

## COMMISSION ON STATE MANDATES

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April 21, 2016

TO: ALL INTERESTED PERSONS

FROM: Heather Halsey, Executive Director *H.H.*

RE: Notice and Agenda

**On Thursday, May 26, 2016, 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.**

**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 May 19, 2016**. 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 "Hearings" on the top of the page for the hearing agenda. Generally, the items will be uploaded two weeks before the meeting and may be accessed from 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, Commission actions will be posted on the Commission's website and the adopted decisions will be posted when they are served.

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 "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.

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.**

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

State Capitol, Room 447  
Sacramento, California

**Thursday, May 26, 2016**  
**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      March 25, 2016

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 FOR ITEMS PROPOSED FOR ADOPTION ON  
CONSENT PURSUANT TO CALIFORNIA CODE OF REGULATIONS TITLE 2,  
CHAPTER 2.5, 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, 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 Decision, 15-AEDD-01*  
County of San Diego, Appellant

B. INCORRECT REDUCTION CLAIMS

Item 3      *Firefighter's Cancer Presumption, 09-4081-I-01*  
Labor Code Section 3212.1  
Statutes 1982, Chapter 1568  
Fiscal Year 2003-2004  
City of Los Angeles, Claimant

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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).

- Item 4 *Health Fee Elimination*, 09-4206-I-24 and 10-4206-I-34  
Former Education Code Section 72246 (Renumbered as 76355  
Statutes 1984, Chapter 1 (1983-1984 2nd Ex. Sess.) (AB2X 1); and  
Statutes 1987, Chapter 1118 (AB 2336)  
Fiscal Years 2002-2003, 2003-2004, 2004-2005, and 2005-2006  
Foothill-DeAnza Community College District, Claimant
- Item 5 *Seriously Emotionally Disturbed Pupils: Out-of-State Mental Health  
Services*, 10-9705-I-01 and 13-9705-I-05  
Government Code Section 7576, as amended by Statutes 1996, Chapter  
654; California Code of Regulations, Title 2, Division 9, Chapter 1,  
Sections 60100 and 60110  
Fiscal Years 2001-2002, 2002-2003, 2003-2004, 2004-2005, and 2005-2006  
County of San Diego, Claimant
- Item 6 *Peace Officers Procedural Bill of Rights (POBOR)*, 12-4499-I-02  
Government Code Sections 3301, 3303, 3304, 3305, and 3306  
Statutes 1976, Chapter 465; Statutes 1978, Chapters 775, 1173, 1174, and  
1178; Statutes 1979, Chapter 405; Statutes 1980, Chapter 1367; Statutes  
1982, Chapter 994; Statutes 1983, Chapter 964; Statutes 1989,  
Chapter 1165; Statutes 1990, Chapter 675  
Fiscal Years 2003-2004, 2004-2005, 2005-2006, 2006-2007, and 2007-2008  
City of Los Angeles, Claimant

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 7 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 8 Legislative Update (info)
- Item 9 Chief Legal Counsel: New Filings, Recent Decisions, Litigation Calendar  
(info)
- Item 10 Executive Director: Workload Update, Appointment of Commission  
Legislative Sub-Committee Members, and Tentative Agenda Items for the  
July and September 2016 Meetings (info/action)

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)(1):

### Trial Courts:

1. *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]
2. *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.]

### Courts of Appeal:

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)  
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]
2. *Counties of San Diego, Los Angeles, San Bernardino, Orange, and Sacramento v. Commission on State Mandates, et al.*  
Fourth District Court of Appeal, Division One, Case No. D068657  
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]
3. *Coast Community College District, et al. v. Commission on State Mandates*,  
Third District Court of Appeal, Case No. C080349  
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).]

California Supreme Court:

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

ADJOURNMENT

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Heather Halsey, Executive Director  
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Email: [heather.halsey@csm.ca.gov](mailto:heather.halsey@csm.ca.gov)

For information regarding this agenda, please contact:

Heidi Palchik  
(916) 323-3562

## NEW FILINGS

February 24, 2016 through April 20, 2016

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<b>Date Received</b>	<b>Claimant</b>	<b>Description</b>
3/15/16	San Mateo Community College District	<b>Incorrect Reduction Claim:</b> <i>Integrated Waste Management, 15-0007-I-12</i>