

1956

# BOROUGH FORM OF COUNTY GOVERNMENT

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required to submit the budget to the Legislature within the first three days of the session, this does not occur until after the Legislature convenes on the 1st Monday in March.

Since the budget session does not convene until March and is then limited to 30 days duration, this does not give the Legislature sufficient time to adequately consider the budget during the session. Therefore, as a practical matter, the Joint Legislative Budget Committee, cooperating with the Governor and with the Department of Finance has worked out a voluntary procedure by which the Governor's budget is submitted to the Senate Finance and Assembly Ways and Means Committees in advance of the budget session.

However, under this voluntary procedure, only a part of the budget has been so submitted and only to the limited number of members of the Legislature serving on these committees.

This proposed Constitutional Amendment would move the date of convening the budget session up one month to the first Monday in February so that the complete budget and budget bill would be submitted to the full membership of the Legislature in session at that time. The Legislature would then be empowered to recess for a period not in excess of 30 days while the Senate Finance and Assembly Ways and Means Committees are conducting hearings on the budget and thereafter the Legislature would reconvene for further deliberations and final action on the budget.

This proposed Constitutional Amendment is the result of a study and recommendation of the Joint Committee on Legislative Procedure of the Senate and Assembly to improve the procedures of your Legislature. Its adoption will make provision in the Constitution for a more efficient and practical

procedure for handling the budget in the budget session and improve upon what is now only a voluntary arrangement.

Vote YES!

DONALD L. GRUNSKY  
State Senator, Santa Cruz  
and San Benito Counties

EARL D. DESMOND  
State Senator, Sacramento  
County

**Argument Against Senate Constitutional Amendment No. 4**

This amendment to the Constitution will not increase the efficiency of the budget approval process.

At the present time the budget is reviewed by the Legislative Committees between January and March and ample opportunity is afforded for the review and approval in final form with recommendations to the Governor.

There are numerous improvements in the Legislative procedures which probably could be made after a complete and exhaustive study is made. This amendment, if it were proven to be justified or necessary, would only be a minor item which should be presented to the voters for consideration. A more logical approach would be a complete set of new constitutional provisions to improve the streamlining of our State Legislative procedures including session schedules which the voters could then intelligently analyze and evaluate.

JOHN F. MCCARTHY  
State Senator, 13th Senatorial District

**BOROUGH FORM OF COUNTY GOVERNMENT. Assembly Constitutional Amendment No. 46.** Authorizes establishment by county charter of a borough form of government either for all or any part of unincorporated territory of county, any such borough to exercise such county powers and be administered as provided by the county charter.

9

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| YES |  |
| NO  |  |

(For Full Text of Measure, See Page 39, Part II)

**Analysis by the Legislative Council**

This constitutional amendment would add Section 7 1/2a to the Constitution. It would permit provision in a county charter for the establishment of a borough system of government for the whole or any part of the unincorporated territory of the county, without limitation upon the number of boroughs that may be so created. The Constitution does not now permit the charter of a county to create such a local governmental unit (borough), but does permit the creation of boroughs by charters of cities and of cities and counties. (Constitution, Art. XI, Sec. 8.)

This measure would allow the exercise of county powers by a borough through provision in a county charter and it permits the charter to provide for the administration of such boroughs. It would also allow the charter to authorize the boroughs to cooperate with other county boroughs, city boroughs or cities, or to exercise jointly any powers common to such county boroughs, city boroughs or cities.

**Argument in Favor of Assembly Constitutional Amendment No. 46**

California is confronted with many administrative and jurisdictional problems of local govern-

ment resulting from unprecedented growth of population in the metropolitan areas. Enforced annexations or unwise incorporations will not solve these problems.

Eight of these metropolitan areas are located in 15 of the 58 counties and contain 83.4% of the total state population. Growth outside is double that inside the central cities. The demand for public services in these outside areas has strained intergovernmental relations between County, City and District governments. Duplication of services, multi-level administrations, and the unrelated growth of many neighboring communities should be resolved by free choice of the people affected without coercion. Unlimited expansion of municipal government is no long range solution to metropolitan growth.

In order to simplify many of these problems, the 1955 Legislature overwhelmingly approved Assembly Constitutional Amendment #46, now identified as Proposition #9, which would authorize county charters to be amended to establish boroughs in the whole or any part of the unincorporated territory of such counties.

The state constitution already provides charter cities with the authority to establish boroughs. This proposition would permit county government the same authority by county charter amendment. It is permissive legislation, not mandatory, and does not apply to general law counties.

This amendment was limited to charter counties so that the nature and extent of the powers of the borough, either administrative or legislative, could be specifically set forth in the charter amendment of the county and would be voted upon by the entire county in determining its local needs.

A county borough would not be another form of local government, but would be a subdivision of county government just as a city borough is a subdivision of a city.

A borough could provide an elective borough council for determination of local functions. It could be the means of consolidating presently overlapping district governments with better integration of services and simplification of boundaries and tax code areas at a substantial reduction in taxes.

A borough could provide a more orderly growth pattern of suburban metropolitan areas short of annexation or incorporation. It could stabilize the present bitterly competitive activities of many cities fighting for jurisdiction to annex territory of neighboring communities. Long established unincorporated communities do not desire to be annexed or forced to incorporate for self protection of their identity and interests.

If people in the suburban unincorporated territories wish to remain a local unit under county jurisdiction they should be allowed that free choice. The Legislature has always provided every possible means to allow people self determination in their selection of local representation.

The 1955 Legislature approved this amendment as beneficial to orderly government. It passed the Assembly 61 to 1 and passed the Senate unanimously. It was endorsed unanimously by the board of directors of the County Supervisors Association of California.

The League of California Cities did not oppose this legislation.

As author of this legislation, I sincerely urge favorable consideration of this progressive step by the people of California.

FRANK LANTERMAN  
Member of California Legislature  
Assemblyman 48th District

**Argument Against Assembly Constitutional  
Amendment No. 46**

**VOTE NO!** Proposition No. 9 should be defeated because it will require additional property taxes, provide a new and expensive level of government in California and will increase rather than decrease the number of governmental units in this State.

Traditionally, borough government has been used to effect the consolidation of several cities into one large city and to constitute the abolished

cities as boroughs. The boroughs thereafter concern themselves with purely local borough needs and thereby preserve a measure of home rule and local policy control. The central city becomes the central administrative unit for providing city-wide services to all boroughs within the larger unit. However, this proposal does not relate to the consolidation of cities into boroughs, but rather would permit our existing counties to be partitioned into more governmental units!

The measure is unnecessary! Counties can now and have established area offices in communities outside the county seat. This measure authorizing boroughs would also provide for some type of borough commission, council or other governing board similar to boroughs in cities of other countries such as Berlin or London. This borough commission would become a pressure lobby to force boards of supervisors to give more and more services to the borough. The Board of Supervisors instead of thinking of the welfare of the whole county would inevitably tend to yield to the official area pressure group established under this proposal. Overall county needs would suffer and taxpayers would be called upon to pay for expanded services demanded by the borough commissions.

Counties enact many ordinances regulating the conduct of persons and the use of property, such as zoning ordinances and building codes. These police measures could also be adopted by borough commissions and instead of one set of uniform county ordinances applicable throughout the unincorporated territory of the county, there would be as many different regulations as there were boroughs. Farmers, businessmen, property owners and others affected by such police measures would find it almost impossible to keep up with the new varied regulations.

Counties and cities are fundamentally different forms of government. Counties are agencies of the State performing State functions within arbitrary geographical areas of the State. Cities are municipal corporations formed by local residents to provide municipal-type services such as fire and police protection. To contend that because charter cities can have boroughs, charter counties should be given the same authority ignores the fundamental distinction between counties and cities.

This measure is a step backward in sound governmental administration. It is a step up instead of down in the cost of local government. It was soundly defeated by the Legislature in 1953. It is tinkering of the worst sort with sound government and should be defeated.

Should this amendment be made a part of our State Constitution, the chances are 99 to 1 that it will never be used.—Why set up another form of local government?

**VOTE NO!**

ASSEMBLYMAN EARL W. STANLEY  
Nine years Chairman of Assembly Committee on Municipal and County Government

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| <b>8</b> | <b>LEGISLATIVE BUDGET SESSIONS. Senate Constitutional Amendment No. 4.</b><br>Requires budget session of Legislature to convene in February of each even-numbered year instead of March. After introduction of Budget Bill permits recess of budget session for period up to 30 days. Provides for expenses of committee members considering Budget Bill during such recess. | <b>YES</b> |  |
|          |  | <b>NO</b>  |  |

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

PROPOSED AMENDMENTS TO ARTICLE IV

First—That subdivision (c) be added to Section 2 of Article IV thereof, to read:

(c) **Notwithstanding any provisions in subdivision (a) of this section of this article to the contrary, all budget sessions shall commence at 12 m. on the first Monday in February and no budget session shall exceed 30 calendar days in duration exclusive of the recess authorized to be taken by this subdivision. After the introduction**

**of the Budget Bill at a budget session a recess of both houses may be taken for a period not to exceed 30 calendar days. Members of the committees to which the Budget Bill is assigned for consideration during such recess shall be reimbursed for their expenses incurred for days while serving as members of such committees during the recess, in addition to the days allowed by subdivision (b) of this section.**

Second—That Section 14 of Article IV be amended to read:

Sec. 14. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any place other than that in which they may be sitting. ~~Nor shall the members of either House draw pay for any recess or adjournment for a longer time than three days.~~

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| <b>9</b> | <b>BOROUGH FORM OF COUNTY GOVERNMENT. Assembly Constitutional Amendment No. 46.</b> Authorizes establishment by county charter of a borough form of government either for all or any part of unincorporated territory of county, any such borough to exercise such county powers and be administered as provided by the county charter. | <b>YES</b> |  |
|          |   | <b>NO</b>  |  |

(This proposed amendment does not expressly amend any existing section of the Constitution, but adds a new section thereto; therefore, the provisions thereof are printed in **BLACK-FACED TYPE** to indicate that they are **NEW**.)

PROPOSED AMENDMENT TO ARTICLE XI

Sec. 7 $\frac{1}{2}$ a. **Any county charter may provide for the establishment of a borough system for the whole or any part of the unincorporated territory**

**of such county, by which one or more boroughs may be created therein, and may provide that each borough may exercise such county powers and be administered in such manner as may be provided for such boroughs in the charter of the county. A county charter may provide that such boroughs may cooperate with other county or city boroughs or cities, or exercise jointly any powers common to such county or city boroughs or cities.**

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| <b>10</b> | <b>STATE CIVIL SERVICE: CONTRACT ARCHITECTS AND ENGINEERS. Senate Constitutional Amendment No. 6.</b> Provides that civil service requirements shall not prevent Legislature from adopting laws permitting State to employ private architects and engineers by contract when work cannot be performed by state agency staff within the required time. | <b>YES</b> |  |
|           |   | <b>NO</b>  |  |

(This proposed amendment does not expressly amend any existing section of the Constitution, but adds a new section thereto; therefore, the provisions thereof are printed in **BLACK-FACED TYPE** to indicate that they are **NEW**.)

PROPOSED AMENDMENT TO ARTICLE XXIV

**Sec. 8. Nothing in this article shall prevent the Legislature from enacting legislation to authorize the employment of private architects and engineers on a contract basis for the performance of work which the obtainable staff of a state agency is unable to perform within the time the public interest requires such work to be done.**