

J & M
JONES & MAYER

ATTORNEYS AT LAW

3777 NORTH HARBOR BOULEVARD • FULLERTON, CALIFORNIA 92835
(714) 446-1400 • (562) 697-1751 • FAX (714) 446-1448

Richard D. Jones*
Partners
Martin J. Mayer (1941-2017)
Kimberly Hall Barlow
James R. Touchstone
Thomas P. Duarte
Richard L. Adams II
Christian L. Bettenhausen
Ryan R. Jones

Associates
Monica Choi Arredondo
Melissa M. Ballard
Baron J. Bettenhausen
Jamaar Boyd-Weatherby
Brooke A. Buchanan
Paul R. Coble
Keith F. Collins
David R. Demurjian

Michael Q. Do
Veronica R. Donovan
Kathya M. Firlik
Russell A. Hildebrand
Crystal V. Hodgson
Krista MacNevin Jee**
Gary S. Kranker
Bruce A. Lindsay
Gregory P. Palmer

Amanda A. Pope
Scott E. Porter
Harold W. Potter
Tarquin Preziosi
Carrie A. Raven
Brittany E. Roberto
Denise L. Rocawich
Ivy M. Tsai
Carmen Vasquez
Robert L. Wakefield

Of Counsel
Michael R. Capizzi
Harold DeGraw
Lisa E. Kranitz
Robert L. Kress
Richard A. Lucero
Dean J. Pucci
Cary S. Reisman
Steven N. Skolnik
Wendy S. Stockton
Peter E. Tracy
Peter L. Wallin

*a Professional Law Corporation

**Appellate Specialist

Consultant
Mervin D. Feinstein

March 3, 2020

**VIA OVERNIGHT MAIL
AND EMAIL TO jill.magee@csm.ca.gov**

Ms. Heather Halsey
Executive Director
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Request for Consolidation of Test Claims 17-TC-07 through 17-TC-24 and 17-TC-26, on Water Code Section 13383 Phase I MS4 Trash Orders Issued by the Santa Ana Regional Water Quality Control Board (Effective June 2, 2017), and Request for Extension of Time to File Rebuttal to Comments

Dear Ms. Halsey,

I am the Claim Representative for the City of Costa Mesa ("the City") on Test Claim 17-TC-15. The City requests that you consolidate the above-referenced Test Claims, for all the same reasons stated in the County of Orange's letter dated February 21, 2020 (attached hereto and incorporated by reference). The City joins in the County's requests and urges you to consolidate these nineteen test claims, which all concern substantively identical orders issued by the Regional Water Quality Control Board, Santa Ana Region.

In addition to consolidation, the City also joins with the County and requests an extension of the deadline to submit rebuttal to the comments of the State Water Quality Control Board and the Regional Water Quality Control Board, Santa Ana Region (collectively, "the Water Boards").¹ Since your decision on consolidation would potentially impact the preparation of rebuttal comments, the City requests an extension until 60 days after service of your decision on consolidation. This is the first such request on the part of the City, and is in line with the series

¹ City was served with the Water Boards' comments on February 4, 2020. Rebuttal comments are currently due March 5, 2020.

Ms. Heather Halsey
Executive Director
Commission on State Mandates
March 3, 2020
Page | 2

of extensions granted to the Water Boards. In light of these factors and the tentative hearing date of January 28, 2022, such an extension would not require a postponement of a hearing, there would be no prejudice to any party or interested party, and there is no other good reason for denial.²

Given its time sensitive nature, I kindly ask that you provide notice of your determination of the request for consolidation and request for extension as soon as possible, but no later than February 28, 2020.

I declare under penalty of perjury that the foregoing, signed on March 3, 2020, is true and correct to the best of my personal knowledge, information, or belief.

Very truly yours,

JONES & MAYER



Baron J. Bettenhausen
City Attorney, City of Placentia

cc: Teresita Sablan – Teresita.Sablan@Waterboards.ca.gov
Susan Geanacou – Susan.Geanacou@dof.ca.gov

Attachment: County of Orange’s “Second Request for Consolidation of Test Claims 17-TC-07 through 17-TC-24 and 17-TC-26, on Water Code Section 13383 Phase I MS4 Trash Orders Issued by the Santa Ana Regional Water Quality Control Board (Effective June 2, 2017), and Request for Extension of Time to File Rebuttal to Comments”

² Cal. Code Reg. 1187.9(a). *See also* matrix of tentative hearing dates entitled “Commission on State Mandates 41 Pending Test Claims” dated January 24, 2020.



OFFICE OF THE COUNTY COUNSEL
COUNTY OF ORANGE

333 W. SANTA ANA BLVD., SUITE 407
SANTA ANA, CA 92701
MAILING ADDRESS: P.O. BOX 1379
SANTA ANA, CA 92702-1379
(714) 834-3300
FAX: (714) 834-2359

Julia C. Woo
Senior Deputy County Counsel
(714) 834-6046

E-Mail:
Julia.woo@coco.ocgov.com

February 21, 2020

Ms. Heather Halsey
Executive Director
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Second Request for Consolidation of Test Claims 17-TC-07 through 17-TC-24 and 17-TC-26, on Water Code Section 13383 Phase I MS4 Trash Orders Issued by the Santa Ana Regional Water Quality Control Board (Effective June 2, 2017), and Request for Extension of Time to File Rebuttal to Comments

Dear Ms. Halsey:

I am the Claim Representative for the County of Orange on Test Claim 17-TC-24. I write to again request that, pursuant to section 1183.5 of the California Code of Regulations (Commission Regulations), you exercise your authority as Executive Director to consolidate Test Claims 17-TC 07 through 17-TC-24 and 17-TC-26 ("the Test Claims"), which concern virtually identical orders issued by the Santa Ana Regional Water Quality Control Board. Consolidation of the Test Claims, especially in light of the substantively identical comments filed by the State Water Quality Control Board and the Regional Water Quality Control Board, Santa Ana Region (collectively, "the Water Boards"), is not only appropriate but necessary in order to ensure complete, fair and timely resolution.¹

The request to consolidate the Test Claims was previously made in correspondence dated November 16, 2018. There, the County explained that, given the substantively identical nature of the orders issued, common questions of law and fact predominated the Test Claims and that consolidation was, therefore, warranted under Commission Regulation, section 1183.5(a).² In addition to the legal basis for consolidation, the County also explained that the resource savings and claims management efficiencies that would be realized from consolidation further justified such action, and that counsel for the Water Boards and for the Department of Finance supported consolidation.

These same reasons still apply. Moreover, the Water Boards' comments, which were served on February 4, 2020, and which are substantively identical across all claims, further demonstrate that there is no reason why the Test Claims should not go forward and be managed as a

¹ See Cal. Code Reg. 1183.5.

² *Id.*

February 21, 2020

Page 2

consolidated proceeding before the Commission.³ Based on both the Water Boards and Commission staff's practice of issuing extension requests and notices for all the Test Claims in a single submission/filing, it appears that the Test Claims are already being treated as consolidated for claims management purposes. Your action to consolidate the Test Claims now would formalize this practice and allow all parties, and particularly the Test Claimants, to take advantage of the same efficiencies.

In addition to consolidation, Test Claimants also request an extension of the deadline to file rebuttal comments. Since your decision on consolidation would potentially impact the preparation of Test Claimants' rebuttal(s), we request an extension until 60 days after service of your decision on consolidation.⁴ Since the earliest tentative hearing date for any Test Claim is not until May of 2021, an extension would not require a postponement of a hearing, there would be no prejudice to any party or interested party, and there is no other good reason for denial.⁵

Given its time sensitive nature, I kindly ask that you provide notice of your determination of the request for consolidation and request for extension as soon as possible, but no later than February 28, 2020.

Thank you for your consideration of the foregoing. Should you have any questions or wish to discuss anything further, please contact me directly at (714) 834-6046.

I declare under penalty of perjury that the foregoing, signed on February 21, 2020, is true and correct to the best of my personal knowledge, information, or belief.

Very truly yours,

LEON J. PAGE
COUNTY COUNSEL

By 
Julia C. Woo, Deputy

³ While awaiting response to the November 16 consolidation request, on or about March 22, 2019, during a telephone discussion, you indicated that you would not make a determination on the issue of consolidation until after the Water Boards' comments were filed.

⁴ Rebuttal to the comments of the Water Boards and the late-filed comments of the Department of Finance are currently due on March 5, 2020. Test Claimants request extension of this deadline until sixty days after service of your determination of the consolidation request. The Department of Finance filed comments on 17-TC-24 after its January 28, 2019 deadline. In correspondence dated February 15, 2019, the County requested that these comments not be considered given their untimeliness, or that, in the alternative, if the comments were to be considered, that the County be granted an extension to respond. Without addressing the first portion of this request, by notice dated February 20, 2019, Commission staff granted an extension to file a rebuttal to the Department of Finance comments, co-terminus with the deadline to file a rebuttal to the Water Boards' comments, which is currently March 5, 2020.

⁵ Cal. Code Reg. 1187.9(a). See also matrix of tentative hearing dates entitled "Commission on State Mandates 41 Pending Test Claims" dated January 24, 2020.

February 21, 2020
Page 3

JCW:vl

cc: Teresita Sablan – Teresita.Sablan@Waterboards.ca.gov
Susan Geanacou – Susan.Geanacou@dof.ca.gov

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 March 3, 2020, I served the:

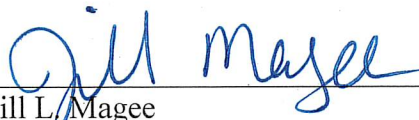
- **Notice of Extension Request Approval issued March 3, 2020**
- **Claimant's Request for Consolidation of Test Claims and Extension of Time filed March 3, 2020**

Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Costa Mesa, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-15

City of Costa Mesa, 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 March 3, 2020 at Sacramento, California.



Jill L. Magee
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 2/24/20

Claim Number: 17-TC-15

Matter: Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Costa Mesa, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017

Claimant: City of Costa Mesa

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

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, § 1181.3.)

Socorro Aquino, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 322-7522

SAquino@sco.ca.gov

Baron Bettenhausen, Deputy City Attorney, *Jones & Mayer Law Firm*

Claimant Representative

3777 N. Harbor Blvd, Fullerton, CA 92835

Phone: (714) 446-1400

bjb@jones-mayer.com

Cindy Black, City Clerk, *City of St. Helena*

1480 Main Street, St. Helena, CA 94574

Phone: (707) 968-2742

ctzafoopoulos@cityofsthenela.org

Allan Burdick,

7525 Myrtle Vista Avenue, Sacramento, CA 95831

Phone: (916) 203-3608

allanburdick@gmail.com

J. Bradley Burgess, *MGT of America*

895 La Sierra Drive, Sacramento, CA 95864

Phone: (916) 595-2646

Bburgess@mgtamer.com

Evelyn Calderon-Yee, Bureau Chief, *State Controller's Office*

Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740, Sacramento, CA 95816

Phone: (916) 324-5919
ECalderonYee@sco.ca.gov

Gwendolyn Carlos, *State Controller's Office*

Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,
Sacramento, CA 95816
Phone: (916) 323-0706
gcarlos@sco.ca.gov

Annette Chinn, *Cost Recovery Systems, Inc.*

705-2 East Bidwell Street, #294, Folsom, CA 95630
Phone: (916) 939-7901
achinnrcs@aol.com

Carolyn Chu, Senior Fiscal and Policy Analyst, *Legislative Analyst's Office*

925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8326
Carolyn.Chu@lao.ca.gov

Michael Coleman, *Coleman Advisory Services*

2217 Isle Royale Lane, Davis, CA 95616
Phone: (530) 758-3952
coleman@munil.com

Donna Ferebee, *Department of Finance*

915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
donna.ferebee@dof.ca.gov

Adam Fischer, *Santa Ana Regional Water Quality Control Board*

3737 Main Street, Suite 500, Riverside, CA 92501
Phone: (951) 320-6363
afischer@waterboards.ca.gov

Jennifer Fordyce, Assistant Chief Counsel, *State Water Resources Control Board*

Office of Chief Counsel, 1001 I Street, 22nd floor, Sacramento, CA 95814
Phone: (916) 324-6682
Jennifer.Fordyce@waterboards.ca.gov

Susan Geanacou, *Department of Finance*

915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-3274
susan.geanacou@dof.ca.gov

Dillon Gibbons, Legislative Representative, *California Special Districts Association*

1112 I Street Bridge, Suite 200, Sacramento, CA 95814
Phone: (916) 442-7887
dillong@csda.net

Catherine George Hagan, Senior Staff Counsel, *State Water Resources Control Board*

c/o San Diego Regional Water Quality Control Board, 2375 Northside Drive, Suite 100, San Diego,
CA 92108
Phone: (619) 521-3012
catherine.hagan@waterboards.ca.gov

Heather Halsey, Executive Director, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562
heather.halsey@csm.ca.gov

Sunny Han, Project Manager, *City of Huntington Beach*
2000 Main Street, Huntington Beach, CA 92648
Phone: (714) 536-5907
Sunny.han@surfcity-hb.org

Tom Hatch, City Manager, *City of Costa Mesa*
Claimant Contact
77 Fair Drive, Costa Mesa, CA 92626
Phone: (714) 754-5000
thomas.hatch@costamesaca.gov

Chris Hill, Principal Program Budget Analyst, *Department of Finance*
Local Government Unit, 915 L Street, Sacramento, CA 95814
Phone: (916) 445-3274
Chris.Hill@dof.ca.gov

Jason Jennings, Director, *Maximus Consulting*
Financial Services, 808 Moorefield Park Drive, Suite 205, Richmond, VA 23236
Phone: (804) 323-3535
SB90@maximus.com

Edward Jewik, *County of Los Angeles*
Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012
Phone: (213) 974-8564
ejewik@auditor.lacounty.gov

Anita Kerezsi, *AK & Company*
2425 Golden Hill Road, Suite 106, Paso Robles, CA 93446
Phone: (805) 239-7994
akcompanysb90@gmail.com

Lisa Kurokawa, Bureau Chief for Audits, *State Controller's Office*
Compliance Audits Bureau, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 327-3138
lkurokawa@sco.ca.gov

Michael Lauffer, Chief Counsel, *State Water Resources Control Board*
1001 I Street, 22nd Floor, Sacramento, CA 95814-2828
Phone: (916) 341-5183
michael.lauffer@waterboards.ca.gov

Alison Leary, Deputy General Counsel, *League of California Cities*
1400 K Street, Suite 400, Sacramento, CA 95814
Phone: (916) 658-8200
aleary@cacities.org

Erika Li, Program Budget Manager, *Department of Finance*
915 L Street, 10th Floor, Sacramento, CA 95814
Phone: (916) 445-3274
erika.li@dof.ca.gov

Jill Magee, Program Analyst, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
Jill.Magee@csm.ca.gov

Corrie Manning, Assistant General Counsel, *League of California Cities*
1400 K Street, Suite 400, Sacramento, CA 95814
Phone: (916) 658-8200
cmanning@cacities.org

Jane McPherson, Financial Services Director, *City of Oceanside*
300 North Coast Highway, Oceanside, CA 92054
Phone: (760) 435-3055
JmcPherson@oceansideca.org

Michelle Mendoza, *MAXIMUS*
17310 Red Hill Avenue, Suite 340, Irvine, CA 95403
Phone: (949) 440-0845
michellemendoza@maximus.com

Lourdes Morales, Senior Fiscal and Policy Analyst, *Legislative Analyst's Office*
925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8320
Lourdes.Morales@LAO.CA.GOV

Debra Morton, Manager, Local Reimbursements Section, *State Controller's Office*
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,
Sacramento, CA 95816
Phone: (916) 324-0256
DMorton@sco.ca.gov

Andy Nichols, *Nichols Consulting*
1857 44th Street, Sacramento, CA 95819
Phone: (916) 455-3939
andy@nichols-consulting.com

Arthur Palkowitz, *Artiano Shinoff*
2488 Historic Decatur Road, Suite 200, San Diego, CA 92106
Phone: (619) 232-3122
apalkowitz@as7law.com

Johnnie Pina, Legislative Policy Analyst, *League of Cities*
1400 K Street, Suite 400, Sacramento, CA 95814
Phone: (916) 658-8214
jpina@cacities.org

Jai Prasad, *County of San Bernardino*
Office of Auditor-Controller, 222 West Hospitality Lane, 4th Floor, San Bernardino, CA 92415-0018
Phone: (909) 386-8854
jai.prasad@atc.sbcounty.gov

Mark Rewolinski, *MAXIMUS*
808 Moorefield Park Drive, Suite 205, Richmond, VA 23236
Phone: (949) 440-0845
markrewolinski@maximus.com

David Rice, *State Water Resources Control Board*
1001 I Street, 22nd Floor, Sacramento, CA 95814
Phone: (916) 341-5161
davidrice@waterboards.ca.gov

Teresita Sablan, *State Water Resources Control Board*
1001 I Street, 22nd Floor, Sacramento, CA 95814

Phone: (916) 341-5174
Teresita.Sablan@waterboards.ca.gov

Theresa Schweitzer, *City of Newport Beach*
100 Civic Center Drive, Newport Beach, CA 92660
Phone: (949) 644-3140
tschweitzer@newportbeachca.gov

Camille Shelton, Chief Legal Counsel, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
camille.shelton@csm.ca.gov

Carla Shelton, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
carla.shelton@csm.ca.gov

Natalie Sidarous, Chief, *State Controller's Office*
Local Government Programs and Services Division, 3301 C Street, Suite 740, Sacramento, CA 95816
Phone: 916-445-8717
NSidarous@sco.ca.gov

Michelle Skaggs Lawrence, City Manager, *City of Oceanside*
300 North Coast Highway, Oceanside, CA 92054
Phone: (760) 435-3055
citymanager@oceansideca.org

Hope Smythe, Executive Officer, *Santa Ana Regional Water Quality Control Board*
3737 Main Street, Suite 500, Riverside, CA 92501-3348
Phone: (951) 782-4493
Hope.Smythe@waterboards.ca.gov

Eileen Sobeck, Executive Director, *State Water Resources Control Board*
1001 I Street, 22nd Floor, Sacramento, CA 95814-2828
Phone: (916) 341-5183
Eileen.Sobeck@waterboards.ca.gov

Jim Spano, Chief, Mandated Cost Audits Bureau, *State Controller's Office*
Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 323-5849
jspano@sco.ca.gov

Dennis Speciale, *State Controller's Office*
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 324-0254
DSpeciale@sco.ca.gov

Joe Stephenshaw, Director, *Senate Budget & Fiscal Review Committee*
California State Senate, State Capitol Room 5019, Sacramento, CA 95814
Phone: (916) 651-4103
Joe.Stephenshaw@sen.ca.gov

Brittany Thompson, Budget Analyst, *Department of Finance*
Local Government Unit, 915 L Street, Sacramento, CA 95814
Phone: (916) 445-3274
Brittany.Thompson@dof.ca.gov

Jolene Tollenaar, *MGT of America*

2251 Harvard Street, Suite 134, Sacramento, CA 95815

Phone: (916) 243-8913

jolenetollenaar@gmail.com

Evelyn Tseng, *City of Newport Beach*

100 Civic Center Drive, Newport Beach, CA 92660

Phone: (949) 644-3127

etseng@newportbeachca.gov

Brian Uhler, Principal Fiscal & Policy Analyst, *Legislative Analyst's Office*

925 L Street, Suite 1000, Sacramento, CA 95814

Phone: (916) 319-8328

Brian.Uhler@LAO.CA.GOV

Emel Wadhwani, Senior Staff Counsel, *State Water Resources Control Board*

Office of Chief Counsel, 1001 I Street, Sacramento, CA 95814

Phone: (916) 322-3622

emel.wadhwani@waterboards.ca.gov

Renee Wellhouse, *David Wellhouse & Associates, Inc.*

3609 Bradshaw Road, H-382, Sacramento, CA 95927

Phone: (916) 797-4883

dwa-renee@surewest.net

Hasmik Yaghobyan, *County of Los Angeles*

Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012

Phone: (213) 974-9653

hyaghobyan@auditor.lacounty.gov