



● **McQUISTON ASSOCIATES**

6212 Yucca St, Los Angeles, CA 90028-5223

(323) 464-6792 FAX same

consultants to technical management

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CF 15-1311-S1 ✓

ITEM 2 PLUM 12/1/15 ✓

S. Dickinson

**STATEMENT of J.H. McQUISTON on  
DEVELOPMENT IMPACT FEES**

Honorable Chairman and Members of the Committee:

**This Statement concerns Development Fees in General.**

The California Supreme Court in *Silicon Valley Taxpayers v. Santa Clara Co. OSA*, 44 Cal. 4th 431 (S Ct 2008) woke up to the major amendments to "burden of proof" and "local benefit" requirements for fees.

Our City does not abide by *Silicon Valley's* interpretation of the California Constitution's provisions which the Court interpreted.

**This Committee specifically is charged with abiding by the Supreme Court's interpretations regarding Developments.**

However, Councilpersons rely (perhaps wrongly) on the City Attorney to keep in conformation with the Constitution and Laws of California and this City.

**I believe this Committee must press the City Attorney harder so-as not to run so far afoul as it presently strays on this subject.**

It would appear that the City Attorney, by keeping silent or by deliberately putting the City in an untenable attitude regarding Development, **prevents City social programs the City desperately-needs.**

**And, if the City merely sticks within recognized law, developers will comply and still go forward with beneficial projects.**

We should not operate aimlessly *ad hoc* as we now do and as the State prohibits by law.

**Our fees must be no more than the actual cost of services as executed. That is what the Constitution requires.**

*Per Silicon Valley, the City is far beyond what the Constitution allows.*

Respectfully submitted,

J. H. McQuiston

c: Interested parties