

GRAY DAVIS  
GOVERNOR



# STATE OF CALIFORNIA COMMISSION ON STATE MANDATES

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## REPORT TO THE LEGISLATURE: APPROVED MANDATES

June 1, 2002 – January 31, 2003

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Director  
Department of Finance

Philip Angelides, Vice Chairperson  
State Treasurer

Steve Westly  
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**TABLE OF CONTENTS**

	<u>Page</u>	
<b>INTRODUCTION</b> .....	01	
<b>FISCAL SUMMARY</b> .....	03	
<b>MANDATE SUMMARIES</b> :.....	05	
<i>Employee Benefits Disclosure, CSM 4502 (Amended by 98-TC-03)</i>		
Clovis Unified School District, Claimant		
Education Code Sections 42140, 42141, and 42142,		
Statutes 1994, Chapter 650		
Statutes 1995, Chapter 525		
Statutes 1996, Chapter 1158 .....		07
<i>Law Enforcement College Jurisdiction Agreements, 98-TC-20</i>		
Contra Costa Community College District, Claimant		
Education Code Section 67381		
Statutes 1998, Chapter 284 .....		11
<i>School District Fiscal Accountability Reporting, 97-TC-19</i>		
Alameda County Office of Education, Claimant		
Education Code Sections 42100, 42127, 42127.5, 42127.6, 42128, 42131		
Government Code Section 3540.2		
Statutes 1981, Chapter 100		
Statutes 1985, Chapter 185		
Statutes 1986, Chapter 1150		
Statutes 1987, Chapters 917 and 1452		
Statutes 1988, Chapters 1461 and 1462		
Statutes 1990, Chapter 525		
Statutes 1991, Chapter 1213		
Statutes 1992, Chapter 323		
Statutes 1993, Chapters 923 and 924		
Statutes 1994, Chapters 650 and 1002		
Statutes 1995, Chapter 525 .....		13
<i>County Office Of Education Fiscal Accountability Reporting, 97-TC-20</i>		
Alameda County Office of Education, Claimant		
Education Code Sections 1240, subdivision (j), 1240.2, 1620, 1622, 1625, 1628, and 1630		
Statutes 1987, Chapters 917 and 1452		
Statutes 1988, Chapters 1461 and 1462		
Statutes 1990, Chapter 1372		
Statutes 1991, Chapter 1213		
Statutes 1992, Chapter 323		
Statutes 1993, Chapters 923 and 924		
Statutes 1994, Chapters 650 and 1002		
Statutes 1995, Chapter 525 .....		19

<i>Photographic Record of Evidence, 98-TC-07</i> Los Angeles Police Department, Claimant Penal Code Section 1417.3 Statutes 1985, Chapter 875 Statutes 1986, Chapter 734 Statutes 1990, Chapter 382 .....	23
<i>Sex Offenders: Disclosure By Law Enforcement Officers, (“Megan’s Law”), 97-TC-15</i> County of Tuolumne, Claimant Penal Code Sections 290 and 290.4 Statutes 1996, Chapters 908 and 909 Statutes 1997, Chapters 17, 80, 817, 818, 819, 820, 821, and 822 Statutes 1998, Chapters 485, 550, 927, 928, 929, and 930 .....	27
<i>Animal Adoption, 98-TC-11</i>   County of Los Angeles, Claimant Civil Code Sections 1834 and 1846; Food and Agriculture Code Sections 31108, 31752, 31752.5, 31753, 32001, and 32003 Statutes 1998, Chapter 752 .....	31
<i>Brown Act Reform, CSM 4469</i> City of Newport Beach, Claimant Government Code Sections 54952, 54954.2, 54954.3, 54957.1, and 54957.7 Statutes 1986, Chapter 641 Statutes 1993, Chapters 1136, 1137 and 1138 .....	41
<i>Sex Crime Confidentiality, 98-TC-21</i> City of Hayward, Claimant Penal Code Section 293 Statutes 1992, Chapter 502; Statutes 1993, Chapter 555 Statutes 1993-94, 1 <sup>st</sup> Extraordinary Session, Chapter 36.....	45
<i>Standardized Testing and Reporting, 97-TC-23</i> Education Code Sections 60607, et al Statutes 1997, Chapter 828 Title 5, California Code of Regulations, Sections 850-874 .....	47

## INTRODUCTION

The Commission on State Mandates (Commission) is required to report to the Legislature at least twice each calendar year on the number of mandates it has found, the estimated statewide costs of each mandate, and the reasons for recommending reimbursement.<sup>1</sup>

After the Commission submits its second semiannual report to the Legislature, the Legislative Analyst is required to submit a report to the Joint Legislative Budget Committee and legislative fiscal committees on the mandates included in the Commission's reports. The Legislative Analyst's report shall make recommendations as to whether the mandate should be repealed, funded, suspended, or modified.<sup>2</sup>

Immediately upon receipt of this report, a local government claims bill, at the time of its introduction, shall provide for an appropriation sufficient to pay the estimated costs of these mandates approved by the Commission.<sup>3</sup> The Legislature may amend, modify, or supplement the parameters and guidelines for mandates contained in the local government claims bill. If the Legislature changes the parameters and guidelines, it shall make a declaration in the local government claims bill specifying the basis for the amendment, modification, or supplement.<sup>4</sup> If the Legislature deletes funding for a mandate from a local government claims bill, the local agency or school district may file an action in declaratory relief in the Superior Court of the County of Sacramento to declare the mandate unenforceable and enjoin its enforcement.<sup>5</sup>

If payment for an initial reimbursement claim is being made more than 365 days after adoption of the statewide cost estimate, the Controller shall include accrued interest at the Pooled Money Investment Account rate.<sup>6</sup>

If the Legislature appropriates the amount of the statewide cost estimate and actual claims exceed this amount, the State Controller's Office will prorate the claims.<sup>7</sup> If the deficiency funds are not appropriated in the Budget Act, the Controller reports this information to the legislative budget committees and the Commission. The Commission will then include the deficiency in its report to the Legislature in order to ensure that it is included in the next claims bill.

The Commission has approved other test claims during this and earlier periods, and those approvals often are made in part rather than in total. Approved mandates, however, are not reported until the Commission has adopted the parameters and guidelines and statewide cost estimates.

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<sup>1</sup> Government Code section 17600.

<sup>2</sup> Government Code section 17562, subdivision (c).

<sup>3</sup> Government Code section 17612, subdivision (a).

<sup>4</sup> Government Code section 17612, subdivision (b).

<sup>5</sup> Government Code section 17612, subdivision (c).

<sup>6</sup> Government Code section 17561.5, subdivision (a).

<sup>7</sup> Government Code section 17567.

**FISCAL SUMMARY**

**Cost of New Mandates**

*Employee Benefits Disclosure, CSM 4502 (Amended by 98-TC-03)*  
Clovis Unified School District, Claimant  
Education Code Sections 42140, 42141, and 42142,  
Statutes 1994, Chapter 650  
Statutes 1995, Chapter 525  
Statutes 1996, Chapter 1158 .....\$2,328,000

*Law Enforcement College Jurisdiction Agreements, 98-TC-20*  
Contra Costa Community College District, Claimant  
Education Code Section 67381  
Statutes 1998, Chapter 284 .....\$21,000

*School District Fiscal Accountability Reporting, 97-TC-19*  
Alameda County Office of Education, Claimant  
Education Code Sections 42100, 42127, 42127.5, 42127.6, 42128, 42131,  
Government Code Section 3540.2;  
Statutes 1981, Chapter 100  
Statutes 1985, Chapter 185  
Statutes 1986, Chapter 1150  
Statutes 1987, Chapters 917 and 1452  
Statutes 1988, Chapters 1461 and 1462  
Statutes 1990, Chapter 525  
Statutes 1991, Chapter 1213  
Statutes 1992, Chapter 323  
Statutes 1993, Chapters 923 and 924  
Statutes 1994, Chapters 650 and 1002  
Statutes 1995, Chapter 525  
.....\$  
13,695,000

*County Office Of Education Fiscal Accountability Reporting, 97-TC-20*  
Alameda County Office of Education, Claimant  
Education Code Sections 1240, subdivision (j), 1240.2, 1620, 1622, 1625, 1628, and 1630  
Statutes 1987, Chapters 917 and 1452  
Statutes 1988, Chapters 1461 and 1462  
Statutes 1990, Chapter 1372  
Statutes 1991, Chapter 1213  
Statutes 1992, Chapter 323  
Statutes 1993, Chapters 923 and 924  
Statutes 1994, Chapters 650 and 1002  
Statutes 1995, Chapter 525 .....\$2,129,000

*Photographic Record of Evidence, 98-TC-07*  
 Los Angeles Police Department, Claimant  
 Penal Code Section 1417.3  
 Statutes 1985, Chapter 875  
 Statutes 1986, Chapter 734  
 Statutes 1990, Chapter 382 .....\$2,598,000

***Sex Offenders: Disclosure By Law Enforcement Officers, (“Megan’s Law”), 97-TC-15***  
**County of Tuolumne, Claimant**  
 Penal Code Sections 290 and 290.4  
 Statutes 1996, Chapters 908 and 909  
 Statutes 1997, Chapters 17, 80, 817, 818, 819, 820, 821, and 822  
 Statutes 1998, Chapters 485, 550, 927, 928, 929, and 930 .....\$32,707,000

*Animal Adoption, 98-TC-11*  
**Counties of Los Angeles, Tulare and Fresno, City of Lindsay, and Southeast Area**  
**Animal**  
**Control Authority, Claimants**  
 Civil Code Sections 1834 and 1846;  
 Food and Agriculture Code Sections 31108, 31752, 31752.5,  
 31753, 32001, and 32003  
 Statutes 1998, Chapter 752 .....\$79,153,000

*Brown Act Reform, CSM 4469*  
 City of Newport Beach, Claimant  
 Government Code Sections 54952, 54954.2, 54954.3, 54957.1, and 54957.7  
 Statutes 1986, Chapter 641  
 Statutes 1993, Chapters 1136, 1137 and 1138 .....\$8,834,000

***Sex Crime Confidentiality, 98-TC-21***  
**City of Hayward, Claimant**  
 Penal Code Section 293  
 Statutes 1992, Chapter 502; Statutes 1993, Chapter 555  
 Statutes 1993-94, 1<sup>st</sup> Extraordinary Session, Chapter 36.....\$4,829,000

*Standardized Testing and Reporting, 97-TC-23*  
 Education Code Sections 60607, et al  
 Statutes 1997, Chapter 828  
 Title 5, California Code of Regulations, Sections 850-874 .....\$184,135,000

**Total Statewide Cost Estimates .....\$330,429,000**

## MANDATE SUMMARIES

The following section describes the mandates and statewide cost estimates approved by the Commission during the reporting period. The eligible claimants, mandate backgrounds, reimbursable mandated activities and approved statewide cost estimates are included for the following mandates:

- *Employee Benefits Disclosure*
- *Law Enforcement College Jurisdiction Agreements*
- *School District Fiscal Accountability Reporting*
- *County Office of Education Fiscal Accountability Reporting*
- *Photographic Record of Evidence*
- *Sex Offenders: Disclosure by Law Enforcement Officers (“Megan’s Law”)*
- *Animal Adoption*
- *Brown Act Reform*
- *Sex Crime Confidentiality*
- *Standardized Testing and Reporting*

## **EMPLOYEE BENEFITS DISCLOSURE**

Statewide Cost Estimate  
Adopted: September 26, 2002

Education Code Sections 42140, 42141, and 42142,  
Statutes 1994, Chapter 650  
Statutes 1995, Chapter 525  
Statutes 1996, Chapter 1158

### **Mandate Background**

The test claim legislation requires school districts and county offices of education (COEs) to prepare actuarial data and publicly disclose to their governing boards the estimated accrued but unfunded cost of employee benefits for retired employees. The test claim legislation also requires school districts to annually certify to the county superintendent of schools and the State Superintendent of Public Instruction the amounts reserved in the schools' budgets for retiree benefits.

Clovis Unified School District filed the test claim on December 26, 1995 and amended the test claim on July 31, 1998. The Commission adopted the Statement of Decision on February 22, 2001, and the Parameters and Guidelines on January 24, 2002. Eligible claimants were required to file initial reimbursement claims with the State Controller's Office (SCO) by August 6, 2002. The SCO provided the unaudited actual claim totals to the Commission on September 3, 2002.

### **Period of Reimbursement**

Government Code section 17557, prior to its amendment by Statutes of 1998, chapter 681 (effective September 22, 1998), stated that a test claim must be submitted on or before December 31 following a given fiscal year to establish eligibility for that fiscal year. This test claim was filed on December 26, 1995. The test claim was subsequently amended on July 31, 1998, to include Statutes 1995, chapter 525, and Statutes 1996, chapter 1158.

Therefore, the reimbursement periods are as follows:

- Statutes 1994, chapter 650, became operative and effective on January 1, 1995. Therefore, the costs incurred for Statutes of 1994, chapter 650, are eligible for reimbursement on or after January 1, 1995.
- Statutes 1995, chapter 525, became operative and effective on January 1, 1996. Therefore, the costs incurred for Statutes of 1995, chapter 525, are eligible for reimbursement on or after July 1, 1997.
- Statutes 1996, chapter 1158, became operative and effective on September 30, 1996. Therefore, costs incurred for Statutes of 1996, chapter 1158, are eligible for reimbursement on or after July 1, 1997.



## **Eligible Claimants**

Any "school district" (individually, or beginning on July 1, 1997, as a joint powers agency),<sup>8</sup> as defined in Government Code section 17519, except for community colleges, which incurs increased costs as a result of this mandate, is eligible to claim reimbursement.

## **Reimbursable Activities**

For each eligible claimant, the following activities are eligible for reimbursement:

### **A. Retirement Health and Welfare Benefits**

The following activities apply only to school districts and county offices of education that were required to provide retirement health and welfare benefits to their employees under contracts in existence prior to January 1, 1995:

#### Obtaining Triennial Actuarial Report

- Obtain every three years an actuarial report regarding the estimated accrued but unfunded cost of health and welfare benefits for retired employees. The actuarial report shall incorporate annual fiscal information. (Ed. Code, § 42140, subd. (a).)
- The actuarial report shall be performed by an actuary who is a member of the American Academy of Actuaries.<sup>9</sup> (*Reimbursement period begins July 1, 1997.*) (Ed. Code, § 42140, subd. (a).)
- If the school district or county office of education regularly contracts for an actuarial report for other fiscal matters, a separate actuarial report is not required if the estimate of costs required by Education Code section 42140, subdivision (a), is separately and clearly set forth in that report. (Ed. Code, § 42140, subd. (a).)

#### Annual Board Report

- Annually provide cost information regarding the estimated accrued but unfunded cost of providing health and welfare benefits for retired employees to the governing board of the school district or the county board of education. The estimate of cost shall be based upon the actuarial report. (Ed. Code, § 42140, subd. (a).)
- Annually present the cost information and a copy of the actuarial report on which the estimated costs are based to the governing board at a public meeting regarding the funding of health and welfare benefits for retired employees. (Ed. Code, § 42140, subd. (b).)
- At that public meeting, the governing board shall disclose, as a separate agenda item, whether or not the board will reserve a sufficient amount of money in its budget to fund the present value of the health and welfare benefits of existing retirees or the future cost of employees who are eligible for benefits in the current fiscal year, or both. (Ed. Code, § 42140, subd. (b).)

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<sup>8</sup> Pursuant to Statutes 1996, chapter 1158.

<sup>9</sup> As added by Statutes 1995, chapter 525.

Annual Certification and Budget Revisions

- The school district governing board shall annually certify to the county superintendent of schools the amount of money, if any, that the board has decided to reserve in its budget for the cost of the health and welfare benefits for retired employees, and shall submit to the county superintendent of schools any budget revisions that may be necessary to account for that budget reserve. (Ed. Code, § 42140, subd. (c).)
- The county board of education shall annually certify to the State Superintendent of Public Instruction the amount of money, if any, that has been reserved in the budget of the county office of education for the cost of health and welfare benefits for retired employees. (Ed. Code, § 42140, subd. (c).)

B. Collective Bargaining Budget Revisions

- Within 45 days of adopting a collective bargaining agreement, the superintendent of the school district shall forward to the county superintendent of schools any revisions to the school district's current year budget that are necessary to fulfill the terms of that agreement. Any additional costs to the school district that may result from the terms of the collective bargaining agreement shall be reflected in interim fiscal reports or multi-year fiscal projections. (Ed. Code, § 42142.)

C. Training

- Train staff on implementing the reimbursable activities listed in section IV, activities A and B, of these parameters and guidelines. (One-time activity for each employee.)

Statewide Cost Estimate

**Following is a breakdown of estimated total costs per fiscal year:**

Fiscal year	# Claims Filed With SCO	Claim Totals
1994-95	54	38,162
1995-96	90	144,208
1996-97	140	\$ 178,784
1997-98	136	\$ 253,791
1998-99	145	\$ 252,136
1999-00	149	\$ 267,869
2000-01	160	\$ 377,465
2001-02	152	\$ 265,190
2002-03 (2.2% <sup>10</sup> )	n/a	\$ 271,024
2003-04 (3.2% <sup>11</sup> )	n/a	<u>\$ 279,697</u>
Total		\$2,328,326

<sup>10</sup> Implicit Price Deflator as forecast by Department of Finance.

<sup>11</sup> *Ibid.*

**Statewide Cost Estimate Total (Rounded)**  
**\$2,328,000**

Because the reported costs are prior to audit and partially based on estimates, the statewide cost estimate of \$2,328,326 has been rounded to \$2,328,000.

# **LAW ENFORCEMENT COLLEGE JURISDICTION AGREEMENTS**

Statewide Cost Estimate  
Adopted: September 26, 2002

Education Code Section 67381  
Statutes 1998, Chapter 284

## **Mandate Background**

The test claim legislation requires law enforcement agencies of community college districts to enter into written agreements with local law enforcement agencies delineating their respective geographical boundaries for investigating certain violent crimes on campuses.<sup>12</sup>

Contra Costa Community College District filed the test claim on June 25, 1999. The Commission adopted the Statement of Decision on April 26, 2001, and the Parameters and Guidelines on January 24, 2002. Eligible claimants were required to file initial reimbursement claims with the State Controller's Office (SCO) by August 6, 2002. The SCO provided the unaudited actual claim totals to the Commission on September 12, 2002.

## **Period of Reimbursement**

All mandated costs incurred on or after January 1, 1999 are reimbursable.

## **Eligible Claimants**

Any community college, or joint powers authority between community colleges, which incurs increased costs as a result of this mandate is eligible to claim reimbursement.

## **Reimbursable Activities**

For each eligible claimant, the following activities are eligible for reimbursement:

### **A. Written Agreements**

- For campus law enforcement agencies to enter into written agreements with local law enforcement agencies, to designate which law enforcement agency shall have operational responsibility for the investigation of each Part I violent crime occurring on each campus and delineate the specific geographical boundaries of each agency's operational responsibility, including maps as necessary.
- If a campus law enforcement agency already has a written agreement, to review and modify the existing agreement to conform to Education Code section 67381.

### **B. Public Viewing**

- For the community college to make the written agreements available for public viewing.

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<sup>12</sup> Per Education Code section 67381, subdivision (i), violent crimes means willful homicide, forcible rape, robbery, and aggravated assault, as defined in the Uniform Crime Reporting Handbook of the Federal Bureau of Investigation.

C. State Reporting

- For the community college to transmit a copy of each written agreement it has entered into, and any other information it deems pertinent to the implementation of the agreement, to the Legislative Analyst.<sup>13</sup>
- The activity of community colleges being responsible for their own costs of investigating crimes and incidents on campuses is not reimbursable.

D. Training

- To train staff on implementing the reimbursable activities listed in section IV, activities A through C, of these parameters and guidelines. (One-time activity for each employee.)

Statewide Cost Estimate

**Following is a breakdown of estimated total costs per fiscal year:**

<b>Fiscal year</b>	<b># Claims Filed With SCO</b>	<b>Claim Totals</b>
1998-99	4	\$ 6,488
1999-00	6	\$11,112
2000-01	2	\$ 1,198
2001-02	1	\$ 600
2002-03 (2.2% <sup>14</sup> )	n/a	\$ 613
2003-04 (3.2% <sup>15</sup> )	n/a	<u>\$ 633</u>
Total		\$20,644
<b>Statewide Cost Estimate Total (Rounded)</b>		<b>\$21,000</b>

Because the reported costs are prior to audit and partially based on estimates, the statewide cost estimate of \$20,644 has been rounded to \$21,000.

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<sup>13</sup> As of February 2, 2000, 16 community college districts filed agreements with the Legislative Analyst. To date, 13 reimbursement claims were filed with the State Controller's Office.

<sup>14</sup> Implicit Price Deflator as forecast by Department of Finance.

<sup>15</sup> *Ibid.*

## **SCHOOL DISTRICT FISCAL ACCOUNTABILITY REPORTING**

Statewide Cost Estimate  
Adopted: September 26, 2002

Education Code Sections 42100, 42127, 42127.5, 42127.6, 42128, 42131,  
and Government Code Section 3540.2

Statutes 1981, Chapter 100  
Statutes 1985, Chapter 185  
Statutes 1986, Chapter 1150  
Statutes 1987, Chapters 917 and 1452  
Statutes 1988, Chapters 1461 and 1462  
Statutes 1990, Chapter 525  
Statutes 1991, Chapter 1213  
Statutes 1992, Chapter 323  
Statutes 1993, Chapters 923 and 924  
Statutes 1994, Chapters 650 and 1002  
Statutes 1995, Chapter 525

### **Mandate Background**

The test claim legislation imposes numerous activities upon school districts and county offices of education related to the annual budget process, including periodically preparing and submitting various budget and financial reports to the state.

The Alameda County Office of Education filed the test claim on December 30, 1997. The Commission adopted the Statement of Decision on October 26, 2000, and the Parameters and Guidelines on January 24, 2002. Eligible claimants were required to file initial reimbursement claims with the State Controller's Office (SCO) by August 6, 2002. The SCO provided the unaudited actual claim totals to the Commission on September 3, 2002.

### **Period of Reimbursement**

Costs incurred on or after July 1, 1996 are reimbursable.

### **Eligible Claimants**

Any "school district," as defined in Government Code section 17519, except for community colleges, which incurs increased costs as a result of this mandate, is eligible to claim reimbursement.

### **Reimbursable Activities**

For each eligible claimant, the following activities are eligible for reimbursement:

A. Annual Statement of Receipts and Expenditures (Ed. Code, § 42100.)

School District Activities

- On or before September 15, the governing board of each school district shall file an annual statement of all receipts and expenditures of the school district for the preceding fiscal year with the county superintendent of schools.

County Office of Education Activities

- On or before October 15, the county superintendent of schools shall verify the mathematical accuracy of the statement of receipts and expenditures for the preceding fiscal year and shall transmit a copy of the statement to the State Superintendent of Public Instruction.

B. Revised Annual Budget (Ed. Code, § 42127, subd. (i)(4).)

School District Activities

- Amending the policies and procedures to reflect the change in deadline for adopting the revised school district budget from on or before September 15, to on or before September 8. (One-time Activity.)
- Not later than 45 days after the Governor signs the annual Budget Act, the school district shall make available for public review any revisions in revenues and expenditures that it has made to its budget to reflect the funding made available by that Budget Act.

County Office of Education Activities

- Amending the policies and procedures to reflect the change in deadline for approval of the revised budget from on or before November 1, to on or before October 8 (One-time Activity.)

C. Negative Fund or Cash Balances (Ed. Code, §§ 42127.5, 42127.6.)

School District Activities

- The governing board of any school district that reported a negative unrestricted fund balance or a negative cash balance in the annual report required by Education Code section 42127 or in the audited annual financial statements required by Education Code section 42120 shall include with the budget submitted in accordance with Education Code section 42127 and the interim certifications required by Education Code section 35015, a statement that identifies the reasons for the negative unrestricted fund balance or negative cash balance and the steps that have been taken to ensure that the negative balance will not occur at the end of the current fiscal year. (Ed. Code, § 42127.5.)

County Office of Education Activities

- If at any time during the fiscal year the county superintendent of schools determines that a school district may be unable to meet its financial obligations for the current or two subsequent fiscal years or if a school district has a qualified certification pursuant to Education Code section 42131, the

superintendent shall notify the governing board of the school district and the State Superintendent of Public Instruction in writing of that determination and the basis for the determination. (Ed. Code, § 42127.6, subd. (a).)

D. Disapproved Budgets (Ed. Code, § 42127, subds. (f) and (h).)

County Office of Education Activities

- On or before September 22, the county superintendent of schools shall provide a list to the State Superintendent of Public Instruction identifying all school districts for which budgets may be disapproved. (Ed. Code, § 42127, subd. (f).)
- Not later than October 8, the county superintendent of schools shall submit a report to the State Superintendent of Public Instruction identifying all school districts for which budgets have been disapproved, including a copy of the written response transmitted to each of those school districts pursuant to Education Code section 42127, subdivision (d). (Ed. Code, § 42127, subd. (h).)

E. Certification of Ability to Meet Fiscal Year Obligations (Ed. Code, § 42131.)

School District Activities

- Within 45 days after the close of the period being reported, the governing board of each school district shall certify, in writing, whether or not the school district is able to meet its financial obligations for the remainder of the fiscal year and, based on current forecasts, for the subsequent two fiscal years.<sup>16</sup> The certifications shall be classified as positive, qualified, or negative as prescribed by the State Superintendent of Public Instruction, and shall be based on the financial and budgetary reports required by Education Code section 42130 and additional financial information known by the governing board at the time of the certification. (Ed. Code, § 42131, subd. (a)(2).)
- The school district shall file a copy of each certification and a copy of the financial and budgetary status report submitted pursuant to Education Code section 42130 with the county superintendent of schools (Ed. Code, § 42131, subd. (a)(2).)

County Office of Education Activities

- When a county office of education receives a positive certification that a school district is able to meet its financial obligations, the county office of education shall review the positive certification to determine whether a negative or qualified certification should have been filed. (Ed. Code, § 42131, subd. (a)(2).)
- When a county office of education determines that a positive certification should have been filed as a negative or qualified certification, the county superintendent of schools shall change the certification to negative or qualified, as appropriate, and, no later than 75 days after the close of the

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<sup>16</sup> Commonly referred to as multiyear projections.



period being reported, shall provide notice of that action to the governing board of the school district and to the State Superintendent of Public Instruction. (Ed. Code, § 42131, subd. (a)(2).)

- Within 75 days after the close of each reporting period, each county superintendent of schools shall report to the State Controller and the State Superintendent of Public Instruction as to whether the governing board of each school district under his or her jurisdiction has submitted the certification required by Education Code section 42131, subdivision (a). That report shall account for all districts under the jurisdiction of the county office of education and indicate the type of certification filed by each district. (Ed. Code, § 42131, subd. (c).)

F. Qualified and Negative Certifications (Ed. Code, § 42131, subd. (e), Gov. Code, § 3540.2.)

School District Activities

- No later than June 1, the governing board of each school district filing a qualified or negative certification for the second report required under Education Code section 42130, or classified as qualified or negative by the county superintendent of schools, shall provide to the county superintendent of schools, the State Controller, and the State Superintendent of Public Instruction financial statement projections of the district's fund and cash balances through June 30 for the period ending April 30. (Ed. Code, § 42131, subd. (e).)
- A school district with a qualified or negative certification shall provide the county superintendent of schools, upon request, with all information relevant to provide an understanding of the financial impact of any final collective bargaining agreement reached pursuant to Education Code section 3543.2. (Gov. Code, § 3540.2.)

County Office of Education Activities

- At the time of the certification, the county office of education shall submit copies of any certification in which the governing board is unable to certify unqualifiedly that these financial obligations will be met and a copy of the financial and budgetary status report submitted to the governing board pursuant to Education Code section 42130 to the State Controller and the State Superintendent of Public Instruction, together with a completed transmittal form provided by the State Superintendent of Public Instruction. (Ed. Code, § 42131, subd. (a)(2).)
- Within 75 days after the close of the reporting period on all school district certifications that are classified as qualified or negative, the county superintendent of schools shall submit to the State Superintendent of Public Instruction and the State Controller his or her comments on those certifications and report any action proposed or taken pursuant to Education Code section 42131, subdivision (b). (Ed. Code, § 42131, subd. (a)(2).)

G. Neglect or Refusal to Make a Budget (Ed. Code, § 42128.)

School District Activities

- If the governing board of any school district neglects or refuses to make a school district budget as prescribed by chapter 6, article 2 of the Education Code (beginning with Education Code section 42120), or neglects to file interim financial and budgetary reports pursuant to Education Code section 42130, then the county superintendent of schools shall notify the appropriate county official that he or she shall not approve any warrants issued by the school district.

H. Training

Train staff on implementing the reimbursable activities listed in section IV, activities

A through G. (One-time activity for each employee.)

**Statewide Cost Estimate**

Following is a breakdown of estimated total costs per fiscal year:

Fiscal year	# Claims Filed With SCO	Claim Totals
1996-97	409	\$1,289,820
1997-98	423	\$1,391,160
1998-99	435	\$1,551,920
1999-00	454	\$1,736,904
2000-01	483	\$1,975,298
2001-02	473	\$1,868,702
2002-03 (2.2% <sup>17</sup> )	n/a	\$1,909,813
2003-04 (3.2% <sup>18</sup> )	n/a	\$1,970,927
Total		\$13,694,544

**Statewide Cost**

**Estimate Total (Rounded)**

**\$13,695,000**

Because the reported costs are prior to audit and partially based on estimates, the statewide cost estimate of \$13,694,544 has been rounded to \$13,695,000.

<sup>17</sup> Implicit Price Deflator as forecast by Department of Finance.

<sup>18</sup> *Ibid.*

**COUNTY OFFICE OF EDUCATION  
FISCAL ACCOUNTABILITY REPORTING**

Statewide Cost Estimate  
Adopted: October 24, 2002

Education Code Sections 1240, subdivision (j), 1240.2, 1620, 1622,  
1625, 1628, and 1630

Statutes 1987, Chapters 917 and 1452  
Statutes 1988, Chapters 1461 and 1462  
Statutes 1990, Chapter 1372  
Statutes 1991, Chapter 1213  
Statutes 1992, Chapter 323  
Statutes 1993, Chapters 923 and 924  
Statutes 1994, Chapters 650 and 1002  
Statutes 1995, Chapter 525

**Mandate Background**

The test claim legislation imposes numerous activities upon county offices of education necessary to comply with annual budget reporting requirements.

The Alameda County Office of Education filed the test claim on December 30, 1997. The Commission adopted the Statement of Decision on October 26, 2000, and the Parameters and Guidelines on January 24, 2002. Eligible claimants were required to file initial reimbursement claims with the State Controller's Office (SCO) by August 6, 2002. The SCO provided the unaudited actual claim totals to the Commission on September 12 and October 10, 2002.

**Period of Reimbursement**

All mandated costs incurred on or after July 1, 1996 are reimbursable.

**Eligible Claimants**

County superintendents of schools (county offices of education), which incur increased costs as a result of this mandate, are eligible to claim reimbursement.

**Reimbursable Activities**

For each eligible claimant, the following activities are eligible for reimbursement:

- A. Public Hearing on Proposed Budget
  - Amending the policies and procedures to reflect the earlier deadline of July 1 for holding a public hearing on the proposed county school service fund budget. (One-time activity.)
- B. Annual Statement of Receipts and Expenditures
  - On or before September 15 each year, the county superintendent of schools shall prepare and file with the State Superintendent of Public Instruction, on forms or in a format prescribed by the State Superintendent of Public Instruction, an annual

statement of all receipts and expenditures of the county office of education for the preceding fiscal year.

C. Revised Annual Budget

- On or before September 8, the county board of education shall revise the county office of education budget to reflect changes in projected income or expenditures subsequent to July 1 and to include any response to the recommendations of the State Superintendent of Public Instruction.
- The county office of education shall post the agenda 72 hours prior to holding a second public hearing regarding the budget revisions, including the location where the revised budget and supporting data will be available for public inspection (only when not reimbursable under the Open Meetings Act Parameters and Guidelines).
- The county board of education shall hold a second public hearing prior to finalizing the revised budget.
- The county board of education shall file the adopted revised budget with the State Superintendent of Public Instruction, the county board of supervisors, and the county auditor.

D. Negative Fund or Cash Balances

- When a county office of education reports a negative unrestricted fund balance or a negative cash balance in the annual budget report or in the audited annual financial statements, the county superintendent of schools shall prepare and include with the budget and the financial certifications a statement that identifies the reasons for the negative unrestricted fund balance or negative cash balance and the steps that have been taken to ensure that the negative balance will not occur at the end of the current budget year.

E. Interim Fiscal Report Preparation

- The superintendent of schools of each county shall prepare and submit two reports during the fiscal year to the county board of education. The first report shall cover the financial and budgetary status of the county office of education for the period ending October 31. The second report shall cover the period ending January 31. Both reports shall be reviewed by the county board of education and approved by the county superintendent of schools no later than 45 days after the close of the period being reported. As part of each report, the superintendent shall certify in writing whether or not the county office of education is able to meet its financial obligations for the remainder of the fiscal year and, based on current forecasts, for two subsequent fiscal years. The certifications shall be classified as positive, qualified, or negative pursuant to standards prescribed by the State Superintendent of Public Instruction. Copies of each certification, and of the report containing that certification, shall be sent to the State Superintendent of Public Instruction at the time the certification is submitted to the county board of education.

F. Qualified and Negative Interim Fiscal Reports

- Copies of each qualified or negative certification, and of the report containing that certification, shall be sent to the State Controller at the time the certification is

submitted to the county board of education. (Ed. Code, § 1240 subd. (j).) The superintendent of schools of each county who files a qualified or negative certification for the second report required pursuant to Education Code section 1240, subdivision (j), and a county office of education that is classified as qualified or negative by the State Superintendent of Public Instruction, shall prepare and provide to the State Superintendent of Public Instruction and the State Controller, no later than June 1, a financial statement that covers the financial and budgetary status of the county office of education for the period ending April 30 and projects the fund and cash balances of the county office of education as of June 30.

G. Reports by Insolvent COE

- If the State Superintendent of Public Instruction determines that the county office of education may be unable to meet its financial obligations for the current or two subsequent fiscal years, or if the county office of education has a qualified financial certification, the county office of education shall, upon the request of the State Superintendent of Public Instruction;
- Submit a financial projection of all fund and cash balances of the county office of education as of June 30 of the current year and subsequent fiscal years as the State Superintendent of Public Instruction requires;
- Encumber all contracts and other obligations;
- Prepare appropriate cash-flow analyses and monthly or quarterly budget revisions;
- Record, as appropriate, all receivables and payables (Ed. Code, § 1630 (a)(4).); and
- Submit a proposal for addressing the fiscal conditions that resulted in the determination that the county office of education may not be able to meet its financial obligations.

The activities required by Education Code section 1630, subdivision (a)(4), do not include activities performed in the normal course of business. Reimbursement for these activities is limited to situations specified in Education Code section 1630 where the State Superintendent of Public Instruction requires the county office of education to perform the activities specified in Education Code section 1630, subdivision (a)(4).

H. Training

- Train staff on implementing the reimbursable activities listed in section IV, activities A through G. (One-time activity for each employee.)

| Statewide Cost Estimate

Following is a breakdown of estimated total costs per fiscal year:

<b>Fiscal year</b>	<b># Claims Filed With SCO</b>	<b>Claim Totals</b>
1996-97	30	\$ 223,251
1997-98	29	\$ 241,619

1998-99	29	\$ 235,654
1999-00	31	\$ 260,548
2000-01	31	\$ 299,951
2001-02	29	\$ 282,050
2002-03 (2.2% <sup>19</sup> )	n/a	\$ 288,256
2003-04 (3.2% <sup>20</sup> )	n/a	\$ 297,481
Total		\$2,128,810
<b>Statewide Cost Estimate Total (Rounded)</b>		<b>\$2,129,000</b>

Because the reported costs are prior to audit and partially based on estimates, the statewide cost estimate of \$2,128,810 has been rounded to \$2,129,000.

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<sup>19</sup> Implicit Price Deflator as forecast by Department of Finance.

<sup>20</sup>*Ibid.*

## **PHOTOGRAPHIC RECORD OF EVIDENCE**

Statewide Cost Estimate  
Adopted: October 24, 2002

Penal Code Section 1417.3  
Statutes 1985, Chapter 875  
Statutes 1986, Chapter 734  
Statutes 1990, Chapter 382

### **Mandate Background**

The test claim legislation requires, upon court order, that a photographic record of evidence, and in some instances a certified chemical analysis of the exhibit, be substituted for those exhibits in a criminal trial that pose a security, storage, or safety problem, or if the exhibit, by its nature, is toxic and poses a health hazard.

The Los Angeles Police Department filed the test claim on December 26, 1995, and amended the test claim on October 23, 1998. The Commission adopted the Statement of Decision on October 26, 2000, and the Parameters and Guidelines on February 28, 2002. Eligible claimants were required to file initial reimbursement claims with the State Controller's Office (SCO) by September 4, 2002. The SCO provided the unaudited actual claim totals to the Commission on September 18, 2002 and October 9, 2002.

### **Period of Reimbursement**

Section 17557 of the Government Code states that a test claim must be submitted on or before June 30 following a fiscal year to establish eligibility for reimbursement for that fiscal year. This test claim was filed by the City of Los Angeles Police Department on October 23, 1998. Therefore, costs incurred for Statutes 1985, chapter 875, Statutes 1986, chapter 734, and Statutes 1990, chapter 382, are eligible for reimbursement on or after July 1, 1997.

### **Eligible Claimants**

Counties, cities, or a city and county, school districts and special districts that have law enforcement agencies that introduce exhibits in criminal trials are eligible claimants.

### **Reimbursable Activities**

For each eligible claimant, the following activities are eligible for reimbursement:

#### **Administrative Activities**

1. Developing internal policies, procedures, and manuals, to implement the activities listed in sections IV.B, IV.C, and IV.D of these Parameters and Guidelines (one-time activity).
2. Maintaining files manually or electronically pursuant to implementation of activities listed in sections IV.B, IV.C, and IV.D. of these Parameters and

Guidelines. The cost of this activity will be prorated for photographs actually introduced or offered as exhibits (ongoing activity).

B. Photographic Record of Evidence (Pen. Code, § 1417.3(a))

For exhibits that pose a security, safety, or storage problem as determined by the court, or for exhibits that pose a health hazard to humans, including the definition of hazardous waste in 40 Code of Federal Regulations part 261, or human health hazards which are subject to Health and Safety Code sections 117600 *et seq.*, or Health and Safety Code sections 25140, *et seq.*:

1. Purchasing equipment and supplies reasonably necessary to photograph the exhibits, whether for digital or film pictures, including, but not limited to: cameras, developing equipment, laser printers, software, film, computers, and storage.
2. Taking of the photographs, sorting and storing photographs, and developing and printing photographs. This activity is limited to photographs actually introduced or offered into evidence as exhibits. Claimant must provide supporting documentation with subsequent reimbursement claims that the court has deemed the exhibit a security, safety or storage problem by providing a copy of the court order, local rule, or other proof of the court's determination.

C. Provision of Certified Written Chemical Analysis (Pen. Code, § 1417.3(b))

For those exhibits that pose a health hazard to humans, the sampling, analysis, and preparation of a written report by a laboratory certified by the State of California for performing the chemical analysis. This does not include reimbursement for sampling, analysis, or report preparation for controlled substances, including those defined in Health and Safety Code sections 11054 *et seq.* unless the exhibit is toxic and poses a health hazard to humans.

D. Storage of Exhibits (Cal. Code of Regs., tit. 2, § 1183.1(a))

For exhibits that pose a security, safety, or storage problem as determined by the court, or for exhibits that pose a health hazard to humans for which the local entity offers or introduces a photographic record of evidence:

Transportation to and maintenance within an appropriate storage facility for the type of exhibit. Storage of the exhibit shall be from the time of photographing until after final determination of the action as prescribed by Penal Code sections 1417.1, 1417.5, 1417.6, or court order or rule of court that dictates the retention schedule for exhibits in criminal trials.



## Statewide Cost Estimate

Following is a breakdown of estimated total costs per fiscal year:

<b>Fiscal Year</b>	<b># Of School District Claims Filed With SCO</b>	<b>Amount Claimed by School Districts</b>	<b># Of City &amp; County Claims Filed With SCO</b>	<b>Amount Claimed by Cities &amp; Counties</b>	<b>Combined Claim Totals</b>
1997-98	3	\$ 34,821	30	\$ 351,190	\$ 386,011
1998-99	3	\$ 40,236	31	\$ 353,884	\$ 394,120
1999-00	3	\$ 33,750	32	\$ 398,695	\$ 432,445
2000-01	3	\$ 35,771	36	\$ 489,865	\$ 525,636
2001-02	2	\$ 28,638	32	\$ 250,972	\$ 279,610
2002-03 (2.2% <sup>21</sup> )	n/a	\$ 29,268	n/a	\$ 256,493	\$ 285,761
2003-04 (3.2% <sup>22</sup> )	n/a	\$ 30,205	n/a	\$ 264,701	\$ 294,906
Subtotals		\$ 232,689		\$2,365,800	
Total					\$ 2,598,489
<b>Statewide Cost Estimate Total (Rounded)</b>					<b>\$ 2,598,000</b>

Because the reported costs are prior to audit and partially based on estimates, the statewide cost estimate of \$2,598,489 has been rounded to \$2,598,000.

<sup>21</sup>Implicit Price Deflator as forecast by Department of Finance.

<sup>22</sup>*Ibid.*

| SEX OFFENDERS: DISCLOSURE BY LAW ENFORCEMENT OFFICERS  
(“MEGAN’S LAW”)

Statewide Cost Estimate  
Adopted: November 21, 2002

Penal Code Sections 290 and 290.4  
Statutes 1996, Chapters 908 and 909  
Statutes 1997, Chapters 17, 80, 817, 818, 819, 820, 821, and 822  
Statutes 1998, Chapters 485, 550, 927, 928, 929, and 930

**Mandate Background**

The test claim legislation imposes new requirements on local law enforcement agencies regarding notification to Department of Justice of registration of certain convicted sex offenders and provides for public disclosure of the identity of registered sex offenders by local law enforcement agencies. Municipal police departments of cities with a population of less than 200,000 are exempt from this requirement.

The County of Tuolumne filed the test claim on December 30, 1999 and amended the test claim on July 14, 1999. The Commission adopted the Statement of Decision on August 23, 2001, and the Parameters and Guidelines on March 28, 2002. Eligible claimants were required to file initial reimbursement claims with the State Controller’s Office (SCO) by October 1, 2002. The (SCO) provided the unaudited actual claim totals to the Commission on November 5, 2002.

**Period of Reimbursement**

All mandated costs incurred on or after July 1, 1996, for compliance with the mandate are reimbursable, unless otherwise specified below.<sup>23</sup>

**Eligible Claimants**

Any county, city, city and county, or community college district, that has incurred increased costs as a direct result of this mandate is eligible to claim reimbursement of these costs, except as limited in Section IV, activity 12.

**Reimbursable Activities**

For each eligible claimant, the following activities are eligible for reimbursement:

A. One-Time Activities

1. Train staff on implementing the reimbursable activities listed in Section IV, activities 2 through 13. (One-time activity per employee.)
2. Develop internal policies, procedures, and manuals to implement *Sex Offenders: Disclosure by Law Enforcement Officers (“Megan’s Law”)*.

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<sup>23</sup> The statutes have different operative dates; therefore the reimbursement period for some activities may begin on a different date.

3. Notify every registered sex offender convicted prior to January 1, 1997, within the claimant's jurisdiction of the reduction in the time to register or reregister from 14 days to 5 days. (Pen. Code, § 290, subd. (1)(1).)<sup>24</sup> (*Reimbursement period begins October 8, 1997.*)

#### B. On-Going Activities

4. Develop, collect, and transmit sex offender registrations from the local jurisdiction directly into the Department of Justice Violent Crime Information Network. (Pen. Code, § 290, subd. (a)(1)(F).)<sup>25</sup> (*Reimbursement period begins January 1, 1999.*)
5. Remove a sex offender's registration from the local jurisdiction's files within 30 days of receiving notice to do so from the Department of Justice. (Pen. Code, § 290, subd. (a)(2)(F)(i).)<sup>26</sup> (*Reimbursement period begins October 8, 1997.*)
6. If the local law enforcement agency is the current place of incarceration, pre-registration of a convicted sex offender, including the obtaining of a current photograph and fingerprints of the offender as well as a written statement relaying information as is required by the Department of Justice. Notify the sex offender as acknowledgement of the information contained within the pre-registration statement. (Pen. Code, § 290, subd. (e)(1)(A-C).)<sup>27</sup> (*Reimbursement period begins October 8, 1997.*)
7. Verify that the sex offender's signed statement contains the name and address of the offender's employer, and the address of the offender's place of employment if it is different from the employer's main address. (Pen. Code, § 290, subd. (e)(2)(A).)<sup>28</sup> (*Reimbursement period begins October 8, 1997.*)
8. Verify that the offender's registration includes information related to any vehicle regularly driven by the offender, including license number, make, model, and such other information as may be requested by the Department of Justice. (Pen. Code, § 290, subd. (e)(2)(C).)<sup>29</sup> (*Reimbursement period begins October 8, 1997.*)
9. Verify that the convicted sex offender has adequate proof of residence, as determined by the Department of Justice; proof of residence is currently limited to a California driver's license, California identification card, recent rent or utility receipt, printed personalized checks or other recent banking documents, or any other information that the registering official believes is reliable. If the offender does not have a residence, and no reasonable expectation of obtaining a residence in the foreseeable future, then the local law enforcement agency shall obtain a

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<sup>24</sup> As amended by Statutes 1997, chapter 821, an urgency statute effective October 8, 1997.

<sup>25</sup> As added by Statutes 1998, chapter 929.

<sup>26</sup> As added by Statutes 1997, chapter 821.

<sup>27</sup> As added by Statutes 1997, chapter 821.

<sup>28</sup> As added and amended by Statutes 1997, chapter 821.

<sup>29</sup> As added and amended by Statutes 1997, chapter 821.

statement to that effect from the sex offender. (Pen. Code, § 290, subd. (e)(2)(E).)<sup>30</sup> (*Reimbursement period begins January 1, 1999.*)

10. Provide high-risk sex offenders a printed form from the Department of Justice regarding reevaluation in order to be removed from the high-risk classification. (Pen. Code, § 290, subd. (n)(1)(G)(ii).)<sup>31</sup> (*Reimbursement period begins September 25, 1996.*)
11. Maintain such photographs and statistical information concerning high-risk sex offenders as is received quarterly from the Department of Justice. (Pen. Code, § 290, subd. (n)(2).)<sup>32</sup> (*Reimbursement period begins September 25, 1996.*)
12. For sheriff's departments in each county, municipal police departments of cities with a population of more than 200,000, and police departments or community college districts, to provide the necessary equipment, and staff assistance for the public to access the sex offender information provided by the Department of Justice on CD-ROM or other electronic medium, and to obtain information from individuals requesting access to the CD-ROM as required by the Department of Justice. (Pen. Code, § 290.4, subd. (a)(4)(A).)<sup>33</sup> (*Reimbursement period: September 25, 1996 through December 31, 2003.*)
13. Maintain records of those persons requesting access to the information contained within the CD-ROM or other electronic medium for a minimum of five years, and costs of destruction of such records at the end of such time. Additionally, a record of the means and dates of dissemination of information regarding high-risk offenders must be maintained for a minimum of five years, and costs of destruction at the end of such time. (Pen. Code, § 290, subd. (o).)<sup>34</sup> (*Reimbursement period begins October 8, 1997.*)

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<sup>30</sup> As added by Statutes 1998, chapters 928 and 929.

<sup>31</sup> As added by Statutes 1996, chapter 908, an urgency statute effective September 25, 1996.

<sup>32</sup> As added by Statutes 1996, chapter 908.

<sup>33</sup> As added by Statutes 1996, chapter 908. Penal Code section 290.4 contains a sunset provision wherein it is only operative until January 1, 2004.

<sup>34</sup> As amended by Statutes 1997, chapter 821.

Statewide Cost Estimate

Following is a breakdown of estimated total costs per fiscal year:

Fiscal Year	# of Community College District (CCD) Claims Filed with the SCO	Amount Claimed by CCDs	# of City/County Claims Filed with the SCO	Amount Claimed by Cities/ Counties	Combined Claim Totals
1996-97	0	0	108	\$1,184,009	\$1,184,009
1997-98	0	0	169	\$3,400,076	\$3,400,076
1998-99	0	0	193	\$3,532,179	\$3,532,179
1999-00	0	0	202	\$4,675,008	\$4,675,008
2000-01	0	0	206	\$5,084,985	\$5,084,985
2001-02	1	\$2,097	185	\$4,818,381	\$4,820,478
2002-03 (2.2%) <sup>35</sup>	n/a	\$2,143	n/a	\$4,924,385	\$4,926,528
2003-04 (3.2%) <sup>36</sup>	n/a	\$2,212	n/a	\$5,081,965	\$5,084,177
Subtotals		\$6,452		\$32,700,988	
Total					\$32,707,440
<b>Statewide Cost Estimate Total (Rounded)</b>					<b>\$32,707,000</b>

Because the reported costs are prior to audit and partially based on estimates, the statewide cost estimate of \$32,707,440 has been rounded to \$32,707,000.

<sup>35</sup> Implicit Price Deflator as forecast by Department of Finance.

<sup>36</sup> *Ibid.*

## **ANIMAL ADOPTION**

Statewide Cost Estimate  
Adopted: December 19, 2002

Civil Code Sections 1834 and 1846;  
Food and Agriculture Code Sections 31108, 31752, 31752.5, 31753, 32001, and 32003  
As Added or Amended by Statutes 1998, Chapter 752

### **Mandate Background**

The test claim legislation imposes numerous requirements upon local agencies regarding stray and abandoned animals, including an increased holding period for stray and abandoned dogs, cats, and other specified animals, and a requirement that impounded animals receive “necessary and prompt veterinary care.”

The County of Los Angeles filed the test claim on December 22, 1998. On May 21, 1999, June 17, 1999, October 26, 1999, and December 6, 1999, the County amended their test claim to include the City of Lindsay, the Counties of Tulare and Fresno, and the Southeast Area Animal Control Authority as co-claimants. The Commission adopted the statement of decision on January 25, 2001, and the parameters and guidelines on February 28, 2002. Eligible claimants were required to file initial reimbursement claims with the State Controller’s Office (SCO) by September 4, 2002. The SCO provided unaudited claim totals to the Commission on September 18 and October 10, 2002.

### **Eligible Claimants**

Any city, county, city and county, dependent special district, and joint powers authority comprised of a city, county, and/or city and county that incurs increased costs as a result of this reimbursable state mandated program is eligible to claim reimbursement of those costs.

### **Reimbursable Activities and Period of Reimbursement**

For each eligible claimant, all direct and indirect costs of labor, materials, supplies, fixed assets, contracted services, training and travel for the performance of the activities listed below are eligible for reimbursement.

Except as specified in Component (B)(3) and (4), reimbursement claims for the performance of the activities listed below shall be based on actual or estimated costs as provided in Government Code section 17560.

#### **A. One Time Activities**

1. Develop policies and procedures to implement the reimbursable activities listed in Section IV (B) of these parameters and guidelines.
2. Train staff on the reimbursable activities listed in Section IV (B) of these parameters and guidelines. (One-time per employee.)
3. Develop or procure computer software for the maintenance of records on animals specified in Section IV (B) (8) of these parameters and guidelines to the extent these costs are not claimed as an indirect cost under Section V (B) of these

parameters and guidelines. If the computer software is utilized in some way that is not directly related to the maintenance of records specified in Section IV (B) (8), only the pro rata portion of the activity that is used for compliance with Section IV (B) (8) is reimbursable.

## B. Ongoing Activities

### 1. Acquisition of Additional Space and/or Construction of New Facilities

Beginning January 1, 1999 - Acquiring additional space by purchase or lease and/or construction of new facilities to provide appropriate or adequate shelter necessary to comply with the mandated activities during the increased holding period for impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 that die during the increased holding period or are ultimately euthanized.

Eligible claimants are only entitled to reimbursement for the proportionate share of actual costs required to plan, design, acquire, and/or build facilities in a given fiscal year based on the pro rata representation of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 that are held during the *increased* holding period specified in Sections IV (B) (3) and (4) of these Parameters and Guidelines and die during the increased holding period or are ultimately euthanized, to the total population of animals housed in the facility (including those animals that are excluded from reimbursement, as specified in Sections IV (B) (3) and (4) of these Parameters and Guidelines) during the entire holding period required by Food and Agriculture Code sections 31108, 31752 and 31753.

#### Supporting Documentation Submitted with the Initial and Subsequent Reimbursement Claims

Acquiring additional space and/or construction of new facilities is reimbursable only to the extent that an eligible claimant submits, with the initial and/or subsequent reimbursement claim, documentation reflecting the following:

A determination by the governing board that acquiring additional space and/or constructing new facilities is necessary for the increased holding period required by Statutes of 1998, Chapter 752 because the existing facilities do not reasonably accommodate impounded stray or abandoned dogs, cats and other specified animals that are ultimately euthanized. The determination by the governing board shall include all of the following findings:

- The average daily census of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 that were impounded in 1998. Average Daily Census is defined as the average number of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 housed on any given day, in a 365-day period;
- The average daily census of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 that were impounded in a given year under the holding periods required by Food and Agriculture

Code sections 31108, 31752, and 31753, as added or amended by Statutes of 1998, Chapter 752;

- Existing facilities are not appropriately configured and/or equipped to comply with the increased holding period required by Statutes of 1998, Chapter 752;
- Remodeling existing facilities is not feasible or is more expensive than acquiring additional space and/or constructing new facilities; and
- Contracting with existing private or public shelters in the area to house the increase of impounded stray or abandoned dogs, cats, or other animals specified in Statutes of 1998, Chapter 752 is not feasible or is more expensive than acquiring additional space and/or constructing new facilities.

Documentation requirements may be satisfied in whole or in part by staff agenda items, staff reports, minutes of governing board meetings, transcripts of governing board meetings, certification by the governing board describing the findings and determination, and/or a resolution adopted by the governing board pursuant to Food and Agriculture Code section 31755, as added by Statutes of 1999, Chapter 81 (Assembly Bill 1482).

## 2. Remodeling/Renovating Existing Facilities

Beginning January 1, 1999 - Remodeling/renovating existing facilities to provide appropriate or adequate shelter necessary to comply with the mandated activities during the increased holding period for impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 that die during the increased holding period or are ultimately euthanized.

Eligible claimants are only entitled to reimbursement for the proportionate share of actual costs required to plan, design, remodel and/or renovate existing facilities in a given fiscal year based on the pro rata representation of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 that are held during the *increased* holding period specified in Sections IV (B) (3) and (4) of these Parameters and Guidelines and die during the increased holding period or are ultimately euthanized, to the total population of animals housed in the facility (including those animals that are excluded from reimbursement, as specified in Sections IV (B) (3) and (4) of these Parameters and Guidelines) during the entire holding period required by Food and Agriculture Code sections 31108, 31752 and 31753.

### Supporting Documentation Submitted with the Initial and Subsequent Reimbursement Claims

Remodeling/renovating existing facilities is reimbursable only to the extent that an eligible claimant submits, with the initial and/or subsequent reimbursement claim, documentation reflecting the following:

A determination by the governing board or a delegated representative that remodeling/renovating existing facilities is necessary because the existing facilities do not reasonably accommodate impounded stray or abandoned dogs, cats and other specified animals that are ultimately euthanized for the increased



holding period required by Statutes of 1998, Chapter 752. The determination by the governing board or delegated representative shall include all of the following findings:

- The average daily census of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 that were impounded in 1998. Average Daily Census is defined as the average number of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 housed on any given day, in a 365-day period;
- The average daily census of impounded stray or abandoned dogs, cats, and other animals specified in Statutes of 1998, Chapter 752 in a given year under the holding periods required by Food and Agriculture Code sections 31108, 31752, and 31753, as added or amended by Statutes of 1998, Chapter 752;
- Existing facilities are not appropriately configured and/or equipped to comply with the increased holding period required by Statutes of 1998, Chapter 752;
- Contracting with existing private or public shelters in the area to house the increase of impounded stray or abandoned dogs, cats, or other animals specified in Statutes of 1998, Chapter 752 is not feasible or is more expensive than remodeling/renovating existing facilities.

Documentation requirements may be satisfied in whole or in part by staff agenda items, staff reports, minutes of governing board meetings, transcripts of governing board meetings, certification by the governing board or declaration from the delegated representative describing the findings and determination, and/or a resolution adopted by the governing board pursuant to Food and Agriculture Code section 31755, as added by Statutes of 1999, Chapter 81 (Assembly Bill 1482).

3. Care and Maintenance for Impounded Stray or Abandoned Dogs and Cats that Die During the Increased Holding Period or are Ultimately Euthanized (Food & Agr. Code, §§ 31108, 31752)

Beginning July 1, 1999 - Providing care and maintenance during the increased holding period for impounded stray or abandoned dogs and cats that die during the increased holding period or are ultimately euthanized. The increased holding period shall be measured by calculating the difference between three days from the day of capture, and four or six business days from the day after impoundment.

Exclusions

Eligible claimants are *not* entitled to reimbursement for the care and maintenance of the following population of dogs and cats:

- Stray or abandoned dogs and cats that are irremediably suffering from a serious illness or severe injury;
- Newborn stray or abandoned dogs and cats that need maternal care and have been impounded without their mothers;

- Stray or abandoned dogs and cats too severely injured to move or where a veterinarian is not available and it would be more humane to dispose of the animal;
- Owner relinquished dogs and cats; and
- Stray or abandoned dogs and cats that are ultimately redeemed, adopted, or released to a nonprofit animal rescue or adoption organization.

#### Methods for Claiming Costs

Eligible claimants may elect one of following two methods to claim costs for the care and maintenance of impounded stray or abandoned dogs and cats that die during the increased holding period or are ultimately euthanized:

- Actual Cost Method – Under the actual cost method, actual reimbursable care and maintenance costs per animal per day are computed for an annual claim period.
  - a. Determine the total annual cost of care and maintenance for all dogs and cats impounded at a facility. Total cost of care and maintenance includes labor, materials, supplies, indirect costs, and contract services.
  - b. Determine the average daily census of dogs and cats.
  - c. Multiply the average daily census of dogs and cats by 365 = yearly census of dogs and cats.
  - d. Divide the total annual cost of care by the yearly census of dogs and cats = cost per animal per day.
  - e. Multiply the cost per animal per day, by the number of impounded stray or abandoned dogs and cats that die during the increased holding period or are ultimately euthanized, by each reimbursable day (the difference between three days from the day of capture, and four or six business days from the day after impoundment).
- Time Study Method – Under the time study method, a random sample of impounded stray or abandoned dogs and cats are observed to determine the amount of time to provide care and maintenance during a reimbursable day.

The time study shall be developed using one representative month each quarter and be supported with actual source documentation. Time studies shall be conducted on a more frequent basis if there are significant variations of time expended from month to month. The time study shall identify hours devoted to each specific category. If the time study supports a fixed-cost approach such as an animal day (i.e., dog-day, cat-day, etc.), the eligible claimant shall document the analysis supporting the method used.

Time records used to support the time study shall:

- a) Reflect an after-the-fact distribution of each employee's actual activity;
- b) Account for the total activity for which each employee is compensated;
- c) Account for the total labor hours of the month;

- d) Be signed and dated by the employee not later than the end of the pay period that follows the pay period covered by the report; and
  - e) Document, by signature or initials and date, supervisor approval.
4. Care and Maintenance for Impounded Stray or Abandoned Animals Specified in Food and Agriculture Code Section 31753 that Die During the Increased Holding Period or are Ultimately Euthanized.

Beginning January 1, 1999 - Providing care and maintenance for four or six business days from the day after impoundment for impounded stray or abandoned rabbits, guinea pigs, hamsters, pot-bellied pigs, birds, lizards, snakes, turtles, and tortoises legally allowed as personal property that die during the increased holding period or are ultimately euthanized.

#### Exclusions

Eligible claimants are *not* entitled to reimbursement for the care and maintenance of the following population of animals:

- Stray or abandoned animals that are irremediably suffering from a serious illness or severe injury;
- Newborn animals that need maternal care and have been impounded without their mothers;
- Stray or abandoned animals too severely injured to move or where a veterinarian is not available and it would be more humane to dispose of the animal;
- Owner relinquished animals; and
- Stray or abandoned animals that are ultimately redeemed, adopted, or released to a nonprofit animal rescue or adoption organization.

#### Methods for Claiming Costs

Eligible claimants may elect one of following two methods to claim costs for the care and maintenance of impounded stray or abandoned animals specified in Food and Agriculture Code section 31753 that die during the increased holding period or are ultimately euthanized:

- Actual Cost Method –Under the actual cost method, actual reimbursable care and maintenance costs per animal per day are computed for an annual claim period.
  - a) Determine the total annual cost of care and maintenance for all animals specified in Food and Agriculture Code section 31753 that are impounded at a facility. Total cost of care and maintenance includes labor, materials, supplies, indirect costs, and contract services.
  - b) Determine the average daily census of the animals specified in Food and Agriculture Code section 31753.

- c) Multiply the average daily census of the animals specified in Food and Agriculture Code section 31753 by 365 = yearly census of animals specified in Food and Agriculture Code section 31753.
- d) Divide the total annual cost of care by the yearly census of animals specified in Food and Agriculture Code section 31753 = cost per animal per day.
- e) Multiply the cost per animal per day, by the number of impounded stray or abandoned animals specified in Food and Agriculture Code section 31753 that die during the increased holding period or are ultimately euthanized, by each reimbursable day (four or six business days from the day after impoundment).
- Time Study Method – Under the time study method, a random sample of impounded stray or abandoned animals are observed to determine the amount of time to provide care and maintenance during a reimbursable day.

The time study shall be developed using one representative month each quarter and be supported with actual source documentation. Time studies shall be conducted on a more frequent basis if there are significant variations of time expended from month to month. The time study shall identify hours devoted to each specific category. If the time study supports a fixed-cost approach such as an animal day, the eligible claimant shall document the analysis supporting the method used.

Time records used to support the time study shall:

- a) Reflect an after-the-fact distribution of each employee's actual activity;
  - b) Account for the total activity for which each employee is compensated;
  - c) Account for the total labor hours of the month;
  - d) Be signed and dated by the employee not later than the end of the pay period that follows the pay period covered by the report; and
  - e) Document, by signature or initials and date, supervisor approval.
5. Agencies Using the Holding Period of Four Business Days After the Day of Impoundment.

Beginning January 1, 1999 - For impounded animals specified in Food and Agriculture Code section 31753, either:

- Making the animal available for owner redemption on one weekday evening until at least 7:00 p.m., or one weekend day; or
- For those local agencies with fewer than three full-time employees or that are not open during all regular weekday business hours, establishing a procedure to enable owners to reclaim their animals by appointment at a mutually agreeable time when the agency would otherwise be closed.

Beginning July 1, 1999 - For impounded dogs and cats, either:

- Making the animal available for owner redemption on one weekday evening until at least 7:00 p.m., or one weekend day; or
- For those local agencies with fewer than three full-time employees or that are not open during all regular weekday business hours, establishing a procedure to enable owners to reclaim their animals by appointment at a mutually agreeable time when the agency would otherwise be closed.

6. Feral Cats.

Beginning January 1, 1999 - Verifying whether a cat is feral or tame by using a standardized protocol within the first three days of the required holding period if an apparently feral cat has not been reclaimed by its owner or caretaker.

7. Lost and Found Lists.

Beginning January 1, 1999 - Providing owners of lost animals and those who find lost animals with all of the following:

- Ability to list the animals they have lost or found on “lost and found” lists maintained by the local agency;
- Referrals to animals listed that may be the animals the owner or finders have lost or found;
- The telephone numbers and addresses of other pounds and shelters in the same vicinity;
- Advice as to means of publishing and disseminating information regarding lost animals; and
- The telephone numbers and addresses of volunteer groups that may be of assistance in locating lost animals.

8. Maintaining *Non-Medical* Records.

Beginning January 1, 1999 - Maintaining non-medical records on animals that are either taken up, euthanized after the holding period, or impounded. Such records shall include the following:

- The date the animal was taken up, euthanized, or impounded;
- The circumstances under which the animal is taken up, euthanized, or impounded;
- The names of the personnel who took up, euthanized, or impounded the animal; and
- The final disposition of the animal, including the name of the person who euthanized the animal or the name and address of the adopting party.

The cost of software license renewal contracts, to the extent these costs are not claimed as an indirect cost under these parameters and guidelines, is eligible for reimbursement under Section V (A) (2) of these parameters and guidelines. If the computer software is utilized in some way that is not directly related to the

maintenance of records specified in this section, only the pro rata portion of the software license renewal contract that is used for compliance with this section is reimbursable.

9. “Necessary and Prompt Veterinary Care”.

Beginning January 1, 1999 - Providing “necessary and prompt veterinary care” for stray and abandoned animals, other than injured cats and dogs given emergency treatment, that die during the holding period or are ultimately euthanized, during the holding periods specified in Statutes of 1998, Chapter 752.

“Necessary and prompt veterinary care” means all reasonably necessary medical procedures performed by a veterinarian or someone under the supervision of a veterinarian to make stray or abandoned animals “adoptable.” The following veterinary procedures, if conducted, are eligible for reimbursement:

- An initial physical examination of the animal to determine the animal’s baseline health status and classification as “adoptable,” “treatable,” or “non-rehabilitatable.”
- A wellness vaccine administered to “treatable” or “adoptable” animals.
- Veterinary care to stabilize and/or relieve the suffering of a “treatable” animal.
- Veterinary care intended to remedy any applicable disease, injury, or congenital or hereditary condition that adversely affects the health of a “treatable” animal or that is likely to adversely affect the animal’s health in the future, until the animal becomes “adoptable.”

Population Exclusions

Eligible claimants are *not* entitled to reimbursement for providing “necessary and prompt veterinary care” to the following population of animals:

- Animals that are irremediably suffering from a serious illness or severe injury;
- Newborn animals that need maternal care and have been impounded without their mothers;
- Animals too severely injured to move or where a veterinarian is not available and it would be more humane to dispose of the animal;
- Owner relinquished animals; and
- Stray or abandoned animals that are ultimately redeemed, adopted, or released to a nonprofit animal rescue or adoption organization.

Veterinary Care Exclusions

Eligible claimants are *not* entitled to reimbursement for providing the following veterinary procedures:

- Emergency treatment given to injured cats and dogs;

- Administration of rabies vaccination to dogs;
  - Implantation of microchip identification;
  - Spay or neuter surgery and treatment;
  - Euthanasia.
10. Beginning January 1, 1999 - Procuring medical, kennel, and computer equipment necessary to comply with the reimbursable activities listed in Section IV (B) of these parameters and guidelines, to the extent these costs are not claimed as an indirect cost under Section V (B) of these parameters and guidelines. If the medical, kennel, and computer equipment is utilized in some way not directly related to the mandated program or the population of animals listed in Section IV (B), only the pro rata portion of the activity that is used for the purposes of the mandated program is reimbursable.

Statewide Cost Estimate

Following is a breakdown of estimated total costs per fiscal year:

Fiscal year	# Claims Filed With SCO	Claim Totals
1998-99	149	\$ 3,732,473
1999-00	255	\$17,491,208
2000-01	277	\$17,536,010
2001-02	215	\$13,128,920
2002-03 (2.2% <sup>37</sup> )	n/a	\$13,417,756
2003-04 (3.2% <sup>38</sup> )	n/a	<u>\$ 13,847,12</u>
Subtotal		\$79,153,491
<b>Statewide Cost Estimate Total (Rounded)</b>		<b>\$79,153,000</b>

Because the reported costs are prior to audit and partially based on estimates, the statewide cost estimate of \$79,153,491 has been rounded to \$79,153,000.

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<sup>37</sup> Implicit Price Deflator as forecast by Department of Finance.

<sup>38</sup> *Ibid.*



## **BROWN ACT REFORM**

Statewide Cost Estimate  
Adopted: January 23, 2003

Government Code Sections 54952, 54954.2, 54954.3, 54957.1, and 54957.7

Statutes 1986, Chapter 641  
Statutes 1993, Chapters 1136, 1137 and 1138

### **Mandate Background**

The test claim legislation expanded the types of “legislative bodies” required to comply with the notice and agenda requirements of the Ralph M. Brown Act, and required all “legislative bodies” of local agencies and school districts to perform a number of additional activities in relation to the closed session requirements of the Brown Act.

The City of Newport Beach filed the *Brown Act Reform* test claim on December 29, 1994. The Commission adopted the Statement of Decision on June 28, 2001, and the parameters and guidelines on April 25, 2002. The parameters and guidelines for *Brown Act Reform* were combined with the parameters and guidelines previously adopted for the *Open Meetings Act*. Beginning in Fiscal Year (FY) 2001-02, claimants may use a unit cost to file combined claims for both acts. However, the parameters and guidelines specify that claimants may not file previously claimed *Open Meetings Act* costs under the new combined parameters and guidelines.

Eligible claimants were required to file initial reimbursement claims with the State Controller’s Office (SCO) by October 1, 2002. The SCO provided the unaudited actual claim totals to the Commission on December 4, 2002. The claims data was used to develop a statewide cost estimate that was issued on December 9, 2002. It included seven fiscal years for a total of \$22,836,000.

In this revised proposed statewide cost estimate, staff excluded FY 2001-02 costs for the *Open Meetings Act* program for purposes of estimating only *Brown Act Reform* costs. The revised proposed statewide cost estimate for seven fiscal years is \$8,834,000 for *Brown Act Reform*.

### **Eligible Claimants**

Any county, city, a city and county, school or special district that incurs increased costs as a result of this reimbursable state mandated program is eligible to claim reimbursement of those costs.

### **Period of Reimbursement**

Costs incurred on or after January 1, 1994 are eligible for reimbursement. Initial years’ costs shall not include any costs that were claimable or reimbursed pursuant to *Open Meetings Act* parameters and guidelines as amended on December 4, 1991 or November 30, 2000. Reimbursement for these costs must be claimed as prescribed in the Controller’s Claiming Instructions No. 2000-15 and 2000-16 for local agencies and schools, respectively.

Annual claims, commencing with the 2001-2002 fiscal year, shall include all costs for *Open Meetings Act* and *Brown Act Reform*.

### **Reimbursable Activities**

As stated previously, these parameters and guidelines include activities for both the *Open Meetings Act* and *Brown Act Reform* test claims. The new eligible claimants and activities related to *Brown Act Reform* are shown below in underline. These are the only activities for which this statewide cost estimate was developed.

For each eligible claimant, the following activities are eligible for reimbursement:

#### **A. Agenda Preparation and Posting Activities**

1. Prepare a single agenda for a regular meeting of a legislative body of a local agency or school district containing a brief description of each item of business to be transacted or discussed at a regular meeting, including items to be discussed in closed session, and citing the time and location of the regular meeting.<sup>39</sup> (Gov. Code, § 54954.2, subd. (a).)
2. Post a single agenda 72 hours before a meeting in a location freely accessible to the public. Further, every agenda must state that there is an opportunity for members of the public to comment on matters that are within the subject matter jurisdiction of the legislative body, subject to exceptions stated therein. (Gov. Code, §§ 54954.2, subd. (a), and 54954.3, subd. (a).)

Beginning January 1, 1994, the following types of “legislative bodies” are eligible to claim reimbursement under these parameters and guidelines for the activities listed in section IV.A:

- Local Bodies created by state or federal statute.
- Standing Committees with less than a quorum of members of the legislative body that has a continuing subject matter jurisdiction or a meeting schedule fixed by formal action.
- Permanent & Temporary Advisory Bodies (except bodies of less than a quorum of the members of the legislative body).

Beginning January 1, 1994, the following “legislative bodies” are eligible to claim reimbursement under these parameters and guidelines for the preparation of a brief general description of closed session agenda items, using either the actual or standard time reimbursement options pursuant to section V.A.1 or 2:

- Governing board, commission, directors or body of a local agency or any board or commission thereof, as well as any board, commission, committee, or other body on which officers of a local agency serve in their official capacity.
- Any board, commission, committee, or body, which exercises authority, delegated to it by the legislative body.

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<sup>39</sup> As amended by Statutes 1993, chapter 1136.

- Planning commissions, library boards, recreation commissions, and other permanent boards or commissions of a local agency composed of at least a quorum of the members of the legislative body.
- Local Bodies created by state or federal statute.
- Standing Committees with less than a quorum of members of the legislative body that has a continuing subject matter jurisdiction or a meeting schedule fixed by formal action.
- Permanent & Temporary Advisory Bodies (except bodies of less than a quorum of the members of the legislative body).

B. Closed Session Activities

1. Disclose in an open meeting, prior to holding any closed session, each item to be discussed in the closed session. (Gov. Code, § 54957.7, subd. (a).)
2. Reconvene in open session prior to adjournment to make any disclosures required by Section 54957.1 of action taken in the closed session, including items as follows: (Gov. Code, § 54957.7, subd. (b).)
  - a. Approval of an agreement concluding real estate negotiations as specified in Section 54956.8. (Gov. Code, § 54957.1, subd. (a)(1).)
  - b. Approval given to its legal counsel to defend, or seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation as the result of consultation under Section 54956.9. (Gov. Code, § 54957.1, subd. (a)(2).)
  - c. Approval given to its legal counsel of a settlement of pending litigation as defined in Section 54956.9, at any stage prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final. (Gov. Code, § 54957.1, subd. (a)(3).)
  - d. Disposition reached as to claims discussed in closed session pursuant to Section 54956.95 shall be reported as soon as reached in a manner that identifies of the name of the claimant, the name of the local agency claimed against, the substance of the claim, and any monetary amount approved for payment and agreed upon by the claimant. (Gov. Code, § 54957.1, subd. (a)(4).)
  - e. Approval of an agreement concluding labor negotiations with represented employees pursuant to Section 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. (Gov. Code, § 54957.1, subd. (a)(6).)
3. Provide copies of any contracts, settlement agreements, or other documents that were finally approved or adopted in the closed session to a person who submitted a written request within the timelines specified or to a person who has made a standing request, as set forth in Sections 54954.1 or 54956 within the time lines specified. (Gov. Code, § 54957.1, subd. (b) and (c).)

4. Train members of only those legislative bodies that actually hold closed executive sessions, on the closed session requirements of *Brown Act Reform*. If such training is given to all members of the legislative body, whether newly appointed or existing members, contemporaneously, time of the trainer and legislative members is reimbursable. Additionally, time for preparation of training materials, obtaining materials including training videos and audio visual aids, and training the trainers to conduct the training is reimbursable. See Section V.B.6 of these parameters and guidelines.

Beginning January 1, 1994, the following “legislative bodies” are eligible to claim reimbursement under these parameters and guidelines for the activities listed in IV.B:

- Governing board, commission, directors or body of a local agency or any board or commission thereof, as well as any board, commission, committee, or other body on which officers of a local agency serve in their official capacity.
- Any board, commission, committee, or body which exercises authority delegated to it by the legislative body.
- Planning commissions, library boards, recreation commissions, and other *permanent* boards or commissions of a local agency composed of at least a quorum of the members of the legislative body.
- Local Bodies created by state or federal statute.
- Standing Committees with less than a quorum of members of the legislative body that has a continuing subject matter jurisdiction or a meeting schedule fixed by formal action.
- Permanent & Temporary Advisory Bodies (except bodies of less than a quorum of the members of the legislative body).

### Statewide Cost Estimate

Following is a breakdown of estimated total costs per fiscal year:

<b>Fiscal Year</b>	<b># Of School District Claims Filed With SCO</b>	<b>Amount Claimed by School Districts</b>	<b># Of City &amp; County Claims Filed With SCO</b>	<b>Amount Claimed by Cities &amp; Counties</b>	<b>Combined Claim Totals</b>
1993-94	87	\$ 92,227	186	\$ 220,584	\$ 312,811
1994-95	111	\$ 193,915	224	\$ 478,851	\$ 672,766
1995-96	117	\$ 214,664	236	\$ 537,543	\$ 752,207
1996-97	130	\$ 230,527	246	\$ 584,256	\$ 814,783
1997-98	120	\$ 212,967	199	\$ 480,821	\$ 693,788
1998-99	129	\$ 223,027	201	\$ 502,170	\$ 725,197
1999-00	133	\$ 258,873	207	\$ 527,577	\$ 786,450
2000-01	145	\$ 381,512	218	\$ 598,250	\$ 979,762
2001-02 (2.7% <sup>40</sup> )	n/a	\$ 391,813	n/a	\$ 614,403	\$1,006,216
2002-03 (2.2% <sup>41</sup> )	n/a	\$ 400,433	n/a	\$ 627,920	\$1,028,353
2003-04 (3.2% <sup>42</sup> )	n/a	\$ 413,247	n/a	\$ 648,013	\$1,061,260
Subtotals		\$3,013,205		\$5,820,388	\$8,833,593
Total					\$8,833,593
<b>Statewide Cost Estimate Total (Rounded)</b>					<b>\$8,834,000</b>

<sup>40</sup> Implicit Price Deflator as forecast by Department of Finance.

<sup>41</sup> *Ibid.*

<sup>42</sup> *Ibid.*

## **SEX CRIME CONFIDENTIALITY**

Statewide Cost Estimate  
Adopted: January 23, 2003

Penal Code Section 293

Statutes 1992, Chapter 502  
Statutes 1993, Chapter 555

Statutes 1993-1994, First Extraordinary Session, Chapter 36

### **Mandate Background**

The test claim legislation requires a law enforcement agency employee who receives a report from a person who alleges that he or she was the victim of specified sex crimes to inform the reporting person that his or her name will become a matter of public record unless he or she requests confidentiality. This statute also requires that the person's response be memorialized in any written report of the alleged sex offense. Finally, if the person has requested confidentiality, the law enforcement agency may not disclose the person's name or address except to specified persons.

The City of Hayward filed the *Sex Crime Confidentiality* test claim on June 30, 1999. The Commission adopted the statement of decision on September 28, 2001, and the parameters and guidelines on May 23, 2002. Eligible claimants were required to file initial reimbursement claims with the State Controller's Office (SCO) by November 26, 2002. The SCO provided unaudited claim totals to the Commission on January 7, 2003.

### **Eligible Claimants**

Any county, city, or city and county that has incurred increased costs as a direct result of this mandate is eligible to claim reimbursement of those costs.

### **Period of Reimbursement**

Government Code section 17557 states that a test claim must be submitted on or before June 30 following a given fiscal year to establish eligibility for reimbursement for that fiscal year. The test claim for this mandate was filed on June 30, 1999. Costs incurred for compliance with the mandate are eligible for reimbursement on or after July 1, 1997.

### **Reimbursable Activities**

For each eligible claimant, the following activities are eligible for reimbursement:

#### **A. One-Time Activities**

1. Train those employees that actually perform the reimbursable activities listed in Section IV, A and B, of these parameters and guidelines. (One-time activity per employee.)
2. Update the police report to include fields so that the victim's desire to keep his or her name confidential may be recorded.
3. Develop policies and procedures to implement the reimbursable activities listed in Section IV, A and B, of these parameters and guidelines.

B. On Going Activities (*Beginning July 1, 1997*)

1. When a law enforcement agency employee receives a report of a sex offense from an alleged victim, inform the person that his or her name will become a matter of public record unless he or she requests that it does not. (Pen. Code, § 293, subd. (a).)
2. Indicate on any written report of an alleged sex offense, as defined in Penal Code section 293, subdivision (e),<sup>43</sup> that the alleged victim has been properly informed of his or her right to keep his or her name confidential, and memorialize his or her response. (Pen. Code, § 293, subd. (b).)
3. Redact a victim's name and address from all public records, except as provided in Penal Code section 293, subdivisions (c), (d), and (f).

**Statewide Cost Estimate**

**Following is a breakdown of estimated total costs per fiscal year:**

<b>Fiscal year</b>	<b># Claims Filed With SCO</b>	<b>Claim Totals</b>
1997-98	137	\$ 950,719
1998-99	138	\$ 564,048
1999-00	150	\$ 630,694
2000-01	150	\$ 730,708
2001-02	139	\$ 634,639
2002-03 (2.2% <sup>44</sup> )	n/a	\$ 648,601
2003-04 (3.2% <sup>45</sup> )	n/a	\$ 669,356
Total		\$4,828,765
<b>Statewide Cost Estimate Total (Rounded)</b>		<b>\$4,829,000</b>

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<sup>43</sup> Penal Code section 293, subdivision (e), states: "For purposes of this section, sex offense means any crime listed in paragraph (2) of subdivision (f) of Section 6254 of the Government Code which is also defined in Chapter 1 (commencing with Section 261) or Chapter 5 (commencing with Section 281) of Part 1 of Title 9."

<sup>44</sup> Implicit Price Deflator as forecast by Department of Finance.

<sup>45</sup> *Ibid.*

## STANDARDIZED TESTING AND REPORTING

Statewide Cost Estimate  
Adopted: January 23, 2003

Education Code Sections 60607, Subdivision (a), 60609,  
60615, 60630, 60640, 60641, and 60643  
Statutes 1997, Chapter 828  
California Code of Regulations, Title 5, Sections 850-904<sup>46</sup>

### Mandate Background

The test claim legislation established the Standardized Testing and Reporting (STAR) Program that requires school districts to administer achievement testing to pupils in the state. The STAR Program requires school districts, between March 15 and May 15 each year, to test all students in grades 2 through 11 with a nationally normed achievement test designated by the State Board of Education. School districts administer the test in English (commonly called the “SAT-9” test) to all pupils enrolled in grades 2 through 11 and administer an additional test (commonly called the “Sabe/2” test) to every pupil of limited English proficiency who is enrolled in grades 2 through 11 if the pupil was initially enrolled in any public school in the state less than 12 months prior to the date that the English language SAT-9 test is given. School districts are also required to engage in numerous activities related to test administration and reporting.

The San Diego Unified School District filed the test claim on March 23, 1998. The Commission adopted the Statement of Decision on August 24, 2000, and the Parameters and Guidelines on January 24, 2002. Eligible claimants were required to file initial reimbursement claims with the State Controller’s Office (SCO) by August 6, 2002. The SCO provided the unaudited actual claim totals to the Commission on September 3 and October 10, 2002.

### Eligible Claimants

Any “school district,” as defined in Government Code section 17519, except for community colleges, that incurs increased costs as a result of this mandate is eligible to claim reimbursement.

### Period of Reimbursement

Statutes 1997, chapter 828, was an urgency statute effective on October 10, 1997.<sup>47</sup> Therefore, costs incurred on or after October 10, 1997 for compliance with the mandate are reimbursable, unless otherwise specified.

### Reimbursable Activities

For each eligible claimant, the following activities to administer the designated achievement and primary language tests are eligible for reimbursement.<sup>48</sup>

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<sup>46</sup> The implementing regulations were amended subsequent to the test claim filing. All references to the primary language test were renumbered to sections 880-904. This was not a substantive change, and therefore, the Statement of Decision findings still apply.

<sup>47</sup> The implementing regulations, however, were effective January 2, 1998.



#### A. Training, Policies, and Procedures

- Reviewing the requirements of the STAR Program and conducting or attending training sessions. Increased costs for substitute teacher time during the school day or for teacher stipends to attend training sessions outside the regular school day (after school or on Saturday) are eligible for reimbursement. However, the time the teacher spends to attend training sessions during that teacher's normal classroom hours is not reimbursable. (One-time activity per employee per test site)
- Developing internal policies, procedures, and forms to implement Standardized Testing and Reporting. (One-time activity)

The cost of travel for and materials and supplies used or distributed in training sessions is reimbursable under this activity.

#### B. Test Materials, Supplies, and Equipment (Reimbursement period: January 2, 1998 – December 15, 1999)

- Contacting the test provider selected by the State Board of Education and negotiating the purchase of the materials, preparing contracts or purchase orders approved by the State Board of Education for purchase of the materials. (Ed. Code, § 60643, subds. (a)(2) and (c); Cal. Code Regs., tit. 5, §§ 860, 873.<sup>49</sup>) Preparation of the contract with the test publisher is limited to review, approval, and completion of the contract approved by the State Board of Education. Modification of the approved contract by school districts to include any additional materials or services pursuant to Education Code section 60643, subdivision (e)(12), is not reimbursable.
- Purchasing materials in accordance with the standard contract pursuant to the California Department of Education's regulations. (Cal. Code Regs., tit. 5, §§ 856, 869, subd. (b), and 871.<sup>50</sup>)

The purchase price of the materials, supplies, and equipment is reimbursable under this activity, including the sales tax paid to the publisher. (Cal. Code Regs., tit. 5, § 856.<sup>51</sup>)

#### C. Pretest and Posttest Coordination (Reimbursement period begins January 2, 1998)

- Processing requests for exemption from testing filed by parents and guardians. (Ed. Code, §§ 60615, 60640, subd. (j); Cal. Code Regs., tit. 5, §§ 852, subd. (a), and 881, subd. (a).)
- Reviewing the Individualized Education Program (IEP) of children with disabilities to determine if the IEP contains an express exemption from testing. (Ed. Code, § 60640, subds. (e), (j); Cal. Code Regs., tit. 5, §§ 852, subd. (b), and 881, subd. (b).)

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<sup>48</sup> Only the designated achievement and primary language tests enacted by Statutes 1997, chapter 828 are reimbursable, pursuant to these parameters and guidelines.

<sup>49</sup> Cal. Code Regs., tit. 5, §§ 860 and 873 were repealed effective December 16, 1999.

<sup>50</sup> Cal. Code Regs., tit. 5, §§ 856, 869, and 871 were repealed effective December 16, 1999.

<sup>51</sup> Cal. Code Regs., tit. 5, § 856 was repealed effective December 16, 1999.

- Determining the appropriate grade level test for special education pupils and providing appropriate testing adaptations and accommodations for these pupils. (Cal. Code Regs., tit. 5, §§ 853, subd. (c),<sup>52</sup> and 882, subd (c).)
- Designating a school district employee as a STAR program district coordinator. The school district shall notify the publisher of the identity and contact information for the STAR program district coordinator. (Cal. Code Regs., tit. 5, §§ 857, 859, 865, 867, 868, 886, 888, 895, 897, and 899.)
- From January 2, 1998 through December 31, 2000, the STAR program district coordinator shall be available through June 30 to complete school district testing.
- Beginning January 1, 2001, the STAR program district coordinator, or the school district superintendent or his or her designee, shall be available through August 15 to complete school district testing.
- Designating a school district employee as a STAR program test site coordinator at each test site. (Cal. Code Regs., tit. 5, §§ 858, 859, 867, 868, 887, 888, 897, and 899.)
- From January 2, 1998 through December 31, 2000, the STAR program test site coordinator shall be available to the STAR program district coordinator by telephone through June 30 for purposes of resolving discrepancies or inconsistencies in materials or errors in reports.
- Beginning January 1, 2001, the STAR program test site coordinator, or the site principal or his or her designee, shall be available to the STAR program district coordinator by telephone through August 15 for purposes of resolving discrepancies or inconsistencies in materials or errors in reports.

STAR Program District Coordinator

Activities performed by the STAR program district coordinator include, but are not limited to:

- Responding to correspondence and inquiries from the publisher in a timely manner and as provided in the publisher’s instructions. (Cal. Code Regs., tit. 5, §§ 857, subd. (b), and 886.)
- Determining school district and individual school test and test material needs in conjunction with the test publisher, using California Basic Education Data System (CBEDS) and current enrollment data. (Cal. Code Regs., tit. 5, §§ 857, subd. (b), and 886.)
- Overseeing the acquisition and distribution of tests and test materials to individual schools and test sites. (Cal. Code Regs., tit. 5, §§ 857, subd. (b), 866, subd. (a), 886, and 896, subd. (a).)
- Providing a signed receipt to the test publisher upon receipt of the testing materials. (Cal. Code Regs., tit. 5, §§ 865, subd. (a), and 895, subd. (a).)
- Coordinating testing dates and make-up testing dates for the school district.(Cal. Code Regs., tit. 5, §§ 857, subd. (b), and 886.)
- Maintaining security over test material and test data. (Cal. Code Regs., tit. 5, §§ 857, subd. (b), and 886.)

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<sup>52</sup> Cal. Code Regs., tit. 5, § 853, subd. (c), was formerly § 852, subd. (b).

- Overseeing the administration of the designated achievement test and primary language test, if applicable, to eligible students. (Cal. Code Regs., tit. 5, §§ 857, subd. (b), and 886.)
- Overseeing the collection and return of all test materials and tests to the publisher. (Cal. Code Regs., tit. 5, §§ 857, subd. (b), and 886.)
- Resolving any discrepancies in the quantity of test and test materials received from and returned to the test publisher. (Cal. Code Regs., tit. 5, §§ 857, subd. (b), 868, 886, and 899.)
- Certifying information with respect to the designated achievement test to the California Department of Education within five (5) working days of completed school district testing. (Cal. Code Regs., tit. 5, §§ 857, subd. (c), and 886.)
- Preparing, executing, and collecting STAR Test Security Agreements and Affidavits from every person who has access to tests and other test materials. (Cal. Code Regs., tit. 5, §§ 859 and 888.)
- Returning test materials, test order data, and enrollment data by grade level to the test publisher. (Cal. Code Regs., tit. 5, § 867.5.)

#### STAR Program Test Site Coordinator

Activities performed by the STAR test site coordinator include, but are not limited to:

- Determining site test and test material needs. (Cal. Code Regs., tit. 5, §§ 858, subd. (b), and 887.)
- Overseeing the acquisition and distribution of tests and test materials at the test site. (Cal. Code Regs., tit. 5, §§ 858, subd. (b), and 887.)
- Cooperating with the STAR program district coordinator to provide the testing and make-up testing days for the site. (Cal. Code Regs., tit. 5, §§ 858, subd. (b), and 887.)
- Maintaining security over test material and test data. (Cal. Code Regs., tit. 5, §§ 858, subd. (b), and 887.)
- Overseeing the administration of the designated achievement test and primary language test, if applicable, to eligible students at the test site. (Cal. Code Regs., tit. 5, §§ 858, subd. (b), and 887.)
- Overseeing the collection and return of all testing materials and tests to the STAR program district coordinator. (Cal. Code Regs., tit. 5, §§ 858, subd. (b), and 887.)
- Assisting the STAR program district coordinator and the test publisher in resolving any discrepancies in the test information and materials. (Cal. Code Regs., tit. 5, §§ 858, subd. (b), and 887.)
- Certifying information to the STAR program district coordinator within three (3) working days of complete site testing. (Cal. Code Regs., tit. 5, §§ 858, subd. (b), and 887.)
- Preparing, executing, and collecting STAR Test Security Agreements and Affidavits from every person who has access to tests and other test materials. (Cal. Code Regs., tit. 5, §§ 859 and 888.)

D. Test Administration (Reimbursement period begins January 2, 1998)

- Conducting and monitoring the STAR Program designated achievement and primary language tests given to all pupils in grades 2 through 11, inclusive. (Ed. Code, §§ 60640, subds. (b), (c), 60641, subd. (a); Cal. Code Regs., tit. 5, §§ 851, 853, 855, 880, 882, and 884.)
- To the extent that such tests are available, giving an additional test to pupils of limited English proficiency who are enrolled in grades 2 through 11 if the pupil was initially enrolled in any school district less than 12 months before the date that the English language STAR Program test was given. (Ed. Code, § 60640, subd. (g); Cal. Code Regs., tit. 5, § 880, subd. (a).)
- Time spent by the classroom teacher during his or her normal classroom hours for test administration is not reimbursable.

E. Reporting and Record Keeping (Reimbursement period begins January 2, 1998)

- Recording and maintaining individual records of the tests in pupil records. (Ed. Code, §§ 60607, subd. (a), 60641, subd. (a).)
- Preparing and mailing reports of the individual results of the STAR Program tests to the pupils' parents or guardians, to the pupils' schools, and to the pupils' teachers. (Ed. Code, § 60641, subds. (b) and (c); Cal. Code Regs., tit. 5, §§ 863 and 892.)
- Reporting the results of the STAR Program tests to the school district governing board or county office of education on a district wide and school-by-school basis. (Ed. Code, § 60641, subd. (d); Cal. Code Regs., tit. 5, §§ 864 and 893.)
- Collecting, collating, and submitting to the Superintendent of Public Instruction the information on the STAR Program apportionment information report. (Ed. Code, § 60640, subd. (j); Cal. Code Regs., tit. 5, §§ 862 and 891.)
- Submitting to the California Department of Education whatever information the Department deems necessary to permit the Superintendent of Public Instruction to prepare a report analyzing, on a school-by-school basis, the results and test scores of the STAR Program. (Ed. Code, § 60630, subd. (b); Cal. Code Regs., tit. 5, §§ 861 and 890.)

The cost of materials and supplies used for reports (including, paper and envelopes), the cost of postage for mailing reports to parents, and the cost of computer programming used for reporting purposes is reimbursable under this activity.

**Statewide Cost Estimate**

**Following is a breakdown of estimated total costs per fiscal year:**

<b>Fiscal year</b>	<b># Claims Filed With SCO</b>	<b>Claim Totals</b>
1997-98	357	\$ 12,646,442
1998-99	390	\$ 15,237,871
1999-00	656	\$ 33,108,745
2000-01	686	\$ 30,365,255

2001-02	680	\$ 30,154,499
2002-03 (2.2% <sup>53</sup> )	n/a	\$ 30,817,898
2003-04 (3.2% <sup>54</sup> )	n/a	\$ 31,804,071
Total		\$184,134,781
<b>Statewide Cost Estimate Total (Rounded)</b>		<b>\$184,135,000</b>

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<sup>53</sup> Implicit Price Deflator as forecast by Department of Finance.

<sup>54</sup> *Ibid.*