

**COMMISSION ON STATE MANDATES**

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September 4, 2013

TO: ALL INTERESTED PERSONS  
FROM: Heather Halsey, Executive Director H.H.  
RE: Notice and Agenda

**On Friday, September 27, 2013, the Commission will conduct its next regular meeting and hearing. The hearing will be conducted at 10:00 a.m., at the State Capitol, Room 447, 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 or emailing, identify the item you want to testify on and the entity you represent. The Chairperson reserves the right to impose time limits on presentations as may be necessary to complete the agenda. If you plan to testify and would like Commission members to review any document other than those prepared by Commission staff, please bring 12 double-sided copies of the document or section of the document you would like the members to review.

**Agenda Materials.** All back-up material and supporting documentation for public meetings are available for public inspection on the Commission's website and 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.

**Website.** Agenda items are available on the Commission's website at [www.csm.ca.gov](http://www.csm.ca.gov). After reaching the site's home page, click on "Current Hearing" on the left side of the page for the hearing agenda. Generally, the agenda and items will be uploaded two weeks before the meeting and may be accessed from the agenda. If an item is postponed prior to the meeting, notice will be posted on the agenda. Following the meeting, Commission actions will be posted on the Commission's website, and revised items will be posted upon completion.

The approved minutes of Commission meetings since January 2004 are on the website in PDF format. Transcripts of Commission meetings since July 2011 are attached to the minutes. To access these documents, click "Current Hearing" on the left side of the home page.

**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.

Enclosures

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

AGENDA<sup>1</sup>  
Meeting of the Commission on State Mandates  
State Capitol  
Room 447  
Sacramento, California  
Friday, September 27, 2013  
**10:00 a.m.**

*Reminder: If you plan to testify and would like Commission members to review any document other than those prepared by Commission staff, please bring 12 double-sided copies of the document or section of the document you would like the members to review.*

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

Item 1 July 26, 2013

III. PUBLIC COMMENT FOR MATTERS NOT ON THE AGENDA (info)

Please note that the Commission cannot take action on items not on the agenda. However, it can schedule issues raised by the public for consideration at future meetings.

IV. 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 each one on the Proposed Consent Calendar that will be presented at the hearing. The Commission will determine which items will remain on the Consent Calendar.

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

Item 2 Appeal of Executive Director Decisions

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

VI. HEARINGS AND DECISIONS ON TEST CLAIMS AND PARAMETERS AND GUIDELINES PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (GOV. CODE, § 17551, 17557, and 17559) (action)

A. TEST CLAIM

Item 3 *Accounting for Local Revenue Realignments, 05-TC-01*

Health & Safety Code Sections 33681.12, 33681.13, 33681.14, 33681.15;  
Revenue & Taxation Code Sections 96.81, 97.75, 97.76, 97.77, 97.31, 98.02,  
97.68, 97.70, 97.71, 97.72, 97.73

Statutes 2003, Chapter 162; Statutes 2004, Chapter 211; Statutes 2004,  
Chapter 610

County of Los Angeles, Claimant

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<sup>1</sup> This public meeting notice is available on the Commission's website at [www.csm.ca.gov](http://www.csm.ca.gov).

Item 4      *General Health Care Services for Inmates, 07-TC-12*  
Penal Code Section 4011.10  
Statutes 2005, Chapter 481 (SB 159) and Statutes 2006,  
Chapter 303 (SB 896)  
County of Orange, Claimant

B.      MANDATE REDETERMINATION

Item 5      *Sexually Violent Predators (CSM-4509), 12-MR-01*  
Welfare and Institutions Code Sections 6601 through 6608  
Statutes 1995, Chapter 762; Statutes 1995, Chapter 763;  
Statutes 1996, Chapter 4  
California Department of Finance, Requestor

C.      PARAMETERS AND GUIDELINES AND PARAMETERS AND GUIDELINES  
AMENDMENTS

Item 6      *Habitual Truants, 01-PGA-06 and 09-PGA-01*  
Education Code Section 48262 and 48264.5  
Statutes 1975, Chapter 1184; Statutes 1994, Chapter 1023;  
Statutes 2001, Chapter 734  
Clovis Unified School District and San Jose Unified School District,  
Requestors

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

A.    STATEWIDE COST ESTIMATE

Item 7\*     *Tuberculosis Control, 03-TC-14*  
Health and Safety Code sections 121361, 121362 and 121366  
Statutes 1993, Chapter 676; Statutes 1994, Chapter 685;  
Statutes 1997, Chapter 116; and Statutes 2002, Chapter 763  
County of Santa Clara, Claimant

VIII.    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 8      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.*

IX. REPORTS (info/action)

- Item 9 Legislative Update (info)
- Item 10 Chief Legal Counsel: Recent Decisions, Litigation Calendar
- Item 11 Executive Director: Workload, 2014 Meeting Calendar, and Tentative Agenda Items for Next Meeting (info/action)

X. PUBLIC COMMENT

XI. 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(e)(1):

1. *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.* (petition and cross-petition), Third District Court of Appeal, Case No. C070357 (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*]
2. *California School Board Association (CSBA) v. State of California et al.*, Alameda County Superior Court Case No. RG11554698 [2010-2011 Budget Trailer Bills, Mandates Process for K-12 Schools, Redetermination Process]
3. *State of California Department of Finance, State Water Resources Control Board, and California Regional Water Quality Control Board, Los Angeles Region v. Commission on State Mandates and County of Los Angeles, et al* (petition and cross-petition). Second District Court of Appeal, Case No. B237153 (Los Angeles County Superior Court, Case No. BS130730) [*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 & 4Fc*]

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(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 or staff.

B. PERSONNEL

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

RECONVENE IN PUBLIC SESSION

XII. REPORT FROM CLOSED EXECUTIVE SESSION

ADJOURNMENT

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For information regarding this agenda, please contact:

Kerry Ortman  
(916) 323-3562

## NEW FILINGS

**July 3, 2013 through September 4, 2013**

| <b>Date Received</b>                  | <b>Claimant</b>           | <b>Description</b>  |
|---------------------------------------|---------------------------|---|
| 6/11/13<br>Deemed complete<br>7/3/13  | County of Sacramento      | <b>Test Claim:</b><br><i>Top Two Candidates Open Primary Act</i> , 12-TC-02<br>Statutes 2009, Chapter 2 (SCA 4); Statutes 2009, Chapter 1 (SB 6); Statutes 2012, Chapter 3 (AB 1413)<br>Secretary of State's CC/ROV Memorandums #11005, #11125, #11126, and #12059                  |
| 6/28/13<br>Deemed complete<br>7/31/13 | Stanton Housing Authority | <b>Test Claim:</b><br><i>Housing Successor Agency</i> , 12-TC-03<br>Health and Safety Code Sections 34176;<br>Statutes 2011-12, First Extraordinary Session, Chapter 5 9ABX1 260;<br>Statutes 2012, Chapter 26, (AB 1484)   |
| 7/29/13                               | Department of Finance     | <b>Mandate Redetermination:</b><br><i>Fire Safety Inspections of Care Facilities</i> , (01-TC-16), 13-MR-01<br>Health and Safety Code Section 13235(a); as added or amended by Statutes 1989, Chapter 993; Statutes 2009, Chapter 12 (ABX4 12)                                      |
| 7/29/13                               | Department of Finance     | <b>Mandate Redetermination:</b><br><i>Open Meetings Act/Brown Act Reform</i> , (CSM-4257/4469), 13-MR-02<br>Government Code Sections 54952, 54954.2, 54954.3, 54957.1, and 54957.7; as added or amended by Statutes 1986, Chapter 641; Statutes 1993, Chapters 1136, 1137, and 1138 |
| 8/2/13                                | County of Los Angeles     | <b>Incorrect Reduction Claim:</b><br><i>Handicapped and Disabled Students</i> , 13-4282-I-06<br>Statutes 1984, Chapter 1747; Statutes 1985, Chapter 1274<br>Fiscal Years: 2003-2004, 2004-2005, and 2005-2006   |