

**ITEM 11**  
**ACTING EXECUTIVE DIRECTOR'S REPORT**  
**Workload, Budget, Workplan Updates, and Next Meeting/Hearing (info/action)**

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**I. WORKLOAD**

**A. PENDING COMMISSION CASELOAD**

Type of Action	Pending on 1/1/2012	Received Since 1/1/2012	Total as of 1/13/2012	Pending on 1/1/2011
Test Claims <sup>1</sup> to be Heard and Determined	43	0	43	52
Test Claims to be Reconsidered	0	0	0	0
Test Claims to be Reconsidered or Reinstated Based on Court Action	0	0	0	0
Incorrect Reduction Claims to be Heard and Determined	136	0	136	159
Incorrect Reduction Claims to be Reconsidered Based on Court Action	0	0	0	0
Requests for Redetermination	0	0	0	0
Joint Reasonable Reimbursement Methodologies/Statewide Estimates of Costs	0	0	0	0
Proposed Parameters and Guidelines	11	1	12	11
Proposed Parameters and Guidelines Amendments	17	0	17	5
Requests to Review Claiming Instructions	0	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
Statewide Cost Estimates to be Adopted	7	0	7	11
New Test Claim Filings to be Reviewed	0	0	0	0

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<sup>1</sup> This includes 19 test claims filed by school districts and 24 filed by local agencies.

New Incorrect Reduction Claim Filings to be Reviewed	0	0	0	0
Appeals of Executive Director's Decisions	0	0	0	0
Regulatory Actions Pending	1	0	1	2

**B. PENDING REQUESTS TO JOINTLY DEVELOP LEGISLATIVELY DETERMINED MANDATES**

Type of Action	
Notice of Intent to Pursue Legislatively Determined Mandates	0

**C. APPLICATIONS FOR FINDINGS OF SIGNIFICANT FINANCIAL DISTRESS**

Type of Action	
Applications for Findings of Significant Financial Distress Pending	0

**D. COMPLETED WORKLOAD**

Type of Caseload	Completed in 2011	Completed in 2012
Test Claims	18	0
Incorrect Reduction Claims	12	0
Parameters & Guidelines	6	0
Parameters and Guidelines Amendments	0	0
Statewide Cost Estimates	10	0

**II. 2012-2013 BUDGET**

The Governor released the 2012-2013 Proposed State Budget on January 5, 2012. It includes \$1.599 million to fund the Commission.

Mandate Funding and Reform

The Summary of the Proposed Budget for local agency mandates provides:

Suspend/Repeal State Mandates — The Budget proposes to suspend various mandates except for most mandates related to law enforcement or property taxes.<sup>2</sup>

Consistent with the Governor's focus on streamlining government and providing local flexibility, the Budget proposes to repeal dozens of the approximately 50 mandates that have been suspended for the past two years or more. Many of the activities required by these mandates have become common practice and should not be mandated by the state. This proposal will result in a decrease of \$728.8 million General Fund in 2012-13.<sup>3</sup>

<sup>2</sup> Exhibit A. List of mandates proposed for funding or suspension.

<sup>3</sup> Exhibit B. List of mandates proposed for repeal or to be made optional.

Redetermination of Mandate — Chapters 762 and 763, Statutes of 1995, created the Sexually Violent Predators reimbursable state mandate. However, in 2006, voters approved Jessica’s Law (Proposition 83), which restated several of the provisions of the reimbursable mandate. Because mandates imposed by voter-approved initiatives are not reimbursable state mandates, the Administration will submit a request to the CSM to adopt a new test claim decision for the mandate to reflect this change.

Delay of Program Participation Requirements for Specified Probationers— Chapter 219, Statutes of 2010, provided for enhanced sentencing of sex offenders. The Budget proposes to implement a two-year delay, from July 2012 to July 2014, of the requirement that probationers who are registered sex offenders participate in a sex offender management program. All the enhanced sentencing terms and parole lengths that were part of the bill, which basically required longer sentences for sex offenders and in some cases longer/lifetime parole, will remain in place. No sentencing changes will result from this proposed program delay.

In light of the public safety realignment, this delay will provide probation departments the opportunity to focus on the implementation of realignment. In addition, if this program were determined to be a reimbursable state mandate, this two-year delay could result in significant General Fund savings.

Deferral of Pre-2004 Mandate Obligations — A decrease of \$99.5 million in 2012-13 as a result of deferring the 2012-13 payment for mandate costs incurred prior to 2004-05.

The Summary of the Proposed Budget for school districts provides:

Reform K-14 Mandates — The Budget provides a total of \$200 million to fund a mandates block grant incentive program for K-12 schools and community colleges. Legislation will eliminate almost half of all current K-14 mandates and will create incentives for schools to continue to comply with remaining previously mandated activities.<sup>4</sup> The significant shortcomings of existing mandates and the process for administering them compel this reform. Many existing mandates fail to serve a compelling purpose. The mandates determination process takes years. Reimbursement costs are very often higher than anticipated and can vary greatly district by district. Further, the reimbursement process rewards inefficiency.

- Eliminate Unnecessary Mandates — The proposal will eliminate nearly half of all existing mandates, including Graduation Requirements (Second Science Course) and Behavioral Intervention Plans. While the mandate to perform these activities will be eliminated, local districts may choose to continue these activities at local discretion.
- Preserve Core Programs and Functions — Mandates that are not eliminated will be made optional. However, the proposal creates a block grant to encourage schools to continue meeting these requirements. Receipt of funding from this block grant will be conditioned on schools complying with these provisions. The proposal will sustain core programs, including school and county office fiscal accountability reporting. It will also continue to support sensitive notification and school safety functions

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<sup>4</sup> The list of school district mandates proposed for suspension will be included in legislation introduced later this year.

like pupil health screenings, immunization records, AIDS prevention, School Accountability Report Cards, and criminal background checks. The mandates block grant provides an almost 340-percent increase in funding to encourage districts to perform these programs.

The Summary of the Proposed Budget for community college districts provides:

Mandate Reform — The Budget proposes to preserve core mandatory programs and functions, to eliminate unnecessary mandates, and to create a mandates block grant incentive program. The details of this proposal are consistent with the K-12 Education mandate reform proposal discussed in the K-12 Education section.

### **III. UPDATE ON BACKLOG ELIMINATION PLAN**

On May 25, 2011, Commission staff issued a workplan to eliminate the caseload backlog. Staff plans to issue a one-year update at the May 25, 2012 meeting.

The workplan proposes an aggressive schedule that depends on factors such as staffing levels at the time, and the briefing and hearing schedules for pending litigation.

The Commission is working hard to meet this proposed plan. Since the backlog plan was issued, a vacancy has occurred, the schedule for litigation has increased, and the courts are deciding lawsuits on the test claims filed on regional water permits. These circumstances will affect our current schedule for eliminating the backlog.

We are still scheduled to complete all 2002 test claims by May 2012, and we are working closely with the State Controller's Office and claimants on IRCs, particularly the IRCs filed on the *Investment Reports* and *Health Fee Elimination* programs. At the beginning of 2011, there were 102 IRC pending on these two programs. Since that time, the parties have negotiated settlements and withdrawn six *Investment Reports* IRCs. The Commission completed seven *Health Fee Elimination* IRCs. The parties have also met with staff on the remaining *Health Fee Elimination* IRCs, and we are setting them for hearing this year.

We are also working on pending parameters and guidelines and requests for adoption of amendments to parameters and guidelines that all contain proposed RRM. The pending parameters and guidelines and proposed amendments were tentatively scheduled for the March 2012 meeting. Due to the circumstances described above, these items will not be set for one meeting. We will instead schedule them during the 2012 hearings, as follows:

### **PARAMETERS AND GUIDELINES AND REQUESTS TO AMEND PARAMETERS AND GUIDELINES**

#### **March or May Meetings**

1. *Voter Identification Procedures*(with proposed RRM), 03-TC-23  
County of San Bernardino, Claimant
2. *Peace Officer Bill of Rights (POBOR)* (with proposed RRM), 09-PGA-05  
City of Los Angeles, Requestor
3. *Interdistrict Attendance Permits*, 10-PGA-01  
State Controller's Office, Requestor
4. *School Accountability Report Cards*, 10-PGA-02  
State Controller's Office, Requestor

#### **July or September Meetings**

1. *Interagency Child Abuse and Neglect (ICAN)*, 00-TC-22  
County of Los Angeles, Claimant

2. *Habitual Truants*, 09-PGA-01, 00-PGA-06  
Clovis and San Jose Unified School Districts, Requestors

### **December Meeting**

1. *Enrollment Fee Collection and Waivers*, 08-PGA-02  
Los Rios, Cerritos, Citrus Community College Districts, etc., Requestors

The remaining agenda items tentatively set for the March or May meetings are listed below.

### **III. TENTATIVE AGENDA ITEMS**

The tentative agenda items are subject to change based on Commission workload, litigation, 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.

#### **A. TEST CLAIMS**

##### **March or May Meetings**

1. *Public Contracts*, 02-TC-35  
Clovis Unified School District and Santa Monica Community College District Co-Claimants
2. *California English Language Development Test 2*, 03-TC-06  
Castro Valley Unified School District, Claimant
3. *Reserve Peace Officer Training*, 03-TC-15  
City of Kingsburg, Claimant
4. *Juvenile Offender Treatment Program Court Proceedings*, 04-TC-02  
County of Los Angeles, Claimant
5. *Ethics Training and Compensation for Members of Local Agency Legislative Bodies*, 07-TC-04  
City of Newport Beach, Claimant

#### **B. STATEWIDE COST ESTIMATES**

##### **March or May Meetings**

1. *Domestic Violence Background Checks*, 01-TC-29  
County of Alameda, Claimant
2. *Identity Theft*, 03-TC-08  
City of Newport Beach, Claimant
3. *Mandate Reimbursement Process II*, 05-TC-05  
City of Newport Beach, Claimant

**Mandates Proposed For Funding or Suspension**

(\$ in 000s)

<b><u>Funding</u></b>	2012-13 Total Estimate
Threats Against Peace Officers	26
Custody of Minors - Child Abduction and Recovery	12,999
Medi-Cal Beneficiary Death Notices	10
Sexually Violent Predators	20,963
Domestic Violence Treatment Services	1,944
Domestic Violence Arrest Policies	7,608
Unitary Countywide Tax Rates	267
Allocation of Property Tax Revenues	727
Rape Victim Counseling	349
Health Benefits for Survivors of Peace Officers and Firefighters	1,695
Crime Victims' Domestic Violence Incident Reports	167
Peace Officer Personnel Records: Unfounded Complaints & Discovery	657
Domestic Violence Arrests and Victims Assistance	1,374
<b>Total Funded Costs</b>	<b>48,786</b>

**Suspending**

Adult Felony Restitution
AIDS/Search Warrant
Airport Land Use Commission/Plans
Animal Adoption
Conservatorship: Developmentally Disabled Adults
Coroners Costs
Crime Victims' Domestic Violence Incident Reports II
Deaf Teletype Equipment
Developmentally Disabled Attorneys' Services
DNA Database & Amendments to Postmortem Examinations: Unidentified Bodies
Domestic Violence Information
Elder Abuse, Law Enforcement Training
Extended Commitment, Youth Authority
False Reports of Police Misconduct
Filipino Employee Surveys
Firearm Hearings for Discharged Inpatients
Grand Jury Proceedings
Handicapped Voter Access Information
Inmate AIDS Testing
Judiciary Proceedings
Law Enforcement Sexual Harassment Training
Local Coastal Plans

Mandate Reimbursement Process
Mandate Reimbursement Process II (includes suspension of consolidation of the two)
Mentally Disordered Offenders': Treatment as a Condition of Parole
Mentally Disordered Offenders' Extended Commitments Proceedings
Mentally Disordered Sex Offenders' Recommitments
Mentally Retarded Defendants Representation
Missing Persons Report
Not Guilty by Reason of Insanity
Open Meetings Act/Brown Act Reform
Pacific Beach Safety:Water Quality and Closures
Perinatal Services
Personal Safety Alarm Devices
Photographic Record of Evidence
Pocket Masks
Post Conviction: DNA Court Proceedings
Postmortem Examinations:Unidentified Bodies, Human Remains
Prisoner Parental Rights
Senior Citizens Property Tax Postponement
Sex Crime Confidentiality
Sex Offenders: Disclosure by Law Enforcement Officers
SIDS Autopsies
SIDS Contacts by Local Health Officers
SIDS Training for Firefighters
Stolen Vehicle Notification
Very High Fire Hazard Severity Zones
Victims' Statements-Minors
Fifteen-Day Close of Voter Registration
Absentee Ballots
Permanent Absent Voters
Absentee Ballots-Tabulation by Precinct
Brendon Maguire Act
Voter Registration Procedures
In-Home Supportive Services II
Crime Statistics Reports for the Department of Justice and CSR for the DOJ Amended

**Deferring** (Employee rights not subject to Prop 1A, payments deferred)

POBOR
Local Government Employment Relations

**Mandates Proposed For Repeal Or To Be Made Optional**

1. Adult Felony Restitution
2. AIDS/Search Warrant
3. Animal Adoption
4. Crime Victims' Domestic Violence Incident Reports II\*
5. Domestic Violence Information
6. Elder Abuse, Law Enforcement Training
7. Extended Commitment, Youth Authority
8. Filipino Employee Surveys
9. Firearm Hearings for Discharged Inpatients
10. Grand Jury Proceedings
11. Law Enforcement Sexual Harassment Training
12. Missing Persons Report
13. Personal Safety Alarm Devices
14. Photographic Record of Evidence
15. Pocket Masks
16. Prisoner Parental Rights
17. Stolen Vehicle Notification
18. Victims' Statements-Minors
19. Crime Statistics Reports for the Department of Justice Amended\*
20. Airport Land Use Commission/Plans
21. False Reports of Police Misconduct
22. Deaf Teletype Equipment
23. SIDS Training for Firefighters
24. Local Coastal Plans
25. Conservatorship: Developmentally Disabled Adults
26. Mentally Retarded Defendants Representation
27. Not Guilty by Reason of Insanity
28. Perinatal Services
29. SIDS Autopsies
30. SIDS Contacts by Local Health Officers
31. Inmate AIDS Testing\*
32. Judiciary Proceedings

\*These programs are not proposed for repeal, but would be made optional.