



Proposal Presented by the
Charter Ad Hoc Committee

COUNTY GOVERNANCE: GENERAL LAW STATUS

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General Law Status

- Established in 1853, the County operated as a *General Law County* for its first 60 years.
- The County's charter was adopted in 1913 and had been amended 37 times and contains obsolete, inconsistent, and antiquated provisions.
- 44 of California's 58 counties are *General Law Counties*.
- The County may return to *General Law County* status by voter repeal of the charter.

Why Return to General Law?

- Under General Law, the Board of Supervisors is authorized to:
 - set by ordinance the compensation of Board members, **subject to voter referendum**;
 - set the compensation of all county officers and the number, compensation, tenure, and appointment of appointive officers and employees;
 - supervise the official conduct of all county officers; and
 - consolidate and segregate county offices.

Why Return to General Law?

- The Board would also retain the authority to adopt ordinances, **subject to voter referendum**, on the crucial issues of:
 - establishing a **redistricting commission** to ensure greater public input on Supervisorial district boundaries;
 - addressing **emergency preparedness**; and
 - ensuring sufficient review of orders of the non-elected **health officer** by the Board of Supervisors.

Filling of Vacancies

General Law

- Whenever a vacancy occurs in a board of supervisors, the Governor shall fill the vacancy.
- Whenever a vacancy occurs in an appointive or elective office, except judge and supervisor, the board of supervisors shall fill the vacancy.
- However, if on the first Monday after January 1 following a general election the person elected to an elective county office has resigned or died, the vacancy shall be filled at the next regular election, provided that the board of supervisors may appoint a person to the office until the election.

Term Limits & Eminent Domain

- *Term Limits.* A return to General Law status would eliminate the term limit provision in the charter. However, the voters would retain the right to propose and vote on a term limit ballot initiative.
- *Limitation on Exercise of Eminent Domain.* A return to General Law status would also eliminate the charter's limitation on eminent domain. However, with the California constitutional protection of owner-occupied residential property, the demise of redevelopment and the voters' right of ballot initiative, property owners have numerous protections against eminent domain abuse under State general law.

Conclusion

With the exception of filling vacancies on the Board of Supervisors and designating certain officers as appointive rather than elective, a county may adopt essentially the same provisions and operate similarly under either a *Charter* or the *General Law*.

The major distinction is that all preferred policy and legal preferences may be included in a charter and enacted at one time, rather than piecemeal as is necessary under the general law.

THANK YOU

