

**COMMISSION ON STATE MANDATES**

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March 3, 2008

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

The Commission will hold its regular bimonthly meeting and hearing on **Friday, March 28, 2008**. The meeting will be convened at 9:30 a.m., State Capitol, **Room 447**, in 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. Each month's agenda will remain posted until the following month is uploaded.

The approved minutes of previous commission meetings are also on the Web Site in PDF formats. To access the minutes, click on the words "Hearings/Minutes" on the left side of any 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.

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 SUBSCRIPTION" LINK IN THE BOTTOM RIGHT CORNER.**

## NEW FILINGS

January 11, 2008 through February 29, 2008

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See [http://www.csm.ca.gov/pub\\_comment.shtml](http://www.csm.ca.gov/pub_comment.shtml) to review test claim filing.

<b>Claim Number</b>	<b>Date Received</b>	<b>Claimant</b>	<b>Description</b>
07-TC-07	2/28/08	City of Vallejo	Test Claim: <i>Ferry Assets</i> Government Code Sections 66540 through 66540.69 and Streets and Highway Code Sections 30913 and 30914; Statutes 2007, Chapter 734 (SB 976)

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

State Capitol, Room 447  
Sacramento, California

March 28, 2008

9:30 A.M.

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

Item 1 January 31, 2008

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 to Disallow Test Claim Amendment (07-TC-02) to ADD:

Government Code Section 56326.5, Statutes 1991, Chapter 439 (AB 748);  
Government Code Sections 56001, 56029, 56036, 56046, 56067, 56069,  
56100, 56101, 56107, 56123, 56124, 56133, 56150, 56154, 56156, 56157,  
56159, 56300, 56301, 56325, 56326.5, 56329, 56332, 56375, 56375.3,  
56375.5, 56377, 56380, 56381, 56381.6, 56383, 56384, 56386, 56425,  
56425.5, 56429, 56430, 56434, 56653, 56654, 56658, 56660, 56662, 56663,  
56664, 56665, 56666, 56667, 56668, 56668.3, 56668.5, 56700.1, 56700.4,  
56705, 56706, 56708, 56710, 56720, 56730, 56737, 56738, 56742.5, 56743,  
56744, 56745, 56751, 56752, 56753, 56753.5, 56754, 56755, 56756, 56757,  
56758, 56759, 56760, 56764, 56800, 56801, 56803, 56810, 56811, 56812,  
56815, 56820, 56820.5, 56820.7, 56821, 56821.1, 56821.3, 56821.5, 56821.7,  
56822, 56822.3, 56822.5, 56823, 56824, 56824.1, 56824.3, 56824.5, 56824.7,  
56826, 56827, 56828, 56829, 56830, 56831, 56833, 56834, 56835, 56840,  
56843, 56844, 56846, 56847, 56848, 56853, 56854, 56855, 56857, 56859,  
56860, 56861, 56862, 56863, 56864, 56864.1, 56876, 56880, 56881, 56882,  
56885.5, 56886, 56886.3, 56889, 56895, 56897, 57000, 57001, 57002, 57008,  
57025, 57026, 57050, 57052, 57075, 57075.5, 57077, 57078, 57078.5, 57080,  
57081, 57100, 57102, 57103, 57105, 57106, 57107, 57108, 57109, 57113,  
57114, 57115, 57116, 57117, 57118, 57119, 57120, 57125, 57129, 57144,  
57145, 57150, 57176, 57167.1, 57177, 57177.5, 57179, 57200, 57201, 57302,  
57384, 57402, 57404, Statutes 2000, Chapter 761 (AB 2838);  
Government Code Section 56381, Statutes 2002, Chapter 493 (AB 1948);  
LAFCO Municipal Services Review Guidelines, and LAFCO Municipal

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

Services Review Guidelines Appendices

TO:

*Local Agency Formation Commission (LAFCO) Test Claim (02-TC-23)*

Government Code Sections 56001, 56326.5, 56381, 56381.6, 56425, 56426.5, 56430, Statutes 1991, Chapter 438 (AB 748); Statutes 2000, Chapter 761 (AB 2838); Statutes 2002, Chapter 493 (AB 1948)

LAFCO Municipal Services Review Guidelines (Final Draft, October 3, 2002, Governor's Office of Planning and Research), LAFCO Municipal Services Review Guidelines Appendices (Final Draft, October 3, 2002, Governor's Office of Planning and Research)

Sacramento, Metropolitan Fire District, Claimant and Appellant

V. HEARINGS AND DECISIONS ON CLAIMS, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (GOV. CODE, § 17551) (ACTION)

A. TEST CLAIMS AND PROPOSED STATEMENT OF DECISION

Item 3A *Crime Statistic Reports for the Department of Justice*

02-TC-04, 02-TC-11

Penal Code Sections 12025, 12031, 13012, 13014, 13023 and 13730; Statutes 1980, Chapter 1340 (SB 1447); Statutes 1982, Chapter 147 (SCR 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 1998, Chapter 933 (AB 1999); Statutes 1999, Chapter 571 (AB 491); Statutes 2000, Chapter 626 (AB 715); Statutes 2001, Chapters 468 and 483 (SB 314 and AB 469); and California Department of Justice, Criminal Justice Statistics Center, Criminal Statistics Reporting Requirements and Requirements Spreadsheet, March 2000

City of Newport Beach and County of Sacramento, Claimants

Item 3B *Proposed Statement of Decision: Crime Statistic Reports for the Department of Justice, 02-TC-04, 02-TC-11*

[See description of statutes and executive orders in Item 3A above.]

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

A. PARAMETERS AND GUIDELINES

Item 4 *Racial Profiling: Law Enforcement Training*

01-TC-01

Penal Code Section 13519.4

Statutes of 2000, Chapter 684 (SB 1102)

County of Sacramento, Claimant

Item 5\* *Fire Safety Inspections of Care Facilities*

01-TC-16,

Statutes 1989, chapter 993 (SB 1098)

Health and Safety Code sections 1531.2, 1569.149, 1596.809, 13144.5,

and 13235  
City of San Jose, Claimant

**B. AMENDMENTS TO PARAMETERS AND GUIDELINES**

Item 6 *Peace Officers Procedural Bill of Rights (POBOR)*  
06-PGA-03, 06-PGA-06  
Government Code Sections 3301, 3303, 3304, 3305, 3306  
As Added and Amended by Statutes 1976, Chapter 465 (AB 301);  
Statutes 1978, Chapters 775 (AB 2916), 1173 (AB 2443), 1174  
(AB 2696), and 1178 (SB 1726); Statutes 1979, Chapter 405 (AB 1807);  
Statutes 1980, Chapter 1367 (AB 2977); Statutes 1982, Chapter 994  
(AB 2397); Statutes 1983, Chapter 964 (AB 1216); Statutes 1989,  
Chapter 1165 (SB 353); and Statutes 1990, Chapter 675 (AB 389)  
Department of Finance and County of Los Angeles, Requestors

Item 7 *Graduation Requirements*  
4181A, 05-PGA-05, 06-PGA-04, 06-PGA-05  
Education Code Section 51225.3  
Statutes 1983, Chapter 498 (SB 813)  
San Diego Unified School District, Castro Valley Unified School  
District, Clovis Unified School District, San Jose Unified School District,  
Fullerton Joint Union High School District, Grossmont Union High  
School District, Sweetwater Union High School District, Mountain View-  
Los Altos Hill High School District, and State Controller's Office,  
Requestors

**C. PROPOSED AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS**

Item 8\* Adoption of Proposed Regulatory Action  
Implementation of AB 1222 (Stats. 2007, Ch. 329)  
Proposed Amendments to California Code of Regulations, Title 2,  
Chapter 2.5, Article 1. General, Article 3. Test Claims, Article 7.  
Hearings

**VII. STAFF REPORTS (info/action)**

Item 9 Chief Legal Counsel: Recent Decisions, Litigation Calendar

Item 10 Executive Director: Workload, Budget, and Next Hearing

**VIII. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE  
SECTIONS 11126 and 17526 (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):

1. *State of California, Department of Finance v. Commission on State  
Mandates, et al.*, Sacramento Superior Court Case No. 03CS01432,

[Behavioral Intervention Plans]

2. *California School Boards Association, Education Legal Alliance; County of Fresno; City of Newport Beach; Sweetwater Union High School District and County of Los Angeles v. State of California, Commission on State Mandates and Steve Westly, in his capacity as State Controller, Third District Court of Appeal, Case No. C055700; [AB 138: “Reconsideration of Open Meetings Act, Brown Act Reform, Mandate Reimbursement Process I; and School Accountability Report Cards (SARC I); and Mandate Reimbursement Process II]*
3. *Department of Finance v. Commission on State Mandates, Third District Court of Appeal, Case No. C056833, [Peace Officer Procedural Bill of Rights – School Districts and Special Districts]*
4. *Department of Finance and California Integrated Waste Management Board v. Commission on State Mandates, Santa Monica Community College District, and Lake Tahoe Community College District, Sacramento County Superior Court, Case No. 07CS00355, [Integrated Waste Management]*
5. *San Diego Unified School District v. Commission on State Mandates and California Department of Finance, San Diego County Superior Court, Case No. 37-2007-00064077-CU-PT-CTL, [Emergency Procedures: Earthquake Procedures and Disasters]*
6. *California School Boards Association, Education Legal Alliance, and Sweetwater Union High School Dist. v. State of California, Commission on State Mandates, and John Chiang, in his capacity as State Controller, Sacramento County Superior Court, Case No. 07CS01399, [Reconsideration of School Accountability Report Cards (SARC I)]*

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.

**IX. REPORT FROM CLOSED EXECUTIVE SESSION**

**ADJOURNMENT**

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