



November 15, 2018

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

On Friday, November 30, 2018, the Commission on State Mandates (Commission) will conduct its next regular meeting and hearing at 10:00 a.m., at the State Capitol, Room 447, Sacramento, California.

Please note the following revisions: Section VII. has been updated to remove Item 6* Adoption of Order to Initiate Rulemaking, General Cleanup Provisions, Proposed Amendments to California Code of Regulations, Title 2, Division 2, Chapter 2.5, Articles 1, 2, 3, 4, 5, 6, 7, 8, and 10. In addition, Sections VIII., IX., and X., and Items 7, 8, and 9 have been renumbered, as appropriate.

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 November 21, 2018**. 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 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. 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 AND CLICKING ON THE "AGENDA MAILING LIST" LINK ON THE RIGHT SIDE OF THE PAGE.

REVISED AGENDA¹
Meeting of the Commission on State Mandates

State Capitol, Room 447
Sacramento, California

Friday, November 30, 2018
10:00 a.m.

Reminder: *Commission staff includes written comments filed 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 filed 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 September 28, 2018

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 Decisions

Note: This item will only be taken up if an appeal is filed and set for this hearing.

B. INCORRECT REDUCTION CLAIMS

Item 3 *Enrollment Fee Collection and Waivers, 15-9913-I-02*

Education Code Section 76300; California Code of Regulations, Title 5,
Sections 58501-58503, 58611-58613, 58620, and 58630
Fiscal Years: 1998-1999, 1999-2000, 2000-2001, 2001-2002, 2002-2003,
2003-2004, 2004-2005, 2005-2006, 2006-2007, 2007-2008, 2008-2009,
2009-2010, and 2010-2011

North Orange County Community College District, Claimant

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

Item 4 *Interagency Child Abuse and Neglect Investigation Reports (ICAN)*,
17-0022-I-01

Penal Code Sections 11165.9, 11166, 11166.2, 11166.9², 11168 (formerly 11161.7), 11169, 11170, and 11174.34 (formerly 11166.9) as added or amended by Statutes 1977, Chapter 958; Statutes 1980, Chapter 1071; Statutes 1981, Chapter 435; Statutes 1982, Chapters 162 and 905; Statutes 1984, Chapters 1423 and 1613; Statutes 1985, Chapter 1598; Statutes 1986, Chapters 1289 and 1496; Statutes 1987, Chapters 82, 531, and 1459; Statutes 1988, Chapters 269, 1497, and 1580; Statutes 1989, Chapter 153; Statutes 1990, Chapters 650, 1330, 1363, 1603; Statutes 1992, Chapters 163, 459, and 1338; Statutes 1993, Chapters 219 and 510; Statutes 1996, Chapters 1080 and 1081; Statutes 1997, Chapters 842, 843, and 844; Statutes 1999, Chapters 475 and 1012; and Statutes 2000, Chapter 916; California Code of Regulations, Title 11, Section 903 (Register 98, Number 29); “Child Abuse Investigation Report” Form SS 8583 (Rev. 3/91)

Fiscal Years: 1999-2000, 2000-2001, 2001-2002, 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007, 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012, and 2012-2013

City of Palmdale, 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 5 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, CHAPTER 2.5, ARTICLE 8 (action)~~

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

~~Item 6* General Cleanup Provisions, Proposed Amendments to California Code of Regulations, Title 2, Division 2, Chapter 2.5, Articles 1, 2, 3, 4, 5, 6, 7, 8, and 10~~

VII. REPORTS (info/action)

Item 76 Legislative Update (info)

Item 87 Chief Legal Counsel: New Filings, Recent Decisions, Litigation Calendar (info)

Item 98 Executive Director: Litigation and Personnel Subcommittee Appointments, Workload Update, and Tentative Agenda Items for the January and March 2019 Meetings (info/action)

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

² Renumbered as Penal Code section 11174.34 (Stats. 2004, ch. 842 (SB 1313)).

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. ***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)
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. *Fresno Unified School Dist. v. Commission on State Mandates*
Sacramento County Superior Court, Case No. 34-2017-80002768
[*Certificated School Employees – Parental Leave*, 16-TC-01]

Courts of Appeal:

1. *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).]

2. *Paradise Irrigation District, et al. v. Commission on State Mandates, Department of Finance, and Department of Water Resources*
Third District Court of Appeal, Case No. C081929
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.]
3. ***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]

California Supreme Court:

1. *Counties of San Diego, Los Angeles, San Bernardino, Orange, and Sacramento v. Commission on State Mandates, et al.*
California Supreme Court, Case No. S239907
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]
2. *California School Board Association (CSBA) v. State of California et al.*
California Supreme Court, Case No S247266
First District Court of Appeal, Case No. A148606
Alameda County Superior Court, Case No. RG11554698
[2010-2011 Budget Trailer Bills; Education Code sections 42238.24 and 56523]

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

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

NEW FILINGS

August 29, 2018 through October 30, 2018

Date Filed	Claimant/Requester	Description
Filed 5/30/18 Notice of Complete Test Claim issued 9/21/18	City of San Juan Capistrano and County of San Diego	Test Claim <i>California Regional Water Quality Control Board, San Diego Region, Order No. R9-2017-0077, Sections A.1, A.3, and A.5, 17-TC-05</i>
Filed 5/10/18 Notice of Complete Test Claim issued 9/26/18	Cities of Claremont and South Lake Tahoe	Test Claim <i>Peace Officer Training: Mental Health/Crisis Intervention, 17-TC-06</i>
Filed 5/31/18 Notice of Complete Test Claim issued 9/27/18	City of Brea	Test Claim <i>Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Brea, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-07</i>
Filed 5/30/18 Notice of Complete Test Claim issued 10/25/18	City of Cypress	Test Claim <i>Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Cypress, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-08</i>
Filed 5/31/18 Notice of Complete Test Claim issued 10/25/18	City of Huntington Beach	Test Claim <i>Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Huntington Beach, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-09</i>

NEW FILINGS

August 29, 2018 through October 30, 2018

Filed 5/31/18 Notice of Complete Test Claim issued 10/25/18	City of Newport Beach	Test Claim <i>Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Newport Beach, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-10</i>
Filed 5/31/18 Notice of Complete Test Claim issued 10/25/18	City of Orange	Test Claim <i>Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Orange, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-11</i>
Filed 5/31/18 Notice of Complete Test Claim issued 10/25/18	City of Seal Beach	Test Claim <i>Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Seal Beach, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-12</i>
Filed 6/1/18 Notice of Complete Test Claim issued 10/25/18	City of Anaheim	Test Claim <i>Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Anaheim, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-13</i>
Filed 6/1/18 Notice of Complete Test Claim issued 10/25/18	City of Chino Hills	Test Claim <i>Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Chino Hills, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-14</i>

NEW FILINGS

August 29, 2018 through October 30, 2018

Filed 6/1/18 Notice of Complete Test Claim issued 10/26/18	City of Costa Mesa	Test Claim <i>Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Costa Mesa, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-15</i>
Filed 6/1/18 Notice of Complete Test Claim issued 10/26/18	City of Garden Grove	Test Claim <i>Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Garden Grove, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-16</i>
Filed 6/1/18 Notice of Complete Test Claim issued 10/26/18	City of Laguna Woods	Test Claim <i>Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Laguna Woods, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-17</i>
Filed 6/1/18 Notice of Complete Test Claim issued 10/26/18	City of Lake Forest	Test Claim <i>Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Lake Forest, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-18</i>
Filed 6/1/18 Notice of Complete Test Claim issued 10/26/18	City of San Jacinto	Test Claim <i>Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of San Jacinto, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-19</i>

NEW FILINGS

August 29, 2018 through October 30, 2018

<p>Filed 6/1/18</p> <p>Notice of Complete Test Claim issued 10/26/18</p>	<p>City of Santa Ana</p>	<p>Test Claim</p> <p><i>Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Santa Ana, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-20</i></p>
<p>Filed 6/1/18</p> <p>Notice of Complete Test Claim issued 10/26/18</p>	<p>City of Tustin</p>	<p>Test Claim</p> <p><i>Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Tustin, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-21</i></p>
<p>Filed 6/1/18</p> <p>Notice of Complete Test Claim issued 10/26/18</p>	<p>City of Villa Park</p>	<p>Test Claim</p> <p><i>Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Villa Park, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-22</i></p>
<p>Filed 6/1/18</p> <p>Notice of Complete Test Claim issued 10/26/18</p>	<p>City of Yorba Linda</p>	<p>Test Claim</p> <p><i>Water Code Section 13383(a) Phase I MS4 Trash Order Issued to City of Yorba Linda, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-23</i></p>
<p>Filed 6/1/18</p> <p>Notice of Complete Test Claim issued 10/26/18</p>	<p>County of Orange</p>	<p>Test Claim</p> <p><i>Water Code Section 13383(a) Phase I MS4 Trash Order Issued to County of Orange, Santa Ana Regional Water Quality Control Board, Effective June 2, 2017, 17-TC-24</i></p>