

ITEM 8
EXECUTIVE DIRECTOR’S REPORT
Workload Update and Tentative Agenda Items for the
September and November 2018 Meetings (info)

I. WORKLOAD¹ (info)

A. COMPLETED WORKLOAD SUMMARY

Type of Caseload	Completed in 2017/2018	Completed in 2018/2019
Test Claims	4	0
Parameters & Guidelines	1	0
Parameters & Guidelines Amendments	0	0
Requests for Reconsideration	0	0
Statewide Cost Estimates	0	0
Request to Review Claiming Instructions	0	0
Mandate Redetermination Requests	0	0
Incorrect Reduction Claims	10	0
Appeal of Executive Director Decisions	0	0

B. COMMISSION WORKLOAD REPORT

Type of Action	Pending on 7/1/2017	Filed Since 7/1/2017	Completed Since 7/1/2017	Pending on 7/1/2018
Test Claims	19 ²	4	4	19 ³
Parameters and Guidelines	1	2 ⁴	1	2 ⁵
Joint Reasonable Reimbursement Methodologies	0	0	0	0

¹ As of July 1, 2018.

² This includes four claims that were filed in late 2016-2017 but not deemed complete until after July 1, 2017.

³ 15 of the 19 pending local agency claims are regarding National Pollutant Discharge Elimination System (NPDES) permits.

⁴ 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.

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

Type of Action	Pending on 7/1/2017	Filed Since 7/1/2017	Completed Since 7/1/2017	Pending on 7/1/2018
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	1	1 ⁶	0	2 ⁷
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	0 ⁸	0	1 ⁹
Requests for Mandate Redetermination	0	0	0	0
Incorrect Reduction Claims	14	4	10	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
Regulatory Actions Pending	1	0	1	0
Applications for Findings of Significant Financial Distress	0	0	0	0

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 One of these Statewide Cost Estimates is on inactive status pending the outcome of litigation on the underlying Test Claim Decision.

⁸ 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 expedited and issued by Commission staff upon the adoption of new test claim decision under the redetermination process.

⁹ This Proposed Amendment to Parameters and Guidelines is on inactive status pending the outcome of litigation.

C. ADMINISTRATIVE WORKLOAD (info)

In addition to, or in support of, the legal analysis of mandate related matters, Commission staff are responsible for all of the administrative duties of a state agency in addition to those administrative duties related to the duty of the Executive Director to “keep a full and true record of all proceeding of the Commission, [and] issue all necessary process, writs, warrants and notices . . .” pursuant to Government Code 17530. This section of the Executive Director’s Report will highlight major issues, challenges, and achievements with regard to the administrative workload of Commission staff.

Maintenance of Program Records

Under the Commission’s current record retention policy, which has been approved by California Records and Information Management Program (CalRIM), the Commission maintains a copy of all program records (that is records of Board of Control and Commission hearings and records of all matters filed with the Commission) both in hard copy (i.e. paper) and, for claims heard in 2010 and later, electronically. The electronic records are posted on the Commission’s website and stored on the Commission’s servers and in the cloud. Commission staff has also been working on a long-term project of scanning Board of Control and pre-2010 Commission paper records for electronic storage and placement on the Commission’s website, as staff time allows.

Problem Statement

The size and complexity of the records being filed with the Commission has increased exponentially in recent years. In particular, test claim filings, comments, and administrative records relating to permits issued by the State Water Resources Control Board are in the tens of thousands of pages and the entirety of the records for each of these claims range from 100,000 to 200,000 pages and growing. Moreover, the sheer size of these records (which require between 10-20 *cases* of paper per single copy and cost approximately \$1200 to copy in black and white or \$9000 to copy in color – not to mention staff time and storage costs) is not the only challenge of maintaining these record in hard copy. Administrative records and exhibits submitted by the parties include many color maps, diagrams, and the like which vary in paper size and become illegible if printed on 8x11 inch paper in black and white. Further, these exhibits are often located in the middle of thousands of pages of black and white text and can be very difficult to identify. To print these oversized and colored maps and diagrams in the correct size, and color, fold, and insert them into a paper copy must be done manually. This process is extremely labor intensive, costly, and subject to human error. Most of these records do not contain Bates numbering and therefore must be flipped though manually page by page by Commission staff to find where to insert the oversized and colored pages.

Solutions Being Considered

There are a few approaches to consider in handling these large and complex records:

1. Print the entire record in black and white and then manually go through the electronic version to identify pages that must be reprinted in color or in varying large sizes and then print and insert those color pages into the black and white copy. This option is the least costly in terms of copy costs and the most costly in terms of staff time.
2. Print the entire record in color on 8x11 inch paper and then manually go through to identify, print, fold, and insert the oversized pages. This is most expensive option in terms of copy costs and would require funding in excess of what is currently budgeted,

but would reduce days of staff time and minimize the risk of human error in assembling the record.

3. Contract with the California Office of State Publishing to professionally print and assemble the records in paper format. This option is probably the most expensive (an estimate is being sought) and would require Commission staff to review the copy and electronic record side-by-side, to ensure that the copy is correct.
4. Move to all electronic record maintenance using a “Trusted System” to ensure permanent retention. This would require updating our record retention plan, getting approvals from CalRIM, and adopting or amending Commission policies and regulations to ensure the records are properly saved and retained. This option would require significant staff work on the front end, but would result in immense savings in printing and storage costs as well as staff time on the back end. This is the direction that the courts are moving in, though admittedly courts do not have a general duty to maintain *permanent* records of civil actions.

II. 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 November 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, 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. *U Visa 918 Form, Victims of Crime: Nonimmigrant Status, 17-TC-01*
City of Claremont, Claimant
4. *Central Basin Municipal Water District Governance Reform, 17-TC-02*
Central Basin Municipal Water District, Claimant
5. *Lead Sampling in Schools, Permit Amendment No. 2017PA-SCHOOLS, City of San Diego Public Water System No. 3710020, effective January 18, 2017*
City of San Diego, Claimant

B. PARAMETERS AND GUIDELINES

1. *Local Agency Employee Organizations, Impasse Procedures II, 16-TC-04*
City of Oxnard, Claimant

C. INCORRECT REDUCTION CLAIMS

1. *Enrollment Fee Collection and Waivers*, 15-9913-I-02
North Orange County Community College District, Claimant
2. *Graduation Requirements*, 16-4435-I-56
Grossmont Union High School District, Claimant
3. *Interagency Child Abuse and Neglect Reports (ICAN)*, 17-0022-I-01
City of Palmdale, Claimant
4. *Local Government Employee Relations*, 17-0130-I-01
City of Monrovia, Claimant
5. *Crime Statistics Reports for the Department of Justice (DOJ)*, 17-0240-I-01
City of San Marcos, Claimant