

ITEM 10

EXECUTIVE DIRECTOR’S REPORT

**Budget, Workload Update, and Tentative Agenda Items for the
September 2022 and December 2022 Meetings (info)**

I. 2022-2023 Budget

The Budget Act of 2022 (SB 154, Skinner) was timely enacted on June 27, 2022. The Commission’s budget was adopted as introduced, with the addition of an appropriation to fund *Vote by Mail Ballots: Prepaid Postage*, 19-TC-01 (Program 377) at the high end of the range of the Statewide Cost Estimate adopted by the Commission at its March 25, 2022 meeting, which was included in the Governor’s May Revision.

II. WORKLOAD¹ (info)

A. COMPLETED WORKLOAD SUMMARY

Type of Caseload	Completed in 2020/2021	Completed in 2021/2022
Test Claims	5	3
Parameters & Guidelines	2	2
Parameters & Guidelines Amendments	0	1
Requests for Reconsideration	0	0
Statewide Cost Estimates	2	2
Request to Review Claiming Instructions	0	0
Requests for Mandate Redetermination ²	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	4
Appeal of Executive Director Decisions	0	0
Order to Set Aside a Test Claim, Parameters and Guidelines or Incorrect Reduction Claim Decision	0	0

¹ As of July 1, 2022.

² Requests for Mandate Redetermination require a two-hearing process.

B. COMMISSION WORKLOAD REPORT

Type of Action	Pending on 7/1/2021	Filed Since 7/1/2021	Completed Since 7/1/2021	Pending on 7/1/2022
Test Claims	40	2	3	40 ³
Parameters and Guidelines	2	1 ⁴	2	1 ⁵
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	2 ⁶	2	3
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	1 ⁷	1	1

³ 38 of the 40 pending local agency claims are regarding National Pollutant Discharge Elimination System (NPDES) permits. There are no school district test claims currently pending. One of these local agency claims was filed on May 21, 2021 but was not completed and issued for comment until December 1, 2021 so was neither “Pending on July 1, 2021” nor “Filed since 7/1/2021.”

⁴ 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.

⁵ This Parameters and Guidelines is on inactive status pending the outcome of litigation on the underlying Test Claim Decision.

⁶ 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.

⁷ 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.

Type of Action	Pending on 7/1/2021	Filed Since 7/1/2021	Completed Since 7/1/2021	Pending on 7/1/2022
Requests for Mandate Redetermination ⁸	0	0	0	0
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	4	3
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	1	3 ⁹	2	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.

September or December 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

⁸ Requests for Mandate Redetermination require a two-hearing process.

⁹ The January 2021 Order to Initiate, 21-01, lapsed and was replaced by a new March 2022 Order to Initiate 22-01.

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, Claimants
4. *California Regional Water Quality Control Board, Los Angeles Region, Order No. R4-2012-0175, 13-TC-01 and 13-TC-02*
County of Los Angeles and Los Angeles County Flood Control District, and the Cities of Agoura Hills, Bellflower, Beverly Hills, Carson, Cerritos, Commerce, Downey, Huntington Park, Lakewood, Manhattan Beach, Norwalk, Pico Rivera, Rancho Palos Verdes, Redondo Beach, San Marino, Santa Clarita, Santa Fe Springs, Signal Hill, South El Monte, Vernon, Westlake Village, and Whittier, Claimants
5. *California Voting for All Act: Ballot Translations and Posting Requirements, 20-TC-03*
County of Los Angeles, Claimant
6. *Juveniles: Custodial Interrogation, 21-TC-01*
County of Los Angeles, Claimant

B. STATEWIDE COST ESTIMATES

1. *County of Los Angeles Citizens Redistricting Commission, 19-TC-04*
2. *Sexual Assault Evidence Kits: Testing, 20-TC-01*

C. INCORRECT REDUCTION CLAIMS

1. *Interagency Child Abuse and Neglect Investigation Reports (ICAN), 20-0022-I-02*
City of South Lake Tahoe, Claimant
2. *Municipal Stormwater and Urban Runoff Discharges, 20-0304-I-12*
City of Hawaiian Gardens, Claimant