

1936

CONSOLIDATED CITY AND COUNTY GOVERNMENT

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CONSOLIDATED CITY AND COUNTY GOVERNMENT California Proposition 14 (1936).
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<p style="text-align: center;">CONSOLIDATED CITY AND COUNTY GOVERNMENT. Assembly Constitutional Amendment No. 3. Amends section 7½ of Article XI of Constitution. Provides a method by which any county, regardless of population, having one or more incorporated cities within its boundaries, may frame and adopt a charter for a consolidated city and county government having same boundaries as the former county. (Present constitutional provision excludes counties having less than 200,000 population from the right to adopt such a consolidated government and permits establishment of a city and county government for area comprising only a portion of the former county.)</p>	YES
	NO

(For full text of measure, see page 30, Part II)

Argument in Favor of Assembly Constitutional Amendment No. 3

The purpose of this amendment is to extend to all counties which have an incorporated city, and particularly small counties, the rights and benefits—and economies—of consolidated “city and county” government, *if they want it*.

The provisions of this section, as here proposed to be amended, are entirely and solely *permissive*;—nothing is forced on *any* county or on *any* city.

At present the privileges of consolidated “city and county” government are enjoyed by only one place. Isn't it time that othe. localities were given a reasonable opportunity, unhampered by unnecessary population and geographical limitations, to get together under one government, instead of carrying the burden of a multitude of governments?

Specifically, this amendment authorizes the unincorporated territory and the cities of any county, no matter how small, to join together by the majority vote of the voters in the territory *and in each city*, to establish a consolidated “city and county.” As this section reads at present, it is completely ineffective, since there is no longer any county organized under the general law which had a population of 200,000 in 1918. This amendment gives the section new life, by removing the 200,000 limitation, and permitting any county which has a city to take advantage of its provisions. The only other authorization in our Constitution of such consolidations is in section 8½, under which cities of over 50,000 population can secure the benefits of consolidated “city and county” government, but the remainder of the county can benefit only by having the city *annex* the rest of the territory to it! Why not cut this red tape? Give the seven larger counties a direct way to consolidate, and give the forty-six eligible smaller counties their *first real chance* to save on governmental costs, if they can agree on a charter.

Everybody is complaining about the cost of government. Here's a chance to do something constructive about it. **VOTE YES!**

FREDERICK PETERSON,
Member of the Assembly,
Twenty-ninth District.

Argument Against Assembly Constitutional Amendment No. 3

Regardless of the side the citizen may take for or against city and county consolidation, the proposed constitutional amendment should be voted down for the following reasons:

1. The amendment as drawn is practically the present section 7½ with the elimination of the population limit; the elimination of the restriction to counties organized under general law unfortunately is illusory for the reason that the last section of the amendment specifically excludes from its operation counties organized under a charter (for example Alameda County could not take advantage of the amendment as was decided by the Supreme Court in *Wallace vs. Board of Supervisors*, 2 Cal. (2d) 109).

2. The method is very cumbersome and full of uncertainties (for instance it is not certain whether a small municipality of less than 10,000 population and being surrounded by another municipality could be taken in against the will of a majority of its electors. See Section 7½b of Article XI of the Constitution).

3. It excludes from its operation the largest County in the State, namely Alameda County. Under this amendment Alameda County would have to have an election to abandon its present charter which requires a two-thirds majority, then it will take three separate elections, one to elect a Board of Freeholders, one to pass upon the charter, one to ratify the charter as to territory. In other words in Alameda County it will take at least Four elections; the First requiring a two-thirds majority and on the top of it all it will be uncertain whether Piedmont and Emeryville can be taken in against the wishes of their electors.

4. There is considerable uncertainty as to the qualification for Freeholders. At present there is some view that they shall own property, this uncertainty should be eliminated.

5. There is uncertainty by reason that there is no provision for paying the Freeholders for their clerical help.

So we submit the amendment should be defeated until a proper enabling act is submitted; simple and not too costly; certain and definite so as to eliminate uncertainty.

HENRY P. MEEHAN,
Member of the Assembly, Seventeenth District.

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amount of such security so required in such proceedings. The taking of private property for a railroad run by steam or electric power for logging or lumbering purposes shall be deemed a taking for

a public use, and any person, firm, company or corporation taking private property under the law of eminent domain for such purposes shall thereupon and thereby become a common carrier.

14	CONSOLIDATED CITY AND COUNTY GOVERNMENT. Assembly Constitutional Amendment No. 3. Amends section 7½a of Article XI of Constitution. Provides a method by which any county, regardless of population, having one or more incorporated cities within its boundaries, may frame and adopt a charter for a consolidated city and county government having same boundaries as the former county. (Present constitutional provision excludes counties having less than 200,000 population from the right to adopt such a consolidated government and permits establishment of a city and county government for area comprising only a portion of the former county.)	YES	
		NO	

Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to section 7½a of Article XI of the Constitution of the State of California, relating to local government.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its fifty-first regular session commencing on the seventh day of January, 1935, two-thirds of the members elected to each of the two houses voting in favor thereof, hereby proposes to the people of the State of California that section 7½a of Article XI of the Constitution of the State of California be amended to read as follows:

(This proposed amendment expressly amends an existing section of the Constitution; therefore, EXISTING PROVISIONS proposed to be DELETED are printed in STRIKE-OUT TYPE; and NEW PROVISIONS proposed to be INSERTED are printed in BLACK-FACED TYPE.)

PROPOSED AMENDMENT TO THE CONSTITUTION.

Sec. 7½a. Any county organized under the general law, and having, at the time this section takes effect, a population of two hundred thousand inhabitants or over, as ascertained by the last preceding census taken under authority of the Congress of the United States, and having within its territorial boundaries one or more incorporated cities or towns, may frame a charter for a consolidated city and county government, by causing a board of fifteen freeholders, who have been for at least five years qualified electors of the county, to be elected by the qualified electors of said county, at a special election. Said board of freeholders may be so elected in pursuance of an ordinance adopted by the vote of three-fifths of all of the members of the board of supervisors of such county, declaring that public interest requires the election of such board of freeholders for the purpose of preparing and pro-

posing a charter for a consolidated city and county, with or without a system of boroughs, with combined powers of a city and a county, as in this Constitution provided for city and county government; or in pursuance of a petition of qualified electors of said county as hereinafter provided; which said petition must state the name and address of a person or persons to whom notice of the insufficiency of the petition shall be sent in the event that the petition shall not have the required number of signatures of the qualified electors signed thereto. Such petition, signed by fifteen per centum of the qualified electors of said county, computed upon the total number of votes cast therein for candidates for Governor at the last preceding general election at which a Governor was elected, praying for the election of a board of fifteen freeholders to prepare and propose a charter for a consolidated city and county government, with or without a system of boroughs, with combined powers of a city and a county, as in this Constitution provided, may be filed in the office of the county clerk. It shall be the duty of the said county clerk, within twenty days after the filing of said petition, to examine the same, and to ascertain from the record of the registration of the electors of the county, whether said petition is signed by the requisite number of qualified electors. If required by said clerk, the board of supervisors shall authorize him to employ persons to assist him in the work of examining such petition, and the board shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the results of his examination, and if, by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall immediately present said petition to the board of supervisors, if it be in session, otherwise at its next regular meeting after the date of such certificate. If it appear by said certificate that said

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petition has not the required number of signatures of the qualified electors signed thereto, the said clerk shall so notify the person or persons whose names or names are mentioned therein, to whom the notification of the insufficiency of the petition shall be sent. Whereupon the petitioners shall have thirty days from and after the date of receiving the notice of insufficiency from the clerk, to present and file additional signatures. Upon the receipt of the additional signatures, the clerk shall proceed forthwith to examine the petition of additional signatures, so that such examination shall be completed within ten days from the date of his receiving same. If it appear that the number of additional signatures added to those who have not been legally rejected upon the original petition, shall total the requisite number of qualified electors necessary as provided in this section, the clerk shall forthwith attach to said petition his certificate, properly dated, showing that said petition has been signed by the requisite number of qualified electors, and said clerk shall immediately present said petition to the board of supervisors, if it be in session, otherwise at the next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said board of supervisors shall order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than forty days nor more than ninety days after the adoption of the ordinance aforesaid or the presentation of said petition to said board of supervisors. Candidates for election as members of said board of freeholders shall be nominated by petition, substantially in the same manner as may be provided by general law for the nomination, by petition of electors, of candidates for county offices, to be voted at general elections. The election shall be conducted and the ballots canvassed and results result declared substantially as are other elections for county officers, except that there shall be only one election, and the fifteen persons receiving the highest vote shall be declared the duly elected board of freeholders. All ties shall be broken by lot.

It shall be the duty of said board of freeholders within one hundred and eighty days after the result of such election shall have been declared by the board of supervisors, to prepare and propose a charter for a consolidated city and county government, and it shall prescribe the existing boundary lines of the county as the territorial limits of said proposed city and county, and propose the formation of all of the incorporated cities and towns and all of the unincorporated territory within the county into a consolidated city and county government, to be governed by said charter, and to have combined powers of a city and a county, as provided in this constitution for consolidated city and county government. Or said board of freeholders may propose, in the alternative, that a lesser area than that of

the whole county, to consist of those incorporated cities and towns hereinafter required to be designated and named by the board of freeholders as necessary and essential to effect consolidation; also those incorporated cities and towns, which as hereinafter provided, may by a majority vote of the qualified electors voting thereon separately, vote in favor of such consolidation, together with any unincorporated territory within the county proposed to be added; may be formed into a consolidated city and county government, to be governed by said charter, and to have combined powers of a city and a county as provided in this Constitution for consolidated city and county government.

When such proposal is submitted in the alternative, the board of freeholders must designate and name as necessary and essential to effect city and county consolidation, all of the incorporated cities within the county having a population of one hundred fifty thousand inhabitants or over, as ascertained by the last preceding census taken under the authority of the Congress of the United States; and no consolidation shall be effected unless, as hereinafter provided, a majority of the qualified electors, voting separately thereon in each of said designated and named incorporated cities vote in favor of such proposal.

The charter proposed shall be signed by the members of the board of freeholders, or a majority of them, and be filed, one copy in the office of the county recorder, one in the office of the county clerk, and certified copies thereof duly attested by the president and secretary of the board of freeholders shall be filed in the clerk's office of each incorporated city and town in the county. The board of freeholders shall thereupon take a recess until called together by the board of supervisors as hereinafter provided. Thereupon the board of supervisors shall cause said proposed charter to be published in at least two daily newspapers of general circulation published, printed and circulated in the county, if there be two, or in the one such newspaper if there be but one, or if there be no such newspaper then in a daily newspaper of general circulation in the county, for at least six consecutive times, and shall also cause said proposed charter to be published for at least three consecutive times in a daily newspaper of general circulation, printed, published and circulated in each of the incorporated cities and towns within the county, and if there be no daily newspaper printed, published and circulated in any of such incorporated cities and towns then, once in a weekly newspaper published, printed and circulated therein; provided, however, if there be no daily or weekly newspaper published, printed and circulated in any of such incorporated cities or towns, then said publication shall be made by posting in three public places in each of said incorporated cities or towns having no such newspaper, for at least three days. All of such publication shall be completed within fifty days of the filing of the proposed charter with the county clerk. The board of supervisors shall cause to be printed in pamphlet form at least as

many copies of such proposed charter, plus an additional fifteen per cent, as there are registered electors in the county. The county clerk shall forthwith deliver to the clerk of the legislative body of each and every incorporated city or town within the county, a number of the printed copies of the proposed charter, equal at least to the number of registered electors residing in any such incorporated city or town. The county clerk shall thereupon give notice, by advertising in one and not more than two daily newspapers of general circulation published, printed and circulated in the county, or if there be no such newspaper, then in a daily newspaper of general circulation in the county, and if there be a newspaper published, printed and circulated in any of such incorporated cities and towns, in one such newspaper of each said city or town, that copies of the proposed charter can be had at his office or at the office of the several city or town clerks, designating them, upon application. Upon the completion of the publication of the proposed charter as above required, and not later than fifteen days thereafter, the board of supervisors must pass an ordinance or resolution calling a separate election in each of the incorporated cities and towns within the county, for submitting the proposal for consolidation to the electors thereof. Each incorporated city or town shall be considered one separate district, and the proposal for such consolidation shall be submitted separately to the electors thereof, as hereinafter provided. The date of such election shall be fixed in the resolution or ordinance adopted by the board of supervisors, which date shall not be less than forty days nor more than ninety days from the date of the passage of such resolution or ordinance calling the election for the submission of said proposal. The separate elections held in the several cities and towns must all be held on the same day. The resolution or ordinance calling such elections shall be published for five successive days in one daily newspaper of general circulation published, printed and circulated in the county, so that the last publication shall have been completed at least five days before the date of the election. The resolution or ordinance calling such elections, shall also be published for three successive days in one daily newspaper of general circulation, published, printed and circulated in each of the incorporated cities and towns, and if there be no daily newspaper published, printed and circulated in any of such incorporated cities and towns, then twice in a weekly newspaper, provided, however, that if there be no daily or weekly newspaper published, printed and circulated in any such incorporated city or town, such publication may be made by posting in three public places in said incorporated city or town for at least three days before the date of election.

The board of supervisors must appoint election officers in the same manner and give notice of such appointment by publication, as provided by the general law for the appointment of election officers at general elections; provided, however, that the board

of supervisors shall not appoint more than four election officers to each election precinct; and provided, further, that the number of precincts in each city or town comprising an election district shall not be more than the number of precincts used at the last general election. In all other respects, every such election shall be held and conducted, the returns canvassed and the result thereof declared by the board of supervisors in the same manner as provided by law for general elections.

The proposal to be submitted to the electors of each of said incorporated cities and towns shall be substantially as follows: "Shall the (herein designate by name the incorporated city or town) join with the other incorporated cities and towns within the county of (herein insert name of county) together with the unincorporated territory within the said county, and form and establish a consolidated city and county (herein insert whether it is proposed to have a system of boroughs) to be known as the city and county of (herein insert the name proposed) to be governed by the charter proposed by the board of freeholders, which charter has been filed in the office of the county clerk and duly published, said charter to take effect on (herein insert date mentioned in charter when city and county consolidation shall take effect)?" If the board of freeholders have proposed an alternative proposition, the ballot shall, in addition to the above proposal, state substantially: that if said principal proposal does not receive a majority vote of the electors, voting thereon, in all of the incorporated cities and towns within the county, but receive a majority vote of the electors, voting thereon in each of the incorporated cities within the county (naming them) which have been designated and named as the cities necessary and essential in which a favorable vote must be had to effect consolidation of an area less than the whole of the county, then the proposition of the formation and establishment of a district into a consolidated city and county, which district shall include said named incorporated cities, also other contiguous incorporated cities and town in which a favorable vote was had upon the proposition, and certain unincorporated territory (which district shall be the area described in the proposed amended charter), shall be thereafter submitted to the qualified electors of such district for their approval. Also there must be stated in such proposal such reference to taxation and bonded indebtedness and the liability therefor as is provided in the proposed charter.

If after the canvass of the votes and the declaration of the result by the board of supervisors, it appear that a majority of the electors in each of the incorporated cities and towns in the county, voting separately thereon at said election, have voted in favor of said proposal, the board of supervisors shall so certify such fact to the board of freeholders and set a day for the reconvening of said board of freeholders which day shall not be later than ten days after the certification by the board of supervisors. The board

of freeholders shall enter the certificate of the board of supervisors in its minutes and shall have no power to change or alter in any manner any of the provisions of the charter as heretofore prepared and published. It shall thereupon adjourn.

Whereupon the said proposed charter shall be submitted by said board of supervisors to the qualified electors of the whole of said county at a special election to be held not less than thirty nor more than sixty days after the adjournment of the board of freeholders; thereafter or if there be a general election held within ninety days after the adjournment of the said board of freeholders; thereafter then at such general election.

If a majority of the qualified electors voting thereon in the unincorporated territory of the county, and in each incorporated city and town in the county, at such special or general election, shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, if it be in session, otherwise at its next regular or special session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be by concurrent resolution, and if approved by a majority vote of the members elected to each house, such charter shall become the charter of such consolidated city and county and shall become the organic law thereof relative to matters therein provided, and shall supersede any existing municipal charter of the cities within the county and all amendments thereof, and shall supersede all laws inconsistent with such charter relative to matters provided in such charter.

If it appear, after a canvass of the votes by the board of supervisors, that the proposal has not received a favorable vote in all of the incorporated cities and towns within the county, and the proposal submitted shall have provided in the alternative that a lesser territory than that of the whole, not less than the incorporated cities designated and set forth in the proposal as necessary and essential to effect consolidation, may form and establish a consolidated city and county government, and a majority of the electors in each of the said incorporated cities designated as necessary and essential to effect consolidation have voted in favor of such proposal, the board of supervisors shall so certify the fact to the board of freeholders, and also certify all other incorporated cities or towns in which a majority of the electors have voted in favor of such proposal. The board of freeholders shall, within fifteen days thereafter, reconvene and meet upon a day to be fixed by the board of supervisors, and shall proceed to rearrange and define the boundaries for the proposed new city and county, including therein all of the incorporated cities certified by the board of supervisors, in which a majority of the electors have voted in favor thereof, and which by the terms of the proposal were designated as necessary and essential to effect consolidation. The board of freeholders must also include in the boundaries

for the new proposed city and county any incorporated city or town having a population of less than ten thousand inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States, which, if such new proposed city and county is formed, would be surrounded by such area proposed to be formed into a city and county, or which is contiguous thereto and not contiguous to the largest area of the remainder of the original county from which the proposed city and county proposes to separate, notwithstanding that the result of the election in any such incorporated city or town as shown by the canvass of the votes of the board of supervisors, was unfavorable thereto. The board of freeholders may also include in the boundaries of the proposed new city and county, other incorporated cities or towns, not designated and named as necessary and essential to effect consolidation, but in each of which a majority of the electors have voted in favor of such proposal, together with such unincorporated territory within the county as it may desire, the whole to form one compact area, no part of which shall be disconnected from the remainder thereof.

No amendment or changes in the provisions or sections of the proposed charter as originally prepared, published and filed in the office of the county clerk, shall be made by the board of freeholders at its second session, except as herein provided. The board of freeholders at its second session, shall have power to change the territorial limits or boundaries in such charter as hereinbefore provided. It shall also have power to change the number, by reduction thereof, of boroughs and of the councilmanic or supervisorial districts and the number of councilmen or supervisors to be elected, and to rearrange and number said districts to conform to the area to be formed into a city and county, except that boroughs previously established by the charter, if their territory is within the area of the proposed city and county shall not be changed. It may also provide a lesser salary to be paid to any officer of the proposed city and county, if such salary is stated and fixed by the original proposed charter, and it may correct any mistake or clerical or typographical errors.

The board of freeholders shall complete its labors, as above required, within ten days after the date fixed by the board of supervisors for its second meeting unless given an additional ten days time by said board of supervisors. Within said ten days and not later than twenty days, if such time has been extended, the members of the board of freeholders, or a majority thereof, shall sign the proposed charter as amended, and file one copy thereof in the county recorder's office and two copies in the county clerk's office, one of which copies shall thereafter be filed by the county clerk, in the archives of the new city and county government, when the charter shall have been approved by the Legislature.

The provisions of section two of this article, and also these provisions of section three of this article

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which refer to the passing of any county line within five miles of the exterior boundary of a city or town in which a county seat of any county proposed to be divided is situated, shall not apply to the formation of such consolidated cities and counties, nor to the formation of new counties or of any city and county as herein specified under any of the provisions of this section.

Within ten days after the filing of the proposed charter, as amended by the board of freeholders, with the county clerk, the whole area of the proposed new city and county shall, by resolution of the board of supervisors, be created into a district, for the purpose of submitting the proposed charter, as amended, to the electors thereof, for their approval. The question of the adoption of the proposed charter as amended, shall be submitted to the electors of the whole of the area proposed to be formed into a consolidated city and county as one proposal.

The board of supervisors shall forthwith, and not later than twenty days from the date of the resolution creating said district, pass an ordinance or resolution calling an election in the whole county, for the purpose of submitting the question of the consent of the electors of the whole county to the separation, of the district proposed in the charter, from the original county, and for the purpose of submitting the question of the adoption of the proposed charter to the electors residing within the district created, or the proposed territory described in the charter as amended, as the territorial boundaries of the proposed new city and county.

Both propositions or proposals shall be submitted at one election, as hereinafter provided. The date of such election shall be fixed in the resolution or ordinance calling such election, which date shall not be less than twenty days nor more than sixty days from the date of the passage of the resolution or ordinance calling such election.

The resolution or ordinance calling such election shall be published for five consecutive days in not less than two daily newspapers, if there be two, if not, in one daily newspaper of general circulation published, printed and circulated in the county, or if there be no such daily newspapers, then twice in at least one weekly newspaper published, printed and circulated in the county. Such resolution or ordinance shall also be published for a like time in at least one daily newspaper of general circulation published, printed and circulated within the area or territory proposed to be formed into a consolidated city and county.

The amended sections of the charter shall also be published for three consecutive days in at least one daily newspaper published, printed and circulated in the county, and if there be no daily newspaper published, printed and circulated in the county, then twice in a weekly newspaper published, printed and circulated in the county. Such amended sections of the charter shall likewise be published in at least one

daily newspaper published, printed and circulated within the area or district proposed to be formed into a city and county, and if there be no such daily newspaper thence twice in a weekly newspaper published, printed and circulated in such area.

The board of supervisors must appoint election officers in the same manner, and give notice of such appointment by publication, as provided by the general law for the appointment of election officers at general elections, except that no more than four election officers shall be appointed to each election precinct. In all other respects, every such election shall be conducted, the returns canvassed and the result declared by the board of supervisors in the same manner as provided by law for general elections.

The proposal to be submitted to the electors of the whole of the county and the proposals to be submitted to the electors of the district or area described in the charter as the territorial boundaries of the proposed new city and county, shall be as follows:

In the county outside of the district or area described in the charter as the territorial boundaries of the new consolidated city and county, the only proposal to be submitted to the electors thereof shall be substantially as follows:

"Shall the incorporated cities and towns (herein name them) and the unincorporated territory (if any) (herein describe the unincorporated territory) be permitted to separate from (herein name the county) and establish a consolidated city and county to be known as (herein insert name of new county) the separation to take effect on (herein name date fixed in the proposed charter for the taking effect of the new city and county government)?"

In the district created by the resolution of the board of supervisors, which shall be the area described in the amended proposed charter, the same proposal as above shall be submitted to the electors, and also shall be submitted separately the question of the establishing of the area into a new consolidated city and county and the approval and ratification of such charter, substantially in the following form: "Shall the (herein describe the territory as described in the proposed amended charter) consolidate and be formed and established into a city and county government to be known as (herein state name of city and county) (herein state whether there shall be a system of boroughs) and shall the charter prepared, published and filed in the office of the county clerk on (herein state the date upon which the amended charter as to boundaries was filed) be adopted as the charter of the consolidated city and county, to take effect (herein state date mentioned in the charter when the consolidation shall take effect)?" Also may be stated in this proposal such reference to taxation and bonded indebtedness and the liability therefor as provided in the proposed charter.

Upon consent to the separation of such district being given by a majority of the qualified electors, voting thereon, at such election, in the whole of the county, and upon the approval and ratification

such charter by a majority of the qualified electors voting thereon in the district or area which is to be formed into a consolidated city and county, and by the approval of said charter by the Legislature, as hereinbefore provided in this section for the submission of the charter to the Legislature when the whole of the county is to be formed into a consolidated city and county; said charter shall be deemed adopted, and upon the date fixed in said charter such district shall be and become one consolidated city and county; and the charter shall become the organic law thereof relative to matters therein provided, and shall supersede any existing municipal charter of the cities consolidated by it; and shall likewise supersede all laws inconsistent with such charter relative to matters provided in such charter.

No consolidation shall take place under the provisions of this section unless a majority of the qualified electors voting thereon in every incorporated city and town in the county and in the unincorporated territory thereof, vote in favor of such consolidation, and the votes cast in each city and town and in the unincorporated territory, shall accordingly be separately tabulated to show the results.

It shall be competent, in any charter, or amendment thereof, framed under the authority given by this section, to provide in addition to those provisions allowable by the Constitution and laws of the State as follows:

1. For the merging and consolidating the cities and county into one municipal government with one set of officers, which shall include those officers required to be provided for in a county charter; for the establishment of a borough system of government for the whole or any part of the territory of said city and county, by which one or more districts may be created therein, which districts may be known as boroughs and shall exercise such municipal powers as may be granted by such charter, and for the organization, constitution, regulation, government and jurisdiction of such boroughs, which organization, constitution, regulation, government and jurisdiction may provide for rural districts, with different powers and organization, constitution, regulation, government and jurisdiction from other boroughs; provided, that in the event of such establishment or creation of a borough or boroughs, as hereinabove permitted, the boundaries thereof shall never afterwards be changed or altered, nor shall the governmental rights, powers or jurisdiction of any such borough or boroughs be thereafter limited, extended, modified or taken away, unless and until the borough or boroughs affected by such proposed change or alteration of boundaries, or by the proposed limitation, extension, modification or taking away of governmental rights, powers or jurisdiction, as the case may be, shall each have consented thereto, by the vote of a majority of the electors in each and every such borough

voting at an election or elections called and held for such purpose in each of the boroughs so affected.

2. For the consolidation and merging of school and high school and union high school districts into one or more school, high school and union high school districts within the city and county, to be governed by one board of education and one school superintendent, and may provide separate organization, constitution, regulation, government and jurisdiction and powers for rural school districts, if any are established.

3. For the constitution, regulation, government and jurisdiction of police courts, and for the manner in which, the times at which, and the terms for which the judges of such courts shall be elected or appointed, and for the qualifications and compensation of said judges and of their clerks and attaches; and for the establishment, constitution, regulation, government and jurisdiction of municipal courts with such civil and criminal jurisdiction as by law may be conferred upon inferior courts; and for the manner in which, the time at which, and the terms for which the judges of such courts shall be elected or appointed, and for the qualifications and compensation of said judges and of their clerks and attaches; provided, such municipal courts shall never be deprived of the jurisdiction given inferior courts created by general law; provided, that in any city and county, when such municipal court has been established, there shall be no other court inferior to the superior court, and pending actions, trials, and all pending business of inferior courts within the territory of such city or city and county, upon the establishment of any such municipal court, shall be and become pending in such municipal court, and all records of such inferior court shall thereupon be and become the records of such municipal court.

4. 3. For the manner in which, the times at which, and the terms for which the members of the board of education or boards shall be elected or appointed, for the qualifications, compensation and removal, and for the number which shall constitute any one of such boards.

5. 4. For the manner in which, the times at which, and the terms for which the members of the board or boards of police commissioners, if any, shall be elected or appointed; and for the constitution, regulation, compensation, and government of such boards and of the municipal city and county police force.

6. 5. For the manner in which and the times at which any municipal city and county election, or borough election shall be held and the result thereof determined; and for the manner in which, the times at which, and the terms for which the members of all boards of election shall be elected or appointed, and for the constitution, regulation, compensation and government of such boards, and of their clerks and attaches, and for all expenses incident to the holding of any election.

6. It shall be competent in any charter framed in accordance with the provisions of this section, for any consolidated city and county, and plenary authority is hereby granted, subject only to the restrictions of this article, and, in regard to the powers and duties of officers performing county functions, subject to general law as to those functions to provide therein or by amendment thereto, for the powers and duties of all county, city and county, municipal and borough officers; for the manner in which, the method by which, and the terms for which the several county, city and county, municipal and borough officers, except judges of the superior court and justices, shall be elected or appointed, and for their recall and removal, and for their compensation or the fixing thereof, including judges and justices of inferior courts, and for the number of deputies, clerks and other employees that each shall have, or the fixing thereof, and for or the fixing of the powers and duties, compensation, method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employees.

7. It shall be competent in any charter, or amendment thereto, framed in accordance with the provisions of this section, to provide that the city and county may make and enforce all laws and regulations, and exercise all rights and powers in respect to municipal affairs and municipal officers, and shall have all powers and rights appropriate to a county, city, and city and county subject only to the restrictions and limitations provided in such charter.

Any charter framed under the provisions of this section, which charter provides for the formation of the whole territory of the county into a consolidated city and county, may provide for the termination of the tenure of office of all county officers elected after the adoption of such charter by the electors of such county and prior to the approval of such charter by the Legislature.

8. No property in any city or town or territory hereinafter consolidated into a city and county shall be taxed for the payment of any indebtedness outstanding at the time the charter takes effect and for the payment of which indebtedness the property in such city or town or territory was not, prior to the taking effect of such charter, subject to such taxation; unless there shall have been submitted to the qualified electors of such city or town or territory, at the separate election submitting the proposal in the first instance to join, the proposition regarding the assumption of such indebtedness as hereinbefore set forth and the same shall have been approved by a majority of such electors voting thereon.

In all cases of consolidation of two or more incorporated cities and towns, or of one or more incorporated cities or towns with unincorporated territory, into a city and county, assumption of existing bonded indebtedness by such city or town or by such unincorporated territory or by either any of the

cities and towns so consolidating may be made by a majority of the qualified electors voting thereon in the territory or city or town which shall assume an existing bonded indebtedness, and the provisions of section eighteen 18 of this article shall not be a prohibition thereof.

Every city and county which shall be formed, under the provisions of this section, of territory which shall have been taken from the original county, shall be liable for a just proportion of the debts and liabilities and be entitled to a just proportion of the property and assets of such county existing at the time of such separation.

If the population in the territory formed into a city and county, by separation from the original county, is equal to or greater in number than two-thirds of the population of the whole of the original county at the time of the formation of such city and county, the city and county so formed and separating itself from the original county, shall be entitled to the original records and books of the original county, upon supplying to the original county certified copies of all records, documents and books properly bound and indexed, which affects or may affect the property of the remaining portion of the original county, or which it may in the future have occasion to refer to; and such certified copies so furnished and certified by the county clerk if the copies are issued from his office, and by the recorder if issued from his office, or by any other officer of the county if they be copies of records in his office, shall be competent evidence in any court proceeding or action which may thereafter be commenced.

The Legislature of the State may enact such general laws as may be necessary to carry out the provisions of subdivision eight of this section.

If by the formation of a city and county, under the provisions of this section, any territory whether incorporated or unincorporated is separated from the original county, and by such separation, any of the elective officers of the original county, have by reason of such separation ceased to be residents or electors of the original county, such elective officers shall continue to serve, and be charged with all of the powers and duties of the office to which they were elected, until the expiration of the term for which they were elected, and their salaries shall be paid, by both the new city and county and the remaining portion of the original county, in proportion and in the ratio as the population of each bears to the whole population of the original county.

If under the provisions of this section, any city and county is formed which does not include the whole of the original county, and by reason of the separation of the territory comprising the new city and county, any incorporated city or town or any unincorporated territory is separated from the largest area or the remainder of the county, by reason of its exterior boundary not being contiguous thereto, the Legislature shall provide for the transfer of such por-

tion or portions to an adjoining county or counties whose exterior boundary or boundaries may be contiguous thereto, or it may transfer such portion or portions to the new consolidated city and county; provided, however, if there be formed and established under the provisions of this section, a consolidated city and county government of a lesser area than that of the whole county, and there be any incorporated city having a population of forty thousand inhabitants or over, within the county, as ascertained by the last preceding census taken under the authority of the Congress of the United States, which is not included therein; or if by the formation and establishment of any lesser area than that of the whole county into a consolidated city and county, any such incorporated city having such population is separated and detached from the largest area of the remainder of the original county, by reason of its exterior boundaries not being contiguous thereto; then such incorporated city, together with all other incorporated cities or towns or unincorporated territory in such original county, which if said new city and county is formed and established would likewise be so separated and detached, and which are contiguous to each other and form one compact area, may organize and establish a consolidated city and county government for the whole of such detached territory under the provisions of section eight of this article, by adopting a freeholders charter in accordance with the provisions of said section, and to have all of the powers conferred by said section, except, that for the purpose of the election of members of the board of freeholders, and the organization and establishment of such consolidated city and county government, the whole of such detached area proposed to be formed into such consolidated city and county, shall be treated and considered as a city, within the meaning of section eight of this article, and except that all elections thereunder and all proceedings for the adoption of such charter shall be initiated and conducted by the governing body of the incorporated city having the largest population in such detached area. Such charter may be submitted to the electors within the area of the detached territory, for their approval; at any time subsequent to the adoption of the charter prepared by the freeholders elected by the electors of the whole of the original county, but the same shall not be ratified by the Legislature of this State until after the ratification by the Legislature of the charter adopted in the first instance, which provided for the formation of a lesser territory than that of the whole county into a consolidated city and county government.

If under the provisions of this section any city and county is formed, which does not include the whole of the area of the original county from which it is permitted to separate, and any remainder of the county is not transferred to another county as in this section provided, but is to continue as a county, the Governor of the State shall designate and assign, from among the judges of the superior court of the original county

in office at the time of the taking effect of the new city and county government, as many judges as the ratio of the population contained in the area formed by the new city and county bears to the population of the whole of the original county at the time of the approval of the charter by the Legislature; and the judges so assigned shall be and become the judges of the superior court of the new city and county, to hold office during the term for which each of them shall have been elected.

Upon the approval by the Legislature of any charter framed under the provisions of this section, which charter provides for the separation of any new city and county from the original county, the board of supervisors of the original county, shall, at the time and in the manner set forth in such charter so approved, pass an ordinance calling an election in the area which is consolidated into a city and county, for the purpose of nominating and electing the first officers thereunder. Said board of supervisors shall canvass the votes and declare the result of such election. The county clerk or other officer having charge of registration of electors shall furnish to the district or city and county so consolidated, the voting list and precinct registers of all the electors residing in the area of the territory wherein the election is to be held.

The provisions of this Constitution applicable to cities, and cities and counties, and also applicable to counties, so far as not inconsistent or prohibited to cities or cities and counties, except in the method of procedure of calling elections for the election of freeholders and the submission of the question of the formation of a consolidated city and county, shall be applicable to such consolidated city and county.

Any charter framed under the provisions of this section may be amended as provided in section eight 8 of Article eleven XI of this Constitution.

Nothing in this section shall be construed to repeal or alter in any way the provisions of section eight and one-half 8½ of Article eleven XI of this Constitution, providing a different method and procedure for the formation of cities and counties, wherein the initiative is taken by a city or city and county. Nor shall the provisions of this section apply to any consolidated city and county, organized as such at the time this section takes effect; nor shall the provisions of this section apply to any county, which at the time this section takes effect, had adopted a freeholders charter, and was organized and operating under such freeholders charter. The Legislature shall enact such general or special laws as may be necessary to carry out the provisions of this section, and such general or special laws, as may be necessary to effect city and county consolidation hereunder; or as may be necessary to provide for any period after such consolidation, by reason of the separation from the original county of such consolidated city and county, or to provide for the government of the remainder of the original county from which separation was had.

[Thirty-seven]