STATE-LOCAL RELATIONS IN CALIFORNIA

by

Victor Jones, David Magleby and Stanley Scott


Institute of Governmental Studies University of California, Berkeley
State-Local Relations in California

by

Victor Jones, David Magleby and Stanley Scott
University of California, Berkeley

I INTRODUCTION

This essay discusses principal features of intergovernmental relations and patterns of formal and informal interaction between the agencies of the State of California and 57 counties, one consolidated city and county, 406 municipalities, 1132 school districts, and 2223 other special districts. At the state level one also finds a remarkable multiplicity of actors, usually subunits of the executive branch, i.e., agencies, departments, bureaus and divisions.

In the legislature, most relationships are between local officials or organizations of local officials and committees of the legislature. Moreover the most important legislative relationships are likely to be with committee chairmen and the committee staff rather than with the
committee itself. Finally, in a state with loosely organized political parties, and with a tradition of low-level gubernatorial leadership of the legislature, many of the 120 legislators may need to be courted individually in order to pass or defeat bills.

Although the courts and administrative agencies participate in state-local relations, major attention will also be given to the legislature. Legislative debate and media coverage provides the most open discussion of public policy issues in the interaction of state and local officials.* State-local relations are being restructured as these issues are debated, coalitions are formed and reformed, and decisions made and unmade.

The shape and direction of these relationships are still changing and there are many contradictory tendencies. Either major single decisions or many smaller incremental decisions may lead to significant changes in state-local relations. Accordingly in reviewing what has been happening, we shall also speculate as to likely and desirable outcomes.

---

*The California legislature is now a full-time body and is in session most of each year. During sessions the staffs of the League of California Cities and of the County Supervisors Association of California devote most of their time to following and influencing the progress of bills of interest to their members. A CSAC staff member reported: "The staff does not regularly cover administrative agencies. As a result we miss quite a lot. Our ten regular lobbyists are kept quite busy during the legislative session and have time for administrative concerns only when an issue is of some magnitude arises or when the legislature is not in session." (Interview with Richard Simpson, CSAC, June 16, 1975.)
Neither state nor local officials are free to deal with each other as they like. Some important constraints are common to all states and many are common to all interorganizational behavior. Others are peculiar to the West, and still others to California. (Moreover it should be remembered that in the hands of skillful participants constraints can become resources, and that one group's constraint is usually their opponent's resource.)

1. Changing Attitudes Toward Governmental Roles

Like most states, California has a long history of governmental policies that have favored growth and encouraged growth-promoting commercial and agricultural enterprise. Except where needed for economic development and resource-exploitation, the public sector and public institutions were comparatively neglected.

Signs of shifts to stronger social roles for government were seen long ago, but only with the Great Depression did pronounced and rapid change occur. Events in the 1930's caused many observers to question the one-sided emphasis on government as a sponsor of economic development, productive capacity, and profits. The New Deal brought basic changes as new governmental policies attempted to reduce unemployment, promote economic stability, seek a better distribution of income, and achieve other forms of social equity.

The new policies were largely the work of the federal government, which tried to implement them through direct national action, and also by joint federal-state and federal-state-local programs, with the federal
government as initiator and prime mover. Often the states were unwilling partners, who "came along" principally because there was no other real choice, although many of them did manage some rather heroic heel-dragging.

But these events of the 1930's also set the stage for significant state-level change. In California, for example, the governorships of Culbert Olson and Earl Warren (1939-1953) saw the state's administrative capabilities and policies transformed. A conservative, low-budget, non-professional government oriented to the interest of agriculture and business, became a modern, big-budget, sophisticated state, with a well-staffed bureaucracy and legislature, and with some significant political openings to non-business and non-agricultural interests. This trend continued to the present, although it was countered somewhat by the anti-government policies of the Reagan administration. Nevertheless the change from the 1930's is remarkable, unmistakable, and probably irreversible.

Meanwhile, a variety of environmental needs emerged after World War II, and the range of social concerns expanded greatly, especially with the growth of the civil rights movement. In California, for example, air pollution was an early environmental worry, when smog first became a public issue in Los Angeles in the late 1940's. Air pollution continued to increase in Southern California, despite control efforts, emphasizing the region's extreme vulnerability to at least one form of environmental degradation. By 1950 smog had appeared in the San Francisco region, and has since plagued virtually all the state's urban communities.

Similarly, concern with water pollution produced a state-regional control program in 1949. Initially weak, the effort was progressively strengthened with experience. Still other events brought growth and
development-oriented policies under fire and elevated concerns with "quality of life" and the environment. For example, the San Francisco Freeway Revolt in 1959 gradually spread until a statewide policy of "no more freeways" is now accepted. Concern with the future of San Francisco Bay brought the temporary Bay Conservation and Development Commission (BCDC) into being in 1965, and made in permanent in 1969. Other significant higher-level actions at about this time were passage of federal legislation on environmental protection, water pollution and coastal zone management.

Building partly on the BCDC experience, conservationists had been urging strong state legislation to protect California's Pacific shoreline and plan for its future. After several years of frustrations, in 1972 they by-passed the legislature and successfully appealed to the electorate with an initiative petition. Proposition 20, California's strong coastal conservation law, was placed on the ballot and approved by 55.1 percent of the voters in November, 1972. The act created a state coastal commission and six regional commissions, with planning responsibilities and strong permit-type enforcement power. Under the terms of Proposition 20, the coastal legislation goes out of existence in 1977 unless extended or replaced by the legislature or by a successful ballot proposition.

The passage of California's coastal initiative is seen as further evidence of a transition in public philosophies, including a basic change in attitudes toward ownership, property rights, and appropriate uses of land. The changes include greater acceptance of the need for effective planning, land-use regulation and environmental control. Moreover they also seem to signal an acceptance of strong state and regional governmental action in
the public interest. At this time it is not clear whether this change in attitude is a short-term phenomenon or more enduring.

Local government has not been left untouched. Women, minority representatives, conservationists and activists are being elected to local councils in significant numbers. Many new city council members, and some new county supervisors, take a much more socially minded view of community needs than previous incumbents, and consider a broader and more representative role for local government essential.* Accordingly, many cities and counties are trying, in a variety of ways, to respond to the changing times.

Furthermore better understanding of some of the reasons for poor local performance suggests that we should not give up on local government and by-pass it entirely, but where possible work with and through it in seeking the public interest. A forthcoming study of California's coastal planning has these comments on local government's limitations and potential:

...unrealistic expectations beget unwanted consequences. This has happened when California expected local governments to cope with the public policy demands of an overwhelmingly powerful regional, statewide, and national private-sector economy. But if relieved of such pressures, and properly shielded from the more pernicious anti-public influences, local government can have a brighter future. In fact, a partially restructured and renovated local government is our best if not only hope for effective local participation of a "grass-roots" nature at the neighborhood, city and county levels.¹

* Observers note that county supervisors have experienced a 70 percent turnover in the last five years. The staff of the County Supervisors Association of California point out that these new supervisors are significantly different from their predecessors in at least one respect—they are more environmentally concerned.
Governmental and civic leaders are involved in a contest between defenders of old philosophies and proponents of new views on how to govern and finance many functions, including environmental and social controls, as well as on appropriate and workable forms of intergovernmental and public-private relationships in seeking the common good.

The older ethic in the United States is represented by:

1. Oft-heard phrases such as "local home rule" and "state's rights," employed to justify autonomous state and local roles, and frequently to bolster policies of governmental inaction in the face of social and environmental need;

2. Heavy reliance on the private sector, with little professed regulation or governmental intervention; and

3. The belief that many functions should be financed by the market or market-like mechanisms (e.g., the transit fare box).

One form of the newer counter ethic is characterized by:

1. A conviction that functional separation of governments through structural devices is both unrealistic and unworkable (e.g., compartmentalized home rule or strict division of labor between governmental levels);

2. Acceptance or even advocacy of much stronger public regulation of the private sector (e.g., environmental controls, social legislation and governmental intervention in the economy), ranging even to rather radical views on the basic nature of property rights (e.g., land ownership being viewed as limited and responsible tenancy of a precious resource, rather than as control of a commodity for exploitation and profit-making);

3. Acceptance of a larger public-sector role in a wide range of affairs; and

4. A belief that stronger governmental roles should be encouraged and stimulated, as well as monitored and kept in balance, by vigorous public interest groups*, representing a wide variety of opinions, but especially consumers, minorities, women, the poor, and others previously having limited experience in manipulating the levers of public policy.

* These public interest groups are not to be confused with so-called PIGs, i.e. the state and local governmental interest groups and lobbying organizations in Washington, D.C.
What does this all mean for home rule and intergovernmental relations?

The potentials for better performance at all governmental levels are encouraging and exciting, but the hazards are also real and substantial. The states' emergence as more responsive institutions, and as powerful initiators of action, can give them more meaningful roles than as unwilling funnels for federal funds or reluctant implementors of federal regulations. Instead, the states have an opportunity to act more effectively on their own, as well as doing a more constructive, imaginative job of carrying out federal policy. This is true partly because the states are presumably responding to the same new ethic and new demands for effective governmental performance.

The ingredients of a powerful new federal-state-local partnership are present; however the potential for conflict is also very large, as the various units and levels lay claim to areas of influence that they believe the new climate of opinion will support:

During the past ten years, the phenomenal growth of state power and the innovative exercise of that power has created an environment that all but assures a constitutional confrontation. The original assumption behind the "new federalism" and revenue sharing was that decentralization...is good, and that our system will accommodate both a strong, active central government and strong, active state governments. Increasingly, however, the evidence seems to indicate that as state government grows in sophistication and power, the opportunities for conflict with the Federal government (and each other) also accelerate. In this framework, it seems inevitable that the constitutional philosophy of States' Rights would also enjoy a renewed popularity.²

If statesmanship can moderate bellicosity in the future struggle—which probably is inevitable—perhaps we can forge implements and devise mechanisms for improved governmental performance at each level, and by
all levels working together in a restless, changing, constructive relationship. In any event, local home rule and state-local relations will never be the same, as their continuing reformulation and renovation will be essential to a well-functioning governmental partnership.

2. The Role of the National Government in State-Local Relations

The most important decision affecting the lives of people living within localities, regions and states are made outside localities, regions, and states.* Perhaps the most pervasive and significant recent development is the drastic reduction in California's rate of population growth. This is a condition many people and organizations in California were hoping for but could find no political and constitutional means to bring about by state and local action.

Instead the reduction was achieved through inflation and economic recession, operating through "macro-economic" and "macro-political" processes beyond the control of individuals, governments, or business firms in California. Migration was slowed to a trickle by the decline of job opportunities, and natural increase plummeted because of independent simultaneous decisions by people throughout California, as well as the rest of the country, to delay the birth of the smaller number of children they intend to have.**

* State and local officials play virtually no direct role, of course, in some of the big national and international decisions.

**An additional example of events beyond the control of state and local officials that nevertheless can have profound consequences for intergovernmental relations is the current Vietnamese refugee problem. This massive influx of refugees into California has substantially increased the welfare roles.
The national government has become an active participant in the governance of states, metropolitan regions, and localities. As Daniel Elazar has repeatedly demonstrated, this has been a long-term secular phenomenon. Despite the rhetoric of the New Federalism, it shows no real signs of abatement; witness, for example, the enactment of the Clean Air Act of 1970, the 1972 Amendments to the Federal Water Pollution Control Act, the Coastal Zone Management Act of 1972, the Noise Control Act of 1972, the 1973 amendments to the Older Americans Act, and the Federal Aid Highway Act of 1973, and the National Health Planning and Resources Development Act of 1974.

Under these and other acts the federal government uses several methods to influence action—or mandate it—with respect to improved governmental performance, environmental protection, and planning. For example, federal agencies have mandated the meeting of environmental, water quality and air quality standards. State, regional and local governments are being expected to take appropriate planning, zoning and control measures necessary to achieve the standards.

Through such measures as the A-95 grant review process, the 701 comprehensive planning assistance program, and the 208 water quality planning program, the federal government is attempting to see that effective planning and plan review mechanisms are created at the regional and state levels. One very clear result is the establishment of councils of governments (COGs) in virtually all of the nation's metropolitan areas.

Moreover the states are trying to develop effective grant review processes at the state level, or at least to designate key agencies to be in charge of the necessary paperwork. So far, these efforts have probably
only made a start toward the goal of effective planning. But the push is
toward a "pulling together" of disparate planning efforts, and at least
establishing communication links among them, under the potential sanction
of withholding federal funds if performance is not adequate.

A remarkable effort to get state-regional land-use planning and
environmental protection programs accepted was begun by the Federal Coastal
Zone Management Act of 1972. Conditional grant programs are being employed
to achieve the law's principal purpose, which is to encourage state
planning and management of coastal resources in a systematic and unified
way. Under scrutiny of the Federal Office of Coastal Zone Management
(OCZM) the coastal states are attempting to develop substantive land-use
plans for their coasts, and to design organizational mechanism to implement
the plans. Fortunately in California, as we have already seen, Proposition
20, an initiative statute which was passed in 1972, shortly after the
Federal act was enacted, established at least until January 1, 1977, a
state-regional coastal planning and land-use control mechanism with permit
enforcement powers.

Obviously the national government is important, both as a constraint
upon and as an instigator of state-local relations. Moreover the physical
presence of the federal government is an important factor in California.
Thus in 1970 over 11 percent of all federal employees were stationed in
California, almost twice the number in New York, the state with the next
highest number. The only concentration exceeding California's was that
found in the federal complex of the District of Columbia, Maryland and
Virginia. Furthermore the federal government is also the single largest landowner in California.*

Although the federal government will be referred to frequently in later sections of this paper, special mention should be made of a recent federal act which is not yet operating in California but which promises to affect federal-state-local relations profoundly. Under the National Health Planning and Resources Development Act of 1974, new regional agencies and a state council will be established with regulatory as well as planning authority. Consequently, new relationships will have to be worked out between the state council and the State Department of Public Health, county health departments, local governments, councils of governments, and providers of health care.

John Bebout commented: "Federalism is a constant demonstration that two or more bodies can occupy, and work in, the same space at the same time." The critical words in the quotation are "two or more bodies" [emphasis supplied], meaning that American federalism in practice has become a "three-level partnership [federal-state-local] in which any partner may exercise initiative

*Tuolumne County is burdened with a strangling government ownership of land (78 percent) not on the tax rolls. This attractive nuisance, brings thousands upon thousands of visitors who create expensive burdens in roads, garbage, stream pollution, police and fire protection, safety and rescue without contributing to the costs [sic] of such services.

and work with any other partner in solving domestic problems."* The most convincing evidence of the power of local governments as a third partner in the federal system is their success in securing a direct allocation, without a state pass-through, of general revenue sharing funds.4

3. Interlocal Relationships

Local governments often form a common front in dealing with the legislature, or with state administration agencies, but they are also often in conflict with each other. The most important interlocal conflict in California is a long-standing one between cities and counties over the planning, zoning and development of the unincorporated fringe around city boundaries, and the provision by counties of municipal-type services, such as police and fire protection to residents of unincorporated territory.

After World War II rivalry was especially intense for about fifteen years, both within urban counties and at the state level. Before 1963 California permitted "local option" decisions on municipal annexation and incorporation questions. All incorporations and most annexations required both petitions and a favorable vote by residents of the affected areas.

* Bebout, p. 25. For a very recent argument based on the concept of a two-level federal system, that the state government should be given "the entire state-area allocation [of federal revenue sharing] and let it distribute the funds to state and local governments as appropriate to meet national guidelines," see G. Ross Stevens and Gerald W. Olson, "State Responsibility for Public Services and General Revenue Sharing" in NSF-RANN, General Revenue Sharing Research Utilization Project, Vol. I: Summaries of Formula Research (Washington, D.C.-U.S.WPA, July 1975), pp. 91-105. "In a two tier federal system such as we have in this country, the principal levels of government are the nation and the states. Local governments are dependencies of the state level in a legal-constitutional sense....In other words, local governments are part of state/local system, not separate levels of government in the same sense that applies to the nation and the states." Stevens and Olson, pp. 91-92.
This unregulated process led to "boundary wars" between cities, and caused hostility between proponents of opposing annexation and incorporation actions. Partly in response to these unresolved conflicts, California acted in 1963 to establish local agency formation commissions (LAFCOs) in each county, with wide authority over incorporation and annexation. The city-county conflict has since receded, but has not disappeared.

The commissions are composed of two county officers, two city officers, and a fifth "public member" who is chosen by the preceding four. County members of LAFCOs are selected from among the county supervisors, and city members are elected by a city selection committee comprising all the mayors in the county.

LAFCOs are encouraged and empowered to make studies and plans on a wide range of relevant questions, such as the degree and rate of urbanization, population growth, ability to support local services, and impact of boundary changes on land-use controls, in addition to their ad hoc review of boundary issues. There is no state-level monitoring of LAFCO decisions, although there have been occasional suggestions that a statewide review process be instituted.

Some observers contend that LAFCOs have impeded incorporations. John Goldbach argues that "final success of incorporation procedures still depends upon a majority of 'yes' votes from inhabitants in the proposed area. But new burdens of proof require acceptance by cityhood proponents, answerable
to the commission prior to any election, if they are to justify existing anticipated conditions for their proto-cities."5 In a similar vein, another study of LAFCOs concluded "the clearest finding is that the commissions are inclined to approve proposals for annexations of territory to existing cities and disinclined to improve the formation of additional special districts."6

A recent article in the conservationist journal *Cry California*, suggests that Santa Clara County's LAFCO had performed in exemplary fashion.7 (The booming city of San Jose is in Santa Clara County.) The article finds that the county, in conjunction with its LAFCO, has consciously restrained urban development to areas already within San Jose's city boundaries. From most indications, however, the performance of LAFCOs in the other counties is highly varied in quality. Nevertheless these commissions clearly constitute a major change in the way local boundary questions and growth issues can be resolved.

We turn now to the interlocal relations in regional COGs (councils of governments) and regional special districts. Many of California's cities and counties have had a decade or more of experience in working with each other toward cooperative planning and action through the COGs and, especially in the Bay Area, through regional special purpose agencies. Undoubtedly, federal requirements leading to the creation of COGs have influenced interlocal relationships by helping provide a climate for cooperation.

* Governor Reagan's Local Government Reform Task Force, arguing that annexations should be discouraged and that the creation of new cities and special districts should be encouraged, recommended that LAFCOs be stripped of "the power to prevent an election for a proposed new unit of government, a consolidation of units, or the exclusion of territory from an existing unit." *Public Benefits from Public Choice* (1974), p. 57.
Testimony before the state Council on Intergovernmental Relations (CIR) in 1973 demonstrated widespread concern among cities, counties, and LAFCOs about the inability of municipalities to plan, zone and regulate subdivisions in unincorporated fringes that cities often hope eventually to annex. In effect, cities would like to limit county control of land use, and prevent counties from providing urban type services to unincorporated fringe residents. Cities also oppose, at least in principle, the creation of special districts to provide services to unincorporated areas. Although LAFCOs have now delineated "spheres of interest" around municipalities, hopefully foreclosing intermunicipal annexation warfare and lessening the likelihood of defensive incorporation of new municipalities, the city-county conflict persists.*

Another city-county conflict concerns the structure and authority of regional agencies. In the 1975 legislative session, the counties in the Los Angeles Basin managed to kill a bill that would have created a regional Southern California air pollution control district with a governing body consisting of county and city officials. Consequently multi-county air pollution control remains in a joint-exercise-of-powers agency recently formed by several county boards of supervisors. Handling regional matters in this way by county governments excludes cities from formal participation in the "regional" governing body.

* For instance, the conflict between Alameda County and the City of Livermore over the proposed large subdivision of Los Positas, situated across an interstate highway from the city. The issue was taken by the city to ABAG, which voted that the proposed development would be inconsistent with the regional plan. Similar conflicts are found between other cities and counties.
Both cities and counties oppose creation of more special districts, and urge that LAFCOs be given greater authority to merge or dissolve existing districts. Countering this, is a spirited defense of special districts being conducted by several statewide organizations of such units.* They are attempting to undermine the professed rationale of general-purpose local governments, which holds special districts to be inefficient, impractical, uneconomical, unrepresentative, and a nuisance. For example, much testimony on behalf of districts heard during the 1973 public hearings by the state Council on Intergovernmental Relations (CIR), on Governor Reagan's proposal to reform local government. Sixty-two representatives of special districts or statewide associations of special districts testified that special districts were democratic, efficient, effective local governments, providing services that other governments were not providing economically, with recipients paying the full cost.**

*"Special districts...are the purest form of local government and one that involves many people in the local environment....The elimination of special districts without a thorough examination and analysis would be in violation of our inalienable rights of government for the people....Independent special districts are the backbone of the present State of California. It was actually through the enactment of legislation establishing special districts that the State of California developed to its present position within the United States." Nicholas B. Presecan, General Manager-Secretary, West San Bernardino County Water District, Public Hearing No. 12, on Governors; Local Government Reform Proposal, California Council on Intergovernmental Relations, San Bernardino, April 27, 1973.

** See the report of Governor Reagan's Task Force on Local Government Reform, op. cit., for another justification of special districts.
STATE-LOCAL RELATIONS IN CALIFORNIA

by

Victor Jones, David Magleby & Stanley Scott

Institute of Governmental Studies
Working Paper #16
Moreover special districts are seeking regular membership in LAFCOs. Although present law already permits districts to participate under certain conditions, cities and counties opposed this. Some of the larger, multi-county special purpose agencies, especially in the Bay Area, have also sought formal participation in proposed regional planning agencies. The steadily increasing number of special districts, along with their increasing political organization and sophistication, make them a definite constraint on the freedom of cities and counties to manage state-local relations. Future state policies will have to deal with these and other conflicts in state-local relations.

In addition to intergovernmental conflict, of course, there are also important intergovernmental cooperative relationships. For example, California's local governments have had a long history of intergovernmental contracting. The state's "joint exercise of powers" legislation in effect permits any two or more governments to do jointly anything they might have done separately.

One of the most sophisticated forms of such joint exercise of powers—albeit so far principally for voluntary planning purposes rather than substantive governmental action—is the formation of COGs. As noted earlier, the federal government has encouraged the COGs by pressing for their establishment in most metropolitan areas. Moreover many observers consider at least some of the COGs to be potential stages in an evolutionary process leading toward a stronger, non-voluntary form of regionalism. Thus at the national level the Advisory Commission on Intergovernmental Relations (ACIR) is attempting to promote state and federal policies that would lead to a system of regional umbrella
districts within each state. These umbrella agencies would have mandatory local governmental membership, substantial grant review and approval powers, and the possibility of assuming stronger powers if approved by a majority of the member agencies. Recent proposals for a regional government in the Bay Area would carry this formula one step further by giving the regional government power to enforce plans through cease-and-desist orders.*

4. Non-governmental Participants in Intergovernmental Relations.

It is axiomatic that individuals and organizations try to get governments to act, or refrain from action, or to intervene on behalf of something the individual or organization wants done. Accordingly both local and state governments are constantly reacting to these pressures. Sometimes the organizations involved are statewide, or even national. Nevertheless the individual members live and are active in specific localities or regions. These members use and are, in turn, used by officials at both the state and local levels as subjects of pressure, or as allies or enemies in dealing with other governmental agencies. Frequently what appears to be the initiative of a state or local official is, in fact, the initiative of a local chamber of commerce, the League of Women Voters, a labor union, a neighborhood improvement association, Common Cause, the Sierra Club, a state or local board of realtors, a medical association, etc., etc.

*The regional coastal commissions established in California under Proposition 20 carried over an element from the formulas devised in earlier efforts at interlocal cooperation, i.e., the regional coastal commissions are composed one-half of representatives of member local governments, selected by processes like those employed to choose the governing bodies of the COGs. Thus experience with a variety of forms of interlocal relations seems to be leading toward stronger forms of state-regional-local governance.
Private interests are constantly being "transformed" into public interests by organized groups moving from one level of government to another, or from one branch to another, or even from agency to agency in search of sympathetic allies with the competency and will to take the desired measures. Consequently powerful interest groups—other than local governments—operate within localities and regions. Their forces can be brought to bear upon state (and federal) government in efforts to get these governments (1) to assume direct administration of certain urban affairs, (2) to undertake the indirect administration of others through grant-in-aid programs, (3) to mandate or prevent certain local governmental behavior, (4) to create, abolish, consolidate or otherwise reorganize units of state or local government, or (5) to take other measures.

Much so-called imposition by the state is actually policy developed by local groups and interests, but implemented by state government. Frequently local officials join with other local groups to seek legislation of this kind. Thus it is often misleading to characterize the resulting state and federal action as an "imposition from above." Even if the local pressures are entirely unofficial, they are still local; and it is incorrect to call such state and federal legislative responses "imposition." 8

Government has long been accessible to a number of types of interest groups. On the other hand, most observers see significant recent changes in governments' accessibility to new kinds of interests. These changes have already had powerful influences on state-local relations and on the meaning of local self-government.
As noted earlier significant shifts began with the New Deal when the federal government became comparatively much more accessible to the concerns of labor, workers, lower income groups and many of the underprivileged. For a time, at any rate, there was a distinct difference in federal-level accessibility, as compared with that of California's state and local governments. In short both state and local governments seemed usually more representative of and receptive to commercial interests and a business-as-usual philosophy.

But this, too, changed after World War II, and especially in the past five years. State and local governmental accessibility has improved. Conversely, groups that once were poorly represented, have learned how to reach some of the levers of state and local power. In addition, they have finally learned how to use the modern media and employ new forms of grassroots organization to make the long-established "Progressive" institutions of "direct democracy"--the initiative, referendum and recall--function in their behalf. This development is of crucial importance in a long-ballot state like California. Significant resulting accomplishments include recent reform in campaign finance and conflict of interest regulation, and California's current system of coastal planning and land-use control.

In short, we are seeing some basic shifts, not only in the strategy of interest groups, but also in the substantive policies of government. That is, "unrepresented" groups--especially minorities--for many years depended heavily on the federal government for policies protective of their interests. More recently, they are also giving major attention to the state and local levels, and are beginning to see results. This development has already helped bring many of our state governments into the mainstream of non-
governmental interest-group activity, and promises the same for local government. The resulting "generalization" or "nationalization" of access may indeed give some of the local home rule concepts renewed vitality, or perhaps infuse them with a vigor and relevance long claimed for them but never before possessed.

5. Nonpartisan Local Elections

Most state elected officials, including legislators, run for office as partisans. Nevertheless California politics at the state level, when compared with that of states in the East and Midwest, is only mildly partisan and even in a sense anti-partisan. However, since the abolition of cross-filing in primary elections, California government, especially in the Assembly, has become more partisan. Even so these developments have not led to the emergence of a statewide system of strong party leadership linking the Governor, the Senate and the Assembly.

More important for state-local relations, no local political parties have a city, county, or regional base. Moreover county supervisors and city councilmen are elected on nonpartisan ballots. Accordingly there is no real opportunity to use the political parties as aggregators of local interests, or as brokers among state, local and non-governmental interests, or as linkage systems that could integrate the constitutionally dispersed centers of authority and power.

California's non-partisan local elections have generally favored the election of Republicans, despite a three-to-two Democratic advantage in statewide party registration. The effect of the party affiliation of local officials on ease of access to state legislators has not been examined.
Party affiliation seems to have a minimal influence, except when the person involved are extremely partisan ideologues. On the other hand, a liberal Democrat would not normally be sent as a local envoy to a conservative Republican Governor. Moreover there would even be some hesitation in sending a liberal-leaning Republican local official. Undoubtedly analogous reasoning would be used in describing tactics during the administration of a liberal Democrat.

A familiar argument holds that party affiliation does not matter in most public matters that concern local governments. This seems very doubtful. To be sure, there is frequent movement across party lines, but on the other hand, there is also substantial evidence that most Democrats and Republicans (both legislators and local officials) differ significantly in public attitudes and orientation toward public policy issues.*

Furthermore, nonpartisan elections seem at least partly responsible for influencing the representative coloration of many local governments. Some California studies have found local governments often not fully representative of the political complexion of their electorates, but instead take on a more conservative hue. For example, a study of county supervisors and city councilmen in the Bay Area made several years ago concluded:

*"The basic conclusion to be drawn from the data...is clear and unambiguous. The Democratic leaders are more liberal than their Republican counterparts. In both 1960 and 1964 Democrats responded more liberally on every issue presented them. And the inter-party differences are not trivial but significant across the board....Whether the magnitude of these issue differences between party leaders is ideal depends in part on how one feels about so-called 'consensus politics' or about 'conflict politics.' The data do indicate, however, that party elites are indeed different in their issue orientation, that the difference is consistent and clear across a broad spectrum of political issues, and that it is sustained over a four-year time period during which new persons entered the elite structure of both parties and others dropped out." Owens, Costantini, and Weschler, pp. 231-232 and Table 6-4.
...local government as a representational mechanism is not politically neutral. It confers a distinct—although not universal—advantage on persons of Republican registration.12

In the same vein, a recent book on nonpartisanship, based on Bay Area data and a review of other studies, also found a skewing of the policy attitudes of local councils. The author reaches the following conclusions:

...if cities substituted partisan elections for nonpartisan elections, we would witness greater conflict over the priorities...assigned specific problems and the way these problems should be approached....[Thus] with the institution of partisan elections one might expect the overall ideological center of municipal policy to move toward the views expressed by the Democratic activists.

This...would mean...policies...closer to...the dispositions attributed...to partisan Democrats....

[Moreover]...the electoral advantages...to Republicans from nonpartisanship are greatest in large cities and those with relatively sizable proportions of persons of lower socio-economic status. It is precisely in large, poor cities that the need for an aggressive assault on social problems...is greatest....[Consequently] the more Republican candidates are advantaged by nonpartisanship, the greater the need for, and the less the probability of, policy that is responsive to demands...for governmentally fostered social change....13

Moreover in 1971 and 1973 there was a clear difference in the support Democrats and Republicans gave to the proposed Bay Area regional planning agency. The following table shows the vote by political party in the Assembly on AB 1057 (1971) and AB 2040 (1973):

<table>
<thead>
<tr>
<th></th>
<th>AB 1057 (1971)</th>
<th>AB 2040 (1973)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Republicans</td>
<td>Democrats</td>
</tr>
<tr>
<td>Aye</td>
<td>40.5</td>
<td>76.7</td>
</tr>
<tr>
<td>No</td>
<td>37.8</td>
<td>7.0</td>
</tr>
<tr>
<td>Not Voting</td>
<td>21.6</td>
<td>16.3</td>
</tr>
<tr>
<td>Vacancy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>99.9</td>
<td>100.0</td>
</tr>
</tbody>
</table>
To be sure, party divisions are not found on all bills involving state-local relations. But on some salient questions of the 1970's such as re-structuring state-local relations, and increasing governmental involvement in resource conservation, and many socioeconomic issues, party affiliation is likely to be important.

In any event, there seems no likelihood that California's local elections will become partisan in the near future. In fact, the state constitution forbids charter cities to provide for partisan elections.* Nevertheless, some California cities are seeing partisanship enter the campaigns indirectly, with significant effects on election results.** Moreover there is considerable sentiment for partisan elections, although it still seems far from a majority opinion among local officials. A recent survey of various subgroups of

---

*The pragmatic approach even to local home rule is seen when officials of the League of California Cities made no effort to oppose inclusion of this prohibition in an amendment alleged to be merely "cleaning up" the language of the Constitution's local government articles. Insuring the familiar, accepted practice of nonpartisan elections probably seemed more important than ideological adherence to the principle of home rule determination of local government structure and politics. In 1962 the City Attorney of Redlands said, "The role of political parties in the nomination and election of municipal officials may be established by...home rule power [in charter cities], unrestrained by general law. But a well-reasoned argument to the contrary could be premised upon the fact that the partisan elections would so revolutionize municipal elections, and the political system of California, as to be of statewide concern. For this reason, a court ruling could place municipal elections beyond the preview of the constitutional grant to chartered cities of home rule....If the pressures build up for partisan campaigns for municipal office, many advisers who work hard to maintain home rule would not welcome the application of the principle in elections, or other equally sensitive areas." Edward F. Taylor, "Constitutional Foundations of Home Rule," League of California Cities, April 5-6, 1962, p. 9.

**See Jeffrey L. Pressman, Federal Programs and City Politics (1975), p. 29, for a comparison of the non-politics of government in Oakland with the role of the liberal Democratic caucus in the politics of Berkeley (Oakland's next door neighbor).
leaders in the Bay Area shows their responses to the statement—"The average person will probably have a greater voice in government under a system of nonpartisan elections"—as follows:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Agrees and Disagree and Can't Say</td>
<td>Agrees and Disagree and Can't Say</td>
<td>Agrees and Disagree and Can't Say</td>
</tr>
<tr>
<td>%</td>
<td>(N)</td>
<td>%</td>
</tr>
<tr>
<td>---</td>
<td>-----</td>
<td>---</td>
</tr>
<tr>
<td>Agree</td>
<td>70</td>
<td>(69)</td>
</tr>
<tr>
<td>Disagree</td>
<td>24</td>
<td>(24)</td>
</tr>
<tr>
<td>Can't Say</td>
<td>6</td>
<td>(6)</td>
</tr>
</tbody>
</table>

TOTAL | 100 | (99) | 101 | (52) | 99 | (172) |

On the other hand, there are big differences between Democrats and Republicans on whether they would like to see partisan nominations for local office. Thus in 1962 the Assembly Committee on Elections and Reapportionment found a pronounced split between Republicans and Democrats, with most of the latter favoring partisanship:

% Favoring Party Nomination for Various Local Offices or Designation of Candidate's Party Affiliation on Local Election Ballot

<table>
<thead>
<tr>
<th>Office to be Made Partisan</th>
<th>Republicans</th>
<th>Democrats</th>
</tr>
</thead>
<tbody>
<tr>
<td>County supervisors</td>
<td>28%</td>
<td>84%</td>
</tr>
<tr>
<td>City Councils</td>
<td>25</td>
<td>80</td>
</tr>
<tr>
<td>School boards</td>
<td>16</td>
<td>48</td>
</tr>
<tr>
<td>Special district boards</td>
<td>16</td>
<td>51</td>
</tr>
<tr>
<td>Elective administrative offices of county</td>
<td>28</td>
<td>71</td>
</tr>
<tr>
<td>Elective administrative offices of city</td>
<td>22</td>
<td>64</td>
</tr>
</tbody>
</table>

Taken from Owens, Constantini and Weschler, *op. cit.*, p. 141.
6. Initiative and Referendum

"Direct democracy" through the initiative and referendum has become a major institution of California politics. Frequently issues of state-local relations, or making major changes in substantive policy affecting state-local relations, are decided not through legislative bargaining but by the electorate, if interested groups are able to secure enough signatures to qualify such proposals for the ballot. (Note also discussion above under subsection 4, "Nongovernmental participants...")

Initiatives. Many initiatives are constitutional amendments, whose enactment is normally placed beyond the courts' power to nullify, except on federal constitutional grounds.* But even a statutory initiative is beyond the legislature's authority to repeal or amend, without the voters' concurrence. State and local officials often become involved in such campaigns. Occasionally, a public figure will initiate such a proposal and become its principal supporter. For example, Governor Reagan appealed to the voters--over the head of the legislature--with his revenue-limiting Proposition 1, which was defeated in November, 1973.

The most recent example of an initiative setting the course of state-local relations is the California coastal initiative, Proposition 20 (1972). For a period of four years, from early 1973 to January 1, 1977, Proposition 20 has imposed a new system of state-regional planning along the length of

---

* Proposition 14, 1964, had as its immediate target the Rumford Fair Housing Act. The proposition's objectives was to work against fair housing by restricting the state's authority to regulate housing. Proposition 14 was approved by the voters, but declared invalid on federal constitutional grounds by a 5-2 decision of the California Supreme Court.
California's Pacific coast. This includes the power to overrule local city and county decisions on land use and development in the "permit area," which reaches 1,000 yards inland, and goes out three nautical miles seaward.

Referenda. California has three types of referenda: First, certain proposals are required by the Constitution to be referred to the electorate. For instance, state and local general obligation bond issues are subject to referendum. Moreover most local bonds must secure a two-thirds majority, while state bond issues require only a simple majority. For this reason, indebtedness is sometimes incurred by the state that might otherwise have been left to local action. Voter approval must be secured before a local government can build public housing. All local charter amendments must be approved by the voters of the locality.

Second, statutes passed by the legislature and signed by the Governor can be subjected to referenda if valid petitions are filed. City and county voters also may exercise the power of the referendum.

Third, the legislature itself may specify that a bill it enacts shall not be effective unless approved by the voters of the jurisdiction affected. Sometimes this is done to "pass the buck" on highly controversial issues, or to reach a decision on matters that the regular decision-making processes could not resolve.*

Legislative referenda are also sometimes employed in matters considered so "fundamental" that no change should occur without popular approval. Many people, for instance, believe that the establishment of a multi-purpose

*An example is the recent bill providing for the construction of a new bridge across the Bay just south of the present Bay Bridge. The voters of San Francisco, Alameda and San Mateo counties rejected the proposal to build the bridge.
regional agency belongs in this category, because they consider it a new level of government, although hardly anyone argues that a single-purpose special district should be so viewed. Undoubtedly some state Senators have voted against bills to create a nine-county Bay Area Planning Agency for this reason.*

On the other hand, the referendum is a political instrument that can be and very often is used for the sole purpose of defeating a measure after it has successfully gone through the legislative process. Local officials can use the referendum for this purpose as readily as private interest groups. Or a referendum can be attached to a legislative proposal in order to permit its ultimate defeat by the voters. Thus some legislators voted to require a referendum in the Bay Area Planning Agency bill in the expectation that it would be defeated at the polls.

7. Home Rule

The constitutional and other legal aspects of home rule will be considered below, in section III. Equally important are the extra-legal practices and precepts that give local government a preferred position in the polity.

When examining the governmental pattern in a metropolitan area, one need not look exclusively to the state constitution, statutes and judicial decisions in order to identify the rules by which the various participants have sought to achieve their demands or to fend off the maneuvers of their rivals. One will find them in the assumptions upon which the writers words are based.\textsuperscript{14}

* AB 625, 1975, and its predecessors.
As in other states, California legislators are oriented both toward their constituencies and to the state as a whole. The idea of "home rule," local autonomy, government "close to the people," and the right to local self-government are part of the ideological heritage of Californians. These concepts and the supporting rhetoric are used as weapons in the struggle between the state and local governments, and frequently employed by private interests wishing to escape threatened state controls, thus attesting to the existence and potency of the home-rule philosophy.

State legislators are often sympathetic to such "home-rule" arguments, and as a result frequently work out policy relationships with local governments so as to give the latter much leeway. Accordingly many of the so-called state "mandates imposed" on local governments are really permissive or enabling legislation, without provision for administrative surveillance, review of performance, or any form of enforcement.

Home-rule ideology also provides the rationale for efforts to secure or maintain local governments' autonomy vis-a-vis each other.* Interlocal relations within metropolitan regions have been described as diplomatic systems. Structurally, regional councils of governments (COGs) are as "natural" to the metropolitan system of diplomacy as the United Nations is to international politics. Both local officials and the other opponents of

*"'Home rule' has come to be the very tocsin, or alarm, which sends multitudes of elected municipal officials to the barricades....What is it that this great principle, summed up in a two-word sentence without subject, predicate or object, represents?...As near as I can determine, these catchy words, 'Home Rule', may be in their grammatical sense adjective or adverbial. Certainly in repetitious usage, ad nauseam, they are, at most, adenoidal, in shouting down any change from a staggering and stumbling status quo." John C. Houlihan, Mayor of Oakland, "'Home Rule' and What It Means," League of California Cities, (1962).
strong regional government use "home-rule" as the principal argument for retaining COGs, because they are seen as voluntary forums for discussion and coordination, without governmental power or sanction.

Thus far state officials have not intervened in the organization and operation of COGs. Only in the San Francisco Bay Area has a serious attempt been made to replace ABAG (as well as some of the regional special purpose districts) with a non-voluntary and more authoritative regional planning agency.

The strength and pervasiveness of the tradition of local autonomy, coupled with the organizational defenses that local governments have developed, help emphasize the simplistic unreality of the legalistic old truism that holds local government to be the "mere creature of the state."

Characterizing local government as the creature of the state is perhaps analogous to ancient Roman law defining family relationships with the paterfamilias supreme. Despite his legal superiority, the authority of the paterfamilias was not always transformed into power. Moreover in time the real practices of family relationships were given legal recognition.*

To be sure, there is still a residue of two-tier dual federalism in the "creature of the state" formula. Nevertheless relationships that have developed, and still are developing--between the states and the federal government, among the states, between the state and local governments, and between the national

*"The dissolution of the ancient Roman patriarchal family, begun under the Republic, was fairly complete by the time of Justinian. Custom had long interdicted the absolute rights of the paterfamilias long before imperial rescripts restricted domestic rights to chastisement." "William Seagle, Family Law," Encyclopedia of the Social Sciences, (1931), vol. 6, p. 82.
government and local government--are usually ad hoc and often unique to themselves. One need only compare the status and customary role of local government in the Canadian federal system with those in the United States to see the impossibility of explaining the later by declaring that

Municipal corporations owe their origin to, and derive their powers and rights wholly from, the legislature. It breathes into them the breath of life, without which they cannot exist. As it creates, so it may destroy. If it may destroy, it may abridge and control. Unless there is some constitutional limitation on the right, the legislature might by a single act,... sweep from existence all the municipal corporations in the State, and the corporation could not prevent it. We know of no limitation on this right so far as the corporations are concerned. They are, so to phrase it, the mere tenants at will of the legislature.15

Although the court correctly outlined the authority (that is, the legal right) of the state government, in this case even Judge Dillon recognized that the power of the state to act is another matter. Thus he qualified his assertion of the state's authority over local government with the phrase: "if we can suppose it capable of so great a folly and so great a wrong."

Many skeptics resist claims that local governments are entitled to local autonomy. Both the organization and performance of local government is challenged from many sides. Critics--black and white, rich and poor, government official and businessman--see local government as unrepresentative, overly concerned with petty matters, and incapable of hard decisions where public interest is opposed to parochial local interests, or where justice, equality or ecology are opposed to prejudice or private gain--local and public interest being defined by the parties in conflict.
Moreover local officials have been influenced by these criticisms, and accompanying demands for regional, state or national action. They seem to have an uneasy feeling that the critics are at least partly right, although the criticisms may be exaggerated. In any event, "home rule" is no longer the cherished article of faith among local officials that it was a decade ago. Instead, local officials have learned from experience that many problems they have tried to deal with—and that concern their constituents—cannot be managed by local governments acting alone. They are also pragmatically adjusting to the national and state governments' involvement in local and metropolitan affairs,16 as well as to the growing influence of a variety of citizen's public interest organizations.

8. Local Governments Organized as Interest Groups

The League of California Cities* has been in existence for over 75 years, and the County Supervisors Association for approximately 60 years. Their

*The League of California Cities was established in 1898 as a non-partisan, non-profit corporation, owned, organized and operated by the cities of California to promote effective and economical local government. Membership is voluntary, but all 411 cities belong, making this the only state municipal league with 100% membership. In addition to representing cities in Sacramento, the League serves as a clearinghouse for information; conducts conferences, training institutes, seminars; and publishes reports, bulletins and newsletters.

The organization is structured geographically into 13 regional divisions, and professionally into nine functional departments. The functional departments consist of policymakers and professionals within several disciplines, such as the mayors' and councilmen's department, the city managers' department, the planning department, etc.

In addition to the regions and departments, the League has established seven standing policy committees: community development, human resources development, public safety, revenue and taxation, transportation, urban environmental quality, and municipal government and administration. For a good discussion of the organization, role and tactics of the League of California Cities and County Supervisors Association see Crouch and Dinerman, op. cit., pp. 120-124.
importance to local governments is demonstrated by their being numbered among the eight most powerful individual organizations named in 1957 by legislators in California, New Jersey, Ohio, and Tennessee. There is no reason to think that their influence is any less 18 years later.

In fact, as the legislature "modernized" itself and became a full-time body, both the League of California Cities and the County Supervisors Association responded by expanding staff and developing a wider scope of interests. In short, they have become complex organizations as the legislature itself has become more complex organizationally.*

With respect to policies on local autonomy, the past 15 years have seen a substantial change in the attitude toward regional agencies taken by the League of California Cities. After publication of the 1960 report, *Meeting Metropolitan Problems*, by the Governors Commission on Metropolitan Area Problems, an extraordinary statewide League session was convened to adopt a "Statement of Principles in the Field of Metropolitan Problems." Strongly reaffirming local home rule, the League asserted that "most of the problems of true regional nature rather than local concern in metropolitan areas are being met...either by special regional or metropolitan type districts or cooperation between cities and counties." The statement also declared that:

Functions and services performed by a city or a county should not be removed from a city and a county and incorporated in a regional or metropolitan district without the consent of the electorate of the city or the county, or a majority vote of the entire membership of the legislative body of the city or county, subject to referendum.19

*Associations of city and county officials are not the only representatives of local governments, officials, or employees in Sacramento. Lobbyists and lobbying organizations are plentiful. By March 19, 1972 a large number of organizations had registered with the legislature.18
Three years earlier, the League Board of Directors had already taken a strong home-rule position with respect to metropolitan government:

The best interests of the people of this state and nation require the maintenance of strong, healthy cities which have the right of home rule and which provide local government devices and perform local governmental and policy making functions. Local municipal affairs, involving policy making, enforcement of laws and regulatory measures, and government activities, are not proper subjects for inclusion in regional or metropolitan government and should be retained by cities. 20

The traditional position of the League has been the unmistakable support of particularistic local handling of individual public problems. But by 1970, the League's annual conference had resolved that COGs should be required by statute in all parts of the state, and that the governing bodies should consist entirely of city and county elected officials.

Furthermore, it resolved that:

Regional organizations shall be authorized to assume limited powers and functions with reference to the operation of regional functions.

The regional organizations shall be granted such regulatory and taxing powers as necessary to carry out regional functions.

The regional organization shall provide a planning and federal and state review service.

The regional organization shall serve as the "umbrella" organization for agencies established for regional purposes. The regional organizations shall be empowered to appoint new regulatory agencies as the need arises. Agencies so created shall be sub-units of the regional organization.

All state and federal agencies having regional responsibilities should be required to coordinate with the regional organization. 21
In short, within a decade the League had swung around to support the essence of the 1960 recommendations of the Governors' Commission on Metropolitan Area Problems against which it had reacted so forcefully ten years before.*

The draft document upon which the League's Resolution No. 13 (1970) was based had been jointly prepared by the staff of the League and the County Supervisors Association, plus representatives of ABAG, SCAG and the San Diego Comprehensive Planning Organization. The Supervisors Association adopted essentially the same resolution after modifying it to call for governing bodies consisting "primarily" of city and county officials.

In its Regional Home Rule Resolution of 1971, ABAG also called for a regional governing body consisting "primarily" of city and county elected officials. The word "primarily" was later interpreted to include a Bay Area formula calling for half directly elected and half city and county officials. The League continued for a time to insist on 100 percent city and county membership, but in 1971 it also relaxed its insistence that the governing body of a regional agency must consist solely of local elected officials. Since that time it has joined ABAG in supporting Assemblyman John Knox's effort to establish a Bay Area Planning Agency.

Moreover since 1973 the League has gone even further with respect to:

(1) land use and environmental control, (2) social responsibilities of cities, (3) employee relations, and (4) the tax base. The first topic--environment

---

*The 1960 recommendation had called for enabling legislation authorizing the creation of a multi-purpose metropolitan district in any defined metropolitan area, the membership of the council "to be selected by, and from the membership of, the governing bodies of the cities and counties..." [Emphasis supplied] Governor's Commission, op. cit., p. 17.
and land use--has received principal attention so far. A pamphlet describing the League proposals has been widely distributed, and a bill drafted by the League has been introduced in the Assembly in preprint form to establish a state-regional system of comprehensive planning.

Like the League, CSAC has changed its home rule policy. According to its new guidebook, *Design for Decision*, "the principle of local option" is today's alternative [to home rule] by which public expectations can be satisfied after the restrictive perimeters of state and federal laws and regulations have been relaxed." CSAC recognizes the wide differences among counties, and the need to treat different counties differently. According to CSAC these differences "defy externally enforced uniformity, and...give purpose to the principle of home rule."

CSAC continued to oppose efforts to create a Bay Area Planning Agency, despite support of the proposal by some Bay Area supervisors. While CSAC is not opposed to voluntary COGs operating under the joint exercise of powers act, it does oppose legislative creation of a regional planning agency for the Bay Area, principally because (1) half of its governing body would be directly elected, (2) the Agency would have authority to issue cease and desist orders to local governments whose plans were inconsistent with the regional plan, and (3) the proposed property transfer tax "is a direct intrusion of the state into a purely local revenue source."24

---

*"The public expression which surfaces from a given community is a composite of the interests in that community. When government taps those expressions and acknowledges them as part of its conduct of public affairs, the principle of Local Option is being exercised." (p. 17)
But there is a lot of tension in CSAC over the proper stand on the Bay Area regional government proposals, and the Association continues to oppose the Bay Area scheme in spite of support among local supervisors. The Association's current President, a supervisor from Alameda County, argues "Why should those supervisors from Alpine County [a rural mountain county] dictate what we must do in Alameda." Association staff argue however that the Bay Area's regional government question is more than a local concern, and that it will set a statewide precedent. Supervisor Bort counters that CSAC's opposition rejects local option for the Bay Area.

On another major planning issue, however, CSAC has foresaken its opposition to land-use planning and now argues for state land-use standards with local (county) administration. In the words of a CSAC staff member--"if we don't meet the state standards, we would welcome them in to lower the boom." Furthermore, a special county policy committee of the Association supported continuation of the state coastal commission with its strong powers, and commented: "The State Commission is...necessary to...enforce the protection of the state's interest in the coastline...."

As noted earlier, the League of California Cities has also come out in favor of land-use planning. In the words of their Action Plan,

The number of the environmental problems facing us vary in size and scope. Some are generated at the level of the individual and are manageable only at that level. Others result from a complete inter-meshing of factors and situations. These are problems that overwhelm the individual and transcend local, political and socio-economic boundaries. These are problems manageable only on a large geo-political basis.25
The League's approach to land-use planning is different from that of CSAC, especially as the League supports strong regional (multi-county) agencies including both cities and counties in the decision-making process. Some CSAC leaders see this as a move by the cities to "deal themselves in," gaining influence over areas where they formerly exercised little power.

In short, both the city and county organizations have made substantial policy shifts, over the years, on issues relating to regionalism, land use control, and large scale planning. Their policies may continue to show dramatic shifts.

III CONSTITUTIONAL HOME RULE:
THE COURTS AND LOCAL GOVERNMENT

The constitution and its interpretation by the courts are a significant constraint on the ways state and local governments can deal with each other. Moreover the law is frequently used by disaffected parties either to stop actions, or to require their performance. The home rule provisions are also used as arguments for proposed policies—-and even more often as arguments against proposed policies.

While this paper attempts no comprehensive treatment of judicial interpretations of constitutional provisions on local government, it will essay a brief introduction to the subject. The detailed history of constitutional home rule in California, and its judicial interpretation, were studied thoroughly by legal scholars Pepin and Sato. Political scientists Crouch and Dinerman also review the effect of constitutions, statutes and judicial interpretations on local governments in Los Angeles County. 26
The California Constitution goes about as far as possible, short of incorporating the Fordham formula word-for-word, to protect cities from arbitrary state action, and to grant substantive authority to municipalities:

1. Uniform procedures are constitutionally required:

   The Legislature shall prescribe uniform procedure for city formation and provide for city powers. (Article XI, sec.2)

2. Cities or counties are authorized to adopt charters by local vote. (The Legislature must also approve, but in practice this has only been a pro forma requirement.):

   For its own government, a county or city may adopt a charter by majority vote of its electors voting on the question. The charter is effective if approved without change by resolution of the Legislature...A charter may be amended, revised or repeated in the same manner. (Article XI, sec. 3)

3. Cities are given both a broad grant of powers over "municipal affairs," and a broadly worded grant of power to provide for the governance of the city:

   It shall be competent in any city charter to provide that the city...may make and enforce all ordinances and regulations in respect to municipal affairs, subject only to restrictions and limitations provided in their several charters and in respect to other matters they shall be subject to general laws.

   It shall be competent in all city charters to provide...for: (1) the constitution, regulation, and government of the city police force (2) subgovernment in all or part of a city (3) conduct of city elections and (4) plenary authority is hereby granted...to provide...the manner in which, the method by which, the times at which, and the terms for which...municipal officers and employees...shall be elected or appointed, and for their removal, and for their compensation....(Article XI, sec. 5)

4. Cities and counties are granted local, police, sanitary and other ordinance power:

   A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws. (Article XI, sec. 7).

* Counties have a much more restricted home-rule grant than cities, as will be noted later.
5. Counties are authorized by statute or by charter provision to perform municipal functions on request:

The Legislature may provide that counties perform municipal functions at the request of cities within them.

If provided by their respective charters, a county may agree with a city within it to assume and discharge specified municipal functions. (Article XI, sec. 8)

6. Cities are authorized to provide a wide range of utilities to residents, or to non-residents, subject to certain limitations:

A municipal corporation may establish, purchase, and operate public works to furnish its inhabitants with light, water, power, heat, transportation, or means of communication. It may furnish those services outside its boundaries, except within another municipal corporation which furnishes the same service and does not consent. (Article XI, sec. 9)

The one certain effect of these constitutional provisions has been to put the courts into the center of state-local relationships. Between 1879, when cities were authorized to adopt charters "subject to and controlled by general laws," and 1896, when the constitution was amended to free chartered municipalities from state interference in "municipal affairs," there were few problems of interpretation. Since 1896, however, the courts have been trying to distinguish between "municipal affairs" and "state affairs."

Thus, in 1896 the voters made a fundamental reallocation of political powers between the legislature and a chartered city by adopting a deceptively simple standard embodied in the words "municipal affairs." Since no universal truth emerged from these words, the courts were required to assume the delicate task of allocating political powers between the legislature and a chartered city. Unfortunately the body of law that has developed does not provide reliable criteria for application of the municipal affairs standard.

Sato analyses the judicial decisions in five categories of conflicts: (1) matters of intra-cooperate structure and process; (2) the municipality and its employees; (3) municipal services and improvements; (4) regulatory
measures; and (5) fiscal measures. Table A gives illustrative but not exhaustive examples of matters which the courts have held to be municipal affairs or affairs of statewide concern.*

A recent rationale employed by the courts in finding a matter of statewide concern rather than a "municipal affair," utilizes the "spill-over" effect. In City of Santa Clara v. Von Raesfeld, it was held that the legislature could increase the maximum interest rate on revenue bonds after they had been voted by the electorates of Santa Clara and several other cities:

Historically the treatment and disposal of city sewage is a municipal affair... and [so are] bond issues to finance municipal affairs.... As in the case of other municipal projects, however, sewer projects may transcend the boundaries of one or several municipalities. Such projects may also affect matters which are acknowledged to be of statewide concern; e.g., protection of navigable waters... and the public health.... In such circumstances the project ceases to be a municipal affair and comes within the proper domain and regulation of the general laws of the state.

...Furthermore, the sewage treatment facilities will protect not only the health and safety of petitioner's inhabitants, but the health of all the inhabitants of the San Francisco Bay Area. Accordingly the matter is not a municipal affair.²⁸

Concern over the spill-over effects of actions that might otherwise be considered municipal affairs has opened the door wide for reducing the autonomy of municipalities in metropolitan regions. Court action, of course, is contingent on prior action by a local government in a matter affecting its neighbors.

California counties lack the constitutional home rule powers granted to cities. A 1911 amendment empowered counties to draft and

---

*See Table A, pp. 76-77.
adopt charters, but without an independent grant of constitutional authority like that given cities. Consequently counties are subject to general state law with respect to powers and functions, except that a 1914 constitutional amendment permitted counties to perform municipal functions for cities within city boundaries.* Much of the present salience of urban county government derives from this amendment and subsequent implementing legislation. As Crouch and Dinerman say: "Thus two significant procedures for metropolitan simplification--functional consolidation and the inter-governmental contract--were launched with constitutional approval." 29

Special districts have no constitutionally protected home rule status. This may help explain their popularity, especially in the many instances when constitutional provisions make it difficult for cities and counties to handle inter-jurisdictional problems.

This section concludes by noting Sho Sato's effort to develop standards for allocating authority between the state and municipalities.** Recognizing that perhaps only fools rush in where courts fear to tread, this Article nevertheless offers three standards that, hopefully, identify the substantial interests of the state and the chartered cities and thereby provide some consistency in approach.

* Only ten of the fifty-seven counties (excluding San Francisco) have adopted charters. As might be expected, these are largely the urban counties. County officials express some dissatisfaction with charter governance, finding many of the controlling charter provisions adopted over the years to be highly restrictive. For example, Alameda County, which adopted a charter in 1923, attempted unsuccessfully at a recent general election to repeal its charter and return to the status of a general law county. The most often expressed reason for Alameda County's effort was that its charter status requires it to go to the electorate for every desired change—a process that was seen as time-consuming, expensive and most often unsuccessful.

** Sato says "municipalities," but the policy questions relating to appropriate state-county relations would certainly arise under regional or metropolitan governments.
Standard 1: State laws should prevail where such laws deal with substantial externalities of municipal improvements, services, or other activities, regardless of whether the general laws are directed only to the public sector.

Standard 2: State laws should govern if their policies are made applicable to the public and private sectors.

Standard 3: Matters of intracorporate structure and process designed to make an institution function effectively, responsively, and responsibly should generally be deemed a municipal affair.

There are difficulties with the Sato standards. What are the "substantial externalities" of Standard 1? If a quantitative definition cannot be devised, are the courts back in the judicial game of deciding ad hoc? Would the courts not be just as likely to discover "substantial externalities" as they are now to find "statewide concerns"? As to Standard 3, what if individuals, groups, or state officials consider local government inadequately organized to function "effectively," "responsively" or "responsibly"? Does the state (or, for that matter, the federal government) have no interest in effective, responsive or responsible local government? Entirely apart from their concern with the public interest of citizens in effective local government, both the state and the federal governments rely heavily on local governments to administer, and increasingly to participate in the formulation, of state and national programs. Accordingly there is a large state and federal stake in the functioning of local government.

IV STATE-LOCAL ADMINISTRATIVE RELATIONS

Only cursory treatment can be given state-local administrative relations, just as we only briefly examined the role of the judiciary. Fuller treatment must await further study.
Winston W. Crouch concluded in 1954 that most state-local relationships in California were administrative, and that many, perhaps most of them, are unrecorded. They arise simply from the active existence of two bureaucracies within the same space. With only two additions Crouch's classification of state-city administrative relations is still comprehensive today as it was in 1954. The two modifications are to enlarge the term "city" to include other types of local governments, and to add relations resulting from activities of the national government.

1. Relations resulting from performance of state functions or location of state property and facilities within the boundaries of a city.

2. Relations resulting from the delegation of a function from a state administrative department to a city department, subject to the acceptance of state policies and directives. An example of this is the designation of the Los Angeles Health Department by the California Department of Agriculture to inspect dairies which are located outside the city limits but which supply milk to city consumers.

3. Relations resulting from contracts negotiated between a state department and a city for the performance by the city of a task on behalf of the state. Usually such contracts are entered into to give the city administrative responsibility for conducting a program within its borders after the state has assisted in bringing the project into being. Examples include contracts for a city to maintain a section of state highway within the city after the state has financed the original construction. Another example is the contract for the City of Los Angeles to operate and maintain state-owned beaches within the city borders.

4. Relations resulting from state inspection of local performance and enforcement of state-established standards which are designed to protect the health or welfare of the entire state. An example is the enforcement of state water pollution prevention rules and policies upon city sanitation departments.

5. Relations resulting from grants of state money to encourage or aid certain municipally performed functions. This is illustrated by the state grants for local public health administration.
6. Relations resulting from the administrative enforcement of detailed legislative restrictions placed upon the expenditure by cities of funds collected by the state and shared with the local governments. The outstanding example of this is the administration of the state-collected locally-shared taxes upon gasoline. Legislation sets forth detailed controls upon local expenditures of the funds. Local governments are required to make specific reports to the state Division of Highways. The Division also is authorized to establish standards and policies which will govern the operation of contracts that it may negotiate with cities to maintain highways financed with gasoline tax funds.

7. Relations resulting from the grant of state lands or money to the cities for a designated public purpose. A most important example of this is the grant of tidelands and submerged lands to several coastal cities for the development of harbors that would be devoted to commercial and fishing purposes and which would be operated as municipally owned facilities.

A review of the Governor's Budget for 1975-76 discloses 386 references to local governments in the budget justifications of 75 state departmental and agency programs. Undoubtedly, many relationships are not mentioned in the Budget, but those that are noted probably reflect the diversity and range of such administrative relationships.* Forty different "relationships" are mentioned, ranging from "leadership," the collection, analysis, and distribution of information, to the prescription of minimum standards enforced through audits, field inspections, etc. These references suggest that most state agencies deal with local governments in a non-coercive manner.**

*Table B, p. 78, groups the budgetary references by major administrative agencies. Most departments and other program units were placed under four agency secretaries (Agriculture and Services; Business and Transportation; Health and Welfare; and Resources) by Governor Edmund G. "Pat" Brown. Other State activities are grouped into two other categories in the Budget and in our table: General Government and Education.

**Council of State Governments, op. cit, p. 41: "...effectiveness should not be confused with heavy-handedness, and the history of state supervision indicates that day-to-day effectiveness is achieved through the persuasive devices rather than the more absolute ones." See Pressman, op. cit, and (continued)
The effectiveness of persuasive approaches to local governments in different programs and under various circumstances needs further study, but two statements can be made now. First, Governor Brown and his associates seem disenchanted with government through talk, committees, coordination "planning," and similar measures whose accomplishments are sometimes hard to demonstrate. We are unable as yet to see the effect of the Governor's style on intergovernmental relations, but undoubtedly his uneasiness is shared by many people in and out of government.

Second, some proponents of some programs think their objectives require a unified, coordinated approach, and can only be secured through uniform standards and state (or federal) supervision or enforcement.*

V INTERGOVERNMENTAL RELATIONS IN SELECTED FUNCTIONS

A few programs with strong state controls over local governments are reviewed here to bring out both the concerns of local governmental officials, and the objectives of supporters of state centralization.

(continued from p. 47)

Pressman and Wildavsky, Implementation (1973), for case studies of intergovernmental programs in Oakland. There is no reason to suspect that detailed case studies of state-local relations would differ materially from the two studies of federal-local relations.

* Also discussed more extensively in section II of this paper.
1. Welfare

In California, counties are the only local governments involved in the administration of welfare payments and services. Counties administer most of the state and federal welfare programs and contribute approximately 14 percent of the costs. In 1974-75, the state funded approximately 38 percent of the $2.3 billion of welfare expenditures, and the federal government 48 percent. With enactment of HR 1 (PL92-603), the federal government assumed the determination of eligibility for the programs of Old Age Security, Aid to the Blind, and Aid to the Totally Disabled. In addition, the counties administer a state program that supplements the federal supplemental security income payments. The county share of welfare payments to adults amounted to 9.8 percent in 1974-75, the state share was 39.6 percent, and the federal, 50.6 percent. The counties urge complete financing of welfare payments by the state and federal governments, with administration "under contract" by county governments.\(^{33}\) CSAC considers welfare to be a national problem, not a county or even a state problem, especially after the judicial invalidation of residence requirements.\(^{34}\)

General relief assistance in emergencies—or while awaiting verification of eligibility for categorical aid—is almost wholly supported by counties. It is "correspondingly free from rigid state control."\(^{35}\)

Counties participate in financing medical assistance programs (principally, Medi-Cal) for the poor and low-income populations. In 1974-75 their share of costs was approximately 15 percent, that of the state 42 percent, and of the federal government 43 percent. The County Supervisors Association of California comments as follows on county support of Medi-Cal:
Counties need no reminder of the incredible history of Medi-Cal: its constant state of change, its unreasonable and confusing financial make-up, and its uncertain future. Medi-Cal, which is California's equivalent to Medicaid, was initially enacted into law in the mid-1960's. The enabling language encouraged counties to upgrade their county hospitals to community hospital standards with the intent of placing counties in the "mainstream" of modern medicine. Through a complicated revenue and cost formula, and with a special county "option" provision, this initial Medi-Cal legislation led many counties to increase their levels of medical care with a minimum of increased local cost.

Then, in 1971, the Medi-Cal system was "reformed." Under the reform provisions, private hospitals were encouraged to treat patients who qualified for Medi-Cal benefits and the term "county share" took on a new meaning. Counties no longer received revenues in the form of "uncompensated costs" and the only return against their mandated "share" was the actual billings for treating Medi-Cal patients. Thus, the County "share" served to financially support private facilities and practitioners. Since Medi-Cal patients were free to choose private hospitals and clinics, the use of the "county hospital" decreased and Medi-Cal revenue to counties decreased correspondingly.*

Even the method of calculating the counties' "shares," which is set forth in the law, has not been explained or logically defended. On a county-by-county basis, the per capita cost ranges from $26.16 to $4.14.

The end result is a totally inordinate and unjustified demand on the local property tax.

To restore financial stability, the Modernization Commission recommends that each county's "share" be limited to the actual amount billed to the state for treating Medi-Cal patients. Basically, this would financially obligate counties for the costs of treating only those patients who chose, under the terms of the state's program, to utilize county facilities.36

The League of California Cities is now asking to be involved in welfare and associated social services. As part of its Action Plan, the League urges "all cities to prepare and adopt a social services element to its General Plan.... [in order to integrate] services provided to individuals and families [and to]

*Alameda County must maintain the county hospital even though its beds are only 1/3 to 1/2 full.
enable social planning to be coordinated with physical, economic, and environmental planning." Counties are urged to prepare a similar social services element. The voluntary sector is urged to continue and expand its planning efforts and coordinate them with cities and counties. In this manner it is said, a truly comprehensive plan at the community level can be developed. These city plans would form the basic building blocks for what would become a county-wide plan and then a regional or area-wide plan, if appropriate, and eventually a statewide plan. The emphasis would be on a bottom-up planning system, rather than the top-down system currently in existence. Thus cities and counties would both be in a position to exercise greater political leadership in negotiating with the state regarding programs with local impact. Furthermore, cities and counties would be in a better position to negotiate with each other and to determine what services might be better delivered by one unit or the other. The voluntary sector and community based groups will also be strengthened, since they will be assured input into the city or the county's most important public policy instrument, the general plan.37

2. Transportation

In 1972 the state's transportation function was reorganized, and the new State Department of Transportation (CalTrans) given an unmistakeable mission to develop a multi-modal transportation system to replace the earlier concentration of effort on freeways and highways. Potentially this is one of the most important recent developments in intergovernmental relations in California. One of the principal instruments the legislature instructed the Department to use was the preparation of a State Transportation Plan. The plan is not
to be the product of a staff of state technicians, but the result of a process of aggregating local plans into regional plans, and the latter into a state plan. The resulting "state plan" is to be presented to the legislature in 1976. But in March, 1975, the Secretary of State Business and Transportation Agency commented in a negative vein on the effort:

> From what I have seen so far, [the State Transportation Plan] represents a vast outpouring of goals, policy statements, processes, objectives, directions, and on and on and on. It is a veritable wind-tunnel of rhetoric, filled with precious little real planning. Indeed, it amounts to little more than a lot of hoop-la and a tired recitation of exactly what has been on the drawing boards for years--more highways.*

Regional transportation planning, which is to draft principal building blocks for the state plan, has also been criticized for undue sensitivity to local interests. In 1971, for example, the legislature created a Metropolitan Transportation Commission (MTC) in the San Francisco Bay Area, and instructed it to develop a transportation plan by July 1, 1974. MTC approached regional planning in a style quite different from that of the regional planning agencies operating during the 1960's. David W. Jones has characterized the MTC approach as follows:

> MTC's experimentation is producing a hybrid planning style that synthesizes the home rule tradition with regionalism in a manner that emphasizes conflict management, brokerage and coordination rather than plan-making or 20-year system objectives.

* Donald E. Burns, "Talking Sense about Transportation", 28th Annual Conference, Institute of Transportation and Traffic Engineers, March 26, 1975, p. 6. Approximately two months later, the Deputy Secretary of the Agency admitted that the involvement of local and regional agencies in transportation planning might have set the stage for discussing "the future of transit in realistic terms." Sid McCousland, "Getting Better Public Transportation," American Public Transit Association Western Regional Conference, May 5, 1975.
planning at MTC has produced a series of corridor-scale studies and coarse-grained analyses that allow regional policy makers and local officials to reach agreement on the desirability of pending projects. [emphasis supplied]

In a collaborative planning process like MTC's, long-range system objectives have remained relatively ambiguous to allow full play of the negotiating skills associated with incremental planning. The process involves continual, often creative tension between technical and political feasibility.

The uncertainty of MTC's ultimate role is ironic because the traditional goal of planning is to reduce uncertainty...

California's still incomplete experiment in so-called "bottom-up" planning, accompanied by "top-down" financing, is important because this model has been suggested for planning in other functional areas. (See section VI, below). Experience in transportation planning can soon be complemented by experience with a related but different planning effort, i.e., for the Pacific coast. In the latter instance, however, there were organizational linkages between California's state coastal commission and the regional commissions. Furthermore, the state coastal commission played a much more active, directive, and synthesizing role than the State Department of Transportation did under Governor Reagan. This may change, however, as Governor Brown has said he intends for the state to become "something more substantive than a paper mill."39

The other major transportation issue of concern to local governments is finance, especially state and federal financial aid. In 1971 the legislature created a State Highway Users Tax Study Commission, consisting of two appointees by the Governor representing local government, a designee each from the County Supervisors Association and the League of California Cities, a designee of the State Transportation Board, the Secretary of the Business and Transportation Agency, the President pro-Tempore of the Senate and the Speaker of the Assembly. The commission's report will be submitted to the legislature by February 1, 1976.
While the commission is deliberating, several important changes in transportation finance have occurred. Thus efforts to amend the Constitution to authorize the use of gas tax funds for modes of transportation other than highways were finally successful in 1974, and state highway user tax funds can now be used for capital costs of transit guideways and related fixed facilities, if approved by the voters of the area affected. Moreover in 1971 the legislature had already levied a retail sales tax on gasoline, with the proceeds returned to the county of sale for support of transit operations.

3. Education

Like many other states, California is questioning and rethinking some basic issues of educational policy and governance. These efforts are significant in their own right, and also have implications in other functional areas.

Relationships between the state school administration and local school districts cannot be characterized as either state controlled or locally controlled, although the balance is shifting toward a stronger state role. The growth in state control is centered generally in those areas which are state funded. Nevertheless, local school districts still have predominant or exclusive control of a number of matters: pupil discipline, labor relations, curriculum content, and graduation requirements.

As early as 1856 education was recognized constitutionally as a state function. The California courts have long held school districts to be quasi-municipal corporations, having only those powers exclusively granted by the state. As early as 1912 the California Court of Appeals commented:
The system of public schools of the state is a state institution, and is subject to the exclusive control of the constitutional authorities of the state.40

In 1972, however, the Constitution was amended to provide:

The Legislature may authorize the governing boards of all school districts to initiate and carry on any programs, activities, or to otherwise act in any manner which is not in conflict with the laws and purposes for which school districts are established.41

It can be argued that this "home rule" proposition reinforced a principle that was already assumed, namely, that local school boards have the authority to act in any reasonable manner so long as their actions were concerned with the governance of the schools, and so long as the matter was not preempted by specific legislative direction, or regulations by the state Board of Education. In the last analysis, the local administrator must face the ultimate question posed by permissive code legislation: Does the Education Code prohibit, either expressly or through implication, the program activity or action being contemplated by the local board? Because explicit prohibitions are both extremely rare and usually clear in their language, they are not a problem. The real problem is implied prohibition. That is, when the Education Code authorizes certain actions or programs, does it by implication prohibit any other program or action in that same area.

California's public schools are financed by a combination of local property tax revenues and state aid, plus relatively small amounts of federal assistance. The local revenue raised by each school district depends on (1) its tax base, and (2) the tax rate set by the local school board, and also subject to voter approval before a specified ceiling can be exceeded. State aid is allocated according to a formula, the "foundation program." This
assures each district a certain dollar amount per pupil, if it makes a specified, minimum tax effort.

School spending is determined by the state aid formula, the tax base in each district, and the willingness of each district to tax itself. Assessed valuations vary widely. Tax resource inequality is amplified by the large number of school districts in California, and variations in community willingness to support schools.

Governor Reagan's long-sought limitations on local taxing prerogatives, which produced Senate Bill 90 in 1970, has profound implications for school finance. SB 90 means that the total school expenditure per child in any year can only be 3 percent higher than it was in the previous year. The net effect of SB 90 is that California schools have been significantly curtailed in their ability to raise and spend new revenues.

Currently the most pressing issues in California school finance concern the distribution of educational resources and tax burdens. There are four major problems. (1) The state's guaranteed "foundation program" is insufficient to support all schools at levels that are acceptable by current standards. (2) Districts must rely entirely on their own property tax bases to supplement state aid, even when supplements are essential to an effective educational effort. (3) The aid formula makes no allowance for variations in educational need--difficulty of educating pupils--among districts. (4) The limitations imposed by SB 90 have frozen many circumstances as they stood at the time it was passed in 1970.

Consequently California's school finance is riddled with serious disparities. Financial support for the schools is not systematically related
either to the willingness of communities to tax themselves, or to the magnitude of educational tasks. Instead it depends on primarily economic factors that have little or nothing to do with educational need. These inequalities have brought some significant court action. In 1971 the California Supreme Court initiated a process that will almost certainly alter the California system of school finance. If the most recent lower court's decision in the case of Serrano v. Priest is upheld by the California Supreme Court, school finance reform will be mandated. In effect, the Serrano decision makes the following simple constitutional statement about school finance, relying in part on the equal protection and education clauses of the state constitution: The quality of public education as measured in dollars available for spending may not vary because of differences in the wealth of school districts.

Educational finance is one of the most interesting areas of current activity and potential change in California's intergovernmental relations. Solving the problem will almost certainly require a stronger state role and a curtailment of local discretion. The State Board of Education has recommended to the legislature that the imposition of a statewide property tax would be the most effective solution to the Serrano question. The state would levy and collect the tax, redistributing the proceeds to equalize the funding ratios among districts. Rich districts would pay more money in state taxes than poor districts, and get less back. Exactly how or when this will come about is uncertain, but the consensus of all those interviewed is that in educational finance, "the times are changing."

Most educators agree, "The state holds the initiative in educational governance." At least four factors account for the predominant and growing state role.
First, the legislature has increasingly asserted its desire for accountability and effectiveness in the use of state educational money. The State Board of Education is expected to assure the legislature that programs are needed, and to answer its questions about the use of state resources. Increased state interest has forced the State Board of Education to require local boards to provide more information than formerly. The state board is also called upon to evaluate and monitor programs carefully. Essentially the state is saying, "If we're going to pay for a program, we want to know what is happening." State monitoring is not warmly received by local school administrators, who see the evaluation and monitoring as encroaching upon their prerogatives.

Second, another major thrust toward stronger state action is the growing reliance on categorical aid programs for local school districts. With the election of Wilson Riles as State Superintendent of Public Instruction, California initiated an "early childhood education program," covering Kindergarten-through-the-third-grade. Each district receiving "early childhood" money must have a consolidated needs assessment at the school level, including input from parents, teachers, and students. All the school's needs—reading, math, nutrition, social, programs for gifted and retarded—are assessed, objectives are agreed upon, evaluations are made. The state reviews the needs assessments, and in theory controls the process, but not the substance of the plan. By next year, 33 percent of all schools in California will be preparing such needs assessments to justify receipt of funds in early childhood programs. With each passing year more and more schools are required to adopt this needs assessment procedure.

The effects of the "early childhood" program, when combined with other programs resulting from passage of the federal Elementary and Secondary
Education Act in the mid-60's, mean increasing state and federal mandates for local school districts. While many school administrators resent the bureaucratic forms and procedures that come with such monies, the programs are being adopted by California's local districts.

Currently the State Board is initiating a new categorical program for secondary schools--entitled "The Reform of Intermediate and Secondary Education (RISE)"--that will have many of the features of the early childhood program. Funding for these programs is in doubt, however, because of declining fiscal growth. As one administrator said, "In the past we could pay for new programs out of budget increases--the addition of new programs did not force the discontinuation of old programs. Now all of that seems to be changing, and a new program will mean an old one has to go."

Third, the state of California is finding itself increasingly a party to lawsuits that are largely caused by local school districts' policies. Two recent cases regarding the educational attainment of minority groups included not only the local school boards as parties, but the state as well. This is a new and powerful incentive for the state to exercise greater control over local school affairs.

Fourth, a final force moving the state towards a more assertive role in school governance is the increased power of citizen groups, and their discovery that the state may have a listening ear. Recently, for example, the State Board required local school districts to have affirmative action plans, or not receive state funding. The board's decision resulted at least in part from pressure exerted by civil rights groups and community groups. Some school districts are threatening non-compliance, and it is still too early to know the outcome of this controversy; but it appears
that the state is committed to further regulation of the hiring practices of local school districts.

In the area of curriculum, local districts have retained considerable discretion. Yet, they are in some ways circumscribed by the tradition of state textbook purchasing. Only the wealthy districts can afford to go beyond the inexpensive state lists. In the area of personnel the local districts are losing power—more to organized teacher groups than they are to the state. Teachers unions have been very effective in California in playing one district off against another as they demand increased salary or benefits. This has led to an increased desire among educational administrators for a statewide teachers' salary scale. Such administrators would have found the idea absurd a mere 5 years ago. The budgetary problems posed by the teachers are evident from a rough breakdown of a local school budget: 80 percent go to teachers and personnel, 10 percent to match categorical programs and 10 percent to spend at local discretion. Many local administrators we interviewed found this situation quite discouraging. Questions of teacher tenure and teacher certification are largely state controlled in California.

VI SEVEN PATTERNS OF INTERGOVERNMENTAL RELATIONS IN CALIFORNIA*

In conclusion we shall list and make a few remarks about seven illustrative patterns of relationships between state and local governments. Some have been in existence for a long time. Others represent probing attempts

* We regret that one author insisted on a seventh pattern, thus preventing us from calling this section: "Six patterns in search of a model."


to develop new ways of linking governments to promote inquiry, influence, cooperation, conflict, and accomplishment.

Hopefully, means can be found to involve local governments openly and responsibly in developing state plans for policies that are more than a mere aggregation of, or accommodation to, the diversity of local interests. At the same time, the intergovernmental linkages should enable the state to participate in the governance of the localities and especially of regions, without reducing local governments to the status of administrative handmaids.

We see seven principal patterns, grouped into three major categories. First, are the traditional patterns in which there is no regional organization—except, in some instances, the county—between local governments and the state. These include

1. the widespread practice of enacting legislation either authorizing or forbidding local action or of mandating local action without providing for administrative follow-up;

2. local administration with state supervision; and

3. state assumption of responsibility for a function and the establishment of a district offices to deliver services or to regulate activities.

Second, is the creation of a regional organization without a counterpart state agency.

Third, are patterns in which regional organizations parallel a state agency, with or without formal structural linkages between each other and with local governments. These patterns include:

1. a state commission with state appointed and controlled regional commissions;
2. State commissions containing representatives of regional commissions and regional commissions containing representatives of local governments; and


Each pattern is illustrated below by brief descriptions of existing or proposed arrangements. It is likely, of course, that many or most of the patterns may be operating in various parts of the state at the same time. However, a dominant pattern may become less dominant or vice versa as others compete with it, or even partially replace it.

A. Without A Regional Organization

1. State mandates without administrative follow-up.--This is the oldest and most pervasive pattern. In the absence of state administrative surveillance, local compliance with the mandates has been voluntary and spotty. The only sanctions have been through the courts, and the courts act only when they must, when confronted with a justiciable controversy. The familiar taxpayer suit is an important method of involving the courts. Class actions have been filed by organized civil rights, environmental, or other types of minority groups, to challenge governmental action or inaction that violates mandates.

2. Local administration with state supervision.--This pattern is also traditional, having been used most extensively and developed in greatest detail in county administration of welfare and public health under state supervision, and in education. Local governments complain that state supervision erodes home rule, and causes the so-called intergovernmental "partnership" to deteriorate. Counties and cities have expressed these
broad concerns for decades.

Beneath the complaints:

...are basic, clear and definitive issues. Massive programs are legislated that ignore the realities of local conditions. Financial formulas are designed for specific mandated programs that threaten local government solvency. Regulations by state administrative agencies are issued in such numbers and with such velocity that operational stability no longer truly exists.42

The County Supervisors Association's Modernization Commission recommends that administration of welfare, Medi-Cal, and the courts be left at the county level, but that the state assume the entire cost of such services. Apparently, they are resigned to continued "almost total control [by the State and Federal governments] through law and agency regulations."43

At the same time, there is an increasing demand from non-local governmental interests for the extension of state supervision over other local governmental activities. Some of these demands have produced the patterns discussed in subsections B and C.

3. District offices of state agencies.—Most state agencies have at least two district offices located in San Francisco and Los Angeles. Some have a great many more, e.g., the State Board of Equalization with 60 offices in the state, and others in New York, Chicago, and Houston, or the Department of Highway Patrol with 91 area offices.

One of the most important state agencies having relationships with both local and regional agencies is the Department of Transportation. As noted earlier, the department was created two years ago by expanding the old highway oriented Department of Public Works into a multi-modal transportation agency. The old department's district offices for highway purposes—eleven in the state, and now designated as district transportation offices—continue
responsibilities for highway planning, design, and construction and maintenance. Although the freeway-highway program is now greatly diminished, in their hey-day the highway districts were very important, resembling special purpose regional agencies with formal and informal relations to cities, counties, and regional planning agencies. Recently the districts have been major actors in working with the plans that constitute the building blocks for the State Transportation Plan.

B. Locally Controlled Regional Organization With or Without a Counterpart State Agency

Examples of this pattern are the special-purpose regional agencies like the San Francisco Bay Area Air Pollution Control District. This agency was created long before either the State Air Resources Board or the Federal Environmental Protection Agency. Under current federal and state law, the regional district, composed of city and county officials, is subject to detailed state-federal regulation and supervision. A similar relationship exists between the Bay Area Sewage Services Agency and the State Water Resources Control Board.

Insofar as voluntary councils of governments (COGs) have been designated as regional transportation planning agencies, they also fit under this pattern. In the Bay Area, however, a separate Metropolitan Transportation Commission (MTC) has been created. The Association of Bay Area Governments (ABAG) maintains close working relations with MTC through a joint planning group of policy officials and a joint planning staff.

COGs are organized by cities and counties under California's "joint exercise of powers act." ABAG covers nine counties, the Southern California
Association of Governments (SCAG), six counties, and the Sacramento Regional Area Planning Commission (SCAPC), four counties and part of a fifth. San Diego is a single county planning region. Most of the other 15 regional planning agencies are single-county COGs.

Only ABAG has moved vigorously to try to reconstitute itself as a statutory regional planning agency. Since 1970 four bills to create a Bay Area Planning Agency have passed the Assembly only to die in Senate committees or on the Senate floor. The latest bill (AB 625-Assemblyman Knox) was supported by the League of Women Voters, the Bay Area Council, the Planning and Conservation League, the San Francisco Planning and Urban Development Association and the League of California Cities. It was opposed by the County Supervisors Association, the Sierra Club, the California Association of Realtors, several local industrial development association, and the conservative California Republican Assembly.

The proposed Bay Area Planning Agency would have been governed by a 50-person board--half directly elected from 25 districts and half appointed by and from city and county governments. ABAG, MTC, the Bay Area Sewage Service Agency and ABAG would have been merged into the new agency. The air pollution control district's planning function, derived from federal law, would also have been transferred. At several times as the bill was amended in its progress through the legislature, the agency would have had the authority to issue cease and desist orders upon finding local agency action to be inconsistent with the regional plan.
C. A State Commission With Some Form of Regional Organization

1. A State Commission With State-Controlled Regional Commissions.

The state-regional water quality control program, and a proposal by the Legislative Analyst for a State Resources Conservation Board and eight regional boards, are good examples of this pattern. The existing State Water Resources Control Board consists of five full-time members appointed by the Governor for four-year terms. Four of the five are required to possess specified professional skills. Under the state board are nine regional boards of nine members each, appointed by the Governor for four year terms. Members are required to have certain qualifications, such as an association with local government or with local interests involving water use or water quality, etc.

The state board establishes water quality discharge standards, reviews on appeal some standards and decisions of the regional water quality control boards, and is responsible for water quality planning. The regional boards establish water quality goals and standards in the regions, and regulate waste discharges by setting and enforcing waste discharge requirements. Enforcement is by issuance of cease and desist orders.

This system is strongly oriented toward state-level control. Although the regional boards in a sense "represent" their respective regions, there is no direct linkage with local governments in each region, as there is with the other patterns discussed below. Moreover there is no mix of appointing authority, because the Governor makes all the selections. Many observers consider the system to behave somewhat like a state bureaucracy.
2. A State Commission Containing Representatives of Regional Commissions and Regional Commissions Containing Representatives of Local Government. The state-regional system of coastal governance, and the "Action Plan"* recommended by the League of California Cities, are good examples of this pattern. The California Coastal Zone Conservation Commission consists of twelve members chosen by a "mixed" system that includes half state-level appointments and half appointments by and from the regional coastal commissions. Two members each of the state commission are appointed by (1) the Governor, (2) the Senate Rules Committee, and (3) the Speaker of the Assembly. Six members of the state commission are appointed by and from the regional commissions, one from each region.

The three state-level appointing authorities select one-half of the members of each of the six regional coastal commissions. The other half of the regional commissioners are chosen principally by the conferences of mayors and boards of supervisors of cities and counties within the region.

The state commission is charged with drafting a state coastal plan, with the advice and assistance of the regional commissions. The state plan is to be presented to the Legislature in early 1976. The regional commissions review all requests for development or land use change in the coastal zone. On appeal, regional actions are reviewed and may be affirmed, reversed or modified by the state coastal commission.

*The League's Action Plan, as embodied in Assembly Reprint Bill no. 1, 1975-76 regular session, is a somewhat weaker and more locally oriented version of this pattern. The proposal calls for a 23-member state coordinating council, with approximately half the membership selected by COG-like area [regional] councils. "At least" half the members of the area councils, in turn, would be elected city and county officials. While reasonably strong implementing powers are proposed, there is no permit power like that of the coast commissions.
This seemingly complicated system appears to have worked reasonably well in practice, although some conservationist-oriented observers feel that local government's strong representation has given the regional commissions a pro-development leaning. On the other hand, most observers comment favorable on the "mix" of persons on the state and regional commissions as providing a good range of background, viewpoints and interests.

Moreover a recent study of the California coastal commissions compared and contrasted the part-time, non-expert nature of the coastal bodies with the full-time, expert membership of the State Water Resources Control Board. While partisans of both formulas were found, persons interviewed in the coastal project favored the part-time, non-expert model:

...proponents of the "intelligent-layman model substantially outnumber those who argue for professional disciplinary and expertise requirements. The majority prefer coastal commissions and other similar policy making bodies to be composed of intelligent, well-informed laymen, chosen for their interest, ability, motivation, fair-mindedness, and good judgment, rather than because of any special expertise.

After reviewing the discussion and attempting to analyze the implications...the author concludes that the case against requiring special expertise is very strong. Even more compelling is the case for generalists and the "intelligent-layman" model. In short, requiring expertise would fail to insure possession of "generalist" abilities, and instead would severely limit the appointing authorities and hamper their search for well-qualified candidates.45

In addition, the expertise model would not permit representatives to be chosen from the members of governing bodies of local governments, except when those members happen to possess the required expertise.
3. A State Commission Containing Representatives of Local Government Associations and Regional Commissions Containing Representatives of Local Government. A proposed California Commission on Land Use and Environment* and parallel regional commissions, is a good example of this pattern. Under AB 2422, 1975-76 regular session, the nine-member state commission would be appointed as follows:

5 (including the chairman) appointed by the Governor
1 appointed by the Senate Rules Committee
1 appointed by the Speaker of the Assembly
1 appointed by the Governor from a list of 3 nominees by the League of California Cities
1 appointed by the Governor from a list of 3 nominees by the County Supervisors Association of California

9 Total

Four regional commissions on land use and environment would be established in the four most populous regions, such as San Francisco, Los Angeles-Orange-Ventura, San Diego, and the Sacramento Valley. Seven more could be created by action of the local governments in the respective regions. Regional commissions would consist 50 percent of city councilmen or county supervisors, and 50 percent directly elected or appointed members. (Direct election would be preferred, but if the local officials in the region request, or otherwise there is a failure to provide for election, then the members would be appointed equally by the Governor, Senate Rules Committee and Speaker of the Assembly.)

*In addition there would be a 15-member state-level Citizens Advisory Council on Land Use and Environment, "to provide a conduit between citizens and government...." Five members, including the chairman, would be appointed by the Governor, and three each by the Senate Rules Committee and Speaker of the Assembly.
The state commission would establish statewide land use planning and environmental quality goals, and prepare a state land use and resource management plan. It would also review and approve standards and regulations of the state boards in charge of air quality, solid waste management, water resources control, energy resources conservation and development, and economic development.

If the state commission should find a conflict between the state plan and any state agency, regional or local "plan, program, or action," it could issue a cease and desist order, violation of which could be enjoined by the superior court.

The regional commissions would absorb existing regional agencies for transportation planning, water quality, air pollution control, sewage services, and land use or environmental planning and regulation (or provide by ordinance for their continuance under the supervision of the regional commission). The regional commissions would also develop regional land use and resources management plans, to be submitted to the state commission for approval and amendment. The regional commission would resolve inconsistencies between the regional land use plan and the actions of state, regional or local agencies in the region. Such actions by the regional commissions could be appealed to the state commission. The regional commissions would have cease-and-desist enforcement powers, like those of the state commission.

END OF DRAFT
NOTES

1Stanley Scott, Governing California's Coast (a report on California's coastal planning, now at press and to be published by the Institute of Governmental Studies, University of California, Berkeley.) p. 125.


10See William Buchanan, Legislative Partisanship, the Deviant Case of California (1963).


12Stanley Scott and John C. Bollens, op. cit., p. 118-119.
13 Willis D. Hawley, op. cit., p. 131.


15 *City of Clinton v. Cedar Rapids and Missouri River R.R. Co.* 24 Iowa 455 (1868)


18 Judges, Marshals and Constables Association; California State Federation of Teachers, (AFL); California Teachers Association; California State Sheriffs Association; Irrigation Districts Association of California; Federated Fire Fighters of California; California School Boards Association; American Federation of State, County and Municipal Employees Association AFL-CIO; Association of California School Administrators; Association of California School Districts; Association of Municipal Court Clerks of California; California Contract Cities Association; California Institute of Libraries; Municipal Construction Inspectors Association; National Association of Social Workers, California Council; Peace Officers Research Association of California; Governmental Engineers Association; International Union of State, County and Municipal Employees AFL-CIO; Marshals Association of California; California Junior College Association; California Municipal Utilities Association; California Peace Officers Association; California Public Defenders Association; California Retired County Employees Association; California Sanitary and Sanitation Districts Association; California School Association; California State Firemen's Association; District Attorneys and Peace Officers Association; State Association of County Treasurers of California; United Teachers of California. The list is not complete. Additional registration were reported during the session. Furthermore, some legislative advocates who were registered did not report the names of their clients. Certainly the Association of Bay Area Governments, the Southern California Association of Governments, and the California Special Districts Association should be added to the list. Moreover, lobbyists representing the cities of Los Angeles, San Francisco, San Diego, Emeryville, Foster City, Industry, Inglewood, Long Beach, South Lake Tahoe, Thousand Oaks, Torrance and Vernon were registered. The following counties had registered lobbyist: Los Angeles, Alameda, San Diego, Sacramento, Orange, San Bernardino, San Mateo, Santa Clara and Ventura. Also the following city and
county agencies: Personnel Committee, Los Angeles City School District; District Attorney, Alameda County; District Attorney, Los Angeles County; Los Angeles County Sheriffs Department; Port of Oakland; Sacramento County Sheriff's Department; Santa Clara County Sheriff's Department; Port of Long Beach. Special districts: Sacramento-Yolo Port District; East Bay Municipal Utility District; Amador County Water Agency; County Sanitation Districts of Los Angeles County; East Bay Regional Park District; Estero Municipal Improvement District; Golden Gate Bridge, and Highway District; Imperial Irrigation District; Kern County Water Agency; Los Angeles City Board of Education; Los Angeles Community College District; Los Angeles Unified School District; Metropolitan Water District of Southern California; Palo Verde Irrigation District; Placer County Water Agency; San Diego Unified School District; San Francisco Board of Education; San Francisco Unified School District; Southeast Park and Recreation District; Southern California Rapid Transit District; Stone Corral Irrigation District; Stone Corral Soil Conservation District; and West Kern County Water District. Other miscellaneous local organizations include: Los Angeles Fire and Police Protective League; Los Angeles County Employees Association; Long Beach City Employees Association; Los Angeles County Marshals Association; Torrance Peace Officers Association. (California Legislature, Joint Rules Committee Joint Subcommittee on Legislative Advocate Registration, Legislative Advocates and Organizations, 1972, (March 20, 1972).)


27. Sato, op. cit., p. 1058.


29. Crouch and Dinerman, op. cit., p. 78.


32. Winston W. Crouch, Metropolitan Los Angeles: A Study in Integration. IV. Intergovernmental Relations (Los Angeles, 1954), p. 2. The preeminence of administrative relationships had also been emphasized by V.O. Key, Jr., The Administration of Federal Grants to States (1937) and by the Committee on State-Local Relations of the Council of State Governments (Morton Grodzins, Research Director), State-Local Relations (Chicago, 1946).


34. Interview, July 16, 1975 with Supervisor Joseph P. Bort of Alameda County, current President of the County Supervisors Association of California.

35. County Supervisors Association of California, Catalog of Public Services and Functions, p. 43.

36. Design for Decision, p. 44. They also urged that the state "assume the financial obligation for the net costs of the court system" (p. 46).


Proposition 5 amended Section 14 of Article IX of the California Constitution in this manner.


Ibid., pp. 41-46.

California Legislative Analyst, Resources Conservation Board (February 1974)

Stanley Scott, "Governing California's Coast," (to be published by the Institute of Governmental Studies, University of California, Berkeley) p. 97.
# TABLE A

**EXAMPLES OF MUNICIPAL AND STATE AFFAIRS, AS DETERMINED BY CALIFORNIA COURTS**

<table>
<thead>
<tr>
<th>MUNICIPAL AFFAIRS</th>
<th>STATE AFFAIRS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Matters of intracorporate structure and process</strong></td>
<td><strong>1. Procedure for filing claims against the city for its tort or inverse condemnation liability.</strong></td>
</tr>
<tr>
<td>1. Registration of voters</td>
<td>2. Election concerning a charter</td>
</tr>
<tr>
<td>2. Method of electing municipal officers</td>
<td>3. Availability of an initiative concerning parking meters</td>
</tr>
<tr>
<td>3. Mode of contracting</td>
<td>4. Changing permissible interest rates on sewer bonds authorized when other municipalities are involved</td>
</tr>
<tr>
<td>4. Information required in a recall petition</td>
<td>5. Annexation procedure</td>
</tr>
<tr>
<td>5. Method of enacting an ordinance</td>
<td></td>
</tr>
<tr>
<td>6. Procedure for the issuance of bonds for public park acquisition and the election with respect thereto</td>
<td></td>
</tr>
<tr>
<td>7. Use of sewer changes for sewer improvements</td>
<td></td>
</tr>
<tr>
<td>8. Establishment of a city board of health</td>
<td></td>
</tr>
<tr>
<td>9. Street opening procedure</td>
<td></td>
</tr>
<tr>
<td>10. Procedure to be followed in municipal library site selection</td>
<td></td>
</tr>
<tr>
<td>11. Park abandonment procedures</td>
<td></td>
</tr>
<tr>
<td>12. Specification of funding for street improvements</td>
<td></td>
</tr>
<tr>
<td>13. Form of city government</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>B. The municipality and its officers and employees</strong></th>
<th><strong>1. Workman's compensation</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Salaries</td>
<td>2. Employee labor relations within the city</td>
</tr>
<tr>
<td>2. Pensions</td>
<td>3. Employment of veterans by the city</td>
</tr>
<tr>
<td>3. Discipline</td>
<td>4. Garnishment of employee wages</td>
</tr>
<tr>
<td></td>
<td>5. Employment of aliens on public projects</td>
</tr>
<tr>
<td>TABLE A (cont'd)</td>
<td></td>
</tr>
<tr>
<td>-------------------</td>
<td></td>
</tr>
<tr>
<td><strong>MUNICIPAL AFFAIRS</strong></td>
<td><strong>STATE AFFAIRS</strong></td>
</tr>
<tr>
<td>1. Duration of private lien on private property arising from public street improvements</td>
<td>1. Minimum price override competitive bidding requirements in charters</td>
</tr>
<tr>
<td>2. Introduce fluorides into municipal water system</td>
<td>2. Street franchise to a telephone company</td>
</tr>
<tr>
<td>4. Supply and Distribute Water</td>
<td>4. Services may be provided by special purpose districts encompassing a service area within and without the city</td>
</tr>
<tr>
<td>5. Improvement of City Streets</td>
<td>5. Licensing of boarding houses</td>
</tr>
<tr>
<td>6. Off-street parking facilities</td>
<td>6. Relief of unemployed</td>
</tr>
<tr>
<td>7. Fire protection</td>
<td>7. Highway traffic</td>
</tr>
</tbody>
</table>

| 8. Ordinances prohibiting certain types of gambling | 8. Maintenance of state and county highways within municipalities |
| 10. Regulation of boxing matches | 10. Enforcement of state regulatory statutes by local officers |
| 11. Keeping goats within the city | 11. Joint acquisition and distribution of water for domestic uses |
| 12. Use of profane language over the telephone | 12. Flood Control |
| 13. Prohibiting assault while picketing | 13. Drainage |
| 15. Licensing physicians | 15. Convict registration |
| 16. Construction of school buildings (not subject to municipal regulation) | 16. Prostitution |
| 17. Joint acquisition and distribution of water for domestic uses | 17. Sales tax on alcoholic beverages |
| 18. Flood Control | 18. Income or payroll tax |

### Table B

**References to State-Local Relationships, in the California Governor's Budget (1975-76)**

<table>
<thead>
<tr>
<th>State-Local Relationships</th>
<th>General Government &amp; Science</th>
<th>Agriculture &amp; Resources</th>
<th>Business &amp; Health &amp; Welfare</th>
<th>Education</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum standards</td>
<td>3</td>
<td>3</td>
<td>2</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Prescribes forms</td>
<td>2</td>
<td>-</td>
<td>2</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>Prescribes rules and regulations</td>
<td>2</td>
<td>-</td>
<td>2</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>Field inspection</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>Review of local plans</td>
<td>2</td>
<td>-</td>
<td>1</td>
<td>9</td>
<td>4</td>
</tr>
<tr>
<td>Requires local reports</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Audit</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Prior approval of local action</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>6</td>
<td>-</td>
</tr>
<tr>
<td>Enforcement by state when local government fails to act</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Coordination</td>
<td>5</td>
<td>1</td>
<td>3</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>Guidelines</td>
<td>2</td>
<td>-</td>
<td>1</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Intercounty equalization</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Appellate hearings</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Determines compensation for public utilities on local takeover</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Administration of local agency securities</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Certification of personnel</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Advise and assistance</td>
<td>8</td>
<td>4</td>
<td>3</td>
<td>8</td>
<td>7</td>
</tr>
<tr>
<td>Technical services</td>
<td>5</td>
<td>3</td>
<td>3</td>
<td>8</td>
<td>6</td>
</tr>
<tr>
<td>Research on local problems</td>
<td>5</td>
<td>1</td>
<td>3</td>
<td>8</td>
<td>2</td>
</tr>
<tr>
<td>Collects and distributes information</td>
<td>6</td>
<td>-</td>
<td>3</td>
<td>8</td>
<td>5</td>
</tr>
<tr>
<td>State-Local Relationships</td>
<td>General Government &amp; Science</td>
<td>Agriculture &amp; Science</td>
<td>Business &amp; Transportation</td>
<td>Resources</td>
<td>Health &amp; Welfare</td>
</tr>
<tr>
<td>---------------------------</td>
<td>-----------------------------</td>
<td>-----------------------</td>
<td>--------------------------</td>
<td>-----------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Communication networks</td>
<td>3</td>
<td>3</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Training</td>
<td>6</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Legal advice</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>Clearinghouse review (such as A-95)</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Mutual aid</td>
<td>3</td>
<td>-</td>
<td>1</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>Leadership</td>
<td>-</td>
<td>2</td>
<td>3</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>Printing school textbooks</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Conciliation of labor disputes</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>State administration of retirement services</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Administration and enforcement by contract with local government</td>
<td>-</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Purnishes personnel services by contract</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Reimbursement of costs of mandated programs</td>
<td>5</td>
<td>1</td>
<td>1</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>State grants</td>
<td>5</td>
<td>3</td>
<td>1</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>Shared taxes and fees</td>
<td>3</td>
<td>-</td>
<td>2</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Federal grant redistribution</td>
<td>3</td>
<td>-</td>
<td>1</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td>Loans</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>Local government officials on state boards</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>3</td>
<td>-</td>
</tr>
<tr>
<td>State officials on local boards</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>Local review of state plans</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Local administration of state programs</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>3</td>
<td>-</td>
</tr>
</tbody>
</table>

85  32  41  116  84  28  386