



Transferring OHP

to the

CCHE

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Introduction

Since the passage of the 1966 National Historic Preservation Act, California's Office of Historic Preservation (OHP) has been located within California's Department of Parks and Recreation. The enabling legislation of the California Cultural and Historical Endowment (CCHE) proposed that the OHP be transferred to the CCHE in order to elevate the state's commitment to cultural and historical preservation, to allow the CCHE to benefit from the experience and expertise of the OHP and to increase the entrepreneurial and other capabilities of the OHP.

The legislation tasked the CCHE with developing recommendations for the manner by which such a transfer could take place. This report addresses that requirement.

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Executive Summary

Since the passage of the 1966 National Historic Preservation Act, California's Office of Historic Preservation (OHP) has been located within California's Department of Parks and Recreation. In 2002, the enabling legislation of the California Cultural and Historical Endowment (CCHE), AB 716, (Firebaugh), proposed that the OHP be transferred to the CCHE.

This was proposed for a few reasons. It was felt that combining OHP with the then newly-created CCHE would elevate the state's commitment to cultural and historical preservation. There was also the recognition that the newly-formed CCHE could benefit from the expertise and experience of the staff at OHP, an organization at least three times the size of CCHE and almost 40 years older than CCHE institutionally. And, finally, it was believed that the association with the CCHE would increase the stature, authority, visibility, and entrepreneurial capabilities of the OHP.

The process for achieving such a state agency transfer is fairly straightforward and is detailed in government code covering the government reorganization process. The Governor is authorized to develop a reorganization plan and to submit that plan to the Legislature. The Legislature then has 60 days to consider the plan and may reject it by a majority vote of either house during that time. If the plan is not rejected, it is enacted. The law defines the kinds of changes that are allowed, and a consolidation or regrouping such as this is within the range of acceptable changes.

So, the OHP could very easily be transferred into the CCHE and the goal of elevating the state's commitment to historic and cultural preservation is certainly a worthy goal. Increasing awareness and interest in historic and cultural resource preservation is an important step in ensuring that California's cultural and historic treasures are safeguarded for future generations.

However, transferring the OHP into the CCHE is not likely to achieve that goal at this point in time given the dwindling funding of the CCHE and the limited horizon of operations anticipated for the CCHE.

Accordingly, while this report lays out the steps by which a transfer could be achieved, it also recommends against such a transfer at this point in CCHE's existence.

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Organizational Histories and Legislative Intent

Since the passage of the 1966 National Historic Preservation Act (NHPA), the Office of Historic Preservation (OHP) has been located within California's Department of Parks and Recreation. OHP's mission is to "provide leadership and promote the preservation of California's irreplaceable and diverse cultural heritage."ⁱ

The organization achieves its mission through the administration of a variety of activities including architectural review and incentive programs, information management, local government assistance, project review and compliance, and state and federal registration programs. OHP also promotes historic preservation through education and awareness campaigns and by demonstrating leadership and stewardship for preservation in our state. All of these efforts help promote economic revitalization in California's communities in addition to providing qualitative improvements to those neighborhoods.

The State Historic Preservation Officer (SHPO) leads the OHP and is guided by the State Historical Resources Commission, a nine-member state review board appointed by the Governor.

OHP's administration of federally and state-mandated historic preservation programs help protect California's historic resources. OHP administers the Federal Historic Preservation Tax Incentives Program, a program designed to revitalize communities by encouraging private sector investment in the rehabilitation and reuse of historic buildings. In the last four decades, this program has preserved 38,000 historic properties while creating jobs for millions and leveraging over \$62 billion in private investment.

OHP also provides technical assistance and architectural review to other government agencies and the general public through the interpretation and application of the Standards and Guidelines for the Treatment of Historic Properties of the Secretary of the Interior; the interpretation of the California Historical Building Code and provisions for qualified properties under the Americans with Disabilities Act; developing and implementing design guidelines; and identifying preservation incentives and adaptive and sustainable reuses available to historic properties.ⁱⁱ

OHP also administers the Certified Local Government (CLG) Program, a program established in 1980 under amendments to the NHPA to encourage local governments to become more directly involved in identifying and preserving historic properties in their jurisdictions and promoting the integration of local preservation interests and concerns into local planning processes.ⁱⁱⁱ In addition to the CLG Program, OHP provides guidance and technical assistance to city and county governments to aid them in integrating historic preservation into overall community planning.

OHP is also responsible for reviewing and commenting on thousands of federally-sponsored projects pursuant to national and state environmental laws in order to ensure that public projects comply with federal and state laws and avoid adverse effects on heritage resources.

In contrast to the significant review, compliance and technical assistance work done by OHP, CCHE has a much less technical mission. CCHE's mission has been to fund cultural heritage preservation projects, support museums, and to evaluate the state of California's cultural heritage preservation efforts, with a particular emphasis on ensuring that all individuals and groups that have contributed to California's development are being included in the narrative about California.

CCHE has awarded over \$122 million to 180 cultural and historical resource preservation projects throughout California since 2002. These projects are captured online at www.californiastreasures.org and in a book, *Preserving California's Treasures*. CCHE's funding came from Proposition 40, the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, which included a 10% set-aside for historic and cultural resource preservation. CCHE's enabling legislation, Assembly Bill 716 (Firebaugh), passed in 2002 and signed by then Governor Gray Davis, also included two other specific directives for the CCHE: produce a comprehensive cultural survey and, to the extent, funding is available, assist and enhance the services of museums.

The CCHE completed the comprehensive cultural survey in October 2012 and held a statewide cultural summit on October 18, 2012, to share the results of the survey with the preservation community. The proceedings from that summit will be available in January 2013. The CCHE attempted for much of 2012 to launch a new special interest license plate which would create a funding stream to support a new museum grant program, but that effort met with resistance and was ultimately unsuccessful, leading the CCHE to abandon that plan. The new plate, in addition to creating a program to assist museums, would also have provided funding to keep the CCHE in existence. Without the revenue from the new plate and given the impending completion of all of the original CCHE grants, the CCHE is scaling back its operations with plans to close the office in June of 2015 following distribution and closeout of all grants. The idea of anticipated, ongoing funding for the CCHE, like many other hopeful aspirations of the early years of the 21st Century, fell victim to the economic implosion that rocked the state and the nation.

CCHE's enabling legislation also indicated that the OHP should be combined with the CCHE. AB 716 notes that it was:

the intent of the Legislature that consideration be given to the transferring and fully integrating the Office of Historic Preservation with the California Cultural and Historical Endowment, which is created pursuant to this chapter, for the following purposes:

(a) To increase the stature, visibility, authority, and entrepreneurial capabilities of the Office of Historic Preservation in the interest of helping it carry out its missions and purposes.

(b) To allow the California Cultural and Historical Endowment to benefit from the Office of Historic Preservation's experience and expertise, and from the experience and expertise of its constituents and supporters.

(c) To synergistically increase the state's effective commitment to historic and cultural preservation.

Government Code Section 20052.5

This directive to transfer the Office of Historic Preservation (OHP) to the California Cultural and Historical Endowment (CCHE) was not acted upon in the ten years since the legislation was signed. The CCHE was very engaged with the demands of creating a new board, hiring new staff, establishing guidelines for a new grant program and presumably did not have sufficient time or resources to devote to the task of transferring the OHP into

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the CCHE. The idea also met with resistance from State Parks since OHP is a very important part of Parks' cultural heritage preservation expertise.

The contraction of the CCHE and its pending closure in 2015 makes it an unlikely proposition to integrate the OHP into the CCHE at this time. However, the original concept of combining an entity that is focused on ensuring that the cultural heritage of the state includes all the diverse factors that have contributed to its development with an entity that is more technical and focused on the nuts and bolts of historic preservation could be a powerful combination in the future.

Government Reorganization Process

The Governor is given the authority to examine the current organization of state government agencies and determine any changes needed to improve the execution of the laws or to create more effective management of the executive branch, or to achieve more effective administration of public business.

Change may also be made to reduce costs and to increase efficiency in state government and to better group agencies and functions according to major purposes. The Governor may also determine that reductions and consolidations are required in order to streamline operations and to eliminate duplication of effort.

Government Code Sections 12080 through 12081.2 include the specifics of reorganization law. The cornerstone of the legislation is the development of a reorganization plan in the form and language of a bill which is delivered to the Legislature. The accelerated and streamlined legislative process is facilitated by the use of the Little Hoover Commission which reviews a proposed governmental reorganization plan and makes an advisory recommendation regarding the plan.

This approach requires that the Governor submit a plan to the Commission 30 days prior to submitting the plan to the Legislature and the Commission then must make a recommendation regarding the plan within 30 days of the plan being submitted to the Legislature.

The Legislature then has 60 days to either allow the reorganization to go into effect or to reject the plan by a majority vote in either house.

If the reorganization goes into effect, the Legislative Counsel will prepare a bill effecting any necessary statutory changes resulting from the reorganization plan in order to ensure that statutory law is amended to conform with any changes resulting from the reorganization plan.

As the above text describes, the process for achieving a state agency transfer is fairly straightforward and is detailed in the government code which addresses the government reorganization process. The Governor is authorized to develop a reorganization plan and to submit that plan to the Legislature. The Legislature then has 60 days to consider the plan and may reject it by a majority vote of either house during that time. If the plan is not rejected, it is enacted. The law defines the kinds of changes that are allowed, and a consolidation or regrouping such as the transfer of the OHP into the CCHE is within the range of acceptable changes.

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Recommendations and Conclusion

The goal of elevating the state's commitment to historic and cultural preservation is a worthy goal. Increasing awareness and interest in historic and cultural resource preservation is an important step in ensuring that California's cultural and historic treasures are safeguarded for future generations.

OHP could very easily be transferred into the CCHE and the process for doing so is clearly articulated in government code. However, transferring the OHP into the CCHE is not likely to achieve the desired goals at this point in time given the dwindling funding of the CCHE and the limited horizon of operations anticipated for the CCHE.

Accordingly, while this report lays out the steps by which a transfer could be achieved, the CCHE also recommends against such a transfer at this point in CCHE's existence.

Endnotes

ⁱ http://ohp.parks.ca.gov/?page_id=1066

ⁱⁱ *ibid*

ⁱⁱⁱ http://ohp.parks.ca.gov/?page_id=24494