



May 11, 2023

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

On Friday, May 26, 2023, the Commission on State Mandates (Commission) will conduct its next regular meeting and hearing at 10:00 a.m. via Zoom.

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/88250879240?pwd=VzdzUEwrWWZkc2doUC9yZ3dtYUpmQT09](https://csm-ca.gov.zoom.us/j/88250879240?pwd=VzdzUEwrWWZkc2doUC9yZ3dtYUpmQT09)

Passcode: 112987

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 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

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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 encouraged to obtain these materials online. Please call (916) 323-3562 or email at 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/052623.php>.

Website. Agenda items are available on the Commission's website at 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.

AGENDA¹

Meeting of the Commission on State Mandates via Zoom

Friday, May 26, 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*

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

of the hearing, please file 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 March 24, 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 CLAIM

Item 3 Proposed Amended Decision on Remand
San Diego Regional Water Quality Control Board Order No. R9-2007-0001, Permit 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-viii & x-xv, and L, 7-TC-09-R

On Remand Pursuant to *Department of Finance v. Commission on State Mandates* (2022) 85 Cal.App.5th 535; Judgment and Writ of Mandate issued by the Sacramento County Superior Court, Case No. 34-2010-80000604-CU-WM-GDS, Issued May 11, 2023

County of San Diego, Cities of Carlsbad, Del Mar, Imperial Beach, Lemon Grove, Poway, San Marcos, Santee, Solana Beach, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, San Diego, and Vista, Claimants

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 4 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. REPORTS (info/action)

- Item 5 Legislative Update (info)
- Item 6 Chief Legal Counsel: New Filings, Recent Decisions, Litigation Calendar (info)
- Item 7 Executive Director: Budget, Workload Update, and Tentative Agenda Items for the July 2023 and September 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)

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)*)

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

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:

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 AND CLICKING ON THE "AGENDA MAILING LIST" LINK ON THE RIGHT SIDE OF THE PAGE.

NEW FILINGS

March 7, 2023 through May 11, 2023

Date Filed	Claimant/Requester	Description
<p>12/28/22 Notice of Complete Test Claim issued 3/24/23</p>	<p>County of San Diego</p>	<p><i>Resentencing to Remove Sentencing Enhancements, 22-TC-02</i></p>
<p>12/21/22 Notice of Complete Incorrect Reduction Claim issued 4/14/23</p>	<p>Fresno Unified School District</p>	<p><i>California Assessment of Student Performance and Progress (CAASPP), 22-1410-I-01</i></p>
<p>Test Claim to be Amended as Directed by Judgment and Writ of Mandate Issued 5/11/23</p>	<p>On Remand Pursuant to <i>Department of Finance v. Commission on State Mandates</i> (2022) 85 Cal.App.5th 535; Judgment and Writ of Mandate issued by the Sacramento County Superior Court, Case No. 34-2010-80000604-CU-WM-GDS</p>	<p><i>San Diego Regional Water Quality Control Board Order No. R9-2007-0001, Permit 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-viii & x-xv, and L, 07-TC-09-R</i></p>