

COMMISSION ON STATE MANDATES

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September 2, 2009

TO: ALL INTERESTED PERSONS
FROM: Paula Higashi, Executive Director
RE: Notice, New Filings, and Agenda

The Commission will hold its next regular meeting and hearing on Friday, September 25, 2009. The meeting will be convened at 9:30 a.m., Room 447, State Capitol, Sacramento, California.

Testimony at the Commission Hearings. If you plan to address the Commission on an agenda item please notify the Commission Office by noon, two days before the hearing. When calling, identify the item and the entity you represent. The Chairperson reserves the right to impose time limits on presentations as may be necessary to complete the agenda.

Agenda Materials. All back-up material and supporting documentation for public meetings are available for public inspection at the Commission Office, 980 Ninth Street, Suite 300, Sacramento, California 95814; (916) 323-3562. In addition, a complete copy of the above-described materials will be available for public inspection at the meetings.

Web Site. Agenda items are available on the Commission's Web Site (<http://www.csm.ca.gov>). After reaching the site's home page, click on the words "Current Hearing" on the left side of the page for the hearing agenda. Generally, the agenda will be uploaded two weeks prior to the hearing. Items will be uploaded approximately one week before the hearing without exhibits and may be accessed from the agenda. If an item is postponed prior to the hearing, notice will be posted on the agenda. Following the hearing, Commission actions will be posted on the agenda, and revised items will be posted upon completion.

The approved minutes of previous commission meetings are also on the Web Site in PDF formats. To access the minutes, click on the words "Current Hearing" on the left side of the page. The most recent minutes become available following approval by the Commission, generally after the next hearing.

Special Accommodations. If you need any special accommodations such as a sign language interpreter, an assistive listening device, materials in an alternative format, or any other accommodations, please contact the Commission Office at least five to seven *working* days prior to the meeting.

Office Closure. Pursuant to Governor's Executive Order S-13-09 and until further notice, the Commission's offices will be closed and employees will be furloughed on the first, second, and third Fridays of each month. For September 2009, office closure and furloughs will occur on September 4, 11, and 18. Please contact Paula Higashi or Nancy Patton at (916) 323-3562 if you have questions.

Enclosures

TO RECEIVE NOTICES AND AGENDAS FOR COMMISSION MEETINGS AND HEARINGS ELECTRONICALLY, SUBSCRIBE BY VISITING THE COMMISSION'S WEBSITE AT [HTTP://WWW.CSM.CA.GOV](http://www.csm.ca.gov) AND CLICKING ON THE "AGENDA MAILING LIST" LINK ON THE LEFT SIDE OF THE PAGE.

NEW FILINGS

July 4, 2009 through September 2, 2009

| Claim Number | Date Received | Claimant | Description |
|---------------------|----------------------|---|---|
| 09-4425-I-17 | 8/4/09 | Sierra Joint Community College District | Incorrect Reduction Claim: <i>Collective Bargaining</i> Fiscal years 2002-2003 through 2005-2006 \$17,971 |

NOTICE AND AGENDA¹

Meeting of the Commission on State Mandates

State Capitol

Room 447

Sacramento, California

Friday, September 25, 2009

9:30 A.M.

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

Item 1 July 31, 2009

III. PROPOSED CONSENT CALENDAR (action)

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 DECISION PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181, SUBDIVISION (C). (action)

Item 2 Appeal of Executive Director's Decision

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

V. HEARINGS AND DECISIONS ON TEST CLAIM AND STATEMENT OF DECISION, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (GOV. CODE, §§ 17551 & 17559) (action)

A. TEST CLAIMS

(Note: Item 4 will not be voted on unless the staff recommendation for Item 3 is adopted.)

Item 3 *Comprehensive School Safety Plans II (Amendment)*, 07-TC-11 (02-TC-33)
Bakersfield City School District, Sweetwater Union High School District, and San Diego Unified School District, Co-Claimants
Education Code Section 32282, Subdivision (a)(2)(B)
Statutes 2004, Chapter 895 (AB 2855)

Item 4 *Proposed Statement of Decision*
See Item 3 above

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

B. PROPOSED ORDERS TO SET ASIDE STATEMENTS OF DECISION ON RECONSIDERATION AND ORDERS TO SET ASIDE, AND PROPOSED ORDERS TO REINSTATE ORIGINAL STATEMENTS OF DECISION AND PARAMETERS AND GUIDELINES PURSUANT TO *CALIFORNIA SCHOOL BOARDS ASSOCIATION V. STATE OF CALIFORNIA* (2009) 171 CAL.APP.4TH 1183

- Item 5* *Open Meetings Act and Brown Act Reform*, CSM 4257, 4469, 04-PGA-33
Government Code Sections 54952, 54954.2, 54954.3, 54957.1, and 54957.7 As Amended By Statutes 1986, Chapter 641 (AB 2674), and Statutes 1993, Chapters 1136 (AB 1426), 1137 (SB 36), and 1138 (SB 1140)
School Accountability Report Cards, 04-RL-9721-11, 05-RL-9721-03 (97-TC-21)
Education Code Sections 33126, 35256, 35256.1, 35258, 41409, and 41409.3; Statutes 1989, Chapter 1463 (SB 280), Statutes 1992, Chapter 759 (AB 1248), Statutes 1993, Chapter 1031 (AB 198); Statutes 1994, Chapter 824 (AB 1691) and Statutes 1997, Chapters 912 (AB 572) and 918 (AB 568)
Mandate Reimbursement Process, 05-RL-4204-02 (CSM 4204 & 4485) Statutes 1975, Chapter 486 (AB 1375); Statutes 1984, Chapter 1459 (SB 2337)
Mandate Reimbursement Process II, 05-TC-05
Statutes 2004, Chapter 890 (AB 2856); Government Code Sections 17553, 17557, and 17564; California Code of Regulations, Title 2, Sections 1183 and 1183.13 (Register 2005, No. 36, eff. 9/6/2005)

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

A. PROPOSED PARAMETERS AND GUIDELINES

- Item 6* *Local Agency Formation Commissions*, 02-TC-23
Sacramento Metropolitan Fire District, Claimant
Government Code Sections 56425, Subdivision (i)(1) (formerly Subdivision (h)(1))
Statutes 2000, Chapter 761 (AB 2838)

B. PROPOSED STATEWIDE COST ESTIMATES

- Item 7* *California Fire Incident Reporting System (CFIRS)*, CSM-4419/00-TC-02
San Ramon Valley Fire Protection District and City of Newport Beach, Claimants
The New California Fire Incident Reporting System Manual – Version 1.0/July 1990

Item 8* *Reporting Improper Governmental Activities*, 02-TC-24
Santa Monica Community College District, Claimant
Education Code Section 87164
Statutes 2001, Chapter 416 (AB 647)
Statutes 2002, Chapter 81 (AB 2034)

VII. HEARINGS ON COUNTY APPLICATIONS FOR FINDINGS OF SIGNIFICANT FINANCIAL DISTRESS PURSUANT TO WELFARE AND INSTITUTIONS CODE SECTION 17000.6 AND CALIFORNIA CODE OF REGULATIONS, TITLE 2, ARTICLE 6.5. (info/action)

Item 9 Assignment of County Application to Commission, a Hearing Panel of One or More Members of the Commission, or to a Hearing Officer

Note: This item will only be taken up if an application is filed.

VIII. STAFF REPORTS (info/action)

Item 10 Legislative Update

Item 11 Chief Legal Counsel: Recent Decisions, Litigation Calendar

Item 12 Executive Director: Workload, Budget, and Next Hearing (October 30, 2009)

IX. PUBLIC COMMENT

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

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. *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. State of California, Commission on State Mandates and Steve Westly, in his capacity as State Controller*, Third District Court of Appeal, Case No. C055700; 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]
3. *California School Boards Association, Education Legal Alliance, and Sweetwater Union High School Dist. v. State of California, Commission on State Mandates, and John Chiang, in his capacity as State Controller*,

Sacramento County Superior Court, Case No. 07CS01399, [School
Accountability Report Cards, SARC]

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. RESPONSE TO CONFIDENTIAL FINAL DRAFT AUDIT REPORT FROM
BUREAU OF STATE AUDITS (2009-501) (Gov. Code, § 11126.2, subd. (a))

C. PERSONNEL

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

- Personnel Subcommittee Report

RECONVENE IN PUBLIC SESSION

XI. REPORT FROM CLOSED EXECUTIVE SESSION

ADJOURNMENT

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