IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

COAST COMMUNITY COLLEGE DISTRICT, et al.
Plaintiffs and Appellants,

v.

COMMISSION ON STATE MANDATES,
Defendant and Respondent,

DEPARTMENT OF FINANCE,
Real Party in Interest and Respondent.

EXEMPT FROM FILING FEES (Gov. Code, § 6103)

Case No. S262663

Third District Court of Appeal, Case No. C080349
Sacramento County Superior Court, Case No. 34-2014-80001842
Honorable Christopher E. Krueger, Judge

COMMISSION ON STATE MANDATES' CONSOLIDATED ANSWER TO AMICUS BRIEFS FILED IN SUPPORT OF PLAINTIFFS AND APPELLANTS BY THE CALIFORNIA SCHOOL BOARDS' ASSOCIATION (CSBA) AND THE CALIFORNIA STATE ASSOCIATION OF COUNTIES (CSAC)

JULIANA F GMUR, Bar No. 166477
Senior Commission Counsel

CAMILLE SHELTON, Bar No. 166945
Chief Legal Counsel

Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814
Telephone: (916) 323-3562
FAX: (916) 445-0278
E-mail: litigation@csm.ca.gov

Attorneys for Defendant and Respondent,
COMMISSION ON STATE MANDATES

TABLE OF CONTENTS

TABLE OF AUTHORITIES

I. INTRODUCTION

The amicus curiae briefs filed by the California School Boards Association ("CSBA") and the California State Association of Counties ("CSAC") comment only on the minimum conditions regulations — California Code of Regulations, title 5, sections 51000 through 51027 ("minimum condition regulations") — and not the jurisdictional issues raised by the Commission on State Mandates ("Commission"). Both amici urge this Court to find that the minimum condition regulations impose a state-mandated program, and ignore the plain language of the regulations and the Courts' holding and direction in *Department of Finance v. Commission on State Mandates* (*Kern High School Dist.*) (2003) 30 Cal.4th 727 and *Department of Finance v. Commission on State Mandate (POBRA)* (2009) 170 Cal.App.4th 1355, for determining whether a state-mandated program exists. Both amici further request the Court to find, without pointing to any evidence, that the minimum condition regulations legally or practically compel community colleges to act because they "are dependent on state aid," and that the state should have the burden to prove that the conditions it has imposed do not practically compel a local agency to perform the programs or services. These arguments are not legally correct.

The Commission properly determined the test claim at issue in this case. The plain language of the minimum condition regulations is conditional and does not legally compel community college districts to comply. Thus, consistent with this Court's decision in *City of Sacramento v. State of California* (1990) 50 Cal.3d 51, 74, there is no state-mandate on the basis of legal compulsion in this case. Practical compulsion, a possibility set forth in *Department of Finance v. Commission on State Mandates* (*Kern High School Dist.*), *supra*, 30 Cal.4th 727 and *Department of Finance v. Commission on State Mandate (POBRA)*, *supra*, 170 Cal.App.4th 1355 for finding a state-mandated program, requires a showing

by the claimants, with substantial evidence in the record, that the community college districts face certain and severe penalties, such as double taxation or other draconian consequences, leaving local government no choice but to comply in order to carry out their core essential functions. As the test claimants placed no evidence in the record before the Commission to support a finding of practical compulsion, the Commission's conclusion that the minimum condition regulations do not impose a state-mandated program within the meaning of article XIII B, section 6 is correct as a matter of law.

II. ARGUMENT

A. CSAC's And CSBA's Interpretation Of The Elements Required For A Finding Of A State Mandated Program Is Not Correct As A Matter Of Law And Does Not Show That Community College Districts Have Been Forced By The State To Comply With The Minimum Condition Regulations.

The amici argue that the minimum condition regulations are legally compelled by the state because local government is dependent on state funding to perform core functions and, when viewed with the purpose of article XIII B, section 6 (to prevent the state from shifting costs to local government), reimbursement is required based on a finding legal compulsion. (CSBA Brief, pp. 11-14; CSAC Brief, pp. 6-7.)[1]

---

[1] CSBA further states the following: "Proposition 1A, passed in 2004, strengthened the subvention requirement by directing that if the Legislature does not appropriate funding for a state mandate, the respective state mandate must be suspended. (See *Cal. School Bds. Assn. v. Brown* (2011) 192 Cal.App.4th 1507, 1524.)" (CSBA Brief, p. 15.)

CSBA misstates Proposition 1A. Proposition 1A added subdivision (b) to article XIII B, section 6 to require the Legislature to appropriate the full amount due to local agencies for state-mandated programs or suspend the operation of the mandate for the budget year. Article XIII B, section 6(b)(4) then states "This subdivision applies to a mandate *only* as it affects a city, county, city and county, or special district." Article XIII B, section

These arguments are misleading since they focus only on the costs to perform the activities and not on the elements required for a finding of a state-mandated program requiring reimbursement under article XIII B, section 6. Reimbursement under article XIII B, section 6 is not required simply because local government incurs increased costs to comply with a statute or executive order. (*Lucia Mar Unified School District v. Honig* (1988) 44 Cal.3d 830, 835.) Rather, article XIII B, section 6 requires a finding as a matter of law that the state statute or executive order *mandates* local government act; "[w]henever the Legislature or any state agency *mandates* a new program or higher level of service on any local government, the State shall provide a subvention of funds to reimburse that local government . . . ." (Cal. Const., art. XIII B, § 6(a), emphasis added; *Long Beach Unified School District v. State of California* (1990) 225 Cal.App.3d 155, 174 [Article XIII B, section 6 requires that costs incurred be mandated or "ordered" or "commanded" by the state.].)

The first step in determining whether a state mandate exists is to look at the actual words of the statute or regulation, giving them a plain and commonsense meaning. If the words are clear, the court should not add to or alter them to accomplish a purpose that does not appear on the face of the statute or from its legislative history. (*Goodman v. Lozano* (2010) 47 Cal.4th 1327, 1332; see also, *City of Merced v. State of California* (1984) 153 Cal.App.3d 777, 781-782, [applying the rules of interpretation to determine whether a state-mandated program exists.].) In the instant case, the plain language of Education Code section 70901(b)(6) and of title 5,

---

6(b) does *not* apply to school districts or community college districts. In addition, the mandated program at issue in *Cal. School Bds. Assn. v. Brown* (2011) 192 Cal.App.4th 1507 was a program imposed on *counties* to provide mental health related services to students with disabilities. (*Id*. at p. 1514.)

section 51000 of the California Code of Regulations sets forth conditions, entitling a district to receive state aid:

> The provisions of this chapter are adopted under the authority of Education Code section 70901(b)(6) and comprise the rules and regulations fixing and affirming the minimum conditions, satisfaction of which entitles a district maintaining community colleges to receive state aid, including state general apportionment, for the support of its community colleges.

(Cal. Code Regs., tit. 5, § 51000.) If the conditions are not met, the Chancellor shall take one or more of the following actions: (1) accept in whole or part the district's response regarding noncompliance (in other words, take no action), (2) require the district to submit and adhere to a plan and timetable for achieving compliance "as a condition for continued receipt of state aid," or (3) "withhold all or part of the district's state aid," with the approval of the Board of Governors. (Cal. Code Regs., tit. 5, §§ 51100, 51102.)

This is not legal compulsion, which is confirmed by similar language analyzed by this Court in *City of Sacramento v. State of California*, *supra*, 50 Cal.3d 51, 57-58, 74 (finding no legal compulsion with a federal law that imposed a "stick," which was characterized by this Court as a "certain and severe" federal penalty in the loss of a federal tax credit and an administrative subsidy if the State failed to provide unemployment insurance coverage to public agency employees). Instead, community college districts that choose not to comply with the minimum condition regulations face a *possible* "stick;" the *potential* loss of being entitled to the receipt of state aid. Thus, there is no legal compulsion here.

Moreover, this conditional language is unlike the language in the other regulatory provisions pled and approved by the Commission in this case which legally compel the community college districts to act by their plain language (e.g., Cal. Code Regs., tit. 5, § 55750, which states, "The

governing board of a district maintaining a community college *shall* adopt regulations consistent with this [subchapter]." (AR 78-80. Emphasis added.).) When the Legislature or a state agency uses materially different language in the provisions addressing the same or related subjects, the normal inference is that the Legislature or the state agency intended a difference in meaning. (*People v. Trevino* (2001) 26 Cal.4th 237, 242.) CSAC seems to agree that the plain language is important:

> If the State had merely required community college districts to perform the minimum condition regulations, the State would have been required to provide subventions, with the budgetary impacts associated with those costs. If the State had not attached the receipt of state aid to performing the minimum condition regulations, but instead made them optional without strings attached, the State may not have successfully achieved its policy objectives, as districts may have elected not to perform the services.

(CSAC Brief, p. 18.)

When there is no legal compulsion, the courts have left open the possibility of finding a state-mandated program based on a showing of practical compulsion if local government provides "concrete" evidence in the record to support a finding that it faces certain and severe penalties, such as double taxation or other draconian consequences for not complying with the statute or executive order, leaving it no choice but to comply in order to carry out its core essential functions. *(Department of Finance v. Commission on State Mandates (Kern High School Dist.*), *supra*, 30 Cal.4th 727, 754; *Department of Finance v. Commission on State Mandates* (*POBRA*), *supra*, 170 Cal.App.4th 1355, 1367.)

CSAC, however, urges this Court to rewrite these rules and not require the "certain and severe" components of practical compulsion in every case, but instead look at other factors suggested by the Court in *City of Sacramento* when determining whether a *federal* mandate exists, such as

"whether the design of the statutory scheme suggests an intent to coerce, and any other legal and practical consequences of nonparticipation, noncompliance, or withdrawal." (CSAC Brief, pp. 23-25; *City of Sacramento v. State of California*, *supra*, 50 Cal.3d 51, 76.) With this proposed standard to determine whether a *state* mandate exists, both CSAC and CSBA urge the court to find practical compulsion based on a *potential* loss of state aid. (CSAC Brief, pp. 6-7, 24; CSBA Brief, pp. 11, 17.) They assert, without evidence in the record, that "state aid constitutes a significant portion of districts' budgets, and that without the state aid, the districts could not perform their core functions as required by law." (CSAC Brief, p. 6.)

These arguments were raised in *Kern High School Dist*., and after consideration of the arguments by the parties regarding the differences between federal and state mandates, this Court found that the claimants in *Kern High School Dist*. did not face certain and severe penalties and other draconian consequences and, thus, were not forced or mandated by the state to comply:

> We find it unnecessary to resolve whether our reasoning in *City of Sacramento, supra,* 50 Cal.3d 51, applies with regard to the proper interpretation of the term "state mandate" in section 6 of article XIII B. Even assuming, for purposes of analysis only, that our construction of the term "federal mandate" in City of Sacramento, supra, 50 Cal.3d 51, applies equally in the context of article XIII, section 6, for reasons set out below we conclude that, contrary to the situation we described in that case, claimants here have not faced "certain and severe ... penalties" such as "double ... taxation" and other "draconian" consequences (City of Sacramento, supra, 50 Cal.3d at p. 74), and hence have not been "mandated," under article XIII, section 6, to incur increased costs.

(Department of Finance v. Commission on State Mandates (Kern High School Dist.), *supra*, 30 Cal.4th 727, 751.) The whole point of article XIII B, section 6 is to prevent the state from *forcing* new programs or

increased levels of service on local government that require the expenditure of limited tax revenue, and any standard proposed that weakens that purpose would not be consistent with the Constitution. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56; *County of Fresno v. State of California* (1991) 53 Cal.3d 482, 487.) Thus, evidence that local government faces certain and severe penalties or other draconian consequences for failing to comply with a statute or executive order certainly may show that local government is forced to comply with state law that is not strictly mandatory by its plain language. However, in this case, and as fully explained in the Commission's Opening and Reply Briefs, the community college districts submitted *no* evidence to show they are forced by the state to comply with the minimum condition regulations. (Commission's Opening Brief, pp. 34-39; Commission's Reply Brief, pp. 10-13.) The Commission could not find practical compulsion without evidence submitted by the claimants, especially with the comments filed by the Chancellor's Office on the test claim showing there are basic aid districts in the state that receive no state general apportionment, but have sufficient funding with local property tax revenue and student fees to carry out their programs. (AR 3429.)

Statutes or regulations may require local government to act, and demonstrate that the Legislature intends them to act, but that does not mean the activity is mandated by the state within the meaning of article XIII B, section 6. (*Department of Finance v. Commission on State Mandates (Kern High School Dist.)*, *supra*, 30 Cal.4th 727, 743 ["We instead agree with the Department of Finance, and with *City of Merced*, *supra*, 153 Cal.App.3d 777, that the proper focus under a legal compulsion inquiry is upon the nature of claimants' participation in the underlying programs themselves."].) Thus, simply because there's an inducement to act does not mean that the activity constitutes a reimbursable state-mandated activity.

(*City of Sacramento v. State of California*, *supra*, 50 Cal.3d 51, 72.) Without a showing with concrete evidence in the record that local government has been forced to comply, there is no state-mandated program within the meaning of article XIII B, section 6 of the California Constitution.

In addition, CSBA asserts that the Commission's interpretation of *Kern High School Dist.* undermines the principle of local control, and cites to provisions of law allowing K-12 school districts to act in any manner that is not in conflict or inconsistent with any law. (CSBA Brief, pp. 18-21.) This case deals with community college districts, and community colleges are also authorized to "initiate and carry on any program, activity, or to otherwise act in any manner which is not in conflict with or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which community college districts are established." (Ed. Code, § 70902(a); Former Ed. Code, § 72233 (Stats. 1976, ch. 1010); Cal. Const., art. IX, § 14.)

However, local control is not an element of reimbursement under article XIII B, section 6 of the California Constitution. Instead, the courts have made it clear that "the proper focus under a legal compulsion inquiry is upon the nature of claimants' participation in the underlying programs themselves." (*Department of Finance v. Commission on State Mandates (Kern High School Dist.)*, *supra*, 30 Cal.4th 727, 743; *City of Merced v. State of California*, *supra*, 153 Cal.App.3d 777, 783; *Department of Finance v. Commission on State Mandates* (*POBRA*), *supra*, 170 Cal.App.4th 1355, 1365-1366.) If local government participates voluntarily and within their local control, without legal compulsion or compulsion as a practical matter, in a program with a rule requiring increased costs, there is no requirement for state reimbursement under the California Constitution.

(*Department of Finance v. Commission on State Mandates* (*POBRA*), *supra*, 170 Cal.App.4th 1355, 1365-1366.)

Finally, CSBA asserts that the Commission has a pattern of not properly interpreting and applying *Kern High School Dist.* and that the Commission's decision in this case, and in three prior decisions for which it seeks judicial notice, "illustrate a pattern in which the Commission has extended *Kern* such that the Legislature can impose unlimited costly requirements on basic school district functions and not provide subvention, provided school districts have some semblance of choice in whether or not to take action, even if that action would be fundamentally detrimental to school districts, the purpose on which they are established, and the communities they serve." (CSBA Brief, p. 16.)

As explained in the Commission's Opposition to the Motion for Judicial Notice, the three prior decisions have nothing to do with any of the statutes or regulations at issue in this case, or with community college district claims, or with requirements imposed as a condition to be entitled to receive state aid. Moreover, the cases presented do not support CSBA's assertions. In fact, if anything, they demonstrate that the Commission has properly followed the law and has been consistent and judicious in its application of the *Kern High School Dist*. case.

Accordingly, CSAC's and CSBA's interpretation of a state mandate is not correct as a matter of law and does not show that the community college districts have been forced or mandated by the state to comply with the minimum condition regulations.

B. CSAC's Proposal To Shift The Burden Of Proof To The State Is Contrary To Law.

Citing *Department of Finance v. Commission on State Mandates (County of Los Angeles)* (2016) 1 Cal.5th 749, 769, CSAC argues that the burden of proof should be on the state to show that the program is not so

coercive as to amount to compulsion by the state. (CSAC's Brief, pp. 25-26.) This proposed shifting of the burden of proof is not correct as a matter of law and is untenable.

Department of Finance v. Commission on State Mandates (County of Los Angeles) involved a National Pollutant Discharge Elimination System (NPDES) stormwater permit issued by the state for the discharge of pollutants in the storm drain systems of local agencies within the Regional Water Quality Control Board, Los Angeles Region. One issue, *inter alia*, was whether the permits were issued under a federal mandate pursuant to the Clean Water Act — a fact that the state, having issued the permit and having technical expertise to determine whether the required conditions met federal standards under the federal Clean Water Act, would be in a position to know. (*Department of Finance v. Commission on State Mandates (County of Los Angeles)*, *supra*, 1 Cal.5th 749, 768-769.) Were this the case, the state would not have to provide a subvention of funds under Government Code section 17556, which provides for exceptions to the requirement of reimbursement under article XIII B, section 6. A federally-mandated program is one such exception. (Gov. Code, § 17556(c).) As this Court explained, "Typically, the party claiming the applicability of an exception bears the burden of demonstrating that it applies." (*Id*. at p 769.) This Court concluded that the state should bear the burden of proving the existence of an exception to the general rule that state-mandated costs require a subvention. (*Ibid*.)

In the instant case, however, no exception is involved. The test claimant has the burden to prove that the alleged regulatory provisions impose a state-mandated program thus entitling the claimant to reimbursement under article XIII B, section 6, and must establish all of the prima facie elements to reimbursement. (Gov. Code, §§ 17514, 17551(a), 17553; Evid. Code, § 500.) The elements of a prima facie case include

proving that a state statute or executive order mandates local agencies to perform an activity; that the state-mandated activity constitutes a new program or higher level of service; and that the mandated activity results increased costs mandated by the state. (*County of Los Angeles v. State of California*, *supra*, 43 Cal.3d 46, 56; *Lucia Mar Unified School District v. Honig* (1988) 44 Cal.3d 830, 835; *County of Fresno v. State of California*, *supra*, 53 Cal.3d 482, 487; *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 874-875; Gov. Code, § 17514.) Under the mandate statutes, these prima facie elements must be set forth in the test claim filed by local government with the Commission under the requirements of Government Code sections 17551 and 17553(b). These rules are consistent with the general rules of evidence. "Except as otherwise provided by law, a party has the burden of proof as to each fact the existence or nonexistence of which is essential to the claim for relief . . . that he is asserting." (Evid. Code, § 500.) To prevail, the party bearing the burden of proof on the issue must present evidence sufficient to establish in the mind of the trier of fact or the court a requisite degree of belief. (Evid. Code, §§ 115, 520.) Thus, shifting the burden to the state to prove the non-existence of a state-mandated program is contrary to law.

In some cases, courts will shift the burden of proof for causation when it is impossible for the plaintiff to prove its case otherwise. (*Summers v. Tice* (1948) 33 Cal.2d 80, 88 [court placed burden of proof for causation on defendants where the plaintiff could not prove which of two hunters fired the shot that struck him].) But that exception cannot apply here. Only the test claimant would be in possession of the evidence needed to show practical compulsion; that it is forced by the state to comply because it will otherwise suffer certain and severe penalties or other draconian consequences. (*Department of Finance v. Commission on State Mandates (Kern High School Dist.), supra,* 30 Cal.4th 727, 752 ["The record in the

case before us does not support claimants' characterization of the circumstances in which they have been forced to operate, and provides no basis for resolving the accuracy of amici curiae's warnings and predictions."]; *Department of Finance v. Commission on State Mandates* (*POBRA*) (2009) 170 Cal.App.4th 1355, 1367 ["However, the 'necessity' that is required is facing " 'certain and severe ... penalties' such as 'double ... taxation' or other 'draconian' consequences. [citation.] That cannot be established in this case without a concrete showing that reliance upon the general law enforcement resources of cities and counties will result in such severe adverse consequences."]; Gov. Code, § 17559(b).) It would be impossible for the state to meet the shifted burden of proof without access to the evidence maintained by the community college districts.

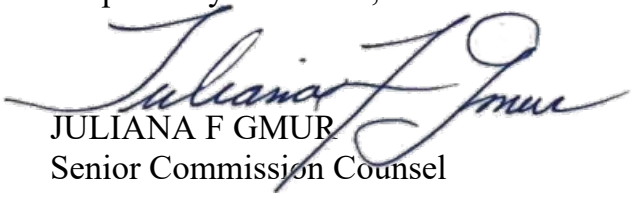
Accordingly, CSAC's proposal to shift the burden of proof on the state mandate issue is contrary to law. The burden to prove the existence of a state-mandated program, as a matter of law, remains with the test claimant.

III. CONCLUSION

For these reasons, the Commission respectfully requests this Court to reverse the decision of the Court of Appeal, and affirm the decision of the Commission.

Dated: June 17, 2021

Respectfully submitted,



JULIANA F GMUR
Senior Commission Counsel

CAMILLE SHELTON
Chief Legal Counsel

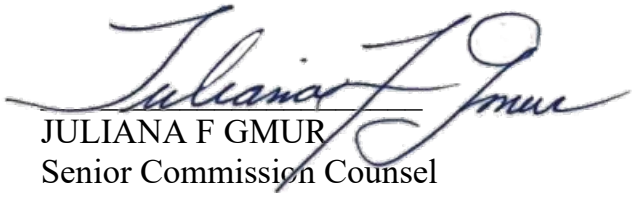
Attorney for Defendant/Respondent,
Commission on State Mandates

CERTIFICATION OF WORD COUNT

Pursuant to Rule 8.504(d) of the California Rules of Court, undersigned counsel certifies that this brief contains 3753 words, including footnotes, as indicated by the word count of the word processing program used.

Dated: June 17, 2021

Respectfully submitted,



JULIANA F GMUR
Senior Commission Counsel

CAMILLE SHELTON
Chief Legal Counsel

Attorney for Defendant/Respondent,
Commission on State Mandates

PROOF OF SERVICE

I hereby certify that I am over the age of 18 and not a party to this case and am employed in the County of Sacramento, where the mailing took place. My business address is located at the Commission on State Mandates, 980 Ninth Street, Suite 300, Sacramento, California, 95814. The Commission on State Mandates' (Commission's) electronic service address is litigation@csm.ca.gov.

On June 17, 2021, I served: **COMMISSION ON STATE MANDATES' CONSOLIDATED ANSWER TO AMICUS BRIEFS FILED IN SUPPORT OF PLAINTIFFS AND APPELLANTS BY THE CALIFORNIA SCHOOL BOARDS' ASSOCIATION (CSBA) AND THE CALIFORNIA STATE ASSOCIATION OF COUNTIES (CSAC)**
Coast Community College District, et al. v. Commission on State Mandates (Department of Finance)
Supreme Court Case No. S262663
Court of Appeal, Third Appellate District Case No. C080349
Sacramento County Superior Court Case No. 34-2014-80001842-CU-WM-GDS

on the following parties in said action:

CHRISTIAN M. KEINER
DANNIS WOLIVER KELLEY, ESQ.
555 Capitol Mall, Suite 645
Sacramento, CA 95814
ckeiner@dwkesq.com
Attorney for Appellants/Petitioners: Coast Community College District, et al.
(Via tf3.truefiling.com)

CLERK OF COURT
California Court of Appeals
Third Appellate District
914 Capitol Mall,
Sacramento, CA 95814
(*Via tf3.truefiling.com constitutes service on the Court of Appeal consistent with the California Rules of Court, rule 8.500(f)(1).*)

SAMUEL T. HARBOURT
Deputy Solicitor General
P. PATTI LI
Deputy Attorney General
Department of Justice
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Patty.li@doj.ca.gov
Samuel.Harbourt@doj.ca.gov
Attorneys for Real Parties in Interest/Respondent: Department of Finance
(Via tf3.truefiling.com)

CLERK OF COURT
ATTN: Department 54
Superior Court of California
County of Sacramento
Gordon D. Schaber Courthouse
720 9th Street
Sacramento, CA 95814
(*By U.S. Mail*)

ROBERT TUERCK
Chief Legal Counsel
California School Board Association/
Education Legal Alliance
3251 Beacon Boulevard
West Sacramento, CA 95691
rtuerck@csba.org
Attorney for Amicus Curiae: California School Boards Association's Education Legal Alliance
(Via tf3.truefiling.com as courtesy copy)

SLOAN R. SIMMONS
Nicholas J. Clair, SBN 299097
LOZANO SMITH
One Capitol Mall, Suite 640
Sacramento, CA 95814
ssimmons@lozanosmith.com
Attorney for Amicus Curiae: California School Boards Association's Education Legal Alliance
(Via tf3.truefiling.com)

JENNIFER B. HENNING
California State Association of Counties
1100 K Street, Suite 101
Sacramento, CA 95814-3941
jhenning@counties.org
Attorney for Amicus Curiae: California State Association of Counties
(Via tf3.truefiling.com)

X BY i3_IMAGESOFT, LLC TRUEFILING ELECTRONIC FILING SERVICE PROVIDER: I electronically served the document to the parties listed on the Service list who are registered with TrueFiling pursuant to the *California Supreme Court Rules Regarding Electronic Filing*, as amended and effective March 18, 2020, and California Rules of Court, rules 8.70 – 8.79.

X BY UNITED STATES POSTAL FIRST CLASS MAIL: I enclosed the document in a sealed envelope or package addressed to the Clerk of the Court, Sacramento County Superior Court, at the address listed in the Service List, and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business in a sealed envelope, with postage thereon fully prepaid, with the United States Postal Service in Sacramento, California, addressed to said parties.

I, **CARLA SHELTON**, 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 June 17, 2021.

Senior Legal Analyst
Commission on State Mandates

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **COAST COMMUNITY COLLEGE DISTRICT v. COMMISSION ON STATE MANDATES (DEPARTMENT OF FINANCE)**
Case Number: **S262663**
Lower Court Case Number: **C080349**

1. At the time of service I was at least 18 years of age and not a party to this legal action.

2. My email address used to e-serve: **juliana.gmur@csm.ca.gov**

3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
BRIEF	06172021 S262663_CSM Consolidated Answer_06172021

Service Recipients:

Person Served	Email Address	Type	Date / Time
Jennifer Henning California State Association of Counties 193915	jhenning@counties.org	e-Serve	6/17/2021 10:47:08 AM
Camille Shelton Commission on State Mandates	litigation@csm.ca.gov	e-Serve	6/17/2021 10:47:08 AM
Sloan Simmons Lozano Smith 233752	ssimmons@lozanosmith.com	e-Serve	6/17/2021 10:47:08 AM
Christian Keiner Dannis Woliver Kelley 95144	ckeiner@dwkesq.com	e-Serve	6/17/2021 10:47:08 AM
Juliana Gmur Commission on State Mandates 166477	juliana.gmur@csm.ca.gov	e-Serve	6/17/2021 10:47:08 AM
Samuel Harbourt Office of the Attorney General 313719	samuel.harbourt@doj.ca.gov	e-Serve	6/17/2021 10:47:08 AM
Patty Li 266937	patty.li@doj.ca.gov	e-Serve	6/17/2021 10:47:08 AM
Robert Tuerck 255741	rtuerck@csba.org	e-Serve	6/17/2021 10:47:08 AM

This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

6/17/2021

Date

/s/Carla Shelton

Signature

Gmur, Juliana (166477)

Last Name, First Name (PNum)

Commission on State Mandates

Law Firm