

**COMMISSION ON STATE MANDATES**

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July 2, 2009

TO: ALL INTERESTED PERSONS  
FROM: Paula Higashi, Executive Director  
RE: Notice, New Filings, and Agenda

**The Commission will hold its next regular meeting and hearing on Friday, July 31, 2009. The meeting will be convened at 9:30 a.m., Room 447, State Capitol, 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, identify the item 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.

**Web Site.** Agenda items are available on the Commission's Web Site (<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 without exhibits 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 Web Site in PDF formats. 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.

**Office Closure.** Pursuant to Governor's Executive Order S-13-09 and until further notice, the Commission's offices will be closed and employees will be furloughed on the first, second, and third Fridays of each month. For July 2009, office closure and furloughs will occur on July 10, 17, and 24. Please contact Paula Higashi or Nancy Patton at (916) 323-3562 if you have questions.

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 LEFT SIDE OF THE PAGE.**

NOTICE AND AGENDA<sup>1</sup>

Meeting of the Commission on State Mandates

State Capitol, Room 447  
Sacramento, California

July 31, 2009  
9:30 A.M.

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

Item 1 May 29, 2009

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 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 DECISION PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181, SUBDIVISION (C). (action)

Item 2 Appeal of Executive Director's Decision

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

V. HEARINGS AND DECISIONS ON TEST CLAIMS AND STATEMENTS OF DECISION, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (GOV. CODE, § 17551) (action)

A. TEST CLAIMS

(Note: Items 4, 6, 8, 10, 12 and 14 will not be voted on unless the staff recommendation for Items 3, 5, 7, 9, 11 and 13 are adopted.)

Item 3 *Municipal Storm Water and Urban Runoff Discharges*, 03-TC-04, 03-TC-19, 03-TC-20, and 03-TC-21  
County of Los Angeles, Cities of Artesia, Beverly Hills, Carson, Norwalk, Rancho Palos Verdes, Westlake Village, Azusa, Commerce, Vernon, Bellflower, Covina, Downey, Monterey Park, Signal Hill, Co-Claimants  
Los Angeles Regional Quality Control Board Order No. 01-182  
Permit CAS004001, Parts 4C2a., 4C2b, 4E & 4Fc3

Item 4 *Proposed Statement of Decision*  
See Item 3 above

Item 5 *Re-Districting Senate and Congressional Districts*, 02-TC-50  
County of Los Angeles, Claimant

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

Elections Code, Division 21, Chapter 2 (§ 21100 et seq.), and Chapter 5 (§21400 et. seq.)  
Statutes 2001, Chapter 348 (AB 632)  
Senate's Election and Reapportionment Committee Instructions (Dated September 24, 2001)

Item 6 *Proposed Statement of Decision*  
See Item 5 above

Item 7 *Crime Statistics Reports for the Department of Justice, 07-TC-10*  
(Amendment to 02-TC-04 and 02-TC-11)  
City of Newport Beach and County of Sacramento, Claimants  
Penal Code Sections 12025, 12031, 13012, 13014, 13020, 13021, 13023 and 13730  
Statutes 1955, Chapter 1128; Statutes 1965, Chapters 238 and 1965; Statutes 1967, Chapter 1157; Statutes 1971, Chapter 1203; Statutes 1972, Chapter 1377; Statutes 1979, Chapter 255 and 860; Statutes 1980, Chapter 1340 (SB 1447); Statutes 1982, Resolution Chapter 147 (SCR 64); Statutes 1984, Chapter 1609 (SB 1472); Statutes 1989, Chapter 1172 (SB 202); Statutes 1992, Chapter 1338 (SB 1184); Statutes 1993, Chapter 1230 (AB 2250); Statutes 1995, Chapters 803 and 965 (AB 488 and SB 132); Statutes 1996, Chapter 872 (AB 3472); Statutes 1998, Chapter 933 (AB 1999); Statutes 1999, Chapter 571 (AB 491); Statutes 2000, Chapter 626 (AB 715); Statutes 2001, Chapters 468 and 483 (SB 314 and AB 469); Statutes 2004, Chapters 405 and 700 (SB 1796 and SB 1234) and California Department of Justice, Criminal Justice Statistics Center, Criminal Statistics Reporting Requirements and Requirements Spreadsheet, March 2000

Item 8 *Proposed Statement of Decision*  
See Item 7 above

Item 9 *Extended Opportunity Programs and Services, 02-TC-29*  
West Kern Community College District, Claimant  
Education Code Sections 69640, 69641, 69641.5, 69643, 69648, 69649, 69652, 69655 and 69656 as amended by Statutes 1984, Chapter 1178 (AB 3775); Statutes 1985, Chapter 1586 (AB 1114); Statutes 1990, Chapter 1352 (AB 2912); Statutes 1990, Chapter 1455 (SB 2374)

California Code of Regulations, Title 5, Sections  
56200, 56201, 56202, 56204, 56206, 56208, 56210, 56220, 56222, 56224, 56226, 56230, 56232, 56234, 56236, 56238, 56240, 56252, 56254, 56256, 56258, 56260, 56262, 56264, 56270, 56272, 56274, 56276, 56278, 56280, 56290, 56292, 56293, 56295, 56296, and 56298  
(As added or amended by Register 76, No. 41, Register 77, No. 34, Register 79, No. 32, Register 80, No. 06, Register 81, Nos. 03 & 19, Register 83, No. 18, Register 87, No. 40, Register 90, No. 49, Register 91, No. 29, and Register 97, No 46  
EOPS Implementing Guidelines, Chancellor of the California Community Colleges (January 2002)

- Item 10     *Proposed Statement of Decision*  
               See Item 9 above
- Item 11     *Child Abuse & Neglect Reporting, 01-TC-21*  
               Consolidated with  
               *Interagency Child Abuse and Neglect (ICAN) Investigative Report, 00-TC-22*  
               San Bernardino Community College District, Claimant  
               Penal Code Sections 273a, 11164, 11165, 11165.1, 11165.2, 11165.3, 11165.4, 11165.5, 11165.6, 11165.7, 11165.9, 11165.12, 11165.14, 11166, 11166.2, 11166.5, 11168, 11169, 11170, and 11174.3, Including Former Penal Code Sections 11161.5, 11161.6, 11161.7  
               Statutes 1975, Chapter 226 (AB 1063), Statutes 1976, Chapters 242 (AB 2641) and 1139 (SB 42), Statutes 1977, Chapter 958 (AB 1058), Statutes 1978, Chapter 136 (AB 2238), Statutes 1979, Chapter 373 (SB 925), Statutes 1980, Chapters 855 (AB 2497), 1071 (SB 781), and 1117 (SB 1877), Statutes 1981, Chapters 29 (SB 322) and 435 (AB 518), Statutes 1982, Chapters 162 (AB 2303) and 905 (SB 1848), Statutes 1984, Chapters 1170 (AB 2702), 1391 (SB 1124), 1423 (SB 1899), 1613 (AB 2709), and 1718 (AB 2710), Statutes 1985, Chapters 189 (AB 701), 464 (SB 254), 1068 (AB 366), 1420 (AB 442), 1528 (SB 1306), 1572 (SB 1358), and 1598 (AB 505), Statutes 1986, Chapters 248 (SB 245), 1289 (AB 1981), and 1496 (AB 3608), Statutes 1987 Chapters 82 (AB 80), 531 (AB 1632), 640 (AB 285), 1020 (SB 691), 1418 (AB 1359), 1444 (SB 646), and 1459 (SB 1219) Statutes 1988, Chapters 39 (AB 1241), 269 (AB 3022), 1497 (SB 2457), and 1580 (AB 4584), Statutes 1989, Chapter 153 (AB 627), Statutes 1990, Chapters 650 (SB 2423), 931 (AB 3521), 1330 (SB 2788), 1363 (AB 3532), and 1603 (SB 2669), Statutes 1991, Chapters 132 (AB 1133) and 1102 (AB 2232), Statutes 1992, Chapter 459 (SB 1695), Statutes 1993, Chapters 219 (AB 1500), 346 (AB 331), 510 (SB 665), and 1253 (AB 897), Statutes 1994, Chapter 1263 (AB 1328), Statutes 1996, Chapters 1080 (AB 295), 1081 (AB 3354), and 1090 (AB 3215), Statutes 1997, Chapters 83 (AB 327), 134 (AB 273), 842 (SB 644), 843 (AB 753), and 844 (AB 1065), Statutes 1998, Chapter 311 (SB 933), Statutes 1999, Chapters 475 (SB 654) and 1012 (SB 525), Statutes 2000, Chapters 287 (SB 1955), and 916 (AB 1241), Statutes 2001, Chapters 133 (AB 102) and 754 (AB 1697)
- Item 12     *Proposed Statement of Decision*  
               See Item 11 above
- Item 13     *Academic Performance Index, 01-TC-22*  
               San Juan Unified School District, Claimant  
               Education Code Sections 44650-44654, 52050-52055.51, 52056-52057, 52058  
               Statutes 1999-2000x1, Chapter 3; Statutes 1999, Chapter 52 (AB 1114); Statutes 2000, Chapters 71 (SB 1667), 190 (AB 2162) and 695

(SB 1552); Statutes 2001, Chapters 159 (SB 662), 745 (SB 1191), 749 (AB 961), and 887 (AB 1295)  
California Code of Regulations, Title 5, Sections 1031-1039  
Register 00, No. 52 (Dec. 28, 2000); Register 01, No. 4 (Jan. 26, 2001);  
Register 01, No. 5 (Jan. 30, 2001); Register 01, No. 24 (Jun. 11, 2001);  
Register 01, No. 31 (Aug. 2, 2001); Register 01, No. 46  
(Nov. 15, 2001); Register 02, No. 2 (Jan. 8, 2002)

Item 14 *Proposed Statement of Decision*  
See Item 13 above

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

PROPOSED AMENDMENTS TO PARAMETERS AND GUIDELINES

Item 15\* *Pesticide Use Reports*, 06-PGA-02 (CSM-4420)  
Department of Pesticide Regulation, Requestor  
Food and Agricultural Code Section 12979  
Statutes 1989, Chapter 1200 (AB 2161)  
California Code of Regulations, Title 3, Sections 6000, 6393(c), 6562,  
6568, 6619, 6622, 6623, 6624, 6626, 6627, 6627.1, 6628

Item 16\* *Law Enforcement Sexual Harassment Complaint Procedures and  
Training*, 05-PGA-08 (97-TC-07)  
Department of Finance, Requestor  
Penal Code Section 13519.7  
Statutes 1993, Chapter 126 (SB 459)

VII. INFORMATIONAL HEARING ON STATEWIDE COST ESTIMATES PURSUANT  
TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 8  
(action)

Item 17\* *CalSTRS Service Credit*, 02-TC-19  
Santa Monica Community College District, Claimant  
Education Code Sections 22455.5, Subdivision (b), 22460, 22509,  
Subdivision (a), 22718, Subdivision (a)(1)(A), 22724, and 22852,  
Subdivision (e)  
Statutes 1994, Chapter 603 (AB 2554), Statutes 1996, Chapters 383  
(AB 3221), 634 (SB 2041), and 680 (SB1877), Statutes 1997, Chapter  
838 (SB 227), Statutes 1998, Chapters 965 (AB 2765), Statutes 1999,  
Chapter 939 (SB 1074), Statutes 2000, Chapter 1021 (AB 2700)

Item 18\* *Fifteen-Day Close of Voter Registration*, 01-TC-15  
County of Orange, Claimant  
Elections Code Section 13303  
Statutes 2000, Chapter 899 (AB 1094)

Item 19\* *In-Home Supportive Services II*, 00-TC-23  
County of San Bernardino, Claimant  
Welfare and Institutions Code Sections 12301.3, 12301.4 and 12302.25  
Statutes 1999, Chapter 90 (AB 1682); Statutes 2000, Chapter 445  
(SB 288)

VIII. HEARING ON COURT-ORDERED SET ASIDE AND PROPOSED AMENDMENTS TO STATEMENT OF DECISION ON RECONSIDERATION AND AMENDED PARAMETERS AND GUIDELINES PURSUANT TO GOVERNMENT CODE SECTION 17559 AND CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLES 6 AND 7 (*Department of Finance v. Commission on State Mandates* (2009) 170 Cal.App.4th 1355; Judgment and Writ issued May 8, 2009, by the Sacramento County Superior Court, Case No. 07CS00079) (action)

- Item 20\* *Peace Officer Procedural Bill of Rights* 05-RL-4499-01 (CSM-4499)  
Reconsideration Directed by Government Code Section 3313 (Stats. 2005, ch. 72, § 6 (AB 138), eff. July 19, 2005)  
Government Code Sections 3300 through 3310  
As Added and Amended by Statutes 1976, Chapter 465 (AB 301); Statutes 1978, Chapters 775 (AB 2916), 1173 (AB 2443), 1174 (AB 2696), and 1178 (SB 1726); Statutes 1979, Chapter 405 (AB 1807); Statutes 1980, Chapter 1367 (AB 2977); Statutes 1982, Chapter 994 (AB 2397); Statutes 1983, Chapter 964 (AB 1216); Statutes 1989, Chapter 1165 (SB 353); and Statutes 1990, Chapter 675 (AB 389)

IX. 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 21 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.*

X. STAFF REPORTS (info/action)

- Item 22 Chief Legal Counsel: Recent Decisions, Litigation Calendar  
  
Item 23 Executive Director: Workload, Budget, and Next Hearing (September 25, 2009)

XI. PUBLIC COMMENT

XII. 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. *State of California, Department of Finance v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 03CS01432, [Behavioral Intervention Plans]
2. *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, Third District Court of Appeal, Case No. C055700, Sacramento County Superior Court Case Number 06CS01335; [AB 138; Open Meetings Act, Brown Act Reform, Mandate Reimbursement Process I and II; and School Accountability Report Cards (SARC) I and II]*

3. *California School Boards Association, Education Legal Alliance, and Sweetwater Union High School Dist. v. State of California, Commission on State Mandates, and John Chiang, in his capacity as State Controller, Sacramento County Superior Court, Case No. 07CS01399, [School Accountability Report Cards, SARC]*

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).)

B. PERSONNEL

To confer on personnel matters pursuant to Government Code sections 11126, subdivision (a) and 17526.

- Report of the Personnel Subcommittee.

RECONVENE IN PUBLIC SESSION

XIII. REPORT FROM CLOSED EXECUTIVE SESSION

ADJOURNMENT

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