

BEFORE THE
COMMISSION ON STATE MANDATES

Claim of:)
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)
)
County of Alameda)
Claimant)
)
)
_____)

No. CSM-4328
Chapter 406, Statutes of 1988
Special Election - Bridges

DECISION

The attached Proposed Statement of Decision of the Commission on State Mandates is hereby adopted by the Commission on State Mandates as its decision in the above-entitled matter.

This Decision shall become effective on May 25, 1989.

IT IS SO ORDERED May 25, 1989.



Russell Gould, Chairperson
Commission on State Mandates

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PROPOSED DECISION

This claim was heard by the Commission on State Mandates (Commission) on April 27, 1989, in Sacramento, California, during a regularly scheduled hearing. Don Graff appeared on behalf of the County of Alameda. There were no other appearances.

Evidence both oral and documentary having been introduced, the matter submitted, and vote taken, the Commission finds:

I.

NOTE

The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to Commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; a specific legislative appropriation for such purpose; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller.

II.

FINDINGS AND CONCLUSIONS

1. The test claim was filed with the Commission on September 16, 1988, by the County of Fresno.
2. The subject of the claim is Chapter 406, Statutes of 1988.

3. Chapter 406, Statutes of 1988, added Section 30113, and Chapter 4 (commencing with Section 30910) to Division 17 of the Streets and Highways (S&H) Code. Subdivisions (a) and (b) of Section 30917 of the S&H Code require that the City and County of San Francisco, and the Counties of Alameda, Contra Costa, Marin, San Mateo, Santa Clara, and Solano determine whether the residents of those counties approve a uniform toll of one dollar (\$1) for Class I vehicles by holding a special election to be conducted in each of these counties and the city and county. This section further requires that the special election be consolidated with the November 8, 1988, general election and provides the specific question language to be asked on the ballots. S&H Code section 30917(a) states in pertinent part:

"The tolls on any of the bridges specified in Section 30910 shall not be increased prior to the availability of the results of a special election to be held in the City and County of San Francisco and the Counties of Alameda, Contra Costa, Marin, San Mateo, Santa Clara, and Solano to determine whether the residents of those counties approve a uniform toll of one dollar (\$1) for Class I vehicles. . . ."

4. S&H Code section 30917(b) states:

"Notwithstanding any provision of the Elections Code, the board of supervisors of each of the counties and city and county specified in subdivision (a) shall call a special election to be conducted in each of those counties and the city and county, which shall be consolidated with the November 8, 1988, general election. The following question shall be presented to the voters of each of the counties as Regional Measure 1, to be stated in the ballot separately from state and local measures:

'Shall the California Transportation Commission and the Metropolitan Transportation Commission be authorized to undertake a revenue bond program to finance major bridge improvements, the construction of new bridges, and mass transit extensions designed to reduce bridge traffic in the bay area, to be financed by bridge tolls which shall not exceed one dollar (\$1) for passenger vehicles?''

5. The costs claimed in this test claim represent the County of Alameda's one-time costs for fiscal year 1988-89.
6. Prior to the enactment of Chapter 406, Statutes of 1988, there was no requirement for the designated counties to hold a special election on the toll bridge schedule.
7. There is no provision in the Elections Code addressing a county's authority to obtain reimbursement for the costs of this special election from any other sources.
8. Government Code section 17514 defines the term "costs mandated by the state" as "any increased costs which a local agency . . . is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, . . . which mandates a new program . . . within the meaning of Section 6 of Article XIII B of the California Constitution."

9. None of the requisites for denying a claim, specified in Government Code section 77556, were established.

III.

DETERMINATION OF ISSUES

- 1 The Commission has the authority to decide this claim under the provisions of Government Code section 17551.
- 2 Pursuant to Chapter 406, Statutes of 1988, specifically subdivisions (a) and (b) of Section 30917 of the S&H Code, the County and City of San Francisco and the Counties of Alameda, Contra Costa, Marin, San Mateo, Santa Clara, and Solano were required to implement a new program by holding a special election concerning toll bridge schedules. Furthermore, this election was to be conducted by such local entities and consolidated with the November 8, 1988, general election. Accordingly, the Commission concludes that such statutory provisions resulted in one-time "costs mandated by the state" as defined in Government Code section 17514, and Section 6 of Article XIIIB of the California Constitution.

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