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AUTHORIZING AGREEMENTS BY POLITICAL SUBDIVISIONS FOR JOINT EXERCISE OF POWERS

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AUTHORIZING AGREEMENTS BY POLITICAL SUBDIVISIONS FOR JOINT EXERCISE OF POWERS California
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same authority, so far as concerns land for rights of way, also now exists in the case of irrigation, drainage, levee and reclamation districts.

The reasons for this policy are obvious. Unless the State highway authorities, or the county or city, could take possession, upon payment into court of the amount fixed as compensation, of property required for highways, roads or streets, private property owners could hold up for years the construction of our highways. Since the sovereign agency must be entitled to eventually obtain the required property, it has long been recognized that the practical and sensible thing was to allow the public agency to take possession at once so that construction work and development would not be delayed.

With the increased need for conserving and utilizing our water resources this same authority is found necessary in so far as applies to lands for reservoir sites. If the policy is wise as to rights of way for roads, streets, canals and ditches, it would seem to be equally sound and necessary in the case of reservoir sites.

Likewise, the authority which is found necessary for irrigation, drainage, levee and reclamation districts should obviously likewise be available to the new and recently created types of districts, such as metropolitan water districts, municipal utility districts, municipal water districts and water conservation districts.

This amendment does away with the unfair discrimination which now exists between districts performing the same functions.

This amendment simply extends the policy that has long been recognized, not only as desirable, but as absolutely necessary in order that government may carry on its functions. Unless this amendment is adopted it will be possible for one individual to hold up in litigation for many years the construction of essential works for the public's development or utilization of water.

An owner of private property can in no way be injured by this amendment, for he is protected in his rights by full compensation, whereas the people as a whole are greatly benefited in enabling projects to be constructed immediately, instead of being subjected to long and expensive delay through the arbitrary action of an individual property owner in refusing to accept a reasonable price for his property.

The signers of this argument come from varied parts of the State and believe it is essential as a public policy in all parts of California.

Vote "Yes."

SENATOR HERBERT C. JONES,
Santa Clara County.

SENATOR WALTER DUVAL,
Ventura County.

SENATOR RALPH SWING,
San Bernardino County.

AUTHORIZING AGREEMENTS BY POLITICAL SUBDIVISIONS FOR JOINT EXERCISE OF POWERS. Senate Constitutional Amendment 34. Permits two or more political subdivisions, majority of voters thereof respectively consenting, to jointly frame and adopt articles of agreement for joint exercise of powers and functions common thereto. Defines "political subdivision" as county, city and county, or incorporated city. Prescribes procedure for framing agreement by board of electors elected five from each subdivision, and for adoption, amendment and rescission thereof by majority vote in each subdivision. Agreement when adopted constitutes organic law of political subdivisions parties thereto as to competent matters therein contained.

22

YES

NO

(For full text of measure, see page 46, part II)

Argument in Favor of Senate Constitutional Amendment No. 34

This amendment provides a method by the use of which cities and counties would be able to increase governmental efficiency and still make those substantial savings which they have been trying so hard and so unsuccessfully to make. We have found that no great reduction in the tax rate can be made by pruning salaries and expense. We also know now that very few people are willing for their government to stop

performing any of the services now rendered; name a function that government should abandon and all the people directly affected rally to its defense. It would seem that if we are to reduce the cost of government very much there remains only one way to do it: some sort of consolidation must be made.

This proposed amendment does not provide for any changes of political boundaries; it can not be used to accomplish the difficult outright consolidation of cities, or counties, or cities and counties. It has only one purpose and that is

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to make it possible for local governments to get together and jointly exercise any power that all of them could be more efficiently and more economically administered over a larger area.

The amendment provides a method by which two or more cities, counties, or cities and counties may arrange to have any of the services now performed independently by each of them put in the hands of a single body of officials representing the whole area. For example, several cities might agree to join together in welfare work, or to unite their health departments, their playground and park departments, or to build a single hospital or jail which would serve them all. The savings possible by thus eliminating unnecessary duplication of overhead costs and by pooling expensive equipment must be apparent to all.

The amendment provides that the legislative bodies or 15 per cent of the qualified voters of the cities and counties concerned may cause the question of such a joint exercise of power by consolidation of some special function or functions to be put to the voters at any general or special election. Such a proposition may be concerned with only one function; it would be used only to consolidate the services where the greatest savings or increased efficiency would result. It is also specifically stated that no city or county can be included in such an agreement unless a majority of its voters express themselves in favor of it; likewise there is provided a way for the agreement to be terminated by action of the cities party to the agreement.

This is no new or revolutionary idea. It enlarges and improves an existing section of the general law of California and is placed before the people as a constitutional measure because of its importance in an economy program.

City, county, and State officials have given their best efforts to this problem of reducing costs. They have been unsuccessful only because the ways and means for effecting economies have been insufficient to meet the need. Flat cuts of ten, fifteen, or twenty per cent are only temporary makeshifts. What public officials need is a sensible method for making sound and lasting economies. This amendment is a real step in that direction.

EDWARD H. TICKLE,
Senator, 25th Senatorial District.

EDGAR W. STOW,
Senator, 31st Senatorial District.

BEN HULSE,
Senator, 39th Senatorial District.

Argument in Favor of Senate Constitutional Amendment No. 34

Senate Constitutional Amendment No. 34 is a development of the insistent demand on the part of the taxpayer for some action on the part of the Legislature leading to a reduction in the cost of government.

From evidence presented before the Legislature, and apparently from newspaper statements from every part of the State, the governing bodies of our cities and counties are faced with the same demands from their constituents.

In consideration of this pressing problem in establishing the State budget, it was apparent that the situation which has been created during the era of development and improvement of the last fifteen or twenty years, has been that every city and county is covered with improvement districts of various kinds, and there are departments of contiguous incorporated cities and counties that are serving their residents in an area that is limited and at an overhead cost that is becoming prohibitive.

There are many projects of public value and pressing need, such as sewage and garbage disposal, which is the most outstanding at the present time in many sections, and which must be settled soon, and unless Amendment 34 is adopted, thereby enabling joint action and the "pooling" of interests by natural geographical or topographical subdivisions, such improvements probably can not be instituted at the present time, or if attempted because of dire necessity, will result in further duplication of first cost and maintenance costs and thereby the continuance of tremendous unnecessary waste.

Constitutional Amendment No. 34 simply provides the authority for established political subdivisions to submit to the electors of that district a plan for the consolidation of the activities and services where there is a potential overlapping and duplication, with a resulting and inevitable waste of the taxpayers' money.

The interests of all are safeguarded by the provisions of the act which make it necessary to elect a board from each of the political subdivisions affected, and the publicity incidental to the drafting of such a plan would serve as notice to all electors and as to the terms of the proposed consolidation.

Then after the plan had been drafted, it would be necessary for a majority of the electors in each district or political subdivision to vote favorably on the proposition.

The adoption of Amendment No. 34 is urged in the interest of REAL public economy, efficiency and businesslike development.

H. L. PARKMAN,
Senator, 21st Senatorial District.

AUTHORIZING AGREEMENTS BY POLITICAL SUBDIVISIONS FOR JOINT EXERCISE OF POWERS. Senate Constitutional Amendment

22 34. Permits two or more political subdivisions, majority of voters thereof respectively consenting, to jointly frame and adopt articles of agreement for joint exercise of powers and functions common thereto. Defines "political subdivision" as county, city and county, or incorporated city. Prescribes procedure for framing agreement by board of electors elected five from each subdivision, and for adoption, amendment and rescission thereof by majority vote in each subdivision. Agreement when adopted constitutes organic law of political subdivisions parties thereto as to competent matters therein contained.

YES	
NO	

Senate Constitutional Amendment No. 34—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by adding to Article XI thereof a new section to be numbered 7½, relating to the joint exercise of powers and functions by political subdivisions.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its regular session commencing on the second day of January, 1933, two-thirds of the members elected to each of the two houses of the said Legislature voting therefor, hereby proposes to the people of the State of California, that the Constitution of said State be amended by adding to Article XI thereof a new section to be numbered 7½, and to read as follows:

(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 THE CONSTITUTION.

Sec. 7½. Any two or more political subdivisions, either contiguous or included one within the territorial boundaries of the other, may, in the manner herein set forth, provide for the joint exercise of the powers or functions common to said political subdivisions. The term "political subdivision" as used herein means a county, city and county, or incorporated city of this State, whether operating under general laws or under a freeholders' charter. No political subdivision shall enter any agreement for the joint exercise of powers and functions without the consent of a majority of the electors of such political subdivision for which the joint exercise of powers and functions is proposed voting thereon at an election called for that purpose as hereinafter provided.

Any two or more political subdivisions may jointly frame and adopt articles of agreement for the joint exercise of powers and functions common to said political subdivisions. Such articles shall be framed

by a board composed of five electors from each of such political subdivisions chosen at a general or special election. Only persons who have been electors for five years immediately preceding shall be eligible to such board. An election for such board may be called by two-thirds of the members of the legislative authority of each political subdivision so proposing to enter said agreement for the joint exercise of powers and functions, and shall be so called on presentation of a petition signed by registered electors in each such political subdivision, not less in number than fifteen per cent of the votes cast in such political subdivision for Governor at the last preceding gubernatorial election. Such petition shall be signed and verified in the manner provided in this Constitution for initiative petitions. Candidates for the board in each political subdivision may be nominated by a petition signed by one hundred electors of the subdivision, whose names appear upon the registration record. At such elections, which shall be held separately and simultaneously in each political subdivision proposing to jointly exercise powers and functions the electors shall vote, first, on the question "Shall a board be elected to frame articles of agreement for the joint exercise of powers and functions by (here insert names of political subdivisions)?" and, secondly, for the members of the board. If the first question receives a majority of the votes cast at such election in each political subdivision, or in any two or more political subdivisions, the electors elected shall organize as a board within ten days after the result of the election is declared, and shall, within the next one hundred twenty days thereafter prepare and propose articles of agreement for the joint exercise of powers and functions by the political subdivisions represented on the board. Said period of one hundred twenty days may be extended by the board with the joint consent of the legislative bodies of the political subdivisions concerned for an additional one hundred twenty days. The board may employ special and expert assistants and incur all necessary expenses in performance of its duties. The compensation of assistants and the expenses of the board shall be paid by the political subdivisions electing members thereto.

The articles of agreement so prepared, when signed by a majority of the members representing each political subdivision concerned, shall be filed with the department in charge of elections in each subdivision. The department shall cause copies of such articles of agreement to be published in pamphlet form and mailed to all registered electors in each such political subdivision not less than thirty days before the date set for the election upon such articles of agreement. The body authorized to call elections in each such political subdivision shall submit the articles of agreement to the electors at a date fixed in such articles of agreement by the board, which date shall be not less than sixty days from the filing of said articles with said department.

The elections shall be held separately and simultaneously in each of the political subdivisions represented on the board. If a majority of the qualified electors of each political subdivision voting thereon or a majority of the qualified electors of any two or more political subdivisions voting thereon vote in favor of such articles of agreement, said articles shall, as soon as the result of the election is declared, constitute and become the organic law of the political subdivisions voting in favor thereof with respect to all matters for which it is competent for such articles to provide as herein specified. Such articles of agreement shall supersede any existing organic law of the political subdivision so entering the agreement and all laws relative to the government of such political subdivisions inconsistent therewith. The courts shall take judicial notice of such articles of agreement.

It shall be competent for any articles of agreement framed and adopted in accordance with the provisions of this section to provide for the joint exercise and performance of any powers or functions common to the several political subdivisions entering the same. The political subdivisions party to said agreement shall provide for defraying the expenses arising therefrom and the articles of agreement may provide that contributions from the treasuries of each subdivision shall be made for the purposes for which the agreement was entered. The method of disbursement of funds shall agree so far as the same is practicable with the method provided by law for disbursement of funds by the several subdivisions party to the agreement. The agreement shall also provide for the disposition or distribution of any property acquired as a result of said agreement in the event the articles of agreement are rescinded or amended in the manner hereinafter specified.

Amendments to the articles of agreement may be proposed (a) by the legislative bodies of each political subdivision party to the agreement by resolutions approved by majority of the members of each such legislative body, or (b) by a petition signed by not less than ten per cent of the registered electors voting in each such political subdivision at the last election for Governor, filed with the department in charge of elections in each subdivision. Such amendments shall be separately and simultaneously submitted to the electors of each constituent political subdivision at the next general State election held not less than sixty days after filing of such resolution or petition or at special elections called by a two-thirds vote of the legislative body of each political subdivision to be held simultaneously on a date not less than sixty days after filing of such resolutions or petitions. Such amendments shall be published and mailed to the electors in the manner provided for publication and mailing of proposed articles of agreement. If a majority of the qualified electors in each political subdivision voting on an amendment shall vote in favor thereof, such amendment shall become part of the organic law of the political subdivision and the courts shall thereupon take judicial notice thereof. When alternative or conflicting amendments covering the same general purpose are proposed, the departments authorized to call elections in each political subdivision shall have the ballots so printed that the voter may, first, propose his approval or disapproval of the general purpose, and, second, express his preference for any proposed amendment. If a majority of the votes on the first question is negative, all such amendments shall be rejected. If a majority of the votes on the first question is affirmative, the amendment receiving the highest number of affirmative votes shall be ratified, and any others shall be rejected. If there is a conflict between two or more amendments receiving a majority vote at the same election, the amendment receiving the highest affirmative vote shall prevail.

Articles of agreement adopted under the authority of this section may be rescinded in the manner herein provided for the amendment of said articles. If a majority of the electors of each constituent political subdivision shall vote in favor of the proposed rescission, the articles of agreement shall be thereby rescinded and each political subdivision shall thereafter be relieved of any obligation thereunder and shall be governed under the general laws in force for the government thereof.