

STATE *of* CALIFORNIA
**COMMISSION ON STATE
MANDATES**



**REPORT TO THE LEGISLATURE:
APPROVED MANDATE CLAIMS**

January 1, 2023 – June 30, 2023

Joe Stephenshaw
Chairperson
Director of the
Department of
Finance

Malia Cohen
Vice Chairperson
State Controller

Fiona Ma
State Treasurer

Samuel Assefa
Director of the
Office of Planning
and Research

Sarah Olsen
Public Member

Lee Adams
County Supervisor
County of Sierra

Renee Nash
School District Board Member
Eureka Union School District

Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, California 95814
(916) 323-3562
www.csm.ca.gov

TABLE OF CONTENTS

I. INTRODUCTION	1
II. NEW MANDATES	4
III. PENDING PARAMETERS AND GUIDELINES, REQUESTS TO AMEND PARAMETERS AND GUIDELINES, AND STATEWIDE COST ESTIMATES CASELOAD	5
A. Pending Parameters and Guidelines.....	5
B. Pending Requests for Parameters and Guidelines Amendments	5
C. Pending Statewide Cost Estimates	5
IV. THERE ARE NO PENDING JOINT REASONABLE REIMBURSEMENT METHODOLOGIES OR LEGISLATIVELY- DETERMINED MANDATES AND HENCE, NO DELAYS IN THE PROCESS	5
V. STATEWIDE COST ESTIMATES	6
A. <i>County of Los Angeles Citizens Redistricting Commission, 19-TC-04</i>	6

I. INTRODUCTION

Commission on State Mandates

Test Claim Process

Article XIII B, section 6 of the California Constitution requires the state to provide a subvention of funds to reimburse local government for the costs of new programs or increased levels of service mandated by the state. To implement article XIII B, section 6, the Legislature created the Commission on State Mandates (Commission) to succeed the State Board of Control in making determinations whether new statutes or executive orders are state-mandated programs.¹ The Commission was established to render sound quasi-judicial decisions and to provide an effective means of resolving disputes over the existence of state-mandated local programs. The Commission provides the sole and exclusive procedure for local agencies and school districts (claimants) to resolve disputes over the existence of state-mandated local programs and costs mandated by the state. The Commission is required to hear and decide claims (test claims) filed by local agencies and school districts that they are entitled to be reimbursed by the state for costs mandated by the state.²

Parameters and Guidelines

Government Code section 17557 provides that if the Commission determines that a statute or executive order imposes a mandate upon local agencies and school districts, the Commission is required to determine the amount to be subvended to local agencies and school districts for reimbursement by adopting parameters and guidelines. In adopting parameters and guidelines, the Commission may adopt a reasonable reimbursement methodology (RRM). Once parameters and guidelines are adopted, the Commission is required to adopt a statewide cost estimate of the mandated program (Gov. Code, § 17553).

Alternative Processes

Government Code section 17557.1 and 17557.2 provide an alternate process for determining the amount to be subvended for mandated programs. Under 17557.1, local governments and the Department of Finance may jointly develop reasonable reimbursement methodologies (RRMs) and statewide estimates of costs for mandated programs for approval by the Commission in lieu of parameters and guidelines and statewide cost estimates. Government Code section 17557.2 requires that joint RRMs have broad support and, if approved, they remain in effect for five years unless otherwise specified. Jointly developed RRMs and statewide estimates of costs that are approved by the Commission are included in the Commission's Annual Reports to the Legislature. To date, only one jointly developed RRM has ever been approved and it expired and was not extended by the parties so the Commission adopted parameters and guidelines for that program.

Government Code sections 17572 and 17573 provide another alternative process where the Department of Finance and local agencies, school districts, or statewide associations may jointly request that the Legislature determine that a statute or

¹ Statutes 1984, chapter 1459, Government Code section 17500, et seq.

² Government Code section 17551.

executive order imposes a state-mandated program, establish a reimbursement methodology, and appropriate funds for reimbursement of costs. This process is intended to bypass the Commission's test claim process, thus providing the Commission with more time to complete the caseload backlog. To date, this process has not been successfully utilized.

Report to the Legislature

The Commission is required to report to the Legislature at least twice each calendar year on the number of mandates it has found, the estimated statewide costs of each mandate, and the reasons for recommending reimbursement.³ In 2010, SB 894 (Stats. 2010, ch. 699) was enacted to require the Commission to expand its Report to the Legislature to include:

- The status of pending parameters and guidelines that include proposed reimbursement methodologies.
- The status of pending joint proposals between the Department of Finance and local governments to develop reasonable reimbursement methodologies in lieu of parameters and guidelines.
- The status of joint proposals between the Department of Finance and local governments to develop legislatively-determined mandates.
- Any delays in the process for completion of reasonable reimbursement methodologies.

This report fulfills these requirements.

Legislative Analyst

After the Commission submits its report to the Legislature, the Legislative Analyst is required to submit a report to the Joint Legislative Budget Committee and legislative fiscal committees on the mandates included in the Commission's reports. The Legislative Analyst's report shall make recommendations as to whether each mandate should be repealed, funded, suspended, or modified.

The Legislature

Upon receipt of the report submitted by the Commission pursuant to Government Code Section 17600, funding shall be provided in the subsequent Budget Act for costs incurred in prior years. No funding shall be provided for years in which a mandate is suspended.⁴

The Legislature may amend, modify, or supplement the parameters and guidelines, reasonable reimbursement methodologies, and adopted statewide estimates of costs for the initial claiming period and budget year for mandates contained in the annual Budget Act. If the Legislature amends, modifies, or supplements the parameters and guidelines, reasonable reimbursement methodologies, or adopted statewide estimates of costs for the initial claiming period and budget year, it shall make a declaration in separate legislation specifying the basis for the amendment, modification, or supplement.⁵

Mandate Funding Provisions

If the Legislature deletes from the annual Budget Act funding for a mandate, the local agency or school district may file in the Superior Court of the County of Sacramento an

³ Government Code section 17600.

⁴ Government Code section 17612(a).

⁵ Government Code section 17612(b).

action in declaratory relief to declare the mandate unenforceable and enjoin its enforcement for that fiscal year.⁶ Under Proposition 1A, which amended article XIII B, section 6 of the California Constitution, city, county, city and county, or special district mandate claims for costs incurred prior to the 2004-2005 fiscal year that have not been paid prior to the 2005-2006 fiscal year may be paid over a term of years, as prescribed by law. However, for the 2005-2006 fiscal year and every subsequent fiscal year, the Constitution now requires the Legislature to either appropriate in the annual Budget Act the full payable amount that has not been previously paid or suspend the operation of the mandate for the fiscal year for which the annual Budget Act is applicable.

If payment for an initial reimbursement claim is being made more than 365 days after adoption of the statewide cost estimate, the State Controller’s Office (Controller) shall include accrued interest at the Pooled Money Investment Account rate.⁷

If the amount the Legislature appropriates is insufficient to pay all of the reimbursement claims filed and approved for reimbursement, the Controller will prorate the claims.⁸ If the funds to cover the remaining deficiency are not appropriated in the Budget Act, the Controller shall report this information to the legislative budget committees and the Commission.

II. NEW MANDATES

The following table shows the Statewide Cost Estimates that were adopted during the period of January 1, 2023 through June 30, 2023.

**Statewide Cost Estimates (SCE) Adopted
During the Period of January 1, 2023 through June 30, 2023**

<i>Adoption Date, Claim Name and Number, and Initial Claiming Period</i>			<i>Estimated Costs for Initial Claiming Period</i>			<i>Estimated Future Annual Costs</i>
Date	Test Claim Name and Number	Initial Claiming Period	Education (K-14)	Local Agency	Totals	Estimated Totals
1/27/23	<i>County of Los Angeles Citizens Redistricting Commission, 19-TC-04</i>	2018-2019 through Fiscal Year 2020-2021	-	\$965,114 - \$1,067,809	\$965,114 - \$1,067,809	\$88,777 for Fiscal Year 2021-2022 ⁹
TOTAL			-	\$965,114 - \$1,067,809	\$965,114 - \$1,067,809	

⁶ Government Code section 17612(c).

⁷ Government Code section 17561.5(a).

⁸ Government Code section 17567.

⁹ See Statewide Cost Estimate, *County of Los Angeles Citizens Redistricting Commission* 19-TC-04, page 12. “The next federal census will be in 2030 at which time the members of the new CRC will be chosen. Thus, the County will not incur additional reimbursable costs until fiscal year 2029-2030. Accordingly, the Commission projects

III. PENDING PARAMETERS AND GUIDELINES, REQUESTS TO AMEND PARAMETERS AND GUIDELINES, AND STATEWIDE COST ESTIMATES CASELOAD

Following are tables showing parameters and guidelines, requests to amend parameters and guidelines, and statewide cost estimates that are pending Commission determination. A request to include an RRM in parameters and guidelines or amendments thereto is a request made by a local entity claimant, an interested party, Finance, the Controller, or an affected state agency, pursuant to Government Code section 17557 and 17518.5 – which is distinct from the jointly proposed RRM, discussed above under “Alternative Processes.” These requests are often disputed by one or more of the parties and interested parties. There are no pending RRMs.

A. Pending Parameters and Guidelines

	Program	Status
1.	<i>Discharge of Stormwater Runoff, 07-TC-09-R*</i>	Tentatively scheduled for hearing on 9/22/23
2.	<i>California Regional Water Quality Control Board, Santa Ana Region, Order No. R8-2009-0030, Sections XI.4, XIII.1, XIII.4, XIII.7, XVIII.B.8, and XVIII.B.9, Adopted May 22, 2009, 09-TC-03*</i>	Tentatively scheduled for hearing on 7/28/23

* Local agency programs

† School district or community college district programs

B. Pending Requests for Parameters and Guidelines Amendments

There are no pending requests for Parameters and Guidelines Amendments.

* Local agency programs

† School district or community college district programs

C. Pending Statewide Cost Estimates

	Program	Status
1.	<i>Juveniles: Custodial Interrogation, 21-TC-01*</i>	Estimated date that claims data will be received from the Controller: 11/20/23 Tentatively scheduled for hearing on 1/26/24

* Local agency programs

† School district or community college district programs

IV. THERE ARE NO PENDING JOINT REASONABLE REIMBURSEMENT METHODOLOGIES OR LEGISLATIVELY-DETERMINED MANDATES AND HENCE, NO DELAYS IN THE PROCESS

costs to the State of \$88,777 in fiscal year 2021-2022 and then costs similar to those in this estimate plus the implicit price deflator, for the 2029-2030, 2030-2031, and 2031-2032 fiscal years.”

There are no currently pending joint reasonable reimbursement methodologies or legislatively determined mandates.

Government Code section 17600 requires the Commission to report any delays in the process for joint RRM or LDMs being developed by Department of Finance and local entities and for RRM proposed by any party pursuant to Government Code section 17518.5. There are currently no pending joint RRM, LDM or RRM proposed by any party. Therefore, there are no delays in these processes.

With regard to RRM included in parameters and guidelines amendments pursuant to Government Code sections 17557 and 17518.5, there are currently no pending parameters and guidelines or amendments thereto containing RRM and therefore no delays in this process.

V. STATEWIDE COST ESTIMATES

A. *County of Los Angeles Citizens Redistricting Commission, 19-TC-04*

Adopted: January 27, 2023

STATEWIDE COST ESTIMATE

\$965,114 - \$1,067,809

Initial Claim Period

(Fiscal Years 2018-2019, 2019-2020 and 2020-2021)

\$88,777

Fiscal Year 2021-2022

Elections Code Sections 21532(a) and (e)-(h) and 21534(c)(2), (c)(3)(A)-(B), (c)(4)(A), (c)(5)-(8) and (d)(4) as Added by Statutes 2016, Chapter 781 (SB 958)

County of Los Angeles Citizens Redistricting Commission

19-TC-04

The Commission on State Mandates (Commission) adopted this Statewide Cost Estimate on consent by a vote of 7-0 during a regularly scheduled hearing on January 27, 2023 as follows:

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

STAFF ANALYSIS

Summary of the Mandate, Eligible Claimants, and Period of Reimbursement

Elections Code sections 21532 and 21534, as added by Statutes 2016, chapter 781 (SB 958), require the County of Los Angeles to create, staff, and fund the independent County of Los Angeles Citizens Redistricting Committee (CRC) to adjust the boundary lines of the supervisorial districts in the County of Los Angeles in the year following the year of the decennial federal census.

The Commission adopted the Test Claim Decision on May 28, 2021, and the Decision and Parameters and Guidelines on December 3, 2021, approving reimbursement for the only eligible claimant, the County of Los Angeles.

The initial reimbursement period is July 1, 2018, through June 30, 2021 (fiscal years 2018-2019, 2019-2020, and 2020-2021). The County of Los Angeles was required to file initial claims with the State Controller's Office (Controller) by October 27, 2022. Late initial reimbursement

claims may be filed until October 27, 2023, but will incur a 10 percent late filing penalty of the total amount of the initial claim without limitation.¹

Reimbursable Activities

As stated in the Parameters and Guidelines, the Commission approved the following reimbursable activities for this program:

- A. One time training for each CRC member on the Rosenberg Rules of Order and format of public hearings, and the ethics requirements of CRC members, which pursuant to Elections Code section 21532, requires the member to be impartial and apply legal requirements.

*Reimbursement is **not** required to adjust supervisorial boundary lines and adopt a redistricting plan in accordance with the Voting Rights Act, or for training regarding the Ralph M. Brown Act, the California Public Records Act, or any other activities not identified in Section IV.B. of these Parameters and Guidelines.*

- B. Ongoing Activities

1. Creation of the Citizens Redistricting Commission (CRC).²

- a. The county shall create a CRC no later than December 31, 2020, and in each year ending in the number zero thereafter.³
 - b. The elections official shall review the applications and eliminate applicants who do not meet the specified qualifications, select 60 of the most qualified applicants, publish the list of qualified applicants for 30 days, and create a subpool for each of the five existing supervisorial districts of the board.⁴
 - c. At a regularly scheduled meeting of the board, the Auditor-Controller conducts a random drawing to select one commissioner from each of the five subpools, then another random drawing from all of the remaining applicants to select three additional commissioners.⁵
 - d. The board shall take all steps necessary to ensure a complete and accurate computerized database is available for redistricting, and that procedures are in place

¹ Government Code section 17561(d)(3).

² The county is required to form a CRC every ten years. (Elections Code section 21532(a).) The terms of the prior CRC members terminate with the appointment of the first member of the succeeding CRC. (Elections Code section 21533(b).) Therefore, the activities must be repeated with each new CRC.

³ Elections Code section 21532(a).

⁴ Elections Code section 21532(e)-(g).

⁵ Elections Code section 21532(g).

to provide to the public ready access to redistricting data and computer software equivalent to what is available to the CRC.⁶

2. Activities Performed by the CRC.⁷ Based on Elections Code section 21534(c)(8), which requires the County of Los Angeles to provide reasonable funding and staffing to the CRC, the following activities mandated by the test claim statute and performed by the CRC are eligible for reimbursement:

a. The eight selected commissioners shall review the remaining names in the subpools of applicants and shall appoint six additional applicants to the CRC.⁸ Reimbursement for this activity includes the following:

- Design a selection process to appoint the six CRC members.
- Conduct and tabulate surveys of CRC member evaluations of the applicants for the six remaining seats.
- Facilitate CRC meetings to select the final six CRC members.
- Select replacement commissioners in accordance with Elections Code 21532 for CRC members that resign to ensure a 14-member commission and a quorum are maintained.
- Conduct seven public hearings before drafting a map, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.⁹

*Reimbursement is **not** required to comply with the Ralph M. Brown Act when conducting these hearings pursuant to article XIII B, section 6(a)(4) of the California Constitution. Thus, the following activities are not eligible for reimbursement: posting a notice and agenda (Government Code section 54954.2), mailing agenda items to the public (Government Code section 54954.1), and complying with the Americans with Disabilities Act for the hearing (54953.2).*

b. Post the draft map for public comment on the website of the County of Los Angeles and conduct one public hearing on the draft map (in addition to the one hearing required under prior law, which is not reimbursable).¹⁰

⁶ Elections Code section 21534(c)(7).

⁷ Boundary lines of the supervisorial districts in the County of Los Angeles must be drawn in the year following the year of the decennial federal census. (Elections Code section 21531.) In addition, the county is required to form a CRC every ten years. (Elections Code section 21532(a).) The terms of the prior CRC members terminate with the appointment of the first member of the succeeding CRC. (Elections Code section 21533(b).) Therefore, the activities must be repeated by each new CRC.

⁸ Elections Code section 21532(h).

⁹ Elections Code section 21534(c)(2).

¹⁰ Elections Code section 21534(c)(3)(A)-(B).

*Reimbursement is **not** required to comply with the Ralph M. Brown Act when conducting the hearing on the draft map pursuant to article XIII B, section 6(a)(4) of the California Constitution. Thus, the following activities are not eligible for reimbursement: posting a notice and agenda (Government Code section 54954.2), mailing agenda items to the public (Government Code section 54954.1), and complying with the Americans with Disabilities Act for the hearing (54953.2).*

- c. Establish and make available to the public a calendar of the eight public hearings identified in Section IV.B.2.b. and c. of these Parameters and Guidelines.¹¹
- d. Arrange for the live translation of a hearing in an applicable language (defined as “a language for which the number of residents of the County of Los Angeles who are members of a language minority is greater than or equal to three percent of the total voting age residents of the county”) if a request for translation is made at least 24 hours before the hearing.¹²
- e. Take steps to encourage county residents to participate in the redistricting public review process. Reimbursement for this activity includes the following:
 - Develop and implement a Public Outreach Plan to increase public participation.
 - Provide information through media, social media, and public service announcements.
 - Coordinate with community organizations.
 - Post information on the Internet Web site of the County of Los Angeles that explains the redistricting process and includes a notice of each public hearing and the procedures for testifying during a hearing or submitting written testimony directly to the CRC.¹³
- f. Issue a report that explains the basis on which the CRC made its decisions in achieving compliance with the redistricting criteria required to comply with the Voting Rights Act.¹⁴

Offsetting Revenues and Reimbursements

The Parameters and Guidelines specify that any offsetting revenue the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate from any source, including but not limited to, service fees collected, federal funds, other state

¹¹ Elections Code section 21534(c)(4)(A).

¹² Elections Code section 21534(c)(5).

¹³ Elections Code section 21534(c)(6).

¹⁴ Elections Code section 21534(d)(4).

funds, and other funds that are not the claimant’s proceeds of taxes shall be identified and deducted from this claim.¹⁵ The County identified no offsetting revenue.

Statewide Cost Estimate

Staff reviewed two unaudited reimbursement claims submitted by the County of Los Angeles compiled by the Controller and developed the Statewide Cost Estimate based on the assumptions and methodology discussed herein. Although the potential initial reimbursement period covered three fiscal years, the County first began incurring costs on July 1, 2019.¹⁶ Thus, the County only filed claims for fiscal years 2019-2020 and 2020-2021. Table 1 and Table 2, below, summarize the costs for the initial reimbursement period and the cost estimates for the period that includes the next decennial federal census, respectively.

Table 1. Initial Reimbursement Period Cost Estimate (FYs 2018-2019 through 2020-2021)

Activity A.1. One time training for each CRC member on the Rosenberg Rules of Order and format of public hearings, and the ethics requirements of CRC members, which pursuant to Elections Code section 21532, requires the member to be impartial and apply legal requirements.	\$0
Activity B.1.a. The county shall create a CRC no later than December 31, 2020, and in each year ending in the number zero thereafter.	\$190,173 - \$195,572
Activity B.1.b. The elections official shall review the applications and eliminate applicants who do not meet the specified qualifications, select 60 of the most qualified applicants, publish the list of qualified applicants for 30 days, and create a subpool for each of the five existing supervisorial districts of the board.	\$18,066
Activity B.1.c. At a regularly scheduled meeting of the board, the Auditor-Controller conducts a random drawing to select one commissioner from each of the five subpools, then another random drawing from all of the remaining applicants to select three additional commissioners.	\$11,195
Activity B.1.d. The board shall take all steps necessary to ensure a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide to the public ready access to redistricting data and computer software equivalent to what is available to the CRC.	\$271,544 - \$362,379

¹⁵ Exhibit B, Decision and Parameters and Guidelines, adopted December 3, 2021, page 31.

¹⁶ Exhibit A, Test Claim Decision, adopted May 8, 2021, pages 16-17.

<p>Activity B.2.a. The eight selected commissioners shall review the remaining names in the subpools of applicants and shall appoint six additional applicants to the CRC. Reimbursement for this activity includes the following:</p> <ul style="list-style-type: none"> • Design a selection process to appoint the six CRC members. • Conduct and tabulate surveys of CRC member evaluations of the applicants for the six remaining seats. • Facilitate CRC meetings to select the final six CRC members. • Select replacement commissioners in accordance with Elections Code section 21532 for CRC members that resign to ensure a 14-member commission and a quorum are maintained. 	\$3,584
<p>Activity B.2.b. Conduct seven public hearings before drafting a map, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.</p>	\$62,074
<p>Activity B.2.c. Post the draft map for public comment on the website of the County of Los Angeles and conduct one public hearing on the draft map (in addition to the one hearing required under prior law, which is not reimbursable).</p>	\$0
<p>Activity B.2.d. Establish and make available to the public a calendar of the eight public hearings identified in Section IV.B.2.b. and c. of these Parameters and Guidelines.</p>	\$52,579 - \$54,780
<p>Activity B.2.e. Arrange for the live translation of a hearing in an applicable language (defined as “a language for which the number of residents of the County of Los Angeles who are members of a language minority is greater than or equal to three percent of the total voting age residents of the county”) if a request for translation is made at least 24 hours before the hearing.</p>	\$0
<p>Activity B.2.f. Take steps to encourage county residents to participate in the redistricting public review process. Reimbursement for this activity includes the following:</p> <ul style="list-style-type: none"> • Develop and implement a Public Outreach Plan to increase public participation. • Provide information through media, social media, and public service announcements. • Coordinate with community organizations. • Post information on the Internet Web site of the County of Los Angeles that explains the redistricting process and includes a notice of each public hearing and the procedures for testifying during a hearing or submitting written testimony directly to the CRC. 	\$355,899 - \$360,159
<p>Activity B.2.g. Issue a report that explains the basis on which the CRC made its decisions in achieving compliance with the redistricting criteria required to comply with the Voting Rights Act.</p>	\$0

Indirect Costs	\$0
Offsetting Revenues or Other Reimbursements	(\$0)
10 Percent Late Filing Penalty	(\$0)
Total Costs Claimed	\$965,114 - \$1,067,809

Table 2. Estimated Annual Costs for Fiscal Year 2021-2022

Activity B.2.b. Conduct seven public hearings before drafting a map, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district. The County can claim the costs of four public hearings in fiscal year 2021-2022.	\$82,764
Activity B.2.g. Issue a report that explains the basis on which the CRC made its decisions in achieving compliance with the redistricting criteria required to comply with the Voting Rights Act.	\$6,013
Indirect Costs	\$0
Offsetting Revenues	(\$0)
Total Costs	\$88,777

Assumptions

1. The test claim statute imposes requirements solely on the County of Los Angeles. Thus, the County is and will remain the only eligible claimant.
2. The amount claimed for the initial reimbursement period may increase if amended claims are filed.
3. Actual costs may be lower following an audit by the Controller because the claims appear to include some activities that were denied by the Commission. Specifically, the County claimed the costs of the following activities that were denied by the Commission:
 - the costs of the Esri software license in the amount of \$39,500.¹⁷
 - the costs of Thai Le to provide GIS support in the amount of \$1,387.50.¹⁸

The Commission denied reimbursement for these activities because mapping has always been part of redistricting and is not a new activity.¹⁹

¹⁷ Exhibit D (4), County of Los Angeles Citizens Redistricting Commission, 19-TC-04 Reimbursement Claim FY 2020-21, page 13.

¹⁸ Exhibit D (4), County of Los Angeles Citizens Redistricting Commission, 19-TC-04 Reimbursement Claim FY 2020-21, page 11.

¹⁹ Exhibit B, Decision and Parameters and Guidelines, adopted December 3, 2021, pages 13-14.

- costs for independent counsel to attend ten meetings of the CRC, from December 14, 2020 through May 26, 2021, under activities B.1.a., B.2.d., and B.2.f. in the amount of \$10,472.50.²⁰

The Commission denied reimbursement for the meetings of the CRC because the meetings go beyond the scope of the mandated program.²¹ Thus, the costs of meetings are not eligible for reimbursement.

- costs of independent counsel to the CRC under activity B.1.d. in the amount of \$51,335.50. Activity B.1.d. requires the County Board of Supervisors to ensure a complete and accurate computerized database is available for redistricting and to provide the public ready access.²²

The Commission denied reimbursement for the activities of County Counsel to retain independent counsel for the CRC to preserve the independence of the CRC and to develop the CRC's by-laws because these activities were not supported by substantial evidence in the record.²³

The claimed amounts for what appears to be denied activities total \$102,695.50, which could reduce the initial claims to \$965,113. This will need to be reviewed and determined by the State Controller.

4. The test claim statute requires eight public hearings before the adoption of the final map. Prior law required one public hearing. Thus, the costs for only seven public hearings are reimbursable.²⁴ The CRC held 16 public hearings between June 14, 2021 and December 7, 2021.²⁵ The County of Los Angeles claimed costs for the three hearings during fiscal year 2020-2021.²⁶ Thus, the County can only claim the costs of a maximum of four public hearings held during fiscal year 2021-2022.
5. The County of Los Angeles claimed no indirect costs in the initial claims. Accordingly, the Commission projects no indirect costs for fiscal year 2021-2022.

²⁰ Exhibit D (4), County of Los Angeles Citizens Redistricting Commission, 19-TC-04 Reimbursement Claim FY 2020-21, pages 143, 146, 147, 159, 160, 162, 171, 173, 181, 183, 193, 201-203.

²¹ Exhibit B, Decision and Parameters and Guidelines, adopted December 3, 2021, page 14.

²² Exhibit D (4), County of Los Angeles Citizens Redistricting Commission, 19-TC-04 Reimbursement Claim FY 2020-21, page 14.

²³ Exhibit B, Decision and Parameters and Guidelines, adopted December 3, 2021, pages 16-17.

²⁴ Exhibit B, Decision and Parameters and Guidelines, adopted December 3, 2021, pages 12-13.

²⁵ Exhibit D (1) 2021 Meetings and Hearings, Los Angeles Redistricting 2021 website, pages 6-66, <https://redistricting.lacounty.gov/virtual-meetings/> (accessed on December 20, 2022).

²⁶ Exhibit D (4), County of Los Angeles Citizens Redistricting Commission, 19-TC-04 Reimbursement Claim FY 2020-21, pages 12-13.

6. The test claim statute requires the County of Los Angeles to create, staff, and fund a CRC at the time of each federal census.²⁷ The current commissioners' terms expire upon the appointment of the first member of the succeeding CRC.²⁸ However, the mandated activities end when the CRC issues a final map and a final report that explains the basis on which the CRC made its decisions in achieving compliance with the redistricting criteria required to comply with the Voting Rights Act.²⁹ This report, issued on December 15, 2021, sets forth the CRC's compliance with the test claim statute to establish boundary lines for the five supervisorial districts in the County including: the selection of CRC members,³⁰ public outreach to ensure community involvement,³¹ public hearings on the proposed maps,³² and the application of the redistricting criteria to the final map.³³ The reimbursable activities were completed and culminated in the adoption of a final map and the final report. Although the current CRC has completed its redistricting, it recommended that it continue meeting to improve the process by incorporating lessons learned to provide future CRCs a head start,³⁴ which might involve: 1) implementing a robust outreach and engagement plan³⁵ and 2) continuously educating the public regarding the Voting Rights Act and redistricting criteria.³⁶ The reimbursable activities listed under Activity B.2.f., above, regarding outreach and providing information to the public are limited to encouraging county residents to participate in the "redistricting public review process."³⁷ Redistricting is the apportionment of legislative representation based on population as based upon the results of the federal census.³⁸ Thus, in the years between the federal censuses, there is no ongoing redistricting

²⁷ Elections Code sections 21532(a) and 21534(c)(8).

²⁸ Elections Code section 21533(b).

²⁹ Elections Code section 21534(d)(4).

³⁰ Exhibit D (2), County of Los Angeles Citizens Redistricting Commission Resolution Adopting a Redistricting Report, pages 98-100; Elections Code section 21532(e)-(h).

³¹ Exhibit D (2), County of Los Angeles Citizens Redistricting Commission Resolution Adopting a Redistricting Report, pages 24, 111-122; Elections Code section 21534(c)(6).

³² Exhibit D (2), County of Los Angeles Citizens Redistricting Commission Resolution Adopting a Redistricting Report, pages 127-128; Elections Code section 21534(c).

³³ Exhibit D (2), County of Los Angeles Citizens Redistricting Commission Resolution Adopting a Redistricting Report, pages 27-28; Elections Code section 21534(a), (b), (d)(4).

³⁴ Exhibit D (2), County of Los Angeles Citizens Redistricting Commission Resolution Adopting a Redistricting Report, page 85.

³⁵ Exhibit D (2), County of Los Angeles Citizens Redistricting Commission Resolution Adopting a Redistricting Report, pages 83-84.

³⁶ Exhibit D (2), County of Los Angeles Citizens Redistricting Commission Resolution Adopting a Redistricting Report, pages 84-85.

³⁷ Elections Code section 21534(c)(6).

³⁸ Elections Code section 21531; *Legislature v. Padilla* (2020) 9 Cal.5th 867, 871.

process or public review process.³⁹ Therefore, the current CRC, acting on its lessons learned, would not be performing any reimbursable activities.

7. For the initial claiming period, the County received applications for CRC membership on September 8, 2020, and the first eight CRC members were chosen on November 24, 2020.⁴⁰ In its final report, the current CRC recommended that the first eight members should be chosen no later than September 1 of the year in which the census takes place or, if the subsequent CRC is to select its own Executive Director or independent legal counsel, then the first eight members should be chosen no later than June 1.⁴¹ If this recommendation is followed and the process takes the same amount of time as it did during the initial claiming period, then the applications would need to be received by June 16, 2030, to choose the members by September 1, or by March 9, 2030, to choose the members by June 1. Thus, the County would begin incurring costs for the mandated activities under the next redistricting process by choosing the CRC in fiscal year 2029-2030. No costs are reimbursable between the issuance of the first final report, and the creation of the next CRC in fiscal year 2029-2030.

Methodology

A. Initial Reimbursement Period Cost Estimate:

The statewide cost estimate for the initial reimbursement period totals **\$965,114 - \$1,067,809**.

Activity A.1.: Activity A.1. consists of one-time training for each CRC member on the Rosenberg Rules of Order and format of public hearings, and the ethics requirements of CRC members. The costs for Activity A.1. are the costs actually claimed for that activity: \$0.

Activity B.1.a.: Activity B.1.a. consists of creating a CRC no later than December 31, 2020, and in each year ending in the number zero thereafter. The high end of the costs for Activity B.1.a. are the costs actually claimed for that activity. The low end assumes an audit by the Controller disallows costs for denied activities: \$190,173 - \$195,572.

Activity B.1.b.: Activity B.1.b. consists of the elections official reviewing the applications and eliminating applicants who do not meet the specified qualifications. Then, the elections official selects 60 of the most qualified applicants, publishes the list of qualified applicants for 30 days, and creates a subpool for each of the five existing supervisorial districts of the board. The costs for Activity B.1.b. are the costs actually claimed for that activity: \$18,066.

Activity B.1.c.: Activity B.1.c. consists of the Auditor-Controller, at a regularly scheduled meeting of the board of supervisors, conducting a random drawing to select one commissioner from each of the five subpools, then another random drawing from all of the remaining

³⁹ Elections Code section 21534(d); see also, California Code of Regulations, title 2, section 60863 which defines the completion of the California Citizens Redistricting Commission's redistricting function as the adoption of the final maps.

⁴⁰ Exhibit D (5) Selection Process, Los Angeles Redistricting 2021 website, pages 5-6, <https://redistricting.lacounty.gov/selection-process/> (accessed on November 23, 2022).

⁴¹ Exhibit D (2), County of Los Angeles Citizens Redistricting Commission Resolution Adopting a Redistricting Report, page 88.

applicants to select three additional commissioners. The costs for Activity B.1.c. are the costs actually claimed for that activity: \$11,195.

Activity B.1.d.: Activity B.1.d. consists of the board of supervisors taking all steps necessary to ensure a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide to the public ready access to redistricting data and computer software equivalent to what is available to the CRC. The high end of the costs for Activity B.1.d. are the costs actually claimed for that activity. The low end assumes an audit by the Controller disallows costs for denied activities: \$271,544 - \$362,379.

Activity B.2.a.: Activity B.2.a. consists of the eight commissioners selected by the Auditor-Controller reviewing the remaining names in the subpools of applicants and appointing six additional applicants to the CRC which includes the following activities:

- Designing a selection process,
- Conducting and tabulating surveys of CRC member evaluations of the applicants,
- Facilitating the CRC meetings to select the final six CRC members, and
- Selecting replacement commissioners for CRC members that resign.

The costs for Activity B.2.a. are the costs actually claimed for that activity: \$3,584.

Activity B.2.b.: Activity B.2.b. consists of the CRC conducting seven public hearings — over no fewer than 30 days and at least one in each supervisorial district — before drafting a map. The costs for Activity B.2.b. are the costs actually claimed for that activity: \$62,074.

Activity B.2.c.: Activity B.2.c. consists of the CRC posting the draft map for public comment on the website of the County of Los Angeles and conducting one public hearing on the draft map. The costs for Activity B.2.c. are the costs actually claimed for that activity: \$0.

Activity B.2.d.: Activity B.2.d. consists of the CRC establishing and making available to the public a calendar of the eight public hearings. The high end of costs for Activity B.2.d. are the costs actually claimed for that activity. The low end assumes an audit by the Controller disallows costs for denied activities: \$52,579 - \$54,780.

Activity B.2.e.: Activity B.2.e. consists of the CRC arranging for the live translation of a hearing in an applicable language (defined as “a language for which the number of residents of the County of Los Angeles who are members of a language minority is greater than or equal to three percent of the total voting age residents of the county”) if a request for translation is made at least 24 hours before the hearing. The costs for Activity B.2.e. are the costs actually claimed for that activity: \$0.

Activity B.2.f.: Activity B.2.f. consists of the CRC taking steps to encourage county residents to participate in the redistricting public review process, which includes:

- Develop and implement a Public Outreach Plan to increase public participation.
- Provide information through media, social media, and public service announcements.
- Coordinate with community organizations.
- Post information on the Internet Web site of the County of Los Angeles that explains the redistricting process and includes a notice of each public hearing and the procedures for testifying during a hearing or submitting written testimony directly to the CRC.

The high end of the costs for Activity B.2.f. are the costs actually claimed for that activity. The low end assumes an audit by the Controller disallows costs for denied activities: \$355,899 - \$360,159.

Activity B.2.g.: Activity B.2.g. consists of the CRC issuing a report that explains the basis on which the CRC made its decisions in achieving compliance with the redistricting criteria required to comply with the Voting Rights Act. The costs for Activity B.2.g. are the costs actually claimed for that activity: \$0.

Indirect Costs: The indirect costs actually claimed are \$0.

Offsetting Revenues: The total offsetting revenues actually claimed are \$0.

Late Filing Penalties: The penalties are \$0 because the initial claims were not assessed a late filing penalty.

B. Costs of \$88,777 Are Projected for Fiscal Year 2021-2022:

As noted above, the test claim statute requires the County to create, staff, and fund a CRC at the time of each federal census to address the redistricting of the supervisorial districts of the County. During the 2021-2022 fiscal year, the current CRC held 13 public hearings on the proposed maps and issued its report on December 15, 2021.⁴² However, as explained above, the costs for a total of seven public hearings are reimbursable.⁴³ In the initial claims, the County claimed costs of \$62,074 for holding three of the seven reimbursable public hearings in fiscal year 2020-2021 (\$20,691 per hearing) and \$6,013 for CRC staff to collect and post information on its website.⁴⁴ The Commission projects costs of \$82,764 for holding the remaining four reimbursable public hearings in the first half of 2021-2022 (\$20,691 x 4) and \$6,013 for issuing the final report by posting it online. These amounts could be lower following an audit by the Controller. For example, it is not clear from the reimbursement claims if the claimant included costs to comply with the Brown Act and the Americans with Disabilities Act for the public hearings, which are not reimbursable under this program.

The next federal census will be in 2030 at which time the members of the new CRC will be chosen. Thus, the County will not incur additional reimbursable costs until fiscal year 2029-2030. Accordingly, the Commission projects costs to the State of \$88,777 in fiscal year 2021-2022 and then costs similar to those in this estimate plus the implicit price deflator, for the 2029-2030, 2030-2031, and 2031-2032 fiscal years.

⁴² Exhibit D (1) 2021 Meetings and Hearings, Los Angeles Redistricting 2021 website, pages 6-66, <https://redistricting.lacounty.gov/virtual-meetings/> (accessed on December 20, 2022).

⁴³ Exhibit B, Decision and Parameters and Guidelines, adopted December 3, 2021, pages 12-13.

⁴⁴ Exhibit D (4), County of Los Angeles Citizens Redistricting Commission, 19-TC-04 Reimbursement Claim FY 2020-21, pages 18 and 26.

Draft Proposed Statewide Cost Estimate

On December 9, 2022, Commission staff issued the Draft Proposed Statewide Cost Estimate, with comments due on December 19, 2022.⁴⁵ No comments were filed on the Draft Proposed Statewide Cost Estimate.

Conclusion

On January 27, 2023 the Commission adopted this Statewide Cost Estimate of \$965,114 - \$1,067,809 for the Initial Claim Period (Fiscal Years 2018-2019, 2019-2020, and 2020-2021) and \$88,777 for fiscal year 2021-2022. Staff also estimates \$0 in reimbursable costs for fiscal years 2022-2023 through 2028-2029. Then, staff estimates that the County of Los Angeles will next incur reimbursable costs totaling \$1,053,891 - \$1,156,586 plus the implicit price deflator for fiscal years 2029-2030, 2030-2031, and 2031-2032 combined, for the next round of redistricting.

⁴⁵ Exhibit C, Draft Proposed Statewide Cost Estimate, issued December 9, 2022.