

COMMISSION ON STATE MANDATES

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November 18, 2010

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

On Wednesday, December 1, 2010, the Commission will conduct a workshop on the E-filing process at 10:30 a.m. at the Commission's Offices, 980 Ninth Street, Suite 300, Sacramento, California. On December 1, the Commission will also conduct closed executive session at the Office of Planning and Research, 1400 Tenth Street, 2nd Floor Conference Room, Sacramento, California.

On Thursday, December 2, 2010, the Commission will conduct its next regular meeting and hearing. Closed executive session will be conducted at 9:30 a.m., and the meeting will be convened at 10:00 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, 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.

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.

NEW FILINGS

October 11, 2010 through November 18, 2010

Claim Number	Date Received	Claimant	Description
10-4206-I-33	10/26/10	El Camino Community College District	Incorrect Reduction Claim: <i>Health Fee Elimination</i> Fiscal years 2003-2004, 2004-2005, 2005-2006, 2006-2007 \$674,212
10-904133-I-10	11/01/10	Riverside Unified School District	Incorrect Reduction Claim: <i>Notification of Truancy</i> Fiscal years 2003-2004, 2004-2005, 2005-2006, 2006-2007 \$326,088
Pending	11/03/10	Los Angeles Unified School District	Test Claim: <i>Special Education Services for Adult Students in County Jail</i> January 2010 Compliance Report from the California Department of Education; November 16, 2009 Decision of the California Office of Administrative Hearing in the Matter of <i>Student v. Los Angeles Unified School District</i> , Case No. 2009060442 California Education Code section 56041
Pending	11/10/10	County of Sacramento	Incorrect Reduction Claim: <i>Seriously Emotionally Disturbed Pupils (SEDS): Out-of-State Mental Health Services</i> Fiscal Years 2001-2002, 2002-2003, 2003-2004, 2004-2005 \$1,979,388
10-TC-01	10/11/10	City of Brisbane	Test Claim: <i>Municipal Regional Stormwater Permit --San Mateo County</i> Municipal Regional Stormwater Permit Number CAS612008, issued by the Regional Water Quality Control Board, San Francisco Region as Order No. R2-2009-0074, October 14, 2009
10-TC-02	10/11/10	City of Alameda	Test Claim: <i>Municipal Regional Stormwater Permit --Alameda County</i> Municipal Regional Stormwater Permit Number CAS612008, issued by the Regional Water Quality Control Board, San Francisco Region as Order No. R2-2009-0074, October 14, 2009
10-TC-03	10/11/10	County of Santa Clara	Test Claim: <i>Municipal Regional Stormwater Permit – Santa Clara County</i> Municipal Regional Stormwater Permit Number CAS612008, issued by the Regional Water Quality Control Board, San Francisco Region as Order No. R2-2009-0074, October 14, 2009

NOTICE

Commission on State Mandates

WORKSHOP

E-Filing Process

Wednesday, December 1, 2010

10:30 a.m.

Commission Offices

980 Ninth Street, Suite 300

Sacramento, California

- I. CALL TO ORDER AND INTRODUCTIONS
- II. REVIEW OF COMMISSION'S NEW REGULATIONS ON E-FILING PROCESS
- III. REVIEW OF E-FILING PROCESS
- IV. E-FILING DEMONSTRATION
- V. DISCUSSION
- VI. ADJOURNMENT

NOTICE AND AGENDA¹

Meeting of the Commission on State Mandates

Office of Planning & Research

1400 Tenth Street

Second Floor Conference Room

Sacramento, California

Wednesday, December 1, 2010

2:30 P.M.

I. CALL TO ORDER AND ROLL CALL

II. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTION 11126, SUBDIVISION (a) (1) (action).

To confer on personnel matters pursuant to Government Code section 11126, subdivision (a)(1): to interview applicants and appoint the new Executive Director pursuant to Government Code section 17530.

III. RECONVENE IN PUBLIC SESSION

IV. REPORT FROM CLOSED EXECUTIVE SESSION

V. PUBLIC COMMENT

ADJOURNMENT

For information, contact:

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

NOTICE AND AGENDA¹

Meeting of the Commission on State Mandates

State Capitol, Room 447

Sacramento, California

Thursday, December 2, 2010

9:30 A.M. CLOSED EXECUTIVE SESSION

10:00 A.M. PUBLIC MEETING AND HEARING

I. CALL TO ORDER AND ROLL CALL

II. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTION 11126 SUBDIVISION (a)(1) (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)(2)(A):

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. 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*

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

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]

6. *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]*

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 section 11126, subdivision (a)(1) to appoint the new Executive Director and Interim Executive Director pursuant to Government Code section 17530.

III. RECONVENE IN PUBLIC SESSION

IV. REPORT FROM CLOSED EXECUTIVE SESSION

V. APPROVAL OF MINUTES (action)

Item 1 November 9, 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 DECISION PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181, SUBDIVISION (C). (action)

Item 2 *Appeal of Executive Director's Decision to Deny the County of Santa Clara's Request for an Expedited Hearing on its Incorrect Reduction Claim: Handicapped and Disabled Students, 09-4282I-05*
County of Santa Clara, Appellant

Item 3 Appeals of Executive Director's Decisions regarding this month's agenda items. (Placeholder item)

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

A. PROPOSED PARAMETERS AND GUIDELINES

- Item 4 *Comprehensive School Safety Plans II*
Draft Proposed Parameters and Guidelines
02-TC-33, from January 1, 2002 through June 30, 2009
07-TC-11, from January 1, 2005 through June 30, 2009
and
Comprehensive School Safety Plans I and II
Draft Proposed Consolidated Parameters and Guidelines
98-TC-01, 99-TC-10, 02-TC-33, 07-TC-11
Beginning Fiscal Year 2009-2010
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 Claimants

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 5 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. REPORTS (info/action)

- Item 6 Update on 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 7 Chief Legal Counsel: Recent Decisions, Litigation Calendar
- Item 8 Executive Director: Workload, Budget, New Practices, and Next Meetings

XI. PUBLIC COMMENT

ADJOURNMENT

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