



NAPA COUNTY

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**REQUEST TO JOIN AS CO-TEST CLAIMANT
BY COUNTY OF NAPA**

Binding Arbitration
(01-TC-07)

Code of Civil Procedures Sections 1281.1, 1299, 1299.2,
1299.3, 1299.4, 1299.5, 1299.6, 1299.7, 1299.8 and 1299.9
As Added by Statutes 2000, Chapter 906

The County of Napa hereby requests that it be allowed to join the City of Palos Verdes Estates as a co-test claimant in the above-entitled test claim matter. It has recently come to the attention of the County of Napa that the Commission's Staff has recommended denial of the test claim based upon the fact that the City of Palos Verdes Estates did not have any costs associated with Chapter 402, Statutes 2000 ("SB 402"), and is so recommending for the hearing on January 25, 2007.

After the passage of SB 402, the County of Napa did engage in Binding Interest Arbitration with the Napa County Deputy Sheriffs' Association to the final award of a decision by the arbitration panel. To date, the County of Napa has not totaled its expenditures by all staff, counsel, and retained outside counsel, much less expenses, but knows these costs exceed \$10,000.00.

We understand that due to the statute of limitations, we cannot commence a test claim on our own, and unless we join in on the test claim brought by the City of Palos Verdes Estates, we will be forever precluded from recovering our costs incurred in complying with SB 402 from its inception until it was declared unconstitutional.

On January 23, 2007, the Napa County Board of Supervisors authorized this request to the Commission on State Mandates to allow the County of Napa to join in as a co-test claimant in this matter. To the extent that the City of Palos Verdes Estates has plead that SB 402 constitutes a reimbursable mandate, we join in and adopt its pleadings as though they were the County's.

The foregoing facts are known to me personally and if so required, I could and would testify to the statements made herein.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on January 23, 2007, in Napa, California.

Jacqueline M. Gong
JACQUELINE M. GONG,
Deputy County Counsel
County of Napa

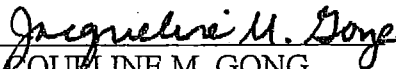
DECLARATION OF JACQUELINE M. GONG

IN SUPPORT OF THE COUNTY OF NAPA
IN ITS REQUEST TO THE COMMISSION ON STATE MANDATES
TO BE JOINED AS CO-TEST CLAIMANT
IN THE TEST CLAIM OF THE CITY OF PALOS VERDES ESTATES

1. I have served in the Office of the Napa County Counsel as a Deputy County Counsel since November 1998, primarily assigned to personnel matters. From January through September 2001, I participated in the binding interest arbitration process between the County and the Napa County Deputy Sheriffs' Association ("DSA") to the final award of an arbitration decision on the disputed economic issues arising from negotiations. DSA is the employee organization representing law enforcement employees of the County.
2. Beginning in July 2000, I served on the County of Napa's bargaining team in its negotiations of a successor Memorandum of Understanding ("MOU") with DSA. Negotiations continued until the parties reached impasse in October of 2000. As provided in the County's Employer-Employee Relations Policy, the parties agreed to participate in mediation, meeting on four occasions in November, December, and then in January and February of 2001.
3. During the mediation process on January 16, 2001, DSA requested the disputed economic issues be submitted to arbitration pursuant to California Code of Civil Procedure Section 1299 et seq. (SB 402). The mediation process continued through February 20th at which time the County designated its partisan arbitrator. The DSA also selected its partisan arbitrator. In March the County and DSA then jointly designated an impartial arbitrator to serve on the arbitration panel as required by SB 402. The parties agreed to commence the arbitration hearing on April 17, 2001. Meeting with the neutral arbitrator, the parties identified the disputed economic issues and established a hearing timetable for the exchange of requested information, exhibits, and witness lists, and the parties agreed on hearing dates. Out of this meeting, the parties further settled on two economic proposals on retirement and dental benefits.
4. Pursuant to agreed upon timelines, the parties conducted discovery and exchanged documents before the hearing set to commence on May 22nd. This entailed not only the time of the negotiating team, but other county staff in gathering the requisite documents and in the conduct of discovery.
5. Five days before the hearing, the parties each submitted their last, best offer from negotiations as required under SB 402. A three-day hearing was held before the arbitration panel, followed by additional submissions of written evidence and legal arguments. In September 2001 the panel issued its decision. The parties made no amendments to the decision. Following a waiting period of five days, the binding decision was made public by the County.

6. The full cost of this interest arbitration process to the County is yet to be fully determined, but exceeds \$10,000.00 based alone on legal fees and expenses incurred. In the course of participating in the arbitration process, the County's Human Resources Director served on the arbitration panel. Responses to discovery requests involved extensive staff time and resources from the Human Resources Division, County Executive Office and Auditor-Controller's Department. The County also incurred costs for legal counsel, both in-house and retained outside counsel. Expenses were further incurred for a number of expert witnesses in the arbitration hearing.
7. I plan on attending the hearing of the Commission on State Mandates as the representative of the County of Napa, and will be available to provide additional testimony and answer any questions that the Commission Staff, interested state agencies, or the Commission itself may have.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on January 23, 2007, in Napa, California.


JACQUELINE M. GONG

PROOF OF SERVICE

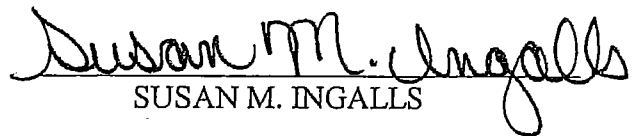
I am a resident of the United States and of the State of California. I am employed in the County of Napa. My business address is 1195 Third Street, Suite 301, Napa, California. My business telephone is (707) 253-4521; fax number (707) 259-8220. I am over the age of eighteen years. I am not a party to the within action or proceeding. On January 23, 2007, I served the following document(s);

REQUEST TO JOIN AS CO-TEST CLAIMANT BY COUNTY OF NAPA

I am familiar with the practice of Napa County Counsel's Office, for the collection and processing of correspondence for mailing with the United States Postal Service. In accordance with the ordinary course of business, the above-mentioned document(s) would have been deposited with the United States Postal Service on the same day on which it was placed at Napa County Counsel's Office.

- by placing, or causing to be placed, a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Napa County, California, addressed as set forth below. (CCP § 1012, 1013, and 1013(a))
- by personally delivering, or causing to be delivered, a true copy thereof to the person(s) and at the address(es) set forth below. (CCP §1011)
Time: _____ Person served: _____
- by personally delivering, or causing to be delivered, a true copy thereof to the office/court folder of the addressee.
- by causing a true copy thereof to be delivered to the person(s) at the address(es) set forth below, by and/or through the services of:
- a. United Parcel Service
 - b. Federal Express
 - c. Express Mail
 - d. Facsimile (Followed by First Class Mail; Rules of Court §2008) Pursuant to Rules of Court §2008(e), this document was sent by facsimile transmission and this transmission was reported as complete and without error. A copy of this transmission report shall be attached to this proof of service and kept with the file.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on January 23, 2007, at Napa, California.


SUSAN M. INGALLS

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