

COMMISSION ON STATE MANDATES

NOTICE AND AGENDA¹

State Capitol, Room 126
Sacramento, California

March 25, 2004

9:30 A.M.²

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

Item 1 January 29, 2004

III. PROPOSED CONSENT CALENDAR (action)

Note: 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.*

IV. HEARINGS AND DECISIONS, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (action)

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

(Note: Except as described below, this item is limited to appeals regarding this month's agenda items.)

Item 2 Return of "Test Claim" on *Transit Trash Receptacles*, 03-TC-04 California Water Quality Control Board Executive Order Number 01-182, December 13, 2001 [Permit Number CAS004001, Part 4, Section F.5.c.]. Filed on September 5, 2003 by County of Los Angeles, Claimant and Appellant.

Item 3 Return of "Test Claim" on *Inspection of Industrial/Commercial Facilities*, 03-TC-19; California Water Quality Control Board Executive Order Number 01-182, December 13, 2001 [Permit Number CAS004001, Part 4, Section C.2.a. & b.]. Filed on September 29, 2003, by County of Los Angeles, Claimant and Appellant.

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

² A lunch break may be taken.

- Item 4 Return of “Test Claim” on *Waste Discharge Requirements*, 03-TC-20
California Regional Water Quality Control Board, Los Angeles Region
Executive Order Number 01-182, NPDES Permit (CAS004001), Dated
December 13, 2001, Parts 4.B.4, 4.C.2.a, 4.C.2.b, 4.C.2.c, D, E, F, and G.
Filed on September 30, 2003, by Cities of Artesia, Beverly Hills, Carson,
La Mirada, Monrovia, Norwalk, Rancho Palos Verdes, San Marino, and
Westlake Village, Claimants and Appellants.
- Item 5 Return of “Test Claim” on *Stormwater Pollution Control Requirements*,
03-TC-21
California Regional Water Quality Control Board, Los Angeles Region
Executive Order Number 01-182, NPDES Permit (CAS004001), Dated
December 13, 2001, Parts 1 and 2, pages 16-18; Part 4 C and E, pages 27-34,
and pages 42-45; and Part 4 F, sections 5 and 6, pages 48-5. Filed on September
30, 2003, by Cities of Arcadia, Baldwin Park, Bellflower, Cerritos, Covina,
Downey, Monterey Park, Pico Rivera, Signal Hill, South Pasadena, and West
Covina, Claimants and Appellants³
- Item 6 Return of “Test Claim” on *Stormwater Pollution Control Requirements*,
03-TC-22
California Regional Water Quality Control Board, Los Angeles Region
Executive Order Number 01-182, NPDES Permit (CAS004001), Dated
December 13, 2001, Parts 1 & 2, Pages 16-18; Part 4C & E, Pages 27-34, and
Pages 42-45; and Part 4F (5) & (6), Pages 48-51. Filed on
September 30, 2003, by the City of San Dimas, Claimant and Appellant

B. TEST CLAIMS AND PROPOSED STATEMENTS OF DECISION

(Note: Items 8, 10, and 12 will not be voted on unless the staff recommendations for Items 7, 9, and 11, respectively, are adopted.)

- Item 7 *Integrated Waste Management*, 00-TC-07
Santa Monica and South Lake Tahoe Community College Districts, Co-
Claimants
Public Resources Code Sections 40148, 40196.3, and 42920-42928
Public Contract Code Sections 12167 and 12167.1
Statutes 1992, Chapter 1116 (AB 3521)
Statutes 1999, Chapter 764 (AB 75)
Manuals of the California Integrated Waste Management Board
- Item 8 Proposed Statement of Decision: *Integrated Waste Management*, 00-TC-07,
as described in Item 7.

³ The City of Arcadia is not an appellant.

- Item 9 *School Accountability Report Cards II and III*, 00-TC-09, 00-TC-13, and 02-TC-32
 Empire Union School District, Sweetwater Union High School District, and Bakersfield City School District, Claimants
 Education Code Sections 33126, 33126.1, 41409
 Statutes 1997, Chapter 912 (AB 572); Statutes 2000, Chapter 996 (SB 1632)
 Statutes 2001, Chapters 159 (SB 662) and 734 (AB 804)
 Statutes 2002, Chapter 1168 (AB 1818)
- Item 10 Proposed Statement of Decision: *School Accountability Report Cards II and III*, 00-TC-09, 00-TC-13, and 02-TC-32, as described in Item 9.
- Item 11 *High School Exit Examination*, 00-TC-06
 Trinity Union High School District, Claimant
 Education Code Sections 60850, 60851, 60853, 60855
 Statutes 1999x, Chapter 1 (SBX1 2)
 Statutes 1999, Chapter 135 (AB 584)
 California Code of Regulations, Title 5, Sections 1200-1225, in effect as of March 2003
- Item 12 Proposed Statement of Decision: *High School Exit Examination*, 00-TC-06, as described in Item 11.

V. HEARING TO SET ASIDE PRIOR STATEMENTS OF DECISION, PARAMETERS AND GUIDELINES, AND STATEWIDE COST ESTIMATE PURSUANT TO COURT ORDERS (Gov. Code, § 17559, subd. (b).) (action)

- Item 13* *Order to Set Aside Statement of Decision and Adopt New Decision: Medically Indigent Adults*, No. CSM R-S046843 (On Remand from the California Supreme Court, *County of San Diego v. State of California* (1997) 15 Cal.4th 68); (Peremptory Writ of Mandamus from the Superior Court, *County of San Diego v. Commission on State Mandates* (GIC 762953))
- Item 14* *Order to Set Aside Statement of Decision Adopted on July 29, 1999 and Vacate Applicable Parameters and Guidelines and Statewide Cost Estimate: School Bus Safety II*, 97-TC-22 (Peremptory Writ of Mandamus from the Superior Court, *Department of Finance v. Commission on State Mandates* (02CS00994))
 Education Code Sections 38048, 39831.3, and 39831.5,
 Vehicle Code Section 22112
 Statutes 1994, Chapter 831 (SB 2019)
 Statutes 1996, Chapter 277 (SB 1562)
 Statutes 1997, Chapter 739 (AB 1297)

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

A. ADOPTION OF AMENDMENTS TO PARAMETERS AND GUIDELINES

- Item 15* Amendment to Vacate *School Bus Safety II* Parameters and Guidelines, 03-PGA-04, as described in Item 14 above, as adopted on November 30, 1999 and amended on January 23, 2003, from *School Bus Safety I* Parameters and Guidelines, CSM-4433
Education Code Sections 38048, 39831.3, and 39831.5
Vehicle Code Section 22112
Statutes 1992, Chapter 624 (AB 3144)
Statutes 1994, Chapter 831 (SB 2019)
Statutes 1996, Chapter 277 (SB 1562))
Statutes 1997, Chapter 739 (AB 1297)
Statutes 2002, Chapter 1167 (AB 2781)

B. ADOPTION OF PROPOSED STATEWIDE COST ESTIMATE

- Item 16* *Presidential Primaries*, 99-TC-04
County of Tuolumne, Claimant
Elections Code Sections 15151 and 15375
Statutes 1999, Chapter 18 (SB 100)

VII. STAFF REPORTS (info/action)

- Item 17 Chief Legal Counsel's Report
Recent Decisions, Litigation Calendar
- Item 18 Executive Director's Report
Budget, Workload, Legislation, Next Hearing

VIII. PUBLIC COMMENT

IX. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 and 17526. (Closed Executive Session may begin at this time or may begin earlier on this day and reconvene at the end of the meeting.)

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):

1. *San Diego County v. Commission on State Mandates, et al.*, Case Number GIC 762953, on remand, in the Superior Court of the State of California, County of San Diego. CSM Case No. 01-L-12 [*San Diego MIA*]
2. *State of California, Department of Finance v. Commission on State Mandates, et al.*, Case Number 02CS00994, in the Superior Court of the State of California, County of Sacramento. CSM Case No. 02-L-01 [*School Bus Safety II*]
3. *San Diego Unified School District v. Commission on State Mandates, et al.*, Case Number S109125, in the Supreme Court of the State of California. CSM Case No. 02-L-02 [*Pupil Expulsions*]
4. *San Diego Unified School District and San Juan Unified School District v. Commission on State Mandates, et al.*, Case Number C044162, in the Appellate Court of the State of California, Third Appellate District. CSM Case No. 02-L-05 [*Physical Performance Tests*]
5. *State of California, Department of Finance v. Commission on State Mandates, et al.*, Case Number 03CS01069 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-01 [*Animal Adoption*]
6. *State of California, Department of Finance v. Commission on State Mandates, et al.*, Case Number 03CS01432 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-02 [*Behavioral Intervention Plans*]
7. *San Diego Unified School District v. Commission on State Mandates, et al.*, Case Number 03CS01401 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-03 [*Graduation Requirements IRC*]
8. *Castro Valley Unified School District v. Commission on State Mandates, et al.*, Case Number 03CS01568 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-04 [*Graduation Requirements IRC*]
9. *San Jose Unified School District v. Commission on State Mandates, et al.*, Case Number 03CS01569 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-05 [*Graduation Requirements IRC*]
10. *Sweetwater Union High School District v. Commission on State Mandates, et al.*, Case Number 03CS01570 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-06 [*Graduation Requirements IRC*]
11. *Clovis Unified School District v. Commission on State Mandates, et al.*, Case Number 03CS01702 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-09 [*Graduation Requirements IRC*]

12. *Grossmont Union High School District v. Commission on State Mandates, et al.*, Case Number 04CS00028 in the Superior Court of the State of California, County of Sacramento. CSM Case No. 03-L-10 [*Graduation Requirements IRC*]

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) and 17526. Discussion and action, if appropriate on report from the Personnel Sub-Committee.

X. REPORT FROM CLOSED EXECUTIVE SESSION, RECONVENE IN PUBLIC SESSION

XI. ADJOURNMENT

For information, contact:

Paula Higashi, Executive Director
980 Ninth Street, Suite 300
Sacramento, CA 95814

(916) 323-8210
(916) 445-0278 Fax
Email: paula.higashi@csm.ca.gov