

Received
June 20, 2011
Commission on
State Mandates

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June 20, 2011

Sent via E-File

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

Re: *Municipal Regional Stormwater Permit—Santa Clara County*, 10-TC-03, County of Santa Clara, Claimant

Request for Extension of Time to Submit Rebuttal Comments to San Francisco Bay Regional Water Quality Control Board Response to 10-TC-03

Dear Ms. Patton:

The County of Santa Clara ("County") respectfully requests an extension of time to submit rebuttal comments to the San Francisco Bay Regional Water Quality Control Board's response to 10-TC-03. The County requests that the deadline for filing rebuttal comments to 10-TC-03 be extended to **September 16, 2011**.

California Code of Regulations, title 2, chapter 2.5, section 1183.01, subdivision (c), provides that any party may request an extension of time with the Executive Director of the Commission on State Mandates before the date set for filing rebuttal comments. (2 Cal. Code of Regs. § 1183.01(c)(1)). The County is a "party" because the County is a test claimant. (*Id.* § 1181.1(m)). The Executive Director may approve a request filed by a party for good cause. (*Id.* § 1183.01(c)(1)(B)). The applicable regulations define "good cause" to include, but 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 rearranged;
- (8) a pending public records request; and
- (9) any other factor, which in

Letter to Ms. Nancy Patton

Re: Request for Extension of Time to Submit Rebuttal Comments to San Francisco Bay Regional
Water Quality Control Board Response to 10-TC-03

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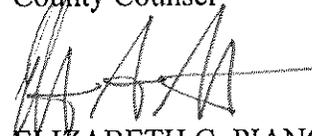
the context of a particular claim constitutes good cause. Good cause may be established by a specific showing of other obligations involving deadlines that as a practical matter preclude filing the document by the due date without impairing quality. (*Id.* § 1181.1(h).)

The San Francisco Bay Regional Water Quality Control Board's response comments to the County's claim are lengthy and raise numerous and complex issues that will require substantial attorney time to respond. As the primary attorney assigned to the test claim, I am responsible for preparing the County's rebuttal comments. I am also the primary attorney assigned to answer a complaint involving a federal administrative agency that is due around the same time as the County's rebuttal comments. Therefore, I have other time-limited obligations during this time that preclude me from devoting adequate time to prepare rebuttal comments by July 18, 2011.

For the reasons set forth above, the County respectfully requests that the due date for filing written rebuttal comments to 10-TC-03 be extended to **September 16, 2011**. The County believes that good cause exists to grant this requested extension and appreciates your consideration of this request.

Very truly yours,

MIGUEL MÁRQUEZ
County Counsel



ELIZABETH G. PIANCA
Deputy County Counsel

EGP:mcw

c: Miguel Márquez, County Counsel
Sylvia Gallegos, Deputy County Executive

Commission on State Mandates

Original List Date: 11/15/2010
Last Updated: 5/18/2011
List Print Date: 06/21/2011
Claim Number: 10-TC-03
Issue: Municipal Regional Stormwater Permit - Santa Clara 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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<p>Ms. Juliana F. Gmur MAXIMUS 2380 Houston Ave Clovis, CA 93611</p>	<p>Tel: (916)471-5513 Email julianagmur@msn.com Fax: (916)366-4838</p>

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 Solano 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 June 21, 2011, I served the:

Claimant Extension Request***Municipal Regional Stormwater Permit – Santa Clara County, 10-TC-03*****County of Santa Clara, Claimant**

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 June 21, 2011 at Sacramento, California.

A handwritten signature in black ink, appearing to read "Heidi J. Palchik", written over a horizontal line.

Heidi J. Palchik