

COMMISSION ON STATE MANDATES  
NOTICE AND AGENDA<sup>1</sup> -

State Capitol, Room 126  
Sacramento, California

October 4, 2006  
1:30 P.M.

(Please Note Date and Time Change)

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

Item 1 July 28, 2006

III. 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.

IV. 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)

V HEARINGS AND DECISIONS ON TEST CLAIMS, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (Gov. Code, §§ 17551 and 17559) (action)

**(Note: Items 6, 8 and 10 will not be voted on unless the staff recommendations for Items 5, 7 and 9 are adopted.)**

A. REQUEST FOR RECONSIDERATION OF PRIOR FINAL DECISION PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1188.4

Item 4 *Binding Arbitration*, 01-TC-07  
Code of Civil Procedure, Sections 1281.1, 1299, 1299.2, 1299.3, 1299.4, 1299.5, 1299.6, 1299.7, 1299.8, and 1299.9  
Statutes 2000, Chapter 906 (SB 402)  
City of Palos Verdes Estates, Claimant  
Chair, Commission on State Mandates, Requestor

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

B. TEST CLAIMS

- Item 5 *Fifteen -Day Close of Voter Registration*, 01-TC-15  
Elections Code Sections 2035, 2102, 2107, 2119, 2154,  
2155, 2187, 9094, 13300, 13303 and 13306  
Statutes 2000, Chapter 899 (AB 1094)  
County of Orange, Claimant
  
- Item 6 Proposed Statement of Decision  
*Fifteen-Day Close of Voter Registration*, 01-TC-15  
See Above
  
- Item 7 *Voter Identification Procedures*, 03-TC-23  
Elections Code Section 14310  
Statutes 2000, Chapter 260 (SB 414)  
San Bernardino County, Claimant
  
- Item 8 Proposed Statement of Decision  
*Voter Identification Procedures*, 03-TC-23  
See Above
  
- Item 9 *Mandate Reimbursement Process II (AB 2856)*, 05-TC-05  
Government Code Section 17553, 17557, and 17564  
Statutes 2004, Chapter 890 (AB 2856);  
California Code of Regulations, Title 2, Sections 1183 and 1183.13  
City of Newport Beach, Claimant
  
- Item 10 Proposed Statement of Decision  
*Mandate Reimbursement Process II (AB 2856)*, 05-TC-05  
See Above

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

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

- Item 11\* *Peace Officers Procedural Bill of Rights*, 05-PGA-07  
Request to Amend Parameters and Guidelines  
Government Code Sections 3300 through 3310  
Statutes of 1976, Chapter 465 (AB 301); Statutes of 1978, Chapters 775  
(AB 2916), 1173 (AB 2443), 1174 (AB 2696), and 1178 (SB 1726);  
Statutes of 1979, Chapter 405 (AB 1807); Statutes of 1980, Chapter 1367  
(AB 2977); Statutes of 1982, Chapter 994 (AB 2397); Statutes of 1983,  
Chapter 964 (AB 1216); Statutes of 1989, Chapter 1165 (SB 353); and  
Statutes of 1990, Chapter 675 (AB 389)  
Department of Finance, Requestor

Item            *Removal of Chemicals*, 03-PGA-04  
11A\*          Request to Amend Parameters and Guidelines  
                 Education Code Section 49411  
                 Statutes 1984, Chapter 1107 (AB 3820)  
                 As Amended by Statutes 1994, Chapter 840 (AB 3562)  
                 Department of Finance, Requestor

B.            PROPOSED STATEWIDE COST ESTIMATES

Item 12\*      *Crime Victim's Domestic Violence Incident Reports*, 99-TC-08  
                 County of Los Angeles, Claimant  
                 Family Code Section 6228  
                 Statutes 1999, Chapter 1022 (AB 403)  
                 Los Angeles County, Claimant

Item 13\*      *Peace Officer Personnel Records: Unfounded Complaints Against Peace  
                 Officers and Discovery of Peace Officer Personnel Records*,  
                 00-TC-24 and 00-TC-25  
                 Statutes 1978, Chapter 630 (SB 1436), et al.  
                 Cities of Hayward San Mateo, Claimants

C.            STAFF REPORTS

Item 14       Chief Legal Counsel's Report (info)  
                 Recent Decisions, Litigation Calendar

Item 15       Executive Director's Report (info/action)  
                 Workload, Budget, Legislation, and Next Hearing

VII.        PUBLIC COMMENT

VIII.      CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE  
SECTIONS 11126 and 17526.

A.           PERSONNEL

Report from Personnel Subcommittee and to confer on personnel matters  
pursuant to Government Code sections 11126, subdivision (a) and 17526.

B.           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. 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*]

2. *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*]
3. *CSAC Excess Insurance Authority v. Commission on State Mandates, et al.*, Second District Court of Appeal, Case Number B188169, on appeal from 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*]
4. *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*]
5. *County of San Bernardino v. Commission on State Mandates, et al.*, San Bernardino County Superior Court, Case No. SCVSS 138622 [*Standardized Emergency Management Systems (SEMs)*]

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).)

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

X. ADJOURNMENT

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