

COMMISSION ON STATE MANDATES

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February 21, 2007

Mr. Leonard Kaye, Esq.
County of Los Angeles
Auditor-Controller's Office
500 W. Temple Street, Room 603
Los Angeles, CA 90012

And Interested Parties and Affected State Agencies (See Enclosed Mailing List)

RE: Request for Extension of Time to Comment and Postponement of Hearing

Re-Districting: Senate and Congressional Districts
(02-TC-50)

County of Los Angeles, Claimant

Elections Code, Division 21, Chapter 2 (§ 21100 et seq.), and Chapter 5 (§21400 et seq.)

Statutes 2001, Chapter 348 (AB 632)

Dear Mr. Kaye:

Your February 16, 2007 request for an extension of time to comment and request for postponement of the March 29, 2007 hearing on the *Re-Districting: Senate and Congressional Districts* test claim is denied. There is not good cause, as defined by California Code of Regulations, title 2, section 1183.01, subdivisions (c)(1)(B) and (c)(2)(A), required for an extension of time to comment or postponement of the hearing. The executive director can only approve a request for an extension of time to comment and a request for postponement of a hearing for good cause, as defined by California Code of Regulations, title 2, section 1181.01, subdivision (h). Here, the stated need for a postponement and continuance is the final adjudication of *California School Boards Association, et al., v. Commission on State Mandates, et al. [No. 06CS01335]* and the *County of Los Angeles, et al., v. Commission on State Mandates, et al. [No. B183981]*. Pending lawsuits that are not directly related to the test claim do not satisfy the definition of good cause.

The *California School Board Association* case involves a challenge to Government Code section 17556, subdivision (f), and was filed in Sacramento City Superior Court on September 8, 2006. The Commission must treat Government Code section 17556, subdivision (f), as a valid statute (Cal. Const., art. III, § 3.5). The draft staff analysis of this test claim is partially based on Government Code section 17556, subdivision (f), for one of the activities required by the test claim statute. Although the *California School Boards Association* case may be relevant to one issue in the test claim, a final adjudication of the case is unlikely to occur in the near future. An extension of time to

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comment and a postponement of the hearing for an extended period of time to wait for a final adjudication of the *California School Board Association* case, which may or may not affect the test claim, does not meet the definition of good cause.

Furthermore, the *County of Los Angeles* case is not relevant to the current test claim and would not apply to the test claim. The *County of Los Angeles* case involves a question of constitutionality regarding Government Code section 17516, subdivision (c), specifically pertaining to the exclusion from the definition of "executive order" of any order, plan, requirement, rule, or regulation issued by the State Water Resources Control Board or any regional water quality control board. The current test claim does not involve an order, plan, requirement, rule or regulation issued by the State Water Resources Control Board or any regional water control board, and thus, a final adjudication of the *County of Los Angeles* case would have no bearing on this test claim.

The draft staff analysis for *Re-Districting: Senate and Congressional Districts*, was released February 7, 2007. Comments are due by all parties by February 28, 2007. The test claim is set for hearing on March 29, 2007.

As provided in the Commission's regulations, the County may appeal to the Commission for review of this action and decision of the executive director. Please refer to California Code of Regulations, title 2, section 1181, subdivision (c).

If you have questions on the above, please contact Kenny Louie at (916) 323-2611.

Sincerely,



PAULA HIGASHI
Executive Director

cc: Mailing list (enclosed)

Commission on State Mandates

Original List Date: 7/9/2003
Last Updated: 2/9/2007
List Print Date: 02/21/2007
Claim Number: 02-TC-50
Issue: Re-Districting: Senate and Congressional Districts

Mailing Information: Other

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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