



**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 525
LOS ANGELES, CALIFORNIA 90012-3873
PHONE: (213) 974-8301 FAX: (213) 626-5427

Received
March 5, 2013
Commission on
State Mandates

WENDY L. WATANABE
AUDITOR-CONTROLLER

March 5, 2013

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

Dear Ms. Halsey:

**LOS ANGELES COUNTY REVIEW—
COMMISSION STAFF ANALYSIS AND
PROPOSED PARAMETERS AND GUIDELINES
CALIFORNIA PUBLIC RECORDS ACT PROGRAM (02-TC-10, 02-TC-51)**

We submit our review of the Commission staff analysis and proposed parameters and guidelines (Ps&Gs) for the California Public Records Act (CPRA) program and our revised CPRA Ps&Gs.

If you have any questions, please contact Leonard Kaye at (213) 974-9653 or via e-mail at lkaye@auditor.lacounty.gov.

Very truly yours,

Wendy L. Watanabe
Auditor-Controller

WLW:JN:CY:lk

H:\SB90\1A CPRA transfer 02 22 13+\CPRA Ps&Gs 03 05 13 Cover Letter.doc

Enclosures

Los Angeles County's
Review of Commission Staff Analysis and Proposed Parameters and Guidelines
California Public Records Act Reimbursement Program (02-TC-10, 02-TC-51)

Executive Summary

The County of Los Angeles (County) has reviewed the Commission on State Mandates (Commission) draft staff analysis of the County's proposed California Public Records Act (CPRA) parameters and guidelines (Ps&Gs).

Commission staff find that the County has "... ordered and categorized the proposed reasonably necessary activities under the headings that approximate the language of the reimbursable activities in the test claim statement of decision" but that some of the County's proposed activities "... are beyond the scope of what was approved in the test claim statement of decision, or are not new".

The County respectfully disagrees with some of the Commission staff findings that the County requests reimbursement for activities which are not new or go beyond the scope of what was approved in the Commission's decision.

Specifically, the County finds that the Commission staff rejection of the County's proposed reimbursement for CPRA training is wrong. The County claims that reimbursement is required for training on implementing only the new CPRA requirements which do not include prior (1968) CPRA provisions. Accordingly, the County has added clarifying language to the CPRA Ps&Gs.

Further, the County finds that the Commission's decision does not deny reimbursement for all legal services. There is no prohibition against reimbursing the services of attorneys or for that matter engineers, physicians or any other types of professionals. Commission's decision only denies reimbursement for legal service when performed to determine whether the requested records are disclosable. Indeed, as Commissioner Ken Alex stated at the Commission's CPRA hearing "... the idea that you need some legal advice on how to proceed initially is pretty clear".

Importantly, the County has added a provision to the Commission staff CPRA Ps&Gs indicating that time-studies are an acceptable actual-cost claiming methodology. This methodology reduces claimants' costs by not having to file voluminous reimbursement claims as well as the State's costs in reviewing them.

New Declarations

On August 30, 2011 the County filed four declarations of County staff currently implementing CPRA provisions. Commission staff from them to be 'anemic'. On page 12 of their analysis, staff state that one declarant "... does not state on her own information and belief that the activities in Attachment A are necessary to implement the mandate. Staff also state, on page 12, that two other declarants "do not expressly endorse its (Attachment A's) contents".

Three of the four former declarants were available to redo their declarations to address the (above cited) concerns of Commission staff. And did so. Also declarants developed a new Attachment A which included all the activities found by Commission staff to be reasonably necessary as well as other activities personally found by the declarants to be reasonably necessary.

Accordingly, the evidence that County declarants now provide on their own information and belief on what is necessary to implement CPRA provisions found reimbursable by the Commission is on the record. It should be afforded great weight considering the long-standing CPRA experience of the declarants.

Diane C. Reagan

Exhibit 1 contains the declaration of Diane C. Reagan, Principal Deputy County Counsel assigned to respond to CPRA requests and work with the Board of Supervisors' staff as well as staff from the Animal Care and Control, Auditor-Controller, Health Services, Public Health, and Public Social Services departments and Office of the Chief Executive officer.

In addition, Ms. Reagan has been assigned to work with one CPRA requestor in responding to voluminous requests for public records. In this regard, Ms. Reagan has provided an Attachment B, on page 10 of Exhibit 1, of her previous declaration filed with the Commission on August 30, 2011, which catalogs 20 such requests during the January 1, 2011- June 17, 2011 period.

Ms. Reagan, based on her extensive experience in implementing CPRA services which were found to be reimbursable by the Commission on May 26, 2011, declares under penalty of perjury, that:

"... it is my information and belief that the Commission staff fairly state the activities reasonably necessary in implementing new CPRA

services except for the changes I recommend which are found (highlighted) in Attachment A.

... it is my information and belief that the changes recommended to Commission staffs' reimbursable activities are required because the provision of new CPRA services, including those to assist CPRA requestors in making a focused and effective search, must be tracked, processed and provided to the requestor in a timely and cost-efficient manner."

Therefore, Ms. Reagan adds substantial evidence to the record supporting a Commission decision to adopt CPRA Ps&Gs which include the County's revisions as described in her declaration's Attachment A.

Rick Brouwer

Exhibit 2 contains the declaration of Rick Brouwer, Principal Deputy County Counsel. Mr. Brouwer supervises the Sheriff's Department Advocacy Unit with 6 attorneys and six support staff and has done so for the past 17 years. Among other things, his unit provides legal CPRA services to the Sheriff's Department. He has been personally responsible for providing CPRA assistance.

Mr. Brouwer, based on his extensive experience in implementing CPRA services which were found to be reimbursable by the Commission on May 26, 2011, declares under penalty of perjury, that:

"... it is my information and belief that the Commission staff fairly state the activities reasonably necessary in implementing new CPRA services except for the changes I recommend which are found (highlighted) in Attachment A.

... it is my information and belief that the changes recommended to Commission staffs' reimbursable activities are required because the provision of new CPRA services, including those to assist CPRA requestors in making a focused and effective search, must be tracked, processed and provided to the requestor in a timely and cost-efficient manner."

Therefore, Mr. Brouwer adds substantial evidence to the record supporting a Commission decision to adopt CPRA Ps&Gs which include the County's revisions as described in his declaration's Attachment A.

Shaun Mathers

Exhibit 3 contains the declaration of Shaun Mathers, a Captain in the Risk Management Bureau of the County Sheriff's Department. Captain Mathers has 30 years of experience in law enforcement and has handled CPRA requests for his department for the past 10 years.

Captain Mathers, based on his extensive experience in implementing CPRA services which were found to be reimbursable by the Commission on May 26, 2011, declares under penalty of perjury, that:

“... it is my information and belief that the Commission staff fairly state the activities reasonably necessary in implementing new CPRA services except for the changes I recommend which are found (highlighted) in Attachment A.

... it is my information and belief that the changes recommended to Commission staffs' reimbursable activities are required because the provision of new CPRA services, including those to assist CPRA requestors in making a focused and effective search, must be tracked, processed and provided to the requestor in a timely and cost-efficient manner.”

Therefore, Captain Mathers adds substantial evidence to the record supporting a Commission decision to adopt CPRA Ps&Gs which include the County's revisions as described in his declaration's Attachment A.

Accordingly, substantial evidence has been provided by three County declarants supporting a Commission decision to adopt the Commission staff CPRA Ps&Gs as revised by the County. But there is more.

State Controller Office

The State Controller's Office (SCO) in reviewing the County's initial version of its proposed CPRA Ps&Gs filed on June 23, 2011 provided guidance on developing a more effective version.

Specifically, on July 22, 2011, Mr. Jay Lal, a manager of the Local Reimbursement Section of the State Controller's Office (SCO) wrote the Commission and indicated that “... the reimbursable activities listed (by the County) were confusing, not specific and needed clarification”.

To reduce confusion, Mr. Lal recommended that the County could redraft its Ps&Gs by using "... the reimbursable activities laid out in the (County's 2002) test claim attachments of (Captain) Michael R. McDermott and (Commander) Richard L. Castro (of the Los Angeles County Sheriff's Department)".¹

Commander Castro has declared under penalty of perjury that it is "... my information or belief (that) the new public record duties imposed on the County, as detailed on the attached list, are reasonably necessary in complying with the test claim legislation". Commander Castro's list of reasonably necessary activities is as follows:

"One-time Activities

1. Develop policies, protocols.
2. Conduct training on implementing test claim legislation.
3. Purchase computers to monitor and document public record service actions.
4. Purchase or develop data base software for tracking and processing Public Record Act requests.
5. Develop a Web Site for public record disclosure requests.

Continuing Activities

I. Staff time for:

A. Station or branch personnel.

1. Assistance in defining telephone, walk-in or written requests.
2. Writing and logging request.
3. Station-level research .
4. If availability known, notify requestor.
5. Indicate date/time available.
6. If availability not known, forward request to central unit.

B. Central Unit Personnel

1. Assistance in defining telephone, walk-in or written requests
2. Writing and logging request.
3. Central Unit research .
4. If availability known, notify requestor.
5. Indicate date/time available.

¹ The declarations of Commander Castro and Captain McDermott are found in exhibits 5 and 6 respectively.

6. If availability not known:
 - a. consult with specialized personnel.
 - b. document findings.
 - c. notify requestor of results.
- C. County Counsel – legal services to implement and comply with the test claim legislation, including Govt Code 6253.1.

II. Supplies and Materials

III. Contract Services – eg PC maintenance

IV. Travel “

It should be noted that Commander Castro’s list of reasonably necessary activities is detailed and not explicitly specified in CPRA statutes. The Commission’s May 26, 2011 CPRA decision, like most Commission decisions, was limited to statutory provisions and did not include any of Commander Castro’s reasonably necessary activities.

It is only during the Ps&Gs phase of the Commission’s CPRA proceedings that Commander Castro’s list of reasonably necessary activities which are not specified in statute can be entered into evidence. So, that is done now to provide further evidence that the changes recommended to Commission staffs’ reimbursable activities are required because the provision of new CPRA services, including those to assist CPRA requestors in making a focused and effective search, must be tracked, processed and provided to the requestor in a timely and cost-efficient manner.

Further, Commander Castro, like the County’s current declarants, finds that conducting training on implementing the test claim legislation is a reasonably necessary activity.

Training

Commission staff find that even one-time CPRA training is not reasonably necessary in implementing only CPRA’s provisions found to be reimbursable by the Commission. Staff explain, on page 17 of their analysis, that “there is no

evidence that the initial training of government employees could not include CPRA”.

The County maintains that the State should pay for CPRA training only on the new CPRA requirements found reimbursable by the Commission and only for those government employees responsible for implementing those provisions.

The County has provided substantial evidence in the attached declarations supporting a finding that limited one-time training is reimbursable. There is no evidence supporting a contrary conclusion.

Therefore, the County adds the following training language to the one-time activities of “Section IV. REIMBURSABLE ACTIVITIES” proposed by Commission staff:

One-time training of each employee assigned the duties of implementing the reimbursable activities identified in section “IV. REIMBURSABLE ACTIVITIES” of these parameters and guidelines. This training activity does not include and reimbursement is not required for implementing all of the California Public Records Act or instruction regarding making a determination whether a record is disclosable.

On-going Activities

The County maintains that, based on the County’s declarations previously discussed, the changes recommended to Commission staffs’ reimbursable on-going activities are required because the provision of new CPRA services, including those to assist CPRA requestors in making a focused and effective search, must be tracked, processed and provided to the requestor in a timely and cost-efficient manner.

Regarding on-going legal services necessary to implement CPRA provisions found to be reimbursable by the Commission, Commission staff are in error in indicating that all legal services are not reimbursable. Staff can point to no finding in Commission’s CPRA decision to this effect.

Further, the County finds that the Commission’s decision does not deny reimbursement for the services of attorneys, engineers, physicians or any other professionals. In fact, the Commission’s decision did not address an occupation but a function ... the function of determining whether the requested records are

disclosable. So legal services not pertinent to the disclosure function are reimbursable. Indeed, as Commissioner Ken Alex stated at the Commission's CPRA hearing "... the idea that you need some legal advice on how to proceed initially is pretty clear".

The County does agree with Commission staff that those legal services conducted for the purpose of determining whether a record or parts thereof are disclosable are not reimbursable. The County only adds this reimbursement limitation language where Commission staff language indicates or suggests that all legal services are not reimbursable.

The County has also limited reimbursement for other on-going activities but not always to the extent proposed by Commission staff. The County's limitations are based on evidence provided by their declarants as previously discussed.

The County therefore makes the following (highlighted) revisions to the Commission staff list of reimbursable on-going CPRA activities:

1 Provide a copy of a disclosable electronic record in the electronic format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies. (Gov. Code, § 6253.9(a)(2) (Stats. 2000, ch. 982)).

This activity includes:

- a. Computer programming, extraction, or compiling necessary to produce disclosable records, including the pro rata costs of purchasing and installing software systems permitting key word searches for those requests requiring assistance to the requestor in making a focused and effective search, and
- b. Producing a copy of an electronic record that is otherwise produced only at regularly scheduled intervals.

This activity does not include, and reimbursement is not required for the costs of determining whether the record is disclosable; receiving public records act requests not requiring assistance to the requestor in making a focused and effective search; tracking requests not requiring assistance to the requestor in making a focused and effective search; processing requests not requiring assistance to the requestor in making a focused and effective search; ~~determining whether a request describes reasonably identifiable records and identifying access to those records; retrieving records, or sending the records to the requestor.~~

Fee authority discussed in section VII. of these parameters and guidelines is available to be applied to the costs of this activity, and may fully offset the reimbursable costs of this activity. The Controller is authorized to reduce reimbursement for this activity to the extent of fee authority, as described in section VII.

2. Within 10 days from receipt of a request for a copy of records, notify the person making the request of the disclosure determination and the reasons for the determination. (Gov. Code, § 6253(c) (Stats. 2001, ch. 982)).

This activity includes: ~~developing and reviewing language to notify the requestor of the disclosure determination and the reasons for the determination.~~

- a. Drafting, editing, and reviewing a written notice to the person making the request, setting forth the reasons for the determination. If notice is provided verbally in lieu of written notification, the time for staff to contact and communicate this information to the requestor.
- b. Preparing and obtaining agency head, or his or her designee, approval and signature of the notification to the requestor.
- c. Sending or transmitting the notice to the requestor.

This activity does not include, and reimbursement is not required for the activities of making the determination whether a record is disclosable , receiving the request for records not requiring assistance to the requestor in making a focused and effective search, determining whether the request not requiring assistance to the requestor in making a focused and effective search, falls within the agency's jurisdiction, ~~determining whether the request describes reasonably identifiable records, identifying access to records,~~ conducting legal reviews to determine whether records are disclosable, processing the records not requiring assistance to the requestor in making a focused and effective search, obtaining supervisory review in processing records not requiring assistance to the requestor in making a focused and effective search, or sending and tracking the records not requiring assistance to the requestor in making a focused and effective search;.

3. If the 10-day time limit of Government Code section 6253 is extended by a local agency or K-14 school district due to "unusual circumstances" as defined by Government Code section 6253(c)(1)-(4) (Stats. 2001, ch. 982), the agency head, or his or her designee, shall provide written notice to the person making the request, setting forth the reasons of the extension and the date on which a

determination is expected to be dispatched. (Gov. Code, § 6253(c) (Stats. 2001, ch. 982)).

This activity includes:

- a. Drafting, editing and reviewing a written notice to the person making the request, setting forth the reasons of the extension and the date on which a determination is expected to be dispatched.
- b. Preparing, and obtaining agency head, or his or her designee, approval and signature of, the extension notice.
- c. Sending or transmitting the notice to the requestor.

4. When a member of the public requests to inspect a public record or obtain a copy of a public record: the local agency or K-14 school district shall (1) assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated; (2) describe the information technology and physical location in which the records exist; and (3) provide suggestions for overcoming any practical basis for denying access to the records or information sought.

These activities are not reimbursable when: (1) the public records requested are made available to the member of the public through the procedures set forth in Government Code section 6253; (2) the public agency determines that the request should be denied and bases that determination solely on an exemption listed in Government Code section 6254; or (3) the public agency makes available an index of its records. (Gov. Code, § 6253.1(a) and (d) (Stats. 2001, ch. 355)).

This activity includes:

- a. Conferring with the requestor if clarification is needed to identify records requested.
- b. Identifying record(s) and information which may be disclosable and may be responsive to the request or to the purpose of the request, if stated.
- c. Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

Reimbursement is not required for the activities of making the determination whether a record is disclosable, receiving the request for records not requiring assistance to the requestor in making a focused and effective search, determining whether the request not requiring assistance to the requestor in making a focused and effective search, falls within the agency's jurisdiction, ~~determining whether the request describes reasonably identifiable records, identifying access to records,~~ conducting legal reviews to determine whether records are disclosable, processing the records not requiring assistance to the requestor in making a focused and effective search, obtaining supervisory review in processing records not requiring assistance to the requestor in making a focused and effective search, or sending and tracking the records not requiring assistance to the requestor in making a focused and effective search.

5. For K-12 school districts and county offices of education only, the following activities are eligible for reimbursement:

a. Redact or withhold the home address and telephone number of employees of K-12 school districts and county offices of education from records that contain disclosable information.

This activity is not reimbursable when the information is requested by: (1) an agent, or a family member of the individual to whom the information pertains; (2) an officer or employee of another school district, or county office of education when necessary for the performance of its official duties; (3) an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, except that the home addresses and home telephone numbers of employees performing law enforcement-related functions shall not be disclosed (and thus must always be redacted or withheld); (4) an agent or employee of a health benefit plan providing health services or administering claims for health services to K-12 school district and county office of education employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents. (Gov. Code, § 6254.3(a) (Stats. 1992, ch. 463).)

b. Remove the home address and telephone number of an employee from any mailing lists that the K-12 school district or county office of education is legally required to maintain, if requested by the employee, except for lists used exclusively by the K-12 school district or county office of education to contact the employee. (Gov. Code, § 6254.3(b) (Stats. 1992, ch. 463).)

6. If a request is denied, in whole or in part, respond in writing to a written request for inspection or copies of public records that includes a determination that the request is denied. (Gov. Code, § 6255, subd. (b) (Stats. 2000, ch. 982)).

This activity includes:

- a. Drafting and editing a written response that includes a determination that the request is denied.
- b. Preparing, and obtaining agency head, or his or her designee, approval and signature of, the denial response and accompanying correspondence.
- c. Sending the denial response to the requestor.

This activity does not include, and reimbursement is not required for making the determination, based on case law and statute, that a record is exempt from disclosure. Reimbursement may be claimed only for ~~providing the justification in writing~~, drafting and editing a written response that includes a determination that the request is denied.

Therefore, the County's revisions to the Commission staff proposed on-going reimbursable activities as described above should be included in the CPRA Ps&Gs.

Time Studies

The County has added a provision to the Commission staff Ps&Gs indicating that time-studies are an acceptable actual-cost claiming methodology. The Commission staff CPRA Ps&Gs do not mention this methodology. This is a serious oversight as this methodology allows claimants to compute reimbursable costs without having to produce CPRA-coded time sheets going back to the beginning of the CPRA reimbursement program --- July 1, 2001. Back then, no one even knew what type of CPRA activity was reimbursable and should be coded.

Further, use of the time-study method for claiming actual costs reduces claimants' costs by not having to file voluminous reimbursement claims. Also, State costs are reduced by not having to review voluminous reimbursement claims.

Therefore the County adds the following time study language to the CPRA Ps&Gs proposed by Commission staff.

Claimants may use time studies to support labor [salary, benefit and associated indirect] costs when an activity is task-repetitive. Time

study usage is subject to the review and audit conducted by the State Controller's Office. The reimbursable time recorded on each time survey form must be for specific reimbursable activities as detailed herein. An employees reimbursable time is totaled and then multiplied by their productive hourly rate, as that term is defined in the State Controller's Office annual claiming instruction manual, found on www.sco.ca.gov. If a time study sample is used to claim time for 4 through 9 staff, at least 2 staff should be time surveyed. If 10 or more staff are claimed, a 20% sample, rounded to the nearest whole number of cases, should be taken.

Conclusion

Therefore, for all of the above reasons, the County's revision of "Section IV. REIMBURSABLE ACTIVITIES" of the Commission staff proposed CPRA Ps&Gs is recommended. These revisions follow on pages 14-19.

Los Angeles County's Recommended Revision of
Commission Staff Proposed Parameters and Guidelines
California Public Records Act Test Claim (02-TC-10, 02-TC-51)

IV. REIMBURSABLE ACTIVITIES

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable to and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, training packets, and declarations. Declarations must include a certification or declaration stating, "I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct," and must further comply with the requirements of Code of Civil Procedure section 2015.5. Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

Claimants may use time studies to support labor [salary, benefit and associated indirect] costs when an activity is task-repetitive. Time study usage is subject to the review and audit conducted by the State Controller's Office. The reimbursable time recorded on each time survey form must be for specific reimbursable activities as detailed herein. An employee's reimbursable time is totaled and then multiplied by their productive hourly rate, as that term is defined in the State Controller's Office annual claiming instruction manual, found on www.sco.ca.gov. If a time study sample is used to claim time for 4 through 9 staff, at least 2 staff should be time surveyed. If 10 or more staff are claimed, a 20% sample, rounded to the nearest whole number of cases, should be taken.

Scope of Reimbursable Activities

The claimant is only allowed to claim, and be reimbursed for, increased costs for reimbursable activities identified below. Increased cost are limited to the costs of an activity that the claimant is required to incur as a result of the mandate.

For each eligible claimant, labor, contract service, material, supply, equipment and travel costs are reimbursable when incurred in performing the following activities:

A. One Time Activities

One-time development of policies, protocols, manuals, and procedures, to implement only the activities identified in section IV. B of these parameters and guidelines. This activity specifically does not include and reimbursement is not required for, developing policies and procedures to implement all of the California Public Records Act or as to making a determination whether a record is disclosable, or providing copies of disclosable records.

One-time training of each employee assigned the duties of implementing the reimbursable activities identified in section "IV. REIMBURSABLE ACTIVITIES" of these parameters and guidelines. This training activity does not include and reimbursement is not required for implementing all of the California Public Records Act or instruction regarding making a determination whether a record is disclosable.

B. Ongoing Activities

1 Provide a copy of a disclosable electronic record in the electronic format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies. (Gov. Code, § 6253.9(a)(2) (Stats. 2000, ch. 982)).

This activity includes:

- a. Computer programming, extraction, or compiling necessary to produce disclosable records, including the pro rata costs of purchasing and installing software systems permitting key word searches for those requests requiring assistance to the requestor in making a focused and effective search, and

- b. Producing a copy of an electronic record that is otherwise produced only at regularly scheduled intervals.

This activity does not include, and reimbursement is not required for the costs of determining whether the record is disclosable; receiving public records act requests not requiring assistance to the requestor in making a focused and effective search; tracking requests not requiring assistance to the requestor in making a focused and effective search; processing requests not requiring assistance to the requestor in making a focused and effective search.

Fee authority discussed in section VII. of these parameters and guidelines is available to be applied to the costs of this activity, and may fully offset the reimbursable costs of this activity. The Controller is authorized to reduce reimbursement for this activity to the extent of fee authority, as described in section VII.

2. Within 10 days from receipt of a request for a copy of records, notify the person making the request of the disclosure determination and the reasons for the determination. (Gov. Code, § 6253(c) (Stats. 2001, ch. 982)).

This activity includes:

- a. Drafting, editing, and reviewing a written notice to the person making the request, setting forth the reasons for the determination. If notice is provided verbally in lieu of written notification, the time for staff to contact and communicate this information to the requestor.
- b. Preparing and obtaining agency head, or his or her designee, approval and signature of the notification to the requestor.
- c. Sending or transmitting the notice to the requestor.

This activity does not include, and reimbursement is not required for the activities of making the determination whether a record is disclosable, receiving the request for records not requiring assistance to the requestor in making a focused and effective search, determining whether the request not requiring assistance to the requestor in making a focused and effective search, falls within the agency's jurisdiction, conducting legal reviews to determine whether records are disclosable, processing the records not requiring assistance to the requestor in making a focused and effective search, obtaining supervisory review in processing records not requiring assistance to the requestor in making a focused and effective search,

or sending and tracking the records not requiring assistance to the requestor in making a focused and effective search;

3. If the 10-day time limit of Government Code section 6253 is extended by a local agency or K-14 school district due to “unusual circumstances” as defined by Government Code section 6253(c)(1)-(4) (Stats. 2001, ch. 982), the agency head, or his or her designee, shall provide written notice to the person making the request, setting forth the reasons of the extension and the date on which a determination is expected to be dispatched. (Gov. Code, § 6253(c) (Stats. 2001, ch. 982)).

This activity includes:

- a. Drafting, editing and reviewing a written notice to the person making the request, setting forth the reasons of the extension and the date on which a determination is expected to be dispatched.
- b. Preparing, and obtaining agency head, or his or her designee, approval and signature of, the extension notice.
- c. Sending or transmitting the notice to the requestor.

4. When a member of the public requests to inspect a public record or obtain a copy of a public record: the local agency or K-14 school district shall (1) assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated; (2) describe the information technology and physical location in which the records exist; and (3) provide suggestions for overcoming any practical basis for denying access to the records or information sought.

These activities are not reimbursable when: (1) the public records requested are made available to the member of the public through the procedures set forth in Government Code section 6253; (2) the public agency determines that the request should be denied and bases that determination solely on an exemption listed in Government Code section 6254; or (3) the public agency makes available an index of its records. (Gov. Code, § 6253.1(a) and (d) (Stats. 2001, ch. 355)).

This activity includes:

- a. Conferring with the requestor if clarification is needed to identify records requested.
- b. Identifying record(s) and information which may be disclosable and may be responsive to the request or to the purpose of the request, if stated.
- c. Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

Reimbursement is not required for the activities of making the determination whether a record is disclosable, receiving the request for records not requiring assistance to the requestor in making a focused and effective search, determining whether the request not requiring assistance to the requestor in making a focused and effective search, falls within the agency's jurisdiction, conducting legal reviews to determine whether records are disclosable, processing the records not requiring assistance to the requestor in making a focused and effective search, obtaining supervisory review in processing records not requiring assistance to the requestor in making a focused and effective search, or sending and tracking the records not requiring assistance to the requestor in making a focused and effective search.

5. For K-12 school districts and county offices of education only, the following activities are eligible for reimbursement:

- a. Redact or withhold the home address and telephone number of employees of K-12 school districts and county offices of education from records that contain disclosable information.

This activity is not reimbursable when the information is requested by: (1) an agent, or a family member of the individual to whom the information pertains; (2) an officer or employee of another school district, or county office of education when necessary for the performance of its official duties; (3) an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, except that the home addresses and home telephone numbers of employees performing law enforcement-related functions shall not be disclosed (and thus must always be redacted or withheld); (4) an agent or employee of a health benefit plan providing health services or administering claims for health services to K-12 school district and county office of education employees and their enrolled dependents, for the purpose of providing the health services or administering claims for

employees and their enrolled dependents. (Gov. Code, § 6254.3(a) (Stats. 1992, ch. 463).)

b. Remove the home address and telephone number of an employee from any mailing lists that the K-12 school district or county office of education is legally required to maintain, if requested by the employee, except for lists used exclusively by the K-12 school district or county office of education to contact the employee. (Gov. Code, § 6254.3(b) (Stats. 1992, ch. 463).)

6. If a request is denied, in whole or in part, respond in writing to a written request for inspection or copies of public records that includes a determination that the request is denied. (Gov. Code, § 6255, subd. (b) (Stats. 2000, ch. 982)).

This activity includes:

- a. Drafting and editing a written response that includes a determination that the request is denied.
- b. Preparing, and obtaining agency head, or his or her designee, approval and signature of, the denial response and accompanying correspondence.
- c. Preparing, and obtaining agency head, or his or her designee, approval and signature of, the denial response and accompanying correspondence.
- d. Sending the denial response to the requestor.

This activity does not include, and reimbursement is not required for making the determination, based on case law and statute, that a record is exempt from disclosure. Reimbursement may be claimed only for drafting and editing a written response that includes a determination that the request is denied.



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

TELEPHONE
(213) 974-1811
FACSIMILE
(213) 687-7300
TDD
(213) 633-0901

JOHN F. KRATTLI
County Counsel

Los Angeles County's Recommended Changes to:
Commission Staff Proposed Parameters and Guidelines
California Public Records Act Test Claim (02-TC-10, 02-TC-51)

DECLARATION OF DIANE C. REAGAN

I, Diane C. Reagan, declare as follows:

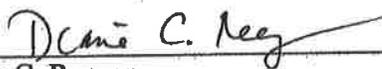
1. I am a licensed, practicing attorney in the State of California. I have been a member of the California Bar since 1981; my state bar number is 98709. Immediately before beginning my employment with the Office of the Los Angeles County Counsel in 1994, I was engaged in an estate planning and probate private practice, and prior to that, I was employed by the State of California Department of Corporations, in the Securities Regulation Division, as Senior Corporations Counsel. I am a Principal Deputy County Counsel in the Office of the Los Angeles County Counsel.
2. I have represented many County departments and several commissions and have responded to many requests for public records during my nineteen (19) year tenure with this office. I have personal knowledge of the facts set forth herein, except as to those stated on information and belief and, as to those, I am informed and believe them to be true. If called as a witness, I could and would competently testify to the matters stated herein.
3. Among other assignments in the Health Services Division, my primary responsibility is provide advice, transactional and litigation services to the Department of Animal Care and Control ("DACC"). I have represented the Department of Animal Care and Control as its general counsel for over fourteen (14) years. During that time, I have been personally responsible for assisting DACC in responding to requests for public records under the California Public Records Act (CPRA). Between March 2010 and May 2012, I was also the County Counsel attorney designated to respond to Public Record Act requests from a specific requestor, which included working with the Board of Supervisors' staff, and several other County departments, including, but not limited to, the Office of the Chief Executive Officer, the Auditor/Controller, the Health Services

Page 2

Department, the Department of Public Health, the Department of Public Social Services, and the Sheriff Department.

4. I declare that I have reviewed the Commission on State Mandates (Commission) staff CPRA analysis and proposed parameters and guidelines issued to the County on February 13, 2013.
5. I declare on information and belief that the Commission staff fairly state the activities reasonably necessary in implementing new CPRA services except for the changes I recommend which are found (highlighted) in Attachment A.
6. I declare on information and belief that the changes recommended to Commission staffs' "reimbursable activities," are required because the provision of new CPRA services, including those to assist CPRA requestors in making a focused and effective search, must be tracked, processed and provided to the requestor in a timely and cost-efficient manner.
7. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to the matters which are therein stated as information and belief, and as to those matters I believe them to be true.

Executed on March 1, 2013, at Los Angeles, California.



Diane C. Reagan

Schedule A

Los Angeles County's Recommended Changes to:
Commission Staff Proposed Parameters and Guidelines
California Public Records Act Test Claim (02-TC-10, 02-TC-51)¹

IV. REIMBURSABLE ACTIVITIES

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable to and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, training packets, and declarations. Declarations must include a certification or declaration stating, "I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct," and must further comply with the requirements of Code of Civil Procedure section 2015.5. Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

Claimants may use time studies to support labor [salary, benefit and associated indirect] costs when an activity is task-repetitive. Time study usage is subject to the review and audit conducted by the State Controller's Office. The reimbursable time recorded on each time survey form must be for specific reimbursable activities as detailed herein. An employee's reimbursable time is totaled and then multiplied by their productive hourly rate, as that term is defined in the State

¹ The recommended changes to the parameters and guidelines proposed by staff of the Commission on State Mandates are highlighted. These changes do not address provisions pertaining solely to K-14 school districts.

Controller's Office annual claiming instruction manual, found on www.sco.ca.gov. If a time study sample is used to claim time for 4 through 9 staff, at least 2 staff should be time surveyed. If 10 or more staff are claimed, a 20% sample, rounded to the nearest whole number of cases, should be taken.

Scope of Reimbursable Activities

The claimant is only allowed to claim, and be reimbursed for, increased costs for reimbursable activities identified below. Increased cost are limited to the costs of an activity that the claimant is required to incur as a result of the mandate.

For each eligible claimant that incurs increased costs, the following activities are reimbursable: labor, contract service, material, supply, equipment and travel costs are reimbursable when incurred in performing the following activities:

A. One Time Activities

One-time development of policies, protocols, manuals, and procedures, to implement only the activities identified in section IV. B of these parameters and guidelines. The activities in section IV. B represent the incremental higher level of service approved by the Commission. This activity specifically does not include and reimbursement is not required for, developing policies and procedures to implement all of the California Public Records Act or making a determination whether a record is disclosable, or providing copies of disclosable records.

One-time training of each employee assigned the duties of implementing the reimbursable activities identified in section "IV. REIMBURSABLE ACTIVITIES" of these parameters and guidelines. This training activity does not include and reimbursement is not required for implementing all of the California Public Records Act or instruction regarding making a determination as to whether a record is disclosable, or providing copies of disclosable records.

B. Ongoing Activities

1 Provide a copy of a disclosable electronic record in the electronic format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies. (Gov. Code, § 6253.9(a)(2) (Stats. 2000, ch. 982)).

This activity includes:

- a. Computer programming, extraction, or compiling necessary to produce disclosable records, including the pro rata costs of purchasing and installing software systems permitting key word searches for those requests requiring assistance to the requestor in making a focused and effective search, and
- b. Producing a copy of an electronic record that is otherwise produced only at regularly scheduled intervals.

This activity does not include, and reimbursement is not required for the costs of determining whether the record is disclosable; receiving public records act requests not requiring assistance to the requestor in making a focused and effective search; tracking requests not requiring assistance to the requestor in making a focused and effective search; processing requests not requiring assistance to the requestor in making a focused and effective search; determining whether a request describes reasonably identifiable records and identifying access to those records; retrieving records, or sending the records to the requestor.

Fee authority discussed in section VII. of these parameters and guidelines is available to be applied to the costs of this activity, and may fully offset the reimbursable costs of this activity. The Controller is authorized to reduce reimbursement for this activity to the extent of fee authority, as described in section VII.

2. Within 10 days from receipt of a request for a copy of records, notify the person making the request of the disclosure determination and the reasons for the determination. (Gov. Code, § 6253(c) (Stats. 2001, ch. 982)).

This activity includes: developing and reviewing language to notify the requestor of the disclosure determination and the reasons for the determination.

- a. Drafting, editing, and reviewing a written notice to the person making the request, setting forth the reasons for the determination. If notice is provided verbally in lieu of written notification, the time for staff to contact and communicate this information to the requestor.
- b. Preparing and obtaining agency head, or his or her designee, approval and signature of the notification to the requestor.
- c. Sending or transmitting the notice to the requestor.

This activity does not include, and reimbursement is not required for the activities of making the determination whether a record is disclosable, receiving the request for records not requiring assistance to the requestor in making a focused and effective search, determining whether the request not requiring assistance to the requestor in making a focused and effective search, falls within the agency's jurisdiction, determining whether the request describes reasonably identifiable records, identifying access to records, conducting legal reviews to determine whether records are disclosable, processing the records not requiring assistance to the requestor in making a focused and effective search, obtaining supervisory review in processing records not requiring assistance to the requestor in making a focused and effective search, or sending and tracking the records not requiring assistance to the requestor in making a focused and effective search.

3. If the 10-day time limit of Government Code section 6253 is extended by a local agency or K-14 school district due to "unusual circumstances" as defined by Government Code section 6253(c)(1)-(4) (Stats. 2001, ch. 982), the agency head, or his or her designee, shall provide written notice to the person making the request, setting forth the reasons of the extension and the date on which a determination is expected to be dispatched. (Gov. Code, § 6253(c) (Stats. 2001, ch. 982)).

This activity includes:

- a. Drafting, editing and reviewing a written notice to the person making the request, setting forth the reasons of the extension and the date on which a determination is expected to be dispatched.
- b. Preparing, and obtaining agency head, or his or her designee, approval and signature of, the extension notice.
- c. Sending or transmitting the notice to the requestor.

4. When a member of the public requests to inspect a public record or obtain a copy of a public record: the local agency or K-14 school district shall (1) assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated; (2) describe the information technology and physical location in which the records exist; and (3) provide suggestions for overcoming any practical basis for denying access to the records or information sought.

These activities are not reimbursable when: (1) the public records requested are made available to the member of the public through the procedures set forth in Government Code section 6253; (2) the public agency determines that the request should be denied and bases that determination solely on an exemption listed in Government Code section 6254; or (3) the public agency makes available an index of its records. (Gov. Code, § 6253.1(a) and (d) (Stats. 2001, ch. 355)).

This activity includes:

- a. Conferring with the requestor if clarification is needed to identify records requested.
- b. Identifying record(s) and information which may be disclosable and may be responsive to the request or to the purpose of the request, if stated.
- c. Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

Reimbursement is not required for the activities of making the determination whether a record is disclosable, receiving the request for records not requiring assistance to the requestor in making a focused and effective search, determining whether the request not requiring assistance to the requestor in making a focused and effective search falls within the agency's jurisdiction, determining whether the request describes reasonably identifiable records, identifying access to records, conducting legal reviews to determine whether records are disclosable, processing the records not requiring assistance to the requestor in making a focused and effective search, obtaining supervisory review in processing records not requiring assistance to the requestor in making a focused and effective search, or sending and tracking the records not requiring assistance to the requestor in making a focused and effective search.

5. For K-12 school districts and county offices of education only, the following activities are eligible for reimbursement:

- a. Redact or withhold the home address and telephone number of employees of K-12 school districts and county offices of education from records that contain disclosable information.

This activity is not reimbursable when the information is requested by: (1) an agent, or a family member of the individual to whom the information pertains; (2) an officer or employee of another school district, or county office of education when necessary for the performance of its official duties; (3) an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, except that the home addresses and home telephone numbers of employees performing law enforcement-related functions shall not be disclosed (and thus must always be redacted or withheld); (4) an agent or employee of a health benefit plan providing health services or administering claims for health services to K-12 school district and county office of education employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents. (Gov. Code, § 6254.3(a) (Stats. 1992, ch. 463).)

b. Remove the home address and telephone number of an employee from any mailing lists that the K-12 school district or county office of education is legally required to maintain, if requested by the employee, except for lists used exclusively by the K-12 school district or county office of education to contact the employee. (Gov. Code, § 6254.3(b) (Stats. 1992, ch. 463).)

6. If a request is denied, in whole or in part, respond in writing to a written request for inspection or copies of public records that includes a determination that the request is denied. (Gov. Code, § 6255, subd. (b) (Stats. 2000, ch. 982)).

This activity includes:

- a. Drafting and editing a written response that includes a determination that the request is denied.
- b. Preparing, and obtaining agency head, or his or her designee, approval and signature of, the denial response and accompanying correspondence.
- c. Sending the denial response to the requestor.
- d. This activity does not include, and reimbursement is not required for making the determination, based on case law and statute, that a record is exempt from disclosure. Reimbursement may be claimed only for providing the justification in writing, drafting and editing a written response that includes a determination that the request is denied.



Eeroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



Los Angeles County's Recommended Changes to:
Commission Staff Proposed Parameters and Guidelines
California Public Records Act Test Claim (02-TC-10, 02-TC-51)

Declaration of RICK BROUWER

I, Rick Brouwer, declare as follows:

1. I am a licensed, practicing attorney in the State of California. I have been a member of the California Bar since 1992; my state bar number is 162220. Immediately before beginning my employment with the Office of the County Counsel in 1996, I worked as a labor and employment attorney for Jackson Lewis, the largest labor and employment firm in the country. I am currently a Principal Deputy County Counsel in the Office of the Los Angeles County Counsel.
2. I have represented many County departments and I have responded to many requests for public records during my seventeen (17) year tenure with this office. I have personal knowledge of the facts set forth herein, except as to those stated on information and belief and, as to those, I am informed and believe them to be true. If called as a witness, I could and would competently testify to the matters stated herein.
3. Since 1999, my primary responsibility has been to provide legal advice and litigation services to the Los Angeles County Sheriff's Department (LASD), the largest sheriff's department in the country. During that time I have been personally responsible for assisting LASD in responding to requests for public records under the California Public Records Act (CPRA).
4. I declare that I have reviewed the Commission on State Mandates (Commission) staff CPRA analysis and proposed parameters and guidelines issued on February 13, 2013.

5. I declare that it is my information and belief that the Commission staff fairly state the activities reasonably necessary in implementing new CPRA services except for the changes I recommend which are found (highlighted) in Attachment A.
6. I declare that it is my information and belief that the changes recommended to Commission staffs' reimbursable activities are required because the provision of new CPRA services, including those to assist CPRA requestors in making a focused and effective search, must be tracked, processed and provided to the requestor in a timely and cost-efficient manner.
7. I am personally conversant with the foregoing facts and if so required, I could and would testify to the statements made herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to the matters which are therein stated as information and belief, and as to those matters I believe them to be true.

Executed on February 28, 2013, at Los Angeles, California.



Rick Brouwer

Schedule A

Los Angeles County's Recommended Changes to:
Commission Staff Proposed Parameters and Guidelines
California Public Records Act Test Claim (02-TC-10, 02-TC-51)¹

IV. REIMBURSABLE ACTIVITIES

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable to and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, training packets, and declarations. Declarations must include a certification or declaration stating, "I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct," and must further comply with the requirements of Code of Civil Procedure section 2015.5. Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

Claimants may use time studies to support labor [salary, benefit and associated indirect] costs when an activity is task-repetitive. Time study usage is subject to the review and audit conducted by the State Controller's Office. The reimbursable time recorded on each time survey form must be for specific reimbursable activities as detailed herein. An employee's reimbursable time is totaled and then multiplied by their productive hourly rate, as that term is defined in the State

¹ The recommended changes to the parameters and guidelines proposed by staff of the Commission on State Mandates are highlighted. These changes do not address provisions pertaining solely to K-14 school districts.

Controller's Office annual claiming instruction manual, found on www.sco.ca.gov. If a time study sample is used to claim time for 4 through 9 staff, at least 2 staff should be time surveyed. If 10 or more staff are claimed, a 20% sample, rounded to the nearest whole number of cases, should be taken.

Scope of Reimbursable Activities

The claimant is only allowed to claim, and be reimbursed for, increased costs for reimbursable activities identified below. Increased cost are limited to the costs of an activity that the claimant is required to incur as a result of the mandate.

For each eligible claimant that incurs increased costs, the following activities are reimbursable: labor, contract service, material, supply, equipment and travel costs are reimbursable when incurred in performing the following activities:

A. One Time Activities

One-time development of policies, protocols, manuals, and procedures, to implement only the activities identified in section IV. B of these parameters and guidelines. The activities in section IV.B represent the incremental higher level of service approved by the Commission. This activity specifically does not include and reimbursement is not required for, developing policies and procedures to implement all of the California Public Records Act or making a determination whether a record is disclosable, or providing copies of disclosable records.

One-time training of each employee assigned the duties of implementing the reimbursable activities identified in section "IV. REIMBURSABLE ACTIVITIES" of these parameters and guidelines. This training activity does not include and reimbursement is not required for implementing all of the California Public Records Act or instruction regarding making a determination as to whether a record is disclosable, or providing copies of disclosable records.

B. Ongoing Activities

1 Provide a copy of a disclosable electronic record in the electronic format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies. (Gov. Code, § 6253.9(a)(2) (Stats. 2000, ch. 982)).

This activity includes:

- a. Computer programming, extraction, or compiling necessary to produce disclosable records, including the pro rata costs of purchasing and installing software systems permitting key word searches for those requests requiring assistance to the requestor in making a focused and effective search, and
- b. Producing a copy of an electronic record that is otherwise produced only at regularly scheduled intervals.

This activity does not include, and reimbursement is not required for the costs of determining whether the record is disclosable; receiving public records act requests not requiring assistance to the requestor in making a focused and effective search; tracking requests not requiring assistance to the requestor in making a focused and effective search; processing requests not requiring assistance to the requestor in making a focused and effective search; determining whether a request describes reasonably identifiable records and identifying access to those records; retrieving records, or sending the records to the requestor.

Fee authority discussed in section VII. of these parameters and guidelines is available to be applied to the costs of this activity, and may fully offset the reimbursable costs of this activity. The Controller is authorized to reduce reimbursement for this activity to the extent of fee authority, as described in section VII.

2. Within 10 days from receipt of a request for a copy of records, notify the person making the request of the disclosure determination and the reasons for the determination. (Gov. Code, § 6253(c) (Stats. 2001, ch. 982)).

This activity includes: ~~developing and reviewing language to notify the requestor of the disclosure determination and the reasons for the determination.~~

- a. ~~Drafting, editing, and reviewing a written notice to the person making the request, setting forth the reasons for the determination. If notice is provided verbally in lieu of written notification, the time for staff to contact and communicate this information to the requestor.~~
- b. ~~Preparing and obtaining agency head, or his or her designee, approval and signature of the notification to the requestor.~~
- c. ~~Sending or transmitting the notice to the requestor.~~

This activity does not include, and reimbursement is not required for the activities of making the determination whether a record is disclosable, receiving the request for records not requiring assistance to the requestor in making a focused and effective search, determining whether the request not requiring assistance to the requestor in making a focused and effective search, falls within the agency's jurisdiction, determining whether the request describes reasonably identifiable records, identifying access to records, conducting legal reviews to determine whether records are disclosable, processing the records not requiring assistance to the requestor in making a focused and effective search, obtaining supervisory review in processing records not requiring assistance to the requestor in making a focused and effective search, or sending and tracking the records not requiring assistance to the requestor in making a focused and effective search;.

3. If the 10-day time limit of Government Code section 6253 is extended by a local agency or K-14 school district due to "unusual circumstances" as defined by Government Code section 6253(c)(1)-(4) (Stats. 2001, ch. 982), the agency head, or his or her designee, shall provide written notice to the person making the request, setting forth the reasons of the extension and the date on which a determination is expected to be dispatched. (Gov. Code, § 6253(c) (Stats. 2001, ch. 982)).

This activity includes:

- a. Drafting, editing and reviewing a written notice to the person making the request, setting forth the reasons of the extension and the date on which a determination is expected to be dispatched.
- b. Preparing, and obtaining agency head, or his or her designee, approval and signature of, the extension notice.
- c. Sending or transmitting the notice to the requestor.

4. When a member of the public requests to inspect a public record or obtain a copy of a public record: the local agency or K-14 school district shall (1) assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated; (2) describe the information technology and physical location in which the records exist; and (3) provide suggestions for overcoming any practical basis for denying access to the records or information sought.

These activities are not reimbursable when: (1) the public records requested are made available to the member of the public through the procedures set forth in Government Code section 6253; (2) the public agency determines that the request should be denied and bases that determination solely on an exemption listed in Government Code section 6254; or (3) the public agency makes available an index of its records. (Gov. Code, § 6253.1(a) and (d) (Stats. 2001, ch. 355)).

This activity includes:

- a. Conferring with the requestor if clarification is needed to identify records requested.
- b. Identifying record(s) and information which may be disclosable and may be responsive to the request or to the purpose of the request, if stated.
- c. Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

Reimbursement is not required for the activities of making the determination whether a record is disclosable, receiving the request for records not requiring assistance to the requestor in making a focused and effective search, determining whether the request not requiring assistance to the requestor in making a focused and effective search, falls within the agency's jurisdiction, determining whether the request describes reasonably identifiable records, identifying access to records, conducting legal reviews to determine whether records are disclosable, processing the records not requiring assistance to the requestor in making a focused and effective search, obtaining supervisory review in processing records not requiring assistance to the requestor in making a focused and effective search, or sending and tracking the records not requiring assistance to the requestor in making a focused and effective search.

5. For K-12 school districts and county offices of education only, the following activities are eligible for reimbursement:

- a. Redact or withhold the home address and telephone number of employees of K-12 school districts and county offices of education from records that contain disclosable information.

This activity is not reimbursable when the information is requested by: (1) an agent, or a family member of the individual to whom the information pertains; (2) an officer or employee of another school district, or county office of education when necessary for the performance of its official duties; (3) an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, except that the home addresses and home telephone numbers of employees performing law enforcement-related functions shall not be disclosed (and thus must always be redacted or withheld); (4) an agent or employee of a health benefit plan providing health services or administering claims for health services to K-12 school district and county office of education employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents. (Gov. Code, § 6254.3(a) (Stats. 1992, ch. 463).)

b. Remove the home address and telephone number of an employee from any mailing lists that the K-12 school district or county office of education is legally required to maintain, if requested by the employee, except for lists used exclusively by the K-12 school district or county office of education to contact the employee. (Gov. Code, § 6254.3(b) (Stats. 1992, ch. 463).)

6. If a request is denied, in whole or in part, respond in writing to a written request for inspection or copies of public records that includes a determination that the request is denied. (Gov. Code, § 6255, subd. (b) (Stats. 2000, ch. 982)).

This activity includes:

- a. Drafting and editing a written response that includes a determination that the request is denied.
- b. Preparing, and obtaining agency head, or his or her designee, approval and signature of, the denial response and accompanying correspondence.
- c. Sending the denial response to the requestor.
- d. This activity does not include, and reimbursement is not required for making the determination, based on case law and statute, that a record is exempt from disclosure. Reimbursement may be claimed only for ~~providing the justification in writing.~~ drafting and editing a written response that includes a determination that the request is denied.



Geroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



Los Angeles County's Recommended Changes to:
Commission Staff Proposed Parameters and Guidelines
California Public Records Act Test Claim (02-TC-10, 02-TC-51)

Declaration of Shaun J. Mathers

He makes the following declaration and statement under oath:

I, Shaun J. Mathers, a Captain with the Los Angeles County Sheriff's Department, declare that for the past 10 years I have assisted the Los Angeles County Sheriff's Department in providing California Public Records Act (CPRA) services.

I declare that I have reviewed the Commission on State Mandates Commission staffs' CPRA analysis and proposed parameters and guidelines issued on February 13, 2013.

I declare that it is my information and belief that the Commission staff fairly state the activities reasonably necessary in implementing new CPRA services except for the changes I recommend which are found (highlighted) in Attachment A.

I declare that it is my information and belief that the changes recommended to Commission staffs' reimbursable activities are required because the provision of new CPRA services, including those to assist CPRA requestors in making a focused and effective search, must be tracked, processed and provided to the requestor in a timely and cost-efficient manner.

I am personally conversant with the foregoing facts and if so required, I could and would testify to the statements made herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to the matters which are therein stated as information and belief, and as to those matters I believe them to be true.

2/28/13 COMMERCE, CA

Date and Place

Signature

Schedule A

Los Angeles County's Recommended Changes to:
Commission Staff Proposed Parameters and Guidelines
California Public Records Act Test Claim (02-TC-10, 02-TC-51)¹

IV. REIMBURSABLE ACTIVITIES

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable to and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, training packets, and declarations. Declarations must include a certification or declaration stating, "I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct," and must further comply with the requirements of Code of Civil Procedure section 2015.5. Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

Claimants may use time studies to support labor [salary, benefit and associated indirect] costs when an activity is task-repetitive. Time study usage is subject to the review and audit conducted by the State Controller's Office. The reimbursable time recorded on each time survey form must be for specific reimbursable activities as detailed herein. An employees reimbursable time is totaled and then multiplied by their productive hourly rate, as that term is defined in the State

¹ The recommended changes to the parameters and guidelines proposed by staff of the Commission on State Mandates are highlighted. These changes do not address provisions pertaining solely to K-14 school districts.

Controller's Office annual claiming instruction manual, found on www.sco.ca.gov. If a time study sample is used to claim time for 4 through 9 staff, at least 2 staff should be time surveyed. If 10 or more staff are claimed, a 20% sample, rounded to the nearest whole number of cases, should be taken.

Scope of Reimbursable Activities

The claimant is only allowed to claim, and be reimbursed for, increased costs for reimbursable activities identified below. Increased cost are limited to the costs of an activity that the claimant is required to incur as a result of the mandate.

For each eligible claimant ~~that incurs increased costs, the following activities are reimbursable;~~ labor, contract service, material, supply, equipment and travel costs are reimbursable when incurred in performing the following activities:

A. One Time Activities

One-time development of policies, protocols, manuals, and procedures, to implement only the activities identified in section IV. B of these parameters and guidelines. ~~The activities in section IV.B represent the incremental higher level of service approved by the Commission.~~ This activity specifically does not include and reimbursement is not required for, developing policies and procedures to implement all of the California Public Records Act or making a determination whether a record is disclosable, or providing copies of disclosable records.

One-time training of each employee assigned the duties of implementing the reimbursable activities identified in section "IV. REIMBURSABLE ACTIVITIES" of these parameters and guidelines. This training activity does not include and reimbursement is not required for implementing implement all of the California Public Records Act or instruction regarding making a determination whether a record is disclosable. ~~or providing copies of disclosable records.~~

B. Ongoing Activities

1 Provide a copy of a disclosable electronic record in the electronic format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies. (Gov. Code, § 6253.9(a)(2) (Stats. 2000, ch. 982)).

This activity includes:

- a. Computer programming, extraction, or compiling necessary to produce disclosable records, including the pro rata costs of purchasing and installing software systems permitting key word searches for those requests requiring assistance to the requestor in making a focused and effective search, and
- b. Producing a copy of an electronic record that is otherwise produced only at regularly scheduled intervals.

This activity does not include, and reimbursement is not required for the costs of determining whether the record is disclosable; receiving public records act requests not requiring assistance to the requestor in making a focused and effective search; tracking requests not requiring assistance to the requestor in making a focused and effective search; processing requests not requiring assistance to the requestor in making a focused and effective search; ~~determining whether a request describes reasonably identifiable records and identifying access to those records; retrieving records, or sending the records to the requestor.~~

Fee authority discussed in section VII. of these parameters and guidelines is available to be applied to the costs of this activity, and may fully offset the reimbursable costs of this activity. The Controller is authorized to reduce reimbursement for this activity to the extent of fee authority, as described in section VII.

2. Within 10 days from receipt of a request for a copy of records, notify the person making the request of the disclosure determination and the reasons for the determination. (Gov. Code, § 6253(c) (Stats. 2001, ch. 982)).

This activity includes: ~~developing and reviewing language to notify the requestor of the disclosure determination and the reasons for the determination.~~

- a. Drafting, editing, and reviewing a written notice to the person making the request, setting forth the reasons for the determination. If notice is provided verbally in lieu of written notification, the time for staff to contact and communicate this information to the requestor.
- b. Preparing and obtaining agency head, or his or her designee, approval and signature of the notification to the requestor.
- c. Sending or transmitting the notice to the requestor.

This activity does not include, and reimbursement is not required for the activities of making the determination whether a record is disclosable, receiving the request for records not requiring assistance to the requestor in making a focused and effective search, determining whether the request not requiring assistance to the requestor in making a focused and effective search, falls within the agency's jurisdiction, ~~determining whether the request describes reasonably identifiable records, identifying access to records,~~ conducting legal reviews to determine whether records are disclosable, processing the records not requiring assistance to the requestor in making a focused and effective search, obtaining supervisory review in processing records not requiring assistance to the requestor in making a focused and effective search, or sending and tracking the records not requiring assistance to the requestor in making a focused and effective search;.

3. If the 10-day time limit of Government Code section 6253 is extended by a local agency or K-14 school district due to "unusual circumstances" as defined by Government Code section 6253(c)(1)-(4) (Stats. 2001, ch. 982), the agency head, or his or her designee, shall provide written notice to the person making the request, setting forth the reasons of the extension and the date on which a determination is expected to be dispatched. (Gov. Code, § 6253(c) (Stats. 2001, ch. 982)).

This activity includes:

- a. Drafting, editing and reviewing a written notice to the person making the request, setting forth the reasons of the extension and the date on which a determination is expected to be dispatched.
 - b. Preparing, and obtaining agency head, or his or her designee, approval and signature of, the extension notice.
 - c. Sending or transmitting the notice to the requestor.
4. When a member of the public requests to inspect a public record or obtain a copy of a public record: the local agency or K-14 school district shall (1) assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated; (2) describe the information technology and physical location in which the records exist; and (3) provide suggestions for overcoming any practical basis for denying access to the records or information sought.

These activities are not reimbursable when: (1) the public records requested are made available to the member of the public through the procedures set forth in Government Code section 6253; (2) the public agency determines that the request should be denied and bases that determination solely on an exemption listed in Government Code section 6254; or (3) the public agency makes available an index of its records. (Gov. Code, § 6253.1(a) and (d) (Stats. 2001, ch. 355)).

This activity includes:

- a. Conferring with the requestor if clarification is needed to identify records requested.
- b. Identifying record(s) and information which may be disclosable and may be responsive to the request or to the purpose of the request, if stated.
- c. Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

Reimbursement is not required for the activities of making the determination whether a record is disclosable, receiving the request for records not requiring assistance to the requestor in making a focused and effective search, determining whether the request not requiring assistance to the requestor in making a focused and effective search, falls within the agency's jurisdiction, ~~determining whether the request describes reasonably identifiable records, identifying access to records,~~ conducting legal reviews to determine whether records are disclosable, processing the records not requiring assistance to the requestor in making a focused and effective search, obtaining supervisory review in processing records not requiring assistance to the requestor in making a focused and effective search, or sending and tracking the records not requiring assistance to the requestor in making a focused and effective search.

5. For K-12 school districts and county offices of education only, the following activities are eligible for reimbursement:

- a. Redact or withhold the home address and telephone number of employees of K-12 school districts and county offices of education from records that contain disclosable information.

This activity is not reimbursable when the information is requested by: (1) an agent, or a family member of the individual to whom the information pertains; (2) an officer or employee of another school district, or county office of education when necessary for the performance of its official duties; (3) an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, except that the home addresses and home telephone numbers of employees performing law enforcement-related functions shall not be disclosed (and thus must always be redacted or withheld); (4) an agent or employee of a health benefit plan providing health services or administering claims for health services to K-12 school district and county office of education employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents. (Gov. Code, § 6254.3(a) (Stats. 1992, ch. 463).)

b. Remove the home address and telephone number of an employee from any mailing lists that the K-12 school district or county office of education is legally required to maintain, if requested by the employee, except for lists used exclusively by the K-12 school district or county office of education to contact the employee. (Gov. Code, § 6254.3(b) (Stats. 1992, ch. 463).)

6. If a request is denied, in whole or in part, respond in writing to a written request for inspection or copies of public records that includes a determination that the request is denied. (Gov. Code, § 6255, subd. (b) (Stats. 2000, ch. 982)).

This activity includes:

- a. Drafting and editing a written response that includes a determination that the request is denied.
- b. Preparing, and obtaining agency head, or his or her designee, approval and signature of, the denial response and accompanying correspondence.
- c. Sending the denial response to the requestor.
- d. This activity does not include, and reimbursement is not required for making the determination, based on case law and statute, that a record is exempt from disclosure. Reimbursement may be claimed only for ~~providing the justification in writing.~~ drafting and editing a written response that includes a determination that the request is denied.



**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

**Exhibit 4
Page 1 of 1**

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 525
LOS ANGELES, CALIFORNIA 90012-3873
PHONE: (213) 974-8301 FAX: (213) 626-5427

WENDY L. WATANABE
AUDITOR-CONTROLLER

**LOS ANGELES COUNTY REVIEW
COMMISSION STAFF ANALYSIS AND
PROPOSED PARAMETERS AND GUIDELINES
CALIFORNIA PUBLIC RECORDS ACT PROGRAM (02-TC-10, 02-TC-51)**

Declaration of Leonard Kaye

Leonard Kaye makes the following declaration and statement under oath:

I, Leonard Kaye, Los Angeles County's (County) representative in this matter, have prepared the attached review.

I declare that I have met and conferred with County staff responsible for implementing the California Public Record Act's (CPRA) provisions, which were found to be reimbursable by the Commission on State Mandates (Commission) at their May 26, 2011 hearing, in preparing the attached review.

I declare that the subject review that I have prepared includes sworn declarations of County staff which detail reasonably necessary and reimbursable CPRA activities which are based on statutory provisions found to be reimbursable by the Commission at their May 26, 2011 hearing.

I declare that it is my information and belief that the County's revised CPRA Ps&Gs provide eligible claimants with complete reimbursement for the statutory CPRA provisions found by the Commission to impose "costs mandated by the State", as defined in Government Code section 17514, upon local governmental agencies.

I am personally conversant with the foregoing facts and if so required, I could and would testify to the statements made herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to the matters which are therein stated as information and belief, and as to those matters I believe them to be true.

3/5/13; Los Angeles, CA

Date and Place

Leonard Kaye

Signature

1 **County of Los Angeles Test Claim**
2 **Chapter 355, Statutes of 2001, Adding Section 6253.1**
3 **And Amending Section 6253 of the Government Code**
4 **California Public Records Act: Disclosure Procedures**

5 **Declaration of Richard L. Castro**

6 Richard L. Castro makes the following declaration and statement under oath:

7 I, Richard L. Castro, Commander, Training Division Headquarters of the Los Angeles
8 County Sheriff's Department, am responsible for implementing the subject law.

9 I declare that the Los Angeles County Sheriff's Department provides new services to
10 assist members of the public regarding requests to inspect, or obtain a copy of, a
11 public record pursuant to Chapter 355, Statutes of 2001, adding Section 6253.1 and
12 amending Section 6253 of the Government Code [the test claim legislation], not
13 required under prior law.

14 I declare that the public record disclosure requirements imposed on the County
15 include new mandatory public services described in Section 6253.1 as follows:

16 (a) When a member of the public requests to inspect a public record
17 or obtain a copy of a public record, the public agency, in order to
18 assist the member of the public make a focused and effective
19 request that reasonably describes an identifiable record or records,
20 shall do all of the following, to the extent reasonable under the
21 circumstances:

22 (1). Assist the member of the public to identify records and
23 information that are responsive to the request or to the
24 purpose of the request, if stated.

25 (2) Describe the information technology and physical location
26 in which the records exist.

27 (3) Provide suggestions for overcoming any practical basis for
28 denying access to the records or information sought.

1 b) The requirements of paragraph (1) of subdivision (a), shall be
2 deemed to have been satisfied if the public agency is unable to
3 identify the requested information after making a reasonable effort
4 to elicit additional clarifying information from the requestor that
5 will help identify the record or records.

6 c) The requirements of subdivision (a) are in addition to any action
7 required of a public agency by Section 6253.

8 I declare that the public record disclosure requirements imposed on the County
9 include new mandatory public services described in Section 6253(c) as follows:

10 "... When the agency dispatches the determination, and if the agency determines
11 that the request seeks disclosable public records, the agency shall state the
12 estimated date and time when the records will be made available."

13 I declare that Section 6253.1(d) provides that:

14 d) This section shall not apply to a request for public records if any
15 of the following applies:

16 (1) The public agency makes available the requested records
17 pursuant to Section 6253.

18 (2) The public agency determines that the request should be
19 denied and bases that determination solely on an
20 exemption listed in Section 6254.

21 (3) The public agency makes available an index of its
22 records."

23 I declare that it is my information or belief that the new public record services
24 claimed herein are not services identified in Section 6253.1(d).

25 I declare that it is my information or belief the new public record duties imposed on
26 the County, as detailed on the attached list, are reasonably necessary in complying
27 with the test claim legislation.

28 I declare that it is my information or belief that the County's public record service

1 costs claimed herein are well in excess of \$1,000 per annum, as detailed in an.
2 accompanying declaration by Captain Michael R. McDermott, Financial Services
3 Bureau, Los Angeles County Sheriff's Department.

4 I declare that is my information or belief that the County's new State mandated
5 duties and resulting costs in implementing the test claim legislation are, in my
6 opinion, reimbursable "costs mandated by the State", as defined in Government Code
7 section 17514:

8 " Costs mandated by the State" means any increased costs which a local
9 agency or school district is required to incur after July 1, 1980, as a result
10 of any statute enacted on or after January 1, 1975, or any executive order
11 implementing any statute enacted on or after January 1, 1975, which
12 mandates a new program or higher level of service of an existing program
13 within the meaning of Section 6 of Article XIII B of the California
14 Constitution."

15 I am personally conversant with the foregoing facts and if required, I could and
16 would testify to the statements made herein.

17 I declare under penalty of perjury under the laws of the State of California
18 that the foregoing is true and correct of my own knowledge, except as to matters
19 which are stated as information and belief, and as to those matters I believe them
20 to be true.

21
22 
23 _____

24 Signature

25
26
27
28
9/23/02 MONTEREY PARK,
CA

Date and Place

1 **Attachment: Declaration of Richard L. Castro**
2 **Public Record Disclosure Duties**

3 **Chapter 355, Statutes of 2001, Adding Section 6253.1**
4 **And Amending Section 6253 of the Government Code**

5 One-time Activities

- 6 1. Develop policies, protocols.
7 2. Conduct training on implementing test claim legislation.
8 3. Purchase computers to monitor and document public record service
9 actions.
10 4. Purchase or develop data base software for tracking and processing
11 Public Record Act requests.
12 5. Develop a Web Site for public record disclosure requests.

13 Continuing Activities

14 I. Staff time for:

15 A. Station or branch personnel.

- 16 1. Assistance in defining telephone, walk-in or written requests.
17 2. Writing and logging request.
18 3. Station-level research.
19 4. If availability known, notify requestor.
20 5. Indicate date/time available.
21 6. If availability not known, forward request to central unit.

22 B. Central Unit personnel.

- 23 1. Assistance in defining telephone, walk-in or written requests.
24 2. Writing and logging request.
25 3. Central Unit research.
26 4. If availability known, notify requestor.
27 5. Indicate date/time available.
28 6. If availability not known,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- a. consult with specialized personnel
- b. document findings
- c. notify requestor of results.

C. County Counsel - legal services to implement and comply with the test claim legislation, including Govt Code 6253.1

- II. Supplies and Materials
- III. Contract Services – eg PC maintenance
- IV. Travel

County of Los Angeles Test Claim
Chapter 355, Statutes of 2001, Adding Section 6253.1
And Amending Section 6253 of the Government Code
California Public Records Act: Disclosure Procedures

Declaration of Michael R. McDermott

Michael R. McDermott makes the following declaration and statement under oath:

I, Captain Michael R. McDermott, Financial Programs Bureau, Los Angeles County Sheriff's Department, am responsible for recovering County costs incurred in implementing new State-mandated service programs.

I declare that the County provides new services to assist members of the public regarding requests to inspect, or obtain a copy of a public record pursuant to Chapter 355, Statutes of 2001, adding Section 6253.1 and amending Section 6253 of the Government Code [the test claim legislation], not required under prior law.

I declare that the public record disclosure requirements imposed on the County include new mandatory public services described in Section 6253.1 as follows:

(a) When a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public makes a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances:

- (1) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
- (2) Describe the information technology and physical location in which the records exist.
- (3) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.

-2-

(b) The requirements of paragraph (1) of subdivision (a) shall be deemed to have been satisfied if the public agency is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record or records.

(c) The requirements of subdivision (a) are in addition to any action required of a public agency by Section 6253.

I declare that the public record disclosure requirements imposed on the County include new mandatory public services described in Section 6253(c) as follows:

... When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available.

I declare that Section 6253.1(d) provides that:

(d) This section shall not apply to a request for public records if any of the following applies:

(1) The public agency makes available the requested records pursuant to Section 6253.

(2) The public agency determines that the request should be denied and bases that determination solely on an exemption listed in Section 6254.

(3) The public agency makes available an index of its records.

I declare that it is my information or belief that the new public record services claimed herein are not services identified in Section 6253.1(d).

I declare that it is my information or belief that the new public record duties imposed on the County, as detailed in an accompanying declaration by Richard L. Castro, Commander, Training Division Headquarters of the County of Los Angeles Sheriff's Department, are reasonably necessary in complying with the test claim legislation.

I declare that it is my information or belief that the County's public record service costs, for performing activities detailed in the attached schedule and claimed herein, are well in excess of \$1,000 per annum.

-3-

I declare that it is my information or belief that the County's new State mandated duties and resulting costs in implementing the test claim legislation are, in my opinion, reimbursable "costs mandated by the State", as defined in Government Code section 17514:

Costs mandated by the State' means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.

I am personally conversant with the foregoing facts and if required, I could and would testify to the statements made herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to matters which are stated as information and belief, and as to those matters I believe them to be true.

10/2/02

Date and Place

Mountain View, California

[Handwritten Signature]

Signature

Attachment: Declaration of Michael R. McDermott

One-time Activities

1. Develop policies, protocols.
2. Conduct training on implementing test claim legislation.
3. Purchase computers to monitor and document public record service actions.
4. Purchase or develop data base software for tracking and processing Public Record Act requests.
5. Develop a Web Site for public record disclosure requests.

Continuing Activities

I. Staff time for:

A. Station or branch personnel.

1. Assistance in defining telephone, walk-in or written requests.
2. Writing and logging request.
3. Station-level research.
4. If availability known, notify requestor.
5. Indicate date/time available.
6. If availability not known, forward request to central unit.

B. Central Unit personnel

1. Assistance in defining telephone, walk-in or written requests.
2. Writing and logging request.
3. Central Unit research.
4. If availability known, notify requestor.
5. Indicate date/time available.
6. If availability not known:
 - a. consult with specialized personnel.
 - b. document findings.
 - c. notify requestor of results.

C. County Counsel – legal services to implement and comply with the test claim legislation, including Govt Code 6253.1

II. Supplies and Materials

III. Contract Services – eg PC maintenance

IV. Travel