

COMMISSION ON STATE MANDATES

980 NINTH STREET, SUITE 300
SACRAMENTO, CA 95814
PHONE: (916) 323-3562
FAX: (916) 445-0278
E-mail: csminfo@csm.ca.gov



November 15, 2010

Ms. Elizabeth G. Pianca
County of Santa Clara
70 West Hedding Street, 9th Floor, East Wing
San Jose, CA 95110-1770

And Affected State Agencies and Interested Parties (See Enclosed Mailing List)

Re: **Notice of Complete Test Claim Filing and Schedule for Comments**
Municipal Regional Stormwater Permit – Santa Clara County, 10-TC-03

On October 14, 2010, a test claim was filed on the above-named program by the County of Santa Clara, claimant. Following initial review, Commission staff found the test claim to be complete. The Commission is now requesting state agencies and interested parties to comment on the test claim as specified in the enclosed notice.

A copy of the test claim can be found on the Commission's website at www.csm.ca.gov.

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

Sincerely,

A handwritten signature in cursive script that reads "Paula Higashi".

PAULA HIGASHI
Executive Director

Enclosures

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Municipal Regional Stormwater Permit Number CAS612008, issued by the Regional Water Quality Control Board, San Francisco Region as Order No. R2-2009-0074, October 14, 2009

Filed on October 14, 2010

By County of Santa Clara, Claimant.

No. 10-TC-03

Municipal Regional Stormwater Permit – Santa Clara County

NOTICE OF COMPLETE TEST CLAIM FILING AND SCHEDULE FOR COMMENTS (Gov. Code, § 17500 et seq.; Cal. Code Regs., Tit. 2, §§ 1183, subd.(g), & 1183.02)

**TO: Regional Water Quality Control Board, San Francisco Region
State Water Resources Control Board
Department of Finance
State Controller's Office
County of Santa Clara
Interested Parties**

On October 14, 2010, the County of Santa Clara, claimant, filed a test claim on the above-described executive order alleging a reimbursable state-mandated program pursuant to article XIII B, section 6 of the California Constitution and Government Code section 17514. The test claim is complete.

A “test claim” is “the first claim filed with the commission alleging that a particular statute or executive order imposes costs mandated by the state, and includes a claim filed pursuant to Section 17574.”

The Commission’s regulations also provide that test claims may be prepared as a joint effort between two or more claimants and filed with the commission if the claimants attest to all of the following in the test claim filing:

- the claimants allege state-mandated costs result from the same statute or executive order;
- the claimants agree on all issues of the test claim; and,
- the claimants have designated one contact person to act as the resource for information regarding the claim. (Cal.Code Regs, tit. 2, § 1183, subd. (h).)

This procedure allows potential eligible claimants from the County of Santa Clara to join this test claim as co-claimants if they attest to the provisions cited above. The addition of co-claimants to the County of Santa Clara test claim must be filed by the county.

The test claim will be heard and determined by the Commission on State Mandates pursuant to article XIII B, section 6, Government Code section 17500 et seq., and case law. The procedures

for hearing and determining this claim are prescribed in the Commission's regulations, California Code of Regulations, title 2, chapter 2.5, section 1181.

COMMENT PERIOD

Within the next few days, a pdf file of the test claim will be posted on the Commission's website under "For Public Comment." The key issues before the Commission are:

Do the provisions listed above impose a new program or higher level of service within an existing program upon local entities within the meaning of article XIII B, section 6 of the California Constitution and costs mandated by the state pursuant to Government Code section 17514 of the Government Code?

- Does Government Code section 17556 preclude the Commission from finding that any of the test claim provisions impose costs mandated by the state?¹
- Have funds been appropriated for this program (e.g., state budget) or are there any other sources of funding available? If so, what is the source?

State Agency Review of Test Claim - State agencies are requested to analyze the test claim merits and to file written comments within 30 days, or no later than **December 15, 2010**. Requests for extensions of time may be filed in accordance with sections 1183.01, subdivision (c), and 1181.1, subdivision (g) of the regulations.

Claimant Rebuttal - The claimant and interested parties may file rebuttals to state agencies' comments under section 1183.03 of the regulations. The rebuttal is due 30 days from the actual service date of written comments from any state agencies.

Mailing Lists - Under section 1181.2 of the regulations, the Commission will promulgate a mailing list of parties, interested parties, and interested persons for each test claim and provide the list to those included on the list, and to anyone who requests a copy.

Filing Written Material on the Test Claim and Posting for Public Comment - When filing written material on this test claim, an original and one copy, or an original and a PDF file, shall be submitted to the Commission. PDF files should be e-mailed to: csminfo@csm.ca.gov. The comments will be posted on the Commission's website and the mailing list will be notified by electronic mail of the posting and the comment period. This procedure will satisfy all the service requirements under California Code of Regulations, title 2, section 1181.2, subdivision (d).

Consolidating Test Claims - Pursuant to Commission regulations, the executive director may consolidate part or all of any test claim with another test claim. See sections 1183.05 and 1183.06 of the regulations.

INFORMAL/PREHEARING CONFERENCE

An informal conference or prehearing conference may be scheduled if requested by any party. See sections 1183.04 and 1187.4 of the regulations.

HEARING AND STAFF ANALYSIS

A tentative hearing date for the test claim will be set when the draft staff analysis of the claim is being prepared. At least eight weeks before a hearing is conducted, the draft staff analysis will be issued to parties, interested parties, and interested persons for comment. Comments are due at

¹ Government Code section 17556 was amended by Statutes 2010, chapter 719 (SB 856, urgency), effective October 19, 2010.

least five weeks prior to the hearing or on the date set by the Executive Director, pursuant to section 1183.07 of the regulations. Before the hearing, a final staff analysis will be issued.

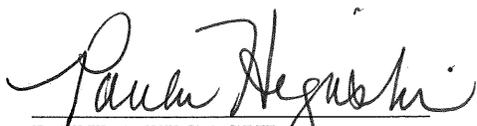
Dismissal of Test Claims - Under section 1183.09 of the regulations, test claims may be dismissed when postponed or placed on inactive status by the claimant for more than one year. Before dismissing a test claim, the Commission will provide 60 days notice and opportunity for other parties to take over the claim.

Parameters and Guidelines - If the Commission determines that a reimbursable state mandate exists, the claimant is responsible for submitting proposed parameters and guidelines for reimbursing all eligible local entities. See section 1183.1 of the regulations. All interested parties and affected state agencies will be given an opportunity to comment on the claimant's proposal before consideration and adoption by the Commission.

Reasonable Reimbursement Methodology - Government Code section 17557 requires the Commission, when adopting parameters and guidelines, to consult with claimants, Department of Finance, the State Controller, and the Legislature to consider a reasonable reimbursement methodology. Government Code section 17518.5 authorizes the claimant or any affected state agency or interested party to propose a reasonable reimbursement methodology.

Statewide Cost Estimate - The Commission is required to adopt a statewide cost estimate of the reimbursable state-mandated program within 12 months of receipt of a test claim. This deadline may be extended for up to six months upon the request of either the claimant or the Commission.

Alternative Process - Within 30 days of the Commission's adoption of a Statement of Decision on a test claim, the test claimant and the Department of Finance may notify the executive director in writing of their intent to follow the process described in Government Code section 17557.1 to develop a reasonable reimbursement methodology and statewide estimate of costs for the initial claiming period and budget year for reimbursement of costs mandated by the state. The letter of intent shall include the date on which the test claimant and the Department of Finance will submit a plan to ensure that costs from a representative sample of eligible claimants are considered in the development of a reasonable reimbursement methodology. If this letter of intent is submitted, the Commission will provide further information for all parties and interested parties to the test claim.


PAULA HIGASHI
Executive Director

Dated: November 15, 2010

Attachment: Mailing List

Commission on State Mandates

Original List Date: 11/15/2010
Last Updated:
List Print Date: 11/16/2010
Claim Number: 10-TC-03
Issue: Municipal Regional Stormwater Permit - Santa Clara County

Mailing List

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.)

Ms. Carla Shelton Department of Finance 915 L Street, 7th Floor Sacramento, CA 95814	Tel: carla.shelton@dof.ca.gov Email carla.shelton@dof.ca.gov Fax:
Mr. Jim Spano State Controller's Office (B-08) Division of Audits 3301 C Street, Suite 700 Sacramento, CA 95816	Tel: (916) 323-5849 Email jspano@sco.ca.gov Fax: (916) 327-0832
Ms. Annette Chinn Cost Recovery Systems, Inc. 705-2 East Bidwell Street, #294 Folsom, CA 95630	Tel: (916) 939-7901 Email achinnrcs@aol.com Fax: (916) 939-7801
Mr. Wayne Shimabukuro County of San Bernardino Auditor/Controller-Recorder-Treasurer-Tax Collector 222 West Hospitality Lane, 4th Floor San Bernardino, California 92415-0018	Tel: (909) 386-8850 Email wayne.shimabukuro@atc.sbcounty.gov Fax: (909) 386-8830
Mr. Randy L. Breault City of Brisbane 50 Park Place Brisbane, CA 94005	Tel: (415) 508-2131 Email rbreault@ci.brisbane.ca.us Fax: (415) 467-5547
Mr. Michael Lauffer State Water Resources Control Board 1001 I Street, 22nd Floor Sacramento, CA 95814-2828	Tel: (916) 341-5183 Email mlauffer@waterboards.ca.gov Fax: (916) 641-5199
Mr. Allan Burdick CSAC-SB 90 Service 2001 P Street, Suite 200	Tel: (916) 443-9136 Email allan_burdick@mgtamer.com Fax: (916) 443-1766

Sacramento, CA 95811

Mr. Edward Jewik Los Angeles County Auditor-Controller's Office 500 W. Temple Street, Room 603 Los Angeles, CA 90012	Tel: (213)974-8564 Email ejewik@auditor.lacounty.gov Fax: (213)617-8106
Mr. Jeff Carosone Department of Finance (A-15) 915 L Street, 8th Floor Sacramento, CA 95814	Tel: (916)445-8913 Email jeff.carosone@dof.ca.gov Fax:
Ms. Lorena Romero Department of Finance 915 L Street, 7th Floor Sacramento, CA 95814	Tel: lorena.romero@dof.ca.gov Email lorena.romero@dof.ca.gov Fax:
Ms. Evelyn Tseng City of Newport Beach 3300 Newport Blvd. P. O. Box 1768 Newport Beach, CA 92659-1768	Tel: (949)644-3127 Email tseng@city.newport-beach.ca.us Fax: (949)644-3339
Mr. David Wellhouse David Wellhouse & Associates, Inc. 9175 Kiefer Blvd, Suite 121 Sacramento, CA 95826	Tel: (916)368-9244 Email dwa-david@surewest.net Fax: (916)368-5723
Mr. Jim Barse City of Alameda 950 West Mall Square, Room 110 Alameda, CA 94501	Tel: (510)749-5857 Email jbarse@ci.alameda.ca.us Fax: (510)749-5867
Ms. Donna Ferebee Department of Finance (A-15) 915 L Street, 11th Floor Sacramento, CA 95814	Tel: (916)445-3274 Email donna.ferebee@dof.ca.gov Fax: (916)323-9584
Ms. Elizabeth G. Pianca County of Santa Clara 70 West Hedding Street, 9th Floor, East Wing San Jose, CA 95110-1770	Tel: (408)299-5920 Email elizabeth.pianca@cco.sccgov.org Fax: (408)292-7240
Mr. Leonard Kaye Los Angeles County Auditor-Controller's Office 500 W. Temple Street, Room 603 Los Angeles, CA 90012	Tel: (213)974-9791 Email lkaye@auditor.lacounty.gov Fax: (213)617-8106
Mr. Jay Lal State Controller's Office (B-08) Division of Accounting & Reporting 3301 C Street, Suite 700 Sacramento, CA 95816	Tel: (916)324-0256 Email JLal@sco.ca.gov Fax: (916)323-6527

Mr. Andy Nichols Nichols Consulting 1857 44th Street Sacramento, CA 95819	Tel: (916) 455-3939 Email andy@nichols-consulting.com Fax: (916) 739-8712
Mr. Gregory J. Newmark Meyers, Nave, Riback, Silver & Wilson 555 12th Street, Suite 1500 Oakland, CA 94607	Tel: (510) 808-2000 Email gnewmark@meyersnave.com Fax: (510) 444-1108
Ms. Angie Teng State Controller's Office (B-08) Division of Accounting and Reporting 3301 C Street, Suite 700 Sacramento, CA 95816	Tel: (916) 323-0706 Email a.teng@sco.ca.gov Fax:
Ms. Hasmik Yaghobyan County of Los Angeles Auditor-Controller's Office 500 W. Temple Street, Room 603 Los Angeles, CA 90012	Tel: (213) 893-0792 Email hyaghobyan@auditor.lacounty.gov Fax: (213) 617-8106
Mr. J. Bradley Burgess Public Resource Management Group 895 La Sierra Drive Sacramento, CA 95864	Tel: (916) 595-2646 Email Bburgess@mgtamer.com Fax:
Ms. Susan Geanacou Department of Finance (A-15) 915 L Street, Suite 1280 Sacramento, CA 95814	Tel: (916) 445-3274 Email susan.geanacou@dof.ca.gov Fax: (916) 449-5252
Ms. Dorothy Dickey State Water Resources Control Board	Tel: DDickey@waterboards.ca.gov Email DDickey@waterboards.ca.gov Fax:
Mr. Ram Venkatesan County of Santa Clara Controller - Treasurer Department 70 West Hedding Street, East Wing San Jose, CA 95110	Tel: (408) 299-5210 Email ram.venkatesan@fin.sccgov.org Fax: (408) 299-8629
Ms. Jill Kanemasu State Controller's Office (B-08) Division of Accounting and Reporting 3301 C Street, Suite 700 Sacramento, CA 95816	Tel: (916) 322-9891 Email jkanemasu@sco.ca.gov Fax:
Ms. Jolene Tollenaar MGT of America 2001 P Street, Suite 200 Sacramento, CA 95811	Tel: (916) 443-9136 Email jolene_tollenaar@mgtamer.com Fax: (916) 443-1766

Ms. Catherine Freeman
Legislative Analyst's Office (B-29)
925 L Street, Suite 1000
Sacramento, CA 95814

Tel: (916) 319-8325
Email catherine.freeman@lao.ca.gov
Fax: (916) 324-4281

Ms. Harmeet Barkschat
Mandate Resource Services, LLC
5325 Elkhorn Blvd. #307
Sacramento, CA 95842

Tel: (916) 727-1350
Email harmeet@calsdrc.com
Fax: (916) 727-1734

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

Tel: (916) 471-5513
Email julianagmur@msn.com
Fax: (916) 366-4838