

REVISED AGENDA¹
Meeting of the Commission on State Mandates
State Capitol
Room 447
Sacramento, California
Friday, March 23, 2012

Note: This meeting will convene at 11:00 a.m.

Reminder: If you plan to testify and would like Commission members to review any document other than those prepared by Commission staff, please bring 12 double-sided copies of the document or section of the document you would like the members to review.

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

Item 1 January 27, 2012

III. 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 each one on the Proposed Consent Calendar that will be presented at the hearing. The Commission will determine which items will remain on the Consent Calendar.

IV. APPEAL OF EXECUTIVE DIRECTOR DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181(c) (action)

Item 2 Appeal of Executive Director Decisions

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

V. HEARINGS AND DECISIONS ON TEST CLAIMS, PARAMETERS AND GUIDELINES, AND PROPOSED AMENDMENTS TO PARAMETERS AND GUIDELINES PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (GOV. CODE, § 17551, 17557, and 17559) (action)

A. TEST CLAIMS AND STATEMENTS OF DECISION

~~Item 3~~ This item was postponed upon request of the Claimant
~~*Juvenile Offender Treatment Program Court Proceedings*~~
~~04-TC-02~~
~~Welfare and Institutions Code Sections 779, 1731.8, 1719, and 1720~~
~~Statutes 2003, Chapter 4~~
~~County of Los Angeles, Claimant~~

B. PARAMETERS AND GUIDELINES, PARAMETERS AND GUIDELINES AMENDMENTS, AND STATEMENTS OF DECISION

Item 4* *Community College Construction*, 02-TC-47
Education Code Sections 81820, 81821(a), (b), (e), and (f)
Statutes 1980, Chapter 910, Statutes 1981, Chapter 470, Statutes 1981,
Chapter 891, Statutes 1995, Chapter 758
Santa Monica Community College District, Claimant

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

- Item 5 *Voter Identification Procedures*, 03-TC-23
Elections Code Section 14310
Statutes 2000, Chapter 260
County of San Bernardino, Claimant

- Item 6 *Peace Officer Procedural Bill of Rights (POBOR)*
09-PGA-05 [05-RL-4499-01 (4499), 06-PGA-06]
Government Code Sections 3301, 3303, 3304, 3305, 3306
Statutes 1976, Chapter 465; Statutes 1978, Chapters 775, 1173, 1174, and
1178; Statutes 1979, Chapter 405; Statutes 1980, Chapter 1367;
Statutes 1982, Chapter 994; Statutes 1983, Chapter 964; Statutes 1989,
Chapter 1165; and Statutes 1990, Chapter 675
City of Los Angeles, Requestor

- Item 7* *School Accountability Report Cards*
10-PGA-02 (97-TC-21)
Education Code Sections 33126, 35256, 35256.1, 35258,
41409, and 41409.3,
Statutes 1997, Chapter s 918 and 912; Statutes 1994, Chapter 824;
Statutes 1993, Chapter 1031, Statutes 1992, Chapter 759; Statutes 1989,
Chapter 1463
State Controller's Office, Requestor

- Item 8* *Physical Education Reports*
11-PGA-04 (05-PGA-60, 98-TC-08)
Education Code Section 51223.1
Statutes 1997, Chapter 640
State Controller's Office, Requestor

- Item 9* *AIDS Instruction (CSM 4422)*
Education Code Sections 51201.5 and 51229.8
Chapter 818. Statutes 199t1
And
Aids Prevention Instruction (99-TC-07, 00-TC-01)
Education Code Sections 51201.5. 51554 and 51553(b)(1)(A)
Chapter 403. Statutes 1998
State Controller's Office, Requestor

VI. 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 10 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.

VII. REPORTS (info/action)

- Item 11 Legislative Update
- Item 12 Chief Legal Counsel: Recent Decisions, Litigation Calendar
- Item 13 Executive Director: Budget, Workload, Workplan Update, and Next Meeting/Hearing (info/action)

VIII. PUBLIC COMMENT

IX. 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(e)(1):

1. *State of California, Department of Finance v. Commission on State Mandates*, Sacramento County Superior Court Case No. 34-2010-80000529 [Graduation Requirements, Parameters and Guidelines Amendments, Nov. 2008]
2. *State of California Department of Finance, State Water Resources Control Board, and California Regional Water Quality Board, San Diego Region v. Commission on State Mandates and County of San Diego, et al.*, Sacramento County Superior Court Case No. 34-2010-80000604 (petition and cross-petition), appealed to the Third District Court of Appeal on February 7, 2012, Case No. (unknown) [*Discharge of Stormwater Runoff, Order No. R9-207-000, 07-TC-09 California Regional Water Control Board, San Diego Region Order No. R9-2007-001, NPDES No. CAS0108758, Parts D.1.d.(7)-(8), D.1.g., D.3.a.(3), D.3.a.(5), D.5, E.2.f, E.2.g,F.1, F.2, F.3, I.1, I.2, I.5, J.3.a.(3)(c) iv-vii & x-xv, and L*]
3. *California School Board Association (CSBA) v. State of California et al.*, Alameda County Superior Court Case No. RG11554698 [2010-2011 Budget Trailer Bills, Mandates Process for K-12 Schools, Redetermination Process]
4. *State of California Department of Finance, State Water Resources Control Board, and California Regional Water Quality Control Board, Los Angeles Region v. Commission on State Mandates and County of Los Angeles, et al* (petition and cross-petition). Second District Court of Appeal, Case No. B237153 (Los Angeles County Superior Court, Case No. BS130730) [*Municipal Storm Water and Urban Runoff Discharges, 03-TC-04, 03-TC-19, 03-TC-20, and 03-TC-21, Los Angeles Regional Quality Control Board Order No. 01-182, Permit CAS004001, Parts 4C2a., 4C2b, 4E & 4Fc3*]

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(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 or staff.

B. PERSONNEL

To confer on personnel matters pursuant to Government Code section 11126(a): to interview applicants and appoint the new Executive Director pursuant to Government Code section 17530 (tentative).

RECONVENE IN PUBLIC SESSION

X. REPORT FROM CLOSED EXECUTIVE SESSION

ADJOURNMENT

For information, contact:

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