

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

**Note Different Location:**

**Department of Water Resources  
1416 Ninth Street, First Floor, Auditorium  
Sacramento, California**

December 4, 2006  
1:30 P.M.

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES (action)
  - Item 1      October 4, 2006
  - Item 2      October 26, 2006
- III. PROPOSED CONSENT CALENDAR (action)
  - Item 3      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 4      Staff Report (if necessary)
- V. HEARINGS AND DECISIONS ON 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. TEST CLAIMS
    - Item 5      *Pupil Safety Notices*, 02-TC-13  
Education Code Sections 32242, 32243, 32245, 46010.1; 48904, 48904.3, 48987 and Welfare and Institutions Code Section 18285  
Statutes 1983, Chapter 498 (SB 813); Statutes 1984, Chapter 482 (AB 3757); Statutes 1984, Chapter 948 (AB 2549); Statutes 1986, Chapter 196 (AB 1541); Statutes 1986, Chapter 332 (AB 2824); Statutes 1992, Chapter 445 (AB 3257); Statutes 1992, Chapter 1317 (AB 1659); Statutes 1993, Chapter 589 (AB 2211); Statutes 1994, Chapter 1172 (AB 2971); Statutes 1996, Chapter 1023 (SB 1497);

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

Statutes 2002, Chapter 492 (AB 1859)  
Title 5, California Code of Regulations, Section 11523  
San Jose Unified School District, Claimant

Item 6 Proposed Statement of Decision  
*Pupil Safety Notices*, 02-TC-13  
See Above

Item 7 *California Fire Incident Reporting System (CFIRS) Manual*  
4419, 00-TC-02  
Health and Safety Code Section 13110.5  
Statutes 1987, Chapter 345 (SB 2187)  
CFIRS Manual – Version 1.0 (July 1990)  
San Ramon Valley Fire Protection District and City of Newport Beach,  
Claimants

Item 8 Proposed Statement of Decision  
*California Fire Incident Reporting System (CFIRS) Manual*  
4419, 00-TC-02  
See Above

Item 9 Local Government Employment Relations, 01-TC-30  
Government Code Sections 3500, 3500.5, 3501, 3502.5,  
3507.1, 3508.5, 3509, 3510, and 3511  
Statutes 2000, Chapter 901 (SB 739)  
Title 8, California Code of Regulations, Sections 31001-61630  
City of Sacramento, County of Sacramento, Claimants

Item 10 Proposed Statement of Decision  
*Local Government Employment Relations*, 01-TC-30  
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\* Proposed Parameters and Guidelines  
*Local Recreational Areas: Background Screenings*, 01-TC-11  
Public Resources Code Section 5164, Subdivisions (b)(1) and (b)(2)  
Statutes 2001, Chapter 777 (AB 351)  
City of Los Angeles, Claimant

Item 12\* Proposed Parameters and Guidelines  
*Charter Schools III*, 99-TC-14  
Western Placer Unified School District and Fenton Avenue Charter  
School, Claimants  
Education Code Sections 47605, subdivision (b), and 47635

Statutes 1998, Chapter 34 (AB 544); Statutes 1999, Chapter 78 (AJR 19)  
California Department of Education Memo (May 22, 2000)  
And  
Request to Consolidate With *Charter Schools* (CSM 4437)  
and *Charter Schools II* (99-TC-03)

- Item 13 Requests to Amend Parameters and Guidelines:  
*Peace Officer Procedural Bill of Rights*  
04-PGA-05, 05-PGA-18, 05-PGA-19, 05-PGA-20, 05-PGA-21; and  
05-PGA-22 (4499; 05-RL-4499-01)  
Government Code Sections 3301, 3303, 3304, 3305, and 3306  
As Added and Amended by Statutes 1976, Chapter 465 (AB 301);  
Statutes 1978, Chapters 775 (AB 2916), 1173 (AB 2443), 1174  
(AB 2696), and 1178 (SB 1726); Statutes 1979, Chapter 405 (AB 1807);  
Statutes 1980, Chapter 1367 (AB 2977); Statutes 1982, Chapter 994  
(AB 2397); Statutes 1983, Chapter 964 (AB 1216); Statutes 1989,  
Chapter 1165 (SB 353); and Statutes 1990, Chapter 675 (AB 389)  
Directed by Government Code Section 3313, as added by  
Statutes 2005, Chapter 72 (AB 138, § 6, eff. July 19 2005)  
  
California State Association of Counties, County of Los Angeles,  
County of San Bernardino, Department of Finance, and State Controller's  
Office, Requestors
- Item 14 Requests to Amend Parameters and Guidelines  
*Handicapped and Disabled Students*, 00-PGA-03/04 (CSM 4282)  
Government Code Sections 7570-7588  
Statutes 1984, Chapter 1747 (AB 3632);  
Statutes 1985, Chapter 1274 (AB 882)  
  
California Code of Regulations, Title 2, Sections 60000-60610  
(Emergency Regulations filed December 31, 1985, designated effective  
January 1, 1986 (Register 86, No. 1) and re-filed June 30, 1986,  
designated effective July 12, 1986 (Register 86, No. 28))  
Counties of Los Angeles and Stanislaus, Requestors
- Item 15\* Request to Amend Parameters and Guidelines  
To Add Time Study Language to *All Parameters & Guidelines*,  
04-PGA-04 State Controller's Office, Requestor

## VII. STAFF REPORTS

Item 16 Chief Legal Counsel's Report (info)  
Recent Decisions, Litigation Calendar

Item 17 Executive Director's Report (info/action)  
Workload, Budget, Legislation, and Next Hearing

## VIII. PUBLIC COMMENT

Mandate Reform

## IX. . 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)*]

6. *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. Stat of California, Commission on State Mandates and Steve Westly, in his capacity as State Controller, Sacramento County Superior Court, Case No. 06CS01335; [AB 138; Open Meetings Act, Brown Act Reform, Mandate Reimbursement Process I and II; and School Accountability Report Cards (SARC) I and II]*

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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