

Minutes

COMMISSION ON STATE MANDATES

Location of Meeting: via Zoom

May 22, 2020

Present: Member Gayle Miller, Chairperson
Representative of the Director of the Department of Finance
Member Mark Hariri
Representative of the State Treasurer, Vice Chairperson
Member Lee Adams
County Supervisor
Member Jeannie Lee
Representative of the Director of the Office of Planning and Research
Member Sarah Olsen
Public Member
Member Carmen Ramirez
City Council Member
Member Jacqueline Wong-Hernandez
Representative of the State Controller

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

CALL TO ORDER AND ROLL CALL

Chairperson Miller called the meeting to order at 10:08 a.m. Executive Director Heather Halsey called the roll.

APPROVAL OF MINUTES

Chairperson Miller asked if there were any objections or corrections to the January 24, 2020 minutes. Member Ramirez made a motion to adopt the minutes. With a second by Member Hariri, the January 24, 2020 hearing minutes were adopted by a unanimous voice vote with Member Olsen abstaining.

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.

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

Item 2 Appeal of Executive Director Decisions

Executive Director Halsey stated that there were no appeals to consider for this hearing.

TEST CLAIM

- Item 3 *Racial and Identity Profiling*, 18-TC-02
Government Code Section 12525.5 and Penal Code Sections 13012 and 13519; as added or amended by Statutes 2015, Chapter 466 (AB 953); Statutes 2017, Chapter 328 (AB 1518)
California Code of Regulations, Title 11, Sections 999.224, 999.225, 999.226, 999.227, 999.228, and 999.229 as added by Register 2017, No. 46
City of San Diego, Claimant

Chief Legal Counsel Camille Shelton presented this item and recommended that the Commission adopt the Proposed Decision to partially approve this Test Claim.

Parties were represented as follows: Captain Jeffrey Jordon appeared on behalf of the claimant via video and audio; Donna Ferebee appeared on behalf of the Department of Finance via audio only.

Captain Jordon stated that he generally agreed with the Proposed Decision. Ms. Ferebee stated that the Department of Finance has no comment on the staff recommendation. Following comments by Member Ramirez, she made a motion to adopt the staff recommendation. With a second by Member Olsen, the motion to adopt the staff recommendation was adopted by a vote of 7-0.

MANDATE REDETERMINATION ON REMAND

- Item 4 *Sexually Violent Predators (CSM-4509)*, 12-MR-01-R
Welfare and Institutions Code Sections 6601 through 6608; Statutes 1995, Chapter 762; Statutes 1995, Chapter 763; Statutes 1996, Chapter 4
ON REMAND PURSUANT TO COURT'S JUDGMENT AND WRIT COUNTY OF SAN DIEGO v. COMMISSION ON STATE MANDATES (2018) 6 CAL.5TH 196; JUDGMENT AND WRIT OF MANDATE ISSUED BY SAN DIEGO COUNTY SUPERIOR COURT, CASE NO.: 37-2014-00005050-CU-WM-CTL
Department of Finance, Requester

Chief Legal Counsel Camille Shelton presented this item and recommended that the Commission adopt the Proposed Decision to deny the Request for Mandate Redetermination.

Parties were represented as follows: Donna Ferebee appeared on behalf of the Department of Finance via audio only; Christina Snider appeared on behalf of the County of San Diego via video and audio.

Ms. Ferebee stated that the Department of Finance has no comment on this item. Ms. Snider stated that the County of San Diego rested on its briefing and urged the Commission to adopt the Proposed Decision. Following comments from Member Wong-Hernandez, she made a motion to adopt the staff recommendation. With a second by Member Hariri, the motion to adopt the staff recommendation was adopted by a vote of 7-0.

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 Heather Halsey stated that no SB 1033 applications have been filed.

REPORTS

- Item 6 Legislative Update (info)

Ms. Ortman presented this item and described five bills that the Commission is tracking: SB 287, AB 2395, SB 1371, AB 400, and AB 1471.

- Item 7 Chief Legal Counsel: New Filings, Recent Decisions, Litigation Calendar (info)

Chief Legal Counsel Camille Shelton presented this item.

- Item 8 Executive Director: Budget, Workload Update and Tentative Agenda Items for the July and September 2020 Meetings (info))

Executive Director Halsey introduced the Commission's three new attorneys and provided a short background for each: Ms. Juliana Gmur as Attorney III, Mr. Christopher Becker as Attorney IV, and Ms. Elizabeth McGinnis as Attorney I. Member Ramirez congratulated Executive Director Halsey and Chief Legal Counsel Shelton for finding excellent staff and stated that the work of the Commission was complicated and thanked the new attorneys for being willing to do it. Chairperson Miller also congratulated everyone and stated that she looked forward to working with everyone and acknowledged that the Commission was grateful for their service to the State of California. Member Olsen welcomed the new attorneys and reminded them of the need to interpret the law and make it understandable to the general public, as the Public Member of the Commission.

Executive Director Halsey described the cuts and new funding to the Budget Act included in the May Revision, described the Commission's pending caseload, and asked Senior Information Technology Specialist Jason Rogers and Assistant Executive Director Heidi Palchik to turn on their video and un-mute their microphones so that Ms. Palchik could present Mr. Rogers with an award in recognition of his 25 years of state service. Assistant Executive Director Palchik congratulated Senior Information Technology Specialist Rogers; presented him with an Odyssey White Hot Pro 2.0 putter; and Chairperson Miller and Executive Director Halsey congratulated him and thanked him for his 25 years of state service.

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

A. PENDING LITIGATION

To confer with and receive advice from legal counsel, for consideration and action, as necessary and appropriate, upon the following matters pursuant to Government Code section 11126(e)(1):

Trial Courts:

1. ***On Remand from the Third District Court of Appeal, Case No. C070357***
State of California Department of Finance, State Water Resources Control Board, and California Regional Water Quality Board, San Diego Region v. Commission on State Mandates and County of San Diego, et al. (petition and cross-petition)
Sacramento County Superior Court Case No. 34-2010-80000604
[*Discharge of Stormwater Runoff*, Order No. R9-207-000 (07-TC-09), California Regional Water Control Board, San Diego Region Order No. R9-2007-001, NPDES No. CAS0108758, Parts D.1.d.(7)-(8), D.1.g., D.3.a.(3), D.3.a.(5), D.5, E.2.f, E.2.g, F.1, F.2, F.3, I.1, I.2, I.5, J.3.a.(3)(c) iv-vii & x-xv, and L]
2. *City of San Diego v. Commission on State Mandates, State Water Resources Control Board, Department of Finance*,
Sacramento County Superior Court, Case No. 2019-80003169
(*Lead Sampling in Schools: Public Water System No. 3710020* (17-TC-03))
3. ***On Remand from the California Supreme Court, Case No. S247266, and the First District Court of Appeal, Case No. A148606***
California School Board Association (CSBA) v. State of California et al.
Alameda County Superior Court, Case No. RG11554698
[Multiple Causes of Action on the Mandates Process]

Courts of Appeal:

1. *Coast Community College District, et al. v. Commission on State Mandates*,
Third District Court of Appeal, Case No. C080349
Sacramento County Superior Court, Case No. 34-2014-80001842
[*Minimum Conditions for State Aid*, 02-TC-25/02-TC-31
(Education Code Sections 66721, 66721.5, 66722, 66722.5, 66731, 66732, 66736, 66737, 66738, 66740, 66741, 66742, 66743, 70901, 70901.5, 70902, 71027, 78015, 78016, 78211.5, 78212, 78213, 78214, 78215, 78216, 87482.6, and 87482.7; Statutes 1975, Chapter 802; Statutes 1976, Chapters 275, 783, 1010, and 1176; Statutes 1977, Chapters 36 and 967; Statutes 1979, Chapters 797 and 977; Statutes 1980, Chapter 910; Statutes 1981, Chapters 470 and 891; Statutes 1982, Chapters 1117 and 1329; Statutes 1983, Chapters 143 and 537; Statutes 1984, Chapter 1371; Statutes 1986, Chapter 1467; Statutes 1988, Chapters 973 and 1514; Statutes 1990, Chapters 1372 and 1667; Statutes 1991, Chapters 1038, 1188, and 1198; Statutes 1995, Chapters 493 and 758; Statutes 1998, Chapter 365, 914, and 1023; Statutes 1999, Chapter 587; Statutes 2000, Chapter 187; and Statutes 2002, Chapter 1169; California Code of Regulations, Title 5, Sections 51000, 51002, 51004, 51006, 51008, 51012, 51014, 51016, 51018, 51020, 51021, 51022, 51023, 51023.5, 51023.7, 51024, 51025, 51027, 51100, 51102, 53200, 53202, 53203, 53204, 53207, 53300, 53301, 53302, 53308, 53309, 53310, 53311, 53312, 53314, 54626, 54805, 55000, 55000.5, 55001, 55002, 55002.5, 55004, 55005, 55006, 55100, 55130, 55150, 55160, 55170, 55182, 55200, 55201, 55202, 55205, 55207, 55209, 55211, 55213, 55215, 55217, 55219, 55300, 55316, 55316.5, 55320, 55321, 55322, 55340, 55350, 55401, 55402, 55403, 55404, 55500, 55502, 55510, 55512, 55514, 55516, 55518, 55520, 55521, 55522, 55523, 55524, 55525, 55526, 55530, 55532, 55534, 55600, 55601, 55602, 55602.5, 55603, 55605, 55607, 55620, 55630, 55750, 55751, 55752, 55753, 55753.5,

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2. ***On Remand from California Supreme Court, Case No. S214855, State of California Department of Finance, State Water Resources Control Board, and California Regional Water Quality Control Board, Los Angeles Region v. Commission on State Mandates and County of Los Angeles, et al*** (petition and cross-petition)
Second District Court of Appeal Case No. B292446
[Los Angeles County Superior Court, Case No. BS130730, Related Appeal from Second District Court of Appeal, Case No. B237153 [*Municipal Storm Water and Urban Runoff Discharges*, 03-TC-04, 03-TC-19, 03-TC-20, and 03-TC-21, Los Angeles Regional Quality Control Board Order No. 01-182, Permit CAS004001, Parts 4C2a., 4C2b, 4E & 4Fc3]

To confer with and receive advice from legal counsel, for consideration and action, as necessary and appropriate, upon the following matter pursuant to Government Code section 11126(e)(2):

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

B. PERSONNEL

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

The Commission adjourned into closed executive session at 10:47 a.m., pursuant to Government Code section 11126(e)(2), to confer with and receive advice from legal counsel for consideration and action, as necessary and appropriate, upon the pending litigation listed on the published notice and agenda; and to confer with and receive advice from legal counsel regarding potential litigation; and to confer on personnel matters pursuant to Government Code section 11126(a)(1).

RECOVENE IN PUBLIC SESSION

REPORT FROM CLOSED EXECUTIVE SESSION

At 11:23 a.m., the Commission reconvened in open session. Chairperson Miller reported that the Commission met in closed executive session pursuant to Government Code section 11126(e)(2) to confer with and receive advice from legal counsel for consideration and action, as necessary and appropriate, upon the pending litigation listed on the public notice and agenda, and to confer with and receive advice from legal counsel regarding potential litigation, and, pursuant to Government Code section 11126(a)(1) to confer on personnel matters.

ADJOURNMENT

Hearing no further business, Chairperson Miller requested a motion to adjourn the meeting. Member Hariri made a motion to adjourn the meeting. Member Ramirez seconded the motion.

The May 22, 2020 meeting was adjourned by a unanimous voice vote at 11:24 a.m.

A handwritten signature in black ink, appearing to read "Heather Halsey". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Heather Halsey
Executive Director

STATE OF CALIFORNIA
COMMISSION ON STATE MANDATES



PUBLIC MEETING

FRIDAY, MAY 22, 2020

10:08 A.M.

MEETING HELD

VIA ZOOM,

A VIDEO COMMUNICATIONS PLATFORM

REPORTER'S TRANSCRIPT OF PROCEEDINGS

ORIGINAL

REPORTED BY:

KATHRYN S. SWANK

Certified Shorthand Reporter No. 13061

Registered Professional Reporter

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A P P E A R A N C E S

(All attendees appeared remotely, via Zoom.)

COMMISSIONERS PRESENT

GAYLE MILLER
Representative for KEELY BOSLER, Director
Department of Finance
(Chair of the Commission)

MARK HARIRI
Representative for FIONA MA
State Treasurer
(Vice Chair of the Commission)

JACQUELINE WONG-HERNANDEZ
Representative for BETTY T. YEE
State Controller

JEANNIE LEE
Representative for KATE GORDON, Director
Office of Planning & Research

LEE ADAMS III
Sierra County Supervisor
Local Agency Member

SARAH OLSEN
Public Member

M. CARMEN RAMIREZ
Oxnard City Council Member
Local Agency Member

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COMMISSION STAFF

HEATHER A. HALSEY
Executive Director

KERRY ORTMAN
Program Analyst

HEIDI PALCHIK
Assistant Executive Director

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

JASON ROGERS
Chief Information Officer

CAMILLE N. SHELTON
Chief Legal Counsel

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PUBLIC PARTICIPANTS

CAPTAIN JEFFREY JORDON
City of San Diego, Claimant

DONNA FEREBEE
Department of Finance

CHRISTINA SNIDER
County of San Diego

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E R R A T A S H E E T

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1 FRIDAY, MAY 22, 2020, 10:08 A.M.

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3 CHAIRPERSON MILLER: The meeting of the Commission
4 on State Mandates will come to order. Welcome, and
5 thank you to everyone for participating via Zoom.

6 Please note that in response to COVID-19 and its
7 impact on public meetings, under the Bagley-Keene Open
8 Meeting Act, Governor Newsom's Executive Order N-29-20
9 suspends, on an emergency basis pursuant to Government
10 Code 8571, certain requirements for public meetings.
11 Accordingly, requiring the physical presence of board
12 members at public meetings and providing a physical
13 space for members of the public to observe and
14 participate have been suspended until further notice, so
15 long as the agency makes it possible for members of the
16 public to observe and address the meetings remotely; for
17 example, via web or audio conferencing such as Zoom.

18 The Commission is committed to ensuring that our
19 public meetings are accessible to the public and that
20 the public has the opportunity to observe the meeting
21 and to participate by providing a written and verbal
22 comment on Commission matters.

23 During this time, as we explore new ways of doing
24 business with new technologies, we ask that you remain
25 patient with us, as you have all exhibited. So thank

1 you for that.

2 Any questions?

3 (No response)

4 CHAIRPERSON MILLER: Nope. Great. Thank you very
5 much.

6 Please note that the materials for today's meeting,
7 including the notice, agenda, and witness list, are all
8 available on the Commission's website, [www.csm --](http://www.csm.ca.gov)
9 Commission on State Mandates -- [.ca.gov](http://www.csm.ca.gov), under the
10 "Hearings" tab.

11 Ms. Halsey, will you please call the roll.

12 MS. HALSEY: Yes.

13 Mr. Adams.

14 MEMBER ADAMS: Here.

15 MS. HALSEY: Mr. Hariri.

16 MEMBER HARIRI: Here.

17 MS. HALSEY: Ms. Lee.

18 MEMBER LEE: Here.

19 MS. HALSEY: Ms. Miller.

20 CHAIRPERSON MILLER: Here.

21 MS. HALSEY: Ms. Olsen.

22 MEMBER OLSEN: Here.

23 MS. HALSEY: Ms. Ramirez.

24 MEMBER RAMIREZ: Here.

25 MS. HALSEY: Ms. Wong-Hernandez.

1 MEMBER WONG-HERNANDEZ: Here.

2 CHAIRPERSON MILLER: It's really lovely to see all
3 of you. Thank you all for being here.

4 The next item is number -- Item Number 1.

5 Are there any objections to or corrections of the
6 January 24th, 2020, minutes?

7 MEMBER RAMIREZ: No. I will move the recommended
8 action.

9 CHAIRPERSON MILLER: Thank you, Ms. Ramirez.

10 Moved by Ms. Ramirez.

11 MEMBER HARIRI: I second that.

12 CHAIRPERSON MILLER: Thank you, Mr. Hariri.

13 Seconded by Mr. Hariri.

14 We have a motion and a second for adoption of the
15 January 24th, 2020, minutes.

16 All those in favor of the adopting the minutes,
17 please signify by saying "aye."

18 (Ayes)

19 MEMBER OLSEN: Note: I should be shown as an
20 abstention since I was not present at the meeting.

21 CHAIRPERSON MILLER: Oh, thank you, Ms. Olsen.

22 Ms. Olsen is an abstention.

23 Are there any opposed?

24 (No response)

25 CHAIRPERSON MILLER: Seeing none.

1 MEMBER RAMIREZ: I have a question, Chairwoman.

2 CHAIRPERSON MILLER: Yes.

3 MEMBER RAMIREZ: Usually we have to do a roll call
4 vote, and I'm wondering if we're okay with just the
5 voice "aye."

6 CHAIRPERSON MILLER: The voice vote is okay for the
7 minutes.

8 Ms. Shelton, do you want to correct me if I'm wrong
9 on that?

10 MS. SHELTON: Hi. Good morning.

11 For the minutes, I think you are fine. For items,
12 I do recommend a roll call vote.

13 CHAIRPERSON MILLER: Great. Thank you for that.
14 And thank you for the question, Ms. Ramirez.

15 So the minutes are adopted.

16 Ms. Halsey.

17 MS. HALSEY: Hello.

18 Now we will take up public comment for matters not
19 on the agenda. Please note that the Commission cannot
20 take action on items not on the agenda. However, it can
21 schedule issues raised by the public for future -- or
22 for consideration at future meetings.

23 CHAIRPERSON MILLER: Thank you for that.

24 Is there any public comment?

25 (No response)

1 CHAIRPERSON MILLER: Seeing none and hearing none,
2 we will move to the next item.

3 Ms. Halsey.

4 MS. HALSEY: Let's move to the Article 7 portion of
5 the hearing. There are no items on consent today.

6 Now will the parties and witnesses for Items 3 and
7 4 please turn on your video and un-mute your microphone
8 and please rise.

9 Thank you.

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

12 MS. HALSEY: Thank you.

13 Please be seated and turn off your video and
14 microphone for now.

15 Item 2 is reserved for appeals of Executive
16 Director decisions. There are no appeals to consider
17 for this hearing.

18 Next is Item 3. Chief Legal Counsel Camille
19 Shelton will please turn on her video and un-mute her
20 microphone and present a proposed decision on a test
21 claim on racial and identity profiling.

22 At this time, we invite the parties and witnesses
23 for Item 3 to turn on their video and un-mute their
24 microphones when they hear their name called for the
25 presentation of their testimony.

1 MS. SHELTON: Good morning.

2 This test claim addresses the Racial and Identity
3 Profiling Act and the implementing regulations adopted
4 by the Department of Justice, which require local
5 governments that employ peace officers to electronically
6 report to the Attorney General data on all stops
7 conducted by the agency peace officers. The data
8 required to be reported include the reason for the stop,
9 the perceived race or ethnicity, gender, LGBT status,
10 approximate age and English fluency of the person
11 stopped, the actions taken by the officer during the
12 stop, and the result of the stop.

13 Staff finds that the test claim statutes and
14 regulations constitute a reimbursable state-mandated
15 program beginning November 7th, 2017, only on city and
16 county law enforcement agencies that employ or contract
17 for peace officers to perform the mandated requirements
18 for stops within their own jurisdictions.

19 The test claim statutes and regulations do not,
20 however, impose a state-mandated program on K-12 school
21 districts and community college districts or on city or
22 county agencies that assign their peace officer
23 employees out to work for other government or private
24 entities, based on a contract or memorandum of
25 understanding.

1 Accordingly, staff recommends that the Commission
2 adopt the proposed decision, partially approving this
3 test claim, and authorize staff to make any technical,
4 nonsubstantive changes to the proposed decision
5 following the hearing.

6 CHAIRPERSON MILLER: Thank you very much.

7 Parties and witnesses, please turn on your
8 microphones and state your names for the record.

9 Captain Jordon for the claimant.

10 CAPTAIN JORDON: Good morning. I'm Captain Jeff
11 Jordon.

12 CHAIRPERSON MILLER: Great -- very much.

13 Ms. Ferebee for the Department of Finance. Could
14 you please turn on your microphone. Donna, can you hear
15 me?

16 Okay. Why don't we pause for one minute and make
17 sure that we get Donna on. Is that possible? I can
18 un-mute her or the host can un-mute her. Oh, there we
19 go. Donna?

20 MS. FEREBEE: Hi. Can you hear me?

21 CHAIRPERSON MILLER: I can now, yes. Please.
22 Okay.

23 MS. FEREBEE: Okay. I -- my apologies. I'm sorry.
24 I'm appearing by telephone, by audio. I don't have the
25 video going.

1 CHAIRPERSON MILLER: Oh, no worries.

2 MS. FEREBEE: Thank you.

3 CHAIRPERSON MILLER: No worries.

4 I just wanted to make sure, did you hear

5 Ms. Shelton's introduction?

6 MS. FEREBEE: Yes, I did.

7 CHAIRPERSON MILLER: Great. Perfect.

8 MS. PALCHIK: And can I -- Madam Chair, this is
9 Heidi Palchik.

10 I note that Ms. Ferebee -- I'm not sure if she was
11 there, available for the swearing in. If she could just
12 confirm that she was sworn in.

13 CHAIRPERSON MILLER: Thank you for that.

14 MS. FEREBEE: Yes, I was.

15 CHAIRPERSON MILLER: Great.

16 MS. FEREBEE: Thank you.

17 CHAIRPERSON MILLER: Thank you, Ms. Ferebee.
18 Great. Thank you very much.

19 Therefore, Captain Jordon, I'm going to ask that
20 you just state your name one more time and we will begin
21 this again. If you could please begin.

22 CAPTAIN JORDON: Hi. My name is Jeffrey Jordon,
23 and then my last name is spelled J-O-R-D-O-N.

24 CHAIRPERSON MILLER: Thank you very much.

25 And will you please begin. Anything you would like

1 to add.

2 CAPTAIN JORDON: Thank you. Good morning.

3 As mentioned, my name is Jeff Jordon. I'm a
4 captain with the San Diego Police Department. And I'll
5 be representing the City of San Diego today and the
6 hearing for the proposed test claim for the Racial and
7 Identity Profiling Act of 2015, also known as RIPA. It
8 was authorized for filing by the City's chief financial
9 officer, Rolando Charvel.

10 First I would like to thank the Commission for
11 giving me the opportunity to present this test claim
12 today, especially in light of all the challenges
13 presented by us by COVID-19.

14 Next, I wanted to express my general agreement with
15 the proposed decision, which clearly took into account
16 the new legislatively mandated costs incurred by local
17 agencies, with the implementation of Government Code
18 12525(a)(1), requiring law enforcement agencies to
19 collect stop data and to report this data to the DOJ
20 annually. These collection and reporting activities
21 alleged in the Government Code and standardized by the
22 DOJ when issuing regulations in Title 11 of the
23 California Code of Regulations, sections 999.224 through
24 999.229. As noted in the proposed decision, the
25 Government Code and regulations cited in this claim

1 require the collection of stop data and the electronic
2 submission of it to the DOJ annually, as well as efforts
3 to validate this data and audit it. This is an activity
4 which took three of my officers the entire month of
5 March to complete.

6 Also, one issue that was noted in the proposed
7 decision, on page 65, relates to training costs. And I
8 bring them up now for consideration and any established
9 parameters and guidelines as a reasonable and necessary
10 activity.

11 RIPA, as you may know, was enacted in 2015, and it
12 took over two years for the DOJ to develop the
13 regulations which governed the activities related to it.
14 And I don't believe it's unreasonable for local agencies
15 to be reimbursed for the time spent instructing officers
16 on the 22 pages of regulations that outlined the
17 circumstances of data that must be collected. Some of
18 those circumstances were noted in your proposed
19 decision.

20 Additionally, the RIPA board periodically requests
21 changes or clarifies data elements that must be
22 collected, and this requires agencies to update their
23 training of officers. That recently took place in the
24 fall in regards to documenting seized property.

25 Additionally, agencies like the San Diego Police

1 Department are being subjected to numerous CPRA requests
2 related to the data being collected and submitted;
3 having to respond to media stories; and the data, which
4 is also being collected under RIPA, we're having to
5 gauge a substantial analysis of it to respond. That
6 analysis is required by us, because if we don't respond
7 and have an analysis that speaks to the data being
8 collected, it potentially impacts our legitimacy and the
9 trust that our agencies experience in our communities.

10 I believe these also -- issues should be considered
11 in establishing any parameters and guidelines.

12 And with that, I will just say I'm open for any
13 comments and questions from the Commission, and I thank
14 you for your time today.

15 CHAIRPERSON MILLER: Thank you. Thank you, Captain
16 Jordon.

17 Ms. Ferebee, do you have anything to add for the
18 Department of Finance?

19 MS. FEREBEE: Thank you.

20 The Department of Finance has no comment on the
21 staff recommendation for the test claim.

22 Thank you.

23 CHAIRPERSON MILLER: Great. Thank you very much.
24 I appreciate it.

25 Are there any questions from members? Please feel

1 free to un-mute yourselves at this time.

2 Ms. Ramirez?

3 MEMBER RAMIREZ: Yeah. I don't particularly have a
4 question, but just a comment for the record.

5 I think it's very -- this is a very important piece
6 of legislation that clearly requires -- it's not just a
7 knee-jerk kind of thing where our law enforcement can
8 comply with the regulations. So I really do appreciate
9 the comments of the captain about the time for training.
10 But it's so important for retaining/regaining the trust
11 of the public to know that the laws are enforced fairly.
12 So I do appreciate those comments and support -- support
13 the staff's recommendation.

14 Thank you.

15 CHAIRPERSON MILLER: Thank you.

16 MEMBER RAMIREZ: And I would, at the appropriate
17 time, make the motion to approve.

18 CHAIRPERSON MILLER: Thank you for that motion,
19 Ms. Ramirez.

20 Any other comments from the board?

21 MEMBER OLSEN: Only that I second the motion.

22 CHAIRPERSON MILLER: Great. Thank you, Ms. Olsen.

23 Seeing no further discussion, is there any
24 public -- oh, Mr. Hariri. Did you have a question?

25 MEMBER HARIRI: No. No. I'm just getting ready to

1 vote.

2 CHAIRPERSON MILLER: Oh, great. I appreciate it.

3 Is there any -- is there any public comment?

4 Anyone wishing to make any statement?

5 (No response)

6 CHAIRPERSON MILLER: No? Okay.

7 Well, then we have a motion from Ms. Ramirez; a
8 second from Ms. Olsen to adopt the staff recommendation.

9 Seeing no further discussion, I'm just making sure,
10 quickly -- great, thank you very much.

11 Ms. Halsey, could you please call the roll.

12 MS. HALSEY: Mr. Adams.

13 MEMBER ADAMS: Aye.

14 MS. HALSEY: Mr. Hariri.

15 MEMBER HARIRI: Aye.

16 MS. HALSEY: Ms. Lee.

17 MEMBER LEE: Aye.

18 MS. HALSEY: Ms. Miller.

19 CHAIRPERSON MILLER: Aye.

20 MS. HALSEY: Ms. Olsen.

21 MEMBER OLSEN: Aye.

22 MS. HALSEY: Ms. Ramirez.

23 MEMBER RAMIREZ: Aye.

24 MS. HALSEY: Ms. Wong-Hernandez.

25 MEMBER WONG-HERNANDEZ: Aye.

1 CHAIRPERSON MILLER: Thank you, everyone. That
2 motion carried.

3 And if you -- if the presenters for Item 3 can
4 please turn off their video and mute their microphones.
5 Thank you, Captain Jordon.

6 CAPTAIN JORDON: Thank you so much, Commission. I
7 appreciate your time.

8 CHAIRPERSON MILLER: Thank you for being here
9 today. Take care.

10 We will move on to Item Number 4. Ms. Halsey,
11 please.

12 MS. HALSEY: Chief Legal Counsel Camille Shelton
13 will -- well, she already has her video on and she can
14 un-mute her microphone, and present a denial of a new
15 test claim decision on mandate redetermination on remand
16 on sexually violent predators.

17 At this time, we invite the parties and witnesses
18 to turn on the video -- their video and un-mute their
19 microphone when they hear their name called for a
20 presentation of testimony.

21 MS. SHELTON: Thank you.

22 This matter is on remand from the California
23 Supreme Court, based on a request from the Department of
24 Finance to adopt a new test claim decision to end the
25 State's liability for the Sexually Violent Predator

1 Program, based on a subsequent change in law, namely the
2 2006 voter-approved ballot initiative Proposition 83,
3 known as Jessica's Law.

4 In accordance with the Court's decision, the
5 proposed decision makes the following findings:

6 Number 1: The record shows that although the
7 number of sexually violent predator referrals has not
8 increased over time, at least some portion of all new
9 referrals since 2006 are based on a single offense, and
10 those referrals are therefore triggered by Proposition
11 83 and not by the test claim statutes or other changes
12 in law.

13 Number 2: The voters are the source of an ongoing
14 policy of civil commitment of sexually violent
15 predators. The ballot measure included in the amendment
16 clause in-Proposition 83 support the conclusion that the
17 voters reasonably intended to prohibit the Legislature
18 from repealing or significantly reducing the civil
19 commitment program.

20 However, Proposition 83 does not constitute a
21 subsequent change in law that modifies the State's
22 liability for this program because the activities and
23 costs to implement the program in accordance with the
24 voter mandate have been shifted to counties based on the
25 State's true choice, and, thus, the activities and costs

1 remain mandated by the State.

2 Staff recommends that the Commission adopt the
3 proposed decision to deny the request for mandate
4 redetermination, and authorize staff to make any
5 technical, nonsubstantive changes to the proposed
6 decision following the hearing.

7 CHAIRPERSON MILLER: Thank you, Ms. Shelton.

8 And if the parties and witnesses can please -- or
9 not for Ms. Ferebee. But Ms. Snider, could you please
10 turn on your video and make sure to un-mute your
11 microphones. Thank you very much.

12 And could you please state your names for the
13 record.

14 Ms. Snider.

15 MS. SNIDER: Christina Snider with the County of
16 San Diego.

17 CHAIRPERSON MILLER: Thank you very much.

18 Ms. Ferebee.

19 MS. FEREBEE: This is Donna Ferebee with the
20 Department of Finance.

21 CHAIRPERSON MILLER: Great. Thank you very much.

22 Ms. Ferebee, would you like to begin?

23 MS. FEREBEE: Thank you.

24 The Department of Finance has no comment on this
25 item. Thank you.

1 CHAIRPERSON MILLER: Thank you very much.

2 Ms. Snider, for the County of San Diego, do you
3 have any comments?

4 MS. SNIDER: Well, I actually was just going to
5 respond to the Department of Finance as needed.

6 So one thing I will say is, to the extent the
7 proposed decision is any different from our briefing, we
8 would just rest on our briefing. But we appreciate the
9 proposed decision in the local agency's favor, and we
10 urge you to adopt it.

11 Thank you.

12 CHAIRPERSON MILLER: Thank you, Ms. Snider.

13 Is there any additional public comment on this
14 item? If you could please un-mute your microphone
15 and/or your video, if you have any additional public
16 comment.

17 (No response)

18 CHAIRPERSON MILLER: I don't see any. I assume,
19 Ms. Palchik, you will let me know if there's anyone
20 calling in.

21 (No response)

22 CHAIRPERSON MILLER: Great. Okay.

23 Are there any questions from board members?

24 Ms. Wong-Hernandez?

25 MEMBER WONG-HERNANDEZ: Thank you.

1 I actually just wanted to compliment staff on this
2 one. I mean, this is quite a complicated -- I mean,
3 many of the mandates that they write up and many of the
4 things that you all are asked to evaluate are very
5 complex.

6 But this one, I spent a lot of time with, kind of
7 understanding the layers and, frankly, the weirdness of
8 the particular situation that gave rise to all of this.
9 And so just really appreciate all the work that must
10 have gone into putting that together and having to think
11 about it differently and interpret what the court said
12 and deal -- grapple with the issues that hadn't been
13 really grappled with the first time around, with the
14 test claim.

15 MS. SHELTON: Thank you.

16 MEMBER WONG-HERNANDEZ: So thank you all. And I'm
17 ready to move the approval when you are ready,
18 Ms. Miller.

19 CHAIRPERSON MILLER: That -- that compliment is
20 well deserved, Ms. Shelton.

21 Any other questions from board members?

22 (No response)

23 CHAIRPERSON MILLER: We have a motion from
24 Ms. Wong-Hernandez.

25 MEMBER HARIRI: I second that.

1 CHAIRPERSON MILLER: Seconded by Mr. Hariri.
2 Any other questions? Comments?
3 (No response)
4 CHAIRPERSON MILLER: Great. So we have a motion
5 and a second to adopt the staff recommendation.
6 And I think we are, therefore, Ms. Halsey, ready --
7 seeing no further discussion or comment. Just making
8 sure. I think we're ready to call the roll, please.
9 MS. HALSEY: Mr. Adams.
10 MEMBER ADAMS: Aye.
11 MS. HALSEY: Mr. Hariri.
12 MEMBER HARIRI: Aye.
13 MS. HALSEY: Ms. Lee.
14 MEMBER LEE: Aye.
15 MS. HALSEY: Ms. Miller.
16 CHAIRPERSON MILLER: Aye.
17 MS. HALSEY: Ms. Olsen.
18 MEMBER OLSEN: Aye.
19 MS. HALSEY: Ms. Ramirez.
20 MEMBER RAMIREZ: Aye.
21 MS. HALSEY: Ms. Wong-Hernandez.
22 MEMBER WONG-HERNANDEZ: Aye.
23 MS. HALSEY: Thank you.
24 CHAIRPERSON MILLER: Great. Thank you, Ms. Halsey.
25 We now ask the presenters for Items 4 -- they

1 already have turned off their videos and microphones.

2 Thank you very much.

3 Moving to Item 5. Ms. Halsey.

4 MS. HALSEY: This item is reserved for county
5 applications for a finding of significant financial
6 distress or SB 1033 applications. No SB 1033
7 applications have been filed.

8 Program Analyst Kerry Ortman will please turn on
9 her video and microphone and present Item 6, the
10 Legislative Update.

11 MS. ORTMAN: Good morning.

12 SB 287 Commission on State Mandates: Test claim:
13 Filing date, which proposes language that would specify
14 that for purposes of filing a test claim based on the
15 date of incurring increased costs, the phrase "within 12
16 months" means by June 30 of the fiscal year following
17 the fiscal year in which increased costs were first
18 incurred by the test claimant. This bill is currently
19 being held in Assembly Committee under submission.

20 AB 2395 State Mandates: Claims proposes reducing
21 the statutorily mandated minimum amount of costs
22 incurred to file a mandate reimbursement claim from
23 \$1,000 to \$900. On February 24th, 2020, the bill was
24 referred to the Assembly Committee on Local Government.

25 SB 1371, Maintenance of the codes. This bill makes

1 technical, nonsubstantive changes to clean up, among
2 other codes, the Government Code section 17581.7, which
3 addresses the Community College State Mandate Block
4 Grant. On March 20th, 2020, the bill was referred to
5 the Committee on the Judiciary.

6 AB 400, State Mandates, and AB 1471, State-mandated
7 local cost: Notification. Both died on January 31st,
8 2020, pursuant to Article IV, Section 10(c) of the
9 California Constitution, because they did not make it
10 out of their houses of origin by the deadline.

11 And staff will continue to monitor for legislation
12 that impacts the mandates process.

13 CHAIRPERSON MILLER: Great. Thank you.

14 MS. HALSEY: Thank you, Kerry.

15 CHAIRPERSON MILLER: Thank you. Any questions for
16 Ms. Ortman, anyone?

17 (No response)

18 CHAIRPERSON MILLER: Nope. Great. Thank you.

19 MS. HALSEY: Okay. Chief Legal Counsel Camille
20 Shelton will please turn on her video and microphone and
21 present Item 7, the Chief Legal Counsel Report.

22 MS. SHELTON: Thank you.

23 We do have some recent decisions to report.

24 The first one is on the challenge to the
25 Commission's decision in Discharge of Stormwater Runoff.

1 That's a filing and cross-petition filed by both the
2 Department of Finance and the San Diego County and
3 cities.

4 And on February 6, the Sacramento County Superior
5 Court issued an order denying the petition and the
6 cross-petition and upholding the Commission's decision,
7 finding that the permit did impose a new program or
8 higher level of service. And except for the activities
9 related to the Hydromodification Plan and low impact
10 development, the activities did result in increased
11 costs mandated by the State.

12 We're still waiting for the proposed judgment on
13 that. I think the court is having some issues with the
14 closure during this crisis. So we're waiting to receive
15 that.

16 The second case to report is Coast Community
17 College District versus Commission on State Mandates.
18 On April 3rd, the Third District Court of Appeal issued
19 a published decision partially approving the petition
20 for writ of mandate. A significant portion of the
21 Court's decision finds that the minimum condition
22 regulations imposed state-mandated requirements on
23 community college districts to meet their underlying
24 duty to operate.

25 A petition for rehearing was filed by the

1 Commission and joined by the Department of Finance to
2 address a couple of the pleading and jurisdictional
3 issues raised in the Court's decision. And on May 1st,
4 2020, the Court issued a modified opinion correcting one
5 of the issues raised but denied the rehearing on the
6 remaining issues.

7 As far as litigation calendar, we do have a hearing
8 date now set in the City of San Diego case, which
9 challenges the Commission's decision on Lead Sampling in
10 Schools. That hearing date is now set for July 28 in
11 the Sacramento County Superior Court.

12 And we have a case management conference scheduled
13 in California School Board Association versus The State
14 of California, which is set for June 19th, 2020, in
15 Alameda County Superior Court.

16 And that's all I have. Thank you.

17 CHAIRPERSON MILLER: Great. Thank you very much.

18 Any questions for Ms. Shelton?

19 (No response)

20 CHAIRPERSON MILLER: No? Okay. And none from
21 Mr. Hariri, either? Right.

22 (No response)

23 CHAIRPERSON MILLER: Okay. I assume not. Mark, if
24 you have a question, just make sure to un-mute -- come
25 on video.

1 MEMBER HARIRI: No. I don't have any. Thank you.

2 CHAIRPERSON MILLER: Great. Thank you so much.

3 Okay, Ms. Halsey. The Executive Director Report,
4 please.

5 MS. HALSEY: Okay. The Commission -- so I have a
6 few things to report on. The first is Commission
7 staffing. As you might remember from our last hearing
8 in January, at that time, two of our staff counsel were
9 leaving the Commission. And then shortly thereafter, we
10 had also another staff counsel leave the Commission. So
11 we were down three attorneys out of our four.

12 We did recruit for those three positions and we
13 have filled them and we could not be more delighted. So
14 I want to introduce our new attorneys to you.

15 First let me introduce Ms. Juliana "Mur" -- Juliana
16 Gmur, excuse me. Juliana, please turn on your video and
17 un-mute your microphone. There she comes. Hi, Juliana.

18 Ms. Gmur has been -- has been an attorney for 27
19 years and has been in public service for approximately
20 14 years while practicing public law as a deputy county
21 counsel, assistant county counsel, and, at times, an
22 acting county counsel. She has approximately 11 years
23 of state mandates experience. She represented local
24 governments before the Commission between the years of
25 2002 and 2013. And her -- in her prior state mandate

1 experience, she filed test claims for proposed
2 parameters and guidelines and incorrect reduction claims
3 on approximately 21 state-mandated local programs.

4 Ms. Gmur started working for the Commission as an
5 Attorney III on March 2nd, 2020, and we are delighted to
6 have her on board.

7 Thank you, Juliana.

8 Next please let me introduce Mr. Christopher
9 Becker. Chris, please turn on your video and un-mute
10 your microphone.

11 MR. BECKER: Good morning.

12 MS. HALSEY: Good morning.

13 Mr. Becker has been an attorney for 16 years and
14 has been in public service for 15 years working for the
15 County of Sacramento and then for the State. He served
16 as deputy district attorney for approximately four
17 years, where he had many jury trials and over 40 court
18 trials. In his capacity as deputy attorney general and
19 supervising deputy attorney general, he supervised a
20 team of six attorneys and numerous civil lawsuits;
21 provided legal counsel to the Governor's Office and the
22 Department of Corrections; conducted jury trials and
23 prepared and argued legal briefs, including before the
24 Ninth Circuit Court of Appeals.

25 Mr. Becker was hired in April and started working

1 with the Commission as our Attorney IV on May 1st. He
2 is a welcome addition to our team.

3 Thank you.

4 MR. BECKER: Thank you.

5 MS. HALSEY: And, finally, please let me introduce
6 Ms. Elizabeth McGinnis.

7 Liz, please turn on your video and un-mute your
8 microphone.

9 Ms. McGinnis is an attorney with eight years'
10 experience in civil litigation and demonstrated
11 communication, legal writing, and research skills.
12 She's a dedicated public servant, having worked for
13 Legal Aid of Sonoma County, California Rural Legal
14 Assistance, as well as in private practice, where she
15 represented nonprofits and governmental entities.
16 Ms. McGinnis was a Research Attorney III for the Shasta
17 County Superior Court for two years and developed skills
18 that will certainly be applicable to her work here at
19 the Commission.

20 She was hired -- she too was hired in April, and
21 her first day of working with the Commission as an
22 Attorney I was on May 1st.

23 Ms. McGinnis thus completes our legal team.

24 MEMBER RAMIREZ: I have a comment, if I could.

25 Can you hear me?

1 CHAIRPERSON MILLER: Please, Ms. Ramirez.

2 MEMBER RAMIREZ: I'm an attorney. I've been an
3 attorney for decades, and I know a number of the members
4 of the Commission are attorneys as well as our staff,
5 and I am very impressed. I've always been very
6 impressed with the quality of work of our legal team.
7 And I want to congratulate Heather and Camille for
8 finding excellent staff in the legal team.

9 But I want to say, this -- the work of the
10 Commission is so complicated and takes so much focus and
11 attention. I -- I'm really pleased to see that people
12 are still willing to do it though. I'm sure that -- I'm
13 sure that people sometimes come into something without
14 understanding how difficult it's going to be.

15 So I congratulate you and I hope that you are happy
16 there and I know -- it seems like at least a couple of
17 you could probably retire if you wanted to, but you have
18 picked up the gauntlet, and I thank you.

19 CHAIRPERSON MILLER: I think that was beautifully
20 said, Ms. Ramirez. And I congratulate everyone as well
21 and really look forward to working with all of you.
22 It's a huge service to the State of California and we're
23 grateful for everything you are doing. So thank you.

24 Any other comments on the --

25 MEMBER OLSEN: Yes, I have a comment.

1 CHAIRPERSON MILLER: Ms. Olsen.

2 MEMBER OLSEN: I want to build on Ms. Ramirez's
3 comments.

4 As the nonattorney/public member, I also want to
5 welcome the new attorneys. It is a really difficult,
6 complex, dense job. And I do want to stress that one of
7 your jobs here is not just to talk to the attorneys
8 among us, but to interpret the law and make it
9 understandable to the general public. And I -- you
10 know, I'm like your marker for the general public on
11 this Commission. If you can make me understand it, then
12 anybody can understand it.

13 So welcome. Thank you.

14 MS. HALSEY: Thank you. Thank you for your
15 comments and support, Members Olsen and Ramirez.

16 I did also want to add -- but you guys already kind
17 of made this point -- it's no secret that it's been a
18 challenge to recruit and retain qualified attorneys to
19 serve on the Commission staff and, longer term, to be
20 part of our succession planning. The work is very
21 challenging, it's detail-oriented, and it requires deep
22 research and understanding of the laws in a wide variety
23 of program areas. And it's certainly not for everyone.

24 However, our Commission management was incredibly
25 pleased with the caliber of candidates who applied for

1 these recruitments, and we're really delighted with the
2 recruitments that we were able to make this time around.
3 They -- they all seem to have what it takes in terms of
4 skills, abilities, and temperament to enjoy being
5 successful in mandates law, and we're really delighted
6 to have them on board. So this is definitely a bright
7 spot in this otherwise dark time in our history. So
8 anyway, something to celebrate.

9 Moving on to the not-so-good news.

10 Budget. The Budget Act, as you know, was
11 introduced on January 10th, 2020. At that time, we had
12 a surplus and it included approved BCPs for the
13 Commission staff. May Revise now has been released and
14 it reflects, as you probably all know, a steep decline
15 in revenues and an increase in expenditures related to
16 COVID-19 and elimination of most BCPs, including ours,
17 of course. Also, it eliminates most plans' salary
18 increases and includes a 10 percent cut to personnel
19 costs, the shape of which is still going to be taking
20 form through collective bargaining. Additional budget
21 cuts are expected in 2021 and beyond.

22 The Commission's budget was heard in Senate Sub 4
23 back in March, and, at that time, the BCPs were
24 approved. It was heard again yesterday in Senate Sub 4,
25 and the withdrawal of those BCPs was approved. And the

1 Commission's budget otherwise is passed as it existed
2 last year.

3 And also, the budget did include some new funding
4 for mandate reimbursements, specifically funding the
5 subvention for the new U-Visa and impasse procedures
6 mandated programs, and those were funded at the top end
7 of their estimated costs in the statewide cost estimate.
8 That's what we have on budget.

9 For workload, we have been continuing to get a
10 small influx of new filings. And after this hearing,
11 there will be 42 pending test claims, 39 of which are
12 regarding NPDES permits. We have one parameters and
13 guidelines, five IRCs, and two statewide cost estimates,
14 active and pending.

15 We also have some other matters that are on
16 inactive status due to our litigation, which, as you
17 heard Camille present, is substantial. We have a number
18 of items currently being litigated.

19 And then for tentative agenda items, please check
20 my Executive Director's Report to see if an item you are
21 interested in is coming up. We do issue those pending
22 decisions at least eight weeks prior to the hearing for
23 review and comment.

24 And finally -- sorry, I have a very long report
25 this month.

1 I have one final announcement: I would like to ask
2 our Information Technology Specialist Jason Rogers and
3 Assistant Executive Director Heidi Palchik to please
4 turn on their videos and un-mute their microphones so
5 that Ms. Palchik may present Mr. Rogers with an award in
6 recognition of his 25 years of state service.

7 MS. PALCHIK: Thank you, Ms. Halsey.

8 Jason is actually our -- the Commission's chief
9 information officer, affectionately known as "IT Guy."
10 Many of you have had contact with him. He played a huge
11 role in just putting together today's meeting.

12 Therefore -- see how technically savvy I am --
13 Jason, it is with great pleasure and gratitude that we
14 offer this token of appreciation for your dedicated
15 service to the Commission and to the great state of
16 California.

17 Therefore, Jason, now that some golf courses are
18 open, please enjoy your new putter, which, from what I
19 understand, is an Odyssey White Hot Pro 2.0. So thank
20 you, Jason.

21 MR. ROGERS: Thank you so much.

22 CHAIRPERSON MILLER: Congratulations, Jason, and
23 thank you for helping us run a seamless Zoom meeting
24 today.

25 MR. ROGERS: Thank you. I really appreciate it.

1 CHAIRPERSON MILLER: Really appreciate it.

2 MR. ROGERS: You are very welcome.

3 CHAIRPERSON MILLER: Great job.

4 MR. ROGERS: Thank you.

5 CHAIRPERSON MILLER: And -- did you want to say
6 anything to the Commission, Jason?

7 MR. ROGERS: Just a big thank you. I think I've
8 spent -- and, Heather or Heidi, you might know for sure.
9 I think it's been 20 years that I've been with the
10 Commission. Pretty close. So it's been a very fun
11 journey, a lot of challenges, and I'm just very thankful
12 for the leadership at the Commission. It's been very
13 rewarding.

14 So thank you, Heather, and thank you, Heidi.

15 MS. HALSEY: Thank you, Jason. We're very lucky to
16 have you.

17 CHAIRPERSON MILLER: Yes. Thank you very much.

18 Anything else, Ms. Halsey, before we move to our
19 closed session?

20 MS. HALSEY: No. That was it for me.

21 CHAIRPERSON MILLER: Great. Thank you very much.

22 So I assume we have our -- you know how to make
23 this work, Ms. Halsey, technically, but I'm just going
24 to -- this Commission will meet in closed executive
25 session pursuant to Government Code section 11126(e) to

1 confer with and receive advice from legal counsel for
2 consideration and action, as necessary and appropriate,
3 upon the pending litigation listed on the published
4 notice and agenda.

5 And -- Ms. Swank, was I going too quickly again?
6 Sorry.

7 THE COURT REPORTER: Thank you for asking. No,
8 you've been perfect. Thank you.

9 CHAIRPERSON MILLER: Okay. Thank you very much.

10 And to confer with and receive advice from legal
11 counsel regarding potential litigation. The Commission
12 will also confer on personnel matters pursuant to
13 Government Code section 11126(a)(1).

14 We will reconvene in open session in approximately
15 15 minutes.

16 Ms. Halsey, how do we confirm who -- I showed 37
17 participants, total.

18 MS. HALSEY: What are you trying to confirm? We're
19 not staying here. We're all going to the -- the members
20 will all be going into closed session through a separate
21 link, which is included in your transmittal. And then
22 we will return into this meeting to close out the
23 meeting. So this meeting stays open to the public that
24 we're in currently.

25 CHAIRPERSON MILLER: Okay. So we would all leave

1 this meeting now, correct?

2 MS. HALSEY: Yes. And go into closed session, and
3 then we'll come back to this meeting.

4 CHAIRPERSON MILLER: Okay. And that link can be
5 found in this e-mail from yesterday?

6 MS. HALSEY: It's going to be in your hearing
7 binder transmittal.

8 CHAIRPERSON MILLER: Got it. Okay.

9 MS. HALSEY: Do you need me to resend it?

10 CHAIRPERSON MILLER: Yes, please.

11 MS. HALSEY: Okay.

12 MEMBER RAMIREZ: Give us a couple of minutes.

13 MS. HALSEY: Okay.

14 MEMBER RAMIREZ: All right. Bye.

15 (Closed session was held from
16 10:47 a.m. to 11:23 a.m.)

17 CHAIRPERSON MILLER: Thank you.

18 The Commission met in closed executive session
19 pursuant to Government Code 11126(e)(2) to confer with
20 and receive advice from legal counsel for consideration
21 and action, as necessary and appropriate, upon pending
22 litigation listed on the published notice and agenda; to
23 confer with and receive advice from legal counsel
24 regarding potential litigation and pursuant to
25 Government Code section 11126(a)(1) to confer on

1 personnel matters.

2 With no further business to discuss, I will
3 entertain a motion to adjourn, please.

4 MEMBER HARIRI: I move to adjourn.

5 CHAIRPERSON MILLER: Thank you, Mr. Hariri.

6 MEMBER RAMIREZ: Second.

7 CHAIRPERSON MILLER: All those in favor of
8 adjourning, please say "aye."

9 (Ayes)

10 MEMBER RAMIREZ: Bye, everybody.

11 CHAIRPERSON MILLER: Anyone opposed?

12 (No response)

13 CHAIRPERSON MILLER: Well, thank you very much. I
14 think this was a successful meeting.

15 Mr. Hariri, I'm sure -- we apologize for the
16 technical difficulties.

17 MEMBER HARIRI: I found out what the problem was,
18 that there's a question mark at the end of the ID, but
19 on the iPhone, it only displays the keypad, and I
20 couldn't find the question mark without --

21 CHAIRPERSON MILLER: Oh. Well, we appreciate
22 everyone's patience.

23 MEMBER HARIRI: Thank you.

24 CHAIRPERSON MILLER: And please stay well.

25 And thank you, Ms. Halsey, to you and your whole

1 team, and you, Ms. Shelton, for the extraordinary ways
2 during which you are working during this time.

3 Ms. Olsen.

4 MEMBER OLSEN: Yes. Heather, I have got a question
5 for you. July meeting, is this how it's going to work?

6 MS. HALSEY: Yes. I mean, maybe we'll do some
7 stuff to make it smoother, but, yeah, this is --

8 MEMBER OLSEN: Oh, yeah. But we're not assuming
9 meeting in Sacramento.

10 MS. HALSEY: No. Definitely not. We expect to
11 continue a remote meeting for the next.

12 MEMBER HARIRI: Quite a practice session.

13 MEMBER OLSEN: That's right.

14 CHAIRPERSON MILLER: Thank you everyone. Take
15 care. Be well.

16 (Proceedings concluded at 11:24 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 18th day of June 2020.

/s/ Kathryn S. Swank
KATHRYN S. SWANK, CSR
Certified Shorthand Reporter
License No. 13061

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