

Item 1

Proposed Minutes

COMMISSION ON STATE MANDATES

Location of Meeting: Room 447
State Capitol, Sacramento, California
July 24, 2015

Present: Member Eraina Ortega, Chairperson
Representative of the Director of the Department of Finance
Member Richard Chivaro, Vice Chairperson
Representative of the State Controller
Member Ken Alex
Director of the Office of Planning and Research
Member Sarah Olsen
Public Member
Member Carmen Ramirez
City Council Member
Member Andre Rivera
Representative of the State Treasurer

Absent: Member Don Saylor
County Supervisor

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 Ortega called the meeting to order at 10:01 a.m. Executive Director Heather Halsey called the roll. Ms. Halsey noted that Member Saylor could not attend the hearing.

APPROVAL OF MINUTES

Member Chivaro made a motion to adopt the minutes. With a second by Member Rivera, the May 29, 2015 hearing minutes were adopted by a vote of 6-0.

PUBLIC COMMENT FOR MATTERS NOT ON THE AGENDA

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

CONSENT CALENDAR

HEARINGS AND DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (GOV. CODE, § 17551, 17557, 17559, and 17570) (action)

INCORRECT REDUCTION CLAIMS

Item 6* *Health Fee Elimination, 09-4206-I-22*

Education Code Section 72246 (Renumbered as section 76355)

Statutes 1984, Chapter 1 (1983-1984 2nd Ex. Sess.); Statutes 1987, Chapter 1118

Long Beach Community College District, Claimant

INFORMATIONAL HEARING PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 8 (action)

STATEWIDE COST ESTIMATES

Item 7* *Post Election Manual Tally (PEMT), 10-TC-08*

Former California Code of Regulations, Title 2, Sections 20121, 20122, 20123, 20124, 20125, 20126; Register 2008, No. 43

County of Santa Barbara, Claimant

Executive Director Heather Halsey announced that after the agenda for this hearing was issued, the parties agreed to place Item 6 on the Consent Calendar. Chairperson Ortega asked if there was any objection to adding Item 6 to the Consent Calendar and if there were any comments from the public. No objection was made and there was no public comment.

Member Olsen made a motion to adopt the Consent Calendar as revised. With a second by Member Chivaro, the Consent Calendar was adopted as revised by a vote of 6-0.

HEARINGS AND DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (GOV. CODE, § 17551, 17557, 17559, and 17570) (action)

Executive Director Heather Halsey swore in the parties and witnesses participating in 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

There were no appeals to consider.

MANDATE REDERMINATIONS

Item 3 *California Public Records Act (02-TC-10 and 02-TC-51), 14-MR-02*
Government Code Sections 6253, 6253.1, 6253.9, 6254.3, and 6255
Statutes 1992, Chapters 463 (AB 1040); Statutes 2000, Chapter 982
(AB 2799); and Statutes 2001, Chapter 355 (AB 1014)

As Alleged to be Modified by: Proposition 42, Primary Election,
June 3, 2014

Department of Finance, Requester

SECOND HEARING: NEW TEST CLAIM DECISION

The second hearing for this matter is to determine whether the State’s liability has been modified by a subsequent change in law and whether the Commission shall adopt a new test claim decision to supersede the previously adopted decision reflecting the State’s modified liability.

Student Assistant Imran Majid presented this item stating that staff finds the state’s liability ended based on a subsequent change in law that amended the California Constitution to exempt this program from the subvention requirement of article XIII B, section 6, and recommended that the Commission adopt the proposed decision as its new test claim decision.

Parties were represented as follows: Evelyn Suess and Susan Geanacou, representing the Department of Finance.

Department of Finance concurred with the staff recommendation and there was no comment from interested parties or the public on this matter. Member Olsen made a motion to adopt the staff recommendation. With a second by Member Chivaro, the motion to adopt the staff recommendation was adopted by a vote of 6-0.

PARAMETERS AND GUIDELINES AND PARAMETERS AND GUIDELINES AMENDMENTS

Item 4 *California Public Records Act, 02-TC-10 and 02-TC-51 (14-MR-02)*
Government Code Sections 6253, 6253.1, 6253.9, 6254.3, and 6255
Statutes 1992, Chapters 463 (AB 1040); Statutes 2000, Chapter 982
(AB 2799); and Statutes 2001, Chapter 355 (AB 1014)

As Modified by: Proposition 42, Primary Election,
June 3, 2014

Department of Finance, Requester

This proposed parameters and guidelines amendment ends reimbursement for this program beginning June 4, 2014.

Student Assistant Imran Majid presented this item and recommended that the Commission adopt the proposed decision and amendment to the parameters and guidelines.

Parties were represented as follows: Evelyn Suess and Susan Geanacou, representing the Department of Finance.

Department of Finance concurred with the staff recommendation and there was no comment from interested parties or the public on this matter. Member Ramirez made a motion to adopt the staff recommendation. With a second by Member Chivaro, the motion to adopt the staff recommendation was adopted by a vote of 6-0.

INCORRECT REDUCTION CLAIMS

- Item 5 *Handicapped and Disabled Students, 05-4282-I-03*
~~Statutes 1984, Chapter 1747; Statutes 1985, Chapter 1274~~
~~Fiscal Years 1996-1997, 1997-1998, and 1998-1999~~
~~County of San Mateo, Claimant~~

Executive Director Heather Halsey announced this item was postponed to the September 25, 2015 hearing.

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 6.5 (info/action)

- Item 8 Assignment of County Application to Commission, a Hearing Panel of One or More Members of the Commission, or to a Hearing Officer

No applications were filed.

STAFF REPORTS

- Item 9 Legislative Update (info)

Program Analyst Kerry Ortman presented this item.

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

Chief Legal Counsel Camille Shelton presented this item.

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

Executive Director Heather Halsey presented this item and introduced the Commission's new program analyst, Jill Magee.

CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 (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):

1. *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).
California Supreme Court, Case No. S214855

(Los Angeles County Superior Court, Case No. BS130730, 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]

2. *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. C070357 (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]
3. *California School Board Association (CSBA) v. State of California* et al.
Alameda County Superior Court, Case No. RG11554698
[2010-2011 Budget Trailer Bills, Mandates Process for K-12 Schools, Redetermination Process]
4. *Counties of San Diego, Los Angeles, San Bernardino, Orange, and Sacramento v. Commission on State Mandates*, et al.
San Diego County Superior Court,
Case No. 37-2014-00005050-CU-WM-CTL
[Mandate Redetermination, *Sexually Violent Predators*, (12-MR-01, CSM-4509); Welfare and Institutions Code Sections 6601, 6602, 6603, 6604, 6605, and 6608; Statutes 1995, Chapter 762 (SB 1143); Statutes 1995, Chapter 763 (AB 888); Statutes 1996, Chapter 4 (AB 1496) As modified by Proposition 83, General Election, November 7, 2006]
5. *County of Los Angeles v. Commission on State Mandates, Department of Finance*
Los Angeles County Superior Court, Case No. BS148845
[*Public Guardianship Omnibus Conservatorship Reform*, 07-TC-05(Probate Code Sections 1850(a), 1851(a), 2113, 2250(a)-(c), 2250.4(a)-(d); 2352(a)-(f), 2352.5(a)-(e), 2410, 2540(a)-(b), 2543(a)-(d), 2610(a), 2620(a)-(e), 2620.2(a)-(d), 2590, 2591(a)-(q), 2591.5(a)-(d), 2623(a)-(b), 2640(a)-(c), 2640.1(a)-(c), 2641(a)-(b), 2653(a)-(c), 2920(a)-(c), and 2923Statutes 2006; Chapter 490 (SB 1116), Statutes 2006, Chapter 492 (SB 1716), and Statutes 2006, Chapter 493 (AB 1363)]
6. *Coast Community College District, et al. v. Commission on State Mandates*

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).]

7. *Paradise Irrigation District, et al. v. Commission on State Mandates, Department of Finance, and Department of Water Resources*
 Sacramento County Superior Court, Case No. 34-2015-80002016
 [Water Conservation (10-TC-12/12-TC-01, adopted December 5, 2014), Water Code Division 6, Part 2.55 [sections 10608-10608.64] and Part 2.8 [sections 10800-10853] as added by Statutes 2009-2010, 7th Extraordinary Session, Chapter 4 California Code of Regulations, Title 23, Division 2, Chapter 5.1, Article 2, Sections 597-597.4; Register 2012, No. 28.]

B. PERSONNEL

To confer on personnel matters pursuant to Government Code section 11126(a)(1):

The Commission adjourned into closed executive session at 10:12 a.m., pursuant to Government Code section 11126(e), to confer with and receive advice from legal counsel for consideration

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

**RECOVENE IN PUBLIC SESSION
REPORT FROM CLOSED EXECUTIVE SESSION**

At 10:24 a.m., Chairperson Ortega reconvened in open session, and reported that the Commission met in closed executive session pursuant to Government Code section 11126(e) to confer with and receive advice from legal counsel for consideration and action, as necessary and appropriate, upon the pending litigation listed on the public notice and agenda, and potential litigation, and to confer on personnel matters pursuant to Government Code section 11126(a)(1).

ADJOURNMENT

Hearing no further business, Chairperson Ortega adjourned the meeting at 10:25 a.m.

Heather Halsey
Executive Director

RECEIVED
August 17, 2015
*Commission on
State Mandates*

PUBLIC MEETING
COMMISSION ON STATE MANDATES



TIME: 10:00 a.m.
DATE: Friday, July 24, 2015
PLACE: State Capitol, Room 447
Sacramento, California



REPORTER'S TRANSCRIPT OF PROCEEDINGS



Reported by:
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A P P E A R A N C E S

COMMISSIONERS PRESENT

ERAINA ORTEGA
Representative for MICHAEL COHEN, Director
Department of Finance
(*Chair of the Commission*)

RICHARD CHIVARO
Representative for BETTY T. YEE
State Controller
(*Vice Chair of the Commission*)

KEN ALEX
Director
Office of Planning & Research

SARAH OLSEN
Public Member

M. CARMEN RAMIREZ
Oxnard City Council Member

ANDRÉ RIVERA
Representative for JOHN CHIANG
State Treasurer



COMMISSION STAFF PRESENT

HEATHER A. HALSEY
Executive Director
(*Items 2 and 11*)

HEIDI PALCHIK
Assistant Executive Director

CAMILLE N. SHELTON
Chief Legal Counsel
(*Item 10*)

A P P E A R A N C E S

PARTICIPATING COMMISSION STAFF

continued

KERRY ORTMAN
Program Analyst
(Item 9)

IMRAN MAJID
Student Assistant
(Item 3 and Item 4)

JILL MAGEE
Program Analyst/Hearing Coordinator



PUBLIC TESTIMONY

Appearing Re Item 3 and Item 4:

For Department of Finance:

SUSAN GEANACOU
Senior Staff Attorney
Department of Finance
915 L Street, Suite 1280
Sacramento, California 95814

EVELYN SUESS
Principal Program Budget Analyst
Department of Finance
915 L Street, Suite 1280
Sacramento, California 95814



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1 BE IT REMEMBERED that on Friday, July 24, 2015,
2 commencing at the hour of 10:01 a.m., thereof, at the
3 State Capitol, Room 447, Sacramento, California, before
4 me, DANIEL P. FELDHAUS, CSR #6949, RDR and CRR, the
5 following proceedings were held:



7 CHAIR ORTEGA: Good morning, everyone.

8 I will call to order the July 24th meeting of
9 the Commission on State Mandates.

10 If you could call the roll.

11 MS. HALSEY: Mr. Alex?

12 MEMBER ALEX: Here.

13 MS. HALSEY: Mr. Chivaro?

14 MEMBER CHIVARO: Here.

15 MS. HALSEY: Ms. Olsen?

16 MEMBER OLSEN: Here.

17 MS. HALSEY: Ms. Ortega?

18 CHAIR ORTEGA: Here.

19 MS. HALSEY: Ms. Ramirez?

20 MEMBER RAMIREZ: Here.

21 MS. HALSEY: Mr. Rivera?

22 MEMBER RIVERA: Here.

23 MS. HALSEY: And Mr. Saylor did call to notify
24 us that he cannot attend today's hearing.

25 CHAIR ORTEGA: Okay, thank you.

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1 We have a quorum.

2 So the first item will be the minutes from
3 May 29th.

4 Are there any objections or corrections to
5 the minutes?

6 MEMBER CHIVARO: Move approval.

7 CHAIR ORTEGA: Moved by Mr. Chivaro.

8 MEMBER RIVERA: Second.

9 CHAIR ORTEGA: Second by Mr. Rivera.

10 All in favor of approval of the minutes?

11 *(A chorus of "ayes" was heard.)*

12 CHAIR ORTEGA: Any abstentions or objections?

13 *(No response)*

14 CHAIR ORTEGA: Seeing none, they are approved
15 unanimously.

16 MS. HALSEY: And now we will take up public
17 comment for matters not on the agenda.

18 Please note that the Commission cannot take
19 action on items not on the agenda; however, it can
20 schedule issues raised by the public for consideration at
21 future meetings.

22 CHAIR ORTEGA: Okay, any public comment on
23 items not on the agenda?

24 *(No response)*

25 CHAIR ORTEGA: Okay, seeing none, we will move

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1 to the Consent Calendar.

2 MS. HALSEY: Next, we have a proposal to add
3 Item 6, an incorrect reduction claim on *Health Fee*
4 *Elimination* to the Consent Calendar.

5 After this agenda for a hearing was issued, the
6 parties agreed to place Item 6 on consent.

7 CHAIR ORTEGA: Okay, any objections to adding
8 Item 6 to the Consent Calendar?

9 *(No response)*

10 CHAIR ORTEGA: No?

11 Any objections from the public?

12 *(No response)*

13 CHAIR ORTEGA: Seeing none, the Consent
14 Calendar is Items 6 and 7.

15 Any questions, comments from Board members?

16 *(No response)*

17 CHAIR ORTEGA: Any comments from the public
18 before we take action on the Consent Calendar?

19 *(No response)*

20 CHAIR ORTEGA: Seeing none, is there a motion?

21 MEMBER OLSEN: I'll move adoption.

22 MEMBER CHIVARO: Second.

23 CHAIR ORTEGA: Moved by Ms. Olsen; second by
24 Mr. Chivaro.

25 All in favor?

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1 (A chorus of "ayes" was heard.)

2 CHAIR ORTEGA: Any abstentions, objections?

3 (No response)

4 CHAIR ORTEGA: Okay, the Consent Calendar is
5 adopted.

6 MS. HALSEY: Let's move to the Article 7
7 portion of the hearing.

8 Will the parties and witnesses for Items 3 and
9 4 please rise?

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

12 MS. HALSEY: Do you solemnly swear or affirm
13 that the testimony which you are about to give is true
14 and correct, based on your personal information,
15 knowledge, or belief?

16 (A chorus of affirmative responses was
17 heard.)

18 MS. HALSEY: Thank you.

19 Item 2 is reserved for appeals of the Executive
20 Director decisions. There are no appeals to consider
21 under Item 2.

22 Student Assistant Imran Majid will present
23 Item 3, the mandate redetermination on *California Public*
24 *Records Act*.

25 MR. MAJID: Good morning.

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1 This is the second hearing of a mandate
2 redetermination request to end the State's liability for
3 the *California Public Records Act* Program based on a
4 subsequent change in law. Specifically, Proposition 42
5 adopted by voters in June 2014 amends the California
6 Constitution to exempt the State from reimbursing the
7 program.

8 Therefore, staff finds that the State's
9 liability pursuant to Article XIII B, Section 6, of the
10 California Constitution for this program ends beginning
11 June 4th, 2014, and recommends the Commission adopt this
12 proposed decision as its new test-claim decision.

13 Will the parties and witnesses please state
14 your names for the record?

15 MS. SUESS: Good morning. Evelyn Suess from
16 the Department of Finance.

17 MS. GEANACOU: Susan Geanacou, Department of
18 Finance.

19 CHAIR ORTEGA: Okay, any additional comments
20 from the Department of Finance?

21 MS. SUESS: We would just like to thank
22 staff -- Commission staff for their work on our request.

23 We do agree with staff's recommendation.

24 CHAIR ORTEGA: Okay, any comments from Board
25 members?

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1 (No response)
2 CHAIR ORTEGA: No?
3 Any additional public comment on this item?
4 (No response)
5 CHAIR ORTEGA: Seeing none.
6 MS. ORTMAN: I'll move adoption of staff's
7 recommendation.
8 MEMBER CHIVARO: Second.
9 CHAIR ORTEGA: Okay, moved by Ms. Olsen and
10 second by Mr. Chivaro.
11 Call the roll.
12 MS. HALSEY: Mr. Alex?
13 MEMBER ALEX: Aye.
14 MS. HALSEY: Mr. Chivaro?
15 MEMBER CHIVARO: Aye.
16 MS. HALSEY: Ms. Olsen?
17 MEMBER OLSEN: Aye.
18 MS. HALSEY: Ms. Ortega?
19 CHAIR ORTEGA: Aye.
20 MS. HALSEY: Ms. Ramirez?
21 MEMBER RAMIREZ: Aye.
22 MS. HALSEY: Mr. Rivera?
23 MEMBER RIVERA: Aye.
24 MS. HALSEY: The motion carries.
25 CHAIR ORTEGA: Thank you.

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1 Item 4.

2 MS. HALSEY: Item 4, Student Assistant Imran
3 Majid will present Item 4, the parameters and guidelines
4 amendment on *California Public Records Act*.

5 MR. MAJID: This is the proposed amendment to
6 the parameters and guidelines for the *California Public*
7 *Records Act* program to end reimbursement beginning
8 June 4th, 2014.

9 Staff recommends that the Commission adopt this
10 proposed decision and amendment to the parameters and
11 guidelines.

12 Would the parties and witnesses please state
13 your names for the record?

14 MS. SUESS: Finance concurs with staff's
15 recommendation.

16 CHAIR ORTEGA: Okay.

17 Go ahead and say your name -- yes, go ahead,
18 for the record.

19 MS. SUESS: I apologize. Evelyn Suess,
20 Department of Finance.

21 MS. GEANACOU: Susan Geanacou, Department of
22 Finance.

23 CHAIR ORTEGA: Thank you.

24 Any public comment on this item?

25 *(No response)*

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1 CHAIR ORTEGA: Nope?

2 Any comments from Board members?

3 *(No response)*

4 CHAIR ORTEGA: Okay, is there a motion?

5 MEMBER RAMIREZ: So moved.

6 MEMBER CHIVARO: Second.

7 CHAIR ORTEGA: Moved by Ms. Ramirez; second by
8 Mr. Chivaro.

9 Please call the roll.

10 MS. HALSEY: Mr. Alex?

11 MEMBER ALEX: Aye.

12 MS. HALSEY: Mr. Chivaro?

13 MEMBER CHIVARO: Aye.

14 MS. HALSEY: Ms. Olsen?

15 MEMBER OLSEN: Aye.

16 MS. HALSEY: Ms. Ortega?

17 CHAIR ORTEGA: Aye.

18 MS. HALSEY: Ms. Ramirez?

19 MEMBER RAMIREZ: Aye.

20 MS. HALSEY: Mr. Rivera?

21 MEMBER RIVERA: Aye.

22 MS. HALSEY: Thank you.

23 Item 5 is an incorrect reduction claim on
24 *Handicapped and Disabled Students* was postponed to the
25 September 25th hearing.

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1 Items 6 and 7 were on the Consent Calendar.

2 And Item 8 is reserved for county applications
3 for a finding of significant financial distress, or
4 SB 1033 applications.

5 No SB 1033 applications have been filed.

6 Program Analyst Kerry Ortman will present
7 Item 9, the Legislative Update.

8 MS. ORTMAN: Good morning.

9 We are monitoring two bills this legislative
10 session.

11 AB 575, Teachers: Best Practices Teacher
12 Evaluation System, would be replacing the Stull Act.
13 This bill was referred to the Senate Committee on
14 Education on June 18th, 2015.

15 The second bill is AB 731, Maintenance of the
16 Codes. This appears to be a spot bill. It's now pending
17 in the Senate Judiciary Committee.

18 On June 24th, 2015, the Governor approved the
19 Budget Act of 2015, which appropriated funds for two new
20 mandates: *SARATSO* and *Medi-Cal Eligibility of Juvenile*
21 *Offenders*, as well as \$4 million in the block grant for
22 *ICAN*.

23 There were also two trailer bills.

24 SB 84, State Government, requires Finance, the
25 Secretary of State, and the Legislative Analyst's Office

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1 to convene a working group to evaluate alternatives for
2 funding election-related mandates. And it requires
3 Finance to submit recommendations to the Legislature.
4 This bill also requires Finance to conduct a survey to
5 determine whether or not counties are carrying out the
6 requirements of the election mandates.

7 AB 104, Education Finance: the Education
8 Omnibus Trailer Bill, appropriates \$3.8 billion to pay
9 down the existing mandate backlog to K-12 schools and
10 community colleges.

11 The specific dollar amounts are in the
12 legislative updates in front of you.

13 Thanks.

14 CHAIR ORTEGA: Thank you, Ms. Ortman.

15 Any questions?

16 *(No response)*

17 CHAIR ORTEGA: Okay, seeing none, we will move
18 on to the Chief Legal Counsel Update.

19 MS. SHELTON: Good morning.

20 Since the Commission's last meeting, there have
21 been two court decisions that have been issued.

22 The first one was issued by Sacramento County
23 Superior Court on the *Coast Community College* challenge
24 to the Commission's decision on *Minimum Conditions*. And
25 that one, the Court denied the petition for writ of

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1 mandate.

2 The second decision issued was in Alameda on
3 the *California School Board Association* case. And in
4 that one, the Court issued a decision denying the writ of
5 mandate on the second cause of action.

6 You can see that we do have one case currently
7 scheduled for hearing in the Sacramento County Superior
8 Court. That's *Paradise Irrigation District versus*
9 *Commission on State Mandates*, challenging the decision
10 on the *Water Conservation* claim, for February 5th, 2016.

11 CHAIR ORTEGA: Thank you.

12 Any questions?

13 *(No response)*

14 CHAIR ORTEGA: Okay, Executive Director Report.

15 MS. HALSEY: So I'd like to announce, we have
16 a new staff member with us today, Jill Magee, sitting
17 here in the front row, in the green dress. She is our
18 new program analyst hearing coordinator, so she is kind
19 of the new Heidi.

20 So all the things you used to do with Heidi or
21 that you used to call Heidi for, you can now call Jill.

22 CHAIR ORTEGA: Okay, welcome, Jill.

23 MS. HALSEY: Also, for our workload update,
24 we now have 14 test claims pending, and two of those were
25 filed in fiscal year 2014-15. And they are set for the

1 September and December hearings.

2 The other 12 are regarding *Stormwater Permits*;
3 and they are on inactive status, pending resolution of
4 the pending litigation in the California Supreme Court.

5 In addition, we have one parameters and
6 guidelines, three parameters and guidelines amendments,
7 three statewide cost estimates, 55 IRCs, and three
8 mandate redeterminations pending.

9 And as discussed in our backlog reduction plan,
10 the test claims and parameters and guidelines and
11 statewide cost estimates take precedence over the other
12 matters that are being heard. And they are being
13 expedited to be heard as soon as possible after they are
14 filed.

15 So next, in terms of priority for hearing, are
16 the amendments to the parameters and guidelines and
17 requests for mandate redetermination; and that is because
18 these affect all eligible claimants for the program at
19 issue, as well as the State.

20 And for that reason, we'll be hearing those
21 mandate redeterminations pretty quick in December, in
22 front of the IRCs. So expect to see some test claims
23 and mandate redeterminations coming.

24 And because there have been a number of new
25 filings over the past months and also because staff have

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1 been focused on litigation, our estimated date for
2 completion of IRC backlog has changed. Currently, the
3 Commission staff expects to complete the IRCs backlog,
4 including all IRCs filed through 2014-15, by
5 approximately the December 2016 or December 2017
6 Commission meeting. And that's dependent on staffing and
7 other workload.

8 For tentative agenda items, please check to see
9 if your item is coming up over the course of the next
10 few hearings.

11 The draft proposed decision on the test claim
12 on *California Assessment of Student Performance and*
13 *Progress* was issued for this hearing but was postponed to
14 September, at the request of Finance.

15 We also have the *Training for School Employee*
16 *Mandated Reporters* tentatively set for December, as well
17 as first hearings on the three mandate redeterminations
18 that were recently filed.

19 Finally, there are a number of IRCs listed on
20 my report which are set or tentatively set for September
21 or December, including the IRCs on *Notification of*
22 *Truancy*.

23 Please expect to receive draft proposed
24 decisions on these for your review and comment about
25 eight to ten weeks before the hearing, and a proposed

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1 decision approximately two weeks before the hearing.

2 That is all I have.

3 CHAIR ORTEGA: Okay, any questions?

4 *(No response)*

5 CHAIR ORTEGA: No?

6 Okay, thank you, everyone.

7 We're going to now recess into closed session.

8 The Commission will meet in closed executive
9 session pursuant to Government Code section 11126(e) to
10 confer with and receive advice from legal counsel for
11 consideration and action, as necessary and appropriate,
12 upon the pending litigation listed on the published
13 notice and agenda; and to confer with and receive advice
14 from legal counsel regarding potential litigation.

15 The Commission will also confer on personnel
16 matters pursuant to Government Code section 11126(a)(1).

17 We will reconvene in open session in
18 approximately 15 minutes.

19 *(The Commission met in closed executive
20 session from 10:12 a.m. to 10:24 a.m.)*

21 CHAIR ORTEGA: We are going to reconvene in
22 public session.

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

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

7 With no other business to come before the
8 Commission, we will be adjourned.

9 Thanks, everyone.

10 *(The meeting concluded at 10:25 a.m.)*

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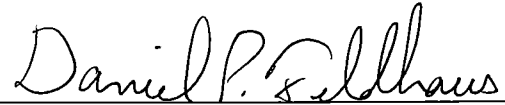
REPORTER'S CERTIFICATE

I hereby certify:

That the foregoing proceedings were duly reported by me at the time and place herein specified; and

That the proceedings were reported by me, a duly certified shorthand reporter and a disinterested person, and was thereafter transcribed into typewriting by computer-aided transcription.

In witness whereof, I have hereunto set my hand on the 17th August 2015.



Daniel P. Feldhaus
California CSR #6949
Registered Diplomate Reporter
Certified Realtime Reporter