

1 CALIFORNIA CODE OF REGULATIONS  
2 TITLE 2. ADMINISTRATION  
3 DIVISION 2. FINANCIAL OPERATIONS  
4 CHAPTER 2.5. COMMISSION ON STATE MANDATES

5 Article 1. General

6 § 1181.1. Delegation of Certain Functions; Executive Director Appeals.

7 (a) Whenever it is stated in these rules that the "Commission" may or shall exercise or discharge  
8 any power, duty, purpose, function, or jurisdiction, the Commission on State Mandates  
9 specifically has reserved the same for its own exclusive action.

10 (b) Whenever it is stated that the "executive director" may or shall exercise or discharge any  
11 power, duty, purpose, function, or jurisdiction, or it is not expressly stated that the Commission  
12 itself shall so act, the executive director of the Commission has the authority to act thereon.

13 (c) A real party in interest to a matter may appeal to the Commission for review of the actions  
14 and decisions of the executive director on that matter.

15 (1) The appellant shall file the appeal in writing within 10 days of first being served written  
16 notice of the executive director's action or decision.

17 (2) The appellant shall certify, file, and serve the appeal in accordance with section 1181.3 of  
18 these regulations.

19 (3) The appeal shall explain the basis for the appeal, state the action being requested of the  
20 Commission, and include all facts and materials the appellant believes are relevant to the appeal.

21 (4) The executive director shall schedule the appeal for hearing and vote by the Commission as  
22 soon as practicable following receipt of the appeal.

23 (5) Other parties may file comments on an appeal, which shall be certified, filed, and served in  
24 accordance with section 1181.3 of these regulations.

25 (6) The Commission shall determine whether to uphold the executive director's decision by a  
26 majority vote of the members present. The decision shall be final and not subject to  
27 reconsideration.

28 (7) The executive director shall notify the appellant in writing within 10 days of the  
29 Commission's decision.

30 (d) Nothing herein prohibits the executive director from delegating to subordinates as provided  
31 in Government Code section 18572.

32 Note: Authority cited: Sections 17527(g), 17530 and 17531, Government Code. Reference:  
33 Section 17530, Government Code; and *Redevelopment Agency v. Commission on State Mandates*  
34 (1996) 43 Cal.App.4th 1188.

35 § 1181.3. Certification, Filing, and Service of Written Materials and New Filings.

36 (a) Certification. All new filings and written materials filed with the Commission shall be signed  
37 at the end of the document, under penalty of perjury, with the declaration that the filing is true  
38 and correct to the best of the declarant's personal knowledge, information, or belief. The date of

1 signing, the declarant’s title, address, telephone number, and email address, if applicable, shall  
2 be included.

3 (b) Documents filed with the Commission shall not contain personal identifying information that  
4 violates state or federal privacy laws, including, but not limited to California Civil Code section  
5 1798 et seq.

6 (c) Filing and Service. New filings and written materials may be filed as described in this  
7 subdivision.

8 (1) E-Filing. Except as provided in subdivision (c)(2) of this section, all new filings and written  
9 materials shall be electronically filed (or e-filed) with the Commission.

10 (A) All new filings and written materials shall be filed via the Commission’s e-filing system,  
11 available on the Commission’s website. Documents e-filed with the Commission shall be in a  
12 legible and searchable format using a “true PDF” (i.e., documents digitally created in PDF,  
13 converted to PDF or printed to PDF) or optical character recognition (OCR) function, as  
14 necessary.

15 (B) Any new filing required to be filed on a form prescribed by the Commission shall be  
16 digitally signed, using the digital signature technology and authentication process contained  
17 within the Commission forms. The completed form shall be e-filed separately from any  
18 accompanying documents. Accompanying documents shall be e-filed together in a single file in  
19 accordance with subdivision (c)(1)(C) of this section, and shall not exceed 500 megabytes.  
20 Accompanying documents exceeding 500 megabytes shall also comply with subdivision  
21 (c)(1)(D) of this section.

22 (C) All e-filed documents, other than forms prescribed by the Commission, shall:

23 (i) be in unlocked PDF file format, to allow Commission staff to electronically date stamp the  
24 document and append additional pages for posting on the Commission’s website with a proof of  
25 service for e-service by the Commission, in lieu of the filer serving the document to the entire  
26 mailing list for the matter; and

27 (ii) include a scanned copy of the signed signature page, rather than a digitally signed document.  
28 The scanned copy shall be in black and white (not gray scale or color).

29 (D) E-filed documents larger than 500 megabytes shall be e-filed in multiple volumes and  
30 labeled as such (i.e., “Volume I, Volume II” etc.) and shall, in that case, include a table of  
31 contents. Filing of color documents is strongly discouraged. However, if a color image(s) is  
32 necessary for readability or comprehension, the color image(s) shall be e-filed in a separate and  
33 final volume of exhibits. E-filed documents shall include electronic bookmarks to each heading,  
34 subheading, and component (including but not limited to the table of contents, declarations,  
35 exhibits, proof of service) of the document. Documents not available or obtainable in electronic  
36 form may be scanned and OCRred and e-filed in a separate volume, however it is prohibited to e-  
37 file scanned documents that are available or obtainable electronically. E-filed documents that  
38 must be scanned, shall be scanned in black and white (not gray scale or color).

39 (E) The filer is responsible for maintaining the signed original new filing or written material for  
40 the duration of the process for the matter, including any period of appeal (this may be an  
41 electronic document, depending on how the filer creates and maintains its records).

42 (F) An automated notice that the document was successfully sent is immediately available to the

1 filer using the Commission's e-filing system and should be saved or printed for the filer's  
2 records. Commission staff shall also reply by e-mail confirming actual receipt of the legible,  
3 searchable document by the Commission within two business days of receipt. In the absence of a  
4 confirmation e-mail from Commission staff, it is the responsibility of the filer to obtain  
5 confirmation that the Commission actually received the filing.

6 (G) By using e-filing, the filer agrees, in the event of failure of e-filing, to re-file the document  
7 no later than the business day after the business day on which notice of the failure of e-filing is  
8 received by the filer. The filer may re-file by any means authorized by these rules, in order to  
9 maintain the original filing date. "Failure of e-filing" occurs when the filer receives notification,  
10 in any manner, of non-receipt of an e-filed document or of any other inability of Commission  
11 staff to access the document.

12 (H) Documents e-filed with the Commission are served by Commission staff to persons who  
13 have provided an e-mail address for the mailing list for the matter in accordance with section  
14 1181.4 of these regulations. E-filed documents do not need to be served by the filer and proof of  
15 service does not need to be provided by the filer for persons who have provided an e-mail  
16 address for the mailing list in accordance with section 1181.4. Nothing in this regulation excuses  
17 a filer from serving hard copies of written material on persons who appear on the mailing list and  
18 have not provided an e-mail address for the mailing list, or from providing a proof of service  
19 with the e-filing to the Commission for the service of the document on those persons.

20 (I) Upon confirmation of actual receipt of the e-filed document, Commission staff shall notify all  
21 persons on the mailing list for the matter that written material may be viewed on the  
22 Commission's website. For "new filings" as defined by section 1181.2(k) of these regulations,  
23 Commission staff shall notify all persons on the mailing list prepared pursuant to section 1181.4  
24 of these regulations, of the availability of those filings on the Commission's website when  
25 Commission staff issues its notice of complete filing to the filer.

26 (J) The Commission may serve any document by e-mail service, or by making it available at a  
27 particular URL, unless doing so would be contrary to state or federal law.

28 (K) The executive director may issue any order consistent with these rules to govern e-mail  
29 service for a particular matter.

30 (2) Hard Copy Filing and Service in Cases of Undue Hardship or Significant Prejudice. If e-  
31 filing legible and searchable PDF documents, as described in subdivision (c)(1) of this section,  
32 would cause the filer undue hardship or significant prejudice, filing may occur by first class mail,  
33 overnight delivery or personal service only upon approval of a written request to the executive  
34 director.

35 (A) Filing. If the executive director authorizes filing by first class mail, overnight delivery, or  
36 personal service, the filer shall file the unbound original document with the Commission.

37 (B) Service. If written materials are filed in hard copy, the filing shall simultaneously be served  
38 on everyone on the mailing list using the same method used for the filing. Unless otherwise  
39 provided in this section, a proof of service shall be included with any written material filed with  
40 the Commission. Proof of personal service requires a declaration of the messenger of the time  
41 and place that the written material was served. Service is not required for new filings because  
42 mailing lists for matters are only prepared, pursuant to section 1181.4 of these regulations, after a  
43 new filing is deemed complete. Completed new filings will be served on the mailing list by

1 Commission staff with the Notice of Complete Filing.

2 (3) Time of Filing. New filings or written materials filed with the Commission no later than 5  
3 p.m. on a business day (i.e., Monday through Friday, except state holidays) are deemed filed on  
4 that business day. New filings or written materials filed with the Commission after 5 p.m. on a  
5 business day, or on a Saturday, Sunday, or state holiday, are deemed filed on the following  
6 business day.

7 Note: Authority cited: Sections 16.5, 17527(g), 17553(a), 17570(d) and 11104.5, Government  
8 Code. Reference: Sections 1633.1 et seq., 1798 et seq., Civil Code; and Sections 11020(a),  
9 17530, 17551, 17557(d), 17558.7, 17570, 17573(b), 17574(c) and 17573(g), Government Code.

10 **§ 1181.10. Commission Meeting Procedures.**

11 (a) Presiding Member. The chairperson shall preside over all meetings of the Commission when  
12 present. In the chairperson's absence, the vice chairperson shall preside. If neither the  
13 chairperson nor the vice chairperson is in attendance, the member present who has the greatest  
14 seniority on the Commission shall preside. The presiding member may yield the chair.

15 (b) Public Comments.

16 (1) Comments in Writing. Any person may submit comments in writing on any agenda item by  
17 certifying, filing, and serving them in accordance with 1181.3 of these regulations. To be  
18 included as a part of the administrative record for the matter, comments must be provided to the  
19 Commission members and be made available for public review either before or at the  
20 Commission hearing on the matter.

21 (A) Comments received at least 15 days in advance of the meeting shall be included in the  
22 Commission's meeting binders, a copy of which is available for public viewing at the  
23 Commission meeting.

24 (B) Comments received more than five days in advance of the meeting shall be included in the  
25 Commission's meeting binders, if feasible, or shall be provided to the Commission when the item  
26 is called, unless otherwise agreed to by the Commission or the executive director.

27 (C) For written comments received less than five days in advance of the meeting, the commenter  
28 shall provide 12 copies to Commission staff at the in-person meeting. In the case of participation  
29 via teleconference, a PDF copy shall be filed via the Commission's dropbox at least 24 hours  
30 prior to the meeting. Commission staff shall provide copies of the comments to the Commission  
31 and shall place a copy on a table for public review when the item is called or, in the case of  
32 participation via teleconference, shall provide an electronic copy to the Commission and post a  
33 copy on the Commission's website, and may share the document with the Commission and the  
34 public using the "share screen" function.

35 (2) Oral Comments. Any person present and so desiring shall be given an opportunity to make  
36 oral comments on any agenda item, provided, however, that the presiding member may limit or  
37 preclude comments as necessary for the orderly conduct of business.

38 Note: Authority cited: Sections 17527(g) and 17553(a), Government Code. Reference: Sections  
39 11125.7, 17525 and 17526-17528, Government Code.

1           **Article 2. Applications for a Finding of Significant Financial Distress**

2           **§ 1182.2. Filing of an Application for a Finding of Significant Financial Distress.**

3           (a) Pursuant to Welfare and Institutions Code section 17000.6, in order for the board of  
4 supervisors of any county to obtain a finding of significant financial distress, the board of  
5 supervisors must submit a written application to the Commission on State Mandates.

6           (b) The applicant shall certify, file, and serve an original application, including supporting  
7 documents, ~~with the Commission~~ in accordance with section 1181.3 of these regulations.

8           (c) All applications shall contain at least the following:

9           (1) A table of contents, indicating page numbers.

10           (2) A copy of a resolution from the county board of supervisors stating that compliance with the  
11 standards set forth in Welfare and Institutions Code section 17000.5 will result in significant  
12 financial distress to the county for a specified period of time, up to 36 months.

13           (3) A written narrative, including a summary, detailing the relevant financial or other budgetary  
14 information and documents necessary for a county to make a compelling case that basic county  
15 services, including public safety, cannot be maintained without a reduction in the standard of aid  
16 as provided in Welfare and Institutions Code section 17000.5. The narrative shall also include:

17           (A) The monthly caseload of General Assistance recipients for each of the 12 months preceding  
18 the date the application is filed.

19           (B) The current monthly rate of the General Assistance Standard of Aid.

20           (C) The proposed reduced rate of the General Assistance Standard of Aid.

21           (D) An overview of county finances, including, but not limited to county revenue sources;  
22 budget reserve data; budget expenditures; mandated expenditures and maintenance of effort  
23 costs.

24           (E) A detailed summary of program needs and expenditure flexibility, including, but not limited  
25 to department-by-department data on unmet program needs for basic county services.

26           (F) The county's total population at the time the application is filed, and the total county  
27 population for the two fiscal years prior to the year in which the application was filed.

28           (d) The written narrative shall be submitted under penalty of perjury. If representations of fact  
29 are made, they shall be supported by documentary or testimonial evidence, submitted in  
30 accordance with section 1187.5 of these regulations.

31           (e) Each page of the application, including all supporting documentation, shall be consecutively  
32 numbered.

33           (f) The original application, including all supporting documentation, shall be unbound and  
34 single-sided.

35           (g) The executive director shall notify an applicant within 10 days of receipt of an application  
36 whether its application is incomplete. If the application is incomplete, the executive director may  
37 return the application to the county. An application shall be considered incomplete if the  
38 elements in subdivisions (b) through (f) of this section have not been satisfied, are illegible or are

1 not included. The requirements for Commission public hearings and decisions, as set forth in  
2 Welfare and Institutions Code section 17000.6(c), apply only to complete applications.

3 (h) Within 10 days of receipt of a completed application, the executive director shall notify the  
4 applicant that the application is complete, and notify the applicant of the schedule. The executive  
5 director shall also send the application to interested persons located in the applicant county.

6 (i) Prior to filing an application, a county may request a tentative date for conducting the hearing  
7 in the county. If a complete application is not received by a specified date, a new tentative  
8 hearing date may be set.

9 Note: Authority cited: Section 17527(g), Government Code; and Section 17000.6(b), Welfare  
10 and Institutions Code. Reference: Section 17000.6, Welfare and Institutions Code.

### 11 **Article 3. Test Claims**

#### 12 **§ 1183.17. Amendments to Parameters and Guidelines.**

13 (a) All requests pursuant to Government Code section 17557 to amend parameters and guidelines  
14 shall include the proposed language for the specific sections of the existing parameters and  
15 guidelines that are to be changed, and include a narrative explaining why the amendment is  
16 required.

17 A request to amend parameters and guidelines may be filed to make any of the following  
18 changes to the parameters and guidelines:

19 (1) Delete any reimbursable activity that is repealed by statute or executive order after the  
20 adoption of the original or last amended parameters and guidelines.

21 (2) Update offsetting revenue and offsetting savings that apply to the mandated program and do  
22 not require a new legal finding that there are "no costs mandated by the state" under Government  
23 Code section 17556(e).

24 (3) Include a reasonable reimbursement methodology for all or some of the reimbursable  
25 activities in accordance with Government Code section 17518.5. Any request to include a  
26 reasonable reimbursement methodology based on, in whole or in part, costs that have been  
27 included in claims submitted to the Controller, shall include a statement to this effect on the  
28 cover or first page of the request.

29 (4) Clarify reimbursable activities consistent with the original decisions on the test claim and  
30 parameters and guidelines.

31 (5) Add new reimbursable activities that are reasonably necessary for the performance of the  
32 original state-mandated program pursuant to section 1183.7(d) of these regulations.

33 (6) Define what is not reimbursable consistent with the original decisions on the test claim and  
34 parameters and guidelines.

35 (7) Consolidate the parameters and guidelines for two or more programs.

36 (8) Amend the "boilerplate" language.

37 (b) For purposes of this section, "boilerplate" language is defined as the language in the  
38 parameters and guidelines that is not unique to the state-mandated program that is the subject of  
39 the parameters and guidelines.

- 1 (c) The addition or substitution of requesters and supporting declarations based on the original  
2 facts alleged in an existing parameters and guidelines amendment request is not an  
3 "amendment." However, new proposals for amendments must be filed as a new parameters and  
4 guidelines amendment request.
- 5 (d) A claimant or state agency requesting an amendment to existing parameters and guidelines  
6 shall certify, file, and serve the request in accordance with section 1181.3 of these regulations. If  
7 representations of fact are made, they shall be supported by documentary or testimonial evidence  
8 in accordance with section 1187.5 of these regulations.
- 9 (e) Within 10 days of receipt of a request to amend parameters and guidelines, Commission staff  
10 shall issue a copy to those who are on the mailing list described in section 1181.4 of these  
11 regulations, and shall post the request on the Commission's website.
- 12 (f) Commission staff shall notify those who are on the mailing list described in section 1181.4 of  
13 these regulations that they shall have the opportunity to file written comments concerning the  
14 proposed amendment of the parameters and guidelines within 21 days of service, and shall post a  
15 copy of the notice on the Commission's website.
- 16 (g) Written comments on the request to amend the parameters and guidelines shall be certified,  
17 filed, and served in accordance with section 1181.3 of these regulations. If representations of fact  
18 are made, they shall be supported by documentary or testimonial evidence in accordance with  
19 section 1187.5 of these regulations.
- 20 (h) Written rebuttals to the comments may be filed within 21 days of service of the comments.  
21 Written rebuttals shall be certified, filed, and served in accordance with section 1181.3 of these  
22 regulations. If representations of fact are made, they shall be supported by documentary or  
23 testimonial evidence in accordance with section 1187.5 of these regulations.
- 24 (i) After review of the proposed amendment to the parameters and guidelines, written comments,  
25 and rebuttals filed, Commission staff shall prepare and issue for comment a draft proposed  
26 decision recommending whether the requester's proposed amendment to the parameters and  
27 guidelines should be adopted.
- 28 (j) Written comments on the draft proposed decision and recommendation on the proposed  
29 amendment to the parameters and guidelines shall be certified, filed, and served ~~with the~~  
30 ~~Commission~~ in accordance with section 1181.3 of these regulations, by the date noticed by the  
31 executive director. A three-week period for comments shall be given, subject to the executive  
32 director's authority to expedite all matters pursuant to Government Code section 17530. If  
33 representations of fact are made, they shall be supported by documentary or testimonial evidence  
34 in accordance with section 1187.5 of these regulations. All written comments timely filed shall  
35 be reviewed by Commission staff and may be incorporated into the proposed decision and  
36 recommendation on the proposed amendment to the parameters and guidelines.
- 37 (k) It is the Commission's policy to discourage the introduction of late comments, exhibits, or  
38 other evidence filed after the three-week comment period described in subdivision (j) of this  
39 section. The Commission need not rely on, and staff need not respond to, late comments,  
40 exhibits, or other evidence filed in response to a draft proposed decision after the comment  
41 period expires.
- 42 (l) An amendment shall be made only after the Commission has conducted a hearing in  
43 accordance with article 7 of these regulations.

1 Note: Authority cited: Sections 17527(g) and 17553(a), Government Code. Reference: Sections  
2 17518.5, 17530, 17553 and 17557, Government Code.

3 **Article 5. Incorrect Reduction Claims**

4 **§ 1185.1. Incorrect Reduction Claim Filing.**

5 (a) To obtain a determination that the Office of State Controller incorrectly reduced a  
6 reimbursement claim, a claimant shall file an "incorrect reduction claim" with the Commission  
7 as follows:

8 (1) A county auditor, auditor-controller, or director of finance who has assumed the duties of  
9 controller, may file ~~on~~ behalf of a county.

10 (2) A city manager, director of finance, or other officer with a delegation by ordinance or  
11 resolution from the city council, may file on behalf of a city.

12 (3) A district superintendent may file on behalf of a school district.

13 (4) A chancellor, vice chancellor, director of finance, or other officer with authority delegated by  
14 the governing body by ordinance or resolution, may file on behalf of a community college  
15 district.

16 (5) A general manager or other officer with authority delegated by the governing body by  
17 ordinance or resolution may file on behalf of a special district.

18 (b) If a claimant intends to pursue an incorrect reduction claim on behalf of a class of claimants,  
19 it must notify the Commission of its intent to do so at the time it files its incorrect reduction  
20 claim and meet the requirements of section 1185.3 of these regulations.

21 (c) All incorrect reduction claims and amendments thereto shall be filed with the Commission no  
22 later than three years following the date a claimant first receives from the Office of State  
23 Controller a final state audit report, letter, or other written notice of adjustment to a  
24 reimbursement claim, which complies with Government Code section 17558.5(c) by specifying  
25 the claim components adjusted, the amounts adjusted, interest charges on claims adjusted to  
26 reduce the overall reimbursement to the claimant, and the reason for the adjustment. The filing  
27 shall be returned to the claimant for lack of jurisdiction if this requirement is not met.

28 (d) An incorrect reduction claim shall pertain to alleged incorrect reductions in a reimbursement  
29 claim filed by one claimant. The incorrect reduction claim may be for more than one fiscal year.

30 (e) All incorrect reduction claims, or amendments thereto, shall be filed on a form provided by  
31 the Commission.

32 (f) All incorrect reduction claims, or amendments thereto, shall contain at least the following  
33 elements and documents:

34 (1) A copy of the Office of State Controller's claiming instructions that were in effect during the  
35 fiscal years of the reimbursement claims.

36 (2) A written detailed narrative that describes the alleged incorrect reductions. The narrative shall  
37 include a comprehensive description of the reduced or disallowed areas of costs.

38 (3) All representations of fact shall be supported by testimonial or documentary evidence in  
39 accordance with section 1187.5 of these regulations.



1 (4) A copy of any final state audit report, letter, or other written notice of adjustment from the  
2 Office of State Controller that explains the claim components adjusted, amounts reduced, and the  
3 reasons for the reduction or disallowance.

4 (5) A copy of the subject reimbursement claims the claimant submitted to the Office of State  
5 Controller.

6 (g) An incorrect reduction claim, or amendment thereto, and any accompanying documents, shall  
7 be certified, filed, and served in accordance with section 1181.3 of these regulations.

8 ~~(h) The claimant shall file the original incorrect reduction claim, or amendment thereto, and~~  
9 ~~accompanying documents with the Commission in accordance with section 1181.3 of these~~  
10 ~~regulations.~~

11 Note: Authority cited: Sections 17527(g) and 17553(a), Government Code. Reference: Sections  
12 17530, 17551(d), 17553(d), 17558.5(c) and 17558.7(a), Government Code.

13 **§ 1185.4. Joining a Consolidated Incorrect Reduction Claim.**

14 (a) Within 30 days of receipt of the Commission's notice regarding the original claimant's notice  
15 of intent to consolidate an incorrect reduction claim, any other eligible claimant may, on a form  
16 provided by the Commission, file a notice of intent to join the consolidated incorrect reduction  
17 claim.

18 (b) All notices of intent to join a consolidated incorrect reduction claim shall comply with  
19 section 1185.1(c) and contain at least the following elements and documents:

20 (1) A copy of the final state audit report, letter, or other written notice of adjustment from the  
21 Office of State Controller that explains the claim components adjusted, amounts reduced, and the  
22 reasons for the reduction.

23 (2) A copy of the subject reimbursement claims submitted to the Office of State Controller.

24 (3) A notice of intent to join a consolidated incorrect reduction claim shall include a certification  
25 by the joining claimant authorizing the original claimant to act as its representative in the  
26 consolidated incorrect reduction claim, and a declaration under penalty of perjury that the filing  
27 is true and complete to the best of the declarant's personal knowledge, information, or belief. The  
28 date signed, the declarant's title, address, telephone number, and e-mail address shall be  
29 included. All representations of fact shall be supported by testimonial or documentary evidence  
30 in accordance with section 1187.5 of these regulations.

31 (4) The joining claimant shall certify, file, and serve one original notice of intent to join and  
32 accompanying documents ~~with the Commission~~ in accordance with section 1181.3 of these  
33 regulations.

34 (c) Within 10 days of receipt of a notice of intent to join a consolidated incorrect reduction claim,  
35 Commission staff shall notify the joining claimant if the notice of intent to join is complete or  
36 incomplete. Notices of intent to join a consolidated incorrect reduction claim will be considered  
37 incomplete if any of the elements required in subdivision (b) of this section are illegible or not  
38 included. Incomplete notices of intent shall be returned to the joining claimant. If a complete  
39 notice of intent to join a consolidated incorrect reduction claim is not received by the  
40 Commission within 30 days from the date the incomplete notice of intent was returned to the  
41 joining claimant, the Commission shall deem the filing to be withdrawn.

1 (d) Any notice of intent to join the consolidated incorrect reduction claim, or portion thereof, that  
2 the Commission lacks jurisdiction to hear for any reason, including that the notice was not filed  
3 within the period of limitation required by section 1185.1(c) of these regulations, may be rejected  
4 or dismissed by the executive director with a written notice stating the reason therefor.

5 Note: Authority cited: Sections 17527(g), 17553(a) and 17558.7(g), Government Code.  
6 Reference: Sections 17558.5(c) and 17558.7, Government Code.

## 7 **Article 6. State Mandates Apportionment System**

### 8 **§ 1186.6. Request for Review of an Apportionment or Base Year Entitlement.**

9 (a) Upon request of a local agency, school district or state agency the Commission shall review  
10 the apportionment or base year entitlement pursuant to Government Code section 17615.8(a).

11 (b) In order to obtain a review of an apportionment or base year entitlement a "Request for  
12 Review" shall be certified, filed, and served in accordance with section 1181.3 of these  
13 regulations with the Commission.

14 (c) The request for review shall contain at least the following elements:

15 (1) Identification of the mandated program that is alleged to require review.

16 (2) A detailed narrative describing the need to modify the apportionment or base year  
17 entitlement.

18 (3) A statement to the effect that the other mandated programs included in the local agency or  
19 school district's apportionment are not overfunded in an amount sufficient to offset any  
20 underfunding.

21 (4) Cost information that outlines the amount of the funding for the total apportionment and the  
22 calculations necessary to show that the program needing modification either under or over  
23 reimburse the local agency or school district's actual costs by 20 percent or by \$1,000, whichever  
24 is less.

25 (d) Requests for review will be considered incomplete if any of the elements required in  
26 subdivision (c) of this section are illegible or not included. Incomplete requests for review shall  
27 be returned to the requester for completion. If a complete request is not received by the  
28 Commission within 30 days from the date the incomplete request was returned, the Commission  
29 shall deem the request to be withdrawn.

30 Note: Authority cited: Sections 17527(g) and 17615.8(a), Government Code. Reference: Section  
31 17615.8, Government Code.

## 32 **Article 7. Quasi-Judicial Hearing Procedures and Decisions**

### 33 **§ 1187.8. Representation at Hearing.**

34 (a) A party may appear in person or through an authorized representative. When using an  
35 authorized representative, a party shall designate in writing the authorized representative to act as  
36 its sole representative and shall certify, file, and serve written notice identifying the authorized  
37 representative in accordance with section 1181.3 of these regulations.

1 (b) A representative of a party shall be deemed to control all matters respecting the interest of  
2 that party in the proceeding. All correspondence and communications shall be issued to the  
3 authorized representative.

4 (c) Withdrawal of appearance of any representative may be effected by certifying, filing, and  
5 serving a written notice of withdrawal in accordance with section 1181.3 of these regulations.  
6 Any change in representation shall be authorized by the party in writing and certified, filed, and  
7 served in accordance with section 1181.3 of these regulations.

8 Note: Authority cited: 17527(c), 17527(g), 17551, 17553(a), 17555, 17620, 17621 and 17622,  
9 Government Code. Reference: Sections 17527(c), 17551 and 17553, Government Code.

10