

Section 16 (c)
Analysis of Selected Public Services

III. ANALYSIS OF SELECTED PUBLIC SERVICES

This section presents an initial look at major parts of public service systems which represent a network of related public services. The second phase of this Council project will pursue a more complete analysis of particular public service systems. Selected for this initial analysis are: (1) The non-federal courts portion of the California civil and criminal justice system, (2) the fire prevention and control system, (3) health services provided by governmental agencies, (4) the social welfare program area, (5) the program area for protection against natural disasters, (6) the elementary and secondary levels of the educational system, (7) recreation facilities, and (8) the transportation system.

A. California Non-Federal Courts

The non-federal court structure in California is basically established and run as a State institution, even though local decisions impact on appointments and financing. The benefits derived from the courts are of statewide significance, upholding and evolving a legal framework for social and economic activities. Whereas the court structure provides this overall framework, parts of the court structure make discrete contributions and thus are analyzed individually as follows:

1. *Legal Assistance for the Indigent.* Equal protection under the law is a Federal constitutional guarantee. Such a guarantee is of widespread benefit in assuring order and just treatment for all citizens regardless of their economic resources. Even though this guarantee is a Federal policy and the benefits are widespread, no Federal and only limited State financial support has occurred for legal assistance in the California justice system. State support alone has been limited to ten percent of the cost of legal assistance to indigents charged with a crime. Therefore, *it is recommended that the Federal and State governments assume full policy and financial responsibility for legal assistance. The State court system should continue to be relied upon for the administration of legal assistance for the indigent.*
2. *Court Activities Regarding Criminal Adults and Chronic Juvenile Delinquents.* Assuring

equal and just treatment throughout the State is a widespread benefit. Therefore, the State should be responsible for providing a statewide court system. However, funding will vary depending on the kind of proceeding. Due to the widespread risk involved in adult and serious juvenile crimes, *the State primarily should be responsible for making policy, financing and administering criminal adult and chronic juvenile delinquent court cases.* Fines in these cases are essentially penal, and thus should only contribute incidentally to the expense related to the court cost.

3. *Court Activities Regarding Traffic Safety Violations.* Whereas court cases dealing with traffic violations have a penal aspect, they also can be viewed as a means of charging for part of the cost of the traffic safety services. *Such charges should be made to at least cover the court costs dealing with the judging and punishment of traffic safety violations.* In this way, those causing a risk are fined to pay for the cost of processing their citation. *Since a statewide traffic system is necessary, the State should continue to determine overall traffic safety policy, relying on the State court system to administer the judging and punishment of the traffic violations.*
4. *Civil Law Enforcement—Personal Civil Actions.* Cases included in this category are probate and guardianship, domestic relations, personal and property damage, and other contested and uncontested actions. In essence, the State provides a framework for handling civil personal matters. For the cases in this category, *user charges are recommended to cover the full court costs. Filing fees are recommended to approximate the cost for uncontested actions; and charges for the expense of antagonistic proceedings should be borne by those against whom the judgment is rendered. Where such charges would deny people the use of the judicial system, the State should continue to make policy regarding the legal framework for personal civil actions and to administer the court system for such actions.*

5. *Civil Law Enforcement—Governmental Civil Actions.* Cases of eminent domain, insanity commitments, dependent juveniles, anti-trust, and restraint of trade are largely the responsibility of governmental jurisdictions. For example, eminent domain proceedings are brought by governmental actions. *In such cases, the full court costs should be borne by the jurisdiction bringing the action. For insanity commitments and dependent juvenile cases where individual families are unable to pay, the cost of court proceedings should be borne by the State,* since both case types deal with circumstances of a widespread benefit or risk. *The cost of anti-trust and restraint of trade actions should be borne by those individuals or corporations violating the regulations or laws.* For all cases in this category the State provides the court system as a framework within which to decide governmental civil issues.

SUMMARY OF SHIFTS FOR THE NON-FEDERAL COURT SYSTEM

	Federal State	Local	User Fee or Fines for Violations
Legal Assistance for the Indigent (Tax support)	←		
Criminal Adults (Tax support)	←		
Chronic Juvenile Delinquents (Tax support)	←		
Traffic Safety Court Costs and Other Identifiable Traffic Efforts (From tax support to fines)	→		→
Personal Civil Actions, Mainstream (From tax support to user fee)	→		→
Indigent (Tax support)			
Governmental Civil Actions			
Eminent Domain	*		
State Actions (Tax support)	←		
Local Actions (Tax support)		→	
Insanity Commitments and Indigent Dependent Juveniles (Tax support)	←		
Anti-trust and Restraint of Trade (From tax support to fines)	→		→

B. Fire Prevention and Control System

Fire protection services are emphasized as being property-related services. While personal safety and protection from the threat of or actual loss of life is of primary importance, much of the cost of fire protection services can be charged to or recovered from the owners of the property to which fire protection services are provided.

There are fire protection services which benefit the community at large as well as specific property owners. While it is recognized that it is a primary responsibility of individual property owners to

take all reasonable steps to prevent fires from occurring on their property, and to assume the costs of fulfilling that responsibility, there is an overall risk to all property owners and occupants of that property from fire due to spontaneous conditions or the negligent action of others which is beyond the capability of individual property owners to assume and which must be assumed by the community at large.

It is within the power of public decision-makers to establish the balance between the fire protection costs to be borne by the private property owner and those to be borne by the community at large. For example, the cost of fire prevention can be placed upon the property owner through the adoption and strict enforcement of building codes and regulations (use of fire retardant materials, automatic sprinkling systems and so forth) and the avoidance or removal of fire hazards and hazardous conditions which become a direct cost to those property owners who must comply. On the other hand, the jurisdiction could expand its fire control facilities (fire stations, fire trucks, and firemen) and attempt to meet all possible fire outbreaks and these costs become charged to the general taxpayer.

In other words, *except for any high or unusual risk circumstances not under the control of the owner, property owners should provide adequate fire prevention features regarding their respective property and fire hazardous activities occurring on their property.* To the extent that this is done by the respective property owner, the overall risk or cost of fire protection service is reduced for the community-at-large.

1. *Watershed and Wild Land Fire Protection.* Widespread social and economic benefits occur through the existence and use of watershed and wild lands for timber, range, water production, recreation, scenic beauty, and as habitat for fish and wildlife. *These widespread benefits and the broad risk of the loss of natural resources require that the larger levels of government assume a large measure of the policy choice and funding responsibilities for such fire protection services. At the same time, to the extent that fire prevention and fire control services are of direct benefit to private land owners, the cost for protection should be borne by the land owners.*

Under California law (Pub. Res. Code 4101 et seq.) the State Board of Forestry classifies the lands of the State and determines on which lands the primary financial responsibility of fire protection and control shall rest with the State. Lands belonging to the Federal government and lands inside city boundaries are legally excluded. These "State responsibility" lands amount to 34 million acres.

Costs for fire protection services on these 34 million acres of "State responsibility" lands are not recovered from the land owners whereas on adjacent lands not classified as "State responsibility" local jurisdictions are being charged for fire protection services by the State. This cost can be passed on by local units to the land owner, usually through the property tax. *It is recommended that the direct and immediate benefit of fire protection to privately owned lands within the 34 million acres of "State responsibility" lands should be charged to the property owners of the land served in some proportion to the value of the property.*

This should hold particularly true with lands of commercial value where there is clear and demonstrable benefit to the land owner in addition to that general value for natural resources protection.

2. **Structural Fire Protection.** The benefits of fire protection services for structures and for collections of structures in urban communities, with only rare exception, are captured within the local community. First, there is that direct benefit to the respective property owners for the prevention and quick control of fires which threaten the personal safety of those using the property and which could destroy or damage the property. Secondly, there is that benefit to the community for the prevention and control of fires which could spread beyond any single structure and ownership to cause broader social and economic loss within the community. In both instances direct benefits accrue to the property owner; in the latter instance the general benefits to the community vary with the nature and extent of the risk.

The policy choice and provisions for funding of urban (structural) fire protection services should be made by the elected representatives of the local unit of general purpose government.

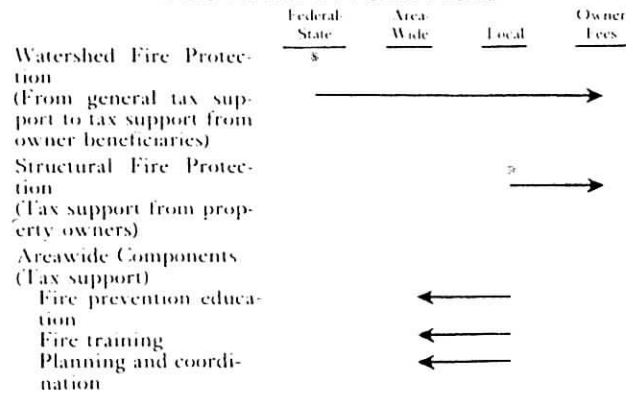
3. **Areawide Responsibilities.** There are components of the fire protection services system which provide benefits broader than a specific urban community but which are still less than statewide. *These service components which produce areawide benefits should be performed on a joint city/county or multi-county cooperative basis.* Examples of such components are:

- a. **Fire prevention education.** Portions of the fire protection education responsibility such as the preparation and publication of educational pamphlets, film strips, posters, can be provided on a large scale through the use of mass media and institutional facilities.

- b. **Fire training programs.** Areawide benefits accrue through areawide provision of fire training such as the interchangeability of personnel between jurisdictions in the area and reduction in the need for several adjacent jurisdictions to finance and operate several individual training facilities.

- c. **Planning and coordination.** Coordination on an areawide, multi-jurisdictional base provides widespread benefits through improved location of fire stations (not across the street from one another in adjoining communities), communication networks for mutual aid response, and large order purchasing for specialized equipment.

SUMMARY OF SHIFTS FOR FIRE PROTECTION SERVICES



C. Health Services Provided by Governmental Agencies

Health services frequently benefit an entire community or region, as well as individuals. Examples include protecting the public from food, drink and consumer products detrimental to health, and general research and educational programs to better enable the public to deal with health problems

However, several of the health programs mostly benefit individuals. An example would be personal medical services. Now that the indigent receives health services through the health care programs, *another look should be taken at health programs run by public agencies to as whether user charges would be appropriate. Some charges could be an effective way to establish priorities by allowing individual beneficiaries to choose the kind and extent of the services desired.*

In program areas where public desires exceed individual ones, public subsidies should be used to supplement the user charges. The program areas which might be fruitfully reevaluated in-

clude personal medical services, maternal and child care, crippled children, family planning, nutrition, and dental health.

User charges appear most applicable for air and water sanitation, healthful management of solid waste, protecting the public from radiological hazards, and minimizing occupational health disabilities. *In these cases it appears reasonable to place the cost of sanitary disposal on the producers of the waste or pollutants and charge those who violate public policy regarding pollution the full cost for public actions necessary to assure a healthful environment. In cases where the benefits are widespread (regional or larger) and where the State sets minimum performance standards for sanitary disposal, the State may wish to loan money to local governments for purchase of sites and facilities serving multi-jurisdictional areas.*

ALLOCATION OF RESPONSIBILITIES FOR HEALTH SERVICES ADMINISTERED BY GOVERNMENTAL AGENCIES

	Federal State	Local	Private	Funding
Protect Public from Consumer Hazards (From tax support to charges)	Policy	Admn.		User or Inspection Charges
Research and Dispensing Information on Communicable and Chronic Diseases and Other Major Health Threats to the Communities (Tax support)	Policy	Admn.		Tax support (Fedl, State, local)
Provision of Medical or Nursing Services General Population (User fees)			Policy & Admn.	User fees
Indigent (Tax support)	Policy	Admn.	Admn.	Tax support (Fedl-State)
Provision of Special Services (Crippled children, mental retardation, mental illness, alcoholism) (Tax support)	Policy	Admn.	Admn.	Tax support (Fedl-State)
Assure the Availability of Medical and Related Services (Tax support)	Policy & Admn.			Tax support (Fedl-State)
Assure Sanitary Environment Air, Water, Solid Waste, Radiation, Occupational, etc. (From tax support to user charges and fines; loans for large scale capital investments paid off through user charges.)	Policy	Admn.	Admn.	User charges, fines

D. Social Welfare Program Area

The program area generally known as social welfare is defined differently from the present wel-

fare assistance programs. The program definition used here distinguishes between the economic assistance to individuals and assistance in preparing for and securing suitable employment. The major change in definition falls under the first category where a distinction is made between aid to the permanently dependent (the elderly, totally disabled, and blind) and aid to the temporarily dependent (primarily children). Further distinctions are made such as aid to the unemployed (other than above) and social services for the needy.

Being severely disabled and thus becoming dependent for one's livelihood is a risk of the broadest nature, frequently occurring by accident or circumstances beyond the control of the individual. The benefits from assuming responsibility for that risk fall to society as a whole, as well as to families and individuals. Thus, *assumption of the risk through the provision of minimum subsistence income should be the responsibility of the broadest levels of government.* In the case of income for the permanently dependent, money payments should be automated, such as is done with social security benefits. Thus, the administration of the payments could be performed by the larger levels of government. *Eligibility determination and delivery of social services for the needy will take intergovernmental cooperation with a local delivery system.* That local delivery system could be administered by federal or State government such as the State employment service, or it could be administered by local government such as with the present welfare assistance programs.

SUMMARY OF SHIFTS FOR SOCIAL WELFARE PROGRAM AREA

	Federal State	Local
Income for the Permanently Dependent (Tax support)	←	
Income for the Temporarily Dependent (Tax support)	←	
Eligibility Determination and Social Services (Tax support)	←	*

E. Program Area For Protection Against Natural Disasters

Services included in this category are those which protect or insure against natural, but controllable disasters, that is, flood and beach erosion control, and major storm damage. Many of these services are of a large scale, and thus, benefit the people of a region, or possibly the State as a whole. Other projects have limited benefits where the results promote the welfare of adjacent residents and land owners. *Where the projects result in widespread*

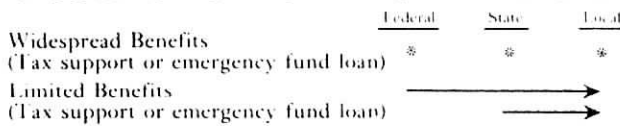
benefits (regional or larger), Federal-State as well as local policy choice and funding are appropriate. If, however, the projects are mostly of benefit to local land owners, local financing arrangements should be the basic source.

SUMMARY OF SHIFTS FOR PROJECTS TO PROTECT AGAINST NATURAL DISASTERS



In cases where protection projects have not adequately assured safe conditions and facilities are severely damaged by natural disaster, governments should assume the risk for restoring public movements and operations. *Where damage causes widespread disruption, State and Federal emergency assistance through loans for restoration are appropriate. Where the damage is slight and does not restrict public movements and operations, local emergency planning and funding should be relied upon.*

SUMMARY OF SHIFTS FOR SERVICES INSURING AGAINST NATURAL DISASTERS

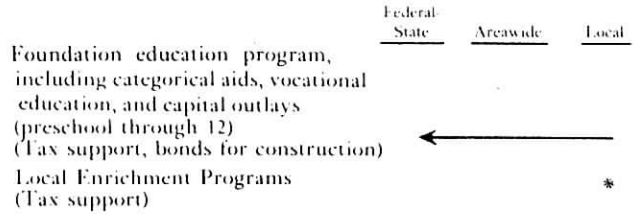


F. Educational System

Elementary and Secondary Levels

Education is a widespread benefit service. The State and the nation, as well as the individual, receive tremendous returns from an investment in education. Due to the widespread nature of the benefits, *the larger governmental levels, particularly the State, should assume policy and financial responsibility for the foundation school program. Included in the school foundation program should be the categorical aid and vocational education programs and other current costs of education. The State should also provide capital outlay for school plants based on district needs. Administration of elementary and secondary education should remain at the local level, having the option of State technical assistance and its purchasing powers. Local enrichment of the State foundation program should be at the discretion of the local jurisdictions.*

SUMMARY OF SHIFTS FOR PRIMARY AND SECONDARY EDUCATION

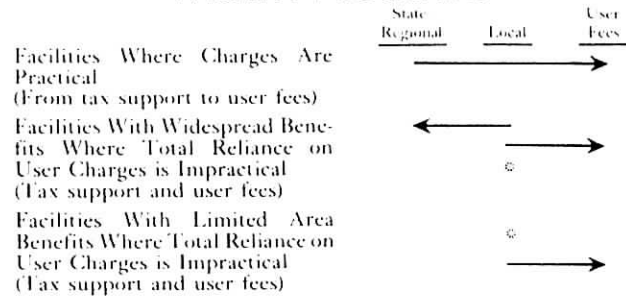


G. Recreation Facilities

Recommendations regarding recreation facilities fall into three categories:

1. *For those recreation activities where beneficiaries are identifiable and user charges are practical (examples: golf courses and small craft harbors), fees should be made to cover the full cost of the facilities and their maintenance.*
2. *Where the facilities result in widespread benefit (regional or larger) and total reliance on user charges is impractical, regional or State policy and financing should be relied upon.*
3. *Where facilities benefit a small area (example: city parks) and total reliance on user fees is impractical, local policy and financing are recommended.*

SUMMARY OF SHIFTS FOR RECREATION FACILITY PROGRAMS



H. Transportation System

The transportation system is a major component of our economy, having both public and private investments. The price (or value) of the transportation system is difficult to estimate due to the heavy public financing and regulation. Therefore, the value of transportation to the public and to individuals is obscured. It appears desirable to facilitate choice by moving towards a more complete pricing system for transportation as a whole and its respective parts. Such a pricing system should include the cost of side effects such as pollution control, as well as the investment and regulatory costs.

For those transportation facilities and services where beneficiaries are identifiable, such as for air and marine ports and inter-urban railroads, user charges should be made to finance the full cost of the service. Included in this cost should be the governmental expense for public protection such as assuring safety. By placing the costs for maintaining facilities and assuring a safe transportation system on the users, the full cost of the system can be equitably borne by the primary beneficiaries.

Urban ground transportation, including automobile and mass transit, does not readily fit into the above category. Public policies and large public subsidies prevent the application of the user fee concept for deciding relative importance or desirability of automobile versus mass transit. Thus, tying funds from gas taxes exclusively to highway construction, as is presently done, is inappropriate. *Such transportation monies should be used to finance the entire ground transportation system, including programs such as mass transit and motor vehicle air pollution control. Policy choice by State and local governments should be relied upon to apportion the funds among the alternative modes.*

SUMMARY OF SHIFTS FOR TRANSPORTATION PROGRAMS

	Federal State	Local	Private	Fines or User Fees
Airports (From tax support to user fees)	→	→		→
Commercial Marine Ports (User fees)	→			→
Railroads (User fees)			→	
Judgment and Punishment of Traffic Safety and Smog Violations (From tax support to fines)	→			→
State and Interstate Highways and Feeder Roads (Tax support)	Joint Responsibility			
Mass Transit (Tax support and fees)	Joint Responsibility			
Motor Vehicle Air Pollution Control (Tax support)	Joint Responsibility			