

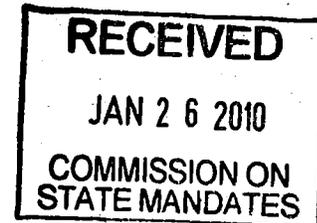


**DEPARTMENT OF
FINANCE**
OFFICE OF THE DIRECTOR

ARNOLD SCHWARZENEGGER, GOVERNOR

STATE CAPITOL ■ ROOM 1145 ■ SACRAMENTO CA ■ 95814-4998 ■ WWW.DOF.CA.GOV

January 22, 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 Commission's draft staff analysis for Claim No. 08-TC-05, "Airport Land Use Commission/Plans II Amended."

Finance concurs with the draft staff analysis recommendations to deny the test claim because the statutes do not impose a state-mandated program within the meaning of the California Constitution for the following reasons:

- Several statutes pled in the test claim predate January 1, 1975.
- The statutes pled were the subject of a previous decision in CSM 4507.
- No new activities were required of counties since 1972.
- Increased costs of the test claim statutes resulted from a shift between local agencies; not between the state and local agencies.

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 December 23, 2009 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.

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

Sincerely,

Nona Martinez
Assistant Program Budget Manager

Enclosure

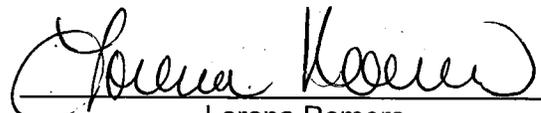
Enclosure A

DECLARATION OF LORENA ROMERO
DEPARTMENT OF FINANCE
CLAIM NO. 08-TC-05

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.

January 22, 2010
at Sacramento, CA


Lorena Romero

PROOF OF SERVICE

Test Claim Name: Airport Land Use Commissions/Plans II
Test Claim Number: CSM-03-TC-12

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, 12th Floor, Sacramento, CA 95814.

On 1-27-10, 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, 12th Floor, for Interagency Mail Service, 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

Ms. Annette Chinn
Cost Recovery Systems, Inc.
705-2 East Bidwell Street, #294
Folsom, CA 95630

B-15
Mr. Ronald W. Beals
Department of Transportation
1120 N Street
Sacramento, CA 95814

Ms. Lizanne Reynolds
Office of the County Counsel
Santa Clara County
70 West Hedding Street, East Wing
Ninth Floor
San Jose, CA 95110

B-15
Ms. Raiyn Bain
Department of Transportation
Legal Division, MS57
1120 N Street
Sacramento, CA 95814

B-08
Mr. Jim Spano
State Controller's Office
Division of Audits
300 Capitol Mall, Suite 518

A-08
Mr. Scott Morgan
Governor's Office of Planning & Research
PO Box 3044, Room 212
Sacramento, CA 95812-3044

Mr. Allen Burdick
MAXIMUS
3130 Kilgore Road, Suite 400
Rancho Cordova, CA 95670

Mr. Vinod K. Sharma
County of Santa Clara
70 West Hedding Street, East Wing
2nd Floor
San Jose, CA 95110

Mr. Leonard Kaye
Los Angeles County Auditor-Controller's
Office
500 West Temple Street, Room 603
Los Angeles, CA 90012

A-15
Ms. Susan Geanacou
915 L Street, Suite 1280
Sacramento, CA 95814

Mr. Glen Everroad
City of Newport Beach
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, CA 92659-1768

Ms. Bonnie TerKeurst
County of San Bernardino
Office of the Auditor/Controller-Recorder
222 West Hospitality Lane
San Bernardino, CA 92415-0018

Mr. David Wellhouse
David Wellhouse & Associates, Inc.
9175 Kiefer Blvd, Suite 121
Sacramento, CA 95826

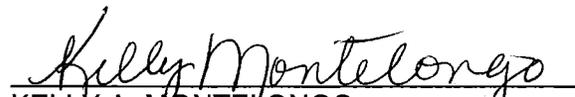
A-15
Mr. Jeff Carosone
Department of Finance
915 L Street, 8th Floor
Sacramento, CA 95814

B-08
Ms. Ginny Brummels
State Controller's Office
Division of Accounting & Reporting
3301 C Street, Suite 500
Sacramento, CA 95816

Ms. Jolene Tollenaar
MGT of America
2001 P Street, Suite 200
Sacramento, CA 95811

Ms. Juliana F. Gmur
MAXIMUS
2380 Houston Avenue
Clovis, CA 93611

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 1-22-10 at Sacramento, California.


KELLY A. MONTELONGO