

1974

RESIDENCE OF LOCAL GOVERNMENT EMPLOYEE

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RESIDENCE OF LOCAL GOVERNMENT EMPLOYEE California Proposition 5 (1974).
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Ballot Title

RESIDENCE OF LOCAL GOVERNMENT EMPLOYEES. LEGISLATIVE CONSTITUTIONAL AMENDMENT.
 Adds section 10.5 to Article XI of the State Constitution providing that a city or county, including any chartered city or county, or public district, may not require its employees to be residents of such city, county, or district. Employees may be required to reside within a reasonable and specific distance of their place of employment or other designated location. Financial impact: None.

FINAL VOTE CAST BY LEGISLATURE ON ACA 103 (PROPOSITION 5):

ASSEMBLY—Ayes, 62	SENATE—Ayes, 30
Noes, 2	Noes, 2

Analysis by Legislative Analyst**PROPOSAL:**

At present, state law prohibits cities, counties, and districts from requiring their employees to reside in the city, county, or district where they work. This law does not apply to charter cities because the State Constitution gives charter cities the power to decide for themselves whether city employees must be residents. A number of charter cities require city employees to be residents.

The proposition would do the following:

1. It would prohibit any unit of local government—

including a charter city—from requiring its employees to be residents.

2. It would allow any local government to require its employees to live within a reasonable distance of their work.

3. It would prevent the Legislature from changing these provisions.

FISCAL EFFECT:

The measure does not affect state or local government revenues or expenditures.

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Text of Proposed Law

This amendment proposed by Assembly Constitutional Amendment 103 (Statutes of 1974, Resolution Chapter 93) expressly amends an existing article of the Constitution by adding a new section thereto. Therefore, the provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENT TO ARTICLE XI

SEC. 10.5. A city or county, including any chartered city or chartered county, or public district, may not require that its employees be residents of such city, county, or district; except that such employees may be required to reside within a reasonable and specific distance of their place of employment or other designated location.

Study the Issues Carefully

Argument in Favor of Proposition 5

Problem:

Of the 468 cities and counties in California, only eight charter cities have any provision requiring employees to reside within the community where they work.

Since 1970, California's 380 general law cities and counties have been prohibited by State law from imposing a residency requirement for employment. Because of a Constitutional inequity, charter cities and counties may still reasonably require that an employee live within the political boundary of those cities and counties.

Solution:

YOUR "YES" VOTE ON PROPOSITION 5 WILL CORRECT THIS INEQUITY.

Aside from the important question of an individual's freedom to live where he or she chooses within his or her economic means, the single and most important concern for Californians regarding the residency issue is its effect upon the number and quality of applicants for charter city and county employment. A good police officer, planner, fireman, engineer, paramedic, environmental standards supervisor or sanitation worker is hard to find even under the most favorable of conditions — bodies, yes; but qualified persons, no. Citizens of these communities deserve more than mere job occupants, they deserve quality employees. Residency requirements keep hundreds of highly qualified individuals from employment in those jurisdictions, and necessarily reduce the pool of quality personnel entering employment in those communities. Housing shortages and many other good reasons make it impossible for some employees to live inside the city.

One reason the Legislature banned residency requirements for general law cities and counties is that we also

see the residency law as a potential tool for setting up political machines. It is a way of keeping tabs on city employees to be sure they live in the city, register to vote, register with the "right" party and in fact do vote in the city. None of these things affect a person's job, but they might if a politician decided to use them.

Many municipalities spend a great deal of money training young people to be valuable long term employees only to lose them to other jurisdictions who pay the same salaries yet have no residency requirement.

YOUR "YES" VOTE WILL:

1. **REQUIRE** that all California cities and counties follow the same law on employee residency.
2. **INSURE** that cities and counties can hire the best qualified employees.
3. **KEEP POLITICAL SPOILS SYSTEMS OUT** of city and county government.
4. **END** the unreasonable restriction on citizens' freedom to live within their financial means in a home of their choice.
5. **ELIMINATE** the problems of chronic understaffing and deteriorating services in local governments as the result of a residency requirement.

The public's main concern is whether their employees are doing a good job. We think that freedom to recruit and employ the best people, no matter where they live, will help guarantee better city and county government.

HOWARD L. BERMAN
Assemblyman, 57th District

W. CRAIG BIDDLE
Senator, 36th District

EDWARD M. DAVIS
Chief of Police, City of Los Angeles

Rebuttal to Argument in Favor of Proposition 5

VOTE "NO" ON PROPOSITION 5.

We agree that citizens of California's cities deserve highly qualified employees. A residency requirement does not prevent recruitment anywhere, but simply provides that once individuals have accepted employment, they also accept the community employing them. Most qualified employees are, and can be, employed from among community residents. The few with special or technical skills required to be recruited from outside a city should become residents, but only if the voters of a city so require.

Residency requirements can insure that city employees have an interest in the city in which they work and

can help to build a solid and stable community and promote efficient and loyal public service.

VOTE "NO" ON PROPOSITION 5. It not only ties the hands of voters of cities who desire to require their employees to be residents, but it also prevents the Legislature itself from dealing with a very important economic and social problem.

CLARK L. BRADLEY
Senator, 14th District

TOM BRADLEY
Mayor, City of Los Angeles

JOHN J. MILLER
Assemblyman, 17th District

Argument Against Proposition 5

VOTE FOR HOME RULE.

VOTE "NO" ON PROPOSITION 5 AND RETAIN CONTROL OF CITY EMPLOYEES.

WE URGE A "NO" VOTE ON PROPOSITION 5.

Retain your right to require city employees to live with the people who pay both city taxes and employee salaries. Approval of this measure will permanently freeze in the Constitution a prohibition against such residence requirement notwithstanding community needs and desires.

VOTING "NO" ON PROPOSITION 5 will prevent the creation of a super-class of public employees who are willing to accept all the benefits of public employment, job security, high salaries, extensive pension, sick leave, medical, dental and other fringe benefits but who are unwilling to accept and share the responsibilities borne by the residents who employ them. We believe that public employees should be fully familiar with, and sympathetic to, the social, economic and cultural problems of the city by which they are employed. They should know and experience the same tax burdens borne by city residents. They should not be able to flee the

problems while accepting all of the benefits of such employment.

We agree that public employees, like all other employees, should have complete freedom to choose where they will live, but having made the choice to become an employee of a particular city, they also should be willing to reside in that city if the voters believe this is economically and socially desirable. The desire of firemen, for example, to live closer to moonlighting opportunities than to the people who employ them is understandable, but should not be guaranteed by the Constitution.

VOTE "NO" ON PROPOSITION 5. Don't remove your right to require public employees to accept responsibilities with their benefits.

CLARK L. BRADLEY
Senator, 14th District

TOM BRADLEY
Mayor, City of Los Angeles

JOHN J. MILLER
Assemblyman, 17th District

Rebuttal to Argument Against Proposition 5

Opponents of Proposition 5 want public employees to be sympathetic and responsive to a community's needs and problems. We agree. However, since poverty, unemployment and high taxes do not fit neatly into political boundaries, outdated residency requirements are totally irrelevant as solutions to these problems.

Equally important is a city's responsibility, as an employer, to be responsive to the needs of its employees. Housing shortages, particularly the lack of medium-priced housing, can be serious problems for employees restricted by arbitrary political boundaries. Should an employee who wishes to move outside city boundaries be forced to forfeit his job in order to do so?

We must not permit governmental agencies—through residency requirements—to restrict the basic freedoms which are so important to the American way of life. Proposition 5 would extend this freedom to the people of all cities and counties in California.

Local governments are responsible for supplying the highest quality service for the lowest cost. Clearly, it is in the best interests of any community to be able to hire employees from the largest pool of prospective employees.

A "YES" VOTE ON PROPOSITION 5 will do two important things:

- Assure California citizens that the highest quality applicants are available for city and county jobs; and
- Give all public employees the right to live where they choose.

HOWARD L. BERMAN
Assemblyman, 57th District

W. CRAIG BIDDLE
Senator, 36th District

EDWARD M. DAVIS
Chief of Police, City of Los Angeles