1912

CONSOLIDATED CITY AND COUNTY GOVERNMENTS

ARGUMENT AGAINST STATUTE CREATING THE OFFICE OF REGISTRAR OF VOTERS IN COUNTIES.

1. Amending section 4013 of the Political Code by creating the additional office of Registrar of Voters in all counties.
2. Adding sections 4149e and 4149f to Political Code by providing for the salaries and compensation of the Registrar of Voters in all counties.
3. Amending section 4232, Political Code, by providing for the salary and assistants of the Registrar of Voters for Alameda County.

The foregoing bills are three of a series of five bills passed at the last extra session of the legislature in an effort to create the office of registrar of voters in all counties of the state, the said registrar to be *appointed* by the board of supervisors, *not to be elected* by the people. The first bill creates the office of registrar and designates it as a county office; the second fixes the salary of the officer in each county of the state, while the third fixes the salary of the office in the county of Alameda. All three bills are referred to the people for their approval or disapproval.

These bills were all fathered by the Alameda county delegation in the legislature, and were originally intended to apply only to *Alameda* county. In order to comply with the provisions of the constitution, however, it became necessary to make the legislation general, and in the final bill all counties of the state are included. I make the statement without fear of contradiction that the legislation was effected simply in a desire to obtain control of the machinery and patronage of the office of county clerk of Alameda county, the incumbent of that office, John P. Cook, being distasteful to the leaders of the Alameda county legislative delegation.

A perusal of the bill applying to the various counties of the state will demonstrate the limits to which a legislative body will go in an effort to strike at the patronage of an individual elective office holder.

The real purpose of these measures being to take the registration of voters out of the hands of the clerk of Alameda county, and the bills chiefly and primarily affecting said county, and being of little or no interest to the other counties of the state, the attitude and wishes of the citizens of Alameda county should have much weight in determining the course of the voters throughout the state with reference to these measures.

That the people of Alameda county are satisfied with John P. Cook's management of registration affairs is best evidenced by the fact that they have three times elected him their county clerk, each time with an increased majority. At the last election his majority was 13,000, while at the same election Governor Johnson carried the county by slightly over 5,000 votes. That they desire the clerk's office to continue in charge of registration affairs is further evidenced by the fact that out of a then total of 27,000 registrations at the time these referendum petitions were circulated over 22,000 Alamedans signed all three of such petitions.

The salary of the registrar in the county of Alameda is fixed at $3,000 per year, while in the county of Los Angeles, with at least twice the volume of work to be done, the salary is fixed at the ridiculous amount of $24 per year or $2 per month. Santa Clara county fixed at $24 a year, Fresno county at $24 per year.

An analysis of the bill shows that of the fifty-seven counties of the state, exclusive of San Francisco, the salary of the registrar is fixed as follows:

In thirty-six counties each $24 per year.
In one county $75 per year.
In six counties each $100 per year.
In two counties each $250 per year.
In two counties each $300 per year.
In one county $360 per year.
In one county $400 per year.
In two counties $500 per year.
In two counties $600 per year.
In one county $700 per year.
In one county $840 per year.
In one county $1,200 per year.
In *Alameda county* $3,000 per year.

Such glaring inconsistencies are clearly in open violation of the requirements of the state constitution that the "state legislature must regulate the salaries of all county officers in proportion to their duties," and it seems inconceivable that a legislator, whatever his personal malice or grudge, would dare to face the people as the author of such an abortive measure. It would be impossible for him to justify it.

The voters should show their disapproval of such legislation by voting "NO" on these three propositions.

A. L. FRICK.

CONSOLIDATED CITY AND COUNTY GOVERNMENTS.

Initiative Measure Submitted Directly to the Electors.

Proposition to amend Section 7 of Article XI of the Constitution of the State of California, relating to the formation of consolidated city and county governments.

Electors of the State of California, hereby propose to the people of the State of California that Section 7 of Article XI of the Constitution of the State of California,

relating to the formation of consolidated city and county governments, be amended so as to read as follows:

PROPOSED LAW.

Section 7. General laws may provide for the merging and consolidating of contiguous territory of two or more cities, or cities and counties, or counties or any part of any county or counties, containing in the aggregate in the proposed merged or consolidated territory a population of at least 350,000, into one consolidated city and county government. No city or town shall become a part of such city and county unless a majority of the qualified voters of such city or town, voting thereon at a general or special election, shall approve such consolidation and at a subsequent general or special election shall also adopt a proposed freeholders' charter for such new consolidated city and county, nor shall any city or town be divided by such consolidation, nor shall any county be included in or divided by such consolidation, unless a majority of the qualified voters of such entire county voting thereon at a general or special election shall vote in favor thereof. The charter so adopted may provide for a borough system of government, by which the different municipalities so uniting for general municipal purposes shall nevertheless retain and exercise such special municipal powers as the charter may provide. The provisions of this constitution, applicable to cities, and also those applicable to counties, so far as not inconsistent or prohibited to cities, shall be applicable to such consolidated governments. The provisions of this article as to the removal of county seats and the formation of new counties shall not apply to the formation of such consolidated city and county governments, and general laws may provide for the removal of county seats made necessary by the formation of such consolidated city and county government, and for the change of county boundaries in case the electors of the portion of the territory of any county not included in such consolidated city and county desire to organize as a new county or become a part of an adjoining county. Such new consolidated city and county shall be liable for a just proportion of the existing debts and liabilities of the county or counties included in whole or in part in such new consolidated city and county, and shall be entitled to a just proportion of the property of such county or counties, and until such proportion is determined by law such new consolidated city and county shall be entitled to the use of any property of such county or counties situated within the limits of such new consolidated city and county, and such county or counties shall be entitled to the use of any property of such county or counties situated without the limits of such new consolidated city and county. Such new consolidated government shall also be liable for all the existing debts and liabilities of any municipal corporation merged therein, but provision shall be made for the payment of all outstanding bonds of such municipalities respectively by taxes levied only upon property assessable therefor, and situate at the time of such levy within the territory of such municipalities respectively as such territory existed at the time of such consolidation. General laws may provide for the organization of county governments and for the holding and territorial jurisdiction of superior courts in the remainder of any county whenever territory consolidated into a city and county government under the provisions hereof shall include the county seat of any county, such organization of county governments, and such holding and jurisdiction of superior courts to continue until such time as the same is otherwise provided for by law. The charter of such new consolidated city and county government shall provide for the places of holding sessions of the superior courts and of all inferior courts exercising jurisdiction therein.

Section 7 of article XI proposed to be amended as above now reads as follows:

EXISTING LAW.

SEC. 7. *City and county governments may be merged and consolidated into one municipal government, with one set of officers, and may be incorporated under general laws providing for the incorporation and organization of corporations for municipal purposes.* The provisions of this constitution applicable to cities, and also those applicable to counties, so far as not inconsistent or prohibited to cities, shall be applicable to such consolidated government. [Amendment adopted November 6, 1894.]

ARGUMENT IN SUPPORT OF CONSTITUTIONAL AMENDMENT FOR THE FORMATION OF CONSOLIDATED CITY AND COUNTY GOVERNMENTS.

This amendment has been prepared by representatives of Los Angeles and the communities around San Francisco bay to permit the formation of consolidated city and county governments. That is the present form of government of San Francisco, Chicago, New York and other metropolitan communities, and is the recognised type of government for large cities. Duplication of officials and consequent expense, division of responsibility and consequent neglect of duties, is thus avoided. Home rule is established and legislative interference in local affairs avoided.

Under the present law, any city or town may annex outlying territory or consolidate with neighboring cities or towns, but San Francisco, being a consolidated city and county, can not under

the present laws extend its territory or consolidate with other communities. While Los Angeles, Oakland, San José, Fresno, Richmond, Sacramento, and almost all other cities in the state have extended their territory, the boundaries of San Francisco have not been changed since 1856. If adjoining communities desire to consolidate with San Francisco, they should be permitted to do so, and this amendment will enable the legislature to pass laws under which this can be done. This disability under which San Francisco is laboring, and under which Los Angeles will labor if it desires to become a consolidated city and county, should be removed by the adoption of this amendment.

The adoption of this amendment does not involve your approval of the idea of a Greater San Francisco, a Greater Los Angeles, or any other definite plan of consolidation. It does, however, make such plan possible if desired by the communities proposed to be included therein.

It is, unfortunately, necessary in view of the announced opposition to the amendment in certain quarters, to say that the claim that the amendment will permit San Francisco to "gobble up" other cities is a wilful misstatement of the language and effect of the proposed amendment. No city, however large, can consolidate with any other city, however small, under this amendment without its consent, and even after it has consented by a vote of its people the consolidation is not effective until such city has approved the charter of the consolidated city and county at a separate election called for that purpose. No city can be divided by the consolidation and no county can be divided without the consent of the entire county. The fact is that opponents of the amendment are unwilling to permit the people of their cities to express their own wishes as to such consolidation. Reading the amendment will show conclusively that it gives every city a fair opportunity to determine for itself whether it desires to consolidate with another, at two separate elections. The people are best able to decide such questions for themselves, and we need have no fear but that they will decide wisely, especially in governmental matters.

Another equally unfounded suggestion is that San Francisco desires to consolidate with other cities so as to compel such cities to help pay its bonded indebtedness. On the contrary, the amendment expressly provides that each city after the consolidation shall pay its own bonds.

It is also asserted that by this amendment San Francisco can "dismember" adjoining counties. In reply to this it is sufficient to say that the amendment expressly provides that no county shall be divided without a vote of the people of the entire county in favor thereof, and it is confidently believed that the people of a county are the best judges of the propriety of dividing the county.

If Los Angeles and her neighboring cities desire to join forces as a consolidated city and county, they can safely be trusted to frame a charter for their government. If the cities around San Francisco bay decide to join forces, likewise, they can be relied upon to frame a charter which will give due protection to every community, and to contend that the people of any city included in such consolidation can not be relied upon to insist upon a charter which will give that city or borough control of its own water front and other local matters is to impeach the intelligence of her people.

The metropolitan areas of San Francisco and Los Angeles are important factors to the State of California. Their prosperity and growth represent the prosperity and growth of the state at large. According to the United States census, they represented in 1910 a combined population of over one million. They should be permitted if they so desire to govern themselves under the most approved form of government and such as has been found so effective and economical in other great metropolitan centers. They should be permitted likewise to save the expenses of numerous smaller governments which can readily be consolidated into one.

Dated, Los Angeles, Cal., August 24, 1912.

LESLIE R. HEWITT.
State Senator, Thirty-eighth District, Los Angeles County.

ARGUMENT AGAINST CITY AND COUNTY CONSOLIDATION.

The amendment to section 7, article XI of the constitution of the State of California, placed on the ballot by initiative petition, the signatures to which were obtained by the "Greater San Francisco Consolidation Association," through paid canvassers and the employment of agencies making a business of getting signers at a given rate per name, should be defeated, because:

First—It is special legislation of the most vicious sort, repugnant to the intent of the constitution, for the reason that San Francisco is the only city that could avail itself of the privilege of crossing county lines, to annex new areas, while Los Angeles is the only other city that could annex or consolidate "contiguous territory" under the new conditions imposed.

Second—This amendment breaks down the present constitutional defense of the territorial integrity of counties, as the local administrative units of the state government, and facilitates their division and dismemberment. By superseding provisions of the present constitution relating to division of counties, the formation of new counties, and the boundaries of the same, it leads to endless confusion, because, instead of a two-thirds vote, the division of a county may be brought about by a majority of the votes cast.

Third—It is a measure that would contribute to increase the political power and prestige of the San Francisco machine to such an extent that that city would be able to dominate the political situation in the State of California as completely and effectively as does Tammany Hall and Greater New York the entire State of New York.

Fourth—This amendment, if adopted, will make it possible for San Francisco and Los Angeles to acquire political predominance and control nineteen out of forty votes in the senate, and thirty-eight out of eighty votes in the assembly, requiring a trade for but two senators and three assemblymen, in addition to their combined vote, to control absolutely the legislature of the State of California.

Fifth—If the present constitution is changed, as proposed, it will confront progressive and self-governing cities with the menace of the constant agitation of annexation, thus disturbing confidence and interfering with investment and enterprise.

Sixth—It would open the way for San Francisco to secure absolute monopoly and control of one hundred and twenty-seven miles of water front—practically all of the commercial water front of both sides of the bay—retarding harbor improvements in Oakland, Alameda, Berkeley, and Richmond, and defeat or delay the construction of modern docks and wharves, while making it possible for adverse interests to throttle competition in ocean commerce, to the serious financial disadvantage of consumers and producers in a large part of the State of California, and to practically nullify the advantages to the people, of the completion of the Panama Canal.

Seventh—There is in the past history of San Francisco no guaranty of honesty and efficiency in the administration of its own affairs, that would justify the voters of California in removing the present constitutional barrier against annexation across county lines and permit it to invade four counties, subvert the government of more than thirty independent and progressive cities, deprive them of their local initiative, paralyze their growth and dwarf their civic development, by turning over to that city the deep water terminals in the intelligent management of which all California is interested.

Eighth—Through the adoption of this amendment, San Francisco seeks the assistance of the voters of the entire State of California in its effort to strike at the prosperity of cities situated on the east shore of the bay of San Francisco, which it regards as rivals and competitors. It sets up the false pretense of a sham "consolidation by consent," while it makes possible a campaign of coercion, colonization, intimidation, and misrepresentation.

Ninth—The motive and inspiration for this measure is to be found in the fact that it would enable San Francisco by a simple majority of the votes cast, to annex Oakland, Alameda, Berkeley, Richmond, Redwood City, San Rafael, and a score of other cities in the four counties of Alameda, Contra Costa, Marin, and San Mateo, and appropriate their taxable resources and surplus bonding capacity; also to saddle upon them the staggering burden of a bonded indebtedness, from the expenditure of which they would derive no direct benefit. San Francisco has already voted bonds in the sum of $84,981,000, or more than $8,300,000 beyond its legal capacity, exclusive of the proposed purchase of the Spring Valley Water Company's plant for $38,500,000. Participation in liability for this debt would arrest the progress and prosperity of cities through whose independent commercial development and competition the state at large is greatly benefited. To authorize San Francisco to appropriate the natural, financial, assessable and commercial resources of such communities, by the adoption of this amendment, would be a state-wide calamity.

W. E. GIBSON,
President, Oakland Chamber of Commerce.

RACING COMMISSION AND HORSE RACING.

Initiative Measure Submitted Directly to the Electors.

WHEREAS, it is the desire of all racing and breeding associations of horses in the State of California to prohibit bookmaking upon horse races, or any other event, and to prevent the conducting or maintaining of pool rooms in the State of California; and

WHEREAS, it is also the desire of many persons engaged in the breeding of blooded stock, and the owners of breeding farms in the State of California, to foster and encourage the enterprise and business of breeding and racing blooded horses, and to encourage capital in the investment in such enterprises in the State of California: and