

COMMISSION ON STATE MANDATES

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April 24, 2012

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

On Friday, May 25, 2012, the Commission will conduct its next regular meeting and hearing. The hearing will be conducted at 9:30 a.m., at the State Capitol, Room 447, 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 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 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 (<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 agenda and items will be uploaded two weeks before the hearing 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 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 on the words "Current Hearing" on the left side of the 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 [HTTP://WWW.CSM.CA.GOV](http://www.csm.ca.gov) AND CLICKING ON THE "AGENDA MAILING LIST" LINK ON THE RIGHT SIDE OF THE PAGE.

NEW FILINGS

February 18, 2012 through April 24, 2012

Date Received	Claimant	Description
3/29/12	County of Los Angeles	New Parameters and Guidelines Amendment: <i>Peace Officers Procedural Bill of Rights</i> , 11-PGA-09 (CSM-4499, 05-RL-4499-01, 06-PGA-06) Government Code Sections 3301, 3303, 3304, 3305, 3306 Statutes 1976, Chapter 465; Statutes 1978, Chapters 775, 1173, 1174, and 1178; Statutes 1979, Chapter 405; Statutes 1980, Chapter 1367; Statutes 1982, Chapter 994; Statutes 1983, Chapter 964; Statutes 1989, Chapter 1165; and Statutes 1990, Chapter 675
4/11/12	City of Hayward	New Incorrect Reduction Claim: <i>Animal Adoption</i> , 11-9811-I-01 Civil Code Sections 1834 and 1846; Food and Agriculture Code Sections 31108, 31752, 31752.5, 31753, 32001, and 32003; Statutes 1998, Chapter 752 and Statutes 2004, Chapter 313 Fiscal Years 1998-1999, 1999-2000, 2000-2001, 2001-2002, 2002-2003, 2005-2006, 2006-2007, 2007-2008

AGENDA¹
Meeting of the Commission on State Mandates
State Capitol
Room 447
Sacramento, California
Friday, May 25, 2012
9:30 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 March 23, 2012

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 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.

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

Item 2 Appeal of Executive Director Decisions

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

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

A. TEST CLAIMS AND STATEMENTS OF DECISION

Item 3 *Juvenile Offender Treatment Program Court Proceedings*, 04-TC-02
Welfare and Institutions Code Sections 779, 1731.8, 1719, and 1720
Statutes 2003, Chapter 4
County of Los Angeles, Claimant

Item 4 *Public Contracts (K-14)*, 02-TC-35
Public Contract Code Sections 2000, 2001, 3300, 6610, 7104, 7107,
7109, 9203, 10299, 12109, 20100, 20101, 20102, 20103.5, 20103.6,
20103.8, 20104, 20104.2, 20104.4, 20104.6, 20104.50, 20107, 20110,
20111, 20111.5, 20116, 20650, 20651, 20651.5, 20657, 20659, and
22300
Business and Professions Code Section 7028.15
Statutes 1976, Chapter 921; Statutes 1977, Chapter 36; Statutes 1977,
Chapter 631; Statutes 1980, Chapter 1255; Statutes 1981, Chapter 194;
Statutes 1981, Chapter 470; Statutes 1982; Chapter 251; Statutes 1982,

Chapter 465; Statutes 1982, Chapter 513; Statutes 1983, Chapter 256;

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

Statutes 1984, Chapter 173; Statutes 1984, Chapter 728; Statutes 1984, Chapter 758; Statutes 1985, Chapter 1073; Statutes 1986, Chapter 886; Statutes 1986, Chapter 1060; Statutes 1987, Chapter 102; Statutes 1988, Chapter 538; Statutes 1988, Chapter 1408; Statutes 1989, Chapter 330; Statutes 1989, Chapter 863; Statutes 1989, Chapter 1163; Statutes 1990, Chapter 321; Statutes 1990, Chapter 694; Statutes 1990, Chapter 808; Statutes 1990, Chapter 1414; Statutes 1991, Chapter 785; Statutes 1991, Chapter 933; Statutes 1992, Chapter 294; Statutes 1992, Chapter 799; Statutes 1992, Chapter 1042; Statutes 1993, Chapter 1032; Statutes 1993, Chapter 1195; Statutes 1994, Chapter 726; Statutes 1995, Chapter 504; Statutes 1995, Chapter 897; Statutes 1997, Chapter 390; Statutes 1997, Chapter 722; Statutes 1998, Chapter 657; Statutes 1998, Chapter 857; Statutes 1999, Chapter 972; Statutes 2000, Chapter 126; Statutes 2000, Chapter 127; Statutes 2000, Chapter 159; Statutes 2000, Chapter 292; Statutes 2000, Chapter 776; and Statutes 2002, Chapter 455
California Code of Regulations, Title 5, Sections 59500, 59504, 59505, 59506, and 59509
Register 94, number 6

Clovis Unified School District and Santa Monica Community College District, Co-Claimants

Item 5 *Local Agency Ethics (AB 1234)*, 07-TC-04
Government Code Sections 25008, 36514.5, 53232, 53232.1, 53232.2, 53232.3, 53232.4, 53234, 53235, 53235.1, and 53235.2; Harbors and Navigation Code Sections 6060 and 7047; Health and Safety Code Sections 2030, 2851, 4733, 4733.5, 6489, 9031, 13857, 13866, and 32103; Military and Veterans Code Section 1197; Public Resources Code Sections 5536, 5536.5, 5784.15, and 9303; Public Utilities Code Sections 11908, 11908.1, 11908.2, 16002, and 22407; and Water Code Sections 20201, 21166, 30507, 30507.1, 34741, 40355, 50605, 55305, 56031, 60143, 70078, 71255, 74208, and 20201.5 as added or amended by Statutes 2005, Chapter 700

City of Newport Beach and Union Sanitary District, Co-Claimants

Item 6 *California English Language Development Test II*, 03-TC-06
Education Code Sections 48985, 52164, 52164.1, 52164.2, 52164.3, 52164.5, and 52164.6
Statutes 1977, Chapter 36, Statutes 1978, Chapter 848, Statutes 1980, Chapter 1339, Statutes 1981, Chapter 219, Statutes 1994, Chapter 922
California Code of Regulations, Title 5, Sections 11300, 11301, 11302, 11303, 11304, 11305, 11306, 11307, 11308, 11309, 11310, 11316, 11510, 11511, 11511.5, 11512, 11512.5, 11513, 11513.5, 11514, 11516.5, 11517

Register 98, No. 30 (July 24, 1998) pages 75-76, Register 98, No. 33 (Aug. 14, 1998) page 75, Register 99, No. 1 (Jan. 1, 1999) pages 75-76, Register 01, No. 40 (Oct. 5, 2001) pages 77-78.2, Register 03, No. 2

(Jan. 8, 2003) pages 75-76.1
Register 03, No. 16 (April 18, 2003) pages 77-78.2

Castro Valley Unified School District, Claimant

B. PARAMETERS AND GUIDELINES, PARAMETERS AND GUIDELINES
AMENDMENTS, AND STATEMENTS OF DECISION

Item 7* *Developer Fees, 02-TC-42*
Government Code Sections 65970, 65971, 65972, 65973, 65974, 65974.5,
65975, 65976, 65977, 65978, 65979, 65980, 65981
Statutes 1977, Chapter 955, Statutes 1979, chapter 282, Statutes 1980,
Chapter 1354, Statutes 1981, Chapter 201, Statutes 1982, Chapter 923,
Statutes 1983, Chapter 1254, Statutes 1984, Chapter 1062, Statutes 1985,
Chapter 1498, Statutes 1986, Chapters 136 and 887, Statutes 1994, Chapter
1228

Clovis Unified School District, Claimant

Item 8* *Local Agency Formation Commissions, 11-PGA-07 (02-TC-23)*
Government Code Section, 56425(i)(1) (formerly Subdivision (h)(1))
Chapter 761, Statutes of 2000

Department of Finance, Requestor

Item 9* *In-Home Supportive Services II, 11-PGA-08*
Welfare and Institutions Code Sections 12301.3, 12301.4 and 12302.25
Statutes 1999, Chapter 90 and Statutes 2000, Chapter 445

Department of Finance, Requestor

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

A. STATEWIDE COST ESTIMATE

Item 10* *Mandate Reimbursement Process II, 05-TC-05*
Government Code Section 17553(b)(1)(C) through (G) and (b)(2)
California Code of Regulations, Title 2, Sections 1183, Subdivision (d)
(Register 2005, No. 36, Effective September 6, 2005)
Statutes 2004, chapter 890 (AB 2856)

City of Newport Beach, Claimant

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
- Item 13 Chief Legal Counsel: Recent Decisions, Litigation Calendar
- Item 14 Executive Director: Budget, Workload, Update on Backlog Reduction Plan, and Tentative Agenda Items for Next Meeting (info/action)

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(e)(1):

1. *State of California, Department of Finance v. Commission on State Mandates*, Sacramento County Superior Court Case No. 34-2010-80000529 [Graduation Requirements, Parameters and Guidelines Amendments, Nov. 2008]
2. *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*]
3. *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]
4. *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). Second District Court of Appeal, Case No. B237153 (Los Angeles County Superior Court, Case No. BS130730) [*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*]

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

XI. REPORT FROM CLOSED EXECUTIVE SESSION

ADJOURNMENT

Heather Halsey, Executive Director
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Sacramento, CA 95814
Email: heather.halsey@esm.ca.gov

For information regarding this agenda please contact:

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