

ITEM 7

EXECUTIVE DIRECTOR’S REPORT

Proposed Strategic Plan, Workload Update, and Tentative Agenda Items for the December 2023 and January 2024 Meetings (info/action)

I. JANUARY 2024-DECEMBER 2028 STRATEGIC PLAN (action)

On December 1, 2021, the Commission on State Mandates (Commission) adopted its strategic plan for January 2022-December 2023. 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 2024-December 2028 with several new and revised 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 2022/2023	Completed in 2023/2024
Test Claims	4	4
Parameters & Guidelines	1	1
Parameters & Guidelines Amendments	1	0
Requests for Reconsideration	0	0
Statewide Cost Estimates	3	0
Request to Review Claiming Instructions	0	0
Requests for Mandate Redetermination²	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	3	0
Appeal of Executive Director Decisions	0	0
Order to Set Aside a Test Claim, Parameters and Guidelines or Incorrect Reduction Claim Decision	1	0

¹ As of November 1, 2023.

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

B. COMMISSION WORKLOAD REPORT

Type of Action	Pending on 7/1/2023	Filed Since 7/1/2023	Completed Since 7/1/2023	Pending on 11/1/2023
Test Claims	43 ³	0	4	39 ⁴
Parameters and Guidelines	2	2 ⁵	1	3
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	1	1 ⁶	0	2
Test Claims to be Reconsidered, Amended, Set Aside, or Reinstated, as Directed by the Legislature or Court Action	1	0	0	1
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	0	0 ⁷	0	0

³ Two of these claims were filed in fiscal year 2022-2023 but were not deemed complete and issued for comment until after July 1, 2023.

⁴ There are 40 pending test claims. 38 claims (including one to be reconsidered) are local agency claims, 35 of which are regarding National Pollutant Discharge Elimination System (NPDES) permits. There are two school district test claims.

⁵ 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 expiration of a joint reasonable reimbursement methodology.

⁶ Statewide cost estimates are not filed, but are issued by the Commission after the initial claims are 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

Type of Action	Pending on 7/1/2023	Filed Since 7/1/2023	Completed Since 7/1/2023	Pending on 11/1/2023
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	1	0	0	1
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	0	0	0
Applications for Findings of Significant Financial Distress	0	0	0	0

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.

January 2024 and March 2024 Meetings

A. TEST CLAIMS

1. *California Regional Water Quality Control Board, Santa Ana Region, Order No. R8-2010-0033, 10-TC-07*
County of Riverside, Riverside County Flood Control and Water Conservation District, and Cities of Beaumont, Corona, Hemet, Lake Elsinore, Moreno Valley, Perris, and San Jacinto, Claimants
2. *California Regional Water Quality Control Board, San Diego Region, Order No. R9-2013-0001, 14-TC-03*

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.

County of San Diego, Claimant

3. *Criminal Procedure: Resentencing*, 22-TC-03
County of Los Angeles, Claimant

4. *Public School Restrooms: Feminine Hygiene Products II*, 22-TC-04
Hesperia Unified School District, Claimant

B. PARAMETERS AND GUIDELINES

1. *California Regional Water Quality Control Board, San Diego Region, Order No. R9-2009-0002, Sections D.2.; F.1.d.7.i.; F.4.b.; G.6.; K.1.b.4.n.; K.3.a.3.c.; J.1.; J.3.; J.4.; and Attachment D, Section D-2, Adopted December 16, 2009*, 10-TC-11

Cities of Dana Point, Laguna Hills, Laguna Niguel, Lake Forest, Mission Viejo, San Juan Capistrano, the County of Orange, and the Orange County Flood Control District, Claimants

2. *California Regional Water Quality Control Board, San Diego Region, Order No. R9-2010-0016*, 11-TC-03

County of Riverside and Cities of Murrieta, Temecula, and Wildomar, Claimants

C. STATEWIDE COST ESTIMATE

Juveniles: Custodial Interrogation, 21-TC-01



Mission

The Commission on State Mandates was established as a quasi-judicial agency to resolve disputes between state and local government regarding reimbursement for state-mandated local programs, in compliance with article XIII B, section 6 of the California Constitution, to relieve unnecessary congestion of the courts.

Vision

The Commission on State Mandates fairly and impartially resolves complex legal questions in a deliberative and timely manner, using innovation and collaboration.

Values

We value:

- Courtesy and respect
- Fairness, honesty, and ethical behavior
- A safe and healthy work environment for Commission staff
- Cooperation and collaboration
- Personal and professional development of Commission staff
- Practices that are protective of the environment and human health and are energy and resource efficient
- Efficient and high-performing governmental operations
- Transparency, accessibility, and public participation in Commission processes

Goals and Implementing Objectives

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

1. Continue to provide updates, as needed, to the “Mandate Chronicles” mailing list including mandate-related educational materials posted on the Commission’s website.
2. At least annually, prepare and provide live training to state and local agencies and legislative staff on a variety of mandates-related issues via Zoom; specifically
 - a) By June 2024, on how to file a test claim.
 - b) By June 2025, on preparing and filing comments on proposed parameters and guidelines, proposing reasonably necessary activities, and including a well-supported reasonable reimbursement methodologies (RRMs). This training on RRM’s will help 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.
 - c) By September 2025, on how to file an incorrect reduction claim.
 - d) By June 2026, on how to determine whether to file a mandate redetermination request or parameters and guidelines amendment.

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. Solicit staff feedback quarterly for suggestions of technology improvements to increase efficiency and productivity.
6. Create awareness in staff for IT security threats to enable them to avoid clicking on inappropriate links and activating malware by providing monthly training for staff on current threats.
 - a) Share information released by the Department of Technology pertaining to security breaches and best practices with all Commission staff, as it becomes available.
 - b) Due to rapid evolution of cyber security issues, at least biannually perform random phishing campaigns on staff followed by all-staff training on how to best handle the sent campaign. This will ensure staff education and enhance the Commission’s IT security posture.
7. With the goal of more efficient helpdesk service and response and resolution times, using Office 365, the Commission’s IT staff will develop a helpdesk tracking system by June 30, 2024. Staff will then continuously log and monitor all helpdesk requests as either “break fix” or “service” requests for trend analysis. This will allow staff to better leverage historical information about a system or user to help us understand the scope of an issue. It

will also enable staff to better track trends, such as rises in incidents or service requests and the reasoning behind such trends.

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 and retain a diverse and skilled workforce by utilizing diverse recruitment tools including creating a LinkedIn account by March 2024, and contacting potential employees through university career centers.
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) The Health and Wellness Coordinator will continue to maintain a well-rounded wellness program with regular healthy eating, exercise, and stress management events for staff and will provide updates and information at weekly all-staff meetings and via emails.
 - 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.
 - c) Improve office culture by:
 - i. Recognizing employees during all-staff meetings for exceptional work and contributions to the Commission strategic mission.
 - ii. Holding one-on-one meetings with individual staff to discuss any matter either work-related or not in a judgement-free environment.
 - iii. Creating an inclusive environment where employee feedback is valued by inviting staff recommendations on how to improve office culture or any other matter that relates to Commission goals, strategic plan, procedures and policies.
 - iv. Holding office celebrations around major holidays to improve team morale and to promote strong coworker relationships.
 - v. Encouraging staff to take training for upward mobility and to better perform job functions.
3. Continue to work with appropriate staff to develop the skills necessary to succeed the current members of the management team and the information security officer, upon their retirement or separation, as part of succession plan implementation.
4. At least annually review and update all desk manuals and training tools for each Commission position by January 1 of each year and on an ongoing basis.
5. Review the records of old Board of Control and Commission matters to properly close out paper files and upload them to the Commission's website by December 2024.
6. As part of the Commission's continuing cross-training effort, continue to identify staff who want to learn and work in a career path of interest to them, other than their current path, 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, and announce those opportunities by June 30 of each year.