



**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

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RECEIVED
February 26, 2021
*Commission on
State Mandates*

LATE FILING

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February 25, 2021

Via Drop Box

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

Dear Ms. Halsey:

**REBUTTAL TO THE DEPARTMENT OF FINANCE'S
COMMENTS RECOMMENDING REJECTION OF THE COUNTY'S
SB 958 TEST CLAIM**

The County of Los Angeles ("Claimant") submits the attached late Rebuttal Letter in response to the Department of Finance's comments urging the Commission on State on Mandate's rejection of our *SB 958, Citizens Redistricting Commission* Test Claim.

If you have any questions please call me, or your staff may contact Fernando Lemus at (213) 974-0324 or via e-mail at flemus@auditor.lacounty.gov.

Very truly yours,

Arlene Barrera
Auditor-Controller

AB:OV:CY:EB:EW:FL

Attachment

**REBUTTAL TO THE DEPARTMENT OF FINANCE’S
COMMENTS RECOMMENDING REJECTION OF THE COUNTY’S
SB 958 TEST CLAIM**

The County of Los Angeles (County) has reviewed the comments filed by the Department of Finance (Finance) and respectfully requests that the Commission on State Mandates accept the County’s late filed rebuttal for consideration.

Finance erroneously states that the costs claimed in Test Claim 19-TC-04 did not create a new program or higher level of service. Prior to the passage of Senate Bill 958 (SB 958), the County was not obligated to create a commission for the purpose of redistricting. SB 958 enacted statutes that required the County to create a 14-member “Citizens Redistricting Commission” (Commission) and established strict requirements, which are only applicable to the County, for the applicants to the Commission and for the Commission’s operations (see Elections Code § 21530 et seq.). But for SB 958, the County would have the option of not forming a redistricting commission at all or forming an advisory, independent, or hybrid redistricting commission. Furthermore, the legislative history to SB 958 acknowledged findings as to the “necessity of a special statute for the unique circumstances facing the County for Los Angeles.” (Legislative Counsel’s Digest, approved by Governor September 28, 2016. Filed with the Secretary of State September 28, 2016.)

The cases cited by Finance are not applicable to this Test Claim. In *City of Anaheim v. State of California* (1987) 189 Cal. App. 3d 1478, the court agreed that there was no mandate because the legislation in question did not compel the City of Anaheim to do anything or constitute a “program” or “service.” However, unlike in the *City of Anaheim* case, SB 958 does not increase costs of an existing program and instead it creates an entirely new program. Furthermore, this Test Claim is distinguishable from the claim in the *City of Anaheim* case because the Legislative Counsel’s Digest, which was approved by the Governor, states that by “increasing the duties on local officials, the bill (SB 958) would impose a state-mandated local program.”

The other case cited by Finance was *San Diego Unified School District v. Commission on State Mandates* (2004) 33 Cal.4th 859, in which the court ruled that reimbursement is not required if a statute merely implements a change that increases the cost of providing a service. This case is not analogous as SB 958 did not implement a change, but rather created an entirely new system of redistricting for the County, which includes the creation of an independent 14-member Commission (see Elections Code § 21532). For the first time, the County is responsible for creating a new application and review process for the Commission, including informing the public about the Commission and the application process, receiving applications for membership on the Commission, reviewing those applications, and eliminating applicants who do not meet the specified qualifications (see Elections Code § 21532(e)).

The County is also required to select 60 of the most-qualified applicants from the applicant pool, publish the names of the 60 selected applicants for at least 30 days, create a subpool of applicants for each of the five supervisorial districts, conduct a random drawing to select the first eight (8) members of the Commission, and ensure that the entire 14-member Commission was created no later than December 31, 2020 and in each year ending in the number zero thereafter (see Elections Code § 21532(a), (f), (g)).

Once the Commission is created, the County is obligated to support its activities, including providing reasonable staffing and funding, and ensure that a complete and accurate computerized database is available for redistricting (Elections Code § 21534.)

Failure to recognize the statutorily-imposed costs of SB 958 would allow the State to impose a program on the County without providing funding as per the California Constitution, Article XIII B, Section 6. Accordingly, the Commission on State Mandates should grant the County's Test Claim since SB 958 mandates a new program unique to the County and no bars to reimbursement apply.

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento 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 February 26, 2021, I served the:

- **Claimant's Late Rebuttal Comments filed February 26, 2021**

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 February 26, 2021 at Sacramento, California.



Jill L. Magee
Commission on State Mandates
980 Ninth Street, Suite 300
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 2/16/21

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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