

COMMISSION ON STATE MANDATES
NOTICE AND AGENDA¹

Note Different Location:

**Department of Social Services Building
744 P Street, First Floor, Auditorium
Sacramento, California**

March 29 2006
10:00 A.M.

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

Item 1 January 26, 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) (action)

(Note: Items 5, 7 and 9 will not be voted on unless the staff recommendation for Items 4, 6 and 8 are adopted.)

Item 4 *Fire Safety Inspections of Care Facilities*, 01-TC-16
Health and Safety Code Sections 1531.2, 1569.149,
1596.809, 13144.5, and 13235
Statutes 1989, Chapter 993 (SB 1098)
City of San Jose, Claimant

Item 5 Proposed Statement of Decision
Fire Safety Inspections of Care Facilities, 01-TC-16
See Above

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

Item 6 *Charter Schools III*, 99-TC-14
Education Code Sections 41365, 47605, subdivisions (b),(c),(d), (j) and (l), 47604.3, 47607, subdivision (c), 47612.5, 47613 (former § 47613.7), and 47630-47664
Statutes 1996, Chapter 786 (AB 3384), Statutes 1998, Chapter 34 (AB 544), Statutes 1998, Chapter 673 (AB 2417), Statutes 1999, Chapter 162 (SB 434), Statutes 1999, Chapter 736 (SB 267), Statutes 1999, Chapter 78 (AB 1115)
California Department of Education Memo (May 22, 2000)
Western Placer Unified School District and Fenton Avenue Charter School, Claimants

Item 7 Proposed Statement of Decision
Charter Schools III, 99-TC-14
See Above

VI. HEARING AND DECISION PURSUANT TO REMAND OF THE COURT (Gov. Code, § 17559, subd. (b).) (action)

Item 8 *Standardized Emergency Management Systems (SEMS)*, 03-RC-4506-01 (CSM-4506)
Government Code Section 8607
Statutes 1992, Chapter 1069 (Sen. Bill No. 1841)
California Code of Regulations, Title 19, Sections 2400-2450
County of San Bernardino, Claimant
On Remand from the Los Angeles County Superior Court

Item 9 Proposed Statement of Decision
Standardized Emergency Management Systems (SEMS), 03-RC-4506-01 (CSM-4506)
See Above

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

A. AMEND PARAMETERS AND GUIDELINES BASED ON STATUTES 2004, CHAPTER 316, (AB 2851)

Item 10* *Sex Offenders: Disclosure by Law Enforcement Officers (Megan's Law)*, 04-RL-9715-06 (97-TC-15)
Penal Code Sections 290 and 290.4
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), Statutes 1998, Chapters 485 (AB 2803), 550 (AB 2799), 927 (AB 796), 928 (AB 1927), 929 (AB 1745) and 930 (AB 1078)

B. AMEND PARAMETERS AND GUIDELINES BASED ON STATUTES 2004, CHAPTER 895 (AB 2855), STATUTES 2003, CHAPTER 650 (SB 71), AND STATUTES 2005, CHAPTER 677 (SB 512) AND REQUESTS OF THE STATE CONTROLLER'S OFFICE

Item 11* *Emergency Procedures, Earthquake Procedures, and Disasters and Comprehensive School Safety*, 04-PGA-24 (CSM-4241, 98-TC-01, 99-TC-10)
Education Code Sections 35294.1, 35294.2, 35294.6, and 35294.8, 35295, 35296, 35297, 40041.5 and 40042, Statutes 1984, Chapter 1659 (AB 2786), Statutes 1997, Chapter 736 (SB 187), Statutes 1999, Chapter 996 (SB 408)
State Controller's Office, Requester

VIII. SPECIAL REPORT (info/action)

Item 12 *CSUS Center for Collaborative Policy Report: Preliminary Assessment of Feasibility of Using Collaborative Policymaking Process for Mandate Reform*

IX. STAFF REPORTS

Item 13 Chief Legal Counsel's Report (info)
Recent Decisions, Litigation Calendar

Item 14 Executive Director's Report (info/action)
Workload, Budget, Legislation, and Next Hearing

X. PUBLIC COMMENT

XI. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 and 17526. (Closed Executive Session may begin at this time or may begin earlier on this day and reconvene at the end of the meeting.)

A. PERSONNEL

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. *Eastside Union High School District v. Commission on State Mandates*, Sacramento Superior Court Case No. 05CS01256 CSM Case No. 05-L-03 [Graduation Requirements, IRC]
2. *Woodland Joint Unified School District v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 05CS01401 CSM 05-L-05 [Graduation Requirements, IRC]
3. *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]
4. *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]
5. *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-04 [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]
6. *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]
7. *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]
8. *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]
9. *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]

10. *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).)

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

XIII. ADJOURNMENT

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