

AMENDED IN SENATE MARCH 30, 2016

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 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, in a charter county 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~~, 3,000,000, require, and deem the county charter to provide for, a governing body consisting of 7 or more 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~~ 3,000,000. The measure would similarly provide that, in such a county, the expenditures for the governing body and its staff may not exceed, for any subsequent fiscal year after the release of the census finding that the county has a population of more than ~~2,000,000~~, 3,000,000 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 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~~ 3,000,000.

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

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

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

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

14 WHEREAS, It is therefore the intent of the people, in adopting
15 this measure, to make all of the following changes with regard to
16 the county board of supervisors in each county having a population
17 of more than ~~2,000,000~~ 3,000,000 at each decennial United States
18 census:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 for which they shall be appointed, and the manner of their
2 appointment and removal.

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

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

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

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

17 SEC. 4.5. (a) In a charter county that is found at a decennial
18 United States census, beginning with the 2020 United States
19 census, to have a population of more than ~~2,000,000~~, 3,000,000
20 there is required, and the county charter shall be deemed to require,
21 the following:

22 (1) The governing body shall consist of seven or more members,
23 elected by district, with a requirement that the member reside in
24 a district, and subject to statutes that relate to apportioning the
25 population of governing body districts. The number of members
26 on the governing body shall not thereafter be reduced to fewer
27 than seven members even if, in a future decennial United States
28 census, the county is not a county with a population of more than
29 ~~2,000,000~~ 3,000,000.

30 (2) (A) The expenditures for the governing body and its staff
31 shall not exceed, for any subsequent fiscal year after the release
32 of the census finding a population of more than ~~2,000,000~~,
33 3,000,000, the amount that was allocated for the expenses of the
34 governing body and its staff in the county's adopted budget for
35 the fiscal year in which that same census was conducted, as
36 adjusted each fiscal year thereafter for changes in the California
37 Consumer Price Index.

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

1 (b) (1) Each general law county that is found at a decennial
2 United States census, beginning with the 2020 United States
3 census, to have a population of more than ~~2,000,000~~ 3,000,000,
4 shall have a governing body consisting of seven or more members.
5 Any county described in this subdivision shall be subject to statutes
6 that relate to apportioning the population of governing body
7 districts. The number of members on the governing body shall not
8 thereafter be reduced to fewer than seven members even if, in a
9 future decennial United States census, the county is not a county
10 with a population of more than ~~2,000,000~~ 3,000,000.

11 (2) (A) In a general law county that is found at a decennial
12 United States census, beginning with the 2020 United States
13 census, to have a population of more than ~~2,000,000~~; 3,000,000,
14 the expenditures for the governing body and its staff shall not
15 exceed, for any subsequent fiscal year after the release of the census
16 finding a population of more than ~~2,000,000~~; 3,000,000, the amount
17 that was allocated for the expenses of the governing body and its
18 staff in the county's adopted budget for the fiscal year in which
19 that same census was conducted, as adjusted each fiscal year
20 thereafter for changes in the California Consumer Price Index.

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

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