

## **Minutes**

### **COMMISSION ON STATE MANDATES**

Location of Meeting: via Zoom  
May 26, 2023

Present: Member Gayle Miller, Chairperson  
Representative of the Director of the Department of Finance  
Member Lynn Paquin  
Representative of the State Controller, Vice Chairperson  
Member Lee Adams  
County Supervisor  
Member Jennifer Holman  
Representative of the Director of the Office of Planning and Research  
Member Renee Nash  
School District Board Member  
Member Sarah Olsen  
Public Member  
Member Spencer Walker  
Representative of the State Treasurer

*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 10:06 a.m., welcomed new Commission Designee, Jennifer Holman, from the Governor's Office of Planning and Research, and stated that she is their chief counsel. Executive Director Halsey called the roll. Members Adams, Holman, Miller, Nash, Olsen, Paquin, and Walker all indicated that they were present.

#### **APPROVAL OF MINUTES**

Chairperson Miller asked if there were any objections or corrections to the March 24, 2023 minutes. There was no response. Chairperson Miller asked if there was any public comment. There was no response. Member Adams made a motion to adopt the minutes. Member Walker seconded the motion. Executive Director Halsey called the roll. The Commission voted to adopt the March 24, 2023 hearing minutes by a vote of 7-0.

#### **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 presented this item, stating that Item 2 is reserved for appeals of Executive Director decisions and that there were no appeals to consider for this hearing.

**TEST CLAIMS**

Item 3 Proposed Amended Decision on Remand  
*San Diego Regional Water Quality Control Board Order No. R9-2007-0001, Permit 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-viii & x-xv, and L, 07-TC-09-R*

On Remand Pursuant to *Department of Finance v. Commission on State Mandates* (2022) 85 Cal.App.5th 535; Judgment and Writ of Mandate issued by the Sacramento County Superior Court, Case No. 34-2010-80000604-CU-WM-GDS, Issued May 11, 2023

County of San Diego, Cities of Carlsbad, Del Mar, Imperial Beach, Lemon Grove, Poway, San Marcos, Santee, Solana Beach, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, San Diego, and Vista, Claimants

Chief Legal Counsel Camille Shelton presented this item and recommended that the Commission adopt the Proposed Amended Decision on Remand to find that the street sweeping requirement does not impose costs mandated by the State, pursuant to Government Code section 17556(d). All other substantive provisions of the Commission's Decision remain the same.

Donna Ferebee appeared on behalf of the Department of Finance. Catherine Hagan appeared on behalf of the State Water Resources Control Board and the San Diego Regional Water Quality Control Board. Executive Director Halsey stated that the claimant had not opted to participate in the hearing.

Following statements by Ms. Ferebee and Ms. Hagan, Chairperson Miller asked if there was any public comment on this item. Following statements by Shawn Hagerty, Chairperson Miller asked if there was any other public comment. There was no response. Chairperson Miller asked if there were any questions from board members. There was no response. Chairperson Miller asked for a motion and a second to adopt the staff recommendation. Member Olsen made the motion to adopt the staff recommendation and Member Nash seconded the motion. Executive Director Halsey called the roll. The Commission voted to adopt the Proposed Decision 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 4 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 Item 4 is reserved for county applications for a finding of significant financial distress, or SB 1033 applications, and that no SB 1033 applications have been filed.

## REPORTS

- Item 5 Legislative Update (info)

Program Analyst Jill Magee presented this item.

- Item 6 Chief Legal Counsel: New Filings, Recent Decisions, Litigation Calendar (info)

Chief Legal Counsel Camille Shelton presented this item.

- Item 7 Executive Director: Budget, Workload Update, and Tentative Agenda Items for the July 2023 and September 2023 Meetings (info)

Executive Director Halsey introduced new Commission Office Technician, David Chavez and 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 10:23 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:

1. *County of Los Angeles v. Commission on State Mandates, Malia M. Cohen as State Controller*  
Los Angeles County Superior Court, Case No. 23STCP00036  
(*Municipal Stormwater and Urban Runoff Discharges Consolidated IRC*, 19-0304-I-04, 20-0304-I-06, 20-0304-I-08, 20-0304-I-09, 20-0304-I-10, 20-0304-I-11, and 20-0304-I-13)

#### Courts of Appeal:

1. *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)*)

**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 10:48 a.m., the Commission reconvened in open session.

**REPORT FROM CLOSED EXECUTIVE SESSION**

Chairperson Miller 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.

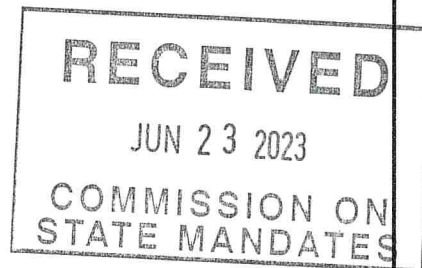
**ADJOURNMENT**

Hearing no further business, Chairperson Miller stated that she would entertain a motion to adjourn the meeting. There was no response. Chairperson Miller made a motion to adjourn the meeting. Member Paquin seconded the motion. Executive Director Halsey called the roll. The Commission adopted the motion to adjourn the May 26, 2023 meeting by a vote of 7-0 at 10:49 a.m.



Heather Halsey  
Executive Director

STATE OF CALIFORNIA  
COMMISSION ON STATE MANDATES



PUBLIC MEETING

FRIDAY, MAY 26, 2023

10:06 A.M.

**ORIGINAL**

MEETING HELD

VIA ZOOM

A VIDEO COMMUNICATIONS PLATFORM

REPORTER'S TRANSCRIPT OF PROCEEDINGS

REPORTED BY:

KATHRYN S. SWANK  
Certified Shorthand Reporter No. 13061  
Registered Professional Reporter

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KATHRYN S. SWANK, CSR  
303 Paddock Court  
Roseville, California 95661  
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KathrynSwankCSR@sbcglobal.net

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**A P P E A R A N C E S**

**COMMISSIONERS PRESENT**

GAYLE MILLER  
Representative for JOE STEPHENSHAW  
Director  
Department of Finance  
(Chairperson of the Commission)

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

LEE ADAMS III  
Sierra County Supervisor  
Local Agency Member

JENNIFER HOLMAN  
Representative for SAMUEL ASSEFA, Director  
Office of Planning & Research

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

SARAH OLSEN  
Public Member

LYNN PAQUIN  
Representative for MALIA COHEN  
State Controller

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**COMMISSION STAFF**

HEATHER A. HALSEY  
Executive Director

JILL MAGEE  
Program Analyst

HEIDI PALCHIK  
Assistant Executive Director

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

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3                    ***COMMISSION STAFF***

4                    CAMILLE N. SHELTON  
5                    Chief Legal Counsel

6                    ***PUBLIC PARTICIPANTS***

7                    DONNA FEREBEE  
8                    Department of Finance  
                         (Item 3)

9                    CATHERINE HAGAN  
10                    State Water Resources Control Board  
                         and  
11                    San Diego Regional Water Quality Control Board  
                         (Item 3)

12                    SHAWN HAGERTY  
13                    Counsel for  
14                    San Diego Regional Water Quality Control Board  
                         (Item 3)

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*I N D E X*

ITEM NO.		PAGE
I.	Call to Order and Roll Call	8
II.	Approval of Minutes Item 1 March 24, 2023	9
III.	Public Comment for Matters Not on the Agenda (none)	11
IV.	Proposed Consent Calendar for Items Proposed for Adoption on Consent Pursuant to California Code of Regulations, Title 2, Articles 7 and 8 (none)	--
V.	Hearings and Decisions Pursuant to California Code of Regulations, Title 2, Article 7	
A.	Appeals of Executive Director Decisions Pursuant to California Code of Regulations, Title 2, Section 1181.1(c)	
	Item 2 Appeal of Executive Director Decisions (none)	12
B.	Test Claim	
	Item 3 Proposed Amended Decision on Remand	12
	San Diego Regional Water Quality Control Board Order No. R9-2007-0001, Permit 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-viii & x-xv, and L, 7-TC-09-R	

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ITEM NO. PAGE

B. Test Claim (Continued)

Item 3      Proposed Amended Decision      12  
                 on Remand

On Remand Pursuant to Department  
of Finance v. Commission on  
State Mandates  
(2022) 85 Cal.App.5th 535;  
Judgment and Writ of Mandate  
issued by the Sacramento County  
Superior Court, Case  
No. 34-2010-80000604-CU-WM-GDS,  
Issued May 11, 2023

County of San Diego, Cites of  
Carlsbad, Del Mar, Imperial Beach,  
Lemon Grove, Poway, San Marcos,  
Santee, Solana Beach, Chula  
Vista, Coronado, Del Mar,  
El Cajon, Encinitas, Escondido,  
Imperial Beach, La Mesa,  
Lemon Grove, National City,  
Oceanside, San Diego, and Vista,  
Claimants

VI.            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

Item 4      Assignment of County      17  
                 Application to Commission,  
a Hearing Panel of One or  
More Members of the Commission,  
or to a Hearing Officer (none)

1 *I N D E X C O N T I N U E D*

2	ITEM NO.	PAGE
3	VII.	Informational Hearings Pursuant to
4		California Code of Regulations, Title 2,
5		Article 8
6	A.	Reports
7	Item 5	Legislative Update 18
8	Item 6	Chief Legal Counsel: New 19
9		Filings, Recent Decisions,
10		Litigation Calendar
11	Item 7	Executive Director: Budget, 20
		Workload Update, and Tentative
		Agenda Items for the July 2023
		and September 2023 Meetings
12	VIII.	Closed Executive Session Pursuant to 23
13		Government Code Sections 11126 and
		11126.2
14	A.	Pending Litigation
15	B.	Potential Litigation
16	C.	Personnel
17	IX.	Report from Closed Executive Session 23
18	Adjournment	25
19	Reporter's Certificate	26

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1 FRIDAY, MAY 26, 2023, 10:06 A.M.

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3 CHAIRPERSON MILLER: Good morning, everyone. Thank  
4 you for joining the Commission on State Mandates. We'll  
5 call the meeting to order at 10:06. Apologies that we  
6 are beginning a few minutes later.

7 With that, we are obviously on a webinar. Statutes  
8 of 2022, Chapter 48, amended Bagley-Keene to extend,  
9 through July 1st, 2023, the authority to hold public  
10 meetings through teleconferencing. Of course, at the  
11 Commission, we continue our commitment to ensure that  
12 our public meetings are accessible to the public and  
13 that the public has the opportunity to observe the  
14 meeting and to participate by providing both written and  
15 verbal comment on Commission matters.

16 All the materials for today are -- including the  
17 notice, agenda, and witness list, are available on our  
18 website, www dot csm -- Commission on State Mandates --  
19 dot ca -- California -- dot gov, government -- under the  
20 "Hearings" tab -- csm.ca.gov.

21 And in the event we experience technical  
22 difficulties or the meeting is bumped offline, we will  
23 restart and allow time people to rejoin before  
24 recommencing the meeting.

25 And we're thrilled to welcome Jennifer, our

1 designee from the Director -- from the Governor's Office  
2 of Planning and Research, Jennifer Holman. She is their  
3 chief counsel. And welcome.

4 And Heather, can you please call the roll for us.

5 MS. HALSEY: Sure.

6 Mr. Adams.

7 MEMBER ADAMS: Here.

8 MS. HALSEY: Ms. Holman.

9 MEMBER HOLMAN: Here.

10 MS. HALSEY: Ms. Miller.

11 CHAIRPERSON MILLER: Here.

12 MS. HALSEY: Ms. Nash.

13 MEMBER NASH: Here.

14 MS. HALSEY: Ms. Olsen.

15 MEMBER OLSEN: Here.

16 MS. HALSEY: Ms. Paquin.

17 MEMBER PAQUIN: Here.

18 MS. HALSEY: Mr. Walker.

19 MEMBER WALKER: Here.

20 MS. HALSEY: Thank you.

21 CHAIRPERSON MILLER: Great. We have a quorum.

22 Thank you very much.

23 Our next item is Item 1.

24 Are there any objections or corrections to our

25 March 24th, 2023, minutes?

1 (No response.)

2 CHAIRPERSON MILLER: Seeing none, any public  
3 comment?

4 (No response.)

5 CHAIRPERSON MILLER: Seeing none, may we have a  
6 motion and a second for the minutes from March 24, 2023.

7 MEMBER ADAMS: I move.

8 MEMBER WALKER: So moved.

9 CHAIRPERSON MILLER: Great. Moved by Mr. Adams;  
10 seconded by Mr. Walker.

11 Will you please take the roll.

12 MS. HALSEY: Mr. Adams.

13 MEMBER ADAMS: Aye.

14 MS. HALSEY: Ms. Holman.

15 MEMBER HOLMAN: Aye.

16 MS. HALSEY: Ms. Miller.

17 CHAIRPERSON MILLER: Aye.

18 MS. HALSEY: Ms. Nash.

19 MEMBER NASH: Aye.

20 MS. HALSEY: Ms. Olsen.

21 MEMBER OLSEN: Aye.

22 MS. HALSEY: Ms. Paquin.

23 MEMBER PAQUIN: Aye.

24 MS. HALSEY: Mr. Walker.

25 MEMBER WALKER: Aye.

1 MS. HALSEY: Thank you.

2 CHAIRPERSON MILLER: The minutes are adopted.

3 MS. HALSEY: And now we will take up public comment  
4 for matters not on the agenda. Please note that the  
5 Commission may not take action on items not on the  
6 agenda. However, it may schedule issues raised by the  
7 public for consideration at future meetings. We invite  
8 the public to comment on matters that are on the agenda  
9 as they are taken up.

10 CHAIRPERSON MILLER: Any -- is there any public  
11 comment?

12 (No response.)

13 CHAIRPERSON MILLER: I'm not seeing any.

14 Ms. Palchik, are you seeing any?

15 MS. PALCHIK: I see none, Madam Chair.

16 CHAIRPERSON MILLER: Great. Thank you very much.

17 We'll move to the next item, please.

18 MS. HALSEY: Let's move to the swearing in. Will  
19 the parties and witnesses for Item 3 please turn on your  
20 video and unmute your microphones and please rise and  
21 state your names for the record.

22 MS. FEREBEE: Donna Ferebee, Department of Finance.

23 MS. HAGAN: Catherine Hagan with the State Water  
24 Resources Control Board and San Diego Water Board.

25 MS. HALSEY: And the claimant has not opted to

1 participate in this morning's hearing.

2 CHAIRPERSON MILLER: Great. Do you want to move to  
3 the swearing in, then?

4 MS. HALSEY: Yes.

5 CHAIRPERSON MILLER: Please do.

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

7 MS. HALSEY: Do you solemnly swear or affirm that  
8 your -- the testimony which you are about to give is  
9 true and correct, based on your personal knowledge,  
10 information, or belief?

11 (Affirmative responses.)

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

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

16 Next is Item 3. Chief Legal Counsel Camille  
17 Shelton will please turn on her video and unmute her  
18 microphone and present a proposed amended decision on  
19 Order Number R9-2007-0001, adopted by the San Diego  
20 Regional Water Quality Control Board.

21 At this time, we invite the parties and witnesses  
22 for Item 3 to please turn on their videos and unmute  
23 their microphones.

24 They already have.

25 CHAIRPERSON MILLER: Good morning, Ms. Shelton.



1 MS. SHELTON: Good morning. Can you hear me okay?

2 CHAIRPERSON MILLER: Yes. Thank you.

3 MS. SHELTON: Okay. Great.

4 Well, this proposed amended decision is on remand  
5 from the courts. In 2017, the Court of Appeal found  
6 that the contested permit provisions are mandated by the  
7 State and not by federal law, affirming the Commission's  
8 findings on that issue.

9 In 2022, the Court of Appeal affirmed the  
10 Commission's remaining findings except for the approval  
11 of the street sweeping requirement.

12 On that issue, the Court reversed the Commission's  
13 decision, finding that the permittees have sufficient  
14 authority to levy a fee within the meaning of Government  
15 Code section 17556(d), and, thus, there are no costs  
16 mandated by the State for the street sweeping  
17 requirement.

18 On May 11th, 2023, the Sacramento County Superior  
19 Court issued a judgment and writ directing the  
20 Commission to amend its decision with respect to street  
21 sweeping in order to make it consistent with the Court  
22 of Appeal's decision.

23 Accordingly, this proposed amended decision on  
24 remand finds that the street sweeping requirement does  
25 not impose costs mandated by the State, pursuant to

1 Government Code section 17556(d).

2 All other substantive provisions of the  
3 Commission's decision remain the same.

4 Staff recommends that the Commission adopt the  
5 proposed amended decision on remand and authorize staff  
6 to make any technical, nonsubstantive changes to the  
7 proposed amended decision on remand following the  
8 hearing.

9 CHAIRPERSON MILLER: Thank you very much. I really  
10 appreciate it.

11 The parties and witnesses now, if you could please  
12 state your name one more time for the record.

13 And we will start with Ms. Ferebee, please, from  
14 the Department of Finance.

15 MS. FEREBEE: Good morning. Donna Ferebee,  
16 Department of Finance.

17 Finance concurs with the staff recommendation to  
18 adopt these changes to the proposed decision.

19 Thank you.

20 CHAIRPERSON MILLER: Great. Thank you very much,  
21 Ms. Ferebee.

22 Ms. Hagan from the State Water Resources Control  
23 Board and San Diego Regional Water Quality Control  
24 Board. That's a long title.

25 MS. HAGAN: Good morning. Yes. The Water Boards

1 also concur.

2 CHAIRPERSON MILLER: Great. Thank you very much.  
3 Thanks for being here, Ms. Hagan.

4 Any public comment on this item?

5 (No response.)

6 CHAIRPERSON MILLER: Again, if you have a public  
7 comment, please use the raise hand feature in the Zoom  
8 interface.

9 Oh, I see one public comment.

10 MS. PALCHIK: Madam Chair, one moment. I see that  
11 there is Shawn Hagerty. A raised hand. One moment.

12 CHAIRPERSON MILLER: Shawn Hagerty, we are going to  
13 bump you up to a -- to speak so you can offer public  
14 comment. Thank you for raising your hand.

15 Again, if there's any other public comment, if you  
16 could please use the raise hand feature.

17 Shawn Hagerty, you are unmuted. If you want to  
18 state your public comment, please. Thank you for  
19 joining.

20 MR. HAGERTY: Yeah. Thank you, Madam Chair, and  
21 members of the Commission.

22 I am actually the counsel from the claimant. We  
23 concur. I didn't feel it was necessary to appear as a  
24 party. But just for the record, I am here watching it.

25 And I want to thank Camille and the other speakers.

1           And it's been a long process. There's still work  
2 to go, but we do appreciate the Commission's work and  
3 look forward to continuing to work through this item.

4           So thank you very much. I just wanted to note that  
5 we are here watching. Thank you very much.

6           CHAIRPERSON MILLER: I really appreciate it. Thank  
7 you very much for your public comment.

8           Any other public comment?

9           (No response.)

10          CHAIRPERSON MILLER: Again, please use the raise  
11 hand feature.

12          I don't see any other public comment.

13          Are there any questions from board members?

14          (No response.)

15          CHAIRPERSON MILLER: Seeing none, is there a motion  
16 and a second to adopt the staff recommendation?

17          MEMBER OLSEN: So moved.

18          CHAIRPERSON MILLER: Thank you, Ms. Olsen.

19          MEMBER NASH: Second.

20          CHAIRPERSON MILLER: Thank you, Ms. Nash.

21          Moved by Ms. Olsen; seconded by Ms. Nash.

22          If we could take the roll, please.

23          MS. HALSEY: Mr. Adams.

24          MEMBER ADAMS: Aye.

25          MS. HALSEY: Ms. Holman.

1 MEMBER HOLMAN: Aye.

2 MS. HALSEY: Ms. Miller.

3 CHAIRPERSON MILLER: Aye.

4 MS. HALSEY: Ms. Nash.

5 MEMBER NASH: Aye.

6 MS. HALSEY: Ms. Olsen.

7 MEMBER OLSEN: Aye.

8 MS. HALSEY: Ms. Paquin.

9 MEMBER PAQUIN: Aye.

10 MS. HALSEY: Mr. Walker.

11 MEMBER WALKER: Aye.

12 CHAIRPERSON MILLER: Great. That motion carries.

13 Now we will move to Item 4, please.

14 MS. HALSEY: We now ask presenters for Item 3 to  
15 please turn off their video and mute their microphones.

16 Item 4 is reserved for county applications for a  
17 finding of significant financial distress, or SB 1033  
18 applications. No SB 1033 applications have been filed.

19 Next Program Analyst Jill Magee will please turn on  
20 her video and microphone and present Item 5, the  
21 Legislative Update.

22 CHAIRPERSON MILLER: Good morning, Ms. Magee.

23 MS. MAGEE: Good morning.

24 The following are the legislative updates since the  
25 last time the Commission met:

1 First, AB 1306, State government. Existing law  
2 sets forth the sole procedure by which local agencies  
3 and school districts may claim reimbursement for costs  
4 mandated by the State.

5 This spot bill was amended and no longer modifies  
6 Government Code section 17552. Therefore, this bill  
7 will be removed from future reports.

8 Second, AB 961, State mandates: claims. The  
9 California Constitution, whenever the legislature or a  
10 state agency mandates a new program or a higher level of  
11 service on any local government, including school  
12 districts, requires the State to provide a subvention of  
13 funds to reimburse the local government unless an  
14 exception applies.

15 Statutory provisions set established procedures for  
16 making that reimbursement include a requirement that no  
17 claim shall be made or paid unless it exceeds a thousand  
18 dollars.

19 This substantive spot bill would change the minimum  
20 claim amount to \$800.

21 Third, SB 544, Bagley-Keene Open Meeting Act:  
22 Teleconferencing. As was detailed in the Legislative  
23 Update on today's agenda, this bill, among other things,  
24 proposes to amend existing law that will remain  
25 operative after July 1st, 2023, to remove indefinitely

1 the teleconference requirements that a state body post  
2 agendas at all teleconference locations; that each  
3 teleconference location be identified in the notice and  
4 agenda of the meeting or proceeding; and that each  
5 teleconference location be accessible to the public.

6 On May 15th, 2023, this bill was read a third time,  
7 passed, and ordered to the Assembly, where it was read  
8 for the first time and held at desk.

9 Staff will continue to monitor legislation for  
10 bills that impact the mandates process.

11 Thank you.

12 CHAIRPERSON MILLER: Great. Thank you very much.

13 Any questions for Ms. Magee?

14 (No response.)

15 CHAIRPERSON MILLER: Seeing none, we will move to  
16 the Chief Counsel Report, please.

17 MS. HALSEY: Next, Chief Legal Counsel Camille  
18 Shelton will please turn on her video and microphone and  
19 present Item 6, the Chief Legal Counsel Report.

20 MS. SHELTON: Hello.

21 Since the Commission's last meeting, we do actually  
22 have one decision that's been issued by the courts, in  
23 *County of San Diego v. Commission on State Mandates*,  
24 dealing with the Youth Offender Parole Hearings Program.  
25 The Court, on May 16th, issued their published decision,

1 affirming the Commission's decision, denying that test  
2 claim based on 17556(g).

3 I have also listed a couple of cases where the  
4 Courts have closed those cases, just for housekeeping  
5 purposes. The discharge of stormwater runoff and  
6 minimum conditions have been closed by the Courts.

7 And we have one hearing scheduled for August 10th,  
8 2023, in *County of Los Angeles v. Commission on State*  
9 *Mandates*. And that is the challenge to the Commission's  
10 decision on the municipal stormwater and urban runoff  
11 discharges consolidated incorrect reduction claims.

12 And that's all I have for today.

13 CHAIRPERSON MILLER: Thank you, Ms. Shelton.

14 Any questions for Ms. Shelton?

15 (No response.)

16 CHAIRPERSON MILLER: And finally, the Executive  
17 Director report, please, Ms. Halsey.

18 MS. HALSEY: Sure. Thank you.

19 I would like to invite Mr. David Chavez at this  
20 time to turn on his video.

21 First thing I would like to announce is that we  
22 have new Commission staff. Commission recently hired  
23 our new office technician, David Chavez. Mr. Chavez is  
24 new to state service. His prior work experience  
25 includes working in inventory and as a sales assistant



1 for approximately four years at the Pepsi Bottling  
2 Company; working as a center store manager for  
3 approximately 16 years at -- for FoodMaxx/Save Mart  
4 Supermarket; and for about three years as an  
5 administrative assistant at Mission Linen and Uniform  
6 Services.

7 David joined the Commission on May 15th, 2023, and  
8 we are delighted to have him on board.

9 Once trained, Mr. Chavez will be the point of  
10 contact for member travel so you will be -- members will  
11 be reaching out to David and he is our new Lorenzo. And  
12 until that time, members may continue to reach out to  
13 Heidi for assistance.

14 Thank you, David.

15 CHAIRPERSON MILLER: Wonderful. Yeah. Thank you,  
16 David. Welcome. We appreciate it.

17 MS. HALSEY: For our budget update, the  
18 Commission's budget was heard in Assembly in Senate  
19 Budget Subcommittee 4 and was approved as proposed.

20 The Governor released the May revision of the  
21 budget on May 12, 2023, which included an additional  
22 appropriation of \$12,064,000 for new mandates -- for new  
23 mandates in the Commission's budget.

24 For workload update, after this hearing, there are  
25 40 pending test claims, 37 of which are regarding

1 stormwater. There are also two parameters and  
2 guidelines, one statewide cost estimate, and one  
3 incorrect reduction claim pending.

4 Commission staff expect to complete all currently  
5 pending test claims and IRCs by approximately the  
6 March 26, 2026, Commission hearing depending on staffing  
7 and other workload. However, some of the pending test  
8 claims may be heard and decided earlier than currently  
9 indicated if they are consolidated for a hearing when we  
10 get to them.

11 For tentative agenda items, please check Executive  
12 Director's Report, which does list the matters that we  
13 expect to hear in the next couple of hearings, and you  
14 can tell if one of yours is coming up shortly.

15 We also have a pending caseload document on our  
16 website, which has all of our matters and lets you know  
17 where we tentatively think we'll be hearing them at this  
18 time. And that is subject to change and regularly  
19 updated. So you can find that on the website.

20 And that is all I have.

21 CHAIRPERSON MILLER: Great. Thank you very much.

22 Any questions for Ms. Halsey?

23 (No response.)

24 CHAIRPERSON MILLER: No?

25 Any public comment for Ms. Shelton or Ms. Halsey?

1 (No response.)

2 MS. PALCHIK: I see none, Madam Chair.

3 CHAIRPERSON MILLER: Thank you very much.

4 Great. Well, thank you. That was such a quick  
5 hearing. I appreciate everyone.

6 And we'll now be in closed executive session  
7 pursuant to Government Code section 11126(e), to confer  
8 with and receive advice from legal counsel for  
9 consideration and action, as necessary and appropriate,  
10 upon the pending litigation listed on the published  
11 notice and agenda; and also to confer with and receive  
12 advice from legal counsel regarding potential  
13 litigation.

14 And the Commission will also confer on personnel  
15 matters pursuant to Government Code section 11126(a)(1).

16 And we will reconvene on the same link in open  
17 session in approximately 15 minutes.

18 And with that, I appreciate everyone being here  
19 this morning. We are adjourned into closed session.

20 And again we'll be back in 15 minutes.

21 Thank you.

22 (Closed session was held from  
23 10:23 a.m. to 10:48 a.m.)

24 CHAIRPERSON MILLER: I'm going to go ahead.

25 The Commission met in closed executive session

1 pursuant to Government Code section 11126(e), to confer  
2 with and receive advice from legal counsel for  
3 consideration and action, as necessary and appropriate,  
4 upon the pending litigation listed on the published  
5 notice and agenda; and to confer with and receive advice  
6 from legal counsel regarding potential litigation.

7 We also conferred on personnel matters pursuant to  
8 Government Code section 11126(a)(1).

9 With no further discussion, making sure there's no  
10 one wishing to comment for any reason, seeing none, I  
11 will entertain a motion to adjourn, please.

12 (No response.)

13 CHAIRPERSON MILLER: I will move to adjourn.

14 May we have a second?

15 MEMBER PAQUIN: Second.

16 CHAIRPERSON MILLER: Great. Thank you, Ms. Paquin.

17 And it has been moved by Miller, seconded by  
18 Paquin, to adjourn this meeting.

19 Heather, do you want to do a quick roll call to  
20 adjourn?

21 MS. HALSEY: Mr. Adams.

22 MEMBER ADAMS: Aye.

23 MS. HALSEY: Ms. Holman.

24 MEMBER HOLMAN: Aye.

25 MS. HALSEY: Ms. Miller.

1 CHAIRPERSON MILLER: Aye.

2 MS. HALSEY: Ms. Nash.

3 MEMBER NASH: Aye.

4 MS. HALSEY: Ms. Olsen.

5 MEMBER OLSEN: Aye.

6 MS. HALSEY: Ms. Paquin.

7 MEMBER PAQUIN: Aye.

8 MS. HALSEY: Mr. Walker.

9 MEMBER WALKER: Aye.

10 CHAIRPERSON MILLER: Great. Thank you, everyone.

11 We are adjourned and enjoy the weekend. Thank you for  
12 all your work. Bye.

13 (Proceedings concluded at 10:49 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, heard via Zoom, 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 20th day of June 2023.

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