

COMMISSION ON STATE MANDATES

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February 19, 2015

Mr. Jay Lal
State Controller's Office
Division of Accounting & Reporting
3301 C Street, Suite 700
Sacramento, CA 95816

And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: **Request for Comment**

Open Meetings Act/Brown Act Reform, CSM-4257-4469 (13-MR-02)
Government Code Section 54952, et al.
As Modified by Proposition 30, General Election, November 6, 2012
California Department of Finance, Requester

Dear Mr. Lal:

On January 23, 2015, the Commission on State Mandates (Commission) adopted a new test claim decision, ending reimbursement for the *Open Meetings Act/Brown Act Reform* program, pursuant to a redetermination request filed by the Department of Finance. Government Code section 17570 now requires the Commission to amend the parameters and guidelines for the program to conform to its new test claim decision, which determined that reimbursement for the program ended as of November 7, 2012. Accordingly, Commission staff issued draft expedited amended parameters and guidelines on January 30, 2015.

On February 13, 2015, the State Controller's Office (Controller) submitted written comments on the draft expedited amended parameters and guidelines, proposing several changes varying in scope. The Controller's comments state that these changes are "relevant because the school districts can still file claims for costs incurred from July 1, 2012 through November 6, 2012."

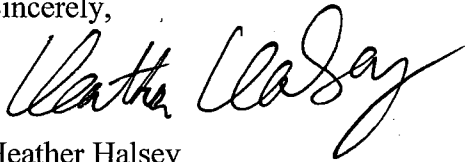
Government Code section 17560 provides that annual claims may be filed by February 15 following the fiscal year in which costs are incurred. Section 17561(d)(3) provides for the Controller to withhold 10 percent of the allowable amount of a claim filed late, but also states that in no case may a claim be paid if submitted more than one year after the filing deadline. Here, the Commission determined in the new test claim decision that reimbursement for the program ended as of November 7, 2012, approximately four months into the 2012-2013 fiscal year. Timely claims for that four month period of the 2012-2013 fiscal year, in accordance with section 17560, were required to be filed by February 15, 2014. Late claims, in turn, were required to be filed by February 15, 2015, in accordance with section 17561. Now that both dates have passed, it appears that any remaining claims under the *Open Meetings Act/Brown Act Reform* mandate are foreclosed.

Based on the foregoing and in light of the Controller's comments stating that school districts are still able to file for costs incurred between July 1, 2012 and November 6, 2012, Commission staff asks for additional comment and clarification as to why the proposed changes are necessary.

Mr. Jay Lal
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Please respond no later than **February 26, 2015**, so that we may keep this item on the agenda for the March Commission meeting. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Halsey". The signature is written in a cursive, flowing style with some loops and flourishes.

Heather Halsey
Executive Director

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Solano 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 February 19, 2015, I served the:

Request for Comment

Open Meetings Act/Brown Act Reform, CSM-4257-4469 (13-MR-02)
Government Code Section 54952, et al.

As Modified by Proposition 30, General Election, November 6, 2012
California Department of Finance, Requester

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 February 19, 2015 at Sacramento, California.



Heidi J. Palchik
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 2/12/15

Claim Number: CSM-4257/4469 (13-MR-02)

Matter: Open Meetings Act/Brown Reform Act

Requester: Department of Finance

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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