



March 7, 2023

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

**On Friday, March 24, 2023, the Commission on State Mandates (Commission) will conduct its next regular meeting and hearing at 10:00 a.m. via Zoom.**

**Please note the following revisions: Section VII. has been updated to remove Item 7\* General Cleanup Provisions (Order 23-01), Proposed Amendments to California Code of Regulations, Title 2, Division 2, Chapter 2.5, Articles 1-8, and 10. In addition, Items 8, 9, and 10, have been renumbered, accordingly.**

Statutes 2022, chapter 48 amended the Bagley-Keene Open Meeting Act to extend until July 1, 2023, the authority to hold public meetings through teleconferencing and to make public meetings accessible electronically to all members of the public seeking to observe and to address the state body in order to protect the health and safety of civil servants and the public. The statute further suspends and no longer requires until July 1, 2023, the physical presence of members or other personnel of the state body or the public as a condition of participation in or quorum for a public meeting; the identification of each teleconference location from which a member will be participating; the posting of the notice and agenda at each teleconference location; and the ability of the public to address the state body at each teleconference location.

The Commission is committed to ensuring that its public meetings are accessible to the public and that the public has the opportunity to observe the meeting and to participate by providing written and verbal comment on Commission matters. **If you want to speak during the hearing, you must use the "Raise Hand" feature in order for our moderators to know you need to be unmuted. If you are participating by phone, you may dial \*9 to use the "Raise Hand" feature.**

There are two options for joining the meeting via Zoom:

1. Through the link below you can listen and view through your desktop, laptop, tablet, or smart phone. This will allow you to view documents being shared as well. **(You are encouraged to use this option.)**

<https://csm-ca.gov.zoom.us/j/83908746595?pwd=TEpL09CUzFxd1FZNzcwZkdIOWU14UT09>

Passcode: 845354

2. Through your landline, smart mobile, or non-smart mobile phone, either number works. You will be able to listen to the proceedings but will not be able to view the meeting or any documents being shared.

+1 216 706 7075 US Toll

+1 866 390 1828 US Toll-free

Conference code: 155007

Please don't hesitate to reach out to us for help with technical issues at [csminfo@csm.ca.gov](mailto:csminfo@csm.ca.gov) or 916 323-3562.

**Testimony at the Commission Hearing.** If you plan to address the Commission on an agenda item, please notify the Commission Office **not later than noon on the Wednesday prior to the**

**hearing.** Please also include the names and email addresses of the people who will be speaking for inclusion on the witness list and so that Commission staff can provide them with detailed instructions regarding how to participate as a party in this meeting on Zoom. When calling or emailing, identify the item you want to testify on and the entity you represent. The Commission Chairperson reserves the right to impose time limits on presentations as may be necessary to complete the agenda.

If you plan to file any written document for Commission member review, please note that Commission staff will include written comments filed at least 15 days in advance of the hearing in the Commissioners' hearing binders. Additionally, staff will transmit written comments filed between 15 and five days prior to a meeting to the Commission members, if possible. However, comments filed less than five days prior to a meeting or submitted at the meeting will not be included in the Commissioners' hearing binders. Due to the meeting being remote, in lieu of the commenter providing 12 paper copies of the comments at the meeting for such late filings (Cal. Code Regs., tit. 2, § 1181.10(b)(1)), please file the PDF document or section of the PDF document via the Commission's dropbox at <https://csm.ca.gov/dropbox.php> prior to the hearing.

**Agenda Materials.** Agenda materials are available at the Commission office, located at 980 Ninth Street, Suite 300, Sacramento, California, 95814 during regular business hours by appointment only, with a two-business-day advance notice and subject to COVID-19 prevention protocols. However, members of the public who have access to the internet are urged to obtain these materials online rather than by visiting the Commission's physical office, to reduce potential exposures and reduce the spread of COVID-19. Please call (916) 323-3562 or email at [csminfo@csm.ca.gov](mailto:csminfo@csm.ca.gov) for an appointment. 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 at <https://www.csm.ca.gov/agendas/012723.php>.

**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 "Hearings" on the top of the page for the hearing agenda. Generally, Commission staff upload the items two weeks before the meeting and they may be accessed from links on the agenda. If an item on this agenda is postponed prior to the meeting, notice will be posted on a revised agenda. Following the meeting, staff will post Commission actions on the Commission's website and will serve and post the adopted decisions within 10 days of the meeting.

To find the adopted minutes and transcripts of Commission meetings since January 2004 on the website in PDF format, click "Hearings" on the top of the home page.

**Reasonable Accommodation.** Any person requesting accommodations in accordance with the Americans with Disabilities Act or for language assistance, please contact the Commission office as soon as possible but at least five to seven *working* days prior to the meeting.

## AGENDA<sup>1</sup>

Meeting of the Commission on State Mandates via Zoom

**Friday, March 24, 2023**

**10:00 a.m.**

**Reminder:** *Commission staff includes written comments filed at least 15 days in advance of the meeting in the Commissioners' hearing binders. If you plan to testify and would like the Commissioners to review any document not filed 15 days in advance of the hearing, please file*

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

the PDF document via the Commission's dropbox at <https://csm.ca.gov/dropbox.php> prior to the hearing.

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

Item 1 January 27, 2023

III. PUBLIC COMMENT FOR MATTERS NOT ON THE AGENDA (info)

Please note that the Commission may not take action on items not on the agenda. However, it may schedule issues raised by the public for consideration at future meetings.

IV. PROPOSED CONSENT CALENDAR FOR ITEMS PROPOSED FOR ADOPTION ON CONSENT PURSUANT TO CALIFORNIA CODE OF REGULATIONS TITLE 2, ARTICLES 7 AND 8 (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, ARTICLE 7 (GOV. CODE, § 17551, 17557, 17559, and 17570) (action)

A. APPEALS 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. TEST CLAIMS

Item 3 *California Regional Water Quality Control Board, Santa Ana Region, Order No. R8-2009-0030, Sections IX, X, XI, XII, XIII, and, XVIII, Adopted May 22, 2009, 09-TC-03*

County of Orange, Orange County Flood Control District; and the Cities of Anaheim, Brea, Buena Park, Costa Mesa, Cypress, Fountain Valley, Fullerton, Huntington Beach, Irvine, Lake Forest, Newport Beach, Placentia, Seal Beach, and Villa Park, Claimants

C. PARAMETERS AND GUIDELINES

Item 4 *Juveniles: Custodial Interrogation, 21-TC-01*

Welfare and Institutions Code Section 625.6 as Amended by Statutes 2020, Chapter 335, Section 2 (SB 203)

County of Los Angeles, Claimant

D. PARAMETERS AND GUIDELINES AMENDMENTS

Item 5 *Racial and Identity Profiling, 21-PGA-01*

Government Code Section 12525.5, as added and amended by Statutes 2015, Chapter 466 (AB 953); Statutes 2017, Chapter 328 (AB 1518); California Code of Regulations, Title 11, Sections 999.224, 999.225, 999.226, 999.227, 999.228, and 999.229, as added by Register 2017, No. 46

City of Claremont, Requester

VI. 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 6 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. INFORMATIONAL HEARINGS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, ARTICLE 8 (info/action)

~~A. ADOPTION OF ORDER TO INITIATE RULEMAKING~~

~~Item 7\* General Cleanup Provisions (Order 23-01), Proposed Amendments to California Code of Regulations, Title 2, Division 2, Chapter 2.5, Articles 1-8, and 10~~

B. REPORTS (info/action)

Item ~~8~~7 Legislative Update (info)

Item ~~9~~8 Chief Legal Counsel: New Filings, Recent Decisions, Litigation Calendar (info)

Item ~~10~~9 Executive Director: Budget, Workload Update, and Tentative Agenda Items for the May 2023 and July 2023 Meetings (info)

VIII. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 AND 11126.2 (info/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):

Trial Courts:

1. *County of Los Angeles v. Commission on State Mandates, Malia M. Cohen as State Controller*  
Los Angeles County Superior Court, Case No. 23STCP00036  
(*Municipal Stormwater and Urban Runoff Discharges Consolidated IRC*, 19-0304-I-04, 20-0304-I-06, 20-0304-I-08, 20-0304-I-09, 20-0304-I-10, 20-0304-I-11, and 20-0304-I-13)
2. *Coast Community College District, et al. v. Commission on State Mandates*, Sacramento County Superior Court, Case No. 34-2014-80001842  
Third District Court of Appeal, Case No. C080349  
On Remand from the California Supreme Court, Case No. S262663  
[*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).]

#### Courts of Appeal:

1. *County of San Diego v. Commission on State Mandates, Department of Finance, State Controller*  
Fourth District Court of Appeal, Case No. D079742  
San Diego County Superior Court, Case No. 37-2020-00009631-CU-WM-CTL  
(*Youth Offender Parole Hearings (17-TC-29)*)

#### California Supreme Court

1. *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)  
California Supreme Court, Case No. S277832 (Petition for review filed 12/22/22)  
Third District Court of Appeal, Case No. C092139  
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]

B. POTENTIAL LITIGATION

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):

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.

C. PERSONNEL

To confer on personnel matters pursuant to Government Code section 11126(a)(1).

RECONVENE IN PUBLIC SESSION

IX. REPORT FROM CLOSED EXECUTIVE SESSION

ADJOURNMENT

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Heather Halsey, Executive Director  
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Sacramento, CA 95814

Email: [heather.halsey@csm.ca.gov](mailto:heather.halsey@csm.ca.gov)

For information regarding this agenda, please contact:

Heidi Palchik  
(916) 323-3562

**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.**

## **NEW FILINGS**

**January 4, 2023 through March 7, 2023**

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There were no new filings completed for this period.