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December 22, 2011

**Via Electronic Mail**

Nancy Patton, Assistant Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

**Re: Test Claim Nos. 10-TC-01 And 10-TC-02 Timeline**

Dear Ms. Patton:

We are writing on behalf of the City of Brisbane and the County of San Mateo, the San Mateo County Flood Control District, the Cities of Belmont, Burlingame, Daly City, East Palo Alto, Foster City, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Redwood City, San Bruno, San Carlos, San Mateo and South San Francisco, and the Towns of Atherton, Colma, Hillsborough, Portola Valley and Woodside (Test Claim No. 10-TC-01), and the City of Alameda and the County of Alameda, the Cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Pleasanton, San Leandro and Union City, the Alameda County Flood Control and Water Conservation District, and the Alameda County Flood Control and Water Conservation, Zone 7 (Test Claim No. 10-TC-02) (hereinafter the "Claimants") to respectfully express Claimants' concern with the extended amount of time it is taking for their test claims to be resolved.

Under Government Code section 17553, Subdivision (a)(2), the Commission is required to implement procedures that ensure a statewide cost estimate is adopted within 12 months of receipt of a test claim, or within 18 months at the request of the claimant or the commission. When you and I briefly spoke on October 13, 2011, you informed me that a decision on Test Claim Nos. 10-TC-01 and 10-TC-02 would not likely be rendered until, at the earliest, the beginning of 2013. You explained that this delay was attributable to the significant backlog of previously-filed test claims and the Commission's intention to wait until litigation regarding other storm water test claims is concluded.

Claimants understand that the Commission, like nearly all public entities, including Claimants, faces budget, staff and other resource constraints, and they also understand the Commission's desire to find out how the courts rule before proceeding with Claimants' test claims. We nevertheless note that these circumstances are not recognized as reasons to extend the time for processing test claims under the applicable statutes. Claimants are continually harmed every month that resources are diverted from other critical programs to

Nancy Patton, Assistant Executive Director  
December 22, 2011  
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pay for the unfunded mandates at issue in the test claims. Claimants' budget constraints are exacerbated by these delays. Therefore, Claimants respectfully request that their test claims be given priority when the Commission decides to move forward with them.

Very truly yours,



Ernest J. Guadiana

EJG:ejg  
1759263.2

**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

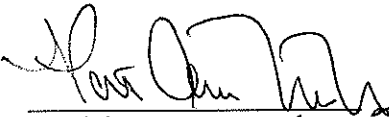
I am a resident of the County of Los Angeles and I am over the age of 18 years, and not a party to the within action. My place of employment is 333 South Grand Avenue, Suite 1670, Los Angeles, California 90071.

On December 22, 2011, I served the:

1. A letter dated December 22, 2011 regarding the length of time for the Commission to make a decision

by electronically filing it on the Commission's website, which provides notice of how to locate it to the email addresses provided on the test claim 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 December 22, 2011, at Los Angeles, California.

  
Patricia Anne McNulty

## COMMISSION ON STATE MANDATES

980 NINTH STREET, SUITE 300  
SACRAMENTO, CA 95814  
PHONE: (916) 323-3562  
FAX: (916) 445-0278  
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**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Solano 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.

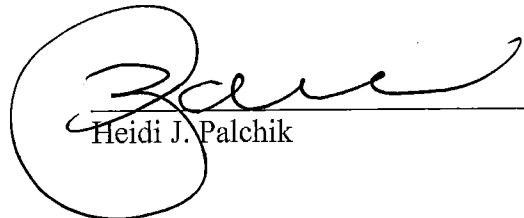
On December 23, 2011, 2011, I served the:

**Claimant Timeline Comments**

***Municipal Regional Stormwater Permit – San Mateo County, 10-TC-01***  
City of Brisbane, 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 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 December 23, 2011 at Sacramento, California.

  
Heidi J. Palchik

## Commission on State Mandates

Original List Date: 11/5/2010  
Last Updated: 11/17/2011  
List Print Date: 12/23/2011  
Claim Number: 10-TC-01  
Issue: Municipal Regional Stormwater Permit - San Mateo 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.)

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