



October 23, 2019

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

On Friday, November 22, 2019, 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.

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 the Wednesday prior to the hearing** and please include the names of the people who will be speaking for inclusion on the witness list. Staff will no longer send reminder emails. 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 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 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.

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.

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, November 22, 2019
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 27, 2019

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,
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. 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. MANDATE REDETERMINATION

Item 3 *Academic Performance Index (01-TC-22)*, 18-MR-01
Second Hearing: New Test Claim Decision

Education Code Section 52056(c); Statutes 1999 1st Extraordinary Session,
Chapter 3; Statutes 2000, Chapter 695; as alleged to be modified by Statutes
2013, Chapter 47 (AB 97)

Department of Finance, Requester

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

C. PARAMETERS AND GUIDELINES AND PARAMETERS AND GUIDELINES
AMENDMENT

- Item 4 [TENTATIVE] *Academic Performance Index*, 01-TC-22 (18-MR-01)
Education Code Section 52056(c); Statutes 1999 1st Extraordinary Session,
Chapter 3; Statutes 2000, Chapter 695; as modified by Statutes 2013,
Chapter 47 (AB 97)
Department of Finance, Requester
- Item 5 *Public School Restrooms: Feminine Hygiene Products*, 18-TC-01
Education Code Section 35292.6; Statutes 2017, Chapter 687 (AB 10)
Desert Sands Unified School District, 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 6 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, ARTICLE 8 (action)

A. ADOPTION OF ORDER TO ADOPT RULEMAKING

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

B. STATEWIDE COST ESTIMATE

- Item *8 *U Visa 918 Form, Victims of Crime: Nonimmigrant Status*, 17-TC-01
Penal Code Section 679.10; Statutes 2015, Chapter 721 (SB 674)
City of Claremont, Claimant

VIII. REPORTS (info)

- Item 9 Chief Legal Counsel: New Filings, Recent Decisions, Litigation Calendar
(info)
- Item 10 Executive Director: Strategic Plan, Workload Update, and Tentative Agenda
Items for the January and March 2020 Meetings (info/action)

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)(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. *City of San Diego v. Commission on State Mandates, State Water Resources Control Board, Department of Finance,*
 Sacramento County Superior Court, Case No. 2019-80003169
 (Lead Sampling in Schools: Public Water System No. 3710020 (17-TC-03))

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. ***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. *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

X. 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:

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NEW FILINGS

August 28, 2019 through October 22, 2019

There were no new filings for this period.