

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

I. WORKLOAD: PENDING CASELOAD (Info)

Type of Action	September 11, 2008
Test Claims ¹ to be Heard and Determined	63
Test Claims to be Reconsidered	0
Test Claims to be Reconsidered Based on Court Action	0
Test Claims to be Reconsidered, as Directed by the Legislature	0
Incorrect Reduction Claims to be Heard and Determined	141
Incorrect Reduction Claims to be Reconsidered Based on Court Action	0
Reasonable Reimbursement Methodologies/Statewide Estimate of Costs	0
Proposed Parameters and Guidelines, and Amendments	24
Parameters and Guidelines to be Amended or Set Aside, as Directed by the Legislature or Court Action	1
Statewide Cost Estimates to be Adopted	14
New Test Claim Filings to be Reviewed	0
New Incorrect Reduction Claim Filings to be Reviewed	0
Appeals of Executive Director's Decision	0
Regulatory Actions Pending	0

II. STATE BUDGET (Info/Action)

A. Commission Budget

There has been no change in the status of the State Budget. Following is information reported at the last hearing:

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for mandate reimbursement because local governments' authority to file estimated reimbursement claims has been repealed.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.](#)

¹ This includes 40 test claims filed by school districts and 23 filed by local agencies.

B. Next Hearing: November 6, 2008

With no budget in place, expenses for the August 1 and September 26, 2008 Commission meetings cannot be paid until the budget is signed. This includes expenses for Members Glaab, Olsen, and Worthley. The Commission's next meeting is scheduled for November 6, 2008.

Should the Commission cancel the November meeting if no budget is signed by October 17, 2008 (one week prior to November binders being issued)?

C. Agenda Items and Exhibits

At the August 1, 2008 meeting, Commission Members were provided with large exhibits for agenda items in CD format rather than hard copy format. This was done to reduce costs, use of paper, and provide large records to Members in a less cumbersome format. The Members supported the increased use of electronic formats, and agreed that staff should develop an electronic format for the entire meeting, such as using laptop computers and providing members with CDs and/or flash drives. Staff stated they would survey the Members on specific needs and preferences prior to developing a plan to increase use of electronic formats at the Commission meetings. The Executive Director will issue the survey during the week of September 15 and will discuss the results at the meeting.

III. REPORT TO DIRECTOR, DEPARTMENT OF FINANCE (Info)

On September 12, 2008, the Commission submitted its annual report on workload to the Director of the Department of Finance.² The annual Budget Act requires the Commission on State Mandates to report to the Director, Department of Finance on workload levels and backlog.

The Commission has reduced the time it will take to complete its pending test claim workload from 7 to approximately 3.5 years. However, one staff counsel position is proposed for elimination in the 2008-2009 State Budget. This action will increase the time it takes to eliminate the pending test claim workload. The report shows that there are currently 63 pending test claims, and 141 pending incorrect reduction claims (IRCs). This report also includes descriptions of the subject matter of pending test claims, IRCs, parameters and guidelines, and statewide cost estimates. There is no estimate for elimination of the pending IRC workload.

IV. TENTATIVE AGENDAS (Info)

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.

Thursday, November 6, 2008

A. Test Claims (1)

1. *Tuition Fee Waivers, 02-TC-21*
Contra Costa Community College Districts

B. Proposed Parameters and Guidelines (2)

1. *Modified Primary Election, 01-TC-13*
County of Orange, Claimant

²A copy of this report is enclosed in the Member Binders.

2. *Permanent Absent Voter II*, 03-TC-11
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 (2)
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)

Friday, January 30, 2009

- 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 (2)
1. *Interagency Child Abuse and Neglect {ICAN} Investigation Reports*,
00-TC-22
County of Los Angeles, Claimant
 2. *Local Government Employment Relations*, 01-TC-30
County of Sacramento, Claimant
- C. Proposed Parameters and Guidelines Amendments (2)
1. *Integrated Waste Management*, 05-PGA-16
California Integrated Waste Management Board, Requestor
 2. *Request to Amend Parameters and Guidelines to Update Boilerplate Language*, 05-PGA-17
State Controller's Office, Requestor
- D. Proposed Reasonable Reimbursement Methodologies (1)
1. *Voter Identification Procedures*, 03-TC-23
County of San Bernardino and Department of Finance, Requestors

E. Statewide Cost Estimates (5)

1. *Post Conviction: DNA Court Proceedings*, 00-TC-21, 01-TC-08
County of Los Angeles, Claimant
2. *Mentally Disordered Offenders: Treatment as a Condition of Parole*,
00-TC-28
County of San Bernardino, Claimant
3. *Racial Profiling: Law Enforcement Training*, 01-TC-01
County of Sacramento, Claimant
4. *Fire Safety Inspections of Care Facilities*, 01-TC-16
City of San Jose, Claimant
5. *National Norm-Referenced Achievement Tests (Formerly STAR)*
04-RL-9723-01