

## **ARTICLE 7. Administration of Funds**

### **§ 290. Purpose of Article.**

This article sets forth the policies governing application for and administration of funds disbursed to participating counties and cities.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

### **§ 291. Adherence to Standards.**

- (a) As provided in Section 6035 of the Penal Code, a county or city department receiving subvention under this program shall adhere to the standards for selection and training established by the Board. No allocation of funds shall be made to any county or city department which is not adhering to these regulations and the guidelines established by the Board.
- (b) A county or city, which, despite good faith efforts in the administration of its program, is unable to fully meet the requirements set forth in these regulations, may apply for a waiver under Section 104 of these regulations.
- (c) In the event that the state subvention is less than declared for the fiscal year, the Board may relieve a county or city from its responsibility to fully implement its training plan(s).

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, 6041, 6042, Penal Code.

**§ 292. Exclusion of "POST" Subvented Courses.**

As provided in Section 6043 of the Penal Code, jurisdictions employing peace officer personnel which are eligible for training subventions pursuant to Section 13500 et seq. of the Penal Code (Peace Officer Standards and Training) (POST) are not eligible to receive subventions under this program except that peace officers assigned full time to correctional duties may participate in training and their jurisdictions receive subventions under this program, provided that the same training for the same individuals is not also reimbursed under the POST program.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6043, Penal Code.

**§ 293. Use of Funds for Matching Grant Funding.**

A county or city may use funds allocated by the Board under this program for purposes of matching grant funds for purposes of selection or training which are consistent with this chapter provided that such funding arrangements are not prohibited by the granting agency.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

**§ 295. Application.**

- (a) The application, which includes the training plan for each department participating in the program, shall be submitted by the county or city in the manner prescribed by the guidelines established by the Board.
- (b) The application shall include but not be limited to:
  - (1) A certified copy of the adopted ordinance.
  - (2) A certification that the department(s) will not use state subvention from this program to pay for costs of training, if funding is received from any other state source to pay for the same costs.
  - (3) A training plan in the format prescribed by the Board, which includes the following:
    - (A) The total number of staff, by department and job classification category, who are eligible for full or limited participation in the program.
    - (B) The number of eligible staff, by department and job classification category, who are scheduled for training during the fiscal year.
    - (C) A training schedule, by each quarter, for the entire fiscal year setting forth an estimate of time when staff will be scheduled to attend courses.
    - (D) The estimated expenditure schedule of state subvention to provide the training, by each quarter, and the total for the fiscal year.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6041, Penal Code.

**§ 296. Date for Submission of Application.**

A county or city shall submit an application and training plan for participation in the program no later than April 15, of each calendar year, to be effective for the following fiscal year starting July 1.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6041, Penal Code.

**§ 297. Approval of Application.**

The Board shall review and approve the application and training plan submitted by a county or city provided the standards and requirements contained in these regulations and the application

guidelines are met. The amount of subvention approved shall not exceed the amount available to the county or city as calculated under Section 298 of these regulations.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6041, Penal Code.

#### **§ 298. Calculation of Available Funds.**

- (a) Funds to be available for allocation to a counties and cities shall be determined by the Board and based on the following:
- (1) the amount of funds appropriated by the Legislature for direct training for the fiscal year.
  - (2) the number of annual eligible staff positions in all participating jurisdictions.
  - (3) the number of core eligible staff positions in all participating jurisdictions, with such positions receiving a 50% greater amount than annual eligible staff positions.
  - (4) the requirements of a prudent contingency fund.
- The allocation to each county or city will be equitable based on the number of annual and core eligible staff positions. This allocation will be announced by the Board to each participating county or city by February 15 of each year, to be effective for the following fiscal year starting July 1.
- (b) For purposes of calculation of available funds, no county or city shall be deemed to have less than eleven eligible staff positions.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6037, Penal Code.

#### **§ 299. Allocation and Use of Funds Based on Training Plan.**

- (a) Funds allocated to a county or city shall be based on the training plan submitted by the county or city and approved by the Board. The allocation of funds shall not exceed the amount eligible to the county or city for the fiscal year. Such funds shall be used for Board certified training. Upon application, the Board may approve use of funds for training needs assessment to meet changing conditions and local needs.
- (b) Funds can be used to pay costs associated with the training such as tuition, per diem, and travel. Tuition expenses shall not exceed guidelines established in SAM. Travel and per diem expenses shall be paid pursuant to county or city regulations.
- An agency may use funds to pay the associated costs of staff who attend training on regularly scheduled time off or who replace employees attending training.
- (c) For part time positions, allocation of funds shall be based on the number of full time equivalent positions which are filled with regular employees working half-time or more.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, 6037 and 6042, Penal Code.

#### **§ 300. Quarterly Disbursement of Funds.**

- (a) Upon approval of the county's or city's training plan by the Board, the Board shall certify to the State Controller the amount of funds to be disbursed quarterly to the county.
- (b) The state shall disburse funds to a county or city, insofar as is practicable, in advance during the first month of each quarter.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036 and 6042, Penal Code.

### **§ 301. Separate Account in County or City.**

Each county or city receiving subvention shall establish a separate account for receipt and disbursement of program funds. Such funds shall be used only to pay costs associated with Board certified training, pursuant to the training plan approved by the Board, and Section 299 of these regulations.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6041, Penal Code.

### **§ 302. Reallocation of Funds.**

The Board may periodically adjust the amount of funds to be made available for allocation to participating counties and cities based upon criteria established by the Board. Factors for consideration include the amount available in the Corrections Training Fund, the amount necessary for a prudent contingency fund, the number of counties and cities participating in the program and other relevant considerations.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

### **§ 302.5. Special Allocation of Funds.**

Notwithstanding the provisions of Sections 298 and 299, in unusual circumstances such as a significant increase in eligible staff and/or substantial unanticipated training needs, the Board may allocate funds (from contingency funds) to a county or city in excess of the county's or city's regular allocation. Such special allocation shall be subject to availability of funds.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

### **§ 303. Quarterly Report.**

- (a) Within 45 calendar days after the end of each quarter, the county or city shall submit verification of training completed during the quarter pursuant to the training plan.
- (b) The quarterly report shall contain information required by the Board, and shall include but not be limited to:
  - (1) The number of staff trained, certified courses completed, and hours completed.
  - (2) The total subvention expenditures for costs necessary to pay staff who attend training on regularly scheduled time off or who replace employees attending training.
  - (3) The total subvention expenditures for the entire training program.
  - (4) Significant changes, problem areas, and any other significant data or observations regarding the program or deviations from the training plan.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036 and 6041, Penal Code.

### **§ 304. Modification of Training Plan.**

A county or city may request a modification of its training plan at any time prior to April 30 during the fiscal year in which the plan is in effect. Approval of the modification by the Board is required before a county or city may implement the modified plan. The Board shall normally notify a county or city of its decision on the modification not later than 30 days after receipt.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6041, Penal Code.

**§ 305. Unused Funds.**

- (a) In no case shall a county or city retain funds, on an annual basis, in excess of 100 percent of actual costs incurred, not to exceed the amount of subvention available, in the implementation of the training plan. Any funds determined to be inappropriately or erroneously spent, including that resulting from non-compliance, as well as overpayments resulting from county or city plan modifications or other causes, shall upon written notification, be repaid to the State. Such repayment may be by county or city warrant and/or may be withheld from subsequent quarterly allocations at the discretion of the Board.
- (b) The county or city shall liquidate any outstanding financial obligation within 60 days after the end of the fiscal year.
- (c) Any funds not expended by a county or city pursuant to the approved training plan during the fiscal year shall revert to the state. This repayment may be made by:
  - (1) County or city warrant payable to the state within 30 calendar days of the date of notification; or
  - (2) Deduction by the Board of the amount to be repaid by the county or city from quarterly disbursement(s) in the following fiscal year by the state; or
  - (3) A combination of (1) and (2) above.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6042, Penal Code.

**§ 306. Annual Financial Statement.**

Within 90 days after the end of the fiscal year, the county or city shall submit a financial statement of the total amount of subvented expenditures and revenues during the fiscal year. The report shall be submitted to the Board in a format prescribed by the Board. Any unused funds shall be repaid to the state pursuant to Section 305 of these regulations.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6042, Penal Code.

**§ 307. Maintenance of Accounting Records.**

A participating county or city shall maintain adequate accounting records of subvention expenditures and revenues established according to generally accepted governmental accounting principles in sufficient detail to allow an audit.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

**§ 308. County/City Withdrawal from Program.**

A County Board of Supervisors or City Council may withdraw an agency(ies) from participation in this program by written notice to the Board. Such withdrawal shall not be effective earlier than 45 calendar days following receipt of the county's or city's notice to the Board.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.