

COMMISSION ON STATE MANDATES

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March 26, 2014

TO: ALL INTERESTED PERSONS
FROM: Heather Halsey, Executive Director *H.H.*
RE: Second Revised Notice and Agenda

On Friday, March 28, 2014, the Commission will conduct its next regular meeting and hearing. The hearing will be conducted at 10:00 a.m., at the State Capitol, Room 447, Sacramento, California.

Please note the following revision: Item 5. is postponed to May 30, 2014 at request of Department of Finance.

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 or emailing, identify the item you want to testify on and the entity you represent. The Chairperson reserves the right to impose time limits on presentations as may be necessary to complete the agenda. 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.

Agenda Materials. All back-up material and supporting documentation for public meetings are available for public inspection on the Commission's website and 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.

Website. Agenda items are available on the Commission's website at www.csm.ca.gov. After reaching the site's home page, click on "Current Hearing" on the left side of the page for the hearing agenda. Generally, the agenda and items will be uploaded two weeks before the meeting and may be accessed from the agenda. If an item is postponed prior to the meeting, notice will be posted on the agenda. Following the meeting, Commission actions will be posted on the Commission's website, and revised items will be posted upon completion.

The approved minutes of Commission meetings since January 2004 are on the website in PDF format. Transcripts of Commission meetings since July 2011 are attached to the minutes. To access these documents, click "Current Hearing" on the left side of the home page.

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 WWW.CSM.CA.GOV AND CLICKING ON THE "AGENDA MAILING LIST" LINK ON THE RIGHT SIDE OF THE PAGE.

SECOND REVISED AGENDA¹

Meeting of the Commission on State Mandates

State Capitol

Room 447

Sacramento, California

Friday, March 28, 2014

10:00 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 24, 2014

III. PUBLIC COMMENT FOR MATTERS NOT ON THE AGENDA (info)

Please note that the Commission cannot take action on items not on the agenda. However, it can schedule issues raised by the public for consideration at future meetings.

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 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.

V. HEARINGS AND DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (GOV. CODE, § 17551, 17557, 17559, and 17570) (action)

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

Item 2 Appeal of Executive Director Decisions

Note: This item will only be taken up if an appeal is filed and set for this hearing.

B. TEST CLAIM

Item 3 *Special Education Services for Adult Students in County Jail*, 10-TC-04
January 2010 Compliance Report from the California Department of Education

Los Angeles Unified School District, Claimant

Item 4 *Race to the Top*, 10-TC-06

Education Code Section 60601, as added and amended by Statutes 1995, Chapter 975, Section 1 (AB 265); Statutes 1996, Chapter 69, Section 1 (SB 430); Statutes 2001, Chapter 722, Section 2 (SB 233); Statutes 2004, Chapter 233, Section 1 (SB 1448); Statutes 2007, Chapter 174,

¹ This public meeting notice is available on the Commission's website at www.csm.ca.gov.

Section 11 (SB 80); and Statutes 2009-2010, 5th Extraordinary Session, Chapter 2, Section 9 (SBX5 1);

Education Code Sections 48353, 48354, 48355, 48356, 48357, 48358, 48359, 48359.5, 48360 and 48361, as added by Statutes 2009-2010, 5th Extraordinary Session, Chapter 3, Section 1 (SBX5 4);

Education Code Sections 53100, 53101, 53200, 53201, 53201.5, 53202 and 53203, as added by Statutes 2009-2010, 5th Extraordinary Session, Chapter 2, Section 8 (SBX5 1);

Education Code Sections 53300, 53301 and 53303, as added by Statutes 2009-2010, 5th Extraordinary Session, Chapter 3, Section 2 (SBX5 4);

California Code of Regulations, Title 5, Section 4702 (Register 2010, No. 32)

Twin Rivers School District, Claimant

Item 5 *Post Election Manual Tally (PEMT)*, 10-TC-08

~~Former California Code of Regulations, Title 2, Sections 20120, 20121, 20122, 20123, 20124, 20125, 20126 and 20127.~~

~~Register 2008, No. 43~~

~~County of Santa Barbara, Claimant~~

~~Postponed to May 30, 2014 at Request of Department of Finance.~~

C. PARAMETERS AND GUIDELINES AND PARAMETERS AND GUIDELINES AMENDMENTS

Item 6 *Sexually Violent Predators*, CSM-4509 (12-MR-01)

Welfare and Institutions Code Sections ~~6250 and 6600 through 6608~~ 6602

Statutes 1995, Chapter 762; Statutes 1995, Chapter 763;
Statutes 1996, Chapter 4

As Modified by:

Proposition 83, General Election, November 7, 2006

California Department of Finance, Requestor

Item 7 *State Authorized Risk Assessment Tool for Sex Offenders (SARATSO)*, 08-TC-03

Penal Code Sections 290.05, 290.06, 290.07, 1202.8, 1203, 1203c, and 1203e

Statutes 2006, Chapter 336 (SB 1178); Statutes 2006, Chapter 337 (SB 1128); Statutes 2006, Chapter 886 (AB 1849); Statutes 2007, Chapter 579 (SB 172)

California Department of Mental Health's Executive Order, State Authorized Risk Assessment Tool for Sex Offenders Review Committee Notification, issued on February 1, 2008

County of Los Angeles, Claimant

- Item 8* *Medi-Cal Eligibility of Juvenile Offenders*, 08-TC-04
Welfare and Institution Code Section 14029.5
Statutes 2006, Chapter 657
County of Alameda, Claimant
- Item 9* *Filipino Employee Survey (CSM-2142)*, 12-PGA-02
Government Code Section 50087
Statutes 1978, Chapter 845
As Repealed by: Statutes 2012, Chapter 32 (SB 1006)
Department of Finance, Requestor

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

A. ADOPTION OF PROPOSED REGULATION AMENDMENTS

- Item 10* General Cleanup Provisions
California Code of Regulations, Title 2, Division 2, Chapter 2.5,
Articles 1, 2, 3, 4.5, 5, 6, 6.5, 7, 8, 8.5, and 10,
Sections 1181 through 1189.61 and 1190 through 1190.05

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 11 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 12 Legislative Update (info)
- Item 13 Chief Legal Counsel: New Filings, Recent Decisions, Litigation Calendar (info)
- Item 14 Executive Director: Workload Update and Tentative Agenda Items for Next Meeting (info)

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, 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. (petition and cross-petition)
Third District Court of Appeal, Case No. C070357 (Sacramento County)

Superior Court Case No. 34-2010-80000604)
[*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]

2. *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]
3. *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).
California Supreme Court, Case No. S214855
(Los Angeles County Superior Court, Case No. BS130730, Second District
Court of Appeal, Case No. B237153)
[*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]
4. *Counties of San Diego, Los Angeles, San Bernardino, Orange, and
Sacramento v. Commission on State Mandates, et al.*
San Diego County Superior Court
Case No. 37-2014-00005050-CU-WM-CTL
Mandate Redetermination, *Sexually Violent Predators,*
(12-MR-01, CSM-4509); Welfare and Institutions Code Sections 6601,
6602, 6603, 6604, 6605, and 6608; Statutes 1995, Chapter 762 (SB 1143);
Statutes 1995, Chapter 763 (AB 888); Statutes 1996, Chapter 4 (AB 1496)
As modified by Proposition 83, General Election, November 7, 2006
Date Filed: February 28, 2014

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).

RECONVENE IN PUBLIC SESSION

X. REPORT FROM CLOSED EXECUTIVE SESSION

ADJOURNMENT

Heather Halsey, Executive Director
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For information regarding this agenda, please contact:

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NEW FILINGS

December 20, 2013 through February 27, 2014

There were no new filings for this period.