



County of San Diego

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August 15, 2023

Via Drop Box

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



RE: *Test Claim No. 07-TC-09*

Request for Extension of Time to Submit Comments on Draft Proposed Decision and Proposed Parameters and Guidelines and Request for Hearing Postponement

Dear Ms. Halsey:

In response to your letter, dated July 27, 2023, which provided the Draft Proposed Decision and Proposed Parameters and Guidelines (“Draft Proposed Decision”) for Test Claim 07-TC-09 (“Test Claim”), Test Claimants request an extension of time to file written comments on the Draft Proposed Decision. *See*, 2 C.C.R. § 1187.9(a). As permitted under 2 C.C.R. § 1183.12, Test Claimants intend to propose that a Reasonable Reimbursement Methodology (“RRM”) be included with the Parameters and Guidelines for the Test Claim and intend to include a proposed RRM with their comments on the Draft Proposed Decision. Development of the proposed RRM will require considerable coordination and information gathering between the 19 Co-Permittees eligible for reimbursement.

Having interviewed three candidate firms, the Test Claimants are in the process of formalizing a contract with engineering consultant D-Max Engineering, Inc. (“D-Max”) to manage the RRM development process. D-Max estimates it will require six months to work with all of the Co-Permittees, gather the necessary information and documentation, and prepare a proposed RRM for submittal with the Test Claimants’ comments on the Draft Proposed Decision. Because comments are currently due by August 17, 2023, Test Claimants request that the Commission extend the time within which Test Claimants must submit comments on the Draft Proposed Decision to February 17, 2024.

Pursuant to 2 C.C.R. § 1187.9(b), Test Claimants also request that the hearing on the final Proposed Decision—currently scheduled for October 27, 2023—be postponed to the Commission’s next regularly scheduled meeting after April 17, 2024.

Preparation of the RRM will involve numerous complex issues related to costs incurred by 19 separate public entities for a variety of mandated activities over an approximately 11-year period that ended more than 5 years ago. Test Claimants reached out to Commission staff regarding preparation of an RRM and staff suggested reviewing the proposed parameters and guidelines and requesting an informal conference to discuss the parameters and guidelines before proposing an RRM. Test Claimants have no alternative means to prepare and submit an RRM or request the informal conference prior to the comment deadline.

The requested extension/postponement will not prejudice any party to the Test Claim, which has already been pending for approximately 15 years. The State Controller's Office has stipulated to the 6-month extension and postponement request. The State Water Resources Control Board and the San Diego Regional Water Quality Control Board (collectively, "Water Boards") do not object to the extension and postponement request.

The Commission recently granted the Water Boards a one-week extension of time to submit comments on the Draft Proposed Decision; other than that, there have been no extensions or postponements concerning this Test Claim since the Commission served the Draft Proposed Decision on July 27, 2023. Test Claimants respectfully submit that the reasons set forth herein constitute good cause for the requested extension and postponement.

If you have any questions or need additional information to substantiate our request for an extension of time and postponement, please contact me at your convenience at (619) 531-4810 (office) or (619) 361-6499 (mobile).

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my personal knowledge, information, or belief, and that this declaration is executed on this 15th day of August, 2023, at San Diego, California.

Very truly yours,

CLAUDIA G. SILVA, County Counsel

By:


THOMAS DEAK, Senior Deputy

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 August 17, 2023, I served the:

- **Current Mailing List dated August 14, 2023**
- **Notice of Extension Request Approval and Postponement of Hearing issued August 17, 2023**
- **Claimants' Request for Extension of Time and Postponement of Hearing filed August 15, 2023**

San Diego Regional Water Quality Control Board Order No. R9-2007-0001, Permit CAS0108758, Parts D.3.a.(3)(b)(iii), D.5.a.(1), D.5.a.(2), D.5.b.(1)(a), D.5.b.(1)(b)(iii-vi), D.5.b.(1)(c), D.5.b.(1)(d), D.5.b.(2), D.5.b.(3), E.2.f., E.2.g., F.1., F.2., F.3., I.1., I.2., I.5., J.3.a.(3)(c)(iv)-(viii), (x)-(xv), the first sentence of L.1. as it applies to the newly mandated activities, and L.1.a.(3)-(6), 07-TC-09-R County of San Diego, Cites of Carlsbad, Del Mar, Imperial Beach, Lemon Grove, Poway, San Marcos, Santee, Solana Beach, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, San Diego, and Vista, 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 August 17, 2023 at Sacramento, California.

David Chavez

David Chavez
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 8/14/23

**Claim
Number:** 07-TC-09-R

Matter: San Diego Regional Water Quality Control Board Order No. R9-2007-0001 Permit CAS0108758 Parts D.1.d.(7)-(8), D.1.g., D.3.a.(3), D.3.a.(5), D.5, E.2.f, E.2.g, F.1, F.2, F.3, I.1, I.2, I.5, J.3.a.(3)(c)iv-viii & x-xv, and L.

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City of Chula Vista
City of Del Mar
City of Encinitas
City of Escondido
City of Imperial Beach
City of La Mesa
City of Lemon Grove
City of National City
City of Oceanside
City of Poway
City of San Diego
City of San Marcos
City of Santee
City of Solana Beach
City of Vista

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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