

**Introduced by Senator Mendoza
(Coauthors: Senators Beall, De León, Hueso, McGuire, and Runner)**

May 11, 2015

Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 1 and 4 of, and adding Section 4.5 to, Article XI, relating to counties.

LEGISLATIVE COUNSEL'S DIGEST

SCA 8, as introduced, Mendoza. Charter counties: board of supervisors: redistricting.

The California Constitution requires that a county charter provide for a governing body of 5 or more members, elected (1) by district or, (2) at large, or (3) at large with a requirement that they reside in a district, and to provide for the compensation, terms, and removal of members of the governing body. The California Constitution also provides that charter counties are subject to statutes that relate to apportioning population of governing body districts. Existing law requires, following each decennial federal census and using that census as a basis, the board of supervisors of a county to adjust the boundaries of any or all of the supervisorial districts of the county so that the districts are as nearly equal in population as may be and comply with applicable provisions of federal law.

This measure would require the county charter, in a county with a population of more than 2,000,000 at a decennial United States census beginning with the 2020 United States census, to provide for a governing body consisting of 7 or more members. The measure would also require in such a county, the county charter to provide that the expenditures for the governing body and its staff may not exceed, for any subsequent

fiscal year, the lesser of the amount budgeted for that purpose for the 2020-21 fiscal year or the amount that has the same proportion to total county expenditures as the expenditures for that purpose had to the total county budget in the 2020-21 fiscal year.

This measure would require, on and after January 1, 2021, a county charter to provide for members to be elected by district with a requirement that the member reside in a district.

As described above, the California Constitution requires that a county charter provide for the compensation of members of the governing body. The California Constitution also requires that, if a county charter provides for the Legislature to prescribe the salary of the governing body, the salary be prescribed by the governing body by ordinance.

This bill would repeal that latter provision on January 1, 2021.

This measure would also make other technical, nonsubstantive changes.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

1 WHEREAS, California’s counties are governed by elected
2 members of a board of supervisors, and

3 WHEREAS, The number of members of the board of supervisors
4 in most counties has remained unchanged for more than a century
5 despite enormous increases in the county’s population which, in
6 some cases, are greater than the population of individual states in
7 the union, and

8 WHEREAS, It is a well-recognized principle that residents are
9 more efficiently able to access their representatives for assistance
10 for services and to hold them better accountable when the ratio of
11 residents to each elected representative on a governing body is
12 smaller rather than larger, and

13 WHEREAS, It is important to restrain the costs of governance
14 by restricting the fiscal impact of any increase in the number of
15 members of any county’s board of supervisors, and

16 WHEREAS, It is therefore the intent of the people, in adopting
17 this measure, to make all of the following changes with regard to
18 the county board of supervisors in each county having a population
19 of more than 2,000,000 at each decennial United States census:

20 (a) To increase democratic representation by substantially
21 reducing the population in each supervisorial district;

1 (b) By establishing smaller supervisorial districts, to provide
2 greater opportunities for public participation in local government
3 that provide safety, health, transportation, and other vital services;

4 (c) In order to control the size of government, reduce
5 unnecessary expenditures, and increase efficiency through smaller
6 supervisorial districts, to reduce the office budgets currently
7 allocated for each member of the board of supervisors; now,
8 therefore, be it

9 *Resolved by the Senate, the Assembly concurring,* That the
10 Legislature of the State of California at its 2015-16 Regular Session
11 commencing on the first day of December 2014, two-thirds of the
12 membership of each house concurring, hereby proposes to the
13 people of the State of California, that the Constitution of the State
14 be amended as follows:

15 First— That Section 1 of Article XI thereof is amended to read:

16 SEC. 1. (a) The State is divided into counties which are legal
17 subdivisions of the State. The Legislature shall prescribe uniform
18 procedure for county formation, consolidation, and boundary
19 change. Formation or consolidation requires approval by a majority
20 of electors voting on the question in each affected county. A
21 boundary change requires approval by the governing body of each
22 affected county. No county seat shall be removed unless two-thirds
23 of the qualified electors of the county, voting on the proposition
24 at a general election, shall vote in favor of such removal. A
25 proposition of removal shall not be submitted in the same county
26 more than once in four years.

27 (b) The Legislature shall provide for county powers, an elected
28 county sheriff, an elected district attorney, an elected assessor, and
29 an elected governing body in each county. Except as provided in
30 *paragraph (2) of subdivision ~~(b)~~ (a)* of Section 4 of this article,
31 each governing body shall prescribe by ordinance the compensation
32 of its members, but the ordinance prescribing such compensation
33 shall be subject to referendum. The Legislature or the governing
34 body may provide for other officers whose compensation shall be
35 prescribed by the governing body. The governing body shall
36 provide for the number, compensation, tenure, and appointment
37 of employees.

38 Second— That Section 4 of Article XI thereof is amended to
39 read:

40 SEC. 4. (a) County charters shall provide for:

1 ~~(a) A~~

2 (1) *Except as otherwise provided in Section 4.5, a governing*
 3 *body of 5 or more members, elected*~~(1) by district or, (2) at large,~~
 4 ~~or (3) at large,~~ with a requirement that ~~they~~ *the member* reside in
 5 a district. Charter counties are subject to statutes that relate to
 6 apportioning population of governing body districts.

7 ~~(b)~~

8 (2) The compensation, terms, and removal of members of the
 9 governing body. ~~If a county charter provides for the Legislature~~
 10 ~~to prescribe the salary of the governing body, such compensation~~
 11 ~~shall be prescribed by the governing body by ordinance, subject~~
 12 ~~to Section 4.5.~~

13 ~~(c)~~

14 (3) An elected sheriff, an elected district attorney, an elected
 15 assessor, other officers, their election or appointment,
 16 compensation, terms and removal.

17 ~~(d)~~

18 (4) The performance of functions required by statute.

19 ~~(e)~~

20 (5) The powers and duties of governing bodies and all other
 21 county officers, and for consolidation and segregation of county
 22 officers, and for the manner of filling all vacancies occurring
 23 ~~therein~~ *in those offices.*

24 ~~(f)~~

25 (6) The fixing and regulation by governing bodies, by ordinance,
 26 of the appointment and number of assistants, deputies, clerks,
 27 attachés, and other persons to be employed, and for the prescribing
 28 and regulating by such bodies of the powers, duties, qualifications,
 29 and compensation of such persons, the times at which, and terms
 30 for which they shall be appointed, and the manner of their
 31 appointment and removal.

32 ~~(g)~~

33 (7) Whenever any county has framed and adopted a charter, and
 34 ~~the same shall have~~ *charter has* been approved by the Legislature
 35 ~~as herein provided in this section,~~ the general laws adopted by the
 36 Legislature ~~in pursuance of Section 1(b) pursuant to subdivision~~
 37 ~~(b) of Section 1~~ of this article, shall, as to ~~such~~ *that* county, be
 38 superseded by ~~said~~ *that* charter as to matters for which, under this
 39 section it is competent to make provision in ~~such~~ *the* charter, and

1 for which provision is made ~~therein~~ *in the charter*, except as ~~herein~~
2 otherwise expressly provided *in this section*.

3 ~~(h)~~

4 (8) Charter counties shall have all the powers that are provided
5 by this Constitution or by statute for counties.

6 (b) *The changes made by the act adding this subdivision shall*
7 *apply on and after January 1, 2021.*

8 Third— That Section 4.5 is added to Article XI thereof, to
9 read:

10 SEC. 4.5. In a county with a population of more than 2,000,000
11 at a decennial United States census, beginning with the 2020 United
12 States census, the county charter shall provide as follows:

13 (a) The governing body shall consist of 7 or more members.

14 (b) The expenditures for the governing body and its staff may
15 not exceed, for any subsequent fiscal year, the lesser of the amount
16 budgeted for that purpose for the 2020-21 fiscal year or the amount
17 that has the same proportion to total county expenditures as the
18 expenditures for that purpose had to the total county budget in the
19 2020-21 fiscal year.