

**ITEM 5**

**INCORRECT REDUCTION CLAIM**

**PROPOSED DECISION**

Public Resources Code Sections 40148, 40196.3, 42920-42928; Public Contract Code Sections 12167 and 12167.1; Statutes 1992, Chapter 1116 (AB 3521); Statutes 1999, Chapter 764 (AB 75); State Agency Model Integrated Waste Management Plan (February 2000)

*Integrated Waste Management*

Fiscal Years 1999-2000, 2000-2001, 2003-2004, 2004-2005, and 2005-2006

14-0007-I-10

Redwoods Community College District, Claimant

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# SixTen and Associates

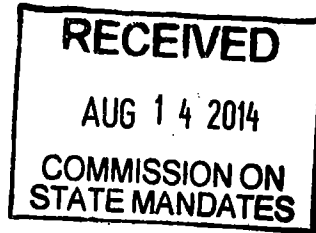
## Mandate Reimbursement Services

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August 13, 2014

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



RE: 1116/92 and 764/99 Integrated Waste Management  
Redwoods Community College District  
Fiscal Years 1999-00 and 2000-01 and 2003-04 through 2005-06  
Incorrect Reduction Claim

Dear Ms. Halsey:

Enclosed is the original and two copies of the above referenced incorrect reduction claim for Redwoods Community College District.

SixTen and Associates has been appointed by the District as its representative for this matter and all interested parties should direct their inquiries to me, with a copy as follows:

Lee Lindsey, Vice President, Administrative Services  
Redwoods Community College District  
7351 Tompkins Hill Road  
Eureka, CA 95501  
Voice: 707-476-4172  
Fax: 707-476-4402  
E-Mail: lee-lindsey@redwoods.edu

Sincerely,

A handwritten signature in black ink, appearing to read "KB Petersen".

Keith B. Petersen

Enclosure: Incorrect Reduction Claim

C: Lee Lindsey, Vice President, Administrative Services  
Redwoods Community College District

COMMISSION ON STATE MANDATES



1. INCORRECT REDUCTION CLAIM TITLE

1116/92 and 764/99 Integrated Waste Management

2. CLAIMANT INFORMATION

Redwoods Community College District

Lee Lindsey, Vice President
Administrative Services
7351 Tompkins Hill Road
Eureka, CA 95501
Voice: 707-476-4172
Fax: 707-476-4402
E-Mail: lee-lindsey@redwoods.edu

3. CLAIMANT REPRESENTATIVE INFORMATION

Claimant designates the following person to act as its sole representative in this incorrect reduction claim. All correspondence and communications regarding this claim shall be forwarded to this representative. Any change in representation must be authorized by the claimant in writing, and sent to the Commission on State Mandates.

Keith B. Petersen, President
SixTen and Associates
P.O. Box 340430
Sacramento, CA 95834-0430
Voice: (916) 419-7093
Fax: (916) 263-9701
E-mail: Kbpsixten@aol.com

Filing Date:
IRC #: 14-0007-E-10

4. IDENTIFICATION OF STATUTES OR EXECUTIVE ORDERS

Statutes of 1992, Chapter 1116,
Statutes of 1999, Chapter 764,
Public Resources Code 40418, 40196.3, 42920-928
Public Contract Code 12167 and 12167.1

5. AMOUNT OF INCORRECT REDUCTION

Table with 2 columns: Fiscal Year, Amount of Reduction. Rows include 1999-2000 (\$3,632), 2000-2001 (\$9,140), 2003-2004 (\$8,625), 2004-2005 (\$6,876), 2005-2006 (\$9,974), and TOTAL (\$38,247).

6. NOTICE OF NO INTENT TO CONSOLIDATE

This claim is not being filed with the intent to consolidate on behalf of other claimants. Sections 7-12 are attached as follows:

- 7. Written Detailed Narrative: Pages 1 to 21
8. Final SCO Audit Report: Exhibit A
9. Parameter's and Guidelines: Exhibit B
10. Claiming Instructions: Exhibit C
11. Annual Reimbursement Claims: Exhibit D
12. Controller's Payment Letters: Exhibit E

13. CLAIM CERTIFICATION

This claim alleges an incorrect reduction of a reimbursement claim filed with the State Controller's Office pursuant to Government Code section 17561. This incorrect reduction claim is filed pursuant to Government Code section 17551, subdivision (d). I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this incorrect reduction claim submission is true and complete to the best of my own personal knowledge or information or belief.

Lee Lindsey, Vice President
Administrative Services

Signature: [Handwritten Signature] Date: 8-6-2014

1 Claim Prepared by:  
2 Keith B. Petersen  
3 SixTen and Associates  
4 P.O. Box 340430  
5 Sacramento, California 95834-0430  
6 Voice: (916) 419-7093  
7 Fax: (916) 263-9701

8 BEFORE THE  
9 COMMISSION ON STATE MANDATES  
10 STATE OF CALIFORNIA

11	INCORRECT REDUCTION CLAIM OF: )	No. CSM _____
12	)	
13	)	Statutes of 1992, Chapter 1116,
14	)	Statutes of 1999, Chapter 764,
15	)	Public Resources Code 40418,
16	)	40196.3, 42920-928 and
17	)	Public Contract Code 12167 and
18	)	12167.1.
19	)	
20	)	<u>Integrated Waste Management</u>
21	)	
22	)	Annual Reimbursement Claims:
23	)	Fiscal Year 1999-00
24	)	Fiscal Year 2000-01
25	)	Fiscal Year 2003-04
26	)	Fiscal Year 2004-05
27	)	Fiscal Year 2005-06
28	)	

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29 INCORRECT REDUCTION CLAIM FILING

30 PART I. AUTHORITY FOR THE CLAIM

31 The Commission on State Mandates has the authority pursuant to Government  
32 Code Section 17551(d) " . . . to hear and decide upon a claim by a local agency or  
33 school district, filed on or after January 1, 1985, that the Controller has incorrectly  
34 reduced payments to the local agency or school district pursuant to paragraph (2) of

Incorrect Reduction Claim of Redwoods Community College District  
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1 subdivision (d) of Section 17561.” Redwoods Community College District (hereafter  
2 “District”) is a “school district” as defined in Government Code Section 17519. Title 2,  
3 CCR, Section 1185 (a), requires the claimant to file an incorrect reduction claim with the  
4 Commission.

5 This incorrect reduction claim is timely filed. Title 2, CCR, Section 1185 (c),  
6 requires incorrect reduction claims to be filed no later than three years following the  
7 date of the Controller’s notice to the claimant of a reduction in payment for an annual  
8 claim. A Controller’s audit report dated April 11, 2014, has been issued. See Exhibit A.  
9 A Controller’s claim action notice letter dated April 18, 2014, has been issued for each  
10 audited annual claim that constitutes notice of the field audit findings that resulted in a  
11 claim payment reduction. See Exhibit E. The audit report and claim action letters each  
12 and both constitute a final adjudication of the claim and notice of payment reduction.

13 There is no alternative dispute resolution process available from the Controller’s  
14 office. The audit report letter states that an incorrect reduction claim should be filed  
15 with the Commission if the claimant disagrees with the audit findings.

16 PART II. SUMMARY OF THE CLAIM

17 The Controller conducted an audit of the District’s annual reimbursement claims  
18 for Fiscal Years 1999-00 and 2000-01 and 2003-04 through 2005-06 for the cost of  
19 complying with the legislatively mandated Integrated Waste Management program. As  
20 a result of the audit, the Controller determined that \$38,247 of the \$230,988 claimed  
21 costs were unallowable:

Incorrect Reduction Claim of Redwoods Community College District  
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	<u>Fiscal Year</u>	<u>Amount Claimed</u>	<u>Audit Adjustment</u>	<u>SCO Payments</u>	<u>Amount Due &lt;State&gt; District</u>
3	1999-00	\$ 23,105	\$ 3,632	\$ 0	\$ 19,473
4	2000-01	\$ 47,151	\$ 9,140	\$ 0	\$ 38,011
5	2003-04	\$ 61,814	\$ 8,625	\$ 6,088	\$ 47,101
6	2004-05	\$ 56,862	\$ 6,876	\$ 0	\$ 49,986
7	2005-06	\$ <u>42,056</u>	\$ <u>9,974</u>	\$ <u>0</u>	\$ <u>32,082</u>
8	Totals	\$ 230,988	\$ 38,247	\$ 6,088	\$ 186,653

9 Since the District has previously received \$6,088 in payments for these claims as of the  
10 date of the audit report, the audit report states that \$186,653 is payable to the District.

11 **PART III. PREVIOUS INCORRECT REDUCTION CLAIMS**

12 The District has not filed any previous incorrect reduction claims for this mandate  
13 program. The following districts have filed incorrect reduction claims on this mandate  
14 program that include similar issues:

	<u>COSM No.</u>	<u>IRC Date</u>	<u>District</u>
16	13-0007-I-01	03/28/14	Pasadena Area Community College District
17	13-0007-I-02	06/17/14	Sierra Joint Community College District
18	13-0007-I-03	07/09/14	Citrus Community College District
19	13-0007-I-04	07/09/14	Gavilan Joint Community College District
20	13-0007-I-05	07/09/14	Victor Valley Community College District
21	13-0007-I-06	07/09/14	State Center Community College District
22	13-0007-I-07	07/15/14	El Camino Community College District
23		07/30/14	North Orange County Community College District
24		08/07/14	Long Beach Community College District

25 **PART IV. BASIS FOR REIMBURSEMENT**

26 A. Mandate Legislation

27 Statutes of 1992, Chapter 1116, amended Public Contract Code sections 12167  
28 and 12167.1 allowing the governing board of each college district, on or after July 1,

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1 1994, to expend funds in the Integrated Waste Management Account, upon  
2 appropriation by the Legislature, for the purpose of offsetting costs created by the  
3 recycling program.

4 Statutes of 1999, Chapter 764, added Public Resources Code sections 40148,  
5 40196.3 and 42920-42928 to require the governing board of each college district, on or  
6 before February 15, 2000, to adopt a state agency model integrated waste  
7 management plan which specifies that the district: complies with the State Agency  
8 Model plan; designate a solid waste reduction and recycling coordinator; divert at least  
9 50 percent of all solid waste from disposal or transformation facilities; submit a report to  
10 the board summarizing the progress made in reducing solid waste; and, submit  
11 information on quantities of recyclable materials collected on an annual basis to the  
12 Board.

13 B. Test Claim

14 The Commission on State Mandates, in the Statement of Decision adopted at  
15 the March 25, 2004 hearing, found that Public Resources Code sections 40148,  
16 40196.3, 42920-42928, Public Contract Code sections 12167 and 12167.1, and the  
17 State Agency Model Integrated Waste Management Plan constitute new programs or  
18 higher levels of service for community college districts within the meaning of Section 6,  
19 Article XIII B of the California Constitution. The Commission determined that  
20 performing the following specific new activities resulted in increased costs for  
21 community college districts to:

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- 1 (1) Comply with the state model plan (Public Resources Code section 42920(b)(3)  
2 and State Agency Model Integrated Waste Management Plan, February 2000).
- 3 (2) Designate a district solid waste reduction and recycling coordinator (Public  
4 Resources Code section 42920 (c)).
- 5 (3) Divert at least 25 percent of all of its solid waste by January 1, 2002 and at least  
6 50 percent by January 1, 2004 (Public Resources Code sections 42921 and  
7 42922(i)). A district may seek an extension from the California Integrated Waste  
8 Management Board until December 31, 2005.
- 9 (4) Report by April 1 each year to the California Integrated Waste Management  
10 Board the progress in reducing solid waste (Public Resources Code sections  
11 42926(a) and 42922(i)).
- 12 (5) Submit annual recycled material reports to the California Integrated Waste  
13 Management Board (Public Contract Code section 12167.1).

14 C. Parameters and Guidelines

15 On March 30, 2005, the original parameters and guidelines were adopted. As a  
16 result of litigation<sup>1</sup>, amended parameters and guidelines were issued September 26,

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*State of California, Department of Finance , California Integrated Waste Management Board v. Commission on State Mandates, et al.* (Sacramento County Superior Court, Case No. 07CS00355)

The Department of Finance and the Integrated Waste Management Board filed a petition for writ of mandate in March 2007, asking the court to set aside the Commission's decision granting the test claim and to require the Commission to issue a



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1 2008, with retroactive effect. A copy of the original and amended parameters and  
2 guidelines are attached as Exhibit B.

3 D. Claiming Instructions

4 The Controller issued the first claiming instructions on June 6, 2005, for use to  
5 submit the initial claims for Fiscal Years 1999-00 through 2004-05. The claiming  
6 instructions have been annually revised for purposes of subsequent fiscal year filing  
7 dates. A copy of these claiming instructions are attached. See Exhibit C. However,  
8 since the Controller's claim forms and instructions have not been adopted as  
9 regulations, they have no force of law, and, therefore, have no effect on the outcome of  
10 this incorrect reduction claim.

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new Statement of Decision and parameters and guidelines that give full consideration to the community colleges' cost savings (e.g. avoided landfill disposal fees) and revenues (from recyclables) by complying with the test claim statutes. Petitioners' position was that the Commission had not properly accounted for all the offsetting cost savings from avoided disposal costs, or offsetting revenues from the sale of recyclable materials, in the Statement of Decision or parameters and guidelines. The Judgment and a Writ of Mandate were issued on June 30, 2008, ordering the Commission to:

1. amend the parameters and guidelines in Test Claim No. 00-TC-07 to require community college districts claiming reimbursable costs of an integrated waste management plan under Public Resources Code section 42920, et seq. to identify and offset from their claims, consistent with the directions for revenue in Public Contract code sections 12167 and 12167.1, cost savings realized as a result of implementing their plans; and
2. amend the parameters and guidelines in Test Claim No. 00-TC-07 to require community college districts claiming reimbursable costs of an integrated waste management plan under Public Resources Code section 42920, et seq. to identify and offset from their claims all of the revenue generated as a result of implementing their plans, without regard to the limitations or conditions described in sections 12167 and 12167.1 of the Public Contract Code.

1                   PART V. STATE CONTROLLER CLAIM ADJUDICATION

2                   The Controller conducted an audit of the District's annual reimbursement claims  
3 for Fiscal Years 1999-00 and 2000-01 and 2003-04 through 2005-06. The audit  
4 concluded that only \$192,741 (83%) of the District's \$230,988 costs, as claimed, are  
5 allowable. A copy of the April 11, 2014, audit report is attached as Exhibit A.

6                   PART VI. STATEMENT OF THE ISSUES

7                   **STATUTE OF LIMITATIONS FOR AUDIT**

8                   The District asserts that the three-year statute of limitations to start the audit had  
9 expired for FY 2003-04 when the Controller commenced the audit. Pursuant to Chapter  
10 724, Statutes of 2010, an appropriation was made to the District by January 14, 2011,  
11 for FY 2003-04 for \$6,088. The date of payment is a matter of record not available to  
12 the District but that can be produced by the Controller.

13                   Government Code Section 17558.5 (as amended by Statutes of 2004, Chapter  
14 890, Section 18, operative January 1, 2005 ) states:

15                   (a) A reimbursement claim for actual costs filed by a local agency or school  
16 district pursuant to this chapter is subject to the initiation of an audit by the  
17 Controller *no later than three years after* the date that the actual reimbursement  
18 claim is filed or last amended, whichever is later. However, if no funds are  
19 appropriated or no payment is made to a claimant for the program for the fiscal  
20 year for which the claim is filed, the time for the Controller to initiate an audit  
21 shall commence to run from *the date of initial payment of the claim*. In any case,  
22 an audit shall be completed not later than two years after the date that the audit  
23 is commenced. (*Emphasis added*)

24                   The audit commencement date is the date of first contact made by Controller to the  
25 claimant. Jim Spano, Bureau Chief, Mandated Cost Audit Bureau, State Controller's

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1 Office, in an e-mail (see Exhibit A) dated November 22, 2011, to Nancy Patton,  
2 Assistant Executive Director of the Commission at that time, and Keith Petersen  
3 (SixTen and Associates) stated the following:

4 At the same meeting, Commission staff asked what we believe constitutes the  
5 initiation of an audit pursuant to Government Code section 17558.5. *We consider*  
6 *the event that initiates an audit pursuant to Government Code section 17558.5 to*  
7 *be the date of the initial contact by the SCO to the auditee (generally a telephone*  
8 *contact) to inform them and put them on notice of the SCO's intention to perform*  
9 *the audit.* In addition, we consider this same date as the event that commences  
10 the two-year period to complete an audit pursuant to Government Code section  
11 17558.5. (*Emphasis added*).

12 The Controller's April 11, 2014, audit report states that the first contact the District  
13 received regarding this audit was January 17, 2014, which is more than three years  
14 after the January 14, 2011, appropriation for the FY 2003-04 annual claim. Therefore,  
15 the Controller did not have jurisdiction to audit FY 2003-04.

16 **Finding - Unreported offsetting savings**

17 **A. OFFSETTING COST SAVINGS**

18 The District did not report offsetting cost savings because none were realized.  
19 The audit report states that the total claimed costs of \$230,988 should have been  
20 reduced by \$43,377 of cost savings calculated by multiplying the tonnage diverted by a  
21 statewide average landfill fee per ton. However, none of these alleged cost savings  
22 were realized by the District as required by the parameters and guidelines.

23 1. The Legal Requirement

24 The notion of avoided cost for this mandate is a result of litigation by the

Incorrect Reduction Claim of Redwoods Community College District  
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1 Department of Finance and the Integrated Waste Management Board. The retroactive  
2 court decision requires a community college district to “identify and deduct offsetting  
3 costs savings from its claimed reimbursable costs.” The court asserted, without  
4 evidence in the record, that these reductions will “most likely” occur:

5 In complying with the mandated solid waste diversion requirements of  
6 Public Resources Code section 42921, California Community *Colleges are likely*  
7 *to experience cost savings in the form of reduced or avoided costs of landfill*  
8 *disposal*. The reduced or avoided costs are a direct result and an integral part of  
9 the IWM plan mandates under Public Resources Code section 42920 et seq.: as  
10 solid waste diversion occurs, *landfill disposal of the solid waste and associated*  
11 *landfill disposal costs* are reduced or avoided. Indeed, diversion is defined in  
12 terms of landfill disposal for purposes of the IWM plan mandates. (See Pub.  
13 Resources Code §§ 40124 (“diversion’ means activities which reduce or  
14 eliminate the amount of solid waste from solid waste disposal for purposes of  
15 this division [i.e., division 30, including § 42920 et seq.]”), 40192, subd. (b) (for  
16 purposes of Part 2 (commencing with Section 40900), ‘disposal’ means the  
17 management of solid waste through landfill disposal or transformation at a  
18 permitted solid waste facility.”.) *Emphasis added.*

19 Such reduction or avoidance of landfill fees and costs resulting from solid  
20 waste diversion activities under § 42920 et seq. represent savings which must be  
21 offset against the costs of the diversion activities to determine the reimbursable  
22 costs of IWM plan implementation -- i.e., the actual increased costs of diversion -  
23 - under section 6 and section 17514. Similarly, under Public Resources Code  
24 section 42925, such offsetting savings must be redirected to fund IWM plan  
25 implementation and administration costs in accordance with Public Contract  
26 Code section 12167. *The amount or value of the savings may be determined*  
27 *from the calculations of annual solid waste disposal reduction or diversion which*  
28 *California Community Colleges must annually report to petitioner Integrated*  
29 *Waste Management Board pursuant to subdivision (b)(1) of Public Resources*  
30 *Code section 42926. Emphasis added.*

31 The amended and retroactive parameters and guidelines adopted September  
32 26, 2008, applied the court language as follows:

33 /

1           **VIII. OFFSETTING COST SAVINGS**

2           Reduced or avoided costs realized from implementation of the community  
3 college districts' Integrated Waste Management plans shall be identified and  
4 offset from this claim as cost savings, consistent with the directions for revenue  
5 in Public Contract Code sections 12167 and 12167.1. Pursuant to these statutes,  
6 community college districts are required to deposit cost savings resulting from  
7 their Integrated Waste Management plans in the Integrated Waste Management  
8 Account in the Integrated Waste Management Fund; the funds deposited in the  
9 Integrated Waste Management Account, upon appropriation by the Legislature,  
10 may be expended by the California Integrated Waste Management Board for the  
11 purpose of offsetting Integrated Waste Management plan costs. Subject to the  
12 approval of the California Integrated Waste Management Board, cost savings by  
13 a community college that do not exceed two thousand dollars (\$2,000) annually  
14 are continuously appropriated for expenditure by the community college for the  
15 purpose of offsetting Integrated Waste Management program costs. Cost  
16 savings exceeding two thousand dollars (\$2,000) annually may be available for  
17 expenditure by the community college only when appropriated by the Legislature.  
18 To the extent so approved or appropriated and applied to the college, these  
19 amounts shall be identified and offset from the costs claimed for implementing  
20 the Integrated Waste Management Plan.           Emphasis added.

21       2.   Assumed Cost Savings

22           The court presupposes a previous legal requirement for districts to incur landfill  
23 disposal fees to divert solid waste. Thus, potentially relieved of the need to incur new  
24 or additional landfill fees for increased waste diversion, a cost savings would occur.

25           There is no finding of fact or law in the court decision or from the Commission  
26 Statement of Decision for the test claim for this assumed duty to use landfills.

27           However, since the court stated that the cost savings from avoided landfill costs are  
28 only "likely," potential cost savings would be a finding of fact not law. There is no  
29 evidence in the court decision that these reduced or avoided landfill costs occurred at  
30 all or to any one district other than the bare assertion that such savings may have

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1 occurred. Thus, potential landfill cost savings would be a question of fact for each  
2 claiming district. However, the Controller's audit adjustment erroneously and simply  
3 assumes these cost savings occurred in the form of avoided landfill fees for the  
4 mandated tonnage diverted. The audit report merely determined that the district had  
5 reduced or avoided costs apparently, and only, as a result of increased diversion of  
6 solid waste.

7 3. Realized Cost Savings

8 The parameters and guidelines language does not assume that the cost savings  
9 occurred, but instead requires that the cost savings be *realized*. The amended  
10 parameters and guidelines, relying upon the court decision, state that "(r)educed or  
11 avoided costs *realized* from implementation of the community college districts'  
12 Integrated Waste Management plans shall be identified and offset from this claim as  
13 cost savings . . . ." To be realized, the court states that the following string of events  
14 must occur:

15 Thus, in accordance with section 12167, state agencies, along with  
16 California Community Colleges which are defined as state agencies for purposes  
17 of IWM plan requirements in Public Resources Code section 42920 et seq.  
18 (Pub. Resources Code §§ 40196, 40148), must deposit cost savings resulting  
19 from IWM plans in the Integrated Waste Management Account in the Integrated  
20 Waste Management Fund; the funds deposited in the Integrated Waste  
21 Management Account, upon appropriation by the Legislature, may be expended  
22 by the Integrated Waste Management Board for the purpose of offsetting IWM  
23 plan costs. In accordance with section 12167.1 and notwithstanding section  
24 12167, cost savings from the IWM plans of the agencies and colleges that do not  
25 exceed \$2,000 annually are continuously appropriated for expenditure by the  
26 agencies and colleges for the purpose of offsetting IWM plan implementation  
27 and administration costs; cost savings resulting from IWM plans in excess of  
28 \$2,000 annually are available for such expenditure by the agencies and colleges

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1 when appropriated by the Legislature.

2 For the cost savings to be realized, the parameters and guidelines further require  
3 that "(t)o the extent so approved or appropriated and applied to the college, these  
4 amounts shall be identified and offset from the costs claimed for implementing the  
5 Integrated Waste Management Plan." Thus, a certain chain of events must occur: the  
6 cost savings must exist (avoided landfill costs); be converted to cash; amounts in  
7 excess of \$2,000 per year deposited in the state fund: and, these deposits by the  
8 districts appropriated by the Legislature to districts for purposes of mitigating the cost of  
9 implementing the plan. None of those prerequisite events occurred so no cost savings  
10 were "realized" by the District. Regardless, the adjustment cannot be applied to the  
11 District since no state appropriation of the cost savings was made to the District.

12 4. Calculation of the Cost Savings

13 The court suggests that "(t)he amount or value of the savings may be determined  
14 from the calculations of annual solid waste disposal reduction or diversion which  
15 California Community Colleges must annually report to petitioner Integrated Waste  
16 Management Board pursuant to subdivision (b)(1) of Public Resources Code section  
17 42926." The parameters and guidelines are silent as to how to calculate the avoided  
18 costs. The court provided two alternative methods, either disposal reduction or  
19 diversion reported by districts, and the Controller utilized the diversion percentage,  
20 which assumes, without findings of fact, that all diversion tonnage is landfill disposal  
21 tonnage reduction.

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1           a.     The Controller's formula is a standard of general application

2                     The audit adjustment for the assumed landfill cost savings is based on a  
3                     formula created by the Controller and has been consistently used for all 36  
4                     audits of this mandate published by the Controller (as of the date of this  
5                     document). The Controller's use of this formula for audit purposes is a standard  
6                     of general application without appropriate state agency rulemaking and is  
7                     therefore unenforceable (Government Code Section 11340.5). The formula is  
8                     not an exempt audit guideline (Government Code Section 11340.9(e)). State  
9                     agencies are prohibited from enforcing underground regulations. If a state  
10                    agency issues, enforces, or attempts to enforce a rule without following the  
11                    Administrative Procedure Act, when it is required to, the rule is called an  
12                    "underground regulation." Further, the audit adjustment is a financial penalty  
13                    against the District, and since the adjustment is based on an underground  
14                    regulation, the formula cannot be used for the audit adjustment (Government  
15                    Code Section 11425.50).

16           b.     The Controller's formula assumes facts not in evidence

17                    The audited offsetting cost savings is the sum of three components: the  
18                    "allocated" diversion percentage, multiplied by the tonnage diverted, multiplied by  
19                    a landfill disposal cost per ton. The Controller's calculation method includes  
20                    several factual errors that make it useless as a basis of determining potential  
21                    cost savings.



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1           1.     Allocated diversion percentage: The audit report uses the  
2           diversion percentage reported by the District to the state (CalRecycle) for  
3           each year.

4           2.     Tonnage diverted: The Controller formula uses the total tonnage  
5           reported by the District to CalRecycle. The audit report states that this  
6           total amount includes "solid waste that the district recycled, composted,  
7           and kept out of the landfill." Next, the audit report assumes without  
8           findings that all diverted tonnage would have been disposed in a landfill  
9           and thus additional landfill fees incurred for all additional tonnage diverted.

10          Composted material, which can be a significant amount of the diverted  
11          tonnage, would not have gone to the landfill. The audit report also  
12          assumes without findings that all diverted tonnage is within the scope of  
13          the mandate. The total tons diverted for some fiscal years may include  
14          materials that are outside the scope of the mandate (e.g., paint).

15          Deducting the compost amount and tonnage unrelated to the mandate  
16          would reduce both the total tonnage and the diversion percentage.

17          3.     Landfill disposal fee: Having no District information in the annual  
18          claims for landfill disposal fees, since it was not required for the annual  
19          claims or the CalRecycle report, the Controller's method uses a statewide  
20          average cost to dispose of a ton of waste, ranging from \$36 to \$56 per  
21          ton, based on data said to be obtained from CalRecycle. The audit report

Incorrect Reduction Claim of Redwoods Community College District  
1116/92 and 764/99 Integrated Waste Management

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1 does not include the CalRecycle statewide data used to generate these  
2 average fee amounts. Thus, the source of the average or actual costs  
3 that comprise the average is unknown and unsupported by audit findings.

4 5. Application of the Formula

5 There are several factual errors in the application of this offset. The District did  
6 not claim landfill costs, so there are none to be offset. The adjustment method does  
7 not match or limit the landfill costs avoided to landfill costs, if any, actually claimed.  
8 Instead, the total adjustment amount for avoided landfill costs is applied to the total  
9 annual claim amounts and thus reduces unrelated salary and benefit costs for some of  
10 the following activities: preparing district policies and procedures; training staff who  
11 work on the integrated waste management plan; designating a plan coordinator;  
12 operating the plan accounting system; and, preparing annual recycling material reports.

13 The Controller's calculation method thus prevents this District from receiving full  
14 reimbursement of its actual increased program costs, contrary to an unfounded  
15 expectation by the court. Footnote 1 of the court decisions states that:

16 There is no indication in the administrative record or in the legal  
17 authorities provided to the court that, as respondent argues, a California  
18 Community College might not receive the full reimbursement of its actual  
19 increased costs required by section 6 if its claims for reimbursement of IWM plan  
20 costs were offset by realized cost savings and all revenues received from plan  
21 activities.

22 Indeed, it appears from the statewide audit results<sup>2</sup> to date that the application of the

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<sup>2</sup> The Controller's audit reports are available at:  
[http://www.sco.ca.gov/aud\\_mancost\\_comcolleges\\_costrpt.html](http://www.sco.ca.gov/aud_mancost_comcolleges_costrpt.html)

Incorrect Reduction Claim of Redwoods Community College District  
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1 formula has only arbitrary results. The following table indicates the percentage of the  
 2 total claimed cost allowed by the “desk audits” conducted by the Controller on the single  
 3 issue of the costs savings offset:

<b>Controller’s Audits-cost savings Issue only District</b>	<b>Percentage Allowed</b>	<b>Audit Date</b>
MiraCosta Community College District	0%	10/08/2013
Citrus Community College District	2.0%	09/11/2013
Yuba Community College District	3.4%	05/07/2014
Allan Hancock Joint Community College District	14.8%	06/23/2014
San Bernardino Community College District	20.3%	06/23/2014
Grossmont-Cuyamaca Community College District	28.7%	04/30/2013
State Center Community College District	32.1%	08/30/2013
Merced Community College District	33.2%	07/09/2013
North Orange County Community College District	33.6%	08/15/2013
Solano Community College District	34.4%	06/17/2013
Long Beach Community College District	35.4%	05/22/2014
Sierra Joint Community College District	41.4%	07/22/2013
Yosemite Community College District	41.7%	07/10/2013
El Camino Community College District	43.0%	03/19/2014
Mt. San Antonio Community College District	43.7%	08/15/2013
Hartnell Community College District	45.0%	04/09/2014
Shasta-Tehama-Trinity Jt Community College District	53.3%	06/17/2014
Contra Costa Community College District	58.7%	05/29/2013
Monterey Peninsula Community College District	59.8%	06/05/2014
Siskiyou Joint Community College District	62.2%	06/03/2014
San Joaquin Delta Community College District	69.5%	05/07/2014
Gavilan Joint Community College District	69.6%	04/11/2014
West Kern Community College District	69.9%	06/03/2014
Marin Community College District	72.4%	06/03/2014
Victor Valley Community College District	73.4%	04/09/2014
Cabrillo Community College District	80.8%	06/18/2014
Redwoods Community College District	83.4%	04/11/2014

34 The District agrees that any relevant realized cost savings should be reported, but the  
 35 offset must also be properly matched to relevant costs.

36 /

Incorrect Reduction Claim of Redwoods Community College District  
1116/92 and 764/99 Integrated Waste Management

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**B. OFFSETTING REVENUES AND REIMBURSEMENTS**

The District's annual claims reported recycling income as an offset to total reimbursable costs in the amount of \$7,941:

Controller Form IWM-1 <u>Fiscal Year</u>	Line 08 Offsetting <u>Savings</u>	Line 09 Other <u>Reimbursements</u>	
1999-00	\$ 76	\$ 0	
2000-01	\$ 916	\$ 0	
2003-04	\$1,327	\$ 0	
2004-05	\$2,811	\$ 0	
2005-06	<u>\$ 0</u>	<u>\$ 2,811</u>	
Totals	\$5,130	\$ 2,811	\$7,941

The audit report erroneously recognized \$5,130 as the claimed offsetting recycling revenues when in fact \$7,941 of offsetting revenue and other reimbursements was reported and offset by the District. The audit report correctly states that this District revenue was not deposited into the State IWM Account, but there is no such requirement to do so for community colleges. Recycling revenues are not offsetting cost savings, but are offsetting revenues generated from implementing the IWM plan. Regarding recycling revenues, the court stated:

Although Public Contract Code sections 12167 and 12167.1 apply to California Community Colleges for the purpose of offsetting savings pursuant to the terms of Public Resources Code section 42925, *sections 12167 and 12167.1 do not apply to the colleges for the purpose of offsetting revenues or, indeed, any other purpose. Sections 12167 and 12167.1 apply exclusively to state agencies and institutions; the colleges, which are school districts rather than state agencies, are not specially defined as state agencies for purposes of the State Assistance for Recycling Markets Act of which sections 12167 and 12167.1 are a part. Therefore, sections 12167 and 12167.1 do not properly govern the revenues generated by the colleges' recycling activities pursuant to their IWM plans. The limits and conditions placed by sections 12167 and 12167.1 on the expenditure of recycling revenues for the purpose of offsetting recycling program*

1 *costs are simply inapplicable to the revenues generated by the colleges'*  
2 *recycling activities.*

3 The provisions of Public Resources Code section 42920 et seq. do not  
4 address the use of revenues generated by recycling activities of California  
5 Community Colleges under IWM plans to offset reimbursable plan costs. *Thus,*  
6 *use of the revenues to offset reimbursable IWM plan costs is governed by the*  
7 *general principles of state mandates, that only the actual increased costs of a*  
8 *state-mandated program are reimbursable and, to that end, revenues provided*  
9 *for by the state-mandated program must be deducted from program costs.* (See  
10 Cal. Const., art. XIII B, § 6; Gov.Code §§ 17514, 17556, subd. (e); *County of*  
11 *Fresno v. State of California* (1991) 51 Cal.3d 482, 487; *County of Sonoma v.*  
12 *Commission on State Mandates*, (2000) 84 Cal.App.4th 1264, 1284.) These  
13 principles are reflected in respondent's regulation which requires, without  
14 limitation or exception, the identification of offsetting revenues in the parameters  
15 and guidelines for reimbursable cost claims. (Cal. Code Regs., tit. 2, §  
16 1183.1(a)(7).) *Emphasis added.*

17 The amended and retroactive parameters and guidelines adopted September 26, 2008,  
18 state:

## 19 **VII. OFFSETTING REVENUES AND REIMBURSEMENTS**

20 Reimbursement for this mandate from any source, including but not limited to,  
21 services fees collected, federal funds, and other state funds allocated to any  
22 service provided under this program, shall be identified and offset from this  
23 claim. Offsetting revenue shall include all revenues generated from implementing  
24 the Integrated Waste Management Plan.

25 Therefore, the District properly reported the recycling income as a reduction of total  
26 claimed cost and also not subject to state appropriation in the form of cost savings.

### 27 **C. PROCEDURAL ISSUES**

#### 28 1. Standard of Review

29 None of the adjustments were made because the program costs claimed were  
30 excessive or unreasonable. The Controller does not assert that the claimed costs were

Incorrect Reduction Claim of Redwoods Community College District  
1116/92 and 764/99 Integrated Waste Management

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1 excessive or reasonable, which is the only mandated cost audit standard in statute  
2 (Government Code Section 17561(d) (2)). It would therefore appear that the entire  
3 findings are based upon the wrong standard for review. If the Controller wishes to  
4 enforce other audit standards for mandated cost reimbursement, the Controller should  
5 comply with the Administrative Procedure Act.

6 2. Burden of Proof

7 Here, the evidentiary issue is the Controller's method for determining the  
8 adjustments. In many instances in the audit report, the District was invited to provide  
9 missing data in lieu of fictional data used by auditor, or to disprove the auditor's factual  
10 assumptions. This is an inappropriate shifting of the burden of proof for an audit. The  
11 Controller must first provide evidence as to the propriety of its audit findings because it  
12 bears the burden of going forward and because it is the party with the power to create,  
13 maintain, and provide evidence regarding its auditing methods and procedures, as well  
14 as the specific facts relied upon for its audit findings.

15 PART VIII. RELIEF REQUESTED

16 The District filed its annual reimbursement claims within the time limits  
17 prescribed by the Government Code. The amounts claimed by the District for  
18 reimbursement of the costs of implementing the Integrated Waste Management  
19 program imposed by the relevant Public Contract and Public Resources Code sections  
20 represent the actual costs incurred by the District to carry out this program. These  
21 costs were properly claimed pursuant to the Commission's parameters and guidelines.

Incorrect Reduction Claim of Redwoods Community College District  
1116/92 and 764/99 Integrated Waste Management

1 Reimbursement of these costs is required under Article XIII B, Section 6 of the California  
2 Constitution. The Controller's adjustments deny reimbursement without any basis in  
3 law or fact. The District has met its burden of going forward on this incorrect reduction  
4 claim by complying with the requirements of Section 1185, Title 2, California Code of  
5 Regulations. Because the Controller has enforced and is seeking to enforce these  
6 adjustments without benefit of statute or regulation, the burden of proof is now upon the  
7 Controller to establish a legal basis for its actions.

8 The District requests that the Commission make findings of fact and law on each  
9 and every adjustment made by the Controller and each and every procedural and  
10 jurisdictional issue raised in this claim, and order the Controller to correct its audit report  
' findings therefrom.

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Incorrect Reduction Claim of Redwoods Community College District  
1116/92 and 764/99 Integrated Waste Management

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1

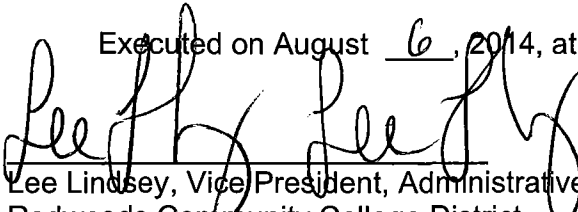
PART VIII. CERTIFICATION

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7

By my signature below, I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this incorrect reduction claim submission is true and complete to the best of my own personal knowledge or information or belief, and that the attached documents are true and correct copies of documents received from or sent by the state agency or person who originated the document.

8  
9

Executed on August 6, 2014, at Eureka, California, by



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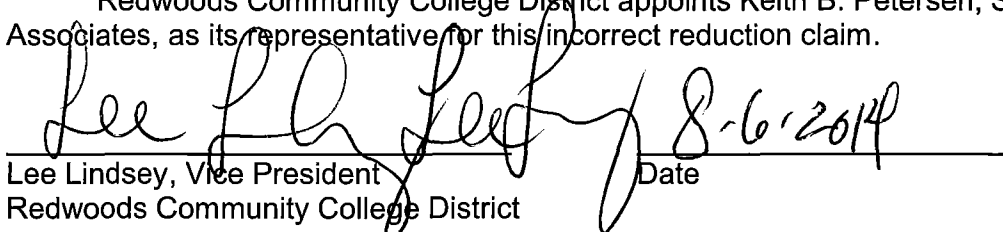
Lee Lindsey, Vice President, Administrative Services  
Redwoods Community College District  
7351 Tompkins Hill Road  
Eureka, CA 95501  
Voice: 707-476-4172  
Fax: 707-476-4402  
E-Mail: lee-lindsey@redwoods.edu

18

APPOINTMENT OF REPRESENTATIVE

19  
20

Redwoods Community College District appoints Keith B. Petersen, SixTen and Associates, as its representative for this incorrect reduction claim.



21  
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23

Lee Lindsey, Vice President  
Redwoods Community College District

Date

24

Attachments:

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Exhibit "A"                      Controller's Audit Report dated April 11, 2014  
Exhibit "B"                      Original Parameters and Guidelines adopted March 30, 2005, and  
   Amended Parameters and Guidelines dated September 26, 2008  
Exhibit "C"                      Controller's Claiming Instructions  
Exhibit "D"                      Annual Reimbursement Claims  
Exhibit "E"                      Controller's Payment Action Letters dated April 18, 2014





Subj: **FW: Updated Listing of Outstanding HFE IRCs and Event That Initiates An Audit/Starts the Two-Year Audit Clock**  
Date: 11/22/2011 11:51:04 A.M. Pacific Daylight Time  
From: [jspano@sco.ca.gov](mailto:jspano@sco.ca.gov)  
To: [Nancy.Patton@esm.ca.gov](mailto:Nancy.Patton@esm.ca.gov), [Kbpsixten@aol.com](mailto:Kbpsixten@aol.com)  
CC: [ssilva@sco.ca.gov](mailto:ssilva@sco.ca.gov), [svanzee@sco.ca.gov](mailto:svanzee@sco.ca.gov)

Nancy, Keith,

Attached is the updated listing of outstanding Health Fee Elimination Program Incorrect Reduction Claims (IRCs), detailed by audit issues, as discussed with Keith Petersen and representatives of the Commission and SCO after the October 27, 2011, Commission hearing. The IRCs are in chronological order according to the filing date.

At the same meeting, Commission staff asked what we believe constitutes the initiation of an audit pursuant to Government Code section 17558.5. We consider the event that initiates an audit pursuant to Government Code section 17558.5 to be the date of the initial contact by the SCO to the auditee (generally a telephone contact) to inform them and put them on notice of the SCO's intention to perform the audit. In addition, we consider this same date as the event that commences the two-year period to complete an audit pursuant to Government Code section 17558.5.

I believe the next step is to coordinate a meeting or telephone conference call to discuss the prioritization of outstanding Health Fee Elimination Programs IRCs based on the updated listing.

***Jim L. Spano, CPA***

Bureau Chief  
State Controller's Office  
Division of Audits / Mandated Cost Audits Bureau  
Office: (916) 323-5849 / Fax: (916) 327-0832  
[jspano@sco.ca.gov](mailto:jspano@sco.ca.gov)

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State Controller's Office  
 Division of Accounting and Reporting  
 Claimant's Account Summary  
 As of January 14, 2011

Claimant Name: REDWOODS COMM COLL DIST

Apportionment Amount: \$101,410

Program Number	Program Name	Fiscal Year	Date Filed	Outstanding Amount	Accrued Interest	Due From State	Apportionment Payment	Outstanding Balance
234	HEALTH FEE ELIMINATN: 1/84-C	1996/1997	11/30/1997	\$0	\$1,863	\$1,863	\$1,863	\$0
234	HEALTH FEE ELIMINATN: 1/84-C	1997/1998	01/15/1999	\$0	\$293	\$293	\$293	\$0
231	ABSENTEE BALLOTS : 77/78-C	1997/1998	01/18/2000	\$0	\$25	\$25	\$25	\$0
234	HEALTH FEE ELIMINATN: 1/84-C	1998/1999	01/18/2000	\$0	\$722	\$722	\$722	\$0
232	COLLECTIVE BARGAIN : 916/75-C	1999/2000	01/16/2001	\$0	\$2,766	\$2,766	\$2,766	\$0
234	HEALTH FEE ELIMINATN: 1/84-C	1999/2000	01/16/2001	\$0	\$683	\$683	\$683	\$0
232	COLLECTIVE BARGAIN : 916/75-C	2000/2001	01/15/2002	\$0	\$3,953	\$3,953	\$3,953	\$0
234	HEALTH FEE ELIMINATN: 1/84-C	2000/2001	01/15/2002	\$0	\$3,366	\$3,366	\$3,366	\$0
237	MANDATE REIM PROCESS: 486/75-C	2000/2001	01/15/2002	\$0	\$355	\$355	\$355	\$0
254	OPEN MEETING ACT II : 641/86-C	2000/2001	01/15/2002	\$0	\$40	\$40	\$40	\$0
232	COLLECTIVE BARGAIN : 916/75-C	2001/2002	01/15/2003	\$0	\$249	\$249	\$249	\$0
237	MANDATE REIM PROCESS: 486/75-C	2001/2002	01/15/2003	\$0	\$170	\$170	\$170	\$0
238	OPEN MTG-BRN ACT RFM: 641/86-C	2001/2002	01/15/2003	\$0	\$365	\$365	\$365	\$0
237	MANDATE REIM PROCESS: 486/75-C	2002/2003	01/15/2004	\$0	\$1,353	\$1,353	\$1,353	\$0
238	OPEN MTG-BRN ACT RFM: 641/86-C	2002/2003	01/15/2004	\$0	\$729	\$729	\$729	\$0
232	COLLECTIVE BARGAIN : 916/75-C	2002/2003	01/15/2004	\$0	\$2,508	\$2,508	\$2,508	\$0
234	HEALTH FEE ELIMINATN: 1/84-C	2001/2002	06/07/2004	\$0	\$750	\$750	\$750	\$0
232	COLLECTIVE BARGAIN : 916/75-C	2003/2004	01/15/2005	\$73,124	-	\$73,124	\$73,124	\$0
237	MANDATE REIM PROCESS: 486/75-C	2003/2004	01/15/2005	\$0	\$2,008	\$2,008	\$2,008	\$0
256	INTEGRATED WASTE MGT:1116/92-C	2003/2004	10/07/2005	\$61,814	-	\$61,814	\$6,088	\$55,726
<b>Total (20)</b>				<b>\$134,938</b>	<b>\$22,201</b>	<b>\$157,139</b>	<b>\$101,410</b>	<b>\$55,729</b>



**JOHN CHIANG**  
California State Controller

April 11, 2014

Lee Lindsey, Vice President of Administrative Services  
Redwoods Community College District  
7351 Tompkins Hill Road  
Eureka, CA 95501

Dear Mr. Lindsey:

The State Controller's Office reviewed the costs claimed by the Redwoods Community College District for the legislatively mandated Integrated Waste Management (IWM) Program (Chapter 1116, Statutes of 1992; and Chapter 764, Statutes of 1999) for the period of July 1, 1999, through June 30, 2001; and July 1, 2003, through June 30, 2006. We did not include the costs claimed for the period of July 1, 2001, through June 30, 2003 in the review period because the statute of limitations to initiate a review has expired. We conducted our review under the authority of Government Code sections 12410, 17558.5, and 17561. Our review was limited to ensuring that offsetting savings were properly reported in accordance with program requirements.

The district claimed \$230,988 for the mandated program. Our review found that \$192,741 is allowable and \$38,247 is unallowable. The costs are unallowable because the district understated offsetting savings realized as a result of implementing its IWM plan, as described in the attached Summary of Program Costs, Summary of Offsetting Savings Calculations, and the Finding and Recommendation.

For the fiscal year (FY) 1999-2000 through FY 2000-01, and FY 2004-05 through FY 2005-06 claims, the State made no payments to the district. Our review found that \$139,552 is allowable. The State will pay that amount, contingent upon available appropriations.

For the FY 2003-04 claim, the State paid the district \$6,088 from funds appropriated under Chapter 724, Statutes of 2010. Our review found that \$53,189 is allowable. The State will pay allowable costs claimed that exceed the amount paid, totaling \$47,101, contingent upon available appropriations.

If you disagree with the review finding, you may file an Incorrect Reduction Claim (IRC) with the Commission on State Mandates (CSM). The IRC must be filed within three years following the date that we notify you of a claim reduction. You may obtain IRC information at the CSM's website at [www.csm.ca.gov/docs/IRCForm.pdf](http://www.csm.ca.gov/docs/IRCForm.pdf).

MAILING ADDRESS P.O. Box 942850, Sacramento, CA 94250-5874  
SACRAMENTO 3301 C Street, Suite 700, Sacramento, CA 95816 (916) 324-8907  
LOS ANGELES 901 Corporate Center Drive, Suite 200, Monterey Park, CA 91754-7619 (323) 981-6802

Lee Lindsey  
Vice President of Administrative Services

-2-

April 11, 2014

If you have any questions, please contact Jim L. Spano, Chief, Mandated Cost Audits Bureau, by phone at (916) 323-5849.

Sincerely,

*Original signed by*

JEFFREY V. BROWNFIELD, CPA  
Chief, Division of Audits

JVB/kw

Attachments

RE: S14-MCC-916

cc: Garry Patrick, Director of Maintenance and Operations  
Redwoods Community College District  
Christine Atalig, Specialist, College Finance and Facilities Planning  
California Community Colleges Chancellor's Office  
Mollie Quasebarth, Principal Program Budget Analyst  
Education Systems Unit, California Department of Finance  
Mario Rodriguez, Finance Budget Analyst  
Education Systems Unit, California Department of Finance  
Jay Lal, Manager  
Division of Accounting and Reporting  
State Controller's Office

**Attachment 1—  
Summary of Program Costs  
July 1, 1999, through June 30, 2001;  
and July 1, 2003, through June 30, 2006**

Cost Elements	Actual Costs Claimed	Allowable per Review	Review Adjustment <sup>1</sup>
<u>July 1, 1999, through June 30, 2000</u>			
Direct costs:			
Salaries and benefits	\$ 16,624	\$ 16,624	\$ —
Indirect costs	6,557	6,557	—
Total direct and indirect costs	23,181	23,181	—
Less offsetting savings <sup>2</sup>	(76)	(3,708)	(3,632)
Total program costs	<u>\$ 23,105</u>	19,473	<u>\$ (3,632)</u>
Less amount paid by the State		—	
Allowable costs claimed in excess of (less than) amount paid		<u>\$ 19,473</u>	
<u>July 1, 2000, through June 30, 2001</u>			
Direct costs:			
Salaries and benefits	\$ 33,989	\$ 33,989	\$ —
Indirect costs	14,078	14,078	—
Total direct and indirect costs	48,067	48,067	—
Less offsetting savings <sup>2</sup>	(916)	(10,056)	(9,140)
Total program costs	<u>\$ 47,151</u>	38,011	<u>\$ (9,140)</u>
Less amount paid by the State		—	
Allowable costs claimed in excess of (less than) amount paid		<u>\$ 38,011</u>	
<u>July 1, 2003, through June 30, 2004</u>			
Direct costs:			
Salaries and benefits	\$ 45,543	\$ 45,543	\$ —
Indirect costs	17,598	17,598	—
Total direct and indirect costs	63,141	63,141	—
Less offsetting savings <sup>2</sup>	(1,327)	(9,952)	(8,625)
Total program costs	<u>\$ 61,814</u>	53,189	<u>\$ (8,625)</u>
Less amount paid by the State <sup>3</sup>		(6,088)	
Allowable costs claimed in excess of (less than) amount paid		<u>\$ 47,101</u>	
<u>July 1, 2004, through June 30, 2005</u>			
Direct costs:			
Salaries and benefits	\$ 43,273	\$ 43,273	\$ —
Indirect costs	16,400	16,400	—
Total direct and indirect costs	59,673	59,673	—
Less offsetting savings <sup>2</sup>	(2,811)	(9,687)	(6,876)
Total program costs	<u>\$ 56,862</u>	49,986	<u>\$ (6,876)</u>
Less amount paid by the State		—	
Allowable costs claimed in excess of (less than) amount paid		<u>\$ 49,986</u>	

## Attachment 1 (continued)

Cost Elements	Actual Costs Claimed	Allowable per Review	Review Adjustment <sup>1</sup>
<u>July 1, 2005, through June 30, 2006</u>			
Direct costs:			
Salaries and benefits	\$ 31,738	\$ 31,738	\$ —
Materials and supplies	1,244	1,244	—
Total direct costs	32,982	32,982	—
Indirect costs	11,885	11,885	—
Total direct and indirect costs	44,867	44,867	—
Less offsetting revenues and reimbursements	(2,811)	(2,811)	—
Less offsetting savings <sup>2</sup>	—	(9,974)	(9,974)
Total program costs	<u>\$ 42,056</u>	32,082	<u>\$ (9,974)</u>
Less amount paid by the State		—	
Allowable costs claimed in excess of (less than) amount paid		<u>\$ 32,082</u>	
<u>Summary: July 1, 1999, through June 30, 2001; and July 1, 2003, through June 30, 2006</u>			
Direct costs:			
Salaries and benefits	\$ 171,167	\$ 171,167	\$ —
Materials and supplies	1,244	1,244	—
Total direct costs	172,411	172,411	—
Indirect costs	66,518	66,518	—
Total direct and indirect costs	238,929	238,929	—
Less offsetting revenues and reimbursements	(2,811)	(2,811)	—
Less offsetting savings	(5,130)	(43,377)	(38,247)
Total program costs	<u>\$ 230,988</u>	192,741	<u>\$ (38,247)</u>
Less amount paid by the State		(6,088)	
Allowable costs claimed in excess of (less than) amount paid		<u>\$ 186,653</u>	

<sup>1</sup> See Attachment 3, Finding and Recommendation.

<sup>2</sup> See Attachment 2, Summary of Offsetting Savings Calculations.

<sup>3</sup> Payment from funds appropriated under Chapter 724, Statutes of 2010 (Assembly Bill No. 1610).

**Attachment 2—  
Summary of Offsetting Savings Calculations  
July 1, 1999, through June 30, 2001;  
and July 1, 2003, through June 30, 2006**

Cost Elements	Offsetting Savings Reported	Offsetting Savings Realized			Review Adjustment <sup>1</sup>
		July - December	January - June	Total	
<u>July 1, 1999, through June 30, 2000</u>					
Maximum allowable diversion percentage		—	25.00%		
Actual diversion percentage		÷	—	÷	73.14%
Allocated diversion percentage		—	34.18%		
Tonnage diverted		×	—	×	(298.15)
Statewide average landfill fee per ton		×	—	×	\$36.39
Offsetting savings, FY 1999-2000	\$ (76)	\$ —	\$ (3,708)	\$ (3,708)	\$ (3,632)
<u>July 1, 2000, through June 30, 2001</u>					
Maximum allowable diversion percentage		25.00%	25.00%		
Actual diversion percentage		÷	73.14%	÷	83.99%
Allocated diversion percentage		34.18%	29.77%		
Tonnage diverted		×	(298.15)	×	(585.95)
Statewide average landfill fee per ton		×	\$36.39	×	\$36.39
Offsetting savings, FY 2000-01	\$ (916)	\$ (3,708)	\$ (6,348)	\$ (10,056)	\$ (9,140)
<u>July 1, 2003, through June 30, 2004</u>					
Maximum allowable diversion percentage		50.00%	50.00%		
Actual diversion percentage		÷	57.68%	÷	57.85%
Allocated diversion percentage		86.69%	86.43%		
Tonnage diverted		×	(152.25)	×	(153.30)
Statewide average landfill fee per ton		×	\$36.83	×	\$38.42
Offsetting savings, FY 2003-04	\$ (1,327)	\$ (4,861)	\$ (5,091)	\$ (9,952)	\$ (8,625)
<u>July 1, 2004, through June 30, 2005</u>					
Maximum allowable diversion percentage		50.00%	50.00%		
Actual diversion percentage		÷	57.85%	÷	52.61%
Allocated diversion percentage		86.43%	95.04%		
Tonnage diverted		×	(153.30)	×	(124.00)
Statewide average landfill fee per ton		×	\$38.42	×	\$39.00
Offsetting savings, FY 2004-05	\$ (2,811)	\$ (5,091)	\$ (4,596)	\$ (9,687)	\$ (6,876)
<u>July 1, 2005, through June 30, 2006</u>					
Maximum allowable diversion percentage		50.00%	50.00%		
Actual diversion percentage		÷	52.61%	÷	52.22%
Allocated diversion percentage		95.04%	95.75%		
Tonnage diverted		×	(124.00)	×	(122.10)
Statewide average landfill fee per ton		×	\$39.00	×	\$46.00
Offsetting savings, FY 2005-06	\$ —	\$ (4,596)	\$ (5,378)	\$ (9,974)	\$ (9,974)
<b>Summary: July 1, 1999, through June 30, 2001; and July 1, 2003, through June 30, 2006</b>	<b>\$ (5,130)</b>	<b>\$ (18,256)</b>	<b>\$ (25,121)</b>	<b>\$ (43,377)</b>	<b>\$ (38,247)</b>

<sup>1</sup> See Attachment 3, Finding and Recommendation.



**Attachment 3—  
Finding and Recommendation  
July 1, 1999, through June 30, 2001;  
and July 1, 2003, through June 30, 2006**

**FINDING—  
Understated offsetting  
savings**

The district reported \$5,130 in offsetting savings for the review period. We found that the district realized savings of \$43,377 from implementation of its integrated waste management (IWM) plan. The district understated offsetting savings by \$38,247.

We informed Lee Lindsey, Vice President of Administrative Services, of the review finding via email on January 17, 2014. On March 19, 2014, we provided Mr. Lindsey with documentation supporting the finding. We did not receive a response from the district.

The following table summarizes the understated offsetting savings by fiscal year:

Fiscal Year	Offsetting Savings Reported	Offsetting Savings Realized	Review Adjustment
1999-2000	\$ (76)	\$ (3,708)	\$ (3,632)
2000-01	(916)	(10,056)	(9,140)
2003-04	(1,327)	(9,952)	(8,625)
2004-05	(2,811)	(9,687)	(6,876)
2005-06	—	(9,974)	(9,974)
<b>Total</b>	<b>\$ (5,130)</b>	<b>\$ (43,377)</b>	<b>\$ (38,247)</b>

On March 25, 2004, the Commission on State Mandates (CSM) adopted the statement of decision for the IWM Program. The CSM determined that Chapter 1116, Statutes of 1992; and Chapter 764, Statutes of 1999, imposed upon community college districts a state mandate reimbursable under Government Code section 17561, commencing July 1, 1999.

The program's parameters and guidelines establish the state mandate and define the reimbursement criteria. The CSM adopted the parameters and guidelines on March 30, 2005.

In March 2007, the Department of Finance and the IWM Board filed a petition for Writ of Mandate requesting the CSM to issue new parameters and guidelines that give full consideration to the community colleges' cost savings (e.g., avoided landfill disposal fees) and revenues (from recyclables) by complying with the test claim statutes. The Judgment and a Writ of Mandate were issued on June 30, 2008, ordering the CSM to amend the parameters and guidelines to require community college districts to identify and offset from their claims, cost savings realized as a result of implementing their plan.

On September 26, 2008, the CSM amended the parameters and guidelines to the original period of reimbursement because the court's decision interprets the test claim statutes as a question of law.

In compliance with Government Code section 17558, the State Controller's Office issues claiming instructions to assist community college districts in claiming mandated-program reimbursable costs. The parameters and guidelines (section VIII. Offsetting Cost Savings) state:

Reduced or avoided costs realized from implementation of the community college districts' Integrated Waste Management Plans shall be identified and offset from this claim as cost savings, consistent with the direction for revenue in Public Contract Code sections 12167 and 12167.1.

Public Contract Code sections 12167 and 12167.1 require agencies in state-owned and state-leased buildings to deposit all revenues from the sale of recyclables into the IWM Account in the IWM Fund. The revenues are to be continuously appropriated to the Board for the purpose of offsetting recycling program costs. For the review period, the district did not deposit any revenue into the IWM Account in the IWM Fund. As the district had reduced or avoided costs realized from implementation of its IWM plan that it did not remit to the State, the district should have identified and offset this savings from its claims.

**Offsetting Savings Calculation**

The CSM's Final Staff Analysis of the proposed amendments to the parameters and guidelines (Item #8-CSM hearing of September 26, 2008) states:

... cost savings may be calculated from the annual solid waste disposal reduction or diversion rates that community colleges must annually report to the Board pursuant to Public Resources Code section 42926, subdivision (b)(1).

To compute the savings amount, we multiplied the allocated diversion percentage by the tonnage diverted, and then multiplied the total by the avoided landfill disposal fee, as follows:

$$\begin{array}{rcc}
 & \text{Allocated Diversion \%} & \\
 & \overbrace{\hspace{1.5cm}} & \\
 \text{Offsetting} & \text{Maximum} & \text{Avoided} \\
 \text{Savings} & \text{Allowable} & \text{Landfill} \\
 \text{Realized} & = \frac{\text{Diversion \%}}{\text{Actual}} & \times \text{Tonnage} \times \text{Disposal Fee} \\
 & \text{Diversion \%} & \text{Diverted} \quad \text{(per Ton)}
 \end{array}$$

This calculation determines the cost that the district did not incur for solid waste disposal as a result of implementing its IWM plan. The offsetting savings calculation is presented in Attachment 2 – Summary of Offsetting Savings Calculations.

*Allocated Diversion Percentage*

Public Resource Code 42921 requires districts to achieve a solid waste diversion percentage of 25% beginning January 1, 2002, and a 50% diversion percentage by January 1, 2004. The parameters and guidelines state that districts will be reimbursed for all mandated costs incurred to achieve these levels, without reduction when they fall short of stated goals, but not for amounts that exceed these state-mandated levels. Therefore, we allocated the offsetting savings to be consistent with the requirements of the mandated program.

For calendar years 2000 through 2006, we used the actual diversion percentage reported by the district to CalRecycle (formerly the IWM Board) pursuant to Public Resources Code section 42926, subdivision (b)(1).

*Tonnage Diverted*

The tonnage diverted is solid waste that the district recycled, composted, and kept out of a landfill.

For calendar years 2000 through 2006, we used the actual tonnage diverted, as reported by the district to CalRecycle pursuant to Public Resources Code section 42926, subdivision (b)(1).

*Avoided Landfill Disposal Fee*

The avoided landfill disposal fee is used to calculate realized savings because the district no longer incurs a cost to dispose of the diverted tonnage at a landfill. For each fiscal year in the review period, we used the statewide average disposal fee provided by CalRecycle. The district did not provide any documentation supporting a different disposal fee.

Recommendation

The IWM Program was suspended in the FY 2011-12 through FY 2013-14 Budget Acts. Further, commencing in FY 2012-13, the district elected to participate in a block grant program, pursuant to Government Code section 17581.7, in lieu of filing annual mandated cost claims. If the IMW Program becomes active and if the district chooses to opt out of the block grant program, we recommend that the district offset all savings realized from implementation of its IWM plan.



BEFORE THE  
COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Public Resources Code Sections 40148,  
40196.3, 42920, 42921, 42922, 42923,  
42924, 42925, 42926, 42927, and 42928;  
Public Contract Code Sections 12167 and  
12167.1;

Statutes 1999, Chapter 764 (AB 75);  
Statutes 1992, Chapter 1116 (A.B. 3521);

*State Agency Model Integrated Waste  
Management Plan (February 2000).*

Filed on March 9, 2001,

By Santa Monica and South Lake Tahoe  
Community College Districts, Co-claimants

No. 00-TC-07

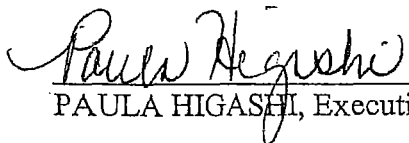
*Integrated Waste Management*

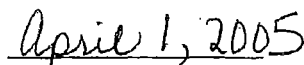
ADOPTION OF PARAMETERS AND  
GUIDELINES PURSUANT TO  
GOVERNMENT CODE SECTION 17557 AND  
TITLE 2, CALIFORNIA CODE OF  
REGULATIONS, SECTION 1183.12

*(Adopted on March 30, 2005)*

**PARAMETERS AND GUIDELINES**

On March 30, 2005, the Commission on State Mandates adopted the attached Parameters and Guidelines.

  
\_\_\_\_\_  
PAULA HIGASHI, Executive Director

  
\_\_\_\_\_  
Date

Adopted: March 30, 2005

## PARAMETERS AND GUIDELINES

Public Resources Code Sections 40148, 40196.3, 42920-42928  
Public Contract Code Sections 12167 and 12167.1

Statutes 1999, Chapter 764 (A.B. 75)  
Statutes 1992, Chapter 1116 (A.B. 3521)

State Agency Model Integrated Waste Management Plan (February 2000)

*Integrated Waste Management (00-TC-07)*

Santa Monica and Lake Tahoe Community College Districts, Co-claimants

### I. SUMMARY OF THE MANDATE

On March 25, 2004, the Commission on State Mandates (Commission) adopted its Statement of Decision finding that Public Resources Code sections 40148, 40196.3, 42920-42928; Public Contract Code sections 12167 and 12167.1; and the State Agency Model Integrated Waste Management Plan (February 2000) require new activities, as specified below, which constitute new programs or higher levels of service for community college districts within the meaning of article XIII B, section 6, of the California Constitution, and impose costs mandated by the state pursuant to Government Code section 17514.

Specifically, the Commission approved this test claim for the increased costs of performing the following specific new activities:

- **Comply with the model plan (Pub. Resources Code, § 42920, subd. (b)(3) & State Agency Model Integrated Waste Management Plan, February 2000):** A community college must comply with the California Integrated Waste Management Board's (Board) model integrated waste management plan, which includes consulting with the Board to revise the model plan, as well as completing and submitting to the Board the following: (1) state agency or large state facility information form; (2) state agency list of facilities; (3) state agency waste reduction and recycling program worksheet, including the sections on program activities, promotional programs, and procurement activities; and (4) state agency integrated waste management plan questions.
- **Designate a solid waste reduction and recycling coordinator (Pub. Resources Code, § 42920, subd. (c)):** A community college must designate one solid waste reduction and recycling coordinator to perform new duties imposed by chapter 18.5 (Pub. Resources Code, §§ 42920 – 42928), including implementing the community college's integrated waste management plan, and acting as a liaison to other state agencies (as defined by section 40196.3) and coordinators.
- **Divert solid waste (Pub. Resources Code, §§ 42921 & 42922, subd. (i)):** A community college must divert at least 25 percent of all its solid waste from landfill disposal or transformation facilities by January 1, 2002, through source reduction, recycling, and

composting activities, and divert at least 50 percent of all solid waste from landfill disposal or transformation facilities by January 1, 2004, through source reduction, recycling, and composting.

A community college unable to comply with this diversion requirement may instead seek, until December 31, 2005, either an alternative requirement or time extension (but not both) as specified below:

- **Seek an alternative requirement (Pub. Resources Code, §§ 42927 & 42922, subds. (a) & (b)):** A community college that is unable to comply with the 50-percent diversion requirement must: (1) notify the Board in writing, detailing the reasons for its inability to comply; (2) request of the Board an alternative to the 50-percent requirement; (3) participate in a public hearing on its alternative requirement; (4) provide the Board with information as to (a) the community college's good faith efforts to effectively implement the source reduction, recycling, and composting measures described in its integrated waste management plan, and demonstration of its progress toward meeting the alternative requirement as described in its annual reports to the Board; (b) the community college's inability to meet the 50-percent diversion requirement despite implementing the measures in its plan; (c) the alternative source reduction, recycling, and composting requirement represents the greatest diversion amount that the community college may reasonably and feasibly achieve, and (d) relate to the Board circumstances that support the request for an alternative requirement, such as waste disposal patterns and the types of waste disposed by the community college.
- **Seek a time extension (Pub. Resources Code, §§ 42927 & 42923 subds. (a) & (c)):** A community college that is unable to comply with the January 1, 2002 deadline to divert 25 percent of its solid waste, must do the following pursuant to section 42923, subdivisions (a) and (c): (1) notify the Board in writing, detailing the reasons for its inability to comply; (2) request of the Board an alternative to the January 1, 2002 deadline; (3) provide evidence to the Board that it is making a good faith effort to implement the source reduction, recycling, and composting programs identified in its integrated waste management plan; and (4) provide information to the Board that describes the relevant circumstances that contributed to the request for extension, such as lack of markets for recycled materials, local efforts to implement source reduction, recycling and composting programs, facilities built or planned, waste disposal patterns, and the type of waste disposed of by the community college. (5) The community college must also submit a plan of correction that demonstrates that it will meet the requirements of Section 42921 [the 25 and 50 percent diversion requirements] before the time extension expires, including the source reduction, recycling, or composting steps the community college will implement, a date prior to the expiration of the time extension when the requirements of Section 42921 will be met, the existing programs that it will modify, any new programs that will be implemented to meet those requirements, and the means by which these programs will be funded.

- **Report to the Board (Pub. Resources Code, §§ 42926, subd. (a) & 42922, subd. (i)):** A community college must annually submit, by April 1, 2002 and by April 1 each subsequent year, a report to the Board summarizing its progress in reducing solid waste. The information in the report is to encompass the previous calendar year and shall contain, at a minimum, the following as outlined in section 42926, subdivision (b): (1) calculations of annual disposal reduction; (2) information on the changes in waste generated or disposed of due to increases or decreases in employees, economics, or other factors; (3) a summary of progress implementing the integrated waste management plan; (4) the extent to which the community college intends to use programs or facilities established by the local agency for handling, diversion, and disposal of solid waste. (If the college does not intend to use those established programs or facilities, it must identify sufficient disposal capacity for solid waste that is not source reduced, recycled or composted.) (5) For a community college that has been granted a time extension by the Board, it shall include a summary of progress made in meeting the integrated waste management plan implementation schedule pursuant to section 42921, subdivision (b), and complying with the college's plan of correction, before the expiration of the time extension. (6) For a community college that has been granted an alternative source reduction, recycling, and composting requirement by the Board pursuant to section 42922, it shall include a summary of progress made towards meeting the alternative requirement as well as an explanation of current circumstances that support the continuation of the alternative requirement.
- **Submit recycled material reports (Pub. Contract Code, § 12167.1):** A community college must annually report to the Board on quantities of recyclable materials collected for recycling.

## II. ELIGIBLE CLAIMANTS

Community college districts that incur increased costs as a result of this mandate are eligible to claim reimbursement.

## III. PERIOD OF REIMBURSEMENT

Government Code section 17557 states that a test claim must be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was filed on March 9, 2001. Therefore, costs incurred for compliance with Public Contract Code sections 12167 and 12167.1 (Stats. 1992, ch. 1116) are eligible for reimbursement on or after July 1, 1999. However, because of the statute's operative date, all other costs incurred pursuant to Statutes 1999, chapter 764 are eligible for reimbursement on or after January 1, 2000.

Seeking an alternative diversion goal or time extension (Pub. Resources Code, §§ 42922, 42923, and 42927) is reimbursable until December 31, 2005.

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

If the total costs for a given fiscal year do not exceed \$1000, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.



#### IV. REIMBURSABLE ACTIVITIES

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, receipts, and the community college plan approved by the Board.

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 (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct," and must further comply with the requirements of Code of Civil Procedure section 2015.5. 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.

For each eligible claimant, the following activities are reimbursable:

##### A. One-Time Activities (*Reimbursable starting January 1, 2000*)

1. Develop the necessary district policies and procedures for the implementation of the integrated waste management plan.
2. Train district staff on the requirements and implementation of the integrated waste management plan (one-time per employee). Training is limited to the staff working directly on the plan.

##### B. Ongoing Activities (*Reimbursable starting January 1, 2000*)

1. Complete and submit to the Board the following as part of the State Agency Model Integrated Waste Management Plan (Pub. Resources Code, § 42920, subd. (b)(3) & State Agency Model Integrated Waste Management Plan, February 2000.):
  - a. state agency or large state facility information form;
  - b. state agency list of facilities;
  - c. state agency waste reduction and recycling program worksheets that describe program activities, promotional programs, and procurement activities, and other questionnaires; and
  - d. state agency integrated waste management plan questions.

NOTE: Although reporting on promotional programs and procurement activities in the model plan is reimbursable, implementing promotional programs and procurement

activities is not.

2. Respond to any Board reporting requirements during the approval process. (Pub. Resources Code, § 42920, subd. (b)(3) & State Agency Model Integrated Waste Management Plan, February 2000.)
3. Consult with the Board to revise the model plan, if necessary.<sup>1</sup> (Pub. Resources Code, § 42920, subd. (b)(3) & State Agency Model Integrated Waste Management Plan, February 2000.)
4. Designate one solid waste reduction and recycling coordinator ("coordinator") for each college in the district to perform new duties imposed by chapter 18.5 (Pub. Resources Code, §§ 42920 – 42928). The coordinator shall implement the integrated waste management plan. The coordinator shall act as a liaison to other state agencies (as defined by section 40196.3) and coordinators. (Pub. Resources Code, § 42920, subd. (c).)
5. Divert at least 25 percent of all solid waste from landfill disposal or transformation facilities by January 1, 2002, and at least 50 percent of all solid waste from landfill disposal or transformation facilities by January 1, 2004, through source reduction, recycling, and composting activities. Maintain the required level of reduction, as approved by the Board. (Pub. Resources Code, §§ 42921 & 42922, subd. (i).)

C. Alternative Compliance (*Reimbursable from January 1, 2000 – December 31, 2005*)

1. Seek either an alternative requirement or time extension if a community college is unable to comply with the January 1, 2002 deadline to divert 25 percent of its solid waste, by doing the following: (Pub. Resources Code, §§ 42927 & 42923 subds. (a) & (c).)
  - a. Notify the Board in writing, detailing the reasons for its inability to comply.
  - b. Request of the Board an alternative to the January 1, 2002 deadline.
  - c. Provide evidence to the Board that the college is making a good faith effort to implement the source reduction, recycling, and composting programs identified in its integrated waste management plan.
  - d. Provide information that describes the relevant circumstances that contributed to the request for extension, such as lack of markets for recycled materials, local efforts to implement source reduction, recycling and composting programs, facilities built or planned, waste disposal patterns, and the type of waste disposed of by the community college.
  - e. Submit a plan of correction that demonstrates that the college will meet the requirements of Section 42921 [the 25 and 50 percent diversion requirements] before the time extension expires, including the source reduction, recycling, or composting steps the community college will implement, a date prior to the expiration of the time extension when the requirements of Section 42921 will be met, the existing programs that it will modify, any new programs that will be

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<sup>1</sup> Attachment 1, California Integrated Waste Management Board, State Agency Model Integrated Waste Management Plan (February 2000).

implemented to meet those requirements, and the means by which these programs will be funded.

2. Seek either an alternative requirement or time extension if a community college is unable to comply with the January 1, 2004 deadline to divert 50 percent of its solid waste, by doing the following: (Pub. Resources Code, §§ 42927 & 42922, subds. (a) & (b).)
  - a. Notify the Board in writing, detailing the reasons for its inability to comply.
  - b. Request of the Board an alternative to the 50-percent requirement.
  - c. Participate in a public hearing on its alternative requirement.
  - d. Provide the Board with information as to:
    - (i) the community college's good faith efforts to implement the source reduction, recycling, and composting measures described in its integrated waste management plan, and demonstration of its progress toward meeting the alternative requirement as described in its annual reports to the Board;
    - (ii) the community college's inability to meet the 50 percent diversion requirement despite implementing the measures in its plan;
    - (iii) how the alternative source reduction, recycling, and composting requirement represents the greatest diversion amount that the community college may reasonably and feasibly achieve; and,
    - (iv) the circumstances that support the request for an alternative requirement, such as waste disposal patterns and the types of waste disposed by the community college.

D. Accounting System (*Reimbursable starting January 1, 2000*)

Developing, implementing, and maintaining an accounting system to enter and track the college's source reduction, recycling and composting activities, the cost of those activities, the proceeds from the sale of any recycled materials, and such other accounting systems which will allow it to make its annual reports to the state and determine waste reduction.

Note: only the pro-rata portion of the costs incurred to implement the reimbursable activities can be claimed.

E. Annual Report (*Reimbursable starting January 1, 2000*)

Annually prepare and submit, by April 1, 2002, and by April 1 each subsequent year, a report to the Board summarizing its progress in reducing solid waste. The information in the report must encompass the previous calendar year and shall contain, at a minimum, the following as outlined in section 42926, subdivision (b): (Pub. Resources Code, §§ 42926, subd. (a) & 42922, subd. (i).)

1. calculations of annual disposal reduction;
2. information on the changes in waste generated or disposed of due to increases or decreases in employees, economics, or other factors;
3. a summary of progress made in implementing the integrated waste management plan;

4. the extent to which the community college intends to use programs or facilities established by the local agency for handling, diversion, and disposal of solid waste (If the college does not intend to use those established programs or facilities, it must identify sufficient disposal capacity for solid waste that is not source reduced, recycled or composted.);
5. for a community college that has been granted a time extension by the Board, it shall include a summary of progress made in meeting the integrated waste management plan implementation schedule pursuant to section 42921, subdivision (b), and complying with the college's plan of correction, before the expiration of the time extension;
6. for a community college that has been granted an alternative source reduction, recycling, and composting requirement by the Board pursuant to section 42922, it shall include a summary of progress made towards meeting the alternative requirement as well as an explanation of current circumstances that support the continuation of the alternative requirement.

F. Annual Recycled Material Reports (*Reimbursable starting July 1, 1999*)

Annually report to the Board on quantities of recyclable materials collected for recycling. (Pub. Contract Code, § 12167.1.) (See Section VII. regarding offsetting revenues from recyclable materials.)

V. **CLAIM PREPARATION AND SUBMISSION**

Each of the following cost elements must be identified for each reimbursable activity identified in Section IV, Reimbursable Activities, of this document. Each claimed reimbursable cost must be supported by source documentation as described in Section IV. Additionally, each reimbursement claim must be filed in a timely manner.

A. Direct Cost Reporting

Direct costs are those costs incurred specifically for the reimbursable activities. The following direct costs are eligible for reimbursement.

1. Salaries and Benefits

Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.

2. Materials and Supplies

Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable activities. Purchases shall be claimed at the actual price after deducting discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged on an appropriate and recognized method of costing, consistently applied.

### 3. Contracted Services

Report the name of the contractor and services performed to implement the reimbursable activities. Attach a copy of the contract to the claim. If the contractor bills for time and materials, report the number of hours spent on the activities and all costs charged. If the contract is a fixed price, report the dates when services were performed and itemize all costs for those services.

### 4. Fixed Assets and Equipment

Report the purchase price paid for fixed assets and equipment (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset or equipment is also used for purposes other than the reimbursable activities, only the pro-rata portion of the purchase price used to implement the reimbursable activities can be claimed.

### 5. Travel

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination point, the specific reimbursable activity requiring travel, and related travel expenses reimbursed to the employee in compliance with the rules of the local jurisdiction. Report employee travel time according to the rules of cost element A.1, Salaries and Benefits, for each applicable reimbursable activity.

### 6. Training

Report the cost of training an employee to perform the reimbursable activities, as specified in Section IV of this document. Report the name and job classification of each employee preparing for, attending, and/or conducting training necessary to implement the reimbursable activities. Provide the title, subject, and purpose (related to the mandate of the training session), dates attended, and location. If the training encompasses subjects broader than the reimbursable activities, only the pro-rata portion can be claimed. Report employee training time for each applicable reimbursable activity according to the rules of cost element A.1, Salaries and Benefits, and A.2, Materials and Supplies. Report the cost of consultants who conduct the training according to the rules of cost element A.3, Contracted Services.

## B. Indirect Cost Rates

Indirect costs are costs 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.

Community colleges have the option of using: (1) a federally approved rate, utilizing the cost accounting principles from the Office of Management and Budget Circular A-21, "Cost Principles of Educational Institutions"; (2) the rate calculated on State Controller's Form FAM-29C; or (3) a 7% indirect cost rate.

## **VI. RECORD 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 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 IV, must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

## **VII. OFFSETTING REVENUES AND REIMBURSEMENTS**

Reimbursement for this mandate from any source, including but not limited to, services fees collected, federal funds, and other state funds allocated to any service provided under this program, shall be identified and deducted from this claim. Offsetting revenue shall include the revenues cited in Public Resources Code section 42925 and Public Contract Code sections 12167 and 12167.1.

Subject to the approval of the California Integrated Waste Management Board, revenues derived from the sale of recyclable materials by a community college that do not exceed two thousand dollars (\$2,000) annually are continuously appropriated for expenditure by the community college for the purpose of offsetting recycling program costs. Revenues exceeding two thousand dollars (\$2,000) annually may be available for expenditure by the community college only when appropriated by the Legislature. To the extent so approved or appropriated and applied to the college, these amounts are a reduction to the recycling costs mandated by the state to implement Statutes 1999, chapter 764.

In addition, revenue from a building-operating fee imposed pursuant to Education Code section 76375, subdivision (a) if received by a claimant and the revenue is applied to this program, shall be deducted from the costs claimed.

## **VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS**

Pursuant to Government Code section 17558, subdivision (b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than 60 days after receiving the adopted parameters and guidelines from the Commission, to assist local agencies and school districts in claiming costs to be reimbursed. The claiming instructions shall be derived from the test claim decision and the parameters and guidelines adopted by the Commission.

Pursuant to Government Code section 17561, subdivision (d)(1), issuance of the claiming instructions shall constitute a notice of the right of the local agencies and school districts to file reimbursement claims, based upon parameters and guidelines adopted by the Commission.

**IX. REMEDIES BEFORE THE COMMISSION**

Upon request of a local agency or school district, the Commission shall review the claiming instructions issued by the State Controller or any other authorized state agency for reimbursement of mandated costs pursuant to Government Code section 17571. If the Commission determines that the claiming instructions do not conform to the parameters and guidelines, the Commission shall direct the Controller to modify the claiming instructions and the Controller shall modify the claiming instructions to conform to the parameters and guidelines as directed by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557, subdivision (d), and California Code of Regulations, title 2, section 1183.2.

**X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES**

The Statement of Decision is legally binding on all parties and provides the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record for the test claim. The administrative record, including the Statement of Decision, is on file with the Commission.





BEFORE THE  
COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Public Resources Code Sections 40148, 40196.3, 42920, 42921, 42922, 42923, 42924, 42925, 42926, 42927, and 42928; Public Contract Code Sections 12167 and 12167.1;

Statutes 1999, Chapter 764 (AB 75); Statutes 1992, Chapter 1116 (A.B. 3521);

*State Agency Model Integrated Waste Management Plan* (February 2000).

Filed on March 9, 2001,

By Santa Monica and South Lake Tahoe Community College Districts, Co-claimants

No. 00-TC-07

*Integrated Waste Management*

ADOPTION OF AMENDMENTS TO PARAMETERS AND GUIDELINES PURSUANT TO DECISION OF THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO, No. 07CS00355, *State of California, Department of Finance, and California Integrated Waste Management Board v. Commission on State Mandates, et al.*

(Adopted: September 26, 2008)

**AMENDED PARAMETERS AND GUIDELINES**

On September 26, 2008, the Commission on State Mandates adopted the attached Amendments to the Parameters and Guidelines, as directed by the Superior Court of California, County of Sacramento, No. 07CS00355.

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PAULA HIGASHI, Executive Director

Date: September 29, 2008

Amended: September 26, 2008

Adopted: March 30, 2005

## AMENDMENTS TO PARAMETERS AND GUIDELINES

Public Resources Code Sections 40148, 40196.3, 42920-42928

Public Contract Code Sections 12167 and 12167.1

Statutes 1999, Chapter 764 (A.B. 75)

Statutes 1992, Chapter 1116 (A.B. 3521)

State Agency Model Integrated Waste Management Plan (February 2000)

*Integrated Waste Management*

00-TC-07

Santa Monica and Lake Tahoe Community College Districts, Co-claimants

### I. SUMMARY OF THE MANDATE

On March 25, 2004, the Commission on State Mandates (Commission) adopted its Statement of Decision finding that Public Resources Code sections 40148, 40196.3, 42920-42928; Public Contract Code sections 12167 and 12167.1; and the State Agency Model Integrated Waste Management Plan (February 2000) require new activities, as specified below, which constitute new programs or higher levels of service for community college districts within the meaning of article XIII B, section 6, of the California Constitution, and impose costs mandated by the state pursuant to Government Code section 17514.

Specifically, the Commission approved this test claim for the increased costs of performing the following specific new activities:

- **Comply with the model plan (Pub. Resources Code, § 42920, subd. (b)(3) & State Agency Model Integrated Waste Management Plan, February 2000):** A community college must comply with the California Integrated Waste Management Board's (Board) model integrated waste management plan, which includes consulting with the Board to revise the model plan, as well as completing and submitting to the Board the following: (1) state agency or large state facility information form; (2) state agency list of facilities; (3) state agency waste reduction and recycling program worksheet, including the sections on program activities, promotional programs, and procurement activities; and (4) state agency integrated waste management plan questions.
- **Designate a solid waste reduction and recycling coordinator (Pub. Resources Code, § 42920, subd. (c)):** A community college must designate one solid waste reduction and recycling coordinator to perform new duties imposed by chapter 18.5 (Pub. Resources Code, §§ 42920 – 42928), including implementing the community college's integrated waste management plan, and acting as a liaison to other state agencies (as defined by section 40196.3) and coordinators.

- **Divert solid waste (Pub. Resources Code, §§ 42921 & 42922, subd. (i)):** A community college must divert at least 25 percent of all its solid waste from landfill disposal or transformation facilities by January 1, 2002, through source reduction, recycling, and composting activities, and divert at least 50 percent of all solid waste from landfill disposal or transformation facilities by January 1, 2004, through source reduction, recycling, and composting.

A community college unable to comply with this diversion requirement may instead seek, until December 31, 2005, either an alternative requirement or time extension (but not both) as specified below:

- **Seek an alternative requirement (Pub. Resources Code, §§ 42927 & 42922, subds. (a) & (b)):** A community college that is unable to comply with the 50-percent diversion requirement must: (1) notify the Board in writing, detailing the reasons for its inability to comply; (2) request of the Board an alternative to the 50-percent requirement; (3) participate in a public hearing on its alternative requirement; (4) provide the Board with information as to (a) the community college's good faith efforts to effectively implement the source reduction, recycling, and composting measures described in its integrated waste management plan, and demonstration of its progress toward meeting the alternative requirement as described in its annual reports to the Board; (b) the community college's inability to meet the 50-percent diversion requirement despite implementing the measures in its plan; (c) the alternative source reduction, recycling, and composting requirement represents the greatest diversion amount that the community college may reasonably and feasibly achieve, and (d) relate to the Board circumstances that support the request for an alternative requirement, such as waste disposal patterns and the types of waste disposed by the community college.
- **Seek a time extension (Pub. Resources Code, §§ 42927 & 42923 subds. (a) & (c)):** A community college that is unable to comply with the January 1, 2002 deadline to divert 25 percent of its solid waste, must do the following pursuant to section 42923, subdivisions (a) and (c): (1) notify the Board in writing, detailing the reasons for its inability to comply; (2) request of the Board an alternative to the January 1, 2002 deadline; (3) provide evidence to the Board that it is making a good faith effort to implement the source reduction, recycling, and composting programs identified in its integrated waste management plan; and (4) provide information to the Board that describes the relevant circumstances that contributed to the request for extension, such as lack of markets for recycled materials, local efforts to implement source reduction, recycling and composting programs, facilities built or planned, waste disposal patterns, and the type of waste disposed of by the community college. (5) The community college must also submit a plan of correction that demonstrates that it will meet the requirements of Section 42921 [the 25 and 50 percent diversion requirements] before the time extension expires, including the source reduction, recycling, or composting steps the community college will implement, a date prior to the expiration of the time extension when the requirements of Section 42921 will be met, the existing programs that it will modify, any new programs that will be

implemented to meet those requirements, and the means by which these programs will be funded.

- **Report to the Board (Pub. Resources Code, §§ 42926, subd. (a) & 42922, subd. (i)):** A community college must annually submit, by April 1, 2002 and by April 1 each subsequent year, a report to the Board summarizing its progress in reducing solid waste. The information in the report is to encompass the previous calendar year and shall contain, at a minimum, the following as outlined in section 42926, subdivision (b): (1) calculations of annual disposal reduction; (2) information on the changes in waste generated or disposed of due to increases or decreases in employees, economics, or other factors; (3) a summary of progress implementing the integrated waste management plan; (4) the extent to which the community college intends to use programs or facilities established by the local agency for handling, diversion, and disposal of solid waste. (If the college does not intend to use those established programs or facilities, it must identify sufficient disposal capacity for solid waste that is not source reduced, recycled or composted.) (5) For a community college that has been granted a time extension by the Board, it shall include a summary of progress made in meeting the integrated waste management plan implementation schedule pursuant to section 42921, subdivision (b), and complying with the college's plan of correction, before the expiration of the time extension. (6) For a community college that has been granted an alternative source reduction, recycling, and composting requirement by the Board pursuant to section 42922, it shall include a summary of progress made towards meeting the alternative requirement as well as an explanation of current circumstances that support the continuation of the alternative requirement.
- **Submit recycled material reports (Pub. Contract Code, § 12167.1):** A community college must annually report to the Board on quantities of recyclable materials collected for recycling.

*State of California, Department of Finance, California Integrated Waste Management Board v. Commission on State Mandates, et al.* (Sacramento County Superior Court, Case No. 07CS00355)

The Department of Finance and the Integrated Waste Management Board filed a petition for writ of mandate in March 2007, asking the court to set aside the Commission's decision granting the test claim and to require the Commission to issue a new Statement of Decision and parameters and guidelines that give full consideration to the community colleges' cost savings (e.g. avoided landfill disposal fees) and revenues (from recyclables) by complying with the test claim statutes. Petitioners' position was that the Commission had not properly accounted for all the offsetting cost savings from avoided disposal costs, or offsetting revenues from the sale of recyclable materials, in the Statement of Decision or parameters and guidelines. The Judgment and a Writ of Mandate were issued on June 30, 2008, ordering the Commission to:

1. amend the parameters and guidelines in Test Claim No. 00-TC-07 to require community college districts claiming reimbursable costs of an integrated waste management plan under Public Resources Code section 42920, et seq. to identify and offset from their claims, consistent with the directions for revenue in Public Contract code sections 12167 and 12167.1, cost savings realized as a result of implementing their plans; and

2. amend the parameters and guidelines in Test Claim No. 00-TC-07 to require community college districts claiming reimbursable costs of an integrated waste management plan under Public Resources Code section 42920, et seq. to identify and offset from their claims all of the revenue generated as a result of implementing their plans, without regard to the limitations or conditions described in sections 12167 and 12167.1 of the Public Contract Code.

## **II. ELIGIBLE CLAIMANTS**

Community college districts that incur increased costs as a result of this mandate are eligible to claim reimbursement.

## **III. PERIOD OF REIMBURSEMENT**

Government Code section 17557 states that a test claim must be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was filed on March 9, 2001. Therefore, costs incurred for compliance with Public Contract Code sections 12167 and 12167.1 (Stats. 1992, ch. 1116) are eligible for reimbursement on or after July 1, 1999. However, because of the statute's operative date, all other costs incurred pursuant to Statutes 1999, chapter 764 are eligible for reimbursement on or after January 1, 2000.

Seeking an alternative diversion goal or time extension (Pub. Resources Code, §§ 42922, 42923, and 42927) is reimbursable until December 31, 2005.

Actual costs for one fiscal year should be included in each claim. Pursuant to Government Code section 17561, subdivision (d), all claims for reimbursement of initial years' costs shall be submitted within 120 days of the issuance of the claiming instructions by the State Controller.

If the total costs for a given fiscal year do not exceed \$1000, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.

## **IV. REIMBURSABLE ACTIVITIES**

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, receipts, and the community college plan approved by the Board.

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 (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct," and must further comply with the requirements of Code of Civil Procedure section 2015.5. 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.

For each eligible claimant, the following activities are reimbursable:

A. One-Time Activities (*Reimbursable starting January 1, 2000*)

1. Develop the necessary district policies and procedures for the implementation of the integrated waste management plan.
2. Train district staff on the requirements and implementation of the integrated waste management plan (one-time per employee). Training is limited to the staff working directly on the plan.

B. Ongoing Activities (*Reimbursable starting January 1, 2000*)

1. Complete and submit to the Board the following as part of the State Agency Model Integrated Waste Management Plan (Pub. Resources Code, § 42920, subd. (b)(3) & State Agency Model Integrated Waste Management Plan, February 2000.):
  - a. state agency or large state facility information form;
  - b. state agency list of facilities;
  - c. state agency waste reduction and recycling program worksheets that describe program activities, promotional programs, and procurement activities, and other questionnaires; and
  - d. state agency integrated waste management plan questions.

NOTE: Although reporting on promotional programs and procurement activities in the model plan is reimbursable, implementing promotional programs and procurement activities is not.

2. Respond to any Board reporting requirements during the approval process. (Pub. Resources Code, § 42920, subd. (b)(3) & State Agency Model Integrated Waste Management Plan, February 2000.)
3. Consult with the Board to revise the model plan, if necessary.<sup>1</sup> (Pub. Resources Code, § 42920, subd. (b)(3) & State Agency Model Integrated Waste Management Plan, February 2000.)
4. Designate one solid waste reduction and recycling coordinator ("coordinator") for each college in the district to perform new duties imposed by chapter 18.5 (Pub. Resources Code, §§ 42920 – 42928). The coordinator shall implement the integrated waste management plan. The coordinator shall act as a liaison to other state agencies (as defined by section 40196.3) and coordinators. (Pub. Resources Code, § 42920, subd. (c).)

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<sup>1</sup> Attachment 1, California Integrated Waste Management Board, State Agency Model Integrated Waste Management Plan (February 2000).

5. Divert at least 25 percent of all solid waste from landfill disposal or transformation facilities by January 1, 2002, and at least 50 percent of all solid waste from landfill disposal or transformation facilities by January 1, 2004, through source reduction, recycling, and composting activities. Maintain the required level of reduction, as approved by the Board. (Pub. Resources Code, §§ 42921 & 42922, subd. (i).)

C. Alternative Compliance (*Reimbursable from January 1, 2000 – December 31, 2005*)

1. Seek either an alternative requirement or time extension if a community college is unable to comply with the January 1, 2002 deadline to divert 25 percent of its solid waste, by doing the following: (Pub. Resources Code, §§ 42927 & 42923 subds. (a) & (c).)
  - a. Notify the Board in writing, detailing the reasons for its inability to comply.
  - b. Request of the Board an alternative to the January 1, 2002 deadline.
  - c. Provide evidence to the Board that the college is making a good faith effort to implement the source reduction, recycling, and composting programs identified in its integrated waste management plan.
  - d. Provide information that describes the relevant circumstances that contributed to the request for extension, such as lack of markets for recycled materials, local efforts to implement source reduction, recycling and composting programs, facilities built or planned, waste disposal patterns, and the type of waste disposed of by the community college.
  - e. Submit a plan of correction that demonstrates that the college will meet the requirements of Section 42921 [the 25 and 50 percent diversion requirements] before the time extension expires, including the source reduction, recycling, or composting steps the community college will implement, a date prior to the expiration of the time extension when the requirements of Section 42921 will be met, the existing programs that it will modify, any new programs that will be implemented to meet those requirements, and the means by which these programs will be funded.
2. Seek either an alternative requirement or time extension if a community college is unable to comply with the January 1, 2004 deadline to divert 50 percent of its solid waste, by doing the following: (Pub. Resources Code, §§ 42927 & 42922, subds. (a) & (b).)
  - a. Notify the Board in writing, detailing the reasons for its inability to comply.
  - b. Request of the Board an alternative to the 50-percent requirement.
  - c. Participate in a public hearing on its alternative requirement.
  - d. Provide the Board with information as to:
    - (i) the community college's good faith efforts to implement the source reduction, recycling, and composting measures described in its integrated waste management plan, and demonstration of its progress toward meeting the alternative requirement as described in its annual reports to the Board;
    - (ii) the community college's inability to meet the 50 percent diversion requirement despite implementing the measures in its plan;

- (iii) how the alternative source reduction, recycling, and composting requirement represents the greatest diversion amount that the community college may reasonably and feasibly achieve; and,
- (iv) the circumstances that support the request for an alternative requirement, such as waste disposal patterns and the types of waste disposed by the community college.

D. Accounting System (*Reimbursable starting January 1, 2000*)

Developing, implementing, and maintaining an accounting system to enter and track the college's source reduction, recycling and composting activities, the cost of those activities, the proceeds from the sale of any recycled materials, and such other accounting systems which will allow it to make its annual reports to the state and determine waste reduction.

Note: only the pro-rata portion of the costs incurred to implement the reimbursable activities can be claimed.

E. Annual Report (*Reimbursable starting January 1, 2000*)

Annually prepare and submit, by April 1, 2002, and by April 1 each subsequent year, a report to the Board summarizing its progress in reducing solid waste. The information in the report must encompass the previous calendar year and shall contain, at a minimum, the following as outlined in section 42926, subdivision (b): (Pub. Resources Code, §§ 42926, subd. (a) & 42922, subd. (i).)

1. calculations of annual disposal reduction;
2. information on the changes in waste generated or disposed of due to increases or decreases in employees, economics, or other factors;
3. a summary of progress made in implementing the integrated waste management plan;
4. the extent to which the community college intends to use programs or facilities established by the local agency for handling, diversion, and disposal of solid waste (If the college does not intend to use those established programs or facilities, it must identify sufficient disposal capacity for solid waste that is not source reduced, recycled or composted.);
5. for a community college that has been granted a time extension by the Board, it shall include a summary of progress made in meeting the integrated waste management plan implementation schedule pursuant to section 42921, subdivision (b), and complying with the college's plan of correction, before the expiration of the time extension;
6. for a community college that has been granted an alternative source reduction, recycling, and composting requirement by the Board pursuant to section 42922, it shall include a summary of progress made towards meeting the alternative requirement as well as an explanation of current circumstances that support the continuation of the alternative requirement.



F. Annual Recycled Material Reports (*Reimbursable starting July 1, 1999*)

Annually report to the Board on quantities of recyclable materials collected for recycling. (Pub. Contract Code, § 12167.1.)

V. **CLAIM PREPARATION AND SUBMISSION**

Each of the following cost elements must be identified for each reimbursable activity identified in Section IV, Reimbursable Activities, of this document. Each claimed reimbursable cost must be supported by source documentation as described in Section IV. Additionally, each reimbursement claim must be filed in a timely manner.

A. Direct Cost Reporting

Direct costs are those costs incurred specifically for the reimbursable activities. The following direct costs are eligible for reimbursement.

1. Salaries and Benefits

Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.

2. Materials and Supplies

Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable activities. Purchases shall be claimed at the actual price after deducting discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged on an appropriate and recognized method of costing, consistently applied.

3. Contracted Services

Report the name of the contractor and services performed to implement the reimbursable activities. Attach a copy of the contract to the claim. If the contractor bills for time and materials, report the number of hours spent on the activities and all costs charged. If the contract is a fixed price, report the dates when services were performed and itemize all costs for those services.

4. Fixed Assets and Equipment

Report the purchase price paid for fixed assets and equipment (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset or equipment is also used for purposes other than the reimbursable activities, only the pro-rata portion of the purchase price used to implement the reimbursable activities can be claimed.

5. Travel

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination point, the specific reimbursable activity requiring travel, and related travel expenses reimbursed to the employee in compliance with the rules of the local jurisdiction. Report employee travel time according to the rules of cost element

A.1., Salaries and Benefits, for each applicable reimbursable activity.

## 6. Training

Report the cost of training an employee to perform the reimbursable activities, as specified in Section IV of this document. Report the name and job classification of each employee preparing for, attending, and/or conducting training necessary to implement the reimbursable activities. Provide the title, subject, and purpose (related to the mandate of the training session), dates attended, and location. If the training encompasses subjects broader than the reimbursable activities, only the pro-rata portion can be claimed. Report employee training time for each applicable reimbursable activity according to the rules of cost element A.1., Salaries and Benefits, and A.2., Materials and Supplies. Report the cost of consultants who conduct the training according to the rules of cost element A.3., Contracted Services.

## B. Indirect Cost Rates

Indirect costs are costs 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.

Community colleges have the option of using: (1) a federally approved rate, utilizing the cost accounting principles from the Office of Management and Budget Circular A-21, "Cost Principles of Educational Institutions"; (2) the rate calculated on State Controller's Form FAM-29C; or (3) a 7% indirect cost rate.

## VI. RECORD 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 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 IV, must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

## VII. OFFSETTING REVENUES AND REIMBURSEMENTS

Reimbursement for this mandate from any source, including but not limited to, services fees

collected, federal funds, and other state funds allocated to any service provided under this program, shall be identified and offset from this claim. Offsetting revenue shall include all revenues generated from implementing the Integrated Waste Management Plan.

In addition, revenue from a building-operating fee imposed pursuant to Education Code section 76375, subdivision (a) if received by a claimant and the revenue is applied to this program, shall be deducted from the costs claimed.

#### **VIII. OFFSETTING COST SAVINGS**

Reduced or avoided costs realized from implementation of the community college districts' Integrated Waste Management plans shall be identified and offset from this claim as cost savings, consistent with the directions for revenue in Public Contract Code sections 12167 and 12167.1. Pursuant to these statutes, community college districts are required to deposit cost savings resulting from their Integrated Waste Management plans in the Integrated Waste Management Account in the Integrated Waste Management Fund; the funds deposited in the Integrated Waste Management Account, upon appropriation by the Legislature, may be expended by the California Integrated Waste Management Board for the purpose of offsetting Integrated Waste Management plan costs. Subject to the approval of the California Integrated Waste Management Board, cost savings by a community college that do not exceed two thousand dollars (\$2,000) annually are continuously appropriated for expenditure by the community college for the purpose of offsetting Integrated Waste Management program costs. Cost savings exceeding two thousand dollars (\$2,000) annually may be available for expenditure by the community college only when appropriated by the Legislature. To the extent so approved or appropriated and applied to the college, these amounts shall be identified and offset from the costs claimed for implementing the Integrated Waste Management Plan.

#### **IX. STATE CONTROLLER'S REVISED CLAIMING INSTRUCTIONS**

The Controller shall, within 60 days after receiving amended parameters and guidelines prepare and issue revised claiming instructions for mandates that require state reimbursement after any decision or order of the commission pursuant to section 17559. The claiming instructions shall be derived from the test claim decision and the parameters and guidelines adopted by the Commission. Pursuant to Government Code section 17561, subdivision (d)(2), issuance of the claiming instructions shall constitute a notice of the right of the local agencies and school districts to file reimbursement claims, based upon parameters and guidelines adopted by the Commission. In preparing revised claiming instructions, the Controller may request the assistance of other state agencies. (Gov. Code, § 17558, subdivision (c).)

If revised claiming instructions are issued by the Controller pursuant to subdivision (c) of section 17558 between November 15 and February 15, a local agency or school district filing an annual reimbursement claim shall have 120 days following the issuance date of the revised claiming instructions to file a claim.

#### **X. REMEDIES BEFORE THE COMMISSION**

Upon request of a local agency or school district, the Commission shall review the claiming instructions issued by the State Controller or any other authorized state agency for reimbursement of mandated costs pursuant to Government Code section 17571. If the

Commission determines that the claiming instructions do not conform to the parameters and guidelines, the Commission shall direct the Controller to modify the claiming instructions and the Controller shall modify the claiming instructions to conform to the parameters and guidelines as directed by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557, subdivision (d), and California Code of Regulations, title 2, section 1183.2.

#### **XI. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES**

The Statement of Decision is legally binding on all parties and provides the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record for the test claim. The administrative record, including the Statement of Decision, is on file with the Commission.



OFFICE OF THE STATE CONTROLLER  
STATE MANDATED COSTS CLAIMING INSTRUCTIONS NO. 2005-05  
INTEGRATED WASTE MANAGEMENT  
(COMMUNITY COLLEGES)

June 6, 2005

In accordance with Government Code (GC) section 17561, eligible claimants may submit claims to the State Controller's Office (SCO) for reimbursement of costs incurred for state mandated cost programs. The following are claiming instructions and forms that eligible claimants will use for the filing of claims for the Integrated Waste Management (IWM) program. These claiming instructions are issued subsequent to adoption of the program's parameters and guidelines (P's & G's) by the Commission on State Mandates (COSM).

On March 25, 2004, the COSM determined that Chapter 764, Statutes of 1999, and Chapter 1116, Statutes of 1992, established costs mandated by the State according to the provisions listed in the P's & G's. For your reference, the P's & G's are included as an integral part of the claiming instructions.

**Eligible Claimants**

Any community college that incurs increased costs as a direct result of this mandate is eligible to claim reimbursement of these costs.

**Filing Deadlines**

**A. Reimbursement Claims**

Initial reimbursement claims must be filed within 120 days from the issuance date of claiming instructions. Reimbursement claims for the period January 1, 2000, to June 30, 2000, and fiscal years 2000-01 through 2004-2005 must be filed with the SCO and be delivered or postmarked on or before **October 4, 2005**. Estimated claims for fiscal year 2005-06 must be filed on or before **October 4, 2005**, or by **January 15, 2006**.

Costs for all initial reimbursement claims must be filed separately according to the fiscal year in which the costs were incurred. In order for a claim to be considered properly filed, it must include any specific supporting documentation requested in the instructions. **Claims filed more than one year after the deadline or without the requested supporting documentation will not be accepted.**

The reimbursement periods for the following activities are as follows:

1. One-Time Activities - January 1, 2000, to June 30, 2000, fiscal year 2000-01 and subsequent fiscal years;
2. Ongoing Activities - January 1, 2000, to June 30, 2000, fiscal year 2000-01 and subsequent fiscal years;
3. Alternative Compliance - January 1, 2000, to June 30, 2000, fiscal years 2000-01 through 2004-05, and July 1, 2005, to December 31, 2005;

2006 - 2007/08

4. Accounting System - January 1, 2000, to June 30, 2000, fiscal year 2000-01 and subsequent fiscal years;
5. Annual Report - January 1, 2000, to June 30, 2000, fiscal year 2000-01 and subsequent fiscal years; and
6. Annual Recycled Material Reports - Fiscal year 1999-00 and subsequent fiscal years.

## **B. Late Penalty**

### **1. Initial Claims**

AB 3000 enacted into law on September 30, 2002, amended the late penalty assessments on initial claims. Late initial claims submitted **on or after September 30, 2002**, are assessed a late penalty of 10% of the total amount of the initial claims **without limitation**.

### **2. Annual Reimbursement Claims**

All late reimbursement claims are assessed a late penalty of 10% subject to the \$1,000 limitation regardless of when the claims were filed.

## **C. Estimated Claims**

Unless otherwise specified in the claiming instructions, a community college is not required to provide cost schedules and supporting documents with an estimated claim if the estimated amount does not exceed the previous fiscal year's actual costs by more than 10%. Claimants can simply enter the estimated amount on form FAM-27, line (07).

However, if the estimated claim exceeds the previous fiscal year's actual costs by more than 10%, claimants must complete supplemental claim forms to support their estimated costs as specified for the program to explain the reason for the increased costs. If no explanation supporting the higher estimate is provided with the claim, it will automatically be adjusted to 110% of the previous fiscal year's actual costs. Future estimated claims filed with the SCO must be postmarked by January 15 of the fiscal year in which costs will be incurred. Claims filed timely will be paid before late claims.

## **Minimum Claim Cost**

GC section 17564(a) provides that no claim shall be filed pursuant to Sections 17551 and 17561, unless such a claim exceeds one thousand dollars (\$1,000).

## **Reimbursement of Claims**

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, receipts and the community college plan approved by the Board. 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. 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.

### **Certification of Claim**

In accordance with the provisions of Government Code section 17561, an authorized representative of the claimant shall be required to provide a certification of claim stating: "I certify, (or declare), under penalty of perjury under the laws of the State of California that the foregoing is true and correct," and must further comply with the requirements of Code of Civil Procedure section 2015.5, for those costs mandated by the State and contained herein.

### **Audit of Costs**

All claims submitted to the SCO are reviewed to determine if costs are related to the mandate, are reasonable and not excessive, and the claim was prepared in accordance with the SCO's claiming instructions and the P's & G's adopted by the COSM. If any adjustments are made to a claim, a "Notice of Claim Adjustment" specifying the claim component adjusted, the amount adjusted, and the reason for the adjustment, will be mailed within 30 days after payment of the claim.

Pursuant to GC section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a community college pursuant to this chapter is subject to the initiation of an audit by the SCO 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 SCO 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 must be retained during the period subject to audit. If an audit has been initiated by the SCO during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings. On-site audits will be conducted by the SCO as deemed necessary.

### **Retention of Claiming Instructions**

The claiming instructions and forms in this package should be retained permanently in your Mandated Cost Manual for future reference and use in filing claims. These forms should be duplicated to meet your filing requirements. You will be notified of updated forms or changes to claiming instructions as necessary.

Questions or requests for hard copies of these instructions should be faxed to Ginny Brummels at (916) 323-6527, or e-mailed to [LRS DAR@sco.ca.gov](mailto:LRS DAR@sco.ca.gov). If you wish, you may call the Local Reimbursements Section at (916) 324-5729.

For your reference, these and future mandated costs claiming instructions and forms can be found on the Internet at [www.sco.ca.gov/ard/local/locreim/index.shtml](http://www.sco.ca.gov/ard/local/locreim/index.shtml).



**Address for Filing Claims**

Claims should be rounded to the nearest dollar. Submit a signed original and a copy of form FAM-27, Claim for Payment, and all other forms and supporting documents. **(To expedite the payment process, please sign the form in blue ink, and attach a copy of the form FAM-27 to the top of the claim package.)**

Use the following mailing addresses:

If delivered by  
U.S. Postal Service:

Office of the State Controller  
Attn: Local Reimbursements Section  
Division of Accounting and Reporting  
P.O. Box 942850  
Sacramento, CA 94250

If delivered by  
other delivery services:

Office of the State Controller  
Attn: Local Reimbursements Section  
Division of Accounting and Reporting  
3301 C Street, Suite 500  
Sacramento, CA 95816

## PARAMETERS AND GUIDELINES

Public Resources Code Sections 40148, 40196.3, 42920-42928  
Public Contract Code Sections 12167 and 12167.1

Statutes 1999, Chapter 764 (A.B. 75)  
Statutes 1992, Chapter 1116 (A.B. 3521)

State Agency Model Integrated Waste Management Plan (February 2000)

*Integrated Waste Management (00-TC-07)*

Santa Monica and Lake Tahoe Community College Districts, Co-claimants

### I. SUMMARY OF THE MANDATE

On March 25, 2004, the Commission on State Mandates (Commission) adopted its Statement of Decision finding that Public Resources Code sections 40148, 40196.3, 42920-42928; Public Contract Code sections 12167 and 12167.1; and the State Agency Model Integrated Waste Management Plan (February 2000) require new activities, as specified below, which constitute new programs or higher levels of service for community college districts within the meaning of article XIII B, section 6, of the California Constitution, and impose costs mandated by the state pursuant to Government Code section 17514.

Specifically, the Commission approved this test claim for the increased costs of performing the following specific new activities:

- **Comply with the model plan (Pub. Resources Code, § 42920, subd. (b)(3) & State Agency Model Integrated Waste Management Plan, February 2000):** A community college must comply with the California Integrated Waste Management Board's (Board) model integrated waste management plan, which includes consulting with the Board to revise the model plan, as well as completing and submitting to the Board the following: (1) state agency or large state facility information form; (2) state agency list of facilities; (3) state agency waste reduction and recycling program worksheet, including the sections on program activities, promotional programs, and procurement activities; and (4) state agency integrated waste management plan questions.
- **Designate a solid waste reduction and recycling coordinator (Pub. Resources Code, § 42920, subd. (c)):** A community college must designate one solid waste reduction and recycling coordinator to perform new duties imposed by chapter 18.5 (Pub. Resources Code, §§ 42920 – 42928), including implementing the community college's integrated waste management plan, and acting as a liaison to other state agencies (as defined by section 40196.3) and coordinators.
- **Divert solid waste (Pub. Resources Code, §§ 42921 & 42922, subd. (i)):** A community college must divert at least 25 percent of all its solid waste from landfill disposal or transformation facilities by January 1, 2002, through source reduction, recycling, and

composting activities, and divert at least 50 percent of all solid waste from landfill disposal or transformation facilities by January 1, 2004, through source reduction, recycling, and composting.

A community college unable to comply with this diversion requirement may instead seek, until December 31, 2005, either an alternative requirement or time extension (but not both) as specified below:

- **Seek an alternative requirement (Pub. Resources Code, §§ 42927 & 42922, subds. (a) & (b)):** A community college that is unable to comply with the 50-percent diversion requirement must: (1) notify the Board in writing, detailing the reasons for its inability to comply; (2) request of the Board an alternative to the 50-percent requirement; (3) participate in a public hearing on its alternative requirement; (4) provide the Board with information as to (a) the community college's good faith efforts to effectively implement the source reduction, recycling, and composting measures described in its integrated waste management plan, and demonstration of its progress toward meeting the alternative requirement as described in its annual reports to the Board; (b) the community college's inability to meet the 50-percent diversion requirement despite implementing the measures in its plan; (c) the alternative source reduction, recycling, and composting requirement represents the greatest diversion amount that the community college may reasonably and feasibly achieve, and (d) relate to the Board circumstances that support the request for an alternative requirement, such as waste disposal patterns and the types of waste disposed by the community college.
- **Seek a time extension (Pub. Resources Code, §§ 42927 & 42923 subds. (a) & (c)):** A community college that is unable to comply with the January 1, 2002 deadline to divert 25 percent of its solid waste, must do the following pursuant to section 42923, subdivisions (a) and (c): (1) notify the Board in writing, detailing the reasons for its inability to comply; (2) request of the Board an alternative to the January 1, 2002 deadline; (3) provide evidence to the Board that it is making a good faith effort to implement the source reduction, recycling, and composting programs identified in its integrated waste management plan; and (4) provide information to the Board that describes the relevant circumstances that contributed to the request for extension, such as lack of markets for recycled materials, local efforts to implement source reduction, recycling and composting programs, facilities built or planned, waste disposal patterns, and the type of waste disposed of by the community college. (5) The community college must also submit a plan of correction that demonstrates that it will meet the requirements of Section 42921 [the 25 and 50 percent diversion requirements] before the time extension expires, including the source reduction, recycling, or composting steps the community college will implement, a date prior to the expiration of the time extension when the requirements of Section 42921 will be met, the existing programs that it will modify, any new programs that will be implemented to meet those requirements, and the means by which these programs will be funded.

- **Report to the Board (Pub. Resources Code, §§ 42926, subd. (a) & 42922, subd. (i)):** A community college must annually submit, by April 1, 2002 and by April 1 each subsequent year, a report to the Board summarizing its progress in reducing solid waste. The information in the report is to encompass the previous calendar year and shall contain, at a minimum, the following as outlined in section 42926, subdivision (b): (1) calculations of annual disposal reduction; (2) information on the changes in waste generated or disposed of due to increases or decreases in employees, economics, or other factors; (3) a summary of progress implementing the integrated waste management plan; (4) the extent to which the community college intends to use programs or facilities established by the local agency for handling, diversion, and disposal of solid waste. (If the college does not intend to use those established programs or facilities, it must identify sufficient disposal capacity for solid waste that is not source reduced, recycled or composted.) (5) For a community college that has been granted a time extension by the Board, it shall include a summary of progress made in meeting the integrated waste management plan implementation schedule pursuant to section 42921, subdivision (b), and complying with the college's plan of correction, before the expiration of the time extension. (6) For a community college that has been granted an alternative source reduction, recycling, and composting requirement by the Board pursuant to section 42922, it shall include a summary of progress made towards meeting the alternative requirement as well as an explanation of current circumstances that support the continuation of the alternative requirement.
- **Submit recycled material reports (Pub. Contract Code, § 12167.1):** A community college must annually report to the Board on quantities of recyclable materials collected for recycling.

## II. ELIGIBLE CLAIMANTS

Community college districts that incur increased costs as a result of this mandate are eligible to claim reimbursement.

## III. PERIOD OF REIMBURSEMENT

Government Code section 17557 states that a test claim must be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was filed on March 9, 2001. Therefore, costs incurred for compliance with Public Contract Code sections 12167 and 12167.1 (Stats. 1992, ch. 1116) are eligible for reimbursement on or after July 1, 1999. However, because of the statute's operative date, all other costs incurred pursuant to Statutes 1999, chapter 764 are eligible for reimbursement on or after January 1, 2000.

Seeking an alternative diversion goal or time extension (Pub. Resources Code, §§ 42922, 42923, and 42927) is reimbursable until December 31, 2005.

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

If the total costs for a given fiscal year do not exceed \$1000, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.

#### IV. REIMBURSABLE ACTIVITIES

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, receipts, and the community college plan approved by the Board.

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 (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct," and must further comply with the requirements of Code of Civil Procedure section 2015.5. 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.

For each eligible claimant, the following activities are reimbursable:

##### A. One-Time Activities (*Reimbursable starting January 1, 2000*)

1. Develop the necessary district policies and procedures for the implementation of the integrated waste management plan.
2. Train district staff on the requirements and implementation of the integrated waste management plan (one-time per employee). Training is limited to the staff working directly on the plan.

##### B. Ongoing Activities (*Reimbursable starting January 1, 2000*)

1. Complete and submit to the Board the following as part of the State Agency Model Integrated Waste Management Plan (Pub. Resources Code, § 42920, subd. (b)(3) & State Agency Model Integrated Waste Management Plan, February 2000.):
  - a. state agency or large state facility information form;
  - b. state agency list of facilities;
  - c. state agency waste reduction and recycling program worksheets that describe program activities, promotional programs, and procurement activities, and other questionnaires; and
  - d. state agency integrated waste management plan questions.

NOTE: Although reporting on promotional programs and procurement activities in the model plan is reimbursable, implementing promotional programs and procurement activities is not.

2. Respond to any Board reporting requirements during the approval process. (Pub. Resources Code, § 42920, subd. (b)(3) & State Agency Model Integrated Waste Management Plan, February 2000.)
3. Consult with the Board to revise the model plan, if necessary.<sup>1</sup> (Pub. Resources Code, § 42920, subd. (b)(3) & State Agency Model Integrated Waste Management Plan, February 2000.)
4. Designate one solid waste reduction and recycling coordinator ("coordinator") for each college in the district to perform new duties imposed by chapter 18.5 (Pub. Resources Code, §§ 42920 – 42928). The coordinator shall implement the integrated waste management plan. The coordinator shall act as a liaison to other state agencies (as defined by section 40196.3) and coordinators. (Pub. Resources Code, § 42920, subd. (c).)
5. Divert at least 25 percent of all solid waste from landfill disposal or transformation facilities by January 1, 2002, and at least 50 percent of all solid waste from landfill disposal or transformation facilities by January 1, 2004, through source reduction, recycling, and composting activities. Maintain the required level of reduction, as approved by the Board. (Pub. Resources Code, §§ 42921 & 42922, subd. (i).)

C. Alternative Compliance (*Reimbursable from January 1, 2000 – December 31, 2005*)

1. Seek either an alternative requirement or time extension if a community college is unable to comply with the January 1, 2002 deadline to divert 25 percent of its solid waste, by doing the following: (Pub. Resources Code, §§ 42927 & 42923 subds. (a) & (c).)
  - a. Notify the Board in writing, detailing the reasons for its inability to comply.
  - b. Request of the Board an alternative to the January 1, 2002 deadline.
  - c. Provide evidence to the Board that the college is making a good faith effort to implement the source reduction, recycling, and composting programs identified in its integrated waste management plan.
  - d. Provide information that describes the relevant circumstances that contributed to the request for extension, such as lack of markets for recycled materials, local efforts to implement source reduction, recycling and composting programs, facilities built or planned, waste disposal patterns, and the type of waste disposed of by the community college.
  - e. Submit a plan of correction that demonstrates that the college will meet the requirements of Section 42921 [the 25 and 50 percent diversion requirements] before the time extension expires, including the source reduction, recycling, or composting steps the community college will implement, a date prior to the expiration of the time extension when the requirements of Section 42921 will be met, the existing programs that it will modify, any new programs that will be implemented to meet those requirements, and the means by which these programs

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<sup>1</sup> Attachment 1, California Integrated Waste Management Board, State Agency Model Integrated Waste Management Plan (February 2000).

will be funded.

2. Seek either an alternative requirement or time extension if a community college is unable to comply with the January 1, 2004 deadline to divert 50 percent of its solid waste, by doing the following: (Pub. Resources Code, §§ 42927 & 42922, subds. (a) & (b).)
  - a. Notify the Board in writing, detailing the reasons for its inability to comply.
  - b. Request of the Board an alternative to the 50-percent requirement.
  - c. Participate in a public hearing on its alternative requirement.
  - d. Provide the Board with information as to:
    - (i) the community college's good faith efforts to implement the source reduction, recycling, and composting measures described in its integrated waste management plan, and demonstration of its progress toward meeting the alternative requirement as described in its annual reports to the Board;
    - (ii) the community college's inability to meet the 50 percent diversion requirement despite implementing the measures in its plan;
    - (iii) how the alternative source reduction, recycling, and composting requirement represents the greatest diversion amount that the community college may reasonably and feasibly achieve; and,
    - (iv) the circumstances that support the request for an alternative requirement, such as waste disposal patterns and the types of waste disposed by the community college.

D. Accounting System (*Reimbursable starting January 1, 2000*)

Developing, implementing, and maintaining an accounting system to enter and track the college's source reduction, recycling and composting activities, the cost of those activities, the proceeds from the sale of any recycled materials, and such other accounting systems which will allow it to make its annual reports to the state and determine waste reduction. Note: only the pro-rata portion of the costs incurred to implement the reimbursable activities can be claimed.

E. Annual Report (*Reimbursable starting January 1, 2000*)

Annually prepare and submit, by April 1, 2002, and by April 1 each subsequent year, a report to the Board summarizing its progress in reducing solid waste. The information in the report must encompass the previous calendar year and shall contain, at a minimum, the following as outlined in section 42926, subdivision (b): (Pub. Resources Code, §§ 42926, subd. (a) & 42922, subd. (i).)

1. calculations of annual disposal reduction;
2. information on the changes in waste generated or disposed of due to increases or decreases in employees, economics, or other factors;
3. a summary of progress made in implementing the integrated waste management plan;
4. the extent to which the community college intends to use programs or facilities established by the local agency for handling, diversion, and disposal of solid waste

(If the college does not intend to use those established programs or facilities, it must identify sufficient disposal capacity for solid waste that is not source reduced, recycled or composted.);

5. for a community college that has been granted a time extension by the Board, it shall include a summary of progress made in meeting the integrated waste management plan implementation schedule pursuant to section 42921, subdivision (b), and complying with the college's plan of correction, before the expiration of the time extension;
6. for a community college that has been granted an alternative source reduction, recycling, and composting requirement by the Board pursuant to section 42922, it shall include a summary of progress made towards meeting the alternative requirement as well as an explanation of current circumstances that support the continuation of the alternative requirement.

F. Annual Recycled Material Reports (*Reimbursable starting July 1, 1999*)

Annually report to the Board on quantities of recyclable materials collected for recycling. (Pub. Contract Code, § 12167.1.) (See Section VII. regarding offsetting revenues from recyclable materials.)

**V. CLAIM PREPARATION AND SUBMISSION**

Each of the following cost elements must be identified for each reimbursable activity identified in Section IV, Reimbursable Activities, of this document. Each claimed reimbursable cost must be supported by source documentation as described in Section IV. Additionally, each reimbursement claim must be filed in a timely manner.

A. Direct Cost Reporting

Direct costs are those costs incurred specifically for the reimbursable activities. The following direct costs are eligible for reimbursement.

1. Salaries and Benefits

Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.

2. Materials and Supplies

Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable activities. Purchases shall be claimed at the actual price after deducting discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged on an appropriate and recognized method of costing, consistently applied.



### 3. Contracted Services

Report the name of the contractor and services performed to implement the reimbursable activities. Attach a copy of the contract to the claim. If the contractor bills for time and materials, report the number of hours spent on the activities and all costs charged. If the contract is a fixed price, report the dates when services were performed and itemize all costs for those services.

### 4. Fixed Assets and Equipment

Report the purchase price paid for fixed assets and equipment (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset or equipment is also used for purposes other than the reimbursable activities, only the pro-rata portion of the purchase price used to implement the reimbursable activities can be claimed.

### 5. Travel

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination point, the specific reimbursable activity requiring travel, and related travel expenses reimbursed to the employee in compliance with the rules of the local jurisdiction. Report employee travel time according to the rules of cost element A.1, Salaries and Benefits, for each applicable reimbursable activity.

### 6. Training

Report the cost of training an employee to perform the reimbursable activities, as specified in Section IV of this document. Report the name and job classification of each employee preparing for, attending, and/or conducting training necessary to implement the reimbursable activities. Provide the title, subject, and purpose (related to the mandate of the training session), dates attended, and location. If the training encompasses subjects broader than the reimbursable activities, only the pro-rata portion can be claimed. Report employee training time for each applicable reimbursable activity according to the rules of cost element A.1, Salaries and Benefits, and A.2, Materials and Supplies. Report the cost of consultants who conduct the training according to the rules of cost element A.3, Contracted Services.

## B. Indirect Cost Rates

Indirect costs are costs 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.

Community colleges have the option of using: (1) a federally approved rate, utilizing the cost accounting principles from the Office of Management and Budget Circular A-21, "Cost Principles of Educational Institutions"; (2) the rate calculated on State Controller's Form FAM-29C; or (3) a 7% indirect cost rate.

#### **VI. RECORD 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 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 IV, must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

#### **VII. OFFSETTING REVENUES AND REIMBURSEMENTS**

Reimbursement for this mandate from any source, including but not limited to, services fees collected, federal funds, and other state funds allocated to any service provided under this program, shall be identified and deducted from this claim. Offsetting revenue shall include the revenues cited in Public Resources Code section 42925 and Public Contract Code sections 12167 and 12167.1.

Subject to the approval of the California Integrated Waste Management Board, revenues derived from the sale of recyclable materials by a community college that do not exceed two thousand dollars (\$2,000) annually are continuously appropriated for expenditure by the community college for the purpose of offsetting recycling program costs. Revenues exceeding two thousand dollars (\$2,000) annually may be available for expenditure by the community college only when appropriated by the Legislature. To the extent so approved or appropriated and applied to the college, these amounts are a reduction to the recycling costs mandated by the state to implement Statutes 1999, chapter 764.

In addition, revenue from a building-operating fee imposed pursuant to Education Code section 76375, subdivision (a) if received by a claimant and the revenue is applied to this program, shall be deducted from the costs claimed.

#### **VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS**

Pursuant to Government Code section 17558, subdivision (b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than 60 days after receiving the adopted parameters and guidelines from the Commission, to assist local agencies and school districts in claiming costs to be reimbursed. The claiming instructions shall be derived from the test claim decision and the parameters and guidelines adopted by the Commission.

Pursuant to Government Code section 17561, subdivision (d)(1), issuance of the claiming instructions shall constitute a notice of the right of the local agencies and school districts to file reimbursement claims, based upon parameters and guidelines adopted by the Commission.

#### **IX. REMEDIES BEFORE THE COMMISSION**

Upon request of a local agency or school district, the Commission shall review the claiming instructions issued by the State Controller or any other authorized state agency for reimbursement of mandated costs pursuant to Government Code section 17571. If the Commission determines that the claiming instructions do not conform to the parameters and guidelines, the Commission shall direct the Controller to modify the claiming instructions and the Controller shall modify the claiming instructions to conform to the parameters and guidelines as directed by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557, subdivision (d), and California Code of Regulations, title 2, section 1183.2.

#### **X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES**

The Statement of Decision is legally binding on all parties and provides the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record for the test claim. The administrative record, including the Statement of Decision, is on file with the Commission.

<b>CLAIM FOR PAYMENT</b> Pursuant to Government Code Section 17561 <b>INTEGRATED WASTE MANAGEMENT</b>	For State Controller Use Only (19) Program Number 256 (20) Date Filed ___/___/___ (21) LRS Input ___/___/___	Program <b>256</b>
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L A B E L  H E R E	(01) Claimant Identification Number		<b>Reimbursement Claim Data</b>	
	(02) Claimant Name		(22) IWM-1, (03)(A)(1)(f)	
	County of Location		(23) IWM-1, (03)(A)(2)(f)	
	Street Address or P.O. Box	Suite	(24) IWM-1, (03)(B)(1)(f)	
	City	State	Zip Code	(25) IWM-1, (03)(B)(2)(f)
<b>Type of Claim</b>	<b>Estimated Claim</b>	<b>Reimbursement Claim</b>	(26) IWM-1, (03)(B)(3)(f)	
	(03) Estimated <input type="checkbox"/>	(09) Reimbursement <input type="checkbox"/>	(27) IWM-1, (03)(B)(4)(f)	
	(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>	(28) IWM-1, (03)(B)(5)(f)	
	(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>	(29) IWM-1, (03)(C)(1)(f)	
<b>Fiscal Year of Cost</b>	(06) <b>20</b> ___ / <b>20</b> ___	(12) ___ / <b>20</b> ___	(30) IWM-1, (03)(C)(2)(f)	
<b>Total Claimed Amount</b>	(07)	(13)	(31) IWM-1, (03)(D)(f)	
<b>Less: 10% Late Penalty</b>		(14)	(32) IWM-1, (03)(E)(f)	
<b>Less: Prior Claim Payment Received</b>		(15)	(33) IWM-1, (03)(F)(f)	
<b>Net Claimed Amount</b>		(16)	(34) IWM-1, (06)	
<b>Due from State</b>	(08)	(17)	(35) IWM-1, (08)	
<b>Due to State</b>		(18)	(36) IWM-1, (09)	

**(37) CERTIFICATION OF CLAIM**

In accordance with the provisions of Government Code Section 17561, I certify that I am the officer authorized by the community college district to file mandated cost claims with the State of California for this program, and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1098, inclusive.

I further certify that there was no application other than from the claimant, nor any grant or payment received, for reimbursement of costs claimed herein, and such costs are for a new program or increased level of services of an existing program. All offsetting savings and reimbursements set forth in the Parameters and Guidelines are identified, and all costs claimed are supported by source documentation currently maintained by the claimant.

The amounts for this Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs set forth on the attached statements. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Authorized Officer

Date

\_\_\_\_\_

\_\_\_\_\_

Type or Print Name

Title

(38) Name of Contact Person for Claim

Telephone Number ( ) -

Ext.

E-Mail Address

Program <b>256</b>	<b>INTEGRATED WASTE MANAGEMENT</b> <b>Certification Claim Form</b> <b>Instructions</b>	<b>FORM</b> <b>FAM-27</b>
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- (01) Enter the payee number assigned by the State Controller's Office.
- (02) Enter your Official Name, County of Location, Street or P. O. Box address, City, State, and Zip Code.
- (03) If filing an estimated claim, enter an "X" in the box on line (03) Estimated.
- (04) Leave blank.
- (05) If filing an amended estimated claim, enter an "X" in the box on line (05) Amended.
- (06) Enter the fiscal year in which costs are to be incurred.
- (07) Enter the amount of the estimated claim. If the estimate exceeds the previous year's actual costs by more than 10%, complete form IWM-1 and enter the amount from line (10).
- (08) Enter the same amount as shown on line (07).
- (09) If filing a reimbursement claim, enter an "X" in the box on line (09) Reimbursement.
- (10) Leave blank.
- (11) If filing an amended reimbursement claim, enter an "X" in the box on line (11) Amended.
- (12) Enter the fiscal year for which actual costs are being claimed. If actual costs for more than one fiscal year are being claimed, complete a separate form FAM-27 for each fiscal year.
- (13) Enter the amount of the reimbursement claim from form IWM-1, line (10). The total claimed amount must exceed \$1,000.
- (14) **Filing Deadline.** Estimated claims for fiscal year 2005-06 must be filed by **October 4, 2005**. Reimbursement claims must be filed by January 15 of the following fiscal year in which costs were incurred or the claims shall be reduced by a late penalty of 10%. Enter zero if the claim was timely filed; otherwise, enter the product of multiplying line (13) by the factor 0.10 (10% penalty).
- (15) If filing an actual reimbursement claim or an estimated claim was previously filed for the same fiscal year, enter the amount received for the claim. Otherwise, enter a zero.
- (16) Enter the result of subtracting line (14) and line (15) from line (13).
- (17) If line (16), Net Claimed Amount, is positive, enter that amount on line (17), Due from State.
- (18) If line (16), Net Claimed Amount, is negative, enter that amount on line (18), Due to State.
- (19) to (21) Leave blank.
- (22) to (36) Reimbursement Claim Data. Bring forward the cost information as specified on the left-hand column of lines (22) through (36) for the reimbursement claim, e.g. IWM-1, (03)(A)(1)(f), means the information is located on form IWM-1, block (0), line (A)(1), column (f). Enter the information on the same line but in the right-hand column. Cost information should be rounded to the nearest dollar, i.e., no cents. Indirect costs percentage should be shown as a whole number and without the percent symbol, i.e., 7.548% should be shown as 8. **Completion of this data block will expedite the payment process.**
- (37) Read the statement "Certification of Claim." If it is true, the claim must be dated, signed by the agency's authorized officer, and must include the person's name and title, typed or printed. **Claims cannot be paid unless accompanied by an original signed certification. (To expedite the payment process, please sign the form FAM-27 with blue ink, and attach a copy of the form FAM-27 to the top of the claim package.)**
- (38) Enter the name, telephone number, and e-mail address of the person to contact if additional information is required.

**SUBMIT A SIGNED ORIGINAL, AND A COPY OF FORM FAM-27, WITH ALL OTHER FORMS AND SUPPORTING DOCUMENTS TO:**

*Address, if delivered by U.S. Postal Service:*

OFFICE OF THE STATE CONTROLLER  
 ATTN: Local Reimbursements Section  
 Division of Accounting and Reporting  
 P.O. Box 942850  
 Sacramento, CA 94250

*Address, if delivered by other delivery service:*

OFFICE OF THE STATE CONTROLLER  
 ATTN: Local Reimbursements Section  
 Division of Accounting and Reporting  
 3301 C Street, Suite 500  
 Sacramento, CA 95816

Program <b>256</b>	<b>MANDATED COSTS</b> <b>INTEGRATED WASTE MANAGEMENT</b> <b>CLAIM SUMMARY</b>					FORM IWM-1		
(01) Claimant			(02) Type of Claim		Fiscal Year			
			Reimbursement <input type="checkbox"/> Estimated <input type="checkbox"/>		___ / ___			
<b>Direct Costs</b>			<b>Object Accounts</b>					
(03) Reimbursable Activities			(a)	(b)	(c)	(d)	(e)	(f)
			Salaries and Benefits	Materials and Supplies	Contract Services	Fixed Assets	Travel & Training	Total
<b>A. One-Time Activities</b>								
1. Development of Policies and Procedures								
2. Staff Training								
<b>B. Ongoing Activities</b>								
1. Completion and Submission of Plan to Board								
2. Response to Board During Approval Process								
3. Consultation with Board								
4. Designation of Waste Reduction and Recycling Coordinator								
5. Diversion and Maintenance of Approved Level of Reduction								
<b>C. Alternative Compliance</b>								
1. Alternative Requirement or Time Extension for 1/1/02 for 25% Waste								
2. Alternative Requirement or Time Extension for 1/1/04 for 50% Waste								
<b>D. Accounting System</b>								
<b>E. Annual Report</b>								
<b>F. Annual Recycled Material Reports</b>								
(04) Total Direct Costs								
<b>Indirect Costs</b>								
(05) Indirect Cost Rate			[Federally approved OMB A-21, FAM-29C, or 7%]					%
(06) Total Indirect Costs			[Line (05) x line (04)(a)]					
(07) Total Direct and Indirect Costs			[Line (04)(f) + line (06)]					
<b>Cost Reduction</b>								
(08) Less: Offsetting Savings								
(09) Less: Other Reimbursements								
(10) Total Claimed Amount			[Line (07) - (line (08) + line (09))]					

Program <b>256</b>	<b>INTEGRATED WASTE MANAGEMENT          CLAIM SUMMARY          Instructions</b>	<b>FORM          IWM-1</b>
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- (01) Claimant: Enter the name of the claimant.
- (02) Type of Claim: Check a box, Reimbursement or Estimated, to identify the type of claim being filed. Enter the fiscal year of costs.
- Form IWM-1 must be filed for a reimbursement claim. Do not complete form IWM-1 if you are filing an estimated claim and the estimate does not exceed the previous fiscal year's actual costs by more than 10%. Simply enter the amount of the estimated claim on form FAM-27, line (07). However, if the estimated claim exceeds the previous fiscal year's actual costs by more than 10%, form IWM-1 must be completed and a statement attached explaining the increased costs. Without this information the estimated claim will automatically be reduced to 110% of the previous fiscal year's actual costs.
- (03) Reimbursable Activities: For each reimbursable activity, enter the total from form IWM-2, line (05), columns (d) through (h) to form IWM-1, block (04), columns (a) through (e) in the appropriate row. Total each row.
- (04) Total Direct Costs: Total column (f).
- (05) Indirect Cost Rate: Enter the indirect cost rate. Community college districts may use the federally approved OMBA-21, rate computed using form FAM-29C, or the 7% indirect cost rate, for the fiscal year of costs.
- (06) Total Indirect Costs: Enter the result of multiplying Total Salaries and Benefits, line (04)(a), by the Indirect Cost Rate, line (05)
- (07) Total Direct and Indirect Costs: Enter the sum of Total Direct Costs, line (04)(f), and Total Indirect Costs, line (06).
- (08) Less: Offsetting Savings. If applicable, enter the total savings experienced by the claimant as a direct result of this mandate. Submit a detailed schedule of savings with the claim.
- (09) Less: Other Reimbursements. If applicable, enter the amount of other reimbursements received from any source including, but not limited to, service fees collected, federal funds, and other state funds, that reimbursed any portion of the mandated cost program. Submit a schedule detailing the reimbursement sources and amounts.
- (10) From Total Direct and Indirect Costs, line (07), subtract the sum of Offsetting Savings, line (08), and Other Reimbursements, line (09). Enter the remainder on this line and carry the amount forward to form FAM-27, line (07) for the Estimated Claim or line (13) for the Reimbursement Claim.

Program <b>256</b>	<b>MANDATED COSTS</b> <b>INTEGRATED WASTE MANAGEMENT</b> <b>ACTIVITY COST DETAIL</b>	FORM IWM-2
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(01) Claimant	(02) Fiscal Year
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(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

One-Time Activites	<input type="checkbox"/> Development of Policies and Procedures	<input type="checkbox"/> Staff Training	
Ongoing Activites	<input type="checkbox"/> Completion and Submission of Plan to Board	<input type="checkbox"/> Response to Board During Approval Process	<input type="checkbox"/> Consultation With Board
	<input type="checkbox"/> Designation of Waste Reduction and Recycling Coordinator	<input type="checkbox"/> Maintenance of Approved Level of Reduction	
Alternative Compliance	<input type="checkbox"/> Alternative Requirement or Time Extension for 1/1/02 for 25% Waste	<input type="checkbox"/> Alternative Requirement or Time Extension for 1/1/04 for 50% Waste	
	<input type="checkbox"/> Accounting System	<input type="checkbox"/> Annual Report	<input type="checkbox"/> Annual Recycled Material Reports

(04) Description of Expenses **Object Accounts**

(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training

(05) Total	<input type="checkbox"/> Subtotal	<input type="checkbox"/> Page: _____ of _____
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Program <b>256</b>	<b>INTEGRATED WASTE MANAGEMENT</b> <b>ACTIVITY COST DETAIL</b> Instructions	FORM IWM-2
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- (01) Claimant: Enter the name of the claimant.
- (02) Fiscal Year: Enter the fiscal year for which costs were incurred.
- (03) Reimbursable Activities: Check the box that indicates the cost activity being claimed. Check only one box per form. A separate form IWM-2 shall be prepared for each applicable activity.
- (04) Description of Expenses: The following table identifies the type of information required to support reimbursable costs. To detail costs for the activity box "checked" in block (03), enter the employee names, position titles, a brief description of the activities performed, actual time spent by each employee, productive hourly rates, fringe benefits, supplies used, contract services, and travel and training expenses. **The descriptions required in column (4)(a) must be of sufficient detail to explain the cost of activities or items being claimed.** For audit purposes, all supporting documents must be retained by the claimant for a period of not less than three years after the date the claim was filed or last amended, whichever is later. If no funds were appropriated and no payment was made at the time the claim was filed, the time for the Controller to initiate an audit shall be from the date of initial payment of the claim. Such documents shall be made available to the State Controller's Office on request.

Object/ Sub object Accounts	Columns								Submit supporting documents with the claim
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	
<b>Salaries</b>	Employee Name/Title	Hourly Rate	Hours Worked	Salaries = Hourly Rate x Hours Worked					
<b>Benefits</b>	Activities Performed	Benefit Rate		Benefits = Benefit Rate x Salaries					
<b>Materials and Supplies</b>	Description of Supplies Used	Unit Cost	Quantity Used		Cost = Unit Cost x Quantity Used				
<b>Contract Services</b>	Name of Contractor Specific Tasks Performed	Hourly Rate	Hours Worked Inclusive Dates of Service			Cost = Hourly Rate x Hours Worked or Total Contract Cost			Copy of Contract and Invoices
<b>Fixed Assets</b>	Description of Equipment Purchased	Unit Cost	Usage				Cost = Unit Cost x Usage		
<b>Travel and Training</b>	Purpose of Trip Name and Title	Per Diem Rate	Days					Cost = Rate x Days or Miles	
<b>Travel</b>	Departure and Return Date	Mileage Rate	Miles					or Total Travel Cost	
<b>Training</b>	Employee Name/Title Name of Class		Travel Mode						Registration Fee
<b>Training</b>			Dates Attended						

- (05) Total line (04), columns (d) through (h) and enter the sum on this line. Check the appropriate box to indicate if the amount is a total or subtotal. If more than one form is needed to detail the activity costs, number each page. Enter totals from line (05), columns (d) through (h) to form IWM-1, block (04), columns (a) through (e) in the appropriate row.



OFFICE OF THE STATE CONTROLLER  
STATE MANDATED COSTS CLAIMING INSTRUCTIONS NO. 2008-21  
INTEGRATED WASTE MANAGEMENT  
COMMUNITY COLLEGE DISTRICTS  
DECEMBER 1, 2008

Revised January 21, 2009

In accordance with Government Code (GC) Section 17561, eligible claimants may submit claims to the State Controller's Office (SCO) for reimbursement of costs incurred for state mandated cost programs. The following are claiming instructions and forms that eligible claimants will use for filing claims for the Integrated Waste Management (IWM) program. These claiming instructions are issued subsequent to adoption of the program's Parameters and Guidelines (P's & G's) by the Commission on State Mandates (CSM).

On March 25, 2004, CSM determined that the test claim legislation established costs mandated by the State according to the provisions listed in the P's & G's. For your reference, the P's & G's are included as an integral part of the claiming instructions.

**Eligible Claimants**

Any community college district that incurs increased costs as a result of this mandate is eligible to claim reimbursement of these costs.

**Requirements, Limitations, and Exceptions**

Form 1B for Alternative Compliance is to be completed only if the community college is unable to comply with the requirements of B.5. (Divert Solid Waste/Maintain Required Level) on Form 1A, pursuant to Reimbursable Activity C.1. or 2. as listed on page 6 of the P's and G's.

It is not mandatory to re-file claims for fiscal years in which there are no changes. In addition, if there is no "cost avoidance" to report and consequently no additional offsets to the original claim amounts, there is no need to re-file.

**Filing Deadlines**

**A. Reimbursement Claims**

A reimbursement claim is defined in GC Section 17522 as any claim filed with SCO by a CCD for reimbursement of costs incurred for which an appropriation is made for the purpose of paying the claim.

In order for a claim to be considered properly filed, it must include documentation to support the indirect cost rate if the indirect cost rate exceeds seven percent. A full discussion of the indirect cost methods available to community colleges may be found in the P's & G's. Documentation to support actual costs must be kept on hand by the claimant and made available to SCO upon request as explained in the P's & G's.

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and RETRO*

Initial reimbursement claims must be filed within 120 days from the issuance date of the claiming instructions. Costs incurred for compliance with the mandated activities pursuant to Public Contract Code (PCC) Sections 12167 and 12167.1 are reimbursable for fiscal years 1999-00 and subsequent years. Seeking an alternative diversion goal or time extension pursuant to Public Resources Code Sections 42922, 42923, and 42927 are reimbursable from January 1, 2000, to December 31, 2005. All other costs incurred pursuant to Chapter 764, Statutes of 1999, are reimbursable for the period January 1, 2000, to June 30, 2000, and subsequent years. Actual claims must be filed with SCO and be delivered or postmarked on or before **March 31, 2009**. Claims for fiscal year 2008-09 must be delivered or postmarked on or before **February 16, 2010**, or a late fee will be assessed. **Claims filed more than one year after the deadline will not be accepted.**

#### **B. Estimated Claims**

Pursuant to AB 8, Chapter 6, Statutes of 2008, the option to file estimated claims has been eliminated. Therefore, estimated claims filed on or after February 16, 2008, will not be accepted by SCO.

#### **Minimum Claim Cost**

GC Section 17564(a) provides that no claim may be filed pursuant to Sections 17551 and 17561, unless such claim exceeds one thousand dollars (\$1,000).

#### **Certification of Claim**

In accordance with the provisions of the Code of Civil Procedure Section 2015.5, an authorized officer of the claimant is required to provide a certification of claim stating: "I certify, (or declare), under penalty of perjury under the laws of the State of California that the foregoing is true and correct," and must further comply with the requirements of GC Section 17561, for the costs mandated by the State and contained herein.

#### **Audit of Costs**

All claims submitted to SCO are reviewed to determine if costs are related to the mandate, are reasonable and not excessive, and the claim was prepared in accordance with SCO's claiming instructions and the P's & G's adopted by CSM. If any adjustments are made to a claim, a "Notice of Claim Adjustment" specifying the claim component adjusted, the amount adjusted, and the reason for the adjustment, will be mailed within 30 days after payment of the claim.

Pursuant to GC Section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a community college district for this mandate is subject to the initiation of an audit by SCO no later than three years after the date that the actual reimbursement claim was filed or last amended, whichever is later. However, if no funds are appropriated or no payment was made to a claimant for the program for the fiscal year for which the claim was filed, the time for SCO 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 no later than two years after the date that the audit was initiated. All documents used to support the reimbursable activities must be retained during the period subject to audit. If an audit has been initiated by SCO during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings. On-site audits will be conducted by SCO as deemed necessary.

### **Retention of Claiming Instructions**

The claiming instructions and forms in this package should be retained permanently in your Mandated Cost Manual for future reference and use in filing claims. These forms should be duplicated to meet your filing requirements. You will be notified of updated forms or changes to claiming instructions as necessary.

Questions, or requests for hard copies of these instructions, should be faxed to Angie Lowi-Teng at (916) 323-6527 or e-mailed to [ateng@sco.ca.gov](mailto:ateng@sco.ca.gov). Or, if you wish, you may call Angie of the Local Reimbursements Section at (916) 323-0706.

For your reference, these and future mandated costs claiming instructions and forms can be found on the Internet at [www.sco.ca.gov/ard/local/locreim/index.shtml](http://www.sco.ca.gov/ard/local/locreim/index.shtml).

### **Address for Filing Claims**

Claims should be rounded to the nearest dollar. Submit a signed original and a copy of form FAM-27, Claim for Payment, and all other forms and supporting documents.

**To expedite the payment process, please sign the form in blue ink, and attach a copy of the form FAM-27 to the top of the claim package.**

Use the following mailing addresses:

If delivered by  
U.S. Postal Service:

Office of the State Controller  
Attn: Local Reimbursements Section  
Division of Accounting and Reporting  
P.O. Box 942850  
Sacramento, CA 94250

If delivered by  
other delivery services:

Office of the State Controller  
Attn: Local Reimbursements Section  
Division of Accounting and Reporting  
3301 C Street, Suite 500  
Sacramento, CA 95816

Amended: September 26, 2008  
Adopted: March 30, 2005

## AMENDMENTS TO PARAMETERS AND GUIDELINES

Public Resources Code Sections 40148, 40196.3, 42920-42928  
Public Contract Code Sections 12167 and 12167.1

Statutes 1999, Chapter 764 (A.B. 75)  
Statutes 1992, Chapter 1116 (A.B. 3521)

State Agency Model Integrated Waste Management Plan (February 2000)

*Integrated Waste Management*  
00-TC-07

Santa Monica and Lake Tahoe Community College Districts, Co-claimants

### I. SUMMARY OF THE MANDATE

On March 25, 2004, the Commission on State Mandates (Commission) adopted its Statement of Decision finding that Public Resources Code sections 40148, 40196.3, 42920-42928; Public Contract Code sections 12167 and 12167.1; and the State Agency Model Integrated Waste Management Plan (February 2000) require new activities, as specified below, which constitute new programs or higher levels of service for community college districts within the meaning of article XIII B, section 6, of the California Constitution, and impose costs mandated by the state pursuant to Government Code section 17514.

Specifically, the Commission approved this test claim for the increased costs of performing the following specific new activities:

- **Comply with the model plan (Pub. Resources Code, § 42920, subd. (b)(3) & State Agency Model Integrated Waste Management Plan, February 2000):** A community college must comply with the California Integrated Waste Management Board's (Board) model integrated waste management plan, which includes consulting with the Board to revise the model plan, as well as completing and submitting to the Board the following: (1) state agency or large state facility information form; (2) state agency list of facilities; (3) state agency waste reduction and recycling program worksheet, including the sections on program activities, promotional programs, and procurement activities; and (4) state agency integrated waste management plan questions.
- **Designate a solid waste reduction and recycling coordinator (Pub. Resources Code, § 42920, subd. (c)):** A community college must designate one solid waste reduction and recycling coordinator to perform new duties imposed by chapter 18.5 (Pub. Resources Code, §§ 42920 – 42928), including implementing the community college's integrated waste management plan, and acting as a liaison to other state agencies (as defined by section 40196.3) and coordinators.

- **Divert solid waste (Pub. Resources Code, §§ 42921 & 42922, subd. (i)):** A community college must divert at least 25 percent of all its solid waste from landfill disposal or transformation facilities by January 1, 2002, through source reduction, recycling, and composting activities, and divert at least 50 percent of all solid waste from landfill disposal or transformation facilities by January 1, 2004, through source reduction, recycling, and composting.

A community college unable to comply with this diversion requirement may instead seek, until December 31, 2005, either an alternative requirement or time extension (but not both) as specified below:

- **Seek an alternative requirement (Pub. Resources Code, §§ 42927 & 42922, subds. (a) & (b)):** A community college that is unable to comply with the 50-percent diversion requirement must: (1) notify the Board in writing, detailing the reasons for its inability to comply; (2) request of the Board an alternative to the 50-percent requirement; (3) participate in a public hearing on its alternative requirement; (4) provide the Board with information as to (a) the community college's good faith efforts to effectively implement the source reduction, recycling, and composting measures described in its integrated waste management plan, and demonstration of its progress toward meeting the alternative requirement as described in its annual reports to the Board; (b) the community college's inability to meet the 50-percent diversion requirement despite implementing the measures in its plan; (c) the alternative source reduction, recycling, and composting requirement represents the greatest diversion amount that the community college may reasonably and feasibly achieve, and (d) relate to the Board circumstances that support the request for an alternative requirement, such as waste disposal patterns and the types of waste disposed by the community college.
- **Seek a time extension (Pub. Resources Code, §§ 42927 & 42923 subds. (a) & (c)):** A community college that is unable to comply with the January 1, 2002 deadline to divert 25 percent of its solid waste, must do the following pursuant to section 42923, subdivisions (a) and (c): (1) notify the Board in writing, detailing the reasons for its inability to comply; (2) request of the Board an alternative to the January 1, 2002 deadline; (3) provide evidence to the Board that it is making a good faith effort to implement the source reduction, recycling, and composting programs identified in its integrated waste management plan; and (4) provide information to the Board that describes the relevant circumstances that contributed to the request for extension, such as lack of markets for recycled materials, local efforts to implement source reduction, recycling and composting programs, facilities built or planned, waste disposal patterns, and the type of waste disposed of by the community college. (5) The community college must also submit a plan of correction that demonstrates that it will meet the requirements of Section 42921 [the 25 and 50 percent diversion requirements] before the time extension expires, including the source reduction, recycling, or composting steps the community college will implement, a date prior to the expiration of the time extension when the requirements of Section 42921 will be met, the existing programs that it will modify, any new programs that will be

implemented to meet those requirements, and the means by which these programs will be funded.

- **Report to the Board (Pub. Resources Code, §§ 42926, subd. (a) & 42922, subd. (i)):** A community college must annually submit, by April 1, 2002 and by April 1 each subsequent year, a report to the Board summarizing its progress in reducing solid waste. The information in the report is to encompass the previous calendar year and shall contain, at a minimum, the following as outlined in section 42926, subdivision (b): (1) calculations of annual disposal reduction; (2) information on the changes in waste generated or disposed of due to increases or decreases in employees, economics, or other factors; (3) a summary of progress implementing the integrated waste management plan; (4) the extent to which the community college intends to use programs or facilities established by the local agency for handling, diversion, and disposal of solid waste. (If the college does not intend to use those established programs or facilities, it must identify sufficient disposal capacity for solid waste that is not source reduced, recycled or composted.) (5) For a community college that has been granted a time extension by the Board, it shall include a summary of progress made in meeting the integrated waste management plan implementation schedule pursuant to section 42921, subdivision (b), and complying with the college's plan of correction, before the expiration of the time extension. (6) For a community college that has been granted an alternative source reduction, recycling, and composting requirement by the Board pursuant to section 42922, it shall include a summary of progress made towards meeting the alternative requirement as well as an explanation of current circumstances that support the continuation of the alternative requirement.
- **Submit recycled material reports (Pub. Contract Code, § 12167.1):** A community college must annually report to the Board on quantities of recyclable materials collected for recycling.

*State of California, Department of Finance, California Integrated Waste Management Board v. Commission on State Mandates, et al.* (Sacramento County Superior Court, Case No. 07CS00355)

The Department of Finance and the Integrated Waste Management Board filed a petition for writ of mandate in March 2007, asking the court to set aside the Commission's decision granting the test claim and to require the Commission to issue a new Statement of Decision and parameters and guidelines that give full consideration to the community colleges' cost savings (e.g. avoided landfill disposal fees) and revenues (from recyclables) by complying with the test claim statutes. Petitioners' position was that the Commission had not properly accounted for all the offsetting cost savings from avoided disposal costs, or offsetting revenues from the sale of recyclable materials, in the Statement of Decision or parameters and guidelines. The Judgment and a Writ of Mandate were issued on June 30, 2008, ordering the Commission to:

1. amend the parameters and guidelines in Test Claim No. 00-TC-07 to require community college districts claiming reimbursable costs of an integrated waste management plan under Public Resources Code section 42920, et seq. to identify and offset from their claims, consistent with the directions for revenue in Public Contract code sections 12167 and 12167.1, cost savings realized as a result of implementing their plans; and



2. amend the parameters and guidelines in Test Claim No. 00-TC-07 to require community college districts claiming reimbursable costs of an integrated waste management plan under Public Resources Code section 42920, et seq. to identify and offset from their claims all of the revenue generated as a result of implementing their plans, without regard to the limitations or conditions described in sections 12167 and 12167.1 of the Public Contract Code.

## **II. ELIGIBLE CLAIMANTS**

Community college districts that incur increased costs as a result of this mandate are eligible to claim reimbursement.

## **III. PERIOD OF REIMBURSEMENT**

Government Code section 17557 states that a test claim must be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was filed on March 9, 2001. Therefore, costs incurred for compliance with Public Contract Code sections 12167 and 12167.1 (Stats. 1992, ch. 1116) are eligible for reimbursement on or after July 1, 1999. However, because of the statute's operative date, all other costs incurred pursuant to Statutes 1999, chapter 764 are eligible for reimbursement on or after January 1, 2000.

Seeking an alternative diversion goal or time extension (Pub. Resources Code, §§ 42922, 42923, and 42927) is reimbursable until December 31, 2005.

Actual costs for one fiscal year should be included in each claim. Pursuant to Government Code section 17561, subdivision (d), all claims for reimbursement of initial years' costs shall be submitted within 120 days of the issuance of the claiming instructions by the State Controller.

If the total costs for a given fiscal year do not exceed \$1000, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.

## **IV. REIMBURSABLE ACTIVITIES**

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, receipts, and the community college plan approved by the Board.

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 (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct," and must further comply with the requirements of Code of Civil Procedure section 2015.5. 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.

For each eligible claimant, the following activities are reimbursable:

A. One-Time Activities (*Reimbursable starting January 1, 2000*)

1. Develop the necessary district policies and procedures for the implementation of the integrated waste management plan.
2. Train district staff on the requirements and implementation of the integrated waste management plan (one-time per employee). Training is limited to the staff working directly on the plan.

B. Ongoing Activities (*Reimbursable starting January 1, 2000*)

1. Complete and submit to the Board the following as part of the State Agency Model Integrated Waste Management Plan (Pub. Resources Code, § 42920, subd. (b)(3) & State Agency Model Integrated Waste Management Plan, February 2000.):
  - a. state agency or large state facility information form;
  - b. state agency list of facilities;
  - c. state agency waste reduction and recycling program worksheets that describe program activities, promotional programs, and procurement activities, and other questionnaires; and
  - d. state agency integrated waste management plan questions.

NOTE: Although reporting on promotional programs and procurement activities in the model plan is reimbursable, implementing promotional programs and procurement activities is not.

2. Respond to any Board reporting requirements during the approval process. (Pub. Resources Code, § 42920, subd. (b)(3) & State Agency Model Integrated Waste Management Plan, February 2000.)
3. Consult with the Board to revise the model plan, if necessary.<sup>1</sup> (Pub. Resources Code, § 42920, subd. (b)(3) & State Agency Model Integrated Waste Management Plan, February 2000.)
4. Designate one solid waste reduction and recycling coordinator ("coordinator") for each college in the district to perform new duties imposed by chapter 18.5 (Pub. Resources Code, §§ 42920 – 42928). The coordinator shall implement the integrated waste management plan. The coordinator shall act as a liaison to other state agencies (as defined by section 40196.3) and coordinators. (Pub. Resources Code, § 42920, subd. (c).)

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<sup>1</sup> Attachment 1, California Integrated Waste Management Board, State Agency Model Integrated Waste Management Plan (February 2000).

5. Divert at least 25 percent of all solid waste from landfill disposal or transformation facilities by January 1, 2002, and at least 50 percent of all solid waste from landfill disposal or transformation facilities by January 1, 2004, through source reduction, recycling, and composting activities. Maintain the required level of reduction, as approved by the Board. (Pub. Resources Code, §§ 42921 & 42922, subd. (i).)

C. Alternative Compliance (*Reimbursable from January 1, 2000 – December 31, 2005*)

1. Seek either an alternative requirement or time extension if a community college is unable to comply with the January 1, 2002 deadline to divert 25 percent of its solid waste, by doing the following: (Pub. Resources Code, §§ 42927 & 42923 subds. (a) & (c).)
  - a. Notify the Board in writing, detailing the reasons for its inability to comply.
  - b. Request of the Board an alternative to the January 1, 2002 deadline.
  - c. Provide evidence to the Board that the college is making a good faith effort to implement the source reduction, recycling, and composting programs identified in its integrated waste management plan.
  - d. Provide information that describes the relevant circumstances that contributed to the request for extension, such as lack of markets for recycled materials, local efforts to implement source reduction, recycling and composting programs, facilities built or planned, waste disposal patterns, and the type of waste disposed of by the community college.
  - e. Submit a plan of correction that demonstrates that the college will meet the requirements of Section 42921 [the 25 and 50 percent diversion requirements] before the time extension expires, including the source reduction, recycling, or composting steps the community college will implement, a date prior to the expiration of the time extension when the requirements of Section 42921 will be met, the existing programs that it will modify, any new programs that will be implemented to meet those requirements, and the means by which these programs will be funded.
2. Seek either an alternative requirement or time extension if a community college is unable to comply with the January 1, 2004 deadline to divert 50 percent of its solid waste, by doing the following: (Pub. Resources Code, §§ 42927 & 42922, subds. (a) & (b).)
  - a. Notify the Board in writing, detailing the reasons for its inability to comply.
  - b. Request of the Board an alternative to the 50-percent requirement.
  - c. Participate in a public hearing on its alternative requirement.
  - d. Provide the Board with information as to:
    - (i) the community college's good faith efforts to implement the source reduction, recycling, and composting measures described in its integrated waste management plan, and demonstration of its progress toward meeting the alternative requirement as described in its annual reports to the Board;
    - (ii) the community college's inability to meet the 50 percent diversion requirement despite implementing the measures in its plan;

- (iii) how the alternative source reduction, recycling, and composting requirement represents the greatest diversion amount that the community college may reasonably and feasibly achieve; and,
- (iv) the circumstances that support the request for an alternative requirement, such as waste disposal patterns and the types of waste disposed by the community college.

D. Accounting System (*Reimbursable starting January 1, 2000*)

Developing, implementing, and maintaining an accounting system to enter and track the college's source reduction, recycling and composting activities, the cost of those activities, the proceeds from the sale of any recycled materials, and such other accounting systems which will allow it to make its annual reports to the state and determine waste reduction.

Note: only the pro-rata portion of the costs incurred to implement the reimbursable activities can be claimed.

E. Annual Report (*Reimbursable starting January 1, 2000*)

Annually prepare and submit, by April 1, 2002, and by April 1 each subsequent year, a report to the Board summarizing its progress in reducing solid waste. The information in the report must encompass the previous calendar year and shall contain, at a minimum, the following as outlined in section 42926, subdivision (b): (Pub. Resources Code, §§ 42926, subd. (a) & 42922, subd. (i).)

1. calculations of annual disposal reduction;
2. information on the changes in waste generated or disposed of due to increases or decreases in employees, economics, or other factors;
3. a summary of progress made in implementing the integrated waste management plan;
4. the extent to which the community college intends to use programs or facilities established by the local agency for handling, diversion, and disposal of solid waste (If the college does not intend to use those established programs or facilities, it must identify sufficient disposal capacity for solid waste that is not source reduced, recycled or composted.);
5. for a community college that has been granted a time extension by the Board, it shall include a summary of progress made in meeting the integrated waste management plan implementation schedule pursuant to section 42921, subdivision (b), and complying with the college's plan of correction, before the expiration of the time extension;
6. for a community college that has been granted an alternative source reduction, recycling, and composting requirement by the Board pursuant to section 42922, it shall include a summary of progress made towards meeting the alternative requirement as well as an explanation of current circumstances that support the continuation of the alternative requirement.

F. Annual Recycled Material Reports (*Reimbursable starting July 1, 1999*)

Annually report to the Board on quantities of recyclable materials collected for recycling.  
(Pub. Contract Code, § 12167.1.)

V. **CLAIM PREPARATION AND SUBMISSION**

Each of the following cost elements must be identified for each reimbursable activity identified in Section IV, Reimbursable Activities, of this document. Each claimed reimbursable cost must be supported by source documentation as described in Section IV. Additionally, each reimbursement claim must be filed in a timely manner.

A. Direct Cost Reporting

Direct costs are those costs incurred specifically for the reimbursable activities. The following direct costs are eligible for reimbursement.

1. Salaries and Benefits

Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.

2. Materials and Supplies

Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable activities. Purchases shall be claimed at the actual price after deducting discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged on an appropriate and recognized method of costing, consistently applied.

3. Contracted Services

Report the name of the contractor and services performed to implement the reimbursable activities. Attach a copy of the contract to the claim. If the contractor bills for time and materials, report the number of hours spent on the activities and all costs charged. If the contract is a fixed price, report the dates when services were performed and itemize all costs for those services.

4. Fixed Assets and Equipment

Report the purchase price paid for fixed assets and equipment (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset or equipment is also used for purposes other than the reimbursable activities, only the pro-rata portion of the purchase price used to implement the reimbursable activities can be claimed.

5. Travel

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination point, the specific reimbursable activity requiring travel, and related travel expenses reimbursed to the employee in compliance with the rules of the local jurisdiction. Report employee travel time according to the rules of cost element

A.1., Salaries and Benefits, for each applicable reimbursable activity.

#### 6. Training

Report the cost of training an employee to perform the reimbursable activities, as specified in Section IV of this document. Report the name and job classification of each employee preparing for, attending, and/or conducting training necessary to implement the reimbursable activities. Provide the title, subject, and purpose (related to the mandate of the training session), dates attended, and location. If the training encompasses subjects broader than the reimbursable activities, only the pro-rata portion can be claimed. Report employee training time for each applicable reimbursable activity according to the rules of cost element A.1., Salaries and Benefits, and A.2., Materials and Supplies. Report the cost of consultants who conduct the training according to the rules of cost element A.3., Contracted Services.

#### B. Indirect Cost Rates

Indirect costs are costs 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.

Community colleges have the option of using: (1) a federally approved rate, utilizing the cost accounting principles from the Office of Management and Budget Circular A-21, "Cost Principles of Educational Institutions"; (2) the rate calculated on State Controller's Form FAM-29C; or (3) a 7% indirect cost rate.

### VI. RECORD 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 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 IV, must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

### VII. OFFSETTING REVENUES AND REIMBURSEMENTS

Reimbursement for this mandate from any source, including but not limited to, services fees

collected, federal funds, and other state funds allocated to any service provided under this program, shall be identified and offset from this claim. Offsetting revenue shall include all revenues generated from implementing the Integrated Waste Management Plan.

In addition, revenue from a building-operating fee imposed pursuant to Education Code section 76375, subdivision (a) if received by a claimant and the revenue is applied to this program, shall be deducted from the costs claimed.

### **VIII. OFFSETTING COST SAVINGS**

Reduced or avoided costs realized from implementation of the community college districts' Integrated Waste Management plans shall be identified and offset from this claim as cost savings, consistent with the directions for revenue in Public Contract Code sections 12167 and 12167.1. Pursuant to these statutes, community college districts are required to deposit cost savings resulting from their Integrated Waste Management plans in the Integrated Waste Management Account in the Integrated Waste Management Fund; the funds deposited in the Integrated Waste Management Account, upon appropriation by the Legislature, may be expended by the California Integrated Waste Management Board for the purpose of offsetting Integrated Waste Management plan costs. Subject to the approval of the California Integrated Waste Management Board, cost savings by a community college that do not exceed two thousand dollars (\$2,000) annually are continuously appropriated for expenditure by the community college for the purpose of offsetting Integrated Waste Management program costs. Cost savings exceeding two thousand dollars (\$2,000) annually may be available for expenditure by the community college only when appropriated by the Legislature. To the extent so approved or appropriated and applied to the college, these amounts shall be identified and offset from the costs claimed for implementing the Integrated Waste Management Plan.

### **IX. STATE CONTROLLER'S REVISED CLAIMING INSTRUCTIONS**

The Controller shall, within 60 days after receiving amended parameters and guidelines prepare and issue revised claiming instructions for mandates that require state reimbursement after any decision or order of the commission pursuant to section 17559. The claiming instructions shall be derived from the test claim decision and the parameters and guidelines adopted by the Commission. Pursuant to Government Code section 17561, subdivision (d)(2), issuance of the claiming instructions shall constitute a notice of the right of the local agencies and school districts to file reimbursement claims, based upon parameters and guidelines adopted by the Commission. In preparing revised claiming instructions, the Controller may request the assistance of other state agencies. (Gov. Code, § 17558, subdivision (c).)

If revised claiming instructions are issued by the Controller pursuant to subdivision (c) of section 17558 between November 15 and February 15, a local agency or school district filing an annual reimbursement claim shall have 120 days following the issuance date of the revised claiming instructions to file a claim.

### **X. REMEDIES BEFORE THE COMMISSION**

Upon request of a local agency or school district, the Commission shall review the claiming instructions issued by the State Controller or any other authorized state agency for reimbursement of mandated costs pursuant to Government Code section 17571. If the

Commission determines that the claiming instructions do not conform to the parameters and guidelines, the Commission shall direct the Controller to modify the claiming instructions and the Controller shall modify the claiming instructions to conform to the parameters and guidelines as directed by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557, subdivision (d), and California Code of Regulations, title 2, section 1183.2.

#### **XI. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES**

The Statement of Decision is legally binding on all parties and provides the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record for the test claim. The administrative record, including the Statement of Decision, is on file with the Commission.



<b>CLAIM FOR PAYMENT</b> Pursuant to Government Code Section 17561 <b>INTEGRATED WASTE MANAGEMENT</b>		For State Controller Use Only (19) Program Number 00256 (20) Date Filed (21) LRS Input	Program <b>256</b>
(01) Claimant Identification Number		Reimbursement Claim Data	
(02) Claimant Name		(22) FORM-1, (04)(f)	
Address		(23) FORM-1, (05)	
		(24) FORM-1, (08)	
		(25) FORM-1, (09)	
<b>Type of Claim</b>	Estimated Claim (03) Estimated	Reimbursement Claim (09) Reimbursement <input type="checkbox"/>	(26) FORM-1, (10)
	Combined (04) Combined	(10) Combined <input type="checkbox"/>	(27)
	Amended (05) Amended	(11) Amended <input type="checkbox"/>	(28)
	(06)		(29)
<b>Fiscal Year of Cost</b>	(06)	(12)	(30)
<b>Total Claimed Amount</b>	(07)	(13)	(31)
Less: Late Penalty (refer to claiming instructions)		(14)	(32)
Less: Prior Claim Payment Received		(15)	(33)
<b>Net Claimed Amount</b>		(16)	(34)
<b>Due from State</b>	(08)	(17)	(35)
<b>Due to State</b>		(18)	(36)
<b>(37) CERTIFICATION OF CLAIM</b>  In accordance with the provisions of Government Code § 17561, I certify that I am the officer authorized by the community college to file mandated cost claims with the State of California for this program, and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1098, inclusive.  I further certify that there was no application other than from the claimant, nor any grant or payment received, for reimbursement of costs claimed herein; and such costs are for a new program or increased level of services of an existing program. All offsetting savings and reimbursements set forth in the Parameters and Guidelines are identified, and all costs claimed are supported by source documentation currently maintained by the claimant.  The amounts for the Reimbursement Claim are hereby claimed from the State for payment of actual costs set forth on the attached statements. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.			
Signature of Authorized Officer		Date	
_____		_____	
Type or Print Name		Title	
_____		_____	
(38) Name of Contact Person for Claim		Telephone Number	_____
_____		E-mail Address	_____

<b>Program</b> <b>256</b>	<b>INTEGRATED WASTE MANAGEMENT          CERTIFICATION CLAIM FORM          INSTRUCTIONS</b>	<b>FORM          FAM-27</b>
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- (01) Enter the payee number assigned by the State Controller's Office.
- (02) Enter your Official Name, County of Location, Street or P. O. Box address, City, State, and Zip Code.
- (03) Leave blank.
- (04) Leave blank.
- (05) Leave blank.
- (06) Leave blank.
- (07) Leave blank.
- (08) Leave blank.
- (09) If filing a reimbursement claim, enter an "X" in the box on line (09) Reimbursement.
- (10) If filing a combined reimbursement claim on behalf of districts within the county, enter an "X" in the box on line (10) Combined.
- (11) If filing an amended reimbursement claim, enter an "X" in the box on line (11) Amended.
- (12) Enter the fiscal year for which actual costs are being claimed. If actual costs for more than one fiscal year are being claimed, complete a separate form FAM-27 for each fiscal year.
- (13) Enter the amount of the reimbursement claim from Form-1A, line (11). The total claimed amount must exceed \$1,000.
- (14) Reimbursement claims must be filed by **February 15** of the following fiscal year in which costs were incurred or the claims will be reduced by a late penalty. Enter zero if the claim was timely filed, otherwise, enter the product of multiplying line (13) by the factor 0.10 (10 % penalty), not to exceed \$10,000.
- (15) If filing a reimbursement claim or a claim was previously filed for the same fiscal year, enter the amount received for the claim. Otherwise, enter a zero.
- (16) Enter the result of subtracting line (14) and line (15) from line (13).
- (17) If line (16), Net Claimed Amount, is positive, enter that amount on line (17), Due from State.
- (18) If line (16), Net Claimed Amount, is negative, enter that amount on line (18), Due to State.
- (19) to (21) Leave blank.
- (22) to (36) Reimbursement Claim Data. Bring forward the cost information as specified on the left-hand column of lines (22) through (36) for the reimbursement claim, e.g., Form-1, (04)(f), means the information is located on Form-1, block (04), column (f). Enter the information on the same line but in the right-hand column. Cost information should be rounded to the nearest dollar, i.e., no cents. Indirect costs percentage should be shown as a whole number and without the percent symbol, i.e., 7.548% should be shown as 8. Completion of this data block will expedite the payment process.
- (37) Read the statement "Certification of Claim." If it is true, the claim must be dated, signed by the district's authorized officer, and must include the person's name and title, typed or printed. **Claims cannot be paid unless accompanied by an original signed certification. (To expedite the payment process, please sign the form FAM-27 with blue ink, and attach a copy of the form FAM-27 to the top of the claim package.)**
- (38) Enter the name, telephone number, and e-mail address of the person to contact if additional information is required.

**SUBMIT A SIGNED ORIGINAL, AND A COPY OF FORM FAM-27, WITH ALL OTHER FORMS AND SUPPORTING DOCUMENTS TO:**

*Address, if delivered by U.S. Postal Service:*

OFFICE OF THE STATE CONTROLLER  
 ATTN: Local Reimbursements Section  
 Division of Accounting and Reporting  
 P.O. Box 942850  
 Sacramento, CA 94250

*Address, if delivered by other delivery service:*

OFFICE OF THE STATE CONTROLLER  
 ATTN: Local Reimbursements Section  
 Division of Accounting and Reporting  
 3301 C Street, Suite 500  
 Sacramento, CA 95816

<b>Program</b> <b>256</b>	<b>MANDATED COSTS INTEGRATED WASTE MANAGEMENT CLAIM SUMMARY</b>	<b>FORM</b> <b>1A</b>
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(01) Claimant	(02) Type of Claim Reimbursement	Fiscal Year
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Direct Costs		Object Accounts					
(03)	Reimbursable Activities	(a) Salaries and Benefits	(b) Materials and Supplies	(c) Contract Services	(d) Fixed Assets	(e) Travel and Training	(f) Total
<b>A.</b>	<b>One-Time Activity</b>						
1.	Develop Policies and Procedures						
2.	Train District Staff on IWM Plan						
<b>B.</b>	<b>Ongoing Activities</b>						
1.	Complete and Submit IWM Plan to Board						
2.	Respond to Board Requirements						
3.	Consult with Board to Revise Plan						
4.	Designate Coordinator for Each College						
5.	Divert Solid Waste/Maintain Required Level						
(04) Total Direct Costs							

<b>Indirect Costs</b>	
(05) Indirect Cost Rate	[Refer to Claiming Instructions]
(06) Total Indirect Costs	[Refer to Claiming Instructions]
(07) Total Direct and Indirect Costs	[Line (05)(f) + line (07)]
(08) Total from Forms 1A, 1B, and 1C	[Add 1A(07) + 1B(07) + 1C(07)]

<b>Cost Reduction</b>	
(09) Less: Offsetting Savings	
(10) Less: Other Reimbursements	
(11) Total Claimed Amount	[Line (08) - {(line (09) + line (10))}]

<b>Program</b>  <b>256</b>	<b>MANDATED COSTS</b> <b>INTEGRATED WASTE MANAGEMENT</b> <b>CLAIM SUMMARY</b> <b>INSTRUCTIONS</b>	<b>FORM</b>  <b>1A</b>
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- (01) Enter the name of the claimant.
- (02) Enter the fiscal year of costs.
- (03) Reimbursable Activities. For each reimbursable activity, enter the totals from form Form-2A, line (09), columns (d) through (h), to form Form-1A, block (03), columns (a) through (e), in the appropriate row. Total each row.
- (B)(5) Divert Solid Waste/Maintain Required Level. If this activity is claimed, Form 1B for Alternative Compliance must not be completed.**
- (04) Total Direct Costs. Total columns (a) through (f).
- (05) Use the SCO FAM-29C, Flat 7%, or Federally Approved OMB A-21 methodology if specifically allowed by the P's and G's for this program. **See the Community College Mandated Cost Manual, Section 9, Indirect Costs for important instructions on claiming indirect costs using the Federally Approved OMB A-21 Rate for electronic claims.**
- (06) Enter the result of multiplying *Salaries and Benefits Only*, line (04)(a), by the *Indirect cost rate*, line (05).
- (07) Total Direct and Indirect Costs. Enter the sum of Total Direct Costs, line (04)(f), and Total Indirect Costs, line (06).
- (08) Enter the sum total of Forms 1A, 1B and 1C here.
- (09) Less: Offsetting Savings. If applicable, enter the total savings experienced by the claimant as a direct result of this mandate, such as reduction in disposal costs, staff reductions (including benefits), materials and supplies (less purchases due to re-use), elimination of storage, reduction in transportation costs, equipment, and any other relevant reduction in costs. Submit a detailed schedule of savings with the claim.
- (10) Less: Other Reimbursements. If applicable, enter the amount of other reimbursements received from any source including, but not limited to, sale of recyclables, sale of surplus equipment, service fees collected, federal funds, and other state funds, which reimbursed any portion of the mandated cost program. Submit a schedule detailing the reimbursement sources and amounts.
- (11) Total Claimed Amount. From Total Direct and Indirect Costs, line (08), subtract the sum of Offsetting Savings, line (09), and Other Reimbursements, line (10). Enter the remainder on this line and carry the amount forward to form FAM-27, line (13) for the Reimbursement Claim.

<b>Program</b> <b>256</b>	<b>MANDATED COSTS INTEGRATED WASTE MANAGEMENT CLAIM SUMMARY</b>	<b>FORM</b> <b>1B</b>					
(01) Claimant		(02) Type of Claim Reimbursement					
Fiscal Year							
<b>C. Alternative Compliance (From 01/01/2000 to 12/31/2005) Do not complete if B5 on Form 1A is claimed.</b>							
(03) Reimbursable Activities: Choose either 1 or 2, as applicable.							
<b>Direct Costs</b>	<b>Object Accounts</b>						
1.	Alternative Requirement of Time Extension {If unable to comply with 01/01/02 deadline to divert 25% of solid waste per PRCE€ 42927 & 42923 (a) & (c)}	(a) Salaries and Benefits	(b) Materials and Supplies	(c) Contract Services	(d) Fixed Assets	(e) Travel and Training	(f) Total
a.	Provide Written Notification to the Board						
b.	Request Alternative from the Board						
c.	Provide Evidence to the Board						
d.	Provide Relevant Information						
e.	Submit Plan of Correction						
(04) Total Direct Costs							
<b>Direct Costs</b>	<b>Object Accounts</b>						
2.	Alternative Requirement of Time Extension {If unable to comply with 01/01/04 deadline to divert 25% of solid waste per PRCE€ 42927 & 42922 (a) & (b)}	(a) Salaries and Benefits	(b) Materials and Supplies	(c) Contract Services	(d) Fixed Assets	(e) Travel and Training	(f) Total
a.	Provide Written Notification to the Board						
b.	Request Alternative from the Board						
c.	Participate in Public Hearing						
d.	Provide Information to the Board						
(04) Total Direct Costs							
<b>Indirect Costs</b>							
(05) Indirect Cost Rate		[Refer to Claiming Instructions]					
(06) Total Indirect Costs		[Refer to Claiming Instructions]					
(07) Total Direct and Indirect Costs		[Line (05)(f) + line (06)] [Forward total to Form-1A, line (08)]					

Program <b>256</b>	MANDATED COSTS INTEGRATED WASTE MANAGEMENT CLAIM SUMMARY	FORM <b>1B</b>
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This form is to be completed only if the community college is unable to comply with the reimbursable activity, listed on the P's and G's page 6, under IV. REIMBURSABLE ACTIVITIES, B.5., Ongoing Activities, and listed on Form-1A as Divert Solid Waste/Maintain Required Level.

Choose either Reimbursable Activity 1 or 2, as applicable.

If the community college is unable to comply with the **January 1, 2002**, deadline to divert at least **25%** of all solid waste from landfill disposal or transformation facilities, complete **Reimbursable Activity 1**.

If the community college is unable to comply with the **January 1, 2004**, deadline to divert at least **50%** of all solid waste from landfill disposal or transformation facilities, complete **Reimbursable Activity 2**.

- (01) Enter the name of the claimant.
- (02) Enter the fiscal year of claim.
- (03) Reimbursable Activities. For each reimbursable activity, enter the total from form 2B, line (09), columns (d) through (h) to form 1A, block (03), columns (a) through (e) in the appropriate row. Total each row.
- (04) Total Direct Costs. Total columns (a) through (f).
- (05) Use the SCO FAM-29C, Flat 7%, or Federally Approved OMB A-21 methodology if specifically allowed by the P's and G's for this program. **See the Community College Mandated Cost Manual, Section 9, Indirect Costs for important instructions on claiming indirect costs using the Federally Approved OMB A-21 Rate for electronic claims.**
- (06) Depending on the direct cost method used, enter the result of multiplying *Salaries and Benefits Only*, line (04)(1)(a) or line (04)(2)(a), by the *Indirect cost rate*, line (05).
- (07) Total Direct and Indirect Costs. Actual Cost Method: Enter the sum of Total Direct Costs, line (04)(f), and Total Indirect Costs, line (06). Forward this amount to Form-1A, line (08).

<b>Program</b> <b>256</b>	<b>MANDATED COSTS INTEGRATED WASTE MANAGEMENT CLAIM SUMMARY</b>						<b>FORM</b> <b>1C</b>
(01) Claimant				(02) Type of Claim Reimbursement		Fiscal Year	
<b>Direct Costs</b>		<b>Object Accounts</b>					
(03)	Reimbursable Activities	(a) Salaries and Benefits	(b) Materials and Supplies	(c) Contract Services	(d) Fixed Assets	(e) Travel and Training	(f) Total
D.	Accounting System	Reimbursement begins January 1, 2000					
1.	Develop, Implement & Maintain System						
E.	Annual Report of Progress	Reimbursement begins January 1, 2000					
1.	Calculations of Annual Disposal Reduction						
2.	Information on the Changes						
3.	Summary of Process Made in IWM Plan						
4.	The Extent of CCD's Use of IWM Plan						
5.	Time Extension Summary of Progress						
6.	Alternative Reduction Summary of Progress						
F.	Annual Recycled Material Reports	Reimbursement begins July 1, 1999					
1.	Annual Report to the Board						
(04) Total Direct Costs							
<b>Indirect Costs</b>							
(05) Indirect Cost Rate				[Refer to Claiming Instructions]			
(06) Total Indirect Costs				[Refer to Claiming Instructions]			
(07) Total Direct and Indirect Costs		[Line (04)(f) + line (06)]		[Forward total to Form-1A, line (08)]			

<b>Program</b> <b>256</b>	<b>MANDATED COSTS</b> <b>INTEGRATED WASTE MANAGEMENT</b> <b>CLAIM SUMMARY</b> <b>INSTRUCTIONS</b>	<b>FORM</b> <b>1C</b>
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- (01) Enter the name of the claimant.
- (02) Enter the fiscal year of costs.
- (03) Reimbursable Activities. For each reimbursable activity, enter the totals from form Form-2C, line (09), columns (d) through (h), to form Form-1C, block (03), columns (a) through (e), in the appropriate row. Total each row.
- (B)(5) Divert Solid Waste/Maintain Required Level. If this activity is claimed, Form 1B for Alternative Compliance must not be completed.
- (04) Total Direct Costs. Total columns (a) through (f).
- (05) Use the SCO FAM-29C, Flat 7%, or Federally Approved OMB A-21 methodology if specifically allowed by the P's and G's for this program. **See the Community College Mandated Cost Manual, Section 9, Indirect Costs for important instructions on claiming indirect costs using the Federally Approved OMB A-21 Rate for electronic claims.**
- (06) Enter the result of multiplying *Salaries and Benefits Only*, line (04)(a), by the *Indirect cost rate*, line (05).
- (07) Total Direct and Indirect Costs. Enter the sum of Total Direct Costs, line (04)(f), and Total Indirect Costs, line (06). Forward this total to Form-1A, line (08).



Program <b style="font-size: 24pt;">256</b>	<b>MANDATED COSTS                  INTEGRATED WASTE MANAGEMENT                  COMPONENT/ACTIVITY COST DETAIL</b>	FORM <b style="font-size: 24pt;">2A</b>
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(01) Claimant	(02) Fiscal Year
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(03) If filing a combined claim, enter the combined claimant name below <b style="text-align: center;">Electronic Claim Only</b>	(04) If filing by departments with different indirect-cost rates, enter the department name below <b style="text-align: center;">Electronic Claim Only</b>
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(05) Indirect Cost Rate <b style="text-align: center;">Electronic Claim Only</b>	(06) Indirect Cost Rate Base <b style="text-align: center;">Electronic Claim Only</b>
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(07) Reimbursable Components: Check only one box per form to identify the activity being claimed.

<p><b>One-Time Activities</b></p> <p><input type="checkbox"/> Development of Policies and Procedures</p> <p><input type="checkbox"/> Train District Staff on IWM Plan</p>	<p><b>Ongoing Activities</b></p> <p><input type="checkbox"/> Complete and Submit of IWM Plan to Board</p> <p><input type="checkbox"/> Respond to Board Requirements</p> <p><input type="checkbox"/> Consult with Board to Revise Plan</p> <p><input type="checkbox"/> Designate Coordinator for Each College</p> <p><input type="checkbox"/> Divert Solid Waste/Maintain Required Level</p>
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(08) Description of Expenses			Object Accounts				
(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training

(09) Total <input type="checkbox"/> Subtotal <input type="checkbox"/> Page: ____ of ____					
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Program <b>256</b>	<b>INTEGRATED WASTE MANAGEMENT                  COMPONENT/ACTIVITY COST DETAIL                  INSTRUCTIONS</b>	FORM <b>2A</b>
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- (01) Enter the name of the claimant.
- (02) Enter the fiscal year for which costs were incurred.
- (03) Leave blank.
- (04) Leave blank.
- (05) Leave blank.
- (06) Leave blank.
- (07) Reimbursable Activities. Check the box that indicates the activity being claimed. Check only one box per form. A separate Form-2 must be prepared for each applicable activity.
- (08) Description of Expenses. The following table identifies the type of information required to support reimbursable costs. To detail costs for the activity box "checked" in block (03), enter the employee names, position titles, a brief description of the activities performed, actual time spent by each employee, productive hourly rates, fringe benefits, supplies used, contract services, and travel and training expenses. **The descriptions required in column (4)(a) must be of sufficient detail to explain the cost of activities or items being claimed.** For audit purposes, all supporting documents must be retained by the claimant for a period of not less than three years after the date the claim was filed or last amended, whichever is later. If no funds were appropriated and no payment was made at the time the claim was filed, the time for the Controller to initiate an audit shall be from the date of initial payment of the claim. Such documents shall be made available to SCO on request.

Object/ Sub object Accounts	Columns								Submit supporting documents with the claim
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	
Salaries and Benefits	Employee Name/Title	Hourly Rate	Hours Worked	Salaries = Hourly Rate x Hours Worked					
Salaries									
Benefits	Activities Performed	Benefit Rate		Benefits = Benefit Rate x Salaries					
Materials and Supplies	Description of Supplies Used	Unit Cost	Quantity Used		Cost = Unit Cost x Quantity Used				
Contract Services	Name of Contractor  Specific Tasks Performed	Hourly Rate	Hours Worked  Inclusive Dates of Service			Cost=Hourly Rate x Hours Worked or Total Contract Cost			Copy of Contract and Invoices
Fixed Assets	Description of Equipment Purchased	Unit Cost	Usage				Cost= Unit Cost x Usage		
Travel and Training	Purpose of Trip Name and Title Departure and Return Date	Per Diem Rate  Mileage Rate Travel Cost	Days Miles  Travel Mode					Total Travel Cost = Rate x Days or Miles	
Training	Employee Name/Title Name of Class		Dates Attended					Registration Fee	

- (09) Total line (08), columns (d) through (h) and enter the sum on this line. Check the appropriate box to indicate if the amount is a total or subtotal. If more than one form is needed to detail the activity costs, number each page. Enter totals from line (09), columns (d) through (h) to Form-1A, block (03), columns (a) through (e) in the appropriate row.

Program <b style="font-size: 24pt;">256</b>	<b>MANDATED COSTS                  INTEGRATED WASTE MANAGEMENT                  COMPONENT/ACTIVITY COST DETAIL</b>	FORM <b style="font-size: 24pt;">2B</b>
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(01) Claimant	(02) Fiscal Year
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(03) If filing a combined claim, enter the combined claimant name below. <b style="text-align: center;">Electronic Claim Only</b>	(04) If filing by departments with different indirect cost rates, enter the department name below. <b style="text-align: center;">Electronic Claim Only</b>
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(05) Indirect Cost Rate <b style="text-align: center;">Electronic Claim Only</b>	(06) Indirect Cost Rate Base <b style="text-align: center;">Electronic Claim Only</b>
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(07) Reimbursable Components: Check only one box per form to identify the activity being claimed.

<b>1. Alternative Requirement or Time</b> <input type="checkbox"/> Provide Written Notification to the Board <input type="checkbox"/> Request Alternative from the Board <input type="checkbox"/> Provide Evidence to the Board <input type="checkbox"/> Provide Relevant Information <input type="checkbox"/> Submit Plan of Correction	<b>2. Alternative Requirement or Time Extension</b> <input type="checkbox"/> Provide Written Notification to the Board <input type="checkbox"/> Request Alternative from the Board <input type="checkbox"/> Participate in Public Hearing <input type="checkbox"/> Provide Information to the Board
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(08) Description of Expenses			Object Accounts				
(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training

(09) Total <input type="checkbox"/> Subtotal <input type="checkbox"/> Page: ___ of ___	
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Program <b>256</b>	<b>INTEGRATED WASTE MANAGEMENT                  COMPONENT/ACTIVITY COST DETAIL                  INSTRUCTIONS</b>	FORM <b>2B</b>
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- (01) Enter the name of the claimant.
- (02) Enter the fiscal year for which costs were incurred.
- (03) Leave blank.
- (04) Leave blank.
- (05) Leave blank.
- (06) Leave blank.
- (07) Reimbursable Activities. Check the box that indicates the activity being claimed. Check only one box per form. A separate Form-2 must be prepared for each applicable activity.
- (08) Description of Expenses. The following table identifies the type of information required to support reimbursable costs. To detail costs for the activity box "checked" in block (03), enter the employee names, position titles, a brief description of the activities performed, actual time spent by each employee, productive hourly rates, fringe benefits, supplies used, contract services, and travel and training expenses. **The descriptions required in column (4)(a) must be of sufficient detail to explain the cost of activities or items being claimed.** For audit purposes, all supporting documents must be retained by the claimant for a period of not less than three years after the date the claim was filed or last amended, whichever is later. If no funds were appropriated and no payment was made at the time the claim was filed, the time for the Controller to initiate an audit shall be from the date of initial payment of the claim. Such documents shall be made available to SCO on request.

Object/ Sub object Accounts	Columns								Submit supporting documents with the claim
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	
<b>Salaries and Benefits</b>	Employee Name/Title	Hourly Rate	Hours Worked	Salaries = Hourly Rate x Hours Worked					
	Salaries								
Benefits	Activities Performed	Benefit Rate		Benefits = Benefit Rate x Salaries					
<b>Materials and Supplies</b>	Description of Supplies Used	Unit Cost	Quantity Used		Cost = Unit Cost x Quantity Used				
<b>Contract Services</b>	Name of Contractor Specific Tasks Performed	Hourly Rate	Hours Worked Inclusive Dates of Service			Cost=Hourly Rate x Hours Worked or Total Contract Cost			Copy of Contract and Invoices
<b>Fixed Assets</b>	Description of Equipment Purchased	Unit Cost	Usage				Cost= Unit Cost x Usage		
<b>Travel and Training</b>	Purpose of Trip Name and Title Departure and Return Date	Per Diem Rate Mileage Rate Travel Cost	Days Miles Travel Mode					Total Travel Cost = Rate x Days or Miles	
	Travel								
Training	Employee Name/Title Name of Class		Dates Attended					Registration Fee	

- (09) Total line (08), columns (d) through (h) and enter the sum on this line. Check the appropriate box to indicate if the amount is a total or subtotal. If more than one form is needed to detail the activity costs, number each page. Enter totals from line (09), columns (d) through (h) to Form-1A, block (03), columns (a) through (e) in the appropriate row.

Program <b style="font-size: 24pt;">256</b>	<b>MANDATED COSTS                  INTEGRATED WASTE MANAGEMENT                  COMPONENT/ACTIVITY COST DETAIL</b>	FORM <b style="font-size: 24pt;">2C</b>
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(01) Claimant	(02) Fiscal Year
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(03) If filing a combined claim, enter the combined claimant name below <b style="text-align: center;">Electronic Claim Only</b>	(04) If filing by departments with different indirect cost rates, enter the department name below <b style="text-align: center;">Electronic Claim Only</b>
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(05) Indirect Cost Rate <b style="text-align: center;">Electronic Claim Only</b>	(06) Indirect Cost Rate Base <b style="text-align: center;">Electronic Claim Only</b>
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(07) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

<p><b>D. Accounting System</b></p> <p><input type="checkbox"/> Develop, Implement &amp; Maintain System</p> <p><b>F. Annual Recycled Material Reports</b></p> <p><input type="checkbox"/> Annual Report to the Board</p>	<p><b>E. Annual Report of Progress</b></p> <p><input type="checkbox"/> Calculations of Annual Disposal Reduction</p> <p><input type="checkbox"/> Information on the Changes</p> <p><input type="checkbox"/> Summary of Progress Made in IWM Plan</p> <p><input type="checkbox"/> The Extent of CCD's Use of IWM Plan</p> <p><input type="checkbox"/> Time Extension Summary of Progress</p> <p><input type="checkbox"/> Alternative Reduction Summary of Progress</p>
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(08) Description of Expenses			Object Accounts				
(a) Employee Names, Job Classifications, Functions Performed and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training

(09) Total <input type="checkbox"/> Subtotal <input type="checkbox"/> Page: ___ of ___	
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<b>Program</b> <b>256</b>	<b>INTEGRATED WASTE MANAGEMENT COMPONENT/ACTIVITY COST DETAIL INSTRUCTIONS</b>	<b>FORM</b> <b>2C</b>
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- (01) Enter the name of the claimant.
- (02) Enter the fiscal year for which costs were incurred.
- (03) Leave blank.
- (04) Leave blank.
- (05) Leave blank.
- (06) Leave blank.
- (07) Reimbursable Activities. Check the box that indicates the activity being claimed. Check only one box per form. A separate Form-2 must be prepared for each applicable activity.
- (08) Description of Expenses. The following table identifies the type of information required to support reimbursable costs. To detail costs for the activity box "checked" in block (03), enter the employee names, position titles, a brief description of the activities performed, actual time spent by each employee, productive hourly rates, fringe benefits, supplies used, contract services, and travel and training expenses. **The descriptions required in column (4)(a) must be of sufficient detail to explain the cost of activities or items being claimed.** For audit purposes, all supporting documents must be retained by the claimant for a period of not less than three years after the date the claim was filed or last amended, whichever is later. If no funds were appropriated and no payment was made at the time the claim was filed, the time for the Controller to initiate an audit shall be from the date of initial payment of the claim. Such documents shall be made available to SCO on request.

Object/ Sub object Accounts	Columns								Submit supporting documents with the claim
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	
<b>Salaries and Benefits</b>  Salaries	Employee Name/Title	Hourly Rate	Hours Worked	Salaries = Hourly Rate x Hours Worked					
	Benefits	Activities Performed	Benefit Rate	Benefits = Benefit Rate x Salaries					
<b>Materials and Supplies</b>	Description of Supplies Used	Unit Cost	Quantity Used		Cost = Unit Cost x Quantity Used				
<b>Contract Services</b>	Name of Contractor Specific Tasks Performed	Hourly Rate	Hours Worked Inclusive Dates of Service			Cost=Hourly Rate x Hours Worked or Total Contract Cost			Copy of Contract and Invoices
<b>Fixed Assets</b>	Description of Equipment Purchased	Unit Cost	Usage				Cost= Unit Cost x Usage		
<b>Travel and Training</b>  Travel	Purpose of Trip Name and Title Departure and Return Date	Per Diem Rate Mileage Rate Travel Cost	Days Miles Travel Mode					Total Travel Cost = Rate x Days or Miles	
	Training	Employee Name/Title Name of Class	Dates Attended					Registration Fee	

- (09) Total line (08), columns (d) through (h) and enter the sum on this line. Check the appropriate box to indicate if the amount is a total or subtotal. If more than one form is needed to detail the activity costs, number each page. Enter totals from line (09), columns (d) through (h) to Form-1A, block (03), columns (a) through (e) in the appropriate row.







## FILING A CLAIM

### 1. Introduction

The law in the State of California, (GC Sections 17500 through 17617), provides for the reimbursement of costs incurred by community college districts (CCD) for costs mandated by the State. Costs mandated by the State means any increased costs which a CCD is required to incur after July 1, 1980, as a result of any statute enacted after January 1, 1975, or any executive order implementing such statute which mandates a new program or higher level of service of an existing program.

Estimated claims that show costs to be incurred in the current fiscal year and reimbursement claims that detail the costs actually incurred for the prior fiscal year may be filed with the State Controller's Office (SCO). Claims for on-going programs are filed annually by January 15. Claims for new programs are filed within 120 days from the date claiming instructions are issued for the program. A 10 percent penalty, up to \$1,000 for continuing claims, no limit for initial claims, is assessed for late claims. The SCO may audit the records of any CCD to verify the actual amount of mandated costs and may reduce any claim that is excessive or unreasonable.

When a program has been reimbursed for three or more years, the Commission on State Mandates (COSM) may approve the program for inclusion in the State Mandates Apportionment System (SMAS). For programs included in SMAS, the SCO determines the amount of each claimant's entitlement based on an average of three consecutive fiscal years of actual costs adjusted by any changes in the Implicit Price Deflator (IPD). Claimants with an established entitlement receive an annual apportionment adjusted by any changes in the IPD and, under certain circumstances, by any changes in workload. Claimants with an established entitlement do not file further claims for the program.

The SCO is authorized to make payments for costs of mandated programs from amounts appropriated by the State Budget Act, by the State Mandates Claims Fund, or by specific legislation. In the event the appropriation is insufficient to pay claims in full, claimants will receive prorated payments in proportion to the dollar amount of approved claims for the program. Balances of prorated payments will be made when supplementary funds are made available.

The instructions contained in this manual are intended to provide general guidance for filing a mandated cost claim. Since each mandate is administered separately, it is important to refer to the specific program for information relating to established policies on eligible reimbursable costs.

### 2. Types of Claims

There are three types of claims: Reimbursement, estimated, and entitlement. A claimant may file a reimbursement claim for actual mandated costs incurred in the prior fiscal year or may file an estimated claim for mandated costs to be incurred during the current fiscal year. An entitlement claim may be filed for the purpose of establishing a base year entitlement amount for mandated programs included in SMAS. A claimant who has established a base year entitlement for a program, would receive an automatic annual payment which is reflective of the current costs for the program.

All claims received by the SCO will be reviewed to verify actual costs. An adjustment of the claim will be made if the amount claimed is determined to be excessive, improper, or unreasonable. The claim must be filed with sufficient documentation to support the costs claimed. The types of documentation required to substantiate a claim are identified in the instructions for the program. The certification of claim, form FAM-27, must be signed and dated by the entity's authorized officer in order for the SCO to make payment on the claim.

**A. Reimbursement Claim**

A reimbursement claim is defined in GC Section 17522 as any claim filed with the SCO by a CCD for reimbursement of costs incurred for which an appropriation is made for the purpose of paying the claim. The claim must include supporting documentation to substantiate the costs claimed.

Initial reimbursement claims are first-time claims for reimbursement of costs for one or more prior fiscal years of a program that was previously unfunded. Claims are due 120 days from the date of issuance of the claiming instructions for the program by the SCO. The first statute that appropriates funds for the mandated program will specify the fiscal years for which costs are eligible for reimbursement.

Annual reimbursement claims must be filed by January 15 following the fiscal year in which costs were incurred for the program. A reimbursement claim must detail the costs actually incurred in the prior fiscal year.

An actual claim for 2005-06 fiscal year, may be filed by January 15, 2007 without a late penalty. Claims filed after the deadline will be reduced by a late penalty of 10%, not to exceed \$1,000. However, initial reimbursement claims will be reduced by a late penalty of 10% with no limitation. In order for a claim to be considered properly filed, it must include any specific supporting documentation requested in the instructions. Claims filed more than one year after the deadline or without the requested supporting documentation will not be accepted.

**B. Estimated Claim**

An estimated claim is defined in GC Section 17522 as any claim filed with the SCO, during the fiscal year in which the mandated costs are to be incurred by the CCD, against an appropriation made to the SCO for the purpose of paying those costs.

An estimated claim may be filed in conjunction with an initial reimbursement claim, annual reimbursement claim, or at other times for estimated costs to be incurred during the current fiscal year. Annual estimated claims are due January 15 of the fiscal year in which the costs are to be incurred. Initial estimated claims are due on the date specified in the claiming instructions. Timely filed estimated claims are paid before those filed after the deadline.

After receiving payment for an estimated claim, the claimant must file a reimbursement claim by January 15 following the fiscal year in which costs were incurred. If the claimant fails to file a reimbursement claim, monies received for the estimated claims must be returned to the State.

**C. Entitlement Claim**

An entitlement claim is defined in GC Section 17522 as any claim filed by a CCD with the SCO for the sole purpose of establishing or adjusting a base year entitlement for a mandated program that has been included in SMAS. An entitlement claim should not contain nonrecurring or initial start-up costs. There is no statutory deadline for the filing of entitlement claims. However, entitlement claims and supporting documents should be filed by January 15, following the third fiscal year used to develop the entitlement claim, to permit an orderly processing of claims. When the claims are approved and a base year entitlement amount is determined, the claimant will receive an apportionment reflective of the program's current year costs.

Once a mandate has been included in SMAS and the claimant has established a base year entitlement, the claimant will receive automatic payments from the SCO for the mandate. The automatic apportionment is determined by adjusting the claimant's base year entitlement for changes in the implicit price deflator of costs of goods and services to governmental agencies, as determined by the State Department of Finance. For programs approved by the COSM for inclusion in SMAS on or after January 1, 1988, the payment for each year succeeding the three

year base period is adjusted according to any changes by both the deflator and average daily attendance. Annual apportionments for programs included in the system are paid on or before November 30 of each year.

A base year entitlement is determined by computing an average of the claimant's costs for any three consecutive years after the program has been approved for the SMAS process. The amount is first adjusted according to any changes in the deflator. The deflator is applied separately to each year's costs for the three years, which comprise the base year. The SCO will perform this computation for each claimant who has filed claims for three consecutive years. If a claimant has incurred costs for three consecutive years but has not filed a claim in each of those years, the claimant may file an entitlement claim, form FAM-43, to establish a base year entitlement. The form FAM-43 is included in the claiming instructions for SMAS programs. An entitlement claim does not result in the claimant being reimbursed for the costs incurred, but rather entitles the claimant to receive automatic payments from SMAS.

### **3. Minimum Claim Amount**

For initial claims and annual claims filed on or after September 30 2002, if the total costs for a given year do not exceed \$1,000, no reimbursement shall be allowed except as otherwise allowed by GC Section 17564.

### **4. Filing Deadline for Claims**

Initial reimbursement claims (first-time claims) for reimbursement of costs of a previously unfunded mandated program must be filed within 120 days from the date of issuance of the program's claiming instructions by the SCO. If the initial reimbursement claim is filed after the deadline, but within one year of the deadline, the approved claim must be reduced by a 10% penalty. A claim filed more than one year after the deadline cannot be accepted for reimbursement.

Annual reimbursement claims for costs incurred during the previous fiscal year and estimated claims for costs to be incurred during the current fiscal year must be filed with the SCO and postmarked on or before January 15. If the annual or estimated reimbursement claim is filed after the deadline, but within one year of the deadline, the approved claim must be reduced by a 10% late penalty, not to exceed \$1,000. Claims must include supporting data to show how the amount claimed was derived. Without this information, the claim cannot be accepted.

Entitlement claims do not have a filing deadline. However, entitlement claims and supporting documents should be filed by January 15 to permit an orderly processing of claims. Entitlement claims are used to establish a base year entitlement amount for calculating automatic annual payments. Entitlement does not result in the claimant being reimbursed for costs incurred, but rather entitles the claimant to receive automatic payments from SMAS.

### **5. Payment of Claims**

In order for the SCO to authorize payment of a claim, the Certification of Claim, form FAM-27, must be properly filled out, signed, and dated by the entity's authorized officer.

Reimbursement and estimated claims are paid within 60 days of the filing deadline for the claim, or 15 days after the date the appropriation for the claim is effective, whichever is later. A claimant is entitled to receive accrued interest at the pooled money investment account rate if the payment was made more than 60 days after the claim filing deadline or the actual date of claim receipt, whichever is later. For an initial claim, interest begins to accrue when the payment is made more than 365 days after the adoption of the program's statewide cost estimate. The SCO may withhold up to 20 percent of the amount of an initial claim until the claim is audited to verify the actual amount of the mandated costs. The 20 percent withheld is not subject to accrued interest.

In the event the amount appropriated by the Legislature is insufficient to pay the approved amount in full for a program, claimants will receive a prorated payment in proportion to the amount of approved claims timely filed and on hand at the time of proration.

The SCO reports the amounts of insufficient appropriations to the State Department of Finance, the Chairperson of the Joint Legislative Budget Committee, and the Chairperson of the respective committee in each house of the Legislature, which consider appropriations in order to assure appropriation of these funds in the Budget Act. If these funds cannot be appropriated on a timely basis in the Budget Act, this information is transmitted to the COSM which will include these amounts in its report to assure that an appropriation sufficient to pay the claims is included in the next local government claims bill or other appropriation bills. When the supplementary funds are made available, the balance of the claims will be paid.

Unless specified in the statutes, regulations, or P's & G's, the determination of allowable and unallowable costs for mandates is based on the P's & G's adopted by the COSM. The determination of allowable reimbursable mandated costs for unfunded mandates is made by the COSM. The SCO determines allowable reimbursable costs, subject to amendment by the COSM, for mandates funded by special legislation. Unless specified, allowable costs are those direct and indirect costs, less applicable credits, considered to be eligible for reimbursement. In order for costs to be allowable and thus eligible for reimbursement, the costs must meet the following general criteria:

1. The cost is necessary and reasonable for proper and efficient administration of the mandate and not a general expense required to carry out the overall responsibilities of government.
2. The cost is allocable to a particular cost objective identified in the P's & G's.
3. The cost is net of any applicable credits that offset or reduce expenses of items allocable to the mandate.

The SCO has identified certain costs that should not be claimed as direct program costs unless specified as reimbursable under the program's P's & G's. These costs include, but are not limited to, subscriptions, depreciation, memberships, conferences, workshops general education, and travel costs.

#### **6. State Mandates Apportionment System (SMAS)**

Chapter 1534, Statutes of 1985, established SMAS, a method of paying certain mandated programs as apportionments. This method is utilized whenever a program has been approved for inclusion in SMAS by the COSM.

When a mandated program has been included in SMAS, the SCO will determine a base year entitlement amount for each CCD that has submitted reimbursement claims (or entitlement claims) for three consecutive fiscal years. A base year entitlement amount is determined by averaging the approved reimbursement claims (or entitlement claims) for 1982-83, 1983-84, and 1984-85 years or any three consecutive fiscal years thereafter. The amounts are first adjusted by any change in the Implicit Price Deflator (IPD), which is applied separately to each year's costs for the three years that comprise the base period. The base period means the three fiscal years immediately succeeding the COSM's approval.

Each CCD with an established base year entitlement for the program will receive automatic annual payments from the SCO reflective of the program's current year costs. The amount of apportionment is adjusted annually for any change in the IPD. If the mandated program was included in SMAS after January 1, 1988, the annual apportionment is adjusted for any change in both the IPD and average daily attendance.

In the event a CCD has incurred costs for three consecutive fiscal years but did not file a reimbursement claim in one or more of those fiscal years, the CCD may file an entitlement claim for each of those missed years to establish a base year entitlement. An "entitlement claim" means any

claim filed by CCD with the SCO for the sole purpose of establishing a base year entitlement. A base year entitlement shall not include any nonrecurring or initial start-up costs.

Initial apportionments are made on an individual program basis. After the initial year, all apportionments are made by November 30. The amount to be apportioned is the base year entitlement adjusted by annual changes in the IPD for the cost of goods and services to governmental agencies as determined by the State Department of Finance.

In the event the CCD determines that the amount of apportionment does not accurately reflect costs incurred to comply with a mandate, the process of adjusting an established base year entitlement upon which the apportionment is based is set forth in GC Section 17615.8 and requires the approval of the COSM.

## 7. Direct Costs

A direct cost is a cost that can be identified specifically with a particular program or activity. Each claimed reimbursable cost must be supported by documentation as described in Section 12. Costs that are typically classified as direct costs are:

### (1) Employee Wages, Salaries, and Fringe Benefits

For each of the mandated activities performed, the claimant must list the names of the employees who worked on the mandate, their job classification, hours worked on the mandate, and rate of pay. The claimant may, in-lieu of reporting actual compensation and fringe benefits, use a productive hourly rate:

#### (a) Productive Hourly Rate Options

A CCD may use one of the following methods to compute productive hourly rates:

- Actual annual productive hours for each employee
- The weighted-average annual productive hours for each job title, or
- 1,800\* annual productive hours for all employees

If actual annual productive hours or weighted-average annual productive hours for each job title is chosen, the claim must include a computation of how these hours were computed.

\* 1,800 annual productive hours excludes the following employee time:

- Paid holidays
- Vacation earned
- Sick leave taken
- Informal time off
- Jury duty
- Military leave taken.

#### (b) Compute a Productive Hourly Rate

1. Compute a productive hourly rate for salaried employees to include actual fringe benefit costs. The methodology for converting a salary to a productive hourly rate is to compute the employee's annual salary and fringe benefits and divide by the annual productive hours.

**Table 1: Productive Hourly Rate, Annual Salary + Benefits Method**

Formula:	Description:
$[(EAS + Benefits) \div APH] = PHR$	EAS = Employee's Annual Salary
	APH = Annual Productive Hours
$[(\$26,000 + \$8,099) \div 1,800 \text{ hrs}] = 18.94$	PHR = Productive Hourly Rate

- As illustrated in Table 1, if you assume an employee's compensation was \$26,000 and \$8,099 for annual salary and fringe benefits, respectively, using the "Salary + Benefits Method," the productive hourly rate would be \$18.94. To convert a biweekly salary to EAS, multiply the biweekly salary by 26. To convert a monthly salary to EAS, multiply the monthly salary by 12. Use the same methodology to convert other salary periods.
2. A claimant may also compute the productive hourly rate by using the "Percent of Salary Method."

**Table 2: Productive Hourly Rate, Percent of Salary Method**

Example:		
Step 1: Fringe Benefits as a Percent of Salary		Step 2: Productive Hourly Rate
Retirement	15.00 %	<b>Formula:</b> $[(EAS \times (1 + FBR)) \div APH] = PHR$ $[(\$26,000 \times (1.3115)) \div 1,800] = \$18.94$
Social Security & Medicare	7.65	
Health & Dental Insurance	5.25	
Workers Compensation	3.25	
<b>Total</b>	<b>31.15 %</b>	
<b>Description:</b>		
EAS = Employee's Annual Salary		APH = Annual Productive Hours
FBR = Fringe Benefit Rate		PHR = Productive Hourly Rate

As illustrated in Table 3, both methods produce the same productive hourly rate. Reimbursement for personnel services includes, but is not limited to, compensation paid for salaries, wages and employee fringe benefits. Employee fringe benefits include employer's contributions for social security, pension plans, insurance, workmen's compensation insurance and similar payments. These benefits are eligible for reimbursement as long as they are distributed equitably to all activities. Whether these costs are allowable is based on the following presumptions:

- The amount of compensation is reasonable for the service rendered.
- The compensation paid and benefits received are appropriately authorized by the governing board.
- Amounts charged for personnel services are based on payroll documents that are supported by time and attendance or equivalent records for individual employees.
- The methods used to distribute personnel services should produce an equitable distribution of direct and indirect allowable costs.

For each of the employees included in the claim, the claimant must use reasonable rates and hours in computing the wage cost. If a person of a higher-level job position, perform an activity which normally would be performed by a lower-level position, reimbursement for time spent is allowable at the average salary range for the lower-level position. The salary rate of the person at a higher-level position may be claimed if it can be shown that it was more cost effective in comparison to the performance by a person at the lower-level position under normal circumstances and conditions. The number of hours charged to an activity should reflect the time expected to complete the activity under normal circumstances and conditions. The numbers of hours in excess of normal expected hours are not reimbursable.

**(c) Calculating an Average Productive Hourly Rate**

In those instances where the parameters and guidelines allow a unit as a basis of claiming costs, the direct labor component of the unit cost should be expressed as an average productive hourly rate and can be determined as follows:

**Table 3: Calculating an Average Productive Hourly Rate**

	<u>Time Spent</u>	<u>Productive Hourly Rate</u>	<u>Total Cost by Employee</u>
Employee A	1.25 hrs	\$6.00	\$7.50
Employee B	0.75 hrs	4.50	3.38
Employee C	3.50 hrs	10.00	35.00
Total	5.50 hrs		\$45.88
Average Productive Hourly Rate is \$45.88/5.50 hrs. = \$8.34			

**(d) Employer's Fringe Benefits Contribution**

A CCD has the option of claiming actual employer's fringe benefit contributions or may compute an average fringe benefit cost for the employee's job classification and claim it as a percentage of direct labor. The same time base should be used for both salary and fringe benefits when computing a percentage. For example, if health and dental insurance payments are made annually, use an annual salary. After the percentage of salary for each fringe benefit is computed, total them.

For example:

<u>Employer's Contribution</u>	<u>% of Salary</u>
Retirement	15.00%
Social Security	7.65%
Health and Dental Insurance	5.25%
Worker's Compensation	0.75%
Total	<u>28.65%</u>

**(e) Materials and Supplies**

Only actual expenses can be claimed for materials and supplies, which were acquired and consumed specifically for the purpose of a mandated program. The claimant must list the materials and supplies that were used to perform the mandated activity, the

number of units consumed, the cost per unit, and the total dollar amount claimed. Materials and supplies purchased to perform a particular mandated activity are expected to be reasonable in quality, quantity, and cost. Purchases in excess of reasonable quality, quantity, and cost are not reimbursable. Materials and supplies withdrawn from inventory and charged to the mandated activity must be based on a recognized method of pricing, consistently applied. Purchases shall be claimed at the actual price after deducting discounts, rebates and allowances received by the CCD.

**(f) Calculating a Unit Cost for Materials and Supplies**

In those instances where the P's & G's suggest that a unit cost be developed for use as a basis of claiming costs mandated by the State, the materials and supplies component of the unit cost should be expressed as a unit cost of materials and supplies as shown in Table 1 or Table 2:

**Table 1: Calculating A Unit Cost for Materials and Supplies**

Supplies	<u>Cost Per Unit</u>	<u>Amount of Supplies Used Per Activity</u>	<u>Unit Cost of Supplies Per Activity</u>
Paper	0.02	4	\$0.08
Files	0.10	1	0.10
Envelopes	0.03	2	0.06
Photocopies	0.10	4	<u>0.40</u>
			<u>\$0.64</u>

**Table 2: Calculating a Unit Cost for Materials and Supplies**

Supplies	<u>Supplies Used</u>	<u>Unit Cost of Supplies Per Activity</u>
Paper (\$10.00 for 500 sheet ream)	250 Sheets	\$5.00
Files (\$2.50 for box of 25)	10 Folders	1.00
Envelopes (\$3.00 for box of 100)	50 Envelopes	1.50
Photocopies (\$0.05 per copy)	40 Copies	<u>2.00</u>
		<u>\$9.50</u>

If the number of reimbursable instances is 25, then the unit cost of supplies is \$0.38 per reimbursable instance (\$9.50/25).

**(g) Contract Services**

The cost of contract services is allowable if the CCD lacks the staff resources or necessary expertise, or it is economically feasible to hire a contractor to perform the mandated activity. The claimant must give the name of the contractor, explain the reason for having to hire a contractor, describe the mandated activities performed, give the dates when the activities were performed, the number of hours spent performing the mandate, the hourly billing rate, and the total cost. The hourly billing rate shall not exceed the rate specified in the P's & G's for the mandated program. The contractor's



invoice, or statement, which includes an itemized list of costs for activities performed, must accompany the claim.

**(h) Equipment Rental Costs**

Equipment purchases and leases (with an option to purchase) are not reimbursable as a direct cost unless specifically allowed by the P's & G's for the particular mandate. Equipment rentals used solely for the mandate is reimbursable to the extent such costs do not exceed the retail purchase price of the equipment plus a finance charge. The claimant must explain the purpose and use for the equipment, the time period for which the equipment was rented and the total cost of the rental. If the equipment is used for purposes other than reimbursable activities, only the pro rata portion of the rental costs can be claimed.

**(i) Capital Outlay**

Capital outlays for land, buildings, equipment, furniture and fixtures may be claimed if the P's & G's specify them as allowable. If they are allowable, the parameters and guidelines for the program will specify a basis for the reimbursement. If the fixed asset or equipment is also used for purposes other than reimbursable activities for a specific mandate, only the pro rata portion of the purchase price used to implement the reimbursable activities can be claimed.

**(j) Travel Expenses**

Travel expenses are normally reimbursable in accordance with travel rules and regulations of the local jurisdiction. For some programs, however, the P's & G's may specify certain limitations on expenses, or that expenses can only be reimbursed in accordance with the State Board of Control travel standards. When claiming travel expenses, the claimant must explain the purpose of the trip, identify the name and address of the persons incurring the expense, the date and time of departure and return for the trip, description of each expense claimed, the cost of transportation, number of private auto miles traveled, and the cost of tolls and parking with receipts required for charges over \$10.00.

**(k) Documentation**

It is the responsibility of the claimant to make available to the SCO, upon request, documentation in the form of general and subsidiary ledgers, purchase orders, invoices, contracts, canceled warrants, equipment usage records, land deeds, receipts, employee time sheets, agency travel guidelines, inventory records, and other relevant documents to support claimed costs. The type of documentation necessary for each claim may differ with the type of mandate.

**8. Indirect Costs**

Indirect costs are: (a) Incurred for a common or joint purpose benefiting more than one cost objective, and (b) not readily assignable to the cost objectives specifically benefited without effort disproportionate to the results achieved. Indirect costs can originate in the department performing the mandate or in departments that supply the department performing the mandate with goods, services and facilities. To be allowable, a cost must be allocable to a particular cost objective. Indirect costs must be distributed to benefiting cost objectives on bases which produce an equitable result related to the benefits derived by the mandate.

A CCD may claim indirect costs using the Controller's methodology (FAM-29C) outlined in the following paragraphs. If specifically allowed by a mandated program's P's & G's, a district may alternately choose to claim indirect costs using either (1) a federally approved rate prepared in

accordance with Office of Management and Budget (OMB) Circular A-21, *Cost Principles for Educational Institutions*; or (2) a flat 7% rate.

The SCO developed FAM-29C to be consistent with OMB Circular A-21, cost accounting principles as they apply to mandated cost programs. The objective is to determine an equitable rate to allocate administrative support to personnel who performed the mandated cost activities. The FAM-29C methodology uses a direct cost base comprised of salary and benefit costs and operating expenses. Form FAM-29C provides a consistent indirect cost rate methodology for all CCD's mandated cost programs.

FAM-29C uses total expenditures that districts report in their *California Community Colleges Annual Financial and Budget Report* (CCFS-311), Expenditures by Activity for the General Fund – Combined. The computation excludes Capital Outlay and Other Outgo in accordance with OMB Circular A-21. The indirect cost rate computation includes any depreciation or use allowance applicable to district buildings and equipment. Districts calculate depreciation or use allowance costs separately from the CCFS-311 report and should calculate them in accordance with OMB Circular A-21.

OMB Circular A-21, Section C.4, states that cost is allocable to a particular cost objective in accordance with the relative benefits received. Also, Section E.2.b. states that the overall objective of the cost allocation process is to distribute indirect costs to the institution's major functions in proportions reasonably consistent with their use of the institution's resources. In addition, Section E.2.c. notes that where certain items or categories of expense relate to less than all functions, such expenses should be set aside for selective allocation.

OMB Circular A-21, Section H, describes a simplified method for indirect cost rate calculations. However, Section H.1.b. states that the simplified method should not be used where it produces results that appear inequitable. As previously noted, FAM-29C strives to equitably allocate administrative support costs to personnel that perform mandated cost activities claimed by CCD. For example, library costs and department administration expenses, normally classified fully or partly as indirect costs in OMB Circular A-21, are instead classified as direct costs for FAM-29C. These costs do not benefit mandated cost activities. In summary, FAM-29C indirect costs include Operation and Maintenance of Plant; Planning, Policy Making, and Coordination; General Institutional Support Services (excluding Community Relations); and depreciation or use allowance. Community Relations includes fundraising costs, which are unallowable under OMB Circular A-21. If the district claims any costs from these indirect accounts as a direct mandate-related costs, the same costs should be reclassified as direct on FAM-29C.

Table 4 presents an example of the FAM-29C methodology.

Table 4: Indirect Cost Rate for Community Colleges

MANDATED COST					FORM	
INDIRECT COST RATE FOR COMMUNITY COLLEGE DISTRICTS					FAM 29-C	
(1) Claimant			(02) Period of Claim			
Activity	EDP	Total Costs Per CCFS-311	Less: Capital Outlay and Other Outgo	FAM 29-C Adjusted Total	Indirect	Direct
Instructional Activities	599	\$ 51,792,408	\$ (230,904)	\$ 51,561,504		\$ 51,561,504
Instruct. Admin. & Instruct. Governance	6000	6,882,034	(216,518)	6,665,516		6,665,516
Instructional Support Services	6100	4,155,095	(9,348)	4,145,747		4,145,747
Admissions and Records	6200	2,104,543	(3,824)	2,100,719		2,100,719
Student Counseling and Guidance	6300	4,570,658	(1,605)	4,569,053		4,569,053
Other Student Services	6400	5,426,510	(41,046)	5,385,464		5,385,464
Operation and Maintenance of Plant	6500	8,528,585	(111,743)	8,416,842	8,416,842	
Planning, Policy Making, and Coordination	6600	5,015,333	(23,660)	4,991,673	4,991,673	
General Institutional Support Services	6700			-		
Community Relations	6710	885,089	(6,091)	878,998		878,998
Fiscal Operations	6720	1,891,424	(40,854)	1,850,570	1,850,570	
Human Resources Management	6730	1,378,288	(25,899)	1,352,389	1,352,389	
Non-instructional Staff Retirees' Benefits and Retirement Incentives	6740	1,011,060		1,011,060	1,011,060	
Staff Development	6750	108,655	(8,782)	99,873	99,873	
Staff Diversity	6760	30,125		30,125	30,125	
Logistical Services	6770	2,790,091	(244,746)	2,545,345	2,545,345	
Management Information Systems	6780	2,595,214	(496,861)	2,098,353	2,098,353	
Other General Institutional Support Services	6790	33,155	(4,435)	28,720	28,720	
Community Services and Economic Development	6800	340,014		340,014		340,014
Ancillary Services	6900	1,148,730	(296)	1,148,434		1,148,434
Auxiliary Operations	7000			-		-
Depreciation or Use Allowance - Building				-	2,620,741	
Depreciation or Use Allowance - Equipment				-	1,706,396	
<b>Totals</b>		<u>\$100,687,011</u>	<u>\$ (1,466,612)</u>	<u>\$ 99,220,399</u>	<u>\$26,752,087</u>	<u>\$ 76,795,449</u>
					(A)	(B)
<b>Indirect Cost Rate (A)/(B)</b>					<u>34.84%</u>	

## 9. Time Study Guidelines

### Background

For costs incurred on or after January 1, 2005, a reasonable reimbursement methodology can be used as a formula for reimbursing CCD costs mandated by the state that meets certain conditions specified in GC Section 17518.5(a). For costs incurred prior to January 1, 2005, a time study can only be substituted for continuous records of actual time spent for a specific fiscal year if the program's P's & G's allows for the use of time studies.

Two methods are acceptable for documenting employee time charged to mandated cost programs: Actual Time Reporting and Time Study, which are described below. Application of time study results is restricted. As explained in Time Study Results below, the results may be projected forward a maximum of two years provided the claimant meets certain criteria.

### Actual Time Reporting

The P's & G's define reimbursable activities for each mandated cost program. (Some P's & G's refer to reimbursable activities as reimbursable components.) When employees work on multiple activities and/or programs, a distribution of their salaries or wages must be supported by personnel activity reports or equivalent documentation that meets the following standards (which clarify documentation requirements discussed under the Reimbursable Activities section of recent P's & G's):

- They must reflect an after-the-fact (contemporaneous) distribution of the actual activity of each employee;
- They must account for the total activity for which each employee is compensated;
- They must be prepared at least monthly and must coincide with one or more pay periods; and
- They must be signed by the employee.

Budget estimates or other distribution percentages determined before services are performed do not qualify as support for time distribution.

### Time Study

In certain cases, a time study may be used to substitute for continuous records of actual time spent on multiple activities and/or programs. An effective time study requires that an activity be a task that is repetitive in nature. Activities that require a varying level of effort are not appropriate for time studies.

### Time Study Plan

A time study plan is necessary before conducting the time study. The claimant must retain the time study plan for audit purposes. The plan needs to identify the following:

- Time period(s) to be studied – The plan must show that all time periods selected are representative of the fiscal year, and that the results can be reasonably projected to approximate actual costs.
- Activities and/or programs to be studied – For each mandated program included, the time study must separately identify each reimbursable activity defined in the mandated program's P's & G's, which are derived from the program's Statement of Decision. If a reimbursable activity in the P's & G's identifies separate and distinct sub-activities, they must also be treated as individual activities.

For example, sub-activities (a), (b), and (c) under reimbursable activity (B)(1) of the local agency's Domestic Violence Treatment Services: Authorization and Case Management program relate to information to be discussed during victim notification by the probation department and therefore are not separate and distinct activities. These sub-activities do not have to be separately studied.

- Process used to accomplish each reimbursable activity – Use flowcharts or similar analytical tools and/or written desk procedures to describe the process for each activity.
- Employee universe – The employee universe used in the time study must include all positions whose salaries and wages are to be allocated by means of the time study.
- Employee sample selection methodology – The plan must show that employees selected are representative of the employee universe, and the results can be reasonably projected to approximate actual costs. In addition, the employee sample size should be proportional to the variation in time spent to perform a task. The sample size should be larger for tasks with significant time variations.
- Time increments to be recorded – The time increments used should be sufficient to recognize the number of different activities performed and the dynamics of these responsibilities. Very large increments (such as one hour or more) might be used for employees performing only a few functions that change very slowly over time. Very small increments (a number of minutes) may be needed for employees performing more short-term tasks.

Random moment sampling is not an acceptable alternative to continuous time records for mandated cost claims. Random moment sampling techniques are most applicable in situations where employees perform many different types of activities on a variety of programs with small time increments throughout the fiscal year.

### Time Study Documentation

Time studies must:

- Be supported by time records that are completed contemporaneously;
- Report activity on a daily basis;
- Be sufficiently detailed to reflect all mandated activities and/or programs performed during a specific time period; and
- Coincide with one or more pay periods.

Time records must be signed by the employee (electronic signatures are acceptable) and be supported by corroborating evidence which validates that the work was actually performed. As with actual time reporting, budget estimates or other distribution percentages determined before services are performed do not qualify as valid time studies.

### Time Study Results

Time study results must be summarized to show how the time study supports the costs claimed for each activity. Any variations from the procedures identified in the original time study plan must be documented and explained.

Current-year costs must be used to prepare a time study. Claimants may project time study results to no more than two subsequent fiscal years. A claimant may not apply time study results retroactively.

- Annual Reimbursement Claims – Claimants may use time studies to support costs incurred on or after January 1, 2005. Claimants may not use time studies for the period July 1, 2004,

through December 31, 2004, unless (1) the program's P's & G's specifically allow time studies, and (2) the time study is prepared based on mandated activity occurring between July 1, 2004, and December 31, 2004.

- **Initial Claims** – When filing an initial claim for new mandated programs, claimants may only use time study results for costs incurred on or after January 1, 2005. Claimants may not use time studies to support costs incurred before January 1, 2005, unless (1) the program's P's & G's specifically allow time studies, and (2) the claimant prepares separate time studies for each fiscal year preceding January 1, 2005, based on mandated activity occurring during those years.

When projecting time study results, the claimant must certify that there have been no significant changes between years in either: (1) the requirements of each mandated program activity or (2) the processes and procedures used to accomplish the activity. For all years, the claimant must maintain corroborating evidence that validates the mandated activity was actually performed. Time study results used to support subsequent years' claims are subject to the recordkeeping requirements for those claims.

## 10. Offset Against State Mandated Claims

As noted previously, allowable costs are defined as those direct and indirect costs, less applicable credits, considered to be eligible for reimbursement. When all or part of the costs of a mandated program are specifically reimbursable from local assistance revenue sources (e.g., state, federal, foundation, etc.), only that portion of any increased costs payable from CCD funds is eligible for reimbursement under the provisions of GC Section 17561.

### Example 1:

As illustrated in Table 5, this example shows how the "Offset against State Mandated Claims" is determined for a CCD receiving block grant revenues not based on a formula allocation. Program costs for each of the situations equals \$100,000.

**Table 5: Offset Against State Mandates, Example 1**

	Program Costs	Actual Local Assistance Revenues	State Mandated Costs	Offset Against State Mandated Claims	Claimable Mandated Costs
1.	\$100,000	\$95,000	\$2,500	\$-0-	\$2,500
2.	100,000	97,000	2,500	-0-	2,500
3.	100,000	98,000	2,500	500	2,000
4.	100,000	100,000	2,500	2,500	-0-
5.	100,000 *	50,000	2,500	1,250	1,250
6.	100,000 *	49,000	2,500	250	2,250

\* CCD share is \$50,000 of the program cost.

Numbers (1) through (4), in Table 5, show intended funding at 100% from local assistance revenue sources. Numbers (5) and (6) show cost sharing on a 50/50 basis with the district. In numbers (1) through (6), included in the program costs of \$100,000 are state mandated costs of \$2,500. The offset against state mandated claims are the amount of actual local assistance revenues, which exceeds the difference between program costs and state mandated costs. This offset cannot exceed the amount of state mandated costs.

In (1), local assistance revenues were less than expected. Local assistance funding was not in excess of the difference between program costs and state mandated costs. As a result, the offset against state mandated claims is zero and \$2,500 is claimable as mandated costs.

In (4), local assistance revenues were fully realized to cover the entire cost of the program, including the state mandate activity; therefore, the offset against state mandated claims is \$2,500, and claimable costs are \$0.

In (5), the district is sharing 50% of the project cost. Since local assistance revenues of \$50,000 were fully realized, the offset against state mandated claims is \$1,250.

In (6), local assistance revenues were less than the amount expended and the offset against state mandated claims is \$250. Therefore, the claimable mandated costs are \$2,250.

#### Example 2:

As illustrated in Table 6, this example shows how the offset against state mandated claims is determined for a CCD receiving special project funds based on approved actual costs. Local assistance revenues for special projects must be applied proportionately to approve costs.

**Table 6: Offset Against State Mandates, Example 2**

	Program Costs	Actual Local Assistance Revenues	State Mandated Costs	Offset Against State Mandated Claims	Claimable Mandated Costs
1.	\$100,000	\$100,000	\$2,500	\$2,500	\$-0-
2.	100,000 **	75,000	2,500	1,875	625
3.	100,000 **	45,000	1,500	1,125	375

\*\* CCD share is \$25,000 of the program cost.

In (2), the entire program cost was approved. Since the local assistance revenue source covers 75% of the program cost, it also proportionately covered 75% of the \$2,500 state mandated costs, or \$1,875.

If in (3) local assistance revenues are less than the amount expected because only \$60,000 of the \$100,000 program costs were determined to be valid by the contracting agency, then a proportionate share of state mandated costs is likewise reduced to \$1,500. The offset against state mandated claims is \$1,125. Therefore, the claimable mandated costs are \$375.

#### Federal and State Funding Sources

State school fund apportionments and federal aid for education, which are based on average daily attendance and are part of the general system of financing public schools as well as block grants which do not provide for specific reimbursement of costs (i.e., allocation formulas not tied to expenditures), should not be included as reimbursements from local assistance revenue sources.

#### Governing Authority

The costs of salaries and expenses of the governing authority, such as the school superintendent and governing board, are not reimbursable. These are costs of general government as described in the Office of Management and Budget Circular (OMB) 2 CFR Part 225.

## 11. Notice of Claim Adjustment

All claims submitted to the SCO are reviewed to determine if the claim was prepared in accordance with the claiming instructions. If any adjustments are made to a claim, the claimant will receive a "Notice of Claim Adjustments" detailing adjustments made by the SCO.

## 12. Audit of Costs

All claims submitted to the State Controller's Office (SCO) are reviewed to determine if costs are related to the mandate, are reasonable and not excessive, and the claim was prepared in accordance with the SCO's claiming instructions and the P's & G's adopted by the COSM. If any adjustments are made to a claim, a "Notice of Claim Adjustment" specifying the claim component adjusted, the amount adjusted, and the reason for the adjustment will be mailed within 30 days after payment of the claim.

Pursuant to GC Section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by CCD pursuant to this chapter is subject to the initiation of an audit by the Controller no later than three years after the date that the actual reimbursement claim was filed or last amended, whichever is later. However, if no funds were appropriated or no payment was 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 no later than two years after the date that the audit is commenced. All documents used to support the reimbursable activities must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

On-site audits will be conducted by the SCO as deemed necessary. Accordingly, all documentation to support actual costs claimed must be retained for a period of three years after the end of the calendar year in which the reimbursement claim was filed or amended regardless of the year of costs incurred. When no funds are appropriated for initial claims at the time the claim is filed, supporting documents must be retained for three years from the date of initial payment of the claim. Claim documentation shall be made available to the SCO on request.

## 13. Source Documents

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.

For costs incurred on or after January 1, 2005, a reasonable reimbursement methodology can be used as a formula for reimbursing a CCD mandated by the state that meets certain conditions specified in 17518.5(a). For costs incurred prior to January 1, 2005, time study can substitute for continuous records of actual time spent for a specific fiscal year only if the program's P's & G's allow for the use of time studies.



## 14. Claim Forms and Instructions

A claimant may submit a computer generated report in substitution for Form-1 and Form-2, provided the format of the report and data fields contained within the report are identical to the claim forms included with these instructions. The claim forms provided with these instructions should be duplicated and used by the claimant to file an estimated or reimbursement claim. The SCO will revise the manual and claim forms as necessary.

### A. Form-2, Component/Activity Cost Detail

This form is used to segregate the detail costs by claim component. In some mandates, specific reimbursable activities have been identified for each component. The expenses reported on this form must be supported by the official financial records of the claimant and copies of supporting documentation, as specified in the claiming instructions, must be submitted with the claims. All supporting documents must be retained for a period of not less than three years after the reimbursement claim was filed or last amended.

### B. Form-1, Claim Summary

This form is used to summarize direct costs by component and compute allowable indirect costs for the mandate. The direct costs summarized on this form are derived from Form-2 and are carried forward to form FAM-27.

A CCD has the option of using a federally approved rate (i.e., utilizing the cost accounting principles from the Office of Management and Budget (OMB) 2 CFR Part 225) or from FAM-29C.

### C. Form FAM-27, Claim for Payment

This form contains a certification that must be signed by an authorized officer of the CCD. All applicable information from Form-1 must be carried forward onto this form in order for the SCO to process the claim for payment. An original and one copy of the FAM-27 is required.

Claims should be rounded to the nearest dollar. Submit a signed original and one copy of form FAM-27, Claim for Payment, and all other forms and supporting documents (**To expedite the payment process, please sign the form FAM-27 with blue ink, and attach a copy of the form FAM-27 to the top of the claim package.**) Use the following mailing addresses:

If delivered by  
U.S. Postal Service:

Office of the State Controller  
Attn: Local Reimbursements Section  
Division of Accounting and Reporting  
P.O. Box 942850  
Sacramento, CA 94250

If delivered by  
Other delivery services:

Office of the State Controller  
Attn: Local Reimbursements Section  
Division of Accounting and Reporting  
3301 C Street, Suite 500  
Sacramento, CA 95816

## 15. Retention of Claiming Instructions

For your convenience, the revised claiming instructions in this package have been arranged in alphabetical order by program name. These revisions should be inserted in the School Mandated Cost Manual and the old forms they replace should be removed. The instructions should then be retained permanently for future reference, and the forms should be duplicated to meet your filing requirements. Annually, updated forms and any other information or instructions claimants may need to file claims, as well as instructions and forms for all new programs released throughout the

year will be placed on the SCO's web site at [www.sco.ca.gov/ard/local/locreim/index.shtml](http://www.sco.ca.gov/ard/local/locreim/index.shtml).

If you have any questions concerning mandated cost reimbursements, please write to us at the address listed for filing claims, or send e-mail to [lrsdar@sco.ca.gov](mailto:lrsdar@sco.ca.gov), or call the Local Reimbursements Section at (916) 324-5729.

#### 16. Retention of Claim Records and Supporting Documentation

All claims submitted to the SCO are reviewed to determine if costs are related to the mandate, are reasonable and not excessive, and that the claim was prepared in accordance with the SCO's claiming instructions and the COSM's P's and G's. If any adjustments are made to a claim, a "Notice of Claim Adjustments" specifying the claim component adjusted, the amount adjusted, and the reason for the adjustment, will be mailed within 30 days after payment of the claim.

On-site audits will be conducted by the SCO as deemed necessary. Pursuant to GC Section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a school district is subject to audit by the SCO no later than three years after the date the actual reimbursement claim was filed or last amended, whichever is later. However, if no funds were appropriated or no payment was made to a claimant for the program for the fiscal year for which the claim was filed, the time for the SCO to initiate an audit shall commence to run from the date of initial payment of the claim. Therefore, all documentation to support actual costs claimed must be retained for the same period, and shall be made available to the SCO on request.



## FILING A CLAIM

### 1. Introduction

The law in the State of California, (GC Sections 17500 through 17617), provides for the reimbursement of costs incurred by community college districts (CCD) for costs mandated by the State. Costs mandated by the State means any increased costs which a CCD is required to incur after July 1, 1980, as a result of any statute enacted after January 1, 1975, or any executive order implementing such statute which mandates a new program or higher level of service of an existing program.

Estimated claims that show costs to be incurred in the current fiscal year and reimbursement claims that detail the costs actually incurred for the prior fiscal year may be filed with the State Controller's Office (SCO). Claims for on-going programs are filed annually by February 15. Claims for new programs are filed within 120 days from the date claiming instructions are issued for the program. A 10 percent penalty, up to \$10,000 for continuing claims, no limit for initial claims, is assessed for late claims. The SCO may audit the records of any CCD to verify the actual amount of mandated costs and may reduce any claim that is excessive or unreasonable.

When a program has been reimbursed for three or more years, the Commission on State Mandates (COSM) may approve the program for inclusion in the State Mandates Apportionment System (SMAS). For programs included in SMAS, the SCO determines the amount of each claimant's entitlement based on an average of three consecutive fiscal years of actual costs adjusted by any changes in the Implicit Price Deflator (IPD). Claimants with an established entitlement receive an annual apportionment adjusted by any changes in the IPD and, under certain circumstances, by any changes in workload. Claimants with an established entitlement do not file further claims for the program.

The SCO is authorized to make payments for costs of mandated programs from amounts appropriated by the State Budget Act, by the State Mandates Claims Fund, or by specific legislation. In the event the appropriation is insufficient to pay claims in full, claimants will receive prorated payments in proportion to the dollar amount of approved claims for the program. Balances of prorated payments will be made when supplementary funds are made available.

The instructions contained in this manual are intended to provide general guidance for filing a mandated cost claim. Since each mandate is administered separately, it is important to refer to the specific program for information relating to established policies on eligible reimbursable costs.

### 2. Types of Claims

There are three types of claims: Reimbursement, estimated, and entitlement. A claimant may file a reimbursement claim for actual mandated costs incurred in the prior fiscal year or may file an estimated claim for mandated costs to be incurred during the current fiscal year. An entitlement claim may be filed for the purpose of establishing a base year entitlement amount for mandated programs included in SMAS. A claimant who has established a base year entitlement for a program, would receive an automatic annual payment which is reflective of the current costs for the program.

All claims received by the SCO will be reviewed to verify actual costs. An adjustment of the claim will be made if the amount claimed is determined to be excessive, improper, or unreasonable. The claim must be filed with sufficient documentation to support the costs claimed. The types of documentation required to substantiate a claim are identified in the instructions for the program. The certification of claim, form FAM-27, must be signed and dated by the entity's authorized officer in order for the SCO to make payment on the claim.

**A. Reimbursement Claim**

A reimbursement claim is defined in GC Section 17522 as any claim filed with the SCO by a CCD for reimbursement of costs incurred for which an appropriation is made for the purpose of paying the claim. The claim must include supporting documentation to substantiate the costs claimed.

Initial reimbursement claims are first-time claims for reimbursement of costs for one or more prior fiscal years of a program that was previously unfunded. Claims are due 120 days from the date of issuance of the claiming instructions for the program by the SCO. The first statute that appropriates funds for the mandated program will specify the fiscal years for which costs are eligible for reimbursement.

Annual reimbursement claims must be filed by February 15 following the fiscal year in which costs were incurred for the program. A reimbursement claim must detail the costs actually incurred in the prior fiscal year.

An actual claim for 2006-07 fiscal year, may be filed by February 15, 2008 without a late penalty. Claims filed after the deadline will be reduced by a late penalty of 10%, not to exceed \$10,000. However, initial reimbursement claims will be reduced by a late penalty of 10% with no limitation. In order for a claim to be considered properly filed, it must include any specific supporting documentation requested in the instructions. Claims filed more than one year after the deadline or without the requested supporting documentation will not be accepted.

**B. Estimated Claim**

An estimated claim is defined in GC Section 17522 as any claim filed with the SCO, during the fiscal year in which the mandated costs are to be incurred by the CCD, against an appropriation made to the SCO for the purpose of paying those costs.

An estimated claim may be filed in conjunction with an initial reimbursement claim, annual reimbursement claim, or at other times for estimated costs to be incurred during the current fiscal year. Annual estimated claims are due February 15 of the fiscal year in which the costs are to be incurred. Initial estimated claims are due on the date specified in the claiming instructions. Timely filed estimated claims are paid before those filed after the deadline.

After receiving payment for an estimated claim, the claimant must file a reimbursement claim by February 15 following the fiscal year in which costs were incurred. If the claimant fails to file a reimbursement claim, monies received for the estimated claims must be returned to the State.

**C. Entitlement Claim**

An entitlement claim is defined in GC Section 17522 as any claim filed by a CCD with the SCO for the sole purpose of establishing or adjusting a base year entitlement for a mandated program that has been included in SMAS. An entitlement claim should not contain nonrecurring or initial start-up costs. There is no statutory deadline for the filing of entitlement claims. However, entitlement claims and supporting documents should be filed by February 15, following the third fiscal year used to develop the entitlement claim, to permit an orderly processing of claims. When the claims are approved and a base year entitlement amount is determined, the claimant will receive an apportionment reflective of the program's current year costs.

Once a mandate has been included in SMAS and the claimant has established a base year entitlement, the claimant will receive automatic payments from the SCO for the mandate. The automatic apportionment is determined by adjusting the claimant's base year entitlement for changes in the implicit price deflator of costs of goods and services to governmental agencies, as determined by the State Department of Finance. For programs approved by the COSM for inclusion in SMAS on or after January 1, 1988, the payment for each year succeeding the three

year base period is adjusted according to any changes by both the deflator and average daily attendance. Annual apportionments for programs included in the system are paid on or before November 30 of each year.

A base year entitlement is determined by computing an average of the claimant's costs for any three consecutive years after the program has been approved for the SMAS process. The amount is first adjusted according to any changes in the deflator. The deflator is applied separately to each year's costs for the three years, which comprise the base year. The SCO will perform this computation for each claimant who has filed claims for three consecutive years. If a claimant has incurred costs for three consecutive years but has not filed a claim in each of those years, the claimant may file an entitlement claim, form FAM-43, to establish a base year entitlement. The form FAM-43 is included in the claiming instructions for SMAS programs. An entitlement claim does not result in the claimant being reimbursed for the costs incurred, but rather entitles the claimant to receive automatic payments from SMAS.

### **3. Minimum Claim Amount**

For initial claims and annual claims filed on or after September 30 2002, if the total costs for a given year do not exceed \$1,000, no reimbursement shall be allowed except as otherwise allowed by GC Section 17564.

### **4. Filing Deadline for Claims**

Initial reimbursement claims (first-time claims) for reimbursement of costs of a previously unfunded mandated program must be filed within 120 days from the date of issuance of the program's claiming instructions by the SCO. If the initial reimbursement claim is filed after the deadline, but within one year of the deadline, the approved claim must be reduced by a 10% penalty. A claim filed more than one year after the deadline cannot be accepted for reimbursement.

Annual reimbursement claims for costs incurred during the previous fiscal year and estimated claims for costs to be incurred during the current fiscal year must be filed with the SCO and postmarked on or before February 15. If the annual or estimated reimbursement claim is filed after the deadline, but within one year of the deadline, the approved claim must be reduced by a 10% late penalty, not to exceed \$10,000. Claims must include supporting data to show how the amount claimed was derived. Without this information, the claim cannot be accepted.

Entitlement claims do not have a filing deadline. However, entitlement claims and supporting documents should be filed by February 15 to permit an orderly processing of claims. Entitlement claims are used to establish a base year entitlement amount for calculating automatic annual payments. Entitlement does not result in the claimant being reimbursed for costs incurred, but rather entitles the claimant to receive automatic payments from SMAS.

### **5. Payment of Claims**

In order for the SCO to authorize payment of a claim, the Certification of Claim, form FAM-27, must be properly filled out, signed, and dated by the entity's authorized officer.

Reimbursement and estimated claims are paid within 60 days of the filing deadline for the claim, or 15 days after the date the appropriation for the claim is effective, whichever is later. A claimant is entitled to receive accrued interest at the pooled money investment account rate if the payment was made more than 60 days after the claim filing deadline or the actual date of claim receipt, whichever is later. For an initial claim, interest begins to accrue when the payment is made more than 365 days after the adoption of the program's statewide cost estimate. The SCO may withhold up to 20 percent of the amount of an initial claim until the claim is audited to verify the actual amount of the mandated costs. The 20 percent withheld is not subject to accrued interest.

Pursuant to GC section 17561 (d), the Controller shall pay any eligible claim by August 15 or 45 days after the date the appropriation for the claim is effective, whichever is later. In the event the amount appropriated by the Legislature is insufficient to pay the approved amount in full for a program, claimants will receive a prorated payment in proportion to the amount of approved claims timely filed and on hand at the time of proration.

The SCO reports the amounts of insufficient appropriations to the State Department of Finance, the Chairperson of the Joint Legislative Budget Committee, and the Chairperson of the respective committee in each house of the Legislature, which consider appropriations in order to assure appropriation of these funds in the Budget Act. If these funds cannot be appropriated on a timely basis in the Budget Act, this information is transmitted to the COSM which will include these amounts in its report to assure that an appropriation sufficient to pay the claims is included in the next local government claims bill or other appropriation bills. When the supplementary funds are made available, the balance of the claims will be paid.

Unless specified in the statutes, regulations, or P's & G's, the determination of allowable and unallowable costs for mandates is based on the P's & G's adopted by the COSM. The determination of allowable reimbursable mandated costs for unfunded mandates is made by the COSM. The SCO determines allowable reimbursable costs, subject to amendment by the COSM, for mandates funded by special legislation. Unless specified, allowable costs are those direct and indirect costs, less applicable credits, considered to be eligible for reimbursement. In order for costs to be allowable and thus eligible for reimbursement, the costs must meet the following general criteria:

1. The cost is necessary and reasonable for proper and efficient administration of the mandate and not a general expense required to carry out the overall responsibilities of government.
2. The cost is allocable to a particular cost objective identified in the P's & G's.
3. The cost is net of any applicable credits that offset or reduce expenses of items allocable to the mandate.

The SCO has identified certain costs that should not be claimed as direct program costs unless specified as reimbursable under the program's P's & G's. These costs include, but are not limited to, subscriptions, depreciation, memberships, conferences, workshops general education, and travel costs.

#### **6. State Mandates Apportionment System (SMAS)**

Chapter 1534, Statutes of 1985, established SMAS, a method of paying certain mandated programs as apportionments. This method is utilized whenever a program has been approved for inclusion in SMAS by the COSM.

When a mandated program has been included in SMAS, the SCO will determine a base year entitlement amount for each CCD that has submitted reimbursement claims (or entitlement claims) for three consecutive fiscal years. A base year entitlement amount is determined by averaging the approved reimbursement claims (or entitlement claims) for 1982-83, 1983-84, and 1984-85 years or any three consecutive fiscal years thereafter. The amounts are first adjusted by any change in the Implicit Price Deflator (IPD), which is applied separately to each year's costs for the three years that comprise the base period. The base period means the three fiscal years immediately succeeding the COSM's approval.

Each CCD with an established base year entitlement for the program will receive automatic annual payments from the SCO reflective of the program's current year costs. The amount of apportionment is adjusted annually for any change in the IPD. If the mandated program was included in SMAS after January 1, 1988, the annual apportionment is adjusted for any change in both the IPD and average daily attendance.

In the event a CCD has incurred costs for three consecutive fiscal years but did not file a

reimbursement claim in one or more of those fiscal years, the CCD may file an entitlement claim for each of those missed years to establish a base year entitlement. An "entitlement claim" means any claim filed by CCD with the SCO for the sole purpose of establishing a base year entitlement. A base year entitlement shall not include any nonrecurring or initial start-up costs.

Initial apportionments are made on an individual program basis. After the initial year, all apportionments are made by November 30. The amount to be apportioned is the base year entitlement adjusted by annual changes in the IPD for the cost of goods and services to governmental agencies as determined by the State Department of Finance.

In the event the CCD determines that the amount of apportionment does not accurately reflect costs incurred to comply with a mandate, the process of adjusting an established base year entitlement upon which the apportionment is based is set forth in GC Section 17615.8 and requires the approval of the COSM.

## 7. Direct Costs

A direct cost is a cost that can be identified specifically with a particular program or activity. Each claimed reimbursable cost must be supported by documentation as described in Section 12. Costs that are typically classified as direct costs are:

### (1) Employee Wages, Salaries, and Fringe Benefits

For each of the mandated activities performed, the claimant must list the names of the employees who worked on the mandate, their job classification, hours worked on the mandate, and rate of pay. The claimant may, in-lieu of reporting actual compensation and fringe benefits, use a productive hourly rate:

#### (a) Productive Hourly Rate Options

A CCD may use one of the following methods to compute productive hourly rates:

- Actual annual productive hours for each employee
- The weighted-average annual productive hours for each job title, or
- 1,800\* annual productive hours for all employees

If actual annual productive hours or weighted-average annual productive hours for each job title is chosen, the claim must include a computation of how these hours were computed.

\* 1,800 annual productive hours excludes the following employee time:

- Paid holidays
- Vacation earned
- Sick leave taken
- Informal time off
- Jury duty
- Military leave taken.

#### (b) Compute a Productive Hourly Rate

1. Compute a productive hourly rate for salaried employees to include actual fringe benefit costs. The methodology for converting a salary to a productive hourly rate is to compute the employee's annual salary and fringe benefits and divide by the annual productive hours.



**Table 1: Productive Hourly Rate, Annual Salary + Benefits Method**

<b>Formula:</b> $[(EAS + Benefits) \div APH] = PHR$ $[(\$26,000 + \$8,099) \div 1,800 \text{ hrs}] = 18.94$	<b>Description:</b> EAS = Employee's Annual Salary APH = Annual Productive Hours PHR = Productive Hourly Rate
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- As illustrated in Table 1, if you assume an employee's compensation was \$26,000 and \$8,099 for annual salary and fringe benefits, respectively, using the "Salary + Benefits Method," the productive hourly rate would be \$18.94. To convert a biweekly salary to EAS, multiply the biweekly salary by 26. To convert a monthly salary to EAS, multiply the monthly salary by 12. Use the same methodology to convert other salary periods.
2. A claimant may also compute the productive hourly rate by using the "Percent of Salary Method."

**Table 2: Productive Hourly Rate, Percent of Salary Method**

<b>Example:</b>		
<b>Step 1: Fringe Benefits as a Percent of Salary</b>		<b>Step 2: Productive Hourly Rate</b>
Retirement	15.00 %	<b>Formula:</b> $[(EAS \times (1 + FBR)) \div APH] = PHR$ $[(\$26,000 \times (1.3115)) \div 1,800] = \$18.94$
Social Security & Medicare	7.65	
Health & Dental Insurance	5.25	
Workers Compensation	3.25	
<b>Total</b>	<b>31.15 %</b>	
<b>Description:</b>		
EAS = Employee's Annual Salary		APH = Annual Productive Hours
FBR = Fringe Benefit Rate		PHR = Productive Hourly Rate

- As illustrated in Table 3, both methods produce the same productive hourly rate.
- Reimbursement for personnel services includes, but is not limited to, compensation paid for salaries, wages and employee fringe benefits. Employee fringe benefits include employer's contributions for social security, pension plans, insurance, workmen's compensation insurance and similar payments. These benefits are eligible for reimbursement as long as they are distributed equitably to all activities. Whether these costs are allowable is based on the following presumptions:
- The amount of compensation is reasonable for the service rendered.
  - The compensation paid and benefits received are appropriately authorized by the governing board.
  - Amounts charged for personnel services are based on payroll documents that are supported by time and attendance or equivalent records for individual employees.

- The methods used to distribute personnel services should produce an equitable distribution of direct and indirect allowable costs.

For each of the employees included in the claim, the claimant must use reasonable rates and hours in computing the wage cost. If a person of a higher-level job position, perform an activity which normally would be performed by a lower-level position, reimbursement for time spent is allowable at the average salary range for the lower-level position. The salary rate of the person at a higher-level position may be claimed if it can be shown that it was more cost effective in comparison to the performance by a person at the lower-level position under normal circumstances and conditions. The number of hours charged to an activity should reflect the time expected to complete the activity under normal circumstances and conditions. The numbers of hours in excess of normal expected hours are not reimbursable.

**(c) Calculating an Average Productive Hourly Rate**

In those instances where the parameters and guidelines allow a unit as a basis of claiming costs, the direct labor component of the unit cost should be expressed as an average productive hourly rate and can be determined as follows:

**Table 3: Calculating an Average Productive Hourly Rate**

	<u>Time Spent</u>	<u>Productive Hourly Rate</u>	<u>Total Cost by Employee</u>
Employee A	1.25 hrs	\$6.00	\$7.50
Employee B	0.75 hrs	4.50	3.38
Employee C	3.50 hrs	10.00	35.00
Total	5.50 hrs		\$45.88
Average Productive Hourly Rate is \$45.88/5.50 hrs. = \$8.34			

**(d) Employer's Fringe Benefits Contribution**

A CCD has the option of claiming actual employer's fringe benefit contributions or may compute an average fringe benefit cost for the employee's job classification and claim it as a percentage of direct labor. The same time base should be used for both salary and fringe benefits when computing a percentage. For example, if health and dental insurance payments are made annually, use an annual salary. After the percentage of salary for each fringe benefit is computed, total them.

For example:

<u>Employer's Contribution</u>	<u>% of Salary</u>
Retirement	15.00%
Social Security	7.65%
Health and Dental Insurance	5.25%
Worker's Compensation	0.75%
Total	<u>28.65%</u>

**(e) Materials and Supplies**

Only actual expenses can be claimed for materials and supplies, which were acquired and consumed specifically for the purpose of a mandated program. The claimant must list the materials and supplies that were used to perform the mandated activity, the number of units consumed, the cost per unit, and the total dollar amount claimed. Materials and supplies purchased to perform a particular mandated activity are expected to be reasonable in quality, quantity, and cost. Purchases in excess of reasonable quality, quantity, and cost are not reimbursable. Materials and supplies withdrawn from inventory and charged to the mandated activity must be based on a recognized method of pricing, consistently applied. Purchases shall be claimed at the actual price after deducting discounts, rebates and allowances received by the CCD.

**(f) Calculating a Unit Cost for Materials and Supplies**

In those instances where the P's & G's suggest that a unit cost be developed for use as a basis of claiming costs mandated by the State, the materials and supplies component of the unit cost should be expressed as a unit cost of materials and supplies as shown in Table 1 or Table 2:

**Table 1: Calculating A Unit Cost for Materials and Supplies**

<b>Supplies</b>	<b><u>Cost Per Unit</u></b>	<b><u>Amount of Supplies Used Per Activity</u></b>	<b><u>Unit Cost of Supplies Per Activity</u></b>
Paper	0.02	4	\$0.08
Files	0.10	1	0.10
Envelopes	0.03	2	0.06
Photocopies	0.10	4	<u>0.40</u>
			<u>\$0.64</u>

**Table 2: Calculating a Unit Cost for Materials and Supplies**

<b>Supplies</b>	<b><u>Supplies Used</u></b>	<b><u>Unit Cost of Supplies Per Activity</u></b>
Paper (\$10.00 for 500 sheet ream)	250 Sheets	\$5.00
Files (\$2.50 for box of 25)	10 Folders	1.00
Envelopes (\$3.00 for box of 100)	50 Envelopes	1.50
Photocopies (\$0.05 per copy)	40 Copies	<u>2.00</u>
		<u>\$9.50</u>

If the number of reimbursable instances is 25, then the unit cost of supplies is \$0.38 per reimbursable instance (\$9.50/25).

**(g) Contract Services**

The cost of contract services is allowable if the CCD lacks the staff resources or necessary expertise, or it is economically feasible to hire a contractor to perform the mandated activity. The claimant must give the name of the contractor, explain the

reason for having to hire a contractor, describe the mandated activities performed, give the dates when the activities were performed, the number of hours spent performing the mandate, the hourly billing rate, and the total cost. The hourly billing rate shall not exceed the rate specified in the P's & G's for the mandated program. The contractor's invoice, or statement, which includes an itemized list of costs for activities performed, must accompany the claim.

**(h) Equipment Rental Costs**

Equipment purchases and leases (with an option to purchase) are not reimbursable as a direct cost unless specifically allowed by the P's & G's for the particular mandate. Equipment rentals used solely for the mandate is reimbursable to the extent such costs do not exceed the retail purchase price of the equipment plus a finance charge. The claimant must explain the purpose and use for the equipment, the time period for which the equipment was rented and the total cost of the rental. If the equipment is used for purposes other than reimbursable activities, only the pro rata portion of the rental costs can be claimed.

**(i) Capital Outlay**

Capital outlays for land, buildings, equipment, furniture and fixtures may be claimed if the P's & G's specify them as allowable. If they are allowable, the parameters and guidelines for the program will specify a basis for the reimbursement. If the fixed asset or equipment is also used for purposes other than reimbursable activities for a specific mandate, only the pro rata portion of the purchase price used to implement the reimbursable activities can be claimed.

**(j) Travel Expenses**

Travel expenses are normally reimbursable in accordance with travel rules and regulations of the local jurisdiction. For some programs, however, the P's & G's may specify certain limitations on expenses, or that expenses can only be reimbursed in accordance with the State Board of Control travel standards. When claiming travel expenses, the claimant must explain the purpose of the trip, identify the name and address of the persons incurring the expense, the date and time of departure and return for the trip, description of each expense claimed, the cost of transportation, number of private auto miles traveled, and the cost of tolls and parking with receipts required for charges over \$10.00.

**(k) Documentation**

It is the responsibility of the claimant to make available to the SCO, upon request, documentation in the form of general and subsidiary ledgers, purchase orders, invoices, contracts, canceled warrants, equipment usage records, land deeds, receipts, employee time sheets, agency travel guidelines, inventory records, and other relevant documents to support claimed costs. The type of documentation necessary for each claim may differ with the type of mandate.

**8. Indirect Costs**

Indirect costs are: (a) Incurred for a common or joint purpose benefiting more than one cost objective, and (b) not readily assignable to the cost objectives specifically benefited without effort disproportionate to the results achieved. Indirect costs can originate in the department performing the mandate or in departments that supply the department performing the mandate with goods, services and facilities. To be allowable, a cost must be allocable to a particular cost objective. Indirect costs must be distributed to benefiting cost objectives on bases which produce an equitable result related to the benefits derived by the mandate.

A CCD may claim indirect costs using the Controller's methodology (FAM-29C) outlined in the following paragraphs. If specifically allowed by a mandated program's P's & G's, a district may alternately choose to claim indirect costs using either (1) a federally approved rate prepared in accordance with Office of Management and Budget (OMB) Circular A-21, *Cost Principles for Educational Institutions*; or (2) a flat 7% rate.

The SCO developed FAM-29C to be consistent with OMB Circular A-21, cost accounting principles as they apply to mandated cost programs. The objective is to determine an equitable rate to allocate administrative support to personnel who performed the mandated cost activities. The FAM-29C methodology uses a direct cost base comprised of salary and benefit costs and operating expenses. Form FAM-29C provides a consistent indirect cost rate methodology for all CCD's mandated cost programs.

FAM-29C uses total expenditures that districts report in their *California Community Colleges Annual Financial and Budget Report* (CCFS-311), Expenditures by Activity for the General Fund – Combined. The computation excludes Capital Outlay and Other Outgo in accordance with OMB Circular A-21. The indirect cost rate computation includes any depreciation or use allowance applicable to district buildings and equipment. Districts calculate depreciation or use allowance costs separately from the CCFS-311 report and should calculate them in accordance with OMB Circular A-21.

OMB Circular A-21, Section C.4, states that cost is allocable to a particular cost objective in accordance with the relative benefits received. Also, Section E.2.b. states that the overall objective of the cost allocation process is to distribute indirect costs to the institution's major functions in proportions reasonably consistent with their use of the institution's resources. In addition, Section E.2.c. notes that where certain items or categories of expense relate to less than all functions, such expenses should be set aside for selective allocation.

OMB Circular A-21, Section H, describes a simplified method for indirect cost rate calculations. However, Section H.1.b. states that the simplified method should not be used where it produces results that appear inequitable. As previously noted, FAM-29C strives to equitably allocate administrative support costs to personnel that perform mandated cost activities claimed by CCD. For example, library costs and department administration expenses, normally classified fully or partly as indirect costs in OMB Circular A-21, are instead classified as direct costs for FAM-29C. These costs do not benefit mandated cost activities. In summary, FAM-29C indirect costs include Operation and Maintenance of Plant; Planning, Policy Making, and Coordination; General Institutional Support Services (excluding Community Relations); and depreciation or use allowance. Community Relations includes fundraising costs, which are unallowable under OMB Circular A-21. If the district claims any costs from these indirect accounts as a direct mandate-related costs, the same costs should be reclassified as direct on FAM-29C.

Table 4 presents an example of the FAM-29C methodology.

Table 4: Indirect Cost Rate for Community Colleges

MANDATED COST					FORM	
INDIRECT COST RATE FOR COMMUNITY COLLEGE DISTRICTS					FAM 29-C	
(1) Claimant			(02) Period of Claim			
Activity	EDP	Total Costs Per CCFS-311	Less: Capital Outlay and Other Outgo	FAM 29-C Adjusted Total	Indirect	Direct
Instructional Activities	599	\$ 51,792,408	\$ (230,904)	\$ 51,561,504		\$ 51,561,504
Instruct. Admin. & Instruct. Governance	6000	6,882,034	(216,518)	6,665,516		6,665,516
Instructional Support Services	6100	4,155,095	(9,348)	4,145,747		4,145,747
Admissions and Records	6200	2,104,543	(3,824)	2,100,719		2,100,719
Student Counseling and Guidance	6300	4,570,658	(1,605)	4,569,053		4,569,053
Other Student Services	6400	5,426,510	(41,046)	5,385,464		5,385,464
Operation and Maintenance of Plant	6500	8,528,585	(111,743)	8,416,842	8,416,842	
Planning, Policy Making, and Coordination	6600	5,015,333	(23,660)	4,991,673	4,991,673	
General Institutional Support Services	6700			-		
Community Relations	6710	885,089	(6,091)	878,998		878,998
Fiscal Operations	6720	1,891,424	(40,854)	1,850,570	1,850,570	
Human Resources Management	6730	1,378,288	(25,899)	1,352,389	1,352,389	
Non-instructional Staff Retirees' Benefits and Retirement Incentives	6740	1,011,060		1,011,060	1,011,060	
Staff Development	6750	108,655	(8,782)	99,873	99,873	
Staff Diversity	6760	30,125		30,125	30,125	
Logistical Services	6770	2,790,091	(244,746)	2,545,345	2,545,345	
Management Information Systems	6780	2,595,214	(496,861)	2,098,353	2,098,353	
Other General Institutional Support Services	6790	33,155	(4,435)	28,720	28,720	
Community Services and Economic Development	6800	340,014		340,014		340,014
Ancillary Services	6900	1,148,730	(296)	1,148,434		1,148,434
Auxiliary Operations	7000			-		-
Depreciation or Use Allowance - Building				-	2,620,741	
Depreciation or Use Allowance - Equipment				-	1,706,396	
				-		
<b>Totals</b>		<u>\$100,687,011</u>	<u>\$ (1,466,612)</u>	<u>\$ 99,220,399</u>	<u>\$26,752,087</u>	<u>\$ 76,795,449</u>
					(A)	(B)
<b>Indirect Cost Rate (A)/(B)</b>					<u>34.84%</u>	

## 9. Time Study Guidelines

### Background

For costs incurred on or after January 1, 2005, a reasonable reimbursement methodology can be used as a formula for reimbursing CCD costs mandated by the state that meets certain conditions specified in GC Section 17518.5(a). For costs incurred prior to January 1, 2005, a time study can only be substituted for continuous records of actual time spent for a specific fiscal year if the program's P's & G's allows for the use of time studies.

Two methods are acceptable for documenting employee time charged to mandated cost programs: Actual Time Reporting and Time Study, which are described below. Application of time study results is restricted. As explained in Time Study Results below, the results may be projected forward a maximum of two years provided the claimant meets certain criteria.

### Actual Time Reporting

The P's & G's define reimbursable activities for each mandated cost program. Some P's & G's refer to reimbursable activities as reimbursable components. When employees work on multiple activities and/or programs, a distribution of their salaries or wages must be supported by personnel activity reports or equivalent documentation that meets the following standards which clarify documentation requirements discussed under the Reimbursable Activities section of recent P's & G's:

- They must reflect an after-the-fact (contemporaneous) distribution of the actual activity of each employee;
- They must account for the total activity for which each employee is compensated;
- They must be prepared at least monthly and must coincide with one or more pay periods; and
- They must be signed by the employee.

Budget estimates or other distribution percentages determined before services are performed do not qualify as support for time distribution.

### Time Study

In certain cases, a time study may be used to substitute for continuous records of actual time spent on multiple activities and/or programs. An effective time study requires that an activity be a task that is repetitive in nature. Activities that require a varying level of effort are not appropriate for time studies.

### Time Study Plan

A time study plan is necessary before conducting the time study. The claimant must retain the time study plan for audit purposes. The plan needs to identify the following:

- Time period(s) to be studied: The plan must show that all time periods selected are representative of the fiscal year, and that the results can be reasonably projected to approximate actual costs.
- Activities and/or programs to be studied: For each mandated program included, the time study must separately identify each reimbursable activity defined in the mandated program's P's & G's, which are derived from the program's Statement of Decision. If a reimbursable activity in the P's & G's identifies separate and distinct sub-activities, they must also be treated as individual activities.

For example, sub-activities (a), (b), and (c) under reimbursable activity (B)(1) of the local agency's Domestic Violence Treatment Services: Authorization and Case Management program relate to information to be discussed during victim notification by the probation department and therefore are not separate and distinct activities. These sub-activities do not have to be separately studied.

- Process used to accomplish each reimbursable activity: Use flowcharts or similar analytical tools and/or written desk procedures to describe the process for each activity.
- Employee universe: The employee universe used in the time study must include all positions whose salaries and wages are to be allocated by means of the time study.
- Employee sample selection methodology: The plan must show that employees selected are representative of the employee universe, and the results can be reasonably projected to approximate actual costs. In addition, the employee sample size should be proportional to the variation in time spent to perform a task. The sample size should be larger for tasks with significant time variations.
- Time increments to be recorded: The time increments used should be sufficient to recognize the number of different activities performed and the dynamics of these responsibilities. Very large increments (such as one hour or more) might be used for employees performing only a few functions that change very slowly over time. Very small increments (a number of minutes) may be needed for employees performing more short-term tasks.

Random moment sampling is not an acceptable alternative to continuous time records for mandated cost claims. Random moment sampling techniques are most applicable in situations where employees perform many different types of activities on a variety of programs with small time increments throughout the fiscal year.

### Time Study Documentation

Time studies must:

- Be supported by time records that are completed contemporaneously;
- Report activity on a daily basis;
- Be sufficiently detailed to reflect all mandated activities and/or programs performed during a specific time period; and
- Coincide with one or more pay periods.

Time records must be signed by the employee (electronic signatures are acceptable) and be supported by corroborating evidence which validates that the work was actually performed. As with actual time reporting, budget estimates or other distribution percentages determined before services are performed do not qualify as valid time studies.

### Time Study Results

Time study results must be summarized to show how the time study supports the costs claimed for each activity. Any variations from the procedures identified in the original time study plan must be documented and explained.

Current-year costs must be used to prepare a time study. Claimants may project time study results to no more than two subsequent fiscal years. A claimant may not apply time study results retroactively.

- Annual Reimbursement Claims: Claimants may use time studies to support costs incurred on or after January 1, 2005. Claimants may not use time studies for the period July 1, 2004,



through December 31, 2004, unless (1) the program's P's & G's specifically allow time studies, and (2) the time study is prepared based on mandated activity occurring between July 1, 2004, and December 31, 2004.

- **Initial Claims:** When filing an initial claim for new mandated programs, claimants may only use time study results for costs incurred on or after January 1, 2005. Claimants may not use time studies to support costs incurred before January 1, 2005, unless (1) the program's P's & G's specifically allow time studies, and (2) the claimant prepares separate time studies for each fiscal year preceding January 1, 2005, based on mandated activity occurring during those years.

When projecting time study results, the claimant must certify that there have been no significant changes between years in either: (1) the requirements of each mandated program activity or (2) the processes and procedures used to accomplish the activity. For all years, the claimant must maintain corroborating evidence that validates the mandated activity was actually performed. Time study results used to support subsequent years' claims are subject to the recordkeeping requirements for those claims.

## 10. Offset Against State Mandated Claims

As noted previously, allowable costs are defined as those direct and indirect costs, less applicable credits, considered to be eligible for reimbursement. When all or part of the costs of a mandated program are specifically reimbursable from local assistance revenue sources (e.g., state, federal, foundation, etc.), only that portion of any increased costs payable from CCD funds is eligible for reimbursement under the provisions of GC Section 17561.

### Example 1:

As illustrated in Table 5, this example shows how the "Offset Against State Mandated Claims" is determined for a CCD receiving block grant revenues not based on a formula allocation. Program costs for each situation equals \$100,000.

**Table 5: Offset Against State Mandates, Example 1**

	<b>Program Costs</b>	<b>Actual Local Assistance Revenues</b>	<b>State Mandated Costs</b>	<b>Offset Against State Mandated Claims</b>	<b>Claimable Mandated Costs</b>
1.	\$100,000	\$95,000	\$2,500	\$-0-	\$2,500
2.	100,000	97,000	2,500	-0-	2,500
3.	100,000	98,000	2,500	500	2,000
4.	100,000	100,000	2,500	2,500	-0-
5.	100,000 *	50,000	2,500	1,250	1,250
6.	100,000 *	49,000	2,500	250	2,250

\* CCD share is \$50,000 of the program cost.

Numbers (1) through (4), in Table 5, show intended funding at 100% from local assistance revenue sources. Numbers (5) and (6) show cost sharing on a 50/50 basis with the district. In numbers (1) through (6), included in the program costs of \$100,000 are state mandated costs of \$2,500. The offset against state mandated claims are the amount of actual local assistance revenues, which exceeds the difference between program costs and state mandated costs. This offset cannot exceed the amount of state mandated costs.

In (1), local assistance revenues were less than expected. Local assistance funding was not in excess of the difference between program costs and state mandated costs. As a result, the offset against state mandated claims is zero and \$2,500 is claimable as mandated costs.

In (4), local assistance revenues were fully realized to cover the entire cost of the program, including the state mandate activity; therefore, the offset against state mandated claims is \$2,500, and claimable costs are \$0.

In (5), the district is sharing 50% of the project cost. Since local assistance revenues of \$50,000 were fully realized, the offset against state mandated claims is \$1,250.

In (6), local assistance revenues were less than the amount expended and the offset against state mandated claims is \$250. Therefore, the claimable mandated costs are \$2,250.

#### Example 2:

As illustrated in Table 6, this example shows how the offset against state mandated claims is determined for a CCD receiving special project funds based on approved actual costs. Local assistance revenues for special projects must be applied proportionately to approve costs.

**Table 6: Offset Against State Mandates, Example 2**

	Program Costs	Actual Local Assistance Revenues	State Mandated Costs	Offset Against State Mandated Claims	Claimable Mandated Costs
1.	\$100,000	\$100,000	\$2,500	\$2,500	\$-0-
2.	100,000 **	75,000	2,500	1,875	625
3.	100,000 **	45,000	1,500	1,125	375

\*\* CCD share is \$25,000 of the program cost.

In (2), the entire program cost was approved. Since the local assistance revenue source covers 75% of the program cost, it also proportionately covered 75% of the \$2,500 state mandated costs, or \$1,875.

If in (3) local assistance revenues are less than the amount expected because only \$60,000 of the \$100,000 program costs were determined to be valid by the contracting agency, then a proportionate share of state mandated costs is likewise reduced to \$1,500. The offset against state mandated claims is \$1,125. Therefore, the claimable mandated costs are \$375.

#### Federal and State Funding Sources

State school fund apportionments and federal aid for education, which are based on average daily attendance and are part of the general system of financing public schools as well as block grants which do not provide for specific reimbursement of costs (i.e., allocation formulas not tied to expenditures), should not be included as reimbursements from local assistance revenue sources.

#### Governing Authority

The costs of salaries and expenses of the governing authority, such as the school superintendent and governing board, are not reimbursable. These are costs of general government as described in the Office of Management and Budget Circular (OMB) 2 CFR Part 225.

## 11. Notice of Claim Adjustment

All claims submitted to the SCO are reviewed to determine if the claim was prepared in accordance with the claiming instructions. If any adjustments are made to a claim, the claimant will receive a "Notice of Claim Adjustments" detailing adjustments made by the SCO.

## 12. Audit of Costs

All claims submitted to the State Controller's Office (SCO) are reviewed to determine if costs are related to the mandate, are reasonable and not excessive, and the claim was prepared in accordance with the SCO's claiming instructions and the P's & G's adopted by the COSM. If any adjustments are made to a claim, a "Notice of Claim Adjustment" specifying the claim component adjusted, the amount adjusted, and the reason for the adjustment will be mailed within 30 days after payment of the claim.

Pursuant to GC Section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by CCD pursuant to this chapter is subject to the initiation of an audit by the Controller no later than three years after the date that the actual reimbursement claim was filed or last amended, whichever is later. However, if no funds were appropriated or no payment was 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 no later than two years after the date that the audit is commenced. All documents used to support the reimbursable activities must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

On-site audits will be conducted by the SCO as deemed necessary. Accordingly, all documentation to support actual costs claimed must be retained for a period of three years after the end of the calendar year in which the reimbursement claim was filed or amended regardless of the year of costs incurred. When no funds are appropriated for initial claims at the time the claim is filed, supporting documents must be retained for three years from the date of initial payment of the claim. Claim documentation shall be made available to the SCO on request.

## 13. Source Documents

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.

For costs incurred on or after January 1, 2005, a reasonable reimbursement methodology can be used as a formula for reimbursing a CCD mandated by the state that meets certain conditions specified in 17518.5(a). For costs incurred prior to January 1, 2005, time study can substitute for continuous records of actual time spent for a specific fiscal year only if the program's P's & G's allow for the use of time studies.

## 14. Claim Forms and Instructions

A claimant may submit a computer generated report in substitution for Form-1 and Form-2, provided the format of the report and data fields contained within the report are identical to the claim forms included with these instructions. The claim forms provided with these instructions should be duplicated and used by the claimant to file an estimated or reimbursement claim. The SCO will revise the manual and claim forms as necessary.

### A. Form-2, Component/Activity Cost Detail

This form is used to segregate the detail costs by claim component. In some mandates, specific reimbursable activities have been identified for each component. The expenses reported on this form must be supported by the official financial records of the claimant and copies of supporting documentation, as specified in the claiming instructions, must be submitted with the claims. All supporting documents must be retained for a period of not less than three years after the reimbursement claim was filed or last amended.

### B. Form-1, Claim Summary

This form is used to summarize direct costs by component and compute allowable indirect costs for the mandate. The direct costs summarized on this form are derived from Form-2 and are carried forward to form FAM-27.

A CCD has the option of using a federally approved rate (i.e., utilizing the cost accounting principles from the Office of Management and Budget (OMB) 2, CFR Part 225) or from form FAM-29C.

### C. Form FAM-27, Claim for Payment

This form contains a certification that must be signed by an authorized officer of the CCD. All applicable information from Form-1 must be carried forward onto this form in order for the SCO to process the claim for payment. An original and one copy of the FAM-27 are required.

Claims should be rounded to the nearest dollar. Submit a signed original and one copy of form FAM-27; Claim for Payment, and all other forms and supporting documents (**To expedite the payment process, please sign the form FAM-27 with blue ink, and attach a copy of the form FAM-27 to the top of the claim package.**) Use the following mailing addresses:

If delivered by  
U.S. Postal Service:

Office of the State Controller  
Attn: Local Reimbursements Section  
Division of Accounting and Reporting  
P.O. Box 942850  
Sacramento, CA 94250

If delivered by  
Other delivery services:

Office of the State Controller  
Attn: Local Reimbursements Section  
Division of Accounting and Reporting  
3301 C Street, Suite 500  
Sacramento, CA 95816

## 15. Retention of Claiming Instructions

For your convenience, the revised claiming instructions in this package have been arranged in alphabetical order by program name. These revisions should be inserted in the School Mandated Cost Manual and the old forms they replace should be removed. The instructions should then be retained permanently for future reference, and the forms should be duplicated to meet your filing requirements. Annually, updated forms and any other information or instructions claimants may need to file claims, as well as instructions and forms for all new programs released throughout the

year will be placed on the SCO's web site at [www.sco.ca.gov/ard/local/locreim/index.shtml](http://www.sco.ca.gov/ard/local/locreim/index.shtml).

If you have any questions concerning mandated cost reimbursements, please write to us at the address listed for filing claims, or send e-mail to [lrsdar@sco.ca.gov](mailto:lrsdar@sco.ca.gov), or call the Local Reimbursements Section at (916) 324-5729.

#### **16. Retention of Claim Records and Supporting Documentation**

All claims submitted to the SCO are reviewed to determine if costs are related to the mandate, are reasonable and not excessive, and that the claim was prepared in accordance with the SCO's claiming instructions and the COSM's P's and G's. If any adjustments are made to a claim, a "Notice of Claim Adjustments" specifying the claim component adjusted, the amount adjusted, and the reason for the adjustment, will be mailed within 30 days after payment of the claim.

On-site audits will be conducted by the SCO as deemed necessary. Pursuant to GC Section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a school district is subject to audit by the SCO no later than three years after the date the actual reimbursement claim was filed or last amended, whichever is later. However, if no funds were appropriated or no payment was made to a claimant for the program for the fiscal year for which the claim was filed, the time for the SCO to initiate an audit shall commence to run from the date of initial payment of the claim. Therefore, all documentation to support actual costs claimed must be retained for the same period, and shall be made available to the SCO on request.



FY 1999-00 IWM Claim

<b>CLAIM FOR PAYMENT</b> Pursuant to Government Code Section 17561 <b>INTEGRATED WASTE MANAGEMENT</b>	For State Controller's Office (19) Program Number 00256 (20) Date Filed <u>   </u> / <u>   </u> / <u>   </u> (21) LRS Input <u>   </u> / <u>   </u> / <u>   </u>	<b>Program</b> <span style="font-size: 2em; font-weight: bold;">256</span>
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L A B E L  H E R E	(01) Claimant Identification Number: <span style="float: right;">CC 12145</span>	Reimbursement Claim Data	
	(02) Claimant Name: <span style="float: right;">Redwoods Community College District</span>	(22) IWM-1, (03)(A)(1)(f)	0
	County of Location: <span style="float: right;">Humboldt</span>	(23) IWM-1, (03)(A)(2)(f)	0
	Street Address: <span style="float: right;">7351 Tompkins Hill Road</span>	(24) IWM-1, (03)(B)(1)(f)	0
	City: <span style="float: right;">Eureka</span>	(25) IWM-1, (03)(B)(2)(f)	0
	State: <span style="float: right;">CA</span>		
	Zip Code: <span style="float: right;">95501</span>	(26) IWM-1, (03)(B)(3)(f)	0
	Type of Claim	Estimated Claim	Reimbursement Claim
		(03) Estimated <input type="checkbox"/>	(09) Reimbursement <input checked="" type="checkbox"/>
		(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>
		(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>
	Fiscal Year of Cost: (06)	(12)	
		1999-2000	(30) IWM-1, (03)(C)(2)(f)
	Total Claimed Amount: (07)	(13)	
		\$ 23,105	(31) IWM-1, (03)(D)(f)
	Less: 10% Late Penalty	(14)	
		\$ -	(32) IWM-1, (03)(E)(f)
	Less: Prior Claim Payment Received	(15)	
		\$ -	(33) IWM-1, (03)(F)(f)
	Net Claimed Amount	(16)	
		\$ 23,105	(34) IWM-1, (06)
	Due from State: (08)	(17)	
		\$ 23,105	(35) IWM-1, (08)
	Due to State	(18)	
			(36) IWM-1, (09)

**(37) CERTIFICATION OF CLAIM**

In accordance with the provisions of Government Code Section 17561, I certify that I am the officer authorized by the community college district to file mandated cost claims with the State of California for this program, and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1098, inclusive.

I further certify that there was no application other than from the claimant, nor any grant or payment received, for reimbursement of costs claimed herein, and such costs are for a new program or increased level of services of an existing program. All offsetting savings and reimbursements set forth in the Parameters and Guidelines are identified, and all costs claimed are supported by source documentation currently maintained by the claimant.

The amounts for this Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs set forth on the attached statements. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Authorized Officer (USE BLUE INK)

Date

*Scott Thomason*

9-30-05

Scott Thomason  
Type or Print Name

Vice President, Business Services  
Title

(38) Name of Contact Person for Claim

Telephone Number: (858) 514-8605

SixTen and Associates

E-mail Address: kbpsixten@aol.com



<b>Program</b> <b>256</b>	<b>MANDATED COSTS</b> <b>INTEGRATED WASTE MANAGEMENT</b> <b>CLAIM SUMMARY</b>	<b>FORM</b> <b>IWM-1</b>
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(01) Claimant: Redwoods Community College District	(02) Type of Claim Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year 1999-2000
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Direct Costs		Object Accounts					
(03) Reimbursable Activities	(a)	(b)	(c)	(d)	(e)	(f)	
	Salaries and Benefits	Materials and Supplies	Contract Services	Fixed Assets	Travel and Training	Total	
<b>A. One-Time Activities</b>							
1	Development of Policies and Procedures	\$ -	\$ -	\$ -	\$ -	\$ -	
2	Staff Training	\$ -	\$ -	\$ -	\$ -	\$ -	
<b>B. Ongoing Activities</b>							
1	Completion and Submission of Plan to Board	\$ -	\$ -	\$ -	\$ -	\$ -	
2	Response to Board During Approval Process	\$ -	\$ -	\$ -	\$ -	\$ -	
3	Consultation with Board	\$ -	\$ -	\$ -	\$ -	\$ -	
4	Designation of Waste Reduction and Recycling Coordinator	\$ 412.48	\$ -	\$ -	\$ -	\$ 412.48	
5	Diversion and Maintenance of Approved Level of Reduction	\$ 15,798.88	\$ -	\$ -	\$ -	\$ 15,798.88	
<b>C. Alternative Compliance</b>							
1	Alternative Requirements or Time Extension for 1/1/02 for 25% Waste	\$ -	\$ -	\$ -	\$ -	\$ -	
2	Alternative Requirements or Time Extension for 1/1/04 for 50% Waste	\$ -	\$ -	\$ -	\$ -	\$ -	
<b>D. Accounting System</b>		\$ -	\$ -	\$ -	\$ -	\$ -	
<b>E. Annual Report</b>		\$ -	\$ -	\$ -	\$ -	\$ -	
<b>F. Annual Recycled Material Reports</b>		\$ 412.48	\$ -	\$ -	\$ -	\$ 412.48	
<b>(04) Total Direct Costs</b>		<b>\$ 16,623.84</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 16,623.84</b>	

<b>Indirect Costs</b>		
(05) Indirect Cost Rate	[Federally approved OMB A-21, FAM-29C, or 7%]	39.44%
(06) Total Indirect Costs	[Line (05) x line (04)(e)]	\$ 6,556.44
(07) Total Direct and Indirect Costs	[Line (04)(f) + line (06)]	\$ 23,180.28

<b>Cost Reduction</b>	
(08) Less: Offsetting Savings	\$ 75.70
(09) Less: Other Reimbursements	
(10) Total Claimed Amount	\$ 23,104.58

Program 256	<b>MANDATED COSTS INTEGRATED WASTE MANAGEMENT ACTIVITY COST DETAIL</b>	FORM IWM-2
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(01) Claimant Redwoods Community College District	(02) Fiscal Year 1999-2000
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(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

One-Time Activities	<input type="checkbox"/> Development of Policies and Procedures	<input type="checkbox"/> Staff Training	
Ongoing Activities	<input type="checkbox"/> Completion and Submission of Plan to Board	<input type="checkbox"/> Response to Board During Approval Process	<input type="checkbox"/> Consultation with Board
	<input checked="" type="checkbox"/> Designation of Waste Reduction and Recycling Coordinator	<input type="checkbox"/> Maintenance of Approved Level of Reduction	
Alternative Compliance	<input type="checkbox"/> Alternative Requirement or Time Extension for 1/1/02 for 25% Waste	<input type="checkbox"/> Alternative Requirement of Time Extension for 1/1/04 for 50% Waste	
	<input type="checkbox"/> Accounting System	<input type="checkbox"/> Annual Report	<input type="checkbox"/> Annual Recycled Material Reports

(04) Description of Expenses

(a) Employee Names, Job Classifications, Functions Performed, and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	Object Accounts				
			(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
Designating one solid waste reduction and recycling coordinator for each college in district Clements, Ruth      Custodial Supervisor	\$25.78	16.0	\$ 412.48				

(05) Total	<input checked="" type="checkbox"/>	Subtotal	<input type="checkbox"/>	Page 1 of 1	\$ 412.48	\$ -	\$ -	\$ -	\$ -
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Program <b>256</b>	<b>MANDATED COSTS INTEGRATED WASTE MANAGEMENT ACTIVITY COST DETAIL</b>	FORM IWM-2
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(01) Claimant Redwoods Community College District	(02) Fiscal Year 1999-2000
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(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

One-Time Activities	<input type="checkbox"/> Development of Policies and Procedures	<input type="checkbox"/> Staff Training
Ongoing Activities	<input type="checkbox"/> Completion and Submission of Plan to Board	<input type="checkbox"/> Response to Board During Approval Process
	<input type="checkbox"/> Designation of Waste Reduction and Recycling Coordinator	<input checked="" type="checkbox"/> Maintenance of Approved Level of Reduction
Alternative Compliance	<input type="checkbox"/> Alternative Requirement or Time Extension for 1/1/02 for 25% Waste	<input type="checkbox"/> Alternative Requirement of Time Extension for 1/1/04 for 50% Waste
	<input type="checkbox"/> Accounting System	<input type="checkbox"/> Annual Report
		<input type="checkbox"/> Annual Recycled Material Reports

(04) Description of Expenses: Object Accounts

(a) Employee Names, Job Classifications, Functions Performed, and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training	
<b>Diverging solid waste from landfill disposal or transformation facilities - source reduction</b>								
Martinez, Frank Gardener	\$22.40	16.0	\$ 358.40					
Mendoza, Michael Maintenance Specialist 3	\$26.48	32.0	\$ 847.36					
Olivares, Thomas Gardener	\$20.85	16.0	\$ 333.60					
Sandeen, Steve Senior Gardener	\$22.12	16.0	\$ 353.92					
<b>Diverging solid waste from landfill disposal or transformation facilities - recycling</b>								
Bacchetti, Mike Senior Custodian	\$22.48	52.0	\$ 1,168.96					
Binchaus, Al Custodian	\$20.86	52.0	\$ 1,084.72					
Dally, David Custodian	\$20.86	52.0	\$ 1,084.72					
Harper, Shawn Custodian	\$16.69	52.0	\$ 867.88					
Martinez, Frank Gardener	\$22.40	38.0	\$ 851.20					
Olivares, Thomas Gardener	\$20.85	105.0	\$ 2,189.25					
Rosenberg, Dale Custodian	\$19.24	52.0	\$ 1,000.48					
Sandeen, Steve Senior Gardener	\$22.12	100.0	\$ 2,212.00					
Torres, Sergio Custodian	\$19.32	52.0	\$ 1,004.64					
Wilson, Darlene Custodian	\$26.76	52.0	\$ 1,391.52					
<b>Diverging solid waste from landfill disposal or transformation facilities - composting</b>								
Martinez, Frank Gardener	\$22.40	9.0	\$ 201.60					
Olivares, Thomas Gardener	\$20.85	7.0	\$ 145.95					
Sandeen, Steve Senior Gardener	\$22.12	7.0	\$ 154.84					
<b>Diverging solid waste from landfill disposal or transformation facilities - special waste</b>								
Binchaus, Al Custodian	\$20.86	8.0	\$ 166.88					
Dally, David Custodian	\$20.86	8.0	\$ 166.88					
Wilson, Darlene Custodian	\$26.76	8.0	\$ 214.08					
<b>(05) Total</b> <input checked="" type="checkbox"/>			<b>Subtotal</b> <input type="checkbox"/>					
			Page 1 of 1					154
			\$ 15,798.88		\$ - \$ - \$ - \$ -			

Program 256	<b>MANDATED COSTS</b> <b>INTEGRATED WASTE MANAGEMENT</b> <b>ACTIVITY COST DETAIL</b>	FORM IWM-2
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(01) Claimant Redwoods Community College District	(02) Fiscal Year 1999-2000
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(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

One-Time Activities	<input type="checkbox"/> Development of Policies and Procedures	<input type="checkbox"/> Staff Training	
Ongoing Activities	<input type="checkbox"/> Completion and Submission of Plan to Board	<input type="checkbox"/> Response to Board During Approval Process	<input type="checkbox"/> Consultation with Board
	<input type="checkbox"/> Designation of Waste Reduction and Recycling Coordinator	<input type="checkbox"/> Maintenance of Approved Level of Reduction	
Alternative Compliance	<input type="checkbox"/> Alternative Requirement or Time Extension for 1/1/02 for 25% Waste	<input type="checkbox"/> Alternative Requirement of Time Extension for 1/1/04 for 50% Waste	
	<input type="checkbox"/> Accounting System	<input type="checkbox"/> Annual Report	<input checked="" type="checkbox"/> Annual Recycled Material Reports

(04) Description of Expenses

(a) Employee Names, Job Classifications, Functions Performed, and Description of Expenses	Object Accounts									
	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training			
Reporting annually to the Board quantities of recyclable materials collected Clements, Ruth Custodial Supervisor	\$25.78	16.0	\$ 412.48							
(05) Total	<input checked="" type="checkbox"/>	Subtotal	<input type="checkbox"/>	Page 1 of 1	155	\$ 412.48	\$ -	\$ -	\$ -	\$ -

FY 2000-01 IWM Claim

<b>CLAIM FOR PAYMENT</b> Pursuant to Government Code Section 17561 <b>INTEGRATED WASTE MANAGEMENT</b>	For State Controller Use Only (19) Program Number 00256 (20) Date Filed ___/___/___ (21) LRS Input ___/___/___	<b>Program</b> <span style="font-size: 2em; font-weight: bold;">256</span>
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L A B E L  H E R E	(01) Claimant Identification Number: CC 12145		Reimbursement Claim Data		
	(02) Claimant Name: Redwoods Community College District		(22) IWM-1, (03)(A)(1)(f)	0	
	County of Location: Humboldt		(23) IWM-1, (03)(A)(2)(f)	0	
	Street Address: 7351 Tompkins Hill Road		(24) IWM-1, (03)(B)(1)(f)	327	
	City: Eureka	State: CA	Zip Code: 95501	(25) IWM-1, (03)(B)(2)(f)	0
	Type of Claim	Estimated Claim	Reimbursement Claim	(26) IWM-1, (03)(B)(3)(f)	0
		(03) Estimated <input type="checkbox"/>	(09) Reimbursement <input checked="" type="checkbox"/>	(27) IWM-1, (03)(B)(4)(f)	1,091
		(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>	(28) IWM-1, (03)(B)(5)(f)	32,244
		(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>	(29) IWM-1, (03)(C)(1)(f)	0
	Fiscal Year of Cost	(06)	(12) 2000-2001	(30) IWM-1, (03)(C)(2)(f)	0
Total Claimed Amount	(07)	(13) \$ 47,151	(31) IWM-1, (03)(D)(f)	0	
Less : 10% Late Penalty		(14) \$ -	(32) IWM-1, (03)(E)(f)	0	
Less : Prior Claim Payment Received		(15) \$ -	(33) IWM-1, (03)(F)(f)	327	
Net Claimed Amount		(16) \$ 47,151	(34) IWM-1, (06)	14,078	
Due from State	(08)	(17) \$ 47,151	(35) IWM-1, (08)	916	
Due to State		(18)	(36) IWM-1, (09)	0	

**(37) CERTIFICATION OF CLAIM**

In accordance with the provisions of Government Code Section 17561, I certify that I am the officer authorized by the community college district to file mandated cost claims with the State of California for this program, and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1098, inclusive.

I further certify that there was no application other than from the claimant, nor any grant or payment received, for reimbursement of costs claimed herein, and such costs are for a new program or increased level of services of an existing program. All offsetting savings and reimbursements set forth in the Parameters and Guidelines are identified, and all costs claimed are supported by source documentation currently maintained by the claimant.

The amounts for this Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs set forth on the attached statements. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Authorized Officer (USE BLUE INK)

Date

*Scott Thomason*

9-30-05

Scott Thomason

Vice President, Business Services

Type or Print Name

Title

(38) Name of Contact Person for Claim

Telephone Number: (858) 514-8605

SixTen and Associates

E-mail Address: kbpsixten@aol.com

<b>Program</b> <b>256</b>	<b>MANDATED COSTS</b> <b>INTEGRATED WASTE MANAGEMENT</b> <b>CLAIM SUMMARY</b>	<b>FORM</b> <b>IWM-1</b>
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(01) Claimant: Redwoods Community College District	(02) Type of Claim Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year 2000-2001
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Direct Costs	Object Accounts
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(03) Reimbursable Activities	(a) Salaries and Benefits	(b) Materials and Supplies	(c) Contract Services	(d) Fixed Assets	(e) Travel and Training	(f) Total
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<b>A. One-Time Activities</b>						
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1 Development of Policies and Procedures	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2 Staff Training	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

<b>B. Ongoing Activities</b>						
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1 Completion and Submission of Plan to Board	\$ 327.36	\$ -	\$ -	\$ -	\$ -	\$ 327.36
2 Response to Board During Approval Process	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
3 Consultation with Board	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
4 Designation of Waste Reduction and Recycling Coordinator	\$ 1,091.20	\$ -	\$ -	\$ -	\$ -	\$ 1,091.20
5 Diversion and Maintenance of Approved Level of Reduction	\$ 32,243.55	\$ -	\$ -	\$ -	\$ -	\$ 32,243.55

<b>C. Alternative Compliance</b>						
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1 Alternative Requirements or Time Extension for 1/1/02 for 25% Waste	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2 Alternative Requirements or Time Extension for 1/1/04 for 50% Waste	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

D. Accounting System	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
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E. Annual Report	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
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F. Annual Recycled Material Reports	\$ 327.36	\$ -	\$ -	\$ -	\$ -	\$ 327.36
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(04) Total Direct Costs	\$ 33,989.47	\$ -	\$ -	\$ -	\$ -	\$ 33,989.47
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<b>Indirect Costs</b>						
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(05) Indirect Cost Rate	[Federally approved OMB A-21, FAM-29C, or 7%]	41.42%
(06) Total Indirect Costs	[Line (05) x line (04)(a)]	\$ 14,078.44
(07) Total Direct and Indirect Costs	[Line (04)(f) + line (06)]	\$ 48,067.91

<b>Cost Reduction</b>						
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(08) Less: Offsetting Savings	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 916.46
(09) Less: Other Reimbursements	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
(10) Total Claimed Amount	<b>158</b> [Line (07) - (Line (08) + Line (09))]					\$ 47,151.45

Program <b>256</b>	<b>MANDATED COSTS INTEGRATED WASTE MANAGEMENT ACTIVITY COST DETAIL</b>	FORM IWM-2
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(01) Claimant Redwoods Community College District	(02) Fiscal Year 2000-2001
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(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

One-Time Activities	<input type="checkbox"/> Development of Policies and Procedures	<input type="checkbox"/> Staff Training
Ongoing Activities	<input checked="" type="checkbox"/> Completion and Submission of Plan to Board	<input type="checkbox"/> Response to Board During Approval Process
	<input type="checkbox"/> Designation of Waste Reduction and Recycling Coordinator	<input type="checkbox"/> Maintenance of Approved Level of Reduction
Alternative Compliance	<input type="checkbox"/> Alternative Requirement or Time Extension for 1/1/02 for 25% Waste	<input type="checkbox"/> Alternative Requirement of Time Extension for 1/1/04 for 50% Waste
	<input type="checkbox"/> Accounting System	<input type="checkbox"/> Annual Report
		<input type="checkbox"/> Annual Recycled Material Reports

(04) Description of Expenses	Object Accounts			
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(a) Employee Names, Job Classifications, Functions Performed, and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
Completing/submitting the State Agency Model Integrated Waste Management Plan Clements, Ruth      Custodian Supervisor	\$27.28	12.0	\$ 327.36				

(05) Total	<input checked="" type="checkbox"/>	Subtotal	<input type="checkbox"/>	Page 1 of 1	\$ 327.36	\$ -	\$ -	\$ -	\$ -
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Program <b>256</b>	<b>MANDATED COSTS INTEGRATED WASTE MANAGEMENT ACTIVITY COST DETAIL</b>	FORM IWM-2
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(01) Claimant Redwoods Community College District	(02) Fiscal Year 2000-2001
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(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

One-Time Activities	<input type="checkbox"/> Development of Policies and Procedures	<input type="checkbox"/> Staff Training	
Ongoing Activities	<input type="checkbox"/> Completion and Submission of Plan to Board	<input type="checkbox"/> Response to Board During Approval Process	<input type="checkbox"/> Consultation with Board
	<input checked="" type="checkbox"/> Designation of Waste Reduction and Recycling Coordinator	<input type="checkbox"/> Maintenance of Approved Level of Reduction	
Alternative Compliance	<input type="checkbox"/> Alternative Requirement or Time Extension for 1/1/02 for 25% Waste	<input type="checkbox"/> Alternative Requirement of Time Extension for 1/1/04 for 50% Waste	
	<input type="checkbox"/> Accounting System	<input type="checkbox"/> Annual Report	<input type="checkbox"/> Annual Recycled Material Reports

(04) Description of Expenses

(a) Employee Names, Job Classifications, Functions Performed, and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
Designating one solid waste reduction and recycling coordinator for each college in district Clements, Ruth      Custodian Supervisor	\$27.28	40.0	\$ 1,091.20				

(05) Total	<input checked="" type="checkbox"/>	Subtotal	<input type="checkbox"/>	Page 1 of 1	\$ 1,091.20	\$ -	\$ -	\$ -	\$ -
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Program <b>256</b>	<b>MANDATED COSTS INTEGRATED WASTE MANAGEMENT ACTIVITY COST DETAIL</b>	FORM IWM-2
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(01) Claimant Redwoods Community College District	(02) Fiscal Year 2000-2001
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(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

One-Time Activities	<input type="checkbox"/> Development of Policies and Procedures	<input type="checkbox"/> Staff Training	
Ongoing Activities	<input type="checkbox"/> Completion and Submission of Plan to Board	<input type="checkbox"/> Response to Board During Approval Process	<input type="checkbox"/> Consultation with Board
	<input type="checkbox"/> Designation of Waste Reduction and Recycling Coordinator	<input checked="" type="checkbox"/> Maintenance of Approved Level of Reduction	
Alternative Compliance	<input type="checkbox"/> Alternative Requirement or Time Extension for 1/1/02 for 25% Waste	<input type="checkbox"/> Alternative Requirement of Time Extension for 1/1/04 for 50% Waste	
	<input type="checkbox"/> Accounting System	<input type="checkbox"/> Annual Report	<input type="checkbox"/> Annual Recycled Material Reports

(04) Description of Expenses

(a) Employee Names, Job Classifications, Functions Performed, and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
<b>Diverging solid waste from landfill disposal or transformation facilities - source reduction</b>							
Buckley, Susan Gardener	\$19.25	30.0	\$ 577.50				
Mendoza, Mike Maintenance Specialist 3	\$27.89	64.0	\$ 1,784.96				
Olivares, Thomas Gardener	\$22.39	25.0	\$ 559.75				
Patton, Sean Utility	\$17.47	10.0	\$ 174.70				
Sandeen, Steve Senior Gardener	\$23.27	30.0	\$ 698.10				
<b>Diverging solid waste from landfill disposal or transformation facilities - recycling</b>							
Bacchetti, Mike Senior Custodian	\$23.72	100.0	\$ 2,372.00				
Binchhaus, Al Custodian	\$21.55	100.0	\$ 2,155.00				
Buckley, Susan Gardener	\$19.25	130.0	\$ 2,502.50				
Dally, Dave Custodian	\$27.19	100.0	\$ 2,719.00				
Deo, Mike Custodian	\$18.85	52.0	\$ 980.20				
Harper, Shawn Custodian	\$18.12	100.0	\$ 1,812.00				
McGill, Colleen Custodian	\$16.99	74.0	\$ 1,257.26				
Olivares, Thomas Gardener	\$22.39	120.0	\$ 2,686.80				
Patton, Sean Utility	\$17.47	107.0	\$ 1,869.29				
Rosenberg, Dale Custodian	\$20.74	100.0	\$ 2,074.00				
Sandeen, Steve Senior Gardener	\$23.27	130.0	\$ 3,025.10				
Torres, Sergio Custodian	\$18.75	58.0	\$ 1,087.50				
Wilson, Darlene Custodian	\$19.25	100.0	\$ 1,925.00				
<b>Diverging solid waste from landfill disposal or transformation facilities - composting</b>							
Buckley, Susan Gardener	\$19.25	15.0	\$ 288.75				
Cordelro, Debbie Custodian	\$16.47	20.0	\$ 329.40				
Olivares, Thomas Gardener	\$22.39	15.0	\$ 335.85				
Sandeen, Steve Senior Gardener	\$23.27	15.0	\$ 349.05				
<b>Diverging solid waste from landfill disposal or transformation facilities - special waste</b>							
Binchhaus, Al Custodian	\$21.55	8.0	\$ 172.40				
Dally, Dave Custodian	\$27.19	8.0	\$ 217.52				
McGill, Colleen Custodian	\$16.99	8.0	\$ 135.92				
Wilson, Darlene Custodian	\$19.25	8.0	\$ 154.00				

(05) Total	<input checked="" type="checkbox"/>	Subtotal	<input type="checkbox"/>	Page 1 of 1	\$ 32,243.55	\$ -	\$ -	\$ -	\$ -
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Program  
256

**MANDATED COSTS  
INTEGRATED WASTE MANAGEMENT  
ACTIVITY COST DETAIL**

FORM  
IWM-2

(01) Claimant  
Redwoods Community College District

(02) Fiscal Year  
2000-2001

(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

One-Time Activities	<input type="checkbox"/> Development of Policies and Procedures	<input type="checkbox"/> Staff Training	
Ongoing Activities	<input type="checkbox"/> Completion and Submission of Plan to Board	<input type="checkbox"/> Response to Board During Approval Process	<input type="checkbox"/> Consultation with Board
	<input type="checkbox"/> Designation of Waste Reduction and Recycling Coordinator	<input type="checkbox"/> Maintenance of Approved Level of Reduction	
Alternative Compliance	<input type="checkbox"/> Alternative Requirement or Time Extension for 1/1/02 for 25% Waste	<input type="checkbox"/> Alternative Requirement of Time Extension for 1/1/04 for 50% Waste	
	<input type="checkbox"/> Accounting System	<input type="checkbox"/> Annual Report	<input checked="" type="checkbox"/> Annual Recycled Material Reports

(04) Description of Expenses

Object Accounts

(a) Employee Names, Job Classifications, Functions Performed, and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
Reporting annually to the Board quantities of recyclable materials collected Clements, Rulh                      Custodian Supervisor	\$27.28	12.0	\$ 327.36				

(05) Total  Subtotal  Page 1 of 1 \$ 327.36 \$ - \$ - \$ - \$ -

FY 2003-04 IWM Claim

<b>CLAIM FOR PAYMENT</b> Pursuant to Government Code Section 17561 <b>INTEGRATED WASTE MANAGEMENT</b>	For State Controller Use Only (19) Program Number 00256 (20) Date Filed ___/___/___ (21) LRS Input ___/___/___	<b>Program 256</b>
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L A B E L  H E R E	(01) Claimant Identification Number: CC 12145		Reimbursement Claim Data		
	(02) Claimant Name: Redwoods Community College District		(22) IWM-1, (03)(A)(1)(f)	0	
	County of Location: Humboldt		(23) IWM-1, (03)(A)(2)(f)	0	
	Street Address: 7351 Tompkins Hill Road		(24) IWM-1, (03)(B)(1)(f)	367	
	City: Eureka	State: CA	Zip Code: 95501	(25) IWM-1, (03)(B)(2)(f)	0
	Type of Claim	Estimated Claim		Reimbursement Claim	
		(03) Estimated	<input type="checkbox"/>	(09) Reimbursement	<input checked="" type="checkbox"/>
		(04) Combined	<input type="checkbox"/>	(10) Combined	<input type="checkbox"/>
		(05) Amended	<input type="checkbox"/>	(11) Amended	<input type="checkbox"/>
	Fiscal Year of Cost	(06)	(12)	2003-2004	(30) IWM-1, (03)(C)(2)(f)
Total Claimed Amount	(07)	(13)	\$ 61,814	(31) IWM-1, (03)(D)(f)	0
Less : 10% Late Penalty		(14)	\$ -	(32) IWM-1, (03)(E)(f)	0
Less : Prior Claim Payment Received		(15)	\$ -	(33) IWM-1, (03)(F)(f)	294
Net Claimed Amount		(16)	\$ 61,814	(34) IWM-1, (06)	17,598
Due from State	(08)	(17)	\$ 61,814	(35) IWM-1, (08)	1,327
Due to State		(18)		(36) IWM-1, (09)	0

**(37) CERTIFICATION OF CLAIM**

In accordance with the provisions of Government Code Section 17561, I certify that I am the officer authorized by the community college district to file mandated cost claims with the State of California for this program, and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1098, inclusive.

I further certify that there was no application other than from the claimant, nor any grant or payment received, for reimbursement of costs claimed herein, and such costs are for a new program or increased level of services of an existing program. All offsetting savings and reimbursements set forth in the Parameters and Guidelines are identified, and all costs claimed are supported by source documentation currently maintained by the claimant.

The amounts for this Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs set forth on the attached statements. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Authorized Officer (USE BLUE INK) Date  
9-30-05

Scott Thomason Vice President, Business Services  
 Type or Print Name Title

(38) Name of Contact Person for Claim Telephone Number: (858) 514-8605  
 SixTen and Associates E-mail Address: kbpsixten@aol.com

<b>Program</b> <b>256</b>	<b>MANDATED COSTS</b> <b>INTEGRATED WASTE MANAGEMENT</b> <b>CLAIM SUMMARY</b>	<b>FORM</b> <b>IWM-1</b>
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(01) Claimant: Redwoods Community College District	(02) Type of Claim Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year 2003-2004
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Direct Costs	Object Accounts					
(03) Reimbursable Activities	(a)	(b)	(c)	(d)	(e)	(f)
	Salaries and Benefits	Materials and Supplies	Contract Services	Fixed Assets	Travel and Training	Total
<b>A. One-Time Activities</b>						
1 Development of Policies and Procedures	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2 Staff Training	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>B. Ongoing Activities</b>						
1 Completion and Submission of Plan to Board	\$ 366.90	\$ -	\$ -	\$ -	\$ -	\$ 366.90
2 Response to Board During Approval Process	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
3 Consultation with Board	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
4 Designation of Waste Reduction and Recycling Coordinator	\$ 1,467.60	\$ -	\$ -	\$ -	\$ -	\$ 1,467.60
5 Diversion and Maintenance of Approved Level of Reduction	\$ 43,415.01	\$ -	\$ -	\$ -	\$ -	\$ 43,415.01
<b>C. Alternative Compliance</b>						
1 Alternative Requirements or Time Extension for 1/1/02 for 25% Waste	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2 Alternative Requirements or Time Extension for 1/1/04 for 50% Waste	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>D. Accounting System</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>E. Annual Report</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>F. Annual Recycled Material Reports</b>	\$ 293.52	\$ -	\$ -	\$ -	\$ -	\$ 293.52
<b>(04) Total Direct Costs</b>	<b>\$ 45,543.03</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 45,543.03</b>

<b>Indirect Costs</b>		
(05) Indirect Cost Rate	[Federally approved OMB A-21, FAM-29C, or 7%]	38.64%
(06) Total Indirect Costs	[Line (05) x Line (04)(a)]	\$ 17,597.83
(07) Total Direct and Indirect Costs	[Line (04)(f) + Line (06)]	\$ 63,140.86

<b>Cost Reduction</b>	
(08) Less: Offsetting Savings	\$ 1,326.59
(09) Less: Other Reimbursements	\$ -
(10) Total Claimed Amount	\$ 61,814.27

Program <b>256</b>	<b>MANDATED COSTS INTEGRATED WASTE MANAGEMENT ACTIVITY COST DETAIL</b>	FORM IWM-2
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(01) Claimant Redwoods Community College District	(02) Fiscal Year 2003-2004
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(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

One-Time Activities	<input type="checkbox"/> Development of Policies and Procedures	<input type="checkbox"/> Staff Training
Ongoing Activities	<input checked="" type="checkbox"/> Completion and Submission of Plan to Board	<input type="checkbox"/> Response to Board During Approval Process
	<input type="checkbox"/> Designation of Waste Reduction and Recycling Coordinator	<input type="checkbox"/> Maintenance of Approved Level of Reduction
Alternative Compliance	<input type="checkbox"/> Alternative Requirement or Time Extension for 1/1/02 for 25% Waste	<input type="checkbox"/> Alternative Requirement of Time Extension for 1/1/04 for 50% Waste
	<input type="checkbox"/> Accounting System	<input type="checkbox"/> Annual Report
		<input type="checkbox"/> Annual Recycled Material Reports

(04) Description of Expenses Object Accounts

(a) Employee Names, Job Classifications, Functions Performed, and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
Completing/submittting the State Agency Model Integrated Waste Management Plan Clements, Ruth      Custodial Supervisor	\$36.69	10.0	\$ 366.90				

(05) Total <input checked="" type="checkbox"/>	Subtotal <input type="checkbox"/>	Page 1 of 1	\$ 366.90	\$ -	\$ -	\$ -	\$ -
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Program <b>256</b>	<b>MANDATED COSTS INTEGRATED WASTE MANAGEMENT ACTIVITY COST DETAIL</b>	FORM IWM-2
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(01) Claimant Redwoods Community College District	(02) Fiscal Year 2003-2004
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(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

One-Time Activities	<input type="checkbox"/> Development of Policies and Procedures	<input type="checkbox"/> Staff Training	
Ongoing Activities	<input type="checkbox"/> Completion and Submission of Plan to Board	<input type="checkbox"/> Response to Board During Approval Process	<input type="checkbox"/> Consultation with Board
	<input checked="" type="checkbox"/> Designation of Waste Reduction and Recycling Coordinator	<input type="checkbox"/> Maintenance of Approved Level of Reduction	
Alternative Compliance	<input type="checkbox"/> Alternative Requirement or Time Extension for 1/1/02 for 25% Waste	<input type="checkbox"/> Alternative Requirement of Time Extension for 1/1/04 for 50% Waste	
	<input type="checkbox"/> Accounting System	<input type="checkbox"/> Annual Report	<input type="checkbox"/> Annual Recycled Material Reports

(04) Description of Expenses

Object Accounts

(a) Employee Names, Job Classifications, Functions Performed, and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
Designating one solid waste reduction and recycling coordinator for each college in district Clements, Ruth Custodial Supervisor	\$36.69	40.0	\$ 1,467.60				

(05) Total <input checked="" type="checkbox"/>	Subtotal <input type="checkbox"/>	Page 1 of 1	\$ 1,467.60	\$ -	\$ -	\$ -	\$ -
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**MANDATED COSTS  
INTEGRATED WASTE MANAGEMENT  
ACTIVITY COST DETAIL**

**FORM  
IWM-2**

(01) Claimant: Redwoods Community College District  
 (02) Fiscal Year: 2003-2004

(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

One-Time Activities	<input type="checkbox"/> Development of Policies and Procedures	<input type="checkbox"/> Staff Training	
Ongoing Activities	<input type="checkbox"/> Completion and Submission of Plan to Board	<input type="checkbox"/> Response to Board During Approval Process	<input type="checkbox"/> Consultation with Board
	<input type="checkbox"/> Designation of Waste Reduction and Recycling Coordinator	<input checked="" type="checkbox"/> Maintenance of Approved Level of Reduction	
Alternative Compliance	<input type="checkbox"/> Alternative Requirement or Time Extension for 1/1/02 for 25% Waste	<input type="checkbox"/> Alternative Requirement of Time Extension for 1/1/04 for 50% Waste	
	<input type="checkbox"/> Accounting System	<input type="checkbox"/> Annual Report	<input type="checkbox"/> Annual Recycled Material Reports

(04) Description of Expenses

(a) Employee Names, Job Classifications, Functions Performed, and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
<b>Diverting solid waste from landfill disposal or transformation facilities - source reduction</b>							
Doran, Tim Gardener	\$24.87	25.0	\$ 621.75				
Mendoza, Mike Maintenance Specialist 3	\$36.08	64.0	\$ 2,309.12				
Olivares, Thomas Gardener	\$29.61	20.0	\$ 592.20				
Patton, Sean Gardener	\$27.10	20.0	\$ 542.00				
Sandeen, Steve Senior Gardener	\$30.21	20.0	\$ 604.20				
<b>Diverting solid waste from landfill disposal or transformation facilities - recycling</b>							
Bacchetti, Mike Senior Custodian	\$30.71	100.0	\$ 3,071.00				
Binchaus, Al Custodian	\$28.04	100.0	\$ 2,804.00				
Buchanan, Henry Custodian	\$23.26	100.0	\$ 2,326.00				
Cordelro, Debbie Custodian	\$24.75	90.0	\$ 2,227.50				
Dally, Dave Custodian	\$28.04	100.0	\$ 2,804.00				
Doran, Tim Gardener	\$24.87	130.0	\$ 3,233.10				
McGill, Colleen Custodian	\$25.28	100.0	\$ 2,528.00				
Moreno, Jesse Custodian	\$18.81	80.0	\$ 1,504.80				
Olivares, Thomas Gardener	\$29.61	130.0	\$ 3,849.30				
Patton, Sean Gardener	\$27.10	130.0	\$ 3,523.00				
Sandeen, Steve Senior Gardener	\$30.21	130.0	\$ 3,927.30				
Sherman, Roger Custodian	\$23.31	100.0	\$ 2,331.00				
Wilson, Darlene Custodian	\$26.37	100.0	\$ 2,637.00				
<b>Diverting solid waste from landfill disposal or transformation facilities - composting</b>							
Doran, Tim Gardener	\$24.87	10.0	\$ 248.70				
Olivares, Thomas Gardener	\$29.61	10.0	\$ 296.10				
Patton, Sean Gardener	\$27.10	10.0	\$ 271.00				
Sandeen, Steve Senior Gardener	\$30.21	10.0	\$ 302.10				
<b>Diverting solid waste from landfill disposal or transformation facilities - special waste</b>							
Binchaus, Al Custodian	\$28.04	8.0	\$ 224.32				
Dally, Dave Custodian	\$28.04	8.0	\$ 224.32				
McGill, Colleen Custodian	\$25.28	8.0	\$ 202.24				
Wilson, Darlene Custodian	\$26.37	8.0	\$ 210.96				

(05) Total  Subtotal  Page 1 of 1 \$ 43,415.01 \$ - \$ - \$ - \$ -

Program <b>256</b>	<b>MANDATED COSTS</b> <b>INTEGRATED WASTE MANAGEMENT</b> <b>ACTIVITY COST DETAIL</b>	<b>FORM</b> <b>IWM-2</b>
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(01) Claimant Redwoods Community College District	(02) Fiscal Year 2003-2004
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(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

One-Time Activities	<input type="checkbox"/> Development of Policies and Procedures	<input type="checkbox"/> Staff Training	
Ongoing Activities	<input type="checkbox"/> Completion and Submission of Plan to Board	<input type="checkbox"/> Response to Board During Approval Process	<input type="checkbox"/> Consultation with Board
	<input type="checkbox"/> Designation of Waste Reduction and Recycling Coordinator	<input type="checkbox"/> Maintenance of Approved Level of Reduction	
Alternative Compliance	<input type="checkbox"/> Alternative Requirement or Time Extension for 1/1/02 for 25% Waste	<input type="checkbox"/> Alternative Requirement of Time Extension for 1/1/04 for 50% Waste	
	<input type="checkbox"/> Accounting System	<input type="checkbox"/> Annual Report	<input checked="" type="checkbox"/> Annual Recycled Material Reports

(04) Description of Expenses

(a) Employee Names, Job Classifications, Functions Performed, and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	Object Accounts					
			(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training	
Reporting annually to the Board quantities of recyclable materials collected Clements, Ruth Custodial Supervisor	\$36.69	8.0	\$ 293.52					

(05) Total	<input checked="" type="checkbox"/>	Subtotal	<input type="checkbox"/>	Page 1 of 1	\$ 293.52	\$ -	\$ -	\$ -	\$ -
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FY 2004-05 IWM Claim

<b>CLAIM FOR PAYMENT</b> Pursuant to Government Code Section 17561 <b>INTEGRATED WASTE MANAGEMENT</b>	For State Controller Use Only (19) Program Number 00256 (20) Date Filed ___/___/___ (21) LRS Input ___/___/___	Program <b>256</b>
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(01) Claimant Identification Number: <b>CC 12145</b>	<b>Reimbursement Claim Data</b>
(02) Claimant Name: <b>Redwoods Community College District</b>	(22) IWM-1, (03)(A)(1)(f) <b>0</b>
County of Location: <b>Humboldt</b>	(23) IWM-1, (03)(A)(2)(f) <b>0</b>
Street Address: <b>7351 Tompkins Hill Road.</b>	(24) IWM-1, (03)(B)(1)(f) <b>0</b>
City: <b>Eureka</b> State: <b>CA</b> Zip Code: <b>95501</b>	(25) IWM-1, (03)(B)(2)(f) <b>0</b>

Type of Claim	Estimated Claim	Reimbursement Claim	Code	Amount
	(03) Estimated <input checked="" type="checkbox"/>	(09) Reimbursement <input checked="" type="checkbox"/>	(26) IWM-1, (03)(B)(3)(f)	0
	(04) Combined <input type="checkbox"/>	(10) Combined <input type="checkbox"/>	(27) IWM-1, (03)(B)(4)(f)	1,549
	(05) Amended <input type="checkbox"/>	(11) Amended <input type="checkbox"/>	(28) IWM-1, (03)(B)(5)(f)	41,415
			(29) IWM-1, (03)(C)(1)(f)	0
Fiscal Year of Cost	(06) <b>2005-2006</b>	(12) <b>2004-2005</b>	(30) IWM-1, (03)(C)(2)(f)	0
Total Claimed Amount	(07) \$ <b>62,500</b>	(13) \$ <b>56,862</b>	(31) IWM-1, (03)(D)(f)	0
Less: 10% Late Penalty		(14) \$ <b>-</b>	(32) IWM-1, (03)(E)(f)	0
Less: Prior Claim Payment Received		(15) \$ <b>-</b>	(33) IWM-1, (03)(F)(f)	310
Net Claimed Amount		(16) \$ <b>56,862</b>	(34) IWM-1, (06)	16,401
Due from State	(08) \$ <b>62,500</b>	(17) \$ <b>56,862</b>	(35) IWM-1, (08)	2,811
Due to State		(18)	(36) IWM-1, (09)	0

**(37) CERTIFICATION OF CLAIM**

In accordance with the provisions of Government Code Section 17561, I certify that I am the officer authorized by the community college district to file mandated cost claims with the State of California for this program, and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1098, inclusive.

I further certify that there was no application other than from the claimant, nor any grant or payment received, for reimbursement of costs claimed herein, and such costs are for a new program or increased level of services of an existing program. All offsetting savings and reimbursements set forth in the Parameters and Guidelines are identified, and all costs claimed are supported by source documentation currently maintained by the claimant.

The amounts for this Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs set forth on the attached statements. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Authorized Officer (USE BLUE INK) \_\_\_\_\_ Date 9-30-05

Scott Thomason \_\_\_\_\_ Vice President, Business Services  
 Type or Print Name \_\_\_\_\_ Title

(38) Name of Contact Person for Claim: **SixTen and Associates** Telephone Number: **(858) 514-8605**  
 E-mail Address: **kbsixten@aol.com**

<b>Program</b> <b>256</b>	<b>MANDATED COSTS</b> <b>INTEGRATED WASTE MANAGEMENT</b> <b>CLAIM SUMMARY</b>	<b>FORM</b> <b>IWM-1</b>
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(01) Claimant: Redwoods Community College District	(02) Type of Claim Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year 2004-2005
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Direct Costs	Object Accounts
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(03) Reimbursable Activities	(a) Salaries and Benefits	(b) Materials and Supplies	(c) Contract Services	(d) Fixed Assets	(e) Travel and Training	(f) Total
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<b>A. One-Time Activities</b>
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1	Development of Policies and Procedures	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2	Staff Training	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

<b>B. Ongoing Activities</b>
------------------------------

1	Completion and Submission of Plan to Board	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2	Response to Board During Approval Process	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
3	Consultation with Board	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
4	Designation of Waste Reduction and Recycling Coordinator	\$ 1,548.80	\$ -	\$ -	\$ -	\$ -	\$ 1,548.80
5	Diversion and Maintenance of Approved Level of Reduction	\$ 41,414.59	\$ -	\$ -	\$ -	\$ -	\$ 41,414.59

<b>C. Alternative Compliance</b>
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1	Alternative Requirements or Time Extension for 1/1/02 for 25% Waste	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2	Alternative Requirements or Time Extension for 1/1/04 for 50% Waste	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

<b>D. Accounting System</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
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<b>E. Annual Report</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
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<b>F. Annual Recycled Material Reports</b>	\$ 309.76	\$ -	\$ -	\$ -	\$ -	\$ 309.76
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<b>(04) Total Direct Costs</b>	\$ 43,273.15	\$ -	\$ -	\$ -	\$ -	\$ 43,273.15
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<b>Indirect Costs</b>
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(05) Indirect Cost Rate	[Federally approved OMB A-21, FAM-29C, or 7%]	37.90%
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(06) Total Indirect Costs	[Line (05) x line (04)(a)]	\$ 16,400.52
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(07) Total Direct and Indirect Costs	[Line (04)(f) + line (06)]	\$ 59,673.67
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<b>Cost Reduction</b>
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(08) Less: Offsetting Savings	\$ 2,811.26
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(09) Less: Other Reimbursements	\$ -
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(10) Total Claimed Amount	[Line (07) - (Line (08) + Line (09))]	\$ 56,862.41
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Program 256	<b>MANDATED COSTS INTEGRATED WASTE MANAGEMENT ACTIVITY COST DETAIL</b>	FORM IWM-2
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(01) Claimant Redwoods Community College District	(02) Fiscal Year 2004-2005
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(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

One-Time Activities	<input type="checkbox"/> Development of Policies and Procedures	<input type="checkbox"/> Staff Training	
Ongoing Activities	<input type="checkbox"/> Completion and Submission of Plan to Board	<input type="checkbox"/> Response to Board During Approval Process	<input type="checkbox"/> Consultation with Board
	<input checked="" type="checkbox"/> Designation of Waste Reduction and Recycling Coordinator	<input type="checkbox"/> Maintenance of Approved Level of Reduction	
Alternative Compliance	<input type="checkbox"/> Alternative Requirement or Time Extension for 1/1/02 for 25% Waste	<input type="checkbox"/> Alternative Requirement of Time Extension for 1/1/04 for 50% Waste	
	<input type="checkbox"/> Accounting System	<input type="checkbox"/> Annual Report	<input type="checkbox"/> Annual Recycled Material Reports

(04) Description of Expenses

	Object Accounts						
(a) Employee Names, Job Classifications, Functions Performed, and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
Designating one solid waste reduction and recycling coordinator for each college in district Clements, Ruth      Custodial Supervisor	\$38.72	40.0	\$ 1,548.80				

(05) Total	<input checked="" type="checkbox"/>	Subtotal	<input type="checkbox"/>	Page 1 of 1	\$ 1,548.80	\$ -	\$ -	\$ -	\$ -
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Program <b>256</b>	<b>MANDATED COSTS INTEGRATED WASTE MANAGEMENT ACTIVITY COST DETAIL</b>	FORM IWM-2
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(01) Claimant Redwoods Community College District	(02) Fiscal Year 2004-2005
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(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

One-Time Activities	<input type="checkbox"/> Development of Policies and Procedures	<input type="checkbox"/> Staff Training	
Ongoing Activities	<input type="checkbox"/> Completion and Submission of Plan to Board	<input type="checkbox"/> Response to Board During Approval Process	<input type="checkbox"/> Consultation with Board
	<input type="checkbox"/> Designation of Waste Reduction and Recycling Coordinator	<input checked="" type="checkbox"/> Maintenance of Approved Level of Reduction	
Alternative Compliance	<input type="checkbox"/> Alternative Requirement or Time Extension for 1/1/02 for 25% Waste	<input type="checkbox"/> Alternative Requirement of Time Extension for 1/1/04 for 50% Waste	
	<input type="checkbox"/> Accounting System	<input type="checkbox"/> Annual Report	<input type="checkbox"/> Annual Recycled Material Reports

(04) Description of Expenses

(a) Employee Names, Job Classifications, Functions Performed, and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
<b>Diverting solid waste from landfill disposal or transformation facilities - recycling</b>							
Bacchetti, Mike      Senior Custodian	\$32.25	100.0	\$ 3,225.00				
Binchans, Al          Custodian	\$28.98	100.0	\$ 2,898.00				
Buchanan, Henry      Custodian	\$24.08	100.0	\$ 2,408.00				
Dally, David          Custodian	\$28.98	100.0	\$ 2,898.00				
Doran, Tim            Gardener	\$25.77	130.0	\$ 3,350.10				
McGill, Colleen      Custodian	\$26.21	100.0	\$ 2,621.00				
Moreno, Jesse        Custodian	\$24.59	100.0	\$ 2,459.00				
Olivares, Thomas    Gardener	\$30.63	130.0	\$ 3,981.90				
Patton, Sean          Gardener	\$28.13	130.0	\$ 3,656.90				
Sandeen, Steve      Senior Gardener	\$31.39	130.0	\$ 4,080.70				
Sherman, Chris      Custodian	\$24.08	100.0	\$ 2,408.00				
Wilson, Darlene     Custodian	\$27.36	100.0	\$ 2,736.00				
<b>Diverting solid waste from landfill disposal or transformation facilities - composting</b>							
Doran, Tim            Gardener	\$25.77	10.0	\$ 257.70				
Mendoza, Mike      Maintenance Specialist 3	\$37.55	8.0	\$ 300.40				
Olivares, Thomas    Gardener	\$30.63	10.0	\$ 306.30				
Patton, Sean          Gardener	\$28.13	10.0	\$ 281.30				
Sandeen, Steve      Senior Gardener	\$31.39	10.0	\$ 313.90				
<b>Diverting solid waste from landfill disposal or transformation facilities - special waste</b>							
Dally, David          Custodian	\$28.98	8.0	\$ 231.84				
Doran, Tim            Gardener	\$25.77	23.0	\$ 592.71				
McGill, Colleen      Custodian	\$26.21	8.0	\$ 209.68				
Olivares, Thomas    Gardener	\$30.63	23.0	\$ 704.49				
Patton, Sean          Gardener	\$28.13	23.0	\$ 646.99				
Sandeen, Steve      Senior Gardener	\$31.39	20.0	\$ 627.80				
Wilson, Darlene     Custodian	\$27.36	8.0	\$ 218.88				
<b>(05) Total</b> <input checked="" type="checkbox"/>			<b>Subtotal</b> <input type="checkbox"/>		Page 1 of 1		
			\$ 41,414.59	\$ -	\$ -	\$ -	\$ -

Program <b>256</b>	<b>MANDATED COSTS</b> <b>INTEGRATED WASTE MANAGEMENT</b> <b>ACTIVITY COST DETAIL</b>	FORM IWM-2
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(01) Claimant Redwoods Community College District	(02) Fiscal Year 2004-2005
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(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

One-Time Activities	<input type="checkbox"/> Development of Policies and Procedures	<input type="checkbox"/> Staff Training
Ongoing Activities	<input type="checkbox"/> Completion and Submission of Plan to Board	<input type="checkbox"/> Response to Board During Approval Process
	<input type="checkbox"/> Designation of Waste Reduction and Recycling Coordinator	<input type="checkbox"/> Maintenance of Approved Level of Reduction
Alternative Compliance	<input type="checkbox"/> Alternative Requirement or Time Extension for 1/1/02 for 25% Waste	<input type="checkbox"/> Alternative Requirement of Time Extension for 1/1/04 for 50% Waste
	<input type="checkbox"/> Accounting System	<input type="checkbox"/> Annual Report
		<input checked="" type="checkbox"/> Annual Recycled Material Reports

(04) Description of Expenses

(a) Employee Names, Job Classifications, Functions Performed, and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
Reporting annually to the Board quantiles of recyclable materials collected Clements, Ruth Custodial Supervisor	\$38.72	8.0	\$ 309.76				

(05) Total	<input checked="" type="checkbox"/>	Subtotal	<input type="checkbox"/>	Page 1 of 1	\$ 309.76	\$ -	\$ -	\$ -	\$ -
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FY 2005-06 IWM Claim

# Claim File Copy

State Controller's Office

Community College Mandated Cost Manual

<b>CLAIM FOR PAYMENT</b> Pursuant to Government Code Section 17561 <b>INTEGRATED WASTE MANAGEMENT</b>	For State Controller Use Only (19) Program Number 00256 (20) Date Filed ___/___/___ (21) LRS Input ___/___/___	<b>Program</b> <span style="font-size: 2em; font-weight: bold;">256</span>
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LABEL HERE	(01) Claimant Identification Number: <span style="float: right;">CC 12145</span>		Reimbursement Claim Data		
	(02) Claimant Name: <span style="float: right;">Redwoods Community College District</span>		(22) IWM-1, (03)(A)(1)(f)	1,494	
	(03) County of Location: <span style="float: right;">Humboldt</span>		(23) IWM-1, (03)(A)(2)(f)	1,494	
	(04) Street Address: <span style="float: right;">7351 Tompkins Hill Road</span>		(24) IWM-1, (03)(B)(1)(f)	0	
	(05) City: <span style="float: right;">Eureka</span>	(06) State: <span style="float: right;">CA</span>	(07) Zip Code: <span style="float: right;">95501</span>	(25) IWM-1, (03)(B)(2)(f)	0
	Type of Claim	Estimated Claim		Reimbursement Claim	
		(03) Estimated	<input checked="" type="checkbox"/>	(09) Reimbursement	<input checked="" type="checkbox"/>
		(04) Combined	<input type="checkbox"/>	(10) Combined	<input type="checkbox"/>
		(05) Amended	<input type="checkbox"/>	(11) Amended	<input type="checkbox"/>
	(26) IWM-1, (03)(B)(3)(f)			0	
(08) Fiscal Year of Cost: <span style="float: right;">2006-2007</span>		(12) Fiscal Year of Cost: <span style="float: right;">2005-2006</span>	(30) IWM-1, (03)(C)(2)(f)	0	
(09) Total Claimed Amount: <span style="float: right;">\$ 46,200</span>		(13) Total Claimed Amount: <span style="float: right;">\$ 42,056</span>	(31) IWM-1, (03)(D)(f)	0	
Less: 10% Late Penalty		(14) \$ -	(32) IWM-1, (03)(E)(f)	1,494	
Less: Prior Claim Payment Received		(15) \$ -	(33) IWM-1, (03)(F)(f)	332	
(16) Net Claimed Amount		(16) \$ 42,056	(34) IWM-1, (06)	11,886	
(17) Due from State	(08) \$ 46,200	(17) \$ 42,056	(35) IWM-1, (08)	0	
(18) Due to State		(18)	(36) IWM-1, (09)	2,811	

**(37) CERTIFICATION OF CLAIM**

In accordance with the provisions of Government Code Section 17561, I certify that I am the officer authorized by the community college district to file mandated cost claims with the State of California for this program, and certify under penalty of perjury that I have not violated any of the provisions of Government Code Sections 1090 to 1098, inclusive.

I further certify that there was no application other than from the claimant, nor any grant or payment received, for reimbursement of costs claimed herein, and such costs are for a new program or increased level of services of an existing program. All offsetting savings and reimbursements set forth in the Parameters and Guidelines are identified, and all costs claimed are supported by source documentation currently maintained by the claimant.

The amounts for this Estimated Claim and/or Reimbursement Claim are hereby claimed from the State for payment of estimated and/or actual costs set forth on the attached statements. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature of Authorized Officer (USE BLUE INK)

Date

*Scott Thomason*

*1/6/07*

Scott Thomason

Vice President, Chief Business Officer

Type or Print Name

Title

(38) Name of Contact Person for Claim

Telephone Number: (858) 514-8605

SixTen and Associates

E-mail Address: kbpsixten@aol.com

<b>Program 256</b>	<b>MANDATED COSTS INTEGRATED WASTE MANAGEMENT CLAIM SUMMARY</b>	<b>FORM IWM-1</b>
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(01) Claimant: Redwoods Community College District	(02) Type of Claim Reimbursement <input checked="" type="checkbox"/> Estimated <input type="checkbox"/>	Fiscal Year 2005-2006
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Direct Costs	Object Accounts
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(03) Reimbursable Activities	(a) Salaries and Benefits	(b) Materials and Supplies	(c) Contract Services	(d) Fixed Assets	(e) Travel and Training	(f) Total
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**A. One-Time Activities**

1	Development of Policies and Procedures	\$ 1,494.36	\$ -	\$ -	\$ -	\$ -	\$ 1,494.36
2	Staff Training	\$ 1,494.36	\$ -	\$ -	\$ -	\$ -	\$ 1,494.36

**B. Ongoing Activities**

1	Completion and Submission of Plan to Board	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2	Response to Board During Approval Process	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
3	Consultation with Board	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
4	Designation of Waste Reduction and Recycling Coordinator	\$ 1,867.95	\$ -	\$ -	\$ -	\$ -	\$ 1,867.95
5	Diversion and Maintenance of Approved Level of Reduction	\$ 25,054.53	\$ 1,243.93	\$ -	\$ -	\$ -	\$ 26,298.46

**C. Alternative Compliance**

1	Alternative Requirements or Time Extension for 1/1/02 for 25% Waste	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2	Alternative Requirements or Time Extension for 1/1/04 for 50% Waste	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

**D. Accounting System**

		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
--	--	------	------	------	------	------	------

**E. Annual Report**

		\$ 1,494.36	\$ -	\$ -	\$ -	\$ -	\$ 1,494.36
--	--	-------------	------	------	------	------	-------------

**F. Annual Recycled Material Reports**

		\$ 332.08	\$ -	\$ -	\$ -	\$ -	\$ 332.08
--	--	-----------	------	------	------	------	-----------

(04) Total Direct Costs	\$ 31,737.64	\$ 1,243.93	\$ -	\$ -	\$ -	\$ -	\$ 32,981.57
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**Indirect Costs**

(05) Indirect Cost Rate	[Federally approved OMB A-21, FAM-29C, or 7%]	37.45%
(06) Total Indirect Costs	[Line (05) x line (04)(a)]	\$ 11,885.75
(07) Total Direct and Indirect Costs	[Line (04)(f) + line (06)]	\$ 44,867.32

**Cost Reduction**

(08) Less: Offsetting Savings	\$ -
(09) Less: Other Reimbursements	\$ 2,811.39
(10) Total Claimed Amount	\$ 42,055.93

Program <b>256</b>	<b>MANDATED COSTS INTEGRATED WASTE MANAGEMENT ACTIVITY COST DETAIL</b>	FORM IWM-2
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(01) Claimant Redwoods Community College District	(02) Fiscal Year 2005-2006
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(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

One-Time Activities	<input checked="" type="checkbox"/> Development of Policies and Procedures	<input type="checkbox"/> Staff Training	
Ongoing Activities	<input type="checkbox"/> Completion and Submission of Plan to Board	<input type="checkbox"/> Response to Board During Approval Process	<input type="checkbox"/> Consultation with Board
	<input type="checkbox"/> Designation of Waste Reduction and Recycling Coordinator	<input type="checkbox"/> Maintenance of Approved Level of Reduction	
Alternative Compliance	<input type="checkbox"/> Alternative Requirement or Time Extension for 1/1/02 for 25% Waste	<input type="checkbox"/> Alternative Requirement of Time Extension for 1/1/04 for 50% Waste	
	<input type="checkbox"/> Accounting System	<input type="checkbox"/> Annual Report	<input type="checkbox"/> Annual Recycled Material Reports

(04) Description of Expenses			Object Accounts				
(a) Employee Names, Job Classifications, Functions Performed, and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
Developing the necessary district policies and procedures Clements, Ruth      Custodial Supervisor	\$41.51	36.0	\$ 1,494.36				

(05) Total	<input checked="" type="checkbox"/>	Subtotal	<input type="checkbox"/>	Page 1 of <b>179</b>	\$ 1,494.36	\$ -	\$ -	\$ -	\$ -
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Program <b>256</b>	<b>MANDATED COSTS INTEGRATED WASTE MANAGEMENT ACTIVITY COST DETAIL</b>	FORM IWM-2
-----------------------	--	---------------

(01) Claimant Redwoods Community College District	(02) Fiscal Year 2005-2006
--	-------------------------------

(03) Reimbursable Activities: Check one box per form to identify the activity being claimed.

One-Time Activities	<input type="checkbox"/> Development of Policies and Procedures	<input checked="" type="checkbox"/> Staff Training
Ongoing Activities	<input type="checkbox"/> Completion and Submission of Plan to Board	<input type="checkbox"/> Response to Board During Approval Process
	<input type="checkbox"/> Designation of Waste Reduction and Recycling Coordinator	<input type="checkbox"/> Maintenance of Approved Level of Reduction
Alternative Compliance	<input type="checkbox"/> Alternative Requirement or Time Extension for 1/1/02 for 25% Waste	<input type="checkbox"/> Alternative Requirement of Time Extension for 1/1/04 for 50% Waste
	<input type="checkbox"/> Accounting System	<input type="checkbox"/> Annual Report
		<input type="checkbox"/> Annual Recycled Material Reports

(04) Description of Expenses

	Object Accounts						
(a) Employee Names, Job Classifications, Functions Performed, and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
Training district staff on the requirements and implementation of the plan Clements, Ruth      Custodial Supervisor	\$41.51	36.0	\$ 1,494.36				

(05) Total	<input checked="" type="checkbox"/>	Subtotal	<input type="checkbox"/>	Page 1 of <b>180</b>	\$ 1,494.36	\$ -	\$ -	\$ -	\$ -
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Program <b>256</b>	<b>MANDATED COSTS INTEGRATED WASTE MANAGEMENT ACTIVITY COST DETAIL</b>	FORM IWM-2
-----------------------	--	---------------

(01) Claimant Redwoods Community College District	(02) Fiscal Year 2005-2006
--	-------------------------------

(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

One-Time Activities	<input type="checkbox"/> Development of Policies and Procedures	<input type="checkbox"/> Staff Training	
Ongoing Activities	<input type="checkbox"/> Completion and Submission of Plan to Board	<input type="checkbox"/> Response to Board During Approval Process	<input type="checkbox"/> Consultation with Board
	<input checked="" type="checkbox"/> Designation of Waste Reduction and Recycling Coordinator	<input type="checkbox"/> Maintenance of Approved Level of Reduction	
Alternative Compliance	<input type="checkbox"/> Alternative Requirement or Time Extension for 1/1/02 for 25% Waste	<input type="checkbox"/> Alternative Requirement of Time Extension for 1/1/04 for 50% Waste	
	<input type="checkbox"/> Accounting System	<input type="checkbox"/> Annual Report	<input type="checkbox"/> Annual Recycled Material Reports

(04) Description of Expenses			Object Accounts				
(a) Employee Names, Job Classifications, Functions Performed, and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
Designating one solid waste reduction and recycling coordinator for each college in district Clements, Ruth Custodial Supervisor	\$41.51	45.0	\$ 1,867.95				

(05) Total	<input checked="" type="checkbox"/>	Subtotal	<input type="checkbox"/>	Page 1 of 1	181	\$ 1,867.95	\$ -	\$ -	\$ -	\$ -
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Program <b>256</b>	<b>MANDATED COSTS</b> <b>INTEGRATED WASTE MANAGEMENT</b> <b>ACTIVITY COST DETAIL</b>	FORM IWM-2
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(01) Claimant Redwoods Community College District	(02) Fiscal Year 2005-2006
--	-------------------------------

(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

One-Time Activities	<input type="checkbox"/> Development of Policies and Procedures	<input type="checkbox"/> Staff Training
Ongoing Activities	<input type="checkbox"/> Completion and Submission of Plan to Board	<input type="checkbox"/> Response to Board During Approval Process
	<input type="checkbox"/> Designation of Waste Reduction and Recycling Coordinator	<input checked="" type="checkbox"/> Maintenance of Approved Level of Reduction
Alternative Compliance	<input type="checkbox"/> Alternative Requirement or Time Extension for 1/1/02 for 25% Waste	<input type="checkbox"/> Alternative Requirement of Time Extension for 1/1/04 for 50% Waste
	<input type="checkbox"/> Accounting System	<input type="checkbox"/> Annual Report
		<input type="checkbox"/> Annual Recycled Material Reports

(04) Description of Expenses	Object Accounts
------------------------------	-----------------

(a) Employee Names, Job Classifications, Functions Performed, and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
<b>Diverging solid waste from landfill disposal or transformation facilities - recycling</b>							
Bacchetti, Mike      Senior Custodian	\$26.65	125.0	\$ 3,331.25				
Doran, Tim            Gardener	\$26.71	26.0	\$ 694.46				
Eschrega, Christopher      Custodian	\$26.65	25.0	\$ 666.25				
McGill, Colleen            Custodian	\$27.16	50.0	\$ 1,358.00				
Olivares, Thomas          Gardener	\$31.59	26.0	\$ 821.34				
Patton, Sean            Gardener	\$29.14	26.0	\$ 757.64				
Sandeen, Steve          Senior Gardener	\$32.55	27.0	\$ 878.85				
Wilson, Darlene          Custodian	\$28.36	275.0	\$ 7,799.00				
<b>Diverging solid waste from landfill disposal or transformation facilities - composting</b>							
Doran, Tim            Gardener	\$26.71	26.0	\$ 694.46				
Mendoza, Mike          Maintenance Specialist III	\$38.95	35.0	\$ 1,363.25				
Olivares, Thomas          Gardener	\$31.59	26.0	\$ 821.34				
Patton, Sean            Gardener	\$29.14	26.0	\$ 757.64				
Sandeen, Steve          Senior Gardener	\$32.55	27.0	\$ 878.85				
<b>Diverging solid waste from landfill disposal or transformation facilities - special waste</b>							
Doran, Tim            Gardener	\$26.71	35.0	\$ 934.85				
Olivares, Thomas          Gardener	\$31.59	35.0	\$ 1,105.65				
Patton, Sean            Gardener	\$29.14	35.0	\$ 1,019.90				
Sandeen, Steve          Senior Gardener	\$32.55	36.0	\$ 1,171.80				
<b>Procuring materials/equipment necessary for maintaining approved level of reduction</b>							
Supplies            Recycling Supplies	\$100.00	12.4		\$ 1,243.93			

(05) Total <input checked="" type="checkbox"/>	Subtotal <input type="checkbox"/>	Page 1 of <b>182</b>	\$ 25,054.63	\$ 1,243.93	\$ -	\$ -	\$ -
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Program 256	<b>MANDATED COSTS INTEGRATED WASTE MANAGEMENT ACTIVITY COST DETAIL</b>	FORM IWM-2
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(01) Claimant Redwoods Community College District	(02) Fiscal Year 2005-2006
--	-------------------------------

(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

One-Time Activities	<input type="checkbox"/> Development of Policies and Procedures	<input type="checkbox"/> Staff Training	
Ongoing Activities	<input type="checkbox"/> Completion and Submission of Plan to Board	<input type="checkbox"/> Response to Board During Approval Process	<input type="checkbox"/> Consultation with Board
	<input type="checkbox"/> Designation of Waste Reduction and Recycling Coordinator	<input type="checkbox"/> Maintenance of Approved Level of Reduction	
Alternative Compliance	<input type="checkbox"/> Alternative Requirement or Time Extension for 1/1/02 for 25% Waste	<input type="checkbox"/> Alternative Requirement of Time Extension for 1/1/04 for 50% Waste	
	<input type="checkbox"/> Accounting System	<input checked="" type="checkbox"/> Annual Report	<input type="checkbox"/> Annual Recycled Material Reports

(04) Description of Expenses	Object Accounts						
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(a) Employee Names, Job Classifications, Functions Performed, and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
Completing/submitting the State Agency Model Integrated Waste Management Plan Clements, Ruth Custodial Supervisor	\$41.51	36.0	\$ 1,494.36				

(05) Total	<input checked="" type="checkbox"/>	Subtotal	<input type="checkbox"/>	Page 1 of <b>183</b>	\$ 1,494.36	\$ -	\$ -	\$ -	\$ -
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Program <b>256</b>	<b>MANDATED COSTS</b> <b>INTEGRATED WASTE MANAGEMENT</b> <b>ACTIVITY COST DETAIL</b>	FORM IWM-2
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(01) Claimant Redwoods Community College District	(02) Fiscal Year 2005-2006
--	-------------------------------

(03) Reimbursable Activities: Check only one box per form to identify the activity being claimed.

One-Time Activities	<input type="checkbox"/> Development of Policies and Procedures	<input type="checkbox"/> Staff Training
Ongoing Activities	<input type="checkbox"/> Completion and Submission of Plan to Board <input type="checkbox"/> Designation of Waste Reduction and Recycling Coordinator	<input type="checkbox"/> Response to Board During Approval Process <input type="checkbox"/> Maintenance of Approved Level of Reduction <input type="checkbox"/> Consultation with Board <input type="checkbox"/> Alternative Requirement of Time Extension for 1/1/04 for 50% Waste
Alternative Compliance	<input type="checkbox"/> Alternative Requirement or Time Extension for 1/1/02 for 25% Waste	<input type="checkbox"/> Alternative Requirement of Time Extension for 1/1/04 for 50% Waste
<input type="checkbox"/> Accounting System		<input type="checkbox"/> Annual Report
		<input checked="" type="checkbox"/> Annual Recycled Material Reports

(04) Description of Expenses			Object Accounts				
(a) Employee Names, Job Classifications, Functions Performed, and Description of Expenses	(b) Hourly Rate or Unit Cost	(c) Hours Worked or Quantity	(d) Salaries and Benefits	(e) Materials and Supplies	(f) Contract Services	(g) Fixed Assets	(h) Travel and Training
Reporting annually to the Board quantities of recyclable materials collected Clements, Ruth Custodial Supervisor	\$41.51	8.0	\$ 332.08				
			Total	\$ 332.08	\$ -	\$ -	\$ -





JOHN CHIANG  
 California State Controller  
 Division of Accounting and Reporting  
 APRIL 18, 2014

CC12145  
 00256  
 2014/04/18

BOARD OF TRUSTEES  
 REDWOODS COMM COLL DIST  
 HUMBOLDT COUNTY  
 7351 TOMPKINS HILL RD  
 EUREKA CA 95501

DEAR CLAIMANT:

RE: INTEGRATED WASTE MGT:1116/92-C

WE HAVE REVIEWED YOUR 1999/2000 FISCAL YEAR REIMBURSEMENT CLAIM FOR THE MANDATED COST PROGRAM REFERENCED ABOVE. THE RESULTS OF OUR REVIEW ARE AS FOLLOWS:

AMOUNT CLAIMED 23,105.00

ADJUSTMENT TO CLAIM:

FIELD AUDIT FINDINGS - 3,632.00

TOTAL ADJUSTMENTS - 3,632.00

AMOUNT DUE CLAIMANT \$ 19,473.00

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT DENNIS SPECIALE AT (916) 324-0254 OR IN WRITING AT THE STATE CONTROLLER'S OFFICE, DIVISION OF ACCOUNTING AND REPORTING, P.O. BOX 942850, SACRAMENTO, CA 94250-5875. DUE TO INSUFFICIENT APPROPRIATION, THE BALANCE DUE WILL BE FORTHCOMING WHEN ADDITIONAL FUNDS ARE MADE AVAILABLE.

SINCERELY,

JAY LAL, MANAGER



JOHN CHIANG  
 California State Controller  
 Division of Accounting and Reporting  
 APRIL 18, 2014

CC12145  
 00256  
 2014/04/18

BOARD OF TRUSTEES  
 REDWOODS COMM COLL DIST  
 HUMBOLDT COUNTY  
 7351 TOMPKINS HILL RD  
 EUREKA CA 95501

DEAR CLAIMANT:

RE: INTEGRATED WASTE MGT:1116/92-C

WE HAVE REVIEWED YOUR 2000/2001 FISCAL YEAR REIMBURSEMENT CLAIM FOR THE MANDATED COST PROGRAM REFERENCED ABOVE. THE RESULTS OF OUR REVIEW ARE AS FOLLOWS:

AMOUNT CLAIMED 47,151.00

ADJUSTMENT TO CLAIM:

FIELD AUDIT FINDINGS - 9,140.00

TOTAL ADJUSTMENTS - 9,140.00

AMOUNT DUE CLAIMANT \$ 38,011.00

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT DENNIS SPECIALE AT (916) 324-0254 OR IN WRITING AT THE STATE CONTROLLER'S OFFICE, DIVISION OF ACCOUNTING AND REPORTING, P.O. BOX 942850, SACRAMENTO, CA 94250-5875. DUE TO INSUFFICIENT APPROPRIATION, THE BALANCE DUE WILL BE FORTHCOMING WHEN ADDITIONAL FUNDS ARE MADE AVAILABLE.

SINCERELY,

JAY LAL, MANAGER



JOHN CHIANG  
 California State Controller  
 Division of Accounting and Reporting  
 APRIL 18, 2014

CC12145  
 00256  
 2014/04/18

BOARD OF TRUSTEES  
 REDWOODS COMM COLL DIST  
 HUMBOLDT COUNTY  
 7351 TOMPKINS HILL RD  
 EUREKA CA 95501

DEAR CLAIMANT:

RE: INTEGRATED WASTE MGT:1116/92-C

WE HAVE REVIEWED YOUR 2003/2004 FISCAL YEAR REIMBURSEMENT CLAIM FOR THE MANDATED COST PROGRAM REFERENCED ABOVE. THE RESULTS OF OUR REVIEW ARE AS FOLLOWS:

AMOUNT CLAIMED 61,814.00

ADJUSTMENT TO CLAIM:

FIELD AUDIT FINDINGS - 8,625.00

TOTAL ADJUSTMENTS - 8,625.00

LESS PRIOR PAYMENT: SCHEDULE NO. AP00123A PAID 01-18-2011 6,088.00

AMOUNT DUE CLAIMANT \$ 47,101.00

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT DENNIS SPECIALE AT (916) 324-0254 OR IN WRITING AT THE STATE CONTROLLER'S OFFICE, DIVISION OF ACCOUNTING AND REPORTING, P.O. BOX 942850, SACRAMENTO, CA 94250-5875. DUE TO INSUFFICIENT APPROPRIATION, THE BALANCE DUE WILL BE FORTHCOMING WHEN ADDITIONAL FUNDS ARE MADE AVAILABLE.

SINCERELY,

JAY LAL, MANAGER



JOHN CHIANG  
 California State Controller  
 Division of Accounting and Reporting  
 APRIL 18, 2014

CC12145  
 00256  
 2014/04/18

BOARD OF TRUSTEES  
 REDWOODS COMM COLL DIST  
 HUMBOLDT COUNTY  
 7351 TOMPKINS HILL RD  
 EUREKA CA 95501

DEAR CLAIMANT:

RE: INTEGRATED WASTE MGT:1116/92-C

WE HAVE REVIEWED YOUR 2004/2005 FISCAL YEAR REIMBURSEMENT CLAIM FOR THE MANDATED COST PROGRAM REFERENCED ABOVE. THE RESULTS OF OUR REVIEW ARE AS FOLLOWS:

AMOUNT CLAIMED 56,862.00

ADJUSTMENT TO CLAIM:

FIELD AUDIT FINDINGS - 6,876.00

TOTAL ADJUSTMENTS - 6,876.00

AMOUNT DUE CLAIMANT \$ 49,986.00

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT DENNIS SPECIALE AT (916) 324-0254 OR IN WRITING AT THE STATE CONTROLLER'S OFFICE, DIVISION OF ACCOUNTING AND REPORTING, P.O. BOX 942850, SACRAMENTO, CA 94250-5875. DUE TO INSUFFICIENT APPROPRIATION, THE BALANCE DUE WILL BE FORTHCOMING WHEN ADDITIONAL FUNDS ARE MADE AVAILABLE.

SINCERELY,

JAY LAL, MANAGER

CC12145  
00256  
2014/04/18

APRIL 18, 2014  
BOARD OF TRUSTEES  
REDWOODS COMM COLL DIST  
HUMBOLDT COUNTY  
7351 TOMPKINS HILL RD  
EUREKA CA 95501

DEAR CLAIMANT:

RE: INTEGRATED WASTE MGT:1116/92-C

WE HAVE REVIEWED YOUR 2005/2006 FISCAL YEAR REIMBURSEMENT CLAIM FOR THE MANDATED COST PROGRAM REFERENCED ABOVE. THE RESULTS OF OUR REVIEW ARE AS FOLLOWS:

AMOUNT CLAIMED		42,056.00
ADJUSTMENT TO CLAIM:		
FIELD AUDIT FINDINGS	-	9,974.00
TOTAL ADJUSTMENTS		- 9,974.00

AMOUNT DUE CLAIMANT \$ 32,082.00

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT DENNIS SPECIALE AT (916) 324-0254 OR IN WRITING AT THE STATE CONTROLLER'S OFFICE, DIVISION OF ACCOUNTING AND REPORTING, P.O. BOX 942850, SACRAMENTO, CA 94250-5875. DUE TO INSUFFICIENT APPROPRIATION, THE BALANCE DUE WILL BE FORTHCOMING WHEN ADDITIONAL FUNDS ARE MADE AVAILABLE.



RECEIVED  
December 30, 2014  
Commission on  
State Mandates

LATE FILING

JOHN CHIANG  
California State Controller

December 30, 2014

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

Re: **Incorrect Reduction Claim (IRC)**

*Integrated Waste Management*, 14-0007-I-10  
Public Resources Code Section 40418, 40196.3, 42920-42928;  
Public Contract Code Section 12167 and 12167.1;  
Statutes of 1992, Chapter 1116 (AB 3521); Statutes of 1999, Chapter 764 (AB 75)  
Fiscal Years: 1999-2000, 2000-01, 2003-04, 2004-05, and 2005-06  
Redwoods Community College District, Claimant

Dear Ms. Halsey:

The State Controller's Office is transmitting our response to the above-named IRC.

If you have any questions, please contact me by telephone at (916) 323-5849.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim L. Spano".

JIM L. SPANO, Chief  
Mandated Cost Audits Bureau  
Division of Audits

JLS/sk

14922



**RESPONSE BY THE STATE CONTROLLER’S OFFICE  
TO THE INCORRECT REDUCTION CLAIM (IRC) BY  
REDWOODS COMMUNITY COLLEGE DISTRICT**

**Integrated Waste Management Program**

**Table of Contents**

<b><u>Description</u></b>	<b><u>Page</u></b>
<b>State Controller’s Office (SCO) Response to District’s Comments</b>	
Declaration.....	Tab 1
SCO Analysis and Response.....	Tab 2
SCO email to inform district of review engagement, dated January 17, 2014 .....	Tab 3
SCO remittance advice, date January 28, 2011 .....	Tab 4
Sacramento County Superior Court Ruling dated, dated May 29, 2008 .....	Tab 5
Sacramento County Superior Court Judgment Granting Petition for Writ of Administrative Mandamus, dated June 30, 2008 .....	Tab 6
District’s Waste Management Annual Reports to CalRecycle of diversion.....	Tab 7
District’s website information - Facilities and Grounds, Waste Reduction and Recycling Program.....	Tab 8
Humboldt Waste Management Authority website information - Hawthorne Street Transfer Station (Dump), Garbage Drop Off Fees .....	Tab 9
SCO Offsetting Savings Calculation .....	Tab 10
SCO email to inform district of review finding, dated March 19, 2014.....	Tab 11
SCO email to remind district of the review finding, dated March 28, 2014.....	Tab 12
SCO Summary of “Composting” (Direct) Costs Claimed by the district.....	Tab 13
CalRecycle website information regarding hazardous waste materials.....	Tab 14
California Integrated Waste Management Board letter on statewide average disposal fee for solid waste hauled to a landfill, dated September 21, 2009 .....	Tab 15

Note: References to Exhibits relate to the district’s IRC filed on August 14, 2014, as follows:

- Exhibit A – PDF pages 26, 27, 29, 30, 31, and 32
- Exhibit B – PDF pages 48 and 58
- Exhibit C – PDF pages 36, 48, and 83
- Exhibit D – PDF pages 151, 157, 164, 171, and 177

# **Tab 1**

1 **OFFICE OF THE STATE CONTROLLER**

2 Division of Audits

3 3301 C Street, Suite 725

4 Sacramento, CA 94816

5 Telephone No.: (916) 323-5849

6 BEFORE THE

7 COMMISSION ON STATE MANDATES

8 STATE OF CALIFORNIA

9 INCORRECT REDUCTION CLAIM (IRC)  
10 ON:

11 *Integrated Waste Management Program*

12 Public Resources Code Sections 40148,  
13 40196.3, 42920, 42921, 42922, 42923, 42924,  
14 42925, 42926, 42927, and 42928; Public  
15 Contract Code Sections 12167 and 12167.1;

16 Statutes of 1992, Chapter 1116 (AB 3521);  
17 Statutes of 1999, Chapter 764 (AB 75)

18 REDWOODS COMMUNITY COLLEGE  
19 DISTRICT, Claimant

No.: IRC 14-0007-I-10

AFFIDAVIT OF BUREAU CHIEF

20 I, Jim L. Spano, make the following declarations:

- 21 1) I am an employee of the State Controller's Office (SCO) and am over the age of 18  
22 years.
- 23 2) I am currently employed as a bureau chief, and have been so since April 21, 2000.  
24 Before that, I was employed as an audit manager for two years and three months.
- 25 3) I am a California Certified Public Accountant.
- 4) I reviewed the work performed by the SCO auditor.
- 5) Any attached copies of records are true copies of records, as provided by Redwoods  
Community College District or retained at our place of business.

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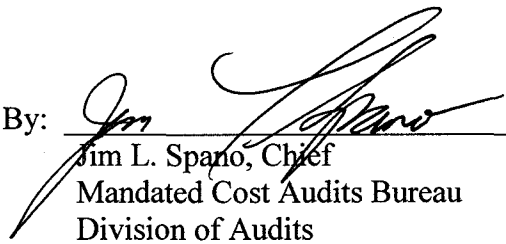
6) The records include claims for reimbursement, and attached supporting documentation, explanatory letters, or other documents relating to the above-entitled Incorrect Reduction Claim.

7) A review of the claims for fiscal year (FY) 1999-2000, FY 2000-01, FY 2003-04, FY 2004-05, and FY 2005-06 commenced January 17, 2014, and was completed on April 11, 2014.

I do declare that the above declarations are made under penalty of perjury and are true and correct to the best of my knowledge, and that such knowledge is based on personal observation, information, or belief.

Date: December 30, 2014

OFFICE OF THE STATE CONTROLLER

By:   
Jim L. Sprio, Chief  
Mandated Cost Audits Bureau  
Division of Audits  
State Controller's Office

## **Tab 2**

**STATE CONTROLLER'S OFFICE ANALYSIS AND RESPONSE  
TO THE INCORRECT REDUCTION CLAIM BY  
REDWOODS COMMUNITY COLLEGE DISTRICT**

**For Fiscal Year (FY) 1999-2000, FY 2000-01, FY 2003-04, FY 2004-05, and FY 2005-06**

**Integrated Waste Management Program  
Public Resources Code Sections 40148, 40196.3, 42920, 42921, 42922, 42923, 42924, 42925,  
42926, 42927, and 42928; Public Contract Code Sections 12167 and 12167.1;  
Statutes of 1992, Chapter 1116 (AB 3521); Statutes of 1999, Chapter 764 (AB 75)**

**SUMMARY**

The following is the State Controller's Office's (SCO) response to the Incorrect Reduction Claim (IRC) that Redwoods Community College District submitted on August 14, 2014. The SCO reviewed the district's claims for costs of the legislatively mandated Integrated Waste Management (IWM) Program for the period of July 1, 1999, through June 30, 2001; and July 1, 2003, through June 30, 2006. The SCO issued its final report on April 11, 2014 (**Exhibit A**).

The district submitted reimbursement claims totaling \$230,988—\$23,105 for fiscal year (FY) 1999-2000 (**Exhibit D, page 151 of 190**), \$47,151 for FY 2000-01 (**Exhibit D, page 157 of 190**), \$61,814 for FY 2003-04 (**Exhibit D page 164 of 190**), \$56,862 for FY 2004-05 (**Exhibit D, page 171 of 190**), and \$42,056 for FY 2005-06 (**Exhibit D, page 177 of 190**). Subsequently, the SCO reviewed these claims and determined that \$192,741 is allowable and \$38,247 is unallowable (**Exhibit A, page 27 of 190**). The district understated the offsetting savings realized from implementing its Integrated Waste Management plan.

The following table summarizes the review results:

Cost Elements	Actual Costs Claimed	Allowable per Review	Review Adjustment
<u>July 1, 1999, through June 30, 2000</u>			
Direct costs:			
Salaries and benefits	\$ 16,624	\$ 16,624	\$ —
Indirect costs	6,557	6,557	—
Total direct and indirect costs	23,181	23,181	—
Less offsetting savings	(76)	(3,708)	(3,632)
Total program costs	<u>\$ 23,105</u>	19,473	<u>\$ (3,632)</u>
Less amount paid by the State <sup>1</sup>		—	
Allowable costs claimed in excess of (less than) amount paid		<u>\$ 19,473</u>	

Cost Elements	Actual Costs Claimed	Allowable per Review	Review Adjustment
<u>July 1, 2000, through June 30, 2001</u>			
Direct costs:			
Salaries and benefits	\$ 33,989	\$ 33,989	\$ —
Indirect costs	14,078	14,078	—
Total direct and indirect costs	48,067	48,067	—
Less offsetting savings	(916)	(10,056)	(9,140)
Total program costs	<u>\$ 47,151</u>	38,011	<u>\$ (9,140)</u>
Less amount paid by the State <sup>1</sup>		—	
Allowable costs claimed in excess of (less than) amount paid		<u>\$ 38,011</u>	
<u>July 1, 2003, through June 30, 2004</u>			
Direct costs:			
Salaries and benefits	\$ 45,543	\$ 45,543	\$ —
Indirect costs	17,598	17,598	—
Total direct and indirect costs	63,141	63,141	—
Less offsetting savings	(1,327)	(9,952)	(8,625)
Total program costs	<u>\$ 61,814</u>	53,189	<u>\$ (8,625)</u>
Less amount paid by the State <sup>1</sup>		(6,088)	
Allowable costs claimed in excess of (less than) amount paid		<u>\$ 47,101</u>	
<u>July 1, 2004, through June 30, 2005</u>			
Direct costs:			
Salaries and benefits	\$ 43,273	\$ 43,273	\$ —
Indirect costs	16,400	16,400	—
Total direct and indirect costs	59,673	59,673	—
Less offsetting savings	(2,811)	(9,687)	(6,876)
Total program costs	<u>\$ 56,862</u>	49,986	<u>\$ (6,876)</u>
Less amount paid by the State <sup>1</sup>		—	
Allowable costs claimed in excess of (less than) amount paid		<u>\$ 49,986</u>	
<u>July 1, 2005, through June 30, 2006</u>			
Direct costs:			
Salaries and benefits	\$ 31,738	\$ 31,738	\$ —
Materials and supplies	1,244	1,244	—
Total direct costs	32,982	32,982	—
Indirect costs	11,885	11,885	—
Total direct and indirect costs	44,867	44,867	—
Less offsetting revenues and reimbursements	(2,811)	(2,811)	—
Less offsetting savings	—	(9,974)	(9,974)
Total program costs	<u>\$ 42,056</u>	32,082	<u>\$ (9,974)</u>
Less amount paid by the State <sup>1</sup>		—	
Allowable costs claimed in excess of (less than) amount paid		<u>\$ 32,082</u>	

Cost Elements	Actual Costs Claimed	Allowable per Review	Review Adjustment
<u>Summary: July 1, 1999, through June 30, 2001; and July 1, 2003, through June 30, 2006</u>			
Direct costs:			
Salaries and benefits	\$ 171,167	\$ 171,167	\$ —
Materials and supplies	1,244	1,244	—
Total direct costs	172,411	172,411	—
Indirect costs	66,518	66,518	—
Total direct and indirect costs	238,929	238,929	—
Less offsetting revenues and reimbursements	(2,811)	(2,811)	—
Less offsetting savings	(5,130)	(43,377)	(38,247)
Total program costs	<u>\$ 230,988</u>	192,741	<u>\$ (38,247)</u>
Less amount paid by the State <sup>1</sup>		(6,088)	
Allowable costs claimed in excess of (less than) amount paid		<u>\$ 186,653</u>	

<sup>1</sup> Payment information current as of December 3, 2014

## I. INTEGRATED WASTE MANAGEMENT PROGRAM CRITERIA

### Parameters and Guidelines

On March 30, 2005, the Commission on State Mandates (Commission) adopted the parameters and guidelines for Chapter 764, Statutes of 1999; and Chapter 116, Statutes of 1992 (**Exhibit C, page 36 of 190**). The Commission amended the parameters and guidelines on September 26, 2008, as directed by the Superior Court of California, County of Sacramento, No. 07CS00355. (**Exhibit C, page 48 of 190**).

Section VII. defines offsetting cost savings as follows:

#### VII. OFFSETTING COST SAVINGS

Reduced or avoided costs realized from implementation of the community college district's Integrated Waste Management plans shall be identified and offset from this claim as cost savings, consistent with the directions for revenue in Public Contract Code sections 12167 and 12167.1. Pursuant to these statutes, community college districts are required to deposit cost savings resulting from the Integrated Waste Management plans in the Integrated Waste Management Account in the Integrated Waste Management Fund; the funds deposited in the Integrated Waste Management Account, upon appropriation by the Legislature, may be expended by the California Integrated Waste Management Board for the purpose of offsetting Integrated Waste Management plan costs. Subject to the approval of the California Integrated Waste Management Board, cost savings by a community college that do not exceed two thousand dollars (\$2,000) annually are continually appropriated for expenditure by the community college for the purpose of offsetting Integrated Waste Management program costs. Cost savings exceeding two thousand dollars (\$2,000) annually may be available for expenditure by the community college only when appropriated by the Legislature. To the extent so approved or appropriated and applied to the college, these amounts shall be identified and offset from the costs claimed for implementing the Integrated Waste Management Plan.



## SCO Claiming Instructions

The SCO annually issues mandated cost claiming instructions, which contain filing instructions for mandated cost programs. For the purpose of this IRC, the June 2005 claiming instructions (**Exhibit C**) are substantially similar to the version extant at the time the district filed the subject claims.

## II. STATUTE OF LIMITATIONS FOR REVIEW

### Issue

The district asserts that the three-year statute of limitations to start the review had expired for FY 2003-04 when the SCO commenced the audit.

### SCO's Analysis:

Government Code section 17558.5, subdivision (a), states:

A reimbursement claim . . . 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. . . .

The initial payment of the claim was made on January 28, 2011. The SCO initiated its review by sending an email to Lee Lindsey, Vice President of Administrative Services, on January 17, 2014 (**Tab 3**). The SCO sent a remittance advice to the district dated January 28, 2011 (**Tab 4**), notifying the district of payments made on that date pursuant to Chapter 724, Statutes 2010 (Assembly Bill No. 1610) totaling \$101,410. This amount was applied to various mandated cost claims filed by the district. Included with the remittance advice was a schedule (Claimant's Account Summary) detailing how the payment was applied to the district's claims. Therefore, the SCO complied with Government Code section 17558.5, subdivision (a) because the review was initiated within three-years of the date of initial payment.

### District's Response:

The district asserts that the three-year statute of limitations to start the audit had expired for FY 2003-04 when the Controller commenced the audit. Pursuant to Chapter 724, Statutes of 2010, an appropriation was made to the District by January 14, 2011, for FY 2003-04 of \$6,088. The date of payment is a matter of record not available to the District but that can be produced by the Controller.

Government Code Section 17558.5 (as amended by Statutes of 2004, Chapter 890, Section 18, operative January 1, 2005) states:

- (a) A reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter is subject to 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 in 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. (*Emphasis added*)

The audit commencement date is the date of first contact made by the Controller to the claimant. Jim Spano, Bureau Chief, Mandated Cost Audit Bureau, State Controller's Office, in an email (see Exhibit A) dated November 22, 2011, to Nancy Patton, Assistant Executive Director of the Commission at that time, and Keith Peterson (SixTen and Associates) stated the following:

At the same meeting, Commission staff asked what we believe constitutes the initiation of an audit pursuant to Government Code section 17558.5. *We consider the event that initiates an audit pursuant to Government Code section 17558.5 to be the date of the initial contact by the SCO to the auditee (generally a telephone contact) to inform them and put them on notice of the SCO's intention to perform the audit.* In addition, we consider this same date as the event that commences the two-year period to complete an audit pursuant to Government Code section 17558.5 (Emphasis added).

The Controller's April 11, 2014, audit report states that the first contact with the District received regarding this audit was January 17, 2014, which is more than three years after the January 14, 2011, appropriation for the FY 2003-04 annual claim. Therefore, the Controller did not have jurisdiction to audit FY 2003-04.

SCO's Comment:

The district acknowledges in its response that it does not know the date of the apportionment made to the district pursuant to Assembly Bill No. 1610. Regardless, the district states its opinion that the district's apportionment was made by January 14, 2011, which is incorrect. As noted in the SCO remittance advice provided to the district (**Tab 4**), the apportionment date for the Assembly Bill No. 1610 payment that the district received was dated January 28, 2011. Therefore, the SCO did have jurisdiction to review the district's claim for FY 2003-04 by initiating the review on January 17, 2014.

### III. DISTRICT UNDERSTATED OFFSETTING SAVINGS

Issue

For the period of July 1, 1999, through June 30, 2001; and July 1, 2003, through June 30, 2006, we found that the district understated offsetting savings, totaling \$38,247, realized as a result of implementing its IWM plan.

The district believes that that the costs claimed represent the actual costs incurred by the district to carry out this program. Further, the district believes that the costs were properly claimed pursuant to the Commission's parameters and guidelines.

SCO's Analysis:

The amended parameters and guidelines require districts to report reduced or avoided costs realized from implementation of the community college district's IWM plan, consistent with the directions for revenue in Public Contract Code sections 12167 and 12167.1 (**Exhibit B page 58 of 190**).

This issue of realized offsetting savings has already been decided by the Sacramento County Superior Court, who issued a Judgment and Writ of Mandate on June 30, 2008 ordering the Commission to amend the parameters and guidelines to require community college districts claiming reimbursable costs of an integrated waste management plan to identify and offset from their claims, consistent with the directions for revenue in Public Contract Code sections 12167 and 12167.1, cost savings realized as a result of implementing their plan (**Tab 6**).

Public Contract Code section 12167 requires that revenues received from the IWM plan or any other activity involving the collection and sale of recyclable materials in state offices located in state-owned and state-leased buildings be deposited in the IWM Account in the IWM Fund. For the period of July 1, 1999, through June 30, 2001; and July 1, 2003, through June 30, 2006, the district did not remit to the State any savings realized from implementation of its IWM plan. However, the failure of the district to remit to the State the savings realized from implementation of its IWM plan does not preclude it from the requirement to do so.

Government Code section 17514 defines "costs mandated by the state" as any increased cost that either a local agency or school district is required to incur. In addition, Government Code section 17556, subdivision (e), states that reimbursement is precluded if the statute provides for offsetting savings that result in no net costs to the local agency or school district. To the extent that the community college district realized cost savings, they are not required to incur a cost.

District's Response:

**A. OFFSETTING COST SAVINGS**

2. Assumed Cost Savings

The court presupposes a previous legal requirement for districts to incur landfill disposal fees to divert solid waste. Thus, potentially relieved of the need to incur new or additional landfill fees for increased waste diversion, a cost savings would occur. There is no finding of fact or law in the court decision or from the Commission Statement of Decision for the test claim for this assumed duty to use landfills. However, since the court stated that the cost savings from avoided landfill costs are only "likely," potential costs savings would be a finding of fact not law. There is no evidence in the court decision that these reduced or avoided landfill costs occurred at all to any one district other than the bare assertion that such savings may have occurred. Thus, potential landfill cost savings would be a question of fact for each claiming district. However, the Controller's audit adjustment erroneously and simply assumes these cost savings occurred in the form of avoided landfill fees for the mandated tonnage diverted. The audit report merely determined that the district had reduced or avoided costs apparently, and only, as a result of increased diversion of solid waste.

3. Realized Cost Savings

For the cost savings to be realized, the parameters and guidelines further require that "(t)o the extent so approved or appropriated and applied to the college, these amounts shall be identified and offset from the costs claimed for implementing the Integrated Waste Management Plan." Thus, a certain chain of events must occur: the cost savings must exist (avoided landfill costs); be converted to cash; amounts in excess of \$2,000 per year deposited in the statue fund; and these deposits by the district appropriated by the Legislature to districts for the purposes of mitigating the cost of implementing the plan. None of these prerequisite events occurred so no costs savings were "realized" by the District. Regardless, the adjustment cannot be applied to the District since no state appropriation of the cost savings was made to the District.

4. Calculation of Cost Savings

a. The Controller's formula is a standard of general application

The audit adjustment for the assumed landfill cost savings is based on a formula created by the Controller and has been consistently used for all 36 audits of this mandate published by the Controller (as of the date of this document). The Controller's use of this formula for audit purposes is a standard of general application without appropriate state agency rulemaking and is therefore unenforceable (Government Code Section 11340.5). The formula is not an exempt audit guideline (Government Code Section 11340.9(e)). State agencies are prohibited from enforcing underground regulations. If a state agency

issues, enforces, or attempts to enforce a rule without following the Administrative Procedures Act, when it is required to, the rule is called an “underground regulation.” Further, the audit adjustment is a financial penalty against the District, and since the adjustment is based on an underground regulation, the formula cannot be used for the audit adjustment (Government Code Section 11425.50).

b. The Controller’s formula assumes facts not in evidence

The audited offsetting cost savings is the sum of three components: the “allocated” diversion percentage, multiplied by the tonnage diverted, multiplied by a landfill disposal cost per ton. The Controller’s calculation method includes several factual errors that make it useless as a basis of determining potential cost savings.

1. Allocated diversion percentage: The audit report uses the diversion percentage reported by the District to the state (CalRecycle) for each year.
2. Tonnage diverted: The Controller formula uses the total tonnage reported by the District to CalRecycle. The audit report states that this amount includes “solid waste that the district recycled, composted, and kept out of a landfill.” Next, the audit report assumes without findings that all diverted tonnage would have been disposed in a landfill and thus additional landfill fees incurred for all additional tonnage diverted. Composted material, which can be a significant amount of the diverted tonnage, would not have gone to the landfill. The audit report also assumes without findings that all diverted tonnage is within the scope of the mandate. The total tons diverted for some fiscal years may include materials that are outside the scope of the mandate (e.g. paint). Deducting the compost amount and tonnage unrelated to the mandate would reduce both the total tonnage and the diversion percentage.
3. Landfill disposal fee: Having no District information in the annual claims for landfill disposal fees, since it was not required for the annual claims or the CalRecycle report, the Controller’s method uses a statewide average costs to dispose of waste, ranging from \$36 to \$56 per ton, based on data said to be obtained from CalRecycle. The audit report does not include the CalRecycle statewide data used to generate these average fee amounts. Thus, the source of the average or actual costs that comprise the average is unknown and unsupported by audit findings.

5. Application of the Formula

There are several factual errors in the application of this offset. The District did not claim landfill costs, so there are none to be offset. The adjustment method does not match or limit the landfill costs avoided to landfill costs, if any, actually claimed. Instead, the total adjustment amount for avoided landfill costs is applied to the total annual claim amounts and thus reduces unrelated salary and benefit costs for some of the following activities: preparing district policies and procedures; training staff who work on the integrated waste management plan; designating a plan coordinator; operating the plan accounting system; and, preparing annual recycling material reports.

SCO’s Comments:

**2. Assumed Cost Savings**

- *Presumed requirement for district to use landfills*

The district states “The court presupposes a previous legal requirement for districts to incur landfill disposal fees to *divert* solid waste (emphasis added). We disagree.

Landfill fees are incurred when you “dispose” of solid waste. “Diversion” is the antithesis of disposal. Public Resources Code section 40192, subsection (b), states:

...solid waste disposal...means the management of solid waste through landfill disposal...at a permitted solid waste facility.

Therefore, we believe that the district may have intended to state “The court presupposes a previous legal requirement for districts to incur landfill disposal fees to *dispose of* solid waste (emphasis added).

The district then asserts that there is only a presumption for districts to incur landfill disposal fees to dispose of solid waste, yet the district does not provide an alternative for how un-diverted solid waste would be disposed of if not at a landfill. The district does not state that it disposed of its solid waste at any location other than a landfill or used any other methodology to dispose of its waste rather than to contract with a commercial waste hauler. Therefore, comments relating to legal requirements regarding alternatives for the disposal of solid waste are irrelevant. Regardless, the district reported to CalRecycle that it disposed of 219 tons of trash in calendar year 2000, 223.4 tons in calendar year 2001, 223.4 tons in calendar year 2003, 223.4 tons in calendar year 2004, 223.4 tons in calendar year 2005, and 223.4 tons in calendar year 2006 (Tab 7). Within the narrative of these reports, the district acknowledges its contracts with a “waste hauler.” The district does not indicate in these reports that it used any other methodology to dispose of solid waste.

In addition, the district also acknowledges on its website its use of landfills for solid waste disposal. On the district’s Facilities and Grounds website page (Tab 8), the district highlights its Waste Reduction and Recycling Program and states “the (College of the Redwoods) College reduced waste to the *landfill* by 60% (emphasis added).” Also, the district states “The environmental benefit to the community and environment are a good reason within itself to continue to seek ways to reduce, recycle and re-use material that in the past would *normally have gone to the landfill* (emphasis added).”

Therefore, the evidence obtained by the SCO supports that the district contracts with a waste hauler and normally disposes of its waste at the landfill.

- *Assumed cost savings*

The district states “...the Controller’s audit adjustment erroneously and simply assumes that these costs savings occurred in the form of avoided landfill fees for the mandated tonnage diverted.” We disagree.

Unless the district had an undisclosed arrangement with its contract waste hauler, the district did not dispose of its solid waste at a landfill for no cost. As noted by the district in its reports to CalRecycle (Tab 7) and on its website (Tab 8), the district realized savings as a direct result of its IWM plan. For example, two of the district’s campus sites are located in Eureka, California. An internet search for landfill fees revealed that the Hawthorne Street Transfer Station in Eureka, California, currently charges \$154.28 per ton to dispose of solid waste (Tab 9). Therefore, the higher the rate of diversion, the less trash that is disposed at a landfill, resulting in cost savings to the district.

The district itself has acknowledged that increased diversion is a cost savings. On the Facilities and Grounds website, the district states “With the advent of AB 939 and the continuous increase of costs at the landfill, the College realized that reduction in waste to the landfill also equated to a reduction in budgetary costs” (Tab 8).

Therefore, Redwoods Community College District incurred fees to dispose of its solid waste at a landfill. Further, by the district's own admission, it recognizes that savings has occurred through the reduction of solid waste taken to a landfill.

### 3. Realized Cost Savings

We recognize that the district did not remit to the State any savings realized from implementation of its IWM plan. However, the failure of the district to remit to the State the savings realized from implementation of its IWM plan in compliance with the Public Contract Code, the parameters and guidelines, or its failure to perform all of what it calls "prerequisite events" does not preclude it from the requirement to do so. The parameters and guidelines, section VIII (Offsetting Savings) states (**Exhibit B, page 58 of 190**):

Reduced or avoided costs realized from implementation of the community college districts' Integrated Waste management plans shall be identified and offset from its claim as cost savings, consistent with the directions for revenue in Public Contract Code sections 12167 and 12167.1. Pursuant to these statutes, community college districts *are required to deposit cost savings* resulting from their Integrated Waste Management plans into the Integrated Waste Management Account in the Integrated Waste management Fund [emphasis added].

As previously stated, the district has acknowledged that a "reduction in waste to the landfill also equated to a reduction in budgetary costs." Further, the district quantified some of their savings through reduced hauling costs of solid waste when it stated "first year reduction of \$20,000; we are still paying less than we did in the spring of 1992" (**Tab 8**). The district also acknowledges that it did not deposit any cost savings into the IWM Account.

### 4. Calculation of Cost Savings

- *The Controller's formula is a standard of general application*

The districts states "The Controller's use of this formula for audit purposes is a standard of general application without appropriate state agency rulemaking and is therefore unenforceable." We disagree.

We used a "court approved" methodology to determine the *required* offset, which we believe to be both fair and reasonable. In the County of Sacramento's Superior Court ruling, dated May 29, 2008, the court ruled that "Such reduction or avoidance of landfill fees and costs resulting from solid waste diversion activities under § 42920 et seq. represent savings which *must* be offset against the costs of diversion activities to determine the reimbursable costs of the IWM plan implementation – i.e., the actual increased costs of diversion – under section 6 and section 17514 (emphasis added)." (**Tab 5, page 7**).

The ruling goes on to state "The amount or value of the savings may be determined from the calculations of annual solid waste disposal reduction or diversion which California Community Colleges must annually report to petitioner Integrated Waste Management Board pursuant to subdivision (b)(1) of Public Resources Code section 42926."

On September 26, 2008, the Commission amended the parameters and guidelines to be in accordance with the Judgment and Writ of Mandate issued by the court (**Exhibit B, page 48 of 190**). On December 1, 2008, in compliance with Government Code section 17558, the SCO issued claiming instructions allowing community college districts to refile their FY 1999-2000 through FY 2007-08 claims to report offsetting savings. These amended claims were to be filed with the SCO on or before March 31, 2009 (**Exhibit C page 83 of 190**).

The district's IWM claims for FY 1999-2000, FY 2000-01, FY 2003-04, and FY 2004-05 were filed with the SCO on October 7, 2005. The FY 2005-06 IWM claim was filed with the SCO on January 16, 2007. The district *did not* amend any of its IWM claims to report the required offsets. Therefore, we used the methodology identified in the May 29, 2008 court ruling to determine the applicable offset amounts (**Tab 10 and Exhibit A page 31 of 190**). We believe that this "court identified" approach provides a reasonable methodology to identify the applicable offsets, considering the district's acknowledgement that it has realized cost savings (as previously stated).

In addition, we provided the district an opportunity to provide an alternate methodology to calculate the required offsetting savings. The district did not provide a response to either our email informing it of the adjustment, dated March 19, 2014 (**Tab 11**), or our subsequent follow-up email, dated March 28, 2014. (**Tab 12**).

- *Offsetting Savings Calculation - Allocated Diversion Percentage*

Public Resources Code section 42921 states:

- (a) Each state agency and each large state facility shall divert at least 25 percent of all solid waste generated by the state agency by January 1, 2002, through source reduction, recycling, and composting activities.
- (b) On and after January 1, 2004, each state agency and each large state facility shall divert at least 50 percent of all solid waste through source reduction, recycling, and composting activities.

For each fiscal year in the review period, Redwoods Community College District diverted above and beyond the requirements of Public Resources Code section 42921 based on information that the district reported to Cal Recycle (**Tab 7**). Therefore, we "allocated" the offsetting savings so as to not penalize the district by recognizing offsetting savings resulting from the additional non-mandated savings realized by the district by diverting solid waste above and beyond the applicable requirements of the Public Resources Code.

For example, in calendar 2005, the district reported to CalRecycle that it diverted 248 tons of solid waste and disposed of 223.40 tons, which results in an overall diversion percentage of 52.61% (**Tab 7**). Since the district was required to divert 50% for that year to meet the mandated requirements and comply with the Public Resources Code, it needed to have diverted 235.70 tons (471.4 total tonnage generated x 50%) in order to satisfy the 50% requirement. Therefore, we adjusted our calculation to compute offsetting savings based on 235.70 tons of diverted solid waste rather than 248 tons.

Since there is no state mandate to exceed solid waste diversion greater than 25% for calendar years 2002 and 2003 or greater than 50% for calendar year 2004 and beyond, there is no basis for calculating offsetting savings realized for actual diversion percentages that exceeded the levels set by statute.

- *Offsetting Savings Calculation - Tonnage Diverted*

The district states that "Composted material, which can be a significant amount of the diverted tonnage, would not have gone to the landfill." However, the district does not identify where this material (e.g. grass, weeds, branches, etc.) will go to be disposed of if it were not composted.

We believe that the district is stating that they have always composted green waste and would not incur a cost to dispose of this waste at the landfill; therefore, to include the composted tonnage in the offsetting savings calculation is incorrect. We disagree. As a result of this mandated program, the district is claiming approximately \$9,000 in salaries and benefits for its gardeners to “divert solid waste from landfill disposal or transformation facilities – composting.” (Tab 13) Therefore, it seems reasonable that the correlated landfill fees that the district did not incur for the composted materials resulted in savings to the district. Such savings should be recognized and appropriately offset against composting costs that the district incurred and claimed as part of implementing its IWM plan.

The district states that “The audit report also assumes without findings that all diverted tonnage is within the scope of the mandate. The total tons diverted for some fiscal years may include materials that are outside the scope of the mandate (e.g. paint).” We agree that hazardous waste (e.g. paint) is not a part of the mandate. However, CalRecycle has specified that hazardous waste is not to be included in the diversion information reported annually by the district to CalRecycle.

CalRecycle’s website states that “These following materials are deemed as hazardous, and cannot be disposed in a landfill. (Tab 14)

- Universal waste – radios, stereo equipment, printers....
- Electronic waste – common electronic devices that are identified as hazardous waste, such as computers...
- Additional hazardous wastes should be properly managed: antifreeze, asbestos, paint, treated wood, used oil, etc.”

In compliance with these instructions, the district’s Waste Management Annual Reports (Tab 7) sent to CalRecycle did not include information regarding the diversion of hazardous waste. As a result, none of the offsetting savings calculations included hazardous waste materials. Therefore, comments about diversion of hazardous waste being included in the offsetting savings calculations are irrelevant.

- *Offsetting Savings Calculation – State-wide Average Disposal Fee*

The district states “Having no District information in the annual claims for landfill disposal fees, since it was not required for the annual claims or the CalRecycle report, the Controller’s method uses a statewide average cost to dispose of a ton of waste, ranging from \$36 to \$56 per ton, based on data said to be obtained from CalRecycle.”

To clarify, the statewide average landfill fee we used to calculate the offset varied from \$36 to \$46, not \$56, during a span of seven years. Further, the “data said to be obtained from CalRecycle” was provided to the Commission by the Chief Counsel for the California Integrated Waste Management Board, in an attachment to a letter dated September 21, 2009. (Tab 15) The district’s mandated cost consultant was copied on this letter and was privy to the “statewide average disposal fees” at that time. We confirmed with CalRecycle that they obtained the “statewide average disposal fees” from a private company, which polled a large percentage of the landfills across California to establish the statewide averages.

As identified earlier, an internet search for landfill fees revealed that the Hawthorne Street Transfer Station in Eureka, California, currently charges \$154.28 per ton to dispose of solid waste (Tab 9). Therefore, we believe that the \$36 to \$46 “statewide average disposal fee” used to calculate the offsetting savings realized by the district is reasonable. In addition, the district did not provide any information, such as its contract with or invoices received from its



commercial waste hauler (Eel River Disposal) to support either the landfill fees actually incurred by the district or to confirm that the statewide average landfill fee was greater than landfill fees incurred by the district.

## 5. Application of the Formula

The district states, "The District did not claim landfill costs, so there are none to be offset." This statement is contrary to the purpose of the mandated program. While we agree that the district did not claim landfill costs, the mandated program does not reimburse claimants for landfill costs incurred to dispose of solid waste, so none would be claimable. Instead, the mandated program reimburses claimants to divert solid waste from disposal. By diverting solid waste, the district realizes both a reduction of solid waste going to a landfill in compliance with its IWM plan and the associated costs of having the waste hauled there. The reduction of landfill costs incurred creates offsetting savings that the district is required to identify in its mandated cost claims.

In addition, the Sacramento Superior Court has already ruled on this issue in a ruling dated May 29, 2008 (Tab 5, page 7):

...the reduced or avoided costs of landfill disposal are an integral part of the IWM diversion mandate under Public Resources Code section 42920 et seq. Therefore, respondent's conclusion that reduced or avoided disposal costs could not qualify as an offsetting cost savings for diversion costs, *based on the erroneous premise that reduced or avoided costs were not part of the reimbursable mandates of Public Resources Code section 42920 et seq., is wrong* (emphasis added).

The district further states, "The adjustment method does not match or limit the landfill costs avoided to landfill costs, if any, actually claimed. Instead, the total adjustment amount for avoided landfill costs is applied to the total annual claim amounts and thus reduces unrelated salary and benefit costs for some of the following activities: preparing district policies and procedures; training staff who work on the integrated waste management plan; designating a plan coordinator; operating that plan accounting system; and, preparing annual recycling material reports." We disagree. Public Resources Code section 42925 states that cost savings realized as a result of the IWM plan be redirected to "fund plan implementation and administration costs." In addition, the district did not identify, and we did not find, any statute or provision limiting offsetting savings solely to solid waste diversion activities included in the district's IWM claims.

Also, the district's statements are contrary to the purpose of the mandated program. The parameters and guidelines (Section VIII. Offsetting Cost Savings) state:

Reduced or avoided costs realized from *implementation of the community college districts' Integrated Waste Management plans* shall be identified and offset from the claim as cost savings, consistent with the directions for revenue in Public Contract Code sections 12167 and 12167.1 (emphasis added).

When outlining the reimbursable activities, the parameters and guidelines consistently use the phrase "implementation of the integrated waste management plan," as follows:

### A. One-Time Activities

1. Develop the necessary district policies and procedures for the *implementation of the integrated waste management plan* (emphasis added).

2. Train district staff on the requirements and *implementation of the integrated waste management plan* (one-time per employee). Training is limited to staff working directly on the plan (emphasis added).

B. Ongoing Activities

4. Designate one solid waste reduction and recycling coordinator for each college in the district to perform new duties imposed by chapter 18.5 (Public Resources Code, §§42920 – 42928). The coordinator shall *implement the integrated waste management plan....* (emphasis added).

E. Annual Report

3. A summary of progress made in *implementing the integrated waste management plan...* (emphasis added).

Therefore, we believe it is reasonable that the offsetting savings realized from “implementing the plan” be offset against all direct costs incurred to “implement the plan.”

**IV. OFFSETTING REVENUES AND REIMBURSEMENTS**

Issue

The district states that the SCO erroneously recognized \$5,130 as the claimed offset for recycling revenues in our review report when the correct amount should be \$7,941. The district also notes that recycling revenues are not offsetting cost savings generated from implementing the IWM plan.

SCO’s Analysis:

If the amounts reported by the district as offsetting savings are actually offsetting revenues and reimbursements, then total offsets included in the review report should have been \$7,941 for offsetting revenues and reimbursements and \$43,377 for offsetting savings. Therefore, total offsets are understated by \$5,310 in the review report and Total Program Costs are overstated by \$5,130.

District’s Response:

**B. OFFSETTING REVENUES AND REIMBURSEMENTS**

The District’s annual claims reported recycling income as an offset to total reimbursable costs in the amount of \$7,941:

Controller Form IWM-1 <u>Fiscal Year</u>	Line 08 Offsetting <u>Savings</u>	Line 09 Other <u>Reimbursements</u>	
1999-00	\$ 76	\$ -	
2000-01	\$ 916	\$ -	
2003-04	\$ 1,327	\$ -	
2004-05	\$ 2,811	\$ -	
2005-06	\$ -	\$ 2,811	
Totals	\$ 5,130	\$ 2,811	\$ 7,941

The audit report erroneously recognized \$5,130 as the claimed offsetting recycling revenues when in fact \$7,941 of offsetting revenue and other reimbursements was reported and offset by the district. The audit report correctly states that this district revenue was not deposited into the State IWM Account, but there is no such requirement to do so for community colleges. Recycling revenues are not offsetting cost savings, but are offsetting revenues generated from implementing the IWM plan. Regarding recycling revenues, the court stated:

Although Public Contract Code sections 12167 and 12167.1 apply to California Community Colleges for the purpose of offsetting savings pursuant to the terms of Public Resources Code section 42925, sections 12167 and 12167.1 *do not apply to the colleges for the purpose of offsetting revenues or, indeed, any other purpose* (emphasis added by district). Sections 12167 and 12167.1 apply exclusively to state agencies and institutions; the colleges, which are school districts rather than state agencies, are not specifically defined as state agencies for purposes of the State Assistance for Recycling Markets Act of which sections 12167 and 12167.1 are a part. Therefore, sections 12167 and 12167.1 do not properly govern the revenues generated by the colleges' recycling activities pursuant to their IWM plans. *The limits and conditions placed by sections 12167 and 12167.1 on the expenditure of recycling revenues for the purpose of offsetting recycling program costs are simply inapplicable to the revenues generated by the colleges' recycling activities.* (Emphasis added by district).

The provisions of Public Resources Code section 42920 et seq. do not address the use of revenues generated by recycling activities of California Community Colleges under IWM plans to offset reimbursable plan costs. *Thus, use of the revenues to offset reimbursable IWM plan costs is governed by the general principles of state mandates, that only the actual increased costs of a state-mandated program are reimbursable and, to that end, revenues provided for by the state-mandated program must be deducted from program costs* (emphasis added by district). (See Cal. Const., art. XII B, § 6; Gov. Code §§ 17154, 17556, subd. (e); *County of Fresno v. State of California* (1991) 51 Cal.3d 482, 487; *County of Sonoma v. Commission on State Mandates*, (2000) 84 Cal.App.4<sup>th</sup> 1264, 1284.) These principles are reflected in the respondent's regulation which requires, without limitation or exception, the identification of offsetting revenues in the parameters and guidelines for reimbursable cost claims. (Cal. Code Regs., tit. 2, §1183.1(a)(7).) *Emphasis added.*

The amended and retroactive parameters and guidelines adopted September 26, 2008, state:

#### **VII. OFFSETTING REVENUES AND REIMBURSEMENTS**

Reimbursement for this mandate from any source, including but not limited to, service fees collected, federal funds, and other state funds allocated to any service provided under this program, shall be identified and offset from this claim. Offsetting revenue shall include all revenues generated from implanting the Integrated Waste management Plan.

Therefore, the district properly reported the recycling income as a reduction of total claimed cost and also not subject to state appropriation in the form of cost savings.

#### SCO's Comment:

The district's statement that the review report recognized \$5,130 as offsetting recycling revenues is incorrect. The review report (**Exhibit A page 30 of 190**) shows \$2,811 of offsetting revenues and reimbursements and \$5,130 as offsetting savings on page 2 of the report's Summary of Program Costs schedule (Attachment 1). In addition, the report identifies \$5,130 as offsetting savings reported by the district in the report's Finding and Recommendation (Attachment 3).

The information in our review report is consistent with amounts reported by the district in its claims for the review period (**Exhibit D**). The district reported \$5,130 as offsetting savings on Line 08 of SCO claim forms IWM-1 and reported \$2,811 as other reimbursements on Line 09 of SCO claim form IWM-1. In its response, the district states that the total amount of \$7,941 (\$5,130 plus \$2,811) was entirely related to recycling revenues. If that is the case, then the district did not properly follow SCO's Claiming Instructions (**Exhibit C**) for reporting offsetting savings and other reimbursements. The district did not provide any evidence in its claims or in its IRC filing supporting the amounts that it realized as recycling revenues.

The district is correct in its statements that recycling revenues are not offsetting savings realized from implementing its IWM plan. However, if the amounts reported by the district as offsetting savings are actually offsetting revenues and reimbursements, then total offsets included in the review report should have been \$7,941 for offsetting revenues and reimbursements and \$43,377 for offsetting savings. Therefore, total offsets are understated by \$5,310 in the review report and Total Program Costs are overstated by \$5,130.

## V. PROCEDURAL ISSUES

### Issue

The district asserts that none of the adjustments were because program costs claimed were excessive or unreasonable, which is the only mandated cost audit standard in statute. Also, the district states that it is the Controller's responsibility to provide evidence of its audit finding.

### SCO's Analysis:

The SCO did conclude that the district costs claimed were excessive. In addition, the data we used to calculate the offset was based on factual information provided by both the district and CalRecycle. Further, the SCO did provide the district with evidence of its audit finding.

### District's Response:

#### C. PROCEDURAL ISSUES

##### 1. Standard of Review

None of the adjustments were made because the program costs claimed were excessive or unreasonable. The Controller does not assert that the claimed costs were excessive or unreasonable, which is the only mandated cost audit standard in statute (Government Code Section 17561(d)(2)). It would therefore appear that the entire findings are based upon the wrong standard for review. If the Controller wishes to enforce other audit standards for mandated cost reimbursement, the Controller should comply with the Administrative Procedure Act.

##### 2. Burden of Proof

Here, the evidentiary issue is the Controller's method for determining the adjustments. In many instances in the audit report, the District was invited to provide missing data in lieu of fictional data used by auditor, or to disprove the auditor's factual assumptions. This is an inappropriate shifting of the burden of proof for an audit. The Controller must first provide evidence as to the propriety of its audit finding because it bears the burden of going forward and because it is the party with the power to create, maintain, and provide evidence regarding its auditing methods and procedures, as well as the specific facts relied upon for its audit findings.

## SCO's Comments:

### 1. Standard of Review

We disagree with the district's conclusion. Government Code section 17558.5 requires the district to file a reimbursement claim for actual mandate-related costs. Government Code section 17561, subdivision (d)(2), allows the SCO to audit the district's records to verify actual mandate-related costs *and* reduce any claim that the SCO determines is excessive or unreasonable. In addition, Government Code section 12410 states, "The Controller shall audit all claims against the state, and may audit the disbursement of any state money, for correctness, legality, and for sufficient provisions of law for payment." Therefore, the SCO has sufficient authority to impose these adjustments. The district's contention that the SCO is only authorized to reduce a claim if it determines the claim to be excessive or unreasonable is without merit.

Further, the SCO did, in fact, conclude that the district's claim was excessive. Excessive is defined as "exceeding what is usual, proper, necessary, or normal....Excessive implies an amount or degree too great to be reasonable or acceptable..."<sup>1</sup> The district's mandated cost claims exceeded the proper amount based on the reimbursable costs allowable per statutory language and the program's parameters and guidelines. Therefore, the district's comments regarding the Administrative Procedure Act are irrelevant.

---

<sup>1</sup> Merriam-Webster's Collegiate Dictionary, Tenth Edition, © 2001

### 2. Burden of Proof

The district's statement mentions what it calls "fictional data" and "factual assumptions" used as a basis for the adjustments made to the district's claims. However, the data that we used to calculate the offsetting savings adjustments were based on information maintained by the district and reported by the district to CalRecycle as a result of implementing its IWM plan (**Tab 7**). In addition, we used a statewide average disposal fee for solid waste hauled to a landfill based upon information provided by Cal Recycle (**Tab 15**).

Regardless, the district is correct when it states that we advised the district of our adjustments to its claims. In an email dated March 19, 2014 (**Tab 11**), we provided the following information:

- Offsetting Savings Calculation (**Tab 10**)
- Narrative of Finding (identified as Attachment 3 in the review report) (**Exhibit A page 32 of 190**)
- Waste Management Annual Report of Diversion (**Tab 7**)
- September 10, 2008 Final Staff Analysis (from the Commission on State Mandates)
- Parameters and Guidelines (**Exhibit B**)
- Fiscal Analysis (Summary of claimed, allowable, and unallowable costs by fiscal year (identified as Attachment 1 in the review report) (**Exhibit A page 29 or 190**))
- AB1610 Payment Information (**Exhibit A page 26 of 190**)

#### IV. CONCLUSION

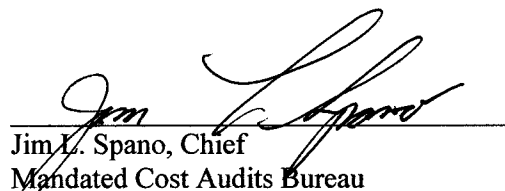
The State Controller's Office (SCO) reviewed Redwoods Community College District's claims for costs of the legislatively mandated Integrated Waste Management Program (Chapter 1116, Statutes of 1992; and Chapter 764, Statutes of 1999) for the period of July 1, 1999, through June 30, 2001; and July 1, 2003, through June 30, 2006. The district reported \$5,130 in offsetting savings. We found that the district realized savings of \$43,377. The district understated offsetting savings by \$38,247.

In conclusion, the Commission on State Mandates should find that: (1) the SCO reviewed the district's FY 2003-04 claim within the timeframe permitted by Government Code section 17558.5, subdivision (a); (2) the SCO correctly reduced the district's FY 1999-2000 claim by \$3,632; (3) the SCO correctly reduced the district's FY 2000-01 claim by \$9,140; (4) the SCO correctly reduced the district's FY 2003-04 claim by \$8,625, (5) the SCO correctly reduced the district's FY 2004-05 claim by \$6,876; and (6) the SCO correctly reduced the district's FY 2005-06 claim by \$9,974.

#### V. CERTIFICATION

I hereby certify by my signature below that the statements made in this document are true and correct of my own knowledge, or, as to all other matters, I believe them to be true and correct based upon information and belief.

Executed on December 30, 2014, at Sacramento, California, by:

  
\_\_\_\_\_  
Jim L. Spano, Chief  
Mandated Cost Audits Bureau  
Division of Audits  
State Controller's Office

## **Tab 3**

## Kurokawa, Lisa

---

**From:** Kurokawa, Lisa  
**Sent:** Friday, January 17, 2014 4:42 PM  
**To:** 'Lee-Lindsey@Redwoods.edu'  
**Cc:** Bonezzi, Alexandra L.  
**Subject:** Adjustment to Redwoods CCD's Integrated Waste Management Claims

Mr. Lindsey,

My name is Lisa Kurokawa and I'm an Audit Manager with the State Controller's Office, Division of Audits, Mandated Cost Bureau. I am contacting you because the State Controller's Office will be adjusting the district's Integrated Waste Management Claims for FY 1999-2000 through FY 2000-01, and FY 2003-04 through FY 2005-06 because the district did not offset any savings (e.g. avoided landfill disposal fees) received as a result of implementing the district's IWM Plan.

I will notify you, via email, of the exact adjustment amount later next week. Also, included in this email, will be documentation to support the adjustment.

If you have any questions at this time, please don't hesitate to ask.

Thank you,

**Lisa Kurokawa**  
Audit Manager  
State Controller's Office  
Division of Audits | Mandated Cost Bureau  
(916) 327-3138 - Office | (916) 549-2753 - Work Cell  
[lkurokawa@sco.ca.gov](mailto:lkurokawa@sco.ca.gov)

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## **Tab 4**

CONTROLLER OF CALIFORNIA, STATE OF CALIFORNIA

P O BOX 942850, SACRAMENTO, CA 94250-0001

REMITTANCE ADVICE

CLAIM SCHEDULE NUMBER: 1000149A  
PAYMENT ISSUE DATE: 01/28/2011

HUMBOLDT COUNTY TREASURER  
825 FIFTH ST RM 125

EUREKA, CA 95501

Financial Activity

**Additional Description:**

Part B of chapter 1308/71-Apportionments to Public Community Colleges.

Community College

Fiscal Year: 2010

Collection Period: 07/01/2010 To 06/30/2011

**Payment Calculations:**

2010/11 Community Colleges Mandate Payments AB 1610	101,410.00
2010-11 1st Quarter VTEA Supplemental Apportionment	0.00
Adjustment	0.00

**Gross Claim** **\$101,410.00**

**Net Claim / Payment Amount** **\$101,410.00**

**YTD Amount:** **\$12,088,190.00**

For assistance, please call: John Herzer at (916) 324-8361

Remittance Advice - EFT

Page 6 of 37

**STATE CONTROLLER'S OFFICE**  
**Division of Accounting and Reporting**  
**AB 1610 CH 724, STATUTES of 2010 Apportionment Payment for California Community Colleges**  
**Fiscal Year 2010 - 11**  
**January 2011**  
**Apportionment Date - January 28, 2011**

County	District	District Amount	Description of Payments	Net to County	
Alameda	Chabot-Las Positas	\$ 334,686.00	AB 1610 CH 724, STATUTES of 2010		
	Ohlone	145,016.00	AB 1610 CH 724, STATUTES of 2010		
	Peralta	394,054.00	AB 1610 CH 724, STATUTES of 2010		
<b>Alameda Total</b>				\$ 873,756.00	
Butte	Butte	206,603.00	AB 1610 CH 724, STATUTES of 2010	206,603.00	
Contra Costa	Contra Costa	576,853.00	AB 1610 CH 724, STATUTES of 2010	576,853.00	
El Dorado	Lake Tahoe	36,559.00	AB 1610 CH 724, STATUTES of 2010	36,559.00	
Fresno	State Center	572,643.00	AB 1610 CH 724, STATUTES of 2010		
	West Hills	93,891.00	AB 1610 CH 724, STATUTES of 2010		
<b>Fresno Total</b>				666,534.00	
Humboldt	Redwoods	101,410.00	AB 1610 CH 724, STATUTES of 2010	101,410.00	
Imperial	Imperial	130,020.00	AB 1610 CH 724, STATUTES of 2010	130,020.00	
Kern	Kern	386,397.00	AB 1610 CH 724, STATUTES of 2010		
	West Kern	50,886.00	AB 1610 CH 724, STATUTES of 2010		
<b>Kern Total</b>				437,283.00	
Lassen	Lassen	31,183.00	AB 1610 CH 724, STATUTES of 2010	31,183.00	
	Antelope Valley	205,709.00	AB 1610 CH 724, STATUTES of 2010		
Los Angeles	Cerritos	319,307.00	AB 1610 CH 724, STATUTES of 2010		
	Citrus	208,299.00	AB 1610 CH 724, STATUTES of 2010		
	Compton	99,578.00	AB 1610 CH 724, STATUTES of 2010		
	El Camino	364,436.00	AB 1610 CH 724, STATUTES of 2010		
	Glendale	321,758.00	AB 1610 CH 724, STATUTES of 2010		
	Long Beach	375,531.00	AB 1610 CH 724, STATUTES of 2010		
	Los Angeles	1,924,617.00	AB 1610 CH 724, STATUTES of 2010		
	Mt. San Antonio	534,429.00	AB 1610 CH 724, STATUTES of 2010		
	Pasadena Area	418,923.00	AB 1610 CH 724, STATUTES of 2010		
	Rio Hondo	261,149.00	AB 1610 CH 724, STATUTES of 2010		
	Santa Clarita	289,860.00	AB 1610 CH 724, STATUTES of 2010		
	Santa Monica	413,930.00	AB 1610 CH 724, STATUTES of 2010		
	<b>Los Angeles Total</b>				5,737,526.00
	Marin	Marin	90,611.00	AB 1610 CH 724, STATUTES of 2010	90,611.00
	Mendocino	Mendocino-Lake	52,170.00	AB 1610 CH 724, STATUTES of 2010	52,170.00
Merced	Merced	182,700.00	AB 1610 CH 724, STATUTES of 2010	182,700.00	
Monterey	Hartnell	133,469.00	AB 1610 CH 724, STATUTES of 2010		
	Monterey Peninsula	140,656.00	AB 1610 CH 724, STATUTES of 2010		
<b>Monterey total</b>				274,125.00	
Napa	Napa Valley	116,209.00	AB 1610 CH 724, STATUTES of 2010	116,209.00	
Orange	Coast	634,760.00	AB 1610 CH 724, STATUTES of 2010		
	North Orange County	673,877.00	AB 1610 CH 724, STATUTES of 2010		
	Rancho Santiago	539,126.00	AB 1610 CH 724, STATUTES of 2010		
	South Orange County	469,342.00	AB 1610 CH 724, STATUTES of 2010		
<b>Orange Total</b>				2,317,107.00	
Placer	Sierra	274,698.00	AB 1610 CH 724, STATUTES of 2010	274,698.00	
Plumas	Feather River	27,799.00	AB 1610 CH 724, STATUTES of 2010	27,799.00	
Riverside	Desert	159,291.00	AB 1610 CH 724, STATUTES of 2010		
	Mt. San Jacinto	231,563.00	AB 1610 CH 724, STATUTES of 2010		
	Palo Verde	33,988.00	AB 1610 CH 724, STATUTES of 2010		
	Riverside	548,390.00	AB 1610 CH 724, STATUTES of 2010		
<b>Riverside Total</b>				973,232.00	
Sacramento	Los Rios	1,051,725.00	AB 1610 CH 724, STATUTES of 2010	1,051,725.00	
San Bernardino	Barstow	51,784.00	AB 1610 CH 724, STATUTES of 2010		
	Chaffey	262,767.00	AB 1610 CH 724, STATUTES of 2010		
	Copper Mt.	27,541.00	AB 1610 CH 724, STATUTES of 2010		
	San Bernardino	282,224.00	AB 1610 CH 724, STATUTES of 2010		
	Victor Valley	184,660.00	AB 1610 CH 724, STATUTES of 2010		
<b>San Bernardino Total</b>				808,976.00	
San Diego	Grossmont-Cuyamaca	372,267.00	AB 1610 CH 724, STATUTES of 2010		
	Mira Costa	182,115.00	AB 1610 CH 724, STATUTES of 2010		
	Palomar	370,930.00	AB 1610 CH 724, STATUTES of 2010		
	San Diego	747,874.00	AB 1610 CH 724, STATUTES of 2010		
<b>San Diego Total</b>	Southwestern	286,996.00	AB 1610 CH 724, STATUTES of 2010	1,960,182.00	
San Francisco	San Francisco	624,469.00	AB 1610 CH 724, STATUTES of 2010	624,469.00	
San Joaquin	San Joaquin Delta	299,620.00	AB 1610 CH 724, STATUTES of 2010	299,620.00	
San Luis Obispo	San Luis Obispo	172,104.00	AB 1610 CH 724, STATUTES of 2010	172,104.00	
San Mateo	San Mateo	406,102.00	AB 1610 CH 724, STATUTES of 2010	406,102.00	
Santa Barbara	Allan Hancock	177,902.00	AB 1610 CH 724, STATUTES of 2010		
	Santa Barbara	292,908.00	AB 1610 CH 724, STATUTES of 2010		
<b>Santa Barbara Total</b>				470,810.00	
Santa Clara	Foothill-Deanza	562,788.00	AB 1610 CH 724, STATUTES of 2010		
	Gavilan	98,878.00	AB 1610 CH 724, STATUTES of 2010		
	San Jose-Evergreen	264,296.00	AB 1610 CH 724, STATUTES of 2010		
	West Valley-Mission	306,991.00	AB 1610 CH 724, STATUTES of 2010		
<b>Santa Clara Total</b>				1,252,953.00	
Santa Cruz	Cabrillo	236,353.00	AB 1610 CH 724, STATUTES of 2010	236,353.00	
Shasta	Shasta-Tehama-Trinity	149,432.00	AB 1610 CH 724, STATUTES of 2010	149,432.00	
Siskiyou	Siskiyou	46,803.00	AB 1610 CH 724, STATUTES of 2010	46,803.00	
Solano	Solano	167,121.00	AB 1610 CH 724, STATUTES of 2010	167,121.00	
Sonoma	Sonoma	370,177.00	AB 1610 CH 724, STATUTES of 2010	370,177.00	
Stanislaus	Yosemite	325,271.00	AB 1610 CH 724, STATUTES of 2010	325,271.00	
Tulare	Sequoias	191,957.00	AB 1610 CH 724, STATUTES of 2010	191,957.00	
Ventura	Ventura	520,805.00	AB 1610 CH 724, STATUTES of 2010	520,805.00	
Yuba	Yuba	145,762.00	AB 1610 CH 724, STATUTES of 2010	145,762.00	
<b>Total</b>		0.00	\$ 22,307,000.00	\$ 22,307,000.00	

**State Controller's Office**  
**Division of Accounting and Reporting**  
**Apportionment Payment Applied to State Mandated Claims**  
**Claimant's Account Summary**  
**As of December 1, 2012**

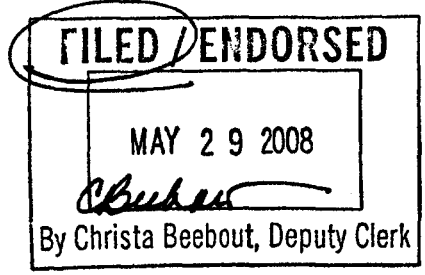
**Claimant Name:** REDWOODS COMMUNITY COLLEGE DISTRICT

**Apportionment Amount:** \$ 101,410

(A) Program Name	(B) Program Number	(C) Legal Reference	(D) Fiscal Year	(E) Claim Offset	(F) Accrued Interest Offset	(G) Apportionment Offset (E)+(F)
Absentee Ballots	231	Ch. 77/78	19971998	\$ -	\$ 25	\$ 25
Collective Bargaining	232	Ch. 961/75	19992000	-	2,766	2,766
Collective Bargaining	232	Ch. 961/75	20002001	-	3,953	3,953
Collective Bargaining	232	Ch. 961/75	20012002	-	249	249
Collective Bargaining	232	Ch. 961/75	20022003	-	2,508	2,508
Collective Bargaining	232	Ch. 961/75	20032004	73,124	-	73,124
Health Fee Elimination	234	Ch. 1/84	19961997	-	1,863	1,863
Health Fee Elimination	234	Ch. 1/84	19971998	-	293	293
Health Fee Elimination	234	Ch. 1/84	19981999	-	722	722
Health Fee Elimination	234	Ch. 1/84	19992000	-	683	683
Health Fee Elimination	234	Ch. 1/84	20002001	-	3,366	3,366
Health Fee Elimination	234	Ch. 1/84	20012002	-	750	750
Integrated Waste Management	256	Ch. 1116/92	20032004	6,088	-	6,088
Mandate Reimbursement Process	237	Ch. 486/75	20002001	-	355	355
Mandate Reimbursement Process	237	Ch. 486/75	20012002	-	170	170
Mandate Reimbursement Process	237	Ch. 486/75	20022003	-	1,353	1,353
Mandate Reimbursement Process	237	Ch. 486/75	20032004	-	2,008	2,008
Open Meetings/ Brown Act Reform	238	Ch. 641/86	20012002	-	365	365
Open Meetings/ Brown Act Reform	238	Ch. 641/86	20022003	-	729	729
Open Meetings Act II	254	Ch. 641/86	20002001	-	40	40
<b>Redwoods Community College District Total</b>				<b>\$ 79,212</b>	<b>\$ 22,198</b>	<b>\$ 101,410</b>

**Tab 5**

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SACRAMENTO

STATE OF CALIFORNIA, DEPARTMENT, OF FINANCE, CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD,      Dept. 33      No. 07CS00355

Petitioners,

v.

RULING ON SUBMITTED MATTER

COMMISSION ON STATE MANDATES,

Respondent.

SANTA MONICA COMMUNITY COLLEGE DISTRICT, LAKE TAHOE COMMUNITY COLLEGE DISTRICT,

Real Parties in Interest.

In this mandate proceeding, the court must determine the extent to which the reimbursement of a California Community College under section 6 of article XIII B of the California Constitution for the costs that the College incurs in implementing a state-mandated integrated waste management plan pursuant to Public Resources Code section 42920 et seq. is subject to offset by cost savings realized and revenues received during implementation of the plan. For the reasons set forth below, the court determines that the college's reimbursement is subject to such offset.

1 BACKGROUND

2 Public Resources Code section 42920 et seq. was enacted to require each state  
3 agency to adopt and implement an integrated waste management plan (IWM plan) that would  
4 reduce solid waste, reuse materials whenever possible, recycle recyclable materials and procure  
5 products with recycled content in all agency offices and facilities. (Pub. Resources Code §  
6 42920, subd. (b). See Stats. 1999, ch. 764 (A.B. 75).) These statutory provisions require that  
7 each state agency, in implementing the plan, divert at least 25 percent of its solid waste from  
8 landfill disposal by January 1, 2002, and divert at least 50 percent of its solid waste from landfill  
9 disposal on and after January 1, 2004. (Pub. Resources Code § 42921.) Each agency must also  
10 submit an annual report to petitioner Integrated Waste Management Board summarizing its  
11 progress in reducing solid waste pursuant to Public Resources Code section 42921 and providing  
12 related information, including calculations of its annual disposal reduction.

13 Any cost savings realized as a result of the state agency's IWM plan must, to the  
14 extent feasible, be redirected to the plan to fund the implementation and administrative costs of  
15 the plan in accordance with Public Contract Code sections 12167 and 12167.1. (Pub. Resources  
16 Code § 42925, subd. (a).) Public Contract Code sections 12167 and 12167.1 are part of the State  
17 Assistance for Recycling Markets Act, which was originally enacted in 1989 for the purpose of  
18 fostering the procurement and use of recycled paper products and other recycled resources in  
19 daily state operations (See Pub. Contract Code §§ 12153, 12160; Stats. 1989, ch. 1094.) As  
20 amended in 1992, sections 12167 and 12167.1 provide for the deposit of revenues received from  
21 the collection and sale of recyclable materials in state and legislative offices in specified accounts  
22 for the purpose of offsetting recycling costs; revenues not exceeding \$2000 annually are  
23 continuously appropriated without regard to fiscal years for expenditure by state agencies to  
24 offset the recycling costs; and revenues exceeding \$2000 annually are available for expenditure  
25 by the state agencies upon appropriation by the Legislature.

26 The IWM plan requirements under Public Resources Code section 42920 et seq.  
27 apply to the California Community Colleges pursuant to Public Resources Code sections 40148  
28 and 40196, which include California Community Colleges and their campuses in the definitions

1 of "large state facility" and "state agency" for purposes of IWM plan requirements. The  
2 provisions of the State Assistance for Recycling Markets Act, including the provisions of Public  
3 Contract Code sections 12167 and 12167.1, apply to California Community Colleges only to the  
4 limited extent that sections 12167 and 12167.1 are referenced in Public Resources Code section  
5 42925; California Community Colleges are not defined as state agencies or otherwise subject to  
6 the Act's provisions for the procurement and use of recycled products in daily state operations.

7 For purposes of section 6 of article XIII B of the California Constitution and the  
8 statutes implementing section 6 (Gov. Code § 17500 et seq.), California Community Colleges are  
9 defined as school districts and treated as local governments eligible for reimbursement of any  
10 state-mandated costs that they incur in carrying out statutory IWM plan requirements. (See Gov.  
11 Code §§ 17514, 17519.) Section 6 and Government Code section 17514 provide for the  
12 reimbursement of a local government's increased costs of carrying out new programs or higher  
13 levels of service that are mandated by the state pursuant to a statute enacted on or after January 1,  
14 1975, or an executive order implementing a statute enacted on or after January 1, 1975. Such  
15 reimbursement is precluded pursuant to Government Code section 17556, subdivision (e), if the  
16 statute or executive order provides for offsetting savings that result in no net costs to the local  
17 government or includes additional revenue specifically intended to fund the costs of the state  
18 mandated program in an amount sufficient to cover the costs.

19 Real parties in interest Santa Monica Community College District and Tahoe  
20 Community College District sought section 6 reimbursement of their IWM plan costs pursuant to  
21 Public Resources Code section 42920 et seq. by filing a test claim with respondent pursuant to in  
22 March 2001. (Administrative Record, pp. 51-74 (AR 51-93). See Gov. Code § 17550 et seq.)  
23 Respondent adopted a statement of decision granting the test claim in part on March 25, 2004  
24 (AR 1135-1176), after receiving and considering public comments on the test claim, including  
25 comments from petitioners opposing the claim. (AR 351-356, 359-368.) Respondent found that  
26 specified IWM plan requirements under Public Resources Code section 42920 et seq. imposes a  
27 reimbursable state-mandated program on California Community Colleges within the meaning of  
28 section 6 and Government Code section 17514. Respondent further found that the requirement



1 of Public Resources Code section 42925, that cost savings realized as a result of an IWM plan be  
2 redirected to plan implementation and administrative costs, did not preclude a reimbursable  
3 mandate pursuant to subdivision (e) of Government Code section 17556 because there was  
4 neither evidence of offsetting savings that would result in "no net costs" to a California  
5 Community College implementing an IWM plan nor evidence of revenues received from plan  
6 implementation "in an amount sufficient to fund" the cost of the state-mandated program.  
7 Respondent noted that the \$2000 in revenue available annually to a community college pursuant  
8 to Public Contract Code section 12167.1 would be insufficient to offset the college's costs of  
9 plan implementation and that any revenues would be identified as offsets in the parameters and  
10 guidelines to be adopted for reimbursement of claims by California Community Colleges for the  
11 IWM plan mandates imposed by Public Resources Code section 42920 et seq.

12           Thereafter, on March 30, 2005, respondent adopted parameters and guidelines  
13 pursuant to Government Code section 17556 based on a proposal by real parties and public  
14 comments, including comments by petitioners. (AR 1483-1496.) Section VII of the parameters  
15 and guidelines, concerning offsetting revenues and reimbursements, indicates that a claim by a  
16 California Community College for reimbursement of costs incurred in implementing an IWM  
17 plan must identify and deduct from the claim all reimbursement received from any source for the  
18 mandate. Section VII further indicates that the revenues specified in Public Resources Code  
19 section 42925 and Public Contract Code sections 12167 and 12167.1 must offset the costs  
20 incurred by a California Community College for the recycling mandated by Public Resources  
21 Code section 42920 et seq. These offsetting revenues include, pursuant to section 12167.1,  
22 revenues up to \$2000 annually from the college's sale of recyclable materials which are  
23 continuously appropriated for expenditure by the college to offset its recycling costs and  
24 revenues in excess of \$2000 annually when appropriated by the Legislature.

25           In adopting section VII of the parameters and guidelines, respondent rejected the  
26 position of petitioner Integrated Waste Management Board that the parameters and guidelines  
27 should require California Community Colleges to identify in their reimbursement claims any  
28 offsetting savings in reduced or avoided landfill disposal costs likely to result from their

1 diversion of solid waste from landfills pursuant to the mandates of Public Resources Code  
2 section 42921. (AR 1194-1199.) This rejection was based on three grounds: that "cost savings"  
3 in Public Resources Code section 42925 meant "revenues" received and directed "in accordance  
4 with Sections 12167 and 12167.1 of the Public Contract Code"; reduced or avoided disposal  
5 costs could not qualify as offsetting cost savings for the diversion costs because the disposal  
6 costs had not previously been reimbursed by the state and were not included in the reimbursable  
7 mandates of Public Resources Code section 42920 et seq.; and the redirection of cost savings to  
8 IWM plan implementation and administration costs under section 42925 was "only to the extent  
9 feasible" and not mandatory, thus allowing a California Community College to redirect cost  
10 savings to other campus programs upon a finding that it was not feasible to use the savings for  
11 IWM plan implementation. (AR 98-1199.) On these grounds, respondent omitted from section  
12 VII of the parameters and guidelines any language about offsetting savings, including a  
13 boilerplate provision stating "Any offsetting savings the claimant experiences in the same  
14 program as a result of the same statutes or executive orders found to contain the mandate shall be  
15 deducted from the costs claimed."

16 On October 26, 2006, respondent adopted a statewide cost estimate for the  
17 reimbursement of costs incurred by California Community Colleges in implementing IWM plan  
18 mandates pursuant to Public Resources Code section 42920 et seq. (AR 1641-1650.)  
19 Respondent noted comments by petitioners that the lack of a requirement in the parameters and  
20 guidelines for information on offsetting cost savings by the community colleges had resulted in  
21 an inaccurate Statewide Cost Estimate. (AR 1647.) A request by petitioner Integrated Waste  
22 Management Board to amend the parameters and guidelines to include additional information  
23 about offsetting savings was distributed for public comment. (AR 1647-1648, 1859-873.)

#### 24 ANALYSIS

25 Section 6 of article XIII B of the California Constitution, as implemented by  
26 Government Code section 17514, provides for the reimbursement of actual increased costs  
27 incurred by a local government or school district in implementing a new program or higher level  
28 of service of an existing program mandated by statute, such as the IWM plan requirements of

1 Public Resources Code section 42920 et seq. (See *County of Fresno v. State of California* (1991)  
2 51 Cal.3d 482, 487; *County of Sonoma v. Commission on State Mandates*, (2000) 84 Cal.App.4th  
3 1264, 1283-1284.) Reimbursement is not available under section 6 and section 17514 to the  
4 extent that the local government or school district is able to provide the mandated program or  
5 increased service level without actually incurring increased costs. (*Ibid.*) For example,  
6 reimbursement is not available if the statute mandating the new program or increased service  
7 level provides for offsetting savings which result in no net costs to the local government or  
8 school district or includes revenues sufficient to fund the state mandate. (See Gov. Code §  
9 17556, subd. (e). See also Cal. Code Regs., tit. 2, § 1183.1(a)(7), (a)(8) (requiring parameters  
10 and guidelines for claiming reimbursable costs to identify offsetting revenues and savings  
11 resulting from implementation of state-mandated program).) Because section VII of the IWM  
12 plan parameters and guidelines adopted by respondent do not require a California Community  
13 College to identify and deduct offsetting cost savings from its claimed reimbursable costs and  
14 unduly limit the deduction of offsetting revenues, section VII <sup>disobeys/breaks</sup> contravenes the rule of section 6  
15 and section 17514 that only actual increased costs of a state mandate are reimbursable.<sup>1</sup>

16 Cost Savings

17 In complying with the mandated solid waste diversion requirements of Public  
18 Resources Code section 42921, California Community Colleges are likely to experience cost  
19 savings in the form of reduced or avoided costs of landfill disposal. The reduced or avoided  
20 costs are a direct result and an integral part of the IWM plan mandates under Public Resources  
21 Code section 42920 et seq.: as solid waste diversion occurs, landfill disposal of the solid waste  
22 and associated landfill disposal costs are reduced or avoided. Indeed, diversion is defined in  
23 terms of landfill disposal for purposes of the IWM plan mandates. (See Pub. Resources Code §§  
24 40124 (“‘diversion’ means activities which reduce or eliminate the amount of solid waste from  
25 solid waste disposal for purposes of this division [i.e., division 30, including § 42920 et seq.]”),  
26

27 <sup>1</sup> There is no indication in the administrative record or in the legal authorities provided to the court that, as  
28 respondent argues, a California Community College might not receive the full reimbursement of its actual increased  
costs required by section 6 if its claims for reimbursement of IWM plan costs were offset by realized cost savings  
and all revenues received from plan activities.

1 40192, subd. (b) (for purposes of Part 2 (commencing with Section 40900), 'disposal' means the  
2 management of solid waste through landfill disposal or transformation at a permitted solid waste  
3 facility.”.)

4           Such reduction or avoidance of landfill fees and costs resulting from solid waste  
5 diversion activities under § 42920 et seq. represent savings which must be offset against the costs  
6 of the diversion activities to determine the reimbursable costs of IWM plan  
7 implementation -- i.e., the actual increased costs of diversion -- under section 6 and section  
8 17514. Similarly, under Public Resources Code section 42925, such offsetting savings must be  
9 redirected to fund IWM plan implementation and administration costs in accordance with Public  
10 Contract Code section 12167. The amount or value of the savings may be determined from the  
11 calculations of annual solid waste disposal reduction or diversion which California Community  
12 Colleges must annually report to petitioner Integrated Waste Management Board pursuant to  
13 subdivision (b)(1) of Public Resources Code section 42926.

14           Respondent’s three grounds for omitting offsetting savings from section VII of the  
15 IWM plan parameters and guidelines are flawed. First, as explained above, the reduced or  
16 avoided costs of landfill disposal are an integral part of the IWM diversion mandates under  
17 Public Resources Code section 42920 et seq. Therefore, respondent’s conclusion that reduced or  
18 avoided disposal costs could not qualify as offsetting cost savings for diversion costs, based on  
19 the erroneous premise that the reduced or avoided disposal costs were not part of the  
20 reimbursable mandates of Public Resources Code section 42920 et seq., is wrong.

21           Second, respondent incorrectly interpreted the phrase “to the extent feasible” in  
22 Public Resources Code section 42925 to mean that the redirection of cost savings resulting from  
23 diversion activities by California Community Colleges to fund their IWM plan implementation  
24 and administration costs was not mandatory and that the colleges could direct the cost savings to  
25 other campus programs upon a finding of infeasibility. Respondent’s interpretation is contrary to  
26 the manifest legislative intent and purpose of section 42925, that cost savings be used to fund  
27 IWM plan costs. In light of this legislative purpose, the phrase “to the extent feasible”  
28 reasonably refers to situations where, as a practical matter, the reductions in landfill fees and

1 costs saved as a result of diversion activities by the colleges may not be available for redirection.  
2 For example, a college may not have budgeted or allocated funds for landfill fees and costs  
3 which they did not expect to incur as a result of their diversion activities.

4 Third, respondent incorrectly interpreted "cost savings realized as a result of the state  
5 agency integrated waste management plan" in Public Resources Code section 42925 to mean  
6 "revenues received from [a recycling] plan and any other activity involving the collection and  
7 sale of recyclable materials" under Public Contract Code sections 12167 and 12167.1. This  
8 interpretation, based in turn on a strained interpretation of the phrase "in accordance with  
9 Sections 12167 and 12167.1 of the Public Contract Code" at the end of section 42925, used the  
10 substantive content of sections 12167 and 12167.1 to redefine "cost savings" in a manner directly  
11 contradicting its straightforward description in section 42925. The consequences of this  
12 redefinition are unreasonable: the interpretation effectively denies the existence of cost savings  
13 resulting from IWM plan implementation and eliminates any possibility of redirecting such cost  
14 savings to fund IWM plan implementation and administration costs, thereby defeating the  
15 express legislative purpose of section 42925.

16 The reference to Public Contract Code sections 12167 and 12167.1 in Public  
17 Resources Code section 42925 may be reasonably interpreted in a manner that preserves section  
18 42925's straightforward description of "cost savings" and legislative purpose. The reference to  
19 sections 12167 and 12167.1 in section 42925 reflects an effort by the Legislature to coordinate  
20 the procedures of two programs involving recycling activities exclusively or primarily by state  
21 agencies, the State Assistance for Recycling Markets Act set forth at Public Contracts Code  
22 section 12150 et seq. and the IWM provisions of Public Resources Code section 42920 et seq.  
23 (See Senate Committee on Environmental Quality, Bill Analysis of A.B. 75, 1999-2000 Reg.  
24 Sess., as amended April 27, 1999, p. 6 (need to ensure consistency and avoid conflicts between  
25 A.B. 75 and Public Contract Code provisions relating to state agency reporting on recycling,  
26 depositing revenues from recycled materials etc.)) By requiring the redirection of cost savings  
27 from state agency IWM plans to fund plan implementation and administration costs "in  
28 accordance with Sections 12167 and 12167.1 of the Public Contract Code," section 42925

1 assures that cost savings realized from state agencies' IWM plans are handled in a manner  
2 consistent with the handling of revenues received from state agencies' recycling plans under the  
3 State Assistance for Recycling Markets Act. Thus, in accordance with section 12167, state  
4 agencies, along with California Community Colleges which are defined as state agencies for  
5 purposes of IWM plan requirements in Public Resources Code section 42920 et seq. (Pub.  
6 Resources Code §§ 40196, 40148), must deposit cost savings resulting from IWM plans in the  
7 Integrated Waste Management Account in the Integrated Waste Management Fund; the funds  
8 deposited in the Integrated Waste Management Account, upon appropriation by the Legislature,  
9 may be expended by the Integrated Waste Management Board for the purpose of offsetting IWM  
10 plan costs. In accordance with section 12167.1 and notwithstanding section 12167, cost savings  
11 from the IWM plans of the agencies and colleges that do not exceed \$2000 annually are  
12 continuously appropriated for expenditure by the agencies and colleges for the purpose of  
13 offsetting IWM plan implementation and administration costs; cost savings resulting from IWM  
14 plans in excess of \$2000 annually are available for such expenditure by the agencies and colleges  
15 when appropriated by the Legislature.

16 Accordingly, respondent had no proper justification for omitting offsetting cost  
17 savings from the parameters and guidelines for claiming reimbursable costs of IWM plan  
18 implementation under Public Resources Code section 42920 et seq. The court will order the  
19 issuance of a writ of mandate requiring respondent to correct this omission through an  
20 amendment of the parameters and guidelines.

#### 21 Revenues

22 As indicated previously in this ruling, section VII of the parameters and guidelines  
23 for claiming reimbursement of IWM plan costs provides for offsetting revenues that are governed  
24 by Public Contract Code sections 12167 and 12167.1. Revenues derived from the sale of  
25 recyclable materials by a California Community College are deposited in the Integrated Waste  
26 Management Account. Revenues that do not exceed \$2000 annually are continuously  
27 appropriated for expenditure by the college for the purpose of offsetting recycling program costs  
28 upon approval by the Integrated Waste Management Board, and revenues exceeding \$2000

1 annually are available for such expenditure by the college when appropriated by the Legislature.  
2 To the extent so approved by the board or appropriated by the Legislature, these revenue amounts  
3 offset or reduce the reimbursable costs incurred by the college in implementing an IWM plan  
4 under Public Resources Code section 42920 et seq.

5           Although Public Contract Code sections 12167 and 12167.1 apply to California  
6 Community Colleges for the purpose of offsetting savings pursuant to the terms of Public  
7 Resources Code section 42925, sections 12167 and 12167.1 do not apply to the colleges for the  
8 purpose of offsetting revenues or, indeed, any other purpose. Sections 12167 and 12167.1 apply  
9 exclusively to state agencies and institutions; the colleges, which are school districts rather than  
10 state agencies, are not specially defined as state agencies for purposes of the State Assistance for  
11 Recycling Markets Act of which sections 12167 and 12167.1 are a part. Therefore, sections  
12 12167 and 12167.1 do not properly govern the revenues generated by the colleges' recycling  
13 activities pursuant to their IWM plans. The limits and conditions placed by sections 12167 and  
14 12167.1 on the expenditure of recycling revenues for the purpose of offsetting recycling program  
15 costs are simply inapplicable to the revenues generated by the colleges' recycling activities.

16           The provisions of Public Resources Code section 42920 et seq. do not address the  
17 use of revenues generated by recycling activities of California Community Colleges under IWM  
18 plans to offset reimbursable plan costs. Thus, use of the revenues to offset reimbursable IWM  
19 plan costs is governed by the general principles of state mandates, that only the actual increased  
20 costs of a state-mandated program are reimbursable and, to that end, revenues provided for by the  
21 state-mandated program must be deducted from program costs. (See Cal. Const., art. XIII B, § 6;  
22 Gov.Code §§ 17514, 17556, subd. (e); *County of Fresno v. State of California* (1991) 51 Cal.3d  
23 482, 487; *County of Sonoma v. Commission on State Mandates*, (2000) 84 Cal.App.4th 1264,  
24 1284.) These principles are reflected in respondent's regulation which requires, without  
25 limitation or exception, the identification of offsetting revenues in the parameters and guidelines  
26 for reimbursable cost claims. (Cal. Code Regs., tit. 2, § 1183.1(a)(7).)

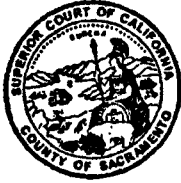
27           In sum, respondent erred in adopting parameters and guidelines which, pursuant to  
28 Public Contract Code sections 12167 and 12167.1, limited and conditioned the use of revenues

1 generated by recycling activities of California Community Colleges under IWM plans to offset  
2 the colleges' reimbursable plan costs. Because the use of revenues to offset the reimbursable  
3 costs of IWM plan are properly governed by section 6 principles without the limitations and  
4 conditions imposed by sections 12167 and 12167.1, the court will order the issuance of a writ of  
5 mandate requiring respondent to correct its error through an amendment of the parameters and  
6 guidelines.

7 RELIEF

8 The petition is granted. Counsel for petitioners is directed to prepare a proposed  
9 judgment and proposed writ of mandate consistent with this ruling, serve it on counsel for  
10 respondent for approval as to form, and then submit it to the court pursuant to rule 3. 1312 of the  
11 California Rules of Court.

12 Dated: May 29, 2008



13   
14 LLOYD G. CONNELLY  
15 Judge of the Superior Court  
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**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO**

Gordon D Schaber Courthouse  
720 Ninth STREET  
Sacramento, CA 95814-1311

**SHORT TITLE: ST OF CA DEPT OF FINANCE. ETAL VS. COMMISSION ON ST MANDATES**

**CLERK'S CERTIFICATE OF SERVICE BY MAIL**

**CASE NUMBER:  
07CS00355**

I certify that I am not a party to this cause. I certify that a true copy of the attached was mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as indicated below. The mailing and this certification occurred at Sacramento, California, on 05/30/2008.

Clerk of the Court, by: /s/ C Beebout *C Beebout*, Deputy

Leslie R Lopez  
P.O.Box 944255  
Sacramento, CA 94244

Camille Shelton  
980 Ninth Street # 300  
Sacramento, CA 95814

Jack C Woodside  
P.O.Box 944255  
Sacramento, CA 94244

Lisa Rose  
*Santa Monica Community College Dist.  
1900 Pico Blvd  
Santa Monica*

Eric Feller  
980 9th Street # 300  
Commission on State Mandates  
Sacramento, CA 95814

Roberta Mason  
*Lake Tahoe Community College Dist.  
One College Dr.  
South Lake Tahoe, CA 96150*

Additional names and address attached.

## **Tab 6**

1 EDMUND G. BROWN JR.  
Attorney General of the State of California  
2 CHRISTOPHER E. KRUEGER  
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3 DOUGLAS J. WOODS  
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4 JACK WOODSIDE, State Bar No. 189748  
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6 Sacramento, CA 94244-2550  
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7 Fax: (916) 324-8835  
E-mail: Jack.Woodside@doj.ca.gov  
8 Attorneys for Petitioners Department of Finance and  
California Integrated Waste Management Board  
9

~~FILED~~ / ENDORSED  
JUN 30 2008  
By Christa Beebout, Deputy Clerk

10 SUPERIOR COURT OF CALIFORNIA  
11 COUNTY OF SACRAMENTO

13 STATE OF CALIFORNIA DEPARTMENT OF  
FINANCE, CALIFORNIA INTEGRATED  
14 WASTE MANAGEMENT BOARD,  
15  
Petitioner,  
16  
v.  
17 COMMISSION ON STATE MANDATES,  
18  
Respondent,  
19 SANTA MONICA COMMUNITY COLLEGE  
DISTRICT, LAKE TAHOE COMMUNITY  
20 COLLEGE DISTRICT,  
21  
Real Parties in Interest.

Case No: 07CS00355  
~~PROPOSED~~ JUDGMENT  
GRANTING PETITION FOR  
WRIT OF ADMINISTRATIVE  
MANDAMUS  
Judge: The Honorable  
Lloyd G. Connelly  
Dept: 33

23 This matter came before this Court on February 29, 2008, for hearing in Department 33  
24 of the above court, the Honorable Lloyd G. Connelly presiding. Eric Feller appeared on behalf of  
25 Respondent Commission on State Mandates, and Jack C. Woodside appeared on behalf of  
26 Petitioners California Department of Finance and California Integrated Waste Management  
27 Board.

28 ///

1 The Administrative Record having been admitted into evidence and considered by the  
2 Court, and the Court having read and considered the pleadings and files, argument having been  
3 presented and the Court having issued its Ruling on Submitted Matter on May 29, 2008;

4 IT IS HEREBY ORDERED that:

- 5 1. The Petition for Writ of Administrative Mandamus is GRANTED;
- 6 2. A Peremptory Writ of Mandate shall issue from this Court remanding the matter  
7 to Respondent Commission and commanding Respondent Commission to amend the parameters  
8 and guidelines in Test Claim No. 00-TC-07 to require community college districts claiming  
9 reimbursable costs of an integrated waste management plan under Public Resources Code section  
10 42920, et seq. to identify and offset from their claims, consistent with the directions for revenue  
11 in Public Contract Code sections 12167 and 12167.1, cost savings realized as a result of  
12 implementing their plans; and
- 13 3. The Writ shall further command Respondent Commission to amend the  
14 parameters and guidelines in Test Claim No. 00-TC-07 to require community college districts  
15 claiming reimbursable costs of an integrated waste management plan under Public Resources  
16 Code section 42920, et seq. to identify and offset from their claims all of the revenue generated  
17 as a result of implementing their plans, without regard to the limitations or conditions described  
18 in sections 12167 and 12167.1 of the Public Contract Code.

19

20 Dated: JUN 30 2008

**LLOYD G. CONNELLY**

The Honorable Lloyd G. Connelly  
Judge of the Sacramento County Superior Court

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**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **State of California Dept. of Finance, et al. v. Commission on State Mandates**  
Sacramento County Superior Court No.: 07CS00355

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On June 18, 2008, I served the attached **[PROPOSED] PEREMPTORY WRIT OF MANDATE**; by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550, addressed as follows:

Eric Feller  
Commission on State Mandates  
980 9th Street, Suite 300  
Sacramento, CA 95814  
Respondent *Commission on State Mandates*

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 18, 2008, at Sacramento, California.

\_\_\_\_\_  
Christine A. McCartney  
Declarant

\_\_\_\_\_  
  
Signature

30484664.wpd

**Tab 7**



**State Agency Reporting Center: Waste Management Annual Report  
2000 SARC Annual Report: College of the Redwoods**

[New Search](#) | [Agency Detail](#)

[Facilities](#) | [Annual Per Capita Disposal](#) | [Programs](#)

**Alternative Name(s):** 43 Redwoods, Redwoods Community College District

**Physical Address**  
7351 Tompkins Hill Road  
Eureka, CA 95501

**CalRecycle Representative**  
Yasmin Satter  
[Yasmin.Satter@CalRecycle.ca.gov](mailto:Yasmin.Satter@CalRecycle.ca.gov)  
(916) 341-6262 x

**Total Number of Employees including Facilities:**0

**Recycling Coordinator:** Garry Patrick [Garry-Patrick@redwoods.edu](mailto:Garry-Patrick@redwoods.edu) (707) 476-4385

**Facilities**

No Facilities exist for this Agency

**Annual Per Capita Disposal**

**Diversion Program Summary**

Total Tonnage Diverted: 596.3

Total Tonnage Disposed: 219.0

Total Tonnage Generated: 815.3

Overall Diversion Percentage: 73.1%

**Questions**

What is the mission statement of the State agency/large State facility?

I. The primary missions of the Redwoods Community College District are: 1. Associate Degree and Certificate Programs. The District will offer rigorous, high quality educational programs leading to the Associate in Arts or Associate in Science Degree, the Certificate of Achievement or Certificate of Completion. 2. Transfer Education. The District will offer a high quality core curriculum that will satisfy the lower division educational requirements for transfer to the California State University or the University of California systems. 3. Professional/Technical Education. The District will provide high quality vocational and occupational programs that will allow students to obtain skills necessary to qualify for meaningful employment or further education. These programs will be continuously articulated with the private and public sectors, and institutions of higher education. 4. Economic

Development. The District will deliver work force development and training resources responsive to the regional needs of business in collaboration with regional educational and training institutions and economic development entities. II. In support of these primary missions the College will provide the appropriate level of: 1. Learning Resources. The District will provide library, media, instructional development, tutorial, Internet, and telecommunication access, and learning assistance services to support a lower division curriculum. 2. Student Services. The District will provide a system of student support to ensure student placement in courses which will facilitate retention and successful completion of their educational goals. The services include enrollment services; assessment; student record management; financial aid; Extended Opportunity Program and Services (EOPS); Disabled Student Program and Services (DSPS); student co-curricular activities; health services; child care; and academic, occupational, transfer, career, and personal counseling. 3. Transitional Education. The District will provide basic skills and English as a Second Language courses which are preparatory to college level work. III. To the extent possible under State Guidelines or with local funding, the District will encourage: 1. Non-Credit Adult Education. The District will provide state-funded, noncredit adult education in accordance with local delineation of function agreements. 2. General Education. The District will provide courses and programs to broaden the knowledge and understanding of the people the District serves. This educational service will also be used to encourage students whose goals are undecided to investigate their own interest prior to deciding on a specific transfer or occupational program. 3. Community Services. The District will provide fee-supported avocational, recreational, and professional inservice classes, as well as cultural and community programs. Adopted by Board of Trustees: August 15, 1977 Amended: 7/18/83; 8/15/83; 4/3/89, 4/6/98

Based on the "State Agency Waste Reduction and Recycling Program Worksheet (Part III)," briefly describe the basic components of the waste stream and where these components are generated.

As a College, we generate paper, cardboard, landscape materials, cafeteria refuse, waste oils, cardboard, newspaper, solvents and photo wastes and other misc. wastes. These materials are generated by students in the Residence Halls and using our facilities for class, staff operating and doing the business of our College, and the public who come onto the campus for special events. Landscape wastes are generated from our over 260 acres of grounds.

Based on the worksheet (Part III), what is currently being done to reduce waste?

The Redoods Community College District has had a successfully operating recycling program since 1992. The program is administered by the Director of Facilities and his staff. He chairs a Recycling Committee with faculty, students, classified staff and a representative from the hauler. The College bids its refuse and recycling through the Public Contract process in an effort to control costs and partner with the successful bidder to provide recycling services. This program has won several Humboldt County Waste Reduction Awards for innovation and aggressiveness in recycling. Recycling is being done at all sites operated by the College. The College staff now feel ownership of this process and continue to provide the service, and at the same time are improving the process, which in turn increases the recycled materials. The College uses funds from the sale of the materials to fund scholarships to help increase awareness among the students, staff and the public. Each year three scholarships are awarded from the Recycling Program. This is a type of incentive that helps keep the recycling program viable. We are purchasing recycled products, such as motor oils and paper towels made from post consumer recycled paper. We are slowly phasing out paper towels in restrooms, replacing them with air dryers.

Based on the worksheet (Part III), briefly describe the programs to be implemented to meet the 25 percent and 50 percent waste diversion goals. Please include a program implementation timeline.

The college met the 50 percent goal in 1995 and continues to meet that goal through the existing recycling program. The plan is to increase awareness and continue to provide incentives through scholarships.

Does the State agency/large State facility have a waste reduction policy? If so, what is it? See "Waste Reduction Policies and Procedures for State Agencies" for a sample waste reduction and recycling policy statement.

The College does not have a written recycling policy. The recycling program is so well entrenched in the operations that a policy would not make a difference.

Briefly describe what resources (staff and/or funds) the State agency/large State facility plans to commit toward implementing its integrated waste management plan, plus meeting the waste diversion goals outlined in Public Resource Code Section 42921.



The recycling program at College of the Redwoods is operated by the Custodial and Maintenance Staff, who has taken ownership of the program and handle all recyclables. From time to time, there are a few students who wish to help, and that help is welcomed, but the program is not dependent on their support. The contract with the waste hauler contains language that provides recycling bins for free, and hauling of the recycled materials is also free. This helps control costs. The Recycling committee constantly seeks grants for new equipment such as bins, signage and totes.

This question applies only for State agencies submitting a modified IWMP: Briefly describe the waste diversion program activities currently in place.

Programs		
Program Name	Existing Planned/Expanding	Tons
Business Source Reduction	X	39.0400
Beverage Containers	X	5.0000
Cardboard	X	11.2400
Glass	X	8.3900
Newspaper	X	13.8100
Office Paper (mixed)	X	7.4800
Plastics	X	0.5000
Scrap Metal	X	0.2500
Other Materials	X	9.0000
Xeriscaping, grasscycling	X	266.0000
Tires	X	0.8000
Concrete/asphalt/rubble (C&D)	X	195.0000
Rendering	X	0.7500

State Agency Waste Management Programs, <http://www.calrecycle.ca.gov/StateAgency/>  
 Recycling Coordinator: [SARC@calrecycle.ca.gov](mailto:SARC@calrecycle.ca.gov), (916) 341-6199  
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State Agency Reporting Center: Waste Management Annual Report  
**2001 SARC Annual Report: College of the Redwoods**

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[Facilities](#) | [Annual Per Capita Disposal](#) | [Programs](#)

**Alternative Name(s):** 43 Redwoods, Redwoods Community College District

**Physical Address**  
 7351 Tompkins Hill Road  
 Eureka, CA 95501

**CalRecycle Representative**  
 Yasmin Satter  
[Yasmin.Satter@CalRecycle.ca.gov](mailto:Yasmin.Satter@CalRecycle.ca.gov)  
 (916) 341-6262 x

**Total Number of Employees including Facilities:**431

**Recycling Coordinator:** Garry Patrick [Garry-Patrick@redwoods.edu](mailto:Garry-Patrick@redwoods.edu) (707) 476-4385

Facilities		
FACILITY NAME	NUMBER OF EMPLOYEES	ADDRESS
College of the Redwoods	320	7351 Tompkins Hill Road Eureka, CA 95501
College of the Redwoods, Del Norte Center	50	883 W. Washington Blvd. Crescent City, CA 95531
College of the Redwoods, Mendocino Coast Center	55	1211 Del Mar Drive Fort Bragg, CA 95437
College of the Redwoods, Fine Woodworking	2	440 Alger Street Fort Bragg, CA 95437
College of the Redwoods, Klamath-Trinity Branch	2	224-A LOOP & ORCHARD Hoopa, CA 95546
College of the Redwoods, Ricks House	2	730 H Street Eureka, CA 95503
<b>Total Employees in Facilities:</b>	<b>431</b>	
Export To Excel		Count: 6

**Annual Per Capita Disposal**

**Diversion Program Summary**

Total Tonnage Diverted: 1,171.9

Total Tonnage Disposed: 223.4

Total Tonnage Generated: 1,395.3

Overall Diversion Percentage: 84.0%

### Employees

Total Number of Employees:431

### Non-Employee Population

Total Number of Non-employees:7,000

Non-employee Population Type:Visitors, Inmates, etc

### Disposal

Total amount Disposed:223.40 tons

### Annual Results

	<u>Employee Population</u>			
	<u>Target</u>	<u>Annual</u>	<u>Target</u>	<u>Annual</u>
Per Capita Disposal Rate (pounds/person/day):	0.00	2.80	0.00	0.17

### Questions

Is the mission statement of the State agency/large State facility the same as reported in the Integrated Waste Management Plan?

How has the waste stream, i.e. those materials disposed in landfills, changed since the Integrated Waste Management Plan was submitted?

By implementing our recycling programs we no longer have:computers,crts,papers; white and mixed, magazines,newspapers,can,bottle,plastics,greens(grass),chips,wood, paint,oil,batteries, flourescent tubes being thrown into the garbage.

What waste diversion programs are currently in place and what waste diversion programs were implemented in 2001 to meet the waste diversion goals?

We have diversion programs in the areas of: Source Reduction Recycling Composting Special Waste Hazardous Waste

How were the amounts of materials disposed and diverted, that were entered into the Annual Report, determined (e.g. waste assessments, per capita generation and extrapolation, actual disposal weights, or actual recycling weights)?

Actual disposal weights are determined by the waste hauler(quarterly report) or organization weighing scales. Any other waste diversion or recycling activity we keep on record of the action.

What types of activities are included in each of the reported programs? For example does your agency Business Source Reduction include email, double-sided photocopying, reusing envelopes, etc.?

Source Reduction: reusing envelopes, two-sided copies, hand dryers, recycled hand towels, e-mails, note pads from one-sided copies, material exchange, cloth towels for cleaning. Recycling: internal memos, all white ledger paper, mixed paper, plastics, scrap metal, office pak, magazines newspapers, cardboard, landscape materials, cafeteria refuse, waste oils, newspapers and shredder fluff. Composting: composting/mulching Special Waste: sludge, tires, white and brown goods, wood waste, pallets, C&D and rendering Hazardous Waste: batteries, used oil, used antifreeze and computer monitors.

Has the State agency/large State facility adopted or changed it's waste reduction policy?

What resources (staff and/or funds) did the State agency/large State facility commit toward implementing it's Integrated Waste Management Plan in 2001 to help meet the waste diversion goals?

The college Recycling Coordinator and the custodial staff. Our dormatory students are responsible for plastics recycling.

**Programs**

Program Name	Existing Planned/Expanding	Tons
Business Source Reduction	X	39.8000
Material Exchange	X	0.2500
Beverage Containers	X	5.1000
Cardboard	X	11.5000
Glass	X	8.6000
Newspaper	X	13.8000
Office Paper (white)	X	3.7400
Office Paper (mixed)	X	9.8000
Plastics	X	0.0500
Scrap Metal	X	0.2500
Xeriscaping, grasscycling	X	271.3000
On-site composting/mulching	X	271.3000
Self-haul greenwaste	X	271.3000
Food waste composting	X	0.2500
Sludge (sewage/industrial)	X	0.5000
Tires	X	0.0800
White/brown goods	X	1.5000
Wood waste	X	47.9600
Concrete/asphalt/rubble (C&D)	X	214.0000
Rendering	X	0.7700

1,171.85  
tons  
diverted

State Agency Waste Management Programs, <http://www.calrecycle.ca.gov/StateAgency/>  
Recycling Coordinator: [SARC@calrecycle.ca.gov](mailto:SARC@calrecycle.ca.gov), (916) 341-6199  
Buy Recycled Campaign: [BuyRecycled@calrecycle.ca.gov](mailto:BuyRecycled@calrecycle.ca.gov), (916) 341-6199

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**State Agency Reporting Center: Waste Management Annual Report  
2003 SARC Annual Report: College of the Redwoods**

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[Facilities](#) | [Annual Per Capita Disposal](#) | [Programs](#)

**Alternative Name(s):** 43 Redwoods, Redwoods Community College District

**Physical Address**  
7351 Tompkins Hill Road  
Eureka, CA 95501

**CalRecycle Representative**  
Yasmin Satter  
[Yasmin.Satter@CalRecycle.ca.gov](mailto:Yasmin.Satter@CalRecycle.ca.gov)  
(916) 341-6262 x

**Total Number of Employees including Facilities:**435

**Recycling Coordinator:** Garry Patrick [Garry-Patrick@redwoods.edu](mailto:Garry-Patrick@redwoods.edu) (707) 476-4385

Facilities		
FACILITY NAME	NUMBER OF EMPLOYEES	ADDRESS
College of the Redwoods	320	7351 Tompkins Hill Road Eureka, CA 95501
College of the Redwoods, Del Norte Center	50	883 W. Washington Blvd. Crescent City, CA 95531
College of the Redwoods, Mendocino Coast Center	55	1211 Del Mar Drive Fort Bragg, CA 95437
College of the Redwoods, Fine Woodworking	2	440 Alger Street Fort Bragg, CA 95437
College of the Redwoods, Klamath-Trinity Branch	2	224-A LOOP & ORCHARD Hoopa, CA 95546
College of the Redwoods, Ricks House	2	730 H Street Eureka, CA 95503
Arcata Instructional Site	4	100 Ericson Court Arcata, CA 95521
<b>Total Employees in Facilities:</b>	<b>435</b>	
Export To Excel		Count: 7

Annual Per Capita Disposal
<b>Diversion Program Summary</b>
Total Tonnage Diverted: 304.5
Total Tonnage Disposed: 223.4

Total Tonnage Generated: 527.9

Overall Diversion Percentage: 57.7%

**Employees**

Total Number of Employees:435

**Non-Employee Population**

Total Number of Non-employees:7,000

Non-employee Population Type:Visitors, Inmates, etc

**Disposal**

Total amount Disposed:223.40 tons

**Annual Results**

	<u>Employee Population</u>		<u>Target Annual</u>	
	<u>Target</u>	<u>Annual</u>	<u>Target</u>	<u>Annual</u>
Per Capita Disposal Rate (pounds/person/day):	0.00	2.80	0.00	0.17

**Questions**

Is the mission statement of the State agency/large State facility the same as reported in the previous year?

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How has the waste stream (i.e. those materials disposed in landfills) changed since the Integrated Waste Management Plan was submitted? (Changes include kinds and quantities of materials disposed in landfills.)

Prior to the Integrate Waste Management Program, CR implemented a recycling Program. CR strategies through collaboration with our waste hauler determined that the collection of white ledger paper, cardboard, white office pack, clear glass, and aluminum would be diverted from the waste stream. Education has been key for our program success through education of staff, faculty and students. Before the implementation of the program we generated 70 yards of garbage per week. Today's average is 57 yards of garbage per week. Cardboard once constituted the largest portion of materials that went into the waste stream. We now divert at least 8 yards from the waste stream each week. Our pottery lab recycles their pottery diverting 2500-2800 lbs per year. Approximately 500 lbs of food waste from the cafeteria is used for a vermiculture farm. We have purchased double-sided copiers to save on the white paper waste. We are saving white paper by charging to copy at a savings of 12 lbs per week. We are involved in outreach programs to the communtiy--soon to present our program success with the local hospitals. We are always looking for ways to improve our current programs.

Summarize what waste diversion programs were continued or newly implemented during the report year.

College of the Redwoods waste minimization; to lower costs and decrease the amount of waste being disposed into landfills, College of the Redwoods has instituted waste reduction programs at all CR campuses. Diversion

programs are: Business source reduction program-paper form reduction, bulletin boards..... Recycling-bottles, cans, paper, newspaper, magazines, scrap metal, special collection events--other clothing to local charities Material exchange-surplus items to county schools Special Waste materials-rendering, tires, scrap metal Facility recovery-take materials to permitted materials recovery facility Organic Management Program-composting, mulching and grass cycling Special Waste materials Program-hazardous waste disposal, batteries oil/anti freeze Hazardous waste-- oil filters Promotional program; web page, brochures, student catalogue, award winning art work made from recyclable materials Source Reduction Program-in-house waste management Out reach-community presentations, fairs Speaker-in-house recycling education, Waste evaluations-waste hauler information

How were the tonnages determined for the materials disposed and diverted? (e.g. waste assessments, per capita generation and extrapolation, actual disposal weights, or actual recycling weights)

We use the waste haulers quarterly report and the sum of those determines the total for our recyclables and disposed. Some information is determined by the IWMB conversion table for materials when information is gathered from CR staff; gardener, sewage plant operator, auto mechanic, and our Environmental Health and Safety Manager.

What types of activities are included in each of the reported programs? (The following link of [category definitions](#) may assist you in answering this question.)

Working toward a paperless office our waste reduction program includes the following: 1) Reduce the paper trail with elimination fax cover sheet 2) Reduce paper trail use two-sided copies 3) Use electronic mail 4) Communicate to staff with a central bulletin board instead of making multiple copies to staff 5) Reuse of scrap paper for scratch pads 6) Reduce paper waste to have one-sided paper (used) for draft or other unimportant copies. 7) Recycle documents to disk instead of hard copy. 8) Reduction of junk mail. Share catalogues or journals and cancel excess copies. Have your name removed from mailing lists. 9) Reuse of envelopes by placing a new label over an old label 10) Encourage paper plates and discourage Styrofoam containers. Purchase washable plates and flatware in the office. And... 11) Recycle encourage vu-graphs or make copies only upon request, instead of handouts at meetings. 12) Recycle encourage packaging reuse, packing peanuts and bubble wrap. 13) Recycle use brown paper bags instead of plastic bags that are made of petrochemicals that are not biodegradable. 14) Reuse of toner and ink jet cartridges. Recycled cartridges provide the same quality and can save up to half the cost of buying a new one. • Return to manufacturer: Most toner companies offer free shipping labels and pay shipping cost• A local company CartriChargeWest is a local company offers a service for ink jet cartridges and refilling kits. Establish purchasing guidelines to encourage waste prevention durable, concentrated, reusable and high quality products). 15) White paper for all office forms and message slips—even legal pads, which don't have to be yellow or pink. 16) Purchase copiers with two-sided copies capabilities 17) Purchase environmentally friendly cleaning products. 18) Purchase hand driers for restrooms to save on paper towel waste 19) Purchase products with 100% recycled content that includes a large percentage of post-consumer content:• Paper towels• Toilet tissue• Facial tissue• Napkins• Paper plates and cups 17) Recycle usable goods for use by second owner: including office furniture, clothes, computers and wood pallets 18) Recycle confidential (restricted) papers to an approved recycling vendor. 19) Annual phone book recycling program 20) Monthly events recycling program for staff students and public 21) File clear out recycling service. A delivery/pick-up service of appropriate size containers. 22) Change firing range targets from plywood to cardboard 23) Multiple copies prevention in library 24) Faculty initiative to train our students in classes to use what recyclables to create art work. 25) Faculty initiative to recycle clay 26) Annual Fair where youth from the area are welcomed to participate in many environmental programs with a recycling booth that teaches children about recycling.

Has the State agency/large State facility adopted or changed its waste reduction policy?

What resources (staff and/or funds) did the State agency/large State facility commit toward implementing its Integrated Waste Management Plan during the report year to help meet the waste diversion goals?

The Recycling Program at College of the Redwoods is a campus wide commitment that is managed by a Recycling Coordinator and operated by the backbone of the program, the Maintenance Custodial staff. Faculty, staff and students participate in our 10 programs (as noted in question 3) to divert waste from the waste stream. Each semester student involvement varies due to their academic pursuits. Although we do not rely on their participation we welcome and encourage their involvement in the recycling program. To reduce hauling cost there is language in the CR contract that states; the waste hauler must provide free recycling bins, and hauling away of all recyclables to their recycling center. The college continues to research grants for new equipment, bins signage and totes.





Programs		
Program Name	Existing Planned/Expanding	Tons
Business Source Reduction	X	39.0000
Material Exchange	X	0.2500
Beverage Containers	X	5.2160
Cardboard	X	2.7300
Glass	X	4.9300
Newspaper	X	20.4000
Office Paper (white)	X	4.5900
Office Paper (mixed)	X	13.2600
Plastics	X	0.0050
Special Collection Events	X	0.0800
Xeriscaping, grasscycling	X	62.0000
On-site composting/mulching	X	59.0000
Self-haul greenwaste	X	62.0000
Food waste composting	X	0.2000
Sludge (sewage/industrial)	X	0.0300
Tires	X	0.0800
Scrap Metal	X	0.0000
Wood waste	X	1.1000
Concrete/asphalt/rubble (C&D)	X	0.0000
Rendering	X	29.6000

304.471  
tons  
diverted

State Agency Waste Management Programs, <http://www.calrecycle.ca.gov/StateAgency/>  
 Recycling Coordinator: [SARC@calrecycle.ca.gov](mailto:SARC@calrecycle.ca.gov), (916) 341-6199  
 Buy Recycled Campaign: [BuyRecycled@calrecycle.ca.gov](mailto:BuyRecycled@calrecycle.ca.gov), (916) 341-6199

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**State Agency Reporting Center: Waste Management Annual Report  
2004 SARC Annual Report: College of the Redwoods**

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[Facilities](#) | [Annual Per Capita Disposal](#) | [Programs](#)

**Alternative Name(s):** 43 Redwoods, Redwoods Community College District

**Physical Address**  
7351 Tompkins Hill Road  
Eureka, CA 95501

**CalRecycle Representative**  
Yasmin Satter  
[Yasmin.Satter@CalRecycle.ca.gov](mailto:Yasmin.Satter@CalRecycle.ca.gov)  
(916) 341-6262 x

**Total Number of Employees including Facilities:**435

**Recycling Coordinator:** Garry Patrick [Garry-Patrick@redwoods.edu](mailto:Garry-Patrick@redwoods.edu) (707) 476-4385

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College of the Redwoods, Klamath-Trinity Branch	2	224-A LOOP & ORCHARD Hoopa, CA 95546
College of the Redwoods, Ricks House	2	730 H Street Eureka, CA 95503
Arcata Instructional Site	4	100 Ericson Court Arcata, CA 95521
<b>Total Employees in Facilities:</b>	<b>435</b>	
Export To Excel		Count: 7

**Annual Per Capita Disposal**

**Diversion Program Summary**

Total Tonnage Diverted: 306.6

Total Tonnage Disposed: 223.4

Total Tonnage Generated: 530.0

Overall Diversion Percentage: 57.8%

**Employees**

Total Number of Employees:435

**Non-Employee Population**

Total Number of Non-employees:7,000

Non-employee Population Type:Visitors, Inmates, etc

**Disposal**

Total amount Disposed:223.40 tons

**Annual Results**

	<u>Employee Population</u>		<u>Target Annual</u>	
	<u>Target</u>	<u>Annual</u>	<u>Target</u>	<u>Annual</u>
Per Capita Disposal Rate (pounds/person/day):	0.00	2.80	0.00	0.17

**Questions**

Is the mission statement of the State agency/large State facility the same as reported in the previous year?

---

How has the waste stream (i.e. those materials disposed in landfills) changed since the Integrated Waste Management Plan was submitted? (Changes include kinds and quantities of materials disposed in landfills.)

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October includes activities to teach re-using paper. We recently provided more bins for the Printing Services shop to capture an additional 1/2 yard a bi-monthly for all paper waste for recycling that involved a volunteer recycling captain of the shop to oversee waste/recycling activities. This past year we've seen more enthusiasm from students to help with our plastics recycling program that is saving us at least a 1/2 ton a year.

Summarize what waste diversion programs were continued or newly implemented during the report year.

College of the Redwoods waste minimization; to lower costs and decrease the amount of waste being disposed into landfills, College of the Redwoods has instituted waste reduction programs at all CR campuses. Diversion programs are: Business source reduction program-paper form reduction, bulletin boards..... Recycling-bottles, cans, paper, newspaper, magazines, scrap metal, special collection events--other clothing to local charities Material exchange-surplus items to county schools Special Waste materials-rendering, tires, scrap metal Facility recovery-take materials to permitted materials recovery facility Organic Management Program-composting, mulching and grass cycling Special Waste materials Program-hazardous waste disposal, batteries oil/anti freeze Hazardous waste-- oil filters Promotional program; web page, brochures, student catalogue, award winning art work made from recyclable materials Source Reduction Program-in-house waste management Out reach-community presentations, fairs Speaker-in-house recycling education, Waste evaluations-waste hauler information

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Has the State agency/large State facility adopted or changed its waste reduction policy?

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Programs		
Program Name	Existing Planned/Expanding	Tons
Business Source Reduction	X	39.0000
Material Exchange	X	1.2550
Salvage Yards	X	0.0010
Beverage Containers	X	0.5740
Cardboard	X	5.7950
Glass	X	5.0650
Newspaper	X	26.0200
Office Paper (white)	X	6.9000
Office Paper (mixed)	X	4.4050
Plastics	X	0.3010
Scrap Metal	X	0.0010
Special Collection Events	X	0.1500
Xeriscaping, grasscycling	X	62.0000
On-site composting/mulching	X	59.0000
Self-haul greenwaste	X	62.0000
Food waste composting	X	0.2000
Sludge (sewage/industrial)	X	0.2250
Tires	X	0.8800
White/brown goods	X	1.2000
Wood waste	X	2.0010
Rendering	X	29.6000

306.573  
tons  
diverted

State Agency Waste Management Programs, <http://www.calrecycle.ca.gov/StateAgency/>  
 Recycling Coordinator: [SARC@calrecycle.ca.gov](mailto:SARC@calrecycle.ca.gov), (916) 341-6199  
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**State Agency Reporting Center: Waste Management Annual Report  
2005 SARC Annual Report: College of the Redwoods**

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[Facilities](#) | [Annual Per Capita Disposal](#) | [Programs](#)

**Alternative Name(s):** 43 Redwoods, Redwoods Community College District

**Physical Address**  
7351 Tompkins Hill Road  
Eureka, CA 95501

**CalRecycle Representative**  
Yasmin Satter  
[Yasmin.Satter@CalRecycle.ca.gov](mailto:Yasmin.Satter@CalRecycle.ca.gov)  
(916) 341-6262 x

**Total Number of Employees including Facilities:**438

**Recycling Coordinator:** Garry Patrick [Garry-Patrick@redwoods.edu](mailto:Garry-Patrick@redwoods.edu) (707) 476-4385

Facilities		
FACILITY NAME	NUMBER OF EMPLOYEES	ADDRESS
College of the Redwoods	320	7351 Tompkins Hill Road Eureka, CA 95501
College of the Redwoods, Del Norte Center	50	883 W. Washington Blvd. Crescent City, CA 95531
College of the Redwoods, Mendocino Coast Center	55	1211 Del Mar Drive Fort Bragg, CA 95437
College of the Redwoods, Fine Woodworking	2	440 Alger Street Fort Bragg, CA 95437
College of the Redwoods, Klamath-Trinity Branch	2	224-A LOOP & ORCHARD Hoopa, CA 95546
Eureka Downtown Instructional Site	5	605 K Street Eureka, CA 95501
Arcata Instructional Site	4	100 Ericson Court Arcata, CA 95521
<b>Total Employees in Facilities:</b>	<b>438</b>	
Export To Excel		Count: 7

**Annual Per Capita Disposal**

**Diversion Program Summary**

Total Tonnage Diverted: 248.0

Total Tonnage Disposed: 223.4

Total Tonnage Generated: 471.4

Overall Diversion Percentage: 52.6%

**Employees**

Total Number of Employees:438

**Non-Employee Population**

Total Number of Non-employees:7,000

Non-employee Population Type:Visitors, Inmates, etc

**Disposal**

Total amount Disposed:223.40 tons

**Annual Results**

	<u>Employee Population</u>			
	<u>Target</u>	<u>Annual</u>	<u>Target</u>	<u>Annual</u>
Per Capita Disposal Rate (pounds/person/day):	0.00	2.80	0.00	0.17

**Questions**

Is the mission statement of the State agency/large State facility the same as reported in the previous year?

---

How has the waste stream (i.e. those materials disposed in landfills) changed since the Integrated Waste Management Plan was submitted? (Changes include kinds and quantities of materials disposed in landfills.)

Prior to the Integrate Waste Management Program, CR implemented a recycling Program. CR strategies through collaboration with our waste hauler determined that the collection of white ledger paper, cardboard, white office pack, clear glass, and aluminum would be diverted from the waste stream. Education has been key for our program success through education of staff, faculty and students. Before the implementation of the program we generated 70 yards of garbage per week. Today's average is 57 yards of garbage per week. Cardboard once constituted the largest portion of materials that went into the waste stream. We now divert at least 8 yards from the waste stream each week. Our pottery lab recycles their pottery diverting 2500-2800 lbs per year. Approximately 500 lbs of food waste from the cafeteria is used for a vermiculture farm. We have purchased double-sided copiers to save on the white paper waste. We are saving white paper by charging to copy at a savings of 12 lbs per week. We are involved in outreach programs to the community--one of our Violin making classes use scrap wood and used in related classes. Scraps are much a part of teaching at CR using scraps to refurbish stringed instruments. Some 40 students come from all over the US, so narrow in scope, but broad in geography. Materials used include silver, ebony, mother of pearl for the instruments. A very popular course is "earthworm ms and composting". The instructor orders bins to teach students vermiculture. Our horticulture Green House composts and the gardening crew; wood waste is recycled at the Pacific Lumber Co. usually a pickup load a year. Our student Woodshop sawdust is free for the taking to students and staff or it goes to the compost site. Our annual science night for



elementary age students in October includes activities to teach re-using paper. We also have another annual event Environmental Science day for elementary school children in June from local communities. We recently provided more bins for the Printing Services shop to capture an additional 1/2 yard bi-monthly for all paper waste for recycling that involved a volunteer recycling captain of the shop to oversee waste/recycling activities. This past year we've seen more enthusiasm from students to help with our plastics recycling program that is saving us at least a 1/2 ton a year.

Summarize what waste diversion programs were continued or newly implemented during the report year.

College of the Redwoods waste minimization; to lower costs and decrease the amount of waste being disposed into landfills, College of the Redwoods has instituted waste reduction programs at all CR campuses. Diversion programs are: Business source reduction program-paper form reduction, bulletin boards..... Recycling-bottles, cans, paper, newspaper, magazines, scrap metal, special collection events--other clothing to local charities Material exchange-surplus items to county schools Special Waste materials-rendering, tires, scrap metal Facility recovery-take materials to permitted materials recovery facility Organic Management Program-composting, mulching and grass cycling Special Waste materials Program-hazardous waste disposal, batteries oil/anti freeze Hazardous waste-- oil filters Promotional program; web page, brochures, student catalogue, award winning art work made from recyclable materials Source Reduction Program-in-house waste management Out reach-community presentations, fairs Speaker-in-house recycling education, Waste evaluations-waste hauler information

How were the tonnages determined for the materials disposed and diverted? (e.g. waste assessments, per capita generation and extrapolation, actual disposal weights, or actual recycling weights)

We use the waste haulers quarterly report and the sum of those determines the total for our recyclables. Some information is determined by the IWMB conversion table for materials when information is gathered from CR staff; gardener, sewage plant operator, auto mechanic, and our Environmental Health and Safety Manager.

What types of activities are included in each of the reported programs? (The following link of category definitions may assist you in answering this question.)

Working toward a better waste reduction program we do the following: 1) Reduce the paper trail with elimination fax cover sheet 2) Reduce paper trail use two-sided copies 3) Use electronic mail 4) Communicate to staff with a central bulletin board instead of making multiple copies to staff 5) Reuse of scrap paper for scratch pads in classrooms and offices. 6) Reduce paper waste to have one-sided paper (used) for draft or other unimportant copies. 7) Recycle documents to disk instead of hard copy. 8) Reduction of junk mail. Share catalogues or journals and cancel excess copies. Have your name removed from mailing lists. 9) Reuse of envelopes by placing a new label over an old label and the reuse of old envelopes for in-house mail 10) Implemented central-copier-system to reduce waste w/an accurate account code required for the user. Copier has two-sided copy capabilities 11) Encourage vu-graphs, emailing or make copies only upon request, instead of handouts at meetings. 12) Warehouse packages and reuses, packing peanuts, shipping cartons and bubble wrap. 13) Use brown paper bags instead of plastic bags that are made of petrochemicals that are not biodegradable. 14) Xerox supplies college w/ toner and ink jet cartridges w/a free return of the used cartridges. 15) White paper for all office forms and message slips, legal pads, that don't have to be yellow or pink. 16) Purchase environmentally friendly cleaning products. 17) Purchase hand driers for restrooms to save on paper towel waste 18) Purchase products with 100% recycled content that includes a large percentage of post-consumer content: ? Paper towels, toilet tissue, napkins, paper plates and cups 19) Recycle usable goods for use by second owner: including office furniture, clothes, computers and wood pallets 20) Recycle confidential (restricted) papers to an approved recycling vendor. 21) Annual phone book recycling program. 22) Monthly events recycling program for staff students and public 23) Reminder via email to staff and faculty at spring and summer about file clear out recycling service. A delivery/pick-up service for appropriate size recycle containers. 24) Faculty initiative to train our students in classes to use recyclables to create art work. 25) Faculty initiative to recycle clay. 26) All special events are encouraged to recycle when they use our facilities. We are proud partners with the Cancer Society's annual event Relay for Life. During this 2 day event we donate all the recyclables to the Cancer Society. 27) Plastics recycling event Kick-Off event for the Associated Student Body involvement in the recycling program. Working toward a better waste reduction program we do the following: 1) Reduce the paper trail with elimination fax cover sheet 2) Reduce paper trail use two-sided copies 3) Use electronic mail 4) Communicate to staff with a central bulletin board instead of making multiple copies to staff 5) Reuse of scrap paper for scratch pads in classrooms and offices. 6) Reduce paper waste to have one-sided paper (used) for draft or other unimportant copies. 7) Recycle documents to disk instead of hard copy. 8) Reduction of junk mail. Share catalogues or journals and cancel excess copies. Have your name removed from mailing lists. 9) Reuse of envelopes by placing a new label over an old label and the reuse of old envelopes for in-house mail 10) Implemented central-copier-system to reduce waste w/an accurate account code required for the

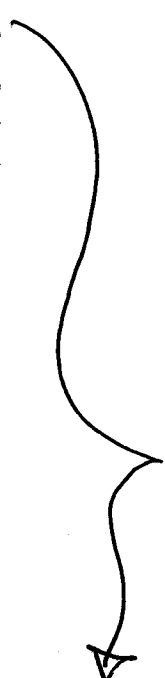
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Has the State agency/large State facility adopted or changed its waste reduction policy?

What resources (staff and/or funds) did the State agency/large State facility commit toward implementing its Integrated Waste Management Plan during the report year to help meet the waste diversion goals?

The Recycling Program at College of the Redwoods is a campus wide commitment that is managed by a Recycling Coordinator and operated by the backbone of the program, the Maintenance Custodial staff. Faculty, staff and students participate in our 10 programs (as noted in question 3) to divert waste from the waste stream. Each semester student involvement varies due to their academic pursuits. This year in addition to individual attention by staff and students for plastics recycling we have the ASCR associated student Body involved who will form a recycle club to recycle plastics. The college continues to research grants for new equipment, bins signage and toters.

Programs		
Program Name	Existing Planned/Expanding	Tons
Business Source Reduction	X	39.0000
Material Exchange	X	1.2550
Salvage Yards	X	0.0010
Beverage Containers	X	1.0000
Cardboard	X	4.1400
Glass	X	5.4740
Newspaper	X	28.0500
Office Paper (white)	X	4.7600
Office Paper (mixed)	X	5.2000
Plastics	X	0.2000
Scrap Metal	X	0.0030
Special Collection Events	X	0.0010
Xeriscaping, grasscycling	X	64.0000
On-site composting/mulching	X	60.0000
	X	0.2250


  
 248.022  
 tons  
 diverted

Sludge (sewage/industrial)			
Tires	X		0.0800
White/brown goods	X		0.0330
Scrap Metal		X	0.0000
Wood waste	X		5.0000
Concrete/asphalt/rubble (C&D)		X	0.0000
Rendering	X		29.6000

State Agency Waste Management Programs, <http://www.calrecycle.ca.gov/StateAgency/>

Recycling Coordinator: [SARC@calrecycle.ca.gov](mailto:SARC@calrecycle.ca.gov), (916) 341-6199

Buy Recycled Campaign: [BuyRecycled@calrecycle.ca.gov](mailto:BuyRecycled@calrecycle.ca.gov), (916) 341-6199

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<b>Total Employees in Facilities:</b>	<b>438</b>	
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**Annual Per Capita Disposal**

**Diversion Program Summary**

Total Tonnage Diverted: 244.2

Total Tonnage Disposed: 223.4

Total Tonnage Generated: 467.6

Overall Diversion Percentage: 52.2%

**Employees**

Total Number of Employees:438

**Non-Employee Population**

Total Number of Non-employees:7,000

Non-employee Population Type:Visitors, Inmates, etc

**Disposal**

Total amount Disposed:223.40 tons

**Annual Results**

	<u>Employee Population</u>		<u>Target Annual</u>	
	<u>Target</u>	<u>Annual</u>	<u>Target</u>	<u>Annual</u>
Per Capita Disposal Rate (pounds/person/day):	0.00	2.80	0.00	0.17

**Questions**

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**Programs**

Program Name	Existing Planned/Expanding	Tons
Business Source Reduction	X	39.0000
Material Exchange	X	1.2550
Salvage Yards	X	0.0010
Beverage Containers	X	1.0390
Cardboard	X	4.1400
Glass	X	4.8380
Newspaper	X	23.5300
Office Paper (white)	X	3.7100
Office Paper (mixed)	X	4.2100
Plastics	X	3.5630
Scrap Metal	X	0.0030
Special Collection Events	X	0.0010
Xeriscaping, grasscycling	X	64.0000
On-site composting/mulching	X	60.0000
Food waste composting	X	0.2250
	X	0.2250

244.225  
tons  
diverted

Sludge (sewage/industrial)			
Tires	X		0.4800
White/brown goods	X		0.0050
Scrap Metal		X	0.0000
Wood waste	X		5.0000
Concrete/asphalt/rubble (C&D)		X	0.0000
Rendering	X		29.0000

State Agency Waste Management Programs, <http://www.calrecycle.ca.gov/StateAgency/>  
 Recycling Coordinator: [SARC@calrecycle.ca.gov](mailto:SARC@calrecycle.ca.gov), (916) 341-6199  
 Buy Recycled Campaign: [BuyRecycled@calrecycle.ca.gov](mailto:BuyRecycled@calrecycle.ca.gov), (916) 341-6199

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## **Tab 8**

Student Logins

-- Quick Links --

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# COLLEGE OF THE REDWOODS

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[Current Students](#)
[Faculty & Staff](#)
[Parents & Families](#)
[Locations](#)

Maintenance Home

Who are we?

Custodial Services

Recycling & Waste

Services & Functions

Back to CR Home

## *Facilities and Grounds*

### Waste Reduction and Recycling Program

The recycling program we see today had its beginning during the fall semester of 1992. Prior to that year, many student groups had tried unsuccessfully to start and run a recycling program. This was mainly due to a total student-only endeavor, and when the key students moved on, the program would fade away. With the advent of AB 939 and the continuous increase of costs at the landfill, the College realized that reduction in waste to the landfill also equated to a reduction in budgetary costs. The College called for bids for both waste hauling and recycling. Eel River Disposal was the successful bidder. The incumbent waste hauler took the College to court, stating that they had a contract with the County giving them exclusive hauling rights. The case was settled in favor of the College; our contract with Eel River was upheld. During the next several years, the College reduced waste to the landfill by 60%. This has not been an easy task. A committee was formed comprised of representatives from Eel River Disposal, administrators, faculty, staff, outside vendors and the associated student body, and the now successful program was created. The most difficult part of the process was the retrieval of the recyclables and the educational process. At this point, Ruth Clements, the Custodial Supervisor coordinated the custodial staff to become an integral part of the recycling program. This initial collection program would divert white paper, office paper, cardboard, white glass and aluminum from the waste stream. Custodial staff collects recyclables and encourage staff to recycle on a regular basis. Their efforts have been a boon for the program to become the successful program it is today.

The committee recognized a need to change values to better reflect ecological based ethics. The committee had five goals for this program. They were:

- Reduce solid waste to the landfill by 50% according to AB 939 (*a surpassed goal*)
- Reduce waste hauling cost (*first year reduction of \$20,000.00; we are still paying less than we did in spring of 1992*)
- Compensation for recyclables (*we receive compensation for white paper, aluminum, etc.*)
- Benefit the students (*98% of rebates go to student scholarships. Several \$100.00 scholarships are given to students and a perpetual scholarship was started in the name of the recycling program*)
- Make this a constant program by commitment (*the committee comprises a wide variety of responsible staff, students and the community, we feel it will not only continue, but grow, in the future*)

Prior to this collaborative effort the campus generated approximately 70 yards of garbage per week. In only eight months we realized a 19% reduction that dropped weekly collection to 57 yards per week. Our enthusiastic approach promoting, educating students, staff and faculty paid off as demonstrated by the following:

- **May 1992 - Recycling Committee formed** planned recycling activities for white paper, office paper, aluminum, glass and cardboard collection. Summer Dormitory clothing, furniture and books donated to local charitable organizations.

- December 1992 - Telephone book recycling at CR community and for the general public. A recycling telephone book bin was placed across from the security building. Over 1,400 pounds phone books collected became shoe boxes after being processed in Taiwan. Recycled scratch pads/notepads are available in warehouse.
- April 1993 - Newspaper and green bar collection bin placed by Security building. At the same time Machinist Chuck Snowden and students from the Machine Tool Technology classes used recycled #4 plastic in a machine they created to make small injection molds.
- April 1993 - Recognized for Recycling 1992 by the Humboldt Integrated Waste Management Board. CR was presented the Humboldt County Waste Reduction Award for the "Most Effective Activities" for white paper, office paper, aluminum, glass and cardboard.
- May 1993 - Book discards collected from Library, Bookstore, staff and faculty discards are collected to help stock a new Library in New York, distributed to schools in Mexico, local literacy projects and adult education. E.O.P.S distributes donated books and clothing to students in need.
- September 1993 - Composting program began behind the College of the Redwoods Community Stadium. Branches, grass clippings, sawdust and scraps from the campus cafeteria are collected, shredded and mixed into the compost pile.
- October 1993 - Office Pak collection program a stew of combined office paper with junk mail, envelopes, notebooks and the spiral binding.
- April 1994 - Scholarship Fund created for students by the CR Recycling Committee. Profits made from recycling materials through Eel River Disposal came to more than \$1,000. Two \$100 scholarships were given to deserving students at College of the Redwoods.
- May 1994 - Magazine and catalog collection bin installed across from the Security building. Campus wide reuse effort offered to needy students.
- May 1994 - Refuse down 50% less than the original amount before the inception of the Waste Reduction Program at CR.
- March 1995 - Green, clear and brown glass bins available to students and staff. "User friendly" sectioned bin located next to the campus Security office. Larger bins placed for newspapers, catalogs/magazines. Recycling Committee distributed desk top recycling bins and recruited office captains to monitor recycling within a department.
- April 1995 - New "Recycle Day" a first time monthly "bring your recyclables from home," for CR staff, students and the public. Eel River Disposal has volunteered to compensate the program at the same rate as the yearly program provided by other recycling companies in the area.
- May 1995 - CR honored for the second time with a "Waste Reduction Program Award" by the Humboldt County Recycling Program.
- June 1995 - All College Recycling Day hosted by the Recycling Committee on the last Thursday of each month.
- September 1996 - Laser printer toner cartridges are recycled
- October 1996 - Completion of a sophisticated \$70,000.00 compost center. The project will increase composting on the CR campus to include grass, chips, sawdust and sludge from the College-operated sewer treatment plant. This facility was designed to turn micro-organisms into mulch after 21 days to re-use material generated on campus. Joe Porras, Director of Maintenance, was able to secure a grant from the State of California Chancellor's office to fund this project completely.
- July 1997 - Recycled paper towels and toilet paper purchased products that are cost effective and environmentally friendly. The manufacturer Fort Howard reported that

for every ton of recycled paper towels and toilet paper bought instead of virgin fiber we saved 161 trees, 66,570 gallons of water, 38,000 Kilowatts of electricity, 90 cubic feet of landfill and 570 pounds of dirt from the air.

- **August 1997 - Computerization of composting process** Computer now controls and records internal temperatures. This is critical in the composting process with sewer sludge.
- **November 1997 - Introduction of electric hand dryers** throughout the District to reduce the number of paper towels. All new construction to include them in the specifications.
- **January 1998 - New recyclables**: photo waste chemicals, waste oils, antifreeze and lead acid batteries from the Eureka campus, Del Norte and Mendocino.
- **April 1998 - "Earth Fair '98" CR Recycling booth**: sponsored by Eel River Garbage at the Bayshore Mall promoting our program at CR and educating the public.
- **June 1999 - Scholarship Awards increased to \$160** for 1999-2000 to deserving College of the Redwoods Students.
- **August 2001 - CR purchased a new media**: recycled glass for filtering water at the college pool. A filtering system that uses 2,500 pounds of recycled glass to clean the pool. It has a long life expectancy of 10-15 years.
- **Daily/Yearly - Daily employee routine recycling activities** on-campus efforts are:
  - Employees are urged to use two-sided copies whenever possible.
  - Use electronic mail
  - Avoid handouts at meetings
  - Reuse binders, tab, folders, manila file holders, paper clips, rubber bands and other office supplies as many times as possible.
  - Take your personal coffee mug for a coffee fill up at the cafeteria
  - Reuse interoffice envelopes until all address boxes are filled
  - Buy smart

What started as an edict has turned into a more philosophical goal that College of the Redwoods believes it has a special responsibility to protect our environment for future generations. This responsibility is derived from our unique physical environment that invites students onto our campus--whose quality of life will be affected by our stewardship of the environment today.

The students and staff of the Redwoods Community College District are excited about the Recycling Program and the benefits in scholarship for students. The environmental benefit to the community and environment are a good reason within itself to continue to seek ways to reduce, recycle and re-use material that in the past have normally gone to the landfill.

[Future Students](#) | [Current Students](#)  
[Employees](#) | [Community & Alumni](#)

Eureka Main Campus  
 7351 Tompkins Hill Rd  
 Eureka, CA 95501  
 1-800-641-0400

Del Norte  
 Eureka Downtown  
 Garberville  
 Klamath-Trinity



[Student Login](#)      [Human Resources](#)  
[A-Z Index](#)      [Employee Directory](#)  
[Contact Us](#)      [Optimath](#)  
[Maps & Directions](#)      [Emergency Info](#)

707-476-4100

Accreditation

## **Tab 9**

- Home
- Hawthorne Street Transfer Station (Dump)
- Greenwaste
- Eureka Recycling Center
- Hazardous Waste
- Events
- Food Waste
- FAQs
- Useful Resources
- Other Vendors: Curbside Pickup and Drop Off
- Regional Green Page Guide
- Board of Directors
- Agendas/Board Packets
- Meeting Videos
- Strategic Planning
- Contact/About Us
- Employment
- Proposals



**HUMBOLDT WASTE MANAGEMENT AUTHORITY**  
 1059 West Hawthorne, Eureka CA 95501 • (707) 268-8680



ARCATA • BLUE LAKE • EUREKA • FERNDALE • RIO DELL • HUMBOLDT COUNTY

## Hawthorne Street Transfer Station (Dump)



### Location & Hours

1059 West Hawthorne Street in Eureka ([view map](#))

Monday - Friday	7am - 5pm
Saturday	8am - 4pm
Sunday	10am - 4pm

*(Closed on major holidays - Easter, Independence Day, Memorial Day, Labor Day, Thanksgiving, Christmas & New Year's Day)*

**Phone: (707) 268-8680**

**Fax: (707) 268-8927**

### Garbage Drop Off Fees

Minimum Fee (up to 100 lbs)	\$8.00
Per ton (ton = 2,000 lbs) (7.6¢/lb)	\$154.28/ton

### Greenwaste Drop Off Fees

Minimum Fee (up to 140 lbs)	\$7.00
Per Ton (4.5c/lb)	\$90.00

### Additional Material Drop Off Fees

Non-friable Asbestos	\$50.00*
Bulky Items (e.g. mattresses, box springs, sofas, stuffed chairs)	\$5.00*
Tire, Light Truck, Passenger, Motorcycle or Smaller (off rim)	\$5.25*
Tire, Light Truck, Passenger, Motorcycle or Smaller (on rim)	\$6.50*
Tire, Semi-Truck (off rim)	\$11.50*
Tire, Semi-Truck (on rim)	\$23.00*
Tire, Grader	\$40.00*
Tire, Off Road (Giant)	\$257.00*
Tire, Foam Filled or Solid (forklift)	\$194.00*
Fluorescent Tubes and Compact Fluorescent Lights	no charge**

\*in addition to per ton garbage rate

\*\*Maximum 10 combined per trip

Attachment	Size
tipfloor.jpg	10.19 KB
mobilecollectionevents2011.pdf	42.4 KB

## **Tab 10**



Redwoods Community College District  
 Legislatively Mandated Integrated Waste Management Program

**Offsetting Savings Calculation**

July 1, 1999, through June 30, 2001; and July 1, 2003, through June 30, 2006

Review ID #: S14-MCC-916

College of the Redwoods											
Fiscal Year	Dates	Calendar Year	A Tonnage Diverted	B Tonnage Disposed	C Total Tonnage Generated C = A + B	D Actual Diversion Percentage D = A / C	E Maximum Allowable Diversion Percentage	F Is the Diversion % (column D) LESS THAN or EQUAL to the Maximum Diversion %	G Allocated Diversion % If "YES", unlimited off.savings = 100% If "NO", limited off.savings = (E / D)	H State-wide Average Landfill Fee (Per Ton)	I Offsetting Savings
											I = A * G * H
1999-00	1/1/00 - 6/30/00	2000	298.15	109.50	407.65	73.14%	25.00%	NO	34.18%	\$ 36.39	(3,708)
											(3,708)
2000-01	7/1/00 - 12/31/00	2000	298.15	109.50	407.65	73.14%	25.00%	NO	34.18%	\$ 36.39	(3,708)
	1/1/01 - 6/30/01	2001	585.95	111.70	697.65	83.99%	25.00%	NO	29.77%	\$ 36.39	(6,348)
											(10,056)
2003-04	7/1/03 - 12/31/03	2003	152.25	111.70	263.95	57.68%	50.00%	NO	86.69%	\$ 36.83	(4,861)
	1/1/04 - 6/30/04	2004	153.30	111.70	265.00	57.85%	50.00%	NO	86.43%	\$ 38.42	(5,091)
											(9,952)
2004-05	7/1/04 - 12/31/04	2004	153.30	111.70	265.00	57.85%	50.00%	NO	86.43%	\$ 38.42	(5,091)
	1/1/05 - 6/30/05	2005	124.00	111.70	235.70	52.61%	50.00%	NO	95.04%	\$ 39.00	(4,596)
											(9,687)
2005-06	7/1/05 - 12/31/05	2005	124.00	111.70	235.70	52.61%	50.00%	NO	95.04%	\$ 39.00	(4,596)
	1/1/06 - 6/30/06	2006	122.10	111.70	233.80	52.22%	50.00%	NO	95.75%	\$ 46.00	(5,378)
											(9,974)
											<u>\$ (43,377)</u>

# **Tab 11**

## Kurokawa, Lisa

---

**From:** Kurokawa, Lisa  
**Sent:** Wednesday, March 19, 2014 11:02 AM  
**To:** 'Lee-Lindsey@Redwoods.edu'  
**Cc:** 'garry-patrick@redwoods.edu'  
**Subject:** RE: Adjustment to Redwoods CCD's Integrated Waste Management Claims  
**Attachments:** Offsetting Savings Calculation.xlsx; Narrative of Finding.pdf; Waste Management Annual Report of Diversion (from CalRecycle).pdf; September 10, 2008 Final Staff Analysis.pdf; Parameters and Guidelines.pdf; Fiscal Analysis.pdf; AB1610 Payment Information.pdf

Mr. Lindsey,

This email is a follow-up to the email I sent you mid-January regarding an adjustment to the Integrated Waste Management (IWM) claims filed by the district. The reason I am contacting you is because the State Controller's Office will be adjusting Redwoods CCD's IWM claims for FY's 1999-00, 2000-01, 2003-04, 2004-05 and 2005-06 by \$38,247. The district contracted with SixTen and Associates to prepare these claims. We are not adjusting the FY 2001-02 or FY 2002-03 claim because the statute of limitations to initiate a review of these claims has expired. In addition, the district did not continue to file an IWM claim following FY 2005-06.

I have included Mr. Garry Patrick as a cc: on this email because he is identified as the district's recycling coordinator by CalRecycle and may be more familiar with the district's diversion (recycling, composting, and source reduction) activities.

### Understated Offsetting Savings

We are making this adjustment because the district understated the offsetting savings realized as a result of implementing its IWM plan. For the fiscal years identified, the district realized savings of \$43,377, yet only reported offsetting savings of \$5,130, resulting in an understatement of \$38,247. Please see the attached "Offsetting Savings Calculation" and the attached "Narrative of Finding" for an explanation of the adjustment. To calculate the offsetting savings realized by the district, we multiplied the "tonnage diverted" that the district reported to CalRecycle in accordance with Public Resource Code section 42926, subsection (b)(1) (as shown on the attached "Waste Management Annual Report of Diversion") by the statewide average landfill disposal fee.

### Background regarding the Offsetting Savings Adjustment

Here's some background information regarding the offsetting savings adjustment:

- In 2007, CalRecycle filed a petition for writ of mandate requesting that the Commission on State Mandates (CSM) issue new parameters and guidelines that give full consideration to the cost savings (e.g. avoided landfill disposal fees) that a district realizes as a result of implementing an IWM program. On June 30, 2008, the court ruled that the CSM was required to amend the parameters and guidelines to require districts to identify and offset from their claims, costs savings.
- In the September 10, 2008 CSM's final staff analysis and proposed amendments to the parameters and guidelines (attached - see the 2nd paragraph on page 3/22), the CSM quotes the court ruling that says: "Cost savings may be calculated from the calculations of annual solid waste disposal reduction or diversion that community colleges must annually report to the Board pursuant to PRC section 42926, subdivision (b)(1)." Furthermore, the amended parameters and guidelines apply retroactively to the original period of reimbursement because the court's decision interprets the test claim statutes as a question of law (see the middle of page 6/22).

### Financial Summary

For the fiscal years in the review period, the district claimed reimbursement of \$230,988 for the IWM Program. However, because of this offsetting savings adjustment, we have found that \$192,741 is allowable and \$38,247 is unallowable (please see the attached "Fiscal Analysis" for a summary of the claimed, allowable, and unallowable costs by fiscal year). The State has paid the district \$6,088 for FY 2003-04 (please see the attached "AB1610 Payment Information" Report). The State will pay the district \$186,653, contingent upon available appropriations.

Attached Documentation

I have attached the following documentation for you to review:

- Offsetting Savings Calculation
- Narrative of Finding
- Waste Management Annual Report of Diversion (taken directly from CalRecycle's website)
- September 10, 2008 Final Staff Analysis (from the Commission on State Mandates)
- Parameters and Guidelines (See the "Offsetting Savings" section on page 11 of 12)
- Fiscal Analysis (Summary of claimed, allowable, and unallowable costs by fiscal year)
- AB1610 Payment Information

I will attach the IWM Claims for on a separate email because the file size is too large (2 MB).

Telephone Conference to discuss?

At this point, we would like for the district to review this documentation and let us know if you have any questions or concerns. Also, if you are interested, we are willing to have a telephone conference call to discuss this adjustment in more detail.

If we don't hear back from the district by **Friday, March 28, 2014**, we will assume that the district has no questions regarding this adjustment and we will proceed with processing a letter report explaining the reason for the adjustment .

Thank you,

***Lisa Kurokawa***

Audit Manager  
State Controller's Office  
Division of Audits | Mandated Cost Bureau  
(916) 327-3138 - Office | (916) 549-2753 - Work Cell  
[lkurokawa@sco.ca.gov](mailto:lkurokawa@sco.ca.gov)

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---

**From:** Kurokawa, Lisa  
**Sent:** Friday, January 17, 2014 4:42 PM  
**To:** 'Lee-Lindsey@Redwoods.edu'  
**Cc:** Bonezzi, Alexandra L.  
**Subject:** Adjustment to Redwoods CCD's Integrated Waste Management Claims

Mr. Lindsey,

My name is Lisa Kurokawa and I'm an Audit Manager with the State Controller's Office, Division of Audits, Mandated Cost Bureau. I am contacting you because the State Controller's Office will be adjusting the district's Integrated Waste Management Claims for FY 1999-2000 through FY 2000-01, and FY 2003-04 through FY 2005-06 because the district did not offset any savings (e.g. avoided landfill disposal fees) received as a result of implementing the district's IWM Plan.

I will notify you, via email, of the exact adjustment amount later next week. Also, included in this email, will be documentation to support the adjustment.

If you have any questions at this time, please don't hesitate to ask.

Thank you,

***Lisa Kurokawa***

Audit Manager

State Controller's Office

Division of Audits | Mandated Cost Bureau

(916) 327-3138 - Office | (916) 549-2753 - Work Cell

[lkurokawa@sco.ca.gov](mailto:lkurokawa@sco.ca.gov)

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## **Tab 12**

## **Kurokawa, Lisa**

---

**From:** Kurokawa, Lisa  
**Sent:** Friday, March 28, 2014 9:33 AM  
**To:** 'Lee-Lindsey@Redwoods.edu'  
**Cc:** 'garry-patrick@redwoods.edu'  
**Subject:** RE: Adjustment to Redwoods CCD's Integrated Waste Management Claims

Mr. Lindsey,

I have not heard back from the district regarding the State Controller's Office adjustment to the district's Integrated Waste Management Claims for FY 1999-00, FY 2000-01, FY 2003-04, FY 2004-05 and FY 2005-06. If the district still has questions regarding this adjustment, I am more than willing to conduct a telephone conference call to answer any questions you may have. Otherwise, we are in the process of preparing a letter report "officially" informing the district of this adjustment. You should receive this letter in the mail late next week or early the following week.

Thank you,

***Lisa Kurokawa***

Audit Manager  
State Controller's Office  
Division of Audits | Mandated Cost Bureau  
(916) 327-3138 - Office | (916) 549-2753 - Work Cell  
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---

**From:** Kurokawa, Lisa  
**Sent:** Wednesday, March 19, 2014 11:04 AM  
**To:** 'Lee-Lindsey@Redwoods.edu'  
**Cc:** 'garry-patrick@redwoods.edu'  
**Subject:** RE: Adjustment to Redwoods CCD's Integrated Waste Management Claims

Mr. Lindsey,

As mentioned in the email below, I have attached the IWM claims.

Again, we would like for you to review this documentation and let us know if you have any questions or concerns. Also, if you are interested (?), we are willing to have a telephone conference with you to discuss this adjustment in more detail.

Please let me know how you wish to proceed?

Thank you,

***Lisa Kurokawa***

Audit Manager  
State Controller's Office

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---

**From:** Kurokawa, Lisa  
**Sent:** Wednesday, March 19, 2014 11:02 AM  
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\$38,247 is unallowable (please see the attached "Fiscal Analysis" for a summary of the claimed, allowable, and unallowable costs by fiscal year). The State has paid the district \$6,088 for FY 2003-04 (please see the attached "AB1610 Payment Information" Report). The State will pay the district \$186,653, contingent upon available appropriations.

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**Lisa Kurokawa**

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**From:** Kurokawa, Lisa  
**Sent:** Friday, January 17, 2014 4:42 PM  
**To:** 'Lee-Lindsey@Redwoods.edu'  
**Cc:** Bonezzi, Alexandra L.  
**Subject:** Adjustment to Redwoods CCD's Integrated Waste Management Claims

Mr. Lindsey,

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If you have any questions at this time, please don't hesitate to ask.

Thank you,

***Lisa Kurokawa***

Audit Manager

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## **Tab 13**

Redwoods Community College District  
 Legislatively Mandated Integrated Waste Management Program  
 Summary of "Composting" Costs Claimed  
 July 1, 1999, through June 30, 2001; and July 1, 2003, through June 30, 2006

Reimbursable Component - Diversion and Maintenance of Approved Level of Reduction				
Fiscal Year	Activity	Employee Classification	Exhibit D	Salaries & Benefits Claimed
1999-00	Composting	Gardener, Senior Gardener	page 154/190	502
2000-01	Composting	Gardener, Sr. Gardener, Custodian	page 161/190	1,303
2003-04	Composting	Gardener, Sr. Gardener	page 168/190	1,118
2004-05	Composting	Gardener, Sr. Gardener	page 174/190	1,460
2005-06	Composting	Gardener, Sr. Gardener, Maint. Specialist III	page 182/190	4,516
				8,899

# Tab 14



## State Agency Waste Management: Annual Report Diversion Programs to Report

---

In each reporting year, state agencies must select which diversion programs to report, and describe how programs are implemented. This list of materials and program activities is offered to help state agencies prepare for the annual report.

### Recycling

Recycling is the practice of collecting and diverting materials from the waste stream for remanufacturing into new products, such as recycled-content paper. The programs listed reflect this practice.

The annual report will ask you to identify the materials that are collected for recycling at your facility/facilities and provide details describing your recycling activities.

- » Beverage containers
- » Glass Plastics (#3-7)
- » Carpet
- » Cardboard
- » Newspaper
- » Office paper (white)
- » Office paper (mixed)
- » Confidential shredded paper
- » Copier/toner cartridges
- » Scrap metal
- » Wood waste
- » Textiles
- » Ash Sludge (sewage/industrial)
- » Tires
- » White goods
- » Construction materials/debris
- » Rendering
- » Other
- » None

### Information About Hazardous Waste Materials:

These following materials are deemed as hazardous, and cannot be disposed in a landfill. Proper handling is required and does not count as diversion. These hazardous materials are regulated by the California Department of Toxic Substances Control. Please see the Department's website for their disposal guidelines.

- » Universal Waste - radios, stereo equipment, printers, VCR/DVD players, calculators, cell phones, telephones, answering machines, microwave ovens, cathode ray tubes, cathode ray glass, all types of batteries, lamps (compact fluorescent lightbulbs, commercial fluorescent lights), mercury containing equipment, non-empty aerosol cans (containing propane, butane pesticides), and other common electronic devices.
- » Electronic Waste - common electronic devices that are identified as hazardous waste, such as computers and Central Processing Units (CPUs), laptops, monitors and televisions, etc.
- » Additional hazardous wastes should be properly managed: antifreeze, asbestos, paint, treated wood, used oil, etc.

### Organics Recycling

Programs that increase diversion of organic materials from landfill disposal for beneficial uses such as compost, mulch, and energy production.

The annual report will ask you to identify the organic materials, how they are diverted by your facility/facilities, and provide details describing your organics recycling programs.

- » Xeriscaping (climate appropriate landscaping)
- » Grasscycling
- » Green Waste - On-site composting and mulching
- » Green Waste - Self-haul
- » Green Waste - Commercial pickup
- » Food scraps - On-site composting and mulching
- » Food scraps - Self-haul
- » Food scraps - Commercial pickup
- » Other

### Material Exchange

Programs that promote the exchange and reuse of unwanted or surplus materials. The reuse of materials/products results in the conservation of energy, raw resources, landfill space, and the reduction of green house gas emissions, purchasing costs, and disposal costs.

The annual report will ask you to identify your agency/facility's efforts to donate or exchanges materials, supplies, equipment, etc., and provide details describing your material exchange activities.

- » Nonprofit/school donations
- » Internal property reutilizations
- » State surplus (accepted by DGS)
- » Used book exchange/buy backs
- » Employee supplies exchange
- » Other

### Waste Prevention/Re-use

Programs in this section support (a) Waste Prevention: actions or choices that reduce waste, and prevent the generation of waste in the first place; and (b) Re-use: using an object or material again, either for its original purpose or for a similar purpose, without significantly altering the physical form of the object or material.

The annual report will ask you to select the common waste prevention and reuse activities implemented at your facility/facilities, and provide details describing your waste prevention and re-use programs.

- » Paper forms reduction - online forms
- » Bulletin boards
- » Remanufactured toner cartridges
- » Retreaded/Recapped tires
- » Washable/Reusable cups, service ware
- » Reusable boxes
- » Reusable pallets
- » Reusable slip sheets
- » Electronic document storage
- » Intranet
- » Reuse of office furniture, equipment & supplies
- » Reuse of packing materials
- » Reuse of construction/remodeling materials
- » Double-sided copies
- » Email vs. paper memos
- » Food Donation
- » Electric air hand-dryers
- » Remanufactured equipment
- » Rags made from waste cloth or reusable rags
- » Preventative maintenance
- » Used vehicle parts
- » Used Tires
- » Other
- » None

### **Green Procurement**

Programs that promote green purchasing practices, including the purchase of goods and materials that are made from recycled or less harmful ingredients such as, post-consumer recycled content copy paper or less toxic cleaning products. [View sample policies](#) and the [Department of General Services Buying Green website](#).

The annual report will ask you to identify how your agency is closing the recycling loop (such as buying post-consumer recycled content products), and provide details describing your procurement programs/policies and the types of green products your agency is procuring. [View SABRC Report](#)

- » Recycled Content Product (RCP) procurement policy
- » Environmentally Preferable Purchasing (EPP) procurement policy
- » Staff procurement training regarding RCP/EPP practices
- » RCP/EPP language included in procurement contracts for products and materials
- » Other green procurement activities



## Training and Education

Programs to reduce trash, re-use, recycle, compost, and to buy green products are more effective when employees are aware, involved and motivated. How does your agency train and educate employees, and non-employees (if applicable) regarding existing waste management and recycling programs?

The annual report will ask you to identify how your agency trains and educates employees, and non-employees (if applicable) regarding efforts to reduce waste, reuse, recycle, compost, and buy green products, and explain how you also educate your suppliers, customers, and/or your community about your efforts to reduce, reuse, recycle, compost, and buy recycled products.

- » Web page (intranet or internet)
- » Signage (signs, posters, including labels for recycling bins)
- » Brochures, flyers, newsletters, publications, newspaper articles/ads
- » Office recycling guide, fact sheets
- » New employee package
- » Outreach (internal/external) e.g. environmental fairs
- » Seminars, workshops, special speakers
- » Employee incentives, competitions/prizes
- » Awards program
- » Press releases
- » Employee training
- » Waste audits, waste evaluations/surveys
- » Special recycling/reuse events
- » Other

Please contact your CalRecycle local assistance representative for individual assistance.

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Last updated: August 31, 2012

State Agency Waste Management Programs, <http://www.calrecycle.ca.gov/StateAgency/>

Recycling Coordinator: [SARC@calrecycle.ca.gov](mailto:SARC@calrecycle.ca.gov), (916) 341-6199

Buy Recycled Campaign: [BuyRecycled@calrecycle.ca.gov](mailto:BuyRecycled@calrecycle.ca.gov), (916) 341-6199

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## Paint Product Management

### Why focus on paint?

Households and businesses generate millions of gallons of leftover paint each year. In California, paint is prohibited from disposal in landfills and must be recycled or otherwise safely disposed. Prior to the passage of the California Paint Stewardship Law ([Chapter 420, Statutes of 2010 \[Huffman, AB 1343\]](#)), the primary way for residents to properly manage their leftover paint was through local, taxpayer-funded household hazardous waste (HHW) programs. However, due to the immense cost to manage household hazardous waste, local programs typically can only afford to serve between five to ten percent of the residents in their jurisdictions. Historically, paint has represented almost one-third of the material collected through local HHW programs and costs local government millions of dollars to manage.

### What is being done?

California was the second state in the nation to enact an industry-led, statewide program to reduce the generation of leftover paint, promote its reuse, and properly manage unwanted leftover paint. [The Paint Stewardship Program](#) follows producer responsibility principles to ensure that leftover paint is properly managed in a manner that is sustainably funded.

### What can I do?

Find out how Californians are recycling and properly managing paint to keep usable products out of our waste stream, and valuable materials in our economy. Click on the links below for more information.

#### Information For...

**Consumers      Retailers and Distributors      Manufacturers**

Product Stewardship/Extended Producer Responsibility	Paint Stewardship Program
Paint Rulemaking Process	Letter on Taxation of Paint Assessment
Paint Dropoff Site Locator Tool	Recycled Latex Paint
Aerosol and Paint Can Recycling	Subscribe to CalRecycle's Paint Product Stewardship Listserv
Dept. of General Services Buying Green Guide	Paint Product Stewardship Listserv Archive
Paint Stewardship Law	Wastes Banned From the Trash

Last updated: August 25, 2014  
Paint Product Management: <http://www.calrecycle.ca.gov/Paint/>  
Contact: [paint@calrecycle.ca.gov](mailto:paint@calrecycle.ca.gov)

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# **Tab 15**



LINDA S. ADAMS  
SECRETARY FOR ENVIRONMENTAL  
PROTECTION

# CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD



ARNOLD SCHWARZENEGGER  
GOVERNOR

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September 21, 2009

Paula Higashi  
Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95864

Re: **Development Of Revised Statewide Cost Estimate**  
Request to Amend Parameters and Guidelines  
Integrated Waste Management Board 05-PGA-16  
Public Resources Code Sections 40148, 40196.3, 42920-42928  
Public Contract Code Sections 12167 and 12167.1  
Statutes 1999, Chapter 764; Statutes 1992, Chapter 1116  
State Agency Model Integrated Waste Management Plan (February 2000)

Dear Ms. Higashi:

You have requested a "revised estimate of avoided disposal costs and sales of recyclable materials, based on the information reported to the CIWMB by the 45 claimant districts" for use in developing an accurate revised statewide cost estimate. Compiling this information required a significant effort on the part of a number of our staff and I wanted to express our appreciation for the additional time you have allowed us to respond.

Enclosed you will find summary spreadsheets containing information on each district to the extent it was available for the years involved with this claim. These summary sheets were built from a number of other spreadsheets detailing disposal reduction amounts for waste, and recovered materials by types, such as glass, paper, etc. I have only enclosed the summary sheets in hard copy due to the large amount of paper involved and the inability to fit much of the information on one page at a time. I will be separately e-mailing those documents to you so that your staff may review them in a more readily useable format. For those parties that are also receiving a copy of this letter, if you would like me to e-mail these additional documents to you, please send your e-mail address with a request to me at [eblock@ciwmb.ca.gov](mailto:eblock@ciwmb.ca.gov).

There are several things I must note about the enclosed information. We could not provide information about the years 1999 and 2000 because plans were first coming in during that period and community colleges were not yet reporting their results. Starting in 2001, the data is based on a calendar year, not a fiscal year, as that is the way in which the information was reported to us. We have not provided 2008 data as we have not received and reviewed all of that information yet. Districts do not report their reduced disposal costs or sales of recyclable materials per se, they report their reduction in disposal and the amounts of recyclable materials they have recovered. We then took that data and used average estimated rates for disposal costs and sale of recyclable commodities for the years involved to develop monetary estimates.

Finally, you will notice that despite some significant offsets and available revenue, some community college districts still show a cost for implementation. I want to make clear that it is the CIWMB's position that these claim amounts are still inaccurate – the amounts claimed far exceed

September 21, 2009  
Paula Higashi  
Page 2

reasonable costs for the programs implemented, particularly when compared to other similar costs from other claimants. While the CIWMB understands that a more detailed level of claim review will occur at a later date, we still believe that the Commission should not include claims that are inaccurate on their face in the calculations of estimated statewide costs.

Once you have had a chance to review this information, you will see that most of the claimants have neglected to provide information to you on offsets and revenues that they reported to us as part of their annual reports. As we have previously indicated, we believe once these numbers are factored in, and other inaccuracies are corrected – the claimants will in fact be owed nothing from the state because the programs that they were required to institute saved them money, rather than costing money.

I realize there is a lot of detail in the information provided and e-mailed separately. Please feel free to let me know if you would like to meet with our staff to obtain any additional information or explanations on how this data was derived. I can be reached at 916-341-6080 if you would like to make arrangements to discuss this further. Thank you for your consideration.

I certify, under penalty of perjury, that I am an authorized representative of the California Integrated Waste Management Board and that the statements made in this document are true and correct to the best of my personal knowledge and belief.

Executed this 21st day of September, 2009 in Sacramento, California, by:



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Elliot Block  
Chief Counsel  
California Integrated Waste Management Board

PROOF OF SERVICE

Development Of Revised Statewide Cost Estimate  
Integrated Waste Management Board 05-PGA-16

I, the undersigned, declare as follows:

I am employed in the County of Sacramento, State of California, I am 18 years of age or older and not a party to the within-entitled cause; my business address is 1001 I Street, 23<sup>rd</sup> floor, Sacramento, California, 95814.

On September 21, 2009, I served the attached Letter With Enclosures Regarding The Development Of Revised Statewide Cost Estimate to the Commission on State Mandates and by placing a true copy thereof to the Commission and to all of those listed on the attached mailing list enclosed in a sealed envelope with postage thereon fully prepaid in the U. S. Mail at Sacramento, California, in the normal pickup location at 1001 I Street, 23<sup>rd</sup> floor, for Interagency Mail Service, addressed as follows:

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 September 21, 2009 at Sacramento, California.

A handwritten signature in cursive script that reads "Maria Bell". The signature is written in black ink and is positioned above a horizontal line.

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Michael Johnston  
Clovis Unified School District  
1450 Herndon Ave.  
Clovis, CA 93611-0599



District / College	Total claimed - (offsets + avoided disposal) for 2001	Total claimed - (offsets + avoided disposal) for 2002	Total claimed - (offsets + avoided disposal) for 2003	Total claimed - (offsets + avoided disposal) for 2004	Total claimed - (offsets + avoided disposal) for 2005	Total claimed - (offsets + avoided disposal) for 2006	Total claimed - (offsets + avoided disposal) for 2007	Grand Total For All Years
<b>Allan Hancock CCD</b>								
Allan Hancock College								
	\$ (13,459.07)	\$ (48,899.21)	\$ (1,185.78)	\$ (8,674.97)	\$ (24,695.78)	\$ (38.54)	\$ (37,252.08)	\$ (134,205.44)
<b>Butte CCD</b>								
Butte College								
	\$ (143,534.70)	\$ (43,154.69)	\$ (46,261.79)	\$ (49,695.92)	\$ (55,239.65)	\$ (62,209.06)	\$ (50,768.13)	\$ (450,863.94)
<b>Cabrillo CCD</b>								
Cabrillo College								
	\$ (14,118.44)	\$ (17,179.18)	\$ (22,818.54)	\$ (18,143.93)	\$ (15,381.47)	\$ (5,411.70)	\$ (25,913.23)	\$ (118,966.49)
<b>Chabot-Las Positas CCD</b>								
Chabot College								
Las Positas College								
	\$ 80,384.42	\$ 81,333.13	\$ 96,103.70	\$ 116,858.89	\$ 159,153.07	\$ 37,557.42	\$ 27,527.32	\$ 598,917.94
<b>Citrus CCD</b>								
Citrus College								
	\$ (60,776.76)	\$ (26,665.64)	\$ (24,284.47)	\$ (2,624.48)	\$ (11,795.19)	\$ (132,644.25)	\$ (83,666.70)	\$ (342,457.49)
<b>Coast CCD</b>								
Coastline Community College								
Golden West College								
Orange Coast College								
	\$ (86,379.58)	\$ (30,046.73)	\$ 149.92	\$ (29,469.60)	\$ 21,164.81	\$ (49,415.73)	\$ (148,200.90)	\$ (322,197.80)
<b>Sequoias CCD</b>								
College of the Sequoias								
	\$ (10,834.92)	\$ (10,310.03)	\$ (20,686.69)	\$ (22,958.41)	\$ (28,017.19)	\$ (33,123.41)	\$ (42,730.48)	\$ (168,661.12)
<b>Contra Costa CCD</b>								

District / College	Total claimed - (offsets + avoided disposal) for 2001	Total claimed - (offsets + avoided disposal) for 2002	Total claimed - (offsets + avoided disposal) for 2003	Total claimed - (offsets + avoided disposal) for 2004	Total claimed - (offsets + avoided disposal) for 2005	Total claimed - (offsets + avoided disposal) for 2006	Total claimed - (offsets + avoided disposal) for 2007	Grand Total For All Years
Contra Costa College								
Diablo Valley College								
Los Medanos College								
	\$ (9,721.43)	\$ (17,093.76)	\$ (21,268.27)	\$ (34,617.79)	\$ (38,088.70)	\$ (44,388.20)	\$ (93,161.02)	\$ (258,339.18)
El Camino CCD								
El Camino College								
Compton Community Educational Center								
	\$ 31,005.91	\$ 14,677.70	\$ 3,983.50	\$ 13,877.75	\$ (46,510.53)	\$ 8,980.07	\$ (8,815.19)	\$ 17,199.21
Foothill-DeAnza CCD								
DeAnza College								
Foothill College								
	\$ (76,543.42)	\$ (314,355.47)	\$ (108,315.26)	\$ (110,536.86)	\$ (236,092.97)	\$ (181,090.89)	\$ (153,776.91)	\$ (1,180,711.77)
Gavilan Joint CCD								
Gavilan College								
	\$ 63,323.67	\$ 62,091.56	\$ 36,358.77	\$ 45,610.46	\$ 43,765.48	\$ (408,713.79)	\$ 38,836.07	\$ (118,727.79)
Glendale CCD								
Glendale Community College								
	\$ (34,513.22)	\$ 18,688.38	\$ 72,574.80	\$ 46,948.46	\$ 56,408.12	\$ 54,814.00	\$ 80,453.34	\$ 295,373.88
Grossmont-Cuyamaca CCD								
Cuyamaca College								
Grossmont College								
	\$ (137,664.73)	\$ 39,437.16	\$ 39,263.89	\$ (115,710.42)	\$ (721,030.27)	\$ 116,609.81	\$ (597.11)	\$ (779,691.67)
Hartnell CCD								
Hartnell Community College								
	\$ 30,209.01	\$ 43,437.20	\$ 18,598.88	\$ (12,568.36)	\$ 5,597.45	\$ (20,014.70)	\$ (84,752.35)	\$ (19,492.87)

District / College	Total claimed - (offsets + avoided disposal) for 2001	Total claimed - (offsets + avoided disposal) for 2002	Total claimed - (offsets + avoided disposal) for 2003	Total claimed - (offsets + avoided disposal) for 2004	Total claimed - (offsets + avoided disposal) for 2005	Total claimed - (offsets + avoided disposal) for 2006	Total claimed - (offsets + avoided disposal) for 2007	Grand Total For All Years
<b>Lassen CCD</b>								
Lassen College	\$ (10,880.06)	\$ (15,900.70)	\$ (9,691.47)	\$ (15,708.67)	\$ (13,755.67)	\$ (18,911.66)	\$ (23,146.91)	\$ (107,995.14)
<b>Long Beach CCD</b>								
Long Beach City College	\$ 11,682.69	\$ 16,676.15	\$ 12,275.70	\$ (101,090.71)	\$ 10,735.82	\$ (16,139.13)	\$ (10,663.06)	\$ (76,522.54)
<b>Los Rios CCD</b>								
American River College								
Cosumnes River College								
Folsom Lake College								
Sacramento City College	\$ (32,892.88)	\$ (93,854.42)	\$ (66,912.90)	\$ (96,455.32)	\$ (1,231,937.81)	\$ (19,344.10)	\$ (37,187.40)	\$ (1,578,584.82)
<b>Marin CCD</b>								
College of Marin	\$ (13,631.22)	\$ (10,468.62)	\$ (1,086.09)	\$ 8,419.85	\$ 9,879.65	\$ 4,744.82	\$ (19,837.14)	\$ (21,978.75)
<b>Merced CCD</b>								
Merced College	\$ (208,871.37)	\$ 12,812.47	\$ 15,089.74	\$ 6,851.73	\$ 4,494.98	\$ 35,310.27	\$ 34,030.21	\$ (100,281.96)
<b>MiraCosta CCD</b>								
MiraCosta College	\$ (7,547.86)	\$ (10,795.92)	\$ (38,401.45)	\$ (16,505.89)	\$ (55,895.14)	\$ (77,153.72)	\$ (41,286.71)	\$ (247,586.68)
<b>Monterey CCD</b>								
Monterey Peninsula College	\$ (12,928.87)	\$ (18,782.43)	\$ (20,194.80)	\$ (28,059.36)	\$ (25,043.13)	\$ (29,633.94)	\$ (18,153.85)	\$ (152,796.37)

District / College	Total claimed - (offsets + avoided disposal) for 2001	Total claimed - (offsets + avoided disposal) for 2002	Total claimed - (offsets + avoided disposal) for 2003	Total claimed - (offsets + avoided disposal) for 2004	Total claimed - (offsets + avoided disposal) for 2005	Total claimed - (offsets + avoided disposal) for 2006	Total claimed - (offsets + avoided disposal) for 2007	Grand Total For All Years
<b>Mt. San Antonio CCD</b>								
Mt. San Antonio College	\$ 3,452.14	\$ (22,145.81)	\$ 5,517.39	\$ (8,624.39)	\$ 23,867.20	\$ 38,421.14	\$ 34,257.98	\$ 74,745.65
<b>North Orange Cty CCD</b>								
Cypress College								
Fullerton College	\$ (3,105.41)	\$ (80,224.30)	\$ (129,370.31)	\$ (134,735.18)	\$ (193,425.60)	\$ (249,952.05)	\$ (34,409.44)	\$ (825,222.29)
<b>Palo Verde CCD</b>								
Palo Verde College	\$ 71,930.00	\$ 58,605.46	\$ 56,129.09	\$ 59,374.79	\$ 65,689.95	\$ 63,553.71	\$ 26,730.81	\$ 402,013.80
<b>Palomar CCD</b>								
Palomar College	\$ 65,958.21	\$ 72,504.57	\$ 101,216.85	\$ 58,994.82	\$ 40,096.59	\$ 40,897.25	\$ 65,760.78	\$ 445,429.07
<b>Pasadena CCD</b>								
Pasadena City College	\$ 164,564.73	\$ 238,657.67	\$ 256,456.32	\$ 235,830.32	\$ 245,767.58	\$ 14,930.51	\$ 270,023.24	\$ 1,426,230.37
<b>Rancho Santiago CCD</b>								
Santa Ana College	\$ 58,373.70	\$ 49,973.24	\$ 54,125.17	\$ 115,919.38	\$ 67,374.86	\$ 141,308.96	\$ 60,312.53	\$ 547,387.84
<b>Santiago Canyon College</b>								
<b>Redwoods CCD</b>								
College of the Redwoods	\$ (2,801.78)	\$ 31,802.33	\$ 33,184.43	\$ 33,788.47	\$ 31,796.19	\$ 6,146.67	\$ (79,700.05)	\$ 54,216.27
<b>San Bernardino CCD</b>								
Crafton Hills College								

District / College	Total claimed - (offsets + avoided disposal) for 2001	Total claimed - (offsets + avoided disposal) for 2002	Total claimed - (offsets + avoided disposal) for 2003	Total claimed - (offsets + avoided disposal) for 2004	Total claimed - (offsets + avoided disposal) for 2005	Total claimed - (offsets + avoided disposal) for 2006	Total claimed - (offsets + avoided disposal) for 2007	Grand Total For All Years
San Bernardino Valley College	\$ (3,452.57)	\$ (10,621.38)	\$ (28,228.29)	\$ (19,861.75)	\$ (239,409.28)	\$ (322,864.10)	\$ (995,388.02)	\$ (1,619,825.40)
San Joaquin Delta CCD								
San Joaquin Delta College	\$ (22,828.64)	\$ (16,462.40)	\$ (28,689.47)	\$ (38,053.60)	\$ (42,871.30)	\$ (38,021.93)	\$ 19,183.93	\$ (167,743.42)
San Jose CCD								
Evergreen Valley College								
San Jose City College	\$ (10,767.02)	\$ 191,233.96	\$ 238,555.16	\$ 256,890.84	\$ 286,824.48	\$ 192,184.29	\$ 374,162.79	\$ 1,529,084.50
San Luis Obispo CCD								
Cuesta College	\$ (23,187.77)	\$ (17,819.63)	\$ (19,530.76)	\$ (18,509.76)	\$ (20,925.33)	\$ 37,492.56	\$ 38,224.33	\$ (24,256.35)
San Mateo Co CCD								
College of San Mateo								
Skyline College	\$ (29,194.91)	\$ (9,486.68)	\$ (11,855.60)	\$ (128,527.81)	\$ (4,882.60)	\$ (97,026.52)	\$ (89,080.30)	\$ (370,054.41)
Santa Clarita CCD								
College of the Canyons	\$ (10,541.53)	\$ (14,971.73)	\$ (23,555.53)	\$ (27,139.81)	\$ (31,272.84)	\$ (40,175.65)	\$ (52,109.34)	\$ (199,766.43)
Santa Monica CCD								
Santa Monica College	\$ (970,517.06)	\$ (24,520.06)	\$ (128,695.11)	\$ (270,723.06)	\$ (205,658.62)	\$ (400,814.98)	\$ (185,388.10)	\$ (2,186,316.99)
Shasta Tehama CCD								
Shasta College	\$ (8,132.25)	\$ (21,651.17)	\$ (15,267.68)	\$ (66,984.34)	\$ (25,203.34)	\$ (8,982.40)	\$ (17,649.48)	\$ (163,870.65)

District / College	Total claimed - (offsets + avoided disposal) for 2001	Total claimed - (offsets + avoided disposal) for 2002	Total claimed - (offsets + avoided disposal) for 2003	Total claimed - (offsets + avoided disposal) for 2004	Total claimed - (offsets + avoided disposal) for 2005	Total claimed - (offsets + avoided disposal) for 2006	Total claimed - (offsets + avoided disposal) for 2007	Grand Total For All Years
<b>Sierra Joint CCD</b>								
Sierra College	\$ 15,932.10	\$ 19,408.44	\$ 3,580.84	\$ (8,663.27)	\$ (11,695.66)	\$ (10,453.94)	\$ (11,149.13)	\$ (3,040.62)
<b>Siskiyou CCD</b>								
College of the Siskiyous	\$ 7,292.15	\$ (4,206.06)	\$ 20,877.40	\$ 4,816.74	\$ 12,846.77	\$ (17,859.70)	\$ (18,158.82)	\$ 5,608.47
<b>Solano Co CCD</b>								
Solano Community College	\$ (5,346.21)	\$ (122,573.58)	\$ (13,171.70)	\$ (18,882.42)	\$ (15,244.51)	\$ (40,396.03)	\$ (28,572.29)	\$ (244,186.73)
<b>State Center CCD</b>								
Fresno City College								
Reedley College	\$ (3,269.73)	\$ (1,709.91)	\$ (2,020.77)	\$ (14,798.60)	\$ (14,351.89)	\$ (8,247.29)	\$ (21,339.27)	\$ (65,737.47)
<b>Victor Valley CCD</b>								
Victor Valley College	\$ 36,238.51	\$ 53,336.44	\$ 56,722.89	\$ 53,200.88	\$ 55,662.05	\$ 17,841.05	\$ 10,432.65	\$ 283,434.46
<b>West Kern CCD</b>								
Taft College	\$ 3,941.58	\$ 8,389.09	\$ 7,629.30	\$ 5,452.23	\$ 8,117.72	\$ 10,136.37	\$ (10,150.87)	\$ 33,515.41
<b>West Valley-Mission CCD</b>								
Mission College	\$ (12,760.67)	\$ (5,787.41)	\$ (12,321.50)	\$ (15,665.07)	\$ (16,507.43)	\$ (7,764.51)	\$ (27,755.78)	\$ (98,562.37)
<b>Yosemite CCD</b>								
West Valley College								

District / College	Total claimed - (offsets + avoided disposal) for 2001	Total claimed - (offsets + avoided disposal) for 2002	Total claimed - (offsets + avoided disposal) for 2003	Total claimed - (offsets + avoided disposal) for 2004	Total claimed - (offsets + avoided disposal) for 2005	Total claimed - (offsets + avoided disposal) for 2006	Total claimed - (offsets + avoided disposal) for 2007	Grand Total For All Years
	\$ (105,973.59)	\$ (91,365.78)	\$ (106,050.59)	\$ (96,710.98)	\$ (39,130.58)	\$ (123,975.15)	\$ (117,158.48)	\$ (680,365.15)
Yuba CCD								
Yuba College								
	\$ (12,880.59)	\$ (21,586.25)	\$ (21,248.02)	\$ (41,669.46)	\$ (182,486.12)	\$ (56,694.98)	\$ (26,149.84)	\$ (362,715.27)
<b>GRAND TOTAL</b>	<b>\$ (1,454,769.47)</b>	<b>\$ (109,573.99)</b>	<b>\$ 207,280.89</b>	<b>\$ (509,534.59)</b>	<b>\$ (2,397,305.81)</b>	<b>\$ (1,700,533.15)</b>	<b>\$ (1,514,132.40)</b>	<b>\$ (7,478,568.53)</b>

District / College	Avoided Cost 2001	Avoided Cost 2002	Avoided Cost 2003	Avoided Cost 2004	Avoided Cost 2005	Avoided Cost 2006	Avoided Cost 2007	Grand Total For All Years
Landfill cost per ton	\$ 36.39	\$ 36.17	\$ 36.83	\$ 38.42	\$ 39.00	\$ 46.00	\$ 49.00	
Allan Hancock CCD	\$ 12,898.44	\$ 58,686.19	\$ 15,678.90	\$ 19,224.60	\$ 34,251.75	\$ 23,809.60	\$ 46,574.99	
Allan Hancock College	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	\$ 12,898.44	\$ 58,686.19	\$ 15,678.90	\$ 19,224.60	\$ 34,251.75	\$ 23,809.60	\$ 46,574.99	\$ 211,124.46
Butte CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Butte College	\$ 140,510.89	\$ 39,841.26	\$ 40,434.55	\$ 42,795.27	\$ 43,669.47	\$ 50,620.70	\$ 53,343.85	
	\$ 140,510.89	\$ 39,841.26	\$ 40,434.55	\$ 42,795.27	\$ 43,669.47	\$ 50,620.70	\$ 53,343.85	\$ 411,215.98
Cabrillo CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Cabrillo College	\$ 7,433.75	\$ 8,477.52	\$ 15,803.75	\$ 9,953.09	\$ 9,086.22	\$ 11,676.64	\$ 12,300.96	
	\$ 7,433.75	\$ 8,477.52	\$ 15,803.75	\$ 9,953.09	\$ 9,086.22	\$ 11,676.64	\$ 12,300.96	\$ 74,731.93
Chabot-Las Positas CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Chabot College	\$ 15,935.18	\$ 15,412.04	\$ 16,278.86	\$ 16,336.18	\$ 14,594.19	\$ 24,228.20	\$ 56,415.17	
Las Positas College	\$ 4,570.58	\$ 4,864.87	\$ 6,062.22	\$ 7,380.48	\$ 5,100.42	\$ 18,082.60	\$ 7,608.97	
	\$ 20,505.77	\$ 20,276.90	\$ 22,341.08	\$ 23,716.67	\$ 19,694.61	\$ 42,310.80	\$ 64,024.14	\$ 212,869.96
Citrus CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Citrus College	\$ 77,880.02	\$ 43,047.73	\$ 38,148.88	\$ 17,523.78	\$ 23,800.18	\$ 175,911.77	\$ 150,622.33	
	\$ 77,880.02	\$ 43,047.73	\$ 38,148.88	\$ 17,523.78	\$ 23,800.18	\$ 175,911.77	\$ 150,622.33	\$ 526,934.69
Coast CCD	\$ 3,042.20	\$ 3,616.64	\$ 3,347.11	\$ 5,758.77	\$ 7,845.36	\$ 5,196.71	\$ 6,346.58	
Coastline Community College	\$ 3,640.46	\$ 3,657.04	\$ 5,851.55	\$ 5,185.05	\$ 8,134.50	\$ 13,262.49	\$ 6,673.21	
Golden West College	\$ 16,646.02	\$ 17,077.38	\$ 21,101.90	\$ 40,968.67	\$ 28,081.95	\$ 84,803.21	\$ 34,882.86	
Orange Coast College	\$ 54,714.91	\$ 27,944.44	\$ 41,899.10	\$ 54,368.14	\$ 46,801.17	\$ 77,922.16	\$ 187,207.44	
	\$ 78,043.60	\$ 52,295.49	\$ 72,199.65	\$ 106,280.63	\$ 90,862.98	\$ 181,184.57	\$ 235,110.09	\$ 815,977.01
Sequoias CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
College of the Sequoias	\$ 11,390.07	\$ 12,326.74	\$ 12,503.79	\$ 12,774.65	\$ 16,048.50	\$ 18,763.40	\$ 19,835.20	
	\$ 11,390.07	\$ 12,326.74	\$ 12,503.79	\$ 12,774.65	\$ 16,048.50	\$ 18,763.40	\$ 19,835.20	\$ 103,642.34
Contra Costa CCD	\$ 462.15	\$ 453.93	\$ 750.96	\$ 593.59	\$ 649.35	\$ 616.40	\$ 618.63	
Contra Costa College	\$ 2,216.15	\$ 3,121.47	\$ 3,319.86	\$ 5,755.32	\$ 5,495.10	\$ 6,517.74	\$ 21,320.39	
Diablo Valley College	\$ 4,779.10	\$ 6,584.75	\$ 7,775.55	\$ 9,545.45	\$ 8,788.65	\$ 8,864.20	\$ 34,707.68	



District / College	Avoided Cost 2001	Avoided Cost 2002	Avoided Cost 2003	Avoided Cost 2004	Avoided Cost 2005	Avoided Cost 2006	Avoided Cost 2007	Grand Total For All Years
Landfill cost per ton	\$ 36.39	\$ 36.17	\$ 36.83	\$ 38.42	\$ 39.00	\$ 46.00	\$ 49.00	
Los Medanos College	\$ 2,241.62	\$ 3,023.81	\$ 3,577.11	\$ 6,045.39	\$ 5,967.00	\$ 5,416.50	\$ 23,793.91	
	\$ 9,699.03	\$ 13,183.97	\$ 15,423.48	\$ 21,939.74	\$ 20,900.10	\$ 21,414.84	\$ 80,440.61	\$ 183,001.76
El Camino CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
El Camino College	\$ 9,026.18	\$ 14,298.00	\$ 68,860.68	\$ 30,109.75	\$ 81,400.41	\$ 45,523.90	\$ 58,023.60	
Compton Community Educational Center	\$ -	\$ 12,205.93	\$ 18,442.99	\$ -	\$ 5,296.20	\$ 6,459.92	\$ 4,975.95	
	\$ 9,026.18	\$ 26,503.93	\$ 87,303.67	\$ 30,109.75	\$ 86,696.61	\$ 51,983.82	\$ 62,999.55	\$ 354,623.51
Foothill-DeAnza CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
DeAnza College	\$ 32,354.35	\$ 53,028.84	\$ 60,438.03	\$ 54,560.24	\$ 29,246.10	\$ 46,469.20	\$ 34,848.80	
Foothill College	\$ 29,888.93	\$ 239,980.72	\$ 21,240.23	\$ 25,622.30	\$ 177,391.50	\$ 96,991.00	\$ 48,637.40	
	\$ 62,243.28	\$ 293,009.55	\$ 81,678.26	\$ 80,182.54	\$ 206,637.60	\$ 143,460.20	\$ 83,486.20	\$ 950,697.63
Gavilan Joint CCD	\$ 4,395.91	\$ 962.12	\$ 22,934.04	\$ 9,977.67	\$ 13,724.10	\$ 462,088.40	\$ 12,725.30	
Gavilan College	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	\$ 4,395.91	\$ 962.12	\$ 22,934.04	\$ 9,977.67	\$ 13,724.10	\$ 462,088.40	\$ 12,725.30	\$ 526,807.55
Glendale CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Glendale Community College	\$ 67,633.54	\$ 24,092.11	\$ 20,052.83	\$ 18,820.04	\$ 19,254.69	\$ 20,434.58	\$ 24,842.51	
	\$ 67,633.54	\$ 24,092.11	\$ 20,052.83	\$ 18,820.04	\$ 19,254.69	\$ 20,434.58	\$ 24,842.51	\$ 195,130.30
Grossmont-Cuyamaca CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Cuyamaca College	\$ 8,082.58	\$ 9,992.69	\$ 9,189.82	\$ 44,981.75	\$ 51,054.08	\$ 14,811.08	\$ 15,052.31	
Grossmont College	\$ 179,799.35	\$ 14,593.87	\$ 16,097.29	\$ 138,480.66	\$ 770,299.14	\$ 18,147.46	\$ 69,446.72	
	\$ 187,881.93	\$ 24,586.56	\$ 25,287.11	\$ 183,462.42	\$ 821,353.22	\$ 32,958.54	\$ 84,499.03	\$ 1,360,028.81
Hartnell CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Hartnell Community College	\$ 9,850.77	\$ 11,350.51	\$ 11,983.01	\$ 30,470.90	\$ 13,861.77	\$ 15,832.28	\$ 81,052.86	
	\$ 9,850.77	\$ 11,350.51	\$ 11,983.01	\$ 30,470.90	\$ 13,861.77	\$ 15,832.28	\$ 81,052.86	\$ 174,402.10
Lassen CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Lassen College	\$ 12,649.89	\$ 13,968.85	\$ 9,951.47	\$ 13,079.32	\$ 11,591.97	\$ 14,887.90	\$ 14,577.99	
	\$ 12,649.89	\$ 13,968.85	\$ 9,951.47	\$ 13,079.32	\$ 11,591.97	\$ 14,887.90	\$ 14,577.99	\$ 90,707.39

District / College	Avoided Cost 2001	Avoided Cost 2002	Avoided Cost 2003	Avoided Cost 2004	Avoided Cost 2005	Avoided Cost 2006	Avoided Cost 2007	Grand Total For All Years
Landfill cost per ton	\$ 36.39	\$ 36.17	\$ 36.83	\$ 38.42	\$ 39.00	\$ 46.00	\$ 49.00	
<b>Long Beach CCD</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Long Beach City College	\$ 8,442.48	\$ 11,914.40	\$ 12,142.85	\$ 190,270.06	\$ 15,359.76	\$ 28,050.80	\$ 17,461.64	
	\$ 8,442.48	\$ 11,914.40	\$ 12,142.85	\$ 190,270.06	\$ 15,359.76	\$ 28,050.80	\$ 17,461.64	\$ 283,641.98
<b>Los Rios CCD</b>	\$ 1,676.12	\$ 2,536.78	\$ 2,386.47	\$ 2,548.01	\$ 3,563.43	\$ 3,013.55	\$ 3,358.80	
American River College	\$ 10,192.11	\$ 16,360.41	\$ 20,682.99	\$ 24,871.96	\$ 24,963.51	\$ 29,823.64	\$ 32,529.14	
Cosumnes River College	\$ 4,919.93	\$ 39,787.40	\$ 7,275.55	\$ 7,805.60	\$ 79,703.52	\$ 31,698.60	\$ 21,073.43	
Folsom Lake College	\$ -	\$ -	\$ -	\$ -	\$ 1,107,929.20	\$ 3,039.68	\$ 3,390.95	
Sacramento City College	\$ 2,867.17	\$ 11,460.46	\$ 10,382.75	\$ 12,514.55	\$ 13,676.52	\$ 15,381.94	\$ 16,503.20	
	\$ 19,655.33	\$ 70,145.06	\$ 40,727.76	\$ 47,740.12	\$ 1,229,836.18	\$ 82,957.41	\$ 76,855.52	\$ 1,567,917.37
<b>Marin CCD</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
College of Marin	\$ 6,328.95	\$ 8,319.10	\$ 6,279.15	\$ 6,689.31	\$ 6,134.31	\$ 8,623.62	\$ 7,396.06	
	\$ 6,328.95	\$ 8,319.10	\$ 6,279.15	\$ 6,689.31	\$ 6,134.31	\$ 8,623.62	\$ 7,396.06	\$ 49,770.49
<b>Merced CCD</b>	\$ 96,369.45	\$ 479.61	\$ -	\$ -	\$ -	\$ -	\$ -	
Merced College	\$ 93,531.03	\$ 20,609.67	\$ 23,141.03	\$ 36,825.19	\$ 45,099.21	\$ 43,589.60	\$ 46,244.24	
	\$ 189,900.49	\$ 21,089.28	\$ 23,141.03	\$ 36,825.19	\$ 45,099.21	\$ 43,589.60	\$ 46,244.24	\$ 405,889.03
<b>MiraCosta CCD</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
MiraCosta College	\$ 4,475.97	\$ 7,197.83	\$ 30,858.02	\$ 15,185.89	\$ 53,120.26	\$ 71,094.70	\$ 53,322.63	
	\$ 4,475.97	\$ 7,197.83	\$ 30,858.02	\$ 15,185.89	\$ 53,120.26	\$ 71,094.70	\$ 53,322.63	\$ 235,255.30
<b>Monterey CCD</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Monterey Peninsula College	\$ 4,995.62	\$ 7,797.53	\$ 7,418.67	\$ 13,562.26	\$ 10,310.43	\$ 11,389.60	\$ 12,558.70	
	\$ 4,995.62	\$ 7,797.53	\$ 7,418.67	\$ 13,562.26	\$ 10,310.43	\$ 11,389.60	\$ 12,558.70	\$ 68,032.80
<b>Mt. San Antonio CCD</b>	\$ 14,546.17	\$ 18,580.17	\$ 19,429.67	\$ 29,518.85	\$ 27,925.56	\$ 37,847.42	\$ 38,030.37	
Mt. San Antonio College	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	\$ 14,546.17	\$ 18,580.17	\$ 19,429.67	\$ 29,518.85	\$ 27,925.56	\$ 37,847.42	\$ 38,030.37	\$ 185,878.21
<b>North Orange Cty CCD</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Cypress College	\$ 1,146.29	\$ 13,146.71	\$ 15,485.91	\$ 25,016.80	\$ 43,624.62	\$ 28,653.40	\$ 33,754.63	

District / College	Avoided Cost 2001	Avoided Cost 2002	Avoided Cost 2003	Avoided Cost 2004	Avoided Cost 2005	Avoided Cost 2006	Avoided Cost 2007	Grand Total For All Years
Landfill cost per ton	\$ 36.39	\$ 36.17	\$ 36.83	\$ 38.42	\$ 39.00	\$ 46.00	\$ 49.00	
Fullerton College	\$ 280.57	\$ 17,914.75	\$ 55,345.66	\$ 56,346.89	\$ 58,599.18	\$ 191,717.10	\$ 2,914.32	
	\$ 1,426.85	\$ 31,061.46	\$ 70,831.57	\$ 81,363.69	\$ 102,223.80	\$ 220,370.50	\$ 36,668.95	\$ 543,946.81
Palo Verde CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Palo Verde College	\$ -	\$ 2,188.29	\$ 2,265.05	\$ 1,085.37	\$ 6,405.75	\$ 5,014.00	\$ 6,529.25	
	\$ -	\$ 2,188.29	\$ 2,265.05	\$ 1,085.37	\$ 6,405.75	\$ 5,014.00	\$ 6,529.25	\$ 23,487.70
Palomar CCD	\$ 10,892.07	\$ 19,027.73	\$ 12,101.97	\$ 27,658.37	\$ 60,461.47	\$ 26,242.26	\$ 30,766.86	
Palomar College	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	\$ 10,892.07	\$ 19,027.73	\$ 12,101.97	\$ 27,658.37	\$ 60,461.47	\$ 26,242.26	\$ 30,766.86	\$ 187,150.73
Pasadena CCD	\$ 5,775.09	\$ 8,005.51	\$ 13,507.40	\$ 28,267.13	\$ 29,476.67	\$ 206,035.01	\$ 23,677.93	
Pasadena City College	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	\$ 5,775.09	\$ 8,005.51	\$ 13,507.40	\$ 28,267.13	\$ 29,476.67	\$ 206,035.01	\$ 23,677.93	\$ 314,744.74
Rancho Santiago CCD	\$ 1,893.19	\$ 2,300.05	\$ 2,145.35	\$ 3,369.82	\$ 1,857.57	\$ 1,426.00	\$ 1,567.36	
Santa Ana College	\$ 1,183.04	\$ 14,755.19	\$ 12,746.86	\$ 22,414.19	\$ 28,720.81	\$ 28,541.62	\$ 31,082.66	
	\$ 3,076.23	\$ 17,055.24	\$ 14,892.21	\$ 25,784.01	\$ 30,578.38	\$ 29,967.62	\$ 32,650.02	\$ 154,003.71
Santiago Canyon College								
Redwoods CCD	\$ 786.02	\$ 1,150.21	\$ 2,781.25	\$ 4,308.80	\$ 4,621.11	\$ 7,326.42	\$ 14,085.05	
College of the Redwoods	\$ 42,561.02	\$ 13,087.03	\$ 10,123.50	\$ 10,595.20	\$ 8,517.17	\$ 9,900.12	\$ 20,711.81	
	\$ 43,347.04	\$ 14,237.24	\$ 12,904.75	\$ 14,904.00	\$ 13,138.28	\$ 17,226.54	\$ 34,796.86	\$ 150,554.71
San Bernardino CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Crafton Hills College	\$ 22,434.44	\$ 23,394.76	\$ 24,270.97	\$ 25,464.78	\$ 25,454.91	\$ 18,739.02	\$ 29,902.25	
San Bernardino Valley College	\$ 13,908.26	\$ 19,076.06	\$ 35,538.74	\$ 18,776.62	\$ 241,390.11	\$ 344,128.30	\$ 990,051.37	
	\$ 36,342.69	\$ 42,470.81	\$ 59,809.71	\$ 44,241.40	\$ 266,845.02	\$ 362,867.32	\$ 1,019,953.62	\$ 1,832,530.58
San Joaquin Delta CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
San Joaquin Delta College	\$ 16,534.09	\$ 11,376.15	\$ 21,616.78	\$ 24,257.00	\$ 32,345.00	\$ 28,926.36	\$ 33,623.31	
	\$ 16,534.09	\$ 11,376.15	\$ 21,616.78	\$ 24,257.00	\$ 32,345.00	\$ 28,926.36	\$ 33,623.31	\$ 168,678.70
San Jose CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	

District / College	Avoided Cost 2001	Avoided Cost 2002	Avoided Cost 2003	Avoided Cost 2004	Avoided Cost 2005	Avoided Cost 2006	Avoided Cost 2007	Grand Total For All Years
Landfill cost per ton	\$ 36.39	\$ 36.17	\$ 36.83	\$ 38.42	\$ 39.00	\$ 46.00	\$ 49.00	
Evergreen Valley College	\$ 9,446.84	\$ 31,721.81	\$ 28,128.99	\$ 29,191.29	\$ 34,148.36	\$ 34,656.08	\$ 30,805.86	
San Jose City College	\$ 10,041.82	\$ 16,153.16	\$ 8,399.93	\$ 19,877.85	\$ 10,347.64	\$ 166,758.97	\$ 16,725.42	
	\$ 19,488.66	\$ 47,874.97	\$ 36,528.91	\$ 49,069.14	\$ 44,496.00	\$ 201,415.05	\$ 47,531.27	\$ 446,404.01
San Luis Obispo CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Cuesta College	\$ 14,154.84	\$ 13,404.96	\$ 16,676.26	\$ 13,242.22	\$ 14,828.00	\$ 17,394.90	\$ 23,889.46	
	\$ 14,154.84	\$ 13,404.96	\$ 16,676.26	\$ 13,242.22	\$ 14,828.00	\$ 17,394.90	\$ 23,889.46	\$ 113,590.63
San Mateo Co CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
College of San Mateo	\$ 6,096.78	\$ 17,866.89	\$ 21,602.38	\$ 139,365.09	\$ 19,560.84	\$ 29,220.67	\$ 22,601.25	
Skyline College	\$ 13,068.09	\$ 10,780.47	\$ 10,726.37	\$ 12,508.13	\$ 12,074.40	\$ 57,144.47	\$ 49,543.02	
	\$ 19,164.87	\$ 28,647.36	\$ 32,328.75	\$ 151,873.22	\$ 31,635.24	\$ 86,365.14	\$ 72,144.27	\$ 422,158.85
Santa Clarita CCD	\$ 10,471.22	\$ 11,556.32	\$ 16,774.22	\$ 17,932.54	\$ 19,513.65	\$ 25,042.40	\$ 29,694.00	
College of the Canyons	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	\$ 10,471.22	\$ 11,556.32	\$ 16,774.22	\$ 17,932.54	\$ 19,513.65	\$ 25,042.40	\$ 29,694.00	\$ 130,984.35
Santa Monica CCD	\$ 994,431.35	\$ 97,145.39	\$ 217,496.99	\$ 346,715.14	\$ 290,473.17	\$ 488,949.64	\$ 327,850.18	
Santa Monica College	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	\$ 994,431.35	\$ 97,145.39	\$ 217,496.99	\$ 346,715.14	\$ 290,473.17	\$ 488,949.64	\$ 327,850.18	\$ 2,763,061.86
Shasta Tehama CCD	\$ 5,074.95	\$ 17,259.96	\$ 7,966.70	\$ 57,606.60	\$ 15,253.68	\$ 19,997.86	\$ 18,083.25	
Shasta College	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	\$ 5,074.95	\$ 17,259.96	\$ 7,966.70	\$ 57,606.60	\$ 15,253.68	\$ 19,997.86	\$ 18,083.25	\$ 141,243.00
Sierra Joint CCD	\$ 7,441.76	\$ 10,422.39	\$ 14,958.87	\$ 20,504.75	\$ 21,989.37	\$ 26,471.16	\$ 28,738.50	
Sierra College	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	\$ 7,441.76	\$ 10,422.39	\$ 14,958.87	\$ 20,504.75	\$ 21,989.37	\$ 26,471.16	\$ 28,738.50	\$ 130,526.80
Siskiyou CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
College of the Siskiyous	\$ 7,202.67	\$ 17,743.56	\$ 5,516.40	\$ 17,513.37	\$ 15,415.53	\$ 16,526.42	\$ 16,452.24	
	\$ 7,202.67	\$ 17,743.56	\$ 5,516.40	\$ 17,513.37	\$ 15,415.53	\$ 16,526.42	\$ 16,452.24	\$ 96,370.19
Solano Co CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	

District / College	Avoided Cost 2001	Avoided Cost 2002	Avoided Cost 2003	Avoided Cost 2004	Avoided Cost 2005	Avoided Cost 2006	Avoided Cost 2007	Grand Total For All Years
Landfill cost per ton	\$ 36.39	\$ 36.17	\$ 36.83	\$ 38.42	\$ 39.00	\$ 46.00	\$ 49.00	
Solano Community College	\$ 27,769.21	\$ 149,566.57	\$ 30,519.92	\$ 35,637.85	\$ 32,687.30	\$ 35,202.42	\$ 38,327.75	
	\$ 27,769.21	\$ 149,566.57	\$ 30,519.92	\$ 35,637.85	\$ 32,687.30	\$ 35,202.42	\$ 38,327.75	\$ 349,711.02
State Center CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Fresno City College	\$ 14,495.59	\$ 11,320.12	\$ 12,458.48	\$ 14,579.24	\$ 14,660.49	\$ 17,456.54	\$ 16,964.78	
Reedley College	\$ 13,227.77	\$ 14,757.36	\$ 14,818.92	\$ 24,158.88	\$ 25,174.50	\$ 29,237.60	\$ 28,748.30	
	\$ 27,723.36	\$ 26,077.48	\$ 27,277.40	\$ 38,738.12	\$ 39,834.99	\$ 46,694.14	\$ 45,713.08	\$ 252,058.57
Victor Valley CCD	\$ 13,133.51	\$ 12,673.06	\$ 13,159.36	\$ 23,109.63	\$ 19,132.62	\$ 80,315.54	\$ 21,930.15	
Victor Valley College	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	\$ 13,133.51	\$ 12,673.06	\$ 13,159.36	\$ 23,109.63	\$ 19,132.62	\$ 80,315.54	\$ 21,930.15	\$ 183,453.87
West Kern CCD	\$ 2,893.01	\$ 3,012.96	\$ 3,237.36	\$ 3,638.37	\$ 3,613.35	\$ 14,408.58	\$ 9,604.00	
Taft College	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	\$ 2,893.01	\$ 3,012.96	\$ 3,237.36	\$ 3,638.37	\$ 3,613.35	\$ 14,408.58	\$ 9,604.00	\$ 40,407.63
West Valley-Mission CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Mission College	\$ 10,653.17	\$ 7,476.34	\$ 15,092.57	\$ 16,286.24	\$ 15,892.50	\$ 17,504.38	\$ 19,429.48	
	\$ 10,653.17	\$ 7,476.34	\$ 15,092.57	\$ 16,286.24	\$ 15,892.50	\$ 17,504.38	\$ 19,429.48	\$ 102,334.68
Yosemite CCD	\$ 68,733.80	\$ 71,285.64	\$ 76,429.62	\$ 57,126.31	\$ 37,918.14	\$ 137,038.60	\$ 43,932.42	
West Valley College	\$ 10,931.92	\$ 14,945.44	\$ 23,601.77	\$ 24,700.22	\$ 20,920.38	\$ 19,562.88	\$ 193,402.02	
	\$ 79,665.72	\$ 86,231.09	\$ 100,031.38	\$ 81,826.53	\$ 58,838.52	\$ 156,601.48	\$ 237,334.44	\$ 800,529.16
Columbia College CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Modesto Junior College	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Yuba CCD	\$ 18,242.31	\$ 18,373.49	\$ 15,238.08	\$ 21,656.36	\$ 162,123.39	\$ 42,854.89	\$ 37,483.58	
Yuba College	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	\$ 18,242.31	\$ 18,373.49	\$ 15,238.08	\$ 21,656.36	\$ 162,123.39	\$ 42,854.89	\$ 37,483.58	\$ 315,972.09
GRAND TOTAL	\$ 2,335,292.73	\$ 1,480,541.11	\$ 1,392,454.20	\$ 2,103,013.79	\$ 4,146,421.15	\$ 3,723,284.80	\$ 3,471,177.20	\$ 18,652,184.99

District / College	Total Estimated Available Revenue for Total Materials / College 2001	Total Estimated Available Revenue for Total Materials / College 2002	Total Estimated Available Revenue for Total Materials / College 2003	Total Estimated Available Revenue for Total Materials / College 2004	Total Estimated Available Revenue for Total Materials / College 2005	Total Estimated Available Revenue for Total Materials / College 2006	Total Estimated Available Revenue for Total Materials / College 2007	Total Estimated Available Revenue for Total Materials / College for all
Allan Hancock CCD	\$ 7,062.63	\$ 11,412.03	\$ 5,880.88	\$ 10,759.37	\$ 12,127.03	\$ 10,984.94	\$ 17,070.09	\$ 75,296.98
Allan Hancock College	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ 7,062.63	\$ 11,412.03	\$ 5,880.88	\$ 10,759.37	\$ 12,127.03	\$ 10,984.94	\$ 17,070.09	\$ 75,296.98
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Butte CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Butte College	\$ 3,023.82	\$ 3,313.43	\$ 5,827.23	\$ 6,900.65	\$ 11,570.18	\$ 11,588.36	\$ 17,540.28	\$ 59,763.96
	\$ 3,023.82	\$ 3,313.43	\$ 5,827.23	\$ 6,900.65	\$ 11,570.18	\$ 11,588.36	\$ 17,540.28	\$ 59,763.96
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Cabrillo CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Cabrillo College	\$ 6,684.69	\$ 8,701.65	\$ 7,014.79	\$ 8,190.85	\$ 6,295.25	\$ 8,137.06	\$ 13,612.27	\$ 58,636.56
	\$ 6,684.69	\$ 8,701.65	\$ 7,014.79	\$ 8,190.85	\$ 6,295.25	\$ 8,137.06	\$ 13,612.27	\$ 58,636.56
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Chabot-Las Positas CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Chabot College	\$ 5,087.37	\$ 7,479.29	\$ 8,299.46	\$ 4,440.79	\$ 4,343.06	\$ 5,439.09	\$ 20,058.18	\$ 55,147.23
Las Positas College	\$ 1,953.45	\$ 2,046.69	\$ 2,171.76	\$ 646.65	\$ 1,748.27	\$ 2,294.69	\$ 3,320.36	\$ 14,181.87
	\$ 7,040.82	\$ 9,525.97	\$ 10,471.23	\$ 5,087.44	\$ 6,091.32	\$ 7,733.78	\$ 23,378.54	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Citrus CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Citrus College	\$ 1,910.73	\$ 3,004.91	\$ 2,776.59	\$ 4,304.69	\$ 3,357.02	\$ 13,546.48	\$ 17,281.37	\$ 46,181.79
	\$ 1,910.73	\$ 3,004.91	\$ 2,776.59	\$ 4,304.69	\$ 3,357.02	\$ 13,546.48	\$ 17,281.37	\$ 46,181.79
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Coast CCD	\$ 742.87	\$ 1,263.62	\$ 1,318.97	\$ 1,941.99	\$ 2,657.46	\$ 855.47	\$ 1,473.86	\$ 10,254.25
Coastline Community College	\$ 294.98	\$ 506.02	\$ 718.91	\$ 660.08	\$ 2,267.19	\$ 1,643.03	\$ 3,595.39	\$ 9,685.60
Golden West College	\$ 2,590.86	\$ 3,004.83	\$ 4,895.22	\$ 8,704.43	\$ 10,181.55	\$ 8,083.98	\$ 13,065.76	\$ 50,526.62
Orange Coast College	\$ 16,992.27	\$ 12,549.77	\$ 16,713.32	\$ 21,188.47	\$ 19,785.02	\$ 25,603.69	\$ 54,369.79	\$ 167,202.32
	\$ 20,620.99	\$ 17,324.24	\$ 23,646.42	\$ 32,494.97	\$ 34,891.21	\$ 36,186.16	\$ 72,504.81	\$ 237,668.80
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Sequoias CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
College of the Sequoias	\$ 5,128.85	\$ 6,711.29	\$ 8,182.90	\$ 10,183.76	\$ 11,968.69	\$ 14,360.01	\$ 22,895.28	\$ 79,430.78
	\$ 5,128.85	\$ 6,711.29	\$ 8,182.90	\$ 10,183.76	\$ 11,968.69	\$ 14,360.01	\$ 22,895.28	\$ 79,430.78
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Contra Costa CCD	\$ 1,026.27	\$ 1,088.23	\$ 1,337.46	\$ 1,734.27	\$ 2,304.04	\$ 1,770.52	\$ 1,491.41	\$ 10,752.20
Contra Costa College	\$ 4,344.51	\$ 5,930.25	\$ 6,831.49	\$ 9,271.61	\$ 9,816.57	\$ 6,401.14	\$ 22,010.10	\$ 64,605.67
Diablo Valley College	\$ 2,282.02	\$ 4,169.38	\$ 4,726.35	\$ 6,732.82	\$ 9,046.73	\$ 8,209.67	\$ 10,826.50	\$ 45,993.47
Los Medanos College	\$ 5,217.60	\$ 5,692.94	\$ 6,460.48	\$ 8,784.35	\$ 10,346.26	\$ 6,592.04	\$ 6,639.41	\$ 49,733.08
	\$ 12,870.41	\$ 16,880.79	\$ 19,355.78	\$ 26,523.05	\$ 31,513.60	\$ 22,973.36	\$ 40,967.42	\$ 171,084.41
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
El Camino CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
El Camino College	\$ 2,170.92	\$ 3,383.13	\$ 2,392.30	\$ 3,983.50	\$ 9,858.40	\$ 8,393.22	\$ 15,127.21	\$ 45,308.68
Compton Community Educational Center	\$ -	\$ 3,115.24	\$ 1,010.00	\$ -	\$ 3,787.51	\$ 1,737.89	\$ 753.44	\$ 10,404.08

District / College	Total Estimated Available Revenue for Total Materials / College 2001	Total Estimated Available Revenue for Total Materials / College 2002	Total Estimated Available Revenue for Total Materials / College 2003	Total Estimated Available Revenue for Total Materials / College 2004	Total Estimated Available Revenue for Total Materials / College 2005	Total Estimated Available Revenue for Total Materials / College 2006	Total Estimated Available Revenue for Total Materials / College 2007	Total Estimated Available Revenue for Total Materials / College for all
	\$ 2,170.92	\$ 6,498.37	\$ 3,402.30	\$ 3,983.50	\$ 13,645.92	\$ 10,131.11	\$ 15,880.65	\$ 55,712.76
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Foothill-DeAnza CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
DeAnza College	\$ 7,843.06	\$ 7,694.99	\$ 11,661.38	\$ 17,909.13	\$ 13,802.10	\$ 15,483.93	\$ 25,990.52	\$ 100,385.11
Foothill College	\$ 6,457.09	\$ 13,650.92	\$ 14,975.62	\$ 17,588.19	\$ 27,349.27	\$ 26,172.76	\$ 44,300.19	\$ 150,494.04
	\$ 14,300.15	\$ 21,345.91	\$ 26,637.00	\$ 35,497.32	\$ 41,151.37	\$ 41,656.69	\$ 70,290.71	\$ 250,879.14
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Gavilan Joint CCD	\$ 1,487.42	\$ 4,286.32	\$ 9,508.19	\$ 11,167.87	\$ 11,004.42	\$ 14,730.39	\$ 19,228.63	\$ 71,413.24
Gavilan College	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ 1,487.42	\$ 4,286.32	\$ 9,508.19	\$ 11,167.87	\$ 11,004.42	\$ 14,730.39	\$ 19,228.63	\$ 71,413.24
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Glendale CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Glendale Community College	\$ 4,251.68	\$ 2,615.50	\$ 1,714.37	\$ 3,573.50	\$ 3,397.19	\$ 1,992.43	\$ 4,081.15	\$ 21,625.82
	\$ 4,251.68	\$ 2,615.50	\$ 1,714.37	\$ 3,573.50	\$ 3,397.19	\$ 1,992.43	\$ 4,081.15	\$ 21,625.82
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Grossmont-Cuyamaca CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Cuyamaca College	\$ 550.53	\$ 1,455.20	\$ 1,012.79	\$ 1,587.54	\$ 730.52	\$ 652.18	\$ 4,913.85	\$ 10,902.61
Grossmont College	\$ 4,976.27	\$ 5,353.08	\$ 5,150.20	\$ 5,994.47	\$ 6,197.52	\$ 8,755.47	\$ 13,496.23	\$ 49,923.25
	\$ 5,526.80	\$ 6,808.29	\$ 6,163.00	\$ 7,582.01	\$ 6,928.05	\$ 9,407.65	\$ 18,410.08	\$ 60,825.86
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Hartnell CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Hartnell Community College	\$ 4,024.22	\$ 4,629.29	\$ 5,648.11	\$ 6,381.46	\$ 9,233.78	\$ 10,510.42	\$ 13,728.49	\$ 54,155.77
	\$ 4,024.22	\$ 4,629.29	\$ 5,648.11	\$ 6,381.46	\$ 9,233.78	\$ 10,510.42	\$ 13,728.49	\$ 54,155.77
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Lassen CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Lassen College	\$ 2,726.17	\$ 1,931.85	\$ 1,500.00	\$ 2,629.35	\$ 2,163.70	\$ 4,023.76	\$ 8,568.92	\$ 23,543.75
	\$ 2,726.17	\$ 1,931.85	\$ 1,500.00	\$ 2,629.35	\$ 2,163.70	\$ 4,023.76	\$ 8,568.92	\$ 23,543.75
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Long Beach CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Long Beach City College	\$ 2,369.83	\$ 1,540.45	\$ 5,271.45	\$ 6,517.66	\$ 1,807.42	\$ 3,510.33	\$ 3,745.42	\$ 24,762.56
	\$ 2,369.83	\$ 1,540.45	\$ 5,271.45	\$ 6,517.66	\$ 1,807.42	\$ 3,510.33	\$ 3,745.42	\$ 24,762.56
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Los Rios CCD	\$ 570.11	\$ 1,140.59	\$ 1,951.34	\$ 2,932.98	\$ 3,055.31	\$ 309.62	\$ 850.07	\$ 10,810.02
American River College	\$ 17,955.75	\$ 36,523.96	\$ 40,950.75	\$ 55,630.70	\$ 64,384.00	\$ 64,943.62	\$ 69,002.43	\$ 349,391.21
Cosumnes River College	\$ 3,020.27	\$ 4,165.53	\$ 2,273.05	\$ 8,415.41	\$ 5,251.28	\$ 5,296.95	\$ 11,033.52	\$ 39,456.02
Folsom Lake College	\$ -	\$ -	\$ -	\$ -	\$ 1,144.04	\$ 856.50	\$ 1,174.86	\$ 3,175.40
Sacramento City College	\$ 2,119.41	\$ 2,553.28	\$ -	\$ 1,197.11	\$ -	\$ -	\$ -	\$ 5,869.80
	\$ 23,665.54	\$ 44,383.36	\$ 45,175.14	\$ 68,176.20	\$ 73,834.63	\$ 71,406.69	\$ 82,060.88	\$ 408,702.45
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Marin CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
College of Marin	\$ 7,302.27	\$ 2,149.52	\$ 3,770.94	\$ 4,866.84	\$ 4,805.04	\$ 8,083.56	\$ 12,441.08	\$ 43,419.26

District / College	Total Estimated Available Revenue for Total Materials / College 2001	Total Estimated Available Revenue for Total Materials / College 2002	Total Estimated Available Revenue for Total Materials / College 2003	Total Estimated Available Revenue for Total Materials / College 2004	Total Estimated Available Revenue for Total Materials / College 2005	Total Estimated Available Revenue for Total Materials / College 2006	Total Estimated Available Revenue for Total Materials / College 2007	Total Estimated Available Revenue for Total Materials / College for all
	\$ 7,302.27	\$ 2,149.52	\$ 3,770.94	\$ 4,866.84	\$ 4,805.04	\$ 8,083.56	\$ 12,441.08	\$ 43,419.26
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Merced CCD	\$ 10,288.44	\$ 77.29	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,365.73
Merced College	\$ 10,288.44	\$ 5,460.96	\$ 5,273.23	\$ 5,497.08	\$ 5,467.81	\$ 7,001.13	\$ 17,698.55	\$ 56,687.20
	\$ 20,576.88	\$ 5,538.25	\$ 5,273.23	\$ 5,497.08	\$ 5,467.81	\$ 7,001.13	\$ 17,698.55	\$ 67,052.93
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
MiraCosta CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
MiraCosta College	\$ 3,071.89	\$ 3,598.09	\$ 7,543.43	\$ 1,320.00	\$ 2,774.87	\$ 6,059.02	\$ 9,240.07	\$ 33,607.38
	\$ 3,071.89	\$ 3,598.09	\$ 7,543.43	\$ 1,320.00	\$ 2,774.87	\$ 6,059.02	\$ 9,240.07	\$ 33,607.38
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Monterey CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Monterey Peninsula College	\$ 7,933.25	\$ 10,984.90	\$ 12,776.14	\$ 14,497.10	\$ 14,732.70	\$ 18,244.34	\$ 27,144.15	\$ 106,312.56
	\$ 7,933.25	\$ 10,984.90	\$ 12,776.14	\$ 14,497.10	\$ 14,732.70	\$ 18,244.34	\$ 27,144.15	\$ 106,312.56
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Mt. San Antonio CCD	\$ 2,863.69	\$ 5,368.64	\$ 4,131.94	\$ 4,732.54	\$ 4,457.24	\$ 2,876.44	\$ 4,483.65	\$ 28,914.14
Mt. San Antonio College	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ 2,863.69	\$ 5,368.64	\$ 4,131.94	\$ 4,732.54	\$ 4,457.24	\$ 2,876.44	\$ 4,483.65	\$ 28,914.14
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
North Orange Cty CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Cypress College	\$ 1,332.07	\$ 18,697.34	\$ 19,300.38	\$ 6,322.71	\$ 39,092.99	\$ 5,695.06	\$ 13,654.72	\$ 104,095.27
Fullerton College	\$ 346.49	\$ 30,465.51	\$ 39,238.36	\$ 47,048.79	\$ 52,108.81	\$ 43,207.50	\$ 72,248.76	\$ 284,664.22
	\$ 1,678.56	\$ 49,162.85	\$ 58,538.74	\$ 53,371.49	\$ 91,201.80	\$ 48,902.55	\$ 85,903.48	\$ 388,759.48
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Palo Verde CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Palo Verde College	\$ -	\$ 1,299.26	\$ 1,698.86	\$ 1,536.85	\$ 2,499.30	\$ 3,014.29	\$ 5,551.95	\$ 15,600.50
	\$ -	\$ 1,299.26	\$ 1,698.86	\$ 1,536.85	\$ 2,499.30	\$ 3,014.29	\$ 5,551.95	\$ 15,600.50
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Palomar CCD	\$ 7,897.72	\$ 10,315.69	\$ 8,601.18	\$ 11,312.81	\$ 10,151.94	\$ 11,518.48	\$ 17,183.37	\$ 76,981.20
Palomar College	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ 7,897.72	\$ 10,315.69	\$ 8,601.18	\$ 11,312.81	\$ 10,151.94	\$ 11,518.48	\$ 17,183.37	\$ 76,981.20
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Pasadena CCD	\$ 1,157.17	\$ 3,969.83	\$ 6,853.28	\$ 3,561.55	\$ 12,146.75	\$ 6,933.48	\$ 11,056.83	\$ 45,678.89
Pasadena City College	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ 1,157.17	\$ 3,969.83	\$ 6,853.28	\$ 3,561.55	\$ 12,146.75	\$ 6,933.48	\$ 11,056.83	\$ 45,678.89
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Rancho Santiago CCD	\$ 186.25	\$ 222.65	\$ 697.88	\$ 526.34	\$ 533.72	\$ 836.64	\$ 1,317.22	\$ 4,320.70
Santa Ana College	\$ 891.83	\$ 1,992.87	\$ 934.74	\$ 2,523.27	\$ 4,386.03	\$ 4,216.78	\$ 4,880.22	\$ 19,825.75
	\$ 1,078.08	\$ 2,215.52	\$ 1,632.62	\$ 3,049.61	\$ 4,919.76	\$ 5,053.42	\$ 6,197.45	\$ 24,146.45
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Santiago Canyon College	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Redwoods CCD	\$ 1,633.34	\$ 2,586.21	\$ 5,729.97	\$ 8,261.74	\$ 7,339.16	\$ 15,448.46	\$ 33,467.86	\$ 74,466.74



District / College	Total Estimated Available Revenue for Total Materials / College 2001	Total Estimated Available Revenue for Total Materials / College 2002	Total Estimated Available Revenue for Total Materials / College 2003	Total Estimated Available Revenue for Total Materials / College 2004	Total Estimated Available Revenue for Total Materials / College 2005	Total Estimated Available Revenue for Total Materials / College 2006	Total Estimated Available Revenue for Total Materials / College 2007	Total Estimated Available Revenue for Total Materials / College for all
College of the Redwoods	\$ 4,972.39	\$ 5,186.22	\$ 5,809.84	\$ 4,859.79	\$ 4,588.37	\$ 3,234.32	\$ 11,435.33	\$ 40,086.27
	\$ 6,605.74	\$ 7,772.43	\$ 11,539.81	\$ 13,121.53	\$ 11,927.53	\$ 18,682.79	\$ 44,903.19	\$ 114,553.02
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
San Bernardino CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Crafton Hills College	\$ 1,923.05	\$ 1,539.12	\$ 1,904.95	\$ 2,371.13	\$ 2,219.52	\$ 3,258.08	\$ 7,226.46	\$ 20,442.31
San Bernardino Valley College	\$ 1,155.83	\$ 1,412.45	\$ 1,842.64	\$ 7,452.23	\$ 6,816.74	\$ 6,450.70	\$ 12,932.94	\$ 38,063.52
	\$ 3,078.88	\$ 2,951.57	\$ 3,747.58	\$ 9,823.36	\$ 9,036.26	\$ 9,708.78	\$ 20,159.40	\$ 58,505.83
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
San Joaquin Delta CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
San Joaquin Delta College	\$ 6,294.55	\$ 5,086.25	\$ 7,072.69	\$ 13,796.60	\$ 10,526.30	\$ 9,095.57	\$ 12,355.76	\$ 64,227.73
	\$ 6,294.55	\$ 5,086.25	\$ 7,072.69	\$ 13,796.60	\$ 10,526.30	\$ 9,095.57	\$ 12,355.76	\$ 64,227.73
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
San Jose CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Evergreen Valley College	\$ 3,963.82	\$ 1,615.75	\$ 1,787.70	\$ 2,189.17	\$ 900.68	\$ 5,268.50	\$ 4,226.84	\$ 19,952.46
San Jose City College	\$ 3,777.54	\$ 6,056.32	\$ 4,735.22	\$ 5,141.86	\$ 5,647.84	\$ 6,861.17	\$ 9,358.09	\$ 41,578.03
	\$ 7,741.36	\$ 7,672.07	\$ 6,522.92	\$ 7,331.02	\$ 6,548.52	\$ 12,129.66	\$ 13,584.93	\$ 61,530.49
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
San Luis Obispo CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Cuesta College	\$ 9,032.93	\$ 4,414.67	\$ 2,854.50	\$ 5,267.54	\$ 6,097.33	\$ 5,142.54	\$ 11,093.21	\$ 43,902.72
	\$ 9,032.93	\$ 4,414.67	\$ 2,854.50	\$ 5,267.54	\$ 6,097.33	\$ 5,142.54	\$ 11,093.21	\$ 43,902.72
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
San Mateo Co CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
College of San Mateo	\$ 4,465.86	\$ 19,230.20	\$ 15,890.63	\$ 13,691.14	\$ 11,581.45	\$ 6,933.74	\$ 7,911.47	\$ 79,704.48
Skyline College	\$ 6,964.18	\$ 5,595.11	\$ 6,047.22	\$ 8,523.45	\$ 8,397.91	\$ 10,185.64	\$ 13,880.56	\$ 59,594.09
	\$ 11,430.04	\$ 24,825.31	\$ 21,937.85	\$ 22,214.59	\$ 19,979.36	\$ 17,119.38	\$ 21,792.03	\$ 139,298.57
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Santa Clarita CCD	\$ 2,030.31	\$ 3,415.41	\$ 8,204.31	\$ 10,816.27	\$ 11,759.19	\$ 15,133.25	\$ 22,415.34	\$ 73,774.09
College of the Canyons	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ 2,030.31	\$ 3,415.41	\$ 8,204.31	\$ 10,816.27	\$ 11,759.19	\$ 15,133.25	\$ 22,415.34	\$ 73,774.09
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Santa Monica CCD	\$ 8,804.71	\$ 12,628.67	\$ 12,866.13	\$ 11,045.91	\$ 22,883.45	\$ 13,431.34	\$ 22,553.92	\$ 104,214.14
Santa Monica College	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ 8,804.71	\$ 12,628.67	\$ 12,866.13	\$ 11,045.91	\$ 22,883.45	\$ 13,431.34	\$ 22,553.92	\$ 104,214.14
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Shasta Tehama CCD	\$ 3,057.30	\$ 4,391.20	\$ 7,300.98	\$ 9,377.74	\$ 9,949.66	\$ 9,237.54	\$ 15,158.23	\$ 58,472.65
Shasta College	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ 3,057.30	\$ 4,391.20	\$ 7,300.98	\$ 9,377.74	\$ 9,949.66	\$ 9,237.54	\$ 15,158.23	\$ 58,472.65
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Sierra Joint CCD	\$ 2,864.14	\$ 5,779.17	\$ 6,730.28	\$ 13,015.52	\$ 17,831.29	\$ 20,930.78	\$ 35,535.63	\$ 102,686.82
Sierra College	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ 2,864.14	\$ 5,779.17	\$ 6,730.28	\$ 13,015.52	\$ 17,831.29	\$ 20,930.78	\$ 35,535.63	\$ 102,686.82

District / College	Total Estimated Available Revenue for Total Materials / College 2001	Total Estimated Available Revenue for Total Materials / College 2002	Total Estimated Available Revenue for Total Materials / College 2003	Total Estimated Available Revenue for Total Materials / College 2004	Total Estimated Available Revenue for Total Materials / College 2005	Total Estimated Available Revenue for Total Materials / College 2006	Total Estimated Available Revenue for Total Materials / College 2007	Total Estimated Available Revenue for Total Materials / College for all
Siskiyou CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
College of the Siskiyou	\$ 1,089.18	\$ 1,131.51	\$ 805.21	\$ 2,004.89	\$ 1,790.70	\$ 1,333.28	\$ 1,706.58	\$ 9,861.34
	\$ 1,089.18	\$ 1,131.51	\$ 805.21	\$ 2,004.89	\$ 1,790.70	\$ 1,333.28	\$ 1,706.58	\$ 9,861.34
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Solano Co CCD	\$ 550.00	\$ 200.00	\$ 50.00	\$ 90.00	\$ 100.00	\$ 210.73	\$ 363.56	\$ 1,564.29
Solano Community College	\$ -	\$ 4,658.01	\$ 3,287.78	\$ 3,861.56	\$ 3,992.20	\$ 4,982.88	\$ 9,433.98	\$ 30,216.42
	\$ 550.00	\$ 4,858.01	\$ 3,337.78	\$ 3,951.56	\$ 4,092.20	\$ 5,193.61	\$ 9,797.54	\$ 31,780.71
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
State Center CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Fresno City College	\$ 3,417.69	\$ 5,614.45	\$ 7,129.42	\$ 10,995.57	\$ 10,359.16	\$ 13,848.57	\$ 11,908.84	\$ 63,273.70
Reedley College	\$ 4,577.68	\$ 6,352.98	\$ 5,564.95	\$ 8,186.92	\$ 7,681.74	\$ 8,581.58	\$ 14,168.35	\$ 55,114.20
	\$ 7,995.37	\$ 11,967.43	\$ 12,694.37	\$ 19,182.49	\$ 18,040.90	\$ 22,430.15	\$ 26,077.19	\$ 118,387.90
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Victor Valley CCD	\$ 10,233.98	\$ 8,637.50	\$ 7,274.75	\$ 7,815.49	\$ 6,164.33	\$ 5,743.41	\$ 6,365.21	\$ 52,234.66
Victor Valley College	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ 10,233.98	\$ 8,637.50	\$ 7,274.75	\$ 7,815.49	\$ 6,164.33	\$ 5,743.41	\$ 6,365.21	\$ 52,234.66
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
West Kern CCD	\$ 711.42	\$ 785.95	\$ 788.35	\$ 2,095.40	\$ 792.93	\$ 833.05	\$ 2,396.87	\$ 8,403.97
Taft College	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ 711.42	\$ 785.95	\$ 788.35	\$ 2,095.40	\$ 792.93	\$ 833.05	\$ 2,396.87	\$ 8,403.97
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
West Valley-Mission CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Mission College	\$ 2,107.50	\$ 1,114.07	\$ 2,628.94	\$ 3,878.83	\$ 5,294.93	\$ 5,299.13	\$ 8,326.30	\$ 28,649.69
	\$ 2,107.50	\$ 1,114.07	\$ 2,628.94	\$ 3,878.83	\$ 5,294.93	\$ 5,299.13	\$ 8,326.30	\$ 28,649.69
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Yosemite CCD	\$ 23,754.95	\$ 3,416.93	\$ 4,926.50	\$ 6,904.32	\$ 5,201.11	\$ 5,377.18	\$ 9,039.78	\$ 58,620.77
West Valley College	\$ 5,219.92	\$ 5,249.76	\$ 8,689.71	\$ 11,014.13	\$ 8,353.95	\$ 8,279.49	\$ 15,489.26	\$ 62,296.22
	\$ 28,974.87	\$ 8,666.70	\$ 13,616.21	\$ 17,918.45	\$ 13,555.06	\$ 13,656.67	\$ 24,529.04	\$ 120,916.99
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Columbia College CCD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Modesto Junior College	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Yuba CCD	\$ 4,106.28	\$ 5,901.76	\$ 9,730.94	\$ 22,926.11	\$ 31,641.73	\$ 27,261.09	\$ 4,414.26	\$ 105,982.18
Yuba College	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ 4,106.28	\$ 5,901.76	\$ 9,730.94	\$ 22,926.11	\$ 31,641.73	\$ 27,261.09	\$ 4,414.26	\$ 105,982.18
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
GRAND TOTAL	\$ 295,133.74	\$ 387,515.88	\$ 438,649.37	\$ 549,282.80	\$ 642,049.66	\$ 622,928.35	\$ 961,310.21	\$ 3,827,540.90

**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 December 31, 2014, I served the:

**SCO Comments**

*Integrated Waste Management, 14-0007-I-10*

Public Resources Code Section 40418, 40196.3, 42920-42928;

Public Contract Code Section 12167 and 12167.1

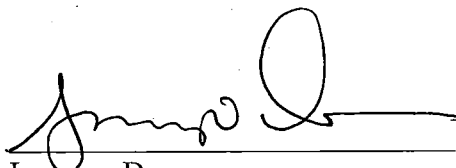
Statutes 1992, Chapter 1116 (AB 3521); Statutes 1999, Chapter 764 (AB 75)

Fiscal Years: 1999-2000, 2000-2001, 2003-2004, 2004-2005, and 2005-2006

Redwoods Community College District, 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 December 31, 2014 at Sacramento, California.



Lorenzo Duran

Commission on State Mandates

980 Ninth Street, Suite 300

Sacramento, CA 95814

(916) 323-3562

# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 11/19/14

**Claim Number:** 14-0007-I-10

**Matter:** Integrated Waste Management

**Claimant:** Redwoods Community College District

### 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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DSpeciale@sco.ca.gov



February 16, 2018

Mr. Patrick Wilson  
School and College Legal Services  
5350 Skylane Boulevard  
Santa Rosa, CA 95403

Ms. Jill Kanemasu  
Division of Accounting and Reporting  
State Controller's Office  
3301 C Street, Suite 700  
Sacramento, CA 95816

*And Parties, Interested Parties, and Interested Persons (See Mailing List)*

**Re: Draft Proposed Decision, Schedule for Comments, and Notice of Hearing**  
*Integrated Waste Management*, 14-0007-I-10  
Public Resources Code Sections 40148, 40196.3, 42920-42928;  
Public Contract Code Sections 12167 and 12167.1  
Statutes 1992, Chapter 1116 (AB 3521); Statutes 1999, Chapter 764 (AB 75)  
State Agency Model Integrated Waste Management Plan (February 2000)  
Fiscal Years: 1999-2000, 2000-2001, 2003-2004, 2004-2005, and 2005-2006  
Redwoods Community College District, Claimant

Dear Mr. Wilson and Ms. Kanemasu:

The Draft Proposed Decision for the above-captioned matter is enclosed for your review and comment.

#### **Written Comments**

Written comments may be filed on the Draft Proposed Decision by **March 9, 2018**. Please note that all representations of fact submitted to the Commission must be signed under penalty of perjury by persons who are authorized and competent to do so and must be based upon the declarant's personal knowledge, information, or belief. (Cal. Code Regs., tit. 2, § 1187.5.) Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over an objection in civil actions. (Cal. Code Regs., tit. 2, § 1187.5.) The Commission's ultimate findings of fact must be supported by substantial evidence in the record.<sup>1</sup>

You are advised that comments filed with the Commission on State Mandates (Commission) are required to be simultaneously served on the other interested parties on the mailing list, and to be accompanied by a proof of service. However, this requirement may also be satisfied by electronically filing your documents. Refer to [http://www.csm.ca.gov/dropbox\\_procedures.php](http://www.csm.ca.gov/dropbox_procedures.php) on the Commission's website for electronic filing instructions. (Cal. Code Regs., tit. 2, § 1181.3.)

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<sup>1</sup> Government Code section 17559(b), which provides that a claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission's decision is not supported by substantial evidence in the record.

Mr. Wilson and Ms. Kanemasu  
February 16, 2018  
Page 2

If you would like to request an extension of time to file comments, please refer to section 1187.9(a) of the Commission's regulations.

**Hearing**

This matter is set for hearing on **Friday, May 25, 2018**, at 10:00 a.m., State Capitol, Room 447, Sacramento, California. The Proposed Decision will be issued on or about May 11, 2018. Please let us know in advance if you or a representative of your agency will testify at the hearing, and if other witnesses will appear. If you would like to request postponement of the hearing, please refer to section 1187.9(b) of the Commission's regulations.

Sincerely,



Heather Halsey  
Executive Director



**ITEM \_**  
**INCORRECT REDUCTION CLAIM**  
**DRAFT PROPOSED DECISION**

Public Resources Code Sections 40148, 40196.3, 42920-42928; Public Contract Code Sections 12167 and 12167.1; Statutes 1992, Chapter 1116 (AB 3521); Statutes 1999, Chapter 764 (AB 75); State Agency Model Integrated Waste Management Plan (February 2000)

*Integrated Waste Management*

Fiscal Years 1999-2000, 2000-2001, 2003-2004, 2004-2005, and 2005-2006

14-0007-I-010

Redwoods Community College District, Claimant

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**EXECUTIVE SUMMARY**

**Overview**

This Incorrect Reduction Claim (IRC) addresses reductions by the State Controller's Office (Controller) to reimbursement claims of the Redwoods Community College District (claimant) for fiscal years 1999-2000, 2000-2001 and 2003-2004 through 2005-2006 (the audit period) under the *Integrated Waste Management* program, 00-TC-07. The Controller made the audit reductions because the claimant did not identify and deduct from its reimbursement claims any offsetting savings from solid waste diversion that results in reduced or avoided landfill disposal fees.

Staff finds that the Controller timely initiated the audit of the fiscal year 2003-2004 reimbursement claim, and timely completed the audit of all claims.

Staff further finds, based on the evidence in the record, that the Controller's calculation of offsetting cost savings for all years in the audit period except for the first half of fiscal year 2003-2004 is correct as a matter of law, and not arbitrary, capricious, or entirely lacking in evidentiary support.

However, the Controller's calculation of offsetting savings for the first half of fiscal year 2003-2004 is incorrect as a matter of law. The Controller allocated the diversion rate for 2003-2004, as it did for the other fiscal years, because the claimant exceeded the mandate. However, the Controller used a 50 percent rate to calculate the allocated diversion, although the test claim statutes required only 25 percent diversion in calendar year 2003.<sup>1</sup> The requirement to divert 50 percent of solid waste did not become operative until January 1, 2004,<sup>2</sup> so the calculation of cost savings for fiscal year 2003-2004 is incorrect.

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<sup>1</sup> Exhibit B, Controller's Late Comments on the IRC, page 82.

<sup>2</sup> Public Resources Code sections 42921; Exhibit A, IRC, page 90 (Parameters and Guidelines).

Applying the Controller's cost savings formula (using the mandated 25 percent diversion rate to calculate the allocated diversion) to the first half of fiscal year 2003-2004, results in offsetting savings of \$2,430 (25 percent divided by 57.68 percent, multiplied by 152.25 tons diverted multiplied by the statewide average landfill disposal fee of \$36.83) rather than \$4,861. Thus, the difference of \$2,431 has been incorrectly reduced and should be reinstated to the claimant.

The claimant also questions the Controller's adjustment of \$5,130, contending that the \$5,130 was offsetting revenues and not offsetting savings. The claimant's reimbursement claims, however, identify the \$5,130 as offsetting savings. Thus, the Controller calculated the total realized offsetting savings by subtracting the offsetting savings reported by the claimant, resulting in an overall reduction of \$38,247 instead of \$43,377.<sup>3</sup> This adjustment did not result in a reduction of costs claimed within the meaning of Government Code section 17551(d) and, thus, the Commission does not have jurisdiction to determine if the adjustment is correct.

#### The Integrated Waste Management Program

The test claim statutes require community college districts<sup>4</sup> to adopt and implement, in consultation with the California Integrated Waste Management Board (CIWMB, now known as CalRecycle), an integrated waste management (IWM) plan to govern the district's efforts to reduce solid waste, reuse materials, recycle recyclable materials and procure products with recycled content in all agency offices and facilities. To implement their plans, community college districts must divert from landfill disposal at least 25 percent of solid waste by January 1, 2002, and at least 50 percent by January 1, 2004. Public Resources Code section 42925, as added by the test claim statutes, further provides that "[a]ny cost savings realized as a result of the state agency integrated waste management plan shall, to the extent feasible, be redirected to the agency's integrated waste management plan to fund plan implementation and administration costs, in accordance with Sections 12167 and 12167.1 of the Public Contract Code."

On March 24, 2004, the Commission adopted the Test Claim Statement of Decision and found that the test claim statutes impose a reimbursable state mandate on community colleges, and that cost savings under Public Resources Code section 42925 did not result in a denial of the Test Claim because there was no evidence of offsetting savings that would result in no net costs to a community college district. The Parameters and Guidelines were adopted on March 30, 2005, to authorize reimbursement for the activities approved in the Statement of Decision, and did not require claimants to identify and deduct from their reimbursement claims any cost savings. After the Commission adopted the Parameters and Guidelines, the Department of Finance (Finance) and CIWMB challenged the Statement of Decision and Parameters and Guidelines, arguing that the Commission did not properly account for all the offsetting cost savings from avoided disposal costs, or offsetting revenues from the sale of recyclable materials in the Statement of Decision or Parameters and Guidelines. On May 29, 2008, the Sacramento County Superior

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<sup>3</sup> Exhibit A, IRC, pages 31-32 (Final Audit Report).

<sup>4</sup> The test claim statutes apply to "state agencies" but defines them to include "the California Community Colleges" (Pub. Res. Code, § 40196.3). Community college districts are the only local government to which the test claim statutes apply.

Court partially agreed with the petitioners and directed the Commission to amend the Parameters and Guidelines to:

1. [R]equire community college districts claiming reimbursable costs of an integrated waste management plan under Public Resources Code section 42920, et seq. to identify and offset from their claims, consistent with the directions for revenue in Public Contract Code sections 12167 and 12167.1, cost savings realized as a result of implementing their plans; and
2. [R]equire community college districts claiming reimbursable costs of an integrated waste management plan under Public Resources Code section 42920, et seq. to identify and offset from their claims all of the revenue generated as a result of implementing their plans, without regard to the limitations or conditions described in sections 12167 and 12167.1 of the Public Contract Code.<sup>5</sup>

In accordance with this court ruling, the Commission amended the Parameters and Guidelines on September 26, 2008.

This program was made optional by Statutes 2010, chapter 724 (AB 1610), section 34, effective October 19, 2010, and has remained so since that time.<sup>6</sup>

### **Procedural History**

The claimant filed its fiscal year 1999-2000, 2000-2001, 2003-2004, and 2004-2005 reimbursement claims on October 7, 2005.<sup>7</sup> The claimant filed its fiscal year 2005-2006 reimbursement claim on January 16, 2007.<sup>8</sup> The Controller notified the claimant of the pending audit adjustment on January 17, 2014.<sup>9</sup> The Controller issued the Final Audit Report on April 11, 2014.<sup>10</sup> The claimant filed the IRC on August 14, 2014.<sup>11</sup> The Controller filed late

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<sup>5</sup> Exhibit B, Controller's Late Comments on the IRC, page 30 (Judgment Granting Petition for Writ of Administrative Mandamus).

<sup>6</sup> See Government Code section 17581.5.

<sup>7</sup> Exhibit B, Controller's Late Comments on the IRC, page 16. According to Exhibit A, IRC, pages 151-175, these claims were signed on September 30, 2005.

<sup>8</sup> Exhibit B, Controller's Late Comments on the IRC, page 16. According to Exhibit A, IRC, page 177, this claim was signed on January 5, 2007.

<sup>9</sup> Exhibit B, Controller's Late Comments on the IRC, page 25.

<sup>10</sup> Exhibit A, IRC, page 27 (Final Audit Report).

<sup>11</sup> Exhibit A, IRC, page 1.

comments on the IRC on December 30, 2014.<sup>12</sup> The claimant did not file rebuttal comments. Commission staff issued the Draft Proposed Decision on February 16, 2018.<sup>13</sup>

### **Commission Responsibilities**

Government Code section 17561(d) authorizes the Controller to audit the claims filed by local agencies and school districts and to reduce any claim for reimbursement of state-mandated costs if the Controller determines that the claim is excessive or unreasonable.

Government Code Section 17551(d) requires the Commission to hear and decide a claim that the Controller has incorrectly reduced payments to the local agency or school district. If the Commission determines that a reimbursement claim has been incorrectly reduced, section 1185.9 of the Commission's regulations requires the Commission to send the decision to the Controller and request that the costs in the claim be reinstated.

The Commission must review questions of law, including interpretation of parameters and guidelines, de novo, without consideration of legal conclusions made by the Controller in the context of an audit. The Commission is vested with exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6 of the California Constitution.<sup>14</sup> The Commission must also interpret the Government Code and implementing regulations in accordance with the broader constitutional and statutory scheme. In making its decisions, the Commission must strictly construe article XIII B, section 6 and not apply it as an "equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities."<sup>15</sup>

With regard to the Controller's audit decisions, the Commission must determine whether they were arbitrary, capricious, or entirely lacking in evidentiary support. This standard is similar to the standard used by the courts when reviewing an alleged abuse of discretion of a state agency.<sup>16</sup>

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<sup>12</sup> Exhibit B, Controller's Late Comments on the IRC, page 1. Note that Government Code section 17553(d) states: "the Controller shall have no more than 90 days after the claim is delivered or mailed to file any rebuttal to an incorrect reduction claim. The failure of the Controller to file a rebuttal to an incorrect reduction claim shall not serve to delay the consideration of the claim by the Commission." However, in this instance, due to the backlog of IRCs, these late comments have not delayed consideration of this item and so have been included in the analysis and Proposed Decision.

<sup>13</sup> Exhibit C, Draft Proposed Decision.

<sup>14</sup> *Kinlaw v. State of California* (1991) 54 Cal.3d 326, 331-334; Government Code sections 17551, 17552.

<sup>15</sup> *County of Sonoma v. Commission on State Mandates* (2000), 84 Cal.App.4th 1264, 1281, citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817.

<sup>16</sup> *Johnston v. Sonoma County Agricultural Preservation and Open Space District* (2002) 100 Cal.App.4th 973, 983-984; *American Bd. of Cosmetic Surgery, Inc. v. Medical Bd. of California* (2008) 162 Cal.App.4th 534, 547.

The Commission must also review the Controller’s audit in light of the fact that the initial burden of providing evidence for a claim of reimbursement lies with the claimant.<sup>17</sup> In addition, section 1185.1(f)(3) and 1185.2(c) of the Commission’s regulations requires that any assertions of fact by the parties to an IRC must be supported by documentary evidence. The Commission’s ultimate findings of fact must be supported by substantial evidence in the record.<sup>18</sup>

**Claims**

The following chart provides a brief summary of the claims and issues raised and staff’s recommendation.

<b>Issue</b>	<b>Description</b>	<b>Staff Recommendation</b>
Whether the Controller timely initiated the audit of the fiscal year 2003-2004 reimbursement claim, and timely completed the audit.	The claimant alleges that the Controller failed to timely initiate the audit of the fiscal year 2003-2004 reimbursement claim.  Government Code section 17558.5 requires an audit to be initiated no later than three years after the date the reimbursement claim is filed or last amended, but <i>if no funds are appropriated or no payment is made</i> “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.”	<i>The audit was timely initiated and completed</i> – The record shows that the Controller first made payment on 2003-2004 reimbursement claim on either January 18, 2011, <sup>19</sup> or January 28, 2011, <sup>20</sup> within three years of the date the audit was initiated on January 17, 2014, <sup>21</sup> so the audit was timely initiated.  The audit was complete for all reimbursement claims when the final audit report was issued April 11, 2014, <sup>22</sup> well before the two-year deadline of January 17, 2016.
Whether the Controller’s reductions of costs claimed based on	Pursuant to the ruling and writ issued in <i>State of California v. Commission on State Mandates</i> ,	<i>Partially Incorrect</i> – The Controller correctly presumed, absent any evidence to the

<sup>17</sup> *Gilbert v. City of Sunnyvale* (2005) 130 Cal.App.4th 1264, 1274-1275.

<sup>18</sup> Government Code section 17559(b), which provides that a claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission’s decision is not supported by substantial evidence in the record.

<sup>19</sup> Exhibit A, IRC, page 188.

<sup>20</sup> Exhibit B, Controller’s Late Comments on the IRC, pages 10-11, 27-29.

<sup>21</sup> Exhibit B, Controller’s Late Comments on the IRC, page 25. Exhibit A, IRC, page 10.

<sup>22</sup> Exhibit A, IRC, page 27 (Final Audit Report).

<p>unreported cost savings resulting from implementation of the IWM plan are correct.</p>	<p>(Super. Ct., Sacramento County, 2008, No. 07CS00355), the amended Parameters and Guidelines require claimants to identify and offset from their claims cost savings realized as a result of implementing their IWM plans, and apply the cost savings to fund plan implementation and administration costs.</p> <p>The test claim statutes presume that by complying with the mandate to divert solid waste through the IWM program, claimants can reduce or avoid landfill fees and realize cost savings. As the court ruled, cost savings may be calculated from the solid waste disposal reduction that community colleges are required to annually report to CIWMB. There is a rebuttable statutory presumption of cost savings. To rebut the presumption, the claimant has the burden to show that cost savings were not realized.</p> <p>The claimant diverted more solid waste than required by law for each year in the audit period. However, the Controller's formula "allocated" the diversion by dividing the percentage of solid waste required to be diverted, either 25% or 50%, by the actual percentage of solid waste diverted as reported by the claimant to CIWMB. The</p>	<p>contrary, that the claimant realized cost savings during the audit period equal to the avoided landfill fee per ton of waste required to be diverted. The avoided landfill disposal fee was based on the statewide average disposal fee provided by CIWMB for each year in the audit period. The claimant has not filed any evidence to rebut the statutory presumption of cost savings. Thus, the Controller's finding of cost savings for all years in the audit period, and its reduction of costs claimed for all years in the audit period except for the first half of fiscal year 2003-2004, is correct as a matter of law and not arbitrary, capricious, or entirely lacking in evidentiary support.</p> <p>However, the Controller's calculation of offsetting savings for the first half of fiscal year 2003-2004 is incorrect as a matter of law. The Controller applied a 50% diversion rate to calculate offsetting savings for this period, although the mandate was 25% in 2003. The requirement to divert 50% of solid waste did not become operative until January 1, 2004.<sup>24</sup> Applying the Controller's formula to calculate cost savings (using 25% to calculate the allocated diversion) to the first half of fiscal year 2003-2004 results in offsetting cost savings of \$2,430 (25 percent</p>
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<sup>24</sup> Public Resources Code sections 42921; Exhibit A, IRC, page 90 (Parameters and Guidelines).

	<p>resulting quotient was then multiplied by the tons of solid waste diverted multiplied by the avoided landfill disposal fee (based on the statewide average fee). This formula avoids penalizing the claimant for diverting more solid waste than the state-mandated percentage.</p> <p>For the first half of fiscal year 2003-2004, the Controller used a 50% rate to allocate cost savings, although only a 25% diversion rate was mandated during this period. The Controller admits that the mandated diversion rate was 25% during 2003.<sup>23</sup></p>	<p>divided by 57.68 percent, multiplied by 152.25 tons diverted multiplied by the statewide average landfill disposal fee of \$36.83) rather than \$4,861. Therefore, the difference of \$2,431 has been incorrectly reduced and should be reinstated to the claimant.</p>
<p>Whether the Commission has jurisdiction to determine whether the Controller's adjustment of \$5,130 was correct.</p>	<p>The Controller found that the claimant reported offsetting cost savings of \$5,130 during the audit period, but realized total offsetting savings of \$43,377 from implementation of its IWM plan. Thus, the Controller adjusted the offset by deducting \$5,130, resulting in a total reduction of \$38,247.<sup>25</sup></p> <p>The claimant states that \$5,130 identified as reported offsetting savings is <i>not</i> offsetting savings, but actually offsetting revenue from recycling revenues.<sup>26</sup> The claimant</p>	<p><i>No Jurisdiction-</i> Government Code section 17551(d) requires the Commission to hear and decide a claim that the Controller has <i>incorrectly reduced</i> payments to the local agency or school district.</p> <p>The \$5,130 was reported by the claimant as offsetting savings and not offsetting revenues.<sup>27</sup> Thus, the adjustment of \$5,130 decreased the audit reduction, giving more money to the claimant, and did not result in a reduction of costs claimed within the meaning of</p>

<sup>23</sup> Exhibit B, Controller's Late Comments on the IRC, page 16.

<sup>25</sup> Exhibit A, IRC, pages 31-32 (Final Audit Report).

<sup>26</sup> Exhibit A, IRC, page 19.

<sup>27</sup> Exhibit A, IRC, page 32 (Final Audit Report); page 152 (fiscal year 1999-2000 reimbursement claim identifying \$75.70 as offsetting savings); page 158 (fiscal year 2000-2001 reimbursement claim identifying \$916.46 as offsetting savings); page 165 (fiscal year 2003-2004 reimbursement claim identifying \$1,326.59 as offsetting savings); and page 172 (fiscal year 2004-2005 reimbursement claim identifying \$2,811.26 as offsetting savings).

	requests that the Commission address this adjustment.	Government Code section 17551(d).
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**Staff Analysis**

**A. The Controller Timely Initiated and Completed the Audit for Fiscal Year 2000-2001, and Timely Completed the Audit of All Claims.**

The Controller timely initiated the audit of the fiscal year 2003-2004 reimbursement claim and timely completed the audit for all claims pursuant to Government Code section 17558.5. Government Code section 17558.5(a) tolls the time to initiate the audit to three years from the date of initial payment on the claim, rather than three years from the date the claim was filed, “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 record shows that the Controller first made payment on the 2003-2004 reimbursement claim on either January 18, 2011,<sup>28</sup> or January 28, 2011,<sup>29</sup> within three years of the date the audit was initiated on January 17, 2014,<sup>30</sup> so the audit was timely initiated. The audit was complete for all reimbursement claims when the final audit report was issued April 11, 2014,<sup>31</sup> well before the two-year deadline of January 17, 2016.

**B. The Controller’s Reduction of Costs Claimed Is Generally Correct as a Matter of Law; However, the Calculation of Offsetting Savings for the First Half of Fiscal Year 2003-2004, Based on a 50 Percent Mandated Diversion Rate, Is Incorrect as a Matter of Law.**

The test claim statutes require community college districts to divert from landfill disposal at least 25 percent of generated solid waste by January 1, 2002, and at least 50 percent by January 1, 2004.<sup>32</sup> The test claim statutes also provide that “Any cost savings realized as a result of the state agency integrated waste management plan shall, to the extent feasible, be redirected to the agency’s integrated waste management plan to fund plan implementation and administration costs . . .”<sup>33</sup>

The statutes, therefore, presume that by complying with the mandate to divert solid waste through the IWM program, landfill fees are reduced or avoided and cost savings are realized. And the amount or value of the cost savings may be determined from the calculations of annual solid waste disposal reduction or diversion, which community colleges are required to annually report to CIWMB.<sup>34</sup>

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<sup>28</sup> Exhibit A, IRC, page 188.

<sup>29</sup> Exhibit B, Controller’s Late Comments on the IRC, pages 10-11, 27-29.

<sup>30</sup> Exhibit B, Controller’s Late Comments on the IRC, page 25. Exhibit A, IRC, page 10.

<sup>31</sup> Exhibit A, IRC, page 27 (Final Audit Report).

<sup>32</sup> Public Resources Code section 42921.

<sup>33</sup> Public Resources Code section 42925(a).

<sup>34</sup> Exhibit B, Controller’s Late Comments on the IRC, pages 36-37 (*State of California, Department of Finance, California Integrated Waste Management Board v. Commission on State*



Staff finds that the Controller correctly presumed, consistent with the test claim statutes and the court's interpretation of those statutes, and without evidence to the contrary, that the claimant realized cost savings during the audit period equal to the avoided landfill disposal fee per ton of waste required to be diverted.

Staff also finds, based on the evidence in the record, that the Controller's calculation of offsetting cost savings for all fiscal years in the audit period except the first half of fiscal year 2003-2004 is correct as a matter of law and not arbitrary, capricious, or entirely lacking in evidentiary support. The claimant exceeded the mandated diversion rate in all years of the audit period.<sup>35</sup>

For those years the claimant exceeded the mandate, the Controller calculated offsetting savings by allocating the diversion to reflect the mandate. The Controller allocated the diversion by dividing the percentage of solid waste required to be diverted by the test claim statute (either 25 percent or 50 percent) by the actual percentage of solid waste diverted (as annually reported by the claimant to CIWMB). The allocated tonnage of diverted waste was then multiplied by the avoided landfill disposal fee (based on the statewide average fee) to calculate the offsetting savings realized.<sup>36</sup> The formula allocates or reduces cost savings based on the mandated rates of diversion, and is intended to avoid penalizing the claimant for diverting more solid waste than the percentage mandated by law.<sup>37</sup>

However, the Controller's reduction of costs claimed for the first half of fiscal year 2003-2004 is incorrect as a matter of law. The claimant achieved an actual diversion rate of 57.7 percent during calendar year 2003.<sup>38</sup> The Controller allocated the claimant's diversion rate, as it had done for the other fiscal years when the claimant exceeded the mandate, but used 50 percent to calculate the allocated diversion rate, although the test claim statutes mandated only 25 percent diversion in 2003.<sup>39</sup> The requirement to divert 50 percent of all solid waste did not become operative until January 1, 2004.<sup>40</sup> Therefore, the Controller's calculation of cost savings, which applied a 50 percent diversion rate to the period from July 1, 2003, through December 31, 2003 instead of the mandated 25 percent diversion rate, is incorrect as a matter of law.

Applying the Controller's cost savings formula (using the mandated 25 percent rate of diversion) to the first half of fiscal year 2003-2004, results in offsetting savings of \$2,430 (25 percent divided by 57.68 percent, multiplied by 152.25 tons diverted multiplied by the statewide average

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*Mandates, et al.* (Sacramento County Superior Court, Case No. 07CS00355, Ruling on Submitted Matter).

<sup>35</sup> Exhibit B, Controller's Late Comments on the IRC, pages 16, 82.

<sup>36</sup> Exhibit A, IRC, pages 33; Exhibit B, Controller's Late Comments on the IRC, page 16-18.

<sup>37</sup> Exhibit B, Controller's Late Comments on the IRC, page 16.

<sup>38</sup> Exhibit B, Controller's Late Comments on the IRC, pages 56 (2003 Annual Report), 82. The Controller calculated this diversion at 57.68 percent. See page 82.

<sup>39</sup> Exhibit B, Controller's Late Comments on the IRC, page 82.

<sup>40</sup> Public Resources Code sections 42921; Exhibit A, IRC, page 90 (Parameters and Guidelines).

landfill disposal fee of \$36.83) rather than \$4,861. Therefore, the difference of \$2,431 has been incorrectly reduced.

**C. The Adjustment of \$5,130 Deducted from the Controller’s Calculation of Offsetting Savings Did Not Result in a Reduction of Costs Claimed Pursuant to Government Code Section 17551(d), and thus, the Commission Does Not Have Jurisdiction to Determine if the Adjustment Is Correct.**

The Controller found that the claimant reported offsetting savings of \$5,130 during the audit period, but realized total offsetting savings of \$43,377 from implementation of its IWM plan. Thus, the Controller adjusted its calculation of underreported offsetting savings by subtracting the offsetting savings reported by the claimant, resulting in a reduction of \$38,247 instead of \$43,377.<sup>41</sup>

The claimant states that \$5,130 identified as reported offsetting savings is *not* offsetting savings, but actually offsetting recycling revenue.<sup>42</sup> However, as indicated in the Final Audit Report and on the claimant’s reimbursement claims, the claimant reported \$5,130 as offsetting savings and not offsetting revenues.<sup>43</sup> Had the \$5,130 not been reported as offsetting savings, the Controller would have reduced the reimbursement claims by the full amount of offsetting savings realized (\$43,377) and not subtracted the cost savings by \$5,130.<sup>44</sup>

Government Code section 17551(d) requires the Commission to hear and decide a claim that the Controller has incorrectly reduced payments to the local agency or school district. The adjustment of \$5,130 decreased the audit reduction, giving more money to the claimant, and did not result in a reduction of costs claimed within the meaning of Government Code section 17551(d). Thus, the Commission does not have jurisdiction to determine if the adjustment is correct.

**Conclusion**

Staff finds that:

- The Controller timely initiated the audit of the fiscal year 2003-2004 reimbursement claim, and timely completed the audit of all claims.
- Based on the evidence in the record, the Controller’s calculation of offsetting cost savings for all calendar years in the audit period except the first half of fiscal year 2003-2004 is correct as a matter of law and not arbitrary, capricious, or entirely lacking in evidentiary support.

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<sup>41</sup> Exhibit A, IRC, pages 31-32 (Final Audit Report).

<sup>42</sup> Exhibit A, IRC, page 19.

<sup>43</sup> Exhibit A, IRC, page 32 (Final Audit Report); page 152 (fiscal year 1999-2000 reimbursement claim identifying \$75.70 as offsetting savings); page 158 (fiscal year 2000-2001 reimbursement claim identifying \$916.46 as offsetting savings); page 165 (fiscal year 2003-2004 reimbursement claim identifying \$1,326.59 as offsetting savings); and page 172 (fiscal year 2004-2005 reimbursement claim identifying \$2,811.26 as offsetting savings).

<sup>44</sup> Exhibit B, Controller’s Late Comments on the IRC, page 21.

- The calculation of offsetting savings for the first half of fiscal year 2003-2004, based on an incorrect mandated diversion rate, is incorrect as a matter of law. The law and the evidence in the record support offsetting cost savings for the first half of fiscal year 2003-2004 of \$2,430, rather than \$4,861. Therefore, the difference of \$2,431 has been incorrectly reduced and should be reinstated to the claimant.
- The adjustment of \$5,130, which was reported by the claimant as offsetting savings, decreased the audit reduction and did not result in a reduction of costs claimed within the meaning of Government Code section 17551(d). Therefore, the Commission does not have jurisdiction to determine if the adjustment is correct.

### **Staff Recommendation**

Staff recommends that the Commission adopt the Proposed Decision to partially approve the IRC and request, pursuant to Government Code section 17551(d) and section 1185.9 of the Commission's regulations, that the Controller reinstate \$2,431 to the claimant. Staff further recommends that the Commission authorize staff to make any technical, non-substantive changes to the Proposed Decision following the hearing.

BEFORE THE  
 COMMISSION ON STATE MANDATES  
 STATE OF CALIFORNIA

**IN RE INCORRECT REDUCTION CLAIM  
 ON:**

Public Resources Code Sections 40148, 40196.3, 42920-42928; Public Contract Code Sections 12167 and 12167.1; Statutes 1992, Chapter 1116 (AB 3521); Statutes 1999, Chapter 764 (AB 75); State Agency Model Integrated Waste Management Plan (February 2000)

Fiscal Years 1999-2000, 2000-2001, 2003-2004, 2004-2005, and 2005-2006

Redwoods Community College District,  
 Claimant

Case No.: 14-0007-I-10

*Integrated Waste Management*

DECISION PURSUANT TO  
 GOVERNMENT CODE SECTION  
 17500 ET SEQ.; CALIFORNIA CODE OF  
 REGULATIONS, TITLE 2, DIVISION 2,  
 CHAPTER 2.5, ARTICLE 7

*(Adopted May 25, 2018)*

**DECISION**

The Commission on State Mandates (Commission) heard and decided this Incorrect Reduction Claim (IRC) during a regularly scheduled hearing on May 25, 2018. [Witness list will be included in the adopted Decision.]

The law applicable to the Commission’s determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code section 17500 et seq., and related case law.

The Commission [adopted/modified] the Proposed Decision to [approve/partially approve/deny] the IRC by a vote of [vote count will be included in the adopted Decision] as follows:

<b>Member</b>	<b>Vote</b>
Lee Adams, County Supervisor	
Ken Alex, Director of the Office of Planning and Research	
Richard Chivaro, Representative of the State Controller	
Mark Hariri, Representative of the State Treasurer, Vice Chairperson	
Sarah Olsen, Public Member	
Carmen Ramirez, City Council Member	
Jacqueline Wong-Hernandez, Representative of the Director of the Department of Finance, Chairperson	

## **Summary of the Findings**

This IRC addresses reductions made by the State Controller's Office (Controller) to reimbursement claims of the Redwoods Community College District (claimant) for fiscal years 1999-2000, 2000-2001 and 2003-2004 through 2005-2006 (the audit period), under the *Integrated Waste Management* program, 00-TC-07. The Controller made the audit reductions because the claimant did not identify and deduct from its reimbursement claims offsetting cost savings from its diversion of solid waste and the associated reduced or avoided landfill disposal costs.

The test claim statutes require community college districts to adopt and implement, in consultation with California Integrated Waste Management Board (CIWMB, which is now the California Department of Resources Recycling and Recovery, or CalRecycle), integrated waste management (IWM) plans to reduce solid waste<sup>45</sup> To implement their plans, districts must divert from landfill disposal at least 25 percent of solid waste by January 1, 2002, and at least 50 percent by January 1, 2004.<sup>46</sup> The test claim statutes also provide that "Any cost savings realized as a result of the state agency integrated waste management plan shall, to the extent feasible, be redirected to the agency's integrated waste management plan to fund plan implementation and administration costs . . ." <sup>47</sup>

The statutes, therefore, presume that by diverting solid waste through the IWM program, landfill fees are reduced or avoided and cost savings are realized. The amount or value of the cost savings may be determined from the calculations of annual solid waste disposal reduction or diversion, which community colleges are required to annually report to CIWMB.<sup>48</sup>

The Commission finds that the Controller timely initiated the audit of the fiscal year 2003-2004 reimbursement claim and timely completed the audit for all of the reimbursement claims at issue pursuant to Government Code section 17558.5. Government Code section 17558.5(a) tolls the time to initiate the audit to three years from the date of initial payment on the claim, rather than three years from the date the claim was filed, "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 record shows that the Controller first made payment on the 2003-2004 reimbursement claim on either January 18, 2011,<sup>49</sup> or January 28, 2011,<sup>50</sup> within three years of the date the audit was initiated on January 17, 2014,<sup>51</sup> so the audit was timely initiated. The audit was complete for all

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<sup>45</sup> Public Resources Code section 42920(b).

<sup>46</sup> Public Resources Code section 40124.

<sup>47</sup> Public Resources Code section 42925(a).

<sup>48</sup> Exhibit B, Controller's Late Comments on the IRC, pages 36-37 (*State of California, Department of Finance, California Integrated Waste Management Board v. Commission on State Mandates, et al.* (Sacramento County Superior Court, Case No. 07CS00355, Ruling on Submitted Matter).

<sup>49</sup> Exhibit A, IRC, page 188.

<sup>50</sup> Exhibit B, Controller's Late Comments on the IRC, pages 10-11, 27-29.

<sup>51</sup> Exhibit B, Controller's Late Comments on the IRC, pages 25. Exhibit A, IRC, page 10.

reimbursement claims when the final audit report was issued April 11, 2014,<sup>52</sup> well before the two-year deadline of January 17, 2016.

On the merits, the Commission finds that the audit reductions are partially correct.

During the audit period, the claimant diverted solid waste, exceeding the mandated diversion rate in all years. The Controller correctly presumed, consistent with the test claim statutes and the court's interpretation of those statutes, and without any evidence to the contrary, that the claimant realized cost savings during the audit period equal to the avoided landfill disposal fee per ton of waste required to be diverted.

Based on the evidence in the record, the Commission finds that the Controller's calculation of offsetting cost savings for all years in the audit period except the first half of fiscal year 2003-2004 is correct as a matter of law, and not arbitrary, capricious, or entirely lacking in evidentiary support. Because the claimant exceeded the mandate every year of the audit period, the Controller calculated offsetting savings by allocating the diversion to reflect the mandate. To allocate the diversion, the Controller divided the percentage of solid waste required to be diverted by the test claim statute (either 25 percent or 50 percent) by the actual percentage of solid waste diverted (as annually reported by the claimant to the California Integrated Waste Management Board (CIWMB)). The allocated tonnage of solid waste diverted was then multiplied by the avoided landfill disposal fee (based on the statewide average fee) to calculate the offsetting savings realized.<sup>53</sup> The formula allocates cost savings based on the mandated rate of diversion, and is intended to avoid penalizing the claimant for diverting more solid waste than the percentage mandated by law.<sup>54</sup> The claimant has not filed any evidence to rebut the statutory presumption of cost savings or to show that the statewide average disposal fee is incorrect or arbitrary. Thus, the Controller's reduction of costs claimed for these fiscal years is correct.

However, the Controller's calculation of cost savings for the first half of fiscal year 2003-2004, based on an incorrect mandated diversion rate, is incorrect as a matter of law. The Controller allocated the diversion rate for 2003-2004, as it did for the other fiscal years, because the claimant exceeded the mandate. However, the Controller used a 50 percent rate to calculate the allocated diversion rate although the test claim statutes required only 25 percent diversion in calendar year 2003.<sup>55</sup> The requirement to divert 50 percent of solid waste did not become operative until January 1, 2004,<sup>56</sup> so the calculation of cost savings for fiscal year 2003-2004 is incorrect as a matter of law.

Applying the Controller's cost savings formula (using the mandated 25 percent diversion rate to calculate offsetting cost savings) to the first half of fiscal year 2003-2004, results in offsetting savings of \$2,430 (25 percent divided by 57.68 percent, multiplied by 152.25 tons diverted multiplied by the statewide average landfill disposal fee of \$36.83) rather than \$4,861. The

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<sup>52</sup> Exhibit A, IRC, page 27 (Final Audit Report).

<sup>53</sup> Exhibit A, IRC, pages 33; Exhibit B, Controller's Late Comments on the IRC, page 16-18.

<sup>54</sup> Exhibit B, Controller's Late Comments on the IRC, page 16.

<sup>55</sup> Exhibit B, Controller's Late Comments on the IRC, page 82.

<sup>56</sup> Public Resources Code sections 42921; Exhibit A, IRC, page 90 (Parameters and Guidelines).

Commission finds that the difference of \$2,431 has been incorrectly reduced and should be reinstated to the claimant.

The claimant also questions the Controller's adjustment of \$5,130, contending that the \$5,130 was offsetting revenues and not offsetting savings. The claimant's reimbursement claims, however, identify the \$5,130 as offsetting savings. Thus, the Controller calculated the total realized offsetting savings by subtracting the offsetting savings reported by the claimant, resulting in an overall reduction of \$38,247 instead of \$43,377.<sup>57</sup> This adjustment did not result in a reduction of costs claimed within the meaning of Government Code section 17551(d) and thus, the Commission does not have jurisdiction to determine if the adjustment was correct.

Therefore, the Commission partially approves this IRC, and requests, pursuant to Government Code section 17551(d) and section 1185.9 of the Commission's regulations, that the Controller reinstate \$2,431 to the claimant.

## COMMISSION FINDINGS

### I. Chronology

- 10/07/2005 The claimant filed its fiscal year 1999-2000, 2000-2001, 2003-2004, and 2004-2005 reimbursement claims.<sup>58</sup>
- 01/16/2007 The claimant filed its 2005-2006 reimbursement claim.<sup>59</sup>
- 01/17/2014 The Controller notified the claimant of the audit.<sup>60</sup>
- 04/11/2014 The Controller issued the Final Audit Report.<sup>61</sup>
- 08/14/2014 The claimant filed this IRC.<sup>62</sup>
- 12/30/2014 The Controller filed late comments on the IRC.<sup>63</sup>

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<sup>57</sup> Exhibit A, IRC, pages 31-32 (Final Audit Report).

<sup>58</sup> Exhibit B, Controller's Late Comments on the IRC, page 16. According to Exhibit A, IRC, pages 151-175, these claims were signed on September 30, 2005.

<sup>59</sup> Exhibit B, Controller's Late Comments on the IRC, page 16. According to Exhibit A, IRC, page 177, this claim was signed on January 5, 2007.

<sup>60</sup> Exhibit B, Controller's Late Comments on the IRC, page 25.

<sup>61</sup> Exhibit A, IRC, page 27 (Final Audit Report).

<sup>62</sup> Exhibit A, IRC, page 1.

<sup>63</sup> Exhibit B, Controller's Late Comments on the IRC, page 1. Note that Government Code section 17553(d) states: "the Controller shall have no more than 90 days after the claim is delivered or mailed to file any rebuttal to an incorrect reduction claim. The failure of the Controller to file a rebuttal to an incorrect reduction claim shall not serve to delay the consideration of the claim by the Commission." However, in this instance, due to the backlog of IRCs, these late comments have not delayed consideration of this item and so have been included in the analysis and Proposed Decision.

02/16/2018 Commission staff issued the Draft Proposed Decision.<sup>64</sup>

## II. Background

### A. The *Integrated Waste Management Program*

The test claim statutes require community college districts<sup>65</sup> to adopt and implement, in consultation with CIWMB (which is now the California Department of Resources Recycling and Recovery, or CalRecycle), integrated waste management (IWM) plans to reduce solid waste, reuse materials whenever possible, recycle recyclable materials, and procure products with recycled content in all agency offices and facilities.<sup>66</sup> To implement their plans, districts must divert from landfill disposal at least 25 percent of generated solid waste by January 1, 2002, and at least 50 percent by January 1, 2004. To divert means to “reduce or eliminate the amount of solid waste from solid waste disposal...”<sup>67</sup>

CIWMB developed and adopted a model IWM plan on February 15, 2000, and the test claim statutes provide that if a district does not adopt an IWM plan, the CIWMB model plan governs the community college.<sup>68</sup> Each district is also required to report annually to CIWMB on its progress in reducing solid waste; and the reports’ minimum contents are specified in statute.<sup>69</sup> The test claim statutes also require a community college, when entering into or renewing a lease, to ensure that adequate areas are provided for and adequate personnel are available to oversee collection, storage, and loading of recyclable materials in compliance with CIWMB’s requirements.<sup>70</sup> Additionally, the test claim statutes added Public Resources Code section 42925(a), which addressed cost savings from IWM plan implementation:

Any cost savings realized as a result of the state agency integrated waste management plan shall, to the extent feasible, be redirected to the agency’s integrated waste management plan to fund plan implementation and administration costs, in accordance with Sections 12167 and 12167.1 of the Public Contract Code.

The Public Contract Code sections referenced in section 42925(a) require that revenue received as a result of the community college’s IWM plan be deposited in CIWMB’s Integrated Waste Management Account. After July 1, 1994, CIWMB is authorized to spend the revenue upon appropriation by the Legislature to offset recycling program costs. Annual revenue under \$2,000

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<sup>64</sup> Exhibit C, Draft Proposed Decision.

<sup>65</sup> The test claim statutes apply to “state agencies” and define them to include “the California Community Colleges” (Pub. Res. Code, § 40196.3).

<sup>66</sup> Public Resources Code section 42920(b).

<sup>67</sup> Public Resources Code section 40124.

<sup>68</sup> Public Resources Code section 42920(b)(3).

<sup>69</sup> Public Resources Code section 42926.

<sup>70</sup> Public Resources Code section 42924(b).



is to be continuously appropriated for expenditure by the community colleges, whereas annual revenue over \$2,000 is available for expenditures upon appropriation by the Legislature.<sup>71</sup>

On March 24, 2004, the Commission adopted the *Integrated Waste Management* Statement of Decision and determined that the test claim statutes impose a reimbursable state-mandated program on community college districts. The Commission also found that cost savings under Public Resources Code section 42925(a) did not preclude a reimbursable mandate under Government Code section 17556(e) because there was no evidence that offsetting savings would result in no net costs to a community college implementing an IWM plan, nor was there evidence that revenues received from plan implementation would be "in an amount sufficient to fund" the cost of the state-mandated program. The Commission found that any revenues received would be identified as offsetting revenue in the Parameters and Guidelines.

The Parameters and Guidelines were adopted on March 30, 2005, and authorize reimbursement for the increased costs to perform the following activities:

A. One-Time Activities (*Reimbursable starting January 1, 2000*)

1. Develop the necessary district policies and procedures for the implementation of the integrated waste management plan.
2. Train district staff on the requirements and implementation of the integrated waste management plan (one-time per employee). Training is limited to the staff working directly on the plan.

B. Ongoing Activities (*Reimbursable starting January 1, 2000*)

1. Complete and submit to the [Integrated Waste Management] Board the following as part of the State Agency Model Integrated Waste Management Plan (Pub. Resources Code, § 42920, subd. (b)(3) & State Agency Model Integrated Waste Management Plan, February 2000.):
  - a. state agency or large state facility information form;
  - b. state agency list of facilities;
  - c. state agency waste reduction and recycling program worksheets that describe program activities, promotional programs, and procurement activities, and other questionnaires; and

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<sup>71</sup> Public Contract Code sections 12167 and 12167.1 are part of the State Assistance for Recycling Markets Act, which was originally enacted in 1989 to foster the procurement and use of recycled paper products and other recycled resources in daily state operations (See Pub. Contract Code, §§ 12153, 12160; Stats. 1989, ch. 1094). The Act, including sections 12167 and 12167.1, applies to California community colleges only to the limited extent that these sections are referenced in Public Resources Code section 42925. Community colleges are not defined as state agencies or otherwise subject to the Act's provisions for the procurement and use of recycled products in daily state operations. See Exhibit B, Controller's Late Comments on the IRC, pages 88-89 (*State of California, Department of Finance, California Integrated Waste Management Board v. Commission on State Mandates, et al.* (Sacramento County Superior Court, Case No. 07CS00355)).

d. state agency integrated waste management plan questions.

NOTE: Although reporting on promotional programs and procurement activities in the model plan is reimbursable, implementing promotional programs and procurement activities is not.

2. Respond to any Board reporting requirements during the approval process. (Pub. Resources Code, § 42920, subd. (b)(3) & State Agency Model Integrated Waste Management Plan, February 2000.)
3. Consult with the Board to revise the model plan, if necessary. (Pub. Resources Code, § 42920, subd. (b)(3) & State Agency Model Integrated Waste Management Plan, February 2000.)
4. Designate one solid waste reduction and recycling coordinator for each college in the district to perform new duties imposed by chapter 18.5 (Pub. Resources Code, §§ 42920 – 42928). The coordinator shall implement the integrated waste management plan. The coordinator shall act as a liaison to other state agencies (as defined by section 40196.3) and coordinators. (Pub. Resources Code, § 42920, subd. (c).)
5. Divert at least 25 percent of all solid waste from landfill disposal or transformation facilities by January 1, 2002, and at least 50 percent of all solid waste from landfill disposal or transformation facilities by January 1, 2004, through source reduction, recycling, and composting activities. Maintain the required level of reduction, as approved by the Board. (Pub. Resources Code, §§ 42921 & 42922, subd. (i).)

C. Alternative Compliance (*Reimbursable from January 1, 2000 – December 31, 2005*)

1. Seek either an alternative requirement or time extension if a community college is unable to comply with the January 1, 2002 deadline to divert 25 percent of its solid waste, by doing the following: (Pub. Resources Code, §§ 42927 & 42923 subds. (a) & (c).)
  - a. Notify the Board in writing, detailing the reasons for its inability to comply.
  - b. Request of the Board an alternative to the January 1, 2002 deadline.
  - c. Provide evidence to the Board that the college is making a good faith effort to implement the source reduction, recycling, and composting programs identified in its integrated waste management plan.
  - d. Provide information that describes the relevant circumstances that contributed to the request for extension, such as lack of markets for recycled materials, local efforts to implement source reduction, recycling and composting programs, facilities built or planned, waste disposal patterns, and the type of waste disposed of by the community college.

- e. Submit a plan of correction that demonstrates that the college will meet the requirements of Section 42921 [the 25 and 50 percent diversion requirements] before the time extension expires, including the source reduction, recycling, or composting steps the community college will implement, a date prior to the expiration of the time extension when the requirements of Section 42921 will be met, the existing programs that it will modify, any new programs that will be implemented to meet those requirements, and the means by which these programs will be funded.
2. Seek either an alternative requirement or time extension if a community college is unable to comply with the January 1, 2004 deadline to divert 50 percent of its solid waste, by doing the following: (Pub. Resources Code, §§ 42927 & 42922, subds. (a) & (b).)
- a. Notify the Board in writing, detailing the reasons for its inability to comply.
  - b. Request of the Board an alternative to the 50-percent requirement.
  - c. Participate in a public hearing on its alternative requirement.
  - d. Provide the Board with information as to:
    - (i) the community college's good faith efforts to implement the source reduction, recycling, and composting measures described in its integrated waste management plan, and demonstration of its progress toward meeting the alternative requirement as described in its annual reports to the Board;
    - (ii) the community college's inability to meet the 50 percent diversion requirement despite implementing the measures in its plan;
    - (iii) how the alternative source reduction, recycling, and composting requirement represents the greatest diversion amount that the community college may reasonably and feasibly achieve; and,
    - (iv) the circumstances that support the request for an alternative requirement, such as waste disposal patterns and the types of waste disposed by the community college.<sup>72</sup>

D. Accounting System (*Reimbursable starting January 1, 2000*)

Developing, implementing, and maintaining an accounting system to enter and track the college's source reduction, recycling and composting activities, the cost of those activities, the proceeds from the sale of any recycled materials, and such other accounting systems which will allow it to make its annual reports to the state and determine waste reduction. Note: only the pro-

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<sup>72</sup> These alternative compliance and time extension provisions in part C were sunset on January 1, 2006, but were included in the adopted Parameters and Guidelines.

rata portion of the costs incurred to implement the reimbursable activities can be claimed.

E. Annual Report (*Reimbursable starting January 1, 2000*)

Annually prepare and submit, by April 1, 2002, and by April 1 each subsequent year, a report to the Board summarizing its progress in reducing solid waste. The information in the report must encompass the previous calendar year and shall contain, at a minimum, the following as outlined in section 42926, subdivision (b): (Pub. Resources Code, §§ 42926, subd. (a) & 42922, subd. (i).)

1. calculations of annual disposal reduction;
2. information on the changes in waste generated or disposed of due to increases or decreases in employees, economics, or other factors;
3. a summary of progress made in implementing the integrated waste management plan;
4. the extent to which the community college intends to use programs or facilities established by the local agency for handling, diversion, and disposal of solid waste (If the college does not intend to use those established programs or facilities, it must identify sufficient disposal capacity for solid waste that is not source reduced, recycled or composted.);
5. for a community college that has been granted a time extension by the Board, it shall include a summary of progress made in meeting the integrated waste management plan implementation schedule pursuant to section 42921, subdivision (b), and complying with the college's plan of correction, before the expiration of the time extension;
6. for a community college that has been granted an alternative source reduction, recycling, and composting requirement by the Board pursuant to section 42922, it shall include a summary of progress made towards meeting the alternative requirement as well as an explanation of current circumstances that support the continuation of the alternative requirement.

F. Annual Recycled Material Reports (*Reimbursable starting July 1, 1999*)

Annually report to the Board on quantities of recyclable materials collected for recycling. (Pub. Contract Code, § 12167.1.) (See Section VII. regarding offsetting revenues from recyclable materials.)<sup>73</sup>

The Parameters and Guidelines further require that each claimed reimbursable cost be supported by contemporaneous source documentation.<sup>74</sup>

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<sup>73</sup> Exhibit A, IRC, page 40-43 (Parameters and Guidelines, adopted March 30, 2005).

<sup>74</sup> Exhibit A, IRC, page 40 (Parameters and Guidelines, adopted March 30, 2005).

And as originally adopted, the Parameters and Guidelines required community college districts to identify and deduct from their reimbursement claims all of the offsetting revenues received from the sale of recyclable materials, limited by the provisions of Public Resources Code section 42925 and Public Contract Code section 12167.1. The original Parameters and Guidelines did not require community colleges to identify and deduct from their claims any offsetting cost savings resulting from the solid waste diversion activities required by the test claim statutes.<sup>75</sup>

### **B. Superior Court Decision on Cost Savings and Offsets Under the Program**

After the Parameters and Guidelines were adopted, the Department of Finance (Finance) and CIWMB filed a petition for writ of mandate requesting the court to direct the Commission to set aside the Test Claim Statement of Decision and Parameters and Guidelines and to issue a new Decision and Parameters and Guidelines that give full consideration to the cost savings and offsetting revenues community college districts will achieve by complying with the test claim statutes, including all cost savings realized from avoided landfill disposal fees and revenues received from the collection and sale of recyclable materials. The petitioners further argued that Public Contract Code sections 12167 and 12167.1 do not require community college districts to deposit revenues received from the collection and sale of recyclable materials into the Integrated Waste Management Account, as determined by the Commission, but instead allow community college districts to retain all revenues received. The petitioners argued that such revenues must be identified as offsetting revenues and applied to the costs of the program, without the community college district obtaining the approval of the Legislature or CIWMB.

On May 29, 2008, the Sacramento County Superior Court granted the petition for writ of mandate, finding that the Commission's treatment of cost savings and revenues in the Parameters and Guidelines was erroneous and required that the Parameters and Guidelines be amended. The court said:

There is no indication in the administrative record or in the legal authorities provided to the court that, as respondent [Commission] argues, a California Community College might not receive the full reimbursement of its actual increased costs required by section 6 if its claims for reimbursement of IWM plan costs were offset by realized cost savings and all revenues received from the plan activities.<sup>76</sup>

Instead, the court recognized that community colleges are “*likely* to experience costs savings in the form of reduced or avoided costs of landfill disposal” as a result of the mandated activities in Public Resources Code section 42921 because reduced or avoided costs “are a direct result and an integral part of the IWM plan mandated under Public Resources Code section 42920 et seq.: as solid waste diversion occurs, landfill disposal of the solid waste and associated landfill

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<sup>75</sup> Exhibit A, IRC, pages 37-46 (Parameters and Guidelines, adopted March 30, 2005).

<sup>76</sup> Exhibit B, Controller's Late Comments on the IRC, page 36, footnote 1 (*State of California, Department of Finance, California Integrated Waste Management Board v. Commission on State Mandates, et al.* (Sacramento County Superior Court, Case No. 07CS00355, Ruling on Submitted Matter, Footnote 1).

disposal costs are reduced or avoided.”<sup>77</sup> The court noted that “diversion is defined in terms of landfill disposal for purposes of the IWM plan mandates” and cited the statutory definition of diversion: “activities which reduce or eliminate the amount of solid waste from solid waste disposal for purposes of this division [i.e., division 30, including § 42920 et seq.]” as well as the statutory definition of disposal: “the management of solid waste through landfill disposal or transformation at a permitted solid waste facility.”<sup>78</sup> The court explained:

[R]eduction or avoidance of landfill fees resulting from solid waste diversion activities under § 42920 et seq. represent savings *which must be offset* against the costs of the diversion activities to determine the reimbursable costs of the IWM plan implementation . . . The amount or value of the savings may be determined from the calculations of annual solid waste disposal reduction or diversion which California Community Colleges must annually report to petitioner Integrated Waste Management Board pursuant to subdivision (b)(l) of Public Resources Code section 42926.<sup>79</sup>

The court harmonized section 42925(a) with Public Contract Code sections 12167 and 12167.1:

By requiring the redirection of cost savings from state agency IWM plans to fund plan implementation and administration costs “in accordance with Sections 12167 and 12167.1 of the Public Contract Code,” section 42925 assures that cost savings realized from state agencies’ IWM plans are handled in a manner consistent with the handling of revenues received from state agencies’ recycling plans under the State Assistance for Recycling Markets Act. Thus, in accordance with section 12167, state agencies, along with California Community Colleges which are defined as state agencies for purposes of IWM plan requirements in Public Resources Code section 42920 et seq. [citations omitted], must deposit cost savings resulting from IWM plans in the Integrated Waste Management Account in the Integrated Waste Management Fund; the funds deposited in the Integrated Waste Management Account, upon appropriation by the Legislature, may be expended by the Integrated Waste Management Board for the purpose of offsetting IWM plan costs. In accordance with section 12167.1 and notwithstanding section 12167, cost savings from the IWM plans of the agencies

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<sup>77</sup> Exhibit B, Controller’s Late Comments on the IRC, page 36 (*State of California, Department of Finance, California Integrated Waste Management Board v. Commission on State Mandates, et al.* (Sacramento County Superior Court, Case No. 07CS00355, Ruling on Submitted Matter). Emphasis added.

<sup>78</sup> Exhibit B, Controller’s Late Comments on the IRC, pages 36-37 (*State of California, Department of Finance, California Integrated Waste Management Board v. Commission on State Mandates, et al.* (Sacramento County Superior Court, Case No. 07CS00355, Ruling on Submitted Matter).

<sup>79</sup> Exhibit B, Controller’s Late Comments on the IRC, page 37 (*State of California, Department of Finance, California Integrated Waste Management Board v. Commission on State Mandates, et al.* (Sacramento County Superior Court, Case No. 07CS00355, Ruling on Submitted Matter). Emphasis added.

and colleges that do not exceed \$2000 annually are continuously appropriated for expenditure by the agencies and colleges for the purpose of offsetting IWM plan implementation and administration costs; cost savings resulting from IWM plans in excess of \$2000 annually are available for such expenditure by the agencies and colleges when appropriated by the Legislature.<sup>80</sup>

The court issued a writ of mandate directing the Commission to amend the Parameters and Guidelines to require community college districts claiming reimbursable costs of an IWM plan to:

1. Identify and offset from their claims, consistent with the directions for revenue in Public Contract Code sections 12167 and 12167.1, cost savings realized as a result of implementing their plans; and
2. Identify and offset from their claims all of the revenue generated as a result of implementing their plans, without regard to the limitations or conditions described in sections 12167 and 12167.1 of the Public Contract Code.<sup>81</sup>

### **C. Parameters and Guidelines Amendment Pursuant to the Writ**

In compliance with the writ, the Commission amended the Parameters and Guidelines on September 26, 2008 to add section VIII. Offsetting Cost Savings, which states:

Reduced or avoided costs realized from implementation of the community college districts' Integrated Waste Management plans shall be identified and offset from this claim as cost savings, consistent with the directions for revenue in Public Contract Code sections 12167 and 12167.1. Pursuant to these statutes, community college districts are required to deposit cost savings resulting from their Integrated Waste Management plans in the Integrated Waste Management Account in the Integrated Waste Management Fund; the funds deposited in the Integrated Waste Management Account, upon appropriation by the Legislature, may be expended by the California Integrated Waste Management Board for the purpose of offsetting Integrated Waste Management plan costs. Subject to the approval of the California Integrated Waste Management Board, cost savings by a community college that do not exceed two thousand dollars (\$2,000) annually are continuously appropriated for expenditure by the community college for the purpose of offsetting Integrated Waste Management program costs. Cost savings exceeding two thousand dollars (\$2,000) annually may be available for expenditure by the community college only when appropriated by the Legislature. To the extent so approved or appropriated and applied to the college, these

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<sup>80</sup> Exhibit B, Controller's Late Comments on the IRC, pages 30-39 (*State of California, Department of Finance, California Integrated Waste Management Board v. Commission on State Mandates, et al.* (Sacramento County Superior Court, Case No. 07CS00355, Ruling on Submitted Matter).

<sup>81</sup> Exhibit B, Controller's Late Comments on the IRC, page 45 (Judgment Granting Petition for Writ of Administrative Mandamus).

amounts shall be identified and offset from the costs claimed for implementing the Integrated Waste Management Plan.<sup>82</sup>

Section VII. of the Parameters and Guidelines, on Offsetting Revenues, was amended as follows (amendments in ~~strikeout~~ and underline):

Reimbursement for this mandate from any source, including but not limited to, services fees collected, federal funds, and other state funds allocated to any service provided under this program, shall be identified and ~~deducted~~ offset from this claim. Offsetting revenue shall include all revenues generated from implementing the Integrated Waste Management Plan. ~~the revenues cited in Public Resources Code section 42925 and Public Contract Code sections 12167 and 12167.1.~~

~~Subject to the approval of the California Integrated Waste Management Board, revenues derived from the sale of recyclable materials by a community college that do not exceed two thousand dollars (\$2,000) annually are continuously appropriated for expenditure by the community college for the purpose of offsetting recycling program costs. Revenues exceeding two thousand dollars (\$2,000) annually may be available for expenditure by the community college only when appropriated by the Legislature. To the extent so approved or appropriated and applied to the college, these amounts are a reduction to the recycling costs mandated by the state to implement Statutes 1999, chapter 764.~~

In addition, revenue from a building-operating fee imposed pursuant to Education Code section 76375, subdivision (a) if received by a claimant and the revenue is applied to this program, shall be deducted from the costs claimed.<sup>83</sup>

All other requirements in the Parameters and Guidelines remained the same.

CIWMB requested additional amendments to the Parameters and Guidelines at this September 2008 hearing, including a request to alter the offsetting savings provision to require community college districts to provide offsetting savings information *whether or not* the offsetting savings generated in a fiscal year exceeded the \$2,000 continuous appropriation required by Public Contract Code sections 12167 and 12167.1. The Commission denied the request because the proposed language went beyond the scope of the court's judgment and writ.<sup>84</sup> As the court found:

By requiring the redirection of cost savings from state agency IWM plans to fund plan implementation and administration costs "in accordance with Sections 12167 and 12167.1 of the Public Contract Code," section 42925 assures that cost savings realized from state agencies' IWM plans are handled in a manner consistent with the handling of revenues received from state agencies' recycling

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<sup>82</sup> Exhibit A, IRC page 58 (Amended Parameters and Guidelines, adopted Sept. 26, 2008).

<sup>83</sup> Exhibit A, IRC, pages 45, 58-59 (Amended Parameters and Guidelines, adopted Sept. 26, 2008).

<sup>84</sup> Exhibit X, Commission on State Mandates, Excerpt from the Minutes for the September 26, 2008 Meeting.



plans under the State Assistance for Recycling Markets Act. Thus, in accordance with section 12167, state agencies, along with California Community Colleges which are defined as state agencies for purposes of IWM plan requirements in Public Resources Code section 42920 et seq. [citations omitted], must deposit cost savings resulting from IWM plans in the Integrated Waste Management Account in the Integrated Waste Management Fund; the funds deposited in the Integrated Waste Management Account, upon appropriation by the Legislature, may be expended by the Integrated Waste Management Board for the purpose of offsetting IWM plan costs. In accordance with section 12167.1 and notwithstanding section 12167, cost savings from the IWM plans of the agencies and colleges that do not exceed \$2000 annually are continuously appropriated for expenditure by the agencies and colleges for the purpose of offsetting IWM plan implementation and administration costs; cost savings resulting from IWM plans in excess of \$2000 annually are available for such expenditure by the agencies and colleges when appropriated by the Legislature.<sup>85</sup>

CIWMB also requested adding a requirement for community college districts to analyze specified categories of potential cost savings when filing their reimbursement claims. The Commission found that the court determined that the amount or value of cost savings is already available from the annual reports the community college districts provide to CIWMB pursuant to Public Resources Code section 42926(b). This report is required to include the district's "calculations of annual disposal reduction" and "information on the changes in waste generated or disposed of due to increases or decreases in employees, economics, or other factors." Thus, the Commission denied CIWMB's request and adopted the staff analysis finding that the request was beyond the scope of the court's writ and judgment. The Commission also noted that the request was the subject of separate pending request filed by CIWMB to amend the Parameters and Guidelines and would therefore be further analyzed for that matter.

#### **D. Subsequent Request by CIWMB to Amend the Parameters and Guidelines to Require Detailed Reports on Cost Savings and Revenues**

CIWMB filed a request to amend the Parameters and Guidelines to require community college districts to submit with their reimbursement claims a separate worksheet and report analyzing the costs incurred and avoided and any fees received relating to staffing, overhead, materials, storage, transportation, equipment, the sale of commodities, avoided disposal fees, and any other revenue received relating to the mandated program as specified by CIWMB. At its January 30, 2009 meeting, the Commission denied the request for the following reasons: there is no requirement in statute or regulation that community college districts perform the analysis specified by CIWMB; the Commission has no authority to impose additional requirements on community college districts regarding this program; the offsetting cost savings paragraph in the Parameters and Guidelines already identifies the offsetting savings consistent with the language of Public Resources Code section 42925(a), Public Contract Code sections 12167 and 12167.1,

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<sup>85</sup> Exhibit B, Controller's Late Comments on the IRC, pages 38-39 (*State of California, Department of Finance, California Integrated Waste Management Board v. Commission on State Mandates, et al.* (Sacramento County Superior Court, Case No. 07CS00355, Ruling on Submitted Matter).

and the court's judgment and writ; and information on cost savings is already available in the community colleges' annual reports submitted to CIWMB, as required by Public Resources Code section 42926(b)(1).<sup>86</sup>

#### **E. The *Integrated Waste Management Program Made Optional***

This program was made optional by Statutes 2010, chapter 724 (AB 1610), section 34, effective October 19, 2010 and has remained so since that time.<sup>87</sup>

#### **F. The Controller's Audit**

The Controller audited the claimant's reimbursement claims for fiscal years 1999-2000, 2000-2001 and 2003-2004 through 2005-2006. The claims for fiscal years 2001-2002 and 2002-2003 were not audited because the Controller stated that the statute of limitations to initiate the review had expired for those years.<sup>88</sup>

Of the \$230,988 claimed during the audit period, the Controller found that \$192,741 is allowable and \$38,247 is unallowable because the claimant did not report offsetting savings from implementation of its IWM plan.<sup>89</sup> The Controller found that the claimant reported offsetting savings of \$5,130 during the audit period, but realized total offsetting savings of \$43,377 from implementation of its IWM plan. Thus, the claimant understated offsetting savings by \$38,247 (the difference between \$43,377 and \$5,130), which the Controller reduced.<sup>90</sup>

The Controller's audit finding is based on the court's ruling, which states, "the amount or value of the savings may be determined from the calculations of annual solid waste disposal reduction or diversion which California community colleges must annually report to petitioner Integrated Waste Management Board pursuant to subdivision (b)(1) of Public Resources Code section 42926,"<sup>91</sup> the resulting amendment to the Parameters and Guidelines, and the claimant's annual reports to CIWMB.

The Controller determined that the claimant diverted more solid waste than the percentage mandated by the test claim statute each year of the audit period.<sup>92</sup> Thus, the Controller found that the claimant realized cost savings in each year of the audit period.

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<sup>86</sup> Exhibit X, Commission on State Mandates, Item 9, Final Staff Analysis of Proposed Amendments to the Parameters and Guidelines for *Integrated Waste Management*, 05-PGA-16, January 30, 2009, pages 2-3.

<sup>87</sup> See Government Code section 17581.5.

<sup>88</sup> Exhibit A, IRC, page 27 (Final Audit Report).

<sup>89</sup> Exhibit A, IRC, page 27 (Final Audit Report). Exhibit B, Controller's Late Comments on the IRC, page 23.

<sup>90</sup> Exhibit A, IRC, pages 31-32 (Final Audit Report).

<sup>91</sup> Exhibit B, Controller's Late Comments on the IRC, page 37 (*State of California, Department of Finance, California Integrated Waste Management Board v. Commission on State Mandates, et al.* (Sacramento County Superior Court, Case No. 07CS00355, Ruling on Submitted Matter).

<sup>92</sup> Exhibit B, Controller's Late Comments on the IRC, page 82.

For the years the claimant exceeded the diversion mandate, the Controller calculated offsetting cost savings by allocating the diversion to reflect the mandate. To allocate the diversion, the Controller divided the percentage of solid waste required to be diverted (either 25 or 50 percent) by the actual percentage of solid waste diverted (as reported by the claimant to CIWMB). The allocated diversion was then multiplied by the avoided landfill disposal fee (based on the statewide average fee) to calculate the offsetting savings realized in those years.<sup>93</sup>

$$\begin{array}{rcccl}
 & \text{Allocated Diversion \%} & & & \\
 & \text{Maximum} & & & \text{Avoided} \\
 & \text{Allowable} & & & \text{Landfill} \\
 \text{Offsetting} & = & \frac{\text{Diversion \%}}{\text{Actual}} & \times & \text{Diverted} & \times & \text{Disposal Fee} \\
 \text{Savings} & & & & & & \text{(per Ton)} \\
 \text{Realized} & & & & & & \\
 & & \text{Diversion \%} & & & & 
 \end{array}$$

The Controller provided an example of how the formula works. For calendar year 2005, the claimant reported diversion of 248 tons of solid waste and disposal of 223.4 tons generated that year. Diverting 248 tons out of the 223.4 tons of waste generated results in a diversion rate of 52.61 percent (exceeding the 50 percent required).<sup>94</sup> To avoid penalizing the claimant for diverting more solid waste than the percentage mandated,<sup>95</sup> the Controller allocated the diversion by dividing the diversion rate mandated by the test claim statute (50 percent) by the actual diversion rate (52.61 percent), which equals 95.04 percent. The 95.04 allocated diversion rate is then multiplied by the 248 tons diverted that year, which equals 235.7 tons of diverted solid waste, instead of the 248 tons actually diverted. The allocated 235.7 tons of diverted waste is then multiplied by the statewide average disposal fee per ton, which in calendar year 2005 was \$39, resulting in “offsetting cost savings” for calendar year 2005 of \$9,192.<sup>96</sup>

<sup>93</sup> Exhibit A, IRC, pages 33 (Final Audit Report).

<sup>94</sup> Exhibit B, Controller’s Late Comments on the IRC, pages 16, 82 (Controller’s calculation of offsetting savings).

<sup>95</sup> Exhibit B, Controller’s Late Comments on the IRC, page 16.

<sup>96</sup> Exhibit B, Controller’s Late Comments on the IRC, pages 16, 82 (Controller’s calculations of offsetting savings). Page 16 of the Controller’s Late Comments on the IRC describe the calculation differently than the formula identified in the audit report, but the result is the same. The Controller states that cost savings can be calculated by multiplying the total tonnage generated (solid waste diverted + disposed) by the mandated diversion percentage (25 or 50 percent), times the avoided landfill disposal fee:

For example, in calendar 2005, the district reported to CalRecycle that it diverted 248 tons of solid waste and disposed of 223.40 tons, which results in an overall diversion percentage of 52.61 % (Tab 7). Since the district was required to divert 50% for that year to meet the mandated requirements and comply with the Public Resources Code, it needed to have diverted 235.70 tons (471.4 total tonnage generated x 50%) in order to satisfy the 50% requirement. Therefore, we adjusted our calculation to compute offsetting savings based on 235.70 tons of diverted solid waste rather than 248 tons.

The Controller pointed out in the audit report that the claimant did not provide documentation supporting different disposal fees to calculate offsetting cost savings.<sup>97</sup>

### III. Positions of the Parties

#### A. Redwoods Community College District

The claimant maintains that the audit reductions are incorrect and requests the reinstatement of the \$38,247 reduced.

The claimant first argues that the three-year deadline to initiate the audit had expired for fiscal year 2003-2004 when the Controller commenced the audit. According to the claimant: “Pursuant to Chapter 724, Statutes of 2010, an appropriation was made to the District by January 14, 2011, for FY 2003-2004 for \$6,088. The date of payment is a matter of record not available to the District but that can be produced by the Controller.”<sup>98</sup> The claimant cites the audit report that states that the claimant was first contacted by the Controller on January 17, 2014 regarding the audit, which is more than three years after the January 14, 2011 appropriation for the 2003-2004 claim, so the Controller did not have jurisdiction to audit fiscal year 2003-2004.<sup>99</sup>

The claimant next alleges that it did not realize any cost savings as a result of the mandate and quotes the Superior Court decision (discussed above) that cost savings will “most likely” occur as a result of reduced or avoided costs of landfill disposal, arguing:

The court presupposes a previous legal requirement for districts to incur landfill disposal fees to divert solid waste. Thus, potentially relieved of the need to incur new or additional landfill fees for increased waste diversion, a cost savings would occur. There is no finding of fact or law in the court decision or from the Commission Statement of Decision for the test claim for this assumed duty to use landfills.<sup>100</sup>

The claimant further argues that the offsetting savings provision in the Parameters and Guidelines does not assume that the cost savings occurred, but instead requires that the cost savings be *realized*. For the savings to be realized, the claimant contends that the following chain of events are required:

[T]he cost savings must exist (avoided landfill costs); be converted to cash; amounts in excess of \$2,000 per year deposited in the state fund; and, these deposits by the districts appropriated by the Legislature to districts for purposes of mitigating the cost of implementing the plan. None of those prerequisite events occurred so no cost savings were "realized" by the District. Regardless, the

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Using this formula also results in cost savings for calendar year 2005 of \$47,832 (471.4 tons generated x 50 percent = 235.7 tons x \$39 = \$9,192).

<sup>97</sup> Exhibit A, IRC, page 34 (Final Audit Report).

<sup>98</sup> Exhibit A, IRC, page 9.

<sup>99</sup> Exhibit A, IRC, page 10.

<sup>100</sup> Exhibit A, IRC, pages 8-10.

adjustment cannot be applied to the District since no state appropriation of the cost savings was made to the District.<sup>101</sup>

The claimant also argues that the Parameters and Guidelines are silent as to how to calculate the avoided costs, but that the court provided two alternative methods, either disposal reduction or diversion reported by districts. The Controller used the diversion percentage, which assumes, without findings of fact, that all diversion tonnage is landfill disposal tonnage reduction. The claimant contends that the Controller's calculation of cost savings is wrong because: (1) the formula is a standard of general application that was not adopted pursuant to the Administrative Procedure Act and is therefore an unenforceable underground regulation; (2) the Controller's formula assumes facts not in evidence, such as applying the diversion percentage reported by the claimant, and assumes that all tonnage diverted would have been disposed in a landfill, although some waste may have been composted or may not apply to the mandate (e.g. paint); and (3) the landfill disposal fee, a statewide average calculated by CIWMB, does not include the data used to generate the average fee amounts, so the average is unknown and unsupported by the audit findings.<sup>102</sup>

The claimant further contends that application of the cost savings formula is incorrect, alleging that:

The District did not claim landfill costs, so there are none to be offset. The adjustment method does not match or limit the landfill costs avoided to landfill costs, if any, actually claimed. Instead, the total adjustment amount for avoided landfill costs is applied to the total annual claim amounts and thus reduces unrelated salary and benefit costs....<sup>103</sup>

Moreover, the Controller's calculation method prevents the claimant from receiving full reimbursement for its actual increased program costs. The claimant contends, using audit results for 26 other claimants under the *Integrated Waste Management* program, the application of the Controller's formula has arbitrary results because the percentages of allowed costs for those claimants ranges from zero to 83.4 percent.<sup>104</sup>

According to the claimant, the audit report erroneously recognized \$5,130 as reported offsetting savings, when in fact, that amount is offsetting recycling revenue.<sup>105</sup> The claimant therefore contends that it "properly reported the recycling income as a reduction of total claimed cost[s] and also not subject to state appropriation in the form of cost savings."<sup>106</sup> The claimant requests that the Commission make a finding on this adjustment.<sup>107</sup>

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<sup>101</sup> Exhibit A, IRC, pages 13-14. Emphasis in original.

<sup>102</sup> Exhibit A, IRC, pages 14-17.

<sup>103</sup> Exhibit A, IRC, page 17.

<sup>104</sup> Exhibit A, IRC, pages 17-18.

<sup>105</sup> Exhibit A, IRC, page 19.

<sup>106</sup> Exhibit A, IRC, page 20.

<sup>107</sup> Exhibit A, IRC, page 22.

Finally, the claimant argues: (1) the Controller used the wrong standard of review in that the claimed costs were not found to be excessive or unreasonable, as required by Government Code section 17561(d)(2); and (2) the Controller has the burden of proof as to the propriety of its audit findings “because it bears the burden of going forward and because it is the party with the power to create, maintain, and provide evidence regarding its auditing methods and procedures, as well as the specific facts relied upon for its audit findings.”<sup>108</sup>

### **B. State Controller’s Office**

The Controller maintains that the audit findings are correct. The Controller first argues that it complied with the three-year audit deadline in Government Code section 17558.5, in that it paid the claimant for the fiscal year 2003-2004 reimbursement claim on January 28, 2011, and notified the district of payments made pursuant to Chapter 724, Statutes 2010, totaling \$101,410. Because it initiated the audit on January 17, 2014, within the three-year deadline, the Controller had jurisdiction to audit the claims for fiscal year 2003-2004.<sup>109</sup>

The Controller states that the claimant understated offsetting cost savings of \$38,247 from implementation of its IWM plan.<sup>110</sup>

Regarding the claimant’s statement that there is only a presumption to incur landfill disposal fees to dispose of solid waste, the Controller notes that the claimant does not indicate “that it disposed of its solid waste at any location other than a landfill or used any other methodology to dispose of its waste rather than to contract with a commercial waste hauler. Therefore, comments relating to legal requirements regarding alternatives for the disposal of solid waste are irrelevant.”<sup>111</sup> The Controller cites some of the claimant’s annual reports to indicate that it disposed of solid waste and contracted with a waste hauler during the audit period.<sup>112</sup> The Controller also found that the claimant’s website referred to diversion from a landfill.<sup>113</sup> As the Controller points out:

Unless the district had an undisclosed arrangement with its contract waste hauler, the district did not dispose of its solid waste at a landfill for no cost. As noted by the district in its reports to CalRecycle (**Tab 7**) and on its website (**Tab 8**), the district realized savings as a direct result of its IWM plan. For example, two of the district’s campus sites are located in Eureka, California. An internet search for landfill fees revealed that the Hawthorne Street Transfer Station in Eureka, California, currently charges \$154.28 per ton to dispose of solid waste (**Tab 9**).

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<sup>108</sup> Exhibit A, IRC, page 21.

<sup>109</sup> Exhibit B, Controller’s Late Comments on the IRC, pages 10-11.

<sup>110</sup> Exhibit B, Controller’s Late Comments on the IRC, page 11.

<sup>111</sup> Exhibit B, Controller’s Late Comments on the IRC, page 14.

<sup>112</sup> Exhibit B, Controller’s Late Comments on the IRC, page 14.

<sup>113</sup> Exhibit B, Controller’s Late Comments on the IRC, page 14.

Therefore, the higher the rate of diversion, the less trash that is disposed at a landfill, resulting in cost savings to the district.<sup>114</sup>

The Controller also pointed to a statement on the claimant's website in which the claimant acknowledged cost savings from its diversion activities, noting: "the district states 'With the advent of AB 939 and the continuous increase of costs at the landfill, the College realized that reduction in waste to the landfill also equated to a reduction in budgetary costs.'"<sup>115</sup>

As to the claimant not remitting cost savings from the implementation of its IWM plan into the Integrated Waste Management Account in compliance with the Public Contract Code, the Controller asserts that the claimant is not precluded from the requirement to do so, as indicated in the Parameters and Guidelines and the court ruling. The Controller says the claimant's statements support that the claimant realized cost savings from implementing its IWM plan.<sup>116</sup>

The Controller disagrees with the claimant's argument that the formula is a standard of general application that is an underground regulation because it used a "court approved methodology" to determine the "required offset." The Controller also states that the claimant did not amend any of its reimbursement claims after the Parameters and Guidelines were amended in September 2008. According to the Controller: "We believe that this 'court identified' approach provides a reasonable methodology to identify the applicable offsets."<sup>117</sup>

The Controller also states that it "allocated" the offsetting savings to avoid penalizing the claimant for diverting more than the minimum rate of diversion required during the audit period.<sup>118</sup> According to the Controller:

Since there is no State mandate to exceed solid waste diversion greater than 25% for calendar years 2002 and 2003 or greater than 50% for calendar year 2004 and beyond, there is no basis for calculating offsetting savings realized for actual diversion percentages that exceeded the levels set by statute.<sup>119</sup>

The Controller also responded to the claimant's argument against the assumption that all tonnage diverted would have been disposed in a landfill, even though some waste may have been composted or may not apply to the mandate. The Controller states,

We believe that the district is stating that they have always composted green waste and would not incur a cost to dispose of this waste at the landfill; therefore, to include the composted tonnage in the offsetting savings calculation is incorrect. We disagree. As a result of this mandated program, the district is claiming approximately \$9,000 in salaries and benefits for its gardeners to 'divert solid waste from landfill disposal or transformation facilities - composting.' (**Tab 13**)

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<sup>114</sup> Exhibit B, Controller's Late Comments on the IRC, page 14.

<sup>115</sup> Exhibit B, Controller's Late Comments on the IRC, page 14.

<sup>116</sup> Exhibit B, Controller's Late Comments on the IRC, page 15.

<sup>117</sup> Exhibit B, Controller's Late Comments on the IRC, pages 15-16.

<sup>118</sup> Exhibit B, Controller's Late Comments on the IRC, page 16.

<sup>119</sup> Exhibit B, Controller's Late Comments on the IRC, page 16.

Therefore, it seems reasonable that the correlated landfill fees that the district did not incur for the composted materials resulted in savings to the district.<sup>120</sup>

The Controller also states that the claimant's reference to paint disposal is irrelevant because hazardous waste is not included in the diversion amounts that the claimant reported, and therefore, are not included in the Controller's offsetting savings calculation.<sup>121</sup>

Regarding the data for the statewide disposal fee, the Controller states the information was provided by CIWMB, is included in the record, and is based on private surveys of a large percentage of landfills across California. The Controller cites its internet search for landfill fees that revealed that "the Hawthorne Street Transfer Station in Eureka, California, currently charges \$154.28 per ton to dispose of solid waste (**Tab 9**). Therefore, we believe that the \$36 to \$46 'statewide average disposal fee' used to calculate the offsetting savings realized by the district is reasonable."<sup>122</sup> The Controller also notes that "the district did not provide any information, such as its contract with or invoices received from its commercial waste hauler (Eel River Disposal) to support either the landfill fees actually incurred by the district or to confirm that the statewide average landfill fee was greater than landfill fees incurred by the district."<sup>123</sup>

In response to the claimant's argument that it did not claim landfill costs, so there are none to offset, the Controller answers that the mandated program does not reimburse claimants for landfill costs incurred to dispose of solid waste, so none would be claimable. Rather, the program reimburses claimants' costs to divert solid waste from disposal, which according to the Controller, results in both a reduction of solid waste going to a landfill and the associated costs of having the waste hauled there, which creates offsetting savings that the claimant is required to identify in its mandated cost claims.<sup>124</sup>

In response to the claimant's argument that "the adjustment method does not match or limit the landfill costs avoided to landfill costs, if any, actually claimed," the Controller quotes Public Resources Code section 42925 which provides that "cost savings realized as a result of the IWM plan are to "fund plan *implementation and administration costs*."<sup>125</sup> The Controller argues that offsetting savings applies to the whole program and is not limited to solid waste diversion activities. The Controller also cites the reimbursable activities in the Parameters and Guidelines that refer to "implementation of the IWM plan," concluding that it is reasonable that offsetting savings from implementing the plan be offset against direct costs to implement the plan.<sup>126</sup>

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<sup>120</sup> Exhibit B, Controller's Late Comments on the IRC, page 17.

<sup>121</sup> Exhibit B, Controller's Late Comments on the IRC, page 17.

<sup>122</sup> Exhibit B, Controller's Late Comments on the IRC, page 17.

<sup>123</sup> Exhibit B, Controller's Late Comments on the IRC, pages 17-18.

<sup>124</sup> Exhibit B, Controller's Late Comments on the IRC, page 18.

<sup>125</sup> Public Resources Code section 42925. Emphasis added.

<sup>126</sup> Exhibit B, Controller's Late Comments on the IRC, pages 18-19.



The Controller also commented on the claimant's allegation that the audit report erroneously recognized \$5,130 as the claimed offsetting recycling revenues, although \$7,941 of offsetting revenue and other reimbursements was reported and offset by the District. The Controller states:

The district's statement that the review report recognized \$5,130 as offsetting recycling revenues is incorrect. The review report (Exhibit A page 30 of 190) shows \$2,811 of offsetting revenues and reimbursements and \$5,130 as offsetting savings on page 2 of the report's Summary of Program Costs schedule (Attachment 1). In addition, the report identifies \$5,130 as offsetting savings reported by the district in the report's Finding and Recommendation (Attachment 3). ... In its response, the district states that the total amount of \$7,941 (\$5,130 plus \$2,811) was entirely related to recycling revenues. If that is the case, then the district did not properly follow SCO's Claiming Instructions (**Exhibit C**) for reporting offsetting savings and other reimbursements. The district did not provide any evidence in its claims or in its IRC filing supporting the amounts that it realized as recycling revenues.<sup>127</sup>

Finally, the Controller disagrees with claimant's argument that the Controller used the wrong standard of review. The Controller cites the statute that authorizes it to audit the claimant's records to verify actual mandate-related costs *and* reduce any claim that is excessive or unreasonable. In this case, the claims were excessive because the claimant's "mandated cost claims exceeded the proper amount based on the reimbursable costs allowable per statutory language and the program's parameters and guidelines."<sup>128</sup> As to the burden of proof, the Controller states that it used data from the claimant's annual reports to CIWMB from implementing its IWM program.<sup>129</sup>

#### **IV. Discussion**

Government Code section 17561(d) authorizes the Controller to audit the claims filed by local agencies and school districts and to reduce any claim for reimbursement of state mandated costs if the Controller determines that the claim is excessive or unreasonable.

Government Code Section 17551(d) requires the Commission to hear and decide a claim that the Controller has incorrectly reduced payments to the local agency or school district. If the Commission determines that a reimbursement claim has been incorrectly reduced, section 1185.9 of the Commission's regulations requires the Commission to send the decision to the Controller and request that the costs in the claim be reinstated.

The Commission must review questions of law, including interpretation of the parameters and guidelines, *de novo*, without consideration of legal conclusions made by the Controller in the context of an audit. The Commission is vested with exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6 of

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<sup>127</sup> Exhibit B, Controller's Late Comments on the IRC, pages 20-21.

<sup>128</sup> Exhibit B, Controller's Late Comments on the IRC, page 22.

<sup>129</sup> Exhibit B, Controller's Late Comments on the IRC, pages 22.

the California Constitution.<sup>130</sup> The Commission must also interpret the Government Code and implementing regulations in accordance with the broader constitutional and statutory scheme. In making its decisions, the Commission must strictly construe article XIII B, section 6 and not apply it as an “equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities.”<sup>131</sup>

With regard to the Controller’s audit decisions, the Commission must determine whether they were arbitrary, capricious, or entirely lacking in evidentiary support. This standard is similar to the standard used by the courts when reviewing an alleged abuse of discretion of a state agency.<sup>132</sup> Under this standard, the courts have found that:

When reviewing the exercise of discretion, “[t]he scope of review is limited, out of deference to the agency’s authority and presumed expertise: ‘The court may not reweigh the evidence or substitute its judgment for that of the agency. [Citation.]’” ... “In general ... the inquiry is limited to whether the decision was arbitrary, capricious, or entirely lacking in evidentiary support. . . .” [Citations.] When making that inquiry, the “ ‘ ‘ ‘ court must ensure that an agency has adequately considered all relevant factors, and has demonstrated a rational connection between those factors, the choice made, and the purposes of the enabling statute.’ ” [Citation.]’ ”<sup>133</sup>

The Commission must review the Controller’s audit in light of the fact that the initial burden of providing evidence for a claim of reimbursement lies with the claimant.<sup>134</sup> In addition, sections 1185.1(f)(3) and 1185.2(c) of the Commission’s regulations require that any assertions of fact by the parties to an IRC must be supported by documentary evidence. The Commission’s ultimate findings of fact must be supported by substantial evidence in the record.<sup>135</sup>

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<sup>130</sup> *Kinlaw v. State of California* (1991) 54 Cal.3d 326, 331-334; Government Code sections 17551, 17552.

<sup>131</sup> *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1264, 1281, citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817.

<sup>132</sup> *Johnston v. Sonoma County Agricultural Preservation and Open Space Dist.* (2002) 100 Cal.App.4th 973, 983-984. See also *American Bd. of Cosmetic Surgery, Inc. v. Medical Bd. of California* (2008) 162 Cal.App.4th 534, 547.

<sup>133</sup> *American Bd. of Cosmetic Surgery, Inc. v. Medical Bd. of California* (2008) 162 Cal.App.4th 534, 547-548.

<sup>134</sup> *Gilbert v. City of Sunnyvale* (2005) 130 Cal.App.4th 1264, 1274-1275.

<sup>135</sup> Government Code section 17559(b), which provides that a claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission’s decision is not supported by substantial evidence in the record.

**A. The Controller Timely Initiated the Audit for Fiscal Year 2003-2004 and Timely Completed the Audit of All Claims.**

Government Code section 17558.5 requires an audit to be initiated no later than three years after the date the reimbursement claim is filed or last amended. However, section 17558.5 also provides that *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.”<sup>136</sup> “In any case,” section 17558.5 requires the audit to be completed no later than two years after it is commenced.<sup>137</sup>

1. The audit of the 2003-2004 reimbursement claim was timely initiated.

The claimant signed its 2003-2004 reimbursement claim on September 30, 2005,<sup>138</sup> and filed the reimbursement claim with the State Controller’s Office on October 7, 2005.<sup>139</sup> However, the State did not apportion funds or pay the 2003-2004 reimbursement claim until January 2011. The claimant alleges that appropriations were made to the claimant by January 14, 2011 for the 2003-2004 reimbursement claim, and that the Controller initiated the audit more than three years later on January 17, 2014, according to the final audit report. Therefore, the claimant asserts that the Controller did not timely initiate the audit.<sup>140</sup>

Government Code section 17558.5(a) tolls the time to initiate the audit to three years from the date of initial payment on the claim, rather than three years from the date the claim was filed, “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,” as follows:

A reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter 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.<sup>141</sup>

Although the Controller agrees that payment was first made on the 2003-2004 claim in January 2011, the parties dispute the date of payment. The claimant alleges:

Pursuant to Chapter 724, Statutes of 2010, appropriations were made to the District by January 14, 2011, for FY 2003-2004 for \$6,088. The date of payment

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<sup>136</sup> Government Code section 17558.5 (as amended, Stats. 2002, ch. 1128 (AB 2834)).

<sup>137</sup> Government Code section 17558.5 (as amended, Stats. 2004, ch. 890 (AB 2856)).

<sup>138</sup> Exhibit A, IRC, page 164.

<sup>139</sup> Exhibit B, Controller’s Late Comments on the IRC, page 16.

<sup>140</sup> Exhibit A, IRC, pages 9-10.

<sup>141</sup> Emphasis added. This is the current version of section 17558.5, and the version in effect when these reimbursement claim was filed in October 2005 (Exhibit A, IRC, p. 171).

is a matter of record not available to the District but that can be produced by the Controller.<sup>142</sup>

There is no evidence in the record, however, to support the claimant’s assertion that payment was made on January 14, 2011. Rather, the record supports a finding that payment was first made on the 2000-2001 reimbursement claims on either January 18, 2011, or January 28, 2011.

The claimant filed, as part of its IRC, a copy of a notice from the Controller to the claimant dated April 18, 2014 (following the audit), showing the audit adjustment to the 2003-2004 reimbursement claim, and noting a payment on this reimbursement claim on *January 18, 2011* by “Schedule No. AP00123A” of \$6,088. The letter states in pertinent part:

FIELD AUDIT FINDINGS	-	8,625.00
TOTAL ADJUSTMENTS		<u>- 8,625.00</u>
LESS PRIOR PAYMENT: SCHEDULE NO. AP00123A		
<b>PAID 01-18-2011</b>		<u>- 6,088.00</u>
AMOUNT DUE CLAIMANT		- 47,101.00 <sup>143</sup>

The Controller asserts that payment was first made on the reimbursement claims on *January 28, 2011*, pursuant to Statutes of 2010, chapter 724 (AB 1610, eff. Oct. 19, 2010).<sup>144</sup> That statute appropriated funds to offset the outstanding balance of the State’s minimum funding obligation under Proposition 98 to school districts and community college districts, and required that funds first be paid in satisfaction of any outstanding claims for reimbursement of state-mandated costs. The Controller filed a copy of a remittance advice showing payments to the claimant under AB 1610 for several state-mandated programs, including \$6,088 for the *Integrated Waste Management* program for fiscal year 2003-2004 in “CLAIM SCHEDULE NUMBER: 1000149A, PAYMENT ISSUE DATE: 01/28/2011.”<sup>145</sup>

The Controller has not explained the discrepancy between the notice indicating payment of \$6,088 for the 2003-2004 reimbursement claim on January 18, 2011 by “Schedule No. AP00123A,” and the remittance advice indicating payment for the 2003-2004 reimbursement claims on January 28, 2011 by “Schedule Number: 1000149A.” Nevertheless, the Controller issued both documents that support a finding that payment was first made on the 2003-2004 reimbursement claim on either January 18, 2011, or January 28, 2011.

As indicated above, Government Codes section 17558.5(a) tolls the time to initiate the audit of a claim “if no funds are appropriated or no payment is made to a claimant for the program for the

<sup>142</sup> Exhibit A, IRC, page 9.

<sup>143</sup> Exhibit A, IRC, page 188. Emphasis added.

<sup>144</sup> Exhibit A, IRC, pages 29, 30 footnote 3 (Final Audit Report – “Payment from funds appropriated under Chapter 724, Statutes of 2010.”). Exhibit B, Controller’s Late Comments on the IRC, page 11 (“The SCO sent a remittance advice to the district dated January 28, 2011 (Tab 4), notifying the district of payments made on that date pursuant to Chapter 724, Statutes 2010 (Assembly Bill No. 1610) totaling \$101,410.”)

<sup>145</sup> Exhibit B, Controller’s Late Comments on the IRC, pages 28-30.

fiscal year for which the claim is filed,” to three years from the date of initial payment on the claim. Therefore, using the earlier of the two dates in documents showing payment on the 2003-2004 reimbursement claim on January 18, 2011, the Controller had until January 18, 2014 to initiate the audit of the 2003-2004 reimbursement claim.

The Legislature has not specifically defined the event that initiates the audit and, unlike other auditing agencies,<sup>146</sup> the Controller has not adopted formal regulations (which can be viewed as the controlling interpretation of a statute), to clarify when the audit of a mandate reimbursement claim begins. Therefore, the Commission cannot, as a matter of law, state the event that initiates an audit in all cases, but must determine when the audit was initiated based on evidence in the record. Initiating an audit requires a unilateral act of the Controller. In this respect, Government Code section 17558.5(a) can be characterized as a statute of repose because it provides a period during which an audit has been commenced, and after which claimants may enjoy repose, dispose of evidence to support their claims, and assert a defense that the audit is not timely and therefore void.<sup>147</sup> Since the Controller’s authority to audit must be exercised within a specified time, it must be within the Controller’s exclusive control to meet or fail to meet the deadline. The Controller has the burden of proof on this issue and must show with evidence in the record that the claimant was notified that an audit was being initiated by the statutory deadline to ensure that the claimant does not dispose of any evidence or documentation to support its claim for reimbursement.

The Controller asserts that the audit began on January 17, 2014, before the January 18, 2014 deadline. In support, the Controller filed a declaration by Jim Spano (Chief, Mandated Cost Audits Bureau, Division of Audits), stating under penalty of perjury that “a review of the claims . . . commenced on January 17, 2014, . . . .”<sup>148</sup> The Controller also filed a copy of an email dated January 17, 2014, from an audit manager at the Controller’s Office to the claimant, as evidence of the Controller’s initial contact with the claimant about the audit. The email states in relevant part:

I am contacting you because the State Controller’s Office will be adjusting the district’s Integrated Waste Management claims for FY 1999-2000 through FY 2000-01, and FY 2003-04 through FY 2005-06 because the district did not offset any savings (e.g. avoided landfill disposal fees) received as a result of implementing the districts’ IWM Plan.

I will notify you, via email, of the exact adjustment amount later next week. Also, included in this email, will be documentation to support the adjustment.<sup>149</sup>

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<sup>146</sup> See, e.g., regulations adopted by the California Board of Equalization (title 18, section 1698.5, stating that an “audit engagement letter” is a letter “used by Board staff to confirm the start of an audit or establish contact with the taxpayer”).

<sup>147</sup> *Giest v. Sequoia Ventures, Inc.* (2000) 83 Cal.App.4th 300, 305.

<sup>148</sup> Exhibit B, Controller’s Late Comments on the IRC, page 5.

<sup>149</sup> Exhibit B, Controller’s Late Comments on the IRC, page 25. Emphasis in original.

The claimant concurs that the audit was initiated by the Controller's initial contact on January 17, 2014.<sup>150</sup>

Accordingly, the Commission finds that the Controller timely initiated the audit of the fiscal year 2003-2004 reimbursement claim, pursuant to Government Code section 17558.5(a), on January 17, 2014.

2. The audit was timely completed.

Government Code section 17558.5 provides that an audit must be completed "not later than two years after the date that the audit is commenced."<sup>151</sup> As indicated above, the audit was initiated on January 17, 2014, the date of the Controller's initial contact with the claimant about the audit and thus, had to be completed no later than January 17, 2016. An audit is completed when the Controller issues the final audit report to the claimant. The final audit report constitutes the Controller's final determination on the subject claims and provides the claimant with written notice of the claim components adjusted, the amounts adjusted, and the reasons for the adjustment.<sup>152</sup> This notice enables the claimant to file an IRC. Here, the final audit report was issued April 11, 2014, well before the January 17, 2016 deadline.<sup>153</sup>

Therefore, the Commission finds that the Controller's audit of all reimbursement claims in the audit period was timely completed in accordance with Government Code section 17558.5.

**B. The Controller's Reduction of Costs Claimed Is Generally Correct as a Matter of Law; However, the Calculation of Offsetting Savings for the First Half of Fiscal Year 2003-2004, Based on a 50 Percent Mandated Diversion Rate, Is Incorrect as a Matter of Law.**

1. The test claim statutes presume that by complying with the mandate to divert solid waste through the IWM program, landfill fees are reduced or avoided and cost savings are realized.

The test claim statute added Public Resources Code section 42925(a), which provides: "Any cost savings realized as a result of the state agency integrated waste management plan shall, to the extent feasible, be redirected to the agency's integrated waste management plan to fund plan implementation and administration costs, in accordance with Sections 12167 and 12167.1 of the Public Contract Code."

The court's Ruling on Submitted Matter states that community colleges are "likely to experience costs savings in the form of reduced or avoided costs of landfill disposal" as a result of the mandated activities in Public Resources Code section 42921 because reduced or avoided costs "are a direct result and an integral part of the IWM plan mandated under Public Resources Code section 42920 et seq.: as solid waste diversion occurs, landfill disposal of the solid waste and associated landfill disposal costs are reduced or avoided." The court noted that "diversion is defined in terms of landfill disposal for purposes of the IWM plan mandates." The statutory

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<sup>150</sup> Exhibit A, IRC, page 25.

<sup>151</sup> Government Code section 17558.5 (Stats. 2004, ch. 890).

<sup>152</sup> Government Code section 17558(c).

<sup>153</sup> Exhibit A, IRC, page 27 (Final Audit Report).

definition of diversion provides that “activities which reduce or eliminate the amount of solid waste from solid waste disposal for purposes of this division.” And the statutory definition of disposal is “the management of solid waste through landfill disposal or transformation at a permitted solid waste facility.”<sup>154</sup> The court explained:

[R]eduction or avoidance of landfill fees resulting from solid waste diversion activities under § 42920 et seq. represent savings *which must be offset* against the costs of the diversion activities to determine the reimbursable costs of the IWM plan implementation . . . The amount or value of the savings may be determined from the calculations of annual solid waste disposal reduction or diversion which California Community Colleges must annually report to petitioner Integrated Waste Management Board pursuant to subdivision (b)(1) of Public Resources Code section 42926.<sup>155</sup>

The court harmonized section 42925(a) with Public Contract Code sections 12167 and 12167.1:

By requiring the redirection of cost savings from state agency IWM plans to fund plan implementation and administration costs “in accordance with Sections 12167 and 12167.1 of the Public Contract Code,” section 42925 assures that cost savings realized from state agencies’ IWM plans are handled in a manner consistent with the handling of revenues received from state agencies’ recycling plans under the State Assistance for Recycling Markets Act. Thus, in accordance with section 12167, state agencies, along with California Community Colleges which are defined as state agencies for purposes of IWM plan requirements in Public Resources Code section 42920 et seq. [citations omitted], must deposit cost savings resulting from IWM plans in the Integrated Waste Management Account in the Integrated Waste Management Fund; the funds deposited in the Integrated Waste Management Account, upon appropriation by the Legislature, may be expended by the Integrated Waste Management Board for the purpose of offsetting IWM plan costs. In accordance with section 12167.1 and notwithstanding section 12167, cost savings from the IWM plans of the agencies and colleges that do not exceed \$2000 annually are continuously appropriated for expenditure by the agencies and colleges for the purpose of offsetting IWM plan implementation and administration costs; cost savings resulting from IWM plans

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<sup>154</sup> Public Resources Code sections 40124 and 40192(b). Exhibit B, Controller’s Late Comments on the IRC, pages 36-37 (*State of California, Department of Finance, California Integrated Waste Management Board v. Commission on State Mandates, et al.* (Sacramento County Superior Court, Case No. 07CS00355, Ruling on Submitted Matter).

<sup>155</sup> Exhibit B, Controller’s Late Comments on the IRC, page 37 (*State of California, Department of Finance, California Integrated Waste Management Board v. Commission on State Mandates, et al.* (Sacramento County Superior Court, Case No. 07CS00355, Ruling on Submitted Matter). Emphasis added.

in excess of \$2000 annually are available for such expenditure by the agencies and colleges when appropriated by the Legislature.<sup>156</sup>

Thus, the court found that offsetting savings are, by statutory definition, likely to occur as a result of implementing the mandated activities. Reduced or avoided costs “are a direct result and an integral part of the IWM plan mandated under Public Resources Code section 42920 et seq.: as solid waste diversion occurs, landfill disposal of the solid waste and associated landfill disposal costs are reduced or avoided.”<sup>157</sup> As the court held, “landfill fees and costs resulting from solid waste diversion activities under § 42920 et seq. represent savings *which must be offset* against the costs of the diversion activities to determine the reimbursable costs. . . .”<sup>158</sup>

The statutes, therefore, presume that by complying with the mandate to divert solid waste through the IWM program, landfill fees are reduced or avoided and cost savings are realized. As indicated in the court’s ruling, the amount or value of the cost savings may be determined from the calculations of annual solid waste disposal reduction or diversion, which community colleges are required to annually report to CIWMB. The amount of cost savings realized must be identified by the claimant and used to offset the costs incurred to comply with IWM plan implementation and administration activities approved for reimbursement in the Parameters and Guidelines. Accordingly, the court’s ruling requires claimants to report in their reimbursement claims the costs incurred to comply with the reimbursable activities (which includes the activities and costs to divert at least 25 or 50 percent of all solid waste from landfill disposal) and the cost savings from the avoided landfill disposal fees, for a reimbursement claim of the net increased costs.

The Parameters and Guidelines are consistent with the court’s ruling and require in Section IV. that “[t]he 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.”<sup>159</sup> Section VIII. requires that “[r]educed or avoided costs realized from implementation of the community college districts’ Integrated Waste Management plans shall be identified and offset from this claim as cost

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<sup>156</sup> Exhibit B, Controller’s Late Comments on the IRC, pages 38-39 (*State of California, Department of Finance, California Integrated Waste Management Board v. Commission on State Mandates, et al.* (Sacramento County Superior Court, Case No. 07CS00355, Ruling on Submitted Matter).

<sup>157</sup> Exhibit B, Controller’s Late Comments on the IRC, page 36 (*State of California, Department of Finance, California Integrated Waste Management Board v. Commission on State Mandates, et al.* (Sacramento County Superior Court, Case No. 07CS00355, Ruling on Submitted Matter).

<sup>158</sup> Exhibit B, Controller’s Late Comments on the IRC, page 37 (*State of California, Department of Finance, California Integrated Waste Management Board v. Commission on State Mandates, et al.* (Sacramento County Superior Court, Case No. 07CS00355, Ruling on Submitted Matter). Emphasis added.

<sup>159</sup> Exhibit A, IRC, page 53 (Parameters and Guidelines).



savings, consistent with the directions for revenue in Public Contract Code sections 12167 and 12167.1.”<sup>160</sup> The court’s decision and the amended Parameters and Guidelines are binding.<sup>161</sup>

2. During the audit period, the claimant exceeded the mandated solid waste diversion rate, but has filed no evidence to rebut the presumption that cost savings were realized. Thus, the Controller’s finding that the claimant realized cost savings is correct as a matter of law.

In this case, the claimant asserts that no cost savings were realized, but does not explain why.<sup>162</sup>

The mandate requires community colleges to divert at least 25 percent of all solid waste from landfill disposal or transformation facilities by January 1, 2002, through source reduction, recycling, and composting activities, and at least 50 percent of all solid waste from landfill disposal or transformation facilities by January 1, 2004.<sup>163</sup> The record shows that the claimant exceeded the mandated diversion rate in each year of the audit period. The claimant’s annual reports to CIWMB for the audit period report diversion percentages that range from 52.22 percent to 83.99 percent of the total waste generated.<sup>164</sup>

The record shows that the claimant’s solid waste that was not diverted was disposed of at a landfill by a waste hauler. The claimant’s annual reports filed with CIWMB during the audit period identify the total tonnage of waste disposed<sup>165</sup> and the use of a waste hauler.<sup>166</sup> For example, in its 2000 report, the claimant states: “The contract with the waste hauler contains language that provides recycling bins for free, and hauling of the recycled materials is also free.”<sup>167</sup> The annual reports also mention, in response to the question regarding calculation of tonnage of waste disposed and diverted, that the claimant relied on quarterly reports from its waste hauler.<sup>168</sup> Reports from 2003 forward state that claimant collaborated with a waste hauler.<sup>169</sup>

The claimant also mentions landfill diversion in its reports, stating: “to lower costs and decrease the amount of waste being disposed into landfills, College of the Redwoods has instituted waste

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<sup>160</sup> Exhibit A, IRC, page 58 (Parameters and Guidelines).

<sup>161</sup> *California School Boards Association v. State of California* (2009) 171 Cal.App.4th 1183, 1201.

<sup>162</sup> Exhibit A, IRC, page 10.

<sup>163</sup> Public Resources Code sections 42921. Exhibit A, IRC, pages 50 and 54 (Parameters and Guidelines, section IV.(B)(5)).

<sup>164</sup> Exhibit B, Controller’s Late Comments on the IRC, pages 48-73 and 82.

<sup>165</sup> Exhibit B, Controller’s Late Comments on the IRC, pages 48-73.

<sup>166</sup> Exhibit B, Controller’s Late Comments on the IRC, pages 50, 52, 57, 61, 66, 71.

<sup>167</sup> Exhibit B, Controller’s Late Comments on the IRC, pages 50.

<sup>168</sup> Exhibit B, Controller’s Late Comments on the IRC, pages 52, 57, 61, 66, 71.

<sup>169</sup> Exhibit B, Controller’s Late Comments on the IRC, pages 56, 60, 65, 70.

reduction programs at all CR campuses”<sup>170</sup> Additionally, statements from the claimant’s website indicate the use of a landfill. For example, after beginning its recycling program, “the College reduced waste to the landfill by 60%.”<sup>171</sup> The website also speaks of seeking ways to “reduce, recycle, and re-use material that in the past have normally gone to the landfill.”<sup>172</sup>

The avoided landfill disposal fee was based on the statewide average disposal fee provided by CIWMB for each fiscal year in the audit period, since the claimant did not provide any information to the Controller regarding the landfill fees it was charged.<sup>173</sup>

Based on this documentation, the Controller correctly presumed, consistent with the presumption in the test claim statutes and the court’s interpretation of those statutes and with no evidence to the contrary, that the claimant realized cost savings during the audit period equal to the avoided landfill fee per ton of waste required to be diverted.

The statutory presumption of cost savings controls unless the claimant files evidence to rebut the presumption and shows that cost savings were not realized.<sup>174</sup> The claimant has the burden of proof on this issue. Under the mandates statutes and regulations, the claimant is required to show that it has incurred increased costs mandated by the state when submitting a reimbursement claim to the Controller’s Office, and the burden to show that any reduction made by the Controller is incorrect.<sup>175</sup> The Parameters and Guidelines, as amended pursuant to the court’s

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<sup>170</sup> Exhibit B, Controller’s Late Comments on the IRC, pages 56, 61, 66, 71.

<sup>171</sup> Exhibit B, Controller’s Late Comments on the IRC, page 75.

<sup>172</sup> Exhibit B, Controller’s Late Comments on the IRC, page 77.

<sup>173</sup> Exhibit B, Controller’s Late Comments on the IRC, pages 17-18, 101-123.

<sup>174</sup> Government Code section 17559, which requires that the Commission’s decisions be supported by substantial evidence in the record. See also, *Coffy v. Shiimoto* (2015) 60 Cal.4th 1198, 1209, a case interpreting the rebuttable presumption in Vehicle Code section 23152 that if a person had 0.08 percent or more, by weight, of alcohol in the blood at the time of testing, then it is presumed by law that he or she had 0.08 percent or more, by weight, of alcohol in the blood at the time of driving, unless he or she files evidence to rebut the presumption. The court states that unless and until evidence is introduced that would support a finding that the presumption does not exist, the statutory presumption that the person was driving over the legal limit remains the finding of fact.

<sup>175</sup> Evidence Code section 500, which states: “Except as otherwise provided by law, a party has the burden of proof as to each fact the existence or nonexistence of which is essential to the claim for relief or defense that he is asserting.” See also, *Simpson Strong-Tie Co., Inc. v. Gore* (2010) 49 Cal.4th 12, 24, where the court recognized that “the general principle of Evidence Code 500 is that a party who seeks a court’s action in his favor bears the burden of persuasion thereon.” This burden of proof is recognized throughout the architecture of the mandates statutes and regulations. Government Code section 17551(a) requires the Commission to hear and decide a claim filed by a local agency or school district that it is entitled to reimbursement under article XIII B, section 6. Section 17551(d) requires the Commission to hear and decide a claim by a local agency or school district that the Controller has incorrectly reduced payments to the local agency or school district. In these claims, the claimant must show that it has incurred increased

writ, also require claimants to show the costs incurred to divert solid waste and to perform the administrative activities, and *to report and identify* the costs saved or avoided by diverting solid waste: “Reduced or avoided costs realized from implementation of the community college districts' Integrated Waste Management plans *shall be* identified and offset from this claim as cost savings.”<sup>176</sup> Thus, the claimant has the burden to rebut the statutory presumption and to show, with substantial evidence in the record, that the costs of complying with the mandate exceed any cost savings realized by diverting solid waste.

The Commission finds that since the claimant has not filed any evidence to rebut the statutory presumption of cost savings, the Controller’s finding that cost savings have been realized is correct as a matter of law.

3. For all years of the audit period except the first half of fiscal year 2003-2004, the Controller’s calculation of cost savings is correct as a matter of law, and not arbitrary, capricious or entirely lacking in evidentiary support.

The Controller correctly determined that during the audit period, the claimant diverted solid waste, as mandated by the test claim statute, and exceeded the minimum required diversion rate every year of the audit period.<sup>177</sup> Because the claimant exceeded the mandate, the Controller calculated offsetting savings by allocating the diversion to reflect the mandate. The Controller allocated the diversion by dividing the percentage of solid waste required to be diverted by the test claim statute (either 25 percent or 50 percent) by the actual percentage of solid waste diverted (as annually reported by the claimant to CIWMB). The allocated diversion was then multiplied by the avoided landfill disposal fee (based on the statewide average fee) to calculate

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costs mandated by the state. (Gov. Code, §§ 17514 [defining “costs mandated by the state”], 17560(a) [“A local agency or school district may . . . file an annual reimbursement claim that details the costs actually incurred for that fiscal year.”]; 17561 [providing that the issuance of the Controller’s claiming instructions constitutes a notice of the right of local agencies and school districts to file reimbursement claims based upon the parameters and guidelines, and authorizing the Controller to audit the records of any local agency or school district to “verify the actual amount of the mandated costs.”]; 17558.7(a) [“If the Controller reduces a claim approved by the commission, the claimant may file with the commission an incorrect reduction claim pursuant to regulations adopted by the commission.”]. By statute, only the local agency or school district may bring these claims, and the local entity must present and prove its claim that it is entitled to reimbursement. (See also, Cal. Code Regs., tit. 2, §§ 1185.1, et seq., which requires that the IRC contain a narrative that describes the alleged incorrect reductions, and be signed under penalty of perjury.)

<sup>176</sup> Exhibit A, IRC, page 58 (Amended Parameters and Guidelines). Emphasis added.

<sup>177</sup> Exhibit B, Controller’s Late Comments on the IRC, page 82.

the offsetting savings realized.<sup>178</sup>

$$\begin{array}{rcccl}
 & \text{Allocated Diversion \%} & & & \\
 & \text{-----} & & & \\
 & \text{Maximum} & & & \text{Avoided} \\
 & \text{Allowable} & & & \text{Landfill} \\
 \text{Offsetting} & \text{Diversion \%} & \times & \text{Tonnage} & \text{Disposal Fee} \\
 \text{Savings} & \text{-----} & & \text{Diverted} & \text{(per Ton)} \\
 \text{Realized} & \text{Actual} & & & \\
 & \text{Diversion \%} & & & 
 \end{array}$$

The formula allocates or reduces cost savings based on the mandated rate, and is intended to avoid penalizing the claimant for diverting more solid waste than the percentage mandated by law.<sup>179</sup>

This formula is consistent with the statutory presumption of cost savings, as interpreted by the court for this program, and the requirements in the Parameters and Guidelines. The court found that the test claim statutes require that reduced or avoided landfill fees represent savings that must be offset against the cost of diversion. The court stated: “The amount or value of the [offsetting cost] savings may be determined from the calculations of annual solid waste disposal reduction or diversion which California Community Colleges must annually report” to CIWMB.<sup>180</sup> The Parameters and Guidelines state: “Reduced or avoided costs realized from implementation of the community college districts' Integrated Waste Management plans shall be identified and offset from this claim as cost savings . . . .”<sup>181</sup> Thus, the Controller’s formula correctly presumes, based on the record and without any evidence to the contrary, that the claimant realized cost savings during the audit period equal to the avoided landfill fee per ton of waste required to be diverted. And when the claimant exceeded the mandated diversion rates, the Controller’s formula limited the offset to reflect the mandated rate.

The claimant raises several arguments, unsupported by the law or evidence in the record, that the Controller’s calculation of cost savings is incorrect.

The claimant first alleges that cost savings cannot be realized because the chain of events required by Public Contract Code sections 12167 and 12167.1 did not occur: that savings have to be converted to cash, and amounts in excess of \$2,000 per year must be deposited in the state fund and appropriated back by the Legislature to mitigate the costs.<sup>182</sup> It is undisputed that the claimant did not remit to the state any savings realized from the implementation of the IWM plan.<sup>183</sup> However, as indicated above, cost savings are presumed by the statutes and the claimant

<sup>178</sup> Exhibit A, IRC, pages 33; Exhibit B, Controller’s Late Comments on the IRC, page 16.

<sup>179</sup> Exhibit B, Controller’s Late Comments on the IRC, pages 16.

<sup>180</sup> Exhibit B, Controller’s Late Comments on the IRC, page 37 (*State of California, Department of Finance, California Integrated Waste Management Board v. Commission on State Mandates, et al.* (Sacramento County Superior Court, Case No. 07CS00355, Ruling on Submitted Matter).

<sup>181</sup> Exhibit A, IRC page 58 (Amended Parameters and Guidelines, adopted Sept. 26, 2008).

<sup>182</sup> Exhibit A, IRC, pages 13-14.

<sup>183</sup> Exhibit B, Controller’s Late Comments on the IRC, page 15.

has not filed evidence to rebut that presumption. Thus, the claimant should have deposited the cost savings into the state's account as required by the test claim statutes, and the claimant's failure to comply with the law does not make the Controller's calculations of cost savings incorrect as a matter of law, or arbitrary or capricious. Since cost savings are presumed by the statutes, the claimant has the burden to show increased costs mandated by the state. As the court stated: "[r]eimbursement is not available under section 6 and section 17514 to the extent that a local government or school district is able to provide the mandated program or increased level of service without actually incurring increased costs."<sup>184</sup>

The claimant next asserts that the Controller's formula is an underground regulation.<sup>185</sup> The Commission disagrees. Government Code section 11340.5 provides that no state agency shall enforce or attempt to enforce a rule or criterion which is a regulation, as defined in section 11342.600, unless it has been adopted pursuant to the Administrative Procedures Act. As discussed above, however, the formula is consistent with the statutory presumption of cost savings, as interpreted by the court for this program. Interpretations that arise in the course of case-specific adjudications are not regulations.<sup>186</sup>

The claimant also argues that using landfill fees in the calculation of offsetting savings is not relevant because "[t]he District did not claim landfill costs, so there are none to be offset."<sup>187</sup> The claimant's interpretation of the cost savings requirement is not correct. The cost of disposing waste at a landfill is not eligible for reimbursement. Reimbursement is authorized to *divert* solid waste from the landfill through source reduction, recycling, and composting activities.<sup>188</sup> As explained by the court:

In complying with the mandated solid waste diversion requirements of Public Resources Code section 42921, California Community Colleges are likely to experience cost savings in the form of reduced or avoided costs of landfill disposal. The reduced or avoided costs are a direct result and an integral part of the mandated IWM plan ....

Such reduction or avoidance of landfill fees and costs resulting from solid waste diversion activities under § 42920 et seq. represent savings which must be offset against the costs of the diversion activities to determine the reimbursable costs of IWM plan implementation -- i.e., the actual increased costs of diversion -- under section 6 and section 17514.<sup>189</sup>

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<sup>184</sup> Exhibit B, Controller's Late Comments on the IRC, page 36 (*State of California, Department of Finance, California Integrated Waste Management Board v. Commission on State Mandates, et al.* (Sacramento County Superior Court, Case No. 07CS00355, Ruling on Submitted Matter).

<sup>185</sup> Exhibit A, IRC, page 15.

<sup>186</sup> *Tidewater Marine Western, Inc. v. Bradshaw* (1996) 14 Cal.4th 557, 571.

<sup>187</sup> Exhibit A, IRC, page 17.

<sup>188</sup> Exhibit A, IRC, page 54 (Parameters and Guidelines).

<sup>189</sup> Exhibit B, Controller's Late Comments on the IRC, pages 36-37 (*State of California, Department of Finance, California Integrated Waste Management Board v. Commission on State*

The court also noted that diversion is defined as “activities which reduce or eliminate the amount of solid waste from solid waste disposal.”<sup>190</sup>

In addition, the claimant argues that the formula assumes facts without evidence in the record. For example, the claimant questions the Controller’s assumption that all diverted waste would have been disposed in a landfill, and that the statewide average cost to dispose of waste at a landfill actually applied to the claimant.<sup>191</sup>

The Controller’s assumptions, however, are supported by evidence in the record and the claimant has filed no evidence to rebut them.

The Controller obtained the statewide average cost for landfill disposal fees from CIWMB. The fees were based on a private survey of a large percentage of landfills across California.<sup>192</sup> The Controller’s audit report indicates that the claimant did not provide documentation to support a different disposal fee.<sup>193</sup> In addition, the Controller states:

[A]n internet search for landfill fees revealed that the Hawthorne Street Transfer Station in Eureka, California, currently charges \$154.28 per ton to dispose of solid waste (Tab 9). Therefore, we believe that the \$36 to \$46 "statewide average disposal fee" used to calculate the offsetting savings realized by the district is reasonable. In addition, the district did not provide any information, such as its contract with or invoices received from its commercial waste hauler (Eel River Disposal) to support either the landfill fees actually incurred by the district or to confirm that the statewide average landfill fee was greater than landfill fees incurred by the district.<sup>194</sup>

On these audit issues, the Commission may not reweigh the evidence or substitute its judgment for that of the Controller. The Commission must only ensure that the Controller’s decision is not arbitrary, capricious, or entirely lacking in evidentiary support, and adequately considered all relevant factors.<sup>195</sup> There is no evidence that the Controller’s assumptions are wrong or arbitrary or capricious with regard to the statewide average landfill fee.

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*Mandates, et al.* (Sacramento County Superior Court, Case No. 07CS00355, Ruling on Submitted Matter).

<sup>190</sup> Public Resources Code section 40124. Exhibit B, Controller’s Late Comments on the IRC, page 36 (*State of California, Department of Finance, California Integrated Waste Management Board v. Commission on State Mandates, et al.* (Sacramento County Superior Court, Case No. 07CS00355, Ruling on Submitted Matter)).

<sup>191</sup> Exhibit A, IRC, pages 15-17.

<sup>192</sup> Exhibit B, Controller’s Late Comments on the IRC, page 17.

<sup>193</sup> Exhibit A, IRC, page 34.

<sup>194</sup> Exhibit B, Controller’s Late Comments on the IRC, pages 17-18.

<sup>195</sup> *American Bd. of Cosmetic Surgery, Inc. v. Medical Bd. of California* (2008) 162 Cal.App.4th 534, 547-548.

The claimant also points to the Controller's audits of other community college districts, arguing that the Controller's audit results in those cases vary and are arbitrary.<sup>196</sup> The Controller's audits of other community college district reimbursement claims are not relevant to the Controller's audit here. Each audit depends on the documentation and evidence provided by the claimant to show increased costs mandated by the state.

Accordingly, the Controller's calculation of cost savings for all years of the audit period except the first half of fiscal year 2003-2004 is correct as a matter of law, and is not arbitrary, capricious, or entirely lacking in evidentiary support.

4. The Controller's calculation of offsetting cost savings for the first half of fiscal year 2003-2004, based on an incorrect mandated diversion rate, is incorrect as a matter of law.

The claimant achieved an actual diversion rate of 57.7 percent in the first half of fiscal year 2003-2004.<sup>197</sup> The Controller allocated the diversion rate, as it did for the other fiscal years, because the claimant exceeded the mandate. However, the Controller used a 50 percent mandated rate to calculate the allocated diversion rate although the test claim statutes required only 25 percent diversion in calendar year 2003.<sup>198</sup> The requirement to divert 50 percent of solid waste did not become operative until January 1, 2004,<sup>199</sup> so the calculation of cost savings for the first half of fiscal year 2003-2004 using a 25 percent diversion rate is incorrect.

As indicated in the Parameters and Guidelines, the mandate is to divert at least 25 percent of all solid waste from landfill disposal or transformation facilities by January 1, 2002, and at least 50 percent of all solid waste from landfill disposal or transformation facilities by January 1, 2004, through source reduction, recycling, and composting activities.<sup>200</sup> Thus, from July 1, 2003, through December 31, 2003, community college districts were mandated to achieve diversion rates of only 25 percent. The Controller admits that, "[s]ince there is no state mandate to exceed solid waste diversion greater than 25% for calendar years 2002 and 2003 or greater than 50% for calendar year 2004 and beyond, there is no basis for calculating offsetting savings realized for actual diversion percentages that exceeded the levels set by statute."<sup>201</sup>

The Controller's calculation of offsetting cost savings, using a 50 percent diversion rate from July 1, 2003 through December 31, 2003, instead of the mandated 25 percent diversion rate, is incorrect as a matter of law.<sup>202</sup> As discussed above, the Controller's formula for offsetting cost

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<sup>196</sup> Exhibit A, IRC, pages 17-18.

<sup>197</sup> Exhibit B, Controller's Late Comments on the IRC, page 56 (2003 Annual Report). The Controller did not round this figure and calculated it at 57.68 percent. See page 82.

<sup>198</sup> Exhibit B, Controller's Late Comments on the IRC, page 16.

<sup>199</sup> Public Resources Code sections 42921; Exhibit A, IRC, page 90 (Parameters and Guidelines).

<sup>200</sup> Exhibit A, IRC, page 90 (Parameters and Guidelines). This is based on Public Resources Code sections 42921.

<sup>201</sup> Exhibit B, Controller's Late Comments on the IRC, page 16.

<sup>202</sup> Exhibit B, Controller's Late Comments on the IRC, page 82.

savings, which allocates the diversion based on the mandated rate, is consistent with the test claim statutes and the court's decision on this program.

Applying the Controller's cost savings formula (that allocates cost savings for years the claimant exceeded the mandate) to the first half of fiscal year 2003-2004, results in offsetting savings of \$2,430 (25 percent divided by 57.68 percent, multiplied by 152.25 tons diverted multiplied by the statewide average landfill disposal fee of \$36.83) rather than \$4,861. Therefore, the difference of \$2,431 (\$4,861 - \$2,430) has been incorrectly reduced.

Accordingly, the Commission finds that the difference of \$2,431 (\$4,861 - \$2,430) reduced from costs claimed for the first half of fiscal year 2003-2004 is incorrect as a matter of law.

**C. The Adjustment of \$5,130 Deducted From the Controller's Calculation of Offsetting Savings Did Not Result in a Reduction of Costs Pursuant to Government Code Section 17551(d), and thus, the Commission Does Not Have Jurisdiction to Determine if the Adjustment Is Correct.**

As indicated in the Background, the Controller found that the claimant reported offsetting savings of \$5,130 during the audit period, but realized total offsetting savings of \$43,377 from implementation of its IWM plan. Thus, the Controller calculated the total realized offsetting savings by subtracting the offsetting savings reported by the claimant, resulting in an overall reduction of \$38,247 instead of \$43,377.<sup>203</sup>

The claimant states that \$5,130 identified as reported offsetting savings is *not* offsetting savings, but actually offsetting recycling revenue.<sup>204</sup> The claimant therefore contends that it "properly reported the recycling income as a reduction of total claimed cost[s] and also not subject to state appropriation in the form of cost savings."<sup>205</sup> The claimant requests that the Commission make a finding on "each and every adjustment made by the Controller."<sup>206</sup>

Government Code section 17551(d) requires the Commission to hear and decide a claim that the Controller has incorrectly reduced payments to the local agency or school district. The \$5,130 adjustment does not result in a reduction of the claimant's payment.

As indicated in the Final Audit Report and on the claimant's reimbursement claims, \$5,130 was reported by the claimant as offsetting savings and not offsetting revenues.<sup>207</sup> Had the \$5,130 not been reporting as offsetting savings, the Controller would have reduced the reimbursement

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<sup>203</sup> Exhibit A, IRC, pages 31-32 (Final Audit Report).

<sup>204</sup> Exhibit A, IRC, page 19.

<sup>205</sup> Exhibit A, IRC, page 20.

<sup>206</sup> Exhibit A, IRC, page 22.

<sup>207</sup> Exhibit A, IRC, page 32 (Final Audit Report); page 152 (fiscal year 1999-2000 reimbursement claim identifying \$75.70 as offsetting savings); page 158 (fiscal year 2000-2001 reimbursement claim identifying \$916.46 as offsetting savings); page 165 (fiscal year 2003-2004 reimbursement claim identifying \$1,326.59 as offsetting savings); and page 172 (fiscal year 2004-2005 reimbursement claim identifying \$2,811.26 as offsetting savings).



claims by the full amount of offsetting savings realized (\$43,377) and not subtracted the cost savings by \$5,130.<sup>208</sup>

Thus, the adjustment of \$5,130 decreased the audit reduction, giving more money to the claimant, and did not result in a reduction of costs claimed within the meaning of Government Code section 17551(d). Accordingly, the Commission does not have jurisdiction to determine if the adjustment is correct.

## **V. Conclusion**

Based on the foregoing, the Commission finds that the Controller timely initiated the audit of the fiscal year 2003-2004 reimbursement claim, and timely completed the audit of all claims.

The Commission concludes that the Controller's reduction of costs claimed for all years in the audit period except the first half of fiscal year 2003-2004 is correct as a matter of law and is not arbitrary, capricious, or entirely lacking in evidentiary support.

The Commission further concludes that the Controller's calculation of offsetting savings for the first half of fiscal year 2003-2004, based on an incorrect mandated diversion rate, is incorrect as a matter of law. The law and the record support offsetting cost savings for this time period of \$2,430 rather than \$4,861. Therefore, the difference of \$2,431 has been incorrectly reduced and should be reinstated to claimant.

Finally, the Commission finds that the adjustment of \$5,130, which was reported by the claimant as offsetting savings, decreased the audit reduction, and did not result in a reduction of costs claimed within the meaning of Government Code section 17551(d). Therefore, the Commission does not have jurisdiction to determine if the adjustment is correct.

Accordingly, the Commission partially approves this IRC and requests, pursuant to Government Code section 17551(d) and section 1185.9 of the Commission's regulations, that the Controller reinstate \$2,431 to the claimant.

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<sup>208</sup> Exhibit B, Controller's Late Comments on the IRC, page 21.

**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 February 16, 2018, I served the:

- **Draft Proposed Decision, Schedule for Comments, and Notice of Hearing issued February 16, 2018**

*Integrated Waste Management*, 14-0007-I-10

Public Resources Code Sections 40148, 40196.3, 42920-42928;

Public Contract Code Sections 12167 and 12167.1

Statutes 1992, Chapter 1116 (AB 3521); Statutes 1999, Chapter 764 (AB 75)

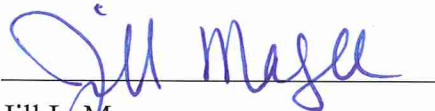
State Agency Model Integrated Waste Management Plan (February 2000)

Fiscal Years: 1999-2000, 2000-2001, 2003-2004, 2004-2005, and 2005-2006

Redwoods Community College District, 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 February 16, 2018 at Sacramento, California.



Jill L. Magee  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
(916) 323-3562

# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 2/15/18

**Claim Number:** 14-0007-I-10

**Matter:** Integrated Waste Management

**Claimant:** Redwoods Community College District

### 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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RECEIVED  
February 23, 2018  
Commission on  
State Mandates

BETTY T. YEE  
California State Controller

February 23, 2018

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

Re: **Draft Proposed Decision**

Incorrect Reduction Claim

*Integrated Waste Management*, 14-0007-I-10

Public Resources Code Sections 40148, 40196.3, 42920-42928

Public Contract Code Sections 12167 and 12167.1

Statutes of 1992, Chapter 1116 (AB 3521); Statutes of 1999, Chapter 764 (AB 75)

State Agency Model Integrated Waste Management Plan (February 2000)

Fiscal Years: 1999-2000, 2000-2001, 2003-2004, 2004-2005, and 2005-2006

Redwoods Community College District, Claimant

Dear Ms. Halsey:

The State Controller's Office (SCO) has reviewed the Commission on State Mandates' (Commission) draft proposed decision dated February 16, 2018, for the above incorrect reduction claim filed by Redwoods Community College District. This letter constitutes the SCO's response to the Commission's draft proposed decision.

We agree with the Commission's conclusion that the audit of the fiscal year (FY) 2003-04 reimbursement claim was initiated on time and that the audit of all the reimbursement claims was timely completed. In addition, we agree with the Commission's conclusion to support our reduction of costs claimed for FY 1999-2000, FY 2000-01, the second half of FY 2003-04, FY 2004-05, and FY 2005-06. Also, we agree to reinstate \$2,431 for the first half of FY 2003-04, which the Commission concluded was incorrect as a matter of law.

If you have any questions, please contact me by telephone at (916) 327-3138.

Sincerely,

LISA KUROKAWA, Bureau Chief  
Division of Audits

P.O. Box 942850, Sacramento, CA 94250 ♦ (916) 445-2636  
3301 C Street, Suite 700, Sacramento, CA 95816 ♦ (916) 324-8907  
901 Corporate Center Drive, Suite 200, Monterey Park, CA 91754 ♦ (323) 981-6802

**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.

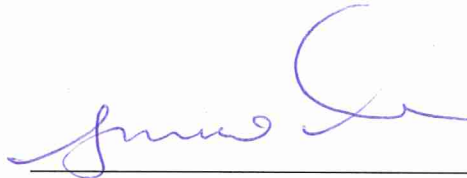
On February 23, 2018, I served the:

- **Controller's Comments on the Draft Proposed Decision filed February 23, 2018**

*Integrated Waste Management*, 14-0007-I-10  
Public Resources Code Sections 40148, 40196.3, 42920-42928;  
Public Contract Code Sections 12167 and 12167.1  
Statutes 1992, Chapter 1116 (AB 3521); Statutes 1999, Chapter 764 (AB 75)  
State Agency Model Integrated Waste Management Plan (February 2000)  
Fiscal Years: 1999-2000, 2000-2001, 2003-2004, 2004-2005, and 2005-2006  
Redwoods Community College District, 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 February 23, 2018 at Sacramento, California.



---

Lorenzo Duran  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
(916) 323-3562

# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 2/15/18

**Claim Number:** 14-0007-I-10

**Matter:** Integrated Waste Management

**Claimant:** Redwoods Community College District

### 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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**MINUTES**

**COMMISSION ON STATE MANDATES**

State Capitol, Room 447  
Sacramento, California  
September 26, 2008

- Present:     Member Tom Sheehy, Chairperson  
              Representative of the Director of the Department of Finance  
              Member Francisco Lujano, Vice Chairperson  
              Representative of the State Treasurer  
              Member Richard Chivaro  
              Representative of the State Controller  
              Member Anne Schmidt  
              Representative of the Director of the Office of Planning and Research  
              Member J. Steven Worthley  
              County Supervisor  
              Member Sarah Olsen  
              Public Member
- Absent:     Member Paul Glaab  
              City Council Member

**CALL TO ORDER AND ROLL CALL**

Chairperson Sheehy called the meeting to order at 9:38 a.m.

**APPROVAL OF MINUTES**

Item 1     August 1, 2008

The August 1, 2008 hearing minutes were adopted by a vote of 5-0. Ms. Schmidt abstained.

**PROPOSED CONSENT CALENDAR**

INFORMATIONAL HEARING PURSUANT TO CALIFORNIA CODE OF REGULATIONS,  
TITLE 2, CHAPTER 2.5, ARTICLE 8 (ACTION)

**A. PROPOSED PARAMETERS AND GUIDELINES**

Item 7     *Reporting Improper Governmental Activities*, 02-TC-24  
              Education Code Section 87164  
              Statutes 2001, Chapter 416, Statutes 2002, Chapter 81  
              Santa Monica Community College District, Claimant

Mr. Petersen responded that they would not be compelled to do the state portion if they were not in the DSPS program. Ms. Olsen then asked where is the practical compulsion. Mr. Petersen responded that they still have to continue performing the federal mandate which has always been funded by the state.

Ms. Shelton added that it was funded by the state under the state's vocational rehabilitation program, and before enactment of DSPS, students were receiving overlapping services. Therefore, the Department of Rehabilitation and the Chancellor's Office s came to agreement that the colleges would perform the services and vocational rehabilitation would not. There was no funding in that agreement.

Member Olsen stated that she was trying to clarify the practical compulsion allegation and whether it was based on the parents of DSPS students going to court if a district did not comply with DSPS. Mr. Petersen clarified that the practical compulsion is that school districts still have to continue the federal mandate, which was previously funded by the state. If a district stops participating in the state DSPS program, there would be no funding for providing any service.

Chairperson Sheehy asked Mr. Petersen if he wished to discuss the next issue on instructional materials. Mr. Petersen stated that he would not, because the Commission must decide the threshold issue first.

Member Chivaro moved to adopt the staff recommendations. With a second by Member Lujano, the Commission adopted the staff recommendation to deny the test claim by a vote of 6-0.

#### B. PROPOSED STATEMENT OF DECISION

- Item 4     *Disabled Student Programs and Services, (02-TC-22)*  
            See Item 3

Ms. Shelton also presented this item. She stated that the sole issue before the Commission was whether the proposed Statement of Decision accurately reflected the Commission's decision on the *Disabled Student Programs and Services* test claim. Staff recommended that the Commission adopt the proposed Statement of Decision including minor changes.

Member Chivaro made a motion to adopt the proposed Statement of Decision. With a second by Member Lujano, the Statement of Decision was adopted by a vote of 6-0.

Ms. Higashi noted that Items 5 and 6 were postponed at the request of the claimant.

#### **INFORMATIONAL HEARING PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 8 (ACTION)**

##### PROPOSED PARAMENTERS AND GUIDELINES

- Item 8     *Integrated Waste Management Board, (00-TC-07)*  
            Public Resources Code Sections 40148, 40196.3, 42920-42928, Public  
            Contract Code Sections 12167 and 12167.1, Statutes 1999, Chapter 764,  
            Statutes 1992, Chapter 1116, Manuals of the California Integrated Waste  
            Management Board  
            Santa Monica and South Lake Tahoe Community College Districts,  
            Co-Claimants

Camille Shelton, Chief Legal Counsel, presented this item. Ms. Shelton explained that this item is on remand from the Sacramento County Superior Court on a judgment and writ. The *Integrated Waste Management Board* program requires community college districts to develop and adopt waste management plans to divert solid waste from landfills and to submit annual

reports to the Integrated Waste Management Board. The writ issued by the court requires the Commission to amend the parameters and guidelines for this program in two respects: It requires the Commission to amend the offsetting revenue section to require claimants to identify and offset from their reimbursement claims, all revenue generated as a result of implementing their waste plans, without regard to the limitations described in the Public Contract Code.

The second amendment requires that the Commission add an offsetting cost savings section to the parameters and guidelines to require claimants to identify and offset from their reimbursement claims cost savings realized as a result of implementing their plans, consistent with the limitations provided in the Public Contract Code.

Ms. Shelton continued that under the Public Contract Code provisions, community colleges are required to deposit all cost savings that result from implementing their waste plans in the Integrated Waste Management account. Upon appropriation by the Legislature, the funds may be expended by the Integrated Waste Management Board for the purpose of offsetting plan costs. Subject to Board approval, cost savings by a community college that do not exceed \$2,000 annually, are appropriated for expenditure by the community college for the purpose of offsetting their costs. Cost savings exceeding \$2,000 annually may be available for expenditure by the community college only when appropriated by the Legislature. The proposed amendments contain these changes required by the court.

Ms. Shelton added that the Integrated Waste Management Board is requesting that the Commission add more language to the offsetting cost-savings section to require community college districts to: (1) provide information with their reimbursement claims identifying all cost savings resulting from the plans, including costs savings that exceed \$2,000; and (2) to analyze categories of potential cost savings to determine what to include in their claims.

Staff finds that the Board's request for additional language goes beyond the scope of the court's judgment and writ. Therefore, staff recommends that the Commission deny the Board's request and adopt the proposed amendments to the parameters and guidelines as recommended by staff.

Parties were represented as follows: Keith Petersen, an interested party having represented the claimant many years ago; Elliot Block representing the California Integrated Waste Management Board, and Susan Geanacou representing the Department of Finance.

Mr. Block stated that he disagreed with the staff analysis. The Board argues that staff is viewing the court's decision more narrowly than is necessary. The reimbursement claims are difficult to review. The Board is requesting the language to provide additional guidance to help the claims be formulated in a way that they are actually reviewable and usable. He noted that the Board has a pending request to amend the parameters and guidelines to add these additional reporting requirements, and that the staff analysis suggests that the additional reporting requirements could be added prospectively, but not retroactively. He stated that if the parameters and guidelines could have been originally drafted to include this requirement, why can't the parameters and guidelines be amended now to include this guidance.

Chairperson Sheehy asked Mr. Block to clarify the comment that the claims that are being submitted are difficult to review.

Mr. Block reiterated that the claims were incomplete and difficult to review, and pointed out that even Commission staff sought help from the Board when they initially reviewed the claims because there were portions of the claims filed that did not make sense and did not seem to align with the original parameter and guidelines.

Ms. Higashi noted that when the Commission adopted the statewide cost estimate, it requested a summary compilation of the amounts claimed by the community college districts filing timely reimbursement claims with the State Controller's Office. The State Controller's Office report identified the claimant by name, amount claimed and amounts offset and was the basis for the Commission's preparation of the statewide cost estimate.

Ms. Geanacou stated that the Department of Finance, as a co-petitioner before the court, has followed this matter closely. She observed that the cost savings information required in the claims will clearly appear as an offset for reimbursement and is already available in two sources of information if the test claim statutes are complied with.

Ms. Shelton stated that the Commission's jurisdiction in this matter is really limited to the court's writ and the writ directed two specific changes to the parameters and guidelines. She noted that the court found that the information to support cost savings was already provided to the Board in their existing annual report. The court did not indicate that the Board needed additional information. She added that every year, the Board receives a report that describes the calculations of annual disposal reduction and information on changes in waste generated or disposed. Also, this issue can be addressed in the Board's pending request to amend the parameters and guidelines.

Member Worthley moved to adopt the staff recommendations. With a second by member Olsen, the staff recommendation to approve the proposed amendments to the parameters and guidelines was adopted by a vote of 6-0.

## **STAFF REPORTS**

Item 12 Chief Legal Counsel's Report (info)

No report was made.

Item 13 Executive Director's Report (info)

Ms. Higashi introduced our newest analyst Heidi Palchik.

Ms. Higashi also recognized staff member Lorenzo Duran who recently participated in a state agency sponsored fundraiser for the California State Employees Charitable Campaign. He successfully dunked our Commission Chair, Mr. Genest, in the dunk tank.

Ms. Higashi reported the adopted State Budget did not make any new changes to the Commission's budget. Also, the Commission filed the annual workload report with the Director of Finance.

Ms. Higashi proposed changing the November 6th hearing to an alternate date in December. It was decided to find an agreeable date and report it back to the Commission. She also noted that work is continuing on the proposal for delivery of agenda materials.

Ms. Higashi reported that Anne Sheehan, Chief Deputy Director of the Department of Finance, was appointed Director of Corporate Governance, CALSTRS.

Ms. Higashi also noted that the Commission will probably be exploring a hiring freeze exemption.

## **PUBLIC COMMENT**

Chairperson Sheehy introduced Deborah Borzelleri and acknowledged her upcoming retirement. On behalf of the Commission, Chairperson Sheehy presented Ms. Borzelleri with a Resolution recognizing her retirement as a state employee for 35 years and her many accomplishments.

**ITEM 9**  
**FINAL STAFF ANALYSIS**  
**PROPOSED AMENDMENTS TO PARAMETERS AND**  
**GUIDELINES**

Public Resources Code Sections 40148, 40196.3, 42920-42928  
Public Contract Code Sections 12167 and 12167.1

Statutes 1999, Chapter 764 (A.B. 75)  
Statutes 1992, Chapter 1116 (A.B. 3521)

State Agency Model Integrated Waste Management Plan (February 2000)

*Integrated Waste Management*  
05-PGA-16

Integrated Waste Management Board, Requestor

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**EXECUTIVE SUMMARY**

**Background**

This is a request filed by the Integrated Waste Management Board pursuant to Government Code section 17557, subdivision (d), to amend the original parameters and guidelines for the *Integrated Waste Management* program. If the Commission approves the Board's request, the amendments would be effective for costs incurred beginning July 1, 2005.

The Board requests that the parameters and guidelines be amended in Section VIII, Offsetting Cost Savings, to include language requiring community college districts to analyze avoided disposal costs and other offsetting savings relating to staffing, overhead, materials, storage, etc., as a result of the test claim statutes when filing reimbursement claims. A similar request was made by the Board at the Commission's September 26, 2008 hearing, when the Commission amended the parameters and guidelines pursuant to the court's writ and judgment in *State of California, Department of Finance, California Integrated Waste Management Board v. Commission on State Mandates* (Sacramento County Superior Court, Case No. 07CS00355). The Commission denied the Board's request and found that the request was not consistent with the statutes or the court's judgment and writ. (See Exhibit G.)

The Board also requests that the following additional language be included in Section IX, State Controller's Claiming Instructions:

The claiming instructions shall include sufficient instructions to ensure that only additional expenses related to this mandate are included and that any offsetting savings, as described above, are not included.

The Board contends that the proposed amendments should be made “to more accurately capture the information necessary to provide accurate claims and a Statewide Cost Estimates [sic].”

The request to amend the parameters and guidelines was issued for comment on April 10, 2006. No comments were received. A draft staff analysis recommending that the Commission deny the Board’s request was issued on December 8, 2008. On December 30, 2008, the Integrated Waste Management Board filed comments on the draft. No other comments have been received.

### **Staff Analysis**

Staff recommends that the Commission deny the request to amend the parameters and guidelines to include language requiring community colleges to specifically analyze the cost savings information identified by the Board when filing reimbursement claims for the following reasons:

- There is no requirement in statute or Board regulations that community college districts perform the analysis specified by the Board.
- The Commission does not have the authority to impose additional requirements on community college districts regarding this program.
- The current offsetting cost savings paragraph identifies the offsetting savings consistent with the language of Public Resources Code section 42925, subdivision (a), and Public Contract Code sections 12167 and 12167.1, and with the court’s judgment and writ in *State of California, Department of Finance, California Integrated Waste Management Board v. Commission on State Mandates, et al.* (Sacramento County Superior Court, Case No. 07CS00355).
- Information on cost savings is already available to the Board in the community colleges’ annual reports submitted to the Board pursuant to Public Resources Code section 42926, subdivision (b)(1).

Staff further recommends that the Commission deny the proposed language to amend Section IX of the parameters and guidelines to require that the claiming instructions include sufficient instructions to ensure that only additional expenses related to this mandate are included and that any offsetting savings are not included, for the following reasons:

- The requirement that only increased costs be claimed is already provided in the boilerplate language of Section IV of the parameters and guidelines.
- The offsetting cost savings are adequately described in Section VIII of the parameters and guidelines, the first sentence of which states that “[r]educed or avoided costs realized from implementation of the community college districts’ Integrated Waste Management plans *shall be identified and offset from this claim* as cost savings, consistent with the directions for revenue in Public Contract Code sections 12167 and 12167.1.” (Emphasis added.)



- The claiming instructions prepared by the State’s Controller’s Office are required to be derived from the test claim decision and the adopted parameters and guidelines. (Gov. Code, § 17558, subd. (b).)

**Conclusion and Staff Recommendation**

Staff recommends that the Commission deny the request of the Integrated Waste Management Board to amend the original parameters and guidelines.

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## STAFF ANALYSIS

### Requestor

Integrated Waste Management Board

### Chronology

- 03/25/04 Statement of Decision adopted by Commission
- 03/30/05 Parameters and guidelines adopted by Commission
- 03/30/06 Integrated Waste Management Board files comments to the proposed statewide cost estimate and requests that the Commission amend the parameters and guidelines
- 04/10/06 Integrated Waste Management Board's request to amend the parameters and guidelines is issued for comment
- 10/26/06 Commission adopts statewide cost estimate
- 03/--/07 Integrated Waste Management Board and Department of Finance file petition for writ of mandate challenging the Statement of Decision and parameters and guidelines (Sacramento County Superior Court, Case No. 07CS00355)
- 06/30/08 Sacramento County Superior Court issues judgment and writ of mandate in Case No. 07CS00355 ordering Commission to amend the parameters and guidelines with respect to offsetting revenue and cost savings
- 09/26/08 Commission amends parameters and guidelines in compliance with the court's writ of mandate
- 12/08/08 Draft Staff Analysis issued on the request to amend the parameters and guidelines by the Integrated Waste Management Board
- 12/30/08 Integrated Waste Management Board files comments on the draft staff analysis

### Background

#### *The Board's Request to Amend the Parameters and Guidelines*

This is a request filed by the Integrated Waste Management Board (hereafter "the Board") pursuant to Government Code section 17557, subdivision (d), to amend the parameters and guidelines for the *Integrated Waste Management* program.<sup>1</sup> If the Commission approves the Board's request, the amendments would be effective for costs incurred beginning July 1, 2005.

The Board requests that the parameters and guidelines be amended in Section VIII, Offsetting Cost Savings,<sup>2</sup> to include the following language requiring community college

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<sup>1</sup> Exhibit A.

<sup>2</sup> Exhibit B, parameters and guidelines.

districts to analyze avoided disposal costs and other offsetting savings as a result of the test claim statutes when filing reimbursement claims.

Only additional expenses related to this mandate may be included in a claim and offsetting savings to the same program experienced as a result of this same mandate shall be subtracted from the amount of the claim. Claimants shall analyze the following items in determining what to include in their claims:

Staffing:

Through the implementation of the program being claimed a reduction in staff hours (PYs) can be achieved. In order to determine any cost increases or decreases the claimant will need to evaluate the total staff required to implement the program being claimed prior to AB 75 and the staff needed to implement and operate the current program. All values identified must be calculated based on a conversion to the dollar values for the particular year being claimed.

Overhead:

Costs incurred for overhead, such as benefits, for the PYs identified under “staffing.”

Materials:

Through the implementation of the program being claimed a reduction or elimination of supplies and materials may have been achieved. This could include, and is not limited to: White office paper, mixed office paper, cardboard, printed catalogs, postage, envelopes, and other office supplies.

Storage:

Through the implementation of this program being claimed a reduction or elimination of storage of supplies and materials may have been achieved. The elimination of storage is a cost savings that must be allotted to offset any costs associated to the implementation of the identified program(s) being claimed by the claimant.

Transportation Costs:

The transportation of supplies and waste materials has a cost. The claimant should determine how many trips staff was making to purchase, pick-up and deliver supplies needed for the program being claimed and the current level of the activity.

Claimant should also consider the cost incurred or avoided for the collection of waste materials associated with the activity being claimed.

Equipment:

Any costs associated with new/replacement equipment, including any costs avoided for maintenance of obsolete equipment.

Sale of Commodities:

This would include any and all revenues generated due to the sale of materials collected through the implementation of the specific program being claimed. This could include, but is not limited to white office paper, mixed office paper, cardboard, beverage containers, ferrous and nonferrous metals, glass, plastic, re-sale of used text books, compost, mulch, and firewood.

Avoided disposal fees:

Through the implementation of the AB 75 program(s) a facility will see a direct reduction in the amount of materials that would have been placed into a landfill or a trash dumpster on the campus. These direct savings are to be credited to the program based on today's disposal costs.

Sale of obsolete equipment:

Proceeds of any sales of obsolete equipment.

Other revenue related to program:

Dependent on the particular program or activity being submitted to the Commission for reimbursement several other factors can and will generate a cost savings.

The Board also requests that the following additional language be included in Section IX, State Controller's Claiming Instructions:

The claiming instructions shall include sufficient instructions to ensure that only additional expenses related to this mandate are included and that any offsetting savings, as described above, are not included.

The Board contends that the proposed amendments should be made "to more accurately capture the information necessary to provide accurate claims and a Statewide Cost Estimates [sic]."

On December 30, 2008, the Board filed comments on the draft staff analysis, stating that "since the Commission has already rejected our arguments, rather than reiterate them, we are simply incorporating by reference our earlier comment letter, dated August 26, 2008, and asking that they be included in the record, so that the record will reflect our arguments in the matter."<sup>3</sup> The Board's August 26, 2008 letter is in the record under Exhibit G, (Item 8, September 26, 2008 Commission Hearing, Adoption of Amendments to Parameters and Guidelines, on Remand from the Sacramento County Superior Court in Case No. 07CS00355) on page 385, and is summarized in the history and analysis below.

The Board further states the following:

In closing, I just want to note that the Board's position is that the Commission views its authority too narrowly in this matter and the result will be that it will receive a number of inaccurate claims that it and other

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<sup>3</sup> Exhibit H.

state agencies will have to spend unnecessary time and resources reviewing. Furthermore, if those claims are not completely reviewed and/or audited, the State may end up paying for claims that it should not.

### ***History of the Claim***

The *Integrated Waste Management* program requires community college districts to develop and adopt, in consultation with the Integrated Waste Management Board, an integrated waste management plan. Each community college is required to divert from landfills at least 25 percent of generated solid waste by January 1, 2002, and at least 50 percent by January 1, 2004. Community college districts are also required to submit annual reports to the Integrated Waste Management Board describing the calculations of annual disposal reduction and information on changes in waste generated or disposed for the year. The Commission approved the test claim and adopted the Statement of Decision on March 25, 2004.<sup>4</sup>

Parameters and guidelines were adopted in March 2005.<sup>5</sup> In comments to the proposed parameters and guidelines, the Integrated Waste Management Board argued that the program would inevitably result in cost savings as a result of avoided disposal costs and recommended that the parameters and guidelines require information on cost savings in any claim submitted to the State Controller's Office. Similar to the Board's request in this item, the Board proposed that the Commission adopt the following costs/savings worksheet to be attached to the parameters and guidelines "as guidance for collecting relevant information."

#### Expenses

- *Staffing.* Through the implementation of the program being claimed a reduction in staff hours (PYs) can be achieved. In order to determine any cost increases or decreases the claimants will need to evaluate the total staff required to implement the program being claimed prior to AB 75 and the staff needed to implement and operate the current program. All values identified must be calculated based on a conversion to the dollar values for the particular year being claimed.
- *Overhead.* Costs incurred for overhead, such as benefits, for the PYs identified under "staffing."
- *Materials.* Through the implementation of the program being claimed a reduction or elimination of supplies and materials may have been achieved. This could include, and is not limited to: white office paper, mixed office paper, cardboard, printed catalogs, postage, envelopes, and other office supplies.
- *Storage.* Through the implementation of the program being claimed a reduction or elimination of storage of supplies and materials may have been achieved. The elimination of storage is a cost savings that must be

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<sup>4</sup> Exhibit C.

<sup>5</sup> Exhibit D.

allocated to offset any costs associated to the implementation of the identified program(s) being claimed by the claimants.

- *Transportation costs:* The transportation of supplies and waste materials has a cost. The claimants should determine how many trips staff was making to purchase, pick-up and deliver supplies needed for the program being claimed and the current level of the activity. It should be calculated based on a conversion of the previous programs' activities being converted to the dollar values for the particular year for which a claim is being submitted.

Claimants should also consider the cost incurred for the collection of waste materials associated with the activity being claimed.

- *Equipment.* Any costs associated with new/replacement equipment, including any costs avoided for maintenance of obsolete equipment.
- *Disposal fees.* Costs associated to the disposal of materials prior to the implementation of the specific program being implemented. Since the intent and impact of the legislation is to divert materials from the landfill, a direct savings is seen.
- *Other expenses related to program.* The claimants should take into consideration the specific program being claimed for reimbursement and identify all areas that have been impacted.

#### Revenue

- *Sale of commodities.* This would include any and all revenues generated due to the sale of materials collected through the implementation of the specific program being claimed. This could include, but is not limited to, white office paper, mixed office paper, cardboard, beverage containers, ferrous and nonferrous metals, glass, plastic, re-sale of used text books, compost, mulch, and firewood.
- *Avoided disposal fees.* Through the implementation of the AB 75 program(s) a facility will see a direct reduction in the amount of materials that would have been placed into a landfill or a trash dumpster on the campus. These direct savings are to be credited to the program based on today's disposal costs.
- *Sale of obsolete equipment.* Proceeds of any sales of obsolete equipment.
- *Other revenue related to program.* Dependent on the particular program or activity being submitted to the Commission for reimbursement several other factors can and will generate a cost savings. It is suggested that the claimants be required to identify all savings associated to the particular program or activity as per the findings of the Commission.<sup>6</sup>

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<sup>6</sup> Exhibit D.

In the parameters and guidelines analysis adopted in March 2005, the Commission found that community colleges are not required to identify in their reimbursement claims the potential costs savings that may result from avoiding disposal costs. The Commission also found that community college districts are not required by law to submit with their reimbursement claims a program worksheet recommended by the Board.<sup>7</sup>

Thus, the parameters and guidelines did not identify any offsetting cost savings for avoided disposal costs as a result of the mandate to divert solid waste.

In October 2006, the Commission adopted a statewide cost estimate in the amount of \$10,785,532 (with an average annual cost of \$1,198,392), covering fiscal years 1999-2000 through 2006-2007. The statewide cost estimate was based on 142 actual, unaudited, reimbursement claims filed by 27 community college districts for fiscal years 1999-2000 through 2004-2005, and estimated costs using the implicit price deflator for fiscal years 2005-2006 through 2006-2007. During the proceedings for the statewide cost estimate, the Board contended that the Commission's failure to include offsetting cost savings in the parameters and guidelines resulted in inaccurate cost claims. The Board filed comments arguing that the statewide cost estimate should be set at zero since community college districts collectively reported to the Board the diversion of waste in a tonnage amount that equaled \$22 million in avoided disposal costs.<sup>8</sup>

The Integrated Waste Management Board and the Department of Finance then filed a petition for writ of mandate in March 2007, asking the court to set aside the Commission's decision granting the test claim and to require the Commission to issue a new Statement of Decision and parameters and guidelines that give full consideration to the community colleges' cost savings (e.g. avoided landfill disposal fees) and revenues (from recyclables) by complying with the test claim statutes. They contended that the Commission did not properly account for all the offsetting cost savings from avoided disposal costs, or offsetting revenues from the sale of recyclable materials in the Statement of Decision or parameters and guidelines. (*State of California, Department of Finance, California Integrated Waste Management Board v. Commission on State Mandates, et al.* Sacramento County Superior Court, Case No. 07CS00355.)

On May 29, 2008, the Sacramento County Superior Court issued its Ruling on Submitted Matter, finding that the Commission's rationale for the treatment of cost savings and revenues in the parameters and guidelines was erroneous and required that the parameters and guidelines be amended.<sup>9</sup>

With regard to cost savings, the court found that the reduction or avoidance of costs resulting from solid waste diversion activities represent savings that must be offset and deducted from the claim for costs incurred as a result of the mandated activities in accordance with Public Contract Code section 12167 and 12167.1. Cost savings may be determined from the calculations of annual solid waste disposal reduction or diversion that community colleges must annually report to the Board pursuant to Public Resources

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<sup>7</sup> Exhibit D.

<sup>8</sup> Exhibit E.

<sup>9</sup> Exhibit F.



Code section 42926, subdivision (b)(1).<sup>10</sup> The court further concluded that offsetting savings are limited by Public Contract Code section 12167 and 12167.1, which require community colleges to deposit cost savings into the Integrated Waste Management Account in the Integrated Waste Management Fund. These funds may, on appropriation by the Legislature, be spent by the Board to offset integrated waste management plan implementation costs. The cost savings that do not exceed \$2000 annually are continuously appropriated for the colleges to spend to offset implementing and administering the costs of the integrated waste management plan. Cost savings in excess of \$2000 annually are available for this same purpose when appropriated by the Legislature.<sup>11</sup> The judgment and writ issued by the court on June 30, 2008, directed the Commission to amend the parameters and guidelines with respect to cost savings as follows:

Amend the parameters and guidelines in Test Claim No. 00-TC-07 to require community college districts claiming reimbursable costs of an integrated waste management plan under Public Resources Code section 42920, et seq. to identify and offset from their claims, consistent with the directions for revenue in Public Contract Code sections 12167 and 12167.1, cost savings realized as a result of implementing their plans.<sup>12</sup>

The hearing on the parameters and guidelines on remand from the court took place on September 26, 2008. In addition to making the changes required by the court's writ, the Board requested that the Commission amend the parameters and guidelines to further require community college districts to provide information with their claims identifying all cost savings resulting from the plans, including amounts that exceed \$2000. The Board also requested that the Commission require community college districts to analyze the following categories of potential cost savings in determining what to include in their claims:

Staffing:

Through the implementation of the program being claimed a reduction in staff hours (PYs) can be achieved. In order to determine any cost increases or decreases the claimant will need to evaluate the total staff required to implement the program being claimed prior to AB 75 and the staff needed to implement and operate the current program. All values identified must be calculated based on a conversion to the dollar values for the particular year being claimed.

Overhead:

Costs incurred for overhead, such as benefits, for the PYs identified under "staffing."

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<sup>10</sup> Exhibit F, Ruling, page 7.

<sup>11</sup> Exhibit F, Ruling, pages 8-9.

<sup>12</sup> Exhibit F.

Materials:

Through the implementation of the program being claimed a reduction or elimination of supplies and materials may be have been achieved. This could include, and is not limited to: White office paper, mixed office paper, cardboard, printed catalogs, postage, envelopes, and other office supplies.

Storage:

Through the implementation of this program being claimed a reduction or elimination of storage of supplies and materials may have been achieved. The elimination of storage is a cost savings that must be allotted to offset any costs association to the implementation of the identified program(s) being claimed by the claimant.

Transportation Costs:

The transportation of supplies and waste materials has a cost. The claimant should determine how many trips staff was making to purchase, pick-up and deliver supplies needed for the program being claimed and the current level of the activity.

Claimant should also consider the cost incurred or avoided for the collection of waste materials associated with the activity being claimed.

Equipment:

Any costs associated with new/replacement equipment, including any costs avoided for maintenance of obsolete equipment.

Sale of Commodities:

This would include any and all revenues generated due to the sale of materials collected through the implementation of the specific program being claimed. This could include, but is not limited to white office paper, mixed office paper, cardboard, beverage containers, ferrous and nonferrous metals, glass, plastic, re-sale of used text books, compost, mulch, and firewood.

Avoided disposal fees:

Through the implementation of the AB 75 program(s) a facility will see a direct reduction in the amount of materials that would have been placed into a landfill or a trash dumpster on the campus. These direct savings are to be credited to the program based on today's disposal costs.

Sale of obsolete equipment:

Proceeds of any sales of obsolete equipment.

Other revenue related to program:

Dependent on the particular program or activity being submitted to the Commission for reimbursement several other factors can and will generate a cost savings.

The Board argued that “this change is consistent with the Commission’s statutes which provide that the ‘reasonable reimbursement methodology’ used should identify the costs to implement the mandate in a cost-efficient manner.”<sup>13</sup>

The Commission disagreed with the Board’s argument and denied the request. The Commission found that the request to require community college districts to provide offsetting savings information whether or not the offsetting savings generated exceeds the \$2000 continuous appropriation was not consistent with the statutes or the court’s judgment and writ. Pages 6-8 of the analysis adopted by the Commission makes the following findings in this regard:

Rather, as described below, the court interpreted the plain language of these statutes as requiring community college districts to deposit all cost savings resulting from their Integrated Waste Management plans in the Integrated Waste Management Account in the Integrated Waste Management Fund. The funds deposited in the Integrated Waste Management Account, upon appropriation by the Legislature, and approval of the Integrated Waste Management Board, may be appropriated for the expenditure by those community college districts for the purposes of offsetting program costs.

Public Resources Code section 42925, subdivision (a), states the following:

Any cost savings realized as a result of the state agency integrated waste management plan shall, to the extent feasible, be redirected to the agency’s integrated waste management plan to fund plan implementation and administration costs, in accordance with Sections 12167 and 12167.1 of the Public Contract Code.

Public Contract Code section 12167 states:

Revenues received from this plan or any other activity involving the collection and sale of recyclable materials in state and legislative offices located in state-owned and state-leased buildings, such as the sale of waste materials through recycling programs operated by the California Integrated Waste Management Board or in agreement with the board, shall be deposited in the Integrated Waste Management Account in the Integrated Waste Management Fund and are hereby continuously appropriated to the board, without regard to fiscal years, until June 30, 1994, for the purposes of offsetting recycling program costs. On and after July 1, 1994, the funds in the Integrated Waste Management Account may be expended by the board, only upon appropriation by the Legislature, for the purpose of offsetting recycling program costs.

Public Contract Code section 12167.1 states:

Notwithstanding Section 12167, upon approval by the California Integrated Waste Management Board, revenues derived from the sale of recyclable materials by state agencies and institutions that do not

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<sup>13</sup> Exhibit G.

exceed two thousand dollars (\$2,000) annually are hereby continuously appropriated, without regard to fiscal years, for expenditure by those state agencies and institutions for the purposes of offsetting recycling program costs. Revenues that exceed two thousand dollars (\$2,000) annually shall be available for expenditure by those state agencies and institutions when appropriated by the Legislature. Information on the quantities of recyclable materials collected for recycling shall be provided to the board on an annual basis according to a schedule determined by the board and participating agencies.

The court interpreted these statutes as follows:

By requiring the redirection of cost savings from state agency IWM plans to fund plan implementation and administration costs “in accordance with Sections 12167 and 12167.1 of the Public Contract Code,” section 42925 assures that cost savings realized from state agencies’ IWM plans are handled in a manner consistent with the handling of revenues received from state agencies’ recycling plans under the State Assistance for Recycling Markets Act. Thus, in accordance with section 12167, state agencies, along with California Community Colleges which are defined as state agencies for purposes of IWM plan requirements in Public Resources Code section 42920 et seq. [citations omitted], must deposit cost savings resulting from IWM plans in the Integrated Waste Management Account in the Integrated Waste Management Fund; the funds deposited in the Integrated Waste Management Account, upon appropriation by the Legislature, may be expended by the Integrated Waste Management Board for the purpose of offsetting IWM plan costs. In accordance with section 12167.1 and notwithstanding section 12167, cost savings from the IWM plans of the agencies and colleges that do not exceed \$2000 annually are continuously appropriated for expenditure by the agencies and colleges for the purpose of offsetting IWM plan implementation and administration costs; cost savings resulting from IWM plans in excess of \$2000 annually are available for such expenditure by the agencies and colleges when appropriated by the Legislature.<sup>14</sup>

Accordingly, the Board’s request is not consistent with these statutes or the court’s judgment and writ. Thus, the Commission does not have jurisdiction to make the changes requested by the Board.

The Commission also found that the Board’s request to require community college districts to analyze specified categories of potential cost savings in staffing, overhead, materials, etc., when filing their claims was not required by the test claim statutes and not consistent with the court’s ruling, judgment, and writ. The Commission’s findings are as follows:

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<sup>14</sup> Exhibit F, Ruling, page 9.

The Commission's jurisdiction on this item is limited by the court's judgment and writ. The court's judgment and writ do not direct the Commission to include the additional language requested by the Board in the parameters and guidelines.

The court agreed with the Board that community college districts are required by Public Resources Code section 42925, subdivision (a), to redirect any cost savings realized as a result of the diversion activities to fund the district's implementation and administration of the integrated waste management plan. But the court determined that the amount or value of cost savings is already available from the annual report the community colleges provide to the Board pursuant to Public Resources Code section 42926, subdivision (b).<sup>15</sup> This report is required to include the district's "calculations of annual disposal reduction" and "information on the changes in waste generated or disposed of due to increases or decreases in employees, economics, or other factors." The court's writ requires the Commission to amend the parameters and guidelines as follows:

Amend the parameters and guidelines in Test Claim No. 00-TC-07 to require community college districts claiming reimbursable costs of an integrated waste management plan under Public Resources Code section 42920, et seq. *to identify and offset from their claims, consistent with the directions for revenue in Public Contract Code sections 12167 and 12167.1, cost savings realized as a result of implementing their plans.*

The writ does not direct the Commission to amend the parameters and guidelines to require community college districts to analyze the potential categories of cost savings identified by the Board.

Thus, the offsetting cost language adopted by the Commission on September 26, 2008, tracks the statutory language of Public Resources Code sections 42925 and Public Contract Code sections 12167 and 12167.1. Section VIII of the parameters and guidelines, Offsetting Cost Savings, states the following:

#### **VIII. OFFSETTING COST SAVINGS**

Reduced or avoided costs realized from implementation of the community college districts' Integrated Waste Management plans shall be identified and offset from this claim as cost savings, consistent with the directions for revenue in Public Contract Code sections 12167 and 12167.1.

Pursuant to these statutes, community college districts are required to deposit cost savings resulting from their Integrated Waste Management plans in the Integrated Waste Management Account in the Integrated Waste Management Fund; the funds deposited in the Integrated Waste Management Account, upon appropriation by the Legislature, may be expended by the California Integrated Waste Management Board for the

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<sup>15</sup> Exhibit F, Ruling, page 7.

purpose of offsetting Integrated Waste Management plan costs. Subject to the approval of the California Integrated Waste Management Board, cost savings by a community college that do not exceed two thousand dollars (\$2,000) annually are continuously appropriated for expenditure by the community college for the purpose of offsetting Integrated Waste Management program costs. Cost savings exceeding two thousand dollars (\$2,000) annually may be available for expenditure by the community college only when appropriated by the Legislature. To the extent so approved or appropriated and applied to the college, these amounts shall be identified and offset from the costs claimed for implementing the Integrated Waste Management Plan.<sup>16</sup>

**Issue 1: Should the Commission amend Section VIII of the parameters and guidelines to require community college districts to analyze specified categories of potential cost savings in staffing, overhead, materials, etc., when filing their claims?**

The Board requests that the parameters and guidelines be amended in Section VIII, Offsetting Cost Savings, to include the following language requiring community college districts to analyze avoided disposal costs and other offsetting savings as a result of the test claim statutes when filing reimbursement claims.

Only additional expenses related to this mandate may be included in a claim and offsetting savings to the same program experienced as a result of this same mandate shall be subtracted from the amount of the claim. Claimants shall analyze the following items in determining what to include in their claims:

Staffing:

Through the implementation of the program being claimed a reduction in staff hours (PYs) can be achieved. In order to determine any cost increases or decreases the claimant will need to evaluate the total staff required to implement the program being claimed prior to AB 75 and the staff needed to implement and operate the current program. All values identified must be calculated based on a conversion to the dollar values for the particular year being claimed.

Overhead:

Costs incurred for overhead, such as benefits, for the PYs identified under “staffing.”

Materials:

Through the implementation of the program being claimed a reduction or elimination of supplies and materials may be have been achieved. This could include, and is not limited to: White office paper, mixed office

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<sup>16</sup> Exhibit B.

paper, cardboard, printed catalogs, postage, envelopes, and other office supplies.

Storage:

Through the implementation of this program being claimed a reduction or elimination of storage of supplies and materials may have been achieved. The elimination of storage is a cost savings that must be allotted to offset any costs association to the implementation of the identified program(s) being claimed by the claimant.

Transportation Costs:

The transportation of supplies and waste materials has a cost. The claimant should determine how many trips staff was making to purchase, pick-up and deliver supplies needed for the program being claimed and the current level of the activity.

Claimant should also consider the cost incurred or avoided for the collection of waste materials associated with the activity being claimed.

Equipment:

Any costs associated with new/replacement equipment, including any costs avoided for maintenance of obsolete equipment.

Sale of Commodities:

This would include any and all revenues generated due to the sale of materials collected through the implementation of the specific program being claimed. This could include, but is not limited to white office paper, mixed office paper, cardboard, beverage containers, ferrous and nonferrous metals, glass, plastic, re-sale of used text books, compost, mulch, and firewood.

Avoided disposal fees:

Through the implementation of the AB 75 program(s) a facility will see a direct reduction in the amount of materials that would have been placed into a landfill or a trash dumpster on the campus. These direct savings are to be credited to the program based on today's disposal costs.

Sale of obsolete equipment:

Proceeds of any sales of obsolete equipment.

Other revenue related to program:

Dependent on the particular program or activity being submitted to the Commission for reimbursement several other factors can and will generate a cost savings.

The Board contends that the proposed amendments should be made “to more accurately capture the information necessary to provide accurate claims and a Statewide Cost Estimates [sic].”

Staff recommends that the Commission deny the request to amend the parameters and guidelines by requiring community colleges to specifically analyze the cost savings information identified by the Board when filing reimbursement claims. There is no requirement in statute or Board regulations that community college districts perform the analysis specified by the Board. Moreover, the Commission does not have the authority to impose additional requirements on community college districts regarding this program. Rather, section 1183.1, subdivision (a)(8), of the Commission's regulations simply requires that the parameters and guidelines include an identification of offsetting savings in the same program experienced because of the state statutes or executive orders found to contain a mandate. The current offsetting cost savings paragraph identifies the offsetting savings consistent with the language of Public Resources Code section 42925, subdivision (a), and Public Contract Code sections 12167 and 12167.1, and with the court's judgment and writ. The language is also consistent with Public Resources Code section 42927, subdivision (b), which becomes operative and effective on January 1, 2009. (Stats. 2008, ch. 343, Sen. Bill No. 1016.) Section 42927 is consistent with the court's ruling and judgment, and requires a community college to "expend all cost savings that result from implementation of the district's integrated waste management plan pursuant to this chapter to fund the continued implementation of the plan consistent with the requirement that revenues from the sale of recyclable materials be used to offset recycling program costs, as specified in Sections 12167 and 12167.1 of the Public Contract code."

Furthermore, the Board incorrectly argues that "this change is consistent with the Commission's statutes which provide that the 'reasonable reimbursement methodology' used should identify the costs to implement the mandate in a cost-efficient manner." A reasonable reimbursement methodology is defined in Government Code section 17518.5 to mean a formula for reimbursing school districts for costs mandated by the state that is based on general allocation formulas, uniform cost allowances, and other approximations of local costs. Reasonable reimbursement methodologies are used in lieu of a district maintaining detailed documentation of actual local costs and may be developed by the Department of Finance, the State Controller's Office, an affected state agency, a claimant, or an interested party. The Commission has not adopted a reasonable reimbursement methodology in this case, and one has not yet been proposed.

Finally, the Board contends that the proposed amendments are necessary to capture information necessary to provide accurate claims. But the information on cost savings is already available to the Board. The court found that cost savings can be determined from the calculations of annual solid waste disposal reduction or diversion included in the community colleges' annual reports to the Board pursuant to Public Resources Code section 42926, subdivision (b)(1).<sup>17</sup> In comments to the proposed statewide cost estimate, the Board was able to determine from this report the dollar amount of cost savings for the fiscal years in question and argued that the statewide cost estimate should be set at zero "since community college districts collectively reported to the Board the

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<sup>17</sup> Exhibit F, Ruling, page 7.



diversion of waste in a tonnage amount that equaled \$22 million in avoided disposal costs.”<sup>18</sup>

Therefore, staff recommends that the Commission deny the Board’s request to amend the parameters and guidelines to require community colleges to specifically analyze the cost savings information identified by the Board when filing reimbursement claims.

**Issue 2: Should the Commission amend Section IX of the parameters and guidelines to add language regarding the State Controller’s claiming instructions?**

Section IX of the parameters and guidelines states the following:

**IX. STATE CONTROLLER’S REVISED CLAIMING INSTRUCTIONS**

The Controller shall, within 60 days after receiving amended parameters and guidelines prepare and issue revised claiming instructions for mandates that require state reimbursement after any decision or order of the commission pursuant to section 17558. The claiming instructions shall be derived from the test claim decision and the parameters and guidelines adopted by the Commission. Pursuant to Government Code section 17561, subdivision (d)(2), issuance of the claiming instructions shall constitute a notice of the right of the local agencies and school districts to file reimbursement claims, based upon parameters and guidelines adopted by the Commission. In preparing revised claiming instructions, the Controller may request the assistance of other state agencies. (Gov. Code, § 17558, subdivision (c).)

If revised claiming instructions are issued by the Controller pursuant to subdivision (c) of section 17558 between November 15 and February 15, a local agency or school district filing an annual reimbursement claim shall have 120 days following the issuance date of the revised claiming instructions to file a claim.

The Board requests that the Commission add the following language to Section IX:

The claiming instructions shall include sufficient instructions to ensure that only additional expenses related to this mandate are included and that any offsetting savings, as described above, are not included.

Staff recommends that the Commission deny the proposed language. The requirement that only increased costs be claimed is already provided in the boilerplate language of Section IV of the parameters and guidelines, Reimbursable Activities, which states that:

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.

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<sup>18</sup> Exhibit E.

Furthermore, staff finds that offsetting cost savings are adequately described in Section VIII of the parameters and guidelines, the first sentence of which states that “[r]educed or avoided costs realized from implementation of the community college districts’ Integrated Waste Management plans *shall be identified and offset from this claim* as cost savings, consistent with the directions for revenue in Public Contract Code sections 12167 and 12167.1.” (Emphasis added.)

The claiming instructions prepared by the State’s Controller’s Office are required to be derived from the test claim decision and the adopted parameters and guidelines. (Gov. Code, § 17558, subd. (b).)

Accordingly, staff recommends that the Commission deny the proposed amendments to Section IX of the parameters and guidelines.

**Conclusion and Staff Recommendation**

Staff recommends that the Commission deny the request of the Integrated Waste Management Board to amend the parameters and guidelines.