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Recommendation Status Summary

Senate Budget & Fiscal Review Subcommittee 2 on Resources, Environmental Protection, Energy and Transportation

Report Number I2016-1		
<i>Investigations of Improper Activities by State Agencies and Employees: Misuse of State Resources, Forgery, False Time Reporting, Financial Interests Disclosure Violations, and Waste of State Funds (February 2016)</i>		
RECOMMENDATION	STATUS OF RECOMMENDATION	ENTITY
2. The Department of Fish and Wildlife (Fish and Wildlife) should take appropriate corrective or disciplinary action against the employee for his improper governmental activities, including reducing the employee's leave balance by 14 hours to account for the two days he did not work and did not attend the retirement fair.	Resolved	Department of Fish and Wildlife
3. Fish and Wildlife should recover \$323 related to the employee's inappropriate reimbursement and misuse of state resources.	Fully Implemented	Department of Fish and Wildlife
4. Fish and Wildlife should, in the future, require its employees to provide proof of their presence when attending trainings or business-related events on state time.	Resolved	Department of Fish and Wildlife
6. The Department of Water Resources (Water Resources) should provide training to all officials who approve training requests regarding the difference between training categories, the maximum calendar year reimbursement limitations for each category, and the required documentation to support expense claims, including proof of attendance.	Fully Implemented	Department of Water Resources
7. Water Resources should amend the training request form and the training plan form to require that approving officials include written justification for the selected training category.	Fully Implemented	Department of Water Resources
8. Water Resources should amend the training request form to require that division chiefs or higher level executives provide written justification for their approval of reimbursements beyond the maximum \$2,000 per year amount allowed for job-related training.	Fully Implemented	Department of Water Resources
9. Water Resources should provide training to all training coordinators regarding their responsibility to track each employee's total calendar year reimbursement for each training category other than job-required training.	Fully Implemented	Department of Water Resources
10. Water Resources should require division chiefs and the training chief to review and approve training requests for all job-required and job-related training.	Resolved	Department of Water Resources
11. Water Resources should require the last official who approves an employee's expense claim for job-required and job-related training to forward that claim to the training division, the division of fiscal services, or both, for a separate review of the employee's training forms and supporting documents before Water Resources reimburses the employee.	Fully Implemented	Department of Water Resources

Report Number 2015-120		
<i>California Department of Transportation: Its Maintenance Division's Allocations and Spending for Field Maintenance Do Not Match Key Indicators of Need (March 2016)</i>		
RECOMMENDATION	STATUS OF RECOMMENDATION	ENTITY
1. To better align the Department of Transportation's (Caltrans) Division of Maintenance's (maintenance division) allocations with districts' maintenance needs, the Legislature should include language in the Budget Act that requires the maintenance division to develop and implement a budget model for field maintenance by June 30, 2017, that takes into account key indicators of maintenance need, such as traffic volume, climate, service scores, and any other factors the maintenance division deems necessary to ensure that the model adequately considers field maintenance need.	No Action Taken	Legislature

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RECOMMENDATION	STATUS OF RECOMMENDATION	ENTITY
2. To better align the maintenance division's allocations with districts' maintenance needs, the Legislature should include language in the Budget Act that requires the maintenance division to develop and implement a budget model for field maintenance by June 30, 2017, that takes into account key indicators of maintenance need, such as traffic volume, climate, service scores, and any other factors the maintenance division deems necessary to ensure that the model adequately considers field maintenance need. Once the model is developed, Caltrans should use it to inform appropriate allocations to the districts.	Fully Implemented	Department of Transportation
3. Caltrans should revise the language in its future five-year maintenance plans to accurately describe the method it uses to allocate field maintenance funding to its districts.	Fully Implemented	Department of Transportation
4. To ensure that it performs field maintenance work consistently on highways with similar needs, the maintenance division should assess whether districts are using funds in a manner commensurate with indicators of need included in its new budget model.	Fully Implemented	Department of Transportation
5. To ensure that it performs field maintenance work consistently on highways with similar needs, the maintenance division should implement the zone-level evaluation of service scores contemplated in the earlier budget model that it abandoned.	Fully Implemented	Department of Transportation
6. To ensure that it performs field maintenance work consistently on highways with similar needs, the maintenance division should establish zone-specific service score goals for all of the field maintenance activities it deems critical to ensuring a safe and usable state highway system and require districts to meet those goals for all the zones within their borders.	Fully Implemented	Department of Transportation
7. To ensure that it performs field maintenance work consistently on highways with similar needs, the maintenance division should implement the requirements for strategically planning field maintenance work that it previously included in its maintenance manual or develop similar requirements that it believes are feasible and ensure that supervisors plan and schedule field maintenance work based on service scores. Caltrans should require superintendents and regional managers to approve those plans. Caltrans should also require supervisors and superintendents to monitor progress toward improving service scores.	Fully Implemented	Department of Transportation
8. Caltrans should require its staff to verify and update the status of all outstanding service requests. Additionally, Caltrans should require supervisors to monitor completion of service requests by reviewing the data from the service request system monthly to identify service requests not completed after a period of time that Caltrans deems appropriate, such as 30 days. For all service requests outstanding after this period, Caltrans should require its supervisors to determine the status of the service request by reviewing the related work order that records what work Caltrans completed and ensure the work is appropriately prioritized. Also, Caltrans should require its staff to record all service requests it receives via methods other than Caltrans' website, such as by phone, mail, or email, in its service request system to ensure it captures all service requests in one central repository.	Fully Implemented	Department of Transportation
9. To detect and prevent fraud, waste, and abuse and to ensure costs are appropriate, the maintenance division should strengthen its controls over reviewing and approving work order costs by requiring its supervisors and superintendents to document their review and approval of work orders in the maintenance management system. For example, supervisors or superintendents could include a note in the comment field of the work order indicating their review and approval. The maintenance division could also establish a reasonable dollar threshold for those work orders that would require documented review and approval.	Fully Implemented	Department of Transportation
10. To ensure that field maintenance work orders are completed in a timely manner, the maintenance division should require supervisors to initiate work orders in the integrated maintenance management system at the time that they identify field maintenance work that needs to be performed and record the date that work was started and the date the work was completed. Superintendents should periodically review work orders to ensure that identified work is completed in a timely manner.	Fully Implemented	Department of Transportation

Report Number 2015-125

San Joaquin Valley Air Pollution Control District: To Cover Its Costs, It Recently Increased Permit Fees and Continues to Use Supplemental Revenue but Can Improve Consistency and Transparency for Certain Program Requirements (April 2016)

RECOMMENDATION	STATUS OF RECOMMENDATION	ENTITY
1. To ensure consistency among its published policy, internal methodology, and indemnification agreements so that permit applicants are aware of the San Joaquin Valley Air Pollution Control District (district) requirements and are treated equally, by July 2016 the district should update its internal methodology and indemnification agreements to contain equivalent information that reflect its revised published policy.	Fully Implemented	San Joaquin Valley Air Pollution Control District
2. To make certain that it can demonstrate consistency and transparency in its decision-making process when it determines which permit applicants it requires to provide additional financial security, the district—after it updates its guidance documents—should follow its revised published policy and updated internal methodology for requiring indemnification agreements and letters of credit.	Fully Implemented	San Joaquin Valley Air Pollution Control District
3. To ensure that the district is adequately protected from the costs of litigation, it should develop a protocol to maintain all required legal documents accurately and to make sure that those documents remain in effect. By July 2016, the district should adopt such a protocol for management of its centralized system for requesting, tracking, storing, and following up on indemnification agreements and letters of credit.	Fully Implemented	San Joaquin Valley Air Pollution Control District

Report Number I2016-2

Investigations of Improper Activities by State Agencies and Employees: Conflict of Interest, Violation of Post-Employment Ethics Restrictions, Waste of State Funds, Misuse of State Resources, and Incompatible Activities (August 2016)

RECOMMENDATION	STATUS OF RECOMMENDATION	ENTITY
1. The Water Resources Control Board (control board) should take appropriate corrective action against the district engineer and the supervisors for their participation in or failure to address the conflict of interest.	Partially Implemented	Water Resources Control Board
2. The control board, through training and other appropriate means, should take steps to ensure the district engineer and others in similar positions do not participate in decisions involving their own economic interests.	Fully Implemented	Water Resources Control Board
3. The control board should provide training to those responsible for reviewing statements of economic interests regarding how to identify conflicts of interests and when to consult with legal counsel.	Partially Implemented	Water Resources Control Board
4. The control board should refer this case to the Fair Political Practices Commission (FPPC) so it can determine whether further action is warranted.	Fully Implemented	Water Resources Control Board
13. Caltrans should pursue rent and utility payments due from the mobile home park's tenants on a regular and timely basis. This will require that Caltrans develop a means to read the submeters of the mobile home park's tenants.	Fully Implemented	Department of Transportation
14. Caltrans should initiate appropriate collection procedures and, if necessary, eviction procedures for tenants who are delinquent in the payment of rent, utilities, or late fees.	Resolved	Department of Transportation
15. Caltrans should immediately begin eviction procedures against the two individuals illegally occupying two mobile homes within the mobile home park.	Fully Implemented	Department of Transportation
16. The Department of Parks and Recreation (State Parks) should take appropriate corrective or disciplinary action against the officer for failing to follow policy in accepting items of value from a vendor who did business with State Parks.	Fully Implemented	Department of Parks and Recreation
17. State Parks should take appropriate corrective or disciplinary action against the supervisor for his failure to properly direct the officer to take appropriate action regarding the sunglasses and for purchasing a pair of the sunglasses.	Fully Implemented	Department of Parks and Recreation
18. State Parks should provide training to relevant staff on the appropriate actions to take if they receive something of value from any individual or entity that does business with State Parks.	Fully Implemented	Department of Parks and Recreation
23. State Parks should determine the total cost of the charges that the supervisor incurred due to her misuse of the state-issued cell phone and seek repayment.	Fully Implemented	Department of Parks and Recreation

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RECOMMENDATION	STATUS OF RECOMMENDATION	ENTITY
24. State Parks should determine whether the supervisor misused state-compensated time to conduct personal business during her normal work hours by reviewing her cell phone records and identifying the time and duration of calls that occurred during her workdays.	Fully Implemented	Department of Parks and Recreation
25. State Parks should take appropriate corrective and disciplinary action against the supervisor for misusing her state-issued cell phone for personal purposes and, if applicable, for conducting private business during state-compensated time.	Fully Implemented	Department of Parks and Recreation
26. Caltrans should provide training to right-of-way agents and their supervisors in District 10 regarding the challenges it faces with this mobile home park.	Fully Implemented	Department of Transportation

Report Number I2017-1

Investigations of Improper Activities by State Agencies and Employees: Misuse of Resources, Inaccurate Attendance Records, Disclosure of Confidential Information, and Improper Payments (March 2017)

RECOMMENDATION	STATUS OF RECOMMENDATION	ENTITY
6. Caltrans should take appropriate corrective or disciplinary action against the analyst for her misuse of state time.	Fully Implemented	Department of Transportation
7. Caltrans should have the analyst review and sign Caltrans' policies and directives related to the misuse of state time and incompatible activities.	Fully Implemented	Department of Transportation

Report Number 2016-121

Department of Motor Vehicles: Administrative and Statutory Changes Will Improve Its Ability to Detect and Deter Misuse of Disabled Person Parking Placards (April 2017)

RECOMMENDATION	STATUS OF RECOMMENDATION	ENTITY
1. To increase Department of Motor Vehicles (DMV) oversight of applications for placards or plates, the Legislature should modify current law to require DMV to conduct at least quarterly audits of a selection of applications for disabled placards or plates and to seek the health boards' cooperation in doing so.	Legislation Enacted	Legislature
2. To better align the placard program with the needs of Californians with disabilities, the Legislature should amend state law to include podiatrists on the list of medical providers approved in state law to certify applications for disabilities related to their specialty.	Legislation Enacted	Legislature
3. To assist DMV in more accurately identifying deceased individuals with active permanent placards, the Legislature should amend state law to require DMV to use the U.S. Social Security Administration's Death Master File to inform its efforts to identify and cancel deceased individuals' placards.	Legislation Enacted	Legislature
4. To assist DMV in identifying deceased placard holders, the Legislature should require that all individuals with permanent placards reapply every four years.	Legislation Enacted	Legislature
5. To assist DMV in identifying deceased placard holders, the Legislature should require that all who apply for a placard or a plate include their full legal name and date of birth, and provide satisfactory proof of this information at the time of application.	Legislation Enacted	Legislature
6. To reduce the risk of placard misuse, the Legislature should limit to no more than two the number of replacements of permanent placards an individual may obtain during the two-year placard renewal period. The Legislature should require that those desiring replacements beyond that limit reapply and submit new certifications of disability.	Legislation Enacted	Legislature
7. To reduce the risk of fraudulent applications, by September 2017 DMV should seek interagency agreements with the health boards responsible for licensing providers authorized to certify disabilities on placard applications. The agreements should include, but not be limited to, a review by medical experts of a sample of placard applications each quarter to ensure that the disability certifications meet state requirements. For any application that does not meet state requirements, DMV should require that the applicant and his or her provider submit the information needed so that the application meets state requirements. DMV should cancel the placards of those who do not respond within 90 days.	Pending	Department of Motor Vehicles

RECOMMENDATION	STATUS OF RECOMMENDATION	ENTITY
8. To reduce the risk of fraudulent applications, by September 2017 DMV should seek interagency agreements with the health boards responsible for licensing providers authorized to certify disabilities on placard applications. The agreements should include, but not be limited to, a process for the health boards to develop guidance for medical providers related to how to meet state requirements.	Pending	Department of Motor Vehicles
9. To reduce the risk of fraudulent applications, by September 2017 DMV should seek interagency agreements with the health boards responsible for licensing providers authorized to certify disabilities on placard applications. The agreements should include, but not be limited to, a process for obtaining copies of provider signatures and routinely comparing the signatures with those on a sample of placard applications. Investigations should confirm questionable signatures with providers.	Pending	Department of Motor Vehicles
10. To help ensure that DMV approves only those applications that qualify for the placard program as specified in state law, by September 2017 and annually thereafter, DMV should provide additional direction and training to its staff that addresses the following program requirements: the types of medical providers that may certify qualifying disabilities, the disability categories each type of medical provider may certify, the legibility of medical provider certifications, and the entry of medical provider numbers into its registration system.	Pending	Department of Motor Vehicles
11. To identify potentially fraudulent applications, beginning immediately and quarterly thereafter, DMV Investigations should obtain placard application data from its registration system and analyze those data. At a minimum, this analysis should include a review of the following: individuals who have been issued multiple active placards, individuals who apply for an excessive number of replacement placards, providers who certify an abnormally large number of placard applications, and individuals over 100 years of age with active placards.	Fully Implemented	Department of Motor Vehicles
12. To better deter placard abuse, by September 2017 DMV should establish reasonable goals regarding the number of sting operations each of its district offices should conduct each quarter. If competing priorities require a district office to miss its goal for a given quarter, Investigations should document its justification for missing the goal. Further, Investigations should monitor its district offices' effectiveness in meeting the quarterly goals.	Fully Implemented	Department of Motor Vehicles
13. To help ensure that DMV's sting operations are an effective deterrent to placard misuse, beginning immediately DMV should regularly publicize the results of all of its sting operations through local and statewide media, on its website, and in materials distributed to the public at its field offices.	Fully Implemented	Department of Motor Vehicles
14. To properly equip its employees with the knowledge necessary to identify and report potential fraud indicators in placard applications, DMV should provide employees who process applications with training specific to the types of fraud that can occur in an application. This training should be provided by December 2017 and every other year thereafter.	Pending	Department of Motor Vehicles
15. To encourage reporting of allegations of placard abuse, Investigations should amend its policy to accept complaints by telephone and online by June 2017 and display the instructions for doing so prominently on its website.	Fully Implemented	Department of Motor Vehicles
16. To better track the time needed to investigate placard-related cases, Investigations should immediately require investigators to indicate in Investigations' database that cases are closed upon concluding the investigation and to continue to track the court's adjudication of each case.	Fully Implemented	Department of Motor Vehicles
17. To better monitor the results of its enforcement operations, Investigations should provide training and guidance to its investigators on how to use and consistently enter case disposition information into its database, and it should train its supervisors to regularly follow up with investigators to ensure that they do so.	Fully Implemented	Department of Motor Vehicles
18. To better equip local parking enforcement officials to promptly identify invalid placards, by December 2018 DMV should develop and implement an application, database, or other technology that will allow non-sworn parking enforcement officials to have immediate access to information on placard status.	Pending	Department of Motor Vehicles
19. To aid local placard enforcement efforts, by September 2017 DMV should develop guidance and training regarding strategies to combat placard misuse and notify local parking enforcement officials that the DMV guidance and training is available. As part of these efforts, DMV should include information on state law related to increasing citation penalties to fund enforcement efforts.	Fully Implemented	Department of Motor Vehicles
20. To track its effectiveness at canceling seized placards, DMV should continue its new practice of keeping a record of the date staff take action to cancel a placard and assess whether DMV is meeting its goal of canceling seized placards within 24 hours of receipt.	Fully Implemented	Department of Motor Vehicles

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RECOMMENDATION	STATUS OF RECOMMENDATION	ENTITY
21. To provide local enforcement agencies with an effective way to submit placard cancellation requests, DMV should immediately establish a dedicated fax number, a dedicated email address, and a specific mailing address to receive such cancellations. DMV should communicate this information to local parking enforcement by July 2017 and should develop a schedule for communicating this information to local parking enforcement in the future. By July 2017 and periodically thereafter, DMV should inform local parking enforcement of the need to submit information on seized placards quickly in order to prevent the holder or someone else from requesting a replacement placard without having to submit a new medical certification.	Fully Implemented	Department of Motor Vehicles
22. To reduce the risk of placard misuse, DMV should update its placards to indicate a return address if found or if the placard holder is deceased. DMV should prepare this update for the permanent placards it will issue in 2019 that will expire in 2021.	Pending	Department of Motor Vehicles
23. To raise public awareness about parking for people with disabilities in California and deter placard misuse, by September 2017 DMV should develop a plan for conducting a public outreach campaign about the effect that placard misuse has on people with disabilities and the penalties for misusing a placard.	Fully Implemented	Department of Motor Vehicles

Report Number 2016-127*Home-Generated Sharps and Pharmaceutical Waste: By Designating a Lead Agency, the State Could Increase Proper Disposal (May 2017)*

RECOMMENDATION	STATUS OF RECOMMENDATION	ENTITY
1. To foster consumers' proper disposal of sharps and pharmaceutical waste, the Legislature should provide the California Department of Resources Recycling and Recovery (CalRecycle) statutory oversight responsibility for home-generated sharps and pharmaceutical waste disposal and provide CalRecycle additional resources to the extent that it can justify the need. This responsibility should include developing and implementing a public education campaign about home-generated sharps and pharmaceutical waste disposal. CalRecycle should coordinate this campaign with local, state, and, to the extent possible, federal agencies to ensure consumers receive consistent guidance regarding proper disposal methods.	No Action Taken	Legislature
2. To foster consumers' proper disposal of sharps and pharmaceutical waste, the Legislature should provide CalRecycle statutory oversight responsibility for home-generated sharps and pharmaceutical waste disposal and provide CalRecycle additional resources to the extent that it can justify the need. This responsibility should include maintaining an up-to-date, well-publicized, and accessible statewide list of free sharps and pharmaceutical waste collection sites. CalRecycle should create this list by either improving its FacIT database or by establishing a new database, potentially using Recyclewhere.org as a model.	No Action Taken	Legislature
3. To foster consumers' proper disposal of sharps and pharmaceutical waste, the Legislature should provide CalRecycle statutory oversight responsibility for home-generated sharps and pharmaceutical waste disposal and provide CalRecycle additional resources to the extent that it can justify the need. This responsibility should include increasing consumers' access to proper disposal methods in underserved locations. It could increase access by subsidizing prepaid mail-back options or by encouraging municipalities to include the collection of sharps and pharmaceutical waste in their contracts with waste haulers.	No Action Taken	Legislature
4. To foster consumers' proper disposal of sharps and pharmaceutical waste, the Legislature should provide CalRecycle statutory oversight responsibility for home-generated sharps and pharmaceutical waste disposal and provide CalRecycle additional resources to the extent that it can justify the need. This responsibility should include determining the characteristics of other government programs, such as New York State's consumer education program, that might benefit California.	No Action Taken	Legislature
5. To increase in-state options for processing California's home-generated pharmaceutical waste, the Legislature should expressly authorize municipal solid waste incinerators to burn limited quantities of home-generated pharmaceutical waste, but only after considering environmental impacts.	No Action Taken	Legislature
6. To ensure consistency throughout the State, the Legislature should adopt standard requirements for counties to follow when implementing extended producer responsibility programs. These requirements should limit any additional costs the programs may impose on consumers.	No Action Taken	Legislature

Report Number 2016-132

Department of Water Resources: The Unexpected Complexity of the California WaterFix Project Has Resulted in Significant Cost Increases and Delays (October 2017)

RECOMMENDATION	STATUS OF RECOMMENDATION	ENTITY
1. To improve management of large and complex infrastructure projects, the Legislature should enact legislation requiring agencies to publicly report significant changes in the cost or schedule of such projects if they are expected to exceed their established budgets by 10 percent or schedules by 12 months.	No Action Taken	Legislature
2. To better manage large infrastructure projects, Water Resources should develop and implement a project-reporting policy requiring its management staff to document and justify decisions to proceed with such projects if they are expected to exceed their established budgets by 10 percent or schedules by 12 months. Water Resources should make these documented decisions and justifications publicly available and submit them to the Resources Agency for review and approval.	Will Not Implement	Department of Water Resources
3. To ensure it makes appropriate use of its growing surplus revenue balance, Water Resources should develop a detailed plan describing how it intends to use these funds.	Pending	Department of Water Resources
4. To fully comply with state contracting law, Water Resources should ensure that it competitively selects architectural and engineering consultants based on demonstrated competence and professional qualifications. In addition, Water Resources should document in the contract file its evaluation of the competence and professional qualifications of all contractors and any subcontractors that are added to the contract subsequent to the competitive selection process.	Pending	Department of Water Resources
5. To ensure that only qualified subcontractors are added to contracts after the initial award is made, Water Resources should make sure that contractors select their own subcontractors and that Water Resources subsequently approves the selection after it verifies their qualifications.	Will Not Implement	Department of Water Resources
6. Water Resources should ensure that it retains adequate documentation in its contract files to support that contract prices are fair and reasonable and all deliverables are received.	Pending	Department of Water Resources
7. To ensure that Water Resources manages WaterFix in an effective manner, Water Resources should complete both the economic analysis and financial analysis for WaterFix and make the analyses publicly available as soon as possible.	Pending	Department of Water Resources
8. In order to prepare for the potential approval of WaterFix and to ensure that the project is managed properly during the design and construction phase, Water Resources should do the following: develop an appropriate governance structure so that it is prepared to oversee the design and construction of WaterFix in the event it is ultimately approved.	Pending	Department of Water Resources
9. In order to prepare for the potential approval of WaterFix and to ensure that the project is managed properly during the design and construction phase, Water Resources should develop and update when necessary the associated program management plan for the design and construction phase of the project.	Pending	Department of Water Resources

Report Number I2017-2

Investigations of Improper Activities by State Agencies and Employees: Inaccurate Attendance Records, Violation of State Laws, and Misuse of State Resources (October 2017)

RECOMMENDATION	STATUS OF RECOMMENDATION	ENTITY
4. Water Resources should ensure the administrative supervisor starts accounting for partial-day absences in accordance with her classification as a nonexempt employee.	Fully Implemented	Department of Water Resources
5. Water Resources should ensure its management is knowledgeable about individual staff classifications and their time-reporting requirements.	Fully Implemented	Department of Water Resources