



age sludge into the ocean by December 31, 1987.

OAG reviewed the sewage treatment construction project and found that HERS has cost \$77 million more than the original construction bids and will take 38.5 months longer to complete than originally planned. Moreover, the City, the state Water Resources Control Board, and the EPA participated in a five-year study of various sludge management alternatives before deciding to use the HERS to process the City's sludge.

The OAG Report concludes that the City has generally complied with the consent decree by stopping its intentional discharge of sewage sludge and by satisfying other requirements under the consent decree. However, it has violated the amended consent decree by not reporting accidental discharges of insufficiently-treated sewage into the ocean.

The City has established a master schedule for providing required secondary treatment of all municipal sewage by December 31, 1988, and is proceeding with projects to meet this requirement.

COMMISSION ON CALIFORNIA STATE GOVERNMENT ORGANIZATION AND ECONOMY (LITTLE HOOVER COMMISSION)

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The Little Hoover Commission was created by the legislature in 1961 and became operational in the spring of 1962. (Government Code sections 8501 *et seq.*) Although considered to be within the executive branch of state government for budgetary purposes, the law states that "the Commission shall not be subject to the control or direction of any officer or employee of the executive branch except in connection with the appropriation of funds approved by the Legislature." (Government Code section 8502.)

Statute provides that no more than seven of the thirteen members of the Commission may be from the same political party. The Governor appoints five citizen members, and the legislature appoints four citizen members. The balance of the membership is comprised of two Senators and two Assemblymembers.

This unique formulation enables the Commission to be California's only real,

independent watchdog agency. However, in spite of its statutory independence, the Commission remains a purely advisory entity only empowered to make recommendations.

The purpose and duties of the Commission are set forth in Government Code section 8521. The Code states: "It is the purpose of the Legislature in creating the Commission, to secure assistance for the Governor and itself in promoting economy, efficiency and improved service in the transaction of the public business in the various departments, agencies, and instrumentalities of the executive branch of the state government, and in making the operation of all state departments, agencies, and instrumentalities and all expenditures of public funds, more directly responsive to the wishes of the people as expressed by their elected representatives...."

The Commission seeks to achieve these ends by conducting studies and making recommendations as to the adoption of methods and procedures to reduce government expenditures, the elimination of functional and service duplication, the abolition of unnecessary services, programs and functions, the definition or redefinition of public officials' duties and responsibilities, and the reorganization and or restructuring of state entities and programs.

MAJOR PROJECTS:

Coordination of Funding for Drug Abuse Programs in California (June 1988): An estimated \$86.4 million in federal and state funds will have been spent in fiscal year 1987-88 to provide local assistance to community drug programs (not including alcohol abuse programs). Although state law "addresses the need for coordination of funding and other resources available for drug programs by designating the Department of Alcohol and Drug Programs as the State agency responsible for coordinating the State's response to drug abuse problems," the Little Hoover Commission's June report concludes that "in practice, administrative authority, funding and responsibility for drug programs is fragmented among several State departments. As a result, there is a lack of coordination and control...which undermines the success of the State's anti-drug efforts."

Coordination of drug program funding and services is not a new concern. Attempts to improve "coordination of resources available for the prevention and treatment of drug abuse and for the enforcement of State and local laws de-

signed to restrict the supply of illegal drugs" began in 1972 when the local drug program planning process was codified in California Health and Safety Code section 11960 *et seq.* Under state policy, coordination is primarily a local responsibility.

Three state agencies have major responsibilities for the administration of federal and state anti-drug funds: the Department of Alcohol and Drug Programs, the Department of Education, and the Office of Criminal Justice Planning. In addition:

- the Department of Justice's Crime Prevention Center carries on a large number of state- and community-level coordination activities, although it does not allocate funds to local drug programs nor is it "specifically mandated to interact with other State agencies" regarding drug abuse;

- the Departments of Mental Health and Health Services fund drug-related community services; and

- several other state departments spend "unscheduled" amounts (that is, expenditures related to, but not necessarily budgeted for, anti-drug activities) on anti-drug programs.

The School-Community Primary Prevention Program (SCPPP) (Health and Safety Code section 11965 *et seq.*) was established as a model for drug program coordination and was to have been jointly administered by the Departments of Education and Alcohol and Drug Programs. Shared administrative authority between the agencies was "difficult", however, and so—beginning January 1, 1988—the Department of Alcohol and Drug Programs assumed full administrative responsibility for the SPCPP program.

The actual definition of the problem of drug abuse prevention (that is, whether it involves issues of general or health education, law enforcement/criminal justice, or treatment) affects the administrative model (and department) and kind of resources used (*e.g.*, Education, Health Services, Mental Health, Justice, or Alcohol and Drug Programs, respectively). Although "coordination and collaboration are essential to the goal of minimizing drug abuse," institutions organized around specialized foci and different priorities, target populations, and requirements often frustrate coordination.

The Commission made the following findings in its report:

- Existing requirements and mechanisms for coordinating drug programs are frequently ignored or underutilized.



-The intense competition for drug program funding adversely affects the coordination of drug programs.

-Considerable barriers exist which hinder the coordination of drug program funding.

The Commission recommended that the Governor and legislature:

-Establish a master plan for addressing drug abuse in California to encourage cooperation and coordination among all the players and to identify how programs and services should be delivered to meet the state's goals and priorities. The Governor's Policy Council on Drug and Alcohol Abuse should be involved in the process.

-Adopt a flat-rate annual incentive payment (up to \$50,000) to be offered to those counties which assign coordination responsibility of all drug program funding to the county drug program administrator.

-Study the feasibility of establishing a computerized management information system to provide up-to-date information to participating agencies on funding, drug-related research, and legislation and regulations.

-Require the California State Library Foundation to publish a drug program supplement to the "Catalog of California State Grant Assistance" which would include all sources (federal, state, and private) of funds available for drug programs.

The Commission made the following related recommendations:

-The Governor's Policy Council on Drug and Alcohol Abuse should include in its October 1, 1988 report to the Governor standardized definitions of drug abuse prevention, treatment, and enforcement programs and services to be adopted by all agency participants.

-The Department of Alcohol and Drug Programs should prepare standardized data collection forms for use by all state-funded programs. Information so collected should be used to develop baseline data on a variety of indicators, then compiled into annual reports to enable the Governor and the legislature to assess the impact of the allocated funds.

-An annual conference should be co-sponsored by the Departments of Alcohol and Drug Programs, Education, and Justice, and the Office of Criminal Justice Planning for the presentation of findings from recent research on the problem of drug abuse.

-The community action "Challenge to Prevent Youth Drug Abuse" seminars should be continued and sponsored by

the Attorney General's Office.

LEGISLATION:

The following is an update of the legislation reported in CRLR Vol. 8, No. 3 (Summer 1988) at page 39, relating to state services for children and youth (see also CRLR Vol. 8, No. 1 (Winter 1988) pp. 37-38 for extensive background information):

SB 722 (Hart, Morgan, Seymour), which provides tax credits to employers who establish a child care program or construct a child care facility to be used primarily by the children of the taxpayer's employees, was signed by the Governor (Chapter 1239, Statutes of 1988).

AB 3358 (Roos, Hayden), which would have required every redevelopment plan adopted or amended pursuant to the provisions of the Community Redevelopment Law on or after January 1, 1989, to make adequate provision for specified child care facilities, was vetoed on September 30.

AB 1763 (Wright) died in the Senate Committee on Revenue and Taxation; *AB 2736 (Hansen, Leslie)* failed passage in the Assembly Ways and Means Committee, but Assemblymember Hansen intends to reintroduce the bill; *AB 2745 (Friedman, Cortese)* passed the Assembly on June 9, 1988, and *AB 3145* and *AB 3149 (Cortese)* passed the Assembly on June 28, but all three died in the Senate; *AB 3357 (Roos)* died in the Assembly Committee on Local Government; and *AB 4645 (Bronzan)* was dropped by its author.

DEPARTMENT OF CONSUMER AFFAIRS

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In addition to its functions relating to its forty boards, bureaus and commissions, the Department of Consumer Affairs (DCA) is charged with the responsibility of carrying out the provisions of the Consumer Affairs Act of 1970. In this regard, the Department educates consumers, assists them in complaint mediation, advocates their interests in the legislature, and represents them before the state's administrative agencies and courts.

MAJOR PROJECTS:

Small Claims Court Support Program. In conjunction with the Department's ongoing function to act as a legal resource on small claims court proced-

ures (see CRLR Vol. 8, No. 3 (Summer 1988) pp. 39-40), two new consumer publications are available free of charge. *Small Claims Court Plaintiff's Booklet* and *Small Claims Court Defendant's Booklet* are available upon request to the DCA. A third publication, *Collecting Your Small Claims Judgment*, will be available later this year.

Dispute Resolution Program. This DCA-sponsored program consists of a network of informal and affordable county-based mediation centers throughout the state, based on the idea that an impartial mediator can often help adversaries reach a mutually satisfactory settlement. It is hoped that the program will defuse many disagreements which might otherwise end up in an already crowded state court system. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 33 for background information.)

The Dispute Resolution Advisory Council met in June to determine the program's funding and develop its organizational guidelines. At this writing, the Council is filing a package with the Office of Administrative Law (OAL) through the APA's formal regulatory process in order to implement the guidelines and regulations developed by the Council to operate the local programs. A public hearing is scheduled for December 2 at the State Capitol in Sacramento.

At the present time, eleven counties are participating in the program. Council staff have observed the operation of dispute resolution programs in Hawaii and China to obtain insight in making the California program a success.

DCA Purchasing Authority Restored. On May 24, the *Sacramento Bee* reported complaints about "sloppy handling of contracts" by DCA in soliciting bids for data processing equipment and services. A memorandum issued by the state Department of General Services recommended that DCA should not be allowed to solicit bids until a complete review was performed.

The General Services action restricting the authority of DCA to solicit bids affected the purchasing for boards and bureaus within DCA, as well as disrupting the departmental bid process. DCA Director Michael Kelley appealed the General Services action, which he characterized as "far out of proportion to the problem," according to the *Bee*.

Recently, General Services completed its audit and review of DCA purchasing authority. General Services staff reports that DCA has taken action to correct irregularities found during the audit, and General Services has reinstated