

COMMISSION ON STATE MANDATES
NOTICE AND AGENDA¹

Note: Different Location

**980 Ninth Street
Second Floor Conference Center
Sacramento, California**

May 31, 2007
10:00 A.M.

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES (action)
 - Item 1 March 29, 2007
 - Item 2 April 16, 2007
- III. PROPOSED CONSENT CALENDAR (action)
 - Item 3 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 DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181, SUBDIVISION (c). (action)

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

 - Item 4 Staff Report (if necessary)
- V. HEARINGS AND DECISIONS ON CLAIMS, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (Gov. Code, §§ 17551 and 17559) (action)

(Note: Items 7, 9, 11, and 13 will not be voted on unless the staff recommendations for Items 6, 8, 10 and 12 are adopted.)

 - A. DISMISSAL OF WITHDRAWN TEST CLAIM
 - Item 5* *Medically Indigent Adults*, 01-TC-26
Health and Safety Code Sections 1442 & 1442.5
Welfare and Institutions Code Sections 11150, 14005, 14005.4, 14005.10, 14005.16, 14006, 14011, 14016, 14124.89, 14132, 14133.3, 16700, 16703, 16704, 16708 & 16717, and Uncodified § 8.3,
Statutes 1982, Chapters 328 (AB 799) and 1594 (SB 2012)
County of San Bernardino, Claimant
 - B. TEST CLAIMS

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

- Item 6 *California Youth Authority: Sliding Scale for Charges*, 02-TC-01
Welfare and Institutions Code Sections 912, 912.1, and 912.5
Statutes 1996, Chapter 6 (SB 681); Statutes 1998, Chapter 632 (SB 2055)
County of San Bernardino, Claimant
- Item 7 Proposed Statement of Decision
California Youth Authority: Sliding Scale for Charges, 02-TC-01
See Above
- Item 8 *Training Requirements for Instructors and Academy Staff*, 02-TC-03
California Code of Regulations, Title 11, Sections 1001, 1052, 1053,
1055, 1070, 1071, and 1082 (Register 2001, No. 29)
County of Sacramento, Claimant
- Item 9 Proposed Statement of Decision
Training Requirements for Instructors and Academy Staff, 02-TC-03
See Above
- Item 10 *Peace Officer Instructor Training*, 02-TC-26
California Code of Regulations, Title 11:Section 1082 (Register 2002, No.
35); Sections 1001, 1052, 1053, 1055, 1070, and 1071 (Register 2001, No.
29); Section 1056 (Register 2001, No. 4); and Section 1058 (Register 91,
No. 50)
San Bernardino Community College District, Claimant
- Item 11 Proposed Statement of Decision
Peace Officer Instructor Training, 02-TC-26
See Above
- Item 12 *Worker's Compensation Disability Benefits for Government Employees*,
00-TC-20; 02-TC-02
Labor Code Section 4850
Statutes 2000, Chapters 920 (AB 1883) & 929 (SB 2081); Statutes 1999,
Chapters 270 (AB 224) & 970 (AB 1387);
Statutes 1989, Chapter 1464 (SB 1172); Statutes 1977, Chapter 981
(SB 989)
County of Los Angeles, Claimant
San Diego Unified School District, Co-Claimant
- Item 13 Proposed Statement of Decision
Worker's Compensation Disability Benefits for Government Employees,
00-TC-20; 02-TC-02
See Above

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

A. ADOPTION OF PROPOSED PARAMETERS AND GUIDELINES

- Item 14 *Post Conviction: DNA Court Proceedings*, 00-TC-21, 01-TC-08
Penal Code Sections 1405 and 1417.9
Statutes 2000, Chapter 821 (SB 1342); Statutes 2001, Chapter 943
(SB 83)
County of Los Angeles, Claimant

B. ADOPTION OF STATEWIDE COST ESTIMATES

- Item 15 *High School Exit Examination*, 00-TC-06
Education Code Sections 60850, 60851, 60853, and 60855
Statutes 1999x, Chapter 1 (SBx1 2); Statutes 1999, Chapter 135
(AB 584), California Code of Regulations, Title 5, Sections 1200-1225
(regulations effective July 20, 2001 [Register 01, No. 25],
regulations effective May 1, 2003 [Register 03, No. 18])
Trinity Union High School District, Claimant
- Item 16 *The Stull Act*, 98-TC-25
Education Code Sections 44660-44665 (Former Ed. Code, §§ 13485-
13490)
Statutes 1983, Chapter 498 (SB 813); Statutes 1999, Chapter 4 (SB 412)
Denair Unified School District and Grant Joint Union High School
District, Claimants
- Item 17* *Agency Fee Arrangements*, 00-TC-17; 01-TC-14
Government Code Sections 3543, 3546, and 3546.3
Statutes 1980, Chapter 816 (SB 2030); Statutes 2000, Chapter 893
(SB 1960);
Statutes 2001, Chapter 805 (SB 614)
California Code of Regulations, Title 8, Sections 34030 and 34055
Clovis Unified School District, Claimant

C. MEETING AND HEARING CALENDAR

- Item 18 Adoption of 2008 Meeting and Hearing Calendar

VII. STAFF REPORTS (info/action)

- Item 19 Updates and Positions on Pending Mandate Reform Legislation
- Item 20 Chief Legal Counsel
Recent Decisions, Litigation Calendar
- Item 21 Executive Director
Workload, Budget, and Next Hearing

VIII. PUBLIC COMMENT

IX. 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. *County of Los Angeles v. Commission on State Mandates, et al.*, Sacramento Superior Court, Case No. 05CS00865, CSM Case No. 03-L-11 [Animal Adoption]
2. *State of California, Department of Finance v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 03CS01432, CSM Case No. 03-L-02 [Behavioral Intervention Plans]
3. *County of Los Angeles, et al. v. Commission on State Mandates, et al.*, Second District Court of Appeal [Los Angeles] Case Number B183981, CSM Case No. 04-L-03, (Los Angeles Superior Court Nos. BS089769, BS089785) [Transit Trash Receptacles, et al./Waste Discharge Requirements]
4. *County of San Bernardino v. Commission on State Mandates, et al.*, Los Angeles County Superior Court, Case No. BS106052; San Bernardino County Superior Court, Case No. SCVSS 138622 [Standardized Emergency Management Systems (SEMs)]
5. *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*, Sacramento County Superior Court, Case No. 06CS01335; [AB 138; Open Meetings Act, Brown Act Reform, Mandate Reimbursement Process I and II; and School Accountability Report Cards (SARC) I and II]
6. *Department of Finance v. Commission on State Mandates*, Sacramento County Superior Court, Case No. 07CS00079, CSM 06-L-02, [Peace Officer Procedural Bill of Rights]
7. *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, CSM 06-L-03 [Integrated Waste Management]
8. *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, CSM 06-04 [Emergency Procedures: Earthquake Procedures and Disasters]

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

ADJOURNMENT

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