

COMMISSION ON STATE MANDATES

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July 18, 2011

TO: ALL INTERESTED PERSONS

FROM: Drew Bohan, Executive Director

RE: Revised Notice and Agenda

On Thursday, July 28, 2011, 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.

Please note the following changes to the agenda:

- **Item 5: the proposed parameters and guidelines for the *Domestic Violence Background Checks* program (01-TC-29) have been revised to include time study language proposed by the claimant.**
- **Item 15: the proposed order to initiate rulemaking (general cleanup provisions) has been postponed and moved to the September 29, 2011 meeting.**

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.

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 short agenda will be uploaded two weeks prior to the hearing. Items will be uploaded approximately one week 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 agenda, and revised items will be posted upon completion.

The approved minutes of previous commission meetings are also on the website in PDF format. To access the minutes, click on the words "Current Hearing" on the left side of the page. The most recent minutes become available following approval by the Commission, generally after the next hearing.

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.

REVISED NOTICE AND AGENDA¹

Meeting of the Commission on State Mandates

State Capitol

Room 447

Sacramento, California

Thursday July 28, 2011

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 May 26, 2011

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 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. APPEALS OF EXECUTIVE DIRECTOR DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181(C) (action)

Item 2 Appeals of Executive Director Decisions

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

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

A. TEST CLAIMS

(Note: Item 4 will not be voted on unless the staff recommendation for Item 3 is adopted.)

Item 3 *Employment of College Faculty and Administrators, 02-TC-27*
Education Code Sections 70901(b)(1)(B), 87356, 87357, 87358, 87359, 87360, 87610.1, 87611, 87663, 87714, 87740, 87743.2, 87743.3, 87743.4, 87743.5
Statutes 1981, Chapter 470 (AB 1726), Statutes 1988, Chapter 973 (AB 1725), Statutes 1990, Chapter 1302 (SB 2298), Statutes 1993, Chapter 506 (SB 343), Statutes 1995, Chapter 758 (AB 446), Statutes 1998, Chapter 1023 (AB 2329), Statutes 2000, Chapter 124 (AB 1337)
California Code of Regulations, Title 5, Sections 53130, 53403, 53406, 53407, 53410, 53410.1, 53412, 53414, 53415, 53416, 53417, 53420, 53430
Register 90, No. 37 (July 5, 1990), Register 90, No. 49 (Nov. 30, 1990), Register 91, No. 23 (June 7, 1991), Register 91, No. 50 (July 19, 1991), Register 92, No. 9 (Nov. 24, 1991), Register 92, No. 26 (July 27, 1992),

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

Register 92, No. 45 (Nov. 6, 1992), Register 93, No. 25 (June 4, 1993), Register 93, No. 42 (Nov. 4, 1993), Register 93, No. 46 (Oct. 8, 1993), Register 94, No. 38 (Oct. 6, 1994), Register 95, No. 19 (Mar. 19, 1995), Register 96, No. 40 (Oct. 4, 1996)

Santa Monica Community College District, Claimant

- Item 4 *Proposed Statement of Decision*
See Item 3 Above

B. PARAMETERS AND GUIDELINES AND STATEMENTS OF DECISION

- Item 5 *Domestic Violence Background Checks, 01-TC-29 (Revised)*
Penal Code Section 273.75(a) and (c)
Statutes 2001, Chapter 713 (AB 1129)

County of Alameda, Claimant

- Item 6 *Identity Theft, 03-TC-08*
Penal Code Section 530.6(a)
Statutes 2000, Chapter 956 (AB 1897)

City of Newport Beach, Claimant

C. INCORRECT REDUCTION CLAIMS

(Note: Items 8 and 10 will not be voted on unless the staff recommendation for Items 7 and 9 are adopted.)

- Item 7 *Emergency Procedures, Earthquake and Disasters, 01-4241-I-03*
Statutes 1984, Chapter 1659 (AB 2786)
Fiscal Years 1996-1997 and 1997-1998

San Diego Unified School District, Claimant

- Item 8 Proposed Statement of Decision
See Item 7 Above

- Item 9 *Handicapped and Disabled Students, 05-4282-I-02, 09-4282-I-04*
Government Code Sections 7570-7588
Statutes 1984, Chapter 1747 (AB 3632)
Statutes 1985, Chapter 1274 (AB 882)
California Code of Regulations, Title 2, Sections 60000-60610
(Emergency regulations effective January 1, 1986 [Register 86, No. 1], and re-filed June 30, 1986, designated effective July 12, 1986 [Register 86, No. 28])
Fiscal Years 1997-1998, 1998-1999, 2000-2001

County of Orange, Claimant

- Item 10 Proposed Statement of Decision
See Item 9 Above

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

A. PROPOSED STATEWIDE COST ESTIMATES

Item 11* *Tuition Fee Waivers, 02-TC-21*
Education Code Sections 68044(a), (b), (c), 68051, 68074, 68075.5, 68076(d), 68077, 68078(b), 68082, 68083, 68084, 68121, 68130.5, and 76140
Statutes 1977, Chapter 36 (AB 447); Statutes 1980, Chapter 580 (AB 2567); Statutes 1981, Chapter 102 (AB 251); Statutes 1982, Chapter 1070 (AB 2627); Statutes 1988, Chapter 753 (AB 3958); Statutes 1989, Chapters 424, 900, and 985 (AB 1237, AB 259, and SB 716); Statutes 1990, Chapter 1372 (SB 1854); Statutes 1991, Chapter 455 (AB 1745); Statutes 1993, Chapter 8 (AB 46); Statutes 1995, Chapter 389 (AB 723); Statutes 1997, Chapter 438 (AB 1317); Statutes 1998, Chapter 952 (AB 639); Statutes 2000, Chapters 571 and 949 (AB 1346 and AB 632); Statutes 2001, Chapter 814 (AB 540); and Statutes 2002, Chapter 450 (AB 1746)
California Code of Regulations, Title 5, Sections 54012(b), (c), (d), 54024(e), (f), 54030, 54032 (a), 54041, 54045(b), (c), 54045.5(b), 54046, 54060(a), (b)
Register 77, No. 45 (Nov. 5, 1977); Register 82, No. 48 (Nov. 27, 1982); Register 83, No. 24 (Jun. 11, 1983) Register 86, No. 10 (Mar. 8, 1986); Register 91, No. 23 (April 5, 1991); Register 92, No. 4 (Jan. 24, 1992); Register 95, No. 19 (May 19, 1995); Register 99, No. 20 (May 14, 1999); Register 02, No. 25 (Jun. 21, 2002)
Revised Guidelines and Information, “Exemption from Nonresident Tuition”
Chancellor of the California Community Colleges, May 2002
Contra Costa Community College District, Claimant

Item 12* *Crime Victims’ Domestic Violence Incident Reports II, 02-TC-18*
Penal Code Sections 13730(c)(3), 12028.5;
Statutes 2001, Chapter 483 (AB 469); Statutes 2002, Chapter 833 (SB 1807)
County of Los Angeles, Claimant

Item 13* *Child Abuse and Neglect Reporting, 01-TC-21*
Penal Code Sections 11165.7(d), 11174.3(a)
Statutes 1987, Chapters 640 (AB 285) and 1459 (SB 1219), Statutes 1991, Chapter 132 (AB 1133); Statutes 1992, Chapter 459 (SB 1695); Statutes 1998, Chapter 311 (SB 933); Statutes 2000, Chapters 916 (AB 1241); Statutes 2001, Chapters 133 (AB 102) and 754 (AB 1697)
San Bernardino Community College District, Claimant

B. ADOPTION OF COMMISSION ORDERS TO INITIATE RULEMAKING PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 2, CHAPTER 2.5

Item 14* *Conflict of Interest Code*
California Code of Regulations, Title 2, Division, 2, Chapter 2.5, Article 9, Section 1189.10, and Appendix

Item 15 has been postponed and moved to the September 29, 2011 meeting.

~~Item 15*~~ ~~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, 9, and 10, Sections 1181 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 16 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 17 Legislative Update

Item 18 Chief Legal Counsel: Recent Decisions, Litigation Calendar

Item 19 Executive Director: Workload, Budget, New Practices, and Next Meetings/Hearings (September 29, 2011 and October 27, 2011)

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, 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., 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. Cross Petition Filed: *County of San Diego, and Cities of Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Diego, San Marcos, Santee, Solano Beach, and Vista v. Commission on State Mandates, State of California Department of Finance, State Water Resources Control Board, and California Regional Water Control Board San Diego Region*, 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]

4. *State of California Department of Finance, State Water Resources Control Board, and California Regional Water Quality Board, Los Angeles Region v. Commission on State Mandates and County of Los Angeles, et. al., 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]*
5. *California School Board Association (CSBA) v. State of California et. al., Alameda County Superior Court Case No. RG11554698 [2010-2011 Budget Trailer Bills, Redetermination Process]*
6. *Cross Petition: County of Los Angeles and Cities of Bellflower, Carson, Commerce, Covina, Downey and Signal Hill v. Commission on State Mandates, State of California Department of Finance, State Water Resources Control Board, and California Regional Water Quality Control Board, Los Angeles Region, 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.

RECONVENE IN PUBLIC SESSION

XI. REPORT FROM CLOSED EXECUTIVE SESSION

ADJOURNMENT

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