

**COMMISSION ON STATE MANDATES**

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August 28, 2014

Mr. Kurt Wilson  
City Manager  
City of Stockton  
425 N. El Dorado St., 2nd Floor  
Stockton, CA 95202

*And Parties, Interested Parties, and Interested Persons (See Attached Mailing List)*

**Notice of Claim Abandonment and Pending Dismissal**

*Investment Reports*, 02-9635802-I-67

Statutes 1995, Chapter 783 (SB 564)

Statutes 1996, Chapters 156 (SB 864) and 749 (SB 109)

Fiscal Years 1995-1996, 1996-1997 and 1998-1999

City of Stockton, Claimant

Dear Mr. Wilson:

On October 16, 2002, the City of Stockton filed the above-named incorrect reduction claim (IRC) with the Commission on State Mandates (Commission). An IRC is a claim alleging that the Office of the State Controller (Controller) incorrectly reduced the reimbursement claim of a local agency or school district. The Commission is a quasi-judicial body whose primary responsibility is to hear and decide test claims that allege that the Legislature or a state agency imposed a reimbursable state mandate program upon local government. Additionally, the Commission hears and decides IRCs.

**Prior Written Request for Claimant Action**

It has been several years since the filing of this claim and due to a significant caseload backlog; the Commission has not yet heard this matter. After the Commission adopted two decisions on IRCs on the *Investment Reports* program addressing issues that cut across all or most of the pending IRCs on this program, a stipulation was entered into between claimant representatives, the Commission, and the Controller to attempt to negotiate settlements on the remaining IRCs on this program. As a result, settlements have been negotiated by the claimants and the Controller on approximately 60 out of the 70 IRCs filed on the *Investment Reports* program. However, for some local governments, changes in staffing and claimant representatives may have led to the loss of institutional knowledge concerning their IRC filing and consequently a paucity of communication between the claimant and the Controller.

Therefore, on March 27, 2014, a letter addressed to Ms. Vanessa Burke was served by the Commission to the parties, interested parties and interested persons via e-mail in accordance with Commission regulations. (Cal. Code Regs., tit. 2, § 1181.3) The letter provided the same background information above and the contact information of Controller staff for the purposes of discussing this IRC. The letter also requested that the claimant contact the Commission by April 24, 2014 to indicate whether the claimant planned to negotiate with the Controller or wished to proceed with the hearing of this matter on the tentative hearing date in March 2015. The letter further provided that if the claimant wished to proceed with the hearing of this matter, the

Mr. Wilson  
City of Stockton, *Investment Reports*, 02-9635802-I-67

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deadline to submit any additional comments or documentary evidence to support their claim was August 1, 2014. A copy of that letter is available on the Commission's website at <http://csm.ca.gov/pendingclaims/ir71.shtml>.

As of August 25, 2014, neither the Commission nor the Controller has been contacted by the claimant regarding this claim.

### **Notice of Abandonment**

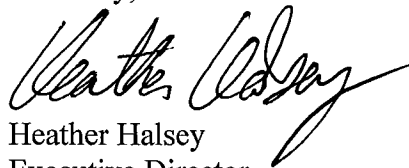
The executive director may deem a matter abandoned if the claimant does not respond within 60 days of service to a written notification that the matter will be deemed abandoned. (Cal. Code Regs., tit. 2, § 1187.13) This letter serves as that written notice and unless a response is received within 60 days of service, this IRC will be deemed abandoned and summarily dismissed. (Cal. Code Regs., tit. 2, § 1187.14)

### **Response Requested**

Please respond to this notice by **October 27, 2014** to indicate whether you want to negotiate with the Controller, proceed with the hearing of this matter, or, withdraw this matter. If no response is received, this IRC will be dismissed in accordance with Commission regulations. You are advised that documents filed with the Commission are required to be simultaneously served on everyone on the mailing list for the matter, and to be accompanied by a proof of service. However, this requirement may also be satisfied by electronically filing your documents. Please see <http://www.csm.ca.gov/dropbox.shtml> on the Commission's website for instructions on electronic filing. (Cal. Code Regs., tit. 2, § 1181.3)

Please contact Jason Hone at [jason.hone@csm.ca.gov](mailto:jason.hone@csm.ca.gov) or (916) 323-3562 if you have any questions.

Sincerely,



Heather Halsey  
Executive Director

cc

Mr. John Luebberke  
City Attorney  
City of Stockton  
425 N. El Dorado St., 2nd Floor  
Stockton, CA 95202

**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Yolo 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, August 28, 2014, I served the:

**Notice of Claim Abandonment and Pending Dismissal**

*Investment Reports, 02-9635802-I-67*

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City of Stockton, 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 August 28, 2014 at Sacramento, California.



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Jason Hone

Commission on State Mandates

980 9<sup>th</sup> Street, Suite 300

Sacramento, CA 95814

# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 8/27/14

**Claim Number:** 02-9635802-I-67

**Matter:** Investment Reports

**Claimant:** City of Stockton

### 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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