

COMMISSION ON STATE MANDATES

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May 22, 2012

Mr. David M. O'Hara
39300 Civic Center Drive, Suite 110
Fremont, CA 94538

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

Re: **Request for Postponement**
Local Agency Ethics (AB 1234), 07-TC-04
Government Code Sections 25008, Statutes 2005, Chapter 700
City of Newport Beach and Union Sanitary District, Co-Claimants

Dear Mr. O'Hara:

The Commission on State Mandates (Commission) received your request to postpone the hearing on the above-named matter. According to Commission regulations, any party may request the postponement of a hearing. Such request shall fully explain the reason for the postponement. A request filed by the claimant *at least* 15 days before the hearing *shall* be approved by the executive director for good cause. However, a request filed by the claimant *less* than 15 days before the hearing *may* be approved by the executive director for good cause.

Your request does not specifically explain the reason for the postponement pursuant to section 1183.01(c)(2) of the Commission's regulations. Nor does your request specify the time-limited nature of your commitment. Finally, your request for postponement does not specifically include any reason why the request could not have been submitted at least 15 days before the hearing.

Currently, the Commission is aggressively pursuing a reduction of its backlogged test claims. This matter has been tentatively scheduled for the March or May 2012 hearing in the executive director reports since January 2012. Also, the matter was set for hearing when the draft staff analysis was issued on March 16, 2012.

A further delay in hearing this test claim will adversely affect the Commission's timely completion of its backlogged matters. Furthermore, section 1187.9(b)(1) states that continuances are not favored by the Commission.

Therefore, your request to postpone the hearing is denied for lack of good cause.

Please contact Heidi Palchik at (916) 323-8218 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Halsey".

Heather Halsey
Executive Director