

ITEM 17

EXECUTIVE DIRECTOR'S REPORT

**Workload Update, 2015 Meeting Calendar, Succession Plan, and Tentative Agenda Items
 for Next Meeting (info/action)**

I. WORKLOAD¹ (info)

A. COMPLETED WORKLOAD SUMMARY

Type of Caseload	Completed in 2013/2014	Completed in 2014/2015
Test Claims	13	1
Parameters & Guidelines	8	0
Parameters and Guidelines Amendments	10	1
Requests for Reconsideration	.5 ²	0
Statewide Cost Estimates	12	1
Request to Review Claiming Instructions	0	0
Mandate Redetermination Requests	2	.5
Incorrect Reduction Claims	22	1

B. COMMISSION WORKLOAD REPORT

Type of Action	Pending on 7/1/2014	Filed Since 7/1/2014	Completed Since 7/1/2014	Pending on 8/30/2014
Test Claims	17 ³	0	1	16 ⁴
Parameters and Guidelines	1	1 ⁵	0	2
Joint Reasonable Reimbursement Methodologies	0	0	0	0

¹ As of August 30, 2014.

² There was one request for reconsideration filed in 2012-2013. Such requests require two hearings. The first hearing was held on May 24, 2013 and the second was on July 26, 2013.

³ Includes two new regional water quality control board permit claims filed on June 30, 2014.

⁴ All currently pending test claims were filed by local agencies. Twelve of the 16 local agency claims are regarding regional water quality control board permits, which have been placed on inactive status pending the outcome of litigation regarding the extent of the federal clean water mandate.

⁵ Proposed parameters and guidelines may be submitted by the test claimant or expedited and issued by Commission staff upon the adoption of an approved test claim.

Type of Action	Pending on 7/1/2014	Filed Since 7/1/2014	Completed Since 7/1/2014	Pending on 8/30/2014
Pending Requests To Jointly Develop Legislatively Determined Mandates	0	0	0	0
Requests for Reconsideration	0	0	0	0
Requests to Review Claiming Instructions	0	0	0	0
Statewide Cost Estimates	10	0 ⁶	1	9
Test Claim Reconsiderations or Reinstatements Based on Court Action	0	0	0	0
Parameters and Guidelines to be Amended, Set Aside, or Reinstated, as Directed by the Legislature or Court Action	0	0	0	0
Proposed Parameters and Guidelines Amendments	4	0	1	3
Requests for Mandate Redetermination	2	1	.5	2.5
Incorrect Reduction Claims	74	9	1	82
Incorrect Reduction Claims to be Reconsidered Based on Court Action	0	0	0	0
Appeals of Executive Director's Decisions	0	0	0	0
Regulatory Actions Pending	1	0	0	1
Applications for Findings of Significant Financial Distress Pending	0	0	0	0

II. 2015 HEARING CALENDAR (action)

Commission meetings have generally been held on the fourth Fridays of odd months. The fourth Friday of May 2015 is May 22. However, this date directly precedes Memorial Day weekend and may be a conflict for members and parties. Therefore, staff proposes holding the May meeting on the following Friday, May 29. Staff also proposes holding the November meeting on the first **Thursday** in December, to avoid the holidays.

⁶ Statewide cost estimates are not filed, but are issued by the Commission after claiming instructions have been issued and initial claims have been received by the State Controller's Office.

Staff recommends that the Commission adopt the proposed 2015 hearing calendar attached as Exhibit A.

III. SUCCESSION PLAN (action)

The Commission's management team is comprised of the Executive Director, the Chief Legal Counsel, and the Assistant Executive Director. To maintain continuity of operations, a succession plan is required to address an extended planned or unplanned absence or departure of a member of the management team.

The proposed succession plan outlines the authority and processes involved in appointment of these three positions in either an *acting* or a *permanent* capacity in the event of an extended planned or unplanned absence or departure of a member of the management team.

Staff recommends that the Commission adopt the proposed plan attached as Exhibit B.

IV. TENTATIVE AGENDA ITEMS (info)

The tentative agenda items are subject to change based on Commission workload, litigation, 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.

December or January Meetings

A. TEST CLAIMS

1. *Water Conservation*, 10-TC-12 and 12-TC-01
South Feather Water and Power Agency, Paradise Irrigation District, Richvale Irrigation District, and Biggs-West Gridley Water District, Co-Claimants

B. MANDATE REDETERMINATIONS

1. *Open Meetings Act/Brown Act Reform*, 13-MR-02 (CSM-4257/4469)
Government Code Sections 54952, 54954.2, 54954.3, 54957.1, and 54957.7;
as added or amended by Statutes 1986, Chapter 641; Statutes 1993, Chapters 1136, 1137, and 1138
First Hearing – Adequate Showing
2. *Open Meetings Act/Brown Act Reform*, 13-MR-02 (CSM-4257/4469)
Government Code Sections 54952, 54954.2, 54954.3, 54957.1, and 54957.7;
as added or amended by Statutes 1986, Chapter 641; Statutes 1993, Chapters 1136, 1137, and 1138
Second Hearing – New Test Claim Decision
3. *CPR Pocket Masks*, 14-MR-01 (CSM-4291)
Penal Code Section 13518.1; Statutes 1987, Chapter 1334 as amended by
Statutes 2013, Chapter 28 (SB 71)
First Hearing – Adequate Showing

C. STATEWIDE COST ESTIMATES

1. *Accounting for Local Revenue Realignment*s, 05-TC-01
County of Los Angeles, Claimant

2. *State Authorized Risk of Assessment Tool for Sex Offenders*, 08-TC-03
County of Los Angeles, Claimant
3. *Medi-Cal Eligibility of Juvenile Offenders*, 08-TC-04
County of Alameda, Claimant

D. INCORRECT REDUCTION CLAIMS

1. *Emergency Procedures, Earthquake Procedures and Disasters Programs*,
04-4241-I-01
San Diego Unified School District, Claimant
2. *Emergency Procedures, Earthquake Procedures and Disasters Programs*,
04-4241-I-06
Poway Unified School District, Claimant
3. *Health Fee Elimination*, 05-4206-I-03
Long Beach Community College District, Claimant
4. *Health Fee Elimination*, 05-4206-I-05
State Center Community College District, Claimant
5. *Health Fee Elimination*, 05-4206-I-06
Los Rios Community College District, Claimant
6. *Health Fee Elimination*, 05-4206-I-09
North Orange County Community College District, Claimant
7. *Health Fee Elimination*, 05-4206-I-10
Foothill-De Anza Community College District, Claimant
8. *Health Fee Elimination*, 05-4206-I-11
El Camino Community College District, Claimant
9. *Health Fee Elimination*, 05-4206-I-12
Santa Monica Community College District, Claimant
10. *Health Fee Elimination*, 06-4206-I-13
Pasadena Area Community College District, Claimant
11. *Health Fee Elimination*, 07-4206-I-14
Pasadena Area Community College District, Claimant
12. *Health Fee Elimination*, 07-4206-I-15
Rancho Santiago Community College District, Claimant
13. *Health Fee Elimination*, 07-4206-I-16
Sierra Joint Community College District, Claimant
14. *Health Fee Elimination*, 08-4206-I-17
Santa Monica Community College District, Claimant
15. *Health Fee Elimination*, 08-4206-I-18
Los Rios Community College District, Claimant
16. *Health Fee Elimination*, 09-4206-I-21 and 10-4206-I-36
Kern Community College District, Claimant

17. *Handicapped and Disabled Students*, 05-4282-I-03
County of San Mateo, Claimant
18. *Collective Bargaining*, 05-4425-I-09
San Mateo Community College District, Claimant
19. *Collective Bargaining*, 05-4425-I-10
Foothill De Anza Community College District, Claimant
20. *Collective Bargaining*, 05-4425-I-11
Gavilan Joint Community College District, Claimant
21. *Collective Bargaining*, 08-4425-I-15
Contra Costa Community College District, Claimant
22. *Collective Bargaining*, 08-4425-I-16
Los Rios Community College District, Claimant
23. *Collective Bargaining*, 09-4425-I-17 and 10-4425-I-18
Sierra Joint Community College District, Claimant
24. *Mandate Reimbursement Process*, 05-4485-I-03
Los Rios Community College District, Claimant

**COMMISSION ON STATE MANDATES
HEARING CALENDAR**

2015 HEARING DATES

Friday, January 23, 2015

Friday, March 27, 2015

Friday, May 29, 2015

Friday, June 26, 2015 (Tentative)

Friday, July 24, 2015

Friday, September 25, 2015

Friday, October 23, 2015 (Tentative)

Thursday, December 3, 2015

ADOPTION OF SUCCESSION PLAN

The Commission on State Mandates' (Commission) management team is comprised of the Executive Director (ED), the Chief Legal Counsel (CLC), and the Assistant Executive Director (AED). In order to maintain continuity of operations, a succession plan is required to address an extended planned or unplanned absence or departure of a member of the management team.

This succession plan outlines the authority and processes involved in appointment of these three positions in either an *acting* or a *permanent* capacity.

Executive Director

The duty statement of the AED provides that the incumbent acts for the ED, in her absence, to maintain continuity and consistency for Commission business.

If the absence of the ED is permanent, the AED will begin the recruitment process for a replacement immediately. The Commission contracts with the DGS Office of Human Resources for personnel services. In consultation with DGS, the AED will advertise the exempt ED position for a minimum of three weeks on CalHR's *CEA Bulletin and Exempt Announcement Online Bulletin System* and may also advertise the position in other publications, if needed. If the departure of the ED is planned, the AED will initiate the recruitment process at such a time as to minimize the duration of the position's vacancy.

After they have reviewed and ranked the applications, the AED and CLC will provide them to the Personnel Subcommittee. The Personnel Subcommittee then selects candidates to interview and, after it has completed the initial interviews, recommends the top three candidates to be interviewed by the full Commission. The final decision on the appointment of a permanent ED is made by a vote of the full Commission in closed session. The Commission chair will announce any final decision made in closed session in public session.

Chief Legal Counsel

The Commission delegates authority to the Personnel Subcommittee to name a current staff attorney as acting CLC. This action would mean that in the event of an unforeseen departure or extended leave of absence, an emergency meeting of the subcommittee would be called to identify an individual to serve as acting CLC. The ED would recommend a staff attorney to the Personnel Subcommittee.

In compliance with civil service and bargaining MOUs, the acting CLC will not supervise other staff attorneys. The supervisory responsibility would fall upon the ED. However, the acting CLC would manage pending litigation and provide legal advice to the Commission and the ED.

If the absence of the CLC is permanent, the AED will begin the recruitment process for a replacement immediately. In consultation with DGS, the AED will advertise the CLC Career Executive Assignment (CEA) position for a minimum of three weeks on CalHR's *CEA Bulletin and Exempt Announcement Online Bulletin System* and may also advertise the position in other publications, if needed. If the departure of the CLC is planned, the AED will initiate the recruitment process at such a time as to minimize the duration of the position's vacancy.

EXHIBIT B

After they have reviewed and ranked the applications, the AED and ED shall provide them to the Personnel Subcommittee. The Personnel Subcommittee then selects candidates to interview and, after it has completed the initial interviews, recommends the top three candidates to be interviewed by the full Commission. The final decision on the appointment of a permanent CLC is made by a vote of the full Commission in closed session. The Commission chair will announce any final decision made in closed session in public session.

Assistant Executive Director

The AED is a civil service position. In the event of an absence of the AED, the ED shall appoint a current staff member as acting AED in a temporary out-of-class assignment. Consistent with state policy and civil service rules, the opportunity to serve as acting AED shall be advertised internally to all Commission staff. To the extent feasible, the AED shall coordinate this process prior to the absence. The ED will review internal applications and designate an acting AED.

If the absence of the AED is permanent then the ED will consult with DGS HR to conduct a civil service recruitment to fill the vacant position. If the departure of the AED is foreseen, then the AED will initiate the recruitment process at such a time as to minimize the duration of the position's vacancy. Selection of a candidate to fill the AED position will be made by the ED in accordance with civil service rules.

Staff Recommendation

Adopt this succession plan outlining the authority and processes involved in the recruitment and appointment of acting and permanent Commission management staff.