

Adopted: 5/26/94
Amended: 1/29/10

AMENDMENT TO PARAMETERS AND GUIDELINES

Vehicle Code § 10500

Statutes 1990, Chapter 337

Stolen Vehicle Notification

05-PGA-68 (CSM-4403)

This amendment is effective beginning with claims filed for the July 1, 2005 through June 30, 2006 period of reimbursement.

I. Summary of Mandate

Statutes 1990, chapter 337, amended Vehicle Code § 10500 to require that the original reporting law enforcement agency notify the reporting party of the location and condition of a recovered stolen vehicle, within 48 hours of receiving notice of the recovery.

II. Commission on State Mandates' Decision

At its hearing of September 24, 1992, the Commission determined that, to the extent the provisions of Vehicle Code § 10500 exceed the notification requirements set forth in prior laws, § 10500 requires local agencies to implement a new program or higher level of service in an existing program, within the meaning of section 6, article XIII B of the California Constitution and Government Code § 17514.

III. Eligible Claimants

Counties and cities.

IV. Period of Reimbursement

This amendment is effective beginning with claims filed for the July 1, 2005 through June 30, 2006 period of reimbursement.

Statutes 1990, chapter 337, became effective January 1, 1991. Government Code § 17557 states that a test claim must be submitted on or before December 31 following a given fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was filed by the County of San Bernardino on November 15, 1991. Therefore, reimbursement claims may be filed for costs incurred on or after January 1, 1991.

Actual costs for one fiscal year should be included in each claim. Estimated costs for the subsequent fiscal year may be included in the same claim, if applicable. Pursuant to Government Code § 17561, subdivision (d), subpart (3), all claims for reimbursement of costs shall be submitted within 120 days of notification by the State Controller of the enactment of the claims bill.

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

V. Reimbursable Costs

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, training packets, and declarations. Declarations must include a certification or declaration stating, "I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct based upon personal knowledge." Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

The claimant is only allowed to claim and be reimbursed for increased costs for reimbursable activities identified below. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate.

A. Scope of Mandate

Law enforcement agencies which originate a stolen vehicle report shall be reimbursed for the increased costs of notifying the party that reported the vehicle stolen of its recovery and the location and condition of the vehicle. The costs which are reimbursable are limited by the following requirements:

1. The original reporting law enforcement agency shall not be the same agency that recovers the vehicle, except as noted in Item 2 below.
2. When the reporting party is not the owner of the vehicle, the original reporting agency and the recovering agency may be the same.

B. Reimbursable Activities

For each eligible claimant, the following is reimbursable:

The cost of notifying the reporting party, by telephone or in writing, of the location and the condition of the recovered vehicle.

VI. Claim Preparation

Each claim for reimbursement pursuant to this mandate must be timely filed and set forth a listing of each item for which reimbursement is claimed under this mandate.

- A. Description of Activity
- B. Supporting Documentation

Claimed costs should be supported by the following information:

- 1. Employee Salaries and Benefits

Identify the employee(s), show the classification of the employee(s) involved, describe the mandated functions performed and specify the actual number of hours devoted to each function. The average number of hours devoted to each function may be claimed if supported by a documented time study.

As an alternative to the above methods, a unit time not to exceed ten minutes per report may be claimed.

- 2. Services and Supplies

Only expenditures which can be identified as a direct cost of the mandate can be claimed. List the cost of materials which have been consumed or expended specifically for the purpose of this mandate.

- 3. Allowable Overhead Costs

Indirect costs may only be claimed by using 10 percent of direct labor as an indirect cost rate or by preparing a departmental indirect cost rate proposal to determine the rate.

VII. Records Retention

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter¹ is subject to the initiation of an audit by the Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim. In any case, an audit shall be completed not later than two years after the date that the audit is commenced. All documents used to support the reimbursable activities, as described in Section V, must be retained during the period subject to audit. If the Controller has initiated an audit during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

¹ This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

VIII. Offsetting Savings and Other Reimbursements

Any offsetting savings the claimant experiences as a direct result of this statute must be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source, e.g., federal, state, etc., shall be identified and deducted from this claim.

IX. State Controller's Office Required Certification

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