

COMMISSION ON STATE MANDATES

980 NINTH STREET, SUITE 300
SACRAMENTO, CA 95814
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November 5, 2001

Ms. Allan Burdick
DMG-Maximus
4320 Auburn Blvd., Suite 2000
Sacramento, CA 95841

Re: *Binding Arbitration*, 01-TC-07
Code of Civil Procedure, Sections 1281.1, 1299, 1299.2, 1299.3
1299.4, 1299.5, 1299.6, 1299.7, 1299.8, and 1299.9
Statutes of 2000, Chapter 906

Dear Mr. Burdick:

The Commission on State Mandates determined that the subject test claim submittal is complete. The test claim initiates the process for the Commission to consider whether the provisions listed above impose a reimbursable state-mandated program upon local entities. State agencies and interested parties are receiving a copy of this test claim because they may have an interest in the Commission's determination.

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?

The Commission requests your participation in the following activities concerning this test claim:

- **Informal Conference.** An informal conference may be scheduled if requested by any interested party. See Title 2, California Code of Regulations, section 1183.04 (the regulations).

- **State Agency Review of Test Claim.** State agencies receiving this letter are requested to analyze the merits of the enclosed test claim and to file written comments on the key issues before the Commission. Alternatively, if a state agency chooses not to respond to this request, please submit a written statement of non-response to the Commission. Requests for extensions of time may be filed in accordance with sections 1183.01 (c) and 1181.1 (g) of the regulations. State agency comments are due 30 days from the date of this letter.
- **Claimant Rebuttal.** The claimant and interested parties may file rebuttals to state agencies' comments under section 1183.02 of the regulations. The rebuttal is due 30 days from the service date of written comments.
- **Hearing and Staff Analysis.** A hearing on the test claim will be set when the record closes. Pursuant to section 1183.07 of the Commission's regulations, at least eight weeks before the hearing is conducted, a draft staff analysis will be issued to parties, interested parties, and interested persons for comment. Comments are due 30 days following receipt of the analysis. Following receipt of any comments, and before the hearing, a final staff analysis will be issued.
- **Mailing Lists.** Under section 1181.2 of the Commission's 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 on that claim with the Commission shall be simultaneously served on the other parties listed on the claim.
- **Dismissal of Test Claims.** Under section 1183.09 of the Commission's regulations, test claims filed after May 5, 2001, may be dismissed if postponed or placed on inactive status by the claimant for more than one year. Prior to dismissing a test claim, the Commission will provide 150 days notice and opportunity for other parties to take over the claim.

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. 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.

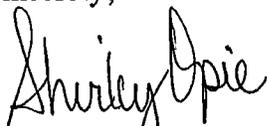
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CHRON:

Mr. Allan Burdick
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Finally, the Commission is required to adopt a statewide cost estimate of the reimbursable state-mandated program within 12 months of receipt of an amended test claim. This deadline may be extended for up to six months upon the request of either the claimant or the Commission.

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

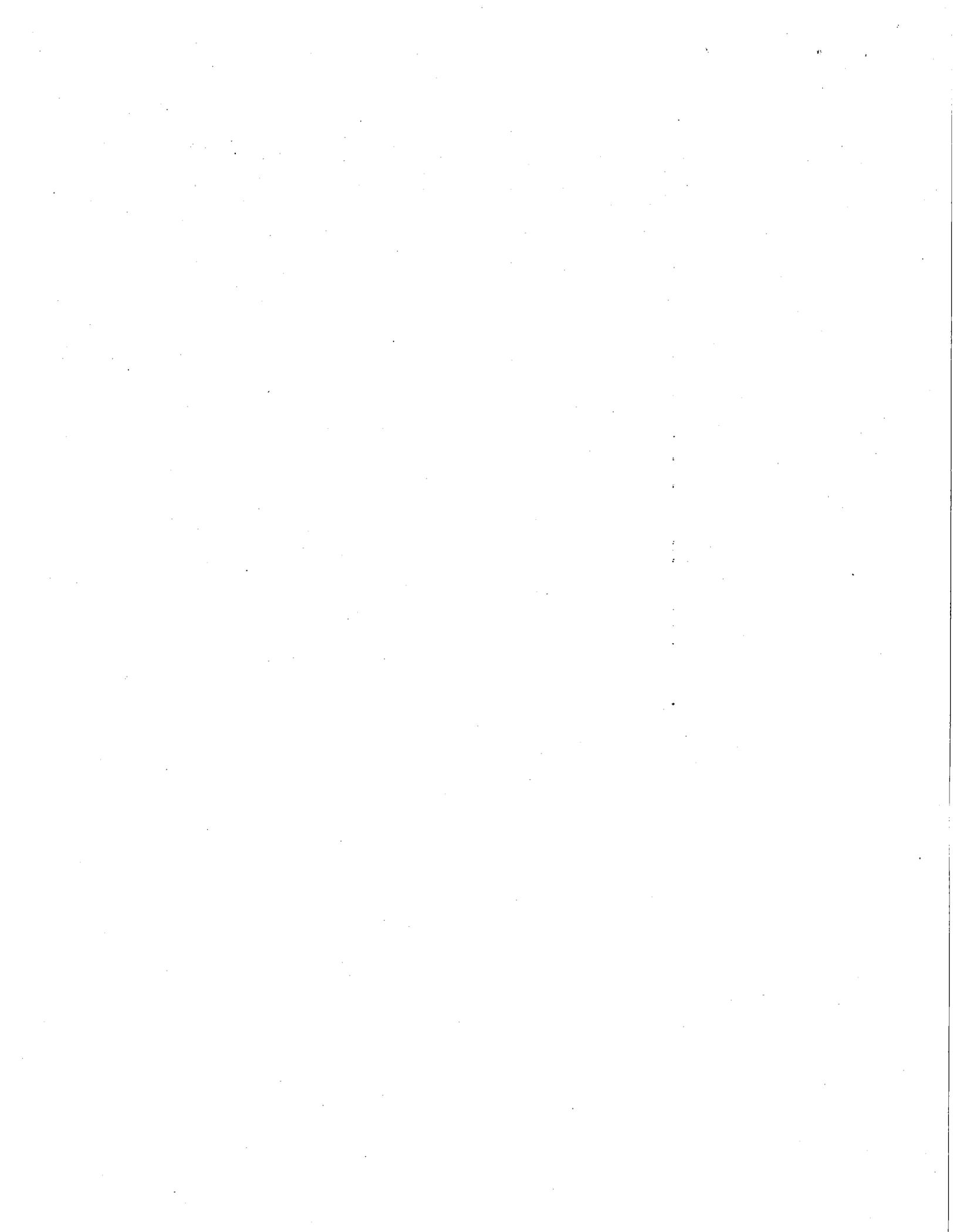
Sincerely,

A handwritten signature in cursive script that reads "Shirley Opie".

SHIRLEY OPIE

Assistant Executive Director

Enclosures: Mailing List and Test Claim



Commission on State Mandates

List Date: 10/25/2001

Mailing Information Completeness Determination

Mailing List

Claim Number 01-TC-07 Claimant City of Palos Verdes Estates

Subject Statutes of 2000, Chapter 906; Code of Civil Procedure, Sections 1281.1, 1299, 1299.2,
Issue 1299.3, 1299.4, 1299.5, 1299.6, 1299.7, 1299.8, and 1299.9
Binding Arbitration

Ms. Harmeet Barkschat,
Mandate Resource Services

8254 Heath Peak Place
Antelope CA 95843

Tel: (916) 727-1350
FAX: (916) 727-1734

Interested Person

Mr. Allan Burdick,
MAXIMUS

4320 Auburn Blvd., Suite 2000
Sacramento CA 95841

Tel: (916) 485-8102
FAX: (916) 485-0111

Claimant's Representative

Ms. Annette Chinn,
Cost Recovery Systems

705-2 East Bidwell Street #294
Folsom CA 95630

Tel: (916) 939-7901
FAX: (916) 939-7801

Interested Person

Ms. Susan Geanacou, Senior Staff Attorney
Department of Finance

915 L Street, 11th Floor Suite 1190
Sacramento CA 95814

Tel: (916) 445-3274
FAX: (916) 327-0220

State Agency

Mr. Glenn Haas, Bureau Chief (B-8)
State Controller's Office

Division of Accounting & Reporting
3301 C Street Suite 500
Sacramento CA 95816

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

State Agency

Claim Number

01-TC-07

Claimant:

City of Palos Verdes Estates

Subject

Statutes of 2000, Chapter 906; Code of Civil Procedure, Sections 1281.1, 1299, 1299.2, 1299.3, 1299.4, 1299.5, 1299.6, 1299.7, 1299.8, and 1299.9

Issue

Binding Arbitration

Mr. James B. Hendrickson, City Manager
City of Palos Verdes Estates

340 Palos Verdes Drive West
Palos Verde Estates Ca 90274

Tel: (310) 378-0383

FAX: (310) 378-7820

Claimant

Mr. Leonard Kaye, Esq.,
County of Los Angeles
Auditor-Controller's Office
500 W. Temple Street, Room 603
Los Angeles CA 90012

Tel: (213) 974-8564

FAX: (213) 617-8106

Interested Person

Mr. Steve Keil,
California State Association of Counties

1100 K Street Suite 101
Sacramento CA 95814-3941

Tel: (916) 327-7523

FAX: (916) 441-5507

Interested Person

Ms. Tom Lutzenberger, Principal Analyst (A-15)
Department of Finance

915 L Street, 6th Floor
Sacramento CA 95814

Tel: (916) 445-8913

FAX: (916) 327-0225

State Agency

Leslie McGill,
California Peace Officers' Association

1455 Response Road Suite 190
Sacramento Ca 95815

Tel: (916) 000-0000

FAX: (916) 000-0000

Interested Person

Mr. Paul Minney,
Spector, Middleton, Young & Minney, LLP

7 Park Center Drive
Sacramento Ca 95825

Tel: (916) 646-1400

FAX: (916) 646-1300

Interested Person

Claim Number

01-TC-07

Claimant

City of Palos Verdes Estates

Subject

Statutes of 2000, Chapter 906; Code of Civil Procedure, Sections 1281.1, 1299, 1299.2, 1299.3, 1299.4, 1299.5, 1299.6, 1299.7, 1299.8, and 1299.9

Issue

Binding Arbitration

Mr. Andy Nichols, Senior Manager
Centration, Inc.

12150 Tributary Point Drive Suite 140
Gold River CA 95670

Tel: (916) 351-1050

FAX: (916) 351-1020

Interested Person

Mr. Keith B. Petersen, President
Sixten & Associates

5252 Balboa Avenue Suite 807
San Diego CA 92117

Tel: (858) 514-8605

FAX: (858) 514-8645

Interested Person

Ms. Sandy Reynolds, President
Reynolds Consulting Group, Inc.

P.O. Box 987
Sun City CA 92586

Tel: (909) 672-9964

FAX: (909) 672-9963

Interested Person

Mr. Aly Saleh, Chief Deputy Auditor
Auditor-Controller-Recorder
County of San Bernardino
222 West Hospitality Lane
San Bernardino CA 92415

Tel: (909) 386-8850

FAX: (909) 386-8830

Interested Person

Mr. Steve Shields,
Shields Consulting Group, Inc.

1536 36th Street
Sacramento CA 95816

Tel: (916) 454-7310

FAX: (916) 454-7312

Interested Person

Mr. Steve Smith, CEO
Mandated Cost Systems, Inc.

2275 Watt Avenue
Sacramento CA 95825

Tel: (916) 487-4435

FAX: (916) 487-9662

Interested Person

Claim Number

01-TC-07

Claimant

City of Palos Verdes Estates

Subject

Statutes of 2000, Chapter 906; Code of Civil Procedure, Sections 1281.1, 1299, 1299.2, 1299.3, 1299.4, 1299.5, 1299.6, 1299.7, 1299.8, and 1299.9

Issue

Binding Arbitration

Mr. Jim Spano,
State Controller's Office
Division of Audits (B-8)
300 Capitol Mall, Suite 518
Sacramento CA 95814

Tel: (916) 323-5849
FAX: (916) 327-0832

State Agency

Mr. Daniel Terry,
California Professional Firefighters

1780 Creekside Oaks Drive Suite 200
Sacramento Ca 95833

Tel: (916) 000-0000
FAX: (916) 000-0000

Interested Person

Mr. David Wellhouse,
David Wellhouse & Associates, Inc.

9175 Kiefer Blvd Suite 121
Sacramento CA 95826

Tel: (916) 368-9244
FAX: (916) 368-5723

Interested Person

Commission on State Mandates
Test Claim Completeness Checklist

X = Requirement was not met. Test claim is deemed incomplete.

Title 2 California Code of Regulations, Section 1183 - Test Claim Requirements.

(d) Content of a Test Claim. All test claims, or amendments thereto, shall be filed on a form provided by the commission. All test claims or amendments thereto shall contain at least the following elements and documents:

- (d)(1) Requirement No. 1 - A copy of the statute, or executive order alleged to contain or impact a mandate.
- (d)(1) Requirement No. 2 - The specific sections of chaptered bill or executive order alleged to contain a mandate must be identified.
- (d)(2) Requirement No. 1 - A copy of relevant portions of state constitutional provisions, federal statutes, and executive orders that may impact the alleged mandate and a copy of administrative decisions and court decisions that may impact the alleged mandate.
- (d)(2) Requirement No. 2 - The specific chapters, articles, sections, or page numbers must be identified.
- (d)(3) Requirement No. 1 - A written narrative which includes a detailed description of:
 - (A) What activities were required under prior law or executive order, and
 - (B) What activities are required under the statute or executive order alleged to contain or impact a mandate and
 - (C) How any increased level of service and/or cost was incurred or is expected to be incurred.
- (d)(4) Requirement No. 1 - If the narrative describing an alleged mandate involves more than discussion of statutes or regulations or legal argument and utilizes assertions or representations of fact, such assertions or representations must be supported by documentary evidence which shall be submitted with the test claim.
- (d)(4) Requirement No. 2 - All documentary evidence must be authenticated by declarations under penalty of perjury signed by persons who are authorized and competent to do so and must be based upon the declarant's personal knowledge or information or belief.
- (d)(5) Requirement No. 1 - A statement of actual and/or estimated costs which result from the alleged mandate should be identified by function and by fiscal year.

n/a

