

COMMISSION ON STATE MANDATES

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May 14, 2013

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

On Friday, May 24, 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.

Please note the following revision: Item 6 has been postponed to January 2014.

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. 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 AND CLICKING ON THE "AGENDA MAILING LIST" LINK ON THE RIGHT SIDE OF THE PAGE.

SECOND REVISED AGENDA¹

Meeting of the Commission on State Mandates

State Capitol
Room 447
Sacramento, California

Friday, May 24, 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 (tentative, action)~~

~~Item 1~~ ~~April 19, 2013~~ Continued to July 26, 2013 Commission Hearing.

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. 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) (action)

Item 2 Appeal of Executive Director Decisions

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

B. TEST CLAIM

Item 3 *High School Exit Examination II*, 08-TC-02

Education Code Sections 37254, 52378, 52379, 52380

Statutes 2007, Chapter 526 (AB 347) and Statutes 2007, Chapter 730 (SB 132)

California Code of Regulations, Title 5, Section 1204.5 Register 2004, No. 21, eff. May 19, 2004; Register 2005, No. 33, eff. Aug. 16, 2005; Register 2006, No. 11, eff. Mar. 16, 2006; and Register 2007, No. 51, eff. Dec. 20, 1997

San Jose Unified School District, Claimant

¹ This public meeting notice is available on the Commission's website at www.csm.ca.gov.

Item 4 *Immunization Records - Pertussis*, 11-TC-02
Health and Safety Code Sections 120325 and 120335
Statutes 2010, Chapter 434 (AB 354)
Twin Rivers Unified School District, Claimant

C. PARAMETERS AND GUIDELINES AND PARAMETERS AND GUIDELINES AMENDMENTS

Item 5* *Mandate Reimbursement Process I and II*, 12-PGA-03 (CSM 4204, 4485, and 05-TC-05)

Statutes 1975, Chapter 486 (AB 1375); Statutes 1984, Chapter 1459 (SB 2337); Statutes 1995, Chapter 303 (Budget Act of 1995) et al.

Government Code Section 17553(b)(1)(C) through (G) and (b)(2); Statutes 2004, Chapter 890 (AB 2856)

California Code of Regulations, Title 2, Section 1183(d) (Register 2005, No. 36, Effective September 6, 2005)

TO ADD:

Statutes 2011, Chapter 33 (Budget Act of 2011); Statutes 2012, Chapter 21 (Budget Act of 2012)

As Directed by the Legislature

Item 6 ~~*Peace Officers Procedural Bill of Rights II (POBOR II)*, 03 TC 18~~
~~Government Code Sections 3304, 3306.5, 3309, and 3312~~
~~Statutes 1976, Chapter 465 (AB 301); Statutes 1998, Chapter 786 (SB 2215); Statutes 2000, Chapter 209 (AB 2267); and Statutes 2002, Chapter 170 (AB 2846)~~

~~City of Newport Beach, Claimant~~ Postponed to January 2014 at Request of Claimant

D. REQUEST FOR RECONSIDERATION OF STATEMENT OF DECISION AND PARAMETERS AND GUIDELINES

Item 7 *California Public Records Act*, 02-TC-10 and 02-TC-51

Government Code Sections 6253, 6253.1, 6253.9, 6254.3, and 6255
Statutes 1992, Chapter 463 (AB 1040); Statutes 2000, Chapter 982 (AB 2799); and Statutes 2001, Chapter 355 (AB 1014)

Request for Reconsideration of Statement of Decision and Parameters and Guidelines Adopted April 19, 2013

California Special Districts Association, Requester

VI. INFORMATIONAL HEARING PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 8 (action)
JOINT REQUEST TO EXTEND TERM OF REASONABLE REIMBURSEMENT METHODOLOGY (GOV. CODE § 17557.2(f) and (g))

Item ~~78~~* *Firearm Hearings for Discharged Inpatients, 07-RRM-01 (99-TC-11)*
Welfare and Institutions Code Section 8103(f) and (g)
Statutes 1999, Chapter 578 (AB 1587)
County of Los Angeles and Department of Finance, Joint Requestors

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 ~~89~~ 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. REPORTS (info/action)

Item ~~910~~ Legislative Update (info)

Item ~~4011~~ Chief Legal Counsel: Recent Decisions, Litigation Calendar (info)

Item ~~4412~~ Executive Director: Workload, Budget (tentative) and Tentative Agenda Items for Next Meeting (info)

IX. 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 v. Commission on State Mandates*, Sacramento County Superior Court Case No. 34-2010-80000529 [Graduation Requirements, Parameters and Guidelines Amendments, Nov. 2008]
2. *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]
3. *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]

4. *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 & 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

X. REPORT FROM CLOSED EXECUTIVE SESSION

ADJOURNMENT

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

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NEW FILINGS

March 23, 2013 through April 23, 2013

There were no new filings for this period.