

COMMISSION ON STATE MANDATES

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October 28, 2010

TO: ALL INTERESTED PERSONS
FROM: Paula Higashi, Executive Director
RE: Revised Notice, New Filings, and Agenda

**THIS NOTICE AND AGENDA SUPERSEDES THE NOTICE/AGENDA ISSUED
ON OCTOBER 26, 2010**

The Commission will hold its next regular meeting and hearing on Tuesday, November 9, 2010. The meeting will be convened at 10:30 a.m., at the State Capitol, Room 447, Sacramento, California.

CORRECTION: On Tuesday, November 9, 2010, at 8:30 a.m., Commission staff will hold a workshop on implementation of the new Mandate Redetermination Process and review changes to Government Code sections 17556 and 17557. (SB 856, Stats. 2010, ch. 719, § 31, urgency, eff. October 19, 2010), and review the proposed form for filing requests for new test claim decisions.¹

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, identify the item and the entity you represent. The Chairperson reserves the right to impose time limits on presentations as may be necessary to complete the agenda.

Agenda Materials. All back-up material and supporting documentation for public meetings are available for public inspection 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.

Web Site. Agenda items are available on the Commission's Web Site (<http://www.csm.ca.gov/>). After reaching the site's home page, click on the words "Current Hearing" on the left side of the page for the hearing agenda. Generally, the short agenda will be uploaded two weeks prior to the hearing. Items will be uploaded approximately one week before the hearing without exhibits and may be accessed from the agenda. If an item is postponed prior to the hearing, notice will be posted on the agenda. Following the hearing, Commission actions will be posted on the agenda, and revised items will be posted upon completion.

The approved minutes of previous commission meetings are also on the Web Site in PDF formats. To access the minutes, click on the words "Current Hearing" on the left side of the page. The most recent minutes become available following approval by the Commission, generally after the next hearing.

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 [HTTP://WWW.CSM.CA.GOV](http://www.csm.ca.gov) AND CLICKING ON THE "AGENDA MAILING LIST" LINK ON THE LEFT SIDE OF THE PAGE.

¹ The previous notice and agenda incorrectly stated that the workshop would be held on November 2, 2010.

NEW FILINGS

September 8, 2010 through October 25, 2010

The following three incorrect reduction claims were deemed complete.

Claim Number	Date Received	Claimant	Description
10-904133-I-08 (Revised) Consolidated with 05-904133-I-03 (08-904133-I-06)	9/13/10	Riverside Unified School District	Incorrect Reduction Claim: Notification of Truancy (2nd Revised) Fiscal Years 2000-2001, 2001-2002 \$298,282
10-4499-I-01	9/16/10	County of Santa Clara	Incorrect Reduction Claim: Peace Officers Bill of Rights (POBOR) Fiscal Years 2003-2004, 2004-2005, 2005-2006 \$526,802
10-904133-I-09	10/06/10	San Juan Unified School District	Incorrect Reduction Claim: <i>Notification of Truancy</i> Fiscal Years 2002-2003, 2003-2004, 2004-2005, and 2005-2005 \$132,847

The following 37 filings were filed on the same regional water permit, and are being reviewed:

	Date Received	Requestor	Description
1.	10/11/10	City of Brisbane	California Water Quality Control Board, San Francisco Region, Permit No. CAS612008, issued by the Regional Water Quality Control Board, San Francisco Region, order No. R2-2009-0074
2.	10/12/10	City of San Mateo	See above
3.	10/13/10	City of Alameda	See above
4.	10/13/10	Town of Colma	See above
5.	10/13/10	City of Millbrae	See above
6.	10/13/10	City of San Carlos	See above
7.	10/14/10	County of San Mateo	See above
8.	10/14/10	City of Daly City	See above
9.	10/14/10	City of Half Moon Bay	See above
10.	10/14/10	Town of Atherton	See above
11.	10/14/10	City of Menlo Park	See above
12.	10/14/10	Town of Hillsborough	See above
13.	10/14/10	City of Foster City	See above
14.	10/14/10	County of Santa Clara	See above
15.	10/14/10	City of San Bruno	See above
16.	10/14/10	Town of Woodside	See above

	Date Received	Requestor	Description
17.	10/14/10	County of Alameda	See above
18.	10/14/10	Town of Portola	See above
19.	10/14/10	City of Redwood	See above
20.	10/14/10	City of South San Francisco	See above
21.	10/14/10	City of Pacifica	See above
22.	10/14/10	City of Burlingame	See above
23.	10/14/10	County of Alameda	See above
24.	10/14/10	City of Albany	See above
25.	10/14/10	City of Berkeley	See above
26.	10/14/10	City of Dublin	See above
27.	10/14/10	City of Emeryville	See above
28.	10/14/10	City of Fremont	See above
29.	10/14/10	City of Hayward	See above
30.	10/14/10	City of Livermore	See above
31.	10/14/10	City of Newark	See above
32.	10/14/10	City of Oakland	See above
33.	10/14/10	City of Pleasanton	See above
34.	10/14/10	City of San Leandro	See above
35.	10/14/10	City of Union City	See above
36.	10/14/10	Alameda County Flood Control & Water Conservation District	See above
37.	10/14/10	Alameda County Flood Control and Water Conservation District, Zone 7	See above

REVISED NOTICE AND AGENDA

Commission on State Mandates

WORKSHOP

Mandate Redetermination Process,
Changes to Government Code Sections 17556 and 17557
And
Proposed Form for Filing Requests for New Test Claim Decisions

~~Tuesday, November 2, 2010~~

Tuesday, November 9, 2010

8:30 a.m.

State Capitol, Room 447
Sacramento, California

- I. CALL TO ORDER AND INTRODUCTIONS
- II. REVIEW AND DISCUSSION OF MANDATE REDETERMINATION PROCESS
- III. REVIEW CHANGES TO GOVERNMENT CODE SECTIONS 17556 AND 17557
- IV. REVIEW AND DISCUSSION OF PROPOSED FORM FOR FILING REQUESTS FOR NEW TEST CLAIM DECISIONS
- V. NEXT STEPS
- VI. ADJOURNMENT

NOTICE AND AGENDA¹

Meeting of the Commission on State Mandates

State Capitol, Room 447

Sacramento, California

Tuesday, November 9, 2010

10:30 A.M.

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

Item 1 September 30, 2010

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. STAFF REPORT

Item 3 Budget Act and Budget Trailer Bills

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

A. PROPOSED STATEWIDE COST ESTIMATES

Item 4* *Pupil Discipline Records, Notification to Teachers: Pupils Subject to Suspension or Expulsion II*, 00-TC-10/00-TC-11

Education Code Sections 48201 and 49079

Statutes 2000, Chapter 345 (AB 29)

Carpinteria Unified School District, Sweetwater Union High School District, and Grant Joint Union High school District, Co-Claimants

B. ADOPTION OF EMERGENCY REGULATIONS PURSUANT TO GOVERNMENT CODE SECTIONS 17527 SUBDIVISION (g) AND 17570, SUBDIVISION (e)

Item 5 Proposed Emergency Regulations to Implement Mandate Redetermination Process Pursuant to Government Code Section 17570, Subdivision (d) (Stats. 2010, Ch. 719, eff. October 19, 2010 (SB 856)):

California Code of Regulations

Title 2, Chapter 2.5., New Article 10, Sections 1190-1190.05

C. ADOPTION OF COMMISSION ORDER TO INITIATE RULEMAKING PURSUANT TO GOVERNMENT CODE SECTION 17527 SUBDIVISION (g) AND CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1189.2

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

- Item 6 Proposed Regulations to Implement Mandate Redetermination Process Pursuant to Government Code Section 17570, Subdivision (d) (Stats. 2010, Ch. 719, eff. October 19, 2010 (SB 856))
California Code of Regulations
Title 2, Chapter 2.5., New Article 10, Sections 1190-1190.05
- Item 7* Proposed Regulations to Amend Conflict of Interest Code
California Code of Regulations, Title 2, Chapter 2.5., Article 9, Section 1189.10 and Appendix.

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 8 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 9 Chief Legal Counsel: Recent Decisions, Litigation Calendar
- Item 10 Executive Director: Workload, Budget, New Practices, and Next Meetings

IX. PUBLIC COMMENT

X. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 (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. *State of California, Department of Finance v. Commission on State Mandates*, Sacramento, Superior Court Case No. 34-2010-80000529 [Graduation Requirements, Parameters and Guidelines Amendments, Nov. 2008]
3. *County of Santa Clara v. Commission on State Mandates, State Controller's Office, et al.*, Sacramento County Superior Court Case No.34-2010-80000592 [*Handicapped and Disabled Students*, Incorrect Reduction Claim CSM 09-4282-I-5, Fiscal years 2003-2004 through 2005-2006]
4. *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.*, 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]

5. Cross Petition Filed: *County of San Diego, and Cities of Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Diego, San Marcos, Santee, Solano Beach, and Vista v. Commission on State Mandates, State of California Department of Finance, State Water Resources Control Board, and California Regional Water Control Board San Diego Region*, 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*]
6. *State of California Department of Finance, State Water Resources Control Board, and California Regional Water Quality Board, Los Angeles Region v. Commission on State Mandates and County of Los Angeles, et. al.*, Sacramento County Superior Court Case No. 34-2010-80000605 [*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, 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. REPORT OF THE PERSONNEL SUBCOMMITTEE

To confer on personnel matters pursuant to Government Code section 11126, subdivision (a)(1):

- Review of Executive Director Applications

XI RECONVENE IN PUBLIC SESSION

XII. REPORT FROM CLOSED EXECUTIVE SESSION

ADJOURNMENT

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