

# SixTen and Associates

## Mandate Reimbursement Services

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November 21, 2011

Nancy Patton, Acting Executive Director  
Commission on State Mandates  
U.S. Bank Plaza Building  
980 Ninth Street, Suite 300  
Sacramento, California 95814

Re: Test Claim 02-TC-47  
Santa Monica Community College District  
Proposed Parameters and Guidelines  
Community College Construction

Dear Ms. Patton:

I have received the Commission's Draft Parameters and Guidelines transmitted on November 2, 2011, to which I respond on behalf of the test claimant.

1. Clarification of Reimbursable Activities (1183.12 (b) (1))

The mandate to prepare the five-year plan dates back to Statutes of 1980, Chapter 910. Therefore, *except for districts newly established after July 1, 2001 (the commencement date for reimbursement)* the reimbursable activities would be only applicable to the annual extension of the five-year plan, review and update of modifications or changes, submitted to the state Board of Governors by February 1, as they relate to the four (of six) subsections of Education Code Section 81821 approved for reimbursement. The changes proposed below clarify that the reimbursable activities apply both to the *initial* plan (for districts established after July 1, 2001) as well as the annual update (for all districts).

"PART IV. REIMBURSABLE ACTIVITIES

For each eligible claimant, the following activities are reimbursable:

Include the following information in the initial five-year plan for capital construction and subsequent annual update for any required modifications or

changes submitted to the Board of Governors by February 1 of each succeeding year:

- The plans of the district concerning its future student services programs, and the effect on estimated construction needs that may arise because of particular student services to be emphasized. (§ 81821(a).)
- The enrollment projections for each educational center within a community college district, made cooperatively by the Department of Finance and the district. (§ 81821(b).)
- An annual inventory of all land of the district using standard definitions, forms, and instructions adopted by the Board of Governors. (§ 81821(e).)
- An estimate of district funds which shall be made available for capital outlay matching purposes pursuant to regulations adopted by the Board of Governors. (§ 81821(f).)

~~Community college districts are also eligible for reimbursement to continually review the information bulleted above and to report by February 1 of each year any required modifications or changes with respect to the information to the Board of Governors."~~

2. Reasonable Methods of Complying (1183.12 (b) (2))

None proposed.

3. Reasonable Reimbursement Method (1183.12 (b) (3))

The test claimant does not believe the costs incurred for the approved activities are sufficiently related to any workload unit that could support a reasonable statewide reimbursement method for a significant part of the mandate.

4. Revenues and Reimbursements (1183.12 (b) (4))

There are no dedicated state or federal funds appropriated for this mandate. There are no known non-local agency funds dedicated to this mandate. There are no district general purpose funds appropriated for this mandate. There is no fee authority to offset the cost of this mandate.

5. Offsetting Savings (1183.12 (b) (5))

Offsetting savings are a question of law determined by the test claim adjudication pursuant to Government Code section 17556. The Commission did not identify any offsetting savings for any of the activities approved for reimbursement.

Nancy Patton, Acting Executive Director 3

November 21, 2011

CERTIFICATION

I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this document is true and correct to the best of my own knowledge or information or belief.

Sincerely,



Keith B. Petersen

C: Per COSM distribution/electronic drop box