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RECEIVED
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**Commission on
State Mandates**

May 1, 2018

Ms. Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Response to Department of Finance April 16, 2018 Comments on Test Claim 17-TC-01. U-VISA Form I -918, Victims of Crime: Nonimmigrant Status

Dear Ms. Halsey,

Please accept our response to the State Department of Finance's (DOF) April 16, 2018 comments to the City's Test Claim referenced above.

The DOF argues that the Commission on State Mandates (COSM) should reject the City of Claremont's UVISA Test Claim because ***"the City's test claim does not meet the cost threshold for filing a test claim (the City did not demonstrate that actual costs will exceed \$1,000)"*** and because ***"many of the asserted costs are not required under a plain reading of the law"***

The DOF states that they did not believe one-time costs alleged by the city: updating policies and procedures, and training staff on the new requirements; are eligible for reimbursement, and therefore those costs should be omitted from the city's computation of actual costs incurred. This, they argue, left only \$708 in actual FY 2017-18 costs, which was below the \$1,000 claiming threshold.

First, the City believes that the DOF is inappropriately and prematurely assuming which activities the COSM will or will not find to be eligible for State reimbursement. We are aware that in many other test claims such as: Child Abuse and Neglect (ICAN) Investigation Reports, Crime Statistics Report for the Department of Justice, and Crime Victims Domestic Violence Incident Reports; similar one-time activities were approved by the COSM.

The City believes that reviewing the new Penal Code sections and their requirements, disseminating that information to relevant staff, and updating Departmental Policies and Procedures is standard practice for law enforcement agencies and a reasonable method of implementing newly mandated statutes.

Second, even if the Commission were to determine that one-time costs were not eligible, the City's on-going Fiscal Year 2017-18 costs presented in the test claim would have exceeded the \$1,000 threshold. It appears that the DOF forgot to include eligible overhead or indirect costs to the \$708 they cited. An additional \$372 of indirect costs (85% ICRP) should have been added to the \$708 of direct costs, resulting in a total of \$1,080 in on-going costs for FY 2017-18.

Third, Test Claim instructions require the claimant to include a statement that "actual *or estimated* increased costs that *will be* incurred by the claimant to implement the alleged mandate" and that "actual and/or *estimated* costs resulting from the alleged mandate exceeds \$1,000." The City only has to show that they expect that their costs will exceed \$1,000 in order to file a test claim.

The City feels that DOF's reference to Government Code Section 17564 (a) is not appropriate as it does not relate to the Test Claiming process, but the Reimbursement Claiming process when actual cost claims are submitted to the State Controller's Office after Parameters and Guidelines and Claiming Instructions are released.

Government Code Sections 17551(c) addresses the requirements of submitting a test claim and states: "Local agency and school district *test claims* shall be filed not later than 12 months following the effective date of a statute or executive order, or within 12 months of incurring increased costs as a result of a statute or executive order, whichever is later." Further, Commission regulations 1183.1(c) state, "{f}or purposes of claiming based on the date of first incurring costs, 'within 12 months' means by June 30 of the fiscal year following the fiscal year in which increased costs were *first incurred* by the test claimant."

Therefore, the City has correctly satisfied the requirements for submitting a Test Claim and we request Commission consideration of this matter.

Sincerely,



Adam Pirrie
Finance Director

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.

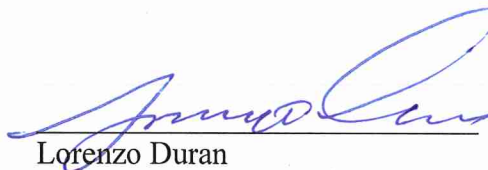
On May 1, 2018, I served the:

- **Claimant's Rebuttal Comments filed May 1, 2018**

U Visa 918 Form, Victims of Crime: Nonimmigrant Status, 17-TC-01
City of Claremont, 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 1, 2018 at Sacramento, California.



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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 4/25/18

Claim Number: 17-TC-01

Matter: U Visa 918 Form, Victims of Crime: Nonimmigrant status

Claimant: City of Claremont

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.)

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