

# UNIT 1:

## WHERE DID OUR LOCAL GOVERNMENTS COME FROM?

*“These Americans are the most peculiar people in the world. In a local community in their country, a citizen may conceive of some need which is not being met. What does he do? He goes across the street and discusses it with a neighbor. Then what happens? A committee begins functioning on behalf of that need. All of this is done by private citizens on their own initiative. The health of a democratic society may be measured by the quality of function performed by private citizens.”*

These are the words of Alexis de Tocqueville, a Frenchman who toured and wrote about the new country of United States of America during the 1830s. His writings about America have endured because of his outsider’s insight into our unique society. While times have changed, we still take pride in the important role of the individual in our process of government.

At the beginning of the 20th century, 70 percent of the American population lived in rural areas, and most people lived their lives with little involvement with government. Today, over 80 percent of the population is cloistered in cities. As American settlements grew, common solutions were sought for common problems. For example, people living in close proximity naturally worked together to provide their communities with fresh water. To protect lives and private property from thieves and natural disasters, police and fire departments were created. Community cooperation did not stop with providing for basic needs only. People also worked together to found universities, symphonies, libraries, museums and other cultural institutions.

Our communities have become much more complex in the 21<sup>st</sup> century, and the informal cooperation between neighbors that defined our earliest communities has been replaced by a system of laws and governments. Democratic processes have been instituted to select local decision-makers, and governments we have formed now hire people to do the many jobs that must be done to make our communities run smoothly.

### THE EARLY ROLE OF CITIES

When the United States was formed with the adoption of the Constitution in 1787, one important goal of our country’s founders was to limit the powers of the national government.

While some jobs, like forming an army and printing money, would be the responsibility of a central government in Washington, D.C., most other community functions were to be the responsibilities of individual states. Under the model of “federalism,” the states would, in turn, delegate local responsibilities to cities and towns.

### NEW WORDS

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

Agenda  
 Amendment  
 Ballot  
 Budget  
 City  
 City Council  
 County  
 Expenditure  
 Initiative  
 Non-partisan  
 Non-partisan election  
 Ordinance  
 Property Tax  
 Public Meeting  
 Recall  
 Referendum  
 Special District  
 “Sunshine Laws”  
 Tax

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American cities were quite small at the time of the Revolutionary War. Most of the 24 cities in the original 13 colonies were located on the eastern seaboard and contained a total of 100,000 people, or only about three percent of the nation's population. According to Thomas Jefferson's ideal, the "good citizen" would live on a farm or plantation, learning to be responsible through self-sufficiency. Jefferson's notion of agrarian democracy assumed that any person not owning property would have little interest in preserving an existing government and could easily be swayed by anyone seeking to overthrow the established order.

After the Revolutionary War, the former colonies reacted against the British custom of a strong executive by severely limiting the power of the governor when they wrote their new state constitutions. State legislatures were not only given the power to choose state officials, including judges and the governor, but they also provided strong direction to the formation and operation of local governments. Cities likewise reflected the prevailing opposition to a strong executive. The **city council**, rather than the mayor, exercised virtually all of the limited powers granted to cities by the state legislatures. It was common practice for state legislatures to pass special laws guiding the activities of every **city** in the **state**.

By the time President James Monroe left office in 1825, manufacturing and industrial centers were growing in the Northeast and along the Atlantic seaboard. The U.S. was gradually shifting from an agrarian nation to one with a more industrial economy. Even Thomas Jefferson conceded by this time that the wage earner should be considered the equal of the property owner.

### MORE POWER TO THE VOTERS

This acceptance of the "common man" paved the way for the triumph of Andrew Jackson, the first president elected by a substantial portion of the population. Jacksonian government was based on an optimistic frontier theory that any man was the equal of his neighbor when voting or holding public office. Jacksonian government was government by the "common man." State legislatures were no longer responsible for the selection of public officials; that role was transferred to voters as state constitutions were adopted or amended to allow for elections of officials at all levels of government.

Women were not yet considered to be the "common man." After first allowing women to vote in 1869 when it was a territory, Wyoming became the first state to allow women to vote when it was admitted to the Union in 1890.

Universal women's suffrage did not become a reality until the passage of the 19th **Amendment** to the United States Constitution in 1920.

### EARLY CALIFORNIA

California was still a distant territory in the Jackson Era, influenced more by Spanish settlers than by the young United States of America. Prior to European settlement along the Pacific Coast, California was a land of hundreds of villages inhabited by native Californians. Members of each tribe were assigned to hunt, gather and process food against the possibility of famine. Franciscan padres founded the first of their 21 missions in California in San Diego in 1769. Spanish soldiers built presidios at strategic points in their colony, and other settlers established pueblos and ranches. Of the various institutions introduced into California by the Spanish, the pueblo is the counterpart to the modern city.

The office of *alcalde*, a combination of mayor and judge, remained a respected title in cities in the southern portion of the state until the 1870s. Spanish institutions were replaced more rapidly in northern California as the Gold Rush brought thousands of people into the mining region.

After the Gold Rush and the admission of California into the Union in 1850, California's original 27 counties were established and eight cities incorporated. In 1851 the state legislature created 12 cities and, through a series of special acts, determined the type of government each would have, the method of choosing officials and the powers to be exercised in each city.

### CORRUPTION IN GOVERNMENT

For a few short years while President Jackson captivated the American public's attention, the frequent elections and rapid turnover of public officials typical of the young nation's brand of democracy did not appear to cause a serious problem. However, the lengthy ballot, combined with the "spoils system," the right of victorious politicians to appoint government employees, soon made a mockery of responsible government. The ideals of Jackson seemed no longer to fit a nation coping with the Industrial Revolution, the post-Civil War Reconstruction and the absorption of millions of new immigrants who were unfamiliar with the traditions of American government.

The growth of urban centers, the ability of politicians to manipulate the vote of uninformed citizens, and the increasing complexity of the economy provided many opportunities for graft and corruption. In time, the flagrant abuse of the public trust at all levels of government

led to outraged demands for reform. The revelation of scandals and manipulations by the owners of the largest business operations, called “Robber Barons,” in the newspapers produced a growing desire for change. The secret ballot, as practiced in Australia at the time, was adopted throughout the country in the closing years of the 19th century. Some states passed laws requiring the full disclosure of campaign contributions and expenses. The National Short Ballot Association, the forerunner of the National Municipal League, conducted a nationwide campaign to eliminate long ballots and replace them with a “short” ballot containing only those few offices that truly required a public vote.

In California, cities were dependent upon the state for their powers, and legislators frequently went too far in meddling with local matters. During the first years of statehood, the legislature often repealed the statute providing government for a particular city and substituted a new law creating a brand new government for that city. More and more in those early years, there appeared to be collusion between local politicians and state legislators who saw an opportunity for personal gain. The legislature was accused of running the state for the benefit of railroads and other powerful companies. Mishandling of funds in the state treasury added to public discontent. The legislature’s lack of concern for responsible local government caused considerable resentment throughout the state, particularly in larger cities. As a result, demands for a Constitutional Convention were pressed in the late 1870s.

### LOCAL CONTROL

Delegates to the convention were particularly insistent on restricting the great powers that the legislature had exercised so arbitrarily over local communities. They felt that the state laws affecting local government should be restricted to health and safety issues of statewide concern. State control should not extend to matters that affected only a single community or a few communities. Citizens wanted freedom to debate and decide local matters at the community level. Local matters included such issues as the hours and working conditions of city employees, how the land within the community could be used, the number of parks, the regulation of buildings and construction, and the types and levels of service to be paid for with local **tax** dollars.

The Constitution of the State of California of 1879 (our first Constitution was adopted in 1849) succeeded in limiting the influence of the state legislature. However, the political power of business monopolies in California

was not significantly curtailed. The public’s desire for sound regulation of utility and railroad companies was not achieved until many years later. The power of the Southern Pacific Railroad continued past the turn of the century. The railroad forced localities in California to pay subsidies for the privilege of having a depot built in their communities. When San Bernardino refused to provide such a subsidy, the Southern Pacific established the company town of Colton near its depot.

### COUNTY STRUCTURES AND SERVICES

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. 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.

Counties provide essential services to their communities on behalf of the state of California. A sample of services includes:

- Agriculture & Farming Services
- Assessor/Auditor
- Behavioral Health
- Child Support
- County Administration
- County Clerk/Recorder
- District Attorney
- Fire
- Libraries
- Probation
- Public Defender
- Public Health
- Public Works
- Sherriff
- Treasurer/Tax Collector
- Veteran Services
- Water & Resource Conservation
- Welfare

## SPECIAL DISTRICTS DELIVER NEEDED SERVICES

The birth of the special district marked a quintessential moment in local control. Frustrated by the lack of reliable river water but optimistic about future farming opportunities, farmers in California's Central Valley hoped to bring prosperity to their community by working together. They agreed to contribute funding and elect local board members to oversee the expenditure of that revenue. These farmers formed California's first special district in 1887, the Turlock Irrigation District, and they transformed a vast, seasonably dry land into one of the world's most productive landscapes.

The formation of Turlock Irrigation District and the invention of special districts in California was made possible by the State Legislature's passage of the Wright Act named after a Modesto attorney who had been elected to office on a pro-irrigation platform. The Wright Act provided the legal foundation for the formation of water districts and, ultimately, the approximately 2,000 special districts that now deliver a wide range of services used daily by millions of Californians. And so, as is the case with much of California's history, water was fundamental to the shaping of our local government landscape.

In 1915, the Legislature created mosquito abatement districts because of widespread salt marsh mosquitos in the San Francisco Bay and high rates of malaria in rural counties. These districts continue to protect the public today from such a mosquito borne diseases as West Nile and Zika. Due to a lack of hospital beds after World War II, the legislature created hospital districts, now called healthcare districts, so that communities could create and manage their own healthcare needs. Similar stories led to the formation of fire protection districts, sanitation districts, recreation and park districts, utility districts, harbor and port districts, library districts, airport districts, levee districts, resource conservation districts, transit districts, veterans memorial districts, community services districts, and cemetery districts.

Throughout California's history, special districts have empowered residents to find local solutions to fit the needs of their community. It is this local approach that continues to make special districts a popular method of delivering essential public services and infrastructure in communities throughout the state.

## THE PROGRESSIVES

The most significant period of reform in California was the Progressive Era, commencing with Hiram Johnson's election as governor in 1910. Most of the major changes enacted at that time remain in state law to this day. The Progressives believed that both political parties were dominated by the Southern Pacific monopoly. Thus, they went to great lengths to weaken California's political parties. They introduced the popular primary to California, which took the power to nominate candidates away from party bosses and gave it to the voters registered in the political party. The Progressives also allowed a candidate to run in more than one party primary (so-called cross filing), but this practice was eliminated in 1959.

Beyond the primary, Progressives did away with the party-column ballot, which made it very simple for voters to vote a straight-party ticket because all of a party's candidates appeared in the same column. California now uses the office-block ballot, in which a voter must read the names of all candidates running for one office before voting for that particular office and moving on to the next office block. This arrangement makes it easier for voters to "split their ballot," casting ballots for candidates of different parties for different offices.

The Progressives also introduced **non-partisan elections** in local government, judicial areas and school board elections. In non-partisan elections, no party label may appear next to a candidate's name on the ballot, nor can political parties endorse or financially support the candidate.

Progressives were chiefly responsible for changing many local elections to the "at-large" system, with all voters electing all representatives, instead of election by district. They instituted merit systems for public employment that required civil servants to demonstrate their competence on competitive examinations. Previously, political parties traditionally rewarded their campaign workers with jobs in local government, a process known as patronage. The Progressives also pushed for the hiring of professional managers to conduct the day-to-day operations of cities, believing that professional managers could more effectively implement policies adopted by the city council.

## THE INITIATIVE

The Progressive movement also introduced the **initiative**, which allows voters to create a new law directly, bypassing elected representatives; the **referendum**, which nullifies a law passed by elected officeholders; and the **recall**, which can remove elected officials from office before the end of their term. To place any of these three measures before the voters, a petition with the required number of signatures of registered voters is required by Election Code.

The importance of the initiative process has grown dramatically in the past two decades as modern mass communication techniques have made it possible to reach large numbers of voters directly. The method and level of support for state and local governments was changed radically in 1978 by Proposition 13 which, among other things, cut local **property taxes** in half. A formula limiting state **budget expenditures** was enacted by Proposition 4 in 1979; and Proposition 98, passed in 1988, set aside a guaranteed share of the state budget for local elementary school, high school and community college districts. Proposition 140, enacted in 1990, established term limits for state legislators and executives. Voters relaxed these limits for state legislators in 2012 with Proposition 28, which allows longer terms in a single house.

State ballot propositions have also created systems of regulation that have had a big effect on city, county, and special district governments. The California Coastal Commission regulates the use of land along the state's coastline. The Fair Political Practices Commission, created via the Political Reform Act, regulates campaign fundraising and spending by candidates for all elected offices, and by supporters and opponents of ballot propositions.

The changes wrought by California's Progressive reforms are central features of local government to this day.

## SUNSHINE LAWS

How can the affairs of public government be kept public? How can the public be certain that those elected to public office will serve the public first, and not use their office for personal gain? Two state laws ensure that public business is conducted in public, and that public servants are working for the public's best interest and not their own. These and similar laws are often called "**sunshine laws**" because they require that government business be conducted out in the open, under public scrutiny.

The Brown Act requires government legislative bodies like the city council, the board of supervisors, the special district board, or any other board or commission to conduct their business in open **public meetings**, with adequate public notice. Any time a majority of a body meets, even in social or recreational situations, and any kind of official matter comes up, the event can be construed as an official meeting. Closed session meetings are for pending legal actions or personnel matters, real estate transactions, and collective bargaining negotiations. Any actions that may result must be announced in public. The Brown Act also provides that action may only be taken on items that have been listed on the **agenda** posted for a prescribed period prior to the meeting. This is designed to prevent councils from bringing up and passing **ordinances** without an open and public debate of the issues.

The public has the right to look at and request copies of the public records kept by a city, county or special district due to the provisions in the California Public Records Act. The exceptions to the rule that all records must be made available for public inspection are generally limited to records that, if they were shared, could interfere with a person's right to privacy or pose threats to security. Exceptions also involve records that must remain confidential to allow the district to effectively conduct its business, such as records related to ongoing criminal investigations and legal proceedings.

Local governments are required to submit to annual, independent audits conducted by the county auditor or a certified public accountant. This information is filed with the State Controller's Office. Similarly, local agencies must also annually report financial transactions and information on annual compensation to the State Controller's Office, which makes this information publicly available.

The Fair Political Practices Act requires elected officials, commission members and key staff to disclose a broad range of information about their personal financial interests which could be materially affected by any actions taken in their official capacity. These laws also apply to spouses, children and any businesses in which a public official has an interest. The law requires officials to disqualify themselves from decisions in which they have a conflict of interest and could benefit financially.

State law also requires complete disclosure of all campaign contributions in amounts greater than \$99. The Fair Political Practices Commission makes information regarding these contributions available to the public.

The history of politics and government in California has been a story of constant efforts to make government, starting at the most local level, more responsive to the people it serves. These efforts date from the Constitutional Convention in 1879, through the Progressive Movement in the early 20th century, through the adoption of “sunshine laws” in the 1960s up to today’s struggles over reforming how political campaigns are financed. Thanks to the efforts of many individuals, the struggle continues to make government more accountable to the voters, and to bring the power of the ballot to all Californians.

California’s tradition of democratic reform and strong local government is particularly important as our state grows steadily more diverse in population, culture and economics. The increasing participation of women and minorities in our economy and in social and political life has helped to make local governments more representative of the communities they serve. The success of our government institutions in the future will depend, in large part, on their ability to adapt to social change.