

July 13, 2026

Commission on
State Mandates

Filed Date

07/13/2026

Juliana Gmur
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Comments on draft proposed decision for California Regional Water Quality Control Board, San Francisco Bay Region, Order No. R2-2015-0049, Test Claim 16-TC-03

Dear Director Gmur,

The Department of Finance (Finance) has completed its review of the proposed decision by the Commission on State Mandates (Commission) for the above referenced Test Claim. Finance appreciates the careful consideration and effort by staff and concurs with those parts of the proposed decision that deny reimbursement. Further, Finance concurs with and joins in comments submitted or to be submitted by the State Water Resources Control Board (State Water Board) and California Regional Water Quality Control Board, San Francisco Bay Region (San Francisco Bay Water Board) (collectively, Water Boards) on the proposed decision. Finance provides the comments below concerning fee authority.

Finance agrees with the draft proposed decision's conclusion that permittees have sufficient regulatory fee authority related to the Green Infrastructure Plan requirements and sufficient fee authority based on *Paradise Irrigation District v. Commission on State Mandates* (2019) 33 Cal.App.5th 174 (Paradise Irrigation District) and enactment of Government Code sections 57350 and 57351 for costs incurred beginning January 1, 2018.

To the extent the Commission determines there are any state mandated costs prior to January 1, 2018, Finance contends the claimant has the necessary fee authority and is not entitled to any reimbursement. Specifically, Finance contends that claimant had sufficient fee authority pursuant to Government Code section 17556(d) and Proposition 26 for the entire test claim period and subsequently is not entitled to reimbursement for any costs. Proposition 26 addresses voter approval requirements and it specifically excludes assessment and property related fees imposed in accordance with Proposition 218. As such, under Proposition 26, so long as they are imposed in accordance with Proposition 218, the claimant is not prohibited by Proposition 26 from

levying fees or assessments without voter approval. The fee authority negates the need for any reimbursement by the state for those costs claimed by the claimant.

If you have any questions regarding this letter, please contact Kenny Louie, Chief Counsel at (916) 322-0971.

Sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name 'Kenny Louie'.

KENNY LOUIE
Chief Counsel

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On July 14, 2026, I served the:

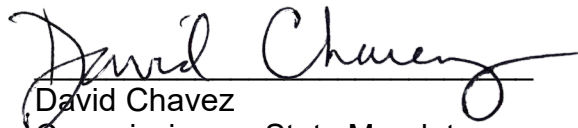
- **Current Mailing List dated July 13, 2026**
- **Claimant's Comments on the Draft Proposed Decision filed July 13, 2026**
- **Finance's Comments on the Draft Proposed Decision filed July 13, 2026**
- **Water Boards' Comments on the Draft Proposed Decision filed July 13, 2026**

*California Regional Water Quality Control Board, San Francisco Bay Region,
Order No. R2-2015-0049, 16-TC-03*

California Regional Water Quality Control Board, San Francisco Bay Region,
Order No. R2-2015-0049, Provisions C.3.j, C.8., C.10.a., C.10.b., C.11.a.,
C.11.b., C.11.c., C.12.a., C.12.c., C.12.d., and C.12.e, Adopted on
November 19, 2015 and Effective on January 1, 2016
City of Union City, Claimant

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

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 July 14, 2026 at Sacramento, California.


David Chavez
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 7/13/26

Claim Number: 16-TC-03

Matter: California Regional Water Quality Control Board, San Francisco Bay Region,
Order No. R2-2015-0049

Claimant: City of Union City

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

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, § 1181.3.)

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