

# NOTICE AND AGENDA<sup>1</sup>

State Capitol  
Room 447  
Sacramento, California  
Friday, January 29, 2010

9:30 A.M.

I. CALL TO ORDER AND ROLL CALL

II. ELECTION OF OFFICERS (action)

Item 1 Staff Report

III. APPROVAL OF MINUTES (action)

Item 2 October 30, 2009

IV. PROPOSED CONSENT CALENDAR (action)

If there are no objections to any of the following action items designated by an asterisk (\*), the Executive Director will include it on the Proposed Consent Calendar that will be presented at the hearing. The Commission will determine which items will remain on the Consent Calendar.

V. APPEAL OF EXECUTIVE DIRECTOR DECISION PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181, SUBDIVISION (C). (action)

Item 3 Appeal of Executive Director's Decision

(Note: This item is limited to appeals regarding this month's agenda items.)

VI. HEARINGS AND DECISIONS ON TEST CLAIMS AND STATEMENTS OF DECISION, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (GOV. CODE, § 17551 and 17559) (action)

A. TEST CLAIMS

**(Note: Items 5, 7, 9, 11 and 13 will not be voted on unless the staff recommendation for Items 4, 6, 8, 10 and 12 are adopted.)**

Item 4 *Redistricting: Senate and Congressional Districts*, 02-TC-50  
Elections Code, Division 21, Chapter 2 (§ 21100 et seq.), and Chapter 5 (§21400 et seq.)  
Statutes 2001, Chapter 348 (AB 632)  
Senate's Election and Reapportionment Committee Instructions (Dated September 24, 2001)  
County of Los Angeles, Claimant

Item 5 *Proposed Statement of Decision*  
See Item 4 Above

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<sup>1</sup> This public meeting notice is available on the Internet at <http://www.csm.ca.gov>.

Item 6

*California Environmental Quality Act (CEQA)*, 03-TC-17

Education Code Section 17025 added by Statutes 1996, Chapter 1562  
Government Code Sections 66031 and 66034 as amended by  
Statutes 1994, Chapter 300 (SB 517), and Statutes 1990, Chapter 1455  
(SB 2374)

Public Resources Code Sections 21002.1, 21003, 21003.1, 21080.09,  
21080.1, 21080.3, 21080.4, 21081, 21082, 21082.1, 21082.2, 21083,  
21083.2, 21091, 21092, 21092.1, 21092.2, 21092.3, 21092.4, 21092.5,  
21092.6, 21094, 21100, 21102, 21150, 21151, 21151.2, 21151.8, 21152,  
21153, 21154, 21157, 21157.1, 21157.5, 21158, 21161, 21165, 21166,  
21167, 21167.6, 21167.6.5, 21167.8, 21168.9 as added or amended by  
Statutes 1970, Chapter 1433 (AB 2045); Statutes 1972, Chapter 1154  
(AB 899); Statutes 1975, Chapter 222 (AB 335); Statutes 1976, Chapter  
1312 (AB 2679); Statutes 1977, Chapter 1200 (AB 884); Statutes 1983,  
Chapter 967 (AB 1829); Statutes 1984, Chapter 571 (AB 2527); Statutes  
1985, Chapter 85 (AB 841); Statutes 1987, Chapter 1452 (SB 998);  
Statutes 1989, Chapter 626 (AB 40); Statutes 1989, Chapter 659 (SB  
896); Statutes 1991, Chapter 905 (AB 1642); Statutes 1991, Chapter  
1183 (AB 928); Statutes 1991, Chapter 1212 (SB 948); Statutes 1993,  
Chapter 375 (SB 104); Statutes 1993, Chapter 1130 (AB 1888); Statutes  
1993, Chapter 1131 (SB 919); Statutes 1994, Chapter 1230 (SB 749);  
Statutes 1994, Chapter 1294 (AB 314); Statutes 1995, Chapter 801 (AB  
1860); Statutes 1996, Chapter 444 (SB 2073); Statutes 1996, Chapter  
547 (AB 298); Statutes 1997, Chapter 415 (AB 175); Statutes 2000,  
Chapter 738 (AB 1807); Statutes 2001, Chapter 867 (AB 1532); Statutes  
2002, Chapter 1052 (AB 3041); Statutes 2002, Chapter 1121 (SB 1393)  
California Code of Regulations, Title 5, Sections 14011 and 57121 as  
added or amended by Register 77, Nos. 01 & 45; Register 83, No. 18;  
Register 91, No. 23; Register 93, No. 46; and, Register 2000, No. 44  
California Code of Regulations, Title 14, Sections 15002, 15004, 15020,  
15021, 15022, 15025, 15041, 15042, 15043, 15050, 15053, 15060,  
15061, 15062, 15063, 15064 15064.5, 15064.5, 15064.7 15070, 15071,  
15072, 15073, 15073.5, 15074, 15074.1, 15075, 15081.5, 15082, 15084,  
15085, 15086, 15087, 15088, 15088.5, 15089, 15090, 15091, 15092,  
15093, 15094, 15095, 15100, 15104, 15122, 15123, 15124, 15125,  
15126, 15126.2, 15126.4, 15126.6, 15128, 15129, 15130, 15132, 15140,  
15142, 15143, 15145, 15147, 15148, 15149, 15150, 15152, 15153,  
15162, 15164, 15165, 15167, 15168, 15176, 15177, 15178, 15179,  
15184, 15185, 15186, 15201, 15203, 15205, 15206, 15208, 15223,  
15225, 15367 as added or amended by register 75, No. 01; Register 75,  
Nos. 05, 18 & 22; Register 76, Nos. 02, 14 & 41; Register 77, No. 01;  
Register 78, No. 05; Register 80, No. 19; Register 83, Nos. 29; Register  
86, No. 05; Register 94, No. 33; Register 97, No. 22; Register 98, No.  
35; Register 98, No. 44; Register 2001, No. 05; Register 2003, No. 30  
California State Clearinghouse Handbook  
Governor's Office of Planning and Research (January 2000)

Clovis Unified School District, Claimant

- Item 7      *Proposed Statement of Decision*  
See Item 6 Above
- Item 8      *Clean School Restrooms, 04-TC-01*  
Education Code Sections 17070.755, 17584.3, and 35292.5  
Statutes 2003, Chapter 358 (AB 1124); Statutes 2003, Chapter 909  
(SB 892); Office of Public School Construction, State Allocation Board,  
and State Department of General Services Forms: SAB Forms 40-21,  
50-04, 892, 892R  
Los Angeles Unified School District, Claimant
- Item 9      *Proposed Statement of Decision*  
See Item 8 Above
- Item 10     *Mandate Reimbursement Process II, 05-TC-05*  
Government Code Sections 17553, 17557, and 17564;  
Statutes 2004, Chapter 890 (AB 2856)  
California Code of Regulations, Title 2, Sections 1183 and 1183.13  
(Register 2005, No. 36, effective September 6, 2005)  
  
On Remand from *California School Boards Assoc. v. State of California*  
(2009) 171 Cal.App.4<sup>th</sup> 1183; Judgment and Peremptory Writ of  
Mandate Issued by Sacramento County Superior Court,  
Case No. 06CS01335  
City of Newport Beach, Claimant
- Item 11     *Proposed Statement of Decision*  
See Item 10 Above

**B. DISMISSAL OF WITHDRAWN TEST CLAIM**

- Item 12\*    *Crime Statistics Reports (K-14), 02-TC-12*  
Penal Code Sections 646.91, 12028, 12028.5, 13012, 13014, 13020,  
13021, 13023, 13700, 13701, 13702, 13710, and 13730;  
Family Code Sections 6240, 6250, and 6250.5  
Statutes 1979, Chapters 255 and 860 (SB 281 and AB 1421);  
Statutes 1980, Chapter 1340 (SB 1447); Statutes 1982, Chapters 142 and  
147 (SB 561 and Senate Resolution 64); Statutes 1984, Chapter 1609  
(SB 1472); Statutes 1989, Chapter 1172 (SB 202); Statutes 1992,  
Chapter 1338 (SB 1184); Statutes 1993, Chapter 1230 (AB 2250);  
Statutes 1995, Chapters 803 and 965 (AB 488 and SB 132); Statutes  
1996, Chapters 872 and 1142 (AB 3472 and SB 1797); Statutes 1998,  
Chapter 933 (AB 1999); Statutes 1999, Chapters 561, 659, 661, and 662  
(AB 59, SB 355, AB 825, and SB 218); Statutes 2000, Chapters 254,  
626, and 1001 (SB 2052, AB 715, and SB 1944); Statutes 2001,  
Chapters 468 and 483 (SB 314 and AB 469); Statutes 2002, Chapter 833  
(SB 1807)  
California Department of Justice, Criminal Statistics Reporting  
Requirements, March 2000  
Santa Monica Community College District, Claimant

VII. INFORMATIONAL HEARING PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 8 (action)

A. PROPOSED PARAMETERS AND GUIDELINES

Item 13\* *Cal Grants*, 02-TC-28,  
Education Code Section 69432.9, Subdivision (b)(3)(C)  
Statutes 2000, Chapter 403 (SB 1644)  
California Code of Regulations, Title 5, Sections 30007, 30023,  
Subdivisions (a) and (d), and 30026  
Long Beach Community College District, Claimant

Item 14\* *Prevailing Wage Rates*, 01-TC-28  
Education Code Section 69432.9, Subdivision (b)(3)(C)  
Statutes 2000, Chapter 403 (SB 1644)  
California Code of Regulations, Title 5, Sections 30007, 30023,  
Subdivisions (a) and (d), and 30026  
Grossmont Union High School District, Claimant

B. PROPOSED AMENDMENTS TO PARAMETERS AND GUIDELINES  
STATE CONTROLLER'S OFFICE REQUEST TO UPDATE BOILERPLATE  
LANGUAGE

Item 15 SCHOOL DISTRICT PROGRAMS

A. *Collective Bargaining and Collective Bargaining Agreement Disclosure*,  
05-PGA-48

Statutes 1975, Chapter 961; Statutes 1991, Chapter 1213

B. *Intradistrict Attendance*, 05-PGA-53

Education Code Section 35160.5, Subdivision (c)

Statutes 1993, Chapter 161; Statutes 1993, Chapter 915

Item 16\* SCHOOL DISTRICT PROGRAMS

A. *Habitual Truant*, 05-PGA-51

Education Code Sections 48262 and 48264.2

Statutes 1975, Chapter 1184; Statutes 1994, Chapter 1023

B. *Juvenile Court Notices II*, 05-PGA-54

Welfare and Institutions Code Section 827

Statutes 1984, Chapter 1423; Statutes 1994, Chapter 1019;

Statutes 1995, Chapter 71

C. *Health Fee Eliminations*, 05-PGA-69

Statutes 1984, 2<sup>nd</sup> E.S., Chapter 1

Statutes 1987, Chapter 1118

Item 17\* LOCAL AGENCY PROGRAMS

A. *Search Warrants: AIDS*, 05-PGA-17

Penal Code Section 1524.1; Statutes 1988, Chapter 1088

B. *Airport Land Use Commissions/Plans*, 05-PGA-23

Public Utilities Code Sections 21670 and 21670.1

Statutes 1994, Chapter 644; Statutes 1995, Chapter 66;

Statutes 995, Chapter 91

- C. *Allocation of Property Tax Revenues*, 05-PGA-24  
Revenue and Taxation Code Sections 97, 97.01, 97.02, 97.03, 97.035, 97.5, 98 and 99;  
Statutes 1992, Chapters 697, 699, 700, 899 and 1369;  
Statutes 1993, Chapters 66, 68, 904, 905 and 1279
- D. *Brendon Maquire Act*, 05-PGA-25  
Elections Code Sections 6490.3, 6490.4, 14205.5, and 14005.4  
Statutes 1988, Chapter 391
- E. *Countywide Tax Rates*, 05-PGA-27  
Revenue and Taxation Code Section 98.9  
Statutes 1987, Chapter 921
- F. *Crime Victim's Rights*, 05-PGA-28  
Penal Code Section 679.02, Subdivision (a)(12)  
Statutes 1995, Chapters 411
- G. *Domestic Violence Treatment Services – Authorization and Case management*, 05-PGA-30  
Penal Code Sections 1000.93, 1000.94 and 1000.95  
Penal Code Sections 273.5, subdivisions (e), (f), (g), (h) and (i)  
Penal Code Section 1203.097  
Statutes 1992, Chapters 183, and 184, Statutes 1994, Chapter 28X,  
Statutes 1995, Chapter 641
- H. *Cancer Presumption – Firefighters*, 05-PGA-31  
Labor Code Section 3212.1  
Statutes 1982, Chapter 1568  
Statutes 2006, Chapter 78, Section 8 (AB 1805)
- I. *Health Benefits for Survivors of Peace Officers and Firefighters*, 05-PGA-32  
Labor Code Section 4856; Government Code Section 21635;  
Statutes 1996, Chapter 1120; Statutes 1997, Chapter 193
- J. *Medi-Cal Beneficiary Probate*, 05-PGA-33  
Statutes 1981, Chapters 102 and 1163  
And DHS All County Letters
- K. *Mentally Disordered Offenders: Extended Commitment Proceedings*, 05-PGA-34  
Penal Code Sections 2970, 2972, and 2972.1 r 658  
Statutes 1989, Chapter 228; Statutes 1991, Chapter 435;  
Statutes 2000, Chapter 324
- L. *Not Guilty by Reason of Insanity*, 05-PGA-35  
Penal Code Sections 1026 and 1026.5  
Statutes 1979, Chapter 1114; Statutes 1982, Chapter 650
- M. *Pacific Beach Safety: Water Quality and Closures*, 05-PGA-36  
Health and Safety Code Sections 427.12, Subdivision (a), and 427.13  
Statutes 1992, Chapter 961

- N. *Cancer Presumptions – Peace Officers*, 05-PGA-37  
Labor Code Section 3212.1  
Statutes of 1989, Chapter 1171; Statutes 2006, Chapter 78, Section 8  
(AB 1805)
- O. *Perinatal Services*, 05-PGA-38  
Health and Safety Code Section 10901(a), (b), (c)  
Statutes 1990, Chapter 1603
- P. *Pesticide Use Reports*, 05-PGA-39  
Food and Agricultural Code Section 12979  
Statutes 1989, Chapter 1200  
California Code of Regulations, Title 3, Sections 6000,  
6393 (c), 6562, 6568, 6619, 6622, 6624, 6626, 6627, 6627.1, 6628;  
Register 90, No, 1
- Q. *Prisoner Parental Rights*, 05-PGA-40  
Penal Code Section 2625  
Statutes 1991, Chapter 820
- R. *Rape Victims Counseling Center Notice*, 05-PGA-41  
Penal Code Section 264.2, Subdivisions (b)(1) and (b)(2)  
Penal Code Section 13701  
Statutes 1991, Chapter 999, Statutes 1992, Chapter 224
- S. *Threats Against Peace Officers*, 05-PGA-44  
Penal Code Section 832.9  
Statutes 1992, Chapter 1249; Statutes 1995, Chapter 666
- T. *Photographic Record of Evidence*, 05-PGA-59  
Penal Code Section 1417.3  
Statutes 1985, Chapter 875; Statutes 1986, Chapter 734;  
Statutes 1990, Chapter 382
- U. *Stolen Vehicle Notification*, 05-PGA-68  
Vehicle Code § 10500  
Statutes 1990, Chapter 337

C. WITHDRAWAL OF REQUEST TO AMEND PARAMETERS AND GUIDELINES

- Item 18\* *Interdistrict Transfer Requests: Parent’s Employment*  
01-PGA-10  
Clovis Unified School District, Requestor  
Education Code Sections 48204(f) and 48980(e)  
Statutes 1986, Chapter 172, Statutes 1990, Chapter 10  
Statutes 1992, Chapter 507

D. ADOPTION OF PROPOSED RULEMAKING CALENDAR

- Item 19\* Proposed Rulemaking Calendar, 2010

VIII. HEARINGS ON COUNTY APPLICATIONS FOR FINDINGS OF SIGNIFICANT FINANCIAL DISTRESS PURSUANT TO WELFARE AND INSTITUTIONS CODE

SECTION 17000.6 AND CALIFORNIA CODE OF REGULATIONS, TITLE 2,  
ARTICLE 6.5. (info/action)

- Item 20 Assignment of County Application to Commission, a Hearing Panel of One or More Members of the Commission, or to a Hearing Officer

*Note: This item will only be taken up if an application is filed.*

IX. REPORTS (info/action)

- Item 21 Legislative Update  
Item 22 Chief Legal Counsel: Recent Decisions, Litigation Calendar  
Item 23 Executive Director: Workload, Budget, and Next Hearing (March 26, 2010)

X. PUBLIC COMMENT

XI. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 AND 11126.2 (action).

A. PENDING LITIGATION

To confer with and receive advice from legal counsel, for consideration and action, as necessary and appropriate, upon the following matters pursuant to Government Code section 11126, subdivision (e)(1):

*State of California, Department of Finance v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 03CS01432, [Behavioral Intervention Plans]

To confer with and receive advice from legal counsel, for consideration and action, as necessary and appropriate, upon the following matter pursuant to Government Code section 11126, subdivision (e)(2):

Based on existing facts and circumstances, there is a specific matter which presents a significant exposure to litigation against the Commission on State Mandates, its members and/or staff (Gov. Code, § 11126, subd. (e)(2)(B)(i).)

B. PERSONNEL

To confer on personnel matters pursuant to Government Code sections 11126, subdivision (a)(1).

- Personnel Subcommittee Report

RECONVENE IN PUBLIC SESSION

XII. REPORT FROM CLOSED EXECUTIVE SESSION

ADJOURNMENT

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