

COMMISSION ON STATE MANDATES

1414 K Street, Suite 315
SACRAMENTO, CA 95814
(916) 323-3562



January 15, 1992

Mr. Fort Hartsfield, Battalion Chief/Fire Marshall
San Ramon Valley Fire Protection District
1500 Bollinger Canyon Road
San Ramon, CA 94583

RE: CSM-4419
Claim of San Ramon Valley Fire Protection District
1990 California Fire Incident
Reporting System Manual
New CFIRS Manual

Dear Mr. Hartsfield:

Your test claim filing was received in this office on December 31, 1991. This test claim requests that the Commission consider whether reimbursable "state mandated costs" resulted from the new California Fire Incidence Reporting System, New CFIRS Manual. This claim is set for hearing on August 27, 1992, at 10:00 a.m. in Room 444, State Capitol, Sacramento, California.

To aid in its decision on the mandated cost issue, the Commission requests that all state agencies receiving this letter analyze the merits of the claim and make recommendations under penalty of perjury on its validity under the provisions of the Government Code, Sections 17510 through 17630. Some areas that state agencies should consider when analyzing the claim are:

- 1) Does the new CFIRS manual constitute an "executive order" as defined by Government Code section 17516?
- 2) Do the requirements set forth in the new CFIRS manual result in "costs mandated by the state" as defined in Government Code section 17514, by requiring local agencies to provide a new program or higher level of service in an existing program?
- 3) Are any of the provisions for denying the existence of a reimbursable state mandated program, as set forth in Government Code section 17566, applicable to this test claim?

State agency recommendations should include the name of the individual who will appear on behalf of the agency. All state agency recommendations will be immediately forwarded to

Mr. Fort Hartsfield
January 15, 1992
Page Two

claimants and their representatives upon receipt by this office. Written state agency recommendations must be received by this office no later than July 2, 1992, so the claimant and its representative will have sufficient time to respond to any issues raised. Rebuttals from the claimant must be submitted by July 23, 1992.

All testimonial and documentary evidence must be authenticated by declarations under penalty of perjury signed by persons who are authorized or competent to do so, and the basis for authorization or competence must be stated in the declaration. Based upon information provided by all interested parties, the Commission will determine whether the claim meets the statutory requirements.

Claimants and state agencies should note that they are required to submit all information, including arguments, declarations, laws, and evidence being relied upon, to support their position by the due dates shown. If substantial new evidence or argument, either oral or written, is presented at the hearing, a probable consequence will be the continuation of the claim to a subsequent hearing. The continuation will be required so the opposing party and Commission staff will have the opportunity to review the new information.

Please be advised that, during the hearing, a court reporter will be present. Any persons wishing a transcript should direct a written request to this office. A fee will be charged for preparation of the transcript.

If you have any further questions or concerns, please do not hesitate to contact me.

Sincerely,



STEPHEN R. LEHMAN
Assistant Executive Director

SRL: :0898s

cc:w/CFIRS Manual:

Mr. Jim Apps, Department of Finance --

Recommendation Due: 7/2/92

Ms. Gaye Welch-Brown, State Controller's Office --

Recommendation Due: 7/2/92

cc:wo/CFIRS Manual:

Ms. Cathy A. Neff, Attorney General's Office

Ms. Marianne O'Malley, Legislative Analyst's Office

Mr. David Walizer, Office of the State Fire Marshall --

Recommendation Due: 7/2/92

Mr. Allan Burdick, David M. Griffith & Associates



DAVID M. GRIFFITH AND ASSOCIATES, LTD.

December 30, 1991

Mr. Robert Eich
Executive Director
Commission on State Mandates
1414 "K" Street, Suite 315
Sacramento, CA 95814

Dear Mr. Eich:

Enclosed please find a Test Claim that is submitted on behalf of the San Ramon Valley Fire Protection District. Mr. Allan Burdick, of the DMG staff, will be working with the District in the presentation of its claim.

Sincerely yours.

A handwritten signature in black ink, appearing to read "Louis E. Chappie", is written over the typed name.

Louis E. Chappie
Executive Vice President

LEC:nr

Enclosure