

## ITEM 9

### EXECUTIVE DIRECTOR'S REPORT

#### Budget, Workload Update, and Tentative Agenda Items for the September and December 2020 Meetings (info)

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##### I. 2020-21 Budget

The Budget Act of 2020 (AB 89<sup>1</sup> Ting; SB 74 Mitchell) was approved by the Governor on June 29, 2020.

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

The Commission had requested and had been approved for a budget augmentation of \$206,000 which included \$102,000 in operating expenses and equipment and \$104,000 in salary for 1.5 new staff positions to perform the Commission's administrative functions of budgeting, procurement, and human resources and the significant additional requirements of the Financial Information System for California (FI\$Cal). This budget change proposal did not move forward in the 2020-2021 budget because of revenue shortfalls and expenditure increases due to the COVID-19 response.

The Commission's 2020-2021 budget was approved at \$2,575,000.

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

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

The 2020-2021 budget (SB 74) appropriates \$41.147 million for local agency mandated programs.

- (a) Accounting for Local Revenue Realignments (Ch. 162, Stats. 2003; Ch. 211, Stats. 2004; Ch. 610, Stats. 2004) (05-TC-01) .....0
- (b) Allocation of Property Tax Revenues (Ch. 697, Stats. 1992) (CSM 4448) .....585,000
- (c) California Public Records Act (Ch. 463, Stats. 1992; Ch. 982, Stats. 2000; Ch. 355, Stats. 2001) (02-TC-10 and 02-TC-51) .....0

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<sup>1</sup> AB 89 also provides: "The Legislature hereby finds and declares that the following bills are other bills providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution: AB 75, AB 76, AB 77, AB 78, AB 79, AB 80, AB 81, AB 82, AB 83, AB 84, AB 85, AB 86, AB 87, AB 88, AB 89, AB 90, AB 92, AB 93, AB 94, AB 100, AB 102, AB 103, AB 104, AB 105, AB 106, AB 107, AB 108, AB 109, SB 88, SB 97, SB 98, SB 100, SB 101, SB 102, SB 107, SB 108, SB 110, SB 111, SB 114, SB 115, SB 116, SB 118, SB 119, SB 121, SB 122, SB 123, SB 124, SB 126, SB 809, SB 810, SB 811, SB 812, SB 813, SB 814, SB 815, SB 816, and SB 817."

(d)	Crime Victims' Domestic Violence Incident Reports (Ch. 1022, Stats. 1999) (99-TC-08)	165,000
(e)	Custody of Minors-Child Abduction and Recovery (Ch. 1399, Stats. 1976; Ch. 162, Stats. 1992; and Ch. 988, Stats. 1996) (CSM 4237)	12,884,000
(f)	Domestic Violence Arrest Policies (Ch. 246, Stats. 1995) (CSM 96-362-02)	9,475,000
(g)	Domestic Violence Arrests and Victims Assistance (Chs. 698 and 702, Stats. 1998) (98-TC-14)	2,221,000
(h)	Domestic Violence Treatment Services (Ch. 183, Stats. 1992) (CSM 96-281-01)	2,388,000
(i)	Health Benefits for Survivors of Peace Officers and Firefighters (Ch. 1120, Stats. 1996) (97-TC-25)	2,675,000
(j)	Local Agency Ethics (Ch. 700, Stats. 2005) (07-TC-04)	23,000
(k)	Medi-Cal Beneficiary Death Notices (Chs. 102 and 1163, Stats. 1981) (CSM 4032)	15,000
(l)	Medi-Cal Eligibility of Juvenile Offenders (Ch. 657, Stats. 2006) (08-TC-04)	4,000
(m)	Peace Officer Personnel Records: Unfounded Complaints and Discovery (Ch. 630, Stats. 1978; Ch. 741, Stats. 1994) (00-TC-24)	819,000
(n)	Rape Victim Counseling (Ch. 999, Stats. 1991) (CSM 4426)	604,000
(o)	Sexually Violent Predators (Chs. 762 and 763, Stats. 1995) (CSM 4509)	3,689,000
(p)	State Authorized Risk Assessment Tool for Sex Offenders (Chs. 336, 337, and 886, Stats. 2006; Ch. 579, Stats. 2007) (08-TC-03)	657,000
(q)	Threats Against Peace Officers (Ch. 1249, Stats. 1992; Ch. 666, Stats. 1995) (CSM 96-365-02)	0
(r)	Tuberculosis Control (Ch. 676, Stats. 1993; Ch. 685, Stats. 1994; Ch. 116, Stats. 1997; and Ch. 763, Stats. 2002) (03-TC-14)	221,000
(s)	Unitary Countywide Tax Rates (Ch. 921, Stats. 1987) (CSM 4317 and CSM 4355)	413,000
(t)	Post Election Manual Tally (2 Cal. Code Regs., 20120 to 20127, incl.) (10-TC-08)	0
(u)	Sheriffs Court-Security Services (Ch. 22, Stats. 2009) (09-TC-02)	0

- (v) U Visa Form 918, Victims of Crime: Non-Immigrant Status (Ch. 721, Stats. 2015) .....3,300,000
- (w) Local Agency Employee Organizations, Impasse Procedures II (Ch. 314, Stats. 2012) .....1,009,000
- (2) 6905050-Funded Mandates: For payment of mandate claims for the 2005–06 through 2018–19 fiscal years for the Peace Officers’ Procedural Bill of Rights Act (Ch. 675, Stats. 1990) (CSM 4499) .....0
- (3) 6905050-Funded Mandates: For payment of mandate claims for the 2002–03 through 2018–19 fiscal years for the Peace Officers Procedural Bill of Rights II (Ch. 465, Stats. 1976; Ch. 786, Stats. 1998; Ch. 209, Stats. 2000; Ch. 170, Stats. 2000) (03-TC-18) .....0
- (4) 6905050-Funded Mandates: For payment of mandate claims for the 2001–02 through 2018–19 fiscal years for the Local Government Employment Relations Mandate (Ch. 901, Stats. 2000) (01-TC-30) .....0

(SB 74) 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 2020–21 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)

**ii. 5180-151-0001—For Local Assistance, Department of Social Services**

Although local agency mandates have generally been funded through the Commission’s budget in recent years, this budget (AB 89; SB 74) makes 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.

**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 (SB 74 Mitchell) does the following with regard to mandate funding for K-14 schools.

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

6100-295-0001 appropriates \$48,000 “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 2018–19 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 2017–18 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)



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

Appropriates \$242 million for the K-12 Mandated Programs Block Grant as follows: \$32.18 per unit of average daily attendance of pupils in kindergarten to grade 8, inclusive, and \$61.94 per unit of average daily attendance of pupils in grades 9 to 12, inclusive. Of the funds appropriated in this item, \$0 is to reflect a cost-of-living adjustment. The funds appropriated in this item reflect a growth adjustment of –\$1,657,000 due to revised average daily attendance. This item also re-appropriates the unexpended balances appropriated for the K–12 Mandated Programs Block Grant in Schedule (1) of Item 6100-296-0001, in the Budget Acts of 2017 and 2018 of approximately \$1,974,000 and \$2,265,000, respectively.

**iii. 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 2020-21 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)

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

This line item appropriates \$13,000 for payment of \$1000 for each for the following mandated programs for costs incurred during the prior fiscal year:

- (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)

The budget bills (SB 74 and AB 89) also re-appropriate, under line 6870-488, the unexpended balance of approximately \$13,000, of the amount appropriated for reimbursement of state mandates in the community college block grant in Item 6870-295-0001, Budget Act of 2018 (Chs. 29 and 30, Stats. 2018), as amended by Chapter 449 of the Statutes of 2018.

**v. 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 (SB 74)**

This line item appropriates \$33 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 2019–20 fiscal year multiplied by \$30.16 per FTES; and
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.

The budget bills (SB 74 and AB 89) also re-appropriate, under line 6870-488: The unexpended balance of the amount appropriated for the Community College Mandated Programs Block Grant in Item 6870-296-0001, Budget Act of 2018 (Chs. 29 and 30, Stats. 2018) of approximately \$398,000.

**vi. 6870 – 403**

Pursuant to Government Code section 17581.5 (SB 74), the following programs are specifically identified for suspension from Community College Funding for the 2020-21 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>2</sup> (info)**

**A. COMPLETED WORKLOAD SUMMARY**

<b>Type of Caseload</b>	<b>Completed in 2018/2019</b>	<b>Completed in 2019/2020</b>
<b>Test Claims</b>	5	2
<b>Parameters &amp; Guidelines</b>	2	2
<b>Parameters &amp; Guidelines Amendments</b>	0	2
<b>Requests for Reconsideration</b>	0	0
<b>Statewide Cost Estimates</b>	1	2
<b>Request to Review Claiming Instructions</b>	0	0
<b>Requests for Mandate Redetermination<sup>3</sup></b>	0	2
<b>Requests for Mandate Redetermination to be Amended, Set Aside, or Reinstated, as Directed by the Legislature or Court Action</b>	0	1

<sup>2</sup> As of July 1, 2020.

<sup>3</sup> Requests for Mandate Redetermination require a two-hearing process.

Type of Caseload	Completed in 2018/2019	Completed in 2019/2020
Requests for Mandate Redetermination Reconsideration Based on Court Action	0	1
Incorrect Reduction Claims	4	1
Appeal of Executive Director Decisions	0	0
Order to Set Aside a Test Claim, Parameters and Guidelines or Incorrect Reduction Claim Decision	0	1

**B. COMMISSION WORKLOAD REPORT**

Type of Action	Pending on 7/1/2019	Filed Since 7/1/2019	Completed Since 7/1/2019	Pending on 7/1/2020
Test Claims	41	3	2	42 <sup>4</sup>
Parameters and Guidelines	3	1 <sup>5</sup>	2	2 <sup>6</sup>
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	2 <sup>7</sup>	2	3 <sup>8</sup>
Test Claim Reconsiderations or Reinstatements Based on Court Action	0	0	0	0

<sup>4</sup> 39 of the 42 pending local agency claims are regarding National Pollutant Discharge Elimination System (NPDES) permits. One of these claims, 18-TC-02 was filed in 2018-19, but not deemed complete until August 20, 2019. There are no school district test claims currently pending.

<sup>5</sup> Proposed parameters and guidelines may be filed by the test claimant or expedited and issued by Commission staff upon the adoption of an approved test claim or upon the expiration of a joint reasonable reimbursement methodology.

<sup>6</sup> One of these Parameters and Guidelines is on inactive status pending the outcome of litigation on the underlying Test Claim Decision.

<sup>7</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>8</sup> One of these Statewide Cost Estimates is on inactive status pending the outcome of litigation on the underlying Test Claim Decision.

<b>Type of Action</b>	<b>Pending on 7/1/2019</b>	<b>Filed Since 7/1/2019</b>	<b>Completed Since 7/1/2019</b>	<b>Pending on 7/1/2020</b>
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 <sup>9</sup>	2 <sup>10</sup>	2	1
Requests for Mandate Redetermination <sup>11</sup>	2	0	2	0
Requests for Mandate Redetermination to be Amended, Set Aside, or Reinstated, as Directed by the Legislature or Court Action	1	0	1	0
Requests for Mandate Redetermination Reconsideration Based on Court Action	1	0	1	0
Incorrect Reduction Claims	5	4	1	8
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	1	1	0
Regulatory Actions Pending	0	1	1	0
Applications for Findings of Significant Financial Distress	0	0	0	0

**C. ADMINISTRATIVE WORKLOAD (info)**

This section of the Executive Director's Report highlights major issues, challenges, and achievements with regard to the administrative workload of Commission staff. On July 1, 2020,

<sup>9</sup> This Amendment to Parameters and Guidelines is again on inactive status pending the outcome of litigation.

<sup>10</sup> Proposed parameters and guidelines amendments may be filed by an affected local or state agency for any of the reasons specified by section 1183.17 of the Commission's regulations or they may be issued by Commission staff upon the adoption of new test claim decision under the redetermination process.

<sup>11</sup> Requests for Mandate Redetermination require a two-hearing process.

the Commission reopened its physical office Monday-Friday 8:00 a.m. – 5:00 p.m. As part of the Commission’s COVID-19 emergency plan, it was determined that approximately 95 percent of the Commission’s mission critical functions could be performed remotely, which they have since March 19, 2020. Therefore, the critical functions to be performed in the office to “direct members of the public and conduct state business” include, primarily, answering the telephone and door, processing mail and packages, and filing and serving paper documents when necessary.

Additionally, to maintain adequate flow of movement with physical distancing and sufficient access to the kitchen for breaks and handwashing and to avoid large numbers of staff in elevators and bathrooms, rotational work is required. Staffing in the office during the Phase 3 reopening has been limited to two Commission employees per day until further notice. Commission staff not scheduled to be in the office are teleworking full time, largely as though they were in the office.

### **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. *Accomplice Liability for Felony Murder, 19-TC-02*  
County of Los Angeles, Claimant
3. *SANDAG: Independent Performance Auditor, 19-TC-03*  
San Diego Association of Government, Claimant

##### **B. PARAMETERS AND GUIDELINES**

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

##### **C. STATEWIDE COST ESTIMATES**

1. *Public School Restrooms: Feminine Hygiene Products, 18-TC-01*

##### **D. INCORRECT REDUCTION CLAIMS**

1. *Local Government Employee Relations, 17-0130-I-01*  
City of Monrovia, Claimant
2. *Crime Statistics Reports for the Department of Justice (DOJ), 17-0240-I-01*  
City of San Marcos, Claimant