

COMMISSION ON STATE MANDATES

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May 21, 2009

Ms. Lizanne Reynolds, Deputy County Counsel
Office of County Counsel
County of Santa Clara
70 West Hedding Street, 9th Floor
San Jose, CA 95110-1770

And Affected State Agencies and Interested Parties (see enclosed mailing list)

Re: **Request for Postponement of Commission Hearing**
Airport Land Use Commissions/Plans II (03-TC-12)
County of Santa Clara, Claimant

Dear Ms. Reynolds:

We are in receipt of your May 20, 2009 request for postponement of the May 29, 2009 hearing on the above-named matter. Pursuant to section 1183.01 of the Commission's regulations, your request for postponement is denied for lack of good cause. All further regulatory references are to the Commission's regulations. In your May 20th letter you state:

I am the County counsel responsible for representing the County on this test claim, and have other time-limited commitments between now and the May 29th hearing. Among other things, I must attend previously-schedule[d] depositions on May 21st and 22nd, and May 25th is a holiday. This combined with the compressed timeline for this test claim, will make it extremely difficult for me to fully and fairly represent the County in this matter.

Section 1811, subdivision (h) provides that "good cause may be established by a specific showing of other obligations involving deadlines that as a practical matter preclude filing the document by the due date without impairing quality."

The final staff analysis was distributed on May 15, 2009, fourteen-days prior to the hearing, which is the regular distribution time for the Commission's final staff analyses prior to hearing. Your letter indicates that you have previously scheduled depositions on May 21st and May 22nd. However, there is nothing to indicate that you are unavailable on the date of the hearing and it appears that you have the remainder of the next work week, leading up to the hearing, to prepare for the hearing. Though we acknowledge that the final staff analysis does differ substantially from the draft staff analysis, the changes were in direct response to your comments on the draft. Staff did not add any new issues that were not raised by your comments on the draft staff analysis.

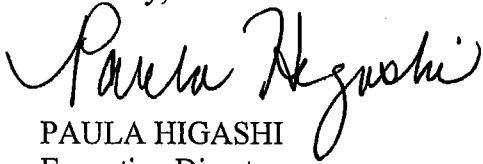
The Commission's regulations and procedures do not provide a comment period for a final staff analysis, though pursuant to section 1187.6 and the Bagley-Keene Act, you do have a right to present written testimony prior to or during the hearing and to present witnesses, to introduce exhibits, and to present oral testimony at the hearing.

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Pursuant to section 1181, subdivision (c), you may appeal to the Commission for review of the actions and decisions of the executive director. If you decide to appeal, keep in mind that in determining whether there is good cause, the Commission will take into consideration the policy that "continuances are not favored by the Commission." (§ 1187.9 (b).)

Please contact Paula Higashi at (916) 323-3562 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Paula Higashi". The signature is written in black ink and is positioned above the printed name and title.

PAULA HIGASHI
Executive Director

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Commission on State Mandates

Original List Date: 10/1/2003
Last Updated: 4/14/2009
List Print Date: 05/21/2009
Claim Number: 03-TC-12
Issue: Airport Land Use Commissions/Plans II

Agenda 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. Jim Spano State Controller's Office (B-08) Division of Audits 300 Capitol Mall, Suite 518 Sacramento, CA 95814	Tel: (916) 323-5849 Fax: (916) 327-0832
Ms. Terry Roberts Governor's Office of Planning and Research (A-08) P.O. Box 3044, Room 212 Sacramento, CA 95812-3044	Tel: (916) 445-0613 Fax: (916) 323-3018
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