

COMMISSION ON STATE MANDATES

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July 2, 2013

TO: ALL INTERESTED PERSONS
FROM: Heather Halsey, Executive Director *H.H.*
RE: Notice and Agenda

On Friday, July 26, 2013, the Commission will conduct its next regular meeting and hearing. The hearing will be conducted 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 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 on the Commission's website and 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 at www.csm.ca.gov. After reaching the site's home page, click on "Current Hearing" on the left side of the page for the hearing agenda. Generally, the agenda and items will be uploaded two weeks before the meeting and may be accessed from the agenda. If an item is postponed prior to the meeting, notice will be posted on the agenda. Following the meeting, Commission actions will be posted on the Commission's website, and revised items will be posted upon completion.

The approved minutes of Commission meetings since January 2004 are on the website in PDF format. Transcripts of Commission meetings since July 2011 are attached to the minutes. To access these documents, click "Current Hearing" on the left side of the home page.

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 WWW.CSM.CA.GOV AND CLICKING ON THE "AGENDA MAILING LIST" LINK ON THE RIGHT SIDE OF THE PAGE.

AGENDA¹
Meeting of the Commission on State Mandates
State Capitol
Room 447
Sacramento, California
Friday, July 26, 2013
10:00 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 April 19, 2013

Item 2 May 24, 2013

III. PUBLIC COMMENT FOR MATTERS NOT ON THE AGENDA (info)

Please note that the Commission cannot take action on items not on the agenda. However, it can schedule issues raised by the public for consideration at future meetings.

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 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.

V. HEARINGS AND DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (GOV. CODE, § 17551, 17557, and 17559) (action)

A. APPEAL OF EXECUTIVE DIRECTOR DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181(c) (info/action)

Item 3 Appeal of Executive Director Decisions

(Note: This item is limited to appeals regarding this month's agenda items.)

B. TEST CLAIM

Item 4 *General Health Care Services for Inmates, 07-TC-12*

Penal Code Section 4011.10

Statutes 2005, Chapter 481 (SB 159) and
Statutes 2006, Chapter 303 (SB 896)

Orange County Health Care Agency, Claimant

¹ This public meeting notice is available on the Commission's website at www.csm.ca.gov.

Item 5 *Immunization Records - Pertussis*, 11-TC-02
Health and Safety Code Sections 120325 and 120335
Statutes 2010, Chapter 434 (AB 354)
Twin Rivers Unified School District, Claimant

C. REQUEST FOR MANDATE REDETERMINATION

Item 6 *Sexually Violent Predators (CSM-4509)*, 12-MR-01
Welfare and Institutions Code Sections 6601 through 6605, and 6608
Statutes 1995, Chapter 762 (SB 1143); Statutes 1995, Chapter 763
(AB 888); Statutes 1996, Chapter 4 (AB 1496)
As Alleged to be Modified by: Proposition 83,
General Election, November 7, 2006
California Department of Finance, Requestor

D. PARAMETERS AND GUIDELINES AND PARAMETERS AND GUIDELINES AMENDMENTS

Item 7* *Teacher Credentialing*, 03-TC-09
California Code of Regulations, Title 5, Sections 80556(a),(c),(f) and (j)
and 80556.1(e) as added and amended by Register 86, No. 40; Register 94,
No. 19
San Diego County Office of Education, Claimant

E. RECONSIDERATION OF STATEMENT OF DECISION AND PARAMETERS AND GUIDELINES

Item 8 *California Public Records Act*, 02-TC-10 and 02-TC-51
Government Code Sections 6253, 6253.1, 6253.9, 6254.3, and 6255
Statutes 1992, Chapters 463 (AB 1040); Statutes 2000, Chapter 982
(AB 2799); and Statutes 2001, Chapter 355 (AB 1014)
California Special Districts Association, Requestor

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

A. STATEWIDE COST ESTIMATE

Item 9* *Behavioral Intervention Plans (BIPs)*, CSM-4464
California Code of Regulations, Title 5, Sections 3001 and 3052
Register 93, No. 17; Register 96, No. 8; Register 96, No. 32
Butte County Office of Education, San Diego Unified School District, San
Joaquin County Office of Education, Claimants

- Item 10* *Public Contracts (K-14), 02-TC-35*
 Public Contract Code Sections 3300, 7104, 20103.5, 20104, 20104.2, 20104.50, and 22300
 Statutes 1985, Chapter 1073; Statutes 1988, Chapter 1408; Statutes 1989, Chapter 330; Statutes 1990, Chapter 1414; Statutes 1992, Chapter. 799; and Statutes 1994, Chapter 726.
 Business and Professions Code Section 7028.15
 Statutes 1990, Chapter 321
 California Code of Regulations, Title 5, Sections 59504, 59505, 59506, and 59509; Register 1994, Number 6
 Clovis Unified School District and Santa Monica Community College District, Claimants
- Item 11* *Discrimination Complaint Procedures, 02-TC-46*
 Education Code Sections 66010.2, 66010.7, and 87102, as amended by Statutes 1988, Chapter 973 and Statutes 1991, Chapter 1198;
 California Code of Regulations, Title 5, Sections 53003, 53004, 53006, 53020, 53021, 53022, 53023, 53024, 53025, 53026, and 53034, as added or amended by Register 92, Number 17; Register 96, Number 23; and Register 2002, Number 35
 (Consolidated With)
 Government Code Section 11135, as added or amended by Statutes 1992, Chapter 913; Statutes 1994, Chapter 146; Statutes 2001, Chapter 708; Statutes 2002, Chapter 1102
 California Code of Regulations, Title 5, Sections 59320, 59322, 59324, 59326, 59327, 59328, 59330, 59332, 59334, 59336, 59338, 59340, and 59342, as added or amended by Register 81, Number 16; Register 92, Number 17; Register 96, Number 23; Register 2001, Number 6; Register 2002, Number 13; and Register 2002, Number 35
 Santa Monica Community College District, Los Rios Community College District, and West Kern Community College District, Claimants
- Item 12* *Charter Schools, 03-TC-03*
 Education Code Sections 1628, 42100(a), 47605, 47605.6
 Statutes 2002, Chapter 1058
 San Diego Unified School District, Claimant
- Item 13* *Local Agency Ethics (AB 1234), 07-TC-04*
 Government Code Sections 53232.2(b), 53232.3(a) and (b), 53235(f) and 53235.2(a)
 Statutes 2005, Chapter 700
 City of Newport Beach, Claimant

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 14 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 15 Legislative Update (info)
- Item 16 Chief Legal Counsel: New Filings, Recent Decisions, Litigation Calendar
- Item 17 Executive Director: Workload, Report to Finance and Backlog Reduction Plan and Tentative Agenda Items for Next Meeting (info)

IX. 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, 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.* (petition and cross-petition), Third District Court of Appeal, Case No. C070357 (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*]
2. *California School Board Association (CSBA) v. State of California et al.*, Alameda County Superior Court Case No. RG11554698 [2010-2011 Budget Trailer Bills, Mandates Process for K-12 Schools, Redetermination Process]
3. *State of California Department of Finance, State Water Resources Control Board, and California Regional Water Quality Control Board, Los Angeles Region v. Commission on State Mandates and County of Los Angeles, et al* (petition and cross-petition). Second District Court of Appeal, Case No. B237153 (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*]

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

X. REPORT FROM CLOSED EXECUTIVE SESSION

ADJOURNMENT

Heather Halsey, Executive Director
980 Ninth Street, Suite 300
Sacramento, CA 95814
Email: heather.halsey@csm.ca.gov

For information regarding this agenda, please contact:

Kerry Ortman
(916) 323-3562

NEW FILINGS

April 24, 2013 through July 2, 2013

Date Received	Claimant	Description
5/7/13	County of Los Angeles	Incorrect Reduction Claim: 12-9705-I-04 <i>Seriously Emotionally Disturbed (SED) Pupils: Out of State Mental Health Services (97-TC-05)</i> Fiscal Years: 2003-2004, 2004-2005, and 2005-2006
5/20/13	Department of Finance	Mandate Redetermination: 12-MR-02 <i>Local Recreational Areas: Background Screenings, (01-TC-11)</i> Public Resources Code Section 5164(b)(1), (b)(2), and (b)(3) as added or amended by Statutes 2001, Chapter 777 (AB 351); Statutes 2010, Chapter 719, (SB 856)
6/11/13	County of Los Angeles	Incorrect Reduction Claim: 12-0240-I-01 <i>Handicapped and Disabled Students II (02-TC-40/02-TC-49)</i> Fiscal Years: 2002-2003 and 2003-2004