

Commission on State Mandates

List Date: 05/28/1999

Mailing Information

Mailing List

Claim Number 98-TC-14 Claimant County of Los Angeles

Subject 698/98 & 701/98
Issue Domestic Violence Arrests and Victim Assistance

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COMMISSION ON
STATE MANDATES

Mr. Allan Burdick,
DMG-MAXIMUS

4320 Auburn Blvd. Suite 2000 Tel: (916) 485-8102
Sacramento CA 95841 FAX: (916) 485-0111

Ms. Annette Chinn,
Cost Recovery Systems

1750 Creekside Oaks Drive, Suite 290 Tel: (916) 939-7901
Sacramento CA 95833-3640 FAX: (916) 939-7801

← Originals

Ms. Paula Higashi
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300 Tel: 916-323-3562
Sacramento, CA 95814 Fax: 916-445-0278

Mr. James Lombard (A-15), Principal Analyst
Department of Finance

915 L Street Tel: (916) 445-8913
Sacramento CA 95814 FAX: (916) 327-0225

Ms. Laurie McVay,
DMG-MAXIMUS

4320 Auburn Blvd. Suite 2000 Tel: (916) 485-8102
Sacramento CA 95841 FAX: (916) 485-0111

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Mr. Paul Minney,
Girard & Vinson

1676 N. California Blvd. Suite 450
Walnut Creek CA 94596

Tel: (925) 746-7660
FAX: (925) 935-7995

Mr. Andy Nichols,
Vavrinek Trinc Day & Co., LLP

12150 Tributary Point Drive, Suite 150
Gold River CA 95670

Tel: (916) 351-1050
FAX: (916) 351-1020

Ms. Virgina Papan, Deputy Director
Office of Criminal Justice Planning

1130 K Street Suite 300
Sacramento CA 95814

Tel: (916) 324-9132
FAX: (916) 324-9167

Mr. Mark Sigman, Accountant II
Riverside Co. Sheriff's Office

4095 Lemon Street P O Box 512
Riverside Ca 92502

Tel: (909) 955-2709
FAX: (909) 955-2428

Interested Person

Jim Spano,

State Controller's Office
Division of Audits (B-8)

300 Capitol Mall, Suite 518 P.O. Box 942850
Sacramento CA 95814

Tel: (916) 323-5849
FAX: (916) 324-7223

Mr. Paige Vorhies (B-8), Bureau Chief

State Controller's Office
Division of Accounting & Reporting

3301 C Street Suite 500
Sacramento CA 95816

Tel: (916) 445-8756
FAX: (916) 323-4807

Claim Number

98-TC-14

Claimant

County of Los Angeles

Subject

698/98 & 701/98

Issue

Domestic Violence Arrests and Victim Assistance

Mr. David Wellhouse,
Wellhouse & Associates

9175 Kiefer Blvd Suite 121
Sacramento CA 95826

Tel: (916) 368-9244
FAX: (916) 368-5723

CSM/SB # 98-TC-14

Claim Title County of Los Angeles

Government Code Section

Chapters 698/98 & 701/98

Issue Domestic Violence Arrests and Victim Assistance

Mr. Paige Vorhies (B-8), Bureau Chief
State Controller's Office
Division of Accounting & Reporting
3301 C Street Suite 500
SACRAMENTO CA 95816
Tel: (916) 445-8756
FAX: (916) 323-6527

Mr. David Wellhouse,
Wellhouse & Associates

9175 Kiefer Blvd Suite 121
SACRAMENTO CA 95826
Tel: (916) 368-9244
FAX: (916) 368-5723



J. TYLER McCAULEY
AUDITOR-CONTROLLER

**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 525
LOS ANGELES, CALIFORNIA 90012-2766
PHONE: (213) 974-8301 FAX: (213) 626-5427



January 11, 2001

Ms. Paula Higashi
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, California 95814

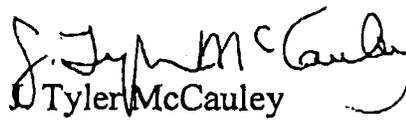
Dear Ms. Higashi:

**Extension of Time Request Pursuant to Section 1183.01(c)(1)
County of Los Angeles Test Claim, CSM-98-TC-14
Domestic Violence Arrests and Victim Assistance**

An extension of time to respond to the State Department of Finance's comments on the subject claim is requested pursuant to Section 1183.01(c)(1) of the Commission's regulations. Justification for a 30 day extension, beginning on the date that the California Supreme Court renders its decision in Carmel Valley Fire Protection District et al. v. State of California, is attached.

Leonard Kaye of my staff is available at (213) 974-8564 to answer questions you may have concerning this submission.

Very truly yours,


J. Tyler McCauley
Auditor-Controller

JTM:JN:LK
Enclosures

Extension of Time Request Pursuant to Section 1183.01(c)(1)
County of Los Angeles Test Claim, CSM-98-TC-14
Domestic Violence Arrests and Victim Assistance

Justification

An extension of time is necessary to respond to the State Department of Finance staff argument that certain new duties imposed under the test claim legislation are not mandatory [and, thus, not reimbursable], only because such new duties are purportedly integral to prior law, now optional under the provisions of Government Code Section 17581.

Specifically, Finance staff state, on page 1 of their June 28, 1999 letter to the Commission, that "... any changes to an existing optional program are also not reimbursable" even though the new changes or "provisions would appear to result in a reimbursable state-mandated local program".

Finance's argument depends on the "optional" status of existing [mandate] programs under Government Code Section 17581, currently being studied by the California Supreme Court in Carmel Valley Fire Protection District et al. v. State of California, Case Number 5078828. The Court's imminent decision could affect the "optional" mandate issue raised by Finance.

Therefore, an extension of time, to address the "optional" mandate issue based on current and authoritative law, is required. Specifically, a 30 day extension, beginning on the date that the California Supreme Court renders its decision in Carmel Valley Fire Protection District et al. v. State of California, is requested.



J. TYLER McCAULEY
AUDITOR-CONTROLLER

**COUNTY OF LOS ANGELES
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KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 525
LOS ANGELES, CALIFORNIA 90012-2766
PHONE: (213) 974-8301 FAX: (213) 626-5427



**Extension of Time Pursuant to Section 1183.01(c)(1)
County of Los Angeles Test Claim, CSM-98-TC-14
Domestic Violence Arrests and Victim Assistance**

Declaration of Leonard Kaye

Leonard Kaye makes the following declaration and statement under oath:

I, Leonard Kaye, SB90 Coordinator, in and for the County of Los Angeles, am responsible for filing test claims and supplemental amendments thereto, reviews of State agency comments, Commission staff analyses and extensions of time to respond thereto and to postpone hearings thereon, and for proposing parameters and guidelines (Ps&Gs) and amendments thereto, and for filing incorrect reduction claims, all for the complete and timely recovery of costs mandated by the State. Specifically, I have prepared the attached document.

Specifically, I declare that I have examined the County's State mandated duties and resulting costs, in implementing the subject law, and find that an extension of time to respond to the State Department of Finance staff comments on the subject test claim is required to address new duties which are, in my opinion, reimbursable "costs mandated by the State", as defined in Government Code section 17514:

" ' Costs mandated by the State' means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

I am personally conversant with the foregoing facts and if so required, I could and would testify to the statements made herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to the matters which are therein stated as information or belief, and as to those matters I believe them to be true.

1/11/2001, Los Angeles, CA
Date and Place

Leonard Kaye
Signature

Commission on State Mandates

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Mr. Leonard Kaye, Esq.,
County of Los Angeles
Auditor-Controller's Office
500 W. Temple Street, Room 603
Los Angeles CA 90012

Tel: (213) 974-8564
FAX: (213) 617-8106

*Original mailed
Post-it[®] brand fax transmittal memo 7671*

To	Paula Higashi	From	Leonard Kaye	# of pages	7
Co.		Co.			
Dept.	CSM	Phone #	5890		
Fax #	916-445-0278	Fax #	213-974-8564		

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DECLARATION OF SERVICE

STATE OF CALIFORNIA, County of Los Angeles:

Hasmik Yaghobyan states: I am and at all times herein mentioned have been a citizen of the United States and a resident of the County of Los Angeles, over the age of eighteen years and not a party to nor interested in the within action; that my business address is 603 Kenneth Hahn Hall of Administration, City of Los Angeles, County of Los Angeles, State of California;

That on the 11th day of January, 2001, I served the attached:

Documents: County of Los Angeles - extension of time request to respond to State Department of Finance comments on County of Los Angeles Test Claim on Domestic Violence Arrests and Victim Assistance *including a 1 page letter dated 01/11/2001, a 1 page narrative, and a 1 page declaration of Leonard Kaye, all pursuant to CSM-98-TC-14, now pending before the Commission on State Mandates.*

upon all Interested Parties listed on the attachment hereto and by

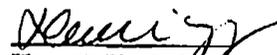
- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date. Commission on State Mandates copy only.
- by placing true copies original thereof enclosed in a sealed envelop addressed as stated on the attached mailing list.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California, addressed as set forth below.
- by personally delivering the document(s) listed above to the person(s) as set forth below at the indicated address.

PLEASE SEE ATTACHED MAILING LIST

That I am readily familiar with the business practice of the Los Angeles County for collection and processing of correspondence for mailing with the United States Postal Service; and that the correspondence would be deposited within the United States Postal Service that same day in the ordinary course of business. Said service was made at a place where there is delivery service by the United States mail and that there is a regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11th day of January, 2001, at Los Angeles, California.


Hasmik Yaghobyan