

REVISED NOTICE AND AGENDA¹

Meeting of the Commission on State Mandates

Friday, May 29, 2009

10:30 A.M.

Department of Finance
915 L Street, Redwood Room
Sacramento, California

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES (action)
 - Item 1 March 27, 2009
- III. 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.
- IV. APPEAL OF EXECUTIVE DIRECTOR DECISION PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181, SUBDIVISION (C). (action)
 - Item 2 Appeal of Executive Director's Decision
(Note: This item is limited to appeals regarding this month's agenda items.)
- V. 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 4 and 6 will not be voted on unless the staff recommendation for Items 3 and 5 are adopted.)
 - Item 3 *Student Records*, 02-TC-34
Riverside Unified School District and Palomar Community College Districts, Claimants
Education Code Sections 49062, 49065, 49067, 49068, 49069.3, 49069.5, 49076.5, 49077, 49078, 76220, 76223, 76225, 76234, 76244, 76245, 76246

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

Item 3 Statutes 1975, Chapter 816 (S.B. 182); Statutes 1976, Chapter 1010
Cont. (A.B. 3100); Statutes 1976, Chapter 1297 (S.B. 1493); Statutes 1980,
Chapter 1347 (A.B. 2168); Statutes 1983, Chapter 498 (S.B. 813);
Statute 1989, Chapter 593 (S.B. 1546); Statutes 1993, Chapter 561 (A.B.
1539); Statutes 1995, Chapter 758 (A.B. 446); Statutes 1996, Chapter
879 (A.B. 1721); Statutes 1998, Chapter 311 (S.B. 933);
Statutes 1998, Chapter 846 (S.B. 1468); Statutes 2000, Chapter 67 (A.B.
2453)

Item 4 *Proposed Statement of Decision*
See Item 3 above

Item 5 *Airport Land Use Commission/Plans II, 03-TC-12*
County of Santa Clara, Claimant
Public Utilities Code Sections 21670, 21675, and 21676 as added or
amended by Statutes 1967, Chapter 852 (SB 256); Statutes 1970,
Chapter 1182 (AB 1856); Statutes 1973, Chapter 844 (AB 2201);
Statutes 1980, Chapter 725 (SB 1381); Statutes 1981, Chapter 714 (SB
1192); Statutes 1982, Chapter 1047 (AB 2525); Statutes 1984, Chapter
1117 (AB 3551); Statutes 1987, Chapter 1018 (SB 633); Statutes 1989,
Chapter 306 (SB 255); Statutes 1990, Chapter 563 (AB 4265); Statutes
1991, Chapter 140 (SB 532); Statutes 1993, Chapter 59 (SB 443);
Statutes 1994, Chapter 644 (AB 2831); Statutes 2000, Chapter 506 (SB
1350); Statutes 2002, Chapter 438 (AB 3026); and Statutes 2002,
Chapter 971 (SB 1468)

Item 6 *Proposed Statement of Decision*
See Item 5 above

B. DISMISSAL OF WITHDRAWN TEST CLAIM

Item 7* *Ferry Assets, 07-TC-07*
Government Code Sections 66540 through 66540.69
Streets and Highway Code Sections 30913 and 30914
Statutes 2007, Chapter 734 (SB 976)
City of Vallejo, Claimant

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

A. PARAMETERS AND GUIDELINES

Item 8* *Local Government Employment Relations, 01-TC-30*
County of Sacramento and City of Sacramento, Claimants
Government Code Sections 3502.5 and 3508.5

Item 8* Statutes 2000, Chapter 901 (SB 739)
Cont. California Code of Regulations, Title 8, Sections 32132, 32135, 32140,
32149, 32150, 32160, 32168, 32170, 32175, 32176, 32180, 32190,
32205, 32206, 32207, 32209, 32210, 32212, 32310, 32315, 32375,
32455, 32620, 32644, 32649, 32680, 32980, 60010, 60030, 60050,

B. PROPOSED AMENDMENTS TO PARAMETERS AND GUIDELINES

- Item 9 *Pesticide Use Reports*, 06-PGA-02 (CSM-4420)
Department of Pesticide Regulation, Requestor
Food and Agricultural Code Section 12979
Statutes 1989, Chapter 1200 (AB 2161)
California Code of Regulations, Title 3, Sections 6000, 6393(c), 6562,
6568, 6619, 6622, 6623, 6624, 6626, 6627, 6627.1, 6628
- Item 10* *National Norm-Referenced Achievement Test*, 08-PGA-01 (05-PGA-03,
04-RL-9723-01, 97-TC-23)
Department of Finance, Requestor
Education Code Sections 60607, subdivision (a), 60609, 60615, 60630,
60640, and 60641, Statutes 1997, Chapter 828 (SB 376)
California Code of Regulations, Title 5, Sections 851, 852, 853, 855,
857, 858, 859, 861, 862, 863, 864, 865, 867, and 868

C. PROPOSED STATEWIDE COST ESTIMATE

- Item 11* *Local Recreation Areas: Background Screenings*, 01-TC-11
City of Los Angeles, Claimant
Public Resources Code Section 5164, Subdivisions (b) (1) and (2);
Statutes 2001, Chapter 777 (AB 351)

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 12 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. STAFF REPORTS (info/action)

- Item 13 Legislative Update
- Item 14 Chief Legal Counsel: Recent Decisions, Litigation Calendar
- Item 15 Executive Director: Workload, Budget, and Next Hearing (July 31, 2009)

X. PUBLIC COMMENT

XI. 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 SUBCOMMITTEE

RECONVENE IN PUBLIC SESSION

XI. REPORT FROM CLOSED EXECUTIVE SESSION

ADJOURNMENT

For information, contact:

Paula Higashi, Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

(916) 323-8210
(916) 445-0278 Fax
Email: paula.higashi@csm.ca.gov