

## **Item 1**

### **Proposed Minutes**

#### **COMMISSION ON STATE MANDATES**

Location of Meeting: via Zoom  
July 23, 2021

Present: Member Gayle Miller, Chairperson  
Representative of the Director of the Department of Finance  
Member Jacqueline Wong-Hernandez  
Representative of the State Controller, Vice Chairperson  
Member Lee Adams  
County Supervisor  
Member Jeannie Lee  
Representative of the Director of the Office of Planning and Research  
Member Spencer Walker  
Representative of the State Treasurer

Absent: Member Sarah Olsen  
Public Member

*NOTE: The transcript for this hearing is attached. These minutes are designed to be read in conjunction with the transcript.*

#### **CALL TO ORDER AND ROLL CALL**

Chairperson Miller called the meeting to order at 10:00 a.m. Executive Director Heather Halsey stated that Ms. Olsen notified the Commission that she was unable to attend the hearing, and then called the roll. Members Adams, Lee, Miller, Walker, and Wong-Hernandez all indicated that they were present.

#### **APPROVAL OF MINUTES**

Chairperson Miller asked if there were any comments or corrections to the May 28, 2021 minutes and stated that for every item on the agenda, the vote would be by roll call. Member Adams made a motion to adopt the minutes. With a second by Member Walker, the Commission voted to adopt the May 28, 2021 hearing minutes by a vote of 5-0 with Member Olsen absent.

#### **PUBLIC COMMENT FOR MATTERS NOT ON THE AGENDA**

Chairperson Miller asked if there was any public comment. There was no response.

#### **HEARINGS AND DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, ARTICLE 7 (GOV. CODE, § 17551, 17557, 17559, and 17570) (action)**

Executive Director Halsey swore in the parties and witnesses participating in the Article 7 portion of the hearing.

## **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**

Executive Director Halsey stated that there were no appeals to consider for this hearing.

### **TEST CLAIMS**

#### **Item 3      *Sexual Assault Evidence Kits: Testing*, 20-TC-01 Penal Code Section 680 as added by Statutes 2019, Chapter 588 (SB 22) City of San Diego, Claimant**

Commission Counsel Elizabeth McGinnis presented this item and recommended that the Commission adopt the Proposed Decision to partially approve this Test Claim.

Executive Director Halsey stated that the claimant did not indicate that they would attend the hearing. Brittany Thompson appeared on behalf of the Department of Finance.

Following a statement by Ms. Thompson and discussion between Member Wong-Hernandez, Chairperson Miller, Member Adams, and staff, Member Wong-Hernandez made a motion to adopt the staff recommendation. With a second by Member Adams, the Commission voted to adopt the staff recommendation by a vote of 5-0 with Member Olsen absent.

### **PARAMETERS AND GUIDELINES AMENDMENTS**

#### **Item 4      *Graduation Requirements*, 11-PGA-03 Education Code Section 51225.3; as Added by Statutes 1983, Chapter 498 (SB 813); as Alleged to be Modified by Education Code Section 42238.24; Statutes 2010, Chapter 724 (AB 1610) Department of Finance, Requester**

Senior Commission Counsel Juliana Gmur presented this item and recommended that the Commission adopt the Proposed Decision and Parameters and Guidelines Amendment to partially approve the Request for Parameters and Guidelines Amendment.

Executive Director Halsey stated that no one from local government was there at the hearing to present on this item. Amber Alexander and Michelle Valdivia appeared on behalf of the Department of Finance.

Following statements by Ms. Alexander, Ms. Valdivia, and Chairperson Miller, with no further discussion, Member Walker made a motion to adopt the staff recommendation. With a second by Member Wong-Hernandez, the Commission voted to adopt the staff recommendation by a vote of 5-0 with Member Olsen absent.

### **INCORRECT REDUCTION CLAIMS**

#### **Item 5      *Municipal Storm Water and Urban Runoff Discharges*, 18-0304-I-01 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, and 2009-2010

City of Bellflower, Claimant

Senior Commission Counsel Eric Feller presented this item and recommended that the Commission adopt the Proposed Decision to deny this Incorrect Reduction Claim.

Executive Director Halsey confirmed that no one from the City of Bellflower was present at the hearing. Lisa Kurokawa appeared on behalf of the State Controller's Office.

Following a statement made by Ms. Kurokawa, and discussion between Member Wong-Hernandez, Member Adams, and staff, Member Miller made a motion to adopt the staff recommendation. With a second by Member Adams, the Commission voted to adopt the staff recommendation by a vote of 5-0 with Member Olsen absent.

**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

Executive Director Heather Halsey stated that no SB 1033 applications have been filed.

**REPORTS**

- Item 7      Legislative Update (info)

Program Analyst Jill Magee presented this item.

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

Chief Legal Counsel Camille Shelton presented this item.

- Item 9      Executive Director: Budget, Workload Update, and Tentative Agenda Items for the September and December 2021 Meetings (info)

Executive Director Halsey presented this item and described the Commission's pending caseload.

**CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 AND 11126.2 (info/action)**

The Commission adjourned into closed executive session at 10:33 a.m., pursuant to Government Code section 11126(e)(2). The Commission met in closed session to confer with and receive advice from legal counsel for consideration and action, as necessary and appropriate, upon the pending litigation listed on the published notice and agenda; to confer with and receive advice from legal counsel regarding potential litigation; and to confer on personnel matters pursuant to Government Code section 11126(a)(1).

**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. *County of San Diego v. Commission on State Mandates, Department of Finance, State Controller*  
San Diego County Superior Court, Case No. 37-2020-00009631-CU-WM-CTL  
(Youth Offender Parole Hearings (17-TC-29)<sup>1</sup>)
2. *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)  
Los Angeles County Superior Court, Case No. BS130730  
Second District Court of Appeal Case No. B292446  
California Supreme Court, Case No. S214855  
[*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]

#### 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))

#### 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,

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<sup>1</sup> Note that the Agenda incorrectly listed the test claim number as a result of a typographical error.

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).]

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)(1).

#### **RECONVENE IN PUBLIC SESSION**

At 10:40 a.m., the Commission reconvened in open session.

#### **REPORT FROM CLOSED EXECUTIVE SESSION**

Chairperson Miller reported that the Commission met in closed executive session pursuant to Government Code section 11126(e)(2). The Commission conferred with and received advice from legal counsel for consideration and action, as necessary and appropriate, upon the pending litigation listed on the public notice and agenda, and conferred with and received advice from legal counsel regarding potential litigation, and, pursuant to Government Code section 11126(a)(1) to confer on personnel matters.

## **ADJOURNMENT**

Hearing no further business, Chairperson Miller requested a motion to adjourn the meeting. Member Wong-Hernandez made a motion to adjourn the meeting. Chairperson Miller seconded the motion. The Commission adopted the motion to adjourn the July 23, 2021 meeting by a vote of 5-0 with Member Olsen absent at 10:42 a.m.

Heather Halsey  
Executive Director

STATE OF CALIFORNIA  
COMMISSION ON STATE MANDATES

PUBLIC MEETING

FRIDAY, JULY 23, 2021

10:00 A.M.

MEETING HELD

VIA ZOOM

A VIDEO COMMUNICATIONS PLATFORM

REPORTER'S TRANSCRIPT OF PROCEEDINGS

**RECEIVED**

**AUG 18 2021**

**COMMISSION ON  
STATE MANDATES**

**CERTIFIED  
COPY**

REPORTED BY:

VERONICA G. GUERRERO

CERTIFIED SHORTHAND REPORTER NO. 14129

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**A P P E A R A N C E S**

(All attendees appeared remotely, via Zoom.)

**COMMISSIONERS PRESENT**

GAYLE MILLER  
Representative for Keely Bosler, Director 5  
Department of Finance  
(Chair of the Commission)

JACQUELINE WONG-HERNANDEZ  
Representative for BETTY T. YEE  
State Controller  
(Vice Chair of the Commission)

SPENCER WALKER  
Representative for FIONA MA  
State Treasurer

JEANNIE LEE  
Representative for KATE GORDON, Director  
Office of Planning & Research

LEE ADAMS III  
Sierra County Supervisor  
Local Agency Member

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**COMMISSION STAFF**

JULIANA GMUR  
Senior Commission Counsel

ERIC FELLER  
Senior Commission Counsel

HEATHER A. HALSEY  
Executive Director

ELIZABETH MCGINNINS  
Commission Counsel

HEIDI PALCHIK  
Assistant Executive Director



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**A P P E A R A N C E S   C O N T I N U E D**

CAMILLE N. SHELTON  
Chief Legal Counsel

BRITTANY THOMPSON  
Department of Finance

AMBER ALEXANDER  
Department of Finance

MICHELLE VALDIVIA  
Department of Finance

Jill Magee  
Program Analyst

LISA KUOKAWA  
State Controller's Office

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**E R R A T A   S H E E T**

Page	Line	Correction
<u>2</u>	<u>4</u>	<u>Representative for Keely Bosler, Director 5</u>
<u>9</u>	<u>8</u>	<u>Ms. Halsey, will you please call the roll</u>
<u>9</u>	<u>11</u>	<u>Ms. <del>Olsen</del> <u>Olsen</u></u>
<u>10</u>	<u>4</u>	<u>roll call for every <del>time</del> <u>item</u> on the agenda.</u>
<u>10</u>	<u>5</u>	<u>may we have <del>an</del> <u>a</u></u>
<u>11</u>	<u>21</u>	<u>Now, will the <del>party</del> <u>parties</u> and witnesses</u>
<u>12</u>	<u>16</u>	<u>This <del>testing</del> <u>test</u> claim involves a statute</u>
<u>12</u>	<u>22</u>	<u>reimbursable state-mandated <del>decide</del> program</u>
<u>13</u>	<u>14</u>	<u>MS. HALSEY: Department of <del>f</del><u>F</u>inance,</u>
<u>13</u>	<u>20</u>	<u>Department of <del>f</del><u>F</u>inance.</u>
<u>15</u>	<u>4</u>	<u>and at <del>f</del><u>F</u>inance and in my various roles,</u>
<u>17</u>	<u>2</u>	<u>And you all <del>site</del> <u>cite</u> to the audit</u>
<u>17</u>	<u>4</u>	<u>don't have these reasons,</u>
<u>17</u>	<u>14</u>	<u>entertain questions<u>u</u> on their claim.</u>
<u>20</u>	<u>3</u>	<u>Ms. Halsey, will you call the <del>role</del> <u>roll</u>,</u>
<u>20</u>	<u>24</u>	<u>guidelines amendments</u>
<u>21</u>	<u>10</u>	<u>Education Code section <del>422.38.24</del> <u>42238.24</u></u>
<u>21</u>	<u>18</u>	<u>beginning October <del>29</del> <u>19</u>, 2010.</u>
<u>21</u>	<u>19</u>	<u>As <u>explained</u> in the analysis,</u>
<u>23</u>	<u>25</u>	<u>Ms. Halsey, <del>with</del> <u>will</u> you please call the <del>role</del> <u>roll</u>.</u>
<u>25</u>	<u>4</u>	<u>reimbursement claims <u>filed</u></u>
<u>26</u>	<u>3</u>	<u>Bellflower, Ms. <del>Harley</del> <u>Halsey</u>.</u>

**E R R A T A   S H E E T**

3	Page	Line	Correction
4	<u>26</u>	<u>19</u>	<u>issues as well, auditing issues.</u>
5	<u>27</u>	<u>23</u>	<u>Ms. Halsey, will you call the <del>role</del> <u>roll</u>,</u>
6	<u>28</u>	<u>17</u>	<u>Program Analyst Jill Magee will please turn <del>or</del> <u>on</u></u>
7	<u>30</u>	<u>16</u>	<u>Bagley-Keenes and <del>e</del>Open <del>m</del>Meetings <u>Act</u> and <u>our</u></u>
8	<u>32</u>	<u>7</u>	<u>to Jason <del>Cranoti</del> <del>(phonetic)</del> and <u>Pranati</u></u>
9	<u>33</u>	<u>5</u>	<u>Lorenzo Duran <del>(phonetic)</del>, our long lost</u>
10	<u>33</u>	<u>17</u>	<u>2 active parameters and guidelines, <del>add</del> <u>and</u> 3</u>
11	<u>34</u>	<u>1</u>	<u>may be heard and <del>decided</del> <u>earlier</u> than</u>
12	<u>34</u>	<u>9</u>	<u><del>Cranoti etch</del> <u>Pranati</u> and Heidi as well.</u>
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1 FRIDAY, JULY 23, 2021, 10:00 A.M.

2 ---oOo---

3 CHAIRPERSON MILLER: Good morning, everyone. Thank you  
4 for joining us. The meeting of the Commission on State  
5 Mandates will come to order.

6 Welcome and thank you to everyone for participating via  
7 Zoom.

8 Please note that in response to COVID-19 and its impact  
9 on public meetings, under the Bagley-Keene Open Meeting Act,  
10 Governor Newsom's Executive Order N-29-20 temporarily  
11 suspends, on an emergency basis, pursuant to Government Code  
12 section 8571, certain requirements for public meetings,  
13 accordingly requiring the physical presence of board members  
14 at public meetings and providing a physical space for  
15 members of the public to observe and participate have been  
16 suspended until further notice, so long as the agency makes  
17 it possible for members of the public to observe and address  
18 the meeting remotely; for example, as we're doing via Zoom.

19 The Commission is committed to ensuring that our public  
20 meetings are accessible to the public and that the public  
21 has the opportunity to observe the meeting and to  
22 participate by providing written and verbal comments on  
23 Commission matters.

24 During this extraordinary time and as we explore new  
25 ways of doing business with new technologies, we ask that

1 you remain patient with us, as you all have. And we  
2 appreciate it.

3 Please note that materials for today's meeting,  
4 including the notice, agenda, and witness list are all  
5 available on the Commission's website [www.csm-- Commission](http://www.csm--Commission)  
6 on State Mandates -- .ca, as in California, .gov, as in  
7 government -- under the "Hearings" tab.

8 Ms. Halsey, will you please call the roll to establish a  
9 quorum.

10 MS. HALSEY: Sure. And, just to let everyone know,  
11 Ms. Olson did contact the Commission and let us know that  
12 she will be unable to attend today's hearing.

13 Mr. --

14 CHAIRPERSON MILLER: Thank you.

15 MS. HALSEY: With that, Mr. Adams.

16 MEMBER ADAMS: Here.

17 MS. HALSEY: Ms. Lee.

18 MEMBER LEE: Here.

19 MS. HALSEY: Ms. Miller.

20 CHAIRPERSON MILLER: Here.

21 MS. HALSEY: Mr. Walker.

22 MEMBER WALKER: Here.

23 MS. HALSEY: Ms. Wong-Hernandez.

24 MEMBER WONG-HERNANDEZ: Here.

25 CHAIRPERSON MILLER: Great. We have a quorum.



1           Next is Item Number 1, the minutes.

2           Are there any comments or corrections on the minutes?

3           Seeing none -- just a reminder, we're going to do a

4   roll call for every rime on the agenda.

5           Seeing none and no public comments, may we have an

6   motion and a second to adopt the minutes from May 28th,

7   2021.

8           MEMBER ADAMS: Madam Chair, I would move the minutes.

9           CHAIRPERSON MILLER: Thank you, Mr. Adams.

10          MEMBER WALKER: Move to approve.

11          CHAIRPERSON MILLER: Thank you, Mr. Walker.

12          Moved by Mr. Adams; seconded by Mr. Walker.

13          Ms. Halsey, will you call the roll please.

14          MS. HALSEY: Mr. Adams.

15          MEMBER ADAMS: Aye.

16          MS. HALSEY: Ms. Lee.

17          MEMBER LEE: Aye.

18          MS. HALSEY: Mr. Walker.

19          MEMBER WALKER: Aye.

20          MS. HALSEY: Ms. Wong-Hernandez.

21          MEMBER WONG-HERNANDEZ: Aye.

22          CHAIRPERSON MILLER: Thank you everyone. The minutes

23   are approved.

24          MS. HALSEY: And --

25          CHAIRPERSON MILLER: And now we'll move to public

1 comment.

2 MS. HALSEY: Yes. Now, we'll move to public comment  
3 for matters not on the agenda. Please note that the  
4 Commission cannot take action on items not on the agenda.  
5 However, it can schedule issues raised by the public for  
6 consideration in future meetings. We invite the public to  
7 please comment on the matters that are on the agenda as they  
8 are taken up.

9 CHAIRPERSON MILLER: Great. Thank you.

10 Is there any public comment? Anyone wishing to comment  
11 for any reason?

12 (No response.)

13 CHAIRPERSON MILLER: Ms. Palchik, you don't see anyone  
14 either; right?

15 MS. PALCHIK: I see none, Madam Chair.

16 CHAIRPERSON MILLER: Great. Thank you very much.

17 Seeing no public comment, we'll move onto next item  
18 please, Ms. Halsey.

19 MS. HALSEY: Well, let's move to the Article 7 portion  
20 of the hearing.

21 Now, will the party and witnesses for Item 3, 4, and 5,  
22 please turn on your video and unmute your microphones and  
23 please rise.

24 Do you solemnly swear or affirm that the testimony  
25 you're about to give is true and correct based on your

1 personal knowledge, information, or belief?

2 (Parties/witnesses stood to be sworn or affirmed.)

3 MS. HALSEY: Thank you. I see all the witnesses  
4 nodding and speaking in the affirmative.

5 Item 2 is reserved for appeals of executive director  
6 decisions, and there are no appeals to consider for this  
7 hearing.

8 Next is Item 3. Commission Counsel Elizabeth McGinnis  
9 will please turn on her video and unmute her microphone and  
10 present a proposed decision on a test claim on sexual  
11 assault evidence kits testing.

12 At this time, we invite the parties and witnesses for  
13 Item 3 to turn on their video and unmute their microphone.

14 MS. MCGINNIS: Good morning.

15 CHAIRPERSON MILLER: Good morning.

16 MS. MCGINNIS: This testing claim involves a statute  
17 that requires law enforcement agencies to perform specified  
18 activities within set timeframes to insure the DNA testing  
19 of all sexual assault forensic evidence received by the law  
20 enforcement agency on or after January 1st, 2016.

21 Staff finds that the test claims statute imposes a  
22 reimbursable state-mandated decide program on county and  
23 city law enforcement agencies in whose jurisdiction the sex  
24 offenses have occurred with activities listed in the  
25 proposed decision.

1           Staff also finds that conducting follow-up  
2     investigations on evidence tested pursuant to the test claim  
3     statute is not a reimbursable state-mandated activity.

4           Accordingly, staff recommends that the Commission adopt  
5     the proposed decision to partially approve this test claim  
6     and authorize staff to make any technical, nonsubstantive  
7     changes following the hearing.

8           Thank you.

9           CHAIRPERSON MILLER: Thank you, Ms. McGinnis.

10          We will now -- if the parties and witnesses could  
11     please state your name for the record. And we will  
12     begin with -- who should we begin with, Ms. Halsey, for this  
13     item?

14          MS. HALSEY: Department of finance, Ms. Thompson.

15          CHAIRPERSON MILLER: Thank you.

16          MS. THOMPSON: Good morning.

17          CHAIRPERSON MILLER: Ms. Thompson, if you could state  
18     your name and then -- thank you.

19          MS. THOMPSON: Sure. Brittany Thompson with the  
20     Department of finance. We support the staff recommendation  
21     on this one.

22          CHAIRPERSON MILLER: Great. Thank you very much.

23          And Mr. Lemus? And Ms. Gonzalez or the County of Los  
24     Angeles?

25          (No response.)

1 MS. HALSEY: Madam Chair, the -- the claimants did not  
2 indicate that they would be attending the hearing.

3 CHAIRPERSON MILLER: Oh, great. Thank you very much.  
4 Any other public comment? Anyone else wishing to  
5 comment for any reason?

6 MS. PALCHIK: I see no public comment.

7 CHAIRPERSON MILLER: Thank you, Ms. Palchik.  
8 Does any -- do the board members have any questions?

9 MEMBER WONG-HERNANDEZ: Madam Chair --

10 CHAIRPERSON MILLER: Ms. Wong-Hernandez, please.

11 MEMBER WONG-HERNANDEZ: I have a question.

12 So the claimant deciding not to participate in the  
13 hearing, does that mean that they ultimately sort of concur  
14 that the -- the subsequent investigations that they were  
15 claiming would arise specifically from the mandate are, in  
16 fact, not reimbursable? Is that what I'm supposed to infer?  
17 Or they -- they don't want to argue with you all about it?

18 MS. HALSEY: It's -- they didn't indicate either way.  
19 They just are not participating. It could be for a variety  
20 of reasons, and they haven't let us know what those reasons  
21 are.

22 MEMBER WONG-HERNANDEZ: Okay. I was hoping to ask them  
23 a couple questions about that. And so, I guess, I want to  
24 just state then, for the record, instead of asking the  
25 question, that I -- I definitely agree with your position on

1 that. And I -- I was very disappointed to see that as part  
2 of the claim. I -- I believe that, you know, in the years  
3 that we have seen this issue, both in -- in the legislature  
4 and at finance and in my various roles, local law  
5 enforcement has consistently said they had really good  
6 reasons for not testing sexual assault evidence. And a lot  
7 of those -- you know, they would give that classic example  
8 of identity not being the issue at hand.

9 And so I was very -- almost offended to read in there  
10 that they were saying that there's going to be a host of --  
11 of investigative activities linked to this mandate because  
12 of -- of new evidence that was going to be gleaned from  
13 these rape kits that essentially had previously said was not  
14 going to happen and was not going to be useful.

15 And so I -- I would like the claimant to know that I --  
16 I would really have preferred that they be here to kind of  
17 explain that, even if that's not a direction we're going  
18 because I wasn't sure what to make of that. And I  
19 appreciate your analysis and the staff analysis of all of  
20 this and -- and agree and am ready to move the staff  
21 recommendation whenever that's appropriate, Madam Chair.

22 CHAIRPERSON MILLER: Thank you. Ms. Wong-Hernandez.  
23 Mr. Adams -- and then I do think -- I don't know  
24 Ms. McGinnis, if you just want to speak to that in terms of  
25 -- of Ms. Wong-Hernandez's question around new evidence and

1 if you have -- and certainly not yours to answer. But we'll  
2 have Mr. Adams ask a question and then we'll come back to  
3 you.

4 Mr. Adams.

5 MEMBER ADAMS: I'm certainly willing to defer it until  
6 that question gets answer by Ms. McGinnis, and then I'll  
7 ask.

8 CHAIRPERSON MILLER: Thank you.

9 Ms. McGinnis, any thoughts on that?

10 MS. MCGINNIS: Yeah. What specifically is the  
11 question, in terms of why the staff recommendation is to  
12 exclude the investigative --

13 MEMBER WONG-HERNANDEZ: No. My --

14 CHAIRPERSON MILLER: No. I think there was  
15 agreement -- oh, sorry.

16 MS. WONG-HERNANDEZ: My question was really for the  
17 claimant. I agree with you in your assessment of it. But I  
18 wanted to hear them articulate why they thought that was an  
19 extension of the mandate, why there was uniquely new  
20 evidence that they thought did not fall under their general  
21 job description to investigate sexual assault.

22 Because, in the past, I feel like the -- the narrative  
23 coming out of local law enforcement has been "We have good  
24 reason for not testing the rape kits we don't test. We  
25 don't think we're going to get new evidence out of them.

1 You know, it's not pertinent." They had a whole litany of  
2 reason. And you all site to the audit in your analysis from  
3 CSA from 2014, which sort of says "We don't doubt that they  
4 don't have these reason, but no one is actually documenting  
5 what they're testing." And I feel they're sort of talking  
6 out of both sides of their mouth, like -- not necessarily in  
7 this arena, but in the public policy discussion about this  
8 issue, that they did not think it was meaningful to test all  
9 of the kits, that they had reason for not. But then, in  
10 front of the Commission for State Mandates, arguing in their  
11 claim, it will produce a bunch of new evidence, and we will  
12 all do all of these new investigative activities.

13 And I am disappointed that the claimant isn't here to  
14 entertain question on their claim. I agree with your  
15 analysis, Ms. McGinnis, that it is not -- it's not mandated  
16 by these test claim statutes. So it really wasn't a  
17 question for you. What I was saying is that I wanted to  
18 make a statement because I'm not able to ask the claimants a  
19 question about why they really thought that flowed from this  
20 mandate and felt comfortable claiming that.

21 MS. MCGINNIS: And I could just add to that, just  
22 direct folks to the record if they would like to look at  
23 what's in the -- in the record there.

24 The -- my recollection was that the investigative  
25 activity was sort of generally asserted and there was



1 reference to a -- you know, Brady duty -- evidence --  
2 exculpatory evidence that they may have to produce if  
3 there's an ongoing case. So potentially that may be a  
4 basis, if they had a case where the identity of the  
5 perpetrator was not in question, but maybe there was DNA  
6 evidence that was obtained in that case, they may have some  
7 outside -- outside the scope of the test claim duty to  
8 produce that evidence. And that there would be activities  
9 that the -- that the detective or the investigators would  
10 have to perform in conjunction with that.

11 But I -- I believe, if you look at the documentation  
12 that was attached to the test claim, it was primarily in  
13 regards to their Brady duty. And then I think some general  
14 investigative duties to determine whether or not they may  
15 have to do further investigate.

16 CHAIRPERSON MILLER: Right. And I think that's to the  
17 -- to Ms. Wong-Hernandez's question. So I think -- all I  
18 was hoping, Ms. McGinnis, is perhaps we could ask the  
19 claimant then for -- to respond this question perhaps in  
20 writing since they didn't come today.

21 Would that be appropriate, Ms. Wong-Hernandez, or are  
22 you happy just to have your statement stand?

23 Looks like Ms. Halsey doesn't want that to happen.

24 MS. WONG-HERNANDEZ: I'm happy to have a statement  
25 saying that that's --

1 CHAIRPERSON MILLER: Okay.

2 MS. WONG-HERNANDEZ: I'm very disappointed that that  
3 was part of this claim, and I'm glad that our staff has  
4 analyzed it to be, you know, within the -- the mandate and  
5 agree with the staff recommendation on that point.

6 CHAIRPERSON MILLER: Great. Thank you. I appreciate  
7 that.

8 Mr. Adams, do you want to follow up with question?

9 MEMBER ADAMS: Like Ms. Wong-Hernandez, I too am I  
10 disappointed because I would have like to have a discussion  
11 to hear the answers. I too agree with the staff  
12 recommendation. And I would submit that, instead of running  
13 up costs, this requirement makes cases easier to prosecute,  
14 having this kind of information. It prevents the liability  
15 of the potential of bad convictions, and certainly makes  
16 plea bargains easier when you have this kind of information.  
17 So that was going to be my pushback on the claimant alleging  
18 increased cost. I was going to allege decreased cost. So  
19 that's just my statement. And thank you. And I too will  
20 support any motion made.

21 CHAIRPERSON MILLER: Great. Thank you.

22 We'll take that as a motion by Ms. Wong-Hernandez and  
23 second by Mr. Adams.

24 I just want to make sure that there's no other member  
25 of the public wishing to comment for any reason.

1 MS. PALCHIK: I see no comments, Madam Chair.  
2 CHAIRPERSON MILLER: Great. Thank you.  
3 With that, Ms. Halsey, will you call the role, please.  
4 MS. HALSEY: Sure.  
5 Mr. Adams.  
6 MEMBER ADAMS: Aye.  
7 MS. HALSEY: Ms. Lee?  
8 MEMBER Lee: Aye.  
9 MS. HALSEY: Ms. Miller.  
10 CHAIRPERSON MILLER: Aye.  
11 MS. HALSEY: Mr. Walker.  
12 MEMBER WALKER: Aye.  
13 MS. HALSEY: Ms. Wong-Hernandez.  
14 MEMBER WONG-HERNANDEZ: Aye.  
15 MS. HALSEY: Thank you.  
16 CHAIRPERSON MILLER: Great. Thank you very much. That  
17 motion carries.  
18 Ms. Halsey for Item 4, please.  
19 MS. HALSEY: We'll now ask presenters for Item 3 to  
20 please turn off their video mute their microphones.  
21 And next is Item 4, Senior Commission Counsel Juliana  
22 Gmur will please turn on her video and unmute her microphone  
23 and present a proposed decision and parameters and  
24 guidelines amendments for graduation requirements.  
25 At this time, we invite the parties and witnesses for

1 Item 4 to turn on their video and unmute their microphones.  
2 And I would -- I would also note that no one from local  
3 government is here the present on this item either today.

4 CHAIRPERSON MILLER: Great. Thank you very much. We  
5 appreciate all your team does to make sure everyone is aware  
6 of their ability to present.

7 Ms. Gmur, good morning.

8 MS. GMUR: Good morning, Madam Chair, Commissioners.

9 This request for parameters and guidelines amendment  
10 addresses Education Code section 422.38.24, which requires  
11 that the cost relating to the salaries and benefits of  
12 teachers incurred for all 13 state-required courses for high  
13 school graduation, including the second science course  
14 mandated in graduation requirements program shall be offset  
15 by specified state funding.

16 Staff finds that the funds identified in section  
17 42238.24 for offsetting revenues that must be identified and  
18 deducted from the cost claimed, beginning October 29, 2010.  
19 As explain in the analysis, only after all of the funds have  
20 been expended exclusively for teacher's salaries and benefit  
21 costs for the state-required courses, may any additional  
22 remaining teacher's salaries and benefits costs be claimed  
23 for the mandated second science course.

24 All other requests made by the parties to further amend  
25 the parameters and guidelines are denied.

1           Accordingly, staff recommends that the Commission  
2           adopts the proposed decision and parameters and guidelines  
3           amendment to partially approve the request for parameters  
4           and guidelines amendment and authorize staff to make any  
5           technical, nonsubstantive changes to the proposed decision  
6           and parameters and guidelines amendment following the  
7           hearing.

8           CHAIRPERSON MILLER: Great. Thank you very much for  
9           that.

10          For the Department of Finance, Ms. Valdivia and Ms.  
11          Alexander, if you want to unmute yourselves please and state  
12          your names for the record.

13          MS. ALEXANDER: Amber Alexander with the Department of  
14          Finance. I'll be ceding my time to Michelle Valdivia for  
15          further comment.

16          CHAIRPERSON MILLER: Thank you.

17          Good morning, Ms. Valdivia.

18          MS. VALDIVIA: Hi, good morning. Michelle Valdivia  
19          with the Department of Finance.

20          We concur with the Commission's proposed decision and  
21          parameters and guidelines amendment. And I would also just  
22          like to give a quick thank you to Commission staff for their  
23          extensive work on this matter; right? It's been over a  
24          decade in the making. So thank you all your work. That  
25          concludes my comments. Thank you.

1 CHAIRPERSON MILLER: Thank you. Thank you. We  
2 appreciate you saying that. Because this is obviously one  
3 that has taken a huge amount of work and to -- to be at this  
4 point with the parameters and guidelines, I think is, is  
5 phenomenal.

6 So thank you to you, Ms. Gmur, and everyone on your  
7 team, Ms. Halsey.

8 We heard that the claimants are not here. I just want  
9 to make sure that there is no one wishing to speak for any  
10 reason in the public that may have none come.

11 Seeing none --

12 MS. PALCHIK: I see no public comment, Madam Chair.

13 CHAIRPERSON MILLER: Thank you, Ms. Palchik.

14 Seeing none, are there any questions from board  
15 members? No response.

16 No? No further discussion?

17 May I have a motion for approval of the staff  
18 recommendation, please.

19 MEMBER WALKER: I move to adopt staff's recommendation.

20 CHAIRPERSON MILLER: Thank you, Mr. Walker.

21 MEMBER WONG-HERNANDEZ: I'll second, Madam Chair.

22 CHAIRPERSON MILLER: Thank you, Ms. Wong-Hernandez.

23 Moved by Mr. Walker; seconded by Ms. Wong-Hernandez.

24 Seeing no further discussion or public comment,  
25 Ms. Halsey, with you please call the role.

1 MS. HALSEY: Mr. Adams.  
2 MEMBER ADAMS: Aye.  
3 MS. HALSEY: Ms. Lee.  
4 MEMBER LEE: Aye.  
5 MS. HALSEY: Ms. Miller.  
6 CHAIRPERSON MILLER: Aye.  
7 MS. HALSEY: Mr. Walker.  
8 MEMBER WALKER: Aye.  
9 MS. HALSEY: Ms. Wong-Hernandez.  
10 MEMBER WONG-HERNANDEZ: Aye.  
11 CHAIRPERSON MILLER: Great. Thank you. That motion  
12 carries.  
13 We'll now move to Item 5.  
14 UNIDENTIFIED SPEAKER: Thank you.  
15 CHAIRPERSON MILLER: Thank you. Thank you everyone.  
16 MS. HALSEY: I now ask presenters for Item 4 to please  
17 turn off your video and mute your microphones.  
18 Next is Item 5. Senior Commission Counsel Eric Feller  
19 will please turn on the his video and unmute his microphone  
20 and present a proposed decision on an incorrect reduction  
21 claim on municipal storm water and urban runoff water  
22 discharges.  
23 At this time, we invite the parties and witness for  
24 Item 5 to turn on their video and unmute their microphones.  
25 CHAIRPERSON MILLER: Good morning, Mr. Feller. Thank

1     you for joining us.

2             MR. FELLER:   Good morning.   My pleasure.

3             This IRC challenges the State Controller's reduction to  
4     reimbursement claims file by the City of Bellflower for the  
5     municipal storm water and urban runoff water discharges  
6     program for fiscal years 2002/'3 into 2009/'10.

7             Claimant used local return funds from the Proposition C  
8     sales tax levied by the Los Angeles Metropolitan Transport  
9     Authority to fund the mandated activities but did not  
10    identify or deduct those funds from its reimbursement  
11    claims.

12            Staff finds that the claimant should have identified  
13    and deducted those funds from its claims because the  
14    Proposition C sale tax revenues are not claimants proceeds  
15    of taxes nor are they subject to claimant's appropriation  
16    limit.   Thus the Controller's reduction is correct as a  
17    matter of law.

18            Staff recommends the Commission adopt the proposed  
19    decision to deny this IRC and authorize staff to make any  
20    technical, nonsubstantive changes to the proposed decision  
21    following the hearing.

22            CHAIRPERSON MILLER:   Thank you very much, Mr. Feller.  
23            Ms. Kurokawa for the Controller's office.

24            MS. KUROKAWA:   Yes.   Hi.   Lisa Kurokawa for the State  
25    Controller's Office.   We support the Commission decision.



1 CHAIRPERSON MILLER: Great. Thank you very much.

2 And confirming that there's no one from the City of  
3 Bellflower, Ms. Harley.

4 MS. HALSEY: That's correct.

5 CHAIRPERSON MILLER: Great.

6 Any questions from the board members.

7 MEMBER WONG-HERNANDEZ: Madam Chair, I have a question.

8 CHAIRPERSON MILLER: Please.

9 MEMBER WONG-HERNANDEZ: This seemed very similar to the  
10 previous incorrect reduction claim, and it was not part of  
11 the consolidation. Is that just because they received only  
12 the Prop C funds and not Prop A or vice -- why was it no  
13 part of the consolidation?

14 MS. HALSEY: Well, to be -- to be in the consolidation,  
15 claimants had to timely opt into the consolidation and file  
16 paperwork to do that. So not everybody did that. And there  
17 will be some more of these. Some of them do have other sub  
18 issues. They have these same issue, but they have other  
19 issue as well, auditing issues.

20 MEMBER WONG-HERNANDEZ: Okay. Thank you.

21 CHAIRPERSON MILLER: Thank you.

22 Any other questions?

23 This item was identical, though; right? This wasn't a  
24 -- this was just a matter of not -- not opting into the  
25 consolidated claim in time. Okay.

1 MR. FELLER: The issues are identical, yes.

2 CHAIRPERSON MILLER: Okay. Great.

3 Any other questions or comments from the board?

4 Mr. Adams, do you have a question.

5 MR. ADAMS: I was just going to -- I was just going to

6 make the comment that I appreciate Ms. Wong-Hernandez's

7 comment because this rang very familiar to me, and, again,

8 tough to say it's a local tax when everybody who potentially

9 spends money within that jurisdiction is paying it, whether

10 they live there or not. So -- yeah. Thank you.

11 CHAIRPERSON MILLER: Thank you very much. I appreciate

12 that.

13 Any other questions or comments?

14 Anyone in the public wishing to comment for any reason?

15 MS. PALCHIK: Seeing none, Madam Chair.

16 CHAIRPERSON MILLER: Thank you, Ms. Palchik.

17 With that, may we have a motion and a second, please.

18 I'll move to adopt staff's recommendation?

19 MR. ADAMS: I don't want to be a motion hog, but I will

20 make the motion.

21 CHAIRPERSON MILLER: Thank you.

22 So moved by Miller and seconded by Adams.

23 Ms. Halsey, will you call the role, please.

24 MS. HALSEY: Sure.

25 Mr. Adams.

1 MEMBER ADAMS: Aye.

2 MS. HALSEY: Ms. Lee.

3 MEMBER LEE: Aye.

4 MS. HALSEY: Ms. Miller.

5 CHAIRPERSON MILLER: Aye.

6 MS. HALSEY: Mr. Walker.

7 MEMBER WALKER: Aye.

8 MS. HALSEY: Ms. Wong-Hernandez.

9 MEMBER WONG-HERNANDEZ: Aye.

10 CHAIRPERSON MILLER: Great. Thank you. That motion

11 carries.

12 MS. HALSEY: We now ask the presenter for Item 5 to

13 please turn off their video and mute their microphone.

14 Item 6 is reserved for county applications for a

15 finding of significant financial distress or SB 1033

16 applications. No SB 1033 applications have been filed.

17 Program Analyst Jill Magee will please turn or her

18 video and microphone and present No. 7, the legislative

19 update.

20 CHAIRPERSON MILLER: Good morning, Ms. Magee.

21 MS. MAGEE: Good morning. There's trailer bill

22 language posted on the Department of Finance's website,

23 Bagley-Keene Open Meeting Act, Remote Participation in

24 Meetings, which specifies that a meeting under the

25 Bagley-Keene Open Meeting Act, includes a meeting held by

1     teleconference. Among other things, the bill would require  
2     all meetings to be held by teleconference, authorize, but  
3     not require, state agencies to also provide an in-person  
4     venue, and would remove the provisions of the act that  
5     require each teleconference location to be identified in the  
6     notice and the agenda and be assessable to the public.

7             If included in the trailer bill and enacted, these  
8     requirements would take effect immediately, not later than  
9     October 1st, 2021, which is the last day for the Governor to  
10    sign or veto bills.

11            Next, is AB 1013, State Mandates Claims, which proposed  
12    to reduce the statutorily required someone minimum amount of  
13    costs incurred to file a mandate reimbursement claim from  
14    \$1,000 to \$900.

15            On March 4th, 2021, the bill was referred to the  
16    Assembly Committee on Local Government. This bill has not  
17    had a hearing and did not make it out of its house of origin  
18    before the deadline to do so for this session. It may  
19    become a two-year bill if it clears the Assembly by January  
20    31st, 2022.

21            Finally is AB 885, Bagley-Keene Open Meeting Act,  
22    Teleconferencing, which, among other things, proposed to add  
23    provisions to the Bagley-Keene Open meeting act, requiring  
24    that that portion of a meeting or proceeding conducted by  
25    teleconference that is required to be open to the public be

1 both audibly and visually observable, the agenda be posted  
2 at the primary physical location where members of the public  
3 physically attend, and that at least on one of the members  
4 be present at that physical location for the meeting.

5 On March 25th, 2021 the bill was rereferred to the  
6 Committee on Governmental Organization. This bill also has  
7 not had a hearing and did not make it out of its house of  
8 origin before the deadline to do so for the session. It may  
9 become a two-year bill if it clears the Assembly by January  
10 31st, 2022.

11 Staff will continue to monitor legislation for bills  
12 that impact the mandates process. And that all I have.

13 CHAIRPERSON MILLER: Thank you, Jill.

14 Any questions from board members?

15 And we will keep you updated on the -- on the status of  
16 the Bagley-Keenes and open meetings and ability to continue  
17 to remotely going forward. There will be -- certainly as --  
18 as Ms. Magee pointed out, some options in that regard.

19 Any questions?

20 Seeing none?

21 No questions from the public.

22 MS. HALSEY: Chief Legal Counsel Camille Shelton will  
23 please turn on her video and microphone and present Item 8,  
24 the chief legal counsel report.

25 MS. SHELTON: Good morning. We have no new filings and

1 no new decisions since the last hearing.

2 We do have one matter set for hearing in the County of  
3 San Diego Superior Court, and that's the challenge to the  
4 Commission's decision on the Youth Offender Parole Hearing  
5 Program. And that's all I have.

6 CHAIRPERSON MILLER: Great. Thank you.

7 Any questions for Ms. Shelton?

8 Seeing none, Ms. Halsey, will you present the Executive  
9 Director's Report, please.

10 MS. HALSEY: Absolutely. As you know, the Budget Act  
11 of 2021, AB 128, was timely enacted on June 28th, 2021. The  
12 Commission's budget was adopted as introduced. However, it  
13 is anticipated that budget trailer bill will make changes  
14 with respect to employee salaries, benefits, and related  
15 deductions, and the 5 percent general budget reduction for  
16 operating -- operating expenses and equipment. And, so,  
17 we're still waiting to see how that develops.

18 And, administrative developments, I actually have a lot  
19 of news. First, I'm pleased to announce and so proud of our  
20 procurement team for receiving a notable achievement award  
21 during the 21st Annual State Agency Recognition Awards  
22 Ceremony. The ceremony was to recognize state agencies  
23 whose exceptional work and dedication help accomplish the  
24 Governor's commitment to meet small business and disabled  
25 veteran business enterprise contracting goals for 2019/2020.

1 THE REPORTER: Ms. Halsey, would you slow down, please.

2 CHAIRPERSON MILLER: Ms. Halsey.

3 MS. PALCHIK: The court reporter is asking that you  
4 would just slow down a moment.

5 MS. HALSEY: Sure.

6 Congratulations to our procurement team on this  
7 achievement. Thank you to Jason Cranoti (phonetic) and  
8 Heidi for your continued commitment to excellence and to  
9 achieving and exceeding our goals to support small and DVBE  
10 businesses while choosing products that protect the health  
11 of our staff and environment. I'm proud to have such  
12 commit- -- committed professionals on our team. Sorry.

13 In addition, the Commission has recently renewed its  
14 lease and the office has been undergoing improvements,  
15 including flooring, molding, replacement of broken ceiling  
16 tiles, insulation, and a audio/video system for the  
17 conference room and upgraded internet cabling. And this has  
18 required staff to pack up the entire office, including all  
19 files, electronics and personal items, which staff have done  
20 in shifts over the course of two weeks. Construction work  
21 will be ongoing in the office until mid-August. At which  
22 time, staff will need to unpack the entire office and return  
23 things to their proper places. This has and will continue  
24 to take significant staff time and effort. However, when  
25 staff return to the office and are ready to welcome parties

1 -- interested parties and interested persons back, the  
2 office will be a great physical space in which to work and  
3 will be ideal for future trainings and smaller meetings.

4 And, finally, on the administrative front, I would like  
5 to welcome back Lorenzo Duran (phonetic), our long lost  
6 employee. Lorenzo volunteered and served on doing contact  
7 tracing with the County of LA for over a year on behalf of  
8 the Commission, and he did an exceptional job in that  
9 capacity. So much so that, by the end, he was in charge of  
10 a team of eight people in the contact tracing. So we're  
11 very proud of him and the work that he did there and also  
12 very, very happy to have him back.

13 CHAIRPERSON MILLER: Thank you, Ms. Halsey.

14 MS. HALSEY: Okay. Then, moving onto workload. For  
15 workload, after this hearing, on active status are 39  
16 pending case -- test claims; 38 of which are regarding storm  
17 water permits, 2 active parameters and guidelines, add 3  
18 state-wide cost estimates. On inactive status pending the  
19 outcome of litigation, there is 1 parameters and guidelines  
20 regarding storm water. And, finally, there are now 6 IRCs  
21 pending, including 1 new filing.

22 Commission staff currently expects to complete all  
23 currently pending test claims and IRCs by approximately the  
24 March 20, 2024, Commission meeting, depending on staffing  
25 and other workload. However, some of the test claims and



1 IRCs may be heard and decide early than currently indicated  
2 if they're consolidated for hearing.

3 Please check the tentative items on the Executive  
4 Director Report to see if an item you're interested in is  
5 coming up over the next couple of hearings. And that's all  
6 I have.

7 CHAIRPERSON MILLER: Thank you, Ms. Halsey. Busy as  
8 always. I would like to add my congratulations to Jason  
9 Cranoti etch and Heidi as well. It's -- it's always a  
10 pleasure, and I'm so glad you were recognized for your  
11 extraordinary work. It really is a small but mighty team.  
12 And to Lorenzo Duran, welcome back the thank you for your  
13 service to the State of California. I think you know the --  
14 the contact tracing effort really saved lives, and we're  
15 grateful that you took that on. Thank you very much.

16 Any other questions or comments from Ms. Halsey's  
17 report?

18 Hearing none, any public comment?

19 MS. PALCHIK: I see none, Madam Chair.

20 CHAIRPERSON MILLER: Thank you, Ms. Palchik. So now we  
21 will -- the Commission will now meet in closed executive  
22 session pursuant to Government Code section 11126(e) to  
23 confer and receive advice from legal counsel for  
24 consideration and action as necessary and appropriate upon  
25 the pending litigation listed on the published notice and

1 agenda and to confer with and receive advice from legal  
2 counsel regarding potential litigation.

3 The Commission will also confer on personnel matters  
4 pursuant to Government Code section 11126(a)(1). We will  
5 reconvene in open session on this link in approximately 15  
6 minutes.

7 And, for the board members, please sign off this link,  
8 sign on to the closed section link, and we will ask that you  
9 all come back here so we can entertain a motion to adjourn.

10 So, for now, we are recessed as we go into closed  
11 session.

12 Thank you very much everyone.

13 (Closed session was held 10:33 A.M. to 10:40 A.M.)

14 CHAIRPERSON MILLER: Thank you everyone. We're just  
15 going to wait for -- there's Mr. Walker. We'll just wait  
16 for Mr. Adams.

17 Ms. Halsey, I can start, right, before -- if there's  
18 four of us, is that okay?

19 You're on mute.

20 MS. HALSEY: Yeah. So we need four votes for an  
21 action, so. . .

22 CHAIRPERSON MILLER: Perfect. Thank you.

23 The Commission met in a closed executive session  
24 pursuant to Government Code section 11126(e)(2) to confer  
25 with and receive advice from legal counsel for consideration

1 and action as necessary and appropriate upon the pending  
2 litigation listed on the published notice and agenda; and to  
3 confer with and receive advice from legal counsel regarding  
4 potential litigation; and, pursuant to Government Code  
5 section 11126(a)(1) to confer on personnel matters.

6 With no -- no action was taken.

7 With no further business to discuss, I will entertain a  
8 motion to adjourn.

9 MEMBER WONG-HERNANDEZ: So moved.

10 CHAIRPERSON MILLER: Thank you. Moved by  
11 Ms. Wong-Hernandez. I will second, and we're going to do a  
12 quick roll call to adjourn so it can be recorded.

13 Ms. Halsey, please.

14 You're on mute again.

15 MS. HALSEY: So sorry.

16 Mr. Adams.

17 MEMBER ADAMS: Aye.

18 MS. HALSEY: Ms. Lee.

19 MEMBER LEE: Aye.

20 MS. HALSEY: Ms. Miller.

21 CHAIRPERSON MILLER: Aye.

22 MS. HALSEY: Mr. Walker.

23 MEMBER WALKER: Aye.

24 MS. HALSEY: Ms. Wong-Hernandez.

25 MEMBER WONG-HERNANDEZ: Aye.

1 CHAIRPERSON MILLER: Great. We are adjourned. Have a  
2 great we could everyone.

3 Thank you.

4 (Proceedings concluded at 10:42 A.M.)

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CERTIFICATE OF REPORTER

I, Veronica A. Guerrero, a Certified Shorthand Reporter  
of the State of California, do hereby certify:

That I am a disinterested person herein; that the  
foregoing proceedings were reported in shorthand by me,  
Veronica A. Guerrero, a Certified Shorthand Reporter of the  
State of California, and thereafter transcribe3d into  
typewriting.

I further certify that I am not of counsel or attorney  
for any of the parties to said proceedings nor in any way  
interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this  
27th day of July 2021.

*Veronica A. Guerrero*

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VERONICA A. GUERRERO, CSR  
Certified Shorthand Reporter  
License No. 14129

CERTIFICATE OF REPORTER

I, Veronica A. Guerrero, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing proceedings were reported in shorthand by me, Veronica A. Guerrero, a Certified Shorthand Reporter of the State of California, and thereafter transcribe3d into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings nor in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of July 2021.

*Veronica A. Guerrero*

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VERONICA A. GUERRERO, CSR  
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