

## COMMISSION ON STATE MANDATES

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March 6, 2015

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

**On Friday, March 27, 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 6 is proposed for consent.**

**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 March 18, 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](http://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](http://WWW.CSM.CA.GOV)  
AND CLICKING ON THE "AGENDA MAILING LIST" LINK ON THE RIGHT SIDE OF THE PAGE.

REVISED AGENDA<sup>1</sup>  
Meeting of the Commission on State Mandates

State Capitol, Room 447  
Sacramento, California

Friday, March 27, 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. APPROVAL OF MINUTES (action)

Item 1 January 23, 2015

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, 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 2 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 3 *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, Requester

SECOND HEARING: NEW TEST CLAIM DECISION

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<sup>1</sup> This public meeting notice is available on the Commission's website at [www.csm.ca.gov](http://www.csm.ca.gov).

C. PARAMETERS AND GUIDELINES AND PARAMETERS AND GUIDELINES AMENDMENTS

- Item 4 [TENTATIVE] *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, Requester
- 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 Modified by: Proposition 30, General Election, November 6, 2012  
Department of Finance, Requester
- Item 6\* *Sheriff Court-Security Services*, 09-TC-02  
Government Code Sections 69926(b)  
Statutes 2009-2010 (4th Ex. Sess.), Chapter 22 (SB 13)  
County of Los Angeles, Claimant

D. INCORRECT REDUCTION CLAIMS

- Item 7 *Health Fee Elimination*, 05-4206-I-06  
Education Code Section 72246 (Renumbered as section 76355)  
Statutes 1984, Chapter 1 (1983-1984 2nd Ex. Sess.); Statutes 1987,  
Chapter 1118  
Los Rios Community College District, Claimant
- Item 8 *Health Fee Elimination*, 05-4206-I-10  
Education Code Section 72246 (Renumbered as section 76355)  
Statutes 1984, Chapter 1 (1983-1984 2nd Ex. Sess.); Statutes 1987,  
Chapter 1118  
Foothill-De Anza Community College District, Claimant
- Item 9 *Health Fee Elimination*, 06-4206-I-13  
Education Code Section 72246 (Renumbered as section 76355)  
Statutes 1984, Chapter 1 (1983-1984 2nd Ex. Sess.); Statutes 1987,  
Chapter 1118  
Pasadena Area Community College District, Claimant
- Item 10 *Health Fee Elimination*, 08-4206-I-18  
Education Code Section 72246 (Renumbered as section 76355)  
Statutes 1984, Chapter 1 (1983-1984 2nd Ex. Sess.); Statutes 1987,  
Chapter 1118  
Los Rios Community College District, Claimant

- Item 11     *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

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

A.    STATEWIDE COST ESTIMATES

- Item 12\*    *Sexually Violent Predators*, CSM-4509 (12-MR-01)  
Welfare and Institutions Code Section 6602  
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  
Department of Finance, Requester

- Item 13\*    *Race to the Top*, 10-TC-06  
Education Code Sections 48354(b)(1), 48356(d), 48357, 53202(a),  
53202(b), 53300 and 53301  
Statutes 2009-2010, 5<sup>th</sup> Extraordinary Session, Chapter 2 (SBX5 1)  
Statutes 2009-2010, 5<sup>th</sup> Extraordinary Session, Chapter 3 (SBX5 4);  
California Code of Regulations, Title 5, Section 4702 (Register 2010,  
No. 32)  
Twin Rivers School District, Claimant

B.    ADOPTION OF PROPOSED REGULATION AMENDMENTS

- Item 14\*    [TENTATIVE] 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

C.    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.*

VII. 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 and Tentative Agenda Items for the May and July Meetings (info)

VIII. 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
9. *Paradise Irrigation District, et al. v. Commission on State Mandates, Department of Finance, and Department of Water Resources*  
Sacramento County Superior Court, Case No. 34-2015-80002016  
[Water Conservation (10-TC-12/12-TC-01, adopted December 5, 2014), Water Code Division 6, Part 2.55 [sections 10608-10608.64] and Part 2.8 [sections 10800-10853] as added by Statutes 2009-2010, 7th Extraordinary Session, Chapter 4 California Code of Regulations, Title 23, Division 2, Chapter 5.1, Article 2, Sections 597-597.4; Register 2012, No. 28.]

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

#### IX. REPORT FROM CLOSED EXECUTIVE SESSION

#### X. PERSONNEL (action)

- |         |  |
|---------|--|
| Item 19 | [TENTATIVE] Salary Adjustment: Attorney to the Commission/Chief Legal Counsel (CEA B), pursuant to Government Code Section 17529 |
| Item 20 | [TENTATIVE] Salary Adjustment: Executive Director, pursuant to Government Code Section 17530                                     |

#### ADJOURNMENT

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For information regarding this agenda, please contact:

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## NEW FILINGS

December 24, 2014 through February 26, 2015

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<b>Date Received</b>	<b>Claimant/Requester</b>	<b>Description</b>
12/23/14  Notice of Complete Filing Issued: 1/2/15	Plumas County Office of Education, Plumas Unified School District, Porterville Unified School District, Santa Ana Unified School District, and Vallejo City Unified School District	<b>Test Claim:</b> <i>California Assessment of Student Performance and Progress (CAASPP)</i> , 14-TC-01 Education Code Sections 60602, 60603, 60604, 60607, 60610, 60611, 60612, 60640, 60641, 60642.6, 60643, 60643.6, 60648, 60648.5, 60649, 60810, 99300, and 99301 Statutes 2013-2014, Chapter 489 (AB 484); Statutes 2014 Chapter 32, (SB 858); Statutes 2014, Chapter 327 (AB 1599) California Code of Regulations, Title 5, Section 850 through 864, inclusive; (Register 2014, No. 30; Effective Date: July 23, 2014)
1/21/15	Department of Finance	<b>Mandate Redetermination (MR):</b> <i>California Public Records Act (02-TC-10 and 02-TC-51)</i> , 14-MR-02 Government Code Sections 6253, 6253.1, 6253.9, 6254.3, and 6255 Statutes 1992, Chapters 463; Statutes 2000, Chapter 982; and Statutes 2001, Chapter 355 As Alleged to be Modified by Proposition 42, adopted June 3, 2014