Senate Budget and Fiscal Review—Scott Wiener, Chair

SUBCOMMITTEE NO. 4 Agenda

Senator Christopher Cabaldon, Chair
Senator Roger W. Niello
Senator Lola Smallwood-Cuevas

Thursday, April 3, 2025
9:30 a.m. or Upon Adjournment of Session
State Capitol - Room 113

Consultant: Jessica Uzarski

ITEMS FOR VOTE ONLY

7502 Department of Technology 3
Item 1: Office of Information Security's Advisory Services Program Virtual Chief Information Security Officer Service 3
1703 Privacy Protection Agency 4
Item 2: Relocation & Rent Increase – Sacramento Office 4
Item 3: Enforcement Division Technical Infrastructure and Associated Trailer Bill Language 5
2320 Department of Real Estate 6
Item 4: 2024 Chaptered Legislation Resources 7
7760 Department of General Services 8
Item 5: Call Center Workload Adjustment Related to AB 2068 8
Item 6: Increased Fuel Cost Expenditure Authority for Fleet Operations 9
Item 7: Office of Administrative Hearings Case Management System Replacement 10

COMMENT ONLY

Item 8: CDCR/DGS Surplus Property Disposal Trailer Bill Language 11

ITEMS FOR DISCUSSION

7502 Department of Technology 12
Item 9: Middle Mile Broadband Initiative Oversight 12

Item 10: Digital ID Statewide Service Offering 17
1703 Privacy Protection Agency 18
Item 11: Data Broker Deletion Request Opt-Out Platform 18
2320 Department of Real Estate 19
Item 12: Rent Increase - New May Lee State Office Complex 19
7760 Department of General Services 20
Item 13: California Building Standards Commission Workload Adjustment 20
Item 14: Chattel Slavery: Formal Apology Memorialization (AB 3089) 22
Item 15: Facilities Management Division Building Operations and Support 23
Item 16: Office of Human Resources Workload Adjustment 23
Item 17: Permanent eMarketplace Staffing 26
Item 18: Sustainable Schools Program to Advance Climate-Resilient Schools 27

Public Comment

Please Note: Public comment will be taken following each Departments Issues, and again after all Issues have been heard.

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VOTE-ONLY ITEMS

7502 Department of Technology

Item 1: Office of Information Security's Advisory Services Program Virtual Chief Information Security Officer Service

Request. The Governor's Budget requests, for the California Department of Technology (CDT) - Office of Information Security (OIS), $500,000 in General Fund authority in Fiscal Year 2025-26 and on-going to support OIS' Advisory Services Program (ASP) virtual Chief Information Security Officer (vCISO) program. This request will provide OIS-ASP with the necessary resources to perform information security recommendations and remediation services to all state entities and support their information security programs.

Background. The vCISO program is a vendor supported cybersecurity program that uses a security framework to enhance and improve cybersecurity for California Departments, and also helps with prioritizing certain initiatives to improve protective IT frameworks overall. Using a modern system that provides oversight and security direction, the vCISO program assists with statewide compliance with security policy through the delivery of educational security and privacy services to statewide departments/entities.

The vCISO program was first founded by OIS in 2022 as a pilot initiative. The vCISO program offered two services CDT considers to be critical: 1) Development of information security program policies and procedures that comply with state and federal security policies and align with particular entities' missions and program functions; and 2) Interim Information Security Officer (ISO) support for entities that require ISO expertise during position vacancies and program start-ups. The administration states that the success of this program has been demonstrated through positive client feedback and beneficial defensive enhancements that state program participants have experienced.

The vCISO program is currently under a halt, as General Fund authority to support the two-year pilot ended in 2023-24. Funding was not requested in 2024-25. The administration now seeks, based on the success of the pilot and ongoing demand for the services, permanent establishment the vCISO program. The current funding request would allow CDT to establish the vCISO program as a permanent component of the state's information technology security framework.

If approved, the Administration states that the requested ongoing funding for the vCISO program would be used to enhance statewide security posture, policy compliance, and help prioritize security initiatives through leadership and guidance based on industry best-practices and alignment to overall program objectives. If not approved, the Administration believes that state entities will continue to face difficulties in addressing cybersecurity issues, diminishing the ability of state entities, and the state overall, to respond to cybersecurity threats.

Staff Recommendation. Approve as budgeted.

1703 PRIVACY PROTECTION AGENCY

Item 2: Relocation & Rent Increase – Sacramento Office

Request. The Governor's Budget requests, for the California Privacy Protection Agency (CPPA), $490,000 General Fund in 2025-26 and $421,000 in 2026-27 and ongoing for one-time moving expenses and ongoing rent increases.

Background. The CPPA is required to establish a headquarters, but has been faced with challenges in finding an adequate location. CPPA is currently subleasing 1,036 square feet of office space from the Department of Financial Protection and Innovation (DFPI), however the CPPA's growth has exceeded what their current space can provide for, and DFPI is moving to the May Lee Complex. Other arrangements must therefore be made. The administration states that currently CPPA does not have adequate funding to support moving expenses and increased rent costs for a permanent headquarters. The CPPA must relocate by January 31, 2025, triggering the need for the presently requested funding.

The CPPA anticipates a new, permanent location will be available in early 2025-26, with the use of a temporary space being a necessity until that time. The Administration states that CPPA is able to absorb its increased facilities costs in 2024-25 but will require funding in 2025-26 and ongoing to support increased lease costs and relocation from the swing space to the permanent location. It is estimated that the funding shortfall from increased rent for 2025-26 and one-time moving expenses will be $490,000 in 2025-26 and annual rent will increase by $247,000 in 2026- 27, with annual increases thereafter assumed at 3 percent.

The Real Estate Services Division of the Department of General Services was consulted to prepare an assessment of the adequate size and the appropriate location of this temporary space. The administration states that the assessment determined that a 7,108 square foot space is needed to adequately accommodate employees in Sacramento. The CPPA is currently in the process of negotiating a lease for the temporary space, and a more permanent office space at 400 R Street.

Staff Recommendation. Approve as budgeted.

Item 3: Enforcement Division Technical Infrastructure and Associated Trailer Bill Language

Request. The California Privacy Protection Agency requests an increase in expenditure authority of $400,000 Consumer Privacy Fund in 2025-26 and $300,000 in 2026-27 to build the technological components of its enforcement infrastructure. The Department of Justice has a related proposal - California Consumer Privacy Act Enforcement Workload (0820-115-BCP-2025-GB).

Background. In November 2020, California voters approved Proposition 24, and created the CCPA as the first authority in the United States dedicated solely to consumer privacy. Proposition 24 tasked the CPPA with implementing and enforcing the California Consumer Privacy Act of 2018 (the "Act"), a law that gives consumers more control over the personal information associated with them that businesses collect and use. Proposition 24 vested the CCPA with the "full administrative power, authority, and jurisdiction to implement and enforce" this privacy law (Civil Code section 1798.199.10(a).)

The CCPA is responsible for enforcing the Act which protects the collection and use of consumers' personal information from businesses. The CCPA faces challenges in effectively monitoring compliance with the Act due to lack of advanced technological tools. To meet their enforcement obligations, the CCPA requires technological expert services, advanced data analysis products, and a robust technical infrastructure. Without these resources the CCPA cannot fully enforce the law and protect consumers as intended.

The Act provides California consumers the following rights designed to counteract such unexpected, and unwanted, uses of consumers' personal information:

• The right to know what personal information a business has collected about them and how it is used and shared;
• The right to delete personal information collected from them;
• The right to opt-out of the sale or sharing of their personal information;
• The right to non-discrimination for exercising their rights under the Act;
• The right to correct inaccurate personal information that a business has about them; and
• The right to limit the use and disclosure of sensitive personal information collected about them.

The proposal states that enforcement is one of the CCPA's core. The CCPA is statutorily required to "vigorously enforce" the CCPA by seeking monetary fines through administrative enforcement actions. (Proposition 24, § 2(L).) The Court of Appeal recently emphasized this required duty, observing that voters created the CPPA with a duty to "vigorously enforce the law against businesses that violate consumers' privacy rights."

The CCPA has received funding related to these duties in previous years. In the 2022 Budget Act included initial staffing resources for the CCPA to fulfill its immediate statutory responsibilities as a new entity. These core responsibilities included rulemaking and public awareness. The CCPA pursued a phased-in approach as it assessed the appropriate level of resources needed. The 2023 Budget Act included seven positions necessary to meet the CCPA's statutory required enforcement obligations, as needed to commence on July 1, 2023. The Administration states that, over the past year, the CCPA has prioritized hiring its new enforcement staff and has now successfully filled all its enforcement attorney positions.

The proposal states that the resources requested in this proposal will assist with the workload required for the CCPA's new enforcement authority that came into effect in July 2023. The Administration suggests that workload has become more pressing now that the CCPA's Enforcement Division has filled its attorney vacancies without a corresponding increase in technologist staffing and that the CCPA would be unable to meet its statutory requirement of vigorously enforcing the privacy law without the requested resources, because the CCPA requires technical resources to build the investigations that lead to enforcement actions.

Additionally all proceeds from enforcement of the CCPA (e.g. administrative fines, civil penalties, and settlements) are deposited into the Consumer Privacy Fund (CPF). The purpose of the fund is primarily to offset enforcement costs. If there are leftover funds at the end of the fiscal year, 91 percent of the leftover is used as an investment, where the principal is not spent and the interest and earnings go to the General Fund. The remaining 9 percent goes to grants to promote and protect consumer privacy, educate children in the area of online privacy, and fund cooperative programs with international law enforcement organizations to combat fraudulent activities with respect to consumer data breaches. Proposition 24 allows for amendments consistent with its intent to improve its operation by a majority vote of both houses and signed by the Governor.

However, the funding for DOJ and CPPA enforcement is available upon appropriation, which the Legislature has not yet done. In addition, the Administration has raised concerns with the enforcement funding being swept into the investment and grant components at the end of each fiscal year, which may not be compatible with the timelines of enforcement action.

The proposed trailer bill language would create three sub-funds: one for CPPA enforcement, one for DOJ enforcement, and one for grants. 95 percent of collected revenues related to enforcement would be deposited into the enforcement fund for the relevant agency, and the remaining 5 percent would be deposited into the grant fund. Interest from the enforcement funds would go into the General Fund. The accompanying BCPs provide appropriations for CPPA and DOJ to access the funds in the enforcement accounts (each department would have expenditure authority of $700,000 over two years).

Staff Recommendation. Approve as budgeted and adopt placeholder trailer bill language.

2320 Department of Real Estate

Item 4: 2024 Chaptered Legislation Resources

Request. The Governor's Budget requests, for the Department of Real Estate (DRE), 3.0 positions and an increase in expenditure authority of $997,000 Real Estate Fund in 2025-2026, $873,000 in 2026-2027, and $578,000 in 2027-2028 and on-going to implement the provisions of various recently chaptered legislation.

Background. In 2024, 24 bills were signed into law that are anticipated to have an impact on the DRE's workload. This workload includes the following: (1) investigation of complaints regarding new legal requirements for real estate transactions, mortgage servicing, and mortgage loan origination activities; (2) enforcement and prosecution of violations, including those of new industry-wide requirements; (3) updating numerous publications, including the Real Estate Law Book, Landlord Tenant Guide, Know Your Housing Rights Fact Sheet, Disclosure in Real Property Transactions, Mortgage Loan Broker Compliance Evaluation Manual, and 17 other forms and publications; (4) promulgating two new regulations; (5) educating consumers and licensees on significant changes to the home purchase representation process, as well as numerous licensee and consumer education initiatives; and (5) corresponding enforcement and other program staff training activities. The largest amount of anticipated workload stems from legislation that centers on the new legal requirements for real estate transactions and mortgage related law changes. The anticipated workload also includes educating consumers and licensees regarding significant new industry-wide requirements; regulation updates; external and internal communication initiatives; staff training; and updates to 22 department publications and forms, including the Real Estate Law Book and Landlord Tenant Guide.

To implement these bills, the Administration requests for DRE one Attorney III position to, among other things, review case referrals from the enforcement division, draft and serve pleadings, engage in settlement discussions and conferences, manage hearings and post-hearings, and assist with regulations. Also requests are 2 Special Investigator positions, tasked with a variety of enforcement and administration related tasks and subtasks listed in the proposal.

Staff Recommendation. Approve as budgeted.

7760 DEPARTMENT OF GENERAL SERVICES

Item 5: Call Center Workload Adjustment Related to AB 2068

Request. The Governor's Budget requests, for the Department of General Services (DGS) - Office of Legal Services (OLS), $196,000 Service Revolving Fund and 1 position in 2025-26 and ongoing expenditure authority to implement AB 2068 (Chapter 697, Statutes of 2024).

Background. AB 2068 (Chapter 697, Statutes of 2024) requires on and after January 1, 2025, that the DGS OLS maintain a master list of contracts for private sector call center services and track the aggregate number of such service jobs, including how many are within state and how many are in another state. This list will is to be made available, upon request, to any member of the public. Each state agency that enters into a contract with a private entity, solely for call center work to provide public or customer service for that state agency or another state agency, will be reporting the number of total jobs and the overall percentage located within the state, the number and percentage of jobs located in any other state or states, and identifying the state and type of jobs located in those states.

Currently, the Department states that OLS has not reviewed contracts for call center work, and OLS may not be familiar with many of these contracts. As such, with existing resources OLS cannot accurately estimate the volume of reporting that would be required and would have to rely exclusively on departments to submit accurate information. The proposal states, therefore, that the program which must be set up to handle the workload associated with AB 2068 will be an entirely new program, with unique legal review requirements. OLS will be required to create mechanisms for communications with other state departments, communications with the public and the infrastructure to efficiently receive contracts including the data required and create the abilities to search and transmit the requested information to the public.

The proposal requests, for the purposes of creating this new program, a Staff Services Manager I. This role will take the primary responsibility for program creation, development of infrastructure and communications, and program operations, by responding to inquiries from both state departments and the public. The proposal further states that current OLS staff are at full capacity, and absent additional resources, OLS' ability to review non-IT service contracts and conduct bid protests in a timely manner would be jeopardized.

The administration states that the approval of this request will enable OLS to efficiently communicate the requirements prescribed by AB 2068 to state departments and to set up an efficient and comprehensive infrastructure to provide this information to the public (including web portal, policies and forms for departments to provide data, and regular communications including information for the public).

Staff Recommendation. Approve as budgeted.

Item 6: Increased Fuel Cost Expenditure Authority for Fleet Operations

Request. The Governor's Budget requests, for the Department of General Services - Office of Fleet and Asset Management (OFAM), $1.9 million Service Revolving Fund in 2025-26 and ongoing expenditure authority to cover increased fuel expenses.

Background. The DGS OFAM Fleet Operations Unit (Fleet Ops) administers the State Fleet Card Program (SFCP), which provides agencies with a charge card (Fleet Card) to serve as a payment mechanism for fuel purchases and other vehicle related expenses associated with leased vehicles conducting official government business. Fleet Cards are issued to all agency drivers leasing vehicles through OFAM's State Vehicle Leasing Program (SVLP).

Fuel expenses incurred via Fleet Card purchases made by agencies participating in the SVLP are paid for directly by OFAM; the fuel costs are then billed back to the responsible agencies via a monthly invoice. This process leads to an annual dollar-for-dollar match of Fleet Card fuel expenses and the revenue needed to cover those costs, resulting in an annual pass-through expense.

OFAM annually budgets approximately $8.7 million to pay for fuel expenses incurred via Fleet Card fuel purchases, which historically covered the cost of fuel until FY 2021-22, as illustrated in the table below.

Prior Year Fuel Expenses						
Fiscal Year	**2018-19**	**2019-20**	**2020-21**	**2021-22**	**2022-23**	**2023-24**
Fuel Expenses	$8,771,000	$7,596,000	$6,525,000	$9,725,000	$10,182,000	$10,428,000

According to the proposal, OFAM's fuel expenses in Fiscal Year 2022-23 and Fiscal Year 2023-24 were relatively stable, and yet still exceeded OFAM's fuel budget, resulting in a deficit of approximately $1.5 million in Fiscal Year 2022-23 and an approximate $1.7 million deficit in Fiscal year 2023-24. OFAM is anticipating fuel expenses in future fiscal years to mirror those seen in the prior two years. Denial of this proposal for expenditure authority to cover increased fuel expenses will require OFAM to utilize budget authority from the Capital Asset (Equipment) line item.

The administration states that this would reduce the program's ability to purchase new vehicles, increase costs to maintain the fleet, and impact OFAM's ability to meet Zero Emission Vehicle (ZEV) adoption goals. Dismissal of the request, the Administration states, will also require limits being placed on Fleet Card usage that could potentially inhibit necessary state safety and emergency operations.

Staff Recommendation. Approve as budgeted.

Item 7: Office of Administrative Hearings Case Management System Replacement

Request. The Governor's Budget requests, for the Department of General Services - Office of Administrative Hearings (OAH), up to $4.9 million Service Revolving Fund one-time in 2025-26 with a three-year encumbrance period, provisionally available upon California Department of Technology approval, to implement the replacement of its aging Case Management System, and $628,000 Service Revolving Fund ongoing for anticipated annual maintenance costs beginning in 2028-29.

Background. The OAH is the oldest and largest administrative tribunal in the country. OAH conducts hearings and mediations for over 1,800 state and local government agencies, operating similar to a superior court, with five regional offices employing approximately 100 Administrative Law Judges (ALJs) across the state. OAH conducts hearings and mediations for parents and local educational agencies for students with special needs, multi-agency and party arbitrations, bid protests, and various hearings for local agencies. In addition, OAH also conducts professional and occupational licensing disputes, along with cases concerning teacher dismissals and developmental and rehabilitative services.

OAH receives more than 11,000 requests for hearings annually and provides in-person as well as virtual hearing options to promote equity and accessibility for all Californians who rely on their services. As a reimbursable agency, OAH charges a filing fee to the agency for each case filed and ALJs bill time to each case at set hourly rates.

OAH has been utilizing a Case Management System (CMS) called Practice Manager (PM) for over 17 years. The request states that this tool is an essential component of OAH's operation, maintaining all case information including events, documents, tasks, entities, emails, notes, time, and billing records. According to the request, however, PM is no longer supported by the vendor, does not integrate with newer technology, and is resulting in reporting inadequacies. Without an updated CMS, the Administration states that OAH runs the risk of losing operational functionality.

The proposal states that approval of this item will lead to the creation of a more modern CMS system which can better integrate with newer technology. The replacement is intended to further provide OAH with necessary features, such as cloud-based functionality, online access to case information and documents to agencies and the public that appear before OAH, resulting in operational efficiencies.

Staff Recommendation. Approve as budgeted.

COMMENT ONLY

Item 8: CDCR/DGS Surplus Property Disposal Trailer Bill Language

CDCR/DGS Surplus Property Disposal Trailer Bill Proposal. The Governor's budget also includes proposed statutory changes to streamline the disposal of CDCR property by DGS. Specifically, it would allow DGS to sell, lease, exchange, or otherwise dispose of excess state real property under the jurisdiction of CDCR, with specified requirements related to the Department of Finance and the Joint Legislative Budget Committee. The proceeds would be available to improve the likelihood of successful redevelopment of the property.

This Item will heard in Senate Budget Subcommittee 5.

ITEMS FOR DISCUSSION

7502 DEPARTMENT OF TECHNOLOGY

Item 9: Middle Mile Broadband Initiative Oversight

Background. The COVID-19 public health emergency shifted a number of activities such as education, government services, health care, and human services from physical environments to remote alternatives facilitated by the internet. Increased use of these alternatives highlighted the disparities in internet access—that is, differences in the availability, affordability, quality, and reliability of internet service—across the state. The Public Policy Institute of California notes that, although broadband access has grown in recent years, a significant gap persists across racial groups, with 81% of Latino, 83% of Black, 87% of White, and 88% of Asian households reporting having broadband access at home in 2021. In addition, 76% of households with annual income below $50,000 are less likely to have broadband access at home.

The Federal Communications Commission (FCC) defines broadband as high-speed internet access that provides a minimum of 25 Megabits per second (Mbps) download speed and 3 Mbps upload speed. Internet access at these speeds allow consumers to use the internet for a variety of activities such as accessing information, studying online, and working remotely.

Unserved areas and households are generally defined as those without access to broadband (as defined by the FCC). Underserved areas and households can be defined as those with access to broadband but without access to broadband at faster Mbps download and upload speeds with higher reliability and/or lower latency. Federal and state broadband programs define unserved and underserved in different ways using various criteria. All of the major federal and state programs, however, estimate that there are hundreds of thousands of households in areas of the state without broadband access. The digital divide refers to this gap between households, communities, and geographic areas that have access to high-speed internet services and those that have limited to no access.

To address this digital divide, as part of the 2021-22 budget, the Administration and the Legislature agreed to spend $6 billion ($1.7 billion General Fund) over three fiscal years (starting in 2021-22) on broadband infrastructure. Of the $6 billion, $4.37 billion was to be appropriated in 2021-22—$4.32 billion in federal American Rescue Plan (ARP) fiscal relief funds and $50 million General Fund.

<u>Spending and Encumbrance Plans</u>. Since July 2021, the Administration and the Legislature have changed the state's 2021 broadband infrastructure spending plan in the following ways:

- $1.4 billion shift from federal ARP Fiscal Relief Funds to General Fund in 2021-22. Pursuant to Control Section 11.96 of the 2022-23 Budget Act, the fund source for appropriations totaling $1.4 billion in 2021-22 shifted from ARP fiscal relief funds to the General Fund—$887 million for the middle-mile network and $522 million for last-mile projects. (This shift was made due to increased flexibility in the use of a portion of ARP fiscal relief funds.) After the shift, there is $2.9 billion in ARP fiscal relief funds (as compared to $4.3 billion in the 2021 spending plan) allocated in 2021-22 for broadband infrastructure.

- $550 million General Fund added across 2023-24 and 2024-25 for increased Middle-Mile network costs. In June 2022, the Legislature passed (and the Governor signed) Chapter 48 of

2022 (SB 189, Committee on Budget and Fiscal Review). In SB 189, the Legislature stated a goal to appropriate an additional $550 million General Fund ($300 million in 2023-24 and $250 million in 2024-25) for increased costs to build, lease, and purchase the state's middle-mile network.

- Appropriates an additional $73 million from the federal Enabling Middle Mile Broadband Infrastructure Program. On June 16, 2023, the National Telecommunications and Information Administration (NTIA) announced California will receive $73 million for the state's middle-mile network from the Enabling Middle Mile Broadband Infrastructure Program established pursuant to the IIJA. Chapter 189 of 2023 (SB 104, Skinner) appropriates this funding using a new federal expenditure item for Technology CDT to receive and expend these funds.

- The 2024 Budget Act included $250 million for the MMBI, consistent with the agreement established under SB 189 (Committee on Budget and Fiscal Review), Chapter 48, Statutes of 2022. The 2024 Budget also included provisional language that the Director of Finance may augment funding for the MMBI by an additional $250 million if certain reporting requirements are met.

- On November 14, 2024, a Coronavirus State Fiscal Recovery Fund Revised Allocation Plan was submitted pursuant to Control Section 11.96 of the 2024 Budget Act. This section authorizes the Director of Finance to Transfer SFRF to General Fund upon finalizing revenue loss calculations. $2,363,343,000 in CDT's MMBI funds were used as an offset, effectively changing the character of remaining MMBI funds from federal funds to General Funds. Of note is that the change associated with the use of this section has removed the need for CDT to comply with federal spending deadlines for the MMBI project.

Though the ARPA funds previously had an encumbrance deadline of December 31, 2024 and an expenditure deadline of December 31, 2026, these previous deadlines no longer apply to the vast majority of project fund after the change in character described above to General Fund. Nonetheless, CDT still maintains that their goal is still to meet the previously imposed encumbrance deadline of December 31, 2026, with approximately 540 million in General Fund left to be encumbered. Materials and construction are projected to be the largest share of funds which will be encumbered.

Broadband Infrastructure. Broadband infrastructure allows internet service providers (ISPs) and other entities to provide high-speed internet access to communities and households. This infrastructure can be categorized into three groups based on the distance covered, from longest to shortest distance:

- Backbone or Long-Haul. Backbone or long-haul infrastructure often uses high-capacity fiber-optic cables laid over hundreds or thousands of miles to connect different countries, states, and/or regions to the internet.

- Middle-Mile. Middle-mile infrastructure also often consists of fiber-optic cables laid over tens or hundreds of miles that, once connected to by an ISP, can deliver local internet access.

- Last-Mile. Last-mile infrastructure relies on antennae, cables, poles, wires, and other components to connect middle-mile infrastructure to individual communities and households.

<u>Mile Status of Middle-Mile Network</u>**.** As of December 30, 2024, the total estimated length of the statewide open-access middle-mile network is 8,118.3 miles. The figure below, from the LAO, provides a summary of the middle-mile network miles by delivery method.

Middle-Mile Network Composition

(As of December 30, 2024)

Construction / Installation Status	
Status	Number of Miles
Pre-Construction	5,028.0
Installation	3,090.3
Total	**8,118.3**

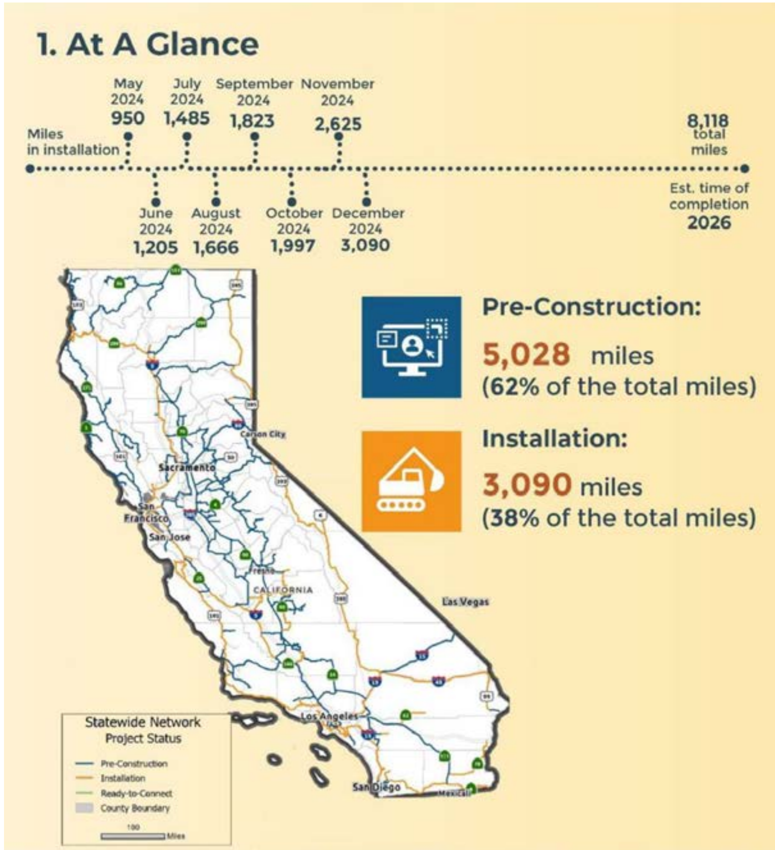
Delivery Method	
Method	Number of Miles
Leases	3,726.6
Joint-Builds	3,189.6
Standalone Construction	779.0
Purchases	423.1
Total	**8,118.3**

LAO

Source: California Department of Technology - Middle-Mile Broadband Initiative - Statewide Network Map.

The above chart notes that, as of December 30, 2024, only 38%~ of miles are in installation phase with a large amount still in pre-construction. It should also be noted that the standalone construction delivery method, largely associated with Caltrans construction miles, might pose unique challenges and difficulties as compared to miles where only leases are sought. These challenges include difficulties in acquiring permits for certain spaces, in particular, difficulties in obtaining encroachment permits.

Chapter 35 of 2024 (SB 108, Wiener) included language permitting CDT to request an additional $250 million General Fund in 2024-25. CDT submitted the November 2024 report with more information about the remaining middle-mile network miles. It concluded no additional funding would be requested, shrinking the number of standalone Caltrans construction miles from ~4,000 in the Governor's 2024-25 budget to just 779 as of December 30, 2024.



For the remaining 770 miles of standalone Caltrans construction projects, CDT previously issued a second Request for Innovative Ideas (RFI2) solicitation— that is, a procurement method that defines a department's business need or problem to solve and allows vendors to design their own solutions— on November 9, 2023. The main purpose of this RFI2 solicitation was to identify opportunities for joint-build construction projects, leases, and/or purchases in place of the remaining standalone Caltrans construction projects. This is because, in general, joint-build construction projects, leases, and/or purchases are less costly than standalone Caltrans construction projects. CDT also asked for ideas from vendors on the ongoing maintenance, management, and operation of the network. The above chart reflects the currently understood split between these different middle mile types, and the current distribution of miles.

SB 108 Requires CDT Submit Business Plan for Legislative Review. SB 108 included provisional budget bill language requiring CDT to submit a detailed business plan for the middle-mile network to the Legislature on or before January 31, 2025.

Report Components were to include:

- Estimated network expenditures by fiscal year and expenditure category.
- Estimated average expenditures per user by expenditure category and type of user.
- Assumptions used to inform estimated network expenditures such as network infrastructure repair and replacement timelines, number of positions for ongoing business operations, and utility usage.
- Assumptions or estimates on network revenues based on available information.

As of the date of publication of this analysis, the report has not been submitted to the Legislature. Details and specifics regarding the delay have not been formally provided. Details of the business plan are of significant importance to the Legislature, as, with the significant expenditure of General Fund, the state will want to ensure that the MMBI project will be able to operate without creating additional General Fund pressures.

Staff Comments: Some key questions for CDT, relating to construction, include:

- Is the construction and installation of the MMBI project on track to be completed by the December 31, 2026?

- If the Department foresees a risk of the project not being completed by that date, what is driving that risk, and will there be an impact on the general fund?

- Are CalTrans developed miles specifically facing difficulties which need to be addressed by CDT, or are they on track for completion in time to ensure efficient last mile access?

- To what extent is CDT aware of difficulties in obtaining permits for standalone construction miles, and have any pro-active steps been taken to ensure efficient permitting of these mile types?

Additionally, the lack of the MMBI Business Plan Report leaves the Legislature with a lack of information on the future of the initiative. The Legislature may wish to seek additional clarity and data regarding estimated revenues and expenditures expected during full operation of the project.

Item 10: Digital ID Statewide Service Offering

Request. The Governor's Budget requests, for the California Department of Technology (CDT), $972,000 in General Fund for Fiscal Year 2025-26 and 2026-27, and $472,000 General Fund for 2027-28 and ongoing, to support existing positions and maintain and scale product offerings to additional state agencies/departments.

Background. CDT's Digital ID program was initially established in 2021-22 to deploy a California Digital Identification ecosystem (Digital ID) for an initial subset of state services that would provide, the request states, a consistent, secure, privacy-enabled, reliable, and consent-based method to authenticate and verify the identity and eligibility of California residents who seek access to state services. CDT received two positions and $1.1 million in 2021-2022 and 2022-2023 to fund this pilot program.

The Administration suggests that the Digital ID program makes it easier for millions of California residents to access benefits normally made difficult by traditional methods of identification. The proposal states that using CDT's identity gateway and digital wallet capability, residents can quickly and securely verify their identity to access eligible discounts, benefits, and applications. CDT's system ensures eligibility by matching it with resource criteria or physical proof. Its potential to serve vulnerable communities—who may be undocumented, or lack driving credential— will make state benefits available and accessible to all Californians. The proposal hopes that this digital service will provide a simple, secure, privacy-preserving, and transparent resource for the public.

Exacerbating difficulties, the proposal suggests, is that departments currently address this issue independently, often leading to barriers for residents including increased costs, fraud risks, security vulnerabilities, an inability to access multiple systems with a single verified identity, and wasteful complexity within the State's digital infrastructure.

The administration states that the next phase of California Digital ID will require continual maintenance and expansion of the platform capabilities and integration to ensure the technology is inclusive of California across all identities while taking on new pilots outside of CDT's current transit partners and into new areas, such as the consumer privacy space. Without the necessary resources to maintain and operate services for CDT's state partners, CDT's ability to facilitate safe and secure identity and eligibility management across state agencies and departments, as well as the people they serve, may be limited. The proposal finally suggests that a failure to approve the request might mean that the Digital ID service will not be able to meet its planned service offerings.

Staff Comment: The legislature may wish to seek additional clarity on CDT's efforts to ensure that sensitive data is kept secure, and collected in a manner which does not expose those seeking services to risks.

Staff Recommendation. Hold open.

1703 PRIVACY PROTECTION AGENCY

Item 11: Data Broker Deletion Request Opt-Out Platform

Request. The California Privacy Protection Agency (CPPA) requests an increase in expenditure authority of $2.477 million Data Broker's Registry Fund in 2025-26, $2.34 million in 2026-27 and 2.0 positions phased-in over two years to meet the CPPA's responsibilities under Chapter 709, Statutes of 2023 (SB 362), known as the California Delete Act.

Background. Effective January 1, 2026, Chapter 709, Statutes of 2023 (SB 362), also known as the California Delete Act, transferred responsibility of the Data Broker Registry from the Department of Justice (DOJ), to the CPPA, and further required the CPPA to establish an accessible deletion mechanism for citizens seeking the deletion of personal data. This mechanism must allow consumers to request the deletion of personal information maintained by data brokers and their associated service providers beginning January 1, 2026. The system needs to maintain reasonable security procedures and practices, provide an interface for making and altering deletion requests, and allow consumers to verify the status of their requests. Additionally, by August 2026, data brokers will be required to access this deletion mechanism every 45 days to ensure compliance with consumer requests. The challenge lies in developing and implementing this comprehensive system that can handle high volumes of requests, maintain data security, and ensure seamless interaction between consumers, data brokers, and the CPPA. This requires robust infrastructure, ongoing support, and effective coordination among all stakeholders.

The 2024 Budget Act includes resources to plan for the implementation of SB 362 and to assist in the development of the deletion mechanism. The request states that planning has been underway, and the CPPA is prepared to move forward with system development and the execution of the accessible deletion mechanism. To support the establishment of the mechanism, this proposal requests the abve referenced funds for contracting costs and 2.0 additional positions dedicated to overseeing the technical and program requirements of the Deletion Request and Opt-out Platform (DROP).

Staff Comment: Although the project is called for in statute, it should be noted that the California Department of Technology will be building the platform for the deletion mechanism, with oversight authority for the project delegated to the CPPA. As the CPPA is not an agency which regularly oversees the implementation of technology projects, the legislature may wish to seek additional clarification on plans for CPPA oversight.

Staff Recommendation. Hold open.

2320 Department of Real Estate

Item 12: Rent Increase - New May Lee State Office Complex

Request. The Governor's Budget requests, for the Department of Real Estate (DRE), increases for rent at the May Lee State Office Complex (MLSOC), and incremental increases thereafter. Specifically, for 2025-26, the Department of Real Estate requests $2,644,000 Real Estate Fund.

Background. The Department of General Services' Ten-Year Sequencing Plan provides a roadmap for the renovation or replacement of state office buildings in Sacramento. In 2018, a decision was made to construct and fund a new state-of-the-art Department of General Services owned multi-tower facility to be built on Richards Boulevard north of downtown Sacramento. The old state printing plant was demolished and replaced by a newly built state office complex. The project is designed to achieve zero net energy (ZNE) and zero net carbon (ZNC) for the entire site through state-purchased carbon free green power and is also seeking a Leadership in Energy and Environmental Design (LEED) Gold Certification through the United States Green Building Council. Pursuant to DGS' 10-Year Sequencing Plan, several state departments were selected to move into the MLSOC, located in the River District of Sacramento. The departments who have relocated their headquarters to the May Lee State Office Complex (MLSOC) include the Civil Rights Department (CRD), the Department of Housing and Community Development (HCD), the DRE, the Department of Health Care Access and Information (HCAI), and the Commission on Teacher Credentialing (Commission).

The proposal states that if the increase in expenditure authority is not approved, DRE will have to make difficult decisions to reduce costs that will have an impact on the services and oversight DRE will be able to provide. The Administration states that DRE's highest priority of consumer protection, which is set in statute, could be impacted in many ways including:

- Inability to fulfill its mission-critical duties, such as consumer protection.
- Inability to file disciplinary action within the statute of limitations.
- Lengthy investigative and prosecutorial timeframes – lack of timely notice of disciplinary actions.
- High vacancies would result in missing statutory timeframes – causing delays in the availability of new housing in California.
- Increased timeframes to process exams, licenses and renewal applications – delaying otherwise qualified applicants from taking the real estate exam and procuring gainful employment..

These drastic solutions impact DRE's ability to meet its strategic plan goal of building a healthy organization in support of Governor Newsom's Executive Order N-16-22, which requires state agencies to embed policies and practices into their strategic plans to advance equity and address disparities in access and outcomes.

Staff Comment: The legislature may wish to inquire generally as to cost pressures on the DRE from rent and facilities increases, and long term financial health of the Department, in light of the concerning budget projections for DRE at the end of the 2025-26 Budget year.

Staff Recommendation. Approve as budgeted.

7760 DEPARTMENT OF GENERAL SERVICES

Item 13: California Building Standards Commission Workload Adjustment

Request. The Governor's Budget requests, for the Department of General Services - California Building Standards Commission, $582,000 Building Standards Administration Special Revolving Fund and 2 permanent positions in 2025-26 and ongoing to continue meeting the legislative requirements ratified by AB 209, AB 1738, AB 2075, AB 2232, AB 2446, AB 2863 (Chapters 251, 687, 346, 777, 352, and 809 of the Statutes of 2022, respectively).

Background. In fiscal year 2023-24, the California Building Standards Commission (CBSC) was approved for limited-term (LT) resources, including 2.0 LT positions, under the CBSC New Bill Mandates Budget Change Proposal to research, develop, and propose for adoption building standards for a variety of green initiatives. CBSC's 2023-24 request was reflective of an implementation period of three years to meet the immediate requirements of six legislative bills while evaluating any ongoing workload. Since legislative approval, the requirements resulting from Chapters 687, 346, and 352, Statutes of 2022 (AB 1738, AB 2075, and AB 2446, respectively) each entail significant collaboration and coordination with other agencies in every building standards code adoption cycle from 2023 and onward. These requirements are ongoing and will not end when the approved limited-term authority expires in June of 2026.

In addition to the above requirements for CBSC, these statutes and others chaptered during the 2021-22 legislative session also place requirements on other proposing and adopting agencies, which the Administration states will result in increased volume and complexity of rulemaking packages being processed by the CBSC staff throughout development cycles. CBSC staff also expect the demands of monitoring and engaging with the code development activities of those other agencies to continue to increase.

The proposal states that CBSC has seen an increase in workload which is unabsorbable for projects, especially for projects associated with these legislative requirements. One of the major projects relates to CBSC's implementation of recently adopted embodied carbon reduction regulations promulgated during the 2022 Intervening Code Adoption Cycle. The proposal states that sufficient staffing is critical to CBSC's essential functions in the administration of the code adoption cycles and development of required building standards regulations. Additionally, the Administration states that due to the increased urgency and public interest in a variety of facets of the CALGreen Building Standards Code, there has been a dramatic increase in the number and complexity of legislative requirements adding to the technical and administrative staff workload.

The requested Supervising Architect is intended to provide the existing CALGreen technical staff a dedicated manager with focus on both the distribution and progress of in-house workload on all the code development initiatives under the CALGreen umbrella, and the progress and intent of initiatives within other state agencies that will impact or intersect with those internal efforts. The requested Associate Architect will to contribute to the daily work of the technical staff and the ability to provide leadership in how the various projects are organized and executed.

The approval of the request, the Administration states, will provide the CALGreen program continuity of subject matter expertise and institutional knowledge if the many legislative requirements being addressed by these positions are to be met within the specified timeline. Due to the continuous advancements and findings made in the field of green building standards, these specific legislatively required green building standards will require CBSC's ongoing review and updates during each 18-month code adoption cycle in perpetuity. As such the request states that having an adequate staffing level is critical to CBSC's essential functions in the administration of the code adoption cycles and development of the required building standard regulations.

Staff Recommendation. Hold open.

Item 14: Chattel Slavery: Formal Apology Memorialization (AB 3089)

Request. The Governor's Budget requests, for the Department of General Services - Real Estate Services Division, $500,000 General Fund one-time in Fiscal Year 2025-26 for the purposes of memorializing a plaque in the State Capitol Building as an apology for perpetuating the harms African Americans faced, including through segregation, public and private discrimination, and unequal disbursal of state and federal funding. Chapter 624, Statutes of 2024 (AB 3089) requires the Department of General Services to establish a schedule for the design, construction, and dedication of the plaque, implement procedures to solicit designs for the plaque, devise a selection process for the choice of the design, and establish a program for the dedication of the plaque.

Background. Existing law required a Task Force to study and develop reparation proposals for African Americans, with special consideration for African Americans who are descendants of persons enslaved in the United States. The Task Force was required to identify, compile, and produce the relevant evidentiary documentation of the institution of slavery that existed within the United States, and to recommend appropriate remedies in consideration of their findings.

The Task Force received historical records from government agencies, private entities, and citizens established that millions of Africans and their descendants were brutally enslaved and traded as property, propelling California's ascension to prosperity during the Gold Rush Era. The Task Force report further outlined the myriad of ways that these harms continue to plague Black Californians today.

The proposal states that AB 3089 provides that the State of California recognizes and accepts responsibility for all the harms and atrocities committed by the state and apologizes for perpetuating the harms African Americans have faced. The bill requires that DGS and the Joint Rules Committee design, install, and maintain a plaque memorializing this apology to be publicly and conspicuously displayed and maintained in the State Capitol Building. Accompanying this budget proposal is also a request to add Budget Bill Language to government code to explicitly allow for the alteration or modification of the character defining features of the Capitol.

DGS and Joint Rules Committee will provide for a planning phase, a process for the solicitation and selection of artistic designs, an installation phase, and a dedication program for the dedication of the plaque. DGS anticipates significant staff time and meetings to coordinate with a multitude of public and private stakeholders. The requested funds will be allocated towards soft and hard costs, consultants with expertise working in the Capitol building, construction costs, and code inspections. Staff time between DGS and Joint Rules Committee staff will also include coordination of the receipt of money from any grants and private donations to facilitate appropriations of those funds.

The installation must also comply with Americans with Disabilities Act and California Environmental Quality Act requirements, with the State Historic Preservation Officer to perform a final review of construction documents to ensure that all aforementioned requirements and maintenance concerns are met.

Staff Recommendation. Hold open.

Item 15: Facilities Management Division Building Operations and Support

Request. The Department of General Services, Facilities Management Division (FMD), requests $5,962,000 Service Revolving Fund and 45 positions in 2025-26, and ongoing, to manage, operate, and maintain the reopening of Building 018 in Sacramento once renovations are complete.

Background. The property at 1416 Ninth Street in Sacramento (Building 018) formerly housed the Natural Resources Agency, until the New Natural Resources building was completed in 2021. The proposal states that Building 018, evaluated as the most deficient building in DGS' office portfolio, was authorized for renovation and is scheduled to reopen in October 2025. Once completed, building tenants will include departments within the Labor and Workforce Development Agency. With Building 018 reopening in 2025, the Facilities Management Division (FMD) requires additional staff to manage, operate, and maintain the newly renovated property.

When the New Natural Resources Building was completed, and the tenants of Building 018 were relocated to that structure, the staff previously assigned to Building 018 were redirected to maintain the new building. Those staff became part of that building's dedicated staffing model, reducing the request for additional positions to maintain that structure, and are thus unavailable to maintain other properties. If these resources are not provided, the proposal states that FMD will still be responsible for management of the building, but will not have sufficient spending or position authority, resulting in a budgetary deficit and an inability to adequately maintain this new asset.

86 positions (41 positions being redirected from other buildings) are needed for operations, custodial duties, and maintenance of the new building. These positions will be assigned to both days and evenings to maintain building. The Administration states that the approval of this proposal will ensure DGS has the appropriate resources to effectively manage, operate, and maintain the newly renovated building. Further, the proposal suggests that aligning FMD's resources to the level necessary to maintain the building will preserve the state's investment in real estate properties and help to ensure the health and safety of its tenants.

Staff Comment: The legislature may wish to seek additional information related to increasing facilities management costs, and whether solutions might exist to offset increasing costs.

Staff Recommendation. Hold open.

Item 16: Office of Human Resources Workload Adjustment

Request. The Department of General Services, Office of Human Resources, requests $1.4 million Service Revolving Fund for 6 existing positions and 3 new positions in 2025-26 and ongoing to support human resources administrative services and to bring staffing in line with the department's growth.

Background. The Department of General Services (DGS) serves as the business manager for the State of California, with a budget of more than $1.3 billion and over 4,400 authorized positions. In recent years, DGS' scope of responsibility and program complexity have expanded broadly, which necessitates additional Office of Human Resources (OHR) support. The Position Growth table below illustrates DGS has added 826 positions over the last six years, only ten of which were established in OHR. This growth equates to a 23 percent increase in overall DGS positions, while OHR's positions have only increased by 13 percent over the same period. The continued expansion of DGS' workforce will have a negative impact on OHR staff due to an increase in workload volume, in turn causing issues with productivity and efficiency. The impact would include delays in hiring, delays in processing payroll and benefits, and decreased services to DGS programs, limiting their abilities to perform their responsibilities. A multitude of complex, urgent, sensitive, and nuanced employment matters occur daily and require immediate attention to effectively manage the issues and provide the appropriate guidance.

Position Growth

Dept. / Unit	2017 – 18 Authorized Positions	2023 – 24 Authorized Positions	Difference	Percent Growth
DGS	3,585.6	4,411.6	826	23.0%
OHR	76	86[1]	10	13%

The proposal states that OHR's growth has not kept pace with the growth of DGS overall, and as a result OHR does not have sufficient resources to manage existing, established, and ongoing workload.

Staff to support DGS' various programs has increased in recent years, growing to 4,411.6 authorized positions in 2023-24, an increase of 242 positions from 2022-23. These additional positions, along with increased separations, retirements, and backfills, has resulted in OHR staff working overtime to meet the demand. For FY 22/23 OHR manually processed 456 separations and in FY 23/24 OHR manually processed 502 separations, representing an increase of 10% in separations. It's anticipated that this workload will continue to increase and be an ongoing challenge if additional support is not granted. To address the current staffing shortage, overtime compensation is offered to OHR staff as needed; however the proposal states that this approach is not sustainable long-term. Relying on overtime to meet production demands leads to employee burnout, decreased productivity, and increased error rates. This approach can increase personnel costs due to higher overtime pay (1.5x), diminish efficiency, and increase healthcare and benefits expenses. In the long term, hiring permanent staff would be a more sustainable solution.

The Administration seeks the proposed funding in order to provide OHR with resources to address the additional workload resulting from increased demand for administrative support and human resources functions, which provide services within the department and throughout the State of California, including state and local entities. The proposal also suggests that approval will provide DGS' Internal HR with the necessary resources to address the administrative workload resulting from the increased administrative support demand and human resources functions.

Staff Recommendation. Hold open.

Item 17: Permanent eMarketplace Staffing

Request. The Department of General Services, Procurement Division requests $340,000 Service Revolving Fund and 2 positions in 2025-26 and ongoing to continue implementation and maintain support activities of the statewide eMarketplace solution. The Procurement Division was approved resources in 2023-24 for contract costs to support the solution's IT development and the internal customer implementation. Additional resources are being requested to support external statewide customer implementation activities and ongoing external customer (i.e. supplier) support.

Background. This proposal follows a prior request for an eMarketplace Implementation budget change proposal, which granted ongoing funding and 2 information technology (IT) staffing resources to DGS's Enterprise Technology Solutions (ETS) and DGS's FI$Cal support unit for Tier 2 technical support regarding system development, implementation, and back-end maintenance in 2023-24. Upon further developing the eMarketplace system requirements, the Administration states that an apparent need was discovered for Tier 1 customer support for the external customer eMarketplace users. This includes workload associated with the external customer online catalog development, and external customer bidder/supplier electronic bidding submission support. As a result, along with the existing resources, the Procurement Division (PD) has evaluated the need for 2 positions to support Tier 1 customer activities.

Within PD, the Policy, Training and Customer Service (PTCS) Branch is responsible for setting statewide purchasing policy, managing procurement legislation, training state procurement professionals, and administering the state eProcurement initiative, which includes the continued development of FI$Cal statewide procurement functionality, CSCR, and the State Contracts and Procurement Registration System statewide FI$Cal procurement data information assets. PTCS is also responsible for providing business intelligence driven analysis focused on state contracting strategic sourcing of goods and services, using data analytics to surface instances of procurement fraud, and addressing specialized statewide procurement and data customer service requests.

To fully achieve program goals and realize the benefits of a secure, comprehensive, and centralized marketplace, the proposal requests support staff with policy and process expertise. These staff will be required to help users navigate the eMarketplace system, upload the electronic catalog files, modify prices on a recurring basis, and provide training and end-user customer support, beyond the implementation stages to ensure compliance, efficiency, ease of use, and customer support.

The proposal requests two Associate Government Program Analysts to provide the required Tier 1 support, in addition to developing online trainings, online catalogs of business processes, coordinate between Fi$Cal and other teams, and develop differing program functionalities associated with the program.

The request states that failure to approve the funds will result in PD programs will have no customer support for supplier's online catalog file development and will not be able to support FI$Cal customer service level agreements. The Administration suggests that this shortfall will result in significant functional and financial impacts to both DGS PD and FI$Cal, who will not be able to complete their required duties.

Staff Recommendation. Hold open

Item 18: Sustainable Schools Program to Advance Climate-Resilient Schools

Request. The Department of General Services, Division of State Architect (DSA) requests $2 million from the Public School Planning, Design, and Construction Review Revolving Fund (Fund 0328) and 7 positions in 2025-26 and ongoing to implement a comprehensive sustainable schools' program to develop California Green Building Standards Code requirements and ensure Energy Code compliance in California's K-12 schools and community colleges.

Background. The proposal states that the development of CALGreen regulations, of which DSA is the regulatory and enforcement authority, is a necessary step in creating sustainable facilities. CALGreen regulations are currently developed by DSA staff through the rulemaking process. The Administration states that, currently, DSA lacks the staff and resources to develop and implement the CALGreen regulatory framework to enforce sustainability measures in California's schools. The request seeks ongoing expenditure authority and 7 positions to support the implementation of the Sustainable Schools Program, and support development of CALGreen regulations.

The Administration states that approval of this request will provide DSA with the staff to provide outreach and education to support California school districts with guidance and best practices to implement sustainability measures in the most cost-effective way. The proposal notes that the positions will be funded through the existing fund balance in order to provide implementation funding without a corresponding increase in fees.

The proposal notes that this proposal does not require schools to implement any sustainability measures outside the course of regular new construction and alterations, but instead provides DSA with resources to develop the regulatory framework and guide schools through implementing cost-effective sustainability measures. This proposal does not create cost obligations that significantly impact the General Fund.

Specifically, under this proposal, DSA would establish; 4.0 Senior Architects to support its regional offices to provide local support (one in Sacramento, Los Angeles, Oakland, and San Diego) in assisting with the CALGreen and Energy Code compliance; 1.0 Senior Mechanical Engineer to expand the DSA Headquarters Sustainability Team and allow continued development and enforcement of sustainability and energy efficiency regulatory requirements through plan review and audits, as well as needed sustainability education, outreach to schools and public workshops; 1.0 District Structural Engineer to develop regulatory requirements and analyze opportunities requested by NGOs and industry groups to establish partnerships for the rehabilitation of existing school facilities to mitigate the need for demolition and encourage rehabilitation of existing buildings that result in improvements in structural safety and resiliency; 1.0 Associate Governmental Program Analyst to provide ongoing support in the regulatory developments for CALGreen and Energy Code compliance and coordinate the administrative requirements associated with the development of regulations.

Additionally, DSA would provide guidance on the use of available technical resources established through DSA's education and outreach program and on its learning management system.

Staff Recommendation. Hold open.