

## ITEM 9

### EXECUTIVE DIRECTOR'S REPORT

#### Proposed Strategic Plan, Workload Update, and Tentative Agenda Items for the January 2022 and March 2022 Meetings (info/action)

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##### I. JANUARY 2022-DECEMBER 2023 STRATEGIC PLAN (action)

On November 22, 2019, the Commission on State Mandates (Commission) adopted its strategic plan for January 2020-December 2021. 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 2022-December 2023 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. WORKLOAD<sup>1</sup> (info)

###### A. COMPLETED WORKLOAD SUMMARY

Type of Caseload	Completed in 2020/2021	Completed in 2021/2022
Test Claims	5	2
Parameters & Guidelines	2	1
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 <sup>2</sup>	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

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<sup>1</sup> As of November 1, 2021.

<sup>2</sup> Requests for Mandate Redetermination require a two-hearing process.

**B. COMMISSION WORKLOAD REPORT**

<b>Type of Action</b>	<b>Pending on 7/1/2021</b>	<b>Filed Since 7/1/2021</b>	<b>Completed Since 7/1/2021</b>	<b>Pending on 11/1/2021</b>
Test Claims	40	0	2	38 <sup>3</sup>
Parameters and Guidelines	2	1 <sup>4</sup>	1	2 <sup>5</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	1 <sup>6</sup>	0	4
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 <sup>7</sup>	1	0
Requests for Mandate Redetermination <sup>8</sup>	0	0	0	0

<sup>3</sup> 37 of the 38 pending local agency claims are regarding National Pollutant Discharge Elimination System (NPDES) permits. There are no school district test claims currently pending.

<sup>4</sup> 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.

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

<sup>6</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>7</sup> 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.

<sup>8</sup> 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 11/1/2021
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
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.

#### 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. *California Regional Water Quality Control Board, San Diego Region, Order No. R9-2010-0016, 11-TC-03*  
County of Riverside, Riverside County Flood Control and Water Conservation District, and the Cities of Murrieta, Temecula, and Wildomar

**B. STATEWIDE COST ESTIMATES**

1. *Racial and Identity Profiling*, 18-TC-02
2. *Vote by Mail Ballots: Prepaid Postage*, 19-TC-01

**C. INCORRECT REDUCTION CLAIMS**

1. *Municipal Storm Water and Urban Runoff Discharges*, 19-0304-I-02  
City of Norwalk, Claimant
2. *Municipal Storm Water and Urban Runoff Discharges*, 19-0304-I-03  
City of Arcadia, Claimant



## **Mission**

The Commission on State Mandates fairly and impartially resolves 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.

## **Vision**

The Commission on State Mandates renders sound quasi-judicial decisions, resolving complex legal questions in a deliberative and timely manner, using innovation and collaboration to improve our efficiency and relieve unnecessary congestion of the courts.

## **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, transparent, and high-performing governmental operations

## Goals and Implementing Objectives

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

1. Prepare and post on the Commission's website by September 2022, an *Introduction to State Mandates* training video or PowerPoint presentation.
2. Regularly prepare and provide training to state and local agencies and legislative staff on a variety of mandates-related issues; specifically
  - a) By March 2023, on how to file a test claim.
  - b) By September 2023, 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.

### 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. Improve the end user experience by using data-informed decision making to retool the Commission's website by April 30, 2022.
7. 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.

### 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 September 2022, and contacting potential employees through university career centers.
2. Prepare and implement a telework plan and policy for after the pandemic by no later than October 1, 2022.
3. 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.

- 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.
- 4. By June 2023, identify appropriate staff to develop the skills necessary to succeed the current members of the management team and the information security officer, upon retirement, as part of a succession plan update.
- 5. Prepare desk manuals and training tools for each Commission position by December 2022.
- 6. 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 2023.
- 7. As part of the Commission's continuing cross-training effort, 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 begin to provide those opportunities by December 1, 2023.