

## **Minutes**

### **COMMISSION ON STATE MANDATES**

Location of Meeting: Park Tower, 980 9th Street, Second Floor Conference Room,  
Sacramento, California, 95814  
May 27, 2022

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

Absent: Member Natalie Kuffel  
Representative of the Director of the Office of Planning and Research  
Member Sarah Olsen  
Public Member

*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 Bosler called the meeting to order at 10:07 a.m. Executive Director Heather Halsey called the roll. Members Adams, Bosler, Nash, Oppenheim, and Walker all indicated that they were present.

#### **APPROVAL OF MINUTES**

Chairperson Bosler asked if there were any objections or corrections to the March 25, 2022 minutes. Member Adams made a motion to adopt the minutes. Member Walker seconded the motion. Executive Director Halsey stated that Members Olsen and Kuffel notified staff that they would not be attending the hearing and called the roll. The Commission voted to adopt the March 25, 2022 hearing minutes by a vote of 5-0 with Member Kuffel and Member Olsen absent.

#### **PUBLIC COMMENT FOR MATTERS NOT ON THE AGENDA**

Chairperson Bosler 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 stated that Item 3 was postponed to the July 22, 2022 Commission meeting and 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 ORDER TO ADOPT RULEMAKING**

Tentative: Electronic Signature (Order 22-03), Proposed Amendments to California  
Item 6\* Code of Regulations, Title 2, Division 2, Chapter 2.5, Articles 1, 2, 3, 5, 6  
and 7

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

Member Nash made a motion to adopt the Consent Calendar. Member Oppenheim seconded the motion. The Commission voted to adopt the Consent Calendar by a vote of 5-0 with Member Kuffel and Member Olsen absent.

### **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

There were no appeals to consider for this hearing.

### **INCORRECT REDUCTION CLAIMS**

Item 4 *Municipal Storm Water and Urban Runoff Discharges*, 19-0304-I-05  
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  
City of La Puente, Claimant

Senior Commission Counsel Elizabeth McGinnis presented this item and recommended that the Commission adopt the Proposed Decision to deny this Incorrect Reduction Claim.

Lisa Kurokawa appeared on behalf of the State Controller's Office.

Member Adams 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 5-0 with Member Kuffel and Member Olsen absent.

### **REPORTS**

Item 7 Legislative Update (info)

Assistant Executive Director Heidi Palchik presented this item.

Item 8 Chief Legal Counsel: New Filings, Recent Decisions, Litigation  
Calendar (info)

Senior Commission Counsel Elizabeth McGinnis presented this item.

- Item 9 Executive Director: Budget, Workload Update, and Tentative Agenda Items for the July 2022 and September 2022 Meetings (info)

**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

Assistant Executive Director Palchik stated that Item 5 had been skipped. Executive Director Halsey presented this item, stating that Item 5 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.

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

The Commission adjourned into closed executive session at 10:24 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 10:42 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 made a motion to adjourn the meeting. Member Oppenheim seconded the motion. The Commission adopted the motion to adjourn the May 27, 2022 meeting by a vote of 5-0 at 10:43 a.m. with Member Kuffel and Member Olsen absent.



Heather Halsey  
Executive Director

STATE OF CALIFORNIA  
COMMISSION ON STATE MANDATES

**RECEIVED**

JUN 24 2022

PUBLIC MEETING COMMISSION ON  
STATE MANDATES

FRIDAY, MAY 27, 2022

10:07 A.M.

MEETING HELD AT

PARK TOWER

980 9TH STREET

SECOND FLOOR CONFERENCE ROOM

SACRAMENTO, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

**ORIGINAL**

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  
Telephone (916) 390-7731  
KathrynSwankCSR@sbcglobal.net

KATHRYN S. SWANK, CSR, RPR (916) 390-7731

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

**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)

DAVE OPPENHEIM  
Representative for BETTY T. YEE  
State Controller

LEE ADAMS III  
Sierra County Supervisor  
Local Agency Member

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

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**COMMISSION STAFF**

HEATHER A. HALSEY  
Executive Director

ELIZABETH MCGINNIS  
Senior Commission Counsel

HEIDI PALCHIK  
Assistant Executive Director

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**PUBLIC PARTICIPANTS**

LISA KUROKAWA  
State Controller's Office

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ITEM NO.	PAGE
I. Call to Order and Roll Call	8
II. Approval of Minutes	
Item 1     March 25, 2022	9
III. Public Comment for Matters Not on the Agenda (none)	9
IV. Proposed Consent Calendar for Items Proposed for Adoption on Consent Pursuant to California Code of Regulations, Title 2, Articles 7 and 8	11
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 Claims (Postponed)	
Item 3     Dismissal: Floodplain Restoration Condition (no. 12) of Water Quality Certification for Turlock Irrigation District and Modesto Irrigation District - Don Pedro Hydroelectric Project and La Grange Hydroelectric Project, 21-TC-02	11

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B. Test Claims

Item 3      Water Quality Certification for  
(Con't)      Federal Permit or License,  
Turlock Irrigation District and  
Modesto Irrigation District  
Don Pedro Hydroelectric  
Project and La Grange  
Hydroelectric Project, Federal  
Energy Regulatory Commission  
Project Nos. 2299 and 14581,  
Condition 12, Riparian,  
Spawning, and Floodplain  
Management, Adopted by the State  
Water Resources Control Board on  
January 15, 2021  
  
Turlock Irrigation District and  
Modesto Irrigation District,  
Claimants

C. Incorrect Reduction Claims

Item 4      Municipal Storm Water and Urban      13  
Runoff Discharges, 19-0304-I-05  
  
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  
  
City of La Puente, Claimant

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ITEM NO.		PAGE
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	20
	Item 5 Assignment of County Application to Commission, a Hearing Panel of One or More Members of the Commission, or to a Hearing Officer (none)	23
VII.	Informational Hearings Pursuant to California Code of Regulations, Title 2, Article 8	
A.	Adoption of Order to Initiate Emergency Rulemaking	
	Tentative: Electronic Signature Item 6 (Order 22-03), Proposed Amendments to California Code of Regulations, Title 2, Division 2, Chapter 2.5, Articles 1, 2, 3, 5, 6, and 7	11

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

ITEM NO.		PAGE
B.	Reports	
	Item 7	Legislative Update 16
	Item 8	Chief Legal Counsel: New Filings, Recent Decisions, Litigation Calendar 19
	Item 9	Executive Director: Budget, Workload Update, and Tentative Agenda Items for the July 2022 and September 2022 Meetings 20
VIII.	Closed Executive Session Pursuant to Government Code Sections 11126 and 11126.2	23
	A.	Pending Litigation
	B.	Potential Litigation
	C.	Personnel
IX.	Report from Closed Executive Session	23
	Adjournment	25
	Reporter's Certificate	26

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1 FRIDAY, MAY 27, 2022, 10:07 A.M.

2 ---o0o---

3 CHAIRPERSON BOSLER: Good morning. The meeting of  
4 the Commission on State Mandates will come to order.

5 First I have just some housekeeping information as  
6 we assemble in person for the first time in over two  
7 years. So welcome to those committee members --  
8 Commission members, and to the public.

9 On the table near the door are paper copies of the  
10 meeting notice and agenda, new filings, witness list,  
11 and consent calendar. The electronic public hearing  
12 binder is also located there on an iPad. All materials  
13 for today's meeting are also available on the  
14 Commission's website on [www.csm.ca.gov](http://www.csm.ca.gov), under the  
15 "Hearings" tab.

16 When called up for an item, the claimant and local  
17 agency interested parties, as well as state agencies  
18 parties and interested parties, please sit at their  
19 respective witness tables in front of and facing the  
20 head panel.

21 The restrooms are located out the door and down the  
22 hallway to the left. Men's room is across the open  
23 atrium. The code for both restrooms is 5314, which is  
24 also posted on the door as you exit this conference  
25 room. Finally, please take note of the emergency exits

1 in this room, back and over to the right.

2 And then, finally, Heather will you please call the  
3 roll.

4 MS. HALSEY: Sure.

5 Mr. Adams.

6 MEMBER ADAMS: Here.

7 MS. HALSEY: Ms. Bosler.

8 CHAIRPERSON BOSLER: Here.

9 MS. HALSEY: Ms. Nash.

10 MEMBER NASH: Here.

11 MS. HALSEY: Mr. Oppenheim.

12 MEMBER OPPENHEIM: Here.

13 MS. HALSEY: Mr. Walker.

14 MEMBER WALKER: Here.

15 CHAIRPERSON BOSLER: And the next item is Item  
16 Number 1.

17 Are there any objections to or corrections of the  
18 March 25th, 2022, minutes?

19 (No response.)

20 MEMBER ADAMS: I will move for approval.

21 MEMBER WALKER: Second.

22 CHAIRPERSON BOSLER: I have a motion and a second.

23 Is there any public comment on this item?

24 (No response.)

25 CHAIRPERSON BOSLER: All right. I will call for a

1 roll.

2 MS. HALSEY: Thank you.

3 And also, I did forget to mention when I called the  
4 roll earlier that members Olsen and Kuffel have notified  
5 staff that they will not be attending today's hearing.

6 So calling the roll:

7 Mr. Adams.

8 MEMBER ADAMS: Aye.

9 MS. HALSEY: Ms. Bosler.

10 CHAIRPERSON BOSLER: Aye.

11 MS. HALSEY: Ms. Nash.

12 MEMBER NASH: Aye.

13 MS. HALSEY: Mr. Oppenheim.

14 MEMBER OPPENHEIM: Aye.

15 MS. HALSEY: Mr. Walker.

16 MEMBER WALKER: Aye.

17 CHAIRPERSON BOSLER: Motion is carried.

18 Now we will take up public comment for matters not  
19 on the agenda and please note that the Commission may  
20 not take action on items not on the agenda. However, it  
21 may schedule issues raised by the public for  
22 consideration at future hearings. We invite the public  
23 to comment on matters that are on the agenda as they are  
24 taken up.

25 Is there any public comment?

1 (No response.)

2 CHAIRPERSON BOSLER: Hearing no further public  
3 comment, we will move on to the next item.

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

5 Please note that Item 3 was postponed to the  
6 July 22nd, 2022, Commission meeting.

7 Will the parties and witnesses for items -- Item 4  
8 please rise and state your names for the record.

9 MS. KUROKAWA: Lisa Kurokawa, Supervising  
10 Management Auditor, State Controller's Office.

11 MS. HALSEY: Thank you.

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

14 MS. HALSEY: Do you solemnly swear or affirm that  
15 the testimony which you are about to give is true and  
16 correct, based on your personal knowledge, information,  
17 or belief?

18 MS. KUROKAWA: I do.

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

20 Next is the proposed consent calendar. Item 6 is  
21 proposed for consent.

22 CHAIRPERSON BOSLER: Are there any objections --  
23 are there any objections to the proposed consent  
24 calendar?

25 (No response.)



1 CHAIRPERSON BOSLER: Is there a motion to adopt the  
2 proposed consent calendar?

3 MEMBER NASH: So moved.

4 CHAIRPERSON BOSLER: It's been moved by Ms. Nash.  
5 Is there a second?

6 MEMBER OPPENHEIM: Second.

7 CHAIRPERSON BOSLER: Second.

8 MS. HALSEY: Second by Mr. Oppenheim?

9 CHAIRPERSON BOSLER: That's a second by  
10 Mr. Oppenheim.

11 Please call the roll.

12 MS. HALSEY: Mr. Adams.

13 MEMBER ADAMS: Aye.

14 MS. HALSEY: Ms. Bosler.

15 CHAIRPERSON BOSLER: Aye.

16 MS. HALSEY: Ms. Nash.

17 MEMBER NASH: Aye.

18 MS. HALSEY: Mr. Oppenheim.

19 MEMBER OPPENHEIM: Aye.

20 MS. HALSEY: Mr. Walker.

21 MEMBER WALKER: Aye.

22 CHAIRPERSON BOSLER: The motion is carried to adopt  
23 the consent calendar.

24 MS. HALSEY: Item 2 is reserved for appeal of  
25 Executive Director decisions, and there are no appeals

1 to consider for this hearing.

2 Next is Item 4. Senior Commission Counsel  
3 Elizabeth McGinnis will present a proposed decision on  
4 an incorrect reduction claim on Municipal Stormwater and  
5 Urban Runoff Discharges.

6 At this time, we invite the parties and witnesses  
7 for Item 4 to please come to the table.

8 MS. MCGINNIS: Hi. Good morning. It's nice to see  
9 everybody in person. This is my first time doing a  
10 Commission hearing in person, so it's pretty exciting.

11 This incorrect reduction claim alleges that the  
12 State Controller's Office incorrectly reduced  
13 reimbursement claims filed by the City of La Puente for  
14 costs arising from the Municipal Stormwater and Urban  
15 Runoff Discharges Program.

16 The Controller found that the claimant failed to  
17 identify and deduct as offsetting revenues Proposition  
18 A, Local Return Funds, which the claimant received from  
19 the Los Angeles County Metropolitan Transportation  
20 Authority, and used to pay for the installation and  
21 maintenance of trash receptacles at transit stops  
22 required by the mandated program.

23 Staff finds that the Controller's reduction is  
24 correct as a matter of law. Under Article XIII B  
25 section 6, of the California Constitution, the State is

1 required to provide reimbursement only when a local  
2 government is mandated to spend its own proceeds of  
3 taxes subject to the appropriations limit of Article  
4 XIII B.

5 Proposition A is a transactions and use tax levied  
6 by the Los Angeles County Metropolitan Transportation  
7 Authority. A portion of those tax revenues are  
8 distributed to the claimant through the Proposition A  
9 Local Return Program for use on eligible transportation  
10 projects.

11 The tax, however, is not levied by or for the  
12 claimant, as that constitutional phrase is interpreted  
13 by the courts, because the claimant does not have the  
14 authority to levy the Proposition A tax. Therefore, the  
15 tax is not the claimant's local proceeds of taxes, nor  
16 are the proceeds subject to the claimant's  
17 appropriations limit.

18 Therefore, whereas here, a local government funds  
19 mandated activities with other than its own proceeds of  
20 taxes, those amounts are not eligible for reimbursement,  
21 and the funds must be identified as offsetting revenues  
22 against its reimbursement claims.

23 Accordingly, staff recommends that the Commission  
24 adopt the proposed decision and deny this IRC.

25 CHAIRPERSON BOSLER: Thank you. And welcome to the

1 first in-person meeting.

2 Parties and witnesses, please state your name for  
3 the record: Ms. Kurokawa for the State Controller's  
4 Office.

5 MS. KUROKAWA: Yes. Lisa Kurokawa, State  
6 Controller's Office.

7 And we agree with the Commission's proposed  
8 decision.

9 CHAIRPERSON BOSLER: Is there any public comment on  
10 this item?

11 (No response.)

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

14 (No response.)

15 CHAIRPERSON BOSLER: Is there any further  
16 discussion?

17 (No response.)

18 CHAIRPERSON BOSLER: With that, then I will  
19 entertain a motion.

20 MEMBER ADAMS: I would move -- I would move the  
21 staff recommendation.

22 CHAIRPERSON BOSLER: Thank you.

23 I have got a motion.

24 MEMBER WALKER: Second.

25 CHAIRPERSON BOSLER: And a second.

1 Heather, please call the roll.

2 MS. HALSEY: Mr. Adams.

3 MEMBER ADAMS: Aye.

4 MS. HALSEY: Ms. Bosler.

5 CHAIRPERSON BOSLER: Aye.

6 MS. HALSEY: Ms. Nash.

7 MEMBER NASH: Aye.

8 MS. HALSEY: Mr. Oppenheim.

9 MEMBER OPPENHEIM: Aye.

10 MS. HALSEY: Mr. Walker.

11 MEMBER WALKER: Aye.

12 CHAIRPERSON BOSLER: The motion is carried.

13 MS. HALSEY: Item 6 is on the consent calendar.

14 Assistant Executive Director Heidi Palchik will  
15 present Item 7, the Legislative Update.

16 MS. PALCHIK: Good morning. Here is the update  
17 since the last Commission meeting:

18 First, AB 1610, State mandates: claims: This bill  
19 proposed to reduce the minimum amount of costs incurred  
20 to file amended reimbursement claims from \$1,000 to  
21 \$800. It was introduced by Assembly Member Lackey on  
22 January 5th and was referred to the Assembly Committee  
23 on Local Government on January 14th. This bill contains  
24 similar language to the member's 2020 and 2021 spot  
25 bills, which staff tracked previously. According to the

1 author's office, they will not be moving forward with  
2 this bill.

3 Next, AB 1967, State government, was originally  
4 proposed to amend Government Code section 17552 relating  
5 to State government and the provisions of claim  
6 reimbursement for costs mandated by the State. However,  
7 this bill has been retitled and also revised to amend a  
8 different and unrelated Government Code section,  
9 65589.5, pertaining to housing. Commission staff will  
10 no longer be tracking this bill.

11 Next, AB 1733, State bodies: open meetings. As was  
12 detailed in the Legislative Update for today's agenda,  
13 this bill makes changes to the Bagley-Keene Open Meeting  
14 Act. It was introduced by Member Quirk on  
15 January 31st and was referred to the Assembly Committees  
16 on Governmental Organizational and Business and  
17 Professions on February 18th. The hearing for this  
18 bill, scheduled for April 20th, was postponed.

19 According to staff from the Committee on  
20 Governmental Organization, this bill was pulled from the  
21 hearing by the committee, and there's no information on  
22 whether or when it might be heard in the future.

23 Next, Open -- next, AB 1795, Open meetings: Remote  
24 participation. This bill would require State bodies to  
25 provide all persons the ability to participate both

1 in-person and remotely in any meeting and to address the  
2 body remotely. It was introduced by Assemblymember Fong  
3 on February 7th. And on February 18th, it was referred  
4 to the Assembly Committee on Governmental Organization,  
5 where no action has been taken on it since.

6 Finally, AB 2066, Communication: telegraph  
7 corporations, telegraphy, and telegrams. I believe this  
8 is Member Adams's favorite bill. This bill makes  
9 changes to telegraph laws not relevant to the  
10 Commission, but also amends the provision for special  
11 meetings under Bagley-Keene by removing the telegram as  
12 a means for members to waive notice.

13 This bill was introduced by Member Seyarto on  
14 February 14th; was referred to the Assembly Committee on  
15 Communications and Conveyance on February 24th; and was  
16 corrected on February 25th.

17 On March 23rd, the bill passed as amended on  
18 consent and was re-referred to the Assembly Committee on  
19 Appropriations; on March 28th, it was amended; and on  
20 March 29th, re-referred to the Assembly Committee on  
21 Appropriations.

22 Staff will continue to monitor legislations for  
23 bills that affect the mandates process.

24 That's all I have.

25 MS. HALSEY: Thank you, Heidi.

1 Does anyone have any questions?

2 CHAIRPERSON BOSLER: No. But thank you for the  
3 update.

4 Anyone? Any questions from the Commission?

5 (No response.)

6 MS. HALSEY: And Senior Commission Counsel  
7 Elizabeth McGinnis will present Item 8, the Chief Legal  
8 Counsel Report.

9 MS. MCGINNIS: Okay. There have been no new  
10 filings since the Commission's last hearing.

11 And we have a recent decision for the City of San  
12 Diego v. Commission on State Mandates case. That's the  
13 lead sampling in schools case.

14 On April 29th this year, the Third District Court  
15 of Appeal issued an unpublished decision, and that  
16 decision reversed the Commission's decision, finding  
17 that the permit imposes a new program or a higher level  
18 of service.

19 As far as the litigation calendar is concerned,  
20 since the agenda was issued, the California Supreme  
21 Court set oral argument in the Coast Community College  
22 District case. That's the minimum conditions case. And  
23 that's scheduled for Wednesday, June 8th, at 9:00 a.m.

24 And that's all I have.

25 MS. PALCHIK: May I just add, Ms. Halsey, before



1 you go on to your report, I believe we skipped over  
2 Item 5.

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

7 Item 9 is the Executive Director's Report.

8 First, I have some good news on behalf of the  
9 Commission. The Commission has recently hired a new  
10 Senior Counsel, Ms. Mariko Kotani. Ms. Kotani graduated  
11 from Stanford with a Bachelor of Arts in Sociology and  
12 Japanese, and then went on to graduate from Santa Clara  
13 Law School, summa cum laude.

14 After several public interest legal intern  
15 experiences, she began her legal career at the Office of  
16 Legislative Counsel, first as a summer intern, then as a  
17 graduate legal assistant, and then as deputy legislative  
18 counsel, where she drafted complex legislation and  
19 prepared legal memoranda on a wide variety of subjects,  
20 with a particular focus on tax and cannabis law.

21 Ms. Kotani comes to the Commission from a stint at  
22 the Department of Consumer Affairs, where she drafted  
23 regulatory packages for various boards and bureaus. And  
24 Ms. Kotani has experience presenting before boards,  
25 bureaus, and the legislature, and has a general

1 familiarity of mandates law due to her experience  
2 drafting bills and analyzing their impacts on local  
3 governments.

4 Ms. Kotani joined the Commission on May 2nd, 2022,  
5 and we are delighted to have her on board. And now the  
6 Commission is fully staffed.

7 CHAIRPERSON BOSLER: That's wonderful news. Thank  
8 you.

9 MS. HALSEY: And then on the budget, we have the  
10 Budget Subcommittees 4 on both the Assembly and the  
11 Senate. Our budget was heard and it was approved as  
12 proposed.

13 The governor has also released his May revision to  
14 the budget on May 13th, which included an additional  
15 appropriation to the vote-by-mail ballots, prepaid  
16 postage, at the high end of the range of the statewide  
17 cost estimate that was adopted by the Commission this  
18 January.

19 And, finally, for our workload, after this hearing,  
20 we have 40 pending test claims, 37 of which are  
21 regarding stormwater NPDES permits. There's also one  
22 amendment to the parameters and guidelines and three  
23 statewide cost estimates pending.

24 On inactive status, pending outcome of litigation,  
25 there's one parameters and guidelines regarding

1 stormwater.

2 And, finally, there are three IRCs, or incorrect  
3 reduction claims, pending.

4 Commission staff currently expects to complete all  
5 of the current pending test claims and IRCs by  
6 approximately the December of 2025 hearing, depending on  
7 staffing and other workload. However, some of these  
8 pending test claims may be heard and decided earlier  
9 than currently indicated if they are consolidated for a  
10 hearing.

11 Finally, if you are interested in commenting or  
12 seeing when your item is going to be scheduled, looking  
13 at the Executive Director's Report, you can get an idea  
14 of the matters that should be set for the next couple of  
15 hearings.

16 And then also on our website, we have a pending  
17 caseload where we list all matters that are currently  
18 pending before the Commission and the dates on which we  
19 tentatively expect them to be heard.

20 That's all I have.

21 CHAIRPERSON BOSLER: Thank you.

22 Anyone have any comments from the Commission?

23 Questions for Heather?

24 (No response.)

25 CHAIRPERSON BOSLER: Thank you, Heather.

1 Appreciate it.

2 Very excited to hear you're fully staffed. That's  
3 wonderful.

4 MS. HALSEY: Very good news.

5 CHAIRPERSON BOSLER: Are we ready to move to closed  
6 executive session?

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

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

16 We now ask that the public exit the meeting room  
17 for closed executive session and reenter when the  
18 Commission reconvenes in open session in approximately  
19 15 minutes.

20 Thank you.

21 (Closed session was held from  
22 10:24 a.m. to 10:42 a.m.)

23 CHAIRPERSON BOSLER: Welcome back.

24 The Commission met in closed executive session  
25 pursuant to Government Code section 11126(e) to confer

1 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; and to confer with and receive advice  
5 from legal counsel regarding potential litigation.

6 The Commission also conferred on personnel matters.

7 With no further business to discuss, I will  
8 entertain a motion to adjourn.

9 MEMBER WALKER: So moved.

10 CHAIRPERSON BOSLER: So moved.

11 Is there a second?

12 MEMBER OPPENHEIM: Second.

13 CHAIRPERSON BOSLER: It's been moved and seconded.

14 Please -- Heather, please call the roll.

15 MS. HALSEY: Mr. Adams.

16 MEMBER ADAMS: Aye.

17 MS. HALSEY: Ms. Bosler.

18 CHAIRPERSON BOSLER: Aye.

19 MS. HALSEY: Ms. Nash.

20 MEMBER NASH: Aye.

21 MS. HALSEY: Mr. Oppenheim.

22 MEMBER OPPENHEIM: Aye.

23 MS. HALSEY: Mr. Walker.

24 MEMBER WALKER: Aye.

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CHAIRPERSON BOSLER: The motion has carried.

The meeting is adjourned. Thank you, everyone, for attending today.

(Proceedings concluded at 10:43 a.m.)

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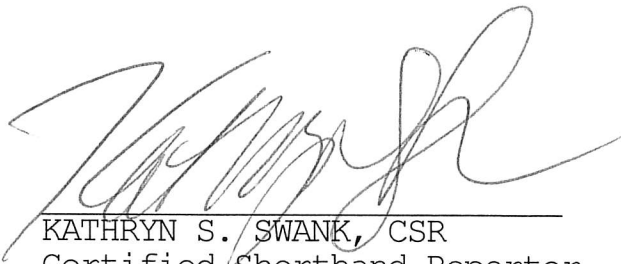
CERTIFICATE OF REPORTER

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 21st day of June 2022.



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