

633 West Fifth Street, Suite 1700  
Los Angeles, California 90071  
tel 213.626.2906  
fax 213.626.0215  
www.meyersnave.com

Ernest J. Guadiana  
Attorney at Law  
eguardiana@meyersnave.com



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  
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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:

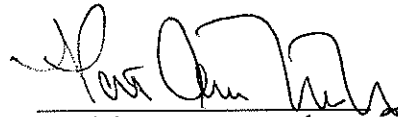
I am a resident of the County of Los Angeles and I am over the age of 18 years, and not a party to the within action. My place of employment is 333 South Grand Avenue, Suite 1670, Los Angeles, California 90071.

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  
E-mail: csminfo@csm.ca.gov

**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, I served the:

**Claimant Timeline Comments**

*Municipal Regional Stormwater Permit – Alameda County, 10-TC-02*

City of Alameda, 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 December 23, 2011 at Sacramento, California.

A handwritten signature in black ink, appearing to read "Heidi J. Palchik", written over a horizontal line.

Heidi J. Palchik

## Commission on State Mandates

Original List Date: 11/14/2010

Last Updated: 12/23/2011

List Print Date: 12/23/2011

Claim Number: 10-TC-02

Issue: Municipal Regional Stormwater Permit - Alameda 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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Mr. J. Bradley Burgess MGT of America 895 La Sierra Drive Sacramento, CA 95864	Tel: (916)595-2646 Email Bburgess@mgtamer.com Fax:
Mr. Benjamin Reyes City of Union City 34009 Alvarado-Niles Road Union City, CA 94587	Tel: (510)471-3232 Email breyes@meyersnave.com Fax: (510)475-7318
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
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
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
Ms. Evelyn Tseng City of Newport Beach 3300 Newport Blvd. P. O. Box 1768 Newport Beach, CA 92659-1768	Tel: (949)644-3127 Email etseng@newportbeachca.gov Fax: (949)644-3339
Mr. Mark Rewolinski MAXIMUS 625 Coolidge Drive, Suite 100 Folsom, CA 95630	Tel: (916)471-5516 Email markrewolinski@maximus.com Fax: (916)366-4838

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. Matt Fabry City of Brisbane 50 Park Place Brisbane, CA 94005	Tel: mfabry@ci.brisbane.ca.us Email mfabry@ci.brisbane.ca.us Fax:
Ms. Lesley C. Estes City of Oakland 250 Frank H. Ogawa Plaza Suite 4314 Oakland, CA 94612-2034	Tel: (510)238-7431 Email lcestes@oaklandnet.com Fax: (510)238-7227
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. Sharon Gosselin County of Alameda, Alameda Co Flood Control & Water 399 Elmhurst Street Hayward, CA 94544	Tel: (510)670-6547 Email sharon@acpwa.org Fax: (510)670-5262
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:
Mr. Allan Burdick CSAC-SB 90 Service 2001 P Street, Suite 200 Sacramento, CA 95811	Tel: (916)443-9236 Email allan_burdick@mgtamer.com Fax: (916)443-1766
Mr. Jai Prasad County of San Bernardino Office of Auditor-Controller 222 West Hospitality Lane, 4th Floor San Bernardino, CA 92415-0018	Tel: (909)386-8854 Email jai.prasad@atc.sbcounty.gov Fax: (909)386-8830
Ms. Juliana F. Gmur MAXIMUS 2380 Houston Ave Clovis, CA 93611	Tel: (916)471-5513 Email julianagmur@msn.com Fax: (916)366-4838
Mr. G. F. Duerig Alameda County Flood Control & Water Conservation 100 North Canyons Parkway Livermore, CA 94551	Tel: (925)454-5000 Email jduerig@zone7water.com Fax:

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. 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
Ms. Annie Tom County of Santa Clara Controller - Treasurer Department 70 West Hedding Street, East Wing San Jose, CA 95110	Tel: (408)299-5265 Email annie.tom@fin.sccgov.org Fax:
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
Mr. Gary Galliano City of Newark 37101 Newark Boulevard Newark, CA 94560	Tel: (510)578-4427 Email gary.galliano@newark.org Fax: (510)578-4296
Mr. Robert Bauman City of Hayward 777 B Street Hayward, CA 94541	Tel: (510)583-4710 Email Robert.Bauman@hayward-ca.gov Fax: (510)583-3610
Ms. Dorothy Dickey San Francisco Bay Regional Water Quality Control 1515 Clay Street, Suite 1400 Oakland, CA 94612	Tel: (510)622-2490 Email DDickey@waterboards.ca.gov Fax:
Ms. Marianne O'Malley Legislative Analyst's Office (B-29) 925 L Street, Suite 1000 Sacramento, CA 95814	Tel: (916)319-8315 Email marianne.O'malley@lao.ca.gov Fax: (916)324-4281
Ms. Nicole Almaguer City of Albany 1000 San Pablo Avenue Albany, CA 94706	Tel: (510)528-5754 Email nalmaguer@albancycyca.org Fax: (510)524-9359
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. Darren Greenwood City of Livermore 101 W. Jack London Boulevard Livermore, CA 94551	Tel: (925)960-8120 Email dgreenwood@ci.livermore.ca.us Fax: (925)960-8105
Mr. Richard E. Nosky, Jr. Downey Brand Attorneys LLP 3425 Brookside Road, Suite A Stockton, CA 95219	Tel: (209)473-6450 Email rnosky@DowneyBrand.com Fax: (209)473-6455
Ms. Anita Worlow AK & Company 3531 Kersey Lane Sacramento, CA 95864	Tel: (916)972-1666 Email akcompany@um.att.com 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. Ferlyn Junio Nimbus Consulting Group, LLC 2386 Fair Oaks Boulevard, Suite 104 Sacramento, CA 95825	Tel: (916)480-9444 Email fjunio@nimbusconsultinggroup.com Fax: (800)518-1385
Mr. Christien Brunette MAXIMUS 625 Coolidge Drive, Suite 100 Folsom, CA 95630	Tel: (916)471-5510 Email christienbrunette@maximus.com Fax: (916)366-4838
Ms. Jenny Yang County of Santa Clara Controller - Treasurer Department 70 West Hedding Street, East Wing San Jose, CA 95110	Tel: (408)299-5214 Email jenny.yang@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:
Mr. Benjamin Reyes City of Union City 34009 Alvarado-Niles Road Union City, CA 94587	Tel: (510)471-3232 Email breyes@meyersnave.com Fax: (510)475-7318
Mr. Gary J. Grimm Law Office of Gary J. Grimm 2390 Vine Street	Tel: (510)848-4140 Email gjgrimm@mindspring.com Fax: (510)848-4164



Berkeley, CA 94708

---

Ms. Carla Shelton Department of Finance 915 L Street, 8th Floor Sacramento, CA 95814	Tel: (916)445-8913 Email carla.shelton@dof.ca.gov Fax:
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. John Bakker City of Dublin 100 Civic Center Plaza Dublin, CA 94568	Tel: (925)833-6600 Email jbakker@meyersnave.com Fax:
Ms. Miranda Jackson Department of Finance 915 L Street, 8th Floor Sacramento, CA 95814	Tel: (916)445-8913 Email Miranda.Jackson@dof.ca.gov Fax:
Mr. Robert Falk Morrison & Foerster LLP 425 Market Street 32nd Floor San Francisco, CA 94105	Tel: (415)268-6294 Email Rfalk@mofa.com Fax: (415)268-7522
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. Frank Murphy MAXIMUS 17310 Red Hill Avenue, Suite 340 Irvine, CA 92614	Tel: (949)440-0845 Email frankmurphy@maximus.com Fax: (949)440-0855
Mr. Andy Nichols Nichols Consulting 1857 44th Street Sacramento, CA 95819	Tel: (916)455-3939 Email andy@nichols-consulting.com Fax: (916)739-8712
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
Mr. Patrick O'Keeffe City of Emeryville 1333 Park Avenue Emeryville, CA 95608	Tel: (510)596-4371 Email pokeeffe@emeryville.org Fax: (510)596-3724

Mr. Soren Fajeau City of Newark 37101 Newark Boulevard Newark, CA 94560	Tel: (510)578-4286 Email: soren.fajeau@newark.org Fax: (510)578-4243
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
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. Melissa Mendonca State Controller's Office (B-08) Division of Accounting & Reporting 3301 C Street, Suite 700 Sacramento, CA 95816	Tel: (916)322-7369 Email: mmendonca@sco.ca.gov Fax:
Ms. Joan Borger City of Fremont 3300 Capitol Avenue Fremont, CA 94538	Tel: (510)284-4030 Email: jborger@fremont.gov Fax: (510)284-4031
Mr. Daniel M. Akagi City of Berkeley 1947 Center Street, 4th Floor Berkeley, CA 94704	Tel: (510)981-6394 Email: dakagi@ci.berkeley.ca.us Fax: (510)981-6390
Mr. Abbas Masjedi City of Pleasanton 3333 Busch Road Pleasanton, CA 94566-0802	Tel: (925)931-5508 Email: amasjedi@ci.pleasanton.ca.us Fax: (925)931-5595
Ms. Julie Harryman City of Pleasanton 123 Main Street Pleasanton, CA 94566	Tel: (925)931-5018 Email: jharryman@ci.pleasanton.ca.us Fax: (925)931-5482
Mr. Dennis Speciale State Controller's Office (B-08) Division of Accounting and Reporting 3301 C Street, Suite 700 Sacramento, CA 95816	Tel: (916)324-0254 Email: DSpeciale@sco.ca.gov Fax:
Mr. Bruce Wolfe San Francisco Bay Regional Water Quality Control 1515 Clay Street, Suite 1400 Oakland, CA 94612	Tel: (510)622-2314 Email: bwolfe@waterboards.ca.gov Fax: (510)622-2460

---

Ms. Jayne Williams  
City of San Leandro  
835 East 14th Street  
San Leandro, CA 94577

Tel: (510)577-3200  
Email jwilliams@meyersnave.com  
Fax: (510)577-3340

---

Ms. Socorro Aquino  
State Controller's Office  
Division of Audits  
3301 C Street, Suite 700  
Sacramento, CA 95816

Tel: (916)322-7522  
Email SAquino@sco.ca.gov  
Fax:

---

Ms. Kathy Cote Guarnieri  
City of Fremont  
39550 Liberty Street  
Fremont, CA 94537

Tel: (510)494-4583  
Email kcote@fremont.gov  
Fax: (510)494-4571

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Mr. Celso Ortiz  
City of Oakland  
One Frank Ogawa Plaza, 6th Floor  
Oakland, CA 94612

Tel: (510)238-6236  
Email cortiz@oaklandcityattorney.org  
Fax: (510)238-6500