

November 25, 2020

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Mr. Fernando Lemus  
County of Los Angeles  
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Los Angeles, CA 90012

Ms. Erika Li  
Department of Finance  
915 L Street  
Sacramento, CA 95814

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

**Re: Notice of Complete Test Claim, Schedule for Comments, and Notice of Tentative Hearing Date**

*County of Los Angeles Citizens Redistricting Commission, 19-TC-04*  
Elections Code Division 21, Chapter 6.3 (Commencing with Section 21530) as added by  
Statutes 2016, Chapter 781 (SB 958)  
County of Los Angeles, Claimant

Dear Ms. Barrera, Mr. Lemus, and Ms. Li:

On June 26, 2020, the County of Los Angeles (claimant) filed the above-captioned Test Claim. Upon review, Commission on State Mandates (Commission) staff found the Test Claim to be incomplete, and on July 29, 2020 notified the claimant in the Notice of Incomplete Test Claim that to retain the original filing date of June 26, 2020, the required elements to cure this Test Claim must be refiled by August 28, 2020 and that if a complete test claim is not received within 30 calendar days, the executive director may disallow the original test claim filing date and a new test claim may be accepted on the same statute or executive order alleged to impose a reimbursable state-mandated program. (Cal. Code Regs., tit. 2, § 1183.1(f).)

The claimant filed documents to cure the Test Claim using the Commission's electronic dropbox at 5:25 p.m. on Friday, August 28, 2020, after the Commission's normal business hours, therefore were deemed to have been filed on Monday, August 31, 2020, the next business day, under the Commission's regulations. Upon review of the claimant's August 31, 2020 filing, Commission staff rejected the Test Claim because the response was not received on August 28, 2020, within 30 days of the Incomplete Letter, that the statute of limitations to file a new test claim on the test claim statute had also passed, and notified the claimant on September 15, 2020.

On September 25, 2020, the claimant filed a notice of appeal of executive director's decision, arguing, in essence, that the claimant was not on notice of the 5:00 p.m. deadline. In response, Commission staff evaluated the claimant's arguments and the applicable statutes and regulations and determined that the claimant may not have had actual notice in this case and that the response filed on the 30th day but after regular business hours could be accepted, therefore making the appeal moot. Upon review, however, staff found the Test Claim to be incomplete, and on October 20, 2020 notified the claimant in the Second Notice of Incomplete Test Claim that to retain the original filing date of June 26, 2020, the required elements to cure this Test Claim must be refiled by 5:00 pm on November 19, 2020 and that if a complete test claim is not received within 30 calendar days, the executive director may disallow the original test claim filing date and a new test claim may be accepted on the same statute or executive order alleged to impose a reimbursable state-mandated program. (Cal. Code Regs., tit. 2, § 1183.1(f).)

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Commission\Correspondence\Complete Letter.docx

On November 19, 2020, the claimant filed documents to cure the Test Claim. Upon review, Commission staff finds that this Test Claim is complete and that it retains the original filing date of June 26, 2020, in accordance with section 1183.1(e) of the Commission's regulations (California Code of Regulations, Title 2).

The Commission is now requesting parties, interested parties, and interested persons to comment on the Test Claim as specified below.

### **Review of Test Claim**

Parties, interested parties, and interested persons receiving this letter are requested to analyze the merits of the Test Claim and to file written comments not later than **5:00 p.m. on December 28, 2020** in accordance with sections 1183.2 and 1181.3 of the Commission's regulations. Oral or written representations of fact offered by any person shall be under oath or affirmation and signed under penalty of perjury by persons who are authorized and competent to do so and must be based on the declarant's personal knowledge, information or belief. (Cal. Code. Regs., tit. 2 §§ 1183.2 and 1187.5.) If representations of fact are made, they must be supported with documentary evidence filed with the comments on the test claim. (Cal. Code. Regs., tit. 2 §§ 1183.2 and 1187.5.) The Commission's ultimate findings of fact must be supported by substantial evidence in the record.<sup>1</sup> Requests for extensions of time to file comments may be filed in accordance with section 1187.9 of the Commission's regulations.

### **Claimants' Rebuttal**

Written rebuttals to written comments concerning this Test Claim may be filed and served in accordance with section 1181.3 of the Commission's regulations not later than 5:00 p.m. 30 days from service of the written comments. (Cal. Code. Regs., tit. 2 § 1183.3.) Oral or written representations of fact offered by any person shall be under oath or affirmation and signed under penalty of perjury by persons who are authorized and competent to do so and must be based on the declarant's personal knowledge, information or belief. (Cal. Code. Regs., tit. 2 §§ 1183.3 and 1187.5.) If new representations of fact are made, they must be supported with documentary evidence filed with the rebuttal. (Cal. Code. Regs., tit. 2 §§ 1183.3 and 1187.5.) The Commission's ultimate findings of fact must be supported by substantial evidence in the record.<sup>2</sup>

### **Process for Filing Comments**

The Commission has prepared a mailing list of parties, interested parties, and interested persons for this Test Claim. The mailing list will be uploaded to the Commission's website and an e-mail notification of its availability will be sent to everyone on the list who has provided an e-

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<sup>1</sup> Government Code section 17559(b), which provides that a claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission's decision is not supported by substantial evidence in the record.

<sup>2</sup> Government Code section 17559(b), which provides that a claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission's decision is not supported by substantial evidence in the record.

mail address. A hard copy will be provided to persons who have not provided an e-mail address and to any person who requests a hard copy. (Cal. Code. Regs., tit. 2 § 1181.4.)

You are advised that if written materials are filed in hard copy, the filing must simultaneously be served on everyone on the mailing list, and be accompanied by a proof of service. However, this requirement may also be satisfied by electronically filing your documents on the Commission's website. For instructions on electronic filing, please see the Commission's website at [http://www.csm.ca.gov/dropbox\\_procedures.php](http://www.csm.ca.gov/dropbox_procedures.php). The comments will be posted on the Commission's website and the mailing list will be notified by electronic mail of the posting and the comment period. This procedure will satisfy all the service requirements under California Code of Regulations, title 2, section 1181.3.

**Tentative Hearing Date**

This Test Claim is tentatively set for hearing on **May 28, 2021**.

Sincerely,



Heather Halsey  
Executive Director

**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 November 25, 2020, I served the:

- **Notice of Complete Test Claim, Schedule for Comments, and Notice of Tentative Hearing Date issued November 25, 2020**
- **Test Claim filed by the County of Los Angeles on June 26, 2020**

*County of Los Angeles Citizens Redistricting Commission, 19-TC-04*  
Elections Code Division 21, Chapter 6.3 (Commencing with Section 21530) 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 November 25, 2020 at Sacramento, California.



Jill L. Magee  
Commission on State Mandates  
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# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 11/25/20

**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.)

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