

ITEM 12

EXECUTIVE DIRECTOR'S REPORT

Budget, Workload Update, and Tentative Agenda Items for the March 2023 and May 2023 Meetings (info)

I. New Commission Staff

Since the Commission's last meeting, we have hired four new staff members: an Attorney, a Program Analyst-Procurement, a Program Analyst-Accounting, and an Office Technician.

Ms. Anna Barich, the Commission's new staff Attorney, earned her law degree from UC Davis where she also received an Intellectual Property Certificate and served as staff editor of the *UC Davis Business Law Journal*. While at UCD, Anna also served as a research assistant conducting research on such complex legal issues as copyright, intellectual property, technology, and international law topics, including international bitcoin regulations and analytics transparency. Anna has since worked as an attorney for a small boutique firm in Santa Rosa where she served as lead attorney for an administrative hearing, researched and wrote memos on land use and environmental law issues, such as CEQA questions, local government land use approval procedures, and timber harvesting plans, drafted project descriptions and draft resolutions for projects that required environmental approval from local governments, and, negotiated with County Counsel regarding building code violations. Ms. Barich earned her Bachelor's Degree in Modern Literature from UC Santa Cruz. Anna's first day with the Commission was Friday, January 6, 2023.

Ms. Nikki Baker, the Commission's new Associate Governmental Program Analyst – Procurement, has worked for the State since 2018. Her first State position was as a Management Services Technician at the Department of Industrial Relations (DIR), where she drafted and edited documents; managed and arranged for execution and distribution, including the use of a management database; evaluated Public Records Act requests, and regulations to expedite records to members of the public, Federal, State, and local government agencies; input and served documents, and filed and retrieved electronic and paper case files. Then she promoted to a position as a Staff Services Analyst for the Department of Parks and Recreation where she originated, reviewed, tracked, and paid invoices and reconciled individual and blanket purchase orders and STD 213 contracts based on State contracts, and master service and rental agreements; utilized Small & Disabled Veteran Business Enterprises as much as possible; completed authorization for payment, via Fi\$Cal, for purchase orders, contracts and open invoices; and, researched, analyzed and generated history corrections on discrepancies on invoices. Prior to her State service, Nichole served as an executive assistant at Pixel Plantation and prior to that, she held internships with Tim Lahaye Productions and the Disney College Program. Ms. Baker earned her Bachelor's Degree in Fine Arts from Arizona State University in Theater and Film. Nikki's first day with the Commission was Thursday, January 5, 2023.

Ms. Christina Losno, the Commission's new Associate Governmental Program Analyst – Accounting, has worked for the State since 2013. Her first State position was as an Office Technician at the Department of Housing and Community Development (HCD) where she was

responsible for providing administrative and technical support to the Director's Office. In that capacity she provided analysis and overview of information resulting from grants and loans being disbursed to needy communities, tracked data that changed when grants and loans were disbursed, and created spreadsheets to analyze the grants and loans. Christina promoted to a Management Services Technician position at the Department of Industrial Relations (DIR), Office of Self-Insurance Plans, where she performed accounting duties such as logging in checks into the data system, sending payments to the accounting division, and following up on late payments for audit reports. She used Word and Excel to track deposits made throughout the year and to track received and missing payments. While at DIR she performed additional fiscal duties such as: ordering supplies for the office, paying office bills and inputting receipts. Ms. Losno also created requisitions for supplies, annual contracts, phone lines, and misc. orders; assisted field auditors by supplying necessary information for their audit reports such as, annual reports, claims logs, excess insurance, certificates for administrators. Finally, Ms. Losno promoted to a position as a Staff Services Analyst for the California Department of Public Health where she worked in the exams unit (HR). She applied to the Commission, in part, due to a desire to get back to working with numbers such as in accounting. The appointment to the Commission is a promotion for Christina. Christina's first day with the Commission was Thursday, January 5, 2023.

Finally, Ms. Alexandra Peace, the Commission's new Office Technician, worked for the State for over three years earlier in her career. Her first position was as a Seasonal Clerk at the Department of Rehabilitation, where she answered phones and provided service to the public, assisted with scheduling meetings, rooms for meetings, and setting up equipment for meetings; composed letters, memos, listings and emails using Outlook, MS Word and Excel; facilitated travel arrangements (booked travel arrangements for hotel, airfare and car rentals) and expense records; created, maintained and organized files; and scanned and photocopied documents. Then she promoted to the Office of Statewide Health Planning and Development (OSHPD), as an Office Technician General where she performed receptionist and general clerical duties; provided secretarial support to the project manager; served as division's training coordinator, handling the processing of individual training requests and registrations, where she screened training requests for proper completion and negotiated the best price with private training vendors; served as attendance coordinator; served as travel coordinator making travel and lodging arrangements and processing travel expense claims for staff; followed up with accounting on payment of invoices for goods and services, reconciled invoices for payment approvals and resolved errors with vendors/suppliers; ordered and maintained supplies and equipment; and handled documents including filing and records management. Finally, Alexandra promoted to Office Technician, Typing at the Department of Health Care Services, where she provided receptionist duties and general clerical support to hearing officers and staff, answered multi phone lines, screened and directed a wide variety of telephone calls: directed and assisted visitors; copied and mailed hearing notices; photocopied documents for distribution; processed and distributed incoming and outgoing mail; scan faxed documents; reviewed travel expense claims submitted for accuracy and submitted paperwork to accounting for payment; performed data entry maintain excel spread sheets; prepared and maintained office records retention schedule; served as attendance coordinator, inputting all recorded time via HRIS system; reviewed timesheets for accuracy; served as office procurement coordinator; purchased office supplies, office equipment and furniture; reconciled data, collected to properly support invoicing, and provided a documented audit trail. After working for the State, Ms. Peace worked

for Apple as a MacOS / iOS Technical Support Customer Care Advisor where she ensured first call resolution in a timely manner, while maintaining the highest level of quality support by diagnosing the problem and providing a path to resolution, accurately logging all interactions; achieving call center metrics including average handle time and customer availability as well as schedule adherence and conformance, recognizing and adjusting her approach to all levels of customer's experience, educating customers on support options, and the steps being taken to resolve their issue; and, communicating positively with team members, customers and other partners. Before coming to the Commission, Ms. Peace worked for Meals on Wheels, as an administrative assistant, where she performed a variety of clerical support including data entry and receptionist duties. She also provided operational support, involving customer service, document preparation, file and record keeping, statistical reporting and financial transactions, processing driver paper work and dispatching calls to drivers. She also worked as a care giver for In-Home Support Services, where she provided in-home domestic and personal care services to allow individuals to remain safely in their own home and prevent the need for out-of-home care. We are delighted to have her join our team. Alexandra's first day was Monday, December 19, 2022.

II. The Commission's 2023-2024 Budget

The Governor introduced his proposed 2023-2024 budget on January 10, 2023. The Commission's 2023-2024 operating budget as proposed in the Governor's Budget is \$3,292,000 and is broken down as: \$2,835,000 for Personal Services and \$457,000 for Operating Expenses and Equipment. This is a decrease of \$14,000 from the total appropriation of \$3,306,000 for 2022-2023 after adjustments for salaries and benefits of \$124,000. The Governor's Budget also includes \$154,151,000 for Local Assistance or local agency mandated programs - an increase of \$85,457,000 over the 2022-2023 budget of \$68,694,000. It is assumed that this increase is to fund increased annual costs for existing mandated programs as well as the initial and annual costs estimated for *Racial and Identity Profiling* (18-TC-01) and *Sexual Assault Evidence Kits: Testing* (20-TC-01).

III. Workload¹ (info)

A. COMPLETED WORKLOAD SUMMARY

| Type of Caseload | Completed in 2021-2022 | Completed in 2022/2023 |
|---|------------------------|------------------------|
| Test Claims | 3 | 2 |
| Parameters & Guidelines | 2 | 0 |
| Parameters & Guidelines Amendments | 1 | 0 |
| Requests for Reconsideration | 0 | 0 |
| Statewide Cost Estimates | 2 | 2 |
| Request to Review Claiming Instructions | 0 | 0 |
| Requests for Mandate Redetermination ² | 0 | 0 |

¹ As of January 1, 2023.

² Requests for Mandate Redetermination require a two-hearing process.

| Type of Caseload | Completed in 2021-2022 | Completed in 2022/2023 |
|--|------------------------|------------------------|
| Requests for Mandate Redetermination to be Amended, Set Aside, or Reinstated, as Directed by the Legislature or Court Action | 0 | 0 |
| Requests for Mandate Redetermination Reconsideration Based on Court Action | 0 | 0 |
| Incorrect Reduction Claims | 4 | 3 |
| Appeal of Executive Director Decisions | 0 | 0 |
| Order to Set Aside a Test Claim, Parameters and Guidelines or Incorrect Reduction Claim Decision | 0 | 0 |

B. COMMISSION WORKLOAD REPORT

| Type of Action | Pending on 7/1/2022 | Filed Since 7/1/2022 | Completed Since 7/1/2022 | Pending on 1/1/2023 |
|---|---------------------|----------------------|--------------------------|---------------------|
| Test Claims | 40 | 1 | 2 | 40 ³ |
| Parameters and Guidelines | 1 | 0 ⁴ | 0 | 1 ⁵ |
| Joint Reasonable Reimbursement Methodologies | 0 | 0 | 0 | 0 |
| 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 | 3 | 0 ⁶ | 2 | 1 |
| Test Claim Reconsiderations or Reinstatements Based on Court Action | 0 | 0 | 0 | 0 |

³ 38 of the 40 pending local agency claims are regarding National Pollutant Discharge Elimination System (NPDES) permits. There are no school district test claims currently pending. One of these claims was filed on June 29, 2022 but the filing was not complete and issued for comment until November 9, 2022.

⁴ A test claimant may file proposed parameters and guidelines or Commission staff may prepare and issue draft expedited parameters and guidelines upon the adoption of an approved test claim or upon the expiration of a joint reasonable reimbursement methodology.

⁵ This Parameters and Guidelines is on inactive status pending the outcome of litigation on the underlying Test Claim Decision.

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.

| Type of Action | Pending on 7/1/2022 | Filed Since 7/1/2022 | Completed Since 7/1/2022 | Pending on 1/1/2023 |
|--|---------------------|----------------------|--------------------------|---------------------|
| Parameters and Guidelines to be Amended, Set Aside, or Reinstated, as Directed by the Legislature or Court Action | 0 | 0 | 0 | 0 |
| Proposed Amendments to Parameters and Guidelines | 1 | 0 ⁷ | 0 | 1 |
| Requests for Mandate Redetermination ⁸ | 0 | 0 | 0 | 0 |
| Requests for Mandate Redetermination to be Reconsidered, Amended, Set Aside, or Reinstated, as Directed by the Legislature or Court Action | 0 | 0 | 0 | 0 |
| Incorrect Reduction Claims | 3 | 0 | 3 | 0 |
| Incorrect Reduction Claims to be Reconsidered Based on Court Action | 0 | 0 | 0 | 0 |
| Appeals of Executive Director's Decisions | 0 | 0 | 0 | 0 |
| Order to Set Aside a Test Claim, Parameters and Guidelines or Incorrect Reduction Claim Decision | 0 | 0 | 0 | 1 |
| Regulatory Actions Pending | 1 | 0 | 1 | 0 |
| Applications for Findings of Significant Financial Distress | 0 | 0 | 0 | 0 |

III. TENTATIVE AGENDA ITEMS (info)

The tentative agenda items are subject to change based on, among other things, Commission workload, staffing, litigation, requests for extensions of time to file comments on draft proposed decisions, hearing postponements, informal conferences, and the complexity of the matters.

⁷ An affected local or state agency may file proposed parameters and guidelines amendments for any of the reasons specified by section 1183.17 of the Commission's regulations or Commission staff may be issue them upon the adoption of new test claim decision under the mandate redetermination process.

⁸ Requests for Mandate Redetermination require a two-hearing process.

March or May 2023 Meetings

A. TEST CLAIMS

1. *California Regional Water Quality Control Board, San Francisco Bay Region, Order No. R2-2009-0074, Provisions C.2.b, C.2.c, C.2.e, C.2.f, C.8.b, C.8.c, C.8.d, C.8.e.i, ii, and vi, C.8.f, C.8.g, C.8.h, C.10.a, C.10.b, C.10.c, C.10.d, C.11.f, and C.12.f, 10-TC-02, 10-TC-03, ad 10-TC-05*
City of Dublin, County of Santa Clara, and City of San Jose
2. *California Regional Water Quality Control Board, Santa Ana Region, Order No. R8-2010-0033, 10-TC-07*
County of Riverside, Riverside County Flood Control and Water Conservation District, and Cities of Beaumont, Corona, Hemet, Lake Elsinore, Moreno Valley, Perris, and San Jacinto
3. *California Regional Water Quality Control Board, San Diego Region, Order No. R9-2009-0002, 10-TC-11*
County of Orange, Orange County Flood Control District, Cities of Dana Point, Laguna Hills, Laguna Niguel, Lake Forest, Mission Viejo, and San Juan Capistrano, Claimants
4. *California Regional Water Quality Control Board, San Diego Region, Order No. R9-2010-0016, 11-TC-03*
County of Riverside, Riverside County Flood Control and Water Conservation District, and the Cities of Murrieta, Temecula, and Wildomar, Claimants
5. *California Regional Water Quality Control Board, Los Angeles Region, Order No. R4-2012-0175, 13-TC-01 and 13-TC-02*
County of Los Angeles and Los Angeles County Flood Control District, and the Cities of Agoura Hills, Bellflower, Beverly Hills, Carson, Cerritos, Commerce, Downey, Huntington Park, Lakewood, Manhattan Beach, Norwalk, Pico Rivera, Rancho Palos Verdes, Redondo Beach, San Marino, Santa Clarita, Santa Fe Springs, Signal Hill, South El Monte, Vernon, Westlake Village, and Whittier, Claimants
6. *Lead Sampling in Schools, Permit Amendment No. 2017PA-SCHOOLS, City of San Diego Public Water System No. 3710020, effective January 18, 2017, on Remand, 17-TC-03-R*
City of San Diego, Claimant
7. *Sex Offenders Registration: Petitions for Termination, 21-TC-03*
County of Los Angeles, Claimant

B. PARAMETERS AND GUIDELINES

Juveniles: Custodial Interrogation, 21-TC-01
County of Los Angeles, Claimant

C. PARAMETERS AND GUIDELINES AMENDMENTS

Racial and Identity Profiling, 21-PGA-01
City of Claremont, Requester