

# California Special District

Volume 4, Issue 6, Nov - Dec 2009

Publication of the California Special Districts Association



**SAFETY  
FIRST**

Workplace safety

## In this Issue

- Until something bad happens [16]
- Excellence in safety [20]
- Brown Act reimbursement [28]
- What's so special [30]



Interview with  
Kelly Huston,  
Cal EMA

12

## Brown Act Reimbursement for Special Districts California Courts open the door for Open Meetings Act reimbursement

By Andy Nichols and Steve Oppenheim, State Mandated Cost consultants



The recently restored Senate Bill 90/ State Mandated Cost Program, “Brown Act Reform” will provide every special district in California an opportunity to receive reimbursement from the state. This reimbursement is for the time and costs associated with preparing a regular meeting agenda in accordance with the Ralph M. Brown Act (a.k.a. the Open Meetings Act).

For those unfamiliar with SB 90 Reimbursement, the process, which can be found in Article XIII B of the California State Constitution, provides all forms of local government; cities, counties, special districts and school and college districts, an opportunity to receive money from the State of California. SB 90 reimbursement allows local government the ability to file claims with the state for complying with specific laws. The preparation of board agendas, in accordance with the Brown Act, is one of the laws that will once again be reimbursable for all special districts.

New claiming instructions for brown act reimbursement are scheduled to be released by the State Controller’s Office by the end of the year. This will mean special districts will have the opportunity to file SB 90 reimbursement claims in April 2010. The period for reimbursement will cover four fiscal years. Special districts will have the opportunity to file costs incurred for Brown Act compliance for fiscal years 2005-2006 through 2008-2009.

### Reimbursement – Calculating Brown Act Costs

The state will accept three different methods for filing claims: (1) Actual Time, (2) Standard Time, and (3) Flat Rate. The following is a detailed description for each of the methods.

- **Actual Time** – This method requires contemporaneous log sheet documentation. It is the most likely of the three methods to be audited by the State Controller’s Office. (*When to use: If your district has an elaborate agenda preparation process and your district has excellent documentation ; Amount of Reimbursement: Possibly the highest reimbursement*)

- **Standard Time** – Historically, this method can produce the greatest reimbursement for each district. The Standard Time Method allows districts to claim 20 minutes of time for each agenda item for a regular meeting. A blended rate of salaries, benefits and overhead for district staff involved in the agenda preparation process is then used to calculate the cost per agenda. (*When to use: If your agendas average eight or more items per meeting; Amount of Reimbursement: Historically, boards/commissions/committees will realize reimbursement in the range of \$250 - \$450 per regular meeting agenda.*)

- **Flat Rate** – Regardless of the length of your meeting agenda, the “Flat Rate” is the minimum a special district should claim for a regularly scheduled meeting. The “Flat Rate” provides a uniform rate of reimbursement for each meeting for each fiscal year. The rate is tied to a price deflator index. (*When to use: If your agendas average less than eight items per meeting; Amount of Reimbursement: FY 2005-06 - \$135 per an agenda, FY 2006-07 - \$141, FY 2007-08 is \$149 and FY 2008-09 is \$155*)

In order to maximize your district’s claims, we recommend that a combination of Standard Time and Flat Rate methods be used to calculate costs for each fiscal year.





CSDA Finance Corporation  
 1112 I Street, Suite 200  
 Sacramento, CA 95814  
 tel: 877.924.CSDA  
 www.csdafinance.net

**Officers**

John Fox, President, Goleta Sanitary District  
 Jack Curtis, Secretary, Ojai Valley Sanitary District  
 Judy Cofer, Treasurer, Oxnard Harbor District

**Members of the Board**

Jim Acosta, Saticoy Sanitary District  
 Jo MacKenzie, Vista Irrigation District  
 Danna McGrew, Bartlett Pringle & Wolf, LLP  
 Steve Ruettgers, North Bakersfield Recreation and Park District  
 Arlene Schafer, Costa Mesa Sanitary District

**Consultants**

David McMurchie, McMurchie Law  
 Bill Morton, Municipal Finance Corporation  
 Saul Rosenbaum, Prager, Sealy & Co.  
 Jeff Stava, Nossaman, LLC  
 Deborah Young, Bank of New York Mellon

**CSDAFC Staff**

Neil McCormick, Administrator  
 Cathrine Lemaire, Program Manager

**Take Action – File Your Special District’s Brown Act Claims on Time**

On average, a special district with a board of directors and one or two commission or committee meetings will have reimbursable costs between \$20,000 and \$40,000 for the four fiscal years. Districts with more frequent meetings or additional boards, commissions and committees will have considerably higher reimbursements.

To help illustrate the potential reimbursement, the table below displays a special district with monthly board of directors meetings, monthly committee meetings and quarterly committee meetings.

CLAIMS BY FISCAL YEAR				
	2005-2006	2006-2007	2007-2008	2008-2009
<b>Board of Directors</b> (12 Meetings - Standard Time)	\$ 3,600	\$ 3,840	\$ 4,200	\$ 4,440
<b>Monthly Committee</b> (12 Meetings - Flat Rate)	\$ 1,620	\$ 1,692	\$ 1,788	\$ 1,860
<b>Quarterly Committee</b> (4 Meetings - Flat Rate)	\$ 540	\$ 564	\$ 596	\$ 620
<b>Reimbursement by Fiscal Year</b>	\$ 5,760	\$ 6,096	\$ 6,584	\$ 6,920
			<b>Total</b>	<b>\$ 25,360</b>
Your district may be eligible for considerably higher reimbursement based upon the number of agenda items and frequency of meetings held.				

It is important to note that there is a 10 percent state imposed penalty for claims that are filed after the deadline. In order to avoid this penalty, special districts should take action now and begin the data collection process.

*continued on page 33*



**In order to maximize your district’s claims, we recommend that a combination of Standard Time and Flat Rate methods be used to calculate costs for each fiscal year.**

*Two of California’s Top Mandated Cost Consultants are Teaming Up to Provide*

**Comprehensive SB 90 Reimbursement Claim Services for Special Districts.**

- Brown Act (Open Meetings Act)
- Firefighter Cancer Presumption
- Local Government Employee Relations
- Mandate Reimbursement Process

Contact Andy Nichols and Steve Oppenheim

**916.455.3939** | Nichols-Consulting.com  
 Steve@LGConsultants.net



## Money Matters [continued from page 29]

### **Additional State Mandates Available to Special Districts**

In addition to the Brown Act/Open Meetings Act mandate, there are several other mandates your special district may be eligible to file:

#### ***Local Government Employee Relations (PERB)***

This mandate creates an additional method for creating an agency shop arrangement and expanded the jurisdiction of the Public Employment Relations Board (PERB) to include resolving disputes and enforcing the statutory duties and rights of those public employers and employees subject to the Meyers-Milias-Brown Act (MMBA). Special districts may have incurred significant costs in the retention of outside attorneys hired to respond to charges made against the district to PERB.

#### ***Firefighter Cancer Presumption***

This firefighter cancer presumption mandate states that cancer that has developed or manifested itself in peace officers will be presumed to have arisen out of and in the course of employment, unless the presumption is contro-

**This firefighter cancer presumption mandate states that cancer that has developed or manifested itself in peace officers will be presumed to have arisen out of and in the course of employment, unless the presumption is controverted by other evidence.**

verted by other evidence. The presumption is extended to a firefighter following termination of service for a period of three calendar months for each year of requisite service, but not to exceed 60 months in any circumstance, commencing with the last date actually worked in the specified capacity. Actual benefit costs under this presumption shall be 50 percent reimbursable.

#### ***Local Agency Formation Commission (LAFCO)***

Special districts are required to file written statements with the LAFCO specifying the functions or classes of service provided by those districts. Eligible period of reimbursement begins with fiscal year 2001-2002 through 2008-2009.

#### ***Mandate Reimbursement Process (MRP)***

This mandate established the right of local agencies to obtain reimbursement for the costs incurred in complying with the process and procedures set forth by the state to obtain reimbursement for state mandated local programs as specified by Article XIII B, Section 6, of the California Constitution. This simply means special districts are eligible to be reimbursed for the expense of filing SB 90 claims in-house or when using an outside consultant.

For more information or claiming assistance, please contact Steve Oppenheim, Local Government Consultants at (916) 209-8346 or Andy Nichols, Nichols Consulting at (916) 455-3939. ■

**Enhance your company's  
image, safety, comfort, and productivity  
with the broad range of products and service available from Cintas.**



**Phone : 916-419-1099**

**Web site: [www.cintas.com](http://www.cintas.com)**

**A leader in first aid, safety, AED programs and training.**

**For a demo of the NEW Reviver AED**

**Visit: [www.cintas.com/reviverviewdemo](http://www.cintas.com/reviverviewdemo)**