

COMMISSION ON STATE MANDATES

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October 1, 2013

Ms. Tracy Sandoval, General Manager
County of San Diego Auditor and Controller
1600 Pacific Highway, Room 166
San Diego, CA 92101

Mr. Alfredo Aguirre, Mental Health Director
County of San Diego
3255 Camino Del Rio South
San Diego, CA 92108

Ms. Lisa Macchione, Senior Deputy County Counsel
County of San Diego, Office of the County Counsel
1600 Pacific Highway, Room 355
San Diego, CA 92101

Re: Notice of Incomplete Filing and Request for Additional Information
Incorrect Reduction Claim, 10-9705-I-01
Seriously Emotionally Disturbed (SED) Pupils: Out-of State Mental Health Services

Dear Ms. Sandoval, Mr. Aguirre and Ms. Macchione:

On November 10, 2010, the Commission on State Mandates (Commission) received an incorrect reduction claim (IRC) filing on the *Seriously Emotionally Disturbed (SED) Pupils: Out-of State Mental Health Services* program for fiscal years 2001-2002 through 2004-2005. Commission staff deemed the filing complete on November 22, 2010.

Commission staff has further reviewed this filing and determined that it is *incomplete* because the County of San Diego Department of Mental Health is not authorized to file IRCs on behalf of the County of San Diego. Claims may be filed with the Commission by any city, county, special district or school district which is subject to the tax and spend limitations of the California Constitution. Only the county itself is eligible for reimbursement since no department of a county has the authority to impose taxes or make appropriations. Generally, responsibility for collecting debts and other money of a county, including mandate reimbursement, rests with the county auditor-controller who is authorized to act on behalf of the county. Government Code section 26900 generally charges auditor-controllers with examining and settling accounts of anyone indebted to or holding money payable to the county treasury.

Though it may be appropriate for the Department of Mental Health to prepare the claim, submit documentation in support of the claim and testify before the Commission in support of the claim, since it knows the program best, the Auditor-Controller is the proper claimant before the Commission for County of San Diego matters.

Therefore, to complete the filing and maintain the original filing date, please submit a new IRC form (just the first four pages) specifying the county as the claimant in this matter and a new certification signed by the appropriate person in the office of the Auditor-Controller. Please file with the Commission by **October 31, 2013**.

Ms. Sandoval, Mr. Aguirre and Ms. Macchione

October 1, 2013

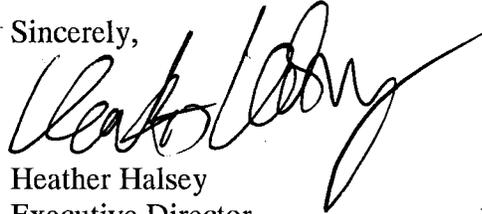
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You may file electronically at <http://www.csm.ca.gov/dropbox.shtml> via the Commission's e-filing system pursuant to section 1181.2 of the Commission's regulations.

If the incorrect reduction claim filing is not completed within 30 days of the date of this letter, the Commission shall deem the filing to be withdrawn. (Cal. Code Regs., tit. 2, § 1185(g)).

Please call Heidi Palchik at (916) 323-3562 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Halsey", written in a cursive style.

Heather Halsey
Executive Director