



May 4, 2022

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

On Friday, May 27, 2022, 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.

COVID-19 Precautions. The Park Tower Building Management requires that no person will enter the Second Floor Conference Room having tested positive for COVID-19 within the last 30 days or having been exposed to someone who tested positive for COVID-19 or is believed to have contracted COVID-19 within the last 30 days. In addition, the Park Tower Building Management requires that no person will enter the Second Floor Conference Room having any of the following known symptoms of COVID-19: fever, chills, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea. Persons attending this in-person meeting will be required to certify the above prior to entering the Second Floor Conference Room. Additionally, while the mask mandate has been lifted, some Commission staff and potentially other meeting participants are at high risk of severe COVID-19 complications or have autoimmune conditions and may not be protected by the vaccine but are required to attend this in-person meeting. Therefore, you are strongly encouraged to wear a mask to the meeting to protect yourself and your family and to provide a safe workplace for those who are more vulnerable and who will also be in attendance. Masks will be made available at the meeting for anyone who would like one.

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 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 provided 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 9th 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. 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/052722.php>.

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 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.

AGENDA¹

Meeting of the Commission on State Mandates

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

Friday, May 27, 2022

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 bring 12 double-sided copies of the document or section of the document to the meeting. Please also file the PDF document via the Commission's dropbox at <https://csm.ca.gov/dropbox.php> prior to the hearing.*

I. CALL TO ORDER AND ROLL CALL

II. APPROVAL OF MINUTES (action)

Item 1 March 25, 2022

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.

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

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* Dismissal: *Floodplain Restoration Condition (no. 12) of Water Quality Certification for Turlock Irrigation District and Modesto Irrigation District – Don Pedro Hydroelectric Project and La Grange Hydroelectric Project, 21-TC-02*

Water Quality Certification for Federal Permit or License, Turlock Irrigation District and Modesto Irrigation District Don Pedro Hydroelectric Project and La Grange Hydroelectric Project, Federal Energy Regulatory Commission Project Nos. 2299 and 14581, Condition 12, Riparian, Spawning, and Floodplain Management, Adopted by the State Water Resources Control Board on January 15, 2021

Turlock Irrigation District and Modesto Irrigation District, Claimants

C. INCORRECT REDUCTION CLAIMS

Item 4 *Municipal Storm Water and Urban Runoff Discharges, 19-0304-I-05*

Los Angeles Regional Water Quality Control Board Order No. 01-182; Permit CAS004001, Part 4F5c3

Fiscal Years: 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007, 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012

City of La Puente, 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 HEARINGS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, ARTICLE 8 (action)

A. ADOPTION OF ORDER TO ADOPT RULEMAKING

Tentative: Electronic Signature (Order 22-03), Proposed Amendments to California Item 6* Code of Regulations, Title 2, Division 2, Chapter 2.5, Articles 1, 2, 3, 5, 6, and 7

B. REPORTS (info/action)

Item 7 Legislative Update (info)

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

Item 9 Executive Director: Budget, Workload Update, and Tentative Agenda Items for the July 2022 and September 2022 Meetings (info)

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:

None

Courts of Appeal:

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)
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]
2. *City of San Diego v. Commission on State Mandates, State Water Resources Control Board, Department of Finance*
Third District Court of Appeal, Case No. C092800
Sacramento County Superior Court, Case No. 2019-80003169
(*Lead Sampling in Schools: Public Water System No. 3710020 (17-TC-03)*)
3. *County of San Diego v. Commission on State Mandates, Department of Finance, State Controller*
Fourth District Court of Appeal, Case No. D079742
San Diego County Superior Court, Case No. 37-2020-00009631-CU-WM-CTL
(*Youth Offender Parole Hearings (17-TC-29)*)

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).]

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

Heather Halsey, Executive Director
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Sacramento, CA 95814

Email: heather.halsey@csm.ca.gov

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.

NEW FILINGS

March 17, 2022 through May 4, 2022

There were no new filings for this period.