

Minutes

COMMISSION ON STATE MANDATES

Location of Meeting: via Zoom

January 28, 2022

Present: Member Keely Bosler, Chairperson
Director of the Department of Finance
Member Yvette Stowers
Representative of the State Controller, Vice Chairperson
Member Lee Adams
County Supervisor
Member Renee Nash
School District Board Member
Member Sarah Olsen
Public Member
Member Spencer Walker
Representative of the State Treasurer

Absent: Member Sam Assefa, Chairperson
Director of the Office of Planning and Research

NOTE: The transcript for this hearing is attached. These minutes are designed to be read in conjunction with the transcript.

CALL TO ORDER AND ROLL CALL

The Commission met in open session via Zoom under authority extended by Executive Order N-1-22. Chairperson Bosler called the meeting to order at 10:08 a.m. Chairperson Bosler stated that the Commission would welcome new Member Sam Assefa, the new Office of Planning and Research Director when he arrived. Executive Director Heather Halsey called the roll. Members Adams, Bosler, Nash, Olsen, Stowers, and Walker all indicated that they were present.

ELECTION OF OFFICERS AND SUBCOMMITTEE APPOINTMENTS

Executive Director Halsey presented the first portion of this item, for the election of the chair and vice chair of the Commission. Chairperson Bosler asked for nominations for chairperson. Member Olsen nominated the Director of Finance, as chairperson. Member Adams requested that the motion include his nomination of Member Fiona Ma, State Treasurer as vice chair. Member Walker and Member Stowers each seconded the motion. Executive Director Halsey called the roll. The Director of Finance was elected chairperson and the Treasurer was elected vice chairperson by a vote of 6-0 with Member Assefa absent.

Executive Director Halsey introduced the second portion of this item, for the nomination of members to the Personnel, Legislation, and Litigation subcommittees. Member Olsen stated that she serves on the Personnel subcommittee and as an alternate on the Legislation subcommittee and that she would continue to serve or be removed if someone else preferred to be on these subcommittees. Member Adams stated that he would like to stay on the Legislation subcommittee. Member Walker stated that he would like to continue to serve on the Litigation subcommittee. Chairperson Bosler confirmed that there were no changes to the Personnel

subcommittee.

Executive Director Halsey confirmed that there was a need for one position on the Legislation subcommittee and one alternate position on the Litigation subcommittee. Member Stowers stated that she would like to serve on the Legislation subcommittee. Member Adams made a motion to nominate Member Stowers to the Legislation subcommittee. With a second by Member Olsen, the Commission voted to appoint Member Stowers to the Legislation subcommittee by a vote of 6-0 with Member Assefa absent.

Chairperson Bosler stated that the Litigation subcommittee included Member Walker and had two openings, which was confirmed by Executive Director Halsey. Assistant Executive Director Heidi Palchik stated that Member Nash had volunteered to be the alternate for the Litigation subcommittee and Member Nash confirmed she had volunteered. Chairperson Bosler requested a motion to nominate Member Nash to the Litigation subcommittee as an alternate. Member Adams made the motion to nominate Member Nash to the Litigation subcommittee as an alternate. With a second by Member Walker, the Commission voted to appoint Member Nash as an alternate to the Litigation subcommittee by a vote of 6-0 with Member Assefa absent.

APPROVAL OF MINUTES

Chairperson Bosler asked if there were any objections or corrections to the December 3, 2021 minutes. Member Olsen made a motion to adopt the minutes. With a second by Member Adams, the Commission voted to adopt the December 3, 2021 hearing minutes by a vote of 6-0 with Member Assefa absent.

PUBLIC COMMENT FOR MATTERS NOT ON THE AGENDA

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

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

Executive Director Halsey swore in the parties and witnesses participating in the Article 7 portion of the hearing.

CONSENT CALENDAR

INFORMATIONAL HEARINGS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, ARTICLE 8 (action)

ADOPTION OF RULEMAKING CALENDAR

Item 6* Proposed Rulemaking Calendar, 2022

STATEWIDE COST ESTIMATES

Item 7* *Vote by Mail Ballots: Prepaid Postage, 19-TC-01*

Elections Code Section 3010 as Added or Amended by Statutes 2018, Chapter 120 (AB 216)

Executive Director Halsey stated that Items 6 and 7 were proposed for consent and asked if there were any objections to the Consent Calendar. There was no response.

Member Adams made a motion to adopt the Consent Calendar. Member Nash seconded the motion. The Commission voted to adopt the Consent Calendar by a vote of 6-0 with Member Assefa absent.

APPEAL OF EXECUTIVE DIRECTOR DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181.1(c) (info/action)

Item 3 Appeal of Executive Director Decisions

There were no appeals to consider for this hearing.

INCORRECT REDUCTION CLAIMS

Item 4 *Municipal Storm Water and Urban Runoff Discharges*, 19-0304-I-02
Los Angeles Regional Water Quality Control Board Order No. 01-182;
Permit CAS004001, Part 4F5c3
Fiscal Years: 2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007,
2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013
City of Norwalk, Claimant

Commission Chief Legal Counsel Camille Shelton presented this item and recommended that the Commission adopt the Proposed Decision to deny this Incorrect Reduction Claim.

Brittany Thompson appeared on behalf of the Department of Finance and Lisa Kurokawa appeared on behalf of the State Controller's Office.

Following statements by Member Adams, public comment by Annette Chinn, and statements by Chief Legal Counsel Shelton, Member Olsen made a motion to adopt the staff recommendation. With a second by Member Walker, the Commission voted to adopt the staff recommendation by a vote of 6-0 with Member Assefa absent.

HEARINGS ON COUNTY APPLICATIONS FOR FINDINGS OF SIGNIFICANT FINANCIAL DISTRESS PURSUANT TO WELFARE AND INSTITUTIONS CODE SECTION 17000.6 AND CALIFORNIA CODE OF REGULATIONS, TITLE 2, ARTICLE 2 (info/action)

Item 5 Assignment of County Application to Commission, a Hearing Panel of One or More Members of the Commission, or to a Hearing Officer

Executive Director Halsey stated that no SB 1033 applications have been filed.

REPORTS

Item 8 Legislative Update (info)

Program Analyst Jill Magee presented this item.

Item 9 Chief Legal Counsel: New Filings, Recent Decisions, Litigation Calendar (info)

Chief Legal Counsel Shelton presented this item.

Item 10 Executive Director: Workload Update and Tentative Agenda Items for the March 2022 and May 2022 Meetings (info)

Executive Director Halsey presented this item.

CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 AND 11126.2 (info/action)

The Commission adjourned into closed executive session at 10:47 a.m., pursuant to Government Code section 11126(e). The Commission met in closed session to confer with and receive advice from legal counsel for consideration and action, as necessary and appropriate, upon the pending litigation listed on the published notice and agenda; to confer with and receive advice from legal counsel regarding potential litigation; and to confer on personnel matters pursuant to Government Code section 11126(a)(1).

A. PENDING LITIGATION

To confer with and receive advice from legal counsel, for consideration and action, as necessary and appropriate, upon the following matters pursuant to Government Code section 11126(e):

Trial Courts:

None

Courts of Appeal:

1. ***On Remand from the Third District Court of Appeal, Case No. C070357***
State of California Department of Finance, State Water Resources Control Board, and California Regional Water Quality Board, San Diego Region v. Commission on State Mandates and County of San Diego, et al. (petition and cross-petition)
Third District Court of Appeal, Case No. C092139
Sacramento County Superior Court Case No. 34-2010-80000604
[Discharge of Stormwater Runoff, Order No. R9-207-000 (07-TC-09), California Regional Water Control Board, San Diego Region Order No. R9-2007-001, NPDES No. CAS0108758, Parts D.1.d.(7)-(8), D.1.g., D.3.a.(3), D.3.a.(5), D.5, E.2.f, E.2.g, F.1, F.2, F.3, I.1, I.2, I.5, J.3.a.(3)(c) iv-vii & x-xv, and L]
2. *City of San Diego v. Commission on State Mandates, State Water Resources Control Board, Department of Finance*
Third District Court of Appeal, Case No. C092800
Sacramento County Superior Court, Case No. 2019-80003169
(Lead Sampling in Schools: Public Water System No. 3710020 (17-TC-03))
3. *County of San Diego v. Commission on State Mandates, Department of Finance, State Controller*
Fourth District Court of Appeal, Case No. D079742
San Diego County Superior Court, Case No. 37-2020-00009631-CU-WM-CTL
(Youth Offender Parole Hearings (17-TC-29))

California Supreme Court:

1. *Coast Community College District, et al. v. Commission on State Mandates*, California Supreme Court, Case No. S262663
(Petition for Review Filed June 10, 2010)
Third District Court of Appeal, Case No. C080349
Sacramento County Superior Court, Case No. 34-2014-80001842

[*Minimum Conditions for State Aid*, 02-TC-25/02-TC-31 (Education Code Sections 66721, 66721.5, 66722, 66722.5, 66731, 66732, 66736, 66737, 66738, 66740, 66741, 66742, 66743, 70901, 70901.5, 70902, 71027, 78015, 78016, 78211.5, 78212, 78213, 78214, 78215, 78216, 87482.6, and 87482.7; Statutes 1975, Chapter 802; Statutes 1976, Chapters 275, 783, 1010, and 1176; Statutes 1977, Chapters 36 and 967; Statutes 1979, Chapters 797 and 977; Statutes 1980, Chapter 910; Statutes 1981, Chapters 470 and 891; Statutes 1982, Chapters 1117 and 1329; Statutes 1983, Chapters 143 and 537; Statutes 1984, Chapter 1371; Statutes 1986, Chapter 1467; Statutes 1988, Chapters 973 and 1514; Statutes 1990, Chapters 1372 and 1667; Statutes 1991, Chapters 1038, 1188, and 1198; Statutes 1995, Chapters 493 and 758; Statutes 1998, Chapter 365, 914, and 1023; Statutes 1999, Chapter 587; Statutes 2000, Chapter 187; and Statutes 2002, Chapter 1169; California Code of Regulations, Title 5, Sections 51000, 51002, 51004, 51006, 51008, 51012, 51014, 51016, 51018, 51020, 51021, 51022, 51023, 51023.5, 51023.7, 51024, 51025, 51027, 51100, 51102, 53200, 53202, 53203, 53204, 53207, 53300, 53301, 53302, 53308, 53309, 53310, 53311, 53312, 53314, 54626, 54805, 55000, 55000.5, 55001, 55002, 55002.5, 55004, 55005, 55006, 55100, 55130, 55150, 55160, 55170, 55182, 55200, 55201, 55202, 55205, 55207, 55209, 55211, 55213, 55215, 55217, 55219, 55300, 55316, 55316.5, 55320, 55321, 55322, 55340, 55350, 55401, 55402, 55403, 55404, 55500, 55502, 55510, 55512, 55514, 55516, 55518, 55520, 55521, 55522, 55523, 55524, 55525, 55526, 55530, 55532, 55534, 55600, 55601, 55602, 55602.5, 55603, 55605, 55607, 55620, 55630, 55750, 55751, 55752, 55753, 55753.5, 55753.7, 55754, 55755, 55756, 55756.5, 55757, 55758, 55758.5, 55759, 55760, 55761, 55762, 55763, 55764, 55765, 55800, 55800.5, 55801, 55805, 55805.5, 55806, 55807, 55808, 55809, 55825, 55827, 55828, 55829, 55830, 55831, 58102, 58104, 58106, 58107, 58108, 59404, and 59410; Handbook of Accreditation and Policy Manual, Accrediting Commission for Community and Junior Colleges (Summer 2002); and “Program and Course Approval Handbook” Chancellor’s Office California Community Colleges (September 2001).]

B. POTENTIAL LITIGATION

To confer with and receive advice from legal counsel, for consideration and action, as necessary and appropriate, upon the following matter pursuant to Government Code section 11126(e):

Based on existing facts and circumstances, there is a specific matter which presents a significant exposure to litigation against the Commission on State Mandates, its members or staff.

C. PERSONNEL

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

RECONVENE IN PUBLIC SESSION

At 10:53 a.m., the Commission reconvened in open session.

REPORT FROM CLOSED EXECUTIVE SESSION

Chairperson Bosler reported that the Commission met in closed executive session pursuant to Government Code section 11126(e). The Commission conferred with and received advice from legal counsel for consideration and action, as necessary and appropriate, upon the pending litigation listed on the public notice and agenda, and conferred with and received advice from legal counsel regarding potential litigation, and, pursuant to Government Code section

11126(a)(1) to confer on personnel matters.

ADJOURNMENT

Hearing no further business, Chairperson Bosler requested a motion to adjourn the meeting. Member Walker moved to adjourn the meeting. Member Olsen seconded the motion. The Commission adopted the motion to adjourn the January 28, 2022 meeting by a vote of 6-0 with Member Assefa absent at 10:54 a.m.



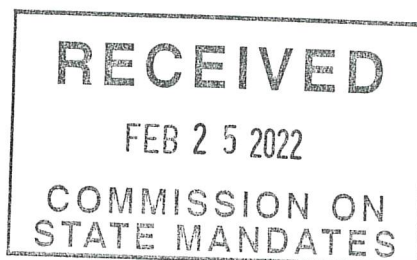
Heather Halsey
Executive Director

STATE OF CALIFORNIA
COMMISSION ON STATE MANDATES

PUBLIC MEETING

FRIDAY, JANUARY 28, 2022

10:08 A.M.



MEETING HELD

VIA ZOOM

A VIDEO COMMUNICATIONS PLATFORM

REPORTER'S TRANSCRIPT OF PROCEEDINGS

ORIGINAL

REPORTED BY:

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A P P E A R A N C E S

(All attendees appeared remotely, via Zoom.)

COMMISSIONERS PRESENT

KEELY BOSLER
Director, Department of Finance
(Chair of the Commission)

SPENCER WALKER
Representative for FIONA MA
State Treasurer
(Vice Chair of the Commission)

YVETTE STOWERS
Representative for BETTY T. YEE
State Controller

LEE ADAMS III
Sierra County Supervisor
Local Agency Member

SARAH OLSEN
Public Member

RENEE C. NASH
Eureka Union School District
School District Board Member

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COMMISSION STAFF

HEATHER A. HALSEY
Executive Director

JILL MAGEE
Program Analyst

HEIDI PALCHIK
Assistant Executive Director

CAMILLE N. SHELTON
Chief Legal Counsel

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

2

3 *PUBLIC PARTICIPANTS*

4 ANNETTE CHINN
City of Norwalk, Claimant

5 LISA KUROKAWA
6 State Controller's Office

7 BRITTANY THOMPSON
8 Department of Finance

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1 FRIDAY, JANUARY 28, 2022, 10:08 A.M.

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3 CHAIRPERSON BOSLER: Good morning. The meeting of
4 the Commission on State Mandates will come to order.
5 Nice to see all of you this morning. Welcome.

6 And in response to the continuing COVID-19
7 pandemic, we have been through multiple executive
8 orders: Executive Order N-29-20, which temporarily
9 suspended, on an emergency basis, pursuant to Government
10 Code section 8571, certain requirements for public
11 meetings until September 30th; we then had Statutes
12 2021, Chapter 165, amend the Bagley-Keene Open Meeting
13 Act to extend the suspension of these requirements until
14 January 31st; and then, just recently, Executive Order
15 N-1-22 extended the suspension of these requirements
16 until March 31, 2022, due to the COVID-19 pandemic.
17 Accordingly, requiring the physical presence of board
18 members at meetings and providing a physical space for
19 members of the public to observe and participate have
20 been suspended through March 31, 2022, so long as the
21 agency makes it possible for members of the public to
22 observe and address the meeting remotely via -- today,
23 what we're using -- Zoom.

24 The Commission is committed to ensuring that our
25 public meetings are accessible to the public and that

1 the public has the opportunity to observe the meeting
2 and to participate by providing written and verbal
3 comment on Commission matters.

4 During this extraordinary time, as we explore -- I
5 think we can't call it "new" anymore, because we have
6 been doing this for a while. As we explore different
7 ways of doing our business with new technologies, of
8 course we ask for patience and recognize that you all
9 may be interacting with us in a different -- different
10 way.

11 Please note that the materials for today's meeting,
12 including the notice, agenda, witness list, are all
13 available on the Commission's website, www.csm.ca.gov,
14 under the "Hearings" tab.

15 We are going to, later in the program, welcome a
16 new member, our new Office of Planning and Research
17 Director, Sam Assefa, but we will wait for him to
18 arrive.

19 So why don't you go ahead, Heather, and please call
20 the roll.

21 MS. HALSEY: Sure.

22 Mr. Adams.

23 MEMBER ADAMS: Here.

24 MS. HALSEY: Mr. Assefa.

25 (No response.)

1 MS. HALSEY: Ms. Bosler.

2 CHAIRPERSON BOSLER: Here.

3 MS. HALSEY: Ms. Nash.

4 MEMBER NASH: Here.

5 MS. HALSEY: Ms. Olsen.

6 MEMBER OLSEN: Here.

7 MS. HALSEY: Ms. Stowers. Ms. Stowers.

8 (No response.)

9 MS. HALSEY: Is Yvette frozen?

10 MEMBER STOWERS: Oh, am I frozen?

11 Here.

12 MS. HALSEY: There we go.

13 Mr. Walker.

14 MEMBER WALKER: Here.

15 MS. HALSEY: Thank you.

16 Item 1 is election of officers.

17 At the January 22, 2021, meeting, the Commission on

18 State Mandates elected Keely Bosler, Director of

19 Finance, chairperson of the Commission; and Betty T.

20 Yee, State Controller, as vice chairperson.

21 All Commission members, as defined by Government

22 Code section 17525, are eligible to be officers. The

23 Commission's regulations do not describe an election

24 procedure. However, regulations do specify that Roberts

25 Rules of Order are the Commission's default rules.

1 Under Roberts Rules, there are two ways to hold an
2 election: First, nominations may be taken -- made and a
3 vote taken, and nomination does not require a second; or
4 a motion may be made to elect a member chairperson or
5 vice chairperson, and a motion requires a second, and
6 then a vote is taken.

7 Staff recommends that the current chairperson
8 conduct the elections of chairperson and vice
9 chairperson.

10 Madam Chair.

11 CHAIRPERSON BOSLER: All right. So this is the
12 time in which I'm going to ask for nominations for
13 chairperson.

14 And is there a motion for election of a new
15 chairperson?

16 MEMBER OLSEN: So moved.

17 CHAIRPERSON BOSLER: So I -- this is very awkward,
18 but I have been nominated for the chairperson, the
19 Director of Finance.

20 Are there any other nominations? Without
21 objection --

22 MEMBER ADAMS: I would -- Ms. Bosler, if we could
23 do this at once, I would nominate Treasurer Ma as vice
24 chair.

25 CHAIRPERSON BOSLER: Okay. There's been a motion

1 for the Director of Finance to be chair; and Treasurer
2 Ma to be vice chair.

3 Are there any other nominations?

4 (No response.)

5 CHAIRPERSON BOSLER: Without objection, nominations
6 are closed.

7 There has been a motion to elect the Director of
8 Finance, Keely Bosler, as chairperson; and the vice
9 chair to be Fiona Ma, State Treasurer.

10 Is there a second?

11 MEMBER WALKER: I will second.

12 MEMBER STOWERS: Second.

13 CHAIRPERSON BOSLER: It's been seconded.

14 It's been moved and seconded to elect the Director
15 of Finance Keely Bosler, as chairperson; and State
16 Treasurer Fiona Ma as vice chairperson.

17 Are you ready for the question, or is there further
18 discussion?

19 MS. HALSEY: May I ask just for us to repeat real
20 quick who made the motions and the seconds, for the
21 record?

22 MS. PALCHIK: I caught that -- this is Heidi
23 Palchik.

24 I caught that Sarah Olsen first made the motion to
25 nominate the Director of Finance Keely Bosler.

1 And then Mr. Adams made the motion to include that
2 nomination for Ms. Bosler, and then also to nominate
3 Ms. Fiona Ma, State Treasurer, as vice chair.

4 That motion, second motion, was seconded by Spencer
5 Walker.

6 MS. HALSEY: Great. Thank you so much.

7 CHAIRPERSON BOSLER: Is there any further
8 discussion?

9 (No response.)

10 CHAIRPERSON BOSLER: If not, then Heather, can you
11 please call the roll.

12 MS. HALSEY: Sure.

13 Mr. Adams.

14 MEMBER ADAMS: Aye.

15 MS. HALSEY: Mr. Assefa.

16 (No response.)

17 MS. HALSEY: Ms. Bosler.

18 CHAIRPERSON BOSLER: Aye.

19 MS. HALSEY: Ms. Nash.

20 MEMBER NASH: Aye.

21 MS. HALSEY: Ms. Olsen.

22 MEMBER OLSEN: Aye.

23 MS. HALSEY: Ms. Stowers.

24 MEMBER STOWERS: Aye.

25 MS. HALSEY: Mr. Walker.

1 MEMBER WALKER: Aye.

2 MS. HALSEY: Thank you.

3 Moving on to the second part of Item 1, which is
4 subcommittee appointments.

5 Due to the departure of Member Jacqueline
6 Wong-Hernandez and the reassignment of Jeannie Lee, one
7 position on the Legislation Subcommittee and one
8 position and one alternate position on the Litigation
9 Subcommittee of the Commission are currently vacant and
10 need to be filled.

11 In addition, this is an opportunity for members who
12 wish to serve on a subcommittee to volunteer to do so,
13 and for those who are already on a subcommittee but
14 might want to switch or change their roles, also to
15 nominate or make that motion at this time.

16 Any member may nominate themselves to serve, and
17 upon a vote of the Commission may serve on a
18 subcommittee of the Commission.

19 Similar to the conduct of elections for the
20 election of officers, nominations may be made and a vote
21 taken, or else a motion may be made and a motion
22 requires a second.

23 Staff recommends that the members nominate
24 themselves to continue to serve or to be immediately
25 appointed to the subcommittees upon approval of the

1 Commission.

2 Staff further recommends that the chairperson
3 conduct the elections for the positions of the
4 Legislation and Litigation Subcommittees.

5 And I would turn it over now to the chair and to
6 the members.

7 CHAIRPERSON BOSLER: And the Personnel
8 Subcommittee, correct?

9 MS. HALSEY: Yes.

10 Currently, the Personnel Subcommittee has had no
11 turnover, so if the members want to keep it as is,
12 that's an option for the members. If they would like to
13 make changes, this would also be a time to do that.

14 CHAIRPERSON BOSLER: Okay. So maybe I will just
15 take them one at a time? Is that okay? Or do we just
16 want to have --

17 MS. HALSEY: That makes sense. That would --

18 CHAIRPERSON BOSLER: I see Ms. Olsen with her hand
19 up.

20 Would you like to --

21 MEMBER OLSEN: I currently serve on the Personnel
22 Subcommittee. I'm perfectly happy to continue to do so.
23 I'm also the alternate on the Legislation Committee, and
24 I just -- I don't want to hog room here. So, you know,
25 if there are lots of people who want to serve on the

1 Legislation Committee, and somebody who would like to
2 serve as the alternate, I'm perfectly happy to back away
3 from that. I'm also perfectly happy to continue as
4 alternate. Just want to put that out there.

5 CHAIRPERSON BOSLER: Thank you.

6 Mr. Adams.

7 MEMBER ADAMS: Thank you.

8 I just thought I would get myself out of the way.
9 I'm currently on the "Ledge" Committee, and I would love
10 to stay on it. And, otherwise, I don't see any other
11 changes for myself.

12 And I also want to congratulate you, Ms. Bosler, on
13 your election. I'm sorry for that.

14 CHAIRPERSON BOSLER: Thank you.

15 All right. Any other members want to express any
16 requests?

17 MEMBER WALKER: Madam Chair, I'm currently on the
18 Litigation Committee, and I will continue to serve.

19 CHAIRPERSON BOSLER: Okay. Thank you. Appreciate
20 it, Mr. Walker.

21 All right. Heather, will you help me through
22 the -- who we need to appoint? Because it seems like no
23 changes to Personnel.

24 MS. HALSEY: Okay.

25 CHAIRPERSON BOSLER: No motion, correct?

1 MS. HALSEY: So the positions we actually need to
2 fill are, one, in the Legislation Subcommittee and one
3 position and one alternate position on the Litigation
4 Subcommittee. The Litigation Subcommittee is
5 particularly important because we have ongoing
6 litigation and we may need to consult with --

7 CHAIRPERSON BOSLER: So Sarah -- oh.

8 Yes, Ms. Stowers.

9 MEMBER STOWERS: Yes. I would like to serve on the
10 Legislation Committee.

11 CHAIRPERSON BOSLER: Oh, great. Thank you. Thank
12 you.

13 Anyone else? Otherwise, I will call for a
14 nomination on -- any other nominations for the
15 Legislation Subcommittee? Sorry.

16 (No response.)

17 CHAIRPERSON BOSLER: All right. So I -- we need a
18 motion to appoint Ms. Stowers to the Legislation
19 Subcommittee.

20 MEMBER ADAMS: I would so move.

21 CHAIRPERSON BOSLER: Thank you, Mr. Adams.

22 Is there a second?

23 MEMBER OLSEN: I will second.

24 CHAIRPERSON BOSLER: Second by Ms. Olsen.

25 It has been moved and seconded that Yvette Stowers

1 will be appointed to the Legislation Subcommittee.

2 Is there any discussion or should we go -- proceed
3 to the vote?

4 MS. PALCHIK: Just to confirm, Madam Chair, then we
5 also have Mr. -- I'm sorry. We also have Mr. Lee
6 remaining and Ms. Olsen remaining as the alternate.

7 CHAIRPERSON BOSLER: Correct. With Mr. Adams
8 remaining on the Legislation Subcommittee and Ms. Olsen
9 remaining as the alternate.

10 MS. HALSEY: Would you like me to call the roll?

11 CHAIRPERSON BOSLER: Yes. Heather, please call the
12 roll. Thank you.

13 MS. HALSEY: Mr. Adams.

14 MEMBER ADAMS: Aye.

15 MS. HALSEY: Mr. Assefa.

16 (No response.)

17 MS. HALSEY: Ms. Bosler.

18 CHAIRPERSON BOSLER: Aye.

19 MS. HALSEY: Ms. Nash.

20 MEMBER NASH: Aye.

21 MS. HALSEY: Ms. Olsen.

22 MEMBER OLSEN: (No audible response.)

23 MS. HALSEY: Ms. Stowers.

24 MEMBER STOWERS: Aye.

25 MS. HALSEY: Mr. Walker.

1 MEMBER WALKER: Aye.

2 CHAIRPERSON BOSLER: The motion has carried.

3 THE COURT REPORTER: I'm sorry. This is the court
4 reporter. I didn't hear Ms. Olsen's "aye" come through.
5 I saw her mouth move, but I just want to confirm. She's
6 on mute.

7 MEMBER OLSEN: Aye.

8 THE COURT REPORTER: Thank you.

9 MS. HALSEY: Okay. So we have not -- so we're --
10 all the committees except for the Litigation Committee
11 have all the members they need -- require.

12 Director Assefa, I think, is having potentially
13 technical challenges this morning coming in to the
14 meeting. I do suspect, though, that he may wish to
15 volunteer for that, but isn't here to do that at this
16 time.

17 And I don't know if there was another member who
18 would want to be the other person or the alternate.

19 CHAIRPERSON BOSLER: I'm happy to be an alternate
20 on the Litigation Subcommittee, but I'm also happy to
21 keep it open if you think that makes sense, Heather.

22 MS. HALSEY: The reason we have two members and an
23 alternate is because sometimes one of the members might
24 be conflicted, and, this way, that person can recuse and
25 the other person can step in.

1 CHAIRPERSON BOSLER: That makes sense, a lot of
2 sense. Yeah.

3 MS. HALSEY: Yeah. So it is -- yeah. So whoever
4 wants to serve, but, ideally, someone with fewer
5 conflicts is better in terms of efficiency.

6 CHAIRPERSON BOSLER: So right now, it's Mr. Walker.
7 And we have two openings.

8 MS. HALSEY: Right.

9 MS. PALCHIK: No. We have Ms. Nash who volunteered
10 to be the alternate for that Litigation Subcommittee.

11 MS. HALSEY: Oh, she did. Okay. I missed that.

12 MEMBER NASH: Correct.

13 CHAIRPERSON BOSLER: So we just have one opening.

14 MS. HALSEY: So we just need one then.

15 MEMBER OLSEN: May I ask a question --

16 CHAIRPERSON BOSLER: Yes.

17 MEMBER OLSEN: -- about the Litigation
18 Subcommittee?

19 It's sort of my inherent feeling about it that
20 those who serve on that committee would be better off if
21 they have legal backgrounds. Is that a good --

22 MS. HALSEY: Absolutely true. Not necessarily
23 required, but ideal, for sure.

24 So if we would like to just -- if you would like to
25 make your -- the motion and vote on Ms. Nash as a

1 nomination, we could do that. And if you want to table
2 the other one for next time or for later in the meeting,
3 we could also do that too.

4 CHAIRPERSON BOSLER: Yeah. That's fine. Let's do
5 that. Let's make a motion.

6 So I would like to call for -- is there a motion to
7 appoint Ms. Nash to the Litigation Subcommittee as the
8 alternate?

9 MEMBER ADAMS: I would so move.

10 CHAIRPERSON BOSLER: Thank you, Mr. Adams.

11 Mr. Adams has moved.

12 Is there a second?

13 MEMBER WALKER: I will second.

14 CHAIRPERSON BOSLER: Mr. Walker has seconded that.

15 It has been moved and seconded to appoint Ms. Nash
16 to the Litigation Subcommittee as an alternate.

17 And can -- are we ready to vote, or is there any
18 discussion?

19 (No response.)

20 CHAIRPERSON BOSLER: Heather, please call the roll.

21 MS. HALSEY: Sure.

22 Mr. Adams.

23 MEMBER ADAMS: Aye.

24 MS. HALSEY: Mr. Assefa.

25 (No response.)

1 MS. HALSEY: Ms. Bosler.

2 CHAIRPERSON BOSLER: Aye.

3 MS. HALSEY: Ms. Nash.

4 MEMBER NASH: Aye.

5 MS. HALSEY: Ms. Olsen.

6 MEMBER OLSEN: Aye.

7 MS. HALSEY: Ms. Stowers.

8 MEMBER STOWERS: Aye.

9 MS. HALSEY: Mr. Walker.

10 MEMBER WALKER: Aye.

11 MS. HALSEY: Thank you.

12 So now we can move on.

13 CHAIRPERSON BOSLER: All right. All right. And we
14 will come back to that if Mr. Assefa joins or we will do
15 that at the next meeting.

16 Next is Item 2.

17 Are there any objections to or corrections of the
18 December 3rd, 2021, minutes?

19 MEMBER OLSEN: Move adoption.

20 CHAIRPERSON BOSLER: There's been a motion.

21 Is there any public comment on this item?

22 (No response.)

23 MEMBER ADAMS: If we need a second, I'm the second.

24 CHAIRPERSON BOSLER: All right. There is a motion
25 by Ms. Olsen; a second by Mr. Adams.

1 Heather, please call the roll.

2 MS. HALSEY: Mr. Adams.

3 MEMBER ADAMS: Aye.

4 MS. HALSEY: Mr. Assefa.

5 (No response.)

6 MS. HALSEY: Ms. Bosler.

7 CHAIRPERSON BOSLER: Aye.

8 MS. HALSEY: Ms. Nash.

9 MEMBER NASH: Aye.

10 MS. HALSEY: Ms. Olsen.

11 MEMBER OLSEN: Aye.

12 MS. HALSEY: Ms. Stowers.

13 MEMBER STOWERS: Aye.

14 MS. HALSEY: Mr. Walker.

15 MEMBER WALKER: Aye.

16 MS. HALSEY: Thank you.

17 And now we will take up public comment for matters
18 not on the agenda. Please note that the Commission
19 cannot take action on items not on the agenda. However,
20 it can schedule issues raised by the public for
21 consideration at future meetings. We invite the public
22 to comment on matters that are on the agenda as they are
23 taken up.

24 Madam Chair.

25 CHAIRPERSON BOSLER: Is there any public comment?

1 Sorry. Thank you.

2 (No response.)

3 CHAIRPERSON BOSLER: All right. Not hearing any
4 public comment, so we will go ahead and move to the next
5 item.

6 MS. HALSEY: Let's move to the swearing in.

7 Will the parties and witnesses for Item 4 please
8 turn on your video, unmute your microphones, and please
9 rise and state your names for the record.

10 MS. KUROKAWA: Lisa Kurokawa, State Controller's
11 Office.

12 MS. HALSEY: Thank you.

13 I believe Ms. Thompson is also appearing; is that
14 correct?

15 MS. THOMPSON: Yeah. Sorry about that.

16 Brittany Thompson, the Department of Finance.

17 MS. HALSEY: Thank you.

18 Do you solemnly swear or affirm that the testimony
19 which you are about to give -- oh, I lost them. Oh,
20 there you are. Sorry. It's my computer. But you guys
21 disappeared for a minute. Let me start again.

22 Do you solemnly swear or affirm that the testimony
23 which you are about to give is true and correct based on
24 your personal knowledge, information, or belief?

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

1 MS. HALSEY: Thank you. Please be seated.

2 Items 6 and 7 are proposed for consent.

3 Are there any objections to the proposed consent
4 calendar?

5 (No response.)

6 CHAIRPERSON BOSLER: Any objection to the consent
7 calendar?

8 MEMBER ADAMS: I would move approval.

9 MEMBER NASH: Second.

10 CHAIRPERSON BOSLER: There is a motion and a second
11 to approve the consent calendar.

12 Is there any discussion or can we proceed to a roll
13 call?

14 (No response.)

15 CHAIRPERSON BOSLER: Heather, please call the roll.

16 MS. HALSEY: Mr. Adams.

17 MEMBER ADAMS: Aye.

18 MS. HALSEY: Mr. Assefa.

19 (No response.)

20 MS. HALSEY: Ms. Bosler.

21 CHAIRPERSON BOSLER: Aye.

22 MS. HALSEY: Ms. Nash.

23 MEMBER NASH: Aye.

24 MS. HALSEY: Ms. Olsen.

25 MEMBER OLSEN: Aye.

1 MS. HALSEY: Ms. Stowers.

2 MEMBER STOWERS: Aye.

3 MS. HALSEY: Mr. Walker.

4 MEMBER WALKER: Aye.

5 MS. HALSEY: Thank you.

6 Item 3 is reserved for appeals of executive
7 director decisions, and there are no appeals to consider
8 for this hearing.

9 Next is Item 4. Chief Legal Counsel Camille
10 Shelton will please turn on her video and unmute her
11 microphone, as will the parties and witnesses. And
12 Ms. Shelton will present a proposed decision on an
13 incorrect reduction claim on Municipal Storm Water and
14 Urban Runoff Discharges. The claimant did not contact
15 the Commission staff to indicate whether or not they
16 would be attending this hearing.

17 MS. SHELTON: Good morning. This incorrect
18 reduction claim challenges the State Controller's
19 reduction of costs claimed by the City of Norwalk for
20 fiscal years 2002-2003 through 2012-2013.

21 The Controller made three findings that led to a
22 reduction of costs:

23 First, the claimant overstated the number of
24 transit trash receptacles installed, thereby reducing
25 the one-time cost claim;

1 Second, the claimant overstated ongoing costs
2 related to the maintenance of trash receptacles for the
3 audit period by overstating the number of trash
4 collections;

5 And, third, the claimant used Proposition A and
6 Proposition C, local return funds, which are
7 transportation sales taxes levied by the Los Angeles
8 Metropolitan Transit Authority, to pay for the program
9 but did not report those revenues as offsetting
10 revenues.

11 Staff finds that the Controller's reduction of --
12 reductions of costs are correct as a matter of law and
13 are not arbitrary, capricious, or without evidentiary
14 support.

15 Staff recommends that the Commission deny this
16 incorrect reduction claim and authorize staff to make
17 any technical, nonsubstantive changes to the proposed
18 decision following the hearing.

19 Thank you.

20 CHAIRPERSON BOSLER: Parties and witnesses, please
21 state -- just remember to state your names for the
22 record.

23 Ms. Thompson, for the Department of Finance, do you
24 have any comments?

25 MS. THOMPSON: No comments. Brittany Thompson with

1 the Department of Finance.

2 CHAIRPERSON BOSLER: Thank you.

3 Ms. Kurokawa, for the State Controller's Office, do
4 you have any comments?

5 MS. KUROKAWA: Yeah. My name is Lisa Kurokawa, a
6 State Controller's Office bureau chief. And the
7 Controller's Office agrees with the Commission staff's
8 proposed decision.

9 CHAIRPERSON BOSLER: Thank you very much.

10 Is there any public comment on this item?

11 (No response.)

12 CHAIRPERSON BOSLER: Are there any questions from
13 the members on the Commission?

14 Yes. Mr. Adams.

15 MEMBER ADAMS: Thank you, Madam Chair.

16 I don't have any questions, but I do have a
17 comment. I'm just disappointed the claimant is not
18 here.

19 The number 359 down to 194 is absolutely stunning
20 to me. It seems that that's more than a clerical
21 mistake, and I would love to know how they arrived at
22 that number. I'm just embarrassed for it. So that's my
23 only comment. I am just stunned by that error.

24 MS. PALCHIK: Madam Chair -- I'm sorry. Madam
25 Chair, this is Heidi Palchik.

1 I see that we have a hand raised in the audience.
2 It is Ms. Annette Chinn. And with your permission, I
3 will turn on her microphone.

4 CHAIRPERSON BOSLER: Great. Thank you.

5 Yes, Ms. Chinn.

6 MS. CHINN: Good morning, Commission.

7 I was the consultant involved in the preparation of
8 the claim.

9 And the City, I believe, they disagree with the
10 decision, and I think they disbelieve that there's no
11 point in them providing any additional information.
12 We -- we had a copy of a contract that showed the total
13 number of trash receptacles that were installed, but the
14 Controller's Office believed it was more appropriate to
15 look for actual trash receptacles 20 years later in the
16 city, to reimburse them on that basis, rather than an
17 actual document that showed the number of trash
18 receptacles that they had contractually established with
19 their vendor to clean those receptacles. So we disagree
20 with the manner in which that decision was arrived at.

21 And the other issue with the proposition,
22 proposition -- use of Prop A and Prop C funds was
23 already discussed in another incorrect reduction claim
24 that was brought to your -- for your review. And,
25 again, you ruled against use of Proposition A and C

1 funds.

2 You know, the local agencies believe that the State
3 should still reimburse them for those costs they
4 incurred for the mandated purpose. They could restore
5 those funds back to those other funding sources and use
6 that money for other city priorities. But you have
7 already heard and decided on that matter, as I
8 mentioned, in another incorrect reduction claim.

9 So, you know, I don't want to waste time and energy
10 going over issues that have already been considered by
11 you and have already been decided.

12 So, you know, in response to Mr. Adams's question,
13 I guess I don't really understand what he feels was such
14 an egregious error. You know, I'm here to answer
15 questions if there are any.

16 But I would love to hear from the State
17 Controller's Office how they determined that reviewing
18 location of receptacles 20 years after the fact, or 25
19 years after the fact, was more appropriate than looking
20 at a contract that listed actual locations and
21 obligations to have those trash receptacles serviced.

22 CHAIRPERSON BOSLER: Any response?

23 Mr. Adams. Yes, please.

24 MEMBER ADAMS: I appreciate those comments.

25 I'm just looking at the sentence that says the

1 claimant admits it did not install 359 trash receptacles
2 but contends that the actual amount is 217.

3 Again, I understand human beings can make mistakes,
4 but that is a fairly significant difference though.

5 Thank you.

6 MS. SHELTON: If I may, Madam Chair, just to
7 clarify that issue.

8 The dispute with regard to the number of trash
9 receptacles is really between the difference of 217 and
10 194.

11 The contract did say that they would install 217
12 locations, but the earlier contracts did list -- provide
13 a listing of where those receptacles would be located.
14 The later contracts did not.

15 The burden is on the claimant to provide
16 documentation to support their costs claimed. They
17 didn't have any documentation.

18 And when the Controller did look at it, they pulled
19 a spreadsheet which identified that 23 of the transit
20 stops were either abandoned or did not contain any trash
21 receptacles. They corroborated that information with a
22 GIS transit map. They also corroborated it with a
23 budget document that listed only 194 transit receptacles
24 and not 217. And then, in addition, one of the
25 reimbursement claims for fiscal year 2006-2007 does only

1 list the 194 receptacles.

2 So, therefore, the staff recommendation is that the
3 Controller did review all the available documentation,
4 came to a rational conclusion, which was not arbitrary
5 or capricious.

6 CHAIRPERSON BOSLER: Thank you, Ms. Shelton, for
7 those clarifications.

8 Are there any other questions from the members of
9 the Commission?

10 (No response.)

11 MEMBER OLSEN: I will move adoption of the staff
12 recommendation.

13 CHAIRPERSON BOSLER: Ms. Olsen is moving --

14 MEMBER WALKER: Second that.

15 CHAIRPERSON BOSLER: -- the staff recommendation.
16 Second by Mr. Walker.

17 Any further discussion? Or can I move to call for
18 a roll call? Sorry.

19 (No response.)

20 CHAIRPERSON BOSLER: All right. It's been moved
21 and seconded.

22 Heather, can you please call the roll.

23 MS. HALSEY: Sure.

24 Mr. Adams.

25 MEMBER ADAMS: Aye.

1 MS. HALSEY: Mr. Assefa.

2 (No response.)

3 MS. HALSEY: Ms. Bosler.

4 CHAIRPERSON BOSLER: Aye.

5 MS. HALSEY: Ms. Nash.

6 MEMBER NASH: Aye.

7 MS. HALSEY: Ms. Olsen.

8 MEMBER OLSEN: Aye.

9 MS. HALSEY: Ms. Stowers.

10 MEMBER STOWERS: Aye.

11 MS. HALSEY: Mr. Walker.

12 MEMBER WALKER: Aye.

13 CHAIRPERSON BOSLER: The motion is carried.

14 MS. HALSEY: We now ask the presenters for items --
15 Item 4 to please turn off their video and mute their
16 microphones.

17 Item 5 is reserved for county applications of a
18 finding of significant financial distress, or SB 1033
19 applications. No SB 1033 applications have been filed.

20 Item 8. Program Analyst Jill Magee will please
21 turn on her video and microphone and present Item 8, the
22 Legislative Update.

23 MS. MAGEE: I did just turn on -- start my video,
24 but for some reason -- there it goes. Interesting.

25 Good morning. The following are the legislative

1 updates since the last time the Commission met.

2 The legislature reconvened into session on
3 January 3rd, 2022. And on January 5th, 2022, in
4 response to the surge in COVID-19 cases due to the
5 omicron variant, and to protect public health and
6 safety, Governor Gavin Newsom signed Executive Order
7 N-1-22 to temporarily extend the flexibilities for state
8 bodies to conduct teleconferences, temporarily
9 suspending the sunset dates of Statutes 2021,
10 Chapter 165.

11 This extension provides authority for the
12 Commission to continue to hold its public meetings via
13 Zoom through the March 25th, 2022, meeting.

14 Next, AB 1610, State mandates: claims, which
15 proposed to reduce the statutorily required minimum
16 amount of costs incurred to file a mandate reimbursement
17 claim from \$1,000 to \$800, was introduced by
18 Assemblymember Lackey, and was read for the first time
19 on January 5th, 2022.

20 On January 14th, 2022, it was referred to the
21 Assembly Committee on Local Government.

22 This bill may be heard in committee on
23 February 5th, 2022.

24 This bill would amend Government Code section 17564
25 and contains similar language to the member's 2020 and

1 2021 spot bills, which staff tracked previously.

2 Additionally, Commission staff continues to monitor
3 the following four bills from last year, which have not
4 yet made it out of their house of origin. Each may
5 become a two-year bill if it clears the Assembly by
6 January 31st, 2022.

7 First, AB 1013, State mandates: claims, proposes to
8 reduce the statutorily required minimum amount of costs
9 incurred to file a mandate reimbursement claim from
10 \$1,000 to \$900.

11 Next, AB 885, Bagley-Keene Open Meeting Act:
12 teleconferencing, which, among other things, proposes to
13 add provisions to the Bagley-Keene Open Meeting Act,
14 requiring that the portion of a meeting or proceeding
15 conducted by teleconference that is required to be open
16 to the public be both audibly and visually observable;
17 the agenda be posted at the primary physical location
18 where members of the public may physically attend; and
19 that at least one of the members be present at that
20 physical location for the meeting.

21 Next, AB 29, State bodies: meetings, which, among
22 other things, proposes to add provisions to the
23 Bagley-Keene Open Meeting Act, requiring that the
24 existing required meeting notice include all writings or
25 materials provided for the noticed meeting to a member

1 of the state body by the staff or another member of the
2 state body, in connection with a matter subject to
3 discussion or consideration at the meeting, be made
4 available on the state body's internet website; and to
5 any person who requests the writings or materials in
6 writing on the same day as the dissemination of the
7 writings and materials to the members of the state body,
8 or at least 72 hours in advance to the meeting,
9 whichever is earlier; and would prohibit a state body
10 from discussing those writings or materials or from
11 taking action on an item to which those writings or
12 materials pertain, at a meeting of the state body,
13 unless the state body has complied with these
14 provisions.

15 And, finally, AB 884, State agencies: audits, would
16 require all state agencies with an aggregate spending of
17 \$50 million or more annually to establish an ongoing
18 audit function; would extend the requirements of the
19 Bagley-Keene Open Meeting Act to the internal audit
20 committees established by any governing body if the
21 governing body is subject to the Bagley-Keene Open
22 Meeting Act; and would require agencies who do and who
23 do not report to a governing body to post audit findings
24 and recommendations on its internet website within five
25 days of reporting its audit findings and

1 recommendations.

2 Staff will continue to monitor legislation for
3 bills that impact the mandates process.

4 Thank you.

5 CHAIRPERSON BOSLER: Thanks very much for that
6 thorough report. I appreciate it.

7 MS. HALSEY: If the members don't have any
8 questions on the legislative report, we can move on to
9 the Chief Legal Counsel Report. Chief Legal Counsel
10 Camille Shelton will please turn on her video and
11 microphone and present Item 9, the Chief Legal Counsel
12 Report.

13 MS. SHELTON: Good morning.

14 I don't have any new information to report for this
15 meeting. We have had no new filings or decisions since
16 the last hearing, and the courts in the pending cases
17 have not scheduled any hearing dates at this time.

18 MS. HALSEY: Thank you, Camille.

19 Item 10 is the Executive Director Report.

20 The Budget Act of 2022 was introduced on
21 January 10th, 2022. The proposed 2022-2023 Commission
22 budget -- excuse me -- includes a proposal for
23 administrative and information technology staff and
24 document accessibility software.

25 The proposal includes three additional positions:

1 Two associate governmental analysts, or program
2 analysts; and one information technology specialist I;
3 and also a reclass of the current information technology
4 specialist I to an information technology specialist II.

5 This would increase the Commission's staff from
6 13.5 positions in '21-'22 to 16.5 positions in '22-'23.
7 The proposal also includes \$62,903,000 for local agency
8 mandated programs, an increase of 15 -- sorry.
9 15,225,000 over the 2021-2022 budget.

10 For workload after this hearing, there are 38
11 pending test claims, 37 of which are regarding storm
12 water NPDES permits. There's also one request for
13 amendment of parameters and guidelines, and two
14 statewide cost estimates pending.

15 On inactive status, pending the outcome of
16 litigation, there is one parameters and guidelines
17 reporting stormwater pending.

18 And, finally, there are five IRCs pending.

19 Commission staff currently expects to complete all
20 of the currently pending test claims and IRCs by
21 approximately the 2024-2025 Commission meeting,
22 depending on staffing and other workload. However, some
23 of the test claims and IRCs may be heard and decided
24 earlier than currently indicated if they are
25 consolidated for hearing.

1 And that's all I have for now.

2 Does anyone have questions on the Executive
3 Director Report?

4 CHAIRPERSON BOSLER: Thank you for that report,
5 Heather.

6 Any questions for Heather on the upcoming work
7 ahead?

8 (No response.)

9 CHAIRPERSON BOSLER: At this time, are we ready to
10 recess to closed executive session?

11 (No response.)

12 CHAIRPERSON BOSLER: All right. All right. We
13 will move to closed executive session.

14 MS. PALCHIK: Madam Chair, if you could please
15 introduce us into that closed executive session by
16 reading that "pursuant to Government Code" section.

17 CHAIRPERSON BOSLER: Oh, yes. Of course. Thank
18 you.

19 The Commission will meet in closed executive
20 session pursuant to Government Code section 11126 --
21 sorry -- 11126(e) to confer with and receive advice from
22 legal counsel for consideration and action, as necessary
23 and appropriate, upon the pending litigation listed on
24 the published notice and agenda; and to confer with and
25 receive advice from legal counsel regarding potential

1 litigation. The Commission will also confer on
2 personnel matters pursuant to Government Code section
3 11126(a)(1).

4 We will reconvene in open session in approximately
5 15 minutes for the public.

6 (Closed session was held from
7 10:47 a.m. to 10:53 a.m.)

8 CHAIRPERSON BOSLER: We are going to reconvene in
9 public session.

10 The Commission met in closed executive session
11 pursuant to Government Code section 11126(e) to confer
12 and receive advice from legal counsel for consideration
13 and action, as necessary and appropriate, upon the
14 pending litigation listed on the published notice and
15 agenda; and to confer with and receive advice from legal
16 counsel regarding potential litigation. The Commission
17 also conferred on personnel matters, pursuant to
18 Government Code section 11126(a)(1).

19 With no further business to discuss, I will
20 entertain a motion to adjourn.

21 MEMBER WALKER: So moved.

22 CHAIRPERSON BOSLER: It's been moved.

23 Is there a second?

24 MEMBER OLSEN: Second.

25 CHAIRPERSON BOSLER: It's been moved by Mr. Walker

1 and seconded by Ms. Olsen to adjourn the meeting.

2 Heather, please call the roll.

3 MS. HALSEY: Mr. Adams.

4 MEMBER ADAMS: Aye.

5 MS. HALSEY: Mr. Assefa.

6 (No response.)

7 MS. HALSEY: Ms. Bosler.

8 CHAIRPERSON BOSLER: Aye.

9 MS. HALSEY: Ms. Nash.

10 MEMBER NASH: Aye.

11 MS. HALSEY: Ms. Olsen.

12 MEMBER OLSEN: Aye.

13 MS. HALSEY: Ms. Stowers.

14 MEMBER STOWERS: Aye.

15 MS. HALSEY: Mr. Walker.

16 MEMBER WALKER: Aye.

17 MS. HALSEY: Thank you.

18 CHAIRPERSON BOSLER: Thank you. The motion has
19 carried and this meeting is adjourned.

20 I hope everybody has a lovely weekend and stay safe
21 out there. Thank you.

22 (Proceedings concluded at 10:54 a.m.)

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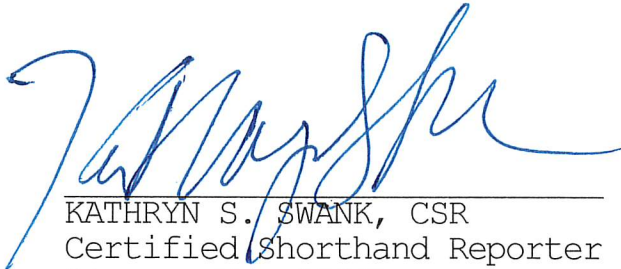
CERTIFICATE OF REPORTER

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

That I am a disinterested person herein; that the foregoing proceedings were reported in shorthand by me, Kathryn S. Swank, a Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings nor in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of February 2022.


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