

STATUTES OF CALIFORNIA 1947

CONSTITUTION OF 1879 AS AMENDED
MEASURES SUBMITTED TO VOTE
OF ELECTORS, 1946

GENERAL LAWS, AMENDMENTS TO
CODES, RESOLUTIONS, AND
CONSTITUTIONAL AMENDMENTS

PASSED AT THE
1946 FIRST AND SECOND EXTRAORDINARY
SESSIONS OF THE LEGISLATURE

THE
1947 REGULAR SESSION OF
THE LEGISLATURE

AND THE
1947 FIRST EXTRAORDINARY SESSION
OF THE LEGISLATURE



CHAPTER 424 *

An act to add Title 3 and Sections 500036 to 500040, inclusive, to the Government Code, to consolidate and revise the law relating to the organization, operation, and maintenance of a system of state and local government, and to repeal acts and parts of acts specified herein.

[Approved by Governor May 29, 1947. Filed with Secretary of State May 29, 1947.]

In effect
September
19, 1947

The people of the State of California do enact as follows:

SECTION 1. Title 3 is added to the Government Code, to read:

TITLE 3. GOVERNMENT OF COUNTIES

DIVISION 1. COUNTIES GENERALLY

CHAPTER 1. GENERAL

23000. A county is the largest political division of the State having corporate powers. County defined
23001. The State is divided into counties, named, bounded, and constituted as provided in this title. Scope of title
23002. The several existing counties of the State and such other counties as are hereafter organized are legal subdivisions of the State. Legal subdivisions of State
23003. A county is a body corporate and politic, has the powers specified in this title and such others necessarily implied from those expressed. Body corporate and politic
23004. A county may:
- (a) Sue and be sued. Powers
 - (b) Purchase, receive by gift or bequest, and hold land within its limits, or elsewhere when permitted by law. See also Stats 1947, Ch 829
 - (c) Make contracts and purchase and hold personal property necessary to the exercise of its powers.
 - (d) Manage and dispose of its property as the interests of its inhabitants require.
 - (e) Levy and collect taxes authorized by law.
23005. A county may exercise its powers only through the board of supervisors or through agents and officers acting under authority of the board or authority conferred by law. Exercise of powers
23006. Any contract, authorization, allowance, payment, or liability to pay, made or attempted to be made in violation of law, is void, and shall not be the foundation or basis of a claim against the treasury of any county. Prohibited contracts, etc., no basis for claim
23007. Except as specified in this article, a county shall not, in any manner, give or loan its credit to or in aid of any person or corporation. An indebtedness or liability incurred contrary to this article is void. Gift or loan of credit
23008. Whenever it is economical and satisfactory to do so, a county may lease equipment, perform work, or furnish goods for any district or municipal corporation within the Performance of service, etc., for district or city

* A cross-reference showing the origin of each section appears in the appendix to this volume.

to the time the board meets to consummate the purchase in at least three public places in each supervisorial district in which the property is situated. The notice shall contain a description of the property proposed to be purchased, the price, the vendor, and a statement of the time when the board will meet to consummate the purchase.

Maintenance,
etc

25382. The board may construct, lease, build, rebuild, furnish, refurnish, or repair the jail, and provide all necessary offices, employees, attendants, and supplies for its proper maintenance.

Consent to
acquisition

25383. The consent of the board of supervisors of the county in which the jail is to be situated shall be first obtained and filed with the board.

Confinement
in jail

25384. All persons adjudged guilty of an offense punishable by imprisonment in the county jail, may be confined in such jail located in another county to the same extent as if it were located in the county having jurisdiction of the offense.

Article 3. Cement Manufacturing Plants

Acquisition

25400. The board of supervisors may purchase, lease, construct, or otherwise acquire, own, operate, manage, and control, in any county in the State, a cement manufacturing plant, and may purchase, lease, or otherwise acquire real or personal property to be used in connection with the plant.

Notice of
intention
to acquire

25401. No cement manufacturing plant shall be purchased, leased, or otherwise acquired, nor any works constructed, until notice of the intention to purchase or construct such works has been given for a period of 30 days by publication in a newspaper of general circulation published within the county or, if there is none, by posting a notice for a like period in a conspicuous place in three public places in the county.

Contents
of notice

25402. The notice shall contain a description of the property to be purchased or works to be constructed, a statement of the amount of money to be invested, the terms upon which it is to be invested, and the time when the proposition will come before the board of supervisors to be acted upon.

Sale of
products

25403. The board of supervisors may sell the products of the cement manufacturing plant in such manner and upon such terms and conditions as it deems proper.

Preferred
purchase
rights

25404. The State and any municipal or public corporation of the State shall have a preferred right to purchase the products of the cement manufacturing plant at the same price as they are offered to private persons.

Article 4. Mobilization, Training, and Supply Stations

Acquisition
of land,
conveyance
to United
States

25420. Pursuant to this article, the board of supervisors may acquire and convey lands to the United States for use for any military purposes authorized by any law of the United States, including permanent mobilization, training, and supply stations.

25421. Whenever the Secretary of War agrees on behalf of the United States to establish in any county a permanent mobilization, training, and supply station for any military purposes authorized by any law of the United States, on condition that land aggregating approximately a designated number of acres at such location or locations within the county as he from time to time selects or approves be conveyed to the United States with the consent of the State in consideration of the benefits to be derived by the county from the use of the lands by the United States for such purpose, the board may determine that it is desirable and for the general welfare and benefit of the people of the county and for the interest of the county to incur an indebtedness in an amount sufficient to acquire land in the county for such purposes.

Agreement
with
Secretary of
War, etc

25422. For this purpose any county may, by and through its board of supervisors, incur an indebtedness evidenced by negotiable bonds of the county.

Bond issue

25423. Bonds shall not be issued pursuant to this article in an amount which, together with all existing bonded indebtedness of the county, exceeds 5 percent of the taxable property of the county, as shown by the last equalized assessment roll, exclusive of the taxable value of the land proposed to be acquired and conveyed to the United States.

Bond
limitation

25424. The board shall by order specify:

(a) The purpose for which the indebtedness is to be incurred, which shall in general be for acquiring land in the county aggregating approximately the number of acres designated in the agreement by the Secretary of War to be conveyed to the United States in consideration of the benefits to be derived by the county from the use of the land by the United States as a permanent mobilization, training, and supply station.

Matters to
be specified
in order

(b) The amount of bonds proposed to be issued.

(c) The rate of interest the bonds will bear.

(d) The number of years, not exceeding 40, that the whole or any part of the bonds are to run.

25425. The order shall also provide for submitting the question of the issuance of the bonds to the qualified electors of the county at the next general election, or at a special election to be called by the board for that purpose.

Submission
to electors

25426. There shall be printed on the ballot "Bonds—Yes" and "Bonds—No," or words of similar import, together with a statement of the amount to be issued and a statement that the purpose is to acquire and convey the amount of land set out in the order of the board to the United States in consideration of the benefits to be derived by the county from the use of the lands by the United States as a permanent mobilization, training, and supply station.

Ballot

25427. If the question is submitted at a special election, notice shall be given and the question submitted as provided in Article 1, Chapter 6, Division 3, this title.

Special
election

Required
vote

25428. If two-thirds of the qualified electors of the county voting thereon vote in favor of issuing the bonds, the board shall proceed to issue the amount of bonds specified.

Bond
proceedings,
etc

See also
Stats 1947,
Ch 1353

25429. In issuing and selling the bonds the board shall follow the procedure provided in Article 1, Chapter 6, Division 3, this title as to other bonds of the county. The bonds shall be in the form and denominations, and specify the rate of interest as provided in that article and conform to its provisions in all respects.

[Stc]

See also
Stats 1947,
Ch 1353

as Article 1, Chapter 6, Division 3, this title provides for the payment of the principal and interest of other bonds issued by any county. Except as modified by this article, that article is applicable to all bonds issued pursuant to this article.

Eminent
domain

25431. The acquisition of land for the establishment of a permanent mobilization, training, and supply station for any military purposes authorized by any law of the United States is a public use, and the right of eminent domain is granted and extended to every county availing itself of the provisions of this article for every purpose of condemnation, appropriation, or disposition intended by this article and any county may condemn and appropriate all lands and rights whatsoever necessary or convenient for carrying out the provisions of this article. The right of eminent domain may be exercised on behalf of such public use in accordance with the provisions of Title 7, Part 3 of the Code of Civil Procedure.

Consent to
acquisition
by United
States

25432. Pursuant to the Constitution and laws of the United States, and especially to paragraph 17 of Section 8 of Article 1 of such Constitution, the consent of the Legislature is given to the United States to acquire, upon the conditions and for the purposes set forth in this article, from any county acting under this article, title to all lands referred to in this article.

Conveyances

25433. The title shall be evidenced by a deed or deeds of the county, signed by the chairman of its board of supervisors and attested by the clerk of the county under seal, and the consent of the State is given to the exercise by Congress of exclusive legislation in all cases over any tracts or parcels of land conveyed to it pursuant to this article. The board may insert in every conveyance made pursuant to this article such conditions subsequent as it deems necessary to insure the use of the land by the United States for the purposes mentioned in and to carry out the provisions of this article.

Article 5. Construction, Alteration, and Repair of Buildings

Construction
in excess
of \$500
See also
Stats 1947,
Ch 970

25450. Whenever the cost of construction of any wharf, chute, or other shipping facility, or of any hospital, almshouse, courthouse, jail, historical museum, aquarium, county free library building, branch library building, art gallery, art institute, exposition building, stadium, or other public buildings or the cost of any repairs thereto or furnishing thereof, exceeds five hundred dollars (\$500), the work shall be done by