

State of California  
 COMMISSION ON STATE MANDATES  
 980 Ninth Street, Suite 300  
 Sacramento, CA 95814  
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 CSM 1 (2 91)

## TEST CLAIM FORM

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COMMISSION ON  
STATE MANDATES

Claim No. CSM-4419

Local Agency or School District Submitting Claim

## City of Newport Beach

Contact Person

Telephone No.

Allan Burdick / Pamela A. Stone

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Address

4320 Auburn Blvd., Suite 2000  
 Sacramento, CA 95841

Representative Organization to be Notified

## League of California Cities

This test claim alleges the existence of a reimbursable state mandated program within the meaning of section 17514 of the Government Code and section 6, article XIII B of the California Constitution. This test claim is filed pursuant to section 17551(a) of the Government Code.

Identify specific section(s) of the chaptered bill or executive order alleged to contain a mandate, including the particular statutory code section(s) within the chaptered bill, if applicable.

New CFIRS Manual -- Version 1.0, July 1990; Chapter 345, Statutes of 1987 (Health & Safety Code, Section 13110.5)

IMPORTANT: PLEASE SEE INSTRUCTIONS AND FILING REQUIREMENTS FOR COMPLETING A TEST CLAIM ON THE REVERSE SIDE.

Name and Title of Authorized Representative

Telephone No.

Glen Everroad, Revenue Manager

(949) 644-3141

Signature of Authorized Representative

Date



14 July 00

## AMENDMENT TO TEST CLAIM

### CSM-4419

*California Fire Incident Reporting System*  
July 1990 Fire Incident Reporting System Manual  
Chapter 345, Statutes of 1987

The original test claim filed by the San Ramon Valley Fire Protection District as well as the test claim filed by the City of Newport Beach, refers to the authorizing legislation as Chapter 758, Statutes of 1972, which added Health and Safety Code, Section 13110.5. Both test claim filings inadvertently omitted the amendment to Health and Safety Code, Section 13110.5 by Chapter 345, Statutes of 1987, which made a significant amendment to the aforementioned code section. By this amendment, the City of Newport Beach respectfully requests that Chapter 345, Statutes of 1987 be included in the test claim.

As amended, Section 13110.5 reads as follows:

“The State Fire Marshal shall gather statistical information on all fires, medical aid incidents, and hazardous materials incidents occurring within this state. The chief fire official of each fire department operated by the state, a city, city and county, fire protection district, organized fire company, or other public or private entity which provides fire protection, shall furnish information and data to the State Fire Marshal relating to each fire which occurs within his or her area of jurisdiction. The chief fire official of each fire department operated by the state shall, and the chief fire official of fire departments operated by a city, city and county, fire protection district, organized fire company, or other public or private entity which provides fire protection may, also furnish information and data to the State Fire Marshal relating to medical aid incidents and hazardous materials incidents which occur within their area of jurisdiction. The State Fire Marshal shall adopt regulations prescribing the scope of the information to be reported, the manner of reporting the information, the forms to be used, the time the information shall be reported, and other requirements and regulations as the State Fire Marshal determines necessary.

“The State Fire Marshal shall annually analyze the information and data reported, compile a report, and disseminate a copy of the report, together with his or her analysis, to each chief fire official in the state. The State

Fire Marshal shall also furnish a copy of his or her report and analysis to the State Emergency Medical Services Authority and any other interested person upon request.”

In order for the State Fire Marshal to discharge his mandatory duty to report all fires, medical aid incidents and hazardous materials incidents, he instituted the new *California Fire Incident Report System*, which is the subject of the within test claim. Although the statute speaks in terms of it being discretionary to local fire departments to provide information on medical aid incidents and hazardous materials incidents, with the implementation of *CFIRS* the State Fire Marshal instituted a mandatory method of computerized reporting, which included those medical aid incidents and hazardous materials incidents occurring within the local jurisdiction. In no other method could the State Fire Marshal obtain the requisite information to achieve its mandatory obligation to gather information on all fires, medical aid incidents and hazardous materials incidents.

Additionally, although prior to the institution of *CFIRS*, the annual report concerning such fire incidents was provided to local jurisdictions free of cost. The State Fire Marshal now charges for copies of its annual report concerning all incidents.

Attached hereto as Exhibit 1 is a true and correct copy of Chapter 345, Statutes of 1987.

The City of Newport Beach respectfully requests that this document serve as an amendment to its test claim filed on *CFIRS*, to include the amendments to Health and Safety Code, Section 13110.5 by Chapter 345, Statutes of 1987.

DECLARATION OF GLEN EVERROAD

I, Glen Everroad, make the following declaration under oath:

I am the Revenue Manager for the City of Newport Beach, and as part of my duties, I am also the SB 90 Coordinator for the City. As part of my duties, I am responsible for the complete and timely recovery of costs mandated by the State.

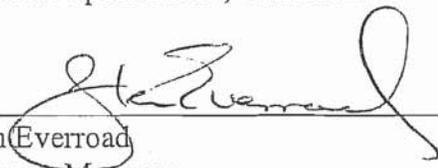
I declare that I have examined the City's State mandated duties and resulting costs, in implementing the subject law, and find that such costs are, in my opinion, "costs mandated by the State", as defined in Government Code, Section 17514:

"'Costs mandated by the State' means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

I am personally conversant with the foregoing facts, and if so required, I could and would testify to the statements made herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to the matters which are stated upon information or belief, and as to those matters, I believe them to be true.

Executed this 14 day of July, 2000 at Newport Beach, California.

  
\_\_\_\_\_  
Glen Everroad  
Revenue Manager

## CHAPTER 345

An act to amend Section 13110.5 of the Health and Safety Code, relating to public safety, and making an appropriation therefor.

[Approved by Governor August 23, 1987. Filed with  
Secretary of State August 23, 1987.]

*The people of the State of California do enact as follows:*

SECTION 1. Section 13110.5 of the Health and Safety Code is amended to read:

13110.5. The State Fire Marshal shall gather statistical information on all fires, medical aid incidents, and hazardous materials incidents occurring within this state. The chief fire official of each fire department operated by the state, a city, city and county, fire protection district, organized fire company, or other public or private entity which provides fire protection, shall furnish information and data to the State Fire Marshal relating to each fire which occurs within his or her area of jurisdiction. The chief fire official of each fire department operated by the state shall, and the chief fire official of fire departments operated by a city, city and county, fire protection district, organized fire company, or other public or private entity which provides fire protection may, also furnish information and data to the State Fire Marshal relating to medical aid incidents and hazardous materials incidents which occur within their area of jurisdiction. The State Fire Marshal shall adopt regulations prescribing the scope of the information to be reported, the manner of reporting the information, the forms to be used, the time the information shall be reported, and other requirements and regulations as the State Fire Marshal determines necessary.

The State Fire Marshal shall annually analyze the information and data reported, compile a report, and disseminate a copy of the report, together with his or her analysis, to each chief fire official in the state. The State Fire Marshal shall also furnish a copy of his or her report and analysis to the State Emergency Medical Services Authority and any other interested person upon request.

SEC. 2. The sum of one hundred thousand dollars (\$100,000) is hereby appropriated from the General Fund to the State Fire Marshal for purposes of Section 13110.5 of the Health and Safety Code.

PROOF OF SERVICE BY MAIL

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 4320 Auburn Blvd., Suite 2000, Sacramento, CA 95841.

On July 17, 2000, I served the Amendment to Test Claim, CSM-4419, *California Fire Incident Reporting System*, July 1990 Fire Incident Reporting System Manual, Chapter 345, Statutes of 1987, by placing a true copy thereof in an envelope addressed to each of the persons listed on the mailing list, and by sealing and depositing said envelope in the United State mail at Sacramento, California, with postage thereon fully prepaid.

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 this 17<sup>th</sup> day of July, 2000 at Sacramento, California.



A handwritten signature in cursive script, appearing to read "Robert A. Perry", is written over a horizontal line. The signature is fluid and somewhat stylized, with a large initial 'R' and 'P'.

## MAILING LIST

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Mr. Fort Hartsfield, Battalion Chief/Fire Marshal  
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Mr. Paige Vorhies (B-8), Bureau Chief  
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Mr. James Wait, Assistant State Fire Marshal  
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