



September 3, 2010

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

Dear Ms. Higashi:

The Department of Finance (Finance) has reviewed the proposed parameters and guidelines (Ps & Gs) submitted by the claimants for Claim No. CSM-07-TC-09 "Discharge of Stormwater Runoff—Order No. R9-2007-0001."

Finance believes the proposed Ps & Gs lack adequate specificity related to the costs of the proposed activities, and, therefore, notes the following comments to be consistent with the scope of the approved mandate:

- The Ps & Gs should clearly indicate that the costs associated with implementing the higher level of service or new program are specifically those costs imposed by the test claim permit as opposed to those costs incurred under the previous permit. For example, the costs incurred for purchasing street sweeping equipment under the prior permit are not reimbursable under the test claim permit. Finance, however, notes that some costs associated with the street sweeping equipment may be attributable to the test claim permit (e.g., maintenance of the equipment).
- The Ps & Gs should distinguish the costs of activities (e.g., the purchase of parking signs used to enforce activities related to various programs within a local agency) alleged to be reimbursable from the costs of activities associated with programs not required by the test claim permit. The costs of the alleged activities must be required by the approved mandate program to be reimbursable. Those costs related to purchasing the parking signs, for example, should be prorated for the approved mandated program.
- The Ps & Gs should clearly identify the three categories of fees referenced as offsetting revenues in the statement of decision (see pages 132-133). Each applicable fee and its statutory authority should be listed in the boilerplate language of, "Section VII. Offsetting Saving and Reimbursements" on page 29, of the proposed Ps & Gs.

As required by the Commission's regulations, a "Proof of Service" has been enclosed indicating that the parties included on the mailing list, which accompanied your July 6, 2010 letter, have been provided with copies of this letter via either United States Mail or, in the case of other state agencies, Interagency Mail Service.

Received
September 3, 2010
Commission on
State Mandates

If you have any questions regarding this letter, please contact Carla Shelton, Associate Finance Budget Analyst at (916) 445-8913.

Sincerely,



NONA MARTINEZ
Assistant Program Budget Manager

Enclosure

ICC: MARTINEZ, FEREBEE, GEANACOU, CAROSONE, SHELTON, FILE

I:\Mandates (other issues)\Pending\Water Board Test Claims\San Diego-07-TC-09 Discharge of Stormwater Runoff\Waterboard San Diego Ps&Gs Comments.doc

Received
September 3, 2010
Commission on
State Mandates

Enclosure A

DECLARATION OF CARLA SHELTON
DEPARTMENT OF FINANCE
CLAIM NO. CSM-07-TC-09

1. I am currently employed by the State of California, Department of Finance (Finance), am familiar with the duties of Finance, and am authorized to make this declaration on behalf of Finance.

I certify under penalty of perjury that the facts set forth in the foregoing are true and correct of my own knowledge except as to the matters therein stated as information or belief and, as to those matters, I believe them to be true.

September 3, 2010
at Sacramento, CA

Carla Shelton
Carla Shelton

Received
September 3, 2010
Commission on
State Mandates

PROOF OF SERVICE

Test Claim Name: Discharge of Stormwater Runoff - Order No. R9-2007-0001
Test Claim Number: CSM-07-TC-09

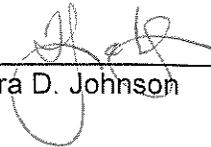
I, the undersigned, declare as follows:

I am employed in the County of Sacramento, State of California, I am 18 years of age or older and not a party to the within entitled cause; my business address is 915 L Street, 8 Floor, Sacramento, CA 95814.

On September 3, 2010, I served the attached recommendation of the Department of Finance in said cause, by facsimile to the Commission on State Mandates and by placing a true copy thereof: (1) to claimants and nonstate agencies enclosed in a sealed envelope with postage thereon fully prepaid in the United States Mail at Sacramento, California; and (2) to state agencies in the normal pickup location at 915 L Street, 8 Floor, for Interagency Mail Service, **as addressed on the attachment** and as addressed as follows:

A-16
Ms. Paula Higashi, Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
Facsimile No. 445-0278

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 September 3, 2010 at Sacramento, California.



Tamara D. Johnson

Commission on State Mandates Commission on
State Mandates

Original List Date: 7/8/2008 Mailing Information: Final Staff Analysis
Last Updated: 7/16/2010
List Print Date: 07/20/2010 Mailing List
Claim Number: 07-TC-09
Issue: California Water Quality Control Board San Diego Region

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. Susan Geanacou Department of Finance (A-15) 915 L Street, Suite 1280 Sacramento, CA 95814	Tel: (916) 445-3274 Fax: (916) 449-5252
Ms. Angie Teng State Controller's Office (B-08) Division of Accounting and Reporting 3301 C Street, Suite 700 Sacramento, CA 95816	Tel: (916) 323-0706 Fax:
Ms. Hasmik Yaghobyan County of Los Angeles Auditor-Controller's Office 500 W. Temple Street, Room 603 Los Angeles, CA 90012	Tel: (213) 893-0792 Fax: (213) 617-8106
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
Mr. Brian A. Pierik Burke, Williams & Sorensen, LLP 2310 East Ponderosa Drive, Suite 25 Camarillo, CA 93010-4747	Tel: (805) 987-3468 Fax: (805) 482-9834
Ms. Jill Kanemasu State Controller's Office (B-08) Division of Accounting and Reporting 3301 C Street, Suite 700 Sacramento, CA 95816	Tel: (916) 322-9891 Fax:
Mr. Andy Nichols Nichols Consulting 1857 44th Street Sacramento, CA 95819	Tel: (916) 455-3939 Fax: (916) 739-8712

Received
September 3, 2010
Commission on
State Mandates

Ms. Courtney Covington Downey Brand Attorneys LLP 621 Capitol Mall, 18th Floor Sacramento, CA 95814	Tel: Fax:
Mr. Michael Lauffer State Water Resources Control Board 1001 I Street, 22nd Floor Sacramento, CA 95814-2828	Tel: (916) 341-5183 Fax: (916) 641-5199
Mr. Leonard Kaye Los Angeles County Auditor-Controller's Office 500 W. Temple Street, Room 603 Los Angeles, CA 90012	Tel: (213) 974-9791 Fax: (213) 617-8106
Ms. Catherine Freeman Legislative Analyst's Office (B-29) 925 L Street, Suite 1000 Sacramento, CA 95814	Tel: (916) 319-8325 Fax: (916) 324-4281
Mr. J. Bradley Burgess Public Resource Management Group 895 La Sierra Drive Sacramento, CA 95864	Tel: (916)595-2646 Fax:
Ms. Jolene Tollenaar MGT of America 2001 P Street, Suite 200 Sacramento, CA 95811	Tel: (916) 443-9136 Fax: (916) 443-1766
Ms. Bonnie Ter Keurst County of San Bernardino Office of the Auditor/Controller-Recorder 222 West Hospitality Lane San Bernardino, CA 92415-0018	Tel: (909) 386-8850 Fax: (909) 386-8830
Mr. Timothy Barry County of San Diego Office of County Counsel 1600 Pacific Highway, Room 355 San Diego, CA 92101-2469	Tel: (619) 531-6259 Fax: (619) 531-6005
Mr. John Robertus San Diego Regional Water Quality Control Board 9174 Sky Park Court, Suite 100 San Diego, CA 92123-4340	Tel: (858) 467-2952 Fax: (858) 571-6972
Mr. Jay Lal State Controller's Office (B-08) Division of Accounting & Reporting 3301 C Street, Suite 500 Sacramento, CA 95816	Tel: (916) 324-0256 Fax: (916) 323-6527
Mr. David Wellhouse David Wellhouse & Associates, Inc. 9175 Kiefer Blvd, Suite 121 Sacramento, CA 95826	Tel: (916) 368-9244 Fax: (916) 368-5723

Received
September 3, 2010
Commission on
State Mandates

Mr. Jeff Carosone Department of Finance (A-15) 915 L Street, 8th Floor Sacramento, CA 95814	Tel: (916) 445-8813 Fax:
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Ms. Dorothy Rice State Water Resources Control Board P.O. Box 2815 Sacramento, CA 95812-2815	Tel: (916) 341-5615 Fax: (916) 341-5621
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Mr. Allan Burdick MAXIMUS 3130 Kilgore Road, Suite 400 Rancho Cordova, CA 95670	Tel: (916) 471-5538 Fax: (916) 366-4838
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Ms. Juliana F. Gmur MAXIMUS 2380 Houston Ave Clovis, CA 93611	Claimant Representative Tel: (916) 485-8102 Fax: (916) 485-0111
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Mr. Glen Everroad City of Newport Beach 3300 Newport Blvd. P. O. Box 1768 Newport Beach, CA 92659-1768	Tel: (949) 644-3127 Fax: (949) 644-3339
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Ms. Annette Chinn Cost Recovery Systems, Inc. 705-2 East Bidwell Street, #294 Folsom, CA 95630	Tel: (916) 939-7901 Fax: (916) 939-7801
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Ms. Harmeet Barkschat Mandate Resource Services, LLC 5325 Elkhorn Blvd. #307 Sacramento, CA 95842	Tel: (916) 727-1350 Fax: (916) 727-1734
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Ms. Catherine George Hagan San Diego Regional Water Quality Control Board Office of Chief Counsel 9174 Sky Park Court, Suite 100 San Diego, CA 92123-4340	Tel: chagan@waterboards.ca.gov Fax:
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