

ITEM 8

EXECUTIVE DIRECTOR'S REPORT

Proposed 2022 Hearing Calendar, Workload Update, and Tentative Agenda Items for the December 2021 and January 2022 Meetings (info/action)

I. PROPOSED 2022 HEARING CALENDAR (action)

Commission meetings are generally held on the fourth Fridays of odd months, unless they conflict with a holiday. In 2022, the fourth Friday in November is a holiday, therefore the first Friday of December is proposed for this hearing. Additionally, the May hearing is proposed to remain on the Friday of the Memorial Day weekend, as is usual. Therefore, all 2022 regular meetings are proposed for the fourth Fridays of odd months, except for the November hearing, which is proposed for the first Friday of December.

In addition, tentative hearing dates are proposed for April 22, 2022 and October 28, 2022.

Staff recommends that the Commission adopt the proposed 2022 hearing calendar as follows:

COMMISSION ON STATE MANDATES

2022 HEARING CALENDAR

(The Commission will conduct its hearings at 10:00 a.m. on Fridays)

Friday, January 28, 2022

Friday, March 25, 2022

Friday, April 22, 2022 (Tentative)

Friday, May 27, 2022

Friday, July 22, 2022

Friday, September 23, 2022

Friday, October 28, 2022 (Tentative)

Friday, December 2, 2022

II. ADMINISTRATIVE DEVELOPMENTS

The Commission has recently hired an Associate Budget Analyst, Katie Lovell. Katie graduated from Sacramento State with a BA/BS in Psychology. She has approximately four years' experience working in public agency budgeting: first as an AGPA at Covered California where she performed a variety of monthly budget planning activities for complex budget assignments and performed duties to develop the annual budget, which included transitioning to Fi\$Cal; then as a Budget Analyst I at the Sacramento Superior Court where she performed duties relating to the preparation, administration, maintenance, review and control of the Court's budget. We are very happy to have Katie join us.

III. WORKLOAD¹ (info)

A. COMPLETED WORKLOAD SUMMARY

| Type of Caseload | Completed in 2020/2021 | Completed in 2021/2022 |
|--|------------------------|------------------------|
| Test Claims | 5 | 1 |
| Parameters & Guidelines | 2 | 0 |
| Parameters & Guidelines Amendments | 0 | 1 |
| Requests for Reconsideration | 0 | 0 |
| Statewide Cost Estimates | 2 | 0 |
| Request to Review Claiming Instructions | 0 | 0 |
| Requests for Mandate Redetermination ² | 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 | 1 |
| 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 9/1/2021 |
|--|---------------------|----------------------|--------------------------|---------------------|
| Test Claims | 40 | 0 | 1 | 39 ³ |
| Parameters and Guidelines | 2 | 1 ⁴ | 0 | 3 ⁵ |
| Joint Reasonable Reimbursement Methodologies | 0 | 0 | 0 | 0 |

¹ As of September 1, 2021.

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

³ 38 of the 39 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 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 7/1/2021 | Filed Since 7/1/2021 | Completed Since 7/1/2021 | Pending on 9/1/2021 |
|--|----------------------------|-----------------------------|---------------------------------|----------------------------|
| 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 | 0 ⁶ | 0 | 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 | 0 ⁷ | 1 | 0 |
| 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 | 7 | 0 | 1 | 6 |
| Incorrect Reduction Claims to be Reconsidered Based on Court Action | 0 | 0 | 0 | 0 |
| Appeals of Executive Director's Decisions | 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 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.

| Type of Action | Pending on 7/1/2021 | Filed Since 7/1/2021 | Completed Since 7/1/2021 | Pending on 9/1/2021 |
|--|----------------------------|-----------------------------|---------------------------------|----------------------------|
| 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.

December or January 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. *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

C. STATEWIDE COST ESTIMATES

1. *Municipal Stormwater and Urban Runoff Discharges, 03-TC-04, 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
2. *Racial and Identity Profiling, 18-TC-02*
City of San Diego, Claimant
3. *Vote by Mail Ballots: Prepaid Postage, 19-TC-01*
County of Los Angeles, Claimant

D. INCORRECT REDUCTION CLAIMS

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