

COMMISSION ON STATE MANDATES

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November 4, 2014

TO: ALL INTERESTED PERSONS

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

RE: Notice and Agenda

On Friday, December 5, 2014, 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 November 26, 2014**. 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. After reaching the site's home page, click on "Meeting Agendas and Minutes" on the left side of the page for the hearing agenda. Generally, the agenda and items will be uploaded two weeks before the meeting and may be accessed from the agenda. If an item is postponed prior to the meeting, notice will be posted on the agenda. Following the meeting, Commission actions will be posted on the Commission's website and revised items will be posted upon completion.

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 "Meeting Agendas and Minutes" on the left side of the home page.

Special Accommodations. If you need any special accommodations such as a sign language interpreter, an assistive listening device, materials in an alternative format, or any other accommodations, please contact the Commission Office at least five *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.

AGENDA¹
Meeting of the Commission on State Mandates
State Capitol, Room 447
Sacramento, California
Friday, December 5, 2014
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 September 26, 2014

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 (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. TEST CLAIMS

Item 3 *Sheriff Court-Security Services*, 09-TC-02

Government Code Sections 69920, 69921, 69921.5, 69922, 69925, 69926, 69927(a)(5)(6) and (b), and 77212.5

Statutes 1998, Chapter 764 (AB 92); Statutes 2002, Chapter 1010 (SB 1396); Statutes 2009-2010, 4th Ex. Sess., Chapter 22 (SB 13)

California Rules of Court, Rule 10.810(a), (b), (c), (d) and Function 8 (Court Security), Adopted as California Rule of Court, rule 810 effective July 1, 1988; amended effective July 1, 1989, July 1, 1990, July 1, 1991, and July 1, 1995. Amended and renumbered to Rule 10.810 effective January 1, 2007.

County of Los Angeles, Claimant

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

- Item 4 *Water Conservation*, 10-TC-12 and 12-TC-01
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.
South Feather Water and Power Agency, Paradise Irrigation District, Richvale Irrigation District, Biggs-West Gridley Water District, Oakdale Irrigation District, and Glenn-Colusa Irrigation District, Claimants

C. MANDATE REDETERMINATIONS

- Item 5 *Open Meetings Act/Brown Act Reform (CSM-4257/4469)*, 13-MR-02
Government Code Sections 54952, 54954.2, 54954.3, 54957.1, 54957.7;
Statutes 1986, Chapter 641; Statutes 1993, Chapters 1136; 1137; 1138
As Alleged to be Modified by:
Proposition 30, General Election, November 6, 2012
Department of Finance, Requester
FIRST HEARING: ADEQUATE SHOWING

D. INCORRECT REDUCTION CLAIMS

- Item 6 *Health Fee Elimination*, 05-4206-I-03
Education Code Section 72246 (Renumbered as section 76355)
Statutes 1984, Chapter 1 (1983-1984 2nd Ex. Sess.); Statutes 1987, Chapter 1118
Long Beach Community College District, Claimant
- Item 7 *Health Fee Elimination*, 05-4206-I-05
Education Code Section 72246 (Renumbered as section 76355)
Statutes 1984, Chapter 1 (1983-1984 2nd Ex. Sess.); Statutes 1987, Chapter 1118
State Center Community College District, Claimant
- Item 8 [TENTATIVE] *Health Fee Elimination*, 05-4206-I-09
Education Code Section 72246 (Renumbered as section 76355)
Statutes 1984, Chapter 1 (1983-1984 2nd Ex. Sess.); Statutes 1987, Chapter 1118
North Orange County Community College District, Claimant
- Item 9 *Health Fee Elimination*, 05-4206-I-11
Education Code Section 72246 (Renumbered as section 76355)
Statutes 1984, Chapter 1 (1983-1984 2nd Ex. Sess.); Statutes 1987, Chapter 1118
El Camino Community College District, Claimant
- Item 10 *Health Fee Elimination*, 05-4206-I-12

Education Code Section 72246 (Renumbered as section 76355)
Statutes 1984, Chapter 1 (1983-1984 2nd Ex. Sess.); Statutes 1987,
Chapter 1118

Santa Monica Community College District, Claimant

- Item 11 *Emergency Procedures, Earthquake, and Disasters*, 04-4241-I-01
Education Code Sections 35295, 35296, 35297, 40041.5 and 40042
Statutes 1984, Chapter 1659

San Diego Unified School District, Claimant

- Item 12 *Collective Bargaining*, 05-4425-I-11
Government Code Sections 3540-3549.9
Statutes 1975, Chapter 961

Gavilan Joint Community College District, Claimant

- Item 13* *Collective Bargaining and Collective Bargaining Agreement Disclosure*,
08-4425-I-15

Government Code Sections 3540-3549.9

Statutes 1975, Chapter 961; Statutes 1991, Chapter 1213

Contra Costa Community College District, Claimant

VI. INFORMATIONAL HEARING PURSUANT TO CALIFORNIA CODE OF
REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 8 (action)

A. STATEWIDE COST ESTIMATES

- Item 14* *Accounting for Local Revenue Realignment*, 05-TC-01
Health & Safety Code Sections 33681.12, 33681.13, 33681.14, 33681.15;
Revenue & Taxation Code Sections 97.68, 97.70, 97.71, 97.72, 97.73,
97.75

Statutes 2003, Chapter 162; Statutes 2004, Chapter 211; Statutes 2004,
Chapter 610

County of Los Angeles, Claimant

VII. 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 15 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.

VIII. REPORTS (info)

- Item 16 Chief Legal Counsel: New Filings, Recent Decisions, Litigation Calendar (info)
- Item 17 Executive Director: Workload Update and Tentative Agenda Items for Next Meeting (info)

IX. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 AND 11126.2 (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):

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
(Los Angeles County Superior Court, Case No. BS130730, 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. *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]
3. *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]
4. *Counties of San Diego, Los Angeles, San Bernardino, Orange, and Sacramento v. Commission on State Mandates, et al.*
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

5. *Santa Clarita Valley Sanitation District v. Commission on State Mandates, California Regional Water Quality Control Board, Department of Finance*
Los Angeles County Superior Court, Case No. BS148024
Upper Santa Clara River Chloride Requirements, 10-TC-09
(Los Angeles Regional Water Quality Control Board Resolution No. R4-2008-012, adopted December 11, 2008; approved by United States Environmental Protection Agency April 6, 2010)

6. *County of Los Angeles v. Commission on State Mandates, Department of Finance*
Los Angeles County Superior Court, Case No. BS148845
Public Guardianship Omnibus Conservatorship Reform, 07-TC-05(Probate Code Sections 1850(a), 1851(a), 2113, 2250(a)-(c), 2250.4(a)-(d); 2352(a)-(f), 2352.5(a)-(e), 2410, 2540(a)-(b), 2543(a)-(d), 2610(a), 2620(a)-(e), 2620.2(a)-(d), 2590, 2591(a)-(q), 2591.5(a)-(d), 2623(a)-(b), 2640(a)-(c), 2640.1(a)-(c), 2641(a)-(b), 2653(a)-(c), 2920(a)-(c), and 2923 Statutes 2006; Chapter 490 (SB 1116), Statutes 2006, Chapter 492 (SB 1716), and Statutes 2006, Chapter 493 (AB 1363))

7. *Coast Community College District, et al. v. Commission on State Mandates*
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).)

8. *Clovis Unified School Dist. v. Commission on State Mandates, State Controller’s Office*
Sacramento County Superior Court, Case No. 34-2014-80001931
Graduation Requirements, 05-4435-I-50 and 08-4435-I-52 (Education Code Section 51225.3, as added by Statutes 1983, Chapter 498, Fiscal Years 1998-1999, 1999-2000, 2000-2001, and 2001-2002)

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

X. REPORT FROM CLOSED EXECUTIVE SESSION

ADJOURNMENT

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

Email: heather.halsey@esm.ca.gov

For information regarding this agenda, please contact:

Kerry Ortman
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NEW FILINGS

August 28, 2014 through November 3, 2014

There were no new filings for this period.