

ITEM 9

EXECUTIVE DIRECTOR'S REPORT

Proposed 2021 Hearing Calendar, Workload Update, and Tentative Agenda Items for the December 2020 and January 2021 Meetings (info/action)

I. PROPOSED 2021 HEARING CALENDAR (action)

Commission meetings are generally held on the fourth Fridays of odd months, unless they conflict with a holiday. In 2021, the fourth Friday in November is a holiday, therefore the first Friday of December is proposed for this hearing. Additionally, the May hearing is proposed to remain on the Friday of the Memorial Day weekend, as is usual. Therefore, all 2021 regular meetings are proposed for the fourth Fridays of odd months, except for the November hearing, which is proposed for the first Friday of December.

In addition, tentative hearing dates are proposed for April 23, 2021 and October 22, 2021.

Staff recommends that the Commission adopt the proposed 2021 hearing calendar as follows:

COMMISSION ON STATE MANDATES

2021 HEARING CALENDAR

(The Commission will conduct its hearings at 10:00 a.m. on Fridays)

Friday, January 22, 2021

Friday, March 26, 2021

Friday, April 23, 2021 (Tentative)

Friday, May 28, 2021

Friday, July 23, 2021

Friday, September 24, 2021

Friday, October 22, 2021 (Tentative)

Friday, December 3, 2021

II. WORKLOAD¹ (info)

A. COMPLETED WORKLOAD SUMMARY

Type of Caseload	Completed in 2019/2020	Completed in 2020/2021
Test Claims	2	1
Parameters & Guidelines	2	0
Parameters & Guidelines Amendments	2	0
Requests for Reconsideration	0	0
Statewide Cost Estimates	2	1
Request to Review Claiming Instructions	0	0
Requests for Mandate Redetermination ²	2	0
Requests for Mandate Redetermination to be Amended, Set Aside, or Reinstated, as Directed by the Legislature or Court Action	1	0
Requests for Mandate Redetermination Reconsideration Based on Court Action	1	0
Incorrect Reduction Claims	1	1
Appeal of Executive Director Decisions	0	0
Order to Set Aside a Test Claim, Parameters and Guidelines or Incorrect Reduction Claim Decision	1	0

B. COMMISSION WORKLOAD REPORT

Type of Action	Pending on 7/1/2019	Filed Since 7/1/2019	Completed Since 7/1/2019	Pending on 9/1/2020
Test Claims	41	3	3	41 ³
Parameters and Guidelines	3	2 ⁴	2	3 ⁵
Joint Reasonable Reimbursement Methodologies	0	0	0	0

¹ As of September 1, 2020.

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

³ 39 of the 41 pending local agency claims are regarding National Pollutant Discharge Elimination System (NPDES) permits. One of these claims, 18-TC-02 was filed in 2018-19, but not deemed complete until August 20, 2019. There are no school district test claims currently pending.

⁴ Proposed parameters and guidelines may be filed 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.

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

Type of Action	Pending on 7/1/2019	Filed Since 7/1/2019	Completed Since 7/1/2019	Pending on 9/1/2020
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	3	2 ⁷
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	1	0	0	1
Proposed Amendments to Parameters and Guidelines	1 ⁸	2 ⁹	2	1
Requests for Mandate Redetermination ¹⁰	2	0	2	0
Requests for Mandate Redetermination to be Amended, Set Aside, or Reinstated, as Directed by the Legislature or Court Action	1	0	1	0
Requests for Mandate Redetermination Reconsideration Based on Court Action	1	0	1	0
Incorrect Reduction Claims	5	4	1	8

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 One of these Statewide Cost Estimates is on inactive status pending the outcome of litigation on the underlying Test Claim Decision.

⁸ This Amendment to Parameters and Guidelines is again on inactive status pending the outcome of litigation.

⁹ Proposed parameters and guidelines amendments may be filed 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 be issued by Commission staff upon the adoption of new test claim decision under the redetermination process.

¹⁰ Requests for Mandate Redetermination require a two-hearing process.

Type of Action	Pending on 7/1/2019	Filed Since 7/1/2019	Completed Since 7/1/2019	Pending on 9/1/2020
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	1	1	0
Regulatory Actions Pending	0	1	1	0
Applications for Findings of Significant Financial Distress	0	0	0	0

C. ADMINISTRATIVE WORKLOAD (info)

This section of the Executive Director's Report highlights major issues, challenges, and achievements with regard to the administrative workload of Commission staff. On July 1, 2020, the Commission reopened its physical office and is conducting its business Monday-Friday 8:00 a.m. – 5:00 p.m., except for State holidays, via telework to slow the spread of COVID-19 and protect the health of Commission employees and the public. As part of the Commission's COVID-19 emergency plan, it was determined that approximately 95 percent of the Commission's mission critical functions could be performed remotely, which they have since March 19, 2020. Therefore, the critical functions to be performed in the office to "direct members of the public and conduct state business" include, primarily, answering the telephone and door, processing mail and packages, and filing and serving paper documents when necessary. In-office service is available during regular business hours by appointment, with a two-day advance notice and strict adherence to the guidance of world, federal, State, and local health officials including temperature checks, facial coverings, physical distancing, and not entering the office with COVID-19 symptoms, or after personal contact with a person who tested positive for COVID-19, or within 14 days after international travel.

Additionally, to maintain adequate flow of movement with physical distancing and sufficient access to the kitchen for breaks and handwashing and to avoid large numbers of staff in elevators and bathrooms, rotational work is required. Staffing in the office during the Phase 3 reopening has been limited to two Commission employees per day until further notice. Commission staff not scheduled to be in the office are teleworking full time, largely as though they were in the office.

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.

December or January 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 vi, C.8.f, C.8.g, C.8.h, C.10.a, C.10.b, C.10.c, C.10.d, C.11.f, and C.12.f, 10-TC-02, 10-TC-03, and 10-TC-05*
City of Dublin, County of Santa Clara, and City of San Jose, Claimants
3. *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
4. *California Regional Water Quality Control Board, Los Angeles Region, Order No. R4-2010-0108, 11-TC-01*
County of Ventura and Ventura County Watershed Protection District, Claimants
5. *Accomplice Liability for Felony Murder, 19-TC-02*
County of Los Angeles, Claimant

B. PARAMETERS AND GUIDELINES

1. *Vote by Mail Ballots: Prepaid Postage, 19-TC-01*
County of Los Angeles, Claimant

C. STATEWIDE COST ESTIMATES

1. *Public School Restrooms: Feminine Hygiene Products, 18-TC-01*

D. INCORRECT REDUCTION CLAIMS

1. *Crime Statistics Reports for the Department of Justice (DOJ), 17-0240-I-01*
City of San Marcos, Claimant
2. *The Stull Act, 19-9825-I-03*
Fairfield-Suisun Unified School District, Claimant