

# C/CAG

## CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

*Atherton • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay • Hillsborough • Menlo Park • Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside*

July 6, 2011

Nancy Patton, Assistant Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

**Re: Test Claim No. 10-TC-01  
Request for Extension of Time to Submit Written Rebuttal Comments**

Dear Ms. Patton:

We are writing on behalf of the County of San Mateo, the San Mateo County Flood Control District, the Cities of Belmont, Brisbane, Burlingame, Daly City, East Palo Alto, Foster City, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Redwood City, San Bruno, San Carlos, San Mateo, and South San Francisco, and the Towns of Atherton, Colma, Hillsborough, Portola Valley, and Woodside (hereinafter the "Claimants") to respectfully request an extension of time to submit written rebuttal comments to the response to Test Claim No. 10-TC-01 submitted by the San Francisco Bay Regional Water Quality Control Board (hereinafter "Regional Board") and the California Department of Finance (hereinafter "Department of Finance").

The Executive Director of the Commission on State Mandates may grant a request for extension filed by a party for "good cause." (2 Cal. Code Regs. § 1183.01(c)(1)(B).) Under California Code of Regulations, title 2, section 1181.1, subdivision (h), good cause:

may include, but is not limited to, the following factors: (1) the number and complexity of the issues raised; (2) a party is new to the case, or other counsel is needed; (3) the individual responsible for preparing the document has other time-limited commitments during the affected period; (4) the individual responsible for appearing at the hearing has other time-limited commitments; (5) illness of a party; (6) a personal emergency; (7) a planned vacation that cannot reasonably be arranged; (8) a pending public records request; and (9) any other factor, which in the context of a particular claim shows good cause.

The Regional Board's response to the Test Claim consisted of a 65 page response letter, which was accompanied by 4,737 pages of exhibits. The vastness of this submittal demonstrates the number and complexity of the issues raised by the Regional Board's response.

Furthermore, the Claimants require their staff and declarants to review the Regional Board's lengthy response. Many of these witnesses have other time-limited commitments that have made review of the response impracticable to complete by July 18, 2011.

Additionally, the County of Santa Clara and the City of San Jose have requested and received extensions to submit written rebuttal comments. As we understand from the Commission on State

Mandates Staff, all Test Claims relating to the Municipal Regional Storm Water Permit will be heard together. Accordingly, even if the San Mateo County jurisdictions submitted a response in the time frames specified in the Commission's regulations, the San Mateo test claim would not be decided within the timelines for processing test claims set out in section 1183.01(b) of the Commission's regulations. So we do not believe that an extension will affect the timing for completing the Test Claim process.

For the reasons set forth above, the Claimants respectfully request that the due date for filing written rebuttal comments to Test Claim No. 10-TC-01 be extended to September 16, 2011.

Sincerely,



Richard Napier, Executive Director  
City/County Association of Governments of San Mateo County

GJN:srm  
1671715.1

**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Los Angeles and I am over the age of 18 years, and not a party to the within action. My place of employment is 333 South Grand Avenue, Suite 1670, Los Angeles, California 90071.

On July 8, 2011, I served the:

1. Letter regarding the grant of request for extension of time

by electronically filing it on the Commission's website, which provides notice of how to locate it to the email addresses provided on the test claim 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 July 8, 2011, at Los Angeles, California.

  
Lillian Dominguez

## COMMISSION ON STATE MANDATES

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**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 July 13, 2011, I served the:

Request for Extension of Time

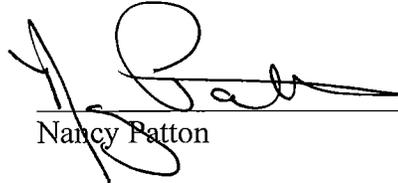
*Municipal Regional Stormwater Permit – San Mateo County, 10-TC-01*

Municipal Regional Stormwater Permit Number CAS612008, issued by the Regional Water Quality Control Board, San Francisco Region as Order No. R2-2009-0074, October 14, 2009

City of Brisbane, et al., 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 July 13, 2011, at Sacramento, California.



Nancy Patton

## Commission on State Mandates

Original List Date: 11/5/2010  
Last Updated: 7/13/2011  
List Print Date: 07/13/2011  
Claim Number: 10-TC-01  
Issue: Municipal Regional Stormwater Permit - San Mateo County

### 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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