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January 11, 2016
*Commission on
State Mandates*

STATE OF CALIFORNIA
COMMISSION ON STATE MANDATES

In Re:

STATE CONTROLLER'S OFFICE
AUDIT REPORT ON SANTA CLARA
COUNTY'S DOMESTIC VIOLENCE
TREATMENT SERVICES

INCORRECT REDUCTION CLAIM
No. 07-9628101-I-01

COMMENTS TO THE DRAFT PROPOSED DECISION

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COUNTY OF SANTA CLARA

STATE OF CALIFORNIA
COMMISSION ON STATE MANDATES

In Re:

No. 07-9628101-I-01

STATE CONTROLLER'S OFFICE
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COMMENTS

On February 26, 2004, the State Controller's Office (hereinafter "SCO") issued its final audit report, and revised it on October 30, 2009, on the County of Santa Clara's (hereinafter "County") claims for costs incurred based on the legislatively-mandated Domestic Violence Treatment Services (Test Claim No. CSM-96-281-01; Ch. 183, Stats. 1992) for July 1, 1998, through June 30, 2001. The SCO incorrectly reduced the County's claim of \$2,027,291 by \$748,675, thus allowing only \$1,278,616.

The County submitted the Incorrect Reduction Claim ("IRC") in August 2007, which was received by the Commission on State Mandates ("Commission") on August 15, 2007. Pursuant to direction from the Commission, the County refiled the IRC on

August 30, 2007, which was received by the Commission on September 4, 2007. A copy of the County's cover letter for the refiling is attached hereto as Exhibit A. On September 7, 2007, the County received a letter from the Commission deeming the IRC filing complete. A copy of the Commission's letter determining completeness is attached hereto as Exhibit B.

In its Draft Proposed Decision, dated December 22, 2015, Commission staff has concluded that the Commission does not have jurisdiction to hear and decide the IRC because the IRC was not timely filed. In reaching this conclusion, Commission staff is using the issuance date of the final audit report, February 26, 2004, rather than the date of the remittance advice, August 3, 2006, to measure the three year period for which a claimant may file a claim pursuant to Section 1185.1(c) of Title 2 of the California Code of Regulations. Section 1185.1(c) states “[a]ll incorrect reduction claims shall be filed with the Commission no later than three years following the date of the Office of the State Controller's final state audit report, letter, remittance advice, or other written notice of adjustment to a reimbursement claim.”

The County timely filed the IRC on August 30, 2007, which was within three years of the remittance advice issued August 3, 2006, and in accordance with Section 1185.2(a) it was deemed complete by Commission staff on September 7, 2007. If the IRC filed by the County had included a remittance advice issued more than three years prior to the August 30, 2007 filing date or, alternatively, if the remittance advice filed by the County should not have been considered a “remittance advice” of the kind needed to be filed with the IRC, then the IRC should have been rejected by the Commission in 2007. Instead, Commission staff deemed the IRC complete and effectively waived any

right to later claim that the IRC was not timely filed. Therefore, the Commission does have jurisdiction to heard and decide the IRC.

Dated: 1/11/2016

Respectfully submitted,

ORRY P. KORB
County Counsel



Elizabeth G. Pianca
Lead Deputy County Counsel
Attorneys for County of Santa Clara

Exhibit A

**OFFICE OF THE COUNTY COUNSEL
COUNTY OF SANTA CLARA**

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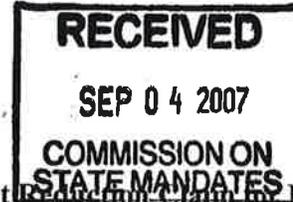


Ann Miller Ravel
COUNTY COUNSEL

Winifred Botha
Robert C. Campbell
Laurie F. Faulkner
ASSISTANT COUNTY COUNSEL

August 30, 2007

Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814



Re: Refiling of County of Santa Clara's Incorrect Reduction Claim for Domestic Violence Treatment Services and Withdrawal of Appeal re Same

Dear Commission:

Pursuant to a telephone discussion with Nancy Patton, we are refiling the Incorrect Reduction Claim ("IRC") filed by the County of Santa Clara for Domestic Violence Treatment Services for the period July 1, 1998 through June 30, 2001. The revised IRC includes the remittance advice issued by the State Controller on August 3, 2006 wherein deductions for the applicable claims were made.

If the Commission accepts the IRC as timely filed, the County will withdraw its appeal of the Commission's decision to reject the IRC as not timely filed.

Thank you for your assistance in this matter. Please contact me if you have any questions.

Very truly yours,

ANN MILLER RAVEL
County Counsel

Lizanne Reynolds
Lizanne Reynolds
Deputy County Counsel

c: Paula Higashi, Executive Director

Exhibit B

COMMISSION ON STATE MANDATES

980 NINTH STREET, SUITE 300
SACRAMENTO, CA 95814
PHONE: (916) 323-3562
FAX: (916) 445-0278
E-mail: csminfo@csm.ca.gov



September 7, 2007

Ms. Lizanne Reynolds
Deputy County Counsel
Office of the County Counsel, Santa Clara County
70 West Hedding Street, East Wing, Ninth Floor
San Jose, CA 95110

Ms. Ginny Brummels
Division of Accounting and
Reporting
State Controller's Office
3301 C Street, Suite 501
Sacramento, CA 95816

Re: **Incorrect Reduction Claim**
Domestic Violence Treatment Services, 07-9628101-I-01
Statutes 1992, Chapter 183
Fiscal Years 1998-1999, 1999-2000, 2000-2001
County of Santa Clara, Claimant

Dear Ms. Reynolds and Ms. Brummels:

On August 15, 2007, the County of Santa Clara filed an incorrect reduction claim (IRC) with the Commission on State Mandates (Commission) based on the *Domestic Violence Treatment Services* program for fiscal years 1998-1999, 1999-2000, and 2000-2001. Commission staff determined that the IRC filing is complete.

Government Code section 17551, subdivision (b), requires the Commission to hear and decide upon claims filed by local agencies and school districts that the State Controller's Office (SCO) has incorrectly reduced payments to the local agencies or school districts.

SCO Review and Response. Please file the SCO response and supporting documentation regarding this claim within 90 days of the date of this letter. Please include an explanation of the reason(s) for the reductions and the computation of reimbursements. All documentary evidence must be authenticated by declarations under penalty of perjury signed by persons who are authorized and competent to do so and be based on the declarant's personal knowledge, information or belief. The Commission's regulations also require that the responses (opposition or recommendation) filed with the Commission be simultaneously served on the claimants and their designated representatives, and accompanied by a proof of service (Cal. Code Regs., tit. 2, § 1185.01).

The failure of the SCO to respond within this 90-day timeline shall not cause the Commission to delay consideration of this IRC.

Claimant's Rebuttal. Upon receipt of the SCO response, the claimant and interested parties may file rebuttals. The rebuttals are due 30 days from the service date of the response.

Prehearing Conference. A prehearing conference will be scheduled if requested.

Public Hearing and Staff Analysis. The public hearing on this claim will be scheduled after the record closes. A staff analysis will be issued on the IRC at least eight weeks prior to the public hearing.

Dismissal of Incorrect Reduction Claims. Under section 1188.31 of the Commission's regulations, IRCs may be dismissed if postponed or placed on inactive status by the claimant for more than one year. Prior to dismissing a claim, the Commission will provide 60 days notice and opportunity for the claimant to be heard on the proposed dismissal.

Please contact Victoria Soriano at (916) 323-8213 if you have any questions.

Sincerely,



PAULA HIGASHI
Executive Director

cc: David G. Elledge, Controller-Treasurer
Enclosure: Incorrect Reduction Claim Filing - (SCO only)

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MAILED: _____
FAXED: _____
DATE: 9/10/07
INITIAL: JS
CHRON: _____
FILE: _____
WORKING BINDER: _____

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 January 11, 2016, I served the:

Claimant Comments on Draft Proposed Decision

Domestic Violence Treatment Services, 07-9628101-I-01

Penal Code Sections 273.5(e), (f), (g), (h), and (i); 1000.93, 1000.94, 1000.95, and 1203.097; Statutes 1992, Chapters 183 and 184;

Statutes 1994, Chapter 28X; Statutes 1995, Chapter 641

Fiscal Years 1998-1999, 1999-2000, and 2000-2001

County of Santa Clara, 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 January 11, 2016 at Sacramento, California.



Jill L. Magee
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 1/11/16

Claim Number: 07-9628101-I-01

Matter: Domestic Violence Treatment Services

Claimant: County of Santa Clara

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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