

## MINUTES

### COMMISSION ON STATE MANDATES

Department of Social Services Building  
744 P Street, First Floor, Auditorium  
Sacramento, California  
April 26, 2006

Present: Member Anne Sheehan, Chairperson  
Representative of the Director of the Department of Finance  
Member Nicholas Smith, Vice Chairperson  
Representative of the State Controller  
Member Francisco Lujano  
Representative of the State Treasurer  
Member Sean Walsh  
Director of the Office of Planning and Research  
Member J. Steven Worthley  
County Supervisor  
Member Sarah Olsen  
Public Member

Absent: Paul Glaab  
City Council Member

### CALL TO ORDER AND ROLL CALL

Chairperson Sheehan called the meeting to order at 10:00 a.m.

### POSTPONEMENTS

Paula Higashi, Executive Director announced that items 4 and 5, Reconsideration of the *Mandate Reimbursement Process*, have been postponed and will be scheduled for a future hearing.

### APPROVAL OF MINUTES

Item 1 March 29, 2006

Upon motion by Member Worthley and second by Member Olsen, the minutes were unanimously adopted.

### PROPOSED CONSENT CALENDAR

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

#### A. ADOPTION OF PROPOSED PARAMETERS AND GUIDELINES

Item 12 *High School Exit Exams*, 00-TC-06  
Education Code Sections 60850, 60851, 60853, and 60855  
Statutes 1999x, Chapter 1 (SBx1 2); Statutes 2000, Chapter 135 (AB 2539)  
Trinity Union High School District, Claimant

B. AMEND PARAMETERS AND GUIDELINES BASED ON STATUTES 2004, CHAPTER 895 (AB 2855), AND REQUEST OF THE STATE CONTROLLER'S OFFICE

- Item 13 *Annual Parent Notification*, 05-PGA-12 (CSM-4461, 4445, 4453, 4462, 4474, 4488, 97-TC-24, 99-TC-09, and 00-TC-12)  
Education Code Section 48980  
Statutes 1977, Chapter 36 (AB 447); Statutes 1979, Chapter 236 (AB 52); Statutes 1980, Chapter 975 (AB 2949); Statutes 1985, Chapter 459 (AB 220); Statutes 1986, Chapter 97 (AB 1689); Statutes 1987, Chapter 1452 (SB 998); Statutes 1988, Chapter 65 (AB 2507); Statutes 1990, Chapter 10 (AB 149) and Chapter 403 (AB 3307); Statutes 1992, Chapter 906 (AB 2900); Statutes 1993, Chapter 1296 (AB 369); Statutes 1997, Chapter 929 (SB 85); Statutes 1998, Chapter 846 (SB 1468); Statutes 1999-2000, 1<sup>st</sup> Extraordinary Session, Chapter 1 (SBx 12); Statutes 2000, Chapter 73 (SB 1689); and  
Education Code Sections 35291, 48900.1; 58501; and 49063  
Statutes 1977, Chapter 965 (AB 530); Statutes 1975, Chapter 448 (SB 445), Statutes 1981, Chapter 469 (SB 222); Statutes 1986, Chapter 87 (AB 1649); Statutes 1988, Chapter 1284 (AB 3535); and Statutes 1998, Chapter 1031 (AB 1216)

C. ADOPTION OF COMMISSION ORDER TO INITIATE RULEMAKING

- Item 14 Article I Cleanup  
Proposed Amendments to California Code of Regulations, Title 2, Chapter 2.5, Article 1. General, Section 1181.4.

Member Worthley moved for adoption of the proposed consent calendar, which consisted of items 12, 13, and 14. With a second by Member Lujano, the proposed consent calendar was unanimously adopted.

**APPEAL OF EXECUTIVE DIRECTOR DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181, SUBDIVISION (c)**

- Item 3 Staff Report (if necessary)

No appeals were filed.

**HEARINGS AND DECISIONS ON TEST CLAIMS, PURSUANT TO CALIFORNIA  
CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (Gov. Code, § 17551)  
(action)**

Paula Higashi, Executive Director, swore in the parties and witnesses participating in the hearing of the test claim agenda items.

- Item 6 *Peace Officer Procedural Bill of Rights*, 05-RL-4499-01, (CSM-4499)  
Government Code Sections 3300 through 3310  
As Added and Amended by Statutes 1976, Chapter 465 (AB 301); Statutes 1978, Chapters 775 (AB 2916); 1173 (AB 2443); 1174 (AB 2696), and 1178 (SB 1725); Statutes 1979, Chapter 405 (AB 1807); Statutes 1980, Chapter 1367 (AB 2977); Statutes 1982, Chapter 994 (AB 2397); Statutes 1983, Chapter 964 (AB 1216); Statutes 1989, Chapter 1165 (SB 353); and Statutes 1990, Chapter 675 (AB 389)

Camille Shelton, Chief Counsel, presented this item. She stated that in 2005, the Legislature added section 3313 to the Government Code to direct the Commission to review its 1999 Statement of Decision on the *Peace Officer Procedural Bill of Rights* test claim, commonly known as POBOR. POBOR provides procedural rights to peace officers employed by local agencies and school districts that are subject to discipline or investigation by the employer. Ms. Shelton pointed out that according to numerous court decisions, POBOR is a labor-relations statute. The legislation does not regulate the qualifications for employment or the cause for which an employee may be investigated, interrogated, disciplined or removed. Those decisions are made by the local government employer. Ms. Shelton stated that the Commission's jurisdiction in this case to reconsider POBOR is narrow. Government Code section 3313 requires only that the Commission review the Statement of Decision to clarify whether the test claim legislation imposed a mandate consistent with the Supreme Court decision in *San Diego Unified School District* and other applicable court decisions. Staff finds that the *San Diego Unified School District* case supports the Commission's original Statement of Decision which found that the POBOR legislation constituted a state-mandated program, and that the test claim legislation constitutes a partial reimbursable state-mandated program for all activities previously approved by the Commission, except for the following:

1. providing the opportunity for administrative appeal to probationary and at-will peace officers, except when the chief of police is removed; and
2. obtaining the signature of the peace officer on the adverse comment or noting the officer's refusal to sign the adverse comment when the adverse comment results in a punitive action.

Staff recommended that the Commission adopt the analysis and revise the Statement of Decision effective July 1, 2006, to be consistent with the analysis.

Parties were represented as follows: Pamela Stone, Dee Contreras, and Ed Takach representing the City of Sacramento; Lieutenant David McGill representing the City of Los Angeles Police Department; Leonard Kaye representing the County of Los Angeles; Art Palkowitz representing San Diego Unified School District, and Susan Geanacou representing the Department of Finance.

Ms. Stone stated that there was substantial testimony given at the 1999 hearing regarding adverse comments that was totally overlooked here. Ms. Stone introduced Dee Contreras, labor relations

director for the City of Sacramento, and original test claimant, and Lieutenant David McGill with the Los Angeles Police Department, Internal Affairs Unit.

Ms. Contreras agreed that there is a reimbursable mandate and agreed that there are activities that should be excluded regarding probationary employees, since the law has changed to exclude probationary employees. Ms. Contreras disagreed with the staff analysis regarding filing adverse comments, and the burdens of conducting *Skelly* hearings. Ms. Contreras defined the *Skelly* court case as providing certain rights to non-probationary public employees who have a property interest in their jobs, and went on to discuss when the *Skelly* case is applied to public employee disciplinary actions. Ms. Contreras then compared *Skelly* disciplinary actions with POBOR disciplinary actions, and argued that the staff analysis incorrectly concludes that portions of POBOR are not a burden because *Skelly* and due process rights apply. Ms. Contreras completed her testimony by citing several examples of employee investigations to support her statements.

Lieutenant David McGill, having 20 years experience with the Los Angeles Police Department, stated his credentials, including his current role as supervisor of the Internal Affairs Unit. Lieutenant McGill stated his intent to provide the practical application of POBOR and the fact that the proposed meager reimbursement does not fully comprehend or account for all POBOR costs. Lieutenant McGill discussed due process rights and stated due process carries with it minimal procedures while POBOR goes beyond this. Lieutenant McGill went on to discuss the number of complaints and investigations completed in his department and how POBOR is applied to these complaints. He completed his testimony by requesting that the Commission examine not only the letter of the law, but also the spirit of the law as it related to POBOR.

Leonard Kaye, Los Angeles County, discussed conducting POBOR investigations and directed the Commission to the original Statement of Decision, arguing that the original decision provided that investigation costs were reimbursable, and that decision should stand today. Mr. Kaye also raised the issue of reimbursement for mandatory procedural duties, and argued that they are not triggered by federal law, and are, therefore, reimbursable.

Ed Takach introduced himself as a labor relations officer for the City of Sacramento, stated his credentials, and stated his belief that the interview process under adverse comment procedures is reimbursable.

Chairperson Sheehan asked Ms. Shelton to respond to the previous testimony. Ms. Shelton stated that the POBOR issue is difficult. Ms. Shelton directed the Commission to POBOR's original parameters and guidelines, and explained that the staff analysis and recommendation before them today does very little to change the original decision and parameters and guidelines. Today's recommendation only removes the administrative appeal activities for at-will and probationary employees, clarifies the administrative appeal when the chief of police is removed, and removes two notice activities under the adverse comment section. The issue of interrogations remains the same as it did in the original decision.

Ms. Shelton explained the *San Diego Unified School District* case that involved the *Expulsions* program and compared it with POBOR. Specifically, Ms. Shelton stated that *Expulsions* dealt with two types of expulsions: student offenses where the principal had the discretion to expel the student, and offenses where the principal was required to expel the student. The Court held, with respect to mandatory expulsions, that everything was reimbursable because the federal government, although they did establish a due-process procedure, did not trigger that procedure. For discretionary expulsions, the Court found that it was the principal's decision that triggered the downstream procedural requirements, and most of these requirements mirrored what was

already in existing law under federal due process requirements. Here, the Commission's 1999 Statement of Decision found that when a peace officer receives an adverse comment, it could lead to punitive actions already protected by the due process clause. The two notice activities following the receipt of an adverse comment are part and parcel of the due process clause.

Ms. Higashi clarified that Penal Code section 832.5 mentioned by Mr. Kaye regarding investigations was not included in this test claim.

Ms. Shelton reiterated that the Commission does not have jurisdiction to hear sections that have not been pled by the claimant. In addition, POBOR does not mandate the employer to investigate.

Member Smith asked for clarification about the work that goes into the appeal hearing. Ms. Shelton provided clarification regarding the activities found by the Commission to be reasonably necessary to comply with the administrative appeal. The Commission does not have the authority to change findings that it previously made for activities found to be reasonably necessary to comply with the mandate. The analysis is limited to a strict application of the *San Diego* case.

Member Sheehan noted that there may be issues outside of this that may be legitimate, but that the Commission has no jurisdiction to review. Ms. Shelton agreed, and stated that claimants do have the right to file a request to amend the parameters and guidelines to address some of their concerns.

From the testimony, Member Olsen identified five issues and asked Ms. Shelton to address whether the *San Diego* case applied to them:

- Punitive transfers? Ms. Shelton stated that punitive transfers were reimbursable before and remain reimbursable.
- Suspensions of up to five days? Ms. Shelton responded that it was not found reimbursable under the original decision because of the case of *Civil Service Association v. the City and County of San Francisco* held that the due process clause applied, and that it remains un-reimbursable here.
- Notification prior to investigation? Ms. Shelton stated that the notice remains reimbursable prior to an interrogation.
- Reprimands? Ms. Shelton stated that they remain un-reimbursable because they are covered by the existing due process procedures.
- Investigate to interrogate? Ms. Shelton stated that this activity is not reimbursable. Government Code section 3303 simply establishes the timing of the interrogation and the compensation to those officers that are being interrogated during off-duty times.

Member Worthley asked for further clarification regarding the Commission's jurisdiction on reconsideration. Ms. Shelton directed the Commission to Government Code section 3313 which requires the Commission to reconsider the POBOR program to clarify whether the program imposed a mandate consistent with the *San Diego Unified School District* case.

After brief member discussion, Ms. Stone stated that claimants believe that the Commission gave the Bureau of State Audits an advisory opinion that resulted in more audits from the State Controller's Office, which resulted in a dispute over interpretation of the parameters and guidelines. Therefore, claimants were hoping that the Commission had the jurisdiction to clear

up the parameters and guidelines. Ms. Stone also summarized the procedures for notice of adverse comments.

Ms. Shelton responded that the Commission did not give the Bureau of State Audits an advisory opinion. Staff filed comments in response to the Bureau's audit of the POBOR program. The Bureau never required the Commission to amend the parameters and guidelines. Ms. Shelton also clarified the reimbursement for notice of an adverse comment.

Susan Geanacou, Department of Finance, stated that Finance supported the staff analysis, with the exception of allowing reimbursement for school districts and special districts that have peace officers. Ms. Geanacou stated that POBOR is not a reimbursable mandate for school districts because the districts have the discretion whether or not to form a police department in the first place. The staff analysis emphasizes legislative intent language for POBOR that states that the POBOR act be applicable to all public safety officers within the state of California, and therefore recommends that peace officers of school districts and special districts be reimbursed under POBOR. Finance disagrees. Ms. Geanacou states that if this intent language equated to a mandate because of the importance of police protection by school districts, schools would be required, rather than authorized, to form police departments. Ms. Geanacou disputed staff's application of the *Carmel Valley* case, and instead applied the *Kern High School District* case, where the Court found no reimbursement for required activities that flowed from an underlying discretionary choice.

Art Palkowitz, San Diego Unified School District, responded that the staff analysis correctly applied the *San Diego Unified School District* case.

Member Sheehan asked Ms. Shelton to respond. Ms. Shelton stated that in 2001, the Supreme Court determined in *In Re Randy G*, that school districts, apart from education, have an obligation under the Constitution to protect pupils from other children and also to protect teachers from violence by students whose conduct in recent years has prompted national concern. Ms. Shelton stated her reasons for applying this case, along with the court's discussion in *San Diego Unified School District* questioning its application of the *City of Merced* and *Kern* holdings, and the court's holding in *Carmel Valley*.

Ms. Geanacou clarified that the Department of Finance was not disputing the need for safe school environments, but that this issue should not be given more or less weight in this test claim than they may have been given in other similar test claims.

Member Sheehan stated that based on the narrow constraints of the Legislature's directive to reconsider, she proposed adopting the staff recommendation. However, she also recommended establishing a working group to discuss the parameters and guidelines and to develop a reasonable reimbursement methodology to address outstanding issues.

Member Walsh moved the staff recommendation, with a second by Member Olsen. The Commission adopted the staff recommendation by a vote of 5-1, with Member Smith voting no.

Members Worthley and Walsh stated that they voted for this item with the agreement that a working group be established.

Item 7      Proposed Statement of Decision  
                  *Peace Officer Procedural Bill of Rights*, 05-RL-4499-01, (CSM-4499)  
                  See Above

Camille Shelton, Chief Counsel, presented this item. She recommended that the Commission adopt staff's proposed Statement of Decision.

Member Olsen made a motion to adopt the proposed Statement of Decision. With a second by Member Walsh, the motion carried 5-1, with Member Smith voting no. Commission members then directed the Executive Director to form a working group to discuss possible amendments to the parameters and guidelines, including a reasonable reimbursement methodology.

Item 8     *Charter Schools III*, 99-TC-14  
Education Code Sections 41365, 47605, subdivisions (b),(c),(d), (j) and (l), 47604.3, 47607, subdivision (c), 47612.5, 47613 (former § 47613.7), and 47630-47664  
Statutes 1996, Chapter 786 (AB 3384), Statutes 1998, Chapter 34 (AB 544 ), Statutes 1998, Chapter 673 (AB 2417), Statutes 1999, Chapter 162 (SB 434), Statutes 1999, Chapter 736 (SB 267), Statutes 1999, Chapter 78 (AB 1115)  
California Department of Education Memo (May 22, 2000)  
Western Placer Unified School District and Fenton Avenue Charter School, Claimants

Eric Feller, Commission Counsel, presented this item. Mr. Feller stated that the test claim statutes make various changes to the charter school funding and accountability laws. Claimants seek reimbursement for charter school and school district activities. Mr. Feller stated that staff finds that charter schools are not eligible claimants because (1) they are voluntarily created; (2) they are not part of the definition of school districts in the Commission's statutory scheme; and (3) charter schools are exempt from laws governing school districts, including exemption from the Commission's governing statutes. Staff further finds that the Commission does not have jurisdiction over some of the statutes that were already pled under *Charter Schools II*; and some statutes are not reimbursable because they do not require school districts to perform any new activities. Staff recommends that the following activities are reimbursable. (1) making written findings on denial of a charter school petition; (2) transferring funds in lieu of property taxes to a charter school (except for local education agencies that charge fees); and (3) for school districts or county offices of education, including the revenue expenditures generated by the charter school in the district or county office of education's annual statement, as specified. Mr. Feller points out that the Department of Finance disagrees that some of these activities are reimbursable.

The parties were represented as follows: David Scribner for Western Placer Unified School District and Fenton Avenue Charter School, Claimants; Eric Premack representing charter schools; Alexandra Condon representing the California Teacher's Association, and Dan Troy representing the Department of Finance.

Mr. Scribner yielded the microphone to Eric Premack to begin testimony. Mr. Premack, Charter Schools Development Center and Charter Voice, stated his credentials and that this is a very important threshold issue for charter schools. While staff stated that charter schools are not eligible claimants because they are created voluntarily, Mr. Premack pointed out that school districts are also created voluntarily, and therefore, the argument is absurd on its face. With regards to charter schools being excluded from the Commission's governing statutes, Mr. Premack stated that charter school statutes were amended last year to state that for purposes of

state and federal categorical aid, a charter school is deemed a school district. Charter schools are also required to adhere to a growing list of statutes, and the cost to comply can be staggering.

Mr. Scribner added that while the staff analysis states that charter schools are voluntarily created, and therefore, not eligible claimants, the Commission frequently approves test claims for school districts without looking at whether the district was voluntarily established.

Mr. Feller responded that cities and counties are also voluntarily created. The difference is cities, counties and school districts were contemplated by the voters as reimbursable entities in 1979 when Proposition 4 was adopted, whereas charter schools were not because they did not exist in 1979. Mr. Feller also stated that a charter school charter is more a voluntary contract than a mandate. Further, since the Legislature has selectively chosen when charter schools participate (STAR testing, categorical aid, Proposition 98 funding), the Legislature could choose to add charter schools as eligible claimants for mandate reimbursement purposes. Yet, to date, it has not chosen to do so.

Mr. Scribner responded that he believes that while charter schools do not show up in the Government Code as eligible claimants, they are being treated as eligible claimants by the Legislature.

Member Smith asked Mr. Feller if charter schools have ever been through this process before.

Mr. Feller and Ms. Higashi responded that this is the first test claim filed by a charter school. She further explained that at different points in Education Code history, when charter schools were more closely affiliated with the school district, one set of parameters and guidelines allowed school districts to claim costs of fingerprinting for charter schools that were within their districts. She noted that the legislature changed the relationship of charter schools to districts and to the state, and there's more independence and different types of entities.

Member Smith asked if there was any other guidance from the Legislature. Is the Legislature aware of this issue?

Ms. Higashi responded that legislative staff and members are on our mailing lists, and have access to our staff analysis. Member Smith stated that no matter the outcome today, a letter should be sent to the Legislature informing them of this issue.

Alexandra Condon, teacher, representing the California Teacher's Association, asked if charter schools that are completely dependent on school districts are covered currently under mandates. Ms. Higashi responded that when the test claim decision on fingerprinting was adopted, it was a different situation then for charter schools. Ms. Condon agreed and clarified because it's dependent and independent. She also stated that the California Teacher's Association agrees with the staff analysis that charter schools are independent and should not be reimbursed under state mandates.

Member Olsen asked for clarification on dependent and independent charter schools.

Mr. Premack stated that it concerns the degree of relationship between the school and the district. In practice, there is a huge range of charter schools. At one end, there are schools that function largely as an arm of the district and may rely on the district for budget. The district manages their finances and they might be located in district facilities, their staff might be employees of the district; and they may rely on the district for a broad range support services. On the other end of the spectrum are schools that are operated as more independent corporations, with their own budgets, their own staff, and everything in between. Mr. Premack stated his concern that kids served on one end of the spectrum are worth less money, get disparate treatment, and are



discriminated against versus ones on this end of the spectrum; they're all the same kids, and they all have the same needs. He described the financial effect on the institutions as very similar and actually, can be much more painful on charter schools because the level of reserves and flexibility to absorb these costs is even lower. He stated his belief that charter schools are eligible claimants throughout the spectrum.

Member Olsen asked are the more independent schools less likely to be reimbursed than the schools that are formed and administered by school districts? Or, is no charter school able to be reimbursed? Ms. Shelton responded that some school districts may be filing reimbursement claims for charter schools on older mandated programs. However, this is the first time the Commission is required to look at the issue of whether a charter school is an eligible claimant for the activities they specifically perform. She explained that here, the charter schools are seeking reimbursement to actually create the charter school. With the older test claims, it's because the mandate is on the district. Ms. Higashi stated that the charter school laws evolve every year, so Commission decisions are dependent on the law at that point in time. She added that the standards for establishing charter schools are much broader today than they were at the beginning.

Member Olsen stated that this is a really important issue: the whole reason for charter schools is that school districts were not providing services to a particular subset of their population. The charter school was a way of addressing that and addressing it so all kids, regardless of their economic status could get an education. They are providing the services on behalf of public school children, and are acting like school districts.

Ms. Shelton responded that the Commission does not have the authority to adopt something that goes beyond the plain language of the statute; that's for the Legislature to determine.

Member Smith recommended that the Commission continue this item and direct staff to send a letter to the Legislative leadership (policy and fiscal) notifying them of the pending test claim analysis. Chairperson Sheehan and Members Olsen and Worthley agreed, and items 8 and 9 were continued.

Mr. Scribner agreed with the Commission's postponement. Dan Troy, Department of Finance, testified that the department had minor issues but agreed with the staff analysis.

Item 10      *Firearm Hearings for Discharged Inpatients*, 99-TC-11  
Welfare and Institutions Code Section 8103,  
Subdivisions (f) and (g)  
Statutes 1990, Chapters 9 (AB 497) & 177(SB 830); Statutes 1991,  
Chapter 955 (AB 242); Statutes 1992, Chapter 1326 (AB 3384);  
Statutes 1993, Chapters 610 (AB 6) & 611 (SB 60); Statutes 1994,  
Chapter 224 (SB 1436); Statutes 1996, Chapter 1075 (SB 1444);  
Statutes 1999, Chapter 578 (AB 1587);  
Los Angeles County, Claimant

Deborah Borzelleri, Commission Counsel, presented this item. Ms. Borzelleri stated that the test claim addresses Welfare and Institutions Code section 8103 that established weapons restrictions for individuals who have been detained in county-designated facilities for treatment and evaluation of potential mental disorder or chronic alcoholism. Ms. Borzelleri clarified that some of the activities proposed by the claimant should be addressed at the parameters and guidelines phase, and recommended partial approval of the test claim.

Parties were represented as follows: Leonard Kaye representing the County of Los Angeles, and Susan Geanacou representing the Department of Finance.

Mr. Kaye stated that he concurred with the staff analysis, and looked forward to working with staff to develop the parameters and guidelines. Ms. Geanacou stated that Finance supported the staff analysis.

Member Smith moved the staff recommendation. With a second by Member Olsen, the test claim was partially approved by a vote of 6-0.

Item 11     *Firearm Hearings for Discharged Inpatients, 99-TC-11*  
Proposed Statement of Decision  
See Above

Ms. Borzelleri presented item 11, and stated that the only issue before the Commission was whether the Statement of Decision accurately reflected the Commission's action on item 10.

Member Smith moved to adopt the Statement of Decision. With a second by Member Olsen, the Statement of Decision was adopted by a vote of 6-0.

[Items 12, 13 and 14 were adopted on the consent calendar.]

#### **Staff Reports**

Item 15     Mandate Reform

Cathy Cruz, Program Analyst, presented item 15. Ms. Cruz reported that on April 14, 2006, the Center for Collaborative Policy issued its final assessment report on reforming the mandate reimbursement process. It included recommendations from Commission staff to clarify that the Legislature's ideas for reform would be fully considered, that the Legislature and its staff are encouraged to participate in the process, and that the final report will be formally submitted to the Legislature. The final report also clarified the Legislative Analyst's role in the process. Ms. Cruz also reported that Commission staff is in the process of initiating an interagency agreement with the Center to act as the neutral facilitator for this process; and working with Department of Finance and the Legislature to obtain necessary funding for the project. Ms. Cruz concluded that Commission staff is updating the Commission's website to include updates on mandate reform.

Member Smith stated that the Controller is excited about this project, and thanked staff for their excellent work.

Item 16     Chief Legal Counsel's Report (info)  
Recent Decisions, Litigation Calendar

No report was made.

Item 17     Executive Director's Report (info/action)  
Workload, Budget, Legislation, and Next Hearing

Ms. Higashi reported the following:

- *Budget.* The Assembly subcommittee and the Senate subcommittee continued our budget

to later dates.

- *Legislation.* Assembly Local Government Committee was hearing several mandate-related bills later today.
- *Hearing Dates.* A June hearing will be scheduled if necessary.

#### **PUBLIC COMMENT**

There was no public comment.

#### **CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTION 11126.**

##### **A. PERSONNEL**

To confer on personnel matters pursuant to Government Code sections 11126, subdivision (a) and 17526.

Hearing no further comments, Chairperson Sheehan adjourned into closed executive session pursuant to Government Code sections 11126, subdivision (a), and 17526, to confer on personnel matters listed on the published notice and agenda.

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

Chairperson Sheehan reported that the Commission met in closed executive session pursuant to Government Code sections 11126, subdivision (a), and 17526, to confer on personnel matters listed on the published notice and agenda.

#### **ADJOURNMENT**

Hearing no further business, Member Sheehan adjourned the meeting at 12:32 p.m.



PAULA HIGASHI  
Executive Director

