

Adopted: 11/17/94  
Amended: 1/29/10

## **Amendment to Parameters and Guidelines**

Health and Safety Code Sections 427.12, Subdivision (a), and 427.13  
Statutes 1992, Chapter 961

### *Pacific Beach Safety: Water Quality and Closures* 05-PGA-36 (CSM-4432)

This amendment is effective beginning with claims filed for the  
July 1, 2005 through June 30, 2006 period of reimbursement.

#### **I. Summary of Mandate**

The Commission on State Mandates determined that the provisions of Health and Safety Code sections 427.12, subdivision (a), and 427.13, as added by Statutes 1992, chapter 961, impose a reimbursable state mandated program by requiring the local health officer to post the beach with conspicuous warning signs and to submit to the State Water Resources Control Board an annual survey documenting all beach postings and closures. (Attachment C)

#### **II. Commission on State Mandates Decision**

At its November 18, 1993, hearing the Commission on State Mandates (Commission) determined that Health and Safety Code 427.12, subdivision (a), and Health and Safety Code 427.13, as added by Statutes 1992, chapter 961, impose a reimbursable state mandated program. On January 20, 1994, the Commission approved the Statement of Decision related to this program.

#### **III. Eligible Claimants**

Counties

#### **IV. Period of Reimbursement**

This amendment is effective beginning with claims filed for the July 1, 2005 through June 30, 2006 period of reimbursement.

Statutes 1992, chapter 961 was approved by the Governor on September 26, 1992 and became operative on January 1, 1993. Section 17557 of the Government Code states that a test claim must be submitted on or before December 31 following a given fiscal year to establish eligibility for reimbursement for that fiscal year. The test claim for this mandate was filed by the County of Los Angeles on July 9, 1993. Therefore, costs incurred for Statutes 1992, chapter 961 on or after its operative date of January 1, 1993, are eligible for reimbursement.

Actual costs for one fiscal year shall be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to section 17561, subdivision (d)(3), of the Government Code, all claims for reimbursement of cost shall be submitted within 120 days of notification by the State Controller of the enactment of the claim bill.

If total costs for a given fiscal year do not exceed \$200, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.

## **V. Reimbursable Activities and Related Costs**

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 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 under penalty of perjury under the laws of the State of California that the foregoing is true and correct based upon personal knowledge." 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.

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

### **A. Scope of Mandate**

Local agencies shall be reimbursed for costs incurred to complete the annual State survey as required in Health and Safety Code 427.12, subdivision (a), and for costs incurred to post beach warning signs as required in Health and Safety Code 427.13.

For each eligible claimant the following one-time costs and continuing costs are reimbursable:

#### **1. One Time Costs:**

- a. One-time, local government, staff costs to update policies and procedures to conform with the special requirements of Health and Safety Code 427.12, subdivision (a), and Health and Safety Code 427.13, the latter being limited to the posting of the beach with conspicuous warning signs.
- b. One time cost to develop and establish cost-effective methods for data collection and documentation of scientific data relating to beach water quality and closures. These methods are to be used to obtain and document data for the State's minimum reporting requirements such as the location and duration of each beach closure and the suspected sources of contamination that caused the closure, if known.

If the volume and data structure of closure records justifies automation in other than word-processing format, costs may include the purchase of

over-the-counter software and/or hardware, but only if surplus software and/or hardware capacity available at the work location is insufficient to meet the needs of this mandate. Attach specific justification for data base software and personal computer hardware purchases. As a general guide, if purchase of data base software and/or a hardware is justified, costs are not expected to exceed \$1,000 for software and \$3,000 for hardware. For amounts exceeding these, specific additional narrative is required to substantiate need. The development of agency-specific software for data collection and documentation would be deemed unusual and would require specific additions narrative to substantiate need.

A county which chooses to collect and retain beach closure data in excess of minimum state requirements is required to prorate costs of data collection and documentation between the state and the county.

If software and/or hardware is purchased or modified for this state mandated program, and is used for any other program, costs shall be prorated.

2. Continuing costs as follows:

- a. Local government staff costs necessary to identify, record, and document beach warning postings and closures due to threats to the public health that occurred during the preceding calendar year, including the location and duration of each beach closure and costs of recording and documenting the suspected sources of the contamination that caused the closure, if known.
- b. Local government staff costs, and related travel costs including mileage, to timely post warning signs along affected portions of coastal beaches and remove them when public health hazard(s) have abated.
- c. Local government service, equipment and supply costs to procure or produce conspicuous and informative warning signs, and replace or repair, as necessary; and to travel to contaminated sites for posting, removal, or replacement of warning signs.
- d. An annual report or survey submitted to the State Water Resources Control Board which documents all beach postings and closures due to threats to the public health that occurred during the preceding calendar year. The survey shall, at a minimum, include the location and duration of each beach closure in its jurisdiction and the suspected sources of the contamination that caused the closure, if known. The first report shall be submitted by March 30, 1994, and therefore, the costs for only one report will be reimbursed for the period between January 1, 1993 and March 30, 1994.
- e. On-going maintenance costs of automated methods of data collection and documentation may be claimed in proportion to this program's shared use of those methods. A county which chooses to collect and retain closure data in excess of minimum state requirements is required to prorate maintenance costs of automated systems between the state and the county.

## **VI. Claim Preparation and Submission**

Each claim for reimbursement pursuant to this mandate must be timely filed and include a listing of each item for which reimbursement is claimed.

Claimed costs should be supported by the following:

### **A. Employee Salaries and Benefits**

Show the job classification of the employee involved, state mandated functions performed, number of hours devoted to the function, productive hourly rates and benefits.

### **B. Services, Equipment and Supplies**

Claimed expenditures must be identified with a reimbursable activity resulting from the subject state mandate. List cost of materials or equipment acquired which have been consumed or expended specifically for the purpose of the subject state mandate.

### **C. Contract Services**

List costs incurred for contract services for the subject state mandate. Contracting costs are reimbursable to the extent that the function performed requires special skills or knowledge that is not readily available from the claimant's staff. Use of contract services must be justified by the claimant.

### **D. Fixed Assets**

List the cost of fixed assets that have been acquired specifically for the purpose of the subject state mandate. If a fixed asset is acquired, but is utilized in some way not directly related to the program, only the pro-rata portion of the asset which is used for purposes of the subject state mandate is reimbursable.

### **E. Allowable Overhead Cost**

1. Allowed for one-time costs and for continuing costs. Cities, counties, and special districts have the option of using 10% of direct labor as indirect costs or preparing a departmental Indirect Cost Rate Proposal.

If the city or county elects to prepare an Indirect Cost Rate Proposal, the Proposal must be prepared in accordance with Office of Management and Budget Circular A-87 (OMB A-87).

## **VII. Records Retention**

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter<sup>1</sup> is subject to the initiation of an audit by the Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim. In any case, an audit shall be completed not later than two years after the date that the audit

is commenced. All documents used to support the reimbursable activities, as described in Section V, must be retained during the period subject to audit. If the Controller has initiated an audit during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

**VIII. Offsetting Savings and Other Reimbursement**

Any offsetting savings the claimant experiences as a direct result of the subject statutes shall be deducted from the costs claimed. In addition, reimbursements for the subject state mandates received from any source, e.g., federal, state, etc., shall be identified and deducted from this claim.

**IX. State Controller's Office Required Certification**

An authorized representative of the claimant shall be required to provide a certification of the claim, as specified in the State Controller's claiming instructions, for those costs mandated by the state contained herein.