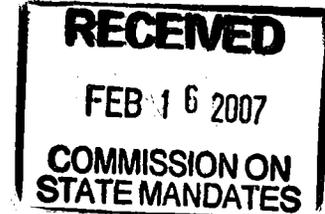




**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 525
LOS ANGELES, CALIFORNIA 90012-2766
PHONE: (213) 974-8301 FAX: (213) 626-5427

J. TYLER McCAULEY
AUDITOR-CONTROLLER



February 16, 2007

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

Dear Ms. Higashi:

**Los Angeles County's Requests
Extension of Time to Comment and Postponement of Hearing
Re-Districting: Senate and Congressional Districts [02-TC-50]**

This is to request postponement of the subject test claim hearing scheduled for March 29, 2007 until at least 60 days following final adjudication of the last of the following two cases:

1. *California School Boards Association, et al., v. Commission on State Mandates, et al.* [Case No. 06CS01335]
2. *County of Los Angeles, et al., v. Commission on State Mandates, et al.* [Case No. B183981]

In addition, an extension of time, permitting comments in this matter to be filed with the Commission 30 days prior to the new hearing date, is requested. Justification for these requests is attached.

Leonard Kaye of my staff is available at (213) 974-8564 to answer questions you may have concerning this submission.

Very truly yours,

John Naimo FOR

J. Tyler McCauley
Auditor-Controller

JTM:CY:LK
Enclosures

Justification
Los Angeles County's Requests
Extension of Time to Comment and Postponement of Hearing
Re-Districting: Senate and Congressional Districts [02-TC-50]

Postponement of the subject test claim hearing scheduled for March 29, 2007 until at least 60 days following final adjudication of the last of two relevant cases, the *California School Boards Association, et al., v. Commission on State Mandates, et al.* [No. 06CS01335] case and the *County of Los Angeles, et al., v. Commission on State Mandates, et al.* [No. B183981] case, and, an extension of time, permitting comments in this matter to be filed with the Commission 30 days prior to the new hearing date, is requested for the following reasons.

Final adjudication of the *California School Boards Association, et al., v. Commission on State Mandates, et al.* [No. 06CS01335] case is relevant because Commission staff rely on Government Code section 17556(f)¹ to disqualify reimbursement for section 4 of the test claim statute [Commission Draft Staff Analysis, page 12] and this case is predominantly about the validity and scope of the 17556(f) funding disclaimer. The Court is now questioning whether this disclaimer is constitutional and, if so, how this disclaimer may be constitutionally applied. Accordingly, guidance from this case is crucial to resolving the subject test claim.

In addition, final adjudication of the *County of Los Angeles, et al., v. Commission on State Mandates, et al.* [No. B183981] case is relevant because Commission staff claim that Senator Parata's letter to the County was not a valid 'executive order', which does not therefore allow the Commission to decide if reimbursable costs were imposed upon the County [Commission Draft Staff Analysis, pages 8-9], and this

¹ Section 17556(f) provides:

"The commission shall not find costs mandated by the state, as defined in Section 17514, in any test claim submitted by a local agency or school district, if, after a hearing the commission finds any one of the following:

... (f) The statute or executive order imposes duties which are necessary to implement, reasonably within the scope of, or expressly included in, a ballot measure approved by the voters in a statewide or local election. This subdivision applies regardless of whether the statute or executive order was enacted or adopted before or after the date on which the ballot measure was approved by the voters."

case is predominantly about the types of State directives to local governments which are valid 'executive orders'. Accordingly, guidance from this case is crucial to resolving the subject test claim.

Accordingly, postponement of the subject test claim hearing scheduled for March 29, 2007 until at least 60 days following final adjudication of the last of two relevant cases, the *California School Boards Association, et al., v. Commission on State Mandates, et al. [No. 06CS01335]* case and the *County of Los Angeles, et al., v. Commission on State Mandates, et al. [No. B183981]* case, and, an extension of time, permitting comments in this matter to be filed with the Commission 30 days prior to the new hearing date, is requested.



J. TYLER McCAULEY
AUDITOR-CONTROLLER

**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

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**Los Angeles County's Requests
Extension of Time to Comment and Postponement of Hearing
Re-Districting: Senate and Congressional Districts [02-TC-50]**

Declaration of Leonard Kaye

Leonard Kaye makes the following declaration and statement under oath:

I, Leonard Kaye, SB90 Coordinator, in and for the County of Los Angeles, am responsible for filing test claims, reviews of State agency comments, Commission staff analyses, requests for extension of time, postponement of hearings and for proposing, or commenting on, parameters and guidelines (Ps&Gs) and amendments thereto, and for filing incorrect reduction claims, all for the complete and timely recovery of costs mandated by the State. Specifically, I have prepared the subject requests, captioned above.

Specifically, I declare that I have examined the County's State mandated duties and resulting costs, in implementing the subject law, and find that such costs as set forth in the attached filing, are, in my opinion, reimbursable "costs mandated by the State", as defined in Government Code section 17514:

" ' Costs mandated by the State' means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

I am personally conversant with the foregoing facts and if so required, I could and would testify to the statements made herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to the matters which are therein stated as information or belief, and as to those matters I believe them to be true.

2/16/07, Los Angeles, CA
Date and Place

Leonard Kaye
Signature

"To Enrich Lives Through Effective and Caring Service"



**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

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J. TYLER McCAULEY
AUDITOR-CONTROLLER

DECLARATION OF SERVICE

STATE OF CALIFORNIA, County of Los Angeles:

Hasmik Yaghobyan states: I am and at all times herein mentioned have been a citizen of the United States and a resident of the County of Los Angeles, over the age of eighteen years and not a party to nor interested in the within action; that my business address is 603 Kenneth Hahn Hall of Administration, City of Los Angeles, County of Los Angeles, State of California;

That on the 16th day of February, 2007, I served the attached:

Documents: Los Angeles County Requests, Extension of Time to Comment and Postponement of Hearing, Re-Districting: Senate and Congressional Districts [02-TC-50], including a 1 page letter of J. Tyler McCauley dated 2/16/07, a 2 page narrative, and a 1 page declaration of Leonard Kaye, now pending before the Commission on State Mandates.

upon all Interested Parties listed on the attachment hereto and by

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date. Commission on State Mandates FAX as well as mail of originals.
- by placing true copies original thereof enclosed in a sealed envelope addressed as stated on the attached mailing list.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California, addressed as set forth below.
- by personally delivering the document(s) listed above to the person(s) as set forth below at the indicated address.

PLEASE SEE ATTACHED MAILING LIST

That I am readily familiar with the business practice of the Los Angeles County for collection and processing of correspondence for mailing with the United States Postal Service; and that the correspondence would be deposited within the United States Postal Service that same day in the ordinary course of business. Said service was made at a place where there is delivery service by the United States mail and that there is a regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16th day of February, 2007, at Los Angeles, California.


 Hasmik Yaghobyan

State Capitol, Room 412
Sacramento, CA 95814

Chief Consultant

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California State Senate
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The Honorable Don Perata
California State Senate (E-22)
California State Capitol
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Sacramento, CA 94248-0001

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Fax:

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Chief Consultant
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Original List Date: 7/9/2003 Mailing Information: Draft Staff Analysis
 Last Updated: 2/7/2007
 List Print Date: 02/07/2007 **Mailing List**
 Claim Number: 02-TC-50
 Issue: Re-Districting: Senate and Congressional Districts

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.)

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 Division of Audits Fax: (916) 327-0832
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Ms. Paula Higashi
 Executive Director
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|-------------------|--------------|-------|--------------|------------|---|
| Post-It® Fax Note | 7671 | Date | 2/16/02 | # of pages | 8 |
| To | Paula H. | From | Leonard Kage | | |
| Co./Dept. | CSM | Co. | CA | | |
| Phone # | | Phone | 916-934-8524 | | |
| Fax # | 916-445-0838 | Fax # | | | |