



Charter Counties

Presented by Eric Lawyer, Legislative Advocate
California State Association of Counties

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California State Association of Counties

- CSAC is a non-profit association composed of, and governed by, all 58 counties in California.
- Founded in 1894.
- Advocates on behalf of county government before state and federal policymakers.
- Provides education opportunities to county supervisors, county administrators, and top staff.
- Educates the public about county government.

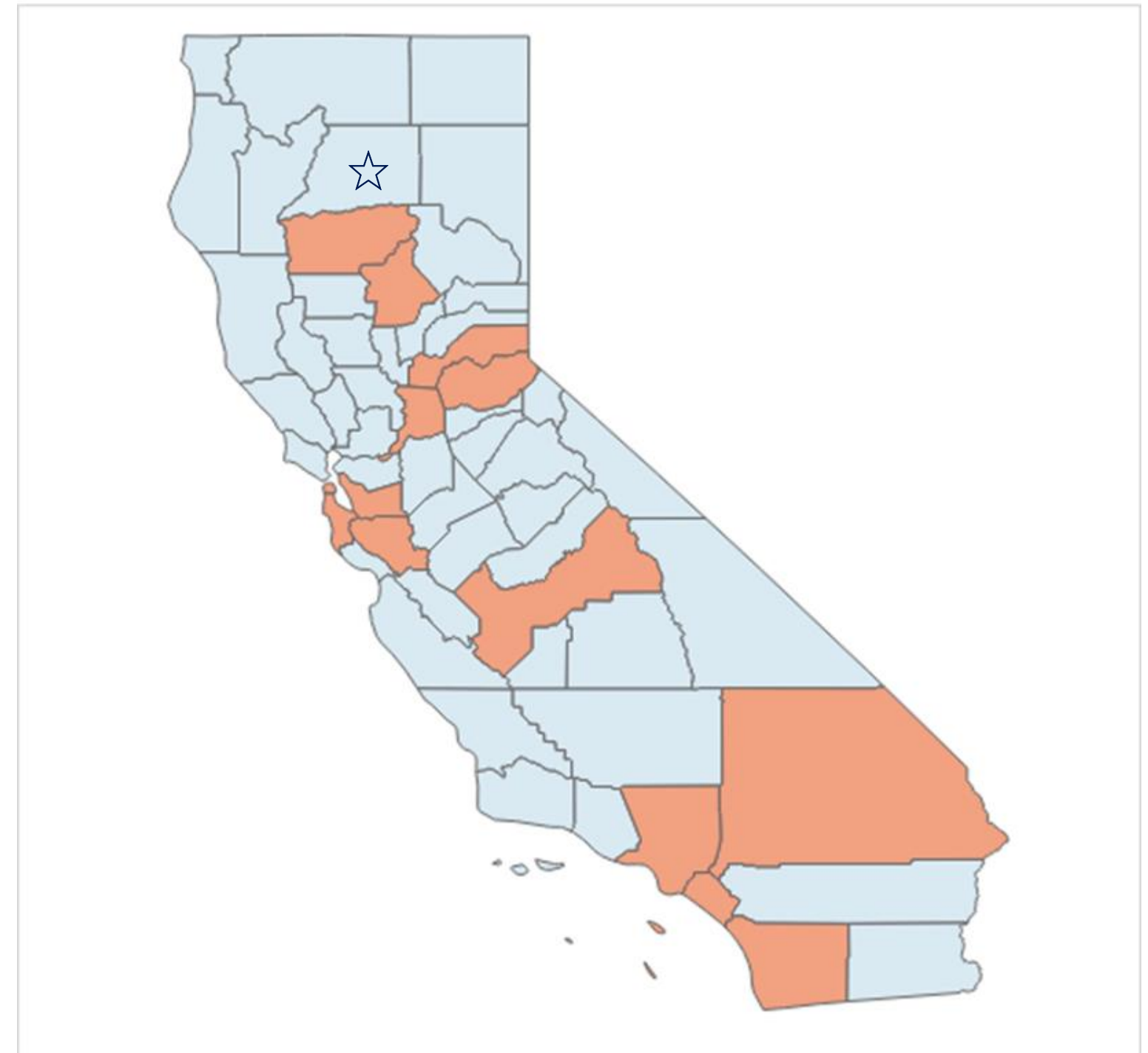
California's Charter Counties

58 counties in California

14 Charter Counties

44 General Law Counties

Map of Charter Counties



California's Charter Counties

County	Ratification of Charter (Year)	County	Ratification of Charter (Year)
Los Angeles	1913	San Diego	1933
Butte	1917	San Mateo	1933
Tehama	1917	Sacramento	1933
Alameda	1927	Santa Clara	1951
San Bernardino	1931	Placer	1980
San Francisco*	1931	El Dorado	1994
Fresno	1933	Orange	2002

**Also a Charter City.*

Charter Authority

As **legal subdivisions of the state**, all counties deliver the services mandated by the state and federal governments, for instance, health, welfare, criminal justice, elections, and more.

The California Constitution authorizes Charter counties to have a limited degree of **“home rule”** for specified duties of government.

A charter **does not** give county officials extra authority over local regulations, revenue-raising abilities, budgetary decisions, or intergovernmental relations.

* CALIFORNIA CONSTITUTION - CONS

ARTICLE XI LOCAL GOVERNMENT [SEC. 1 - SEC. 15] (*Article 11 added June 2, 1970, by Prop. 2.*

SEC. 1. (a) The State is divided into counties which are legal subdivisions of the State. The Legislature shall provide for the boundaries of the counties, subject to the approval by a majority of electors voting on the question in each affected county. A boundary change proposed by the Legislature shall be subject to the approval of the electors of the county, voting on the proposition at a general election, shall vote in favor of such change.

(b) The Legislature shall provide for county powers, an elected county sheriff, an elected district attorney, and an elected county administrator. Each governing body shall prescribe by ordinance the compensation of its members, but the ordinance shall not take effect until approved by the electors whose compensation shall be prescribed by the governing body. The governing body shall provide for the compensation of its members.

(*Sec. 1 amended June 7, 1988, by Prop. 66. Res.Ch. 1, 1988.*)

SEC. 2. (a) The Legislature shall prescribe uniform procedure for city formation and provide for the powers and duties of cities.

(b) Except with approval by a majority of its electors voting on the question, a city may not be created or its boundaries changed.

(*Sec. 2 added June 2, 1970, by Prop. 2. Res.Ch. 331, 1969.*)

SEC. 3. (a) For its own government, a county or city may adopt a charter by majority vote of its electors. A charter, amendment, revision, or repeal thereof shall be published and take effect on the date of publication. The provisions of a charter are the law of the State and have the force and effect of law.

(b) The governing body or charter commission of a county or city may propose a charter or revision thereof.

(c) An election to determine whether to draft or revise a charter and elect a charter commission shall be held.

(d) If provisions of 2 or more measures approved at the same election conflict, those of the measure which has the highest number of votes shall prevail.

(*Subdivision (a) amended Nov. 5, 1974, by Prop. 2. Res.Ch. 81, 1974. Other Source: Entire Sec. 3 was added by Prop. 2, June 2, 1970.*)

Charter Authority in the California Constitution:

- **Article XI, Section 3 (*cities and counties*)**
- **Article XI, Section 4 (*counties*)**
- **Article XI, Section 5 (*cities*)**

[Link to Constitution text online.](#)

Article XI, Section 3

Counties and cities may adopt, amend, revise, or repeal charters with a majority vote. Adopted charters supersede inconsistent laws **where allowed** and have the force and effect of legislative enactments.

Key:

Gives counties and cities charter authority.

Charter Proposal

A charter can be proposed to voters by the Board of Supervisors or a via a charter commission.

Charters and Elections

An election to decide whether to draft, revise, or repeal a charter can be proposed to voters by the Board of Supervisors or a charter commission.

Charter Commissions

Via initiative, voters can elect 15 individuals to a charter commission to draft a county charter and voters decide whether to adopt the charter at the next election.

Article XI, Section 4

Once a charter is approved, the provisions included below in a county charter supersede the general laws adopted by the Legislature. Charter counties have all the powers provided by the California Constitution or by statute for counties.

Key: What *can* and what *must* be in a **county** charter.

County charters must include:

Officials

- A elected governing body of 5 or more members.
- An elected sheriff.
- An elected district attorney.
- An elected assessor.
- Other elected or appointed officers.

Administration of Officials

- The compensation, terms, and removal of officials.
- The performance of functions of these officials.
- The powers and duties of the governing board and all other officers, including consolidation of duties and filling vacancies.

Government Code § 24009 and 24204

Statute also provides general law counties authority to make elective positions appointive if approved by voters via local initiative approved by a majority of voters. When changed via charter, elected officials must be allowed to complete their elected term.

Key: Voters can make elective positions appointive.

Electable Positions Include:

- Treasurer
- County Clerk
- Auditor
- Sheriff*
- Tax Collector
- District Attorney*
- Recorder
- Assessor*
- Public Administrator
- Coroner

*Must be elected

Charter Cities vs. Charter Counties

Charter cities have plenary authority to govern on all “municipal affairs” and those provisions “supersede all laws inconsistent” with them.

“There is no corresponding grant of authority and autonomy over the ‘county affairs’ of **charter counties**...Indeed...the Constitution requires charter counties to provide for the performance of functions required by statute...”

Dibb v. County of San Diego

County

County Power

The State is divided into counties which are **legal subdivisions** of the State.

California Constitution Article XI, Section 1.

“(Counties) may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.”

California Constitution, Article XI, Section 7

A county may use its police powers to do “‘whatever will promote the peace, comfort, convenience, and prosperity’ of (its) citizens...”

San Diego County Veterinary Medical Assn. v. County of San Diego (2004)

County

Charter Power

*Charter counties can control the structure and operation of county government **within the parameters of California Constitution Article XI, Section 4.***

“Charter counties lack the ‘municipal affairs’ authority of charter cities,...they nevertheless share much of the authority exercisable by charter cities over the structure and operation of their local government.”

Dibb vs. County of San Diego (1994)

County

Charter Limits

Charter provisions supersede state law, but only certain provisions can be in a county charter to begin with

– within the parameters of California Constitution Article XI, Section 4.

A county...possesses and can exercise only such powers as are expressly granted it by the constitution or statutes.
Byers v. Board of Supervisors (1968)

Only such provisions of a county charter as are authorized by the Constitution supersede State laws in conflict therewith, and then only to the extent that such provisions are not limited by the Constitution.

Wilkinson v. Lund (1929)

Typical Applications

Examples

A county charter may:

- Define the compensation, term length, term limits, removal, and replacement of supervisors.
- Consolidate or segregate county offices.
- Stipulate how the five-member board of supervisors are elected (by district, at large or at large, from a district).
- Impose residence requirements on the office of county supervisor.



Limitations on Authority

Examples

A county charter does not provide any additional authority for:

- Local regulations
- Revenue-raising abilities
- Budgetary decisions
- Intergovernmental relations



Current Issue

Shasta County

The Shasta County Board of Supervisors voted to propose a charter for public vote at March 5, 2024 election.

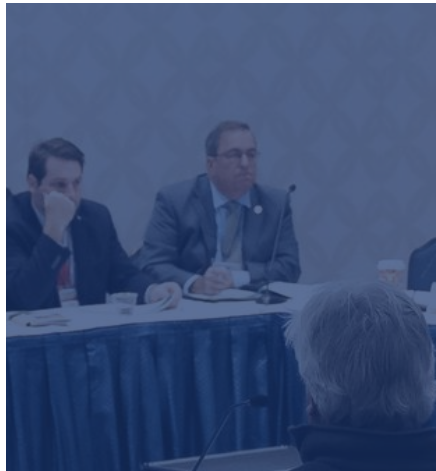
Proposed charter solely addresses filling Board vacancies, allowing the Board to appoint a replacement or hold a special election.

C. Vacancies on the Board of Supervisors

1. Notwithstanding any other provision of law, whenever a vacancy occurs in the office of supervisor on the Shasta County Board of Supervisors, the Shasta County Board of Supervisors (Board) may fill the vacancy by appointment or call a special election. If the Board appoints the replacement, the appointee shall be from among the qualified electors of the Supervisorial District in which such vacancy exists and shall hold office until the election and qualification of his or her successor. Nothing contained herein shall preclude an appointee from seeking election to said Supervisorial office provided that such appointee is otherwise qualified and eligible as required by law.

The Charter Process

The process for becoming a charter county is outlined in [Government Code Sections 23700 to 23732](#).



A Board of Supervisors proposes a charter **OR** voters, by initiative, decide whether to draft a charter and elect a charter commission.



Voters, by majority vote, decide whether to adopt the charter at the next election.



The Charter Process

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THANK YOU

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