

DEPARTMENT OF FINANCE

915 L STREET
SACRAMENTO, CA 95814-3706

October 13, 1998

Ms. Paula Higashi
Executive Director
Commission on State Mandates
1300 I Street, Suite 950
Sacramento, CA 95814



Dear Ms Higashi:

As requested in your letter of September 3, 1998, the Department of Finance has reviewed the test claim submitted by the Brentwood Union School District (claimant) asking the Commission to determine whether specified costs incurred under Chapter No. 509, Statutes of 1996, (AB 1724, McPherson), are reimbursable state mandated costs (Claim No. CSM-98--TC-04 "Acquisition of Agricultural Land for a School Site"). Commencing with page 12, of the test claim, claimant has identified the following new duties, which it asserts are reimbursable state mandates:

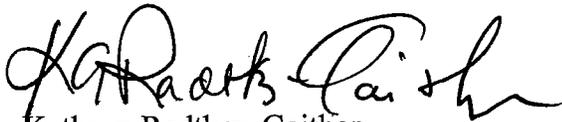
- Develop and adopt policies and procedures in accordance with Education Code §39006 for the acquisition of real property for a school site.
- Train school district personnel regarding the requirements of acquiring real property designated as agricultural land.
- Evaluate the property based upon all factors affecting the public interest.
- Research city and/or county general plans to determine if the desired parcel of land is designated in either document for agricultural use or zoned for agricultural production.
- Notify and consult with the city and/or county if the land sought to be purchased is designated for agricultural use and zoned for agricultural production.
- Prepare a report for the governing board that will allow the governing board to make findings that: the school district has notified and consulted with the city and/or county; an evaluation of final site selection has been made based on issues of public interest; and public health and safety issues have been minimized.
- Conduct a meeting of the governing board to make findings required by Education code §39006.
- Prepare and draft a board resolution which contains the following findings: the school district has notified and consulted with the city and/or county; an evaluation of final site selection has been made based on issues of public interest; and public health and safety issues have been minimized.

As the result of our review, we have concluded that we are unable to provide a recommendation on the merits of the claim at this time. Accordingly, pursuant to Section 1183.01(b)1 of the Commission's regulations, we are responding within 40 days of receipt of your letter to advise you that, at this time, we are unable to complete a thorough analysis of this case and respectfully request an extension of time for good cause to file our position on this claim. We believe the fact that Department of Finance staff are currently engaged full-time in the process of developing the 1999-2000 Governor's Budget and other budget-related documents satisfies the "good cause" criterion in Section 1181.1(g) of the Commission's regulations. That Section defines "good cause" as "Good cause" may include, but is not limited to the following factors: (1) the number and complexity of the issues raised; (2) whether a party is new to the case, or the necessity for other counsel; (3) whether the individual responsible for preparing the document has other time-limited commitments during the affected period; (4) whether the individual responsible for appearing at the hearing has other time limited commitments; (5) illness of a party; (6) a personal emergency; (7) a planned vacation which cannot reasonably be rearranged and/or which was not reasonably expected to conflict with the due date; (8) a pending public records request; and (9) any other factor which in the context of a particular claim constitutes good cause. Good cause may be established by a specific showing of other obligations involving deadlines which as a practical matter preclude filing the document by the due date without impairing quality. If the Commission makes a finding that the claim is disputed, we would plan to submit our filing within 139 days from the date the test claim was filed, or no later than 12/31/98, as required by Section 1183.01(b)1 of the Commission's regulations.

As required by the Commission's regulations, we are including a "Proof of Service" indicating that the parties included on the mailing list which accompanied your September 3, 1998, letter have been provided with copies of this letter via either United States Mail or, in the case of other state agencies, Interagency Mail Service.

If you have any questions regarding this letter, please contact Kimberly Bushard, Principal Program Budget Analyst, at (916) 445-0328 or James Apps, state mandates claims coordinator for the Department of Finance, at (916) 445-8913.

Sincerely,



Kathryn Radtkey-Gaither
Program Budget Manager

Attachments

PROOF OF SERVICE

Test Claim Name: "Acquisition of Agricultural Land for a School Site"

Test Claim Number: CSM-98--04

I, the undersigned, declare as follows:

I am employed in the County of Sacramento, State of California, I am 18 years of age or older and not a party to the within entitled cause; my business address is 915 L Street, 7th Floor, Sacramento, CA 95814.

On October 13, 1998, I served the attached recommendation of the Department of Finance in said cause, by facsimile to the Commission on State Mandates and by placing a true copy thereof: (1) to claimants and nonstate agencies enclosed in a sealed envelope with postage thereon fully prepaid in the United States Mail at Sacramento, California; and (2) to state agencies in the normal pickup location at 915 L Street, 7th Floor, for Interagency Mail Service, addressed as follows:

A-16

Ms. Paula Higashi, Executive Director
Commission on State Mandates
1300 I Street, Suite 950
Sacramento, CA 95814
Facsimile No. 445-0278

B-8

State Controller's Office
Division of Accounting & Reporting
Attention: William Ashby
3301 C Street, Room 500
Sacramento, CA 95816

B-29

Legislative Analyst's Office
Attention Marianne O'Malley
925 L Street, Suite 1000
Sacramento, CA 95814

Education Mandated Cost Network
C/O School Services of California
Attention: Dr. Carol Berg, PhD
1121 L Street, Suite 1060
Sacramento, CA 95814

Sixten & Associates

Attention: Keith Petersen
5252 Balboa Avenue, Suite 807
San Diego, CA 92117

E-8

Department of Education
School Business Services
Attention: Marie Johnson
560 J Street, Suite 170
Sacramento, CA 95814

Mandated Cost Systems, Inc.
Attention: Steve Smith
2275 Watt Avenue, Suite C
Sacramento, CA 95825

San Diego Unified School District
Attention: James Cunningham
4100 Normal Street, Room 3159
San Diego, CA 92103-2682

E-8
State Board of Education
Attention: Bill Lucia, Executive Director
721 Capitol Mall, Room 532
Sacramento, CA 95814

California Teachers Association
Attention: Steve DePue
2921 Greenwood Road
Greenwood, CA 95635

Girard & Vinson
Attention: Paul Minney
1676 N. California Blvd., Suite 450
Walnut Creek, CA 95496

Brentwood Union School District
Mr. Paul C. Minney, Esq.
Girard & Vinson
1676 North California Blvd., Ste. 450
Walnut Creek, CA 94596

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 October 13, 1998, at Sacramento, California.



Amy Cooper