

OFFICE OF THE COUNTY COUNSEL
COUNTY OF SANTA CLARA

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May 20, 2009



VIA FACSIMILE & U.S. MAIL

Paula Higashi
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Re: *Airport Land Use Commissions/Plans II: 03-TC-12*
Request for Continuance of Commission Hearing

Dear Ms. Higashi:

We received the final staff analysis and proposed statement of decision for the above-described test claim on May 19, 2009. We are requesting a continuance of the May 29, 2009 Commission hearing on this matter for the following reasons, which we believe constitute "good cause" under the Commission's regulations. (Title 2, Cal. Code Regs., §§ 1181.1(h), 1183.01(c)(2).)

The final staff analysis differs markedly from the draft staff analysis, and the County needs additional time to analyze and fully respond to staff's new bases for recommending denial of the test claim. We recognize that the County's comments on the draft staff analysis were one of the reasons the staff analysis was modified. Nevertheless, the County has major concerns with the final staff analysis/proposed statement of decision and needs sufficient time to analyze and respond to these new issues.

Although this test claim was filed in 2003, the timeline for the final phases of this test claim (*i.e.*, between issuance of the draft staff analysis and the Commission hearing) has been significantly compressed. A comparison of the timeline provided by the Commission regulations and the timeline for this test claim are set forth in the table below:

Letter to Commission on State Mandates requesting continuance for
Airport Land Use Commissions/Plans II (03-TC-12)

May 20, 2009

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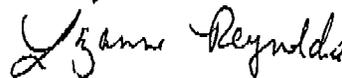
Event	Commission Regulations (§ 1183.01(b)(1)) ¹	This Test Claim
Time between completion of draft staff analysis and submittal of comments	30 days	20 days
Time between submittal of comments on draft staff analysis and final staff analysis	30 days	3 days
Time between final staff analysis/proposed decision and Commission hearing	20 days	14 days
Totals	80 days	37 days

I am the County attorney 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 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.

For these reasons, we respectfully request that you postpone the Commission hearing until the next regularly scheduled hearing date, or as soon thereafter as the Commission's schedule allows. Please contact us if you would like to discuss these matters.

Very truly yours,

ANN MILLER RAVEL
 County Counsel



Lizanne Reynolds
 Deputy County Counsel

c: Service List

¹ We realize that the timeline established by the Commission is only for reference purposes. However, there were sound reasons for providing the parties with sufficient time between each step of the process.

STATE OF CALIFORNIA
COMMISSION ON STATE MANDATES

PROOF OF SERVICE BY MAIL

*Airport Land Use Commissions/Plans II; 03-TC-12
County of Santa Clara, Claimant
Statutes 2002, chapter 971 et al.*

I, Linda Ramos, say:

I am now and at all times herein mentioned have been over the age of eighteen years, employed in Santa Clara County, California, and not a party to the within action or cause; that my business address is 70 West Hedding, East Wing, 9th Floor, San Jose, California 95110-1770. I am readily familiar with the County's business practice for collection and processing of correspondence for mailing with the United States Postal Service. I served a copy of the letter

**Re: Airport Land Use Commissions/Plans II; 03-TC-12
Request for Continuance of Commission Hearing**

by placing said copy in an envelope addressed to:

Mr. Jim Spano
State Controller's Office (B-08)
Division of Audits
300 Capitol Mall, Suite 518
Sacramento, California 95814

Ms. Terry Roberts
Governor's Office of Planning and
Research (A-08)
P.O. Box 3044, Room 212
Sacramento, California 95812-3044

Mr. Allen Burdick
MAXIMUS
3130 Kilgore Road, Suite 400
Rancho Cordova, California 95670

Mr. Vinod K. Sharma
County of Santa Clara
70 W. Hedding Street, East Wing, 2nd Fl.
San Jose, California 95110

Mr. David Wellhouse
David Wellhouse & Associates, Inc.
9175 Kiefer Blvd., Suite 121
Sacramento, California 95826

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

Ms. Carla Castaneda
Department of Finance (A-15)
915 L Street, 12th Floor
Sacramento, California 95814

Ms. Jolene Tollenaar
MGT of America
455 Capitol Mall, Suite 600
Sacramento, California 95814

Ms. Ginny Brummels
State Controller's Office (B-08)
Division of Accounting & Reporting
3301 C Street, Suite 500
Sacramento, California 95816

Ms. Bonnie Ter Keurst
County of San Bernardino
Office of the Auditor/Controller-Recorder
222 West Hospitality Lane
San Bernardino, California 92415-0018

Mr. Glen Everroad
City of Newport Beach
3300 Newport Blvd.
P.O. Box 1768
Newport Beach, California 92659-1768

Ms. Juliana F. Gmur
MAXIMUS
2380 Houston Avenue
Clovis, California 93611

Ms. Susan Geanacou
Department of Finance (A-15)
915 L Street, Suite 1280
Sacramento, California 95814

which envelope was then sealed, with postage fully prepaid thereon, on May 20, 2009, and placed for collection and mailing at my place of business following ordinary business practices. Said correspondence will be deposited with the United States Postal Service at San Jose, California, on the above-referenced date in the ordinary course of business; there is delivery Service by United States mail at the place so addressed.

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 May 20, 2009, at San Jose, California.


Linda Ramos

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COUNTY OF SANTA CLARA**

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**FAX
TELECOPIER COVER SHEET**

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: Paula Higashi, Executive Director

OFFICE: Commission on State Mandate

FAX #: (916) 445-0278 **REG. OFFICE #:** _____

FROM

NAME: Lizanne Reynolds, Deputy County Counsel

OFFICE: OFFICE OF THE COUNTY COUNSEL, COUNTY OF SANTA CLARA

FAX#: (408) 292-7240 **REG. OFFICE #:** (408) 299-5900

Comments: RE: Airport Land Use Commissions/Plans II; 03-TC-12
Request for Continuance of Commission Hearing

TOTAL # OF PAGES, INCLUDING THIS COVER SHEET, TRANSMITTED: 5

DATE: May 20, 2009 **TIME:** _____

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- Original will follow via:
 - Regular Mail Express Mail
 - Federal Express Certified Mail/Return Receipt
 - Other

If this box is checked, please sign below as receiver and fax this cover sheet back to us (408) 292-7240 as confirmation of receipt.

Dated: _____

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