



September 14, 2023

TO: ALL INTERESTED PERSONS

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

RE: Notice of Remote September 22, 2023 Commission Hearing and Revised Notice and Agenda

**Please note the following revisions in strikeout and underline: On Friday, September 22, 2023, the Commission on State Mandates (Commission) will conduct its next regular meeting and hearing in person at 10:00 a.m., at Park Tower, 980 9th Street, Second Floor Conference Room, Sacramento, CA, 95814 at 10:00 a.m. Via Zoom** – please see Zoom links below.

In addition, Item 4 **Lead Sampling in Schools: Public Water System No. 3710020, 17-TC-03-R**, has been postponed to December 1, 2023, at the request of the claimant.

Statutes 2023, chapter 196 amended the Bagley-Keene Open Meeting Act to extend until December 31, 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 bill further suspends and no longer requires until December 31, 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/89901309361?pwd=K2JjdHZwNlIUNkUjYzEvSG0wZk0wUT09>

Passcode: 962313

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](mailto:csminfo@csm.ca.gov) or 916 323-3562.

The Commission does not currently have the capability to host hybrid meetings, but is working to be able to offer that option for future meetings.

**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. 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 via the Commission's dropbox at <https://www.csm.ca.gov/dropbox.shtml> prior to the hearing. ~~and the commenter shall provide 12 paper copies of the comments to Commission staff at the meeting for such late filings. Commission staff shall provide copies of late comments submitted at the hearing to the Commission members and shall place a copy on a table for public review at the hearing (Cal. Code Regs., tit. 2, § 1181.10(b)(1)). Please also file the PDF document via the Commission's dropbox at <https://www.csm.ca.gov/dropbox.shtml> prior to the hearing.~~

**Agenda Materials.** Agenda materials are available at the Commission office, located at 980 9th Street, Suite 300, Sacramento, California, 95814 during regular business hours. 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](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/092223.shtml>.

**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, 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 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.

AGENDA<sup>1</sup>

Meeting of the Commission on State Mandates via Zoom

~~Park Tower, 980 9th Street, Second Floor Conference Room  
Sacramento, California~~

**Friday, September 22, 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 of the hearing, please file the PDF document via the Commission's dropbox at <https://www.csm.ca.gov/dropbox.shtml> prior to the hearing.*

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

Item 1 May 26, 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 CLAIMS

Item 3 *California Regional Water Quality Control Board, San Diego Region, Order No. R9-2010-0016, 11-TC-03*

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<sup>1</sup> This public meeting Notice and Agenda is available on the Commission's website at [www.csm.ca.gov](http://www.csm.ca.gov).

California Regional Water Quality Control Board, San Diego Region, Order No. R9-2010-0016, Sections B.2., C., D., F.1.d.1., 2., 4., 7., F.1.f., F.1.h., F.1.i., F.2.d.3., F.2.e.6.e., F.3.a.10., F.3.b.4.a.ii., F.3.d.1.-5., F.4.d., F.4.e., G.1.-5., K.3.a.-c., Attachment E., Sections II.C. and II.E.2.-5., and Sections F., F.1., F.1.d., F.2., F.3.a.-d., and F.6., Adopted November 10, 2010

County of Riverside, Riverside County Flood Control and Water Conservation District, and Cities of Murrieta, Temecula, and Wildomar, Claimants

- Item 4 ~~Lead Sampling in Schools: Public Water System No. 3710020, 17-TC-03-R  
On Remand from City of San Diego v. Commission on State Mandates, Court of Appeal, Third Appellate District, Case No. C092800; Judgment and Writ of Mandate issued by the Sacramento County Superior Court, Case No. 34-2019-80003169-CU-WM-GDS; Permit Amendment No. 2017PA-SCHOOLS, City of San Diego Public Water System No. 3710020, effective January 18, 2017  
City of San Diego, Claimant~~
- Item 5 *Sex Offenders Registration: Petitions for Termination*, 21-TC-03  
Statutes 2017, Chapter 541, Section 12 (SB 384), effective January 1, 2018, operative July 1, 2021  
County of Los Angeles, Claimant
- Item 6 *Resentencing to Remove Sentencing Enhancements*, 22-TC-02  
Penal Code Sections 1171 and 1171.1 as Added by Statutes 2021, Chapter 728, Sections 2 and 3 (SB 483); Effective Date, January 1, 2022 (Renumbered as Penal Code Section 1172.7 and 1172.75 by Statutes 2022, Chapter 58)  
County of San Diego, Claimant

### C. PARAMETERS AND GUIDELINES

- Item 7 *California Regional Water Quality Control Board, Santa Ana Region, Order No. R8-2009-0030, Sections XI.4, XIII.1, XIII.4, XIII.7, XVIII.B.8, and XVIII.B.9, Adopted May 22, 2009, 09-TC-03*  
County of Orange, Orange County Flood Control District; and the Cities of Anaheim, Brea, Buena Park, Costa Mesa, Cypress, Fountain Valley, Fullerton, Huntington Beach, Irvine, Lake Forest, Newport Beach, Placentia, Seal Beach, and Villa Park, 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 8 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 9 Legislative Update (info)
- Item 10 Chief Legal Counsel: New Filings, Recent Decisions, Litigation Calendar (info)
- Item 11 Executive Director: Proposed 2024 Hearing Calendar, Workload Update, and Tentative Agenda Items for the October 2023 and December 2023 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):

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)

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

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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:

Jill Magee  
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**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.**

## REVISED NEW FILINGS

May 11, 2023 through September 14, 2023

<b>Date Filed</b>	<b>Claimant/Requester</b>	<b>Description</b>
12/16/22 Notice of Complete Test Claim issued 6/21/23	County of Los Angeles	<b><i>Criminal Procedure: Resentencing, 22-TC-03</i></b>
5/12/23 Notice of Complete Test Claim issued 6/20/23	Hesperia Unified School District	<b><i>Public School Restrooms: Feminine Hygiene Products II, 22-TC-04</i></b>
6/23/23 Notice of Complete Test Claim issued 7/7/23	Fresno Unified School District	<b><i>Free Application for Federal Student Aid (FAFSA), 22-TC-05</i></b>
5/2/23 Notice of Complete Test Claim issued 8/8/23	County of Los Angeles	<b><i>Disclosure Requirements and Deferral of Property Taxation, 22-TC-06</i></b>

## DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On September 14, 2023, I served the:

- **Current Mailing List dated September 13, 2023**
- **Notice of Remote September 22, 2023 Commission Hearing and Revised Notice, Agenda, and New Filings issued September 14, 2023**

*California Regional Water Quality Control Board, Santa Ana Region,  
Order No. R8-2009-0030, Sections XI.4, XIII.1, XIII.4, XIII.7, and, XVIII.B.8, and  
XVIII.B.9, Adopted May 22, 2009, 09-TC-03*

Santa Ana Regional Water Quality Control Board, Resolution No. R8-2009-0030,  
adopted May 22, 2009

County of Orange, Orange County Flood Control District; and the Cities of  
Anaheim, Brea, Buena Park, Costa Mesa, Cypress, Fountain Valley, Fullerton,  
Huntington Beach, Irvine, Lake Forest, Newport Beach, Placentia, Seal Beach,  
and Villa Park, Claimants

By making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on September 14, 2023 at Sacramento, California.



Jill L. Magee  
Commission on State Mandates  
980 Ninth Street, Suite 300  
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# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 9/13/23

**Claim Number:** 09-TC-03

**Matter:** California Regional Water Quality Control Board, Santa Ana Region, Order No. R8-2009-0030, Sections IX, X, XI, XII, XIII, and, XVIII, Adopted May 22, 2009

**Claimants:** City of Anaheim  
City of Brea  
City of Buena Park  
City of Costa Mesa  
City of Cypress  
City of Fountain Valley  
City of Fullerton  
City of Huntington Beach  
City of Irvine  
City of Lake Forest  
City of Newport Beach  
City of Placentia  
City of Seal Beach  
City of Villa Park  
County of Orange  
Orange County Flood Control District

### TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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