

COMMISSION ON STATE MANDATES

1300 I STREET, SUITE 950
SACRAMENTO, CA 95814
(916) 323-3562



September 9, 1997

City of San Diego
Debra J. Bevier, Deputy
1200 Third Ave., Suite 1200
San Diego, CA 92101

Attached Mailing List

RE: CSM 97-238-01
City of San Diego
Code of Civil Procedure, Evidence Code, and Government Code
Chapter 7/92
Non Profit, Special Use Property Requirements

The Commission on State Mandates has determined that the subject test claim submittal is complete. The test claim initiates the process for the Commission to consider whether the provisions of the chapters listed above impose a reimbursable state mandated program upon local agencies. The state agencies addressed via the mailing list are receiving a copy of this test claim because they have been identified as affected agencies that may have an interest in the Commission's determination of this test claim.

The key issues before the Commission are:

- Do the subject statutes, executive orders, standards and procedures result in a new program or higher level of service within an existing program upon local agencies within the meaning of Government Code section 17514 and section 6, article XIII B of the California Constitution? If so, are there associated costs mandated by the state that are reimbursable?
- Do any of the provisions of Government Code section 17556 preclude the Commission from finding that the provisions of the subject statutes impose a reimbursable state mandated program upon local agencies?

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

- **Informal Conference.** No informal conference has been scheduled. One could be scheduled if requested by any interested party. (See section 1183.04 of regulations.)
- **State Agency Review of Test Claim.** By October 7, 1997, all affected state agencies receiving this letter are requested to analyze the merits of the test claim and to file written responses, opposition, or recommendations on its validity under the provisions of Government Code sections 17500 through 17630 and section

FILE COPY

September 9, 1997

Page 2

1183.02 of the regulations. Alternatively, if a state agency chooses not to respond to this request, a written statement of non-response should be filed with the Commission. Requests for extensions of time may be filed in accordance with section 1183.01 (c) and 1181.1 (g) of the regulations.

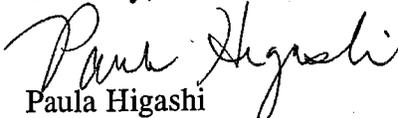
- **Claimant Rebuttal.** The claimant and interested parties may file a rebuttal to state agencies' responses, opposition or recommendations regarding the test claim under section 1183.02 of the regulations.
- **Public Hearing.** The public hearing on the test claim is tentatively set for **October 30, 1997**, at 10:00 a.m., in Room 437, State Capitol, Sacramento. State and local agency representatives may provide testimony at this hearing. A court reporter will be present during the hearing to tape the proceedings in order to prepare a transcript. If the test claim is disputed, the hearing may be continued up to 260 days from the date of the Commission's receipt of the complete test claim. Requests for postponement of the hearing may be filed with the executive director in accordance with section 1183.01 of the regulations.

Your participation in the test claim process is important to the Commission. The determination of whether the claim meets the constitutional and statutory requirements for a reimbursable state mandated program will be based upon information provided by the claimant, state agencies, and other interested parties. Upon receipt of all of this information, Commission staff will prepare an analysis and recommendation for the Commission.

Should the Commission determine that a reimbursable state mandate exists, the Claimant is responsible for providing proposed parameters and guidelines for reimbursing all eligible local entities. In accordance with the Commission's regulations, all interested parties, including affected state agencies will be given an opportunity to comment on the Claimant's proposal. Finally, the Commission is required to adopt a statewide cost estimate of the reimbursable state mandated program within 18 months of receipt of a disputed test claim, or within 6 months of receipt of an undisputed test claim.

At this time, the test claim has not been assigned to a member of our staff. If you have any further questions or concerns, please contact me at (916) 323-3562.

Sincerely,


Paula Higashi
Executive Director

Enclosure

f:\mandates\jme\9723801.doc

Commission on State Mandates

Mailing List

09-Sep-97

CSM/SB# and Claim Title CSM 97-238-01 Claim of the City of San Deigo
Government Code Sec. SB 821 wherein Code of Civil Proc. sections 1235.155 & 1263.3
Chapters Evidence Code section 824 was added and section 823 was ame
Issue Nonprofit, Special Use Property Requirements

Originated: 09-Sep-97

E. V. Anderson, District Administrator
Board of Equalizations

9823 Old Winery Place Suite 1
SACRAMENTO CA 95823

Tel: (916) 255-3400
FAX: (916) 000-0000

Mr. James Apps (A-15),
Department of Finance

915 L Street 8th Floor
SACRAMENTO CA 95814

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

Ms. Debra J. Bevier, Deputy City Attorney
City of San Deigo

1200 Third Avenue Suite 1200
SAN DIEGO CA 92101

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

Mr. John Korach (B-8),
State Controller's Office

Division of Accounting & Reporting
3301 C Street 5th Floor, Suite 500
SACRAMENTO CA 95816

Tel: (916) 324-5922
FAX: (916) 323-4807

Mr. Paul Minney, Interested Party
Girard & Vinson

1676 N. California Blvd. Suite 450
WALNUT CREEK CA 94596

Tel: (510) 746-7660
FAX: (510) 935-7995

Mr. Steve Smith, CEO (Interested Party)
Mandated Cost Systems

2275 Watt Avenue Suite C
SACRAMENTO CA 95825

Tel: (916) 487-4435
FAX: (916) 487-9662

Mr. David E. Wellhouse,
Wellhouse & Associates

9175 Kiefer Blvd Suite 121
SACRAMENTO CA 95826

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

Commission on State Mandates

Mailing List

09-Sep-97

CSM/SB# and Claim Title CSM 97-238-01 Claim of the City of San Deigo
Government Code Sec. SB 821 wherein Code of Civil Proc. sections 1235.155 & 1263.3
Chapters Evidence Code section 824 was added and section 823 was ame
Issue Nonprofit, Special Use Property Requirements

Originated: 09-Sep-97

E. V. Anderson, District Administrator
Board of Equalizations

9823 Old Winery Place Suite 1
SACRAMENTO CA 95823
Tel: (916) 255-3400
FAX: (916) 000-0000

Mr. James Apps (A-15),
Department of Finance

915 L Street 8th Floor
SACRAMENTO CA 95814
Tel: (916) 445-8913
FAX: (916) 327-0225

Ms. Debra J. Bevier, Deputy City Attorney
City of San Deigo

1200 Third Avenue Suite 1200
SAN DIEGO CA 92101
Tel: (916) 000-0000
FAX: (916) 000-0000

Mr. John Korach (B-8),
State Controller's Office

Division of Accounting & Reporting
3301 C Street 5th Floor, Suite 500
SACRAMENTO CA 95816
Tel: (916) 324-5922
FAX: (916) 323-4807

Mr. Paul Minney, Interested Party
Girard & Vinson

1676 N. California Blvd. Suite 450
WALNUT CREEK CA 94596
Tel: (510) 746-7660
FAX: (510) 935-7995

Mr. Steve Smith, CEO (Interested Party)
Mandated Cost Systems

2275 Watt Avenue Suite C
SACRAMENTO CA 95825
Tel: (916) 487-4435
FAX: (916) 487-9662

Mr. David E. Wellhouse,
Wellhouse & Associates

9175 Kiefer Blvd Suite 121
SACRAMENTO CA 95826
Tel: (916) 368-9244
FAX: (916) 368-5723