



May 26, 2026

Ms. Anne Kato  
State Controller's Office  
Local Government Programs and  
Services Division  
3301 C Street, Suite 740  
Sacramento, CA 95816

Mr. Rajiv Narayan  
Office of the County Counsel  
County of Santa Clara  
70 West Hedding Street, East Wing,  
9th Floor  
San Jose, CA 95110

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

**Re: Proposed Decision and Parameters and Guidelines**

*Child Physical Abuse and Neglect Exams, 24-TC-05*  
Statutes 2023, Chapter 841 (AB 1402); Penal Code Section 11171(f)  
County of Santa Clara, Claimant

Dear Ms. Kato and Mr. Narayan:

The Proposed Decision and Parameters and Guidelines for the above-captioned matter is enclosed for your review.

**Hearing:** This matter is set for hearing on **Friday, June 12, 2026, in person at 10:00 a.m., at California Department of Food and Agriculture (CDFA), First Floor Auditorium, 1220 N Street, Sacramento, California, 95814 and via Zoom.**

The Commission is committed to ensuring that its public meetings are accessible to the public and that the public has the opportunity to observe the meeting and to participate by providing written and verbal comment on Commission matters whether they are physically appearing at the in-person meeting location or participating via Zoom. If you want to speak during the hearing and you are in-person, please come to the table for the swearing in and to speak when your item is up for hearing. If you are participating via Zoom, you must use the "Raise Hand" feature in order for our moderators to know you need to be unmuted.

You may join the meeting via Zoom through the link below and can listen and view through your desktop, laptop, tablet, or smart phone. This will allow you to view documents being shared as well.

There are three options for joining the meeting via Zoom:

1. Through the link below you can listen and view through your desktop, laptop, tablet, or smart phone using Zoom. This will allow you to view documents being shared as well. **(You are encouraged to use this option.)**

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gov.zoom.us/j/87374869649?pwd=tmNlqlaCA43dbbnzacrgKGTG4NXfzI.1](https://csm-ca.gov.zoom.us/j/87374869649?pwd=tmNlqlaCA43dbbnzacrgKGTG4NXfzI.1)

Passcode:061226

2. Through one tap mobile on an iPhone in the US. This process will dial everything for you without having to key in the meeting ID number. If you have

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the Zoom application on your iPhone you can view the meeting and documents being shared as well.

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3. Through your landline or non-smart mobile phone, either number works. You will be able to listen to the proceedings but will not be able to view the meeting or any documents being shared. If you would like to speak, press #2 to use the "Raise Hand" feature.

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Please don't hesitate to reach out to us for help with technical problems at [csminfo@csm.ca.gov](mailto:csminfo@csm.ca.gov) or 916 323-3562.

**Testimony at the Commission Hearing:** If you plan to address the Commission on an agenda item, please notify the Commission Office **not later than noon on the Tuesday prior to the hearing, June 9, 2026**. Please also include the names of the people who will be speaking for inclusion on the witness list and the names and email addresses of the people who will be speaking both in person and remotely to receive a hearing panelist link in Zoom. When calling or emailing, please identify the item you want to testify on and the entity you represent. The Commission Chairperson reserves the right to impose time limits on presentations as may be necessary to complete the agenda.

**Time to File Written Comments:** Any person may submit comments in writing on any agenda item by filing them in accordance with section 1181.3 of the Commission's regulations. If you plan to file any written document, please note that comments filed at least 15 days in advance of the meeting shall be included in the Commissioners' hearing binders, a copy of which is available for public viewing at the Commission meeting. Additionally, comments filed more than five days in advance of the meeting shall be included in the Commission's meeting binders, if feasible, or shall be provided to the Commission when the item is called, unless otherwise agreed by the Commission or the executive director. (Cal. Code Regs., tit. 2, § § 1181.3 and 1181.10(b)(1)(A-B)).

However, written comments filed less than five days in advance of the meeting, the commenter shall electronically file (or e-file) a PDF copy with the Commission via the Commission's e-filing system, available on the Commission's website <https://www.csm.ca.gov/dropbox.shtml> at least 24 hours prior to the meeting.

Commission staff shall provide copies of the comments to the Commission and shall place a copy on a table for public review when the item is called or, in the case of participation via teleconference, shall provide an electronic copy to the Commission and post a copy on the Commission's website, and may share the document with the Commission and the public using the "share" function. (Cal. Code Regs., tit. 2, § § 1181.3 and 1181.10(b)(1)(C)).

Ms. Kato and Mr. Narayan

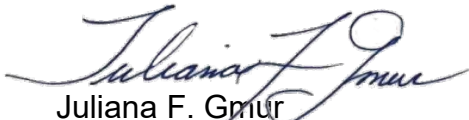
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**Postponement:** If you would like to request postponement of the hearing, please refer to section 1187.9(b) of the Commission's regulations.

**Special Accommodations:** For any special accommodations such as a sign language interpreter, an assistive listening device, materials in an alternative format, or any other accommodations, please contact the Commission Office at least five to seven working days prior to the meeting.

Very truly yours,



Juliana F. Gmur  
Executive Director

## ITEM 5

### PROPOSED DECISION AND PARAMETERS AND GUIDELINES

Penal Code Section 11171(f) as Amended by Statutes 2023, Chapter 841 (AB 1402)

#### *Child Physical Abuse and Neglect Exams*

24-TC-05

Period of reimbursement begins January 1, 2024

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### EXECUTIVE SUMMARY

#### I. Summary of the Mandate

These Parameters and Guidelines address state-mandated costs resulting from Penal Code section 11171(f), as amended by Statutes 2023, chapter 841, effective January 1, 2024.

On February 13, 2026, the Commission on State Mandates (Commission) adopted a Decision finding that the test claim statute imposes a partially reimbursable state-mandated program beginning January 1, 2024, upon counties within the meaning of article XIII B, section 6(c) of the California Constitution and Government Code section 17514. The Commission approved this Test Claim for only the following reimbursable costs:

- Costs incurred for child physical abuse and neglect exams conducted in accordance with Penal Code section 11171, by the county's designated Sexual Assault Response Teams (SART), Sexual Assault Forensic Examiner (SAFE) teams, or other qualified medical evidentiary examiners, when the child is eligible for Medi-Cal or Victim Compensation Board coverage.

Reimbursement is **not** required to the extent the Legislature appropriates funds for child physical abuse and neglect exams under Penal Code section 11171(g).

All other claims for reimbursement were denied.

#### II. Procedural History

The Commission adopted the Test Claim Decision on February 13, 2026.<sup>1</sup> Commission staff issued the Draft Expedited Parameters and Guidelines on February 18, 2026.<sup>2</sup> No comments were filed on the Draft Expedited Parameters and Guidelines. On March 9, 2026, the claimant filed a Request for Reconsideration of an Adopted Test Claim Decision,<sup>3</sup> which was denied by the Commission on April 10, 2026.

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<sup>1</sup> Exhibit A, Test Claim Decision, pages 1-75.

<sup>2</sup> Exhibit B, Draft Expedited Parameters and Guidelines, pages 1-25.

<sup>3</sup> California Code of Regulations, title 2, section 1187.15.

Pursuant to section 1183.9(d) of the Commission’s regulations, Commission staff did not issue a Draft Proposed Decision and Parameters for comment because no substantive comments were filed on the Draft Expedited Parameters and Guidelines.<sup>4</sup>

The Proposed Decision and Parameters and Guidelines was issued and set for the April 10, 2026 Commission meeting. However, that meeting was rescheduled to May 15, 2026 and then to June 12, 2026 due to a burst pipe and resulting fire making the Commission office inaccessible.

### **III. Discussion**

Consistent with the Test Claim Decision, the Parameters and Guidelines provide as follows:

#### **A. Eligible Claimants (Section II. of the Parameters and Guidelines)**

Any county, or city and county subject to the taxing restrictions of articles XIII A and XIII C, and the spending limits of article XIII B, of the California Constitution, whose costs for this program are paid from proceeds of taxes and that incurs increased costs as a result of this mandate is eligible to claim reimbursement.

#### **B. Period of Reimbursement (Section III. of the Parameters and Guidelines)**

Government Code section 17557(e) states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The claimant filed the Test Claim on December 31, 2024. Because the claimant filed the Test Claim on December 31, 2024 (during FY 2024-2025), the potential period of reimbursement under Government Code section 17557(e) would begin at the start of the prior fiscal year, which is July 1, 2023. However, since the test claim statute has a later effective date, the period of reimbursement begins on the statute’s effective date, or January 1, 2024.<sup>5</sup>

#### **C. Reimbursable Costs Pursuant to Article XIII B, Section 6(c) (Section IV. of the Parameters and Guidelines)**

Only the state-mandated costs approved by the Commission are included in Section IV. of the Parameters and Guidelines as follows:

The claimant is only allowed to claim and be reimbursed for the following costs:

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<sup>4</sup> California Code of Regulations, title 2, section 1183.9(d) provides: “If no comments are filed on the draft expedited parameters and guidelines that raise substantive issues regarding any of the elements described in section 1183.7, a draft proposed decision in accordance with section 1183.13(a) of these regulations need not be prepared and the executive director may schedule the proposed decision and parameters and guidelines for adoption at the next regularly scheduled hearing in accordance with section 1183.13(d) of these regulations.”

<sup>5</sup> *Southern California Gas Co. v. Public Utilities Commission* (1985) 38 Cal.3d 64, 67 (“It is well settled that a statute has no force whatsoever until its effective date.”).

- Costs incurred for child physical abuse and neglect exams conducted in accordance with Penal Code section 11171, by the county's designated Sexual Assault Response Teams (SART), Sexual Assault Forensic Examiner (SAFE) teams, or other qualified medical evidentiary examiners, when the child is eligible for Medi-Cal or Victim Compensation Board coverage.

Reimbursement is **not** required to the extent the Legislature appropriates funds for child physical abuse and neglect exams under Penal Code section 11171(g).

**D. Offsetting Revenues and Reimbursements (Section VII. of the Parameters and Guidelines)**

The Parameters and Guidelines identify the potential offsetting revenues identified in the Test Claim Decision as follows:

Any offsetting revenue the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate from any source, including but not limited to, state and federal funds, any service charge, fee, or assessment authority to offset all or part of the costs of this program, and any other funds that are not the claimant's proceeds of taxes shall be identified and deducted from any claim submitted for reimbursement. Such offsetting revenue or reimbursement includes, but is not limited to, the following:

- Funds appropriated for child physical abuse and neglect exams under Penal Code section 11171(g).

**E. The Remaining Sections of the Parameters and Guidelines**

Section V. Direct Costs; Section VI. Record Retention; Section VIII. State Controller's Claiming Instructions; Section IX. Remedies Before the Commission; and Section X. Legal and Factual Basis for the Parameters and Guidelines contain standard boilerplate language.

**IV. Staff Recommendation**

Staff recommends that the Commission adopt the Proposed Decision and Parameters and Guidelines and authorize staff to make any technical, non-substantive changes to the Proposed Decision and Parameters and Guidelines following the hearing.

BEFORE THE  
 COMMISSION ON STATE MANDATES  
 STATE OF CALIFORNIA

<b>IN RE PARAMETERS AND GUIDELINES</b>  Penal Code Section 11171(f), as Amended by Statutes 2023, Chapter 841 (AB 1402), effective January 1, 2024  Period of reimbursement begins January 1, 2024	Case No.: 24-TC-05  <i>Child Physical Abuse and Neglect Exams</i>  <b>DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 2, CHAPTER 2.5, ARTICLE 7.</b>  <i>(Adopted June, 2026)</i>
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**DECISION**

The Commission on State Mandates (Commission) heard and decided this Decision and Parameters and Guidelines during a regularly scheduled hearing on June 10, 2026. [Witness list will be included in the adopted Decision and Parameters and Guidelines.]

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 sections 17500 et seq., and related case law.

The Commission [adopted/modified/rejected] the Proposed Decision and Parameters and Guidelines by a vote of [vote will be included in the adopted Decision and Parameters and Guidelines], as follows:

<b>Member</b>	<b>Vote</b>
Lee Adams, County Supervisor	
Deborah Gallegos, Representative of the State Controller	
Karen Greene Ross, Public Member	
William Pahland, Representative of the State Treasurer, Vice Chairperson	
Michele Perrault, Representative of the Director of the Department of Finance, Chairperson	
Alexander Powell, Representative of the Director of the Governor’s Office of Land Use and Climate Innovation	

## I. Summary of the Mandate

These Parameters and Guidelines address state-mandated costs resulting from Penal Code section 11171(f), as amended by Statutes 2023, chapter 841, effective January 1, 2024.

On February 13, 2026, the Commission on State Mandates (Commission) adopted a Decision finding that the test claim statute imposes a partially reimbursable state-mandated program beginning January 1, 2024, upon counties within the meaning of article XIII B, section 6(c) of the California Constitution and Government Code section 17514. The Commission approved this Test Claim for only the following reimbursable costs:

- Costs incurred for child physical abuse and neglect exams conducted in accordance with Penal Code section 11171, by the county's designated Sexual Assault Response Teams (SART), Sexual Assault Forensic Examiner (SAFE) teams, or other qualified medical evidentiary examiners, when the child is eligible for Medi-Cal or Victim Compensation Board coverage.

Reimbursement is **not** required to the extent the Legislature appropriates funds for child physical abuse and neglect exams under Penal Code section 11171(g).

All other claims for reimbursement were denied.

## II. Procedural History

The Commission adopted the Test Claim Decision on February 13, 2026.<sup>6</sup> Commission staff issued the Draft Expedited Parameters and Guidelines on February 18, 2026.<sup>7</sup> No comments were received on the Draft Expedited Parameters and Guidelines. On March 9, 2026, the claimant filed a Request for Reconsideration of an Adopted Test Claim Decision,<sup>8</sup> which was denied by the Commission on April 10, 2026.

Pursuant to section 1183.9(d) of the Commission's regulations, Commission staff did not issue a Draft Proposed Decision and Parameters for comment because no substantive comments were filed on the Draft Expedited Parameters and Guidelines.<sup>9</sup>

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<sup>6</sup> Exhibit A, Test Claim Decision, pages 1-75.

<sup>7</sup> Exhibit B, Draft Expedited Parameters and Guidelines, pages 1-25.

<sup>8</sup> California Code of Regulations, title 2, section 1187.15.

<sup>9</sup> California Code of Regulations, title 2, section 1183.9(d) provides: "If no comments are filed on the draft expedited parameters and guidelines that raise substantive issues regarding any of the elements described in section 1183.7, a draft proposed decision in accordance with section 1183.13(a) of these regulations need not be prepared and the executive director may schedule the proposed decision and parameters and guidelines for adoption at the next regularly scheduled hearing in accordance with section 1183.13(d) of these regulations."

The Proposed Decision and Parameters and Guidelines was issued and set for the April 10, 2026 Commission meeting. However, that meeting was rescheduled to May 15, 2026 and then to June 12, 2026 due to a burst pipe and resulting fire making the Commission office inaccessible.

### **III. Discussion**

Consistent with the Test Claim Decision, the Parameters and Guidelines state the following:

#### **A. Eligible Claimants (Section II. of the Parameters and Guidelines)**

Any county, or city and county subject to the taxing restrictions of articles XIII A and XIII C, and the spending limits of article XIII B, of the California Constitution, whose costs for this program are paid from proceeds of taxes and that incurs increased costs as a result of this mandate is eligible to claim reimbursement.

#### **B. Period of Reimbursement (Section III. of the Parameters and Guidelines)**

Government Code section 17557(e) states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The claimant filed the Test Claim on December 31, 2024. Because the claimant filed the Test Claim on December 31, 2024 (during FY 2024-2025), the potential period of reimbursement under Government Code section 17557(e) would begin at the start of the prior fiscal year, which is July 1, 2023. However, since the test claim statute has a later effective date, the period of reimbursement begins on the statute's effective date, or January 1, 2024.<sup>10</sup>

Reimbursement for state-mandated costs may be claimed as follows:

1. Actual costs for one fiscal year shall be included in each claim.
2. Pursuant to Government Code section 17561(d)(1)(A), all claims for reimbursement of initial fiscal year costs shall be submitted to the State Controller (Controller) within 120 days of the issuance date for the claiming instructions.
3. Pursuant to Government Code section 17560(a), a local agency may, by February 15 following the fiscal year in which costs were incurred, file an annual reimbursement claim that details the costs actually incurred for that fiscal year.
4. If revised claiming instructions are issued by the Controller pursuant to Government Code section 17558(c), between November 15 and February 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. (Gov. Code §17560(b).)

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<sup>10</sup> *Southern California Gas Co. v. Public Utilities Commission* (1985) 38 Cal.3d 64, 67 (“It is well settled that a statute has no force whatsoever until its effective date.”).

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

**C. Reimbursable Costs Pursuant to Article XIII B, Section 6(c) (Section IV. of the Parameters and Guidelines)**

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 program. 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 program. A source document is a document created at or near the same time the actual cost was incurred. 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 costs 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 the following costs:

- Costs incurred for child physical abuse and neglect exams conducted in accordance with Penal Code section 11171, by the county's designated Sexual Assault Response Teams (SART), Sexual Assault Forensic Examiner (SAFE) teams, or other qualified medical evidentiary examiners, when the child is eligible for Medi-Cal or Victim Compensation Board coverage.

Reimbursement is *not* required to the extent the Legislature appropriates funds for child physical abuse and neglect exams under Penal Code section 11171(g).

**D. Claim Preparation and Submission (Section V. of the Parameters and Guidelines)**

Each of the following cost elements must be identified for the reimbursable program identified in Section IV., Reimbursable Costs Pursuant to Article XIII B, Section 6(c), 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 program identified in Section IV. of this document. The following direct costs are eligible for reimbursement.

1. Salaries and Benefits

Report each employee implementing the reimbursable program described in Section IV. of this document by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours).

2. Materials and Supplies

Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable program identified in Section IV. of this document. 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 program identified in Section IV. of this document. 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 program identified in Section IV. of this document, only the pro-rata portion of the services used to implement the reimbursable program in Section IV. of this document can be claimed. Submit contract consultant and attorney invoices with the claim and a description of the contract scope of services.

4. Fixed Assets

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

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 in accordance with the Office of Management and Budget Circular 2 CFR, Chapter I and Chapter II, Part 200 et al. Claimants have the option of using the federal de minimis indirect cost rate percentage of direct labor identified in the Office of Management and Budget Circular, at Code of Federal Regulations, title 2, section 200.414(f), excluding fringe benefits, or preparing an Indirect Cost Rate Proposal (ICRP) if the indirect cost rate claimed exceeds the de minimis rate.<sup>11</sup>

If the claimant chooses to prepare an ICRP, both the direct costs (as defined and described in 2 CFR, Chapter I and Chapter II, Part 200 et al.) and the indirect costs shall exclude capital expenditures and unallowable costs (as defined and described in 2 CFR, Chapter I and Chapter II, Part 200 et al.). 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 2 CFR, Chapter I and Chapter II, Part 200 et al.) 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 that the total amount of allowable indirect costs bears to the base selected; or
2. The allocation of allowable indirect costs (as defined and described in 2 CFR, Chapter I and Chapter II, Part 200 et al.) 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 of allowable indirect costs bears to the base selected.

#### **E. Offsetting Revenues and Reimbursements (Section VII. Offsetting Revenues and Reimbursements)**

Any offsetting revenue the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from

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<sup>11</sup> Effective October 1, 2024, the federal de minimis rate was raised from ten percent to 15 percent. (Code of Federal Regulations, title 2, § 200.414(f) (89 FR 30046, 30092.)

the costs claimed. In addition, reimbursement for this mandate from any source, including but not limited to, state and federal funds, any service charge, fee, or assessment authority to offset all or part of the costs of this program, and any other funds that are not the claimant's proceeds of taxes shall be identified and deducted from any claim submitted for reimbursement. Such offsetting revenue or reimbursement includes, but is not limited to, the following:

- Funds appropriated for child physical abuse and neglect exams under Penal Code section 11171(g).

**F. The Remaining Sections of the Parameters and Guidelines**

Section VI. Record Retention; Section VIII. State Controller's Claiming Instructions; Section IX. Remedies Before the Commission; and Section X. Legal and Factual Basis for the Parameters and Guidelines contain standard boilerplate language.

**IV. Conclusion**

Based on the foregoing analysis, the Commission hereby adopts the Proposed Decision and Parameters and Guidelines.

**PARAMETERS AND GUIDELINES<sup>12</sup>**

Penal Code Section 11171(f) as Amended by Statutes 2023, Chapter 841 (AB 1402)

*Child Physical Abuse and Neglect Exams*

24-TC-05

Period of reimbursement begins January 1, 2024

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**I. SUMMARY OF THE MANDATE**

These Parameters and Guidelines address state-mandated costs resulting from Penal Code section 11171(f), as amended by Statutes 2023, chapter 841, effective January 1, 2024.

On February 13, 2026, the Commission on State Mandates (Commission) adopted a Decision finding that the test claim statute imposes a partially reimbursable state-mandated program beginning January 1, 2024, upon counties within the meaning of article XIII B, section 6(c) of the California Constitution and Government Code section 17514. The Commission approved this Test Claim for only the following reimbursable costs:

- Costs incurred for child physical abuse and neglect exams conducted in accordance with Penal Code section 11171, by the county's designated Sexual Assault Response Teams (SART), Sexual Assault Forensic Examiner (SAFE)

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<sup>12</sup> Please note that the Decision and Parameters and Guidelines is a single document and must be read as a whole. It is not intended to be separated and should be posted in its entirety.

teams, or other qualified medical evidentiary examiners, when the child is eligible for Medi-Cal or Victim Compensation Board coverage.

Reimbursement is **not** required to the extent the Legislature appropriates funds for child physical abuse and neglect exams under Penal Code section 11171(g).

All other claims for reimbursement were denied.

## II. ELIGIBLE CLAIMANTS

Any county, or city and county subject to the taxing restrictions of articles XIII A and XIII C, and the spending limits of article XIII B, of the California Constitution, whose costs for this program are paid from proceeds of taxes and that incurs increased costs as a result of this mandate is eligible to claim reimbursement.

## III. PERIOD OF REIMBURSEMENT

Government Code section 17557(e) states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The claimant filed the Test Claim on December 31, 2024. Because the claimant filed the Test Claim on December 31, 2024 (during FY 2024-2025), the potential period of reimbursement under Government Code section 17557(e) would begin at the start of the prior fiscal year, which is July 1, 2023. However, since the test claim statute has a later effective date, the period of reimbursement begins on the statute's effective date, or January 1, 2024.<sup>13</sup>

Reimbursement for state-mandated costs may be claimed as follows:

1. Actual costs for one fiscal year shall be included in each claim.
2. Pursuant to Government Code section 17561(d)(1)(A), all claims for reimbursement of initial fiscal year costs shall be submitted to the State Controller (Controller) within 120 days of the issuance date for the claiming instructions.
3. Pursuant to Government Code section 17560(a), a local agency may, by February 15 following the fiscal year in which costs were incurred, file an annual reimbursement claim that details the costs actually incurred for that fiscal year.
4. If revised claiming instructions are issued by the Controller pursuant to Government Code section 17558(c), between November 15 and February 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. (Gov. Code §17560(b).)
5. 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(a).

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<sup>13</sup> *Southern California Gas Co. v. Public Utilities Commission* (1985) 38 Cal.3d 64, 67 (“It is well settled that a statute has no force whatsoever until its effective date.”).

6. 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 COSTS PURSUANT TO ARTICLE XIII B, SECTION 6(c)**

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 program. 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 program. A source document is a document created at or near the same time the actual cost was incurred. 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 costs 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 the following costs:

- Costs incurred for child physical abuse and neglect exams conducted in accordance with Penal Code section 11171, by the county's designated Sexual Assault Response Teams (SART), Sexual Assault Forensic Examiner (SAFE) teams, or other qualified medical evidentiary examiners, when the child is eligible for Medi-Cal or Victim Compensation Board coverage.

Reimbursement is *not* required to the extent the Legislature appropriates funds for child physical abuse and neglect exams under Penal Code section 11171(g).

#### **V. CLAIM PREPARATION AND SUBMISSION**

Each of the following cost elements must be identified for the reimbursable program identified in Section IV., Reimbursable Costs Pursuant to Article XIII B, Section 6(c), 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 program identified in Section IV. of this document. The following direct costs are eligible for reimbursement.

1. Salaries and Benefits

Report each employee implementing the reimbursable program described in Section IV. of this document by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours).

## 2. Materials and Supplies

Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable program identified in Section IV. of this document. 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 program identified in Section IV. of this document. 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 program identified in Section IV. of this document, only the pro-rata portion of the services used to implement the reimbursable program in Section IV. of this document can be claimed. Submit contract consultant and attorney invoices with the claim and a description of the contract scope of services.

## 4. Fixed Assets

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

## 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 in accordance with the Office of Management and Budget Circular 2 CFR, Chapter I and Chapter II, Part 200 et al. Claimants have the option of using the federal de minimis indirect cost rate percentage of direct labor identified in the Office of Management and Budget Circular, at Code of Federal Regulations, title 2, section 200.414(f), excluding fringe benefits, or

preparing an Indirect Cost Rate Proposal (ICRP) if the indirect cost rate claimed exceeds the de minimis rate.<sup>14</sup>

If the claimant chooses to prepare an ICRP, both the direct costs (as defined and described in 2 CFR, Chapter I and Chapter II, Part 200 et al.) and the indirect costs shall exclude capital expenditures and unallowable costs (as defined and described in 2 CFR, Chapter I and Chapter II, Part 200 et al.). 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 2 CFR, Chapter I and Chapter II, Part 200 et al.) 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 that the total amount of allowable indirect costs bears to the base selected; or
2. The allocation of allowable indirect costs (as defined and described in 2 CFR, Chapter I and Chapter II, Part 200 et al.) 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 of allowable indirect costs bears to the base selected.

## **VI. RECORD RETENTION**

Pursuant to Government Code section 17558.5(a), a reimbursement claim for actual costs filed pursuant to this chapter<sup>15</sup> 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

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<sup>14</sup> Effective October 1, 2024, the federal de minimis rate was raised from ten percent to 15 percent. (Code of Federal Regulations, title 2, § 200.414(f) (89 FR 30046, 30092.)

<sup>15</sup> This refers to title 2, division 4, part 7, chapter 4 of the Government Code.

two years after the date that the audit is commenced. All documents used to support the reimbursable activities, as described in Section IV., must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

## **VII. OFFSETTING REVENUES AND REIMBURSEMENTS**

Any offsetting revenue the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate from any source, including but not limited to, state and federal funds, any service charge, fee, or assessment authority to offset all or part of the costs of this program, and any other funds that are not the claimant's proceeds of taxes shall be identified and deducted from any claim submitted for reimbursement. Such offsetting revenue or reimbursement includes, but is not limited to, the following:

- Funds appropriated for child physical abuse and neglect exams under Penal Code section 11171(g).

## **VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS**

Pursuant to Government Code section 17558(b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than 90 days after receiving the adopted parameters and guidelines from the Commission, to assist local governments in claiming costs to be reimbursed. The claiming instructions shall be derived from these parameters and guidelines and the decisions on the test claim and parameters and guidelines adopted by the Commission.

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

## **IX. REMEDIES BEFORE THE COMMISSION**

Upon request of an eligible claimant, the Commission shall review the claiming instructions issued by the 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(d), and California Code of Regulations, title 2, section 1183.17.

## **X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES**

The decisions adopted for the test claim and parameters and guidelines are legally binding on all parties and interested parties and provide the legal and factual basis for

the parameters and guidelines. The support for the legal and factual findings is found in the administrative record. The administrative record is on file with the Commission.

## 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 May 26, 2026, I served the:

- **Current Mailing List dated April 27, 2026**
- **Proposed Decision and Parameters and Guidelines issued May 26, 2026**

*Child Physical Abuse and Neglect Exams, 24-TC-05*  
Statutes 2023, Chapter 841 (AB 1402); Penal Code Section 11171(f)  
County of Santa Clara, 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 May 26, 2026 at Sacramento, California.



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Jill Magee  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
(916) 323-3562

# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 4/27/26

**Claim Number:** 24-TC-05

**Matter:** Child Physical Abuse and Neglect Exams

**Claimant:** County of Santa Clara

### 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.)

**Adaoha Agu**, *County of San Diego Auditor & Controller Department*

Projects, Revenue and Grants Accounting, 5530 Overland Avenue, Ste. 410 , MS:O-53, San Diego, CA 92123

Phone: (858) 694-2129

Adaoha.Agu@sdcounty.ca.gov

**Karina Alvarez**, *Auditor-Controller, County of Imperial*

940 W. Main Street, Suite 108, El Centro, CA 92243

Phone: (442) 265-1299

karinabalvarez@co.imperial.ca.us

**Rachelle Anema**, *Assistant Auditor-Controller, County of Los Angeles*

Accounting Division, 500 W. Temple Street, Los Angeles, CA 90012

Phone: (213) 974-8321

RANEMA@auditor.lacounty.gov

**Lili Apgar**, *Specialist, State Controller's Office*

Local Reimbursements Section, 3301 C Street, Suite 740, Sacramento, CA 95816

Phone: (916) 324-0254

lapgar@sco.ca.gov

**Socorro Aquino**, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 322-7522

SAquino@sco.ca.gov

**Aaron Avery**, *Legislative Representative, California Special Districts Association*

1112 I Street Bridge, Suite 200, Sacramento, CA 95814

Phone: (916) 442-7887

Aarona@csda.net

**David Bass**, Vice Mayor, *City of Rocklin*  
3970 Rocklin Road, Rocklin, CA 95677  
Phone: (916) 663-8504  
David.Bass@rocklin.ca.us

**Mary Bedard**, Auditor-Controller, *County of Kern*  
1115 Truxtun Avenue, 2nd Floor, Bakersfield, CA 93301  
Phone: (805) 868-3599  
bedardm@co.kern.ca.us

**Ginni Bella Navarre**, Deputy Legislative Analyst, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8342  
Ginni.Bella@lao.ca.gov

**Ben Benoit**, Auditor-Controller, *County of Riverside*  
4080 Lemon Street, 11th Floor, Riverside, CA 92502  
Phone: (951) 955-3800  
bbenoit@rivco.org

**Nathan Black**, Auditor-Controller, *County of Sutter*  
1160 Civic Center Blvd., Suite D, Yuba City, CA 95993  
Phone: (530) 822-7127  
nblack@co.sutter.ca.us

**Joanne Bohren**, Auditor/Controller, *County of Contra Costa*  
1025 Escobar Street, Martinez, CA 94553  
Phone: (925) 608-9300  
info@ac.cccounty.us

**Laura Bowers**, Interim Auditor-Controller/Treasurer-Tax Collector, *County of Santa Cruz*  
Auditor-Controller's Office, 701 Ocean Street, Room 100, Santa Cruz, CA 95060-4073  
Phone: (831) 454-2500  
laura.bowers@santacruzcounty.us

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

**Guy Burdick**, Consultant, *MGT Consulting*  
2251 Harvard Street, Suite 134, Sacramento, CA 95815  
Phone: (916) 833-7775  
gburdick@mgtconsulting.com

**Jeffrey Burgh**, Auditor Controller, *County of Ventura*  
800 S. Victoria Avenue, Ventura, CA 93009-1540  
Phone: (805) 654-3151  
Jeff.Burgh@venturacounty.gov

**Stephanie Butters**, Assistant Director of Finance, Auditor-Controller, *County of Mono*  
25 Bryant Street, PO Box 556, Bridgeport, CA 93517  
Phone: (760) 932-5496  
sbutters@mono.ca.gov

**Rica Mae Cabigas**, Chief Accountant, *Auditor-Controller*  
Accounting Division, 500 West Temple Street, Los Angeles, CA 90012

Phone: (213) 974-8309  
rcabigas@auditor.lacounty.gov

**Evelyn Calderon-Yee**, Bureau Chief, *State Controller's Office*  
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,  
Sacramento, CA 95816  
Phone: (916) 324-5919  
ECalderonYee@sco.ca.gov

**Lisa Cardella-Presto**, Auditor-Controller, *County of Merced*  
2222 M Street, Merced, CA 95340  
Phone: (209) 385-7511  
lisa.cardella-presto@countyofmerced.com

**Julissa Ceja Cardenas**, Legislative Analyst, *California State Association of Counties*  
Government Finance and Administration, 1100 K Street, Suite 101, Sacramento, CA 95814  
Phone: (916) 327-7500  
jcejacardenas@counties.org

**Ali Chemkhi**, Senior Supervising Accountant/Auditor, *County of San Bernardino*  
Office of Auditor-Controller, 268 West Hospitality Lane, Fourth Floor, San Bernardino, CA 92415-  
0018  
Phone: (909) 382-7035  
ali.chemkhi@sbccountyatc.gov

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

**David Chiu**, City Attorney, *City and County of San Francisco*  
Office of the City Attorney, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102  
Phone: (415) 554-4700  
cityattorney@sfcityatty.org

**Carmen Chu**, Assessor-Recorder, *City and County of San Francisco*  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 190, San Francisco, CA 94102-4698  
Phone: (415) 554-5596  
assessor@sfgov.org

**Carolyn Chu**, Senior Fiscal and Policy Analyst, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8326  
Carolyn.Chu@lao.ca.gov

**Nicole Coburn**, Assistant County Executive Officer, *County of Santa Cruz*  
809 Center Street, Rm 101, Santa Cruz, CA 95060  
Phone: (831) 454-2100  
nicole.coburn@santacruzcountyca.gov

**Cass Cook**, Auditor-Controller/Treasurer-Tax Collector, *County of Tulare*  
221 South Mooney Blvd, Room 101 E, Visalia, CA 93291  
Phone: (559) 636-5200  
tulareauditor@co.tulare.ca.us

**Chamise Cubbison**, Auditor-Controller-Tax Collector, *County of Mendocino*  
501 Low Gap Road, Rm 1080, Ukiah, CA 95482

Phone: (707) 234-6860  
cubbisonc@mendocinocounty.gov

**Thomas Deak**, Senior Deputy, *County of San Diego*  
Office of County Counsel, 1600 Pacific Highway, Room 355, San Diego, CA 92101  
Phone: (619) 531-4810  
Thomas.Deak@sdcountry.ca.gov

**Mandip Dhillon**, Auditor Controller, *County of Stanislaus*  
1010 10th Street, Modesto, CA 95354  
Phone: (209) 525-6398  
auditor@stancounty.com

**Cheryl Dillingham**, Auditor-Controller, *County of Humboldt*  
825 Fifth Street, Room 126, Eureka, CA 95501  
Phone: (707) 476-2452  
ctyauditor@co.humboldt.ca.us

**Executive Director**, *California Peace Officers' Association*  
555 Capitol Mall, Suite 1495, Sacramento, CA 95814  
Phone: (916) 263-0541  
cpoa@cpoa.org

**Laura Dougherty**, Attorney, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
Laura.Dougherty@csm.ca.gov

**Tracy Drager**, Auditor and Controller, *County of San Diego*  
1600 Pacific Highway, Room 166, San Diego, CA 92101  
Phone: (619) 531-5413  
tracy.drager@sdcountry.ca.gov

**Janet Dutcher**, Finance Director, *County of Mono*  
25 Bryant Street, PO Box 556, Bridgeport, CA 93517  
Phone: (760) 932-5496  
jdutcher@mono.ca.gov

**Richard Eberle**, Auditor-Controller, *County of Yuba*  
915 8th Street, Suite 105, Marysville, CA 95901  
Phone: (530) 749-7810  
reberle@co.yuba.ca.us

**Kevin Fisher**, Assistant City Attorney, *City of San Jose*  
Environmental Services, 200 East Santa Clara Street, 16th Floor, San Jose, CA 95113  
Phone: (408) 535-1987  
kevin.fisher@sanjoseca.gov

**Tim Flanagan**, CIO-Registrar of Voters, *County of Solano*  
Registrar of Voters, 678 Texas Street, Suite 2600, Fairfield, CA 94533  
Phone: (707) 784-3359  
Elections@solanocounty.com

**Christine Gaffney**, Auditor-Controller, *County of Trinity*  
11 Court Street, P.O. Box 1230, Trinity, CA 96093  
Phone: (530) 623-1317  
cgaffney@trinitycounty.org

**Rose Gallo-Vasquez**, County Clerk and Recorder, *County of Colusa*  
546 Jay Street, Ste. 200, Colusa, CA 95932  
Phone: (530) 458-0500  
clerkinfo@countyofcolusa.org

**Oscar Garcia**, Auditor-Controller/Treasurer-Tax Collector, *County of Fresno*  
2281 Tulare Street, Room 105, Fresno, CA 93721  
Phone: (559) 600-3496  
ogarcia@fresnocountyca.gov

**Juliana Gmur**, Executive Director, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
juliana.gmur@csm.ca.gov

**Joe Gonzalez**, Auditor-Controller, *County of San Benito*  
440 Fifth Street Room 206, Hollister, CA 95023  
Phone: (831) 636-4090  
jgonzalez@auditor.co.san-benito.ca.us

**M. Carmen Green**, Executive Director, *California State Sheriffs' Association*  
1231 I Street, Suite 200, Sacramento, CA 95814  
Phone: (916) 375-8000  
cgreen@calsheriffs.org

**Graciela Gutierrez**, Auditor-Controller, *County of Butte*  
25 County Center Drive, Suite 120, Oroville, CA 95965  
Phone: (530) 552-3599  
GGutierrez@ButteCounty.net

**James Hamilton**, Auditor-Controller/Treasurer-Tax Collector/Public Administrator, *County of San Luis Obispo*  
1055 Monterey Street, San Luis Obispo, CA 93408  
Phone: (805) 781-5040  
jhamilton@co.slo.ca.us

**Andrew Hamilton**, Auditor-Controller, *County of Orange*  
1770 North Broadway, Santa Ana, CA 92706  
Phone: (714) 834-2450  
Andrew.Hamilton@ac.ocgov.com

**Greta Hansen**, Chief Operating Officer, *County of Santa Clara*  
70 W. Hedding Street, San Jose, CA 95110  
Phone: (408) 292-7240  
greta.hansen@cco.sccgov.org

**Joe Harn**, Auditor-Controller, *County of El Dorado*  
360 Fair Lane, Placerville, CA 95667  
Phone: (530) 621-5633  
joe.harn@edcgov.us

**Janine Harris**, Auditor-Controller, *County of Solano*  
675 Texas Street, Suite 2800, Fairfield, CA 94533  
Phone: (707) 784-6280  
auditorcontroller@solanocounty.gov

**Tom Haynes**, Chief Financial Officer, *County of Yolo*  
Financial Services, 625 Court Street, Room 102, Woodland, CA 95695

Phone: (530) 666-8190  
Tom.Haynes@yolocounty.gov

**Jenavive Herrington**, Auditor-Controller/County Clerk, *County of Lake*  
255 N. Forbes Street, Lakeport, CA 95453  
Phone: (707) 263-2311  
jenavive.herrington@lakecountyca.gov

**Chris Hill**, Principal Program Budget Analyst, *Department of Finance*  
Local Government Unit, 915 L Street, 8th Floor, Sacramento, CA 95814  
Phone: (916) 445-3274  
Chris.Hill@dof.ca.gov

**Tiffany Hoang**, Associate Accounting Analyst, *State Controller's Office*  
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,  
Sacramento, CA 95816  
Phone: (916) 323-1127  
THoang@sco.ca.gov

**Ken Howell**, Senior Management Auditor, *State Controller's Office*  
Audits, Compliance Audits Bureau, 3301 C Street, Suite 725A, Sacramento, CA 95816  
Phone: (916) 323-2368  
KHowell@sco.ca.gov

**Stephanie Hranac**, Auditor Controller, *County of Lassen*  
221 South Roop Street, Ste. 1, Susanville, CA 96130  
Phone: (530) 251-8220  
shranac@co.lassen.ca.us

**Jason Jennings**, Director, *Maximus Consulting*  
Financial Services, 808 Moorefield Park Drive, Suite 205, Richmond, VA 23236  
Phone: (804) 323-3535  
SB90@maximus.com

**Angelo Joseph**, Supervisor, *State Controller's Office*  
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,  
Sacramento, CA 95816  
Phone: (916) 323-0706  
AJoseph@sco.ca.gov

**Emma Jungwirth**, Senior Legislative Advocate, *California State Association of Counties (CSAC)*  
1100 K Street, Ste 101, Sacramento, CA 95814  
Phone: (916) 650-8115  
ejungwirth@counties.org

**Harshil Kanakia**, Administrative Services Manager, *County of San Mateo*  
Controller's Office, 555 County Center, 4th Floor, Redwood City, CA 94063  
Phone: (650) 599-1080  
hkanakia@smcgov.org

**Anne Kato**, Acting Chief, *State Controller's Office*  
Local Government Programs and Services Division, 3301 C Street, Suite 740, Sacramento, CA  
95816  
Phone: (916) 322-9891  
akato@sco.ca.gov

**Anita Kerezsi**, Principal Consultant, *AK & Company*  
2425 Golden Hill Road, Suite 106, Paso Robles, CA 93446

Phone: (805) 239-7994  
akcompanysb90@gmail.com

**Joanne Kessler**, Fiscal Specialist, *City of Newport Beach*  
Revenue Division, 100 Civic Center Drive , Newport Beach, CA 90266  
Phone: (949) 644-3199  
jkessler@newportbeachca.gov

**Rob Knudson**, Assistant Director of Finance, *County of Kings*  
1400 W. Lacey Blvd, Hanford, CA 93230  
Phone: (559) 852-2712  
Robert.Knudson@co.kings.ca.us

**Lisa Kurokawa**, Bureau Chief for Audits, *State Controller's Office*  
Compliance Audits Bureau, 3301 C Street, Suite 700, Sacramento, CA 95816  
Phone: (916) 327-3138  
lkurokawa@sco.ca.gov

**Edward Lamb**, Director of Finance, *County of Glenn*  
516 West Sycamore Street, Willows, CA 95988  
Phone: (530) 934-6421  
ttc@countyofglenn.net

**Government Law Intake**, *Department of Justice*  
Attorney General's Office, 1300 I Street, Suite 125, PO Box 944255, Sacramento, CA 94244-2550  
Phone: (916) 210-6046  
governmentlawintake@doj.ca.gov

**Eric Lawyer**, Legislative Advocate, *California State Association of Counties (CSAC)*  
Government Finance and Administration, 1100 K Street, Suite 101, Sacramento, CA 95814  
Phone: (916) 650-8112  
elawyer@counties.org

**Kim-Anh Le**, Deputy Controller, *County of San Mateo*  
555 County Center, 4th Floor, Redwood City, CA 94063  
Phone: (650) 599-1104  
kle@smcgov.org

**William Lee**, Chief Deputy District Attorney, *County of San Bernardino District Attorney's Office*  
303 W. 3rd Street, San Bernardino, CA 92415-0502  
Phone: (909) 382-3800  
WLee@sbcda.org

**Klaus Leitenbauer**, Director of Finance, *County of Alpine*  
P.O. Box 266, Markleeville, CA 96120  
Phone: (530) 694-2284  
kleitenbauer@alpinecountyca.gov

**Fernando Lemus**, Principal Accountant - Auditor, *County of Los Angeles*  
Auditor-Controller's Office, 500 West Temple Street, Room 603, Los Angeles, CA 90012  
Phone: (213) 974-0324  
flemus@auditor.lacounty.gov

**Erika Li**, Chief Deputy Director, *Department of Finance*  
915 L Street, 10th Floor, Sacramento, CA 95814  
Phone: (916) 445-3274  
erika.li@dof.ca.gov

**Kenneth Louie**, Chief Counsel , *Department of Finance*

1021 O. Street, Suite 3110, Sacramento, CA 95814

Phone: (916) 322-0971

Kenny.Louie@dof.ca.gov

**Everett Luc**, Accounting Administrator I, Specialist, *State Controller's Office*

3301 C Street, Suite 740, Sacramento, CA 95816

Phone: (916) 323-0766

ELuc@sco.ca.gov

**Van Maddox**, Auditor/Treasurer/Tax Collector, *County of Sierra*

211 Nevada Street, 2nd Floor, P.O. Box 425, Downieville, CA 95936

Phone: (530) 289-3273

auttc@sierracounty.ca.gov

**Jill Magee**, Program Analyst, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

Jill.Magee@csm.ca.gov

**Suresh Malkani**, Finance Director, *Town of Apple Valley*

14955 Dale Evans Parkway, Apple Valley, CA 92307

Phone: (760) 240-7000

smalkani@applevalley.org

**Darryl Mar**, Manager, *State Controller's Office*

Local Reimbursements Section, 3301 C Street, Suite 740, Sacramento, CA 95816

Phone: (916) 323-0706

DMar@sco.ca.gov

**Ensen Mason**, Auditor-Controller/Treasurer/Tax Collector, *County of San Bernardino*

268 West Hospitality Lane, San Bernardino, CA 92415-0018

Phone: (909) 387-8322

webinfo@sbcountyatc.gov

**Donald McNair**, Auditor-Controller and Clerk, *County of Tuolumne*

2 South Green Street, Second Floor, Sonora, CA 95370

Phone: (209) 533-5551

auditor-controller@tuolumnecounty.ca.gov

**Michelle Mendoza**, Business Engineer Lead and Senior Manager, *MAXIMUS*

17310 Red Hill Avenue, Suite 340, Irvine, CA 95403

Phone: (949) 440-0845

michellemendoza@maximus.com

**Luis Mercado**, Auditor, *County of Mariposa*

4982 10th Street, PO Box 729, Mariposa, CA 95338

Phone: (209) 966-7606

lmercado@mariposacounty.org

**Rajiv Narayan**, Deputy County Counsel, *County of Santa Clara***Claimant Representative**

Office of the County Counsel, 70 West Hedding Street, East Wing, 9th Floor, San Jose, CA 95110

Phone: (669) 786-4287

rajiv.narayan@cco.sccgov.org

**David Neill**, Chief Counsel, *Office of Emergency Services*

3650 Schriever Ave, Mather, CA 95655

Phone: (916) 845-8510  
David.Neill@caloes.ca.gov

**Rosanna Nguyen**, Program Budget Manager, *Department of Finance*  
Local Government Unit, 915 L. Street, Sacramento, CA 95814  
Phone: (916) 445-3274  
Rosanna.Nguyen@dof.ca.gov

**John Nibbelin**, County Attorney, *County of San Mateo*  
500 County Center, Redwood City, CA 94063  
Phone: (650) 363-4757  
jnibbelin@smcgov.org

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

**Martee Nieman**, Auditor-Controller, *County of Plumas*  
520 Main Street, Room 205, Quincy, CA 95971  
Phone: (530) 283-6246  
marteenieman@countyofplumas.com

**Patrick O'Connell**, County Clerk Recorder, *County of Alameda*  
1221 Oak Street, Room 249, Oakland, CA 94512  
Phone: (510) 272-6565  
pat.oconnell@acgov.org

**Margaret Olaiya**, Director of Finance, *County of Santa Clara*  
**Claimant Contact**  
70 West Hedding Street, East Wing, 2nd Floor, San Jose, CA 95110  
Phone: (408) 299-5201  
Margaret.Olaiya@fin.sccgov.org

**Diane Olson**, Auditor-Controller, *County of Siskiyou*  
311 Fourth Street, Room 101, Yreka, CA 96097  
Phone: (530) 842-8078  
dlolson@co.siskiyou.ca.us

**Jamie Ostroff**, Chief Legal Officer and General Counsel, *California Medical Association*  
1201 K Street, Suite #800, Sacramento, CA 95814  
Phone: (800) 786-4262  
memberservice@cmadocs.org

**Patricia Pacot**, Accountant Auditor I, *County of Colusa*  
Office of Auditor-Controller, 546 Jay Street, Suite #202, Colusa, CA 95932  
Phone: (530) 458-0424  
ppacot@countyofcolusa.org

**Arthur Palkowitz**, Attorney, *Law Offices of Arthur M. Palkowitz*  
12807 Calle de la Siena, San Diego, CA 92130  
Phone: (858) 259-1055  
law@artpalk.onmicrosoft.com

**Kirsten Pangilinan**, Specialist, *State Controller's Office*  
Local Reimbursements Section, 3301 C Street, Suite 740, Sacramento, CA 95816  
Phone: (916) 322-2446  
KPangilinan@sco.ca.gov

**Deborah Paolinelli**, Assistant County Administrative Officer, *County of Fresno*  
2281 Tulare, Suite 304, Fresno, CA 93271  
Phone: (559) 600-1710  
dpaolinelli@fresnocountyca.gov

**Alice Park-Renzie**, Administrative Analyst, *County of Alameda*  
County Administrator's Office, 1221 Oak Street, Oakland, CA 94612  
Phone: (510) 272-3873  
Alice.Park@acgov.org

**Krista Peterson**, Auditor-Controller, *County of Tehama*  
444 Oak Street, Room J, Red Bluff, CA 96080  
Phone: (530) 527-3474  
kpeterson@tehama.gov

**Trevor Power**, Accounting Manager, *City of Newport Beach*  
100 Civic Center Drive, Newport Beach, CA 92660  
Phone: (949) 644-3085  
tpower@newportbeachca.gov

**Jonathan Quan**, Associate Accountant, *County of San Diego*  
Projects, Revenue, and Grants Accounting, 5530 Overland Ave, Suite 410, San Diego, CA 92123  
Phone: 6198768518  
Jonathan.Quan@sdcountry.ca.gov

**Juan Raigoza**, Auditor-Controller, *County of San Mateo*  
555 County Center, 4th Floor, Redwood City, CA 94063  
Phone: (650) 363-4777  
jraigoza@smcgov.org

**Roberta Raper**, Director of Finance, *City of West Sacramento*  
1110 West Capitol Ave, West Sacramento, CA 95691  
Phone: (916) 617-4509  
robertar@cityofwestsacramento.org

**David Richstone**, Auditor-Controller, *County of Madera*  
200 W. 4th Street, Madera, CA 93637  
Phone: (559) 675-7707  
David.Richstone@maderacounty.com

**Chad Rinde**, Director of Finance, *County of Sacramento*  
700 H Street, Room 3650, Sacramento, CA 95814  
Phone: (916) 874-7248  
RindeC@SacCounty.gov

**Monica Rocha**, Administrative Services Manager, *County of Santa Cruz*  
Sheriff's Office Administration Bureau, 5200 Soquel Avenue, Santa Cruz, CA 95062  
Phone: (831) 454-7600  
monica.rocha@santacruzcountyca.gov

**Erick Roeser**, Auditor-Controller-Treasurer-Tax Collector, *County of Sonoma*  
575 Administration Drive, Suite 104A, Santa Rosa, CA 95403  
Phone: (707) 565-2281  
Erick.Roeser@SonomaCounty.gov

**Benjamin Rosenfield**, City Controller, *City and County of San Francisco*  
1 Dr. Carlton B. Goodlett Place, Room 316, San Francisco, CA 94102

Phone: (415) 554-7500  
ben.rosenfield@sfgov.org

**Tacy Oneto Rouen**, Auditor, *County of Amador*  
810 Court Street, Jackson, CA 95642-2131  
Phone: (209) 223-6357  
trouen@amadorgov.org

**Jessica Sankus**, Senior Legislative Analyst, *California State Association of Counties (CSAC)*  
Government Finance and Administration, 1100 K Street, Suite 101, Sacramento, CA 95814  
Phone: (916) 327-7500  
jsankus@counties.org

**Clinton Schaad**, Auditor-Controller, *County of Del Norte*  
981 H Street, Suite 140, Crescent City, CA 95531  
Phone: (707) 464-7202  
cschaad@co.del-norte.ca.us

**Betsy Schaffer**, Auditor-Controller, *County of Santa Barbara*  
105 East Anapamu Street, Room 303, Santa Barbara, CA 93101  
Phone: (805) 568-2101  
bschaffer@co.santa-barbara.ca.us

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

**Angie Schwartz**, Deputy Director, *Department of Social Services*  
Children and Family Services, 744 P Street, MS 8-17-18, Sacramento, CA 95814  
Phone: (916) 657-2614  
Angie.Schwartz@dss.ca.gov

**Cindy Sconce**, Director, *Government Consulting Partners*  
5016 Brower Court, Granite Bay, CA 95746  
Phone: (916) 276-8807  
cindysconcegc@gmail.com

**Shelly Scott**, Assessor-Recorder-County Clerk, *County of Marin*  
3501 Civic Center Drive, Suite 208, San Rafael, CA 94903  
Phone: (415) 473-7215  
Assessor@marincounty.org

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

**Greg Sessions**, Interim Auditor Controller, *County of Calaveras*  
891 Mountain Ranch Road, San Andreas, CA 95249  
Phone: (209) 754-6343  
gsessions@calaverascounty.gov

**Rupa Shah**, Auditor-Controller, *County of Monterey*  
168 West Alisal Street, 3rd Floor, Salinas, CA 93901  
Phone: (831) 755-5040  
shahr@co.monterey.ca.us

**Carla Shelton**, Senior Legal Analyst, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
carla.shelton@csm.ca.gov

**Camille Shelton**, Chief Legal Counsel, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
camille.shelton@csm.ca.gov

**Amy Shepherd**, Auditor-Controller, *County of Inyo*  
Auditor-Controller, 168 N. Edwards Street, Independence, CA 93526  
Phone: (760) 878-0343  
ashepherd@inyocounty.us

**Taya Short**, Treasurer/Tax Collector, *County of Lassen*  
220 S. Lassen Street Ste 3, Susanville, CA 96130  
Phone: (530) 251-8218  
TShort@co.lassen.ca.us

**Nolda Short**, Auditor-Controller, *County of Shasta*  
1450 Court Street, Suite 238, Redding, CA 96001  
Phone: (530) 245-6657  
nshort@co.shasta.ca.us

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

**Angela Slais**, Director, *County of Alpine*  
Health and Human Services, 75 A Diamond Valley Rd, Markleeville, CA 96120  
Phone: (530) 694-2146  
aslais@alpinecountyca.gov

**Paul Steenhausen**, Principal Fiscal and Policy Analyst, *Legislative Analyst's Office*  
925 L Street, Suite 1000, , Sacramento, CA 95814  
Phone: (916) 319-8303  
Paul.Steenhausen@lao.ca.gov

**David Swanson Hollinger**, Chief Deputy Director, *Department of Social Services*  
Executive , 744 P Street MS 8-17-11, Sacramento, CA 95814  
Phone: (916) 657-2598  
David.Swansonhollinger@dss.ca.gov

**Jolene Tollenaar**, Consultant, *MGT Consulting Group*  
2251 Harvard Street, Suite 134, Sacramento, CA 95815  
Phone: (916) 243-8913  
jolenetollenaar@gmail.com

**Gregory Totten**, Chief Executive Officer, *California District Attorneys Association*  
2495 Natomas Park Drive, Suite 575, Sacramento, CA 95833  
Phone: (916) 443-2017  
gtotten@cdaa.org

**James Touchstone**, General Counsel, *California State Sheriffs' Association*  
3777 North Harbor Boulevard, Fullerton, CA 92835

Phone: (714) 446-1400  
jrt@jones-mayer.com

**Jessica Uzarski**, Consultant, *Senate Budget and Fiscal Review Committee*  
1020 N Street, Room 502, Sacramento, CA 95814  
Phone: (916) 651-4103  
Jessica.Uzarski@sen.ca.gov

**Alejandra Villalobos**, Management Services Manager, *County of San Bernardino*  
Office of Auditor-Controller, 222 West Hospitality Lane, Forth Floor, San Bernardino, CA 92415  
Phone: (909) 382-3191  
alejandra.villalobos@sbccountyatc.gov

**Tiffany Walston**, County Counsel, *County of Los Angeles*  
648 Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, CA 90012-2713  
Phone: (213) 974-1811  
twalston@counsel.lacounty.gov

**Stephanie Wellemeyer**, Auditor/County Clerk, *County of Modoc*  
108 E. Modoc Street, Alturas, CA 96101  
Phone: (530) 233-6231  
auditor@co.modoc.ca.us

**Renee Wellhouse**, President, *David Wellhouse & Associates, Inc.*  
3609 Bradshaw Road, H-382, Sacramento, CA 95927  
Phone: (916) 797-4883  
dwa-renee@surewest.net

**Adam Whelen**, Director of Public Works, *City of Anderson*  
1887 Howard St., Anderson, CA 96007  
Phone: (530) 378-6640  
awhelen@ci.anderson.ca.us

**Gina Will**, Auditor-Controller, *County of Nevada*  
950 Maidu Avenue, Suite 230, Nevada City, CA 95959  
Phone: (530) 265-1244  
auditor.controller@nevadacountyca.gov

**Kelly Winston**, Bureau Chief, *Child Welfare Policy & Program Development Bureau*  
744 P Street, MS 8-11-87, Sacramento, CA 95814  
Phone: (916) 651-6100  
kelly.winston@dss.ca.gov

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

**Arthur Wylene**, General Counsel, *Rural County Representatives of California (RCRC)*  
1215 K Street, Suite 1650, Sacramento, CA 95814  
Phone: (916) 447-4806  
awylene@rcrcnet.org

**Elisa Wynne**, Staff Director, *Senate Budget & Fiscal Review Committee*  
California State Senate, State Capitol Room 5019, Sacramento, CA 95814  
Phone: (916) 651-4103  
elisa.wynne@sen.ca.gov

**Kaily Yap**, Budget Analyst, *Department of Finance*  
Local Government Unit, 915 L Street, Sacramento, CA 95814  
Phone: (916) 445-3274  
Kaily.Yap@dof.ca.gov

**Siew-Chin Yeong**, Director of Public Works, *City of Pleasonton*  
3333 Busch Road, Pleasonton, CA 94566  
Phone: (925) 931-5506  
syeong@cityofpleasantonca.gov

**Traci Young**, IS Project Director, *City and County of San Francisco*  
San Francisco Public Utilities Commission (SFPUC), 525 Golden Gate Ave, San Francisco, CA 94102  
Phone: (415) 653-2583  
tmyoung@sfwater.org

**Luis Zamora**, Confidential Executive Assistant to the City Attorney, *City and County of San Francisco*  
Office of the City Attorney, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102  
Phone: (415) 554-4748  
Luis.A.Zamora@sfcityatty.org

**Jess Zayas**, Bureau Manager, *Department of Social Services*  
Finance & Accounting, 744 P Street MS 17-27, Sacramento, CA 95814  
Phone: (916) 654-0958  
Jess.Zayas@dss.ca.gov

**Helmholt Zinser-Watkins**, Associate Governmental Program Analyst, *State Controller's Office*  
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 700,  
Sacramento, CA 95816  
Phone: (916) 324-7876  
HZinser-watkins@sco.ca.gov