

Minutes

COMMISSION ON STATE MANDATES

Location of Meeting: via Zoom

September 23, 2022

Present: Member Gayle Miller, Chairperson
Representative of the Director of the Department of Finance
Member Spencer Walker, Vice Chairperson
Representative of the State Treasurer
Member Lee Adams
County Supervisor
Member Jeannie Lee
Representative of the Director of the Office of Planning and Research
Member Renee Nash
School District Board Member
Member Sarah Olsen
Public Member
Member Shawn Silva
Representative of the State Controller

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 Miller called the meeting to order at 10:02 a.m. Executive Director Halsey called the roll. Members Adams, Lee, Miller, Nash, Olsen, Silva, and Walker all indicated that they were present.

Chairperson Miller announced the passing of former Commission Member Maria Carmen Ramirez, who served the Commission for eight years, from 2012 to 2020, as a local agency member from the Oxnard City Council. Chairperson Miller extended her condolences to Ms. Ramirez's family and invited additional words from Members, staff, and the public to honor her memory and her service.

Member Adams stated that Carmen's passing was an unbelievable loss to the people of California and Member Olsen noted her understanding of the mission of the Commission, and that she understood deeply the impact that Commission decisions had on people. Executive Director Halsey stated that she was a great mentor, a leader, a great supporter of staff, and that she set an example of how to be an effective advocate while also being kind, which is a special skill.

APPROVAL OF MINUTES

Chairperson Miller asked if there were any objections or corrections to the July 22, 2022 minutes and asked if there was any public comment on this item. There was no response. Member Adams made a motion to adopt the minutes. Member Olsen seconded the motion. The Commission voted to adopt the July 22, 2022 hearing minutes by a vote of 7-0.

PUBLIC COMMENT FOR MATTERS NOT ON THE AGENDA

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

CONSENT CALENDAR

INFORMATIONAL HEARINGS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, ARTICLE 8 (action)

STATEWIDE COST ESTIMATES

Item 6* *Sexual Assault Evidence Kits: Testing*, 20-TC-01

Penal Code Section 680 as Amended by Statutes 2019, Chapter 588 (SB 22)

Executive Director Halsey stated that Item 6 was proposed for consent. Chairperson Miller asked if there were any objections to the Consent Calendar from the members or from members of the public. There was no response.

Member Olsen made a motion to adopt the Consent Calendar. Chairperson Miller seconded the motion. The Commission voted to adopt the Consent Calendar by a vote of 7-0.

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

Executive Director Halsey swore in the parties and witnesses participating in the Article 7 portion of 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 presented this item, stating that Item 2 is reserved for appeals of Executive Director decisions and that there were no appeals to consider for this hearing.

TEST CLAIMS

Item 3 *California Voting for All Act: Ballot Translations and Posting Requirements*, 20-TC-03

Elections Code Section 14201 as Added and Amended by Statutes 1994, Chapter 920 (SB 1547) and Statutes 2017, Chapter 845 (AB 918); and California Secretary of State, County Clerk/Registrar of Voters (CC/ROV) Memorandum #20096, (May 21, 2020)

County of Los Angeles, Claimant

Commission Counsel Mariko Kotani presented this item and recommended that the Commission adopt the Proposed Decision to deny this Test Claim.

Brittany Thompson appeared on behalf of the Department of Finance and stated that the Department of Finance did not have any concerns with the staff recommendation on this item.

Chairperson Miller asked if there was any public comment or questions from Members. There was no response. Without further discussion, Member Olsen 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 7-0.

INCORRECT REDUCTION CLAIMS

- Item 4 *Municipal Stormwater and Urban Runoff Discharges*, 20-0304-I-12
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 Hawaiian Gardens, Claimant

Senior Commission Counsel Eric Feller presented this item and recommended that the Commission adopt the Proposed Decision to approve this Incorrect Reduction Claim with two minor corrections and remand the reimbursement claims back to the Controller.

Lisa Kurokawa appeared on behalf of the State Controller's Office and stated that the Controller agreed with the Proposed Decision. Chairperson Miller asked if there was any public comment or questions from the Members. Without further discussion, Member Adams made a motion to adopt the staff recommendation, as corrected. With a second by Member Olsen, the Commission voted to adopt the staff recommendation, with the two minor corrections, and remand the reimbursement claims back to the Controller by a vote of 7-0.

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 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

Executive Director Halsey stated 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.

REPORTS

- Item 7 Legislative Update (info)

Executive Director Halsey stated that there was nothing new to report.

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

Chief Legal Counsel Camille Shelton presented this item.

- Item 9 Executive Director: Proposed 2023 Hearing Calendar, Workload Update, and Tentative Agenda Items for the December 2022 and January 2023 Meetings (info/action)

Executive Director Halsey presented and recommended that the Commission adopt the Proposed 2023 Hearing Calendar. Member Walker made a motion to adopt the staff recommendation. Member Olsen seconded the motion. Chairperson Miller asked if there were any comments by

members of the public or questions from the Members. Without further discussion, the Commission voted to adopt the staff recommendation by a vote of 7-0. Executive Director Halsey welcomed new Commission staff, Associate Governmental Program Analyst-Human Resources, Soroush Khanimani and announced Mr. Khanimani's experience. Executive Director Halsey continued presenting this item and described the Commission's pending caseload.

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

The Commission adjourned into closed executive session at 10:29 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:

1. ***Remittitur issued by the Third District Court of Appeal***
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)*)

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. ***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 10:36 a.m., the Commission reconvened in open session.

REPORT FROM CLOSED EXECUTIVE SESSION

Chairperson Miller 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

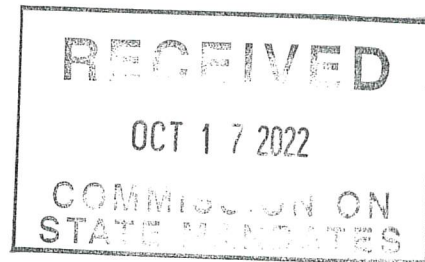
Hearing no further business, Chairperson Miller stated that she would entertain a motion to adjourn the meeting. Member Olsen made a motion to adjourn the meeting. Member Adams seconded the motion. The Commission adopted the motion to adjourn the September 23, 2022 meeting by a vote of 7-0 at 10:37 a.m.

A handwritten signature in blue ink, appearing to read "Heather Halsey", with a stylized flourish at the end.

Heather Halsey
Executive Director

1 STATE OF CALIFORNIA
2 COMMISSION ON STATE MANDATES

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6 PUBLIC MEETING



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9 FRIDAY, SEPTEMBER 23, 2022

10 10:02 A.M.

11
12 ORIGINAL

13 MEETING HELD

14 VIA ZOOM

15 A VIDEO COMMUNICATIONS PLATFORM

16
17
18 REPORTER'S TRANSCRIPT OF PROCEEDINGS

19
20 Reported By: CARLI N. MCKENNY, RPR, CSR 14086

21
22 KATHRYN S. SWANK, CSR

23 303 Paddock Court

24 Roseville, California 95661

25 KathrynSwankCSR@sbcglobal.net

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A P P E A R A N C E S

COMMISSIONERS PRESENT

GAYLE MILLER
Representative for JOE STEPHENSHAW, Director
Department of Finance
(Chair of the Commission)

SPENCER WALKER
Representative for FIONA MA
State Treasurer
(Vice Chair of the Commission)

JEANNIE LEE
Representative for SAMUEL ASSEFA, Director
Office of Planning and Research

LEE ADAMS, III
Sierra County Supervisor
Local agency Member

SARAH OLSEN
Public Member

SHAWN SILVA
Public 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

CAMILLE SHELTON
Chief Legal Counsel

HEIDI PALCHIK
Assistant Executive Director

A P P E A R A N C E S

(Continued)

COMMISSION STAFF

ERIC FELLER
Senior Commission Counsel

LISA KUROKAWA
State Controller's Office

MARIKO KOTANI
Commission Counsel

BRITTANY THOMPSON
Representative of
Department of Finance

SOROUSH KHANIMANI
Governmental Program Analyst

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E R R A T A S H E E T

PAGE	LINE	CHANGE/ADD/DELETE
2	14	<u>Public Member</u> Representative for BETTY
		<u>T. YEE State Controller</u>
3	11	<u>Associate</u> Governmental Program Analyst
10	1	<u>Counsel</u> Council
13	4	<u>and during</u> adjourn
13	22	<u>role</u> roll
16	15	Controller's
17	18	<u>acts</u> Act
18	1	This <u>testing</u> <u>test</u> claim
18	6	<u>and in</u>
18	10	<u>thought</u> <u>filed</u> with respect to <u>section</u>
18	13	costs;
18	22	<u>facility</u> <u>facsimile</u>
18	24	<u>deficiency</u> <u>proficiency</u>
19	10	<u>while in</u> <u>following</u>
20	5	<u>Mr.</u> <u>Member</u> Walker
21	3	Senior <u>commissioner</u> <u>Commission</u>
21	6	incorrect reductions
21	9	and unmute <u>they</u> <u>their</u> microphones
21	14	costs <u>claimed</u>
22	2	reduction of costs
22	9	<u>collection's</u> <u>collections</u> <u>claimed</u>

E R R A T A S H E E T

PAGE	LINE	CHANGE/ADD/DELETE
22	10	<u>item</u> <u>audit</u> period
22	25	back to the <u>Commission</u> <u>Controller</u>
27	9	<u>Mr.</u> <u>Member</u> Walker
28	18	sections
28	19	<u>of home</u> <u>and Forms</u>
28	22	<u>resource's</u> <u>resources</u>
29	12	amendment to <u>permit</u> <u>parameters</u>
29	13	guidelines
29	16	<u>permit</u> <u>parameters</u>
29	18	<u>an active</u> <u>inactive</u>
29	24	<u>standing</u> <u>staffing</u>
30	1	<u>so if</u> consolidated
30	6	<u>and in</u> closed
30	7	11126E 11126 <u>(e)</u>
30	14	11126A1 11126 <u>(a) (1)</u>
31	2	11126E 11126 <u>(e)</u>
31	10	11126A1 11126 <u>(a) (1)</u>

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I N D E X

ITEM NO.	PAGE
I. CALL TO ORDER AND ROLL CALL	8
II. APPROVAL OF MINUTES	
Item 1 July 22, 2022	13
III. PUBLIC COMMENT FOR MATTERS NOT ON THE AGENDA (info)	14
IV. PROPOSED CONSENT CALENDAR FOR ITEMS PROPOSED FOR ADOPTION ON CONSENT PURSUANT TO CALIFORNIA CODE OF REGULATIONS TITLE 2, ARTICLES 7 AND 8 (action)	15
V. HEARINGS AND DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, ARTICLE 7 (GOV. CODE 17551, 17557, 17559, and 17570) (action)	
A. APPEALS 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	17
B. TEST CLAIMS	
Item 3 California Voting for All Act: Ballot Translations and Posting Requirements, 20-TC-03 Elections Code Section 14201 as Added and Amended by Statutes 1994, Chapter 920 (SB 1547) and Statutes 2017, Chapter 845 (AB 918); and California Secretary of State, County Clerk/Registrar of Voters (CC/ROV) Memorandum #20096, (May 21, 2020) County of Los Angeles, Claimant	17

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

ITEM NO.		PAGE
C. INCORRECT REDUCTION CLAIMS		
Item 4	Municipal Stormwater and Urban Runoff Discharges, 20-0304-I-12 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 Hawaiian Gardens, Claimant	21
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 (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	24
VII. INFORMATIONAL HEARINGS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, ARTICLE 8 (action)		
A. STATEWIDE COST ESTIMATES		
Item 6*	Sexual Assault Evidence Kits: (None) Testing, 20-TC-01 Penal Code Section 680 as Amended by Statutes 2019, Chapter 588 (SB 22)	
B. REPORTS (info/action)		
Item 7	Legislative Update (info)	25
Item 8	Chief Legal Counsel: New Filings, Recent Decisions, Litigation Calendar (info)	25

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

ITEM NO.		PAGE
Item 9	Executive Director: Proposed 2023 Hearing Calendar, Workload Update, and Tentative Agenda Items for the December 2022 and January 2023 Meetings (Info/action)	26
VIII.	CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 AND 11126.2 (info/action)	30
	A. PENDING LITIGATION	
	B. POTENTIAL LITIGATION	
	C. PERSONNEL	
IX.	REPORT FROM CLOSED EXECUTIVE SESSION	30
	Adjournment	32
	Reporter's Certificate	33

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1 FRIDAY, SEPTEMBER 23, 2022, 10:02 A.M.

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4 CHAIRPERSON MILLER: Good morning, everyone. It is
5 10:02, and the Commission on State Mandates will come to
6 order. Welcome to the webinar. We are glad that you
7 could all be here.

8 Statutes of 2022, Chapter 48, signed by the
9 governor on June 30th of this year, amended the
10 Bagley-Keene Open Meeting Act to extend until July 1st,
11 2023, the authority to hold public meetings through
12 teleconferencing and to make public meetings accessible
13 electronically to all members of the public seeking to
14 observe and to address the state body in order to
15 protect the health and safety of civil servants and the
16 public.

17 The Commission, of course, as you know, continues
18 to be committed to ensuring that our public meetings are
19 accessible to the public, and that everyone has the
20 opportunity to observe the meeting and to participate by
21 providing written and verbal comments on Commission
22 matters.

23 Please note that the materials for today's meeting,
24 including the notice agenda and witness list, are all
25 available on the commissions website at www.csm.ca.gov

1 under the "hearings" tab.

2 Also, please note that in the event we experience
3 technical difficulties or the meeting is bumped offline,
4 we will restart and allow time for people to rejoin
5 before recommencing the meeting.

6 Ms. Halsey, will you call the roll please.

7 MS. HALSEY: Sure. Mr. Adams?

8 MEMBER ADAMS: Here.

9 MS. HALSEY: Ms. Lee?

10 MEMBER LEE: Here.

11 MS. HALSEY: Ms. Miller?

12 CHAIRPERSON MILLER: Here.

13 MS. HALSEY: Ms. Nash?

14 MEMBER NASH: Here.

15 MS. HALSEY: Ms. Olsen?

16 MEMBER OLSEN: Here.

17 MS. HALSEY: Mr. Silva?

18 MEMBER SILVA: Here.

19 MS. HALSEY: Mr. Walker?

20 MEMBER WALKER: Here.

21 CHAIRPERSON MILLER: Great. We have a quorum.

22 And then it is with incredibly deep sadness that we
23 announce the passing of our former Commission member,
24 who we all adored, Maria Carmen Ramirez, who served the
25 Commission for eight years, from 2012 to 2020, as a

1 local agency member from the Oxnard City Counsel.
2 Member Ramirez was a committed and thoughtful member,
3 asked incredible questions. I learned a tremendous
4 amount from her. And sincerely made not only her
5 community but the State a better place. And we will
6 really, really miss her and extend our deepest
7 condolences to her family. Her memory is a true
8 blessing for us.

9 We will continue to try and work in her legacy in
10 the amazing strength and dignity and beauty and
11 commitment she brought to the state. And we will
12 continue to try and make her proud and -- and will send
13 notes to her family so they know just what -- what a
14 really remarkable impact she had on us.
15 So with that, I'd like to invite other additional words
16 about Ms. Ramirez from members and then from staff and
17 the public. So anyone that -- that wishes to speak --
18 and I just adore this picture that's on the screen --
19 and -- and take a moment to really honor her memory and
20 her service.

21 So, please, Mr. Adams?

22 MEMBER ADAMS: Thank you, Chairperson Miller. It
23 was stunning news to -- to receive, and I will also
24 always remember Carmen's professionalism, her drilling
25 down to the questions that were pertinent to this

1 Commission. And her passing is just an unbelievable loss
2 to the people of California and the people of the world.

3 She was also recognized at our last CSAC meeting.
4 As you all know, she was a chairperson of the Ventura
5 County Board of Supervisors at the time of her passing.
6 Again, my condolences to -- to her family. Thank you.

7 CHAIRPERSON MILLER: Thank you.

8 Ms. Olsen?

9 MEMBER OLSEN: Yeah, I too really adored Carmen.
10 She and I sat in positions around the U where we often --
11 by chance or by design -- caught each other's eyes, and I
12 was always amazed by the amount of kindness both in those
13 eyes and also in her questioning.

14 She understood the mission of the Commission, and
15 she also understood deeply the impact that Commission
16 decisions had on people, and that was never far from her
17 thoughts. I -- I think she was just an extraordinary
18 individual.

19 CHAIRPERSON MILLER: Thank you, Ms. Olsen.

20 Anybody else? Again, we invite everybody who would
21 like a moment.

22 Ms. Halsey, please.

23 MS. HALSEY: For me in particular but also for
24 staff -- sorry. Carmen was a great mentor, a leader, and
25 she was a really great supporter of staff. And in

1 particular, she set an example of how to be an effective
2 advocate while also being kind, which is a special skill.

3 This has hit me and the rest of staff particularly
4 hard in this time of great loss. For some reason, this
5 has really impacted us. I think it's because of that --
6 as Member Olsen mentioned -- her -- her kindness, and
7 also is her -- her skill at advocacy and her passion --
8 while being able to be that passionate advocate while
9 always being kind to everyone is something we can all
10 use more of.

11 So I hope that in Carmen's passing that we strive
12 to keep Carmen alive in our hearts by emulating those
13 traits we so respected and admire. Thank you.

14 CHAIRPERSON MILLER: Thank you very much,
15 Ms. Halsey.

16 Anybody else?

17 MS. PALCHIK: Madam Chair, I would just like to
18 offer that if there is anybody of the attendees that
19 would like to speak, if you could please raise your hand
20 in the Zoom and then we will unmute your microphone.

21 CHAIRPERSON MILLER: Thank you.

22 MS. PALCHIK: Madam Chair, I see no hands raised at
23 this moment.

24 CHAIRPERSON MILLER: Thank you, Ms. Palchik.

25 Well, I sincerely appreciate those just incredible

1 words, and agree that -- that we all be better off if we
2 emulate the type of person that Carmen was. And,
3 indeed, that is how we can keep her legacy alive. So I
4 think we will -- and during this meeting, in memory of
5 Carmen in the name of kindness.

6 So with that I -- anybody else? I just want to
7 make sure everyone has a moment.

8 With that we will move to our first item, which are
9 the minutes from July 22nd, 2022. Are there any
10 comments on this item? Any questions?

11 MEMBER ADAMS: Madam Chair, I was just going to move
12 approval.

13 CHAIRPERSON MILLER: Thank you, Mr. Adams.

14 Is there a second?

15 MEMBER OLSEN: Second.

16 CHAIRPERSON MILLER: Thank you, Ms. Olsen.

17 Any comments? Seeing none. We will take a roll
18 call vote, correct? Is that correct, Ms. Halsey,
19 because we are online.

20 MS. HALSEY: Yes. Thank you.

21 CHAIRPERSON MILLER: Thank you very much. Then
22 we'll call the role, please.

23 MS. HALSEY: Mr. Adams?

24 MEMBER ADAMS: Aye.

25 MS. HALSEY: Ms. Lee?

1 MEMBER LEE: Aye.

2 MS. HALSEY: Ms. Miller?

3 CHAIRPERSON MILLER: Aye.

4 MS. HALSEY: Ms. Nash?

5 MEMBER NASH: Aye.

6 MS. HALSEY: Ms. Olsen?

7 MEMBER OLSEN: Aye.

8 MS. HALSEY: Mr. Silva?

9 MEMBER SILVA: Aye.

10 MS. HALSEY: Mr. Walker?

11 MEMBER WALKER: Aye.

12 MS. HALSEY: Thank you.

13 CHAIRPERSON MILLER: The minutes are approved.

14 MS. HALSEY: And now we'll take up public comment

15 for matters not on the agenda. Please note that the

16 Commission may not take action on items not on the

17 agenda, however it may schedule issues raised by the

18 public for consideration at future meetings. We invite

19 the public to comment on matters that are on the agenda

20 as they are taken up.

21 CHAIRPERSON MILLER: Is there any public comment?

22 Anyone wishing to comment for any reason?

23 I'm not seeing anyone, Ms. Palchik, am I correct?

24 MS. PALCHIK: That is correct. I see no hands.

25 CHAIRPERSON MILLER: Thank you very much. Hearing

1 no public comment, we will move to the next item, please.

2 MS. HALSEY: Next is the proposed consent calendar,
3 Item 6 is proposed for consent.

4 CHAIRPERSON MILLER: Thank you very much. Any
5 objections to keeping Item 6 on consent? Seeing none --
6 pardon me, my computer is yelling at me. Seeing none --

7 MEMBER OLSEN: Second the consent calendar.

8 CHAIRPERSON MILLER: Thank you, Ms. Olsen. May we
9 all second the consent calendar. And it has been moved
10 and seconded.

11 Is there any public comment?

12 Seeing none. Ms. Halsey, will you take roll,
13 please?

14 MS. HALSEY: Sure. So that was moved by
15 Member Olsen and seconded by Member Miller?

16 CHAIRPERSON MILLER: Correct.

17 MS. HALSEY: Mr. Adams?

18 MEMBER ADAMS: Aye.

19 MS. HALSEY: Ms. Lee?

20 MEMBER LEE: Aye.

21 MS. HALSEY: Ms. Miller?

22 CHAIRPERSON MILLER: Aye.

23 MS. HALSEY: Ms. Nash?

24 MEMBER NASH: Aye.

25 MS. HALSEY: Ms. Olsen?

1 MEMBER OLSEN: Aye.

2 MS. HALSEY: Mr. Silva?

3 MEMBER SILVA: Aye.

4 MS. HALSEY: Mr. Walker?

5 MEMBER WALKER: Aye.

6 CHAIRPERSON MILLER: Thank you. The consent

7 calendar is approved.

8 Ms. Halsey, while you are swearing in, I need to go

9 and check why this doorbell is ringing still. I'll be

10 right back. I really apologize.

11 MS. HALSEY: Okay. Well, let's move to the swearing

12 in. Will the parties and witnesses for Items 3 and 4

13 please turn on your video and unmute your microphone.

14 And please rise and state your names for the record.

15 MS. KUROKAWA: Lisa Kurokawa, State Controllers

16 Office.

17 MS. THOMPSON: Brittany Thompson, Department of

18 Finance.

19 MS. HALSEY: Do you solemnly swear or affirm that

20 the testimony which you're about to give is true and

21 correct based on your personal knowledge, information,

22 or belief?

23 MS. THOMPSON: I do.

24 MS. KUROKAWA: I do.

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

1 And parties and witnesses for Item 4, please turn
2 off your video and mute your microphones.

3 Item 2 is reserved for appeals of executive
4 director decisions, and there are no appeals to consider.

5 And then I'll pause for a moment until
6 Member Miller is back. And here she is.

7 CHAIRPERSON MILLER: I apologize for that. That is
8 the downside of working from home.

9 Are we on Item 3?

10 MS. HALSEY: Three, yes, we are. And I was just
11 about to introduce that.

12 CHAIRPERSON MILLER: Great. Thank you.

13 MS. HALSEY: So next is Item 3, the new Commission
14 counsel, Mariko Kotani, who was introduced at the May
15 27th, 2022, hearing is making her Commission hearing
16 debut on camera today -- and will she please turn on her
17 video and unmute her microphone -- and present a proposed
18 decision on California voting for all acts, ballot
19 translations, and posting requirements.

20 CHAIRPERSON MILLER: Great. We are so pleased to
21 see here you, Ms. Kotani. Thank you. And welcome again
22 to the Commission on State Mandates. We really
23 appreciate your service.

24 MS. KOTANI: Thank you so much, Madam Chair, and
25 good morning.

1 This testing was filed by the County of Los Angeles
2 on Elections Code Section 14201 as added in 1994 and
3 amended in 2017, and a Secretary of State memorandum
4 that notified counties that their election -- county
5 elections officials, for certain precincts, would need
6 to provide language assistance and additional languages
7 for elections conducted between May 2020 and
8 December 2021.

9 Staff finds that the test claim was not timely
10 thought with respect to 14201, as added and amended in
11 1994 and 2017, because the test claim was filed more
12 than a year after the effective date of the statutes and
13 more than a year after first incurring cost; however,
14 the test claim was timely filed with respect to the
15 memorandum.

16 Staff finds that the memorandum does not mandate a
17 new program or higher level of service on county
18 elections officials; and, thus does not impose a
19 reimbursable state mandated program.

20 Prior to the memorandum, state law already required
21 the county elections official to provide translated
22 facility copies of ballots, and other forms of language
23 assistance, whenever the Secretary of State determines
24 that low English deficiency voters of a single language
25 minority met a 3 percent threshold in a precinct.

1 The memo implemented preexisting law by identifying
2 languages that met that 3 percent threshold. It did not
3 require county elections officials to perform any
4 activities that were not already required, and the
5 parties agree with staff recommendations to deny this
6 test claim.

7 So accordingly, staff recommends that the
8 Commission adopt the proposed decision to deny this test
9 claim and authorize staff to make any technical
10 non-substantive changes while in the hearing. Thank
11 you.

12 CHAIRPERSON MILLER: Thank you, Ms. Kotani, and
13 great job. Are there -- we'll ask the parties and
14 witnesses now before you speak to please state your name
15 for the record.

16 Ms. Thompson for the Department of Finance, there
17 you are.

18 MS. THOMPSON: Brittany Thompson with the Department
19 of Finance. We don't have any concerns with the staff
20 recommendation on this item.

21 CHAIRPERSON MILLER: Great. Thank you very much.

22 Any -- anyone else wishing to comment? Seeing none.

23 Any questions from the board? Seeing none.

24 Any public comment?

25 MS. HALSEY: Member Olsen?

1 CHAIRPERSON MILLER: Oh, excuse me, Ms. Olsen.
2 MEMBER OLSEN: No, I was just moving adoption.
3 CHAIRPERSON MILLER: Oh, great, thank you very
4 much.
5 MR. WALKER: I'll second.
6 CHAIRPERSON MILLER: Great. Thank you, Mr. Walker.
7 It's been moved by Ms. Olsen and seconded by Mr. Walker.
8 Seeing no public comment and no further questions,
9 Ms. Halsey, will you call roll, please.
10 MS. HALSEY: Mr. Adams?
11 MEMBER ADAMS: Aye.
12 MS. HALSEY: Ms. Lee?
13 MEMBER LEE: Aye.
14 MS. HALSEY: Ms. Miller?
15 CHAIRPERSON MILLER: Aye.
16 MS. HALSEY: Ms. Nash?
17 MEMBER NASH: Aye.
18 MS. HALSEY: Ms. Olsen?
19 MEMBER OLSEN: Aye.
20 MS. HALSEY: Mr. Silva?
21 MEMBER SILVA: Aye.
22 MS. HALSEY: Mr. Walker?
23 MEMBER WALKER: Aye.
24 CHAIRPERSON MILLER: Item 3 is adopted. Next we
25 move to Item 4 now, please.

1 MS. HALSEY: We now ask the presenters for Item 3 to
2 please turn off their video and mute their microphones.

3 Next is Item 4. Senior commissioner Counsel Eric
4 Feller will please turn on his video and unmute his
5 microphone, and present a proposed decision on a
6 incorrect reductions claim on municipal stormwater urban
7 runoff discharges. At this time we invite the parties
8 and witnesses for Item 4 to please turn on their video
9 and unmute they microphones.

10 CHAIRPERSON MILLER: Good morning, Mr. Feller,
11 thanks for being here.

12 MR. FELLER: Good morning. So this incorrect
13 reduction claim challenges the controller's reduction of
14 cost claim by the City of Hawaiian Gardens for fiscal
15 years 2003 to 2011. Controller reduced the number of
16 allowable collections from twice weekly to once weekly
17 and did not provide contemporaneous source documentation.

18 (Reporter clarification.)

19 CHAIRPERSON MILLER: Thank you very much. Let's try
20 that again, Mr. Feller. If you don't mind starting from
21 the beginning.

22 MR. FELLER: Of course.

23 CHAIRPERSON MILLER: Thank you.

24 Ms. McKenny, let us know if you can hear this time.

25 THE REPORTER: Thank you.

1 MR. FELLER: All right. This incorrect reduction
2 claim challenges the controller's reduction of cost
3 claimed by the City of Hawaiian Gardens for fiscal years
4 2002-03, to 2011-12. The controller reduced the number
5 of allowable collections claimed from twice weekly to
6 once weekly because the claimant did not provide
7 contemporaneous source documentation to support its claim
8 under the reasonable reimbursement methodology, or RRM,
9 for the twice per week trash collection's claim for the
10 item period. Staff finds that the controller's reduction
11 is incorrect as a matter of law because the RRM does not
12 require contemporaneous source documentation.

13 Additionally, the claimant provided additional
14 documentation with the IRC that the controller may not
15 have reviewed, so the proposed decision remands the
16 reimbursement claims back to the controller to further
17 review and verify the costs claimed under the RRM based
18 on the number of weekly trash collections during the
19 audit period and reinstate the costs that are eligible
20 for reimbursement in accordance with the proposed
21 decision. The controller and claimant both concur with
22 the proposed decision.

23 Accordingly, staff recommends the Commission
24 approve this IRC and remand the reimbursement claims
25 back to the Commission in accordance with the proposed

1 decision. With this recommendation there are a couple
2 of minor corrections to the proposed decision.
3 First, page 30, in the conclusion should say, "the IRC
4 is approved," rather than, "partially approved." And on
5 page 11, in the last paragraph of the summary of
6 findings, we recommend adding "approves this IRC and,"
7 just those four words, before the word "remands" to make
8 the summary consistent with the conclusion.

9 And as always, staff recommends the Commission
10 authorize staff to make any technical non-substantive
11 changes to the proposed decision following the hearing.

12 CHAIRPERSON MILLER: Thank you very much. Any
13 questions -- oh, first, may parties and witnesses please
14 state your name for the record. Ms. Kurokawa.

15 MS. KUOKAWA: Lisa Kurokawa, State Controller's
16 Office. And we agree -- we agree with the commission's
17 decision.

18 CHAIRPERSON MILLER: Great. Thank you very much.

19 Any public comment on this item or any questions
20 from the board?

21 MEMBER ADAMS: Madam Chair, I -- I would move the
22 amended staff recommendation.

23 CHAIRPERSON MILLER: Great. Thank you.

24 MEMBER OLSEN: Second.

25 CHAIRPERSON MILLER: Great. Thank you very much.

1 It has been moved by Mr. Adams as amended with the two
2 changes suggested by Mr. Feller and seconded by
3 Ms. Olsen.

4 Any further questions or comments? Seeing none.
5 Ms. Halsey, will you take roll?

6 MS. HALSEY: Mr. Adams?

7 MEMBER ADAMS: Aye.

8 MS. HALSEY: Ms. Lee?

9 MEMBER LEE: Aye.

10 MS. HALSEY: Ms. Miller?

11 CHAIRPERSON MILLER: Aye.

12 MS. HALSEY: Ms. Nash?

13 MEMBER NASH: Aye.

14 MS. HALSEY: Ms. Olsen?

15 MEMBER OLSEN: Aye.

16 MS. HALSEY: Mr. Silva?

17 MEMBER SILVA: Aye.

18 MS. HALSEY: Mr. Walker?

19 MEMBER WALKER: Aye.

20 CHAIRPERSON MILLER: Great. Item Number 4 is
21 approved as amended.

22 MS. HALSEY: Thank you. We now ask the presenter
23 for Item 4 to please turn off their video and mute their
24 microphones.

25 Item 5 is reserved for county applications for a

1 finding of significant financial distress or SB 1033
2 applications. No SB 1033 applications have been filed.
3 There is nothing new to report for Item 7, the
4 legislative update.

5 So next, Chief Legal Counsel Camille Shelton will
6 please turn on her video and microphone and present Item
7 8, the chief legal counsel report.

8 CHAIRPERSON MILLER: Good morning.

9 MS. SHELTON: Good morning. There have been no new
10 filings since the last Commission meeting. We do have a
11 recent decision by the California Supreme Court on the
12 Coast Community College District claim. The Court
13 affirmed the commission's decision, finding that
14 community college districts were not legally compelled
15 to comply with the regulations requiring them to perform
16 certain activities as a condition to be entitled to
17 state aid.

18 The supreme court has remanded that case back down
19 to the Third District Court of Appeal to determine if
20 practical compulsion applies.

21 In the case listed under the litigation calendar,
22 which is Department of Finance and the State Water
23 Resources Control Board versus the Commission on State
24 Mandates, that is a stormwater claim pending in the
25 Third District Court of Appeal. The court has now set

1 oral argument for October 17th. And that's all I have.

2 Thank you.

3 CHAIRPERSON MILLER: All right. Thank you very
4 much. Any questions for Ms. Shelton? Seeing none.
5 We'll now move to the executive director report, please.

6 MS. HALSEY: For today I have an action item and
7 some informational items following that. We'll begin
8 with the action item, which is the proposed 2021 hearing
9 calendar.

10 Commission meetings are generally --

11 MS. PALCHIK: Ms. Halsey, I'm sorry, it was the 2023
12 hearing calendar.

13 MS. HALSEY: Oh, yeah. There is a typo there.
14 That's important.

15 CHAIRPERSON MILLER: Either the last two years, you
16 know, we feel like either didn't happen or they did
17 happen just slowly.

18 MS. HALSEY: Okay. Try that again. Okay.

19 Meetings are generally held on the fourth Fridays
20 of odd months unless they conflict with a holiday. In
21 2023, the fourth Friday in November is a holiday;
22 therefore, the first Friday of December is proposed for
23 this hearing. Additionally, the May hearing is proposed
24 to remain on the Friday of Memorial Day weekend, as is
25 usual.

1 Therefore, all 2023 regular meetings are proposed for
2 fourth Fridays of odd months, except for the November
3 hearing, which is proposed for the first Friday of
4 December.

5 In addition, tentative hearings are proposed for
6 April 28th, 2023, and October 27th, 2023. Staff
7 recommends that the Commission adopt the proposed 2023
8 hearing calendar.

9 MR. WALKER: Move adoption.

10 CHAIRPERSON MILLER: Thank you, Mr. Walker.

11 MEMBER OLSEN: Second.

12 CHAIRPERSON MILLER: Thank you, Ms. Olsen.

13 Any public comment? Any questions? It has been
14 moved by Mr. Walker, seconded by Ms. Olsen. No
15 discussion. May we please have -- take the roll for the
16 2023 meeting calendar.

17 MS. HALSEY: Sure. Mr. Adams?

18 MEMBER ADAMS: Aye.

19 MS. HALSEY: Ms. Lee?

20 MEMBER LEE: Aye.

21 MS. HALSEY: Ms. Miller?

22 CHAIRPERSON MILLER: Aye.

23 MS. HALSEY: Ms. Nash?

24 MEMBER NASH: Aye.

25 MS. HALSEY: Ms. Olsen?

1 MEMBER OLSEN: Aye.

2 MS. HALSEY: Mr. Silva?

3 MEMBER SILVA: Aye.

4 MS. HALSEY: Mr. Walker?

5 MEMBER WALKER: Aye.

6 CHAIRPERSON MILLER: Great. That motion carries.

7 The 2023 calendar is adopted.

8 MS. HALSEY: Thank you. And also for information, I
9 have some reporting on administrative developments. The
10 Commission has recently hired a new associate
11 governmental program analyst, human resources, Soroush
12 Khanimani.

13 Soroush, would you please turn on your video.

14 MR. KHANIMANI: Hello.

15 MS. HALSEY: Say hello. Thank you. Soroush comes
16 to us from the California Department of Tax and Fee
17 Administration where he worked as a staff services
18 analyst in the external affairs sections and then in the
19 publication of home section. In these positions and in
20 addition to editing and other duties, he's served as the
21 attendance and training coordinator and the human
22 resource's bureau liaison responsible for preparing
23 packages for recruitments and separations.

24 This is a promotion for Soroush, who is looking
25 forward to becoming an expert in all things HR.

1 Mr. Khanimani joined us on August 22nd and has hit the
2 ground running, and we are delighted to have him on
3 board. He's doing a great job.

4 MR. KHANIMANI: Thanks for having me.

5 CHAIRPERSON MILLER: Great. Welcome, Mr. Khanimani.
6 We are grateful you're here and hope you enjoy your time
7 with a remarkable group of people.

8 MR. KHANIMANI: Thank you.

9 MS. HALSEY: Thank you. And then I have workload
10 update. After this hearing, there are 38 pending test
11 claims, 37 of which are regarding stormwater NPDES
12 permits. There is also one amendment to permit and
13 guideline, one statewide cost estimate, and one IRC
14 active and pending, we're almost finished with those
15 IRCs.

16 Finally, there is one additional permit and
17 guidelines regarding stormwater NPDES permit that is on
18 an active status pending the outcome of litigation
19 regarding the test claim decision underlying that
20 matter.

21 And staff currently expects to complete all
22 currently pending test claims and IRCs by approximately
23 the September 2025 Commission meeting, depending on
24 standing and other workload.

25 Also, some of the test claims may be heard and

1 decided earlier than currently indicated so consolidated
2 for hearing. And that is all I have.

3 CHAIRPERSON MILLER: Great. Any questions for
4 Ms. Halsey? Any public comment?

5 Great. Seeing none, we -- the Commission will meet
6 and close the executive session pursuant to Government
7 Code Section 11126E to confer with and receive advice
8 from legal counsel for consideration and action, as
9 necessary and appropriate, upon pending litigation listed
10 on the published notice and agenda, and to confer with
11 and receive advice from legal counsel regarding potential
12 litigation.

13 The Commission will also confer on personnel
14 matters pursuant to Government Code Section 11126A1. We
15 will reconvene in open session in approximately
16 15 minutes. So it is 10:28 so we should -- we'll be
17 back no later than 10:45.

18 And with that, we will recess into closed session.
19 And Ms. Palchik sent you a link that should be in your
20 calendars. It probably is in your calendars for about
21 noon. So please let us know if you have any questions.
22 But it's the closed executive session link. Thanks,
23 everyone, and see you shortly.

24 (Closed session was held from 10:29 a.m. to 10:36 a.m.)

25 CHAIRPERSON MILLER: Thank you, everyone, for your

1 patience. The Commission then concludes the executive
2 session pursuant to Government Code Section 11126E to
3 confer with and receive advice from legal counsel for
4 consideration and action as necessary and appropriate
5 upon the pending litigation listed on the published
6 notice and agenda and to confer with and receive advice
7 from legal counsel regarding pending litigation or
8 potential litigation -- excuse me, the Commission also
9 conferred on personnel matters pursuant to Government
10 Code Section 11126A1. No further business to discuss. I
11 will entertain a motion to adjourn.

12 MEMBER OLSEN: So moved.

13 CHAIRPERSON MILLER: Thank you, Ms. Olsen.

14 MEMBER ADAMS: I will second.

15 CHAIRPERSON MILLER: Thank you, Mr. Adams. There
16 has been a motion to adjourn by Ms. Olsen, seconded by
17 Mr. Adams. And by all of us adjourning, in Carmen's
18 memory a reminder to be as Carmen always was: Kind,
19 articulate, and an advocate for the people that need it
20 most. So with that, we will take a roll call to adjourn,
21 correct, Ms. Halsey?

22 MS. HALSEY: Yes. Mr. Adams?

23 MEMBER ADAMS: Aye.

24 MS. HALSEY: Ms. Lee?

25 MEMBER LEE: Aye.

1 MS. HALSEY: Ms. Miller?
2 CHAIRPERSON MILLER: Aye.
3 MS. HALSEY: Ms. Nash?
4 MEMBER NASH: Aye.
5 MS. HALSEY: Ms. Olsen?
6 MEMBER OLSEN: Aye.
7 MS. HALSEY: Mr. Silva?
8 MEMBER SILVA: Aye.
9 MS. HALSEY: Mr. Walker?
10 MEMBER WALKER: Aye.
11 CHAIRPERSON MILLER: Great. Thank you. The motion
12 carries and the meeting is adjourned. Thank you so much
13 everyone and have a great day. Take care.
14 (Proceedings concluded at 10:37 a.m.)
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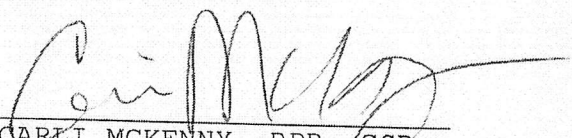
CERTIFICATE OF REPORTER

I, CARLI MCKENNY, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing proceedings, heard via Zoom, were reported in shorthand by me, CARLI MCKENNY, 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 12th day of October, 2022.


CARLI MCKENNY, RPR, CSR
Certified Shorthand Reporter
License No. 14086