

ITEM 7

EXECUTIVE DIRECTOR'S REPORT

Budget, Workload Update, and Tentative Agenda Items for the May and July 2017 Meetings (info)

I. 2017-18 Budget

The Commission's budget is set for hearing in Senate Budget Subcommittee 4 on March 30, 2017 and in Assembly Budget Subcommittee 4 on April 18, 2017.

A. The Commission's Operating Budget: 8885-001-0001

The Commission's budget as proposed in the Governor's Budget is \$2,192,000, which is slightly higher than the current year to account for general salary increases approved by the Legislature and unavoidable increases in operating costs.

B. Local Agency Mandate Funding and Suspension

i. Under the Commission's Budget: 8885-295-0001—For Local Assistance for Reimbursement

The proposed budget appropriates \$34.510 million for local agency mandated programs. Pursuant to the provisions of Section 17581 of the Government Code, the mandates identified in the following schedule are specifically identified by the Legislature for suspension during the 2017–18 fiscal year:

- Absentee Ballots (Ch. 77, Stats. 1978 and Ch. 1032, Stats. 2002) (CSM 3713)
- Absentee Ballots-Tabulation by Precinct (Ch. 697, Stats. 1999) (00-TC-08)
- AIDS/Search Warrant (Ch. 1088, Stats. 1988) (CSM 4392)
- Airport Land Use Commission/Plans (Ch. 644, Stats. 1994) (CSM 4507)
- Animal Adoption (Ch. 752, Stats. 1998 and Ch. 313, Stats. 2004) (04-PGA-01 and 98-TC-11)
- Brendon Maguire Act (Ch. 391, Stats. 1988) (CSM 4357)
- Conservatorship: Developmentally Disabled Adults (Ch. 1304, Stats. 1980) (04-LM-13)
- Coroners' Costs (Ch. 498, Stats. 1977) (04-LM-07)
- Crime Statistics Reports for the Department of Justice (Ch. 1172, Stats. 1989; Ch. 1338, Stats. 1992; Ch. 1230, Stats. 1993; Ch. 933, Stats. 1998; Ch. 571, Stats. 1999; and Ch. 626, Stats. 2000) (02-TC-04 and 02-TC-11) and Crime Statistics Reports for the Department of Justice Amended (Ch. 700, Stats. 2004) (07-TC-10)

- Crime Victims' Domestic Violence Incident Reports II (Ch. 483, Stats. 2001; Ch. 833, Stats. 2002) (02-TC-18)
- Developmentally Disabled Attorneys' Services (Ch. 694, Stats. 1975) (04-LM-03)
- DNA Database & Amendments to Postmortem Examinations: Unidentified Bodies (Ch. 822, Stats. 2000; Ch. 467, Stats. 2001) (00-TC-27 and 02-TC-39)
- Domestic Violence Background Checks (Ch. 713, Stats. 2001) (01-TC-29)
- Domestic Violence Information (Ch. 1609, Stats. 1984 and Ch. 668, Stats. 1985) (CSM 4222)
- Elder Abuse, Law Enforcement Training (Ch. 444, Stats. 1997) (98-TC-12)
- Extended Commitment, Youth Authority (Ch. 267, Stats. 1998 and Ch. 546, Stats. 1984) (98-TC-13)
- False Reports of Police Misconduct (Ch. 590, Stats. 1995 and Ch. 289, Stats. 2000) (00-TC-26)
- Firearm Hearings for Discharged Inpatients (Ch. 578, Stats. 1999) (99-TC-11)
- Grand Jury Proceedings (Ch. 1170, Stats. 1996; Ch. 443, Stats. 1997; and Ch. 230, Stats. 1998) (98-TC-27)
- Interagency Child Abuse and Neglect (ICAN) Investigation Reports (Ch. 958, Stats. 1977; Ch. 1071, Stats. 1980; Ch. 435, Stats. 1981; Chs. 162 and 905, Stats. 1982; Chs. 1423 and 1613, Stats. 1984; Ch. 1598, Stats. 1985; Chs. 1289 and 1496, Stats. 1986; Chs. 82, 531, and 1459, Stats. 1987; Chs. 269, 1497, and 1580, Stats. 1988; Ch. 153, Stats. 1989; Chs. 650, 1330, 1363, and 1603, Stats. 1990; Chs. 163, 459, and 1338, Stats. 1992; Chs. 219 and 510, Stats. 1993; Chs. 1080 and 1081, Stats. 1996; Chs. 842, 843, and 844, Stats. 1997; Chs. 475 and 1012, Stats. 1999; and Ch. 916, Stats. 2000) (00-TC-22)
- Identity Theft (Ch. 956, Stats. 2000) (03-TC-08)
- In-Home Supportive Services II (Ch. 445, Stats. 2000 and Ch. 90, Stats. 1999) (00-TC-23)
- Inmate AIDS Testing (Ch. 1579, Stats. 1988 and Ch. 768, Stats. 1991) (CSM 4369 and CSM 4429)
- Judiciary Proceedings (Ch. 644, Stats. 1980) (CSM 4366)
- Law Enforcement Sexual Harassment Training (Ch. 126, Stats. 1993) (97-TC-07)
- Local Coastal Plans (Ch. 1330, Stats. 1976) (CSM 4431)
- Mandate Reimbursement Process (Ch. 486, Stats. 1975 and Ch. 1459, Stats. 1984) (CSM 4204 and CSM 4485)
- Mandate Reimbursement Process II (Ch. 890, Stats. 2004) (05-TC-05)
(Suspension of Mandate Reimbursement Process and Mandate Reimbursement Process II includes suspension of the Consolidation of Mandate Reimbursement Processes I and II)

- Mentally Disordered Offenders: Treatment as a Condition of Parole (Ch. 228, Stats. 1989 and Ch. 706, Stats. 1994) (00-TC-28 and 05-TC-06)
- Mentally Disordered Offenders' Extended Commitments Proceedings (Ch. 435, Stats. 1991; Ch. 1418, Stats. 1985; Ch. 858, Stats. 1986; Ch. 687, Stats. 1987; Chs. 657 and 658, Stats. 1988; Ch. 228, Stats. 1989; and Ch. 324, Stats. 2000) (98-TC-09)
- Mentally Disordered Sex Offenders' Recommitments (Ch. 1036, Stats. 1978) (04-LM-09)
- Mentally Retarded Defendants Representation (Ch. 1253, Stats. 1980) (04-LM-12)
- Missing Persons Report (Ch. 1456, Stats. 1988 and Ch. 59, Stats. 1993) (CSM 4255, CSM 4368, and CSM 4484)
- Modified Primary Election (Ch. 898, Stats. 2000) (01-TC-13)
- Not Guilty by Reason of Insanity (Ch. 1114, Stats. 1979 and Ch. 650, Stats. 1982) (CSM 2753) (05-PGA-35)
- Open Meetings Act/Brown Act Reform (Ch. 641, Stats. 1986 and Chs. 1136, 1137, and 1138, Stats. 1993) (CSM 4257 and CSM 4469)
- Pacific Beach Safety: Water Quality and Closures (Ch. 961, Stats. 1992) (CSM 4432)
- Perinatal Services (Ch. 1603, Stats. 1990) (CSM 4397) (05-PGA-38)
- Permanent Absent Voters II (Ch. 922, Stats. 2001, Ch. 664, Stats. 2002, and Ch. 347, Stats. 2003) (03-TC-11)
- Personal Safety Alarm Devices (8 Cal. Code Regs. 3401 (c)) (CSM 4087)
- Photographic Record of Evidence (Ch. 875, Stats. 1985; Ch. 734, Stats. 1986; and Ch. 382, Stats. 1990) (98-TC-07)
- Pocket Masks (Ch. 1334, Stats. 1987) (CSM 4291)
- Post Conviction: DNA Court Proceedings (Ch. 943, Stats. 2001 and Ch. 821, Stats. 2000) (00-TC-21 and 01-TC-08)
- Postmortem Examinations: Unidentified Bodies, Human Remains (Ch. 284, Stats. 2000) (00-TC-18)
- Prisoner Parental Rights (Ch. 820, Stats. 1991) (CSM 4427)
- Senior Citizens Property Tax Postponement (Ch. 1242, Stats. 1977 and Ch. 43, Stats. 1978) (CSM 4359)
- Sex Crime Confidentiality (Ch. 502, Stats. 1992; Ch. 36, 1993–94 1st Ex. Sess.; and Ch. 555, Stats. 1993) (98-TC-21)
- Sex Offenders: Disclosure by Law Enforcement Officers (Chs. 908 and 909, Stats. 1996; Chs. 17, 80, 817, 818, 819, 820, and 822, Stats. 1997; and Chs. 485, 550, 927, 928, 929, and 930, Stats. 1998) (97-TC-15)

- SIDS Autopsies (Ch. 955, Stats. 1989) (CSM 4393)
- SIDS Contacts by Local Health Officers (Ch. 268, Stats. 1991) (CSM 4424)
- SIDS Training for Firefighters (Ch. 1111, Stats. 1989) (CSM 4412)
- Stolen Vehicle Notification (Ch. 337, Stats. 1990) (CSM 4403)
- Structural and Wildland Firefighter Safety Clothing and Equipment (8 Cal. Code Regs., 3401 to 3410, incl.) (CSM 4261 and CSM 4281)
- Very High Fire Hazard Severity Zones (Ch. 1188, Stats. 1992; Ch. 843, Stats. 1994; and Ch. 333, Stats. 1995) (97-TC-13)
- Voter Identification Procedures (Ch. 260, Stats. 2000) (03-TC-23)
- Voter Registration Procedures (Ch. 704, Stats. 1975) (04-LM-04)

ii. 5180-151-0001—For Local Assistance, Department of Social Services

Although local agency mandates have generally been funded through the Commission’s budget in recent years, this budget makes 4 million dollars available in county-optional block grant funding through the Department of Social Services’ budget, for allocation to local agencies to fund activities that are reimbursable under *Interagency Child Abuse and Neglect Investigation Reports*, 00-TC-22. Local governments that receive the block grant funding are not eligible to claim costs under section 17560 of the Government Code for any costs associated with the program. The Department of Social Services, in consultation with the California State Association of Counties, shall develop the allocation methodology for distributing the funds to the participating counties.

C. K-14 Mandate Funding and Suspension

Unlike local agency mandate funding, K-14 mandate funding takes place outside of the Commission’s budget. Among other things, the Budget Bill (AB 96, Ting) does the following with regard to mandate funding:

- Appropriates \$226.5 million for the K-12 Mandated Programs Block Grant, \$29.87 per unit of average daily attendance of pupils in kindergarten to grade 8, inclusive, and \$57.36 per unit of average daily attendance of pupils in grades 9 to 12, inclusive.
- Pursuant to Section 17581.5 of the Government Code, the following K-12 mandates are specifically identified by the Legislature for suspension for the 2016-17 fiscal year:
 - *Removal of Chemicals* (Ch. 1107, Stats. 1984) (CSM 4211 and 4298)
 - *Scoliosis Screening* (Ch. 1347, Stats. 1980) (CSM 4195)
 - *Pupil Residency Verification and Appeals* (Ch. 309, Stats. 1995) (96-384-01)
 - *School Bus Safety I and II* (Ch. 624, Stats. 1992; Ch. 831, Stats. 1994; and Ch. 739, Stats. 1997) (CSM 4433 and 97-TC-22)
 - *Physical Education Reports* (Ch. 640, Stats. 1997) (98-TC-08)
 - *Health Benefits for Survivors of Peace Officers and Fire Fighters* (Ch. 1120, Stats. 1996) (97-TC-25)
 - *Law Enforcement Sexual Harassment Training* (Ch. 126, Stats. 1993) (97-TC-07)

- *County Treasury Withdrawals* (Ch. 784, Stats. 1995) (96-365-03)
- *Grand Jury Proceedings* (Ch. 1170, Stats 1996) (98-TC-27)
- *Absentee Ballots* (Ch. 77, Stats. 1978) (CSM 3713)
- *Brendon Maguire Act* (Ch. 391, Stats. 1988) (CSM 4357)
- Pursuant to Government Code section 17581.5, the following programs are specifically identified for suspension from Community College Funding for the 2016-17 fiscal year:
 - *Law Enforcement Jurisdiction Agreements* (Ch. 284, Stats. 1998) (98-TC-20)
 - *Integrated Waste Management* (Ch. 1116, Stats. 1992) (00-TC-07)
 - *Sexual Assault Response Procedures* (Ch. 423, Stats. 1990) (99-TC-12)
 - *Student Records* (Ch. 593, Stats. 1989) (02-TC-34)
 - *Health Benefits for Survivors of Peace Officers and Firefighters* (Ch. 1120, Stats. 1996) (97-TC-25)
 - *Law Enforcement Sexual Harassment Training* (Ch. 126, Stats. 1993) (97-TC-07)
 - *Grand Jury Proceedings* (Ch. 1170, Stats. 1996) (98-TC-27)
 - *County Treasury Withdrawals* (Ch. 784, Stats. 1995) (96-365-03)
 - *Absentee Ballots* (Ch. 77, Stats. 1978) (CSM 3713)
 - *Brendon Maguire Act* (Ch. 391, Stats. 1988) (CSM 4357)
 - *Mandate Reimbursement Process I and II* (Ch. 486, Stats. 1975 and Ch. 890, Stats. 2004) (CSM 4204, CSM 4485, and 05-TC-05)
 - *Sex Offenders: Disclosure by Law Enforcement Officers* (Ch. 908 and 909, Stats. 1996) (97-TC-15)

II. WORKLOAD¹ (info)

A. COMPLETED WORKLOAD SUMMARY

Type of Caseload	Completed in 2015/2016	Completed in 2016/2017
Test Claims	3	1
Parameters & Guidelines	2	0
Parameters and Guidelines Amendments	5	0
Requests for Reconsideration	0	2
Statewide Cost Estimates	2	4
Request to Review Claiming Instructions	0	0
Mandate Redetermination Requests	3.5	0
Incorrect Reduction Claims	27	15
Appeal of Executive Director Decisions	0	1

¹ As of March 1, 2017.

B. COMMISSION WORKLOAD REPORT

Type of Action	Pending on 7/1/2016	Filed Since 7/1/2016	Completed Since 7/1/2016	Pending on 3/1/2017
Test Claims	14	2	1	15 ²
Parameters and Guidelines	1	0 ³	0	1
Joint Reasonable Reimbursement Methodologies	0	0	0	0
Pending Requests To Jointly Develop Legislatively Determined Mandates	0	0	0	0
Requests for Reconsideration	0	2	2	0
Requests to Review Claiming Instructions	0	0	0	0
Statewide Cost Estimates	5	0 ⁴	4	1
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 ⁵	0	1
Requests for Mandate Redetermination	0	0	0	0
Incorrect Reduction Claims	31	1	15	17

²14 of the 15 pending local agency claims are regarding regional water quality control board permits were on inactive status pending the outcome of litigation pending in the California Supreme Court regarding the extent of the federal clean water mandate. The California Supreme Court has issued its decision and these matters are now active.

³ Proposed parameters and guidelines may be submitted by the test claimant or expedited and issued by Commission staff upon the adoption of an approved test claim or upon the expiration of a joint reasonable reimbursement methodology.

⁴ 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.

⁵ Proposed parameters and guidelines amendments may be submitted by an affected local or state agency for any of the reasons specified by section 1183.17 of the Commission's regulations or they may expedited and issued by Commission staff upon the adoption of new test claim decision under the redetermination process.

Type of Action	Pending on 7/1/2016	Filed Since 7/1/2016	Completed Since 7/1/2016	Pending on 3/1/2017
Incorrect Reduction Claims to be Reconsidered Based on Court Action	0	0	0	0
Appeals of Executive Director's Decisions	1	0	1	0
Regulatory Actions Pending	1	1	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 Commission workload, litigation, requests for extensions of time to file comments on draft proposed decisions, hearing postponements, informal conferences, and the complexity of the matters.

May or July 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 Francisco Bay Region, Order No. R2-2009-0074, Provisions C.2.b, C.2.c, C.2.e, C.2.f, C.8.b, C.8.c C.8.d, C.8.e.i, ii, and iv, C.8.f, C.8.g, C.10.a.i,ii,and iii, C.10.b, C.10.c C.10.d, C.11.f, and C.12.f, 10-TC-01, 10-TC-02, 10-TC-03 and 10-TC-05*
Cities of Alameda, Brisbane, and San Jose and County of Santa Clara, Claimants
3. *California Regional Water Quality Control Board, San Diego Region, Order No. R2-2009-0002, 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
4. *School Employees: Sick Leave, 16-TC-01*
Fresno Unified School District, Claimant

B. INCORRECT REDUCTION CLAIMS

1. *Health Fee Elimination, 10-4206-I-31*
San Bernardino Community College District, Claimant
2. *Health Fee Elimination, 10-4206-I-32*
State Center Community College District Community College District, Claimant
3. *Health Fee Elimination, 10-4206-I-35*
San Mateo County Community College, Claimant

4. *Integrated Waste Management*, 13-0007-I-02
Sierra Joint Community College District, Claimant