

ITEM 9

EXECUTIVE DIRECTOR'S REPORT

Budget, Workload Update, and Tentative Agenda Items for the September and December 2021 Meetings (info)

I. 2021-2022 Budget

The Budget Act of 2021 (AB 128, Ting) was timely enacted on June 28, 2021. The Commission's budget was adopted as introduced, however, it is anticipated that budget trailer bills will make changes with respect to employee salaries, benefits and related deductions, and the five percent general budget reduction for Operating Expenses and Equipment (OE & E).

II. ADMINISTRATIVE DEVELOPMENTS

I am pleased to announce and am so proud of our procurement team for receiving the Notable Achievement Award during the 21st Annual State Agency Recognition Awards ceremony. This ceremony was to recognize state agencies whose exceptional work and dedication helped accomplish the Governor's commitment to meet or exceed Small Business (SB) and Disabled Veteran Business Enterprise (DVBE) contracting goals for fiscal year 2019-20.

The Notable Achievement Award was awarded to the Commission on State Mandates for going above and beyond the mandated participation goals and achieving 30 percent or more for our SB goal and five percent or more for our DVBE goal. Congratulations to our procurement team on this achievement! Thank you Jason, Pranati, and Heidi, for your continued commitment to excellence and to achieving and exceeding our goals to support small and DVBE businesses while choosing products that protect the health of our staff and the environment. I am proud to have such committed professionals on our team.

In addition, the Commission has recently renewed its lease and the office has been undergoing improvements including new flooring, molding, replacement of broken and stained ceiling tiles, insulation, an audio-video system for the conference room, and upgraded internet cabling. This has required staff to pack up the entire office including all files, electronics, and personal items, which staff have done in shifts over the course of two weeks. Construction work will be ongoing in the office until mid-August, at which time staff will need to unpack the entire office and return things to their proper places. This has and will continue to take significant staff time and effort. However, when staff return to the office and are ready to welcome parties, interested parties, and interested persons back, the office will be a great physical space in which to work and will be ideal for future trainings and smaller meetings.

III. WORKLOAD¹ (info)

A. COMPLETED WORKLOAD SUMMARY

Type of Caseload	Completed in 2019/2020	Completed in 2020/2021
Test Claims	2	5
Parameters & Guidelines	2	2
Parameters & Guidelines Amendments	2	0
Requests for Reconsideration	0	0
Statewide Cost Estimates	2	2
Request to Review Claiming Instructions	0	0
Requests for Mandate Redetermination ²	2	0
Requests for Mandate Redetermination to be Amended, Set Aside, or Reinstated, as Directed by the Legislature or Court Action	1	0
Requests for Mandate Redetermination Reconsideration Based on Court Action	1	0
Incorrect Reduction Claims	1	11
Appeal of Executive Director Decisions	0	0
Order to Set Aside a Test Claim, Parameters and Guidelines or Incorrect Reduction Claim Decision	1	0

B. COMMISSION WORKLOAD REPORT

Type of Action	Pending on 7/1/2020	Filed Since 7/1/2020	Completed Since 7/1/2020	Pending on 7/1/2021
Test Claims	43	2	5	40 ³
Parameters and Guidelines	2	1 ⁴	2	1 ⁵
Joint Reasonable Reimbursement Methodologies	0	0	0	0

¹ As of July 1, 2021.

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

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.

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.

Type of Action	Pending on 7/1/2020	Filed Since 7/1/2020	Completed Since 7/1/2020	Pending on 7/1/2021
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 ⁶	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	1	0	0	1
Proposed Amendments to Parameters and Guidelines	1 ⁷	0 ⁸	0	1
Requests for Mandate Redetermination ⁹	0	0	0	0
Requests for Mandate Redetermination to be Amended, Set Aside, or Reinstated, as Directed by the Legislature or Court Action	0	0	0	0
Requests for Mandate Redetermination Reconsideration Based on Court Action	0	0	0	0
Incorrect Reduction Claims	9	9	11	7

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.

⁷ This Amendment to Parameters and Guidelines is again on active status, since the litigation on this matter is now complete, and it is set for hearing on July 23, 2021.

⁸ 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.

⁹ Requests for Mandate Redetermination require a two-hearing process.

Type of Action	Pending on 7/1/2020	Filed Since 7/1/2020	Completed Since 7/1/2020	Pending on 7/1/2021
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	0
Regulatory Actions Pending	0	2	1	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.

September or December 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 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, and 10-TC-05*
Cities of Dublin and San Jose, and County of Santa Clara Claimants
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, Los Angeles, Region, Order No. R4-2010-0108, 11-TC-01*
County of Ventura and Ventura County Watershed Protection District, Claimants
5. *Extended Conditional Voter Registration, 20-TC-02*
County of San Diego, Claimant

B. PARAMETERS AND GUIDELINES

1. *County of Los Angeles Citizens Redistricting Commission*, 19-TC-04
County of Los Angeles, Claimant
2. *Sexual Assault Evidence Kits: Testing*, 20-TC-01
County of Los Angeles, Claimant

C. STATEWIDE COST ESTIMATES

1. *Racial and Identity Profiling*, 18-TC-02
City of San Diego, Claimant
2. *Vote by Mail Ballots: Prepaid Postage*, 19-TC-01
County of Los Angeles, Claimant
3. *Municipal Stormwater and Urban Runoff Discharges*, 03-TC-04, 03-TC-19, 03-TC-20, and 03-TC-21
County of Los Angeles and Cities of Artesia, Azusa, Bellflower, Beverly Hills, Carson, Commerce, Covina, Downey, Monterey Park, Norwalk, Rancho Palos Verdes, Signal Hill, Westlake Village, Vernon, Claimants (03-TC-21)

D. INCORRECT REDUCTION CLAIMS

Municipal Storm Water and Urban Runoff Discharges, 19-0304-I-02
City of Norwalk, Claimant