



January 16, 2024

TO: ALL INTERESTED PERSONS
FROM: Heather Halsey, Executive Director *H. H.*
RE: Notice of Hybrid January 26, 2024 Commission Hearing and Revised Notice and Agenda

Please note the following revisions in ~~strikeout~~ and underline: On Friday, January 26, 2024, 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, California, 95814 and **via Zoom – please see Zoom links below.****

The Commission is now able to provide hybrid access to its meetings (via Zoom).

~~The Commission is now working able to provide hybrid access to its meetings (via Zoom) and will revise this Notice and Agenda with the details if this option becomes available prior to the hearing.~~

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 whether they are physically appearing at the in-person meeting location, or participating via Zoom. If you want to speak during the hearing and you are in-person, please come to the table to speak when your items is up for hearing. If you are participating via Zoom, you must use the "Raise Hand" feature in order for our moderators to know you need to be unmuted.

You may join the meeting via Zoom through the link below and can listen and view through your desktop, laptop, tablet, or smart phone. This will allow you to view documents being shared as well.

<https://zoom.us/j/92813685328?pwd=YXFwMHZGc2tlbjJUT3dVeU82WUZRZz09>

Passcode: 439549

Webinar ID: 928 1368 5328

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 of the people who will be speaking and the names and email addresses of the people who will be speaking remotely 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 will not be included in the Commissioners' hearing binders and ~~the commenter shall provide 12 paper copies of the comments to Commission staff at the in-person meeting. For hybrid or remote meetings,~~ a PDF of the document, shall be filed via the Commission's dropbox at <https://www.csm.ca.gov/dropbox.shtml>, at least 24-hours prior to the hearing to allow staff time to process and post the document to allow all in-person and remote participants to review it. Commission staff ~~shall provide copies of the comments to the Commission and shall place a copy on a table for public review when the item is called or, in the case of participation via webcast,~~ shall provide an electronic copy to the Commission, include an electronic copy in the public hearing binder at the hearing, and post a copy on the Commission's website, and may share the document with the Commission and the public using the "share screen" function. (Cal. Code Regs., tit. 2, § 1181.10(b)(1)(C)).

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 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/012624.shtml>.

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 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

Park Tower, 980 9th Street, Second Floor Conference Room
Sacramento, California and via Zoom

Friday, January 26, 2024

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://www.csm.ca.gov/dropbox.shtml> as soon as possible and at least 24-hours prior to the hearing.

I. CALL TO ORDER AND ROLL CALL

II. ELECTION OF OFFICERS AND SUBCOMMITTEE APPOINTMENT (action)

Item 1 Staff Report

III. APPROVAL OF MINUTES (action)

Item 2 December 1, 2023

IV. 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.

V. 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.

VI. 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 3 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 4 *Criminal Procedure: Resentencing, 22-TC-03*

Penal Code Section 1170.03 As Added by Statutes 2021, Chapter 719, Section 3.1 (AB 1540)²

County of Los Angeles, Claimant

C. PARAMETERS AND GUIDELINES

Item 5 *California Regional Water Quality Control Board, San Diego Region, Order No. R9-2009-0002, Sections D.2.; F.1.d.7.i.; F.4.b.; G.6.;*

² Statutes 2022, chapter 58 (AB 200) renumbered Penal Code section 1170.03 to Penal Code section 1172.1, with no changes to the statute's contents, effective June 30, 2022. In addition, Statutes 2023, chapter 131 (AB 1754) amended section 1172.1 to remove a comma.

K.1.b.4.n.; K.3.a.3.c.; J.1.; J.3.; J.4.; and Attachment D, Section D-2, Adopted December 16, 2009, 10-TC-11

Cities of Dana Point, Laguna Hills, Laguna Niguel, Lake Forest, Mission Viejo, San Juan Capistrano, the County of Orange, and the Orange County Flood Control District, Claimants

Item 6 *California Regional Water Quality Control Board, San Diego Region, Order No. R9-2010-0016, 11-TC-03*

California Regional Water Quality Control Board, San Diego Region, Order No. R9-2010-0016, Sections D.2., G.1.d., G.3.-5., K.3.c.1.-4., and Attachment E., Section II.E.2.-5.

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

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 7 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. INFORMATIONAL HEARINGS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, ARTICLE 8 (info/action)

A. ADOPTION OF RULEMAKING CALENDAR

Item 8* Proposed Rulemaking Calendar, 2024

B. REPORTS (info/action)

Item 9 Legislative Update (info)

Item 10 Chief Legal Counsel: New Filings, Recent Decisions, Litigation Calendar (info)

Item 11 Executive Director: Budget, Workload Update, and Tentative Agenda Items for the March 2024 and May 2024 Meetings (info)

IX. 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*
Los Angeles County Superior Court, Case No. 23STCP04362
(*Accomplice Liability for Felony Murder, 19-TC-02*)

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

X. REPORT FROM CLOSED EXECUTIVE SESSION

ADJOURNMENT

Heather Halsey, Executive Director
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For information regarding this agenda, please contact:

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

REVISED NEW FILINGS

November 3, 2023 through January 16, 2024

There were no new filings for this period.

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 January 17, 2024, I served the:

- **Notice of Hybrid January 26, 2024 Commission Hearing and Revised Notice, Agenda, and Revised New Filings issued January 17, 2024**

*California Regional Water Quality Control Board, San Diego Region,
Order No. R9-2009-0002, Sections D.2.; F.1.d.7.i.; F.4.b.; G.6.; K.1.b.4.n.;
K.3.a.3.c.; J.1.; J.3.; J.4.; and Attachment D, Section D-2,
Adopted December 16, 2009, 10-TC-11*

Cities of Dana Point, Laguna Hills, Laguna Niguel, Lake Forest, Mission Viejo, San Juan Capistrano, the County of Orange, and the Orange County Flood Control District, 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 January 17, 2024 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: 1/10/24

Claim Number: 10-TC-11

Matter: California Regional Water Quality Control Board, San Diego Region, Order No. R9-2009-0002, Sections B.2.; C.; D.; F.1.d.; F.1.d.7.i.; F.1.f.; F.1.h.; F.3.a.4.c.; F.3.d.; F.4.b.; F.4.d.; F.4.e.; G.6.; I.; J.; K.1.b.4.n.; and, Only as They Relate to the Reporting Checklist, Section K.3.a. and Attachment D, Adopted December 16, 2009

Claimants: City of Dana Point
 City of Laguna Hills
 City of Laguna Niguel
 City of Lake Forest
 City of Mission Viejo
 City of San Juan Capistrano
 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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