



July 20, 2020

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July 21, 2020
*Commission on
State Mandates*

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

Response to Draft Proposed Decision, Local Government Employee Relations, 17-0130-I-01

Dear Ms. Halsey,

The City of Monrovia has reviewed the Draft Proposed Decision, dated June 30, 2020, and respectfully submits this response. I have personal knowledge of the matters set forth in this letter, and if called to testify, could and would testify competently.

We wish to clarify the wording of our statement in the IRC: “At the time [when it filed the 2010-11 claim], the City had inadvertently filed the multi-year claim and did not realize it would cause the claim to be ineligible.”

The draft staff analysis suggests that the City’s error was done advertently due to its incorrect interpretation of the law or rules regarding the submission of multiple years of costs in one claim. This was not the case, and we apologize for the ambiguity in the IRC wording. Both the City and consultant have been preparing and submitting these State Mandate Reimbursement claims for many years and we were aware that only one fiscal year of costs should have been submitted per claim. However, the mistake was an inadvertent one. The consultant believed that the data provided to them by the City was only for FY 2010-11 and not for 3 years of costs. Thus, the consultant believed all invoices and costs were for the current year (FY 2010-11) and inadvertently included them all into one claim, and not two separate submissions, as should have been done (one for FY 2009-10 and one for 2010-11).

We are not sure if these circumstances constitute a “clerical” error by legal definition— but it was an honest, inadvertent mistake. It was not due to failure to correctly interpret the law or understand the claiming instructions, as the Draft Decision suggests. We knew that separate forms should have been

filed by fiscal year of costs. It was our error that invoices were from multiple fiscal years. We realize that this was a mistake on our part, but again, wish to emphasize that the costs submitted were timely filed, eligible, and properly supported actual costs. The only error we made was that we did not separate the invoices by fiscal year into two separate claim forms.

The example of the Nathanson v. Supreme Court case, alleging that "through mistake and inadvertence, petitioner's claim was not regularly filed with this court in proper form within the statutory four month period" would perhaps find differently in our case, as the costs submitted were timely filed, eligible and properly documented costs with all detailed invoices attached to the claim, thus were not a mere notice, but fully complete with the exception of having a separate FAM-27 claim cover form for FY 2009-10 invoices.

We appreciate your consideration and request this clerical correction to be made and allowance of our timely filed and fully documented eligible costs be reimbursed. I am available to answer any questions at (626) 932-5513.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Sincerely,



Buffy Bullis
Administrative Services Director
bbullis@ci.monrovia.ca.us
(626) 932-5513

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 July 22, 2020, I served the:

- **Claimant's Comments on the Draft Proposed Decision filed July 21, 2020**

Local Government Employee Relations, 17-0130-I-01

Government Code Sections 3502.5 and 3508.5: Statutes 2000, Chapter 901 (SB 739); California Code of Regulations, Title 8, Sections 32132, 32135, 32140, 32149, 32150, 32160, 32168, 32170, 32175, 32176, 32180, 32190, 32205, 32206, 32207, 32209, 32210, 32212, 32310, 32315, 32375, 32455, 32620, 32644, 32649, 32680, 32980, 60010, 60030, 60050, 60070; Register 2001, Number 49.

Fiscal Year: 2010-2011

City of Monrovia, Claimant

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 July 22, 2020 at Sacramento, California.



Jill L. Magee
Commission on State Mandates
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 7/22/20

Claim Number: 17-0130-I-01

Matter: Local Government Employee Relations

Claimant: City of Monrovia

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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