



December 10, 2020

Ms. Arlene Barrera  
County of Los Angeles  
500 West Temple Street,  
Room 525  
Los Angeles, CA 90012

Mr. Howard Gest  
Burhenn & Gest LLP  
624 S. Grand Avenue,  
Suite 2200  
Los Angeles, CA 90017

Ms. Natalie Sidarous  
State Controller's Office  
Local Government Programs  
and Services Division  
3301 C Street, Suite 740  
Sacramento, CA 95816

*And Parties, Interested Parties, and Interested Persons (See Mailing List)*

**Re: Notice of Complete Incorrect Reduction Claim with Intent to Consolidate, Schedule for Comments, and Notice of Tentative Hearing Date**

*Municipal Storm Water and Urban Runoff Discharges, 20-0304-I-08*

Los Angeles Regional Quality Control Board Order No. 01-182,  
Permit CAS004001, Part 4F5c3

Fiscal Years: 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007, 2007-2008,  
2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013

County of Los Angeles, Claimant

Dear Ms. Barrera, Mr. Gest, and Ms. Sidarous:

On November 5, 2020, the County of Los Angeles filed the above-captioned Incorrect Reduction Claim (IRC) with the Commission on State Mandates (Commission), with the intent to consolidate on behalf of other similarly situated claimants. This IRC is based on the State Controller's (Controller's) reductions to its reimbursement claims for costs incurred under the *Municipal Storm Water and Urban Runoff Discharges*, 03-TC-04, 03-TC-20, 03-TC-21 program, for fiscal years 2002-2003 through 2012-2013. Upon review, Commission staff finds that this IRC is complete.

Government Code section 17551(d) requires the Commission to hear and decide claims by local agencies and school districts that the Controller has incorrectly reduced payments to the local agencies or school districts.

Pursuant to Government Code section 17558.7(b) and section 1185.3 of the Commission's regulations, the Commission shall request that the Controller provide, within 30 days, the Commission and the claimant with a list of claimants for whom the Controller has reduced similar claims under the same mandate, and the date each claimant was notified of the adjustment.

Upon receipt of this list from the Controller, the claimant may notify, and the Commission shall notify, the claimants on the list and other interested parties of the claimant's intent to file a consolidated incorrect reduction claim (Gov. Code §17558.7(b)(4), Cal. Code. Regs., tit. 2 § 1185.3.) Within 30 days of receipt of the notice of intent to consolidate, any other eligible claimant may join the consolidated IRC by filing and serving a notice of intent to join (using the Commission's IRC form which may be found at: <https://www.csm.ca.gov/forms/IRCFORM.pdf>) in accordance with section 1181.3 of the Commission's regulations. The notice of intent to join shall contain at least the following elements and documents:

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- 1) A copy of the final state audit report, letter, or other written notice of adjustment from the Controller that explains the claim components adjusted, amounts reduced, and the reasons for the reduction.
- 2) A copy of the subject reimbursement claims submitted to the Controller.
- 3) A notice of intent to join a consolidated IRC which shall include a certification by the joining claimant authorizing the original claimant (here, the County of Los Angeles) to act as its representative in the consolidated IRC, and shall also include a declaration under penalty of perjury that the filing is true and complete to the best of the declarant's personal knowledge, information, or belief. The date signed, the declarant's title, address, telephone number, and e-mail address shall be included. All representations of fact shall be supported by testimonial or documentary evidence in accordance with section 1187.5 of the Commission's regulations.<sup>1</sup>

Pursuant to Government Code section 17558.7(f), each claimant that files a notice of intent to join a consolidated incorrect reduction claim may later opt out and not be bound by any determination made on the consolidated IRC by filing a written notice of intent to opt out with the Commission within 15 days of service of the Controller's comments which must be served in accordance with section 1181.3 of the Commission's regulations. In such a case the former individual IRC on file is reinstated, or if there is no IRC on file, the claimant has one-year to file the IRC from the date of the notice of intent to opt out, so long as the claimant's notice of intent to join was filed within the statute of limitations. (Cal. Code. Regs., tit. 2 § 1185.5.)

**Controller's List of Claims Reduced and Review and Response to this IRC.** Please file the Controller's list of all claims reduced under the *Municipal Storm Water and Urban Runoff Discharges*, 03-TC-04, 03-TC-20, 03-TC-21 program, with the Commission not later than **5:00 p.m. on January 11, 2021.**

Please also file the Controller's written comments and supporting documentation regarding this claim not later than **5:00 p.m. on March 10, 2021**, in accordance with Government Code Section 11020 and sections 11851.2(f), 1185.2, and 1187.5 of the Commission's regulations. Oral or written representations of fact offered by any person shall be under oath or affirmation and signed under penalty of perjury by persons who are authorized and competent to do so and must be based on the declarant's personal knowledge, information or belief. (Cal. Code. Regs., tit. 2 §§ 1185.2 and 1187.5.) The Commission's ultimate findings of fact must be supported by substantial evidence in the record.<sup>2</sup> Hearsay evidence (such as declarations not based on personal knowledge but information and belief alone) may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.<sup>3</sup> Please include an

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<sup>1</sup> Cal. Code. Regs., tit. 2 § 1185.4.

<sup>2</sup> Government Code section 17559(b), which provides that a claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission's decision is not supported by substantial evidence in the record.

<sup>3</sup> Title 2, California Code of Regulations, section 1187.5.

explanation of the reasons for the reductions and the computation of reimbursements. The failure of the Controller to respond within this 90-day timeline shall not cause the Commission to delay consideration of this IRC. (Gov. Code §17553(d).)

**Claimant's Rebuttal.** Upon receipt of the Controller's comments, the claimant and interested parties may file rebuttals. The rebuttals are due not later than 5:00 p.m., 30 days from the service date of the comments (Gov. Code § 11020 and Cal. Code. Regs., tit. 2 §§ 1181.2(f) and 1185.2(e).) Oral or written representations of fact offered by any person shall be under oath or affirmation and signed under penalty of perjury by persons who are authorized and competent to do so and must be based on the declarant's personal knowledge, information or belief. (Cal. Code. Regs., tit. 2 §§ 1185.2(e) and 1187.5.) If new written representations of fact are made, they must be supported with documentary evidence filed with the rebuttal. (Cal. Code. Regs., tit. 2 §§ 1181.3, 1185.2, and 1187.5.) The Commission's ultimate findings of fact must be supported by substantial evidence in the record.<sup>4</sup> Hearsay evidence (such as declarations not based on personal knowledge but information and belief alone) may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.<sup>5</sup>

**Filing Written Materials.** All written representations of fact made to the Commission are required to be supported by documentary or testimonial evidence submitted under penalty of perjury. (Cal. Code Regs., tit. 2, 1187.5.)

The Commission's regulations require that written materials filed with the Commission be electronically filed (e-filed) in an unlocked legible and searchable PDF file, using the Commission's Dropbox. (Cal. Code Regs., tit. 2, 1181.3(c)(1).) Refer to <https://www.csm.ca.gov/dropbox.php> on the Commission's website for electronic filing instructions. If e-filing would cause the filer undue hardship or significant prejudice, filing may occur by first class mail, overnight delivery or personal service only upon approval of a written request to the executive director. (Cal. Code Regs., tit. 2, 1181.3(c)(2).)

If you would like to request an extension of time, please refer to section 1187.9(a) of the Commission's regulations.

**Informal Conference.** An informal conference may be scheduled if requested. Refer to section 1187.4 of the Commission's regulations.

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<sup>4</sup> Government Code section 17559(b), which provides that a claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission's decision is not supported by substantial evidence in the record.

<sup>5</sup> Title 2, California Code of Regulations, section 1187.5.

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**Public Hearing and Draft Proposed Decision.** The public hearing on this claim has been tentatively scheduled for **July 22, 2022**.<sup>6</sup> The Draft Proposed Decision will be issued for comment at least eight weeks prior to the public hearing.

Sincerely,



Heather Halsey  
Executive Director

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<sup>6</sup> If one or more of the claimants with existing IRCs on this program join in this consolidated IRC, the tentative hearing date may be set earlier than is indicated here.

**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 December 10, 2020, I served the:

- **Notice of Complete Incorrect Reduction Claim with Intent to Consolidate, Schedule for Comments, and Notice of Tentative Hearing Date issued December 10, 2020**
- **Incorrect Reduction Claim (IRC) filed by the County of Los Angeles on November 5, 2020**

*Municipal Storm Water and Urban Runoff Discharges, 20-0304-I-08*

Los Angeles Regional Quality Control Board Order No. 01-182,

Permit CAS004001, Part 4F5c3

Fiscal Years: 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007, 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013

County of Los Angeles, 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 December 10, 2020 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:** 12/10/20

**Claim Number:** 20-0304-I-08

**Matter:** Municipal Storm Water and Urban Runoff Discharges

**Claimant:** County of Los Angeles

### 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.)

**Adaoha Agu**, *County of San Diego Auditor & Controller Department*

Projects, Revenue and Grants Accounting, 5530 Overland Avenue, Ste. 410 , MS:O-53, San Diego, CA 92123

Phone: (858) 694-2129

Adaoha.Agu@sdcounty.ca.gov

**Socorro Aquino**, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 322-7522

SAquino@sco.ca.gov

**Arlene Barrera**, Auditor-Controller, *County of Los Angeles*

**Claimant Contact**

Auditor-Controller's Office, 500 West Temple Street, Room 525, Los Angeles, CA 90012

Phone: (213) 974-8301

abarrera@auditor.lacounty.gov

**Allan Burdick**,

7525 Myrtle Vista Avenue, Sacramento, CA 95831

Phone: (916) 203-3608

allanburdick@gmail.com

**Evelyn Calderon-Yee**, Bureau Chief, *State Controller's Office*

Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740, Sacramento, CA 95816

Phone: (916) 324-5919

ECalderonYee@sco.ca.gov

**Gwendolyn Carlos**, *State Controller's Office*

Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740, Sacramento, CA 95816

Phone: (916) 323-0706  
gcarlos@sco.ca.gov

**Annette Chinn**, *Cost Recovery Systems, Inc.*  
705-2 East Bidwell Street, #294, Folsom, CA 95630  
Phone: (916) 939-7901  
achinnrcs@aol.com

**Kris Cook**, Assistant Program Budget Manager, *Department of Finance*  
915 L Street, 10th Floor, Sacramento, CA 95814  
Phone: (916) 445-3274  
Kris.Cook@dof.ca.gov

**Donna Ferebee**, *Department of Finance*  
915 L Street, Suite 1280, Sacramento, CA 95814  
Phone: (916) 445-3274  
donna.ferebee@dof.ca.gov

**Anil Gandhi**, Finance Director, *City of Downey*  
1111 Brookshire Avenue, Downey, CA 90241  
Phone: (562) 904-7265  
agandhy@downeyca.org

**Susan Geanacou**, *Department of Finance*  
915 L Street, Suite 1280, Sacramento, CA 95814  
Phone: (916) 445-3274  
susan.geanacou@dof.ca.gov

**Howard Gest**, *Burhenn & Gest, LLP*  
**Claimant Representative**  
624 South Grand Avenue, Suite 2200, Los Angeles, CA 90402  
Phone: (213) 629-8787  
hgest@burhenngest.com

**Dillon Gibbons**, Legislative Representative, *California Special Districts Association*  
1112 I Street Bridge, Suite 200, Sacramento, CA 95814  
Phone: (916) 442-7887  
dillong@csda.net

**Jose Gomez**, Director of Finance and Administrative Services, *City of Lakewood*  
5050 Clark Avenue, Lakewood, CA 90712  
Phone: (562) 866-9771  
jgomez@lakewoodcity.org

**Troy Grunklee**, Director of Administrative Services, *City of La Puente*  
15900 East Main Street, La Puente, CA 91744  
Phone: (626) 855-1500  
tgrunklee@lapuente.org

**Heather Halsey**, Executive Director, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
heather.halsey@csm.ca.gov

**Chris Hill**, Principal Program Budget Analyst, *Department of Finance*  
Local Government Unit, 915 L Street, Sacramento, CA 95814  
Phone: (916) 445-3274  
Chris.Hill@dof.ca.gov

**Bernardo Iniguez**, Public Works Manager, *City of Bellflower*  
Department of Public Works, 16600 Civic Center Drive, Bellflower, CA 90706  
Phone: (562) 804-1424  
biniguez@bellflower.org

**Lisa Kurokawa**, Bureau Chief for Audits, *State Controller's Office*  
Compliance Audits Bureau, 3301 C Street, Suite 700, Sacramento, CA 95816  
Phone: (916) 327-3138  
lkurokawa@sco.ca.gov

**Kim-Anh Le**, Deputy Controller, *County of San Mateo*  
555 County Center, 4th Floor, Redwood City, CA 94063  
Phone: (650) 599-1104  
kle@smcgov.org

**Erika Li**, Chief Deputy Director, *Department of Finance*  
915 L Street, 10th Floor, Sacramento, CA 95814  
Phone: (916) 445-3274  
erika.li@dof.ca.gov

**Jill Magee**, Program Analyst, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
Jill.Magee@csm.ca.gov

**Jane McPherson**, Financial Services Director, *City of Oceanside*  
300 North Coast Highway, Oceanside, CA 92054  
Phone: (760) 435-3055  
JmcPherson@oceansideca.org

**Lourdes Morales**, Senior Fiscal and Policy Analyst, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8320  
Lourdes.Morales@LAO.CA.GOV

**Debra Morton**, Manager, Local Reimbursements Section, *State Controller's Office*  
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,  
Sacramento, CA 95816  
Phone: (916) 324-0256  
DMorton@sco.ca.gov

**Geoffrey Neill**, Senior Legislative Analyst, Revenue & Taxation, *California State Association of Counties (CSAC)*  
1100 K Street, Suite 101, Sacramento, CA 95814  
Phone: (916) 327-7500  
gneill@counties.org

**Michelle Nguyen**, *Department of Finance*  
Education Unit, 915 L Street, Sacramento, CA 95814  
Phone: (916) 445-0328  
Michelle.Nguyen@dof.ca.gov

**Andy Nichols**, *Nichols Consulting*  
1857 44th Street, Sacramento, CA 95819  
Phone: (916) 455-3939  
andy@nichols-consulting.com

**Patricia Pacot**, Accountant Auditor I, *County of Colusa*



Office of Auditor-Controller, 546 Jay Street, Suite #202 , Colusa, CA 95932  
Phone: (530) 458-0424  
ppacot@countyofcolusa.org

**Arthur Palkowitz**, *Artiano Shinoff*  
2488 Historic Decatur Road, Suite 200, San Diego, CA 92106  
Phone: (619) 232-3122  
apalkowitz@as7law.com

**Heather Parrish-Salinas**, Office Coordinator, *County of Solano*  
Registrar of Voters, 675 Texas Street, Suite 2600, Fairfield, CA 94533  
Phone: (707) 784-3359  
HYParrishSalinas@SolanoCounty.com

**Keith Petersen**, *SixTen & Associates*  
P.O. Box 340430, Sacramento, CA 95834-0430  
Phone: (916) 419-7093  
kpbsixten@aol.com

**Johnnie Pina**, Legislative Policy Analyst, *League of Cities*  
1400 K Street, Suite 400, Sacramento, CA 95814  
Phone: (916) 658-8214  
jpina@cacities.org

**Adam Pirrie**, Finance Director, *City of Claremont*  
207 Harvard Ave, Claremont, CA 91711  
Phone: (909) 399-5456  
apirrie@ci.claremont.ca.us

**Jai Prasad**, *County of San Bernardino*  
Office of Auditor-Controller, 222 West Hospitality Lane, 4th Floor, San Bernardino, CA 92415-0018  
Phone: (909) 386-8854  
jai.prasad@atc.sbcounty.gov

**Hue Quach**, Administrative Services Director/Finance Director, *City of Arcadia*  
240 West Huntington Drive, Arcadia, CA 91066-6021  
Phone: (626) 574-5425  
hquach@arcadiaca.gov

**Carla Shelton**, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
carla.shelton@csm.ca.gov

**Camille Shelton**, Chief Legal Counsel, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
camille.shelton@csm.ca.gov

**Natalie Sidarous**, Chief, *State Controller's Office*  
Local Government Programs and Services Division, 3301 C Street, Suite 740, Sacramento, CA 95816  
Phone: 916-445-8717  
NSidarous@sco.ca.gov

**Michelle Skaggs Lawrence**, City Manager, *City of Oceanside*  
300 North Coast Highway, Oceanside, CA 92054

Phone: (760) 435-3055  
citymanager@oceasideca.org

**Christina Snider**, Senior Deputy County Counsel, *County of San Diego*  
1600 Pacific Highway, Room 355, San Diego, CA 92101  
Phone: (619) 531-6229  
Christina.Snider@sdcountry.ca.gov

**Jim Spano**, Chief, Division of Audits, *State Controller's Office*  
3301 C Street, Suite 715A, Sacramento, CA 95816  
Phone: (916) 324-1696  
jspano@sco.ca.gov

**Dennis Speciale**, *State Controller's Office*  
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816  
Phone: (916) 324-0254  
DSpeciale@sco.ca.gov

**Jeffrey L. Stewart**, City Manager, *City of Bellflower*  
16600 Civic Center Drive, Bellflower, CA 90706  
Phone: (562) 804-1424  
jstewart@bellflower.org

**Jana Stuard**, Finance Director, *City of Norwalk*  
12700 Norwalk Blvd, Norwalk, CA 90650  
Phone: (562) 929-5748  
jstuard@norwalkca.gov

**Tracy Sullivan**, Legislative Analyst, *California State Association of Counties (CSAC)*  
1100 K Street, Suite 101, Suite 101, Sacramento, CA 95814  
Phone: (916) 327-7500  
tsullivan@counties.org

**Brittany Thompson**, Budget Analyst, *Department of Finance*  
Local Government Unit, 915 L Street, Sacramento, CA 95814  
Phone: (916) 445-3274  
Brittany.Thompson@dof.ca.gov