

1988

Elected County Assessor

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66**Elected County Assessor**

Official Title and Summary Prepared by the Attorney General

ELECTED COUNTY ASSESSOR. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Presently, the State Constitution requires the offices of district attorney and sheriff to be elective in both charter and noncharter counties. This measure amends the Constitution to provide the office of assessor shall also be an elective office in charter and noncharter counties. Summary of Legislative Analyst's estimate of net state and local government fiscal impact: This measure would have no direct state or local fiscal effect.

Final Vote Cast by the Legislature on SCA 35 (Proposition 66)

Assembly: Ayes 65	Senate: Ayes 38
Noes 0	Noes 0

Analysis by the Legislative Analyst**Background**

The county assessor is responsible for determining the value of all private property that is subject to the local property tax. The office of county assessor in all of the state's 58 counties is currently filled by election. However, the office may be changed to an appointive office with the approval of local voters.

Proposal

This constitutional amendment requires the office of the county assessor to be filled by election in all counties, thereby removing the option to make the office appointive.

Fiscal Effect

This measure would have no direct state or local fiscal effect.

**You must reregister to vote if you move.
If you need a registration form call the
Secretary of State at 1-800-345-VOTE
or TDD 1-800-833-8683.**

Text of Proposed Law

This amendment proposed by Senate Constitutional Amendment 35 (Statutes of 1988, Resolution Chapter 1) expressly amends the Constitution by amending sections thereof; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENT TO ARTICLE XI, SECTIONS 1 AND 4

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

SEC. 1. (a) The State is divided into counties which are legal subdivisions of the State. The Legislature shall prescribe uniform procedure for county formation, consolidation, and boundary change. Formation or consolidation requires approval by a majority of electors voting on the question in each affected county. A boundary change requires approval by the governing body of each affected county. No county seat shall be removed unless two-thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal. A proposition of removal shall not be submitted in the same county more than once in four years.

(b) The Legislature shall provide for county powers, an elected county sheriff, an elected district attorney, *an elected assessor*, and an elected governing body in each county. Except as provided in subdivision (b) of Section 4 of this article, each governing body shall prescribe by ordinance the compensation of its members, but the ordinance prescribing such compensation shall be subject to referendum. The Legislature or the governing body may provide for other officers whose compensation shall be prescribed by the governing body. The governing body shall provide for the number, compensation, tenure, and appointment of employees.

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

SEC. 4. County charters shall provide for:

(a) A governing body of 5 or more members, elected (1) by district or, (2) at large, or (3) at large, with a requirement that they reside in a district. Charter counties are subject to statutes that relate to apportioning population of governing body districts.

(b) The compensation, terms, and removal of members of the governing body. If a county charter provides for the Legislature to prescribe the salary of the governing body, such compensation shall be prescribed by the governing body by ordinance.

(c) An elected sheriff, an elected district attorney, *an elected assessor*, other officers, their election or appointment, compensation, terms and removal.

(d) The performance of functions required by statute.

(e) The powers and duties of governing bodies and all other county officers, and for consolidation and segregation of county officers, and for the manner of filling all vacancies occurring therein.

(f) The fixing and regulation by governing bodies, by ordinance, of the appointment and number of assistants, deputies, clerks, attachés, and other persons to be employed, and for the prescribing and regulating by such bodies of the powers, duties, qualifications, and compensation of such persons, the times at which, and terms for which they shall be appointed, and the manner of their appointment and removal.

(g) Whenever any county has framed and adopted a charter, and the same shall have been approved by the Legislature as herein provided, the general laws adopted by the Legislature in pursuance of Section 1(b) of this article, shall, as to such county, be superseded by said charter as to matters for which, under this section it is competent to make provision in such charter, and for which provision is made therein, except as herein otherwise expressly provided.

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

If you need an absentee ballot call your
county clerk or registrar of voters
for an application.

Argument in Favor of Proposition 66

County assessors are an integral part of each county's government. They are responsible for providing objectively fair tax assessments and, accordingly, must be accountable to people, not politics. Unfortunately, the Constitution currently allows for the possibility that county assessors be appointed instead of elected by the voters. That poses a threat to the independence of an office that should be free from the influence or control of other elected officials.

Two years ago the Los Angeles County Board of Supervisors placed the question of appointing a county assessor on the ballot. Los Angeles County rejected "Proposition B" by 85% of those voting. However, other county boards of supervisors may not be responsible enough to ask the voters that question before making the

decision to place county assessors under their political control by having them appointed. We believe that voters throughout California should have the inalienable right to elect county assessors. Assessment procedures must be free of political pressures from other elected officials.

Proposition 66 will ensure that all county assessors be elected, along with county sheriffs, district attorneys, and boards of supervisors.

BARRY KEENE
Senate Majority Leader
State Senator, 2nd District

KEN MADDY
Senate Minority Leader
State Senator, 14th District

VIRGINIA A. LOFTUS
Assessor, County of Shasta
President, California Assessors' Association

Rebuttal to Argument in Favor of Proposition 66

The argument in favor of Proposition 66 is misleading. Under existing law, *local voters* have the power to decide whether the county assessor will be elected or appointed.

In counties with their own "charters," whether the assessor is elected like a politician or appointed based on ability and integrity is determined by the county charter. Only local voters may amend a county charter (*California Constitution, Article XI*).

In "general law" counties, the State Legislature currently provides that the assessor shall be elected unless local voters decide that the assessor will be appointed (*California Government Code, Section 24009*).

Proposition 66 is undemocratic. It would take away the

power of local voters to decide whether the county assessor will be elected or appointed.

A narrow special interest group (incumbent county assessors) may prefer to be accountable only to voters by standing election every four years; however, voters some counties may decide that "electing" a county assessor against whom no one has *the money to run* does not promote accountability.

A "no" vote on Proposition 66 preserves the power of local voters to decide whether their county's assessor will be elected or appointed.

GARY B. WESLEY
Attorney at Law

If you have any questions about voting call your county clerk or registrar of voters.

Argument Against Proposition 66

In recent years, California voters have amended our State Constitution to require that the sheriff and district attorney in each county be elected (and not simply appointed by the elected county board of supervisors).

Requiring the election of the county sheriff and district attorney makes sense for two reasons: (1) the law grants considerable discretion to these local law enforcement officials, and (2) they may be called upon to investigate or prosecute members of the county board of supervisors.

This measure would place in our State Constitution the requirement that all county assessors be elected as well.

Unlike the county sheriff and district attorney, the county assessor is not given broad discretion under the law and is not called upon to investigate or prosecute members of the county board of supervisors. The assessor's job simply is to compute and collect local taxes.

The attributes of a good assessor are competence, diligence and, in large counties, the ability to administer dozens or hundreds of employees. There is no particular need to have the assessor elected by county voters and not appointed by the county board of supervisors. Indeed, the board of supervisors probably can evaluate the qualifications and job performance of an assessor better than voters who must rely on the news media or campaign literature to provide the information.

The issue presented by this measure, however, is NOT whether county assessors should be elected or appointed. The question is whether we should place in our State Constitution a requirement that *in every county* the

assessor be elected regardless of the wishes of local voters.

Legally speaking, there are two types of counties in California. "Charter" counties have adopted local charters (i.e., constitutions). County charters govern the operation of those counties' governments and, under existing law, may provide for the election or appointment of the county assessor. County charters may be amended by local voters.

"General law" counties have not adopted local charters and are subject to general laws concerning their operation enacted by the State Legislature. The State Legislature currently provides for the election of a county assessor in all general law counties. The Legislature could eliminate this requirement through legislation and provide for the appointment of county assessors in general law counties. Alternatively, the Legislature could provide through legislation that county supervisors or local voters be allowed to decide whether that county's assessor would be elected or appointed.

If Proposition 66 passes, local voters in charter counties and the Legislature with respect to general law counties would be stripped of the authority to decide whether the county assessor would be elected or appointed.

Whether county assessors should be elected or appointed is a decision best left to local voters in charter counties and the Legislature with respect to general law counties. Accordingly, I respectfully suggest a "no" vote on Proposition 66.

GARY B. WESLEY
Attorney at Law

Rebuttal to Argument Against Proposition 66

The opposition says a good assessor should be competent, diligent and able to administer employees. An appointed person can possess these qualities, but nonetheless be overly responsive to political pressure in determining assessments. Electing assessors protects against favoritism and improper assessment practices by requiring their accountability at the ballot box. If you cherish that accountability, vote YES on Proposition 66.

BARRY KEENE
*Senate Majority Leader
State Senator, 2nd District*

KEN MADDY
*Senate Minority Leader
State Senator, 14th District*

VIRGINIA A. LOFTUS
*Assessor, County of Shasta
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