

BEFORE THE  
COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Welfare and Institutions Code Sections 1800,  
1801 and 1801.5, as amended by Statutes of  
1984, Chapter 546 and Statutes of 1998,  
Chapter 267;

Filed on May 10, 1999

By the County of Alameda, Claimant.

No. 98-TC-13

*Extended Commitment, Youth Authority*

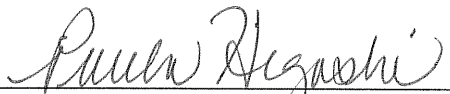
ADOPTION OF PARAMETERS AND  
GUIDELINES PURSUANT TO  
GOVERNMENT CODE SECTION 17557  
AND TITLE 2, CALIFORNIA CODE OF  
REGULATIONS, SECTION 1183.12

*(Adopted on May 24, 2001)*

**ADOPTED PARAMETERS AND GUIDELINES**

The attached Parameters and Guidelines is hereby adopted in the above-entitled matter.

This Decision shall become effective on May 25, 2001.

  
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PAULA HIGASHI, Executive Director

## **Parameters and Guidelines**

Welfare and Institutions Code Sections 1800, 1801 and 1801.5  
Statutes of 1984, Chapter 546  
Statutes of 1998, Chapter 267

### ***Extended Commitment – Youth Authority***

#### **I. SUMMARY AND SOURCE OF THE MANDATE**

The test claim legislation requires the district attorney to represent the Youthful Offender Parole Board (YOPB) in civil commitment procedures for the continued involuntary treatment of persons that the YOPB has determined would pose a physical danger to the public if released from the Youth Authority.

On January 25, 2001, the Commission on State Mandates (Commission) adopted its Statement of Decision finding that Welfare and Institutions Code section 1800 imposes a reimbursable state-mandated program upon counties within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 175 14 for the following activities performed by the prosecuting attorney:

- z Reviewing the YOPB's written statement of facts upon which the YOPB bases its opinion that discharge from control of the CYA at the time stated would be physically dangerous to the public;
- z Preparing and filing petitions with the superior court for the extended commitment of dangerous CYA wards;
- z Representing the state in preliminary hearings and civil trials on petitions for the extended commitment of dangerous CYA wards; and
- Retaining necessary experts, investigators, and professionals to prepare for preliminary hearings and civil trials on petitions for the extended commitment of dangerous CYA wards.

The Commission further concluded that costs incurred by counties for indigent representation by public defenders, custody, and transportation are ineligible for reimbursement under article XIII B, section 6 of the California Constitution and Government Code section 175 14 because these costs resulted from statutes enacted prior to January 1, 1975.

#### **II. ELIGIBLE CLAIMANTS**

Any county or city and county.

#### **III. PERIOD OF REIMBURSEMENT**

Section 17557 of the Government Code states that a test claim must be submitted on or before June 30 following a given fiscal year to establish eligibility for reimbursement for that fiscal year. This test claim was filed by the County of Alameda on May 10, 1999. Therefore, costs

incurred for Statutes of 1984, chapter 546 are eligible for reimbursement on or after July 1, 1997.’

Actual costs for one fiscal year shall be included in each claim. Estimated costs for the subsequent year may be included in the same claim, if applicable. Pursuant to section 17561, subdivision (d)( 1) of the Government Code, all claims for reimbursement of initial years’ costs shall be submitted within 120 days from the date on which the State Controller issues claiming instructions.

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

#### **IV. REIMBURSABLE ACTIVITIES**

For each eligible claimant, the direct and indirect costs of labor, materials and supplies, contracted services, fixed assets, travel, and training incurred for the following mandate components are reimbursable:

##### **A. One-time Activities**

1. Developing internal policies, procedures, manuals and other materials pertaining to the district attorney representing the YOPB in extended commitment proceedings of CYA wards.
2. Providing each person employed by the district attorney’s office that works on the mandated program with training, publication, and information regarding extended commitment proceedings and criteria for determining whether the ward poses a danger to the public due to the individual’s mental or physical deficiency, disorder, or abnormality (one-time per employee) ,

##### **B. Continuing Activities**

###### **Administrative**

1. Updating internal policies, procedures, manuals and other materials pertaining to the district attorney representing the YOPB in extended commitment proceedings of CYA wards to reflect changes in law due to a court’s interpretation of the test claim legislation.
2. Developing and maintaining manual or electronic files pertaining to the district attorney representing the YOPB in extended commitment proceedings of CYA wards.

###### **Extended Commitment Proceedings**

Counties are entitled to reimbursement for the following activities only after the YOPB determines that the discharge of a person from the control of the Youth Authority at the stated time would be physically dangerous to the public, and the YOPB requests representation of the district attorney in extended commitment proceedings pursuant to Welfare and Institutions Code section 1800:

3. Reviewing the YOPB’s written statement of facts, and files and records, upon which the YOPB bases its opinion that discharge from control of the Youth Authority at the time stated would be physically dangerous to the public.

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<sup>1</sup>Statutes of 1998, chapter 267 did not impose any new reimbursable activities on counties.

4. Preparing and filing petitions and supporting documentation with the superior court for the extended commitment, and subsequent recommitment, of CYA wards determined by the YOPB to be physically dangerous to the public if discharged from the control of the Youth Authority.
5. Representing the state in probable cause hearings, civil trials, and hearings on motions in the superior court pertaining to the extended commitment, and subsequent recommitment of CYA wards determined by the YOPB to be physically dangerous to the public if discharged from the control of the Youth Authority.
6. Retaining or hiring necessary experts, investigators, and professionals to prepare for probable cause hearings and civil trials pertaining to the extended commitment, and subsequent recommitment, of CYA wards determined by the YOPB to be physically dangerous to the public if discharged from the control of the Youth Authority.

Costs to subpoena witnesses, including witness fees and expert witness fees, are reimbursable under this activity.

7. If the district attorney deems it necessary, traveling to and from state hospitals or the ward's place of confinement to obtain medical records, case files, and interview prospective witnesses pertaining to the extended commitment, and subsequent recommitment, of any CYA ward determined by the YOPB to be physically dangerous to the public if discharged from the control of the Youth Authority.

## **V. CLAIM PREPARATION AND SUBMISSION**

Claims for reimbursement must be timely filed and identify each cost element for which reimbursement is claimed under this mandate. Claimed costs must be identified to each reimbursable activity identified in Section IV of this document and they must be supported by the following cost element information:

### **A. Direct Costs**

Direct Costs are defined as costs that can be traced to specific goods, services, units, programs, activities or functions and shall be supported by the following cost element information:

#### **1. Salaries and Benefits**

Identify the employee(s), and/or show the classification of the employee(s) involved. Describe the reimbursable activities performed and specify the actual time devoted to each reimbursable activity by each employee, the productive hourly rate, and related employee fringe benefits.

Reimbursement includes compensation paid for salaries, wages, and employee fringe benefits. Employee fringe benefits include regular compensation paid to an employee during periods of authorized absences (e.g., annual leave, sick leave) and the employer's contributions to social security, pension plans, insurance, and workers' compensation insurance. Employee fringe benefits are eligible for reimbursement when distributed equitably to all job activities performed by the employee.

#### **2. Materials and Supplies**

Identify the expenditures that are a direct cost of this mandate. List the cost of the materials and supplies consumed specifically for the purposes of this mandate. Purchases shall be

claimed at the actual price after deducting cash discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged based on a recognized method of costing, consistently applied.

3. Contract Services

Provide the name(s) of the contractor(s) who performed the services, including any fixed contracts for services. Describe the reimbursable activity(ies) performed by each named contractor and give the number of actual hours spent on the activities, if applicable. Show the inclusive dates when services were performed and itemize all costs for those services. Submit contract consultant and attorney invoices with the claim.

4. Fixed Assets

List the costs of the fixed assets that have been acquired specifically for the purpose of this mandate. If the fixed mandate is utilized in some way not directly related to the mandated program, only the pro-rata portion of the asset which is used for the purposes of the mandated program is eligible for reimbursement.

5. Travel

Travel expenses for mileage, per diem, lodging, and other employee entitlements are eligible for reimbursement in accordance with the rules of the local jurisdiction. Provide the name(s) of the traveler(s), purpose of travel, inclusive dates and times of travel, destination points and travel costs.

6. Training

The cost of training an employee to perform the mandated activities, as specified in section IV of these parameters and guidelines, is eligible for reimbursement. Identify the employee(s) by name and job classification. Provide the title and subject of the training session, the date(s) attended, and the location. Reimbursable costs may include salaries and benefits, registration fees, transportation, lodging, and per diem. If the training encompasses subjects broader than this mandate, only the pro rata portion of the training costs can be claimed.

B Indirect Costs

Compensation for indirect costs is eligible for reimbursement. Indirect costs are those that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the results achieved. After direct costs have been determined and assigned to other activities, as appropriate, indirect costs are those remaining to be allocated to benefited cost objectives. A cost may not be allocated as an indirect cost if any other cost incurred for the same purpose, in like circumstances, has been claimed as a direct cost.

Indirect costs include (a) the indirect costs originating in each department or agency of the governmental unit carrying out state mandated programs and (b) the costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs.

Claimants have the option of using 10% of direct labor, excluding fringe benefits, or preparing an Indirect Cost Rate Proposal (ICRP) pursuant to the Office of Management and Budget (OMB) Circular A-87.

#### **VI. SUPPORTING DATA**

For auditing purposes, all costs claimed shall be traceable to source documents (e.g., employee time records, invoices, receipts, purchase orders, contracts, worksheets, calendars, declarations, etc.) that show evidence of the validity of such costs and their relationship to the state mandated program. All documentation in support of the claimed costs shall be made available to the State Controller's Office, as may be requested. Pursuant to Government Code section 17558.5, these documents must be kept on file by the agency submitting the claim for a period of no less than two years after the later of (1) the end of the calendar year in which the reimbursement claim is filed or last amended, or (2) if no funds are appropriated for the fiscal year for which the claim is made, the date of initial payment of the claim.

#### **VII. OFFSETTING SAVINGS AND OTHER REIMBURSEMENT**

Any offsetting savings the claimant experiences as a direct result of the subject mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source, including but not limited to service fees collected, federal funds and other state funds, shall be identified and deducted from this claim.

#### **VIII. 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.

#### **IX. PARAMETERS AND GUIDELINES AMENDMENTS**

Pursuant to Title 2, California Code of Regulations, section 1183.2, Parameters and Guidelines amendments filed before the deadline for initial claims as specified in the Claiming Instructions shall apply to all years eligible for reimbursement as defined in the original parameters and guidelines. A Parameters and Guidelines amendment filed after the initial claiming deadline must be submitted on or before January 15, following a fiscal year in order to establish eligibility for reimbursement for that fiscal year.