

AMENDED IN SENATE JULY 9, 2015

Senate Constitutional Amendment

No. 8

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 amended, Mendoza. ~~Charter counties:~~ *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.

Existing law also requires a general law county to have a board of supervisors consisting of 5 members, and requires, except as provided, each member of the board of supervisors to be elected by the district which the member represents.

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~~ 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~~ 2020–21 fiscal year. *This measure would also extend these requirements to a general law county with a population of more than 2,000,000 at a decennial United States census, beginning with the 2020 United States census.*

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, *and would impose that requirement on all general law counties.*

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: $\frac{2}{3}$. 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~~, *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~~, *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~~, *larger*; and

1 WHEREAS, It is important to restrain the costs of governance
2 by restricting the fiscal impact of any increase in the number of
3 members of any county's board of ~~supervisors~~, *supervisors*; and

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

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

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

13 (c) In order to control the size of government, reduce
14 unnecessary expenditures, and increase efficiency through smaller
15 supervisorial districts, to reduce the office budgets currently
16 allocated for each member of the board of supervisors; now,
17 therefore, be it

18 *Resolved by the Senate, the Assembly concurring*, That the
19 Legislature of the State of California at its ~~2015-16~~ *2015-16*
20 Regular Session commencing on the first day of December 2014,
21 two-thirds of the membership of each house concurring, hereby
22 proposes to the people of the State of California, that the
23 Constitution of the State be amended as follows:

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

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

36 (b) The Legislature shall provide for county powers, an elected
37 county sheriff, an elected district attorney, an elected assessor, and
38 an elected governing body in each county. Except as provided in
39 paragraph (2) of subdivision (a) of Section 4 of this article, each
40 governing body shall prescribe by ordinance the compensation of

1 its members, but the ordinance prescribing such compensation
2 shall be subject to referendum. The Legislature or the governing
3 body may provide for other officers whose compensation shall be
4 prescribed by the governing body. The governing body shall
5 provide for the number, compensation, tenure, and appointment
6 of employees.

7 Second— That Section 4 of Article XI thereof is amended to
8 read:

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

10 (1) Except as otherwise provided in Section 4.5, a governing
11 body of ~~5~~ *five* or more members, elected by district, with a
12 requirement that the member reside in a district. Charter counties
13 are subject to statutes that relate to apportioning population of
14 governing body districts.

15 (2) The compensation, terms, and removal of members of the
16 governing body, subject to Section 4.5.

17 (3) An elected sheriff, an elected district attorney, an elected
18 assessor, other officers, their election or appointment,
19 compensation, terms and removal.

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

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

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

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

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

5 Third— That Section 4.5 is added to Article XI thereof, to
6 read:

7 SEC. 4.5. ~~In~~

8 (a) *In a county with a population of more than 2,000,000 at a*
9 *decennial United States census, beginning with the 2020 United*
10 *States census, the county charter shall provide as follows:*

11 ~~(a)~~

12 *(1) The governing body shall consist of ~~7~~ seven or more*
13 *~~members.~~ members, elected by district, with a requirement that*
14 *the member reside in a district, and subject to statutes that relate*
15 *to apportioning the population of governing body districts.*

16 ~~(b)~~

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

23 *(b) (1) Each general law county with a population of more than*
24 *2,000,000 at a decennial United States census, beginning with the*
25 *2020 United States census, shall have a governing body consisting*
26 *of seven or more members. Any county described in this subdivision*
27 *shall be subject to statutes that relate to apportioning the*
28 *population of governing body districts.*

29 *(2) For each general law county with a population of more than*
30 *2,000,000 at a decennial United States census, beginning with the*
31 *2020 United States census, the expenditures for the governing*
32 *body and its staff may not exceed, for any subsequent fiscal year,*
33 *the lesser of the amount budgeted for that purpose for the 2020-21*
34 *fiscal year or the amount that has the same proportion to total*
35 *county expenditures as the expenditures for that purpose had to*
36 *the total county budget in the 2020-21 fiscal year.*

1 (3) *On and after January 1, 2021, the members of a governing*
2 *body of a general law county shall be elected by district, and the*
3 *member shall reside in that district.*

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