

**COMMISSION ON STATE MANDATES**

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December 20, 2013

TO: ALL INTERESTED PERSONS

FROM: Heather Halsey, Executive Director *H.H.*

RE: Notice and Agenda

**On Friday, January 24, 2014, 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, January 24, 2014  
**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. ELECTION OF OFFICERS (action)

Item 1 Staff Report

III. APPROVAL OF MINUTES (action)

Item 2 December 6, 2013

IV. 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.

V. 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.

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

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

Item 3 Appeal of Executive Director Decisions

*Note: This item will only be taken up if an appeal is filed and set for this hearing.*

B. TEST CLAIM

Item 4 *Public Guardianship Omnibus Conservatorship Reform*, 07-TC-05

Probate Code Sections 1850(a), 1851(a), 2113, 2250(a)-(c), 2250.4(a)-(d); 2352(a)-(f), 2352.5(a)-(e), 2410, 2540(a)-(b), 2543(a)-(d), 2610(a), 2620(a)-(e), 2620.2(a)-(d), 2590, 2591(a)-(q), 2591.5(a)-(d), 2623(a)-(b), 2640(a)-(c), 2640.1(a)-(c), 2641(a)-(b), 2653(a)-(c), 2920(a)-(c), and 2923

Statutes 2006; Chapter 490 (SB 1116), Statutes 2006, Chapter 492 (SB 1716), and Statutes 2006, Chapter 493 (AB 1363)

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 5      *State Authorized Risk Assessment Tool for Sex Offenders (SARATSO)*, 08-TC-03
- Statutes 2006, Chapter 336 (SB 1178), amending Section 1202.8, and adding Sections 290.04, 290.05, and 290.06 of the Penal Code;
- Statutes 2006, Chapter 337 (SB 1128), amending Sections 290, 290.3, 290.46, 1203, 1203c, 1203.6, 1203.075, and adding Sections 290.03, 290.04, 290.05, 290.06, 290.07, 290.08, 1203e, 1203f of the Penal Code;
- Statutes 2006, Chapter 886 (SB 1849), amending Sections 290.46, 1202.8, repealing Sections 290.04, 290.05, and 290.06 of the Penal Code;
- Statutes 2007, Chapter 579 (SB 172), amending Sections 290.04, 290.05, 290.3, and 1202.7, adding Sections 290.011, 290.012, and repealing and adding Section 290 to the Penal Code; and
- California Department of Mental Health's Executive Order, SARATSO (State Authorized Risk Assessment Tool for Sex Offenders) Review Committee Notification, issued on February 1, 2008
- County of Los Angeles, Claimant
- Item 6      *Upper Santa Clara River Chloride Requirements*, 10-TC-09
- Los Angeles Regional Water Quality Control Board  
Resolution No. R4-2008-012, adopted December 11, 2008,  
approved by United States Environmental Protection Agency  
April 6, 2010.
- Santa Clarita Valley Sanitation District of Los Angeles County, Claimant

C. MANDATE REDETERMINATION

- Item 7      *Local Recreational Areas: Background Screenings (01-TC-11)*, 12-MR-02
- Public Resources Code Section 5164
- Statutes 2001, Chapter 777
- As Alleged to be Modified by: Statutes 2010, Chapter 719 (SB 856)
- California Department of Finance, Requestor

D. PARAMETERS AND GUIDELINES AND PARAMETERS AND GUIDELINES AMENDMENTS

- Item 8      [TENTATIVE] *Local Recreational Areas: Background Screenings*, 01-TC-11 (12-MR-02)
- Public Resources Code Section 5164
- Statutes 2001, Chapter 777
- As Modified by: Statutes 2010, Chapter 719 (SB 856)
- California Department of Finance, Requestor

- Item 9      *Accounting for Local Revenue Realignment*, 05-TC-01  
 Health & Safety Code Sections 33681.12, 33681.13, 33681.14, 33681.15;  
 Revenue & Taxation Code Sections 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
- Item 10      *Crime Statistic Reports for Department of Justice*, 12-PGA-01 (02-TC-04  
 and 02-TC-11 and 07-TC-10)  
 Penal Code Sections 12025(h)(1) and (h)(3), 12031(m)(1) and (m)(3),  
 13014, 13023, and 13730(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)  
 and  
 Penal Code Section 13023  
 Statutes 2004, Chapter 700 (SB 1234)  
*Crime Statistics Reports for the Department of Justice Amended*  
 State Controller's Office, Requestor

#### E. INCORRECT REDUCTION CLAIMS

- Item 11      Adoption of Statement of Decision for *Health Fee Elimination*, 05-4206-I-04  
 and 05-4206-I-08  
 Education Code Section 76355  
 Statutes 1984, Chapter 1 (1983-1984 2nd Ex. Sess.);  
 Statutes 1987, Chapter 1118  
 Fiscal Years 1999-2000, 2000-2001, 2001-2002 and 2002-2003  
 San Mateo Community College District and San Bernardino Community  
 College, Claimants

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

#### A. STATEWIDE COST ESTIMATE

- Item 12\*      *Minimum Conditions for State Aid*, 02-TC-25 and 02-TC-31  
 Education Code Sections 66010.2, 66010.7, 66721.5, 66731, 66732,  
 66736, 66738, 66740, 66742, 70902, 78015, and 78016  
 Statutes 1988, Chapter 973; Statutes 1991, Chapter 1188; Statutes 1991,  
 Chapter 1198; Statutes 1998, Chapter 365; and Statutes 2000, Chapter 187  
 California Code of Regulations, Title 5, Sections 53203, 53207, 55001,  
 55002, 55005, 55006, 55150, 55201, 55202, 55750, 55751, 55753,  
 55753.5, 55753.7, 55754, 55755, 55756, 55756.5, 55757, 55758, 55759,

55760, 55761, 55764, 55800, 55805, 55805.5, 55806, 58102, 58104, and 58106

Register 91, Number 23; Register 93, Number 25; Register 93, Number 42; Register 94, Number 38; Register 98, Number 7; Register 2000, Number 50; Register 2002, Number 8; and Register 2003, Number 18

Los Rios Community College District, Santa Monica Community College District, and West Kern Community College District, Claimants

Item 13\* *Parental Involvement Programs*, 03-TC-16

Education Code Sections 11504, 49091.10, 51101, 51101.1

Statutes 1990, Chapter 1400; Statutes 1998, Chapter 864; Statutes 1998, Chapter 1031; and Statutes 2002, Chapter 1037

San Jose Unified School District, Claimant

Item 14\* *Williams Case Implementation I, II, and III*, 05-TC-04, 07-TC-06, and 08-TC-01

Education Code Sections 14501, 33126(b), 35186, 41020, and 42127.6 as Added or Amended by

Statutes 2004, Chapter 900 (SB 550); Statutes 2004, Chapter 902 (AB 3001); Statutes 2004, Chapter 903 (AB 2727); Statutes 2005, Chapter 118 (AB 831); Statutes 2006, Chapter 704 (AB 607); and Statutes 2007, Chapter 526 (AB 347)

San Diego County Office of Education, and Sweetwater Union High School District, Claimants

#### B. ADOPTION OF PROPOSED RULEMAKING CALENDAR

Item 15\* Proposed Rulemaking Calendar, 2014

#### 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 16 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 17 Legislative Update (info)

Item 18 Chief Legal Counsel: New Filings, Recent Decisions, Litigation Calendar (info)

Item 19 Executive Director: Mid-year Workload Update and Tentative Agenda Items for Next Meeting (info)

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(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).  
California Supreme Court, Case No. S214855  
(Los Angeles County Superior Court, Case No. BS130730, Second District Court of Appeal, Case No. B237153)  
[*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(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

XI. REPORT FROM CLOSED EXECUTIVE SESSION

XII. PERSONNEL (action)

- Item 20 [TENTATIVE] Salary Adjustment and Revision of CEA Level: Attorney to the Commission/Chief Legal Counsel (CEA B), pursuant to Government Code Section 17529
- Item 21 [TENTATIVE] Salary Adjustment: Executive Director, pursuant to Government Code Section 17530

ADJOURNMENT

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Heather Halsey, Executive Director  
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For information regarding this agenda, please contact:

Kerry Ortman  
(916) 323-3562

## NEW FILINGS

November 7, 2013 through December 19, 2013

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Date Received	Claimant	Description
10/1/13  Deemed complete 12/18/13	San Juan Unified School District	<b>Incorrect Reduction Claim:</b> <i>Notification of Truancy</i> , 13-904133-I-11 Education Code Sections 48260 and 48260.5 Statutes 1983, Chapter 498 Fiscal Years: 2006-2007, 2007-2008, 2008-2009, and 2009-2010
11/15/13  Deemed complete 12/18/13	Riverside Unified School District	<b>Incorrect Reduction Claim:</b> <i>Notification of Truancy</i> , 13-904133-I-12 Education Code Sections 48260 and 48260.5 Statutes 1983, Chapter 498 Fiscal Years: 2003-2004, 2004-2005, 2005-2006, and 2006-2007
11/15/13  Deemed complete 12/18/13	Riverside Unified School District	<b>Incorrect Reduction Claim:</b> <i>Notification of Truancy</i> , 13-904133-I-13 Education Code Sections 48260 and 48260.5 Statutes 1983, Chapter 498 Fiscal Years: 2007-2008, 2008-2009, and 2009-2010