

Received
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Commission on
State Mandates

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Halsey, Heather
Executive Director
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

RE: Appeal of Executive Director's Decision to Allow Postponement of the adoption of the parameters and guidelines for the Public Records Act until the Local Government Associations, in cooperation with the test claimant, have an opportunity to prepare an RRM for the City, County and School Districts.

Dear Ms. Halsey:

In March 2013, the Commission on State Mandates (Commission) received the California School Boards Association (CSBA) request to postpone the April 19, 2013, hearing of the above matter. That letter states that: " here exists a reasonable opportunity to develop a proposed RRM with the Department of Finance and other local government associations, including CSAC, the League of Cities, and the CA Special Districts Association." The Executive Director denied the request for a postponement of a hearing, although commented there are continuing options available for the development of an RRM after the original Ps & Gs are adopted. The Executive Director, in her "Denial of Request for Postponement of Hearing on Parameters and Guidelines for the California Public Records Act, 02-TC-10 and 02-TC-52" stated:

The Commission regulations provide that any party may request the postponement to mean the test claimant(s) of a hearing on parameters and guidelines (P's and G's). The Commission's regulations define "party" to mean the test claimant(s), the Department of Finance, Office of State Controller, or affected state agency." There is no authority for interested parties to request a postponement of a hearing, although interested parties may request an extension of time to comment when it does not impact the scheduling of a matter ..."

While the executive director has authority to postpone a hearing on her own motion, that authority is only available for good cause. The executive director also has a statutory duty to "expedite all matters within the jurisdiction of the commission" and given Considerable backlog, fulfilling this duty is of paramount importance.

The Executive Director continues: "Though reimbursement for this program is a matter of statewide concern, there has been ample opportunity for the statewide associations to participate in this matter. However, no comments have been filed by either CSAC or CSBA. In addition, this matter has been set for hearing when the draft was issued on February, 2013, and neither the test claimants to this matter, Los Angeles County and Riverside Unified School District (both of whom are members of CSAC or CSBA, respectively), nor Finance has requested an extension of time for the purpose of coming to an agreement on a reasonable reimbursement methodology."

Given the short time frame, ten calendar days, not ten working days, the Executive Director of the CSAC SB 90 Service will provide the specific reasons for its appeal of the CSBA, and earlier CSAC requests to postpone the hearing, including the wasted time and both state and local resources that would be incurred by the denial of the CSAC and CSBA requests to develop an RRM in an expeditious fashion.

In conclusion, the Executive Director's decision flies directly in the face of the provisions of AB 1222 (Laird) of 2007, that gave statewide associations like CSAC and CSBA, for the first time, the right to be considered the same way a test claimant should be when adopting parameters and guidelines. In fact, CSBA can CSAC should be give precedence over Los Angeles County and the San Diego Unified School District on this matter.

I, along with witnesses, will provide additional commentary when the Executive Director is heard on April 19th. In the meantime, I will confer with the League of CA Cities to obtain written or testimony supporting the position that statewide associations should be given precedence to a test claimant.

Sincerely



Allan P. Burdick
Executive Director
CSAC SB90 Services