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September 9, 2013  
COMMISSION ON  
STATE MANDATES

**JOHN CHIANG**  
**California State Controller**  
Division of Accounting and Reporting

September 9, 2013

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

RE: Notice of Complete Filing and Schedule for Comments  
Mandate Redetermination Request, 13-MR-02  
Open Meetings Act/Brown Act Reform, (CSM-4257/4469)  
Government Code Sections 54952: et. al.  
California Department of Finance, Requester

Dear Ms. Halsey:

The State Controller's Office (SCO) reviewed the Department of Finance's request to adopt a new test claim decision to supersede the prior decision on the Open Meetings Act/Brown Act Reform (OMA/BAR) mandated cost program.

Government Code (GC) sections 54952, 54954.2, 54954.3, 54957.1, and 54957.7 are the basis for determining that OMA/BAR is a reimbursable state mandated program. Proposition 30 states as follows: "...Any requirement that a local agency comply with Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code, with respect to performing its Public Safety Services responsibilities, or any other matter, shall not be a reimbursable mandate under Section 6 of Article XIII B."

The SCO concurs that Proposition 30 is the subsequent change in law that eliminated reimbursement of state mandated costs for OMA/BAR program. Accordingly, GC section 17556, subdivision (f) states as follows:

**"§17556. Findings.** The commission shall not find costs mandated by the state in any claim submitted by a local agency or school districts, if, after a hearing, the commission finds...."

"(f) The statute or executive order imposes duties that are necessary to implement, or are expressly included in, a ballot measure approved by the voters in a statewide or local election. This subdivision applies regardless of whether the statute or executive order was enacted or adopted before or after the date on which the ballot measure was approved by the voters."

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If you have any questions regarding the above, please contact Eduardo Antonio at (916) 323-0755 or e-mail [eantonio@sco.ca.gov](mailto:eantonio@sco.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'JAL', with a long horizontal flourish extending to the right.

JAY LAL, Manager  
Local Reimbursements Section