

August 26, 2020

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

**On Friday, September 25, 2020, the Commission on State Mandates (Commission) will conduct its next regular meeting and hearing at 10:00 a.m. via Zoom.**

In response to COVID-19 and its impact on public meetings under the Bagley-Keene Open Meeting Act, Governor Newsom's Executive Order N-29-20 suspends, on an emergency basis pursuant to California Government Code section 8571, certain requirements for public meetings. Accordingly, requiring the physical presence of board members at meetings and providing a physical space for members of the public to observe and participate have been suspended until further notice, so long as the agency makes it possible for members of the public to observe and address the meeting remotely, for example, via web or audio conferencing such as Zoom.

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 three 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://us02web.zoom.us/j/82122689028?pwd=T3BKemZjTG11NS8wRFcwNk9INEVGQT09>

Meeting ID: 821 2268 9028

Password: 567398

2. Through one tap mobile on an iPhone in the U.S. This process will dial everything for you without having to key in the meeting ID number. If you have the Zoom application on your iPhone you can view the meeting and documents being shared as well.

+16699009128,,82122689028#,,,0#,,#,567398# or

+12532158782,,82122689028#,,,0#,,#,567398#

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+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 646 558 8656 US (New York)

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+1 312 626 6799 US (Chicago)

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During this extraordinary time and as we explore new ways of doing business with new technologies, we ask that you remain patient with us. Please don't hesitate to reach out to us for help with technical problems at [csminfo@csm.ca.gov](mailto:csminfo@csm.ca.gov) or 916 323-3562.

**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 the Wednesday prior to the hearing** and please include the names and email addresses of the people who will be speaking for inclusion on the witness list and so that detailed instructions regarding how to participate as a party in this meeting on Zoom can be provided to them. 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 testify and would like 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 at the meeting will not be included in the Commissioners' hearing binders and in lieu of the commenter providing 12 paper copies of the comments at the meeting (Cal. Code Regs., tit. 2, § 1181.10(b)(1)), please submit 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. 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. For an appointment, you will be required follow the guidance of State and local health officials including having your temperature checked, wearing a face covering, physically distancing, and not entering if you have COVID-19 symptoms in the last 72 hours or have had personal contact with a person who has tested positive for COVID-19 or if you have travelled internationally in the last 14 days. 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/092520.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, 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.

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.

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 via Zoom

**Friday, September 25, 2020**

**10:00 a.m.**

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I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

Item 1 July 24, 2020

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, 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. 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. TEST CLAIM

Item 3 *SANDAG: Independent Performance Auditor, 19-TC-03*

Public Utilities Code Section 132354.1; Statutes 2017, Chapter 658 (AB 805)

San Diego Association of Governments, Claimant

C. PARAMETERS AND GUIDELINES

Item 4 *Racial and Identity Profiling, 18-TC-02*

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<sup>2</sup>

City of San Diego, Claimant

D. INCORRECT REDUCTION CLAIM

Item 5 *Local Government Employee Relations, 17-0130-I-01*

Government Code Sections 3502.5 and 3508.5; Statutes 2000, Chapter 901 (SB 739); California Code of Regulations, Title 8, Sections 32132, 32135, 32140, 32149, 32150, 32160, 32168, 32170, 32175, 32176, 32180, 32190, 32205, 32206, 32207, 32209, 32210, 32212, 32310, 32315, 32375, 32455, 32620, 32644, 32649, 32680, 32980, 60010, 60030, 60050, 60070; Register 2001, Number 49.

Fiscal Year: 2010-2011

City of Monrovia, 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 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 HEARING PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, ARTICLE 8 (action)

REPORTS (info/action)

Item 7 Legislative Update (info)

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

Item 9 Executive Director: Proposed 2021 Hearing Calendar, Workload Update, and Tentative Agenda Items for the December 2020 and January 2021 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. *City of San Diego v. Commission on State Mandates, State Water Resources Control Board, Department of Finance*

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<sup>2</sup> Note that Register 2016, 50-2 was incorrectly cited in the test claim filing. The correct register is Register 2017, No. 46.

Sacramento County Superior Court, Case No. 2019-80003169  
(*Lead Sampling in Schools: Public Water System No. 3710020* (17-TC-03))

2. ***On Remand from the California Supreme Court, Case No. S247266, and the First District Court of Appeal, Case No. A148606***  
*California School Board Association (CSBA) v. State of California et al.*  
Alameda County Superior Court, Case No. RG11554698  
[Multiple Causes of Action on the Mandates Process]

Courts of Appeal:

1. ***On Remand from California Supreme Court, Case No. S214855, 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)  
Second District Court of Appeal Case No. B292446  
[Los Angeles County Superior Court, Case No. BS130730, Related Appeal from 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. ***On Remand from the Third District Court of Appeal, Case No. C070357***  
*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. 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]

California Supreme Court:

1. *Coast Community College District, et al. v. Commission on State Mandates*, California Supreme Court, Case No. S262663  
(Petition for Review Filed June 10, 2010)  
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).]

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)(1).

### RECONVENE IN PUBLIC SESSION

### IX. REPORT FROM CLOSED EXECUTIVE SESSION

### ADJOURNMENT

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

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

For information regarding this agenda, please contact:

Heidi Palchik  
(916) 323-3562



## NEW FILINGS

June 25, 2020 through August 25, 2020

<b>Date Filed</b>	<b>Claimant/Requester</b>	<b>Description</b>
Filed 6/8/20  Notice of Complete Incorrect Reduction Claim issued 7/6/20	City of Arcadia	<b>Incorrect Reduction Claim</b> <i>Municipal Storm Water and Urban Runoff Discharges, 19-0304-I-03</i>
Filed 6/30/20  Notice of Complete Incorrect Reduction Claim issued 7/6/20	City of Downey	<b>Incorrect Reduction Claim</b> <i>Municipal Storm Water and Urban Runoff Discharges, 19-0304-I-04</i>
Filed 6/10/20  Notice of Complete Incorrect Reduction Claim issued 7/29/20	City of La Puente	<b>Incorrect Reduction Claim</b> <i>Municipal Storm Water and Urban Runoff Discharges, 19-0304-I-05</i>