for the activities in this parameters and guidelines amendment begins on July 1, 2005.

Pursuant to Government Code section 17560, reimbursement for statemandated costs may be claimed as follows:

- 1. A local agency may file an estimated reimbursement claim by January 15 of the fiscal year in which costs are to be incurred, and, by January 15 following that fiscal year shall file an annual reimbursement claim that details the costs actually incurred for that fiscal year; or it may comply with the provisions of subdivision (b).
- 2. A local agency may, by January 15 following the fiscal year in which costs are incurred, file an annual reimbursement claim that details the costs actually incurred for that fiscal year.
- 3. In the event revised claiming instructions are issued by the Controller pursuant to subdivision (c) of section 17558 between October 15 and January 15, a local agency filing an annual reimbursement claim shall have 120 days following the issuance date of the revised claiming instructions to file a claim.

Reimbursable actual costs for one fiscal year shall be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to Government Code section 17561, subdivision (d)(1), all claims for reimbursement of initial years' costs shall be submitted within

120 days of the issuance of the State Controller's 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.

There shall be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

IV. Reimbursable Activities

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, 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.

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 are reimbursable:

A. One Time Activities

- 1. Develop policies and procedures to implement the reimbursable activities listed in Section IV (B) of these parameters and guidelines.
- 2. Train staff on the reimbursable activities listed in Section IV (B) of these parameters and guidelines. (One-time per employee.)
- 3. Develop or procure computer software for the maintenance of records on animals specified in Section IV (B) (8) of these parameters and guidelines to the extent these costs are not claimed as an indirect cost under Section V (B) (8) of these parameters and guidelines. If the computer software is utilized in some way that is not directly related to the maintenance of records specified in Section IV (B) (8), only the

pro rata portion of the activity that is used for compliance with Section IV (B) (8) is reimbursable.

B. Ongoing Activities

1. Acquisition of Additional Space and/or Construction of New Facilities

Beginning January 1, 1999 - Acquiring additional space by purchase or lease and/or construction of new facilities to provide appropriate or adequate shelter necessary to comply with the mandated activities during the increased holding period for impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 that die during the increased holding period or are ultimately euthanized.

Eligible claimants are only entitled to reimbursement for the proportionate share of actual costs required to plan, design, acquire, and/or build facilities in a given fiscal year based on the pro rata representation of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 that are held during the *increased* holding period specified in Sections IV (B) (3) and (4) of these Parameters and Guidelines and die during the increased holding period or are ultimately euthanized, to the total population of animals housed in the facility (including those animals that are excluded from reimbursement, as specified in Sections IV (B) (3) and (4) of these Parameters and Guidelines) during the entire holding period required by Food and Agriculture Code sections 31108, 31752 and 31753.

Formula for Proportionate Share of Actual Costs:

Where:

- (A) = Shelter square footage, 1998
- (B) = Total animal average daily census (ADC), 1998
- (C) = Square footage per ADC, 1998 (=A/B)
- (D) = Total dog/cat ADC, 1998
- (E) = Shelter square footage, claim year
- (F) = Total dog/cat ADC, claim year
- (G) = Eligible dog/cat ADC, claim year
- (H) = Eligible other animal ADC, claim year
- (I) = Eligible dog/cat square footage, claim year

For shelters that meet the conditions of to Food and Agricultural Code section 31108(a)(1) or (2) for dogs, and section 31752(a)(1) or (2) for cats: ¹

$$(I) = 2/5 \times C \times F$$

For shelters that do not meet the conditions of Food and Agricultural Code section 31108(a)(1) or (2) for dogs, and section 31752(a)(1) or (2) for cats:

$$(I) - 4/7 \times C \times F$$

(J) = Reduction in eligible square footage due to decline in total dog/cat population (cannot exceed 0)

For shelters that meet the conditions of Food and Agricultural Code section 31108(a)(1) or (2) for dogs, and section 31752(a)(1) or (2) for cats:²

$$(J) = [(F/5 - D/3 \times C \times D)] / (D/3)$$

For shelters that do not meet the conditions of Food and Agricultural Code section 31108(a)(10 or (2) for dogs, and section 31752(a)(1) or (2) for cats:

$$(J) = [(F/7 - D/3) \times C \times D] / (D/3)$$

(K) = Net eligible dog/cat square footage (cannot be less than 0)

$$(K = I + J)$$

(L) = Percentage of eligible dog/cat ADC, claim year (L = G/F)

$$(M)$$
 = Allowable dog/cat square footage $(M = K \times L)$

- (N) = Allowable square footage for other animals specified by Food and Agricultural Code section 31573 (N = C x H)
- (P) = Eligible percentage of acquisition/construction costs (cannot exceed 100%) [P = (M+N) / ((E-A))]

Statutes 2004, chapter 313 specifies that costs incurred to address preexisting shelter overcrowding or animal population growth are not reimbursable. The mandate reimburses for costs required due to the

In order to select this option claimants must either make the animal available for owner redemption on one weekday evening until at least 7:00 p.m., or one weekend day; or (b) Have fewer than three full-time employees or are not open during all regular weekday business hours, establishing a procedure to enable owners to reclaim their animals by appointment at a mutually agreeable time when the agency would otherwise be closed.

² In order to select this option claimants must either make the animal available for owner redemption on one weekday evening until at least 7:00 p.m., or one weekend day; or (b) Have fewer than three full-time employees or are not open during all regular weekday business hours, establishing a procedure to enable owners to reclaim their animals by appointment at a mutually agreeable time when the agency would otherwise be closed.

increased holding period required by Statutes 1998, chapter 752. In calculating net eligible dog/cat square footage, the formula recognizes that a decline in the number of animals sheltered may offset the effect of the increased holding period. For example, if the dog/cat average daily census does not change between the 1998 base year and the claim year, there is no additional square footage required.

The mandate reimburses only for costs attributable to eligible animals. Prior to Statutes 1998, chapter 752, shelters were required to hold dogs and cats for three days, whereas there was no required holding period for other animals. Therefore, the mandate reimbursable percentage formula separately calculates allowable square footage for dogs and cats, and allowable square footage for other animals specified by Food and Agricultural Code section 31753.

Acquisition/construction costs that are less than or equal to the cost of contract services for eligible animals are reimbursable.

Claimants may recalculate the eligible percentage of acquisition/construction costs each year, based on current animal population statistics. However, claimants may only claim allowable costs that have not been claimed in previous fiscal years.

Supporting Documentation Submitted with the Initial and Subsequent Reimbursement Claims

Acquiring additional space and/or construction of new facilities is reimbursable only to the extent that an eligible claimant submits, with the initial and/or subsequent reimbursement claim, documentation reflecting the following:

A determination by the governing board that acquiring additional space and/or constructing new facilities is necessary for the increased holding period required by Statutes of 1998, Chapter 752 because the existing facilities do not reasonably accommodate impounded stray or abandoned dogs, cats and other specified animals that are ultimately euthanized. The determination by the governing board shall include all of the following findings:

- The average daily census of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 that were impounded in 1998. For purposes of claiming reimbursement under section IV.B.1, average Daily Census is defined as the average number of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 housed on any given day, in a 365-day period;
- The average daily census of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 that were impounded in a given year under the

holding periods required by Food and Agriculture Code sections 31108, 31752, and 31753, as added or amended by Statutes of 1998, Chapter 752;

- Existing facilities are not appropriately configured and/or equipped to comply with the increased holding period required by Statutes of 1998, Chapter 752;
- Remodeling existing facilities is not feasible or is more expensive than acquiring additional space and/or constructing new facilities to comply with the increased holding period required by Statutes 1998, chapter 752; and
- Contracting with existing private or public shelters in the area
 to house the increase of impounded stray or abandoned dogs,
 cats, or other animals specified in Statutes 1998, chapter 752 is
 not feasible or is more expensive than acquiring additional
 space and/or constructing new facilities to comply with the
 increased holder period required by Statutes 1998, chapter 752.
 This finding should include the cost to contract with existing
 shelters..

Documentation requirements may be satisfied in whole or in part by staff agenda items, staff reports, minutes of governing board meetings, transcripts of governing board meetings, certification by the governing board describing the findings and determination, and/or a resolution adopted by the governing board pursuant to Food and Agriculture Code section 31755, as added by Statutes of 1999, Chapter 81 (Assembly Bill 1482).

2. Remodeling/Renovating Existing Facilities

Beginning January 1, 1999 - Remodeling/renovating existing facilities to provide appropriate or adequate shelter necessary to comply with the mandated activities during the increased holding period for impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 that die during the increased holding period or are ultimately euthanized.

Eligible claimants are only entitled to reimbursement for the proportionate share of actual costs required to plan, design, remodel and/or renovate existing facilities in a given fiscal year based on the pro rata representation of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 that are held during the *increased* holding period specified in Sections IV (B) (3) and (4) of these Parameters and Guidelines and die during the increased holding period or are ultimately euthanized, to the total population of animals housed in the facility (including those animals that are excluded from reimbursement, as specified in Sections IV (B) (3) and (4) of these Parameters and Guidelines) during the entire

holding period required by Food and Agriculture Code sections 31108, 31752 and 31753.

Since the remodeling/renovation will not increase square footage to address existing overcrowding or future growth issues, the mandate reimbursable percentage formula for remodeling/renovation would exclude the eligible percentage of square footage factor.

Formula for proportionate share of actual remodeling/renovation costs:

(A) = Shelter square footage

- (B) = Total animal average daily census (ADC), claim year
- (C) = Square footage per ADC, claim year (C = A/B)
- (G) = Eligible dog/cat ADC, claim year
- (H) = Eligible other animal ADC, claim year
- (M) = Eligible dog/cat square footage, claim year

For shelters that meet the requirements of Food and Agricultural Code section 31108 (a)(1) or (2) for dogs, and section 31752 (a)(1) or (2) for cats, $M = 2/5 \times C \times G$.

For shelters that do not meet the requirements of Food and Agricultural Code section 31108(a)(1) or (2) for dogs, and section 31752(a)(1) or (2) for cats, $M = 4/7 \times C \times G$.

- (N) = Allowable square footage for other animals specified by Food and Agricultural Code section 31753, claim year ($N = C \times H$)
- (P) = Eligible percentage of remodeling/renovation costs [P = (M + N) / A]

Claimants may recalculate the eligible percentage of remodeling/renovation costs each year, based on current animal population statistics. However, claimants may only claim allowable costs that have not been claimed in previous fiscal years.

Supporting Documentation Submitted with the Initial and Subsequent Reimbursement Claims

Remodeling/renovating existing facilities is reimbursable only to the extent that an eligible claimant submits, with the initial and/or subsequent reimbursement claim, documentation reflecting the following:

A determination by the governing board or a delegated representative that remodeling/renovating existing facilities is necessary because the existing facilities do not reasonably accommodate impounded stray or abandoned dogs, cats and other specified animals that are ultimately euthanized for the increased holding period required by Statutes of 1998, Chapter 752. The

determination by the governing board or delegated representative shall include all of the following findings:

- The average daily census of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 that were impounded in 1998. For purposes of claiming reimbursement under section IV.B.2, average Daily Census is defined as the average number of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 housed on any given day, in a 365-day period;
- The average daily census of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 in a given year under the holding periods required by Food and Agriculture Code sections 31108, 31752, and 31753, as added or amended by Statutes of 1998, Chapter 752;
- Existing facilities are not appropriately configured and/or equipped to comply with the increased holding period required by Statutes of 1998, Chapter 752;
- Contracting with existing private or public shelters in the area
 to house the increase of impounded stray or abandoned dogs,
 cats, or other animals specified in Statutes of 1998, Chapter
 752 is not feasible or is more expensive than
 remodeling/renovating existing facilities to comply with the
 increased holding period required by Statutes 1998, chapter
 752.

Documentation requirements may be satisfied in whole or in part by staff agenda items, staff reports, minutes of governing board meetings, transcripts of governing board meetings, certification by the governing board or declaration from the delegated representative describing the findings and determination, and/or a resolution adopted by the governing board pursuant to Food and Agriculture Code section 31755, as added by Statutes of 1999, Chapter 81 (Assembly Bill 1482).

3. Care and Maintenance for Impounded Stray or Abandoned Dogs and Cats that Die During the Increased Holding Period or are Ultimately Euthanized (Food & Agr. Code, §§ 31108, 31752)

Beginning July 1, 1999 - Providing care and maintenance during the increased holding period for impounded stray or abandoned dogs and cats that die during the increased holding period or are ultimately euthanized. The increased holding period shall be measured by calculating the difference between three days from the day of capture, and four or six business days from the day after impoundment.

Exclusions

Eligible claimants are *not* entitled to reimbursement for the care and maintenance of the following population of dogs and cats:

- Stray or abandoned dogs and cats that are irremediably suffering from a serious illness or severe injury (Food & Agr. Code, § 17006);
- Newborn stray or abandoned dogs and cats that need maternal care and have been impounded without their mothers (Food & Agr. Code, § 17006);
- Stray or abandoned dogs and cats too severely injured to move or where a veterinarian is not available and it would be more humane to dispose of the animal (Pen. Code, §§ 597.1, subd. (e), 597f, subd. (d));
- Owner relinquished dogs and cats; and
- Stray or abandoned dogs and cats that are ultimately redeemed, adopted, or released to a nonprofit animal rescue or adoption organization.

Methods for Claiming Costs

Eligible claimants may elect one of following two methods to claim costs for the care and maintenance of impounded stray or abandoned dogs and cats that die during the increased holding period or are ultimately euthanized:

- Actual Cost Method Under the actual cost method, actual reimbursable care and maintenance costs per animal per day are computed for an annual claim period.
 - a) Determine the total annual cost of care and maintenance for all dogs and cats impounded at a facility. Total cost of care and maintenance includes labor, materials, supplies, indirect costs, and contract services.
 - b) Determine the average daily census of all dogs and cats impounded at a facility. For purposes of claiming reimbursement under IV.B.3, average daily census is defined as the average number of all dogs and cats at a facility housed on any given day, in a 365-day period...
 - c) Multiply the average daily census of dogs and cats by 365 = yearly census of dogs and cats.
 - d) Divide the total annual cost of care by the yearly census of dogs and cats = cost per animal per day.
 - e) Multiply the cost per animal per day, by the number of impounded stray or abandoned dogs and cats that die

during the increased holding period or are ultimately euthanized, by each reimbursable day (the difference between three days from the day of capture, and four or six business days from the day after impoundment).

• Time Study Method – Under the time study method, a random sample of impounded stray or abandoned dogs and cats are observed to determine the amount of time to provide care and maintenance during a reimbursable day.

The time study shall be developed using one representative month each quarter and be supported with actual source documentation. Time studies shall be conducted on a more frequent basis if there are significant variations of time expended from month to month. The time study shall identify hours devoted to each specific category. If the time study supports a fixed-cost approach such as an animal day (i.e., dogday, cat-day, etc.), the eligible claimant shall document the analysis supporting the method used.

Time records used to support the time study shall:

- a) Reflect an after-the-fact distribution of each employee's actual activity;
- b) Account for the total activity for which each employee is compensated;
- c) Account for the total labor hours of the month;
- d) Be signed and dated by the employee not later than the end of the pay period that follows the pay period covered by the report; and
- e) Document, by signature or initials and date, supervisor approval.
- 3. Care and Maintenance for Impounded Stray or Abandoned Animals Specified in Food and Agriculture Code Section 31753 that Die During the Increased Holding Period or are Ultimately Euthanized (Food & Agr. Code, § 31753)

Beginning January 1, 1999 - Providing care and maintenance for four or six business days from the day after impoundment for impounded stray or abandoned rabbits, guinea pigs, hamsters, pot-bellied pigs, birds, lizards, snakes, turtles, and tortoises legally allowed as personal property that die during the increased holding period or are ultimately euthanized.

Exclusions

Eligible claimants are *not* entitled to reimbursement for the care and maintenance of the following population of animals:

- Stray or abandoned animals that are irremediably suffering from a serious illness or severe injury (Food & Agr. Code, § 17006);
- Newborn animals that need maternal care and have been impounded without their mothers (Food & Agr. Code, § 17006);
- Stray or abandoned animals too severely injured to move or where a veterinarian is not available and it would be more humane to dispose of the animal (Pen. Code, §§ 597.1, subd. (e), 597f, subd. (d));
- Owner relinquished animals; and
- Stray or abandoned animals that are ultimately redeemed, adopted, or released to a nonprofit animal rescue or adoption organization.

Methods for Claiming Costs

Eligible claimants may elect one of following two methods to claim costs for the care and maintenance of impounded stray or abandoned animals specified in Food and Agriculture Code section 31753 that die during the increased holding period or are ultimately euthanized:

- Actual Cost Method –Under the actual cost method, actual reimbursable care and maintenance costs per animal per day are computed for an annual claim period.
 - a) Determine the total annual cost of care and maintenance for all animals specified in Food and Agriculture Code section 31753 that are impounded at a facility. Total cost of care and maintenance includes labor, materials, supplies, indirect costs, and contract services.
 - b) Determine the average daily census of the animals specified in Food and Agriculture Code section 31753.
 - c) Multiply the average daily census of the animals specified in Food and Agriculture Code section 31753 by 365 = yearly census of animals specified in Food and Agriculture Code section 31753.
 - d) Divide the total annual cost of care by the yearly census of animals specified in Food and Agriculture Code section 31753 = cost per animal per day.
 - e) Multiply the cost per animal per day, by the number of impounded stray or abandoned animals specified in Food and Agriculture Code section 31753 that die during the increased holding period or are ultimately euthanized, by

each reimbursable day (four or six business days from the day after impoundment).

• Time Study Method – Under the time study method, a random sample of impounded stray or abandoned animals are observed to determine the amount of time to provide care and maintenance during a reimbursable day.

The time study shall be developed using one representative month each quarter and be supported with actual source documentation. Time studies shall be conducted on a more frequent basis if there are significant variations of time expended from month to month. The time study shall identify hours devoted to each specific category. If the time study supports a fixed-cost approach such as an animal day, the eligible claimant shall document the analysis supporting the method used.

Time records used to support the time study shall:

- a) Reflect an after-the-fact distribution of each employee's actual activity;
- b) Account for the total activity for which each employee is compensated;
- c) Account for the total labor hours of the month;
- d) Be signed and dated by the employee not later than the end of the pay period that follows the pay period covered by the report; and
- e) Document, by signature or initials and date, supervisor approval.
- 4. Agencies Using the Holding Period of Four Business Days After the Day of Impoundment (Food & Agr. Code, §§ 31108, 31752, 31753)
 Beginning January 1, 1999 For impounded animals specified in Food and Agriculture Code section 31753, either:
 - Making the animal available for owner redemption on one weekday evening until at least 7:00 p.m., or one weekend day; or
 - For those local agencies with fewer than three full-time employees or that are not open during all regular weekday business hours, establishing a procedure to enable owners to reclaim their animals by appointment at a mutually agreeable time when the agency would otherwise be closed.

Beginning July 1, 1999 - For impounded dogs and cats, either:

- Making the animal available for owner redemption on one weekday evening until at least 7:00 p.m., or one weekend day; or
- For those local agencies with fewer than three full-time employees or that are not open during all regular weekday business hours, establishing a procedure to enable owners to reclaim their animals by appointment at a mutually agreeable time when the agency would otherwise be closed.
- 5. Feral Cats (Food & Agr. Code, § 31752.5)

Beginning January 1, 1999 - Verifying whether a cat is feral or tame by using a standardized protocol within the first three days of the required holding period if an apparently feral cat has not been reclaimed by its owner or caretaker.

6. Lost and Found Lists (Food & Agr. Code, § 32001)

Beginning January 1, 1999 - Providing owners of lost animals and those who find lost animals with all of the following:

- Ability to list the animals they have lost or found on "lost and found" lists maintained by the local agency;
- Referrals to animals listed that may be the animals the owner or finders have lost or found;
- The telephone numbers and addresses of other pounds and shelters in the same vicinity;
- Advice as to means of publishing and disseminating information regarding lost animals; and
- The telephone numbers and addresses of volunteer groups that may be of assistance in locating lost animals.
- 7. Maintaining Non-Medical Records (Food & Agr. Code, § 32003)

Beginning January 1, 1999 - Maintaining non-medical records on animals that are either taken up, euthanized after the holding period, or impounded. Such records shall include the following:

- The date the animal was taken up, euthanized, or impounded;
- The circumstances under which the animal is taken up, euthanized, or impounded;
- The names of the personnel who took up, euthanized, or impounded the animal; and

• The final disposition of the animal, including the name of the person who euthanized the animal or the name and address of the adopting party.

The cost of software license renewal contracts, to the extent these costs are not claimed as an indirect cost under these parameters and guidelines, is eligible for reimbursement under Section V (A) (2) of these parameters and guidelines. If the computer software is utilized in some way that is not directly related to the maintenance of records specified in this section, only the pro rata portion of the software license renewal contract that is used for compliance with this section is reimbursable.

8. "Necessary and Prompt Veterinary Care" (Civ. Code, §§ 1834 and 1846)

Beginning January 1, 1999 - Providing "necessary and prompt veterinary care" for stray and abandoned animals, other than injured cats and dogs given emergency treatment, that die during the holding period or are ultimately euthanized, during the holding periods specified in Statutes of 1998, Chapter 752.

"Necessary and prompt veterinary care" means all reasonably necessary medical procedures performed by a veterinarian or someone under the supervision of a veterinarian to make stray or abandoned animals "adoptable." The following veterinary procedures, if conducted, are eligible for reimbursement:

- An initial physical examination of the animal to determine the animal's baseline health status and classification as "adoptable," "treatable," or "non-rehabilitatable."
- A wellness vaccine administered to "treatable" or "adoptable" animals.
- Veterinary care to stabilize and/or relieve the suffering of a "treatable" animal.
- Veterinary care intended to remedy any applicable disease, injury, or congenital or hereditary condition that adversely affects the health of a "treatable" animal or that is likely to adversely affect the animal's health in the future, until the animal becomes "adoptable."

Population Exclusions

Eligible claimants are *not* entitled to reimbursement for providing "necessary and prompt veterinary care" to the following population of animals:

 Animals that are irremediably suffering from a serious illness or severe injury (Food & Agr. Code, § 17006);

- Newborn animals that need maternal care and have been impounded without their mothers (Food & Agr. Code, § 17006);
- Animals too severely injured to move or where a veterinarian is not available and it would be more humane to dispose of the animal. (Pen. Code, §§ 597.1, subd. (e), 597f, subd. (d));
- Owner relinquished animals; and
- Stray or abandoned animals that are ultimately redeemed, adopted, or released to a nonprofit animal rescue or adoption organization.

Veterinary Care Exclusions

Eligible claimants are *not* entitled to reimbursement for providing the following veterinary procedures:

- Emergency treatment given to injured cats and dogs (Pen. Code, § 597f, subd. (b));
- Administration of rabies vaccination to dogs (Health & Saf. Code, § 121690);
- Implantation of microchip identification;
- Spay or neuter surgery and treatment;
- Euthanasia.
- 10. Beginning January 1, 1999 Procuring medical, kennel, and computer equipment necessary to comply with the reimbursable activities listed in Section IV (B) of these parameters and guidelines, to the extent these costs are not claimed as an indirect cost under Section V (B) of these parameters and guidelines. If the medical, kennel, and computer equipment is utilized in some way not directly related to the mandated program or the population of animals listed in Section IV (B), only the pro rata portion of the activity that is used for the purposes of the mandated program is reimbursable.

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.

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 chapter³ 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 SAVINGS AND OTHER REIMBURSEMENTS

Any offsetting savings that the claimant experiences as a direct result of this mandate must be deducted from the costs claimed. Additionally, reimbursement for this mandate received from any source shall be identified and deducted from this claim. These sources shall include, but not be limited to, rewards received under the authority of Civil Code section 1845; licensing fees and fines received and applied pursuant to Food and Agriculture Code section 30652, Government Code section 28502, and Penal Code section 597f; other state funds, and federal funds. The fees and fines received pursuant to Food and Agriculture Code section 30652 shall be deducted from the claim according to the priority specified in the statute and stated below:

- First, to pay fees for the issuance of dog license tags pursuant to Food and Agriculture Code section 30652, subdivision (a);
- Second, in accordance with Food and Agriculture Code section 30652, subdivision (b), any excess revenue held after the payment of dog license tags shall be applied to the fees, salaries, costs, expenses, or any or all of them for the enforcement of Division 14 of the Food and Agriculture Code, including Food and Agriculture Code section 31108, and all ordinances that are made pursuant to Division 14. Costs incurred under Food and Agriculture Code section 31108 are specified in Section IV (B) (1), (2), (3), and (5), and Section IV (A) of

³ This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

these parameters and guidelines. Any or all excess revenue must be applied to the costs incurred under Food and Agriculture Code section 31108 before any revenue can be applied to subdivisions (c) and (d) of Food and Agriculture Code section 30652.

VIII. STATE CONTROLLER'S REVISED CLAIMING INSTRUCTIONS

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

Pursuant to Government Code section 17561, subdivision (d)(2), issuance of the revised claiming instructions shall constitute a notice of the right of the local agencies and school districts to file reimbursement claims, based upon the revised 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 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.

X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

The Statement of Decision is legally binding on all parties and provides 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.

Tab 8

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

VEENA PURIFOY et al.,
Plaintiffs and Appellants,

v.

GLENN HOWELL et al.,

Defendants and Respondents.

A123856

(Contra Costa County Super. Ct. No. C 06-02174)

Food and Agricultural Code¹ section 31108, subdivision (a) (section 31108(a)) provides that the required "holding period" for a stray dog impounded in a public or private animal shelter is "six business days" (or, if certain exceptions apply, "four business days"), not including the day of impoundment. (§ 31108(a).) Contra Costa County Animal Services (CCCAS) operates two animal shelters, both of which are open to the public Tuesday through Saturday for owner redemption and adoption of animals. CCCAS states that it counts those days as "business days" in calculating the holding period under section 31108(a).

Plaintiffs Veena Purifoy, Lorree Lewis, and Voices for Pets filed suit against defendants Contra Costa County (County) and Glenn Howell, the director of CCCAS, alleging that defendants violated section 31108(a) by counting Saturday as a "business day." The trial court granted summary judgment in favor of defendants, and plaintiffs appealed.

All undesignated statutory references are to the Food and Agricultural Code.

Plaintiffs' operative second amended complaint (SAC) names CCCAS and Howell as defendants; County answered for CCCAS.

We conclude that the term "business days" in section 31108(a) does not include Saturdays. Accordingly, we reverse the judgment and remand for further proceedings.

I. SECTION 31108(a)

Section 31108(a) provides that the required holding period for a stray dog impounded in a public or private shelter is "six business days, not including the day of impoundment[.]" (§ 31108(a).) There are two exceptions to the six-business-day holding period. (Ibid.) First, under section 31108, subdivision (a)(1) (section 31108(a)(1)), if the shelter "has made the dog available for owner redemption on one weekday evening until at least 7:00 p.m. or one weekend day, the holding period shall be four business days, not including the day of impoundment." (§ 31108(a)(1).) Second, under section 31108, subdivision (a)(2) (section 31108(a)(2)), if the shelter "has fewer than three full-time employees or is not open during all regular weekday business hours, and if it has established a procedure to enable owners to reclaim their dogs by appointment at a mutually agreeable time when the public or private shelter would otherwise be closed, the holding period shall be four business days, not including the day of impoundment." (§ 31108(a)(2).) Section 31108(a) provides that, with exceptions that are not relevant here, "stray dogs shall be held for owner redemption during the first three days of the holding period, not including the day of impoundment, and shall be available for owner redemption or adoption for the remainder of the holding period." (§ 31108(a).)

Section 31108(a) provides in full:

⁽a) The required holding period for a stray dog impounded pursuant to this division shall be six business days, not including the day of impoundment, except as follows:

⁽¹⁾ If the public or private shelter has made the dog available for owner redemption on one weekday evening until at least 7:00 p.m. or one weekend day, the holding period shall be four business days, not including the day of impoundment.

⁽²⁾ If the public or private shelter has fewer than three full-time employees or is not open during all regular weekday business hours, and if it has established a procedure to enable owners to reclaim their dogs by appointment at a mutually agreeable time when the public or private shelter would otherwise be closed, the holding period shall be four business days, not including the day of impoundment.

Except as provided in Section 17006, stray dogs shall be held for owner redemption during the first three days of the holding period, not including the day of

II. FACTUAL AND PROCEDURAL BACKGROUND

Purifoy's dog Duke was impounded by CCCAS on Thursday, October 5, 2006, and was held at the CCCAS animal shelter in Pinole. A new owner adopted Duke on Wednesday, October 11, 2006. Duke was subsequently returned to Purifoy.

As noted above, the shelters operated by CCCAS, including the Pinole shelter, are open Tuesday through Saturday for owner redemption and adoption, and CCCAS counts those days as "business days" in calculating the holding periods under section 31108(a). The shelters are closed on Sunday, Monday, and major holidays.

Because Duke was made available for owner redemption on a weekend day (Saturday, October 7, 2006), a four-business-day holding period applied pursuant to section 31108(a)(1). CCCAS states that, in calculating the four-business-day holding period for Duke, it excluded Thursday, October 5, 2006 (the day of impoundment) and Sunday and Monday, October 8 and 9, 2006 (days on which the shelter was closed). CCCAS counted the following days as "business days": (1) Friday, October 6, 2006; (2) Saturday, October 7, 2006; (3) Tuesday, October 10, 2006; and (4) Wednesday, October 11, 2006. CCCAS held Duke exclusively for owner redemption for the first three of those days, and permitted his adoption on the fourth day, i.e., Wednesday, October 11, 2006.

Purifoy, along with plaintiffs Lorree Lewis and Voices for Pets, filed suit, alleging in their SAC that CCCAS and Howell violated section 31108(a) by counting Saturday as a "business day." The SAC included four causes of action: (1) violation of section 31108 (First Cause of Action); (2) preemption of a Contra Costa County Code provision by section 31108 (Second Cause of Action); (3) trespass and damage to chattel (Third Cause

impoundment, and shall be available for owner redemption or adoption for the remainder of the holding period.

The parties state that Lewis and Voices for Pets are "taxpayer plaintiffs." The trial court granted a motion by plaintiffs to file a third amended complaint (TAC), in which different taxpayer plaintiffs would replace Lewis and Voices for Pets; however, the TAC apparently had not yet been filed when the trial court granted defendants' motion for summary judgment.

of Action); and (4) a taxpayer claim for waste of public funds (Code of Civil Procedure section 526a) (Fourth Cause of Action). The SAC requested that Purifoy be awarded special and punitive damages, prejudgment interest, costs and attorneys' fees. For the taxpayer plaintiffs, Lewis and Voices for Pets, the SAC requested a writ of mandate requiring defendants to comply with section 31108(a)(1), declaratory and injunctive relief, costs and attorneys' fees.

Defendants filed a demurrer to the SAC. Prior to the initial hearing on the demurrer, the trial judge assigned to hear the matter issued a tentative ruling, in which she stated in part: "'Business days' in ordinary parlance is generally accepted to mean days other than a weekend (Saturday or Sunday) or public holiday." After holding a hearing, the judge issued an order sustaining the demurrer without leave to amend as to the Second Cause of Action (preemption), overruling it as to the Third and Fourth Causes of Action (the trespass and taxpayer claims), and striking the request for punitive damages. As to the First Cause of Action (violation of section 31108), the judge directed the parties to submit supplemental briefing as to the meaning of "business days" in section 31108(a).

The matter was assigned to another judge, who, after the filing of supplemental briefs and a further hearing, entered an order overruling defendants' demurrer as to the First Cause of Action. The judge stated in part: "The usual and ordinary meaning of the term 'business days' is weekdays, excluding Saturday, Sunday and public holidays. This meaning of 'business days' is also the one most frequently used in the Codes.

[¶] Applying the ordinary meaning of the terms also complements the legislative intent of the statute. . . . [¶] Because the Legislature clearly knows how to define the term 'business days,' but elected not to do so, this court applies its ordinary, usual meaning, which comports with the purpose of the statute."

Defendants answered the three remaining causes of action in the SAC.

Subsequently, defendants filed a motion for summary judgment or in the alternative for summary adjudication, and plaintiffs filed a motion for summary adjudication, both of which addressed the interpretation of "business days" in section

31108(a). Defendants argued that, if the term "business days" were construed to include Saturdays, all of plaintiffs' remaining causes of action failed. Defendants also raised other arguments in their motion, including contending that Purifoy could not establish the elements of public entity liability for a violation of section 31108, that Purifoy could not pursue a common law theory of trespass and damage to chattel against a public entity, and that the taxpayer plaintiffs could not establish a cause of action under Code of Civil Procedure section 526a. Defendants requested the entry of summary judgment, or, in the alternative, summary adjudication on five specified issues. 6

The matter was again assigned to another judge, Judge Joyce Cram. After a hearing, Judge Cram entered a written order granting defendants' motion for summary judgment (based on the interpretation of "business days" in section 31108(a)), and denying plaintiffs' motion for summary adjudication. In her order, Judge Cram stated: "The term 'business days,' as used in [section 31108(a)] has more than one possible meaning. This court finds that Defendant's interpretation of the term 'business days' to include all days on which a shelter is open, including Saturdays, is consistent with the purposes and legislative history of the statute, and 'will best attain the purposes of the statute.['] [Citation.]" Judge Cram also stated: "Presumably, the legislature was aware that if shelters could not count Saturdays as business days for the purpose of the holdover period, they would have no incentive to stay open on Saturdays. In fact, shelters like the Pinole shelter, which is open on Saturday but closed on a weekday, would, in effect, be

Plaintiffs' motion for summary adjudication is not in the record, so it is not clear whether plaintiffs presented issues other than the interpretation of "business days" in section 31108(a).

In their notice of motion and motion, defendants requested "summary adjudication as follows: [¶] 1. 'Business days' as defined in [section 31108] includes Saturday; [¶] 2. [Section 31108] authorizes the adoption of stray dogs beginning on the fourth business day after the stray dog was impounded; [¶] 3. Defendants complied with [section 31108] by holding plaintiff Veena Purifoy's stray dog for three business days exclusively for owner redemption prior to the dog's adoption by a new owner on the fourth business day; [¶] 4. Plaintiff Veena Purifoy cannot prosecute a common law action for trespass to chattel against defendants; and [¶] 5. Plaintiffs cannot prove any illegal or wasteful expenditure of public funds pursuant to Code of Civil Procedure [section] 526a."

penalized for staying open on Saturday, because neither day would count toward the holding period." Judge Cram also ruled on the parties' objections to evidence submitted in connection with the motions. Because she granted summary judgment on the basis of the meaning of "business days" in section 31108(a), Judge Cram did not reach the other issues defendants raised in their motion (although she suggested at oral argument that she would be inclined to rule against defendants on those issues).

Judge Cram entered judgment in favor of defendants and against plaintiffs.

Plaintiffs appealed. Plaintiffs challenge Judge Cram's interpretation of section 31108(a), her conclusion that defendants did not violate the statute, and one of her evidentiary rulings.⁷

III. DISCUSSION

A. Standard of Review

"The rules of review [of summary judgment rulings] are well established. If no triable issue as to any material fact exists, the defendant is entitled to a judgment as a matter of law. [Citations.] In ruling on the motion, the court must view the evidence in the light most favorable to the opposing party. [Citation.] We review the record and the determination of the trial court de novo. [Citations.]" (*Shin v. Ahn* (2007) 42 Cal.4th 482, 499.) In particular, the interpretation of section 31108(a) is a question of law that

Defendants state in a footnote that the Legislature has suspended the operation of section 31108 for fiscal year 2009-2010, and that therefore "to the extent [plaintiffs] are seeking redress for alleged ongoing violations of section 31108, this action is moot." (See Assem. Bill No. 4X 1 (2009-2010 4th Ex. Sess.) enacted as Stats. 2009, 4th Ex. Sess. 2009-2010, ch. 1, § 537, subd. (3)(c), amending Item 8885-295-0001 of the Budget Act of 2009 (Stats. 2009-2010, 3d Ex. Sess. 2009, ch. 1, § 2.00).) We need not address this undeveloped argument. (See *People v. Lucatero* (2008) 166 Cal.App.4th 1110, 1115, fn. 1 ["[a] footnote is not a proper place to raise an argument on appeal"].) In any event, even if the legislation cited by defendants affected the viability of some of plaintiffs' underlying claims (a question we need not decide), that legislation provides no basis for dismissing this appeal as moot. Section 31108 was operative in 2006, when Purifoy's dog was impounded. To resolve the parties' legal arguments arising from that incident, we must interpret "business days" in section 31108. (See *Eye Dog Foundation v. State Board of Guide Dogs for the Blind* (1967) 67 Cal.2d 536, 541 [appeal will not be dismissed where there remain material questions for the court's determination].)

we review de novo. (People ex rel. Lockyer v. Shamrock Foods Co. (2000) 24 Cal.4th 415, 432.)

B. The Meaning of "Business Days" in Section 31108(a)

In order to resolve the parties' dispute over the proper construction of the term "business days," we are guided by the time-honored principles that govern the interpretation of statutes. "In construing a statute, our fundamental task is to ascertain the Legislature's intent so as to effectuate the purpose of the statute. [Citation.] We begin with the language of the statute, giving the words their usual and ordinary meaning. [Citation.] The language must be construed 'in the context of the statute as a whole and the overall statutory scheme, and we give "significance to every word, phrase, sentence, and part of an act in pursuance of the legislative purpose." '[Citation.] . . . If the statutory terms are ambiguous, we may examine extrinsic sources, including the ostensible objects to be achieved and the legislative history. [Citation.] In such circumstances, we choose the construction that comports most closely with the Legislature's apparent intent, endeavoring to promote rather than defeat the statute's general purpose, and avoiding a construction that would lead to absurd consequences. [Citation.]" (Smith v. Superior Court (2006) 39 Cal.4th 77, 83 (Smith); accord, California Highway Patrol v. Superior Court (2006) 135 Cal. App. 4th 488, 496-497 (California Highway Patrol).)

1. Legal Definitions of "Business Days"

Section 31108 does not define the term "business days." Plaintiffs argue that the usual and ordinary meaning of "business days" is weekdays (Monday through Friday), and that the term excludes Saturdays, Sundays, and legal holidays. As noted above, the assigned trial judge reached this conclusion in overruling defendants' demurrer.

We agree that this is a common understanding of the term "business days," as it is used in ordinary discourse. Moreover, as plaintiffs note, several California statutory provisions define "business days" (for purposes of particular statutory schemes) to include weekdays and to exclude Saturdays, Sundays and legal holidays. (See, e.g., Cal.

U. Com. Code, § 6105, subd. (b)(3) ["As used in this subdivision, 'business day' means any day other than a Saturday, Sunday, or day observed as a holiday by the state government"]; Ins. Code, § 1215, subd. (g) [as used in Article 4.7 of Chapter 2 of Part 2 of Division 1 of the Insurance Code, "'[b]usiness day' is any day other than Saturday, Sunday, and any other day that is specified or provided for as a holiday in the Government Code"]; Fin. Code, § 867, subd. (c)(2) [for purposes of section 867 of the Financial Code, "'[b]usiness day' means any day other than a Saturday, Sunday, or legal holiday"]; id., § 1852, subd. (b) [as used in Chapter 14A of Division 1 of the Financial Code, "'[b]usiness day' means any day other than Saturday, Sunday or any other day which is specified or provided for as a holiday in the Government Code"]; id., §§ 31030, 31033 [same definition governs Division 15 of the Financial Code]; id., §§ 33040, 33044, subd. (a) [similar definition governs Division 16 of the Financial Code]; see also Code Civ. Proc., §§ 10, 135 ["'[h]olidays'" within meaning of Code of Civil Procedure are Sundays and days specified as "judicial holidays," which include Saturdays]; id., §§ 12, 12a, subd. (a) [in computing time in which to perform an act, if the last day falls on a "holiday," the time is extended to and including the next day that is not a "holiday"; "'holiday[s]' "include Saturdays]; Cal. Rules of Court, rule 1.10(a) & (b) [if last day for performance of act falls on "a Saturday, Sunday, or other legal holiday," the period is extended to and includes the next day that is not a holiday].)

Additionally, plaintiffs assert that courts, in numerous opinions, have used the term "business days" (in general discussions rather than in connection with particular statutory language) to mean weekdays and not Saturdays, Sundays or legal holidays. (See, e.g., Southern California Edison Co. v. Public Utilities Com. (2006) 140 Cal.App.4th 1085, 1106 ["Excluding the weekend and holiday, the time allowed for the parties to respond to the merits of the new proposals was only three business days"]; Berry v. Chaplin (1946) 74 Cal.App.2d 669, 680 ["Counsel labored on the case not only during business days but on many nights, Saturdays and Sundays including the holiday season"].)

However, just as Judge Cram found in her order granting summary judgment, a review of California code provisions also reflects that the Legislature has often defined the term "business days" in a manner that includes Saturdays. Specifically, the Civil Code includes a definition of "business days" that includes Saturdays. Civil Code section 9 states that "[a]ll other days than those mentioned in [Civil Code] Section 7 are business days for all purposes" (Civ. Code, § 9.) Section 7 of the Civil Code states that "holidays" within the meaning of the Civil Code are "every Sunday and such other days as are specified or provided for as holidays in" the Government Code. (Civ. Code, § 7.) Finally, Government Code section 6700 lists California's state holidays, including "[e]very Sunday" and a number of specified holidays; the list does not include Saturdays. (Gov. Code, § 6700.) Accordingly, under these statutes, Saturday is not a holiday (see *Gans v. Smull* (2003) 111 Cal.App.4th 985, 989); it is instead a "business day." (Civ. Code, § 9.)

In addition, provisions of the Civil Code and other codes incorporate (for the purposes of those provisions) the definition of "business days" in Civil Code section 9, or use similar definitions that also treat Saturday as a "business day." (See, e.g., Civ. Code, § 2924b, subd. (h) [incorporating definition in Civ. Code, § 9]; *id.*, § 2924c, subd. (e) [same]; *id.*, § 1689.5, subd. (e) [" '[b]usiness day'" means any calendar day except

At the summary judgment hearing, Judge Cram stated that the term "business days" in section 31108 was ambiguous. Plaintiffs' counsel appeared to agree, stating: "What is meant [by 'business days'] is unclear because they [the Legislature] didn't reference the definition anywhere."

Government Code section 6702 provides that a portion of each Saturday is considered a holiday for certain purposes. "Every Saturday from noon to midnight is a holiday as regards the transaction of business in the public offices of the state and political divisions where laws, ordinances, or charters provide that public offices shall be closed on holidays. . . ." (Gov. Code, § 6702.) However, this provision does not establish that Saturdays are holidays for all purposes (or that Saturdays are excluded from the term "business days"). (See *Lancel v. Postlethwaite* (1916) 172 Cal. 326, 330-331 [Saturday was not a holiday where statute did not specify the entire day was a holiday]; *People v. Englehardt* (1938) 28 Cal.App.2d 315, 317-318 [same].) This treatment of Saturdays contrasts with the Legislature's categorical exclusion of Sundays and legal holidays from the term "business days." (See Civ. Code, § 7, 9; Gov. Code, § 6700.)

Sunday and specified "business holidays"]; Bus. & Prof. Code, § 2546.6, subd. (a)(2) [" 'business day' means each day except a Sunday or a federal holiday"]; *id.*, § 7165, subd. (h) [adopting meaning of "business day" in Civ. Code, § 9]; *id.*, § 17550.17, subd. (g) [same]; Food & Agr. Code, § 55601.4 [adopting same definition, "[f]or purposes of this section"]; Ins. Code, § 15027, subd. (k) [adopting definition of "business day" in Civ. Code, § 1689.5, subd. (e)].)

These statutory provisions illustrate that the Legislature has both excluded and included Saturdays in defining the term "business days." We agree, therefore, with Judge Cram's conclusion that the term "business days" in section 31108(a) is ambiguous. Accordingly, we must consider the other language in the statute, as well as the legislative purpose underlying the statute, and "choose the construction that comports most closely with the Legislature's apparent intent[.]" (Smith, supra, 39 Cal.4th at p. 83; accord, California Highway Patrol, supra, 135 Cal.App.4th at pp. 496-497.)

2. The Legislative Intent to Lengthen the Holding Period and to Promote Owner Redemption and Adoption

a. The 1998 Amendments to Section 31108

Prior to the Legislature's 1998 amendment of the statute, section 31108 provided that an impounded dog could not be killed before 72 hours had elapsed from the time the dog was impounded. (Former § 31108 (Stats. 1967, ch. 15, § 2, p. 358) amended by Stats. 1998, ch. 752, § 12, p. 4907; see Legis. Counsel's Dig., Sen. Bill No. 1785, 6 Stats. 1998 (1997-1998 Reg. Sess.) Summary Dig., p. 322.) In 1998, the Legislature replaced the 72-hour holding period with the current holding periods of six or four "business days." (Stats. 1998, ch. 752, § 12, p. 4907.) The Legislature enacted this amendment as part of Senate Bill No. 1785, which made a number of statutory changes relating to stray animals. (See Stats. 1998, ch. 752, §§ 1-22, pp. 4903-4917; Legis. Counsel's Dig., *supra*, at pp. 322-323.) In 2000, the Legislature made further changes to section 31108, which

are not material to the issue presented in this appeal. (§ 31108; Assem. Bill No. 2754 (1999-2000 Reg. Sess.) enacted as Stats. 2000, ch. 567.)

b. The Statutory Language

The amended text of section 31108(a) demonstrates that the Legislature intended both to lengthen the holding period for stray dogs and to ensure that owners and potential adoptive owners have sufficient access to shelters to redeem and adopt dogs. The core mandate of the revised statute is a holding period (six or four "business days") that is longer (and, in some cases, significantly longer) than the previous 72-hour holding period. (§ 31108(a).) The longer holding period increases opportunities for redemption and adoption. In addition, the Legislature sought to encourage shelters to provide owner access at times other than typical weekday business hours. In this regard, the statute rewards shelters that do so with a shorter holding period of four, rather than six, business days. ¹¹

County has incorporated the provisions of section 31108 into its code. (See § 30501, subd. (a) [county or city may adopt specified state statutory provisions, including § 31108, for application within the county or city]; Contra Costa County Code § 416-4.206 [incorporating § 31108 and other provisions by reference].)

As discussed above, the four-business-day holding period applies if (1) the shelter "has made the dog available for owner redemption on one weekday evening until at least 7:00 p.m. or one weekend day," or (2) the shelter "has fewer than three full-time employees or is not open during all regular weekday business hours," and "has established a procedure to enable owners to reclaim their dogs by appointment at a mutually agreeable time when the [shelter] would otherwise be closed[.]" (§ 31108(a)(1)-(2), italics added.)

In a letter printed in the Senate Daily Journal, the author of Senate Bill No. 1785, Senator Tom Hayden, stated that the shorter holding period specified in the second of these exceptions (section 31108(a)(2)) is "intended to accommodate the needs of shelters in rural areas or very small cities where shelters have limited staffing capability, and are not open during regular weekday business hours." (Sen. Tom Hayden, letter to Sen. Secretary Gregory Schmidt, Aug. 28, 1998, 4 Sen. J. (1997-1998 Reg. Sess.) p. 6534, also reprinted at Historical & Statutory Notes, 31C, pt. 2, West's Ann. Food & Agr. Code (2001 ed.) foll. § 31108, p. 140.)

c. Statements of Intent in the Enacting Legislation

In section 1 of Senate Bill No. 1785 (which is uncodified) (section 1), the Legislature included findings and declarations and summarized the intent of the act. (Stats. 1998, ch. 752, § 1, pp. 4903-4905.) Section 1 confirms that the central purposes of the act included lengthening holding periods and ensuring access to shelters for owner redemption and adoption.

In section 1, the Legislature stated that it sought to provide for an adequate holding period, increase opportunities for redemption and adoption of impounded stray animals, and end euthanasia of adoptable and treatable animals. (See Stats. 1998, ch. 752, §§ 1(a)(2), (b)(1)-(2), (c)(1), (h), (i), pp. 4903-4905.) The Legislature stated in section 1 that "lost animals should be held for a period of time to ensure that the owner has proper access to redeem the animal." (*Id.*, § 1(i), p. 4905.) The Legislature also found and declared that "[r]edemption of owned pets and adoption of lost or stray adoptable animals is preferable to incurring social and economic costs of euthanasia." (*Id.*, § 1(b)(1), p. 4904; see also *id.*, § 1(a)(2), pp. 4903-4904 [finding that "[p]ublic and private shelters and humane groups should work together to end euthanasia of adoptable and treatable animals by 2010"].)¹²

Consistent with the purpose of promoting access to shelters, the Legislature found that "[s]helters should be open during hours that permit working pet owners to redeem pets during nonworking hours." (Stats. 1998, ch. 752, § 1(b)(2), p. 4904; accord, *id.*, § 1(i), p. 4905.) If the owner does not claim the animal, the shelter "should have the duty to make the animal available for adoption for a reasonable period of time . . ." (*Id.*, § 1(h), p. 4905.) Finally, the Legislature stated that one purpose of the act was to "[i]ncrease the focus of shelters to owner redemption and adoption by making recordkeeping mandatory to aid in owner redemption, providing owner relinquished pets

Senate Bill No. 1785 also added provisions to the Food and Agricultural Code and the Civil Code specifying that it is "the policy of the state" that adoptable and treatable animals should not be euthanized. (See § 17005, subds. (a), (b), added by Sen. Bill No. 1785, § 10; Civ. Code, § 1834.4, subds. (a), (b), added by Sen. Bill No. 1785, § 5.)

the same holding period as stray animals to allow for adoption, and providing for an explicit adoption period." $(Id., \S 1(c)(1), p. 4904.)$

d. Legislative History

The legislative history of Senate Bill No. 1785¹³ includes no direct evidence of legislative intent as to the meaning of "business days." However, the committee analyses of Senate Bill No. 1785 include general statements of legislative intent (some attributed to the author of the bill, and others stated generally by the reporting committees) that are consistent with the purposes the Legislature ultimately expressed in section 1 of Senate Bill No. 1785, including lengthening the holding period, increasing opportunities for owner redemption and adoption, and reducing euthanasia. (See, e.g., Sen. Rules Com., Off. of Sen. Floor Analyses, Analysis of Sen. Bill No. 1785 (1997-1998 Reg. Sess.) as amended August 24, 1998, "ARGUMENTS IN SUPPORT"; Sen. Com. on Judiciary, Analysis of Sen. Bill No. 1785 (1997-1998 Reg. Sess.) as amended April 14, 1998, "COMMENT," par. 1, 4; Assem. Com. on Appropriations, Analysis of Sen. Bill No. 1785 (1997-1998 Reg. Sess.) as amended June 18, 1998, "BACKGROUND," par. 1;

We take judicial notice of the legislative history of Senate Bill No. 1785. (See *People v. Superior Court* (2005) 132 Cal.App.4th 1525, 1531-1533.)

Some committee reports refer to a statement by an opponent of Senate Bill No. 1785, Pat Claerbout, the Director of El Dorado County Animal Control, who stated that a holding period of six business days "would necessitate the holding of animals for a minimum of up to eight days, since weekends do not constitute business days. During the holidays, shelters could be required to hold animals for as long as eleven or twelve days." (Sen. Rules Com., Off. of Sen. Floor Analyses, 3d reading analysis of Sen. Bill No. 1785 (1997-1998 Reg. Sess.) as amended April 29, 1998, "ARGUMENTS IN OPPOSITION"; Sen. Com. on Judiciary, Analysis of Sen. Bill No. 1785 (1997-1998 Reg. Sess.) as amended April 14, 1998, "COMMENT," par. 2(a).) This statement by an individual opponent of the bill is not evidence of the Legislature's collective intent. (See, e.g., Metropolitan Water Dist. v. Imperial Irrigation Dist. (2000) 80 Cal. App. 4th 1403, 1425-1426 [in analyzing legislative history, courts generally consider only materials "indicative of the intent of the Legislature as a whole"; materials showing the motive or understanding of an individual legislator, including the bill's author, or other interested persons, are generally not considered, because "such materials are generally not evidence of the Legislature's collective intent"].) Judge Cram correctly declined to consider this statement in seeking to ascertain the Legislature's intent.

Sen. Com. on Appropriations, Fiscal Summary, Analysis of Sen. Bill No. 1785 (1997-1998 Reg. Sess.) as amended April 29, 1998, "STAFF COMMENTS.")

3. "Business Days" Do Not Include Saturdays.

In light of the statutory language and the express legislative findings accompanying the 1998 amendments to section 31108(a), we conclude that the term "business days" in that statute includes weekdays (Monday through Friday), but excludes Saturdays. As we explain below, our construction of "business days" most reasonably comports with the Legislature's express findings in amending the statute.

Consideration of the legislative purposes—lengthening holding periods and ensuring access for redemption and adoption—supports a construction of "business days" that *excludes* Saturdays. Treating only weekdays, and not Saturdays, as "business days" will in many instances result in longer holding periods, at least when a holding period includes a weekend. Excluding Saturdays is also consistent with the legislative goal of access, because longer holding periods will often provide more opportunities for redemption and adoption. As the trial judge noted in his order overruling defendants' demurrer, if "business days" means weekdays, "the hold period is significantly expanded, if a weekend falls in the middle of the four business days. Impounded dogs are held longer, making owner redemption more likely and decreasing the chance of having to euthanize the dog."¹⁵

Defendants contend that construing "business days" to include Saturdays would not shorten holding periods. CCCAS does not count Monday as a "business day," because its shelters are closed on Monday; defendants argue that, under their interpretation, there are five "business days" in a typical calendar week, just as there are if Monday through Friday are counted as "business days." As discussed below, we need not determine in this appeal whether a weekday on which a shelter is closed (such as Monday, in CCCAS's case) is a "business day." But, under either resolution of that question, construing "business days" to exclude Saturdays results in longer holding periods — counting Tuesday through Friday (instead of Tuesday through Saturday) as "business days" results in a longer holding period; counting Monday through Friday (instead of Monday through Saturday) also results in a longer period.

In addition, as noted above, the exceptions to the six-business-day holding period promote access by providing an incentive (a shorter, four-business-day holding period) for shelters that make dogs available for owner redemption on weekend days or weekday evenings (§ 31108(a)(1)), and for smaller shelters that establish procedures for owners to reclaim their dogs by appointment at a mutually agreeable time when the shelter would otherwise be closed (§ 31108(a)(2)). This incentive applies regardless of whether Saturday is treated as a "business day." The Legislature thus expressly addressed the significance to be given to "weekend day[s]" in determining the length of the holding period—a shelter that makes a dog available for owner redemption on a "weekend day" only needs to hold that dog for four, instead of six, business days. (§ 31108(a)(1).) Accordingly, a construction of "business days" that excludes Saturdays is consistent with the legislative goal of access, including the specific goal of encouraging shelters to "be open during hours that permit working pet owners to redeem pets during nonworking hours." (Stats. 1998, ch. 752, § 1(b)(2), p. 4904.)

By contrast, a construction of "business days" that *includes* Saturdays would often result in shorter holding periods, and thus fewer opportunities for redemption or adoption. Arguably, such a construction would promote the goal of access to some degree by providing an *additional* incentive for shelters to remain open on Saturdays, i.e., a shelter that is open on Saturdays could take advantage of the shorter, four-business-day holding

In her order granting summary judgment, Judge Cram stated that, if shelters could not count Saturdays as "business days" in calculating the holding period, they "would have no incentive to stay open on Saturdays." This is incorrect. As we discuss above, under any interpretation of "business days," section 31108(a) provides an incentive for shelters to make dogs available on weekend days—the shorter holding period of four business days. (§ 31108(a)(1).)

Judge Cram also stated that shelters (like the CCCAS shelters) that are open on Saturday but closed on a weekday would be "penalized," because "neither day would count toward the holding period." As noted, we do not reach in this appeal the question of whether a weekday on which a shelter is closed is a "business day." But, regardless of the answer to that question, a shelter that is open on Saturday is not penalized, but is rewarded with the shorter, four-business-day holding period; a shelter that instead is open Monday through Friday and is closed on weekday evenings and weekends must comply with the six-business-day holding period. (§ 31108(a).)

period *and* could count Saturday as a "business day" in computing that period. However, because the Legislature already provided an explicit incentive for shelters to remain open on "weekend days," and because construing "business days" to include Saturdays would result in shorter holding periods, we conclude that this result is not reasonable in light of the legislative purposes.

In short, if the Legislature, having provided an incentive for shelters to remain open on weekend days, had also intended to permit shelters to count Saturdays as "business days" (thus further shortening the total number of calendar days in the holding period), we would expect a clearer expression of such an intention in the statute. More broadly, a construction of "business days" that includes Saturdays would both (1) shorten the holding period, and (2) reduce the opportunities for redemption and adoption. It thus would fail to achieve the dual purposes reflected in the legislative findings.

Accordingly, in the absence of a clear expression of legislative intent to treat Saturdays as "business days," and in light of our obligation to choose a construction that most closely comports with the Legislature's intent and promotes, rather than defeats, the statute's general purposes (see *Smith, supra,* 39 Cal.4th at p. 83; *California Highway Patrol, supra,* 135 Cal.App.4th at pp. 496-497), we conclude that "business days" in section 31108(a) means Monday through Friday, the meaning most commonly used in ordinary discourse.

Defendants' remaining arguments to the contrary are not persuasive. First, defendants contend that we should adopt the definition of "business days" in Civil Code section 9 (which includes Saturdays), because the different codes should be regarded as "'blending'" into each other, and because we must presume the Legislature was aware of Civil Code section 9 when it included the term "business days" in section 31108. Courts have stated that, "for purposes of statutory construction the codes are to be regarded as blending into each other and constituting but a single statute." (*In re Porterfield* (1946) 28 Cal.2d 91, 100; *People v. Vassar* (1962) 207 Cal.App.2d 318, 322-323.) And, in construing section 31108, we presume the Legislature was aware of existing laws, including prior statutory and judicial constructions of the term "business

days." (See *Bullock v. City and County of San Francisco* (1990) 221 Cal.App.3d 1072, 1096; *People v. Scott* (1987) 194 Cal.App.3d 550, 556, fn. 5.) However, neither of these principles is dispositive here, because the codes reflect differing definitions of "business days." Neither the principle of "blending" codes together nor the Legislature's presumed knowledge of existing definitions of "business days" serves as an interpretive aid in determining the proper construction of the term "business days" here.¹⁷

Second, defendants, citing Yamaha Corp. of America v. State Bd. of Equalization (1998) 19 Cal.4th 1 (Yamaha Corp.), argue that we should defer to CCCAS's interpretation of "business days." While it is often appropriate for a court to give some deference to an interpretation by a state agency charged with administering a particular statutory scheme (see Yamaha Corp., 19 Cal.4th at pp. 7-8, 14-15), this principle is of little assistance in this case, because the many local public and private agencies that operate shelters may have inconsistent interpretations of "business days." (See California Highway Patrol, supra, 135 Cal.App.4th at pp. 501-502 [rejecting argument that Legislature failed to modify, and thus tacitly approved, a local agency practice; "While this principle may apply when a state agency is charged with administering a particular statutory scheme, it has dubious application when numerous cities and counties are charged with applying state law, particularly when they apply the law inconsistently"].)¹⁸

In his order overruling defendants' demurrer, the trial judge stated that treating the codes as "blending together" would require the court "to arbitrarily select a meaning of 'business days' from the many definitions in the law."

Defendants note that the City of Berkeley and the County of Los Angeles have adopted local code provisions stating that Saturdays are treated as "business days" in this context. (See Berkeley Mun. Code, § 1.04.080(C) ["[f]or purposes of calculating the number of days an animal is to be held at the animal shelter pursuant to state or local law, a business day shall include any Saturday on which the shelter is open"]; Los Angeles County Code, §§ 10.08.010, 10.08.075 [for purposes of Title 10 of Code ("Animals"), "'[b]usiness days' are all days other than Sunday and legal holidays"].) These local code provisions, which were adopted after the Legislature added the term "business days" to section 31108 in 1998, are not persuasive evidence as to the Legislature's intent. (See Berkeley Mun. Code, § 1.04.080, added by "[Berkeley] Ord. 6779-N.S. § 1, 2003:

Third, defendants assert that interpreting "business days" in section 31108(a) to exclude Saturdays would require shelters to maintain "dual calendaring systems for stray dogs: one which would determine if a stray dog was made available for owner redemption on a Saturday, thus reducing the holding period from six to four business days; and a second calendar which would calculate the overall holding period for the stray dog, yet exclude Saturday." However, any recordkeeping burden on shelters does not result from our interpretation of "business days," but from the structure of the statute itself. Under any interpretation of "business days," a shelter must keep track of (1) whether an individual dog was made available for owner redemption on a weekday evening or a weekend day and thus may be held for four, rather than six, business days (see § 31108(a)(1)), and (2) how many "business days" the dog has been held (see § 31108(a)).

Finally, defendants focus on the language of section 31108(a)(2), which specifies a shorter, four-business-day holding period for a shelter that "has fewer than three full-time employees or is not open during all *regular weekday business hours*" and has a procedure for owners to reclaim dogs by appointment. (§ 31108(a)(2), italics added.) Defendants argue that if we construe "business days" to mean Monday through Friday, then the phrase "regular weekday" before "business hours" is surplusage, a result that should be avoided. However, in our view, the phrase "regular weekday business hours" is simply a reference to the usual hours of operation during weekdays. This language in section 31108(a)(2) provides an incentive (a shorter holding period) for shelters to provide a procedure for owners to redeem their dogs by appointment, just as section 31108(a)(1) provides an incentive (a shorter holding period) for shelters to make dogs available for owner redemption on weekday evenings and weekend days. The reference to "regular weekday business hours" in section 31108(a)(2) does not address or define the broader term at issue in this suit—"business days." Accordingly, defendants' argument based on the language of section 31108(a)(2) is not persuasive.

[Berkeley] Ord. 6511-N.S. § 1, 1999"; Los Angeles County Code, § 10.08.075, added by Los Angeles County Ord. 2000-0075 § 6, 2000.)

For the foregoing reasons, we conclude that the trial court erred by interpreting "business days" in section 31108(a) to include Saturdays.

4. The Holding Period in This Case

Because Saturday is not a "business day," the holding period that CCCAS calculated for Purifoy's dog Duke did not comply with section 31108(a). As noted above, Duke was impounded on Thursday, October 5, 2006, and was adopted by a new owner on Wednesday, October 11, 2006. Because Duke was made available for owner redemption on a weekend day (Saturday, October 7, 2006), the applicable holding period under section 31108(a)(1) was "four business days, not including the day of impoundment." (§ 31108(a)(1).) In calculating the holding period, CCCAS counted the following days as "business days": (1) Friday, October 6, 2006; (2) Saturday, October 7, 2006; (3) Tuesday, October 10, 2006; and (4) Wednesday, October 11, 2006.

For the reasons discussed above, Saturday, October 7, 2006 was not a "business day" within the meaning of section 31108(a). In the trial court, defendants conceded that, if Saturday is not a "business day" under section 31108, CCCAS did not hold Duke

In this appeal, we need not decide whether a shelter must be open on a non-holiday weekday in order to count that day as a "business day," because the only weekday on which the CCCAS shelters were closed during the holding period for Duke was a holiday (Monday, October 9, 2006). Accordingly, we need not address plaintiffs' arguments on this point, or their challenge to Judge Cram's evidentiary ruling.

In addition, the parties agree (for different stated reasons) that Monday, October 9, 2006 was not a "business day." Defendants do not count Mondays as "business days" because the CCCAS shelters are closed on Mondays; plaintiffs argue more narrowly that Monday, October 9, 2006 was not a "business day" because it was Columbus Day, a legal holiday.

In their briefs, plaintiffs do not state a position as to whether a *non-holiday* weekday on which a shelter is closed is a "business day" under section 31108(a). Plaintiffs do argue generally that an interpretation of "business days" that depends on whether a given shelter is open on certain days (such as the interpretation adopted by Judge Cram) is inappropriate because it permits individual shelters to "decide the meaning" of the term "business days." In a related argument, plaintiffs challenge Judge Cram's ruling excluding evidence of the number of shelters in California, which plaintiffs introduced to support their claim that allowing a large number of shelters to "define" the term "business days" would be unworkable.

for the minimum holding period. CCCAS held Duke for only three business days, not including the day of impoundment: (1) Friday, October 6, 2006; (2) Tuesday, October 10, 2006; and (3) Wednesday, October 11, 2006.²⁰

C. The Three-Day Owner Redemption Period

Plaintiffs contend that, even if "business days" in section 31108(a) includes Saturdays, CCCAS violated the statute by permitting the adoption of Purifoy's dog Duke on the fourth business day after his impoundment. Plaintiffs claim that CCCAS was obligated to hold Duke exclusively for owner redemption for the entire four-business-day holding period. Although we need not reach this question in light of our conclusion above that Saturdays are not "business days" and that therefore CCCAS did not hold Duke for the required minimum holding period, we will address plaintiffs' argument to provide guidance to the parties and future litigants.

Plaintiffs are incorrect in asserting that a shelter must hold a dog exclusively for owner redemption for the entire holding period. The last sentence of section 31108(a) expressly specifies that "stray dogs shall be held for owner redemption during the first three days of the holding period, not including the day of impoundment, and shall be available for owner redemption or adoption for the remainder of the holding period." (§ 31108(a), italics added.)

Plaintiffs argue briefly that this sentence applies only to the four-business-day holding period set forth in section 31108(a)(2) (applicable to smaller shelters). This is incorrect. The last sentence of section 31108(a) applies to all of the holding periods specified in section 31108(a), i.e., the default six-business-day holding period and the four-business-day holding periods specified in sections 31108(a)(1) and 31108(a)(2). That sentence appears in a separate paragraph at the end of section 31108(a). It is not

Plaintiffs argue in their reply brief that Contra Costa County Code § 22-2.202 requires county offices to be open Monday through Friday, and that the CCCAS shelters violate this provision by staying open on Saturday and closing on Monday. We need not address this argument, because plaintiffs did not raise it in their opening brief (see *Reichardt v. Hoffman* (1997) 52 Cal.App.4th 754, 764), and because we reverse on other grounds.

part of section 31108(a)(2), and there is no indication that it should apply only to the holding period specified in section 31108(a)(2).

Even if this result were not clear from the face of the statute, we also note that plaintiffs' interpretation would be contrary to legislative intent and would lead to absurd results. As noted above, in section 1 of Senate Bill No. 1785, the Legislature stated its intention to promote both owner redemption *and* adoption, and to reduce euthanasia. (Stats. 1998, ch. 752, §§ 1(a)(2), (b)(1)-(2), (c)(1), (h), (i), pp. 4903-4905.) To promote these goals, the Legislature stated that "the duties of shelters to properly care for an animal do not cease *if the owner of a lost animal does not claim the animal*"; in that event, the shelter "*should have the duty to make the animal available for adoption for a reasonable period of time* and to care properly for the animal during this period" (*id.*, § 1(h), p. 4905, italics added). Under plaintiffs' interpretation, a shelter would have to hold an impounded dog exclusively for owner redemption for the entire holding period (if either the default six-business-day holding period or the four-business-day holding period in section 31108(a)(1) applied); the dog could then be euthanized without ever being made available for adoption.

The legislative history of Senate Bill No. 1785 provides additional confirmation that an impounded dog is to be held exclusively for owner redemption for the first three days of the holding period, and is to be available for owner redemption *or* adoption for the remainder of the period. For example, one analysis of the bill states: "Any impounded animal that may be legally owned must be held for six business days before it may be killed. [Senate Bill No. 1785] provides that an impounded animal would be available for owner redemption during the first three business days and for adoption or owner redemption during the following three business days." (Sen. Rules Com., Off. of Sen. Floor Analyses, Analysis of Sen. Bill No. 1785 (1997-1998 Reg. Sess.) as amended August 24, 1998, "ANALYSIS," par. 1; accord, Assem. Com. on Appropriations, Analysis of Sen. Bill No. 1785 (1997-1998 Reg. Sess.) as amended June 18, 1998, "SUMMARY," par. 2.a; Assem. Com. on Judiciary, Analysis of Sen. Bill No. 1785 (1997-1998 Reg. Sess.) as amended June 18, 1998, "SUMMARY," par. 2.a; Sen. Com.

on Judiciary, Analysis of Sen. Bill No. 1785 (1997-1998 Reg. Sess.) as amended April 14, 1998, "DESCRIPTION.")

Finally, the Legislative Counsel's Digest accompanying the Legislature's subsequent amendments to section 31108 (in 2000) states: "Existing law provides that stray animals shall be held for owner redemption during the first 3 days of the holding period, not including the day of impoundment, and shall be available for owner redemption or adoption for the remainder of the holding period." (Legis. Counsel's Dig., Assem. Bill No. 2754 (1999-2000 Reg. Sess.) Stats. 2000, ch. 567, par. 1.)

IV. DISPOSITION

The judgment is reversed. The case is remanded to the trial court with directions to consider the remaining issues raised in defendants' motion for summary judgment/adjudication and in plaintiffs' motion for summary adjudication.

In addressing the above matters, the court shall treat the following as established: (1) Saturday is not a "business day" within the meaning of section 31108(a); (2) under all of the holding periods outlined in section 31108(a), a shelter must hold an impounded dog exclusively for owner redemption for the first three business days of the holding period, not including the day of impoundment, and may then make the dog available for owner redemption or adoption beginning on the fourth business day of the holding period; and (3) CCCAS did not hold Purifoy's dog for the minimum holding period specified in section 31108(a).

Plaintiffs shall recover their costs on appeal.

		Jenkins, J.	A Committee of the Comm
We concur:			
McGuiness, P. J.			
Pollak, J.			

Purifoy et al. v. Howell et al., A123856

	~
Triol	Court:
111111	A A HI II I .

Superior Court, Contra Costa County

Trial Judge:

Hon. Joyce Cram, Judge

Counsel for Appellant:

Corey A. Evans, EVANS & PAGE

Counsel for Respondent:

Silvano B. Marchesi, County Counsel Steven P. Rettig, Deputy County Counsel, Contra Costa County Tab 9

Assembly Bill No. 222

CHAPTER 97

An act to amend Sections 221.1, 492, 4171, 31108, 31752, and 77067 of the Food and Agricultural Code, relating to agriculture.

[Approved by Governor July 25, 2011. Filed with Secretary of State July 25, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

AB 222, Committee on Agriculture. Food and Agriculture: omnibus bill. (1) Existing law establishes the Department of Food and Agriculture Fund, a continuously appropriated fund used for specified purposes relating to enforcement of various provisions of law relating to various agriculture programs. Notwithstanding those provisions, existing law requires the Department of Food and Agriculture to establish all permanent positions within the department with the Controller's office pursuant to standard state administrative practices, and to report to the chairs of the fiscal committees of the Legislature, no later than January 10, 2005, on the positions established and funded, as specified.

Existing law also establishes the Food Biotechnology Task Force and authorizes the task force to request particular agencies to lead the effort to evaluate various factors related to food biotechnology. Existing law requires the task force to report the issues studied, findings, basis for their findings, and recommendations to the Governor and the Legislature by January 1, 2003.

This bill would delete the obsolete reporting requirements from these provisions.

(2) Existing law divides the state into agricultural districts, as specified, and provides for district agricultural associations, which are state institutions. Existing law authorizes the 50th District Agricultural Association, with the consent of the Secretary of Food and Agriculture, to enter into a joint powers agreement for, among other purposes, the purpose of creating a joint powers agency to operate, maintain, and improve the facilities and functions of the 50th District Agricultural Association. Existing law requires, prior to the commencement of the joint powers agreement, the parties to the agreement and the Department of Food and Agriculture to ensure that every employee in the civil service of the 50th District Agricultural Association is provided with the option of continuing his or her employment with the state. Existing law requires the joint powers agency to contract with the department for the services of the employee who chooses to continue his or her employment with the state, consistent with his or her civil service classification and status.

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This bill would authorize the joint powers agency to contract with the department or the 50th District Agricultural Association for the services of an employee, consistent with his or her civil service classification and status.

(3) Existing law requires that the holding period for a stray dog or a stray cat impounded in a shelter be 6 business days, not including the day of impoundment, with exceptions, as provided.

This bill would define the term "business day" for purposes of these provisions as any day that a public or private shelter is open to the public for at least 4 hours, excluding state holidays.

(4) Existing law establishes the California Walnut Commission, composed of 8 walnut producers, 4 walnut handlers, and one member of the public. Existing law requires the commission to elect alternate members, and provides for the appointment of ex officio members.

Existing law provides that each member of the commission or each alternate member serving in place of a member, except for ex officio government members, and each member of a committee established by the commission who is a nonmember of the commission, may receive per diem not to exceed \$100 per day, as established by the commission, for each day spent in actual attendance at, or in traveling to and from, meetings of the commission or committees of the commission, or on special assignment from the commission. Existing law also authorizes members of the commission to receive necessary traveling expenses and meal allowances, as approved by the commission.

This bill would delete the provision for a \$100 per diem for members, alternate members, and committee members, and would instead provide that members of the commission may receive an amount not to exceed the reasonable and necessary traveling expenses and meal allowances, as established by the commission.

The people of the State of California do enact as follows:

SECTION 1. Section 221.1 of the Food and Agricultural Code is amended to read:

221.1. Notwithstanding Section 221, the department shall establish all permanent positions with the Controller's office, pursuant to standard state administrative practices.

SEC. 2. Section 492 of the Food and Agricultural Code is amended to read:

492. (a) The Legislature hereby creates the Food Biotechnology Task Force. The task force shall be cochaired by the Secretary of California Health and Human Services, and the Secretary of the California Department of Food and Agriculture. The task force shall consult with appropriate state agencies and the University of California. The Department of Food and Agriculture shall be the lead agency.

(b) An advisory committee shall be appointed by the task force to provide input on issues reviewed by the task force. The advisory committee shall

—3— Ch. 97

consist of representatives from consumer groups, environmental organizations, farmers, ranchers, representatives from the biotechnology industry, researchers, organic farmers, food processors, retailers, and others with interests in the issues surrounding biotechnology.

(c) The Department of Food and Agriculture shall make funds available to other agencies to accomplish the purposes of this article and shall contract, where appropriate, with the California Council on Science and Technology, the University of California, or other entities to review issues evaluated by the task force or support activities of the advisory committee.

(d) The task force may request particular agencies to lead the effort to evaluate various factors related to food biotechnology. As funding becomes available, the task force shall evaluate factors including all of the following:

(1) Definition and categorization of food biotechnology and production processes.

(2) Scientific literature on the subject, and a characterization of information resources readily available to consumers.

(3) Issues related to domestic and international marketing of biotechnology foods such as the handling, processing, manufacturing, distribution, labeling, and marketing of these products.

(4) Potential benefits and impacts to human health, the state's economy, and the environment accruing from food biotechnology.

(5) Existing federal and state evaluation and oversight procedures.

(e) An initial sum of one hundred twenty-five thousand dollars (\$125,000) is hereby appropriated from the General Fund for disbursement to the Department of Food and Agriculture. It is the intent of the Legislature to make further funds available to accomplish the purposes contained in this article.

SEC. 3. Section 4171 of the Food and Agricultural Code is amended to read:

4171. (a) Notwithstanding any other provision of law, the 50th District Agricultural Association, with the consent of the secretary, may enter into a joint powers agreement pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code for the purpose of creating a joint powers agency to operate, maintain, and improve the facilities and functions of the 50th District Agricultural Association. This joint powers agency's duties shall include planning, designing, and constructing real property improvements, including new construction, alteration, extension, betterment, and repair, and purchasing fixed and movable equipment related to the facilities and functions of the 50th District Agricultural Association.

(b) The joint powers agency may accept the donation of, acquire, own, sell, or lease real property, and may pledge its property or revenue for the sale of bonds to construct, equip, and furnish the facilities, parking facilities, and any betterments, improvements, and facilities related thereto.

(c) The joint powers agency may make and enter into contracts and employ agents and employees. The joint powers agency may manage, maintain, and operate the facilities, or may enter into management contracts for the operation of the facilities. The planning, designing, and constructing

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of these improvements, and the agency's other duties, as specified in this section, shall be undertaken in accordance only with those restrictions applicable to the joint powers agency.

(d) Prior to the commencement of the joint powers agreement, the parties to the agreement and the department shall ensure that every employee in the civil service of the 50th District Agricultural Association is provided with the option of continuing his or her employment with the state, or of accepting a position as an employee of the joint powers agency.

(1) With respect to an employee who chooses to continue his or her employment with the state, the employee shall continue to be subject to all of the provisions governing civil service employees, and, additionally, all

of the following shall apply:

(A) The joint powers agency shall contract with the department or the 50th District Agricultural Association for the services of the employee, consistent with his or her civil service classification and status.

(B) The employee has the right to continue to provide services to the joint powers agency pursuant to that contract during the time the employee continues in the civil service classification he or she held at the time of the

employee's election.

- (2) With respect to an employee who chooses to leave his or her employment with the state and become an employee of the joint powers agency, those employees are not employees of the state, and are not subject to the requirements of Chapter 10.3 (commencing with Section 3512) and Chapter 10.5 (commencing with Section 3525) of Division 4 of Title 1 of the Government Code.
- (3) If a position filled by a civil service employee pursuant to contract with the department becomes vacant, the joint powers agency may fill the position with a non-civil-service employee.

(e) If the joint powers agency contracts with another entity for the operation or management of the facilities, the requirements of subdivision (d) shall apply to the new entity prior to commencement of any agreement.

- (f) The State of California is not liable for any debts, liabilities, settlements, liens, or any other obligations incurred by or imposed upon the joint powers agency. The joint powers agreement executed pursuant to this section shall expressly provide that the General Fund and the Fair and Exposition Fund shall be held harmless from all debts, liabilities, settlements, judgments, or liens incurred by the joint powers agency, and that neither the state nor any agency or division thereof shall be liable for any contract, tort, action or inaction, error in judgment, mistake, or other act taken by the joint powers agency, or any of its employees, agents, servants, invitees, guests, or anyone acting in concert with, or on the behalf of, the joint powers agency.
- SEC. 4. Section 31108 of the Food and Agricultural Code is amended to read:
- 31108. (a) The required holding period for a stray dog impounded pursuant to this division shall be six business days, not including the day of impoundment, except as follows:

5 Ch. 97

(1) If the public or private shelter has made the dog available for owner redemption on one weekday evening until at least 7 p.m. or one weekend day, the holding period shall be four business days, not including the day of impoundment.

(2) If the public or private shelter has fewer than three full-time employees or is not open during all regular weekday business hours, and if it has established a procedure to enable owners to reclaim their dogs by appointment at a mutually agreeable time when the public or private shelter would otherwise be closed, the holding period shall be four business days, not including the day of impoundment.

Except as provided in Section 17006, stray dogs shall be held for owner redemption during the first three days of the holding period, not including the day of impoundment, and shall be available for owner redemption or

adoption for the remainder of the holding period.

(b) Except as provided in Section 17006, any stray dog that is impounded pursuant to this division shall, prior to the euthanasia of that animal, be released to a nonprofit, as defined in Section 501(c)(3) of the Internal Revenue Code, animal rescue or adoption organization if requested by the organization prior to the scheduled euthanasia of that animal. The public or private shelter may enter into cooperative agreements with any animal rescue or adoption organization. In addition to any required spay or neuter deposit, the public or private shelter, at its discretion, may assess a fee, not to exceed the standard adoption fee, for animals adopted or released.

(c) During the holding period required by this section and prior to the adoption or euthanasia of a dog impounded pursuant to this division, a public or private shelter shall scan the dog for a microchip that identifies the owner of that dog and shall make reasonable efforts to contact the owner and notify him or her that his or her dog is impounded and is available for redemption.

- (d) As used in this division, a "business day" includes any day that a public or private shelter is open to the public for at least four hours, excluding state holidays.
- SEC. 5. Section 31752 of the Food and Agricultural Code is amended to read:
- 31752. (a) The required holding period for a stray cat impounded pursuant to this division shall be six business days, not including the day of impoundment, except as follows:
- (1) If the public or private shelter has made the cat available for owner redemption on one weekday evening until at least 7 p.m. or one weekend day, the holding period shall be four business days, not including the day of impoundment.
- (2) If the public or private shelter has fewer than three full-time employees or is not open during all regular weekday business hours, and if it has established a procedure to enable owners to reclaim their cats by appointment at a mutually agreeable time when the public or private shelter would otherwise be closed, the holding period shall be four business days, not including the day of impoundment.

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Except as provided in Sections 17006 and 31752.5, stray cats shall be held for owner redemption during the first three days of the holding period, not including the day of impoundment, and shall be available for owner redemption or adoption for the remainder of the holding period.

- (b) Except as provided in Section 17006, any stray cat that is impounded pursuant to this division shall, prior to the euthanasia of that animal, be released to a nonprofit, as defined in Section 501(c)(3) of the Internal Revenue Code, animal rescue or adoption organization if requested by the organization prior to the scheduled euthanasia of that animal. In addition to any required spay or neuter deposit, the public or private shelter, at its discretion, may assess a fee, not to exceed the standard adoption fee, for animals adopted or released. The public or private shelter may enter into cooperative agreements with any animal rescue or adoption organization.
- (c) During the holding period required by this section and prior to the adoption or euthanasia of a cat impounded pursuant to this division, a public or private shelter shall scan the cat for a microchip that identifies the owner of that cat and shall make reasonable efforts to contact the owner and notify him or her that his or her cat is impounded and is available for redemption.
- (d) As used in this division, a "business day" includes any day that a public or private shelter is open to the public for at least four hours, excluding state holidays.
- SEC. 6. Section 77067 of the Food and Agricultural Code is amended to read:
- 77067. No member of the commission or of any committee established by the commission that may include nonmembers of the commission shall receive a salary. Except for ex officio government members, the members may receive an amount not to exceed reasonable and necessary traveling expenses and meal allowances, as established by the commission, for each day spent in actual attendance at, or in traveling to and from, meetings of the commission or committees of the commission, or on special assignment for the commission, as approved by the commission.

Tab 10

City of Hayward Legislatively Mandated Animal Adoption Program FY 1998-99 through FY 2007-08 / Excluding FY 2003-04 & FY 2004-05 Audit ID #: S09-MCC-058

Acquiring Space and Facilities / Materials/Supplies Finding #2 Summary

Acquiring Space and Facilities		ctual Costs Claimed	-	llowable er Audit	Audit Adjustments	
Pre-Exit Conference 1.3.1 Post Exit Conference Adj. A. S. 3	\$	520,352	\$	281,182 14,485	\$	(239,170) 14,485
Final Report (05/06/2011)	\$	520,352	\$	295,667	\$	(224,685)

City of Hayward

Legislatively Mandated Animal Adoption Program

FY 1998-99 through FY 2007-08/ Excluding FY 2003-04 & FY 2004-05

Audit ID # S09-MCC-058

Acquiring Space/Facility - Materials/Supplies

									1
'	1998-99	1999-2000	2000-01	2001-02	2002-03	2005-06	2006-07	2007-08	
Eligible- Dogs & Cats	N/A	1,160	1,162	1,367	899	1,328	1,205	1,001	\perp
Eligible - Other	54	54	19	56	50	71	91	39	1.4.3
	54	1,214	1,181	1,423	949	1,399	1,296	1,040	
1/2 of year	27								

Eligible animals from Care and Maintainance.

** Overlooked durring exit: Dogs & Cats are not eligible.

Audit Adjustments	per Fiscal year -	Acquisition of Additional	Space - Materials & Supplies

		1998-99	F.	1999-00		· ¥ 2000-01	 TOTAL
Acquisition of Additional							
Claimed							
Eligible animals				2,091		2,075	
Total # of Animals				4,177		4,908	
Pro rata percentage	1	00.00%		50.10%		42.30%	
Cost of facitly per year	\$	40,633	\$	702,837	_\$_	289,605	
Claimed eligible cost	\$	40 633	s	352 121	\$	122 503	\$ 515 257

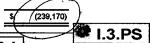
Allowabie

Eligible animals		27	1,214	1,181	
Total # of Animals		4,431	4,431	5,024	
Pro rata percentage		0.61%	27.40%	23.51%	
Cost of facitly per year	\$	40,633	\$ 702,837	\$ 354,155	
Allowable eligible cost	5	248	\$ 192.577	\$ 83,262	\$ 276,087



Audit Adjustment

\$ (40,385)	\$ (159,544)	\$	(39,241)	\$/	(239,170)
 	 	-		工	



1.3.5 1.3.PS

Pre Saturday Decision

FY 1998-99 FY 1999-00 FY 2000-01 TOTAL

Acquisition of Additional

Claimed

Eligible animals		2,091	2,075	
Total # of Animals		4,177	4,908	
Pro rata percentage	100.00%	50.10%	42.30%	
Cost of facitly per year	\$ 40,633	\$ 702,837	\$ 289,605	
Claimed eligible cost	\$ 40,633.00	\$ 352,121	\$ 122,503	\$ 515,257

Allowable

Eligible animals		1,584	1,584	1,701	
Total # of Animals		4,431	4,431	5,024	
Pro rata percentage		35.75%	35.75%	33.86%	
Cost of facitly per year	\$	40,633	\$ 702,837	\$ 354,155	
Allowable eligible cost	5	14,526	\$ 251,264	\$ 119,917	\$ 385,707



Audit Adjustment

\$ (26,107)	\$	(100,857)	\$	(2,586)	\$ (129,550)
	-		_		

- * 1999-00: \$265,950 in revenues. Money received from the State of California. The shelter did not offset this revenue in their claim.
- * 2000-01: \$29,550 revenues. Money received from the State of California. The shelter did not offset this revenue in their claim.
- * \$35,000 in Donations?

In FY 1999-00: 2091 eligible euthanized animals /4177 total animals = 50.06% But claimed 50.10%

In FY 2000-01 2075 eligible euthanized animals /4908 total animals = 42.28% But claimed 42.30%

City of Hayward
Legislatively Mandated Animal Adoption Program
FY 1998-99
Audit ID # S09-MCC-058
Acquiring Space/Facility - Materials/Supplies

Revenue From State			
REC TRF To Animal Cont			
Revenues			
In-eligible from 1998 Payroll Dist Sal & Ben -Admin General	679.30	(495.56)	
Blueprints	177.59		
In-eligible form 1998 Design	9,256.35	(4,395.19)	
Drafting-drawing Contract	176.99		
Phillip Henry Architect- Phillip Henry Architect-	12,934.75 20,259.20		
Design Drafting -Consultant	33,193.95		
Preliminary Surveys	1,959.53		
City Equipment Expense	80.36		
Administration and general	45,524.07		
In-eligible from 1998		(4,890.75)	
Activity TOTAL			40,633.32



City of Hayward Legislatively Mandated Animal Adoption Program FY 1999-00 Audit ID # S09-MCC-058 Acquiring Space/Facility - Materials/Supplies

Revenue From State

REC TRF To Animal Cont

\$ (265,950.00)

(265,950.00)

Project Revenues

(510.00)

Payroll Dist Sal & Ben -Admin General

2,526.36

Blueprints

2,313.65

Decian

\$ 9,017.69

Drafting Drawing Contract

169.83

Philip Henry - Architect

Design Drafting Consultant \$ 18,879.35
31290
309.97
4960
630
56,069.32

Inspection-Testing Construction

22,851.53

Outside Services			
Showline Pet Tubs		1,500.00	
Clark Cages Inc		1,910.00	
Signet Testing Labs		424.00	
Invoice # 103042		131.59	
Shore line company		50,970.25	
Signet Testing Labs		212.00	
			55,147.84

Contract Construction		
Sevan Construction		
	72,630.00	
	, 2,030.00	
	110,745.00	
	110,745.00	
	440 000 00	
	140,226.52	
	148,743.00	
		20,000
	81,454.50	
	0-7 .00	
Contract construction		EE3 700 N7

City Labor Expense

107.23

City materials/Field Supplies

City Equipment expense

834.65

SUBTOTAL

702,837.12

State Revenue and Project Revenue

(266,460.00)

Activity TOTAL

436,377.12

^{* \$265,950} in offsetting revenues. Money received from the State of California.

City of Hayward
Legislatively Mandated Animal Adoption Program
FY 1998-99 through FY 2007-08/ Excluding FY 2003-04 & FY 2004-05
Audit ID # S09-MCC-058
Acquiring Space/Facility - Materials/Supplies

Revenue From State

\$ (29,550.00)

REC TRF To Animal Cont (17,000.00) (14,000.00) (4,000.00)

(35,000.00)

Revenues

(64,550.00)

Payroll Dist Sal & Ben -Admin General

650.59

Philip Henry - Architect

500

2392.5

3070

Design Drafting Consultant

5,962.50

Inspection-Testing Construction

18,634.61

Outside Services

T Kennel Systems	16,110.00
T Kennel Systems	41,475.00
Danco Waterproofing	670.00
Bel Aire Engineering	2,905.00
T Kennel Systems	1,300.00
Bel Aire Engineering	1,245.00
Bel Aire Engineering	(1,245.00)
Bel Aire Engineering	1,245.00
Bay Area Fence Company	4,863.00
Bel Aire Enginearing	8,289.58
Markison Pluming	1,680.00
Markison Pluming	153.00

78,690.58

City Labor Expense

1,339.67

City materials/Field Supplies

1,964.62

City Equipment expense

454.13

SUBTOTAL

354,154.79

State Revenue and Project Revenue

(64,550.00)

Activity TOTAL

289,604.79

 $^{^{\}scriptsize +}$ \$29,550 of offsetting revenues. Money received from the State of California.



1998-99

Phillip Henry Architect- 12,934.75 Phillip Henry Architect- 20,259.20

Design Drafting -Consultant 33,193.95

1999-00

Philip Henry - Architect

Design Drafting Consultant \$ 18,879.35

31290

309.97 4960 630

56,069.32

Outside Services

 Showline Pet Tubs
 1,500.00

 Clark Cages Inc
 1,910.00

 Signet Testing Labs
 424.00

 Invoice # 103042
 131.59

 Shore line company
 50,970.25

 Signet Testing Labs
 212.00

55,147.84

Contract Construction

Sevan Construction

72,630.00 110,745.00 140,226.52 148,743.00 81,454.50

Contract construction 553,799.02

2000-01

REC TRF To Animal Cont (17,000.00) * these are some sort of transfers to the animal

(14,000.00) shelter. We are just wondering what they are from?

(4,000.00)

Outside Services

 T Kennel Systems
 16,110.00

 T Kennel Systems
 41,475.00

 Bel Aire Engineering
 2,905.00

 Bay Area Fence Company
 4,863.00

 Bel Aire Engineering
 8,289.58

Contract Construction

Sevan Construction 197,252.84

49,205.25

246,458.09

\$ 944,668.22

City of Hayward

Animal Adoption Program

FY 1998-99 through FY 2007-08 (excluding FY 2003-04 and 2004-05)

Analysis of Changes to Allowable costs - After Exit Conference to Draft Report and to Final Report

Cost Component	Exit Draft Conference Report D Allowable Allowable Costs Costs		Difference	Comments	Fina Repo Allowa Cos	ort able	Difference	Comments	
Policies & Procedures	\$ 333	333	. \$ -		s	333	s -		
Training	5,698	7,258	1,560	Removed contract services finding - immaterial	•	7,258	-		
Computer Software	6,387	4,483	(1,904)	Reclassified \$1,904 to Procuring Equipment		1,483			
Acquiring Space/Facility	390,780	281,182	(109,598)	Saturday business day issue - changes to eligible animals		5,667	14,485	FY 2000-01 The reimbursement ratio changed. The total number of animals used in the calculation should have been 4,279 instead of 5,02	
Care of Dogs & Cats	111,028	133,467	22,439	Saturday business day issue - changes to eligible animals	133	3,467	-		
Care of Other Animals	13,421	13,940	519	Saturday business day issue - changes to eligible animals	13	3,940	-		
Holding Period	339,314	340,782	1,468	Increased indirect costs	340	782,	-		
Feral Cats	14,119	14,210	91	Increased indirect costs	14	1,210	-		
ost and Found Lists	46,722	47,042	320	Increased indirect costs	47	7,042	-		
Non-Medical Records	72,011	72,394	383	Increased indirect costs	72	2,394	-		
Veterinary Care	96,587	87,832	(8,755)	Saturday business day issue - changes to eligible animals	87	7,832	-		
Procuring Equipment	22,299	6,723	(15,576)	Application of applicable pro-rata percentages	ć	5,723			
Offsetting Revenues	(36,468)	-	36,468	Removed offsets for City of San Leandro mandate claims		-			
Γotal	\$ 1,082,231	\$ 1,009,646	\$ (72,585)				\$ 14,485		
		A.5.2					A6.PS		

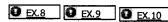


















Tab 11

City of Hayward

Legislatively Mandated Animal Adoption Program

FY 1998-99 through FY 2007-08 / Excluding FY 2003-04 & FY 2004-05

Audit ID #: S09-MCC-058

Care and Maintenance of Dogs & Cats and Other Animals - Actual Cost Method Finding #3 Summary

Care and Mainter	nance	ctual Costs Claimed	llowable er Audit	A	Audit djustments
Dogs and Cats Other Animals	I.4.3 ↓	\$ 470,709 24,049	\$ 133,467 13,940	\$	(337,242) (10,109)
Total		\$ 494,758	\$ 147,407	\$	(347,351)

							Fisc	cal Year										
	_	1998-99	1	1999-2000	-	2000-01		2001-02		2002-03		2005-06		2006-07		2007-08		Total
Claimed total annual c	osts:		_												_			
Labor											\$	392,717	\$	471,565	\$	479,517		
Food and supplies	_						_					36,552		36,552		36,552		
Total annual cost	s	62,065	\$	2,161,262	\$	345,325		Unknown	\$	267,443	\$	429,269	\$	508,117	\$	516,069		
laimed Annual censu	ıs:																	
Total Census		2,190		43,435		71,540		Unknown		26,098		28,322		23,717		76,464		
Claimed cost per anim	al per	day: Totala	nnual	cost divided	i by to	ital annual c	ensu	ıs.										
	*	28.3402	*	49.7585	*	4.8270		Unknown	<u>*</u>	10.2476	-	15.1567	-	21.4242	-	6.7492		
illowable total annual	costs:																	
Labor	\$	209,718	\$	173,631	\$	179,297	\$	228,023	\$	288,976	\$	394,992	4	605,864	\$	620,142		
Food and supplies		69,780		69.780		69,780		69,780		69,780		59,233	20012000	89,812		83,763		
Total annual cost	\$	279,498	\$	243,411	\$	249,077	\$	297,803	\$	358,756	\$	454,225	\$	695,676	\$	703,905		
Allowable annual cens	us:																	
Total Census		76,830		76,830		60,789		72,492		77,031		95,977		76,676		78,012		
Wowable cost per ani													22.00%					
	\$	3.64	*	3.17	<u>\$</u>	4.10	<u>*</u>	4.11	<u>.</u>	4.66	*	4.73		9.07	<u>\$</u>	9.02		
laimed for dogs and		7/4/2020	3.9				38		20			11.568						
Cost per animai	JA15.	N/A	\$	52.1300	\$	48.0669	5	56.1020	s	10.4400	s	14.7974	s	21.4240		6.7281		
Eligible animals		N/A	•	1,008	•	1,038	•	1,161	•	1,519	•	1,428	•	1,082		1131		
Increased days		N/A		2		1,000		2		2		2		2		2		•
Total allowable	_		<u> </u>	105,094	<u> </u>	99,787	\$	130,269	\$	31,717	<u> </u>	42,261	5	46,362	\$	15,219	<u>s</u>	470,709
			Ť	,			<u> </u>		_		÷				_	.,	_	
Mowable costs for do	gs and	cats:																
Cost per animal	\$	3.64	\$	3.17	\$	4.10	\$	4.11	\$	4.66	\$	4.73	\$	9.07	\$	9.02		
Eligible animals		N/A		1,160		1,162		1,367		899		1,328		1,205		1,001		
Increased days		3.00		3.00		3.00		3.00		3.00		3.00		3.00		3.00		
Total allowable			\$	11,032	s	14,293	\$	16,855	\$	12,568	\$	18,844	\$	32,788	\$	27,087	\$	133,467
		•															,	
Audit adjustment	\$	<u> </u>	\$	(94,062)	\$	(85,494)	\$	(113,414)	\$	(19,149)	\$	(23,417)	\$	(13,574)	\$	11,868	7	(337,242)
20.23	198													276)				
laimed for other anim Cost per animal	als: \$	28.3402	\$	5.0959	\$	5.4269	\$	7.5050	\$	6.5125	\$	1.8494	\$	21.4242	\$	6.7998		
Eligible animals	-	7.5	•	75	•	79	-	104		64	•	257		144		34		
Increased days		4		4		4		4		4		4		4		4		
Total claimed	\$	850	\$	1,529	\$	1,715	\$	3,122	\$	1,667	\$	1,901	\$	12,340	\$	925	\$	24,049
Allowable for other ani	mals:																	
Cost per animal	\$	3.64	\$	3.17	\$	4.10	\$	4.11	\$	4.66	\$	4.73	\$	9.07	\$	9.02		
Eligible animals		54		54		19		56		50		71		91		39		
Increased days	_	6		6	_	6	_	6	_	6	_	6	_	6		6	_	
Total allowable	\$	1,179	\$	1,027	\$	467	\$	1,381	\$	1,398	\$	2,015	\$	4,952	\$	2,111	\$	13,941
1/2 of the year	\$	590																
undit adimeter	<u> </u>	/nen	<u>-</u>	(502)	<u> </u>	(1,248)	5	(1,741)	-\$	(269)	\$	114	5	(7,388)	\$	1,186	f.	(10,108)
Audit adjustment	•	(260)	<u> </u>	(502)	,	(1,248)	-	(1,741)	<u>*</u>	(209)	<u> </u>	114	-	(7,300)	-	1,100	(♣	(10,108)
otal claimed	\$	850	5	106,623	s	101,502	\$	133,391	s	33.384	s	44,162	s	58 702	s	16,144	\$	494,758
otal claimed Fotal allowed	>	590	3	12.059	•	14,760	•	18,236	•	13,966	φ	20,859	•	37,740	•	29,198	•	147,408
	<u> </u>	(260)	\$	(94,564)	\$	(86,742)	<u>s</u>	(115,155)	-	(19,418)	-	(23,303)	5	(20,982)	\$	13,054	-	(347,350)
Total adjustment	3	(∠60)	->	(94,004)	-	(00,742)	_*_	(115,195)		(19,418)	*	(20,003)	-	(20,002)	*	13,034	<u> </u>	(347,300)

FINDING 4 - Unallowable care and maintenance costs

							Fisc	ai Year												
	1998-9	9	1999	9-2000	200	0-01	200	1-02	200	2-03	2005	-06	200	6-07	200	7-08	Tota			
Dogs & Cats																				
Claimed	\$		\$	105,094	\$	99,787	\$	130,269	\$	31,717	\$	42,261	\$	46,362	\$	15,219	\$	470,709		470709
Allowable cost		-		11,032		14,293		16,855		12,568		18,844		32,788		27,087		133,467	\$	112,173
	\$		\$	(94,062)	\$	(85,494)	\$	(113,414)	\$	(19,149)	\$	(23,417)	\$	(13,574)	\$	11,868	\$	(337,242)	\$	(358,536)
Other animals																				
Claimed	s	850	\$	1,529	\$	1,715	\$	3,122	\$	1,667	\$	1,901	\$	12,340	\$	925	\$	24,049		24049
Allowable cost		590		1,027		467		1,381		1,398		2,015		4,952		2,111		13,941	\$	13,554
	\$	(260)	\$	(502)	\$	(1,248)	\$	(1,741)	\$	(269)	\$	114	\$	(7,388)	\$	1,186	\$	(10,108)	\$	(10,495)
Total claimed	\$	850	\$	106,623	5	101,502	\$	133,391	\$	33,384	\$	44,162	\$	58,702	\$	16,144	\$	494,758	\$	494,758
Total allowed		590		12,059		14,760		18,236		13,966		20,859		37,740		29,198		147,408	\$	125,727
Total adjustment	\$	(260)	\$	(94,564)	\$	(86,742)	\$	(115,155)	\$	(19,418)	\$	(23,303)	\$	(20,962)	\$	13,054	\$	(347,350)	-\$	(369,031)

City of Hayward

Legislatively Mandated Animal Adoption Program

FY 1998-99

Audit ID # S09-MCC-058

Care and Maintenance of Dogs and Cats -Actual Cost Method



Labor- Title, Name		Annual	Audited	Audited	Total		
		Salary	Benefits	Indirect Costs	Labor	Care	Labor
		■ 1.4.10	■ 1.4.10	™ H.1.1			
		ACTUAL	ACTUAL	23.70%		%	Allowed
		(a)	(b)	(c _v)	(d)	(e)	(f)
				(a+b) *(IC Rate)	(a)+(b)+(^c)		(d)*(e)
Indirect cost rate applied to salar	ries	and benefits					
Sr. ACA,Jill Haddan		34,942.36	16,738.98	12,248.48	63,929.82	30%	19,178.9
Animal Care Attendants -							
Sean Farley	1	15,512.07	2,644.22	4,303.04	22,459.33	80%	17,967.4
Ricky Lee Kurts	2	9,564.53	1,407.01	2,600.25	13,571.79	80%	10,857.4
July Naval	3	35,384.79	14,602.41	11,846.97	61,834.17	80%	49,467.3
Pia Phoenix	4	33,539.73	15,946.41	11,728.22	61,214.36	80%	48,971.4
MaryLou Russell	5	34,416.22	15,558.38	11,843.98	61,818.58	80%	49,454.8
Marlene Swanson	6	12,127.59	1,838.17	3,309.89	17,275.65	80%	13,820.5
Candy Swart	7	Hired 9/18/2000	-				
		\$ 175,487.29	\$ 68,735.58				\$ 209,718.0
	•	· · · · · · · · · · · · · · · · · · ·					City Data

Step 2 - Food & Supplies

Food

\$ 8,752.00

Supplies

61,028.00

* = average "actual" cost for FYs 2005-06 through 2007-08

\$ 69,780.00

City Data

Step 3 - Total Annual Costs - Actual Salaries, Benefits and Indirect Costs plus Food and Supplies

Food & Supplies

\$ 69,780.00

Labor Allowed

209,718.00

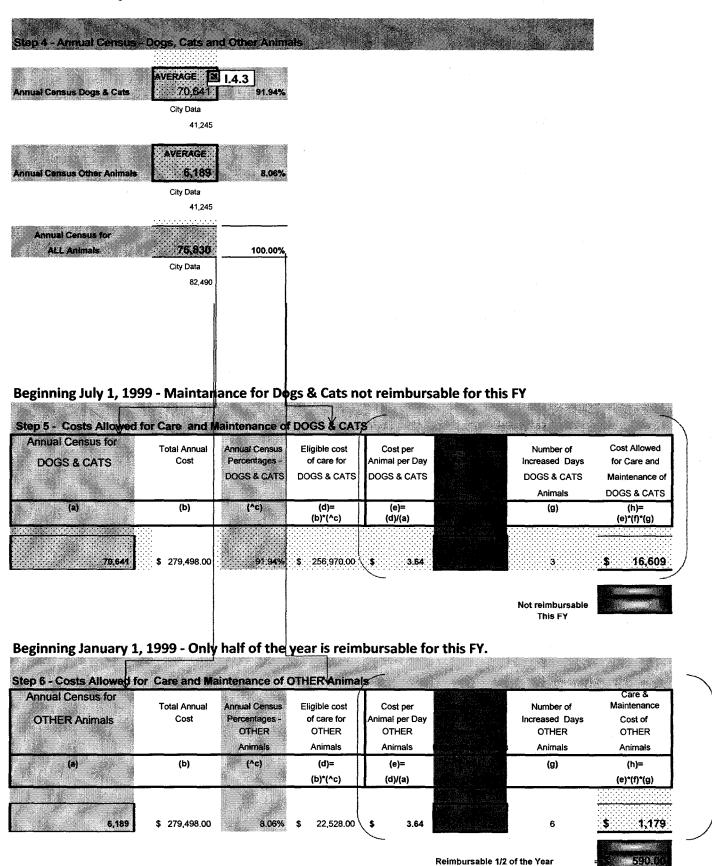
Total Annual Cost

\$ 279,498.00

City Data

Audit ID # S09-MCC-058

Care and Maintenance of Dogs and Cats -Actual Cost Method



City of Hayward Legislatively Mandated Animal Adoption Program FY 1998-99

Audit ID # S09-MCC-058

Care and Maintenance of Dogs and Cats -Actual Cost Method

Step 7

590.00

Claimed

\$ 850

Audit Adjustment

(260

○ EX.2

City of Hayward

Legislatively Mandated Animal Adoption Program

FY 1999-00

Audit ID # S09-MCC-058

Care and Maintenance of Dogs and Cats -Actual Cost Method

	L	4.	P:	S							
_		7.3					7.		W		
		ì.	ia.		Mini			ŵ	ŵ		louic.

Labor- Title, Name		Annual,	A	udited	Audited	Total		
		Salary		enefits	Indirect Costs	Labor	Care	Labor
		I.4.10		1.4.10	■ H.1.1			
		ACTUAL	and A	CTUAL WAR	18.50%		%	Allowed
		(a)		(b)	(c^)	(d)	(e)	(f)
					(a+b) *(IC Rate)	(a)+(b)+(^c)		(d)*(e)
Indirect cost rate applied to salar	ies	and benefits						
Sr. ACA,Jill Haddan		33,155.18		14,338.16	8,786.27	56,279.61	0%	
Animal Care Attendants	-							
Ricky Lee Kurts	1	28,833.71		4,269.76	6,124.14	39,227.61	80%	31,382.0
July Naval	2	35,425.02		13,309.97	9,015.97	57,750.96	80%	46,200.7
Pia Phoenix	3	30,161.57		13,045.46	7,993.30	51,200.33	80%	40,960.2
MaryLou Russell	4	33,349.60		13,289.74	8,628.28	55,267.62	80%	44,214.0
Marlene Swanson	5	9,958.94		1,511.74	2,122.08	13,592.76	80%	10,874.2
Candy Swart	6	Hired 9/18/2000						-
		\$ 170,884.02	\$	59,764.83				\$ 173,631.0

Step 2 - Food & Supplies

Food

8,752.00

Supplies

61,028.00 69,780.00

* = average "actual" cost for FYs 2005-06 through 2007-08

Step 3 - Total Annual Costs- Actual Salaries, Benefits and Indirect Costs plus Food and Supplies

Labor Allowed

\$ 173,631.00

Food & Supplies Allowed

69,780.00

Total Annual Cost

\$ 243,411.00

FY 1999-00

Audit ID # S09-MCC-058

Care and Maintenance of Dogs and Cats -Actual Cost Method

Step 4 - Annual Census - Dogs, Cats and Other Animals

Annual Census Percentages Averaged data from later years 1.4.3 70,641 Annual Census Dogs & Cats

City Data

41,245

6.189 Annual Census Other Animals City Data

2,190

Annual Census for ALL Animais 76,830 100.00% 43,435

Step 5 - Costs Allowed for Care and Maintenance of DOGS & CATS Annual Census for Total Annual Cost per Cost Allowed Annual Census Eligible cost Number of **ALL Animals** Cost Percentages of care for Animal per Day Increased Days for Care and DOGS & CATS DOGS & CATS DOGS & CATS **DOGS & CATS** Maintenance of DOGS & CATS Animals (a) (b) (*c) (d)= (e)= (g) (h)= (b)*(^c) (d)/(a) (e)*(f)*(g) 70,641 \$ 243,411.00 91.94% \$ 223,792.00 3.00 11,032 1.4.PS City Data City Data City Data City Data (e)*(f)*(g) 41,245 \$ 2,150,102.00 52.1300 2,016 105,094

Annual Census for OTHER Animals	Total Annual Cost	Annual Census Percentages - OTHER Animals	Eligible cost of care for OTHER Animals	Cost per Animal per Day OTHER Animals	Number of Increased Days OTHER Animals	Care & Maintenance Cost of OTHER Animals
(a)	(b)	(^c)	(d)= (b)*(^c)	(e)= (d)/(a)	(g)	(h)= (e)*(f)*(g)
#112 #112 #112 #113 #113 #113 #113 #113	\$ 243,411.00	8.06%	\$ 19,619.00	\$ 3.17	6	1,027.0 2 1.4.PS

City Data

2,190

(e)*(a) 11,160.00 \$

City Data 5.0960 City Data

75

City Data

(e)*(f)*(g)

1,529.0

City of Hayward
Legislatively Mandated Animal Adoption Program
FY 1999-00
Audit ID # S09-MCC-058

Care and Maintenance of Dogs and Cats -Actual Cost Method

Step 7

All methodologies and numbers contingent on management approval.

124059

Claimed

106,623

Audit Adjustment

\$ (94,564)



Legislatively Mandated Animal Adoption Program

FY 2000-01

Audit ID # S09-MCC-058

Care and Maintenance of Dogs and Cats -Actual Cost Method

Labor- Title, Name			Audited	Audited Indirect Costs	Total	Como	Labor
		Salary I.4.10	Benefits I.4.10	_	Labor	Care	Labor
		ACTUAL	ACTUAL	19.90%		%	Allowed
		(a)	(b)	(c^)	(d)	(e)	(f)
				(a+b) *(IC Rate)	(a)+(b)+(^c)		(d)*(e)
b Indirect cost rate applied to sala	ries	and benefits					
Part-time employees							
Sr. ACA,Jill Haddan		35,374.30	15,120.94	10,048.55	60,543.79	0%	-
Animal Care Attendants -							
Kathleen Duran-Diaz	1	15,407.11	2,278.44	3,519.42	21,204.97	80%	16,963.98
Cara Gerat	2	Hired 8/14/2	-			80%	-
Carolina Hepworth	3	-	-	-	-	80%	-
Meisha Marcelini	4	Hired 9/11/2	-	•		80%	-
William MC Gregor	5	5,252.04	777.40	1,199.86	7,229.30	80%	5,783.44
July Naval	6	38,474.23	14,266.41	10,495.39	63,236.03	80%	50,588.82
Aimee Nelson	7	32,775.46	8,974.51	8,308.24	50,058.21	80%	40,046.57
Michele Putzke	8	22,469.70	5,306.46	5,527.46	33,303.62	80%	26,642.89
Candy Swart	9	31,812.11	9,129.80	8,147.44	49,089.35	80%	39,271.48
Felipe Vitug	10	Hired 9/04/2	-				-
Pricilla Ybarra	11	Hired 7/24/2001	! •				-

City Data

179,297.18

Step 2 - Food & Supplies

Food

\$ 8,752.00

\$ 181,564.95

Supplies

61,028.00

* = average "actual" cost for FYs 2005-06 through 2007-08

\$ 69,780.00

Step 3 - Total Annual Costs- Actual Salaries, Benefits and Indirect Costs plus Food and Supplies

55,853.96

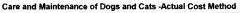
 Labor Allowed
 \$ 179,297.18

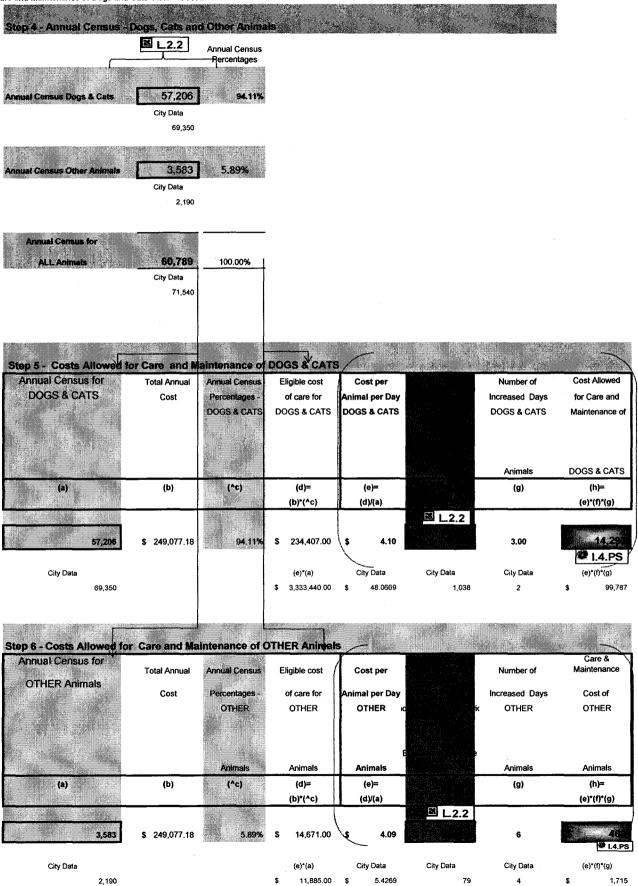
 Food & Supplies Allowed
 69,780.00

 Total Annual Cost
 \$ 249,077.18

FY 2000-01

Audit ID # S09-MCC-058





City of Hayward
Legislatively Mandated Animal Adoption Program
FY 2000-01
Audit 1D # S09-MCC-058

Care and Maintenance of Dogs and Cats -Actual Cost Method

Step 7

14,756

Claimed

101,502

Audit Adjustment

\$ (86,743)



All methodologies and numbers contingent on management approval.

Legislatively Mandated Animal Adoption Program

FY 2001-02

Audit ID # S09-MCC-058

Care and Mainte 1.4.PS s and Cats -Actual Cost Method

Labor- Title, Name		Annual Salary	Audited Benefits	Audited Indirect Costs	Total Labor	Care %	Labor
		I.4.10	■ 1.4.10 • ACTUAL	™ H.1.1	b	Allowed	Allowed
		(a)	(b)	(c^)	(d)	(e)	(f)
				(a+b) *(IC Rate)	(a)+(b)+(^c)		(d)*(e)
Indirect cost rate applied to salar	ies	and benefits					
Blanton, C-Vol Asst		8,767.46	1,025.82	1,929.28	11,722.56	0%	-
Sr. ACA, Michele Putzke		36,039.12	10,518.79	9,171.91	55,729.82	0%	-
Animal Care Attendants -		-					
Joshua Haffer	1	No Wages- hired	-			80%	-
Carolina Hepworth	2	27,656.01	7,638.80	6,953.08	42,247.89	80%	33,798.3
Donna Home	3	580.88	110.81	136.26	827.95	80%	662.3
Meisha Marcelini	4	15,481.69	4,713.90	3,978.53	24,174.12	80%	19,339.3
William MC Gregor	5	21,470.20	2,753.93	4,772.15	28,996.28	80%	23,197.0
July Naval	6	41,010.74	14,150.27	10,866.72	66,027.73	80%	52,822.1
Aimee Nelson	7	35,587.12	10,141.73	9,008.58	54,737.43	80%	43,789.9
Danny Pacheco	8	15,613.60	1,826.79	3,435.76	20,876.15	80%	16,700.9
Pricilla Ybarra	9	30,463.74	8,918.74	7,758.35	47,140.83	80%	37,712.6
		232.670.56	61,799.58				\$ 228,022.7
	•						City Data

Step 2 - Food & Supplies

Food

\$ 8,752.00

Supplies

61,028.00

* average "actual" cost of supplies for FYs 2005-06 through 2006-07

\$ 69,780.00

Step 3 - Total Annual Costs- Actual Salaries, Benefits and Indirect Costs plus Food and Supplies

Labor Allowed

\$ 228,022.71

Food & Supplies Allowed

69,780.00

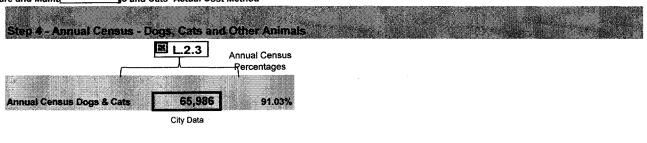
Total Annual Cost

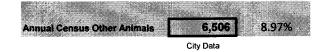
\$ 297,802.71

FY 2001-02

Audit ID # S09-MCC-058

Care and Maint 1.4.PS is and Cats -Actual Cost Method





Annual Census for **ALL Animals** 72,492 100.00% City Data

Annual Census for DOGS & CATS	Total Annual Cost	Annual Census Percentages - DOGS & CATS	Eligible cost of care for DOGS & CATS	Cost per Animal per Day DOGS & CATS	d	Number of Increased Days DOGS & CATS	Cost Allowed for Care and Maintenance of DOGS & CATS
(a)	(b)	(°c)	(d)= (b)*(^c)	(e)= (d)/(a)		(g)	(h)= (e)*(f)*(g)
65,986	\$ 297,802.71	91.03%	\$ 271,090.00	\$ 4.11	■ L.2.3	3	16,862 2 I.4.PS
City Data			(e)*(a)	City Data	City Data	City Data	(e)*(f)*(g)

Annual Census for OTHER Animals	Total Annual Cost	Annual Census Percentages -	Eligible cost of care for	Cost per Animal per Day	Number of Increased Days	Maintenand Cost of
		OTHER Animals	OTHER Animals	OTHER Animals	OTHER Animals	OTHER Animals
(a)	(b)	(^c)	(d)= (d)*(^c)	(e)= (d)/(a)	(g)	(h)= (e)*(f)*(g)

City Data

(e)*(a)

City Data

City Data

104

City Data

(e)*(f)*(g)

Total Annual Costs

7.5050

3,122

City of	Ha	ward

Legislatively Mandated Animal Adoption Program

FY 2001-02

Audit ID # S09-MCC-058

Care and Maint 1.4.PS s and Cats -Actual Cost Method

Step 7

1,423



Claimed

133,391

Audit Adjustment

(115,155)



All methodologies and numbers contingent on management approval.

City of Hayward

Legislatively Mandated Animal Adoption Program

FY 2002-03

Audit ID # S09-MCC-058

Care and Maintenance of Dogs and Cats -Actual Cost Method

SEE LADO			34534K	
	\neg	4	9.4	
	\sim	4	8 E	

Labor- Title, Name		Annual Salary	Audited Benefits	Benefits Indirect Costs		Care	Labor
		I.4.10	■ 1.4.10	M H.1.1 1 16.20 % ;	b	Allowed %	Allowed
_		(a)	(b)	(c _v)	(d)	(e)	(f)
				(a+b) *(IC Rate)	(a)+(b)+(^c)		(d)*(e)
Indirect cost rate applied to sala	ries a	and benefits					
Sr. ACA,Michele Putzke		21,596.34	6,467.98	4,546.42	32,610.74	0%	
ACA Sup.,		46,600.86	10,250.75	9,209.96	66,061.57	0%	-
Animal Care Attendants	-			_	-		
Carolina Hepworth	1	36,783.41	10,164.50	7,605.56	54,553.47	80%	43,642.78
Donna Horne	2	34,702.96	10,548.70	7,330.77	52,582.43	80%	42,065.94
Michelle Hurtado	3	4,224.98	494.30	764.52	5,483.80	80%	4,387.04
William MC Gregor	4	34,369.94	9,479.44	7,103.60	50,952.98	80%	40,762.38
Aimee McDonald	5	23,870.47	7,123.13	5,020.96	36,014.56	80%	28,811.65
July Naval	6	41,929.31	14,585.38	9,155.38	65,670.07	80%	52,536.06
Danny Pacheco	7	18,291.41	2,284.96	3,333.37	23,909.74	80%	19,127.79
Candy Swart	8	39,491.20	11,193.44	8,210.91	58,895.55	80%	47,116.44
Melissa Thierry	9	10,141.34	1,182.10	1,834.40	13,157.84	80%	10,526.27
Pricilla Ybarra	10			-			-
		\$ 312,002.22	\$ 83,774.68	64,115.86	459,892.76	•	\$ 288,976.36

City Data

Step 2 - Food & Supplies

Food

\$ 8,752.00

Supplies

64 029 00

* - based on "actual" average of FYs 2005-06 through 2007-08

\$ 69,780.00

Step 3 - Actual Salaries, Benefits and Indirect Costs plus Food and Supplies

Labor Allowed

\$ 288,976.36

Food & Supplies Allowed

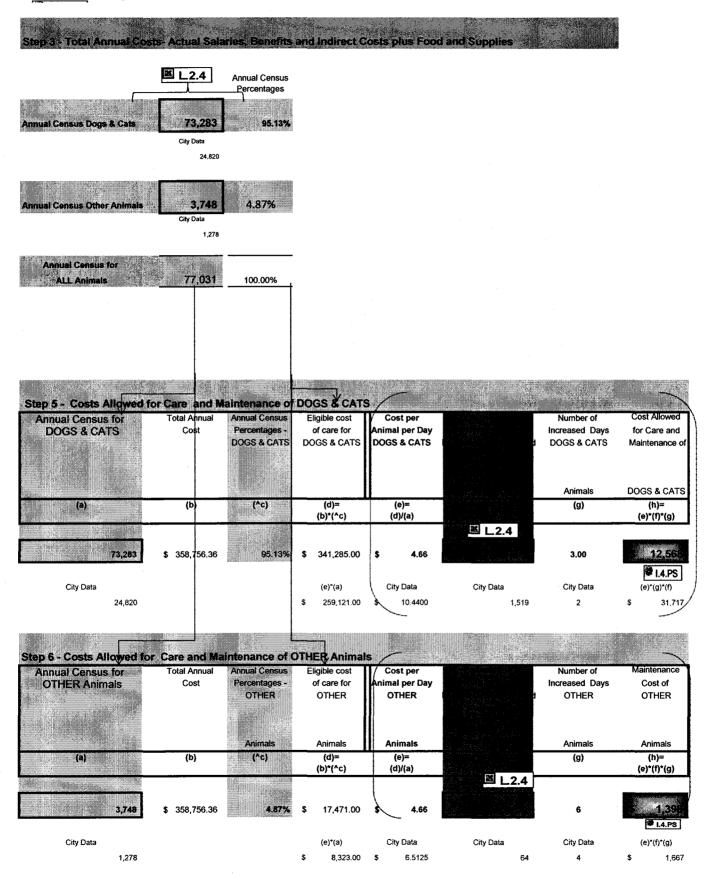
69,780.00

Total Annual Cost

\$ 358,756.36

Audit ID # S09-MCC-058

Care and Maintenance of Dogs and Cats -Actual Cost Method



City of Hayward
Legislatively Mandated Animal Adoption Progran
FY 2002-03

Audit ID # S09-MCC-058

Care and Maintenance of Dogs and Cats -Actual Cost Method

Step 7

Allowable



Claimed

33,384

Audit Adjustment

\$ (19,418)



City of Hayward

Legislatively Mandated Animal Adoption Program

FY 2005-06

Audit ID # S09-MCC-058

Care and Maintenance of Dogs and Cats -Actual Cost Method

1.4.PS

abor- Title, Name		Annual	Audited	Audited		Total		Dog & Cat Care	
		Salary	Benefits	Indirect Co	osts	Labor	Care	Labor	
		I.4.10	1.4.10	■ H.1.	.1		Allowed	1	
		ACTUAL	ELEACTUAL	23.76%	^		%	Allowed	
		(a)	(b)	(c^) (a) *(IC Ra	te)	(d) (a)+(b)+(^c)	(e)	(f) (d)*(e)	
n this FY indirect cost rate was applied o	nly to	Salaries.							
ir. ACA, Tiana Scott-Temp?		12,680.82	2,771.61	3,005	5.35	18,457.78	0%	-	
CA Sup. Volunteer Coordinator, Hilary D	rake	39,648.80	17,223.01	9,396	3.77	66,268.58	0%	•	
Animal Care Attendants									
Michael Avila	1	1,718.87	157.95	407	7.37	2,284.19	80%	1,827.35	
Carolina Blancas/Barajas	2	32,092.98	21,646.42	7,606	5.04	61,345.44	80%	49,076.35	
Myles Bowie	3	8,884.07	1,194.30	2,105	5.52	12,183.89	80%	9,747.12	
Sorayda Duarte Guerra	4	11,805.36	1,587.85	2,797	7.87	16,191.08	80%	12,952.86	
Jenna Flick	5	17,705.88	9,040.89	4,196	5.29	30,943.06	80%	24,754.45	
Candy Holeman	6	35,266.42	22,205.39	8,358	3.14	65,829.95	80%	52,663.96	
Donna Horne	7	41,202.45	18,859.04	9,764	1. 9 8	69,826.47	80%	55,861.18	
Kyle Koller	8	782.88	105.30	185	5.54	1,073.72	80%	858.98	
Justin Mallory	9	19,658.03	2,826.06	4,658	3.95	27,143.04	80%	21,714.43	
Aimee McDonald	10	31,134.21	21,424.42	7,378	3.81	59,937.44	80%	47,949.95	
Danny Pacheco	11	37,414.97	26,270.12	8,867	7.35	72,552.44	80%	58,041.95	
Clinton Pierce	12	473.00	63.62	112	2.10	648.72	80%	518.98	
Dawn Price	13	-	-			-	80%	-	
Michele Putzke	14	40,876.97	23,216.29	9,687	7.84	73,781.10	80%	59,024.88	
Heather Wheat ??? P Ybarra ??? C Swart	15								
		\$ 331,345.71	\$ 168,592.27	\$ 78,528	3.93 \$	578,466.91		\$ 394,992.44	68.28
		City Data	City Data	City Data		City Data		City Data	
	5	318,438	\$ 128,250	s 75	5,470 \$	522,158		\$ 392,717	75.21

Step 2 - Food & Supplies

Food

Food

8,752.00 *Food supplier contract

0, , City Data 8,752

1.4.13

\$ 3,328.73 *Additional food which was not claimed.

Supplies

1.4.13

47,151.83 *Additional food which was not claimed.

City Data

27,800 Estimate/not allowed

59,232.56

City Data

\$

Step 3 - Total Annual Costs- Actual Salaries, Benefits and Indirect Costs plus Food and Supplies

36,552

Labor Allowed Food & Supplies Allowed 394,992.44 59,232.56

Total Annual Cost

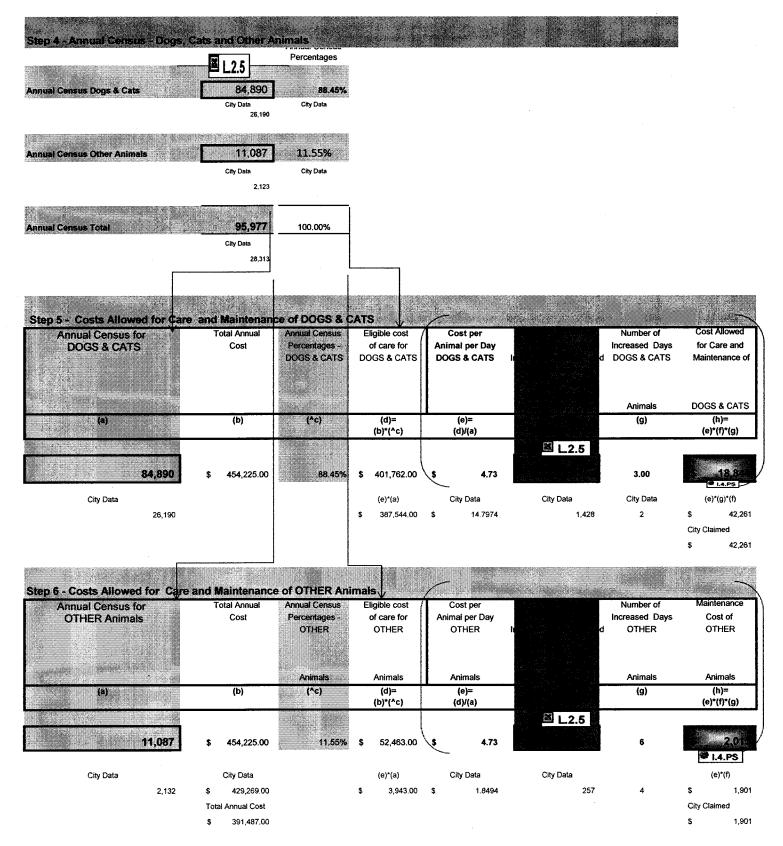
454,225.00

City Data

Total Mistated Labor 429,269 \$ 24,956.00 F 1 2003-00

Audit ID # S09-MCC-058

Care and Maintenance of Dogs and Cats -Actual Cost Method



② EX.2

City of Hayward	
Legislatively Mandated Animal Adoption Program	n
FY 2005-06	

Audit ID # S09-MCC-058

Care and Maintenance of Dogs and Cats -Actual Cost Method

Step 7	,	
	Allowa	ble
		20.8
	City C	Claimed
	\$	44,162
	Audit /	Adjustment
	\$	(23,303)

L.2.6

All methodologies and numbers contingent on management approval.

Legislatively Mandated Animal Adoption Program

FY 2006-07

Audit ID # S09-MCC-058

Care and Maintenance of Dogs and Cats -Actual Cost Method

I.4.PS

Step 1 - Labor - Actual Salar	65,	Benefits and	Indirect costs	(444)	37377			
Labor- Title, Name		Annual	Audited	Audited	Total	Dog & Cat	Dog & Cat Care	
		Salary	Benefits	Indirect Costs	Labor	Care	Labor	
		≅ 1.4.10	■ 1.4.10	85 H.1.1		Allowed		
		ACTUAL	ACTUAL	42.30%		%	Allowed	
		(a)	(b)	(c _v)	(d)	(e)	(f)	
				(a) *(IC Rate)	(a)+(b)+(^c)		(d)*(e)	
In this FY indirect cost rate was applie Indicates part-time employees per Pau							(0) (0)	
Sr. ACA, Tiana Scott		41,535.20	17,989.48	17,569.39	77,094.07	0%		
ACA Sup., Hilary Drake		40,786.29	20,799.76	17,252.60	78,838.65	0%	-	
Animal Care Attendants				-	-		-	
Michael Avila	1	3,392.48	500.41	1,646.69	5,539.58	80%	4,431.67	
Kristin Barby	2	16,919.18	2,482.90	8,207.08	27,609.16	80%	22,087.33	
Carolina Blancas	3	41,428.42	27,019.82	28,953.61	97,401.85	80%	77,921.48	
Myles Bowie	4	12,555.04	1,833.67	6,086.42	20,475.13	80%	16,380.11	
Jessica Goodness	5	36,773.27	13,346.63	21,200.72	71,320.62	80%	57,056.49	
Candy Holeman	6	-	•	-	-	80%	-	
Donna Horne	7	40,942.25	19,438.54	25,541.07	85,921.86	80%	68,737.49	
Kyle Koller	8	9,149.92	1,349.61	4,441.30	14,940.83	80%	11,952.66	
Justin Mallory	9	34,328.72	15,410.09	21,039.52	70,778.33	80%	56,622.66	
Aimee McDonald	10	34,021.21	26,171.91	25,461.69	85,654.81	80%	68,523.85	
Ana Obichere	11	8,827.41	1,271.94	4,272.03	14,371.38	80%	11,497.10	
Danny Pacheco	12	38,350.46	28,590.38	28,315.98	95,256.82	80%	76,205.45	
Anthony Palemini	13	-	.	· -	•	80%	-	
Clinton Pierce	14	15,953.23	2,344.20	7,739.81	26,037.24	80%	20,829.79	
Michele Putzke	15	40,278.56	24,418.25	27,366.75	92,063.56	80%	73,650.85	
Heather Rappa	16	28,879.67	6,228.21	14,850.63	49,958.51	80%	39,966.81	
,	•			.				
	-	\$ 444,121.31	\$ 209,195.80	\$ 259,945.29	\$ 913,262.40		\$ 605,864.00	Make d October
				City Data	City Data		City Data	Mistated Salaries
	***********						\$ 471,565	S 13
Step 2 - Food & Supplies								
Food	L		*Food supplier con	tract				
		City Data						
		\$ 8,752						
	_	1.4.14						
Food		\$ 14,127.00	*Additional food wh	nich was not claimed				
	F	1.4.14						
Supplies		66,932.77	*Additional food wh	nich was not claimed				

	d Indirect Costs plus Food and Supplies	

27,800 Estimate/not allowed

Mistated Materials & Sup

City Data

\$ 89,812.00

36,552 \$

 Labor Allowed
 605,864.00

 Food & Supplies Allowed
 \$ 89,812.00

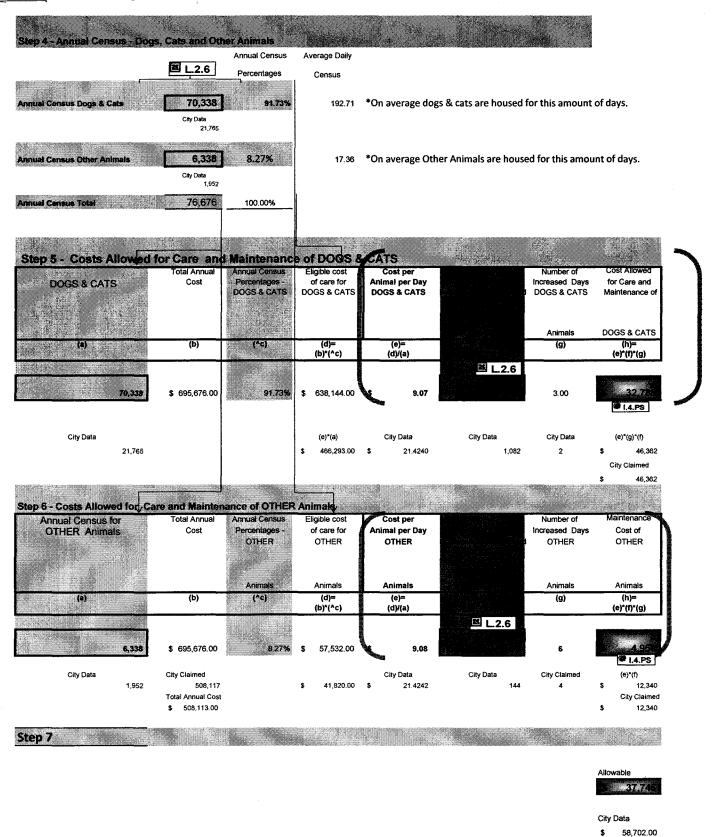
 Total Annual Cost
 \$ 695,676.00

City Date Total Mistated Costs

\$ 508,117 \$ 187,559.00

Audit ID # S09-MCC-058

Care and Maintenance of Dogs and Cats -Actual Cost Method



Audit Adjustment \$ (20,956)

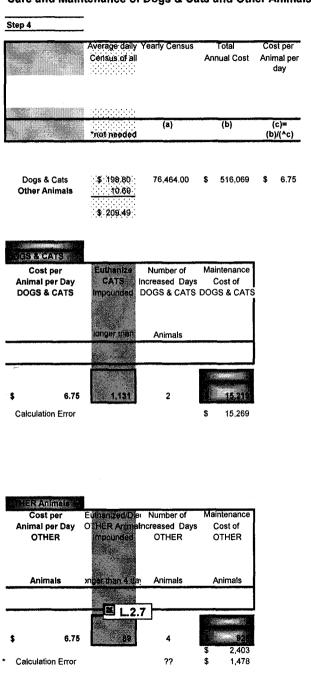
③ EX.2

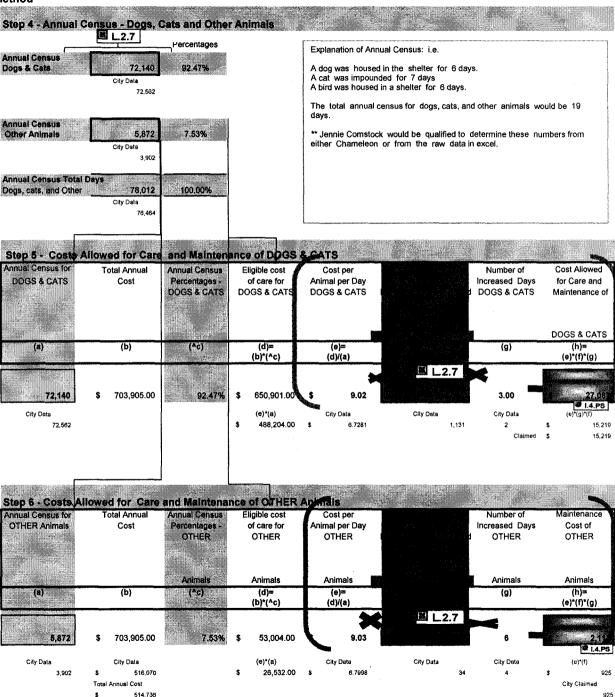
Care and Maintenance of Dogs & Cats and Other Animals -Actual Cost Method

Allowed % All. (e) (d 80% \$ 1. 80% 1! 80% 3: 80% 6. 80% 6. 80% 6. 80% 7. 80% 6. 80% 6. 80% 5.	Additor Note Information provided by Henry Gudin Prepared by Elena Ramo Should be reviewed for accuracy. 4,626.79 6,423.69 19,964.80 1,429.95 According to their main duty is not the provide care 1,127.21 1,513.71 Additor Note Additor Note Additor Note Additor Note Additor Note Information Prepared by Elena Ramo ACA positior are not allowed. According to their main duty is not their main duty is not the provide care and
(e) (d 80% \$ 1, 80% 11, 80% 33, 80% 6, 80% 6, 80% 6, 80% 5, 80% 5, 80% 5	(f) Henry Gudin Prepared by Elena Ramo Should be reviewed for accuracy. 4,626.79 ** Superviso ACA positior are not allowed. According to their job description their main duty is not the provide care and and and series are not allowed. According to their main duty is not their main and and series are not allowed.
80% \$ 1. 80% 11 80% 31 80% 6. 80% 6. 80% 7. 80% 5. 80% 6.	### Elena Ramo Should be reviewed for accuracy. #### 4,626.79 ### 5 Superviso ACA position are not allowed. According to their job description their main duty is not be provide care and and ### 1,127.21 ### 1,1513.71 ### 1,1513.71
80% 10 80% 31 80% 6 80% 6 80% 7 80% 5 80% 5 80% 5	4,626.79 6,423.69 19,964.80 1,429.95 14,649.22 4,517.73 6,735.69 14,425.34 11,127.21 1,513.71 reviewed for accuracy. ** Superviso are not allowed. According to their job description their main duty is not by provide care and and
80% 10 80% 31 80% 6 80% 6 80% 7 80% 5 80% 5 80% 5	4,626.79 #* Superviso 6,423.69 ACA position are not allowed. According to their job description (4,425.34 t),127.21 and and accuracy.
80% 10 80% 31 80% 6 80% 6 80% 7 80% 5 80% 5 80% 5	4,626.79
80% 10 80% 31 80% 6 80% 6 80% 7 80% 5 80% 5 80% 5	6,423.69 19,964.80 11,429.95 14,649.22 4,517.73 16,735.69 14,425.34 11,127.21 1,513.71 ACA position are not allowed. According to their job description their main duty is not to provide care and
80% 31 80% 6 80% 6 80% 7 80% 5 80% 5 80% 5	19,964.80 are not allowed. 1,429.95 According to their job description their main duty is not by provide care and and and and and and and allowed.
80% 6.80% 6.80% 77.80% 5.80% 6.80% 6.80% 6.80% 6.80% 5.90% 5.90% 5.90% 5.90% 5.90% 5.90%	1,429.95 4,649.22 4,517.73 6,735.69 44,425.34 11,127.21 1,513.71 and and allowed. According to their job description their main duty is not their main and and and and and and and and and and
80% 6.80% 7.680% 5.80% 6.80% 6.80% 6.80% 5.80% 5.80% 5.80%	According to their job description their main duty is not to provide care 1,513.71
80% 70 80% 70 80% 55 80% 6 80% 59	4,517.73 description their main duty is not to provide care and
80% 7/ 80% 5- 80% 6 80% 59	6,735.69 their main 64,425.34 duty is not to 61,127.21 provide care 1,513.71 and
80% 5- 80% 6 80% 5-	54,425.34 duty is not to 51,127.21 provide care 1,513.71 and
80% 6: 80% 5:	1,127.21 provide care 1,513.71 and
80% 80% 5	1,513.71 and
80% 50	
	6,674.17 maintenance
	18 760 72 for animals.
80% 6	7,062.61 The 30%
	3,780.19 amount is ar
	2,209.00 ESTIMATE.
80% 20	26,232.35
\$ 62	20,142.00
Cit	ity Data
\$	479,517
Auditor Notes	
Information	
Compiled by Adele	
Michael.	

and Supplies	
(M)	80% 5 62 5 C S Auditor Notes: Information

Care and Maintenance of Dogs & Cats and Other Animals -Actual Cost Method





City of Hayward Legislatively Mandated Animal Adoption Program FY 2007-08 Audit ID # S09-MCC-058

Care and Maintenance of Dogs & Cats and Other Animals -Actual Cost Method

Step 7

Total Care & Maintenance of Dogs & Cats and Other Animals



Allowable

29,200

City Data

16,144

Audit Adjustment

\$ 13,056



All methodologies and numbers contingent on management approval.

Tab 12

City of Hayward Legislatively Mandated Animal Adoption Program FY 1998-99 through FY 2007-08/ Excluding FY 2003-04 & FY 2004-05 Audit ID # S09-MCC-058 Holding Period - MAAFOR -Salaries & Benefits SUMMARY

FINDING - Holding Period - Making Animal Available for Owner Redemption

Finding 4

	1000.00	4000 2000	2000-01	2001-02	2002-03	2005-06	2006-07	2007.00	T-4-1-
0=1-2	1998-99	1999-2000	2000-01	2001-02	2002-03	2005-06	2000-07	2007-08	Totals
Salaries				* 400 770	0 70 754		A 74777	• • • • • • • • • • • • • • • • • • • •	
Claimed	\$ 42,588	\$ 89,389	\$ 93,976	\$ 106,773	\$ 79,754	\$ 61,448	\$ 74,777	\$ 87,875	\$ 636,580
Allowable Cost	631	28,252	30,095	31,662	27,898	27,665	28,479	33,859	208,541
Audit Adjustment	\$ (41,957)	\$ (61,137)	\$ (63,881)	\$ (75,111)	\$ (51,856)	\$ (33,783)	\$ (46,298)	\$ (54,016)	\$ (428,039)
_									
Benefits									
Claimed	\$ 16,098	\$ 27,621	\$ 29,978	\$ 34,594	\$ 21,393	\$ 28,205	\$ 35,743	\$ 50,615	\$ 244,247
Allowable Cost	238	8,730	9,600	8,967	7,677	12,698	13,613	16,019	77,542
Audit Adjustment	\$ (15,860)	\$ (18,891)	\$ (20,378)	\$ (25,627)	\$ (13,716)	\$ (15,507)	\$ (22,130)	\$ (34,596)	\$ (166,705)
Salaries & Benefits									
Claimed	\$ 58,686	\$ 117,010	\$ 123,954	\$ 141,367	\$ 101,147	\$ 89,653	\$ 110,520	\$ 138,490	\$ 880,827
Allowed Cost	869	36,982	39,695	40,629	35,575	40,363	42,092	49,878	286,083
Audit Adjustment	\$ (57,817)	\$ (80,028)	\$ (84,259)	\$ (100,738)	\$ (65,572)	\$ (49,290)	\$ (68,428)	\$ (88,612)	\$ (594,744)
	Sal. & Ben.	Sal. & Ben.	Sal. & Ben.	Sal. & Ben.	Sal. & Ben.	Sal.	Sal.	Sal.	
Related Indirect Cos	23.70%	18.50%	19.90%	19.70%	16.20%	23.70%	42.30%	21.80%	
Claimed	\$ 13,908	\$ 21,647	\$ 24,667	\$ 27,849	\$ 16,386	\$ 14,563	\$ 31,631	\$ 19,157	\$ 169,808
	•	•		•	. ,				
	23.70%	18.50%	19.90%	19.70%	16.20%	23.70%	42.30%	21.80%	Ļ
Allowable Cost	206	6,842	7,899	8,004	5,763	6,557	12,047	7,381	54,699 H.1.2
Audit Adjustment		\$ (14,805)	\$ (16,768)	\$ (19,845)	\$ (10,623)	\$ (8,006)	\$ (19,584)	\$ (11,776)	\$ (115,109)
Audit Aujustinent	Ψ (10,702)	<u>Ψ (14,000)</u>	Ψ (10,700)	Ψ (10,040)	Ψ (10,020)	Ψ (0,000)	\$ (10,004)	Ψ (11,770)	Ψ(110,100)
									_
Total claimed	\$ 72,594	\$ 138,657	\$ 148,621	\$ 169,216	\$ 117,533	\$ 104,216	\$ 142,151	\$ 157,647	\$ 1,050,635
Total allowed	1,075	43,824	47,594	48,633	41,338	46,920	54,139	57,259	340,782
Total adjustment	\$ (71,519)	\$ (94,833)	\$ (101,027)	\$ (120,583)	\$ (76,195)	\$ (57,296)	\$ (88,012)	\$ (100,388)	\$ (709,853)
rotal aujustinent	Ψ (/1,31 3)	Ψ (34,000)	(101,027)	+ (120,000)	(10,193)	\$\(\tau\)	ψ (00,012)	+ (100,000)	₩ (100,000)

G.6.PS

■ E.3.1

IV Holding Period \$ (709.853)

Making Animals Available for Owner Redemption- Analysis of Salaries

City's Data				Auditor Analys	sis						
Employee	PHR	Hours	Salaries	Allowed	Allowed	Salaries after l	Hour	Sal	aries	Adjustment I	Adjustment II
Classification	Claimed	Claimed	Claimed	PHR	Hours	related - adjust (Allowed Ho times Claimed	urs	(Allowe	OWED ed Hours owed PHR)	Hour- related	PHR- related
	(a)	(b)	(c)= (a)*(b)	(d)	(e)	(f)=(e)*(a ∆ (f) = (e) *			g)=)*(d)	(h)= (f)-(c)	(i)= (g)-(f)
FY 1998-99				⊠ G.11.1	■ G.6.4						
Animal Care Attendants - Val	14.11	1,464	\$ 20,657.04		7	\$	98.77	\$	117.04	\$ (20,558.27)	\$ 18.27
Sr. Animal Care Attendants	15.52	384	5,959.68	18.47	0		-		•	(5,959.68)	•
ACA Supervisor	-	-	•	•	0		-		-		
Volunteer Coordinator	-	-	-	-	0		-		•		-
Police Records Clerks	15.04	576	8,663.04	17.13	22	3	30.88		376.86	(8,332.16)	45.98
Sr. Records Clerk	-	-		17.13	4		68.52	<u>!</u>	68.52	68.52	-
Acing Police Records Sup.	-	-	-	17.13	4		68.52	<u>.</u>	68.52	68.52	-
Sr. Animal Control Officer	19.03	384	7,307.52	19.72	0	-	- 28	G.6.1		(7,307.52)	•
		2,808	\$ 42,588		37	\$ 5	 66.69_	\$	631	\$ (42,021)	\$ 64
			■ G.6.1	_							

City's Data			•			Auc	ditor Analys	sis						
Employee		PHR	Hours	1	Salaries	/	Allowed	Allowed	Salar	ies after Hour	Sa	laries	Adjustment I	Adjustment II
Classification	Claimed		Claimed	(Claimed	PHR		Hours	relate	d - adjustment	ALLOWED		Hour- related	PHR-
				÷					(Allowed Hours		• .	ed Hours		related
										Claimed PHR)		lowed PHR)		
	(a)		(b)	(c)= (a)*(b)		(d)		(e)		$(f)=(e)^*(a)$ $\Delta(f)=(e)^*(d)$		g)= e)*(d)	(h)= (f)-(c)	(1)= (g)-(f)
FY 1999-00						×	G.11.1							
Animal Care Attendants - Various	\$	14.71	2,928	\$	43,070.88	\$	17.75	312	\$	4,589.52	\$	5,538.00	\$ (38,481.36)	\$ 948.48
Sr. Animal Care Attendants		16.62	768		12,764.16		20.03	0		-		-	(12,764.16)	•
ACA Supervisor		-	•		-		-	0		-		•	•	-
Volunteer Coordinator		-	-		-		-	0		-		•	•	•
Police Records Clerks II		16.44	1,152		18,938.88		18.20	936		15,387.84		17,035.20	(3,551.04)	1,647.36
Sr. Records Clerk		-	-				18.20	156		2,839.20	4	2,839.20	2,839.20	
Acing Police Records Sup.		-	-				18.20	156		2,839.20	4	2,839.20	2,839.20	
Sr. Animal Control Officer		19.03	768		14,615.04		19.81	0		- 8	G.6.1	1	(14,615.04)	-
			5,616	\$	89,389			1560	\$	25,655.76	\$	28,252	\$ (63,733)	\$ 2,596

City's Data

Making Animals Available for Owner Redemption- Analysis of Salaries

Oity s Data						Auditor Arialy	7 313						
Employee Classification		PHR Claimed	Hours Claimed		Salaries Claimed	Allowed PHR	Allowed Hours	relate (All-	es after Hour d - adjustment owed Hours Claimed PHR)	Al (Aild	alaries LOWED wed Hours Allowed PHR)	Adjustment I Hour- related	Adjustment II PHR- related
		(a)	(b)	(c)= (a)*(b)		(d)	(e)	(f)=(e)*(a) Δ (f) = (e) * (d)			(g)= (e)*(d)	(h)= (f)-(c)	(i)= (g)-(f)
FY 2000-01						■ G.11.1]						
Animal Care Attendants - Va Sr. Animal Care Attendants ACA Supervisor Volunteer Coordinator	1 \$	15.71 17.28 -	2,928 768 -	\$	45,998.88 13,271.04 - -	\$ 17.42 20.03 -	312 0 0 0	\$	4,901.52 - - -	\$	5,435.04 - - -	\$ (41,097.36) (13,271.04)	\$ 533.52 -
Police Records Clerks II Sr. Records Clerk Acing Police Records Sup.		17.44	1,152		20,090.88	19.76 19.76 19.76	936 156 156		16,323.84 3,082.56 3,082.56		18,495.36 3,082.56 3,082.56	(3,767.04) 3,082.56 3,082.56	2,171.52 -
Sr. Animal Control Officer		19.03	768		14,615.04	20.51	0			G.6.		(14,615.04)	•
			5,616	\$	93,976		1560	\$	27,390.48	\$	30,095	\$ (66,586)	\$ 2,705
City's Data						Auditor Analy	ysis		·			- T	
Employee Classification	,	PHR Claimed	Hours Claimed		Salaries Claimed	Allowed PHR	Allowed Hours	relate (All	ies after Hour d - adjustment owed Hours Claimed PHR)	Al (Allo	alaries LOWED owed Hours Allowed PHR)	Adjustment I Hour- related	Adjustment II PHR- related
		(a)	(b)		(c)= (a)*(b)	(d)	(e)	Δ (f)=(e)*(a) f) = (e) * (d)		(g)= (e)*(d)	(h)≖ (f)-(c)	(I)= (g)-(f)
FY 2001-02						■ G.11.1							
Animal Care Attendants Sr. Animal Care Attendants	\$	16.18 20.77	2,928 768	\$	47,375.04 15,951.36	\$ 18.28 20.77	312 0	\$	5,048.16 -	\$	5,703.36 -	\$ (42,326.88) (15,951.36)	\$ 655.20 -
ACA Supervisor Volunteer Coordinator		-			•	-	0 0		-		-		•
ACA Supervisor		20.80	1,152 - - 768	-	23,961.60 - 19,491.84 (6.84)	20.80 20.80 20.80 25.38	-		19,468.80 3,244.80 3,244.80		19,468.80 3,244.80 3,244.80	(4,492.80) 3,244.80 3,244.80 (19,491.84) 6.84	

Auditor Analysis

Making Animals Available for Owner Redemption- Analysis of Salaries

City's Data				Auditor Analy	ysis						
Employee Classification	PHR Claimed	Hours Claimed	Salaries Claimed	Allowed PHR	Allowed Hours	relate (Alletimes	ies after Hour d - adjustment owed Hours Claimed PHR)	(All	Salaries LLOWED owed Hours Allowed PHR)	Adjustment I Hour- related	Adjustment II PHR- related
	(a)	(b)	(c)= (a)*(b)	(d)	(e)		f)=(e)*(a) f) = (e) * (d)		(g)= (e)*(d)	(f)-(c)	(i)= (g)-(f)
FY 2002-03					■ G.6.4						
Animal Care Attendants	\$ 20.67	2,184	\$ 45,143.28	\$ 19.71	252	\$	5,208.84	\$	4,966.92	\$ (39,934.44)	\$ (241.92)
Animal Care Attendants	20.67	624	12,898.08	19.71	0		-		-	(12,898.08)	-
Sr. Animal Care Attendant	22.74	312	7,094.88	21.60	0		-		-	(7,094.88)	-
ACA Supervisor	-	-	-	-	0		-		-		
Volunteer Coordinator	-	-	-	-	0		-		•		
Police Records Clerks II	23.41	624	14,607.84	22.43	756		17,697.96		16,957.08	3,090.12	(740.88)
Sr. Records Clerk, Jennie Or	-	-	-	24.98	126		3,147.48	į.	3,147.48		
Acting Police Records Sup.		_		22.43	126		2,826.18		2,826.18		
Error-over claimed			10.00					G.6		(10.00)	-
		3,744	\$ 79,754		1260	\$	28,880.46	\$	27,898	\$ (50,874)	\$ (982)
City's Data				Auditor Analy	ysis						
Employee	PHR	Hours	Salaries	Allowed	Allowed	Salari	ies after Hour		Salaries	Adjustment I	Adjustment II
Classification	Claimed	Claimed	Claimed	PHR	Hours	relate	d - adjustment	A	LLOWED	Hour-	PHR-
			i 1			•	owed Hours		owed Hours	related	related
							Claimed PHR)	times	Allowed PHR)		
	(a)	(b)	(c)= (a)*(b)	(d)	(e)		f)=(e)*(a) f) = (e) * (d)	l	(g)= (e)*(d)	(h)= (f)-(c)	(i)= (g)-(f)
FY 2005-06					■ G.6.4						
Animal Care Attendant, Mich	\$ 22.36	208	\$ 4,650.88	\$ 20.18	252	\$	5,634.72	\$	5,085.36	\$ 983,84	\$ (549.36)
ACA, Sorayda Duarte	18.85	312	5,881.20	0	0	•	-	•	-	(5,881.20)	
ACA, Jenna Flick	19.64	312	6,127.68	0	0		-		-	(6,127.68)	
ACA, Justin Mallory	18.85	312	5,881.20	0	0		_		-	(5,881.20)	
ACA, Dan Pacheco	20.42	208	4,247.36	0	0		-		•	(4,247.36)	
Sr. Animal Care Attendant, Tiana Scot	20.71	312	6,461.52	0	0		-		•	(6,461.52)	
				0	0		-		•		
ACA Supervisor	-	•	-	U	-					266	
·	22.36	312	6,976.32	0	0		-		•	(6,976.32)	
ACA Supervisor	- 22.36 22.66	312 312	6,976.32 7,069.92	-	7 56		- 17,130.96		- 16,639.56		(491.40)
ACA Supervisor Volunteer Coordinator, Hilary Drake			,	0			- 17,130.96 -		16,639.56 -	(6,976,32)	- (491.40)
ACA Supervisor Volunteer Coordinator, Hilary Drake Police Records Clerk II, Lisa	22.66	312	7,069.92	0 22.01	756	,	- 17,130.96 - -		- 16,639.56 - -	(6,976.32) 10,061.04	(491.40)
ACA Supervisor Volunteer Coordinator, Hilary Drake Police Records Clerk II, Lisa Police Records Clerk II, Jessica Good	22.66 21.79 23.57	312 312	7,069.92 6,798.48	0 22.01 0	756	, ,	- - 5,939.64	<u>ℓ</u> ≝ G.6	- - 5,939.64	(6,976.32) 10,061.04 (6,798.48)	(491.40)

Making Animals Available for Owner Redemption- Analysis of Salaries

City's Data				Auditor Anal	lysis						
Employee Classification	PHR Claimed	Hours Claimed	Salaries Claimed	Allowed PHR	Allowed Hours	relate (All times	ies after Hour d - adjustment owed Hours Claimed PHR)	A (Ali	Salaries LLOWED owed Hours Allowed PHR)	Adjustment I Hour- related	Adjustment II PHR- related
	(a)	(b)	(c)= (a)*(b)	(d)	(e)		f)=(e)*(a) f) = (e) * (d)		(g)= (e)*(d)	(h)= (f)-(c)	(i)= (g)-(f)
FY 2006-07					⊠ G.6.4						
Animal Care Attendants	\$ 20.46	1,560	\$ 31,917.60	20.35	252	\$	5,155.92	\$	5,128.20	\$ (26,761.68)	\$ (27.72
Sr. Animal Care Attendant, Tiana Scot	22.46	156	3,503.76	0	0		-		-	(3,503.76)	•
ACA Supervisor, Hilary Drake	22.36	312	6,976.32	0	0		-		-	(6,976.32)	-
Volunteer Coordinator				0	0		-			-	
Police Records Clerks II	22.39	1,248	27,942.72	22.68	756		16,926.84		17,146.08	(11,015.88)	219,24
Sr. Records Clerk, Jennie Comstock	28.44	156	4,436.64	28.44	0	,	-		_	(4,436.64)	-
Acting Records Sup., Adele	_	-	0	24.62	252	,	6,204.24	Ĺ	6,204.24	6,204.24	
				***************************************		·		X G.6	5.1		
		3,432	\$ 74,777		1260	\$	28,287.00	\$	28,479	\$ (46,490)	\$ 192
City's Data				Auditor Anal	lysis						
Employee	PHR	Hours	Salaries	Allowed	Allowed	Salar	ies after Hour		Salaries	Adjustment I	Adjustment II
Classification	Claimed	Claimed	Claimed	PHR	Hours	(All	d - adjustment lowed Hours Claimed PHR)	(All	LLOWED owed Hours Allowed PHR)	Hour- related	PHR- related
	(a)	(b)	(c)= (a)*(b)	(d)	(e)	(f)=(e)*(a) f) = (e) * (d)		(g)= (e)*(d)	(h)= (f)-(c)	(i)= (g)-(f)
FY 2007-08					■ G.6.4						
Animal Care Attendants	\$ 23.36	1,560	\$ 36,441.60	23.12	252	\$	5,886.72	\$	5,826.24	\$ (30,554.88)	\$ (60.48
Sr. Animal Care Attendant, Tiana Scot	27.86	156	4,346.16	0	0	•		•	-	\$ (4,346.16)	\$ -
ACA Supervisor, Hilary Drake	25.34	312	7,906.08	Ö	Ō		-			\$ (7,906.08)	\$ -
Volunteer Coordinator	\$ -	-	,	0	0		-				\$ -
Police Records Clerks II	27.05	1,248	33,758.40	27.05	756		20,449.80		20,449.80	\$ (13,308.60)	s -
Sr. Records Clerk, Jennie Comstock	34.76	156	5,422.56	34.76	0	,	20,449.60		20,449.00	\$ (5,422.56)	\$ -
Acting Records Sup., Adele	34.70	100	0,422.00	30.09	252	,	7,582.68	,	7,582.68	\$ 7,582.68	_
Acting Necolds Sup., Adele	•			30.09		-′	7,302.00		7,362.00	\$ 7,502.00	5 -
		3,432	\$ 87,875		1260	\$	33,919.20	\$	33,859	\$ (53,956)	\$ (60
								⊠ G.6	5.1		
			A C2C FAA					•	200.544	£ (433.46°2)	
Grand Totals			\$ 636,580					<u> </u>	208,541	\$ (432,169)	\$ 4,130

[▶] Two part time employees in this FY. No benefits or indirect costs were claimed.

Audit 1D # S09-MCC-058

Making Animals Available for Owner Redemption- Analysis of Benefits

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City's Data					Au	iditor Analysis		_															
	Salaries	Benefit	B	enefits		Salaries after Hour	Allo	wed Salaries	Allowed	Salarie	s after Hour	r Allo	wed Salaries		Benefit		Adjustment	,	Adjustment		Adjustment	U	Inallowable
	Claimed	Rate				related - adjustment			Benefit	related	- adjustment	t		Benefit Rate	ALLOW	ED∥	1	10.00	li .		III		Benefits
		Claimed) c	laimed		(Allowed Hours	(All	owed Hours	Rate		times		times	Difference	(after all	ļ	Hour-		PHR-		Benefit		ļ
						times Claimed PHR)	times	Allowed PHR)		Claim	ed Ben. rate	Clair	med Ben. Rate	е	adjustments)]	related		related		rate		
	(a)	(b)		(c)=	<u></u>	(d)		(e)	(f)		(g) =		(h) ==	(i) =	(J) =		(k) =		(1) =		(m)=		(n) =
				(a)*(b)							(b) *(d)		(e) * (b)	(f) - (b)	(e) * (f)		(g) - (^c)		(h) - (g)		(i) * (e)		(J) - (c^)
FY 1998-99						🖺 G.	6.1] [■ G.12.1														4 - 1
Animal Care Attenda	\$ 20,657.04	37.80%	\$	7,808.36	\$	98.77	\$	117.04	37.80%	\$	37.34	\$	44.24	0.00%	\$ 44	.24	\$ (7,771.03)	\$	6.91	5		\$	(7,764.12)
Sr. Animal Care Atte	5,959.68	37.80%		2,252.76		•		-	37.80%		-		•	0.00%		-	(2,252.76)						(2,252.76)
ACA Supervisor	•			. •		-		•			-		-	0.00%		-	-				-		-
Volunteer Coordinate	•			-		•		-			:		-	0.00%		•	•						-
Police Records Clerk	8,663.04	37.80%		3,274.63		330.88		376.86	37.80%		125.07		142.45	0.00%	142	.45	(3,149.56)		17.38				(3,132.18)
Sr. Records Clerk	-	37.80%		-		68.52		68.52	37.80%		25.90		25.90	0.00%	2!	.90	25,90				•		25.90
Acting Police Record	-	37.80%		-		68.52		68.52	37.80%		25.90		25.90	0.00%	2	.90	25.90		•				25.90
Sr. Animal Control O	7,307.52	37.80%		2,762.24				-	37.80%		<u></u>		-	0.00%		<u>. </u>	(2,762.24)		-				(2,762.24)
	\$ 42,587		\$	16,098	\$	567	\$	631		\$	214	\$	238		\$ 2	38	\$ (15,884)	5	24	5		\$	(15,860)

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Auditor Analysis

	Salaries	Benefit	Benefits	Salaries after Hour	Allowed Salaries	Allowed	Salaries after Hou	r Allowed Salaries		Benefits	Adjustment	Adjustment	Adjustment	Unaliowable
	Claimed	Rate]	related - adjustment		Benefit	related - adjustmen	t	Benefit Rate	ALLOWED	1	II	111	Benefits
		Claimed	Claimed	(Allowed Hours	(Allowed Hours	Rate	times	times	Difference	(after all	Hour-	PHR-	Benefit	
				times Claimed PHR)	times Allowed PHR)	Claimed Ben. rate	Claimed Ben. Ra	te	adjustments)	related	related	rate	
	(a)	(b)	(c)=	(d)	(e)	(f)	(g) =	(h) =	(i) =	(J) =	(K) =	(I) =	(m)≠	(n) =
			(a)*(b)				(b) *(d)	(e) * (b)	(f) - (b)	(e) * (f)	(g) - (^c)	(h) - (g)	(i) * (e)	(J) - (c^)
FY 1999-00				8	G.6.1	⊠ G.12	.1							-
Animal Care Attenda	\$ 43,070.88	30.90%	\$ 13,308.90	\$ 4,589.52	\$ 5,538.00	30.90%	\$ 1,418.16	\$ 1,711.24	0.00%	\$ 1,711.24	\$ (11,890.74)	\$ 293.08	\$ -	(11,597.66)
Sr. Animal Care Atte	12,764.16	30,90%	3,944.13	•	-	30.90%	•	-	0.00%	•	(3,944.13)	-	-	(3,944.13)
ACA Supervisor	•		-	•	-		-	-	0.00%	-	-	-	•	-
Volunteer Coordinate	-		•	•	-		-	-	0.00%	-	•	-	•	-
Police Records Clerk	18,938.88	30.90%	5,852.11	15,387.84	17,035.20	30.90%	4,754.84	5,263.88	0.00%	5,263.88	(1,097.27)	509.03		(588.24)
Sr. Records Clerk		30.90%	•	2,839.20	Δ 2,839.20	30.90%	877.31	877.31	0.00%	877.31	877.31	•	•	877.31
Acting Police Records	Sup.	30.90%	-	2,839.20	Δ 2,839.20	30.90%	877.31	877.31	0.00%	877.31	877.31	•	•	877.31
Sr. Animal Control O	14,615.04	30.90%	4,516.05		·	30.90%			0.00%		(4,515.05)	-		(4,516.05)
:	\$ 89.389		\$ 27.621	\$ 25.656	\$ 28.252		\$ 7.928	\$ 8.730		\$ 8.730	\$ (19.693)	\$ 802	\$ -	\$ (18.891)

City of Hayward Legislatively Mandated Animal Adoption Program FY 1998-99

Audit ID # S09-MCC-058

Making Animals Available for Owner Redemption- Analysis of Benefits

City	r's Data	Auditor Analysis

Oity's Data				Auditor Air	aryono							_			
	Salaries	Benefit	Benefits	Salaries afte	r Hour	Allowed Salari	es Allowed	Salaries after Hou	r Allowed Salarie	s	Benefits	Adjustment	Adjustment	Adjustment	Unallowable
	Claimed	Rate		related - adj	ustment		Benefit	related - adjustment	t	Benefit Rate	ALLOWED	1	11	III	Benefits
		Claimed	Claimed	(Allowed	Hours	(Allowed Hour	s Rate	times	times	Difference	(after all	Hour-	PHR-	Benefit	
				times Claime	ed PHR)	times Allowed Pl	HR)	Claimed Ben. rate	Claimed Ben. Ra	ate	adjustments)	related	related	rate	
	(a)	(b)	(c)=	(d)		(e)	(f)	(g) =	(h) ==	(i) ==	(J) =	(K) =	(1) =	(m)=	(n) =
			(a)*(b)					(b) *(d)	(e) * (b)	(f) - (b)	(e) * (f)	(g) - (^c)	(h) - (g)	(i) *(e)	(J) - (c^)
FY 2000-01					<u> </u>	☑ G.6.1	⊠ G.12	2.1							
Animal Care Attenda	\$ 45,998.88	31.90%	\$ 14,673.64	\$	4,901.52	\$ 5,435.0	4 31.90%	\$ 1,563.58	\$ 1,733.78	0.00%	\$ 1,733.78	\$ (13,110.06)	\$ 170.19	\$ -	(12,939.86)
Sr. Animal Care Atte	13,271.04	31.90%	4,233.46		-	-	31.90%	-	-	0.00%	-	(4,233.46)	+	essili -	(4,233.46)
ACA Supervisor	-		-		-	-		•	-	0.00%	-	•	-	-	-
Volunteer Coordinate	-		-		-	-		-	•	0.00%	-	•	-	•	-
Police Records Cleri	20,090.88	31.90%	6,408.99		16,323.84	18,495.3	6 31.90%	5,207.30	5,900.02	0.00%	5,900.02	(1,201,69)	692.71		(508.97)
Sr. Records Clerk	-	31.90%	•		3,082.56	3,082.5	6 31.90%	983.34	983.34	0.00%	983.34	983.34	-		983.34
Acting Police Record	•	31.90%	-		3,082.56 🛆	3,082.5	6 31.90%	983.34	983.34	0.00%	983.34	983.34	-	•	983.34
Sr. Animal Control O	14,615.04	31.90%	4,662.20	·	-		31.90%	<u> </u>	·	0.00%		(4,662.20)	-	-	(4,662.20)
	\$ 93,976		\$ 29,978	\$	27,390	\$ 30,09	6	\$ 8,738	\$ 9,600		\$ 9,600	\$ (21,241)	\$ 863	s -	\$ (20,378)

City's Data			*	Auditor Analysis										
	Salaries	Benefit	Benefits	Salaries after Hour	Allowed Salaries	Allowed	Salaries after Hour	Allowed Salaries		Benefits	Adjustment	Adjustment	Adjustment	Unallowable
	Claimed	Rate		related - adjustment		Benefit	related - adjustment		Benefit Rate	ALLOWED	- 1	II	III	Benefits
		Claimed	Claimed	(Allowed Hours	(Allowed Hours	Rate	times	times	Difference	(after all	Hour-	PHR-	Benefit	
				times Claimed PHR)	times Allowed PHR))	Claimed Ben. rate	Claimed Ben. Rat	te	adjustments)	related	related	rate	
	(a)	(b)	(c)=	(d)	(e)	(f)	(g) =	(h) =	(i) =	(J) =	(k) =	(l) =	(m)=	(n) =
			(a)*(b)				(b) *(d)	(e) * (b)	(f) - (b)	(e) * (f)	(g) + (^c)	(h) - (g)	(i) * (e)	(J) - (c^)
(4) FY 2001-02	a	B.2	2.6	[77]		⊠ G.12	2.1							
Animal Care Attenda	\$ 47,375.04	32.40%	\$ 15,349.51	\$ 5,048 10	G.6.1	28.32%	\$ 1,635.60	\$ 1,847.89	-4.08%	\$ 1,615.19	\$ (13,713.91)	\$ 212.28	\$ (232.70)	(13,734.32)
Sr. Animal Care Atte	15,951.36	32.40%	5,168.24	-		28.32%	-	-	-4.08%	-	(5,168.24)	•	•	(5,168.24)
ACA Supervisor	•			-	-		-	-	0.00%	•		•	•	-
Volunteer Coordinate	•		-	•	-		-	•	0.00%	•	-	•	-	-
Police Records Clerk	23,961.60	32.40%	7,763.56	19,468.80	19,468.80	28.32%	6,307.89	6,307.89	-4.08%	5,513.56	(1,455.67)	-	(794.33)	(2,249.99)
Sr. Records Clerk	-	28.32%	-	3,244.80	3,244.80	28.32%	918.93	918.93	0.00%	918.93	918.93	•	•	918.93
Acting Police Record	•	28.32%	-	3,244.80	3,244.80	28.32%	918.93	918.93	0.00%	918.93	918.93			918.93
Sr. Animal Control O	19,491.84	32.40%	6,315.36	-	-	28.32%	.	•	-4.08%	•	(6,315.36)	-		(6,315.36)
Error-Under claimed	(6.84)		(2.50)	-	-	28.32%				•	2.50	•	_	2.50
	\$ 106,773		\$ 34.594	\$ 31.007	\$ 31.662		\$ 9.781	\$ 9,994		\$ 8,967	\$ (24.812)	S 212	\$ (1.027)	\$ (25.627)

City of Hayward Legislatively Mandated Animal Adoption Program FY 1998-99

Audit ID # S09-MCC-058

Making Animals Available for Owner Redemption- Analysis of Benefits

City's Data				Auditor Analysis										
	Salaries	Benefit	Benefits	Salaries after Hour	Allowed Salaries	Allowed	Salaries after Hou	Allowed Salaries		Benefits	Adjustment	Adjustment	Adjustment	Unallowable
	Claimed	Rate		related - adjustment		Benefit	related - adjustment	t	Benefit Rate	ALLOWED	1	II	III	Benefits
}		Claimed	Claimed	(Allowed Hours	(Allowed Hours	Rate	times	times	Difference	(after all	Hour-	PHR-	Benefit	
			<u> </u>	times Claimed PHR)	times Allowed PHR))	Claimed Ben. rate	Claimed Ben. Rat	е	adjustments)	related	related	rate	
	(a)	(b)	(c)=	(d)	(e)	(f)	(g) =	(h) ==	(i) =	(J) =	(k) =	(I) =	(m)=	(n) =
			(a)*(b)				(b) *(d)	(e) * (b)	(f) - (b)	(e) * (f)	(g) - (^c)	(h) - (g)	(i) * (e)	(J) - (c^)
(5) FY 2002-03					■ G.6.1	≤ G.12.	<u> </u>							
Animal Care Attenda	\$ 45,143.28	32.00%	\$ 14,445.85	\$ 5,208.84	\$ 4,966.92	27.52%	1,666.83	\$ 1,589.41	-4.48%	\$ 1,366.90	\$ (12,779.02)	\$ (77.41)	\$ (222.52)	(13,078.95)
Animal Care Attenda	12,898.08	>		•	-	0.00%	•	-	0.00%	•	•	Table 1		•
Sr. Animal Care Atte	7,094.88	32.00%	2,270.36	-	-	0.00%	-	-	30.000	•	(2,270.36)	-		(2,270.36)
ACA Supervisor	-		-	-	-	0.00%	-	-	0.00%	-		-		•
Volunteer Coordinat	or			-	-	0,00%	•	•	0.00%	:		-	-	-
Police Records Cleri	14,607.84	32.00%	4,674.51	17,697.96	16,957.08	27.52%	5,663.35	5,426.27	-4.48%	4,666.59	988.84	(237.08)	(759.68)	(7.92)
Sr. Records Clerk	•	27.52%	-	3,147.48	3,147.48	27.52%	866.19	866.19	0.00%	. 866.19	866,19	*		866.19
Acting Police Record	ls Sup.	27.52%	-	2,826.18	2,826.18	27.52%	777.76	777.76	0.00%	777.76	777.76	*		777.76
Error-over claimed	10.00		2.28						0.00%		(3.28)		<u> </u>	(3.28)
	\$ 79,754.00		\$ 21,393.00	\$ 28,880.00	\$ 27,898.00		8,974.00	\$ 8,660.00		\$ 7,677.00	(12,420.00)	(314 00)	\$ (982.00)	(13,716)

City's Data				Auditor Analysis										
	Salaries Claimed	Benefit Rate	Benefits	Salaries after Hour related - adjustment	Allowed Salaries	Allowed Benefit	Salaries after Hour		Benefit Rate	Benefits ALLOWED	Adjustment I	Adjustment II	Adjustment III	Unallowable Benefits
	*	Claimed	Claimed	(Allowed Hours times Claimed PHR)	(Allowed Hours	Rate	times	times Claimed Ben. Rat	Difference	(after all adjustments)	Hour- related	PHR- related	Benefit rate	
	(a)	(b)	(c)=	(d)	(e)	(f)	(g) =	(h) =	(i) =	(J) =	(k) =	(i) =	= (m)=	(n) =
51/ 0005 00			(a)*(b)			⊠ G.12	(b) *(d)	(e) * (b)	(f) - (b)	(e) * (f)	(g) - (^c)	(h) - (g)	(i) * (e)	(J) - (c^)
FY 2005-06 Animal Care Attenda	\$ 4.650.88	45.90%	\$ 2,134.75		\$.6.1 \$ 5,085,36	45.90%	\$ 2,586.34	\$ 2,334,18	0.00%	\$ 2,334.18	\$ 451.58	\$ (252.16)	s -	199.43
ACA, Sorayda Duart	5,881.20	45.90%	2,699.47	•	-	0.00%		-	-45.90%	•	(2,699.47)	•	-	(2,699.47)
ACA, Jenna Flick	6,127.68	45.90%	2,812.61	-	-	0.00%	-	-	-45.90%	-	(2,812.61)	-	-	(2,812.61)
ACA, Justin Mallory	5,881.20	45.90%	2,699.47	•	-	0.00%	-	-	-45.90%	-	(2,699.47)		-	(2,699.47)
ACA, Dan Pacheco	4,247.36	45.90%	1,949.54	•	-	0.00%	-	-	-45.90%	- '	(1,949.54)		-	(1,949.54)
Sr. Animal Care Atte	6,461.52	45.90%	2,965.84	•	-	0.00%	-	-	-45.90%	•	(2,965.84)	-	-	(2,965.84)
ACA Supervisor	-		-	-	-	0.00%	-	•	0.00%	•	•	-		-
Volunteer Coordinate	6,976.32	45.90%	3,202.13	-	-	0.00%	-	•	-45.90%	•	(3,202.13)	•		(3,202.13)
Police Records Clerk	7,069.92	45.90%	3,245.09	17,130.96	16,639.56	45.90%	7,863.11	7,637.56	0.00%	7,637.56	4,618.02	(225.55)	,	4,392.46
Police Records Clerk	6,798.48	45.90%	3,120.50	-	-	0.00%	-	-	-45.90%	•	(3,120.50)	•		(3,120.50)
Sr. Records Clerk, Ju	7,353.84	45.90%	3,375.41	-	-	0.00%	Æ -	-	-45.90%	-	(3,375,41)	•		(3,375.41)
Acting Records Sup.	-	45.90%		5,939.64	\$ 5,939.64	45.90%	Æ 2,726.29	2,726.29	0.00%	2,726.29	2,726,29	-		2,726.29
	\$ 61,448.00		\$ 28,205.00	\$ 28,705.00	\$ 27,665.00		\$ 13,176.00	\$ 12,698.00		\$ 12,698.00	\$ (15,029.00)	\$ (478.00)	\$ -	(15,507)

City of Hayward Legislatively Mandated Animal Adoption Program FY 1998-99

Audit ID # S09-MCC-058

Making Animals Available for Owner Redemption- Analysis of Benefits

City's Data				Auditor Analysis										
	Salaries Claimed	Benefit Rate	Benefits	Salaries after Hour related - adjustment	Allowed Salaries	Allowed Benefit	Salaries after Hour	r Allowed Salaries	Benefit Rate	Benefits ALLOWED	Adjustment I	Adjustment II	Adjustment III	Unallowable Benefits
		Claimed	Claimed	(Allowed Hours	(Allowed Hours	Rate	times	times	Difference	(after all	Hour-	PHR-	Benefit	
				times Claimed PHR)	times Allowed PHR)			Claimed Ben. Rat		adjustments)	related	related	rate	
	(a)	(b)	(c)=	(d)	(e)	(f)	(g) =	(h) =	(i) =	(J) =	(k) =	(i) =	(m)=	(n) =
			(a)*(b)				(b) *(d)	(e) * (b)	(f) - (b)	(e) * (f)	(g) - (^c)	(h) - (g)	(i) * (e)	(J) - (c^)
FY 2006-07				☑ G	6.1	G.12.1								
Animal Care Attenda	\$ 31,917.60	47.80%	\$ 15,256.61	\$ 5,155.92	\$ 5,128.20	47.80%	\$ 2,464.53	\$ 2,451.28	0.00%	\$ 2,451.28	\$ (12,792.08)	\$ (13.25)	\$ -	(12,805.33)
Sr. Animal Care Atter	3,503.76	47.80%	1,674.80	-	•	0.00%	-	-	-47.80%	-	(1,674.80)	•	•	(1,674.80)
ACA Supervisor, Hila	6,976.32	47.80%	3,334.68		-	0.00%	-	-	-47.80%	-	(3,334.68)	•	•	(3,334.68)
Volunteer Coordinate	-	0.00%	•	•	٠	0.00%	-	•	0.00%	•	•		•	•
Police Records Clerk	27,942.72	47.80%	13,356.62	16,926.84	17,146.08	47.80%	8,091.03	8,195.83	0.00%	8,195.83	(5,265.59)	104.80		(5,160.79)
Sr. Records Clerk, Je	4,436.64	47.80%	2,120.71	-	-	0.00% A	Ε -	-	-47.80%	-	(2,120.71)		•	(2,120.71)
Acting Records Sup.		47.80%	-	6,204.24	6,204.24	47.80% A	E 2,965.63	2,965.63	0.00%	2,965.63	2,965.63	•		2,965.63
_	\$ 74,777.04		\$ 35,743.00	\$ 28,287.00	\$ 28,479.00		13,521.00	\$ 13,613.00	_	\$ 13,613.00	\$ (22,222.00)	\$ 92.00	5 .	(22,130)

City's Data				Auditor Analysis										
	Salaries	Benefit	Benefits	Salaries after Hour	Allowed Salaries	Allowed	Salaries after Hou			Benefits	Adjustment	Adjustment	Adjustment	Unallowable
	Claimed	Rate	l	related - adjustment		Benefit	related - adjustment		Benefit Rate		1	H	III	Benefits
		Claimed	Claimed	(Allowed Hours	(Allowed Hours	Rate	times	times	Difference	(after all	Hour-	PHR-	Benefit	
				times Claimed PHR)	times Allowed PHR)	Claimed Ben. rate	Claimed Ben. Rat	te	adjustments)	related	related	rate	
	(a)	(b)	(c)=	(d)	(e)	(f)	(g) =	(h) =	(i) =	(J) =	(k) =	(I) =	(m)=	(n) =
			(a)*(b)				(b) *(d)	(e) * (b)	(f) - (b)	(e) * (f)	(g) - (^c)	(h) - (g)	(i) * (e)	(J) - (c^)
FY 2007-08				N G	3.6.1	■ G.12	2.1							
Animal Care Attenda	\$ 36,441.60	57.60%	\$ 20,990.36	\$ 5,886.72	\$ 5,826.24	47.31%		\$ 3,355.91	-10.29%	\$ 2,756.39	\$ (17,599.61)	\$ (34.84)	\$ (599.52)	(18,233.97)
Sr. Animal Care Atter	4,346.16	57.60%	2,503.39			0.00%	•	-	-57.60%	\$ -	(2,503.39)	-	•	(2,503.39
ACA Supervisor, Hila	7,906.08	57.60%	4,553.90	-		0.00%	-	-	-57.60%	\$ -	(4,553.90)		•	(4,553.90
Volunteer Coordinate	-		-	•	-	0.00%	-	-	0.00%	\$ -		•	•	-
Police Records Clerk	33,758.40	57.60%	19,444.84	20,449.80	20,449.80	47.31%	11,779.08	11,779.08	-10.29%	\$ 9,674.80	(7,685.75)	•	(2,104.28)	(9,770.04
Sr. Records Clerk, Je	5,422.56	57.60%	3,122.39	-	-	0.00%	Æ -	-	-57.60%	\$ -	(3,122.39)		•	(3,122.39
Acting Records Sup	-	47.31%		7,582.68	7,582.68	47.31%	Æ <u>3,587.37</u>	3,587.37	0.00%	\$ 3,587.37	3,587.37		-	3,587.37
	87,875		\$ 50,615	\$ 33,919	\$ 33,859		\$ 18,757	\$ 18,722	•	\$ 16,019	\$ (31,857)	\$ (35)	\$ (2,704)	(34,596
Grand Totals			\$ 244,247							\$ 77,542	\$ (163,158)	\$ 1,166	\$ (4,713)	\$ (166,705)

Two natifies employees in this FY. No bonefus of indirect costs were alaimed.

Æ In 2005-06 the Sr. Records Clerk position, Jennie Comstock, became a Animal Control Officer position/Sr. Animal Care Attendant Position.

From 2005-06 forward, the auditor gave 100% credit to the Acting Records Supervisor position.

The Animal Contol Officer position and the Sr. Animal Care Attendant position are not reimbursable positions for this component.

Holding Period - MAAFOR -Salaries & Benefits SUMMARY

	SALARIES					BENEFITS									
	Claimed	Allowed Salaries	Unallowable	Adjustment	Adjustment II	Claimed	Allowed	Unallowable Benefits	Adjustment	Adjustment	Adjustment III	Reimbursable	TOTAL CLAIMED	TOTAL ALLOWED	Audit
	Salaries	Salatias	Salaries	Hour-	PHR-	Benefits	Benefits	Denents	Hour-	PHR-	Benefit Rate	Component Holding Period	SALARIES &	SALARIES &	Adjustment
				related	related				related	related	related	MAAFOR	BENEFITS	BENEFITS	
												(1) FY 1998-99			
(1) FY 1998-99	\$ 42,588	\$ 631	\$ (41,957)	(42,021)	64	\$ 16,098	\$ 238	\$ (15,860)	\$ (15,884)	\$ 24	\$ -	(1,711100000	\$ 58,686	\$ 869	\$ (57,817)
												(2) FY 1999-00			
(2) FY 1999-00	89,389	28,252	(61,137)	(63,733)	2,596	27,621	8,730	(18,891)	(19,693)	802	•	(2) F1 1999-00	117,010	36,982	(80,028)
									out that the same			(2) 57/ 2000 04			
(3) FY 2000-01	93,976	30,095	(63,881)	(66,586)	2,705	29,978	9,600	(20,378)	(21,241)	863	•	(3) FY 2000-01	123,954	39,695	(84,259)
			,	•											
(4) FY 2001-02	106,773	31,662	(75,111)	(75,766)	655	34,594	8,967	(25,627)	(24,812)	212	(1,027)	(4) FY 2001-02	141,367	40,629	(100,738)
(,,			(,,				·	. ,			•			,	` 1
(5) FY 2002-03	79,754	27,898	(51,856)	(50,874)	(982)	21,393	7,677	(13,716)	(12,420)	(314)	(982)	(5) FY 2002-03	101,147	35,575	(65,572)
(0) 2002 00		2.,000	(51,555)	(**,*,*,*	(/	2.,000	1,411	(,	,,-,,,	(4,				57,515	(55,512,
(6) FY 2005-06	61,448	27,665	(33,783)	(32,743)	(1,040)	28,205	12,698	(15,507)	(15,029)	(478)		(6) FY 2005-06	89,653	40,363	(49,290)
(0)11 2000-00	01,440	21,000	(00,700)	(02),40)	(1,040)	20,200	12,000	(10,001)	(10,020)	(47.0)			55,000	40,000	(40,200)
(7) FY 2006-07	74,777	28,479	(46,298)	(46,490)	192	35,743	13,613	(22,130)	(22,222)	92		(7) FY 2006-07	110,520	42,092	(68,428)
(7) FT 2000-07	14,777	20,479	(40,290)	(40,430)	102	30,143	13,013	(22,130)	(44,444)	32	•		110,520	42,092	(00,420)
(e) EV 2007 00	07.075	22 950	(54.046)	(E2 0E6)	/en\	50,615	16,019	(34,596)	(24.057)	(25)	/2 70 <i>4</i> \	(8) FY 2007-08	138,490	40.070	(99 543)
(8) FY 2007-08	87,875	33,859	(54,016)	(53,956)	(60)	510,06	10,019	(34,390)	(31,857)	(35)	(2,704)		130,490	49,878	(88,612)
	\$ 636,580	\$ 208,541	\$ (428,039)	(432,169)	4,130	#######	\$ 77,542	\$(166,705)	\$(163,158)	\$1,166	\$ (4,713)		\$ 880,827	\$ 286,083	\$ (594,744)
	9 030,300	Ψ 200,041	\$ (420,039)	(402,103)	7,130		Ψ 17,042	Ψ(100,703)	4(100,100)	91,100	<u> </u>	,l	\$ 000,021	Ψ 200,003	\$ (554,744)
											1				

Tab 13

Legislatively Mandated Animal Adoption Program

FY 1998-99 through FY 2007-08 / Excluding FY 2003-04 & FY 2004-05

Audit ID #: S09-MCC-058

Veterinary Care - Administration of Wellness Vaccine

Finding #8 Summary

Veterinary Care		ctual Costs Claimed	 lowable er Audit	A	Audit djustments
Salaries & Benefits Control Indirect Costs	1.10.2	\$ -	\$ 8,354 1,639	\$	8,354 1,639
Materials & Supplies	T.7.1	41,230	17,624		(23,606)
Contract Services	5.4.1.	41,640	60,215		18,575
Total	:	\$ 82,870	\$ 87,832	\$	4,962

Veterinary Care- Administration of Wellness Vaccine

Eligible Animals for A	dministration of a	Wellness Vac	cine						
-				Fiscal Yea	ar				
	FY 1998-99	FY 1999-00	FY 2000-01	FY 2001-02	FY 2002-03	FY 2005-06	FY 2006-07	FY 2007-08	TOTAL
	Avg. of 6	Avg. of 6							
Dogs	468	468	623	647	440	472	327	296	
Cats	519	519	393	412	293	639	764	614	
Eligible Animals	987	987	1,016	1,059	733	1,111	1,091	910	7,894

FINDING 9 Veterinary Care Salaries, Benefits, and Related Indirect Costs

-							Fis	cal Year									
		998-99		99-2000		2000-01	:	2001-02	2	2002-03	2005-06	2006-07	2	2007-08		Totals	
Salaries -Administration	n o	f wellr	es	s vacci	ne												
Claimed	\$	_			\$	-	\$	•	\$	-	\$ -	\$ -	\$	-	\$	-	
Allowable Cost		347		741		749		819		612	 949	 940		891		6,048	
Audit Adjustment	\$	347	\$	741	\$	749	\$	819	\$	612	\$ 949	\$ 940	\$	891	\$	6,048	
<u>Benefits</u>																	
Claimed benefit rate		37.80%		30.90%		31.90%		32.40%		32.00%	45.90%	47.80%		57.60%			
Claimed	\$	-	\$	-	\$	-	\$	-	\$	-	\$ -	\$ -	\$	_	\$	-	
Allowable benefit rate		37.80%		30.90%		31.90%		28.32%		27.52%	45.90%	47.80%		47.31%	-		
Allowable Cost		131		229		239	*********	232		168	436	449	200900000	422		2,306	
Audit Adjustment	\$	131	\$	229	\$	239	\$	232	\$	168	\$ 436	\$ 449	\$	422	\$	2,306	G.10.2
											 					2782	<u> </u>
Salaries & Benefits																	
Claimed	\$	-	\$	-	\$	-	\$	-	\$	-	\$ -	\$ -	\$	-	\$	-	
Allowed Cost		478		970		988		1,051		780	1,385	1,389		1,313		8.354	_
Audit Adjustment	\$	478	\$	970	\$	988	\$	1,051	\$	780	\$ 1,385	\$ 1,389	\$	1,313	\$	8,354	
Related Indirect Costs	Sal	. & Ben.	Sal	. & Ben.	Sa	1. & Ben.	Sa	I. & Ben.	Sal	I. & Ben.	Sal.	Sal.		Sal.	`		_)
Claimed IC rate		23.70%		18.50%		19.90%		19.70%		16.20%	23.70%	42.30%		21.80%			
Claimed	\$	-	\$	-	\$	-	\$	-	\$	-	\$ -	\$ -	\$	-	\$	-	
Allowable IC rate		23.70%		18.50%		19.90%		19.70%		16.20%	23.70%	42.30%		21.80%			
Allowable Cost		113		179		197		207		126	225	398	33233388	194		1,639	_
Audit Adjustment	\$	113	\$	179	\$	197	\$	207	\$	126	\$ 225	\$ 398	\$	194	<u>*</u>	1,639	
																	/
Total claimed	\$	-	\$	-	\$	-	\$	-	\$	-	\$ -	\$ -	\$	-	\$	-	
Total allowable		591		1,149		1,185		1,258		906	1,610	1,787		1,507		9,993	
Total Audit Adjustment	\$	591	\$	1,149	\$	1,185	\$	1,258	\$	906	\$ 1,610	\$ 1,787	\$	1,507	\$	9,993	

■ E.3.1



© EX.10

Pre Saturday Decision

Eligible Animals for Administration of a Wellness Vaccine

Audit Adjustment

				Fiscal Ye	ar				
	FY 1998-99	FY 1999-00	FY 2000-01	FY 2001-02	FY 2002-03	FY 2005-06	FY 2006-07	FY 2007-08	TOTAL
Pre Saturday Decision									
	Avg of 6	Avg. of 6							
Dogs	477	477	653	661	473	434	336	305	
Cats	727	727	592	649	521	932	927	738	
Eligible Animals	1,204	1,204	1,245	1,310	994	1,366	1,263	1,043	9,629
Pre Saturday Decision									
				Fiscal Ye	ar				
	1998-99	1999-2000	2000-01	2001-02	2002-03	2005-06	2006-07	2007-08	Totals
Salaries -Administration of wellness	vaccine								
Claimed	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Allowable Cost	423	904	918	1,015	829	1,167	1,088	1,021	7,365
Audit Adjustment	\$ 423	\$ 904	\$ 918	\$ 1,015	\$ 829	\$ 1,167	\$ 1,088	\$ 1,021	\$ 7,365
Benefits									
Claimed	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Allowable Cost	160	279	293	286	228	533	520	483	2,782
Audit Adjustment	\$ 160	\$ 279	\$ 293	\$ 286	\$ 228	\$ 533	\$ 520	\$ 483	\$ 2,782
Salaries & Benefits									
Claimed	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Allowed Cost	583	1,183	1,211	1,301	1,057	1,700	1,608	1,504	10,147
Audit Adjustment	\$ 583	\$ 1,183	\$ 1,211	\$ 1,301	\$ 1,057	\$ 1,700	\$ 1,608	\$ 1,504	\$ 10,147
Related Indirect Costs	Sal. & Ben.	Sal.	Sal.	Sal.					
Claimed IC rate	23.70%	18.50%	19.90%	19.70%	16.20%	23.70%	42.30%	21.80%	
Claimed	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Allowable IC rate	23.70%	18.50%	19.90%	19.70%	16.20%	23.70%	42.30%	21.80%	
Allowable Cost	138	219	241	256	171	277	460	223	1,985

Legislatively Mandated Animal Adoption Program

FY 1998-99 through FY 2007-08/ Excluding FY 2003-04 & FY 2004-05

Audit ID # S09-MCC-058

Veterinary Care- Administration of Wellness Vaccine - Analysis of Salaries

City's Data	a		Auditor Analysis					_			
Hours	PHR	Total	Min/Vaccine	Eligible#	Allowed	PHR	Total	Salaries After	Adjustment	Adjustment	Total Audit
Claimed	Claimed	Salaries	Average	of Animals	Hours	Audited	Salaries	HOUR Related		II	Adjustment
		Claimed	Time Per	For			Allowed	Adjustment	Hour-	PHR-	1&11
			Cat/Dog	Vet Care				(Allowed Hours *	Related	Related	
			(Time Study - July/Aug. 09)	Average				Claimed PHR)			
а	b	(^c)	(d)	(e)	(f)=	(g)	(h) =	(i) =	0)	(k)	
					(d*e)/60		(f) * (g)	(f)*(b)	(i)-(^c)	(h)-(i)	
			1) FY 1998-99								
			■ G.10.4	AVG. of 6		■ G.11.1					
	16.62		2.54	987	41.77	\$ 16.62	694.22	\$ 694.22	\$ 694.22		
							_			1	
		\$ -					347	\$ 347	\$ 347	\$ -	

"Beginning January 1, 1999 - Providing "necessary and prompt veterinary care" for stray and abandoned animals..." Only 1/2 of this FY is reimbursable.

The city did not claim any costs for this component. However, the city co-mingled these costs with the care of dogs & cats. The auditor re-classified costs. The city did not have any support for this component. The shelter performed a time study in order to support the time it took for Animal Care attendants to perform a wellness vaccine. The auditor applied the results of the time study to the audit period.

City's Dat	ta		Auditor Analysis					_			
Hours	PHR	Total	Min/Vaccine	∷Eligible#∷	Allowed	PHR	Total	Salaries After	Adjustment	Adjustment	Total Audit
Claimed	Claimed	Salaries	Average	of Animals	Hours	Audited	Salaries	HOUR Related	1	11	Adjustments
		Claimed	Time Per	For			Allowed	Adjustment	Hour-	PHR-	1811
			Cat/Dog	Vet Care				(Allowed Hours *	Related	Related	
			(Time Study - July/Aug. 09)	Average				Claimed PHR)			
а	b	(^c)	(d)	(e)	(f)=	(g)	(h) =	(i) =	0)	(k)	
					(d*e)/60		(f) * (g)	(f)*(b)	(i)-(^c)	(h)-(i)	
			2) FY 1999-00								
			⊠ G.10.4	AVG. of 6		■ G.11.1					
	17.75	\$ -	2.54	987	41.77	\$ 17.75	\$ 741	\$ 741	\$ 741	\$ -	

Legislatively Mandated Animal Adoption Program

FY 1998-99 through FY 2007-08/ Excluding FY 2003-04 & FY 2004-05

Audit ID # S09-MCC-058

Veterinary Care- Administration of Wellness Vaccine - Analysis of Salaries

City's Data	a		Auditor Analysis					_			
Hours	PHR	Total	Min/Vaccine	Eligible#	Allowed	PHR	Total	Salaries After	Adjustment	Adjustment	Total Audit
Claimed	Claimed	Salaries	Average	of Animals	Hours	Audited	Salaries	HOUR Related	1	11	Adjustments
		Claimed	Time Per	For			Allowed	Adjustment	Hour-	PHR-	1&11
		1	Cat/Dog	Vet Care				(Allowed Hours *	Related	Related	
			(Time Study - July/Aug. 09)	Average				Claimed PHR)			
а	b	(^c)	(d)	(e)	(f)=	(g)	(h) =	(i) =	(j)	(k)	
					(d*e)/60		(f) * (g)	(f)*(b)	(i)-(^c)	(h)-(i)	
			3) FY 2000-01								
	17.42	\$ -	I G.10.4 2.54	▲ L.2.2 1,016	■ L.2.2 43.01	G.11.1 \$ 17.42	\$ 749	\$ 749	\$ 749	\$ ******* -	

City's Data	a		Auditor Analysis					_			
Hours	PHR	Total	Min/Vaccine	Eligible #	Allowed	PHR	Total	Salaries After	Adjustment	Adjustment	Total Audit
Claimed	Claimed	Salaries	Average	of Animals	Hours	Audited	Salaries	HOUR Related	l I	- 11	Adjustments
		Claimed	Time Per	For			Allowed	Adjustment	Hour-	PHR-	1&11
			Cat/Dog	Vet Care				(Allowed Hours *	Related	Related	
			(Time Study - July/Aug. 09)	Average				Claimed PHR)			
а	b	(^c)	(d)	(e)	(f)=	(g)	(h) =	(i) =	()	(k)	
					(d*e)/60		(f) * (g)	(f)*(b)	(i)-(^c)	(h)-(i)	
			4) FY 2001-02	■ L.2.3							
			■ G.10.4	L.2.3		⊠ G.11.1					
	18.28	\$ -	2.54	1,059	44.83	\$ 18.28	\$ 819	819.49	\$ 819	\$ -	

Legislatively Mandated Animal Adoption Program

FY 1998-99 through FY 2007-08/ Excluding FY 2003-04 & FY 2004-05

Audit ID # S09-MCC-058

Veterinary Care- Administration of Wellness Vaccine - Analysis of Salaries

City's Data	a		Auditor Analysis								
Hours	PHR	Total	Min/Vaccine	Eligible #	Allowed	PHR	Total	Salaries After	Adjustment	Adjustment	Total Audit
Claimed	Claimed	Salaries	Average	of Animals	Hours	Audited	Salaries	HOUR Related	1	11	Adjustments
		Claimed	Time Per	For			Allowed	Adjustment	Hour-	PHR-	1&11
			Cat/Dog	Vet Care				(Allowed Hours *	Related	Related	
			(Time Study - July/Aug. 09)	Average				Claimed PHR)			
а	b	(^c)	(d)	(e)	(f)=	(g)	(h) =	(i) =	Ú)	(k)	
					(d*e)/60		(f) * (g)	(f)*(b)	(i)-(^c)	(h)-(i)	
			5) FY 2002-03								
			⊠ G.10.4	■ L.2.4		■ G.11.1					
	19.71	\$ -	2.54	733	31.03	\$ 19.71	\$ 612	611 60	\$ 612	\$ -	

City's Data	а		Auditor Analysis					_			
Hours	PHR	Total	Min/Vaccine	Eligible #	Allowed	PHR	Total	Salaries After	Adjustment	Adjustment	Total Audit
Claimed	Claimed	Salaries	Average	of Animals	Hours	Audited	Salaries	HOUR Related	1.	II .	Adjustments
		Claimed	Time Per	For			Allowed	Adjustment	Hour-	PHR-	1&11
			Cat/Dog	Vet Care				(Allowed Hours *	Related	Related	
			(Time Study - July/Aug. 09)	Average				Claimed PHR)			
а	b	(^c)	(d)	(e)	(f)=	(g)	(h) =	(i) =	(i)	(k)	
					(d*e)/60		(f) * (g)	(f)*(b)	(i)-(^c)	(h)-(i)	
			6) FY 2005-06	■ L.2.5							
			™ G.10.4			■ G.11.1					
	20.18	\$ -	2.54	1,111	47.03	\$ 20.18	\$ 949	\$ 949.07	\$ 949	\$ -	

Legislatively Mandated Animal Adoption Program

19.71

FY 1998-99 through FY 2007-08/ Excluding FY 2003-04 & FY 2004-05

Audit ID # S09-MCC-058

Veterinary Care- Administration of Wellness Vaccine - Analysis of Salaries

City's Data	3		Auditor Analysis								
Hours	PHR	Total	Min/Vaccine .	Eligible #	Allowed	PHR	Total	Salaries After	Adjustment	Adjustment	Total Audit
Claimed	Claimed	Salaries	Average	of Animals	Hours	Audited	Salaries	HOUR Related	1	ll l	Adjustments
		Claimed	Time Per	For			Allowed	Adjustment	Hour-	PHR-	1 & 11
			Cat/Dog	Vet Care				(Allowed Hours *	Related	Related	
			(Time Study - July/Aug. 09)	Average				Claimed PHR)			
а	b	(^c)	(d)	(e)	(f)=	(g)	(h) =	(i) =	()	(k)	
					(d*e)/60		(f) * (g)	(f)*(b)	(i)-(^c)	(h)-(i)	
F			5) FY 2002-03								
			■ G.10.4	■ L.2.4		G .11.1					

City's Data	a		Auditor Analysis					_			
Hours	PHR	Total	Min/Vaccine	Eligible#	Allowed	PHR	Total	Salaries After	Adjustment	Adjustment	Total Audit
Claimed	Claimed	Salaries	Average	of Animals	Hours	Audited	Salaries	HOUR Related		11	Adjustments
i		Claimed	Time Per	For			Allowed	Adjustment	Hour-	PHR-	1&11
			Cat/Dog	Vet Care				(Allowed Hours *	Related	Related	
			(Time Study - July/Aug. 09)	Average				Claimed PHR)		4	
а	b	(^c)	(d)	(e)	(f)=	(g)	(h) =	(i) =	(0)	(k)	
					(d*e)/60		(f) * (g)	(f)*(b)	(i)-(^c)	(h)-(i)	
	·		6) FY 2005-06	L.2.5	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,						
			☑ G.10.4			■ G.11.1				2.5	
	20.18	\$ -	2.54	1,111	47.03	\$ 20.18	\$ 949	\$ 949.07	\$ 949	\$ -	

y Data				Auditor Analysis										
	Salaries	Benefit	Benefit	Salaries after Hour	Allowed Salaries	Allowed				Allowed Benefits	Adjustment	Adjustment		Total Au
	Claimed	Rate	Amount	related - adjustment		Benefit	(Salaries after Hour	(Allowed Salaries	Benefit			11		Adjustme
		Claimed	Claimed	(Allowed Hours *	(Allowed Hours *	Rate	Related - Adj. *	times	Rate	(after all	Hour-	PHR-	Benefit Rate	1, 11 & 1
	(a)	(b)	(^c)	Claimed PHR)	Allowed PHR)	(f)	Ben. Rate Claimed)	Claimed Ben. Rate) (h) =	Difference (i) =	adjustments) (J) ≂	related (K) =	related (L) =	related (M)=	(n) =
	(a)	(6)	(0)	(4)	(e)	(1)		* -			100			
				4) 5) 4000 001	<u> </u>		(b) *(d)	(e) * (b)	(f) - (b)	(⊕) * (f)	(g) - (^c)	(h) - (g)	(i) * (e)	(K)+(L)
				1) FY 1998-99		■ G.12	4							
24 A		27.000		* 247.44		37.80%		101.47	0.000/		e 104	. (0)		•
CA - Avg.		37.80%	.	\$ 347.11	\$ 347.00	37.00%	\$ 131.21	\$ 131.17	0.00%	\$ 131	\$ 131	\$ (0)	\$ -	\$
"Beginnin	g January 1, 1	999 - Providing	"necessary and	prompt veterinary care" for s	stray and abandoned ar	nimals"								
***************************************	•••••				······································									
y Data				Auditor Analysis										
,	Salaries	Benefit	Benefit	Salaries after Hour	Allowed Salaries	Allowed				Allowed Benefits	Adjustment	Adjustment	Adjustment	Total A
	Claimed	Rate	Amount	related - adjustment		Benefit	(Salaries after Hour	(Allowed Salaries	Benefit		1	11	III	Adjustn
		Claimed	Claimed	(Allowed Hours *	(Allowed Hours *	Rate	Related - Adj. *	times	Rate	(after all	Hour-	PHR-	Benefit Rate	1, 11 8
	75		/A=\	Claimed PHR)	Allowed PHR)	7.5	Ben. Rate Claimed)			adjustments)	related	related	related	(2)
	(a)	(b)	(^c)	(d) .	(⊕)	. (f)	(g) =	(h) =	(i) =	(J) =	(K) =	(L) =	(M)=	(n)
			·····		<u>i </u>		(b) *(d)	(e) * (b)	(f) - (b)	(e) * (f)	(g) - (^c)	(h) - (g)	(i) * (e)	(K)+(l
				2) FY 1999-00										
		00 0004				00.000/							2	
CA - Avg.		30.90%	\$ -	\$ 741.42	\$ 741.00	30.90%	\$ 229.10	\$ 228.97	0.00%	\$ 229	\$ 229	\$ (0)	\$ -	\$
CA - Avg.		30.90%	\$ -		\$ 741.00	30.90%	\$ 229.10	\$ 228.97	0.00%	\$ 229	\$ 229	\$ (0)	\$	\$
CA - Avg.		30.90%	\$ -		\$ 741.00	30.90%	\$ 229.10	\$ 228.97	0.00%	\$ 229	\$ 229	\$ (0)	s -	\$
CA - Avg.		30.90%	\$ -		\$ 741.00	30.90%	\$ 229.10	\$ 228.97	0.00%	\$ 229	\$ 229	\$ (0)	\$	\$
-		30.90%	\$ -	\$ 741.42	\$ 741.00	30.90%	\$ 229.10	\$ 228.97	0.00%	\$ 229	\$ 229	\$ (0)	\$	\$
CA - Avg. y Data	Salaries	30.90% Benefit	\$ -		\$ 741.00	30.90% Allowed	\$ 229.10	\$ 228.97	0.00%	\$ 229	\$ 229	\$ (0)		
-	Salaries Claimed			\$ 741.42 Auditor Analysis			\$ 229.10	\$ 228.97	0.00% Benefit					Total A
-		Benefit	Benefit	\$ 741.42 Auditor Analysis Salaries after Hour related - adjustment (Allowed Hours *	Allowed Salaries (Allowed Hours *	Allowed	(Salaries after Hour Related - Adj. *	(Allowed Salaries times	Benefit Rate	Allowed Benefits	Adjustment	Adjustment II PHR-	Adjustment III Benefit Rate	Total A
-	Claimed	Benefit Rate Cłaimed	Benefit Amount Claimed	\$ 741.42 Auditor Analysis Salaries after Hour related - adjustment (Allowed Hours * Claimed PHR)	Allowed Salaries (Allowed Hours * Allowed PHR)	Allowed Benefit Rate	(Salaries after Hour Related - Adj. * Ben. Rate Claimed)	(Allowed Salaries times Claimed Ben. Rate)	Benefit Rate Difference	Allowed Benefits (after all adjustments)	Adjustment I Hour- related	Adjustment II PHR- related	Adjustment III Benefit Rate related	Total A Adjustr I, II 8
-		Benefit Rate	Benefit Amount	\$ 741.42 Auditor Analysis Salaries after Hour related - adjustment (Allowed Hours *	Allowed Salaries (Allowed Hours *	Allowed Benefit	(Salaries after Hour Related - Adj. *	(Allowed Salaries times	Benefit Rate	Allowed Benefits (after all adjustments) (J) =	Adjustment	Adjustment II PHR-	Adjustment III Benefit Rate	Total A Adjustn I, II &
-	Claimed	Benefit Rate Cłaimed	Benefit Amount Claimed	\$ 741.42 Auditor Analysis Salaries after Hour related - adjustment (Allowed Hours * Claimed PHR) (d)	Allowed Salaries (Allowed Hours * Allowed PHR)	Allowed Benefit Rate	(Salaries after Hour Related - Adj. * Ben. Rate Claimed)	(Allowed Salaries times Claimed Ben. Rate)	Benefit Rate Difference	Allowed Benefits (after all adjustments)	Adjustment I Hour- related	Adjustment II PHR- related	Adjustment III Benefit Rate related	Total A Adjustr I, II 8
-	Claimed	Benefit Rate Cłaimed	Benefit Amount Claimed	\$ 741.42 Auditor Analysis Salaries after Hour related - adjustment (Allowed Hours * Claimed PHR)	Allowed Salaries (Allowed Hours * Allowed PHR)	Allowed Benefit Rate (f)	(Salaries after Hour Related - Adj. * Ben. Rate Claimed) (g) = (b) *(d)	(Allowed Salaries times Claimed Ben. Rate)	Benefit Rate Difference (i) =	Allowed Benefits (after all adjustments) (J) =	Adjustment f Hour- related (K) =	Adjustment II PHR- related (L) =	Adjustment III Benefit Rate related (M)=	Total / Adjusti I, II &
-	Claimed	Benefit Rate Cłaimed	Benefit Amount Claimed	\$ 741.42 Auditor Analysis Salaries after Hour related - adjustment (Allowed Hours * Claimed PHR) (d)	Allowed Salaries (Allowed Hours * Allowed PHR)	Allowed Benefit Rate (f)	(Salaries after Hour Related - Adj. * Ben. Rate Claimed) (g) = (b) *(d)	(Allowed Salaries times Claimed Ben. Rate)	Benefit Rate Difference (i) =	Allowed Benefits (after all adjustments) (J) =	Adjustment f Hour- related (K) =	Adjustment II PHR- related (L) =	Adjustment III Benefit Rate related (M)=	Total / Adjusti I, II (
/ Data	Claimed	Benefit Rate Cłaimed	Benefit Amount Claimed	\$ 741.42 Auditor Analysis Salaries after Hour related - adjustment (Allowed Hours * Claimed PHR) (d)	Allowed Salaries (Allowed Hours * Allowed PHR)	Allowed Benefit Rate	(Salaries after Hour Related - Adj. * Ben. Rate Claimed) (g) = (b) *(d)	(Allowed Salaries times Claimed Ben. Rate) (h) = (e) * (b)	Benefit Rate Difference (i) =	Allowed Benefits (after all adjustments) (J) =	Adjustment f Hour- related (K) =	Adjustment II: PHR- related (L) = (h) - (g)	Adjustment III Benefit Rate related (M)=	Total Adjust
y Data	Claimed	Benefit Rate Claimed (b)	Benefit Amount Claimed	Auditor Analysis Salaries after Hour related - adjustment (Allowed Hours * Claimed PHR) (d) 3) FY 2000-01	Allowed Salaries (Allowed Hours * Allowed PHR) (e)	Allowed Benefit Rate (f)	(Salaries after Hour Related - Adj. * Ben. Rate Claimed) (g) = (b) *(d)	(Allowed Salaries times Claimed Ben. Rate) (h) = (e) * (b)	Benefit Rate Difference (i) = (f) - (b)	Allowed Benefits (after all adjustments) (J) = (e) * (f)	Adjustment f Hour- related (K) = (g) - (^c)	Adjustment II: PHR- related (L) = (h) - (g)	Adjustment III Benefit Rate related (M)= (i) * (e)	Total / Adjust I, II ((n) (K)+(
-	Claimed	Benefit Rate Claimed (b)	Benefit Amount Claimed	Auditor Analysis Salaries after Hour related - adjustment (Allowed Hours * Claimed PHR) (d) 3) FY 2000-01	Allowed Salaries (Allowed Hours * Allowed PHR) (e)	Allowed Benefit Rate (f)	(Salaries after Hour Related - Adj. * Ben. Rate Claimed) (g) = (b) *(d)	(Allowed Salaries times Claimed Ben. Rate) (h) = (e) * (b)	Benefit Rate Difference (i) = (f) - (b)	Allowed Benefits (after all adjustments) (J) = (e) * (f)	Adjustment f Hour- related (K) = (g) - (^c)	Adjustment II: PHR- related (L) = (h) - (g)	Adjustment III Benefit Rate related (M)= (i) * (e)	Total / Adjustr I, II & (n) (K)+(I
y Data CA - Avg.	Claimed	Benefit Rate Claimed (b)	Benefit Amount Claimed	Auditor Analysis Salaries after Hour related - adjustment (Allowed Hours * Claimed PHR) (d) 3) FY 2000-01	Allowed Salaries (Allowed Hours * Allowed PHR) (e)	Allowed Benefit Rate (f)	(Salaries after Hour Related - Adj. * Ben. Rate Claimed) (g) = (b) *(d)	(Allowed Salaries times Claimed Ben. Rate) (h) = (e) * (b)	Benefit Rate Difference (i) = (f) - (b)	Allowed Benefits (after all adjustments) (J) = (e) * (f)	Adjustment f Hour- related (K) = (g) - (^c)	Adjustment II: PHR- related (L) = (h) - (g)	Adjustment III Benefit Rate related (M)= (i) * (e)	Total / Adjustr I, II d (n) (K)+(I
y Data CA - Avg.	(a)	Benefit Rate Claimed (b)	Benefit Amount Claimed (^c)	Auditor Analysis Salaries after Hour related - adjustment (Allowed Hours * Claimed PHR) (d) 3) FY 2000-01 \$ 749.23	Allowed Salaries (Allowed Hours * Allowed PHR) (9)	Allowed Benefit Rate (f) Salary G.12	(Salaries after Hour Related - Adj. * Ben. Rate Claimed) (g) = (b) *(d)	(Allowed Salaries times Claimed Ben. Rate) (h) = (e) * (b)	Benefit Rate Difference (i) = (f) - (b)	Allowed Benefits (after all adjustments) (J) = (e) * (f)	Adjustment Hour- related (K) = (g) - (^c)	Adjustment II PHR- related (L) = (h) - (g)	Adjustment: III Benefit Rate related (M)= (j) * (e)	Total Adjust I, II (n) (K)+(
y Data CA - Avg.	(a)	Benefit Rate Claimed (b) 31.90%	Benefit Amount Claimed (^c)	Auditor Analysis Salaries after Hour related - adjustment (Allowed Hours * Claimed PHR) (d) 3) FY 2000-01 \$ 749.23 Auditor Analysis Salaries after Hour	Allowed Salaries (Allowed Hours * Allowed PHR) (e)	Allowed Benefit Rate (f) Signature G.12 31.90%	(Salaries after Hour Related - Adj. * Ben. Rate Claimed) (g) = (b) *(d) 2.1 \$ 239.01	(Allowed Salaries times Claimed Ben. Rate) (h) = (e) * (b) \$ 238.93	Benefit Rate Difference (i) = (f) - (b)	Allowed Benefits (after all adjustments) (J) = (e) * (f)	Adjustment f Hour- related (K) = (g) - (^c)	Adjustment II PHR related (L) = (h) - (g) \$ (0)	Adjustment. III Benefit Rate related (M)= (j) * (e)	Total Adjust I, III (n) (K)+(
y Data CA - Avg.	(a)	Benefit Rate Claimed (b) 31.90% Benefit Rate	Benefit Amount Claimed (^c)	Auditor Analysis Salaries after Hour related - adjustment (Allowed Hours * Claimed PHR) (d) 3) FY 2000-01 \$ 749.23 Auditor Analysis Salaries after Hour related - adjustment	Allowed Salaries (Allowed Hours * Allowed PHR) (e) \$ 749.00	Allowed Benefit Rate (f) Signature 1.12 31.90% Allowed Benefit	(Salaries after Hour Related - Adj. * Ben. Rate Claimed) (g) = (b) *(d) 2.1 \$ 239.01	(Allowed Salaries times Claimed Ben. Rate) (h) = (e) * (b) \$ 238.93 (Allowed Salaries	Benefit Rate Difference (i) = (f) - (b) 0.00%	Allowed Benefits (after all adjustments) (J) = (e) * (f) \$ 239	Adjustment ! Hour- related (k) = (g) - (^c) \$ 239	Adjustment II PHR- related (L) = (h) - (g) \$ (0) Adjustment II	Adjustment III Benefit Rate related (M)= (i) * (e)	Total Adjust I, II (n) (K)+(
y Data CA - Avg.	(a)	Benefit Rate Claimed (b) 31.90%	Benefit Amount Claimed (^c)	Auditor Analysis Salaries after Hour related - adjustment (Allowed Hours * Claimed PHR) (d) 3) FY 2000-01 \$ 749.23 Auditor Analysis Salaries after Hour	Allowed Salaries (Allowed Hours * Allowed PHR) (9)	Allowed Benefit Rate (f) Signature G.12 31.90%	(Salaries after Hour Related - Adj. * Ben. Rate Claimed) (g) = (b) *(d) 2.1 \$ 239.01 (Salaries after Hour Related - Adj. *	(Allowed Salaries times Claimed Ben. Rate) (h) = (e) * (b) \$ 238.93	Benefit Rate Difference (i) = (f) - (b) 0.00% Benefit Rate	Allowed Benefits (after all adjustments) (J) = (e) * (f)	Adjustment Hour- related (K) = (g) - (^c)	Adjustment II PHR related (L) = (h) - (g) \$ (0)	Adjustment. III Benefit Rate related (M)= (j) * (e)	Total Adjust I, II (n) (K)+(
y Data	(a)	Benefit Rate Claimed (b) 31.90% Benefit Rate Claimed	Benefit Amount Claimed (^c)	Auditor Analysis Salaries after Hour related - adjustment (Allowed Hours * Claimed PHR) (d) 3) FY 2000-01 \$ 749.23 Auditor Analysis Salaries after Hour related - adjustment (Allowed Hours *	Allowed Salaries (Allowed Hours * Allowed PHR) (e) \$ 749.00 Allowed Salaries (Allowed Hours *	Allowed Benefit Rate (f) Signature 1.12 31.90% Allowed Benefit	(Salaries after Hour Related - Adj. * Ben. Rate Claimed) (g) = (b) *(d) 2.1 \$ 239.01 (Salaries after Hour Related - Adj. *	(Allowed Salaries times Claimed Ben. Rate) (h) = (e) * (b) \$ 238.93 (Allowed Salaries times	Benefit Rate Difference (i) = (f) - (b) 0.00% Benefit Rate	Allowed Benefits (after all adjustments) (J) = (e) * (f) \$ 239 Allowed Benefits (after all	Adjustment ! Hour- related (k) = (g) - (^c) \$ 239 Adjustment ! Hour-	Adjustment II PHR- related (L) = (h) - (g) \$ (0) Adjustment II PHR-	Adjustment III Benefit Rate related (M)= (i) * (e) Adjustment III Benefit Rate	Total Adjust I, III (n) (K)+(
y Data CA - Avg.	(a) Salaries Claimed	Benefit Rate Claimed (b) 31.90% Benefit Rate	Benefit Amount Claimed (^c) Benefit Amount Claimed	Auditor Analysis Salaries after Hour related - adjustment (Allowed Hours * Claimed PHR) (d) 3) FY 2000-01 \$ 749.23 Auditor Analysis Salaries after Hour related - adjustment (Allowed Hours * Claimed PHR)	Allowed Salaries (Allowed Hours * Allowed PHR) (e) \$ 749.00 Allowed Salaries (Allowed Hours * Allowed PHR)	Allowed Benefit Rate (f) 31.90% Allowed Benefit Rate	(Salaries after Hour Related - Adj. * Ben. Rate Claimed) (g) = (b) *(d) 2.1 \$ 239.01 (Salaries after Hour Related - Adj. * Ben. Rate Claimed) (g) =	(Allowed Salaries times Claimed Ben. Rate) (h) = (e) * (b) \$ 238.93 (Allowed Salaries times Claimed Ben. Rate) (h) =	Benefit Rate Difference (i) = (f) - (b) 0.00% Benefit Rate Difference (i) =	Allowed Benefits (after all adjustments) (J) = (e) * (f) \$ 239 Allowed Benefits (after all adjustments) (J) =	Adjustment ! Hour- related (K) = (g) - (^c) \$ 239 Adjustment ! Hour- related (K) =	Adjustment II PHR- related (L) = (h) - (g) \$ (0) Adjustment II PHR- related (L) =	Adjustment III Benefit Rate related (M)= (i) * (e) Adjustment III Benefit Rate related (M)=	Total Adjust I, II (n) (K)+(\$ Total Adjust I, II (n)
y Data CA - Avg.	(a) Salaries Claimed	Benefit Rate Claimed (b) 31.90% Benefit Rate Claimed	Benefit Amount Claimed (^c) Benefit Amount Claimed	Auditor Analysis Salaries after Hour related - adjustment (Allowed Hours * Claimed PHR) (d) 3) FY 2000-01 \$ 749.23 Auditor Analysis Salaries after Hour related - adjustment (Allowed Hours * Claimed PHR) (d)	Allowed Salaries (Allowed Hours * Allowed PHR) (e) \$ 749.00 Allowed Salaries (Allowed Hours * Allowed PHR)	Allowed Benefit Rate (f) 31.90% Allowed Benefit Rate	(Salaries after Hour Related - Adj. * Ben. Rate Claimed) (g) = (b) *(d) 2.1 \$ 239.01 (Salaries after Hour Related - Adj. * Ben. Rate Claimed)	(Allowed Salaries times Claimed Ben. Rate) (h) = (e) * (b) \$ 238.93 (Allowed Salaries times Claimed Ben. Rate)	Benefit Rate Difference (i) = (f) - (b) 0.00% Benefit Rate Difference	Allowed Benefits (after all adjustments) (J) = (e) * (f) \$ 239 Allowed Benefits (after all adjustments)	Adjustment Hour- related (K) = (g) - (^c) \$ 239 Adjustment Hour- related	Adjustment I PHR- related (L) = (h) - (g) \$ (0) Adjustment I PHR- related	Adjustment III Benefit Rate related (M)= (i) * (e) \$ - Adjustment III Benefit Rate related	Total Adjust I, II (n) (K)+(\$ Total Adjust
r Data	(a) Salaries Claimed	Benefit Rate Claimed (b) 31.90% Benefit Rate Claimed	Benefit Amount Claimed (^c) Benefit Amount Claimed	Auditor Analysis Salaries after Hour related - adjustment (Allowed Hours * Claimed PHR) (d) 3) FY 2000-01 \$ 749.23 Auditor Analysis Salaries after Hour related - adjustment (Allowed Hours * Claimed PHR)	Allowed Salaries (Allowed Hours * Allowed PHR) (e) \$ 749.00 Allowed Salaries (Allowed Hours * Allowed PHR)	Allowed Benefit Rate (f) 31.90% Allowed Benefit Rate	(Salaries after Hour Related - Adj. * Ben. Rate Claimed) (g) = (b) *(d) 2.1 \$ 239.01 (Salaries after Hour Related - Adj. * Ben. Rate Claimed) (g) =	(Allowed Salaries times Claimed Ben. Rate) (h) = (e) * (b) \$ 238.93 (Allowed Salaries times Claimed Ben. Rate) (h) =	Benefit Rate Difference (i) = (f) - (b) 0.00% Benefit Rate Difference (i) =	Allowed Benefits (after all adjustments) (J) = (e) * (f) \$ 239 Allowed Benefits (after all adjustments) (J) =	Adjustment ! Hour- related (K) = (g) - (^c) \$ 239 Adjustment ! Hour- related (K) =	Adjustment II PHR- related (L) = (h) - (g) \$ (0) Adjustment II PHR- related (L) =	Adjustment III Benefit Rate related (M)= (i) * (e) Adjustment III Benefit Rate related (M)=	Total Adjus i, II (n (K)+ Total Adjus I, II
Data	(a) Salaries Claimed	Benefit Rate Claimed (b) 31.90% Benefit Rate Claimed	Benefit Amount Claimed (^c) Benefit Amount Claimed (^c)	Auditor Analysis Salaries after Hour related - adjustment (Allowed Hours * Claimed PHR) (d) 3) FY 2000-01 \$ 749.23 Auditor Analysis Salaries after Hour related - adjustment (Allowed Hours * Claimed PHR) (d)	Allowed Salaries (Allowed Hours * Allowed PHR) (e) \$ 749.00 Allowed Salaries (Allowed Hours * Allowed PHR)	Allowed Benefit Rate (f) 31.90% Allowed Benefit Rate	(Salaries after Hour Related - Adj. * Ben. Rate Claimed) (g) = (b) *(d) 2.1 \$ 239.01 (Salaries after Hour Related - Adj. * Ben. Rate Claimed) (g) = (b) *(d)	(Allowed Salaries times Claimed Ben. Rate) (h) = (e) * (b) \$ 238.93 (Allowed Salaries times Claimed Ben. Rate) (h) = (e) * (b)	Benefit Rate Difference (i) = (f) - (b) 0.00% Benefit Rate Difference (i) =	Allowed Benefits (after all adjustments) (J) = (e) * (f) \$ 239 Allowed Benefits (after all adjustments) (J) = (e) * (f)	Adjustment ! Hour- related (K) = (g) - (^c) \$ 239 Adjustment ! Hour- related (K) =	Adjustment II PHR- related (L) = (h) - (g) \$ (0) Adjustment II PHR- related (L) = (h) - (g)	Adjustment III Benefit Rate related (M)= (i) * (e) Adjustment III Benefit Rate related (M)=	Total Adjus I, II (n (K)+ Tota Adjus I, II (n (K)+

Veterinary Care- Administration of Wellness Vaccine - Analysis of Benefits

ty Data			Auditor Analysis	S										
Salarie Claime		Benefit Amount Claimed	Salaries after h related - adjust (Allowed Hou Claimed PH	tment urs *	Allowed Salaries (Allowed Hours * Allowed PHR)	Allowed Benefit Rate	Benefits after Hour related - adjustment (Ben. Rate Claimed * Salaries after Hour Adj		Benefit Rate Difference	Allowed Benefits (after all adjustments)	Adjustment I Hour- related	Adjustment II PHR- related	Adjustment III Benefit Rate related	Total Au Adjustm I, II &
(a)	(b)	(^c)	(d)		(e)	(f)	(g) == (b) *(d)	(h) = (e) * (b)	(i) = (f) - (b)	(J) = (e) * (f)	(K) = (g) - (^c)	(L) = (h) - (g)	(M)= (i) * (e)	(n) = (K)+(L
			5) FY 2002	2-03			(5) (4)	(0) (0)	(1) - (0)	(6) (7)	(8) (3)	, (g)		113.10
CA - Avg.	27.52%	\$ -	\$ 61	11.60	\$ 612.00	27.52%	\$ 168.31	\$ 168.42	0.00%	\$ 168	\$ 168	\$ 0	,	\$
y Data			Auditor Analysis											Total
Salarie Claime		Benefit Amount Claimed	Salaries after i related - adjust (Allowed Hou Claimed Ph	tment urs *	Allowed Salaries (Allowed Hours * Allowed PHR)	Allowed Benefit Rate	(Salaries after Hour Related - Adj. * Ben. Rate Claimed)	(Allowed Salaries times Claimed Ben. Rate)	Benefit Rate Difference	Allowed Benefits (after all adjustments)	Adjustment I Hour- related	Adjustment II PHR- related	Adjustment III Benefit Rate related	Adjusti
(a)	(b)	(^c)	(d)		(e)	(f)	(g) *	(h) =	(i) =	(J) = (e) * (f)	(K) ±	(L) =	(M)=	(n) (K)+(
			6) FY 200	5-06	**************************************		(b) *(d)	(e) * (b)	(f) - (b)	(6) (1)	(g) - (^c)	(h) - (g)	(i) * (e)	(1/-(1/-
CA - Avg.	45.90%	\$ -	\$ 94	49.07	\$ 949.00	45.90%	\$ 435.62	\$ 435.59	0.00%	\$ 436	\$ 436	\$ (0)	\$.	\$
ty Data	s Bonefit	Renefit	Auditor Analysis		Allowed Salaries	Allowed				Allowed Benefits	Adjustment		Adjustment	Total
ty Data Salarie Claime		Benefit Amount	Auditor Analysis Salaries after i related - adjus	Hour	Allowed Salaries	Allowed Benefit	(Salaries after Hour	(Allowed Salaries	Benefit	Allowed Benefits	Adjustment	Adjustment	Adjustment III-	Total /
Salarie Claime	d Rate Claimed	Amount Claimed	Salaries after I related - adjust (Allowed Hou Claimed Ph	Hour tment urs *	(Allowed Hours * Allowed PHR)	Benefit Rate	Related - Adj. * Ben. Rate Claimed)	times Claimed Ben. Rate)	Rate Difference	(after all adjustments)	l Hour- related	II PHR- related	III Benefit Rate related	Adjust I, II
Salarie	d Rate	Amount	Salaries after i related - adjust (Allowed Hou Claimed Ph	Hour stment urs * HR)	(Allowed Hours *	Benefit	Related - Adj. *	times	Rate	(after all	l Hour-	II PHR-	III Benefit Rate	Adjust
Salarie Claime	d Rate Claimed	Amount Claimed (^c)	Salaries after l'related - adjus' (Allowed Hot Claimed Ph (d)	Hour stment urs * HR)	(Allowed Hours * Allowed PHR)	Benefit Rate	Related - Adj. * Ben. Rate Claimed) (g) * (b) *(d)	times Claimed Ben. Rate) (h) = (e) * (b)	Rate Difference (i) =	(after all adjustments) (J) =	Hour- related (K) =	II PHR- related (L) = (h) - (g)	III Benefit Rate related (M)= (i) * (e)	Adjus I, II (n (K)+
Salarie Claime (a) CA - Avg.	d Rate Claimed (b)	Amount Claimed (^c)	Salaries after i related - adjust (Allowed Hot Claimed Ph (d) 7) FY 2000	Hour stment urs * HR) 6-07	(Allowed Hours * Allowed PHR) (e)	Benefit Rate (f)	Related - Adj. * Ben. Rate Claimed) (g) * (b) *(d)	times Claimed Ben. Rate) (h) = (e) * (b)	Rate Difference (i) = (f) - (b)	(after all adjustments) (J) = (e) * (f)	Hour- related (K) = (g) - (^c)	II PHR- related (L) = (h) - (g)	III Benefit Rate related (M)= (I) * (e)	Adjus I, II (n (K)+
Salarie Claime (a)	d Rate Claimed (b) 47.80% s Benefit	Amount Claimed (^c)	Salaries after i related - adjusti (Allowed Hou Claimed Ph (d) 7) FY 2000 \$ 93 Auditor Analysis Salaries after i related - adjust (Allowed Hou Claimed Ph (d)	Hour trent urs * HR) 6-07 s Hour trent urs * Hour trent urs *	(Allowed Hours * Allowed PHR) (e) \$ 940.00 Allowed Salaries (Allowed Hours *	Benefit Rate (f)	Related - Adj. * Ben. Rate Claimed) (g) = (b) *(d) \$ 449.30 (Salaries after Hour Related - Adj. *	times Claimed Ben. Rate) (h) = (e) * (b) \$ 449.32 (Allowed Salaries times	Rate Difference (i) = (f) - (b) 0.00% Benefit Rate	(after all adjustments) (J) = (e) * (f) \$ 449	Hour- related (K) = (g) - (^c) \$ 449	II PHR- related (L) = (h) - (g) \$ 0 Adjustment II PHR-	Benefit Rate related (M)= (i) * (e) \$ Adjustment III Benefit Rate	Adjus I, II (n (K)+ Total Adjus
Salarie Claime (a) CA - Avg. y Data	d Rate Claimed (b) 47.80% S Benefit Rate	Amount Claimed (^c) \$ Benefit Amount	Salaries after i related - adjust (Allowed Hot Claimed Ph (d) 7) FY 2000 \$ 93 Auditor Analysis Salaries after i related - adjust	Hour trent urs * HR) 6-07 s Hour trent urs * Hour trent urs *	(Allowed Hours * Allowed PHR) (e) \$ 940.00 Allowed Salaries	Benefit Rate (f) 47.80% Allowed Benefit	Related - Adj. * Ben. Rate Claimed) (g) * (b) *(d) \$ 449.30 (Salaries after Hour Related - Adj. * Ben. Rate Claimed) (g) =	times Claimed Ben. Rate) (h) = (e) * (b) \$ 449.32 (Allowed Salaries times Claimed Ben. Rate) (h) =	Rate Difference () = (f) - (b) 0.00% Benefit Rate Difference () =	(after all adjustments) (J) = (e) * (f) \$ 449 Allowed Benefits (after all adjustments) (J) =	Hour- related (K) = (9) - (*c) \$ 449 Adjustment I Hour- related (K) =	II PHR- related (L) = (h) - (g) \$ 0 Adjustment II PHR- related (L) =	Benefit Rate related (M)= (I) * (e) \$ Adjustment III Benefit Rate related (M)=	Adjus I, II (n (K)+ \$ Total Adjus I, II
Salarie Claime (a) CA - Avg. y Data Salarie Claime	d Rate Claimed (b) 47.80% S Benefit d Rate Claimed	Amount Claimed (^c) \$ - Benefit Amount Claimed	Salaries after i related - adjusti (Allowed Hou Claimed Ph (d)) 7) FY 2000 \$ 93 Auditor Analysis Salaries after i related - adjust (Allowed Hou Claimed Ph	Hour treent urs * HR) 6-07 39.97 S Hour treent urs * HR)	(Allowed Hours * Allowed PHR) (e) \$ 940.00 Allowed Salaries (Allowed Hours * Allowed PHR)	Benefit Rate (f) 47.80% Allowed Benefit Rate	Related - Adj. * Ben. Rate Claimed) (g) * (b) *(d) \$ 449.30 (Salaries after Hour Related - Adj. * Ben. Rate Claimed)	times Claimed Ben. Rate) (h) = (e) * (b) \$ 449.32 (Altowed Salaries times Claimed Ben. Rate)	Rate Difference (i) = (f) - (b) 0.00% Benefit Rate Difference	(after all adjustments) (J) = (e) * (f) \$ 449 Allowed Benefits (after all adjustments)	Hour- related (K) = (9) - (^c) \$ 449 Adjustment I Hour- related	II PHR- related (L) = (h) - (g) \$ 0 Adjustment II PHR- related	Benefit Rate related (M)= (I) * (e) \$	Adjus I, II (n (K)+ \$ Total Adjus I, II
Salarie Claime (a) CA - Avg. y Data Salarie Claime	d Rate Claimed (b) 47.80% S Benefit d Rate Claimed (b)	Amount Claimed (^c) S Benefit Amount Claimed (^c)	Salaries after i related - adjust (Allowed Hot Claimed PHOT) 7) FY 2000 \$ 90 Auditor Analysis Salaries after i related - adjust (Allowed Hot Claimed PHOT) (d) 8) FY 2000	Hour treent urs * HR) 6-07 39.97 s Hour treent urs * HR) 7-08	(Allowed Hours * Allowed PHR) (e) \$ 940.00 Allowed Salaries (Allowed Hours * Allowed PHR) (e)	Allowed Benefit Rate (f) 47.80% Allowed Benefit Rate (f)	Related - Adj. * Ben. Rate Claimed) (g) * (b) *(d) \$ 449.30 (Salaries after Hour Related - Adj. * Ben. Rate Claimed) (g) =	times Claimed Ben. Rate) (h) = (e) * (b) \$ 449.32 (Allowed Salaries times Claimed Ben. Rate) (h) = (e) * (b)	Rate Difference () = (f) - (b) 0.00% Benefit Rate Difference (i) = (f) - (b)	(after all adjustments) (J) = (e) * (f) \$ 449 Allowed Benefits (after all adjustments) (J) =	Hour- related		Benefit Rate related (M)= (i) * (e) \$ Adjustment Benefit Rate related (M)= (i) * (e)	Adjus (n (K)+ \$ Total Adjus (n (K)+

City of Hayward Legislatively Mandated Animal Adoption Program FY 1998-99, FY 2005-06 & FY 2008-09 Audit ID # S09-MCC-058 **Veterinary Care-Wellness Vaccine Cost**

区 L.2.2

L.2.5 L.2.6 L.2.7

Eligible Animals for Administration of a Wellness Vaccine

Eigeal Voor

	Fiscal Year											
	FY 1998-99	FY 1999-00 FY	2000-01 F	Y 2001-02 FY	2002-03	FY 2005-06	FY 2006-07	FY 2007-08	TOTAL			
	Avg. of 6	Avg. of 6										
Dogs	468	468	623	647	440	472	327	296				
Cats	519	519	393	412	293	639	764	614				
Eligible Animals	987	987	1,016	1,059	733	1,111	1,091	910	7,894			

EX.10

Fiscal Year

FY 1998-99 FY 1999-00 FY 2000-01 FY 2001-02 FY 2002-03 FY 2005-06 FY 2006-07 FY 2007-08 TOTAL

Materials & Supplies - Cost of Wellness Vaccine

Claimed 18,686 14,836 7,708 41,230 Allowable Cost 1,170 1,908 2,258 2,372 4,421 1,799 1,920 1,777 17,625 **Audit Adjustment** (17,516)\$ 1,908 \$ 2,258 \$ 2,372 \$ 1,777 \$ (10,415) (5,788)(23,605)

1.7.PS

E.3.1

2 I.7.PS

e Saturday Decision

Eligible Animals for Administration of a Wellness Vaccine

	Fiscal Year									
	FY 1998-99	FY 1999-00	FY 2000-01	FY 2001-021	FY 2002-03	FY 2005-06	FY 2006-07	FY 2007-08	TOTAL	
Pre Saturday Decision										
	Avg of 6	Avg. of 6								
Dogs	477	477	653	661	473	434	336	305		
Cats	727	727	592	649	521	932	927	738		
Eligible Animals	1,204	1,204	1,245	1,310	994	1,366	1,263	1,043	9,629	

							Fiscal Yea	r								
	FY	1998-99	FY 19	99-00	FY 2000	-01 F	Y 2001-02	FY 2002-03	FY	2005-06	FY 200	6-07	FY	2007-08	-	TOTAL
Materials & Supplies - C	ost of	Wellness Va	accine													
Claimed	\$.	18,686	\$	_	\$	-	\$ -	\$ -	\$	14,836	\$	-	\$	7,708	\$	41,230
Allowable Cost		1,319	2	,129	2,53	5	2,648	2,148		4,968	1,9	98_		2,115		19,860
Audit Adjustment	\$	(17,367)	\$ 2	,129	\$ 2,53	— - 5	\$ 2,648	\$ 2,148	\$	(9,868)	\$ 1,9	98	\$	(5,593)	\$	(21,370)

All numbers and methodologies are contingent on management approval.

Legislatively Mandated Animal Adoption Program FY 1998-99 through FY 2007-08/ Excluding FY 2003-04 & FY 2004-05 Audit ID # S09-MCC-058

Veterinary Care- Cost Per Vaccine

■ 1.7.1



1) FY 1998-99

ccine 1 or Dog Cost	Vaccine 2 For Dog Cøst	Doses per box	Cost per 2 Vaccines per dog	# of Eligible Dogs Average	Vaccine Cost Allowed For DOGS
(a)	(b)	(^c)	(d)	(e)	(f) = (e)*(f)
			Average of 7 yrs \$ 3.58	Average of 6 yrs 468	\$ 1,075.00
ne Cost for	Cats				
	Vaccine 1 For CAT Cost	Doses per box	Cost per Vaccines per CAT	# of Eligible Cats Average	Vaccine Cost Allowed For CATS
	(a)	(b)	(^c)	(é)	(F) = (d)*(e)
	Average		Average of 7 yrs \$ 1.28	Average of 6 yrs 519	\$ 664.00
			● 1.7.PS		Total cost Allowed for Vaccines
		Beginning J Providing " veterinary abandoned	f the the total for the		1.7.PS

Veterinary Care- Cost Per Vaccine

2) FY 1999-00

Vaccine 1 For Dog Cost 25 vaccines * 10 trays) 250 Vaccines	Cost for Vaccine 1	Vaccine 2 For Dog Cost (25 vaccines * 6 trays) 150 Vaccines	Cost for Vaccine 2	Cost per 2 Vaccines per dog	# of Eligible Dogs Average	Vaccine Cost Allowed For DOGS	Auditor Notes: Vaccine co
(a)	(b)	(^c)	(d) =	(e) = (b+d)	(f) Average of 6	(G) = (e)*(f)	were extremely
	\$ 1.44	基 型的第三人称单数	\$ 1.61	\$ 3.04	468 2 I.7.PS		high this year.
Vaccine Cost for Cats		Vaccine 1 For CAT (25 vaccines * 10 trays) (250 vaccines)	250 Vaccines	Cost per Vaccines per CAT	# of Eligible Cats	Vaccine Cost Allowed For CATS	p
		(a)	(b)	(^c) (a)/(b)	(d) Average or 6	(e) = (^c)*(d)	
			250	\$ 0.93	519 2 I.7.PS All	Total cost owed for Vaccin	es
					● I.7.PS	1,908,00	

Veterinary Care- Cost Per Vaccine

3) FY 2000-01

Cost per Vaccine 1	Vaccine 2 For Dog Cost (25 vaccines * 10 trays) 250 Vaccines	Cost for Vaccine 2	Cost per 2 Vaccines per dog	# of Eligible Dogs	Vaccine Cost Allowed For DOGS	Auditor Notes: Vaccine cos were
(b)	(^c)	(d) =	(e) = (b+d)	(e)	(F) = (d)*(e)	extremely high this
\$ 1.43	40130	\$ 1.61	\$ 3.04	623 623	\$ 1,692.00	year.
	Vaccine 1 For CAT (25 vaccines * 8 trays) (200 vaccines)	200 Vaccines	Cost per Vaccines per CAT	# of Eligible Cats	Vaccine Cost Allowed For CATS	
	(a)	(b)	(^c) (a)/(b)	(e)	(F) = (d)*(e)	
	\$ 186.24	200	\$ 0.93	393 1.7.PS	lotal cost	cines
	(b)	Cost (25 vaccines * 10 trays) 250 Vaccines (b) (^c) \$ 1.43 Vaccine 1 For CAT (25 vaccines * 8 trays) (200 vaccines)	Cost (25 vaccines * 10 trays) 250 Vaccines (b) (^c) (d) = \$ 1.43 \$ 401.30 \$ 1.61 Vaccine 1 For CAT 200 (25 vaccines * 8 trays) Vaccines (200 vaccines) (a) (b)	Cost (25 vaccines * 10 trays) 250 Vaccines (b) (^c) (d) = (e) = (b+d) \$ 1.43	Cost (25 vaccines * 10 trays) 250 Vaccines (b) (^c) (d) = (e) = (e) (b+d) \$ 1.43	Cost (25 vaccines * 10 trays) 250 Vaccines (b) (^c) (d) = (e) = (e) (F) = (b*d) \$ 1.43

Veterinary Care- Cost Per Vaccine

4) FY 2001-02

Vaccine 1	Vaccine 2	Doses	Cost per	# of Eligible	Vaccine
For Dog	For Dog	per	2 Vaccines	Dogs	Cost
Cost	Cost	box	per dog		Allowed
					For DOGS
(a)	(b)	(^c)	(d) =	(e)	(F) =
			(a+b)/(^c)		(d)*(e)
				L.2.3	PROPERTY OF THE REAL PROPERTY OF THE PERSON
40.28	\$ 35.89	25		647	1,971.00°
			⋙ I.7.PS	🐲 I.7.PS	
cine Cost for Cats					
	Vaccine 1	Doses	Cost per	# of Eligible	Vaccine
	For CAT	per	Vaccines	Cats	Cost
	Cost	box	per CAT		Allowed
		•			For CATS
	(a)	(b)	(^c)	(e)	(F) =
			(a)/(b)		(d)*(e)
				L.2.3	
	\$ 24.35	25	\$ 0.97	412	4 01.00
			# I.7.PS	📽 I.7.PS	
					Total cost
					Allowed for Vaccines
					2,372.00

Veterinary Care- Cost Per Vaccine

5) FY 2002-03

Vaccine 1	Vaccine 2	Doses		Cost per	# of Eligible	Vaccine
For Dog	For Dog	per		2 Vaccines	Dogs	Cost
Cost	Cost	box		per dog		Allowed For DOGS
(a)	(b)	(^c)		(a+b)/(^c)	(e)	(F) = (d)*(e)
	\$8.92		25	\$ 3.27	■ L.2.4 440	\$
42.82	303/		25	1.7.PS	≇ I.7.PS	• ************************************
	Vaccine Cost for Cat	s				
	Vaccine 1	Doses		Cost per	# of Eligible	Vaccine
	For CAT	per		Vaccines	Cats	Cost
	Cost	box		per CAT		Allowed For CATS
	(a)	(b)		(^c) (a)/(b)	(e)	(F) = (d)*(e)
	\$ 28.84		25	\$ 1.15	L.2.4 293	338.0
				≇ I.7.PS	₩ I.7.PS	And the constraint and manifestimes it is adolescent developed on the constraint of
				1.7.73	<u></u>	Total cost
						Allowed for Vaccine
						1.777.00

Veterinary Care- Cost Per Vaccine

6) FY 2005-06

) FY 2005-06						
accine Cost for Dogs						
Vaccine 1	Vaccine 2	Doses		Cost per	# of Eligible	Vaccine
For Dog	For Dog	per		2 Vaccines	Dogs	Cost
Cost	Cost	box		per dog		Allowed
Bronchi Shield	Dura Max					For DOGS
(a)	(b)	(^c)		(d) = (a+b)/(^c)	(e)	(F) = (d)*(e)
					L.2.5	
72.50	\$1, \$6 73.00		25	\$ 5.82	472	\$ 2,747.00
				🗱 1.7.PS	I.7.PS	
	Vaccine Cost for Cats	···				
	Vaccine 1	Doses		Cost per	# of Eligible	Vaccine
	For CAT	per		Vaccines	Cats	Cost
	Cost	box		per CAT		Allowed
	Fel o Vax					For CATS
	(a)	(b)		(^c)	(e)	(F) =
				/(a)/(b)		(d)*(e)
				4	<u>■</u> L.2.5	
	431,00	•	50	\$ 2.62	639	3 204-4400
				I.7.PS	I.7.PS	
					*	Total cost
						Allowed for Vaccine
						4,42
						# I.7.PS
						1.7.1

Veterinary Care- Cost Per Vaccine

7) FY 2006-07

) FY 2006-07					
accine Cost for DOGS			_		
Vaccine 1	Vaccine 2	Doses	Cost per	# of Eligible	Vaccine
For Dog	For Dog	per	2 Vaccines	Dogs	Cost
Cost	Cost	box	per dog		Allowed
Parvo- Dura Max	FD- Dura Max				For DOGS
(a)	(b)	(^c)	(d) =	(e)	(F) =
			(a+b)/(^c)	- I mary	(d)*(e)
				■ L2.6	
36.78	- \$ 138.50	2		327	\$ 997.00
			🏶 1.7.PS	# 1.7.PS]
	Vaccine Cost for CA	TS			
	Vaccine 1	Doses	Cost per	# of Eligible	Vaccine
	For CAT	per	Vaccines	Cats	Cost
	Cost	box	per CAT		Allowed
					For CATS
	(a)	(b)	(^c)	(⊕)	(F) =
			(a)/(b)		(d)*(e)
				■ L.2.6	
	\$ 26.25	2	5 \$ 1.05	764	\$ 802.00
			# I.7.PS	# I.7.PS	
			<u></u>		Total cost
					Allowed for Vaccine
					19
					FASS
					1.7.PS
					1.7.5

Veterinary Care- Cost Per Vaccine [8) FY 2007-08

Vaccina	Coet	for [ากดด

Vaccine 1	Vaccine 2	Doses		Cost per	# of Eligible	Vaccine
For Dog	For Dog	per		2 Vaccines	Dogs	Cost
Cost	Cost	box		per dog		Allowed
FD Dura-Max	Bronchi- Shield					For DOGS
(a)	(b)	(^c)		(d) =	(e)	(F) =
				(a+b)/(^c)		(d)*(e)
					■ L.2.7	
.4276	\$ 82,000		25	\$ 3.79	296	1,122.00
				📽 I.7.PS	🥮 I.7.PS	
	Vaccine Cost for CA	тѕ				
	Vaccine 1	Doses		Cost per	# of Eligible	Vaccine
	For CAT	per		Vaccines	Cats	Cost
	Cost	box		per CAT		Allowed
						For CATS
	. (a)	(b)		(^c)	(d)	(F) =
				(a)/(b)		(^c)*(d)
					■ L.2.7	
	32.50		25	\$ 1.30	614	\$ 798.00°
				◎ 1.7.PS	i.7.PS	Total cost
						Allowed for Vaccin
						7,920ak
						1.7.P S
Frand Total Allowe	d for Veterinary (are - Well	nes			\$ 17,625.00
				₩ 1.7.PS		

L 2.3 **■** L.2.4 L.2.2 L2.5 L.2.6 题 L.2.7 Eligible Animals for Administration of a Wellness Vaccine

Fiscal Year FY 1998-99 FY 1999-00 FY 2000-01 FY 2001-02 FY 2002-03 FY 2005-06 FY 2006-07 FY 2007-08 TOTAL Avg. of 6 Avg. of 6 440 Dogs 468 468 623 647 472 327 296 Cats 519 519 393 412 293 639 764 614 987 987 1,016 1,059 733 1,111 1,091 7,894 Eligible Animals 910

Legislatively Mandated Animal Adoption Program

FY 1998-99 through FY 2007-08/ Excluding FY 2003-04 & FY 2004-05

Audit ID # S09-MCC-058

Veterinary Care/Contract Services - Initial Physical Exam & Vet Care Invoices

Eligible Animals for Administration of a Wellness Vaccine/Initial Physical Examination

	EV 4009 00	EV 4000 00	EV 2000 04 I	Fiscal Year	V 2002 02	EV 2005 06	FY 2006-07	EV 2007 09	TOTAL
	F1 1330-33	F1 1999-00	FT 2000-011	1 2001-021	1 2002-03	FT 2005-06	F1 2000-07	F1 2007-06	TOTAL
	Avg. of 6	Avg. of 6							
Dogs	468	468	623	647	440	472	327	296	
Cats	519	519	393	412	293	639	764	614	
Eligible Animals	987	987	1,016	1,059	733	1,111	1,091	910	7,894

Contract Services - Adjus	tment	per Fisc	al Ye	ear - Pro	ompt	and Ne	cess	ary Ve	terin	ary Care								
	1	998-99	19	99-00	2	000-01	20	01-02	2	002-03	2	005-06	2	006-07	2	007-08	TC	DTAL
Claimed																		
Initial Physical Exam	\$	-	\$	-			\$	-	\$	-	\$	-	\$	-	\$	-		
Vet Care Invoices		-		-		-		-		-		-		-		-		
	\$	-	\$	-	\$		\$	-	\$		\$	2,553	\$	21,792	\$	17,295	\$ 4	11,640
Allowable																		
Initial Physical Exam	\$	1,332	\$	2,675	\$	2,428	\$	2,383	\$	1,693	\$	2,444	\$	4,008	\$	6,472	\$ 2	23,435
	Avg.	of 3 yrs	Avg.	of 3 yr	sAvg.	of 3 yr	Avg.	of 3 y	n A vg	. of 3 yrs	S							
Vet Care Invoices		2,452		4,904		4,904		4,904		4,904		4,977		4,751		4,984	3	36,780
	\$	3,784	\$	7,579	\$	7,332	\$	7,287	\$	6,597	\$	7,421	\$	8,759	\$	11,456	\$ 6	0,215
																		
Audit Adjustment	\$	3,784	\$	7,579	\$	7,332	\$	7,287	\$	6,597	\$	4,868	\$	(13,033)	\$	(5,839)	(\$ 1	8,575
									_									

≥ E.3.1

≇ J.4.PS

D.2.3

J.4.PS EX.10

Auditor Notes: April, 5 2005 In this FY Dr. Singer came in to vet checks twice a week for 1,000 per month. Dr singer did not charge the shelter a initial physical examination fee when the animal was taken to him outside of his 2 day a week visits.

Dr. Lori Dabaco was contracted as the new contracted Vet as of March 5, 2007. Her contract was for \$24,000 a year. Dr Dabaco also charged the shelter an additional \$27.00 fee to perform an initial The auditor consulted with management in order to apply averages to the veterinary care costs for providing necessary and promt vet care for the earlier years. The invoices for the early years were hard to read and/or damaged. The invoices for the last three years are exemplary and they were ultimately properly prepared and reviewed by the

Prelim- All numbers and methodologies are contingent upon management approval.

4008

City of Hayward Legislatively Mandated Animal Adoption Program FY 1998-99 through FY 2007-08/ Excluding FY 2003-04 & FY 2004-05 Audit ID # S09-MCC-058 Veterinary Care/Contract Services - Initial Physical Exam & Vet Care Invoices

Pre Saturday Decision

				Fiscal Year					
	FY 1998-99	9 FY 1999-00	FY 2000-01	FY 2001-02	FY 2002-03	FY 2005-06	FY 2006-07	FY 2007-08	TOTAL
Pre Saturday Decision									
	Avg of 6	Avg. of 6							
Dogs	477	477	653	661	473	434	336	305	
Cats	727	727	592	649	521	932	927	738	
Eligible Animals	1,204	1,204	1,245	1,310	994	1,366	1,263	1,043	9,629
Contract Services - Adjustr	nent per Fis	cal Year - Pro	ompt and Ne		J.4.PS	-			
	1998-99	1999-00	2000-01	2001-02	2002-03	2005-06	2006-07	2007-08	TOTAL
Claimed									
Initial Physical Exam	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -	
Veterinary Care Invoices			_			_			
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,553	\$ 21,792	\$ 17,295	\$ 41,640
Allowable									
Allowable Initial Physical Exam	\$ 1,626	\$ 3,252	\$ 2,974	\$ 2,953	\$ 2,296	\$ 3,002	\$ 4,530	\$ 7,263	
•					• •		\$ 4,530	\$ 7,263	
Initial Physical Exam	vg. of 3 yrs			\$ 2,953 \$Avg. of 3 yra 4,904			\$ 4,530 4,751	\$ 7,263 4,984	
Initial Physical Exam A	vg. of 3 yrs	s#Avg. of 3 yr	sAvg. of 3 yr	aAvg. of 3 yna	Avg. of 3 yrs	S	•	, ,	\$ 64,676
Initial Physical Exam A	vg. of 3 yrs 2,452	s/Avg. of 3 yr 4,904	Avg. of 3 yr 4,904	Avg. of 3 yra 4,904	Avg. of 3 yrs 4,904	4,977	4,751	4,984	\$ 64,676

Contract Services -Veterinary Care - Initial Physical Examination

1) FY 1998-99			Average					
Eligible Animals for an I			987					
Out of shelter Initial Phy		N/A	0			Veden and the second		
In -house Initial Physica	I Exam		987			\downarrow		
Total # of Animals - excluding DOA's	Cost of Vet Contract per Year	Cost per Animal Per In-House	# of Eligible In-house Initial Physical	Eligible Contract Amount for Initial Physical	Cost per Animal Per Out-of Shelter	(from Invoice # of Out of shelter Initial	Out-of Shelter	Initial Physical
(Sum-includes prior year animals & newborns)		in-riouse Initial Physica Exam	•	Exam	Initial Physical Exam	Physical Exam	Exam	Exam
a	b	c = (b/a)	d	(e) = (^c) * (d)	(f)	(g)	(h) = (f) * (g)	(I) (e) + (h)
Averages 4431	\$ 12,000.00	\$ 2.71	987		\$ 27.00	Average	\$	\$ 2,673.00
Beginning January 1, 1999 - Pr	oviding "necessary	and prompt veterin	ary care" for stra	ay and abandoned anin	nals"			15.57 400
2) FY 1999-00			Average of 6	3			•	
Eligible Animals for an I	· •	Exam N/A	987 0			-		
In -house Initial Physica			987					
Total # of records - excluding DOA's	Cost of Vet Contract per	Cost per Animal Per	# of Eligible In-house Initial	Eligible Contract Amount for	Cost per Animal Per	(from Invoice # of Out of shelter	Out-of Shelter	
(Sum-includes prior year animals & newborns)	XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	In-House Initial Physica Exam	Physical II Exams	Initial Physical Exam	Out-of Shelter Initial Physical Exam	Initial Physical Exam	Initial Physica Exam	Exam
а	b	c = (b/a)	d	(e) = (^c) * (d)	(f)	(g)	(h) = (f) * (g)	(I) (e) + (h)
Averages 4431	\$ 12,000.00	\$ 2.71	987	\$ 2,674.77	\$	(o \$ -	12.675 ,00

Contract Services -Veterinary Care - Initial Physical Examination

3) FY 2000-01 Eligible Animals for an Initial Physic Out of shelter Initial Physical Exam	L.2.2 LIExam 1016 N/A 0			
In -house Initial Physical Exam	1016			
			<u> </u>	
Total # of records - Cost of Ve		ligible Cost per		gible Total
excluding DOA's Contract		ontract Animal Ount for Per		f Shelter Allowed for ount for Initial Physical
(Sum-includes prior year Year		I Physical Out-of Shelte		Physica Exam
animals & newborns)	Initial Physical	Initial Physica	-	<u> </u>
		Exam Exam		xam
a b		(e) = (f) c) * (d)	, ,	n) = (I) * (g) (e) + (h)
	(3.3)	<u> </u>		(9/ 11 (9/ (11)
■ L.2.2				
5024 \$ 12,000.0	\$ 2.39 1016 \$	2,428.24 \$ -	0 \$	2,428,00
■ 1.3.1				J
4) FY 2001-02	≥ L.2.3			
Eligible Animals for an Initial physica	I Exam 1059			
Out of shelter Initial Physical Exam	N/A 0			
In -house Initial Physical Exam	1059			
Total # of records - Cost of Ve	 t Cost per # of Eligible Ε	ligible Cost per	(from Invoices) Eli	gible Total
excluding DOA's Contract	•	ontract Animal		f Shelter Allowed for
per		ount for Per		unt for Initial Physical
(Sum-includes prior year Year		Physical Out-of Shelte		Physica Exam
animals & newborns)	Initial Physical Exam Exams	Initial Physica Exam Exam	▼	xam
a b		(e) = (f)		n) = (I)
		c)*(d)		*(g) (e) + (h)
■ L.2.3 5327 \$12,000.0	\$ 2.25 1059 \$	2,382.75 \$ -	0 \$	- 2.383.0

Contract Services -Veterinary Care - Initial Physical Examination

Out of shelter Initial Physical In -house Initial Physical		N/A	733					
Total # of records - excluding DOA's	Cost of Vet Contract per	Cost per Animal Per	# of Eligible In-house Initial	Contract Amount for	Cost per Animal Per	(from Invoice # of Out of shelter	Out-of Shelter Amount for	Initial Physica
Sum-includes prior year animals & newborns)		In-House Initial Physic Exam	Physical cal Exams	Initial Physical Exam	Out-of Shelter Initial Physical Exam	Initial Physical Exam	initial Physica	Exam
a	b	c = (b/a)	d	(e) = (^c) * (d)	(f)	(g)	(h) = (f) * (g)	(I) (e) + (h)
■ L.2.4 5196	\$12,000.00	\$ 2.31	733	\$ 1,693.23	\$. 0	\$ -	anoskau)

6) FY 2005-06 Eligible Animals for an Initial Physical E	xam	L.2.5 1,111
Out of shelter Initial Physical Exam	N/A	0
In -house Initial Physical Exam		1,111

Total # of records -	Cost of Vet		# of Eligible	-	Cost per	(from Invoice		Total
excluding DOA's	Contract	Animal	In-house Initial	Contract	Animal	# of Out of	Out-of Shelter	
Į.	per	Per		Amount for	Per	shelter		Initial Physical
(Sum-includes prior year	Year	In-House	Physical	Initial Physical	Out-of Shelter	Initial	Initial Physica	Exam
animals & newborns)		Initial Physic	al		Initial Physical	Physical		
		Exam	Exams	Exam	Exam	Exam	Exam	
а	b	c =	d	(e) =	(f)	(g)	(h) =	(1)
<u> </u>		(b/a)		(^c) * (d)			(f) * (g)	(e) + (h)

\$12,000.00 { \$

2.20

2,444.20 \$

Auditor Notes: April, 5 2005 In this FY Dr. Singer came in to vet checks twice a week for 1,000 per month. Dr singer did not charge the shelter a initial physical examination fee when the animal was taken to him outside of his 2 day a week visits.

Contract Services -Veterinary Care - Initial Physical Examination

7) FY 2006-07 Eligible Animals for an I Out of shelter Initial Physical In -house Initial Physical	sical Exam	Exam	1091 12 1079		and the second s			
Total # of records - excluding DOA's (Sum-includes prior year animals & newborns)		Cost per Animal Per In-House nitial Physica Exam		Eligible Contract Amount for Initial Physical Exam	Cost per Animal Per Out-of Shelter Initial Physical Exam	(from Invoice # of Out of shelter Initial Physical Exam	Out-of Shelte	Initial Physica
а	b	c = (b/a)	d	(o) = (^c) * (d)	(f)	(g)	(h) = (f) * (g)	(I) (e) + (h)
3129 1 564	\$ 8,000.00 { \$ 8,000.00 }		719	\$ 1,841.00 \$ 1,843.00				
S, Dr. Singer D, Dr Dabaco Auditor, Notes: In this EY I			1079	\$ 3,684.00	\$ 27.00	12		A COLLEGE

Auditor Notes: In this FY Dr. Singer came in to vet checks twice a week for 1,000 per month. He did not charge the shelter a initial physical examination fee when the animal was taken to him outside of his 2 day a week visits. However, Dr. Lori Dabaco was contracted as the new contracted Vet as of March 5, 2007. Her contract was for \$24,000 a year and she also charged the shelter a \$27.00 fee to perform an initial physical examination outside of the shelter hours.

Out of shelter Initial Phy In -house Initial Physica	1100	Made and a second	861 V					
Total # of records - excluding DOA's Sum-includes prior year animals & newborns)		Cost per Animal Per In-House Initial Physic Exam	•	Eligible Contract Amount for Initial Physical	Cost per Animal Per Out-of Shelter Initial Physical Exam	(from Invoice # of Out of shelter Initial Physical Exam	Out-of Shelte	Initial Physica
а	b	c = (b/a)	d	(e) = (^c) * (d)	(f)	(g)	(h) = (f) * (g)	(I) (e) + (h)
4016	■ L.2.7 \$24,000.00		861	\$ 5,148.78	\$ 27.00	49		**************************************

\$ 23,435.00

Prelim-All numbers and methodologies are contingent upon management approval.

Scroll up to see all FY's

1841 2167 4008 Audit ID # S09-MCC-058 Contract Services -Veterinary Care -Invoices **J.4.10** 3) FY 2000-01 Date Auditor Animal Invoice ĺυ **Amount** verified Jul-01 Aug-00 12.00 12.00 Sep-00 50.70 50.70 Oct-00 Nov-00 Dec-00 12.00 12.00 Jan-01 Feb-01 Mar-01 40.00 40.00 Apr-01 68.00 68.00 May-01 12.00 12.00 Jun-01 470.00 619.70 # J.4.PS

City of Hayward

FY 2000-01

Legislatively Mandated Animal Adoption Program

Auditor Notes: Auditor used judgmental sampling to test the eligibility of the invoices claimed. The auditor verified with Adele Michael various invoices on December 8th, 2008.

Prelim- All numbers and methodologies are contingent upon management approval.

Owned

FY 2001-02 Audit ID # S09-MCC-058 **Contract Services -Veterinary Care -Invoices** ₫ J.4.10 4) FY 2001-02 Date Animal Auditor Invoice ID Amount Verified Jul-01 \$ \$ 15.00 15.00 2 15.00 15.00 15.00 15.00 Aug-01 2 Sep-01 2 Oct-01 2 Nov-01 2 Dec-01 Jan-02 2 Feb-02 1 Mar-02 1 2 Apr-02 2 3 5.00 5.00 5.00 5.00 1 2 3 5.00 5.00 5.00 5.00 156.00 155.50 **₽** J.4.PS

City of Hayward

Legislatively Mandated Animal Adoption Program

Prelim-All numbers and methodologies are contingent upon management approval.

City of Hayward
Legislatively Mandated Animal Adoption Program
FY 2002-03
Audit ID # S09-MCC-058
Contract Services -Veterinary Care -Invoices

	5) FY 2002-03)	
_	Date	Animal	Invoice	Δ	ditor
_		ID	Amount		ritied
1 -	Jul-02			\$ \$	-
2				\$	-
1-	Aug-02				-
2			•		. -
. –	Sep-02				
1 ⁻					-
	Oct-02				194
2			30.00 30.00		30.00 30.00
	Nov-02				
1 2			15.00		15.00 -
_	Dec-02				
1-	Dec-02	· · · · · · · · · · · · · · · · · · ·			-
2					-
1-	Jan-03				-
2					-
1-	Feb-03				-
2					-
	Mar-03				
1 ⁻ 2					-
	Apr-03				-
1 2			90 00 36.50		90.00 36.50
3			25.00		25.00 -
1 -	May-03				-
2					-
. –	Jun-03		9.50		9.50
1 ⁻			9.30		-
			\$ 236.00		236.00
				L	1
				4	J.4.PS
Ĭ	Auditor note	s: Average ι	used from later	years.	
•	Approved by				

6) FY 2005-06

					Auditor	Vorifi	od
	Date	Animal	Invoi Amo	ce unt	Auditoi	veim	eu
	Jul-05			777.70		22.00	
			\$	22.00 22.00	5	22.00	
				60.00		60.00 70.00	
				70.00 55.00		55.00	
				85.00 25.75		25.75	No
				30.00		30.00	
	Aug-05						
1	//ag oo			35.00		35.00	
2 3				57.00 20.00		57.00 20.00	
4				28.00		28.00	
5				15.00 14.50		15.00 14.50	
6 7				14.50		14.50	
8				65.00 75.00		65.00 75.00	
)0 11				30.00	1	23.00 30.00	
12				35.00		35.00	
13				30.00		30.00	
	Sep-05					47.00	
. 1				47.00 40.00		40.00	
3				30.00		30.00	
4				30.00		30.00 00.00 95.00	
6				95.00 80.00		95.00 80.00	
7				J.J.		JU.W	
1	Oct-05			60.00		60.00	
2				15.00		15.00	
3				83.25 34.00		83.25 34.00	
100				155.00		55.00	
9				190 50 30,00		30.00 30.00	
				50.00		20.00 50.00	
90				110.00			No - Owner Sur
11				30.00		30.00	
	Nov-05						
		160		135.00		00.00	No ??
3			22.20.00.00	30.00 82.00		30.00 82.00	
4				82.00		82.00	
	Dec-05					138	
1				30.00		30.00	??
		400	- 60	150,00		188.00 150.00	••
***************************************	Jan-06					1000	
1				30.00	. *************************************	30.00	
3				60.00 50.00		60.00 50.00	
4				39.00		39.00	
5				57.00 15.00		57.00 15.00	
7	•			30.00		30.00	
5				50.00 21.25		50.00 21.25	
-							
	Feb-06						
1				20.00 55.00		20.00 55.00	
				350.00 21.00		350.00 21.00	Yes??-Emergency?
•	•			21.00			
1	Mar-06			31.00		31.00	
2	2			27.00		27.00	
3	,			30.00 68.00		30.00 68.00	
	5			31.00 27.00		31.00 27.00	
•				27.00			
1	Apr-06			30.00		30.00	
- 2	2	•		22.00		22.00 120.00	
				120.00 60.00		60.00	
	5			30.00		30.00 68.00	
				68.00 20.00		20.00	
	3			33.00 200.00		33.00 200.00	
11	3			30.00		30.00	•
1	1			31.50		31.50	
	May-06		-	60.00		60.00	
	1					100.00	
	3 4			32.00 80.00		32.00 80.00	
	5			28.00		28.00	
(5			27.00		27.00	
	Jun-06						
	041100		Just 6	120.00 50.00		120.00 50.00	
				75.00		75.00	
				30.00		30.00	
						077	
			\$ 5	,286.75	<u>\$ 4</u>	,977	
			-				
					2	.4.PS	

City of Hayward Legislatively Mandated Animal Adoption Program FY 2006-07 Audit ID # S09-MCC-058 Contract Services -Veterinary Care -Invoices

7)	FY 2006-07				_
	City Data Date	Animal	Invoice	Auditor Analys	Auditor Excluded Invoice
	Jul-06				
12			\$ 50.00 50.00	\$ 50.00 50.00	
3			30.00 75.00	30.00 75.00	
5			50.00	50.00	
6 7			18.00 60.00	18.00 60.00	
8 9			50.00 25.00	50.00 25.00	
	Aug-06			-	
2	Carlo San		18 2.00 80.00	82.00 80.00	
4			80.00 32.00	80.00 32.00	
5			55.00 200.00	55.00 250,00	
7	以 图 2000年		200.00 10.00	200 03 10.00	
8 9			30.00	30.00	
10 11			75.00 30.00	75.00 30.00	
12			53.25	53.25	
	Sep-06			-	
1 —			10.00 16.50	10.00 16.50	
3 4			31.50 58.00	31.50 58.00	
5	ranka sa sa n	1482 - H	300.00 300.00	80.00 300.00	
7	***		32.00	32.00	
8 9			48.00 31.50	48.00 31.50	
10 3 11 3 12 3			80.00 100.00 65.00	80.00 100.00 65.00	
	Oct-06				
1 2			25.00 30.00	25.00 30.00	
3 <u>1</u> 4	And part	a de la companya de	100.00 52,00	100.00 52.00	
5 5 7			75.00 75.00	75.00	
7 8			32,00 22,00	32.00 22.00	
9 10	Siles ()		80.00 35.00	35.00	Adopt
11 12		•	25.00 55.00	25.00	
13			20.00	55.00 20.00	
14 15			150.00 80.00	150.00 80.00	
	Nov-06			-	
1		petr Palatin	93.00 93.00 110.00	93.00	Owner Sur
3			48.00 35.00	19 19 19 19 19 19 19 19 19 19 19 19 19 1	Owner Sur
5	10 (2) 2-10 11 (20		83.00	83.00	
6			35.00	35.00	

7 8			35.00 65.00	35.00 65.00		(
10 11 11			117,00 45,00 75,00	117.00 45.00 75.00		
12 13 14			60.00 35.00 49.50	60.00 35.00 49.50		
	Dec-06		\$ \$6.00°	86.00 - - -		
1 2 3			35.00 65.00 80.00	35.00 65.00 80.00		
4 5 6			35.00 75.00 50.00	35.00 75.00 50.00		
8			23.00 50.00	23.00 50.00 -		
	Jan-07			-		
				- - -		
	Feb-07			• •		
	Dr. Lori Dabaco wa	as contracted as t	he new contracte	d Vet as of March 5, 20	007.	
•	Mar-07			-		
			100 mg	- - -		
1	Apr-07		20.00	- 20.00		
2 3 4			25.00 27.00 27.00	25.00 27.00 27.00		
5	May-07		58.87	58.87 - -		
1 2 2			72.00 150.00	72.00 150.00		
1 · 2	Jun-07		54.00 25.00	54.00 25.00		
3 4 5			4.00 152.00 30.55	4.00 152.00 30.55		
6 7 8			27.00 199.17 195.31	27.00 195.31	No Yes/No??	Owner Sur Emergency???
9			27.00			
	Total Vet Care		\$ 5,622.15	\$ 5,075.00		
	Cost per Animal Per Out-of Shelter Initial Physical Exam	(from Invoices) # of Out of shelter Initial Physical Exam	Eligible Out-of Shelter Amount for Initial Physical Exam	Cost per Animal Per Out-of Shelter Initial Physical Exam	(from Invoices) # of Out of shelter Initial Physical Exam	Eligible Out-of Shelter Amount for Initial Physical Exam
	5 27:00	12	(324.00)	\$ 27.00	12	\$ (324.00)
			\$ 5,298.15		1	\$ 4,751.00
					•	∌ J.4.PS

City of Hayward Legislatively Mandated Animal Adoption Program FY 2007-08 Audit ID # S09-MCC-058 Contract Services -Veterinary Care -Invoices

		₫ J.4.3		
8) FY 2007-08			A.,	n alvaia
City Data		Investor.	Auditor A	naiysis
Date	Animal	Invoice	Invoice Amount	
	<u>ID</u>	Amount	Allowed	
Jul-07				
		\$ 59.17 52.00	\$ 59.17 52.00	
		148.50	148.50	
7/26/2007	A053457	41.20 27.00	41.20	No- Too late??
	A053333	27.00		No- Documented date wrong
		27.00	27.00	
Aug-07			-	
		145.00 39.00	145.00 39.00	
		49.38	49.38	
		28.80 27.00	28.80 27.00	
8/10/2007	A054050	50.10		No- Service performed after holding period
		110.35 47.00	110.35 47.00	
		73.50	73.50	
8/22/2007	A054282	143.05 133.92	133.92	No -Owner Sur
			-	
Sep-07		27.00	27.00	
		52.00	52.00	
		15.00 30.00	15.00 30.00	
		72.00	72.00	
		20.00 126.50	20.00 126.50	
9/30/2007	A054676	25.00	120,30 1842) [15]	No- Documented date wrong
		60.00	60.00	
Oct-07				
		278.21 27.00	278.21 27.00	
		30.00	30.00	
10/26/2007	A055263	61.70 47.00	61.70	No - owner Suur
Nov-07		,		
			-	
Dec-07			-	
		20.00 250.04	20.00 250.04	
Jan-08			250.04	
		25.00 53.80	25.00 53.80	
		47.00	47.00	
1/14/2008	(a056138)	215.90	179.30	Take out euthanasia cost \$35.70

	\$ 5,381.03			\$ 4,984.00
49	(1,323.00)	\$ 27.00	43	\$ (1,161.00
Exam	Exam	Exam	Exam	Exam
Initial Physical	Initial Physical	Out-of Shelter	Initial Physical	Initial Physical
shelter	Amount for	Per	shelter	Amount for
# of Out of	Out-of Shelter	Animal	# of Out of	Out-of Shelter
(from Invoices)			(from Invoices)	Eligible
	\$ 6.704.03	\$ 6.145.00		
		36.34		
A058455		175.55		
A057849 355		11 <u>4</u> 35	No Foster - trea	ited later
NAME OF THE OWNER O	77.00	77.00	M. E	1. 11.4.
	30.00	30.00		
	169.80	169.80		
·		-		
	27.00	27.00		
	27.00	27.00	i and out Neule	. ψΟ
a057564		27.00 340 36	Take out Neute	r \$60
	102.00	102.00		
		- -		
		•		
	27.00	27.00	roiai vat	
A057310	247.82	-	No - Feral Cat	
	en e	-		
	27.00	27.00		
	168.70	168.70		
	27.00	27.00		
		- -		
	152.50	152.50		
	164.25	164.25		
		-		
	75.55	75.55		
	42.00	42.00		
a056137	853.87 169.80	818.17 169.80	Take out eutha	nasia cost \$35.70
	A057564. A057849 A058455 (from Invoices) # of Out of shelter Initial Physical Exam	169.80 42.00 75.55 52.00 95.66 164.25 152.50 27.00 27.00 316.75 168.70 142.50 87.64 27.00 27.00 27.00 316.75 168.70 142.50 87.64 27.00 27.00 27.00 247.82 27.00 27.00 247.82 27.00 27.00 247.82 27.00 27.00 27.00 27.00 27.00 28.72 106.10 30.00 77.00 28.72 106.10 30.00 77.00 27.00 28.72 106.10 30.00 77.00 27.00 28.72 106.10 30.00 30.00 77.00 27.00 30.00	169.80	169.80

Tab 14

City of Hayward Legislatively Mandated Animal Adoption Program FY 1999-00, 2000-01, and 2005-06 Audit ID # S09-MCC-058 Procuring Equipment/Contract Services

Finding 9

	19	99-00	20	00-01	2	005-06		Total	
					N.	J.6.1			
Claimed	\$	-	\$	-	\$	19,617	\$	19,617	
			a	J.3.3					
			a	1.2.2					
	a	J.3.4	\$	4,317					
Computer Equipment	\$	1,292	\$	8,465					
Pro-rata percentage		35%		35%					
Allowable		452		2,963		3,308		6,723	
Audit Adjustment	\$	452	\$	2,963	\$	(16,309)	\$ ((12,894)	Procuring Equipment
-				γ					\$(12,894)
② EX.11	O E	X.11	3	EX.1	1	R E	.3.1		
	(2)	.6.PS	_						

City of Hayward Legislatively Mandated Animal Adoption Program FY 2005-06 Audit ID # S09-MCC-058 Procuring Equipment/Contract Services

Option 1

Finding- 10 Procuring Equipment Adviring Space Formula Contract Services Eligible animals Claimed N/A Total # of Anima S Claimed N/A 27.26% Pro rata percentage Total Cost to Procure Equipment \$ 71,958 Claimed eligible cost \$ 19,61 Allowable Eligible animals 1,111 (a) Total # of Animals 5.460 (b) Pro rata percentage (c^) = (a)/(b) Total Cost to Procure Equipment ,958 (d) Allowable eligible cost 14,643 (e)= (c^)*(d) Audit Adjustmen (4,974) Total Claimed 19,617 14,643 **Total Audit Adjustment** (4,974)

*Option 2

Finding- 10 Procuring Equipment Care and Maintainance formul

Care and Maintainance for	mula			
Contract Services	FY	2005-06		
Eligible animals Claimed		N/A		
Total # of Animals Claimed		N/A		
Pro rata percentage	:	27.26%		
Total Cost to Procure Equipment	\$	71,958		
Claimed eligible cost	\$	19,617		
Allowable				
Total Cost to Procure Equipment	\$	71,958	(a)	J.6.1
Total Annual Census(dogs, cats, and other)		95,977	(b)	■ L.2.5
Cost per animal per day	\$	0.7500	(c^) =	(a)/(b)
Eligible dogs and cats		1,328	(d)	
Increased days		3	(e)	
Allowable for dogs and cats	\$	2,988	(f)=	(c^)*(d)*(e)
Eligible Other Animals		71	(g)	
increased days		6	(h)	
Allowable for Other Animals	\$	320	(1)=	(c^)*(g)*(h)
Total allowable cost	\$	3,308	(j)=	(i)+(f)
Audit Adjustment	\$	(16,309)		
Total Claimed	\$	19,617		
Total Allowable		3,308		
Total Audit Adjustment	\$	(16,309)		
☞ J.6.PS	1	J.6.1	7	
	L			

₫ B.2.8

"The City of Hayward added additonal kennels to accommodate the number of dogs and cats that are now being held at the shelter."

Procuring Equipment	a	J.6.2
J-2 Enterprises	\$	29,229
		∄ J.6.3
Economy Lumber	F-10065	3,484
	a .	J.6.4
T kennel Systems		39,245

\$

71,958

Parameters and Guidelines Verbiage:

"...10. Beginning January 1, 1999 - Procuring medical, kennel, and computer equipment necessary to comply with the reimbursable activities listed in Section IV (B) of these parameters and guidelines, to the extent these costs are not claimed as an indirect cost under Section V (B) of these parameters and guidelines. If the medical, kennel, and computer equipment is utilized in some way not directly related to the mandated program or the population of animals listed in Section IV (B), only the pro rata portion of the activity that is used for the purpose of the mandated program is reimbursable..."

Pre Saturday Decision Aquiring Space Formula

Contract Services

Eligible animals Claimed N/A N/A Total # of Animals Claimed Pro rata percentage 27.26% Total Cost to Procure Equipment 71,958 19,617 Claimed eligible cost

Allowable	***************************************	
Eligible animals		1,692
Total # of Animals		5,460
Pro rata percentage	3	0.99%
Total Cost to Procure Equipment	\$	71,958
Allowable eligible cost	\$	22,300
Audit Adjustment	\$	2,683
otal Claimed	\$	19,617
otal Allowable		22,300
otal Audit Adjustment	\$	2,682

City of Hayward Legislatively Mandated Animal Adoption Program FY 1999-00, 2000-01, and 2005-06 Audit ID # S09-MCC-058 Procuring Equipment/Contract Services

				i i				
	19	99-00	20	000-01	2	2005-06		Total
Claimed	\$	-	\$	- .	\$	J.6.1 19,617] \$	19,617
Computer Equipment			\$	J.3.3 4,148				
Computer Equipment	3	J.3.4	\$	1.2.2 4,317				
Total Comp Equip	\$	1,292	\$	8,465				
Pro-rata percentage		35%		35%				
Allowable		452		2,963		3,308		6,723
Audit Adjustment	\$	452	\$	2,963	\$	(16,309)	\$	(12,894)
	* J	.6.PS						



City of Hayward Legislatively Mandated Animal Adoption Program FY 1998-99

Audit ID # S09-MCC-058

Acquiring Space and Facilities - Materials and Supplies

Summary of General Ledger Costs			Actual	Percent of	Costs
Animal Control Phases II-IV		Co	sts Incurred	Costs Claimed	 Claimed
			•		
City exclusions of costs from 1998		\$	(495.56)		
Payroll distribution Sal. & Benadmin general			679.30		
Blueprints			177.59		
City exclusions of costs from 1998			(4,395.19)		
Design	4		9,256.35		
Drafting-drawing contract			176.99		
Phillip Henry Architect-	12,934.75				
Phillip Henry Architect-	20,259.20				
Design/Drafting -consultant total			33,193.95		
Preliminary surveys			1,959.53		
City equipment expense			80.36		
Administration and general		\$	40,633.32	100%	\$ 40,633

FY 1998-99 L

REPORT ID: FMIS-FR427 REPORT PERIOD: 07/01/1998 - 06/30/1999 410 - CAPITAL PROJECT FUNDS

GENERAL LEDGER 1.3.PS

REPORT PRINT DATE: 04/01/2000 PAGE NO. 3307 TIME: 09:09

•	PROJECT FU	400	·	•		1405: 09:
ACCOUNT NUM D ACTV OBJ	BER FOO SUB T NOT	T ACCOUNT DESCRIPTION B DATE CHECK# EXPLANATION		ACTUAL ENC	R BALANCES	- BUDGET -
0 6947 9532		÷.		**********	*****	*******
0 6947 9532	8	CITY EQUIPMENT EXPENSE	PRIOR BALANCE	0.00		
	•	CITY EQUIPMENT EXPENSE	6 1/1998			0.00
				0.00 +	0.00 *	0.00
• .		ADMINISTRATION ADD GENERAL	SUBTOTAL	280,095.89 +	0.00 +	480,000.00
		Y2K PROJECT	ACTIVITY TOTAL	280,095.89 *	0.00 *	480,000.00
6948 6948 4000	2 5	ANIMAL CONTROL PHASES II-IV	-			
6948 4800	6	REVENUES FEES AND SERVICE CHARGES		•	E .	
6948 4894	8	PROJECT REVENUE ANNUAL BUDGET - 07/	PRIOR BALANCE	0.00	0.00	0.00
	•	PROJECT REVENUE	SUBTOTAL	0.00 *	0.00 +	0.00
		FEES AND SERVICE CHARGES	SUBTOTAL	0.00 *	0.00 +	0.00
	•	revenues .	SUBTOTAL	0.00 *	0.00 *	0.00
6948 9500		ADMINISTRATION AND GENERAL		·		
6948 9510	B	ADMINISTRATION AND GENERAL ANNUAL BUXCET - 07/	PRIOR BALANCE	0.00	0.00	0.0
		08/02/1998 PAYROLL DIS	T-BENEFITS P FISGA 321	20.97	:	120,000.00
		08/02/1998 PAYROLL DIE PAYROLL DIE		35.55		
		08/30/1998 PAYROLL DIS		33.40		Slev
	(09/13/1998 PAYROLL DIE	T-BENEFITS P FISGA321	56.60 10.79	/	110
	. (09/13/1996 PAYROLL DIS			~ 466	., 5
		10/11/1/98 PAYROLL DIS		18.29	$\sim u_{33}$	
100		10/11/1998 PAYROLL DIS		21.59	1 11.	
		10/29/1998 PAYROLL DIS		36.59		
				10.79	•	
		10/75/1998 PAYROLL DIS 11/08/1998 PAYROLL DIS	T-SALARIES P FISGA321	18.29		•
			T-BENEFITS P FISGA321	21.59		
		TALANT DIS	T-SALARIES P FISGA321	36.59		
7		1/1/22/1998 PAYROLL DIS	T-BENEFITS P PISGA321	21.59		
	4.	1/22/1998 PAYROLL DIS	T-SALARIES P FISGA321	36.59		
•	"	12/20/1998 PAYROLL DIS 12/20/1998 PAYROLL DIS 12/20/1998 PAYROLL DIS	T-BENEFITS P FISGA321			
		12/20/1998 PAYROLL DIS		43.17		
******		02/14/1999 PAIROLL DIS		73.17		•
		02/14/1999 PAYROLL DIS		17.06		
		02/28/1999 PAYROLL DIS	T-SALARIES P FISGA321	28.91		
		02/28/1999 PAYROLL DIS	T-BENEFITS P PISGA321	4.45		
_				7.54	*	
•				11.34		
		04/11/1999 PAYROLL DIS	T-SALARIES P FISGA321	19.22		
		04/25/1999 PAYROLL DIS	T-BENEFITS P FISGA321	11.34		
•		04/25/1999 PAYROLL DIS	T-SALARIES P FISGA321	19.22		
		05/23/1999 PAYROLL DIS	T-BENEFITS P FISGA321	0.95		
	(05/23/1999 PAYROLL DIS		1.61		
		06/06/1999 PAYROLL DIS				
		06/06/1999 PAYROLL DIS		6.62 11.22		

REPORT ID: FMIS-FR427 REPORT PERIOD: 07/01/1998 - 06/30/1999 410 - CAPITAL PROJECT FUNDS

CITY OF HAYWARD GENERAL LEDGER

REPORT PRINT DATE: 04/01/2000 PAGE NO. 3308 TIME: 09:09

ACCOUNT NUMBER PACTV OBJ SUB T N	OOT ACCOUNT DESC OTE DATE CH	RIPTION BCK# BKPLANATION	R REFERENCE		DGER BALANCES ENCUMBRANCE	BUDGET 4
6948 9510			***********	********	ENCUMBRANCE	COLUMN TO THE PARTY
*	(06/20/1999)	PAYROLL DIST-BENEFITS	P FIGGA321	16.42	20 3	
•	06/20/1999	PAYROLL DIST-SALARIES	P FISGA321		495	
	administra:	fion and general subtot	AL	679.30	030,3	120,000.00
6948 9511 8	BLUEPRINTS		PRIOR BALANCE	0.00	0.00	0.00
	ANN	DAL BUDGET - 07/01/1998				0.00
	05/23/1999 05/23/1999	PAYROLL DIST-BENEFITS PAYROLL DIST-SALARIES	P FISGA321	65.90		
	BLUEPRINTS	SUBTOT	P FISGA321	111.69 177.59 *	0.00 *	
		4.75		211133	0.00 *	0.00
6948 9513 8	DESIGN		PRIOR BALANCE	0.00	0.00	0.00
•	ANN	JAL BUDGET - 07/01/1998	•		,	0.00
•	08/02/1998	PAYROLL DIST-BENEFITS	P FISGA321	174.20		
	08/02/1998	PAYROLL DIST-SALARIES	P FISGA321	322.60		
	08/16/1998	PAYROLL DIST-BENEFITS	P FISGA321	104.52		
	08/16/1998 08/30/1998	PAYROLL DIST-SALARIES	P FISGA321	193.56		
	08/30/1998	PAYROLL DIST-BENEFITS PAYBOLL DIST-SALARIES	P FISGA321	174.20		1.6
	09/13/1998	DAYROLL DIST-BENEFITS	P FISGA321 P FISGA321	322.60		7.17
	09/13/1998	PAYROLL DIST-SALARIES	P FISGA321	121.94 225.82	\ U 2	9
	09/27/1998	PAYROLL DIST-BENEFITS	P FISGA321	87.10	7 1 7	
	09/27/1998	PAYROLL DIST-SALARIES	P FISGA321	161.30	/	
	10/11/1998	PAYROLL DIST-BENEFITS	P FISGA321	161.49	/	
	10/11/2998	PAYROLL DIST-SALARIES	P FISGA321	299.05		•
	10/25/1998	PAYROLL DIST-BENEFITS	P FISGA321	71.77	•	
. A . U .	10/25/1998	PAYROLL DIST-SALARIES	P FISGA321	132.91		•
7. 'A.	1/08/1998	PAYROLL DIST-BENEFITS	P FISGA321	71.77		
T LIA'	11/08/1998	Payroll dist-salaries	P FISGA321	132.91	•	
6, 1	21/22/1998	PAYROLL DIST-BENEFITS	P FISGA321	215.31	•	
	11/22/1998	PAYROLL DIST-SALARIES	P FISGA321	398.73		
	12/06/1998	PAYROLL DIST-BENEFITS	P FISGA321	71.77		
	12/06/1998	PAYROLL DIST-SALARIES	P FISGA321	132.91		
	12/20/1998 12/20/1998	PAYROLL DIST-BENEFITS PAYROLL DIST-SALARIES	P FISGA321	287.09		
	01/03/1999	PAYROLL DIST-BENEFITS	P FISGA321 P FISGA321	531.64		
	01/03/1999	PAYROLL DIST-SALARIES	P FISGA321	132.91	:	
	01/17/1999	PAYROLL DIST-BENEFITS	P FISGA321	107.65	4	
•	01/17/1999	PAYROLL DIST-SALARIES	P FISGA321	199.36		•
•	01/31/1999	PAYROLL DIST-BENEFITS	P FISGA321	161.49		
	01/31/1999	PAYROLL DIST-SALARIES	P FISGA321	299.05		
•	02/14/1999	PAYROLL DIST-BENEFITS	P FIEGA321	35.88	:	
•	02/14/1999	PAYROLL DIST-SALARIES	P FISGA321	66.45	· §	
	02/28/1999	PAYROLL DIST-BENEFITS	P FISGA321	71.77		
	02/28/1999	PAYROLL DIST-SALARIES	P FISGA321	132.91	:	:
	03/14/1999	PAYROLL DIST-BENEFITS	P FISGA321	161.49	ř	
	03/14/1999	PAYROLL DIST-SALARIES	P FISGA321	299.05		
	03/28/1999	PAYROLL DIST-BENEFITS	P FISGA321	89.72	: ;	
	03/28/1999	PAYROLL DIST-SALARIES	P FISGA321	166.14		
	04/11/1999 04/11/1999	PAYROLL DIST-BENEFITS PAYROLL DIST-SALARIES	P FISGA321	53.83		
•.	04/11/1999	PAYROLL DIST-SALARIES PAYROLL DIST-BENEFITS	P FISGA321	99.68		
	マオ/ ピコ/ エフフブ	LWINGTON DIST.DOUBLILS	P FISGA321	. 35.88		

REPORT ID: FMIS-FR427 REPORT PERIOD: 07/01/1998 - 06/30/1999 410 - CAPITAL PROJECT FUNDS

CITY OF HAYWARD GENERAL LEDGER

REPORT PRINT DATE: 04/01/2000 PAGE NO. 3309 TIME: 09:09

ACCOUNT NUMBE FND ACTV OBJ S	UB T	FOOT ACCOUNT NOTE DATE	DESCRIPTION CHECK# EXPLANATION	S R REFERENCE	ACTUAL	QZ 9.35	Rimarr
410 6948 9513							******
		05/09/1999	PAYROLL DIST-BENEFITS PAYROLL DIST-SALARIES PAYROLL DIST-BENEFITS PAYROLL DIST-BENEFITS PAYROLL DIST-SALARIES PAYROLL DIST-SALARIES PAYROLL DIST-BENEFITS PAYROLL DIST-BENEFITS PAYROLL DIST-SALARIES PAYROLL DIST-SALARIES SUBT	P FISGA321			
		05/09/1000	PAIROLL DIST-BENKFITS	P FISGA321	89.72		W
		OE /23 /1000	PAIROLL DIST-SALARIES	P FISGA321	166.14	A 0 0 - 33	1
•.		05/23/1399	PAIROLL DIST-BENEFITS	P FISGA321	179.43	427	No.
		05/23/1399	PAYROLL DIST-SALARIES	P FISGA321	332.27		- eli)
•		00/00/1333	PAYROLL DIST-BENEFITS	P FISGA321	251.20	4373	
		00/00/1999	PAYROLL DIST-SALARIES	P FISGA321	465.18		(
		00/20/1999	PAYROLL DIST-BENEFITS	P FISGA321	394.74	-ia 61.	
		00/20/1999	PAYROLL DIST-SALARIES	P FISGA321	731.00	d o	
		DESTO	SUBT	OTAL	9.256.35 +	0.00	
410 6040 0514						0.00 -	0.00 *
410 0348 3314	•	DRAFTI	AND DESCRIPTION OF AN ANALYSIS	PRIOR BALANCE	0.00	0.00	0.00
		03/28/1999	PAYROLL DIST-BENEFITS	P FISGA321	62.06	!	0.00
		03/28/1999	PAYROLL DIST-SALARIES	P PISGA321	114 02		•
		Drafti	ING-DRAWING CONTRACT SUBT	OTAL	112.22		
*** **** ****	_	•	PAYROLL DIST-BENEFITS PAYROLL DIST-SALARIES ING-DRAWING CONTRACT SUBT	***************************************	270+33 -	0.00 *	0.00 *
410 6948 9515	8	DESIGN	N/DRAFTING-CONSULTAN ANNUAL BUDGET - 07/01/1998	PRIOR BALANCE	0.00		
		•	ANNUAL BUDGET - 07/01/1998	THE DESIGNATION	0.00	0.00	
		02/19/1999	163086 PHILIP HENRY ARCHITECT	T O MOSE			0.00
		02/19/1999	163086 PHILIP HENRY ARCHITECT	T O REPO		12,934.75-	
		02/28/1999	PHILIP HENRY ARCHITECT	T O Shei	12,934.75		
		06/25/1999	168145 PHILIP HENRY APCHITECT	T O APOL	•	95,000.00	•
		06/25/1999	ANNUAL BODGET - 07/01/1998 163086 PHILIP HENRY ARCHITEC 163086 PHILIP HENRY ARCHITEC PHILIP HENRY ARCHITEC 168145 PHILIP HENRY ARCHITEC 168145 PHILIP HENRY ARCHITEC 100141 PHILIP HENRY ARCHITEC 100141 PHILIP HENRY ARCHITEC 100141 PHILIP HENRY ARCHITEC 100141 PHILIP HENRY ARCHITEC 10014 PHILIP HENRY	P O RESO		20,259.20-	
		DESIGN	I/DRAFTING-CONSULTAN CURT	A ∪ 2300	20,259.20		
			6081	V464U:	31 191 05 +	61,806.05 *	0.00 *
410 6948 9516	8	INSPEC	TION-TESTING-CONST ANNUAL BUDGET - 07/01/1998 TION-TESTING-CONST SUBT	DRIOR BALLACON			
			ANNUAL BUDGET - 07/01/1008	PRIOR BALANCE	0.00	0.00	0.00
		INSPRO	TION-TESTING-CONST	TANKS P			0.00
		*******	SIRIA TERRITME-COMPT SORIA	JEAL,	0.00 *	0.00 *	0.00 *
410 6948 9518	R	DORT.TM	ANNUAL BUDGET - 07/01/1998 PAYROLL DIST-BENEFITS PAYROLL DIST-SALARIES PAYROLL DIST-BENEFITS PAYROLL DIST-SALARIES PAYROLL DIST-SALARIES SUBTO				2.00
	_	E PERSONAL	WINITE DIRECTO	PRIOR BALANCE	0.00	0.00	0.00
		05/09/1000	MINIOAU BODGET - 0//UI/1998				0.00
		· 05/00/1000	PAIROLL DIST-BENEFITS	P FISGA321	420.06		0.00
		05/03/1999	PAIROLL DIST-SALARIES	P FISGA321	777.89		
•		05/23/1373	PAIROLL DIST-BENEFITS	P FISGA321	267.05		•
		V3/23/1333	PAYROLL DIST-SALARIES	P FISGA321	494.53		•
		EURITH	STRAKI SOKARIS SOBIA	TAL	1,959.53 *	0.06 ≠	0.00 +
410 6948 9519	R	DESCRIPTION	F 57 5370		***************************************		0.00 -
	•	MALVAN		PRIOR BALANCE	0.00	0.00	0.00
			ANNUAL BUDGET - 07/01/1998			0.00	
		review	PLANS SUBTO	TAL	0.00 +	0.00 *	0.00
410 6948 9530	D.	CIMIL 1	ABOR EXPENSE ANNUAL BUDGET - 07/01/1998 ABOR EXPENSE SUBTO	. •		0.00	0.00 -
124 0540 5550	۰	CITT	ABUR EXPENSE	PRIOR BALANCE	0.00	0.00	0.00
•			ANNUAL BUDGET - 07/01/1998		4.00	0.00	
•		CITY L	abor expense subto	TAL	0.00 *	0.00 *	0.00
410 6948 9531			ANNUAL BUDGET - 07/01/1998 ABOR EXPENSE SUBTO		*****	0.00 -	0.00 +
410 0340 323T	8	CITY M	ATERIALS/FIELD SUPPLIES ANNUAL BUDGET - 07/01/1998 ATERIALS/FIELD SUPPLIES	PRIOR BALANCE	0.00	0.00	
			ANNUAL BUDGET - 07/01/1998			0.00	
				APALICA CARACTER AND	0.00 +	0.00 +	0.00
410 6948 9532		***				0.00 -	0.00 *
4TO 0348 3235	8	CITY E	QUIPMENT EXPENSE ANNUAL BUDGET - 07/01/1998	PRIOR BALANCE	0.00	0.00	
		am ta a ta a a	ANNUAL BUDGET - 07/01/1998			0.00	0.00
		05/31/1999	5/99 VEH CHG-ENGG & TR	ANS J JV050	80.36		0.00
				· · · · · · · · · · · · · · · · · · ·	00.30		

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REPORT ID: FMIS-FR427 REPORT PERIOD: 07/01/1998 - 06/30/1999 410 - CAPITAL PROJECT FUNDS

CITY OF HAYWARD GENERAL LEDGER

REPORT PRINT DATE: 04/01/2000 PAGE NO. 3310 TIME: 09:09

•		CITY EQUIPMENT EXPENSE	SUBTOTAL	80.36 *	0.00 +	0.00 *	1
		ADMINISTRATION AND GENERA	L SUBTOTAL	45,524.07 *	61,806.05 *	120,000.00 *	:
			IV ACTIVITY TOTAL	45.524.07 *	61,806.05 *	120,000.00 *	
6949 6949 4000 6949 4800 6949 4894	2	rgon.modemployee works	TA.	- 1,890.75 14.	4 617.54	_clou	NA O
6949 4800	6	AGES AND SERVICE CHARGES	· Innton nataway	1963,32	FILLIPIE		W Y V
0242 4024	•	ANNUAL BUDGET -	07/01/1998		0.00 *		•
		,	1	_ 556_+7	\	0.00 +	
		FEES IND SERVICE CHARGES	SUBTOTAL	0.00 *	1	0.00 *	ľ
		REVENUE	SUBTOTAL	•	1		
6949 9500 6949 9510	5 8	ADMINISTRATION AND GENERA	L RAL PRIOR BLANCE 07/01/1998 O ADG	0.00	4 502 01	0.00	•
0343 3310	•	ANNUAL BUDGET -	07/01/1998	0.00	4,594.91	20,000.00	:
		08/31/1998 AA OFFIC 08/31/1998 154224 AA OFFIC	07/01/1998 E EQUIPMENT		3,533.90 554.24-	\	
		08/31/1998 156024 AA OFFIC	E EQUIPMENT O 110749	554.25 450.00			
	•	09/30/1998 1570 7 AA OFFIC	E EQUIPMENT O AP265		3,533.90-	.1	
		09/30/1998 15704 AA OFFIC 09/30/1998 AA OFFIC 09/30/1998 158038 AA OFFIC 10/09/1998 158038 AA OFFIC	B EQUIPMENT 0 110992	3,546.28	-	\	
		09/30/1998 AA OFFIC	E EQUIPMENT O AP61	•	974.25 2.913.50		
		10/09/1998 158038 AA OFFIC	E EQUIPMENT O AP265		974.25-	1	
				1	1,364.67-	1	
•		10/09/1998 158038 AA OFFIC 10/09/1998 158146 ERCONOMI	E EQUIPMENT 0 11150	900.00		1	
		10/31/1998 AA FFIC	E EQUIPMENT O AP61 C SEATING & PRODU O AP265 C SEATING & PRODU O 110218		1,050.00	\	
		11/13/1998 159524 ERGOLOMI	C SEATING & PRODU O AP265	1	2,674.00-	· • • • • • • • • • • • • • • • • • • •	
		11/13/1998 159524 BRGONMI	C SEATING & PRODU O 110218	27677.96	1 050 00	\	
		12/04/1998 159949 AA OFFIC	E BOUTPMENT O 111040	2.700.00	1,050.00-	\	,
		12/04/1998 159949 AA OFFIC	C SEATING & PRODU 0 110218 E EQUIPMENT 0 AP265 E EQUIPMENT 0 111040 E EQUIPMENT 0 111330 E EQUIPMENT 0 AP265 E EQUIPMENT 0 111239 E EQUIPMENT 0 AP265 E EQUIPMENT 0 AP265 E EQUIPMENT 0 AP265 E EQUIPMENT 0 AP265 E EQUIPMENT 0 111548 DIST-SEMEFITS P FISGA321 DIST-SEMEFITS P FISGA321 E EQUIPMENT 0 AP61	1,054.00		1	
		12/31/1998 160996 AA OFFIC	A EQUIPMENT O AP265		2,913.50-		
		12/31/1998 160996 AA OFFIC	E EQUIPMENT 0 111239	2,913.11	522.85	\	
		01/15/1999 161629 AA OFFIC	E EUIPMENT O AP265	\	522.85-	\	
		01/15/1999 161629 AA OFFIC	E ECTIPMENT 0 111548	522.85	•	\	
		01/17/1999 PAYROLL	DIST-PENEFITS P FISGA321	4.45		1	
		01/17/1999 PAYROLL 02/28/1999 AA OPPTO	DIST-SELARIES P FISGASZI.	7.54	2,700.00	,	1
		03/05/1999 163450 AA OFFIC	DIST-BLARTES P FIGGS21. B EQUIPMENT O AP61 E EQUIPMENT O 111781 CALIFORNIA INC O SPO-10103490 UNICATION SYSTEMS O 12868 RAL SUBTOTAL	1	2,700.00-		
•		03/05/1999 163450 AA OFFIC	E EQUIPMENT 0 111781	2,700.00	1		1
		04/02/1999 164877 SOFTVIEN	CALIFORNIA INC 0 SPO-10103490	223.37	1		1
		04/16/1999 165375 GTB COM	MILATION SISTEMS O 12898	221.1 4	0.00 *	20,000.00 *	7

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento 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 January 8, 2015, I served the:

SCO Comments on IRC

Animal Adoption, 11-9811-I-01

Civil Code Sections 1834 and 1846; Food and Agriculture Code Sections 31108, 31752, 31752.5, 31753, 32001, and 32003;

Statutes 1998, Chapter 752 and Statutes 2004, Chapter 313

Fiscal Years 1998-1999, 1999-2000, 2000-2001, 2001-2002, 2002-2003, 2005-2006,

2006-2007, 2007-2008

City of Hayward, Claimant

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 January 8, 2015 at Sacramento, California.

Lorenzo Duran

Commission on State Mandates

980 Ninth Street, Suite 300

Sacramento, CA 95814

(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 1/8/15

Claim Number: 11-9811-I-01

Matter: Animal Adoption

Claimant: City of Hayward

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.)

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