

UNIT 2:

HOW ARE LOCAL GOVERNMENTS ORGANIZED?

Backers of cityhood for Oak Forest got good news Thursday when a report to the county’s Local Agency Formation Commission (LAFCO) said the proposed city would be financially viable. The new city would be “in the black” even after paying about \$2.1 million to the county to make up the difference between revenues and services transferred from the county. “This should quell all doubts about us having to raise taxes,” said Martin Chen, chair of the Oak Forest Civic League, which is pushing incorporation.

TO INCORPORATE OR NOT TO INCORPORATE (IS THAT THE QUESTION?)

LAFCO must still decide the boundaries of the city, which services it should take over and whether including the Shoreline Community Facilities District would imperil repayment of \$94 million in bonds issued in the county’s name. Meanwhile, opponents complained that creating a new city would provide no new services to residents. “If we’re not going to get additional services, why do we need additional bureaucracy?” asked opponent Sondra Torres.

Torres argued that cityhood would actually force residents to give up control of many public service functions because a new city would have to contract for services such as law enforcement. The proposed new city would also allow the current Oak Forest Community Services District, a special district, to continue handling fire protection and parks.

GETTING ORGANIZED

In the scenario above, which groups do you think would be opposed to creating a new city? Who might be in favor of cityhood? Discuss how the schools in your area are structured. Do the elementary schools serve kindergarten through eighth grade? Kindergarten through sixth grade? Which grades are included in the middle schools and high schools? Just as schools have a structure, all local governments have structure. However, to somebody who has not yet studied it, that structure can appear to be confusing.

The local government organization formed to meet community needs of the 21st century has evolved since California became a state in 1850. To learn about local government is to learn about California’s fascinating history, and to learn much about the community in which you live today.

COUNTY GOVERNMENT

The entire map of California has been divided into 58 pieces of varying sizes and shapes. These are California’s 58 counties. You may or may not live in a city, but

NEW WORDS

The following are new words students will read in this text:

- Charter
- City manager
- Council-manager form
- Dependent special district
- Enabling act
- Enterprise revenues
- Fixed terms
- General law city
- General manager
- General purpose government
- “Home rule”
- Incorporation
- Independent special district
- Jurisdiction
- Limited purpose government
- LAFCO
- Mayor-council form
- Non-enterprise revenues
- Planning
- Property tax
- Public hearing
- Revenue
- Special tax
- Unincorporated area
- User fee

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either way, you do live in a county. Search for your county government online or in the library to learn more about its history and to find out what other counties surround yours.

In short, counties in California are the basic administrative regions for state government. For example, the state's welfare programs, the criminal justice and court systems, and public school financing are organized by county, and property taxes are collected at the county level.

Counties are governed by locally elected supervisors, and offer a wide scope and variety of services to meet diverse needs. Today, county government is the primary level of local government in many sparsely populated counties, particularly in Northern California, where there is only a handful of incorporated cities and where a few counties contain no cities at all.

Counties are governed by locally elected officials, called county supervisors, and offer a wide scope and variety of services to meet diverse needs. Today, county government is the primary level of local government in many sparsely populated regions, particularly in Northern California, where there are fewer incorporated cities and where a few counties contain no cities at all.

In other parts of the state, county government can become more complex as population has grown in **unincorporated areas** in parts of Los Angeles County and Sacramento County. Responding to the demands of voters, county governments have taken on many service responsibilities beyond just the administration of state functions. Refer to the organization chart on the next page for a typical county structure.

Like cities, counties may derive their legal authority to operate as a government either from a specific **charter** approved by the state legislature, or under government code provisions spelling out rules for county operations in general. Fourteen of California's 58 counties have elected to adopt their own charters. A charter permits a county to deviate from some of the state's general laws as local voters desire. Charters are more common for the larger counties than the smaller ones.

As population grows, however, the design of county government does not easily provide the greater degree of local control that individuals in different communities may desire. Today it is practically impossible to split an existing county. Forming a new county would require majority approval by voters in both the proposed new county and the remaining portion of the old county. By contrast, the process of forming a city within a county requires only the voter approval of those living within the proposed city's

boundaries. When cities are incorporated, they do not take territory from other cities, but because our 58 counties cover the entire land mass of California, forming a new county necessarily means taking territory from an existing county. For example, Orange County was carved from Los Angeles County, San Mateo from San Francisco County, and Imperial County from San Diego County. In fact, no new counties have been formed in California since 1907.

CALIFORNIA'S 58 COUNTIES

Alameda	Marin	San Mateo
Alpine	Mariposa	Santa Barbara
Amador	Mendocino	Santa Clara
Butte	Merced	Santa Cruz
Calaveras	Modoc	Shasta
Colusa	Mono	Sierra
Contra Costa	Monterey	Siskiyou
Del Norte	Napa	Solano
El Dorado	Nevada	Sonoma
Fresno	Orange	Stanislaus
Glenn	Placer	Sutter
Humboldt	Plumas	Tehama
Imperial	Riverside	Trinity
Inyo	Sacramento	Tulare
Kern	San Benito	Tuolumne
Kings	San Bernardino	Ventura
Lake	San Diego	Yolo
Lassen	San Francisco	Yuba
Los Angeles	San Joaquin	
Madera	San Luis Obispo	

CITY GOVERNMENT

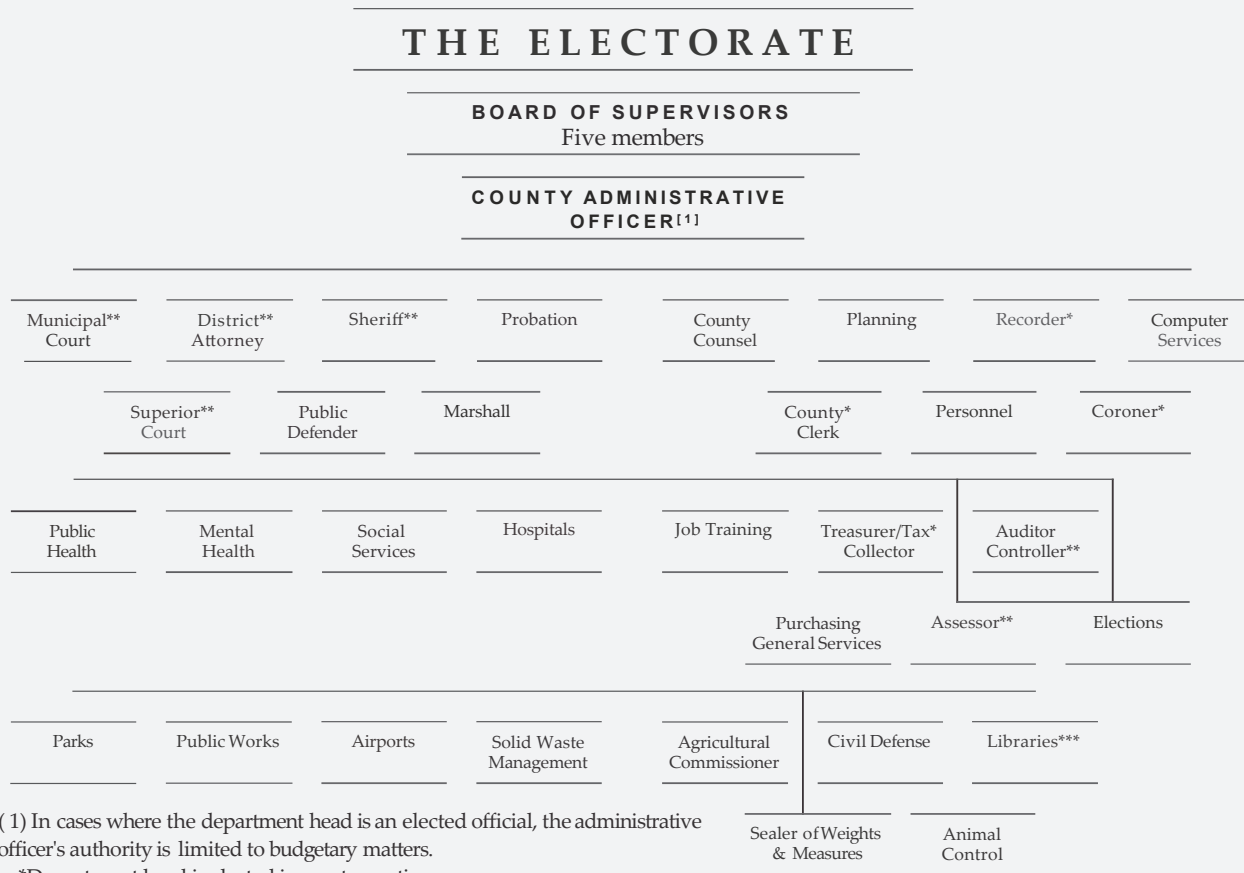
As California's population grows, more and more communities organize themselves into cities. The process of voting to become a city and forming a city government under state law is called incorporation. By 2019, California had 482 incorporated cities.

Why Do People Form Cities?

The people who want their community to incorporate as a city generally are looking for more "local control" or "**home rule.**"

Home rule is the authority granted to cities for self-government. Living under laws written by officials hundreds of miles away, or even 20 miles away in the county seat, may not be a serious problem when the population is sparse and there is little need for government services. But as a community grows, its residents may need to work more closely together.

TYPICAL COUNTY STRUCTURE



(1) In cases where the department head is an elected official, the administrative officer's authority is limited to budgetary matters.

*Department head is elected in most counties.

**Department head is elected in all counties.

***Often a county-wide special district governed by the Board of Supervisors.

Residents look at their community and see values and goals that are unique. They find they share an idea of the kind of environment they want for their community. By choosing their own form of government and electing people from their own community to run it, these residents can:

- **Preserve their community's identity and character.** The character of a community evolves over time. City government, through its powers to provide services, to set a budget, to raise taxes and to regulate land-use, gives people the tools they can use to determine what their community will be like and how it will develop. Often an unincorporated community shares borders with other cities and wants to avoid being "swallowed" up and losing control of its own affairs.
- **Provide better services.** The police, fire or street maintenance services available from the county may not be adequate for a growing and changing community. Cities frequently provide a higher level of services than counties are able to provide to unincorporated areas. A community may wish, for example, for its libraries to stay open longer hours on more days of the week; city residents may also be willing to pay for more public safety services than residents in other parts of the county.
- **Plan for future development.** How land is used and the kinds of buildings that are constructed have a tremendous effect on any community. Where should the new shopping center go? How closely together should new houses be built? Should a big apartment

building be built right next to your house? Would a park be better? Questions like these are raised every day in a community that grows larger and older. These decisions are made by the county government unless a community incorporates and hands this power over to a city council.

- **Control public spending and taxes.** Some people who vote for incorporation believe a city government can keep taxes low. By taking over services previously provided by the county, and potentially a number of special districts, incorporation may streamline administration. Under current law, cities receive revenue directly from the sales taxes collected within their boundaries. They also have limited authority to raise revenues in other ways. Because counties carry out programs mandated by state and federal government, they receive a greater share of their funding from state and federal taxes than do cities. Conversely, cities receive a larger share of their operating funds through service charges and **user fees** for the particular services offered to residents.

TYPES OF CITIES

There are two kinds of cities in California: Charter and general law cities. Unlike cities in many other states, both kinds of California cities have a broad range of powers and enjoy considerable freedom in their forms of government and the types of activities in which they may engage. The organization chart on the previous page is an example of a typical city structure. Of today's 482 cities in the state, only 121 are "chartered" according to the League of California Cities.

These cities were created and they operate today under a special state law that applies only to their own city. Although general law cities now have nearly equal powers, charters are adopted by cities where special conditions create needs that cannot be adequately met by the general laws. A charter city can tailor its organization and elective offices and provide for unique local conditions.

A city charter can only be changed by a vote of the city's electorate, not by a vote of the city council. Residents can establish the terms and number of council members and impose other limitations upon their city council through a charter provision.

In addition to the 121 charters, state law also contains provisions that govern **incorporation** in general. When a new city incorporates under these general provisions,

it is called a "**general law**" city. These laws have been subjected to judicial scrutiny and tested over the years, so there is relatively little legal confusion when proponents of incorporation follow them. City charters, by contrast, can be much more complicated and can raise many more questions about what can and cannot be done under state law.

One unique government system is San Francisco as it is both a county and a city government! The city takes up the entire county, so voters decided to combine the two governments into one. To date, it is the only example of city and county consolidation in California, although attempts to consolidate have been made in other areas, such as Sacramento County. There, voters as recently as 1990 turned down a proposal to combine the city and county governments.

HOW LOCAL AGENCIES ARE FORMED

Local Agency Formation Commissions (LAFCOs) are independent commissions, formed by the Legislature, that approve the formation, reorganization, and dissolution of cities and special districts in order to guide orderly development and growth of municipal services.

LAFCOs are responsible for the "big picture." Their goal is to make sure that the formation of new local governments makes sense and is orderly and that the services in the county and region are provided efficiently.

In addition to annexations, consolidations and incorporations of government agencies, LAFCOs are responsible for Municipal Service Reviews, or MSR. Every five years, LAFCOs complete a comprehensive study about existing and future public service conditions and evaluate organizational options for accommodating growth, preventing urban sprawl, and making sure that critical services are efficiently and cost-effectively provided.

A LAFCO is responsible for holding **public hearings** on proposals for incorporation land annexation, or consolidation of services. In the case of a new city being developed, the local LAFCO staff studies the borders proposed for the city, how services will be provided and the plan for financing the new city government. The LAFCO looks at the proposal not just from the point of view of those advocating for incorporation, but also from the point of view of neighboring communities and other agencies that could be affected if the new city were to be created.

LAFCOS AND SPECIAL DISTRICTS

Special districts are formed by local voters. Typically, special districts are organized when local residents or landowners notice a need in the community and determine the creation of a special district provides the solution. Signatures are gathered on a petition, which is then given to the Local Agency Formation Commission (LAFCO) for review. If the LAFCO approves the proposed new special district, then the question of whether to create the district must be put before the voters or landowners for final approval. Voters can override a LAFCO's determination in favor of creating a special district through what is known as a "protest hearing."

While special districts are most often created directly by the voters and residents they serve, on rare occasions they are created through special action of the State Legislature. Also, the formation of dependent special districts can be initiated by a city or county.

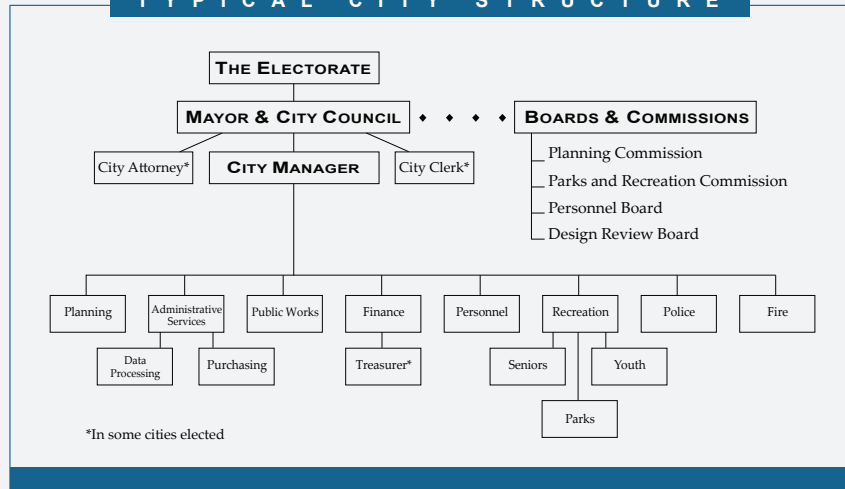
Voters, furthermore, must approve any new taxes that special districts receive. Proposition 218, which amended the California State Constitution in 1996, requires that new or increased special taxes be approved by a two-thirds vote. When new special districts are proposed, the LAFCO will often condition the formation of the district on the successful passage of a new special tax to fund the district. Thus, in practical effect, many proposed special districts require two-thirds voter approval for their formation.

HOW CITIES ARE FORMED

The first step in the process of incorporation is for community members to seek approval from the Local Agency Formation Commission (LAFCO) in their county. In general, two LAFCO members are appointed by the county, two by the cities that already exist within the county, two by special districts, and a representative of the public-at-large.

These LAFCOs are responsible for the "big picture." Their goal is to make sure that the formation of new local governments makes sense, is orderly and leads to a more efficient structure throughout the county and region. A LAFCO will hold **public hearings** on an incorporation proposal. It studies the borders proposed for the city, how services will be provided and the plan for financing the new city government. The LAFCO looks at the proposal not just

TYPICAL CITY STRUCTURE



from the point of view of those advocating for incorporation, but also from the point of view of neighboring communities and other agencies that could be affected if the new city were to be created.

After LAFCO approval, a petition signed by 25 percent of the registered voters living within the proposed city limits must be submitted to the County Board of Supervisors. The petition sets forth the desired boundaries of the proposed city, the number of residents and the reasons for incorporation. The Board of Supervisors holds a public hearing on the proposal and establishes the boundaries within which the incorporation election will be held.

A special election is then held in the area proposed for incorporation. The ballot asks voters to determine whether the area should become incorporated. It may also ask voters to select a city name, decide whether subsequent elections should be by district or at-large, etc. The names of candidates for the new city's first city council are also included on the incorporation ballot. If the incorporation passes, the candidates with the most votes assume the responsibilities of the new city.

SPECIAL DISTRICT GOVERNMENT

Special districts are public agencies created to provide one or more specific services to a community, such as fire protection, water, or parks and recreation. There are more than 2,000 special districts in California today, far more than all cities and counties combined. Although a city may not be in more than one county, special districts may cross as many city and county boundaries as voters approve. For example, the Metropolitan Water District of Southern California serves residents in six different

counties from Ventura to San Diego. Special districts generally are formed to provide a service that is not being offered by existing city or county jurisdictions, or to provide an enhanced level of service. Most special districts are governed by five-member boards, but some, like mosquito abatement districts or the aforementioned Metropolitan Water District may have over a dozen board members.

Special districts come in many varieties. Every special district is governed by an **enabling act** in state law. Most are created under a principal act in general state law governing special districts of a particular type, much like “general law” cities can be created.

INDEPENDENT AND DEPENDENT SPECIAL DISTRICTS

An **independent special district** is just as the name sounds, “independent” from other governments. They are directly accountable to the people they serve. Independent special districts are typically governed by a board of directors elected directly by the residents it serves; In some instances, board members are appointed to fixed terms by other local elected officials. Such board retain independence from the appointing board as they represent the community, not the appointing body, and cannot be replaced by the appointing body until the expiration of their “fixed” term, which is typically four years.

Dependent special districts are governed by other governmental entities. Such “dependent” districts operate much like a department within a county or city. A dependent special district’s board is named by a city or county government and serves at the pleasure of the appointing body. Its board members can be replaced at any time and, in some cases, the city council or county supervisors may simply stand in themselves as the board of the dependent special district.

WHAT SPECIAL DISTRICTS ARE NOT

It is important to understand the distinction between special districts and other forms of local government. Special districts are created by local residents, governed by local residents, and held accountable by local residents. To understand what special districts are and what they do, it is also helpful to understand what they are not and what they don’t do:

- **Independent special districts** are not the State government. Independent special districts operate via local control and answer to the residents, voters, and landowners they serve.

- **Independent special districts** are not county or city governments. County and city governments are general purpose governments and can provide a broad array of services. Independent special districts are limited purpose governments and can only provide services clearly outlined by law.
- **Independent special districts** are not school districts or community college districts. School districts provide public education services and receive significant revenue from the State government. Independent special districts can be confused with school districts because they both use the word “district.” However, special districts cannot provide K-14 public education.

Special districts are funded to provide essential services with specific benefits to the community through enterprise revenues, local property taxes, and/or a parcel (special) tax.

TYPES OF SPECIAL DISTRICT SERVICES

Most special districts are single service. California water districts, for example, provide residential, industrial, commercial, and agricultural water services only. Multi-function districts can provide a greater variety of services, though the services are often related. For example, irrigation districts provide water and infrastructure for irrigating agricultural land but can also provide electricity services to communities. This is because these districts might operate dams in order to irrigate land and these dams can also be used to generate hydroelectric power.

Community services districts or CSDs are the most complex special districts. They can provide over 30 different services ranging from water service, to fire protection, to recreation and parks. However, most CSDs are only authorized by their LAFCO to provide two or three of different services, depending on the needs of the community.

EXAMPLES OF SERVICES PROVIDED BY SPECIAL DISTRICTS:

- Airport districts manage airports that enhance local economies.
- Cemetery districts provide cost-effective burial services and preserve historical community information.
- Community services districts offer over 30 different types of services, such as police protection, garbage removal, road maintenance and street lighting.

- Fire protection districts protect homes, businesses, and the environment from fires and respond to medical emergencies.
- Harbor and port districts manage recreational, economic, and environmental coastal infrastructure.
- Healthcare districts promote the physical and mental health of communities, which may include preventative care, nutrition education, health clinics, traditional hospitals, or other services.
- Irrigation districts deliver water resources, as well as electric power to rural residents and agriculture.
- Library districts provide access to educational and informational resources, including collections of books, photographs, newspapers and videos.
- Mosquito and pest abatement districts control mosquito populations and reduce the spread of vector borne diseases.
- Reclamation and levee districts protect lives and property from the threat of flooding.
- Recreation and park districts provide parks, open spaces, and community programs to improve quality of life.
- Resource conservation districts identify local conservation needs and support land managers in implementing solutions.
- Sanitation districts treat and recycle wastewater.
- Transit districts provide public transportation services that connect regions.
- Utility districts supply a variety of services, which include water, power, and garbage.
- Veterans memorial districts maintain memorials to our veterans and provide other veteran services.
- Water districts deliver water to residential, commercial, agricultural and industrial areas.

SCHOOL DISTRICTS

School districts in California, unlike many other states, school systems have evolved independently of other local governments.

In California, unlike many other states, school systems have evolved independently of other local governments. They are not governed by city or county officials, but by their own elected school boards. Their borders often cross city and county lines.



As of 2019, there are 977 separate school districts for grades kindergarten through 12. Some districts may run a single school in a rural area with fewer than 100 students; by contrast, the state's largest district, Los Angeles Unified, serves well over 700,000 students and employs nearly 30,000 teachers. In addition to these school districts, the state is also divided into 73 community college districts serving grades 13 and 14. These districts may also be drawn across both city and county borders.

School districts were among the first local government institutions founded with the settling of the West. Past efforts to streamline school administration in California yielded several waves of consolidation, merging neighboring small districts and unifying separate districts that served elementary and high school students in a given area. Recent tight budgets have encouraged further consolidation. As recently as 1990, there were almost 50 more school districts than there are today.

This complex history has yielded a variety of district types:

- **Elementary school** districts usually serve students from kindergarten through grades 6 or 8.
- **High school** districts operate only high schools, usually grades 9-12.

TYPICAL SCHOOL DISTRICT STRUCTURE



- **Union** districts resulted from a consolidation of two or more districts at some point in the past.
- **Joint** districts result when districts from two or more counties are consolidated into a single district.
- **Unified** school districts include elementary schools, middle schools or junior high schools and high schools, serving students through all grades, from kindergarten through grade 12.

Unified districts may be created serving grades K-12, or they may be the result of past consolidations. Which kind of school district is yours?

Each of the state's 977 school districts and the 73 community college districts are governed by elected boards of trustees, usually five or seven in number. Board members are elected in non-partisan races, and they select a board president from among their members. The school board sets district policy and appoints a district superintendent to manage the day-to-day operation of the system. The position of superintendent is similar to that of the city manager. The organization chart above is an example of a typical school district structure.

All 58 counties also have county offices of education with elected boards; 53 have elected superintendents and

the other five are appointed by their boards of education. These county offices provide specialized educational services to the school districts in their region, such as making highly trained specialists available to school districts that otherwise might not be able to afford them. For statewide programs, county offices are intermediary agencies between the California Department of Education and local school districts. They also review individual school district budgets and identify any problem areas before forwarding these spending plans to the state. Operations of school districts in financial difficulty can be assumed by county offices of education or the California Department of Education.

REGIONAL GOVERNMENTS

The effort to coordinate local government services in highly developed urban areas like the San Francisco Bay Area or the Los Angeles basin has led to the formation of “councils of government.” The Association of Bay Area Governments (ABAG), the San Diego Association of Governments (SANDAG), and the Southern California Association of Governments (SCAG), among others, are voluntary associations that local governments may choose to join. These coordinating bodies exchange thoughts on mutual concerns, develop plans and undertake studies to address issues that impact all local governments within a region. However, they generally lack the authority to enforce decisions on member governments.

The state legislature has created a number of regional governments in the past two decades that do possess the power to enforce their decisions. The Bay Conservation and Development Commission (BCDC) in the San Francisco Bay Area, the Tahoe Regional Planning Agency (TRPA), the California Coastal Commission (CCC) and the South Coast Air Quality Management District (SCAQMD) are examples of regulatory regional bodies that cut across many units of local government.

LOCAL GOVERNMENT MANAGEMENT STRUCTURES

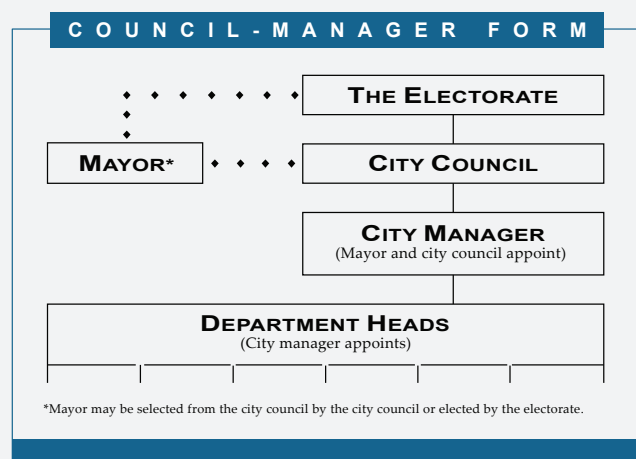
The options available for structuring local government can most easily be studied by looking at California city government. The California Government Code sections that give cities their legal authority provide for two different models of government: The **mayor-council** form and the **council-manager** form. Special districts follow a similar format to that of council-manager.

The Mayor-Council Form

In the mayor-council form, usually five council members are elected by the voters to enact local laws and to establish city policy. The mayor may be selected by the council from its own membership, or the mayor may be directly elected by the voters. When the council as a whole appoints the directors of the city’s departments, the city is said to have a “weak mayor system.” The council as a whole acts as the executive. Without a single executive, administration can be difficult and responsibility cannot be fixed upon any one person.

If the mayor, in addition to acting as presiding officer at council meetings, is also the executive or administrative head of city departments, the system is referred to as a “strong mayor” form. Executive power is vested in the mayor, who appoints department heads and executes council policy. The strong mayor-council system offers the advantage of clearly defined political leadership. A directly elected mayor with executive powers can be active in suggesting improvements or innovations in city policy.

Historically, California has not been known for strong mayor government, but San Diego, San Jose, Oakland and Fresno all strengthened the powers of office near the end of the 20th century. Most cities continue to operate under the council-manager system, in which day-to-day responsibilities are delegated to a professional manager. In Los Angeles and San Francisco, some departments report to an appointed chief administrative officer while other departments report to commissions appointed by the mayor.



The Council-Manager Form

While the strong mayor form of government may centralize administrative authority, there is no guarantee that the mayors and council members elected to office will have the necessary administrative skills and training or the time required to carry out their administrative responsibilities. Therefore, almost all California cities have selected the council-manager system, in which most administrative responsibilities are delegated to a professional manager. All special districts use this format as well, with the exception that they typically refer to their manager as a **general manager** instead of a city manager and call their governing body a board of directors versus a city council.

A council of five or more members is elected, occasionally by district, but usually “at large.” Many local governments are transitioning to district-based elections per the California Voting Rights Act. This means, that many local cities governance structure is changing to ensure that a representative on the council is from a defined geographic segment of the community. The goal of this is to ensure the organization reflects the voice, demographics and needs of the greater community.

The council enacts local laws, approves programs, adopts the budget and gives policy direction to a **city manager**. The council appoints, and may remove, the city manager, who is responsible for implementing city laws and directing the administrative operation of the city. City managers also act as technical advisors to the city council. City managers may learn professional municipal administration in graduate school or on the job.

Ideally, in a city run under a council-manager system, departments are coordinated, control is maintained and administrative actions are taken promptly, yet the entire organization is responsive to the elected representatives of the people, the city council.

The council-manager form of government is also the model for most school districts. Because of the specialized work involved with running a school system the superintendent is responsible for hiring of qualified teachers, recommending actions, providing expertise to the board members, while the elected board or trustees adopt policy, curriculum and budgets.

County Structure

With the exception of the city and county of San Francisco, which has an 11-member board, California’s counties are governed by five-member boards of supervisors. Supervisors are elected from separate districts in the county. A majority vote is generally required in county elections. If no candidate receives a majority in the primary, a run-off election is held between the top two vote-getters for the office. It is the supervisors’ responsibility to enact county ordinances, to impose taxes, to adopt an annual county budget, to select a chief administrative officer (CAO) or chief executive officer (CEO), who will hire heads of county departments that are not filled by election, and to appoint residents to a variety of county boards and commissions.

Several department heads may be elected county-wide, although their duties are largely administrative. Such offices include the county tax collector, assessor, sheriff and the county clerk.

The standard five-member board of supervisors may undergo some alterations in the future. With over 10 million residents and a very diverse population as well, suggestions have been made that the county of Los Angeles increase the size of its board of supervisors. A greater number of smaller districts would permit more individuals to serve on the board and improve representation.