

ITEM 7

TEST CLAIM DISMISSAL PROPOSED STATEMENT OF DECISION

Government Code Sections 66540 through 66540.69 and
Streets and Highway Code Sections 30913 and 30914

Statutes 2007, Chapter 734 (SB 976)

Ferry Assets
07-TC-07

EXECUTIVE SUMMARY

On March 4, 2009, claimant requested withdrawal of the test claim filing *Ferry Assets* (07-TC-07)¹ Claimant's request was served in writing, and a sixty-day notice of this withdrawal and dismissal was provided pursuant to California Code of Regulations, title 2, section 1183.08.²

No interested parties objected to the claimant's request for withdrawal, or took over the claim by substitution of the parties, on or before May 8, 2009.

Therefore, the sole issue before the Commission on State Mandates (Commission) is whether the Commission adopts the proposed Statement of Decision, dismissing the above-named test claim.³

Recommendation

Staff recommends that the Commission adopt the proposed Statement of Decision, dismissing the *Ferry Assets* test claim.

¹ Exhibit A. Claimant's withdrawal request letter.

² Exhibit B. Commission's notice of withdrawal and dismissal hearing.

³ California Code of Regulations, test claim, section 1188.1, subdivision (g).

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM:

Government Code Sections 66540 through 66540.69 and Streets and Highway Code Sections 30913 and 30914

Statutes 2007, Chapter 734 (SB 976)

Filed on February 28, 2008 and withdrawn on April 9, 2009,

By City of Vallejo, Claimant.

Case No.: 07-TC-07

Ferry Assets

PROPOSED STATEMENT OF DECISION
PURSUANT TO GOVERNMENT CODE
SECTION 17500 ET SEQ.; CALIFORNIA
CODE OF REGULATIONS, TITLE 2,
DIVISION 2, CHAPTER 2.5, ARTICLE 7
(Proposed for Adoption on May 29, 2009)

PROPOSED STATEMENT OF DECISION

On March 4, 2009, claimant requested withdrawal of the test claim filing *Ferry Assets* (07-TC-07). Claimant's request was served in writing, and a sixty-day notice of this withdrawal and dismissal was provided pursuant to California Code of Regulations, title 2, section 1183.08.

No interested parties objected to the claimant's request for withdrawal, or took over the claim by substitution of the parties, on or before May 8, 2009.

CONCLUSION

IT IS HEREBY ORDERED that the test claim filing, *Ferry Assets* (07-TC-07), is dismissed, without prejudice, pursuant to California Code of Regulations, title 2, section 1183.08.

Any claimant may file a new test claim on the above-referenced test claim legislation. However, any such claim shall be subject to a new filing date and to the statute of limitations pursuant to Government Code section 17551.

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CITY OF VALLEJO
CITY ATTORNEY'S OFFICE

Exhibit A

566 SANTA CLARA STREET • P.O. BOX 3088 • VALLEJO • CALIFORNIA • 94590 • (707) 648-4545
E-mail: cityatty@ci.vallejo.ca.us • FAX (707) 648-4687

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MAR 09 2009

**COMMISSION ON
STATE MANDATES**

March 4, 2009

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

Re: **Notice of Withdrawal of Test Claim**
Ferry Assets, 07-TC-07

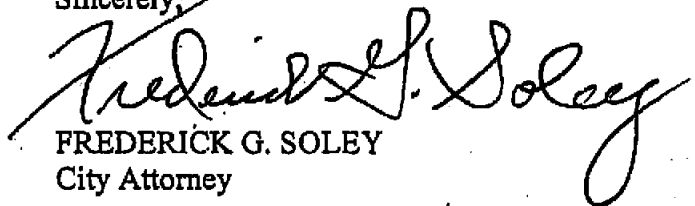
Dear Ms. Higashi:

I am in receipt of your correspondence dated March 3, 2009 regarding the Commissions' regulations requiring a test claimant to designate one person as sole representative for the test claim.

In response, I offer this letter noticing the City of Vallejo's withdrawal of the above-referenced test claim.

Please feel free to call me should you have any questions.

Sincerely,


FREDERICK G. SOLEY
City Attorney

COMMISSION ON STATE MANDATES

980 NINTH STREET, SUITE 300

SACRAMENTO, CA 95814

PHONE: (916) 323-3582

(916) 445-0278

E-mail: csminfo@csm.ca.gov

Exhibit B

March 9, 2009

Mr. Frederick G. Soley
City Attorney
City of Vallejo
555 Santa Clara Street
Vallejo, Ca 94590

And Affected State Agencies and Interested Parties (See Enclosed Mailing List)

Re: Notice of Withdrawal of Test Claim

Ferry Assets, 07-TC-07

Government Code Sections 66540 through 66540.69 and Streets and Highway
Code Sections 30913 and 30914
Statutes 2007, Chapter 734 (SB 976)

Dear Mr. Soley:

This is to notify you that your March 4, 2009 application to withdraw the above-named test claim has been accepted.

Pursuant to section 1183.08 of the Commission's regulations, the test claim will be dismissed if no other local agency takes over the claim by substituting parties on or before **May 8, 2009**.

Please contact Nancy Patton at (916) 323-8217 with any questions regarding this matter.

Sincerely,


PAULA HIGASHI
Executive Director

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Original List Date: 3/7/2008
 Last Updated:
 List Print Date: 03/09/2009
 Claim Number: 07-TC-07
 Issue: Ferry Assesst

Agenda Mailing List

TO ALL PARTIES AND INTERESTED PARTIES:

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, § 1181.2.)

Ms. Harriet Barkschat Mandate Resource Services, LLC 5325 Elkhorn Blvd. #307 Sacramento, CA 95842	Tel: (916) 727-1350 Fax: (916) 727-1734
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Mr. David Wellhouse David Wellhouse & Associates, Inc. 9175 Klefer Blvd, Suite 121 Sacramento, CA 95826	Tel: (916) 388-9244 Fax: (916) 388-5723
Mr. Jim Spano State Controller's Office (B-08) Division of Audits 300 Capitol Mall, Suite 518 Sacramento, CA 95814	Tel: (916) 323-5849 Fax: (916) 327-0832
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