

**COMMISSION ON STATE MANDATES**

980 NINTH STREET, SUITE 300  
SACRAMENTO, CA 95814  
PHONE: (916) 323-3562  
FAX: (916) 445-0278  
E-mail: csminfo@csm.ca.gov



July 10, 2003

Mr. William McGuire  
Associate Superintendent  
Clovis Unified School District  
1450 Herndon Avenue  
Clovis, CA 93611

Mr. Keith Gmeinder  
Department of Finance  
915 L Street, 8th Floor  
Sacramento, CA 95814

Mr. Keith Petersen  
SixTen & Associates  
5252 Balboa Avenue, Suite 807  
San Diego, CA 92117

Mr. Gerald Shelton  
California Department of Education (E-08)  
Fiscal and Administrative Services Division  
1430 N Street, Suite 2213  
Sacramento, CA 95814

Ms. Luisa M. Park  
Executive Director  
Office of Public School Construction  
1130 K Street, Suite 400  
Sacramento, CA 95814

Mr. Michael Havey  
State Controller's Office  
Division of Accounting & Reporting  
3301 C Street, Suite 500  
Sacramento, CA 95816

And: Interested Parties  
(see enclosed mailing list)

Re: Notice of Complete Test Claim Filing and Schedule for Comments – *Developer Fees*; 02-TC-42

On June 27, 2003, a test claim was filed on the above named program by SixTen and Associates, representing Clovis Unified School District, Claimant. Following initial review, the Commission staff found the test claim to be complete. The Commission is now requesting state agencies and interested parties to comment on the test claim as specified in the enclosed notice.

Please contact Nancy Patton at (916) 323-8217 if you have any questions.

Sincerely,

  
PAULA HIGASHI  
Executive Director

Enclosures:

Notice of Complete Test Claim Filing and Schedule for Comments  
Copy of Test Claim (state agencies only)  
Mailing List

MAILED:   X   FAXED: \_\_\_\_\_  
DATE:   7/10/03   INITIAL:   ~~CF~~    
CHRON: \_\_\_\_\_ FILE:   X    
WORKING BINDER: \_\_\_\_\_

BEFORE THE  
COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Education Code Sections 17620, 17621, 17622, 17623, 17624, 17625, and 17626 and Government Code Sections 65970, 65971, 65972, 65973, 65974, 65974.5, 65975, 65976, 65977, 65978, 65979, 65980, 65981, 65995, 65995.1, 65995.2, 65995.5, 65995.6, 65995.7, 65996, 65997, 65998, 66001, 66002, 66004, 66005, 66006, 66007, 66008, 66016, 66017, 66018, 66018.5, 66020, 66022, 66023, 66024, 66025, 66030, 66031, 66032, 66034, and 66037 as added and amended by Statutes 1977, Chapter 955; Statutes 1979, Chapter 282; Statutes 1980, Chapter 1354; Statutes 1981, Chapter 201; Statutes 1982, Chapter 923; Statutes 1983, Chapters 921 and 1254; Statutes 1984, Chapter 1062; Statutes 1985, Chapter 1498; Statutes 1986, Chapters 136, 685, 887 and 888; Statutes 1987, Chapters 927, 1002, 1037, 1184, and 1346; Statutes 1988, Chapters 29, 160, 418, 912 and 926; Statutes 1989, Chapters 170, 1209 and 1217; Statutes 1990, Chapters 633 and 1572; Statutes 1991, Chapter 536; Statutes 1992, Chapters 169, 231, 487, 605 and 1354; Statutes 1993, Chapters 589 and 1195; Statutes 1994, Chapters 300, 983 and 1228; Statutes 1995, Chapter 686; Statutes 1996, Chapters 277, 549, 569, and 799; Statutes 1997, Chapter 772; Statutes 1998, Chapters 407 and 689; Statutes 1999, Chapters 300 and 858; Statutes 2000, Chapter 135; and Statute 2002, Chapters 33 and 1016

Filed on June 27, 2003

By the Clovis Unified School District, Claimant

No. 02-TC-42

*Developer Fees*

NOTICE OF COMPLETE TEST CLAIM FILING AND SCHEDULE FOR COMMENTS (Gov. Code § 17500 et seq.; Cal. Code Regs., Tit. 2, §§ 1183, subd.(g) & 1183.02)

**TO: Clovis Unified School District  
Department of Finance  
California Department of Education  
Office of Public School Construction  
State Controller's Office  
Interested Parties**

On June 27, 2003, the Clovis Unified School District filed a test claim on the above-described

Notice of Complete Test Claim Filing and Schedule For Comments, 02-TC-42, Developer Fees

statutes and executive orders alleging a reimbursable state-mandated program pursuant to article XIII B, section 6 of the California Constitution and Government Code section 17514. The test claim is complete. The test claim will be heard and determined by the Commission on State Mandates pursuant to article XIII B, section 6, Government Code section 17500 et seq., and case law. The procedures for hearing and determining this claim are prescribed in the Commission's regulations, California Code of Regulations, title 2, chapter 2.5, section 1181, et seq.

### **COMMENT PERIOD**

The key issues before the Commission are:

- Do the provisions listed above impose a new program or higher level of service within an existing program upon local entities within the meaning of section 6, article XIII B of the California Constitution and costs mandated by the state pursuant to section 17514 of the Government Code?
- Does Government Code section 17556 preclude the Commission from finding that any of the test claim provisions impose costs mandated by the state?
- Have funds been appropriated for this program (e.g., state budget) or are there any other sources of funding available? If so, what is the source?

State Agency Review of Test Claim - State agencies are requested to analyze the test claim merits and to file written comments within 30 days, or no later than **August 11, 2003**. Requests for extensions of time may be filed in accordance with sections 1183.01, subdivision (c) and 1181.1, subdivision (g) of the regulations.

Claimant Rebuttal - The claimant and interested parties may file rebuttals to state agencies' comments under section 1183.03 of the regulations. The rebuttal is due 30 days from the actual service date of written comments from any state agencies.

Mailing Lists - Under section 1181.2 of the regulations, the Commission will promulgate a mailing list of parties, interested parties, and interested persons for each test claim and provide the list to those included on the list, and to anyone who requests a copy. Any written material filed with the Commission on this claim shall be simultaneously served on the other parties listed on the mailing list provided by the Commission.

Consolidating Test Claims - Pursuant to Commission regulations, the executive director may consolidate part or all of any test claim with another test claim. See sections 1183.05 and 1183.06 of the regulations.

### **ADDITIONAL FILINGS ON THE SAME STATUTE OR EXECUTIVE ORDER**

Under section 1183, subdivision (i) of the regulations, more than one test claim on the same statute or executive order may be filed with the Commission. The test claim must be filed within 60 days of the date the first test claim was filed. Claimants may designate a single claimant within 90 days from the date the first test claim was filed. If the Commission does not receive notice from the claimants designating a lead claimant, the executive director will designate the claimant who filed the first test claim as the lead claimant.

## INFORMAL/PREHEARING CONFERENCE

An informal conference or prehearing conference may be scheduled if requested by any party. See sections 1183.04 and 1187.4 of the regulations.

## HEARING AND STAFF ANALYSIS

A tentative hearing date for the test claim will be set when the draft staff analysis of the claim is being prepared. At least eight weeks before a hearing is conducted, the draft staff analysis will be issued to parties, interested parties, and interested persons for comment. Comments are due at least five weeks prior to the hearing or on the date set by the Executive Director, pursuant to section 1183.07 of the regulations. Before the hearing, a final staff analysis will be issued.

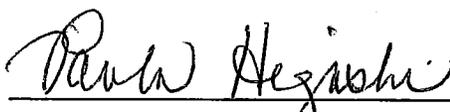
Dismissal of Test Claims - Under section 1183.09 of the regulations, test claims may be dismissed when postponed or placed on inactive status by the claimant for more than one year. Before dismissing a test claim, the Commission will provide 60 days notice and opportunity for other parties to take over the claim.

Parameters and Guidelines - If the Commission determines that a reimbursable state mandate exists, the claimant is responsible for submitting proposed parameters and guidelines for reimbursing all eligible local entities. See section 1183.1 of the regulations. All interested parties and affected state agencies will be given an opportunity to comment on the claimant's proposal before consideration and adoption by the Commission.

Statewide Cost Estimate - The Commission is required to adopt a statewide cost estimate of the reimbursable state-mandated program within 12 months of receipt of a test claim. This deadline may be extended for up to six months upon the request of either the claimant or the Commission.

Dated:

July 10, 2003



PAULA HIGASHI, Executive Director

# Commission on State Mandates

Original List Date: 7/8/2003  
Last Updated:  
List Print Date: 07/10/2003  
Claim Number: 02-TC-42  
Issue: Developer Fees

Mailing Information: Completeness Determination

## 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.)

Mr. Keith B. Petersen SixTen & Associates 5252 Balboa Avenue, Suite 807 San Diego, CA 92117	<b>Claimant Representative</b> Tel: (858) 514-8605 Fax: (858) 514-8645
Mr. Bill McGuire Clovis Unified School District 1450 Herndon Avenue Clovis, CA 93611-0599	<b>Claimant</b> Tel: (559) 327-9000 Fax: (559) 327-9129
Mr. Paul Minney Spector, Middleton, Young & Minney, LLP 7 Park Center Drive Sacramento, CA 95825	Tel: (916) 646-1400 Fax: (916) 646-1300
Ms. Harmeet Barkschat Mandate Resource Services 5325 Elkhorn Blvd. #307 Sacramento, CA 95842	Tel: (916) 727-1350 Fax: (916) 727-1734
Ms. Sandy Reynolds Reynolds Consulting Group, Inc. P.O. Box 987 Sun City, CA 92586	Tel: (909) 672-9964 Fax: (909) 672-9963
Mr. Steve Smith Mandated Cost Systems, Inc. 11130 Sun Center Drive, Suite 100 Rancho Cordova, CA 95670	Tel: (916) 669-0888 Fax: (916) 669-0889

---

Dr. Carol Berg

Education Mandated Cost Network  
1121 L Street, Suite 1060  
Sacramento, CA 95814

Tel: (916) 446-7517  
Fax: (916) 446-2011

---

Mr. Arthur Palkowitz

San Diego Unified School District  
4100 Normal Street, Room 3159  
San Diego, CA 92103-8363

Tel: (619) 725-7565  
Fax: (619) 725-7569

---

Mr. Steve Shields

Shields Consulting Group, Inc.  
1536 36th Street  
Sacramento, CA 95816

Tel: (916) 454-7310  
Fax: (916) 454-7312

---

Mr. Michael Havey

State Controller's Office (B-08)  
Division of Accounting & Reporting  
3301 C Street, Suite 500  
Sacramento, CA 95816

Tel: (916) 445-8757  
Fax: (916) 323-4807

---

Ms. Beth Hunter

Centration, Inc.  
8316 Red Oak Street, Suite 101  
Rancho Cucamonga, CA 91730

Tel: (866) 481-2642  
Fax: (866) 481-5383

---

Mr. Gerald Shelton

California Department of Education (E-08)  
Fiscal and Administrative Services Division  
1430 N Street, Suite 2213  
Sacramento, CA 95814

Tel: (916) 445-0554  
Fax: (916) 327-8306

---

Mr. Keith Gmeinder

Department of Finance (A-15)  
915 L Street, 8th Floor  
Sacramento, CA 95814

Tel: (916) 445-8913  
Fax: (916) 327-0225

---

Ms. Luisa M. Park

Office of Public School Construction  
1130 K Street, Suite 400  
Sacramento, CA 95814

Tel:  
Fax:

