

**POLITICAL SCIENCE 1 - Governments of California Handout**  
Facilitator: Paul M. Flor

**The California Legislature**

Eligibility – At least 18 years of age

Residency – California resident for three years, at least one year in the district.

Term Limits – Two, four-year terms for the senate (8 years) and three, two-year terms (6 years) for assembly.

Senate seat rotation – 20 seats each even-numbered years.

Assembly seat rotation – All 80 seats even- numbered years.

Code of Ethics – Binds both houses, may expel a member by two-thirds vote.

Compensation - \$99,000 salary and \$121 per day living expenses when in session; telephone and gasoline expense allowance for a state-licensed automobile; limited health and retirement benefits.

**The Functions of the California Legislature**

- |                    |  |
|--------------------|--|
| 1. Make State Laws | 5. Can Place Constitutional Amendments on the Ballot |
| 2. Establish Taxes | 6. Spend State’s Money (Appropriations)              |
| 3. Confirmations   | 7. Oversight   |
| 4. Redistricting   |  |

**The Office of Governor**

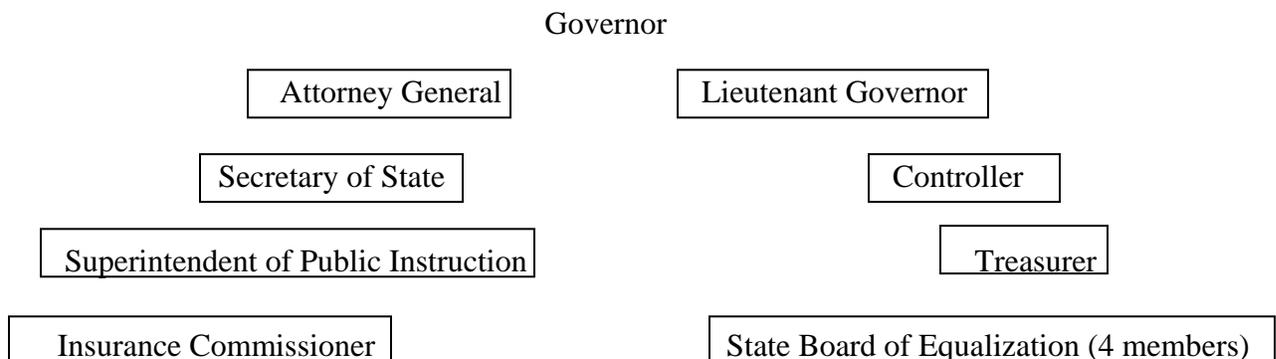
Eligibility – Citizen of the United States, be qualified to vote, and a California resident for five years immediately preceding the election.

Term – four years, starting the first Monday after January 1. Two term limit and subject to recall and impeachment.

**The Order of Succession for the Governor of California**

- |                                       |                    |
|---------------------------------------|--------------------|
| 1.Lieutenant Governor                 | 5.Attorney General |
| 2.President Pro Tempore of the Senate | 6.Treasurer        |
| 3.Speaker of the Assembly             | 7.Controller       |
| 4.Secretary of State                  |                    |

**California’s Executive Officers**



## **Gubernatorial Powers**

1. Ceremonial and Political Leader
  - a. ribbon-cutting
  - b. greeting world leaders
  - c. Political Party leader
2. Appointment Power – in the event of death, removal, or resignation in the following,
  - a. statewide officers
  - b. U.S. Senators
  - c. U.S. House of Representatives
  - d. County Supervisors
  - e. Judicial vacancies on the Superior Courts
  - f. State Supreme Court and Court of Appeal Justices
3. Judicial Influence
  - a. Pardon (release)
  - b. Commute (reduce prison term)
  - c. Reprieve (postpone a sentence)
4. Commander-in-Chief of the State Militia
  - a. call national guard to active duty in event of civil disturbance or natural disaster
5. Legislative Leader
  - a. State of the State address in January
  - b. Line-item veto
  - c. Veto
  - d. Pocket Veto (effectively eliminated with the constitutional revision of 1966 extending time for legislative session and the legislative reorganization of 1972 creating a continuous 2-year session)
  - e. Make Laws – 12 days after receiving a bill, the governor can
    - i. Sign the bill thereby making it a law
    - ii. Not sign the bill thereby making it law
    - iii. Veto the bill

## **California's three – level Court Structure**

1. Superior Court – one in each county for unlimited jurisdiction (over \$25,000), limited jurisdiction (under \$25,000) and small claims courts (\$7,500)
  - a. civil cases, including personal injury
  - b. family law
  - c. guardianship cases
  - d. probate cases
  - e. criminal cases
2. Court of Appeal – 6 districts
3. Supreme Court – highest court in the state, consisting of one chief justice and six associate justices, with original and appellate jurisdiction and capital punishment cases.
4. California's judicial branch consists of
  - a. 1,600 judges
  - b. 19,000 court employees, and
  - c. \$2.6 billion annual budget

5. Department of Corrections consists of over 161, 000 convicts (about 2.1% of the state population) and about 5,000 minors in the California Youth Authority. Housing all inmates costs over \$7 billion annually.

### **California’s Congressional Representation**

According to the U.S. Bureau of Census, the population of California is projected to reach 39.7 million. Undoubtedly, reapportionment will result in an increase in the number of House of Representatives elected in California. In 2000, there were approximately 33.9 million residents in the Golden State, allocating it 53 house seats in 2002.

California’s Population	Number of Representatives
1850 – 92,597	2
1860 – 379,994	3
1870 – 560,247	4
1880 – 864,694	6
1890 – 1,213,398	7
1900 – 1,485,053	8
1910 – 2,377,549	11
1920 – 3,426,861	11
1930 – 5,677,251	20
1940 – 6,907,387	23
1950 – 10,586,223	30
1960 – 15,717,204	38
1970 – 19,971,069	43
1980 – 23,667,764	45
1990 – 29,760,021	52
2000 – 33,871,648	53
2010 – 39.7 million (estimate)	---

### **California Voter Registration Eligibility**

According to the Secretary of State’s office in Sacramento, one must meet the following criteria:

1. 18 years old or older by election day
2. U.S. Citizen
3. Resident of California
4. Not in prison or on parole for a felony
5. Not found incompetent by a judge

In order to vote, one must submit an affidavit of registration to the county clerk’s office or registrar of voters at least 15 days before an election. The voter registration is permanent, unless its cancel by the registrar of voters. If a voter moves to a new county, or changes name or political party affiliation, the voter should update this information by re-registering to vote.

## California Political Parties

American Independent	<a href="http://www.woropr.com">www.woropr.com</a>
Democratic	<a href="http://www.ca-dem.org">www.ca-dem.org</a>
Green	<a href="http://www.rahul.net/greens">www.rahul.net/greens</a>
Peace and Freedom	<a href="http://www.peaceandfreedom.org">www.peaceandfreedom.org</a>
Natural Law	<a href="http://www.natural-law.org">www.natural-law.org</a>
Reform	<a href="http://www.california.reformparty.org">www.california.reformparty.org</a>
Republican	<a href="http://www.cagop.org">www.cagop.org</a>
Libertarian	<a href="http://www.ca.lp.org">www.ca.lp.org</a>

## Interest Groups and Lobbyists in California

1. Business: California Chamber of Commerce, California Manufacturers Association, California Bankers Association, California Retailers Association, California Association of Realtors
2. Agriculture: California Farm Bureau Federation, Agricultural Council of California, United Farm Workers
3. Labor Unions: California State Employees Association, California Teamsters Public Affairs Council, California Labor Federation
4. Professional Associations: California Medical Association, State Bar of California
5. Education: Association of California School Administrators, California School Boards Association, California Teachers Association, California Federation of Teachers
6. Government: County Supervisors Association, League of California Cities
7. Ideological Organizations: American Civil Liberties Union (ACLU)
8. Racial, Ethnic, or Religious Organizations: National Association for the Advancement of Colored People (NAACP), Mexican-American Political Association (MAPA), California Catholic Conference
9. Public Utilities: Pacific Gas & Electric Company, Verizon
10. Miscellaneous: League of Women Voters, California Taxpayers Association, Sierra Club, Girls Scouts, Boys Scouts, American Association of Retired People (AARP)

## Local Government

Local governments vary in structure, size, power and relation to one another. Hawaii, for instance, has only 19 local government units consisting of 3 counties, 1 municipality, and 15 special districts. Illinois, at the other extreme, has the largest number for any state with over 6,900 units of local government consisting of 102 counties, 1,291 municipalities, 1,431 townships, 3,145 special districts, and 934 school districts. California's local governments consists of 58 counties, over 500 cities, over 1025 school districts, and over 5000 other special districts and regions.

All local units of government essentially exercise powers granted by or borrowed from the state governments. Since local government is not mentioned in the U.S. Constitution, local governments do not have constitutional status and only serve as agents of the state governments.

All California residents live within the boundaries of one of the state's 58 counties. California's counties serve a dual role. They provide a vast array of municipal services to residents, including roads, parks, law enforcement, emergency response services and libraries. Counties also serve as a delivery channel for many State services, such as foster care, public health care, jails and elections.

## County Government

The basic provisions for the government of California counties are contained in the California Constitution and the California Government Code. A county is the largest political subdivision of the state having corporate powers. A county is established to bridge the gap between city governments and the state by providing services. The county oversees many important services, such as providing health and human services, police and fire departments, courts, roads, and park services. It is vested by the Legislature with the powers necessary to provide for the health and welfare of the people within its borders. The specific organizational structure of a county in California will vary from county to county.

### Types of Counties

The first constitution of California in 1849 created the original 27 counties and provided for the election of board of supervisors in each county. At first, the county was merely an extension of the legislature and was under its direct control. Then the Constitutional Revision of 1879 and the Home Rule Amendment of 1911 reformed the functions of counties throughout the state, giving way to the two types of counties.

The California Constitution recognizes two types of counties: general law counties and charter counties. General Law counties adhere to state law as to the number and duties of county elected officials. Charter counties, on the other hand, have a limited degree of "home rule" authority that may provide for the election, compensation, terms, removal, and salary of the governing board; for the election or appointment (except the sheriff, district attorney, and assessor who must be elected), compensation, terms, and removal of all county officers; for the powers and duties of all officers; and for consolidation and segregation of county offices. A charter does not give county officials extra authority over local regulations, revenue-raising abilities, budgetary decisions, or intergovernmental relations.

A county may adopt, amend, or repeal a charter with majority vote approval. A new charter or the amendment or repeal of an existing charter may be proposed by the Board of Supervisors, a charter commission, or an initiative petition. The provisions of a charter are the law of the state and have the force and effect of legislative enactments. There are currently 44 general law counties and 14 charter counties.

They are as follows:

**General Law Counties:** Alpine, Amador, Calaveras, Colusa, Contra Costa, Del Norte, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Plumas, Riverside, San Benito, San Joaquin, San Luis Obispo, Santa Barbara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Trinity, Tulare, Tuolumne, Ventura, Yolo, Yuba

**Charter Counties:** Alameda, Butte, El Dorado, Fresno, Los Angeles, Orange, Placer, Sacramento, San Bernardino, San Diego, San Francisco, San Mateo, Santa Clara, Tehama

## **County Powers**

The California Constitution authorizes a county to make and enforce local ordinances that do not conflict with general laws. A county also has the power to sue and be sued, purchase and hold land, manage or dispose of its properties, and levy and collect taxes authorized by law. Many additional powers have been granted to counties by the Legislature. The powers of a county can only be exercised by the Board of Supervisors or through officers acting under the authority of the Board or authority conferred by law. In addition, the Board must follow the procedural requirements in the statutes or its actions will not be valid. For example, if the Legislature has provided a method by which a county may abandon a road, that method must be followed. Also, where state law requires land use zoning by an ordinance, this statutorily prescribed method is binding on the county. On the other hand, where the law does not specifically prescribe a method for accomplishing a task, the county may adopt any reasonably suitable means.

## **The Board of Supervisors**

Unlike the separation of powers that characterizes the federal and state governments, the Board of Supervisors is both the legislative and the executive authority that sets policy and budget funds of the county. It also has quasi-judicial authorities.

## **Board Structure**

Government Code Section 25000 requires each county to have a Board of Supervisors consisting of five members, elected in nonpartisan elections for staggered, four-year terms.. The section applies to general law counties and to charter counties, except where the charter provides otherwise (e.g., San Francisco City and County has eleven members and one mayor). A board member must be a registered voter of, and reside in, the district from which the member is elected. A county charter can provide a local method for filling vacancies on the Board of Supervisors. In the absence of such a provision, the Governor appoints a successor.

A majority of the members of the Board constitutes a quorum for conducting business. A majority of all the members must concur on any act of the Board. A Board may enact rules governing how abstentions are counted. Some extraordinary actions, like passing emergency ordinances, require four votes.

An official act of the Board of Supervisors can only be performed in a regularly or specially convened meeting. The individual members have no power to act for the county merely because they are members of the Board of Supervisors. Meetings of the Board of Supervisors are subject to the restrictions of the Ralph M. Brown Act (Government Code Section 54950 et. seq.). With limited exceptions, the Brown Act requires that all Board of Supervisors meetings be open and public. The county clerk, whose duty it is to record all proceedings of the Board of Supervisors, is the ex officio clerk of the Board, unless the Board appoints its own separate clerk. The Board must keep a record of its decisions and the proceedings of all regular and special meetings.

## **Board of Supervisor Powers**

The Board of Supervisors exercises executive, legislative, and quasi-judicial powers and authority.

## **Executive Powers**

The Board performs its executive role when it sets priorities for the county. The Board oversees most county departments and programs and annually approves their budgets; it supervises the official conduct

of county officers and employees; controls all county property; and appropriates and spends money on programs to serve county residents.

### **Supervision of County Officials**

Other County Officials include Chief administrative Officer, District Attorney, Public Defender, Assessor, Treasurer, Sheriff.

The extent of the Board of Supervisors to oversee and direct the official conduct of county officers varies depending on the particular officer. The Board may supervise county officers and require them to faithfully discharge their duties, but the Board cannot add to their duties or relieve them from these obligations. The Board may not direct or control the routine operations of a county department or limit the exercise of discretion vested by law in a specific officer.

In the case of the county sheriff acting as a county officer, the Board of Supervisors has oversight and may investigate the officer's performance of county duties. But, when enforcing state law, the sheriff acts as a peace officer of the state and is under the direct supervision of the attorney general, not the board. The sheriff is also an officer of the courts, and in that capacity, the sheriff is not under the supervision of the Board either. Thus, the Board may not investigate the sheriff's performance in such duties.

The supervision of elected officers by the Board of Supervisors is to some extent more limited. The Board has general supervisory authority over the district attorney to the extent that the district attorney functions as a county officer. But as the public prosecutor, the district attorney serves as a state or quasi-state officer and is under the supervision of the attorney general. Consequently, the Board of Supervisors does not have supervisory authority over the district attorney's prosecutorial duties.

### **Legislative Powers**

The Board of Supervisors serves as the legislative body of the county, acting by resolution, by board order, or by ordinance. A resolution of a Board is ordinarily not equivalent to an ordinance; it is usually a declaration about future purposes or proceedings of the Board or a policy statement by the Board. Resolutions are often used when specific findings are made by the Board of Supervisors. A board order is usually a directive from the Board of Supervisors to its subordinate county officers.

An ordinance is a local law adopted with all the legal formality of a statute. The California Constitution allows a county or city to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations that do not conflict with the state's own general laws. Most legislative acts, including using the police power, are adopted by ordinance. There are, however, numerous exceptions and specific state laws sometimes indicate whether the action requires an ordinance or resolution.

California Government Code Section 25120 et seq. specifies the form, content, and adoption process for county ordinances. For example, there are urgency ordinances (i.e., those required for the immediate preservation of the public peace, health, or safety) and ordinances which are statutorily required to have a noticed public hearing in order to be adopted (e.g., land use zoning or new fees).

### **Quasi-judicial powers**

In its quasi-judicial role, the Board of Supervisors may settle claims made against the county and may examine and audit the accounts of all county officers as they relate to the management and disbursement of funds. The latter authority may be exercised with a subpoena to the county officer to bring all requested

files to the Board. The Board may delegate the subpoena power to a committee of its own members, but pursuant to state law, the Board may not otherwise delegate that power.

The Board of Supervisors also sits as a quasi-judicial body in the case of appeals of land use decisions and tax issues (i.e., may sit as assessment appeals board to decide questions regarding the value of property).

### **Other Duties - Intergovernmental Relations**

A county supervisor may serve in other capacities on various boards, commissions, or special districts. State statute authorizes, and in some cases mandates that various services or functions be carried out by entities other than the Board of Supervisors. These entities, in addition to including locally elected officials, seek public participation and technical expertise:

- Councils of Government (COG)
- Local Agency Formation Commissions (LAFCO)
- Special Districts
- Air Quality Management Districts (AQMD)
- Airport Land Use Commissions (ALUC)
- Joint Powers Authorities (JPA)

The roles and functions of these entities primarily relate to planning for future development and the associated service needs (e.g., water, sewer) and impacts (e.g., air quality, airport safety). Board members serving on one of these entities may find themselves making decisions on a variety of issues from regional planning to establishing spheres of influence for new cities or special districts within the county.

### **County Revenues**

Monies received by the counties from all sources include State and Federal governments, which contribute nearly 47% toward their budgets; property taxes accounting for 21%; sales taxes; and other fees. Proposition 13, the Jarvis-Gann Tax Initiative of 1978, set limits on property tax revenue to a maximum of 1%, rather than rates as high as 4%, of the market value or selling price of property plus a cumulative 2% increase per year. Before 1978, if the county has a budget shortage, the county could increase the property tax rate. With California real estate values rising, angry homeowners witnessed their tax bills jump and not surprisingly overwhelmingly voted in favor of the proposition. As a result, counties saw huge losses in revenue every year since and the state legislature had to assume greater policy-making functions as it channeled larger sums of money into counties, cities, and school districts.

### **Functions of the County**

County revenues and the type of county, either general law counties or charter counties, determine to some extent the duties and responsibilities to be performed. Some of the more important functions are:

1. Overall administration and distribution of funds to schools by the county superintendent of schools;
2. Law enforcement by the county sheriff of county areas not covered by city police departments;
3. Maintain bridges and roads leading into main highways within the county;
4. Maintain county parks and recreation areas;
5. Determine boundaries of proposed incorporated cities within county areas by the Local Agency Formation Commission (LAFCO);
6. Other general government functions and services such as health and sanitation and public assistance.

## **Distinction between a County and a City**

There are elemental differences between a county and a city. Counties lack broad powers of self-government that California cities have, for instance, cities have broad revenue generating authority while counties do not. Additionally, the Legislature has more complete control over counties than over cities. Unless restricted by a specific provision of the state Constitution, the Legislature may delegate to the counties any of the functions belonging to the state. Equally, the state may retract and resume the functions which it has delegated to counties. But one of the biggest shortcomings of county government is the lack of executive management. Cities have a mayor or city manager to hold accountable for the condition of municipal government. Some counties have experimented with chief administrative officers, appointed by the board of supervisors, to execute county programs but most citizens don't clearly understand or can't identify who is responsible for county government.

## **City Government**

A city is created by incorporation, a process of legally forming a municipal corporation. Unincorporated areas not part of a city remain part of a county. In 1883, the California legislature passed the Municipal Corporation Act, classifying cities according to population and establishing a procedure for future incorporation of cities. Communities seeking to incorporate must petition the County Board of Supervisors and then the Local Agency Formation Commission (LAFCO), who holds hearing on establishing the boundaries of the proposed city. Once the exact boundary lines of cities and counties are approved by LAFCO, an election is held for residents to vote on the proposal. Since Proposition 13, property owners no longer face double taxation for the county and the city. Now city property taxes are subtracted from the county property tax. Because of this, there is no longer any reason for most areas not to incorporate.