

Minutes

COMMISSION ON STATE MANDATES

Location of Meeting: Room 447
State Capitol, Sacramento, California
March 24, 2017

Present: Member Eraina Ortega, Chairperson
Representative of the Director of the Department of Finance
Member Richard Chivaro, Vice Chairperson
Representative of the State Controller
Member Mark Hariri
Representative of the State Treasurer
Member Sarah Olsen
Public Member
Member Don Saylor
County Supervisor

Absent: Member Ken Alex
Representative of the Director of the Office of Planning and Research
Member Carmen Ramirez
City Council 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 Ortega called the meeting to order at 10:01 a.m. Executive Director Heather Halsey called the roll.

APPROVAL OF MINUTES

Member Saylor made a motion to adopt the minutes. With a second by Member Hariri, the January 27, 2017 hearing minutes were adopted by a vote of 4-0.

PUBLIC COMMENT FOR MATTERS NOT ON THE AGENDA

The Chairperson asked if there was any public comment. There was no response.

HEARINGS AND DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (GOV. CODE, § 17551, 17557, 17559, and 17570) (action)

Executive Director Heather Halsey swore in the parties and witnesses participating in the hearing.

APPEAL OF EXECUTIVE DIRECTOR DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181.1(c) (info/action)

Item 2 Appeal of Executive Director Decisions

Executive Director Halsey stated that there were no appeals to consider for this hearing.

INCORRECT REDUCTION CLAIM

- Item 3 *Health Fee Elimination, 09-4206-I-25*
 Former Education Code Section 72246 (Renumbered as 76355)
 Statutes 1984, Chapter 1 (1983-1984 2nd Ex. Sess.) (AB2X 1);
 and Statutes 1987, Chapter 1118 (AB 2336)
 Fiscal Years: 2002-2003, 2003-2004, 2004-2005, 2005-2006, and
 2006-2007
 Yosemite Community College District, Claimant

Executive Director Heather Halsey stated that the claimant notified Commission staff that they would not be appearing at this hearing.

Chief Legal Counsel Camille Shelton presented this item and recommended that the Commission deny this Incorrect Reduction Claim.

Parties were represented as follows: Jim Spano and Ken Howell, representing the State Controller’s Office.

Following discussion among the Commission members, staff, and parties, Member Saylor made a motion to adopt the staff recommendation. With a second by Member Olsen, the motion to partially approve this Incorrect Reduction Claim was adopted by a vote of 4-0.

HEARINGS ON COUNTY APPLICATIONS FOR FINDINGS OF SIGNIFICANT FINANCIAL DISTRESS PURSUANT TO WELFARE AND INSTITUTIONS CODE SECTION 17000.6 AND CALIFORNIA CODE OF REGULATIONS, TITLE 2, ARTICLE 6.5 (info/action)

- Item 4 Assignment of County Application to Commission, a Hearing Panel of One or More Members of the Commission, or to a Hearing Officer

No applications were filed.

STAFF REPORTS

- Item 5 Legislative Update (info)

Program Analyst Kerry Ortman presented this item.

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

Chief Legal Counsel Camille Shelton presented this item.

- Item 7 Executive Director: Budget, Workload Update, and Tentative Agenda Items for the May and July 2017 Meetings (info)

Executive Director Heather Halsey presented this item and reported on the Commission’s budget.

Member Chivaro joined the meeting.

Executive Director Halsey reported on the Commission’s pending caseload.

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

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)(1):

Trial Courts:

1. *County of Los Angeles v. Commission on State Mandates, State Controller's Office*
Los Angeles County Superior Court, Case No. BS166734
[*Handicapped and Disabled Students IRC*, 13-4282-I-06]
2. *County of Los Angeles v. Commission on State Mandates, State Controller's Office*
Los Angeles County Superior Court, Case No. BS166735
[*Handicapped and Disabled Students II IRC*, 12-0240-I-01]
3. *County of Los Angeles v. Commission on State Mandates, State Controller's Office*
Los Angeles County Superior Court, Case No. BS167447
[*Seriously Emotionally Disturbed Pupils IRC*, 12-9705-I-04]

Courts of Appeal:

1. *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. C070357
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. *Coast Community College District, et al. v. Commission on State Mandates*,
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).]

3. *Paradise Irrigation District, et al. v. Commission on State Mandates, Department of Finance, and Department of Water Resources*
Third District Court of Appeal, Case No. C081929
Sacramento County Superior Court, Case No. 34-2015-80002016
[*Water Conservation* (10-TC-12/12-TC-01, adopted December 5, 2014), Water Code Division 6, Part 2.55 [sections 10608-10608.64] and Part 2.8 [sections 10800-10853] as added by Statutes 2009-2010, 7th Extraordinary Session, Chapter 4 California Code of Regulations, Title 23, Division 2, Chapter 5.1, Article 2, Sections 597-597.4; Register 2012, No. 28.]
4. *California School Board Association (CSBA) v. State of California et al.*
First District Court of Appeal, Case No. A148606
Alameda County Superior Court, Case No. RG11554698
[2010-2011 Budget Trailer Bills; Education Code sections 42238.24 and 56523]
5. *State of California Department of Finance, State Water Resources Control Board, and California Regional Water Quality Control Board, Los Angeles Region v. Commission on State Mandates and County of Los Angeles, et al* (petition and cross-petition)
Second District Court of Appeal, Case No. B237153, **on Remand from California Supreme Court, Case No. S214855**
Los Angeles County Superior Court, Case No. BS130730
[*Municipal Storm Water and Urban Runoff Discharges*, 03-TC-04, 03-TC-19, 03-TC-20, and 03-TC-21, Los Angeles Regional Quality Control Board Order No. 01-182, Permit CAS004001, Parts 4C2a., 4C2b, 4E & 4Fc3]

California Supreme Court:

1. *Counties of San Diego, Los Angeles, San Bernardino, Orange, and Sacramento v. Commission on State Mandates, et al.*
California Supreme Court, Case No. S239907
Fourth District Court of Appeal, Division One, Case No. D068657
San Diego County Superior Court, Case No. 37-2014-00005050-CU-WM-CTL
[Mandate Redetermination, *Sexually Violent Predators*, (12-MR-01, CSM-4509); Welfare and Institutions Code Sections 6601, 6602, 6603, 6604, 6605, and 6608; Statutes

1995, Chapter 762 (SB 1143); Statutes 1995, Chapter 763 (AB 888); Statutes 1996, Chapter 4 (AB 1496) As modified by Proposition 83, General Election, November 7, 2006]

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)(2):

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.

B. PERSONNEL

To confer on personnel matters pursuant to Government Code section 11126(a).

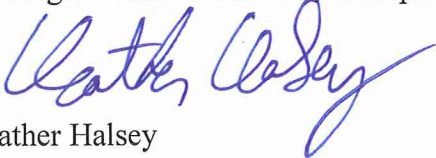
The Commission adjourned into closed executive session at 10:12 a.m., pursuant to Government Code section 11126(e), to confer with and receive advice from legal counsel for consideration and action, as necessary and appropriate, upon the pending litigation listed on the published notice and agenda; and 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).

**RECOVENE IN PUBLIC SESSION
REPORT FROM CLOSED EXECUTIVE SESSION**

At 10:22 a.m., Chairperson Ortega reconvened in open session, and reported that the Commission met in closed executive session pursuant to Government Code section 11126(e)(2) to confer with and receive advice from legal counsel for consideration and action, as necessary and appropriate, upon the pending litigation listed on the public notice and agenda, and to confer with and receive 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 Ortega adjourned the meeting at 10:22 a.m.



Heather Halsey
Executive Director

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**COMMISSION ON
STATE MANDATES**

PUBLIC MEETING

COMMISSION ON STATE MANDATES



TIME: 10:00 a.m.

DATE: Friday, March 24, 2017

PLACE: State Capitol, Room 447
Sacramento, California



REPORTER'S TRANSCRIPT OF PROCEEDINGS



Reported by:

Daniel P. Feldhaus

California Certified Shorthand Reporter #6949

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A P P E A R A N C E S

COMMISSIONERS PRESENT

ERAINA ORTEGA
Representative for MICHAEL COHEN, Director
Department of Finance
(Chair of the Commission)

RICHARD CHIVARO
Representative for BETTY T. YEE
State Controller
(Vice Chair of the Commission)

MARK HARIRI
Representative for JOHN CHIANG
State Treasurer

SARAH OLSEN
Public Member

DON SAYLOR
Yolo County Supervisor
Local Agency Member



PARTICIPATING COMMISSION STAFF PRESENT

HEATHER A. HALSEY
Executive Director
(Item 6)

HEIDI PALCHIK
Assistant Executive Director

KERRY ORTMAN
Program Analyst
(Item 4)

CAMILLE N. SHELTON
Chief Legal Counsel
(Item 3 and Item 5)



A P P E A R A N C E S

PUBLIC TESTIMONY

Appearing Re Item 3:

For State Controller's Office:

JIM L. SPANO
Chief, Mandated Cost Audits Bureau
Division of Audits
State Controller's Office
3301 C Street, Suite 725
Sacramento, California 95816

KEN HOWELL
Audit Manager
Division of Audits
State Controller's Office
3301 C Street, Suite 725
Sacramento, California 95816



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ERRATA SHEET

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1 BE IT REMEMBERED that on Friday, March 24, 2017,
2 commencing at the hour of 10:01 a.m., thereof, at the
3 State Capitol, Room 447, Sacramento, California, before
4 me, DANIEL P. FELDHAUS, CSR #6949, RDR and CRR, the
5 following proceedings were held:



7 CHAIR ORTEGA: Good morning, everyone.

8 I'm going to call to order the March 24th meeting of
9 the Commission on State Mandates.

10 Please call the roll.

11 MS. HALSEY: Mr. Chivaro?

12 *(No response)*

13 MS. HALSEY: Mr. Hariri?

14 MEMBER HARIRI: Aye.

15 MS. HALSEY: Ms. Olsen?

16 MEMBER OLSEN: Here.

17 MS. HALSEY: Ms. Ortega?

18 CHAIR ORTEGA: Here.

19 MS. HALSEY: Mr. Saylor?

20 MEMBER SAYLOR: Aye, here.

21 MS. HALSEY: Ms. Ramirez notified staff that she
22 will not be able to attend the meeting today due to an
23 unavoidable scheduling conflict. And Mr. Alex notified
24 staff this morning that he is sick and so will also be
25 unable to attend.

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1 CHAIR ORTEGA: Thank you very much.

2 We do have a quorum, so we'll go ahead and get
3 started with the minutes from January 27th.

4 Any comments on the minutes?

5 *(No response)*

6 CHAIR ORTEGA: Seeing none, is there a motion?

7 MEMBER SAYLOR: Move approval.

8 CHAIR ORTEGA: Moved by Mr. Saylor.

9 MEMBER HARIRI: Second.

10 CHAIR ORTEGA: Second by Mr. Hariri.

11 All in favor of adoption of the minutes, please say
12 "aye."

13 *(A chorus of "ayes" was heard.)*

14 CHAIR ORTEGA: Approved unanimously.

15 MS. HALSEY: And now we will take up public comment
16 for matters not on the agenda. Please note that the
17 Commission cannot take action on items not on the agenda;
18 however, it can schedule issues raised by the public for
19 consideration at future meetings.

20 CHAIR ORTEGA: Okay, any public comment?

21 *(No response)*

22 CHAIR ORTEGA: Seeing none, we'll move on.

23 MS. HALSEY: There are no items on consent this
24 morning.

25 So let's go ahead and move to the Article 7 portion

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1 of the hearing.

2 Will the parties and witnesses for Item 3 please
3 rise?

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

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

9 (*A chorus of affirmative responses was heard.*)

10 MS. HALSEY: Thank you.

11 Item 2 is reserved for appeals of Executive Director
12 decisions; and there are no appeals to consider for this
13 hearing.

14 Chief Legal Counsel Camille Shelton will present
15 Item 3, an incorrect reduction claim on *Health Fee*
16 *Elimination*.

17 The claimant notified Commission staff that they
18 will not be appearing at this hearing.

19 CHAIR ORTEGA: Okay.

20 MS. SHELTON: Good morning. This incorrect
21 reduction claim is based on reductions made by the
22 Controller under the *Health Fee Elimination Program* for
23 fiscal years 2002-2003 through 2006-2007.

24 Staff finds that the audit of the first two fiscal-
25 year reimbursement claims was timely. Staff further

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1 finds that the reductions are correct as a matter of law
2 and not arbitrary, capricious, or entirely lacking in
3 evidentiary support. Staff recommends that the
4 Commission adopt the proposed decision to deny the IRC.

5 Will the parties and witnesses please state your
6 names for the record?

7 MR. SPANO: Jim Spano, State Controller's Office,
8 Division of Audits.

9 MR. HOWELL: Ken Howell, State Controller's Office,
10 Division of Audits.

11 CHAIR ORTEGA: Okay, any questions from the board on
12 Item 3?

13 MEMBER SAYLOR: Is there any witness from the
14 claimant?

15 MS. HALSEY: No. The claimant informed us that they
16 will not be attending the hearing.

17 MEMBER SAYLOR: Okay. Did they concur -- did they
18 indicate whether they concur with the recommendation?

19 MS. HALSEY: They don't concur; and they don't want
20 to put any more resources into this matter.

21 MEMBER SAYLOR: I see.

22 So my only question really is about the timing of
23 the transfer of funds to Yosemite Community College
24 District -- is that what it is? -- I think the issue in
25 contention is whether the audit was conducted in a timely

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1 manner, and the funds for 2002-2003 were not transferred
2 until 2006. Is that right?

3 Did not receive any payment for -- yes, it says,
4 "Funds were -- the claim was submitted and the funds were
5 transferred in October of 2006"?

6 MS. HALSEY: For the statute of limitations, yes.
7 The claimant received no payment; and, therefore, the
8 statute doesn't begin to run. I think that's what you're
9 asking.

10 MEMBER SAYLOR: Right. So they didn't receive -- so
11 the statute says that since they didn't receive the
12 payment until 2006, but it was for -- why was there such
13 a delay?

14 MS. SHELTON: The State didn't provide any
15 appropriation for the program.

16 MEMBER SAYLOR: Okay. Is that the contention of the
17 community college, that the funds should have been in
18 place in 2002 and weren't, and so the audit should have
19 been tied to that year?

20 MS. SHELTON: Well, they're making the argument that
21 the plain language in 17558.5 that allows for a delay of
22 the initiation of an audit based on when an appropriation
23 is made, is too vague because they don't know.

24 MEMBER SAYLOR: Right.

25 MS. SHELTON: I mean, the State was not every year

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1 making appropriations for mandated programs; and so they
2 were claiming that could go on forever. The problem is,
3 you need to go to the Legislature to get an amendment for
4 a fix on that.

5 But the plain language applies. And there was
6 evidence in the record of a payment being made in October
7 of 2006, which does delay the time for the Controller to
8 audit.

9 MEMBER SAYLOR: Right. That's accurate.

10 MS. SHELTON: Yes.

11 CHAIR ORTEGA: Okay, any additional questions?

12 *(No response)*

13 CHAIR ORTEGA: Any public comment on this item?

14 *(No response)*

15 CHAIR ORTEGA: All right, seeing none, is there a
16 motion?

17 MEMBER SAYLOR: Move approval.

18 MEMBER OLSEN: I'll second.

19 CHAIR ORTEGA: Moved by Mr. Saylor, second by
20 Ms. Olsen.

21 And this is to adopt the staff recommendation?

22 MEMBER SAYLOR: Correct.

23 MS. HALSEY: Mr. Chivaro?

24 *(No response)*

25 MS. HALSEY: Mr. Hariri?

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1 MEMBER HARIRI: Aye.

2 MS. HALSEY: Ms. Olsen?

3 MEMBER OLSEN: Aye.

4 MS. HALSEY: Ms. Ortega?

5 CHAIR ORTEGA: Aye.

6 MS. HALSEY: Mr. Saylor?

7 MEMBER SAYLOR: Aye.

8 CHAIR ORTEGA: Motion passes.

9 Legislative update?

10 MS. HALSEY: Item 4 is reserved for county
11 applications for a finding of significant financial
12 distress or SB 1033 applications. No SB 1033
13 applications have been filed.

14 Program Analyst Kerry Ortman will present Item 5,
15 the Legislative Update.

16 MS. ORTMAN: Good morning. I have only one bill to
17 report on this morning, AB 268, State Mandates.

18 This bill was introduced by Assembly Member Waldron
19 on February 1st, 2017. The bill proposes technical,
20 non-substantive changes to Government Code section 17552,
21 which currently addresses the process by which local
22 agencies or school districts may claim reimbursement for
23 state-mandated costs. AB 268 appears to be a spot bill,
24 but could be amended in the future to propose substantive
25 changes.

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1 According to the author's office, they currently
2 have no intent to pursue changes to the mandates process
3 with this bill.

4 That's it.

5 CHAIR ORTEGA: Okay, any questions?

6 *(No response)*

7 CHAIR ORTEGA: All right, Item 6.

8 MS. HALSEY: Chief Legal Counsel Camille Shelton
9 will present Item 6, the Chief Legal Counsel Report.

10 MS. SHELTON: We have one new filing by the County
11 of Los Angeles. They are challenging the Commission's
12 decision in *Seriously Emotionally Disturbed Pupils*
13 incorrect reduction claim.

14 CHAIR ORTEGA: I'm sure we all remember that
15 hearing.

16 Do you have any questions?

17 *(No response)*

18 CHAIR ORTEGA: No comments?

19 *(No response)*

20 CHAIR ORTEGA: No?

21 MS. HALSEY: Then Item 7 is the Executive Director's
22 Report.

23 The Commission's budget is set for hearing in the
24 Senate Budget Subcommittee 4 on March 30th and in the
25 Assembly Budget Subcommittee 4 on April 18th.

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1 The Commission's budget, as proposed by the
2 Governor, is \$2,192,000, which is slightly higher than
3 the current year, to account for general salary increases
4 approved by the Legislature and unavoidable increases in
5 operating costs.

6 My report has listed out the mandated programs
7 proposed to be funded and suspended in the Governor's
8 budget; and those are in my report if you are interested
9 in looking at them.

10 There was one interesting item, though, which is for
11 *ICAN, the Interagency Child Abuse and Neglect*
12 *Investigation Reports*. That program is proposed for
13 suspension but is also proposed to be funded through an
14 optional block grant.

15 Generally, local agency mandates were funded through
16 the Commission's budget. However, the Governor's
17 proposed budget makes \$4 million available in county
18 optional block-grant funding through the Department of
19 Social Services for allocation to local agencies to fund
20 the reimbursable activities under ICAN.

21 *(Mr. Chivaro entered the meeting room.)*

22 MS. HALSEY: Local governments that receive the
23 block-grant funding are not eligible to claim cost under
24 Section 17560 of the Government Code for any costs
25 associated with the program. And the Department of

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1 Social Services is working in consultation with CSAC to
2 develop an allocation methodology for distributing those
3 funds to participating counties.

4 And that's what I have on budget.

5 Then for workload, after this hearing, we have
6 15 test claims, all but one of which are regarding the
7 *National Pollutant Discharge Elimination System*, or
8 *NPDES, Permits*; and one parameters and guidelines; and
9 one statewide cost estimate, also regarding *NPDES Permits*
10 is pending.

11 In addition, we have one parameters and guidelines
12 amendment on inactive status pending the outcome in the
13 *CSBA* litigation, which is now in the First District Court
14 of Appeal.

15 And finally, we have 16 IRCs remaining.

16 As of today, the Commission staff expects to
17 complete all currently pending test claims and IRCs by
18 approximately the September 2018 Commission hearing,
19 depending on staffing and other workload.

20 For the test claims on *Stormwater*, that's what
21 everyone is working on now, and that's one of the reasons
22 why this hearing is so light. There are a number of very
23 complex issues. The records are huge and growing.

24 Just for an example, we needed some additional
25 evidence on one issue for one claim; and we just received

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1 a 40,000-page supplement to the record for one of the
2 items that's being currently worked on. So that's the
3 kind of stuff we're dealing with, where that will take
4 staff every bit of all day just to make sure that the
5 filing is legible and that all the pages are complete,
6 let alone to understand the substance of what's in it.

7 So it's kind of like trudging through the mud. You
8 know, a slow slog. But we are making progress.

9 And I expect to have, hopefully, at least one or
10 more of these set for July.

11 And that's all I have.

12 MEMBER OLSEN: It's too bad they don't come in an
13 audible version. We commuters in L.A., that's how we get
14 our reading taken care of.

15 CHAIR ORTEGA: And I just wanted to commend staff on
16 the IRCs. I remember when I first started chairing the
17 board and how many there were; and to have it down to
18 16 is incredible and great work. So I really appreciate
19 that.

20 I think that's it, right, for our regular items.

21 Please note for the record that Mr. Chivaro has
22 joined us.

23 So the Commission will meet in closed executive
24 session pursuant to Government Code section 11126(e) to
25 confer with and receive advice from legal counsel for

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1 consideration and action, as necessary and appropriate,
2 upon the pending litigation listed on the published
3 notice and agenda; and to confer with and receive advice
4 from legal counsel regarding potential litigation.

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

7 We will reconvene in open session in probably
8 five minutes.

9 Thank you, everyone.

10 *(The Commission met in closed executive session*
11 *from 10:12 a.m. to 10:22)*

12 CHAIR ORTEGA: We're going to reconvene in public
13 session.

14 The Commission met in closed executive session
15 pursuant to Government Code section 11126(e)(2), to
16 confer with and receive advice from legal counsel for
17 consideration and action, as necessary and appropriate,
18 upon the pending litigation listed on the published
19 notice and agenda; and to confer with and receive advice
20 from legal counsel regarding potential litigation; and
21 pursuant to Government Code section 11126(a)(1), to
22 confer on personnel matters.

23 And I don't see any public comment.

24 So with no further business, we will be adjourned.

25 *(The Commission meeting concluded at 10:22 a.m.)*

REPORTER'S CERTIFICATE

I hereby certify:

That the foregoing proceedings were duly reported by me at the time and place herein specified; and

That the proceedings were reported by me, a duly certified shorthand reporter and a disinterested person, and was thereafter transcribed into typewriting by computer-aided transcription.

In witness whereof, I have hereunto set my hand on the 12th day of April 2017.



Daniel P. Feldhaus
California CSR #6949
Registered Diplomate Reporter
Certified Realtime Reporter