

ADOPTED: 5/21/80

Parameters and Guidelines  
Title 8, Article 10.1, Sections 3401-3409  
(Firefighters Safety Clothing and Equipment)

These executive orders require that local agency fire departments purchase certain specific types and kinds of fire clothing and equipment for its structural fire fighters.

The involved executive orders caused local agency fire departments to incur costs as a result of new specific types and kinds of fire safety clothing and equipment purchases for structural fire fighters.

- A. Board of Control Decision: November 20, 1979, the Board determined a mandate exists in the above regulation.
- B. Operative Date of Mandate: September 1, 1978
- C. Period of Claim: The first claim filed should be for costs incurred during the period September 1, 1978, through June 30, 1979. Subsequent fiscal year costs may be claimed when entire years' costs have been incurred. The State Board of Control will only act on claims for actual costs.
- D. Filing Procedures: When a mandate is recognized by the Legislature and funds appropriated to pay the costs of that mandate, your claim should be filed directly with the Controller's Office pursuant to Revenue and Taxation Code Section 2231. After audit, the Controller may then effect payment of your claim. The Controller has sent an information package for such claims (dated September 17, 1979) to all County Auditors, City Fiscal Officers, County Superintendent of Schools, Superintendents of School Districts, and Administrators of Special Districts. This correspondence identifies and provides instructions for filing claims on all "legislatively recognized mandates".

The Board of Control's authority to consider reimbursement of state mandated programs is found in Revenue and Taxation Code Section 2253 which reads:

"Claims submitted pursuant to this article for reimbursement, as required by Section 2231, of a cost mandated by the state shall be limited to the following:

(a) A claim alleging that the Controller has incorrectly reduced payments to a local agency pursuant to the provisions of paragraph (2) of subdivision (d) of Section 2231;

(b) A claim alleging that a chaptered bill or an executive order has resulted in costs mandated by the state and that such bill or executive order contains a provision making inoperative Section 2231 or 2234;

(c) A claim...alleging that a chaptered bill has resulted in costs mandated by the state and that such bill contains neither a provision making inoperative Section 2231 or 2234 nor an appropriation to reimburse the claimant for such costs; or

(d) A claim alleging that...an executive order has resulted in costs mandated by the state, that no funds have been appropriated pursuant to Section 2231 to reimburse the claimant for such costs, and that such...executive order does not contain a provision making inoperative Section 2231 or 2234...

Subdivisions (b) and...(c) of this section shall apply only to claims submitted under a bill chaptered after January 1, 1973, for all costs incurred after January 1, 1978."

With the exception of subsection (a), the Board's jurisdiction applies when it is claimed that a statute or regulation has required an increased level of service or a new program. This question requires a decision by the Board. If you believe a statute or executive order constitutes a mandate, you are encouraged to communicate with your representative organization, albeit League of California Cities, CSAC, Mandated Cost Network, or various special district organizations. This coordination is essential to develop representative claims of first impression brought by one or more entities.

The Board's ruling on these test claims determines the fate of future claims against the same statute. If the Board agrees with the claimant that a mandate exists, the Board's staff is directed to prepare "Parameters and Guidelines" for reimbursement.

After extensive negotiation among the Board staff, the "first impression" claimants and their representatives, the State Controller's staff, and the agencies involved with the mandate, proposed "Parameters and Guidelines" are presented to the Board by its staff. Upon the Board's approval, all claimants and potential claimants are notified, through their representative organizations, to file in the manner prescribed by the new "Parameters and Guidelines". This document was prepared and distributed to you in the same manner.

Your claim should be sent directly to the Local Mandated Cost Unit of the Board of Control, at 926 "J" Street, Suite 300, Sacramento, California 95814.

Following an administrative review of the claim to ensure its completeness, the Board will forward the claim to the State Controller for auditing of the claim. The Controller's Office must make a recommendation to the Board and, as a result, may seek further documentation from you. You will be allowed an opportunity to review such recommendation prior to the Board's hearing of your claim. Where reductions are recommended by the Controller, the Board will review at its hearing the original claimed amount as well as the Controller's recommended amount. If, in your opinion, the claim has been recommended for reduction incorrectly, the Board encourages you to attend the hearing and defend your position. If you do not challenge the reductions, or if no reductions are made, it is unnecessary to attend the hearing, as such claims are generally placed on the consent calendar.

Claims which the Board approves cannot be reimbursed without an appropriation from the Legislature. Consequently, the Board sponsors two claims bills each year containing all approved mandated cost claims. These claims bills are heard before the Assembly Ways and Means Committee and the Senate Finance Committee. At the Committee hearings, the

Department of Finance, Legislative Analyst, Board staff and other interested parties present testimony. Some claims may be reduced or eliminated by the Legislature, but generally, most of the claims are approved. Your organization representative can usually give you the best information about the status of such bills.

When the claims bill has been approved by the required two-thirds of both houses of the Legislature, it is presented to the Governor for his signature. The Governor may also exercise discretion in reducing the claimed amounts by "blue-pencilling" specific portions of the appropriation. When such reductions are made, the Governor gives his reasons in writing.

As soon as the Governor signs the claims bill, the Board of Control reimburses those claims for which an appropriation has been made. Where reduction or denial of claims has occurred, the claimants are informed of that action. Where the Legislature and Governor have approved reimbursement for costs that will continue, the law requires that reimbursement for such costs be included in the State Budget Bill (Revenue and Taxation Code, Section 2231(b)). Therefore, in subsequent years, you may file a claim directly with the Controller's Office.

- E. Governing Authority: The costs for the salary and expenses of the governing authority are not reimbursable. As defined by Federal Regulation OASC-10, such costs occur as an integral part of "general government" and, therefore, are not increased or decreased by mandated programs.
  
- F. Using the Format: The format is provided to help claimants organize their supporting data. Portions of the claim lacking verification will be disallowed by the State Controller.

G. Auditing: All costs claimed must be traceable to supporting source documents or worksheets. Only those documents specifically requested in these parameters and guidelines must be attached to the claim; however, all other supporting documents must be kept on file to be made available on request of the State Controller.

H. Certification of Cost: All claimants must complete and sign the certification of cost below:

I DO HEREBY CERTIFY:

THAT Sections 1090 to 1096, inclusive, of the Government Code and other applicable provisions of the law have been complied with; and  
 THAT I am the person authorized by the local agency to file claims for funds with the State of California.

Signature of Authorized Representative	Date
Title	Telephone Number ( )

I. Reimbursable Costs:

1. Cost of the following types of equipment and clothing purchased subsequent to September 1, 1978:

- a. Turnout Coat
- b. Turnout Pants
- c. Gloves
- d. Helmet
- e. Goggles (may be no increased cost)
- f. Fire Retardant Pants (if necessary)
- g. Leather Safety Shoes
- h. Breathing Apparatus

2. The cost of Items a through e above must be reduced by the cost of similar equipment purchased prior to September 1978 adjusted by an annual inflationary factor. (See Attachment "A") Purchase orders,

invoices or other business records substantiating the purchase price of equipment prior to September 1, 1978, and subsequent to September 1, 1978, must be provided with the claim.

3. The cost of items f and g may be claimed in full since specific items were not required prior to September 1, 1978. Purchase orders, invoices or other business records substantiating the purchase price must be provided with the claim.
- 4a. The cost of item h must be reduced by the cost of similar equipment purchased prior to September 1, 1978, adjusted by an annual inflationary factor. (See Attachment "A") Purchase orders, invoices or other business records substantiating the purchase price of equipment prior to September 1, 1978, and subsequent to September 1, 1978, must be provided with the claim.
- 4b. If the local entity chose to convert the Breathing Apparatus to comply with the requirements of Title 8, Sections 3401-3409, the following conversion costs are reimbursable:
  - (1) Salary and benefits of personnel converting the apparatus.
  - (2) Purchase cost of conversion parts. Purchase orders, invoices or other business records must be provided to substantiate the purchase price of conversion parts.
  - (3) If the local entity contracted for conversion of the breathing apparatus, the cost of the contract will be reimbursed. Invoices must be provided with the claim to substantiate contract costs.
- 4c. Show the salary and employee benefits for the fiscal year being claimed in 4b(1) above as follows:

Position	Hourly Salary	x Hours Worked	x Actual Benefits
			(Show how the benefit percentage was derived.)

WHEN SUBMITTING A CLAIM FOR THE 1979-80  
FISCAL YEAR, USE THE INFLATIONARY FIGURE  
FOR THE FISCAL YEAR IN WHICH THE EQUIPMENT,  
PRIOR TO SEPTEMBER 1, 1978, WAS PURCHASED.

1970-71	1.968
1971-72	1.916
1972-73	1.846
1973-74	1.718
1974-75	1.529
1975-76	1.409
1976-77	1.337
1977-78	1.245
1978-79	1.162



	-A-	-B-	-C-	-D-	-E-	-F-	Column E x Column F = Increased Cost
Equipment	Cost Per Item Prior to 9-1-78	* Appropriate Inflationary Factor	Column A x Column B	Cost Per Item Subsequent to 9-1-78	Column D Less Column C	Number of Items Purchased	
1. Turnout Coat							
2. Turnout Pants							
3. Gloves							
4. Helmet							
5. Goggles							
6. Fire Retardant Pants (if necessary)							
7. Leather Safety Shoes							
8. Breathing Apparatus (if applicable)							

\*Inflationary Factors for use in Column B, above--when submitting a claim for the period September 1, 1978/June 30, 1979, use the inflationary figure for the fiscal year in which equipment prior to September 1, 1978, was purchased.

70-71 1.807 - 71-72 1.758 - 72-73 1.664 - 73-74 1.511  
74-75 1.367 - 75-76 1.288 - 76-77 1.197 - 77-78 1.106

If submitting the 1979-80 fiscal year claim, use the inflationary figures shown on the following page.

TOTAL OF  
COLUMN E

Cost of Conversion of  
Breathing Apparatus  
(See I4b and I4c)

Total Column E +

Total Reimbursement