

COMMISSION ON STATE MANDATES

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November 8, 2011

TO: ALL INTERESTED PERSONS
FROM: Nancy Patton, Acting Executive Director *NP*
RE: Notice and Agenda

On Thursday, December 1, 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.

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. 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.

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 Commission's website, 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.

NEW FILINGS

October 3, 2011 through November 8, 2011

No new filings during this time period.

AGENDA¹
Meeting of the Commission on State Mandates
State Capitol
Room 447
Sacramento, California
Thursday, December 1, 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 October 27, 2011 (tentative)

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 one 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(c) (action)

Item 2 Appeal 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 REVIEWS OF CLAIMING INSTRUCTIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (GOV. CODE, § 17551, 17557, and 17559) (action)

A. TEST CLAIMS AND STATEMENTS OF DECISION

Item 3 *Developer Fees, 02-TC-42*
Education Code Sections 17620, 17621, 17622, 17623, 17624, 17625, and 17626 as Renumbered or Amended by Statutes 1996, Chapter, 277, Statutes 1998, Chapter 207, Statutes 1999, Chapter 300 and Statutes 2000, Chapter 135
Government Code Sections 65970, 65971, 65972, 65973, 65974, 65974.5, 65975, 65976, 65977, 65978, 65979, 65980, 65981, 65995, 65995.1, 65995.2, 65995.5, 65995.6, 65995.7, 65996, 65997, 65998, 66002, 66004, 66005, 66006, 66007, 66008, 66016, 66017, 66018, 66018.5, 66020, 66022, 66023, 66024, 66025, 66030, 66031, 66032, 66034, and 66037 as Added, Amended or Renumbered by Statutes 1977, Chapter 955; Statutes 1979, Chapter 282; Statutes 1980, Chapter 1354; Statutes 1981, Chapter 201; Statutes 1982, Chapter 923; Statutes 1983, Chapters 921 and 1254; Statutes 1984, Chapter 1062; Statutes 1985, Chapter 1498, Statutes 1986, Chapters 136, 685, 887, and 888; Statutes 1987, Chapters 927, 1002, 1037, 1184, and 1346; Statutes 1988, Chapters 29, 160, 418, 912, and 926; Statutes 1989, Chapters 170, 1209,

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

and 1217; Statutes 1990, Chapters 633 and 1572; Statutes 1992, Chapters 169, 231, 487, 605, and 1354; Statutes 1993, Chapters 589 and 1195; Statutes 1994, Chapters 300, 686, 983, and 1228; Statutes 1995, Chapter 686; Statutes 1996, Chapters 277, 549, 569, and 799; Statutes 1997, Chapter 772; Statutes 1998, Chapters 207, 407, and 689; Statutes 1999, Chapters 300 and 858; Statutes 2000, Chapter 135; and Statutes 2002, Chapters 33 and 1016

Clovis Unified School District, Claimant

- Item 4 *Peace Officer Procedural Bill of Rights II*, 03-TC-18
Government Code Sections 3304, 3306.5, 3309, and 3312
Statutes 1976, Chapter 465; Statutes 1994, Chapter 1259; Statutes 1997, Chapter 148; Statutes 1998, Chapter 786; Statutes 1998, Chapter 263; Statutes 1998, Chapter 112; Statutes 1999, Chapter 338; Statutes 2000, Chapter 209; Statutes 2002, Chapter 1156; and Statutes 2002, Chapter 170

City of Newport Beach, Claimant

B. PARAMETERS AND GUIDELINES, PARAMETERS AND GUIDELINES AMENDMENTS, AND STATEMENTS OF DECISION

- Item 5* Proposed Parameters and Guidelines
Permanent Absent Voters II, 03-TC-11
Elections Code Sections 3201 through 3206
Statutes 2001, Chapter 922; Statutes 2002, Chapter 664;
Statutes 2003, Chapter 347

And

Proposed Amendment to Parameters and Guidelines
Permanent Absent Voters (CSM 4358)
Former Elections Code Sections 1450 through 1456
Statutes 1982, Chapter 1422

County of Sacramento, Claimant

C. REQUEST TO REVIEW CLAIMING INSTRUCTIONS AND STATEMENT OF DECISION

- Item 6 *Request to Add Boilerplate Language*, 09-RCI-01
Five Amended Parameters and Guidelines Adopted January 29, 2010
Collective Bargaining, 05-PGA-48
Habitual Truant, 05-PGA-51
Intradistrict Attendance, 05-PGA-53
Juvenile Court Notices, 05-PGA-54
Health Fee Elimination, 05-PGA-69
And
Twelve Amended Parameters and Guidelines Adopted March 26, 2010
Caregiver Affidavits, 05-PGA-46
County Office of Education, Fiscal Accountability, 05-PGA-47
Financial Compliance Audits, 05-PGA-49
Graduation Requirements, 05-PGA-50
Law Enforcement Agency Notices, 05-PGA-55
Physical Education Reports, 05-PGA-60
Physical Performance Tests, 05-PGA-61
Pupil Health Screenings, 05-PGA-63
Pupil Residency Verification and Appeal, 05-PGA-64

Removal of Chemicals, 05-PGA-66
School District Fiscal Accountability Reporting, 05-PGA-67
Law Enforcement Jurisdiction Agreements, 05-PGA-70
And
Three Amended Parameters and Guidelines Adopted May 27, 2010
Notification of Truancy, 05-PGA-56
Notification to Teachers: Pupils Subject to Suspension or Expulsion,
05-PGA-57
Pupil Suspensions, Expulsions, and Expulsion Appeals, 05-PGA-65
Castro Valley Unified School District, Grossmont Union High School
District, San Jose Unified School District, San Diego County Office of
Education, Gavilan Joint Community College District, San Mateo County
Community College District, State Center Community College District,
Requestors

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

A. STATEWIDE COST ESTIMATE

Item 7* *Comprehensive School Safety Plans II, and Amendment*
02-TC-33, 07-TC-11, 98-TC-01, 99-TC-10
Education Code Sections 32281, 32282, 32286, and 32288
Statutes 1997, Chapter 736; Statutes 1999, Chapter 996;
Statutes 2001, Chapter 890; Statutes 2002, Chapter 506;
Statutes 2004, Chapter 895

Bakersfield City School District, Sweetwater Union High School
District, and San Diego Unified School District, Co-Claimants

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 8 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 9 Chief Legal Counsel: Recent Decisions, Litigation Calendar

Item 10 Acting Executive Director: Workload and Next Meeting/Hearing (info/action)

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. 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]
6. *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]

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.

B. PERSONNEL

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

RECONVENE IN PUBLIC SESSION

XII. REPORT FROM CLOSED EXECUTIVE SESSION

ADJOURNMENT

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