Case No.: S262663

IN THE SUPREME COURT

OF THE STATE OF CALIFORNIA

COAST COMMUNITY COLLEGE DISTRICT, NORTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT, SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT, SANTA MONICA COMMUNITY COLLEGE DISTRICT, STATE CENTER COMMUNITY COLLEGE DISTRICT,

Appellants and Petitioners,

v.

COMMISSION ON STATE MANDATES,

Respondent,

DEPARTMENT Of FINANCE

Real Party in Interest and Respondent.

ANSWER TO COMMISSION ON STATE MANDATES' PETITION FOR REVIEW

Third District Court of Appeal No. C080349
Sacramento County Superior Court Case No. 34-2014-80001842
The Honorable Christopher E. Krueger, Judge (916-874-7848)

---

*Christian M. Keiner, Esq., (SB#95144)
Email: ckeiner@DWKesq.com
William B. Tunick, Esq., (SB#245481)
Email: wtunick@DWKesq.com
Juliane S. Rossiter, Esq., (SB#155395)
Email: jrossiter@DWKesq.com
DANNIS WOLIVER KELLEY
555 Capitol Mall, Suite 645
Sacramento, CA 95814
Telephone: 916.978.4040
Facsimile: 916.978.4039

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Page(s)

State Cases

Rules

Constitutional Provisions

Other Authorities

I. INTRODUCTION

The Petition for Review filed by the Commission on State Mandates ("Commission") in this matter challenges sections of the appellate court decision that ruled in favor of the appellants below Coast Community College District, North Orange County Community College District, San Mateo County Community College District, Santa Monica Community College District, and State Center Community College District (hereinafter "Colleges"). The Colleges brought a writ petition challenging Commission decisions in the "Minimum Conditions for State Aid" ("minimum conditions") test claims matter ("Test Claims"). The "Test Claims" are specifically identified in the Slip Opinion at p. 5. The trial court denied the writ petition and the appeal below followed. (Slip Opinion at pp. 4-5.)

The Petition for Review contends review is necessary because Commission Issues Presented Number One raises important questions of law. (Petition for Review ("Petition") p. 8.) The Commission actually seeks to "clarify" such claimed important issues of law. (Petition at p. 20.) The Commission also raises new jurisdiction claims in Questions Presented Numbers Two and Three. (Petition at p. 8.)

The Petition is meritless for several reasons: (1) no conflict exists in the published appellate decisions; (2) the appellate decision herein addresses

the appropriate test and application of that test to an extensive record[1]; (3) "clarification" is not required because the decision is consistent with the published decisions addressing state mandates; and (4) Commission presented Issues Number Two and Three were not previously raised in the trial or appellate courts in this matter.

II. ISSUE PRESENTED BY THE COLLEGES

In the event the court does decide to grant review, the Colleges submit the following Issue Presented:

Whether the state has legally or practically compelled the Colleges to comply with the Test Claims minimum conditions, as well as other Test Claims remanded to the Commission in the appellate decision below, such that those Test Claims are a state mandate pursuant to Article XIII B, section 6, of the California Constitution.

III. ISSUE ONE PRESENTED BY THE COMMISSION

A. Issue Number 1

Whether a statute or regulation, which by its plain language, imposes requirements as a condition entitling community college districts to continue to receive state aid, constitutes strict legal compulsion or requires a showing of practical compulsion to support a finding of a state- mandated program within the meaning of article XIII B, section 6 of the California Constitution.

[1] The Administrative Record consists of volumes CSM I-VIII and CSM pages 00001-05274

IV. THE COMMISSION ALSO RAISES ISSUES PRESENTED TWO AND THREE

A. Issue Number 2

Whether the court lacks jurisdiction to make findings under article XIII B, section 6 on statutes that were never pled in a test claim filed by the community college districts in accordance with statutes implementing article XIII B, section 6.

B. Issue Number 3

Whether the court has jurisdiction to remand a statute to the Commission that was the subject of a final Commission decision in a different test claim.

V. THE COMMISSION'S STATEMENT OF ISSUES NUMBER ONE PRESENTED FOR REVIEW IS INACCURATE

The Commission's Issue Number One presented for review does not present the correct issue on this record. There was a specific test adopted by the Commission below and applied to the Colleges on the record in this matter. That test was based upon a misreading and misapplication of *Department of Finance v. Commission on State Mandates (Kern High School Dist.*) (2003) 30 Cal.4th 727 (hereinafter "Kern").

In the administrative proceedings, the Commission Staff Analysis initially discussed the role of Chancellor and then stated:

> Thus, compliance with the minimum conditions (Cal. Code Regs., tit. 5, §§ 51000-51027) is a downstream activity of becoming entitled to receive state aid. As a result, pursuant to *Kern High School Dist.*, the underlying issue that must be addressed to determine whether title 5, sections 51000-51027, mandate any activities is whether community college districts *are mandated to become entitled to receive state aid*, and not whether community college districts are *mandated to receive state aid* as discussed by the Chancellor's Office and the Claimants. (Staff Analysis; AR at p. 00318; emphasis added.)

The Staff Analysis next set out background regarding legal compulsion and *Kern*:

> Pursuant to *Kern*, *supra,* the Commission must look at the underlying program to determine if a claimant's participation *in the underlying program is legally compelled*. In addition, the court in *Kern* left open the possibility that a state mandate might be found in circumstances *of practical compulsion*, where a local entity faced certain and severe penalties as a result of noncompliance with a program that is not legally compelled. The court in *Dept of Finance v. Commission on State Mandates (POBRA)* (2009) 170 Cal.App.4th 1355, explained further that a finding of "practical compulsion" requires a concrete showing in the record that a failure to engage in the activity/activities at issue will result in certain and severe penalties. (Staff Analysis; AR at p. 00318; footnote omitted; emphasis added.)

The Staff Analysis then set out the mistaken legal compulsion analysis:

> The Claimants argue that a "*Kern* analysis" is unnecessary and not relevant, because districts are legally compelled to comply with the minimum conditions. However, there is nothing in the governing statutes, regulations, or in the record *that community college districts are required to become entitled to state aid*. As a result community college districts do not face *legal compulsion to become entitled to state aid.* (Staff Analysis; AR at p. 00318.)

The Commission's final Statement of Decision adopted this flawed "test" as follows:

> The claimants argue that a "*Kern* analysis" is unnecessary and not relevant, because *districts are legally compelled to comply with the minimum conditions*. However, there is nothing in the governing statutes, regulations, or in the record that *community college districts are required to become entitled to state aid*. As a result, community college districts do not face *legal compulsion to become entitled to state aid*.
>
> The California Supreme Court held in *Department of Finance v. Commission on State Mandates (Kern High School Dist.)* that when analyzing state mandate claims, the Commission must look at the underlying program to determine if the claimant's participation in the underlying program is *voluntary or legally compelled*. The court also held open the possibility that a reimbursable state mandate might be found in circumstances short of legal compulsion where "'certain and severe … penalties', such as 'double … taxation' and other 'draconian' consequences,'" would result if the local entity did not comply with the program.
>
> Based on the plain language of the code sections and title 5 regulations the Commission finds that only title 5 sections 51000, 51002, 51004, 51006, 51008, 51012, 51014, 51016, 51018, 51020, 51022, 51023, 51023.5, 51023.7, 51024, 51025, and 51027 constitute minimum conditions, satisfaction of which entitles *a community college district to state aid*. However, because community college districts perform the activities in the title 5 regulations as conditions for entitlement to state aid and there is no evidence in the record that *districts are legally or practically compelled to become entitled to state aid*, the Commission finds that the title 5 regulations do not impose activities mandated by the state pursuant to K*ern High School Dist.* (AR at p. 00011; emphasis added; footnotes omitted.)

The Commission thus rephrased the *Kern*, *supra*, 30 Cal. 4th 727 test to be whether "… districts are legally or practically compelled to become

entitled to state aid …," and reports as a finding "there is no evidence in the record that districts are legally or practically compelled to *become entitled to state aid*." (AR at p. 00011; emphasis added.)

The test thus actually applied by the Commission to this test claim was whether the Colleges were "legally or practically compelled to *become entitled to state aid*." It is the Districts' contention that the Commission cannot now restate and re-phrase its Issue Presented One beyond that specific test applied by the Commission in the record, and argued by the parties before the appellate court.

VI. THE COMMISSION DID NOT RAISE ISSUES TWO AND THREE BELOW

Next, Issues Numbers Two and Three as presented are not properly before this court, because neither was raised before the trial or appellate courts. This matter has always concerned the proper mandate test, and application of that test to a very extensive record.[2] The appellate court here did so by applying the proper legal standard to that record. (Slip Opinion at pp. 6-54.)

Nevertheless, the Commission presents Issues Two and Three as now being at issue for this court's consideration. However, as set forth infra, neither the Commission, nor the DOF (CT at pp. 31-34) raised and litigated

[2] See Footnote 1

either such issue before the trial or appellate courts. *California Academy of Sciences v. County of Fresno* (1987) 192 Cal.App.3d 1436 ["A party who fails to plead affirmative defenses waives them."] Only then could an appeal, or cross-appeal, be brought by the affected party. (See *Ekstrom v. Marquesa at Monarch Beach Homeowners Assn.* (2008) 168 Cal.App.4th 1111, 1123 [defendant waived affirmative defense by not raising it in its answer or litigating it at trial].)

Even without a necessity to raise and litigate defenses, as previously noted by the appellate court arguments not raised in the appellate brief should not be considered by the courts. (*Allen v. City of Sacramento* (2015) 234 Cal.App.4th 41, 56) ("[W]e do not consider points raised for the first time in the reply brief absent a showing of good cause for the failure to present them earlier.") *Citizens for Positive Growth & Preservation v. City of Sacramento* (2019) 43 Cal.App.5th 609, fn. 9 [same];see *Reichardt v. Hoffman* (1997) 52 Cal.App.4th 754, 764 ["'Points raised for the first time in a reply brief will ordinarily not be considered, because such consideration would deprive the respondent of an opportunity to counter the argument.' (citation omitted)"]; *Tisher v. Cal. Horse Racing Bd.* (1991) 231 Cal.App.3d 349, 361 ["Ordinarily, plaintiffs' failure to raise an issue in their opening brief waives the issue on appeal."]; *Balboa Ins. Co. v. Aguirre* (1983) 149 Cal.App.3d 1002, 1010 ["The salutary rule is that points raised in a reply brief for the first time will not be considered unless good cause is shown for the failure to

present them before."]; *Varjabedian v. City of Madera* (1977) 20 Cal.3d 285, 295, fn. 11. ["Obvious reasons of fairness militate against consideration of an issue raised initially in the reply brief of an appellant."].)

The verified Answer filed by the Commission in the trial court did not raise either Issue presented Two or Three as defenses. (CT at pp. 00046-00047.) The trial court directed counsel for the Commission to prepare a judgment incorporating the Court's order (CT at p. 00194), and neither the trial court order (CT at pp. 00166-00194), or judgment prepared by the Commission (CT at pp. 00161-00163) or final judgment (CT at pp. 00197-00198), made any ruling on either Issue Presented Two or Three (CT at pp. 00166-00194.) Further, the Respondent's brief of the Commission in the appellate court did not really raise either issue. The first time Issues Presented Two and Three were raised may have been in the March 16, 2020 oral argument by the Commission. The issues were formally raised in the motion for rehearing filed by the Commission and denied by the appellate court. (Order Modifying Opinion and Denying Rehearing, filed May 1, 2020.)

California Rules of Court, rule 8.5(c) states:

> (1) As a policy matter, on petition for review the Supreme Court normally will not consider an issue that the petitioner failed to timely raise in the Court of Appeal.

More critically, what the Commission now seeks to have this Court review *in the first instance* are really defenses, which must have been raised

in the trial or appellate courts. [Rule 8.5(c)(1).] Only then could an appeal, or cross-appeal, be brought by the affected party. Even without a necessity to raise and litigate affirmative defense, as previously noted by the appellate court arguments not raised in the appellate brief should not be considered by the courts. *Allen v. City of Sacramento, supra,* at 56. The Colleges contend that neither Issue Presented Two nor Three should now be reviewed in the first instance by this Court.

VII. SUMMARY OF THE COURT OF APPEAL DECISION

The appellate court summarized the case as follows:

> This case involves claims for subvention by community college districts pertaining to 27 Education Code sections and 141 regulations. The regulations include minimum conditions that, if satisfied, entitle the community college districts to receive state financial support. (Cal. Code Regs., tit. 5, former §§ 51000-51027.) As to the minimum conditions, the Commission generally determined that reimbursement from the state is not required because, among other things, the state did not compel the community college districts to comply with the minimum conditions. (Slip Opinion at p. 2; footnote omitted.)

The appellate court summarized its conclusion as follows:

> We conclude the minimum condition regulations impose requirements on a community college district in connection with underlying programs legally compelled by the state. The Commission suggests the minimum conditions are not legally compelled because the Community Colleges are free to decline state aid, but that argument is inconsistent with the statutory scheme and the appellate record.

The appellate court noted that:

> This conclusion does not end our analysis, however, because the Commission already identified some items for reimbursement, other items are not before us, and for some items it has not been established that remand is otherwise appropriate. (Slip Opinion at p. 3)

The appellate court twice delineated those statutes and regulations upon which the trial court judgment was reversed; which statutes and regulations included within the trial court judgment were affirmed; which claims the appellate court would not consider; and the "Test Claims" to be remanded to the Commission for further determination. (Slip Opinion at pp. 2-3; 54-55)

VIII. THERE ARE NO GROUNDS FOR SUPREME COURT REVIEW

A. There is no Need to Clarify the Law

Review on the substantive issues raised by the Commission should be denied for the simple reason that this case presents neither the need to "clarify" any important question of law (Petition at p. 20), nor a necessity to secure uniformity of decisions. (See Cal. Rules of Court, rule 8.500(b)(1).) The appellate court correctly applied the law to the record in reaching its conclusions. (Slip Opinion pp. 6-54.) The appellate court opinion and disposition was thorough and complete. Indeed several analyses and dispositions were not in favor of the Colleges. (Slip Opinion at p. 12-33.) Nevertheless, on the key Test Claims minimum standards issues on which the Colleges prevailed, the appellate court properly analyzed the state

constitution, relevant statutes, and regulations, as well as applicable precedent, to properly reach its conclusions. (Slip Opinion at pp. 8-12.)

B. The Commission Erred in Creating the Test

As noted *supra* in discussing the Commission's Issue Presented One, the Colleges asserted the Commission decision previously erred as a matter of law by grounding their decisions in a serious re-writing and misapplication of the *Kern, supra,* 30 Cal.4th test, which was significantly modified by the Commission when applied to the Colleges' specific Test Claims at issue. As stated by the appellate court:

> "The Commission suggests the minimum conditions are not legally compelled because the community colleges are free to decline state aid. But that argument is inconsistent with the statutory scheme and the appellate record." (Slip Opinion at p. 3.)

The appellate court held, after a comprehensive analysis of applicable court precedent, as well as constitutional provisions regarding community colleges receipt of state funds, that community colleges are by law entitled to state aid. (Slip Opinion at p. 5-12.) The test is not whether the Colleges are "legally or practically compelled to become entitled to state aid." Rather, the legal compulsion test is that stated and applied by the appellate court. (Slip Opinion at pp. 8-12.)

C. The Commission Erred Below In Concluding That Compliance With The Minimum Conditions Regulations Is Voluntary

The Colleges contend that since the minimum conditions compliance enforcement processes removes any true choice, compliance with the minimum conditions to retain state aid cannot be "voluntary." Put simply, the Colleges contend community colleges cannot function without state aid.[3] In the Commission's "topsy-turvy" view, a California community college may somehow choose not to receive state funding or aid, yet somehow still remain a functional community college. This Commission approach not only defies common sense, it eviscerates the very purpose of Article XIII B, section 6: "The purpose of section 6 is to protect local governments from state attempts to impose or shift the costs of new programs or increased levels of service by entitling local government to reimbursement. (*Kern, supra*; quoting *County of San Diego v. State of California* (1997) 15 Cal.4th 68, 81.)

This court previously adopted legal and practical compulsion principles in the mandate context as set forth in *City of Sacramento* v. *State of California* (1990) 50 Cal.3d 51 ("*City of Sacramento*"); *San Diego Unified School District v. Commission on State Mandates* (2004) 33 Cal.4th 859

[3] The Commission now asserts some community colleges do not receive state aid. (Petition at p. 9.) The Commission points to no finding in the record that any of the Colleges herein do not receive state aid and/or funds.

("*San Diego Unified*"), and in *Kern, supra*, at 749. This precedent, as well as the related appellate decisions, also fully support the appellate decision herein. Although these cases arose primarily in the federal/state context, the court's reasoning more generally holds that in the mandate context a governmental activity is mandatory if it is legally or practically compelled, e.g., the agency has no true choice whether to participate in the activities.

Most notably, in *San Diego Unified, supra*, the court itself subsequently limited its previous decision in *Kern, supra,* regarding voluntary participation:

> In *Kern High School Dist., supra,* 30 Cal.4th 727, school districts asserted that costs incurred in complying with statutory notice and agenda requirements for committee meetings concerning various state and federally funded educational programs constituted a reimbursable state mandate because once (33 Cal.4th 886) school districts elected to participate in the underlying federal programs, the districts had no option but to hold program-related committee meetings and abide by the challenged notice and agenda requirements. (*Id.*, at p. 742) We rejected the school districts' position, reasoning in part that because *the districts' participation in the underlying programs was voluntary*, the notice and agenda costs incurred as a result of that *voluntary participation* were not the product of legal compulsion and did not constitute a reimbursable state mandate on that basis.

(*San Diego Unified, supra,* 33 Cal.4th 859, 885-886; emphasis added.)

In this Test Claims situation, there was no *election* by the Colleges' *to receive state aid.* The Colleges by the constitution and budget statutes are allocated state aid or funding each budget year. (Slip Opinion at pp. 10-11.) Regarding the minimum conditions, the state by law and regulation require

the Colleges to take multiple actions and increase programs to continue to receive state aid or funding. (Slip Opinion at p. 9.) Put simply, the Colleges budgetary allocations of state aid can be removed or reduced by failure to comply with the required minimum conditions. Rather than the Colleges electing to voluntarily participate in the minimum conditions, they are required to do so at risk of drastic fiscal loss of funds received pursuant to the constitution and state statutes. Because these minimum standard requirements cannot be legally or practically "voluntary" within the meaning of *Kern, City of Sacramento, San Diego Unified, and Department of Finance* the appellate court herein properly found certain of the Test Claims must be compulsory legal mandates. (Slip Opinion at pp. 9-12; 54-55.)

D. The Commission Misapplied "Choice" Standards

The Commission is required to consider each statute, regulation, or executive order raised by a test claim to determine whether the provision is mandatory on its face. If the provision requires interpretation, the Commission should construe the law to ascertain the overall intent of the enactment. (AR at p. 00309) Courts have held that an activity is mandatory if it is either "legally compelled" by the language of the law, or "practically compelled" by a "concrete showing in the record that a failure to engage in the activity at issue will result in certain and severe penalties," or if the agency has no true choice whether to participate in a program or activity.

(AR at p. 00318; *San Diego Unified, supra,* 33 Cal.4th at 872, *City of Sacramento, supra,* 50 Cal.3d at 72-74; *Kern, supra,* 30 Cal.4th 727.)

The factor of "choice" was wrongly applied by the Commission. A serious error in the Commission decision was the conclusion that the minimum conditions of receiving state aid are not mandates because the Colleges may somehow "choose" to receive state aid. That conclusion is erroneous because the Colleges have no true choice. (*San Diego Unified, supra,* 33 Cal.4th at 859-872 *City of Sacramento*, *supra,* 50 Cal.3d at 74.)

Article XIII B, section 6 requires reimbursement when an agency must, as a legal or practical matter, comply with a law. The Commission wrongly concluded that a community college district may somehow choose not to enact the "minimum standards," and, therefore, lose the state funding necessary to operate as a community college and provide educational services to students, which is the very purpose of a community college. (Slip Opinion at p. 10-12; *Carmel Valley Fire Protection Dist. v. State of California* (1987) 190 Cal.App.3d 521, 537 [fire protection is a "peculiarly government function" and local agency was mandated to provide it under certain conditions].) As noted, *supra,* given the need for the state funding secured by the constitution and state statutes to provide educational services, and the direct connection between "minimum standards" compliance and that state funding, compliance is mandatory and the Colleges have *no true choice* but to comply.

E. The Commission Now Admits the Minimum Conditions are Designed to Induce Compliance

Perhaps recognizing its rationale that the Colleges "voluntarily" or "chose" to elect to qualify for state aid is untenable, the Commission now admits the minimum conditions are designed to induce compliance. As set forth above, the Commission to date has argued the minimum conditions were entirely voluntary and the Colleges made a "choice" to elect to qualify for state aid. (Slip Opinion at p. 10-12.) Now, the Commission shifts to at least concede the statutory and regulatory scheme is analogous to the "carrot and stick" approach analyzed by the court in *City of Sacramento, supra*. The Commission argues that:

> In this case, the Court of Appeal's decision does not explain how it finds strict legal compulsion with the condition language imposed by the minimum condition regulations,[4] and the possible consequences for the loss of state aid imposed by California Code of Regulations, title 5, sections 51100 and 51102, *all of which are designed to induce compliance.* The minimum condition language does not constitute strict legal compulsion, but is more like the "carrot and stick" language at issue in *City of Sacramento,* where the court found that the conditional language did not impose strict legal compulsion, but recognized that a mandate may be found when *there is no reasonable alternative* to the federal scheme or *no true choice* but to participate in it.

[4] To the contrary, the Court of Appeal did fully explain the reasoning and constitutional/statutory sources for its finding of legal compulsion. (Slip Opinion at pp. 8-12.)

(*City of Sacramento, supra*, 50 Cal.3d at pp. 73-76.) (Petition at p. 22; emphasis added.)

The Colleges contend that there is no "reasonable alternative" for the Colleges to reject constitutionally and statutorily entitled state funding or aid, nor any "true choice" other than to implement the minimum conditions.

The Commission next turns to a related argument regarding an alleged failure of proof on the Colleges part. (Petition at p. 25-26.) In doing so, the Commission attempts to place this court in the appellate court's position of reviewing an extensive administrative record.[5] The Colleges contend that evidentiary questions relied upon by the Commission do not now present important issues of law. Further, such questions were not determinative below at the Commission's level because it mis-applied *Kern, supra*, and created a test of its own making regarding whether the Colleges were "legally or practically compelled *to become entitled to state aid*." (AR at pp. 00011; emphasis added.)

Once again, the legal question is not whether the Colleges were "legally or practically compelled *to become entitled to state aid*". Rather, the question is whether state aid, allocated pursuant to the state constitution and budget statutes (Slip Opinion at pp. 2, 11-12.) can be removed or reduced for community colleges based upon non-compliance with the mandatory

[5] See footnote 1.

minimum conditions. The appellate court herein properly applied applicable law to the record in reaching its conclusion that the minimum conditions are legally compelled.

IX. CONCLUSION

For the foregoing reasons, the Supreme Court should deny the Petition for Review, and let the matter proceed on remand back to the Commission pursuant to the appellate court's disposition. (Slip Opinion at pp. 4, 54-55.)

Dated: June 30, 2020

Respectfully submitted,

Dannis Woliver Kelley
Christian M. Keiner
William B. Tunick
Juliane S. Rossiter

By: 

Christian M. Keiner
Attorneys for Appellants and Petitioners
Coast Community College District, et al.

CERTIFICATE OF COMPLIANCE

Counsel of Record hereby certifies that pursuant to Rule 8.504(d)(1) of the California Rules of Court, Appellant's Answer To Commission On State Mandates' Petition For Review was produced using 13-point Roman type including footnotes and contains approximately 5038 words, which is less than the total words permitted by the rules of court. Counsel relies on the word court of the computer program used to prepare this Petition.

Dated: June 30, 2020

Respectfully submitted,

Dannis Woliver Kelley
Christian M. Keiner
William B. Tunick
Juliane S. Rossiter

By: 
Christian M. Keiner
Attorneys for Appellants and Petitioners
Coast Community College District, et al.

DECLARATION OF SERVICE

I am employed in the County of Sacramento, State of California. I am over the age of 18 and not a party to the within action; my business address is: 555 Capitol Mall, Suite 645, Sacramento, CA 95814.

On the date set forth below I served the foregoing document described as **ANSWER TO COMMISSION ON STATE MANDATES' PETITION FOR REVIEW** on interested parties in this action by transmitting a true copy via this Court's TrueFiling system. Because one or more of the participants in this case have not registered with the Court's TrueFiling system or are unable to receive electronic correspondence, I caused such document to be placed in the U.S. Mail at Sacramento, California with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit, addressee as follows:

Via TrueFiling
Camille Shelton
Chief Legal Counsel
980 Ninth Street, Ste. 300
Sacramento, CA 95814
E: Camille.Shelton@csm.ca.gov
Attorney for Commission on State Mandates

Via TrueFiling
P. Patti Li
Deputy Attorney General
CA Department of Justice, Office of the Attorney General
455 Golden Gate, Ste. 11000
San Francisco, CA 94102
E: Patty.Li@doj.ca.gov
Attorney for Real Party in Interest Department of Finance

Via U.S. Mail
Clerk of Sacramento County Superior Court
County of Sacramento
720 Ninth Street, Room 102
Sacramento, CA 95814

Via TrueFiling
Clerk of the California Court of Appeals, Third Appellate District
914 Capitol Mall
Sacramento, CA 95814

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 30, 2020.

Frenneci Hyland

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: **ckeiner@dwkesq.com**

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

Title(s) of papers e-served:

Filing Type	Document Title
ANSWER TO PETITION FOR REVIEW (WITH ONE TIME RESPONSIVE FILING FEE)	(S262663) Answer to CSM's Petition for Review

Service Recipients:

Person Served	Email Address	Type	Date / Time
Fran Hyland Dannis Woliver Kelley	fhyland@DWKesq.com	e-Serve	6/30/2020 10:01:14 AM
Camille Shelton Commission on State Mandates 166945	camille.shelton@csm.ca.gov	e-Serve	6/30/2020 10:01:14 AM
Christian Keiner Dannis Woliver Kelley 95144	ckeiner@dwkesq.com	e-Serve	6/30/2020 10:01:14 AM
P. Li Office of the Attorney General 266937	patty.li@doj.ca.gov	e-Serve	6/30/2020 10:01:14 AM
William Tunick 245481	wtunick@dwkesq.com	e-Serve	6/30/2020 10:01:14 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.

6/30/2020
Date

/s/Fran Hyland
Signature

Keiner, Christian (95144)

Last Name, First Name (PNum)

Dannis Woliver Kelley

Law Firm