



December 6, 2021

Mr. Fernando Lemus  
County of Los Angeles  
Auditor-Controller's Office  
500 West Temple Street  
Los Angeles, CA 90012

Ms. Natalie Sidarous  
State Controller's Office  
Local Government Programs and  
Services Division  
3301 C Street, Suite 740  
Sacramento, CA 95816

*And Parties, Interested Parties, and Interested Persons (See Mailing List)*

**Re: Decision and Parameters and Guidelines**

*County of Los Angeles Citizens Redistricting Commission, 19-TC-04  
Elections Code Sections 21532(a) and (e)-(h) and 21534(c)(2), (c)(3)(A)-(B), (c)(4)(A),  
(c)(5)-(8) and (d)(4) as Added by Statutes 2016, Chapter 781 (SB 958)  
County of Los Angeles, Claimant*

Dear Mr. Lemus and Ms. Sidarous:

On December 3, 2021 the Commission on State Mandates adopted the Decision and Parameters and Guidelines on the above-captioned matter.

Please keep Decision and Parameters and Guidelines together as one document, as it together constitutes the entire decision of the Commission and the "Decision" portion informs the interpretation of the "Parameters and Guidelines." It is hoped that by providing the entire Decision and Parameters and Guidelines with the claiming instructions that claimants will be better equipped to correctly claim reimbursement, resulting in fewer reductions upon audit and fewer incorrect reduction claims.

Sincerely,

Heather Halsey  
Executive Director

BEFORE THE  
COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

IN RE PARAMETERS AND GUIDELINES  
FOR:

Elections Code Sections 21532(a) and (e)-(h)  
and 21534(c)(2), (c)(3)(A)-(B), (c)(4)(A),  
(c)(5)-(8) and (d)(4); as Added by

Statutes 2016, Chapter 781 (SB 958)

The period of reimbursement begins  
July 1, 2018.

Case No.: 19-TC-04

*County of Los Angeles Citizens Redistricting  
Commission*

DECISION PURSUANT TO  
GOVERNMENT CODE SECTION 17500 ET  
SEQ.; CALIFORNIA CODE OF  
REGULATIONS, TITLE 2, DIVISION 2,  
CHAPTER 2.5, ARTICLE 7.

*(Adopted December 3, 2021)*

*(Served December 6, 2021)*

**PARAMETERS AND GUIDELINES**

The Commission on State Mandates adopted the attached Decision and Parameters and Guidelines on December 3, 2021.

  
\_\_\_\_\_  
Heather Halsey, Executive Director

BEFORE THE  
COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

<p><b>IN RE PARAMETERS AND GUIDELINES</b></p> <p>Elections Code Sections 21532(a) and (e)-(h) and 21534(c)(2), (c)(3)(A)-(B), (c)(4)(A), (c)(5)-(8) and (d)(4) as Added by Statutes 2016, Chapter 781 (SB 958)</p> <p>The period of reimbursement begins July 1, 2018.</p>	<p>Case No.: 19-TC-04</p> <p><i>County of Los Angeles Citizens Redistricting Commission</i></p> <p>DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 2, CHAPTER 2.5, ARTICLE 7.</p> <p><i>(Adopted December 3, 2021)</i></p> <p><i>(Served December 6, 2021)</i></p>
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**DECISION**

The Commission on State Mandates (Commission) heard and decided the Decision and Parameters and Guidelines during a regularly scheduled hearing on December 3, 2021. Fernando Lemus and Eva Chu appeared on behalf of the County of Los Angeles (claimant). Chris Hill appeared on behalf of the Department of Finance (Finance).

The law applicable to the Commission’s determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code sections 17500 et seq., and related case law.

The Commission adopted the Proposed Decision and Parameters and Guidelines by a vote of 7-0, as follows:

<b>Member</b>	<b>Vote</b>
Lee Adams, County Supervisor	Yes
Natalie Kuffel, Representative of the Director of the Office of Planning and Research	Yes
Gayle Miller, Representative of the Director of the Department of Finance, Chairperson	Yes
Renee Nash, School District Board Member	Yes
Sarah Olsen, Public Member	Yes
Yvette Stowers, Representative of the State Controller, Vice-Chairperson	Yes
Spencer Walker, Representative of the State Treasurer	Yes

## I. Summary of the Mandate

These Parameters and Guidelines address Statutes 2016, chapter 781, which added Elections Code sections 21530 through 21535 to require the County of Los Angeles (claimant) to create, staff, and fund the independent County of Los Angeles Citizens Redistricting Committee (CRC) to adjust the boundary lines of the supervisorial districts in the County of Los Angeles in the year following the year of the decennial federal census.

On May 28, 2021, the Commission on State Mandates (Commission) adopted the Test Claim Decision finding that Elections Code sections 21532 and 21534, as added by Statutes 2016, chapter 781, impose a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution for the following activities:

- The county shall create a CRC no later than December 31, 2020, and in each year ending in the number zero thereafter.<sup>1</sup>
- The elections official shall review the applications and eliminate applicants who do not meet the specified qualifications, select 60 of the most qualified applicants, publish the list of qualified applicants for 30 days, and create a subpool for each of the five existing supervisorial districts of the board.<sup>2</sup>
- At a regularly scheduled meeting of the board, the Auditor-Controller conducts a random drawing to select one commissioner from each of the five subpools, then another random drawing from all of the remaining applicants to select three additional commissioners.<sup>3</sup>
- The board shall take all steps necessary to ensure a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide to the public ready access to redistricting data and computer software equivalent to what is available to the CRC.<sup>4</sup>

In addition, based on Elections Code section 21534(c)(8), which requires the claimant to provide reasonable funding and staffing to the CRC, the following activities mandated by Elections Code sections 21532 and 21534 impose a reimbursable state mandated program within the meaning of article XIII B, section 6 of the California Constitution on the County of Los Angeles:

- The eight selected commissioners shall review the remaining names in the subpools of applicants and shall appoint six additional applicants to the CRC.<sup>5</sup>

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<sup>1</sup> Elections Code section 21532(a).

<sup>2</sup> Elections Code section 21532(e)-(g).

<sup>3</sup> Elections Code section 21532(g).

<sup>4</sup> Elections Code section 21534(c)(7).

<sup>5</sup> Elections Code section 21532(h).

- Conduct at least seven public hearings before drafting a map, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.<sup>6</sup>
- Post the draft map for public comment on the website of the County of Los Angeles and conduct one public hearing on the draft map (in addition to the one hearing required under prior law, which is not reimbursable).<sup>7</sup>
- Establish and make available to the public a calendar of all public hearings.<sup>8</sup>
- Arrange for the live translation of a hearing in an applicable language (defined as “a language for which the number of residents of the County of Los Angeles who are members of a language minority is greater than or equal to 3 percent of the total voting age residents of the county”) if a request for translation is made at least 24 hours before the hearing.<sup>9</sup>
- Take steps to encourage county residents to participate in the redistricting public review process.<sup>10</sup>
- Issue a report that explains the basis on which the CRC made its decisions in achieving compliance with the redistricting criteria required to comply with the Voting Rights Act.<sup>11</sup>

The Commission denied all other code sections added by the test claim statute and activities alleged to be mandated in the Test Claim. Specifically, the Commission found that Elections Code sections 21530, 21533, and 21535 do *not* impose any state-mandated requirements on the claimant, but rather generally define terms and limit the hiring of consultants by the CRC to help with the adjustment of district boundaries. Although the claimant is required by Elections Code section 21534(c)(8) to provide reasonable funding to the CRC, which may include paying for a consultant hired by the CRC, the courts have made it clear that “[n]othing in article XIII B prohibits the shifting of costs between local governmental entities.”<sup>12</sup>

In addition, the requirements imposed by Elections Code sections 21531 and 21534(a), (c)(9), and (d)(1)-(3) to adjust supervisorial boundary lines, adopt a redistricting plan every ten years; and to comply with the Public Records Act are *not* new and do not impose a new program or higher level of service on the claimant.<sup>13</sup>

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<sup>6</sup> Elections Code section 21534(c)(2).

<sup>7</sup> Elections Code section 21534(c)(3)(A)-(B).

<sup>8</sup> Elections Code section 21534(c)(4)(A).

<sup>9</sup> Elections Code section 21534(c)(5).

<sup>10</sup> Elections Code section 21534(c)(6).

<sup>11</sup> Elections Code section 21534(d)(4).

<sup>12</sup> *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1815.

<sup>13</sup> California Constitution, article I, sections 3(b) and 7; California Constitution, article II, section 2.5; California Constitution, article XIII B, section 6(a); Elections Code sections 14025-14032 as

Finally, the Commission found that the activities required by Elections Code section 21534(c)(1) and (c)(4)(B) to comply with the Ralph M. Brown Act for the public hearings conducted by the CRC are *not* eligible for reimbursement pursuant to article XIII B, section 6(a)(4). Article XIII B, section 6(a)(4) states that “the Legislature may, but need not, provide a subvention of funds for the following mandates: . . . Legislative mandates contained in statutes within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I.” Article I, section 3(b) of the California Constitution requires local agencies to comply with the Ralph M. Brown Act, beginning with Government Code section 54950. The Brown Act applies to all local agencies and “any other local body created by state statute,” and therefore applies to the CRC.<sup>14</sup>

## **II. Procedural History**

On May 28, 2021, the Commission adopted the Test Claim Decision.<sup>15</sup> On June 8, 2021, the Commission issued the Draft Expedited Parameters and Guidelines.<sup>16</sup> The claimant filed Comments on the Draft Expedited Parameters and Guidelines on July 29, 2021.<sup>17</sup> Commission staff issued the Draft Proposed Decision and Parameters and Guidelines on September 22, 2021.<sup>18</sup> The State Controller’s Office (Controller) filed comments on the Draft Proposed Decision and Parameters and Guidelines on October 12, 2021.<sup>19</sup> The claimant did not file comments on the Draft Proposed Decision and Parameters and Guidelines.

## **III. Positions of the Parties**

### **A. County of Los Angeles**

The claimant filed comments on the Draft Expedited Parameters and Guidelines, requesting reimbursement for additional activities conducted by the CRC’s executive director and consultants. The claimant explains that the CRC needs to be independent of the county and, therefore, the claimant contracted with an Executive Director, Gayla Kraetsch Hartsough of KH

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added by Statutes 2002, chapter 129; Elections Code section 21500 as added by Statutes 1994, chapter 920 and amended by Statutes 2015, chapter 732, section 36; Elections Code section 21507 as added by Statutes 2014, chapter 873; Government Code section 6252 as last amended by Statutes 2015, chapter 537; and *Reynolds v. Sims* (1964) 377 U.S. 533, 566.

<sup>14</sup> Government Code section 54952(a).

<sup>15</sup> Exhibit A, Test Claim Decision, adopted May 28, 2021.

<sup>16</sup> Exhibit B, Draft Expedited Parameters and Guidelines, issued June 8, 2021.

<sup>17</sup> Exhibit C, Claimant’s Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021.

<sup>18</sup> Exhibit D, Draft Proposed Decision and Parameters and Guidelines, issued September 22, 2021.

<sup>19</sup> Exhibit E, Controller’s Comments on the Draft Proposed Decision and Parameters and Guidelines, filed October 12, 2021.

Consulting Group, “to guide and support the CRC’s redistricting responsibilities without supervision by County personnel or the Board of Supervisors.”<sup>20</sup>

The claimant argues that the Executive Director’s activities are reasonably necessary as defined in California Code of Regulations, title 2, section 1183.7(d) to establish supervisorial districts within statutory constraints and to provide training to the CRC on topics necessary to comply with Elections Code section 21534.<sup>21</sup> The claimant states the following:

The necessity of an ED for implementation of the mandates stated in EC §§ 21532 and 21534 cannot be overstated. The ED is responsible for guiding and supporting the CRC in establishing five single-member supervisorial districts consistent with extensive requirements set forth in SB 958. The ED works with the CRC's Independent Legal Counsel to establish a comprehensive work plan of deliverables and activities with target dates to meet the delivery of the final redistricting report referenced in EC§ 21532(d)(3). (See Declaration of Gayla Kraetsch Hartsough.) In order to guide and support the CRC, the ED is charged with understanding all legal mandates and requirements that the CRC must accomplish and also determine what specific staff and technical support the CRC needs in order to successfully complete the mandated activities as set forth in SB 958 and have been deemed reimbursable by the Commission. (See Declaration of Gayla Kraetsch Hartsough.) Further, the ED provides oversight, guidance, staffing, and technical resources to support the CRC's mandate of meeting the redistricting guideline requirements in producing a final map and redistricting report by December 15, 2021.

The ED's activities are reasonably necessary to perform the requirements of the CRC pursuant to California Code of Regulations Section 1183. 7(d). The mandated activities under EC§ 21534 require the CRC to establish single-member supervisorial districts that comply with the United States Constitution, adhere to population equality as determined by the 2020 census, comply with the federal Voting Rights Act of 1965, assure geographic integrity of any city or local neighborhood and, to the extent practical, districts must be drawn to encourage geographical compactness. The ED's activities allow the CRC to receive training on topics necessary for compliance with EC§ 23154. (See Declaration of Gayla Kraetsch Hartsough.)<sup>22</sup>

Asserting that the requirements on the CRC far exceed the requirements on the board of supervisors under prior law, the claimant further argues that seeking the assistance of consultants is reasonable as follows:

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<sup>20</sup> Exhibit C, Claimant’s Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, page 2.

<sup>21</sup> Exhibit C, Claimant’s Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, at page 3.

<sup>22</sup> Exhibit C, Claimant’s Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, at pages 2-3.

The mandatory requirements and responsibilities of the CRC pursuant to SB 958 far exceeded what was required of the advisory commission in 2011 to prepare redistricting maps. (See Declaration of Gayla Kraetsch Hartsough, Table 1.) Upon consultation with the CRC, and in recognition of the need to engage necessary sub-consultants and subject matter experts to fulfill the requirements of SB 958, the ED proposed processes, procedures, and facilitated retention of the necessary consultants, including data and mapping analysis, technical assistance, administrative support, global information system (GIS) expertise, media strategy, and other contingency support services. (See Declaration of Gayla Kraetsch Hartsough.) The mandates in SB 958 substantially raised the redistricting bar in the County and placed significant responsibilities on the shoulders of the 14 unpaid citizen commissioners serving on the CRC, and it would be unreasonable for the CRC to not seek assistance of consultants, and unreasonable if the County refused to provide funding for consultants.<sup>23</sup>

The claimant asserts that *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, as cited by the Commission in its Decision, “does not apply to the facts and law related to SB 958.”<sup>24</sup> The claimant explains that the case involved a shifting of costs between the state and local government. The case did not address a shifting of costs between local entities. The claimant concludes that the creation of supervisorial districts is unique to counties and the costs cannot be shifted to other local entities.<sup>25</sup>

The claimant’s comments conclude by requesting “that the Commission find the activities performed by the ED and sub-consultants are reasonably necessary to perform the mandated activities in EC§§ 21532(a) and (e) -(h) and 21534(c)(2), (c)(3)(A)-(B), (c)(4)(A), (c)(5)-(8), and (d)(4), and find that these costs should be included under the Parameters and Guidelines.”<sup>26</sup>

The Declaration of Executive Director Gayla Kraetsch Hartsough declares that her duties include: guiding the CRC in establishing supervisorial districts in compliance with law; working with independent legal counsel to establish a work plan of deliverables, guidelines, by-laws, Ad Hoc Working Groups, to delineate leadership roles; understanding all legal mandates and requirements that the CRC must meet; determining staffing and technical support for the CRC; and providing oversight, guidance, support staffing, and technical resources to meet the requirement of producing a final map and redistricting report by December 15, 2021. She also declares that she hired demographer consultants to assist the CRC in evaluating the need for a Racially Polarized Voting Subject Matter Expert to meet the requirements of Elections Code

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<sup>23</sup> Exhibit C, Claimant’s Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, page 3.

<sup>24</sup> Exhibit C, Claimant’s Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, page 3.

<sup>25</sup> Exhibit C, Claimant’s Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, pages 3-4.

<sup>26</sup> Exhibit C, Claimant’s Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, at page 4.



section 21534(a) and (b). She, in coordination with legal counsel, have developed and executed an orientation and training plan for the CRC to meet its legal redistricting mandates where counsel provides training on the Brown Act, Rosenberg Rules of Order, ethics, and the California Public Records Act; and she focuses on training by identifying subject matter experts to speak on relevant topics (e.g. Voting Rights Act), guidance on meeting and hearing formats, mapping tools, and logistics. She further declares that she has proposed processes, procedures, and has facilitated the retention of necessary consultants. She is working with the CRC to design an approach to redistricting that can be built upon by future CRCs.<sup>27</sup>

The Declaration includes a table comparing the requirements under prior law with what Executive Director Hartsough describes as the “mandated requirements” under the test claim statute as follows:

- The Executive Director:
  - Designed a selection process for the additional six commissioners which included conducting and tabulating surveys of the applicants and facilitating the meetings to make the selection;
  - Worked with legal counsel to develop the CRC by-laws and facilitated the meetings until the by-laws were written and co-chairs were selected;
  - Served, along with staff and subcontractors, as liaisons with county departments and will work directly with commissioners to build maps;
  - Verified that applicants were still available and qualified to replace commissioners who have resigned;
  - Provided individualized onboarding training to replacement commissioners;
  - Established a website, a Facebook page, and a Twitter account for the CRC and sent email bulletins through GovDelivery to more than 7,000 email accounts;
  - Built an outreach toolkit for use by community-based organizations, cities, and other governmental entities and conducts ongoing meetings to engage them in the outreach process;
  - Works with community-based organizations to obtain input on methods to promote meetings and public hearings;
  - Coordinates the public hearing calendar;
  - Developed and implemented a Public Outreach Plan to increase public participation;
  - Coordinates speaking engagements for the commissioners;
  - Dedicates close to 100% of her time to the LA County CRC effort;

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<sup>27</sup> Exhibit C, Claimant’s Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, pages 5-6 (Declaration of Gayla Kraetsch Hartsough).

- Reviews and approves legal counsel’s unredacted invoices and submits redacted invoices to the county for payment; and
- Supports, along with staff and consultants, the Ad Hoc Working Groups including: Demography, Outreach, Education for Commissioners (Speakers’ Series), Values, and Selection of Replacement Commissioners.
- The county:
  - Provided the Esri software mapping tool, free of charge; and
  - Retained David Ely of Compass Demographics as its demographer to build data sets.
- The CRC:
  - Retained ARCBridge as its demographer to assist in fulfilling the CRC’s mandatory requirements;
  - Meets at least twice monthly for two to three hours totaling 108 hours in the last 12 months and each meeting requires four to six hours of preparation time for an additional 216 and 324 hours;
  - Will hold 12 or more public hearings with costs at each hearing for:
    - Preparing agenda, minutes, recordings, etc.,
    - Summarizing public input,
    - Translation services, and
    - Technical and administrative support;
  - Selected consultant, Thai V. Le, to be its Clerk, in addition to his other assignments to provide GIS and technical support, including coordination of the LA County mapping software, training plan, and roll out of the software;
  - Identified the need to retain subject matter experts to perform Racially Polarized Voting Analysis prior to developing map options;
- KH Consulting Group staff:
  - Handle the meeting logistics; and
  - Coordinate the commissioners’ IT issues with county systems (e.g., emails, mapping tools, website.)
- County Counsel retained independent legal counsel for the CRC.<sup>28</sup>

The table also includes an explanation that due to the pandemic, the meetings from December 2020 through July 2021 were virtual. Beginning in August 2021, meetings will be a hybrid of Webinars and in-person meetings and public hearings. The table in Ms. Hartsough’s Declaration

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<sup>28</sup> Exhibit C, Claimant’s Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, pages 7-10 (Declaration of Gayla Kraetsch Hartsough).

states that the “hybrid meeting model is more time consuming and complex to administer, as both the Webinar and in-person requirements must be met.”<sup>29</sup>

The Declaration concludes by stating that “the mandatory requirements and responsibilities of the LA County CRC necessitated the hiring of an Executive Director for the 14 unpaid citizen commissioners of the LA County CRC.”<sup>30</sup>

The claimant did not file comments on the Draft Proposed Decision and Parameters and Guidelines.

#### **B. Department of Finance**

The Department of Finance did not file comments on the Draft Expedited Parameters and Guidelines or the Draft Proposed Decision and Parameters and Guidelines.

#### **C. State Controller’s Office**

On October 12, 2021, the Controller filed comments on the Draft Proposed Decision and Parameters and Guidelines recommending no changes to the Parameters and Guidelines.<sup>31</sup>

### **IV. Discussion**

#### **A. Eligible Claimants (Section II. of the Parameters and Guidelines)**

The test claim statute imposes reimbursable state-mandated activities only on the County of Los Angeles. Therefore, Section II. of the Parameters and Guidelines states as follows: “Only the County of Los Angeles is eligible to claim reimbursement.”

#### **B. Period of Reimbursement (Section III. of the Parameters and Guidelines)**

Government Code section 17557(e) states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The claimant filed the Test Claim on June 26, 2020, establishing eligibility for reimbursement for the 2018-2019 fiscal year. Therefore, costs incurred are reimbursable on or after July 1, 2018.

#### **C. Reimbursable Activities (Section IV. of the Parameters and Guidelines)**

Section IV. of the Parameters and Guidelines identifies the activities found by the Commission to impose reimbursable state-mandated activities.

The claimant also requests reimbursement for the cost of contracting with the Executive Director of the CRC, who “dedicates close to 100% of her time to the LA County CRC effort,”<sup>32</sup> and the consultants hired to help with the redistricting process. The claimant alleges the activities

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<sup>29</sup> Exhibit C, Claimant’s Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, page 10 (Declaration of Gayla Kraetsch Hartsough).

<sup>30</sup> Exhibit C, Claimant’s Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, page 11 (Declaration of Gayla Kraetsch Hartsough).

<sup>31</sup> Exhibit E, Controller’s Comments on the Draft Proposed Decision and Parameters and Guidelines, filed October 12, 2021.

<sup>32</sup> Exhibit C, Claimant’s Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, page 9.

performed by the Executive Director and the consultants are either “mandated” by the state or reasonably necessary to comply with “SB 958,” the bill that enacted the test claim statute; Statutes 2016, chapter 781.<sup>33</sup>

The Commission, however, did *not* approve the Test Claim on Statutes 2016, chapter 781 in its entirety. For example, the Commission found that the process of redistricting using the mapping process to ensure compliance with the Voting Rights Act was not new and did not impose a new program or higher level of service.<sup>34</sup> The Commission also found that hiring consultants was not mandated by the state.<sup>35</sup> Other activities such as compliance with the Brown Act and the Public Records Act were also denied as not imposing a new program or higher level of service, or costs mandated by the state.<sup>36</sup> Costs incurred to comply with the California Public Records Act and the Brown Act are specifically exempted from the subvention requirement by the California Constitution.<sup>37</sup> Commission decisions on test claims, including the Decision issued in this case, are final and binding.<sup>38</sup>

Parameters and Guidelines are required to be consistent with the Test Claim Decision. Pursuant to Government Code section 17557 and section 1183.7 of the Commission’s regulations, the Parameters and Guidelines must identify the activities mandated by the state and “may include proposed reimbursable activities that are reasonably necessary *for the performance of the state-mandated program.*”<sup>39</sup> According to the Commission’s regulations:

“Reasonably necessary activities” are those activities necessary to comply with the statutes, regulations and other executive orders found to impose a state-mandated program. Activities required by statutes, regulations and other executive orders that were not pled in the test claim may only be used to define reasonably necessary activities to the extent that compliance with the approved state-mandated activities would not otherwise be possible. Whether an activity is reasonably necessary is a mixed question of law and fact. All representations of fact to support any proposed reasonably necessary activities shall be supported by documentary evidence in accordance with section 1187.5 of these regulations.<sup>40</sup>

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<sup>33</sup> Exhibit C, Claimant’s Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, page 3.

<sup>34</sup> Exhibit A, Test Claim Decision, adopted May 28, 2021, page 29.

<sup>35</sup> Exhibit A, Test Claim Decision, adopted May 28, 2021, pages 24-25.

<sup>36</sup> Exhibit A, Test Claim Decision, adopted May 28, 2021, pages 29, 36.

<sup>37</sup> California Constitution, article XIII B, section 6(a)(4); see Exhibit A, Test Claim Decision, adopted May 28, 2021, page 35 for discussion.

<sup>38</sup> Government Code section 17559; *California School Boards Assoc. v. State of California* (2009) 171 Cal.App.4th 1183, 1200-1201.

<sup>39</sup> Government Code section 17557(a). (Emphasis added.)

<sup>40</sup> California Code of Regulations, title 2, section 1183.7(d).

Any proposed reasonably necessary activity must be supported by substantial evidence in the record explaining why the proposed activity is necessary for the performance of the state-mandated program in accordance with Government Code sections 17557(a), 17559, and California Code of Regulations, title 2, sections 1183.7(d) and 1187.5. Section 1187.5 of the Commission's regulations requires that oral or written representations of fact shall be under oath or affirmation; and that all written representations of fact must be signed under penalty of perjury by persons who are authorized and competent to do so.

Therefore, the analysis below reviews the activities identified by the claimant and the evidence in the record to determine if they are consistent with the Commission's Test Claim Decision or are reasonably necessary to comply with the activities the Commission determined to be reimbursable state-mandated activities. If an activity is approved as mandated by the state or reasonably necessary to comply with the mandated program, then the claimant may be reimbursed for the direct costs to perform that activity, including any contract costs incurred, pursuant to Section V. of the Parameters and Guidelines.

**1. Several activities proposed by the claimant go beyond the scope of the mandate and are, therefore, denied.**

The claimant requests reimbursement for the following activities to build redistricting maps:

- The Executive Director served, along with staff and subcontractors, as liaisons with county departments and will work directly with commissioners to build maps.
- The county:
  - Provided the Esri software mapping tool, free of charge.
  - Retained David Ely of Compass Demographics as its demographer to build data sets.
- The CRC:
  - Retained ARCBridge as its demographer to assist in fulfilling the CRC's mandatory requirements.
  - Meets at least twice monthly for two to three hours totaling 108 hours in the last 12 months and each meeting requires four to six hours of preparation time for an additional 216 and 324 hours.
  - Identified the need to retain subject matter experts to perform Racially Polarized Voting Analysis prior to developing map options.<sup>41</sup>

The table in the Declaration of the Executive Director further states that:

- The Executive Director, along with staff and consultants, supports the Demography Ad Hoc Working Group.

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<sup>41</sup> Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, pages 7, 9-10 (Declaration of Gayla Kraetsch Hartsough).

- The Commissioners selected consultant, Thai V. Le, to be its Clerk, in addition to his other assignments to provide GIS and technical support, including coordination of the LA County mapping software.
- The Commissioners identified the need to retain SMEs [subject matter experts] to perform Racially Polarized Voting (RPV) Analysis prior to developing map options and the final map.<sup>42</sup>

As explained in the Test Claim Decision, the process of redistricting using the mapping process to ensure compliance with the Voting Rights Act is not new and does not constitute a new program or higher level of service:

Despite the small variance in language, both the prior law and the test claim statute set forth the process of redistricting using the mapping process to ensure compliance with the Voting Rights Act.

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Thus, the requirements imposed by Elections Code sections 21531 and 21534(a) and (d)(1)-(3) to adjust the supervisorial boundaries and adopt a redistricting plan are not new.<sup>43</sup>

Thus, the coordination with county departments for map building, the use of a mapping tool, retaining demographers, meetings of the CRC for the redistricting process, supporting the Demography Ad Hoc Working Group, and analyses for mapping go beyond the scope of the mandated program and are not eligible for reimbursement.

In addition, the Executive Director declares that “[t]he LA County CRC will hold 12 or more public hearings to be responsive, combined with ongoing input from Communities of Interest (COI). With each public hearing comes additional costs for:

- Preparing agenda, minutes, recordings, etc.
- Summarizing public input
- Translation services
- Technical and administrative support for each hearing.”<sup>44</sup>

However, the test claim statute mandates only eight new hearings, not twelve or more. The CRC is required to “conduct at least seven public hearings before drafting a map, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.”<sup>45</sup> Also, the CRC is required to post the draft map and “conduct at least two public

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<sup>42</sup> Exhibit C, Claimant’s Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, pages 9-10 (Declaration of Gayla Kraetsch Hartsough).

<sup>43</sup> Exhibit A, Test Claim Decision, adopted May 28, 2021, page 29.

<sup>44</sup> Exhibit C, Claimant’s Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, page 9.

<sup>45</sup> Elections Code section 21534(c)(2).

hearings to take place over a period of no fewer than 30 days.”<sup>46</sup> The number of hearings set forth in the test claim statute is nine. The phrase “at least” is synonymous with “at a minimum,” and therefore the state has mandated that the CRC conduct nine public hearings.<sup>47</sup> Under prior law, the Board of Supervisors was required to conduct one hearing prior to adopting the map.<sup>48</sup> Therefore, the Commission found that the CRC conducting eight new hearings, where seven occur before drafting a map and one occurs after the draft map is posted, is eligible for reimbursement as a state-mandated new program or higher level of service.<sup>49</sup> Any additional hearing conducted by the CRC goes beyond the scope of the mandate by the state and is not eligible for reimbursement.

In addition, preparing the agenda is required by the Brown Act and was denied by the Commission and, therefore this activity goes beyond the scope of the mandate.<sup>50</sup> Thus, Section IV.B.2. of the Parameters and Guidelines has been clarified to clarify the mandate as follows:

- b. Conduct ~~at least~~ seven public hearings before drafting a map, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.<sup>51</sup>

*Reimbursement is **not** required to comply with the Ralph M. Brown Act when conducting these hearings pursuant to article XIII B, section 6(a)(4) of the California Constitution. Thus, the following activities are not eligible for reimbursement: posting a notice and agenda (Government Code section 54954.2), mailing agenda items to the public (Government Code section 54954.1), and complying with the Americans with Disabilities Act for the hearing (54953.2).*

- c. Post the draft map for public comment on the website of the County of Los Angeles and conduct one public hearing on the draft map (in addition to the one hearing required under prior law, which is not reimbursable).<sup>52</sup>

*Reimbursement is **not** required to comply with the Ralph M. Brown Act when conducting the hearing on the draft map pursuant to article XIII B, section 6(a)(4) of the California Constitution. Thus, the following activities are not eligible for reimbursement: posting a notice and agenda (Government Code section 54954.2), mailing agenda items to the public (Government Code section 54954.1), and complying with the Americans with Disabilities Act for the hearing (54953.2).*

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<sup>46</sup> Elections Code section 21534(c)(3)(A)-(B).

<sup>47</sup> Exhibit F, Merriam-Webster Dictionary, <https://www.merriam-webster.com/dictionary/least> (accessed August 13, 2021); Elections Code section 21534 (c)(2), (3); Exhibit A, Test Claim Decision, adopted May 28, 2021, page 22.

<sup>48</sup> Exhibit A, Test Claim Decision, adopted May 28, 2021, pages 29-30.

<sup>49</sup> Exhibit A, Test Claim Decision, adopted May 28, 2021, page 39.

<sup>50</sup> Exhibit A, Test Claim Decision, adopted May 28, 2021, page 36.

<sup>51</sup> Elections Code section 21534(c)(2).

<sup>52</sup> Elections Code section 21534(c)(3)(A)-(B).

- d. Establish and make available to the public a calendar of the ~~all~~ eight public hearings identified in Section IV.B.2.b. and c. of these Parameters and Guidelines.<sup>53</sup>

The Declaration of the Executive Director also states that training has been provided to CRC members on the Brown Act and the California Public Records Act.<sup>54</sup> Compliance with the Brown Act would be reasonably necessary for any mandate that requires holding a public meeting of a governmental body. So, too, compliance with the California Public Records Act would be reasonably necessary for any mandate that requires the creation of public records. However, as explained in the Commission's Decision, the California Constitution *specifically exempts* from the subvention requirement costs incurred to comply with the California Public Records Act and the Brown Act, which the Commission therefore denies.<sup>55</sup>

**2. The claimant has not supported several proposed activities with substantial evidence in the record showing why they are reasonably necessary to comply with the limited state-mandated program and, therefore, the Commission denies these activities.**

The claimant did not support several activities listed in the table in the Executive Director's Declaration with substantial evidence in the record showing why they are reasonably necessary to comply with the limited state-mandated program. These include the following activities relating to the retention of independent legal counsel for the CRC:

- County Counsel retained an Independent Legal Lawyer and firm to preserve the LA County CRC's independence. The Executive Director reviews and approves the Independent Legal Counsel's unredacted invoices and submits redacted invoices to LA County for payment.
- The Executive Director worked with legal counsel to develop the CRC by-laws and facilitated the meetings until the by-laws were written and co-chairs were selected.<sup>56</sup>

The state-mandated activities performed by the CRC are limited to the following: conducting seven public hearings before drafting a map; posting the draft map for public comment and conducting one public hearing on the draft map; making a calendar available to the public of all public hearings; arranging for the live translation of a hearing in an applicable language if a request for translation is made at least 24 hours before the hearing; taking steps to encourage county residents to participate in the redistricting public review process; and issuing a report explaining the basis on which the CRC made its decision in achieving compliance with

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<sup>53</sup> Elections Code section 21534(c)(4)(A).

<sup>54</sup> Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, page 6 (Declaration of Gayla Kraetsch Hartsough).

<sup>55</sup> California Constitution, article I, sections 3(b) and 7; California Constitution, article II, section 2.5; California Constitution, article XIII B, section 6(a); see Exhibit A, Test Claim Decision, adopted May 28, 2021, pages 28 and 35 for discussion.

<sup>56</sup> Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, pages 7, 10.



redistricting.<sup>57</sup> As explained in the Test Claim Decision, reimbursement under article XIII B, section 6 is not required for the process of redistricting using the mapping process to ensure compliance with the Voting Rights Act.<sup>58</sup> Thus, if legal counsel is used to consult with the CRC or to create by-laws for the redistricting process itself, those costs are not eligible for reimbursement.

The Executive Director declares that providing the members with training on the Voting Rights Act is reasonably necessary to comply with the mandate. Executive Director's Declaration, however, only states that her "focus is on training, by identifying SMEs [Subject Matter Experts] to speak on topics of importance to the Commissioners (e.g., Voting Rights Act)...."<sup>59</sup> While the CRC is a new body and an understanding of the Voting Rights Act may be reasonably necessary to carry out the CRC members' mandated duties, there is no evidence in the record that the training was conducted for that purpose nor does the Declaration tie the training to the mandated activities or say why it is necessary for the performance of the mandate activities. The Executive Director's Declaration also states that she "coordinates our calendar for public hearings with the California CRC and other CRCs to avoid conflicting schedules for the public."<sup>60</sup> The Test Claim Decision approved reimbursement for the CRC to "establish and make available to the public a calendar of all public hearings" in accordance with Elections Code section 21534(c)(4)(A).<sup>61</sup> The evidence does not explain whether the activity of coordinating the calendar is the same as or associated with the reimbursable state-mandated activity of establishing the calendar and making it available to the public, and there is no explanation of what is meant by coordinating the calendar with "other CRCs" to avoid conflicting schedules.

Accordingly, the Commission finds that the claimant has not supported these proposed activities with substantial evidence in the record and therefore denies them.

**3. The Commission approves activities relating to establishing the CRC; replacing members who resign; providing one-time training for each CRC member on the Rules of Order for public hearings, and the ethics requirements of CRC members; and the activities to encourage county residents to participate in the redistricting public review process, finding them reasonably necessary to comply with the state-mandated program.**

The test claim statute mandates the creation of a 14-member CRC in each year ending in the number zero.<sup>62</sup> The claimant is mandated to select eight commissioners.<sup>63</sup> The eight

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<sup>57</sup> Exhibit A, Test Claim Decision, adopted May 28, 2021, pages 39-40.

<sup>58</sup> Exhibit A, Test Claim Decision, adopted May 28, 2021, page 29.

<sup>59</sup> Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, page 6 (Declaration of Gayla Kraetsch Hartsough).

<sup>60</sup> Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, page 8 (Declaration of Gayla Kraetsch Hartsough).

<sup>61</sup> Exhibit A, Test Claim Decision, adopted May 28, 2021, page 39.

<sup>62</sup> Elections Code section 21532(c).

<sup>63</sup> Elections Code section 21532(a), (g).

commissioners are then mandated to appoint six additional applicants to the CRC, so that the CRC has 14 members.<sup>64</sup> The Test Claim Decision approved reimbursement for the claimant and CRC to select the commissioners. Elections Code section 21533(c) states that nine members of the CRC shall constitute a quorum, and nine or more affirmative votes shall be required for any official action.

The Executive Director declares that the following activities are reasonably necessary for the CRC to select the six members of the commission:

- Designed a selection process for the additional six commissioners, building on input from the Commissioners, and supported the Selection of Replacement Commissioners Ad Hoc Working Group.
- Conducted and tabulated surveys of Commission evaluations of applicants.
- Facilitated four CRC meetings to select the final Commissioners.<sup>65</sup>

The Executive Director also declares that she was required to replace CRC members that have resigned to ensure a quorum, and the claimant requests reimbursement as follows:

To ensure a quorum, the LA County CRC has maintained 14 Commissioners. When one resigned, the Executive Director had to verify that target highly qualified applicants were still available, residents of LA County, and continued to have no conflicts of interest.<sup>66</sup>

The Commission finds that the Executive Director's Declaration, signed under penalty of perjury, is sufficient to support a finding that the activities identified to select the six members of the CRC and replace members that resign are reasonably necessary to comply with the state-mandated program to have a 14-member CRC.<sup>67</sup> The Test Claim Decision explains what is required by Elections Code 21532 to appoint a member:

The 14-member CRC must be created no later than December 31, 2020, and in each year ending in the number zero thereafter. [Citation omitted.] The process for the selection of members is designed to produce a CRC that is independent from the influence of the board and is reasonably representative of the county's diversity. [Citation omitted.] The members' political party preferences must be as proportional as possible to the total number of voters who are registered with each political party in the county. At least one member must reside in each of the five existing supervisorial districts. [Citation omitted.] Members are required to meet all of the following qualifications:

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<sup>64</sup> Elections Code section 21532(h).

<sup>65</sup> Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, pages 7, 10 (Declaration of Gayla Kraetsch Hartsough).

<sup>66</sup> Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, pages 5, 8 (Declaration of Gayla Kraetsch Hartsough).

<sup>67</sup> Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, pages 5, 7-8 (Declaration of Gayla Kraetsch Hartsough).

- Be a resident of the county,
- Be a voter who has been continuously registered in the county who has not changed their political party affiliation for five or more years,
- Have voted in at least one of the last three statewide elections,
- Within the last 10 years, neither the applicant nor an immediate family member, has been appointed to, elected to, or have been a candidate for office; served as an employee of, or paid consultant for, an elected representative, candidate, or political party; or been a registered state or local lobbyist,
- Possess experience that demonstrates relevant analytical skills and an ability to comprehend and apply legal requirements,
- Possess experience that demonstrates an ability to be impartial, and
- Possess experience that demonstrates an appreciation for the diverse demographics and geography of the county. [Citation omitted.]

Those individuals who meet the qualifications may submit an application to the county elections official who is required to review the applications and eliminate applicants who do not meet the qualifications. [Citation omitted.]<sup>68</sup>

Elections Code section 21532(h)(2) then requires that the six appointees shall be chosen by the eight CRC members based on relevant experience, analytical skills, and ability to be impartial, and to ensure that the CRC reflects the county’s diversity, including racial, ethnic, geographic, and gender diversity. However, formulas or specific ratios shall not be applied for this purpose. The eight CRC members shall also consider political party preference, selecting applicants so that the political party preference of the members of the CRC complies with section 21532(c), which states the following:

The political party preferences of the commission members, as shown on the members’ most recent affidavits of registration, shall be as proportional as possible to the total number of voters who are registered with each political party in the County of Los Angeles or who decline to state or do not indicate a party preference, as determined by registration at the most recent statewide election. However, the political party or no party preferences of the commission members are not required to be exactly the same as the proportion of political party and no party preferences among the registered voters of the county. At least one commission member shall reside in each of the five existing supervisorial districts of the board.

Accordingly, the Parameters and Guidelines include the following reasonably necessary activities under Section IV.B.2. of the Parameters and Guidelines (Ongoing Activities):

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<sup>68</sup> Exhibit A, Test Claim Decision, adopted May 28, 2021, pages 11-12.

- a. The eight selected commissioners shall review the remaining names in the subpools of applicants and shall appoint six additional applicants to the CRC.<sup>69</sup>

Reimbursement for this activity includes the following:

- Design a selection process to appoint the six CRC members.
- Conduct and tabulate surveys of CRC member evaluations of the applicants for the six remaining seats.
- Facilitate CRC meetings to select the final six CRC members.
- Select replacement commissioners in accordance with Elections Code 21532 for CRC members that resign to ensure a 14-member commission and a quorum are maintained.<sup>70</sup>

The Executive Director further declares under penalty of perjury that providing the members with training on the Rosenberg Rules of Order for the CRC hearings, ethics, supporting the Education for Commissioners (Speakers' Series) and Values Ad Hoc Working Groups, and providing guidance on the format for the regular public hearings, are reasonably necessary to comply with the mandate.<sup>71</sup> The Commission finds that the Declaration supports the finding that providing *one-time* training on the Rosenberg Rules of Order and format of public hearings, and ethics requirements of CRC members, which pursuant to Elections Code section 21532, requires the member to be impartial and apply legal requirements, is reasonably necessary for the mandate to create the CRC and for the CRC to conduct the new mandated public hearings. However, as indicated in the analysis above, reimbursement is not required for the redistricting process itself, or for training on the Brown Act, the Public Records Act, or the Voting Rights Act. Moreover, the activity of supporting the Education for Commissioners (Speakers' Series) and Values Ad Hoc Working Groups is overly broad and not supported by evidence in the record that it is reasonably related to the mandated activities and, thus, is denied. Finally, the claimant made no request for training of CRC members on the mandated activities contained in the Test Claim statute.

Therefore, the Parameters and Guidelines authorize one-time reimbursement for training as follows:

- A. One time training for each CRC member on the Rosenberg Rules of Order and format of public hearings, and the ethics requirements of CRC members, which pursuant to Elections Code section 21532, requires the member to be impartial and apply legal requirements.<sup>72</sup>

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<sup>69</sup> Elections Code section 21532(h).

<sup>70</sup> Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, pages 5, 7-8 (Declaration of Gayla Kraetsch Hartsough).

<sup>71</sup> Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, pages 5-6, 8, 10 (Declaration of Gayla Kraetsch Hartsough).

<sup>72</sup> Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, pages 5-6, 8 (Declaration of Gayla Kraetsch Hartsough).

Reimbursement is **not** required to adjust supervisorial boundary lines and adopt a redistricting plan in accordance with the Voting Rights Act, or for training regarding the Ralph M. Brown Act, the California Public Records Act, or for any other activities not identified in Section I.V.B. of these Parameters and Guidelines.

In addition, the Commission found that the test claim statute imposes a reimbursable state-mandated activity to “take steps to encourage county residents to participate in the redistricting public review process.”<sup>73</sup> Elections Code section 21534(c)(6) provides examples of what the steps may include:

- (A) Providing information through media, social media, and public service announcements.
- (B) Coordinating with community organizations.
- (C) Posting information on the Internet Web site of the County of Los Angeles that explains the redistricting process and includes a notice of each public hearing and the procedures for testifying during a hearing or submitting written testimony directly to the commission.

In this respect, the Executive Director declares under penalty of perjury that the following activities were performed:

- Established a website, a Facebook page, and a Twitter account for the CRC and sent email bulletins through GovDelivery to more than 7,000 email accounts.
- Built an outreach toolkit for use by community-based organizations, cities, and other governmental entities and conducted ongoing meetings to engage them in the outreach process.
- Worked with community-based organizations to obtain input on methods to promote meetings and public hearings.
- Developed and implemented a Public Outreach Plan to increase public participation and supported the Outreach Ad Hoc Working Group.<sup>74</sup>

The Commission finds that the first three bulleted activities are consistent with the plain language of Elections Code section 21534(c)(6) and that the Executive Director’s Declaration supports the finding that the last bullet (to develop a public outreach plan) is reasonably necessary to comply with the mandate to “take steps to encourage county residents to participate in the redistricting public review process.”<sup>75</sup> Therefore, Section IV.B.2.f. of the Parameters and Guidelines authorizes reimbursement for the activities outlined in section 21534(c)(6) of the steps that can be taken to encourage county residents to participate in the redistricting public

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<sup>73</sup> Elections Code section 21534(c)(6).

<sup>74</sup> Exhibit C, Claimant’s Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, pages 5, 8-10 (Declaration of Gayla Kraetsch Hartsough).

<sup>75</sup> Elections Code section 21534(c)(6).

review process, which the CRC performed, and the activity identified by the Executive Director to develop and implement a plan to increase public participation as follows:

- f. Take steps to encourage county residents to participate in the redistricting public review process. Reimbursement for this activity includes the following:
- Develop and implement a Public Outreach Plan to increase public participation.
  - Provide information through media, social media, and public service announcements.
  - Coordinate with community organizations.
  - Post information on the Internet Web site of the County of Los Angeles that explains the redistricting process and includes a notice of each public hearing and the procedures for testifying during a hearing or submitting written testimony directly to the CRC.<sup>76</sup>

#### **D. Claim Preparation and Submission (Section V. of the Parameters and Guidelines)**

Section V. of the Parameters and Guidelines (Claim Preparation and Submission) identifies the direct costs that are eligible for reimbursement, including: salaries and benefits, materials and supplies, contracted services, travel, training, and fixed assets. However, travel costs are not included in the Parameters and Guidelines because this activity was not approved in the Test Claim Decision and the claimant neither requested these costs as reasonably necessary to perform the mandated activities nor submitted evidence to support such a request. The paragraph on Training has been modified for consistency with the Commission's findings for this program as follows:

##### 5. Training

Report the cost of training, as specified in Section IV.A. of this document. Report the name and job classification of each employee, consultant, contractor, or CRC member preparing for, attending, or conducting training. Provide the title, subject, and purpose (related to the mandate of the training session), dates attended, and location. If the training encompasses subjects broader than what is identified in Section IV.A., only the pro-rata portion can be claimed. Report training time according to the rules of cost element A.1., Salaries and Benefits, and A.2., Materials and Supplies. Report the cost of consultants who conduct the training according to the rules of cost element A.3., Contracted Services.

The remaining sections of the Parameters and Guidelines contain standard boilerplate language.

#### **V. Conclusion**

Based on the foregoing, the Commission hereby adopts the Proposed Decision and Parameters and Guidelines.

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<sup>76</sup> Elections Code section 21534(c)(6); Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, pages 5, 8-9 (Declaration of Gayla Kraetsch Hartsough).

## PARAMETERS AND GUIDELINES<sup>77</sup>

Elections Code Sections 21532(a) and (e)-(h) and  
21534(c)(2), (c)(3)(A)-(B), (c)(4)(A), (c)(5)-(8) and (d)(4) as Added by  
Statutes 2016, Chapter 781 (SB 958)

*County of Los Angeles Citizens Redistricting Commission*

19-TC-04

Reimbursement for this program begins July 1, 2018.

### I. SUMMARY OF THE MANDATE

These Parameters and Guidelines address Statutes 2016, chapter 781, which added Elections Code sections 21530 through 21535 to require the claimant to create, staff, and fund the independent County of Los Angeles Citizens Redistricting Committee (CRC) to adjust the boundary lines of the supervisorial districts in the County of Los Angeles in the year following the year of the decennial federal census.

On May 28, 2021, the Commission on State Mandates (Commission) adopted the Test Claim Decision finding that the test claim statute imposes a partially reimbursable state-mandated program upon the County of Los Angeles within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 for the following activities:

- The county shall create a CRC no later than December 31, 2020, and in each year ending in the number zero thereafter.<sup>78</sup>
- The elections official shall review the applications and eliminate applicants who do not meet the specified qualifications, select 60 of the most qualified applicants, publish the list of qualified applicants for 30 days, and create a subpool for each of the five existing supervisorial districts of the board.<sup>79</sup>
- At a regularly scheduled meeting of the board, the Auditor-Controller conducts a random drawing to select one commissioner from each of the five subpools, then another random drawing from all of the remaining applicants to select three additional commissioners.<sup>80</sup>
- The board shall take all steps necessary to ensure a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide to the public ready access to redistricting data and computer software equivalent to what is available to the CRC.<sup>81</sup>

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<sup>77</sup> Please note that the Decision and Parameters and Guidelines is a single document and must be read as a whole. It is not intended to be separated and should be posted in its entirety.

<sup>78</sup> Elections Code section 21532(a).

<sup>79</sup> Elections Code section 21532(e)-(g).

<sup>80</sup> Elections Code section 21532(g).

<sup>81</sup> Elections Code section 21534(c)(7).

In addition, based on Elections Code section 21534(c)(8), which requires the claimant to provide reasonable funding and staffing to the CRC, the following activities mandated by Elections Code sections 21532 and 21534 and performed by the CRC impose a reimbursable state-mandated program on the claimant:

- The eight selected commissioners shall review the remaining names in the subpools of applicants and shall appoint six additional applicants to the CRC.<sup>82</sup>
- Conduct at least seven public hearings before drafting a map, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.<sup>83</sup>
- Post the draft map for public comment on the website of the County of Los Angeles and conduct one public hearing on the draft map (in addition to the one hearing required under prior law, which is not reimbursable).<sup>84</sup>
- Establish and make available to the public a calendar of all public hearings.<sup>85</sup>
- Arrange for the live translation of a hearing in an applicable language (defined as “a language for which the number of residents of the County of Los Angeles who are members of a language minority is greater than or equal to three percent of the total voting age residents of the county”) if a request for translation is made at least 24 hours before the hearing.<sup>86</sup>
- Take steps to encourage county residents to participate in the redistricting public review process.<sup>87</sup>
- Issue a report that explains the basis on which the CRC made its decisions in achieving compliance with the redistricting criteria required to comply with the Voting Rights Act.<sup>88</sup>

The Commission denied all other code sections added by the test claim statute and activities alleged to be mandated in the Test Claim. Specifically, the Commission found that Elections Code sections 21530, 21533, and 21535 do *not* impose any state-mandated requirements on the claimant, but rather generally define terms and limit the hiring of consultants by the CRC to help with the adjustment of district boundaries. Although the claimant is required by Elections Code section 21534(c)(8) to provide reasonable funding to the CRC, which may include paying for a

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<sup>82</sup> Elections Code section 21532(h).

<sup>83</sup> Elections Code section 21534(c)(2).

<sup>84</sup> Elections Code section 21534(c)(3)(A)-(B).

<sup>85</sup> Elections Code section 21534(c)(4)(A).

<sup>86</sup> Elections Code section 21534(c)(5).

<sup>87</sup> Elections Code section 21534(c)(6).

<sup>88</sup> Elections Code section 21534(d)(4).



consultant hired by the CRC, the courts have made it clear that “[n]othing in article XIII B prohibits the shifting of costs between local governmental entities.”<sup>89</sup>

In addition, the requirements imposed by Elections Code sections 21531 and 21534(a), (c)(9), and (d)(1)-(3) to adjust supervisorial boundary lines, adopt a redistricting plan every ten years; and to comply with the Public Records Act are *not* new and do not impose a reimbursable new program or higher level of service on the claimant.<sup>90</sup>

Finally, the Commission found that the activities required by Elections Code section 21534(c)(1) and (c)(4)(B) to comply with the Ralph M. Brown Act for the public hearings conducted by the CRC are *not* eligible for reimbursement pursuant to article XIII B, section 6(a)(4). Article XIII B, section 6(a)(4) states that “the Legislature may, but need not, provide a subvention of funds for the following mandates: . . . Legislative mandates contained in statutes within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I.” Article I, section 3(b) of the California Constitution requires local agencies to comply with the Ralph M. Brown Act, beginning with Government Code section 54950. The Brown Act applies to all local agencies and “any other local body created by state statute,” and therefore applies to the CRC.<sup>91</sup>

## **II. ELIGIBLE CLAIMANTS**

Only the County of Los Angeles is eligible to claim reimbursement.

## **III. PERIOD OF REIMBURSEMENT**

Government Code section 17557(e) states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The claimant filed the Test Claim on June 26, 2020, establishing eligibility for reimbursement for the 2018-2019 fiscal year. Therefore, costs incurred are reimbursable on or after July 1, 2018.

Reimbursement for state-mandated costs may be claimed as follows:

1. Actual costs for one fiscal year shall be included in each claim.
2. Pursuant to Government Code section 17561(d)(1)(A), all claims for reimbursement of initial fiscal year costs shall be submitted to the State Controller (Controller) within 120 days of the issuance date for the claiming instructions.
3. Pursuant to Government Code section 17560(a), a local agency may, by February 15 following the fiscal year in which costs were incurred, file an annual reimbursement claim that details the costs actually incurred for that fiscal year.

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<sup>89</sup> *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1815.

<sup>90</sup> California Constitution, article I, sections 3(b) and 7; California Constitution, article II, section 2.5; California Constitution, article XIII B, section 6(a); Elections Code sections 14025-14032 as added by Statutes 2002, chapter 129; Elections Code section 21500 as added by Statutes 1994, chapter 920 and amended by Statutes 2015, chapter 732, section 36; Elections Code section 21507 as added by Statutes 2014, chapter 873; Government Code section 6252 as last amended by Statutes 2015, chapter 537; and *Reynolds v. Sims* (1964) 377 U.S. 533, 566.

<sup>91</sup> Government Code section 54952(a).

4. If revised claiming instructions are issued by the Controller pursuant to Government Code section 17558(c), between November 15 and February 15, a local agency filing an annual reimbursement claim shall have 120 days following the issuance date of the revised claiming instructions to file a claim. (Gov. Code §17560(b).)
5. If the total costs for a given fiscal year do not exceed \$1,000, no reimbursement shall be allowed except as otherwise allowed by Government Code section 17564(a).
6. There shall be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

#### IV. REIMBURSABLE ACTIVITIES

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event, or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, training packets, and declarations. Declarations must include a certification or declaration stating, "I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct," and must further comply with the requirements of Code of Civil Procedure section 2015.5. Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

The claimant is only allowed to claim and be reimbursed for increased costs for reimbursable activities identified below. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate.

For each eligible claimant that incurs increased costs, the following activities are reimbursable:

- A. One time training for each CRC member on the Rosenberg Rules of Order and format of public hearings, and the ethics requirements of CRC members, which pursuant to Elections Code section 21532, requires the member to be impartial and apply legal requirements.<sup>92</sup>

*Reimbursement is **not** required to adjust supervisorial boundary lines and adopt a redistricting plan in accordance with the Voting Rights Act, or for training regarding the Ralph M. Brown Act, the California Public Records Act, or any other activities not identified in Section IV.B. of these Parameters and Guidelines.*

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<sup>92</sup> Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, pages 5-6, 8 (Declaration of Gayla Kraetsch Hartsough).

## B. Ongoing Activities

1. Creation of the Citizens Redistricting Commission (CRC).<sup>93</sup>
  - a. The county shall create a CRC no later than December 31, 2020, and in each year ending in the number zero thereafter.<sup>94</sup>
  - b. The elections official shall review the applications and eliminate applicants who do not meet the specified qualifications, select 60 of the most qualified applicants, publish the list of qualified applicants for 30 days, and create a subpool for each of the five existing supervisorial districts of the board.<sup>95</sup>
  - c. At a regularly scheduled meeting of the board, the Auditor-Controller conducts a random drawing to select one commissioner from each of the five subpools, then another random drawing from all of the remaining applicants to select three additional commissioners.<sup>96</sup>
  - d. The board shall take all steps necessary to ensure a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide to the public ready access to redistricting data and computer software equivalent to what is available to the CRC.<sup>97</sup>
2. Activities Performed by the CRC.<sup>98</sup> Based on Elections Code section 21534(c)(8), which requires the County of Los Angeles to provide reasonable funding and staffing to the CRC, the following activities mandated by the test claim statute and performed by the CRC are eligible for reimbursement:
  - a. The eight selected commissioners shall review the remaining names in the subpools of applicants and shall appoint six additional applicants to the CRC.<sup>99</sup> Reimbursement for this activity includes the following:

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<sup>93</sup> The county is required to form a CRC every ten years. (Elections Code section 21532(a).) The terms of the prior CRC members terminate with the appointment of the first member of the succeeding CRC. (Elections Code section 21533(b).) Therefore, the activities must be repeated with each new CRC.

<sup>94</sup> Elections Code section 21532(a).

<sup>95</sup> Elections Code section 21532(e)-(g).

<sup>96</sup> Elections Code section 21532(g).

<sup>97</sup> Elections Code section 21534(c)(7).

<sup>98</sup> Boundary lines of the supervisorial districts in the County of Los Angeles must be drawn in the year following the year of the decennial federal census. (Elections Code section 21531.) In addition, the county is required to form a CRC every ten years. (Elections Code section 21532(a).) The terms of the prior CRC members terminate with the appointment of the first member of the succeeding CRC. (Elections Code section 21533(b).) Therefore, the activities must be repeated by each new CRC.

<sup>99</sup> Elections Code section 21532(h).

- Design a selection process to appoint the six CRC members.
  - Conduct and tabulate surveys of CRC member evaluations of the applicants for the six remaining seats.
  - Facilitate CRC meetings to select the final six CRC members.
  - Select replacement commissioners in accordance with Elections Code 21532 for CRC members that resign to ensure a 14-member commission and a quorum are maintained.<sup>100</sup>
- b. Conduct seven public hearings before drafting a map, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.<sup>101</sup>

*Reimbursement is **not** required to comply with the Ralph M. Brown Act when conducting these hearings pursuant to article XIII B, section 6(a)(4) of the California Constitution. Thus, the following activities are not eligible for reimbursement: posting a notice and agenda (Government Code section 54954.2), mailing agenda items to the public (Government Code section 54954.1), and complying with the Americans with Disabilities Act for the hearing (54953.2).*

- c. Post the draft map for public comment on the website of the County of Los Angeles and conduct one public hearing on the draft map (in addition to the one hearing required under prior law, which is not reimbursable).<sup>102</sup>

*Reimbursement is **not** required to comply with the Ralph M. Brown Act when conducting the hearing on the draft map pursuant to article XIII B, section 6(a)(4) of the California Constitution. Thus, the following activities are not eligible for reimbursement: posting a notice and agenda (Government Code section 54954.2), mailing agenda items to the public (Government Code section 54954.1), and complying with the Americans with Disabilities Act for the hearing (54953.2).*

- d. Establish and make available to the public a calendar of the eight public hearings identified in Section IV.B.2.b. and c. of these Parameters and Guidelines.<sup>103</sup>

- e. Arrange for the live translation of a hearing in an applicable language (defined as “a language for which the number of residents of the County of Los Angeles who are members of a language minority is greater than or equal to three percent of the total voting age residents of the county”) if a request for translation is made at least 24 hours before the hearing.<sup>104</sup>

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<sup>100</sup> Exhibit C, Claimant’s Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, pages 5, 7-8 (Declaration of Gayla Kraetsch Hartsough).

<sup>101</sup> Elections Code section 21534(c)(2).

<sup>102</sup> Elections Code section 21534(c)(3)(A)-(B).

<sup>103</sup> Elections Code section 21534(c)(4)(A).

<sup>104</sup> Elections Code section 21534(c)(5).

- f. Take steps to encourage county residents to participate in the redistricting public review process. Reimbursement for this activity includes the following:
- Develop and implement a Public Outreach Plan to increase public participation.
  - Provide information through media, social media, and public service announcements.
  - Coordinate with community organizations.
  - Post information on the Internet Web site of the County of Los Angeles that explains the redistricting process and includes a notice of each public hearing and the procedures for testifying during a hearing or submitting written testimony directly to the CRC.<sup>105</sup>
- g. Issue a report that explains the basis on which the CRC made its decisions in achieving compliance with the redistricting criteria required to comply with the Voting Rights Act.<sup>106</sup>

## V. CLAIM PREPARATION AND SUBMISSION

Each of the following cost elements must be identified for each reimbursable activity identified in Section IV., Reimbursable Activities, of this document. Each claimed reimbursable cost must be supported by source documentation as described in Section IV. Additionally, each reimbursement claim must be filed in a timely manner.

### A. Direct Cost Reporting

Direct costs are those costs incurred specifically for the reimbursable activities. The following direct costs are eligible for reimbursement.

#### 1. Salaries and Benefits

Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.

#### 2. Materials and Supplies

Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable activities. Purchases shall be claimed at the actual price after deducting discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged on an appropriate and recognized method of costing, consistently applied.

#### 3. Contracted Services

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<sup>105</sup> Elections Code section 21534(c)(6); Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, filed on July 29, 2021, pages 5, 8-9 (Declaration of Gayla Kraetsch Hartsough).

<sup>106</sup> Elections Code section 21534(d)(4).

Report the name of the contractor and services performed to implement the reimbursable activities. If the contractor bills for time and materials, report the number of hours spent on the activities and all costs charged. If the contract is a fixed price, report the services that were performed during the period covered by the reimbursement claim. If the contract services are also used for purposes other than the reimbursable activities, only the pro-rata portion of the services used to implement the reimbursable activities can be claimed. Submit contract consultant and attorney invoices with the claim and a description of the contract scope of services.

#### 4. Fixed Assets

Report the purchase price paid for fixed assets (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset is also used for purposes other than the reimbursable activities, only the pro-rata portion of the purchase price used to implement the reimbursable activities can be claimed.

#### 5. Training

Report the cost of training, as specified in Section IV.A. of this document. Report the name and job classification of each employee, consultant, contractor, or CRC member preparing for, attending, or conducting training. Provide the title, subject, and purpose (related to the mandate of the training session), dates attended, and location. If the training encompasses subjects broader than what is identified in Section IV.A., only the pro-rata portion can be claimed. Report employee training time according to the rules of cost element A.1., Salaries and Benefits, and A.2., Materials and Supplies. Report the cost of consultants who conduct the training according to the rules of cost element A.3., Contracted Services.

### B. Indirect Cost Rates

Indirect costs are costs that are incurred for a common or joint purpose, benefiting more than one program, and are not directly assignable to a particular department or program without efforts disproportionate to the result achieved. Indirect costs may include both: (1) overhead costs of the unit performing the mandate; and (2) the costs of the central government services distributed to the other departments based on a systematic and rational basis through a cost allocation plan.

Compensation for indirect costs is eligible for reimbursement utilizing the procedure provided in 2 Code of Federal Regulations (CFR) part 225 (Office of Management and Budget (OMB) Circular A-87). Claimants have the option of using 10 percent of direct labor, excluding fringe benefits, or preparing an Indirect Cost Rate Proposal (ICRP) if the indirect cost rate claimed exceeds 10 percent.

If the claimant chooses to prepare an ICRP, both the direct costs (as defined and described in 2 CFR part 225, appendices A and B (OMB Circular A-87 attachments A & B) and the indirect costs shall exclude capital expenditures and unallowable costs (as defined and described in 2 CFR part 225, appendices A and B (OMB Circular A-87 attachments A & B)). However, unallowable costs must be included in the direct costs if they represent activities to which indirect costs are properly allocable.

The distribution base may be: (1) total direct costs (excluding capital expenditures and other distorting items, such as pass-through funds, major subcontracts, etc.); (2) direct salaries and wages; or (3) another base which results in an equitable distribution.

In calculating an ICRP, the claimant shall have the choice of one of the following methodologies:

1. The allocation of allowable indirect costs (as defined and described in OMB Circular A-87 attachments A & B) shall be accomplished by: (1) classifying a department's total costs for the base period as either direct or indirect; and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate which is used to distribute indirect costs to mandates. The rate should be expressed as a percentage that the total amount of allowable indirect costs bears to the base selected; or
2. The allocation of allowable indirect costs (as defined and described in OMB Circular A-87 attachments A & B) shall be accomplished by: (1) separating a department into groups, such as divisions or sections, and then classifying the division's or section's total costs for the base period as either direct or indirect; and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate that is used to distribute indirect costs to mandates. The rate should be expressed as a percentage which the total amount of allowable indirect costs bears to the base selected.

## **VI. RECORD RETENTION**

Pursuant to Government Code section 17558.5(a), a reimbursement claim for actual costs filed pursuant to this chapter<sup>107</sup> is subject to the initiation of an audit by the Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim. In any case, an audit shall be completed not later than two years after the date that the audit is commenced. All documents used to support the reimbursable activities, as described in Section IV., must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

## **VII. OFFSETTING REVENUES AND REIMBURSEMENTS**

Any offsetting revenue the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate from any source, including but not limited to, service fees collected, federal funds, other state funds, and other funds that are not the claimant's proceeds of taxes shall be identified and deducted from this claim.

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<sup>107</sup> This refers to title 2, division 4, part 7, chapter 4 of the Government Code.

## **VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS**

Pursuant to Government Code section 17558(b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than 90 days after receiving the adopted parameters and guidelines from the Commission, to assist local governments in claiming costs to be reimbursed. The claiming instructions shall be derived from these parameters and guidelines and the decisions on the test claim and parameters and guidelines adopted by the Commission.

Pursuant to Government Code section 17561(d)(1), issuance of the claiming instructions shall constitute a notice of the right of the eligible claimants to file reimbursement claims, based upon parameters and guidelines adopted by the Commission.

## **IX. REMEDIES BEFORE THE COMMISSION**

Upon request of an eligible claimant, the Commission shall review the claiming instructions issued by the Controller or any other authorized state agency for reimbursement of mandated costs pursuant to Government Code section 17571. If the Commission determines that the claiming instructions do not conform to the parameters and guidelines, the Commission shall direct the Controller to modify the claiming instructions and the Controller shall modify the claiming instructions to conform to the parameters and guidelines as directed by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557(d), and California Code of Regulations, title 2, section 1183.17.

## **X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES**

The decisions adopted for the test claim and parameters and guidelines are legally binding on all parties and interested parties and provide the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record. The administrative record is on file with the Commission.



**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

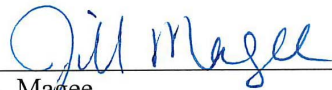
On December 6, 2021, I served the:

- **Decision and Parameters and Guidelines adopted December 3, 2021**

*County of Los Angeles Citizens Redistricting Commission, 19-TC-04*  
Elections Code Sections 21532(a) and (e)-(h) and 21534(c)(2), (c)(3)(A)-(B),  
(c)(4)(A), (c)(5)-(8) and (d)(4) as Added by Statutes 2016, Chapter 781 (SB 958)  
County of Los Angeles, Claimant

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on December 6, 2021 at Sacramento, California.



Jill L. Magee  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
(916) 323-3562

# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 9/15/21

**Claim Number:** 19-TC-04

**Matter:** County of Los Angeles Citizens Redistricting Commission

**Claimant:** County of Los Angeles

### TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

**Adaoha Agu**, *County of San Diego Auditor & Controller Department*

Projects, Revenue and Grants Accounting, 5530 Overland Avenue, Ste. 410 , MS:O-53, San Diego, CA 92123

Phone: (858) 694-2129

Adaoha.Agu@sdcounty.ca.gov

**Lili Apgar**, *Specialist, State Controller's Office*

Local Reimbursements Section, 3301 C Street, Suite 740, Sacramento, CA 95816

Phone: (916) 324-0254

lapgar@sco.ca.gov

**Socorro Aquino**, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 322-7522

SAquino@sco.ca.gov

**Arlene Barrera**, *Auditor-Controller, County of Los Angeles*

**Claimant Contact**

Auditor-Controller's Office, 500 West Temple Street, Room 525, Los Angeles, CA 90012

Phone: (213) 974-8302

abarrera@auditor.lacounty.gov

**Allan Burdick**,

7525 Myrtle Vista Avenue, Sacramento, CA 95831

Phone: (916) 203-3608

allanburdick@gmail.com

**Guy Burdick**, *Consultant, MGT Consulting*

2251 Harvard Street, Suite 134, Sacramento, CA 95815

Phone: (916) 833-7775

gburdick@mgtconsulting.com

**J. Bradley Burgess**, *MGT of America*

895 La Sierra Drive, Sacramento, CA 95864

Phone: (916)595-2646

Bburgess@mgtamer.com

**Evelyn Calderon-Yee**, Bureau Chief, *State Controller's Office*Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,  
Sacramento, CA 95816

Phone: (916) 324-5919

ECalderonYee@sco.ca.gov

**Steven Carda**, *California Secretary of State's Office*

Elections Division, 1500 11th Street, 5th Floor, Sacramento, CA 95814

Phone: (916) 657-2166

scarda@sos.ca.gov

**Annette Chinn**, *Cost Recovery Systems, Inc.*

705-2 East Bidwell Street, #294, Folsom, CA 95630

Phone: (916) 939-7901

achinnrcs@aol.com

**Carolyn Chu**, Senior Fiscal and Policy Analyst, *Legislative Analyst's Office*

925 L Street, Suite 1000, Sacramento, CA 95814

Phone: (916) 319-8326

Carolyn.Chu@lao.ca.gov

**Kris Cook**, Assistant Program Budget Manager, *Department of Finance*

915 L Street, 10th Floor, Sacramento, CA 95814

Phone: (916) 445-3274

Kris.Cook@dof.ca.gov

**Donna Ferebee**, *Department of Finance*

915 L Street, Suite 1280, Sacramento, CA 95814

Phone: (916) 445-3274

donna.ferebee@dof.ca.gov

**Susan Geanacou**, *Department of Finance*

915 L Street, Suite 1280, Sacramento, CA 95814

Phone: (916) 445-3274

susan.geanacou@dof.ca.gov

**Dillon Gibbons**, Legislative Representative, *California Special Districts Association*

1112 I Street Bridge, Suite 200, Sacramento, CA 95814

Phone: (916) 442-7887

dillong@csda.net

**Juliana Gmur**, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

juliana.gmur@csm.ca.gov

**Heather Halsey**, Executive Director, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

heather.halsey@csm.ca.gov

**Chris Hill**, Principal Program Budget Analyst, *Department of Finance*

Local Government Unit, 915 L Street, Sacramento, CA 95814

Phone: (916) 445-3274  
Chris.Hill@dof.ca.gov

**Tiffany Hoang**, Associate Accounting Analyst, *State Controller's Office*  
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,  
Sacramento, CA 95816  
Phone: (916) 323-1127  
THoang@sco.ca.gov

**Catherine Ingram-Kelly**, *California Secretary of State's Office*  
Elections Division, 1500 11th Street, 5th Floor, Sacramento, CA 95814  
Phone: (916) 657-2166  
ckelly@sos.ca.gov

**Jason Jennings**, Director, *Maximus Consulting*  
Financial Services, 808 Moorefield Park Drive, Suite 205, Richmond, VA 23236  
Phone: (804) 323-3535  
SB90@maximus.com

**Angelo Joseph**, Supervisor, *State Controller's Office*  
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,  
Sacramento, CA 95816  
Phone: (916) 323-0706  
AJoseph@sco.ca.gov

**Jordan Kaku**, *California Secretary of State's Office*  
Elections Division, 1500 11th Street, 5th Floor, Sacramento, CA 95814  
Phone: (916) 695-1581  
vmb@sos.ca.gov

**Paige Kent**, Voter Education and Outreach, *California Secretary of State's Office*  
1500 11th Street, 5th Floor, Sacramento, CA 95814  
Phone: (916) 657-2166  
MyVote@sos.ca.gov

**Anita Kerezsi**, *AK & Company*  
2425 Golden Hill Road, Suite 106, Paso Robles, CA 93446  
Phone: (805) 239-7994  
akcompanysb90@gmail.com

**Lisa Kurokawa**, Bureau Chief for Audits, *State Controller's Office*  
Compliance Audits Bureau, 3301 C Street, Suite 700, Sacramento, CA 95816  
Phone: (916) 327-3138  
lkurokawa@sco.ca.gov

**Kirsten Larsen**, *California Secretary of State's Office*  
Elections Division, 1500 11th Street, 5th Floor, Sacramento, CA 95814  
Phone: (916) 657-2166  
KLarsen@sos.ca.gov

**Kim-Anh Le**, Deputy Controller, *County of San Mateo*  
555 County Center, 4th Floor, Redwood City, CA 94063  
Phone: (650) 599-1104  
kle@smcgov.org

**Jana Lean**, *California Secretary of State's Office*  
Elections Division, 1500 11th Street, 5th Floor, Sacramento, CA 95814

Phone: (916) 657-2166  
jlean@sos.ca.gov

**Fernando Lemus**, Principal Accountant - Auditor, *County of Los Angeles*  
**Claimant Representative**

Auditor-Controller's Office, 500 West Temple Street, Room 603, Los Angeles, CA 90012  
Phone: (213) 974-0324  
flemus@auditor.lacounty.gov

**Erika Li**, Chief Deputy Director, *Department of Finance*  
915 L Street, 10th Floor, Sacramento, CA 95814  
Phone: (916) 445-3274  
erika.li@dof.ca.gov

**Everett Luc**, Accounting Administrator I, Specialist, *State Controller's Office*  
3301 C Street, Suite 740, Sacramento, CA 95816  
Phone: (916) 323-0766  
ELuc@sco.ca.gov

**Jill Magee**, Program Analyst, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
Jill.Magee@csm.ca.gov

**Darryl Mar**, Manager, *State Controller's Office*  
3301 C Street, Suite 740, Sacramento, CA 95816  
Phone: (916) 323-0706  
DMar@sco.ca.gov

**Michelle Mendoza**, *MAXIMUS*  
17310 Red Hill Avenue, Suite 340, Irvine, CA 95403  
Phone: (949) 440-0845  
michellemendoza@maximus.com

**Lourdes Morales**, Senior Fiscal and Policy Analyst, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8320  
Lourdes.Morales@LAO.CA.GOV

**Marilyn Munoz**, Senior Staff Counsel, *Department of Finance*  
915 L Street, Sacramento, CA 95814  
Phone: (916) 628-6028  
Marilyn.Munoz@dof.ca.gov

**Geoffrey Neill**, Senior Legislative Analyst, Revenue & Taxation, *California State Association of Counties (CSAC)*  
1100 K Street, Suite 101, Sacramento, CA 95814  
Phone: (916) 327-7500  
gneill@counties.org

**Andy Nichols**, *Nichols Consulting*  
1857 44th Street, Sacramento, CA 95819  
Phone: (916) 455-3939  
andy@nichols-consulting.com

**Patricia Pacot**, Accountant Auditor I, *County of Colusa*  
Office of Auditor-Controller, 546 Jay Street, Suite #202, Colusa, CA 95932

Phone: (530) 458-0424  
ppacot@countyofcolusa.org

**Arthur Palkowitz**, *Artiano Shinoff*  
2488 Historic Decatur Road, Suite 200, San Diego, CA 92106  
Phone: (619) 232-3122  
apalkowitz@as7law.com

**Heather Parrish-Salinas**, Office Coordinator, *County of Solano*  
Registrar of Voters, 675 Texas Street, Suite 2600, Fairfield, CA 94533  
Phone: (707) 784-3359  
HYParrishSalinas@SolanoCounty.com

**Jai Prasad**, *County of San Bernardino*  
Office of Auditor-Controller, 222 West Hospitality Lane, 4th Floor, San Bernardino, CA 92415-0018  
Phone: (909) 386-8854  
jai.prasad@atc.sbcounty.gov

**Camille Shelton**, Chief Legal Counsel, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
camille.shelton@csm.ca.gov

**Carla Shelton**, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
carla.shelton@csm.ca.gov

**Natalie Sidarous**, Chief, *State Controller's Office*  
Local Government Programs and Services Division, 3301 C Street, Suite 740, Sacramento, CA 95816  
Phone: 916-445-8717  
NSidarous@sco.ca.gov

**Christina Snider**, Senior Deputy County Counsel, *County of San Diego*  
1600 Pacific Highway, Room 355, San Diego, CA 92101  
Phone: (619) 531-6229  
Christina.Snider@sdcounty.ca.gov

**Joanna Southard**, *California Secretary of State's Office*  
Elections Division, 1500 11th Street, 5th Floor, Sacramento, CA 95814  
Phone: (916) 657-2166  
jsouthar@sos.ca.gov

**Joe Stephenshaw**, Director, *Senate Budget & Fiscal Review Committee*  
California State Senate, State Capitol Room 5019, Sacramento, CA 95814  
Phone: (916) 651-4103  
Joe.Stephenshaw@sen.ca.gov

**Brittany Thompson**, Budget Analyst, *Department of Finance*  
Local Government Unit, 915 L Street, Sacramento, CA 95814  
Phone: (916) 445-3274  
Brittany.Thompson@dof.ca.gov

**Jolene Tollenaar**, *MGT Consulting Group*  
2251 Harvard Street, Suite 134, Sacramento, CA 95815  
Phone: (916) 243-8913  
jolenetollenaar@gmail.com

**Evelyn Tseng**, *City of Newport Beach*  
100 Civic Center Drive, Newport Beach, CA 92660  
Phone: (949) 644-3127  
etseng@newportbeachca.gov

**Brian Uhler**, Principal Fiscal & Policy Analyst, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8328  
Brian.Uhler@LAO.CA.GOV

**Antonio Velasco**, Revenue Auditor, *City of Newport Beach*  
100 Civic Center Drive, Newport Beach, CA 92660  
Phone: (949) 644-3143  
avelasco@newportbeachca.gov

**Ada Waelder**, Legislative Analyst, Government Finance and Administration, *California State Association of Counties (CSAC)*  
1100 K Street, Suite 101, Sacramento, CA 95814  
Phone: (916) 327-7500  
awaelder@counties.org

**Renee Wellhouse**, *David Wellhouse & Associates, Inc.*  
3609 Bradshaw Road, H-382, Sacramento, CA 95927  
Phone: (916) 797-4883  
dwa-renee@surewest.net

**Jacqueline Wong-Hernandez**, Deputy Executive Director for Legislative Affairs, *California State Association of Counties (CSAC)*  
1100 K Street, Sacramento, CA 95814  
Phone: (916) 650-8104  
jwong-hernandez@counties.org

**Hasmik Yaghobyan**, *County of Los Angeles*  
Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012  
Phone: (213) 974-9653  
hyaghobyan@auditor.lacounty.gov