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December 28, 2020  
**Commission on  
State Mandates**

**Gavin Newsom ■ Governor**

915 L Street ■ Sacramento CA ■ 95814-3706 ■ www.dof.ca.gov

December 28, 2020

Ms. Heather Halsey  
Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

**Response to Test Claim 19-TC-04, County of Los Angeles Citizens Redistricting Commission**

Dear Ms. Halsey:

The Department of Finance (Finance) has reviewed Test Claim 19-TC-04 submitted to the Commission on State Mandates (Commission) by the County of Los Angeles (Claimant). The Claimant alleges there are state-mandated, reimbursable costs associated with Chapter 781, Statutes of 2016 (SB 958).

Chapter 781, Statutes of 2016 (SB 958) requires Los Angeles County to establish the Citizens Redistricting Commission (CRC) to adjust the boundary lines of the supervisorial districts in the County of Los Angeles. As a result of SB 958 compliance, the Claimant is seeking reimbursement for the costs allegedly incurred by the county's Registrar-Recorder/County Clerk (RR/CC) and the county's Board of Supervisors (Board).

Costs Claimed by the RR/CC

SB 958 requires the county elections official to review applications and select qualified applicants to the CRC. The Claimant alleges the RR/CC incurred costs of \$36,802 in 2019-20 and that it will incur estimated costs of \$405,000 in 2020-21 to comply with SB 958.

The 2019-20 amount consists of \$35,533.18 to meet with County Counsel and RR/CC staff on CRC application and selection process, and \$1,268.91 to design and develop the CRC application process, create internal CRC documents, and set up the CRC website. The 2020-21 amount consists of \$100,000 for hiring temporary and permanent staff, \$250,000 for implementing a media campaign, \$5,000 for redistricting workshops, and \$50,000 for county counsel expenses.

Regarding the claimed 2019-20 and 2020-21 costs for the RR/CC, these costs stem not from the provision of a new program or higher level of service to the public, but from costs incurred to create and support the CRC in the CRC's fulfillment of redistricting for the Board of Supervisors. This redistricting is an existing activity, and SB 958 merely increased the cost for the RR/CC to perform that existing activity.

Consequently, reimbursement for these costs should be denied pursuant to two rulings. The first is *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478, where the court ruled that increased costs alone do not result in a reimbursable state mandate. The second is *San Diego Unified School District v. Commission on State Mandates* (2004) 33 Cal.4<sup>th</sup> 859 where is court ruled that reimbursement is not required if a statute merely implements a change that increases the cost of providing a service.

Regarding the \$250,000 estimated to be spent by the RR/CC in 2020-21 for a media campaign to inform the public of the formation of the CRC and provide information about the application process, nowhere in the text of SB 958 is such a requirement delineated. Instead Elections Code section 21534 (c) (6) (A) through (C) details the steps the Claimant "may" take to inform the public of the CRC, which steps include "(p)roviding information through media, social media, and public service announcements."

### Costs Claimed by the Board

In addition to the county elections official requirements, SB 958 requires the Board to ensure that a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide to the public ready access to the redistricting data and computer software. It also requires the Board to provide for reasonable funding and staffing for the CRC.

The Claimant alleges the Board will incur 2020-21 costs of \$1,127,620 to comply with these requirements. This amount includes costs for the following: (1) \$184,000 for funding and staffing for the CRC, (2) \$439,000 to procure a database for the CRC and the public, (3) \$250,000 to launch a media campaign to inform the public about the redistricting public review process, (4) \$4,620 to provide audio equipment to facilitate public hearings, and (5) \$250,000 to hire a consultant to guide the CRC and ensure it meets timelines.

Similar to the costs claimed by the RR/CC, the costs claimed by the Board stem not from the provision of a new program or higher level of service to the public, but from costs incurred to create and support the CRC in the CRC's fulfillment of an existing activity, i.e. redistricting for the Board of Supervisors. Precedential rulings in *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478 and *San Diego Unified School District v. Commission on State Mandates* (2004) 33 Cal.4<sup>th</sup> 859 argue against state reimbursement for these costs.

Regarding the \$250,000 estimated to be spent by the Board in 2020-21 for a media campaign to inform the public of the formation of the CRC and provide information about the application process, nowhere in the text of SB 958 is such a requirement delineated. Instead Elections Code section 21534 (c) (6) (A) through (C) details the steps the Claimant "may" take to inform the public of the CRC, which steps include "(p)roviding information through media, social media, and public service announcements."

Regarding the consultant costs, the statute does not require the CRC to retain a consultant. While Elections Code section 21533 (d) (1) and (2) speak to the qualifications a person must meet to serve as a consultant to the CRC, nowhere does the state require that a consultant be provided for the CRC. The Commission should therefore deny the claimed \$250,000 in consultant costs.

In summary, Finance believes the Commission should deny all claimed costs on the strength of precedential court rulings. We further contend that several of the activities the Claimant performed or intends to perform in regard to SB 958 are not required by that statute.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kris Cook', written in a cursive style.

KRIS COOK

Assistant Program Budget Manager

**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Solano and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

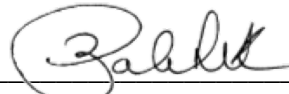
On December 29, 2020, I served the:

- **Department of Finance's (Finance's) Comments on the Test Claim filed December 28, 2020**

*County of Los Angeles Citizens Redistricting Commission, 19-TC-04*  
Elections Code Division 21, Chapter 6.3 (Commencing with Section 21530) as added by Statutes 2016, Chapter 781 (SB 958)  
County of Los Angeles, Claimant

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on December 29, 2020 at Sacramento, California.



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Heidi Palchik  
Commission on State Mandates  
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# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 12/10/20

**Claim Number:** 19-TC-04

**Matter:** County of Los Angeles Citizens Redistricting Commission

**Claimant:** County of Los Angeles

### TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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