BEFORE THE COMMISSION ON STATE MANDATES STATE OF CALIFORNIA

Claim of:			}		
	County	of Fresno Clainant))	No.	CSM 4204

DECISION

The attached Proposed Decision of the Commission on State Mandates is hereby adopted by the Commission on State Mandates as its decision in the above-entitled matter.

This Decision shall become effective on April 24, 1986.

IT IS SO ORDERED April 24, 1986.

Jesse Huff, Chairman

Commission on State Mandates

BEFORE THE COMMISSION ON STATE MANDATES

CLAIM OF:)	No. CSM 4204
County of Fresno	Ì	
Claimant)	
)	

PROPOSED DECISION

This claim was heard by the Commission on State Mandates (commission) on March 27, 1986, in Sacramento, California, during a regularly scheduled neeting of the commission. Paul Robinson, and Vincent McGraw appeared on behalf of the County of Fresno. Carol Miller appeared on behalf of the Education Mandated Cost Network. There were no other appearances.

Evidence, both oral and documentary, having been introduced, the matter submitted, and vote taken, the commission finds:

I.

NOTE

1. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; legislative appropriation; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

II.

FINDINGS OF FACT

- 1. The test claim was filed with the Commission on State Mandates on November 27, 1985, by the County of Fresno.
- 2. The subject of the claim is Chapter 486, Statutes of 1975 and Chapter 1459, Statutes of 1984.

- 3. Chapter 486, Statutes of 1975 established the Board of Control's authority to hear and make determinations on claims submitted by local governments that alleges costs mandated by the state. In addition, Chapter 486/75 contained provisions authorizing the State Controller's Office to receive, review and pay reinbursement claims for mandated costs submitted by local governments.
- 4. Chapter 1459, Statutes of 1984, created the Commission on State Mandates, which replaced the Board of Control with respect to hearing mandated cost claims from local governments.
- 5. The County of Fresno has incurred increased costs as a result of having to file test claims and reinbursement claims which are required by Chapter 486/75 and Chapter 1459/84.
- 6. The County of Fresno's increased costs are costs mandated by the state.
- 7. Government Code Section 17514 defines costs mandated by the state as any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.

III.

DETERMINATION OF ISSUES

- 1. The commission has authority to decide this claim under the provisions of Government Code Section 17551.
- 2. Chapter 486, Statutes of 1975 and Chapter 1459, Statutes of 1984 impose a reimbursable state mandate upon local government. The County of Fresno has established that these two statutes have imposed a new program and an increased level of service by requiring local governments to file claims in order to establish the existence of a mandated program as well as to obtain reimbursement for the cost of the mandated program