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VIA CSM DROPBOX

Heather Hasley
Executive Director
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: COUNTY OF SAN DIEGO, CITIES OF CARLSBAD, DEL MAR, IMPERIAL BEACH, LEMON GROVE, POWAY, SAN MARCOS, SANTEE, SOLANA BEACH, CHULA VISTA, CORONADO, EL CAJON, ENCINITAS, ESCONDIDO, LA MESA, NATIONAL CITY, OCEANSIDE, SAN DIEGO, AND VISTA COMMENTS ON DRAFT PROPOSED DECISION AND PARAMETERS AND GUIDELINES, TEST CLAIM 07-TC-09-R

Dear Ms. Hasley:

The County of San Diego and the Cities of Carlsbad, Del Mar, Imperial Beach, Lemon Grove, Poway, San Marcos, Santee, Solana Beach, Chula Vista, Coronado, El Cajon, Encinitas, Escondido, La Mesa, National City, Oceanside, San Diego, and Vista (collectively, “Municipal Claimants”) submit these comments in response to the Draft Proposed Decision and Parameters and Guidelines for Test Claim 07-TC-09-R (“Proposed Decision”). The Municipal Claimants appreciate the time and significant work that the Commission on State Mandates (“Commission”) has invested in the Proposed Decision and over the past many years on Test Claim 07-TC-09-R (“Test Claim”).

The Municipal Claimants submit these comments in order to address two major issues. First, and most importantly, through these comments and the supporting documents, the Municipal Claimants request that the Commission adopt reasonable reimbursement methodologies (“RRMs”) to allow for the timely and efficient reimbursement of the mandated activities previously approved by the Commission and confirmed in two Courts of Appeal decisions.¹ Timely and efficient reimbursement to the Municipal Claimants is long overdue. The RRM process would be the most efficient way to allow the Municipal Claimants to finally receive the reimbursement for these state mandated activities that the California Constitution requires.

¹ The Commission originally adopted the Test Claim Decision in March of 26, 2010 and issued an Amended Test Claim Decision on Remand on May 26, 2023. The Court of Appeal has substantially confirmed the Commission’s decision in *Department of Finance v. Commission on State Mandates* (2017) 18 Cal.App.5th 661 and in *Department of Finance v. Commission on State Mandates* (2022) 85 Cal.App.5th 535.

Second, these comments respond to certain technical issues in the Proposed Decision related to both the timing of the mandates and two specific activities that are reasonably necessary to perform the required activities.

I. BACKGROUND

The Municipal Claimants, County Regional Airport Authority, and the San Diego Unified Port District (“Co-Permittees”) were subject to Order R9-2007-001, National Pollutant Discharge Elimination System (“NPDES”) No. CAS0108758 (“2007 Permit”) issued by the California Regional Water Quality Control Board, San Diego Region. The 2007 Permit required a number of actions that this Commission and two Court of Appeal decision have determined are state mandates subject to subvention in accordance with the California Constitution. These mandated actions are:

- Reporting on street sweeping and conveyance system cleaning (Part J.3.a.(3)(c)(iv)-(viii), (x)-(xv));
- Conveyance system cleaning (Part D.3.a.(3)(b)(iii));
- Educational component (D.5.a.(1), D.5.a.(2), D.5.b.(1)(a), D.5.b.(1)(b)(iii.-vi.), D.5.b.(1)(c), D.5.b.(1)(d), D.5.b.(2), D.5.b.(3));
- Watershed activities and collaboration in the Watershed Urban Runoff Management Program (Part E.2.f & E.2.g);
- Regional Urban Runoff Management Program (Parts F.1., F.2. & F.3);
- Program effectiveness assessment (Parts I.1 & I.2);
- Long-term effectiveness assessment (Part I.5) and
- All permittee collaboration (Part L.1.a.(3)-(6)).²

The 2007 Permit was revised by Order No. R9-2013-0001, as amended (“2013 Permit”). The County has filed a separate test claim with respect to the 2013 Permit that is pending before the Commission.³ The County’s test claim includes a request for reimbursement of mandated activities from the 2007 Permit that are continued in the 2013 Permit. As discussed more fully below, the Municipal Claimants contend that the mandated activities from the 2007 Permit that are continued in the 2013 Permit are subject to subvention, but that reimbursement for those activities should occur through the claims process for the test claim on the 2013 Permit. The Municipal Claimants are not seeking reimbursement in this process for requirements of the 2013 Permit.

² Proposed Decision, 2.

³ *California Regional Water Quality Control Board, San Diego Region, Order No. R9-2013-0001, 14-TC-03.*

II. SCOPE OF THE REIMBURSEMENT REQUEST AND RESERVATION OF RIGHTS

As the Commission and two Courts of Appeal have determined, the Municipal Claimants are entitled to subvention for the unfunded mandates required by the 2007 Permit. The Municipal Claimants performed the mandates contained in the 2007 Permit from 2007 until the end of fiscal year (“FY”) 2014/2015, by which time the mandates of the 2013 Permit were in full force. In this reimbursement process, the Municipal Claimants are entitled to and seek reimbursement only for the state mandates during this period from 2007 until the end of FY 2014/2015 when they were required by the 2007 Permit. The Municipal Claimants will seek reimbursement for the mandates performed under the 2013 Permit, including, but not limited to, mandates that were in the 2007 Permit but were continued in the 2013 Permit, in that separate action. The Municipal Claimants therefore reserve all rights regarding mandates in the 2013 Permit.

For this reason, the Municipal Claimants object to and disagree with the portions of the Proposed Decision that improperly seek to address an issue that is not currently before the Commission—the possible impact of Senate Bill 231 (“SB 231”).⁴ The Municipal Claimants contend that the Commission must delete these portions of the Proposed Decision for multiple reasons. First, SB 231 is not at issue in this Test Claim because the mandated activities under the 2007 Permit were all completed prior to the time SB 231 was enacted in 2017 and before it became effective in 2018. SB 231 is therefore not relevant to this Test Claim, as the most recent Court of Appeal opinion in this matter concluded.⁵ Since SB 231 has no application to this Test Claim, the Proposed Decision should not address it. Whatever its relevance to future matters, it has no place in this proceeding.

Second, the Municipal Claimants contend that the Commission’s analysis regarding SB 231 is inconsistent with *Department of Finance v. Commission on State Mandates* (2022) 85 Cal.App.5th 535 and *City of Salinas* (2002) 98 Cal.App.4th 1351. Although it is irrelevant to this proceeding and should not be addressed at all by the Commission here, the Municipal Claimants reserve all rights regarding the applicability of SB 231 and its constitutionality. The Municipal Claimants believe that even if SB 231 were applicable, which it is not, the appropriate approach for the Commission to take regarding SB 231 would be to wait until a court of competent jurisdiction resolves the constitutionality of SB 231 in the context of an actual fee enacted under its provisions. Since SB 231 is irrelevant here, the Commission should just delete all references to it in the Proposed Decision.

III. THE COMMISSION SHOULD ADOPTED THE RRMS PROPOSED BELOW BY THE MUNICIPAL CLAIMANTS

An RRM is “a formula for reimbursing local agencies . . . for costs mandated by the state, as defined in Section 17514.”⁶ The RRM “shall be based on general allocation formulas, uniform cost allowances, and other approximations of local costs mandated by the state, rather than detailed

⁴ See Proposed Decision, pp. 7-8 and 22-24.

⁵ *Department of Finance v. Commission on State Mandates* (2022) 85 Cal.App.5th 535, 577.

⁶ Gov. Code 17518.5(a)

documentation of actual local costs.”⁷ To create the RRM, one should use “cost information from a representative sample of eligible claimants, information provided by associations of local agencies and school districts, or other projections of local costs.”⁸ An RRM may be developed and proposed by the claimant.⁹

Consistent with the Government Code and the Commission’s Regulations, the Municipal Claimants have developed and request that the Commission adopt the RRMs below for the mandated activities. Some of the RRMs are based on “approximations of local costs” from which generalized formulas to support timely and cost-effective reimbursement have been developed. Some of the RRMs are based on both “approximations of local costs” and specific actual costs to perform the mandated activities. Finally, some of the RRMs derive solely from fixed, actual costs that were then allocated to each individual Municipal Claimant using a cost formula used by the Municipal Claimants and documented in various Cost-Sharing Memorandums of Understanding (“MOUs”) used by the Municipal Claimants to divided costs for certain mandated activities.¹⁰ How these RRMs may be used for purposes of timely and cost-effective reimbursement is set forth in the discussion of each RRM.

These RRMs are based on detailed information from the Municipal Claimants relating to the costs they incurred to perform the state mandated activities. To help prepare these RRMs, the Municipal Claimants hired D-Max Engineering, Inc. to evaluate all available documentation relating to the 2007 Permit including the County 2011 Co-Permittee Surveys, Co-Permittee Declarations, Jurisdictional Urban Runoff Management Program (“JURMP”) Annual Reports, Water Quality Improvement Project (“WQIP”) Annual Reports, Watershed Urban Runoff Management Program (“WURMP”) Annual Reports, County Fiscal Analysis Documents, MOUs, County Watershed Workgroup Expenditure Records, Regional Cost Sharing Documentation, and D-Max proposal records relating to JRMP annual reporting services (“D-Max Files”).¹¹ Using this information, D-Max helped create the below RRMs. The details of how these RRMs were developed, and the documents relied on by D-Max, are set forth in the Declaration of John Quenzer in Support of Reasonable Reimbursement Mythology 07-TC-09-R (“Quenzer Declaration”) and Declaration of Lara Barrett in Support of Reasonable Reimbursement Mythology 07-TC-09-R (“Barrett Declaration”) filed herewith and incorporated herein.

Adopting these RRMs is consistent with the purpose of the RRM approach and is particularly appropriate in the context of this Test Claim. RRMs streamline a process that can at times be overly cumbersome and result in unfair reimbursement decisions that are inconsistent with the California Constitution. The proposed RRMs would be a very efficient and fair way to permit the Municipal Claimants to finally receive the money that the California Constitution, this Commission and two Courts of Appeal have found they are entitled to receive. Due to the State’s decision to contest all

⁷ Gov. Code 17518.5(d)

⁸ Gov. Code 17518.5(b)

⁹ Gov. Code 17518.5(e)(4).

¹⁰Declaration of Lara Barrett in Support of Reasonable Reimbursement Mythology 07-TC-09-R (“Barrett Declaration”), ¶9.g., Municipal Claimants Supporting Documents Volume13, pages 10,785-10,907.

¹¹ Barrett Declaration, ¶9, Declaration of John Quenzer in Support of Reasonable Reimbursement Mythology 07-TC-09-R (“Quenzer Declaration”), ¶7, Municipal Claimants Supporting Documents Volumes 1-14.

possible legal issues through years of unnecessary litigation, fourteen years have passed since the 2007 Permit and its unfunded mandates were adopted. Using the RRM process would be a fair way, consistent with the requirements of state law and the California Constitution, to finally provide the Municipal Claimants with reimbursement for funds that the State required them to expend years ago.

**A. RRM for Reporting on Street Sweeping and Conveyance System Cleaning
(Part J.3.a.(3)(c) (iv)-(viii), (x)-(xv))**

The Municipal Claimants propose the following RRM for reporting on street sweeping and conveyance system cleaning. This RRM is in a reasonable approximation of the local costs mandated by the state as suggested by Government Code 17518.5.¹²

$$\begin{aligned} & \textit{Reimbursement} \\ &= \sum_{t=2007}^{2013} [\textit{Conveyance Reporting Cost}]_t \\ &+ \sum_{t=2007}^{2013} [\textit{Sweeping Reporting Cost}]_t \end{aligned}$$

The term “*Conveyance Reporting Cost*” refers to the annual reporting cost per Co-Permittee to cover the conveyance system cleaning adjusted annually by the San Diego-Carlsbad Consumer Price Index for all urban consumers, not seasonally adjusted (“CPI”) and the term “*Sweeping Reporting Cost*” refers to the annual cost per Co-Permittee to cover street sweeping reporting adjusted annually by the CPI.¹³ A reasonable value in 2007 for the *Conveyance Reporting Cost* is five thousand seven hundred and eighty-four dollars and eighty-five cents (\$5,784.85), while a reasonable value in 2007 for the *Sweeping Reporting Cost* is six thousand one hundred and forty-three dollars and sixty-seven cents (\$6,143.67).¹⁴

Using this formula, each Municipal Claimant would receive eighty-seven thousand, two-hundred and forty-seven dollars and fifty-nine cents (\$87,247.59) which is the sum of each Municipal Claimant’s *Conveyance Reporting Cost* and *Sweeping Reporting Cost* across the applicable time period. That is, each Municipal Claimant would be entitled to claim five thousand seven hundred and eighty-four dollars and eighty-five cents (\$5,784.85) adjusted annually for CPI for each of the six-and-a-half-years *Conveyance Reporting Cost* was required and six thousand one hundred and forty-three dollars and sixty-seven cents (\$6,143.67) adjusted annually for CPI for each of the six-and-a-half-years for *Sweeping Reporting Cost* was required.

¹² Quenzer Declaration ¶12.

¹³ *Id.*

¹⁴ *Id.*

B. RRM for Conveyance System Cleaning (Part D.3.a.(3)(b)(iii))

The Municipal Claimants propose the following RRM for conveyance system cleaning. The conveyance system includes the inlet or storm basins, pipes, and channels. This RRM is a reasonable approximation of the local costs mandated by the state as suggested by Government Code 17518.5.¹⁵

$$\begin{aligned}
 & \textit{Reimbursement} \\
 &= \sum_{t=2007}^{2015} [(Unit\ Cost)_S(\#S)]_t + \sum_{t=2007}^{2015} [(Unit\ Cost)_P(P)]_t \\
 &+ \sum_{t=2007}^{2015} [(Unit\ Cost)_C(C)]_t
 \end{aligned}$$

The term “ $(Unit\ Cost)_S$ ” refers to the cost to clean one inlet or storm basin adjusted annually by the CPI; the term “ $(Unit\ Cost)_P$ ” refers to the cost to clean one linear foot of the pipe adjusted annually by the CPI; “ $(Unit\ Cost)_C$ ” refers to the cost to clean one linear foot of the channel adjusted annually by the CPI; the term “ $\#S$ ” refers to the number of inlets or storm basins cleaned in a year by a Co-Permittee; the term “ P ” refers to the distance of the pipe cleaned in linear feet by a Co-Permittee; and the term “ C ” refers to the distance of the channel cleaned in linear feet by a Co-Permittee.¹⁶ A reasonable value in 2007 for the $(Unit\ Cost)_S$ is one hundred and fifty dollars and sixty-six cents (\$150.66).¹⁷ A reasonable value in 2007 for the $(Unit\ Cost)_P$ is six dollars and seventy-seven cents (\$6.77/ft).¹⁸ A reasonable value in 2007 for the $(Unit\ Cost)_C$ is eight dollars and fifty-two cents (\$8.52/ft).¹⁹

The $(Unit\ Cost)_S$, $(Unit\ Cost)_P$, and $(Unit\ Cost)_C$ align with those found in the NPDES Stormwater Cost Survey Final Report from January 2005²⁰ (“2005 State Survey”). The 2005 State Survey determined that the average cost of basin cleaning in Santa Clarita was one hundred and seventy dollars (\$170) per basin which is more than the 2007 $(Unit\ Cost)_S$.²¹ Additionally, the State Survey found that the average cost of drain line and channel cleaning in the City of Corona was eight dollars per linear foot (\$8/ft), which is more than the weighted average of the 2007 $(Unit\ Cost)_P$ and 2007 $(Unit\ Cost)_C$.²² Given that all of the proposed unit costs are lower than those from the 2005 Survey despite being two years later, the proposed unit costs are reasonable to apply to all Co-Permittees.²³

¹⁵ *Id.*, at ¶13.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ https://www.owp.csus.edu/research/papers/papers/NPDES_Stormwater_costsurvey.pdf

²¹ *Id.*; 2005 State Survey, p. 46.

²² Quenzer Declaration ¶13; 2005 State Survey, p. 16.

²³ Quenzer Declaration ¶13

Under this RRM, an individual claimant would calculate its reimbursement using the total number of inlets and storm basins, feet of channel cleaned, feet of pipe cleaned, and the unit costs described above.²⁴ Each Municipal Claimant would submit evidence of the number of inlets and storm basins cleaned, feet of channel cleaned, and feet of pipe cleaned to get reimbursed based on the unit costs in the RRM.

C. RRM for the Educational Component (Parts D.5.a.(1), D.5.a.(2), D.5.b.(1)(a), D.5.b.(1)(b)(iii.-vi.), D.5.b.(1)(c), D.5.b.(1)(d), D.5.b.(2), D.5.b.(3))

The Municipal Claimants propose the following RRM for the education component. The education component includes regional outreach shared costs for the residential education program development and implementation and jurisdictional educational programs.²⁵ This RRM is a combination of a reasonable approximation of the local costs mandated by the state as suggested by Government Code 17518.5 and the actual shared costs where no reasonable approximation was applicable.²⁶

$$\begin{aligned} & \textit{Reimbursement} \\ &= \sum_{t=2007}^{2015} [(County\ Education\ Costs)(MOU)]_t \\ &+ \sum_{t=2007}^{2015} [(Education\ Costs)(Total)]_t \end{aligned}$$

The term “*County Education Costs*” refers to the actual annual shared costs for developing and implementing the Residential Education Program, the term “*MOU*” refers to the Municipal Claimant’s proportional share of the cost based on the applicable MOUs, the term “*Education Costs*” refers to the percentage of the total stormwater budget reported as jurisdictional education costs; and the term “*Total*” refers to the Co-Permittee’s total stormwater budget in a particular year.²⁷ A reasonable value for the *Education Costs* is two and sixteen hundredths percent (2.16%).²⁸

Under this RRM, each entity would receive their proportional share of the *County Education Costs* based on the applicable MOUs and two and sixteen hundredths percent (2.16%) of the Municipal Claimant’s total stormwater budget.²⁹

²⁴ *Id.*

²⁵ *Id.*, at ¶14.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*, at ¶14.b.

²⁹ *Id.*, at ¶14.

D. RRM for the Watershed Activities and Collaboration in the Watershed Urban Runoff Management Program (Part E.2.f & E.2.g)

The Municipal Claimants propose the following RRM for the watershed activities and collaboration in the Watershed Urban Runoff Management Program. This includes the watershed workgroup cost share contributions, the jurisdictional watershed activities, the regional watershed activities such as the WURMP, and watershed workgroup activities.³⁰ This RRM is a combination of a reasonable approximation of the local costs mandated by the state as suggested by Government Code 17518.5 and the actual costs where no reasonable approximation was applicable.³¹

Reimbursement

$$\begin{aligned}
 &= \sum_{t=2007}^{2013} [(Watershed Lead Costs)(MOUs)]_t \\
 &+ \sum_{t=2007}^{2013} [4 * Jurisdictional Activities]_t + \sum_{t=2007}^{2013} [(WURMP Costs)(MOU)]_t \\
 &+ \sum_{t=2007}^{2013} [(Rate)(\# Attendees)(\# Meetings)]_t
 \end{aligned}$$

The term “*Watershed Lead Costs*” refers to the actual annual shared costs for the Residential Education Program; the term “*MOU*” refers to the Municipal Claimant’s proportional share of the cost based on the applicable MOUs, the term “*Jurisdictional Activities*” refers to the costs to perform one jurisdictional activity per Co-Permittee adjusted annually for the CPI; the term “*WURMP Costs*” refers to the actual annual costs for the Regional WURMP Working Group costs; the term “*Rate*” refers to the cost of the Municipal Claimant employee time per regional workgroup meeting; the term “*\# Attendees*” refers to the number of attendees each Co-Permittee had attend the meeting; and “*\# Meetings*” refers to the number of meetings per year.³² A reasonable value for the *Jurisdictional Activities* is eight thousand one hundred and twenty-five dollars (\$8,125).³³ A reasonable value for the *Rate* is two hundred and sixty-two dollars and eighty-eight cents (\$262.88).³⁴

Under this RRM, each entity would receive their proportional share of the *Watershed Lead Costs* and the *WURMP Costs* based on the applicable MOUs; two hundred and twenty-one thousand, four hundred and sixty-one dollars and fifty cents (\$221,461.50) for the jurisdictional watershed activities; and reimbursement for the Watershed Workgroup Meetings based on the number of employees that attended the meeting.³⁵

³⁰ *Id.*, at ¶15.

³¹ *Id.*

³² *Id.*

³³ *Id.*, at ¶15.b.

³⁴ *Id.*, at ¶15.d.

³⁵ *Id.*, at ¶15.

E. RRM for the Regional Urban Runoff Management Program (Parts F.1., F.2. & F.3).

The Municipal Claimants propose the following RRM for the Regional Urban Runoff Management Program (“RURMP”). This RRM is the actual costs of implementation as there was no reasonable applicable approximation.³⁶

$$Reimbursement = \sum_{t=2007}^{2013} [(Cost\ Share)(MOU)]_t$$

The term “*Cost Share*” refers to the actual annual cost share values for the RURMP as invoiced by County and the term “*MOU*” refers to the Municipal Claimant’s proportional share of the cost based on the applicable MOUs.³⁷

Under this formula, each entity would receive their proportional share of the *Cost Share* based on the applicable MOUs.³⁸

F. RRM for the Program Effectiveness Assessment (Parts I.1 & I.2).

The Municipal Claimants propose the following RRM for the program effectiveness assessment. Program effectiveness includes the jurisdictional program effectiveness assessments and the regional fiscal, reporting, and assessment workgroup activities.³⁹ This RRM is a combination of a reasonable approximation of the local costs mandated by the state as suggested by Government Code 17518.5 and the actual costs where no reasonable approximation was applicable.⁴⁰

$$Reimbursement = \sum_{t=2007}^{2013} [(Effectiveness)(Total)]_t + \sum_{t=2007}^{2015} [(FRA\ Workgroup\ Costs)(MOU)]_t$$

The term “*Effectiveness*” refers to the percentage of the total stormwater budget for all Co-Permittees spent on assessing if the jurisdiction program was effective; the term “*Total*” refers to the total stormwater budget for each Co-Permittee; the term “*FRA Workgroup Costs*” are the shared costs for developing and implementing the Regional Fiscal, Reporting, Assessment Workgroup Expenditures, and the term “*MOU*” refers to the Municipal Claimant’s proportional

³⁶ *Id.*, at ¶16.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*, at ¶17.

⁴⁰ *Id.*

share of the cost based on the applicable MOUs.⁴¹ A reasonable value for the *Effectiveness* is three and seventy-two hundredths percent (3.72%).⁴²

Under this formula, each entity would receive their proportional share of the *FRA Workgroup Costs* based on the applicable MOU; and three and seventy-two hundredths percent (3.72%) of the Municipal Claimant's total stormwater budget.⁴³

G. RRM for the Long-term Effectiveness Assessment (Part I.5).

The Municipal Claimants propose the following RRM for the long term effectiveness assessment. This RRM is the actual costs of implementation as there was no reasonable applicable approximation.⁴⁴

$$Reimbursement = \sum_{t=2007}^{2013} [(Contractor Costs)(MOU)]_t$$

The term "*Contractor Costs*" are the actual annual costs of the contractors needed to assess the long term effectiveness of the projects as reported by County and the term "*MOU*" refers to the Municipal Claimant's proportional share of the cost based on the applicable MOUs.⁴⁵

Under this formula, each entity would receive their proportional share of the *Contractor Costs* based on the applicable MOUs.⁴⁶

H. RRM for the All Permittee Collaboration (Part L.1.a.(3)-(6)).

The Municipal Claimants propose the following RRM for the all permittee collaboration. All Co-Permittee collaboration includes support for regional workgroup meetings, regional workgroup meetings, and workgroup expenditures. This RRM is the actual costs of implementation as there was no reasonable applicable approximation.⁴⁷

$$\begin{aligned} Reimbursement &= \sum_{t=2007}^{2013} [(County Cost)(MOU)]_t + \sum_{t=2007}^{2017} [(Workgroup Cost)(MOU)]_t \\ &+ \sum_{t=2007}^{2013} [(Rate)(\# Meeting Attendances)]_t \end{aligned}$$

⁴¹ *Id.*

⁴² *Id.*, at ¶17.a.

⁴³ *Id.*

⁴⁴ *Id.*, at ¶18.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*, at ¶19.

The term “*County Cost*” refers to the actual costs spent to support the various all Co-Permittee meetings; the term “*MOU*” refers to the Municipal Claimant’s proportional share of the cost based on the applicable MOUs; the term “*Rate*” refers to the cost of the Municipal Claimant employee time per regional workgroup meeting; the term “*# Attendees*” refers to the number of attendees each Co-Permittee had attend the regional workgroup meeting; the term “*# Meetings*” refers to the number of meetings per year the term “*Workgroup Cost*” refers to the actual costs of activities performed by the workgroup.⁴⁸ A reasonable value for the *Rate* is two hundred and sixty-two dollars and eighty-eight cents (\$262.88).⁴⁹

Under this formula, each entity would receive their proportional share of the *County Cost* and the *Workgroup Cost* based on the applicable MOUs; and reimbursement for the Regional Workgroup Meetings based on the number of employees that attended the meetings.⁵⁰

I. The Municipal Claimants Request the Commission to Adopt the RRM

The Municipal Claimants respectfully request that the Commission adopt the RRM described above and in the D-Max Declaration. For convenience, all formulas have been gathered and listed in the below table for adoption.

The Municipal Claimants also respectfully request the Commission to allow the Municipal Claimants to recover any owed interest from the reimbursements, as well as recoverable legal and expert costs to process the Test Claim.

⁴⁸ *Id.*

⁴⁹ *Id.*, at ¶19.b.

⁵⁰ *Id.*, at ¶19.

Item to be Reimbursed	Proposed Reasonable Reimbursement Method
Reporting on Street Sweeping and Conveyance System Cleaning (Part J.3.a.(3)(c) (iv)-(viii), (x)-(xv))	$Reimbursement = \sum_{t=2007}^{2013} [Conveyance\ Reporting\ Cost]_t + \sum_{t=2007}^{2013} [Sweeping\ Reporting\ Cost]_t$
Conveyance System Cleaning (Part D.3.a.(3)(b)(iii))	$Reimbursement = \sum_{t=2007}^{2015} [(Unit\ Cost)_S(\#S)]_t + \sum_{t=2007}^{2015} [(Unit\ Cost)_P(P)]_t + \sum_{t=2007}^{2015} [(Unit\ Cost)_C(C)]_t$
Educational Component (Parts D.5.a.(1)-(2), D.5.b.(1)(a), D.5.b.(1)(b)(iii.-vi.), D.5.b.(1)(c), D.5.b.(1)(d), D.5.b.(2), D.5.b.(3))	$Reimbursement = \sum_{t=2007}^{2015} [(County\ Education\ Costs)(MOU)]_t + \sum_{t=2007}^{2015} [(Education\ Costs)(Total)]_t$
Watershed activities and collaboration in the Watershed Urban Runoff Management Program (Part E.2.f & E.2.g)	$Reimbursement = \sum_{t=2007}^{2013} [(Watershed\ Lead\ Costs)(MOUs)]_t + \sum_{t=2007}^{2013} [4 * Jurisdictional\ Activities]_t + \sum_{t=2007}^{2013} [(WURMP\ Costs)(MOU)]_t + \sum_{t=2007}^{2013} [(Rate)(\#Attendees)(\#Meetings)]_t$
Regional Urban Runoff Management Program (Parts F.1., F.2. & F.3)	$Reimbursement = \sum_{t=2007}^{2013} [(Cost\ Share)(MOU)]_t$
Program Effectiveness Assessment (Parts I.1 & I.2)	$Reimbursement = \sum_{t=2007}^{2013} [(Effectiveness)(Total)]_t + \sum_{t=2007}^{2015} [(FRA\ Workgroup\ Costs)(MOU)]_t$
Long-term Effectiveness Assessment (Part I.5)	$Reimbursement = \sum_{t=2007}^{2013} [(Contractor\ Costs)(MOU)]_t$
All Permittee Collaboration (Part L.1.a.(3)-(6))	$Reimbursement = \sum_{t=2007}^{2013} [(County\ Cost)(MOU)]_t + \sum_{t=2007}^{2013} [(Rate)(\#Meeting\ Attendances)]_t + \sum_{t=2007}^{2017} [(Workgroup\ Cost)(MOU)]_t$

V. IF THE RRMS ARE NOT ACCEPTED, THE MUNICIPAL CLAIMANTS BELIEVE THERE ARE ADDITIONAL REIMBURSABLE ACTIVITIES

The Proposed Decision seeks to exclude certain reasonable and necessary activities associated with the approved mandates that the Municipal Claimants original included their 2010 submittals. The Municipal Claimants believe that the Proposed Decision improperly excludes at least two of these activities—those related to the development of policies and procedures for reporting of certain activities and the development of educational programs. Reimbursement is proper for reasonably necessary activities associated with the mandate.⁵¹ Reasonably necessary activities are “those activities necessary to comply with the statutes, regulations and other executive orders found to impose a state mandated program. . . . All representations of fact to support any proposed reasonably necessary activities shall be supported by documentary evidence in accordance with section 1187.5 of these regulations.” As explained below, at least two activities should be included under these definitions.

A. Policies and Procedures on Tracking and Reporting Street Sweeping and Conveyance System Cleaning should be Reimbursed Where Reporting is Required and Reimbursable

The Commission and two Court of Appeal decisions confirm that reporting on street sweeping and conveyance system cleaning are reimbursable.⁵² Despite this, the Proposed Decision seeks to exclude “personnel costs to develop, update and implement street sweeping reporting and tracking policies and procedures.”⁵³

In order for the Municipal Claimants to report on street sweeping and conveyance system cleaning, they had to have policies and procedures as to how the reporting should be done. Without policies and procedures, it would not be clear to the reporting staff what needed to be reported. As such, the costs to update and implement street sweeping reporting and tracking policies and procedures is necessary to accurately report on the street sweeping and conveyance system cleaning and should be subject to reimbursement. As part of the claims process, the Municipal Claimants should be permitted to submit evidence of these reasonable and necessary costs.

B. Developing Educational Programs should be Reimbursed Where Implementation is Required and Reimbursable

The Commission and two Court of Appeal decisions confirm that implementing educational programs are reimbursable.⁵⁴ Despite this, the Proposed Decision seeks to exclude costs relating.⁵⁵ However, in order to implement a program it must be developed; one cannot simply implement a new program without developing it. As such, development of these education programs is a cost that is reasonably necessary to support required implementation.

⁵¹ Cal. Code Regs. tit. 2, § 1183.7

⁵² Proposed Decision, p. 28.

⁵³ Proposed Decision, p. 29.

⁵⁴ Proposed Decision, p. 48.

⁵⁵ Proposed Decision, p. 48.

Additionally, the Commission's reliance on rules relating to legislative interpretation is misplaced. The general rules of statutory construction and interpretation requires laws and rules to be read in a manner that is harmonious with *all* laws.⁵⁶ Here, interpreting the mandate as only including the implementation of the education system is improper because it explicitly conflicts with both Government Code section 17557 and California Code of Regulations, title 2, section 1183.7.

Reimbursement is proper for "activities that are reasonably necessary for the performance of the state mandated program."⁵⁷ As stated above, it is unreasonable to expect implementation of a program that is new or different without some type of development of this program. Interpreting the mandate as only including implementation improperly ignores Government Code section 17557 and California Code of Regulations, title 2, section 1183.7. Therefore, development costs should be reimbursed along with the implementation. As part of the claims process, the Municipal Claimants should be permitted to submit evidence of these reasonable and necessary costs.

VI. CONCLUSION

For the foregoing reasons, the Municipal Claimants respectfully request removal of the references to SB 231 and adoption of the RRM's proposed for all reimbursable state mandated activities. If the Commission does not adopt the suggested RRM's, the Municipal Claimants respectfully request that the Commission revise the Proposed Decision to include all activities that are reasonably necessary to implement the state mandated activities.

Pursuant to Title 2, Section 1183.8 and Section 1183.3 of the California Code of Regulations, I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my personal knowledge, information, or belief, and that this declaration is executed on this 16th day of February, 2024, at San Diego, California.

Sincerely,



Shawn D. Hagerty
of BEST BEST & KRIEGER LLP

SDH:ak

⁵⁶ Supreme Court of the United States, Rules of Statutory Construction and Interpretation, App. A1 (https://www.supremecourt.gov/DocketPDF/18/18-9575/102239/20190611092122150_00000055.pdf)

⁵⁷ Gov. Code § 17557(a); see also Cal. Code Regs. tit. 2, § 1183.7(d).

CERTIFICATE OF SERVICE

Pursuant to section 1181.3(a)(1)(D), the Commission will serve all e-filed documents, including the following documents:

1. COUNTY OF SAN DIEGO, CITIES OF CARLSBAD, DEL MAR, IMPERIAL BEACH, LEMON GROVE, POWAY, SAN MARCOS, SANTEE, SOLANA BEACH, CHULA VISTA, CORONADO, EL CAJON, ENCINITAS, ESCONDIDO, LA MESA, NATIONAL CITY, OCEANSIDE, SAN DIEGO, AND VISTA COMMENTS ON DRAFT PROPOSED DECISION AND PARAMETERS AND GUIDELINES, TEST CLAIM 07-TC-09-R
2. DECLARATION OF JOHN QUENZER IN SUPPORT OF REASONABLE REIMBURSEMENT METHODOLOGY, 07-TC-09-R
3. .DECLARATION OF LARA BARRETT IN SUPPORT OF REASONABLE REIMBURSEMENT METHODOLOGY, 07-TC-09-R
4. MUNICIPAL CLAIMANTS SUPPORTING DOCUMENTS VOLUMES 1-14

on those persons on the following mailing list for Test Claim 07-TC-09-R who have provided an email address

Executed on February 16, 2024, at Downey, California.



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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 10/3/23

Claim Number: 07-TC-09-R

Matter: San Diego Regional Water Quality Control Board Order No. R9-2007-0001
Permit CAS0108758 Parts D.1.d.(7)-(8), D.1.g., D.3.a.(3), D.3.a.(5), D.5, E.2.f,
E.2.g, F.1, F.2, F.3, I.1, I.2, I.5, J.3.a.(3)(c)iv-viii & x-xv, and L.

Claimants: City of Carlsbad
City of Chula Vista
City of Del Mar
City of Encinitas
City of Escondido
City of Imperial Beach
City of La Mesa
City of Lemon Grove
City of National City
City of Oceanside
City of Poway
City of San Diego
City of San Marcos
City of Santee
City of Solana Beach
City of Vista

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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DECLARATION OF LARA BARRETT
IN SUPPORT OF REASONABLE REIMBURSEMENT METHODOLOGY
07-TC-09-R

I, Lara Barrett, declare as follows:

BACKGROUND

1. I am over the age of 18. I have personal knowledge of the facts set forth below and, if called as a witness, I could testify competently to all of the facts set forth herein.
2. Except as otherwise stated, the facts set forth herein are known to me personally or have been determined by my review of public records or official records maintained by the County of San Diego (“County”) in the ordinary course of business. All records reviewed were maintained by authorized personnel of the County, or persons acting under their control, in the ordinary course of business at or near the time of the act, condition, or event described therein. If called to testify as a witness, I could and would testify competently thereto.
3. I have worked for the County for five years. I currently work in the County’s Watershed Protection Program as a Land Use/Environmental Planner III.
4. I received education and training for my various positions with the County. Generally, all of my training taught me to perform my job consistent with applicable federal, state and local laws. I successfully completed all of my required education and training.
5. As a Land Use/Environmental Planner III, my responsibilities include: grant tracking and reporting, various compliance efforts, and support on legal cases. I have been in this role for approximately two years. Previously I worked in the Land Use and Environment Group Executive Office as a Chief Administrative Office Staff Officer for three years. My responsibilities in that role included preparation of documents and presentations for County Board of Supervisor (“Board”) meetings and assisting departments in implementing Board direction
6. In my role with the County, I have become familiar with Order No. R9-2007-0001, issued by the San Diego Regional Water Quality Control Board (“2007 Permit”) as well as Order No. R9-2013-0001, as amended (“2013 Permit”).
7. The County served as the “Principal Co-Permittee” under the 2007 Permit. In this role, the County was obligated to undertake a number of activities on behalf of or in coordination with the other entities subject to the 2007 Permit (“Co-Permittees”). As a result, the County has gathered, created, and maintained information and records documenting many of the activities undertaken and costs incurred by the County and other Co-Permittees to implement the Test Claim mandates. These include, but are not limited to the following:
 - a. The Regional Urban Runoff Management Program (“RURMP”) described in 2007 Permit Provision I.3; J.1.c(2) (“Copermittees shall annually assess the

effectiveness of [RURMP] implementation. . . . The Principal Permittee shall be responsible for creating and submitting the RURMP.”) and 2007 Permit Provision J.3.c (“The Principal Permittee shall generate the Regional Urban Runoff management Program Annual Reports. . . . Each [RURMP] Annual Report shall be a comprehensive documentation of all regional activities conducted by the Copermittees during the previous annual reporting period to meet all requirements of section F of Order No. R9-2007-0001.”);

- b. The Long-Term Effectiveness Assessment (“LETA”) described in 2007 Permit Provision I.5 (“The LTEA shall be submitted by the Principal Permittee to the Regional Board no later than 2.10 days in advance of the expiration of this Order.”);
 - c. The Jurisdictional Urban Runoff Management Program (“JURMP”) revisions described in the 2007 Permit Provisions J.1.a(1), (2) (“Each Copermittee shall submit its updated and revised JURMP to the Principal Permittee by the date specified by the Principal Permittee. . . . The Principal Permittee shall be responsible for collecting and assembling the individual JURMPs which cover the activities conducted by each individual Copermittee ”); and 2007 Permit Provision J.3.a(1), (2) (“Each Copermittee shall submit to the Principal Permittee its individual Jurisdictional Urban Runoff Management Program Annual Report by the date specified by the Principal Permittee. . . . The Principal Permittee shall submit Unified Jurisdictional Urban Runoff Management Program Annual Reports to the Regional Board. . . . The Principal Permit shall also be responsible for collecting and assembling each Copermittees’ individual Jurisdictional Urban Runoff Management Program Annual Report.”); and
 - d. The Watershed Urban Runoff Management Program (“WURMP”) described in 2007 Permit Provision J.1.b(2), (3) (“Each Lead Watershed Permittee is further responsible for the submittal of the WURMP to the Principal Permittee. . . . The Principal Permittee shall assemble and submit the WURMPs to the Regional Board[.]”).
8. In my role, I have become familiar with and know where County documents relating to the 2007 Permit are archived. I am also familiar with the work product and activities associated with both the 2007 and 2013 Permits including:
- a. The 2007 Permit’s JURMP, including the collaboration involved in developing and implementing the JURMPs; the requirement to include street sweeping and conveyance system cleanings in the annual reports; and the requirement to educate target community members on erosion prevention, non-stormwater discharge prohibitions, BMP types, high-risk behaviors;
 - b. The 2007 Permit’s WURMP, including the watershed activities included in the WURMPs and the collaboration involved in developing and implementing the WURMPs for each watershed;

- c. The RURMP, including the collaboration involved in developing and implementing the RURMP, the RURMP's education program, and the RURMP's fiscal analysis method;
 - d. Meetings held and attended by Co-Permittees to promote consistency among the 2007 Permit's JURMPs and WURMPs, and to plan and coordinate activities required under the 2007 Permit; and
 - e. The 2007 Permit's Program effectiveness assessment and long term effectiveness assessment requirements.
9. On December 11, 2023, I was asked to gather records to support the creation of a reasonable reimbursement methodologies to support reimbursement for the stormwater mandates from the 2007 Permit. The records I found, reviewed, and provided to D-Max Engineering included the following:
- a. County 2011 Co-Permittee Surveys. The County 2011 Co-Permittee Surveys includes three surveys created by County personal to memorialize the costs actually incurred at the time the costs were incurred. The first survey covers meeting attendance, time spent at meetings, and the costs relating to attendance including employee salaries. The second survey covers the actual and reporting costs of the structure cleaning. The third survey covers the actual and reporting costs of the street sweeping. The County 2011 Co-Permittee Surveys are included in the concurrently filed Municipal Claimants Supporting Documents Volume 1, pages 1-376.
 - b. Co-Permittee Declarations. The Co-Permittee Declarations are declarations from each of the Co-Permittees drafted in 2010 which includes information such as the costs of the watershed activities, the jurisdictional education costs, overall conveyance cleaning costs, Residential Education Program development and implementation, and meeting attendance and time. The Co-Permittee Declarations are included in the concurrently filed Municipal Claimants Supporting Documents Volume 1, pages 377-743.
 - c. JURMP Annual Reports. The County was principal permittee responsible for coordinating annual reports. Annual reports described activities occurring during the reporting year. Annual reports were created annually and submitted to the Regional Board in January the following fiscal year. These reports reflect contemporaneous information and are signed under penalty of perjury. The JURMP Annual Reports are included in the concurrently filed Municipal Claimants Supporting Documents Volumes 2- 11.
 - d. Water Quality Improvement Project ("WQIP") Annual Reports. The County was principal permittee responsible for coordinating annual reports. Annual reports described permittee activities, including monitoring data and compliance information, that occurred during the reporting year in each watershed. Annual reports were created annually and submitted to the Regional Board in January the

following fiscal year. These reports reflect contemporaneous information and are signed under penalty of perjury. The Water Quality Improvement Project Annual Reports are included in the concurrently filed Municipal Claimants Supporting Documents Volume 12.

- e. WURMP Annual Reports. The County was principal permittee responsible for coordinating annual reports. Annual reports described permittee activities, including regional watershed records of activities that each jurisdiction completed, that occurred during the reporting year in each watershed. Annual reports were created annually and submitted to the Regional Board in January the following fiscal year. These reports reflect contemporaneous information and are signed under penalty of perjury. The WURMP Annual Reports are included in the concurrently filed Municipal Claimants Supporting Documents Volume 13, pages 1-10,756.
- f. County Fiscal Analysis Documents. The County Fiscal Analysis Documents are documents that contain the jurisdiction's fiscal analysis when it was no longer included in the transitional JRMP/WQIP Annual Reports. The County Fiscal Analysis Documents are included in the concurrently filed Municipal Claimants Supporting Documents Volume 13, pages 10,757-10,784.
- g. Cost-Sharing Memorandums of Understanding. The Cost-Sharing Memorandums of Understanding are documents signed by all Co-Permittees explaining how costs for overall regional efforts or watershed specific costs are split between Co-Permittees. The memorandums are updated after every census as the cost split depends on population. The Cost-Sharing Memorandums of Understanding are included in the concurrently filed Municipal Claimants Supporting Documents Volume 13, pages 10,785-10,907.
- h. County Watershed Workgroup Expenditure Records. The County Watershed Workgroup Expenditure Records are spreadsheets with information relating to the cost share contributions the County made to the different watershed groups. The County Watershed Workgroup Expenditure Records are included in the concurrently filed Municipal Claimants Supporting Documents Volume 13, pages 10,908-10,916.
- i. Regional Cost Sharing Documentation. The Regional Cost Sharing Documentation is quarterly information packets explaining the quarterly expenditures by workgroup. The packet includes a variety of documents including tables of staff hours and rates, invoices for regional work groups and regional activities, and summaries of regional expenditures by workgroup. The Regional Cost Sharing Documentation are included in the concurrently filed Municipal Claimants Supporting Documents Volume 13, pages 10,917-13,074.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

2/13/23 San Diego, CA
(Date and Place)

Lara Barrett
(Signature)

Lara Barrett
(Name)

DECLARATION OF JOHN QUENZER
IN SUPPORT OF REASONABLE REIMBURSEMENT METHODOLOGY
07-TC-09-R

I, John Quenzer, declare as follows:

BACKGROUND

1. I am over the age of 18. I have personal knowledge of the facts set forth below and, if called as a witness, I could testify competently to all of the facts set forth herein.
2. Except as otherwise stated, the facts set forth herein are known to me personally or have been determined by my review of public records or official records maintained by either D-Max Engineering, Inc. (“D-Max”) or the County of San Diego (“County”) in the ordinary course of business. All records reviewed were maintained by authorized personnel, or persons acting under their control, in the ordinary course of business at or near the time of the act, condition, or event described therein. If called to testify as a witness, I could and would testify competently thereto.
3. I am a Principal Scientist at D-Max. I have a Masters of Science in Environmental Engineering and Science from Johns Hopkins University and a Bachelor of Science in Environmental Chemistry from the University of California, San Diego. I am also a Certified Professional in Storm Water Quality (“CPSWQ”) and a Qualified Stormwater Pollution Prevention Plan (“SWPPP”) Developer (“QSD”)/Qualified SWPPP Practitioner (“QSP”). A copy of my resume is included in the concurrently filed Municipal Claimant Supporting Documents Volume 14, pages 1-7.
4. I have worked at D-Max Engineering for nineteen (19) years. During this time, my work has focused on storm water management for municipal agencies in Southern California, mainly within San Diego County.
5. During my time at D-Max, I have worked on numerous projects for the County of San Diego, Cities of Carlsbad, Del Mar, Imperial Beach, Lemon Grove, Poway, San Marcos, Santee, Solana Beach, Chula Vista, Coronado, El Cajon, Encinitas, Escondido, La Mesa, National City, Oceanside, San Diego, Vista, San Diego County Regional Airport Authority, and the San Diego Unified Port District (“Co-Permittees”) to implement the requirements of Order No. R9-2007-0001, issued by the San Diego Regional Water Quality Control Board (“2007 Permit”) and Order No. R9-2013-0001, as amended (“2013 Permit”). I have served as an extension of staff managing storm water programs for the Cities of National City, Lemon Grove, and Santee. I have prepared and updated Jurisdictional Urban Runoff Management Program (“JURMP”) and/or associated annual reports for more than half of the San Diego Co-Permittees. I regularly attended regional and watershed meetings for Co-Permittees collaboration, typically representing the City of National City. I have also worked with 16 of the 19 municipal Co-Permittees (those other than Airport Authority and Port District) on other various stormwater program needs during this time. My experience includes completing projects in each of the following areas:

- a. The 2007 Permit's JURMP, including the collaboration involved in developing and implementing the JURMPs; the requirement to include street sweeping and conveyance system cleanings in the annual reports; and the requirement to educate target community members on erosion prevention, non-stormwater discharge prohibitions, BMP types, high-risk behaviors;
 - b. The 2007 Permit's Watershed Urban Runoff Management Program ("WURMP"), including the watershed activities included in the WURMPs and the collaboration involved in developing and implementing the WURMPs for each watershed;
 - c. Regional Urban Runoff Management Program ("RURMP"), including the collaboration involved in developing and implementing the RURMP, the RURMP's education program, and the RURMP's fiscal analysis method;
 - d. Meetings held and attended by Co-Permittees to promote consistency among the 2007 Permit's JURMP and WURMP, and to plan and coordinate activities required under the permit; and
 - e. The 2007 Permit's Program effectiveness assessment and long term effectiveness assessment requirements.
6. In 2023, the County of San Diego, Cities of Carlsbad, Del Mar, Imperial Beach, Lemon Grove, Poway, San Marcos, Santee, Solana Beach, Chula Vista, Coronado, El Cajon, Encinitas, Escondido, La Mesa, National City, Oceanside, San Diego, and Vista (collectively, "Municipal Claimants") retained me and D-Max to assist in developing a reasonable reimbursement methodology.

DOCUMENTS OBTAINED AND REVIEWED

7. In my role as Principal Scientist at D-Max, I have access to all past records of contract proposals submitted by the company to Co-Permittees for stormwater services. I am familiar with these records and know how they are achieved. As such, I gathered the D-Max proposal records relating to JRMP annual reporting services ("D-Max Files"). A copy of these records is included in the concurrently filed Municipal Claimant Supporting Documents Volume 14, pages 8-129.
8. In my role as a consultant to all Municipal Claimants in connection with the development of a reasonable reimbursement methodology, I requested, received, and reviewed documents created and maintained by the County in the ordinary course of business which evidence their activities to implement each of the programs described above, and the costs associated with those activities, including but not limited to the following documents:
- a. County 2011 Co-Permittee Surveys;
 - b. Co-Permittee Declarations;
 - c. JURMP Annual Reports;

- d. Water Quality Improvement Project (“WQIP”) Annual Reports;
- e. WURMP Annual Reports;
- f. County Fiscal Analysis Documents;
- g. Cost-Sharing Memorandums of Understanding (“MOUs”);
- h. County Watershed Workgroup Expenditure Records;
- i. Regional Cost Sharing Documentation; and

All of these documents are included in the Municipal Claimants Supporting Documents Volumes 1-13.

- 9. These documents included cost information from a representative sample of the Co-Permittees. I considered these documents and the variation in costs among Municipal Claimants to implement the state mandates to develop reasonable reimbursement methodologies for each reimbursable activity described in the Draft Proposed Decision and Parameters and Guidelines for Test Claim 07-TC-09-R (“Test Claim Mandate”) based on general allocation formulas, uniform cost allowances, and other approximations of Municipal Claimants costs to implement the Test Claim Mandates.
- 10. In the following sections, I describe how I developed the reasonable reimbursement methodology or formula for reimbursing Municipal Claimants for each Test Claim Mandate for the 2007 Permit.

REIMBURSEMENT FORMULAE

- 11. For the purpose of the below reimbursement formulas, the below general information should apply.
 - a. Reimbursements intended to cover the time in which the unfunded mandate was imposed shall be articulated as:

$$\sum_{t=2007}^{2015} [x]_t$$

In this formula, x shall refer to the line-item specific reimbursable and the year refers to the fiscal year where the mandate applied (i.e., 2007 shall refer to fiscal year (“FY”) 2006/2007). The purpose of this summation is to sum the specific reimbursable for each year that the state mandate was in place.

- b. All costs and monetary values are in United States dollars.

- c. Where the costs are increased annually by the San Diego-Carlsbad Consumer Price Index for all urban consumers, not seasonally adjusted (“CPI”), the annual increase shall follow the adjustment in the table below.

Fiscal Year	CPI Adjustment
FY 2006/2007	1.0000
FY 2007/2008	1.0000
FY 2008/2009	1.0385
FY 2009/2010	1.0384
FY 2010/2011	1.0520
FY 2011/2012	1.0840
FY 2012/2013	1.1013
FY 2013/2014	1.1157
FY 2014/2015	1.1364

12. Reporting on Street Sweeping and Conveyance System Cleaning (Part J.3.a.(3)(c) (iv)-(viii), (x)-(xv)).

The total reimbursable for reporting on street sweeping and conveyance system cleaning is:

$$Reimbursement = \$1,657,704.21$$

The total is determined by combining the cost to report on the conveyance system cleaning and street sweeping as described in detail below. Using this formula, each entity would receive eighty-seven thousand, two-hundred and forty-seven dollars and fifty-nine cents (\$87,247.59). The time period of the reimbursement for reporting is halfway through FY 2006/2007 through FY2012/2013 as this is when 2007 Permit required this activity.

In my opinion, the total cost spent on reporting for each Co-Permittee is comparable to the amounts reported in the NPDES Stormwater Cost Survey Final Report from January 2005 (“2005 State Survey”).

a. Reporting on Conveyance System Cleaning

The formula and components of the formula were determined by reviewing the County 2011 Co-Permittee Surveys. Using this information, I have determined that a reasonable reimbursement formula for the costs of reporting on conveyance system cleaning is:

$$Reimbursement = \sum_{t=2007}^{2013} [Conveyance\ Reporting\ Cost]_t$$

where the term “Conveyance Reporting Cost” refers to the annual reporting cost per Co-Permittee to cover the conveyance system cleaning adjusted annually by

the CPI. The value of the *Conveyance Reporting Cost* represents the median of the Co-Permittee’s annual reporting costs to cover the conveyance system cleaning between FY 2007/2008 to FY 2009/2010. The median was selected because it results in a more conservative reporting cost than the mean. The cost to report on conveyance system cleaning includes the staff costs to report on conveyance system cleaning. The *Conveyance Reporting Cost* for FY 2006/2007 for each Co-Permittee was five thousand seven hundred and eighty-four dollars and eighty-five cents (\$5,784.85).

When this is applied to the time of the mandate for all Municipal Claimants, the total is:

$$Reimbursement = \$803,919.64$$

b. Reporting on Street Sweeping

The formula and components of the formula were determined by reviewing the County 2011 Co-Permittee Surveys. Using this information, I have determined that a reasonable reimbursement formula for the costs of reporting on street sweeping for each Co-Permittee is:

$$Reimbursement = \sum_{t=2007}^{2013} [Sweeping Reporting Cost]_t$$

where “*Sweeping Reporting Cost*” refers to the annual cost per Co-Permittee to cover street sweeping reporting adjusted annually by the CPI. The value of the *Conveyance Reporting Cost* represents the median of the Co-Permittee’s annual reporting costs to cover street sweeping reporting between FY 2007/2008 to FY 2009/2010. The median cost was selected for the *Sweeping Reporting Cost* over the mean because the median was a more conservative estimate of the costs spent by each of the Co-Permittees. The *Sweeping Reporting Cost* for FY 2006/2007 for each Co-Permittee was six thousand one hundred and forty-three dollars and sixty-seven cents (\$6,143.67).

When this is applied to the time of the mandate for all Municipal Claimants, the total is:

$$Reimbursement = \$853,784.57$$

13. Conveyance System Cleaning (Part D.3.a.(3)(b)(iii)).

The formula and components of the formula were determined by reviewing the County 2011 Co-Permittee Surveys and JRMP Annual Reports. Using this information, I have determined that a reasonable reimbursement formula for the costs of conveyance system

cleaning is:

$$\begin{aligned}
 & \textit{Reimbursement} \\
 &= \sum_{t=2007}^{2015} [(Unit\ Cost)_S(\#S)]_t + \sum_{t=2007}^{2015} [(Unit\ Cost)_P(P)]_t \\
 &+ \sum_{t=2007}^{2015} [(Unit\ Cost)_C(C)]_t
 \end{aligned}$$

where “ $(Unit\ Cost)_S$ ” is the cost to clean one sized inlet or storm basin adjusted annually by the CPI; “ $(Unit\ Cost)_P$ ” is the cost to clean one linear foot of the pipe adjusted annually by the CPI; “ $(Unit\ Cost)_C$ ” is the cost to clean one linear foot of the channel adjusted annually by the CPI ; “ $\#S$ ” is the number of inlets or storm basins cleaned in a year by a Co-Permittee; “ P ” is the distance of the pipe cleaned in linear feet by a Co-Permittee; and “ C ” is the distance of the channel cleaned in linear feet by a Co-Permittee. Pipes are underground, enclosed conveyance channels while channels are at ground level and open.

The $(Unit\ Cost)_S$, $(Unit\ Cost)_P$, and $(Unit\ Cost)_C$ are collectively referred to as the “*Unit Costs*”. The value of the $(Unit\ Cost)_S$ represents the median cost to clean one inlet or storm basin during FY 2007/2008. The value of the $(Unit\ Cost)_P$ represents the average cost to clean one linear foot of the pipe during FY 2007/2008. The value of the $(Unit\ Cost)_C$ represents the average cost to clean one linear foot of the channel during FY 2007/2008.

The $(Unit\ Cost)_S$ in FY 2006/2007 was one hundred and fifty dollars and sixty-six cents (\$150.66) (“2007 $(Unit\ Cost)_S$ ”); $(Unit\ Cost)_P$ in FY 2006/2007 was six dollars and seventy-seven cents (\$6.77/ft) (“2007 $(Unit\ Cost)_P$ ”); and $(Unit\ Cost)_C$ in FY 2006/2007 was eight dollars and fifty-two cents (\$8.52/ft) (“2007 $(Unit\ Cost)_C$ ”). In during FY 2007/2008, there were 46,397.80 linear feet of pipe cleaned and 38,568.52 linear feet of channel cleaned; the weighted average cost of the 2007 $(Unit\ Cost)_P$ and the 2007 $(Unit\ Cost)_C$ at seven dollars and sixty-five cents per linear foot (\$7.65/ft). All of the *Unit Costs* in the summation are adjusted annually for the CPI.

The *Unit Costs* align with those found in the 2005 State Survey. The 2005 State Survey determined that the average cost of basin cleaning in Santa Clarita was one hundred and seventy dollars (\$170) per basin which is more than the 2007 $(Unit\ Cost)_S$. Additionally, the State Survey found that the average cost of drain line and channel cleaning in the City of Corona was eight dollars per linear foot (\$8/ft), which is more than a weighted average of the 2007 $(Unit\ Cost)_P$ and 2007 $(Unit\ Cost)_C$. Therefore, the 2005 State Survey supports that the Unit Costs are reasonable to apply to all Co-Permittees.

The total number of #S, P, and C for all Municipal Claimants of each during each year are as follows:

Fiscal Year	# MS4 Structures Cleaned (#S)	Linear ft of MS4 Pipe Cleaned (P)	Linear ft of MS4 Open Channel Cleaned (C)
FY 2006/2007	12092	131439.75	1553201.076
FY 2007/2008	41847	140301.15	485964.3222
FY 2008/2009	37227	106249.1	2016202.269
FY 2009/2010	34392	182277.3	1981611.457
FY 2010/2011	35260	142610.9	1955701.586
FY 2011/2012	54261	128042.25	1609647.248
FY 2012/2013	29820	142091.1	1620035.61
FY 2013/2014	38952	142091.1	1620035.61
FY 2014/2015	38952	142091.1	1620035.61

The time period of the reimbursement for conveyance system cleaning is halfway through FY 2006/2007 through FY 2014/2015. This activity was required by the 2007 Permit and continued through FY 2014/2015 until the 2013 Permit requirements relating to the new JRMP were implemented.

When the cost of cleaning the inlets and storm basins, pipes, and channels is added across the time the mandate applied for all Municipal Claimants, the total is:

$$\text{Reimbursement} = \$192,429,725.49$$

14. Educational Component (Parts D.5.a.(1), D.5.a.(2), D.5.b.(1)(a), D.5.b.(1)(b)(iii.-vi.), D.5.b.(1)(c), D.5.b.(1)(d), D.5.b.(2), D.5.b.(3)).

The total reimbursable for education is:

$$\text{Reimbursement} = \$23,679,841.19$$

The total is determined by combining the regional outreach shared costs and jurisdictional educational programs as described in detail below. The time period of the reimbursement of the education components is halfway through FY 2006/2007 through FY 2014/2015. This activity was required by the 2007 Permit and continued through FY 2014/2015 which was when the 2013 Permit requirements relating to the new JRMP were implemented.

- a. Regional Outreach Shared Costs – Residential Education Program Development and Implementation

The formula and components of the formula were determined by reviewing the Co-Permittee Declarations and the Cost-Sharing MOU. Using this information, I have determined that a reasonable reimbursement formula for the costs of

Residential Education Program Development and Implementation is:

$$Reimbursement = \sum_{t=2007}^{2015} [(County\ Education\ Costs)(MOU)]_t$$

where “*County Education Costs*” are the actual annual shared costs for developing and implementing the Residential Education Program; and “*MOU*” is the Municipal Claimant’s proportional share of the cost based on the applicable MOUs. The yearly *County Education Costs* are:

Fiscal Year	County Costs for Regional Residential Education Program Development and Implementation
FY 2007/2008	\$219,226.90
FY 2008/2009	\$438,452.75
FY 2009/2010	\$876,907.50
FY 2010/2011	\$920,752.90
FY 2011/2012	\$966,791.36
FY 2012/2013	\$138,040.00
FY 2013/2014	\$8,880.99
FY 2014/2015	\$102,746.96

Although reimbursement would be proper from halfway through FY 2006/2007 through FY 2014/2015, there were only actual costs for a portion of this time.

When the costs for developing and implementing the Residential Education Program is added across the time the mandate applied for all Municipal Claimants, the total is:

$$Reimbursement = \$3,671,799.36$$

b. Jurisdictional Educational Programs

The formula and components of the formula were determined by reviewing the JRMP Annual Reports, WQIP Annual Reports, D-Max Files, and County Fiscal Analysis Documents. Using this information, I have determined that a reasonable reimbursement formula for the costs of the jurisdictional educational programs are as follows:

$$Reimbursement = \sum_{t=2007}^{2015} [(Education\ Costs)(Total)]_t$$

where “*Education Costs*” is the percentage of the total stormwater budget reported as education costs and “*Total*” is the Co-Permittee’s total stormwater budget in a particular year. The value of the *Education Costs* represents the average percentage of the total stormwater budget reported as education costs

between FY06-07 to FY14-15. The average yearly *Education Costs* are two and sixteen hundredths percent (2.16%) of the total annual stormwater budget. The yearly *Total* for all Municipal Claimants is:

Fiscal Year	Total Annual Stormwater Expenditures (19 Co-Permittees)
FY 2006/2007	\$99,849,122.32
FY 2007/2008	\$105,896,610.00
FY 2008/2009	\$105,788,161.00
FY 2009/2010	\$94,748,121.63
FY 2010/2011	\$106,901,926.27
FY 2011/2012	\$103,021,277.47
FY 2012/2013	\$104,352,557.25
FY 2013/2014	\$103,841,756.60
FY 2014/2015	\$101,898,700.47

The 2005 State Survey found that permittees spent between two and seven percent of the annual stormwater budget on education. The *Education Costs* are within the range found by the state supporting that this average percentage is reasonable to apply to the Co-Permittees.

When the costs for developing and implementing the Residential Education Program is added across the time the mandate applied for all Municipal Claimants, the total is:

$$\text{Reimbursement} = \$20,008,041.83$$

15. Watershed Activities and Collaboration in the WURMP (Part E.2.f & E.2.g).

The total reimbursable for watershed activities and collaboration in the WURMP is:

$$\text{Reimbursement} = \$5,390,740.78$$

The total is determined by combining the cost share contributions, jurisdictional watershed activities, regional WURMP costs and meeting costs as described in detail below. The time period of the reimbursement for watershed activities and collaboration in the WURMP is halfway through FY 2006/2007 through FY 2012/2013 as this is when 2007 Permit required this activity.

a. Watershed Workgroup Cost Share Contributions

The formula and components of the formula were determined by reviewing the County Watershed Workgroup Expenditure Records and the Cost-Sharing MOU. Using this information, I have determined that a reasonable reimbursement formula for the costs of cost share contributions for watershed activities and

collaboration in the WURMP is:

$$Reimbursement = \sum_{t=2007}^{2013} [(Watershed Lead Costs)(MOUs)]_t$$

where “*Watershed Lead Costs*” are the actual annual shared costs for the Watershed Workgroup; and “*MOU*” is the Municipal Claimant’s proportional share of the cost based on the applicable MOUs. Based on the review of this documentation, the yearly *Watershed Lead Costs* are:

Fiscal Year	Watershed Lead Costs
FY 2006/2007	\$32,010.99
FY 2007/2008	\$48,472.41
FY 2008/2009	\$89,970.10
FY 2009/2010	\$100,683.32
FY 2010/2011	\$122,830.52
FY 2011/2012	\$120,652.56
FY 2012/2013	\$101,696.31

When the costs are added across the time the mandate applied for all Municipal Claimants, the total is:

$$Reimbursement = \$616,316.21$$

b. Jurisdictional Watershed Activities

The formula and components of the formula were determined by reviewing the Co-permittees Declarations and County Watershed Activities Database. Using this information, I have determined that a reasonable reimbursement formula for the jurisdictional watershed activities are as follows:

$$Reimbursement = \sum_{t=2007}^{2013} [4 * Jurisdictional Activities]_t$$

where “*Jurisdictional Activities*” are the costs to perform one jurisdictional activity per Co-Permittee adjusted annually for the CPI. The value of the *Jurisdictional Activities* represents the average cost to perform one jurisdictional activity in FY07-08. The *Jurisdictional Activities* are multiplied by the number of activities required per year. The average amount spent on the *Jurisdictional Activities* was eight thousand one hundred and twenty-five dollars (\$8,125).

When the *Jurisdictional Activities* are added across the time the mandate applied and all the Municipal Claimants, the total is:

$$Reimbursement = \$4,207,768.50$$

Using this formula, each Co-Permittee would receive two hundred and twenty-one thousand, four hundred and sixty-one dollars and fifty cents (\$221,461.50).

c. Regional Watershed Activities – WURMP

The formula and components of the formula were determined by reviewing the County Watershed Workgroup Expenditure Records. Using this information, I have determined that a reasonable reimbursement formula for the Regional WURMP is as follows:

$$Reimbursement = \sum_{t=2007}^{2013} [(WURMP\ Costs)(MOU)]_t$$

where “*WURMP Costs*” are the actual annual costs for the Regional WURMP Working Group costs; and “*MOU*” is the Municipal Claimant’s proportional share of the cost based on the applicable MOUs. The average amount spent on the *WURMP Costs* are:

Fiscal Year	Cost Share for Regional Workgroup Watershed Activity Support Costs
FY 2008/2009	\$2,737.91
FY 2009/2010	\$3,287.23

Although reimbursement would be proper from halfway through FY 2006/2007 through FY 2012/2013, there were only actual costs for a portion of this time.

When the *WURMP Costs* are added across the time the mandate applied and all the Municipal Claimants, the total is:

$$Reimbursement = \$6,025.14$$

d. Watershed Workgroup Meetings

The formula and components of the formula were determined by reviewing the Co-Permittees Declarations, County 2011 Co-Permittee Surveys, and WURMP Annual Reports. Using this information, I have determined that a reasonable reimbursement formula for the costs of the watershed activities and collaboration in the WURMP meetings is as follows:

$$Reimbursement = \sum_{t=2007}^{2013} [(Rate)(\# Attendees)(\# Meetings)]_t$$

where “*Rate*” is the cost of the Municipal Claimant employee time per regional workgroup meeting; “*# Attendees*” is the number of attendees each Co-Permittee had attend the watershed workgroup meeting; and “*# Meetings*” is the number of meetings per year. The value of the *Rate* represents the average cost for a

Municipal Claimant employee to attend a meeting between FY 2007/2008. The *Rate* was two hundred and sixty-two dollars and eighty-eight cents (\$262.88). Precise records of individual Co-Permittee meeting attendance was not available so the # *Attendees* was conservatively assumed to be one. The # *Meetings* each year are:

Fiscal Year	Number of Meetings
FY 2007/2008	369
FY 2008/2009	312
FY 2009/2010	334
FY 2010/2011	338
FY 2011/2012	355
FY 2012/2013	320

Although reimbursement would be proper from halfway through FY 2006/2007 through FY 2012/2013, there were only actual costs for a portion of this time.

When the watershed workgroup meeting costs are added across the time the mandate applied and all the Municipal Claimants, the total is:

$$\text{Reimbursement} = \$560,630.93$$

16. RURMP (Parts F.1., F.2. & F.3).

The formula and components of the formula were determined by reviewing the County Watershed Workgroup Expenditure Records. Using this information, I have determined that a reasonable reimbursement formula for the costs of the RURMP is as follows:

$$\text{Reimbursement} = \sum_{t=2007}^{2013} [(\text{Cost Share})(\text{MOU})]_t$$

where “*Cost Share*” is the actual annual cost share values as invoiced by County; and “*MOU*” is the Municipal Claimant’s proportional share of the cost based on the applicable MOUs. The yearly Watershed Lead Costs are:

Fiscal Year	Cost Share for Regional Workgroup RURMP Costs
FY 2008/2009	\$2,928.91
FY 2009/2010	\$5,230.98
FY 2010/2011	\$1,926.50

The time period of the reimbursement for RURMP is halfway through FY 2006/2007 through FY 2012/2013 as this is when 2007 Permit required this activity. Although reimbursement would be proper from halfway through FY 2006/2007 through FY 2012/2013, there were only actual costs for a portion of this time.

When the RURMP costs are added across the time the mandate applied for all Municipal Claimants, the total is:

$$Reimbursement = \$10,086.39$$

17. Program Effectiveness Assessment (Parts I.1 & I.2).

The total reimbursable for the program effectiveness assessment is:

$$Reimbursement = \$26,934,622.86$$

The total is determined by combining the jurisdictional program effectiveness assessment and regional FRA workgroup expenditures as described in detail below. The time period of the reimbursement for program effectiveness is halfway through FY 2006/2007 through FY 2012/2013 as this is when 2007 Permit required this activity.

a. Jurisdictional Program Effectiveness Assessment

The formula and components of the formula were determined by reviewing the JRMP Annual Reports and the D-Max Proposals. Using this information, I have determined that a reasonable reimbursement formula for the costs of the jurisdictional program effectiveness assessment is as follows:

$$Reimbursement = \sum_{t=2007}^{2013} [(Effectiveness)(Total)]_t$$

where “*Effectiveness*” is the percentage of the total stormwater budget all Co-Permittees spent on assessing if the jurisdiction program was effective and “*Total*” is the Municipal Claimant’s total stormwater budget. The yearly *Effectiveness* is three and seventy-two hundredths percent (3.72%) of the total annual stormwater budget for all Municipal Claimants is listed in 15.b.

When the costs for developing and implementing the Residential Education Program is added across the time the mandate applied for all Municipal Claimants, the total is:

$$Reimbursement = \$26,804,749.26$$

b. Regional Fiscal, Reporting, and Assessment (“FRA”) Workgroup Expenditures

The formula and components of the formula were determined by reviewing the County Watershed Workgroup Expenditure Records. Using this information, I have determined that a reasonable reimbursement formula for the costs of Regional FRA Workgroup Expenditures is:

$$Reimbursement = \sum_{t=2007}^{2015} [(FRA\ Workgroup\ Costs)(MOU)]_t$$

where “*FRA Workgroup Costs*” are the shared costs for developing and implementing the Regional FRA Workgroup Expenditures; and “*MOU*” is the Municipal Claimant’s proportional share of the cost based on the applicable MOUs. The yearly *FRA Workgroup Costs* are:

Fiscal Year	Cost Share for Program Effectiveness Assessment-Related Costs
FY 2008/2009	\$24,466.92
FY 2009/2010	\$32,423.11
FY 2010/2011	\$72,983.57

Although reimbursement would be proper from halfway through FY 2006/2007 through FY 2012/2013, there were only actual costs for a portion of this time.

When the costs for developing and implementing the Residential Education Program is added across the time the mandate applied for all Municipal Claimants, the total is:

$$Reimbursement = \$129,873.60$$

18. Long-Term Effectiveness Assessment (Part I.5).

The formula and components of the formula were determined by reviewing the Regional Workgroup Expenditure Records. Using this information, I have determined that a reasonable reimbursement formula for the costs of the long-term effectiveness assessment is as follows:

$$Reimbursement = \sum_{t=2007}^{2013} [(Contractor\ Costs)(MOU)]_t$$

where “*Contractor Costs*” are the actual annual costs of the contractors needed to assess the long-term effectiveness of the projects as reported by County; and “*MOU*” is the Municipal Claimant’s proportional share of the cost based on the applicable MOUs. The yearly *Contractor Costs* are:

Fiscal Year	Contractor Costs for Long-term Effectiveness Assessment
FY 2008/2009	\$344,539.21

The time period of the reimbursement for the long-term effectiveness assessment is halfway through FY 2006/2007 through FY 2012/2013 as this is when 2007 Permit required this activity. Although reimbursement would be proper from halfway through

FY 2006/2007 through FY 2012/2013, there were only actual costs for a portion of this time.

When the costs for preparing the plan is added across the time the mandate applied for all Municipal Claimants, the total is:

$$Reimbursement = \$344,539.21$$

19. All Permittee Collaboration (Part L.1.a.(3)-(6)).

The total reimbursable for the all permittee collaboration is:

$$Reimbursement = \$2,315,471.69$$

The total is determined by combining the support for the costs for the regional workgroup meetings, the regional work group meetings, and the workgroup expenditures as described in detail below. The time period of the reimbursement for program effectiveness is 2007 through 2013 as this is when 2007 Permit required this activity.

a. Support for Regional Workgroup Meeting

The formula and components of the formula were determined by reviewing the Regional Cost Sharing Documentation. Using this information, I have determined that a reasonable reimbursement formula for the costs of the long-term effectiveness assessment is as follows:

$$Reimbursement = \sum_{t=2007}^{2013} [(County Cost)(MOU)]_t$$

where “County Cost” are the actual costs spent to support the various all Co-Permittee meetings; and “MOU” is the Municipal Claimant’s proportional share of the cost based on the applicable MOUs. The yearly *County Costs* are:

Fiscal Year	Cost Share for Co-Permittee Workgroup Meeting Support Costs
FY 2008/2009	\$57,285.40
FY 2009/2010	\$69,576.92
FY 2010/2011	\$44,665.30
FY 2011/2012	\$56,311.45

Although reimbursement would be proper from halfway through FY 2006/2007 through FY 2012/2013, there were only actual costs for a portion of this time.

When the costs for preparing the plan is added across the time the mandate applied, the total is:

$$Reimbursement = \$277,839.07$$

b. Regional Workgroup Meetings

The formula and components of the formula were determined by reviewing the Co-Permittees Declarations and County Fiscal Analysis Documents. Using this information, I have determined that a reasonable reimbursement formula for the costs of the watershed activities and collaboration in the WURMP meetings is as follows:

$$Reimbursement = \sum_{t=2007}^{2013} [(Rate)(\# Meeting Attendances)]_t$$

where “Rate” is the cost of the Municipal Claimant employee time per regional workgroup meeting; “# Meeting Attendances” is the number of times a representative from a Municipal Claimant attend a regional workgroup meeting. The value of the Rate represents the average cost for a Municipal Claimant employee to attend a meeting between FY 2007/2008. The Rate was two hundred and sixty-two dollars and eighty-eight cents (\$262.88). The # Meeting Attendances for all Municipal Claimants each year are:

Fiscal Year	Number of Meetings
FY 2007/2008	1179
FY 2008/2009	1386
FY 2009/2010	1238
FY 2010/2011	1263
FY 2011/2012	1260
FY 2012/2013	1218

When the meeting costs are added across the time the mandate applied for all Municipal Claimants, the total is:

$$Reimbursement = \$2,087,214.52$$

c. Workgroup Expenditures

The formula and components of the formula were determined by reviewing the Regional Cost Sharing Documentation. Using this information, I have determined that a reasonable reimbursement formula for the costs of the long-term effectiveness assessment is as follows:

$$Reimbursement = \sum_{t=2007}^{2017} [(Workgroup Cost)(MOU)]_t$$

where “Workgroup Cost” are the actual costs of activities performed by the workgroup; and “MOU” is the Municipal Claimant’s proportional share of the cost based on the applicable MOUs. The yearly Workgroup Costs are:

Fiscal Year	Cost Share for Regional Working Group Coordination Costs
FY 2008/2009	\$270.97
FY 2009/2010	\$147.13

Although reimbursement would be proper from halfway through FY 2006/2007 through FY 2012/2013, there were only actual costs for a portion of this time.

When the costs for preparing the plan is added across the time the mandate applied for all Municipal Claimants, the total is:

$$\text{Reimbursement} = \$418.10$$

20. Total Reimbursement (Part L.1.a.(3)-(6)).

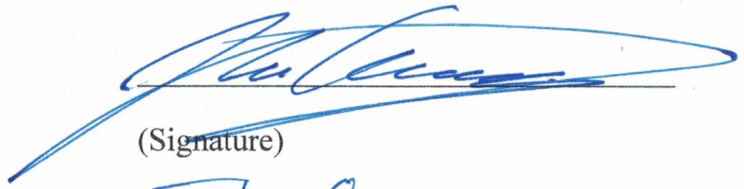
Based on the foregoing RRM's, the total reimbursement for the items mandated by the 2007 Permit would be:

$$\text{Reimbursement} = \$252,762,731.82$$

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

2/16/2024

(Date and Place)

A handwritten signature in blue ink, appearing to be "John Quenzer", written over a horizontal line.

(Signature)

John Quenzer

(Name)

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 March 29, 2024, I served the:

- **Current Mailing List dated March 28, 2024**
- **Notice of Waiver of Procedural Requirements, Extension Request Approval, and Postponement of Hearing issued March 29, 2024**
- **Claimants' Comments on the Draft Proposed Decision and Parameters and Guidelines (Volumes 1-14) filed February 20, 2024**

San Diego Regional Water Quality Control Board Order No. R9-2007-0001, Permit CAS0108758, Parts D.3.a.(3)(b)(iii), D.5.a.(1), D.5.a.(2), D.5.b.(1)(a), D.5.b.(1)(b)(iii-vi), D.5.b.(1)(c), D.5.b.(1)(d), D.5.b.(2), D.5.b.(3), E.2.f., E.2.g., F.1., F.2., F.3., I.1., I.2., I.5., J.3.a.(3)(c)(iv)-(viii), (x)-(xv), the first sentence of L.1. as it applies to the newly mandated activities, and L.1.a.(3)-(6), 07-TC-09-R County of San Diego, Cites of Carlsbad, Del Mar, Imperial Beach, Lemon Grove, Poway, San Marcos, Santee, Solana Beach, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, San Diego, and Vista, Claimants

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 March 29, 2024 at Sacramento, California.



Jill Magee
Commission on State Mandates
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 3/28/24

Claim Number: 07-TC-09-R

Matter: San Diego Regional Water Quality Control Board Order No. R9-2007-0001
Permit CAS0108758 Parts D.1.d.(7)-(8), D.1.g., D.3.a.(3), D.3.a.(5), D.5, E.2.f,
E.2.g, F.1, F.2, F.3, I.1, I.2, I.5, J.3.a.(3)(c)iv-viii & x-xv, and L.

Claimants: City of Carlsbad
City of Chula Vista
City of Del Mar
City of Encinitas
City of Escondido
City of Imperial Beach
City of La Mesa
City of Lemon Grove
City of National City
City of Oceanside
City of Poway
City of San Diego
City of San Marcos
City of Santee
City of Solana Beach
City of Vista

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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