CALIFORNIA PERFORMANCE REVIEW

THE PUBLIC PERSPECTIVE

THE REPORT OF THE CALIFORNIA PERFORMANCE REVIEW COMMISSION

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PERFORMANCE REVIEW COMMISSION

California Performance Review Commission

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October 30, 2004

Dear Governor Schwarzenegger:

On August 3, 2004, the California Performance Review (CPR) delivered to you their final recommendations to reshape California state government. The four volume report made over 1,200 individual recommendations and touched upon almost every aspect of state government operations and structure.

As the next phase of your process to reform state government, you formed the CPR Commission to gather the public perspective through an open and inclusive process. Per your charge, the Commission held eight public hearings throughout the state and heard from over 100 subject matter experts in the fields of infrastructure, resources, health and human services, education, government operations, corrections, and government organization. In addition, we gathered testimony from members of the general public through the internet, letters, and oral testimony. Californians from all walks of life offered their input. In total, we collected testimony from over 3,600 members of the public regarding the CPR recommendations.

Though there was some disagreement on specific recommendations, the public overall supported the efforts and work of the CPR. Indeed, the public sentiment widely agreed that there was significant opportunity to improve the way that state government conducts business.

The enclosed report summarizes the public perspective. We have included the breadth of public opinion – both in favor and in opposition. We have also included a summary of key points to consider as your administration continues to evaluate proposals to implement the new structure of California state government.

In closing, we thank you for the opportunity to participate in this process and are hopeful that our work helps guide the discussions as you enter the next phase of this important effort. The Commission would like to thank the CPR Staff for undertaking this monumental initiative, the CPR Commission Staff for their dedication to increasing the public involvement in this effort, and all the state employees for their commitment and support to public service as they begin to transform state government to better serve the residents of the state.

Sincerely

Joanne Kozberg
Co-Chair
California Performance Review
Commission

Bill Hauck
Co-Chair
California Performance Review
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INTRODUCTION

Report of the California Performance Review Commission to the Governor

On August 3, 2004, the California Performance Review (CPR) delivered their final recommendations to reform California state government to Governor Arnold Schwarzenegger. The guiding principals set forth by the CPR team as they formulated their recommendations were the following:

- Put the people first;
- Save taxpayers dollars;
- Be visionary and innovative;
- Be accountable and efficient; and
- Be performance driven.

The 2,000 page report consisted of four volumes, made over 1,200 individual recommendations, and touched upon almost every aspect of state government operations.

As part of his process to decide which recommendations to pursue, Governor Schwarzenegger formed the CPR Commission, an independent and bi-partisan commission consisting of leaders in the public, private, and non-profit sectors. The charge of the CPR Commission was to gather public input, review, and ultimately report findings on the CPR recommendations to the Governor.

The Commission held eight hearings throughout California between August 13 and October 20, 2004. During those hearings, the Commission heard from over 100 subject matter experts in the fields of infrastructure, resources, health and human services, education, government operations, corrections, and government organization. In total, the Commission received both oral and written comments from over 3,600 members of the public at large regarding the CPR recommendations.

Per the Governor's directive, the Commission's mandate was to gather the breadth of thoughts and opinions on the recommendations from all stakeholders of California state government. The Commission heard from residents, business operators, students, health care professionals, firefighters, and other interested parties throughout the state. People representing all facets of California life were eager to not only listen to the issues as they were being presented, but also to voice their opinions and

otherwise participate in the hearing process. As a whole, the Commission believes that the major issues stemming from the CPR report have had an opportunity to be presented for consideration. This report summarizes the 3,600 testimonies gathered throughout the course of the public comment process.

APPROACH

The CPR Commission received public comments from four different sources between August 3, 2004 and September 30, 2004:

- **CPR Website and e-mail:** The CPR Commission received 1,700 submittals from the CPR website.
- **Mail and fax:** The CPR Commission received 1,200 submittals via mail and fax.
- **Oral Testimony:** The CPR Commission heard over 100 formal testimonies from subject matter experts during the course of the hearings.
- **Public Comment:** The CPR Commission heard from 600 members of the public during the public comment period of the hearings.

All testimony was weighted equally in the compilation of this report. Though the exact wording may differ from that of the original testimony received, the Commission staff has strived to articulate all substantive comments received without judgment or bias. Inasmuch, this report is not a representation of the opinions or thoughts of the Commission or the Commission staff. Also, it should be noted that neither the Commission nor the staff have validated the assertions made by the public.

For the purposes of this report, comments on the CPR issues and recommendations are presented in three sections:

- **Pros:** Public comments made in favor of a specific recommendation;
- **Cons:** Public comments made in opposition to a specific recommendation; and
- **Considerations:** Public comments made that are neither explicitly in favor nor in opposition to a recommendation, but identify issues that should be taken into account during the policy deliberation and design process or during the policy implementation phase.

The report also presents the number of public comments heard on each issue. In addition to the total number of comments received for a recommendation, the number of public comments supporting, opposing,

and neutral has also been reported. Please note that unless comments explicitly noted support or opposition, the comment was classified under neutral. Also note that the counts should not be construed as an absolute indicator of the amount of public support either for or against any particular recommendations, but may be considered a surrogate indicator of the amount of interest in particular topics.

In many instances, individuals often commented on a number of recommendations. As such, the total number of comments will be greater than the number of individuals reported. The section above presents the 3,600 count as testimonies/comments, not as individuals. In addition, recommendations that did not receive any comments were not included in this report.

CHAPTER 1 | INFRASTRUCTURE

Introduction

One of the most important functions of government is to provide a well-maintained infrastructure system that includes roads, air and water ports, public utilities, water facilities, public buildings, and schools. This public infrastructure is essential to delivering public services, fostering economic growth, and promoting sustainability. Infrastructure as proposed by the California Performance Review (CPR) will consist of eight core activities: housing, transportation, water, energy, infrastructure finance, research and development, planning, and asset management.

After a comprehensive review of the state's infrastructure programs, the CPR concluded that California lacks an integrated infrastructure policy; infrastructure projects are not centrally managed or coordinated; infrastructure investment lacks stable funding; and multiple agencies involved in infrastructure make it difficult to complete projects.

To address the state's infrastructure shortfalls, CPR identified and researched 38 stand alone issues that contain 126 recommendations. The recommendations collectively will:

- Create a clear line of accountability to the Governor.
- Consolidate all 25 infrastructure decision-making entities into one integrated department.
- Propose changes to integrate effectiveness and efficiencies into the daily aspects of infrastructure development, management, finance, construction, and operations.

CPR estimates these recommendations will result in $3.32 billion in savings over the next five years that can be re-invested in the state's infrastructure programs.

CPR COMMISSION HEARING

The CPR Commission hearing on infrastructure was held at the University of California, Riverside on August 13, 2004. Three panels of expert witnesses, representing a broad array of public opinion, testified before the Commission. The panels were organized by the following subject areas:

- Transportation
- Hospital, Housing, and School Construction
- Water and Energy

In total, 16 witnesses presented testimony to the Commission.

SUMMARY OF PUBLIC COMMENT

Infrastructure is a high priority with the public. Most importantly, the public recognizes and supports protecting existing transportation financing and finding new revenue streams to maintain and construct future infrastructure projects. The public strongly supports allowing public entities to use alternative project delivery methods to deliver quality infrastructure projects. Identification and selling of surplus state property generated some opposition that can be directly attributed to a statement in the report that categorized the Orange County Fairgrounds as underused state property. Otherwise, there was support for streamlining this process.

In total, 320 comments were received on the Infrastructure recommendations of the CPR Report.

INF 01

USE OF FEW MODELS FOR PROJECT DELIVERY RESULTS IN MISSED OPPORTUNITIES FOR LOWERING COST AND SPEEDING DELIVERY

ISSUE

Most of California's infrastructure projects are delivered by the traditional design-bid-build process, with the selection of the building contractor based on the lowest price submitted. The state should be able to use a variety of alternative project delivery methods including design-sequencing, design-build, design-build-operate, and public-private partnerships that will save the state both time and money.

SOLUTIONS

- *Allow all public entities to use alternative project delivery methods to construct infrastructure projects including but not limited to, design-sequencing; design-build; design-build-operate; public-private partnerships; and job order contracting.*
- *Establish criteria for deciding the most appropriate contracting method.*

INF 01

"An expedited project delivery process fosters better mobility and benefits the motoring public by way of public congestion relief."

Paula LaBrie
Legislative Counsel
California State Automobile Association - Northern California
Written Testimony

PUBLIC COMMENT

18 comments were received for this recommendation. 17 comments expressed support. 1 comment expressed opposition.

Pros

- The expedited project delivery process fosters better mobility and benefits the motoring public by relieving traffic congestion.

- State and regional transportation authorities should be given the opportunity to utilize the most appropriate methodology for each infrastructure project.
- Private sector expertise should be used for project management and development of projects for areas where the state is lacking expertise.
- Competitive bidding with qualifications submitted under penalty of perjury provides public entities with a method of recourse for the submission of false qualifications.
- Design-build can achieve major savings in time and cost.
- The various contracting departments should work in unison to develop criteria and models for the correct selection of projects for each category.

Cons

- Alternative project procurement methods may eliminate competitive bidding and institute a highly subjective selection procedure that has historically led to favoritism, waste, and delay.

Considerations

- California's policy makers should consider whether the project delivery methods commonly used in the private sector should be available to all public entities.
- Industry involvement is needed to develop project delivery models. An Industry Advisory Council should be created as the forum to provide input to the state.
- Require functional definitions of non-compete clauses and also require that public-private franchises not preclude contracting flexibility.
- Contractors should be required to automatically submit certified payrolls and proof of workers' compensation payments.
- Both prime and subcontractors should be subject to a prequalification requirement that includes a demonstrated safety record and health care for workers.
- Safeguards should be put in place to ensure that California contractors and California workers build California projects.
- For regional projects, establish a private sector process where large projects can be led and developed in a public-private partnership.

Creative funding models, similar to those being used in Texas, Maryland, and Virginia, should be reviewed by California.

- An area where design-build specifications could be implemented rather quickly and promote the use of innovative technologies is in maintenance projects. These projects are typically straight forward with few environmental issues. They usually involve making repairs and performing protective maintenance to extend the life of existing facilities. Timing of these projects is critical to getting the most benefit.

INF 02

ADOPT PERFORMANCE AND WARRANTY SPECIFICATIONS TO IMPROVE THE QUALITY OF HIGHWAY CONSTRUCTION

ISSUE

California is unable to take advantage of best practices and technologies that would reduce lifecycle costs, and potentially lead to higher quality facilities because warranties for highway construction projects have not been widely deployed. The state should use warranty and performance specifications for highway construction projects.

SOLUTIONS

- *End the "pilot" status for warranty specifications of asphalt concrete pavement, and make performance specifications standard practice.*
- *Work with Federal Highway Administration (FHWA) and the American Association of State Highway and Transportation Officials Committees and participate in activities related to performance specifications, and adopt findings from those groups.*
- *Establish a multi-disciplined team to streamline the specification approval process to eliminate duplicate work, and seek opportunity for parallel reviews.*
- *Establish a policy that will allow for a performance specification that has been adopted by another state, and approved by FHWA, to be available for use as a special provision.*

INF 02

"Performance-based specifications will bring out the best in contracting methods. As long as the specifications dictate the recipe, warranties will not work, especially in rehabilitation work."

David G. Ackerman
Legislative Advocate
Associated General Contractors of San Diego
Written Testimony

PUBLIC COMMENT

5 comments were received for this recommendation. 4 comments expressed support. 1 comment expressed opposition.

Pros

- The best way to improve the specification development process is to adopt performance standards and warranties. These recommendations are consistent with trends at the federal level and in many states.
- Performance-based specifications will bring out the best contracting methods, as long as the performance specifications dictate the formula.

Cons

- Industry and departments should be allowed to use performance and warranty specifications where appropriate. Performance specifications should not be mandated as standard practice.
- Warranty specifications can be problematic in rehabilitation work.

Considerations

- Performance and warranty specifications could be implemented rather quickly in maintenance projects.
- Allow the contractor to include a warranty as part of the bid, using the inclusion of a warranty and the length of the warranty as criteria in the contractor selection process.

INF 03

THE STATE IS NOT TAKING ADVANTAGE OF ALL OPPORTUNITIES TO REDUCE THE COST OF CONSTRUCTION CONTRACTS

ISSUE

The state's insurance and bonding requirements for large state construction projects result in unnecessary costs. The state should explore using different methods to obtain sufficient insurance for its large construction projects and lower some of its bonding requirements.

SOLUTIONS

- *Utilize Owner Controlled Insurance Programs (OCIPs) for infrastructure projects.*
- *Establish a pilot program that revises state performance bond requirements, including lowering them where appropriate.*
- *Amend Government Code Section 11007.7 to specifically authorize the establishment of a Builders Risk Insurance Program, and to allow state departments*

administering capital outlay projects to participate in the Builders Risk Insurance Program whenever possible.

PUBLIC COMMENT

6 comments were received for this recommendation. 4 comments expressed support. 2 comments expressed opposition.

Pros

- OCIPs can lower insurance costs on projects for contractors and/or public entities.
- OCIPs provide a comprehensive safety program that in many cases covers the entire workforce, and improves safety through training, awareness, and better inspections.
- A Builders Risk Insurance Program, provided that the cost is not passed on to the contractor, is a good idea. If the cost is passed on to the contractor, the contractor should be given the option to either pay for the state program, or purchase his/her own equivalent insurance protection.

Cons

- OCIPs are not appropriate for most infrastructure projects unless they are extremely well crafted and well managed. Most OCIPs are complicated, leave holes or gaps in coverage, and do not integrate well with the contractor's existing insurance program.

Considerations

- Requiring a bond with each contractor's bid and subsequent performance and payment bonds from the successful bidder is the simplest and best way to ensure the quality and performance of contractors performing work for the state. Lowering bond requirements would only be appropriate for those projects that are not complicated or critical.
- Prior to lowering the performance bond requirement to less than 100 percent of the bid price of the project, suggest meeting with representatives of the surety industry.
- The state could also reduce the insurance burden created for a publicly supervised construction insurance pool with strict inspection requirements and construction oversight.

- OCIPs specifications should include a safety requirement.
- OCIPs are appropriate for habitational uses such as dormitories and residential housing, because regular insurance coverage is difficult or impossible to obtain for these uses.
- To reduce the cost of financing housing developments, the state could provide mortgage insurance for multifamily housing or rental housing loans.

INF 04

PERFORMANCE MEASURES ARE NEEDED IN TRAFFIC OPERATIONS

ISSUE

Performance measures for traffic operations performance typically are used to provide information to the public on highway conditions and to provide information to decision-makers involved in short- and long-term planning. In traffic operations, such measurements may include the number of vehicles on a specific route, the travel time, and the number of traffic incidents. The state needs to implement a performance-based measurement system to measure the department's progress toward achieving its goals of transportation system mobility and reliability and to make educated spending decisions for future transportation needs.

SOLUTIONS

- *Implement the Transportation Management System (TMS) Master Plan.*
- *Increase the priority for funding TMS projects in the State Highway Operation and Protection Program and the Interregional Transportation Improvement Program for Fiscal Year 2005–06 and thereafter.*
- *Include TMS projects in the Regional Transportation Improvement Program.*
- *Expand the use of public-private partnerships to implement the TMS Master Plan activities through performance-based contracts.*
- *Develop an agreement stipulating that TMS components constitute transportation projects, not Information Technology (IT) projects, and are not subject to the same feasibility study and approval process as IT projects.*
- *Optimize results by strong coordination and integration of TMS with local and regional intelligent transportation programs.*

PUBLIC COMMENT

All 8 comments received support this recommendation. No opposing comments were received.

Pros

- Measurable goals and objectives are necessary to determine if traffic congestion relief efforts, the various modes of transportation, and transportation management systems are meeting the needs of commuters and enhancing overall mobility.

Cons

- No testimony submitted.

Considerations

- The effect of increasing the priority of TMS projects over other high-priority projects should be evaluated.

INF 05

NEED FOR HIGH-OCCUPANCY/TOLL FACILITIES TO REDUCE TRAFFIC CONGESTION AND GENERATE REVENUE TO COVER PROJECT COSTS

ISSUE

Managed lanes are dedicated lanes or roadways that preserve high-speed, reliable travel through various strategies; high occupancy vehicle (HOV) lanes and high occupancy/toll (HOT) lanes are types of managed lanes. To reduce traffic congestion and generate revenue, the state may need to incorporate managed lanes into more state highways.

SOLUTIONS

- *Determine the circumstances and conditions under which toll projects can be financed, developed and implemented.*
- *Develop public-private partnerships for the implementation of high occupancy vehicle toll projects.*
- *Authorize the Bay Area Transportation Authority to implement value pricing at the toll bridges under their jurisdiction.*
- *Specify that the cost of maintenance of all toll bridges under the jurisdiction of Caltrans should be paid out of toll revenues.*

PUBLIC COMMENT

8 comments were received for this recommendation. 2 comments expressed support. 3 comments expressed opposition. 3 comments were neutral.

Pros

- HOT lanes should be examined as a means to increase real and effective highway capacity.

Cons

- HOV lanes are limited for use by vehicles carrying two or more occupants, opening the HOV lanes for use by all vehicles will increase traffic flow.
- HOT lanes should not be implemented primarily to raise revenues, even if revenues are used to cover project implementation.
- The proposal to shift Bay Area toll bridge maintenance from the State Highway Account to toll bridge revenues is an entirely separate issue than described in the report. It should not be regarded as a reason for implementing, or a cost of implementing, value pricing or HOT lanes.

Considerations

- Existing general-purpose highway facilities, paid for with past voter approved tax increases or other forms of funding supplied by the public, should not be tolled since the public has already paid for them.
- The proposed location of tolled facility projects should consider the proximity of free alternate routes that do not forcibly modify traveler behavior.
- Tolled facility projects should consider the economically disadvantaged when setting the levels of variable pricing.
- If toll facilities are privately owned and operated, the owners must ensure that the public interest is protected, including assuring that critical safety and capacity improvements can always be made.
- The case-by-case consideration of HOT lanes, as suggested in the report, may also need to consider local traffic conditions and regional support.
- Each proposal must take into account and propose effective mitigation for adverse effects, such as the diversion of traffic onto secondary routes to avoid tolls.

- The California Transportation Commission and regional agencies should have some role in approving toll projects.
- Recommend proceeding with only a few carefully selected pilot projects at this time, with evaluation providing insights into whether the public approves of road pricing.

INF 06

HIGH-PERFORMANCE BUILDING DESIGN

ISSUE

Current state building design and operation standards do not incorporate cost-effective and high-performance building design practices, potentially costing the state millions of dollars each year. The state should adopt construction and operation standards that will ensure taxpayers are receiving the best value for their investment over the life of a building, while protecting the environment and providing a high quality work place.

SOLUTIONS

- *Require every future state building to be built to the standards of the Leadership in Energy and Environmental Design (LEED™) Silver Rating or higher.*
- *Develop high-performance building design practices for the construction of state buildings (i.e. the state's "capital outlay program") focusing on life-cycle cost savings, resource efficiency, extending the useful life of facilities, and incorporating environmentally friendly practices. All state agencies involved in facility construction should be directed to implement these standards.*
- *Develop a series of economic and environmental measurement protocols to display the performance of the state's buildings.*
- *Issue an annual report detailing the activities resulting from this executive order, including, economic and environmental performance indicators.*

PUBLIC COMMENT

All 8 comments received support this recommendation. No opposing comments were submitted.

Pros

- High-performance facilities place an emphasis on creating an environment that is resource efficient, healthy, comfortable, well lighted, and contains the amenities that make it a quality work place or learning environment.

- Any additional construction or design costs incurred to meet LEED Silver Rating would be re-paid many times over using life-cycle cost savings.

Cons

- No testimony submitted.

Considerations

- Life-cycle costing should be applied to transportation infrastructure.
- The state needs to hold agencies accountable for the maintenance of their capital facilities. This accountability would require better reporting of the condition of facilities and five-year plans to eliminate deferred maintenance backlogs.

INF 07

THE STATE NEEDS TO RESTRUCTURE THE ADMINISTRATION OVER THE STATE WATER PROJECT

ISSUE

The State Water Project, managed by the Department of Water Resources (DWR), is the largest state-owned, multi-purpose water project in the country. The project is critical to the resources and economy of the state, but there are impediments to its efficient operation as a major water and power utility. The state needs to take immediate actions to remove the impediments affecting the operations of the State Water Project, while maintaining environmental protections and standards, to ensure the continued reliability of the state's water delivery system.

SOLUTIONS

- *Establish the State Water Project (SWP) as a separate authority within the Resources Agency, or its successor, to better focus the administration of this critical water infrastructure.*
- *Establish civil service classifications and salary levels to recruit and retain individuals with the special skills necessary to purchase, trade, sell power and to be able to efficiently schedule water and power deliveries.*
- *Contract with the Joint Powers Authority formed by the State Water Contractors in cases where it is the best alternative to provide specialized services and skills for SWP.*
- *Continue turning over limited portions of the aqueduct system to the State Water Contractors to operate and maintain if it is in the best interests of the public and the environment.*

PUBLIC COMMENT

20 comments were received for this recommendation. 10 comments expressed support. 10 comments expressed opposition.

Pros

- Establishing the SWP as a separate authority within the Resources Agency would enable the SWP to run more efficiently, like a public utility.
- The SWP should operate as a separate authority representing the contractors who cover all the costs associated with the SWP.

Cons

- Turning over state water facilities to state water contractors who are not subject to the public meeting requirements could be problematic and potentially reduce public review and input of SWP operations.
- The SWP is a public utility which transports a public resource. Public agencies, accountable for protecting the public trust and all beneficial uses of California's water, are the only appropriate authorities to leverage these significant responsibilities.
- Turning over state water facilities to contractors may not afford the same level of environmental protection. Adequate state oversight would be essential to ensure that state facilities do not turn into local for-profit centers for water contractors at the expense of the taxpayers and the environment.

Considerations

- The SWP should instead be reconstituted as a joint powers authority between the state and the contractors who currently receive water from the project.
- Putting the SWP in the hands of contractors runs the risk of it no longer being viewed as a public benefit for the state.

INF 08

"Expenditures for environmental objectives should be subjected to the same cost-benefit and cost efficiency analysis as water supply projects, and it is critical that taxpayers know what the costs and results of the various CALFED programs has been."

Safe Food and Farms CPR Coalition
Written Testimony

INF 08

CALFED BAY-DELTA PROGRAM IS NOT FUNCTIONING EFFICIENTLY

ISSUE

The CALFED Bay-Delta Program is behind schedule and lacks both performance measures that provide real accountability and a long-term finance plan, which makes it difficult to obtain federal funds. A financial and performance audit of the program should be conducted that can be used as a basis for developing quantifiable performance measures and prioritizing implementation actions with budgets tied to performance measures.

SOLUTIONS

- *Perform an independent financial audit of the entire program by a private auditor under contract with the California Bay-Delta Authority (Authority). Develop and implement quantifiable performance measures for contract management, oversight and reporting based on the audit results.*
- *Conduct the adaptive management-or technical performance-analysis under the direction of the CALFED Independent Science Board.*
- *Give the California Bay-Delta Authority the ability to approve all strategic plans, quantify performance measures, and prioritize implementation actions and budgets.*
- *Complete a long-term financing plan.*

PUBLIC COMMENT

8 comments were received for this recommendation. 6 comments expressed support. 2 comments expressed opposition.

Pros

- The recommendation to give the Authority more responsibility for setting its goals and priorities along with a strategic plan will help determine how the Authority will proceed in the future. Since this is a delicate state-federal partnership, the Authority needs to make sure the federal government is fully invested in the process.
- The recommendations support moving vigorously toward achieving the four goals of the CALFED Program—improving water supply reliability; water quality; levee system integrity; and ecosystem health—with significant attention on reducing conflicts in the system.

Cons

- The recommendation may inaccurately suggest that CALFED's primary accomplishments have been in environmental protection. CALFED has provided water users with very substantial direct and indirect benefits beyond the environmental benefits identified in the CPR report.
- An independent financial audit of the entire program as recommended by the CPR report would be extremely costly and time-consuming.

Considerations

- There should be a more comprehensive look at the CALFED Program to determine whether the broad goals of the CALFED Program are being met, not just a project-by-project audit.
- Review the relationship between CALFED and the state implementing agencies to determine if the Authority, through CALFED, is effectively coordinating state-federal water efforts.
- The Governor's office should be involved in the Authority, as well as at the program level. Coordination between the Governor's office and CALFED's financial department is a logical next step of involvement.
- Instead of performing a costly audit, CALFED should engage in interagency dialogue, meaningful public participation, and report regularly to the Legislature.

INF 09

CALIFORNIA NEEDS STRONG WATER POLICY

ISSUE

California needs strong water policy leadership to resolve conflicting policies among state agencies and boards, water agencies, environmental interests, and other public and private entities.

SOLUTIONS

- *Update the California Water Plan (CWP) concept.*
- *Integrate the CWP into a state general plan process.*
- *Promote regional water planning.*
- *Reinstitute the Water Policy Council.*

INF 09

"We support the State developing a strong sustainable water policy that encourages regional planning and integration of needs and benefits in a region. The regions plans combined with needs that are identified from beyond the region would supply an excellent basis for a state water policy."

Daniel B. Cozad
Acting General Manager
Santa Ana Watershed Project Authority
Written Testimony

PUBLIC COMMENT

15 comments were received for this recommendation. 8 comments expressed support. 7 comments expressed opposition.

Pros

- A CWP would improve water supply and water quality and improve environmental priorities for the state.
- Incorporating the CWP into a state general plan process would be more efficient and would result in improved water deliveries.
- The CWP should be developed as a document that supports regional efforts to solve water supply problems. Regional plans would better serve the public, would promote greater efficiencies, and would save local and state dollars, since local and regional agencies are closest to the people being served and are best able to ascertain and meet needs.
- The CWP can be a valuable tool for the public and for lawmakers to determine how much unallocated water currently exists and how to use it for the greatest public benefit.
- An effective long-range statewide water plan that has authority, funding, and includes a realistic implementation plan, will help address the state's future water needs.
- The reinstitution of the Water Policy Council has the potential to provide the necessary forum to resolve conflicting policies.

Cons

- Moving state water policy discussions from CALFED, an open forum in which the public actively participates, to a Governor's Water Policy Council, in which the public has no voice, appears to limit public participation in a critical resource issue.
- The Governor's office should have representation in establishing water policy and be involved in interagency collaboration. The stakeholder process should not be undone by revisiting the outdated Water Policy Council.
- The focus on an expanded SWP is not sound water policy; increasing regional self-reliance and integrated regional planning are much more reliable and cost-effective policies for California water.

Considerations

- It is not clear how integrating the CWP into a state general plan process would result in greater efficiency, although the water plan needs to be linked with land use plans, both at the local and state level.
- The state needs to be a strong financial and planning partner with local agencies to ensure uniformity and equity in the development of the regional plans and to assure that funding is adequate to assist in the implementation of the regional plans.
- The state should take a leadership role in planning and implementing those features of the state's water infrastructure that can only be met through statewide efforts.
- One of the recommendations emphasizes regional planning, but it is unclear whether this approach is recommended as an addition to or replacement of current planning efforts. Regional water planning, while a potentially useful addition to ongoing efforts, can in no way replace state planning when key resources, such as the Delta, are affected by actions throughout the state.
- Regional water planning must include capacity building at the local level, be representative of the demography of the region, and address the needs of the traditionally underrepresented.
- The recommendation that the Governor work with the Legislature to promote regional water planning directly contradicts the recommendation to eliminate the local water boards. It is vital to democracy that people have a voice at the local level on critical water issues through their regional boards rather than through mega-agencies.
- The state needs a strong water conservation program which may increase supply.

INF 10

REDUCE THE STATE'S LEASING COSTS

ISSUE

The state's requirements for leasing privately owned property are unnecessarily burdensome and costly. The state should reduce the amount it spends on leased property by removing overly restrictive lease requirements and streamlining its process for executing lease agreements.

SOLUTIONS

- *Expand telecommuting opportunities for state employees.*
- *Authorize appropriate local permit-issuing agencies to review plans and construction sites for fire code compliance on state-leased property.*
- *Transfer responsibility for Americans With Disabilities Act (ADA) compliance of state-leased facilities from the Division of the State Architect to the appropriate city or county entities responsible for code compliance and permitting.*
- *Allow the state to enter into leases for up to 10 years without having to notify the Joint Legislative Budget Committee when the property is needed long-term and the extended lease would be economical for the state.*
- *Repeal the Department of General Services' (DGS) policy requiring additional evaluation of state-leased facilities for seismic safety, above that which is required by law for private sector leased facilities.*
- *Change DGS' sustainability or "green building" requirements for state-leased facilities from prescriptive to performance-based.*
- *Use low-interest rate bond funds to refinance state leases in which the state has incurred debt for tenant improvements at high-interest rates.*
- *Work with each agency to measure its lease costs per employee and to develop performance standards to lower these costs.*

PUBLIC COMMENT

1 comment in support of this recommendation was received. No opposing comments were received.

Pros

- Allowing local jurisdictions to be responsible for plan review, fire code compliance, ADA compliance, other code compliance, and permitting on property leased by the state would reduce lease process time, reduce project costs, and eliminate potential permitting and code conflicts between the state and local agencies.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

INF 11

TAPPING SURPLUS PROPERTY ASSETS

ISSUE

The state's laws and processes for identifying and selling underused and surplus state properties are ineffective. State law should be amended and its processes streamlined to increase property sales and revenue to the state.

SOLUTIONS

- *Empower the State and Consumer Services Agency, or its successor, to declare state assets surplus and direct their sale.*
- *Amend state law to require the sale of state property at fair market value.*
- *Amend state law to eliminate the right of first refusal for surplus property to any non-state agency.*
- *Appropriate continuous funding to evaluate and sell surplus property.*
- *Permit the State and Consumer Services Agency, or its successor, to enter master service contracts for consulting services required to study and sell surplus property.*

PUBLIC COMMENT

25 comments were received for this recommendation. 4 comments expressed support. 19 comments expressed opposition. 2 comments were neutral.

Pros

- The recommendations will improve the state's real asset and property management and increase the sale of surplus property.
- State agencies should be the only public entities given the right of first refusal on state surplus property.
- In order to evaluate and sell surplus property in a timely manner, all agencies that use properties for a specific purpose, other than open space, should be required to use a specific set of guidelines to review their inventories and dispose of properties that are not being used.
- The state should dispose of excess real estate as efficiently as possible. Selling these properties would net hundreds of millions of dollars for the state treasury and would place these properties back on the property tax rolls for more productive use.

Cons

- Lands held by conservancies for park, recreation, conservation, and open space purposes should not be subject to the "asset maximization" strategies imposed by this policy on other real estate holding entities.
- The State and Consumer Services Agency (or its successor) does not have the expertise to determine whether a natural resource or recreation land is no longer needed for its intended purpose. State and Consumer Services should sell surplus Highway Patrol Offices and unneeded state buildings and parking lots, but should not be involved in determining surplus natural resource land.
- The state should not be in competition with commercial and rental real estate markets.
- Eliminating the right of first refusal for local governments could adversely impact their finances. The ability to purchase low-cost state surplus items has reduced purchasing costs for local governments, particularly rural counties, for items such as vehicles and public works equipment.
- The Orange County Fairgrounds is not underused state property. The facility provides cultural and educational programs for the public, and economic and business opportunities for local residents.
- The fairgrounds play a role in disaster preparedness; Orange County annually stages its required disaster preparedness drills at the fairgrounds.

Considerations

- Recommend amending Government Code Section 11011.17 to permit the University of California to report surplus property directly to the Governor, Department of General Services, the Legislature, and the public via the Internet.
- Urge caution in identification and disposition of property acquired for transportation projects to assure that it will not be needed for any transportation use in the future.
- All proceeds of sale of properties acquired with State Highway Account funds should be returned to the State Highway Account.

INF 12

IMPROVE EFFICIENCY OF EXTRA ENFORCEMENT PROGRAM IN HIGHWAY WORK ZONES WITH FEWER RESOURCES

ISSUE

The California Department of Transportation (Caltrans) uses the California Highway Patrol (CHP) to provide extra enforcement services in highway construction and maintenance work zones, primarily for speed enforcement. There may be a more efficient or cost-effective way to perform this function, whether it is conducted by patrol units or through automated enforcement.

SOLUTIONS

- *Develop a three-year, performance-based contract with the CHP, or its successor, for extra enforcement services.*
- *Transfer the Construction Zone Enforcement Enhancement Program and Maintenance Zone Enforcement Enhancement Program funding from the State Highway Account to CHP, each fiscal year as determined by contract provisions. CHP should use all funds to hire additional officers designated to provide extra enforcement in Caltrans construction and maintenance work zones.*
- *Amend California Vehicle Code Section 40802 to stipulate that an engineering and traffic survey is not required to use radar devices in a work zone if warning signs are displayed.*

PUBLIC COMMENT

2 comments in support of this recommendation were received. No opposing comments were submitted.

Pros

- Enhanced enforcement to ensure safety is needed on all roadways, not just in construction zones.
- More officers patrolling the highways in general would seem to offer greater protection to a broader number of people, including highway workers.

Cons

- No testimony submitted.

Considerations

- Recommend that CHP's role in congestion relief (by rapidly clearing incidents) be incorporated into the report.

- Caution against waiving established and reliable requirements for engineering and traffic speed surveys in construction and maintenance areas (or elsewhere), without ensuring adequate safeguards to protect and inform motorists of changing speed conditions.

INF 13

THE STATE OWNS SEVERAL ROUTES THAT IT SHOULD RELINQUISH TO LOCAL AGENCIES

ISSUE

The state owns, maintains, and operates about 50,000 lane-miles of highway. Of the total, about 6,500 lane-miles should be relinquished to local agencies, saving the state the ongoing costs of maintaining these facilities.

SOLUTIONS

- *Develop a statewide list of routes for relinquishment using the 1995 Caltrans study and its criteria as a starting point.*
- *Provide a long-term reduced staffing and operating expense plan for Caltrans' various divisions that perform duties involving, but not limited to, highway maintenance, legal, encroachment permits, and administration.*
- *Hold a series of public meetings to receive comment on the proposed relinquishments.*
- *Produce a final list of routes to be relinquished.*
- *Forward the recommended relinquished routes to the Governor for inclusion in the Budget. The relinquishment package would be an all or nothing proposal, consistent with existing law that does not provide funds to local agencies for future maintenance costs, tort liability, or other factors impacting the operation of the route.*

PUBLIC COMMENT

10 comments were received for this recommendation. 1 comment expressed support. 7 comments expressed opposition. 2 comments were neutral.

Pros

- State highway relinquishment is long overdue and needs to be done sooner rather than later.

- The current system of relinquishment is too time consuming and cumbersome.

Cons

- Without assurances of financial support that adequately and reliably fund relinquished routes, this proposal will add to the existing financial problems of local governments.
- Relinquishment would do nothing to reduce public expenditures or meet public needs. If operating, maintenance, and liability expenses are not the responsibility of the state, the same costs will fall to local agencies. The relinquishment of many sections of road will probably bring upfront costs to the state as well as the longer term savings.
- Relinquishment would require new legislation. Under existing law, the state cannot force relinquishment on an unwilling local agency except where a section of old state highway is being superseded by a new alignment.

Considerations

- The 1995 list is a good start but was developed by Caltrans based solely on minimizing Caltrans costs. The state should consider using a process similar to the federal base closure commissions to establish criteria to determine which roads should remain the state's responsibility and which roads that local agencies should maintain. The conclusion should be based on what is most efficient for the tax payer who pays both local and state taxes. This process could also determine the condition of the roadways at the time of relinquishment.
- Locals should be able to propose moving roads to the state roadway system if they meet certain performance criteria.

INF 15

REVENUES FOR TRANSPORTATION PROJECTS ARE INCREASINGLY INADEQUATE TO FUND NEEDED IMPROVEMENTS

ISSUE

Funding for transportation improvements is not keeping pace with the increasing demands from the growing number of people, vehicles, and goods that rely on California's transportation systems. Highways are deteriorating and congestion is causing increased

travel time. The state should increase transportation funding, expand the use of financing techniques, and increase flexibility to respond to the growing need to move people and goods safely and efficiently.

SOLUTIONS

- *Amend Article XIX of the State Constitution to: protect the deposit of the sales tax on fuels to the State Highway Account consistent with current law; set aside $20 million per year for five years from Transportation Investment Fund to be deposited into the "Transportation Finance Bank;" and establish a major maintenance fund supported by 15 percent of the sales taxes on fuels available for transportation capital improvement projects.*
- *Remove Section 183.1 from the Streets and Highways Code to eliminate conflicts between this code section and amendments to Article XIX of the State Constitution.*
- *Develop and implement a pilot project to test the feasibility of implementing a user fee based on actual individual use of the transportation system for funding future operations, maintenance and improvements to the transportation system.*
- *Support Congress' efforts to adjust the user tax on ethanol blend fuel to equal non-ethanol blend tax rates.*
- *Study how to increase the efficiency of moving goods and reducing congestion on both highways and railways.*

PUBLIC COMMENT

27 comments were received for this recommendation. 20 comments expressed support. 6 comments expressed opposition. 1 comment was neutral.

Pros

- To build and maintain a sound infrastructure system, it is imperative to protect existing infrastructure funding and explore new revenue options. Funds allocated or identified for transportation issues should be used for transportation.
- Without revenues tied to actual system usage, revenues will never meet the demands to improve our transportation system.
- Repealing Article XIX would make use of the non-Article XIX funding in the State Highway Account more flexible.

Cons

- The CPR recommends protecting the Proposition 42 revenue stream, but it is misleading in suggesting that this revenue is only for state highways.

- The sophisticated equipment and technology needed for any program that charges for miles driven will be more costly to run than any benefit received by switching to a different tax collection method.
- There may be no conflict between Section 183.1 and Article XIX of the California Constitution as stated in the recommendation. Article XIX restrictions apply only to fuel and weight tax revenues, not to funds in the State Highway Account.

Considerations

- The Transportation Finance Bank could increase its capitalization from $3 million to $103 million. However, the reason the Bank has not been utilized is the lack of resources to repay a loan. Loans are not a substitute for revenue. The real problem in the state is the lack of adequate revenues for transportation.
- Consider taxing vehicles at the time of vehicle registration based on weight and ongoing gas utilization. This approach would encourage fuel efficient vehicles, since they would have lower registration taxes based on weight, and lower ongoing costs due to less fuel consumption.
- California should closely monitor the Oregon Vehicle Miles Traveled (VMT) pilot project prior to reaching any conclusions for implementation. The real challenge of implementing a VMT fee will not be to find a technology to work with willing drivers, it will be to find a technology and fee that is fair and cannot be evaded.
- Since the future of toll roads in California has not yet been determined, the following guidelines should be part any toll road proposal: tolls should not be implemented on existing highway facilities and lanes since the public has already paid for them; there should be reasonable free alternatives to tolled facilities; and toll roads should be publicly owned and operated to protect the public interest.
- Allocation of any additional funding received by the state should consider the needs of local jurisdictions in general and rural counties in particular. While rural counties may not experience the congestion found on state highways in urban areas, future funding proposals must recognize that properly maintained local roadways in rural areas are vital to public safety and to the economic viability of local businesses.

INF 16

FEDERAL FUNDING FOR CALIFORNIA HIGHWAYS FALLS SHORT

ISSUE

California's taxpayers pay more taxes into the Federal Highway Trust Fund than they receive from the Federal Highway Administration for transportation projects. Congress reduces the amount of funds available to states for discretionary spending by withholding funds from distribution and earmarking them for specific projects. In addition, Homeland Security Funds provided by Congress have not been available for critical transportation system improvements to assure continued system use should a terrorist attack occur.

SOLUTIONS

- *Coordinate with local agencies to select (based on comprehensive planning) a list of high priority projects for earmarking by Congress.*
- *Identify sites and estimate the cost of improvements for lifeline routes that cannot be quickly reopened or for detours that cannot be quickly established in the event of an emergency.*

PUBLIC COMMENT

7 comments were received for this recommendation. 6 comments expressed support. 1 comment expressed opposition.

Pros

- The state needs to secure more of its federal dollars to help provide funding for California's highways and roads.
- Coordination of all transportation planning agencies is imperative. California needs to deliver a unified project program, with documentation to support the priorities of the transportation needs. As long as California projects a divided approach at the federal level, the state will continue to contribute more in federal taxes than it receives in the form of federal program funding.

Cons

- The recommendations have little to do with the primary reasons that federal funding falls short. One primary reason is that there has been no action to reauthorize the Federal-Aid Highway Program, which expired in September 2003. Funding remains at levels from the prior act, and appropriations have been limited to successive continuing resolutions.

- Homeland security does not justify the notion of additional federal funding for general transportation needs.

Considerations

- The recommendation on Congressional earmarked projects could be improved by specifying regional and state coordination on any project receiving these funds.
- The state should seek additional funding for its trade corridors of national significance.
- The state should seek special funding that is earmarked for the needs of locally maintained rural roadways.
- The federal government should surrender the gas tax for all programs and let the states decide spending priorities.

INF 17

INTEGRATE THE STATE'S INFRASTRUCTURE RESEARCH AND DEVELOPMENT PROGRAMS

ISSUE

California spends millions of dollars annually on infrastructure research programs without a strategic plan or coordination among responsible agencies. This fragmented approach hinders California's ability to solve its most critical infrastructure problems and fully leverage research dollars and ideas. Consolidating the state's infrastructure research programs would address these issues.

SOLUTIONS

- *Create the Office of Infrastructure Research and Development within the Business, Transportation and Housing Agency or its successor.*
- *Establish an Infrastructure Advisory Council to provide input and advice to the Office of Infrastructure Research and Development on a strategic plan for Infrastructure Research and Development.*
- *Partner with regional technology alliances and local economic development groups to review research concepts for commercial potential, before and after research is complete.*
- *Consolidate the administrative functions of the Office of Infrastructure Research and Development and make the following efficiency improvements: 1. Adopt one research contract with one overhead rate and one policy on intellectual property rights and royalty issues. Establish one invoicing process; 2. Consolidate and integrate the status of research and results into one database, using the California*

Energy Commission database as a model so additional costs are not incurred; 3. Negotiate with the Department of Finance to require a feasibility study report after the initial research is conducted and before any product is implemented instead of at the beginning of research; and 4. Work with the Department of General Services to develop a policy for sole source purchasing approval when there is only one vendor.

PUBLIC COMMENT

9 comments were received for this recommendation. 7 comments expressed support. 1 comment expressed opposition. 1 comment was neutral.

Pros

- Consolidation will have a positive effect on the way that research and development can support the activities of the Infrastructure Department and its divisions.
- These recommendations provide an avenue for the state to capture the experience and innovative methods that are available or could be available in the future. Many state contracting agencies are fully engaged in research and development processes and should continue to review and integrate techniques used in other jurisdictions.

Cons

- The consolidation of the transportation research and development programs with other research and development programs at the new Department of Infrastructure could be detrimental because transportation decisions could be made by individuals lacking a background in transportation.

Considerations

- The consolidated research and development entity should have a strong tie with policy makers.
- The proposed Infrastructure Advisory Council should capture the expertise of the industry by including industry representatives. Industry would be the partner responsible for recommending new technologies to the state.

INF 18

CONSOLIDATE AND COORDINATE STATE INFRASTRUCTURE PLANNING AND PROGRAMMING

ISSUE

Currently, the state's infrastructure planning and funding decisions are made in a disjointed fashion, which results in the potential for conflict between different state and local agencies, creates delays, increases cost, or fails to deliver projects at all. A consolidated state infrastructure planning organization should be created through the use of existing state boards, agencies, and departments to provide needed, timely, and cost-effective improvements to the state's infrastructure.

SOLUTIONS

- *Create an Office of Infrastructure Planning, Programming and Evaluation, that would provide the planning, budgetary, performance evaluation functions necessary to support coordinated statewide infrastructure planning and programming.*
- *Establish coordinated infrastructure policies, projects and budgets that are consistent with the priorities adopted by the Business, Transportation and Housing Agency or successor entity, by June 2006.*
- *Inventory current infrastructure facilities statewide by December 2005 that assesses the condition and determines the costs necessary to repair these assets to levels of performance that meet federal, state and community standards by June 2006.*
- *Coordinate state planning and programming functions to develop a prioritized, performance-driven statewide infrastructure plan by June 2006 linked to funding incentives.*
- *Provide a framework and incentives for local governments to engage in regional planning and comply with State General Plan Guidelines as adopted by the Business, Transportation and Housing Agency or its successor.*
- *Work in partnership with state resource, conservation and public safety agencies to ensure that their statewide planning and funding documents are integrated and infrastructure is provided in a timely and cost effective manner.*

INF 18

"Infrastructure is not something that you just decide to do and it's done within a year. It's a long-term program, it needs a long-term commitment, it needs a long-term vision."

Joan Borucki
CPR Team Leader
Infrastructure Team
CPR Commission Hearing

PUBLIC COMMENT

11 comments were received for this recommendation. 5 comments expressed support. 4 comments expressed opposition. 2 comments were neutral.

Pros

- Infrastructure planning needs to be done in concert with land use planning to find economic multipliers in connecting future job and housing alternatives to infrastructure options.
- A consolidated state infrastructure planning organization will help integrate and better coordinate all project development participants into one office.

Cons

- Retaining local land use is of critical importance to residents and local government officials; this proposal would diminish local autonomy over land use decisions and give greater control to state agencies.
- It is misleading to use the term "incentive" to refer to a link between general plan compliance and funding eligibility. Given the importance of state financial assistance to rural areas, the proposed incentive would in reality become a mandate on rural counties.
- The proposal to require state certification every five years may represent another encroachment on local land use authority by state government. Under this proposal, the state would have certification power over all seven mandatory elements of the general plan, as opposed to just the housing element as required by existing law.
- This recommendation appears more focused on centralized planning and control than on effectiveness of government. Better communication and coordination among agencies assigned different missions should be sought. Nothing in the report supports the conclusion that centralized control will make government more effective. Centralization of authority and control can stifle creativity and paralyze decision-making.
- The recommendation to comply with state general plan guidelines while engaging in regional planning appears to propose a shift away from the principles of SB 45, which transferred much of the responsibility for transportation planning and programming authority to local and regional agencies.

Considerations

- No testimony submitted.

INF 19

BETTER MANAGEMENT NEEDED FOR CALIFORNIA'S REAL ESTATE ASSETS

ISSUE

Fragmented, inadequate and inconsistent real estate asset and property management prevents the efficient and effective use of the state's real property. The state should create a public corporation to better manage its real estate asset and property management needs.

SOLUTIONS

- *Create a public corporation with responsibility for infrastructure planning, capital budgeting, fiscal controls, asset management, acquisitions, construction, maintenance, and sales.*
- *Require every state agency to establish meaningful performance measures tied to its strategic objectives for its real property assets.*

PUBLIC COMMENT

5 comments were received for this recommendation. 3 comments expressed support. 1 comment expressed opposition. 1 comment was neutral.

Pros

- The state should catalogue its land ownership and control portfolio and consider how such land can be put to highest and best uses in regional plans. The state could consider contracting with other agencies or non-profit organizations to manage its land at its highest use and plan for future development.

Cons

- The recommendation may have misrepresented the University of California and the California State University systems space utilization efforts by suggesting that they are inefficient and that more than 100,000 additional students could be accommodated if space was used more efficiently.

Considerations

- Conservation agencies, including conservancies, should continue to manage and have ultimate responsibility for the protection of conservation lands.

- Natural resource lands, including park, recreation, conservation, and open space lands, should fall under the purview of the Resources Agency or its successor and not be treated as part of the proposed public corporation.

INF 20

DETERIORATING HIGHWAY QUALITY IS COSTLY FOR TAXPAYERS

ISSUE

California's transportation infrastructure is decaying nearly as quickly as the state's population is growing. Finite transportation resources have been increasingly directed to developing additional highway capacity, while available resources for protecting existing infrastructure have declined.

SOLUTIONS

- *Amend the State Transportation Improvement Program (STIP) guidelines to require that all projects identify full lifecycle costs.*
- *Establish performance measures that indicate the overall quality of the highway system and report them semi-annually to the California Transportation Commission (CTC).*
- *Develop a pilot program to evaluate the effectiveness of outsourcing highway and related facility maintenance.*
- *Partner with other states, and work with the California Congressional Delegation to support the reauthorization language that allows for privatizing roadside rest areas.*
- *Analyze various maintenance functions and determine if there are opportunities to consolidate or share facilities, equipment and resources.*

PUBLIC COMMENT

5 comments were received for this recommendation. 3 comments expressed support. 2 comments expressed opposition.

Pros

- The adoption of performance measures is critical to establishing reasonable and acceptable pavement warranty criteria that both the state and contracting industry can agree upon. Performance measures are also an invaluable tool for helping decision-makers prioritize maintenance and major construction decisions.

- The state should be able to privatize its rest stops because it would help raise revenues and would encourage tourism in the state.

Cons

- The report's characterization that maintenance projects lose out to capacity enhancement projects may be inaccurate. Both types of projects have seen resources decline and demand increase.
- The suggestion to pursue a federal exemption to allow the commercialization of the state's roadside rest areas is out of date since the program is not part of the current version of the federal Highway Authorization Bill.

Considerations

- Identification of life-cycle cost evaluation by Caltrans and local agencies in STIP proposals can be done without amending the STIP guidelines and is not likely to have an effect on the selection of projects since the CTC can only program those projects nominated by Caltrans or regional agencies.
- The Business, Transportation and Housing Agency has already assembled a Transportation Performance Measures Team, which has developed a comprehensive matrix of the highway system. This matrix should be the starting point for determining which areas should be controlled by the state and whether the department has the resources to deliver the work. A determination should be made whether any work should be outsourced. The agency should use National Quality Standards as a benchmark.
- Full lifecycle costs should be identified for transit as well as highway projects and analysis should concentrate on direct lifecycle costs.

INF 21

SUPPLY OF AFFORDABLE MULTI-FAMILY HOUSING IS INADEQUATE

ISSUE

Building affordable multi-family housing is more difficult and expensive than building market rate housing due to high home prices, governmental regulations, "Not In My Backyard" attitudes, and local zoning restraints. The state should take steps to address these issues to increase the supply of affordable multi-family housing to allow more people to afford homes.

SOLUTIONS

- *Promote pilot projects like the San Diego Self-Certification Project which authorizes local governments to self-certify their housing elements, without sending them to Department of Housing and Community Development. In the pilot project, local governments have to approve housing in accordance with housing production goals that match available resources.*
- *Create a State Lending Task Force to coordinate and streamline the funding application process for state-offered housing subsidies.*
- *Divert $10 million per year from the Tax Credit Allocation Fee Account to a new multi-family housing model such as a REIT.*
- *Fund a six-month study to investigate and recommend the appropriate legal vehicle, composition, investment volume and establishment of a multi-family housing REIT or similar entity with the goal of investing in multi-family housing statewide for a reasonable rate of return.*
- *Require redevelopment agencies to spend their 20 percent set-aside for affordable housing within three years or forfeit the money to a dedicated affordable housing fund managed by the Business, Transportation and Housing Agency, or its successor.*

PUBLIC COMMENT

6 comments were received for this recommendation. 3 comments expressed support. 2 comments expressed opposition. 1 comment was neutral.

Pros

- By participating in the self-certification program, local governments can produce housing projects faster and save resources by approving housing elements that are in accordance with their locally established housing production goals.
- Expanding the self-certification process will provide a way to streamline the housing element process.
- The creation of a State Lending Task Force to create a single application for housing subsidies would streamline government and make it easier for the developers of affordable housing to access state subsidies.

Cons

- The self-certification pilot is misguided and, if implemented, will ultimately be harmful to the state without providing substantial public benefit because the state will not be part of the House Element certification process.

- The proposal to divert $10 million per year from the Tax Credit Allocation Fee Account to a new multi-family housing model such as REIT, would be problematic because the General Fund has borrowed all but $1.5 million from the Fee Account. In addition, the Fee Account is funded with fees charged to those who apply for tax credits. Its uses must have a nexus with the original purpose of the fee; developing more housing is not the purpose of the existing fee.
- The report may have misrepresented the percentage that Redevelopment Agencies spend on low and moderate income housing activities.

Considerations

- Need to explore funding options to create a permanent source of state funding for affordable housing.
- Rural counties should be included in the self-certification pilot projects created through this proposal. Rural counties would be good candidates for self-certification based on the slow pattern of development in many rural areas.
- The state needs to focus efforts on how to increase the production and supply of housing to keep up with demand.

INF 22

INFRASTRUCTURE SITING FOR ENERGY FACILITIES IS FRACTURED AND INEFFICIENT

ISSUE

Infrastructure siting for power plants in California is fractured and inefficient due to overlapping permitting authorities and lack of regulatory jurisdiction. The result has been delays in permitting for new electric power plants, transmission facilities, oil refineries, and other much-needed energy infrastructure. Recent legislation proposed assigning electricity transmission and electric power generation facility siting responsibility to the California Energy Commission.

SOLUTIONS

- *Combine all energy related infrastructure siting authority under one department within the Business, Transportation and Housing, or its successor. The consolidation would include functions from the California Energy Commission (CEC), the Public Utilities Commission (PUC) and expanded authorities to include the siting of petroleum infrastructure (refineries, tank farms, pipelines, and petroleum related marine facilities) and Liquified Natural Gas (LNG) facilities.*

- *Require the CEC, or its successor, to charge applicants siting and compliance fees that reflect the actual costs of processing the application. These fees should be implemented after the siting entity completes a siting cost study.*

PUBLIC COMMENT

7 comments were received for this recommendation. 4 comments expressed support. 2 comments expressed opposition. 1 comment was neutral.

Pros

- Planning and siting require regional coordination to maximize efficiency.
- Consolidated siting jurisdiction over transmission and other energy utility projects could offer multiple advantages compared to the existing process.
- Consolidation and streamlining of energy facility siting could expedite permitting for a much needed investment in new energy infrastructure. This infrastructure is essential to maintaining and enhancing the reliability and cost-effectiveness of the services provided to California's electric and gas customers.
- A primary benefit of jurisdictional streamlining is that the need and benefits of large utility projects are determined only once, at the siting stage, and not subject to duplicative decisions or re-litigation at the ratemaking stage.

Cons

- The CEC fees should reflect the actual costs of processing the application. Since applications are taking longer to process, the current fee structure is not covering all costs associated with processing an application.

Considerations

- The CEC should facilitate this process.
- Regulatory reform should include specific proposals to assist regional coordination.
- The role of the California Independent System Operator was not adequately discussed in the proposed consolidation.

- Approval of power plan projects should be done by local boards, the CEC does not need to approve local projects.
- According to the report, the CEC process is 12 months. However, when applications cannot be processed in that timeline, the CEC has the applicant sign a waiver that releases them of their timeframe or the CEC rejects the request.
- Although not discussed in the report, any proposal that transfers the authority to issue permits that is now vested with a local government to a state agency would need to be closely examined.

INF 23

ENERGY CONSERVATION, EFFICIENCY HAVE NOT ACHIEVED FULL POTENTIAL

ISSUE

Energy conservation, efficiency, and peak reduction programs have not achieved their full potential because of the absence of a clear and unified state conservation-efficiency-peak reduction policy. These programs are sponsored by a variety of state agencies and offered by utilities and third-party providers, through programs that are often duplicative and whose cost-effectiveness is not well demonstrated.

SOLUTIONS

- *Consolidate all energy planning and policy development and implementation under one organization within the Business, Transportation and Housing Agency, or its successor.*
- *Adopt a state policy goal for conservation/energy efficiency.*
- *Implement conservation and energy efficiency programs for state-owned and operated facilities including the University system to reduce consumption by 20 percent using 2003 for a benchmark.*
- *Adopt a state policy of promoting peak load management through conservation and energy efficiency and demand reduction measures.*
- *Adopt a state policy of financing conservation and energy efficiency and demand reduction projects financed through savings by December 31, 2005.*
- *Shift a portion of Public Goods Charge funding from motivational, grant, and buy down programs to fund energy loan programs such as the Green Bank. A suggested amount is $40 million per year for five years.*

PUBLIC COMMENT

6 comments were received for this recommendation. 3 comments expressed support. 1 comment expressed opposition. 2 comments were neutral.

Pros

- Demand reduction programs will be of greatest benefit to the state. Energy at peak load demand is the most expensive. By reducing peak load demand, energy costs should decline.
- Efforts need to be made to maximize energy conservation, efficiency, and peak reduction programs to reduce energy costs at public facilities.

Cons

- Specific discussion in opposition to this recommendation was not received.

Considerations

- It should be a priority of any comprehensive statewide energy agency to work with local government in order to establish state and local standards and procedures that work in concert with one another.

INF 24

TRANSPORTATION HAMPERED BY UNHEALTHY FUEL MARKET

ISSUE

California's fragile and uncompetitive transportation fuel market is an impediment to the productivity of its citizens, business, and government. Inflexible federal and state regulation mandated the exclusive use of special boutique fuels. This improved air quality, but contributed to high prices and unhealthy market behavior. The state has no coordinated fuel strategy and does not effectively encourage the development of alternatives.

SOLUTIONS

- *Consolidate the current fuel strategy efforts from the 17 different departments affecting fuel into one single entity focused on delivering a comprehensive fuel strategy for California.*
- *Consolidate existing incentive programs and consider federal, state and local funding sources to provide grants for research and pilot projects to support the development of emerging fuels and related technologies.*

PUBLIC COMMENT

1 neutral comment was received for this recommendation. No supporting or opposing comments were received.

Pros

- No testimony submitted.

Cons

- No testimony submitted.

Considerations

- California Reformulated Gasoline (RFG) standards have led to reduced emissions, increased health, and helped set national and international goals for cleaner air. The discussion of boutique fuels gives the impression that CPR favors weakening California's stringent RFG standards.
- It is doubtful that emerging fuels would meet either the statutory or constitutional standard for the appropriate use of the Carl Moyer funds.

INF 25

CONSOLIDATE THE RATEPAYER ADVOCACY AND PUBLIC PARTICIPATION PROGRAMS AT THE PUBLIC UTILITIES COMMISSION

ISSUE

Two offices within the California Public Utilities Commission—the Office of Ratepayer Advocates (ORA) and the Office of Public Advisor (OPA)—provide assistance to individuals and groups who want to participate in Public Utilities Commission (PUC) proceedings. In addition, both offices advise the Commissioners on the consequences to ratepayers of Commission decisions, and work to eliminate barriers to public and ratepayer advocacy on matters pending before the Commission. This results in costly, duplicative effort.

SOLUTIONS

- *Consolidate ORA and OPA to eliminate conflicts, duplication and excessive costs. This action would merge two PUC offices that are mandated to advocate on behalf of ratepayers, and eliminate duplication of their advocacy efforts.*

PUBLIC COMMENT

1 comment was received in support of this recommendation. No opposing or neutral comments were received.

Pros

- Consolidation of these programs should help avoid duplication of effort and unnecessary expense on the part of the PUC, as well as the utilities that are subject to its jurisdiction.
- The consolidated office should be better positioned to quickly identify and pursue significant ratepayer issues such as the protection and availability of Proposition 50 bond funding for utility customers.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

INF 26

"We support efforts to ensure that the building codes adopted for our state provide a high level of public safety and efficiency with the broadest acceptability by local building officials, construction experts, and practitioners."

Yvonne Hunter
Legislative Representative
League of California Cities
Written Testimony

INF 26

BUILDING STANDARDS ADOPTION REFORM

ISSUE

The state's process for approving building standards and selecting model codes is disjointed and lacks adequate oversight from the California Building Standards Commission. The state should develop a process for selecting a building "model code" that is based on objective criteria.

SOLUTIONS

- *Eliminate the California Building Standards Commission (CBSC) and transfer all of its staff, authorities, budget, and responsibilities to a new office within the State and Consumer Services Agency or its successor.*
- *Transfer the code development sections of the State Fire Marshal, the Division of the State Architect, the Department of Housing and Community Development, and the Office of Statewide Health Planning and Development, or their successors, to the State and Consumer Services Agency or its successor.*
- *Establish objective criteria and a process for selecting a model code for building standards for California.*
- *Commission a study to determine the economic and industry impacts of selecting the National Fire Protection Association code known as the NFPA 5000, to be completed by June 2005.*

PUBLIC COMMENT

10 comments were received for this recommendation. 4 comments expressed support. 6 comments expressed opposition.

Pros

- The process for selecting a model building standards' code in California should be based on objective criteria.
- NFPA 5000 has no technical basis. It is used by only one other public entity in the country.
- The CBSC lacks technical experience, has a track record of inefficient oversight, and should be eliminated.
- NFPA 5000 was opposed by over 400 public and private sector entities. Several state agencies, along with these 400 entities, indicated their strong desire to use the International Building Code, the code that is used throughout the nation.

Cons

- The CBSC should not be eliminated. For the past decade, the CBSC operated with predictability, interacted with the public and the design and construction industries, and protected the public's interest. As stated in the report, for the last three years, the CBSC was mired in political controversy regarding the selection of the Commissioner as well as the selection of the unpopular NFMA 5000. This should not be the reason to eliminate the CBSC.
- The recommendation may have misrepresented opposition to the code, as well as the identified problems and deficits in NFPA 5000.
- The report may have misrepresented the process in which the CBSC adopted model building and fire codes developed by NFPA as the basis for statewide building and fire codes in California.

Considerations

- Key stakeholders such as the California Fire Chiefs Association and the California Metropolitan Fire Chiefs Association were not contacted during the development of this CPR recommendation.

INF 27

SHIFT RESPONSIBILITY FOR RAILROAD SAFETY AT ROADWAY CROSSINGS TO CALTRANS

ISSUE

The California Public Utilities Commission is statutorily responsible for prioritizing and approving projects that involve at-grade and separated-grade rail crossings of state and local roadways. The California Department of Transportation reviews and administers the project contracts. Overlapping responsibilities between Public Utilities Commission and Caltrans complicate the process for local agencies.

SOLUTIONS

- *Shift (Section 130 program) responsibilities from the California Public Utilities Commission (PUC) to the California Department of Transportation, or its successor.*
- *Eliminate PUC's responsibilities for review, approval and prioritization of project applications for grade separation rail crossing projects (Section 190 program), and to amend the Streets and Highways Code to stipulate that such projects are to be implemented as a competitive process within the State Transportation Improvement Plan and the State Highway Operation and Protection Program.*

PUBLIC COMMENT

3 comments were received for this recommendation. 2 comments expressed support. 1 comment expressed opposition.

Pros

- Placing public transit rail safety responsibilities within Caltrans is a logical extension of transportation engineering expertise that exists at Caltrans.

Cons

- This recommendation addresses and appears to confuse two separate issues, the regulatory and safety function now assigned to the PUC and the funding decision-making and administration functions now split between the PUC, Caltrans, and the California Transportation Commission.

Considerations

- No testimony submitted.

INF 28

WATER, PARKS AND WILDLIFE BOND IMPLEMENTATION IS INEFFICIENT

ISSUE

High overhead and administrative costs impact the effectiveness of water, parks and wildlife bond programs. Consolidating the administration of these programs would lower their administrative costs and increase their efficiency.

SOLUTIONS

- *Centralize the policy and administration of the grant program aspects of the existing Proposition 12, 13, 40, and 50 programs into a single division within the Resources Agency, or its successor.*
- *Direct the departments with technical expertise in the areas that are named in the various bond initiatives to loan staff to the newly created division to assist in setting criteria and reviewing proposals.*

PUBLIC COMMENT

15 comments were received for this recommendation. 6 comments expressed support. 8 comments expressed opposition. 1 comment was neutral.

Pros

- The consolidation of the bond programs will provide the needed purpose, consistency, and commonality of goals to get public support for future bond measures.
- Because of the ongoing need for funding for water projects, there is a need to schedule the issuance of water bonds on a regular basis.
- Competition for bond funds brings out the best projects.
- By consolidating administrative functions, the lower administrative costs will free up additional funds that can fund additional projects.

Cons

- Redirecting staff to the centralized Sacramento bond decision-making official does not make up for the lack of an accountable decision-making process.
- Experience has shown that a centralized bureaucracy in Sacramento may not make decisions that are highly sensitive to local conditions

and resources. Such a sensitivity and knowledge of local conditions is essential to making correct bond act allocation decisions consistent with Propositions 12, 13, 40, and 50.

- Centralizing the policy and administration of the grant program aspects of park and water bonds into a single finance division may not result in better projects or improve efficiency.
- Grant administrators develop an understanding of the type of projects that are awarded grants from each bond fund; this expertise enables grant administrators to be aware of past mistakes, as well as build institutional memory of the state's conservation efforts. The recommendation to consolidate all the bond funded grant programs does not take into consideration the specialization of grant administrators.
- The consolidation of bond programs would deprive the state parks of a vital source of information about the needs of parks systems and their users statewide.
- The proposed changes would delay, rather than speed-up, the distribution of remaining Proposition 40 funds.

Considerations

- The Department of Conservation has done an excellent job with the contract and disbursement process for the Water, Parks, and Wildlife Bond.

INF 29

FLOOD DISASTER AVOIDANCE

ISSUE

The state is facing significant expenditures in the future to repair levees, handle flood emergencies, and compensate flood victims. To minimize future emergency and disaster relief expenditures, the state needs to prepare a realistic strategy and financial plan for dealing with its aging flood control infrastructure and the needs of a growing population and economy.

SOLUTIONS

- *Develop a new strategy and financing mechanism to manage the state's responsibility for flood control infrastructure, and to carry out the recommendations of the Floodplain Management Task Force.*

- *Continue to enhance programs and incentives to reduce the amount of building in designated floodways and flood plains and to educate the local communities about the hazards of ignoring flood potential.*
- *Reaffirm, through funding and regulatory decisions, state policy that flood plains are appropriate for greenbelts, parks, open space, and fish and wildlife habitat.*
- *Have the California Bay-Delta Authority give priority to projects that incorporate multi-purposes, including set-back levees or levee rehabilitation for flood protection in conjunction with habitat restoration, as soon as practicable.*
- *Expand the availability of other web-based, flood risk mapping and display tools to public and local decision-makers. State matching funds should be provided where there are federal funds available. There are funds available from the Federal Emergency Management Agency for flood plain mapping under the five-year National Map Modernization Program.*

PUBLIC COMMENT

10 comments were received for this recommendation. 7 comments expressed support. 1 comment expressed opposition. 2 comments were neutral.

Pros

- Prevention of flood damages through the type of multi-benefit flood management actions referenced in the CPR could save the state billions of dollars.
- The multi-objective flood control projects recommended in the CPR report are positive, provided that the principle objective of these projects remains the protection of life and property from flooding.
- The need for such flood planning is underscored by the predictions of greater magnitude and frequency of flood events due to the effects of global warming.
- The most effective tool to improve the understanding of the need for better flood security and encourage flood insurance and other self-help measures is to expand the awareness of flood risk.

Cons

- Flood control structures have significant environmental impacts. Flood plain management should include ecosystem considerations as well as flood control and water supply issues.

Considerations

- Floodplains can be used as green belt areas as well as for agriculture. However, the state needs to recognize that providing for fish and wildlife habitat without any growth of vegetation and brush or the growth of encroachments can lead to a reduction in flood storage or carrying capacity.
- Local government must be actively involved in the preparation of such a plan to ensure that proposals are consistent with the needs and priorities of impacted cities and counties and to further ensure that the financial plan is reflective of the limited resources available to local government agencies.
- Expand the recommendation on flood hazard to include areas characterized by more intense flood hazards, sediment and debris movement, and fire-flood sequence effects. For example, the highest future population growth rates are in Riverside, San Bernardino, Imperial, and San Diego Counties, which are susceptible to fire-flood sequence effects.
- It is important to note that merely identifying the need to comprehensively address interrelated issues floodplain development, ecosystem restoration, inadequate flood protection, and related issues will not solve the problem.
- The recommendations overlook the need to fund the backlog of work essential to achieve an adequate level of maintenance and the need to bring the existing system up to current engineering standards so as to provide the anticipated level of public safety.

INF 30

"Agencies should be free to pursue, within appropriate limits, their own solutions—both internal and external to the provision of real estate related services."

The Santa Monica Mountains Conservancy
Written Testimony

INF 30

RELEASE STATE DEPARTMENTS FROM THE REAL ESTATE SERVICES MONOPOLY

ISSUE

The state's real property purchasing, leasing, management, construction, maintenance, and operations processes are more costly and time consuming than the private sector. Increasing agency and program responsibility and accountability by removing existing barriers, such as the Department of General Services' real estate service monopoly, would improve program delivery and reduce costs.

SOLUTIONS

- *Delegate certain real estate authorities to all departments by June 1, 2005, allowing them to choose their real estate service providers from a selection of pre-approved internal or external organizations.*

PUBLIC COMMENT

4 comments were received for this recommendation. 1 comment expressed support. 3 comments expressed opposition.

Pros

- Agencies should be free to pursue, within appropriate limits, their own solutions for real estate related services.

Cons

- The recommendation to allow state departments to choose their real estate service provider without coordinating with a single state entity would foster unnecessary competition between state agencies for space.
- The state should partner with the federal government on procurement of real property to gain significant leverage. This recommendation may dilute the state's leverage by allowing each department to acquire real property individually.

Considerations

- No testimony submitted.

INF 31

ONE-STOP SHOP FOR SCHOOL FACILITY APPROVAL

ISSUE

The state's multi-billion dollar investment in local school buildings involves a cumbersome, duplicative, and time-consuming multi-agency approval process that fails to review important elements of the projects. The state needs a facility approval process that ensures the safety and financial security of school sites and construction, without delaying or adding cost to a project.

SOLUTIONS

- *Consolidate all parts of the school site, facility and financial review and allocation process into the State and Consumer Services Agency (SCSA), or its successor, and the process should be reduced to funding eligibility and allocation, site and building code compliance and a financial audit.*
- *Develop and implement a certification process for private and public entities that school districts could use, optionally, for site, environmental hazards review, plan check and financial audits. This process should be operating by January 1, 2006.*
- *Publish environmental hazards standards for school sites and implement a streamlined site review process for existing sites by July 1, 2006.*
- *Implement an online project approval program to begin operating by July 1, 2006.*
- *Provide leadership on school facility issues, develop a thorough facility-training program and provide technical assistance and advice for district staff and other facility stakeholders.*

PUBLIC COMMENT

13 comments were received for this recommendation. 8 comments expressed support. 5 comments expressed opposition.

Pros

- The consolidation of the 40 state and local entities that can be involved in school construction into one division should greatly improve the school facility approval process.
- The streamlining of the school facility approval process should help districts provide safe, modernized classrooms while reducing the steps, time, and cost it takes to construct new facilities.

Cons

- The existing school facility approval process does not need to be changed, it is successful.
- The Division of the State Architect should increase its staff rather than rely on outside contractors to condense total approval time to 90 days.
- The school site cleanup program operates extremely well as part of the Department of Toxic Substances Control's (DTSC) sites cleanup program and has benefited from the technical resources in other disciplines. Oversight of the investigation and remediation of potential contamination at school sites requires the same expertise and skills

as overseeing such activities at any other site. Separating the staff who oversee school site cleanups from all other site cleanup will only weaken expertise and reduce flexibility to efficiently allocate staff resources

Considerations

- Any reorganization plan needs to include the DTSC standards, alternative environmental review, increased self-certification, and a return to the SB 50 intent in order to have significant program delivery improvement.

INF 32

MANAGEMENT OF THE DEPARTMENT OF TRANSPORTATION'S PROJECTS NEEDS TO IMPROVE

ISSUE

Caltrans' ineffective project management, along with fluctuating staffing for highway improvements, has resulted in project delays, higher costs, and unhappy customers.

SOLUTIONS

- *Develop a work plan for completing the implementation of project management in project delivery by December 31, 2004.*
- *Develop a plan to stabilize project delivery staff levels by December 31, 2004. Initial implementation of the plan will coincide with Fiscal Year 2005–2006.*

PUBLIC COMMENT

9 comments were received for this recommendation. 7 comments expressed support. 2 comments expressed opposition.

Pros

- Caltrans should have the flexibility to staff projects according to the needs of each project. The best and brightest and most experienced engineers should be assigned to the most difficult projects. These engineers should be empowered to respond to contract change orders, which should minimize conflict, delays, and cost over-runs.
- Project management decisions should be made at the lowest appropriate level, and Caltrans managers should be provided the project management tools they need.

Cons

- The recommendations appear mutually incompatible. A better approach would be to use the most qualified staff available, whether in-house or consultants.
- The appropriate split of workload between in-house and consultant staffing should not be based on a distinction between the interregional and regional program shares within the State Transportation Improvement Plan.

Considerations

- The report needs to address the authority to assign resources within Caltrans.
- The recommendations should require Caltrans to fully implement Proposition 35.

INF 33

IMPROVE SCHOOL FACILITY STANDARDS

ISSUE

California state government has no process for assessing whether its significant investments in public school construction are providing the best value for taxpayers. Current facility standards do not ensure that buildings are adequate, safe, and economical, or that they represent the best value over the life of the facilities. The state must develop an inventory of educational facility needs and conditions to enable the development of sound policy decisions about resource allocation. Additionally, the state must develop construction and maintenance standards that will ensure school facilities provide high performance educational environments.

SOLUTIONS

- *Require school districts to meet design standards equivalent to the Collaborative for High Performance Schools and Leadership in Energy and Environmental Design criteria.*
- *Provide training and resource documents to assist school districts in choosing building products and systems that represent the lowest lifecycle cost. The Department of General Services, or its successor, should establish lifecycle cost criteria for use in evaluating projects and construction materials by July 1, 2005.*
- *Develop an inventory of K–12 educational facilities conditions and needs, and a process for districts to file online submissions to the inventory.*
- *Allow direct intervention into school districts that consistently show an inability to maintain their facilities.*

PUBLIC COMMENT

2 comments were received in support of this recommendation. No opposing or neutral comments were received.

Pros

- The demand for new schools presents the state with an opportunity to design and build environmentally friendly or green classrooms. These classrooms save money because of their lower operating and maintenance costs and boost the productivity, health, retention, and well being of students and staff.

Cons

- No testimony submitted.

Considerations

- The Collaborative for High Performance Schools (CHPS) is effectively the California schools version of Leadership in Energy and Environmental Design (LEED); the state should require that schools meet LEED standards in addition to CHPS.

INF 34

CREATE A MECHANISM FOR FLEXIBLE, RELIABLE SCHOOL FACILITY FINANCE

ISSUE

The current K–12 school facility funding program does not provide school districts reliable funding for planning and building quality facilities. The current process is so complex that districts have begun to rely upon consultants in order to receive funding. The state needs a process to assist school districts with meeting facility needs, while providing the security of reliable funding and the flexibility for using funds to meet each districts unique need.

SOLUTIONS

- *Complete a study of the cost and benefits of switching to an annual per-student allocation from the General Fund by December 2005.*
- *The school construction program should have a solid and steady income stream that can be depended upon to fund projects as they are ready.*

PUBLIC COMMENT

4 comments were received for this recommendation. 3 comments expressed support. 1 comment expressed opposition.

Pros

- It is important to provide sufficient funding for the maintenance of schools.

Cons

- The existing system of financing school facilities is working well and does not need to be changed.

Considerations

- Implement per-pupil annual funding only after the construction and maintenance backlog is eliminated. As an alternative, per-pupil funding could be implemented with concurrent efforts to meet the backlog needs. Per-pupil funding should not be the major focus as long as inequities in facilities exist.

INF 35

EARLY INTEGRATION OF INFRASTRUCTURE AND RESOURCE PLANNING NECESSARY

ISSUE

The lack of coordinated infrastructure planning between state, federal, and local governments results in conflicts between development and conservation of natural resources, and increased infrastructure project cost and delay. If California had a coordinated process to consider environmental decision-making earlier in the planning process, and merge that decision making with local general plans, the state could streamline project delivery and more effectively protect the environment.

SOLUTIONS

- *Create a State Plan Coordination Council consisting of the Governor's Cabinet members or their representatives and appoint the Secretary of Business, Transportation and Housing to be the chair of this council.*
- *Direct state agencies to implement an interagency issue resolution process.*
- *The Resource Agency and the Business, Transportation and Housing Agency or their successors will write a policy framework that allows infrastructure providers to collaborate with resource agencies early in the planning process to identify and commit to mitigation.*
- *The Resource Agency and Business, Transportation and Housing Agency or their successors should work together to streamline CEQA and other permitting processes to expedite project delivery.*

- *The Business, Transportation and Housing Agency or its successor, in partnership with local government, will provide plans that include incentives for infrastructure projects and services to existing communities to support development that uses existing land within the community to its highest use and growth contiguous with established urban boundaries.*

PUBLIC COMMENT

8 comments were received for this recommendation. 6 comments expressed support. No comments expressed opposition. 2 comments were neutral.

Pros

- The creation of a State Plan Coordination Council would expand the effort started under the Tri-Agency partnership.

Cons

- No testimony submitted.

Considerations

- The State Plan Coordination Panel should contain representatives appointed by the Assembly and the Senate. This would allow for the broadest range of input, but still allow the Governor to set policy.
- The Governor's Office of Planning and Research should coordinate CEQA documents for the state.
- The report did not seem favorable to the California Environmental Quality Act (CEQA) process and may have misrepresented the CEQA and the National Environmental Policy Act as burdensome and confusing.

INF 36

INFRASTRUCTURE IS NECESSARY FOR ECONOMIC DEVELOPMENT

ISSUE

Maintaining California's existing infrastructure assets while developing new infrastructure to meet the state's growing needs is vital to continue California's economic growth, and to attract and retain businesses.

SOLUTIONS

- *The Business, Transportation and Housing Agency, or its successor, should establish a single-point-of-contact for business that is empowered to negotiate infrastructure issues on behalf of the state. The organization would be similar to the "Red Teams" used by Governor Pete Wilson's administration.*
- *The Business, Transportation and Housing Agency, or its successor, through adoption of policy should provide priority funding or financing tools for joint-use, public-private infrastructure plans and projects;*
- *The Business, Transportation and Housing Agency, or its successor should develop, in partnership with local government, funding mechanisms for infrastructure for economic development;*
- *The Business, Transportation and Housing Agency, or its successor, should work with the private sector to adopt policy to take advantage of opportunities to maximize the performance of the state's infrastructure;*
- *The Business, Transportation and Housing Agency, or its successor, should perform a cost/benefit analysis on location of infrastructure in relation to economic development in communities to ensure that infrastructure investments support business investment in the state; and*
- *The Resources Agency and the Business, Transportation and Housing Agency, or their successors, should identify and implement ways to improve environmental and permitting processes for infrastructure, and seek to strengthen technical assistance to private sponsors on CEQA and other environmental reviews.*

PUBLIC COMMENT

5 comments were received for this recommendation. 3 comments expressed support. 1 comment expressed opposition. 1 comment was neutral.

Pros

- The various departments should be held accountable for coordinated efforts to deliver projects. From the time the concept of a project is approved, there needs to be a steadfast timeline for completion for which everyone is held responsible and accountable.
- The state should focus on developing additional mechanisms for funding infrastructure investments and assisting with local economic development efforts.

Cons

- This recommendation seems to focus on providing assistance to individual businesses for projects in particular locations, at a time when the state is badly neglecting its larger need to provide the resources to maintain and develop its infrastructure systems.
- State transportation funds should not be used to favor individual businesses without benefit to the community at large nor should assistance favor one part of the state over another.

Considerations

- The proposed single point-of-contact to negotiate agreements on infrastructure projects should only serve in an advisory capacity.

INF 37

STREAMLINE THE ENVIRONMENTAL REVIEW PROCESS TO DISCOURAGE SPRAWL AND REVITALIZE OLDER DEVELOPED URBAN AREAS

ISSUE

Many California urban centers have vacant and underutilized land surrounded by sprawling suburbs. Sprawl is costly in terms of infrastructure and public service costs, congestion, and loss of open space. Attempts to encourage revitalization of older, developed urban areas as an alternative to sprawl are thwarted in part by the state's environmental review process. The environmental review process should be streamlined to encourage new development on vacant, underused land in developed urban areas.

SOLUTIONS

- *Amend the Public Resources Code to exempt from further environmental review, infill and mixed-use development projects that are consistent with local government General Plans and accompanying Master Report for older developed urban areas.*
- *Support local infill development through state policies, plans and investments.*

PUBLIC COMMENT

10 comments were received for this recommendation. 3 comments expressed support. 7 comments expressed opposition.

Pros

- While the environmental review process should be streamlined to encourage new development in urban areas, policies should be reformed to encourage the production of housing in all areas.
- The recommendation to support local infill development through state policies, plans, and investments is superior to the recommendation in INF 18 to provide a framework and incentives to engage local governments in regional planning and comply with state General Plan guidelines.

Cons

- The proposals in the CPR would drastically curtail California Environmental Quality Act (CEQA) review without eliminating other, more significant barriers to infill or putting policies in place that effectively foster infill and reduce sprawl.
- This recommendation would harm the environment and reduce public participation in urban areas while allowing sprawl to proceed unchecked.
- The exemption is narrowly tailored to apply to small infill projects for which environmental impacts are almost certain to be minimal. The CEQA exemption should not be eliminated.
- Environmental reviews do not prevent infill and encourage sprawl. The recommendation overlooks that environmental reviews done for general plans rarely go into sufficient detail to provide coverage for specific development projects.
- CEQA has protected cities from mega warehouses.

Considerations

- To discourage sprawl, the state should look at broader reform including reforming Proposition 13 to change the way revenues are distributed in the state.

INF 38

LENGTHY HOSPITAL CONSTRUCTION APPROVALS ARE IMPACTING PATIENT CARE

ISSUE

The Office of Statewide Health Planning and Development (OSHPD) has a large amount of hospital retrofitting and rebuilding projects in their building plan approval program. OSHPD expects with current staff that the time to finish the review of some of these projects could take as long as two years.

SOLUTIONS

- *Finish the initial review of complete applications in the current queue within 90 days or 90 days after the submission date of new projects.*
- *Establish an approval process for outside entities to be eligible to be used as independent plan reviewers and for OSHPD to finish review of these independent reviewer-approved plans within 90 days of submittal to OSHPD.*
- *Perform a business process review, by March 31, 2005, on how the OSHPD hospital plan review, area compliance and inspection of hospital buildings can meet the intent of the state's Hospital Facilities Seismic Safety Act (HFSSA) while taking into consideration the state's goals for economic development and improved patient care.*

PUBLIC COMMENT

8 comments were received for this recommendation. 7 comments expressed support. 1 comment expressed opposition.

Pros

- The recommended 90-day OSHPD review period is critical for this recommendation to be effective. The challenge will be for OSHPD to hire and train new staff fast enough to clear the backlog in 90 days.
- The proposed streamlined project review process should speed up the pre-construction process, get more construction projects into the pipeline sooner, and reduce project costs.

Cons

- Specific discussion in opposition to this recommendation was not received.

Considerations

- OSHPD's process can be expedited if the independent review is conscientiously completed. To ensure the reviewer does a complete job, some financial penalty should be imposed for those who fail to do their assigned work.

Infrastructure

ADDITIONAL COMMENTS, ISSUES, AND IDEAS

Overview

The public review process provided some important perspectives on the findings and recommendations contained in the Infrastructure chapter of the CPR report. Public input was not limited to the content of the report and introduced new ideas that build upon the CPR's recommendations. This section presents these new issues and ideas related to Infrastructure.

Alternative Energy Sources

- The state should explore more solar electric generation. The Mojave Desert is a massive area that could supply free solar radiation to produce usable energy for the state. Use more solar voltaic panels to absorb solar rays that develop a direct current output that can be stored in batteries and capacitors.
- As an agricultural state that produces massive by-products of manure and vegetable matter, the state could use the by-products to produce anaerobic digestion for the generation of Methane gas. Garden cuttings that are discarded in landfills could also be used to contribute to the generation of Methane gas.
- Wind power generation needs to become more widespread throughout the state as a source of energy.
- Encourage greater conservation efforts within the state to decrease the dependence on electricity. Suggestions include the use of energy saving facilities, energy saving lights, insulation, thermal shields on windows, reducing heating and air condition usage.
- Use recycled vegetable oil to supply diesel engines for the production of electricity, instead of fossil fuels.
- Use the University of California as think tanks to help solve problems to benefit the future of the state. Have competitive challenges

between the campuses on topics such as, salt water conversion to fresh water or new efficient engine design and concepts.

General

- Provide two distinct career paths within Caltrans: one for Management and one for Engineers. Those who wish to continue to engineer should have the opportunity to do so and should have the expectation of being fairly compensated and recognized without the requirement to enter management.
- A potential costs saving measure to the state could exist with the production of license plates. In Utah, license plates belong to the owner of a vehicle. When selling or purchasing a new vehicle, the old plates transfer to the new vehicle with the owner. By utilizing this technique in California, the state could cut down the production of license plates. In addition, the state could eliminate the front license plate on cars in California.

Transportation/Transportation Funding

- Public transportation was not explored in the CPR. California needs to develop a statewide integrated public transportation system that allows people to live, work, and travel without having to rely on an automobile.
- As part of the transportation allocation under SB 45, each region should be able to program some of their own money into a fund for the completion of project study reports.

Water

- Protect the state's groundwater supply by assessing the use, management, and inventory of the state's groundwater.

CHAPTER 2 | HEALTH AND HUMAN SERVICES

Introduction

The health and human services function in California is the second largest area of expenditure in state government after education. Spending on health and human services programs is projected to be $64.8 billion in total funds and $24.6 billion in state general funds in fiscal year 2004–05. The budget funds many essential services for Californians including:

- Health care for nearly 8 million people
- Income assistance for 2.4 million people
- Food assistance to nearly 3 million people
- Job preparation and work support services to 1.2 million CalWORKs recipients and 79,000 disabled individuals
- Emergency services and family counseling to families, including 176,000 children whose home and family situation poses a danger to them
- Foster care services for 90,000 children
- Purchased services and case management to 199,000 children and adults with developmental disabilities
- Public health services to all Californians including monitoring of diseases, oversight of drinking water systems, and assessments of environmental health hazards

The CPR found that health and human services in California are costly to administer, have programs that deliver similar services with duplicate delivery systems, use out of date methods and tools to administer service programs, and do not maximize federal funds available to support services to Californians.

To improve the state's health and human services delivery, CPR identified and researched 33 separate issues that contain 108 recommendations. The recommendations are designed to improve the delivery of health and human services at both the state and county government levels by:

- Delineating clear lines of responsibility and accountability for the operation of programs.

- Securing current and new federal funding.
- Streamlining paperwork processes.
- Consolidating offices to increase efficiency and consistency.
- Using technology to better implement programs.

It is estimated that these recommendations total $4.9 billion in savings over the next five years.

CPR COMMISSION HEARING

The CPR commission hearing on Health and Human Services was held at the University of California, San Diego on August 20, 2004. Three panels of expert witnesses, representing a broad array of public opinion, testified in front of the Commission. The panels were organized by the following subject areas:

- Health and Human Administrative Services Delivery
- Health and Human Services Advocates
- Health and Human Services Provider

In total, 20 expert witnesses presented oral testimony to the Commission.

SUMMARY OF PUBLIC COMMENT

In total, 694 comments were received on the Health and Human Services recommendations of the CPR report. It should be noted that the more in-depth comments focused on the major issues of eligibility simplification and service realignment. Given the magnitude of these two items, there was a consensus that these meaningful public policy issues deserved examination and should be changed to improve access, services, and wise utilization of public resources.

HHS 01

TRANSFORM ELIGIBILITY PROCESSING

ISSUE

Medi-Cal, CalWORKs, and Food Stamp eligibility processing should be centralized and consolidated at the state level to improve services and save resources. The current eligibility processing for these programs is slow, difficult for applicants to access, and expensive. The current process is operated through county welfare departments and relies on a face-to-face application process that is both paper and labor intensive. In most of these counties applications can be made only from 8:00 a.m. to 5:00 p.m. Monday through Friday. For low income working people who are seeking Medi-Cal or food stamps, this approach is an

HHS 01

"A thorough review of ways to streamline the eligibility processes should thus begin with the issue of program simplification—the what—and only then move into the question of who."

Will Lightbourne
President
County Welfare Directors Association of California
Written Testimony

inconvenience that may cost them wages from missed work. The overall system does not take into account modern technologies and modern business practices to reduce labor cost and improve access and convenience.

SOLUTIONS

- *Centralize and consolidate eligibility processing for Medi-Cal, CalWORKs, and Food Stamps at the state level and follow a model with telephone and Internet access similar to California's Healthy Families Program utilizing a public-private partnership.*
- *Adopt a self-certification process for the asset test with strong penalties for applicants who falsify information. The use of technology to match applicants' information with state wage and tax records can identify assets and earnings in a speedy manner.*
- *Begin a public awareness program component for the transition to an Internet and telephone-based eligibility system so that transition to the new system is achieved smoothly.*
- *Pay a one-time application assistance fee of $50 for the Healthy Families, Medi-Cal, CalWORKs, and Food Stamp programs to certified application assistants who assist applicants with the application process.*
- *Authorize the same contracting authority for this contract as is now granted to the California Medical Assistance Commission, the Managed Risk Medical Insurance Board, and Medi-Cal managed care contracts.*

PUBLIC COMMENT

Support for this proposal was mixed. The supporters, led by health care advocates, envisioned more current technology applied to the process to improve the speed of and access to program eligibility. Opponents believe that all applicants require face-to-face assistance with the application process. In particular, the counties blame the state and federal governments' laws, rules, and regulations for the complicated process. The counties believe that eligibility must be performed by a government employee and that it cannot be delegated to a private contractor.

51 comments were received for this recommendation. 13 comments expressed support. 34 comments expressed opposition. 4 comments were neutral.

Pros

- An Internet-based eligibility process would be more user friendly by not requiring face-to-face interviews in county welfare offices.

- An Internet-based eligibility process would better serve clients by speeding up the process.
- Payment of an application assistance fee would better serve applicants by allowing the places that potential recipients of services go for help, such as community-based organizations, to assist in the application process. This would save resources compared to the large county welfare departments.
- Self-certification of assets would save processing time and money, be friendlier to applicants, and reduce a significant enrollment barrier by reducing complexity in the process. Government can develop timely computer matches and strong penalties for falsification to deal with applicants who provide false information.
- Technology can be used to improve the eligibility process and save resources.
- Mobile populations, such as migrant workers that frequently move, would be better served by an Internet-based eligibility process.
- The $50 application assistance fee will create an incentive for local organizations to assist with enrollment in the programs.

Cons

- CPR should have focused on which eligibility requirements need reforming before focusing on how eligibility is processed. CPR should have first simplified the eligibility requirements for all the programs.
- Eligibility is a unique government function, required in federal regulations to be determined by government employees.
- Eligibility for Medi-Cal, CalWORKs, Food Stamps, and Healthy Families is complex and different by program. Most applicants will require assistance.
- The use of a private contractor in Healthy Families has experienced problems, and Healthy Families is not a good model because it has a simplified application for children only.
- An Internet-based eligibility process would displace approximately 17,000 county eligibility workers.
- The proposal for an Internet-based eligibility process is too heavily focused on Medi-Cal and does not account for some of the more difficult eligibility requirements of CalWORKs or Food Stamps.

- County eligibility workers are doing what is asked of them. They should not be penalized by making the system complex and expensive.
- The Managed Risk Medical Insurance Board (MRMIB) open process is what is better about MRMIB, not its eligibility system.
- Applicants who apply to these programs may not have access to the Internet and will not use it to establish eligibility.
- A contracting out system makes the profits of the contractor more important than good service to applicants.
- An Internet-based application will not be confidential and there is significant confidential information in an application.
- Clients were not consulted in the development of the proposed Internet-based eligibility system.
- Streamlining the current county-based system through simplification would be a far better solution for the eligibility process in Medi-Cal, CalWORKs, and Food Stamps.
- Privatization is not proven to be a better option for an eligibility system.
- An Internet-based eligibility process puts at risk the important gains made by several localities in California to cover all uninsured children by putting the eligibility system for those programs in jeopardy.
- A privatized, Internet-based eligibility system would cause dedicated and trained county eligibility workers to be replaced by lower paid private contractor staff.
- A Internet-based eligibility process circumvents current safeguards built into the process for applicants.

Considerations

- The cost of the current eligibility process ($337 per eligible) is nearly the highest in all of the United States. It needs to be streamlined to save government funds and improve service to applicants.
- Modern business practices have not been applied to the eligibility process. The wider use of self-service by applicants has been used in banking, real estate lending, and travel industries to reduce costs. Similar concepts could be applied in these human service programs.
- The use of technology in the eligibility process presents the rare combined opportunity of better service and fiscal savings.

- Consideration of the use of a private contractor to perform the eligibility process is a departure from the past practice of "government only" in determining eligibility.
- Consideration of a major displacement of county employees (up to 17,000 employees) is a major local workforce issue. The affected work group has a 40 percent annual turnover and funds that are freed up could be redirected to other state and county services. A mitigation factor for employees is that the redirected funds could support additional workers in other county programs.
- An Internet-based eligibility process may cause difficulties with established fast track eligibility programs such as the Children's Health Diagnosis and Prevention (CHDP) Gateway Program.
- Under an Internet-based eligibility process, selected eligibility functions would continue to be performed at the county level, such as eligibility for general relief. The main role of the counties should shift to prepare applicants for training and employment and to arrange for support services such as transportation and child care to maintain employment.

HHS 02

REALIGNING THE ADMINISTRATION OF HEALTH AND HUMAN SERVICES PROGRAMS

ISSUE

The quality of indigent health care and children's services can be improved through a realignment of state and county program responsibilities. Realignment will improve program effectiveness and more clearly delineate authority and accountability for program outcomes for the appropriate level of government. Elimination of unnecessary levels of administration and oversight and the focus on true performance outcomes will have a long-term benefit of reduced costs.

SOLUTIONS

- *Convene a working group comprised of representatives of county governments, the legislature, and the administration, and charge it to develop a realignment implementation plan for Health and Human Services (HHS). The recommended elements of this realignment should include:*
  - *Amendments to the Welfare and Institutions Code to relieve counties of the responsibility for indigent health care and transfer responsibility for funding and administering the Medically Indigent Adult (MIA) Program to the state.*

- *Realign responsibility for administration and non-federal funding of the In-Home Supportive Services (IHSS) Program to the state.*
- *Realign all remaining state-administered and funded mental health services to the counties.*
- *Realign Child Welfare Services (CWS) to give full responsibility for nonfederal program and funding to the counties.*

PRINCIPLES

- Any discussion of realignment of services between the state and counties should develop a strong partnership for the delivery of services. The development of this partnership should carefully consider the following:
  - Program responsibility should be supported by stable, reliable, and predictable sources of funding for services. Maximization of federal funding should be a consideration in all cases.
  - Program effectiveness should be measured by true program outcomes, not process measures.
  - Policy and budget development should be guided by the program outcomes.
  - A determination of what services are best provided in local communities, reflecting local values and cultures.

PUBLIC COMMENT

29 comments were received for this recommendation. 5 comments expressed support. 12 comments expressed opposition. 12 comments were neutral.

Pros

- Realignment is a worthwhile effort because there is duplication in the current state/county relationship that includes Child Welfare Services, In-Home Supportive Services, and health care services.
- Adopting statewide standards for the medically indigent who are now the responsibility of counties that have different eligibility standards could be beneficial.
- Eliminating process and paperwork requirements in Child Welfare Services would allow counties to focus on children's needs appropriate to each local area (county).

- If the state were responsible for the medically indigent, the state would be better positioned and have incentives to secure federal participation for caring for the medically indigent.
- Relieving the counties of their Section 17000 responsibility to pay for indigent medical services would be positive for recipients of the services and for counties because the state is better positioned to achieve cost containment and federal financial participation.
- Creating a state-operated medically indigent program could be beneficial for mobile populations, such as migrant workers, because of a single eligibility system.
- Making IHSS a single state program may be desirable because of the impact of the growth of the IHSS program, its heavy reliance on federal Medicaid funding, and the federal requirement of uniformity.

Cons

- Making IHSS a state-administered program would require a redefinition of the IHSS worker employment status which could disadvantage IHSS workers and beneficiaries and place more employer responsibilities with the state.
- The Medi-Cal EPSDT program for children is an entitlement program, and counties would be assuming the complete responsibility for an entitlement program without a guarantee of funding for the program.
- The proposed transfer of both the operation and funding of the Child Welfare Services Program to the counties will not insure statewide consistency and will be criticized by children's advocates.
- A state-operated IHSS program located in a medical services agency could create more barriers to recipients for receiving care which is not primarily medical in nature.
- Realigning entitlement and non-entitlement programs disadvantages the non-entitlement programs over time because the entitlement programs receive all of the funding. An example is that IHSS, as an entitlement program, is consuming most of the revenue growth available to realigned non-entitlement mental health programs.

Considerations

- There is broad general support for working on a realignment, but advocates of the specific programs are concerned about the impact on services as a result of any change.

- The proposed realignment requires many changes in a complex area of law and could have many unanticipated consequences.
- An initiative on the November ballot, if adopted, could provide significant limitations on the transfer of state-mandated programs and funding between the state and local counties.
- Transferring the administration of the IHSS program to the state must ensure that care provider-recipient of service and employer-employee relationship is maintained.
- Transfer of all responsibilities for medical care to the state must consider the responsibility of assuring health services to this population and assign a revenue stream that is sufficient to assume future costs.
- The state must carefully consider its relationship with the federal government for programs that are transferred to the counties.

HHS 03

IMPROVE THE PERFORMANCE AND REDUCE THE COST OF CALIFORNIA'S CHILD SUPPORT PROGRAM

ISSUE

California's Child Support Enforcement Program continues to perform below the national average on critical federal measures, placing the program at risk for financial sanctions and reduced federal incentive dollars. California should implement competitive contracting for the delivery of child support services at the local level to reduce cost and improve the program's performance.

SOLUTIONS

- *Remove the county child support departments as the designated entity to deliver Child Support Enforcement Program (CSEP) services at the local level and competitively bid contracts to either public or private entities to provide local CSEP services.*
- *Develop performance standards for these contracts.*
- *Begin the contracting process in the poorest performing counties as measured by the federal performance standards.*

PUBLIC COMMENT

15 comments were received for this recommendation. 3 comments expressed support. 11 comments expressed opposition. 1 comment was neutral.

Pros

- A competitively bid child support program would improve services to those needing child support enforcement services by developing a performance-based contract that would periodically be re-bid.
- A competitively bid child support program would save significant state resources when implemented by reducing costs and better performance-preventing federal penalties.
- Counties administer the current child support program and are not at risk for failure to perform.

Cons

- The current child support administrative system, including the development of the creation of the state Department of Child Support Services, and the creation of new county departments to administer child support at the local level, is only about five years old. The system needs a chance to work. Further, the state is developing a major technology system to track child support with the Franchise Tax Board that is on schedule for 2007. Interference in the progress of this system will be detrimental to the program.
- The potential of contracting with private entities for a traditional public service that includes the potential of involuntary payments by those owing child support is not warranted.
- No privatization of health and human services programs is desirable or supported by presented facts.
- The experience cited by CPR of other states that contract out for child support services is not as positive as portrayed in the report.

Considerations

- The specifics of the competitively bid contracts are critical to assure acceptable performance standards.
- The proposed competitive bid for collections at the local level is a major departure from the recently enacted state-county relationship in the child support program.

HHS 04

SIMPLIFY CALIFORNIA'S SUBSIDIZED CHILD CARE SYSTEM TO DELIVER BETTER SERVICE TO FAMILIES

ISSUE

California's subsidized child care system is cumbersome and complicated due to the division of responsibilities for administering CalWORKs' child care between two state agencies, different agencies at the local level with responsibility for different parts of the system, and state budget and operational policies. Simplifying the system would reduce unnecessary administrative burdens and better serve families and children.

SOLUTIONS

- *Merge CalWORKs child care Stages 1 and 2, and place responsibility for administration of child care for CalWORKs recipients under county welfare departments until families leave aid, effective July 1, 2006. When families no longer receive cash assistance, they would transition to a single set-aside in the California Department of Education's (CDE) voucher program for low-income families.*
- *Direct CalWORKs agencies to urge families to get on waiting lists when they begin participating in CalWORKs, but specify that CalWORKs families would not become eligible to move out of the set-aside funding until they had been off cash aid for two years.*
- *Reduce the number of CDE contracts by consolidating all dual-contract programs (federal/state) into single contracts; eliminating the latchkey program (with the option for agencies to convert their latchkey program to a general child care and development program); and converting the wrap-around preschool program into a general child care and development program.*

PUBLIC COMMENT

10 comments were received for this recommendation. No comments expressed support. 6 comments expressed opposition. 4 comments were neutral.

Pros

- No testimony submitted.

Cons

- Department of Education administration of all CalWORKs child care programs would better simplify and make workable the programs.

- The proposed solutions perpetuate a fragmented system in which both CalWORKs and CDE have substantive and sometimes conflicting roles.
- Federal rules will not allow for the proposed solutions because it prohibits the change in rank for child care services.
- All three of the proposed solutions move money around, but do not provide for any additional services.
- Before and after school latchkey programs are critical to the care of children.
- Additional resources for child care would be a much better way to remove families from child care waiting lists.

Considerations

- Directing CalWORKs agencies to urge families to get on waiting lists when they begin participating in CalWORKs, but specifying that CalWORKs families would not become eligible to move out of the set-aside funding until they had been off cash aid for two years, is intended to make CalWORKs child care more equitable by putting recipients on a "first-come, first-served" basis.
- A major consideration for the delivery of child care in California is to simplify the system of administration and financing of child care so that clients of the child care system are not confused by the system of stages and programs that currently exists.
- Child care should be administered in the California Department of Education because of the combination of child care and school services.
- Child care should be administered in the Department of Social Services because of the connection of welfare to work and employment.
- Interagency cooperation between the county CalWORKs program and school districts is working in Kern County under what is known as the Kern System.
- Merging CalWORKs child care Stages 1 and 2 could simplify and make the CalWORKs child care program more workable.

HHS 05

IMPROVING PROTECTION FOR CHILDREN RECEIVING CHILD CARE FROM UNLICENSED PROVIDERS

ISSUE

Current state policies regarding criminal background clearances for unlicensed, subsidized child care do not provide adequate protections for children due to delays in obtaining information on providers with criminal or child abuse backgrounds.

SOLUTIONS

- *Limit approval of child care provider reimbursements pending criminal background check clearance to the standard processing time for clear records (60 days to allow for manual fingerprint delays).*
- *Require applications for background check clearance—including fingerprints—be made within two weeks of the beginning of child care service instead of the current requirement of 28 days.*
- *Deny payment to providers pending background check clearance if the applicant has declared on his or her application that he or she has been convicted of a crime.*
- *Expedite the approval of the expanded criminal background check contract—based on the Kern County test program—to eliminate delays in processing and matching applications and fingerprints, improve data quality, and free staff resources for other higher priority work.*

PUBLIC COMMENT

7 comments were received for this recommendation. 4 comments expressed support. 3 comments expressed opposition.

Pros

- Expedited processing of criminal background checks is desirable because it would be safer for children.
- E-mail notifications to child care providers of approval for hiring provides better service.
- Background checks should be completed before any child is placed in child care.

Cons

- The current system needs more staff, not reorganization.
- Many unlicensed child care providers are relatives of the children they care for. Families are in the best position to judge a child's safety when there is relative care.
- The proposed solutions are too broad and might actually cause longer delays.
- Providers of child care services have rights of due process that should be recognized and valued.

Considerations

- No testimony submitted.

HHS 06

FOSTER CARE CRIMINAL BACKGROUND CHECKS

ISSUE

Prospective foster parents who have already passed a background check in one county must be checked again before they can care for a foster child in another county.

SOLUTIONS

- *Modify existing county foster care licensing contracts to remove the responsibility to conduct criminal background checks, and make the necessary arrangements to conduct the background checks by the state.*

PUBLIC COMMENT

All 3 comments received support this recommendation. No opposing or neutral comments were received.

Pros

- Making the state responsible for background checks would prevent abuse by not allowing persons with criminal backgrounds to be foster care parents and would also prevent the need for multiple background checks.
- Making the state responsible for background checks would improve access to services by not keeping foster parents waiting for clearance when they have already been cleared in another county.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

HHS 07

INCREASE SUBSIDIZED CHILD CARE QUALITY

ISSUE

Research has identified key elements of high quality child care and shown the importance of such care to outcomes such as school readiness, school success, and life success. The state should reform its reimbursement rates to encourage and reward high quality child care.

SOLUTIONS

- *Change the reimbursement rate for license exempt care to 50 percent of the appropriate family child care home regional market rate ceiling.*
- *Require health and safety training for exempt providers within the first three months of providing subsidized care. The reimbursement rate would be increased to 60 percent of the appropriate family child care home regional market rate ceiling for the first full month following training. Eliminate the current self-certification process.*
- *Increase levels of child care quality that licensed providers can reasonably attain over time. The standards should be based on research linking the standards to measured outcomes.*

PUBLIC COMMENT

6 comments were received for this recommendation. No comments expressed support. 3 comments expressed opposition. 3 comments were neutral.

Pros

- No testimony submitted.

Cons

- No child care provider should receive reduced rates because of the tiered rate. Creating a tiered rate without additional funding will reduce the rate for some child care providers.

- There should be an impact assessment of the proposed solutions on families because families may not be able to access child care services under the proposal.
- Child care providers should receive assistance in order to pay for the required health and safety training.
- The State Department of Education should be the lead agency for all child care assistance because schools are in a better position to assure quality child care.

Considerations

- No testimony submitted.

HHS 08

STATE LEADERSHIP NEEDED TO REPAIR A FOSTER CARE SYSTEM IN CRISIS

ISSUE

The challenges in the foster care system include confusing funding streams, seemingly inequitable foster care payment rates, lack of qualified social workers, too few foster homes, and fragmented service delivery.

SOLUTIONS

- *Designate one organization or individual as the state leader for foster care, vested with the responsibility and authority to coordinate efforts across state agencies to resolve issues and encourage accountability.*
- *Develop an appropriate assessment tool to measure foster care outcomes in California and mechanisms to address poor county performance.*

PUBLIC COMMENT

All 6 comments received support this recommendation. No opposing comments were submitted.

Pros

- Foster care needs state leadership because the foster care program is not meeting the needs of children.

Cons

- No testimony submitted.

Considerations

- The issue contradicts the proposed solution in HHS 02 which recommends that the Child Welfare Services Program be realigned and that counties become responsible for both the administration and funding for the program.
- Physicians have a role in foster care placement and need to be more involved in placement decisions.

HHS 09

FINDING PERMANENT HOMES FOR FOSTER CHILDREN

ISSUE

At any given time in California, more than seven thousand children live in temporary foster homes. These children are in need of a permanent home because they cannot be returned to their parents.

SOLUTIONS

- *Improve recruitment efforts by:*
  - *Issuing public service announcements featuring adoptive parents, using sponsorship and appearances by celebrities, focusing recruitment for foster children ages nine and older:*
  - *Issuing the televised public service announcements in November (National Adoption Month) in two targeted regions each year.*
- *Notify state employees, in their paychecks during November (National Adoption Month), of the existence of the photo-listing of children eligible for adoption.*
- *Pass through federal incentive dollars to counties that may be awarded to the state because of an increase in adoption. These funds should supplement rather than take the place of county funding for adoptions.*
- *Waive the criminal background check if the applicant is a foster parent whose criminal background is current through the department's licensing program.*
- *Pilot using teams to conduct home studies and other duties associated with an adoptions application to shorten the amount of time in approving a family for adoption.*
- *Establish a workgroup to explore whether privatizing adoption would improve outcomes.*

PUBLIC COMMENT

6 comments were received for this recommendation. 5 comments expressed support. 1 comment expressed opposition.

Pros

- Private adoptions are faster, and because a child is moved into permanency sooner, they are more beneficial to children.
- There is much needless duplication of effort in the current system. Waiving the criminal background check if the applicant is a foster parent whose criminal background is current through the department's licensing program would eliminate some duplication.
- Prospective adoptive parents should not have to repeat the entire application process when adopting from a different county or agency.

Cons

- The proposed solutions oversimplify the problem. There are many reasons why adoption services are not adequate. Public service announcements will not solve those problems.

Considerations

- No testimony submitted.

HHS 10

ALIGN STATE LAW REGARDING THE $50 CHILD SUPPORT DISREGARD PAYMENTS

ISSUE

Despite a change in federal law in 1996, California has continued to pay the first $50 of a child support collection directly to Temporary Assistance for Needy Families (TANF) recipients.

SOLUTIONS

- *Repeal the requirement for the payment of the $50 disregard payment to TANF recipients.*

PUBLIC COMMENT

8 comments were received for this recommendation. 3 comments expressed support. 5 comments expressed opposition.

Pros

- Repealing the requirement for the payment of the $50 disregard payment to TANF recipients saves administrative costs because the $50 payment to TANF families requires an administrative process for adding the payment to the TANF assistance.
- Repealing the requirement for the payment of the $50 disregard payment to TANF recipients will make the eligibility system more efficient by not requiring the calculation of the child support disregard.

Cons

- Repealing the requirement for the payment of the $50 disregard payment to TANF recipients penalizes poor people. Poor people are the recipients of CalWORKs benefits; and this recommendation will reduce their assistance payment.
- The child support income disregard increases child support because it acts as an incentive for TANF recipients to insist on receiving child support payments. The $50 child support disregard also allows persons with slightly higher incomes to qualify for benefits.

Considerations

- No testimony submitted.

HHS 11

USE TECHNOLOGY TO PROMOTE EASE OF USE AND IMPROVE EFFICIENCY IN THE WOMEN, INFANTS AND CHILDREN SUPPLEMENTAL NUTRITION PROGRAM

ISSUE

The California Women, Infants and Children (WIC) program should use the Electronic Benefits Transfer (EBT) system created by the State Department of Social Services (DSS) for the food stamp program to promote ease of use and program efficiency.

SOLUTIONS

- *Utilize the existing Food Stamps electronic benefits transfer network to implement an EBT system for WIC.*
- *Seek a grant from the USDA to provide funding for implementation of an EBT system.*
- *Pursue public/private funding partnerships to achieve a state cost-neutral or cost-savings EBT solution.*

PUBLIC COMMENT

6 comments were received for this recommendation. 5 comments expressed support. 1 comment expressed opposition.

Pros

- Utilizing the existing Food Stamps electronic benefits transfer network to implement an EBT system for WIC would improve access to WIC and improve the ability of WIC recipients to receive commodities under the program from a broader range of food outlets.
- The electronic EBT process would reduce administrative costs because the voucher system is paper intensive.
- Utilizing the existing Food Stamps electronic benefits transfer network to implement an EBT system for WIC would allow clients access to program benefits without causing long waits in grocery stores while the vouchers are being processed.

Cons

- No testimony submitted.

Considerations

- WIC is more complex than Food Stamps and developing an EBT system for WIC may be more difficult than it is for food stamps.

HHS 12

SIMPLIFY PUBLIC HEALTH FUNDING AGREEMENTS

ISSUE

The California Department of Health Services enters into more than 1,000 separate contracts with 61 city and county health departments for public health services. City and county health departments report that the multiple contracts are unnecessarily burdensome and complex. The state should streamline administrative processes for funding local public health programs, reduce processing times for execution of agreements, and consolidate multiple public health funding sources where appropriate.

SOLUTIONS

- *Authorize allocations, exempt from the Public Contract Code, for provision of public health services by city and county health departments.*
- *Reduce the number of public health agreements by combining multiple programs and reporting requirements.*
- *Simplify public health agreements and emphasize public health outcomes.*
- *Pursue expanding the use of web-based applications to allow submission and review of local health department funding applications, invoices and reports.*
- *Perform a desk audit of the DHS Contract Management Unit after implementing proposed solutions A and B to determine appropriate staffing levels.*

PUBLIC COMMENT

All 4 comments received support this recommendation. No opposing comments or neutral comments were received.

Pros

- Simplification should be the primary goal of public health contracts, as a complex contracting process does nothing to contribute to the quality of services.
- Simplifying public health agreements would eventually help to improve the health of Californians by making public health programs more available.

Cons

- No testimony submitted

Considerations

- No testimony submitted.

HHS 13

CREATE A STATE PUBLIC HEALTH OFFICER TO STRENGTHEN PUBLIC HEALTH IN CALIFORNIA

ISSUE

California's public health system has been criticized for inadequately protecting the public's health. Creation of a statutorily identified state public health officer is a key step in improving the effectiveness of California's public health system and protecting the public's health through coordinated leadership and science-based decision-making.

SOLUTIONS

- *Consolidate all core public health functions into one newly created organization under the direction of a state public health officer.*
- *Establish a competitive salary for the state public health officer.*

PUBLIC COMMENT

6 comments were received for this recommendation. 5 comments expressed support. No comments expressed opposition. 1 comment was neutral.

Pros

- A public health officer would have access to the Secretary of Health and Human Services to bring critical public health issues to the attention of the administration.
- California needs a strong public health presence especially in times of potential catastrophic public health needs.

Cons

- No testimony submitted.

Considerations

- There is support for a state public health officer, but not a state public health department.

HHS 14

MAKE CALIFORNIA'S HIV REPORTING SYSTEM CONSISTENT WITH ITS AIDS REPORTING SYSTEM, AND IMPROVE AIDS REPORTING

ISSUE

California uses a code-based system for reporting Human Immunodeficiency Virus (HIV) cases and a name-based system for reporting cases of Acquired Immunodeficiency Syndrome (AIDS). The code-based system is labor intensive, less accurate, and more complex than the name-based system and risks the loss of federal funding.

SOLUTIONS

- *Permit name-based HIV reporting.*
- *Repeal the current HIV reporting regulations, which require a non-name code and add HIV to the regulation that allows confidential reporting of all other diseases, including AIDS, by name.*
- *Amend the California Code of Regulations for disease reporting to add laboratory reporting of low CD4+ counts to local health departments.*

PUBLIC COMMENT

6 comments were received for this recommendation. 4 comments expressed support. 1 comment expressed opposition. 1 comment was neutral.

Pros

- The proposed solutions should be implemented as soon as possible because they will assure California's qualification for federal funds.
- The proposed solutions will help control the spread of AIDS by making HIV reporting more effective.

Cons

- Repealing the current HIV reporting regulations and adding HIV to the regulation that allows confidential reporting of all other diseases by name might result in a decline in the number of persons being tested because of a lack of confidence in the confidentiality of the data.
- There is no evidence the current system of reporting is failing.

Considerations

- Repealing the current HIV reporting regulations and adding HIV to the regulation that allows confidential reporting of all other diseases, including AIDS, by name is supported as long as confidentiality is protected.

HHS 15

CONSOLIDATE THE STATE'S MENTAL HEALTH AND ALCOHOL AND DRUG PROGRAMS TO BETTER SERVE CALIFORNIANS

ISSUE

California administers its alcohol, drug, and mental health programs in two separate agencies. Consolidating the management of these behavioral health programs will improve coordination of county-administered services to persons suffering from both mental illness and substance use disorders.

SOLUTIONS

- *Consolidate the administration of the state's substance abuse and mental health programs.*

PUBLIC COMMENT

329 comments were received for this recommendation. 8 comments expressed support. 320 comments expressed opposition. 1 comment was neutral.

Pros

- Consolidating the administration of the state's substance abuse and mental health programs is desirable. However, federal billing issues will need to be resolved as the federal government insists on separate accounting for alcohol and drug abuse treatment programs.
- Integrated treatment is preferable for most clients because so many clients have dual diagnosis of mental illness and substance abuse.
- Most of the counties in California have behavioral health departments, combined alcohol and drug treatment departments and mental health departments.

Cons

- Alcohol and drug treatment programs need a distinct identity and should be separate to be most effective.
- If consolidated, mental health programs will dominate alcohol and drug treatment programs to the detriment of alcohol and drug treatment programs.
- Consolidating the administration of the state's substance abuse and mental health programs does nothing to increase funding for either of the programs.
- Substance abuse is so critical in California society that it needs a stand-alone department to assure that treatment is as effective as possible.

Considerations

- No testimony submitted.

HHS 16

PROTECT CALIFORNIA'S CHILDREN BY IMPLEMENTING A STATEWIDE ONLINE IMMUNIZATION REGISTRY

ISSUE

California has an opportunity to prevent disease in children while saving money for taxpayers and the private sector. California should provide web-based accessibility to a centralized statewide immunization registry for children to prevent disease and save taxpayer and private sector money.

SOLUTIONS

- *Develop a statewide web-based online immunization registry system.*

PUBLIC COMMENT

All 5 comments received support this recommendation. No opposing or neutral comments were received.

Pros

- Family privacy can and should be maintained in the web-based system.

- The system would provide better data on immunizations, which would be helpful to schools, families, and care providers.
- The new system should function like the Wisconsin web-based system.
- The development of a statewide web-based online immunization registry system should be expanded to include adult immunizations.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

HHS 17

CITY-LEVEL MENTAL HEALTH PROGRAMS ARE OUTDATED, INCONSISTENT WITH LAWS

ISSUE

State law makes counties responsible for delivery of mental health services to all persons residing within the county. Two city programs continue to receive direct state mental health funding. Services rendered by the city programs are technically outside the purview and oversight of the counties in which they are located.

SOLUTIONS

- *Eliminate the two remaining city level mental health programs.*
- *Reallocate the mental health funds of the two city-level programs to the respective counties.*

PUBLIC COMMENT

3 comments were received for this recommendation. 2 comments expressed support. 1 comment expressed opposition.

Pros

- Specific discussion in support of this recommendation was not received.

Cons

- There is no problem identified with the two existing city mental health programs.

Considerations

- There is a concern for the adequacy of the infrastructure in the impacted counties to assume the activities of the city programs.

HHS 18

RELOCATE THE VOCATIONAL REHABILITATION PROGRAM TO IMPROVE EMPLOYMENT OUTCOMES OF INDIVIDUALS WITH DISABILITIES

ISSUE

Relocating the Vocational Rehabilitation Program together with other employment and training programs authorized by the federal Workforce Investment Act would increase the quality of employment services provided to individuals with disabilities.

SOLUTIONS

- *Move the Vocational Rehabilitation Program from the Department of Rehabilitation, or its successor, to the Employment Development Department (EDD), or its successor.*

PUBLIC COMMENT

5 comments were received for this recommendation. 2 comments expressed support. 3 comments expressed opposition.

Pros

- Specific discussion in support of this recommendation was not received.

Cons

- There is no evidence that the EDD efforts for the disabled are working anywhere near well enough to warrant transferring the program to EDD.
- These programs should remain in the Department of Rehabilitation because the disabled need specialized assistance in their employment and training programs that is not available at EDD.

Considerations

- No testimony submitted.

HHS 19

STANDARDIZE CRIMINAL BACKGROUND REVIEWS IN HEALTH AND HUMAN SERVICES AGENCY

ISSUE

The California Health and Human Services Agency and its various departments employ inconsistent standards for conducting criminal background reviews on individuals applying for licenses or employment.

SOLUTIONS

- *Specify crimes that uniformly bar licensure for or specified employment in, any community care or health facility.*
- *Require that the criminal background checks conducted by the Department of Health Services be completed before allowing an employee required to undergo the check to be present in a health facility.*
- *Clarify that an arrest for a serious crime may be investigated as a complaint and that administrative action may be taken for unprofessional conduct should the investigation establish evidence that the person has engaged in conduct that poses a threat to patients.*
- *The Emergency Medical Services Agency, or its successor entity, should investigate serious misdemeanor arrests, in addition to felony arrests.*
- *Identify the types of crimes for which a clearance should not be granted to a care provider in any health or social services facility within five years of last conviction.*
- *Identify whether the class of persons currently required to undergo a background check should be expanded to other employees in a health facility and to emergency medical technicians.*

PUBLIC COMMENT

4 comments were received for this recommendation. 1 comment expressed support. 2 comments expressed opposition. 1 comment was neutral.

Pros

- No specific discussion in support of this recommendation was received.

Cons

- Foster care programs need case-by-case waivers on criminal background checks for next of kin placement which is a desirable outcome for foster children.

- The critical program element for background checks is timeliness.
- The impacted populations need to be studied and impacts determined before expanding background checks is considered.

Considerations

- No testimony submitted.

HHS 20

MAXIMIZE REVENUE COLLECTIONS IN THE DEPARTMENT OF HEALTH SERVICES

ISSUE

The current Department of Health Services (DHS) fee and fine collection systems are disaggregated, inefficient and fail to collect all fees due to the state. The absence of a standard set of policies, procedures and controls for these disparate systems, results in critical audit findings.

SOLUTIONS

- *Pursue a strategic redirection of program staff and/or funding to allow for the centralization of all revenue transactions.*
- *Convene an e-business task force to initiate planning for implementation of an Internet-based process for licensing and certification responsibilities and the related fee and fine payments.*
- *Develop a comprehensive requirements document that will serve as the source document for a competitive bidding process.*
- *Invite bids from private business, the DHS Information Technology Services Division and other state agencies.*
- *Amend Health and Safety Code Sections 105190 and 105250, which require the State Board of Equalization to serve as the collection agent for DHS for the Occupational Lead Poisoning Fee and Childhood Lead Poisoning Prevention Fee.*

PUBLIC COMMENT

2 comments were received in support of this recommendation. No opposing or neutral comments were received.

Pros

- There are administrative savings to be achieved by unifying the DHS fee and fine collection systems.

Cons

- No testimony submitted.

Considerations

- There is a concern with duplicate state and federal fees for the same licensure category for reviews with the same substance.

HHS 21

CONSOLIDATE LICENSING AND CERTIFICATION FUNCTIONS

ISSUE

Many different state departments, agencies, and boards are in the business of licensing and certifying health care professionals and facilities and programs both within and outside the Health and Human Services Agency. This results in inconsistent requirements, locations, and oversight for licensing and certification requirements.

SOLUTIONS

- *Consolidate licensing and certification functions affecting delivery of health care services.*

PUBLIC COMMENT

95 comments were received for this recommendation. 9 comments expressed support. 85 comments expressed opposition. 1 comment was neutral.

Pros

- Consolidation would be more efficient and streamlined and result in better service.
- The Licensed Vocational Nurse and Registered Nurse licensure programs should be combined.

Cons

- The populations served are too diverse to consolidate licensing activities for facilities and professionals serving those diverse populations. There would be no improvement in service because of the complexity of the licensing and certification programs.
- Licensing for foster care placements should stay with the administration of foster care programs. Child care providers should have a separate licensing agency not joined with other program licensing.

- The inclusion of Department of Social Services Community Care Licensing (CCL) with other licensing programs could worsen CCL services because CCL licensing is less bureaucratic.
- Substance abuse programs are unique and the licensing for these programs should remain within an independent Department of Alcohol and Drug Programs.

Considerations

- There is a need to maintain the program expertise of licensing staff.

HHS 22

ISSUE FEE-SUPPORTED LICENSES WITHOUT DELAY

ISSUE

A variety of professionals and facilities involved in the delivery of health and human services are not able to enter the workforce because of a backlog in processing licenses and certifications required by the state.

SOLUTIONS

- *Fill vacant positions that can be funded from fee-supported licensing and certification activities.*
- *Establish a special fund for the license fees of DHS's Licensing and Certification Division.*
- *Address licensing backlogs by temporary redirection of staff or temporary hires.*
- *Develop recommendations to reduce licensing and certification backlogs to 30 days for applications that are ready for determination or on-site survey.*
- *Initiate special fund license and certification efforts with a loan from the General Fund.*
- *Evaluate raising license fees in categories that do not currently support the licensing work so license applicants who pay for their license can receive them and get to work in a timely manner.*

PUBLIC COMMENT

4 comments were received for this recommendation. 1 comment expressed support. 1 comment expressed opposition. 2 comments were neutral.

Pros

- Specific discussion in support of this recommendation was not received.

Cons

- A simpler solution to the backlog in health facility licensing would be deemed status for any facility accredited by a credible accreditation agency.

Considerations

- A concern is maintaining staff expertise for each of the programs. Licensing programs need staff that understands the programs or facilities to be licensed.

HHS 23

STREAMLINE OVERSIGHT REQUIREMENTS FOR CONDUCTING MEDICAL SURVEY/AUDITS OF HEALTH PLANS

ISSUE

Conducting medical surveys and audits of managed health care plans in California is important to help ensure that persons enrolled in health plans receive high quality, necessary medical care. Some health plans in California, however, undergo costly and duplicative routine medical surveys and audits conducted by state and private entities. This results in a duplication of work for and significant costs to some health plans, and is an inefficient use of state government resources.

SOLUTIONS

- *Require the state to use the results from accrediting organizations where they are equivalent to or exceed the state's standards regarding medical surveys/audits of health plans.*
- *Eliminate duplicative functions related to conducting medical surveys/audits of health plans.*

HHS 23

"...considerable resources are being spent to respond to multiple audits by various government agencies and private accreditation organizations. This improvement alone, will have tremendous value and permit the use of precious health care resources to be focused on targeted oversight, rather than duplicative processes and checklists."

Steven Tough
President & CEO
California Association of Health Plans
CPR Commission Hearing

PUBLIC COMMENT

10 comments were received for this recommendation. 4 comments expressed support. 4 comments expressed opposition. 2 comments were neutral.

Pros

- There is considerable unnecessary overlap in the current system because of duplicative surveys and audits from the Department of Health Services, the Department of Managed Health Care, and accreditation programs.
- Using surveyors from nationally recognized accreditation agencies for state requirements makes sense because many requirements are similar.

Cons

- Public accountability could suffer because there will be less supervision of managed care activities.
- Health plan audits, as they are now conducted, serve a public purpose to protect and inform consumers.
- The government needs to maintain control of health plans to protect consumers.
- Accrediting entities may not be trustworthy because they are not accountable to the public.

Considerations

- No testimony submitted.

HHS 24

INTERMEDIATE CARE FACILITIES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES NOT BENEFITING FROM FULL FEDERAL PARTICIPATION

ISSUE

Consistent with other states, California should increase federal financial participation under Medi-Cal by changing the definition of services provided by Intermediate Care Facilities for people with Developmental Disabilities (ICF/DD) to include day program services and transportation.

SOLUTIONS

- *Redefine the Intermediate Care Facilities for people with Developmental Disabilities (ICF/DD) Program to increase federal financial participation.*
- *Request consultation with CMS Region IX on developing all-inclusive ICF/DD rates and obtaining approval of a State Medicaid Plan Amendment.*

PUBLIC COMMENT

All 6 comments received support this recommendation. No opposing comments were submitted.

Pros

- Redefining the ICF/DD program to increase federal financial participation would maximize federal funds to the advantage of the clients. The additional federal funds could be used for other services for clients.

Cons

- No testimony submitted.

Considerations

- There may be unintended consequences of the new all-inclusive rate for ICF/DD facilities that should first be considered, such as control of the funding for services that are now independent of the ICF/DD facilities.

HHS 25

OBTAIN BEST PRICES FOR DURABLE MEDICAL EQUIPMENT

ISSUE

The Department of Health Services (DHS), or its successor, should implement a competitive bid process to purchase all durable medical equipment for the Medi-Cal program at reduced rates through a limited number of providers. This would reduce fraud and lower costs in the program.

SOLUTIONS

- *Contract for the purchase of all durable medical equipment by competitive bid, with a limited number of providers.*
- *Stipulate that the winning bids must include a weighted average rate reduction in the products offered of 10 percent, and no product should be offered at a price that is above the rate established within Title 22, California Code of Regulations relating to reimbursement rates for durable medical equipment.*
- *Include all durable medical equipment devices and supplies, including prosthesis and orthotic devices.*
- *Ensure that Medi-Cal beneficiaries have adequate reasonable access to providers of durable medical equipment.*

PUBLIC COMMENT

6 comments were received for this recommendation. 3 comments expressed support. 2 comments expressed opposition. 1 comment was neutral.

Pros

- Contracting for the purchase of all durable medical equipment by competitive bid, with a limited number of providers, is a good method of reducing fraud and reducing costs as long as access to durable medical equipment is not restricted for vulnerable beneficiaries.

Cons

- Contracting for the purchase of all durable medical equipment by competitive bid will not work because clients are far too transient to be served by a local contractor.
- Contracting will limit consumer choice, an important value for the disabled, by limiting the number of providers.
- Contracting will block competition from providers unable to respond to a large contract.

Considerations

- No testimony submitted.

HHS 26

MAXIMIZE FEDERAL FUNDING BY SHIFTING MEDI-CAL COSTS TO MEDICARE

ISSUE

The Medi-Cal program pays for health care for low-income individuals. The Medicare program pays for health care for the elderly and disabled. The federal government pays for a portion of both programs, but pays a larger portion of the costs of health care for people enrolled in both programs.

SOLUTIONS

- *Authorize EDS to develop an outreach program to enroll Medi-Cal beneficiaries with a diagnosis of End Stage Renal Disease, or ALS, into the Medicare program and beneficiaries with Muscular Dystrophy, or MS, into the SSA Title II Disability Program.*
- *Discontinue the current program notifying Medi-Cal beneficiaries of the benefits of applying for Medicare, and redirect staff performing this function to other activities within the department.*

- *Submit the file of potential Medicare eligibles to SSA to identify the number of qualified work quarters and provide this information to EDS. If a beneficiary is married and the spouse's Social Security Number is on file, DHS should also send a request to SSA for the spouse's work history.*
- *Establish metrics to evaluate the effectiveness of this outreach program. The data should be used to determine whether to extend the period in which EDS can share the savings beyond the two-year timeframe specified in the contract, whether to staff the outreach program with state staff, or whether to discontinue the outreach program.*

PUBLIC COMMENT

9 comments were received for this recommendation. 6 comments expressed support. No comments expressed opposition. 3 comments were neutral.

Pros

- Medicare has better access to services than Medi-Cal which will allow Medicare beneficiaries to more readily access services.
- Authorizing EDS to develop an outreach program to enroll Medi-Cal beneficiaries with a diagnosis of End Stage Renal Disease or ALS into the Medicare program and beneficiaries with Muscular Dystrophy or MS into the SSA Title II disability program will increase access to services for persons with these disabilities.

Cons

- No testimony submitted.

Considerations

- Being designated as having "other health coverage" could be a barrier to accessing Medi-Cal services. Medi-Cal could expect the other coverage to pay for care and deny payment for services.

HHS 27

AUTOMATE IDENTIFICATION OF OTHER HEALTH COVERAGE FOR MEDI-CAL BENEFICIARIES

ISSUE

The process used to identify Other Health Coverage (OHC) for Medi-Cal beneficiaries is manual and paper intensive, causing huge backlogs and lost opportunities to avoid expenditures by the Medi-Cal program. In addition, the current process does not capture all OHC information for Medi-Cal beneficiaries.

SOLUTIONS

- *Develop a process to record OHC electronically.*
- *Initiate a process to dis-enroll Medi-Cal managed care beneficiaries who have OHC.*

PUBLIC COMMENT

8 comments were received for this recommendation. 4 comments expressed support. No comments expressed opposition. 4 comments were neutral.

Pros

- Persons with OHC may get better access to care under that coverage.
- Utilizing automation of processes to reduce costs is desirable.

Cons

- No testimony submitted.

Considerations

- Caution needs to be taken that the process does not result in unwarranted dis-enrollment from Medi-Cal and denial of services that are not covered by OHC.
- The scope developing a process to record OHC electronically should be expanded to include all Third Party Liability activities.

HHS 28

IMPROVE INTEGRITY IN MEDI-CAL THROUGH THE USE OF SMART CARDS

ISSUE

The annual cost of fraud and abuse in the Medi-Cal program is in the billions of dollars. Smart cards can validate the identity of a Medi-Cal beneficiary, ensure a service is authorized, and prove that both the provider and the beneficiary were actually present for a claimed Medi-Cal service.

SOLUTIONS

- *Analyze the findings of the Medi-Cal Error Rate Study to determine whether the use of smart cards could be effective for preventing or mitigating Medi-Cal fraud and abuse. If the analysis demonstrates that smart cards would be cost effective, the following recommendations should be implemented:*
  - *Modify the California Welfare and Institutions Code Section 10830.*
  - *Submit a change to the Medicaid State Plan for California, requesting federal approval of 75 percent federal funding for the development, operation, and maintenance of smart cards for the Medi-Cal program.*
  - *Assess the success of the Texas pilot and specifically identify how Texas dealt with implementation issues, such as issuing cards on behalf of children.*
  - *Develop an implementation plan to install smart cards in the Medi-Cal program, including a feasibility study report and a plan to procure a vendor.*
  - *Implement the use of smart cards on an incremental basis, rather than implementing statewide.*
  - *Establish an executive steering committee to establish a governance structure for this project. Members should include individuals from both the provider community and beneficiary advocacy groups.*

PUBLIC COMMENT

13 comments were received for this recommendation. 5 comments expressed support. 7 comments expressed opposition. 1 comment was neutral.

Pros

- Smart cards would work best for clinical services because there is less fraud in hospital services.

- Smart cards serve a beneficial purpose if medical data is included on the card because providers would have access to the critical health history information stored on the card.

Cons

- Smart cards will hamper access to services because the fingerprinting identification of clients is not a requirement of any other health care coverage. Providers may drop out of Medi-Cal rather than participate in the fingerprinting process.
- The equipment for the process would be expensive and the time for staff to conduct the fingerprint check on patients would be an additional expensive burden.

Considerations

- Smart cards could be implemented without fingerprinting. Consider using PIN verification instead and waiting for biometric technology to mature.
- Consider establishing a workgroup to solicit input from relevant stakeholders (providers, clients, vendors) on program design.

HHS 29

REDIRECT MEDI-CAL HOSPITAL DISPROPORTIONATE SHARE PAYMENTS FROM HOSPITALS THAT ARE NOT PROVIDING CORE MEDI-CAL SERVICES

ISSUE

The state should redirect payment for hospital inpatient services for Medi-Cal to hospitals providing core Medi-Cal services to low-income Californians and to hospitals making credible plans to achieve seismic safety requirements.

SOLUTIONS

- *Amend Disproportionate Share Funding (DSH) statutes to give the California Medical Assistance Commission (CMAC), or its successor, the authority to discontinue DSH payments to hospitals that do not provide desirable core hospital services, or hospitals that are not developing credible plans to meet seismic safety requirements.*

PUBLIC COMMENT

6 comments were received for this recommendation. 2 comments expressed support. 4 comments expressed opposition.

Pros

- Specific discussion in support of this recommendation was not received.

Cons

- Discontinuing DSH payments to hospitals that do not provide desirable core hospital services would upset the delicate balance of DSH funding for hospitals that are dependent on the revenue to survive and that serve disadvantaged patients.
- The recommendation could harm underserved communities because DSH hospitals are primarily in underserved areas.
- Not all core Medi-Cal hospital services are considered and core Medi-Cal services are not the purpose of DSH funding.

Considerations

- No testimony submitted.

HHS 30

CENTRALIZE MEDI-CAL TREATMENT AUTHORIZATION PROCESS

ISSUE

The Department of Health Services has eight Medi-Cal field offices located throughout the state to process treatment authorization requests. These field offices, which were established prior to the advent of modern technology, are no longer necessary to effectively deliver services.

SOLUTIONS

- *Centralize Treatment Authorization Request (TAR) field office operations.*
- *Ensure adequate resources are devoted to automating the TAR process as scheduled for July 2005.*
- *Adopt telecommuting procedures for medical case management nurses currently located in TAR field offices.*

PUBLIC COMMENT

9 comments were received for this recommendation. 5 comments expressed support. 4 comments expressed opposition.

Pros

- Centralizing TAR field office operations should reduce wait time for TARs and reduce the number of unnecessary TARs.

Cons

- There should be specialized TAR centers, not a centralized center. In specialized TAR centers, staff with expertise in the specialty can more quickly and reasonably process the TARs for that specialty.
- Centralizing TAR field office operations would negatively impact services by establishing a bigger office farther away from providers of care.
- Centralizing TAR field office operations would cause the loss of local expertise for TARs which are familiar with local care providers and their specialty treatment authorization requests.

Considerations

- Too many Medi-Cal services require a TAR, making treatment of Medi-Cal patients more difficult.

HHS 31

MEDI-CAL FRAUD TARGETING MISSES MARK

ISSUE

Taxpayer dollars are wasted and access to care is threatened in California's Medicaid (Medi-Cal) program because of the burdensome and ineffective anti-fraud strategies used to sign up or "enroll" Medi-Cal providers.

SOLUTIONS

- *Complete the Medi-Cal enrollment error rate study currently underway and publish its results.*
- *Adopt anti-fraud and abuse strategies that are data driven, targeted and specifically related to the findings in the error-rate study, using the fraud and abuse model outlined by Malcolm K. Sparrow.*
- *Revamp the provider enrollment and re-enrollment processes to focus on identified fraud targets and reduce the administrative burden and process timeframes.*

- *Establish a call center within the Provider Enrollment Branch to give information and assistance to Medi-Cal providers or prospective providers in the enrollment and re-enrollment processes.*
- *Reassess the prevalence of fraud and abuse in the Medi-Cal program utilizing the Sparrow model and make appropriate adjustments to the enrollment and re-enrollment processes.*

PUBLIC COMMENT

6 comments were received for this recommendation. 5 comments expressed support. 1 comment expressed opposition.

Pros

- The current anti-fraud activities in provider enrollment are burdensome and they penalize legitimate providers with costly delays.
- Provider enrollment in Medi-Cal is a mess and the proposed solutions should be expanded to fix a badly broken system.

Cons

- Specific discussion in opposition to this recommendation was not received.

Considerations

- No testimony submitted.

HHS 32

TRANSFER THE IN-HOME SUPPORTIVE SERVICES PROGRAM TO THE DEPARTMENT OF HEALTH SERVICES

ISSUE

The state department responsible for administering the In-Home Supportive Services (IHSS) program is not the same department responsible for securing federal reimbursement for that program. Administrative delays experienced between the two departments result in the state not receiving millions of dollars in federal funds.

SOLUTIONS

- *Transfer the IHSS program from the Department of Social Services to the Department of Health Services.*

PUBLIC COMMENT

6 comments were received for this recommendation. 1 comment expressed support. 4 comments expressed opposition. 1 comment was neutral.

Pros

- Specific discussion in support of this recommendation was not received.

Cons

- IHSS should remain a social model within the Department of Social Services. A social model, in which services are not delivered by medical professionals and the necessity for services is a social need as well as a medical need, is in the best interests of clients.
- Moving IHSS to the Department of Health Services (DHS) will not secure services for IHSS recipients because DHS is a medical claims payment environment and IHSS is a social model program.

Considerations

- There are too many pending questions, such as future funding of IHSS, that need to be addressed prior to making a major change in its administration.

HHS 33

ELIMINATE DUAL CAPITATION FOR MEDICARE/MEDI-CAL MANAGED CARE PLANS

ISSUE

The state is incurring unnecessary program costs for nearly 1,000 beneficiaries who are enrolled in both a Medi-Cal managed care plan and a Medicare managed plan.

SOLUTIONS

- *Modify Medi-Cal managed care health plan contract language to state that DHS will terminate the capitation if a beneficiary client has certain types of health insurance, including enrollment in a Medicare managed care plan, or develop a blended rate for beneficiaries that are dually capitated, so that the Medi-Cal rate only reflects payment for services not covered by the Medicare program.*

- *Notify the Health Care Options vendor that the state wishes to enforce the existing contract provisions regarding dis-enrollment because of other health insurance.*
- *Review and analyze the policy to permit County Organized Health System (COHS) beneficiaries to also be enrolled in Medicare health plans.*

PUBLIC COMMENT

5 comments were received for this recommendation. 2 comments expressed support. 2 comments expressed opposition. 1 comment was neutral.

Pros

- Specific discussion in support of this recommendation was not received.

Cons

- The proposed solutions may deny a vulnerable population access to needed medical coverage.

Considerations

- Although the proposed solutions are generally supported, there is a concern that beneficiaries could be prematurely dis-enrolled from Medi-Cal.

CHAPTER 3 GENERAL GOVERNMENT AND STATEWIDE OPERATIONS

Introduction

In addition to administering education, health care, human services, infrastructure, and other programs generally associated with government, the California state government maintains significant back office operations and capabilities. These general government and state operations include functions, such as finance and accounting, human resources, procurement, information technology, and real estate management. Though support in nature, these operations significantly impact the ability of programs to deliver services to state residents in a cost effective manner.

Two chapters of the CPR report focused on these back office functions. The CPR concluded that California needs to rethink the way these functions are performed and delivered. Specific attention was given to performance-based management, personnel, training, procurement, and information technology. To address these issues, CPR identified 125 specific issues facing state government and made 430 recommendations to address the stated issues. In short, the overriding objectives of these recommendations are the following:

- Make government more efficient and effectively deliver savings to state taxpayers.
- Increase service quality to users of state government services.
- Make government more accessible to state residents and businesses.

CPR COMMISSION HEARING

On August 27, 2004, the California Performance Review Commission held its third hearing at San Jose State University to hear testimony on CPR recommendations focused on Performance-Based Management, Personnel, Training, Procurement, and Information Technology. The panels were organized into the following subject areas:

- Performance-Based Management, Personnel, and Training
- Procurement and Information Technology

In total, 11 witnesses presented oral testimony to the Commission.

SUMMARY OF PUBLIC COMMENT

In total, 334 comments were received on the General Government and Statewide Operations recommendations of the CPR report. General government and state operations are a high priority with the public. There is strong interest in making government more efficient, utilizing the best technology, and developing a state civil service system to carry us through this century. Some recommendations, particularly with using open source software and consolidating Workforce Investment Boards, were especially controversial.

GG 01

RAISE STATE REVENUE THROUGH TAX AMNESTY

ISSUE

Some California taxpayers are delinquent in their tax remittances. Common reasons for delinquent taxes include inadvertent error, deliberate under reporting on tax forms, abusive tax shelters, and ignorance of the tax laws. Some out-of-state business engaged in state commerce may be simply unaware of their California tax responsibility.

SOLUTIONS

- *Enact legislation authorizing an omnibus tax amnesty program with the following provisions:*
  - *Include a partial waiver of interest and penalties, similar to the New York experience, to further accelerate returns;*
  - *Add the 2003 tax year in the amnesty by applying amnesty to past due taxes in the year prior to January 2004; and*
  - *Add amnesty for motor vehicle license and registration fees.*

PUBLIC COMMENT

2 comments were received for this recommendation. 1 comment expressed support. No comments expressed opposition. 1 comment was neutral.

Pros

- This recommendation should be adopted with revisions to make it consistent with the Amnesty Program approved in the Budget Act and implemented in SB 1100.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

GG 02

ADDITIONAL TAX COLLECTION AND AUDIT STAFF WILL GENERATE ADDITIONAL TAX REVENUE

ISSUE

Staff reductions have had the unintended consequence of impeding the collection of taxes.

SOLUTIONS

- *Revise future employee freeze program to exempt positions that produce revenues.*
- *Enhance revenue collections within the Employment Development Department, Franchise Tax Board and the Board of Equalization, or their successor entities.*

PUBLIC COMMENT

4 comments were received for this recommendation. 1 comment expressed support. No comments expressed opposition. 3 comments were neutral.

Pros

- Exempting the named agencies from hiring freezes will enable the collection of additional revenues for the state.

Cons

- No testimony submitted.

Considerations

- DMV audit programs should be considered to increase the collection of motor vehicle fees.
- Information sharing between state and local governments should be developed. These programs identify taxpayers that may be paying local but not state taxes or vice versa. Expanding and marketing the program could generate additional revenue for both state and local governments.

GG 03

CONSOLIDATE AND UPGRADE CASHIERING FOR STATE TAXING AGENCIES

ISSUE

Antiquated manual mail and cashiering methods at the Board of Equalization and Franchise Tax Board increase processing costs and delay deposit of funds which results in lost interest to the state.

SOLUTIONS

- *Develop and implement an upgrade to the mail, cashiering, remittance processing, data capture, and image management systems within the Board of Equalization, Franchise Tax Board, and Employment Development Department.*

PUBLIC COMMENT

1 comment was received in opposition to this recommendation. No supporting or neutral comments were submitted.

Pros

- No testimony submitted.

Cons

- Upgrading systems may not be the best option. A formal feasibility study report should be conducted to determine the most cost effective way to process mail, including remittance processing and data capture.

Considerations

- No testimony submitted.

GG 04

USE CONTRACTS INFORMATION SYSTEM TO INCREASE DEBT COLLECTION THROUGH OFFSETS

ISSUE

Until recently, there has not been an effective method for determining when money owed by a state agency to a vendor can be used to offset debt that a vendor owes the state.

SOLUTIONS

- *Revise the State Administrative Manual to require state entities performing debt collection to use the State Contract and Procurement Registration System to determine if an offset against payments can be made.*

PUBLIC COMMENT

2 comments were received for this recommendation. 1 comment expressed support. No comments expressed opposition. 1 comment was neutral.

Pros

- Based on the Franchise Tax Board's experience with the Interagency Offset Program, a vendor offset process will generate revenue that substantially exceeds annual operating costs.

Cons

- No testimony submitted.

Considerations

- The central vendor system should be compared to the Board of Equalization taxpayer file to ensure that these vendors are registered to collect use tax so that state and local use taxes could be collected from remote sales.

GG 06

INCREASE LOTTERY SALES AND FUNDING TO PUBLIC EDUCATION

ISSUE

The California State Lottery generates approximately $1 billion annually for public education. Current state law does not allow California's lottery to increase income by making changes that have been proven successful in other states. Such increases could benefit public education.

SOLUTIONS

- *Change state law to allow the California Lottery to pay out more in prizes, offer banked games and games with popular themes.*

PUBLIC COMMENT

2 comments were received in support of this recommendation. No opposing or neutral comments were received.

Pros

- Specific discussion in support of this recommendation was not received.

Cons

- No testimony submitted.

Considerations

- Additional revenues should be assigned for education, rather than administrative purposes.
- There are too many lottery games which makes it difficult to follow the games.
- Payoffs should be in cash, not additional lottery tickets.

GG 07

MAXIMIZE FEDERAL GRANT FUNDS

ISSUE

California does not receive its fair share of federal grant funds.

SOLUTIONS

- *Consolidate all monitoring activities related to determining eligibility for and receipt of federal grant money in a special unit within the Governor's Office of Planning and Research.*
- *Develop aggressive grant funding policies to ensure that California receives a fair share of the federal grant resources available.*
- *Utilize the Department of General Services' Revenue Maximization Master Services Agreement to hire professional vendors to obtain a greater number of federal grants whenever applicable.*

PUBLIC COMMENT

5 comments were received for this recommendation. 2 comments expressed support. 1 comment expressed opposition. 2 comments were neutral.

Pros

- The implementation of these recommendations could have a significant and beneficial impact on the health of Californians and improve the accountability and cost-effectiveness of services.

Cons

- No specific discussion in opposition to this recommendation was received.

Considerations

- The report does not mention cooperation and coordination with local agencies to further ensure that California receives its share of federal grants. The programs outlined in the recommendation should be expanded to include local government participation.

GG 08

PUTTING CALIFORNIANS FIRST—CREATING A CUSTOMER SERVICE FRAMEWORK

ISSUE

Californians want a government that is a better provider of services and is more responsive and accountable to the people.

SOLUTIONS

- *Establish a statewide customer service system with the following components:*
  - *Customer Service Action Plan: The plan should establish customer service standards, including measuring performance and customer satisfaction.*
  - *Compact with Customers: A written commitment should specify how a department will serve its customers.*
  - *Customer Service Coordinator: Each department should have a Customer Service Coordinator who will be responsible for the department's customer service program as defined by the Executive Order.*
  - *Customer Service Award: Outstanding departments and employees should be recognized.*
- *Create a Governor's Customer Service Office to oversee the implementation of the above steps (refer to "GG 08-A").*

- *The newly established Governor's Customer Service Office should provide customer service training to the departments' Customer Service Coordinators.*
- *The newly established Governor's Customer Service Office should develop a website that would contain descriptions of its purpose, mission and vision; the Executive Order; customer service reports; and notices of customer service awards. The website would provide the aforementioned tool kits, as well as links to related customer service sites.*
- *The newly established Governor's Customer Service Office should receive and review customer survey results and improvement plans from the departments.*
- *The newly established Governor's Customer Service Office should establish and award customer service awards to departments.*

PUBLIC COMMENT

6 comments were received for this recommendation. 2 comments expressed support. No comments expressed opposition. 4 comments were neutral.

Pros

- This recommendation would help reinforce the need for resources for quality customer services.

Cons

- No testimony submitted.

Considerations

- The Governor should be aware that not all Californians have access to the Internet. A customer service program should have multiple channels to ensure that all Californians have access to state services.
- Resources are required to ensure quality customer service. These cost components include trained personnel, technology tools, and appropriate metrics to measure and track results.
- The end customer should be consulted in developing a customer service program. These customers may include small and medium sized businesses, teachers in elementary schools, city managers, and practitioners from other states.

GG 09

ESTABLISH A CALIFORNIA INFORMATION CENTER

ISSUE

The general public finds it difficult and frustrating to contact state government, since it is not always clear who to contact for their particular needs.

SOLUTIONS

- *Establish a central California Information Center (CIC) to improve information and service to Californians. The CIC should consist of a single telephone number and be the sole toll-free telephone number Californians need to access most state government offices. It should also offer a single companion web address.*
- *Develop a companion web portal to the newly established California Information Center (refer to "GG 09-A"), which will allow users to go to a single website for the same information they can receive from call-takers on the toll-free number.*
- *Complete a cost benefit analysis to determine whether contract employees should be used in the newly established California Information Center (refer to "GG 09-A") to supplement state employees during overnight, weekend and holiday hours.*
- *Deploy the California Information Center as an inbound line for people to call during earthquakes, floods, forest fires and other emergencies. This would help keep 911 lines available for emergency calls.*

PUBLIC COMMENT

5 comments were received for this recommendation. 1 comment expressed support. 1 comment expressed opposition. 3 comments were neutral.

Pros

- Specific testimony in support of this recommendation was not received.

Cons

- Repealing standards and increasing private sector contracts will permit government to outsource to the private sector with little assurance of quality or protection against waste.

Considerations

- Call centers should accommodate those who do not have push button phones and should allow for callers to talk live to customer service representatives.
- This recommendation needs further review due to the complexity of designing an integrated and virtual call center that would meet customer needs for one contact center, but still be efficient and effective at routing customers to the correct place.
- Operating some call centers requires specialized knowledge and carries substantial liabilities for giving incorrect information, such as CalSTRS. Consequently, organizations with specialized needs may need to operate separate call centers.

GG 11

REDUCE COSTS AND IMPROVE CUSTOMER SERVICE THROUGH THE USE OF INTERNET FORMS

ISSUE

Many of California government forms are available on the Internet but some are only available on paper. Even those that are available on the Internet must be printed out, filled out, and mailed back to the appropriate state department.

SOLUTIONS

- *Place all state forms online with fillable capability as soon as practicable.*
- *Transition all state agencies to online filing of all remaining state forms that the public and businesses are required to file.*

PUBLIC COMMENT

All 3 comments received support this recommendation. No opposing or neutral comments were received.

Pros

- This recommendation would make it easier to move customers to an electronic format.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

GG 14

PUTTING A NEIGHBORLY FACE ON GOVERNMENT

ISSUE

Californians can only conduct business with the state at limited state locations.

SOLUTIONS

- *Connect pay station contractors to process simple transactions on behalf of the state whenever appropriate.*

PUBLIC COMMENT

1 comment was received in support of this recommendation. No opposing or neutral comments were received.

Pros

- This recommendation would allow state agencies to pursue partnerships with private sector companies to expand services and meet customer needs cost effectively.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

GG 15

MAKING HIGH QUALITY CUSTOMER SERVICE A HIGH PRIORITY FOR ALL EMPLOYEES IN STATE SERVICE

ISSUE

There is no consistent level of customer service across California state agencies.

SOLUTIONS

- *Establish a Customer Service Representative classification (class). The SPB should consider the following items in developing the class:*
  - *The class should use a "deep class" or "series" approach that provides promotional opportunities within the class.*
  - *The class should include supervisor and manager levels.*
  - *To promote the use of the class across state agencies, the class should require competencies in a variety of areas such as technology, problem solving/analytic skills, interpersonal and communication skills, and ability to address complex issues and to multi-task.*
  - *The core competencies of the class should be based on "best practices".*
  - *Any current, departmental-specific customer service class should be consolidated into this proposed, statewide class.*
  - *All active classes, as well as all duty statements of all departments, should be augmented to incorporate minimal customer service requirements.*
  - *The customer service representative class should be supported with the offering of employee rewards and paid bonuses.*

PUBLIC COMMENT

2 comments were received for this recommendation. No comments expressed support. 1 comment expressed opposition. 1 comment was neutral.

Pros

- No testimony submitted.

Cons

- Creating a customer service classification may not be necessary. It is a key function incorporated into many state jobs and should be incorporated into existing job descriptions. Training may be necessary to embed the goals and objectives.

Considerations

- Minimum qualifications and salary levels need to be considered.
- This item would need to be collectively bargained with employee unions.

GG 16

PLAIN LANGUAGE MAKES GOVERNMENT MORE ACCESSIBLE

ISSUE

Californians do not trust a government that does not communicate clearly.

SOLUTIONS

- *Establish a Task Force to develop guidelines for state workers based on the principles of the Plain Language Association International.*
- *Re-establish the Governor's Clarity Award.*

PUBLIC COMMENT

2 comments were received in support of this recommendation. No opposing or neutral comments were received.

Pros

- Plain language makes government more accessible to the people of California and enables more participation by the citizenry.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

GG 17

TAX RELIEF ON MANUFACTURING EQUIPMENT

ISSUE

California is losing manufacturing jobs due to lower taxes in other states.

SOLUTIONS

- *Establish a 5 percent sales tax credit beginning in 2006 for all sales tax paid in the previous year on manufacturing and telecommunications equipment.*

PUBLIC COMMENT

3 comments were received for this recommendation. 1 comment expressed support. 2 comments expressed opposition.

Pros

- The cost of doing business in California is the third highest in the country with composite tax and business costs 32 percent higher than the national average. Currently 38 other states offer sales tax credit for manufacturing and telecommunications equipment.

Cons

- The revenue generation estimate of $343 million over five years may be overstated given that most manufacturing companies would find manufacturing in other countries more cost effective even after the 5 percent sales tax credit.
- The tax credit is not proven to create jobs.

Considerations

- There may be other economic development programs that would attract the newly emerging growth industries. Reports and independent studies from organizations such as the Legislative Analyst's Office should be examined to determine if such tax breaks generate the expected economic growth.

GG 19

CENTRALIZE FOR EFFICIENCY THE ASSESSMENT OF COMMERCIAL AIRCRAFT

ISSUE

California subjects commercial aircraft to inconsistent local property assessments.

SOLUTIONS

- *Centralize the assessment function of commercial aircraft with the Board of Equalization.*

PUBLIC COMMENT

7 comments were received for this recommendation. 2 comments expressed support. 4 comments expressed opposition. 1 comment was neutral.

Pros

- The airline industry is the only industry with multi-jurisdictional personal property. If all airline personal property were centrally assessed, airlines would be able to file one tax return and have one appeal.
- The state may realize substantial savings as a result of centralized assessment. The state currently subsidizes local property assessments in an amount exceeding $50 million annually. The amount used for airline assessment could be returned to the state for other uses.

Cons

- The centralization of aircraft assessments may not significantly reduce the numbers of filings prepared by the airline industry. In Santa Clara County, 20 airlines filed 47 business property statements this past year. Should GG 19 become law, 19 airlines would file 46 statements.
- Airlines may receive a “back door” tax break by implementing this recommendation.
- This recommendation may violate the state constitution which requires that real property be assessed at the local levels.
- The total number of filings and appeals by airlines would increase. Airlines would need to report all personal property to the Board of Equalization while also filing the assessment of the fixtures, land, structures and possessory interests with counties.
- Since the Board of Equalization is not experienced with aircraft valuation, there would be significant costs to hire and train new personnel and establish policies and procedures to perform these valuations.
- The Board of Equalization has no requirement to perform audits of the airlines which could result in significant lost revenue.
- The Board of Equalization and counties would need to be highly coordinated to minimize duplicate or escape assessments due to the difficulty in discerning personal property and fixtures.

Considerations

- The California Assessors' Association in consultation with the airline industry is in the midst of implementing the Centralized Fleet Calculation Program to promote efficiency, accuracy and uniformity for the assessment of commercial aircraft.

GG 20

REDUCE THE ADMINISTRATIVE BURDEN ON SMALL BUSINESS IN CALIFORNIA BY ALLOWING SELF-CERTIFICATION

ISSUE

The application process to qualify sole proprietorships and micro businesses to contract with the state is too time consuming.

SOLUTIONS

- *Amend relevant sections of Title 2, California Code of Regulations, to allow microbusinesses and sole proprietorships to complete a simplified application form, rather than the current application.*
- *Streamline the small business certification process for microbusinesses and sole proprietorships to:*
  - *Eliminate the requirement to submit documentation of annual gross receipts, but require documentation that supports their eligibility as a small business readily available for audit.*
  - *Allow microbusinesses and sole proprietorships to sign under penalty of perjury that the business meets all small business certification criteria.*
  - *Make the simplified application form available online and in hardcopy to allow the form to be submitted either online, by fax or mail.*
  - *Monitor microbusinesses and sole proprietorships that have been approved for small business certification, if those businesses are within 10 percent of the upper limit for the number of employees or the average annual gross receipts.*
  - *Repeal Executive Order #D-37-01 and issue a new Executive Order that emphasizes the importance of small businesses to the California economy and announces the changes to the state's small business certification process.*

PUBLIC COMMENT

1 comment was received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Self certification was rejected in the past primarily because there were no safeguards to prevent abuses by unscrupulous people.

Considerations

- Self certification will save some staff time in regards to processing, but maybe not 70 percent as claimed in the CPR report. More staff would be required to strengthen enforcement and to expand training.
- Laws would need to be strengthened to provide stronger penalties to discourage abuse. Contracting provisions would also need to be developed to address the challenges of self certification before and after the contract awards.

GG 21

REDUCE PAPERWORK BY RECOGNIZING SMALL BUSINESS PROGRAM CERTIFICATION PERFORMED BY OTHER GOVERNMENTAL ENTITIES

ISSUE

The process of certifying small businesses to contract with governmental entities is duplicative.

SOLUTIONS

- *Amend relevant sections of Government Code Section 14835, et seq., to allow the state to accept a small business certification from any local government in California that uses certification criteria and review processes that are substantially the same as the state's.*
- *Encourage local governments to enter into reciprocity partnerships with the state.*
- *Continue outreach and education activities.*

PUBLIC COMMENT

1 neutral comment was received for this recommendation. No supporting or opposing comments were received.

Pros

- No testimony submitted.

Cons

- No testimony submitted.

Considerations

- This recommendation may result in some saving in local certification programs. However, additional details are needed to assess the impact and benefits for all levels of government.

GG 22

CREATE A ONE-STOP BUSINESS LICENSE CENTER FOR CALIFORNIA BUSINESSES

ISSUE

Persons who are creating a new business in California often do not know where to start. They must deal with multiple departments to obtain licenses and permits.

SOLUTIONS

- *Create a Master License service similar to Washington State's Master License Service.*
- *Establish a uniform business identification number for each business to be recognized by all affected departments and to share necessary information between departments.*
- *Appoint a third-party facilitator (business advocate) who reports directly to the Governor through the Governor's Office to provide oversight for creating California's "master license service." (Refer to "GG 22-A".)*
- *Enact a one-time master application fee and a master renewal application fee. Revenue from the fees should be used to pay for the master license service.*

PUBLIC COMMENT

1 neutral comment was received for this recommendation. No supporting or opposing comments were received.

Pros

- No testimony submitted.

Cons

- No testimony submitted.

Considerations

- Further review of this recommendation is necessary due to the complexity of the issues involved and the need to involve state agencies.

GG 23

"I serve on the Workforce Investment Board of Imperial County because there I can contribute directly to the community where I work and live. . . . Local control in the design of a responsive workforce development system is critical. A larger, regional Workforce Investment Area will not be able to effectively address the unique combination of needs of our community. . ."

Kelly G. Keithly
President
Keithly-Williams Seeds
Written Testimony

GG 23

REDUCE ADMINISTRATIVE OVERHEAD COSTS FOR LOCAL WORKFORCE INVESTMENT AREAS

ISSUE

Local Workforce Investment Areas overlap and are not structured to administer a cost-efficient program.

SOLUTIONS

- *Develop a plan to realign and consolidate the Areas and Workforce Investment Boards (WIB) based on the consortium model.*
- *Submit the development plan in the state's five-year strategic workforce investment plan, by June 30, 2005.*
- *Begin the consolidation of the newly designated areas beginning July 1, 2005.*
- *Develop a state policy that requires savings generated from the consolidation to be redirected to employment and training services.*

PUBLIC COMMENT

20 comments were received for this recommendation. 2 comments expressed support. 18 comments expressed opposition.

Pros

- Many of the smaller WIBs do not have the resources to make them successful. Consolidating the WIBs of small counties with larger counties will make them more efficient and effective in leveraging local business participation.

Cons

- The decision to reduce the number of WIBs should be left to local jurisdictions and driven by local elected officials and business representatives. Local partners are more familiar with the local economy and know the needs of their community. Service may suffer in smaller counties by consolidating WIBs with larger counties.

- WIB consolidation may lose funding, not create savings. According to a recent survey of WIBs, federal Workforce Investment Act funding on average is leveraged dollar for dollar with other resources of local government. As federal WIA dollars have been reduced, more local government funding has been secured to support local workforce development.
- Fewer workforce areas may reduce business participation. WIBs create value in their local communities by focusing attention and resources on growth areas. A workforce board with too broad a purview will have little relevance to local communities and will be less flexible to create partnerships to respond to changing needs. In California, there are over 1,100 individual business representatives on WIBs. Consolidating the number of boards would mean that only half those businesses continue to be represented.
- Consolidation of the WIBs may result in the deterioration in the quality of one-stop services and the number of one-stop training outlets.

Considerations

- Many smaller counties have already formed consortiums of WIBs and the consortiums at times fail to meet the needs of smaller counties. The problems facing smaller counties need to be reviewed thoroughly before policies are established.

GG 26

ESTABLISH PRINCIPLES OF GOVERNANCE TO IMPROVE THE PARTNERSHIP BETWEEN STATE AND LOCAL GOVERNMENT

ISSUE

California's state and local governments do not work together to provide services effectively.

SOLUTIONS

- *The Governor should adopt a set of governing principles and direct his administration to apply them during the performance of state business.*

PUBLIC COMMENT

1 comment was received in support of this recommendation. No opposing or neutral comments were received.

Pros

- A positive and productive state/county relationship is critical in any program where the two entities share responsibilities for service delivery. This recommendation will formalize efforts to build partnerships.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

GG 27

"This recommendation is of vital importance due to the multitude of necessary interactions between state and local government and increased tensions over fiscal issues. Improving the understanding and communication between levels of government will result in better service to the general public."

Regional Council of Rural Counties
Written Testimony

GG 27

CREATE A FORMAL MECHANISM FOR IMPROVING STATE-LOCAL GOVERNMENT RELATIONS IN CALIFORNIA

ISSUE

The state lacks a formal mechanism to identify and address local government issues.

SOLUTIONS

- *Create a Local Government Relations Office to improve relations with all levels of local government.*
- *Coordinate governmental programs and develop appropriate linkages between the formal and informal institutions of government.*

PUBLIC COMMENT

All 3 comments received support this recommendation. No opposing or neutral comments were received.

Pros

- This recommendation is important to enhance the coordination and working relationship with local government. Another responsibility of the Local Government Relations Office should be to help coordinate with the federal government to deliver services cooperatively.

Cons

- No testimony submitted.

Considerations

- Tax and revenue sharing needs to be a key component of state-local government relations. Clear and formal mechanisms need to be put in place to identify funds for counties and reform the state's mandates processes.
- Policies need to be developed to enable more regional sharing of sales tax. Sales taxes should generally be shared by the same economic regions; and the economic regions do not always align with city and county maps.

GG 28

IMPROVE LOCAL GOVERNMENT FINANCE BY INCREASING PREDICTABILITY OF REVENUES

ISSUE

California's local governments do not have stable, predictable funding.

SOLUTIONS

- *Identify permanent sources of revenue for local governments that are not subject to redirection to the state.*

PUBLIC COMMENT

3 comments were received for this recommendation. 2 comments expressed support. No comments expressed opposition. 1 comment was neutral.

Pros

- This is the case for Proposition 1A and future cooperation on fiscal reforms.
- Since the passage of Proposition 13, local governments have been constrained in their ability to raise revenues. This recommendation would establish a stable funding source for local governments, rather than rely on state subventions.

Cons

- No testimony submitted.

Considerations

- A revised system should consider implementing the following:
  - Funding to maintain the 20 to 1 ratio in K–3
  - A level funding that provides resources adequate to give all students equal access.
  - Sufficient revenues to meet unique educational needs of the student population.
  - Dependable long range sources of funding with adequate allowance for inflation.
  - Timely decisions on state aid to public education.
  - A funding system that enables school districts to plan priorities on more than an year-to-year basis.
  - Funding to provide equal opportunity for education in new technologies.
  - Allocation of resources to address the differing needs of each school district.
  - Creating equity by increasing allocations to low wealth school districts.
  - Support of measures that would guarantee funding for arts education.

GG 29

IMPROVE STATE AND LOCAL PERFORMANCE MEASURES

ISSUE

State and local governments lack meaningful measures to gauge performance of government programs.

SOLUTIONS

- *Create a special task force consisting of citizens and state and county government representatives to develop outcomes-based performance standards that can be used to evaluate local governments' delivery of state programs.*

PUBLIC COMMENT

3 comments were received for this recommendation. 2 comments expressed support. No comments expressed opposition. 1 comment was neutral.

Pros

- Specific discussion in support of this recommendation was not received.

Cons

- No testimony submitted.

Considerations

- The task force should focus on outcomes rather than process.
- Rural county needs should be addressed by the task force. Rural counties face program delivery challenges due to broadly dispersed populations.

GG 30

REQUIRE NATIVE AMERICAN TRIBES UNDER THE TRIBAL-STATE COMPACT TO ENTER INTO AGREEMENTS WITH LOCAL GOVERNMENTS TO ADDRESS THE IMPACTS OF TRIBAL CASINOS ON LOCAL COMMUNITIES

ISSUE

Tribal casinos can adversely affect local communities but tribes are not required to mitigate those impacts.

SOLUTIONS

- *Require that Tribes renegotiating or entering into new Compacts be required to enter into judicially enforceable agreements with local governments to address the physical and economic impacts of Tribal Casinos on the surrounding community.*

PUBLIC COMMENT

1 comment was received in support of this recommendation. No opposing or neutral comments were received.

Pros

- Judicially enforceable agreements between tribes and local jurisdictions that provide for full mitigation are needed to protect the autonomy of rural counties.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

GG 32

REFORM THE STATE MANDATES PROCESS TO MAKE REIMBURSEMENT MORE COST-EFFICIENT, PREDICTABLE, AND FAIR

ISSUE

The process to reimburse local governments for state-mandated programs is cumbersome and costly.

SOLUTIONS

- *Review pending draft legislation as early in the process as possible and to focus on mandate impacts in their review to make reimbursements more cost-efficient, predictable, and fair.*
- *Review and provide input into the parameters and guidelines document during the commission on State Mandates process. This should occur whenever the Commission on State Mandates determines that a reimbursable mandate exists.*
- *Develop standardized cost units for specific functions that claimants use in their cost submissions.*

PUBLIC COMMENT

2 comments were received in support of this recommendation. No opposing or neutral comments were received.

Pros

- Specific discussion in support of this recommendation was not received.

Cons

- No testimony submitted.

Considerations

- Since state agencies do not provide the frontline services that have been mandated, the recommendation that state agencies weigh in

on the parameters should take into consideration that they may not understand all the ramifications of program delivery at the source.

- Since the State Controller is chief financial officer of the state, the Controller should be involved in setting standards with the Department of Finance.
- Standardized costs would not allow for variation in cost of providing services in rural areas. Rural counties must bear the increased cost of providing services for a widely dispersed population; and this proposed standardization would continue to place unfair burden on rural counties. The state should incorporate the differential program delivery cost in developing the standardized rates.

GG 33

ELIMINATE GENERAL FUND SUPPORT FOR THE CALIFORNIA SCIENCE CENTER

ISSUE

The California Science Center relies on General Fund support and private donations from the California Science Center Foundation for its operation. The demand for General Fund support will continue to increase as the operation expands. Funding for the California Science Center should be shifted to the California Science Center Foundation, or the General Fund costs should be recouped through admission fees.

SOLUTIONS

- *Eliminate the General Fund support for the operation of the California Science Center, but leave intact the annual General Fund lease revenue bond payment of $2.7 million for Phase II construction costs.*
- *Alternatively, negotiate with the California Science Center Foundation and California Science Center policymakers to develop and charge an appropriate admission fee to recoup the General Fund's operational support for the California Science Center.*

PUBLIC COMMENT

2 comments were received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Elimination of state funding could result in the closure of the California Science Center.
- Charging an admission fee may not be a viable solution. It is estimated that admission fees would generate net revenue of less than $1 million and lower attendance by 50 percent or more. Reduced attendance could impact parking revenue, fundraising, grants, and other income sources.
- California's education system is already weak in the areas of science and technology. This recommendation would negatively impact the development of a science literate workforce and limit access to science learning.

Considerations

- The state has a long-standing partnership with the California Science Center Foundation. The Foundation raises funds for exhibits, science education, and capital outlay projects, while the state is responsible for building improvements and maintenance and operations. State funding accounts for less than half of the Science Center's maintenance and operations costs.
- If implemented, this recommendation could send the wrong signal to the private sector about the viability of public/private partnerships with the state.
- While the California Science Center Foundation's role in supporting the Science Center has expanded significantly, it would be difficult to immediately increase the amount of funds raised to offset the loss of state support.

GG 34

SIMPLIFY AND CONSOLIDATE COURT-ORDERED FINES

ISSUE

The state has more than 1,300 criminal fines, fees, and costs in 27 different Government Code sections. They are collected by multiple different government entities.

SOLUTIONS

- *Establish a task force to develop recommendations to simplify the criminal court fine system by consolidating fines, fees, penalties, assessments and surcharges that apply to multiple offenses into a single fine schedule.*

- *Enact appropriate recommendations for consolidation and distribution of criminal and civil fees and penalties, and to uniform funding mechanisms to support court ordered debt collection.*
- *Adjust the proposed consolidated fine schedule rather than establish new fees, fines, penalties, assessments or surcharges.*
- *Ensure court-ordered debts are appropriately and uniformly collected by the Franchise Tax Board's Court-Ordered Debt Collection Program.*
- *Enact legislation eliminating the Driver Training Penalty Assessment Fund and dedicating its deposits to another criminal justice-related program or to the General Fund.*

PUBLIC COMMENT

1 neutral comment was received for this recommendation. No supporting or opposing comments were received.

Pros

- This proposal would establish a uniform statewide approach for collecting court-ordered debt. It would increase efficiency of the debt collection process and lead to increased revenues to support the state's judicial system.

Cons

- No testimony submitted.

Considerations

- Low collection rates of fines and fees may be alleviated by simplifying the system and identifying the collection authority.
- There are problems with an overloaded court record keeping system that must be addressed so the amounts to be collected can be appropriately tracked and allocated to the proper state or local jurisdiction.

GG 35

REVISE THE HOMEOWNERS AND RENTERS ASSISTANCE PROGRAM AND STRENGTHEN THE PROPERTY TAX POSTPONEMENT PROGRAM

ISSUE

Two separate programs aid seniors and the disabled with property taxes. One program provides assistance, and the other postpones payment on property taxes. Both programs

were established in response to spiraling property tax increases, but neither were reconsidered when Proposition 13 addressed the issue.

SOLUTIONS

- *Increase the threshold for the State Controller's Office Property Tax Postponement (PTP) Program so that more individuals can participate.*
- *Phase out the Homeowners portion of the Homeowners and Renters Assistance Program (HRAP) and increase the household limitation on the tax postponement program so that more seniors and disabled individuals can participate.*

PUBLIC COMMENT

1 comment was received in support of this recommendation. No opposing or neutral comments were received.

Pros

- Homeowners and renters are not a homogenous group. The program has differing rules for each group, making it complex to communicate and administer. Making the program only for renters would reduce the state's administrative costs.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

GG 36

IMPLEMENT BIENNIAL VEHICLE REGISTRATION FOR EFFICIENCY AND LOWERED COSTS

ISSUE

Requiring biennial vehicle registration will reduce workload and provide one-time revenue.

SOLUTIONS

- *Require two year registration periods for automobiles, motorcycles, and lightweight commercial vehicles, and exempt from biennial registration renewal vehicles subject to California Vehicle Code Sections 8052 (IRP) and 9400.1 (CVRA).*
- *Prepare a staffing plan to identify how many positions can be saved through the implementation of this plan, including recommendations of which positions should be redirected to improve services or should instead be eliminated.*

PUBLIC COMMENT

1 comment was received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Biennial vehicle registration may not be affordable and may cause undue financial hardship to many state residents.

Considerations

- No testimony submitted.

GG 37

LIMIT STATE'S LIABILITY TO ACTUAL FAULT

ISSUE

Other states have established laws to limit their liability under tort law.

SOLUTIONS

- *Amend the California Tort Claims act to limit the state's liability to $1 million for an individual and $5 million per occurrence.*
- *Amend the Code of Civil Procedure to allow juries to be instructed on the effect of finding any party, including the state, partially liable.*
- *Amend the design immunity statute, Government Code Section 830.6, to clarify that the judge, not the jury, should determine the applicability of the statute.*

PUBLIC COMMENT

1 neutral comment was received for this recommendation. No supporting or opposing comments were received.

Pros

- No testimony submitted.

Cons

- No testimony submitted.

Considerations

- Improvements in this area of law should be applied to all government entities, not just the State of California.
- Any changes crafted should not unfairly shift liability costs to private defendants.

GG 39

IMPLEMENT TRAVEL ADVANCE AND EXPENSE REIMBURSEMENT AUTOMATION STATEWIDE

ISSUE

Using CalATERS would streamline and automate inconsistent, manual travel processing and reimbursement systems between agencies and departments.

SOLUTIONS

- *Issue a Management Memo directing state agencies and departments to use the CalATERS.*
- *Develop a methodology to assign support costs for CalATERS to agencies based on the number of travel claims submitted, and reflect the savings agencies can realize from the system.*

PUBLIC COMMENT

2 neutral comments were received for this recommendation. No supporting or opposing comments were received.

Pros

- No testimony submitted.

Cons

- No testimony submitted.

Considerations

- The security of the CalATERS system should be reviewed to ensure that proper controls are in place.

- The state should consider outsourcing this function to organizations, such as American Express which provides benefits such as insurance and a corporate payment mechanism.

GG 40

REDUCE STATE TRAVEL COSTS BY BOOKING FARES ONLINE

ISSUE

The state is not taking advantage of the lowest air fares available. Travel arrangements should be able to be made online and without the assistance of travel agents.

SOLUTIONS

- *Establish new travel policies to ensure the following:*
  - *Require all state employees to plan all travel early to get the best possible airfare.*
  - *Shop online for the lowest online airfares offered by the commercial air carriers under contract with the state (currently Southwest Airlines and United Airlines).*
  - *Limit the use of travel agents for booking state travel except for complex travel arrangements or travel on short notice.*
  - *Take advantage of Southwest Airlines' SWABIZ and United Airlines' United Universal Air Travel Plan (UATP) programs offered by Southwest Airlines and United Airlines, respectively.*

PUBLIC COMMENT

2 comments were received for this recommendation. No comments expressed support. 1 comment expressed opposition. 1 comment was neutral.

Pros

- No testimony submitted.

Cons

- Specific discussion in opposition to this recommendation was not received.

Considerations

- A system should be developed so that state employees would not need to use their own personal credit card if on-line bookings of air fares is mandated.

- Frequent flyer miles obtained by state employees on state travel should be given back to the state for official state use.
- State travel should be based on the same practices used in the private sector—book flights early, use pre-approved airlines with whom the state negotiated discounted rates, implement ETF to track usage and payments, and utilize a payment platform such as American Express to obtain other travel related benefits.

GG 41

". . . the reduction of the [Administrative Procedures Act] public participation requirements and a move toward the federal negotiated rulemaking model would even further scale back the public's ability to participate in the decision making process."

Bill Allayaud
State Director
Sierra Club California

and

Karen Douglas
General Counsel
Planning & Conservation League
Written Testimony

GG 41

AMEND THE ADMINISTRATIVE PROCEDURE ACT TO DO MORE WITH LESS

ISSUE

The Administrative Procedure Act contains many unneeded requirements that increase processing costs and time.

SOLUTIONS

- *Amend the Administrative Procedure Act (APA) to streamline the process.*
- *Amend Title 1 Cal. Code of Regulations, Section 10 to clarify that the "necessity" for a regulation can be shown by establishing only the overall necessity for the provision rather than requiring the necessity of "each provision" to be established.*

PUBLIC COMMENT

3 comments were received for this recommendation. 1 comment expressed support. 2 comments expressed opposition.

Pros

- This recommendation would broaden the review of regulations to the rule as a whole rather than individual aspects of a particular regulation. This concept should be broadened to remove the "necessity" criterion of the Office of Administrative Law (OAL) entirely.

Cons

- The necessity of each provision of a regulation needs to be justified. Deleting this requirement negates a primary purpose of OAL and the APA process. It is critical that regulations meet a high standard of necessity.

- These amendments would significantly reduce the public's role in administrative rule making which would have a negative impact on environmental protection efforts in the state.

Considerations

- No testimony submitted.

GG 42

IMPROVE MANAGEMENT OF THE STATE VEHICLE FLEET

ISSUE

Office of Fleet Administration has inadequate inventory controls and data management on misuse of state vehicles.

SOLUTIONS

- *Conduct an inventory of all state-owned vehicles by January 1, 2005 and maintain the inventory on an ongoing basis, providing quarterly reports to the Department of General Services.*
- *Adopt procedures for tracking public complaints, motor vehicle violations, accident reports, fuel card misuse, and home storage permits by January 1, 2005. DGS should also be required to conduct random audits of state agencies' records on follow-up of misuse issues.*

PUBLIC COMMENT

2 neutral comments were received on this recommendation. No supporting or opposing comments were received.

Pros

- No testimony submitted.

Cons

- No testimony submitted.

Considerations

- All agencies should justify their use of state vehicles on an ongoing basis.
- The state should consider implementing a car hoteling system in which state employees can borrow cars on an as needed basis. Under this system, cars are available in key areas around cities, and state employees are able to check cars out for use and return them to other hoteling sites. The state could save money on taxi costs, car rental costs, and car ownership.

GG 45

STATE DIGITAL RECORDS VANISHING

ISSUE

Many digital documents are deleted or otherwise lost each year.

SOLUTIONS

- *Require all state agencies to alert the State Library of publication of digital documents, websites or other products that may be candidates for permanent public access through the State Library.*

PUBLIC COMMENT

1 neutral comment was received on this recommendation. No supporting or opposing comments were received.

Pros

- No testimony submitted.

Cons

- No testimony submitted.

Considerations

- This function may be more appropriately located in the State Archives.

GG 46

EXEMPT FEDERALLY-FUNDED PROGRAMS FROM HIRING FREEZES/ BUDGET REDUCTIONS

ISSUE

When federally funded programs are subject to statewide budget reductions and hiring freezes, the result can be increased state costs and failure to meet federal requirements.

SOLUTIONS

- *Exempt all federally funded programs from future hiring freezes and budget reductions in order to maximize the receipt and use of federal funds.*

PUBLIC COMMENT

2 comments were received for this recommendation. 1 comment expressed support. No comments expressed opposition. 1 comment was neutral.

Pros

- This recommendation will preserve jobs and keep important projects on schedule.

Cons

- No testimony submitted.

Considerations

- The recommendation should be expanded to all Special Fund positions that provide user paid services.

SO 01

TECHNOLOGY ALIGNMENT: OVERHAULING THE ORGANIZATION AND MANAGEMENT OF THE STATE'S TECHNOLOGY PROGRAMS

ISSUE

There is no coordination of the state's use of technology, resulting in functions that are poorly organized, duplicative, and inefficient from a statewide perspective.

SOLUTIONS

- *Establish a new Technology Division to serve the common technology needs of executive branch entities with accountability to customers for providing secure*

services that are responsive to client needs at a cost representing best value to the state, and appoint a State Chief Technology Officer with operational oversight responsibility for the new organization.

- *Transfer the technical component of the Department of Finance State Information Security Officer (ISO) Unit to the Office of the State Chief Information Officer.*
- *Transfer the technical unit of the Governor's Office of Planning and Research to the Technology Division to establish a new statewide Research and Development Branch.*
- *Transfer the Technology Acquisition, Telecommunications Contracting, and Enterprise License Procurement functions, including component systems engineering and project management of the Department of General Services Procurement Division to the Technology Division to establish the statewide Technology and Systems Acquisition Branch.*
- *Transfer the Telecommunications Division of the Department of General Services and all existing independently operating network and telecommunication units of other departments to the new Technology Division to establish an integrated Network and Telecommunications Branch.*
- *Consolidate the Stephen P. Teale Data Center and the California Health and Human Services Agency Data Center, excluding the Health and Human Services Agency Systems Integration Division, and transfer the consolidated data center to the new Technology Division.*
- *Establish and chair a working group to determine the personnel and funding resources required to support each of the centralized services and consolidated functions to be transferred to the new Technology Division and develop a plan for the phased implementation of the transferred work force.*
- *Optimize the organization and management of the Executive Branch's technology programs by consolidating all technology programs at the agency and department levels.*

PUBLIC COMMENT

1 comment in support of this recommendation was received. No opposing or neutral comments were received.

Pros

- Specific discussion in support of this recommendation was not received.

Cons

- No testimony submitted.

Considerations

- The state should eliminate its IT oversight functions and replace it with an IT delivery organization focused on delivering solutions rather than overseeing staff and use.

SO 02

TECHNOLOGY GOVERNANCE: STRATEGICALLY LEVERAGING THE POWER OF TECHNOLOGY TO TRANSFORM STATE GOVERNMENT

ISSUE

The state lacks an efficient process for technology project management, approval, and oversight.

SOLUTIONS

- *Create a statewide strategic planning office to lead strategic business planning to ensure it is accomplished at the state level and develops the desired business outcomes for the state.*
- *Align state technology governance to a new model, with authority and responsibility assigned to concentrate the state's technology potential while ensuring the maximum collaboration with and input from state agencies.*
- *Appoint a State Chief Information Officer who is a senior advisor to the Governor with full responsibility and authority for statewide technology vision, strategic planning and coordination, technology policy and standards, data management policy and standards, information security policy and standards, and streamlined technology project review and approval processes.*
- *Issue an Executive Order that establishes a Technology Commission (TC) consisting of the State Chief Information Officer (chair), the Director of Finance, the Controller and all Cabinet Secretaries. The vice chair of the TC should be the Secretary of the Office of Management and Budget.*
- *Establish a State Technology Investment Fund that is continuously appropriated, available for encumbrance without regard to fiscal years, and restricted from use for any other purpose than funding technology.*
- *Implement Technology Portfolio Management Teams (ITPT) led by agency CIOs and responsible for overseeing progress on portfolios of projects, providing incremental direction and being accountable to the State CIO and Technology Commission for project delivery.*
- *Continue the existing CIO council and focus its efforts on policy and standards development, providing enterprise collaboration and coordination of technology initiatives, defining enterprise expectations for service levels and assisting in the establishment of Implement Technology Portfolio Management Teams.*

- *Establish a program management office (PMO) within the newly established Department of Technology Services (refer to "SO 01") to provide primary support for program and project planning, economic analysis, project management and to provide the technical resources (systems engineering) needed to support enterprise projects or to support agency projects when needed or requested.*
- *Discontinue the Technology Investment Review Unit (TIRU) and Technology Oversight and Security Unit (TOSU) in favor of implementing the new technology governance structure (refer to "SO 01").*
- *Reengineer the technology project approval process to eliminate the Feasibility Study Report in favor of a simplified approval document based on a process standard such as "Institute of Electrical and Electronics Engineers (IEEE) Standard 1362-1998, System Definition—Concept of Operations."*
- *Rescind the Statewide Workgroup Computer Policy.*
- *Implement benefit sharing as a performance incentive for completing projects under cost, within schedule and with promised benefits.*
- *Implement statewide technology portfolio management to ensure technology is managed from a statewide "portfolio" perspective with emphasis on lifecycle systems management.*

PUBLIC COMMENT

2 comments were received for this recommendation. 1 comment expressed support. No comments expressed opposition. 1 comment was neutral.

Pros

- Providing the Chief Information Officer with a dedicated staff and organization would increase his/her authority and make him/her accountable for delivering projects. This would increase the success of IT projects in the state.

Cons

- No testimony submitted.

Considerations

- "Thin technology" should be considered to reduce network administration cost and downtime.

SO 03

CREATING THE ORGANIZATIONAL CAPACITY TO SUPPORT THE STATE'S INFORMATION TECHNOLOGY INFRASTRUCTURE AND EMERGING SERVICES

ISSUE

The process for recruiting and testing technology candidates, advertising vacancies and conducting interviews of successful competitors within the State of California is a system that does not attract the best qualified individuals.

SOLUTIONS

- *Develop a plan to change the way information technology staff are tested, selected, hired, and compensated, using the job analysis and classification plan developed for the Legislative Counsel Bureau Data Center as the model, by October 1, 2005.*
- *Secure resources to develop the plan to change the way information staff are tested, selected, hired, and compensated. (Refer to "SO 03-A.")*
- *Conduct a biannual survey of state Information Technology (IT) staff and IT divisions within state departments to:*
  - *Establish a baseline of skills, abilities and intellectual properties. This information must be compiled on a statewide basis and kept current so that it can be compared against the technology infrastructure to determine hiring and training needs.*
  - *Identify mission critical positions where retention is imperative for the effective operations of the state.*
- *Develop and implement an ongoing statewide IT training plan, leveraging existing training efforts such as the Health and Human Services Data Center training center and the State Personnel Board's State Training Center. This training plan should:*
  - *Enable them to remain current as new technology is introduced through ongoing training.*
  - *Provide leadership training for it supervisors and managers.*
- *Establish funding necessary for the ongoing training of information technology staff.*
- *Implement a plan to recruit information technology staff to state government. This plan should include recruitment on the campuses of the state's community colleges, the California State University and the University of California, as well as private colleges and universities within the state and developing partnerships with those campuses wherever possible.*

- *Develop a single Internet portal to advertise all information technology vacancies, accept job applications, provide results, and provide updates for similar job postings to subscribers.*
- *Develop a change management program for state Information Technology (IT) staff to prepare it workers for the upcoming changes, by October 1, 2004.*

PUBLIC COMMENT

3 comments were received for this recommendation. 1 comment expressed support. No comments expressed opposition. 2 comments were neutral.

Pros

- Currently, many state agencies lack IT support and resources necessary to carry out their responsibilities in an efficient and cost effective manner. Creating a systematic means to recruit and promote IT staff is necessary to conducting business in the 21st century.
- Departments and staff will be able to focus on their primary responsibilities while a dedicated staff with proper training perform required IT functions.
- Having a dedicated IT organization would permit the state to strategically develop fundamental IT capabilities to support the state's business. This should include some development capabilities that could work with contractors as needed.

Cons

- No testimony submitted.

Considerations

- State IT workers may need their own bargaining unit because of specialized needs.

SO 04

CREATING A SECURE INFORMATION TECHNOLOGY INFRASTRUCTURE

ISSUE

There is no coordinated statewide strategy for information security which can lead to problems with inappropriate access of information or disruption to service.

SOLUTIONS

- *Transfer of the technical component of the Department of Finance State Information Security Officer (ISO) Unit to the State Chief Information Officer.*
- *Establish by February 1, 2005, a working group of departmental ISOs and Information Technology (IT) professionals to:*
  - *Develop an enterprise security architecture for California state government.*
  - *Develop policies for inclusion in the State Information Management Manual (SIMM) that deal with IT security in addition to the project initiation and reporting requirements contained therein.*
  - *Develop and execute a department-by-department risk assessment.*
  - *Assess the need for a single point of entry for e-government including authentication where applicable.*
  - *Review the responsibility for departmental Operational Recovery Plans and develop a recommendation identifying the appropriate state entity to be responsible for this workload and coordination, by April 1, 2005.*

PUBLIC COMMENT

3 comments were received for this recommendation. 2 comments expressed support. No comments expressed opposition. 1 comment was neutral.

Pros

- Specific discussion in support of this recommendation was not received.

Cons

- No testimony submitted.

Considerations

- Developing a secure information technology infrastructure for state workers may generate significant savings. The offerings that the state should develop include e-mail, statewide file server for file and print serving, state infrastructure for e-forms and work flow, web tools resources, and uniform state security system.

SO 05

STATE ENTERPRISE ARCHITECTURE - A ROADMAP FOR STATE INFORMATION TECHNOLOGY

ISSUE

The state does not have standards for purchasing computers and developing programs. Departments are independently implementing new technology. This approach to technology deployment creates higher costs in system integration, deployment, support, and training.

SOLUTIONS

- *Establish the position of Enterprise Architect under the State Chief Information Officer.*

PUBLIC COMMENT

2 comments were received in support of this recommendation. No opposing or neutral comments were received.

Pros

- Establishing a state enterprise architecture would provide for on-going competition with every new bid and also prevent the state from getting "stuck" if a vendor goes out of business.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

SO 06

CREATE A CODE LIBRARY TO LEVERAGE STATE INTELLECTUAL PROPERTY RIGHTS

ISSUE

Most state departments have not established a resource to reuse command codes for applications once written. This code is intellectual property of the state and should be protected through copyright and patent applications.

SOLUTIONS

- *Establish a library of reusable software code under the direction of a Code Librarian.*
- *Create software documentation standards and a database to store the developed code. The State Chief Information Officer should issue a directive requiring all departments to follow the standards and submit all code developed to the library. The Code Librarian should develop a training course and present it to each department's application development unit to gain the maximum benefit from the library.*
- *Obtain copyright and patent protection on the code owned by the state to protect this valuable resource as an intellectual property.*
- *Leverage the use of the Federal GSA library by becoming a member and offering code for reuse to other government agencies.*
- *Seek potential license agreements and sales of the state's intellectual assets in public markets and work closely with the Office of the Attorney General on copyright and patent infringement cases.*

PUBLIC COMMENT

5 comments were received for this recommendation. 1 comment expressed support. 3 comments expressed opposition. 1 comment was neutral.

Pros

- Specific discussion in support of this recommendation was not received.

Cons

- Creating a code library may limit the use of data that requires a higher level of security. For instance, the FTB may be precluded from implementing this recommendation because of IRS requirements regarding security for data.

Considerations

- No testimony submitted.

SO 07

CALIFORNIA NEEDS UNIFORM, STATEWIDE DATA MANAGEMENT STANDARDS AND GUIDELINES

ISSUE

California lacks coherent standards and guidelines for collecting, processing, storing, and sharing data documents.

SOLUTIONS

- *Amend Government Code Section 14740 to require all state departments and agencies to follow data management standards and electronic document management standards set forth by the California Records and Information Management (CalRIM) unit within the California Department of General Services.*
- *Establish statewide data management standards and guidelines.*
- *Develop statewide standards and guidelines for creating, managing, storing, and archiving electronic documents, and to leverage the state's existing document management systems to the fullest extent possible.*

PUBLIC COMMENT

1 comment was received in support of this recommendation. No opposing or neutral comments were received.

Pros

- A well designed state infrastructure blue print will facilitate the adoption of technology and functionality to best satisfy the state's diverse IT needs while also minimizing cost of adopting new technology.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

SO 08

REDESIGN OF THE STATE PORTAL (MY CALIFORNIA)

ISSUE

The current state portal lacks full navigation capability. The portal should function as a "single window" to government, a secure gateway for the public to visit, but it still falls short of its initial goals.

SOLUTIONS

- *Take measures to resolve current problems with the state portal.*
- *Prepare a three-year plan to implement statewide technology solutions and to redesign the state portal to provide a platform for all e-government services.*
- *Implement a new enterprise solutions for various agencies based on the priorities and objectives stipulated in the tactical implementation plan.*

PUBLIC COMMENT

1 comment was received in support of this recommendation. No opposing or neutral comments were received.

Pros

- Specific discussion in support of this recommendation was not received.

Cons

- No testimony submitted.

Considerations

- The state should post a clearly defined vision and goals on the California website to enable all state employees to aim for the ideals developed by the state leadership.

SO 10

"All software products offer varying benefits and costs. . . . Arbitrary categorical preferences for open source software, commercial software, free software or other software development models should be avoided."

Max Ordonez
VP/CFO
JMS Capital
Written Testimony

SO 10

EXPLORE OPEN SOURCE ALTERNATIVES

ISSUE

California purchases millions of dollars of software. Open source software can be a more cost-effective alternative.

SOLUTIONS

- *Take an inventory of software purchases and software renewals in the Fiscal Year 2004–2005 and implement open source alternatives where feasible.*
- *Incorporate open source software as a viable alternative to any software procurement.*

PUBLIC COMMENT

79 comments were received for this recommendation. 41 comments expressed support. 36 comments expressed opposition. 2 comments were neutral.

Pros

- Open source software may be less costly than proprietary software.
- Open source allows for more competition because anyone is capable of competing to support open source software, whereas proprietary software is restricted.
- Open source software is readily available and proven with a multitude of different applications. Programs are equivalent and sometimes superior to proprietary products. Also open source code can be more flexible than proprietary applications.
- Open source software is continuously evolving due to the efforts of the developer community, enabling greater stability and capabilities.
- Open source may be more secure than proprietary software. While the means by which software is licensed does not guarantee security, its openness empowers developers and consumers with the ability to fix or otherwise alter it to suit their needs. The rarity of viruses, spyware, and security holes in open source software is a compelling argument that the open source method of software development works to negate such problems.
- Open source products in general have publicly available storage formats for files created, minimizing the chance that legacy documents in abandoned and obsolete formats will become unreadable in the future.

Cons

- SO 10 may favor the open source method of licensing software rather than price, service, and product specifications. Source code licensing may be an irrelevant attribute to the overall product selection.
- California should explore all software options, open source, proprietary, and a hybrid of the two. Giving preference to any one version would limit the solution options available.
- There are no assurances that open source software is less costly than proprietary software over the life of the product. Training, maintenance, deployment, security, and upgrades need to be considered in making the procurement decision. The total cost of ownership for proprietary software may be less than the cost of open source software in some cases.
- Open source may not be a proven model. The state should wait until the concept is more fully developed and adopted.
- Open source software is difficult to document and maintain due to the fact that user code is changing regularly. Consequently, support of open source may be more difficult than for proprietary software and maintenance costs may be higher.
- Resources may be difficult to obtain to solve problems and test solutions as they arise for some programs.

Considerations

- Open source software should be evaluated on a case by case basis. Both open source and proprietary software producers should compete on service, price, and product to yield the best of all three.
- Because many different people can modify open source software, special concerns can arise, such as the intellectual property issues.

SO 11

FUNDING STRATEGIES FOR STATE PORTAL

ISSUE

Funding cuts and implementation costs have stalled necessary improvements to the state portal.

SOLUTIONS

- *Establish authority to allow advertising on the California state portal as a means of self-funding and to develop a framework for establishing appropriate advertising standards.*

PUBLIC COMMENT

1 comment was received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Advertising may cheapen the image of the state as "for sale to the highest bidder."
- Advertising may create an image that the advertiser is endorsed by the government.

Considerations

- Some advertisements may slow down Internet access drastically or incorporate unwanted pop ups. All of these may lower state workforce productivity and increase the cost of state operations.

SO 12

CONSOLIDATE STATE DATA CENTERS, SERVERS AND STORAGE

ISSUE

The state operates multiple data centers and is unable to leverage infrastructure to achieve economies of scale.

SOLUTIONS

- *Consolidate the administrative functions of the Stephen P. Teale and Health and Human Services Agency Data Centers under the State Chief Information Officer.*
- *Establish a high-speed connection between the Stephen P. Teale Data Center and the Health and Human Services Agency Data Center to facilitate resource sharing and operational recovery through mutual aid in the event of catastrophic loss at either data center.*
- *Expand the Teale Data Center and the Health and Human Services Agency Data Center to immediately hosting and management services and aggressively market them to state government agencies and departments. The Governor should direct the Department of Finance, or its successor, to support this effort.*
- *Allow the Teale Data Center and the Health and Human Services Agency Data Center to be removed from their respective agencies and their resources combined to establish the California State Data Center under the state's Chief Information Officer.*

- *Develop customer service standards by January 1, 2005 and measurements for the California State Data Center to ensure customer focused delivery of products and services.*

PUBLIC COMMENT

2 comments were received for this recommendation. No comments expressed support. 1 comment expressed opposition. 1 comment was neutral.

Pros

- No testimony submitted.

Cons

- By consolidating the two data centers, the state will loose redundancy in its technology infrastructure. Significant down time may occur as a result of losing the ability to switch systems as systems fail.

Considerations

- Security should be a key consideration as data center consolidation is implemented.
- Outsourcing infrastructure functions is costly and can be administered more cost effectively by existing in-house staff.

SO 13

CREATE A STATEWIDE RADIO NETWORK INFRASTRUCTURE

ISSUE

Existing independent telecommunication service programs and radio network systems are proprietary, inflexible, and antiquated. Interoperable radio systems between state agencies are critical when responding to emergencies.

SOLUTIONS

- *Consolidate and centralize all agencies and departments with public safety radio systems under the Department of General Services Telecommunications Division (DGS-TD), or its successor, with the existing positions and funding in each department for those services assigned to DGS-TD.*
- *Create the Division of Public Safety Radio communications that maintain a core group of staff focused on public safety communications business needs.*
- *Pursue acquisition of additional spectrum for shared systems to achieve cost and functional efficiencies.*

- *Examine all possible public safety radio communications alternatives with a view to reliability, efficiency, and cost effectiveness, including proposals of different studies, and to prepare a report for the Governor's review by January 1, 2005.*
- *Initiate a software radio pilot project with the California Highway Patrol, Caltrans and OES by July 1, 2005 to develop interoperability solutions for emergency operations and determine what part of the existing infrastructure needs to be upgraded to operate software radio.*
- *Pursue planning and design coordination to build a single statewide network infrastructure to carry voice, data, and video communication via Internet Packet for public safety and state services by July 1, 2005.*
- *Develop a timeline for initiating planning for implementation of a single statewide radio and data communications network system on a single, statewide backbone.*

PUBLIC COMMENT

1 comment was received in support of this recommendation. No opposing or neutral comments were received.

Pros

- Currently, CHP, Caltrans, and OES do not have an interoperable communications system, which makes it difficult to coordinate activities. An interoperable system is important to interagency communication and coordination during emergency situations.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

SO 14

DEVELOP A STATEWIDE NETWORK INFRASTRUCTURE TO INCREASE CAPACITY AND REDUCE TELECOMMUNICATION COSTS

ISSUE

The State of California should develop and implement a Wide Area Network (WAN) infrastructure based on cost effective optical technologies to be shared by state agencies for data transport. Such a network is necessary for consolidating information technology resources, meeting increased demand, and reducing telecommunication costs to the state.

SOLUTIONS

- *Develop a Statewide Network Infrastructure based on optical fiber and Dense Wave Division Multiplexing (DWDM).*

PUBLIC COMMENT

1 comment was received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Specific discussion in opposition to this recommendation was not received.

Considerations

- A state network could be built with as few as four major hubs at a greatly reduced cost. Hubs located in Los Angeles, San Francisco, Sacramento, and Palm Springs could provide services to primary population centers and create a redundancy to assist in disaster recovery.

SO 15

VOICE OVER INTERNET PROTOCOL STATEWIDE NETWORK INFRASTRUCTURE

ISSUE

The state does not utilize new technologies such as voice over Internet protocol (VOIP) that can provide significant cost savings.

SOLUTIONS

- *Conduct an independent audit of all telecommunication services and respective billings received by the state.*
- *Initiate a pilot project to further test and confirm the advantages of VOIP within a statewide network infrastructure by January 1, 2005. It is anticipated that this project would take 90–180 days.*

PUBLIC COMMENT

8 comments were received for this recommendation. 7 comments expressed support. No comments expressed opposition. 1 comment was neutral.

Pros

- Using a VOIP system would modernize the state's telecommunications system, enabling the use of new technology while also reducing costs.
- VOIP combined with wireless technology can help the state create a mobile environment and increase productivity of the state workforce.

Cons

- No testimony submitted.

Considerations

- The state should consider implementing a web based call tracking and cost allocation system to enable accurate billing and to detect fraud and abuse of the state's network.
- There are a number of cities, such as the City of Oceanside, that have realized significant savings with the deployment of VOIP. The state should look to these as models as it pursues this recommendation.

SO 16

IMPLEMENT INTERNET PROTOCOL VIDEO TECHNOLOGY FOR VIDEO CONFERENCING AND TRAINING

ISSUE

Internet protocol video technology can be used for providing standardized video conferencing, distance learning, and employee training capabilities in a more accessible and affordable manner.

SOLUTIONS

- *Implement Internet Protocol video conference capability.*
- *Provide statewide employee training using centralized interactive IP video technologies. The state should broadcast instructor-guided courses from a centralized location to provide interactive classroom instruction to its employees statewide.*
- *Make telemedicine available at correctional facilities, to provide timely care, less disruption, and minimize the cost incurred from security and transportation of inmates to and from medical facilities.*

PUBLIC COMMENT

1 neutral comment was received for this recommendation. No supporting or opposing comments were received.

Pros

- No testimony submitted.

Cons

- No testimony submitted.

Considerations

- The state should consider recording and storing video based education sessions as an addendum to this recommendation. The state may be able to save both time and money by having video recorded explanations for the state's programs.

SO 17

WIRELESS METROPOLITAN AREA NETWORKS PROVIDE IMPROVED BROADBAND ACCESS

ISSUE

The state should implement Wireless Metropolitan Area Network technology to reduce telecommunication costs, and to provide wireless broadband speed communications to stationary and mobile computer users.

SOLUTIONS

- *Deploy a pilot project to demonstrate a Wireless Metropolitan Area Network built upon 802.16 technology (WiMAX technology) and investigate the feasibility of deploying WiMAX technology as a replacement for state leased T-1 lines and as expansion to mobile computing, to improve and/or provide telecommunications capacity in remote locations.*

PUBLIC COMMENT

3 comments were received for this recommendation. 1 comment expressed support. 2 comments expressed opposition.

Pros

- Specific discussion in support of this recommendation was not received.

Cons

- Wireless networks are not as secure as T-1 lines. Care should be taken to ensure that security of the wireless network is maintained.

Considerations

- The state should consider letting private companies develop Wireless Metropolitan Area Network solutions for the state rather than assume the risk of developing a proprietary network.

SO 20

WIRELESS 311 NON-EMERGENCY CALL CENTERS

ISSUE

The California Highway Patrol answers most of the eight million calls to 911 made by wireless phones every year. During emergencies, it is unable to answer all the calls it receives.

SOLUTIONS

- *Establish two 311, non-emergency, wireless call centers to handle the calls that now clog the 911 emergency wireless call centers. One 311 center should be located in Northern and one in Southern California. The call centers should provide assistance to wireless callers who need to contact the CHP, but whose calls are not emergencies, and for callers who need to interact with all levels of government.*

PUBLIC COMMENT

1 neutral comment was received for this recommendation. No supporting or opposing comments were received.

Pros

- No testimony submitted.

Cons

- No testimony submitted.

Considerations

- The state needs to ensure that there is an after hours number for assistance in state matters and to avoid congestion of 911 emergency lines for non-emergency issues.

SO 21

CALIFORNIA SHOULD DEVELOP A STATEWIDE INTEGRATED E-PAYMENT PORTAL

ISSUE

Californians and countless in/out-of-state businesses are forced to transact payments for state products and services in a manual form, such as currency, check, money order, or traveler's check, because most state entities are not set up to accept electronic payments. This results in a delay of revenue to the state as well as unnecessary costs due to inefficiencies to both the person and the government.

SOLUTIONS

- *Establish a statewide strategic policy on electronic fee collection by January 1, 2005.*
- *Develop a statewide methodology to enable electronic payments for state provided goods and services through a web based portal by June 30, 2005.*
- *Consolidate all contracts for electronic payments.*

PUBLIC COMMENT

3 comments were received for this recommendation. 2 comments expressed support. No comments expressed opposition. 1 comment was neutral.

Pros

- E-payments will reduce processing costs for the state.

Cons

- No testimony submitted.

Considerations

- As e-payment and electronic fund transfer programs are established, the state should maintain a mail based system of payment to ensure that those who have not or cannot make payments electronically are able to continue making payments.
- Further review is necessary because the timeframe is unrealistic given the scope of the recommendation.

SO 24

CREATING A CALIFORNIA ENTERPRISE HUMAN RESOURCES SOLUTION

ISSUE

California state government lacks a statewide solution for managing its human resources assets.

SOLUTIONS

- *Identify existing human resource software applications and development projects. The state CIO should work with all agencies and departments to determine any critical fixes and continue those, while halting all other human resource development efforts, in order to implement the State Controller Office's 21st Century Project.*
- *Render the fullest possible support and cooperation to the State Controller's Office in the development and implementation of its 21st Century Project.*

PUBLIC COMMENT

1 comment in support of this recommendation was received. No opposing or neutral comments were received.

Pros

- This proposal will enable the state to improve its management of HR issues.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

SO 25

DEVELOP A STATEWIDE CENTRALIZED FINANCIAL SYSTEM

ISSUE

California lacks a statewide, centralized financial system, leaving it unable to effectively manage its budgets and related programs.

SOLUTIONS

- *Assemble a Financial Task Force (FTF) of key representatives from various departments and develop a statewide vision and plan for a California enterprise financial system which supports the statewide business strategic plan, conforms with General Accepted Accounting Principles (GAAP), and enables integration with enterprise Procurement and Asset Management systems.*
- *Identify all development projects enhancing or expanding existing financial applications before October 31, 2004. The Governor should direct state departments to freeze those applications that do not conform to the new Financial Task Force plan or are duplicating efforts. Fixes to keep business applications running should be exempt.*
- *Develop a statewide basic financial system requirements and standards for the collection of all cost center data, including both personnel services and operating expenses and equipment.*
- *Implement the statewide basic financial system by December 31, 2005 with implementation in all state agencies and departments completed by July 1, 2007.*

PUBLIC COMMENT

5 comments were received for this recommendation. 3 comments expressed support. 1 comment expressed opposition. 1 comment was neutral.

Pros

- The current state system is antiquated and does not meet the state's business needs. This proposal would allow state managers to receive timely budget information, improve decision making, and allow for better accounting controls.

Cons

- Specific discussion in support of this recommendation was not received.

Considerations

- The CALSTARS system is available in both the table driven system that California uses and in a relational database format. The state should conduct a best practices study of the states that use the STARS relational database system to determine if California could easily improve its financial systems.

SO 27

CALIFORNIA SHOULD CREATE A STATEWIDE SOLUTION TO MANAGE STATE EMPLOYEES' WORKERS COMPENSATION CLAIMS

ISSUE

Most departments continue to use isolated, department-specific databases and manual processes to track and manage workers compensation cases.

SOLUTIONS

- *Develop the requirements for a statewide workers' compensation case management tool. These requirements should be completed by July 1, 2005.*

PUBLIC COMMENT

1 comment in support of this recommendation was received. No opposing or neutral comments were received.

Pros

- This is a workable model and would help to constrain workers' compensation costs for the state.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

SO 28

DEVELOP A CALIFORNIA ENTERPRISE APPLICATION TO MANAGE ITS STATEWIDE TRAINING AND EXAMINATION REQUIREMENT

ISSUE

California lacks a statewide vision and clear priorities for staff development, training and examination of its employees.

SOLUTIONS

- *Develop a plan for an enterprise training and examination system.*
- *Develop or purchase an enterprise training and examination system that schedules, registers and tracks employees' online and offline training and examinations.*

- *Aggressively compete for federal grants to help fund evaluation and training initiatives.*

PUBLIC COMMENT

1 comment in support of this recommendation was submitted. No opposing or neutral comments were received.

Pros

- Remote online training will enable employees to obtain training during non-business hours.

Cons

- No testimony submitted.

Considerations

- The application needs to be flexible enough so that departments with unique training requirements could participate in the program. When developing the system, DPA should partner with all potential training delivery systems.

SO 29

CONSOLIDATION OF E-MAIL WILL IMPROVE SERVICES AND SAVE THE STATE MILLIONS

ISSUE

E-mail systems for California's state government are fragmented and costly.

SOLUTIONS

- *Migrate e-mail services into the existing Department of Health and Human Services Data Center, or its successor.*
- *Develop the migration plan to include at least 20,000 additional mailboxes in Fiscal Year 2004–2005.*
- *Consolidate excess hardware infrastructure, where possible, to support all state e-mail accounts.*

PUBLIC COMMENT

3 comments were received for this recommendation. 1 comment expressed support. 1 comment expressed opposition. 1 comment was neutral.

Pros

- A consolidated statewide e-mail system will enable savings and increase capabilities.

Cons

- Self-resetting passwords pose a security risk. Administrator involvement is necessary to maintain security.
- Departments will lose flexibility in developing e-mail policies that meet their specific needs.

Considerations

- E-mail consolidation may limit the use of data that requires a higher level of security. For instance, the FTB may be precluded from implementing this recommendation because of IRS requirements regarding security for data.

SO 30

CREATE A STATEWIDE INFORMATION TECHNOLOGY HELP DESK

ISSUE

California government lacks a statewide IT help desk to better serve state employees with their IT-related problems.

SOLUTIONS

- *Develop by July 1, 2005 an Information Technology "help desk" service to be offered to all state agencies. The help desk service would include telecommunications, networking, mainframe, servers and storage devices, personal computers, desktop applications, and enterprise applications.*

PUBLIC COMMENT

2 comments were received for this recommendation. 1 comment expressed support. 1 comment expressed opposition.

Pros

- Specific discussion in support of this recommendation was not received.

Cons

- Specific discussion in opposition of this recommendation was not received.

Considerations

- A statewide technology help desk may not be able to respond to systems that require additional security. For instance, the FTB may be precluded from implementing this recommendation because of IRS requirements regarding security for data.

SO 33

TRANSFORM THE STATE'S STRATEGIC PLANNING PROCESS AND IMPLEMENT A PERFORMANCE-BASED MANAGEMENT SYSTEM

ISSUE

California's current strategic planning process is not linked to performance measurement, budget development, or performance reviews, therefore it does not provide the state's decision-makers with information necessary to evaluate individual programs and ensure that taxpayer dollars are not wasted.

SOLUTIONS

- *Implement uniform performance-based management systems, which include linked strategic planning, annual action planning, performance measurement, performance-based budgeting, and performance reporting for all programs within their purview.*
- *Use strategic plans, annual program action plans, related performance measures, and performance reports in reviews of department and agency budget proposals.*
- *Implement performance-based management to ensure the development and use of appropriate guidelines, processes, training, and information systems.*
- *Develop processes to ensure that the mechanisms created to oversee the new system continue to evolve and improve to meet the changing needs of the state over time.*
- *Develop and implement routine program-level performance reviews. The Governor should also instruct the Director of Finance, or his or her successor to consult with the Office of the Legislative Analyst, Bureau of State Audits and the State Controller when developing the review process.*

PUBLIC COMMENT

6 comments were received for this recommendation. 4 comments expressed support. 1 comment expressed opposition. 1 comment was neutral.

Pros

- This approach will enable a uniform approach to performance-based management systems, including budgets.
- This system will allow the state to better determine spending priorities and will create savings and improve services to the public.

Cons

- Specific discussion in opposition of this recommendation was not received.

Considerations

- It is important for the Department of Finance to partner with the departments and strategic planning units, especially when delivering training.
- The federal government, through the Government Performance and Results Act, and other state governments have successfully implemented performance-based analysis and budgeting. California should look to those successful efforts for guidance in reforming its budgeting processes.

SO 34

CREATE A FUNCTION IN THE GOVERNOR'S OFFICE CHARGED WITH IMPLEMENTING A PERFORMANCE-BASED MANAGEMENT SYSTEM

ISSUE

Experts recognize that a strong, effective, visible and committed leadership from the top is critical whenever an organization attempts to change.

SOLUTIONS

- *Establish a Performance-Based Management Function in the Governor's Office to develop a plan to implement performance-based management in California state government.*

- *Develop a resource and staffing plan by August 30, 2004 that supports a Performance-Based Management Section as a permanent operation in state government designed to provide the long term guidance necessary to implement performance-based management.*
- *The Performance-Based Management Section shall develop a monitoring and evaluation plan for implementing performance-based budgeting and make recommendations for corrections as needed to ensure success.*

PUBLIC COMMENT

2 comments in support of this recommendation were received. No opposing or neutral comments were received.

Pros

- It is critical that performance-based management be driven from the top. Leadership commitment to performance based principles is critical to improving public services, streamlining business operations and saving taxpayer dollars.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

SO 35

DEVISE USEFUL PERFORMANCE MEASURES TO IMPROVE STATE GOVERNMENT

ISSUE

How an organization targets desired results, measures what it does, and assesses its own performance is critical to the successful implementation of a strategic planning process and performance-based management.

SOLUTIONS

- *Devise and distribute guidelines and recommended procedures to state agencies and departments on how to develop and use viable performance measures.*

PUBLIC COMMENT

2 comments in support of this recommendation were received. No opposing or neutral comments were received.

Pros

- Performance measures is a useful tool to keep organizations focused on measurable results and drive change.

Cons

- No testimony submitted.

Considerations

- Developing meaningful performance measures is a difficult process, and implementing wrong measures can lead to unintended consequences.
- Often programs targeting people with disabilities are personalized to such a degree as to not fit into a broad categorization. The impact of these programs may not be measurable by systems that do not take into account the immense significance of incremental change within a highly individualized/specialized program. Performance-based budgeting impedes the flexibility required to respond to the vastly differing needs within the disability community.

SO 36

IMPLEMENT A BUDGET DEVELOPMENT PROCESS THAT LINKS STATEWIDE GOALS, PROGRAM PERFORMANCE AND FUNDING DECISIONS

ISSUE

California is paying for state programs that have outlived their purpose and ineffective departments that continue to operate without review or evaluation. When resources are limited, decision-makers do not have the information necessary to establish funding priorities.

SOLUTIONS

- *Ensure that funding requests from state agencies that and departments conform to and support the statewide vision and goals prepared by the Governor's Office.*
- *Require state departments to identify their core programs and develop an action plan for each.*
- *Assign each agency secretary a statewide goal(s) with instructions to devise strategies and spending plans to achieve that goal(s).*

- *Post the Governor's Budget including its statewide goals on an Internet website.*
- *Identify, at a minimum, core programs and performance targets and work with the legislation to establish the performance targets in statute.*

PUBLIC COMMENT

2 comments were received in support of this recommendation. No opposing or neutral comments were received.

Pros

- This proposal would enable a uniform process to determine funding priorities and project outcomes.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

SO 38

IMPROVE FINANCIAL MANAGEMENT SYSTEMS

ISSUE

California does not have adequate financial management systems in place to provide the state's decision-makers with the information necessary to obtain cost information, which could help assess program results on a timely and regular basis.

SOLUTIONS

- *Develop a financial management system capable of supporting a performance-based management system.*
- *Establish a financial advisory committee that includes the Department of Finance, the State Controller and State Auditor. The committee should create financial management standards for state government. The committee also should develop recommendations to update the existing Government Code to provide for modern financial management responsibilities, authority and expectations.*
- *Develop a long-term financial management strategic plan with targeted goals and strategies for accomplishing those goals. The committee should annually report to the Governor on its progress.*

- *Create an organization composed of agency and department Chief Financial Officers to shift state government's focus from transaction processing to decision and program support.*
- *Develop a modern financial information system and implement that system statewide, requiring state agencies and departments to use it as their financial operations system and their financial reporting system.*

PUBLIC COMMENT

3 comments were received for this recommendation. 2 comments expressed support. No comments expressed opposition. 1 comment was neutral.

Pros

- The current state system is antiquated and does not meet the state's business needs. This proposal would allow state managers to receive timely budget information, improve decision making, and allow for better accounting controls.

Cons

- No testimony submitted.

Considerations

- This proposal would need to address the challenges of transcending administrations that may result in changing program funding and directions.
- Given the state's tremendous investment in CalSTRS, the state should consider improving as well as replacing this system with other systems.

SO 39

IMPROVE STATE BUSINESS PROCESSES THROUGH INCENTIVES

ISSUE

California currently suffers from a severe budget imbalance which has placed fiscal pressure on all state agencies, requiring them to look for ways to reduce costs without impacting the services they provide.

SOLUTIONS

- *Implement internal business process reviews to ensure agency processes and customer service are under ongoing scrutiny.*

- *Create a 21st Century Innovation Fund to capture savings obtained from business process reviews and other identified cost savings.*
- *Develop and implement "gain sharing" methods to create incentives for employee teams to identify cost saving or productivity improvements using business process reviews.*

PUBLIC COMMENT

1 comment in opposition to this recommendation was received. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Specific discussion in opposition to this recommendation was not received.

Considerations

- The structure required to implement this program may create more costs than savings.

SO 40

BIENNIAL BUDGETING SHOULD BE ADOPTED

ISSUE

California's annual budgets create great pressures on all budget staff and policy-makers as three budgets must be managed at one time which does not allow state officials the essential time to review and evaluate state program performance.

SOLUTIONS

- *Amend Article 4, Section 12 of the California Constitution to change the annual budget requirement to a biennial budget.*

PUBLIC COMMENT

1 comment in opposition to this recommendation was received. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Biennial budgets will limit flexibility of the Legislature and the Executive Branch to respond to changing needs of Californians.

Considerations

- No testimony submitted.

SO 41

CONSOLIDATE CALIFORNIA'S DUAL PERSONNEL MANAGEMENT SYSTEM

ISSUE

The state's dual personnel management system (State Personnel Board and the Department of Personnel Administration) has caused confusion about the two entities' roles, and delays in services to client state departments.

SOLUTIONS

- *Enact legislation consolidating the Department of Personnel Administration and the non-constitutionally mandated functions and staff of the State Personnel Board into a single entity.*
- *Amend applicable statutes to specify that the duties of the State Personnel Board (SPB) will be limited to their functions prescribed in the Constitution. The legislation should specify that the consolidated entity would dedicate staff to support the constitutional functions of SPB.*
- *Ensure the consolidated entity is funded through the same process currently used for state agencies providing central administrative services for the state. That is, the costs for the consolidated agency should be distributed among all other state agencies on a pro rata basis.*

PUBLIC COMMENT

1 comment in opposition to this recommendation was received. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Organizational conflicts may result from non-consistent missions. Consolidating the State Personnel Board, which administers the civil service system, with the Department of Personnel Administration, which manages collective bargaining, confuses the distinct roles of providing unbiased hiring and promotion with that of negotiating decent wages and benefits.

Considerations

- No testimony submitted.

SO 42

THE LEADERSHIP CHALLENGE

ISSUE

In the next three to five years, California will withstand the largest wave of retirements in the history of its public service.

SOLUTIONS

- *Establish a taskforce to develop a strategic plan to implement a permanent, ongoing education system for all state workers.*
- *Establish a mentoring program to groom potential managers and executives within their organizations.*
- *Support recruiting operations to bring top-quality college graduates into the state's public service.*

PUBLIC COMMENT

3 comments were received for this recommendation. 2 comments expressed support. No comments expressed opposition. 1 comment was neutral.

Pros

- This recommendation will enable state agencies to plan for succession to ensure there is a continual needs assessment process matching skills with public services.

- This recommendation will help maximize the knowledge transfer from departing managers to newer managers.

Cons

- No testimony submitted.

Considerations

- The ability of the state to be competitive in its salary structure is critical to recruitment efforts for college graduates and other qualified individuals.

SO 43

CREATING A WORK FORCE PLAN FOR CALIFORNIA STATE EMPLOYEES

ISSUE

California is about to experience a large wave of retiring state employees. The state should use this as a catalyst for work force planning and for developing a more efficient work force through improved technology, budgeting, and management.

SOLUTIONS

- *Develop a strategic plan and performance measures that ensure business operations meet customer needs as recommended in the performance-based budget section of the California Performance Review report.*
- *Develop comprehensive work force plans that align their work force with their strategic business plans by identifying the work functions and skills required to meet internal and external customer needs, identifying and prioritizing gaps between present and future skill levels, and by developing and implementing human resources solutions that meet short and long term business goals.*
- *Establish a centralized unit to collect employment data, assist departments in developing individual work force plans, and develop a work force plan for California.*

PUBLIC COMMENT

3 comments were received for this recommendation. 2 comments expressed support. 1 comment expressed opposition.

Pros

- Human resource needs are an essential component to determining what can be delivered and how it can be delivered to the state's customers in terms of services.

Cons

- The state should do a more comprehensive assessment of services that need to be provided and then determine the right number of people with the right skills that are needed to perform the function.

Considerations

- No testimony submitted.

SO 44

IMPROVE THE QUALITY AND PRODUCTIVITY OF THE STATE WORKFORCE BY ESTABLISHING A STATEWIDE RECRUITMENT PROGRAM

ISSUE

California does not have a centrally led and coordinated recruitment program. Strategic initiatives have not been formulated to systematically identify and attract good workers to fill the myriad of state jobs.

SOLUTIONS

- *Establish a centralized state recruitment program that provides leadership and coordination for departmental recruitment efforts, develops recruitment initiatives, markets state government as a desirable employer, and directly recruits for service wide occupations such as information technology, engineering, health care, and staff services.*
- *Amend existing statutes to require the state's workforce analysis process be conducted by departments and the results reported to the Legislature every odd numbered year. The process should be aligned with the strategic goals of each department and should be expanded to include identification and consideration of employment trends and to forecast future work force needs.*
- *Develop a single statewide Internet portal for all human resources information. Departments must be required to advertise every examination and job vacancy and to post them on this site. This portal can easily be linked to a larger statewide customer service portal.*

- *Establish an Employment Service Center. The call management system should be upgraded and eventually integrated into a comprehensive statewide call center network.*
- *Issue a policy memorandum directing departments to utilize the Staff Services Analyst (SSA) (and related) classifications as originally intended to introduce a wide spectrum of college graduates into the state work force. All current state employees must pass the SSA examination before transferring into this class. In addition, it should work with departments to better balance the need to infuse the system with new talent with the goal of providing upward mobility to existing employees.*
- *Develop a centrally advertised and coordinated statewide college recruitment program and adequate staff and fiscal resources should be provided to ensure its effectiveness.*
- *Establish a formal paid college intern program that departments should utilize as a source for hiring talented, well-educated employees.*
- *Work with departments to expand the use of the Student Assistant and Graduate Student Assistant classifications and to develop mechanisms to facilitate their easy transition into permanent state service employment upon completion of their degree programs.*
- *Develop metrics to evaluate the effectiveness of various recruitment strategies against pre-determined program objectives. These metrics will be used by the central human resources agency and by state departments as well.*

PUBLIC COMMENT

4 comments were received for this recommendation. 2 comments expressed support. No comments expressed opposition. 2 comments were neutral.

Pros

- A statewide Internet portal for human resources information is critical to providing timely and accurate information to state workers.

Cons

- No testimony submitted.

Considerations

- The SPB has released a system that will allow for California agencies to accept online applications (STD 678) instead of receiving them by mail.
- Seniority and institutional memory are important factors to consider as recruitment plans are developed.

SO 45

HIRE THE BEST OF THE BEST

ISSUE

The state is hampered by arcane rules and uses poor methods of hiring personnel that often prohibit hiring the best available talent.

SOLUTIONS

- *Develop a short list of guiding principles to be followed by departments as they administer examinations. Simplify the "rules" that define these principles and provide for increased flexibility such as using position-by-position testing, and selective certification by skills.*
- *Pursue the advantages of technology and focus on the development of considerably more Internet and/or other computerized examinations that can be administered continuously, thus reducing the cost of examinations and the length of time hiring managers must wait for hirable eligibles. All service-wide examinations should be administered continuously as Internet or computer adapted examinations.*
- *Formulate a plan to replace the current examination and certification system that manages virtually all examinations for state departments. Funds must be committed to replace this system.*
- *Offer training on how to construct and conduct competency-based examinations and on exam forecasting to enable departments to conduct job analysis and administer tests before hiring needs actually occur and to better serve the needs of hiring managers.*
- *Repeal all Government and Penal Code requirements for the selection of law enforcement personnel, thus enabling each department to establish job-related minimum requirements, utilize testing instruments that best meet its needs, and take advantage of advances in the science of human assessment.*
- *Amend the Administrative Procedures Act to eliminate the Office of Administrative Law's review of rules and regulations relating to the internal personnel administration of the state.*
- *Carefully consider the benefit to the state of administering non-entry level examinations on an open basis in order to gain access to outside talent.*
- *Develop and release Internet or computerized examinations for the 60 service-wide classes that have traditionally been given on a promotional only basis. These examinations should be offered on an open continuous basis.*
- *Monitor the success of internal candidates in open examinations and provide increased developmental opportunities when warranted.*
- *Amend existing statutes to eliminate all types of non-merit points from state examinations. In a true merit system, scores should be based solely on test*

performance and not on other non-job related factors. These points should be eliminated and/or revised to mitigate the negative impact on other candidates.

- *Repeal existing statutes to eliminate the application of career credits and seniority points to examination scores. The Department of Personnel Administration, or its successor, should not agree to any contract provisions that permit seniority as a consideration for hiring decisions.*
- *Reinforce policy and provide guidance to departments for distribution to hiring managers directing them to effectively use the probationary period.*
- *Train hiring managers and then hold them accountable for the completion of all probationary reports and for the effective use of this process.*
- *Modify the mandatory 80 hours of supervisory training to include more in-depth information regarding the need for effective use of probationary periods and more information regarding the details of conducting an effective performance related discussion.*
- *Establish a single probationary period of one year for all non-managerial civil service classes.*
- *Retain its current system of centralized service wide examinations and decentralized department-specific examinations. The State Personnel Board, or its successor staff, should retain responsibility for and administer examinations for all service-wide classifications, including the 60 servicewide classes that have been delegated to departments for promotional only testing. Staff resources must be redirected to accommodate this increased workload.*
- *Require that the examination manager in each department complete the Selection Analyst Certification Program, or an equivalent program recognized by the State Personnel Board as a condition of continued delegation of examinations.*
- *Focus as much on the quality of their selection instrument decisions as they do on the goals of faster and cheaper examinations. The Governor should request the State Personnel Board, or its successor staff, to direct departments to use the metrics of job analysis and validation to assess the quality of their examinations as tools to meet managers' needs and to develop examinations of acceptable quality.*
- *Ensure departmental accountability and examination quality by establishing a regular review and audit process.*
- *Include management of the human resources function and utilization in performance-based management.*

PUBLIC COMMENT

20 comments were received for this recommendation. 17 comments expressed support. 3 comments expressed opposition.

Pros

- It is important to hire the "best and the brightest" to provide top quality services in innovative ways within budget parameters. This recommendation will enable this goal.
- This recommendation would make examinations more accessible to state workers and help ensure greater competition for positions.

Cons

- The recommendation to eliminate Veterans' Preference Points needs to be reconsidered. With the large number of Californians currently serving on active duty, the emphasis should be on strengthening the programs to veterans, not reducing or eliminating them.
- This proposal recommends constitutional changes and legislation on the state's civil service system that could set back the progress that has been made against political bias and favoritism in state employment.

Considerations

- The state should implement a centralized testing area for positions that can be utilized across different departments.
- Bargaining units should be consulted as this recommendation is developed and implemented.
- Morale needs to be developed within the state workforce in order to increase productivity and enhance services.
- If the state's testing and evaluation process is going to be updated, the administration should work closely with the elected leadership of the state's employee organizations, including the rank and file, to develop and update the hiring process for state civil service.

SO 46

CREATE AN EFFECTIVE MANAGEMENT STRUCTURE

ISSUE

The state does not have a process that ensures that the most qualified individuals are appointed to management and leadership positions.

SOLUTIONS

- *Amend existing statutes to allow individuals outside state civil service to compete in examinations for career executive assignments.*
- *Amend existing legislation to expand the definition of the Career Executive Assignment classification to encompass the policy role of lower level managerial positions. This classification should be referred to as the Senior Executive Service class (SES). The Governor should request the State Personnel Board, or its successor staff, and direct the Department of Personnel Administration, or its successor, to work with agencies to determine which managerial positions are appropriate for conversion to the SES class.*
- *Delegate to state agencies the authority to allocate a specific percentage of their positions to the Senior Executive Service class without additional approval.*
- *Incorporate specialized Career Executive Assignment classes into the Senior Executive Service category as these positions become vacant.*

PUBLIC COMMENT

2 comments were received for this recommendation. No comments expressed support. 1 comment expressed opposition. 1 comment was neutral.

Pros

- No testimony submitted.

Cons

- Specific discussion in opposition to this recommendation was not received.

Considerations

- Systems would need to be put in place to mitigate favoritism and emphasize qualifications.
- Stability in management would need to be addressed to mitigate issues associated with changes in administrations.
- The state needs to start grooming its own employees for the positions and to start looking internally for the upper level positions.

SO 47

CONSOLIDATE AND UPDATE STATE CIVIL SERVICE CLASSIFICATIONS

ISSUE

The state has too many civil service classifications. In fact, there are 1,062 classes that currently exist that do not have incumbents. These classifications are often out of date and/or are not descriptive of the actual work being performed. These classification structures are in contrast to the national governmental trend towards "broad band" classes.

SOLUTIONS

- *Update the consolidation proposals previously developed in partnership with participating departments and implement the new consolidated classifications.*
- *Study other major occupational groups of classifications, such as legal, business services, clerical and investigators, for consolidation. These groups were previously identified for future consolidation projects.*
- *Explore the federal model of grouping similar classifications into "salary bands" to further streamline the classification and pay process and to create additional efficiencies.*
- *Abolish those classifications with no incumbents and which have not been used in the previous two years.*

PUBLIC COMMENT

1 comment in support of this recommendation was received. No opposing or neutral comments were received.

Pros

- The number of classifications is a hindrance to effective and efficient hiring and promoting.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

SO 48

DEVELOP AN OFFICIAL POLICY FOR SETTING EMPLOYEE COMPENSATION

ISSUE

There is no official compensation policy, compensation is not tied to actual employee performance, and no compensation survey is being conducted.

SOLUTIONS

- *Develop a Request for Proposal (RFP) to seek competitive bids for a comprehensive, statewide salary survey and analysis. The RFP should require certain minimum requirements (as listed in the CPR report).*
- *Develop a clearly stated compensation policy for represented employees to guide DPA, or its successor, in labor negotiations. The compensation policy should be developed by DPA and negotiated with the employee representatives.*
- *Develop a clearly stated compensation policy for excluded and exempt employees.*
- *Amend state law to require comprehensive statewide salary surveys to be conducted routinely.*
- *Amend existing statutes to end the salary survey conducted to set salaries of employees of the California Highway Patrol (CHP). The current law restricts the flexibility of the state in labor negotiations. There will be no need for a separate salary survey specific to the CHP if amendments to existing statutes are adopted, as discussed in recommendation [SO 48-D].*
- *Amend existing statutes to allow exempt employees to earn annual salaries greater than the salary set by the Citizen's Compensation Commission for the Governor. These amendments should include language that ties compensation for exempt employees in managerial positions to a specific performance contract.*

PUBLIC COMMENT

2 comments were received for this recommendation. 1 comment expressed support. No comments expressed opposition. 1 comment was neutral.

Pros

- State compensation needs to be realigned for the various positions so that the state can hire the most qualified people.

Cons

- No testimony submitted.

Considerations

- The state should consider factors such as cost of living in different geographic locations when determining employee compensation.

SO 49

MERIT SALARY

ISSUE

Merit Salary Adjustments are automatic entitlements that do not encourage performance.

SOLUTIONS

- *Reinstate pay-for-performance for managers and supervisors.*
- *Amend existing regulations so that Merit Salary Adjustments are not automatically given to employees.*
- *Negotiate with employee representatives to establish a process for graduated Merit Salary Adjustments during the next available contract cycle. The subsequent memoranda of understanding may supersede existing statutes. The top step(s) of each salary range should not be part of the salary base, but will be considered a performance bonus contingent upon sustained superior performance.*
- *Devise and implement a more flexible performance-based salary adjustment process for managers and supervisors who are excluded from collective bargaining. This may need to be implemented through a process to be determined by the excluded and Exempt Employee Salary-Setting Task Force. This will require amendments to existing statutes and regulations.*
- *Limit the circumstances under which employees may file a denial of salary adjustment grievance. The DPA should amend existing regulations to limit the circumstances under which employees may file a denial of salary adjustment grievance to the following reasons only:*
  - *Failure to receive a performance appraisal during the past 12 months; or*
  - *Circumstances clearly indicating that the salary adjustment was denied due to factors other than the employee's job performance.*

PUBLIC COMMENT

1 comment was received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Pay for performance does little to create incentives for retention and motivation in the workforce.
- Pay for performance is far too subjective and can lead to favoritism which has a negative impact on workforce morale.

Considerations

- No testimony submitted.

SO 50

CONTROLLING RETIREMENT INCENTIVE COSTS

ISSUE

California has several retirement incentives available to its workforce; however, the cost effectiveness of these programs must be re-examined within the context of an aging workforce.

SOLUTIONS

- *Announce that there will be no early retirement package. The administration can encourage employees to retire without offering retirement incentives by announcing that no early retirement package will occur during this term.*
- *Request the California Public Employees' Retirement System to continue to offer the air time program. The air time program encourages employees to take charge of their own retirement strategies and allows employees to retire at an earlier age.*
- *Sponsor legislation for retirement bonuses.*
- *Develop flexible retirement plans.*
- *Competitively bid for flexible retirement plans.*
- *Conduct studies and initiate legislation to ensure it is empowered with the authority necessary to remain innovative and flexible with the retirement options offered to state employees while ensuring competitive costs to its members and the state.*

PUBLIC COMMENT

1 comment was received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Under the current defined benefit plan, retirees can project what their income will be and actually plan for the future. This recommendation may not yield the stated benefits.

Considerations

- There are many state workers who have delayed retirements because they switched between Tier I and Tier II several years ago. Those workers should be given the option to return to Tier I and have the money received when they switched plans be forgiven or considered a bonus. Additionally, the state should give those workers full retirement benefits in return for their immediate retirement. This would free up several positions and save the state of California thousands of dollars through salary savings.
- The state should develop "Deemed IRA" and "Deemed Roth IRA" plans for state employees. This is permitted under federal law, and is in support of the principle of assisting employees in funding their own retirement. This could be established at a modicum of cost and would make additional funds available to purchase "air time" (AB 719), and make available in IRA accounts such investment tools as "stable value funds" and institutional mutual funds that are now available in 401k and 457 accounts.

SO 51

CONTROLLING ENHANCED RETIREMENT COSTS

ISSUE

Retirement incentives can create salary savings by encouraging retirements; however, these incentives may cost the state more money by paying retirement incentives to employees who had already planned to retire. The number of enhanced retirement designations is growing and many new classifications do not meet established safety status criteria.

SOLUTIONS

- *Use traditional safety criteria to determine safety membership status.*
- *Replace the use of safety designations with industrial memberships. The purpose of safety retirement is to encourage "public protective" and "physically fit" employees to retire earlier and as such, it makes little sense to offer the same retirement benefits to employees in classifications that may improve over time such as psychiatrists and podiatrists. The Department of Personnel Administration, or the*

successor entity, should reward hard-to-recruit employees with better pay and industrial death and disability benefits instead of safety retirement.

- *Re-examine the state's industrial disability presumptions.*

PUBLIC COMMENT

1 comment was received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Under the current defined benefit plan, retirees can project what their income will be and actually plan for the future. This recommendation may not yield the stated benefits.

Considerations

- No testimony submitted.

SO 52

NO MOTIVATION, NO RESULTS: CREATING A PERFORMANCE CULTURE IN THE CALIFORNIA CIVIL SERVICE

ISSUE

A performance culture does not uniformly exist in the California civil service.

SOLUTIONS

- *Develop performance standards for rank and file employees.*
- *Develop and provide training to human resource and management staff responsible for implementing performance management programs.*
- *Integrate all employee performance expectations with their missions, goals and outcomes.*
- *Develop evaluation processes for supervisors and managers that include accountability for results and a requirement to conduct performance appraisals of their subordinates.*
- *Create agency and statewide databases to collect performance appraisal and Individual Development Plan (IDP) information.*
- *Develop management reward systems to recognize outstanding performance and contributions to achieving organizational goals.*

PUBLIC COMMENT

3 comments were received for this recommendation. 2 comments expressed support. 1 comment expressed opposition.

Pros

- Connecting performance expectations to mission, goals, and outcomes makes the evaluation process more objective and relevant.

Cons

- The proposal is too vague and the policy and operations impact is difficult to assess.

Considerations

- No testimony submitted.

SO 53

THE LEARNING IMPERATIVE

ISSUE

Training for state employees is given a low priority and training resources are scattered among several agencies. Also, the state does not leverage its own higher education institutions to benefit from their knowledge of training for career development.

SOLUTIONS

- *Develop a statewide training policy that describes the state's commitment to staff development and its importance in achieving agency missions and providing quality customer service.*
- *Develop a statewide training portal in conjunction with the human resources portal that lists all of the training for employees that is offered by state, private, and educational institutions.*
- *Develop a consolidated training registration system for classes offered through the statewide training portal.*
- *Develop a mentoring program to groom potential managers and executives within their organizations.*
- *Allocate to the State Training Center, State Personnel Board, or its successor, and Health and Human Services Data Center Training Center administration costs on a pro rata basis to all user state agencies based on number of employees.*
- *Develop appropriate learning strategies and programs for state employees leveraging state colleges and universities.*

PUBLIC COMMENT

3 comments were received for this recommendation. 2 comments expressed support. 1 comment expressed opposition.

Pros

- A statewide training portal would provide better information for state workers and streamline the registration process.
- A formal mentoring program would allow for the transfer of knowledge between state employees with little cost to the state.
- Partnering with state educational entities to develop training programs would allow the state to leverage the latest thinking on training and workforce development.

Cons

- Specific discussion in opposition to this recommendation was not received.

Considerations

- State supervisors and managers should be required to take training when first promoted to each new level.

SO 54

CREATE A FAIR AND EFFICIENT EMPLOYEE DISCIPLINE SYSTEM

ISSUE

The state does not have an effective system for quickly resolving employee performance issues.

SOLUTIONS

- *Work with the labor unions to implement, as an alternative dispute resolution methodology, a statewide process of performance management similar to the "discipline without punishment" program used in Georgia.*
- *Evaluate the effectiveness and efficiency of the three current mediation processes used by the California Highway Patrol, the Department of Forestry, and the State Personnel Board, or its successor. The alternative which is most effective should be implemented in those departments with no alternative process and replace less effective processes.*
- *Develop web-based training for department supervisors on the employee discipline processes. Emphasis should be placed on addressing the primary causes for*

revocation or modification of adverse actions. Models of well-written actions should be shared with departmental managers on this website.

- *Track the success/failure rates of each method of employee discipline, including the traditional model, and report its findings on its website at least every three years.*

PUBLIC COMMENT

3 comments were received for this recommendation. 1 comment expressed support. 1 comment expressed opposition. 1 comment was neutral.

Pros

- State managers need to be given the authority and accountability to deal with non-performing state workers under their charge to drive better productivity and customer service.

Cons

- Corrective measures need to be implemented, but the state's disciplinary system and the employees' due process rights that go with them should not be abolished.

Considerations

- Require that specific examples of "unsatisfactory behavior or performance" be included in all cases. Also documentation would help establish a fact base regarding specific instances.

SO 55

IMPROVE EMPLOYEE SUGGESTION PROGRAM

ISSUE

The State of California's Employee Suggestion Program does not provide adequate incentives to encourage employees to develop and submit suggestions for reducing government spending and/or improving services.

SOLUTIONS

- *Propose legislation to eliminate the Merit Award Board's oversight of the Employee Suggestion Program.*
- *Appoint a designee to serve as an executive sponsor of the project.*
- *Delegate approval for employee suggestions to departments.*
- *Increase the amount of an award approved by departments from $5,000 to $50,000.*

- *Eliminate the necessity for a concurrent resolution from the Legislature to approve monetary awards exceeding $5,000.*
- *Develop, coordinate, and actively market an online employee suggestion system similar to the Texas online State Employee Incentive Program.*

PUBLIC COMMENT

4 comments were received for this recommendation. 3 comments expressed support. 1 comment expressed opposition.

Pros

- State employees are in the best position to develop solutions for increased customer service and cost savings. Developing an effective employee suggestion program will enable state employees to help develop solutions.

Cons

- Specific discussion in opposition to this testimony was not received.

Considerations

- The state should review recent proposed legislation, AB 2425 (Cox), for Merit Award Program improvements such as mandated suggestion production requirements, higher award amounts, and union participation.

SO 56

SPLINTERED SYSTEM OF REVIEWING DISCRIMINATION COMPLAINTS CREATES DUPLICATION OF WORK

ISSUE

There are at least four state entities with which complaints of employment discrimination can be filed. This results in overlapping state functions, increased costs, and inconsistent decisions among entities.

SOLUTIONS

- *Amend or adopt regulations that will ensure acceptance of claims of employment discrimination against a state entity only if the individual has not filed a claim with the other state agency.*

- *Implement procedures that will ensure claims of employment discrimination against a state entity are accepted only if the individual has not filed a claim with the other state agency. This change will not prevent employees from first filing a complaint with the department alleged to have discriminated, filing directly with the Equal Employment Opportunity Commission, or taking their case directly to court.*
- *Prevent allegations of discrimination or denial of reasonable accommodation from being subject to the grievance and arbitration procedures. Any existing bargaining unit contracts containing such allowances should be modified by the Department of Personnel Administration, or its successor, upon their expiration.*
- *Implement methods to track state costs associated with the investigation and litigation of discrimination cases. This information should be incorporated into the existing annual reporting process to the Legislature on discrimination complaint activity, by the State Personnel Board, or its successor. The State Personnel Board, or its successor, shall provide guidance to state agencies on the implementation of this directive.*
- *Establish policy and implement procedures to ensure resolution of conflict, resulting from allegations of discrimination, at its earliest occurrence using informal methods such as mediation. Policy and procedures should be distributed to state departments.*

PUBLIC COMMENT

1 comment was received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Documentation is critical to demonstrate discrimination.

Considerations

- AB 2275 attempts to address the issues identified by the CPR in regards to this issue.

SO 57

" The state's layoff process has developed over years of advocacy in order to address the inequities found in the state's actual layoff policies. While the rules that are in place may be viewed by the CPR as 'cumbersome,' they are in place to provide fairness to employees and their families in the face of unemployment."

Allen Davenport
Director of Government Relations
Service Employees International Union, AFL-CIO
Written Testimony

SO 57

STREAMLINE THE LAYOFF PROCESS

ISSUE

The state layoff process is cumbersome to implement and net savings resulting from layoffs are difficult to achieve. The process should be streamlined to increase savings to the state and to improve efficiency and workforce quality.

SOLUTIONS

- *Develop an aggregate employee history database. The database would be used for calculation of multiple layoff scenarios.*
- *Give all state departments a dollar target of savings to achieve rather than a headcount number. The state should allow departments and management the freedom to decide how to achieve savings.*
- *Develop an employees' merit system to be accounted for in the calculation of seniority. The inclusion of merit in the process is necessary for the state to ensure talented employees will not be lost.*

PUBLIC COMMENT

2 comments were received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- While the rules that are in place may be viewed as cumbersome by some, the rules provide fairness to employees in the face of unemployment.

Considerations

- No testimony submitted.

SO 58

REPEAL THE SIX-MONTH RULE FOR VACANT POSITION ABOLISHMENT

ISSUE

Government Code Section 12439 should be repealed. Vacancy elimination should be controlled through policy issued by the newly created Office of Management and Budget.

SOLUTIONS

- *Repeal Government Code Section 12439. Vacancy elimination should be controlled through policy issued by the Department of Finance, or its successor.*

PUBLIC COMMENT

1 comment was received in support of this recommendation. No opposing or neutral comments were received.

Pros

- The current system encourages filling positions quickly to avoid losing them. Repealing this rule will give state agencies more flexibility and allow them to make more rational decisions based on need.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

SO 60

THE STATE MUST CREATE A NEW PROCUREMENT ORGANIZATIONAL STRUCTURE TO MAXIMIZE EFFICIENCY AND MINIMIZE COSTS

ISSUE

The State of California is not organized to buy goods and services in the most cost-effective way to meet its needs.

SOLUTIONS

- *Develop legislation that would statutorily vest full procurement authority in agencies under the guidance and leadership of the Department of General Services (DGS), or its successor. As an interim measure, the Governor should direct DGS to*

delegate full procurement authority to those state agencies that currently lack full authority for all types of acquisitions under the general control and leadership of DGS or its successor entity. This full delegation would be effective as each agency is re-organized and adopts the shared services model for procurement.

- *Create a statewide procurement organizational structure. This new structure should have the following levels: Tier 1—Strategic Level: a new procurement unit should be created to work at this level in the DGS or its successor entity with staff that has procurement education and experience. This new procurement unit will provide professional services matching customer needs with leadership, knowledge, and expertise. They will be center-led, strategic, customer centric and will create the lines of business, leverage buying and the tools to be utilized at the Tier 2 and Tier 3 levels. Tier 2—Tactical Level: this tier consists of procurement staff from the reorganized department procurement organizations consolidated into a shared services model to meet the business needs of each agency. Tier 3 —Operational Level: this tier consists of staff that is engaged full time or part time in procurement activities at the operational level. They are embedded in various programs and need basic procurement skills to meet their day-to-day requirements.*
- *Ensure all procurements that occur within their departments are validated by regular audits. The audit would regularly review the state department's purchasing activities. This audit will ensure that the state departments remain accountable while operating at the highest levels of efficiency and effectiveness. Complete procurement authority ensures agencies can take action and meet specific reporting and performance targets.*

PUBLIC COMMENT

2 comments were received in support of this recommendation. No opposing or neutral comments were received.

Pros

- Delegated authority enables departments to acquire goods and services timely and cost-effectively. Regular audits help strengthen department practices and point out areas of improvement.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

SO 61

THE STATE NEEDS TO PROFESSIONALIZE ITS STATE PROCUREMENT WORKFORCE

ISSUE

Generally, the skills associated with California's procurement workforce are inadequate to meet the needs of a modernized procurement system.

SOLUTIONS

- *Upgrade the skills of the state's procurement workforce through the accomplishment of the following:*
  - *SHORT-TERM: Develop a legislative proposal for an Acquisition Workforce Improvement Act that includes training and continuing education and addresses other transition needs; assess procurement skill levels throughout all organizational tiers; develop a basic contract officer warrant system framework; determine new focused training and certification needs for each organizational tier; and recruit mentors from other public procurement systems, academia, nonprofits and the private sector.*
  - *MID-TERM: Adapt DGS-developed basic contract officers warrant framework and apply it as necessary to best fit the agency's needs; develop and implement a procurement professional mentor program; develop and implement interagency, inter-disciplinary and industry exchange programs to aid in staff development; and begin delivering new focused training for each organizational tier.*
  - *LONG-TERM: Develop a professional acquisition classification series restructure proposal to create a series of procurement job classifications. There should be a requirement for continuing education and incentives for certifications and a career path within the profession.*

PUBLIC COMMENT

1 comment was received in support of this recommendation. No opposing or neutral comments were received.

Pros

- State employees would benefit from ongoing staff development in regards to procurement issues. This will increase staff capability to get the best value for their customers while ensuring compliance with statewide laws and regulations.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

SO 62

ELIMINATE A MAJOR SOURCE OF CONFLICT BETWEEN THE CENTRAL PROCUREMENT AGENCY AND ITS AGENCY CLIENTS

ISSUE

The existing procurement fee funding model (a per-transaction-based model) has created conflict between state departments and DGS. The activities of the proposed organization, a model of knowledge-based, strategically-focused central procurement would not be compatible with a fee-based funding model.

SOLUTIONS

- *Develop a cost allocation model that will equitably recover the costs of the central procurement organization via pro-rata funding by state agencies. DGS, or its successor, shall use the model to determine the pro-rata fees that will only finance the necessary costs of the state's central procurement agency.*

PUBLIC COMMENT

1 comment was received in support of this recommendation. No opposing or neutral comments were received.

Pros

- Currently, the relationship between the fees paid to DGS and actual services provided is problematic. The change to a pro-rata funding model for DGS makes sense, given the proposal to re-focus DGS into an entity that emphasizes state leadership and procurement planning at a strategic level.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

SO 63

CONSOLIDATE AND SIMPLIFY PROCUREMENT STATUTES AND POLICIES

ISSUE

Procurement laws and policies are fragmented, incomplete in many areas, and overly complex in others. This structure is ineffective, expensive, and discourages firms from doing business with the state.

SOLUTIONS

- *Conduct an analysis of the current statutory review and approval, and competitive bid exemptions authorized in various state codes, and validate the need for continuing the exemption. Legislation should be proposed to remove any exemptions if it is determined that the state could reduce costs by doing competitive bids in accordance with the Public Contract Code requirements.*
- *Simplify and streamline state procurement and contracting statutes into a single, uniform, understandable act, eliminating artificially compartmentalized goods, information technology and service procurement regulations. The act should define "small purchase" and provide for an expedient and efficient process to accomplish these types of actions and mandate the use of credit cards for payment. The act should also incorporate the other procurement and contracting legislative changes recommended by the California Performance Review to create a comprehensive, cohesive modern system that will attract companies to do business with the state and promote efficiencies and economies in the procurement process.*
- *Update the pertinent parts of the California Code of Regulations, as necessary, to reflect the changes to the codes as a result of the new act.*
- *Establish a governance structure to manage, maintain, update and communicate statewide procurement policies. In order to ensure that all stakeholders are adequately represented, the structure should include a senior level advisory committee composed of Executive, Legislative, and private sector representatives.*

PUBLIC COMMENT

1 neutral comment was received for this recommendation. No supporting or opposing comments were received.

Pros

- No testimony submitted.

Cons

- No testimony submitted.

Considerations

- The state should not favor other state entities more than private sector companies when contracting for functions. The playing field between private sector and public sector should be level.

SO 64

STREAMLINE AND REFORM THE VENDOR PROTEST PROCESS USED IN THE PROCUREMENT OF GOODS AND SERVICES

ISSUE

The state's procurement process system for purchasing goods and services provides for a protest process that is complex, protracted, and not responsive to the interests of the state or the vendors who offer to supply the goods and services.

SOLUTIONS

- *Amend the Public Contract Code to reform the procurement protest processes.*
- *Create an informal process to resolve procurement appeals uniformly by the affected Agency Secretary within 10 days of filing. The Agency Secretary would have the responsibility to make the final decision. The vendor would have the option to use the court system for any further appeal, if desired.*

PUBLIC COMMENT

2 comments were received for this recommendation. 1 comment expressed support. 1 comment expressed opposition.

Pros

- A uniform bid protest process would simplify and streamline the procurement process and allow the state to acquire goods and services efficiently and in a fair manner.

Cons

- A meaningful protest system is imperative to safeguard the public procurement process and it serves the interests of all stakeholders by monitoring the integrity of the procurement process.

Considerations

- No testimony submitted.

SO 68

ESTABLISH SMALL BUSINESS AND DISABLED VETERAN BUSINESS ENTERPRISE SET-ASIDES

ISSUE

The establishment of mandatory set-asides will greatly improve the contracting opportunities for state certified small businesses and Disabled Veteran Business Enterprises (DVBE), and help the state meet its participation goals.

SOLUTIONS

- *Establish a competitive environment where certified small business firms and certified Disabled Veteran-owned Business Enterprise firms can only compete with other certified small business firms and certified DVBE firms for contracts up to $100,000, known as set-asides, for the acquisition of goods, services, information technology, and construction.*
- *Make mandatory the use of a streamlined bidding process, and require all state agencies, departments, boards, and commissions to maximize the opportunity offered to them under Government Code Section 14838.5, and competitively bid contracting opportunities, to certified small business firms and certified DVBE firms for the acquisition of all goods, services, information technology, and construction from $5,000 up to $100,000.*
- *Amend Government Code Section 14838.5 to include the acquisition of all goods, services, information technology, and construction up to $100,000 and establish the set-asides.*
- *Repeal the five percent small business bidding preference, which has had a detrimental impact on the state's contracting and procurement processes. The success of the set-aside recommendation (refer to "SO 68-C") would negate the bidding preference, and provide a more level and competitive contracting environment for certified small businesses.*
- *Amend statute to remove the DVBE Enterprise Good Faith Effort. The good faith effort has proven to be ineffective. Large businesses use it as an alternative means to sub-contracting with DVBE firms, therefore negating business opportunities for those firms.*
- *Promote and encourage businesses to adopt a Business Utilization Plan as the alternative means of complying with the DVBE requirement, until Public Contract Code Section 10115.2 is amended.*

PUBLIC COMMENT

2 comments were received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- This recommendation places DVBE and SBE in identical categories ignoring the fact that DVBE is established as a higher level in procurement and contracting hierarchy than SBE.

Considerations

- No testimony submitted.

SO 70

TAKING STEPS TO CONTAIN STATE DRUG COSTS

ISSUE

Costs of pharmaceuticals (drugs) have been rapidly escalating over the past few years. The state's current practice of procuring drugs is not coordinated in a unified fashion (i.e., decentralized among a number of state departments), thereby limiting the state to take full advantage of its large purchasing power. The state is also not taking advantage of favorable federal pricing.

SOLUTIONS

- *Enter into a contract with a Pharmacy Benefits Manager to administer the state's drug purchasing program.*
- *Create a new Central Pharmaceutical Office (CPO). This office shall be authorized and responsible for the procurement and management of all pharmaceutical programs. In addition, the CPO shall have the authority to establish cooperative relationships with local governmental entities, exempted state entities and representatives from pharmaceutical manufacturers in order to maximize the state's large volume purchasing power.*

PUBLIC COMMENT

6 comments were received for this recommendation. 3 comments expressed support. 3 comments expressed opposition.

Pros

- Instating a Pharmacy Benefits Manager (PBM) for the CMSP population has saved that organization $20 million in the last year. Implementing a PBM may make it easier for WIC clients to get the services they need in a less bureaucratic fashion.

Cons

- The state's buying needs for pharmaceuticals are complex and Pharmacy Benefits Managers (PBM) do not necessarily have the expertise to administer the state's drug purchasing program.
- Competitive bidding for oxygen may reduce the number of patients receiving ambulatory oxygen systems because the current payment system does not recognize the cost differences in the various oxygen delivery modalities.

Considerations

- The state would be better served to participate in a multi-state purchasing consortium or developing its own Group Purchasing Organization.
- Current law does not permit reverse auction process on any construction contracts under the Public Contract Code.

SO 71

INCREASE THE USE OF PERFORMANCE-BASED CONTRACTING

ISSUE

Typical procurement documents are now prescriptive in nature, specifying how the contractor should perform the work. When the state issues a prescriptive procurement, the contractor is unable to find better, more cost-effective ways of doing business, such as performance-based contracting.

SOLUTIONS

- *Direct the Department of General Services, or its successor, to promote the use of performance-based contracting where applicable.*
- *Direct the Department of General Services, or its successor, to design and place template contracts on the Web with separate sections for contract specifications, deliverables, sample timelines for deliverables, and recommended standard terms and conditions. The Department of General Services, or its successor entity, should develop guidelines and evaluation criteria, as well as provide training in performance-based contracting to appropriate department staff.*

- *Direct the Department of General Services, or its successor, to direct state agencies to convert at least 10 percent of new and renewal service-related contracts to performance-based contracts by Year 1; 20 percent by Year 2; 40 percent by Year 3; and 50 percent by Year 4.*

PUBLIC COMMENT

3 comments were received for this recommendation. 1 comment expressed support. 1 comment expressed opposition. 1 comment was neutral.

Pros

- Performance-based procurement can reduce risks and increase the value of procurements.

Cons

- The state cannot risk the delivery of public service to unknown motivations of private sector companies while eliminating laws that require justification of cost savings and service level guarantees.

Considerations

- The performance-based approach may not be correct for all procurements. A thorough needs assessment should be performed at the onset of each procurement.

SO 72

IMPLEMENTING MORE STRATEGIC SOURCING PROCUREMENT STRATEGIES

ISSUE

Strategic sourcing is an effective procurement strategy the state should employ to better leverage its massive spending power and reduce costs.

SOLUTIONS

- *Expand strategic sourcing opportunities throughout state government.*

PUBLIC COMMENT

5 comments were received for this recommendation. 3 comments expressed support. 1 comment expressed opposition. 1 comment was neutral.

Pros

- The state will be able to maximize its buying power through leveraged procurements and obtain significant cost savings in commodities and business services.

Cons

- Consolidating purchases for IT goods/services may save costs, but consolidating all goods/services to leverage buying power may not be in the best interest of the state. Every purchase has fixed and variable costs and consolidation at some point can save no more money and creates opportunities for corruption. This only reduces the number of competitors further and benefits the largest companies that bid items bundled into single contracts. Small businesses will be hurt by sourcing efforts.

Considerations

- As an alternative to sourcing, the state should consider standardizing the processes and procedures so all agencies procure the same way to achieve efficiencies.
- Strategic sourcing should be incorporated into K–12 programs also.
- In order for strategic sourcing to work, an effective system needs to be developed to share information with all departments.

SO 74

ALTERNATIVE SERVICE DELIVERY TECHNIQUES AND COMPETITION IN THE STATE'S PROCUREMENT OF GOODS AND SERVICES

ISSUE

California needs to reconsider its broad statutory monopoly for delivery of government services. Alternative service delivery techniques can be a powerful tool for improving quality and saving money when properly used.

SOLUTIONS

- *Establish a Competitive Government Panel comprised of representatives from state government. The Panel should conduct public meetings as necessary with a variety of interested parties such as the business community, employee representation groups and citizens. The Panel should be charged with developing a strategy to address the barriers impeding the use of alternative service delivery techniques and make recommendations to overcome those barriers. The Panel should also*

make recommendations about how best to implement and oversee alternative service delivery projects. The Panel should be supported by a team of "Competition Corps" within the Department of General Services, or its successor, to implement and oversee competition goals and efforts of agreed-upon alternative service delivery projects. The initial team should consist of five staff redirected within the Department of General Services or its successor.

PUBLIC COMMENT

1 comment was received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Outsourcing demonstrations at the federal level and in other states have demonstrated mixed results in regards to cost savings and service level improvements.

Considerations

- No testimony submitted.

SO 75

CALIFORNIA CAN SAVE MILLIONS OF DOLLARS BY MODERNIZING ITS PROCUREMENT SYSTEM

ISSUE

California must modernize and reform its purchasing system.

SOLUTIONS

- *Develop and implement e-procurement solutions on a statewide basis. This approach will collect all state procurement information and will facilitate a greater ability for the state to strategically source its procurement.*
- *Develop an overarching strategic plan—with benchmarks—for the entire state providing guidance and direction outlining specific priorities on interfaces between procurement, asset management and financial applications. This strategy would include clear direction to enforce consolidation of purchases and require all agencies to participate in e-procurement. All state agencies, with certain exceptions to be defined by the CIO, shall use the e-procurement system.*

- *Identify all development projects enhancing or expanding the many computer applications being used for procurement in the agencies pending the completion of a statewide strategic plan. It should immediately freeze those procurement applications that do not conform to the new plan—or are duplicating efforts. Fixes to keep the business applications running should be exempted.*

PUBLIC COMMENT

1 comment was received in support of this recommendation. No opposing or neutral comments were received.

Pros

- EDI (Electronic Data Interface) is a fast way for orders and payments to go back and forth, not just for big companies. There are vendors who can set up EDI for even small vendors.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

SO 77

USING THE REVERSE AUCTION PROCUREMENT METHOD TO SAVE MILLIONS

ISSUE

The state will save money when vendors compete among themselves to provide goods or services.

SOLUTIONS

- *Complete the Request for Proposal process as soon as possible. The sooner the selected vendor can implement the reverse auction process and train state procurement staff to conduct reverse auctions, the sooner the state will start saving money.*

PUBLIC COMMENT

2 comments were received for this recommendation. 1 comment expressed support. No comments expressed opposition. 1 comment was neutral.

Pros

- Specific discussion in support of this recommendation was not received.

Cons

- No testimony submitted.

Considerations

- The reverse auction method of obtaining bidders may drive down the wages of employees in the private sector.

SO 79

MAKE USE OF ALL PURCHASING METHODS AVAILABLE TO ENSURE LOWEST COSTS

ISSUE

California state government does not take advantage of all leveraged purchasing options available. This could lead to higher prices paid by the state for goods and services.

SOLUTIONS

- *Participate in U.S. Communities.*

PUBLIC COMMENT

1 comment was received in support of this recommendation.

Pros

- The addition of U.S. Communities would be another resource to use to meet best pricing.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

SO 80

USING INNOVATIVE TECHNIQUES TO ENHANCE SALE OF STATE SURPLUS PROPERTY

ISSUE

The state sells thousands of surplus property items annually, some at live auctions, a few on the Internet. The various state agencies are not leveraging available technologies or partnering with private sector entities well-versed in property sales to maximize this revenue source.

SOLUTIONS

- *Establish an online surplus property program. It should also evaluate whether a public/private partnership to facilitate enhanced revenues is appropriate.*

PUBLIC COMMENT

All 3 comments received support this recommendation. No opposing or neutral comments were received.

Pros

- Specific discussion in support of this recommendation was not received.

Cons

- No testimony submitted.

Considerations

- This recommendation should be expanded to include stewardship of land for Parks and Recreation and other departments.
- The state should consider selling San Quentin.

CHAPTER 4 | EDUCATION, TRAINING, AND VOLUNTEERISM

Introduction

Public education affects every Californian. Education is essential to the continued strength of California's economy. California's public educational system is matched by no other; it consists of 9,087 K–12 schools, 109 Community Colleges, a 23 campus California State University, and a 10 campus university of California. In academic year 2002–2003, the state's K–12 system had 6.2 million enrolled students. In the fall semester of 2003, higher education in California had 2.2 million students enrolled. K–16 public education accounts for over 50 percent of California's General Fund expenditures.

The CPR's comprehensive review concluded that California's massive educational system has too many education agencies, a lack of alignment between the education system and workforce development, an unacceptable high school dropout rate, few educational alternatives to college, and a higher education system that cannot fully meet the needs of a 21st century California. In addition, the CPR identified roadblocks to volunteerism opportunities.

The CPR report presented 33 issues that contain 62 recommendations related to education, workforce training, and volunteerism in California. These recommendations collectively address issues that impede the performance and outcomes of the state's education system, better align the education system with the needs of the state's economy and its employers, and foster the use of volunteers. According to the CPR, implementation of these 62 recommendations will:

- Improve educational organization and governance.
- Improve efficiency of the education system.
- Enhance preparation of the workforce.
- Coordinate volunteer and philanthropic efforts.
- Eliminate impediments to volunteerism.

CPR estimated that the recommendations will amount to $4.1 billion in savings over five years, freeing up additional funding for education.

CPR COMMISSION HEARING

The CPR Commission hearing on Education, Training and Volunteerism was held at the Natural History Museum of Los Angeles County on September 9, 2004. Three panels of expert witnesses, representing a broad array of public opinion, testified in front of the Commission. The panels consisted of the following subject areas:

- K–12 and Vocational Education
- Higher Education
- Volunteerism

In total, 17 witnesses presented testimony to the CPR Commission.

SUMMARY OF PUBLIC COMMENT

Californians showed their interest in the topics of education, workforce preparation, and volunteerism by commenting on every CPR recommendation in these areas. Reforms to the state's educational structure and curriculum were common themes as were local control and the state's Kindergarten enrollment cutoff date. Respondents overwhelmingly supported stronger Career Technical Education and rejected the regionalization of the role of the county offices of education and the proposed restructuring of higher education agencies.

In total, 566 comments were received on the Education, Training and Volunteerism recommendations of the CPR report.

ETV 01

RESTRUCTURE THE ROLE OF THE SECRETARY FOR EDUCATION

ISSUE

More than 20 state level entities currently set policy or administer programs for education and workforce preparation in California. These efforts are not well coordinated and lead to confusion, duplication, and conflict within these two critical areas of policy and programs.

SOLUTIONS:

- *Restructure the role of the Secretary for Education.*
- *Charge the Secretary with synchronizing education and workforce preparation and advising the Governor on education policy and programs.*
- *Create a new Department of Education and workforce preparation overseen by the Secretary.*

PUBLIC COMMENT

22 comments were received for this recommendation. 5 comments expressed support. 15 comments expressed opposition. 2 comments were neutral.

Pros

- The change in the role of the Secretary for Education and the realigned education agency will increase access to existing resources, promote stronger links within the education community, and help employers fill their need for skilled, educated employees.
- The changes in the role and structure of the Office of the Secretary for Education will help streamline current bureaucracy by eliminating duplication and inconsistency.

Cons

- The proposed transfer of duties to the Office of the Secretary for Education might consolidate too much power over education in California within the Executive Branch.
- The newly created agency may lack the necessary expertise and links to stakeholders to initially be successful.
- Some duplication may continue to exist between the Superintendent of Public Instruction (SPI) and the newly created agency until roles are completely clarified.

Considerations

- The CPR report does not completely straighten out the overlapping responsibility between educational agencies. Consider creating complementary roles for the Governor and the SPI, as outlined in the Legislative Analyst's Office's report entitled, *A K–12 Master Plan*.
- The SPI could be given a greater role in California education and the Office of the Secretary for Education could be eliminated. The SPI is an elected constitutional officer who is directly responsible to the people of California. The SPI's authority is perceived to have been reduced over the years and may no longer be aligned with the responsibilities for which the office is accountable and responsible. Under this arrangement, the SPI could also appoint the Executive Director of the State Board of Education to provide for additional collaboration between the Governor, who appoints the members of the State Board and the SPI.

- Given the existing mission of the California Community College system, workforce education could be aligned under the California Community College Board of Governors.
- Instead of consolidating functions in the Office of the Secretary for Education, consider adopting the local school district model at the state level. The state constitution could be changed so that the SPI would be appointed by an elected State Board of Education.

ETV 02

CREATE AN EDUCATION AND WORKFORCE COUNCIL

ISSUE

The lack of alignment between the state's education system and its economic development efforts has become a critical issue that must be addressed to retain California's economic competitiveness. Shortages occur when the education system is not aligned with the labor market. For example, California has a severe shortage of nurses. Nearly two-thirds of California's nursing students prepare for their profession at community colleges, but these programs now have waiting lists.

SOLUTIONS

- *Establish an Education and Workforce Council consisting of the executive leaders from the state's education segments and the cabinet secretary responsible for labor market information studies and workforce development programs;*
- *Give the Education and Workforce Council responsibility for:*
  - *Developing the Workforce Preparation Strategic Plan.*
  - *Recommending which programs should receive funding for the Governor's Discretionary Allotment of the Federal Workforce Investment Act (WIA).*
  - *Participating in the update of the California Master Plan for Education.*
  - *Advising on emerging issues impacting the goals and objectives of the workforce preparation strategic plan and the Master Plan for Education.*

PUBLIC COMMENT

22 comments were received for this recommendation. 13 comments expressed support. 6 comments expressed opposition. 3 comments were neutral.

Pros

- The creation of an Education and Workforce Council may address the lack of coordination in California education.
- The proposed council is critical to California's economic growth as it may help to guide the development of a stronger workforce.

Cons

- The plan may duplicate the work of the California Community College system in the area of workforce preparation.
- The proposed council may be a reincarnation of the Coordinating Council for Higher Education abolished thirty years ago. Retention of an independent policy advisory group outside of the proposed Education and Workforce Council may be necessary and appropriate.
- Coordination of education requires funding. Anticipated savings may be offset by the costs associated with faculty involvement in curriculum design, instruction, and oversight.
- The California Community College system, not the K–12 segment, has some success in career technical education.
- With additional focus on the needs of business in California, this proposal may favor the needs of employers, not the needs of students. The concept of life-long learning may be replaced by short-term knowledge needed for current employment.
- Education and workforce preparation should be distinct functions. The responsibility for assessing higher education needs should be left with California Postsecondary Education Commission and not connected with the evaluation of California's workforce preparation.

Considerations

- Rather than limiting the composition of the council to what was originally proposed, council membership could also include business leaders, the independent higher education sector, and representatives of workforce development agencies.
- Given the mission of the California Community College system, the education and workforce council could alternatively be placed under the California Community College Chancellor or the Board of Governors rather than under the Secretary for Education.
- Additional secondary and postsecondary faculty input may be needed to fully develop this proposal.

- The Education and Workforce Council should be placed where it can remain autonomous.
- Workforce training is dynamic and will change as the needs of the market change. For this reason, it should also include academic preparation, civic education, and training in life skills.
- The recommendation to transfer the functions of the California State Library to the Department of Education and Workforce Preparation may be inconsistent with another CPR recommendation ("RES 09: Centralize California Heritage Programs").

ETV 03

CONSOLIDATE SELECTED STATE HIGHER EDUCATION AGENCIES

ISSUE

Having four separate state agencies with higher education responsibilities results in a lack of coordination, a lack of accountability, disjointed state higher education policies, duplicative information and databases, overlapping responsibilities, and inefficient use of limited state resources.

SOLUTIONS

- *Restructure and consolidate into a single, unified Higher Education Division: the California Community College Chancellor's Office, the California Postsecondary Education Commission, the California Student Aid Commission, and the Bureau for Private Postsecondary and Vocational Education.*
- *Perform strategic planning activities for each of the consolidated entities and coordinate policy, programs, resources, and services across these systems.*
- *Transfer the responsibilities for the approval of educational programs for veterans currently administered by the Bureau of Private Postsecondary and Vocational Education to the Department of Veteran's Affairs, or its successor.*

PUBLIC COMMENT

41 comments were received for this recommendation. 1 comment expressed support. 39 comments expressed opposition. 1 comment was neutral.

Pros

- Specific discussion in support of this recommendation was not received.

Cons

- California Community College governance is efficient and successful. California's Community Colleges may be better left outside the control of the Secretary for Education. There could also be increased bureaucracy and red tape as the shift from an experienced organization to an inexperienced one occurs.
- An independent coordinating body is an essential feature of the Master Plan. Governance could instead be based on the current statewide model of the UC and CSU systems (Regents and Trustees). This proposal does not support the delegation of responsibilities to the level closest to the students.
- The comparisons with other states used to support this recommendation may be flawed, given the demographic and size differences between California and those states.
- The savings cited in the report could be overstated. The need for additional staff may have been overlooked.
- The proposed structure could become merely a political arm of the Governor's Office, taking away from its primary function as an educational agency.
- The loss of autonomy could threaten the standing of community colleges within the state's educational community.
- The proposal might have an adverse impact on the continuity of curriculum from class to class or from campus to campus. As a result, this proposal may disadvantage students.

Considerations

- There are differences and similarities in the missions, structures, and curricula of the K–12 and California Community College systems. As a segment of higher education, Community Colleges may need to be more closely associated with the CSU and the UC systems, not the K–12 segment.
- California's Community Colleges meet a variety of needs including, but not limited to, preparation for continuing postsecondary education and workforce preparation.
- Consolidation of some Community College districts may have been overlooked as a means to streamline bureaucracy and cut costs.

ETV 04

RESTRUCTURE CALIFORNIA'S TEACHER CREDENTIALING AGENCY

ISSUE

The California Commission on Teacher Credentialing (CTC) revenues have been volatile in recent years due to fluctuations in application volume. The commission is projecting a shortfall in one of its funds for Fiscal Year 2003–04, a situation that will be recurring unless there is some form of intervention or restructuring of the agency's budget. As a result, critical mandates (accreditation) are not being implemented.

SOLUTIONS

- *Shift CTC's authority to appoint its executive director and staff to the Secretary for Education, while retaining the CTC as an independent standards board for clearer accountability and coherence in policy.*
- *Ensure that the credential fee is set at a level that is adequate to cover the actual costs of CTC activities and ensure a prudent reserve.*
- *Authorize CTC to charge institutions for the costs of accreditation as necessary.*

PUBLIC COMMENT

10 comments were received for this recommendation. 1 comment expressed support. 8 comments expressed opposition. 1 comment was neutral.

Pros

- Specific discussion in support of this recommendation was not received.

Cons

- Implementation of the recommendation may not allow the CTC working group to complete its review of the commission's current accreditation policies and practices.
- Institutions need to be certain that accreditation is truly independent. Charging for accreditation may raise conflict of interest questions.
- The impartiality of the CTC's Executive Director may be clouded by the proposed reporting relationship with the Secretary for Education, as both are appointed officeholders.

Considerations

- Instead of the current evaluation structure, look at more cost-efficient ways of evaluating teacher programs.
- Given the costs of the accreditation effort, there may be no real savings to the state. The recommendation should instead focus on reducing the burden of accreditation visits.
- Place the CTC under the purview of the SPI and allow the SPI to appoint the Executive Director of the CTC.
- Establishing a central clearinghouse for credential verification and making the Department of Education background checks available to individual school districts may help reduce costs.

ETV 05

"I am a lifelong Californian who has also been a credentialed teacher for the past 20+ years. Bravo for taking on the County Offices of Education and the County Superintendents of Schools. The Offices of Education in each California county are a total waste of public education funds. This money should be going directly to the students of California, towards their classroom instruction."

Jeanne King
CPR Website

ETV 05

REGIONALIZE K–12 EDUCATIONAL INFRASTRUCTURE

ISSUE

California's educational infrastructure includes a county superintendent of schools, a county board of education, and a county office of education in each of the state's 58 counties. No other state has a similar structure; in fact, well over one-third of the states have no educational governance structure at all between the state and local school districts. The type and quality of services, programs, and oversight these offices provide, as well as the resources committed to them, vary significantly across counties. While the size and population of California may require some intermediate level linking the 1,000-plus local school districts with the California Department of Education, a regional—rather than a county—system could better serve citizens at lower cost.

SOLUTIONS

- *Pursue a constitutional amendment to eliminate county superintendents of schools and county boards of education.*
- *Replace the current structure of county superintendents and county boards with regional superintendents and boards using the eleven service regions created by the county superintendents through the California County Superintendents Educational Services Association (CCSESA).*
- *Provide a fiscal incentive for two or more counties in a region to unite under one board and one superintendent, if a change to the constitution is not feasible.*

PUBLIC COMMENT

99 comments were received for this recommendation. 20 comments expressed support. 73 comments expressed opposition. 6 comments were neutral.

Pros

- The money for salaries, benefits, and travel expenses associated with staffing a county office of education could be more effectively used in direct services to the children of that county.
- County superintendents are, in almost all cases, elected officials who may or may not have the necessary experience or training to advise, support, or lead the educational community. They often unnecessarily politicize the educational environment.
- Over many years, various grand juries, state legislative bodies, and auditor agencies have identified waste and unnecessary bureaucracies in county offices of education.

Cons

- This recommendation would move administration of services farther away from recipients, potentially reducing the effectiveness, responsiveness, accountability, and quality of education and county youth services.
- There might be a loss of valuable infrastructure, particularly in special education and transportation, as districts are forced to choose between receiving support from a distant regional office and trying to meet needs with local resources. In this way, the savings described in the recommendation could be overstated.
- The Williams case settlement and the recent passage of AB 2756 give county offices of education more responsibility for oversight over local schools. Regionalization could dilute the responsibilities envisioned by the courts.
- The county office of education fills the educational gaps for a large variety of students, teachers, and parents, providing service to both large and small school districts with particular attention to at-risk students, special needs students, and those students whom the courts have determined cannot safely be educated with other students. Local districts may not be able to meet the needs of these diverse student populations.

- Parents may be less able to advocate for their children given the longer distances between child and service provider. This change could also add to a family's travel costs as they seek services.
- This recommendation would create educational conglomerates made up of neighboring counties with population differences of over 400,000 people. As a result, service delivery to small districts might suffer tremendously.
- Regionalization could disenfranchise local grass roots communities and stifle local volunteerism and investment. Local control could be lost as a part of the proposed organizational change. Families with special needs children may experience a reduction in services.
- The appeals process may not be adequately addressed at the regional level.

Considerations

- Special Education Local Plan Areas could be eliminated and their function performed directly by the state. School districts could then be required to spend a proportionate amount of local and state special education funding on private school (including faith-based) students.
- Local public school districts could be consolidated to reduce the overall number of school districts in the state. In some cities, there are multiple school districts, some serving the same students (e.g., K–6 and high school districts with overlapping boundaries), thereby adding additional costs and bureaucracy.
- Presently, most county superintendents are elected. The local school district model could be adopted at the county level requiring that all county school superintendents be appointed by an elected county board of education.
- The needs of California's rural counties differ from those of the state's urban areas. The impact of this recommendation on itinerant special education services in geographically isolated districts should receive further study.
- The impact of this recommendation on early childhood education may have been overlooked.

ETV 06

REDUCE NON-INSTRUCTIONAL COSTS IN K–12 SCHOOLS

ISSUE

California's public schools are limited in their ability to obtain transportation, construction, maintenance and food services at the lowest possible cost. The costs of these non-instructional services could be significantly reduced by increasing purchasing options available to schools. Current law should be changed to provide local school districts with the flexibility and authority to enter into alternative purchasing arrangements, such as public-private partnerships. This option should generate savings and those savings could be redirected into the classroom.

SOLUTIONS

- *Reduce non-instructional costs in K–12 schools by repealing Senate Bill 1419 (SB 1419) to allow the use of contracting out, public-private partnerships, and other innovative acquisition strategies.*
- *Develop strategies for competitive sourcing of non-instructional services, allowing for greater flexibility in procurement of necessary services.*
- *Legislate to exempt contracting out by a county joint powers authority or county services consortium.*

PUBLIC COMMENT

15 comments were received for this recommendation. 5 comments expressed support. 10 comments expressed opposition.

Pros

- Repealing SB 1419 could allow school districts to maximize savings through contracting efficiencies, formation of joint partnerships and contracting with cities, counties, or other public entities. Competitively bidding out services could also result in substantial savings to taxpayers.

Cons

- The recommendation to repeal SB 1419 could eliminate important safeguards that protect students and taxpayer dollars. Districts would not be able to ensure that outsourced contracts are competitive, contractors employ qualified individuals, and there are actual savings.

- Repealing SB 1419 could cost the jobs of a district's classified staff. The recommendation may overlook the impact of a stable and committed classified staff on student success.

Considerations

- No testimony submitted.

ETV 07

ELIMINATE UNNECESSARY REPORTS REQUIRED IN THE EDUCATION CODE

ISSUE

State agencies are mandated to prepare and submit education-related reports to the Governor, the legislature, and other state entities. These reports can be time-consuming and tedious to produce, and are often obsolete by the submission date. Agencies often lack the resources to prepare all but the most critical reports. The preparation and distribution of education reports that are not useful to decision-makers should be eliminated.

SOLUTIONS

- *Eliminate the unnecessary reports by establishing a sunset date of January 1, 2007, for all mandated reports with the Education Code, unless otherwise specified by the Legislature.*

PUBLIC COMMENT

9 comments were received for this recommendation. 6 comments expressed support. 3 comments expressed opposition.

Pros

- The recommendation to sunset unnecessary reports is a worthwhile effort that could save state funds by reducing the costs associated with the production and distribution of unneeded reports.

Cons

- The value of reports should not be solely measured by the cost of their production. The value of these reports lies in their data and the application of what is learned from the data.
- The current level of reporting helps provide accountability. Eliminating the reports could make schools less accountable.

- The lay person may not understand the significance of the data in a report or why the data is being collected. The interpretation of a report's value should be left to those who have been trained to analyze the data. The reports should not be simply eliminated.

Considerations

- The Superintendent of Public Instruction is currently working to reduce unnecessary reports.
- Some reports are mandated by agencies outside of California government.
- The proposed sunset date of two years does not allow for enough time to evaluate the value of the reports proposed for elimination.

ETV 08

REFORM CONCURRENT ENROLLMENT FUNDING AND OPTIONS

ISSUE

California has programs in place that allow high school students to earn both high school and college credit for the same class. Funding and enrollment procedures are flawed.

SOLUTIONS

- *Improve California's concurrent enrollment programs by enacting new legislation that: Requires community colleges to assess whether high school students are ready to take college level courses as criteria for admission; encourages the use of pre-existing student assessments and limits concurrent enrollment to classes taught at the postsecondary institution (including satellite locations).*
- *Limit high school students to 10 percent of the enrollment in any college class and eliminate funding for noncredit and basic skills courses for concurrently enrolled students.*

PUBLIC COMMENT

12 comments were received for this recommendation. 5 comments expressed support. 6 comments expressed opposition. 1 comment was neutral.

Pros

- The concurrent enrollment recommendation may encourage students to complete high school, and it may reduce the time which a student would be required to attend college.

- Concurrent enrollment may reduce the high cost of leaving home to attend a public four-year institution by allowing students to complete lower-division requirements before formally entering college.
- Community colleges and high schools could partner to provide more efficient and effective services.

Cons

- Any student with parental permission, who passes the accepted college placement criteria, could enroll. Without local school district oversight, students could end up with courses that provide duplicate, inappropriate, or non-degree related credit.
- High schools increasingly rely on community colleges for technology and equipment that school districts cannot afford. Limits on enrollment may prevent students from having access to facilities that are not available in high school.
- Concurrent enrollment can help prepare a student for postsecondary work and, for those with little experience with higher education, serve as a gateway to the postsecondary environment. Limiting concurrent enrollment could prevent high school students from taking advantage of these benefits.
- When family and/or health problems interfere with course completion, students may not be able to re-take courses at community colleges and keep up with classmates in high school.
- Community colleges may not have the resources to assess concurrently enrolled students and guide them into the proper courses.
- School districts may not be able to bear the financial impact of the reduction of their Average Daily Attendance as a result of a student taking classes at a community college.

Considerations

- As an alternative, the UC College Prep Online for Advanced Placement (AP) classes can be used by students in communities that do not offer AP courses.
- High school students could also utilize adult education centers to take additional coursework.

ETV 09

ESTABLISH QUALIFICATIONS FOR CHIEF SCHOOL BUSINESS OFFICERS

ISSUE

There are no uniform minimum qualifications and no credential, license or certification process required for school district chief business officers despite the high level of fiscal responsibility over and complexity of school district budgets.

SOLUTIONS

- *Establish qualifications and a licensure process for school district chief business officers.*

PUBLIC COMMENT

All 5 comments received support this recommendation. No opposing or neutral comments were received.

Pros

- There is an urgent need to train school district business officials in fiscal management. Budget shortfalls and fiscal mismanagement have led to an increasing number of insolvent school districts.

Cons

- No testimony submitted.

Considerations

- Educators should be involved in the development of credentials for school district chief business officers.

ETV 10

ESTABLISH PERFORMANCE-BASED CONTRACTS BETWEEN THE STATE AND K–12 SCHOOL DISTRICTS

ISSUE

California funds much of its K–12 education system through an inequitable, ineffective, and burdensome series of categorical programs and mandate reimbursements. This method of funding focuses on oversight of spending, rather than on student outcomes.

SOLUTIONS

- *Establish a five-year pilot program for performance-based contracts with school districts in lieu of most categorical and mandate funding. (Participation in the pilot program should be voluntary and financially troubled school districts should be excluded, with participating districts waiving the right to mandate reimbursements for the school year under contract.)*

PUBLIC COMMENT

12 comments were received for this recommendation. 8 comments expressed support. 4 comments expressed opposition.

Pros

- This pilot program could provide meaningful examples of how flexible funding can lead to improved student achievement.
- Block grants may increase the value of the dollars sent to school districts as administrative overhead will be reduced and more dollars will go to instruction.
- This recommendation is an innovative way to streamline categorical funding and give districts more fiscal flexibility.

Cons

- The current categorical funding structure best serves Gifted and Talented Education students as a categorical program. When funds are unrestricted, gifted students can be left out as funds tend to flow first toward those who are struggling.
- Elimination of categorical funding could reduce or eliminate the desirable activities and results that were envisioned when the categorical programs were established. Funds may be siphoned off for other purposes if they are not tied to a particular program.

Considerations

- Care must be taken to protect the resources to fund students with special needs, such as English language learners, poor students, low-performing schools, etc.
- Priority should be given to those districts that actively work to make community involvement a primary concern. Partnership agreements with local stakeholders could be required to increase community and parent involvement.

- Greater local flexibility could be afforded when districts are accountable for their decisions. The report does not, however, provide details on how the performance contract would work. The merits of this recommendation cannot be assessed without the specific provisions of the proposed agreements.
- Combining all categorical funds into one block grant may not make sense. Consider combining funds into several block grants as outlined in the Legislative Analyst's Office's Analysis of the 2003–04 Budget Bill.

ETV 11

CHANGE ENROLLMENT ENTRY DATE FOR KINDERGARTNERS TO ENHANCE THEIR SUCCESS

ISSUE

Changing the kindergarten minimum age of enrollment from December 2nd to September 1st creates a learning environment where the majority of the students are five years old prior to entering the classroom. Maturation differences can have a significant impact on students' academic performance and when children are given the time they need to mature, they can and do learn more successfully.

SOLUTIONS

- *Change the kindergarten enrollment cutoff date in state law from December 2nd to September 1st.*

PUBLIC COMMENT

48 comments were received for this recommendation. 30 comments expressed support. 16 comments expressed opposition. 2 comments were neutral.

Pros

- Data shows that children who start at an older age are more likely to succeed because they are more developmentally ready for the rigors of today's academically focused kindergarten.

Cons

- Delayed entry into kindergarten could be a hardship for working families as they would be required to provide another form of pre-school activity.

- Changing the kindergarten enrollment date could cost school districts money through lost Average Daily Attendance, because fewer students might be enrolled in kindergarten. This change could result in teacher layoffs. School districts with declining enrollments may be the hardest hit.
- Adoption of this recommendation may cause an increase in pre-school program and facility needs, taxing an already overburdened system.

Considerations

- Implementation could include creation of a universal pre-school program contributing to a child's school readiness. Budget savings should be considered for this purpose rather than encroaching on Proposition 98 funds.
- An 18-month kindergarten may be a better alternative, allowing students to improve their school readiness before entering first grade.
- When tested, California's kindergarten students could now be compared to kindergarten children from other states where they are physically and developmentally older because of an earlier enrollment cut-off. As a result, the accuracy of the comparisons could improve.
- Implementation could occur over a two or three year period to allow school districts and families adequate time to prepare for the change.

ETV 12

PRESERVE FEDERAL K–12 NUTRITION FUNDS

ISSUE

Twenty-three federally funded positions are vacant in the Child Nutrition Services Division of the California Department of Education resulting in mandated federal work not being performed.

SOLUTIONS

- *The Department of Finance should work with the Superintendent of Public Instruction to ensure that all vacant federally funded positions responsible for administration and oversight of child nutrition programs with the California Department of Education, Nutrition Services Division, are filled.*

PUBLIC COMMENT

All 4 comments received support this recommendation. No opposing or neutral comments were received.

Pros

- Chronic vacancies at the California Department of Education negatively impact state services.
- Some funding has been lost as funds have reverted back to the federal government.

Cons

- No testimony submitted.

Considerations

- An investigation should be conducted to determine why these positions have been left vacant for so long.

ETV 13

IMPROVE THE SPECIAL EDUCATION HEARING AND MEDIATION PROCESS

ISSUE

The California Department of Education currently contracts with the University of the Pacific, McGeorge School of Law to perform these special education hearings and mediations. Prior to 1988, this work was performed by California's Office of Administrative Hearings (OAH). The cost of the contract with McGeorge is more expensive than the cost with OAH.

SOLUTIONS

- *Request that the CDE enter into a Memorandum of Understanding with the OAH to conduct special education hearings and mediations.*
- *Increase the number of cases resolved by mediation, thereby realizing a substantial cost savings.*
- *Permit mediators to function more as arbitrators.*

PUBLIC COMMENT

26 comments were received for this recommendation. 6 comments expressed support. 19 comments expressed opposition. 1 comment was neutral.

Pros

- The existing system is costly and overburdened by the excessive number of cases and the cost of mediation activities.

- Special education programs and school districts would save money and the concerns of the involved parties would be addressed more adequately.
- Contracting these services out to the OAH, a state agency, will benefit the taxpayer in terms of cost savings and improved levels of service.

Cons

- The quality of service may be lessened by the proposed change.
- OAH might not have enough statewide coverage. Parties from outlying areas would need to travel greater distances to attend hearings than they currently do.
- This area of the law is complex and changes rapidly. Specialists might be better equipped to work in this area of the law. The OAH staff members who would be performing the mediation and arbitrations are generalists.
- OAH might be pressured to reduce the length of the hearings to cut costs and show budget savings at the expense of due process.

Considerations

- Disputes over the facts supporting this recommendation should be reconciled prior to implementation. The issues of cost, travel, convenience to the parties, and the role of mediators may need further study.
- Using the McGeorge School of Law to perform these hearings may be an example of a worthwhile public/private partnership.

ETV 14

DECREASE THE COST OF K–12 TEXTBOOKS

ISSUE

More than half a million students do not have textbooks to use in class. Approximately two million students cannot take textbooks home to do homework. School textbook prices have risen alarmingly in recent years.

SOLUTIONS

- *Require publishers to furnish their instruction materials in California at a price, including all costs of transportation, which does not exceed the lowest price at which the publisher offers these materials for adoption or sale to any state or school district in the United States.*

- *Require publishers to automatically reduce the price of those instruction materials to any governing board to the extent that reductions are made elsewhere in the United States.*
- *Inform the public of which schools provide adequate textbooks and instructional materials and which do not.*
- *Provide qualitative evaluations of instructional materials to local school districts.*

PUBLIC COMMENT

8 comments were received for this recommendation. 4 comments expressed support. 1 comment expressed opposition. 3 comments were neutral.

Pros

- The upwardly spiraling cost of textbooks puts an increasing burden on districts attempting to provide adequate books to every student for every class.

Cons

- Specific discussion in opposition to this recommendation was not received.

Considerations

- Textbook publishing is a competitive business. Market conditions may sometimes drive textbook costs higher.
- Consider purchasing e-books and other electronic forms of study materials instead of printed materials.
- Using open-source material for textbook content may help reduce costs.
- AB 2455 may have partially addressed this issue. The measure was vetoed by the Governor. Elements of this bill could become part of the recommendation.

ETV 15

"Much to the chagrin of many students, they find that when they transfer they have extra units. It makes them angry and it's not efficient."

Laura Kerr
California State Student Association
CPR Commission Hearing

ETV 15

MAKE IT EASIER FOR STUDENTS TO TRANSFER FROM A COMMUNITY COLLEGE TO A UNIVERSITY

ISSUE

The transfer process for community college students moving into four-year institutions is complex, confusing and disjointed.

SOLUTIONS

- *Develop core, lower division, general education, and major requirements that are recognized and accepted by all California public universities.*
- *Allow for a conditional acceptance process that guarantees a transfer student's admission to a specific campus and major if the student meets the stated requirements.*

PUBLIC COMMENT

11 comments were received for this recommendation. 9 comments expressed support. 1 comment expressed opposition. 1 comment was neutral.

Pros

- The best way to guarantee access to a bachelor's degree is to enhance the community college transfer function.
- A core transfer curriculum uses education resources more efficiently. Other states have found this transfer process to be very cost-effective.
- The current transfer process in California is often a confusing and difficult exercise which is highly frustrating to students and a waste of state resources.

Cons

- The savings identified in this proposal may be overstated.

Considerations

- The efforts proposed in this recommendation are already being achieved through the efforts by the University of California and the California State University systems to standardize transferable courses.

- The reorganization of community college governance proposed in ETV 03 might impact the feasibility of changing transfer policy.
- While ease of admission would aid students' transfer to the other segments of California's higher education system, whether there will be space for them is another issue. Faculty discussion and financial investments in facilities are needed.
- Consider the quality of the universities in this state compared to those in other states; part of the difficulty in creating core transfers requirements is the distinct mission of each segment of the California higher education system.
- It is critical to balance the demands of clear, efficient transfer paths with the vitality of diverse curricular offerings in the college system.
- As an alternative, the state could set output goals for increased transfer success, without specifying the details of curricular content.

ETV 16

PROVIDE A FEE WAIVER IN LIEU OF A CAL GRANT AWARD

ISSUE

All financially needy students attending a community college in California are eligible to receive a waiver of their statewide community college enrollment fee. UC and CSU students are not currently able to participate in a similar program. The financial aid process is more cumbersome and confusing than necessary for these students.

SOLUTIONS

- *Amend relevant Education Code sections replacing portions of the state's current Cal Grant A and Cal Grant B programs with a new fee waiver program.*
- *Appropriate Cal Grant funds for financially needy students at California community colleges directly to the community colleges based on the number of financially needy students in each district.*

PUBLIC COMMENT

14 comments were received for this recommendation. 3 comments expressed support. 8 comments expressed opposition. 3 comments were neutral.

Pros

- The fee waiver program works well in the California Community College system and should be expanded to include the UC and CSU systems.

Cons

- The existing Cal Grant program provides students with adequate financial aid and a choice of where to attend college. This proposal may not allow the UC to remain accessible and affordable to all eligible students, as the waiver would not cover all of the costs of attending college.
- The recommendation may divert funding from the neediest students to those who are less needy, by reducing the resources available to students through UC's Student Aid Program.
- This proposal may create the expectation that the CSU and the UC systems absorb the waivers with existing funding.
- The CPR savings estimates might be inflated by including savings from Fiscal Year 2004–05 and 2005–06 when the proposal is assumed not to be in effect until July 1, 2006 (after FY 2005–06).

Considerations

- Financial assistance for costs above the amount of the fees would still be needed.
- The recommendation does not address how students attending independent or proprietary schools would be affected.
- A streamlined Cal Grant process might be preferable to a fee waiver.
- This recommendation leaves questions about how the competitive grant will affect Cal Grant B recipients.

ETV 17

MAKE HIGHER EDUCATION MORE AFFORDABLE BY REDUCING THE COST OF TEXTBOOKS

ISSUE

The wholesale price of college textbooks has gone up 32.8 percent since 1998, almost double the 18 percent increase in the wholesale price of ordinary books over the same period.

SOLUTIONS

- *Require college and university faculty to consider the price of textbooks when making selection decisions; give preference to the least costly textbook option when the educational content is equal; inform students whether previous editions will be adequate and sufficient for the course; and select textbooks from only those publishers who have agreed to sell their textbooks and supplemental materials in an "unbundled" format.*
- *Require college and university administrators to notify faculty about various textbook options, textbook publishers that have agreed to sell "unbundled" materials; and the costs of alternatives.*
- *Establish and publicize online book swaps for students.*

PUBLIC COMMENT

8 comments were received for this recommendation. 5 comments expressed support. 3 comments expressed opposition.

Pros

- Reducing the cost of textbooks will help lower the cost of higher education.

Cons

- This recommendation is contrary to the academic freedom extended in all segments of higher education as it would prevent college and university faculty from independently selecting textbooks.
- The recommendation, if implemented, could jeopardize transferability of coursework as faculty would be limited in their textbook options.
- Limiting textbook selection to the least costly option could support the growth of monopolistic publishers.
- Some student organizations have entered into contracts with booksellers as a mechanism to fund student activities. Limiting such arrangements could be to the overall detriment of students, as student organizations could lose revenue as a result of lower sales margins.

Considerations

- Make the recommendation language permissive so that each community college district can consider the alternatives that best meet their needs.

- Publishers should continue to make the older version of a textbook available for a specified period of time, even if they are publishing a newer version, to allow instructors to continue use of the older version and students to purchase used copies.
- Consider using the Office of State Publishing to print textbooks.

ETV 18

INCREASE COLLEGE AND UNIVERSITY TUITION FOR ALL NON-RESIDENT STUDENTS

ISSUE

California subsidizes higher education for its citizens and charges non-residents a tuition surcharge. California does not charge fair market value to non-residents enrolled in the UC, CSU and California Community Colleges.

SOLUTIONS

- *Increase non-resident tuition at all state colleges and universities by 45 percent above 2003–2004 rates.*

PUBLIC COMMENT

8 comments were received for this recommendation. No comments expressed support. 6 comments expressed opposition. 2 comments were neutral.

Pros

- No testimony submitted.

Cons

- This recommendation may lessen the number of international students attending California colleges and universities. Non-resident students offer valuable perspectives and serve to advance goodwill and global understanding.
- Any mandate that removes the local community college governing boards' current prerogative of setting fee levels for non-resident students based on local circumstances should be avoided.
- This recommendation could require additional monitoring of non-resident students, which could reduce the revenue generated from the increased tuition.

- Some non-resident students may choose not to attend school in California, thereby reducing overall fee revenue.
- Non-resident tuition and fee increases might hurt the quality of UC's graduate programs as qualified international students choose to pursue their education outside of California.

Considerations

- Fees for nonresident students were increased in the 2004–05 school year by 20 percent over the previous year.
- Many international students stay in the state after graduation where they contribute to our economy as academics and as highly trained professionals.
- If international students who are qualified to act as professional researchers enroll elsewhere, research projects might be endangered, resulting in major scientific and economic losses.
- A competitive fee structure may help California colleges and universities to maintain the most competitive graduate programs in the nation, by attracting the best and brightest students from around the world who feel they receive exceptional value for the cost of their tuition.

ETV 19

ESTABLISH COMMUNITY COLLEGE ENROLLMENT PRIORITIES

ISSUE

Community colleges cannot provide instruction to every student seeking enrollment due to the limited number of faculty and lack of space. Enrollment priorities determine which students can get into classes. Most Community college districts in the state currently give priority to current students over new students even when they have more than 90 units.

SOLUTIONS

- *Enact state law establishing statewide California Community College enrollment priorities for: students who will graduate or transfer at the end of the semester or quarter; current students who have accrued less than 90 units (including courses in progress at the time of enrollment); new students and returning students who have accrued less than 90 units; and current students who have accrued more than 90 units (including courses in progress at the time of enrollment) or hold a bachelor's degree.*

- *Set new policies that allow exceptions for programs in which students follow a prescribed continuum of courses after admission to the program.*

PUBLIC COMMENT

10 comments were received for this recommendation. No comments expressed support. 8 comments expressed opposition. 2 comments were neutral.

Pros

- Enrollment priorities could aid colleges in helping students to graduate, continue their education, or enter the workforce.

Cons

- Costs might increase as the tracking systems required to establish enrollment priorities are implemented. This recommendation could also impose ongoing costs to local community college districts.
- Local students' needs for re-entry or re-training could be overlooked in a system of strict enrollment priorities. Students often do not follow a straight-line path to a degree and may need time and additional coursework to establish final career and educational goals.
- Enrollment priorities may fail to consider the diversity of the goals of the California Community Colleges and California's diverse student population.
- The recommended priorities may be overly simplistic. The ultimate solution may be much more complex than a formula based on units completed.
- The recommendation may be in conflict with the Master Plan for Education.

Considerations

- An unintended consequence of this recommendation is likely to be the tendency of students to enroll in multiple institutions to maintain some enrollment priority.
- Establishing priorities at the state level may not be appropriate. The state could provide full Proposition 98 funding and allow local boards to set priorities. Incentives could be used to encourage enrollment prioritization.

ETV 20

STREAMLINE APPROVAL OF PRIVATE POSTSECONDARY EDUCATION INSTITUTIONS

ISSUE

California's current private postsecondary institution approval process does not consider whether an institution is accredited by a nationally recognized accrediting agency or whether information about an institution has previously been gathered by another state licensing entity.

SOLUTIONS

- *Enact a two-year pilot program to streamline the state's private postsecondary institution approval process and study its effectiveness and success in improving the approval process and ensuring the quality of private institutions.*
- *Create a central repository and processes for collecting information about private postsecondary institutions now acquired by a number of state agencies as they fulfill their ongoing statutory responsibilities.*

PUBLIC COMMENT

1 comment was received in opposition to the recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- The need for thorough review of new institutions seeking accreditation outweighs the need to make the process more efficient. Only regional accrediting bodies should continue to approve the accreditation of private postsecondary schools.

Considerations

- A study could be undertaken to compare and contrast other accrediting agencies and determine which approach best meets the needs of the state and protects the citizens of California.

ETV 21

"We think that there needs to be a more aggressive oversight of the resources that are being spent in higher education."

John Travis
President
California Faculty Association
CPR Commission Hearing

ETV 21

IMPROVE HIGHER EDUCATION ACCOUNTABILITY TO MEET THE STATE'S NEEDS

ISSUE

Most states have systems for monitoring the performance of their higher education institutions. In California, each higher education segment has negotiated an agreement regarding performance, but the agreements lack consequences and lack system-wide cohesion. A clear set of statewide policy goals has not been defined.

SOLUTIONS

- *Establish a clear set of statewide goals and expectations for the state's system of public colleges and universities.*
- *Support the concepts contained in Senate Bill 1331 (SB 1331) to establish a statewide California postsecondary accountability structure.*
- *Develop an enforceable state-level accountability system that produces meaningful information to measure progress toward the state policy goals.*
- *Publish a report with the results of the state-level performance measurement.*

PUBLIC COMMENT

13 comments were received for this recommendation. 9 comments expressed support. 3 comments expressed opposition. 1 comment was neutral.

Pros

- SB 1331 represents a model effort to developing a statewide postsecondary accountability structure.
- Higher education bureaucracies should be held accountable for how they spend education funds.

Cons

- The implementation costs of this recommendation may be understated.

Considerations

- Current accountability measures may be sufficient. The state-level accountability structure now in place in the CSU system could serve as an appropriate model.

- Identify and evaluate additional performance measures for adequate staffing in the UC and the CSU systems. Accountability measures could include: staff turnover rates, staff morale, level of qualified staff, etc.
- Develop a performance-based funding component that is tied to specific student outcomes.
- Audit the distribution of all UC funding sources for staff including state funds, federal grants, and revenue from university enterprises and endowments.
- The report may have overlooked potential cost saving measures such as increasing the use of automated/computerized financial management systems and video conferencing.
- Re-centralizing the multiple campuses of the University of California could allow for the consolidation of dean and department chair positions. Salary caps for senior administrators could be also be studied.
- The management oversight and fiscal controls recommended by the California State Auditor for the CSU system should be incorporated into this recommendation.

ETV 22

REDUCE THE COST OF THE STATE'S STUDENT LOAN GUARANTEE FUNCTION

ISSUE

A lack of clear oversight and ambiguous accountability for the Federal Family Education Loan Program functions has led to uncontrolled administrative costs for this program.

SOLUTIONS

- *Ensure that the California Student Aid Commission (CSAC) issues Request for Proposals to solicit competitive bids for the delivery of student loan guarantee administrative services required under the Federal Family Education Loan Program.*
- *Amend Education Code Sections 69522–69529.5 to allow the state's public benefit auxiliary corporation to compete as a provider of student loan guarantee services.*

PUBLIC COMMENT

8 comments were received for this recommendation. 2 comments expressed support. 5 comments expressed opposition. 1 comment was neutral.

Pros

- Expanding the powers of CSAC and EdFund may establish a state program that has a competitive advantage over private sector lenders who currently offer student loans and provide student loan servicing.
- By allowing competition, the state may avoid controlling the market and forcing competition out. Competition may also compel lenders to invest in technology.

Cons

- The proposal may overlook the success of EdFund. The revenue generated by EdFund has been used to the direct public benefit of students, institutions, and the state.
- The recommendation is lacking in details and does not project the cost savings, if any, that would be gained through its adoption.

Considerations

- The working relationship between CSAC and EdFund may have an impact on this recommendation.
- The UC is satisfied with the current level of service from EdFund/ CSAC.

ETV 23

"Many students can't possibly afford or logistically manage going to a four year institution. Let's take advantage of these community resources (community colleges) to bring higher learning to the communities in which we live. The era of educational silos should end."

James Keller
CPR Website

ETV 23

EXPAND OPTIONS FOR OBTAINING A BACHELOR'S DEGREE

ISSUE

Current state law prohibits California's community colleges from offering bachelor's degrees.

SOLUTIONS

- *Create a pilot program allowing interested community colleges to offer bachelor's degrees.*

PUBLIC COMMENT

17 comments were received for this recommendation. 3 comments expressed support. 13 comments expressed opposition. 1 comment was neutral.

Pros

- This proposal may help reduce educational costs for students and the state.
- Access to college education may increase and rural students may be better served by this recommendation.

Cons

- This proposal would require a major shift in the mission of the Community College system, potentially compromising its unique role in California higher education. A new mission seems premature in light of the state's current budget situation.
- This recommendation could create a fourth and poorly funded segment of California's education system.
- The cost of offering these new courses and degree programs might not justify the return on investment as the Community College system may not have sufficient resources to offer these courses.
- California's demographic realities may be overlooked and a student's growth and career exploration needs may not be acknowledged by this recommendation.
- The recommendation does not address accreditation issues or the number of majors that each institution could offer.

Considerations

- Distance learning or other innovative programs could also be used to reach underserved students.
- Consider increasing the partnerships between four-year and two-year colleges and teach more upper-division classes at community college facilities. The CSU is willing to provide access to bachelor's degrees in any location where sufficient student need/demand is demonstrated.
- Consider facility capacity in the CSU system. Perhaps inadequate classroom space contributes to the problem of limited access to bachelor's degree programs.

- The proposal to offer bachelor's degrees at community colleges may run counter to the state Master Plan for Higher Education. The division of responsibility between the segments of California's higher education system would need to be addressed.

ETV 24

USE A PORTION OF THE STUDENT LOAN OPERATING FUND SURPLUS TO FUND CAL GRANT AWARDS

ISSUE

Over the last three years, revenues for the Student Loan Operating Fund have exceeded costs, resulting in a surplus that is now $266 million.

SOLUTIONS

- *Transfer $134 million from the Student Loan Operating Fund to the Cal Grant program.*
- *Examine the Student Operating Loan balance annually and determine if a portion of that balance can be used to help fund the Cal Grant Program.*

PUBLIC COMMENT

4 comments were received for this recommendation. 3 comments expressed support. 1 comment expressed opposition.

Pros

- Specific discussion in support of this recommendation was not received.

Cons

- The Student Loan Operating Fund cannot sustain a yearly reduction. Funds are needed for loan program operations and future business diversification.
- The proposed transfer and annual review could contribute to the elimination of a state agency that has generated $399 million in revenue for the state and public service initiatives since 1997.

Considerations

- No testimony submitted.

ETV 25

BALANCE CAREER TECHNICAL EDUCATION AND COLLEGE PREPARATION IN HIGH SCHOOLS

ISSUE

High school students enrolled in career technical education go on to higher education at least as often as other students, are less likely to drop out of high school, and have better employment potential than comparison groups. Despite these advantages, Career Technical Education (CTE) course offerings and enrollment have declined over the past decade as California's high schools have focused increasingly on college preparation.

SOLUTIONS

- *Adopt high school graduation requirements that allow a choice of courses of study including university preparation and academic/career technical education.*
- *Develop a "Strategic Plan for Academic/Career Technical Education."*
- *Review career technical courses for compliance with the curriculum standards and frameworks now being developed.*
- *Revise the Academic Performance Index (API) to include consideration of career technical education.*

ETV 25

"Every student...is important and deserves to have a successful life. To achieve this goal, high schools must address the needs of all students, those who are college bound and those who will enter the work force upon graduation."

William S. Lambert
Director
United Teachers
Los Angeles (UTLA)
CPR Commission Hearing

ETV 25

"All of us want the same thing, a productive, positive work force, students that are well-equipped for all of the challenges that face them during their life.

And to frame this in some kind of false dichotomy...of whether we're going to teach kids career information or academics is a false debate that we need to get beyond."

Jim Aschwanden
Executive Director
California Agricultural Teachers' Association
CPR Commission Hearing

PUBLIC COMMENT

51 comments were received for this recommendation. 32 comments expressed support. 15 comments expressed opposition. 4 comments were neutral.

Pros

- The current college preparatory system may leave many students, particularly at-risk and special education students, without substantive alternative educational options or at risk of dropping out of high school. Targeted educational options may increase the number of graduates.
- CTE offerings may help more students to complete secondary education and prepare them for the workforce. Given varied interests and learning style differences, students need alternate pathways to success.
- CTE has not been a K–12 priority for over two decades. This proposal could help address California's labor market and workforce needs since the K–12 pipeline producing skilled employees is broken.

ETV 25

"Having kids stay in school is a lot better than having them hang out at the mall."

Ronald Johnston, Ph.D.
President
California Coalition for Construction in the Classroom
Written Testimony

- CTE currently falls outside of standards and accountability initiatives. This recommendation may recognize the rigor of CTE programs.
- With the option of CTE coursework available to them, California's students will have greater access to educational services, improved delivery of services and program efficiency, and superior educational outcomes.

Cons

- This proposal may force students into separate tracks—one college preparatory and the other career education focused. Poorer students, special education students, and those who are otherwise at risk, could be channeled into what is perceived as a lower educational track.
- There may be significant costs associated with this proposal, as there are few CTE faculty available in K–12. Implementation could also require a significant capital outlay for equipment.
- This proposal may devastate successful community college programs and seems to contradict recommendations for the community colleges to be more involved in workforce preparation.
- Proposed CTE course paths may not meet the requirements of No Child Left Behind as they do not include the arts or foreign languages. Cultural literacy, achieved through arts and foreign language education, contributes to the making of a productive adult citizenry.

Considerations

- This issue may require a more in-depth analysis than the CPR timeframe afforded. A system is needed that would allow students to move between academic preparatory and career technical courses at any time. One formula for determining a student's educational pathway may not work. The CPR recommendations are helpful, but may need further development and additional input and consideration.
- With an increasingly diverse population and expanded international trade, California's economy will require a greater number of workers with diverse language skills. CTE pathways should include foreign language education to help meet this need.
- This recommendation would require expanded high school counseling to ensure that students are aware of all educational options available to them. Because many parents dream of a college education for their children, the proposal to create CTE pathways may be misunderstood as an obstacle to achieving that dream.

- Developing curriculum standards and frameworks for CTE should ensure academic rigor. Inclusion in the Academic Performance Index (API) will add to the academic integrity of these courses.
- Arts and foreign language education are important in creating an educated workforce. Arts and foreign language education should be included in CTE pathways.
- Public schools will have to add a new CTE focus, create new CTE programs, recruit professionals who can teach CTE courses, and revise outcome measures to include CTE pathways.
- Consider developing a curriculum that gives all students both a career technical education and college preparation.
- Use welfare-to-work funds to modernize school facilities and buy equipment, and then make these facilities available after traditional school hours to adult learners and those reentering the workforce.

ETV 26

EXPAND TRAINING PARTNERSHIPS WITH PRIVATE INDUSTRY

ISSUE

The Economic and Workforce Development Program of the California Community Colleges is positioned to play a vital role in California's economic recovery. Its network of 150 centers is a model for the role California state government can play in fostering public/private partnerships for workforce development and economic growth.

SOLUTIONS

- *Reinforce the priority of the economic and workforce development role of the community colleges.*
- *Expand the initiatives for Competitive Technologies and International Trade by $600,000 each, for a total of $1.2 million.*

PUBLIC COMMENT

18 comments were received for this recommendation. 14 comments expressed support. 3 comments expressed opposition. 1 comment was neutral.

Pros

- The California Community College Economic and Workforce Development Program is an excellent example of expansion of training partnerships with private industry. These partnerships may play an important role in California's economic growth.

Cons

- The costs associated with this proposal may be underestimated. Given budget considerations, the timing of this recommendation may not be ideal.
- Programs such as those included in the recommendation benefit business just as much as students. Proposition 98 funds should not be used for the benefit of private businesses.
- The goals of California's education system should be to prepare students for life by giving them an appropriate education. This proposal may only offer them preparation for short-term employability.

Considerations

- The Chancellor's Office could take a leadership role in establishing community colleges as the lead agency in developing strategic partnerships to address the state's economic interest.
- The recommendation could be expanded to include apprenticeship training programs.
- The timing of this recommendation may not be appropriate as many partnerships already exist.
- The Economic and Workforce Development Program must maintain the support of the Governor and Legislature to be stable.

ETV 27

MODIFY THE 75 PERCENT FULL-TIME COMMUNITY COLLEGE FACULTY REQUIREMENT

ISSUE

The California Community College system is required to maintain a full-time to part-time faculty ratio of 75:25. This proportion is in legislation, but interferes with the community colleges' mission to provide career technical courses.

SOLUTIONS

- *Modify Education Code Section 87482.6 to exclude career technical courses from the 75:25 requirement, with the provision that departments maintain a stable core of faculty to perform necessary tasks. (The definition of career/technical courses should be provided by the Community College Chancellor's Office.)*
- *Modify the Procedures and Standing Orders of the Board of Governors, Section 378 and California Code of Regulations, Title 5, Division, 6, Chapter 2, Subchapter 1, Section 51025 accordingly.*

PUBLIC COMMENT

13 comments were received for this recommendation. 2 comments expressed support. 10 comments expressed opposition. 1 comment was neutral.

Pros

- The requirement to maintain a 75:25 full-time to part-time faculty ratio in the Community College system has resulted in a critical shortage of instructors in training programs for new nurses.

Cons

- This proposal would create artificial faculty categories and costly monitoring of hiring. It does little to solve existing problems and creates a false dichotomy and a caste system between Career Technical Education and academic faculty, thereby widening the gap between them.
- The loss of full-time faculty positions may have a negative impact on curriculum development.

Considerations

- The 75:25 full-time to part-time faculty ratio could be eliminated and replaced by a policy that allows individual colleges to select the mix of full- or part-time faculty that best meets the needs of their students.
- Approximately fifty percent of part-time community college faculty participate in the CalSTRS defined benefit program. There are already difficulties reporting creditable service to part-time faculty because contracts may vary. The addition of part-time faculty may exacerbate this problem.

ETV 28

REMOVE STATUTORY IMPEDIMENTS TO VOLUNTEERISM

ISSUE

Volunteers cannot perform their service because provisions of California labor law require volunteers to be paid the prevailing wage for work on public works projects. This rigidity is costly to non-profit organizations and it inhibits state and local governments and non-profit organizations from fully utilizing volunteers.

SOLUTIONS

- *Enact legislation that exempts volunteers from prevailing wage requirements.*
- *Address other impediments in the law and establish:*
  - *A legal definition for volunteers.*
  - *How volunteers might be used in light of the provisions of labor agreements.*
  - *Guidelines for the use of employees who also want to volunteer.*
  - *Procedures for reimbursement of expenses incurred by volunteers.*
  - *Guidelines for the use of minors as volunteers.*

PUBLIC COMMENT

11 comments were received for this recommendation. 5 comments expressed support. 6 comments expressed opposition.

Pros

- Volunteers provide valuable services that augment the functions that are already performed by paid staff members in an organization.
- Some organizations might not be able to perform the services they offer if they have to "pay" their "volunteers."

Cons

- This proposal could lead to unfair or abusive labor practices and coercion by management to volunteer rather than be paid for work.
- The role of classified school employees might be undermined by the increased use of volunteers.
- Volunteerism might not be an adequate substitute for social policy and government funding.

Considerations

- The safety and insurance of volunteers needs to be addressed.
- In some instances, the provisions of this recommendation could be subject to collective bargaining.
- The Governor signed AB 2690, a measure designed to change laws related to the use of volunteers in public works projects. This may have partially addressed the issue.
- Additional steps should be taken to reduce other impediments to volunteering that result from the costs and complexity of background screenings for volunteers who work with youth and adults in care settings.

ETV 29

RESTRUCTURE THE GOVERNOR'S OFFICE ON SERVICE AND VOLUNTEERISM

ISSUE

State and federal volunteer and service programs are fragmented across numerous state agencies.

SOLUTIONS

- *Rename the Governor's Office on Service and Volunteerism (GO SERV) the California Service Corps to better reflect the broader mission of the organization.*
- *Transfer the following programs to the new California Service Corps: the Governor's Mentoring Partnership; Academic Volunteer and Mentor Service Program; Senior Corps; California Arts Council; California Summer School for the Arts; and the California Conservation Corps.*
- *Promote increased awareness of private giving to support the work of the state through creation of philanthropic liaison activities and expanded public outreach.*

PUBLIC COMMENT

15 comments were received for this recommendation. 2 comments expressed support. 11 comments expressed opposition. 2 comments were neutral.

Pros

- The organizational changes could provide centralized leadership across the spectrum of these organizations. The changes could provide greater visibility and program efficiency for these agencies.

Cons

- The mission of the Arts Council and the role of the California Summer School for the Arts might not fit with the mission of the California Service Corps. This move may diminish the role that the arts play in California's economy.
- This proposal may result in funding cuts to the agencies that are being assimilated into the California Service Corps. They may have less stature than they previously had.
- Philanthropic giving should be between the giver and the receiver. The state's involvement could open the door to coercion; and it might be cumbersome for the state to manage philanthropic giving.

Considerations

- In addition to the proposed changes, create a California Human Development Corps that would complement the activities of the California Service Corps and promote the full spectrum of service or volunteer activities and civic engagement.
- Group the state's artistic and cultural services together in an Office of Cultural Affairs that would have responsibility for the arts, museums, historical collections, and promoting the revenue producing power of California's creative community.

ETV 30

REMOVE BARRIERS THAT IMPEDE THE USE OF DONATED FUNDS

ISSUE

Current procedures for the acceptance of monetary donations to the state are inefficient and represent a barrier to potential donors.

SOLUTIONS

- *Remove inefficiencies and barriers associated with the state making efficient use of conditional monetary donations.*
- *Amend Government Code Section 11005 to streamline the process by which conditional monetary donations can best be used.*

- *Direct the Governor's Office on Service and Volunteerism, or its successor, to develop a process to identify all funds donated directly to the state or to any state-affiliated auxiliary foundation.*

PUBLIC COMMENT

3 comments were received for this recommendation. 2 comments expressed support. 1 comment expressed opposition.

Pros

- The recommendation to streamline the acceptance of donated funds would ease the process of making a donation to the state. Utilizing those funds once they are donated would also be easier.

Cons

- Managing philanthropic giving might be cumbersome for a state agency.
- An increased reliance on donated funds might lead agencies to set fundraising quotas in an effort to balance budgets or provide services.

Considerations

- No testimony submitted.

ETV 31

EXPAND THE SCOPE OF THE CALIFORNIA CONSERVATION CORPS

ISSUE

The California Conservation Corps (CCC) provides a valuable resource to the state which can be enhanced and expanded through providing the CCC with greater authority and flexibility.

SOLUTIONS

- *Expand the scope of the CCC to give them the flexibility and authority to become more entrepreneurial in seeking projects and partnerships.*

PUBLIC COMMENT

8 comments were received for this recommendation. 7 comments expressed support. No comments expressed opposition. 1 comment was neutral.

Pros

- Corps activities save lives, preserve natural resources, and deliver a strong return on investment.
- The CCC could take advantage of new opportunities to develop working relationships with public and private agencies.
- By expanding the scope of the CCC, corps members might be exposed to a variety of work beyond their current activities.

Cons

- No testimony submitted.

Considerations

- Care should be taken not to displace state employees.
- The state should avoid both branding the CCC as just a "service and volunteerism" organization and ignoring the CCC's mission of developing California's youth.
- A new entrepreneurial focus may put the CCC in direct competition with local Corps organizations.
- Use of the state's local non-profit corps should be maximized.

ETV 32

CREATE A PILOT VOLUNTEER LEAVE PROGRAM FOR STATE EMPLOYEES

ISSUE

By providing state employees the opportunity to take time off without pay to volunteer, the state could temporarily reduce its payroll costs by up to $1 billion annually while improving California and encouraging a standard of service and volunteerism among state employees.

SOLUTIONS

- *Create a pilot Volunteer Leave Program for state employees.*

PUBLIC COMMENT

2 comments were received for this recommendation. 1 comment expressed support. 1 comment expressed opposition.

Pros

- This recommendation employs creative means to encourage volunteerism.
- The salary savings envisioned by this recommendation provide the state with a short-term loan of funds.

Cons

- Service should have a modicum of altruism and volunteerism should not be encouraged merely for the cost savings.

Considerations

- The deferred payment for time spent volunteering could create a fiscal liability for the state. The recommended leave system needs further study.

ETV 33

REQUIRE COMMUNITY SERVICE OF PUBLIC COLLEGE AND UNIVERSITY STUDENTS

ISSUE

A review of community service programs in other states and at California's public colleges and universities revealed that, while service is a high priority, it typically is not mandated. Community service experiences enhance a student's education and training.

SOLUTIONS

- *Require community service of public college and university students.*

PUBLIC COMMENT

18 comments were received for this recommendation. 3 comments expressed support. 15 comments expressed opposition.

ETV 33

"The proposal to require community service of our college students is a noble and worthwhile goal but the requirement could be a real hardship on students struggling to balance family, work, and education."

Judith Michaels
Legislative Director
California Federation of Teachers
Written Testimony

Pros

- Volunteerism can be a valuable part of an individual's education because it fosters individual growth and requires participants to look beyond their own environment.
- Volunteer service requirements already exist and are beneficial to society (e.g., jury service).
- Millions of dollars worth of philanthropic effort could be generated through a community service requirement and hundreds of agencies and organizations stand to benefit from this proposal.
- This recommendation suggests a fair way for students to repay the taxpayers for subsidizing their public higher education.

Cons

- The community service requirement might be burdensome, particularly for students who have to work, have family responsibilities, or have other life circumstances that would make a service requirement a hardship.
- The recommendation disregards the fiscal implications for colleges and universities, particularly in curriculum integration and program oversight. Significant resources would be required to identify volunteer opportunities, integrate academic learning into service, and track student participation. (The CSU Monterey service learning model demonstrates these costs.)
- Sixteen hours might not provide any real value to recipient organizations.
- Safety risks to volunteers, to those working with them, and organizational tort and liability issues may have been overlooked by the recommendation.

Considerations

- The recommendation should be expanded to define standards for what constitutes a service experience.
- Existing efforts, both curricular and non-curricular, should be expanded instead of creating new requirements.
- The ability of community organizations to handle a significant number of student volunteers should be considered as a part of this recommendation.

- Community service may be more meaningful for the student if it is truly voluntary and not mandated. This alternate approach could cast service and volunteerism in a more positive light.

CHAPTER 5 CORRECTIONS REFORM AND PUBLIC SAFETY

Introduction

California's state correctional system is presently comprised of the Youth and Adult Correctional Agency and its subordinate departments, boards, and commissions. The separate Office of the Inspector General provides independent oversight, audits, and investigations of the Youth and Adult Correctional Agency and its subordinate agencies. The correctional system consists of more than 54,000 employees and a budget totaling almost $6 billion—5.6 percent of the total state budget. This significant investment in human resources is responsible for supervising more than 300,000 adult inmates and parolees and 8,400 juvenile parolees and wards in order to protect the safety of the public.

After a comprehensive review of California's correctional system, the Independent Review Panel (IRP) found that the correctional system is in need of fundamental reform. The Secretary of the Youth and Adult Correctional Agency has no control over line operations. A code of silence permeates the agency, punishing whistle-blowers and impeding investigation of alleged misconduct. Discipline is not uniform. Training is almost non-existent. A labor agreement between the state and the correctional officer's union has severely restricted managers' abilities to direct and control activities. Lawsuits have successfully challenged the way health care is provided. Inmates and youthful offenders cycle in and out of institutions with little effort made to provide education and rehabilitation services to keep them from re-offending.

In total, the IRP presented 239 specific recommendations for reforming the state's adult and youth correctional system. The major reform areas included:

- Creating a Civilian's Corrections Commission.
- Reorganizing the Youth and Adult Correctional Agency.
- Changing the correctional culture, eliminating the "code of silence," and reinforcing strong ethical behavior.
- Ensuring that the best employment candidates are recruited and that all employees are properly trained.

- Establishing discipline and use-of-force policies that are fair and equitable to the employees, department, inmates and wards, and public.
- Changing approaches to inmate and ward management so that they are better prepared to reenter the community as productive members of society.

The California Performance Review (CPR) also addressed public safety in the context of law enforcement services, fire protection, emergency management, victim services, and homeland security. The safety of those who live, work, and visit in California is among the highest priorities of state government. California is no stranger to public safety emergencies. In the recent past, civil unrest, massive fires, earthquakes, and floods have caused the loss of life and property, and since September 11, there has been a constant unease about terrorism.

After conducting a comprehensive review of the state's public safety functions, the CPR concluded that the current structure of state services is confusing, duplicative, and does not lend itself to effective delivery of public safety services. The CPR also found that the state lacks coordination in the areas of training, equipment purchasing, and communication. To address these public safety issues, the CPR researched 14 issues and identified 23 recommendations related to public safety. These recommendations will:

- Consolidate the majority of public safety services into a new Department of Public Safety and Homeland Security.
- Address other operational and structural issues within the state's public safety services.

The CPR report estimated that these recommendations will result in $7.6 million in savings over the next five fiscal years.

CPR COMMISSION HEARING

The CPR Commission hearing on the IRP report and the Public Safety recommendations of the CPR report was held at California State University, Long Beach on September 10, 2004. Two panels of expert witnesses, representing a broad array of public opinion, testified in front of the Commission. The panels focused on the following subject areas:

- Corrections Reform
- Public Safety and Homeland Security

In total, 13 witnesses presented testimony to the Commission.

SUMMARY OF PUBLIC COMMENT

The public generally supported the IRP's recommendations to reform the state's correctional system. Changing the correctional system's culture and ethics, and increasing accountability and transparency were strongly supported themes. The recommendations related to rehabilitation also received positive response. The proposed changes to the correctional health care system and some of the recommended organizational changes met with opposition or concern. In total, 193 comments were received on the corrections recommendations presented in the IRP report.

Public comment on the Public Safety recommendations of the CPR report mainly focused on the proposed reorganization of public safety services. In particular, the recommended consolidation of state law enforcement entities and the transfer of emergency management and fire protection functions received significant comment. In total, 175 comments were received on the CPR recommendations related to Public Safety and Homeland Security.

CIRP 01-01

"While the idea of a civilian watch dog group holds some promise, a part-time Civilian Commission will lack the expertise, experience, and knowledge necessary to run such a complex and difficult agency."

Donald Specter
Director
Prison Law Office
CPR Commission Hearing

IRP CHAPTER 1

A REORGANIZATION PLAN FOR CORRECTIONS

ISSUE

To a significant extent, the problems of California's Correctional system grow out of its structure. Layers of bureaucracy blur lines of responsibility between managers and functions. Accountability is conspicuously absent, as is public transparency into the system's inner workings. Clear, uniform policies governing the system's most vital functions are equally lacking. Boards, commissions, and other entities that have evolved over time perform duplicate and overlapping functions. The sheer size and complexity of the correctional system, the critical nature of its mission, and the severity of problems dictate the need for wholesale reform, and that reform should begin with the system's organizational structure.

REORGANIZATION SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Create a Civilian Corrections Commission at the highest level of the organization and assign the commission authority to approve policy and provide direction to the correctional administration. (IRP 01-01)*
- *The Civilian Corrections Commission will:*
  - *Report directly to the Governor and make recommendations for the appointment of the Secretary of the new Department of Correctional Services.*
  - *Provide directives to the Secretary of the Department of Correctional Services.*
  - *Have the power to appoint or remove the Inspector General.*
  - *Review and approve the proposed department budget before it is submitted to the Governor.*

- *Have five members appointed by the Governor and confirmed by the Senate.*
- *Have at least one commissioner selected on the basis of his or her expertise in the area of youthful offender treatment and rehabilitation.*
- *Not have been affiliated with the state's correctional agencies in the past and may not be otherwise affiliated with the Department of Correctional Services.*
- *Serve at the pleasure of the Governor for a period not to exceed 10 years.*
- *Publish commission policy and meeting agendas and hold meetings that are open to the public.*

PUBLIC COMMENT

9 comments were received for the recommendations in this section.
4 comments expressed support. 3 comments expressed opposition.
2 comments were neutral.

Pros

- The Civilian Corrections Commission would increase public accountability and provide transparency into the operations of the correctional system.
- The commission would also provide the oversight required to correct abuses toward inmates, address overtime excesses, and restore professional and fiscal responsibility in the correctional system.
- The structure of the commission could ensure that policy and operational decisions are made by a fair and unbiased body with little or no vested interest in maintaining the status quo.

Cons

- The proposed civilian commission would create a new bureaucracy of unaccountable appointees, an addition that appears contrary to the goal of simplifying state government.
- The Governor should hold one person, the Secretary of Correctional Services, accountable for operations and should have the authority to replace the secretary for poor performance.
- Giving responsibility for day-to-day operations of the correctional system to a part-time commission of appointees could create bottlenecks and impede abilities to meet critical timelines dictated by legislation or pressing emergencies.
- Commissioners may lack the expertise, experience, and knowledge necessary to run such a complex and difficult system.

- As an appointed body, the effectiveness of the commission could be influenced by the Governor's choice of appointees. The recommendation does not include any safeguards to ensure that appointees are insulated from politics or truly independent.

Considerations

- Although a civilian commission could be a useful tool that provides public accountability, it is important to consider the differences between a "control" and "advisory" commission. A hybrid model might be a better alternative to the proposed commission structure.
- The recommended structure could be modified to give the commission the authority to cast a collective, albeit weighty, vote on matters at the correctional decision-making table. The commission's position would factor into the decision-making process, but would not freeze the process or delay a final decision.
- The commission could be placed in a consultative position to the department secretary. The commission would play a strong civilian oversight role, but would not have control functions. Commission members could also consult and participate in special committees and studies on an as-needed basis.

REORGANIZATION SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Retain the Office of the Inspector General as the entity responsible for independent oversight of the correctional system and situate the Office of the Inspector General as the auditing and investigative arm of the Civilian Corrections Commission. (IRP 01-02)*
- *Restructure the Youth and Adult Correctional Agency as the Department of Correctional Services, and merge the central management and support functions of the Department of Corrections (CDC) and the Department of the Youth Authority (CYA) into the new department. (IRP 01-03)*
- *Appoint a Secretary of Correctional Services who will function as the Chief Operational Executive of the department and serve as a member of the Governor's Cabinet. (IRP 01-04)*
- *Give the Secretary of the Department of Correctional Services the power to appoint individuals to key managerial positions. (IRP 01-05)*
- *Concentrate Youth and Adult Field Operations under regional directors, who will be fully responsible for all operations in designated geographic regions and accountable to a common director of operations and programs. (IRP 01-12)*

- *Integrate parole operations with institution programs and make regional directors responsible for preparing inmates for eventual return to the community from the moment they enter a prison or youth facility until they are released from prison. (IRP 01-13)*

PUBLIC COMMENT

18 comments were received for the recommendation in this section.
8 comments expressed support. 3 comments expressed opposition.
7 comments were neutral.

Pros

- Restructuring the Youth and Adult Correctional Agency may eliminate duplicate functions and streamline correctional services.
- The secretary's role as a member of the Governor's cabinet would encourage direct accountability to the Governor and potentially increase power at the departmental level.
- Currently, top prison managers are not held accountable for their decisions. A regional management structure could allow for consistency and accountability.
- Integrating parole operations with institution programs would provide for services that better prepare prisoners for re-entry once they are released from custody.

Cons

- Placing CYA under a unified corrections department could compromise its unique mission of rehabilitating youth and allow CYA issues to be overshadowed by crises within the adult correctional system. To avoid these problems, other states with unified systems are now creating "firewalls" between their adult and juvenile correctional systems.
- CYA needs to be closely allied with local law enforcement, education, and social services to provide effective services. A disconnect already exists between CYA and local juvenile justice professionals. The proposed reorganization could further isolate CYA from county juvenile justice systems.

Considerations

- The Independent Review Panel has noted that reorganization is the linchpin of their recommendations. It is critical to recognize the importance of restructuring and the role that communication must play in the reorganization process.

- The Secretary must be vested with the power to appoint individuals to key managerial positions in order to follow the directives of the Civilian Corrections Commission and the policy of the Governor.
- In addition to the Civilian Corrections Commission, the Inspector General should report to the Secretary of Correctional Services, with an extension of an ombudsman relationship with the Governor's Office.
- The current system is the equivalent of 32 separate entities, each comprised of a warden and prison. The idea of a flattened bureaucracy has merit, but taking a regional approach may be too simplistic. Reorganization should consider not only geography, but also mission.
- Implementing a regional approach would require a coordinating function to ensure statewide consistency in operations and to resolve conflicts between regions.
- Accountability could be improved by issuing report cards for wardens and other high-level administrators that are based on performance indicators.
- The proposed reorganization does not create an entity to deal with broader juvenile justice functions. Recommend creating a statewide juvenile justice agency in the Office of Research and Planning in the proposed Department of Correctional Services. Through funding initiatives and policy development, the agency could address the disconnect between CYA and counties and ensure a full continuum of local programs.
- The report addresses continuity among institutions, but not specifically in relation to Title 15. Although Title 15 is supposed to be a rule book for facilities and the public to follow, it is open to interpretation by each warden, leading to discrepancies between facilities.
- There appears to be a number of areas where there is a duplication of effort between the CDC and CYA. For example, there appears to be overlapping duties between the institutional parole officer and the treatment team supervisor positions in the CYA. These two positions could be combined into one.

REORGANIZATION SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Eliminate the Board of Prison Terms, the Narcotic Addict Evaluation Authority Board, the Youth Authority Board, and the Prison Industry Board, and the Joint Venture Policy Advisory Board. Absorb the Functions of the former boards into units of the Department of Correctional Services. (IRP 01-06)*
- *Move the Board of Corrections into the new Department of Correctional Services and rename it as the Corrections Standards Authority (CSA). (IRP 01-08)*
- *Assign the Corrections Standards Authority responsibility for establishing the first coordinated state and local strategic planning efforts for the youth and adult correctional systems. Give the CSA responsibility for setting standards and conducting inspections of state prisons and youth facilities. (IRP 01-08)*

PUBLIC COMMENT

8 comments were received for the recommendations in this section.
1 comment expressed support. 5 comments expressed opposition.
2 comments were neutral.

Pros

- The proposal to move the functions performed by the Board of Corrections into the new department appears more efficient.
- A coordinated state and local strategic plan would be beneficial for correctional services, as would uniform standards for conducting investigations of state prison and youth facilities.

Cons

- The proposed elimination of the Board of Prison Terms and the Youth Authority Board would result in hearings being conducted by civil service employees. According to submitted comments, a similar approach was tried in 1992 with the transfer of the Board of Prison Terms' parole revocation authority to the Department of Corrections. This decision resulted in parole policy that was driven by population management concerns, rather than public safety.
- Under the current structure, the Board of Prison Terms and Youth Advisory Board provides an important opportunity for prosecutors to be involved in the evaluation process for the release of adult and juvenile offenders.
- As the entity responsible for setting facilities and training standards, and inspecting compliance with these standards, placement of the Board of Corrections within the department does not give the appearance of impartial inspections and oversight.

- The proposed Corrections Standards Authority could dilute the current mission of the Board of Corrections, which is to focus on local correctional effectiveness. Expanding the board to include adult prisons and youthful offender facilities could further shift the focus away from local issues and result in a loss of local input and expertise.

Considerations

- If the proposed changes are made to the Board of Prison Terms and Youth Authority Board, recommend increasing the pay for the associated civil service jobs in order to attract and retain qualified candidates.
- Rather than eliminating the Board of Prison Terms and Youth Authority Board, consider combining them into one independent parole authority that reports directly to the Secretary. This structure would be consistent with goals of accountability and protect parole policy from being driven by institutional housing considerations.
- Instead of having the Corrections Standards Authority responsible for CYA facility inspections, consider giving responsibility for this task to another entity. For example, Florida contracts with universities to complete education and conditions audits of their facilities.
- In addition to the proposed changes to the Board of Corrections, recommend a review to determine whether the standards and enforcement mechanisms for local facility inspections need to be strengthened. One option would be to turn over the most egregious situations to the Attorney General for enforcement. Another option would be to institute a licensing scheme, where counties electing to operate juvenile halls must meet licensing standards and undergo periodic recertification.

REORGANIZATION SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Eliminate the Commission on Correctional Peace Officer Standards and Training (CPOST) and transfer the responsibilities of the commission for setting training standards for state youth and adult correctional peace officers to the new Corrections Standards Authority. (IRP 01-09)*

PUBLIC COMMENT

2 comments were received for the recommendations in this section.
1 comment expressed support. 1 comment expressed opposition.

Pros

- Eliminating the CPOST and transferring its functions to the Corrections Standards Authority appears to streamline services and provide for a more responsive entity.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

REORGANIZATION SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Eliminate legislative confirmation of appointments with the exception of the commissioners of the Civilian Corrections Commission.*

PUBLIC COMMENT

2 comments were received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- The confirmation process opens prison policies, practices, and operations to periodic public scrutiny. It also provides necessary checks and balances for a system that has an otherwise broad range of discretionary power. Accountability and transparency may suffer if the Senate's power to confirm prison wardens is removed.

Considerations

- No testimony submitted.

IRP CHAPTER 2

ETHICS AND CULTURE

ISSUE

Recent events have brought to light an insidious "code of silence" within California's correctional institutions. Although a reluctance to report wrongdoing by co-workers is common in any workplace, the code of silence that has taken hold in the state's prisons and juvenile facilities is deeply destructive, profoundly unacceptable, and symptomatic of an urgent need for cultural reform in the state correctional system.

ETHICS AND CULTURE SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Have an outside entity conduct a cultural assessment of the state correctional system to identify issues needing reform. Arrange for a follow-up assessment every two years. (IRP 02-01)*
- *Ensure that Department of Correctional Services managers and administrators serve as role models for integrity and that they require the same behavior from employees. (IRP 02-02)*
- *Provide a means for employees to report misconduct, anonymously if necessary, without fear of reprisal. (IRP 02-03)*
- *Strengthen recruiting standards to select candidates of high moral character. (IRP 02-04)*
- *Require every employee to sign an official code of conduct that clearly defines cooperating in a code of silence as misconduct. Accompany the code of conduct with a list of the disciplinary sanctions to be imposed for violating the code. (IRP 02-07)*

PUBLIC COMMENT

6 comments were received for the recommendations in this section. 3 comments expressed support. No comments expressed opposition. 3 comments were neutral.

Pros

- As past reorganization has shown, it is important to examine both the organization and the people. The IRP report acknowledges that it is critical to pay attention to ethics, integrity, and culture.
- The recommendations address the fact that misconduct is not likely to be reported when personnel cannot report inefficiencies or unfair management practices without fear of retaliation.

Cons

- No testimony submitted.

Considerations

- Recommend that all future law enforcement officers in California (city, county, CHP, etc.) work in the prison system for two years prior to going into the community. The correctional system would get the best and brightest, and prospective law enforcement officers would get an education.
- Recommend refining the recommendations to take into account the unique rehabilitative mission of the CYA.

IRP CHAPTER 3

EMPLOYEE INVESTIGATIONS AND DISCIPLINE

ISSUE

Ensuring that employees conduct themselves appropriately is an essential function of an employer. The most important administrative tool in achieving that goal is an expeditious and equitable internal investigation and employee discipline process that sanctions those found guilty of misconduct and clears those wrongfully accused. The current system lacks standardized procedures for internal investigations and employee discipline. It also keeps inadequate records of misconduct complaints, use-of-force incidents, internal investigations, and employee disciplinary actions.

INVESTIGATIONS AND DISCIPLINE SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Merge internal investigation and staff discipline functions for all Department of Correctional Services divisions into one full-service internal affairs office reporting directly to the secretary. (IRP 03-01)*
- *Establish clear policies and procedures to govern internal affairs investigations, the pre-disciplinary hearing process, settlement negotiations, and employee disciplinary appeals. (IRP 03-02)*
- *Establish a central intake unit responsible for assessing all requests for internal investigations, complaints of staff misconduct, and serious use-of-force incidents. (IRP 03-03)*
- *Implement a vertical investigation team model for all internal affairs investigations. (IRP 03-04)*
- *Replace the existing State Personnel Board (SPB) appeal process with an internal employee discipline appeal panel. (IRP 03-07)*

- *Create a central database to record and track allegations of staff misconduct; serious use-of-force incidents; and all facets of the employee investigation and discipline processes. (IRP 03-08 to 03-10)*

PUBLIC COMMENT

7 comments were received for the recommendations in this section.
4 comments expressed support. 3 comments expressed opposition.

Pros

- Implementation of the recommended changes will greatly enhance CDC and CYA's ability to successfully discipline employees who engage in misconduct.
- The proposal to merge investigations into one internal affairs office supports the idea that the rule of conduct for an investigation should be the same for officer misconduct for youth or officer misconduct for adults.

Cons

- The recommendation that a newly constituted omnibus correctional agency would oversee its own disciplinary process is fundamentally flawed, and could, in all likelihood, lead to increased litigation costs. A corrections agency should not be entrusted with complete autonomy over its discipline system.
- A neutral, outside body is necessary to ensure that disciplinary actions are properly taken and that an employee receives a fair hearing. Shifting the appeal process to an internal affairs office could leave staff facing false charges with little or no recourse.
- The IRP report correctly notes that the relatively low success rate in prosecuting disciplinary actions before the SPB is due to internal problems (how the CDC investigates and prosecutes their disciplinary actions). These same problems will exist regardless of what entity oversees the process. IRP recommendations should address these problems.
- The IRP report fails to properly assess that a large number of CDC employees who are disciplined either never file an appeal with SPB or ultimately withdraw their appeal. A significant percentage of appeals are voluntarily settled. Ultimately, only a small number, and usually the most contentious, go through the SPB adjudicatory process. When

all disciplinary actions taken by CDC in any given year are taken into account, the CDC is successful in approximately 97 percent of those cases.

Considerations

- The proposal would require an amendment to the California constitution. The constitution currently requires the SPB, as a neutral, quasi-adjudicative body, to review all formal disciplinary actions taken against state civil service employees.

IRP CHAPTER 4

USE OF FORCE

ISSUE

Correctional employees must sometimes use force to control inmates and protect both staff and inmates. Often, the need for force arises in a volatile situation requiring on-the-spot decisions. With the high potential for injury in such circumstances, clear policies governing the use of force are vital. Equally vital is a process for monitoring the use of force throughout the correctional system and for ensuring consistent disciplinary sanctions against employees who violate use-of-force policies or where the use of force is found to have been excessive and/or unnecessary.

USE OF FORCE SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Implement a standardized use-of-force policy applicable to all peace officers, but with elements specific to the differences among adult prisons, youth correctional facilities, and adult and youth parole operations. (IRP 04-01)*
- *Implement an enhanced training program covering the new use-of-force policy. (IRP 04-02)*
- *Create a classification list of use-of-force consequences and acts that will mandate an investigation by the use-of-force investigation team. (IRP 04-05)*
- *Require investigations of inmate/parolee/ward/citizen complaints regarding use of force and consider the complaint during the use of force review and critique process. (IRP 04-06)*
- *Establish a standardized statewide network database for use-of-force incidents that defines critical facts relative to use of force. (IRP 04-07)*

PUBLIC COMMENT

2 comments were received for the recommendations in this section.
1 comment expressed support. No comments expressed opposition.
1 comment was neutral.

Pros

- Specific discussion in support of these recommendations was not received.

Cons

- No testimony submitted.

Considerations

- Recommend replacing the term "use of force" with "compliance techniques." This alternate term denotes that the prison and youth staff is attempting to encourage an inmate to comply with lawful orders, rather than using force.
- The recommendations should be refined and implemented to take into account the unique rehabilitative mission of the CYA.

IRP CHAPTER 5

PERSONNEL AND TRAINING

ISSUE

In any successful organization, it is important to hire the best people available and train them to do their jobs with professionalism and integrity. In addition, an organization should provide a process that allows the best and brightest to be promoted into leadership positions. Currently, the state's correctional departments and boards fail in both respects. A hiring plan is nonexistent, and background investigations for applicants are weak. The academies that instruct in the fundamental components of sworn officer jobs are under various administrators and are disjointed. There is no systematic plan to provide uniform in-service training. Supervisory and mid-management training is minimal, and command training or executive development is absent. Further, current job descriptions for most key positions are nonexistent or outdated, and no centralized office to manage personnel resources exists.

PERSONNEL MANAGEMENT SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Establish an Office of Personnel and Training reporting directly to the Secretary of the Department of Correctional Services. (IRP 05-01)*

- *Conduct classification evaluation of all positions to ensure appropriateness of classes and to promote efficient use of human resources. (IRP 05-02)*
- *Adjust salaries to be commensurate with responsibility and conduct periodic salary adjustment studies. (IRP 05-06)*
- *Develop an annual recruitment plan to ensure the recruitment and retention of qualified employees. (IRP 05-08)*
- *Award hiring preference points for peace officer applicants with college credits, law enforcement experience, and/or military experience. (IRP 05-11)*
- *Ensure that all pre-employment background investigations are thorough and contain certain mandatory components to ensure that the department is protected from "at-risk" applicants. (IRP 05-14)*

PUBLIC COMMENT

14 comments were received for the recommendations in this section.
8 comments expressed support. 2 comments expressed opposition.
4 comments were neutral.

Pros

- Adjusting salaries addresses an acute situation. State salary levels are so low that it is impossible to attract people from outside state service. This situation is particularly significant in the prison health care system.

Cons

- No analysis has been conducted to establish that the proposed incentive points added to a peace officer applicant's test scores have actual bearing on the suitability of a candidate for assignment as a peace officer.
- Experience has shown that the CDC and CYA do not have the professional staff or requisite technical expertise to conduct psychological screening of pre-employment peace officers or to attend to the legal issues that accompany such screening.
- Protection of the job candidate's privacy and confidentiality rights is better served by an outside program that operates independently of the hiring department.
- Preservation of the integrity of the screening process is better served by an outside program that is not subject to pressures that may arise in the hiring process, such as managers interceding to press for a favorable (or unfavorable) rating of a candidate.

Considerations

- It would be helpful to evaluate classifications and see if the right number of positions exists to fulfill needed functions. Recommend that CYA analyze the number of correctional officers compared to counselors, as changing the institutional culture may require additional counselors.
- Suggest that a psychological evaluation be done as part of the recommended applicant background check. Also recommend that current staff be psychologically evaluated bi-annually, with terminations made as necessary.
- Parole agents offer the experience of conducting interviews and investigations in the communities. The Parole Division should be allowed to conduct pre-employment investigations for parole agents in each region. Investigation results would be submitted to Department of Corrections as the hiring authority.
- The recommendations may conflict with the CPR recommendations that departments be given greater flexibility in designing selection processes that best meet the department's needs.
- Suggest increasing academic standards for all correctional officers. Staff should be required to have at least two years of community college. Upper management should hold at least two years of advanced education and wardens should have at least two years of management training.
- Currently correctional officers and supervisors receive pay for college degrees. When a person is promoted to manager, the college pay is taken away. As such, the recommendation should address whether managers and division heads will be included in future pay for education and given salary adjustments commensurate with education.
- Under the current system, there is little incentive for promotion. Salary compaction is a serious issue, and some rank and file positions actually earn more than their managers.
- The State Personnel Board's psychological screening program is nationally recognized as a successful model, and has withstood all legal challenges brought against it.

TRAINING SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Consolidate the basic academies for youth and correctional peace officers. (IRP 05-21)*
- *Eliminate the Commission on Correctional Peace Officers Standards and Training (CPOST). (IRP 05-33)*
- *Move the responsibility and resources for setting standards for training of state correctional peace officers to the new Corrections Standards Authority. (IRP 05-35)*
- *Implement a 30-minute pre-shift briefing for all DCS frontline peace officer positions and their supervisors. (IRP 05-42)*
- *Establish an eight and one-half hour workday for all DCS frontline peace officer positions and their first-line supervisors. (IRP 05-45)*

PUBLIC COMMENT

7 comments were received for the recommendations in this section.
2 comments expressed support. No comments expressed opposition.
5 comments were neutral.

Pros

- Eliminating CPOST and transferring its functions to CSA would streamline services and provide for a more responsive entity.

Cons

- No testimony submitted.

Considerations

- If responsibility for setting training standards for state correctional peace officers is transferred, it will be important that employees working with the inmate population continue to be properly trained in identifying, reporting, and investigating prison crimes.
- Consolidating training makes sense for those instructional needs that are common between the adult and juvenile systems. However, the recommendation should take into account the unique rehabilitative mission of CYA and address the specific training needs of people who work with youth.
- Although the report appropriately emphasizes development of custody staff, it is important to recognize that there are other components within the correctional system such as medical and business services. These personnel also need training and development in their career paths.

- A 15-minute pre-shift briefing may be adequate. The next 15 minutes could allow staff to get to their post without creating disruption in their current institution programs.
- There was mixed response to the proposed change to the workday. Most employees may not want to work more than eight hours per shift. On the other hand, twelve hour shifts for custody staff could help increase staff morale, reduce sick leave, and improve continuity of programming.

IRP CHAPTER 6

RISK MANAGEMENT AND HEALTH CARE

ISSUE

Operating an adult and youth prison system exposes the state to many risks. It must protect the safety of its employees. Simultaneously, it must provide humane housing and care for tens of thousands of inmates and wards. When poorly managed or ignored, the risks translate into injured employees, inmates, or wards and sometimes result in costly lawsuits or court settlements. An assessment of current risk management practices revealed a need for significant change. There is also significant risk in the current system for providing health care services to inmates and wards, which has frequently been criticized for poor management and low quality of care. Health care also represents the largest litigation expense for the department.

RISK MANAGEMENT SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Establish an Office of Risk Management in the new Department of Correctional Services. (IRP 06-01)*
- *Establish an executive-level Risk Management Committee, a Risk Management subcommittee in each region, and a Risk Management Coordinator position at each institution. (IRP 06-03 to 06-05)*
- *Develop an annual risk management plan that provides specific risk management objectives for the department during the next year. (IRP 06-06)*
- *Revise the California Code of Regulations to identify specific types or issues of appeals that can and cannot be filed at the next level after an appeal is denied. (IRP 06-16)*
- *Develop clear and concise regulations that require wardens, parole administrators and executive staff to be interactive in the appeals/grievance process as a risk management function. (IRP 06-17)*
- *Propose legislative changes to the California Government Code to eliminate the applicability of the Administrative Procedures Act (APA) to the new Department of Correctional Services. (IRP 06-21)*

PUBLIC COMMENT

4 comments were received for the recommendations in this section. 2 comments expressed support. 2 comments expressed opposition.

Pros

- The recommendation to identify which appeals can and cannot be filed at the next level would provide clear guidelines for inmates and corrections staff.
- Exempting the new department from the APA could streamline and improve services. Any new regulation and revisions to existing regulations would still be subject to public scrutiny through the Civilian Corrections Commission.

Cons

- More specific regulations for the inmate grievance system may not solve current problems, which include a failure to provide timely response, destruction of grievances by employees, and management inability to use grievances to identify and respond to problems.
- The APA provides opportunity for public comment on proposed regulations and fosters accountability and transparency. Current problems are based on internal issues, not the APA.

Considerations

- Serious consideration should be given to having an outside agency responsible for the operation of the inmate grievance system.

HEALTH CARE SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Establish an Office of Health Care Administration. The objective of the new Office of Health Care Administration should be to establish a new system of health care based on managed care practices. (IRP 06-23 to 24)*
- *Establish a top-level health care administrator to manage the Office of Health Care Administration. Support this position with experienced program managers, resulting in a new, streamlined central office function. (IRP 06-25)*
- *Conduct a salary survey to demonstrate the salary levels required in order to obtain the experienced managers needed to manage this complex process. (IRP 06-27)*
- *Utilize the litigation management section of the Office of Risk Management of the new department to provide monitoring and implementation of court-ordered requirements. (IRP 06-28)*

- *Establish an agreement with the University of California (UC) for the development and operation of a pilot project at a defined group of institutions. (IRP 06-29)*
- *Provide a transitional organization that will establish contracted health care services at the regional and local level in areas where the university pilot project is not yet operational. (IRP 06-30)*
- *Establish a management group with members from the new department with university involvement to plan and implement the transition from current operations to the new planned health care provision. (IRP 06-31)*
- *Utilize private health care providers for management and provision of all health care direct services by clinical specialty. (IRP 06-32)*
- *Purchase and implement a statewide pharmacy database system. (IRP 06-33)*
- *Transfer responsibility to the Department of Mental Health for mental health care of seriously mentally ill inmates and wards. (IRP 06-34)*
- *Ensure that the private health care provider contracts are managed specifically by designated, experienced program managers in the regions, overseen by program managers in the new central office. (IRP 06-35)*

PUBLIC COMMENT

23 comments were received for the recommendations in this section.
7 comments expressed support. 10 comments expressed opposition.
6 comments were neutral.

Pros

- Establishing an Office of Health Care Administration would provide the oversight, standards, and accountability that is greatly needed.
- Identifying a top-level health care administrator to manage the Office of Health Care Administration and creating a centralized office will be essential to implementing corrective actions.
- Experience suggests that correctional settings are typically disfavored by clinicians. The recommendation to provide competitive salaries and benefits will be essential to overcoming this situation.
- The proposed supervision of mental health services by the Department of Mental Health, not the medical department, is a good idea.

Cons

- The use of UC services may not be particularly cost-effective. According to submitted comments, the UC charges one and a half times the average rate, sometimes as high as three times the average

rate. The proposed partnership with the UC could cost the state significantly more money.

- Many prisoners suffer from a variety of conditions that cut across clinical specialties. The recommendation to use private health care providers could fragment services and compromise the continuity and quality of health care.
- Private providers are often unprepared for what they face in correctional settings and may find it challenging to work in the prison medical system.
- Instead of contracting out, the system needs to recruit and retain experienced state workers. Increasing retention would require better management, better resources, higher salaries, and an equitable career ladder.
- The IRP report states that registries charge a higher hourly rate than that paid to department employees and that registry staff is unfamiliar with department practices and policies. The health care recommendations appear to continue this failed policy under the guise of single source contracting with UC or an HMO.

Considerations

- UC is willing to enter into a dialogue to help evaluate new approaches that could make California's prison health services more efficient and effective. UC would enter into those discussions with the understanding that it has no plan or ability to increase direct provision of health care to inmates. Participation in these discussions would not presuppose UC involvement in any recommendations, given its primary training and research mission and limited resources.
- Managed care is a term that the public currently associates with limitations on care. The expectations of the proposed health care system should be more explicitly stated.
- The notion of simply transferring mental health care to the Department of Mental Health, or any other entity, could be a prescription for failure. Urge consideration of the fact that mental health care in a correctional setting should be a collaborative effort with shared responsibility, accountability, and credit.
- Transferring responsibility for mental health care to the Department of Mental Health could result in higher systematic access to staff and state of the art knowledge. At the same time, it may create a system where it is more attractive to send mentally ill persons to prison or CYA.

- The recommendations for improving mental and medical health care seem primarily motivated by fear of litigation, rather than a commitment to providing appropriate conditions and treatment.
- Recommend that the plan take a broader approach to risk management. For example, juvenile and adult inmates with serious mental health problems are expensive to serve in state institutions. Risk management could explore the possibility of treating some mentally ill offenders in a more effective, less expensive local setting. This approach could offer a strong alternative to reducing the cost of imprisonment and risk of litigation.
- Pharmacy management is a critical component of effective medication management as well as control of medication costs. It may be challenging to effectively use the proposed database for this purpose.
- Pharmacy personnel in the field should be further consulted and asked to provide feedback on the IRP recommendations related to prison pharmacies. There are other models in the field that work and may present better options than those included in the report.

IRP CHAPTER 7

INMATE/PAROLEE POPULATION MANAGEMENT

ISSUE

California's prison system presently holds more than 162,000 adult inmates, with another 114,000 former inmates under state parole supervision. The size of the prison population has resulted in part from tough-on-crime sentencing policies, but the state has also been widely criticized for fueling the numbers by not doing a better job of preparing inmates to return to society. Approximately 90 percent of state prison inmates are eventually released on parole, and at present, more than half return to prison. California can reduce the growing cost of managing its adult prison population by addressing three key factors: the length of time inmates serve in prison; the training and treatment they receive during incarceration; and the parole services they receive to help them remain crime-free and successfully integrate into society.

POPULATION SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Begin to create the environment in the prisons that is needed for inmate programs to be effective, which requires the following:*
  - *Implementation of a Violence Control Program.*

- *Opening up program space by reducing prison population through lower returns to custody.*
- *Adding staff necessary to implement specific, effective inmate programs.*
- *Exploring creative measures for the use of existing resources. (IRP 07-01)*

- *Develop an interagency agreement with one of the state universities that is active both in corrections education and in research to undertake the responsibility for population projections. (IRP 07-02)*
- *Undertake a project to determine the appropriate standard staffing required for the operation of each type of institution, including management, custody, health care and all other programs. (IRP 07-03)*
- *Charter a commission with appropriate members from the judicial and corrections fields to develop a presumptive sentencing model. The model would apply only to sentences for offenses that are not subject to "two-strikes," "three-strikes," or other life terms. (IRP 07-04)*
- *Modify the Penal Code to allow inmates to earn supplemental sentence reduction credits after they complete specified education, vocational, or drug-treatment goals. (IRP 07-05)*
- *Establish a program to identify older inmates who could be safely released early from prison. (IRP 07-06)*
- *Renew contracts with existing privatized correctional facilities and consider reentering into contract agreements with previously closed facilities to provide the beds needed for the Level I population. (IRP 07-07)*

PUBLIC COMMENT

17 comments were received for the recommendations in this section.
7 comments expressed support. 6 comments expressed opposition.
4 comments were neutral.

Pros

- Previous population forecasting has been inaccurate. Giving university researchers the responsibility for forecasting will help provide transparency. In addition to publishing population projections, researchers should share their actuarial assumptions and supporting raw data.

Cons

- A new presumptive sentencing model should not be developed as a way to reduce the inmate population. The existing presumptive sentencing model, determinate sentencing, is a triage model with the presumption being the middle term. Decisions to reduce

prison sentences should be based on accountability, not financial considerations.

- The recommended sentencing changes could diminish confidence in the corrections system and result in the premature release of dangerous offenders.
- Current law allows opportunities for work time credits in different education programs. The recommendation to allow inmates to earn supplemental sentence reduction credits should be strictly limited to those inmates who have successfully completed the obligations required under specified programs.
- The recommendation to identify elderly prisoners for early release sends the wrong message. Judgments provide finality in sentencing and closure for victims. Releasing prisoners based upon aging factors would release them without full accountability for their crimes. Public safety should not be risked for the sake of saving resources.

Considerations

- Overcrowding is the single biggest reason for the problems in the correctional system. The size of the prison population has overburdened the system, reduced management flexibility, and made rehabilitation an afterthought. Without a reduction in the prison population, reorganization will not matter.
- The report recommends renewing contracts with privatized correctional facilities. The rationale for adding capacity at the same time that the prison population is estimated to decline is unclear.
- In addition, recommend the continued use of Community Correctional Facilities. These facilities reduce state costs through lower operating costs, reduced overcrowding, and work opportunities/early release. Request that correctional system leadership be more open to the use of these facilities.
- Consider passing a law authorizing the release of non-violent inmates anytime during the last 30 to 60 (or even 90) days of completion of their term. This release feature could result in significant annual savings for the state.

EDUCATION SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Provide inmate planning and re-entry assessment at the time of initial incarceration. (IRP 07-08)*
- *Expand education and vocational programs. (IRP 07-10)*
- *Promote education program attendance by implementing presumptive sentencing. (IRP 07-11)*
- *Fully implement the bridging program and evaluate the academic effectiveness and sentence reduction benefits. (IRP 07-12)*
- *Expand college correspondence courses and conduct ongoing evaluation of their effect on recidivism. (IRP 07-13)*
- *Implement on-line college programs. (IRP 07-15)*
- *Track education program participation against parole success (and recidivism). (IRP 07-16)*
- *Debrief successful parolees during their last scheduled parole agent contact to determine whether education programs affected their success. (IRP 07-17)*
- *Develop a statewide computer database to track inmate education assessment and classroom achievement. (IRP 07-18)*

PUBLIC COMMENT

18 comments were received for the recommendations in this section.
14 comments expressed support. 1 comment expressed opposition.
3 comments were neutral.

Pros

- Changing the mission of the correctional system from one focused on punishment to one of rehabilitation is an important recommendation. It is important to consider the consequences of designing a prison system that is not based on sending people back to their communities.
- The recommendation to provide inmate planning and re-entry assessment at the time of initial incarceration will help the prison system to gear its services towards prisoner needs from a very early point.
- Implementing educational and vocational programs will motivate inmates to better themselves through education and self-help instruction, increase inmate employability, and better prepare offenders for release from prison.

- Expanding college correspondence courses and implementing on-line college programs will provide prisoners with more educational opportunities to better themselves.
- Ongoing evaluation of education program participation with parole success will help determine how education affects recidivism. A debriefing of successful parolees could also help corrections officials evaluate the impact of education programs.
- The development of a statewide computer database will help track prisoner progress and allow the department to base education programs on prisoner needs.
- Programs such as the ones suggested in the report may cost state funds to implement, but could have long-term cost savings.

Cons

- Credit opportunities for different educational programs already exist. Strict policies should be in place to ensure that programs are successfully completed before work time credits are awarded.

Considerations

- If the long-term goal is to assist adult inmates in reintegrating into their community, consider establishing a separate office for educational services under the Director of Adult Operations, as is recommended under the Director of Youth Operations.
- Since education is a continuous scope and sequence of learning, consider combining some operations and resources (library, curriculum, training, personnel), and using them in the same fashion as a school district that has both K–12 and adult education.
- Mandatory education should be part of an inmate's rehabilitation, along with small group encounters to work on dysfunctional behavior. If an inmate refuses either of these offers, then they should serve every day of their sentence.
- In order for an on-line learning solution to be successful, the inmate must be motivated to learn. True academic and vocational education might be better accomplished with direct and continual contact between an instructor and a student.
- Professionally managed correctional libraries provide opportunities for continuing adult education, access to the courts, and electronic information literacy. The California system has a capable library director who should be consulted about how the library program can enhance the operation of each facility.

- The presupposition that there is one universal panacea program and that new programs are needed is wrong. Successful programs, whether they are religious, motivational, or psychological, provide and expect approximately the same success rate: 78–85 percent reduction in recidivism and lowering of incidents within an institution. The current problems reside in the process and delivery of programs. The solution is threefold and requires responsibility, authority, and accountability.

PAROLE OPERATIONS SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Continue implementation of the Department of Corrections new parole model. (IRP 07-24)*
- *Begin preparation for re-entry when the offender enters prison. (IRP 07-26)*
- *Increase the number of substance abuse treatment beds in the community by increasing funding for programs that are proven successful. (IRP 07-28)*
- *Use the needs and risk assessment tool when the inmate first enters prison and design a programming plan that addresses those needs. (IRP 07-29)*
- *Discharge parolees who are determined to be very low risk from parole three months after they are released from prison. (IRP 07-30)*
- *Consider the use of global positioning satellite tracking for certain high-risk offenders. (IRP 07-31)*
- *Allow both high- and low-risk parolees to participate in treatment and training programs. (IRP 07-32)*
- *Add a quality control feature to the new parole model programs to measure effectiveness. (IRP 07-33)*
- *Develop a comprehensive data collection and analysis system that measures the effectiveness of the department's parole programs. (IRP 07-35)*

PUBLIC COMMENT

12 comments were received for the recommendations in this section.
9 comments expressed support. 1 comment expressed opposition.
2 comments were neutral.

Pros

- Continuing implementation of the Department of Corrections, new parole model will help prisoners prepare for re-entry into the

community once they have finished serving their term. It may also reduce recidivism while holding parolees accountable for their actions.

- Increased substance abuse treatment may result in fewer revocations and returns to local and state facilities.
- Using the needs and risk assessment tool when an inmate enters prison and then designing a programming plan that addresses those needs will help a prisoner's re-entry into the community and may help to reduce recidivism rates.
- The use of global positioning satellite tracking for certain high-risk offenders is a good recommendation that will allow dangerous offenders to be monitored once released into the community.
- Adding a quality control feature to new parole model programs will help to evaluate which programs are helpful and effective.
- It is important to measure the effectiveness of parole programs in order to improve services and determine the best use of resources. The recommendation to develop a comprehensive data collection and analysis system will provide this information.

Cons

- The recommendation to discharge low-risk parolees from parole three months after their release from prison does not clearly define "low-risk." A clear set of criteria to determine whether an inmate is low risk should be established. This criteria should be based upon a study of recidivism rates for such parolees.

Considerations

- Assigning parole agents to each institution is not sufficient. The parole program should be an intensive program with two modules: The first part when the inmate is first received within the institution and the second part during the last year with different trainers from the community in different needs areas.
- Consider contracting with the counties to provide parole supervision and allowing parole violations to be handled via the local justice system. Providing local prosecution and disposition of technical violations in the same way felony probation violations are handled could decrease technical violation rates.

IRP CHAPTER 8

WARD/PAROLEE POPULATION MANAGEMENT

ISSUE

Providing education, training, and treatment to youthful offenders is central to the mission of the California Youth Authority (CYA). In recent years, the number of youthful offenders in California correctional facilities has fallen by almost half, from 10,114 in June 1996 to 4,879 in June 2003, with the number expected to decline to 3,740 by June 2009. Most of the youths now committed to state custody are proportionately more violent and have significantly greater needs for mental health care and other program services compared to the youths of earlier years. At the same time, the state is under increasing challenge from the public, lawmakers, and the courts for failing to provide humane and constitutionally adequate conditions of confinement for incarcerated youths and for not providing adequate education and treatment services.

EDUCATION SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Establish a separate unit in the Office of the Director of Youth Operations to develop and implement educational and vocational training programs proven to be effective in the treatment of youthful offenders. (IRP 08-01)*
- *Develop a "school first policy" to reduce student absenteeism. Measures to be taken should include a master schedule for each institution that plans activities around the school schedule to avoid interruptions in the school day for counsel. (IRP 08-02)*
- *Determine the most effective teacher-student ratios for general education, special education, and segregated program settings, including an accurate formula for counting wards with multiple disabilities. (IRP 08-05)*
- *Determine the most effective substitute teacher relief ratio to cover teacher absences. (IRP 08-06)*
- *Institute financial incentives to recruit and employ more dual-credentialed teachers in core academic areas who are capable of instructing both regular and special education wards. (IRP 08-07)*
- *Establish a regular 220-day school year calendar to be followed by all California Youth Authority schools. (IRP 08-09)*

PUBLIC COMMENT

5 comments were received for the recommendations in this section.
4 comments expressed support. 1 comment expressed opposition.

Pros

- The recommendations calling for staff parity and restructuring funding formulas are long overdue. Apart from funding adequate staff, salaries need to be adjusted to at least match the prevailing pay in the community so that teachers will want to work at CYA.
- Adequate education, as provided for by the recommended 220-day school year calendar, is mandated by law and key to success in the community.

Cons

- When school is not in session, wards are locked in their cells or sit on their bunks all day. Because the vast majority of wards are behind in their studies and need additional remedial services, a 220-day school year calendar should not be implemented.

Considerations

- Instead of the recommended 220-day school year calendar, offer financial incentives to teachers who want to work all year. A pool of teachers could be hired to rotate in for those teachers opting for a shorter year.
- The Council of Juvenile Correctional Administrators' performance-based standards call for year-round school programs.

COUNSELING AND TREATMENT SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Ensure that treatment services provided to wards conform to national standards and are appropriate for addressing the complex problems of youthful offenders. (IRP 08-10)*
- *Institute a systemwide program similar to the "Enhanced Casework Pilot Program" to improve individual and group counseling services for wards. (IRP 08-14)*
- *Ensure that effective treatment services are provided to wards identified as sex offenders. (IRP 08-16)*

PUBLIC COMMENT

All 3 comments received expressed support for the recommendations in this section. No opposing or neutral comments were received.

Pros

- CYA needs to meet national standards and be subject to outside monitoring of these standards.
- If properly implemented, the Enhanced Casework Model could reduce violence and improve parole outcomes.
- Expansion of treatment services is vital. Sex offenders far outnumber the treatment beds in CYA for the population. The waiting time can exceed one year for access to treatment for this population.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

PAROLE SERVICES SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Adjust the sliding fee scale used to determine how much a county pays the state for housing non-violent wards in the California Youth Authority to more accurately reflect the actual cost of those services. (IRP 08-17)*
- *Grant committing courts sole authority and final review for revoking parole or probation or for extending length of stay at the California Youth Authority for wards in Categories 5, 6, and 7. (IRP 08-18)*
- *Provide funding in each parole region for entry programs, aftercare services, transition programs such as halfway houses, and alternatives to parole revocation. The services should include employment assistance and short-term substance abuse treatment. (IRP 08-20)*
- *Give counties the option of providing parole supervision for non-violent wards in Categories 5, 6, and 7. The state should subsidize the cost of probation services offered by the counties. (IRP 08-22)*
- *As a result of allowing counties to provide parole supervision for non-violent wards, cut the number of parole agent positions proportionately and allow some of those positions to be re-directed toward the more violent high-risk offenders (Categories 1, 2, 3, and 4) in order to lower the ward-to-parole agent ratio. (IRP 08-23)*

PUBLIC COMMENT

10 comments were received for the recommendations in this section.
7 comments expressed support. 3 comments expressed opposition.

Pros

- The recommendation to grant release and revocation authority to judges allows for more local control over the length of stay in CYA.
- Providing funding for entry programs, aftercare services, and transition programs is crucial to giving offenders the best opportunity to succeed upon release.
- It is important to provide aftercare services that build upon the treatment that wards received while incarcerated. The state could improve services by shifting this function to county probation departments, as long as stable and appropriate funding is designated.
- Effective parole case management could be one key to reducing CYA institutional populations.

Cons

- Adjustment of the sliding scale must be reasonable for all counties. The recommended adjustment unfairly impacts small and medium sized counties that do not have the population size or fiscal resources to fund programs at a local level.
- The executive branch, through the Youth Authority Board, not the judicial branch, properly serves the function of revoking parole or probation and extending length of stay. While proposals to help wards prepare for re-entry should be supported, proposals to reduce supervision in the interest of saving state resources are generally unwise.
- The recommended realignment of some CYA parole services to counties would create a bifurcated parole supervision system. A system with both local and state involvement could be costly, inconsistent, and less effective.

Considerations

- The recommendation to grant limited release and revocation authority to judges could be expanded to give authority for all cases. Recommend reviewing the draft manual for “juvenile reentry court” developed by National Council of Juvenile and Family Court Judges.

- The proposed realignment of parole services should not be done in a piecemeal fashion and should include all juvenile court commitments, as well as sufficient funding. Local probation departments have the expertise, skill, and access to local resources to provide services to CYA population, regardless of level.
- In order to improve county capacity for treating low-level juvenile offenders close to home, the state should encourage collaboration among mental health and substance abuse providers, probation authorities, community groups, youth, and affected families.
- The state should consider creating new grant programs to fund evidence-based interventions and promising mental health and substance abuse programs for youth at the local level. Programs that could be funded include: Multi-Systemic Therapy; family-focused wraparound case management systems; and juvenile mental health courts.

IRP CHAPTER 9

CLOSURES

ISSUE

Today, California operates 32 adult prisons, 38 fire camps, and eight youth correctional facilities providing custody for more than 162,000 adult inmates and 4,000 youthful offenders. Not surprisingly, this massive system shows the strains of both its age and its decades-long growth. Adult prisons are severely overcrowded. Youth correctional facilities built decades ago now accommodate far more violent and disturbed youths. Maintenance costs for aging facilities consume an ever-greater share of the corrections budget. Another fundamental shift is now taking place. In the last five years, the number of youthful offenders committed to state custody has fallen by more than half, and recent projections show that the adult inmate population is also now expected to decline.

CALIFORNIA YOUTH AUTHORITY SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Effective January 1, 2005, restrict the California Youth Authority ward population to those under age 21. (IRP 09-03)*
- *Provide judges with the option of imposing "blended" sentences—both juvenile and suspended adult sanctions—for certain categories of serious offenders. (IRP 09-04)*
- *By June 30, 2004, close the Fred C. Nelles Youth Correctional Facility and the Mt. Bullion Conservation Camp according to the existing California Youth Authority Plan. (IRP 09-05)*

- *By June 30, 2005, transfer all female wards from the Ventura Youth Correctional Facility to the Karl Holton Youth Correctional Facility and transfer Ventura's intensive treatment program, special counseling program, and formalized drug program. (IRP 09-06)*
- *By June 30, 2005, re-establish the Ventura Youth Correctional Facility as an all-male institution and fill with male wards from the El Paso de Robles Youth Correctional Facility. (IRP 09-07)*
- *Close El Paso de Robles Youth Correctional Facility. (IRP 09-08)*
- *By June 30, 2006, close the Preston Youth Correctional Facility and transfer the wards to the Northern California Women's Facility, a former Department of Corrections institution, which is presently closed. (IRP 09-09)*
- *Between June 30, 2004 and June 30, 2006, and beginning with open dormitories, reduce the number of wards in living units from 50 to 35. (IRP 09-10)*
- *By June 30, 2009, reduce the number of wards in living units to 25 and decrease staff-to-ward ratio to 1:8. (IRP 09-11)*

PUBLIC COMMENT

13 comments were received for the recommendations in this section. 5 comments expressed support. 5 comments expressed opposition. 3 comments were neutral.

Pros

- The proposed changes in the use of the Ventura facility make sense. The facility is comprised completely of individual rooms and could be used to house some of the most dangerous and predatory wards.
- Smaller living units and improved staffing ratios will help to reduce current levels of institutional violence, address gang problems, and improve outcomes.
- The reduced number of beds and higher staff-to-ward ratio will improve treatment services and allow more individualized therapeutic services for the ward population.

Cons

- Restricting the ward population to those individuals under age 21 is a very complex recommendation, especially in light of Proposition 21. There is no research to suggest that this recommendation would improve public safety.

- This recommendation to limit the CYA population to those under age 21 could have the effect of providing early releases for the most dangerous juvenile offenders. The current system holds juveniles accountable until the age of 25. This standard should not be lowered in the interest of closing facilities to save state resources.
- The recommended option of blended sentencing completely overrides the intent of Proposition 21 to treat the most dangerous juvenile offenders as adults in the judicial system. The judicial system and victims rely upon finality of judgments in criminal court cases. Blended sentencing would remove all such reliability.
- The proposed move of female wards could impact wards, staff, and the local community. Lack of staff training on gender-specific programming at the new facility may impact program effectiveness. The Ventura facility has community-based relationships with volunteers (female fire camp, culinary arts, free venture programs, etc.). Other facilities do not necessarily have these relationships.
- Although the Preston facility should be closed, use of an empty prison for juveniles is a step backward and antithetical to a treatment and rehabilitation mission.

Considerations

- The concept of blended sentencing is not defined in the report. In some states, blended sentencing means initially sending a young person to CYA and then sending them to state prison if they fail to comply with the program. If this is the meaning of blended sentencing, urge opposition to the recommendation. CYA needs to be used as a juvenile institutional system, not a holding place for adult corrections.
- If blended sentencing means providing the option of a juvenile disposition for youth tried in adult court, then the recommendation could address situations where youth are tried as adults but then found guilty of less serious crimes. In those cases, the court should have the option of imposing a juvenile court disposition.
- The recommendations to reduce living unit size and lower staffing ratios should be implemented at once and should not be implemented according to the proposed timeline.
- The recommended changes to living unit size and staffing ratios do not constitute a comprehensive facility plan for CYA and are interim measures. The system needs a comprehensive, professionally developed facility and staffing plan that is driven by current and future custody and treatment needs.

- Two additional pieces—facility design and facility location—should be considered as a part of the recommendations to reduce living unit sizes and improve staffing ratios.
  - Rather than closing whole institutions and moving the population to existing ones, the report should add a planning piece for remodeling or replacing outmoded prison-like juvenile facilities. Facility design should create an environment that is conducive to positive behavior management, education, and recreational programs.
  - The placement of CYA facilities also needs to be examined. Research points to the benefit of having regular family contact and involvement in treatment and rehabilitation. The recommended closure plans concentrate many wards in Stockton, which may impact family visits. The planning process should explore the potential for creating smaller programs, such as a mother/infant program in Los Angeles.
- When reviewing closure of CYA facilities, consider the impact to CYA staff and their families. Consider past difficulties that CYA employees had when transferring to corrections, and ease this process.
- Consider developing a plan to replace all CYA facilities with small (50 bed), community-based facilities that focus on youth development, education, job training, rehabilitation, and treatment. These facilities could be managed by a new Department of Youth Development that is outside of the Department of Corrections.
- The size of living units should be reduced to have no more than 20 youth in each unit.
- Consider closing all juvenile beds in adult prisons and jails, and prohibiting the future lockup of anyone under the age of 18 in adult facilities.

IRP CHAPTER 10

LABOR CONTRACT

ISSUE

In any organization, a balance must exist between management's obligation to direct the activities of the department goals and a union's obligation to ensure that its members receive just wages and work in a safe and fair environment. Historically, influence and power has shifted between these two entities in the California correctional system. The agreement between the state and the California Correctional Peace Officers Association, which is in effect from July 1, 2001 until July 2, 2006, has resulted in an unfair and unworkable tilt toward union influence. The agreement contains numerous provisions that seriously undermine the ability of management to direct and control the activities of existing correctional departments and the proposed Department of Correctional Services. It is unclear whether adjustments can be made to the current agreement, but several changes should be considered in negotiating a new agreement.

LABOR CONTRACT SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *The Secretary of the DCS should be responsible for negotiating all matters that involve the management of the department. (IRP 10-01)*
- *The California Correctional Peace Officers Association should not be guaranteed a seat on management committees just because an employee the union represents is on the committee. (IRP 10-03)*
- *The California Correctional Peace Officers Association should not be a member of any committee that reviews staff assaults. (IRP 10-04)*
- *Adverse action and citizen complaint documents should not be purged from an employee's files. (IRP 10-07)*
- *Seniority should not be used for transfers, overtime, and assignments. (IRP 10-08)*
- *The present 70-30 percent rule for assignments and overtime should be eliminated. (IRP 10-10)*

PUBLIC COMMENT

9 comments were received for the recommendations in this section.
5 comments expressed support. No comments expressed opposition.
4 comments were neutral.

Pros

- Managers currently do not have control over their employees and do not have the tools to do their jobs effectively. No organization can function properly when the employer can only assign three out of ten

employees and employees with the least experience are placed in the most difficult positions.

- In the late eighties, there was an incentive to do good work and to earn the reward of a specific job. The Post and Bid system has created complacency and the feeling that an officer does not have to work hard anymore to be rewarded.

Cons

- No testimony submitted.

Considerations

- Wages and benefits are negotiation rights that should be reserved for the Governor and Legislature. However, only the department secretary is in a position to ascertain how proposed agreements could affect long-range planning and operations. The recommendations should clarify whether the secretary is the deciding factor during negotiations.
- Concur with the review panel that the culture of the present prison structure is the principal ingredient in a recipe for abuse. Over-empowerment of the union and self-policing policies have allowed and protected prisoner abuse.
- Once performance issues arise, very little is done to correct the employee. Management must be stronger in dealing with misconduct and the union must deal with areas that relate to their members rather than overseeing policy and hiring practices.
- The proposed changes to the Post and Bid process raise some concerns. It is possible that a supervisor could change an officer's job, watch, and days off based solely on personal reasons.

IRP CHAPTER 11

INFORMATION TECHNOLOGY

ISSUE

Information Technology at the Department of Corrections has been consistently underfunded and neglected. The components of the information technology structure have been developed independently, resulting in inconsistent, decentralized systems. Consequently, information technology is inadequate to allow the correctional system to fulfill its current responsibilities or those envisioned by the objectives presented in the IRP report.

INFORMATION TECHNOLOGY SOLUTIONS (ADDRESSED BY PUBLIC COMMENT)

- *Consolidate all correctional information technology into one major organizational structure under the direction of a Deputy Secretary for Information Technology, who will act as the Chief Information Officer. (IRP 11-01)*
- *Incorporate into budget and personnel planning a strategic plan for information technology infrastructure development, maintenance, and replacement. (IRP 11-02)*
- *Establish and maintain proper levels of technology support staffing for both existing and new systems. (IRP 11-09)*
- *Establish specific core enterprise-wide databases to facilitate the effective operation of the Department of Correctional Services. (IRP 11-10)*

PUBLIC COMMENT

4 comments were received for the recommendations in this section.
2 comments expressed support. No comments expressed opposition.
2 comments were neutral.

Pros

- IT staff are misunderstood as a whole in the field, and their value often underrated. Centralization of staff resources would provide for value-based supervision and consolidation of skill levels that can be applied to specific problem areas.
- Top prison officials cannot properly manage operations because there is no information system to collect quantitative data, and no mechanism to recognize and remedy problems within the system. The recommendations related to automation and technology should be made a key priority.

Cons

- No testimony submitted.

Considerations

- The panel could have raised additional points about the monetary savings that a working information technology infrastructure can achieve. For example, the prison system's food system takes bids based on estimates of inmate population rather than actual count. Having real time inventory and supply chain information could reduce over-ordering and save money.

CORRECTIONS REFORM

ADDITIONAL COMMENTS, ISSUES, AND IDEAS

OVERVIEW

The public review process provided some important perspectives on the findings and recommendations of the Independent Review Panel. Public comments identified further issues within the state's correctional system and offered new ideas for reforming the system's organization, operations, and outcomes. Where appropriate, these comments have been included in the preceding discussion of IRP recommendations. This section presents those issues and ideas that did not fit within the existing IRP framework.

General Comments

- Many of the proposals require funding, which has been taken away in recent years. Implementing the IRP recommendations will require the state to grapple with the issue of funding and how to reprioritize spending.
- Doing a search and finding not one instance of the word "women" in the Executive Summary exemplifies how women are routinely ignored. Women bring unique issues with them to prison, such as family, pregnancy, and medical needs, yet they are put in a system where aspects of security, training, and treatment are geared toward male inmates. The total report contained only one paragraph devoted to female inmate medical concerns.
- California does not play much of a role in the professional correctional associations. The IRP report did not appear to address this area.
- The report did not appear to mention the inability of inmates to give interviews to the news media. This ban has inhibited the public's ability to discover what happens inside the state's prisons. Consider lifting this ban.
- The recommendations should address compliance with Section 504 of federal law and the Americans with Disabilities Act. Although the Department of Correction's Disability Placement Plan is intended to designate facility sites for the placement of qualifying inmates and parolees with permanent mobility, hearing, visual, and speech impairments of such severity as to impact placement, hundreds of cases still exist where compliance is not enforced.
- The report did not cover the pervasive amounts of drugs available to inmates. These drugs can only be brought in by persons who are not subject to search when entering prison. Those persons are most likely

prison guards. This is a serious subject that demands immediate inspection and punishment of those who provide drugs to inmates.

- The recommendations will never work unless a team of first line staff from all correctional departments is formed for implementation. This team should include representatives from several different prisons and should not be overlooked directly by corrections personnel.
- The report fails to address corrections as a system, meaning that all state correctional agencies and the counties are part of a system. It is important to acknowledge the role that local decisions (arrest, sentencing, rehabilitation, etc.) play in the size of the prison population. Crowded conditions at the local level make counties more likely to push people into the state system. The report should address this relationship and potentially include incentives for cities and counties to develop alternatives to imprisonment.
- The report does not address one important issue for lowering the recidivism rate. Inmates need family ties when they are released back into society. The cost of calls, difficulty in visiting, and conditions when visiting may drive families away, making the support of an inmate very difficult. Even if education programs are implemented, an inmate without family support will remain at risk of returning to the prison.

New Ideas

- Suggest imposing a 10 percent non-refundable fee on all bail bonds, traffic and parking tickets. Use of these funds could be restricted to recruitment, education and training activities for correctional officers. Also recommend that one percent (.01) of the fee be returned to local jurisdictions to cover the cost of administrative handling and collection services.
- Consider revising the current CDC classification system that adds points (increases custody level) based on young age of first arrest/ commitment. This system means that young offenders are placed in higher level facilities where there is heavier gang influence and less programming.
- Recommend establishing a statewide taskforce of youth and parents who have experienced the youth correctional system, community leaders, public officials, and legislators to reduce reliance on lockups with a mandate to reduce detention and incarceration rates by 75 percent by 2010.

- Consider offering counties financial incentives for reducing the length of stay in juvenile halls, expanding use of alternative programs, and addressing disproportionate confinement of youth of color.
- Integrate regular family contact and involvement. Place youth with a facility within 60 miles of their home community. Stop the ability of the CYA to add time on to services for punishment.
- For every dollar used to incarcerate a young person, spend an equal or greater allocation of funds to support community-based, owned and operated alternatives to detention and incarceration.
- Recommend pushing for a moratorium on sending any more youth to CYA until the state can guarantee the safety, development, and rehabilitation of youth in its care.
- Drugs are the medium for gang influence in prison. Recommend that the state test all inmates for drug use. If an inmate believes that he or she has a good chance of being caught, drug use will likely decline. The state of Pennsylvania and the federal system are good examples of this policy.
- Consider a faith-based and community initiatives program in all state programs. The correctional system should develop a more creative relationship with existing prison ministries.
- Consider reducing parole violation terms for simple drug use to two months or even one month. This proposal could result in significant cost savings for the state.
- Consider paying counties to incarcerate selected convicted offenders sentenced to serve less than a year in state prison. This proposal could make the prison population more manageable and result in cost savings for the state.
- The report does not mention food service or overpayment of food vendors. There needs to be a better review of food/equipment purchases to determine whether procedures could be more efficient and effective. Consider an audit of expenditures in other areas of the correctional system, such as business services.
- Recommend sabbaticals for personnel at the management/associate level. Such a system would allow staff to gain private sector experience and then apply this knowledge to state government.

PS 01

CREATING A DEPARTMENT OF PUBLIC SAFETY AND HOMELAND SECURITY

ISSUE

In California, authority and responsibility for public safety—law enforcement, fire and emergency management, homeland security, and victim services are divided among more than 80 separate state entities. This creates confusing command structures and causes miscommunication and inoperability between entities.

SOLUTIONS

- *Consolidate state government entities responsible for public safety into a single Department of Public Safety and Homeland Security.*

PS 01

"The State of California needs a unified force to protect the people. Our state has not been hit by terrorism yet, but by having all the different departments that do not work together will not help in this effort. Also it is a waste to have all the different departments purchasing items and training separately. Good job on law enforcement reform!"

Hallie Ambriz
CPR Website

PUBLIC COMMENT

26 comments were received for this recommendation. 10 comments expressed support. 13 comments expressed opposition. 3 comments were neutral.

Pros

- Consolidation of entities will encourage meaningful coordination and communication between law enforcement agencies, helping to shift separate agency agendas to a common focus on public safety issues.
- A unified Department of Public Safety and Homeland Security would support accountability, economies of scale, and uniform standards across law enforcement.
- Streamlined purchasing and training could save the state a significant amount of money.
- Past experience shows that the criminal justice system benefits when victim advocates work closely with law enforcement, the prosecution, and other agencies. The new department will promote collaboration without giving up the independence of agencies providing services to victims.

Cons

- The effort to homogenize public safety and emergency response into one agency seems to ignore inherent differences between police and fire (mission, training, duties, etc.).
- Splitting the resource management and fire practice functions of the California Department of Forestry and Fire Protection (CDF) between

departments may impact fuel reduction projects and damage the integrity of CDF's "total force concept."

- Merging CDF with other entities may not assist efforts to accomplish organizational mission and potentially cause the agency to be subsumed by other fire departments.
- The proposed organizational structure could create communication issues between emergency services. For example, aligning OES with fire protection rather than law enforcement could impact person-to-person communication.

Considerations

- Although there is a need for the department, more in-depth analysis of terminology, state responsibilities, and agency mission and duties could improve the proposed organization. This analysis could develop a command and control designed around roles and responsibilities.
- When consolidating services, it is important to ensure that all officers receive training on enforcement and investigations.
- Cooperation and interoperable communications may work just as well as merging functions.
- Recommend that the department secretary have a diverse background in both fire safety and law enforcement, as the breadth of responsibility demands well-rounded experience in both areas.
- Recommend that the department designate minimum qualifications for at least one deputy secretary. Qualifications could include: California Chief Officer Certification; 15 years progressive experience in the fire service; experience managing a large fire protection organization; and skills in strategic planning, budget management, and communication.
- It is recommended that the Division of Fire Protection and Emergency Management be established as a department, rather than a division.
- The proposed department appears to include all aspects of California law enforcement, with the exception of the Department of Justice. Since the Department of Justice has several investigatory bodies, consider including it in the new Department of Public Safety and Homeland Security.
- It is critical that fire, emergency management, and emergency medical services be in the department. It is also essential to have a law enforcement liaison to brief the Governor on public safety issues and to act as his representative.

PS 02

CONSOLIDATE LAW ENFORCEMENT FUNCTIONS TO ENSURE PUBLIC SAFETY AND HOMELAND SECURITY

ISSUE

More than 30 state departments and boards have employees classified as "peace officers." Some of these peace officers are employed in large public safety agencies, while others are employed by smaller, non-public safety agencies. Peace officers performing similar duties for different departments receive inconsistent training and have varying resources.

SOLUTION

- *Establish a Division of the California Highway Patrol in the new Department of Public Safety and Homeland Security.*
- *Consolidate state law enforcement functions by establishing a Division of Law Enforcement in the new Department of Public Safety and Homeland Security.*
- *Consider further consolidation of state law enforcement by identifying additional state law enforcement entities that should ultimately be merged in the new Division of Law Enforcement.*

PS 02

"Successful conservation of wildlife and their habitat requires dedicated law enforcement personnel with considerable knowledge and training in natural resource-related issues; it also requires close coordination with biologists and other wildlife professionals."

Julia A. Levin
State Policy Director
Audubon California
Written Testimony

PUBLIC COMMENT

74 comments were received for this recommendation. 16 comments expressed support. 36 comments expressed opposition. 22 comments were neutral.

Pros

- The current structure allows each branch to work completely independent of each other and focus on separate agendas. Consolidating entities will help law enforcement to develop common goals of how to protect the state and provide uniform structure and standards for the enforcement of state laws.
- Centralized command, training, and equipment will resolve the current issues associated with training, POST certification, and safety equipment.
- Placing Department of Fish and Game wardens within the division may minimize the amount of time that game wardens spend on non-law enforcement related functions.
- The generalist ranger in state parks may not provide citizens with the best level of law enforcement services. Placing the ranger position in a unified law enforcement division could increase effectiveness and improve public safety.

- Many state park units operate successfully with just a guide or interpreter and no state park ranger. If a peace officer is needed, these personnel can contact local law enforcement.

Cons

- The proposed division would consolidate disparate functions (alcoholic beverage control, DMV violations, toxic substances control, Medi-Cal fraud, etc.), creating a generalized structure that could undermine the specialized expertise of each enforcement area.
- State park rangers perform many environmental, administrative, public education, and public safety functions in addition to their law enforcement duties. If rangers are moved to a new division, funding would be required to hire additional employees in the areas of housekeeping, interpretation, fee collection, and resource management.
- The proposed transfer of state park rangers could lead to reduced operational hours and park closures.
- The state park ranger job classification is the primary entry for promotion into the state park management structure. The recommended consolidation could impair the line of management succession, as employees hired and trained by the proposed Division of Law Enforcement may lack required skills and abilities.
- Successful conservation requires dedicated law enforcement personnel who are knowledgeable about natural resource-related issues and work closely with biologists and scientists. Moving rangers and game wardens into a separate division could cause specialized skills to deteriorate and impact the departments' abilities to meet mandates.
- The CPR did not identify any issues with natural resource law enforcement and resource protection, a problem that could have warranted the proposed consolidation of rangers and wardens. The occasional homeland security function is insufficient reason to reassign these officers from their primary mission.
- The proposed transfer of Department of Alcoholic Beverage Control (ABC) staff could shift their focus to homeland security, rather than investigating violations of the Alcoholic Beverage Control Act and ensuring proper business conduct among licensees.
- Enforcement by the Medical Board of California (MBC) requires specialized knowledge to gather and review medical information.

These activities do not lend themselves to cross coverage by those with a "police" orientation. Enforcement should remain with licensing functions and be staffed with personnel properly trained for this function.

- Consolidation of enforcement functions is based on the rationale that it will reduce personnel, training, and equipment expenditures. The cost of vehicles and equipment related to MBC enforcement functions is negligible.
- Depending on division leadership, consolidation could allow some law enforcement actions to receive a lower priority than others or even be eliminated over time.
- The recommendation does not include all state-employed peace officers in the consolidation proposal. For example, Museum Police, UC and CSU Police Officers, and the Department of Mental Health State Hospital Police are not included. This recommendation should be changed to uniformly list these officers as state investigators and peace officers under Chapter 4.5 of the Penal Code commencing with Section 830.
- The Department of Toxic Substance Control criminal investigators should not be moved to the Department of Public Safety and Homeland Security.

Considerations

- Effective response to emergency situations and better trained personnel could be accomplished with minimal disruption to the current system. Policy changes, cross-training, additional funding, coordinated state-of-the-art communications, and centralized equipment purchasing could achieve the same results as the proposed reorganization.
- The additional responsibilities placed on the California Highway Patrol (CHP) could compromise its role as the state's primary traffic safety organization. If responsibilities are expanded, the Motor Vehicle Account should not be used to fund non-transportation related duties and an additional non-motorist funding source identified.
- It is unclear whether the proposal to consolidate training is based on a desire to use one facility or if consolidation would also establish new uniform training standards. Given the vast difference in the duties of investigators, the latter goal may not be feasible.
- The proposed reorganization raises issues of seniority, right of transfer, and training of the peace officers who would move into a new division.

- Although the park ranger job classification is the primary entry line for promotion into state park management, all qualified employees should have opportunity for management succession, not just peace officers.
- If state park rangers are consolidated into the division, policies should be developed that take into account each park's distinct requirements. State park rangers should also retain current responsibilities.
- The Department of Alcoholic Beverage Control is a special fund department that is funded solely through license fees paid by industry members. The recommendation should be modified to clarify how license fees will be used to support the mission of ABC and not be diverted to other law enforcement activities.
- The recommendation may overemphasize the importance of the CHP and ignore the important role that local law enforcement plays in homeland security.
- The recommendation does not provide a clear reason for leaving the California Highway Patrol out of the Division of Law Enforcement.
- The commissioner of the division should be allowed to appoint peace officers and assign them to different departments, provided that their main function is enforcement. This structure would create uniformity and allow assignment of officers where necessary.
- The recommendations do not appear to include any provisions for the additional workload on the already overwhelmed public safety dispatchers. These personnel provide a critical link between all law enforcement agencies and are one of the lowest paid dispatcher groups in the state.

PS 03

"EMS is a complex contact sport, day in, day out, night after night, and involves sophisticated medical oversight."

Michael Sise, M.D.
Mercy Hospital, San Diego
CPR Commission Hearing

PS 03

CREATE A DIVISION OF FIRE PROTECTION AND EMERGENCY MANAGEMENT

ISSUE

Roles, functions, and responsibilities for statewide fire protection and emergency management are divided among a number of different agencies. To eliminate confusion and improve command and control during emergencies and disasters, similar functions should be merged into a more efficient management structure.

SOLUTIONS

- *Consolidate the state's emergency management functions, services, and disciplines into a new Division of Fire Protection and Emergency Management in the new Department of Public Safety and Homeland Security.*

PUBLIC COMMENT

37 comments were received for this recommendation. 8 comments expressed support. 24 comments expressed opposition. 5 comments were neutral.

Pros

- Consolidation of agencies will create a more effective and integrated public safety system. It will also provide a more coordinated approach to obtaining and managing resources, state and federal funding, and operational control.
- In recent years, the distinction between public health and public safety has become less defined. Locating the Emergency Medical Services Authority (EMSA) within the proposed division could streamline emergency medical services planning, response, and oversight, while preserving and enhancing the mission of EMSA.

Cons

- The recommendation to relocate EMSA into the proposed division appears to focus primarily on its disaster responsibilities. However, EMSA performs a vast array of medically focused services that are designed to coordinate health care delivery, ensure public health safety, and manage medical emergencies and medical disaster functions.
- Relocating EMSA to an agency that is predominantly law enforcement and fire could make EMSA functions subordinate to fire services and dilute the viability, service value, and mission of emergency medical services.
- There is no evidence to suggest that the proposed reorganization could improve the effectiveness of EMSA. EMSA should be retained as an independent entity under the Health and Human Services Agency.
- Resource management programs have a direct and complementary relationship with fire protection. Dividing California Department of Forestry and Fire Protection (CDF) functions between two departments could reduce abilities to lead community fire protection planning work, diminish the "total force concept" of employee cross-training, and cause confusion regarding state leadership.
- It is extremely poor public policy to separate fire protection from resource management. This shift ignores current state and federal policies regarding fire protection and could result in fire suppression activities that create even greater natural resource problems. The proposed restructuring could also jeopardize federal funding for important fire programs such as controlled burns and brush removal.

Considerations

- Instead of transferring all EMSA functions, the need for centralized statewide disaster functions could be accomplished by only moving EMSA's operational and terrorist/disaster responsibilities. A strong cross-agency link could ensure that emergency medical services personnel have a well-coordinated role as first responders.
- In order to address concerns regarding the dilution of EMSA's missions and functions, consider placing EMSA within its own division. It is critical to ensure a balance between public safety and homeland security, fire services, and emergency medical services.
- Appropriate and consistent medical direction and physician oversight is essential for EMSA to maintain medical and clinical competency and credibility. As a part of consolidation, a medical director should be identified to head the EMS section of the division.
- Specific minimum qualifications for the division director should be developed. Qualifications could include: California Chief Officer Certification; 15 years progressive experience in the fire service; experience managing a large fire protection organization; and skills in strategic planning, budget management, and communication.
- The functions of the Office of Traffic Safety (OTS) should be merged into the California Highway Patrol, rather than the Division of Fire Protection and Emergency Management.
- Coordination of law enforcement responses to disasters could possibly be assigned to the Division of Law Enforcement or the California Highway Patrol.
- The proposed consolidation does not appear to include the Office of the State Fire Marshal (OSFM). The OSFM plays an integral role in facilitating communication between local fire departments and the state. Eliminating the OSFM would undermine local input to the state process regarding the California Fire Service.
- In addition to the proposed restructuring, suggest a reorganization of the management and supervisory relationship between the EMSA and the Local Emergency Medical Services Agencies (LEMSA). Currently, each LEMSA functions on its own with little oversight or coordination by any other agency.
- Consider using a different division name that better describes its functions and activities. Possible alternatives: (1) Division of Fire Protection, EMS, and Emergency Management (to more clearly represent the proposed disciplines within the division); (2) Division of Fire (or Cal Fire); and (3) Division of Fire and Life Safety (to capture the cross-cutting nature of the division).

PS 04

CONSOLIDATE VICTIM SERVICES

ISSUE

Funding for victim service providers and compensation to victims of violent crime is currently spread across a number of different state offices, boards and departments. This fragmented structure creates an unnecessary burden, especially on victim service providers at the local level, as they must complete multiple state grant applications and progress reports that oftentimes cover different time periods and services.

SOLUTIONS

- *Consolidate victim services, including the Victim Compensation Program, Battered Women's Shelter Program, and Victim Services Branch into a Division of Victim Services in the proposed Department of Public Safety and Homeland Security.*
- *Consolidate some of the ten secondary victim-related programs.*

PUBLIC COMMENT

4 comments were received for this recommendation. 3 comments expressed support. No comments expressed opposition. 1 comment was neutral.

Pros

- Funding shortages and lack of a cohesive plan have led to divisiveness and limited collaboration between victim service groups. An informed and planned approach to the distribution of victim service dollars can be accomplished with a cohesive system.
- Victims suffer when services are disjointed. The proposed division will bring victim service providers into a closer working relationship that streamlines grant management, reduces service gaps and provides clear, consistent leadership.
- The division will provide the institutional nexus that is needed between victim service providers, law enforcement, and the criminal justice system.

Cons

- No testimony submitted.

Considerations

- Recommend consolidating any funds provided to an agency for victim services under the Division of Victim Services. All programs providing

services to victims of crime, irrespective of the status of criminal justice involvement, should be combined.

- Sufficient planning and transition time will be required to develop a division structure that adheres to the rules and regulations that govern various providers and also direct funding sources. This division structure must also absorb management of these agencies and administration of the separate funds.
- Gathering sufficient input from the field will be critical to developing a sense of ownership among those moving to the new agency. It is strongly recommended that the new division maintain partnerships between victim service programs, especially rape crisis center programs, to ensure statewide and local collaboration.
- During consolidation, all efforts should be made to ensure continuity of services.
- Recommend retaining the State Sexual Assault Advisory Committee, which has been a guiding identity and valuable multidisciplinary body for the rape crisis centers of California. Suggest creating a parallel Domestic Violence State Advisory Committee.
- In addition, the opportunities to leverage additional federal funding should be maximized with this consolidation.

PS 06

PEACE OFFICER STATUTORY REVIEW

ISSUE

The Department of Social Services employs peace officers whose jobs involve minimal law enforcement activity. The state should reclassify these positions to non-peace officer positions and review other peace officer positions within non-public safety entities to ensure they meet appropriate law enforcement criteria.

SOLUTIONS

- *Reclassify the Department of Social Services' (DSS) peace officer positions to non-peace officer positions.*
- *Repeal the Department of Social Services' authority to appoint peace officers.*
- *Review authorized state peace officer positions employed by non-public safety entities to ensure their duties conform to POST standards.*

PUBLIC COMMENT

All 17 comments received oppose this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- The recommendation to reclassify DSS peace officers appears based on inadequate information about their functions and responsibilities. In addition to being POST-certified, DSS peace officers perform field investigations that carry potential administrative and criminal penalties, work closely with local law enforcement, and can make arrests.
- The statistics used in the reclassification recommendation may inaccurately understate DSS' role in investigations. Comments submitted to the CPR Commission reported that an internal sampling of 35 percent of all DSS investigators showed that during an 18-month period there were 666 investigations, 158 referrals for criminal filing, and 78 arrests.
- The theory that non-sworn personnel can conduct investigations at the same level as POST-trained peace officers, who have access to restricted law enforcement information and working relationships with local law enforcement, is questionable. Without the proper authority or training, non-sworn investigators may be less effective and allow licensees and staff to remain unaccountable for abuse and even death of clients.
- DSS employs peace officers whose jobs are consistent with the criteria used by CPR to evaluate peace officer status. These individuals protect the most vulnerable populations of the state and should continue to be classified as such. Peace officer status should not be eliminated through attrition.

Considerations

- If local enforcement has workload constraints or limited expertise, DSS peace officers will often assume sole responsibility for child abuse investigations. The proposed reclassification could create an extra workload, which local law enforcement may be unable to assume. This could result in no criminal prosecution of child abuse cases in licensed care facilities.

- Although the number of investigations, criminal filings, and statistics are cited as an evaluation criterion, other investigators recommended for consolidation in the new division have very low arrest statistics.
- Consider including DSS investigators in the proposed Department of Public Safety and Homeland Security.

PS 08

CONSOLIDATE THE DEPARTMENT OF HEALTH SERVICES MEDI-CAL FRAUD INVESTIGATIONS BRANCH

ISSUE

Numerous problems exist within the Department of Health Services' Medi-Cal Fraud Investigation Branch (DHS-IB). They stem mainly from the disproportionate assignment of investigators throughout the state, the discontinuance of required continuing professional training (CPT), and from oversight of a law enforcement unit by non-law enforcement personnel.

SOLUTIONS

- *Transfer the Department of Health Services' Medi-Cal Fraud Investigation Branch (DHS-IB) to the new Department of Public Safety and Homeland Security in order to merge its functions with other public safety entities.*

PUBLIC COMMENT

5 comments were received for this recommendation. 4 comments expressed support. 1 comment expressed opposition.

Pros

- Law enforcement agencies are often better managed by professional peace officers. The proposed placement of DHS-IB may increase oversight, facilitate compliance with POST training requirements, and create a management structure that better understands the requirements and decisions affecting sworn officers.
- The proposed merger could significantly improve the overall effectiveness of Medi-Cal fraud and abuse investigations by ensuring uniformity and regular in-service training.

- The recommendation may reduce overall operational costs.
- Consolidation would allow the immediate deployment of sworn peace officers to respond to any emergency crisis and provide additional exchange of information.

Cons

- Specific discussion in opposition to this recommendation was not received.

Considerations

- Although integrating DHS-IB with other public safety programs may provide administrative savings, this consolidation does not address current program shortcomings. Larger cost savings might be realized by implementing a truly effective fraud control program, such as that provided by Associated Pharmacy Network (APN) and the Fraud Prevention Institute (FPI).
- The proposed transfer of authority is worth considering, as the current system has resulted in increased cost, administrative work, and delays in care without resulting in the desired improvements.
- As a part of the proposed transfer, efforts must be made to ensure appropriate protection against unreasonable invasion of patient privacy and/or inappropriate search of physician's offices.
- The proposed change should also consider repealing numerous Medi-Cal laws that impose inappropriate burdens and unduly bog down the provision of care (counter signatures, signatures on prescription and test orders, background checks, etc.).

PS 09

CREATE A CALIFORNIA HAZARD MITIGATION ADVISORY COUNCIL

ISSUE

Hazard mitigation programs are spread across several state departments and commissions. Although each was created to address a specific hazard, the piecemeal approach to hazard mitigation has created inefficiencies in program administration, competition for federal grants and confusion among stakeholders.

SOLUTIONS

- *Create a California Hazard Mitigation Advisory Council by Executive Order to coordinate existing hazard mitigation programs and develop a statewide hazard mitigation strategy.*

PUBLIC COMMENT

1 comment was received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- This recommendation creates an advisory council with unidentified and unknown costs, which appears contrary to the basic premise of CPR.

Considerations

- It might be advisable to reject this recommendation and allow the future department secretary to decide whether or not an advisory council is required.

PS 10

ESTABLISH A CONTINGENCY FUND FOR THE DIRECTOR OF THE GOVERNOR'S OFFICE OF EMERGENCY SERVICES

ISSUE

California's Office of Emergency Services often finds it difficult to coordinate responses during the initial phases of emergencies. Until the Governor proclaims a state of emergency, the Office of Emergency Services (OES) has no authority to direct the resources of other agencies to reimburse participating agencies. Without such funding, agencies may be reluctant or unable to provide resources. Establishing a contingency fund for OES to reimburse agencies for pre- and post-proclamation response activities would mean better emergency management.

SOLUTIONS

- *Establish a contingency fund set for OES at 50 percent of the average annual state expenditures on emergencies services (approximately $15 million) to reimburse state agencies utilized in pre-proclamation periods of emergencies.*

PUBLIC COMMENT

3 comments were received for this recommendation. 2 comments expressed support. 1 comment expressed opposition.

Pros

- The creation of a contingency fund for OES to reimburse agencies ensures that funds are available for the initial response of needed resources in an emergency.
- The need for such advance planning was apparent during the first days of response to the 1997 flood event and in the recent Jones Tract flooding emergency. In such cases, emergency response that is taken as early as possible can reduce the adverse impact from such events.

Cons

- The creation of a separate emergency fund for OES is redundant. The CDF has an existing emergency fund.
- Establishing a separate fund for an agency that is proposed to be consolidated into the Division of Fire Protection and Emergency Management does not make sense. This fund has the potential to become a "slush fund" where the funding amount increases as additional departmental requests are made.

Considerations

- Instead of creating a separate fund, recommend moving the existing CDF emergency fund into the Department of Public Safety and Homeland Security. Under the direction and oversight of the secretary, this fund could be made available for use by all public safety agencies that provide direct emergency response services.

PS 12

MEDI-CAL PROVIDER FRAUD INVESTIGATIONS SHOULD BE DONE BY THE CALIFORNIA DEPARTMENT OF JUSTICE

ISSUE

By law, only the California Department of Justice (DOJ) has the authority to investigate and prosecute fraud by Medi-Cal providers, such as physicians and pharmacies. In reality, most of the investigative work is done by the California Department of Health Services in the guise

of "preliminary investigations" before cases are referred to DOJ. The state is forfeiting more than $1.6 million in federal reimbursements as a result.

SOLUTIONS

- *Complete the Memorandum of Understanding (MOU) with the California Department of Justice (DOJ) by November 1, 2004 and develop criteria in the MOU that allows for the earliest possible transfer of Medi-Cal provider fraud investigations to DOJ.*

PUBLIC COMMENT

4 comments were received in support of this recommendation. No opposing or neutral comments were received.

Pros

- In the current structure, cases are often duplicated or simultaneously investigated by other branches. Transferring this function may help to eliminate duplication and ensure that sufficient expertise and resources are assigned to this responsibility.

Cons

- No testimony submitted.

Considerations

- The proposed transfer of authority is worth considering, as the current system has resulted in increased cost, administrative work, and delays in care without resulting in the desired improvements.
- It is unclear whether federal law authorizes the transfer of enforcement authority to the Attorney General's Office.
- Before implementing the proposed change, efforts must be made to ensure appropriate protection against unreasonable invasion of patient privacy and/or inappropriate search of physician's offices.
- The proposed change should also consider repealing numerous Medi-Cal laws that impose inappropriate burdens and unduly bog down the provision of care (counter signatures, signatures on prescription and test orders, background checks, etc.).

PS 13

IMPROVING SERVICES TO VICTIMS OF CRIME

ISSUE

California's Victim Compensation Program and victim/witness assistance centers are the most comprehensive programs for assisting victims of crime. The programs are dependent upon one another but administered separately, resulting in unnecessary duplication of efforts. In addition, funding has remained the same for the past six years, resulting in an overall decrease in services to victims.

SOLUTIONS

- *Consolidate administration of the Victim/Witness Assistance Program operated by the Office of Emergency Services, or its successor, into the Victim Compensation Program (VCP) operated by the Victim Compensation and Government Claims Board, or its successor. The agencies responsible for administering these programs should consolidate all state-issued funds to counties for victim/witness assistance centers and restitution specialists, where possible, into one grant per county.*
- *Require victim/witness assistance center personnel to perform the duties of restitution specialists by determining victims' economic losses in all cases, including amounts paid by the Victim Compensation Program. The requirement should include, when possible, that the centers' personnel provide this information, along with facts of the crime relevant to determining an appropriate restitution fine, to the prosecuting agency, probation department, court or other appropriate local criminal justice entity prior to an offender's sentencing.*
- *Require that 5 to 10 percent of Restitution Fund revenue from state restitution fines and orders be allocated to victim/witness assistance centers statewide.*

PUBLIC COMMENT

4 comments were received for this recommendation. 1 comment expressed support. 2 comments expressed opposition. 1 comment was neutral.

Pros

- No testimony submitted.

Cons

- Restitution specialists are highly trained paralegals who meet state-mandated educational standards and have extensive knowledge of restitution. If victim advocates perform these duties, cases may be handled by less qualified individuals and the victim may be given inadequate service or not made whole.

- Victim/witness centers provide many other services including crisis response, emergency relocation, and case and court-related services. Many victims do not qualify for VCP benefits but need other crisis and advocacy services. The implementation of this recommendation could compromise or marginalize many critical services.
- Currently, restitution assistance is a service provided upon request of the victim. Restitution specialists only determine victim's losses in cases which involve a victim compensation claim. Adequate funds may not be available to offset the personnel needed to perform this new, expanded duty.
- In the absence of sufficient funding, victim/witness assistance centers would be adding a labor-intensive, mandated duty which could compromise other mandatory services.
- Instead of consolidating funding streams for distribution at the county level, retain the current distribution of funds to ensure the maximum amount of money goes to victim services, not another layer of bureaucracy at the county level.

Considerations

- Consolidating the Victim/Witness Assistance Program into the Victim Compensation Program needs to be closely examined. The Victim Compensation Program should go to the Division of Victim Services where other services are managed. Reorganization should not do anything to separate or disjoin services.
- Determining restitution losses for victims has become more complex and requires specialized legal expertise to analyze victim losses. Another option would be to give statutory authority to restitution specialists and give them the legal status equivalent to probation officers so they can advise the courts on restitution.
- The recommendation for a dedicated funding stream could offset the addition of the proposed, mandatory duty for victim/witness assistance centers. However, a number of factors would need to be addressed, including a prerequisite to maintain an adequate reserve in the VCP Restitution Fund.
- Currently, victim/witness assistance centers receive a percentage of state penalty assessment funds and federal crime victim funds. It is unclear what would happen to those dedicated funding streams with

the recommended consolidation. The VCP Restitution Fund balance has varied and it may be difficult to predict future funding.

- Victim/witness assistance centers provide many services beyond restitution, such as victim advocacy, as victims relate with the law enforcement and judicial systems. It is highly encouraged that future dialogue looks closely at all aspects of victim support.

CHAPTER 6 RESOURCE CONSERVATION AND ENVIRONMENTAL PROTECTION

Introduction

Californians demonstrate a strong commitment to environmental protection and resource conservation. A Public Policy Institute of California poll released in July 2004 indicates that 55 percent of Californians believe the environment should be a top policy priority. Not surprisingly, these sentiments are reflected in state government's approach to environmental protection, with the combined budgets for environmental and resource conservation topping $5 billion annually, an amount that exceeds the individual general fund budget of 22 states; with programs that employ 21,000 people dedicated to environmental protection; and with voter approval of $11 billion in general obligation bonds that have incurred over $20 billion in long-term state debt.

Despite this commitment of resources and recognized world leadership in many areas, California Performance Review (CPR) research efforts concluded the state's environmental and resource conservation efforts are hampered by its organizational structures. The organization envisioned when the California Environmental Protection Agency was created in 1991 was never completed, and resource conservation programs have matured so that programs have overgrown one another. The result is fragmented authority existing alongside overlapping and duplicative functions. The purported side effect is a lack of integration and cohesiveness that limits the effectiveness of California's unparalleled environmental protection efforts.

To address these concerns, the CPR team identified 35 issues and 82 specific recommendations which aim to:

- Coalesce functions into single program areas where feasible to eliminate overlap and duplication.
- Increase accountability and focus environmental protection and resource conservation efforts on outcomes.
- Create efficiencies with process improvements and the application of technology.

Savings of $350 million over five years are projected if these recommendations are implemented. The majority of these savings accrue to special funds that do not count toward the state's structural, General Fund deficit and could be made available for reinvestment back into program areas.

CPR COMMISSION HEARING

The CPR Commission hearing on Resource Conservation and Environmental Protection was conducted at California State University, Fresno on September 17, 2004. Three expert panels representing a diverse array of perspectives testified on:

- Water Policy and Oversight
- Regulations and Environmental Protection
- Conservation, Management and Stewardship

In all, 18 witnesses comprised the panels that provided oral testimony to the Commission.

SUMMARY OF PUBLIC COMMENT

The legitimacy, importance, and complexity of environmental issues and environmental regulation were acknowledged by witnesses and the public who offered sometimes widely divergent views of the benefits and unintended consequences of CPR proposals and the status quo. Many of those who testified expressed dissatisfaction with the process employed by CPR to gather information, describing it as one-sided, biased, or lacking in critical input. Others felt the analysis of issues as incomplete, vague, inaccurate, or, in some cases, completely absent.

There was a nearly unanimous consensus of opinion about the need to retain environmental boards and commissions. Opinions about which boards to retain varied in specificity from speaker to speaker, but included: the California Air Resources Board; the State Water Resources Control Board; Regional Water Quality Control Boards; the Energy Commission; the Board of Forestry and Fire Protection; the State Lands Commission; and the State Historical Resources Commission.

A total of 593 comments were received on the Resource Conservation and Environmental Protection recommendations contained in the CPR report.

RES 01

ESTABLISH A SINGLE POINT OF CONTACT FOR ALL PUBLIC INQUIRIES TO THE CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

ISSUE

The California Environmental Protection Agency lacks a central point of contact for the public to obtain information and assistance about its environmental protection programs and its regulatory requirements. The agency does a poor job of providing timely and appropriate customer service to phone inquiries and website visits. The agency should take a number of steps to improve customer service including creating a toll-free phone center, reengineering its website, linking all regulatory information and developing systems to allow for online submission of data.

SOLUTIONS

- *Create an Office of Regulatory and Compliance Assistance charged with responsibility for serving as a "one-stop shop" for all public inquiries on regulatory compliance programs and for the general public requesting information via a toll-free phone center.*
- *Give the Office of Regulatory and Compliance Assistance responsibility for reengineering business practices and upgrading information technology systems that enable public searches of public databases, allow access to regulatory compliance and program information, and enable submission of compliance and reporting data via the Internet.*

PUBLIC COMMENT

12 comments were received for this recommendation. 6 comments expressed support. 3 comments expressed opposition. 3 comments were neutral.

Pros

- The current dispersion of expertise and the tendency toward "silo-based" information means public inquiries on both basic questions and detailed information are frustrated or answered based on the "luck of the draw." A single point of contact would vest responsibility for this function and pool expertise to perform the function in a single place.
- Fundamentally, success for environmental programs depends on not just a willingness to comply, but an understanding of how to comply. Providing a single source of expert advice on how to follow the rules offers the promise of increased compliance and better results.

Cons

- This recommendation may not be viable. Considering the breadth of knowledge required for this function, creating a single source of information is virtually impossible.
- Focusing resources on this function detracts from environmental protection efforts.

Considerations

- The focus of this program should not be exclusively on business and regulatory compliance, but should also be a resource for the general public.
- An Office of Regulatory Compliance should not just be reactive; it should proactively reach out to businesses to assist them with compliance.
- Proprietary information submitted by businesses as a part of the permitting process must be kept confidential.
- Internet-based information must be accessible in a manner that is intuitive and the information must be comprehensible.
- These services should not replace compliance assistance efforts that are underway now and should operate in conjunction with those programs.
- This office should not displace other program efforts or supplant enforcement efforts.

RES 02

CONSOLIDATE CLEANUP, SPILL PREVENTION AND EMERGENCY RESPONSE PROGRAMS

ISSUE

Cleanup of hazardous waste sites, spills, and abandoned dump sites is divided between eight departments all of which use different standards and administrative processes, which creates confusion, inefficiency and increases costs.

SOLUTIONS

- *Consolidate programs responsible for environmental cleanup of hazardous material into a new cleanup program located within the California Environmental Protection Agency or its successor.*

- *Consolidate programs responsible for spill prevention and emergency response into a single Spill Prevention and Emergency Response program located within the California Environmental Protection Agency or its successor.*

PUBLIC COMMENT

12 comments were received for this recommendation. 8 comments expressed support. 2 comments expressed opposition. 2 comments were neutral.

Pros

- Fragmentation of cleanup efforts has led to several cleanup programs that use different processes, different standards, and the unintended consequence that the state does not know how many toxic sites exist. This proposal will eliminate public confusion, eliminate so-called "forum shopping" for the "easiest" cleanup agency, and alleviate government infighting over conflicting policies and processes.
- A melding of the expertise that exists in the various departments responsible for these cleanup programs should result in synergy and efficiency. It should also focus attention on the outcome by removing procedural impediments and distractions caused by overlapping jurisdiction.
- A single program will allow for cleanup projects to use the Department of Toxic Substances Control process, which is more open and inclusive of the public.

Cons

- If implementation of this proposal is not handled properly, the worst of both programs will emerge, instead of the desired outcome that will allow administrators to choose the best, most appropriate mechanism to achieve results.
- The Department of Toxic Substances Control has no mandate to clean up sites or sources to meet water quality standards.
- Emergency response for toxic spills should remain within an emergency response function (e.g. the Office of Emergency Services, local fire personnel). Oil spill prevention and response should remain within the Department of Fish and Game because the response is not just focused on containment and cleanup, but also on remediation of impacts to fish, wildlife and habitat.

- The radiological oversight program should be a part of this division instead of a function of the proposed waste management division.
- Some corrective (cleanup) actions are a permit condition and should not be consolidated with this function, but should be included in the waste management function.

Considerations

- If implementation of this proposal is not handled properly, the worst of both programs will emerge, instead of the desired outcome that will allow administrators to choose the best, most appropriate mechanism to achieve results.
- County agricultural commissioners play a role in handling of pesticides that could be added to this functional area.
- The Department of Toxic Substances Control process should be a preferred cleanup process because it allows for more public access and public input into the cleanup process.
- The merger of these programs should not result in a loss of authority to the state program to achieve water quality standards when site cleanup addresses contaminated groundwater or surface water.
- The practicality of adding oversight of pesticide handling as an element of this program should be considered.
- The appropriateness of adding the radiological waste oversight functions being transferred from the Department of Health Services to this function instead of the waste management function should be explored.
- The need to retain federal corrective actions that come as a condition of permitting (i.e. in the waste management division), and not the cleanup function, should be evaluated.
- The importance of a consultative role and a memorandum of understanding with Fish and Game Department biologists for oil spill cleanup should be considered.

RES 03

CONSOLIDATE WASTE MANAGEMENT PROGRAMS

ISSUE

California's programs aimed at reducing disposal of solid waste in landfills are fragmented among four organizations, which inhibits California's ability to create a comprehensive waste management program.

SOLUTIONS

- *Consolidate the state's solid and hazardous waste management programs to form a single Waste Management Program located in Cal-EPA or its successor.*

PUBLIC COMMENT

14 comments were received for this recommendation. 7 comments expressed support. 6 comments expressed opposition. 1 comment was neutral.

Pros

- This proposal will enable those who handle waste and ensure its proper disposal with a single authority, instead of a fragmented state structure that blurs the lines of distinction for various functions—water quality, toxic materials, and recycling programs for hazardous waste. Combining these functional areas could produce the efficiency and coordination that are lacking in the current fragmented structure.
- Waste handling (whether it is toxic or solid waste) fundamentally involves the same concerns: public exposure to harmful materials; multi-media impacts (to air and water); worker safety; proper transport; proper containment; and closure requirements, among others. Combining these functions will create synergy and focused deployment of resources.

Cons

- Radiological waste and toxic waste are too different, and of too great a concern from a public health standpoint, to incorporate into a single division.
- The difference between hazardous waste and solid waste, and the need for different programs, makes the consolidation of these functions virtually impossible.

- The Waste Management Board should not be eliminated because it provides the public with critical access to the decision-making process for public health programs.

Considerations

- Further examination of the ability to transfer the functions in the radiological health branch at the Department of Health Services should be undertaken.
- Clarification is necessary so that the public understands whether the waste discharge requirements will continue to be the responsibility of a proposed Water Quality Division or a responsibility of the proposed Waste Management Division.
- The recommendation that the board structure for this function be retained, but modified (creating a full-time chair and a part-time board), should be considered.

RES 04

CONSOLIDATE POLLUTION PREVENTION PROGRAMS

ISSUE

California's efforts to prevent pollution are split among three separate programs, which unnecessarily limits the effectiveness of pollution prevention efforts statewide.

SOLUTIONS

- *Consolidate the state's recycling and pollution prevention programs into one Pollution Prevention and Recycling program located within the California Environmental Protection Agency, or its successor.*

PUBLIC COMMENT

12 comments were received for this recommendation. 4 comments expressed support. 4 comments expressed opposition. 4 comments were neutral.

Pros

- A consolidated pollution prevention program will focus the state on this important aspect of environmental protection—the "reduce" in reduce, reuse and recycle—which will help to eliminate pollution by preventing the circumstances that lead to pollution in the first place.

- The state's lack of emphasis on pollution prevention stems from the fact that it has created single-issue programs (recycling for bottles and cans housed at the Department of Conservation; recycling for oil, tires and e-waste at the Waste Management Board, etc.). A single program will eliminate duplicative outreach, education, and public relations campaign efforts. These efforts are smaller and less effective because resources are split between them.

Cons

- Some of the pollution prevention programs slated for consolidation in this division are funded by fees. Those programs must remain separate to maintain the integrity of the nexus between the fee and its use.
- These programs each have their own constituency, markets, and expert staff. For example, pollution prevention focuses on business processes and tire recycling is a specialized niche with specialized strategies. The recommended single program would most likely continue to operate as several separate programs because the programs are not amenable to merger.
- Pollution prevention should actually be incorporated into each program area, or be an agency-wide program that is incorporated into each program, not a stand-alone program.

Considerations

- Revenue generated for each of the programs is derived from a fee; a fee must have a nexus related to its expenditure. These funds will have to be segregated and accounted for carefully unless there is agreement that some funds can be used for common purposes (e.g. administrative costs).
- The merger of programs must not undermine the success of existing efforts.
- The expertise required to administer each program cannot be lost with the merger.

RES 05

CONSOLIDATE PEST CONTROL LICENSING AND REGULATORY PROGRAMS

ISSUE

California provides two separate oversight programs for pesticide applications—one for outdoor, agricultural applicators and one for residential applicators—creating an inefficient division of the same basic function.

SOLUTIONS

- *Eliminate the Structural Pest Control Board and transfer license functions and oversight responsibilities for structural pest control businesses to the Department of Pesticide Regulation within the California Environmental Protection Agency, or its successor.*

PUBLIC COMMENT

13 comments were received for this recommendation. 8 comments expressed support. 5 comments expressed opposition.

Pros

- For decades, the state has allowed two mature programs, which perform essentially the same function, to operate side by side because one focuses on indoor, structural application and the other focuses on outdoor applications. Given the similarities in these programs, the state could realize efficiencies by merging the programs. Consumers would also benefit from a more robust program.

Cons

- The functions served by both programs are distinct. One program focuses on consumer complaints mostly related to whether the pesticide applicator did an effective job and eradicated the pest, while the other focuses on whether the applicator applied pesticides in a way that did not cause public health or environmental damage. This distinction makes the programs incongruous.

Considerations

- The consumer complaint function for structural pest control application must be served in the merged division.

RES 06

CONSOLIDATE FUNDING PROGRAMS FOR CLEAN WATER INFRASTRUCTURE

ISSUE

California divides responsibility for seeking federal clean water funding between two agencies that, operating separately, secure funds at a rate below the national average, despite California's size and its demonstrable needs.

SOLUTIONS

- *Consolidate the Revolving Fund at the California State Water Resources Control Board and the Drinking Water Fund at the Department of Health Services into a single office within the California Environmental Protection Agency, or its successor.*
- *Direct the office to develop a technology plan by January 2006 to streamline loan processing and financial management to increase the productivity of staff, and fund the technology plan with net savings.*

PUBLIC COMMENT

8 comments were received for this recommendation. 4 comments expressed support. 2 comments expressed opposition. 2 comments were neutral.

Pros

- Empirical evidence in other states indicates that those that administer clean drinking water funds and funds for upgrading wastewater treatment facilities in a single office are better at securing a larger share of federal funds and that these states do a better job of leveraging the funds to support more projects.
- A single administrative unit removes duplicative efforts and cuts costs, allowing more funds to be put into actual projects.

Cons

- The nature of these funds is so different, evidenced by the federal government's creation of separate acts (the Clean Water Act and the Safe Drinking Water Act), that they should not be merged because the temptation to commingle funds could be too great.

Considerations

- The public should be given assurances that with a single office administering these funds, that the funds would still be segregated for accounting purposes; that the funds would not be commingled; that resources from one fund would be used to backfill a shortage in the other fund; and that prioritization of project funding would be accomplished separately by program staff and not by the staff in this office.

RES 07

REDUCE OVERHEAD COSTS OF THE CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

ISSUE

Duplicative, overlapping and costly administrative services functions are being performed separately at all departments within the California Environmental Protection Agency.

SOLUTIONS

- *The California Environmental Protection Agency, or its successor, should propose a consolidation plan for its six divisions of administrative services into one administrative services office located within the Office of the Secretary.*

PUBLIC COMMENT

10 comments were received for this recommendation. 5 comments expressed support. 2 comments expressed opposition. 3 comments were neutral.

Pros

- Combining administrative services at the agency level will eliminate the need for identical, duplicative personnel, budgeting, and other functions to occur at the six individual constituent departments at Cal-EPA. This consolidation could produce savings and efficiencies that would allow more resources to be devoted to programs and result in better services to the agency.
- Consolidated services will provide the Cal-EPA Secretary with a mechanism to influence programs and deploy resources to environmental programs so that these programs are more comprehensive and cohesive.

Cons

- Self-contained, decentralized services are more accessible to constituent departments and so they serve the needs of that individual department better.
- Legal functions should not be combined in a single office. There is too much specialization in functional areas (e.g. water, air, and superfund) that this specialization creates a need and justification for maintaining separate legal offices.
- This recommendation will lead to layoffs, which may have negative economic consequences.

Considerations

- Services in a single administrative office will still need to be tailored to meet the needs of the individual departments (e.g. for job classifications and legal services, among others).
- Maintaining separate legal offices should be considered.

RES 08

CONSOLIDATE THE STATE'S GEOLOGIC PROGRAMS

ISSUE

State oversight, regulation and licensing for earthquake safety and geological services is fragmented and duplicated by two independent boards, one commission and one department.

SOLUTIONS

- *Eliminate the Board for Geologists and Geophysicists and move its functions into the State Mining and Geology Board.*

PUBLIC COMMENT

4 comments were received for this recommendation. 1 comment expressed support. 2 comments expressed opposition. 1 comment was neutral.

Pros

- Cost savings could be realized with the proposed merger. These boards have overlapping jurisdiction and compatible functions that focus on similar missions and the same constituency (geologists and geophysicists).

- Merger of these two boards will create a one-stop shop for the public on these issues.

Cons

- The boards serve fundamentally different purposes. The Board of Geologists and Geophysicists licenses, regulates, and disciplines geologists and geophysicists who work on residential and commercial projects. The Mining and Geology Board is focused on policy and regulatory functions related to seismology and mining.

Considerations

- During implementation, the functions of oversight for mining operations and residential or commercial projects must be blended so that there is a single enforcement mechanism that does not ignore either oversight responsibility.

RES 09

CENTRALIZE CALIFORNIA HERITAGE PROGRAMS

ISSUE

Art, history, and culture functions pursued by the state are fragmented among state agencies and state elective officeholders, resulting in duplication, confusion, inefficiency, and counterproductive competition.

SOLUTIONS

- *Consolidate selected cultural heritage programs in the Department of Parks and Recreation (DPR), or its successor, or in the Office of the Secretary of State. Legislation should designate DPR, or its successor, as California's history, culture and arts agency.*
- *Create a nonprofit public corporation under state control to provide a more effective, lower cost/higher revenue mechanism for funding and operating museums, historic sites, and programs.*

PUBLIC COMMENT

15 comments were received for this recommendation. 3 comments expressed support. 4 comments expressed opposition. 8 comments were neutral.

RES 09

"California cannot stand to lose either [the Office of Historic Preservation or the State Historical Resources Commission]...leaders in historic preservation, and stewards of the state's rich array of special historic and archaeological places. Both could continue and expand their current functions in State Parks, and constitute a vital cornerstone in the new consolidated heritage department."

Anthea M. Hartig
Chairperson
State Historical Resources Commission
Written Testimony

Pros

- Cultural and historical resource protection efforts in California are fragmented. This fragmentation undermines the effectiveness of state efforts and leads to uncoordinated, hit-and-miss approaches that ignore the importance of these resources to future generations and to the economy.

Cons

- The specific proposal misses the mark by eliminating critical state entities, appearing to misunderstand the specific nature and functions of some entities.
- The State Historical Resources Commission should not be eliminated. It fulfills a vital federally required function—project review for federally funded infrastructure projects to determine the impact of those projects on historical resources. If this function is not performed, the state will be ineligible for the federal funding.
- The existence of the State Historical Resources Commission entitles California to about $1 million in federal funding annually, which funds the work of the Office of Historic Preservation.
- The State Historical Resources Commission is the body that determines whether applications for properties to be listed on the National Historical Registry should be approved. This approval is a fundamental function that preserves historical resources, monuments and places of interest.
- The California Room and its collection of books, photographs, and other documents is a library function that the State Archives is not equipped to perform. Removing it from the State Library will mean that inquiries from the Legislature and the public will be responded to in an incomplete manner.

Considerations

- The state should consider an alternative model, a Cultural Affairs Division, such as the ones that are already in place in New Mexico and Nevada, among other states.
- Consideration should be given to a different organizational model that separates the historical and cultural functions into a distinct unit that would include the California Endowment, the California Arts Council, the Native American Heritage Commission, the State Historical Resources Commission, elements of the State Park system that are cultural or historical in nature, the State Library, and state museums

(including the Science Center and African-American museum). This unit could remain within a Parks, History and Culture division or become a separate Cultural Affairs division within the proposed Department of Natural Resources.

RES 10

CONSOLIDATE STATE FIELD AND REGIONAL OFFICES

ISSUE

Scattered field offices for state agencies are inefficient and result in unnecessary costs.

SOLUTIONS

- *Evaluate the current programmatic needs as they relate to the number and location of field offices throughout the state and seek to align those offices more closely to the economic regions of the state.*
- *Consolidate Sacramento-based operations whenever financially feasible. Deliver by July 1, 2005 a plan to achieve such consolidation. Such plans should highlight at a minimum: program efficiencies, service-level improvements and cost savings.*
- *Use existing state agencies to assist in determining how best to consolidate support functions such as clerical, administrative, information technology, and business services to ensure program objectives are satisfied in the most efficient manner possible.*

PUBLIC COMMENT

20 comments were received for this recommendation. 6 comments expressed support. 9 comments expressed opposition. 5 comments were neutral.

Pros

- The recommendation could reduce overhead costs, saving state resources that can be used for program purposes.
- The public can benefit from “one-stop shopping” when field offices are co-located.

Cons

- The recommendation to locate field offices based on economic zones ignores that the constituency are served by current offices, which are organized by regions that do not coincide with an economic zone. For example, regional water board offices are located according to water basins.

- Reconfiguring field offices can displace staff, which may create logistical and personnel issues.
- Loss of a field office can mean a loss of public access to convenient state services.

Considerations

- Jurisdictional boundaries must be taken into account in any survey of field offices and plans for consolidation, so that the office serves the affected constituency.
- Geographical and population dispersal must be considered in consolidation plans, especially in rural areas, to ensure convenient public access to state services.
- Local and federal field office location should be considered in the planning process.
- Public access to state services should be a primary consideration, equal in weight to upfront and long-term costs.

RES 11

CONSOLIDATE REAL ESTATE SERVICES INTO ONE ORGANIZATION

ISSUE

Duplicative real estate management functions for recreation, open space and wildlife habitat are being performed at separate agencies, increasing costs unnecessarily.

SOLUTIONS

- *Consolidate the real estate services staff of the Land Management Division, the Office of Acquisition & Real Property Services, and the Wildlife Conservation Board into one section within the Resources Agency or its successor.*

PUBLIC COMMENT

13 comments were received for this recommendation. 4 comments expressed support. 4 comments expressed opposition. 5 comments were neutral.

Pros

- Combining real estate services may produce efficiencies and savings that could be used for program purposes.

- Combining these personnel can provide synergy to these efforts as personnel share expertise for a similar discipline in a single unit.

Cons

- The functions are too distinct for this merger to work.
- Staff expertise must be retained for each program area, as managing a park, a refuge, and open space are all different functions.
- There is a conflict between infrastructure proposals to transfer oversight of sovereign, school lands to the proposed department and a specific recommendation to consolidate asset management functions within that department.

Considerations

- The oversight for sovereign, school lands is primarily a resource management function that may appropriately reside with the Natural Resources Department, instead of the proposed Infrastructure Department.
- Expert personnel and the distinctive disciplines required to support specific missions should be retained.
- Clarification is needed to specify where the proposal to consolidate asset management functions within the proposed Infrastructure Department applies to these resource management efforts.

RES 12

RESTRUCTURE FUNDING AND GOVERNANCE FOR CERTAIN LAND CONSERVANCIES

ISSUE

Most state conservancies are largely regional entities that are not necessarily formed with or focused on a statewide perspective.

SOLUTIONS

- *Devolve five conservancies of regional or local interest (San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, San Joaquin River Conservancy, Baldwin Hills Conservancy, San Diego River Conservancy, and Coachella Valley Mountains Conservancy) into local joint powers authorities.*
- *Develop a statewide master plan, including strategic guidelines, for land acquisition and resource protection for habitat and recreational purposes.*

RES 12

"Dear Governor Schwarzenegger, I am writing to you to ask you to reject the proposal to eliminate the Baldwin Hills Conservancy. In our neighborhood (South L.A.) a lot of people live in very little spaces, and thus we need—and we deserve—parks and green areas. I beg you to please reject the proposal so that we can preserve the few beautiful spaces in our section of the city."

Vilna M. Metoyer
Written Testimony

PUBLIC COMMENT

119 comments were received for this recommendation. 6 comments expressed support. 110 comments expressed opposition. 3 comments were neutral.

Pros

- Devolving conservancies to the local level could provide for local or regional control of local or regional efforts.
- Creation of a statewide plan could help ensure that the state coordinates its land acquisition efforts, which in a worst-case scenario may be driven by "opportunity" buying, and at the very least cannot be measured against outcomes articulated in a statewide plan that includes priority needs.

Cons

- Local conservancies all provide statewide benefits. For example, the San Joaquin River Conservancy was recently the subject of a court decision that speaks primarily to habitat needs. The Baldwin Hills Conservancy will become a park that rivals nationally known Central Park and serve an underserved community that is park poor. The Coachella Mountains Conservancy is part of the state's NCCP program.
- Conservancies epitomize the best in state-local partnerships and coordinate with other state agencies with similar functions and interests.
- Conservancies may not survive without direct, annual state support for ongoing operating expenses.
- Conservancies should not lose access to voter-approved bond funding earmarked specifically for the use by specific conservancies.

Considerations

- The public would benefit from clarification that the proposal does not preclude conservancy access to bond funding and other state appropriations.
- The development of a statewide plan, which received general support, could address the problem (or perception) that conservancies are serving primarily local interests.

RES 13

CONSOLIDATE RESOURCE LAND ACQUISITION PROCESSES

ISSUE

Duplicative and flawed land acquisition processes used to acquire properties of cultural, natural or recreational significance inflates purchase prices and inhibits successful acquisition.

SOLUTIONS

- *Reconstitute the Wildlife Conservation Board as the "Resource Conservation Board" and add the Resource Agency Secretary, the Director of Conservation and the Director of Parks and Recreation, or their successors, as board members. Grant this new board broad power to approve and fund all resource-related acquisitions. Transfer the authority over resource acquisitions from the Public Works Board to the Resource Conservation Board.*
- *Adopt value pricing policies to introduce competition among potential resource acquisition opportunities and focus on purchasing appropriate properties with the greatest discount over market value or estimated market value.*
- *Amend the State Administrative Manual to allow commencement of negotiations for resource lands prior to final appraisal approval and allow the appraisal review function of the Department of General Services to be performed by an independent appraisal expert on behalf of the Resources Conservation Board or Resources Agency.*

PUBLIC COMMENT

20 comments were received for this recommendation. 8 comments expressed support. 4 comments expressed opposition. 8 comments were neutral.

Pros

- This proposal correctly identifies that overlapping jurisdictions and process impediments to effective and cost-effective land acquisition efforts would be reformed by the implementation of this recommendation.

Cons

- Value pricing is an inappropriate mechanism for resource land acquisition because market values do not reflect the true value of land for resource conservation purposes.

- Critical expertise (necessary for appropriate acquisition values to be applied to park, refuge and habitat acquisition) could be lost if these functions are merged.
- This proposal is in conflict with Infrastructure proposals to consolidate asset management functions under that proposed department.

Considerations

- The recommendation could be clarified to better describe the intentions to keep resource land acquisition functions under the auspices of the proposed Natural Resources Department, as opposed to merging these functions into an Infrastructure Department charged with asset management.
- Value pricing might be used as a criterion or tool to assist in making land acquisition decisions, but the resource value of land should also be a factor.
- Expert staff should be retained following the proposed consolidation.

RES 14

STREAMLINE PERMITTING TO REDUCE PETROLEUM INFRASTRUCTURE BOTTLENECKS

ISSUE

Multi-jurisdictional and complex permitting processes are inhibiting critical petroleum infrastructure expansion, restricting fuel supply and pushing up prices.

SOLUTIONS

- *California should identify burdensome regulations preventing the expansion or new construction of oil refineries, and direct the Ombudsman's Office at the California Air Resources Board, or its successor, within the next 90 days to examine existing practices at air districts that represent best management practices for permitting and to recommend adopting those practices and any other independent suggestions statewide.*
- *Designate the California Energy Commission, or its successor, as the state entity responsible for administering the Permit Streamlining Act for petroleum infrastructure upgrades and providing it the authority to implement provisions of the act as necessary.*

PUBLIC COMMENT

13 comments were received for this recommendation. 4 comments expressed support. 7 comments expressed opposition. 2 comments were neutral.

Pros

- Streamlining the permitting process for refinery and petroleum infrastructure projects is one step the state can take to stem the decline in refinery capacity, which seems to be influencing California fuel prices that are perennially and significantly higher than the rest of the nation.
- Successful efforts at permit streamlining that do not undermine environmental protection may provide a model that can be applied to other state programs.

Cons

- Changes to the permitting process will undermine environmental protection.
- Changes to the permitting process could result in less public input into the process which could result in impacts that affect public health directly.
- This approach is unjustified because local permitting is not a problem; and this proposal undermines local control.
- The basis of the recommendation appears to be one-sided and biased. Therefore, the recommendation is unwarranted.
- The recommendation violates principles of environmental justice.

Considerations

- The public might benefit from clarification about the recommendation's impact on local permitting authority.
- To the extent that public criticism addresses existing processes (e.g. the permit-writing program now in place at a regional air district), creation of the Best Management Practices in these recommendations should include a thorough understanding of the local programs to ensure that they operate appropriately and not in a way that compromises public health.
- To the extent that federal and state representatives (e.g. Senator Dianne Feinstein and Senator Tom Torlakson) have expressed support for this concept, they should be contacted to incorporate those views into the final proposal.

RES 15

USE TECHNOLOGY TO STREAMLINE THE STATE-LEVEL ENVIRONMENTAL REVIEW PROCESS

ISSUE

California's process for reviewing environmental impact documents and posting public notice about the availability of these documents for public comment is paper intensive and cumbersome.

SOLUTIONS

- *The State Clearinghouse and Teale Data Center should implement the CEQAnet II application at the State Clearinghouse.*
- *The State Clearinghouse and Teale Data Center should create a web portal that incorporates CEQAnet II and an electronic document management system to streamline the state-level environmental review process.*

PUBLIC COMMENT

12 comments were received for this recommendation. 10 comments expressed support. No comments expressed opposition. 2 comments were neutral.

Pros

- Automating this process is universally acknowledged to be beneficial to all parties and should improve the efficiency and effectiveness of the process, including enhancing public access and understanding.

Cons

- No testimony submitted.

Considerations

- The implementation of this proposal must take account of the need to restrict access to confidential data.

RES 16

STREAMLINE THE DEPARTMENT OF PESTICIDE REGULATION'S REGISTRATION PROCESS

ISSUE

Certain aspects of California's pesticide registration process are unnecessarily burdensome and duplicative, providing little additional public health or environmental benefit.

SOLUTIONS

- *Repeal Section 12811.5 of the Food and Agriculture Code, which prohibits the California Department of Pesticide Regulation (DPR) from considering data in support of a registration unless the registrant has received written permission from the original data submitter.*
- *Amend DPR regulations regarding the review of efficacy data to make these regulations consistent with United States Environmental Protection Agency requirements. (U.S. EPA requires applicants to assure themselves through testing that their products are efficacious, but it does not typically require applicants to submit their efficacy data when registering pesticides.)*

PUBLIC COMMENT

14 comments were received for this recommendation. 4 comments expressed support. 5 comments expressed opposition. 5 comments were neutral.

Pros

- Eliminating the two process steps identified by CPR could significantly streamline pesticide registration by reducing staff workload without undermining public health protection.
- This recommendation may assist DPR staff in addressing a registration backlog exceeding 600 applications.

Cons

- There was disagreement among the public about which steps in the process are valuable and which can be eliminated. Some comments favored conforming to federal law on a 15-year requirement for Letters of Authorization because it may bring to market safer pesticides sooner. However, they also viewed the efficacy testing as a way to avoid ineffective products that cause "needless pollution."

- Other comments favored eliminating efficacy testing, contending that DPR has the statutory authority to do so. However, they argued that the permanent requirement for Letters of Authorization is necessary to help pesticide manufacturers defray the costs of complying with California's duplicative registration process.
- Current regulations regarding California's requirement for Letters of Authorization is the subject of litigation.

Considerations

- Current regulations regarding California's requirement for Letters of Authorization is the subject of litigation.
- While the need to streamline the pesticide registration process seems plausible based on the department's backlog, there is disagreement on the specific steps to take and what the ramifications of taking those steps might be. This situation may require that the subject of pesticide registration streamlining be a topic of further discussion and negotiations.

RES 17

"The Surface Water Ambient Monitoring Program Roundtable agrees strongly with the recommendations stated in RES 17...We urge the Governor to implement this via Executive Order as soon as possible, as time and cost savings would begin immediately and would be substantial."

Valerie M. Connor
Surface Water Ambient Monitoring Program (SWAMP) Coordinator, SWAMP Monitoring and Assessment Roundtable
Written Testimony

RES 17

SIMPLIFY PROCESS FOR INTERAGENCY WORK AUTHORIZATIONS

ISSUE

State agencies are expending resources, particularly personnel and legal resources to create formal written agreements to work together.

SOLUTIONS

- *Streamline the state's internal contracting processes and direct the State and Consumer Services Agency, or its successor, to simplify the interagency contracting process.*

PUBLIC COMMENT

All 8 comments received support this recommendation. No opposing or neutral comments were received.

Pros

- A standardized interagency work agreement and elimination of the Department of General Services' contracting process will save considerable legal and upper-level management staff time that can be devoted to programs. This, in turn, could save money and increase the effectiveness and efficiency of the agency.

Cons

- No testimony submitted.

Considerations

- Part of the standardization of the interagency work agreement should include a defensible and reasonable formula for determining overhead (OE&E) costs.

- The proposal to simplify interagency agreements is laudable, but this recommendation does not go far enough and could be improved by addressing another, related issue—the extremely high overhead that is typically built into interagency agreements/contracts.

RES 18

ESTABLISH A RISK-BASED, MULTI-MEDIA, ENVIRONMENTAL COMPLIANCE ASSURANCE PROGRAM

ISSUE

Lack of risk-based, prioritized inspection, compliance assistance and enforcement activities for environmental programs wastes resources and creates an uneven regulatory climate across the state and environmental programs.

SOLUTIONS

- *Develop a risk-based, multi-media inspection protocol by July 1, 2005 to be implemented by January 1, 2006.*
- *Develop an implementation plan to create a multimedia environmental compliance assurance program by July 1, 2005 to be implemented by January 1, 2006.*
- *Develop an enforcement protocol, which standardizes the administrative, civil, and criminal enforcement processes to be used in all environmental programs.*
- *Develop an enforcement appeals process to be used by all environmental programs.*
- *Launch several pilot programs utilizing the Environmental Results Program approach.*
- *Establish contacts with other states utilizing the Environmental Results Program and with the U.S. Environmental Protection Agency to share information and pool resources for future activities.*

PUBLIC COMMENT

11 comments were received for this recommendation. 6 comments expressed support. 2 comments expressed opposition. 3 comments were neutral.

Pros

- Risk-based inspection protocols focus state resources on those facilities and practices that pose the greatest health risk to the public.
- Multi-media inspections are more efficient and effective. They spread scarce resources effectively and provide the greatest opportunity for uncovering problems or violations early before pollution is caused and public or environmental health is threatened.

Cons

- Depending on self-certification by businesses as an environmental strategy is an invitation to cheat at environmental regulations. This already occurs with the notice of violation process, which allows business owners to continue ignoring the rules between inspections.
- Multi-media inspections are infeasible and coordinating the schedule of inspectors for joint inspections is a logistical impossibility.
- This recommendation is anti-enforcement and should be quashed immediately.

Considerations

- Creation of a self-certification process for businesses, based on the Environmental Results program, should focus first on low-risk, small businesses.
- This program should not be viewed as a substitute for even-handed environmental enforcement.
- The state could benefit from contacting Massachusetts and other states that use this approach to find out about “lessons learned” during implementation, so that California will enhance its chances at creating a successful program.

RES 19

ENACT PENDING CEQA GUIDELINE AMENDMENTS

ISSUE

Proposed amendments to the California Environmental Quality Act guidelines were developed by the Resources Agency in August 2003. They have been on hold since.

SOLUTIONS

- *Adopt draft amendments to the pending California Environmental Quality Act guidelines.*
- *Convene a working group of environmental law specialists, from within and outside of state government to develop further recommendations to update the guidelines.*

PUBLIC COMMENT

21 comments were received for this recommendation. 8 comments expressed support. 10 comments expressed opposition. 3 comments were neutral.

Pros

- The CEQA guideline update will provide clarity and streamline the process.

Cons

- The guidelines have raised concerns that deserve to be aired publicly.
- Adopting the guidelines immediately will violate the Administrative Procedures Act requirement for public participation in the decision-making process.

Considerations

- Public comments on this recommendation are moot. During the process of completing the CPR report, releasing it to the public, and conducting public hearings, the public review process was completed and the guidelines approved. The guidelines became effective September 17, 2004.

RES 20

CONSOLIDATE RESPONSIBILITY FOR HAZARDOUS MATERIALS AND HAZARDOUS WASTE UNDER ONE AGENCY

ISSUE

Divided responsibility for oversight of hazardous materials programs is inefficient.

SOLUTIONS

- *Amend appropriate sections of Chapter 6.95 of the California Health and Safety Code to transfer the authority and responsibility for the Business Plan and the Accidental Release Prevention programs from the Office of Emergency Services to the California Environmental Protection Agency, or its successor, including making conforming budgetary changes.*

PUBLIC COMMENT

7 comments were received for this recommendation. 3 comments expressed support. 2 comments expressed opposition. 2 comments were neutral.

Pros

- Developing an accidental release plan and a business plan for handling hazardous materials is fundamentally a regulatory and inspection/enforcement function; and the California Environmental Protection Agency (Cal-EPA) performs those core functions.
- Consolidating all the functions of this program under a single agency (Cal-EPA) could assist local government partners by creating a single point of contact with which to communicate and cooperate.
- Cal-EPA could administer this program effectively because it has the necessary expertise on the environmental and public health consequences of these substances.

Cons

- Cal-EPA may not have emergency response or incident coordination capabilities. These responsibilities reside with the Office of Emergency Services (OES) and its local government partners (primarily fire departments), which is the purpose for this program.
- Fire departments are the first responders to accidental spills or releases and those local entities are in partnership with OES.

Considerations

- Regardless of the ultimate disposition of this program, it is clear that these agencies will have to cooperate to ensure appropriate handling and treatment and that appropriate plans will have to exist to respond in the event of an accidental release.

RES 21

IMPROVE THE TIMBER HARVEST PLAN DEVELOPMENT AND REVIEW PROCESS

ISSUE

The process used to approve or deny timber harvesting on private lands is fragmented, acrimonious and inefficient.

SOLUTIONS

- *Amend the Z'Berg Nejedly Forest Practice Act of 1973 (Public Resources Code Section 4511 et seq.) to exempt timber harvest operations deemed to have "low consequence."*
- *Extend the life of Timber Harvest Plans in recognition of the need to monitor operations over time and to allow a greater opportunity for the incorporation of adaptive management techniques.*
- *Consider accepting and approving Timber Harvest Plans drafted pursuant to a set of independently developed, environmental forestry standards; groups like the American Tree Farm System and the Sustainable Forest Initiative can be looked to as examples.*
- *Establish a new agreement between the California Department of Forestry, or its successor, and the State Water Quality Control Board to facilitate multi-agency review and incorporate adaptive management techniques.*

PUBLIC COMMENT

29 comments were received for this recommendation. 6 comments expressed support. 20 comments expressed opposition. 3 comments were neutral.

Pros

- The recommendations are an attempt to streamline the regulatory process and encourage interagency cooperation. The current process is fragmented and leads to costly delays that has led to the decline in California's timber industry.

- Something must be done to coordinate government oversight and review, by vesting authority for approval in a single agency or developing interagency memoranda of understanding.
- Adaptive management techniques can address uncertainties by allowing for modifications to mitigation measures if monitoring data shows there is a need for changes to the timber harvesting plan.

Cons

- This recommendation appears biased in favor of industry. As a result, the recommendations are suspect.
- Some of the proposal's concepts, either the supporting analysis or the definition, are too vague and require definition, especially the concepts of adaptive management and third-party certification.
- Timber projects of 10,000 acres could have potentially devastating environmental impacts and should not be exempt from review.
- The viability of third-party certification standards for timber harvest plans depends on the standards. The standards identified in the recommendation are inappropriate and should never be used as a substitute for state oversight and authority.
- Separate authority for oversight of timber harvest review plans must be maintained by the department of forestry and the regional water boards.

Considerations

- The goal of streamlining the state's process seems to be worth pursuing based on the research and public comments about the fragmented nature of the process.
- In order for the process to be improved, there will need to be significant understanding of the mechanisms of adaptive management, agreement on monitoring protocols, and consensus on what constitutes high-priority and low-consequence operations so that agencies can focus attention on those timber harvest proposals that deserve the greatest scrutiny.
- Interagency cooperative agreements that existed in the past should be evaluated in light of separate authorities that exist explicitly in statute for review (and approval) of timber harvesting plans.

RES 22

PROMOTE SMART GROWTH THROUGH LAND RECYCLING

ISSUE

The state's toxic waste site cleanup program for urban properties is ineffective due to a lack of financing options, a faulty inventory of sites and heavy-handed regulation.

SOLUTIONS

- *Apply for U.S. EPA Revolving Loan Fund Grants collaboratively with the cities of Sacramento and Los Angeles, and the council of government for the San Francisco Bay region, and San Diego Regional Area Council of Governments to add $5 million to the existing Cal ReUSE program in Fiscal Year 2005–2006.*
- *Transfer $13 million of unexpended, unencumbered recycling fees from the Litter Reduction and Bottle and Can Recycling program to the Pollution Control Finance Authority to provide a 20 percent guarantee on loans for brownfield properties and $2 million to provide subsidies as part of the Financial Assurances and Insurance for Redevelopment (FAIR) environmental insurance program.*
- *Transfer $5 million in surplus funds from used oil recycling fees to clean up hazardous waste sites that are contaminated from petroleum releases.*
- *Partner with local governments that have successfully used Mello-Roos tax dollars and tax increment financing to create local revolving loan funds for property acquisition and clean up, offering training in FY 2005–2006, for other cities that have not used this approach.*
- *Establish a tax incentive program for brownfields redevelopment that allows for cost recovery of 75 percent of the cleanup costs through tax revenue generated as a result of increased property values.*
- *Modify the Underground Storage Tank Cleanup Fund criteria to make redevelopment a high priority for receiving reimbursement, and reimburse only risk-based cleanup based on levels appropriate for the anticipated land use and for semi-annual groundwater monitoring beginning FY 2005–2006.*
- *Allow public and private third-party entities to apply for reimbursement of cleanup costs from the Underground Storage Tank Cleanup Fund.*
- *Expand the Clean Water Revolving Loan Program in FY 2005–2006, to include brownfields redevelopment, using the California Environmental and Redevelopment Fund (CERF) as the financial institution for linked deposit loans.*
- *Amend Senate Bill 493 (which was abandoned in favor of an Assembly Bill on this issue) to provide groundwater cleanup liability relief for developers who acquire development rights through long-term ground leases with the ground lease payments used as an income stream to pay for groundwater cleanup without impacting the developer's financial return on the development.*

- *Adopt the U.S. EPA's definition of a brownfield by July 2004 to create an accurate database inventory of contaminated sites.*
- *Develop an inventory and marketing strategy for reuse of contaminated properties by July 2004.*
- *Use the $205,000 grant it received from the U.S. EPA to upgrade its brownfields data management system to fund a pilot project with Sacramento Area Council of Government (SACOG), Sacramento County, and the city of Sacramento leveraging already available software, I-PLACE3S, to identify and catalog site data from Cal-EPA with current parcel data in Sacramento County in Fiscal Year 2004–2005.*
- *Consolidate cleanup functions.*
- *Use the California Unified Program Assistance (CUPA) and Local Oversight Programs (LOP) to allow capable and willing local agencies to make risk decisions based on review of a properly prepared site assessment. Cal-EPA should retain an audit function for those CUPAs and LOPs that participate in these activities starting in Fiscal Year 2005–2006.*

PUBLIC COMMENT

14 comments were received for this recommendation. 6 comments expressed support. 4 comments expressed opposition. 4 comments were neutral.

Pros

- This ambitious and comprehensive recommendation provides policy-makers with a wide array of policy choices that could be employed to expedite cleanup of contaminated urban properties.
- Achieving the goal of expediting cleanups and providing incentives would help California make the most efficient use of land resources.
- Cleanup of urban properties relieves pressure to develop pristine or agricultural lands and improves the quality of life in inner-city neighborhoods.

Cons

- The proposal to use risk-based cleanup standards tied to future land use may not always be appropriate.
- The use of fees earmarked for other purposes is a problematic proposal, especially the bottle and can recycling fund and the Underground Storage Tank Cleanup fund.

- This proposal may extend cleanup and oversight authority for contaminated properties to unqualified local agencies.
- The liability issues raised in this recommendation were addressed in a separate piece of legislation signed by the Governor.

Considerations

- Specify those conditions when risk-based cleanup standards based on future land use is inappropriate (e.g. the presence of an underground aquifer, especially one that is a drinking water source).
- Exclude some funding sources suggested unless a clear nexus can be established for a one-time use.
- Ensure the state retains oversight for cleanup operations and final authority for certifying that cleanup standards have been met.

RES 23

ELIMINATE THE NEED FOR THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD TO APPROVE SOLID WASTE FACILITY PERMITS

ISSUE

The state performs a duplicative, unnecessary role in permitting of solid waste facilities.

SOLUTIONS

- *Eliminate the requirement for the California Integrated Waste Management Board to concur in the issuance of solid waste facility permits.*

PUBLIC COMMENT

8 comments were received for this recommendation. 3 comments expressed support. 3 comments expressed opposition. 2 comments were neutral.

Pros

- State concurrence in solid waste permitting does not provide any new environmental review or financial assurance evaluation on the question of whether a permit should be approved; this authority is merely a procedural step with little substantive value and should be eliminated.

- Not a single request for state concurrence in a locally approved permit—out of hundreds received—has been rejected; this suggests that this duplicative process and the need for this state-level authority has been proven to be unnecessary and should be eliminated.
- Local authorities, who are directly accountable to voters and whose decisions affect the lives of their neighbors, have proven to be more than capable of prudent exercise of this authority.

Cons

- The Waste Board's oversight authority may be a powerful deterrent, and ultimately a tool for corrective action, for poor local decisions.
- Insufficient financial assurance for closure of landfills warrants the Board's continued involvement in local permitting.
- The Board's limited authority to reject local permitting approval and the requirement for the Board to act within 60 days does not create an impediment to the process.

Considerations

- The state may wish to put in place an audit function or review authority in place of concurrence to monitor the local process.
- The Administration may wish to look in-depth at the issue of adequacy of financial assurances required for closure of landfills.

RES 24

ABOLISH THE REGISTERED ENVIRONMENTAL ASSESSOR PROGRAM

ISSUE

The Registered Environmental Assessor program is a largely clerical program that provides little public value or environmental protection.

SOLUTIONS

- *Abolish the Registered Environmental Assessor program by amending Health and Safety Code Sections 25570–25570.4.*

PUBLIC COMMENT

8 comments were received for this recommendation. 1 comment expressed support. 5 comments expressed opposition. 2 comments were neutral.

Pros

- Specific discussion in support of this recommendation was not received.

Cons

- The intent of this program is laudable—to provide the public with a source of knowledgeable and qualified professionals to perform environmental assessments and to plan environmental remediation. The program should be fixed, not abandoned.
- Geologists and engineers, who are competitors in this field, are not qualified to do the work, but there are plenty of scientists not certified as geologists or engineers who are qualified to perform environmental assessments.

Considerations

- With additional staff resources this program might provide an increased level of public service and access to environmental assessors.

RES 25

STREAMLINE AND ELIMINATE DUPLICATIVE REPORTING FOR THE ENVIRONMENTAL PROTECTION AND RESOURCES AGENCIES

ISSUE

Some mandated environmental reporting requirements are duplicative, others are outdated, and compliance is inefficient.

SOLUTIONS

- *Allow state agencies to follow the guidelines to be developed by the California Integrated Waste Management Board for converting reports and other state documents from paper to electronic format.*
- *Repeal the listed reports and any others, which are duplicative or unnecessary.*

PUBLIC COMMENT

12 comments were received for this recommendation. 4 comments expressed support. 4 comments expressed opposition. 4 comments were neutral.

Pros

- Unnecessary reporting requirements should be eliminated to use state resources for program efforts.
- Eliminating reporting requirements has positive environmental benefits by conserving resources used in production and distribution.

Cons

- Eliminating reports may close off public access to information about how agencies are performing, exactly the kind of accountability tool needed.

Considerations

- This issue is largely moot; the Legislature's actions on AB 2701 have addressed the issue.

RES 26

IMPROVING DATABASE MANAGEMENT AND e-GOVERNMENT SYSTEMS

ISSUE

Information technology used to improve public access to information and as a tool to coordinate government activities is uneven or lacking among environmental programs.

SOLUTIONS

- *Consolidate all information technology entities for environmental and resource programs into a centralized information technology program for each agency.*
- *Develop a common agency-wide information technology plan by July 1, 2005 that provides the strategies for development of a consolidated and coordinated unified information technology program.*
- *Develop by July 1, 2005 information technology contracts and master service agreements for hardware and software.*
- *Develop a process to continually compare the cost of contracting out for information technology services with the cost of conducting the activity in-house, and to contract for off-the-shelf services whenever it is economically advantageous.*
- *Develop a long-term strategic plan by July 1, 2005 to implement an agency-wide document management system, agency-wide data architecture and enterprise-wide information technology business management system encompassing all business functions, including fiscal, human resources and purchasing, and implementation of a technology refresh budget plan.*

- *Prioritize the strategic plan to develop critical information systems.*
- *Immediately investigate the feasibility of forming a partnership with U.S. EPA for technology projects.*

PUBLIC COMMENT

10 comments were received for this recommendation. 9 comments expressed support. No comments expressed opposition. 1 comment was neutral.

Pros

- Centralizing and upgrading information technology systems will help state employees perform their core responsibilities more efficiently and facilitate data sharing that will increase efficiency and reduce redundant state demands for the same information from the public.
- The public should benefit from easier access to information at convenient times, even from home over the Internet.
- The Department of Fish and Game's fishing license registry system is in particular need of automation and should be a priority.

Cons

- No testimony submitted.

Considerations

- Creating a system that is publicly accessible will require diligence in handling of proprietary data and to shield the system from malicious attacks.
- Centralized computer systems may be more vulnerable to hacking or widespread failure.
- Proprietary information submitted by businesses must be protected.

RES 27

REDUCE MANDATES FOR SOLID WASTE DIVERSION REPORTING FOR RURAL COMMUNITIES

ISSUE

Costly, time-consuming reporting requirements for solid waste diversion programs divert resources from program implementation toward accounting procedures.

SOLUTIONS

- *Amend the Integrated Waste Management Act to provide more flexibility to determine rural jurisdictional compliance with mandated waste diversion goals.*

PUBLIC COMMENT

10 comments were received for this recommendation. 5 comments expressed support. 3 comments expressed opposition. 2 comments were neutral.

Pros

- Geography, dispersal of population, and limited resources make it difficult for rural counties to use this complex and strict accounting procedure and the consequences of failure are significant.
- Small counties only comprise three percent of the state's waste stream.
- Requiring counties with limited staff to exhaust those resources on activities that are not outcome related dilutes the effectiveness of the program; this recommendation reverses that phenomenon.

Cons

- Eliminating this accountability tool means the state will lack any measure to determine if the program is effective or even being implemented.
- All counties must contribute to the state's waste diversion goals.

Considerations

- The state may want to consider whether the use of state staff in a random, selective audit process can be used in conjunction with this approach to determine the effectiveness of diversion efforts.
- The state may also want to form a partnership with small, rural counties to develop best practices and to develop ways to measure the effectiveness of those practices.

RES 28

REORGANIZE THE 54 DISTRICT AGRICULTURAL ASSOCIATIONS AND THE CALIFORNIA STATE EXPOSITION AND FAIR AS PUBLIC CORPORATIONS

ISSUE

State agricultural fairs must now compete against private sector entertainment, but cannot operate like businesses because they are under state control.

SOLUTIONS

- *Amend the Food and Agricultural Code to convert the 54 district agricultural associations and Cal Expo from state entities to public corporations acting as political subdivisions of the state that are created to administer a part of the affairs of the state, similar to municipal corporations, special districts, and other local agencies and authorities.*

PUBLIC COMMENT

9 comments were received for this recommendation. 6 comments expressed support. 2 comments expressed opposition. 1 comment was neutral.

Pros

- This proposal makes "county fairs" truly local entities administered for local benefit.
- Fairs will be able to operate competitively as entertainment events by removing state rules and restrictions.

Cons

- Specific discussion in opposition to this recommendation was not received.

Considerations

- The state will continue to contribute funding to these efforts, but could lose its direct oversight and control.
- This proposal strikes an appropriate balance between state support and local administration in the eyes of the fair community; local support for the effort is crucial to its success.

RES 29

REORGANIZE CALIFORNIA'S COMMODITY BOARDS AS PUBLIC CORPORATIONS

ISSUE

State "sponsorship" of commodity boards is problematic because of legal challenges to the boards' authority.

SOLUTIONS

- *Amend the Food and Agricultural Code to reorganize the state's commodity boards from state entities to agricultural authorities (public corporations).*

PUBLIC COMMENT

6 comments were received for this recommendation. 2 comments expressed support. 2 comments expressed opposition. 2 comments were neutral.

Pros

- Converting commodity boards into public corporations was seen as a necessary strategy for alleviating state involvement in disputes over these boards' authority.
- In some estimation, this proposal is more indicative of an appropriate role for state government in this endeavor.

Cons

- Commodity boards provide a critical function in promotion of export capabilities for agricultural commodities.
- Government involvement in this endeavor is a necessity; changing that role will result in less effective, or even the collapse, of these successful ventures.

Considerations

- The state should make this recommendation an option not a mandate for commodity boards.

RES 30

STREAMLINE ACTIVITIES OF THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

ISSUE

Permitting functions performed by the Bay Conservation Development Commission (BCDC) that duplicate federal, state and local agency permitting authority delays and adds costs unnecessarily to needed maritime construction and dredging projects.

SOLUTIONS

- *Perform a review of BCDC's permitting functions for sand mining, maintenance dredging and routine repairs on docks to determine whether it has overstepped its authority.*
- *Develop recommendations to improve the permitting processes for BCDC.*
- *Report the recommendations for reducing the duplication and overlap of permitting functions or sand mining, maintenance dredging and routine repairs on docks, including recommendations to change existing law and regulation to reduce this duplication.*

PUBLIC COMMENT

45 comments were received for this recommendation. 2 comments expressed support. 43 comments expressed opposition.

Pros

- The Bay Conservation and Development Commission is charged with the difficult task of coordinating multiple local, federal and state authorities in order to issue permits for development and other activities (dredging, pier improvements, etc.); critics have charged that it has overstepped its authority by assuming the role of other agencies, which has led to delays. A performance audit would resolve this dispute.

Cons

- This proposal appears to be one-sided and biased; and the recommendations are unwarranted.
- The BCDC should not be stripped of its authority because it serves a vital function.

- The public supports the role and the performance of the Bay Conservation and Development Commission; there are no widespread concerns about this issue.
- A self-evaluation and internal review of BCDC's processes has shown it does not exceed its authority or duplicate permitting functions.
- A delay in the issuance of permits is due to staffing cuts and budget reductions, which should be restored.

Considerations

- The recommendation should clarify the impact to BCDC's authority.
- A formal performance audit may not be warranted.

RES 31

ESTABLISH STATE MITIGATION PROPERTY STANDARDS AND REGISTRY

ISSUE

Federal and state laws require developers to dedicate undeveloped land to mitigate environmental damage caused by their projects. There are no uniform standards for doing this and no single registry of properties available for mitigation.

SOLUTIONS

- *Amend the California Environmental Quality Act guidelines to provide uniform mitigation standards.*
- *Create a register of all available mitigation banks and properties, suitable properties available for purchase, and parcels that public, private and non-profit agencies would like to add to their holdings and regularly update the register.*

PUBLIC COMMENT

25 comments were received for this recommendation. 10 comments expressed support. 10 comments expressed opposition. 5 comments were neutral.

Pros

- Uniform statewide standards and a mitigation property registry work hand-in-hand to provide certainty to project proponents and to those who are concerned about development; it makes it possible for all

parties to understand the rules and understand with certainty the potential mitigation.

- A statewide registry of mitigation properties would be extremely beneficial.

Cons

- Uniform standards cannot work because mitigation must be site-specific and proportional to the impact of the project.
- A one-size-fits-all approach is not appropriate and will not work.
- Uniform standards could serve as an impediment to public participation in this process.
- The mitigation registry should not contain properties that owners have not expressed a willingness to sell.
- The uniform standards should include loss of prime agricultural lands as a significant impact that must be offset.
- The state should develop a mechanism to allow project proponents to pay cash in lieu of finding and purchasing offset property; the state-designated agency would use the cash payment to purchase offset property to mitigate the effects of the project.

Considerations

- The property mitigation registry should include only willing sellers.
- Additional detail and analysis is necessary about the scope of uniform standards and whether it is feasible to have uniform standards that contain the necessary flexibility to meet site-specific, proportional impacts.
- Uniform standards should not preclude public participation in the CEQA process.
- Loss of prime agricultural land should be defined as a significant project impact.
- The state should develop an in lieu cash payment system to be included in the property mitigation program.

RES 32

BROADEN THE USE OF ENVIRONMENTAL FEE COLLECTIONS TO ADDRESS UNMET NEEDS

ISSUE

Fragmented, specialized funding for environmental programs undermines policy making based on performance and health-risk priorities.

SOLUTIONS

- *Amend the relevant sections of the Public Resources Code and the Health and Safety Code that impede use of program funds for purposes related to broader environmental protection goals.*
- *Amend the relevant sections of the Public Resources Code and the Health and Safety Code to allow greater discretion for allocation of grants based on performance outcomes by including in the law performance-based measures as the basis for grant awards and to allow for one-time funding outside narrow program areas based on high-priority needs when appropriate.*
- *Direct the California Environmental Protection Agency, the Consumer Services Agency, or successors to adopt regulations to create performance-based audit mechanisms as a requirement for all grant allocations and amend the law to make this requirement a permanent fixture of these programs.*

PUBLIC COMMENT

22 comments were received for this recommendation. 4 comments expressed support. 15 comments expressed opposition. 3 comments were neutral.

Pros

- Use of fees for broader purposes could help the state meet some of its high-priority needs.

Cons

- There is a well-established principle that a fee cannot exceed the level of service provided by programs and that there must be a connection (nexus) between the fee and its use (it must meet the need for which the fee-payer has “approved” its use). This proposal could easily undermine those principles.
- This proposal could establish a precedent that will undermine sound budgeting.

- The bottle and can recycling program is very effective; that effectiveness would be undermined by fund shifts.
- The Smog Check fund is very important to meet air quality needs and does provide direct benefits.

Considerations

- Focusing fee-based program funding on outcomes, as opposed to formulae without performance measures should be pursued.
- Establishing a nexus between the fee and its use is the critical test of any specific proposal. For example, the recently enacted fee on tires that will be used to address air quality impacts from decomposition of tires, which will be administered by the Air Resources Board.

RES 33

SCHOOL LAND BANK FUND BALANCE TRANSFER TO THE STATE TEACHERS' RETIREMENT SYSTEM

ISSUE

A $50 million surplus sits idle in the School Land Bank Fund.

SOLUTIONS

- *Amend the appropriate sections of the Public Resources Code to direct that the current balance and future proceeds from the sale of school land and in-lieu lands be deposited in the State Treasury for credit to the State Teachers' Retirement System.*
- *Use a portion of the School Land Bank Fund to pay the General Fund contribution for Fiscal Year 2005–2006. The remaining balance in the fund should be invested and managed by the State Teachers' Retirement System to generate future revenue that will benefit the fund.*

PUBLIC COMMENT

All 3 comments received oppose this recommendation. No supporting or neutral comments were received.

Pros

- Opponents acknowledge that the funds intended to benefit retired teachers are sitting "idle" in a marginally productive fund.

Cons

- The issue paper underestimates the size of the General Fund contribution to the State Teachers' Retirement System by more than $550 million.
- The specific proposal for use of these funds is not legal and would likely be subject to court challenge because the funds derived from the federal contribution cannot be used; only the interest can be used to benefit the Teachers' Retirement Fund.

Considerations

- The legality of using funds to make a contribution to the General Fund on behalf of the State Teachers' Retirement Fund should be clarified.
- The funds should be transferred from the account in which they reside to the State Teachers' Retirement System to be reinvested in ways that realize the highest yield.

RES 34

IMPROVE COLLECTION OF DEPARTMENT OF FISH AND GAME FEES FOR REVIEWING ENVIRONMENTAL REPORTS

ISSUE

Mandated Department of Fish and Game fees for review of Environmental Impact Reports are not being collected due to confusion about the program and a poorly designed collection system.

SOLUTIONS

- *Amend the appropriate sections of the Fish and Game Code to ensure that sufficient revenue is received to administer the provisions of the California Environmental Quality Act.*

PUBLIC COMMENT

14 comments were received for this recommendation. 10 comments expressed support. 3 comments expressed opposition. 1 comment was neutral.

Pros

- Improving the collection of this fee will enhance the ability to perform one of the Department of Fish and Game's core functions—evaluating the environmental and resource impacts of proposed development.
- Fees to support the department should be raised.

Cons

- This fee structure already provides a mechanism for collection that depends on local government's determination about the magnitude of the project's impact; that should remain in place, as is.
- The partial support from the fees for Fish and Game environmental reviews is appropriate because the most defensible source of revenue for this function is the General Fund; therefore, there is no need to improve the collection of this fee.

Considerations

- There are widely divergent views about the validity of this fee at both a policy level and philosophical level that should be considered.

RES 35

INCREASE EFFICIENCY IN USING EXISTING BOND FUNDS FOR ENVIRONMENTAL ENHANCEMENT

ISSUE

State land acquisition for resource conservation projects results in unnecessary costs to the state. State purchase of land also limits California's share of federal conservation funds.

SOLUTIONS

- *Dedicate available resources bond measure funds to protecting and improving open space, wildlife and water through public-private partnerships and conservation easements, where appropriate.*
- *Coordinate state efforts to maximize federal funds available from the United States Departments of Agriculture and the Interior to supplement existing state resources bond measure funds and to develop a plan to sufficiently fund development, operations and maintenance costs for state-owned land used for conservation purposes.*

PUBLIC COMMENT

20 comments were received for this recommendation. 6 comments expressed support. 10 comments expressed opposition. 4 comments were neutral.

Pros

- Conservation easements and public-partnerships offer the state opportunities to stretch scarce resources used to conserve land.
- By using these strategies the state can access federal funds in some specific cases.
- The state avoids maintenance and operation costs—costs that cannot be funded with bonds—at a time when maintenance and operation needs on state lands are under funded because of a lack of resources.

Cons

- These mechanisms, if used too frequently and for inappropriate circumstances, will not serve the public purposes for land acquisition in all cases because partnerships and easements do not provide for public access to the land or recreation activities on the land.
- These approaches force the state to incur monitoring costs to ensure the easement conditions are being fulfilled.
- If the state doesn't own the land, there is a risk that the public purpose will not be met.
- Easements provide only limited, temporary conservation of land.

Considerations

- Easements can reduce operation and maintenance costs, but increase monitoring and enforcement costs; these costs and benefits should be weighed.
- Depending on the specific circumstances, partnerships and easements may not be appropriate (e.g. when public access is necessary or recreation is the purpose).

CHAPTER 7 | REORGANIZATION

Introduction

Twenty-first century government should begin with an organizational structure that makes sense, works better, and costs less. A functional governmental framework is essential to providing:

- Accountability with clear lines of leadership, responsibility, and authority.
- Prioritization by making choices on the use and allocation of government resources using outcome-based performance and productivity measures.
- Coordination of services in order to leverage California's resources for the good of the people.

The California Performance Review (CPR) proposed a new framework for the organization of California's state government. Two core principles guide the CPR's approach to government reorganization. First, programs should be aligned by function. By combining entities that provide similar and related activities, duplication of roles can be identified and best practices shared. Second, administrative services should be consolidated. Common internal services should be combined to achieve economies of scale and reduce duplication. By employing these principles the CPR proposal attempts to bring greater efficiency, increased productivity, and improve the overall performance of the state.

After a comprehensive review of the state's organizational framework, CPR proposed the creation of eleven departments that would combine policy-setting and program administration into one entity. The departments are: Health and Human Services; Education and Workforce Preparation; Labor and Economic Development; Public Safety and Homeland Security; Environmental Protection; Infrastructure; Natural Resources; Commerce and Consumer Protection; Correctional Services; Food and Agriculture; and Veterans Affairs.

In addition to these eleven departments, the CPR proposed the creation of the Governor's Office of Management and Budget and the California Tax Commission.

BOARDS AND COMMISSIONS

At present, there are more than 339 boards, commissions, and task forces within the executive branch that perform a variety of duties. These boards and

commissions were created in order to provide transparency, public access, and to insulate decision-makers from politics.

After conducting a comprehensive review of 339 boards and commissions within the executive branch, CPR concluded that a central problem of these boards and commissions is a lack of general accountability. Furthermore, according to CPR, some of these boards and commissions do not provide transparency, are inefficient, and are not cost effective.

To address this issue, CPR identified and recommended the elimination of 117 boards and commissions. In some cases, both the board or commission and its functions are proposed for elimination. In other cases, the board governing structure is proposed for elimination, but the functions of the board are proposed to be transferred to an existing or new department.

CPR also identified numerous entities that are technically defunct and should formally be eliminated from statute.

The framework employed by CPR in their review of boards and commissions focused on the following questions:

- What was the chief purpose for creating the board or commission?
- What are the chief powers and duties of the board or commission?
- What costs are associated with this entity?
- Are there other entities that logically should perform the functions of the entity?
- Must this duty be performed by an autonomous body?

The projected savings from the recommendation to eliminate 117 boards and commissions is $34 million.

CPR COMMISSION HEARING

The CPR Commission Hearing on Government Reorganization was held at the University of California, Davis on September 27, 2004. Four panels of expert witnesses, representing a broad array of public opinion, testified in front of the Commission. The panels were organized by the following subject areas:

- Role of Boards and Commissions
- Principles of Reorganization
- Labor/Economic Development and Commerce/Consumer Protection
- Office of Management and Budget and California Tax Commission

In total, 17 witnesses presented oral testimony to the Commission.

SUMMARY OF PUBLIC COMMENT

The time and effort put forth by the CPR commission to improve the state's efficiency and effectiveness was recognized by a majority of the public. The primary concern of the proposed reorganization was that the report lacked sufficient detail. For example, it was not clear what the job status for employees within a transferred or eliminated department would be after reorganization. In addition, the lack of detail in the proposal caused many people to feel that they did not have enough information to adequately respond and/or analyze the impact, effectiveness, and feasibility of the proposed reorganization.

Boards and commissions are very important to the public. Although many approved of the effort to streamline the state government, the public was very concerned that the proposed elimination would limit access to decision-makers, decrease public input into policy recommendations, and reduce transparency.

In total, 728 comments were received on the Reorganization recommendations of the CPR report. In total, 945 comments were received on the Boards and Commissions recommendations of the CPR report.

Reorganization

"(The Report of the California Performance Review) raises issues of clear and longstanding importance. And it creates an opportunity to ask the 'forest' questions in an environment mostly preoccupied with immediate and narrow 'tree' concerns."

Robert C. Fellmeth
Executive Director
Center for Public Interest Law
Written Testimony

REORGANIZATION

ADDITIONAL COMMENTS, ISSUES, AND IDEAS

OVERVIEW

The CPR report offers a plan to implement a new organizational framework for the state. The public review process provided important perspectives on the recommendations for the reorganization of state government and the proposal to eliminate 117 state boards and commissions. Where appropriate, these comments have been included in the subsequent discussion of reorganization recommendations. This section presents those issues and ideas that did not fit within that framework.

Reorganization

- Successful reform efforts resolve the tension between expertise and independence. The independence of the decision-maker allows for decisions to be made based on information rather than interests. Expertise allows the decision-maker to make a choice that does not lead to unintended consequences.
- Consolidation is positive where there is genuine overlap. Merging state entities based on superficial similarities between departments

and agencies may not create the efficiency sought by CPR. A more detailed analysis of the substantive similarities between entities will reveal more effective areas for consolidation and lead to greater governmental consistency.

- Alternatives to regulation via licensure should be considered. Removing regulations may enhance the competitive focus of the market and limit the need for regulation. For example, a state can require that businesses provide affirmative disclosure of the limitations or deficiencies of their products.
- Resolving organizational inefficiencies should not preclude increasing funding where necessary. By creating this artificial limitation, the CPR report may have diminished its credibility.
- In evaluating the utility of departments and agencies, it is necessary to assess which functions of state government should continue to be provided.
- Consolidating state entities with an eye toward streamlining state government requires evaluating key systems of delivery between state and local entities.
- Legislative oversight and control over important budget and policy matters may be significantly reduced by these proposals.
- Reorganization of state government implies changes to laws that govern state entities. While the CPR report identified some areas where the constitution may have to change, it does not specifically address the constitutional issues that may arise as a direct result of the CPR's recommendations.
- A clear assessment of where the state is currently and where the state will be after reorganization would be helpful. This would allow a comparison of costs and benefits and an understanding of how effectiveness, oversight, accountability, and efficiency would be affected.

General Comments

- Consolidation can lead to less informed decision-making. By locating the decision-making authority within one office in a large bureaucracy, the expertise that comes from consultation with individuals in other agencies may be lost.
- The state should consider consolidating similar job classifications to achieve efficiency and economy of scale. For example, the state has many scientists that perform similar job duties. Placing them under a

single entity, such as a Department of Science and Technology, could increase interaction and collaboration and lead to innovative ideas and new discoveries.

- Although sometimes cumbersome, the state's current organization works well for the people. With proper funding and staffing, state agencies and departments would be able to operate to their full potential.

Boards and Commissions

- Boards and commissions should be reviewed regularly. The needs of a state evolve as should the work and composition of boards and commissions.
- Boards bear political importance. They provide a forum where expertise and experience can be shared and innovative ideas can be formed.
- Unlike state departments and agencies, boards do not have the flexibility to monitor and fund programs. When programs administered by a board and a department are similar, there may be difficulty coordinating responsibilities.
- There should be a distinction made between eliminating a board and eliminating a function. For optimal efficiency, it is necessary to evaluate the effectiveness of the function a board provides and the need for that function to continue in state government.
- Boards and commissions do provide a public good in that they offer an open forum where the public can participate in the decision-making process. Eliminating these points of access may prevent individuals from taking part in their government.
- Without the effective check and balance process provided by boards and commissions, departments and agencies may be able to make decisions on certain policy or appeal issues.
- The Bureau of Security and Investigative Services (BSIS) should be considered for elimination. The licensing function of private investigators and security guards can be moved to another state agency.
- It is recommended that the Research Advisory Panel be considered for elimination. With the evolution of Institutional Review Boards (IRBs) the panel now largely duplicates work and is yet another layer of bureaucracy with which researchers and pharmaceutical companies must contend.

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

ISSUE

After two decades without significant change, California's Health and Human Services Agency has become a maze of overlapping programs and disparate responsibilities. The CPR found three core problems with the current organization of the Health and Human Services Agency:

- *Responsibility for agency functions is scattered among numerous departments.*
- *There is significant duplication of common administrative and leadership functions.*
- *The current organizational structure is a remnant of the 1970s and does not reflect modern developments and best practices in health and human services.*

ORGANIZATIONAL IMPROVEMENTS

To solve these problems, CPR proposed that the Health and Human Services Agency and its constituent departments be reorganized into one integrated department with centers focused around core functions. The Health and Human Services Department will be composed of the following seven entities: Office of the Secretary, the Center for Health Purchasing, the Center for Public Health, the Center for Behavioral Health, the Center for Services to the Disabled, the Center for Social Services, and the Center for Finance and Supportive Services. The Department of Health and Human Services will work to:

- *Assure all Californians that the state's public health systems will respond effectively and without delay in the event of any outbreak of disease or bioterrorism.*
- *Operate state facility and health professional licensing programs in a way that protects consumers and applies fair and rational licensing standards.*
- *Build an organization that better addresses the common linkages between mental health problems and substance abuse problems.*
- *Recognize the priority of providing both developmental and physical rehabilitation services to California's disabled community.*
- *Provide effective assistance to families that need support from government on a temporary basis due to unforeseen circumstances.*
- *Ensure that taxpayers get the best value for health services purchased by the state.*

PUBLIC COMMENT

31 comments were received for the recommendations in this section.
2 comments expressed support. 19 comments expressed opposition.
10 comments were neutral.

Pros

- The effort to alleviate problems within the health care system is a positive step.

Cons

- The efficiency and cost savings of outsourcing some health care services should be reconsidered. Outsourcing does not allow for continued oversight functions once initial contract terms are met. Oversight functions need to be in place in order for outsourcing to be a viable option.
- The division of functions and responsibilities of the Department of Managed Health Care could lead to greater inefficiency.
- There is potential to create an unmanageable bureaucracy by merging various functions of multiple state agencies into one department. The multiple layers of responsibility could result in confusion over the responsibilities and roles of the centers within the Department of Health and Human Services.
- The current arrangement of health services is best for individuals receiving care. It is necessary to maintain the integrity of local health departments as each region has unique issues that are best handled at the local level. Furthermore, county health employees are better able to build relationships with local residents. This important function may be lost if the administration of services were to change.
- Support programs may be disrupted by the proposed consolidation because effective participation by program administrators in budget planning, personnel management, data systems design, and contract processing could be diminished.

Considerations

- More detail regarding how the reorganization will change the functions and focus of current health departments and agencies that are not mentioned in the report needs to be provided.
- Medical consultants need to have greater input into the planning and implementation of the reorganization of health departments and agencies.
- The logic behind placing the Veterinary's Technician Committee and the Veterinary Medical Board in the Department of Health and Human Services is not clear.

- The CPR does not strategically address issues related to rural health. More details and a more realistic timeline for implementation are needed in order to make substantive comments and suggestions.
- Rather than consolidating health and human services functions, it is recommended that changing the approach of the current system will result in better services. By improving coordination of shared information, the system will be more accessible to the public.
- The performance implications of outsourcing needs to be considered. Outsourcing carries a greater potential for services to decline, which could lead to poor performance.

ADDITIONAL INFORMATION

Please refer to "HHS 02: Realigning the Administration of Health and Human Services Programs" in Chapter 2 for additional information and public comment.

OFFICE OF THE SECRETARY

The Office of the Secretary will function as the principal communication link between the Governor and the constituent units of the department. The following functions will be a part of the Office of the Secretary to provide cross-cutting policy and strategic direction for the operation of programs: Office of Policy Analysis, Office of Health and Human Services Information, Chief Counsel, Office of Communications and Public Information, Office of Client Advocacy, Chief Fiscal Officer.

The following authority will be transferred from multiple agencies within state government to the Office of the Secretary:

- *Authority for the health professions licensing boards that are currently in the Department of Consumer Affairs should be transferred from the State and Consumer Services Agency.*
- *Authority for the oversight of the programs administered by the Office of Environmental Health Hazards Assessment should be transferred from the California Environmental Protection Agency.*
- *Authority for the California Medical Assistance Commission should be transferred from the separately established commission.*
- *Authority for the programs in the Department of Managed Health Care should be transferred from the Business, Transportation and Housing Agency.*

PUBLIC COMMENT

1 neutral comment was received for the recommendations in this section. No supporting or opposing comments were received.

Pros

- No testimony submitted.

Cons

- The consolidation of health and human services departments and agencies will give authority to a single position—the Secretary of Health and Human Services. This position will be subject to changes in administrations, leading to varying interpretations of the focus and responsibilities of the department.

Considerations

- The planning component within the Office of the Secretary needs to be clarified. In addition, there needs to be an explicit link between the planning and policy functions of the Office of the Secretary.

CENTER FOR HEALTH PURCHASING

The Center for Health Purchasing will maintain and improve the health care and insurance system support for Californians. By consolidating health delivery and health purchasing programs into one program, the state will maximize its resources and will allow for the exchange of best practices among health care and health insurance programs.

The following functions will be transferred into the Center for Health Purchasing:

- *The existing health delivery and insurance programs in the current Health and Human Services Agency including: Medi-Cal, California Children's Services, Child Health and Disability Prevention, Genetically Handicapped Persons, County Medical Services, and In-Home Support Services Programs.*
- *The Managed Risk Medical Insurance Program, the Access for Infants and Mothers Program, and the Healthy Families Program will be transferred from the Managed Risk Medical Insurance Board.*

PUBLIC COMMENT

7 comments were received for the recommendations in this section.
3 comments expressed support. 4 comments expressed opposition.

Pros

- The recommendation to align California Children's Services program with the Center for Health Purchasing will be beneficial to individuals requiring those services.

Cons

- The Child Health and Disability Prevention (CHDP) program should be part of the Center for Public Health because CHDP is a health related program based on primary prevention and health education principles.
- Maternal and child health programs are a core function of public health. As such, these programs should be located within the new Center for Public Health.
- The integration of the proposed functions into the Center for Health Purchasing may not result in improved service or delivery outcomes. Better accountability would be achieved through a separate Medical Assistance Commission. Moreover, consolidating functions under one authority may lead to a potential loss of innovation among employees and a structure that insulates decision-makers from the public.

Considerations

- Consideration should be made on placing a $1 service fee for Medi-Cal visits. By placing a minimal fee on services and creating a cost-benefit structure for patients to consider, the percentage of patients who follow through on medical appointments may increase.

ADDITIONAL INFORMATION

Please refer to "HHS 02: Realigning the Administration of Health and Human Services Programs" in Chapter 2 for additional information and public comment.

CENTER FOR PUBLIC HEALTH

The Center for Public Health will provide leadership for the secretary of Health and Human Services and the people of California on current and emerging public health issues. The Center for Public Health will direct the state and local public health activities and organizations. The foundation of the Center for Public Health will include current public and environmental health programs from the Department of Health Services in the current Health and Human Services Agency.

The following functions and activities will be transferred to the Center for Public Health:

- *The functions of the Office of Environmental Health Hazards Assessment (OEHHA) within the California Environmental Protection Agency will be transferred.*
- *The planning and manpower activities of the Office of Statewide Health Planning will be transferred.*

PUBLIC COMMENT

20 comments were received for the recommendations in this section.
8 comments expressed support. 7 comments expressed opposition.
5 comments were neutral.

Pros

- The functions of the Office of Statewide Health Planning will be better utilized under the proposed organization since its information and data gathering functions provide support for public health services.
- The risk assessment functions of the OEHHA will be better served under the auspices of the Center for Public Health.
- The establishment of a Center for Public Health with a State Public Health Officer is a positive step.

Cons

- The OEHHA should not be moved to the Center for Public Health. The OEHHA focuses its efforts on the prevention of poor health as opposed to the health systems focus on the results of poor health.
- The OEHHA is not directly involved with health care. Its role is to review risk assessments sent to client agencies of the California Environmental Protection Agency and to unify concerns of individual agencies of a particular chemical's adverse health effects and to unify various approaches to health risk assessment.

Considerations

- Consider keeping the Radiation Health Branch in the new Center of Public Health. Consistent evaluation of program management by the center will hold the Radiation Health Branch accountable.
- The Center for Public Health should be expanded into an autonomous department with its own administrative support structure.
- The creation of a Physician's Health Officer with administrative responsibility for core public health programs would greatly enhance the Center for Public Health. The Physician's Health Officer should serve an advisory role on key health issues for the Department of Health Services and the Governor.
- The Women, Infant, and Children (WIC) program should be part of the Center for Public Health because this program is founded on primary prevention and health education principles to improve the nutritional status of low income women and their children.

ADDITIONAL INFORMATION

Please refer to "HHS 13: Create a State Public Health Officer to Strengthen Public Health in California" in Chapter 2 for additional information and public comment.

CENTER FOR QUALITY ASSURANCE

The Center for Quality Assurance will provide licensing oversight for businesses and consumers of health and human services. The Center for Quality Assurance will combine the licensing activities for health facilities, community care facilities, and health professions in addition to current licensing functions from all departments in the current Health and Human Services Agency into one organization.

The following functions will be transferred from multiple agencies within state government to the Center for Quality Assurance:

- *The authority of the health professions licensing boards in the current Department of Consumer Affairs will be transferred from the State and Consumer Services Agency.*
- *Authority for programs in the Department of Managed Health Care should be transferred to the Center for Quality Assurance from the Business, Transportation, and Housing Agency.*

PUBLIC COMMENT

7 comments were received for the recommendations in this section.
1 comment expressed support. 2 comments expressed opposition.
4 comments were neutral.

Pros

- The concept of streamlined licensing is a good one if the center serves solely as an administrative support service. Policy-making authority should be maintained by the department with program responsibility for services.

Cons

- The consolidation of functions under the Center for Quality Assurance will not improve the delivery of services with respect to licensing HMOs. The current Department of Managed Health Care is effective and efficient in performing this function.

Considerations

- Combining the licensing functions of the Department of Health Services and the Department of Social Services will require efforts

to ensure that staffing levels are adequate in order to handle the increased workload.

ADDITIONAL INFORMATION

Please refer to "HHS 21: Consolidate Licensing and Certification Functions" in Chapter 2 for additional information and public comment.

CENTER FOR BEHAVIORAL HEALTH

The Center for Behavioral Health will oversee the network of mental health and alcohol and drug treatment services provided by the state. The central goal will be to oversee the application of state and federal laws in both county-operated and state-operated facilities. The Center for Behavioral Health will incorporate the treatment programs for mental illness and alcohol and drug dependency into one entity for consistency of administration and interface with county governments. In addition, the expertise for the management of the state's mental health hospitals will be incorporated in this Center.

The following functions will be transferred from multiple agencies within state government to the Center for Behavioral Health:

- *Programs from the Department of Mental Health and the Department of Alcohol and Drug Abuse will be transferred. This will include the Community Mental Health and Alcohol and Drug Programs and the State Hospitals for the Mentally Ill.*

PUBLIC COMMENT

15 comments were received for the recommendations in this section.
3 comments expressed support. 10 comments expressed opposition.
2 comments were neutral.

Pros

- The recommendation to shift funding from the City of Berkeley and the Tri-City Mental Health Center to Alameda and Los Angeles County, respectively, is a move in the right direction.
- The proposal to merge the Department of Alcohol and Drug Programs with the Department of Mental Health has merit. Further details are necessary to assess overall benefits of the consolidation.

Cons

- Substance abuse agencies need to retain their autonomy and remain highly visible to the community in order to bring attention to treatment and recovery and to advocate for greater resources for substance abuse treatment.

- The consolidation of the Department of Alcohol and Drug Programs with the Department of Mental Health could impede certain individuals from qualifying for funding and treatment. The current system is already very competitive with a 3–6 month waiting period for a bed in a treatment center.
- The separation of the state's substance abuse and mental health programs is critical. The division allows each program to provide independent leadership to the state and the public, which is important because alcohol and other drug programs provide distinctly different care from that of mental health programs.
- Alcohol and drug programs receive a high proportion of funding from federal block grants and may be subject to federal accountability standards not considered in this proposal.

Considerations

- There is concern regarding the status and future of the Board of Behavioral Sciences.
- Possible cost savings could be realized if support was given to community recovery resources, such as 12-Step recovery programs, and independent sober living homes.

ADDITIONAL INFORMATION

Please refer to "HHS 15: Consolidate the State's Mental Health and Alcohol and Drug Programs to Better Serve Californians" in Chapter 2 for additional information and public comment.

CENTER FOR SERVICES TO THE DISABLED

The Center for Services to the Disabled will serve as the focal point for California's special needs population. The Center for Services to the Disabled will consolidate all services for individuals with developmental and physical disabilities into one organization.

The following functions will be transferred from multiple agencies within state government to the Center for Services to the Disabled:

- *Services from the Departments of Developmental Services and Rehabilitation will be transferred to the Center for Services to the Disabled. Specific programs in this area will include Regional Centers for the Developmentally Disabled, the Developmental Centers, the Work Activity Program, Independent Living Centers (ILCs), and Services to the Blind and Deaf.*

PUBLIC COMMENT

7 comments were received for the recommendations in this section.
No comments expressed support. 6 comments expressed opposition.
1 comment was neutral.

Pros

- No testimony submitted.

Cons

- The current Department of Developmental Services has enough responsibility. The proposal to combine the functions and responsibilities of several departments and programs within the Center for Services to the Disabled could dilute the focus of the Department of Developmental Services.
- The Independent Living Council is required to remain an independent agency due to the Rehabilitation Act as amended in 1992. The penalty for noncompliance with this statute could be the potential loss of federal funding for ILCs in California.

Considerations

- It is unclear whether moving responsibilities of ILCs to the Center for Services to the Disabled will interfere with ILC's capacity to maintain the current level of service. More detail regarding this proposed reorganization is necessary.
- It is important to retain staffing within the Department of Rehabilitation. Recent loss of funding and the resulting staff cuts have created problems within the department.

CENTER FOR SOCIAL SERVICES

The Center for Social Services will consolidate the state's income support programs including child support, community development programs, and social services programs for children, families, and aging individuals. The Center for Social Services will also be responsible for the entire spectrum of support services for children and California's aging population. In addition, the center will also be responsible for planning the continuum of care for both of these population groups.

The following functions will be transferred from multiple agencies within state government to the Center for Social Services:

- *The central programs of the Departments of Social Services, Aging, Community Services and Child Support Services will be transferred to the Center for Social*

Services. Specific programs in this area will include CalWORKs, Child Welfare Services, Child Support, Food Stamps, Supplemental Security Income, Services to the Aging, and low-income energy grants.

PUBLIC COMMENT

13 comments were received for the recommendations in this section.
No comments expressed support. 11 comments expressed opposition.
2 comments were neutral.

Pros

- No testimony submitted.

Cons

- Services for the aging community need to remain independent and highly visible. Aligning aging community services within the larger Center for Social Services will decrease accessibility and dilute advocacy for the elderly.
- The Supplemental Food Program for women and children should not be aligned with the Center for Social Services. This program has essential public health functions and should be closely aligned with the new Center for Public Health.
- The alignment of the Department of Community Services and Development into the Center for Social Services will dilute the mission of the department. The Department of Community Services and Development should remain in close coordination with policy makers in order to continue its efforts on creating effective antipoverty policies.
- The proposal to privatize Child Support Services does not address specific problems within that department. More research is needed to accurately identify the cause of sub-optimal service by Child Support Services.
- Program objectives may lose priority with the consolidation. For example, support for services for the elderly and services for children may be in competition for the same resources.

Considerations

- It is recommended that analysis of alternative restructuring proposals such as the Little Hoover Commission report, “Real Lives, Real Reform,” Harvard Generations Policy Journal, “Age Explosion: Baby

Boomers and Beyond," will provide better insight into effective services for the aging community.

- Rather than rolling services for the elderly into the more general Center for Social Services, it is recommended that a Center for Aging, Disability, and Long Term Care is created to serve as the point of public input and instrument for public outreach.
- It is not clear in the recommendation as to what will happen to employees who work in child support services. Further explanation of job status for transferred departments and agencies should be provided.
- The Franchise Tax Board's role as the project agent acting on behalf of the Department of Child Support Services may be at risk in this proposal. It is recommended that the changes in the organizational structure of the Department of Child Support Services be deferred until the California Child Support Automated System has been successfully implemented and meets federal certification requirements.
- An alternative to the proposed recommendation would be to model the Department of Community Services after the First Five Commission.

CENTER FOR FINANCE AND SUPPORTIVE SERVICES

The Center for Finance and Supportive Services will consolidate the financial, technology, human resources, and other support services for the centers in the Department of Health and Human Services and will provide technical support for county service providers.

The following functions will be transferred to the Center for Finance and Supportive Services:

- *All administrative and technical support services that are within the entities that comprise the current Health and Human Services Agency.*

PUBLIC COMMENT

1 comment was received in opposition to the recommendations in this section. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Consolidation of administrative support functions may disrupt health programs by depriving program administrators of effective

participation in budget presentation, personnel management, data systems design, and contract processing.

Considerations

- No testimony submitted.

THE DEPARTMENT OF EDUCATION AND WORKFORCE PREPARATION

ISSUE

The demographic, fiscal, and political realities of the last two decades have taken their toll on California's public schools and higher education system. In turn, the decline in California's education system has negatively impacted the state's ability to provide a skilled, trained, and educated workforce to employers in this state. In its comprehensive review of California's education system and workforce preparation programs, CPR found two core issues contributing to the current problems with the state's education system.

- *California's education system lacks coordination.*
- *Education policies are not aligned with workforce preparation programs and the needs of employers.*

ORGANIZATIONAL IMPROVEMENTS

To solve these problems, CPR proposed that many of California's various education boards, commissions, and agencies be consolidated into one integrated Department of Education and Workforce Preparation. The integrated department will be comprised of the following six entities: the State Board of Education, the Office of the Secretary, the Division of Higher Education Policy and Programs, the Division of Teacher and Program Accountability, the Division of Workforce Preparation, and the California State Library. The department will work to:

- *Develop, implement, and disseminate consistent policy for Pre-K to 20 education.*
- *Ensure that California's education system is coordinated with the growing needs of the labor market for skilled, educated workers.*
- *Ensure the effectiveness and accountability of California's educational programs and their providers.*
- *Establish coherent fiscal policy and performance-based budgeting strategies tied to education policy and desired educational outcomes.*

PUBLIC COMMENT

15 comments were received for the recommendations in this section.
2 comments expressed support. 5 comments expressed opposition.
8 comments were neutral.

Pros

- The concept of locating education and workforce preparation in the Department of Education and Economic Development will establish a necessary link between education and economic development.
- Consolidation will create efficiency and cost savings as no economies of scale are leveraged.

Cons

- Some of the information provided to the reviewers and used to inform the reorganization for the Department of Education and Workforce Preparation may not have been accurate.
- The proposed reorganization of the Department of Education and Workforce Preparation consolidates too much power in the executive branch. Local elected officials should have a greater role in providing input on education policy.
- This proposal concentrates too much on the needs of business interests. Public education should work to provide students with a well-rounded education. It should not simply be utilized to prepare California's workforce.

Considerations

- Providing distance learning opportunities for disenfranchised students and students with learning disabilities should be included in the new Department of Education and Workforce Preparation.

ADDITIONAL INFORMATION

Please refer to "ETV 02: Create an Education and Workforce Council" and "ETV 03: Consolidate Selected State Higher Education Agencies" in Chapter 4 for additional information and public comment.

OFFICE OF THE SECRETARY

The Office of the Secretary will serve as the principal communication link between the Governor and the constituent units of the Department. More specifically, the specific functions of the Office of the Secretary are personnel management, intergovernmental liaison, strategic planning, communications and budget review.

To assist the secretary in these responsibilities, the Governor will establish, by executive order, an Education and Workforce Council chaired by the Secretary for Education and Workforce Preparation. This council will include the Secretary of Labor and Economic Development, the Superintendent of Public Instruction, the President of the University of California system, the Chancellor of the California State University system and the Chancellor of the California Community College system. The Council will assist in aligning California's education systems with the state's economic and workforce needs.

All of the existing authority and duties of the boards, commissions, and departments consolidated into this Department should be transferred to the Secretary for Education and Workforce Preparation.

PUBLIC COMMENT

7 comments were received for the recommendations in this section.
3 comments expressed support. 4 comments expressed opposition.

Pros

- The creation of an Education and Workforce Council will address the lack of coordination in workforce preparation.

Cons

- The Education and Workforce Council should not be created. It will essentially duplicate work done by the California Workforce Investment Board and the California community college system. More importantly, this work will be completed without oversight and leadership from the private sector.

Considerations

- Activities related to the Governor's Workforce Investment Act could be excluded from the functions of the Education and Workforce Council.

ADDITIONAL INFORMATION

Please refer to "ETV 01: Restructure the Role of the Secretary for Education" and "ETV 02: Create an Education and Workforce Council" in Chapter 4 for additional information and public comment.

DIVISION OF HIGHER EDUCATION POLICY PROGRAMS

The Division of Higher Education Policy and Programs will coordinate resources, policies, programs, and services across all systems of public higher education in California. The division will be comprised of four distinct units that will work collaboratively to improve policies and services for California's students, businesses, and the general public.

Authority will be transferred from these agencies to Higher Education Policy Programs:

- *The California Community College Chancellor's Office, the California Postsecondary Education Commission, the California Student Aid Commission, the State Board of Guide Dogs for the Blind, and the Bureau for Private Postsecondary and Vocational Education. Responsibility for the approval of educational programs for veterans will be transferred to the Department of Veteran's Affairs.*

PUBLIC COMMENT

9 comments were received in opposition to the recommendations in this section. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- It is not clear how California community colleges will remain linked with other institutions of higher education if community colleges are merged with the Division of Higher Education Policy Programs. The link between community colleges and other institutions of higher education must remain intact and a link between community college and K–12 education must be considered.
- The California Community College Chancellor's Office is a key element in the delivery of higher education to Californians. This office has unique responsibilities and shares very little overlap with other education agencies and departments. If consolidation with other agencies occurs, the effectiveness and accountability of the Chancellor's Office will be diminished.
- The California Postsecondary Education Commission is an independent entity that provides unbiased and non-partisan research and information. It provides a forum where members of the higher education community can provide direct input on matters of higher education policy, planning, and coordination.
- The reorganization of community colleges will not allow the public adequate access and oversight of higher education policy making.
- By consolidating the functions of the California Community College Chancellor's Office with the Division of Higher Education Policy Programs, the independence and autonomous nature of the community college system may be lost.

Considerations

- It is not clear why the functions of the Community College Board of Governors have been transferred to the Division of Higher Education Policy Programs, while the University of California Regents and the Trustees of the State University remain intact.

ADDITIONAL INFORMATION

Please refer to "ETV 03: Consolidate Selected State Higher Education Agencies" in Chapter 4 for additional information and public comment.

DIVISION OF WORKFORCE PREPARATION

The primary functions of the Division of Workforce Preparation will be to consult with leaders in education, business, and industry to coordinate education and workforce preparation programs. This will ensure that business and industry participate in the development of skills standards specifying what employees must know and be able to do within major industries and occupations. These standards will drive and direct efforts to coordinate education programs with the needs of employers. The Division of Workforce Preparation will also staff the Education and Workforce Council, serve as the designated state entity to receive federal funding to provide career guidance throughout California, and provide career development resources to students, parents, teachers, administrators, counselors, and others.

The following functions will be transferred to the Division of Workforce Preparation:

- *The functions of the California Occupational Information Coordinating Committee (renamed the California Career Resource Network in January 2004) will be transferred.*

PUBLIC COMMENT

1 comment was received in opposition to the recommendations in this section. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- The administration of education policies should not be combined with workforce preparation policies.
- By combining the leadership for education and economic development policy-making, this recommendation seems to elevate business interests over education interests.

- Businesses, not government, should be responsible for preparing a skilled and efficient workforce.

Considerations

- No testimony submitted.

Department of Labor and Economic Development

"We believe that placing workforce development and economic development programs in the same department reflects the right mental model. It sends the right message to the public, the employees of the department and to the business community."

Virginia Hamilton
Executive Director
California Workforce Association
Written Testimony

THE DEPARTMENT OF LABOR AND ECONOMIC DEVELOPMENT

ISSUE

Good jobs enable Californians to achieve their potential and contribute to the economic performance of the state. To accomplish this goal, the government needs to provide a framework to enable businesses to grow and prepare workers with the necessary skills to compete in the 21st century. In its comprehensive review of labor and economic development in California, CPR found three core issues contributing to the current problems with California's education system.

- *Economic development programs are not coordinated.*
- *Training programs are not coordinated.*
- *Multiple entities are responsible for resolving workplace disputes.*

ORGANIZATIONAL IMPROVEMENTS

To address these problems, the state's economic strategy and workforce development programs will be integrated into a Department of Labor and Economic Development. The integrated department will be comprised of the following six entities: Office of the Secretary, Economic Development Division, Workforce Development Division, Workplace Protection Division, Benefits Division, and the Office of Appeals. The Department of Labor and Economic Development will work to:

- *Protect the safety of workers.*
- *Serve as the primary point of accountability for economic and workforce development.*
- *Create a stronger connection between economic forecasting and worker preparation.*
- *Eliminate duplication and expense.*

PUBLIC COMMENT

9 comments were received for the recommendations in this section.
1 comment expressed support. 3 comments expressed opposition.
5 comments were neutral.

Pros

- Specific discussion in support of these recommendations was not received.

Cons

- The proposed framework seems to promote business interests before the interests of workers and the protection of workers.
- The consolidation of power under one authority limits the system of checks and balances.

Considerations

- The proposal to combine several entities into the new Department of Labor and Economic Development is a practical one. However, much of the current system is inefficient due to a lack of comprehensive clerical support. As such, any reorganization proposal should discuss how the lack of clerical support will be addressed.
- The proposal, as written, lacks sufficient detail to comment on.
- The Department of Labor and Economic Development should be seen as a support system for the divisions within the department rather than a governing body. By functioning in this way, the Department of Labor and Economic Development can provide support for various services that will benefit the entire department.

OFFICE OF THE SECRETARY

Cross-cutting and coordinating responsibilities will rest with the Office of the Secretary. Specific functions of the Office of the Secretary will include the following administrative functions: fiscal and budget operations, personnel management, intergovernmental liaison, information technology, strategic planning, public affairs, and communications.

The following responsibilities and functions will be transferred to the Office of the Secretary:

- *Authority for the oversight of the Employment Development Department (except tax collection) and the Department of Industrial Relations will be transferred from the Labor and Workforce Development Agency.*
- *Authority for the oversight of the Department of Fair Employment and Housing will be transferred from the State and Consumer Services Agency.*
- *Authority for the Vocational Rehabilitation Program in the Department of Rehabilitation will be transferred from the Health and Human Services Agency.*
- *Authority over labor and economic development boards and commissions such as the California Unemployment Insurance Appeals Board, Workers' Compensation Appeals Board, Industrial Welfare Commission, Commission on Health Safety and Workers Compensation, California Workforce Investment Board, Employment*

Training Panel, Career Technology Commission, Occupational Safety and Health Appeals Board, and Fair Employment and Housing Commission will be transferred to the Department of Labor and Economic Development.

- *A reporting relationship will be established between the Division and the Public Employment Relations Board and the Agricultural Labor Relations Board.*

PUBLIC COMMENT

1 comment was received and expressed opposition to the recommendations in this section. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- By transferring the functions of the Public Employment Relations Board to the Office of the Secretary, the autonomy and authority of the board may be diminished.

Considerations

- No testimony submitted.

ECONOMIC DEVELOPMENT DIVISION

The Economic Development Division will coordinate and oversee economic development programs and implement the state's economic strategy that considers state, regional, and local needs and includes short-term and long-term economic policy goals with measurable outcomes. The goals of the Economic Development Division will be to increase per capita income, job growth, business creation, private sector investment, and small business entrepreneurship.

The following responsibilities and functions will be transferred to the Economic Development Division:

- *The Labor Market Information Division in the Employment Development Department and the Division of Labor Standards Research in the Department of Industrial Relations will merge to become the Labor Market Research Office in the Economic Development Division.*
- *The functions of the Economic Strategy Panel will be transferred for the purpose of developing economic strategy for the state.*
- *The functions of the CalBIS unit in the Employment Development Department, as well as the small business programs of the Office of Planning and Research, will be transferred.*

- *A reporting relationship with the Film Commission and the Travel and Tourism Commission will be formed in order to coordinate economic development efforts.*

PUBLIC COMMENT

6 comments were received for the recommendations in this section.
3 comments expressed support. 2 comments expressed opposition.
1 comment was neutral.

Pros

- Specific discussion in support of these recommendations was not received.

Cons

- No testimony submitted.

Considerations

- The Economic Strategy Panel should be a key element in the Employment Development Division. The panel can provide useful private sector input into developing strategies for funding decisions and program designs. The Economic Strategy Panel can also be useful for providing guidance on understanding California's regional economies and providing needed information on good local labor markets.

WORKFORCE DEVELOPMENT DIVISION

The goal of the Workforce Development Division is to create a customer-focused and accountable workforce development system accessible to all Californians to ensure that workers have the skills necessary to compete in the global economy. The Workforce Development Division will coordinate Workforce Investment Act One-Stops, employment training programs currently administered by the Employment Training Panel, apprenticeship programs, and targeted training programs.

The following programs will be transferred from the current Employment Development Department to the Workforce Development Division of the Department:

- *Employment and Employment Related Services Program, Welfare-to-Work Grant Program, and Employment Training Panel Program.*
- *The Vocational Rehabilitation Program from the Department of Rehabilitation.*
- *The Apprenticeship Standards Division of the Department of Industrial Relations and the functions of the California Apprenticeship Council.*
- *Workforce Investment Act programs from all entities within the Labor and Workforce Development Agency.*

PUBLIC COMMENT

8 comments were received for the recommendations in this section.
3 comments expressed support. 4 comments expressed opposition.
1 comment was neutral.

Pros

- The Senior Worker Advocate Office is a positive addition to the Workforce Development Division.
- Transferring the functions of the Vocational Rehabilitation program from the Department of Rehabilitation to the Department of Labor and Economic Development will help to reinforce the original intent of this program, which is to prepare individuals for self-sufficiency through employment. The current system has resulted in many individuals becoming dependent upon the program, which has lead to excessive expenditures with limited positive outcomes.
- The consolidation of workforce development programs by eliminating workforce investment boards will satisfy the need to have Vocational Rehabilitation staff in all the One-Stop centers. Collaboration with a larger division will also help shoulder the costs of the One-Stop center facilities.

Cons

- It is not clear why the Vocational Rehabilitation program is proposed for transfer to the Workforce Development Division. The strengths of the program were not presented in the recommendation. It would be useful to consider the direct relationship between these types of programs and higher job placement rates seen in other states.
- The proposal, as written, fundamentally changes the mission of the Labor and Workforce Development Agency. The functions of the agency are currently to enforce the law and to protect both workers and employers who are obeying the law.

Considerations

- The California Workforce Investment Board should be a key element in the Workforce Development Division. The board can provide useful private sector input into developing strategies for funding decisions and program designs. In collaboration with local Workforce Investment Boards, the California Workforce Investment Board can develop a clear strategy for workforce development and a policy framework to encourage state and local efforts.

ADDITIONAL INFORMATION

Please refer to "Boards and Commissions" in this chapter for additional information and public comment on the Employment Training Panel.

WORKPLACE PROTECTION DIVISION

The goal of the Workplace Protection Division will be to provide workplace protection for employees and employers. The Division will protect against discrimination, underground business competition, unfair wage and working conditions, and unsafe practices. There will also be an emphasis on efforts to address occupational safety and health issues or labor related concerns in businesses to avoid costly closures or reductions in force.

The following functions will be transferred to the Workplace Protection Division:

- *All parts of the Department of Industrial Relations, with the exception of the Division of Apprenticeship Standards and the Division of Labor Statistics and Research.*
- *The functions of the Department of Fair Employment and Housing, the Industrial Welfare Commission, and the Underground Economy Section of the Employment Development Department's tax branch.*

PUBLIC COMMENT

2 comments in opposition to the recommendations in this section were received. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- The functions of the Underground Economy Operations (UEO) should remain with the Employment Development Department's tax branch. The UEO works in coordination with the Tax Audit Program to identify tax violators operating in the underground economy and to enforce compliance with tax, labor, and licensing laws. Consequently, shifting the responsibilities of the UEO to the Workplace Protection Division may negatively impact the effectiveness of the tax audit program.
- UEO and the Tax Audit programs work together to protect the fiscal integrity of Unemployment Insurance and Disability funds.
- The resources provided by the UEO used in identifying businesses operating in the underground economy may be diluted if the functions of the UEO are transferred to the Workplace Protection Division. This transfer of functions could potentially lead to further fragmentation and create new coordination problems between departments.

Considerations

- No testimony submitted.

ADDITIONAL INFORMATION

Please refer to "Boards and Commissions" in this chapter for additional information and public comment on the Industrial Welfare Commission.

BENEFITS DIVISION

The Benefits Division will provide safety-net income support to workers who become unemployed, disabled, or need to leave their jobs temporarily to attend to family members. This Division will determine eligibility and make benefit payments. In addition, payment of unemployment insurance, state disability insurance, Paid Family Leave benefits, and workers' compensation will be linked to the Benefits Division.

The following function will be transferred to the Benefits Division:

- *The benefit payment functions of the Unemployment and Disability Insurance and the Paid Family Leave Programs.*
- *The State Compensation Insurance Fund (SCIF) and the Benefits Division will establish a cooperative relationship for the purpose of coordinating workers' compensation policy, procedures, and payments.*

PUBLIC COMMENT

1 comment was received in opposition to the recommendations included in this section. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- No testimony submitted.

Considerations

- The State Compensation Insurance Fund should be eliminated.

OFFICE OF APPEALS

The Office of Appeals will provide appellate review of worker-related issues and claims. The Office of Appeals will review decisions made in the program divisions that are related to occupational safety and health issues, workers' compensation, unemployment and disability insurance (except tax disputes), employee relations issues, and discrimination in housing and employment.

The following functions will be transferred to the Office of Appeals:

- *The current functions of the following boards and commissions will be transferred to the Office of Appeals: the Occupational Safety and Health Appeals Board, the Workers' Compensation Appeals Board, the California Unemployment Insurance Appeals Board, and the Fair Employment and Housing Commission.*

PUBLIC COMMENT

7 comments were received for the recommendations in this section.
No comments expressed support. 6 comments expressed opposition.
1 comment was neutral.

Pros

- No testimony submitted.

Cons

- In the proposed framework, the Secretary would serve as the final adjudicator of appeals from workers, who have been injured, laid off, work in unsafe workplaces, or discriminated against. This process would undermine the ability of workers and employers to appeal decisions to an independent body.
- It does not seem feasible for the Secretary to serve as the final adjudicator of appeals in addition to performing his/her other responsibilities.

Considerations

- The consolidation of four different appeals agencies into one office is not beneficial to individuals requiring this service. These agencies administer very different statutes and regulations. Moreover, the agencies' hearings process and the mandated timelines are different.

ADDITIONAL INFORMATION

Please refer to "Boards and Commissions" in this chapter for additional information and public comment on the Occupational Safety and Health Appeals Board, the Workers' Compensation Appeals Board, the California Unemployment Insurance Appeals Board, and the Fair Employment and Housing Commission.

THE DEPARTMENT OF PUBLIC SAFETY AND HOMELAND SECURITY

ISSUE

Government's first and most important job is to protect its citizens from crime, terrorism, fires, and other natural disasters. The coordination of Public Safety and Homeland Security is necessary to achieve this goal. In its comprehensive review of California's public safety and homeland security systems, CPR found four main problems with the state's public safety efforts.

- *The command structure for emergency response is not unified.*
- *California has multiple law enforcement entities with duplicative training programs.*
- *The process for purchasing equipment and resources is not coordinated.*
- *The provision of victims' services lacks coordination.*

ORGANIZATIONAL IMPROVEMENTS

- *To protect the safety of Californians, California's state public safety entities need to be consolidated into one integrated Department of Public Safety and Homeland Security. This department will be comprised of four divisions and one office that report to the Department Secretary, as follows: California Highway Patrol, Division of Law Enforcement, Division of Fire and Emergency Management, Division of Victim Services, and the Office of Internal Affairs.*

PUBLIC COMMENT

30 comments were received for the recommendations in this section.
10 comments expressed support. 13 comments expressed opposition.
7 comments were neutral.

Pros

- By consolidating public safety and homeland security efforts into one department, the special interests and agendas currently pursued by various agencies will shift to a pursuit toward common goals to protect the state.
- The idea of a unified Department of Public Safety and Homeland Security will benefit the state financially. Streamlining purchasing and training will save a significant amount of money.
- The Department of Public Safety and Homeland Security will assist coordination efforts of the state's public safety entities. By creating a central agency, the current lack of analytical support in law enforcement will be addressed.

Cons

- No testimony submitted.

Considerations

- More detail on how the transition will take place is necessary. It is unclear from the proposal, as written, how the training, communication, and coordination of various entities will be carried out.

ADDITIONAL INFORMATION

Please refer to "PS 01: Creating a Department of Public Safety and Homeland Security" in Chapter 5 for additional information and public comment.

CALIFORNIA HIGHWAY PATROL

To minimize disruption of existing responsibilities, the California Highway Patrol should be transferred to the new department intact. All existing functions and responsibilities of the California Highway Patrol will be included within this division. In addition to its existing roles and responsibilities, the California Highway Patrol will also be responsible for the personnel management, training, and administrative functions of the Department of Public Safety and Homeland Security.

The following functions will be transferred to the California Highway Patrol:

- *Existing functions and statutory authorities for the California Highway Patrol will be transferred from the Business, Transportation, and Housing Agency.*

PUBLIC COMMENT

1 neutral comment was received for the recommendations in this section. No supporting or opposing comments were received.

Pros

- No testimony submitted.

Cons

- No testimony submitted.

Considerations

- Consideration should be given to merging the Office of Traffic Safety into the California Highway Patrol.
- It is not clear from the proposal why the California Highway Patrol is not included in the Division of Law Enforcement.

DIVISION OF LAW ENFORCEMENT

The Division of Law Enforcement should consolidate law enforcement services currently performed by peace officers from eight different state organizations. The goal of the Division of Law Enforcement is to provide law enforcement and investigative services in a consolidated and efficient manner.

The specified functions of the following entities should be transferred to the Division of Law Enforcement:

- *Department of Alcoholic Beverage Control: The entire department and its functions will be transferred from the Business, Transportation, and Housing Agency.*
- *Department of Consumer Affairs: The enforcement functions associated with the Department of Consumer Affairs' California Medical Board, the Dental Board of California, the Contractors' State License Board, and the Division of Investigations will be transferred from the State and Consumer Services Agency.*
- *Department of Developmental Services: Peace officer and enforcement functions of the Department of Developmental Services will be transferred from the Department and the Health and Human Services Agency.*
- *Department of Fish and Game: Peace officer and enforcement functions of the Department of Fish and Game will be transferred from the Department and the Resources Agency.*
- *Department of Motor Vehicles: Peace officer, enforcement, and investigative functions of the Department of Motor Vehicles will be transferred from the Department and the Business, Transportation, and Housing Agency.*
- *Department of Parks and Recreation: Peace officer and law enforcement functions from the Department of Parks and Recreation will be transferred from the Department and the Resources Agency.*
- *State Fair Police: Peace officer and law enforcement functions of the California Exposition Board will be transferred from the Department of Food and Agriculture to the Department of Public Safety and Homeland Security.*
- *Department of Toxic Substances Control: Peace officer and enforcement functions of the Department of Toxic Substances Control will be transferred from the Department and Environmental Protection Agency.*

PUBLIC COMMENT

74 comments were received for the recommendations in this section.
16 comments expressed support. 36 comments expressed opposition.
22 comments were neutral.

Pros

- All enforcement officers should work together to provide quality law enforcement protection for the public and to eliminate duplicative services. Merging law enforcement officers into the Division of Law

Enforcement will allow for quicker mobilization, consistent training practices, and will reduce travel time for investigators in area offices.

- The Department of Fish and Game Wardens will be better utilized in the proposed organization.
- A unified law enforcement branch will positively contribute to the state's public safety and will cut costs for tax payers.

Cons

- The Department of Fish and Game and the Department of Parks and Recreation provide a very specialized and needed service that would be difficult to provide in the Division of Law Enforcement. The protection and management of resources functions provided by these agencies should be derived from the same department.
- The functions of the Department of Parks and Recreation should not be split between two agencies. This will diminish the effectiveness of the department's ability to achieve its primary mission.
- The potential impact of transferring the functions of park rangers could be devastating. Park rangers serve many critical and specific functions beyond law enforcement. These functions include protecting and interpreting park resources, performing community outreach, and enforcing laws specific to the protection of parks. It is not clear from the proposal that these functions would be served under the new framework.
- The Department of Toxic Substance Control criminal investigators should not be moved to the Department of Public Safety and Homeland Security.
- Fish and Game Wardens should not be placed within the Department of Public Safety and Homeland Security. Wardens have responsibilities that go beyond peace officer duties. For example, they are responsible for the enforcement of Fish and Game Code and the orders, rules, and regulations of the Fish and Game Commission.

Considerations

- The timeline for implementing the consolidation of the transferred functions into the Division of Law Enforcement is unclear.
- The law enforcement division of the Department of Justice should be considered as an additional agency within the Division of Law Enforcement. The Department of Justice has several investigative bodies that may be more effective if they were transferred to the new Division of Law Enforcement.

- By widening the scope of this proposal and including all police departments that work for the people of California, such as the law enforcement branch of the Department of Mental Health, into the Division of Law Enforcement would be more effective in streamlining resources and funds by eliminating any duplication of services.
- More information regarding the status and future role of lifeguard/ peace officers needs to be provided.
- It may be prudent to consider incorporating State Park Peace Officers into the Division of Law Enforcement, while retaining the current responsibilities of those peace officers.

ADDITIONAL INFORMATION

Please refer to "PS 02: Consolidate Law Enforcement Functions to Ensure Public Safety and Homeland Security" in Chapter 5 for additional information and public comment. Please refer to "Boards and Commissions" in this chapter for specific information on various Consumer Affairs boards.

DIVISION OF FIRE AND EMERGENCY MANAGEMENT

The goal of the Division of Fire and Emergency Management is to provide statewide fire and emergency management services in a consolidated, coordinated, and efficient manner.

The Division of Fire and Emergency Management will have responsibility for statewide fire and emergency management services, including homeland security functions, and federal grant management.

The functions of the following entities will be transferred to the Division of Fire and Emergency Management from their current agencies:

- *Governor's Office of Emergency Services (OES): The related functions of OES will be transferred.*
- *California Department of Forestry and Fire Protection (CDF): The related functions of CDF will be transferred from the Resources Agency.*
- *Office of Homeland Security: The functions of the Office of Homeland Security will be transferred.*
- *Emergency Medical Services Authority (EMSA): The functions of EMSA will be transferred from the Health and Human Services Agency.*
- *Department of Social Services Disaster Section (DSSDS): The functions of DSSDS will be transferred from the Department of Social Services in the Health and Human Services Agency.*
- *Department of Water Resources, Division of Flood Management, and the Division of Safety of Dams: The functions of the Divisions of Flood Management and Safety of Dams will be transferred from the Department of Water Resources in the Resources Agency.*

- *California Office of Traffic Safety (OTS): The functions of OTS will be transferred from the Business, Transportation, and Housing Agency.*

PUBLIC COMMENT

37 comments were received for the recommendations in this section.
8 comments expressed support. 24 comments expressed opposition.
5 comments were neutral.

Pros

- The creation of a Division of Fire and Emergency Services is a positive first step. Management for the Division of Fire and Emergency Services should come from the CDF. The CDF is the second largest all-risk fire and rescue department in the nation and is well qualified to provide leadership for the new division.
- By locating the Emergency Medical Services Authority in the Division of Fire and Emergency Services, a more effective and coordinated system will be in place. It addresses the need to streamline communications, reduce redundancy, improve service delivery, and assist in increasing state and federal funding for emergency programs.

Cons

- The Emergency Medical Services Agency should work in concert with, not directly for, the Department of Public Safety and Homeland Security. There needs to be a strong physician-led structure in place to support civilians during an emergency. The responsibility and authority of medical evacuation and care of patients need to be in the hands of medical staff that have the expertise and experience to provide effective and efficient leadership in times of crisis. As such, the Emergency Medical Services Agency should remain an independent agency under the Department of Health Services.
- The proposal to consolidate these agencies does not suggest a drive toward effective interagency cooperation. Rather, it appears that the reorganization is driving toward greater power and control for those at the top.
- The division of functions of CDF between two departments will reduce its effectiveness to manage fire and fuels throughout the year. Resource management minimizes the potential for fires and has a strong link with fire protection. Breaking this link would result in less valuable coordination of function and expertise.

- The California Department of Forestry should not be split between the Department of Public Safety and Homeland Security and the Department of Natural Resources.

Considerations

- It is not clear from the proposal how the Office of the State Fire Marshall will be accessed by the public to provide input and receive information on adopting and submitting building standards relating to fire and panic safety.
- It is recommended that only the terrorist operational disaster functions of the Emergency Medical Services Agency are moved to the Department of Public Safety and Homeland Security in order to provide a cross-agency link.
- The creation of an independent Department of Emergency Medical Services should be considered. By making the Emergency Medical Services Agency subordinate to fire services, it increases the probability that viability, service value, and mission of emergency medical services will be diminished. In order to provide the best services to the public, a system of checks and balances between public safety and homeland security, fire services, and emergency medical services needs to be maintained.

ADDITIONAL INFORMATION

Please refer to "PS 03: Create a Division of Fire Protection and Emergency Management" in Chapter 5 for additional information and public comment.

DIVISION OF VICTIM SERVICES

The Division of Victim Services will consolidate victim services funding, victim service delivery, and compensation for survivors of violent crimes.

The following functions will be transferred to the Division of Victim Services:

- *The functions of the Victim Services Branch within the Office of Emergency Services will be transferred.*
- *The victim compensation functions of Victim Compensation and Government Claims Board within the State and Consumer Services Agency will be transferred.*
- *The functions of the Battered Women's Shelter Program within the Department of Health Services and the Health and Human Services Agency will be transferred.*

PUBLIC COMMENT

4 comments were received for the recommendations in this section.
3 comments expressed support. No comments expressed opposition.
1 comment was neutral.

Pros

- Funding shortages and lack of a cohesive plan have led to limited collaboration between victim service groups. This recommendation is the best model for achieving comprehensive and coordinated policies, collaboration between victim service groups, efficient grant management, and consistent leadership.

Cons

- No testimony submitted.

Considerations

- It is recommended that efforts be made to ensure continuity of services during the consolidation process.
- Retaining the functions of the State Sexual Assault Advisory Committee and creating a parallel Domestic Violence State Advisory Committee should be considered.
- It is recommended that the Division of Victim Services also include promotion of partnerships among providers of victim services to support victims and their communities without sacrificing the safety and needs of victims of crimes.
- Detailed planning and sufficient transition time is necessary to ensure a structure is in place to absorb the management of all victim services agencies funds.
- It is recommended that the rules and regulations that govern various service providers that direct funding sources are adhered to.

ADDITIONAL INFORMATION

Please refer to “PS 04: Consolidate Victim Services” in Chapter 5 for additional information and public comment.

THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

ISSUE

The California Environmental Protection Agency (Cal-EPA) was created in 1991 to reorganize California's environmental programs. While the goal of the reorganization was to create an integrated environmental protection program, Cal-EPA unfortunately continues to operate as a collection of boards and commissions without a unified environmental protection strategy. The California Performance Review found that the current organization of Cal-EPA has four key problems:

- *The current framework for environmental regulation lacks accountability.*
- *Environmental decisions do not reflect an integrated understanding of different types of pollution.*
- *There is significant overlap in jurisdictional functions within Cal-EPA.*
- *Environmental programs are dispersed throughout government.*

ORGANIZATIONAL IMPROVEMENTS

The proposed framework will transform Cal-EPA from a collection of separate boards and commissions into an integrated Department of Environmental Protection to effectively protect California's environment. Specifically, the Department of Environmental Protection will include the following organizational units: the Office of the Secretary for Environmental Protection, the Division of Air Quality, the Division of Water Quality, the Division of Pollution Prevention, Recycling, and Waste Management, the Division of Site Cleanup and Emergency Response, and the Division of Pesticide Regulation.

PUBLIC COMMENT

17 comments were received for the recommendations in this section.
4 comments expressed support. 5 comments expressed opposition.
8 comments were neutral.

Pros

- The proposed reorganization is a solid step toward detangling the web of Cal-EPA.
- The proposal to transfer environmental protection related programs from the current Department of Health Services to the new Department of Environmental Protection has merit.

Cons

- The proposed structure for the new Division of Environmental Protection will be more vulnerable to special interest groups and political and economic influences.

Considerations

- It is recommended that the authority and responsibility for the Business Plan and the Accidental Release Prevention programs from the Office of Emergency Services be transferred to the new Department of Environmental Protection. The intent of these programs is to ensure the safety of emergency response personnel through good planning and by applying appropriate safeguards. Moreover, these programs provide for public oversight and participation in the regulatory process.
- In addition to the proposed organization of the new Department of Environmental Protection, consideration for the creation of a separate Scientific Support Division should be made. This division would bring together scientists performing similar jobs in different programs; which would help to achieve consistency across departments, reduce duplication, and facilitate cross-media research in the environmental sciences.
- It is not clear how the new organizational framework differs from the current Cal-EPA system. Moreover, clear examples of the inefficiencies of the current Cal-EPA structure and how the proposed structure will alleviate these problems are not provided. More details are necessary to conduct a more substantive analysis.

ADDITIONAL INFORMATION

Please refer to "RES 01: Establish a Single Point of Contact for All Public Inquiries to the California Environmental Protection Agency" in Chapter 6 for additional information and public comment.

OFFICE OF THE SECRETARY

The Office of the Secretary will provide an integrated perspective on environmental protection that collectively takes into account air, water, and solid waste pollution. The Office of the Secretary should provide leadership for the divisions within the new Department of Environmental Protection.

The following support function will be transferred to the Office of the Secretary:

- *All program support functions will be transferred, including: administrative services legal counsel, public affairs, legislative affairs, and regulatory and policy development from the boards, departments, and offices of Cal-EPA.*

PUBLIC COMMENT

2 comments were received for the recommendations in this section.
1 comment expressed support. 1 comment expressed opposition.

Pros

- No testimony submitted.

Cons

- No testimony submitted.

Considerations

- Consider transferring the functions related to the California Environmental Quality Act (CEQA) from the California Resources Agency to the new Office of the Secretary for the Department of Environmental Protection.
- It is recommended that an Environmental Review Section, which would be responsible for the functions of the State Clearinghouse, be added to the Office of the Secretary. This Environmental Review Section could also be expanded to include a library that provides a central source for agencies to access information and issues pertaining to CEQA guidelines.

DIVISION OF WATER QUALITY

The goal of the Division of Water Quality will be to protect and restore water quality by issuing water discharge permits, regulating storm water runoff, protecting watersheds, and producing water basin plans.

The following functions will be transferred to the Division of Water Quality:

- *The water quality functions from the State Water Resources Control Board and nine Regional Water Quality Control Boards will be transferred.*
- *The Drinking Water Branch and the Shell Fish Monitoring Program from the Department of Health Services will be transferred.*

PUBLIC COMMENT

19 comments were received for the recommendations in this section.
5 comments expressed support. 10 comments expressed opposition.
4 comments were neutral.

Pros

- The proposal to move the Drinking Water Branch (DWB) from the Health and Human Services Agency to the Department of Environmental Protection makes sense due to the risk management function of the DWB. This move could increase efficiency of the DWB in coordination with the Office of Environmental Health Hazard

and Assessment (OEHHA). In order to gain this efficiency, however, the OEHHA would need to be located in the new Department of Environmental Protection.

Cons

- This recommendation will remove water quality issues from the purview of local government. Consequently, this move will have a negative impact on public accessibility to decisions-making with respect to local water quality issues.
- The current Department of Health Services should continue to be the model for drinking water programs. It is recommended that similar drinking water programs also be located within the current Department of Health Services.

Considerations

- The Riverside Arroyo Preservation Committee should be placed within the Division of Water Quality in the Department of Environmental Protection.

ADDITIONAL INFORMATION

Please refer to "RES 06: Consolidate Funding Programs for Clean Water Infrastructure" in Chapter 6 for additional information and public comment. Please refer to "Boards and Commissions" in this chapter for additional information and public comment on the State Water Resources Control Board and the Regional Water Quality Control Boards.

DIVISION OF POLLUTION PREVENTION, RECYCLING, AND WASTE MANAGEMENT

The Division of Pollution Prevention, Recycling, and Waste Management will regulate the disposal of solid waste to maximize recycling, minimize the impact of solid waste on the environment, and help citizens and businesses do their part to protect the environment. The Division of Pollution Prevention, Recycling and Waste Management will administer pollution prevention and recycling programs, permit and inspect facilities and operations, and create policies and enforce laws and regulations for solid, hazardous, radiological and medical waste.

The following functions and programs will be transferred to the Division of Pollution Prevention, Recycling, and Waste Management:

- *Division of Recycling from the Department of Conservation.*
- *Diversion, Planning and Local Assistance Division from the Integrated Waste Management Board.*

- *Waste Prevention and Market Development Division from the Integrated Waste Management Board.*
- *Special Waste Division from the Integrated Waste Management Board.*
- *Office of Pollution Prevention from the Department of Toxic Substances Control.*
- *Hazardous Waste Management Program and the Hazardous Materials Laboratory from the Department of Toxic Substances Control.*
- *Radiological Health Branch from the Department of Health Services, with the exception of the Registration, Certification, Mammography, and Standards Section.*
- *Environmental Management Branch from the Department of Health Services.*
- *Permitting and Enforcement Division from the Integrated Waste Management Board.*
- *Functions and staffing from the State Water Resources Control Board and the Regional Water Quality Control Boards which deal with solid waste management.*

PUBLIC COMMENT

28 comments were received for the recommendations in this section.
10 comments expressed support. 12 comments expressed opposition.
6 comments were neutral.

Pros

- The radiological waste programs are appropriately located within the Division of Pollution Prevention, Recycling, and Waste Management.

Cons

- The Radiological Health Branch should not be placed in the Division of Pollution Prevention, Recycling, and Waste Management or in the Department of Environmental Protection. The Radiological Health Branch is highly technical and regulated nationally. The Department of Environmental Protection does not have the expertise to handle or make technical decisions regarding practices of the branch. It is recommended that the branch be organized within the Department of Health and Human Services, where similar Radiological Health Branches are located in many other states.

Considerations

- It is recommended that meaningful regulations be put in place where the end result is not simply a permit but the prevention of pollution.
- The functions of the Division of Pollution Prevention, Recycling, and Waste Management do not adequately carry out the market development focus of some of the agencies being transferred into

the division. For example, a discussion on the opportunities created by improved conversion technologies to divert material from landfill should be addressed in the Division of Pollution Prevention, Recycling, and Waste Management.

- The functions of the Radiological Health Branch may have been misunderstood. The Radiological Health Branch is not a Low Level Radiological Waste Environmental Management agency. Rather, the branch is a public health agency and should be located in the new organization of state government appropriately.

ADDITIONAL INFORMATION

Please refer to "RES 02: Consolidate Cleanup, Spill Prevention, and Emergency Response Programs," "RES 03: Consolidate Waste Management Programs," and "RES 04: Consolidate Pollution Prevention Programs" in Chapter 6 for additional information and public comment. Please refer to "Boards and Commissions" in this chapter for additional information and public comment on the Integrated Waste Management Board, State Water Resources Control Board, and the Regional Water Quality Control Boards.

DIVISION OF SITE CLEANUP AND EMERGENCY RESPONSE

The Division of Site Cleanup and Emergency Response will oversee the cleanup of sites contaminated with hazardous substances, conduct prevention programs and provide emergency cleanup response for oil spills, hazardous substance releases, and illegal methamphetamine labs.

The following functions will be transferred to the Division of Site Cleanup and Emergency Response:

- *Underground Storage Tank Program from the State Water Resources Control Board.*
- *Site cleanup and corrective action functions from the Department of Toxic Substances Control.*
- *Human and Ecological Risk Division from the Department of Toxic Substances Control.*
- *Site cleanup responsibility for Department of Defense sites from the Department of Toxic Substances Control and the State Water Resources Control Board.*
- *Site cleanup functions in the Spills, Leaks, Investigations and Cleanup Program from the State Water Resources Control Board.*
- *Remediation, Closure and Technical Services Branch from the Integrated Waste Management Board.*
- *Oil Spill Prevention and Response Program from the Department of Fish and Game.*
- *Marine Facilities Division from the State Lands Commission.*

- *Spill prevention and response functions from the California Coastal Commission.*
- *Emergency Response Program from the Department of Toxic Substances Control.*
- *Hazardous Materials Program from the Office of Emergency Services.*

PUBLIC COMMENT

13 comments were received for the recommendations in this section.
7 comments expressed support. 3 comments expressed opposition.
3 comments were neutral.

Pros

- The proposal to transfer the Underground Tank Clean Up and site cleanup authorities to the new Division of Site Cleanup and Emergency Response is a positive move.

Cons

- The California Accidental Release Program provides first responders and the public with important information. Since the Department of Toxic Substances Control is not a first response public safety agency, it may be more effective to place the Accidental Release Program in the Office of the State Fire Marshall. This office has regulatory, enforcement, and administrative experience in managing risk reduction programs.

Considerations

- It is recommended that abolishing the Technical Review Section of the State Water Resources Control Board Underground Tank Cleanup Fund be considered. The Technical Review Section is redundant to the Regional Water Quality Control Board's regulation of petroleum contaminated soil. Furthermore, the Technical Review Section is appropriating authority vested in the Regional Water Quality Control Boards and, consequently, clean up efforts are being delayed.

ADDITIONAL INFORMATION

Please refer to "RES 02: Consolidate Cleanup, Spill Prevention, and Emergency Response Programs," in Chapter 6 for additional information and public comment. Please refer to "Boards and Commissions" in this chapter for additional information and public comment on the State Water Resources Control Board, Integrated Waste Management Board, and the State Lands Commission.

DIVISION OF PESTICIDE REGULATION

The Division of Pesticide Regulation will regulate the registration, sale, and use of pesticides for indoor and outdoor use.

The following functions will be transferred to the Division of Pesticide Regulation:

- *All functions and staff from the Department of Pesticide Regulation and the Structural Pest Control Board within the Department of Consumer Affairs will be transferred.*

PUBLIC COMMENT

5 comments were received for the recommendations in this section.
4 comments expressed support. 1 comment expressed opposition.

Pros

- Combining the functions of the Department of Pesticide Regulation and the Structural Pest Control Board is a positive step. These entities have overlapping responsibilities and combining these entities will create greater efficiency.

Cons

- These two entities have unique functions that should not be combined.

Considerations

- It is recommended that the focus of this proposal encompass pest management, not just pesticide regulation.

THE INFRASTRUCTURE DEPARTMENT

ISSUE

One of government's most important functions in promoting sustainability and economic development is to provide a well-maintained infrastructure system that includes roads, air and water ports, public utilities, water facilities, public buildings, and schools. Unfortunately, California's infrastructure is aging and much of it is in need of repair and renovation.

The California Performance Review found the following four problems with the existing infrastructure system, all of which are due to a lack of coordination:

- *California lacks an integrated infrastructure policy.*
- *Infrastructure projects are not centrally managed or coordinated.*
- *Necessary infrastructure investment lacks stable funding.*
- *Multiple agencies involved in infrastructure make it difficult to complete projects.*

ORGANIZATIONAL IMPROVEMENTS

To address these problems, an integrated Infrastructure Department will be created from the different infrastructure operations currently spread across 32 departments, agencies, boards and commissions. The Department should have six operating divisions: Water; Energy; Transportation; Housing, Buildings, and Construction; Telecommunications; Boating and Waterways.

In addition to a central Infrastructure Authority, there will be a division for planning, programming and evaluation; and a division for research and development.

The mission of the Department is to provide for and manage the full life cycle of the state's infrastructure network to achieve the best value for the people of California, the business community, and the environment. Its strategic goals will include:

- *Integrating transportation and housing to achieve sustainable communities.*
- *Delivering energy and water where needed and when needed.*
- *Managing state infrastructure assets to obtain maximum use and revenue.*
- *Delivering resources to maintain infrastructure, not fund overhead.*

PUBLIC COMMENT

18 comments were received for the recommendations in this section.
7 comments expressed support. 5 comments expressed opposition.
6 comments were neutral.

Pros

- California suffers from an absence of singular accountability for policy and financial decisions. This lack of vision and comprehensive planning has affected all aspects of infrastructure.

Cons

- The consolidation of numerous responsibilities other than transportation into one authority could dilute expertise in transportation work. In addition, the ability of local and regional agencies to have transportation priorities recognized at the state level may be hindered. This will reduce the authority to a staff driven process with a lack of public accountability.

Considerations

- The recommendation regarding consolidation of related functions within the Infrastructure Department has merit. However, the

consolidation should not come at the cost of reducing the visibility of housing programs or force other programs within the Infrastructure Department to compete for resources and/or funding.

INFRASTRUCTURE AUTHORITY AND THE SECRETARY

The Infrastructure Authority will serve as the Board of Directors for the Infrastructure Department. The Secretary of the Infrastructure Department will serve as the Chairperson of the Infrastructure Authority. The Infrastructure Authority will adopt a long range infrastructure plan, approve infrastructure policy, and coordinate infrastructure projects based on biennial fund estimates. The Infrastructure Authority will also assume the responsibility for power generation and transmission line site approval from the Public Utilities Commission and the Energy Commission.

The following functions will be transferred to the Infrastructure Authority:

- *Programming functions from the California Energy Commission, California Transportation Commission, and the Departments of Transportation and Water Resources will be transferred.*
- *General plan functions, infrastructure plan functions, and intergovernmental review functions of the Governor's Office of Planning and Research and the Department of Finance will be transferred.*
- *The research and development functions of the Department of Water Resources, the Energy Commission, and the Department of Transportation will be transferred.*
- *The infrastructure financing functions of the Infrastructure Bank, the Department of Water Resources, the Transportation Commission, the Department of Transportation, the Consumer Power and Conservation Financing Authority, the High Speed Rail Authority, and the Energy Commission will be transferred.*

PUBLIC COMMENT

2 comments were received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Consolidating the proposed committees into the Infrastructure Authority may not be a positive move. The independence and authority of these committees is necessary to ensure that neutral and unbiased decisions regarding the infrastructure of the state are made. Having the Secretary of the Infrastructure Authority also act as the

Chair of the Infrastructure Authority will compromise the integrity and credibility of the Infrastructure Department.

Considerations

- No testimony submitted.

WATER DIVISION

The Water Division will be responsible for the operation and construction of the State Water Project. It will also provide input on water infrastructure bonds and statewide water planning and be responsible for local assistance grants management.

The following functions will be transferred into the Water Division:

- *The functions of the State Water Project from the Department of Water Resources, as well as the functions of the Water Commission.*
- *The Bay Delta Authority, and its functions, will be transferred.*

PUBLIC COMMENT

20 comments were received for the recommendations in this section.
9 comments expressed support. 10 comments expressed opposition.
1 comment was neutral.

Pros

- By turning over the functions of the State Water Project to Joint Powers Authority of contractors for state water, it would allow contractors to operate and maintain the system and remove that burden from the state government.

Cons

- The proposal to restructure the administration of the State Water Project and allow the project's contractors to handle administrative and policy control could have negative consequences on the state's water policy.
- The transfer of functions from the Department of Water Resources to the Infrastructure Department would not be beneficial.

Considerations

- No testimony submitted.

ADDITIONAL INFORMATION

Please refer to "INF 07: The State Needs to Restructure the Administration Over the State Water Project," "INF 08: CALFED Bay-Delta Program is Not Functioning Efficiently," and "INF 09: California Needs Strong Water Policy" in Chapter 1 for additional information and public comment.

ENERGY DIVISION

The goal of the Division will be to develop and implement a single and coordinated energy policy that ensures adequate supply and predictable prices. The Energy Division will provide staff support for the approval of power plants and transmission lines, manage and promote conservation and efficiency, and administer renewable energy and green bank programs. It will provide input for the planning and forecasting of energy supply and infrastructure. It will also prepare the filings and represent the State of California before the Federal Energy Regulatory Commission.

The following functions will be transferred to the Energy Division:

- *The functions of the Electricity Oversight Board, the Energy Commission, the Consumer Power and Conservation Financing Authority, the Department of Water Resources, the Department of Conservation, the State Lands Commission, and selected functions of the Public Utilities Commission will be transferred.*

PUBLIC COMMENT

2 comments were received and expressed support for the recommendations in this section. No opposing or neutral comments were received.

Pros

- The proposal to transfer some functions from the Public Utilities Commission to the Energy Division has merit. Further discussion is required on how the Public Utilities Commission will manage its remaining functions.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

ADDITIONAL INFORMATION

Please refer to "INF 23: Energy Conservation, Efficiency Have Not Achieved Full Potential" in Chapter 1 for additional information and public comment. Please refer to "Boards and Commissions" in this chapter for additional information and public comment on the Energy Commission and the State Lands Commission.

HOUSING, BUILDINGS, AND CONSTRUCTION DIVISION

The Housing, Buildings, and Construction Division will be responsible for developing building standards and policies for the operation, maintenance, and construction of state financed facilities. The Housing, Buildings, and Construction Division will also administer and develop housing policies and standards, administer grants, and enforce housing regulation programs. This division will provide input to the Planning, Programming, and Evaluation Division on general plan guidelines and the housing element. It also will provide a fee-for-service facilities program to other state divisions. The Housing, Buildings, and Construction Division should manage all school construction permitting and provide comprehensive training and certification programs for state, city, and county agencies and contractors.

The Housing, Buildings, and Construction Division will be organized as follows:

- *The functions of the Department of Housing and Community Development; the Department of General Services, State Building Standards Commission, Department of Finance, State Public Works Board, State Lands Commission, Public Library Construction and Renovation Board, Department of Community Services and Development, Department of Toxic Substances Control, the State Allocation Board and the Office of the State Architect will be transferred to the Housing, Buildings, and Construction Division.*
- *The California Housing Finance Agency will maintain a relationship with the Infrastructure Department for purposes of staff support similar to its current arrangement with the Business, Transportation, and Housing Agency.*

PUBLIC COMMENT

1 comment was received and expressed opposition to the recommendations in this section. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- The proposal to move the Department of Community Services and Development into a new agency consisting of superficially related

activities is limited in vision. The proposed placement could dilute current actions to improve conditions impacting the state's low-income population.

Considerations

- More specific information regarding how the new Office of Building Standards would operate under the Infrastructure Department is needed to make significant comments.

ADDITIONAL INFORMATION

Please refer to "Boards and Commissions" in this chapter for additional information and public comment on the State Building Standards Commission, the State Public Works Board, State Lands Commission, and the State Allocation Board.

TELECOMMUNICATIONS DIVISION

The Telecommunications Division will assume the functions of the Telecommunications Division of the Public Utilities Commission.

PUBLIC COMMENT

3 comments were received for the recommendations in this section.
No comments expressed support. 2 comments expressed opposition.
1 comment was neutral.

Pros

- No testimony submitted.

Cons

- Policy and ratemaking functions should remain separate.

Considerations

- It is not clear how the legal functions of the Public Utilities Commission will be addressed in the new Telecommunications Division. There needs to be further explanation on how existing law for judicial review of the Public Utilities Commission will apply.
- It is recommended that supporting telecommunications policy issues, such as subsidizing low income customers, and eliminating state intervention in pricing and operational decisions should be considered.

- More detail is required on how the Deaf and Disabled Telecommunications Program and the Telecommunications Access for the Deaf and Disabled Administrative Committee will be administered in the Telecommunications Division.

BOATING AND WATERWAYS DIVISION

The goal of the Boating and Waterways Division is to promote safe, recreational aquatic activities for all residents of California. The Boating and Waterways Division will achieve its goal by providing training for local boating law enforcement agents. The Boating and Waterways Division will educate children and adults about boating and boating safety. In addition, the division will make infrastructure loans and grants for the construction of aquatic infrastructure facilities including marinas, boat launching ramps, and vessel sewage pump-out stations.

The following functions will be transferred to the Boating and Waterways Division:

- *The non-licensing functions of the Department of Boating and Waterways will be transferred from the Resources Agency.*
- *The oversight functions of the Boating and Waterways Commission will be transferred.*

PUBLIC COMMENT

5 comments were received for the recommendations in this section.
2 comments expressed support. 1 comment expressed opposition.
2 comments were neutral.

Pros

- The positive aspect of creating the Boating and Waterways Division within the Infrastructure Department is that it will remain a separate entity. The leadership of the Boating and Waterways Division can continue focusing on the promotion of boating by more efficient use of taxes and fees.

Cons

- No testimony submitted.

Considerations

- The revenue generated from boaters such as the registration of boats, gas tax collected at marinas, and loan repayments fund the Department of Boating and Waterways. These funds should not be used for other divisions within the Infrastructure Department.

ADDITIONAL INFORMATION

Please refer to "Boards and Commissions" in this chapter for additional information and public comment on the Boating and Waterways Commission.

THE DEPARTMENT OF NATURAL RESOURCES

ISSUE

In recent years legislation, regulations, federal requirements, and ballot initiatives have led to the creation of new programs and new responsibilities designed to protect natural resources. Unfortunately, these efforts have resulted in state government doing more to manage California's resources, but it is difficult to argue that these efforts have led to better resource management. In its comprehensive review CPR found two key problems:

- *Activities performed by the Resources Agency are duplicated by other departments, boards, or commissions.*
- *Similar functions are often separated within the Resources Agency and across the state.*

ORGANIZATIONAL IMPROVEMENTS

Efforts to manage and protect California's natural resources will be refocused by consolidating and aligning overlapping program responsibilities and eliminating duplicative functions to create efficiency. The Resources Agency will be consolidated and reorganized into an integrated Department of Natural Resources with the following organizational units: Office of the Secretary; Division of Land Management; Division of Wildlife Management; Division of Parks, History and Culture; California Coastal Commission; San Francisco Bay Conservation and Development Commission; and State Conservancies.

PUBLIC COMMENT

5 comments were received for the recommendations in this section.
No comments expressed support. 3 comments expressed opposition.
2 comments were neutral.

Pros

- No testimony submitted.

Cons

- The recommendations for the Department of Natural Resources appear to create more differences rather than similarities within the park system. The fragmentation of this system could lead to greater inefficiency and may weaken the state park system. This system is a model of efficiency and generates revenue for local communities and should not be diminished.

Considerations

- Provisions should be made to alleviate concerns that the new structure of the Department of Natural Resources consolidates power to a single appointee.

DIVISION OF LAND MANAGEMENT

The Division of Land Management will manage and protect land the state received upon its entry into the Union, including the beds of all naturally navigable waterways, tide and submerged lands in the ocean, swamp, and overflow lands. It will also be responsible for state policies concerning agricultural and open space lands, geology and seismology, mineral, and forestry resource management functions, including timber harvesting.

The following land management functions and programs will be transferred to the Division of Land Management:

- *Office of Mine Reclamation from Department of Conservation.*
- *California Geological Survey from Department of Conservation.*
- *Division of Land Resource Protection from Department of Conservation.*
- *Environmental Planning and Managing from State Lands Commission.*
- *Mineral Resources Management from State Lands Commission, with the exception of energy-related leases.*
- *Land Management from State Lands Commission, with the exception of school lands management.*
- *Resource Management from California Department of Forestry.*
- *California Environmental Quality Act guidelines and Clearinghouse functions of the Office of Planning and Research.*
- *Land acquisition activities from State Lands Commission, Wildlife Conservation Board, and Department of Parks and Recreation.*
- *Board of Mining and Geology; and Board of Geologists and Geophysicists.*

PUBLIC COMMENT

38 comments were received for the recommendations in this section.
14 comments expressed support. 14 comments expressed opposition.
10 comments were neutral.

Pros

- The consolidated Division of Land Management will provide greater oversight and coordination of state land acquisition.

Cons

- The California Department of Forestry should not be split between the Department of Public Safety and Homeland Security and the Department of Natural Resources.
- The protection and management of land are not mutually exclusive. Dividing these functions between two departments may create inefficiency.
- Merging the Geologist and Geophysicists Board and the Board of Mining and Geology will conflate the board's distinctive functions.

Considerations

- The proposal, as written, is not clear regarding the full functions of the Division of Land Management. A detailed structure and discussion of processes, such as licensing, needs to be specified.
- Consolidating the Fish and Game Commission and the Wildlife Conservation Board should be considered.
- The recommendations related to the Department of Natural Resources overlooks the land acquisition functions of the Public Works Board, which approves land acquisition for management by the Department of Parks and Recreation. Although it is stated elsewhere in the report that the Public Works Board will be merged with the Wildlife Conservation Board, it is not explicitly explained in this section.
- It is recommended that individual expertise be maintained during the consolidation of the Division of Land Management.

ADDITIONAL INFORMATION

Please refer to "RES 08: Consolidate the State's Geologic Programs," "RES 11: Consolidate Real Estate Services into One Organization," and "RES 13: Consolidate Resource Land Acquisition Processes" in Chapter 6 for additional information and public comment. Please refer to "Boards and Commissions" in this chapter for additional information and public comment on the State Lands Commission and the Board of Geologists and Geophysicists.

WATER RIGHTS BOARD

The Water Rights Board will allocate water rights in California by issuing permits. The Board will also develop strategies to conserve and use the state's water resources while protecting vested rights, water quality, and the environment.

The following functions will be transferred to the Water Rights Board:

- *The water rights functions of the State Water Resources Control Board will be transferred.*

PUBLIC COMMENT

3 comments were received in opposition to the recommendations in this section. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Water rights and quality are inextricably linked and must be considered together.

Considerations

- The recommendation does not provide adequate information regarding the appeal or public input process.

ADDITIONAL INFORMATION

Please refer to "Boards and Commissions" in this chapter for additional information and public comment on the State Water Resources Control Board.

DIVISION OF WILDLIFE MANAGEMENT

The Division of Wildlife Management will be charged with maintaining native fish, wildlife, plant species, and natural communities for ecological value, benefits to people, and habitat protection. The Division of Wildlife Management will also ensure diversified use of fish and wildlife for recreational, commercial, scientific and educational purposes.

The following functions will be transferred to the Division of Wildlife Management:

- *The wildlife management functions of the Department of Fish and Game will be transferred.*

PUBLIC COMMENT

2 comments were received for the recommendations in this section.
No comments expressed support. 1 comment expressed opposition.
1 comment was neutral.

Pros

- No testimony submitted.

Cons

- Fisheries management plays a vital role in state government and should be under the purview of the Department of Fish and Game.

Considerations

- It is recommended that the Fish and Game Commission and the Wildlife Conservation Board be unified.

DIVISION OF PARKS, HISTORY, AND CULTURE

The Division of Parks, History, and Culture will work to preserve the state's extraordinary biological diversity, protecting natural and cultural resources, and creating opportunities for high-quality outdoor recreation.

The following recreational, historical, and cultural functions and programs should be consolidated and their functions transferred to the Division of Parks, History, and Culture:

- *Department of Parks and Recreation.*
- *California Science Center from the State and Consumer Services Agency.*
- *African-American Museum from the State and Consumer Services Agency.*

PUBLIC COMMENT

19 comments were received for the recommendations in this section.
4 comments expressed support. 6 comments expressed opposition.
9 comments were neutral.

Pros

- The Department of Parks and Recreation currently houses a large portion of the state's historical agencies. The recommendation to locate additional historical functions in the Division of Parks, History, and Culture would highlight the importance of these agencies within the parks division.

Cons

- It is not clear from the proposal how funding for the State Science Center will be affected. The funding for this program should not be changed.

Considerations

- The Division of Parks and Recreation should be moved to the Infrastructure Department or become a separate department.

ADDITIONAL INFORMATION

Please refer to "RES 09: Consolidate California Heritage Programs" in Chapter 6 for additional information and public comment.

CALIFORNIA COASTAL COMMISSION

The California Coastal Commission will continue to protect the environment and the human-based resources of the California coast. The California Coastal Commission will continue to work in conjunction with coastal cities and counties to plan and regulate development, industrial uses, public access, and recreation in coastal zones.

The California Coastal Commission will be transferred intact from the Resources Agency to the new Department of Natural Resources.

PUBLIC COMMENT

All 4 comments received were neutral on the recommendations in this section. No supporting or opposing comments were received.

Pros

- No testimony submitted.

Cons

- No testimony submitted.

Considerations

- It is recommended that the California Coastal Commission be eliminated. The commission adds an unnecessary layer of government; thus duplicating the functions of county and city governmental agencies, the current Department of Parks and Recreation, and the current Department of Fish and Game.

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

The San Francisco Bay Conservation and Development Commission will continue to regulate the filling and dredging in the San Francisco Bay, protecting the Suisun Marsh, regulating new development on the margins of the Bay, and administering the federal Coastal Zone Management Act within the San Francisco Bay region of the coastal zone.

The San Francisco Bay Conservation and Development Commission will be transferred intact from the Resources Agency to the Department of Natural Resources.

ADDITIONAL INFORMATION

Please refer to "RES 30: Streamline Activities of the San Francisco Bay Conservation and Development Commission" in Chapter 6 for additional and public comment.

STATE CONSERVANCIES DIVISION

The State Conservancies Division will acquire open space and manage public lands to provide access, recreation, restoration, and protection of wildlife habitat.

The following conservancies will operate under the Department of Natural Resources:

- *Baldwin Hills Conservancy.*
- *California Tahoe Conservancy.*
- *Coachella Valley Mountains Conservancy.*
- *San Diego River Conservancy.*
- *San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy.*
- *San Joaquin River Conservancy.*
- *Santa Monica Mountains Conservancy.*
- *State Coastal Conservancy.*

PUBLIC COMMENT

119 comments were received for the recommendations in this section.
6 comments expressed support. 110 comments expressed opposition.
3 comments were neutral.

Pros

- Devolving conservancies to the local level could provide for local or regional control of local or regional efforts.

Cons

- The state's conservancy programs should not be reorganized.
- The San Joaquin River Conservancy, the San Diego River Conservancy, San Gabriel and Los Angeles Rivers and Mountains Conservancy, and the Baldwin Hills Conservancy should be preserved.

Considerations

- More implementation details are needed. For example, a discussion of specific statutory provisions enacted for each conservancy should be included in this recommendation.

- The recommendation to reorganize the local conservancies is not clear regarding how the reorganization will affect local contributions made to the conservancy. For example, local community members vote for and pass bond measures that generate funds for several conservancies. It is not clear how funds from these measures will remain separate from and dedicated to specific conservancies.

ADDITIONAL INFORMATION

Please refer to "RES 12: Restructure Funding and Governance for Certain Land Conservancies" in Chapter 6 for additional information and public comment.

THE DEPARTMENT OF COMMERCE AND CONSUMER PROTECTION

ISSUE

The current licensing system does not adequately protect consumers from unqualified professionals and illegitimate businesses. An analysis by the CPR found three core problems with the current system.

- *Licensing responsibilities are split among more than 45 independent departments, bureaus and commissions.*
- *The current system does not license qualified individuals in a timely manner because resource allocation is not flexible.*
- *California licensing authorities have not adopted best practices.*

ORGANIZATIONAL IMPROVEMENTS

To address these problems, California's consumer protection and business regulatory functions will be reorganized to establish an integrated Department of Commerce and Consumer Protection. The department will be comprised of the Office of the Secretary, Office of the Consumer Protection and Licensing Portal, Office of Consumer Protection, Office of Gaming, Office of Hearings and Appeals, Division of Real Estate Services, Division of Financial Services, Division of Commercial Licenses, and Division of Motor Vehicles.

The Department of Commerce and Consumer Protection will:

- *Be more flexible to allow licensing staff to be moved between areas based on changing needs instead of being fixed within specific departments.*
- *Establish one point of contact and accountability for licensing and consumer complaints.*

OFFICE OF CONSUMER PROTECTION

PUBLIC COMMENT

1 comment was received and expressed opposition to the recommendations in this section. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- It is not recommended to support the decision to move the Department of Weights and Measures to the Department of Commerce and Consumer Protection. The majority of industries regulated by weights and measures are agriculturally related. Moreover, the Department of Weights and Measures has other agriculturally related functions that would not be addressed in the Office of Consumer Protection.

Considerations

- No testimony submitted.

DIVISION OF FINANCIAL SERVICES

The Division of Financial Services will carry out all of the existing functions of the Department of Corporations and the Department of Financial Institutions. The goal of the Division of Financial Services will be to license and regulate securities brokers and dealers, investment advisers and financial planners, certain fiduciaries, and lenders in a fair and effective manner.

The following function and authority will be transferred to the Division of Financial Services:

- *The functions and authority of the Department of Financial Institutions and the Department of Corporations will be transferred from the Business, Transportation, and Housing Agency.*

PUBLIC COMMENT

5 comments were received for the recommendations in this section.
No comments expressed support. 3 comments expressed opposition.
2 comments were neutral.

Pros

- No testimony submitted.

Cons

- The consolidation of the Department of Financial Institutions and the Department of Corporations could have negative consequences for the legal staff of each department. If legal staffing for the new Division of Financial Services is reduced, it may lead to the presence of fewer legal experts that have the background and expertise in banking issues necessary for this complex sector.
- State-chartered financial institutions may be at a competitive disadvantage with federally chartered competitors.
- The credit union safeguards put in place within the Department of Financial Institutions may be compromised. These safeguards are in place to protect credit unions from for-profit banking entities.

Considerations

- More detail regarding the merger of the Department of Financial Institutions and the Department of Corporations is required to make an adequate assessment of this proposal. It is necessary that safeguards to protect each of these industries from undue influence from other industries are in place.
- The Division of Financial Services should also incorporate the Department of Real Estate and the Office of Real Estate Appraisers. The distinction between these industries is not made by the public. This approach would achieve greater governmental efficiency, accessibility, and responsibility in this key sector of California's economy.

DIVISION OF MOTOR VEHICLES

The goal of the Division of Motor Vehicles will be to quickly and accurately provide vehicle licensing and registration services to California residents.

The following functions will be transferred to the Division of Motor Vehicles:

- *The functions of the Department of Motor Vehicles will be transferred from the Business, Transportation, and Housing Agency.*

PUBLIC COMMENT

2 neutral comments were received for the recommendations in this section. No supporting or opposing comments were received.

Pros

- No testimony submitted.

Cons

- No testimony submitted.

Considerations

- There seem to be significant differences between licensing and certification for businesses and licensing individuals to operate motor vehicles. It is recommended that the licensing functions of the Division of Motor Vehicles be moved to the Department of Public Safety and Homeland Security, since this section works closely with law enforcement personnel. The registration functions of the Division of Motor Vehicles should remain with the Department of Commerce and Consumer Protection.
- Licensure of commercial drivers should be placed in the Division of Commercial Licensing.

DIVISION OF COMMERCIAL LICENSING

The Division of Commercial Licensing will be responsible for all non-specialty licenses for businesses and professionals in the state.

The professional and commercial licensing functions will be transferred to this division from the following entities:

- *Department of Consumer Affairs: Board of Accountancy, California Architects Board, Bureau of Automotive Repair, Board of Barbering and Cosmetology, Cemetery and Funeral Bureau, Contractors' State License Board, Court Reporters Board, Bureau of Electronic and Appliance Repair, Board for Professional Engineers and Land Surveyors, Hearing Aid Dispensers Bureau, Bureau of Home Furnishings and Thermal Insulation, Bureau of Security and Investigative Services and Speech-Language Pathology and Audiology Board.*
- *The Labor Commissioner.*
- *Department of Boating and Waterways.*
- *Department of Transportation.*
- *Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun.*

PUBLIC COMMENT

19 comments were received for the recommendations in this section. 2 comments expressed support. 5 comments expressed opposition. 12 comments were neutral.

Pros

- No testimony submitted.

Cons

- The Hearing Aid Dispensers Bureau should be located with the Department of Health and Human Services since it is an issue that deals with treatment and/or rehabilitation of individuals with hearing disabilities.
- The functions of the Speech-Language Pathology and Audiology Board do not belong in the Division of Commercial Licensing. Pathologists and audiologists are considered allied health professionals and as such, the Speech-Language Pathology and Audiology Board should be placed within the Department of Health and Human Services.

Considerations

- No testimony submitted.

ADDITIONAL INFORMATION

Please refer to "Boards and Commissions" in this chapter for additional information and public comment on the Board of Barbering and Cosmetology, Contractors' State License Board, Court Reporters Board, Board for Professional Engineers and Land Surveyors, Hearing Aid Dispensers Bureau, and Speech-Language Pathology and Audiology Board.

DIVISION OF REAL ESTATE LICENSING

The Division of Real Estate Licensing will be responsible for licensing and regulating real estate brokers, salespersons, and mortgage brokers as well as real estate appraisers.

The following functions will be transferred to the Division of Real Estate Licensing:

- *The functions of the Department of Real Estate and the Office of Real Estate Appraisers will be transferred from the Business, Transportation and Housing Agency.*

PUBLIC COMMENT

4 comments were received for the recommendations included in this section.
1 comment expressed support. 2 comments expressed opposition.
1 comment was neutral.

Pros

- The consolidation of the Department of Real Estate and the Office of Real Estate Appraisers is a positive move.

Cons

- Decisions relating to issuing licenses and certificates, revocation, and disciplinary actions should not be made by the same official who is also responsible for realty related activities.
- The consolidation of the Department of Real Estate to the Division of Real Estate Licensing, may lead to higher licensing costs for realtors as these funds will be used for the licensing functions for other real estate personnel.

Considerations

- Merging the Office of Real Estate Appraisers with the Division of Real Estate Licensing may have implications on the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. This act requires federal oversight of all state appraiser regulatory agencies in order to ensure compliance.

THE GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET

ISSUE

The operational functions performed by the Department of Finance, the Department of General Services, the Department of Personnel Administration, and the State Personnel Board collectively serve as the backbone of state government. An analysis by CPR found four specific problems with this system:

- *The Governor and the Legislature do not have access to the information necessary to make strategic decisions.*
- *The authority to make key management decisions is fragmented.*
- *California has not adequately prepared for the impending human capital crisis.*
- *California does not effectively leverage its buying power for the procurement of information technology and other goods and services.*

ORGANIZATIONAL IMPROVEMENTS

The mission of the Office of Management and Budget will be to provide administrative services and oversight to all areas of state government. The Office of Management and Budget will be comprised of Technology Division, Fiscal Affairs Division, California Performance Review Division, Business Services Division, Personnel Management Division, Regulatory Affairs and Adjudication Division, and Retirement Benefits Division.

The goals of the Office of Management and Budget will be to:

- *Identify and implement best practices in fiscal management statewide.*
- *Conduct performance reviews and financial audits of state government programs.*
- *Provide support services in technology, human resources, financial management and procurement.*
- *Administer public retirement and benefit systems.*

PUBLIC COMMENT

1 comment was received in support of the recommendations in this section. No opposing or neutral comments were received.

Pros

- The creation of the Office of Management and Budget is an important first step in creating an effective system for financial management. The Office of Management and Budget provides the opportunity to change the current mismanagement of the state's finances for the better.

Cons

- No testimony submitted.

Considerations

- In the current system, the Director of Finance serves as the primary fiscal advisor to the Governor, the administration, and advises agencies on proposals and recommendations with fiscal implications. In addition, the current Director of Finance fosters important relationships with the Governor and the Legislature and serves as the spokesperson for the administration and, at times, the Governor to the wider public. While the leadership for the new Office of Management and Budget may be able to perform existing and additional essential functions, the former roles of the Director of Finance should not be diluted.

HUMAN RESOURCES DIVISION

The Human Resources Division will consolidate the personnel functions of the State Personnel Board and the Department of Personnel Administration. The State Personnel Board, which is constitutionally mandated, will continue to serve as a hearing and appellate body for reviewing state disciplinary actions as well as other merit oversight activities. The Human Resources Division will oversee benefits, operations, policy, strategic workforce planning, Equal Employment Opportunity, employee-employer relations, labor relations, and legal support.

The following functions will be transferred to the Human Resources Division:

- *All of the existing functions of the Department of Personnel Administration.*
- *All of the non-appeal functions of the State Personnel Board. The State Personnel Board will establish a coordinating relationship with the Human Resources Division.*

PUBLIC COMMENT

2 comments were received for the recommendations in this section.
1 comment expressed support. No comments expressed opposition.
1 comment was neutral.

Pros

- The consolidation of the State Personnel Board and the Department of Personnel Administration is a positive step. By doing this, the new Human Resources Division would have a coordinated staff to address the needs and priorities of the division, eliminate the duplication that exists between the two entities, and reduce the cost and inefficiencies of the system.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

REGULATORY AFFAIRS AND ADJUDICATION DIVISION

The Regulatory Affairs and Adjudication Division will provide for the effective review of the rulemaking process and the hearing of administrative and mandate disputes. The Office of Administrative Hearings will continue to provide both adjudication and dispute resolution services and the Office of Administrative Law will continue assisting state agencies in reviewing proposed administrative regulations. The Commission on State Mandates will continue to adjudicate claims by local entities that allege the existence of reimbursable

state mandated programs, decide claims against the Controller, and determine the existence of significant financial distress for applicant counties that seek to reduce their general assistance standards of aid. The Government Claims Program will also continue to resolve claims filed against the State of California and administer special programs mandated by the Legislature for the purpose of providing appropriate specified financial relief for people who have incurred damages due to natural disasters, or through the action or inaction of state government. The review of government claims will be split from the Victims Compensation and Government Claims Board.

The following functions will be transferred to the Regulatory Affairs and Adjudication Division:

- *The existing functions of the Office of Administrative Hearings, the Office of Administrative Law, the Commission on State Mandates, and the Government Claims Program within the Victim Compensation and Government Claims Board will be transferred.*

PUBLIC COMMENT

1 neutral comment was received. No supporting or opposing comments were received.

Pros

- No testimony submitted.

Cons

- No testimony submitted.

Considerations

- The effort to increase dispute resolution through mediation is a positive step. However, mediation within the Regulatory Affairs and Adjudication Division may not provide the field expertise necessary for fair and effective review.

RETIREMENT BENEFITS DIVISION

The Retirement Benefits Division will consist of the current State Teachers' Retirement System, the California Employees' Retirement System, and the Boxer's Pension program which is currently part of the Athletic Commission. The organization of these entities will not be altered, and a coordinating relationship will be developed with the Retirements Benefit Division.

PUBLIC COMMENT

2 comments were received for the recommendations in this section. No supporting comments were received. 1 comment expressed opposition. 1 comment was neutral.

Pros

- No testimony submitted.

Cons

- This recommendation could negatively affect the independence and autonomy of the California Employees' Retirement System.

Considerations

- The rationale for moving the Boxer's Pension program from the Athletic Commission to the Retirement Benefits Division could be clarified.

THE CALIFORNIA TAX COMMISSION

ISSUE

California's tax collection system is currently divided between four different agencies: Board of Equalization, Franchise Tax Board, Department of Motor Vehicles, and Employment Development Department collect employment taxes. It is important to streamline tax collection in order to facilitate financing for needed services to maintain the trust of taxpayers. In its comprehensive review, CPR found three main obstacles to efficient tax collection in the state:

- *California's tax system is duplicative.*
- *California's tax system is inefficient.*
- *California's tax system is confusing for taxpayers.*

ORGANIZATIONAL IMPROVEMENTS

To address these problems, California's revenue agencies will be consolidated into one California Tax Commission. This Commission will integrate revenue collection activities independent of the budget and fiscal agencies. By consolidating revenue agencies, the California Tax Commission will eliminate duplicative functions and responsibilities, be open and accountable to the people, maintain a high level of efficiency, and maintain and promote customer service, providing a one-stop-shop where any taxpayer can resolve tax issues.

The following functions will be transferred to the California Tax Commission:

- *The powers, duties, responsibilities, obligations and jurisdiction of the Franchise Tax Board.*

- *The duties, responsibilities, obligations, liabilities and functions of the Employment Development Department, specifically:*
  - *The determination of contribution rates and the administration and collection of contributions, penalties, and interest including, but not limited to, filing and releasing liens.*
  - *The establishment, administration, and transfer of reserve accounts.*
  - *The assessments and the administration of credits and refunds.*
  - *The approval of elections for coverage or for financing unemployment and disability insurance coverage.*
- *The duties, responsibilities, obligations, liabilities, and functions of the Department of Motor Vehicles concerning the Vehicle License Fee will be transferred.*

PUBLIC COMMENT

16 comments were received for the recommendations in this section.
3 comments expressed support. 2 comments expressed opposition.
11 comments were neutral.

Pros

- It is a good move to place the audit function under the Tax Commission where it will be responsible for multiple departments. The current system is highly politicized and prevents objective, unbiased analysis.
- A consolidated tax commission makes good sense. This structure could improve customer service by providing a single point of contact.
- The consolidated entity could operate out of one data center rather than three. In addition, it will be able to leverage best practices from the other entities.
- The separation between the Governor and the Tax Commission is a positive move. This will create an agency that is not obligated to carry out the orders of the Executive Branch.

Cons

- Under the proposal, the Board of Equalization would directly administer Franchise Tax Board and Board of Equalization tax collection functions while acting as an independent appeals body. This is a conflict of interest and could violate the separation of powers principle.
- As proposed, the Governor does not have a key role in tax administration. This is not an appropriate decision since most

taxpayers hold the Governor accountable for tax policy and tax administration.

- There may be legal barriers to the creation of a tax commission.

Considerations

- The current tax appeals process in California is not a fair and impartial process. In order to rectify this, a State Tax Court, modeled after the U.S. Tax Court, should be created to hear appeals from actions by the new California Tax Commission.
- It is not clear if the Chief Audits Division will be comprised of auditors from the Franchise Tax Board, the Employment Development Department, and the Board of Equalization.
- Recommended that all tax collection functions be consolidated into a single body that would be governed by a board of elected officials.
- The creation of an integrated agency that consolidates income, franchise, sales/use, employment, property, and estate taxing agencies under the umbrella of a Department of Revenue should be considered. This would streamline the administrative costs and depoliticize the taxing agencies.
- The consolidation of the California Tax Credit Allocation Committee and the California Debt Allocation Committee should be considered.
- It is recommended that Vehicle Licensing Fees be collected outside of the new Tax Commission. These fees are required at the time of renewal for a vehicle in combination with other fees, which are used to support that vehicle's registration process.
- The California Tax Commission should not create a tax court based on the following reasons. First, there is no direct relationship between tax courts and tax fairness. Other states in the nation with tax courts are facing difficulties. Second, there could be possible California constitutional issues (Article 6, Section 10), where it states that the Superior Court should have original jurisdiction over tax issues. Third, this system would not allow accountants to represent their clients on tax disputes.
- It is recommended that the consolidation of the Information Technology functions of the Board of Equalization, Franchise Tax Board, Department of Motor Vehicles, and Employment Development Department also be considered.
- The reputation of California's taxation and collection system has an impact on attracting business to the state. It is important that the

California Tax Commission actively address the state's reputation for treating corporate tax payers unfairly.

- The accountability achieved by the Board of Equalization through the elected board members should not be diminished. It is important that the new Tax Commission retain the accessibility, availability, and ability to adjudicate tax policy in the same manner.

ADDITIONAL INFORMATION

Please refer to "Boards and Commissions" in this chapter for additional information and public comment on the Franchise Tax Board.

OTHER ORGANIZATIONAL ELEMENTS

ISSUE

The Department of Food and Agriculture, Department of Veterans Affairs, the California Service Corps, and the Department of Correctional Services are additional entities included in the organizational framework.

DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture is the model of a successful, vertically integrated, customer focused, and mission driven department. In order to fully capitalize on the effectiveness of the Department of Food and Agriculture, modest changes are necessary.

In order to better align the functions related to the Department of Food and Agriculture, the following proposals will be implemented:

- *To improve efficient delivery of service and bolster public protection against food borne illness, vital components under food safety programs in the Department of Health Services will be transferred.*
- *The expanded mission of the Department of Food and Agriculture's Division of Weights and Measurement will be transferred to the state agency responsible for consumer protection.*
- *To refocus government on essential functions and to redirect functions to cooperative public-private ventures, the 54 District Agricultural Associations and the Department of Food and Agriculture's Commodity Boards will be transformed into public benefit corporations.*

PUBLIC COMMENT

21 comments were received for the recommendations in this section.
11 comments expressed support. 7 comments expressed opposition.
3 comments were neutral.

Pros

- This proposal will optimize the ability of state agencies and the private sector to adapt to new technologies and best management practices.
- The recommendation to devolve fairs to the county level as public benefit corporations will benefit local communities.
- Transforming the Department of Food and Agriculture's Commodity Boards is a positive step.

Cons

- Reorganizing the 54 District Agricultural Associations will not lead to greater efficiency or increase the level of benefit for the local community.
- The Division of Measurement Standards should remain under the administration of the Department of Food and Agriculture.

Considerations

- The California Department of Food and Agriculture plays a significant role in the Department of Health and Human Services, Department of Public Safety and Homeland Security, the Department of Environmental Protection, and the Department of Natural Resources. These roles and how they will be affected by the proposal should be more explicitly addressed.
- It will be beneficial to have all department Secretaries consult with the Secretary of Agriculture on policy formations that affect agriculture.
- The Division of Inspection Services is vital to fulfilling the Department of Food and Agriculture's mission to assure food safety and production standards. Further discussion and negotiations regarding the status of the Division of Inspection Services is needed.
- The Department of Food and Agriculture should continue to have a leadership role in California's network of fairs.

ADDITIONAL INFORMATION

Please refer to "RES 28: Reorganize the 54 District Agricultural Associations and the California State Exposition and Fair as a Public Entity," and "RES 29: Reorganize California's Commodity Boards as Public Corporations" in Chapter 6 for additional information and public comment.

DEPARTMENT OF VETERANS AFFAIRS

The Department of Veterans Affairs will retain its current structure and functions.

The following responsibility will be transferred to the Department of Veterans Affairs:

- *Responsibility for approving educational programs for veterans currently administered by the Bureau of Private Postsecondary and Vocational Education.*

PUBLIC COMMENT

1 comment was submitted and expressed opposition to the recommendations in this section. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- No testimony submitted.

Considerations

- It is not clear why it is necessary to have a Department of Veterans Affairs. The unique functions of the department need to be explained.

CALIFORNIA SERVICE CORPS

Community service is a core value of the people of California, but recent trends show a decline in the number of people volunteering their time. Currently, there are four key service and volunteer programs including the Governor's Office of Service and Volunteerism, the California Conservation Corps in the Resources Agency, the Mentoring Program in the Health and Human Services Agency, and the Arts Council. These independent service and volunteer programs will be consolidated into an integrated California Service Corps.

PUBLIC COMMENT

14 comments were received for the recommendations in this section. No comments expressed support. 11 comments expressed opposition. 3 comments were neutral.

Pros

- No testimony submitted.

Cons

- The California Arts Council should not be located in the California Service Corps. This move may diminish the positive impacts of the

Arts Council. For example, the California Summer School for the Arts program is essential in providing students a forum where they can learn how to think creatively and network with other artists in the state. In addition, the program provides opportunities for economically, culturally, and linguistically challenged students. This important program requires dedicated funding that may be lost in the proposed structure.

Considerations

- It is recommended that state money slated for allocation to the California Conservation Corps not be reallocated, regardless of donations received. The donations received should be reinvested into the California Conservation Corps in order to increase membership and the length of time citizens participate in the corps. For example, the donations could be used to provide extra compensation for individuals who pursue a leadership role in the corps. This would encourage corps members to be more responsible and provide an incentive to stay with the program.
- The California Conservation Corps should continue to be an entrepreneurial entity that contracts out to existing state departments.
- The California Arts Council provides leadership in promoting art and culture in California. The recommendation to place the council and other agencies serving the artistic, economic, and cultural needs of California within a single department should be considered. By doing this, California would be able to create a more cohesive arts and culture agenda.
- The arts should be recognized as a major industry in the State of California. To this end, the California Arts Council should be included with other businesses in the state.

DEPARTMENT OF CORRECTIONAL SERVICES

The Corrections Independent Review Panel recommended the realignment of youth and adult correctional programs into a Department of Correctional Services. Please refer to Chapter 5 for detailed information and public comment on the findings of the Independent Review Panel.

Boards and Commissions

The use of boards and commissions first became popular as part of the Progressive movement of the late 19th century. Skeptical of elected officials, the Progressives worked toward creating a third layer between politicians and the public. The Progressives envisioned this third layer to be comprised of boards and commissions that exercised their jurisdiction over major sectors of state government.

Over time, the needs and requirements for certain boards and commissions have evolved and while some may still be necessary, others no longer serve the best interest of the state or the public. With this in mind, the CPR proposed the elimination of 117 boards and commission, whose functions were either no longer needed or could be transferred to another state entity. The following section includes commentary from the public's perspective on the proposed restructuring.

Commerce and Consumer Protection

Architects Board and Landscape Architects Technical Committee

ISSUE

The regulation of architecture and the establishment of regulations for examination and licensing should be performed by the Commercial Licensing Division of the Department of Commerce and Consumer Protection. Independent reviews of appeals should be performed by administrative law judges with the Office of Management and Budget. The resulting recommended decisions should be affirmed or rejected by the Secretary of the Department of Commerce and Consumer Protection.

PUBLIC COMMENT

All 6 comments received oppose this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Shifting regulatory authority to a larger division may affect the delivery of services.

- Minimal cost savings will be realized because the board is funded through architectural licensing fees.
- The board and technical committee also accept complaints regarding design, construction work, and access issues. This function could be lost if the board and technical committee are eliminated.

Considerations

- The technical expertise necessary to adjudicate appeals efficiently and effectively may be lost in the more general Office of Management and Budget.
- It is unclear where customers will be able to express their grievances in the proposed reorganization.

Board of Barbering and Cosmetology

ISSUE

The Board of Barbering and Cosmetology is not needed to regulate the barbering and cosmetology professions. The licensing functions should be performed by the Division of Commercial Licensing within the new Department of Commerce and Consumer Protection. Independent reviews of appeals should be performed by administrative law judges within the Office of Management and Budget. The resulting recommended decisions should be affirmed or rejected by the Secretary of the Department of Commerce and Consumer Protection.

PUBLIC COMMENT

All 5 comments received support this recommendation. No opposing or neutral comments were received.

Pros

- This board has been unresponsive to industry needs. Shifting the licensing function to the Division of Commercial Licensing will lead to greater efficiency.

Cons

- No testimony submitted.

Considerations

- Due to the ineffectiveness of the current board, the licensing exam may need to be reviewed and updated.

Board of Registration for Professional Engineers and Land Surveyors

ISSUE

The Board of Registration for Professional Engineers and Land Surveyors is not needed to perform the program's licensing and regulatory activities. The functions should be performed by the Division of Commercial Licensing within the new Department of Commerce and Consumer Protection. Appeals should be heard by administrative law judges within the Office of Management and Budget. The resulting recommended decisions should be affirmed or rejected by the Secretary of the Department of Commerce and Consumer Protection.

PUBLIC COMMENT

All 6 comments received oppose this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- The board serves the public interest by providing oversight for complaints regarding incompetence and negligence.
- The board ensures that engineers and surveyors perform job functions in accordance with state law.
- The board provides resources to consumers to help them identify licensed practitioners, file complaints, or participate in board activities. It is not clear in the proposed move where consumers can go to access these services.

Considerations

- The board represents a specialized profession that requires technical training and skill to provide effective and accurate regulation. How persons with this expertise will be involved in the proposed reorganization is unclear.
- Reorganization under the new Division of Commercial Licensing may have legal implications with respect to the tort system.
- The public resource, input, and oversight functions of this board are not addressed in the proposed reorganization.

- The current licensing process for applicants is fair and efficient. In addition, the majority of licensure exams are national exams prepared by the National Council of Examiners for Engineering and Surveying.

Bureau of Hearing Aid Dispensers Advisory Committee

ISSUE

Responsibilities for the regulation of hearing aid dispensers should be transferred to the Department of Commerce and Consumer Protection. The advisory committee should be eliminated. The Secretary can appoint an ad hoc advisory committee if one is needed.

PUBLIC COMMENT

All 2 comments received oppose this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Eliminating this board will hinder individuals with hearing loss from obtaining assistance and providing public input on the regulation of hearing aid dispensers.

Considerations

- No testimony submitted.

California Horse Racing Board

ISSUE

The California Horse Racing Board is not necessary to the performance of the program's regulatory and licensing functions. The operations should be performed by the Commercial Licensing Division of the new Department of Commerce and Consumer Protection.

PUBLIC COMMENT

1 comment was received in support of this recommendation. No opposing or neutral comments were received.

Pros

- This board has been unresponsive to customer needs. Shifting the regulatory functions to the new Department of Commerce and Consumer Protection should alleviate this problem.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

Contractors State Licensing Board

ISSUE

Conducting professional licensing and responding to consumer complaints does not require a separate Contractors State Licensing Board. The functions should be performed by the Division of Commercial Licensing within the new Department of Commerce and Consumer Protection. Appeals should be heard by administrative law judges within the Office of Management and Budget, whose recommended decisions should be approved or rejected by the Secretary of the Department of Commerce and Consumer Protection. This reorganization will promote "chain of command" accountability for the handling of this regulatory program, which has been plagued by license application backlogs and public complaints about the equality and reliability of contractors.

PUBLIC COMMENT

7 comments were received for this recommendation. 1 comment expressed support. 6 comments expressed opposition.

Pros

- This board has neither represented the public interest nor provided efficient and accurate service. The proposed reorganization will create a more transparent system.

Cons

- Current application backlogs are due to the hiring freeze.
- Reorganization under the new Division of Commercial Licensing and the Office of Management and Budget will require knowledgeable staff that has experience with the contracting profession.

- Monetary gains from elimination of this board may be minimal as it is funded by licensing fees.

Considerations

- The technical expertise necessary for fair adjudication of construction matters may be lost if the board's functions are incorporated into the more general appeals process within the Office of Management and Budget.

Court Reporters Board

ISSUE

The Court Reporters Board is not necessary to the performance of the program's regulatory functions. The operations should be performed by the commercial Licensing Division of the new Department of Commerce and Consumer Protection. Independent reviews of appeals should be performed by administrative law judges within the Office of Management and Budget. The resulting recommended decisions should be affirmed or rejected by the Secretary of the Department of Commerce and Consumer Protection.

PUBLIC COMMENT

1 comment was received in support of this recommendation. No opposing or neutral comments were received.

Pros

- This board is unnecessary for the management of state licenses.

Cons

- No testimony submitted.

Considerations

- California is one of the few states with a Court Reporters Board. Many states use the National Court Reporter Association, which conducts testing in all states. It is recommended that using this association for testing may result in cost savings.

New Motor Vehicle Board

ISSUE

The dispute resolution function of the New Motor Vehicle Board should be handled by the parties directly. There is no need for a governmental body to take on this work. Furthermore, consumer compliant mediation should be a core function of the Office of Consumer Protection within the new Department of Commerce and Consumer Protection.

PUBLIC COMMENT

All 4 comments received oppose this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- This board was created to regulate the relationship between multinational auto manufacturers and local car dealers and equalize the bargaining power of these two groups. Eliminating this board could have a negative impact on small/family-owned dealers in the state.
- The board's appellate function and consumer arbitration function may not be adequately addressed if privatized.
- This board ensures that dealers fulfill their obligations, provide adequate service, and guarantee necessary provisions for consumers. These functions are not sufficiently addressed in the proposed structure.

Considerations

- There may be constitutional impediments to delegating the arbitration function of the board to private arbitrators. It could possibly violate the separation of powers.

Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun

ISSUE

The licensing function of bar pilots should be performed within the Division of Commercial Licensing in the Department of Commerce and Consumer Protection. The independent review of appeals should be performed by administrative law judges within the Office of Management and Budget. Decisions on these hearings should be rendered by the Secretary of the new Department of Commerce and Consumer Protection. It should also be noted that this function is a prime candidate for delegation to a local entity given the geographic limitations of the board's focus.

Board of Pilot Commissioners for the Bays of SF, etc.

"Since the formation of the Board of Pilot Commissioners, waterborne navigation and maritime safety in northern California waters...has become a standard for the world wide maritime industry to follow."

Captain William Greig
Member
San Francisco Bar Pilots
Written Testimony

PUBLIC COMMENT

All 9 comments received oppose this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- The board creates a system of compulsory pilotage that places the navigation of ships in the hands of highly trained and experienced state licensed pilots. This is an important function since ships entering and leaving ports are at their greatest risk of groundings and collisions and require management by skilled professionals.
- The diversity of the board's functions would be difficult to replicate within the structure of the Division of Commercial Licensing and the Office of Management and Budget.
- Minimal cost savings would be realized as the board is paid entirely by user fees.
- The board has the authority to act as a mediator on issues where differences may exist between pilot and shipping interests.
- The board serves as a forum for businesses to exchange ideas and build relationships. This function of the board would be lost in the proposed move.

Considerations

- The rulemaking and regulatory functions provided by the board may not be adequately addressed within the Division of Commercial Licensing or the Office of Management and Budget.
- The collaborative functions provided by the board with other state and federal agencies responsible for the protection of the environment and with the oil and hazardous chemical shipping industry may be affected.
- The board's input on the pilot training program may be affected.

Service Agency Advisory Committee

ISSUE

The Service Agency Advisory Committee was created and appointed by the secretary of the Department of Food and Agriculture to assist the Division of Measurement and Standards. The Measurements and Standards function is transferring to the Department of Commerce and Consumer Protection. As such, that secretary can appoint an ad hoc advisory committee as the need arises.

PUBLIC COMMENT

1 comment was received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- The Division of Measurement and Standards should remain in the Department of Food and Agriculture because the primary functions of the division are agriculturally related.

Considerations

- No testimony submitted.

Speech-Language Pathology and Audiology Board

ISSUE

The Speech-Language Pathology and Audiology Board is not needed to carry out professional licensing for speech-language pathologists and audiologists. These functions should be performed by the Division of Commercial Licensing within the new Department of Commerce and Consumer Protection.

PUBLIC COMMENT

3 comments were received for this recommendation. No comments expressed support. 2 comments expressed opposition. 1 comment was neutral.

Pros

- No testimony submitted.

Cons

- No testimony submitted.

Considerations

- The licensing functions for speech-language pathologists and audiologists should be transferred to the Department of Health and Human Services, where licensing for similar allied health care professionals is completed.

Labor and Economic Development

Agricultural Cooperative Bargaining Advisory Committee

ISSUE

This is purely an advisory body. The Secretary of the Department of Food and Agriculture can appoint an ad hoc committee to assist if the need arises.

PUBLIC COMMENT

1 comment was received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- This committee plays an important role in commodity pricing and terms of delivery.

Considerations

- No testimony submitted.

Apprenticeship Council

ISSUE

The Apprenticeship Council, which has been in place since the 1930s, is no longer needed to perform regulatory and advisory responsibilities. These activities should be performed by the Division of Workforce Development within the new Department of Labor and Economic Development. The Secretary can appoint ad hoc advisory committees if the need arises.

PUBLIC COMMENT

1 comment was received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- The council has functions outside of regulatory and advisory responsibilities. This body provides opportunities for individuals in the workforce to be gainfully employed while learning a new trade or skill.

Considerations

- No testimony submitted.

Commission for Economic Development

ISSUE

The Commission for Economic Development was inactive for nearly ten years. New appointments were made in August 1993 and the commission has held three meetings and issued three reports since that time. Despite this recent activity, it is duplicative of the Economic Strategy Panel, which addresses the same issues and should continue within the new Department of Labor and Economic Development.

PUBLIC COMMENT

1 comment was received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- The six advisory committees within the commission represent top industries in the state. The information and guidance these committees provide on initiatives to improve California's economy will be lost with the elimination of this commission.
- The commission is currently engaged in developing international outreach programs, such as the California/Taiwan Business Forum, to promote trade with California.
- The progress made by the commission in the past two years garnered national recognition by the chair of the Federal Reserve Bank.

Considerations

- The new programs and partnerships developed by this commission are a valuable asset. If elimination of the commission occurs, these new programs and partnerships should be incorporated into the new Department of Labor and Economic Development.

Commission on Health and Safety and Workers' Compensation

ISSUE

The Commission on Health and Safety and Workers' Compensation is responsible for conducting a continuing examination of the Workers' Compensation system and related programs to prevent on-the-job injuries and illnesses. The Commission frequently contracts out with private non-profit research organizations to meet this requirement. The Secretary of the Department of Labor and Economic Development can continue to use such organizations as the need arises.

PUBLIC COMMENT

35 comments were received for this recommendation. No comments expressed support. 33 comments expressed opposition. 2 comments were neutral.

Pros

- No testimony submitted.

Cons

- The commission members, both employers and laborers, have been important in determining the cause of problems in the workers' compensation system and recommending changes for improvement.
- The commission performs valuable research and policy analysis, which creates the framework for discussions regarding workers' compensation reforms and identifies key cost drivers.
- The commission played an important role in establishing advisory rates for workers' compensation in California. Without the assistance of this commission, consensus on these reforms may not have been reached.
- The commission is the only independent entity established to evaluate workers' compensation.
- This commission has been nationally and internationally recognized as one of the most effective labor and management organizations.

Considerations

- No testimony submitted.

Committee for the Employment of People with Disabilities

ISSUE

The functions of promoting the employment of people with disabilities should be carried out by the Division of Workforce Development within the new Department of Labor and Economic Development. By delegating this goal to a separate panel, the Secretary will serve as the individual directly accountable for ensuring opportunities and full access to employment for individuals with disabilities. The Secretary can appoint an ad hoc advisory committee as needed to assist in this effort but should serve as the individual directly accountable for ensuring opportunities and full access to employment by individuals with disabilities.

PUBLIC COMMENT

All 63 comments received oppose this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- The committee has evolved into the designated centralized resource for individuals with disabilities to learn about advocacy, receive information about disability employment services, and provide input on policy development.
- The committee serves as the central resource for Mayors' Committees throughout the state. Elimination of this committee may affect communication and coordination between the Mayors' Committees.
- The Youth Leadership Forum, one of the programs supported by the committee, is an important resource for youth with disabilities to acquire leadership skills and network with other individuals with disabilities.
- The Media Access Office, one of the programs supported by the committee, provides resources, training, and audition information for performers with disabilities.
- Eliminating the committee could result in non-compliance with AB 925, which states the requirements and functions of the Governor's Committee for the Employment of People with Disabilities.

- The committee provides opportunities to promote diversity among individuals with disabilities by co-sponsoring conferences such as the First and Second Regional Conference on Asians and Pacific Islanders with Disabilities.
- The committee provides a forum for oversight and collaboration for the disabled public to provide input on state and local services.

Considerations

- Aligning the committee within the larger framework of the new Department of Labor and Economic Development may affect the delivery of services to individuals with disabilities.
- The collaborative functions provided by the committee for state and local services may be hindered through the intermittent use of ad hoc consultations.
- Consideration should be given to placing the Governor's Committee for the Employment of People with Disabilities under the California Workforce Investment Board.

Employment Training Panel

"ETP promotes high-quality job training by encouraging business and labor representatives to plan training programs together and by targeting training dollars at training programs that lead to good-quality jobs."

David A. Rosenfeld
Partner
Weinberg, Roger & Rosenfeld
Written Testimony

Employment Training Panel

ISSUE

The Employment Training Panel is not needed to perform job forecasting, training, and advisory responsibilities. Many of its programs are duplicative of programs in other state agencies. The functions of the panel should be carried out within the new Department of Labor and Economic Development and the Secretary can appoint ad hoc advisory commissions as the need arises.

PUBLIC COMMENT

All 8 comments received oppose this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- The functions of the panel may have been inaccurately presented. The panel does not provide job forecasting, nor does it have advisory responsibilities. The training function of the program primarily focuses on approving/rejecting funding for training programs.

- The panel works with many industries to develop and fund training programs to improve the skills of current employees. In addition, the panel funds training programs for individuals on Unemployment Insurance to expand their opportunities for joining the workforce.

Considerations

- A more detailed explanation of how the funding functions of this panel will be carried out in the proposed structure is necessary.

Fair Employment and Housing Commission

ISSUE

All of the Fair Employment and Housing Commission's functions related to preventing discrimination in housing and employment will be performed by the Division of Workplace Protection within the new Department of Commerce and Consumer Protection. Hearings on these matters should be conducted by the Office of Appeals in the Department of Labor and Economic Development. The recommended decisions resulting from these hearings should be approved or rejected by the Secretary of the Department of Labor and Economic Development.

PUBLIC COMMENT

6 comments were received for this recommendation. No comments expressed support. 5 comments expressed opposition. 1 comment was neutral.

Pros

- No testimony submitted.

Cons

- Disbanding this board could limit public input and oversight on issues related to fair housing and employment.

Considerations

- More implementation details are needed to assess the effectiveness of the new Division of Workplace Protection and how the division will report to the Secretary of the Department of Labor and Economic Development.

Industrial Welfare Commission

ISSUE

The Industrial Welfare Commission is not needed to perform the commission's primary activity, which is to ensure that wages and working conditions are appropriate to the type of work conducted. This charge should be performed by the Workforce Protection Division of the new Department of Labor and Economic Development.

PUBLIC COMMENT

3 comments were received for this recommendation. No comments expressed support. 2 comments expressed opposition. 1 comment was neutral.

Pros

- No testimony submitted.

Cons

- There is not enough detail on how the new Workforce Protection Division will perform the functions of the Industrial Welfare Commission to adequately assess this proposed move.
- The important function of supervising wages and working conditions may be diluted in the larger Workforce Protection Division.
- Elimination of the commission will require amending Section 1177 of the California Labor Code which states, "(e)ach order of the (Industrial Welfare) commission shall be concurred in by a majority of the commissioners." Consequently, in the proposed move the secretary of the new Department of Labor and Economic Development may be able to amend or repeal wage orders without complying with the Administrative Procedures Act or obtaining an agreement from the commission. This will put an inordinate amount of power in the secretary's office.

Considerations

- The elimination of the Industrial Welfare Commission may require amending California Labor Code Part 4, Chapter 2, Sections 1171–1205, which expressly states the functions of this commission.

Occupational Safety and Health Appeals Board

ISSUE

Appeals of occupational safety decisions will be heard by administrative law judges located in the Office of Appeals within the Department of Labor and Economic Development. Recommended decisions arising from these hearings should be approved or rejected by the Secretary of the Department of Labor and Economic Development.

PUBLIC COMMENT

All 9 comments received oppose this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- The appeals board provides the opportunity for independent review, which ensures the fairness of the appeals system by employing adjudicators who have technical expertise in workplace safety.
- Elimination of this board may affect federal funding for the California State Occupational Health and Safety plan.
- The decisionmaking functions of the board will be transferred from open forums to a less transparent venue, thus diminishing the integrity of due process.

Considerations

- No testimony submitted.

Occupational Safety and Health Standards Board

ISSUE

Functions related to standard-setting for the state's occupational safety and health program should be performed by the Division of Workplace Protection within the Department of Labor and Economic Development.

PUBLIC COMMENT

All 11 comments received oppose this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- The effectiveness of setting standards for the state's occupational safety and health program may be negatively impacted if the standards setting, appeals process, and enforcement functions are combined.
- The decisionmaking functions of the board will shift from public forums to private offices thus diminishing the integrity of due process. Consequently, the public could be denied meaningful access to decisionmakers.
- There seems to be little value in replacing an independent board with a single decisionmaker.

Considerations

- The proposed structure does not adequately address how both labor and management will be represented in the development of safety standards.
- Further explanation on how the rulemaking and rule-enforcing functions of the board will retain autonomy and impartiality in the proposed framework is required to adequately assess the proposed move.

Rehabilitation Appeals Board

ISSUE

All appeal hearings related to rehabilitation cases currently heard by the Rehabilitation Appeals Board should be conducted by the Office of Appeals within the newly created Department of Labor and Economic Development. Recommended decisions arising from these hearings should be approved or rejected by the Secretary of the Department of Labor and Economic Development.

PUBLIC COMMENT

2 comments were received for this recommendation. 1 comment expressed support. 1 comment expressed opposition.

Pros

- No testimony submitted.

Cons

- Elimination of this board may cause individuals with disabilities to lose their opportunity to appeal cases before a group of their peers.

Considerations

- No testimony submitted.

Unemployment Insurance Appeals Board

ISSUE

All appeal functions should continue in the Office of Appeals within the Department of Labor and Economic Development. Appeals should be heard by administrative law judges there and the Secretary will render decisions on the ALJ recommendations.

PUBLIC COMMENT

24 comments were received for this recommendation. 2 comments expressed support. 19 comments expressed opposition. 3 comments were neutral.

Pros

- It is not necessary to have a separate board to oversee unemployment insurance appeals.

Cons

- Having a non-independent appeals process may affect an individual's right to an impartial hearing if agency employees are both named in the appeal and decide upon the appeal.
- The current structure provides an efficient and effective appeals process. The high volume of cases at the Unemployment Insurance Appeals Board are heard and decided upon in a timely manner.
- Cost savings will be minimal as the agency receives federal funding. Moreover, this funding may be jeopardized if the board is eliminated.

- The decisionmaking functions of the board will be transferred from open forums to a less transparent venue, potentially reducing public accountability.

Considerations

- There is not enough detail on the implementation of this merger. The efficiency of the Office of Appeals and administrative law judges in handling workers' compensation issues need to be assessed prior to implementing this recommendation.
- It is unclear how areas of specialization will be effectively utilized in the proposed structure. Efficient and accurate decisions will require administrative law judges with specialization in unemployment insurance cases.

Workers' Compensation Appeals Board

ISSUE

All appeal functions should continue in the Office of Appeals within the Department of Labor and Economic Development. Appeals will be heard by administrative law judges and the Secretary will render decisions on the ALJ recommendations.

PUBLIC COMMENT

7 comments were received for this recommendation. No comments expressed support. 6 comments expressed opposition. 1 comment was neutral.

Pros

- No testimony submitted.

Cons

- Workers' compensation adjudication resolves disputes between private parties, whereas administrative adjudication resolves disputes between a private party and a government agency. As such, the new combined agency would be required to accommodate both types of litigation.
- Workers' compensation law is a very complex legal specialization. Employing judges unaccustomed to resolving workers' compensation issues may result in the delay of benefits administration and/or diminished customer service.

- The elimination of this board would place decisionmaking authority in the hands of individuals who may not be well informed about the complexities of workers' compensation law. If judges who do not adequately understand the law are allowed to make decisions on appeals, due process protections for litigants may be affected since due process requires that government be conducted according to the rule of law.

Considerations

- It is recommended that the effect on user funding currently used to administer the workers' compensation system should be examined.
- Workers' compensation appeals and administrative appeals use different procedural frameworks. How these two frameworks will be merged needs to be explained in greater detail.

Environment and Natural Resources

Air Resources Board

ISSUE

The Air Resources Board is not needed to oversee air quality regulatory functions. The operations should be performed within the Division of Air Quality in the new Department of Environmental Protection. The Secretary of the Department of Environmental Protection can appoint an ad hoc advisory committee should the need arise.

Air Resources Board

"The success of the ARB programs, and their ability to work closely with local air districts, has consistently brought cleaner air to millions of Californians."

Larry Greene
President
California Air Pollution Control Officers Association
Written Testimony

PUBLIC COMMENT

54 comments were received for this recommendation. 3 comments expressed support. 46 comments expressed opposition. 5 comments were neutral.

Pros

- No testimony submitted.

Cons

- Elimination of the board may compromise scientific input and limit public debate concerning air resources issues.
- The Air Resources Board is a nationally recognized board that has proven itself to be an effective entity through the development of innovative solutions to air pollution problems.

- The independence of the board is important to maintaining its consistent work on air pollution problems.

Considerations

- A more detailed explanation of the benefits gained by eliminating this board and locating authority at the executive level should be developed to alleviate concerns regarding public access.
- If the proposed recommendation is accepted, it is recommended that the Division of Air Quality maintain the level of expertise and knowledge in the subject area that the Air Resources Board has attained.
- The recommendation would eliminate publicly known access points to decisionmakers which requires a discussion on how local agencies and businesses will provide input into policy making and implementation.
- As an alternative, individual air pollution control districts could be eliminated and this function could be consolidated with the board. This structure may be more effective in standardizing rules and regulations across the state.

Board of Geologists and Geophysicists

ISSUE

Transfer the responsibilities to the existing Board of Mining and Geology, which should be placed in the Division of Land Management in the new Department of Natural Resources. The consolidation will save money through economies of scale and consolidation of overlapping areas of responsibility.

PUBLIC COMMENT

5 comments were received for this recommendation. No comments expressed support. 2 comments expressed opposition. 3 comments were neutral.

Pros

- No testimony submitted.

Cons

- No testimony submitted.

Considerations

- The recommendation to eliminate this board does not provide enough information to adequately assess the advantages and/or disadvantages of this move.

Boating and Waterways Commission

ISSUE

Primary functions of the Boating and Waterways Commission, including approval of various grants and loans, should be performed by the Division of Boating and Waterways within the new Department of Infrastructure. The Secretary can appoint ad hoc advisory committees as the need arises.

PUBLIC COMMENT

8 comments were received for this recommendation. No comments expressed support. 7 comments expressed opposition. 1 comment was neutral.

Pros

- No testimony submitted.

Cons

- The commission provides a forum for public input, oversight, and approval on the use of public funds on proposed projects. Elimination of this commission could take away accountability on the use of these funds.
- Minimal cost savings will be realized since the commission is funded through taxes and fees on boaters.
- The commission balances input on the use and appropriation of funds between small and large jurisdictions.

Considerations

- Shifting the responsibility of the commission to the Infrastructure Department may be promising. There is concern, however, that these functions will be performed outside the public eye. Consequently, there should be a structure in place that provides for consistent public input and oversight.

Board of Forestry and Fire Protection

ISSUE

The Board of Forestry and Fire Protection is not needed for fire prevention, firefighting, or forestry management. All operations related to fire protection should be performed by the Division of Fire and Emergency Management within the new Department of Public Safety and Homeland Security. All functions related to forestry management practices should be performed by the new Department of Natural Resources, including those functions performed by the board. The secretaries of these departments can appoint ad hoc advisory committees as the need arises. Appeals currently heard by this board should be conducted by administrative law judges within the Office of Management and Budget. The Secretary of Natural Resources should approve or reject the ALJ recommended decisions.

PUBLIC COMMENT

23 comments were received for this recommendation. No comments expressed support. 22 comments expressed opposition. 1 comment was neutral.

Pros

- No testimony submitted.

Cons

- The current independent structure of the board allows for public participation and oversight. In addition, the board provides an avenue for communication about the decisionmaking process, thus facilitating transparency.
- The board's institutional knowledge and insight provides for efficient, consistent, and stable management and protection of California's forests. This knowledge will be diluted if the board's responsibilities are split between two separate departments.

Considerations

- An alternative to elimination would be to expand the board's mission and utilize the board's resources for issues beyond forestry.
- Employing ad hoc advisory committees may result in inconsistent policy recommendations. Moreover, ad hoc advisory committees may lack the authority and independence necessary to review and resolve issues.
- The proposal may affect codes, statues, and regulations linked to the creation of this board.

Colorado River Board

ISSUE

Negotiations and issues related to California's "fair share" of Colorado River water should be handled directly by the Governor's Office with assistance from the Secretary of Natural Resources.

PUBLIC COMMENT

11 comments were received for this recommendation. No comments expressed support. 10 comments expressed opposition. 1 comment was neutral.

Pros

- No testimony submitted.

Cons

- The state does not hold contracts for the use of Colorado River water and power. As a result, elimination of the board would leave those entities that hold water and power contracts to deal with the federal government on an individual basis. This may result in inconsistent representation of the state and its entitlement holders.
- Minimal cost savings would result from elimination of the Colorado River Board as funding comes directly from the six water and power agencies represented by the board.
- The Colorado River Board's staff has background and expertise regarding the Colorado River. The staff understands the diversity of issues that require participation by entities holding contracts with the federal government and California for Colorado River water and power. Furthermore, the board provides the coordination necessary to promote efficiency and consistent representation of California's positions among these various entities.

Considerations

- The Colorado River Board is currently involved with the Quantifications Settlement Agreement (QSA) and served as an important representative in interstate discussions on the prerequisites of the QSA. Replacing this board at this juncture may affect the quality of representation in future discussions.
- The Colorado River Board enhances the bargaining power of individual water using agencies in contract negotiation with the federal

government. Since other states have state-to-federal contracts, this function of the board needs to be addressed in the proposed reorganization.

Delta Protection Commission

ISSUE

The Delta Protection Commission should be eliminated. A 2004–2005 Legislative Analyst's Office (LAO) budget analysis documented that fully one-half of the Commission's non-administrative time was spent monitoring CalFED and concluded that the Commission had completed its core functions and that much of its remaining work was duplicative of the Bay-Delta Authority. The Commission is also authorized to hear land use appeals, but in recent years there have been none. The remaining responsibilities will be performed within the new Department of Natural Resources with cooperation from the new Department of Environmental Protection and Department of Infrastructure.

PUBLIC COMMENT

1 comment was received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- The Delta Protection Commission complements, not duplicates, the functions of the Bay-Delta Authority.

Considerations

- No testimony submitted.

Heritage Preservation Commission

ISSUE

All functions related to historical and cultural preservation should be conducted by the Division of Parks, History, and Culture within the Department of Natural Resources. Should the need arise, the Secretary may appoint an ad hoc advisory committee.

PUBLIC COMMENT

2 comments were received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Ad hoc committees may not sufficiently address the issues the commission currently has under review.
- Public access and participation may be diminished in the proposed structure.

Considerations

- No testimony submitted.

Historical Resources Commission

ISSUE

The Historical Resources Commission's responsibilities related to the listing of historic sites, inventorying of such sites, and developing policies to ensure their preservation and rehabilitation should be transferred to the Division of Parks, History, and Culture within the Department of Natural Resources. Should the need arise, the Secretary may appoint an ad hoc advisory committee to deal with such matters as evaluating sites for listing on the National Register of Historic Places, the California Register of Historical Resources, and the California Historical Landmarks and California Points of Historical Interest registration programs.

PUBLIC COMMENT

139 comments were received for this recommendation. No comments expressed support. 138 comments expressed opposition. 1 comment was neutral.

Pros

- No testimony submitted.

Cons

- Elimination of this commission may jeopardize archaeological resources and, consequently, research opportunities for academicians.

- The commission serves as a link between county and city historic preservation commissions and boards. Elimination of this commission may adversely affect the functionality of these local commissions and boards.
- The elimination of the commission may result in non-compliance with Section 101[b] of the National Historic Preservation Act (NHPA), which states the requirements for the designation of a State Historic Preservation Officer and a state review board. Failure to comply may result in loss of funding received by the state for the activities specified in the NHPA.
- Programs and support currently administered by the commission, such as the California Main Street Program, Certified Local Government Program, and the Office of Historic Preservation, are not discussed in the review. These programs are an important component of the commission that encourage private investment in the state and generate new businesses and jobs for the state. As such, it is important that plans for these functions of the commission are adequately addressed in the new organizational structure.

Considerations

- The process for review and approval of federal tax credits for preservation projects needs to be formulated and addressed. It is not clear how this function will be handled in the new structure.
- The role cultural resources play in cultural tourism in California is important. How these resources and the income they generate could be affected by the proposed move should be considered.

Integrated Waste Management Board

ISSUE

The Integrated Waste Management Board should be eliminated because it is not needed to conduct the responsibilities of helping managing California's solid waste stream. This function should be carried out by the new Department of Environmental Protection. Current activities of the board are either duplicative of local planning agencies or have suffered because of the fragmented and unaccountable nature of the Board.

PUBLIC COMMENT

8 comments were received for this recommendation. 2 comments expressed support. 3 comments expressed opposition. 3 comments were neutral.

Pros

- The board should be eliminated and greater authority should be delegated to local city and county agencies to fine and/or prosecute violations.

Cons

- Access for discussion and input on issues within the board's jurisdiction may be limited to those individuals within the new Department of Environmental Protection. As such, public oversight may be diminished.

Considerations

- An alternative to elimination would be to restructure the board to include overseeing site remediation plans where there is a need for more open decisionmaking and improved public participation.
- The recommendation to include the Division of Recycling with the functions of the board should be expanded.
- Retaining the minimal budget and staff of the board to perform the board's transferred functions in the new department may be useful.

Off-Highway Motor Vehicle Recreational Commission

ISSUE

The Off-Highway Motor Vehicle Recreation Commission should be eliminated because it is not needed to carry out responsibilities related to approval of Off-Road Vehicle use in public areas. These responsibilities should be conducted directly by the Department of Natural Resources.

PUBLIC COMMENT

2 comments were received for this recommendation. 1 comment expressed support. 1 comment expressed opposition.

Pros

- This commission should be eliminated as its utility in assisting the off-road vehicle enthusiasts is minimal.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

State Lands Commission

ISSUE

The State Lands Commission should be eliminated because it is duplicative of other functions within state government. The three primary responsibilities of the body should be transferred to more appropriate entities. Maritime facilities responsibilities should be transferred to the Department of Environmental Protection. Mineral leasing activities should be split. Mineral leasing activities related to energy production should be transferred to the Division of Energy within the California Infrastructure Department. Those related to non-energy commodities should be conducted by the Department of Natural Resources. The land management function of the State Lands Commission should also be split to more appropriately align with departmental activities. The Division of Land Management within the Department of Natural Resources should oversee the sovereign lands portion of the portfolio. School land management functions should be carried out by the Department of Infrastructure.

PUBLIC COMMENT

All 23 comments received oppose this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Eliminating the commission would negatively affect public, applicant, and media access to decisions affecting public trust lands. Moreover, shifting responsibilities to several different departments will reduce the public's ability to hold those responsible for management of public trust lands accountable.
- The independence of the board is necessary for producing consistent and credible decisions on issues related to public trust lands.
- The board has assembled staff with highly specialized knowledge and experience that aids in the coordination of responsibilities for complex issues such as the San Joaquin River and tidelands. Division of responsibilities to three separate divisions may impair the coordination efforts currently in effect.

Considerations

- The recommendation lacks sufficient detail to adequately analyze the impact of eliminating this board and transferring the responsibilities to three separate divisions.

State Water Resources Control Board

ISSUE

The State Water Resources Control Board should be eliminated and replaced with one exempt officer appointed by the Governor. The primary responsibility of the bodies for promulgating water quality regulations, implementing water monitoring programs, issuing water discharge permits, and enforcing water quality regulations should be vested with the Division of Water Quality of the Department of Environmental Protection and its regional officers. Basin plans should be developed by members appointed on an ad hoc basis for six months, after which time, having completed the plan, the group will be disbanded.

PUBLIC COMMENT

58 comments were received for this recommendation. 2 comments expressed support. 50 comments expressed opposition. 6 comments were neutral.

Pros

- Elimination of this board would open up opportunities for businesses that have been hindered by the regulatory processes of the board.

Cons

- Specialized knowledge and experience would be lost if the board was incorporated by a larger agency.
- Elimination of this board will result in limited opportunity for public and scientific participation, input, and debate on issues regarding water quality issues. Centralized oversight for water quality issues may not be as responsive to community needs.
- Shifting responsibility for water quality regulation to a large department may stifle innovation and staff may not have the ability to handle contentious environmental issues.
- The proposal to use ad hoc committees to develop basin plans does not fit with the California Performance Review's goal to encourage efficiency. Good planning requires independence, authority, consistency, and technical expertise, which would be lost if this board is eliminated.

Considerations

- The Division of Water Quality should work toward improving cooperation and relations with those that are regulated.
- The board has a poor record of reviewing, completing, dispersing, and managing award contracts. The Department of Conservation should be considered an alternative location for the administration of award contracts given their excellent record on accuracy, timeliness, diligence, and communication throughout the grant process.
- While it is apparent that the current regulatory structure is inadequate, more details are necessary to fully understand the legal implications of this proposal. For example, it is unclear how the appeals process would be handled.
- An alternative recommendation is to reorganize the State Water Resources Control program so that regional water quality offices report directly to the state board and are accountable to the same policy principles of achieving water quality improvements and supply objectives.
- A proposal to create a consistent approach to water quality issues that can be employed statewide needs to be developed. For example, the use of flexible regulatory programs that promote the use of resources to solve pressing issues can be applied to various entities throughout the state.
- The permitting process needs to be addressed in the proposed structure. In order to create greater efficiency, it may be prudent to streamline facility permits that include air, land, and water issues. This change may encourage open communication between the regulatory body and entities seeking permits.

Regional Water Quality Control Boards

ISSUE

The Regional Water Quality Control Boards should be eliminated and replaced with nine exempt officers appointed by the Governor. The primary responsibility of the bodies for promulgating water quality regulations, implementing water monitoring programs, issuing water discharge permits, and enforcing water quality regulations should be vested with the Division of Water Quality of the Department of Environmental Protection and its regional officers. Basin plans should be developed by members appointed on an ad hoc basis for six months, after which time, having completed the plan, the group will be disbanded.

PUBLIC COMMENT

68 comments were received for this recommendation. 8 comments expressed support. 54 comments expressed opposition. 6 comments were neutral.

Pros

- Consolidating these boards will result in development of uniform policy to protect water quality. For example, streamlining the permitting process will promote greater consistency among regions.
- The boards do not provide the opportunity for due process and lack accountability. Transferring the functions of these boards to the Department of Environmental Protection will be an improvement of the current system.
- Elimination of these boards would streamline the regulatory process and open up opportunities for businesses that are mired in overregulation.
- The current structure lacks strong leadership and board members lack the knowledge and expertise to effectively resolve water quality issues. Shifting the responsibilities of the boards to the Department of Environmental Protection will alleviate these problems.

Cons

- Specialized knowledge and experience could be lost if the boards were incorporated by a larger agency.
- Elimination of these boards will result in limited opportunity for public and scientific participation, input, and debate on issues regarding local water quality issues. Centralized oversight for water quality issues may not be responsive to community needs.
- Shifting responsibility for water quality regulation to a large department may stifle innovation and staff may not have the ability to handle contentious environmental issues.
- The proposal to utilize ad hoc committees to develop basin plans does not fit with the California Performance Review's goal to encourage efficiency. Good planning requires independence, authority, consistency, and technical expertise, which would be lost if this board is eliminated.
- The quantity and diversity of regional water quality issues may not be effectively handled by a centralized department.

Considerations

- Explanation of how the new structure will account for regional needs should be developed. It is recommended that flexibility be maintained in order to use the most effective solutions on a case-by-case basis.
- While it is apparent that the current regulatory structure is inadequate, more details are necessary to fully understand the legal implications of this proposal. For example, it is unclear how the appeals process would be handled.
- Elimination of public oversight and involvement in regional boards requires a structure where regional offices are employed, to ensure a high level of government awareness and service within each region.
- Knowledge of agricultural needs and communication with agricultural communities should be a goal in the proposed reorganization.

Structural Pest Control Board

ISSUE

The Structural Pest Control Board is not needed to regulate the structural pest control industry. The operations should be performed by the new Department of Environmental Protection. Independent reviews of appeals should be performed by administrative law judges within the Office of Management and Budget. The resulting recommended decisions should be affirmed or rejected by the Secretary of the Department of Environmental Protection.

PUBLIC COMMENT

18 comments were received for this recommendation. 8 comments expressed support. 9 comments expressed opposition. 1 comment was neutral.

Pros

- The board's services are duplicated by county agricultural departments and should be eliminated. For example, the board relies on county agriculture departments for inspections and enforcement; chemical use reports are filed with the county; and pest control companies must register each year with the county where materials are applied.
- Eliminating this board and streamlining the Structural Pest Control Act would level the playing field for both consumers and the pest control businesses.

Cons

- The new structure does not account for the board's functions outside of regulation. For example, one of the board's primary functions is to handle complaints about wood-destroying organisms and pests, which is not dealt with in the report.
- Elimination of the board does not address the regulation of pest control measures that do not include the use of pesticides.
- The proposal may have negative effects on consumer protection. It is not clear how consumers will be able to pursue misidentification and substandard corrective repair issues. Moreover, it is not clear how the Department of Environmental Protection will handle the funds dedicated to consumer restitution currently negotiated by the board.

Considerations

- It is not clear how the high volume of consumer complaints and termite inspection reports will be handled in the proposed reorganization.
- The board may be better served if it is reorganized under the proposed Department of Commerce and Consumer Protection.
- An alternative to eliminating the board would be to reform the appointment structure.

Infrastructure

Alternative Energy and Advanced Transportation Financing Authority

ISSUE

The Alternative Energy and Advanced Transportation Financing Authority should be eliminated. The authority's responsibilities for financing facilities that use alternative sources of energy to reduce pollution should be transferred to the new Infrastructure Authority within California Infrastructure Department.

PUBLIC COMMENT

1 neutral comment was received for this recommendation. No supporting or opposing comments were received.

Pros

- No testimony submitted.

Cons

- The Governor proposed that this agency review financing proposals to accelerate hydrogen use in transportation. It is not clear whether the specialized expertise in energy and bond financing would exist to support these activities. Such expertise would be essential to the operation of the department.

Considerations

- No testimony submitted.

Board of Reclamation

ISSUE

All of the duties of the Board of Reclamation such as acquiring easements for flood control purposes and constructing bypasses and levees should be performed by the new Department of Infrastructure.

PUBLIC COMMENT

All 3 comments received oppose this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- The board is important to water management and water conservation planning.
- Flood control responsibilities overseen by the board should not be shifted to the Infrastructure Department. Rather, they should remain with the board in cooperation with the Infrastructure Department.

Considerations

- No testimony submitted.

Building Standards Commission

ISSUE

The Building Standards Commission should be eliminated because it is not needed to perform functions related to building standards. These responsibilities, including building standards code adoption, conflict resolution, and appeals should be transferred to the new Housing, Buildings, and Construction Division within the new California Infrastructure Department. Appeals should be heard by administrative law judges within the Office of Management and Budget. The Secretary of the Department of Infrastructure should affirm or reject recommended decisions arising from these appeals.

PUBLIC COMMENT

7 comments were received for this recommendation. No comments expressed support. 6 comments expressed opposition. 1 comment was neutral.

Pros

- No testimony submitted.

Cons

- Elimination of this board will limit input from the disabled community on building standards issues that directly affect them.
- The current system employed by the board is effective. The board should not be eliminated due to its increasing politicization over the past year.

Considerations

- More details are necessary to ascertain how the public will communicate with the Housing, Buildings, and Construction Division to provide input on regulations on accessibility for people with disabilities in the proposed structure.

California Transportation Commission

ISSUE

All of the California Transportation Commission functions, including programming and allocating of funds for the construction of highway, passenger rail and transit improvements, should be assumed by the new Infrastructure Authority within the new California Infrastructure Department. The Secretary can appoint ad hoc advisory committees if the need for such bodies arises.

PUBLIC COMMENT

All 2 comments received oppose this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- This commission has improved transportation delivery management, transportation/infrastructure financing, and capital funding. Transferring these functions to a larger department may reduce the effectiveness of these functions.
- The recommendation did not provide a description or analysis of the commission's functions or performance.
- The independence of the commission is important in making credible and impartial decisions on funding. This independence protects the state from pork barrel decision-making.
- The ability to provide specific, timely, deliberative, and consultative decision-making in a public forum would be diminished if the functions of the commission were transferred to the Infrastructure Authority.
- The commission serves an important role in the initiation and development of state and federal legislation to secure finances for transportation needs. This role may be negatively impacted if the commission is moved.
- Since the commissioners do not receive pay and serve for expenses plus a fee of $100 per month (up to $800 per month), minimal cost savings would be realized.

Considerations

- No testimony submitted.

Consumer Power and Conservation Financing Authority

ISSUE

The Consumer Power and Conservation Financing Authority should be eliminated and the bonding authority for energy-related infrastructure transferred to the new Infrastructure Authority within the California Infrastructure Department.

PUBLIC COMMENT

1 comment was received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Policy setting and rate making need to remain separate.

Considerations

- No testimony submitted.

Electricity Oversight Board

ISSUE

The Electricity Oversight Board has been made nearly obsolete by the energy crisis and rarely holds meetings. Remaining functions, such as representing the state in energy litigation, should be performed by the new California Infrastructure Department.

PUBLIC COMMENT

1 comment was received in support of this recommendation. No opposing or neutral comments were received.

Pros

- The Electricity Oversight Board should be eliminated as it is no longer necessary.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

Energy Commission

ISSUE

All functions of the Energy Commission should be performed by the consolidated Division of Energy within the newly created California Infrastructure Department. The Secretary can appoint ad hoc advisory committees as the need arises.

PUBLIC COMMENT

19 comments were received for this recommendation. No comments expressed support. 18 comments expressed opposition. 1 comment was neutral.

Pros

- No testimony submitted.

Cons

- Public access will be limited, thus diminishing oversight and transparency of the commission.
- The independent nature of the commission provides the opportunity for members to gather unbiased information and develop expertise on critical issues.
- The institutional memory of the commission provides for stable and consistent leadership.
- The commission is a recognized leader in developing innovative energy conservation programs. Elimination of the commission could have an effect on policies across the nation.

Considerations

- Details on the logic behind elimination of this board, possible alternative structures, and implementation are lacking in the California Performance Review. As such, there is insufficient data to develop a well-informed analysis.

Public Works Board

ISSUE

The responsibilities of the Public Works Board should be transferred to the new California Infrastructure Authority within the new California Infrastructure Department. The parkland acquisition function of the board should be shifted to the Wildlife Conservation Board within the Department of Natural Resources.

PUBLIC COMMENT

1 neutral comment was received for this recommendation. No supporting or opposing comments were received.

Pros

- No testimony submitted.

Cons

- No testimony submitted.

Considerations

- The proposed move would be an improvement over current practices. However, it should be noted that acquisition for state parks is different from acquisition for wildlife conservation. An alternative to combining the acquisition function of the board with the Wildlife Conservation Board is to approve the proposal for a new Resource Conservation Board. With the creation of this new board, expertise in state land acquisition can be retained.

Seismic Safety Commission

ISSUE

The Seismic Safety Commission should be eliminated and seismic safety functions, including the review of government-funded seismic activities, should be performed directly by the Division of Housing, Buildings, and Construction within the Infrastructure Department. Combining this commission with the Infrastructure Department will better align seismic safety efforts with infrastructure development and management efforts.

PUBLIC COMMENT

All 31 comments received oppose this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- This commission is already representative of the efficiency sought in the California Performance Review. The commission's primary function is to streamline seismic safety policy, coordinate earthquake programs at all government levels and the private sector, and advise the legislative and executive branches on earthquake policy.
- Minimal cost savings would be realized by the commission's elimination as members receive a small stipend for attending monthly meetings. Most research and policy analysis is done on a volunteer basis by individuals involved with the commission. Moreover, the commission receives the majority of its funding through a small fee levied on insurance policies.
- The commission has directly contributed to the reduction of death and property damage resulting from earthquakes through innovative independent research. It is not clear that this program could retain its autonomy to conduct similar research under the Division of Housing, Buildings, and Construction.
- The commission provides access, resources, and information to the public regarding earthquake safety issues and policies.
- Seismic safety requires dedicated and ongoing research in order to create and implement consistent and effective earthquake safety policies.
- The commission has served as a national and international model on seismic safety. Elimination of the commission would cause other states and nations to lose access to resources to maintain safety in their respective towns and cities.
- The commission provides oversight on various issue areas related to earthquake safety, such as building standards, and develops programs for corrective action.

Considerations

- Consideration of the risk California faces with respect to earthquakes must be taken when evaluating the efficacy of placing this independent policy-making commission under the auspices of the more general Infrastructure Department.

State Allocation Board

ISSUE

The State Allocation Board's responsibility for allocating school bond proceeds for the construction of education facilities should be transferred to the new Infrastructure Authority within the California Infrastructure Department.

PUBLIC COMMENT

2 comments were received for this recommendation. No comments expressed support. 1 comment expressed opposition. 1 comment was neutral.

Pros

- No testimony submitted.

Cons

- Elimination of this board could reduce a school district's ability to appeal regulatory interpretations.
- The board provides oversight and policy functions to support school construction at minimal cost to the state.

Considerations

- No testimony submitted.

Tax Credit Allocation Committee

ISSUE

The Tax Credit Allocation Committee should be eliminated and its responsibilities for distributing state and federal tax credits to encourage low-income housing construction and retention transferred to the new Infrastructure Authority within the new California Infrastructure Department.

PUBLIC COMMENT

1 comment was received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- The Tax Credit Allocation Committee's current structure provides a forum for the public and sponsors of affordable, multifamily housing to receive allocations of federal housing subsidies, to discuss needs and program structuring, and to appeal staff decisions regarding proposed projects. If the Tax Credit Allocation Committee was moved to a large bureaucracy that lacked sensitivity to capital markets and access for those developing housing affordable for low-income Californians, it would diminish the effectiveness of the tax credit program and its ability to address the housing crisis in this state.

Considerations

- No testimony submitted.

Education and Workforce Preparation

Community College Board of Governors

ISSUE

The Community College Board of Governors' responsibility for overseeing the Community College system should be assigned to the Division of Higher Education within the new Department of Education and Workforce Preparation.

PUBLIC COMMENT

9 comments were received for this recommendation. No comments expressed support. 8 comments expressed opposition. 1 comment was neutral.

Pros

- No testimony submitted.

Cons

- Support for the community college system with respect to legislative and budgetary concerns would be lost. This board provides a buffer between the Governor and the Community College Board of Governors to provide advocacy.
- Elimination of this board could take away access to decisions made on local college campuses by students, faculty, staff, and members of the community.
- Locally elected trustees understand the issues facing community colleges within their communities. Furthermore, these trustees are held directly accountable to the communities they serve.
- Although there is room for improvement, elimination of this board is not the answer. There is a need for financial, not structural, reform.

Considerations

- No testimony submitted.

Education Audit Appeals Panel

ISSUE

The Education Audit Appeals Panel should be eliminated. The panel's responsibilities for the appeal resolution process should be transferred to the new Department of Education and Workforce Preparation. The Secretary can convene an ad hoc advisory panel if the need arises.

PUBLIC COMMENT

All 2 comments received oppose this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- The Education Audit Appeals Panel has been a key component in ensuring fair district audits and is an essential element in ensuring equity in the audit process.
- Within the proposed framework the person responsible for approving audit guides and the person responsible for hearing appeals would both be gubernatorial appointees, thus diminishing the credibility and independence of the appeals process.

Considerations

- No testimony submitted.

Quality Education Commission

ISSUE

The primary task of the Quality Education Commission, the development and refinement of a successful education model, is a core function of the new Department of Education and Workforce Preparation. Given the Department's integrated focus on K–12 and higher education, the Department will be better able to develop a strategy that more effectively aligns the two systems. The Secretary of the Department of Education and Workforce Preparation can also appoint an ad hoc advisory committee as the need arises.

PUBLIC COMMENT

All 3 comments received oppose this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- The commission is responsible for reviewing the adequacy of funding for public schools and whether funding is commensurate with the academic standards adopted by the state. This function may be diluted within the larger Department of Education and Workforce Preparation.

Considerations

- No testimony submitted.

Health and Human Services

Bureau of Naturopathic Medicine Advisory Committee

ISSUE

The Bureau of Naturopathic Medicine Advisory Committee is not necessary. The Secretary of Health and Human Services will be free to appoint an ad hoc committee if the need arises.

PUBLIC COMMENT

1 comment was received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- This bureau was formed to serve as a resource to protect and educate consumers about health options that may be more cost effective.
- There are minimal cost savings from this proposed elimination as this fee-based board is comprised of volunteer experts.

Considerations

- This bureau has yet to be officially formed.

California Commission on Aging

ISSUE

The task of ensuring that policy decisions give proper consideration to the impacts they will have on older individuals is valuable but does not require the continuation of the California Commission on Aging. These functions would be more effectively and efficiently handled within the Department of Health and Human Services. Furthermore, individual Secretaries of various departments will be empowered to appoint advisory panels as the need arises.

PUBLIC COMMENT

32 comments were received for this recommendation. 1 comment expressed support. 30 comments expressed opposition. 1 comment was neutral.

Pros

- By consolidating the commission, the aging community will have a more powerful and contemporary senior voice in California. In addition, the aging community will have representation that accurately reflects their current needs.
- A single agency will allow for more effective management of policies and processes that affect the senior population. Moreover, a single agency would be able to convene panels to comment on current issues facing older Californians.
- The commission has, unfortunately, become highly politicized. Members, once appointed, do not step down after a change in administration. As such, the commission may not necessarily reflect the sentiment of the current administration.

Cons

- It is unclear whether the proposed change in structure will provide the central body needed to coordinate all aging issues such as housing, health care, and transportation across relevant departments and agencies.
- The independence of the commission aids its ability to promote quality policy decisions as well as advise the Governor on aging-related issues. Furthermore, the commission's autonomous structure gives this commission credibility, which may be lost under this proposal.
- The commission plays a key role in ensuring effective distribution of services and funds. These services may be negatively affected if the functions of the commission are shifted to a larger department.
- Minimal cost savings will be realized as a result of the commission's elimination. Members of the commission are unpaid and expenses are paid from federal funds.

Considerations

- The effect the proposed change will have on the development and implementation of effective aging-related policies must be carefully considered in light of the burgeoning senior population in the state.
- Elimination of this commission may have implications on compliance with the Older Americans Act.

Heart Disease and Stroke Prevention and Treatment Task Force

ISSUE

The Heart Disease and Stroke Prevention and Treatment Task Force should be eliminated as no appointments have been made and the task force has never met. The Secretary of the new Department of Health and Human Services can appoint an ad hoc advisory committee if it is determined that there is a need.

PUBLIC COMMENT

All 46 comments received oppose this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Elimination of this task force may be in noncompliance with AB 1220. This bill charges the task force with the responsibility to create a master plan for the coordination and delivery of stroke and cardiac care in California. Upon completion of the master plan, the task force will disband.
- The task force master plan is necessary to secure funding for a comprehensive cardiovascular health program from the Centers for Disease Control and Prevention (CDC). Without this plan, California does not qualify for federal funding.
- Minimal cost savings would be realized as this task force will be funded entirely by private support.
- Cardiovascular and heart disease is an important health concern for Californians. Research in this field could prevent future health costs, disability, and death.

Considerations

- No testimony submitted.

Department of Managed Care Advisory Committee

ISSUE

The Department of Managed Care Advisory Committee is not necessary and should be eliminated. Functions related to overseeing managed health care should be shifted to the Division of Quality Assurance within the new Department of Health and Human Services, which already maintains a core competency in health care oversight. The Department Secretary will be free to assemble an advisory group if the need arises.

PUBLIC COMMENT

2 comments were received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Eliminating this committee will hinder individuals requiring managed care from obtaining assistance and providing public input in the administration of their care.

Considerations

- No testimony submitted.

Managed Risk Medical Insurance Board

ISSUE

The Managed Risk Medical Insurance Board should be eliminated because it is not needed to ensure adequate health coverage for Californians. The various programs operated by the Board should be shifted to the Division of Health Purchasing within the new Department of Health and Human Services.

PUBLIC COMMENT

The 2 comments received oppose this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- The current structure of the board adequately and effectively administers several exceptional programs. Shifting responsibilities for managing these programs to a larger division may affect delivery of services to individuals.

Considerations

- No testimony submitted.

Medical Assistance Commission

ISSUE

The Medical Assistance Commission should be eliminated because it is not needed to carry out functions related to negotiating contracts for health care. The functions should be carried out by the Division of Health Purchasing within the new Department of Health and Human Services.

PUBLIC COMMENT

4 comments were received for this recommendation. 1 comment expressed support. 3 comments expressed opposition.

Pros

- No testimony submitted.

Cons

- The commission is a unique entity whose functions are not duplicated in the Medi-Cal system. It is the only entity capable of reviewing real world impact of reimbursement policies on the health care system. This function provides the information necessary to make adjustments in the flow of revenue going to providers of medical services to residents of California.
- The commission ensures that Medi-Cal beneficiaries have access to hospital services.
- The independence of the commission is important to fulfilling its functions. Due to the Selective Provider Contracting Program's competitive nature in setting Medi-Cal inpatient rates, it is important that the negotiator of rates be independent from the payer of those rates to guarantee a fair and equitable negotiating process.

Considerations

- No testimony submitted.

Rural Health Policy Council

ISSUE

The Rural Health Policy Council should be eliminated. All matters related to establishing rural health policy should be conducted by the Division of Health Protection within the newly created Department of Health and Human Services.

PUBLIC COMMENT

All 4 comments received oppose this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Eliminating the council will not improve access and could have a negative impact on the delivery of services.

Considerations

- No testimony submitted.

PUBLIC SAFETY

911 Advisory Board

ISSUE

The 911 Advisory Board is not necessary to ensure an effective 911 emergency response system. The goal of the Department of Public Safety and Homeland Security is to coordinate emergency response resources. The 911 system is a key element of this emergency response infrastructure. To ensure coordination with the Office of Management and Budget, the Secretary of Public Safety, in conjunction with the Director of the Office of Management and Budget, should assemble an ad hoc coordinating committee drawing on the necessary range of government and nongovernmental expertise.

PUBLIC COMMENT

2 comments were received for this recommendation. No comments expressed support. 1 comment expressed opposition. 1 comment was neutral.

Pros

- No testimony submitted.

Cons

- The board is necessary to revamp the current 911 system in order to provide cities and counties recourse for decisions made by the General Services agency relative to 911 funding.
- Minimal cost savings would be realized with the elimination of this board.

Considerations

- Further details on implementation are necessary. It is possible that the proposed structure could undermine local government participation in the 911 emergency response system.

Commission on Emergency Medical Services

ISSUE

The Commission on Emergency Medical Services should be eliminated and its functions, including review and approval of regulations to implement the Emergency Medical Services Act, should be transferred to the Division of Fire and Emergency Management within the newly created Department of Public Safety and Homeland Security. The Department Secretary may appoint an ad hoc advisory committee if the need arises

PUBLIC COMMENT

7 comments were received for this recommendation. 1 comment expressed support. 6 comments expressed opposition.

Pros

- No testimony submitted.

Cons

- Elimination of this commission may limit stakeholders from providing input on state regulatory processes pertaining to emergency medical services.

- In the proposed structure, authority would be concentrated in an appointed position. This undermines the credibility of the system and does not provide for checks and balances.
- The commission uses existing and voluntary administrative staff, thus minimal cost savings would be realized.
- The commission provides important multi-disciplinary review of emergency medical services issues.
- Operational and terrorist disaster responsibilities can be located in the Division of Fire and Emergency Management. However, medical disaster functions would be better served if those responsibilities were kept with a retained Commission on Emergency Medical Services.

Considerations

- No testimony submitted.

State Board of Fire Services

ISSUE

The State Board of Fire Services should be eliminated as it has not met in more than a year. All duties related to fire prevention and protection should be performed by the Division of Fire and Emergency Management within the new Department of Public Safety and Homeland Security.

PUBLIC COMMENT

6 comments were received for this recommendation. No comments expressed support. 5 expressed opposition. 1 comment was neutral.

Pros

- No testimony submitted.

Cons

- The board allows fire service personnel, the public, and local governments to provide input on safety codes and regulations affecting fire safety and other issues affecting local communities.

Considerations

- A system where fire service professionals are able to communicate with the community in order to achieve missions and goals should be in place. Such a system would also provide for public accountability for the coordination of hazards protection.

Corrections

Youth Authority Board

ISSUE

The Youth Authority Board should be eliminated and its functions should be transferred to existing staff within the California Youth Authority.

PUBLIC COMMENT

1 comment was received in support of this recommendation. No opposing or neutral comments were received.

Pros

- This board should be eliminated as it does not carry out its functions in a productive or effective manner.

Cons

- No testimony submitted.

Considerations

- No testimony submitted.

Miscellaneous

Athletic Commission

ISSUE

The Athletic Commission is not necessary and should be closed. The state does not require a commission of political appointees to oversee basketball, hockey, football or a variety of other sports that have amateur and professional organizations that oversee their operations,

set their own rules, and are self-enforcing. The same should be the case for the sports currently regulated by the Athletic Commission, namely boxing and martial arts. Federal law specifically authorizes the Association of Boxing Commissions to oversee boxing matches in states without a commission. The small pension fund administered by the Athletic Commission should be transferred to the Retirement Benefits Division of the Office of Management and Budget.

PUBLIC COMMENT

1 comment was received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Federal law allows for the Association of Boxing Commissions to oversee boxing matches in states without a commission and implies that any other state (typically a neighboring state) with a regulatory body can oversee boxing matches in states without a commission. The state of Nevada does not have the interest or ability to potentially regulate boxing matches in California.

Considerations

- No testimony submitted.

Board of Guide Dogs for the Blind

ISSUE

Eliminate the Board of Guide Dogs for the Blind because it is not necessary to conduct licensing functions. These activities should be performed within the Division of Higher Education within the new Department of Education and Workforce Preparation, which should license and oversee private higher education institutions and vocational schools.

PUBLIC COMMENT

2 comments were received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Elimination of this board may negatively affect the delivery of services to individuals who are blind and use guide dogs to assist them.

Considerations

- No testimony submitted.

Commission on Asian and Pacific Islander American Affairs

ISSUE

The promotion and recognition of the Asian and Pacific Islander (API) communities should be transferred to a new Governor's Office of Community Affairs. This office should be directly accountable to the Governor for the success or failure of the programs operated by these separate agencies.

PUBLIC COMMENT

All 64 comments received oppose this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Minimal fiscal benefit to the state as this commission is supported by private funds.
- The commission ensures that the needs of the API communities are addressed at all levels of government. In addition, it gives the API communities the opportunity to hold government accountable to their civic needs.
- The commission provides input and assessment on the delivery of state programs and services for the Asian and Pacific Islander communities to the Governor, Legislature, and other state entities.
- The commission is necessary until those most disadvantaged are adequately and effectively represented.

- Eliminating the independence of the Commission on Asian and Pacific Islander American Affairs from the Office of the Governor will diminish the committee's credibility.

Considerations

- The new Governor's Office of Community Affairs could face challenges advising the Governor and Legislature on issues specific to the Asian and Pacific Islander community.
- Locating the duties of the commission within the larger framework of the new Governor's Office of Community Affairs could affect the delivery of services and programs specifically designed for the Asian and Pacific Islander communities.

Holocaust, Genocide, Human Rights, Tolerance, Education Task Force

ISSUE

The responsibilities associated with the Holocaust, Genocide, Human Rights, Tolerance, Education Task Force should be transferred to a new Governor's Office of Community Affairs. This office should be directly accountable to the Governor for the success or failure of the programs operated by these separate agencies. It should also serve as a focal point for access to the Governor's Office for all communities and cultures.

PUBLIC COMMENT

2 comments were received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Decision-making on programs and policies affecting this group of people will be made by individuals who are not specifically dedicated to understanding and meeting the needs of this community.

Considerations

- The new Governor's Office of Community Affairs should complement, rather than replace, the task force.

Mexican American Veterans Memorial Board

ISSUE

The Mexican American Veterans Memorial Commission should be eliminated and the responsibilities for the promotion and recognition of this group should be transferred to a new Governor's Office of Community Affairs. This office should be directly accountable to the Governor for the success or failure of the programs operated by these separate agencies.

PUBLIC COMMENT

1 comment was received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Elimination of this commission may negatively affect public access to policies and resources regarding Mexican American veterans memorial issues.

Considerations

- No testimony submitted.

Commission on the Status of Women

ISSUE

The promotion and recognition of women in California should be transferred to a new Governor's Office of Community Affairs. This office should be directly accountable to the Governor for the success or failure of the programs operated by these separate agencies.

PUBLIC COMMENT

31 comments were received for this recommendation. No comments expressed support. 30 comments expressed opposition. 1 comment was neutral.

Pros

- No testimony submitted.

Commission on the Status of Women

"We strongly support the maintenance of the California Commission on the Status of Women. Insuring that the voice of all women and girls in California remains heard is critical to the well-being of the state and all its citizens."

Judy Jorgensen
President
Junior League of San Francisco
Written Testimony

Cons

- The Commission serves as the central resource for issues and information concerning women in the state.
- The Commission works with local communities to promote women's health, education, and civic participation.
- The Commission provides an outlet for public discussion of women's issues by organizing conferences and forums.

Considerations

- No testimony submitted.

Vietnam Veteran's Memorial Commission

ISSUE

The Vietnam Veteran's Memorial Commission should be eliminated and the responsibilities for the promotion and recognition of this group should be transferred to a new Governor's Office of Community Affairs. This office should be directly accountable to the Governor for the success or failure of the programs operated by these separate agencies.

PUBLIC COMMENT

1 comment was received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Elimination of this commission may negatively affect public access to policies and resources regarding Vietnam veteran's memorial issues.

Considerations

- No testimony submitted.

Commission on Uniform State Laws

ISSUE

The Commission on Uniform State Laws should be eliminated as the major work comes from coordination with the National Conference of Commissioners on Uniform State Laws. California can continue to participate in this national effort without appointing a separate state commission.

PUBLIC COMMENT

2 comments were received in opposition to this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- Commissioners from the Commission on Uniform State Laws are needed to vote on provisions of Acts and whether or not to adopt Acts at the National Conference of Commissioners on Uniform State Laws. As such, elimination of the commission may affect state input and control over private law.

Considerations

- Transferring functions of the commission to legal counsel may be an alternative.

Franchise Tax Board

ISSUE

The Franchise Tax Board will be eliminated and its authorities transferred to the newly created California Tax Commission, which will be directly responsible for tax collecting functions currently scattered across numerous departments, including the Franchise Tax Board, the Department of Motor Vehicles, and the Employment Development Department.

PUBLIC COMMENT

2 comments were received for this recommendation. No comments expressed support. 1 comment expressed opposition. 1 comment was neutral.

Pros

- No testimony submitted.

Cons

- The Franchise Tax Board is a successful and efficient entity. The independence this board has with respect to tax administration should not be diminished.
- Under the proposal, the Board of Equalization would directly administer Franchise Tax Board and Board of Equalization tax collection functions while acting as an independent appeals body. This is a conflict of interest and could violate the separation of powers principle.

Considerations

- It is not clear if the Chief Audits Division will be comprised of auditors from the Franchise Tax Board, the Employment Development Department, and the Board of Equalization.
- It is recommended that consolidation of the Information Technology functions of the Board of Equalization, Franchise Tax Board, Department of Motor Vehicles, and Employment Development Department also be considered.
- The Franchise Tax Board's role as the project agent acting on behalf of the Department of Child Support Services may be at risk in this proposal. It is recommended that the changes in the organizational structure of the Department of Child Support Services be deferred until the California Child Support Automated System has been successfully implemented and meets federal certification requirements.

Veteran's Board

ISSUE

The functions of the Board, administering benefits to the state's military veterans, do not require a separate board and should be performed within the new Department of Veterans' Affairs. Appeals currently heard by the board should be heard by administrative law judges within the Office of Management and Budget. The Secretary of the Department of Veterans' Affairs should approve or reject the recommended decisions resulting from these hearings.

PUBLIC COMMENT

All 13 comments received oppose this recommendation. No supporting or neutral comments were received.

Pros

- No testimony submitted.

Cons

- The appeals process should be handled by an autonomous body.
- The board serves as an impartial and unbiased entity with respect to the appeals process.
- Eliminating the board would remove the direct oversight and policy guidance provided to the California Department of Veteran's Affairs.
- The cost savings to the state would be minimal as the board is comprised mainly of volunteers who are only paid through reimbursement of expenses incurred.
- The CPR did not provide an adequate analysis of why this board was chosen for elimination.

Considerations

- No testimony submitted.

Boards and Commission Not Commented on by the Public

Testimony that solely addressed the proposed elimination of the following boards and commissions was not received. However, issues related to the roles, responsibilities, and functions of these boards and commissions may be addressed elsewhere in the preceding discussion of CPR recommendations.

Commerce and Consumer Protection

- Banking Advisory Council
- Credit Union Advisory Committee (in the Department of Financial Institutions)
- Electronic Commerce Advisory Council
- Inspection and Maintenance Review Committee (in the Bureau of Automotive Repair)

- Private Security Disciplinary Review Commission (North/South)
- Alarm Company Disciplinary Review Committee
- Real Estate Advisory Commission

Labor and Economic Development

- Commission of the Californias
- Small Business Board
- Small Business Reform Task Force

Environment and Natural Resources

- Interagency Aquatic Invasive Species Council
- Oil Spill Technical Advisory Commission

Infrastructure

- California Water Commission
- Departmental Transportation Advisory Committee
- High Speed Rail Authority
- Low Income Oversight Board
- Public Library Construction and Renovation Board

Education and Workforce Preparation

- Brown v. Board of Education of Topeka Advisory Committee
- California Career Resources Network (formerly known as Occupational Information Coordinating Committee)
- California Postsecondary Education Commission
- Student Aid Commission
- Loan Advisory Council

Health and Human Services

- Child Development Policy and Advisory Committee
- Health Policy and Data Advisory Commission
- Clinical Advisory Panel

Public Safety

- Campus Sexual Assault Task Force
- Racial Profiling Panel
- Victims Compensation and Government Claims Board

Corrections

- Board of Prison Terms
- Correctional Peace Officer Standards and Training Commission
- Joint Venture Policy Advisory Board
- Narcotic Addict Evaluation Authority
- Prison Industry Board

Miscellaneous

- Bipartisan California Commission on Internet Political Practices
- Governor's Commission on Veteran's Cemeteries

APPENDIX

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The California Performance Review Commission extends its gratitude to the many Californians who provided valuable input to us through the Commission hearings, CPR website, letters, and other written comments. The following individuals and organizations provided comments on the findings and recommendations of the CPR report.

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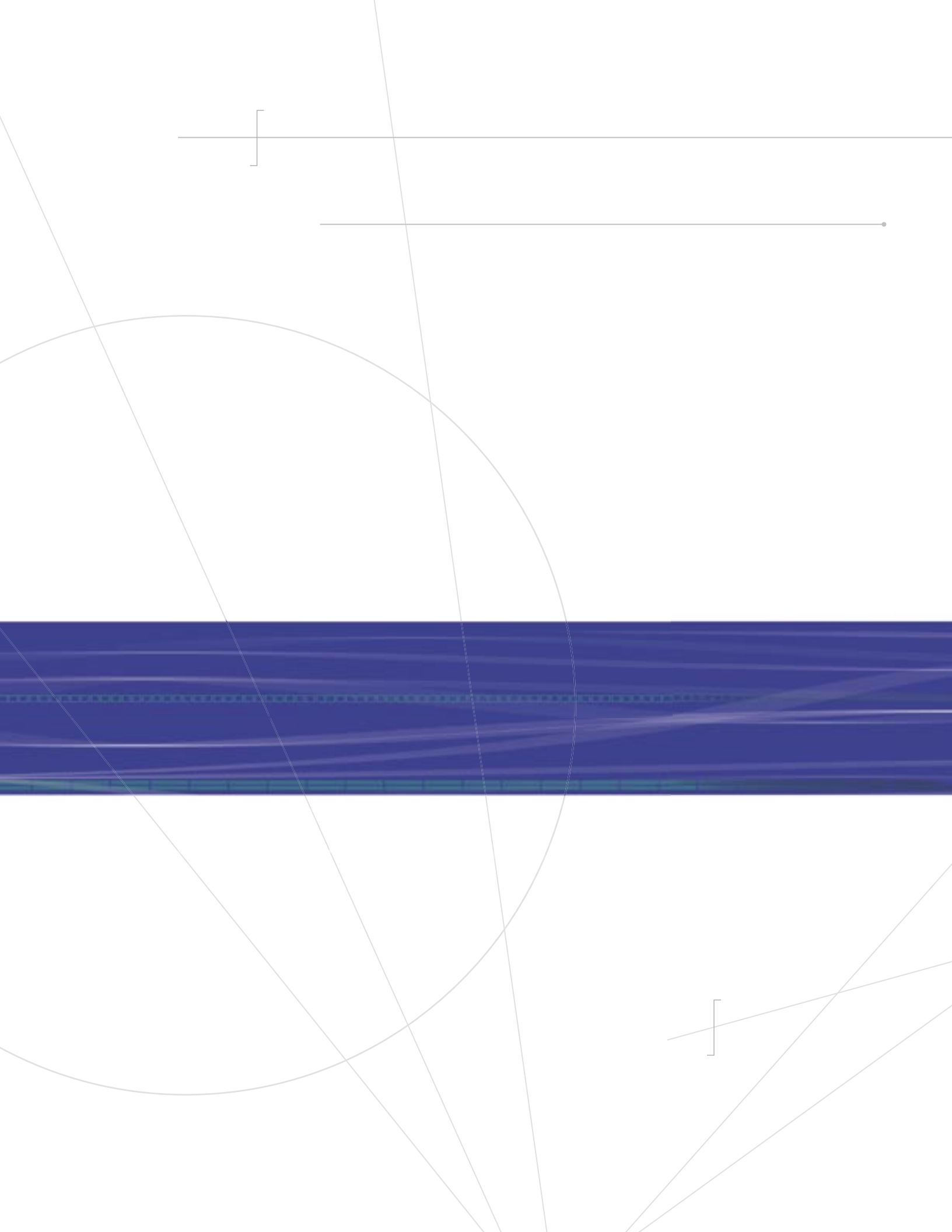
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