

COMMISSION ON STATE MANDATES
REVISED NOTICE AND AGENDA¹ (Amended March 30, 2007)

Note: Different Location

**Resources Building
1416 Ninth Street, First Floor, Auditorium
Sacramento, California**

April 16, 2007
9:30 A.M.

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

~~Item 1~~ ~~March 29, 2007~~ – POSTPONED TO MAY 31, 2007

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 CLAIMS, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (Gov. Code, §§ 17551 and 17559) (action)

(Note: Items 5, 7, 11, 13, and 15 will not be voted on unless the staff recommendations for Items 4, 6, 10, 12, and 14 are adopted.)

A. TEST CLAIMS

Item 4 *In-Home Supportive Services*, CSM 4314
Welfare and Institutions Code Sections 12301, 12302, and 12306;
Statutes 1981, Chapter 69 (Senate Bill 633); and
Department of Social Services Manual Letter No. 81-30 (Dated July 19,
1981) and Attached Interim Instruction notice dated January 19, 1982
County of San Bernardino, Claimant

Item 5 Proposed Statement of Decision

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

In-Home Supportive Services, CSM 4314
See Above

- Item 6 *In Home Supportive Services II*, 00-TC-23
Government Code Section 16262.5
Welfare and Institutions Code Sections 12301.3, 12301.4, 12301.6,
12301.8, 12302.25, 12302.7, 12303.4, 12306.1, 14132.95, 17600 and
17600.110
Statutes 1999, Chapters 90 (AB 1682) and 91 (SB 710); Statutes 2000,
Chapter 445 (SB 288)
County of San Bernardino, Claimant
- Item 7 Proposed Statement of Decision
In Home Supportive Services II, 00-TC-23
See Above
- ~~Item 8 POSTPONED TO MAY 31, 2007
California Youth Authority: Sliding Scale for Charges, 02-TC-01
Welfare and Institutions Code Sections 912, 912.1, and 912.5
Statutes 1996, Chapter 6 (SB 681); Statutes 1998, Chapter 632 (SB 2055)
County of San Bernardino, Claimant~~
- ~~Item 9 POSTPONED TO MAY 31, 2007
Proposed Statement of Decision
California Youth Authority: Sliding Scale for Charges, 02-TC-01
See Above~~
- Item 10 *Reconveyance of Deed of Trust and Mortgage Discharge Certificate*
02-TC-41
Civil Code Section 2941
Statutes 2000, Chapter 1013 (AB 996)
County of San Bernardino, Claimant
- Item 11 Proposed Statement of Decision
Reconveyance of Deed of Trust and Mortgage Discharge Certificate
02-TC-41
See Above
- Item 12 *Pupil Discipline Records*, 00-TC-10
Education Code Sections 48201, 48900.8, and 49079
Statutes 1997, Chapter 637 (AB 412), Statutes 2000, Chapter 345
(AB 29),
Sweetwater Union High School District, Claimant
Consolidated with
Notification to Teachers: Pupils Subject to Suspension or Expulsion II,
00-TC-11
Education Code Sections 48201 and 49079; Statutes 2000, Chapter 345
(AB 29), Carpinteria Unified School District and Sweetwater Union and

Grant Joint Union High School District, Co-Claimants

- Item 13 Proposed Statement of Decision
Pupil Discipline Records, 00-TC-10 and Notification to Teachers: Pupils Subject to Suspension or Expulsion II, 00-TC-11
See Above
- Item 14 *California State Teachers' Retirement System (CalSTRS) Creditable Compensation/Service Credit, 01-TC-02, 02-TC-19*
Education Code Sections 22000, 22002, 22119.2, 22119.5, 22146, 22455.5, 22458, 22460, 22461, 22501, 22502, 22503, 22504, 22509, 22711, 22712.5, 22713, 22714, 22717, 22717.5, 22718, 22724, 22800, 22801, 22803, 22851, 22852, 22950 and 22951
Statutes 1993, Chapter 893 (AB 1796); Statutes 1994, Chapters 507 (AB 2647), 603 (AB 2554), and 933 (AB 3171); Statutes 1995, Chapters 390 (AB 1122), 394 (AB 948,)and 592 (AB 1298); Statutes 1996, Chapters 383 (AB 3221), 608 (AB 2673), 634 (SB 2041), 680 (SB 1877) and 1165 (AB 3032); Statutes 1997, Chapters 482 (SB 471) and 838 (SB 227); Statutes 1998, Chapters 1006 (AB 1102), 1048 (SB 2085), and 1076 (SB 2126); Statutes 1999, Chapter 939 (SB 1074); Statutes 2000, Chapters 402 (AB 649), 880 (SB 1694), 1020 (AB 820), 1021 (AB 2700), 1025 (AB 816), and 1032 (SB 1435); Statutes 2001, Chapters 77 (SB 165), 159 (SB 662), 802 (SB 499) and 803 (SB 501); Statutes 2002, Chapter 375 (AB 2982)
Lassen County Office of Education, San Luis Obispo County Office of Education, Grant Joint Union High School District, and Santa Monica Community College District, Claimants
- Item 15 See Proposed Statement of Decision
California State Teachers' Retirement System (CalSTRS) Creditable Compensation/Service Credit, 01-TC-02, 02-TC-19
See Above
- ~~Item 16~~ POSTPONED TO MAY 31, 2007
~~*Peace Officer Instructor Training, 02 TC 26*~~
~~California Code of Regulations, Title 11:Section 1082 (Register 2002, No. 35); Sections 1001, 1052, 1053, 1055, 1070, and 1071 (Register 2001, No. 29); Section 1056 (Register 2001, No. 4); and Section 1058 (Register 91, No. 50)~~
~~San Bernardino Community College District, Claimant~~
- ~~Item 17~~ POSTPONED TO MAY 31, 2007
~~Proposed Statement of Decision~~
~~*Peace Officer Instructor Training, 02 TC 26*~~
~~See Above~~

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

A. ADOPTION OF PROPOSED STATEWIDE COST ESTIMATE

~~Item 18~~ POSTPONED TO MAY 31, 2007
~~The Stull Act, 98 TC 25~~
~~Education Code Sections 44660-44665 (Former Ed. Code, §§ 13485-13490)~~
~~Statutes 1983, Chapter 498 (SB 813)~~
~~Statutes 1999, Chapter 4 (SB 412)~~
~~Denair Unified School District and Grant Joint Union High School District, Claimants~~

VII. MANDATE REFORM PROPOSALS AND PENDING LEGISLATION (action)

Item 18 Position on Department of Finance and Legislative Analyst's Mandate Reform Proposals and Pending Legislation (Discussion continued from March 29, 2007.)
(AB 1170, AB 1222, and AB 1576)

VIII. STAFF REPORTS (info/action)

Item 19 Chief Legal Counsel
Recent Decisions, Litigation Calendar

Item 20 Executive Director
Workload, Budget, and Next Hearing

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. 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*]

2. *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*]
3. *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*]
4. *County of San Bernardino v. Commission on State Mandates, et al.*, Los Angeles County Superior Court, Case No. BS106052; San Bernardino County Superior Court, Case No. SCVSS 138622 [*Standardized Emergency Management Systems (SEMs)*]
5. *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*, 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*]
6. *Department of Finance v. Commission on State Mandates*, Sacramento County Superior Court, Case No. 07CS00079, CSM 06-L-02, [*Peace Officer Procedural Bill of Rights*]
7. *Department of Finance and California Integrated Waste Management Board v. Commission on State Mandates, Santa Monica Community College District, and Lake Tahoe Community College District*, Sacramento County Superior Court, Case No. 07CS00355, CSM 06-L-03 [*Integrated Waste Management*]
8. *San Diego Unified School District v. Commission on State Mandates and California Department of Finance, San Diego County Superior Court, Case No. 37-2007-00064077-CU-PT-CTL, CSM 06-04 [Emergency Procedures: Earthquake Procedures and Disasters]*

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).)

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

ADJOURNMENT

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