

COMMISSION ON STATE MANDATES

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January 12, 2015

TO: ALL INTERESTED PERSONS

FROM: Jason Hone, Assistant Executive Director 

RE: Revised Notice and Agenda

On Friday, January 23, 2015, 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 9 is postponed to March 27, 2015 at request of the State Controller's Office.

Testimony at the Commission Hearings. If you plan to address the Commission on an agenda item, please notify the Commission Office **not later than noon on January 14, 2015**. 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 to submit any written document for Commission member review, please note that Commission staff will include written comments submitted at least 15 days in advance of the hearing in the Commissioners' hearing binders. Additionally, staff will transmit written comments submitted between 15 and five days prior to a meeting to the Commission members, if possible. However, comments submitted less than five days prior to a meeting or at the meeting, will not be included in the Commissioners' hearing binders and the commenter shall provide 12 paper copies of the comments at the meeting. (Cal. Code Regs., tit. 2, § 1181.10(b)(1)).

Agenda Materials. All supporting documentation for items on the agenda for the public portion of Commission meetings is 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 "Meeting Agendas and Minutes" 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 are attached to the minutes. To access these documents, click "Meeting Agendas and Minutes" 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.

REVISED AGENDA¹

Meeting of the Commission on State Mandates

State Capitol, Room 447
Sacramento, California

Friday, January 23, 2015

10:00 a.m.

Reminder: *Commission staff includes written comments submitted at least 15 days in advance of the hearing in the Commissioners' hearing binders. If you plan to testify and would like the Commissioners to review any document not submitted 15 days in advance of the hearing, please bring 12 double-sided copies of the document or section of the document to the hearing.*

I. CALL TO ORDER AND ROLL CALL

II. ELECTION OF OFFICERS (action)

Item 1 Staff Report

III. APPROVAL OF MINUTES (action)

Item 2 December 5, 2014

IV. 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.

V. 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.

VI. HEARINGS AND DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (GOV. CODE, § 17551, 17557, 17559, and 17570) (action)

A. APPEAL OF EXECUTIVE DIRECTOR DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181.1(c) (info/action)

Item 3 Appeal of Executive Director Decisions

Note: This item will only be taken up if an appeal is filed and set for this hearing.

B. MANDATE REDETERMINATIONS

Item 4 *CPR Pocket Masks (CSM-4291)*, 14-MR-01

Penal Code Section 13518.1; Statutes 1987, Chapter 1334

As Alleged to be Modified by: Statutes 2013, Chapter 28 (SB 71)

Department of Finance, Requestor

FIRST HEARING: ADEQUATE SHOWING

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

Item 5 *Open Meetings Act/Brown Act Reform (CSM-4257/4469)*, 13-MR-02
Government Code Sections 54952, 54954.2, 54954.3, 54957.1, 54957.7;
Statutes 1986, Chapter 641; Statutes 1993, Chapters 1136;
1137; 1138

As Alleged to be Modified by: Proposition 30, General Election,
November 6, 2012

SECOND HEARING: NEW TEST CLAIM DECISION

C. PARAMETERS AND GUIDELINES

Item 6* *Firearm Hearings for Discharged Inpatients*, 99-TC-11 (07-RRM-01)
Welfare and Institutions Code Section 8103(f) and (g)
Statutes 1990, Chapters 9 and 177; Statutes 1991, Chapter 955; Statutes
1992, Chapter 1326; Statutes 1993, Chapters 610 and 611; Statutes 1994,
Chapter 224; Statutes 1996, Chapter 1075; Statutes 1999, Chapter 578
County of Los Angeles, Test Claimant, and Department of Finance

D. INCORRECT REDUCTION CLAIMS

Item 7 *Emergency Procedures, Earthquake, and Disasters*, 05-4241-I-06
Education Code Sections 35295, 35296, 35297, 40041.5 and 40042
Statutes 1984, Chapter 1659
Poway Unified School District, Claimant

Item 8 *Collective Bargaining and Collective Bargaining Agreement Disclosure*,
08-4425-I-16
Government Code Sections 3540-3549.9
Statutes 1975, Chapter 961; Statutes 1991, Chapter 1213
Los Rios Community College District, Claimant

~~Item 9 *Collective Bargaining and Collective Bargaining Agreement Disclosure*,
09-4425-I-17 and 10-4425-I-18
Government Code Sections 3540-3549.9
Statutes 1975, Chapter 961; Statutes 1991, Chapter 1213
Sierra Joint Community College District, Claimant
Postponed to March 27, 2015 at Request of State Controller's Office~~

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

A. STATEWIDE COST ESTIMATES

Item 10* *State Authorized Risk Assessment Tool for Sex Offenders*, 08-TC-03
Penal Code Sections 290.05, 290.06, 290.07, 1202.8, 1203, 1203c, and
1203e
Statutes 2006, Chapter 336; Statutes 2006, Chapter 337; Statutes 2006,
Chapter 886; Statutes 2007, Chapter 579

California Department of Mental Health's Executive Order, State
Authorized Risk Assessment Tool for Sex Offenders Review Committee
Notification, issued on February 1, 2008

County of Los Angeles, Claimant

Item 11* *Medi-Cal Eligibility of Juvenile Offenders*, 08-TC-04

Welfare and Institutions Code Section 14029.5; Statutes 2006,
Chapter 657

County of Alameda, Claimant

B. ADOPTION OF PROPOSED RULEMAKING CALENDAR

Item 12* Proposed Rulemaking Calendar, 2015

C. ADOPTION OF PROPOSED REGULATION AMENDMENTS

Item 13* Conflict-of-Interest Code

California Code of Regulations, Title 2, Division, 2, Chapter 2.5, Article 9,
Section 1189.10 and Appendix

D. ADOPTION OF COMMISSION ORDER TO INITIATE RULEMAKING PURSUANT TO
CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 2, CHAPTER 2.5

Item 14* General Cleanup Provisions, Authority and Reference

California Code of Regulations, Title 2, Division 2, Chapter 2.5,
Articles 1, 2, 3, 4, 5, 6, 7, 8, and 10,
Sections 1181.1 through 1188.2 and 1190 through 1190.5

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 2
(info/action)

Item 15 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. REPORTS (info)

Item 16 Legislative Update (info)

Item 17 Chief Legal Counsel: New Filings, Recent Decisions, Litigation Calendar
(info)

Item 18 Executive Director: Workload Update, Strategic Plan, Budget, and Tentative
Agenda Items for the March and May Meetings (info/action)

X. 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, 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).

California Supreme Court, Case No. S214855

(Los Angeles County Superior Court, Case No. BS130730, Second District Court of Appeal, Case No. B237153)

[*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]

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. *Counties of San Diego, Los Angeles, San Bernardino, Orange, and Sacramento v. Commission on State Mandates, et al.*
San Diego County Superior Court,
Case No. 37-2014-00005050-CU-WM-CTL
Mandate Redetermination, *Sexually Violent Predators*,
(12-MR-01, CSM-4509); Welfare and Institutions Code Sections 6601, 6602, 6603, 6604, 6605, and 6608; Statutes 1995, Chapter 762 (SB 1143); Statutes 1995, Chapter 763 (AB 888); Statutes 1996, Chapter 4 (AB 1496)
As modified by Proposition 83, General Election, November 7, 2006
5. *Santa Clarita Valley Sanitation District v. Commission on State Mandates, California Regional Water Quality Control Board, Department of Finance*
Los Angeles County Superior Court, Case No. BS148024
Upper Santa Clara River Chloride Requirements, 10-TC-09
(Los Angeles Regional Water Quality Control Board Resolution No. R4-2008-012, adopted December 11, 2008; approved by United States Environmental Protection Agency April 6, 2010)
6. *County of Los Angeles v. Commission on State Mandates, Department of Finance*
Los Angeles County Superior Court, Case No. BS148845
Public Guardianship Omnibus Conservatorship Reform,
07-TC-05(Probate Code Sections 1850(a), 1851(a), 2113, 2250(a)-(c), 2250.4(a)-(d); 2352(a)-(f), 2352.5(a)-(e), 2410,

2540(a)-(b), 2543(a)-(d), 2610(a), 2620(a)-(e), 2620.2(a)-(d), 2590, 2591(a)-(q), 2591.5(a)-(d), 2623(a)-(b), 2640(a)-(c), 2640.1(a)-(c), 2641(a)-(b), 2653(a)-(c), 2920(a)-(c), and 2923 Statutes 2006; Chapter 490 (SB 1116), Statutes 2006, Chapter 492 (SB 1716), and Statutes 2006, Chapter 493 (AB 1363))

7. *Coast Community College District, et al. v. Commission on State Mandates*
Sacramento County Superior Court, Case No. 34-2014-80001842
Minimum Conditions for State Aid, 02-TC-25/02-TC-31 (Education Code Sections 66721, 66721.5, 66722, 66722.5, 66731, 66732, 66736, 66737, 66738, 66740, 66741, 66742, 66743, 70901, 70901.5, 70902, 71027, 78015, 78016, 78211.5, 78212, 78213, 78214, 78215, 78216, 87482.6, and 87482.7; Statutes 1975, Chapter 802; Statutes 1976, Chapters 275, 783, 1010, and 1176; Statutes 1977, Chapters 36 and 967; Statutes 1979, Chapters 797 and 977; Statutes 1980, Chapter 910; Statutes 1981, Chapters 470 and 891; Statutes 1982, Chapters 1117 and 1329; Statutes 1983, Chapters 143 and 537; Statutes 1984, Chapter 1371; Statutes 1986, Chapter 1467; Statutes 1988, Chapters 973 and 1514; Statutes 1990, Chapters 1372 and 1667; Statutes 1991, Chapters 1038, 1188, and 1198; Statutes 1995, Chapters 493 and 758; Statutes 1998, Chapter 365, 914, and 1023; Statutes 1999, Chapter 587; Statutes 2000, Chapter 187; and Statutes 2002, Chapter 1169; California Code of Regulations, Title 5, Sections 51000, 51002, 51004, 51006, 51008, 51012, 51014, 51016, 51018, 51020, 51021, 51022, 51023, 51023.5, 51023.7, 51024, 51025, 51027, 51100, 51102, 53200, 53202, 53203, 53204, 53207, 53300, 53301, 53302, 53308, 53309, 53310, 53311, 53312, 53314, 54626, 54805, 55000, 55000.5, 55001, 55002, 55002.5, 55004, 55005, 55006, 55100, 55130, 55150, 55160, 55170, 55182, 55200, 55201, 55202, 55205, 55207, 55209, 55211, 55213, 55215, 55217, 55219, 55300, 55316, 55316.5, 55320, 55321, 55322, 55340, 55350, 55401, 55402, 55403, 55404, 55500, 55502, 55510, 55512, 55514, 55516, 55518, 55520, 55521, 55522, 55523, 55524, 55525, 55526, 55530, 55532, 55534, 55600, 55601, 55602, 55602.5, 55603, 55605, 55607, 55620, 55630, 55750, 55751, 55752, 55753, 55753.5, 55753.7, 55754, 55755, 55756, 55756.5, 55757, 55758, 55758.5, 55759, 55760, 55761, 55762, 55763, 55764, 55765, 55800, 55800.5, 55801, 55805, 55805.5, 55806, 55807, 55808, 55809, 55825, 55827, 55828, 55829, 55830, 55831, 58102, 58104, 58106, 58107, 58108, 59404, and 59410; Handbook of Accreditation and Policy Manual, Accrediting Commission for Community and Junior Colleges (Summer 2002); and “Program and Course Approval Handbook” Chancellor’s Office California Community Colleges (September 2001).)
8. *Clovis Unified School Dist. v. Commission on State Mandates, State Controller’s Office*
Sacramento County Superior Court, Case No. 34-2014-80001931
Graduation Requirements IRC, 05-4435-I-50 and 08-4435-I-52

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

XI. REPORT FROM CLOSED EXECUTIVE SESSION

ADJOURNMENT

Heather Halsey, Executive Director
980 Ninth Street, Suite 300
Sacramento, CA 95814

Email: heather.halsey@csm.ca.gov

For information regarding this agenda, please contact:

Jason Hone
(916) 323-3562

NEW FILINGS

November 4, 2014 through December 23, 2014

There were no new filings for this period.