

ITEM 10

EXECUTIVE DIRECTOR’S REPORT

**Strategic Plan, Workload Update, and Tentative Agenda Items for the
 January and March 2020 Meetings (info/action)**

I. JANUARY 2020-DECEMBER 2021 STRATEGIC PLAN (action)

On December 1, 2017, the Commission on State Mandates (Commission) adopted its strategic plan for January 2018-December 2019. The majority of the goals in the current plan have been met or required updating. Therefore, Commission staff have developed a new proposed strategic plan for January 2020-December 2021 with several new goals proposed for adoption by the Commission. (See Exhibit A, Proposed Strategic Plan.)

Staff recommends that the Commission adopt the attached proposed Strategic Plan.

II. WORKLOAD¹ (info)

A. COMPLETED WORKLOAD SUMMARY

Type of Caseload	Completed in 2018/2019	Completed in 2019/2020
Test Claims	5	1
Parameters & Guidelines	2	1
Parameters & Guidelines Amendments	0	1
Requests for Reconsideration	0	0
Statewide Cost Estimates	1	1
Request to Review Claiming Instructions	0	0
Requests for Mandate Redetermination ²	0	1.5
Incorrect Reduction Claims	4	0
Appeal of Executive Director Decisions	0	0
Order to Set Aside 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 11/1/2019
Test Claims	40	1	1	40 ³

¹ As of November 1, 2019.

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

³ 39 of the 40 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

Type of Action	Pending on 7/1/2019	Filed Since 7/1/2019	Completed Since 7/1/2019	Pending on 11/1/2019
Parameters and Guidelines	3	0 ⁴	1	2 ⁵
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	1 ⁶	1	3 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	1	0	0	1
Proposed Amendments to Parameters and Guidelines	1	2 ⁸	1	2 ⁹

not deemed complete until August 20, 2019. There are no school district test claims currently pending.

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.

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 be 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.

Type of Action	Pending on 7/1/2019	Filed Since 7/1/2019	Completed Since 7/1/2019	Pending on 11/1/2019
Requests for Mandate Redetermination ¹⁰	2	0	1.5	.5
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	0	1
Incorrect Reduction Claims	5	0	0	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
Regulatory Actions Pending	0	1	0	1
Applications for Findings of Significant Financial Distress	0	0	0	0

January or March 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. *Racial and Identity Profiling, 18-TC-02*
City of San Diego, Claimant

B. MANDATE REDETERMINATIONS

1. *Sexually Violent Predators (CSM-4509), 12-MR-01-R*
PURSUANT TO COURT'S JUDGMENT AND WRIT *COUNTY OF SAN DIEGO V. COMMISSION ON STATE MANDATES* (2018) 6 CAL.5TH 196; JUDGMENT AND

¹⁰ Requests for Mandate Redetermination require a two-hearing process.

WRIT OF MANDATE ISSUED BY SAN DIEGO COUNTY SUPERIOR COURT,
CASE NO.: 37-2014-00005050-CU-WM-CTL
Department of Finance, Requester

C. INCORRECT REDUCTION CLAIMS

1. *Graduation Requirements*, 16-4435-I-56
Grossmont Union High School District, Claimant



Vision

The Commission on State Mandates timely renders sound quasi-judicial decisions, in compliance with article XIII B, section 6 of the California Constitution, resolving disputes regarding reimbursement for state-mandated local programs and relieving unnecessary congestion of the courts.

Mission

To fairly and impartially:

- Hear and determine matters filed by state and local government;
- Resolve complex legal questions in a deliberative and timely manner; and
- Produce clear, well-reasoned, and lawful decisions.

Values

We act with professionalism, integrity, transparency, objectivity, and efficiency in making determinations. We value:

- Parties. We treat all parties with courtesy and respect and we consider their views with objectivity.
- Quality. We produce sound, well-reasoned decisions, in a timely manner, using innovative tools and techniques to improve our efficiency.
- Integrity. We demonstrate fair, honest, and ethical behavior.
- Safety. We provide a safe and healthy work environment to promote the physical and mental well-being of staff.
- Teamwork. We encourage cooperation and collaboration, and support personal and professional development.
- Sustainability. We ensure that our practices are protective of the environment and human health and are energy and resource efficient.

Goals and Implementing Objectives

A. Engage state and local agencies in the mandates process through regular outreach and training.

1. Conduct a survey by July 2020 of state agencies and local governments, legislative staff, and known interested persons, to determine mandate-related training needs.
2. Prepare an *Introduction to State Mandates* training video to be posted on the Commission's website by September 2020.
3. Regularly provide training to state and local agencies and legislative staff on a variety of mandates-related issues.
 - a) By September 2020, prepare and provide training on preparing well-supported reasonable reimbursement methodologies (RRMs) to streamline the reimbursement claiming process for mandated programs, reduce the burden of documenting actual mandate costs, increase cost-efficiency for mandated activities, and improve predictability of annual statewide costs.
 - b) By September 2021, prepare and provide training based on survey responses.

B. Ensure the Commission's information technology systems are committed to data security and integrity, while also providing an efficient and effective end-user experience.

1. Proactively perform daily checks for available upgrades, patches, and security fixes for all software and hardware currently in use.
2. Provide quarterly training to staff on security best practices and emerging or trending threats.
3. Biannually perform external system penetration testing to verify perimeter system security.
4. Verify data backups by performing monthly restores of sample data sets.
5. Conduct a survey by July 2020 of external stakeholders to determine if the Commission's website provides a positive user experience and helpful user interaction.
6. Solicit staff feedback quarterly for suggestions of technology improvements to increase efficiency and productivity.

C. Promote staff development to retain leadership continuity, ensure critical knowledge (including mandates expertise) is not lost, and bolster professional development.

1. Take appropriate steps to recruit a skilled workforce by utilizing diverse recruitment tools including LinkedIn and university career centers, beginning with recruiting for two recently vacated attorney positions to be selected by February 2020.
2. Take appropriate steps to retain a skilled workforce by providing a welcoming workplace and a robust wellness program that encourages healthy eating, exercise, stress management, and work-life balance.
 - a) By July 2021, the Program Analyst-HR will establish a well-rounded wellness program with regular healthy eating, exercise, and stress management events for staff and will provide updates and information at regular all-staff meetings.
 - b) Commission management will continue to ensure that staff regularly take time off and avoid accruing more than the maximum allowable hours of vacation/annual leave time; hourly staff work no more than their allotted hours; and exempt staff work an average of 40 hours per week while working all hours necessary to accomplish their assignments and fulfill their responsibilities.

- i. In January of each year, supervisors shall review the leave balances of their staff and, if they will be in excess of the maximum allowed by January 1 of the following year, shall work with the employee to adopt a leave reduction plan to ensure the balance is at or below the maximum by January 1.
 - ii. Commission management shall continue to work with staff to approve leave requests throughout the year, consistent with the operational needs of the Commission.
 - iii. Commission supervisors shall ensure that excessive hours are not being worked by staff, and if they are, shall provide resources (such as training opportunities) to help staff more efficiently manage their workload.
3. Identify and begin to mentor appropriate staff, over the course of the next two years, to develop the skills necessary to succeed the current members of the management team upon retirement.
4. Prepare desk manuals and training tools for each Commission position by December 2020.
5. As part of the Commission's succession and workforce planning, cross-train staff to ensure that every duty has more than one staff member able to perform it by December 2021. As part of the cross-training effort, provide opportunities for staff to learn and do work in career paths which are of interest to them, other than their current path, either as a way to transition into a new career path or to learn new skills and prevent burnout while performing the work of the Commission.