

COMMISSION ON STATE MANDATES

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March 8, 2010

TO: ALL INTERESTED PERSONS
FROM: Paula Higashi, Executive Director
RE: Notice, Revised New Filings, and Revised Agenda

The Commission will hold its next regular meeting and hearing on Friday, March 26, 2010. The meeting will be convened at 9:30 a.m., Room 447, State Capitol, Sacramento, California.

Testimony at the Commission Hearings. If you plan to address the Commission on an agenda item please notify the Commission Office by noon, two days before the hearing. When calling, identify the item and the entity you represent. The Chairperson reserves the right to impose time limits on presentations as may be necessary to complete the agenda.

Agenda Materials. All back-up material and supporting documentation for public meetings are available for public inspection at the Commission Office, 980 Ninth Street, Suite 300, Sacramento, California 95814; (916) 323-3562. In addition, a complete copy of the above-described materials will be available for public inspection at the meetings.

Web Site. Agenda items are available on the Commission's Web Site (<http://www.csm.ca.gov/>). After reaching the site's home page, click on the words "Current Hearing" on the left side of the page for the hearing agenda. Generally, the short agenda will be uploaded two weeks prior to the hearing. Items will be uploaded approximately one week before the hearing without exhibits and may be accessed from the agenda. If an item is postponed prior to the hearing, notice will be posted on the agenda. Following the hearing, Commission actions will be posted on the agenda, and revised items will be posted upon completion.

The approved minutes of previous commission meetings are also on the Web Site in PDF formats. To access the minutes, click on the words "Current Hearing" on the left side of the page. The most recent minutes become available following approval by the Commission, generally after the next hearing.

Special Accommodations. If you need any special accommodations such as a sign language interpreter, an assistive listening device, materials in an alternative format, or any other accommodations, please contact the Commission Office at least five to seven *working* days prior to the meeting.

Office Closure. Pursuant to Governor's Executive Order S-13-09 and until further notice, the Commission's offices will be closed and employees will be furloughed on the first, second, and third Fridays of each month. During March –April 2010, the office will be closed on the following furlough days and holidays: March 5, 12, 19, and 31, and April 2, 9, and 16. Please contact Paula Higashi or Nancy Patton at (916) 323-3562 if you have questions.

Enclosures

TO RECEIVE NOTICES AND AGENDAS FOR COMMISSION MEETINGS AND HEARINGS ELECTRONICALLY, SUBSCRIBE BY VISITING THE COMMISSION'S WEBSITE AT [HTTP://WWW.CSM.CA.GOV](http://www.csm.ca.gov) AND CLICKING ON THE "AGENDA MAILING LIST" LINK ON THE LEFT SIDE OF THE PAGE.

REVISED NEW FILINGS

October 9, 2009 through March 4, 2010

| Claim Number | Date Received | Claimant | Description |
|---------------------|----------------------|--|---|
| 09-4206-I-26 | 10/26/09 | Redwoods Community College District | Incorrect Reduction Claim: <i>Health Fee Elimination</i> Fiscal years 2002-2003 through 2006-2007 \$263,986 |
| 09-LDM-01 | 11/02/09 | California State Association of Counties | Notice of Intent to Develop Legislatively-Determined Mandate: <i>Post Election Manual Talley</i> |
| 09-4081-I-01 | 01/14/09 | City of Los Angeles | Incorrect Reduction Claim: <i>Firefighter's Cancer Presumption</i> Fiscal year 2003-2004 \$516,132 |
| 09-PGA-01 | 01/19/10 | San Jose Unified School District | Request to Amend Parameters and Guidelines: <i>Habitual Truants</i> |
| 09-PGA-02 | 02/25/10 | SixTen and Associates | Request to Amend Parameters and Guidelines: <i>Mandate Reimbursement Process I</i> |

NOTICE AND AGENDAⁱ
Commission on State Mandates
WORKSHOP

Proposed General Cleanup Amendments to Commission's Regulations
Title 2, Chapter 2.5, Articles 1 through 6, and Articles 7 through 8.5, sections 1181 through 1186
and sections 1187 through 1189.61

Thursday, March 25, 2010

10:00 a.m.

Commission on State Mandates
980 9th Street, Suite 300
Sacramento, California

- I. CALL TO ORDER AND INTRODUCTIONS
- II. DISCUSSION OF STAFF'S PROPOSED AMENDMENTS TO REGULATIONS
- III. DISCUSSION OF PROPOSED AMENDMENTS OR IDEAS FROM STATE AGENCIES, CLAIMANTS, AND INTERESTED PARTIES AND PERSONS
- IV. NEXT STEPS
- V. ADJOURNMENT

For information, contact:

Paula Higashi, Executive Director
Commission on State Mandates
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Sacramento, CA 95814

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

NOTICE AND AGENDAⁱ
Meeting of the Legislative Subcommittee
Commission on State Mandates

Revised Proposal: Procedure for Amendment of Prior Decisions

Thursday, March 25, 2010

4:00 p.m.

Commission on State Mandates
980 9th Street, Suite 300
Sacramento, California

- I. CALL TO ORDER AND ROLL CALL
- II. EXECUTIVE DIRECTOR REPORT ON REVISED PROPOSAL
- III. DISCUSSION
- IV. NEXT STEPS
- V. ADJOURNMENT

For information, contact:

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Sacramento, CA 95814

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

REVISED NOTICE AND AGENDA¹

Meeting of the Commission on State Mandates

State Capitol

Room 447

Sacramento, California

Friday, March 26, 2010

9:30 A.M.

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

Item 1 January 29, 2010

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

Item 2 Appeal of Executive Director's Decision

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

V. 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 CLAIM

(Note: Items 4, 6 and 8 will not be voted on unless the staff recommendation for Items 3, 5 and 7 are adopted.)

Item 3 *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 4 *Proposed Statement of Decision*
See Item 3 Above

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

Item 5 *Discharge of Stormwater Runoff, Order No. R9-2007-000, 07-TC-09*
California Regional Water Quality 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-viii & x-xv, and L;
County of San Diego, Cites of Carlsbad, Del Mar, Imperial Beach,
Lemon Grove, Poway, San Marcos, Santee, Solana Beach, Chula Vista,
Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach,
La Mesa, Lemon Grove, National City, Oceanside, San Diego, Vista,
Claimants

Item 6 *Proposed Statement of Decision*
See Item 5 Above

Item 7 *Airport Land Use Commission/Plans II, 03-TC-12 and 08-TC-05*
Public Utilities Code Sections 21670, 21671.5, 21675, and 21676;
Statutes 1967, Chapter 852 (SB 256); Statutes 1970, Chapter 1182
(AB 1856); Statutes 1972, Chapter 419 (AB 677); Statutes 1973,
Chapter 844 (AB 2207); Statutes 1980, Chapter 725 (SB 1381); Statutes
1981, Chapter 714 (SB 1192); Statutes 1982, Chapter 1047 (AB 2525);
Statutes 1984, Chapter 1117 (AB 3551); Statutes 1987, Chapter 1018
(SB 633); Statutes 1989, Chapter 306 (SB 253); Statutes 1990, Chapter
563 (AB 4265); Statutes 1990, Chapter 1572 (); Statutes 1991, Chapter
140 (SB 532); Statutes 1993, Chapter 59 (SB 443); Statutes 1994,
Chapter 644 (AB 2831); Statutes 2000, Chapter 506 (SB 1350); Statutes
2002, Chapter 438 (AB 3026); and Statutes 2002, Chapter 971
(SB 1468);
Public Resources Code Section 21080,
Statutes 1983, Chapter 872 (AB 713); Statutes 1985, Chapter 392
(AB 43); Statutes 1993, Chapter 1131 (SB 919); Statutes 1994, Chapter
1230 (SB 749); Statutes 1996, Chapter 547 (AB 298)
County of Santa Clara, Claimant

Item 8 *Proposed Statement of Decision*
See Item 7 Above

B. DISMISSAL OF WITHDRAWN PORTION OF TEST CLAIM

Item 9* *School Accountability Report Cards IV, 01-TC-22A*
Education Code Section 52056, subdivision (b).
Statutes 1999-2000x1 (SB 1X), Chapter 3, Statutes 2000, Chapter 695
(SB 1552)
San Juan Unified School District, Claimant

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

A. PROPOSED AMENDMENTS TO PARAMETERS AND GUIDELINES DIRECTED BY THE LEGISLATURE

Item 10 *Mandate Reimbursement Process*, CSM-4204 and 4485
Statutes 1975, Chapter 486; Statutes 1984, Chapter 1459; Statutes 1995, Chapter 303 (Budget Act of 1995); Statutes 1996, Chapter 162 (Budget Act of 1996); Statutes 1997, Chapter 282 (Budget Act of 1997); Statutes 1998, Chapter 324 (Budget Act of 1998); Statutes 1999, Chapter 50 (Budget Act of 1999); Statutes 2000, Chapter 52 (Budget Act of 2000); Statutes 2001, Chapter 106 (Budget Act of 2001); Statutes 2002, Chapter 379 (Budget Act of 2002); Statutes 2003, Chapter 157 (Budget Act of 2003); Statutes 2004, Chapter 208 (Budget Act of 2004); Statutes 2005, Chapter 38 (Budget Act of 2005); Statutes 2006, Chapter 47 (Budget Act of 2006); Statutes 2007, Chapter 171 (Budget Act of 2007); Statutes 2008, Chapter 268 (Budget Act of 2008); Statutes 2009-2010, Third Extraordinary Session, Chapter 1 (Budget Act of 2009)

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

Item 11* SCHOOL DISTRICT PROGRAMS

- A. *Caregiver Affidavits*, 05-PGA-46
Education Code Section 48204, Subdivision (d)
Family Code Sections 6550 and 6552
Statutes 1994, Chapter 98(SB 592)
- B. *County Office of Education; Fiscal Accountability Reporting*, 05-PGA-47
Education Code Sections 1240, subdivision (j), 1240.2, 1620, 1622, 1625, 1628, and 1630
Statutes 1987, Chapters 917 (AB 93) and 1452 (SB 998); Statutes 1988, Chapters 1461 (AB 3403) and 1462 (SB 1677); Statutes 1990, Chapter 1372 (SB 1854); Statutes 1991, Chapter 1213 (AB 1200); Statutes 1992, Chapter 323 (AB 2506); Statutes 1993, Chapters 923 (AB 2185) and 924 (AB 1708); Statutes 1994, Chapters 650 (AB 3141) and 1002 (AB 3627); Statutes 1995, Chapter 525 (AB 438)
- C. *Financial Compliance Audits*, 05-PGA-49
Education Code Sections 1040, 14501, 14502, 14503, 14504, 14505, 14506, 14507, 41020, 41020.2, 41202.3, and 41023
Statutes 1977, Chapters 36 (AB 447) and 936 (SB 787); Statutes 1978, Chapter 207 (SB 1511); Statutes 1980, Chapter 1329 (AB 3269); Statutes 1984, Chapter 268 (SB 1379); Statutes 1985, Chapters 741 (AB 1366) and 1239 (AB 514); Statutes 1986, Chapter 1150 (AB 2861) Statutes 1988, Chapter 1351 (AB 3417), Chapters 1461 (AB 3403) and 1462 (SB 1677); Statutes 1992, Chapter 962 (SB 1996); Statutes 1994, Chapter 20 (SB 858) and 1002 (AB 3627); Statutes 1995, Chapter 476 (SB 125)
State Controller's Office Standards and Procedures for Audits of California K-12 Local Educational Agencies

- D. *Graduation Requirements*, 05-PGA-50
Education Code Section 51225.3
Statutes 1983, Chapter 498 (SB 813)
- E. *Law Enforcement Agency Notifications*, 05-PGA-55
Education Code Section 48902, Subdivision (c)
Statutes 1989, Chapter 1117 (SB 1275)
- F. *Pupil Suspensions: Parent Classroom Visits*, 05-PGA-58
Education Code Section 48900.1
Chapter 1284, Statutes of 1988 (AB 3535)
- G. *Physical Education Reports*, 05-PGA-60
Education Code Sections 51223.1
Statutes 1997, Chapters 640 (AB 727)
- H. *Physical Performance Tests*, 05-PGA-61
Education Code Section 60800
Chapter 975, Statutes of 1995 (AB 265)
California Department of Education Memorandum,
Dated February 16, 1996
- I. *Pupil Classroom Suspension: Counseling*, 05-PGA-62
Education Code Section 48910, Subdivision (a)
Chapter 965, Statutes of 1977 (AB 530); Chapter 498, Statutes of 1983
(SB 813)
- J. *Pupil Health Screenings*, 05-PGA-63
Health and Safety Code Sections 324.2 (now 124100)
and 324.3 (now 124105)
Statutes 1976, Chapter 1208 (AB 4284); Statutes 1991, Chapter 373
(AB 52);
Statutes 1992, Chapter 759 (AB 1248)
- K. *Pupil Residency Verification and Appeals*, 05-PGA-64
Education Code Sections 48204.5 and 48204.6
Revenue and Taxation Code Section 97.3
Section 5 of Statutes 1995, Chapter 309 (AB 687)
- L. *Removal of Chemicals*, 05-PGA-66
Education Code Section 49411
Statutes 1984, Chapter 1107 (AB 3820)
As Amended by Statutes 1994, Chapter 840 (AB 3562)
Department of Education Guidelines
- M. *School District Fiscal Accountability Reporting*, 05-PGA-67
Education Code Sections 42100, 42127, 42127.5, 42127.6, 42128,
42131
Government Code Section 3540.2
Statutes 1981, Chapter 100 (AB 777); Statutes 1985, Chapter 185
(AB 367); Statutes 1986, Chapter 1150 (AB 2861); Statutes 1987,
Chapters 917 (AB 93) and 1452 (AB 998); Statutes 1988, Chapters 1461
(AB 3403) and 1462 (SB 1677); Statutes 1990, Chapter 525 (SB 1909);
Statutes 1991, Chapter 1213 (AB 1200); Statutes 1992, Chapter 323
(AB 2506); Statutes 1993, Chapters 923 (AB 2185) and 924 (AB 1708);

Statutes 1994, Chapters 650 (AB 3141) and 1002 (AB 3627);
Statutes 1995, Chapter 525 (AB 438)

- N. *Law Enforcement College Jurisdiction Agreement*, 05-PGA-70
Education Code Section 67381
Statutes of 1998, Chapter 284 (SB 1729)
- O. *Health Benefits for Survivors of Peace Officers and Firefighters*,
05-PGA-55
Labor Code Section 4856, Government Code Section 21635
Statutes 1996, Chapter 1120 (AB 3748); Statutes 1997, Chapter 193
(SB 563)

VII. 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 12 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.

VIII. REPORTS (info/action)

- Item 13 Update on Implementation of Recommendations from Bureau of State Audits October 15, 2009 Report 2009-501
State Mandates: Operational and Structural Changes Have Yielded Limited Improvements in Expediting Processes and Controlling Costs and Liabilities
- Item 14 Legislative Update
- Item 15 Chief Legal Counsel: Recent Decisions, Litigation Calendar
- Item 16 Executive Director: Workload, Budget, Interim Strategic Plan, New Practices, 2010 Meeting Calendar, and Next Meeting

IX. PUBLIC COMMENT

X. 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 section 11126, subdivision (a)(1).

XI. RECONVENE IN PUBLIC SESSION

XII. REPORT FROM CLOSED EXECUTIVE SESSION

XIII. PERSONNEL (action)

Item 17 Salary Adjustment: Attorney to the Commission/Chief Legal Counsel (CEA IV), pursuant to Government Code Section 17529

ADJOURNMENT

For information, contact:

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