

COMMISSION ON STATE MANDATES
AMENDED¹ NOTICE AND AGENDA²

State Capitol, Room 126
Sacramento, California

July 26, 2007
9:30 A.M.

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES (action)
 - Item 1 May 31, 2007
- III. PROPOSED CONSENT CALENDAR (action)
 - Item 2 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 3 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 6 and 8 will not be voted on unless the staff recommendations for Items 5 and 7 are adopted.)

 - A. DISMISSAL OF WITHDRAWN TEST CLAIM
 - Item 4* *In-Home Support Services*, CSM 4314
Welfare and Institutions Code Sections 12301, 12302, and 12306;
Statutes 1981, Chapter 69 (Senate Bill 633); and
Department of Social Services Manual Letter No. 81-30 (Dated July 19, 1981) and Attached Interim Instruction notice dated January 19, 1982
County of San Bernardino, Claimant

¹ See new Item 9.

² This public meeting notice is available on the Internet at <http://www.csm.ca.gov>.

B. TEST CLAIMS

- Item 5 *Domestic Violence Background Checks, 01-TC-29*
Family Code Sections 6300 and 6306, Welfare and Institutions Code
Section 213.5, Penal Code Section 273.75
Statutes 2001, Chapter 572 (SB 66); Statutes 2001, Chapter 713
(AB 1129)
County of Alameda, Claimant
- Item 6 Proposed Statement of Decision
Domestic Violence Background Checks, 01-TC-29
See Above
- Item 7 *Adult Education Enrollment Reporting, 02-TC-37*
Statutes 1999, Chapter 50 (SB 160), line items 6110-156-0001 and 6110-
156-0890; Statutes 2000, Chapter 52 (AB 1740), line items
6110-156-0001 and 6110-156-0890; Statutes 2001, Chapter 106 (SB 739),
line items 6110-156-0001 and 6110-156-0890; Statutes 2002, Chapter 379
(AB 425), line items 6110-156-0001 and 6110-156-0890
Letters from California Department of Education (Dated July 6, 1999;
April 24, 2000; and August 1, 2002)
Berkeley and Sacramento Unified School Districts, Claimants
- Item 8 Proposed Statement of Decision
Adult Education Enrollment Reporting, 02-TC-37
See Above

C. RECONSIDERATION OF PRIOR FINAL DECISION PURSUANT TO
CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1188.4
(Added on July 5, 2007)

- Item 9 *In Home Supportive Services II, 00-TC-23*
Government Code Section 16262.5; Welfare and Institutions Code
Sections 12301.3, 12301.4, 12301.6, 12301.8, 12302.25, 12302.7,
12303.4, 12306.1, 14132.95, 17600 and 17600.110
Statutes 1999, Chapters 90 (AB 1682) and 91 (SB 710); Statutes 2000,
Chapter 445 (SB 288)
County of San Bernardino, Claimant
Department of Social Services, Requestor

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 10* Correction of Parameters and Guidelines Amendment
Law Enforcement Agency Notifications, CSM-4505
Education Code Section 48902, Subdivision (c)
Chapter 1117, Statutes of 1989 (SB 1275)

B. PROPOSED AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS

Item 11* Adoption of Proposed Regulatory Action - Parameters and Guidelines:
Reasonable Reimbursement Methodologies and Statewide Cost
Estimates
Proposed Amendments to California Code of Regulations, Title 2,
Chapter 2.5, Article 3, sections 1183.1 through 1183.3.

VII. STAFF REPORTS (info/action)

Item 12 Updates and Positions on Pending Mandate Reform Legislation(AB
1222)

Item 13 Chief Legal Counsel
Recent Decisions, Litigation Calendar

Item 14 Executive Director
Workload, Budget, and Next Hearing

VIII. PUBLIC COMMENT

IX. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 and 17526 (action).

A. PERSONNEL

Report from Personnel Subcommittee and to confer on personnel matters pursuant to Government Code sections 11126, subdivision (a) and 17526.

B. 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):

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; 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. Stat 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; *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).)

XI. REPORT FROM CLOSED EXECUTIVE SESSION, RECONVENE IN PUBLIC SESSION

ADJOURNMENT

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