



**California Special
Districts Association**
Districts Stronger Together

RECEIVED
April 07, 2014
**Commission on
State Mandates**

April 4, 2014

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

RE: California Public Records Act Draft Analysis and Proposed Statewide Cost Estimate

Dear Ms. Halsey:

The California Special Districts Association (CSDA), representing over a 1,000 special districts and affiliate organizations, appreciates the opportunity to comment on the Commission on State Mandates (Commission) Draft Staff Analysis and Proposed Statewide Cost Estimates for the California Public Records Act (CPRA), dated March 25, 2014. As you know, all special districts are subject to the provisions of the CPRA in their delivery of core local services, including water, fire protection, healthcare, and utilities, to millions of Californians every day. We largely agree with the assumptions under "Statewide Cost Estimate" but want to ensure additional, important considerations are noted.

Non-Claiming Agencies

The draft analysis accurately points out that there are several reasons why agencies may not seek reimbursement. This includes that the local agencies did not incur more than \$1,000 in costs or they do not have supporting documentation to file a reimbursement claim. We would suggest a third reason, based on our conversations with special districts seeking to comply with the CPRA Parameters and Guidelines. They shared that while they may have incurred over \$1,000, the elaborate claiming process and long-delays in reimbursement did not warrant the investment of necessary staff time. We suggest that the number of claiming agencies may increase in the future due to the recent Commission operations budget augmentation, intended to expedite the mandate determination process.

Ineligible Claimants

CSDA must continue to dispute the Commission's determination that only local agencies that receive property tax are eligible claimants for CPRA reimbursement, making special districts that have fees or assessments as their sole revenue source ineligible to seek reimbursement.

We maintain that this determination was based on an overly broad application of a 1991 court opinion, *County of Fresno v. State of California* (53 Cal.3d 482). Further, it ignores the historical context of this court opinion in light of the significant, voter-approved actions taken to protect local agencies from future state mandated programs or enhanced levels of service. Should further action be pursued to reverse this determination, the outcome could result in the number of eligible claimants increasing by several hundred local agencies.

Thank you for the opportunity to share these comments regarding the estimated statewide cost for CPRA reimbursement to local agencies. Please contact me if you or your staff should have any questions at (916) 442-7887.

Sincerely,

Dorothy Holzem
Legislative Representative

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DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On April 8, 2014, I served the:

California Special Districts Association Comments

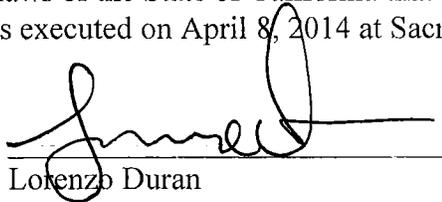
California Public Records Act, 02-TC-10 and 02-TC-51

Government Code Section 6252, et al.

Los Angeles County and Riverside Unified School District, Claimants

By making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on April 8, 2014 at Sacramento, California.



Lorenzo Duran
Commission on State Mandates
980 9th Street, Suite 300
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 3/25/14

Claim Number: 02-TC-10 and 02-TC-51

Matter: California Public Records Act

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