

COMMISSION ON STATE MANDATES

NOTICE AND AGENDA<sup>1</sup>

State Capitol, Room 126  
Sacramento, California

September 27, 2005

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 SECTIONS 11126 and 17526. (Closed Executive Session will begin at this time and may be reconvened at the end of the public 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):

New Cases

1. *Yuba City Unified School District v. State of California, et al.*, Sacramento Superior Court Case No. 05CS01237, CSM Case No. 05-L-01 [*Graduation Requirements IRC*]
2. *John Swett Unified School District v. State of California, et al.*, Sacramento Superior Court Case No. 05CS01262, CSM Case No. 05-L-02 [*Graduation Requirements, IRC*]
3. *West Contra Costa Unified School District, et al. v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 05CS01253 CSM Case No. 05-L-03 [*Graduation Requirements, IRC*]  
[Filed on behalf of 12 school districts: West Contra Costa USD, Anderson Union High School District, Center USD, Lake Tahoe USD, Lincoln USD, Linden USD, Novato USD, Ojai USD, Placer Union High School District, San Juan USD, Stockton USD, Vallejo City USD]

Other Cases

4. *State of California, Department of Finance v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 03CS01069, CSM Case No. 03-L-01, consolidated with *County of Los Angeles v. Commission on State Mandates, et al.*, Los Angeles Superior Court Case No. BS087959, transferred to Sacramento Superior Court, Case No. 05CS00865, CSM Case No. 03-L-11 [*Animal Adoption*]
5. *State of California, Department of Finance v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 03CS01432, CSM Case No. 03-L-02 [*Behavioral Intervention Plans*]

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

6. *San Diego Unified School District v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 03CS01401, CSM Case No. 03-L-03 [*Graduation Requirements IRC*]
7. *Castro Valley Unified School District v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 03CS01568, CSM Case No. 03-L-04 [*Graduation Requirements IRC*]
8. *San Jose Unified School District v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 03CS01569, CSM Case No. 03-L-05 [*Graduation Requirements IRC*]
9. *Sweetwater Union High School District v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 03CS01570, CSM Case No. 03-L-06 [*Graduation Requirements IRC*]
10. *Clovis Unified School District v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 03CS01702, CSM Case No. 03-L-09 [*Graduation Requirements IRC*]
11. *Grossmont Union High School District v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 04CS00028, CSM Case No. 03-L-10 [*Graduation Requirements IRC*]
12. *CSAC Excess Insurance Authority v. Commission on State Mandates, et al.*, Los Angeles Superior Court Case No. BS092146, CSM Case No. 04-L-01 [*Cancer Presumption for Law Enforcement and Firefighters and Lower Back Injury Presumption for Law Enforcement*], consolidated with *City of Newport Beach v. Commission on State Mandates, et al.*, Los Angeles Superior Court Case No. BS095456, CSM Case No. 04-L-02 [*Skin Cancer Presumption for Lifeguards*]
13. *County of Los Angeles, et al. v. Commission on State Mandates, et al.*, Second District Court of Appeal [Los Angeles] Case Number B183981, CSM Case No. 04-L-03, (Los Angeles Superior Court Nos. BS089769, BS089785) [*Transit Trash Receptacles, et al./Waste Discharge Requirements*]
14. *Southern California Association of Governments, et al. v. Commission on State Mandates*, Sacramento Superior Court Case No. 05CS00956, CSM Case No. 04-L-04 [*Regional Housing Needs Determination-Councils of Government*]

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. Discussion and action, if appropriate, on recommendation of Personnel Sub-Committee on:

- Appointment of Interim Chief Legal Counsel
- Testing, Selection and Appointment of Chief Legal Counsel (CEA IV)

III. REPORT FROM CLOSED EXECUTIVE SESSION, RECONVENE IN PUBLIC SESSION

IV. APPROVAL OF MINUTES (action)

- Item 1 July 28, 2005  
August 23, 2005

V. PROPOSED CONSENT CALENDAR (action)

- Item 2 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 DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181, SUBDIVISION (c). (action)

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

- Item 3 Staff Report (if necessary)

VII. RECONSIDERATION OF PRIOR STATEMENTS OF DECISION AS DIRECTED BY THE LEGISLATURE IN STATUTES 2004, CHAPTER 316 (AB 2851) AND CHAPTER 895 (AB 2855) (action)

**(Note: Item 5 will not be voted on unless the staff recommendation for Item 4 is adopted.)**

- Item 4 *Sex Offenders: Disclosure by Law Enforcement Officers*, 04-RL-9715-06 Penal Code Sections 290 and 290.4, as amended by Statutes 1996, Chapters 908 (AB 1562) and 909 (SB 1378); Statutes 1997, Chapters 17 (SB 947), 80 (AB 213), 817 (AB 59), 818 (AB 1303), 819 (SB 314), 820 (SB 882), 821 (AB 290) and 822 (SB 1078); and, Statutes 1998, Chapters 485 (AB 2803), 550 (AB 2799), 927 (AB 796), 928 (AB 1927), 929 (AB 1745) and 930 (AB 1078)

- Item 5 Proposed Statement of Decision  
*Sex Offenders: Disclosure by Law Enforcement Officers*, 04-RL-9715-06  
See Above

VIII. SET ASIDE OF PRIOR STATEMENTS OF DECISION, AND DISMISSAL OF RECONSIDERATION AS DIRECTED BY THE LEGISLATURE IN STATUTES 2005, CHAPTER 72 (AB 138) (action)

- Item 6      *Brown Act Reform*, 04-RL-4469-08, CSM-4469 and *Open Meetings Act*, CSM 4257  
Government Code Sections 54952, 54954.2, 54954.3, 54957.1, and 54957.7  
Statutes 1993, Chapters 1136 (AB 1426), 1137 (SB 36), and 1138 (SB 1140);  
Statutes 1994, Chapter 32 (SB 752); and Statutes 1986, Chapter 1994 (AB 2674)

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

A.      ADOPTION OF PROPOSED PARAMETERS AND GUIDELINES AND AMENDMENTS TO PARAMETERS AND GUIDELINES

- Item 7\*      *The Stull Act*, 98-TC-25  
Denair Unified School District and Grant Joint Union High School District,  
Claimants  
Education Code Sections 44660 – 44665 (formerly Ed. Code §§ 13485-13490)  
Statutes 1975, Chapter 1216 (SB 777); Statutes 1983, Chapter 498 (SB 813);  
Statutes 1986, Chapter 393 (AB 3878); Statutes 1995, Chapter 392 (AB 729);  
Statutes 1999, Chapter 4 (SB 412)

- Item 8\*      *Mandate Reimbursement Process*, CSM-4485  
Statutes 1975, Chapter 486 (AB 1375), Statutes 1984, Chapter 1459 (SB 2337);  
Statutes 1995, Chapter 303 (AB 903 - Budget Act of 1995); Statutes 1996,  
Chapter 162 (SB 1393 - Budget Act of 1996); Statutes 1997, Chapter 282 (AB  
107 - Budget Act of 1997); Statutes 1998, Chapter 324 (AB 1656 - Budget Act  
of 1998); Statutes 1999, Chapter 50 (SB 160 - Budget Act of 1999); Statutes  
2000, Chapter 52 (AB 1740 - Budget Act of 2000); Statutes 2001, Chapter 106  
(SB 739 –Budget Act of 2001); Statutes 2002, Chapter 379 (AB 425 - Budget  
Act of 2002); Statutes 2003, Chapter 157 (AB 1765 - Budget Act of 2003);  
Statutes 2004, Chapter 208 (SB 1113 - Budget Act of 2004); Statutes 2005,  
Chapter 38 (SB 77 - Budget Act of 2005)

B.      SET ASIDE PARAMETERS AND GUIDELINES, AS DIRECTED BY THE LEGISLATURE, STATUTES 2004, CHAPTER 72, (AB 138)

- Item 9\* *Brown Act Reform*, 04-PGA-08 (CSM-4469) and  
*Open Meetings Act* (CSM-4257)  
Government Code Sections 54952, 54954.2, 54954.3, 54957.1, and 54957.7  
Statutes 1993, Chapters 1136 (AB 1426), 1137 (SB 36), and 1138 (SB 1140);  
Statutes 1994, Chapter 32 (SB 752); and  
Statutes 1986, Chapter 641 (AB 2674)
- Item 10\* *Redevelopment Agencies – Tax Disbursement Reporting*, 99-TC-06  
Health and Safety Code Section 33672.7  
Statutes 1998, Chapter 39 (SB 258)
- C. SET ASIDE PARAMETERS AND GUIDELINES BASED ON STATUTES  
2004, CHAPTER 316 (AB 2851)
- Item 11\* *Residential Care Services*, 04-PGA-12 (CSM-4292) (Tentative)  
Welfare and Institutions Code Sections 4075, 4076, and 5705.6  
Statutes 1985, Chapter 1352 (SB 155); Title 9, California Code of Regulations,  
Section 549, DMH Letters No. 85-40, 86-14, 86-26, 86-30, 87
- D. SET ASIDE OR AMEND PARAMETERS AND GUIDELINES BASED ON  
STATUTES 2004, CHAPTER 889, (AB 2853) AND REQUEST OF THE  
STATE CONTROLLER’S OFFICE
- Item 12\* *Involuntary Lien Notices*, 04-PGA-15 (SB 90-3891)  
Statutes 1980, Chapter 1281 (AB 481)
- Item 13\* *Property Tax: Family Transfers*, 04-PGA-16 (CSM-4320)  
Statutes 1987, Chapter 48 (AB 47)
- Item 14\* *County Treasury Oversight Committees*, 04-PGA-17 (CSM 96-365-03)  
Government Code Sections 27130, 27131, 27132, 27132.1, 27132.2, 27132.3,  
27132.4, 27133, 27134, 27135, 27136, 27137  
Statutes of 1995, Chapter 784 (SB 866); Statutes of 1996, Chapter 156 (SB 864)
- Item 15\* *Investment Reports*, 04-PGA-18 (CSM 96-358-02)  
Government Code Section 53646, Subdivisions (a), (b), and (e)  
Statutes 1995, Chapter 783 (SB 564) Statutes 1996, Chapter 156 (SB 864)  
Statutes 1996, Chapter 749 (SB 109)
- Item 16\* *Two-Way Traffic Signal Communications*, 04-PGA-19 (CSM-4504)  
Vehicle Code Section 2140  
Statutes 1994, Chapter 1297 (AB 3418), Statutes 2004, Chapter 889 (AB 2853)
- Item 17\* *Misdemeanors: Booking and Fingerprinting*, 04-PGA-20 (CSM-4436)  
Penal Code Section 853.6  
Statutes 1992, Chapter 1105 (AB 3156)
- E. SET ASIDE OR AMEND PARAMETERS AND GUIDELINES BASED ON BY  
STATUTES 2004, CHAPTER 895 (AB 2855)

Item 18\* *Pupil Exclusions*, 04-PGA-28 (CSM-4457 & 4477) (Tentative)  
Statutes 1978, Chapter 668 (AB 2191)

F. SET ASIDE OR AMEND PARAMETERS AND GUIDELINES BASED ON  
AMENDMENTS BY STATUTES 2004, CHAPTER 227 (SB 1102)

Item 19\* *Senior Citizens' Mobilehome Property Tax Deferral Program*, 04-PGA-31  
(SB 90-1623)  
Statutes 1983, Chapter 1051 (AB 800)

G. PROPOSED AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS,  
TITLE 2, DIVISION 2, CHAPTER 2.5 (action)

Item 20 Adoption of Proposed Regulatory Action: Appeal of Executive Director  
Decisions; Amendments to California Code of Regulations, Title 2, Chapter  
2.5, Article 1. General, Section 1181

H. MEETING AND HEARING CALENDAR

Item 21 Adoption of 2006 Meeting and Hearing Calendar

XI. STAFF REPORTS

Item 22 Chief Legal Counsel's Report (info)  
Recent Decisions, Litigation Calendar

Item 23 Executive Director's Report (info/action)  
Workload, Legislation, and Mandate Reform

XII. PUBLIC COMMENT

XIII. ADJOURNMENT

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