

ITEM 13
EXECUTIVE DIRECTOR’S REPORT
Workload, Budget, and
Upcoming Tentative Agendas

I. Workload and Caseload

A. Workload Completed in 2007-2008

Type of Action	Number Completed
Test Claims	16
Reconsiderations	2
Incorrect Reduction Claims	5
Reasonable Reimbursement Methodology & Statewide Estimate of Costs	1
Parameters and Guidelines	7
Parameters and Guidelines Amendments	4
Statewide Cost Estimates	3
Rulemaking Packages	2

B. Pending Caseload

Type of Action	July 17, 2008	July 13, 2007	July 14, 2006
Test Claims ¹ to be Heard and Determined	72	70	100
Test Claims to be Reconsidered	0	1	0
Test Claims to be Reconsidered Based on Court Action	0	0	0
Test Claims to be Reconsidered, as Directed by the Legislature	0	2	1
Incorrect Reduction Claims to be Heard and Determined	135	118	117
Incorrect Reduction Claims to be Reconsidered Based on Court Action	0	0	6
Reasonable Reimbursement Methodologies/Statewide Estimate of Costs	0	N/A	N/A
Proposed Parameters and Guidelines, and Amendments	27	29	28
Parameters and Guidelines to be Amended or Set Aside, as Directed by the Legislature or Court Action	1	0	1
Statewide Cost Estimates to be Adopted	10	5	7
New Test Claim Filings to be Reviewed	0	0	0
New Incorrect Reduction Claim Filings to be Reviewed	0	0	0
Appeals of Executive Director’s Decision	0	0	0
Regulatory Actions Pending	0	1	1

¹ This includes 46 test claims filed by school districts and 26 filed by local agencies.

C. New Filings During 2007-2008

Test Claims

Claim Number	Filed	Claimant	Name of Claim
Test Claims			
07-TC-01	9/17/07	Union Sanitary District	<i>Ethics Training Requirements</i> (Dismissed)
07-TC-02	9/26/07	Sacramento Metropolitan Fire District	<i>Local Agency Formation Commission (Test Claim Amendment)</i> (Returned as Incomplete)
07-TC-03	9/28/07	San Diego Unified School District	<i>Pupil Health: Oral Health Assessment</i>
07-TC-04	10/23/07	City of Newport Beach	<i>Ethics Training and Compensation for Members of Local Agency Legislative Bodies</i>
07-TC-05	12/13/07	County of Los Angeles	<i>Public Guardianship Omnibus Conservatorship Reform</i>
07-TC-06	12/14/07	San Diego County Office of Education & Sweetwater Union High School District	<i>Williams Case Implementation II</i>
07-TC-07	2/28/08	City of Vallejo	<i>Ferry Assets</i>
07-TC-08	3/27/08	City of Newport Beach & County of Sacramento	<i>Crime Statistic Reports for the Department of Justice</i> (Test Claim Amendment) (Returned as Incomplete)
07-TC-09	6/20/08	County of San Diego	<i>Discharge of Stormwater Runoff</i>
07-TC-10	6/25/08	City of Newport Beach & County of Sacramento	<i>Crime Statistic Reports for the Department of Justice</i> (Test Claim Amendment)
07-TC-11	6/25/08	San Diego Unified School District	<i>Comprehensive School Safety Plans II</i>
07-TC-12	6/30/08	County of Orange	<i>General Health Care Services for Inmates</i>

Proposed Amendments to Parameters and Guidelines

07-PGA-01	Directed by Legislature	None	Notice of Truancy (Amendment adopted on 1/31/08)
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Reasonable Reimbursement Methodology

07-RRM-01 (99-TC-11)	4/30/08	County of Los Angeles & Department of Finance	<i>Firearm Hearings for Discharged Inpatients</i> (Commission adopted on 6/26/08)
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Incorrect Reduction Claims

Claim Number	Filed	Claimant	Fiscal Years	Amount	Title
07-4442-I-01	07/26/07	San Diego County Office of Education	2004-2005, 2005-2006	\$13,353	Interdistrict Attendance Permits
07-3713-I-02	07/25/07	Santa Clara County	2000-2001, 2001-2002, 2002-2003	\$19,284	Absentee Ballots
07-4509-I-02	07/25/07	Santa Clara County	1998-1999, 1999-2000, 2000-2001	\$230,363	Sexually Violent Predators
07-4425-I-13	08/07/07	Santee School District	2000-2001, 2001-2002, 2002-2003, 2003-2004	\$765,967	Collective Bargaining
07-4206-I-14	08/14/07	Pasadena Area Community College District	2002-2003, 2003-2004	\$192,755	Health Fee Elimination
07-9628101-I-01	08/15/07	County of Santa Clara	1998-1999, 1999-2000, 2000-2001	\$748,675	Domestic Violence Treatment Services
07-4206-I-15	10/02/2007	Rancho Santiago Community College District	2000-2001, 2001-2002, and 2002-2003	\$1,319,583	Health Fee Elimination
07-3713-I-04	10/05/2007	Palomar Community College District	2000-2001	\$19,958	Absentee Ballots
07-3713-I-05	10/09/2007	State Center Community College District	2000-2001	\$11,464	Absentee Ballots
07-4206-I-16	10/11/2007	Sierra Joint Community College District	2001-2002, 2002-2003, and 2003-2004	\$560,846	Health Fee Elimination
07-9722-I-01	10/25/07	San Jose Unified School District	2002-2003	\$22,193	School Bus Safety II
07-4433-9722-I-02	10/25/07	Fullerton Joint Union High School District	2002-2003	\$1,554	School Bus Safety II
07-9703-I-01	10/31/07	Bonita Unified School District	2002-2003	\$2,267	School Crimes Reporting II
07-9703-I-02	10/31/07	Fullerton Joint Union High School District	2002-2003	\$3,834	School Crimes Reporting II
07-9703-I-03	11/05/07	San Ysidro School District	2002-2003	\$1,303	School Crimes Reporting II
07-9703-I-04	11/05/07	Castro Valley Unified School District	2002-2003	\$15,929	School Crimes Reporting II
07-9703-I-05	11/05/07	Encinitas Union Elementary School Dis.	2002-2003	\$915	School Crimes Reporting II
07-9703-I-06	11/05/07	Carlsbad Unified School District	2002-2003	\$3,933	School Crimes Reporting II
07-9703-I-07	11/05/07	San Diego County Office of Education	2002-2003	\$1,622	School Crimes Reporting II
07-9703-I-08	11/05/07	Rosedale Union Elementary School District	2002-2003	\$3,749	School Crimes Reporting II
07-4433-9722-I-03	11/05/07	Sweetwater Union High School District	2002-2003	\$1,956	School Bus Safety II
07-4433-9722-I-04	11/05/07	San Ysidro School District	2002-2003	\$2,064	School Bus Safety II
07-4433-9722-I-05	11/05/07	Clovis Unified School District	2002-2003	\$8,404	School Bus Safety II
07-904133-I-05	12/18/07	San Juan Unified School District	1999-2000; 2000-2001; 2001-2002	\$108,442	Notification of Truancy

D. Statutory Requirements for Test Claims

At the June 26, 2008 hearing, Commission Members raised concerns regarding test claim amendments that are filed immediately prior to a hearing, which can cause delay of hearing items. Under prior law, claimants were authorized to amend test claims prior to the hearing. In 2005, AB 2856 amended Government Code section 17557, subdivision (e) to authorize claimants to amend a test claim before the claim is set for hearing. Staff generally sets the hearing date eight weeks before the hearing when the draft analysis is issued. This means that all test claims filed prior to January 1, 2005 may be amended up to the time of the hearing, and all claims filed after January 1, 2005 may be amended up to the time the hearing date is set. There are 56 test claims that may be amended prior to the hearing, and 16 test claims that may be amended before the hearing date is set. See attached table for list of claims.

II. STATE BUDGET

A. Status of Budget Hearings

Both houses approved the Commission's budget for the 2008-09 fiscal year, including a proposed \$168,000 reduction, and a \$75 million General Fund reduction for mandate reimbursement because local governments' authority to file estimated reimbursement claims has been repealed.

Conference Committee approved the following two mandates issues:

1. Budget trailer bill language to reconsider the *Sexually Violent Predator* test claim – after final decision in CSBA litigation.
2. Defer annual repayment of \$75 million to cities and counties (prior year mandate debt). [State law requires that reimbursement be made by 2020.](#)

III. TENTATIVE AGENDAS

The tentative agendas are subject to change based on Commission staff's litigation workload, requests for extensions of time to file comments on draft staff analyses, hearing postponements, pre-hearing conferences, and the complexity of the statutes and executive orders that are pled.

Friday, September 26, 2008

A. Test Claims (3)

1. *Disabled Student Programs and Services*, 02-TC-22
West Kern Community College District, Claimant
2. *Surplus Property Advisory Committees*, 02-TC-26
3. *Tuition Fee Waivers*, 02-TC-21 (TENTATIVE)
Contra Costa Community College Districts

B. Proposed Parameters and Guidelines (4)

1. *Modified Primary Election*, 01-TC-13
County of Orange, Claimant
2. *Permanent Absent Voter II*, 03-TC-11
County of Sacramento, Claimant
3. *Voter Identification Procedures*, 03-TC-23 (TENTATIVE)
County of San Bernardino, Claimant

4. *Local Government Employment Relations*, 01-TC-30
County of Sacramento, Claimant
- C. Proposed Parameters and Guidelines Amendments (5)
1. *Graduation Requirements*, 4181A, 05-PGA-05, 06-PGA-04, 06-PGA-05
San Diego Unified School District, Castro Valley, Clovis, and San Jose Unified School Districts; Fullerton Joint Union High School District, and Grossmont and Sweetwater Union High School Districts, Mountain View-Los Altos Hill High School District, and State Controller's Office and Requestors
 2. *Pesticide Use Reports*, 06-PGA-02
Department of Pesticide Regulations, Requestor
- D. Statewide Cost Estimates (4)
1. *Domestic Violence Arrests and Victims Assistance*, 98-TC-14
County of Los Angeles, Claimant
 2. *Pupil Expulsion Hearing Costs*, (*San Diego Unified School District v. Commission on State Mandates, et al.*, 2004 – 33Cal.4th 859)
 3. *Missing Children Reports*, 01-TC-09
San Jose Unified School District, Claimant
 4. *Charter Schools III*, 99-TC-14
Western Placer Unified School District and Fenton Ave Charter School

Friday, November 6, 2008

- A. Test Claims (5)
1. *Notice to Students and Minimum Conditions for State Aid*,
02-TC-25 and 02-TC-31
Los Rios and Santa Monica Community College Districts, Claimants
 2. *Cal Grants*, 02-TC-28,
Long Beach Community College District, Claimant
 3. *Student Records*, 02-TC-34
Riverside Unified School District and Palomar Community College Districts, Claimants
 4. *Identity Theft*, 03-TC-08
City of Newport Beach, Claimant
- B. Proposed Parameters and Guidelines (3)
1. *Interagency Child Abuse and Neglect (ICAN) Investigation Reports*,
00-TC-22, County of Los Angeles, Claimant
 2. *Domestic Violence Background Checks*, 01-TC-29
County of Alameda, Claimant
 3. *Local Agency Formation Commissions (LAFCO)*, 02-TC-23
Sacramento Metropolitan Fire District, Claimant

C. Statewide Cost Estimates (3)

1. *Post Conviction: DNA Court Proceedings*, 00-TC-21, 01-TC-08
County of Los Angeles, Claimant
2. *Pupil Safety Notices*, 02-TC-13
San Juan Unified School District, Claimant
3. *National Norm-Referenced Achievement Tests (Formerly STAR)*
04-RL-9723-01