

COMMISSION ON STATE MANDATES

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June 5, 2008

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

MAJOR REPAIRS TO INTERSTATE 5 WILL BE OCCURRING ON HEARING DAY. PLEASE SEE THE COMMISSION'S WEBSITE AT CSM.CA.GOV FOR INFORMATION ON ALTERNATE ROUTES TO THE CAPITOL.

The Commission will hold its next regular meeting and hearing on Thursday, June 26, 2008. The meeting will be convened at 9:30 a.m., State Capitol, Room 126, in Sacramento, California. Closed session will convene at 9:30 a.m. Open session will convene at 10:00 a.m.

Changes to the Agenda

The following three items previously scheduled for June 26, 2008 have been postponed to the August 1, 2008 hearing:

Test Claim:

- *Prevailing Wage Rates*, 01-TC-28, Clovis Unified School District, Claimant

Parameters and Guidelines:

- *Local Government Employment Relations*, 01-TC-30, County of Sacramento, Claimant
- *Pupil Discipline Records*, 00-TC-10, and *Notification to Teachers: Pupils Subject to Suspension or Expulsion II*, 00-TC-11, Sweetwater Union High School District, Carpinteria Unified School District, Sweetwater Union and Grant Joint Union High School District, Co-Claimants

The following item has been added to the June 26, 2008 agenda:

Parameters and Guidelines:

CalSTRS Service Credit, 02-TC-19, Santa Monica Community College District

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. Each month's agenda will remain posted until the following month is uploaded.

The approved minutes of previous commission meetings are also on the Web Site in PDF formats. To access the minutes, click on the words "Hearings/Minutes" on the left side of any 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 SUBSCRIPTION" LINK IN THE BOTTOM RIGHT CORNER.

REVISED NOTICE AND AGENDA¹

State Capitol, Room 126
Sacramento, California

June 26, 2008
9:30 A.M.

I. CALL TO ORDER AND ROLL CALL

II. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 and 17526 (action). (Closed Executive Session will begin at 9:30 A.M. and may reconvene at the end of the meeting.)

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; [AB 138; Open Meetings Act, Brown Act Reform, Mandate Reimbursement Process I and II; and School Accountability Report Cards (SARC) I and II]
3. *Department of Finance v. Commission on State Mandates*, Third District Court of Appeal, Case No. C056833, [Peace Officer Procedural Bill of Rights]
4. *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, [Integrated Waste Management]
5. *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, [Emergency Procedures: Earthquake Procedures and Disasters]
6. *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]

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. PERSONNEL

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

OPEN SESSION: 10:00 A.M.

III. RECONVENE IN OPEN SESSION AND REPORT FROM CLOSED EXECUTIVE SESSION

IV. APPROVAL OF MINUTES (action)

Item 1 March 28, 2008

V. 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.

VI. 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

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

A. TEST CLAIMS AND PROPOSED STATEMENTS OF DECISION

(Note: Items 3B and 7 will not be voted on unless the staff recommendations for Items 3A and 6 are adopted.)

Item 3A *Crime Statistic Reports for the Department of Justice*
02-TC-04, 02-TC-11
Penal Code Sections 12025, 12031, 13012, 13014, 13023 and 13730;
Statutes 1980, Chapter 1340 (SB 1447); Statutes 1982, Chapter 147
(SCR 64); Statutes 1984, Chapter 1609 (SB 1472); Statutes 1989,

Item 3A *Crime Statistics Reports for the Department of Justice* continued

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 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); and California Department of Justice, Criminal Justice Statistics Center, Criminal Statistics Reporting Requirements and Requirements Spreadsheet, March 2000
City of Newport Beach and County of Sacramento, Claimant

Item 3B *Proposed Statement of Decision:*
See Item 3A above.

Item 4 *Comprehensive School Safety Plans II, 02-TC-33*
Former Education Code Sections 35294.1, 35294.2, 35294.6, and 35294.8 (Renumbered as Sections 32281, 32282, 32286 and 32289, respectively)
Statutes 2001, Chapter 646 (AB 79); Statutes 2001, Chapter 890 (SB 257); Statutes 2002, Chapter 91 (AB 2708); Statutes 2002, Chapter 506 (SB 1667); Statutes 2002, Chapter 735 (AB 2198)
Bakersfield City School District and Sweetwater Union High School District, Co-Claimants

Item 5 *Proposed Statement of Decision*
See Item 4 above

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

A. PARAMETERS AND GUIDELINES

Item 6* *Binding Arbitration, 01-TC-07*
Code of Civil Procedure, Sections 1299.2, 1299.3, 1299.4, 1299.5, 1299.6, 1299.8, and 1299.9
Statutes 2000, Chapter 906 (SB 402)
County of Napa, Claimant

Item 7* *Local Recreational Areas, Background Screenings, 01-TC-11*
Public Resources Code, Section 5164; Subdivision (b)(1) and (b)(2)
Statutes 2001, Chapter 777 (AB 351)
City of Los Angeles – Department of Recreation and Parks, Claimant

Item 8* *CalSTRS Service Credit*, 02-TC-19
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; Statutes 1996, Chapters 383, 634 and 680
Statutes 1997, Chapter 838; Statutes 1998, Chapter 965; Statutes 1999,
Chapter 939; Statutes 2000, Chapter 1021
Santa Monica Community College District, Claimant

**B. JOINT REQUEST FOR REASONABLE REIMBURSEMENT
METHODOLOGY AND STATEWIDE ESTIMATE OF COSTS PURSUANT
TO GOVERNMENT CODE SECTIONS 17557.1 AND 17557.2**

Item 9 *Firearm Hearings for Discharged Inpatients*, 99, TC-11
Welfare and Institutions Code Section 8103, Subdivisions (f) and (g)
Statutes 1999, Chapter 578
County of Los Angeles and Department of Finance, Requestors

C. PROPOSED STATEWIDE COST ESTIMATES

Item 10* *Handicapped and Disabled Students II* (02-TC-40/02-TC-49)
Government Code Sections 7572.55 and 7576
Statutes 1994, Chapter 1128, Statutes 1996, Chapter 654
California Code of Regulations, Title 2, Sections 60000 et seq.
(emergency regulations effective July 1, 1998 [Register 98, No. 26],
final regulations effective August 9, 1999 [Register 99, No. 33])
Counties of Stanislaus and Los Angeles, Claimants

Item 11* *Binding Arbitration*, 01-TC-07
Code of Civil Procedure, Sections 1299.2, 1299.3,
1299.4, 1299.5, 1299.6, 1299.8, and 1299.9
Statutes 2000, Chapter 906 (SB 402)
County of Napa, Claimant

IX. STAFF REPORTS (info/action)

Item 12 Chief Legal Counsel: Recent Decisions, Litigation Calendar

Item 13 Executive Director: Workload, Budget, and
Next Hearing (August 1, 2008)

ADJOURNMENT

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