

## ITEM 11

### EXECUTIVE DIRECTOR'S REPORT

#### Budget, Workload Update, and Tentative Agenda Items for the May 2022 and July 2022 Meetings (info)

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##### I. 2022-2023 Budget

The Budget Act of 2022 (AB 1624, Ting; SB 840 Skinner) was introduced on January 10, 2022. The Commission's budget was heard in Senate Budget Subcommittee 4 on February 9, 2022, and was approved as proposed. On March 8, 2022 it was heard and approved in Assembly Budget Subcommittee 4.

##### A. The Commission's Operating Budget: 8885-001-0001

The Commission's 2022-2023 budget as proposed for the Governor's Budget was \$3,182,000. This is an increase of \$475,000 over the 2021-2022 budget of \$2,707,000. The proposed 2022-2023 Commission budget includes a proposal for three additional positions and a reclassification of an existing position (two Associate Governmental Program Analysts and one Information Technology Specialist I, as well as a reclassification of the current Information Technology Specialist I to a Technology Specialist II) for administrative and information technology staff and document accessibility software. This would increase the Commission's staff from 13.5 positions in 2021-2022 to 16.5 positions in 2022-2023. The increase also includes a request for a one-time augmentation of \$8,000 General Fund for portable document format (PDF) accessibility remediation software. The proposal also includes \$62,903,000 for local agency mandated programs. This is an increase of \$15,225,000 over the 2021-2022 budget of \$47,678,000.

##### B. Local Agency Mandate Funding and Suspension

##### 1. Under the Commission's Budget: 8885-295-0001 – For Local Assistance for Reimbursement

The proposed budget appropriates \$61.049 million for local agency mandated programs. Pursuant to the provisions of Section 17581 of the Government Code, the mandates identified in the following schedule are specifically identified by the Legislature for suspension during the 2022–23 fiscal year:

- (a) Absentee Ballots (Ch. 77, Stats. 1978 and Ch. 1032, Stats. 2002) (CSM 3713)
- (b) Absentee Ballots-Tabulation by Precinct (Ch. 697, Stats. 1999) (00-TC-08)
- (c) AIDS/Search Warrant (Ch. 1088, Stats. 1988) (CSM 4392)
- (d) Airport Land Use Commission/Plans (Ch. 644, Stats. 1994) (CSM 4507)
- (e) Animal Adoption (Ch. 752, Stats. 1998 and Ch. 313, Stats. 2004) (04-PGA-01 and 98-TC-11)

- (f) Brendon Maguire Act (Ch. 391, Stats. 1988) (CSM 4357)
- (g) Conservatorship: Developmentally Disabled Adults (Ch. 1304, Stats. 1980) (04-LM-13)
- (h) Coroners' Costs (Ch. 498, Stats. 1977) (04-LM-07)
- (i) Crime Statistics Reports for the Department of Justice (Ch. 1172, Stats. 1989; Ch. 1338, Stats. 1992; Ch. 1230, Stats. 1993; Ch. 933, Stats. 1998; Ch. 571, Stats. 1999; and Ch. 626, Stats. 2000) (02-TC-04 and 02-TC-11) and Crime Statistics Reports for the Department of Justice Amended (Ch. 700, Stats. 2004) (07-TC-10)
- (j) Crime Victims' Domestic Violence Incident Reports II (Ch. 483, Stats. 2001; Ch. 833, Stats. 2002) (02-TC-18)
- (k) Developmentally Disabled Attorneys' Services (Ch. 694, Stats. 1975) (04-LM-03)
- (l) DNA Database & Amendments to Postmortem Examinations: Unidentified Bodies (Ch. 822, Stats. 2000; Ch. 467, Stats. 2001) (00-TC-27 and 02-TC-39)
- (m) Domestic Violence Background Checks (Ch. 713, Stats. 2001) (01-TC-29)
- (n) Domestic Violence Information (Ch. 1609, Stats. 1984 and Ch. 668, Stats. 1985) (CSM 4222)
- (o) Elder Abuse, Law Enforcement Training (Ch. 444, Stats. 1997) (98-TC-12)
- (p) Extended Commitment, Youth Authority (Ch. 267, Stats. 1998 and Ch. 546, Stats. 1984) (98-TC-13)
- (q) False Reports of Police Misconduct (Ch. 590, Stats. 1995 and Ch. 289, Stats. 2000) (00-TC-26)
- (r) Firearm Hearings for Discharged Inpatients (Ch. 578, Stats. 1999) (99-TC-11)
- (s) Grand Jury Proceedings (Ch. 1170, Stats. 1996; Ch. 443, Stats. 1997; and Ch. 230, Stats. 1998) (98-TC-27)
- (t) Interagency Child Abuse and Neglect (ICAN) Investigation Reports (Ch. 958, Stats. 1977; Ch. 1071, Stats. 1980; Ch. 435, Stats. 1981; Chs. 162 and 905, Stats. 1982; Chs. 1423 and 1613, Stats. 1984; Ch. 1598, Stats. 1985; Chs. 1289 and 1496, Stats. 1986; Chs. 82, 531, and 1459, Stats. 1987; Chs. 269, 1497, and 1580, Stats. 1988; Ch. 153, Stats. 1989; Chs. 650, 1330, 1363, and 1603, Stats. 1990; Chs. 163, 459, and 1338, Stats. 1992; Chs. 219 and 510, Stats. 1993; Chs. 1080 and 1081, Stats. 1996; Chs. 842, 843, and 844, Stats. 1997; Chs. 475 and 1012, Stats. 1999; and Ch. 916, Stats. 2000) (00-TC-22)
- (u) Identity Theft (Ch. 956, Stats. 2000) (03-TC-08)

- (v) In-Home Supportive Services II (Ch. 445, Stats. 2000 and Ch. 90, Stats. 1999) (00-TC-23)
- (w) Inmate AIDS Testing (Ch. 1579, Stats. 1988 and Ch. 768, Stats. 1991) (CSM 4369 and CSM 4429)
- (x) Judiciary Proceedings (Ch. 644, Stats. 1980) (CSM 4366)
- (y) Law Enforcement Sexual Harassment Training (Ch. 126, Stats. 1993) (97-TC-07)
- (z) Local Coastal Plans (Ch. 1330, Stats. 1976) (CSM 4431)
- (aa) Mandate Reimbursement Process (Ch. 486, Stats. 1975 and Ch. 1459, Stats. 1984) (CSM 4204 and CSM 4485)
- (bb) Mandate Reimbursement Process II (Ch. 890, Stats. 2004) (05-TC-05) (Suspension of Mandate Reimbursement Process and Mandate Reimbursement Process II includes suspension of the Consolidation of Mandate Reimbursement Processes I and II)
- (cc) Mentally Disordered Offenders: Treatment as a Condition of Parole (Ch. 228, Stats. 1989 and Ch. 706, Stats. 1994) (00-TC-28 and 05-TC-06)
- (dd) Mentally Disordered Offenders' Extended Commitments Proceedings (Ch. 435, Stats. 1991; Ch. 1418, Stats. 1985; Ch. 858, Stats. 1986; Ch. 687, Stats. 1987; Chs. 657 and 658, Stats. 1988; Ch. 228, Stats. 1989; and Ch. 324, Stats. 2000) (98-TC-09)
- (ee) Mentally Disordered Sex Offenders' Recommitments (Ch. 1036, Stats. 1978) (04-LM-09)
- (ff) Mentally Retarded Defendants Representation (Ch. 1253, Stats. 1980) (04-LM-12)
- (gg) Missing Persons Report (Ch. 1456, Stats. 1988 and Ch. 59, Stats. 1993) (CSM 4255, CSM 4368, and CSM 4484)
- (hh) Modified Primary Election (Ch. 898, Stats. 2000) (01-TC-13)
- (ii) Not Guilty by Reason of Insanity (Ch. 1114, Stats. 1979 and Ch. 650, Stats. 1982) (CSM 2753) (05-PGA-35)
- (jj) Open Meetings Act/Brown Act Reform (Ch. 641, Stats. 1986 and Chs. 1136, 1137, and 1138, Stats. 1993) (CSM 4257 and CSM 4469)
- (kk) Pacific Beach Safety: Water Quality and Closures (Ch. 961, Stats. 1992) (CSM 4432)
- (ll) Perinatal Services (Ch. 1603, Stats. 1990) (CSM 4397) (05-PGA-38)
- (mm) Permanent Absent Voters II (Ch. 922, Stats. 2001, Ch. 664, Stats. 2002, and Ch. 347, Stats. 2003) (03-TC-11)
- (nn) Personal Safety Alarm Devices (8 Cal. Code Regs. 3401 (c)) (CSM 4087)

- (oo) Photographic Record of Evidence (Ch. 875, Stats. 1985; Ch. 734, Stats. 1986; and Ch. 382, Stats. 1990) (98-TC-07)
- (pp) Pocket Masks (Ch. 1334, Stats. 1987) (CSM 4291)
- (qq) Post Conviction: DNA Court Proceedings (Ch. 943, Stats. 2001 and Ch. 821, Stats. 2000) (00-TC-21 and 01-TC-08)
- (rr) Postmortem Examinations: Unidentified Bodies, Human Remains (Ch. 284, Stats. 2000) (00-TC-18)
- (ss) Prisoner Parental Rights (Ch. 820, Stats. 1991) (CSM 4427)
- (tt) Senior Citizens Property Tax Postponement (Ch. 1242, Stats. 1977 and Ch. 43, Stats. 1978) (CSM 4359)
- (uu) Sex Crime Confidentiality (Ch. 502, Stats. 1992; Ch. 36, 1993–94 1st Ex. Sess.; and Ch. 555, Stats. 1993) (98-TC-21)
- (vv) Sex Offenders: Disclosure by Law Enforcement Officers (Chs. 908 and 909, Stats. 1996; Chs. 17, 80, 817, 818, 819, 820, and 822, Stats. 1997; and Chs. 485, 550, 927, 928, 929, and 930, Stats. 1998) (97-TC-15)
- (ww) SIDS Autopsies (Ch. 955, Stats. 1989) (CSM 4393)
- (xx) SIDS Contacts by Local Health Officers (Ch. 268, Stats. 1991) (CSM 4424)
- (yy) SIDS Training for Firefighters (Ch. 1111, Stats. 1989) (CSM 4412)
- (zz) Stolen Vehicle Notification (Ch. 337, Stats. 1990) (CSM 4403)
- (aaa) Structural and Wildland Firefighter Safety Clothing and Equipment (8 Cal. Code Regs., 3401 to 3410, incl.) (CSM 4261 and CSM 4281)
- (bbb) Very High Fire Hazard Severity Zones (Ch. 1188, Stats. 1992; Ch. 843, Stats. 1994; and Ch. 333, Stats. 1995) (97-TC-13)
- (ccc) Voter Identification Procedures (Ch. 260, Stats. 2000) (03-TC-23)
- (ddd) Voter Registration Procedures (Ch. 704, Stats. 1975) (04-LM-04)

## **2. 5180-151-0001 – For Local Assistance, Department of Social Services**

Although local agency mandates are generally now funded through the Commission’s budget, recent budgets (including for 2022-2023) make up to \$4 million dollars available in county-optional block grant funding through the Department of Social Services’ budget, for allocation to local agencies to fund activities that are reimbursable under *Interagency Child Abuse and Neglect Investigation Reports*, 00-TC-22. Local governments that receive the block grant funding are not eligible to claim costs under section 17560 of the Government Code for any costs associated with the program. The Department of Social Services, in consultation with the California State Association of Counties, shall develop the allocation methodology for distributing the funds to the participating counties. Block grant funding apportioned according to this item is subject to annual financial and compliance audits.

### **C. K-14 Mandate Funding and Suspension**

Unlike local agency mandate funding, K-14 mandate funding takes place outside of the Commission's budget. Among other things, the Budget Bill (AB 1624, Ting; SB 840 Skinner) does the following with regard to mandate funding.

#### **1. 6100-295-0001 – For Local Assistance, State Department of Education (Proposition 98)**

6100-295-0001 appropriates \$49,000 “for local assistance, State Department of Education (Proposition 98), for reimbursement, in accordance with the provisions of Section 6 of Article XIII B of the California Constitution or Section 17561 of the Government Code, of the cost of any new program or increased level of service of an existing program mandated by statute or executive order, for disbursement by the Controller for claims for costs incurred during the 2020–21 fiscal year.” Under this line item, Schedule (1) 5240016-K–12 Mandated Cost Reimbursement Program then provides “for payment of the following mandate claims incurred during the 2020–21 fiscal year,” \$1000 for each of the following mandated programs:

- (a) Consolidation of Annual Parent Notification/Schoolsite Discipline Rules/Alternative Schools (Ch. 36, Stats. 1977) (CSM 4445, 4453, 4461, 4462, 4474, 4488, 97-TC-24, 99-TC-09, and 00-TC-12)
- (b) Caregiver Affidavits to Establish Residence for School Attendance (Ch. 98, Stats. 1994) (CSM 4497)
- (c) School District Fiscal Accountability Reporting and Employee Benefits Disclosure (Consolidation) (Ch. 100, Stats. 1981) (97-TC-19)
- (d) Intradistrict Attendance (Ch. 161, Stats. 1993) (CSM 4454)
- (e) Interdistrict Attendance Permits (Ch. 172, Stats. 1986)
- (f) Differential Pay and Reemployment (Ch. 30, Stats. 1998) (99-TC-02)
- (g) Immunization Records—Mumps, Rubella, and Hepatitis B (Ch. 325, Stats. 1978 and Ch. 435, Stats. 1979) (98-TC-05 and 14-MR-04)
- (h) Notification of Truancy (Ch. 498, Stats. 1983) (CSM 4133)
- (i) Criminal Background Checks I (Ch. 588, Stats. 1997) (97-TC-16)
- (j) Criminal Background Checks II (Ch. 594, Stats. 1998 and Ch. 840, Stats. 1998; Ch. 78, Stats. 1999) (00-TC-05)
- (k) California State Teachers' Retirement System Service Credit (Ch. 603, Stats. 1994) (02-TC-19)
- (l) Child Abuse and Neglect Reporting (Ch. 640, Stats. 1987) (01-TC-21)
- (m) Comprehensive School Safety Plans I and II (Ch. 736, Stats. 1997) (98-TC-01 and 99-TC-10)
- (n) Pupil Promotion and Retention (Ch. 100, Stats. 1981) (98-TC-19)
- (o) Charter Schools I, II, and III (Ch. 781, Stats. 1992) (CSM 4437 et al., 99-TC-03, and 99-TC-14)

- (p) AIDS Instruction and AIDS Prevention Instruction (Ch. 818, Stats. 1991 and Ch. 403, Stats. 1998) (CSM 4422, 99-TC-07, and 00-TC-01)
- (q) Agency Fee Arrangements (Ch. 893, Stats. 2000 and Ch. 805, Stats. 2001) (00-TC-17 and 01-TC-14)
- (r) County Office of Education Fiscal Accountability Reporting (Ch. 917, Stats. 1987) (97-TC-20)
- (s) Collective Bargaining and Collective Bargaining Agreement Disclosure (Ch. 961, Stats. 1975) (CSM 4425 and 97-TC-08)
- (t) Pupil Health Screenings (Ch. 1208, Stats. 1976) (CSM 4440)
- (u) Physical Performance Tests (Ch. 975, Stats. 1995) (96-365-01)
- (v) Juvenile Court Notices II (Ch. 1011, Stats. 1984 and Ch. 1423, Stats. 1984) (CSM 4475)
- (w) Charter Schools IV (Ch. 1058, Stats. 2002) (03-TC-03)
- (x) Public Contracts (Ch. 1073, Stats. 1985) (02-TC-35)
- (y) Uniform Complaint Procedures (Ch. 1117, Stats. 1982) (03-TC-02) .
- (z) Consolidation of Law Enforcement Agency Notifications (LEAN) and Missing Children Reports (MCR) (Ch. 1117, Stats. 1989) (CSM 4505 and 4505-2)
- (aa) Immunization Records (Ch. 1176, Stats. 1977) (SB 90-120)
- (bb) Habitual Truant (Ch. 1184, Stats. 1975) (CSM 4487 and 4487-A)
- (cc) School District Reorganization (Ch. 1192, Stats. 1980 and Ch. 1186, Stats. 1994) (98-TC-24)
- (dd) Prevailing Wage Rate (Ch. 1249, Stats. 1978) (01-TC-28) .
- (ee) Threats Against Peace Officers (Ch. 1249, Stats. 1992)
- (ff) Expulsion of Pupils: Transcript Cost for Appeals (Ch. 1253, Stats. 1975)
- (gg) Consolidation of Notification to Teachers: Pupils Subject to Suspension or Expulsion I and II, and Pupil Discipline Records (Ch. 1306, Stats. 1989) (CSM 4452)
- (hh) School Accountability Report Cards (Ch. 912, Stats. 1997) (00-TC-09, 00-TC-13, and 02-TC-32)
- (ii) Financial and Compliance Audits (Ch. 36, Stats. 1977) (CSM 4498 and 4498-A)
- (jj) The Stull Act (Ch. 498, Stats. 1983 and Ch. 4, Stats. 1999) (98-TC-25)
- (kk) Pupil Safety Notices (Ch. 498, Stats. 1983) (02-TC-13)
- (ll) Graduation Requirements (Ch. 498, Stats. 1983) (CSM 4181-A)
- (mm) Student Records (Ch. 593, Stats. 1989) (02-TC-34)

- (nn) Williams Case Implementation I, II, and III (Ch. 900, Stats. 2004) (05-TC-04, 07-TC-06, and 08-TC-01)
- (oo) Parental Involvement Programs (Ch. 1400, Stats. 1990) (03-TC-16)
- (pp) Developer Fees (Ch. 955, Stats. 1977) (02-TC-42)
- (qq) Consolidated Suspensions, Expulsions, and Expulsion Appeals (Chs. 972 and 974, Stats. 1995) (96-358-03, 03A, 98-TC-22, 01-TC-18, 98-TC-23, 97-TC-09, CSM 4456, 4455, and 4463)
- (rr) Immunization Records—Pertussis (Ch. 434, Stats. 2010) (11-TC-02) .
- (ss) Race to the Top (Chs. 2 and 3, Stats. 2010, 5th Ex. Sess.) (10-TC-06) .
- (tt) Training for School Employee Mandated Reporters (Ch. 797, Stats. 2014) (14-TC-02)
- (uu) California Assessment of Student Performance and Progress (CAASPP) (Ch. 489, Stats. 2013) (14-TC-01 and 14-TC-04)
- (vv) Cal Grant: Opt-Out Notice and Grade Point Average Submission (Ch. 679, Stats. 2014 and Ch. 82, Stats. 2016) (16-TC-02)
- (ww) Public School Restrooms: Feminine Hygiene Products (Ch. 687, Stats. 2017) (18-TC-01)

**2. 6100-296-0001 – For Local Assistance, State Department of Education (Proposition 98) Program 98-K-12 Mandated Programs Block Grant**

Appropriates \$252.541 million for the K-12 Mandated Programs Block Grant, \$34.54 per unit of average daily attendance of pupils in kindergarten to grade 8, inclusive, and \$64.63 per unit of average daily attendance of pupils in grades 9 to 12, inclusive.

**3. 6100-403**

6100-403 provides, pursuant to Section 17581.5 of the Government Code, the following K-12 mandates are specifically identified by the Legislature for suspension for the 2022-23 fiscal year:

- (1) Removal of Chemicals (Ch. 1107, Stats. 1984) (CSM 4211 and 4298)
- (2) Scoliosis Screening (Ch. 1347, Stats. 1980) (CSM 4195)
- (3) Pupil Residency Verification and Appeals (Ch. 309, Stats. 1995) (96-384-01)
- (4) School Bus Safety I and II (Ch. 624, Stats. 1992; Ch. 831, Stats. 1994; and Ch. 739, Stats. 1997) (CSM 4433 and 97-TC-22)
- (5) Physical Education Reports (Ch. 640, Stats. 1997) (98-TC-08)
- (6) Health Benefits for Survivors of Peace Officers and Firefighters (Ch. 1120, Stats. 1996) (97-TC-25)
- (7) Law Enforcement Sexual Harassment Training (Ch. 126, Stats. 1993) (97-TC-07)
- (8) County Treasury Withdrawals (Ch. 784, Stats. 1995) (96-365-03)

- (9) Grand Jury Proceedings (Ch. 1170, Stats. 1996) (98-TC-27)
- (10) Absentee Ballots (Ch. 77, Stats. 1978) (CSM 3713)
- (11) Brendon Maguire Act (Ch. 391, Stats. 1988) (CSM 4357)
- (12) Mandate Reimbursement Process I and II (Ch. 486, Stats. 1975 and Ch. 890, Stats. 2004) (CSM 4204, CSM 4485, and 05-TC-05)

**4. 6870-295-0001 – For Local Assistance, Board of Governors of the California Community Colleges (Proposition 98)**

6870-295-0001 appropriates \$13,000 “for local assistance, Board of Governors of the California Community Colleges (Proposition 98), for reimbursement, in accordance with the provisions of Section 6 of Article XIII B of the California Constitution or Section 17561 of the Government Code, of the cost of any new program or increased level of service of an existing program mandated by statute or executive order, for disbursement by the Controller for claims for costs incurred during the prior fiscal year.” Under this line item, Schedule (1) 5685010-Mandates provides “for payment of the following mandate claims incurred during the prior fiscal years,” \$1000 for each of the following mandated programs:

- (a) Health Fee Elimination (Ch. 1, 1983–84 2nd Ex. Sess.) (CSM 4206)
- (b) Collective Bargaining and Collective Bargaining Agreement Disclosure (Ch. 961, Stats. 1975) (CSM 4425, 97-TC-08)
- (c) Enrollment Fee Collection and Waivers (Title 5) (99-TC-13) (00-TC-15)
- (d) Threats Against Peace Officers (Ch. 1249, Stats. 1992)
- (e) Agency Fee Arrangements (Ch. 893, Stats. 2000; Ch. 805, Stats. 2001) (00-TC-17) (01-TC-14)
- (f) California State Teachers’ Retirement System Service Credit (Ch. 603, Stats. 1994) (02-TC-19)
- (g) Reporting Improper Governmental Activities (Ch. 416, Stats. 2001) (02-TC-24)
- (h) Public Contracts (Ch. 1073, Stats. 1985) (02-TC-35)
- (i) Cal Grants (Ch. 403, Stats. 2000) (02-TC-28)
- (j) Tuition Fee Waivers (Ch. 36, Stats. 1977) (02-TC-21)
- (k) Prevailing Wage Rate (Ch. 1249, Stats. 1978) (01-TC-28)
- (l) Minimum Conditions for State Aid (Ch. 973, Stats. 1988) (02-TC-25 and 02-TC-31)
- (m) Discrimination Complaint Procedures (Ch. 973, Stats. 1988) (02-TC-46 and portions of 02-TC-25 and 02-TC-31)



**5. 6870-296-0001 – For Local Assistance, Board of Governors of the California Community Colleges (Proposition 98), for transfer to Section B of the State School Fund, Program 98-Community College Mandated Programs Block Grant**

This line item appropriates \$35.782 million for transfer to Section B of the State School Fund, Program 98-Community College Mandated Programs Block Grant. It further provides:

1. The funds appropriated in this item are for transfer by the Controller to Section B of the State School Fund. Pursuant to Section 17581.7 of the Government Code, the funds appropriated in this item shall be distributed to community college districts that elect to participate in the block grant on the basis of funded full-time equivalent students (FTES) calculated as of the second principal apportionment for the 2021–22 fiscal year multiplied by \$32.31 per FTES.
2. If total funding provided in this item is insufficient to fully fund the rate specified in Provision 1, the Chancellor of the California Community Colleges shall proportionately reduce the rate to conform to available funding.

**6. 6870-403**

Pursuant to Section 17581.5 of the Government Code, mandates included in the language of this item are specifically identified by the Legislature for suspension during the 2021-22 fiscal year:

- (1) Law Enforcement Jurisdiction Agreements (Ch. 284, Stats. 1998) (98-TC-20)
- (2) Integrated Waste Management (Ch. 1116, Stats. 1992) (00-TC-07)
- (3) Sexual Assault Response Procedures (Ch. 423, Stats. 1990) (99-TC-12)
- (4) Student Records (Ch. 593, Stats. 1989) (02-TC-34)
- (5) Health Benefits for Survivors of Peace Officers and Firefighters (Ch. 1120, Stats. 1996) (97-TC-25)
- (6) Law Enforcement Sexual Harassment Training (Ch. 126, Stats. 1993) (97-TC-07)
- (7) Grand Jury Proceedings (Ch. 1170, Stats. 1996) (98-TC-27)
- (8) County Treasury Withdrawals (Ch. 784, Stats. 1995) (96-365-03)
- (9) Absentee Ballots (Ch. 77, Stats. 1978) (CSM 3713)
- (10) Brendon Maguire Act (Ch. 391, Stats. 1988) (CSM 4357)
- (11) Mandate Reimbursement Process I and II (Ch. 486, Stats. 1975 and Ch. 890, Stats. 2004) (CSM 4204, CSM 4485, and 05-TC-05)
- (12) Sex Offenders: Disclosure by Law Enforcement Officers (Chs. 908 and 909, Stats. 1996) (97-TC-15)

## II. WORKLOAD<sup>1</sup> (info)

### A. COMPLETED WORKLOAD SUMMARY

| Type of Caseload   | Completed in 2020/2021 | Completed in 2021/2022 |
|--|------------------------|------------------------|
| Test Claims  | 5                      | 3                      |
| Parameters & Guidelines  | 2                      | 2                      |
| Parameters & Guidelines Amendments   | 0                      | 1                      |
| Requests for Reconsideration   | 0                      | 0                      |
| Statewide Cost Estimates   | 2                      | 2                      |
| Request to Review Claiming Instructions  | 0                      | 0                      |
| Requests for Mandate Redetermination <sup>2</sup>  | 0                      | 0                      |
| 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   | 11                     | 2                      |
| 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 7/1/2021 | Filed Since 7/1/2021 | Completed Since 7/1/2021 | Pending on 3/1/2022 |
|--|---------------------|----------------------|--------------------------|---------------------|
| Test Claims                                  | 40                  | 2                    | 3                        | 40 <sup>3</sup>     |
| Parameters and Guidelines                    | 2                   | 1 <sup>4</sup>       | 2                        | 1 <sup>5</sup>      |
| Joint Reasonable Reimbursement Methodologies | 0                   | 0                    | 0                        | 0                   |

<sup>1</sup> As of March 1, 2022.

<sup>2</sup> Requests for Mandate Redetermination require a two-hearing process.

<sup>3</sup> 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 local agency claims was filed on May 21, 2021 but was not completed and issued for comment until December 1, 2021.

<sup>4</sup> 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.

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

| <b>Type of Action</b>  | <b>Pending on 7/1/2021</b> | <b>Filed Since 7/1/2021</b> | <b>Completed Since 7/1/2021</b> | <b>Pending on 3/1/2022</b> |
|--|----------------------------|-----------------------------|---------------------------------|----------------------------|
| 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                          | 2 <sup>6</sup>              | 2                               | 3                          |
| 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 Amendments to Parameters and Guidelines   | 1                          | 1 <sup>7</sup>              | 1                               | 1                          |
| Requests for Mandate Redetermination <sup>8</sup>  | 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   | 7                          | 0                           | 2                               | 5                          |
| Incorrect Reduction Claims to be Reconsidered Based on Court Action  | 0                          | 0                           | 0                               | 0                          |
| Appeals of Executive Director's Decisions  | 0                          | 0                           | 0                               | 0                          |

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<sup>6</sup> 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.

<sup>7</sup> 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.

<sup>8</sup> Requests for Mandate Redetermination require a two-hearing process.

| <b>Type of Action</b>  | <b>Pending on 7/1/2021</b> | <b>Filed Since 7/1/2021</b> | <b>Completed Since 7/1/2021</b> | <b>Pending on 3/1/2022</b> |
|--|----------------------------|-----------------------------|---------------------------------|----------------------------|
| Order to Set Aside a Test Claim, Parameters and Guidelines or Incorrect Reduction Claim Decision | 0                          | 0                           | 0                               | 0                          |
| Regulatory Actions Pending   | 1                          | 0                           | 0                               | 1                          |
| 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.

#### **May or July Meetings**

##### **A. TEST CLAIMS**

1. *California Regional Water Quality Control Board, Santa Ana Region, Order No. R8-2009-0030, 09-TC-03*  
County of Orange, Orange County Flood Control District, Cities of Anaheim, Brea, Buena Park, Costa Mesa, Cypress, Fountain Valley, Fullerton, Huntington Beach, Irvine, Lake Forest, Newport Beach, Placentia, Seal Beach, and Villa Park, Claimants
2. *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
3. *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
4. *California Voting for All Act: Ballot Translations and Posting Requirements, 20-TC-03*  
County of Los Angeles, Claimant
5. *Floodplain Restoration Condition (no. 12) of Water Quality Certification for Turlock Irrigation District and Modesto Irrigation District – Don Pedro Hydroelectric Project and La Grange Hydroelectric Project, 21-TC-02*  
Turlock Irrigation District and Modesto Irrigation District, Claimants

##### **B. STATEWIDE COST ESTIMATES**

1. *Racial and Identity Profiling, 18-TC-02*
2. *Sexual Assault Evidence Kits: Testing, 20-TC-01*

**C. INCORRECT REDUCTION CLAIMS**

1. *Municipal Storm Water and Urban Runoff Discharges*, 19-0304-I-05  
City of La Puente, Claimant
2. *Municipal Storm Water and Urban Runoff Discharges*, 20-0304-I-07  
City of Lakewood, Claimant