



# County of San Diego

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**RECEIVED**  
July 21, 2016  
**Commission on  
State Mandates**

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VIA E-FILING (<http://csm.ca.gov/dropbox.shtml>)

July 21, 2016

Heather Halsey, Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

Re: Request for Postponement of Appeal of Executive Director Decision (15-AEDD-01) (Handicapped and Disabled Students, Handicapped and Disabled students II, Seriously Emotionally Disturbed Pupils: Out-of-State Mental Health Services. FY 06-07, FY 07-08, and FY 08-09)

Dear Ms. Halsey:

On behalf of the County of San Diego (County), I am requesting a postponement of the Appeal of Executive Director Decision scheduled for Friday, July 22, 2016. Commission staff informed me yesterday afternoon that less than seven members of the Commission will be available on July 22<sup>nd</sup>.

This matter was heard at the Commission's March 25, 2016, and May 26, 2016 meetings—and was continued both times. No dispositive action was taken at either meeting due to the lack of an affirmative vote by at least a majority of the membership Commission—as is required by Title 2, Section 1181.8(b) of the California Code of Regulations. The hearing at the March meeting resulted in a three 3-3 tie. At the May hearing, only five members were present.

Since less than the full Commission will be present, it is unlikely that the Commission will take final action on the appeal at the July 22<sup>nd</sup> hearing.

July 21, 2016

Commission Regulations allow for a postponement of a hearing for good cause such as where there is a “significant, unexpected change in the status of the matter as a result of which the matter is not ready for hearing.” (Cal. Code Regs., tit. 2, § 1187.9, subd. (b)(1)(e).) Good cause exists to postpone the matter to September 23, 2016, for all seven members of the Commission to be present—which will allow this matter to be ready for hearing.

In addition, I wish to acknowledge the courtesy and professionalism of Commission staff in notifying me of this development. It is very much appreciated.

Very truly yours,

THOMAS E. MONTGOMERY, County Counsel

By

  
KYLE SAND, Senior Deputy

KES  
10-00518

**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 21, 2016, I served the:

**Request for Postponement of Hearing; and Notice of Postponement of Hearing**  
*Appeal of Executive Director Decision, 15-AEDD-01*  
County of San Diego, Appellant

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 21, 2016 at Sacramento, California.



Jill L. Magee  
Commission on State Mandates  
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# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 3/24/16

**Claim Number:** 15-AEDD-01

**Matter:** Appeal of Executive Director Decision

**Claimant:** County of San Diego

### 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.)

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