

UNIT 4:

WHAT DOES LOCAL GOVERNMENT DO FOR US?

A PLAN IN TIME SAVES NINE

County supervisors Tuesday voted 3-2 to approve a controversial set of amendments to the general plan that could encourage a much larger population for the area in the future. The changes will rezone five tracts of farmland for construction of entire new towns.

Two board members said Tuesday's vote would make it impossible for the county to stay within the population cap envisioned in the general plan.

'We ought to change the name of the county to Urban Sprawl County,' Supervisor George Schneider said bitterly, drawing applause from some members of an audience made up of growth-control advocates and land developers.

The board majority, however, argued that concerns such as traffic, job balance and farmland preservation could still be accommodated.

'My main concern is that we avoid having an unplanned strip city grow up along the freeway through the county,' said Supervisor Lamar Wilkens, a key supporter of the general plan amendments. 'I'm convinced the only way we can do this is by rezoning separate areas for new communities, with lots of open space between them.'

The split vote, after an emotional three-hour meeting, also drew the wrath of Valleyville Mayor Elenor Lara, who said the supervisors had abandoned their agreement to continue to coordinate with officials of the incorporated cities within the county.

'Have you forgotten who will have to build the roads and sewers to these new areas?' she asked. 'Who will maintain the parks once they are built? Who will provide police and fire protection? Whose schools will serve the children from these new families?'

Supervisors Schneider and Dorothy Rodriguez argued that the plan changes, along with current zoning, could more than triple the county's population when built out. The two supervisors voting no also said they will lead a drive to put a referendum on the general plan on the ballot next June.

'We want to know how residents feel about rezoning over 30,000 acres of agricultural land for new houses,' Supervisor Rodriguez said.

NEW WORDS

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

Annexation
General plan
Land use
NIMBY
Subdivision
Variance
Zone

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RUNNING YOUR COMMUNITY

Few subjects can stir up strong feelings like a debate about what our communities should look and feel like in the future. How can your community grow and change for the better, yet still feel like home to the people who live there?

You won't hear these issues debated in Washington, D. C. Nor are they to be found in news stories coming out of the state capital. The debates about how your community is run, the services provided to the public, and plans for the future, are conducted instead at the meetings of your local city council, special district board, and county board of supervisors.

All governments, federal, state or local, perform three core functions in our society:

Governments provide services. Government furnishes services ranging from waste removal and police and fire protection in your hometown to operating our national military forces and managing international relations.

Governments regulate our society. Government creates and enforces laws that set standards of quality for public resources like water and air, and regulate standards of behavior for a variety of matters from conducting business to educating young people.

Governments set public policy. Public policy is set in the chambers of our local school board, the city council, the county board of supervisors, our local special districts, the state legislature in Sacramento, and in the U.S. Congress in Washington, D.C.

We may discuss questions like, "Should we raise or cut taxes?" or "Who should be allowed to vote?" with our friends at home, through opinions on social media, or via television or radio shows. In the end, however, it is in the halls of our governments where questions are resolved into the laws that are binding for all.

Municipal governments have legal authority to exercise what our state constitution calls "police powers" to preserve the order and ensure the safety of the community. Note that the word "police" in this context is not a reference to law enforcement, it is derived from the Greek word "polis," meaning "city." This authority allows local government to plan and control how land may be used and to require payment for essential services like law enforcement, street maintenance, parking and traffic control, sewage treatment and refuse collection, nuisance abatement and fire protection.

PUBLIC SERVICES

Local services may be provided directly by a city, county or special district. To provide the services its residents want, local governments are usually organized into various departments. In some cases, an agency may contract with a private company to provide services on behalf of the government. For example, most local agencies contract for the removal, collection and recycling of solid waste. In some areas, it is beneficial for one local agency to contract with another local agency or partner together, such as through a joint powers agreement. Some cities will contract with a special district for fire protection or recreation services. Others may contract with a county for public safety services. These arrangements are made when it is not economically sound for a local government to have its own department or when another agency is able to provide those services at a better price.

The following services are typically delivered by local governments either through city or county departments or through special district services. While many districts provide specialized services, cities and counties may have departments for water treatment, libraries, animal control, personnel, risk management (for handling insurance and liability claims), communications, and building maintenance. Some cities and counties may have dedicated departments to operate airports, harbors, bus systems and electric utilities; these public services may also be provided by an independent or dependent special district. The LAFCO ensures that these local services are not overlapping or redundant by approving which local agencies provide services in any given area.

Law Enforcement

A police or sheriff department's job is to protect residents and their property. Peace officers and sheriff's deputies patrol communities to prevent crime and to find and arrest suspected criminals. In addition to patrols and investigation of crimes, law enforcement provides community services, such as crime prevention and school safety programs. Some cities hire the county sheriff's department for patrols instead of establishing their own city police department. The county sheriff also provides law enforcement in unincorporated areas. Additionally, the county provides public safety and criminal justice system services such as operating the jails. Officers and deputies today are required to attend an intensive pre-service academy as well as regular in-service training programs to help them meet the changing needs of our rural, suburban and urban communities.

Fire Protection

The primary role of a fire department or fire protection district is to prevent and extinguish fires, but hazardous waste spills and other public emergencies increasingly occupy the time of those we call “fire fighters.” Generally, fire protection within city limits is provided from fire stations strategically located to provide quick response to any call for help. City fire departments, county fire departments and fire protection districts usually have mutual-aid agreements for initial response; the first and closest fire units will respond regardless of the jurisdiction. Modern fire prevention programs include inspection, investigation and public education. Communities with successful prevention programs tend to have lower fire insurance premiums than those without. In addition to fire-related services, some fire departments and fire protection districts provide ambulance services for their community.

Public Works

Responsibilities include:

- **Construction of public facilities.** The public works director or engineer is responsible for the plans, specifications and estimates for constructing a community’s streets, highways, storm drainage, sewers and other public works. Cities and counties, as well as special districts specializing in public works services, inspect projects built under contract by utilities or private construction firms.
- **Maintenance of public streets.** Cities and counties, as well as some special district agencies, are responsible for erecting and maintaining street and traffic signs, painting traffic stripes on streets, sweeping streets and making needed street repairs.
- **Operation of the sanitation, garbage, recycling and sewer systems.** Many cities, counties and special districts maintain systems and services that provide essential public health benefits, including:
 - » Storm and sewer systems,
 - » Water and wastewater treatment plants,
 - » Refuse collection services, and
 - » Recycling and landfill facilities.

Parks and Recreation

Local governments may provide recreational programming for their communities, and they may also design, develop and maintain recreational facilities and parks. In some communities, parks and recreation services are a department within a city or county or these types of services are provided by a special district for a defined geographic area. Local governments have an environmental focus since they are the major landholder of open space, trails and parks on behalf of the community.

Community services provided by these departments or districts may include organized youth and adult sports, games and crafts, as well as social and cultural events for the enjoyment of all age groups. Many departments or districts are engaging in providing services that support human service needs and in partnership with community-based organizations or schools.

Finance

Each local government has a finance department responsible for planning and directing the fiscal operations of that agency. This department keeps the administrator or manager informed of the agency’s financial condition, continuously monitors revenues, expenditures, investments of cash balances and its outstanding bonds and other indebtedness. Finance departments generally have divisions or staff dedicated to the agency’s accounting, purchasing, data processing, payroll and business services such as licenses or permits.

County Services

California’s counties provide certain services that are unavailable from cities and special districts. For example, health and welfare services like immunizations, mental health and aid to families with dependent children consume large portions of county budgets. County hospitals are a major provider of health care for low-income residents. Counties also operate the trial court systems and the jails.

County governments also provide law enforcement, fire protection, road maintenance and sanitation for all areas within their boundaries, except for those communities that have formed cities or special districts to provide these services on their own. Counties, as well as cities, through partnerships with non-profit organizations or schools may also address human services needs such as homelessness and poverty.

Counties are responsible for collecting all local property taxes in California, but they keep relatively little of what they collect. A complex system of state laws distributes

property taxes to the school districts, cities and special districts, as well as counties themselves.

COUNTY SERVICES

- Agricultural Education
- Agricultural Protection
- Air Pollution Control
- Ambulance Services
- Animal Control
- Assessment of Property
- Auditing-Controlling
- Bailiff Services
- Bridge Construction
- Bridge Maintenance
- Care in State Hospitals
- Civil Defense
- Communications - 911
- Coroner
- Detention and Correction (Adult and Juvenile)
- District Attorney
- Drug Abuse-Prevention
- Elections
- Engineering Service (Roads)
- Family Support
- Flood Control
- Fire Protection
- Health Services
- Hospital Care
- Judicial - Superior Court System
- Juvenile Delinquency Prevention
- Labor Relations
- Law Enforcement
- Legal Counsel
- Local Agency Formation Commissions
- Mapping Services
- Mental Health Services
- Personnel Services - Civil Rights Act
- Planning - Land Use (Subdivision Zoning Laws)
- Probation Services
- Process Serving (Civil and Criminal)
- Public Defender
- Recording Public Documents
- Road Construction Maintenance
- Snow Removal
- Solid Waste Disposal
- State Correctional Schools (Local Responsibility)
- Surveying
- Tax Collecting
- Treasurer
- Weights and Measures
- Welfare Administration
- Welfare Assistance Services
- Welfare Categorical Aids
- Welfare General Relief
- Workers' Compensation and Safety Training
- Workforce Development

LAND USE REGULATION

Perhaps the most complicated and politically charged function of city and county governments is **land use**, planning and regulation. Local officials must contend with the fact that some necessary land uses, the placement of jails, low-income housing, sewage treatment plants or mental health treatment facilities may be unpopular. The acronym **NIMBY** (not in my back yard) was coined to refer to people who know such facilities are needed, but don't want them located in their neighborhood. The acronym

NIMTO (not in my term of office) may describe the kind of support NIMBYs win from elected officials!

COMMUNITY DEVELOPMENT

Planning and Building Departments

A municipal planning department provides staff support to a planning commission, the administrative officer or manager, and the board or council. Routine planning activities are processed within the planning department. Proposals requiring board or council action, such as zone changes, variances, conditional use permits, **subdivisions** and plot plans are usually reviewed first by the planning commission. Membership on a planning commission is an important and prestigious appointment. Decisions on growth and development of great financial consequence are acted upon by this commission.

The building department regulates building construction and electrical, plumbing and sewer installations on private property. Periodic inspections are performed during construction to assure all work is done in accordance with state and local building codes, which regulate quality of materials, use, occupancy, location and the maintenance of all buildings and structures within the jurisdiction's limits.

General Plans

If everybody built whatever they wanted to, wherever they wanted to, the results could be disastrous: Houses mixed in with noisy factories or under an airport flight path and inadequate roads and sewers to serve either homes or industry.

To prevent unbridled, chaotic development, California state law requires that every city and county draw up a "general plan" spelling out how all the land within the city or county will be used as the area develops. The purpose of the general plan is to encourage local governments to consider what kind of community they wish to become, and to anticipate the problems that may arise as they grow. The general plan serves as a guide for the community's land use, circulation, environmental, economic and social goals and policies. General plan documents must be made available to the public, and amendments to the plan cannot be adopted without public hearings.

The state itself does not decide how land is to be used within the boundaries of local governments, but it does establish the procedures that cities and counties must follow in making such decisions for themselves. Local governments are given a great deal of flexibility in

determining the content and format of their general plans, provided they follow the state's procedural guidelines.

General plans must cover all areas within the city limits, as well as areas outside municipal boundaries known as "spheres of influence." If it is likely that a city will expand its borders through annexation, the planning document must address how adjoining spheres of influence will be provided with government services in the future.

The state does urge that these plans protect open-space and prime agricultural land while avoiding urban sprawl. The following seven elements must be covered in every general plan:

1. **Land Use.** The plan must show the location of areas designated for different uses like type of housing, retail business, manufacturing, agriculture, parks and open space. It must also project the locations of public facilities like schools, other public buildings, parks and recreational facilities and waste disposal sites.
2. **Circulation.** The development of a transportation network must be included. Where will the roads be built? Which ones will be two-lane, four-lane or even six-lane? The locations of rail lines, bus lines, passenger terminals and parking facilities must be shown. The transportation element must be consistent with the projected land use.
3. **Housing.** General plans must address the community's present and future housing needs. Housing is to be made available for all economic sectors of the community.
4. **Conservation.** The use or preservation of such resources as agricultural land, water, timber and minerals must be discussed in general plans.
5. **Open Space.** Planning for areas not to be developed can be just as important as planning for development. Which lands will remain undeveloped, which farm lands will be kept and where will large public use areas be located? This element frequently is consolidated with the conservation element to assure consistency.
6. **Noise.** Sources and intensities of noise pollution, such as major freeways or airport flight paths, are identified in general plans, together with methods for distributing noise problems within the jurisdiction.
7. **Safety.** The effects of potential emergencies such as earthquakes, floods, chemical and radioactive contamination and forest fires are analyzed, and response plans are included to protect the public from serious harm.
8. **Environmental Justice.** Cities and counties that have identified disadvantaged communities are required to have a general plan element on this matter. This element identifies objectives and policies to reduce pollution exposure, improve air quality, promote public facilities, improve food access, advance access to housing, and increase physical activity.
9. **Air Quality.** Policies and programs that reduce impacts to air quality may be addressed in the general plan. Cities and counties within the San Joaquin Valley Air Pollution Control District' jurisdiction are required by state law to include air quality measures in their general plans. This includes local government agencies within the counties of: San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare and Kern.
10. **Optional/Additional Elements.** Each community can determine whether it adds additional elements of local interest to its general plan. This may include: Capital improvements, bicycle plans, community design, healthy communities, economic development, energy, water, etc.

The general plan initially is drafted by the staff of a city or county planning department. After appropriate notice in online, print and social media, hearings are held to gather public comments. After revision by the planning commission, made up of members appointed by the supervisors or city council, the general plan is formally adopted by the legislative body. Thereafter specific land use decisions, such as subdividing open land into smaller housing lots, must be shown to be consistent with the approved general plan, or the general plan must be revised.

Zoning

Whereas general plans are comprehensive and long-range documents, zoning ordinances are more immediate and specific. In accordance with the general plan, local ordinances determine which zones will permit residential, commercial, industrial or agricultural uses. Local zoning laws determine the minimum size lot upon which a structure may be built, the maximum height of buildings and how far construction must be set back from property lines.

If a particular piece of property is an odd shape or is on a steep slope, local governments can bypass the rules

and grant zoning “**variances**” to allow improvements to take place that ordinarily would not be acceptable. For example, a residential **zone** may require the homes to be set back at least 30 feet from the front border. On your lot, however, there is a large hill on the back that doesn’t leave enough room for your house and the 30-foot set-back. You may ask for a variance to allow your home to be closer to the street. In return, the local planning department may require you to landscape with trees or other plants to provide a visual barrier between your house and the street.

When owners want to use their property for a slightly different purpose than for which it is zoned, a “conditional use” permit may be granted. These permits contain precise conditions concerning how such a parcel of land may be used. For example, your neighbor may start a small hair salon business in his or her back room. While operating a business in a residential zone is usually not allowed, your neighbor may ask for a conditional use permit that might limit hours of operation and the number of customers that could be served.

Should a property owner’s proposal stretch the zoning ordinances too far, for example, by asking to locate an industrial park in a residential zone, the appropriate action would be to consider rezoning instead of issuing a conditional use permit. Property owners in the area are notified of public hearings and input from the public is solicited on all zoning variance, conditional use and rezoning decisions. Are there exceptions for conditional use permits in your city (i.e., bus shelters)? Who would you contact to find out?

Environmental Impact Reports

How developments affect the environment has received a lot of attention from the public, the media, the courts, and the state legislature since laws requiring environmental impact studies were first passed in 1972. Under state and federal law, local governments must prepare an environmental assessment on any project or decision that may cause significant environmental impacts. Where impacts are identified, local government must also say whether they can be reduced or mitigated, and explain why particular mitigation measures are chosen or rejected. These reports must be presented at public hearings, where interested citizens can comment on the environmental impacts and the choice of mitigation measures. While Environmental Impact Reports or EIRs, are sometimes controversial and have been used to delay development in some situations, there is little question that

the overall effect of the laws requiring these studies and reports has helped make development in California more environmentally sound.

Other Land Use Regulators

Although most land use decisions are made locally, under some circumstances approval may also be required from state or regional agencies. Development of the coast requires a permit from the California Coastal Commission and nothing can be built in the Lake Tahoe watershed without a permit from the Tahoe Regional Planning Agency. Any land use that emits pollutants into the atmosphere must obtain a permit from the California Air Resources Board, and any land use which discharges pollutants into bodies of water requires a permit from the Water Resources Control Board. Mobile home parks must be approved in advance by the California Department of Housing and Community Development, and pipelines and power plants must be approved by the Public Utilities Commission. As is the case for all local deliberations of rezoning proposals or amendments to general plans, public input and participation is welcomed during the review process for specialized permits.