

NOTICE AND AGENDA¹

Meeting of the Commission on State Mandates

State Capitol, Room 447
Sacramento, California

Thursday, September 30, 2010

10:30 A.M. – Call to Order and Closed Executive Session

11:00 a.m. – Public Hearing

- I. CALL TO ORDER AND ROLL CALL
- II. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTION 11126 (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. *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]
3. *County of Santa Clara v. Commission on State Mandates, State Controller's Office, et al.*, Sacramento County Superior Court Case No. 34-2010-80000592 [*Handicapped and Disabled Students*, Incorrect Reduction Claim CSM 09-4282-I-5, Fiscal years 2003-2004 through 2005-2006]
4. *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]
5. *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., Sacramento County Superior Court Case No. 34-2010-80000605 [*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]

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

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. REPORT FROM PERSONNEL SUBCOMMITTEE

To confer on personnel matters pursuant to Government Code section 11126, subdivision (a)(1).

III. RECONVENE IN PUBLIC SESSION – 11:00 a.m.

IV. REPORT FROM CLOSED EXECUTIVE SESSION

V. APPROVAL OF MINUTES (action)

Item 1 July 29, 2010

VI. 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.

VII. APPEAL OF EXECUTIVE DIRECTOR'S 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.)

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

A. TEST CLAIM

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

Item 3 *California Environmental Quality Act (CEQA)*, 03-TC-17
Education Code Section 17025 added by Statutes 1996, Chapter 1562
Government Code Sections 66031 and 66034 as amended by
Statutes 1994, Chapter 300 (SB 517), and Statutes 1990, Chapter 1455
(SB 2374)
Public Resources Code Sections 21002.1, 21003, 21003.1, 21080.09,
21080.1, 21080.3, 21080.4, 21081, 21082, 21082.1, 21082.2, 21083,
21083.2, 21091, 21092, 21092.1, 21092.2, 21092.3, 21092.4, 21092.5,
21092.6, 21094, 21100, 21102, 21150, 21151, 21151.2, 21151.8, 21152,
21153, 21154, 21157, 21157.1, 21157.5, 21158, 21161, 21165, 21166,
21167, 21167.6, 21167.6.5, 21167.8, 21168.9 as added or amended by
Statutes 1970, Chapter 1433 (AB 2045); Statutes 1972, Chapter 1154
(AB 899); Statutes 1975, Chapter 222 (AB 335); Statutes 1976, Chapter
1312 (AB 2679); Statutes 1977, Chapter 1200 (AB 884); Statutes 1983,
Chapter 967 (AB 1829); Statutes 1984, Chapter 571 (AB 2527); Statutes
1985, Chapter 85 (AB 841); Statutes 1987, Chapter 1452 (SB 998);
Statutes 1989, Chapter 626 (AB 40); Statutes 1989, Chapter 659 (SB
896); Statutes 1991, Chapter 905 (AB 1642); Statutes 1991, Chapter

1183 (AB 928); Statutes 1991, Chapter 1212 (SB 948); Statutes 1993, Chapter 375 (SB 104); Statutes 1993, Chapter 1130 (AB 1888); Statutes 1993, Chapter 1131 (SB 919); Statutes 1994, Chapter 1230(SB 749); Statutes 1994, Chapter 1294 (AB 314); Statutes 1995, Chapter 801 (AB 1860); Statutes 1996, Chapter 444 (SB 2073); Statutes 1996, Chapter 547 (AB 298); Statutes 1997, Chapter 415 (AB 175); Statutes 2000, Chapter 738 (AB 1807); Statutes 2001, Chapter 867 (AB 1532); Statutes 2002, Chapter 1052 (AB 3041); Statutes 2002, Chapter 1121 (SB 1393) California Code of Regulations, Title 5, Sections 14011 and 57121 as added or amended by Register 77, Nos. 01 & 45; Register 83, No. 18; Register 91, No. 23; Register 93, No. 46; and, Register 2000, No. 44 California Code of Regulations, Title 14, Sections 15002, 15004, 15020, 15021, 15022, 15025, 15041, 15042, 15043, 15050, 15053, 15060, 15061, 15062, 15063, 15064 15064.5, 15064.5, 15064.7 15070, 15071, 15072, 15073, 15073.5, 15074, 15074.1, 15075, 15081.5, 15082, 15084, 15085, 15086, 15087, 15088, 15088.5, 15089, 15090, 15091, 15092, 15093, 15094, 15095, 15100, 15104, 15122, 15123, 15124, 15125, 15126, 15126.2, 15126.4, 15126.6, 15128, 15129, 15130, 15132, 15140, 15142, 15143, 15145, 15147, 15148, 15149, 15150, 15152, 15153, 15162, 15164, 15165, 15167, 51568, 15176, 15177, 15178, 15179, 15184, 15185, 15186, 15201, 15203, 15205, 15206, 15208, 15223, 15225, 15367 as added or amended by register 75, No. 01; Register 75, Nos. 05, 18 & 22; Register 76, Nos. 02, 14 & 41; Register 77, No. 01; Register 78, No. 05; Register 80, No. 19; Register 83, Nos. 29; Register 86, No. 05; Register 94, No. 33; Register 97, No. 22; Register 98, No. 35; Register 98, No. 44; Register 2001, No. 05; Register 2003, No. 30 California State Clearinghouse Handbook Governor's Office of Planning and Research (January 2000) Clovis Unified School District, Claimant

Item 4 Proposed Statement of Decision
See Item 3 Above

B. INCORRECT REDUCTION CLAIMS

Item 5 *School Bus Safety I and II* Fiscal Year 2002-2003
07-4433-9722-I-01 through 07-4433-9722-I-05
Education Code Sections 38408, 39831.3, and 39831.5;
Vehicle Code Section 22112
Statutes 1992, Chapter 624 (AB 3144); Statutes 1994, Chapter 831 (SB 2019); Statutes 1996, Chapter 277 (SB 1562); Statutes 1997, Chapter 739 (AB 1297)
San Jose Unified School District, Fullerton Joint Union High School District, Sweetwater Union High School District, San Ysidro School District, Clovis Unified School District, Claimants

Item 6 Proposed Statement of Decision
See Item 5 Above

Item 7 *School Crimes Reporting II*, 07-9703-I-01, 07-9703-I-02, 07-9703-I-03, 07-9703-I-04, 07-9703-I-05, 07-9703-I-06, 07-9703-I-07, and 07-9703-I-08
Penal Code Sections 628.2 and 628.6;
Title V, California Code of Regulations, Sections 700-704;
Statutes 1984, Chapter 1607 (AB 2483); Statutes 1988, Chapter 78 (AB

2583); Statutes 1989, Chapter 1457 (SB 271); Statutes 1992, Chapter 759 (AB 1248); Statutes 1995, Chapter 410 (SB 822); California Department of Education, Guidelines for School Crimes Reporting; Fiscal Year 2002-2003 Bonita Unified School District, Fullerton Joint Union High School District, San Ysidro School District, Castro Valley Unified School District, Encinitas Union Elementary School District, Carlsbad Unified School District, San Diego County Office of Education, and Rosedale Union Elementary School District, Claimants

Item 8 Proposed Statement of Decision
See Item 7 Above

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

A. PROPOSED PARAMETERS AND GUIDELINES

Item 9 *Crime Statistics Reports for the Department of Justice Amended*
02-TC-04, 02-TC-11, 07-TC-10

Penal Code Sections 12025, Subdivision (h)(1) and (h)(3), 12031, Subdivision (m)(1) and (m)(3), 13014, 13023, and 13730, Subdivision (a) Statutes 1989, Chapter 1172 (SB 202); Statutes 1992, Chapter 1338 (SB 1184); Statutes 1993, Chapter 1230 (AB 2250); Statutes 1998, Chapter 933 (AB 1999); Statutes 1999, Chapter 571 (AB 491); and Statutes 2000, Chapter 626 (AB 715)

Penal Code Section 13023
Statutes 2004, Chapter 700 (SB 1234)
City of Newport Beach and County of Sacramento, Claimants

B. ADOPTION OF PROPOSED REGULATION AMENDMENTS

Item 10* General Cleanup Provisions
California Code of Regulations, Title 2, Division 2,
Chapter 2.5., Adopt Sections 1185.21 and 1189
Amend Sections 1181, 1181.1, 1181.2, 1181.4, 1183-1183.03,
1183.06 -1183.09, 1183.11-1183.12, 1183.131-1183.21, 1183.30-1183.32,
1185, 1185.2-1185.6, 1186-1187.3, 1187.9-1188.31 and 1189.1, and 1189.3;
and Delete Sections 1181.3, 1189.4, and 1189.5

X. 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 11 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.

XI. REPORTS (info/action)

- Item 12 Final Report to State Auditor: Implementation of Recommendations from Bureau of State Audits October 15, 2009 Report 2009-501
State Mandates: Operational and Structural Changes Have Yielded Limited Improvements in Expediting Processes and Controlling Costs and Liabilities
- Item 13 Legislative Update
- Item 14 Budget Trailer Bills (If 2010-2011 Budget Enacted)
- Item 15 Chief Legal Counsel: Recent Decisions, Litigation Calendar
- Item 16 Executive Director: Workload, Budget, New Practices, Proposed Change to 2010 Calendar, 2011 Calendar, and Next Meetings

XII. PUBLIC COMMENT

ADJOURNMENT

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