

NOTICE AND AGENDA¹

State Capitol, Room 447
Sacramento, California

Friday, January 30, 2009

10:30 A.M.

[Please Note Time Change]

I. CALL TO ORDER AND ROLL CALL

II. ELECTION OF OFFICERS (action)

Item 1 Staff Report

III. APPROVAL OF MINUTES (action)

Item 2 A. November 6, 2008
B. December 29, 2008

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 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.

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

Item 3 Appeal of Executive Director's Decision

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

VI. 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) (action)

A. TEST CLAIMS

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

Item 4 *Surplus Property Advisory Committees*, 02-TC-36
Education Code Sections 17387, 17388, 17389, 17390, 17391
Statutes 1982, Chapter 689 (AB 1775), Statutes 1984, Chapter 584
(AB 2912); Statutes 1986, Chapter 1124 (AB 3263), Statutes 1987,
Chapter 655 (AB 2375), Statutes 1996, Chapter 277 (SB 1562)
Clovis Unified School District, Claimant

Item 5 *Proposed Statement of Decision*
See Item 4 above

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

Item 6 *Prevailing Wage Rate, 01-TC-28*
Labor Code Sections 1720, 1720.2, 1720.3, 1726, 1727, 1733, 1735, 1741, 1742, 1742.1, 1743, 1750, 1770, 1771, 1771.5, 1771.6, 1771.7, 1772, 1773, 1773.1, 1773.2, 1773.3, 1773.5, 1773.6, 1775, 1776, 1777.1, 1777.5, 1777.6, 1777.7, 1812, 1813, 1861
Public Contract Code Section 22002
Statutes 2002, Chapter 868 (AB 1506); Statutes 2001, Chapter 938 (SB 975); Statutes 2001, Chapter 804 (SB 588); Statutes 2000, Chapter 954 (AB 1646); Statutes 2000, Chapter 920 (AB 1883); Statutes 2000, Chapter 881 (SB 1999); Statutes 2000, Chapter 875 (AB 2481); Statutes 2000, Chapter 135 (AB 2539); Statutes 1999, Chapter 903 (AB 921); Statutes 1999, Chapter 220 (AB 302); Statutes 1999, Chapter 83 (SB 966); Statutes 1999, Chapter 30 (SB 16); Statutes 1998, Chapter 485 (AB 2803); Statutes 1998, Chapter 443 (AB 1569); Statutes 1997, Chapter 757 (SB 1328); Statutes 1997, Chapter 17 (SB 947); Statutes 1993, Chapter 589 (AB 2211); Statutes 1992, Chapter 1342 (SB 222); Statutes 1992, Chapter 913 (AB 1077); Statutes 1989, Chapter 1224 (AB 114); Statutes 1989, Chapter 278 (AB 2483); Statutes 1988, Chapter 160 (SB 2637); Statutes 1983, Chapter 1054 (AB 1666); Statutes 1983, Chapter 681 (AB 2037); Statutes 1981, Chapter 449 (AB 1242); Statutes 1980, Chapter 992 (AB 3165); Statutes 1980, Chapter 962 (BA 2557); Statutes 1979, Chapter 373 (SB 925); Statutes 1978, Chapter 1249 (AB 3174); Statutes 1977, Chapter 423 (SB 406); Statutes 1976; Chapter 1179 (AB 3676); Statutes 1976; Chapter 1174 (AB 3365); Statutes 1976, Chapter 861 (SB 1953); Statutes 1976, Chapter 599 (AB 1125); Statutes 1976, Chapter 538 (AB 2466); Statutes 1976, Chapter 281 (AB 2363);
Title 8, California Code of Regulations Sections 16000, 16001-16003, 16100-16102, 16200-16206, 16300-16304, 16400-16403, 16410-16414, 16425, 16426-16428, 16429-16432, 16433, 16436-16439, 16500, 16800-16802, 17201-17212, 17220-17229, 17230-17237, 17240-17253, 17260-17264
School Facility Program Substantial Progress and Expenditure Audit Guide – May 2003 (Prepared by the Office of Public School Construction)
AB 1506 Labor Compliance Program Guidebook – February 2003 (Prepared by the Division of Labor Standards Enforcement)
Antioch Unified School District Labor Compliance Program
January 17, 2003
Grossmont Union High School District, Claimant

Item 7 *Proposed Statement of Decision*
See Item 6 above

B. DISMISSAL OF WITHDRAWN PORTIONS OF TEST CLAIM

- Item 8* *Stormwater Pollution Control Requirements - 03-TC-21*
Los Angeles Regional Water Quality Control Board Order 01-182,
Permit CAS004001: Parts 1; 2; 4.C.2.c; 4.F.5.a; 4.F.5.b; and 4.F.6.
Cities of Bellflower, Covina, Downey, Monterey Park, and Signal Hill,
Claimants

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

A. PARAMETERS AND GUIDELINES AMENDMENTS

- Item 9 *Integrated Waste Management, 05-PGA-16*
Public Resources Code Sections 40148, 40196.3, 42920-42928
Public Contract Code Sections 12167 and 12167.1
Statutes 1999, Chapter 764 (AB 75); Statutes 1992, Chapter 1116
(AB 3521)
State Agency Model Integrated Waste Management Plan (February
2000)

Integrated Waste Management Board, Requestor

B. STATEWIDE COST ESTIMATE

- Item 10* *Fire Safety Inspections of Care Facilities, 01-TC-16*
Health and Safety Code Section 13235, Subdivision (a)
Statutes 1989, Chapter 993 (SB 1098)

City of San Jose, Claimant

C. ADOPTION OF PROPOSED RULEMAKING CALENDAR

- Item 11* Proposed Rulemaking Calendar, 2009

VIII. STAFF REPORTS (info/action)

- Item 12 Chief Legal Counsel: Recent Decisions, Litigation Calendar
- Item 13 Executive Director: Workload, Budget, Reports, Legislation, and
Next Hearing (March 27, 2009)

IX. PUBLIC COMMENT

X. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 and 17526 (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; [AB 138; Open Meetings Act, Brown Act Reform, Mandate Reimbursement Process I and II; and School Accountability Report Cards (SARC) I and II]
3. *Department of Finance v. Commission on State Mandates*, Third District Court of Appeal, Case No. C056833, [Peace Officer Procedural Bill of Rights]
4. *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. PERSONNEL

To confer on personnel matters pursuant to Government Code sections 11126, subdivision (a) and 17526.

Report from Personnel Subcommittee

RECONVENE IN PUBLIC SESSION

XI. REPORT FROM CLOSED EXECUTIVE SESSION

ADJOURNMENT

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