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MUNICIPAL PUBLIC WORKS

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tion have been in our constitution ever since it was adopted in 1879. The policy they represent is a wise one, and should not, at this late date, be abandoned. Municipalities and districts should be independent and uncontrolled, except by some higher power, in the matter of the operation of public utilities.

It is contrary to the fundamental principles of home rule that any municipality should surrender to another any jurisdiction or control over its public utilities, or place its credit at the disposal of another municipality. If a hydro-electrical enterprise is too large for one municipality to handle, the remedy is not in the loose cooperation of several municipalities, lighting districts, irrigation districts and the like, but in the construction and management of the enterprise by a higher political power or by a larger independent political district.

2. Neither the State of California, nor any of

its political subdivisions is a suitable agency for power development in neighboring states. It is illogical and against the best public policy that this sovereign state or any of its political subdivisions should be subject to regulations or control by another state and its authorities. Where interstate relations are involved, the controlling authority should be the United States government or some instrumentality licensed by the United States government.

The question involved in this amendment, therefore, is not whether the Colorado River should be developed by private capital or as a government enterprise, but rather whether a loose partnership of such heterogeneous elements as cities, irrigation districts, public utility districts, lighting districts and the like, is a feasible plan for government ownership.

SIDNEY T. GRAVES,
Assemlolyman Sixty-third District.

MUNICIPAL PUBLIC WORKS. Senate Constitutional Amendment 29, adding Section 20 to Article XI of Constitution. Authorizes two or more municipalities to acquire or control, by contract, public works for supplying inhabitants with light, water, power, heat, transportation, telephone or other utility service, or other matter of common municipal concern, subject to approval by two-thirds of electors in each city if contract provides for bonded indebtedness, otherwise by majority thereof, and thereafter by legislature without alteration or amendment; declares these powers supplement present powers and do not limit those granted by constitution to state or its political subdivisions.

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YES

NO

Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to the constitution of the State of California by adding to article eleven thereof a new section to be known as section twenty.

The legislature of the State of California at its regular session commencing on the third day of January, in the year one thousand nine hundred twenty-one, two-thirds of all the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes that article eleven of the constitution of the State of California, be amended by adding thereto a new section to read as follows:

PROPOSED AMENDMENT.

Sec. 20. Any two or more cities may enter into any contract, in the manner herein provided, for the acquisition, construction, ownership, operation or control of any public works for supplying their respective inhabitants, or the inhabitants of any such city, with light, water, power, heat, transportation, telephone service or other utility service, or other matter relating to any municipal affair determined by the contracting cities to be of common concern. Such contract may include provision for the assumption, adjustment or creation of bonded or other indebtedness. Any such proposed contract shall be published once in a newspaper of general circulation published in each city, or if no such newspaper is so published in any city, such contract shall be posted in three public places therein. Such contract shall be submitted to the electors in each city at any general or special election or elections held not less than thirty nor more than ninety days after such publication or posting therein. In all instances in which the assumption, adjustment or creation of bonded indebtedness is incident to the approval of such contract, the affirmative vote of two-thirds of the qualified electors voting thereon in each city proposing to assume or create such indebtedness shall be necessary to approve such contract and authorize such bonded indebtedness. In all other instances the affirmative vote of a majority of such electors shall be necessary to approve such contract. When approved in the manner herein required in each city, such

contract shall be submitted to the legislature at its current or next succeeding session and approved or rejected without power of alteration or amendment in the same manner as is provided for approval or rejection of municipal charters in section eight of this article. When so approved by the legislature and until the expiration of such contract by its terms, or as herein provided, such contract shall become a part of the organic law of the cities which are parties thereto, subject to amendment or termination in the same manner as herein provided for the adoption of the original contract.

The term "cities" as used in this section, shall include cities and counties.

The powers granted by this section shall be in addition to all powers which may now or hereafter exist in cities, and nothing contained in this section shall in anywise limit any power now or hereafter granted to the state, or to any district, municipal corporation, or political subdivision of the state, by any other provision of this constitution, or in anywise apply to or affect the method of exercising the same.

Section eight of article eleven, made applicable to proceedings under the provisions of the proposed amendment, reads as follows:

Section 8. Any city or city and county containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States or of the legislature of California, may frame a charter for its own government, consistent with and subject to this constitution; and any city, or city and county having adopted a charter may adopt a new one. Any such charter shall be framed by a board of fifteen freeholders chosen by the electors of such city at any general or special election, but no person shall be eligible as a candidate for such board unless he shall have been, for the five years next preceding, an elector of said city. An election for choosing freeholders may be called by a two-thirds vote of the legislative body of such city, and, on presentation of a petition signed by not less than fifteen per cent of the registered electors of such city, the legislative body shall call such election at any time not less than thirty nor more than sixty days from date of the filing of the petition.

Any such petition shall be verified by the authority having charge of the registration records of such city or city and county and the expenses of such verification shall be provided by the legislative body thereof. Candidates for the office of freeholders shall be nominated either in such manner as may be provided for the nomination of officers of the municipal government or by petition, substantially in the same manner as may be provided by general laws for the nomination by petition of electors of candidates for public offices to be voted for at general elections. The board of freeholders shall, within one hundred and twenty days after the result of the election is declared, prepare and propose a charter for the government of such city; but the said period of one hundred and twenty days may with the consent of the legislative body of such city be extended by such board not exceeding a total of sixty days. The charter so prepared shall be signed by a majority of the board of freeholders and filed in the office of the clerk of the legislative body of said city. The legislative body of said city shall within fifteen days after such filing cause such charter to be published once in the official paper of said city; (or in case there be no such paper, in a paper of general circulation); and shall cause copies of such charter to be printed in convenient pamphlet form, and shall, until the date fixed for the election upon such charter, advertise in one or more papers of general circulation published in said city a notice that such copies may be had upon application therefor. Such charter shall be submitted to the electors of such city at a date to be fixed by the board of freeholders, before such filing and designated on such charter, either at a special election held not less than sixty days from the completion of the publication of such charter as above provided, or at the general election next following the expiration of said sixty days. If a majority of the qualified voters voting thereon at such general or special election shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be submitted to the legislature, if then in session, or at the next regular or special session of the legislature. The legislature shall by concurrent resolution approve or reject such charter as a whole, without power of alteration or amendment; and if approved by a majority of the members elected to each house it shall become the organic law of such city or city and county, and supersede any existing charter and all laws inconsistent therewith. One copy of the charter so ratified and approved shall be filed with the secretary of state, one with the recorder of the county in which such city is located, and one in the archives of the city; and thereafter the courts shall take judicial notice of the provisions of such charter. The charter of any city or city and county may be amended by proposals therefor submitted by the legislative body of the city on its own motion or on petition signed by fifteen per cent of the registered electors, or both. Such proposals shall be submitted to the electors only during the six months next preceding a regular session of the legislature or thereafter and before the final adjournment of that session and at either a special election called for that purpose or at any general or special election. Petitions for the submission of any amendment shall be filed with the legislative body of the city or city and county not less than sixty days prior to the general election next preceding a regular session of the legislature. The signatures on such petitions shall be verified by the authority having charge of the registration records of such city or city and county, and the expenses of such verification shall be provided by the legislative body thereof. If such petitions have a sufficient number of signatures the legislative body of the city or city and county shall so submit the amendment or amendments so proposed to the electors. Amendments proposed by the legislative body and amendments proposed by petition of the electors may be submitted at the same election. The amendments so submitted shall be advertised in the same manner as

herein provided for the advertisement of a proposed charter, and the election thereon held at a date to be fixed by the legislative body of such city, not less than forty and not more than sixty days after the completion of the advertising in the official paper. If a majority of the qualified voters voting on any such amendment vote in favor thereof it shall be deemed ratified, and shall be submitted to the legislature at the regular session next following such election; and approved or rejected without power of alteration in the same manner as herein provided for the approval or rejection of a charter. In submitting any such charter or amendment separate propositions, whether alternative or conflicting, or one included within the other, may be submitted at the same time to be voted on by the electors separately, and, as between those so related, if more than one receive a majority of the votes, the proposition receiving the larger number of votes shall control as to all matters in conflict. It shall be competent, in any charter framed under the authority of this section to provide that the municipality governed thereunder may make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several charters and in respect to other matters they shall be subject to general laws. It shall be competent in any charter to provide for the division of the city or city and county governed thereby into boroughs or districts, and to provide that each such borough or district may exercise such general or special municipal powers, and to be administered in such manner, as may be provided for each such borough or district in the charter of the city or city and county.

The percentages of the registered electors herein required for the election of freeholders or the submission of amendments to charters shall be calculated upon the total vote cast in the city or city and county at the last preceding general state election; and the qualified electors shall be those whose names appear upon the registration records of the same or preceding year. The election laws of such city or city and county shall, so far as applicable, govern all elections held under the authority of this section.

ARGUMENT IN FAVOR OF SENATE CONSTITUTIONAL AMENDMENT NO. 29.

With the rapid growth of cities in California, the natural community of interest between them, particularly in respect to public utilities, has given rise to a demand for joint action. This demand in the past has evoked a considerable amount of legislation extending to municipalities authority to act in conjunction in many matters of common concern. Each such law is usually framed to meet a particular situation. These situations are varied in the extreme. Hence no little confusion has arisen.

This proposed amendment offers a different, and, it is believed, a much fairer and more workable plan for authorizing such joint activities. When two or more cities desire to cooperate, instead of rushing to the legislature, they will enter into an appropriate contract containing the details and provisions of the plan under which they desire to work. This contract must then be submitted separately to the voters of each city. If it provides for the "assumption, adjustment or creation of bonded indebtedness," it must be approved by a two-thirds vote of the voters of each city. Otherwise, a majority vote in each such city will approve. The contract so ratified by the voters must then be ratified by the legislature, just as in the case of new charters or charter amendments. When thus ratified by the voters and by the legislature, the contract becomes a part of the organic law of each city.

The advantages of this plan are:

- (a) It will give to our municipalities full opportunity to work out their common problems.
- (b) It will reduce the amount of legislation necessary to this end.
- (c) By a carefully worked out contract, cities

can better express their purposes than by a statute which ordinarily would not receive the same consideration as a contract.

(d) The voters in each city are given a voice in the adoption of the plan, and are given full protection.

(e) It is in harmony with the "home rule" system of city government which has worked so well in California.

While at the present time, cities, generally speaking, have power to contract with each other, they do not have adequate authority to make the necessary financial arrangements to

make the contract effective. This amendment makes it possible to make these essential financial arrangements as an integral part of the contract.

The amendment was very carefully prepared by the representatives of many of our cities, to meet a real and growing need for machinery to permit them to handle their common problems.

Vote "Yes" on the amendment.

W. J. CARR,
State Senator Thirty-sixth District.
L. J. FLAHERTY,
State Senator Twenty-fourth District.

WATER AND POWER. Initiative Measure adding Article XIVa to constitution. Creates board appointed by Governor and subject to recall, chairman receiving fifteen thousand dollars annually, other members twenty dollars per day when acting. Authorizes issuance of bonds not exceeding \$500,000,000. Empowers board to develop and distribute water and electric energy (giving state and political subdivisions certain preferential rights), do anything convenient therefor, fix rates to meet cost thereof and retire bonds in fifty years, use state waters and lands, and require reservation of water from appropriation and, when necessary in board's opinion, public lands from sale.

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YES
NO

Sufficient qualified electors of the State of California present to the secretary of state this petition and request that a proposed measure, as hereinafter set forth, be submitted to the people of the State of California for their approval or rejection, at the next ensuing general election.

PROPOSED AMENDMENT.

The full text of the proposed amendment is:

Article XIVa—Water and Power Development.

Section 1. It is hereby declared to be the policy and purpose of the state to conserve, develop and control the waters of the state for the use and benefit of the people.

Sec. 2. The California water and power board, hereinafter called the board, is hereby established, composed of five members who shall be appointed by the governor, one of whom he shall designate as chairman and executive officer, who shall devote all his time to the duties of the office. The members shall be qualified electors of the state and shall be so appointed as to be fairly representative of the state geographically and of its irrigation and municipal interests. Members shall hold office for four years, except that of those first appointed, one shall hold office until January 1, 1924, one until January 1, 1925, one until January 1, 1926, and two until January 1, 1927. The chairman shall receive a salary of fifteen thousand dollars per annum. The other members shall receive a per diem of twenty dollars while engaged in the performance of duty and all members shall receive their necessary expenses. The legislature may increase their compensation. Each member shall execute to the state such bonds as the governor may require. The legislature shall have power by a two-thirds vote of all its members to remove any one or more of the members of the board from office for dereliction of duty or corruption or incompetency; and it shall be the duty of the legislature to provide by law for the removal of members by recall, following so far as pertinent the provisions of article twenty-three of the constitution, except that a successor of any member recalled shall be appointed by the governor for the unexpired term, as shall be done in the case of a vacancy otherwise arising. A majority of the members shall constitute a quorum for the transaction of business and no vacancy in the board shall impair the right of the remaining members to exercise all powers of the board. The board shall maintain its office at Sacramento.

Sec. 3. The board shall have power:

(a) To acquire by purchase, lease, condemnation, gift or other legal means, land, water, water rights, easements, electric energy and any other

property necessary or convenient for the purposes of this article, and likewise to acquire, and also to construct, complete and operate, works, dams, reservoirs, canals, pipe-lines, conduits, power-houses, transmission lines, structures, roads, railroads, machinery and equipment, and to do any and all things necessary or convenient for the conservation, development, storage and distribution of water, and the generation, transmission and distribution of electric energy. No electric energy shall be purchased by the board at a price to exceed one-half of one cent per kilowatt hour at the power plant, based upon a fifty per cent load factor, except for standby service as provided in section twelve hereof;

(b) To purchase, acquire, produce, manufacture or otherwise provide facilities, materials and supplies, raw or finished, and any property or thing necessary or convenient to the accomplishment of the purposes of this article;

(c) To supply water or electric energy or both to the state, political subdivisions and other users, and, subject to the provisions of this article, to prescribe the terms of contracts, and fix the price therefor and collect the same;

(d) To use the waters and the lands of the state, or any material therein or thereon, and to require the reservation from sale or other disposition of such lands and material as, in the opinion of the board, will be required for the purposes of this article;

(e) To require the reservation of water from appropriation for such periods as it may provide;

(f) In the name of the state to apply for and accept, under the provisions of the laws of the United States or of any state, grants, permits, licenses and privileges in the opinion of the board necessary for the accomplishment of the purposes of this article;

(g) To cooperate and contract with political subdivisions of this state and, with the approval of the governor, with the United States and other states, concerning the conservation and use of interstate and other waters and the generation and use of electric energy and the acquisition, construction, completion, maintenance and operation of works necessary or convenient for the accomplishment of the purposes of this article;

(h) To acquire or construct for political subdivisions distributing systems for water or electric energy bought from the state, upon terms that, in the opinion of the board, will repay to the state within twenty-five years the cost thereof with interest. The title to or interest of the state in such systems shall vest in the political subdivision when paid for;

(i) To sue and be sued, and to exercise in the name of the state the power of eminent domain for the purpose of acquiring any property, or the use or joint use of any property,