

ITEM 1
PROPOSED MINUTES
COMMISSION ON STATE MANDATES

State Capitol, Room 447
Sacramento, California
September 30, 2010

Present: Member Cynthia Bryant, Chairperson
 Representative of the Director of the Department of Finance
 Member Francisco Lujano, Vice Chairperson
 Representative of the State Treasurer
 Member Richard Chivaro
 Representative of the State Controller
 Member Cathleen Cox
 Acting Director of the Office of Planning and Research
 Member J. Steven Worthley
 County Supervisor
 Member Sarah Olsen
 Public Member

Absent: Member Paul Glaab
 City Council Member

CALL TO ORDER AND ROLL CALL

Chairperson Bryant called the meeting to order at 10:33 a.m. Executive Director Paula Higashi called the roll.

CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 AND 11126.2 (action).

Chairperson Bryant adjourned into closed executive session pursuant to Government Code section 11126, subdivision (e), to confer with and receive advice from legal counsel for consideration and action, as necessary and appropriate, upon the pending litigation published in the notice and agenda; to confer and receive advice from legal counsel regarding potential litigation; and also to confer on personnel matters and a report from the personnel subcommittee pursuant to Government Code section 11125, subdivision (a)(1).

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. *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. *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*]

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. REPORT FROM PERSONNEL SUBCOMMITTEE

To confer on personnel matters pursuant to Government Code section 11126, subdivision (a)(1).

REPORT FROM CLOSED EXECUTIVE SESSION

At 11:10 a.m., Chairperson Bryant reconvened in open session, and reported that the Commission met in closed executive session pursuant to Government Code section 11126, subdivision (e), to confer with and receive advice from legal counsel for consideration and action, as necessary and appropriate, upon the pending litigation listed on the public notice and agenda, and potential litigation, and also to confer on personnel matters listed on the published notice and agenda pursuant to Government Code section 11126, subdivision (a)(1).

Chairperson Bryant announced that Executive Director Paula Higashi intends to retire after a long and distinguished career with the State and that the job announcement for this position will be posted within a week. Since Paula has been here, the Commission has completed over 200 test claims, including several landmark decisions. Chairperson Bryant asked everyone to join her in congratulating Paula on her retirement.

APPROVAL OF MINUTES

Item 1 July 29, 2010

The July 29, 2010 hearing minutes were adopted by a vote of 6-0, on a motion by Member Lujano and second by Member Worthley.

APPEAL OF EXECUTIVE DIRECTOR DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181, SUBDIVISION (c)

Item 2 Staff Report (if necessary)

There were no appeals to consider.

PROPOSED CONSENT CALENDAR

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

ADOPTION OF PROPOSED REGULATION AMENDMENTS

Item 10* General Cleanup Provisions
California Code of Regulations, Title 2, Division 2,
Chapter 2.5., Adopt Sections 1185.21 and 1189
Amend Sections 1181, 1181.1, 1181.2, 1181.4, 1183-1183.03,
1183.06 -1183.09, 1183.11-1183.12, 1183.131-1183.21, 1183.30-1183.32,
1185, 1185.2-1185.6, 1186-1187.3, 1187.9-1188.31 and 1189.1, and 1189.3;
and Delete Sections 1181.3, 1189.4, and 1189.5

Member Worthley made a motion to adopt item 10 on the consent calendar. With a second by Member Olsen, the consent calendar was adopted by a vote of 6-0.

HEARING AND DECISION ON CLAIMS AND STATEMENTS OF DECISION, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7(Gov. Code, § 17551) (action)

Ms. Higashi swore in parties and witnesses participating in the hearing.

A. TEST CLAIM

Item 3 *California Environmental Quality Act (CEQA)*, 03-TC-17
Education Code Section 17025 added by Statutes 1996, Chapter 1562
Government Code Sections 66031 and 66034 as amended by Statutes 1994,
Chapter 300 (SB 517), and Statutes 1990, Chapter 1455 (SB 2374)
Public Resources Code Sections 21002.1, 21003, 21003.1, 21080.09,
21080.1, 21080.3, 21080.4, 21081, 21082, 21082.1, 21082.2, 21083,
21083.2, 21091, 21092, 21092.1, 21092.2, 21092.3, 21092.4, 21092.5,
21092.6, 21094, 21100, 21102, 21150, 21151, 21151.2, 21151.8, 21152,
21153, 21154, 21157, 21157.1, 21157.5, 21158, 21161, 21165, 21166,
21167, 21167.6, 21167.6.5, 21167.8, 21168.9 as added or amended by
Statutes 1970, Chapter 1433 (AB 2045); Statutes 1972, Chapter 1154 (AB

899); Statutes 1975, Chapter 222 (AB 335); Statutes 1976, Chapter 1312 (AB 2679); Statutes 1977, Chapter 1200 (AB 884); Statutes 1983, Chapter 967 (AB 1829); Statutes 1984, Chapter 571 (AB 2527); Statutes 1985, Chapter 85 (AB 841); Statutes 1987, Chapter 1452 (SB 998); Statutes 1989, Chapter 626 (AB 40); Statutes 1989, Chapter 659 (SB 896); Statutes 1991, Chapter 905 (AB 1642); Statutes 1991, Chapter 1183 (AB 928); Statutes 1991, Chapter 1212 (SB 948); Statutes 1993, Chapter 375 (SB 104); Statutes 1993, Chapter 1130 (AB 1888); Statutes 1993, Chapter 1131 (SB 919); Statutes 1994, Chapter 1230(SB 749); Statutes 1994, Chapter 1294 (AB 314); Statutes 1995, Chapter 801 (AB 1860); Statutes 1996, Chapter 444 (SB 2073); Statutes 1996, Chapter 547 (AB 298); Statutes 1997, Chapter 415 (AB 175); Statutes 2000, Chapter 738 (AB 1807); Statutes 2001, Chapter 867 (AB 1532); Statutes 2002, Chapter 1052 (AB 3041); Statutes 2002, Chapter 1121 (SB 1393)

California Code of Regulations, Title 5, Sections 14011 and 57121 as added or amended by Register 77, Nos. 01 & 45; Register 83, No. 18;

Register 91, No. 23; Register 93, No. 46; and, Register 2000, No. 44

California Code of Regulations, Title 14, Sections 15002, 15004, 15020, 15021, 15022, 15025, 15041, 15042, 15043, 15050, 15053, 15060, 15061, 15062, 15063, 15064 15064.5, 15064.5, 15064.7 15070, 15071, 15072, 15073, 15073.5, 15074, 15074.1, 15075, 15081.5, 15082, 15084, 15085, 15086, 15087, 15088, 15088.5, 15089, 15090, 15091, 15092, 15093, 15094 15095, 15100, 15104, 15122, 15123, 15124, 15125, 15126, 15126.2, 15126.4, 15126.6, 15128, 15129, 15130, 15132, 15140, 15142, 15143, 15145, 15147, 15148, 15149, 15150, 15152, 15153, 15162, 15164, 15165, 15167, 15168, 15176, 15177, 15178, 15179, 15184, 15185, 15186, 15201, 15203, 15205, 15206, 15208, 15223, 15225, 15367 as added or amended by register 75, No. 01; Register 75, Nos. 05, 18 & 22; Register 76, Nos. 02, 14 & 41; Register 77, No. 01; Register 78, No. 05; Register 80, No. 19; Register 83, Nos. 29; Register 86, No. 05; Register 94, No. 33; Register 97, No. 22; Register 98, No. 35; Register 98, No. 44; Register 2001, No. 05; Register 2003, No. 30

California State Clearinghouse Handbook

Governor's Office of Planning and Research (January 2000)

Clovis Unified School District, Claimant

Heather Halsey, Senior Commission Counsel presented this item. Ms. Halsey stated that the test claim addresses the activities required of school districts and community college districts pursuant to the California Environmental Quality Act (CEQA), and related statutes and regulations. At the January 2010 Commission hearing, staff found that there was no evidence in the record to support a finding that school and community college districts are legally or practically compelled to acquire new school sites or build new school facilities or additions to existing schools of greater than 25 percent, or to receive state funding for such projects, which would trigger the requirement to comply with CEQA. However, claimant requested, and the Commission granted permission to submit evidence that school districts are practically compelled to comply with some or all of the statutes and regulations pled in this claim. Claimant submitted supplemental filings to support its claim that school districts are practically compelled to construct new facilities.

Ms. Halsey asserted that the evidence submitted showed that the district considered many non-construction options to accommodate students, but chose not to pursue those options because they did not meet its own policy of small schools. Staff found that the evidence submitted by claimant did not support a finding of practical compulsion. Rather it supported a conclusion that the test claim statutes, regulations and executive orders do not impose a state mandated local program because CEQA requirements are triggered by local decision-making. Therefore, staff did not change its conclusion and recommended that the test claim be denied.

Parties were represented as follows: Art Palkowitz, of Stutz, Artiano, Shinoff, and Holtz, representing claimant Clovis Unified School District; and Donna Ferebee, Department of Finance.

Mr. Palkowitz argued that CEQA requirements are state-mandated because they are complied with prior to any decision to build a school. Mr. Palkowitz added that there is no dispute that the state requires local agencies to educate children and to provide facilities, and accordingly, the state pays schools to educate. He reiterated that the test claim is not requesting reimbursement for construction-related activities, but rather for CEQA activities. While schools have discretion regarding whether to move forward with a building project, there is no discretion of the need to comply with CEQA.

Chairperson Bryant asked Mr. Palkowitz to clarify his statements regarding performance of CEQA activities prior to making a decision to build or substantially expand a school site. Does every school district that is making an infrastructure decision run a CEQA initial study?

Mr. Palkowitz replied that there are exemptions, such as maintenance. If there is a decision that will impact the environment a district must do a CEQA analysis.

Member Worthley added that before a proposed project can go forward a CEQA analysis is required. The entity has made the decision that you anticipate a proposed project.

Chairperson Bryant added that a school district is not compelled to make the decision to expand the facility.

Member Olsen asked if CEQA is required to change a school from a traditional nine-month school to a year-round school. Mr. Palkowitz replied that he believed it would be prudent to do a CEQA study because there could be transportation or other impacts on the area.

Member Olsen responded that this was a key issue. Mr. Palkowitz stated that if she was asking him to honestly testify that transportation impacts or year-round schools warrant an initial study, his answer was yes.

Mr. Palkowitz also stated that he believed that to make a blanket ruling that there is never practical compulsion would seem inequitable. There is an opportunity out there to make an argument for practical compulsion.

Camille Shelton, Chief Legal Counsel, clarified that the Court of Appeal has made it clear in the *POBOR* case that even if there is a practical compulsion finding, school districts are practically compelled as a matter of law. The Commission has no jurisdiction to do equity in these cases. And, the *POBOR* case clearly stated that there must be evidence in the record to support the finding.

Ms. Halsey added that making a decision to transfer students to a new school in lieu of building or expanding a school is exempt from CEQA under California Code of Regulations section 15701.

Mr. Worthley asserted that as a former school board member, he transferred students to other schools, added portable buildings to schools, and did everything until there was no option but to build a new school. Therefore, there should be some flexibility about being reasonably practical. There are situations where there is practical compulsion to build a new school, given real-life situations. Chairperson Bryant appreciated Mr. Worthley's comments, but added that those are not the facts before the Commission.

Mr. Palkowitz stated that the case in *POBOR* is different because there were no other practical options in that record.

With a motion by Member Chivaro and a second by Member Lujano, the staff recommendation was adopted by a vote of 5-1 with Member Worthley voting no.

Item 4 Proposed Statement of Decision: *California Environmental Quality Act (CEQA)*, 03-TC-17
[See Item 3 above]

Ms. Halsey presented this item and stated that staff recommends that the Commission adopt the proposed Statement of Decision.

Member Chivaro made a motion to adopt the proposed Statement of Decision. Member Lujano seconded the motion and the Statement of Decision was adopted by a vote of 6-0.

B. INCORRECT REDUCTION CLAIMS

Item 5 *School Bus Safety I and II*
Fiscal Year 2002-2003
07-4433-9722-I-01 through 07-4433-9722-I-05
Education Code Sections 38408, 39831.3, and 39831.5;
Vehicle Code Section 22112
Statutes 1992, Chapter 624 (AB 3144); Statutes 1994, Chapter 831 (SB 2019); Statutes 1996, Chapter 277 (SB 1562); Statutes 1997, Chapter 739 (AB 1297)
San Jose Unified School District, Fullerton Joint Union High School District, Sweetwater Union High School District, San Ysidro School District, Clovis Unified School District, Claimants

Chief Counsel Camille Shelton presented this item. Ms. Shelton stated that the State Budget Act of 2002 specifically identified the *School Bus Safety II* program as suspended and appropriated zero dollars for that program for the fiscal year. The State Controller's Office returned the reimbursement claims on the ground that the program was suspended for that fiscal year.

Ms. Shelton explained that Government Code section 17581.5, the statute that relieves school districts of the duty to comply with a suspended mandate, did not become effective and operative until two months after the effective date of the budget. Therefore, the claimants contend that they are entitled to reimbursement for the limited time period from July 1, 2002, until September 30, 2002, when Government Code section 17581.5 became effective. Staff found that the school district claimants are entitled to reimbursement for the *School Bus Safety I* program from July 1, 2002 through September 29, 2002. Therefore the State Controller's Office incorrectly returned and reduced the claims at issue here.

Staff recommended the Commission adopt the analysis approving the incorrect reduction claims and remanding the reimbursement claims back to the State Controller's Office for further review and reinstatement of eligible costs.

Parties were represented as follows: Keith Petersen, SixTen and Associates, representing the claimants; Jill Kanemasu, State Controller's Office, and Donna Ferebee and Lenin Del Castillo, Department of Finance.

Mr. Petersen and Ms. Kanemasu concurred with the staff recommendation.

Ms. Ferebee stated that Finance filed late comments on this item, arguing that the suspension at issue here was accomplished by way of the Budget Act, and there was no need to rely on Government Code section 17581 to do that. It is the Budget Act. Therefore, suspension began on September 5 when the Budget was passed by the Legislature.

Ms. Shelton responded that the Budget Act simply appropriated no money to the program. There is nothing in the Budget Act that relieves local governments from complying with the underlying mandated statutes. Government Code section 17581.5, enacted on September 30, relieves school districts of the duty.

Ms. Ferebee countered that Department of Finance's legal interpretation is different. Finance does not believe that the Legislature needs to rely on any other code section.

With a motion by Member Worthley and a second by Member Olsen, the staff recommendation to approve the incorrect reduction claims was approved by a vote of 6-0.

Item 6 Proposed Statement of Decision: *School Bus Safety I and II*
Fiscal Year 2002-2003
[See Item 5 above]

Ms. Shelton presented this item and stated that staff recommends that the Commission adopt the proposed Statement of Decision.

Member Cox made a motion to adopt the proposed Statement of Decision. Member Olsen seconded the motion and the Statement of Decision was adopted by a vote of 6-0.

Item 7 *School Crimes Reporting II*, 07-9703-I-01, 07-9703-I-02, 07-9703-I-03,
07-9703-I-04, 07-9703-I-05, 07-9703-I-06, 07-9703-I-07, and
07-9703-I-08
Penal Code Sections 628.2 and 628.6;
Title V, California Code of Regulations, Sections 700-704;
Statutes 1984, Chapter 1607 (AB 2483); Statutes 1988, Chapter 78
(AB 2583); Statutes 1989, Chapter 1457 (SB 271); Statutes 1992,
Chapter 759 (AB 1248); Statutes 1995, Chapter 410 (SB 822);
California Department of Education, Guidelines for School Crimes
Reporting;
Fiscal Year 2002-2003
Bonita Unified School District, Fullerton Joint Union High School
District, San Ysidro School District, Castro Valley Unified School
District, Encinitas Union Elementary School District, Carlsbad Unified
School District, San Diego County Office of Education, and Rosedale
Union Elementary School District, Claimants

Chief Counsel Camille Shelton also presented this item, noting that it is similar to Item 5 and addressed the Controller's return of reimbursement claims for the *School Crimes Reporting II* program because it was identified in the Budget Act as being suspended. But, Government Code section 17581.5 did not become effective until September 30, 2002.

Staff recommended the Commission approve the incorrect reduction claims, and remand the reimbursement claims back to the State Controller for further review and reinstatement of the costs eligible for reimbursement for the *School Crimes Reporting* program.

Parties were represented as follows: Keith Petersen, SixTen and Associates, representing claimants; Jill Kanemasu, State Controller's Office, and Donna Ferebee and Lenin Del Castillo, Department of Finance.

Mr. Petersen and Ms. Kanemasu concurred with the staff recommendation.

Ms. Ferebee again argued that the suspension at issue here was accomplished by way of the Budget Act, and there was no need to rely on Government Code section 17581 to do that. It is the Budget Act. Therefore, suspension began on September 5 when the Budget was passed by the Legislature.

Chairperson Bryant asked Ms. Shelton if the Budget Act said "pursuant to section 17581.5," there would be no argument. Ms. Shelton agreed, but added that section 17581.5 would have to be enacted to make the program voluntary.

Paula Higashi, Executive Director, clarified the difference between section 17581 and 17581.5.

With a motion by Member Worthley, and a second by Member Olsen, the staff recommendation to approve the incorrect reduction claims was adopted by a vote of 6-0.

Item 8 Proposed Statement of Decision: *School Crimes Reporting II*, 07-9703-I-01, 07-9703-I-02, 07-9703-I-03, 07-9703-I-04, 07-9703-I-05, 07-9703-I-06, 07-9703-I-07, and 07-9703-I-08
[See Item 7 above]

Ms. Shelton presented this item and recommended that the Commission adopt the proposed Statement of Decision.

Member Olsen made a motion to adopt the proposed Statement of Decision. Member Cox seconded the motion and the Statement of Decision was adopted by a vote of 6-0.

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

A. PROPOSED PARAMETERS AND GUIDELINES

Item 9 *Crime Statistics Reports for the Department of Justice Amended*
02-TC-04, 02-TC-11, 07-TC-10

Penal Code Sections 12025, Subdivision (h)(1) and (h)(3), 12031, Subdivision (m)(1) and (m)(3), 13014, 13023, and 13730, Subdivision (a) Statutes 1989, Chapter 1172 (SB 202); Statutes 1992, Chapter 1338 (SB 1184); Statutes 1993, Chapter 1230 (AB 2250); Statutes 1998, Chapter 933 (AB 1999); Statutes 1999, Chapter 571 (AB 491); and Statutes 2000, Chapter 626 (AB 715)
Penal Code Section 13023
Statutes 2004, Chapter 700 (SB 1234)
City of Newport Beach and County of Sacramento, Claimants

Chief Counsel Camille Shelton also presented this item. These are the proposed parameters and guidelines for the *Crime Statistics Reports* program, which requires county and city law enforcement agencies and district attorneys' offices to file homicide, hate crimes, and firearm

reports to the State Department of Justice, and to support domestic violence calls for assistance with incident reports. The issue in dispute is the claimant's request for reimbursement for a supervisor to review and edit the crime reports provided to the state and to review the local written incident reports on domestic violence. The claimant filed two declarations from peace officers to support these requests. Based on evidence in the record, staff found that verifying the information in the homicide and hate-crime reports or to provide additional information when requested by the State was reasonably necessary to comply with the mandate. However, reimbursement was not required to review and edit every report filed with the state. Staff also found that reviewing and editing the incident reports on domestic violence was reasonably necessary to comply with the mandate because those reports were filed with the court.

Staff recommended the Commission adopt the staff analysis and claimant's proposed parameters and guidelines as modified by staff.

Parties were represented as follows: Juliana Gmur, MAXIMUS, representing claimants; and Carla Shelton, Department of Finance.

Ms. Gmur and Ms. Carla Shelton concurred with the staff analysis.

With a motion by Member Olsen, and a second by Member Chivaro, the staff recommendation to adopt the parameters and guidelines was approved by a vote of 6-0.

Ms. Higashi reported that item 10 was previously adopted on the consent calendar and there was no action for item 11.

STAFF REPORTS

Item 12 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

Assistant Executive Director Nancy Patton presented this item, and reported that the Commission and staff have completed implementation of the BSA audit recommendations issued on October 15, 2009, and recommended that the Commission approve the one-year report to BSA.

With a motion by Member Worthley, and a second by Member Olsen, the one-year report was approved by a vote of 6-0.

Item 13 Legislative Update

Ms. Patton also presented this item and reported that there was one bill remaining in this legislative session that addressed the mandates process: SB 894. This bill was co-sponsored by the Commission and required the Commission to include additional information in its annual reports to the Legislature on approved mandates. The bill was pending before the Governor.

Item 14 Budget Trailer Bills

Ms. Higashi stated that there was no update on budget trailer bills because the 2010-2011 budget had not yet been enacted.

Item 15 Chief Legal Counsel: Recent Decisions, Litigation Calendar

Ms. Shelton reported that there are two hearings forthcoming; a hearing on the demurrer and motion to strike on November 19 in the *County of Santa Clara* case, and a hearing on December 10 on the *BIPS* lawsuit.

Also, a decision was issued on September 21, 2010, on the *Clovis Unified School District* case. The Third District Court of Appeal found that the contemporaneous source document rule as applied to four particular school district programs constituted an unenforceable underground regulation. The trial court will issue a peremptory writ of mandate to invalidate the Controller's audits, to the extent that the audits were based on contemporaneous source documentation and to the extent that those audits fell within the statute of limitations. The court also found that the Controller's applications of offsets in the *Health Fee Elimination* program were valid.

The second case is the *CSBA* case that challenges the Legislature's deferment of mandate reimbursement in the budget. Briefing is complete and oral argument may be set this year. The last case is a new case file by San Diego Unified School District against the Controller, challenging audit reductions made on the *STAR* program. The Commission is not a party to this case.

Item 16 Executive Director's Report

Proposed Hearing/Meeting Calendars

After discussion, the Commission agreed on the following 2010 meeting/hearing dates: November 9 and December 2. The Commission also approved the 2011 calendar with the following dates: January 27, March 24, April 28, May 26, July 28, September 29, October 27 and December 1, 2011.

Ms. Higashi noted that the Commission has been provided with the annual Report to Department of Finance showing workload levels and backlog data.

PUBLIC COMMENT

Alan Burdick, CSAC-SB 90 Service, requested that members think about developing proposed reforms to the mandates process for the incoming administration.

ADJOURNMENT

Hearing no further business, Chairperson Bryant adjourned the meeting at 12:00 p.m.

PAULA HIGASHI
Executive Director