

Item 1

Proposed Minutes

COMMISSION ON STATE MANDATES

Location of Meeting: Room 447
State Capitol, Sacramento, California
September 28, 2018

Present: Member Jacqueline Wong-Hernandez, Chairperson
Representative of the Director of the Department of Finance
Member John Chiang, Vice Chairperson
State Treasurer
Member Lee Adams
County Supervisor
Member Richard Chivaro
Representative of the State Controller
Member Scott Morgan
Representative of the Director of the Office of Planning and Research
Member Sarah Olsen
Public Member
Member Carmen Ramirez
City Council 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 Wong-Hernandez called the meeting to order at 10:07 a.m. Executive Director Heather Halsey called the roll.

APPROVAL OF MINUTES

Member Olsen made a motion to adopt the minutes. With a second by Member Ramirez, the July 27, 2018 hearing minutes were adopted by a vote of 6-0 with Member Chivaro absent.

The Chairperson asked if there was any objection to putting public comment off until the end of the meeting. There was no objection.

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 Halsey stated that after the agenda was issued, Item 5 was postponed to the November hearing by request of the claimant and 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 CLAIM

Item 3 *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

Commission Counsel Elena Wilson presented this item, stated that there were typos on page 16 and on pages 13 and 46, regarding the effective date of the federal U Visa regulations and the period of reimbursement for the Test Claim, and recommended that the Commission partially approve this Test Claim as proposed to be corrected.

Annette Chinn, appeared on behalf of the claimant. Andy Nichols, Nichols Consulting, appeared as an interested person. Donna Ferebee, appeared on behalf of the Department of Finance.

Ms. Chinn stated that the claimant concurs with the staff's analysis and thanked staff for their time, effort, and patience in this process. Mr. Nichols stated that he concurred with the proposed decision. Member Ramirez stated that as a private attorney, she has handled some U Visa cases and that it took a lot of time and required an investigation. Member Ramirez stated further that this is a good result, and thanked, on behalf of past and future clients, people who participate in helping immigrants who suffer from criminal conduct of others in getting their visas moved through the process. Without further discussion among the Commission members, staff, and parties, Member Olsen made a motion to adopt the staff recommendation. With a second by Member Adams, the motion to partially approve this Test Claim as corrected was adopted by a vote of 6-0 with Member Chivaro absent.

PARAMETERS AND GUIDELINES

Item 4 *Local Agency Employee Organizations: Impasse Procedures II*, 16-TC-04
Government Code Sections 3505.4(a-d) and 3505.5(a-d);
Statutes 2012, Chapter 314 (AB 1606)
City of Oxnard, Claimant

Senior Commission Counsel Matt Jones presented this item and recommended that the Commission adopt the Decision and Parameters and Guidelines.

Parties were represented as follows: Andy Nichols, appeared as an interested person. Donna Ferebee, representing the Department of Finance.

Chairperson Wong-Hernandez asked whether the claimant, Mr. Dyer, was expected to arrive. Mr. Nichols stated that the claimant had not arrived yet, thanked the Commission for its time and effort on this issue, which was originally discussed as a Test Claim by the City of Glendora over a year and a half ago and on this version filed by the City of Oxnard, and expressed his appreciation for figuring out how this program would be reimbursable. Ms. Ferebee stated that the Department of Finance has no objections to the proposed Parameters and Guidelines.

Member Ramirez inquired whether she should recuse or abstain due to the fact that it was the City of Oxnard's filing. Chief Legal Counsel Camille Shelton stated that as a matter of law, she did not have to recuse or abstain. Executive Director Heather Halsey asked if the Members would like to table the item and go ahead with the reports so that the claimant could speak on it. Chairperson Wong-Hernandez agreed.

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 6 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 7 Legislative Update (info)

Program Analyst Kerry Ortman presented this item. Ms. Ortman provided an update on SB 1498, the Local Government Omnibus Act of 2018, which was introduced by the Senate Governance and Finance Committee on March 1st, 2018 and which, among other things, proposed amending Government Code section 17551 to specify that for purposes of filing a test claim based on the date of first incurring increased costs, the phrase "within 12 months" means by June 30th of the fiscal year following the fiscal year in which increased costs were first incurred by the test claimant. Ms. Ortman stated that on August 6, 2018, the bill was amended and that amendment deleted all reference to Government Code section 17551, therefore the bill no longer proposes any changes to the mandates program area and was chaptered on September 17th, 2018.

Executive Director Heather Halsey added that there was no other legislation relating to the Commission on State Mandates this year.

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

Chief Legal Counsel Camille Shelton presented this item.

- Item 9 Workload Update, 2019 Hearing Calendar, and Tentative Agenda Items for the November 2018 and January 2019 Meetings (info/action)

Member Richard Chivaro arrived.

Executive Director Heather Halsey presented the proposed 2019 hearing calendar. Chairperson Wong-Hernandez stated that she hoped everyone had a chance to review the proposed calendar, and understanding there may be different members and some things may need to change in the future, this is the tentative schedule being proposed for adoption, and she asked if there was any further discussion.

Without further discussion among the Commission members and staff, Member Adams made a motion to adopt the proposed 2019 hearing calendar. With a second by Member Ramirez, the motion to adopt the 2019 hearing calendar was approved by a vote of 7-0.

Executive Director Halsey presented on the pending caseload and described administrative workload issues such as the SPB compliance audit process for human resources, the Cal HR workforce planning process, the 2017/2018 and 2019/2020 budgets, the recordkeeping duties, and the consideration of the electronic option detailed during the last hearing. Member Ramirez commended the staff on attacking the backlog and getting things done under tremendous difficulties, and asked whether the Commission will need to decide the path forward with respect to the record retention policy or if staff would decide. Executive Director Halsey stated that for record retention schedules it is done by staff and needed to be approved by CalRIM but for mandate filing or electronic filing issues, those would come before the Commission in the context of regulatory proposals.

Patrick Dyer, claimant representative for the City of Oxnard, arrived.

Assistant Executive Director Heidi Palchik stated that the claimant for Item 4 had arrived. Chairperson Wong-Hernandez invited the claimant representative to come up to the table. Executive Director Heather Halsey apologized for introducing the item, not realizing he was not present. Patrick Dyer, appeared on behalf of the claimant for Item 4, stated his name, commended Commission staff for their work, noted that the claimant understood that even though two bills were pled, 646 and 1606, the scope only enabled the Commission to look at that second bill, and that the claimant's comments were related to the other bill which they are aware of was not before the Commission today. Mr. Dyer also stated that he appreciated staff's work and looked forward to the Commission adopting staff's recommendations.

Without further discussion among the Commission members, staff, and parties, Member Olsen made a motion to adopt the staff recommendation. With a second by Member Chivaro, the motion to approve the Decision and Parameters and Guidelines was adopted by a vote of 7-0.

PUBLIC COMMENT FOR MATTERS NOT ON THE AGENDA

Executive Director Heather Halsey stated that the Commission would take up public comment. There was no response. Chairperson Wong-Hernandez stated that before public comment was taken, that she would like to present a Resolution to Member Chivaro in recognition of his 23 years serving on the Commission and read it into the record. Member Chiang also thanked Mr. Chivaro for his service by telling stories of their work together and stating that "Rick is one of those unsung stars that, you know, the 39.8 million Californians don't know." Member Ramirez thanked Member Chivaro for his help to the City of Oxnard and for his service, and asked for a photo to commemorate the occasion. Member Olsen stated that she had no intention of breaking Member Chivaro's record. A photo was taken.

Chairperson Wong-Hernandez also welcomed Yvette Stowers, Deputy Controller, who will begin serving as Controller Yee's designee to the Commission at the meeting next month. Chief Legal Counsel Camille Shelton confirmed the next meeting would be in November.

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 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)
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. ***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]
3. *County of Los Angeles v. Commission on State Mandates, State Controller's Office*
Los Angeles County Superior Court, Case No. BS166734
[*Handicapped and Disabled Students IRC*, 13-4282-I-06]
4. *County of Los Angeles v. Commission on State Mandates, State Controller's Office*
Los Angeles County Superior Court, Case No. BS166735
[*Handicapped and Disabled Students II IRC*, 12-0240-I-01]
5. *County of Los Angeles v. Commission on State Mandates, State Controller's Office*
Los Angeles County Superior Court, Case No. BS167447
[*Seriously Emotionally Disturbed Pupils IRC*, 12-9705-I-04]
6. *Fresno Unified School Dist. v. Commission on State Mandates*
Sacramento County Superior Court, Case No. 34-2017-80002768
[*Certificated School Employees – Parental Leave*, 16-TC-01]

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. *Paradise Irrigation District, et al. v. Commission on State Mandates, Department of Finance, and Department of Water Resources*
Third District Court of Appeal, Case No. C081929
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.]

California Supreme Court:

1. *Counties of San Diego, Los Angeles, San Bernardino, Orange, and Sacramento v. Commission on State Mandates, et al.*
California Supreme Court, Case No. S239907
Fourth District Court of Appeal, Division One, Case No. D068657
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]
2. *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).

The Commission adjourned into closed executive session at 10:32 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 listed on the published notice and agenda; and 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).

RECOVENE IN PUBLIC SESSION

REPORT FROM CLOSED EXECUTIVE SESSION

At 10:45 a.m., the Commission reconvened in open session, and Chairperson Wong-Hernandez reported that the Commission met in closed executive session pursuant to Government Code section 11126(e)(2) 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 to confer with and receive 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 Wong-Hernandez requested a motion to adjourn the meeting. Member Chivaro made a motion to adjourn the meeting. With a second by Member Chiang, the September 28, 2018 meeting was adjourned by a vote of 7-0 at 10:46 a.m.

Heather Halsey
Executive Director

STATE OF CALIFORNIA
COMMISSION ON STATE MANDATES

RECEIVED

PUBLIC MEETING

OCT 24 2018
**COMMISSION ON
STATE MANDATES**

FRIDAY, SEPTEMBER 28, 2018

10:07 A.M.

STATE CAPITOL BUILDING

ROOM 447

SACRAMENTO, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

ORIGINAL

REPORTED BY:

KATHRYN S. SWANK

Certified Shorthand Reporter No. 13061

Registered Professional Reporter

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A P P E A R A N C E S

COMMISSIONERS

JACQUELINE WONG-HERNANDEZ
Representative for MICHAEL COHEN, Director
Department of Finance
(Chair of the Commission)

JOHN CHIANG
State Treasurer
(Vice Chair of the Commission)

LEE ADAMS III
Sierra County Supervisor
Local Agency Member

RICHARD CHIVARO
Representative for BETTY T. YEE
State Controller

SCOTT MORGAN
Representative for KEN ALEX, Director
Office of Planning & Research

SARAH OLSEN
Public Member

M. CARMEN RAMIREZ
Oxnard City Council Member
Local Agency Member

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COMMISSION STAFF

HEATHER A. HALSEY
Executive Director

HEIDI PALCHIK
Assistant Executive Director

MATTHEW B. JONES
Senior Commission Counsel

KERRY ORTMAN
Program Analyst

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

COMMISSION STAFF CONTINUED

CAMILLE N. SHELTON
Chief Legal Counsel

ELENA WILSON
Commission Counsel

PUBLIC PARTICIPANTS

Annette Chinn
Cost Recovery Systems
for Claimant City of Claremont

Patrick Dyer
MGT Consulting
for Claimant City of Oxnard

Donna Ferebee
Department of Finance

Andy Nichols
Nichols Consulting
Interested Person

Yvette Stowers
Deputy Controller
Representative for Betty T. Yee
State Controller

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E R R A T A S H E E T

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<u>11</u>	<u>13</u>	<u>staff notes that the test <u>text</u> of the</u>
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SACRAMENTO, CALIFORNIA

FRIDAY, SEPTEMBER 28, 2018, 10:07 A.M.

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CHAIRPERSON WONG-HERNANDEZ: Good morning. The meeting of the Commission of -- excuse me. The meeting of the Commission on State Mandates will come to order. We are slightly after 10:00 a.m.

Heather, will you please call the roll.

MS. HALSEY: Mr. Adams.

MEMBER ADAMS: Here.

MS. HALSEY: Mr. Chiang.

MEMBER CHIANG: Good morning.

MS. HALSEY: Mr. Chivaro.

(No response)

MS. HALSEY: Mr. Morgan.

MEMBER MORGAN: Here.

MS. HALSEY: Ms. Olsen.

MEMBER OLSEN: Here.

MS. HALSEY: Ms. Ramirez.

MEMBER RAMIREZ: Here.

MS. HALSEY: Ms. Wong-Hernandez.

CHAIRPERSON WONG-HERNANDEZ: Here.

We have a quorum.

Thank you.

Are there any objections to or corrections to

1 the July 27th, 2018, minutes?

2 MEMBER OLSEN: I'll move adoption.

3 MEMBER RAMIREZ: Second.

4 CHAIRPERSON WONG-HERNANDEZ: We have a motion
5 and a second on the minutes.

6 Is there any public comment on the minutes?

7 (No response)

8 CHAIRPERSON WONG-HERNANDEZ: Okay. Seeing
9 none, all those in favor of adopting the minutes, please
10 signify by saying "aye."

11 (Ayes)

12 CHAIRPERSON WONG-HERNANDEZ: Any opposed?

13 (No response)

14 CHAIRPERSON WONG-HERNANDEZ: And any
15 abstentions?

16 (No response)

17 CHAIRPERSON WONG-HERNANDEZ: Okay. The minutes
18 are adopted.

19 MS. HALSEY: Thank you.

20 Normally, we would take public comment right
21 now, but I'm aware that there is going to be some public
22 comment and that not everybody is here yet. So can we
23 put that off towards -- till the end of the meeting?

24 CHAIRPERSON WONG-HERNANDEZ: Any objection?

25 MEMBER RAMIREZ: No.

1 CHAIRPERSON WONG-HERNANDEZ: Okay. We'll put
2 it at the end.

3 MS. HALSEY: Great.

4 Moving on, then, since there are no items on
5 consent today, let's move to the Article 7 portion of
6 the hearing. And please note that after the agenda was
7 issued, Item 5 was postponed to the November hearing by
8 request of the Claimant.

9 Will the parties and witnesses for Items 3 and
10 4 please rise?

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

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

17 (Affirmative responses were heard.)

18 MS. HALSEY: Thank you.

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

22 Commission Counsel Elena Wilson will present
23 Item 3, a test claim on U Visa 918 Form, Victims of
24 Crime: Nonimmigrant Status.

25 MS. WILSON: Good morning.

1 The test claim statute, for the first time,
2 requires certifying officials from local agencies to
3 complete and certify federal form, known as U Visa
4 Certification, for cooperative immigrant victims of
5 crime seeking temporary immigration under federal law,
6 when requested by a victim or the victim's family.

7 In addition, local agencies that receive U Visa
8 certification requests are required by the statute to
9 submit annual reports to the Legislature.

10 Staff finds that the test claim statute imposes
11 a reimbursable state-mandated program for the activities
12 specified in the proposed decision.

13 Further, staff notes that the test of the
14 proposed decision contains two typos that need
15 correction:

16 First, on page 16, the sentence which states
17 that "federal U Visa regulations were adopted
18 September 17, 2007, and became effective October 17,
19 2017," is incorrect. The federal regulations became
20 effective October 17, 2007.

21 Second, on page 13 and 46, the beginning date
22 of the reimbursement period should be corrected from
23 July 1st, 2017, to July 1st, 2016.

24 Accordingly, staff recommends the Commission
25 adopt the proposed decision as corrected, partially

1 approving the test claim, and authorize staff to make
2 any technical, nonsubstantive changes following the
3 hearing.

4 Will the parties and witnesses please state
5 your names for the record.

6 MS. CHINN: Annette Chinn, Cost Recovery
7 Systems, representative for City of Claremont.

8 MR. NICHOLS: Andy Nichols, state-mandated cost
9 consultant, interested party.

10 MS. FEREBEE: Donna Ferebee, Department of
11 Finance.

12 CHAIRPERSON WONG-HERNANDEZ: Great.

13 Is there any public comment on this item?

14 Okay. I'm sorry. I think I went a little out
15 of order on there.

16 Are there things that you all want to add to
17 this? Who's going first?

18 Ms. Wilson has presented the item. So please,
19 if you have things you want to.

20 MS. CHINN: I just want to say that we concur
21 with the staff's analysis, and we thank them for their
22 time, effort, and patience in this process.

23 MR. NICHOLS: I would say the exact same thing,
24 to keep it simple. Yes, we also, as an interested
25 party, do concur with the conclusion, the proposed

1 decision, of staff -- of the staff.

2 MS. FEREBEE: Finance also concurs.

3 Thank you.

4 CHAIRPERSON WONG-HERNANDEZ: Okay. Thanks.

5 Well, I am with you. Wow.

6 All right. Does anyone have questions?

7 Yes, Ms. Ramirez?

8 MEMBER RAMIREZ: I have a comment --

9 CHAIRPERSON WONG-HERNANDEZ: Please.

10 MEMBER RAMIREZ: -- because, as a private
11 attorney, I have handled some U Visa cases. And I do
12 know that it takes a lot of time, and it's not just
13 something that can be signed off. There has to be an
14 investigation. So I think this is a good result. So --
15 and I want to thank, on behalf of my past clients and
16 future clients, want to thank people who do participate
17 in helping our immigrants who suffer from criminal
18 conduct of others, in getting -- getting their visas
19 moved through the process.

20 That's all. Thank you.

21 CHAIRPERSON WONG-HERNANDEZ: Thank you.

22 MEMBER OLSEN: I will move adoption.

23 CHAIRPERSON WONG-HERNANDEZ: Okay. We have a
24 motion from Ms. Olsen.

25 MEMBER ADAMS: Second.

1 CHAIRPERSON WONG-HERNANDEZ: Mr. Adams seconds.
2 I think we need -- it's now public comment
3 again.

4 Any public comment now?

5 (No response)

6 CHAIRPERSON WONG-HERNANDEZ: Seeing none, let's
7 do a roll call on this. Thank you.

8 MS. HALSEY: Mr. Adams.

9 MEMBER ADAMS: Aye.

10 MS. HALSEY: Mr. Chiang.

11 MEMBER CHIANG: Aye.

12 MS. HALSEY: Mr. Chivaro.

13 (No response)

14 MS. HALSEY: Mr. Morgan.

15 MEMBER MORGAN: Aye.

16 MS. HALSEY: Ms. Olsen.

17 MEMBER OLSEN: Aye.

18 MS. HALSEY: Ms. Ramirez.

19 MEMBER RAMIREZ: Aye.

20 MS. HALSEY: Ms. Wong-Hernandez.

21 CHAIRPERSON WONG-HERNANDEZ: Aye.

22 MS. HALSEY: Thank you.

23 Moving on to Item 4, Senior Commission Counsel
24 will present Parameters and Guidelines for Local Agency
25 Employee Organizations: Impasse Procedures II.

1 MR. JONES: Good morning.

2 These Parameters and Guidelines address the
3 mandated activities arising from amendments to the
4 Meyers-Milias-Brown Act by Statute 2012, Chapter 314,
5 which imposed a fact-finding procedure after a local
6 agency and an employee organization reached an impasse
7 in their collective bargaining negotiations, available
8 at the option of the employee organization.

9 At the May hearing, the Commission partially
10 approved the test claim. Neither the claimant nor
11 Finance has filed comments on the draft proposed
12 Parameters and Guidelines, while the Controller's
13 comments concur with the draft.

14 Accordingly, the staff recommends the
15 Commission adopt the proposed decision and the proposed
16 Parameters and Guidelines and authorize staff to make
17 any technical, nonsubstantive changes following the
18 hearing.

19 Will the parties and witnesses please state
20 your names for the record.

21 MR. NICHOLS: Andy Nichols, interested party.

22 MS. FEREBEE: Donna Ferebee, Department of
23 Finance.

24 CHAIRPERSON WONG-HERNANDEZ: And we were
25 expecting the claimant, right? Mr. Dyer?

1 MS. HALSEY: Yes.

2 MR. NICHOLS: They are rushing to get here
3 and --

4 CHAIRPERSON WONG-HERNANDEZ: I see.

5 MR. NICHOLS: -- obviously have not arrived
6 yet.

7 CHAIRPERSON WONG-HERNANDEZ: Okay.

8 Is -- are there questions from Commission
9 Members on this item?

10 (No response)

11 CHAIRPERSON WONG-HERNANDEZ: No?

12 Did you have a question, Ms. Olsen?

13 MEMBER OLSEN: I would like to hear the -- if I
14 may --

15 CHAIRPERSON WONG-HERNANDEZ: Oh, please. Yeah.
16 Go ahead.

17 Sorry. I figured, if the claimant wasn't here,
18 we would start with questions. But if someone -- if you
19 would like to present, absolutely, as an interested
20 party.

21 MR. NICHOLS: As an interested party, I just
22 wanted to thank the Commission for its time and effort.
23 This was an issue that was originally discussed as a
24 test claim for the City of Glendora over a year and a
25 half ago. And the time and effort on this version,

1 which was filed by the City of Oxnard, we greatly
2 appreciate parsing out and figuring out how -- how this
3 program would be reimbursable, and their time and effort
4 is greatly appreciated.

5 Thank you.

6 CHAIRPERSON WONG-HERNANDEZ: Thank you.

7 Go ahead.

8 MS. FEREBEE: Sure. The Department of Finance
9 has no objections to the proposed Parameters and
10 Guidelines.

11 Thank you.

12 CHAIRPERSON WONG-HERNANDEZ: Thank you,
13 Ms. Ferebee.

14 Any follow-up questions from any Commission
15 Members or comments?

16 MEMBER RAMIREZ: I do have a question.

17 City of Oxnard has filed something separate.
18 I'm wondering if I should recuse or abstain.

19 MS. SHELTON: No. You don't have to do that.

20 You're -- everybody has, you know, attachments
21 to their particular departments --

22 MEMBER RAMIREZ: Sure.

23 MS. SHELTON: -- with respect to these issues.
24 So no, you don't have to recuse yourself.

25 MEMBER RAMIREZ: Just wanted to clarify. Thank

1 you.

2 MS. SHELTON: As a matter of law, you don't
3 have to.

4 MEMBER RAMIREZ: Thank you.

5 MS. HALSEY: Also, I don't know what the
6 members would like to do. But if you would like to
7 table this, we could go ahead with our reports and leave
8 this open so that the claimant could speak on it, if
9 that's what you would like to do.

10 CHAIRPERSON WONG-HERNANDEZ: Okay. We'll table
11 this for now, then. Yes. And then we'll come back and
12 see if they have any additional comments to make.

13 MS. HALSEY: Then moving on, program -- oh,
14 sorry.

15 Item 6 is reserved for County Applications for
16 a Finding of Significant Financial Distress, or SB 1033
17 Applications.

18 And no SB 1033 Applications have been filed.

19 Program Analyst Kerry Ortman will present
20 Item 7, the Legislative Update.

21 MS. ORTMAN: Good morning.

22 SB 1498, the Local Government Omnibus Act of
23 2018, was introduced by the Senate Governance and
24 Finance Committee on March 1st, 2018.

25 This was an omnibus bill which, among other

1 things, proposed amending Government Code section 17551
2 to specify that for purposes of filing a test claim
3 based on the date of first incurring increased costs,
4 the phrase "within 12 months" means by June 30th of the
5 fiscal year following the fiscal year in which increased
6 costs were first incurred by the test claimant.

7 On August 6, 2018, the bill was amended, and
8 that amendment deleted all reference to Government Code
9 section 17551. Therefore, the bill no longer proposes
10 any changes to the Mandates Program area. And the bill
11 was chaptered on September 17th, 2018.

12 Thank you.

13 MS. HALSEY: Thank you, Kerry.

14 CHAIRPERSON WONG-HERNANDEZ: Thank you, Ms.
15 Ortman.

16 MS. HALSEY: And also, there was no other
17 legislation relating to the Commission on State Mandates
18 this year.

19 Commission -- Chief Commission Counsel Camille
20 Shelton will present Item 8, the Chief Legal Counsel
21 Report.

22 MS. SHELTON: Good morning.

23 A couple of things to note since our last
24 hearing:

25 A Notice of Appeal has been filed by the County

1 of Los Angeles and the cities in that area on the remand
2 of the stormwater permit case on the trial court's
3 decision, that that permit did not constitute a new
4 program or higher level of service. So that now is
5 pending back in the Second District Court of Appeal.

6 We're also waiting for decisions by the various
7 courts on the challenges to the Commission's decisions
8 on Certificated School Employees: Parental Leave; on
9 Water Conservation Act; and on the Mandate
10 Redetermination for Sexually Violent Predators.

11 And we do have one hearing date scheduled in
12 the Sacramento County Superior Court on the remand of
13 the stormwater permit issued by the San Diego Regional
14 Water Quality --

15 MS. HALSEY: Control Board?

16 MS. SHELTON: -- Control Board. Thank you.
17 Control Board. And that's set for February 8th, 2019.

18 Thank you.

19 MS. HALSEY: And then there is the Executive
20 Director's Report; that's Item 9.

21 On that, let's take the action item first.

22 (Member Chivaro arrived)

23 MS. HALSEY: Commission meetings are generally
24 held on fourth Fridays of odd months unless they
25 conflict with a holiday. In 2019, there are no holiday

1 conflicts for the Commission's regular hearing dates,
2 though the May hearing is proposed for the Friday of
3 Memorial Day weekend, as is usual.

4 Therefore, all 2019 regular meetings are
5 proposed for the fourth Fridays of odd months.

6 In addition, some education claimants and
7 Commission staff with school-aged children have proposed
8 moving the June meeting to a different month, April, to
9 allow them to plan family vacations during the school
10 summer vacation period. Though tentative hearing dates
11 are rarely utilized, members, staff, and parties must
12 plan as if those meetings will actually occur. And,
13 therefore, we have a proposed hearing schedule, which is
14 set out in the Executive Director's report.

15 CHAIRPERSON WONG-HERNANDEZ: Thank you.

16 So that is the action item. I hope everyone
17 has had a chance to review, and, you know, understanding
18 that we may have different members and we may need to
19 change some things in the future, this is the tentative
20 schedule being proposed for adoption.

21 Does anyone have any comments before we take a
22 vote? Does anyone?

23 (No response)

24 CHAIRPERSON WONG-HERNANDEZ: I would like to
25 have a motion then.

1 MEMBER ADAMS: I would move adoption.

2 CHAIRPERSON WONG-HERNANDEZ: Okay.

3 MEMBER RAMIREZ: Second.

4 CHAIRPERSON WONG-HERNANDEZ: Thank you,

5 Mr. Adams. Thank you, Ms. Ramirez.

6 Do we need to do a roll on this or --

7 MS. HALSEY: Do we need roll or can we do a

8 voice?

9 MS. SHELTON: You can do a voice.

10 CHAIRPERSON WONG-HERNANDEZ: Perfect.

11 So those in favor, please say "aye" in favor of

12 adopting the proposed calendar.

13 (Ayes)

14 CHAIRPERSON WONG-HERNANDEZ: Any opposed?

15 (No response)

16 CHAIRPERSON WONG-HERNANDEZ: Any abstentions?

17 (No response)

18 CHAIRPERSON WONG-HERNANDEZ: Okay.

19 MS. HALSEY: Moving on for the information

20 portion of my report, after this hearing, there are

21 currently 20 pending test claims. Two notices of

22 complete test claim filings were sent out after our

23 binder issued, so that conflicts with my report that you

24 have received. And 15 of -- sorry. Yeah. Sixteen of

25 those are regarding Stormwater NPDES permits, or at

1 least the stormwater program.

2 Two Parameters and Guidelines, including one
3 regarding the Stormwater NPDES permits and two statewide
4 cost estimates, including one regarding Stormwater NPDES
5 permits, are pending.

6 And those NPDES matters are on inactive status
7 pending the outcome of litigation regarding the test
8 claim decisions underlying those matters.

9 In addition, we have one Parameters and
10 Guidelines amendment on inactive status pending the
11 outcome of legislation in CSBA case, which is currently
12 pending before the Supreme Court.

13 Finally, we have our eight IRCs pending, and
14 four of those were filed this year. So I would -- I
15 would say that we pretty much eliminated the IRC backlog
16 at this point, and we're moving those timely.

17 As of today, Commission staff expects to
18 complete all currently pending test claims and IRCs by
19 approximately the September 2020 Commission meeting,
20 depending on staffing and other workload.

21 And with regard to administrative workload, in
22 addition to preparing and presenting hearing matters
23 before the Commission, Commission staff are responsible
24 for all of the administrative duties of a state agency.
25 In that respect, Commission staff has been going through

1 the SPB compliance audit process for human resources
2 issues and the Cal HR workforce planning process, out of
3 which we'll be creating a plan for the Commission's
4 future workforce; and has been working to close out the
5 2017/2018 budget and build the 2019/2020 budget with
6 Finance and DGS and FI\$Cal. So this has taken a lot of
7 staff time.

8 In addition, there is the duty of the Executive
9 Director to keep a full and true record of all
10 proceedings of the Commission, pursuant to Government
11 Code 17530, which we discussed at the last Commission
12 hearing. With regards to those -- the recordkeeping
13 duties, we talked about a number of options, last
14 hearing, for doing that, and it does appear that we are
15 really focused on moving towards the electronic option.
16 And we're still doing more research on that and looking
17 into possible regulatory changes, as well as changes to
18 the Commission's record retention schedule that would
19 need to be approved by CalRIM. So that is the direction
20 we're moving, and we're doing work on that currently.

21 And that is what I have to report on our
22 administrative work.

23 And then, finally, tentative agenda items. If
24 you -- you can look at my tentative -- you can look at
25 my report to see if your item or an item you are

1 interested in is expected to come up over the next few
2 hearings. Also, we have a pending caseload that we post
3 on the Commission's website, and that is the most
4 up-to-date document for when matters are expected to be
5 heard.

6 Please expect to receive draft proposed
7 decisions on all test claims and IRC matters, for your
8 review and comment, at least eight weeks prior to the
9 hearing date; and a proposed decision approximately two
10 weeks before the hearing.

11 And that is all I have.

12 CHAIRPERSON WONG-HERNANDEZ: Thank you.

13 Are there questions from Commission Members?

14 (No response)

15 CHAIRPERSON WONG-HERNANDEZ: Okay. I have a
16 question.

17 Oh, no. Go ahead, Ms. Ramirez.

18 MEMBER RAMIREZ: I just want to commend the
19 staff on attacking the backlog and getting things done
20 under tremendous difficulties.

21 Thank you.

22 CHAIRPERSON WONG-HERNANDEZ: Yes. Thank you
23 all for your work.

24 The question I had was about the record
25 retention policy that we're talking about revisiting.

1 It sounded like quite the -- the lift for you all when
2 you talked about it at the last meeting.

3 When you figure out, kind of, what the path
4 would be to move forward, is that something that needs
5 to come back to the Commission, or is that something
6 that, sort of, staff will decide and work with?

7 MS. HALSEY: Well, for record retention
8 schedules, that's usually just done by staff, in-house.

9 CHAIRPERSON WONG-HERNANDEZ: Okay.

10 MS. HALSEY: But for -- there are mandate
11 filing issues, electronic filing issues. Those would be
12 in the context of regulatory proposals, and those would
13 come before the Commission.

14 CHAIRPERSON WONG-HERNANDEZ: Okay. Great.
15 Thank you.

16 MS. PALCHIK: So the Claimant for Item 4 has
17 arrived.

18 CHAIRPERSON WONG-HERNANDEZ: Okay. So should
19 we go back to Item 4 then, right now? Is that okay with
20 everybody?

21 (No response)

22 CHAIRPERSON WONG-HERNANDEZ: Okay. Come on up.

23 MS. HALSEY: So we had -- we had introduced the
24 item already, and I didn't realize you weren't here. So
25 I'm sorry about that.

1 MR. DYER: My apologies.

2 CHAIRPERSON WONG-HERNANDEZ: So, please, if
3 there's something -- if there's a statement you would
4 like to make, and then we'll ask the Commissioners for
5 questions.

6 MR. DYER: No.

7 THE COURT REPORTER: Please state your name.

8 MR. DYER: My name is Patrick Dyer. I'm
9 representing the City of Oxnard today.

10 They could not make it up here today, but their
11 only comments were related to the Statement of Decision
12 that had already occurred back in May. So we just want
13 to commend staff for their work on the proposed
14 Parameters and Guidelines, and understand that even
15 though two bills were plead -- both 646, and the one
16 before you, 1606 -- their -- your scope was only --
17 enabled you to look at that second bill. And their
18 comments were related to the other bill, which I filled
19 them in on. Was not before us today.

20 So I appreciate staff's work on this and look
21 forward to you adopting staff's recommendations.

22 CHAIRPERSON WONG-HERNANDEZ: Thank you.

23 Are there questions from Members?

24 MEMBER OLSEN: I will move adoption to the
25 staff recommendation.

1 CHAIRPERSON WONG-HERNANDEZ: Okay. Ms. Olsen
2 moves adoption of the staff recommendation.

3 MEMBER CHIVARO: Second.

4 CHAIRPERSON WONG-HERNANDEZ: Second from
5 Mr. Chivaro.

6 And let's go with a roll call vote.

7 MS. HALSEY: Mr. Adams.

8 MEMBER ADAMS: Aye.

9 MS. HALSEY: Mr. Chiang.

10 MEMBER CHIANG: Aye.

11 MS. HALSEY: Mr. Chivaro.

12 MEMBER CHIVARO: Aye.

13 MS. HALSEY: Mr. Morgan.

14 MEMBER MORGAN: Aye.

15 MS. HALSEY: Ms. Olsen.

16 MEMBER OLSEN: Aye.

17 MS. HALSEY: Ms. Ramirez.

18 MEMBER RAMIREZ: Aye.

19 MS. HALSEY: Ms. Wong-Hernandez.

20 CHAIRPERSON WONG-HERNANDEZ: Aye.

21 Thank you all.

22 MR. DYER: Thanks.

23 CHAIRPERSON WONG-HERNANDEZ: Motion carries.

24 So our next item is going to end up being
25 closed session. So do we want to go back to -- go

1 ahead -- public comment. That's what I was going to
2 ask, is do we -- should we do that instead? We talked
3 about moving that to the end.

4 MS. HALSEY: I meant before closed session.

5 CHAIRPERSON WONG-HERNANDEZ: Perfect. That was
6 going to be my suggestion.

7 So go ahead.

8 MS. HALSEY: All right. Now we will take up
9 public comment from matters not on the agenda. Please
10 note that the Commission cannot take action items not on
11 the agenda. However, it can schedule issues raised by
12 the public for consideration at future meetings.

13 CHAIRPERSON WONG-HERNANDEZ: So, quickly,
14 before we do that -- thank you, Heather. I'm going to
15 interrupt.

16 Before we take public comment, I would actually
17 like to present a Resolution of the Commission to
18 Mr. Chivaro, in recognition of his 23 years serving on
19 the Commission.

20 MEMBER CHIVARO: I knew this was a set-up.

21 (Laughter)

22 CHAIRPERSON WONG-HERNANDEZ: So Heidi has it.
23 But I would like to read it into the record.

24 So Before the Commission on State Mandates, in
25 honor of Richard J. Chivaro, a Member of the Commission

1 on State Mandates, 1995 to 2018:

2 Whereas, Richard J. Chivaro, Chief Counsel and
3 Deputy State Controller, has distinguished himself as a
4 Member of the Commission on State Mandates, representing
5 California State Controllers Kathleen Connell, Steve
6 Westly, John Chiang, and Betty Yee, from 1995 through
7 September 2018; and,

8 Whereas, being the longest tenured Commission
9 member, Mr. Chivaro has participated in nearly 100
10 meetings and hearings of the Commission on State
11 Mandates; has served as the Commission's Vice Chair; and
12 has served on the Commission's Litigation and Personnel
13 Subcommittees; and,

14 Whereas, Mr. Chivaro has advised and influenced
15 the Commission in determining test claims pursuant to
16 Article XIII B, section 6, of the California
17 Constitution, including Special Education, Three
18 Strikes, Expulsions and Suspensions, Sexually Violent
19 Predators, Medically Indigent Adults, California
20 Environmental Quality Act, Redistricting, Senate and
21 Congressional Districts, and Interagency Child Abuse and
22 Neglect; and advised in determining numerous Incorrect
23 Reduction Claims, including the Graduation Requirements,
24 Animal Adoption, Investment Reports, and Health Fee
25 Elimination Programs; and,

1 Whereas, Mr. Chivaro is the only current member
2 to participate in hearing and determining the
3 Applications for Findings of Significant Financial
4 Distress, also known as the "SB 1033 Hearings,"
5 including those filed by the Counties of Sacramento,
6 Lassen, and Solano;

7 Now Therefore, be it resolved that the members
8 and staff of the Commission on State Mandates are
9 honoring Richard J. Chivaro in appreciation of his 23
10 years of outstanding dedication to the Commission and
11 his leadership and service to the State of California.

12 Done this day of September 28, 2018.

13 (Applause)

14 CHAIRPERSON WONG-HERNANDEZ: Treasurer, go
15 ahead.

16 MEMBER CHIANG: As mentioned, I had the
17 extraordinary professional privilege as having Rick as
18 my chief counsel for eight years in the Controller's
19 Office.

20 The -- one of the things we did initially when
21 I came into office -- and I had served as an attorney
22 during former Controller Gray Davis's tenure as the
23 State Controller, where there was a lot of litigation.
24 And in two years -- in the second year, we were selected
25 to the CASBO Honor of Fame because Rick worked on the

1 P&Gs and just was incredibly constructive.

2 Rick is one of those unsung stars that, you
3 know, the 39.8 million Californians don't know.

4 But Rick, you are truly a gift. You have been
5 a great blessing in my professional life, and I can't
6 thank you enough.

7 (Applause)

8 MEMBER CHIVARO: Thank you.

9 CHAIRPERSON WONG-HERNANDEZ: Would any other
10 members or staff like to make any comments?

11 MEMBER CHIVARO: Let's go to closed session.

12 (Laughter)

13 CHAIRPERSON WONG-HERNANDEZ: Okay. All right.

14 We'll honor Mr. Chivaro's request.

15 Oh, please. Welcome, Ms. Stowers.

16 MS. STOWERS: Yvette Stowers, Deputy
17 Controller, on behalf of Controller Yee.

18 Rick, we thank you very much. Great service.
19 Great dedication. And your commitment to the State of
20 California has been great. So again thank you very
21 much.

22 MEMBER CHIVARO: Thank you.

23 CHAIRPERSON WONG-HERNANDEZ: And we'll be
24 welcoming Ms. Stowers next month at our meeting.

25 Are we not meeting next month?

1 MS. SHELTON: November.

2 CHAIRPERSON WONG-HERNANDEZ: Okay.

3 MEMBER RAMIREZ: Chairwoman?

4 CHAIRPERSON WONG-HERNANDEZ: Yes, please,
5 Ms. Ramirez.

6 MEMBER RAMIREZ: I would like to certainly join
7 in that. And, actually, I would like to say that Rick
8 himself has been very helpful to the City of Oxnard, and
9 he knows how. I want to thank him for his service.

10 I would also like to make sure that we could
11 get a photo at some point --

12 CHAIRPERSON WONG-HERNANDEZ: Absolutely.

13 MEMBER RAMIREZ: -- to memorialize this.

14 CHAIRPERSON WONG-HERNANDEZ: If it's okay with
15 you, sir.

16 MEMBER RAMIREZ: If it's okay with you, Rick.

17 MEMBER CHIANG: Memorialize in a good way.

18 MS. PALCHIK: Should we do that now, before we
19 go into closed session?

20 CHAIRPERSON WONG-HERNANDEZ: We're going to do
21 that now.

22 MEMBER OLSEN: Can I make one comment?

23 CHAIRPERSON WONG-HERNANDEZ: Oh, yes, of
24 course. Please, Ms. Olsen.

25 MEMBER OLSEN: And that is, Rick, I have no

1 intention of breaking your record.

2 (Laughter)

3 CHAIRPERSON WONG-HERNANDEZ: Okay. We can do a
4 photo right now.

5 (Pause in proceedings: Photo taken)

6 CHAIRPERSON WONG-HERNANDEZ: Thank you.

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

15 The Commission will also confer on personnel
16 matters pursuant to Government Code section 11126(a)(1),
17 and we'll reconvene in open session in approximately 15
18 minutes.

19 (Closed session was held from
20 10:32 a.m. to 10:45 a.m.)

21 CHAIRPERSON WONG-HERNANDEZ: The Commission met
22 in closed executive session pursuant to Government Code
23 section 11126(e)(2) to confer with and receive advice
24 from legal counsel for consideration and action, as
25 appropriate and necessary, upon pending litigation

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

5 With no further business to discuss, I would
6 entertain a motion to adjourn.

7 MEMBER CHIVARO: So moved.

8 MEMBER CHIANG: Second.

9 CHAIRPERSON WONG-HERNANDEZ: Okay. Thank you,
10 Mr. Chivaro.

11 Second from the Treasurer, Chiang.

12 All those in favor of adjourning, please say
13 "aye."

14 (Ayes)

15 CHAIRPERSON WONG-HERNANDEZ: None opposed.

16 This meeting is adjourned. We'll see you all
17 in November. Most of us.

18 (Proceedings concluded at 10:46 a.m.)

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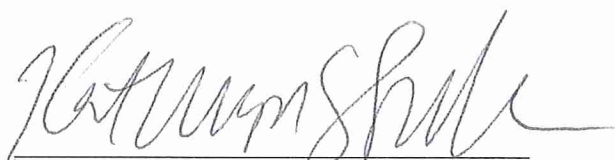
CERTIFICATE OF REPORTER

I, KATHRYN S. SWANK, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing proceedings was reported in shorthand by me, Kathryn S. Swank, a Certified Shorthand Reporter of the State of California, and thereafter transcribed 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 22nd day of October 2018.



KATHRYN S. SWANK, CSR
Certified Shorthand Reporter
License No. 13061