

AMENDED IN SENATE SEPTEMBER 4, 2015

AMENDED IN SENATE JULY 9, 2015

**Senate Constitutional Amendment**

**No. 8**

---

---

**Introduced by Senator Mendoza**

**(Coauthors: Senators Beall, De León, Hueso, McGuire, and Runner)**

*(Coauthors: Assembly Members Alejo, Gonzalez, and Lopez)*

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~~, *XI thereof*, relating to counties.

LEGISLATIVE COUNSEL'S DIGEST

SCA 8, as amended, Mendoza. 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 charter county with a population of more than 2,000,000 that is found at a decennial United States census, beginning with the 2020 United States census, to have a population of more than 2,000,000, require, and deem the county charter to provide for for, a governing body consisting of 7 or more members: members, not to be thereafter reduced to fewer than 7 members even if, in a future decennial United States census, the county is not a county with a population of more than 2,000,000.~~ The measure would also ~~require in such a county, the county charter to similarly provide that that, in such a county, 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.~~ *year after the release of the census finding that the county has a population of more than 2,000,000, the amount that was allocated for the expenses of the governing body and its staff in the county's adopted budget for the fiscal year in which that same census was conducted, as adjusted each fiscal year thereafter for changes in the California Consumer Price Index.* This measure would also extend these *same* requirements to *the governing body of a general law county with a population of more than 2,000,000 that is found at a decennial United States census, beginning with the 2020 United States census: census, to have a population of more than 2,000,000.*

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; 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;

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

25 (c) In order to control the size of government, reduce  
26 unnecessary expenditures, and increase efficiency through smaller  
27 supervisorial districts, to reduce the office budgets currently  
28 allocated for each member of the board of supervisors; now,  
29 therefore, be it

30 *Resolved by the Senate, the Assembly concurring,* That the  
31 Legislature of the State of California at its 2015–16 Regular  
32 Session commencing on the first day of December 2014, two-thirds  
33 of the membership of each house concurring, hereby proposes to  
34 the people of the State of California, that the Constitution of the  
35 State be amended as follows:

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

37 SEC. 1. (a) The State is divided into counties which are legal  
38 subdivisions of the State. The Legislature shall prescribe uniform  
39 procedure for county formation, consolidation, and boundary  
40 change. Formation or consolidation requires approval by a majority

1 of electors voting on the question in each affected county. A  
2 boundary change requires approval by the governing body of each  
3 affected county. No county seat shall be removed unless two-thirds  
4 of the qualified electors of the county, voting on the proposition  
5 at a general election, shall vote in favor of such removal. A  
6 proposition of removal shall not be submitted in the same county  
7 more than once in four years.

8 (b) The Legislature shall provide for county powers, an elected  
9 county sheriff, an elected district attorney, an elected assessor, and  
10 an elected governing body in each county. Except as provided in  
11 paragraph (2) of subdivision (a) of Section 4 of this article, each  
12 governing body shall prescribe by ordinance the compensation of  
13 its members, but the ordinance prescribing such compensation  
14 shall be subject to referendum. The Legislature or the governing  
15 body may provide for other officers whose compensation shall be  
16 prescribed by the governing body. The governing body shall  
17 provide for the number, compensation, tenure, and appointment  
18 of employees.

19 Second— That Section 4 of Article XI thereof is amended to  
20 read:

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

22 (1) Except as otherwise provided in Section 4.5, a governing  
23 body of five or more members, elected by district, with a  
24 requirement that the member reside in a district. Charter counties  
25 are subject to statutes that relate to apportioning population of  
26 governing body districts.

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

29 (3) An elected sheriff, an elected district attorney, an elected  
30 assessor, other officers, their election or appointment,  
31 compensation, terms and removal.

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

33 (5) The powers and duties of governing bodies and all other  
34 county officers, and for consolidation and segregation of county  
35 officers, and for the manner of filling all vacancies occurring in  
36 those offices.

37 (6) The fixing and regulation by governing bodies, by ordinance,  
38 of the appointment and number of assistants, deputies, clerks,  
39 attachés, and other persons to be employed, and for the prescribing  
40 and regulating by such bodies of the powers, duties, qualifications,

1 and compensation of such persons, the times at which, and terms  
2 for which they shall be appointed, and the manner of their  
3 appointment and removal.

4 (7) Whenever any county has framed and adopted a charter, and  
5 the charter has been approved by the Legislature as provided in  
6 this section, the general laws adopted by the Legislature pursuant  
7 to subdivision (b) of Section 1 of this article, shall, as to that  
8 county, be superseded by that charter as to matters for which, under  
9 this section it is competent to make provision in the charter, and  
10 for which provision is made in the charter, except as otherwise  
11 expressly provided in this section.

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

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

16 Third— That Section 4.5 is added to Article XI thereof, to  
17 read:

18 SEC. 4.5. (a) In a *charter county with a population of more*  
19 *than 2,000,000 that is found at a decennial United States census,*  
20 *beginning with the 2020 United States census, the to have a*  
21 *population of more than 2,000,000, there is required, and the*  
22 *county charter shall provide as follows: be deemed to require, the*  
23 *following:*

24 (1) The governing body shall consist of seven or more members,  
25 elected by district, with a requirement that the member reside in  
26 a district, and subject to statutes that relate to apportioning the  
27 population of governing body districts. *The number of members*  
28 *on the governing body shall not thereafter be reduced to fewer*  
29 *than seven members even if, in a future decennial United States*  
30 *census, the county is not a county with a population of more than*  
31 *2,000,000.*

32 (2) (A) The expenditures for the governing body and its staff  
33 ~~may~~ shall not exceed, for any subsequent fiscal year, the lesser of  
34 the amount budgeted for that purpose for the 2020–21 fiscal year  
35 or the amount that has the same proportion to total county  
36 expenditures as the expenditures for that purpose had to the total  
37 county budget in the 2020–21 fiscal year. *year after the release of*  
38 *the census finding a population of more than 2,000,000, the amount*  
39 *that was allocated for the expenses of the governing body and its*  
40 *staff in the county's adopted budget for the fiscal year in which*

1 *that same census was conducted, as adjusted each fiscal year*  
2 *thereafter for changes in the California Consumer Price Index.*

3 *(B) This expenditure limitation shall continue to apply even if,*  
4 *in a future decennial United States census, the county is not a*  
5 *county with a population of more than 2,000,000.*

6 ~~(b) (1) Each general law county with a population of more than~~  
7 ~~2,000,000 that is found at a decennial United States census,~~  
8 ~~beginning with the 2020 United States census, to have a population~~  
9 ~~of more than 2,000,000 shall have a governing body consisting of~~  
10 ~~seven or more members. Any county described in this subdivision~~  
11 ~~shall be subject to statutes that relate to apportioning the population~~  
12 ~~of governing body districts. The number of members on the~~  
13 ~~governing body shall not thereafter be reduced to fewer than seven~~  
14 ~~members even if, in a future decennial United States census, the~~  
15 ~~county is not a county with a population of more than 2,000,000.~~

16 ~~(2) For each—(A) In a general law county with a population of~~  
17 ~~more than 2,000,000 that is found at a decennial United States~~  
18 ~~census, beginning with the 2020 United States census, to have a~~  
19 ~~population of more than 2,000,000, the expenditures for the~~  
20 ~~governing body and its staff may shall not exceed, for any~~  
21 ~~subsequent fiscal year, the lesser of the amount budgeted for that~~  
22 ~~purpose for the 2020–21 fiscal year or the amount that has the~~  
23 ~~same proportion to total county expenditures as the expenditures~~  
24 ~~for that purpose had to the total county budget in the 2020–21~~  
25 ~~fiscal year. year after the release of the census finding a population~~  
26 ~~of more than 2,000,000, the amount that was allocated for the~~  
27 ~~expenses of the governing body and its staff in the county’s adopted~~  
28 ~~budget for the fiscal year in which that same census was conducted,~~  
29 ~~as adjusted each fiscal year thereafter for changes in the California~~  
30 ~~Consumer Price Index.~~

31 *(B) This expenditure limitation shall continue to apply even if,*  
32 *in a future decennial United States census, the county is not a*  
33 *county with a population of more than 2,000,000.*

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