

September 28, 2010

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

Ms. Jill Kanemasu  
Division of Accounting and Reporting  
State Controller's Office (B-08)  
3301 C Street, Suite 700  
Sacramento, CA 95816

**Re: Incorrect Reduction Claim**

*Peace Officers Procedural Bill of Rights (POBOR)*, 10-4499-I-01  
Government Code Sections 3300-3310  
Statutes 1976, Chapter 465; Statutes 1978, Chapters 775, 1173, 1174, and 1178;  
Statutes 1979, Chapter 405; Statutes 1980, Chapter 1367; Statutes 1982, Chapter 994;  
Statutes 1983, Chapter 964; Statutes 1989, Chapter 1165; and Statutes 1990, Chapter 675  
Fiscal Years: 2003-2004, 2004-2005, and 2005-2006  
Santa Clara County, Claimant

Dear Ms. Reynolds and Ms. Kanemasu:

On September 16, 2010, Santa Clara County filed an incorrect reduction claim (IRC) with the Commission on State Mandates (Commission) based on the *Peace Officers Procedural Bill of Rights (POBOR)* mandate for fiscal years 2003-2004, 2004-2005 and 2005-2006, for a total of \$526,802. Commission staff determined that the IRC filing is complete.

Government Code section 17551, subdivision (b), requires the Commission to hear and decide upon claims filed by local agencies and school districts that the State Controller's Office (SCO) has incorrectly reduced payments to the local agencies or school districts.

**SCO Review and Response.** Please file the SCO response and supporting documentation regarding this claim within 90 days of the date of this letter. Please include an explanation of the reason(s) for the reductions and the computation of reimbursements. All documentary evidence must be authenticated by declarations under penalty of perjury signed by persons who are authorized and competent to do so and be based on the declarant's personal knowledge, information or belief. The Commission's regulations also require that the responses (opposition or recommendation) filed with the Commission be simultaneously served on the claimants and their designated representatives, and accompanied by a proof of service (Cal. Code Regs., tit. 2, § 1185.01).

The failure of the SCO to respond within this 90-day timeline shall not cause the Commission to delay consideration of this IRC.

**Claimant's Rebuttal.** Upon receipt of the SCO response, the claimant and interested parties may file rebuttals. The rebuttals are due 30 days from the service date of the response.

**Prehearing Conference.** A prehearing conference will be scheduled if requested.

Ms. Reynolds and Ms. Kanemasu  
September 28, 2010  
Page Two

**Public Hearing and Staff Analysis.** The public hearing on this claim will be scheduled after the record closes. A staff analysis will be issued on the IRC at least eight weeks prior to the public hearing.

**Dismissal of Incorrect Reduction Claims.** Under section 1188.31 of the Commission's regulations, IRCs may be dismissed if postponed or placed on inactive status by the claimant for more than one year. Prior to dismissing a claim, the Commission will provide 60 days notice and opportunity for the claimant to be heard on the proposed dismissal.

Please contact Heidi Palchik at (916) 323-8218 if you have any questions.

Sincerely,

NANCY PATTON  
Assistant Executive Director

Enclosure: Incorrect Reduction Claim Filing (SCO only)

J:mandates/IRC/2010/10-4499-I-01/completeltr