

# NOTICE AND AGENDA<sup>1</sup>

State Capitol, Room 126  
Sacramento, California

September 27, 2007  
9:30 A.M.

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

Item 1 July 26, 2007

III. 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 2 Staff Report (if necessary)

IV. 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.

V. ORDERS TO SET ASIDE ORDERS DENYING APPEAL OF EXECUTIVE DIRECTOR'S DECISIONS TO RETURN TEST CLAIMS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181, SUBDIVISION (C). (ACTION)

Item 3\* Order To Set Aside Order Denying Appeal Of Executive Director's Decision To Return Test Claim (Pursuant to Peremptory Writ of Mandate Issued by the Los Angeles County Superior Court, Case Nos. BS089769 and BS089785, and Affirmed in *County of Los Angeles v. Commission on State Mandates* (2007) 150 Cal.App.4<sup>th</sup> 898)

*Transit Trash Receptacles*, 03-TC-04

California Regional Water Quality Control Board

Executive Order Number 01-182 (December 13, 2001), Permit Number CAS004001, Part 4, Section F.5.c.3

County of Los Angeles, Claimant

Item 4\* Order To Set Aside Order Denying Appeal Of Executive Director's Decision To Return Test Claim (Pursuant to Peremptory Writ of Mandate Issued by the Los Angeles County Superior Court, Case Nos. BS089769 and BS089785, and Affirmed in *County of Los Angeles v. Commission on State Mandates* (2007) 150 Cal.App.4<sup>th</sup> 898)

*Inspection of Industrial/Commercial Facilities*, 03-TC-19

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

California Regional Water Quality Control Board Executive Order Number 01-182 (December 13, 2001), Permit Number CAS004001, Part 4, Section C.2.a., b.  
County of Los Angeles, Claimant

- Item 5\* Order To Set Aside Order Denying Appeal Of Executive Director's Decision To Return Test Claim (Pursuant to Peremptory Writ of Mandate Issued by the Los Angeles County Superior Court, Case Nos. BS089769 and BS089785, and Affirmed in *County of Los Angeles v. Commission on State Mandates* (2007) 150 Cal.App.4<sup>th</sup> 898)

*Waste Discharge Requirements*, 03-TC-20

California Regional Water Quality Control Board Executive Order Number 01-182 (December 13, 2001), Permit Number CAS004001, Parts 4.B.4, 4.C.2.a, 4.C.2.b, 4.C.2.c, D, E, F, and G  
Cities of Artesia, Beverly Hills, Carson, La Mirada, Monrovia, Norwalk, Rancho Palo Verdes, San Marino, and Westlake Village, Claimants

- Item 6\* Order To Set Aside Order Denying Appeal Of Executive Director's Decision To Return Test Claim (Pursuant to Peremptory Writ of Mandate Issued by the Los Angeles County Superior Court, Case Nos. BS089769 and BS089785, and Affirmed in *County of Los Angeles v. Commission on State Mandates* (2007) 150 Cal.App.4<sup>th</sup> 898)

*Stormwater Pollution Control Requirements*, 03-TC-21

California Regional Water Quality Control Board Executive Order Number 01-182 (December 13, 2001), Permit Number CAS004001, Parts 1 & 2, Pages 16-18; Part 4C & E, Pages 27-34 and 42-45; and Part 4F(5) & (6), Pages 48-51

Cities of Baldwin Park, Bellflower, Cerritos, Covina, Downey, Monterey Park, Pico Rivera, Signal Hill, South Pasadena, and West Covina, Claimants

VI. HEARINGS AND DECISIONS ON CLAIMS, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (GOV. CODE, § 17551) (ACTION)

A. RECONSIDERATION OF PRIOR FINAL DECISIONS DIRECTED BY STATUTES 2006, CHAPTER 78, SECTION 8 (AB 1805)

(Note: Item 8 will not be voted on unless the staff recommendation on Item 7 is adopted.)

- Item 7 *Peace Officers & Firefighters' Cancer Presumption*, 06-RL-4081/4416-01  
Labor Code Section 3212.1, as added by Statutes 1982, Chapter 1568 (AB 3011) and amended by Statutes 1989, Chapter 1171 (SB 89)

- Item 8 Proposed Statement of Decision  
*Peace Officers & Firefighters' Cancer Presumption*, 06-RL-4081/4416-01  
See Above

B. TEST CLAIMS

(Note: Items 10, 12, 14, 16, and 18 will not be voted on unless the staff recommendations for Items 9, 11, 13, 15, and 17 are adopted.)

- Item 9      *Local Agency Formation Commissions, 02-TC-23*  
Government Code Sections 56001, 56326.5, 56381, 56381.6, 56425, 56426.5, and 56430  
Statutes 1991, Chapter 439 (AB 748); Statutes 2000, Chapter 761 (AB 2838); Statutes 2002, Chapter 493 (AB 1948)  
LAFCO Municipal Service Review Guidelines (Final Draft, October 3, 2002); LAFCO Municipal Service Review Guidelines Appendices (Final Draft, October 3, 2002), Governor’s Office of Planning & Research  
Sacramento Metropolitan Fire District, Claimant
- Item 10     Proposed Statement of Decision  
*Local Agency Formation Commissions, 02-TC-23*  
See Above
- Item 11     *Reporting Improper Governmental Activities, 02-TC-24*  
Education Code Sections 44110;  
Statutes 2000, Chapter 531 (AB 2472 ); Statutes 2001, Chapter 159 (SB 662 ); Statutes 2001, Chapter 416 (AB 647); Statutes 2002, Chapter 81 (AB 2034)  
San Juan Unified School District and Santa Monica Community College District, Claimants
- Item 12     Proposed Statement of Decision  
*Reporting Improper Governmental Activities, 02-TC-24*  
See Above
- Item 13     *Presumption of Causation in Workers’ Compensation Claims: Tuberculosis, Hepatitis and Other Blood-Borne Infectious Diseases, or Meningitis, 01-TC-20, 01-TC-23, 01-TC-24*  
Labor Code Sections 3212.6, 3212.8, and 3212.9  
Statutes 1995, Chapter 683 (SB 658); Statutes 1996, Chapter 802 (AB 521); Statutes 2000, Chapter 883 (AB 2043); Statutes 2000, Chapter 490 (SB 32); Statutes 2001, Chapter 833 (AB 196);  
County of Tehama and California State Association of Counties-Excess Insurance Authority (CSAC-EIA), Claimants
- Item 14     Proposed Statement of Decision  
*Presumption of Causation in Workers’ Compensation Claims: Tuberculosis, Hepatitis and Other Blood-Borne Infectious Diseases, or Meningitis, 01-TC-20, 01-TC-23, 01-TC-24*  
See Above
- Item 15     *Hepatitis Presumption (K-14), 02-TC-17*  
Labor Code Section 3212.8  
Statutes 2000, Chapter 490 (SB 32); Statutes 2001, Chapter 833 (AB

196)  
Santa Monica Community College District, Claimant

- Item 16 Proposed Statement of Decision  
*Hepatitis Presumption (K-14)*, 02-TC-17  
See Above
  
- Item 17 *Crime Victims' Domestic Violence Incident Reports II*, 02-TC-18  
Family Code Section 6228  
Penal Code Sections 12028.5 and 13730  
Statutes 1984, Chapter 901 (AB 3436); Statutes 2001, Chapter 483  
(AB 469); Statutes 2002, Chapters 377 (SB 1265), 830 ( AB 2695) and  
833 (SB 1807)  
County of Los Angeles, Claimant
  
- Item 18 Proposed Statement of Decision  
*Crime Victims' Domestic Violence Incident Reports II*, 02-TC-18  
See Above

C. DISMISSAL OF WITHDRAWN TEST CLAIM

- Item 19\* *Domestic Violence Defendant Investigation*, 04-TC-04  
Penal Code Section 273.75 as added or amended by Statutes 2001,  
Chapter 572 (SB 66)  
County of San Bernardino, Claimant

VII. INFORMATIONAL HEARING PURSUANT TO CALIFORNIA CODE OF  
REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 8 (ACTION)  
PARAMETERS AND GUIDELINES AMENDMENT AS DIRECTED BY STATUTES  
2006, CHAPTER 78, SECTION 8 (AB 1805)

(Note: Item 20 will not be voted on unless the staff recommendation on Item 8 is  
adopted.)

- Item 20 *Peace Officers & Firefighters' Cancer Presumption*, 06-RL-4081/4416-  
01  
Labor Code Section 3212.1, as added by Statutes 1982, Chapter 1568  
(AB 3011) and amended by Statutes 1989, Chapter 1171 (SB 89)

VIII. STAFF REPORTS (info/action)

- Item 21 Updates on Pending Mandate Reform Legislation  
(AB 1222 and AB 1170)
  
- Item 22 Chief Legal Counsel  
Recent Decisions, Litigation Calendar

Item 23 Executive Director  
Workload, Budget, Report to the Department of Finance, and  
Next Hearing

IX. PUBLIC COMMENT

X. 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):

1. *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*]
2. *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)*]
3. *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]*
4. *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*]
5. *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*]
6. *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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