

**CALIFORNIA'S SPECIAL TAX INITIATIVES: WHAT IS THE
ROLE OF LOCAL GOVERNMENT?**

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CALIFORNIA'S SPECIAL TAX INITIATIVES: WHAT IS THE ROLE OF LOCAL GOVERNMENT?

***Abstract:** Using the unique case of special tax initiatives, this article explores the dynamics of representative and direct democracy by examining the role of local government in the initiative process. The research is designed to fill a gap in the literature concerning government involvement in a direct democracy effort at the local level. The essay frames the question of engagement through application of the “ladder of participation” proposed by Mees, et al. (2019). It utilizes a qualitative, multiple case study research design to examine the attitudes and experiences of those involved in the initiative process. The findings suggest that local government actors vary in their response to initiatives, with variation the greatest among elected officials who report conduct ranging from active involvement to a hands-off approach. Municipal staff members report being generally supportive but uninvolved, heeding the legal restrictions governing the use of public resources. By applying a framework of government participation to a direct democracy effort, the study fosters an understanding of local government roles and attitudes and facilitates examination of government’s appropriate role in a citizens’ initiative.*

Introduction

This study explores the longstanding relationship between representative and direct democracy by examining California’s initiative process at the local level. It focuses on the unique phenomenon of special tax initiatives, which according to recent California judicial decisions, require fewer votes to pass than special tax measures generated by a local government. Employing a multiple case study research design, the study merges the fields of law and public policy by analyzing the impact of the appellate court decisions on special tax initiative efforts and exploring the role of local government in the initiative process in a sample of California cities and counties. This research both contributes to the literature on local governance and informs local government stakeholders about how representative government interacts with direct democracy.

In California, a defining characteristic of the initiative is the ability of the people to enact policy directly through a majority vote (*City and County of San Francisco*, 2020). This power is in tension with key constitutional provisions related to amendments restricting local

governments' taxation power. According to the California Constitution, local tax measures fall into one of two categories: a general tax, designed to generate revenue to be used at the discretion of local elected officials and effective upon a majority vote, or a special tax, intended to raise revenue for a specified purpose identified in the measure and effective only through a two-thirds majority vote (Cal. Const., art. XIII C, §§ 2(a), (b) & (d)). Multiple constitutional provisions confirm that two-thirds of the voters must approve any special tax proposed by a local government (Cal. Const., art. XIII A, § 4 & art. XIII C, § 2(d)).

In 2020 and 2021, a series of California Court of Appeal decisions confronted the question posed by a special tax placed on the ballot via the initiative process: May a majority of voters approve the measure as part of their general initiative powers, or must the measure be approved by two-thirds of the voters because it is a special tax? Unanimously, five separate published appellate decisions concluded that a special tax introduced through the initiative process requires only a majority vote to pass, whereas a special tax introduced by a local elected body requires a two-thirds supermajority vote to pass.¹ The decisions relied on a 2017 California Supreme Court case, *California Cannabis Coalition v. City of Upland*, which affirmed the sanctity of the initiative power in a different context, holding that the constitutional limitations on the ability of local governments to impose, extend, or increase any general tax did not similarly apply to limit the power of voters seeking to raise local taxes through the initiative process. In line with this reasoning, the first appellate court to address the voter requirements for a special tax initiative held that the supermajority approval required for a special tax proposed by

¹ *Jobs & Housing Coalition, et al. v. City of Oakland* (2021) 73 Cal.App.5th 505; *City and County of San Francisco v. All Persons Interested in the Matter of Proposition G* (2021) 66 Cal.App.4th 1058; *Howard Jarvis Taxpayers Assn. v. City and County of San Francisco* (2021) 60 Cal.App.5th 227; *City of Fresno v. Fresno Building Healthy Communities* (2020) 59 Cal. App. 5th 220; *City and County of San Francisco v. All Persons Interested in the Matter of Proposition C* (2020) 51 Cal.App.5th 703.

local government does not similarly apply to a special tax initiative, finding that that any limitations imposed on “local government” or “cities and counties” could not be construed to apply to the electorate at large (*City and County of San Francisco*, 2020, p. 722). The Court of Appeal, therefore, held that the supermajority requirement for special taxes proposed by a local government did not displace the power of the electorate to enact a special tax initiative by a majority vote (*City and County of San Francisco*, 2020).

By protecting the initiative process, California courts created an incentive to utilize direct democracy rather than rely on representative government to place a special tax measure on the ballot. Direct democracy does not operate in a vacuum. Rather, as Garrett (2004) suggests, state and local actions are the result of “hybrid democracy,” a combination of direct and representative democracy. As such, direct democracy functions hand in hand with representative institutions (Matsusaka, 2018) and its operation depends on the characteristics of representative democracy (Heidbreder et al., 2019). Despite recognition that the initiative process necessarily operates within the existing framework of local representative government, the literature has not tended to focus on the role of government within that process. This research is designed to fill that gap by inquiring about the role of local government in the initiative process in the context of this new balance between direct and representative democracy.

This study employs Mees et al.’s (2019) ladder of government participation to explore how local government is responding to California law’s initiative preference, with a specific emphasis on the roles of elected officials and municipal staff. The findings show that local government’s reaction to direct democracy is varied, with elected officials occupying a range of roles depending largely on community context and municipal staff members generally supportive of citizen-led efforts yet cognizant of their limited role. On balance, elected officials and

municipal staff in the jurisdictions studied were not as involved in the initiative process as the law allows. While a hands-off approach is suggested by Mees et al.'s (2019) ladder, community context should dictate whether there is an appropriate supportive or facilitative role for local government in a direct democracy effort.

Local Direct Democracy and Government Roles

“Direct democracy” describes political processes that enable voters to vote directly on policies rather than for their representatives (Matsusaka, 2020). Specifically, it can be defined as “a publicly recognized, institutionalized process by which citizens of a region or country register their choice or opinion on specific issues through a ballot with universal and secret suffrage” (Gherghina & Geissel, 2020, p. 5). Contrary to the misconception that direct democracy is a “California-specific aberration” (Matsusaka, 2020, p. 77), the concept dates to ancient Athens, when citizens would gather at a central place to make public decisions (Matsusaka, 2018).

Article II, section 1 of the California Constitution grounds California’s commitment to direct democracy, stating “All political power is inherent in the people. Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require.” Exercising their inherent power, California voters amended the state constitution in 1911 to codify their right to exercise direct democracy by placing initiatives, referendums, and recall measures on the ballot (Allswang, 1996), effectively bypassing elected representatives. California “courts have described the initiative and referendum as articulating ‘one of the most precious rights of our democratic process’” (*Associated Home Builders of the Greater Eastbay, Inc.*, 1976, p. 591).

Local jurisdictions were at the forefront of the state's direct democracy movement, with charter cities San Francisco and Vallejo enacting the initiative and referendum process in 1898 (Gordon, 2004). California's 1911 constitutional amendment expressly expanded the local process beyond charter cities, providing that "[i]nitiative and referendum powers may be exercised by the electors of each city or county under procedures that the Legislature shall provide" (Cal. Const., art. II, § 11). Consequently, voters in all California cities, counties, and special districts have access to the initiative process (Gordon, 2004).

Local Representative and Direct Democracy

The literature broadly recognizes the relationship between the systems of direct and representative democracy in multiple contexts, including policy implementation (Ferraiolo, 2023), historical development (Matsusaka, 2020), agenda setting (Vatter et al., 2019), and intended and unintended policy consequences (Heidbreder et al., 2019). Highlighting that "direct democracy effects do not materialize in a vacuum but are contingent on and interact with elements of representative democracy," Heidbreder et al. (2019) further observes "that direct democracy is not, in reality something opposed to or separated from representative democracy" (p. 374) and it therefore must be examined in conjunction with the characteristics of representative democracy.

Some research tends to characterize direct democracy as a distinct form of citizen participation (Bandeira & Ferraro, 2017; Igalla et al., 2019). Marien and Kern (2018) view direct democracy as a meaningful opportunity for citizens to participate in policymaking, affording citizens a broader voice than they would have in a wholly representational process. Slaev et al. (2019) describes an intertwined relationship between direct democracy and citizen participation, characterizing such participation as a form of direct democracy that connects the process to

representative government. Describing the connection between direct and participatory democracy, Adams' (2012) study of local initiatives in California concluded that local efforts created opportunities for enhanced citizen participation. He emphasized, however, that such participation generally supplemented rather than replaced existing policymaking processes (Adams, 2012). Adams' research aligns with studies finding that participatory processes generally complement or supplement traditional representative government (Bandeira & Ferraro, 2017; Wampler, 2012).

In "California's hybrid republic," the systems of direct and representative democracy coexist in homeostasis, as overvaluing either form risks the extreme of mob rule (in the case of direct democracy) or authoritarianism (in the case of government control; Carrillo et al., 2019, p. 559). While those extremes are not involved in this research, a shift toward citizen control has occurred because of the courts' shielding the initiative process from the supermajority vote requirement imposed on local government. That shift could manifest in many ways. For example, direct democracy can move the agenda-setting power to non-governmental actors, enabling issues that government might otherwise ignore to move to the forefront and forcing government representatives to address issues they did not introduce into the public debate (Heidbreder et al., 2019; Vatter et al., 2019). However, it appears that at least in some circumstances, government entities (*City and County of San Francisco*, 2021) or individual elected officials (*Howard Jarvis Taxpayers Assn.*, 2021) are behind the initiatives, thereby suggesting a different dynamic.

The extent of government involvement in an initiative is strictly limited by a number of legal principles that seek to structure and protect citizens' role in the initiative process and minimize intervention by government entities while allowing government's appropriate

engagement in terms of administrative activities and information provision. Notably, California Government Code section 54964 expressly prohibits local government officers, employees, and consultants from expending or authorizing the expenditure of public funds “to support or oppose the approval or rejection of a ballot measure, or the election or defeat of a candidate.” Using public funds expressly to advocate for a particular result, purchase traditional campaign materials (like bumper stickers, television ads or billboards), or distribute campaign materials prepared by others is prohibited (*Vargas v. City of Salinas*, 2009). The prohibition is consistent with a fundamental democratic principle that the government should not undermine the fairness of an election by taking a side or distorting the debate (*Stanson v. Mott*, 1976; *Vargas v. City of Salinas*, 2009).

However, the law allows for the expenditure of public funds to disseminate materials that provide voters with a fair presentation of the relevant facts to enable them to make an informed decision (*Vargas v. City of Salinas*, 2009). The Government Code “does not prohibit expenditure of local agency funds to propose, draft or sponsor a ballot measure, including expenditures to marshal support for placing the measure on the ballot, or to inform the public of need [for the measure]” (*Santa Barbara County Coalition Against Automobile Subsidies*, 2008). The law also does not prohibit a government entity, including individual elected officials, from expressing an opinion on the merits of a ballot initiative, including by authoring or signing ballot pamphlet materials, so long as the message does not include a direction on how to vote (*Vargas v. City of Salinas*, 2009). In cases where the line between campaign and informational materials is particularly thin, courts evaluate the content, style, tenor, and timing of the materials (*Vargas v. City of Salinas*, 2009, pp. 33–34). Accordingly, California law must be considered as an integral

component of the framework dictating the level of local government participation in a citizens' initiative.

Ladder of Government Participation Framework

Because the initiative process operates within the existing framework of local representative government, elected officials and municipal staff members must necessarily develop strategies, guided by law, to navigate the development and promotion of special tax initiatives. Though the literature has yet to examine these strategies, recent studies have examined the role of government in connection with another type of local-level, citizen participation—citizen-led initiatives—defined as collective and self-organized activities by citizens to provide public goods or services independently of government (Igalla et al., 2019, 2020, 2021; Mees, 2022; Mees et al., 2019). This type of effort might involve a group of citizens seeking to develop and maintain hiking trails throughout their community, or to create and staff a job-training program in an underserved area. These initiatives (hereafter “community initiatives”) are distinct from citizen-led ballot initiatives because they do not require a vote of the electorate for implementation (Igalla et al., 2019). Nonetheless, they share the element of being citizen-led, which distinguishes them from other forms of citizen participation initiated and often overseen by governmental authority (Mees, 2022). Consequently, research on community initiatives provides a useful framework by which to consider the relative role of government in connection with a direct democracy effort.

Similar to a citizen-led ballot initiative, a community initiative is “predominantly led by citizens and other nonstate actors, who independently develop their own solutions and project to a policy problem,” which “is fundamentally different from public participation, in which citizens participate in policymaking that is initiated and structured by government” (Mees et al., 2019, p.

200). Government's role in relation to citizen-driven activity is necessarily unique (Igalla et al., 2020; Mees et al., 2019). Because citizens function as empowered actors in a community initiative, the role of government must necessarily shift from a model of regulation to facilitation. While specific activities such as rule establishment and process management (Bakker et al., 2012); the provision of start-up funds, marketing, and technical training (Igalla et al., 2020); and the provision of ongoing financial and networking support (Chin & Mees, 2020) signify government facilitation, Mees et al. (2019) recognized the absence of a thorough conceptualization of how government might facilitate and enable citizen action. Drawing on a framework first outlined by the Dutch Council for Public Administration, an independent advisory body for the Dutch government, Mees et al. (2019) developed a "ladder of government participation," an analytical device to provide a model of government roles in connection with a community initiative.

Fashioned after Arnstein's (1969) ladder of citizen participation, the ladder of government participation places high levels of government involvement at the top. Complementing Arnstein's (1969) ladder that values higher levels of citizen involvement, the goal is for government to descend the ladder or lessen its involvement to enable community initiatives to thrive through enhanced citizen participation. The ladder presumes that government's role in connection with a community initiative should be fundamentally different from its role in other types of public participation, meaning that it should not regulate but instead facilitate or enable a community initiative (Mees et al., 2019). Table 1 outlines the levels of government involvement:

Table 1*The Ladder of Government Participation*

Rung	Local government role	Who initiates, coordinates and decides	Local government practices
5	Regulating	Government regulates interventions by the community, so initiates, coordinates and decides (hierarchical government).	Policymaking, organizing traditional public participation such as hearings and citizen juries, checking, enforcing regulations, and sanctioning in case of noncompliance.
4	Network steering	Government (co-) initiates and creates a network of public and private stakeholders; it coordinates the decision-making process. Decisions are co-decided in the network.	Process coordination, fostering of dialogue and negotiation among stakeholders, mediation of interests, arbitration of conflicts, trust building, creation of a level playing field through rules of the game.
3	Stimulating	Government actively stimulates the initiation and continuation of community initiatives. Initiatives coordinate and decide independently from government.	Provision of structural (financial) support during a longer period.
2	Facilitating/enabling	Initiatives are self-initiated, and the government has an interest in making them happen. Initiatives coordinate and decide independently from government.	Boundary spanning activities that facilitate free flows of ideas, people and resources, while maintaining a boundary between the initiative and its institutional environment; process facilitation, helping the initiative to find its way in the municipal organization, providing a (very) limited amount of resources and relevant information, schooling and other forms of capacity development.

Rung	Local government role	Who initiates, coordinates and decides	Local government practices
1	Letting go	Initiatives are self-initiated, self-coordinated and self-governed without the help of government.	None, government is not participating in any direct way, but indirectly by becoming ambassadors for such initiatives (“hands-off metagovernance”).

Note. From “From Citizen Participation to Government Participation: An Exploration of the Roles of Local Governments in Community Initiatives for Climate Change Adaptation in the Netherlands” by H. L. P. Mees, C. J. Uittenbroek, D. L. T. Hegger, & P. P. J. Driessen, 2019, *Environmental Policy and Governance*, 29, 198–208. (<https://doi.org/10.1002/eet.1847>). Copyright 2019 by John Wiley & Sons, Inc.

Mees et al. (2019) acknowledged the ladder’s limitations, including that it categorizes ideal roles that, in practice, overlap and blend, and that it does not depict the individual government leader’s role. Nonetheless, it enabled a systematic analysis of government involvement in community initiatives. Studying several climate change adaptation initiatives, Mees et al. (2019) found that network steering was the most common rung; while there was a range of involvement across initiatives, none had reached the letting go rung. Though local governments were experimenting with moving down the ladder, local leaders expressed some concerns, including the practical necessity of some government involvement, limited buy-in from staff, and potential inequities among neighborhoods or regions (Mees et al., 2019).

Other literature can be read to question whether representative government’s optimal position in connection with citizen-led activity is at the bottom of the ladder of government participation. Based on a systematic literature review of community initiatives worldwide, Igalla et al. (2019) found that government support was among the top five factors influencing initiative outcomes, with such support including both institutional context and the attitudes of government representatives. In subsequent research, Igalla et al. (2021) determined that over 96% of the

community initiatives studied received one or more forms of government support. Specifically addressing statewide ballot initiatives, Ferraiolo (2023) posited the notion that heightened government involvement by regulating or even interfering in the initiative process should be viewed as a form of checks and balances as opposed to a threat to direct democracy.

Notwithstanding these limitations, the ladder of government participation is a useful framework by which to evaluate the role of local government vis-à-vis a citizen-led direct democracy effort.

Methodology

This qualitative research employs a case study design, which involves “an in-depth description and analysis of a bounded system” (Merriam & Tisdell, 2016, p. 37). Four cases were chosen from among the 17 special tax initiatives that California cities, counties, and special districts qualified for the ballot in 2022. Examining multiple cases has the benefit of improved generalizability and an assurance that the results make sense and are not entirely idiosyncratic (Miles & Huberman, 1984). The design allows for conducting analyses both within a case—a particular special tax initiative—and across cases in multiple jurisdictions (Baxter & Jack, 2008; Merriam & Tisdell, 2016). The selected cases are both representative, exemplifying the special initiative tax process under current law, and diverse, exhibiting differences in key variables (Seawright & Gerring, 2008; Yin, 2018): City of Manhattan Beach, City and County of San Francisco, City of Los Angeles, and County of Mariposa. Each case is typical in that it involves a special tax initiative sponsored by a citizen group or individual citizens (Seawright & Gerring, 2008). Each case likewise exhibits variation among several key characteristics, including levels of government, population, geographic region, racial composition, political party preference and

type of tax. Ensuring variation and diversity among the cases enhances external validity by allowing for a greater range of application (Merriam & Tisdell, 2016; Miles & Huberman, 1984), though the uniquely Californian context in which these special tax measures arise limits the generalizability of this study beyond the state.

This study utilizes the multiple-source data collection that is the hallmark of a case study design (Merriam & Tisdell, 2016; Yin, 2018), relying on three sources of information: document review, direct observations, and interviews (Yin, 2018). Employing multiple methods of data collection from multiple sources and cross-checking interview accounts against observations and documents helps to ensure internal validity and reliability (Merriam & Tisdell, 2016).

Documents relevant to this case study include meeting agendas, municipal staff reports, meeting minutes, resolutions, ballot pamphlets, digital news articles, campaign materials, and social media posts. Conducting a document review first was particularly helpful for providing context and historical insight, tracking the development of each initiative over time, and identifying key individuals to contact for interviews and key events to observe (Bowen, 2009). Direct observations, primarily recordings of public hearings and other meetings in each jurisdiction in which proposed initiatives were discussed, are a second source of data that provide a form of data triangulation to assure internal validity and reliability (Merriam & Tisdell, 2016).

Interviews are the third and primary source of evidence gathered in this research (Anyan, 2013; Yin, 2018). This study utilizes a semi-structured interview approach, characterized by Hammer and Wildavsky (1993) as a “guided monologue,” meaning the interview is neither completely controlled by the interviewer nor wholly free from her influence (p. 76). The 21 individuals who participated in interviews are a “purposeful selection” (Maxwell, 2013, p. 97), composed primarily of elected officials, municipal staff members, and proponents and opponents

involved with the initiatives in each jurisdiction chosen as a case. Four individuals from each jurisdiction participated in interviews. Within each group of four, there was at least one elected official or government staff member, at least one initiative proponent identified as a key stakeholder from the document review, and one initiative opponent in jurisdictions where there was organized opposition. The remaining five participants are election attorneys and ballot initiative consultants who work on special tax measures, including local initiatives, in California.

To analyze the data, this research primarily utilizes reflexive thematic analysis, which is a method for identifying, analyzing, and recording patterns or themes in the data that acknowledges the researcher's role in interpreting the data (Braun & Clarke, 2022; Byrne, 2022). This research generally follows Braun and Clarke's (2021, 2006) six steps: data familiarization, initial coding, theme generation, theme development and review, theme refinement, and writing. The multi-step methodological strategies outlined by Miles et al. (2014) and Houghton et al. (2015) further enhanced the analysis. The systematic research design is intended to result in a study that is "anchored in respondent experiences and, hence, ensure the research is of practical relevance" (Kelly & Cordeiro, 2020, p. 3).

Findings

Because direct democracy functions in the context of representative government (Ferraiolo, 2023; Heidbreder et al., 2019), local government necessarily has a role in a special tax initiative effort. However, where citizens drive the policy effort, the role of elected officials and government staff is necessarily unique and distinct from the role they would play in connection with a government-led policy effort (Igalla et al., 2020; Mees et al., 2019).

In the four jurisdictions studied, the roles that elected officials and municipal staff actually played highlights the tension that has long existed regarding how direct democracy and representative democracy operate in tandem.² The data shows that each jurisdiction achieved a distinct balance, with local government operating at a range of levels on the ladder of government participation (Mees et al., 2019). San Francisco offers an example of a network steering model, Mariposa models both a facilitation and a hands-off approach with different government entities, Los Angeles could be characterized as a facilitation model, and Manhattan Beach’s school board illustrates a hands-off approach while its city council could represent an anti-facilitation model through efforts designed to thwart the initiative.

Overview of Local Government Measures

City and County of San Francisco: Proposition M, a residential vacancy tax to fund rent subsidies and affordable housing; passed

Among the cases studied, Proposition M was unique in that government was actively involved during all stages of the initiative process. With a long-term interest in vacant housing, Board of Supervisors member Dean Preston solicited a staff report on San Francisco’s vacant housing level and the policies other jurisdictions had adopted to reduce their levels, and policy staff affiliated with Supervisor Preston worked with citizen advocates to structure the tax. A San Francisco staff member explained that this type of interaction was typical in the community: “[Elected officials work] a little more behind the scenes. It’s not an official process, but the elected people work with advocacy groups all the time.” Describing the interaction more generally, a staff member further stated: “Often ideas are generated at the board, and they work with citizen groups. Board members work with citizen groups. There’s often interplay on issues,

² While an exploration of the roles undertaken by citizen initiative proponents and opponents is also an area that would benefit from further study, this research is confined to an examination of public sector roles.

which is probably appropriate.” Supervisor Preston was also involved in the campaign as a vocal supporter, quoted in multiple newspaper articles and blogs about the campaign. According to a staff member, *“Once [the campaign] was underway, he was definitely out in public, making speeches in support of it and so forth. It was very visible involvement in getting the initiative passed.”*

While this level of government involvement might suggest a network steering model, which involves government initiating the decision-making process and further decisions being made collaboratively among stakeholders (Mees et al., 2019), an initiative proponent denied such collaboration. She clarified that although Supervisor Preston was behind the measure and a vocal advocate, *“He wasn’t running the campaign in any way, shape or form, or anything like that. It was, at the end of the day, a citizens’ initiative, so he left it to the organizers.”* This statement indicates that initiative proponents did not perceive Supervisor Preston or his policy staff as collaborators, and instead suggests that government involvement was at the stimulating rung, where government actively encourages and supports initial and ongoing initiative efforts, but key decisions relating to the initiative are made independently from government (Mees et al., 2019).

Mariposa County: Measure O, a sales tax to fund the public hospital; passed

Mariposa’s Measure O came off the heels of an unsuccessful special tax measure proposed by the board of supervisors to fund the local public hospital, which is run through a separate special healthcare district with its own governing board (hospital board). Consequently, two separate government entities were involved with the measure at some level.

According to a Mariposa staff member, the board of supervisors’ role *“was more of a facilitator than a proponent or opponent”* of the initiative. Individual supervisors had opinions, but kept them out of the board setting. Though the label “facilitator” is not determinative of

government's involvement level, the board of supervisors' support is consistent with the facilitation/enabling rung where initiatives are coordinated separately from government, yet government has an interest in their success (Mees et al., 2019). The municipal organization provides relevant information and limited resources, but a distinct boundary remains between the initiative and the municipal environment (Mees et al., 2019). The Measure O proponents coordinated the initiative effort wholly apart from government, yet the board of supervisors endorsed the effort, having previously brought its own similar measure. According to one initiative proponent, "*The board of supervisors was just happy somebody was doing it. Every person on the Board was 100% supportive of our efforts.*"

In contrast, the hospital board was not part of the initiative effort, as the initiative proponents advised the board members they could not be involved. Where an initiative is self-generated, self-coordinated, and self-managed without government assistance, government is operating at the lowest rung of the ladder—letting go, where government is hands-off yet might offer some indirect support (Mees et al., 2019). In general, hospital board members stayed away and did not provide assistance. The hospital board thanked the citizens' group at a public study session and commented that the citizens' committee effort highlighted that the hospital is for the citizens. Though at least one hospital board member advocated for the initiative, she did so outside her capacity as an elected official. She asserted she had a "*dual role,*" serving the hospital board on the one hand and quietly campaigning for the initiative on the other.

City of Los Angeles: Measure ULA, a transfer tax to fund affordable housing and homelessness prevention measures; passed

Local government was not involved in creating Measure ULA, though a former elected official from another city helped develop the concept. According to a Los Angeles initiative

proponent, the citizens' committee strategically distanced itself from local government.

Messaging included that the initiative was not "*something that was crafted in a back-room way.*"

A Los Angeles elected official believed the initiative proponents "*were very focused on trying to find a way that would not implicate city officials who were not as trusted as others in the process of getting this thing to pass.*" Beyond the development of the measure, an initiative proponent added that signature gathering "*was a volunteer effort. It wasn't City Hall.*"

Elected officials were more involved with Measure ULA once it qualified for the ballot. At that point, some elected officials were actively supportive—attending events, making speeches and phone banking. According to an initiative proponent, these individualized efforts meant that local government was not a major factor in the campaign: "*I wouldn't say local government really stepped in and mobilized around it.*" Though studies of government involvement in community initiatives tend to refer to government collectively (Mees et al., 2019), here, the involvement of elected officials was individualized, with some facilitating and others not being involved. Mees et al. (2019) acknowledged that the government participation ladder could be further refined by integrating and expanding on the research regarding the role of individual public leaders and public administrators. The varied level of conduct among elected officials is consistent with the framework outlined by a Los Angeles elected official, who described a range of appropriate roles from no involvement to active engagement.

City of Manhattan Beach: Measure A, a parcel tax to fund education; failed

Similar to Mariposa's Measure M, Measure A involved two separate public entities: the City of Manhattan Beach City Council and the Manhattan Beach Unified School District School Board. The initiative proponents qualified the measure through the city council, but the funds raised were to be fully allocated to and spent by the school district.

Manhattan Beach had a history of supplementing its school district through additional taxes, including an existing parcel tax of \$225 per parcel annually. The school board was engaging in a piece-by-piece strategy of incremental tax increases when the initiative proponents suggested a more aggressive special tax initiative of over \$1000 per parcel annually. The school board pursued a more modest measure while the initiative proponents moved forward to qualify the broader initiative for the ballot. However, the school board determined that if the initiative qualified, it would not propose its own measure and would “*step back*” to let the citizens do their work. Once Measure A qualified for the ballot, the school board acquiesced to the initiative proponents’ strategy and stepped back as promised; it did not pursue another measure nor did it engage in the initiative campaign.

In contrast to the school board’s absence from the initiative effort, the city council was far more involved, engaging in individualized efforts in connection with the initiative. However, those efforts included active opposition to the initiative by two city council members, which is a role not contemplated by the ladder of government participation. Despite the frustration of some of those in Manhattan Beach, an elected official’s opposing an initiative is a role contemplated by both those in the initiative industry and other elected officials. An initiative attorney opined that elected officials should weigh in on an initiative, asking questions including “*Is this the right funding source for the right plan? Would that money be better spent somewhere else?*” More pointedly, a Los Angeles elected official explained that opposing an initiative is an appropriate role for an elected official:

“It’s also the case that elected officials choose to oppose such measures which they think are unduly expensive or derived from the wrong funding source, whatever it might be. That would be perfectly appropriate, too, as long as the elected officials who participate

in these campaigns abide by the various campaign finance rules associated with their roles.”

Elected Officials’ Roles Across Cases

Though government involvement in each of the initiatives studied varied among jurisdictions, two related themes about the role of elected officials emerged across cases. First, the role of an elected official is situational and contextual. There is no one-size-fits-all role, and the myriad roles studied here occupied different rungs on and off the ladder of government participation (Mees, et al. 2019). Elected officials occupied a range of roles from actively supportive to actively opposed. Consistent with what occurred across jurisdictions, multiple participants emphasized that no single role is either necessary or appropriate. A Los Angeles elected official opined that an elected official should help lay the groundwork for an initiative and outlined a range of roles once an initiative is underway:

The following roles would be appropriate: to be completely agnostic, to be opposing it, to be supporting it, to be supporting it in a way that included raising money in addition to aggressively advocating for it. Elected officials can and should play any role that they feel comfortable playing in the process.

A Los Angeles initiative proponent concurred that no single role is appropriate for an elected official. Instead, the role is “*situational*” and “*contextual*,” and the level of involvement should depend on the community landscape at the time of the initiative. A San Francisco staff member similarly stated that the role of an elected official in connection with an initiative is “*as much or as little as he or she wants*.” Even an initiative opponent agreed that no single role is appropriate, explaining that because there are multiple ways for measures to get on the ballot and because the

law requires so many issues to go to the voters, it is acceptable for an elected official to promote an initiative or to campaign against it if the elected official thinks it will hurt city finances.

Some initiative experts endorsed an elected official operating at the stimulating or network steering levels. An initiative attorney opined that it is part of an elected official's job to utilize the initiative process when that may be the best mechanism to achieve the desired policy, describing such conduct as "*a sign of leadership.*" Other participants identified specific, facilitative roles they thought an elected official should assume. A San Francisco initiative proponent thought an elected official should use the initiative opportunity "*to speak to the underlying issues and really dig into why this measure is being pushed forward in the first place, what the concerns are.*" A Manhattan Beach initiative proponent thought government's role was to educate the community about the need for the initiative. A Manhattan Beach elected official echoed this sentiment, noting that one of her favorite sayings is "*educate, don't legislate.*" A San Francisco staff member favored some level of collaboration between elected officials and initiative proponents, explaining the importance of bringing the political realities of government into the initiative process.

A second theme that emerged was the desire of both elected officials and initiative proponents to maintain a level of separation between them throughout the initiative process, which necessarily limits the role of government. Participants expressed a notion in tension with the uniquely San Francisco sentiment that elected officials and initiative proponents sometimes do and generally should collaborate. All categories of participants opined that elected officials and initiative proponents should work independently of one another, though the intensity of the degree of separation and the bases for government distance differed among jurisdictions.

California law weighed heavily on participants' minds, who understood the law prohibited public funds from being used to campaign for or against an initiative. However, initiative stakeholders in both Manhattan Beach and Mariposa employed an even more hands-off approach than the law requires. In Manhattan Beach, an initiative proponent construed the law as requiring that the school board not be a part of the process at all. The school board, likewise, believed it was appropriate to remove itself from the initiative effort. The school board decided that *"if we really had a group of citizens that were willing to bring this forward that we would stand down. ... As a board, we just decided that we would stand down and let the citizens move forward."* In Mariposa, initiative proponents told the hospital board it could not be involved, and one proponent further maintained that level of separation on an individual, personal level with every hospital board member. The hospital board took the same approach, with a Mariposa elected official explaining that when the initiative proponents took over, *"I stepped out. We had nothing to do with it. ... We were not supposed to have anything to do with it. It had to be a citizen-led issue."*

Initiative proponents in Los Angeles and San Francisco did not concentrate on maintaining a wall of separation from elected officials, yet they kept some level of distance due to distrust of and frustration with government. A Los Angeles initiative proponent described voter distrust of the city council, relying on early polling showing that Los Angeles voters initially dismissed the initiative because *"why would we give more money to a feckless government that's not doing what it's supposed to be doing anyway?"* Another initiative proponent believed that the fact that the city council was not involved with the initiative was a key to its success. A San Francisco staff member opined that the public's response to an elected official partnering with citizens in the context of an initiative, as was the case with Supervisor

Preston, would vary depending on who the elected was and what the partnership involved. To some extent, distrust of and frustration with government also factored into initiative activity in Manhattan Beach and Mariposa. Initiative opponents in Manhattan Beach exploited voter frustration with the school board regarding its treatment of COVID-19, and a generalized aversion to government permeated the Mariposa initiative campaign.

In contrast to the experiences in these jurisdictions, initiative consultants and attorneys opined that there is always some connection and collaboration between initiative proponents and local government. One initiative attorney stated that local government works “*hand in glove*” with initiative proponents. An initiative consultant concurred that local government leadership is generally involved in the initiative: “*It’s rare that I have seen it’s truly a citizens’ group that has independently done this. ... There’s always the connection there between the government and the elected officials in city government and the committee.*”

Municipal Staff’s Roles Across Cases

Current literature does not specifically address how local government staff views or interacts with a citizen-led ballot initiative, nor does the ladder of government participation distinguish elected officials from municipal staff (Mees et al., 2019). The data revealed two distinct and related findings about staff involvement: staff members are receptive to citizens’ special tax initiatives, yet they are cognizant of their limited role in connection with those efforts. These findings stand in tension with one another, as staff also has some desire to have a larger role in the process.

Municipal staff members generally facilitated and were supportive of the initiative process. A Los Angeles initiative proponent said that staff was helpful and clear about the process and that any staff interactions were positive. A Mariposa elected official commented that

staff had an open-door policy throughout the initiative. One consultant opined that municipal staff is open to the initiative process; staff members understand it and see it as a way to fund projects that otherwise might not get funded. Though some participants speculated that municipal staff might have challenges interpreting or be reluctant to implement a measure emanating from outside of government, a San Francisco staff member provided the staff perspective that there is no meaningful difference between board of supervisors' measures and citizens' initiatives: *"It's kind of all the same. It's just new legislation. It may be a good idea or not, and frankly, we don't think about that much as well. Once it's in place, the issues are how is it going to be implemented and what are the implications."*

While California law restricts the extent to which government staff can be involved in an initiative, staff members tended to take an even more hands-off approach than the law requires, having little to no interaction with initiative proponents until the measure's implementation phase. In Manhattan Beach, the school board was particularly careful not to use any school district resources or school district staff time to promote the initiative. In Mariposa, although the hospital director spoke publicly about the initiative before the board of supervisors, he admonished that no one from the hospital district was permitted to be involved in the initiative, adding that *"we need to be cautious and careful about entanglements and involvements."* One initiative consultant concurred that staff members are more cautious than elected officials about getting involved, and an attorney added that staff members worry about using public resources because they are tasked with ensuring that government officials follow the law.

Notwithstanding their conduct, some municipal staff members advocated for a broader staff role in the initiative process. A San Francisco staff member would like to be able to give policy guidance. For example, he advocated for the development of a procedure to enable

citizens to request the type of policy analysis that Supervisor Preston secured as a basis for the vacancy tax. Another San Francisco staff member opined that the public was interested in the staff perspective and would like staff to weigh in on pending ballot measures. A Mariposa staff member described the desire for a different and more facilitative role for staff involving a process where government and citizen groups could work together to discuss community priorities, with the outcome being a compromise solution having community buy-in.

Concluding Discussion

Studying community initiatives, Mees et al. (2019) found that network steering was the most common rung, a level that involves collaboration between government and initiative stakeholders throughout the process. In contrast, in the context of a citizens' ballot initiative, elected officials in the four jurisdictions studied operated at lower levels on the ladder, depending on community context. Some elected officials stimulated the effort, others facilitated, others opposed, and others stepped back completely. Examining the range of activities in which elected officials engaged in the cases studied, it appears that prior to the initiative qualifying for the ballot, some elected officials secured the provision of policy information, shared polling and survey information, and met with initiative proponents. The elected officials who chose to engage generally did not go as far as the law permits, which would include drafting the initiative, identifying citizen proponents, financially supporting efforts to place the initiative on the ballot, and educating voters about the need for the initiative (*Santa Barbara County Coalition Against Automobile Subsidies*, 2008). Once the initiatives qualified for the ballot, some of the elected officials in the cases studied engaged in activities that did not involve public funds, such as speaking at rallies, phone banking, or contacting friends. Again, the law permits greater involvement for both elected officials and municipal staff, including using public funds to direct

informational materials to the public so long as the information cannot be construed as advocacy (*Vargas v. City of Salinas*, 2009).

Municipal staff seemed especially hamstrung by the legal restrictions on their involvement and therefore tended to operate at the lowest levels on the ladder. A Manhattan Beach elected official further identified a practical limiting consideration that staff members may not live in the jurisdictions they serve and, therefore, may have less interest in any involvement. Notwithstanding this potential limitation, municipal staff members expressed a desire to have more involvement in the initiative process, particularly at the policy development stage. This is a finding that the literature has not explored.

Unlike the other jurisdictions studied, in San Francisco elected leaders frequently worked with citizens advocacy groups to develop policy proposals. Also, unlike the three other jurisdictions, an elected official occupied a leadership role. This level of government involvement appears appropriate for this community, given both the initiative's favorable outcome and the San Francisco participants' expressed acceptance of government participation in direct democracy efforts. Among the jurisdictions studied, San Francisco was the most experienced with the initiative process and, further, had a history of visible government support for special tax initiatives (*City and County of San Francisco*, 2021; *Howard Jarvis Taxpayers Assn.*, 2021). It could be that the relationship between elected officials and initiative proponents develops over time, with increasing experience with the initiative process. Relatedly, it could also be that government/citizen collaboration is more imperative in jurisdictions that engage in the initiative process repeatedly.

Consistent with the San Francisco model, an initiative consultant observed that initiative proponents generally collaborated with government, noting that cities tended to support special

tax initiatives because they are the beneficiaries of the funds to be raised. The different model found in the majority of cases in this research—where initiative proponents and elected officials generally did not work together and intentionally maintained distance from one another—could be the result of the new majority threshold. It could be that jurisdictions less familiar with the initiative process take a cautious approach to government involvement to maintain the direct democratic character of their efforts. Alternatively, or additionally, it could be that the majority threshold's shifting the balance to citizen control empowered initiative proponents to work independently of government. The separation between initiative proponents and local government is distinct from what an initiative attorney described as the unavoidable collaboration that resulted at the supermajority vote level because the support of so many constituencies and the accommodation of multiple different interests were needed to secure success.

The majority threshold appears to be contributing to local government's descending the government participation ladder toward a level of lessened involvement. While this is the trajectory suggested by Mees et al. (2019), other literature acknowledges there can be advantages to government involvement with citizen-led activity at the mid-levels of the government participation ladder (Edelenbos et al., 2018; Igalla et al., 2019). First, without the cue of a prior similar measure, some level of collaboration akin to that in San Francisco can help to coordinate the agendas originating from both inside and outside of government (Vatter et al., 2019). Such collaboration might have helped to mitigate the situation in Manhattan Beach of an elected official actively opposing an initiative. Second, local government's involvement early in the initiative process would seem to foster its ability and incentivize its willingness to educate the public about the need for the tax, both as the initiative is being developed and after it qualifies

for the ballot (*Vargas v. City of Salinas*, 2009). Third, a special tax initiative is unlike a community initiative in which citizens themselves take responsibility for the provision of public services (Chin & Mees, 2020). A special tax initiative is never self-executing and can only be implemented by government officials (Ferraiolo, 2023). Consequently, the early involvement of government, particularly municipal staff members, could facilitate implementation through the inclusion in the initiative of provisions designed to ease that process. As Ferraiolo (2023) suggested, government involvement should be viewed not as an encroachment on citizen advocates but as another form of check and balance on the initiative process more broadly (Ferraiolo, 2023). Finally, research has shown that in the context of community initiatives, some level of government support is associated with a favorable outcome (Aylett, 2013; Edelenbos et al., 2018; Igalla et al., 2019, 2021).

To maintain an initiative's direct democracy character, any government involvement need not and should not mean that the citizen-led nature of the activity is changed or minimized. As Edelenbos et al. (2018) noted, "self-organized action emerges without direct pressure, but not without the presence of governmental bodies" (p. 54). By acknowledging the presence of government in the initiative process, initiative proponents can harness additional resources and add to their existing networks. However, elected officials must exercise discipline in maintaining their facilitative role. Edelenbos et al. (2018) further explained that elected officials' understanding of where their role began and ended in relation to a citizens' group was critical to effective collaboration. Government participation in connection with a citizens' initiative should be to facilitate, meaning to serve in a supportive and responsive rather than a leading role (de Haan et al., 2018; Mees et al., 2019). Citizens serve as the initiators while "government acts as follower or facilitator" (Igalla et al., 2019, p. 1177). This facilitative role may require municipal

actors to be adaptive and responsive to the initiative proponents' needs as opposed to leading or co-opting the effort (Aylett, 2013).

In three of the four cases studied, citizens worked independently of local government to develop and promote the initiative. Given that initiatives are a form of direct democracy that enable citizens to bypass representative government to secure a policy goal (Bowler et al., 2001), it is to be expected that elected officials and government staff would not have a meaningful role in the initiative. Nonetheless, the literature on local direct and representative democracy and community initiatives demonstrates that there can be a supportive role for local government in a direct democracy effort. In some jurisdictions studied, initiative stakeholders perceived that the law prohibited even a limited facilitative role for local government, while in others, a lack of public trust in government fostered the distance between stakeholders. Community context remains paramount and should dictate the nature and scope of any facilitative role that elected officials and municipal staff would play in connection with a special tax initiative. Appropriate supportive roles for local government should not intrude on the role of citizens as leaders and entrepreneurs but instead, enhance those roles by providing resources and expertise. Modest and transparent means of incorporating government facilitation could include convening a community forum before an initiative is developed to discuss the community's revenue needs and potential revenue measures, or creating a public vetting process in the form of a public hearing during the early phases of the initiative to receive input from both the public and local government on the proposal.

In sum, these findings suggest that communities are striking their own balance in terms of citizen control over policymaking, with the community with the most initiative experience being more willing to engage government in the process and the other jurisdictions studiously avoiding

government involvement. The question for each jurisdiction will remain how to balance direct democratic efforts in the context of local representative democracy. This research suggests that local policymaking will not be uniform and will, instead, be dictated by community dynamics. Local ballot initiatives remain an understudied area. Further research on local government's conduct in connection with initiatives more generally could be used to examine whether and how local government might fill a more facilitative role in connection with a citizens' initiative within the bounds of the law.

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