

ITEM 16 STAFF REPORT 2006 MANDATE REFORM

Background

On December 8, 2005, the Commission's legislative subcommittee conducted a workshop with local agency and school district representatives and state agencies to determine interest in discussing reforms to the mandate process. Participants agreed that they were interested in creating a new more streamlined process for approving and funding mandates. Participants recommended that we formulate a common goal, such as reducing by half the time it takes to fund a new mandated program, and discuss more global reforms that will achieve that goal, rather than reforming the existing process.

At the December 9, 2005 Commission hearing, the Commission members agreed with workshop participants that large-scale mandate reform should be pursued in 2006. Chairperson Sheehan stated that she would contact the legislative leadership and Administration officials to determine if there was interest in pursuing mandate reform this year.

Following the December 9 hearing, Chairperson Sheehan contacted Assembly Member Laird, Chair of the Assembly Budget Committee and former Chair of the Assembly Special Committee on State Mandates, Legislative Analyst Elizabeth Hill, key legislative policy and fiscal staff, officials from the Governor's Office and Department of Finance, and local agency and school district representatives, and determined that there is significant interest in pursuing mandate reform in 2006.

A Facilitated Process

During the December 8 workshop, participants agreed that there must be compromise among all participants in order for mandate reform discussions to be successful, and that a facilitated process may be the best way to deliver substantive reform.

During the December 9 hearing, Chairperson Sheehan agreed that hiring a facilitator may be helpful, and therefore, the Commission requested that staff develop a proposal for using a facilitator for mandate reform discussions.

After reviewing the Commission's existing caseload and backlog, and reviewing websites and publications from entities that provide collaborative and facilitative services, staff finds that a collaborative policy making process may be the most efficient way of completing a large-scale reform project. Contracting with experts in collaborative policy making would allow Commission staff to continue to reduce its backlog rather than taking staff away from completing test claim work. It would also provide participants with a neutral party to lead them through discussions.

Center for Collaborative Policy

Commission staff invited the Center of Collaborative Policy, California State University, Sacramento to meet to discuss their services and our proposed project. Executive Director Susan Sherry and Associate David Booher met first with Commission staff and subsequently with Chairperson Sheehan to provide an overview of their services.

The Center for Collaborative Policy is a unit of the College of Social Sciences and Interdisciplinary Studies at California State University, Sacramento. The Center was established in 1990 as the California Center for Public Dispute Resolution, a joint program of California State University Sacramento and the McGeorge School of Law, University of the Pacific.

The mission of the Center is to build the capacity of public agencies, stakeholder groups, and the public to use collaborative strategies to improve policy outcomes. The Center provides collaborative policy and conflict resolution services to assist government agencies and stakeholders in developing public policies; mediating public policy and related conflicts among governmental and/or nongovernmental stakeholders; and finding innovative solutions to complex policy dilemmas, including building support for implementation. The Center's website defines collaborative policy making as follows:

Collaborative policy making is a process whereby one or more public agencies craft a solution to a policy issue using consensus-driven dialogue with diverse parties who will be affected by the solution or who can help to implement it.

The Center's website states that decisions that are reached collaboratively can result in high-quality outcomes that are easier to implement, receive fewer legal challenges, make better use of available resources, and better serve the public. In addition research has shown that collaborative processes often create a long term "network dynamic" of shared learning, improved working relationships, and better joint problem solving ability in the future.

The Center also indicates that collaborative policy making typically involves five stages: Assessment, Organization, Education, Negotiation, and Implementation.

The Center's recent projects include the San Francisco Eastern Neighborhoods Community Health Impact Assessment, Lower Yolo Bypass Stakeholder Process, Feasibility Assessment; Sacramento Area Water Form Successor Effort; Attorney General's Task Force on Domestic Violence; Of-Highway Vehicle Advisory Committee, and Evaluation of California Dialogue on End of Life Issues.

Staff Proposal

The Commission is contracting with the Center to conduct an initial assessment to determine the feasibility of using a collaborative policy making process for addressing mandate reform issues, and if warranted, propose a specific collaborative policy making process. The Center will complete this assessment and issue a report on its findings for presentation at the Commission's March 29, 2006 hearing.

Specifically, the Center will:

- Work with Commission staff to determine list of individuals with expertise in the mandates process to be interviewed.
- Interview 25-30 individuals to determine the feasibility of using a collaborative process, and to determine the scope of mandate reforms to be discussed. Interviewees will include several current and former Commission members; Members of the Legislature and their staff; Administration officials, including the Director of Finance and his staff; local agency and school district representatives, and representatives from the State Controller's Office and the Department of Education.
- Analyze information obtained in interviews.
- Write assessment report and develop recommendations.
- Distribute report to the Commission and interviewees.
- Present and discuss final assessment report at the Commission's March 29, 2006 hearing.
- Present and discuss report with assessment participants and interested parties at a meeting in April 2006 (to be scheduled).

Center staff that will be overseeing and /or conducting this assessment include Susan Sherry, Executive Director, John Folk-Williams, Staff Mediator, and David Booher, Associate. Ms. Sherry has served as a public policy mediator and facilitator for the Legislature and local governments, most recently working on such issues as water supply, economic and environmental recovery, land-use and public finance. Ms. Sherry successfully mediated the Sacramento Area Water Forum Agreement, a six-year effort to develop a safe and reliable water supply for the metropolitan area through the year 2030. Mr. Folk-Williams has designed and implemented innovative mediation and public policy consensus-building strategies for over 20 years. He is the managing senior mediator. Mr. Booher provides strategic consulting to the Center on research, education, and policy issues. He has worked on collaborative policy projects with the Center involving strategic planning, land use, housing, K-12 education and state and local budgeting (biographies attached).

Additional Staff Duties

Before the Center conducts its assessment, Commission staff will contact the legislative leadership and Administration officials to request endorsement of the initial assessment process.