

ITEM 12
EXECUTIVE DIRECTOR'S REPORT
Workload, Tentative Agendas, and Meeting Calendar

I. WORKLOAD

A. PENDING COMMISSION CASELOAD (Info)

Type of Action	September 14, 2009
Test Claims ¹ to be Heard and Determined	53
Test Claims to be Reconsidered	0
Test Claims to be Reconsidered or Reinstated Based on Court Action	4
Incorrect Reduction Claims to be Heard and Determined	148
Incorrect Reduction Claims to be Reconsidered Based on Court Action	0
Reasonable Reimbursement Methodologies/Statewide Estimate of Costs	2
Proposed Parameters and Guidelines	20
Proposed Parameters and Guidelines Amendments	54 ²
Parameters and Guidelines to be Amended, Set Aside, or Reinstated, as Directed by the Legislature or Court Action	4
Statewide Cost Estimates to be Adopted	4
Revised Statewide Cost Estimates to be Adopted Following Amendment to Parameters and Guidelines Based on Court Action	1
New Test Claim Filings to be Reviewed	0
New Incorrect Reduction Claim Filings to be Reviewed	0
Appeals of Executive Director's Decision	0
Regulatory Actions Pending	0

¹ This includes 34 test claims filed by school districts and 19 filed by local agencies.

² Forty-nine of the proposed amendments are requests from the State Controller's Office to update boilerplate language.

On September 15, 2009, the Commission staff will report the current caseload to the Department of Finance. The report is required by provisional language in the 2009-2010 Budget Act and will be published on the Commission’s website.

B. PENDING REQUESTS TO JOINTLY DEVELOP LEGISLATIVELY DETERMINED MANDATES

Type of Action	
Notice of Intent to Pursue Legislatively Determined Mandates	2

C. APPLICATIONS FOR FINDINGS OF SIGNIFICANT FINANCIAL DISTRESS

Type of Action	
Applications for Findings of Significant Financial Distress Pending	0

Although no applications have been filed, four counties have inquired about the process (Sacramento, Los Angeles, San Diego, and Alameda).

II. BUREAU OF STATE AUDITS REPORT (Info)

The Bureau of State Audits (BSA) is conducting a follow-up audit of California’s mandates process, including the Commission’s role in the process. This audit follows the October 2003 audit, *State Mandates: The High Level of Questionable Costs Claimed Highlights the Need for Structural Reforms of the Process*. According to a report made to the Joint Legislative Audit Committee, this audit is scheduled to be issued on October 15, 2009.

BSA is reviewing whether the Commission and its staff have fully implemented the recommendations made in the 2003 audit report, and if not, the reasons why those recommendations have not been implemented. As part of this review, BSA plans to review changes resulting from legislation and any other reforms that have been implemented since the 2003 audit. Additionally, BSA plans to follow up on past mandates reviewed as well as examine the current process as it relates to selected mandates approved since 2003. Findings will be made public upon completion.

BSA will share its audit findings with Commission staff in the form of a confidential final draft audit report. We expect the confidential final draft to be issued within five days of the Commission’s September meeting. Therefore, we have scheduled closed session discussion of the Commission’s response to the “confidential final draft audit report from the Bureau of State Audits.” The Commission’s response will be included in the final report. (Gov. Code, § 11126.2, subd. (a).)

For the October 30 meeting, we will schedule the audit report for discussion in open session and invite participation by Department of Finance and Controller’s staff as well as interested parties.

III. TENTATIVE AGENDAS (Info/Action)

The tentative agendas are subject to change based on Commission staff's actual authorized work days, workload, requests for extensions of time to file comments on draft staff analyses, hearing postponements, pre-hearing conferences, and the complexity of the statutes and executive orders that are pled.

Staff is also reviewing incorrect reduction claims to determine which, if any, can be scheduled during 2009-2010.

Friday, October 30, 2009

- A. Test Claims (1)
 - 1. *Crime Statistics Reports for DOJ*, 02-TC-12
Santa Monica Community College District, Claimant
- B. Parameters and Guidelines (3)
 - 1. *Prevailing Wage Rates*, 01-TC-28
Grossmont Union High School District, Claimant
 - 2. *Crime Victims' Domestic Violence Incident Reports II*, 02-TC-18
County of Los Angeles, Claimant
 - 3. *Tuition Fee Waivers*, 02-TC-21
Contra Costa Community College District, Claimant
- C. Parameters and Guidelines Amendments (4)
 - 1. *Update Boilerplate Language: Child Abduction and Recovery*
05-PGA-26
State Controller's Office, Requestor
 - 2. *Update Boilerplate Language: Sexually Violent Predators*
05-PGA-43
State Controller's Office Requestor
 - 3. *Update Boilerplate Language: Domestic Violence Arrest Policies*
05-PGA-29
State Controller's Office, Requestor
 - 4. *Withdrawal of Seriously Emotionally Disturbed (SED) Pupils: Out-of-State Mental Health Services*, 05-PGA-15
Los Angeles County, Requestor

Thursday, December 3, 2009

- A. Test Claims (3)
 - 1. *Notice to Students and Minimum Conditions for State Aid*,
02-TC-25 and 02-TC-31
Los Rios and Santa Monica Community College Districts, Claimants
 - 2. *Discharge of Stormwater Runoff*, 07-TC-09
County of San Diego, Incorporated Cities of San Diego County,
San Diego Port District, and San Diego County Regional Airport
Authority, Claimants

B. Parameters and Guidelines (4)

1. *Crime Statistic Reports for Department of Justice, 02-TC-04, 02-TC-11*
City of Newport Beach and County of Sacramento, Claimants
2. *Crime Statistic Reports for Department of Justice – Amendment, 07-TC-10*
City of Newport Beach and County of Sacramento, Claimants
3. *Cal Grants, 02-TC-28*
Long Beach Community College District, Claimant

C. Parameters and Guidelines Amendments (21)

1. *Update Boilerplate Language: Peace Officers' Cancer Presumption*
05-PGA-37
State Controller's Office, Requestor
2. *Update Boilerplate Language: Firefighters' Cancer Presumption*
05-PGA-31
State Controller's Office, Requestor
3. *Update Boilerplate Language: Mentally Disordered Offenders' Extended
Commitment Proceedings, 05-PGA-34*
State Controller's Office, Requestor
4. *Update Boilerplate Language: Domestic Violence Arrest Policies Service
Authority and Case Management, 05-PGA-30*
State Controller's Office, Requestor
5. *Update Boilerplate Language: Not Guilty by Reason of Insanity*
05-PGA-35
State Controller's Office, Requestor
6. *Update Boilerplate Language: Perinatal Services, 05-PGA-38*
State Controller's Office, Requestor
7. *Update Boilerplate Language: Juvenile Court Notices II, 05-PGA-54*
State Controller's Office, Requestor
8. *Update Boilerplate Language: Health Benefits for Survivors of Peace
Officers and Firefighters, 05-PGA-32*
State Controller's Office, Requestor
9. *Update Boilerplate Language: Allocation of Property Tax Revenues*
05-PGA-24
State Controller's Office, Requestor
10. *Update Boilerplate Language: Crime Victims Rights*
05-PGA-28
State Controller's Office, Requestor
11. *Update Boilerplate Language: Rape Victim Counseling Center Notices*
05-PGA-41
State Controller's Office, Requestor
12. *Update Boilerplate Language: Photographic Record of Evidence*
05-PGA-59
State Controller's Office, Requestor

13. *Update Boilerplate Language: Pacific Beach Safety: Water Quality Closures*, 05-PGA-36
State Controller's Office, Requestor
14. *Update Boilerplate Language: County Tax Rates-Unitary*
05-PGA-27
State Controller's Office, Requestor
15. *Update Boilerplate Language: Pesticide Use Reports*
05-PGA-39
State Controller's Office, Requestor
16. *Update Boilerplate Language: Threats Against Peace Officers*
05-PGA-44
State Controller's Office, Requestor
17. *Update Boilerplate Language: Medi-Cal Beneficiary Death Notices*
05-PGA-33
State Controller's Office, Requestor
18. *Update Boilerplate Language: Prisoner Parental Rights*
05-PGA-40
State Controller's Office, Requestor
19. *Update Boilerplate Language: Airport Land Use Commissions/Plans*
05-PGA-23
State Controller's Office, Requestor
20. *Update Boilerplate Language: Brendon Maguire Act*
05-PGA-25
State Controller's Office, Requestor
21. *Update Boilerplate Language: Stolen Vehicle Notification*
05-PGA-68
State Controller's Office, Requestor

D. Statewide Cost Estimates (2)

1. *Pupil Discipline Records, 00-TC-10 and Notification to Teachers: Pupils Subject to Expulsion/Suspension II*, 00-TC-11
Sweetwater Union High School District, Carpinteria Unified School District and Grant Joint Union High School District
2. *Integrated Waste Management (Post-Litigation)*, 05-PGA-16 (00-TC-07)

January 29, 2010

A. Test Claims (8)

1. *California Environmental Quality Act (CEQA)*, 03-TC-17
Clovis Unified School District, Claimant
2. *School Bus Safety III*, 03-TC-01
San Diego Unified School District, Claimant
3. *Mandate Reimbursement II*, 05-TC-05
City of Newport Beach, Claimant

4. *Airport Land Use Commissions II and Amendment*
02-TC-13 and 08-TC-02
County of Santa Clara, Claimant
 5. *Re-Districting Senate and Congressional Districts*, 02-TC-50
Los Angeles County, Claimant (continued from July 2009)
 6. *Clean School Restrooms*, 04-TC-01
Los Angeles Unified School District, Claimant
 7. *SARC IV (Severed from Academic Performance Index)*, 01-TC-22
San Juan Unified School District, Claimant
- B. Parameters and Guidelines Amendments (7)
1. *Update Boilerplate Language: Collective Bargaining/Collective Bargaining Agreement Disclosure*, 05-PGA-48
State Controller's Office, Requestor
 2. *Update Boilerplate Language: Notification of Truancy*
05-PGA-56
State controller's Office, Requestor
 3. *Update Boilerplate Language: Annual Parent Notification*
05-PGA-45
State Controller's Office, Requestor
 4. *Update Boilerplate Language: Habitual Truant*
05-PGA-51
State Controller's Office, Requestor
 5. *Update Boilerplate Language: Notification to Teachers: Pupils Subject to Suspension or Expulsion*, 05-PGA-57
State Controller's Office, Requestor
 6. *Update Boilerplate Language: Pupil Suspensions, Expulsions, and Expulsions Appeals*, 05-PGA-65
State Controller's Office, Requestor
 7. *Update Boilerplate Language: Health Fee Elimination*
05-PGA-69
State Controller's Office, Requestor
- C. Statewide Cost Estimates
1. *Local Government Employment Relations*
01-TC-30
City of Sacramento and County of Sacramento, Claimants

IV. ADOPTION OF 2010 MEETING CALENDAR (action)

The Commission is required to meet at least once every two months. The time and place of meetings may be set by resolution of the commission, by written petition of a majority of the members, or by written call of the chairperson. The chairperson may, for good cause, change the starting time or place, reschedule, or cancel any meeting. (Gov. Code, § 17526.)

At the July meeting, staff proposed the 2010 Meeting Calendar for adoption. Mr. Sheehy suggested that the Commission meet in August instead of July. Making this scheduling change would allow Commission members to take a July vacation when the Legislature is typically not

in session and before children return to school. School district representatives prefer a July hearing because many school district representatives are unavailable in August due to responsibilities connected with the beginning of the school year and preparation of the annual school district budget following adoption of the state budget.

The vote on the calendar was continued in order to obtain additional scheduling information for 2010, and to include Commissioner Olsen's input.

The League of Cities holds its annual meeting in mid-September, the California State Association of Counties holds its annual meeting in mid-November; and the CSBA holds its annual meeting in early December.

Possible Commission meeting dates are as follows:

Friday, January 29, 2010

Friday, March 26, 2010

Friday, May 28, 2010

Friday, June 25, 2010 (Tentative)

Friday, July 29, 2010 or Friday August 27, 2010

Friday, September 24, 2010

Friday, October 29, 2010 (Tentative)

Thursday, December 2 or Friday, December 3, 2010 (Possible Furlough Day)

Staff recommends that after discussion and receipt of public comment, the Commission adopt the 2010 Meeting Calendar with six (6) meeting dates and two (2) tentative dates.

The 2010 Meeting Calendar will be placed on the Commission's website.