

Appendix A

REVISING OUR COUNTY CHARTER

To most the idea of fixing the county charter is as boring as the next two pages of suggestions, none of which really deal with the core issues. It is not my intent to get political about the charter (with the exception of calling for the repeal of Section 56^{4/5}, but simply to show that there are some weird provisions, and there have been no amendments to the sixty-two page charter (which contains a large amount of white space and meaningless footnotes, the index of which takes fourteen of those pages) and its twenty-one page table of contents since 2002.

Some of the provisions are questionable. For example, is Article II, Sec. 4, in full effect regarding the prohibition on compensation for services rendered to any public or governmental entity? Why does it take a two-thirds vote, as specified in Article II, Section 7, when there are five members on the board? When will Article III, Sec. 11 (7), which has expired, be deleted and marked as expired in the internet edition? Why is the Assessor still elected (Article IV, Sec. 12), when, for all practical purposes since the passage of Proposition 13, the decisions he makes do not seem to involve the electorate?

The failure to number sections beginning with the number one in each article, and to use decimal points instead of fractions to accommodate the adoption of intervening sections, creates a form which is different from most constitutions and charters.

Why have a heading for Article V, all the sections of which were repealed in 1984? Why continue to provide that the Public Defender shall, “upon request, prosecute actions for the collection of wages and other demands of persons who are not financially able to employ counsel, in cases in which the sum involved does not exceed \$100, and in which, in the judgment of the Public Defender, the claims urged are valid and enforceable in the courts” (Article VI, Sec. 23)? No specific figure should be mentioned in fundamental law. Formulas should be employed as a figure like \$100 becomes dated by inflation. In 1912, when the charter was adopted, \$100 was a couple of months pay.

There is a Sec. 24 1/3 and a Sec. 24 2/3! What was the rationale for devoting two full pages of the charter to the County Forester and Fire Warden? Why not update Article VII, concerning the Road Department, to reflect the efficiencies of contracting in small enclaves surrounded by incorporated cities? If, according to footnote 85, “the above provisions for road district probably are obsolete,” why not delete them in a major revision? While a specific deletion would have to be approved by an election costing the county a considerable amount, the adoption of a new, clean charter would be worth the money.

Why not resolve the opinion of County Counsel that the Director of Public Social Services remains in the classified service? This opinion, rendered in 1976, was not dealt with in the revisions of 1984. Should an opinion untested in the courts be a footnote to the charter?

Should the Supervisors be required to consider eight hours a day's work for manual laborers? As the workweek becomes shorter this 1912 provision might prove to be an expensive impediment to negotiations. If county employees who go on strike are not dismissed, why is Sec. 47.5 in the charter? This 1982 addition is three pages long!

Certainly Sections 56^{1/4}, 56^{1/2}, 56^{3/4}, and 56^{4/5} need to be renumbered. Indeed, Sec. 56^{4/5} needs to be repealed. Added by Statutes 1978, Charter Chapter 29, in reaction to the Canyon County formation effort, it reads, "The County shall not have the power to provide for the assumption or discharge by County officers of any of the functions of a county formed after June 1, 1978, from territory which prior to that date was part of the County of Los Angeles. Nothing in this section shall be construed to prohibit mutual aid pacts." This draconian provision flies in the face of the tremendous need for government reform, and the lack of other restrictions on the formation of larger counties out of Los Angeles County. Of course the cities within any proposed counties could probably organize quite effectively to provide the services required of county government to new counties under contract.

Nor will an extensive revision of the county charter resolve the overwhelming problem of big government being entirely out of control.