

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF THE COUNTY OF SAN BERNARDINO
AND RECORD OF ACTION**

July 14, 2020

FROM

CURT HAGMAN, Chairman, Board of Supervisors

JANICE RUTHERFORD, Second District Supervisor, Board of Supervisors

SUBJECT

Conduct a study session regarding the proposed revised County Charter and general law alternative; Introduction of an Ordinance proposing a revised County Charter; Introduction of an Ordinance proposing repeal of the County Charter and returning to General Law status

RECOMMENDATION(S)

1. Conduct a study session regarding the proposed revised County Charter and the alternative repeal of the County Charter and return to County General Law status.
2. If the Board wishes to replace the current County Charter with the proposed revised County Charter and place the revised County Charter on the ballot for the November 3, 2020, election, then the Board of Supervisors shall do the following:
 - a. Consider proposed ordinance revising the County Charter and calling for an election.
 - b. Make alterations, if necessary, to proposed ordinance.
 - c. Read title only of proposed ordinance; waive reading of entire text and SCHEDULE FOR FINAL ADOPTION ON TUESDAY, JULY 28, 2020, on the consent calendar.
3. In the alternative, if the Board of Supervisors wishes to simply repeal the current County Charter in order to return the County to General Law status, then the Board of Supervisors shall do the following:
 - a. Consider proposed ordinance repealing the County Charter and calling for an election.
 - b. Make alterations, if necessary, to proposed ordinance.
 - c. Read title only of proposed ordinance; waive reading of entire text and SCHEDULE FOR FINAL ADOPTION ON TUESDAY, JULY 28, 2020, on the consent calendar.

(Presenter: Kenneth C. Hardy, Supervising Deputy County Counsel 387-5401)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Promote the Countywide Vision.

Create, Maintain and Grow Jobs and Economic Value in the County.

Improve County Government Operations.

Operate in a Fiscally-Responsible and Business-Like Manner.

Ensure Development of a Well-Planned, Balanced, and Sustainable County.

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

Approval of this item may result in the use of additional Discretionary General Funding (Net County Cost). The Registrar of Voters (ROV) estimates all costs plus overhead related to conducting the election for the initiative will be approximately \$2.7 million. If additional

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appropriation is necessary, a request for additional Discretionary General Funding (Net County Cost) will be submitted at a later date.

This election cost estimate does not include potential additional costs related to compliance with COVID-19 health and safety guidelines and potential new State mandates, which could be eligible for Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act Coronavirus Relief Funds if no other COVID-19 or election related federal or state funding is available.

BACKGROUND INFORMATION

On July 9, 2019 (Item No. 3), the Board of Supervisors established an ad hoc committee, consisting of Curt Hagman, Chairman of the Board of Supervisors, and Janice Rutherford, Second District Supervisor, to review and propose amendments to modernize the County Charter. On October 29, 2019, the Board of Supervisors held a workshop on the matter, at which time the ad hoc committee and staff presented information and options to the Board of Supervisors and to the public regarding a proposed revised County Charter. Soon thereafter the County posted an e-mail address inviting members of the public to submit comments or questions on the proposed revised County Charter.

A county charter is only effective if approved by the electorate. The charter of a county is its “constitution,” which allows a county to have a greater amount of local self-government. By adopting or revising a county charter, voters can exercise constitutional discretion over the county’s governing board, officers, employees, and other structural issues of the county.

The reasons for the proposed revised County Charter are multiple. The County Charter was approved in 1913 and, although amended many times, contains much of its original language. The ad hoc committee believes that there is an opportunity now to:

- delete obsolete provisions, like requiring the Board of Supervisors Chair to have an office in the Board chambers;
- delete provisions that, while originally useful many years ago, are now redundant with more recent state law; and
- modernize the use of pronouns and other terms to make the Charter more up-to-date.

Equally important, placing the proposed revised County Charter on the November ballot will provide the public with the opportunity to vote on the crucial issues of:

- requiring the County Public Health Officer orders addressed to the public-at-large to be reviewed by the elected representatives of the people, that is, the Board of Supervisors;
- the term limits of the Board of Supervisors;
- the compensation of the Board of Supervisors and Countywide elected officials;
- the filling of vacancies of elected officials, including removing the Governor’s role in this;
- the creation of a redistricting commission to ensure public input on the drawing of Supervisorial district boundaries;
- addressing emergency preparedness in the future; and
- safe-guarding the electoral process by requiring County election campaign finance regulations and effective enforcement thereof.

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Finally, the ad hoc committee notes that the proposed revised County Charter is a more streamlined document. A more understandable charter helps the public with its crucial role in holding the County, its elected officials, and employees accountable. The proposed revised County Charter, attached hereto, sets forth the details of the proposal of the ad hoc committee, and the presentation material identifies the main substantive changes. Upon approval by the Board of Supervisors, the proposed revised County Charter would be ordered to be placed on the ballot for the election scheduled for November 3, 2020.

In order to provide the Board of Supervisors with a full range of choices, the option of repealing the current County Charter is also provided. The repeal of the current County Charter would revert the County to general law county status governed pursuant to the general laws of the State in the limited, substantive areas under which a charter county has greater autonomy. Specifically, a General Law county adheres to state law as to the number, duties and other provisions relating to county elected officials.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Michelle Blakemore, County Counsel, 387-5455) on July 9, 2020; Registrar of Voters (Bob Page, Registrar of Voters, 387-2100) on July 7, 2020; Labor Relations (Bob Windle, Labor Relations Chief, 387-3101) on July 7, 2020; Human Resources (Mark DeBoer, Assistant Director of Human Resources, 387-5568) on July 7, 2020; Finance (Stephenie Shea, Administrative Analyst, 387-4919, and Elias Duenas, Administrative Analyst, 387-4052) on July 7, 2020; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on July 7, 2020.

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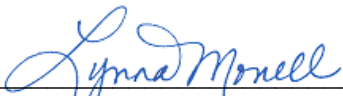
Record of Action of the Board of Supervisors
County of San Bernardino

Public Comment: Natalie Zuk, Tom Murphy, Raul Rodriguez Jr.

APPROVED REC NOS. 1 & 2

Moved: Janice Rutherford Seconded: Curt Hagman
Ayes: Janice Rutherford, Curt Hagman, Josie Gonzales
Nays: Robert A. Lovingood
Absent: Dawn Rowe

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: July 14, 2020



cc: File - Continue to Final BAI on 7/28/20
jm 07/24/2020