

COMMISSION ON STATE MANDATES
AMENDED NOTICE AND AGENDA¹

Note Different Location:

**Department of Social Services Building
744 P Street, First Floor, Auditorium
Sacramento, California**

March 30, 2005
9:30 A.M.²

I. CALL TO ORDER, ROLL CALL

II. APPROVAL OF MINUTES (action)

Item 1 January 27, 2005

III. APPEAL OF EXECUTIVE DIRECTOR'S ACTIONS AND DECISIONS PURSUANT TO CODE OF REGULATIONS, TITLE 2, SECTION 1181, SUBDIVISION (c). (action)
(Note: This item is limited to appeals regarding this month's agenda items.)

Item 2 Executive Director's Decision that section 1188.4 of the Commission's Regulations does not apply to the reconsideration of the *Regional Housing Needs Determination: Councils of Governments* decision (Items 5-6 below). Association of Bay Area Governments, Appellant.

IV. 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.*

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

A. RECONSIDERATION OF TEST CLAIM DECISIONS DIRECTED BY THE LEGISLATURE AND PROPOSED STATEMENTS OF DECISION

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

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

² A lunch break may be taken.

- Item 3 *Regional Housing Needs Determination*, 04-RL-3759-02, 04-RL-3760-03, and 04-RL-3916-04
Statutes 1980, Chapter 1143; Claim No. 3929
Directed by Statutes 2004, Chapter 227, Sections 109-110 (SB 1102)
- Item 4 Proposed Statement of Decision: *Regional Housing Needs Determination*, 04-RL-3759-02, 04-RL-3760-03, and 04-RL-3916-04
See Above
- Item 5 *Regional Housing Needs Determination: Councils of Governments*, 04-RL-3929-05
Government Code Sections 65302, subdivision (c), and Sections 65580 – 65589; Statutes 1980, Chapter 1143 (Assem. Bill No. 2853)
Directed by Statutes 2004, Chapter 227, Sections 109-110 (SB 1102)
- Item 6 Proposed Statement of Decision: *Regional Housing Needs Determination: Councils of Governments*, 04-RL-3929-05
See Above

B. REMAND OF TEST CLAIM DECISION DIRECTED BY THE COURT AND PROPOSED STATEMENT OF DECISION

- Item 7 *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 [Renumbered 39831.5], 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)
- Item 8 Proposed Statement of Decision: *School Bus Safety II*, 97-TC-22
See above

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

A. ADOPTION OF PROPOSED PARAMETERS AND GUIDELINES (action)

- Item 9* *False Reports of Police Misconduct*, 00-TC-26
County of San Bernardino, Claimant
Penal Section 148.6, subdivisions (a)(2) and (a)(3)
Statutes 1995, Chapter 590 (AB 1732)
Statutes 2000, Chapter 289 (SB 2133)
- Item 10 *Integrated Waste Management*, 00-TC-07
Santa Monica and Lake Tahoe Community College Districts,

Co-Claimants
Public Resources Code Sections 40148, 40196.3, 42920-42928
Public Contract Code Sections 12167 and 12167.1
Statutes 1999, Chapter 764 (AB 75)
Statutes 1992, Chapter 1116 (AB 3521)
State Agency Model Integrated Waste Management Plan (February 1999)

B. ADOPTION OF PROPOSED STATEWIDE COST ESTIMATES (action)

Item 11* *Differential Pay and Reemployment*, 99-TC-02
Palmdale School District, Claimant
Education Code Sections 44977 and 44978.1
Statutes 1998, Chapter 30 (SB 1019)

C. ADOPTION OF COMMISSION ORDER TO INITIATE RULEMAKING

Item 12* Implementation of Statutes 2004, Chapter 890 (AB 2856)
Proposed Amendments to California Code of Regulations, Title 2,
Chapter 2.5, Article 1. General, Article 3. Test Claims, Article 4.
Mandates Recognized by the Legislature, Article 7. Hearings, And
Article 8.5. Forms

VII. STAFF REPORTS

Item 13 Chief Legal Counsel's Report (info)
Recent Decisions, Litigation Calendar

Item 14 Executive Director's Report (info/action)
Workload, SB 1033, Governor's Proposed 2005-06 Budget, Reports to the
Legislature, Legislation, and 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. *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*]
2. *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*]

3. *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*]
4. *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*]
5. *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*]
6. *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*]
7. *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*]
8. *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*]
9. *County of Los Angeles v. Commission on State Mandates, et al.*, Case Number BS087959, in the Superior Court of the State of California, County of Los Angeles. CSM Case No. 03-L-11 [*Animal Adoption*]
10. *County of Los Angeles and Los Angeles County Flood Control District v. State of California, Commission on State Mandates, et al.*, Case Number BS089769, in the Superior Court of the State of California, County of Los Angeles. CSM Case No. 03-L-12 [*Transit Trash Receptacles, et al.*]
11. *City of Artesia, et al. v. State of California, Commission on State Mandates, et al.*, Case Number BS089785, in the Superior Court of the State of California, County of Los Angeles. CSM Case No. 03-L-13 [*Waste Discharge Requirements*]
12. *CSAC Excess Insurance Authority v. Commission on State Mandates, et al.*, Case No. BS092146, in the Superior Court of the State of California, County of Los Angeles, CSM Case No. 04-L-01 [*Cancer Presumption for Law Enforcement and Firefighters and Lower Back Injury Presumption for Law Enforcement*]
13. *City of Newport Beach v. Commission on State Mandates, et al.*, Case No. BS095456, in the Superior Court of the State of California, County of Los Angeles, CSM Case No. 04-L-02 [*Skin Cancer Presumption for Lifeguards*]

B. POTENTIAL LITIGATION

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).)

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@esm.ca.gov