

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Government Code Sections 5 1175 Through
5 1189, Health and Safety Code Sections
13108.5 and 13132.7, As Added or
Amended by Statutes of 1992, Chapter
1188, Statutes of 1994, Chapter 843, and
Statutes of 1995, Chapter 333

And filed December 29, 1997;

By the City of Redding, Claimant.

NO. CSM - 97-TC-13

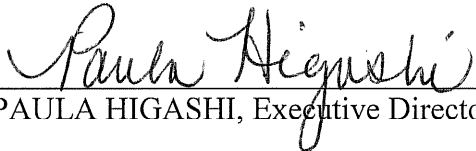
Very High Fire Hazard Severity
Zones

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

(Adopted on August 26, 1999)

ADOPTED PARAMETERS AND GUIDELINES

The Commission on State Mandates adopted the attached Parameters and Guidelines on
August 26, 1999.



PAULA HIGASHI, Executive Director

Parameters and Guidelines,

Government Code Sections 5 1175 through 5 1189
Health and Safety Code Sections 13 108.5 and 13 132.7
Statutes of 1992, Chapter 1188
Statutes of 1994, Chapter 843
Statutes of 1995, Chapter 333

Very High Fire Hazard Severity Zones

I. Summary and Source of the Mandate

In an effort to reduce the spread of uncontrolled fires, the Legislature enacted Statutes of 1992, Chapter 1188, Statutes of 1994, Chapter 843 and Statutes of 1995, Chapter 333 requiring the identity of “very high fire hazard severity zones” throughout the State. Pursuant to Government Code S-section 5 1178, the State Director of Forestry and Fire Protection is required to identify areas in the state as “very high fire hazard severity zones” and send a transmittal identifying said the zones to affected local agencies. Government Code section 5 1178 required the State to identify such zones in 15 specified counties by January 1, 1995.¹ Identification of “very high fire hazard severity zones” in all other counties was to be completed by the State by January 1, 1996. Thereafter, the State Director of Forestry and Fire Protection is required to periodically review, every five years, the areas in the state identified as “very high fire hazard severity zones” and make further recommendations regarding those areas as necessary. (Gov. Code, § 5 118 1.)

On April 29, 1999, the Commission found that the test claim legislation constitutes a partial reimbursable state mandated program within the meaning of article XIII B, section 6 of the California Constitution for the following reimbursable state mandated activities:

- ⌘ Malting the information contained in the State’s recommendation identifying an area as a “very high fire hazard severity zone” available to the public in a format that is “understandable and accessible to the general public, including, but not limited to, maps” within 30 days of receiving the State’s recommendation. (Gov. Code, § 5 1178.5 .)
- ⌘ Adopting an ordinance, consistent with the Model Ordinance adopted by the State Fire Marshal, within 120 days of receiving the State’s recommendation, which designates the “very high fire hazard severity zones” and describes the required maintenance standards in those designated areas. Local agencies are exempt from this requirement if the ordinances of the local agency, adopted on or before December 3 1, 1992, impose standards that are equivalent to, or more restrictive than, the standards imposed by the test claim legislation. (Gov. Code, § 51179.)
- ⌘ Sending additional notification of the maintenance requirements imposed by Government Code section 5 1182 to property owners and occupiers on an annual basis.

¹The 15 counties specified in section 5 1178 are Alameda, Contra Costa, Los Angeles, Marin, Napa, Orange, Riverside, San Bernardino, San Francisco, San Mateo, Santa Barbara, Santa Clara, Solano, Sonoma and Ventura.

II. Eligible Claimants

Counties, cities, a city and county, and special districts responsible for fire protection within a very high fire hazard severity zone.

III. Period of Reimbursement

At the time this test claim was filed, Section 17557 of the Government Code stated that a test claim must be submitted on or before December 31 following a given fiscal year to establish eligibility for reimbursement for that fiscal year. On December 29, 1997, the City of Redding filed the test claim for this mandate. Therefore, costs incurred for Statutes of 1992, Chapter 1188, Statutes of 1994, Chapter 843 and Statutes of 1995, Chapter 333 are eligible for reimbursement on or after July 1, 1996.

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

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

IV. Reimbursable Activities

For each eligible claimant, all direct and indirect costs of labor, supplies and services, and travel for the following activities only are eligible for reimbursement:

- A. Reviewing and analyzing State recommendations, maps, and other related materials.
- B. Making the information contained in the State's recommendation identifying an area as a "very high fire hazard severity zone" available to the public in a format that is understandable and accessible to the general public. This activity includes, but is not limited to, the development of maps and overlays.
- C. Adopting an ordinance, consistent with the Model Ordinance adopted by the State Fire Marshal, within 120 days of receiving the State's recommendation, which designates the "very high fire hazard severity zones" and describes the required maintenance standards in those designated areas. This activity includes the following:
 1. Drafting and adoption of an ordinance.
 2. Publication of the ordinance.

The activities listed in Components A, B and C are eligible for reimbursement any time the State updates its recommendations through the creation of new zones, or by changing the boundaries of existing zones.

- D. Sending additional notification of the maintenance requirements imposed by Government Code section 51182 to property owners and occupiers on an annual basis,
 1. Development of a manual or computer database or file for the names and addresses of owners and occupiers of property within "very high fire hazard severity zones" to the extent such information is not already maintained by the claimant. (One-time activity)

2. Input of names and addresses of owners and occupiers of property within “very high fire hazard severity zones” in the database or file. (One-time activity)
3. Updating the database or file containing the names and addresses of owners and occupiers of property within “very high fire hazard severity zones” to the extent such information is not already maintained by the claimant.
4. Development of the notice describing the maintenance requirements imposed by Government Code section 5 1182. (One-time activity)
5. Mailing the notice describing the maintenance requirements imposed by Government Code section 5 1182 to owners and occupiers of property within “very high fire hazard severity zones” on an annual basis.

V. Claim Preparation and Submission

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

SUPPORTING DOCUMENTATION

Claimed costs shall be supported by the following cost element information:

A. Direct Costs

Direct Costs are defined as costs that can be traced to specific goods, services, units, programs, activities or functions.

Claimed costs shall be supported by the following cost element information:

1. Salaries and Benefits

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

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

2. Materials and Supplies

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

3. Contract Services

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

4. Travel

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

5. Training

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

B. Indirect Costs

Indirect costs are defined as costs which 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 central government services distributed to other departments based on a systematic and rational basis through a cost allocation plan.

Compensation for indirect costs is eligible for reimbursement utilizing the procedure provided in the OMB A-87. Claimants have the option of using 10% of direct labor, excluding fringe benefits, or preparing an Indirect Cost Rate Proposal (ICRP) for the department if the indirect cost rate claimed exceeds 10%. If more than one department is claiming indirect costs for the mandated program, each department must have its own ICRP prepared in accordance with OMB A-87. An ICRP must be submitted with the claim when the indirect cost rate exceeds 10%.

VI. Supporting Data

For audit purposes, all costs claimed shall be traceable to source documents (e.g., employee time records, invoices, receipts, purchase orders, contracts, worksheets, calendars, declarations, etc.) that show evidence of the validity of such costs and their relationship to the state mandated program. All documentation in support of the claimed costs shall be made available to the State Controller's Office, as may be requested, and all reimbursement claims are subject to audit during the period specified in Government Code section 1755 8.5, subdivision (a).

VII. Offsetting Savings and Other Reimbursement

Any offsetting savings the claimant experiences as a direct result of the subject mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source, including but not limited to, service fees collected under the Public Records Act (Gov.

Code, § 6250 et al.), federal funds and other state funds shall be identified and deducted from this claim.

VIII. State Controller's Office Required Certification

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