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Commission on State Mandates
Filed Date
07/15/26

July 15, 2026

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Re: County of Sonoma Rebuttal to Department of Finance Comments - Test Claim 25-TC-03, Emergency Communications in Non-English Languages
Government Code Section 7299.7 (Statutes of 2023, Chapter 587; AB 1638)

Dear Director Gmur and Members of the Commission:

On behalf of the County of Sonoma ("County"), we respectfully submit this rebuttal to the comments of the Department of Finance ("Finance") dated June 22, 2026, concerning Test Claim 25-TC-03 on Emergency Communications in Non-English Languages.

At the outset, it is important to frame what Finance does and does not contest. Finance does not dispute that AB 1638 imposes a reimbursable state-mandated program. Each of its arguments is expressly conditional, advanced only "if the Commission determines the statute imposes a state-reimbursable mandate." Finance therefore raises no genuine challenge to the existence of the mandate; it argues only, in the alternative, about the scope and timing of reimbursable costs.

Those scope-and-timing questions are not properly before the Commission at the test claim stage. The test claim decision determines whether the statute mandates a new program or higher level of service and identifies the reimbursable activities. The allocation of one-time versus ongoing costs, the frequency of periodic activities, and the treatment of any overlap with prior law are matters reserved for the parameters and guidelines phase. (Gov. Code, § 17557.) We nonetheless respond to each of Finance's points below and demonstrate that AB 1638 imposes new, ongoing, operational duties that are reimbursable under article XIII B, section 6 of the California Constitution.

I. The Governing Legal Standard

Article XIII B, section 6 requires the state to reimburse local agencies for the costs of any "new program or higher level of service" it mandates. The implementing statutes define "costs mandated by the state" as the increased costs a local agency must incur as a result of a statute that mandates a new program or higher level of service of an existing program within the meaning of section 6. (Gov. Code, § 17514.)

Reimbursement is owed where a statute either carries out the governmental function of providing services to the public or imposes unique requirements on local governments that do not apply generally to all residents and entities of the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56-57.) A requirement is "new" if the local agency had not previously been required to institute it. (*County of Los Angeles v. Commission on State Mandates* (2003) 110 Cal.App.4th 1176, 1189.) A "higher level of service" exists where (i) the requirements are new in comparison with the preexisting scheme because they did not exist before the enactment, and (ii) the requirements were intended to provide an enhanced service to the public. (*San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 877-878.)

The California courts have squarely applied this standard to public-safety functions. In *Carmel Valley Fire Protection Dist. v. State of California* (1987) 190 Cal.App.3d 521, 537-538, the court held that a requirement to provide updated protective equipment to firefighters was a reimbursable mandate, emphasizing that fire protection is an essential and basic function of local government and that the measure enabled the agency to better provide that service. Emergency response is the same kind of peculiarly governmental, public-protective function, and AB 1638 likewise imposes new operational requirements that enable local agencies to better discharge it.

II. AB 1638 Imposes a New Program and a Higher Level of Service

AB 1638 applies uniquely to local agencies that provide emergency response services. It does not impose a requirement of general application on private parties; it regulates a core governmental function. That alone distinguishes this mandate from the general-application statutes the courts have found non-reimbursable, such as the workers' compensation increase in *County of Los Angeles, supra,* 43 Cal.3d at pages 57-58.

Government Code section 7299.7 imposes at least three operative duties that did not exist under prior law. A local agency must (1) determine the qualifying non-English languages spoken by five percent or more of those within its jurisdiction who speak English less than "very well," and reassess that determination every five years; (2) provide emergency information in those qualifying languages, in addition to English, in the event of an emergency; and (3) ensure that the translated information is as comprehensive, actionable, and timely as the information provided to English-speaking persons, utilizing, whenever feasible, culturally competent native speakers. These duties are stated in mandatory terms and must operate during each live emergency response, not as a one-time planning exercise.

Neither of the prior-law schemes Finance references reaches this conduct. The Dymally-Alatorre Bilingual Services Act (Gov. Code, § 7290 et seq.) addresses routine public-contact services and the translation of written materials explaining services for agencies serving substantial numbers of non-English speakers. It does not require real-time delivery of emergency information during an active emergency, and it imposes no parity standard tied to the timeliness and effectiveness of emergency messaging. Producing immediate, accurate, high-stakes emergency messages, in which timing, clarity, consistency, and the correct use of emergency-specific terminology are essential, is materially different from the routine bilingual public-contact services prior law addresses, and it demands different staffing, training, and readiness. Government Code section 8593.3.5 operates at the planning level, requiring counties to integrate cultural competence into their emergency plans upon the next plan update. It does not require the operational, real-time delivery of multilingual emergency communications that section 7299.7 commands. Because AB 1638's requirements are new in comparison with this preexisting scheme and are intended to enhance the protective service the public receives during emergencies, they satisfy both prongs of the *San Diego Unified* test and constitute a reimbursable new program or higher level of service.

III. Translation and Public-Information Activities Are Ongoing, Not One-Time

Finance contends that updating messaging templates and public information is a one-time activity that generates no ongoing cost once completed. That characterization does not survive contact with the statutory text or the operational reality of emergency response.

A. The statute commands recurring, incident-specific delivery.

Section 7299.7 does not merely require an agency to prepare a fixed library of translations. It requires the agency, in the event of an emergency, to provide emergency information that is as comprehensive, actionable, and timely as the English information. Emergencies generate novel, incident-specific information that cannot be pre-scripted: evacuation areas, routes, and shelters; road closures; the progression of the hazard; and changing public-safety instructions. The duty to translate and deliver that information arises anew with every emergency and changes continuously as conditions evolve. It is, by its nature, recurring and event driven.

While the use of a template library allows local jurisdictions the ability to send emergency alerts in an expedited manner for a no-notice, rapid onset incident, the development of these templates is done in "blue sky" days, their purpose falls under the category of emergency information.

B. Even pre-scripted materials require continuous maintenance.

- Templates must be revised as hazards, response procedures, and policies change;
- Templates must also be reviewed and revised after use to capture feedback on whether the alert message was clear, understood as intended, and prompted the expected protective actions;
- Translations must be updated to reflect changes in the qualifying languages identified through reassessment; and
- Quality assurance must be performed on an ongoing basis to meet the statutory parity standard.

C. Compliance imposes continuing operational and staffing costs.

The mandate is not satisfied by a library of translated text sitting on a shelf. It requires the agency to field people capable of producing accurate, time-compressed translations during a live incident, and that capability carries recurring operational and staffing costs that Finance's comments do not address. To the extent local agencies subject to the mandate, including the County, do not have employed staff fluent in every qualifying language, compliance requires the agency to recruit, register, train, coordinate, and manage volunteer translators, together with the continuing onboarding, supervision, quality control, and incident-time activation that managing such a program entails.

Even where bilingual staff are available, deploying them for emergency translation is not cost-free. It pulls them from their normal duties, requires that they be maintained on standby for activation, and continues their bilingual pay differentials and related incentives, along with the infrastructure and processes needed to support emergency messaging. Where there are neither volunteers nor available bilingual staff are sufficient, the agency must procure paid translation services. Each of these is a continuing cost that recurs with staffing cycles and with every emergency activation. None resembles the one-time template build that Finance describes.

To the extent any portion of the initial template development could be characterized as one-time, it is not a basis to deny the mandate or to treat the agency's continuing operational obligations as non-reimbursable. The compliance duty is never "completed" in the sense Finance suggests; it recurs with each emergency and each change in conditions.

IV. The Cultural-Competence Duty Is a New Operational Mandate Not Covered by Section 8593.3.5

Finance argues that culturally competent engagement is already required under Government Code section 8593.3.5 and that section 7299.7 does not mandate any specific implementing activity.

A. Planning is not operational execution.

Section 8593.3.5 requires a county to integrate cultural competence into its emergency plan upon the next update to that plan. Section 7299.7, by contrast, requires the agency to "endeavor to utilize community members with the cultural competencies and language skills necessary to effectively communicate with those that speak English less than "very well" using, whenever feasible, native speakers of the relevant languages who also speak English fluently". These obligations differ in kind and in timing. Updating a plan on paper is not the same as deploying qualified, culturally competent communicators in the field and staffing an Emergency Operations Center during an active incident.

B. A mandated result carries the reasonable costs of compliance.

That section 7299.7, subdivision (c)(2), leaves the agency some discretion in how it satisfies the cultural-competence requirement does not render the requirement discretionary. The statute imposes a mandatory duty to endeavor to utilize community members with the necessary cultural competencies and language skills, using native speakers whenever feasible. Where a statute mandates a result but leaves the precise method to the local agency, the reasonable costs of a reasonable method of compliance are reimbursable, and the reasonableness of the chosen method is determined through the parameters and guidelines and the claiming process. Our activities, including engaging community-based communicators and native-speaker translators, are reasonable and necessary means of meeting the statutory duty.

We disagree with Finance's position. The fact that the statute does not enumerate every implementing activity is not a basis to deny reimbursement. Rather, identifying the activities reasonably necessary to carry out a statutory mandate, and the associated costs, is the very purpose of this adjudication. Notably, Finance does not argue that the activities we identify are unnecessary to achieve the statutory objectives. Instead, Finance's position is that the activities are not expressly identified in the statute. The absence of an explicit statutory reference does not diminish the necessity of these activities or preclude reimbursement when they are reasonably required to implement the mandate.

V. Language Reassessment Is a Reimbursable Activity, Claimable in the Years Performed

Finance states that any reassessment cost should be reimbursable only in the years a reassessment is required, and not on an annual basis. We agree, and there is no genuine dispute on this point. The County's own test claim states that it does not anticipate incurring reassessment costs in fiscal year 2025-26 and anticipates the first reassessment in fiscal year 2028-29. We seek reimbursement for the reassessment in the years it is performed, consistent with the rule that mandated costs are reimbursed when incurred. (Gov. Code, § 17561.)

The only point the County asks the Commission to preserve is that the five-year reassessment is a reimbursable mandated activity. It is a continuing statutory obligation that did not exist under prior law, and the costs of performing it should be included among the reimbursable activities, to be claimed in the years the reassessment occurs. Finance's framing is fully consistent with that result.

VI. Operational Illustration: Wildfire Response in Sonoma County

The recurring, operational character of these duties is best understood through the kind of emergency the County faces. During a fast-moving wildfire, the County must, in real time and in every qualifying language, as well as English:

- Issue evacuation warnings and orders as evacuated areas are designated and revised;
- Provide continuously updated information on evacuation routes, shelter locations, road closures, and the progression of the fire;
- Translate newly developed, incident-specific information immediately as conditions change;
- Coordinate translation within the Emergency Operations Center to maintain accuracy, consistency, and timeliness across alerts, the County website, and the media; and
- Field culturally competent communicators to reach non-English-speaking residents effectively.

These activities require continuous staffing, trained and prepared personnel, coordination across operational units, and immediate responsiveness under high-pressure conditions. Under prior law, we had no obligation to provide real-time, fully equivalent multilingual communications during an emergency. AB 1638 imposes precisely that obligation, and with it a substantial and ongoing increase in operational responsibilities and costs.

VII. Conclusion and Requested Findings

Finance's comments do not dispute that AB 1638 imposes a reimbursable state-mandated program. Its objections concerning one-time costs, overlap with existing law, and the frequency of reassessment go to the scope and allocation of reimbursable costs, which are reserved for the parameters and guidelines phase. On the merits, none of those objections defeat reimbursement: the translation and delivery duties are ongoing and event-driven and carry continuing operational and staffing costs, the cultural-competence duty is a new operational obligation not covered by prior law, and the reassessment is a reimbursable activity claimable when performed.

Accordingly, the County respectfully requests that the Commission:

- Find that AB 1638 imposes a reimbursable state-mandated new program or higher level of service under article XIII B, section 6; and
- Include among the reimbursable activities the new operational duties imposed by Government Code section 7299.7, including the provision of multilingual emergency communications meeting the statutory parity standard, the deployment of culturally competent communicators during emergencies, and the language determination and periodic reassessment, with any allocation of one-time versus ongoing costs and the frequency of periodic activities reserved for the parameters and guidelines phase.

Thank you for your time and consideration of this response. Should you have any questions or require further clarification, please contact me at 707-565-6095 or via email: jorge.rodriguez@sonomacounty.gov and we would be pleased to provide additional information.

I hereby certify by my signature below that the statements are 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 July 15, 2026, at Santa Rosa, California, by:

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cc: Erick Roeser, Auditor-Controller-Treasurer-Tax Collector, County of Sonoma (Claimant Contact)

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On July 16, 2026, I served the:

- **Current Mailing List dated July 2, 2026**
- **County of Sonoma Rebuttal to Department of Finance Comments Test Claim 25-TC-03, Emergency Communications in Non-English Languages Government Code Section 7299.7 (Statutes of 2023, Chapter 587; AB 1638) filed July 15, 2026**

  Emergency Communications in Non-English Languages, 25-TC-03
  Government Code § 7299.7; Statutes of 2023, Chapter 587 (AB 1638); effective January 1, 2024 and operative January 1, 2025
  County of Sonoma, Claimant

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on July 16, 2026 at Sacramento, California.

David Chavez
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 7/2/26

Claim Number: 25-TC-03

Matter: Emergency Communications in Non-English Languages

Claimant: County of Sonoma

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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