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ORDINANCE NO. 4477

An ordinance of San Bernardino County, State of California, to repeal and replace Section 308 of the County Charter, and adding Section 309 and Article VIII to the County Charter relating to law enforcement staffing and community protection, and ordering that such proposal be submitted to the qualified electors at the November 5, 2024 election.

WHEREAS, San Bernardino County, State of California, at all times herein mentioned has been and now is a body corporate and politic of the State of California and since April 7, 1913 has been and now is organized and acting under and by virtue of a Charter adopted under and pursuant to then Section 7 ½ of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said County at an election held for that purpose on November 5, 1912, and approved by the Legislature of the State of California on April 7, 1913;

WHEREAS, said County Charter has been amended several times pursuant to the procedures set forth in the Constitution and statutes of the State of California; and

WHEREAS, the Board of Supervisors desires to place before the voters proposed amendments to the County Charter.

NOW THEREFORE, the Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. Pursuant to the provisions of Section 3 of Article XI of the Constitution of the State of California and of Chapter 5 (commencing with Section 23700) of Division 1 of Title 3 of the Government Code of the State of California, the proposed amendments to the County Charter, as set forth in Attachment "A" hereto, are hereby approved.

SECTION 2. The proposed amendments to the County Charter shall be submitted to the electors of San Bernardino County at an election to be held and conducted on November 5, 2024. It is further ordered that the election be consolidated with any and all elections in the same territory to be conducted on November 5, 2024. The election will be held and conducted by the San Bernardino County Registrar of Voters as required by

1 federal and state law and all of the proceedings incidental to and connected with the
2 election shall be regulated and done in accordance with the provisions of law regulating
3 the election with which this election is consolidated.

4 SECTION 3. The proposed amendments to the County Charter shall be submitted
5 as a measure on the ballot at the consolidated election, and the Registrar of Voters is
6 hereby instructed to place the same on the ballot at said election in the following form:
7
8

9 Measure “___” 10 AMENDMENTS TO THE SAN 11 BERNARDINO COUNTY CHARTER FOR 12 LAW ENFORCEMENT STAFFING AND COMMUNITY PROTECTION	YES
13 “Shall the amendments to the San 14 Bernardino County Charter regarding law 15 enforcement staffing and community protection within the unincorporated areas of the County be adopted?”	NO

16
17 SECTION 4. The language set forth in Attachment “A” shall be printed in the Voter
18 Information Guide that is mailed to every qualified voter in the County and placed on file
19 and made available for public inspection in the offices of the County Clerk, the Registrar
20 of Voters and the Clerk of the Board of Supervisors.

21 SECTION 5. Measure “___” shall go into effect only if approved by a majority of
22 the qualified voters voting in an election to be held on November 5, 2024. To the extent
23 permitted by law, these amendments to the County Charter shall be effective upon voter
24 approval of the Measure as provided by California law. On the effective date of this
25 Measure as provided by California law (the “Effective Date”), these amendments to the
26 County Charter are inserted into and become part of the San Bernardino County Charter.
27 No provision of the San Bernardino County Code of Ordinances that is inconsistent with
28 this Measure shall be enforced after the Effective Date.

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SECTION 6. This ordinance shall take effect immediately pursuant to the provisions of Section 25123(a) of the Government Code of the State of California.

DAWN ROWE, Chair
Board of Supervisors

SIGNED AND CERTIFIED THAT A COPY
OF THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIR OF THE BOARD

LYNNA MONELL, Clerk of the
Board of Supervisors

1 STATE OF CALIFORNIA)
2) ss.
3 SAN BERNARDINO COUNTY)

4 I, LYNNA MONELL, Clerk of the Board of Supervisors of San Bernardino County,
5 State of California, hereby certify that at a regular meeting of the Board of Supervisors of
6 said County and State, held on the 6th day of August, 2024, at which meeting were present
7 Supervisors: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe
8 Baca, Jr., and the Clerk, the foregoing ordinance was passed and adopted by the
9 following vote, to wit:

10 AYES: SUPERVISORS: Col. Paul Cook (Ret.), Jesse Armendarez,
11 Dawn Rowe, Curt Hagman, Joe Baca, Jr.

12 NOES: SUPERVISORS: None

13 ABSENT: SUPERVISORS: None

14 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal
15 of the Board of Supervisors this 6th day of August, 2024.

16 LYNNA MONELL, Clerk of the
17 Board of Supervisors of
18 San Bernardino County,
19 State of California

20 _____
21 Deputy

22 Approved as to Form:

23 TOM BUNTON
24 County Counsel

25 By: _____
26 JULIE J. SURBER
27 Principal Assistant County Counsel

28 Date: _____

1 **ATTACHMENT "A"**
2 **MEASURE " ____ " SAN BERNARDINO COUNTY LAW ENFORCEMENT STAFFING**
3 **AND COMMUNITY PROTECTION ACT OF 2024**

4 **Section I. Statement of Purpose**

5 The purpose of this measure is the following:

- 6 (a) To ensure that the San Bernardino County Sheriff's Department patrol
7 stations in the unincorporated County are adequately funded to maintain
8 public safety;
- 9 (b) To establish a minimum funding level formula for patrol personnel resources
10 dedicated to law enforcement operations in the unincorporated area of
11 the County;
- 12 (c) To protect the community from potential defunding of law enforcement
13 services; and
- 14 (d) To provide competitive compensation for County Elected Officers, except
15 the Board of Supervisors and County Superintendent of Schools, to attract
16 and retain qualified individuals to serve in these constitutionally elected
17 offices.

18 **Section II. Charter Amendments**

19 A. Article III, Section 308, Compensation of Elective County Officers, of the Charter
20 of San Bernardino County is hereby repealed and replaced in its entirety (with the new
21 language underlined and the repealed language in ~~strikethrough~~ text):

22 **Section 308. Compensation of Elective County Officers.**

23 ~~The annual salaries of elected County Officers, excepting that of the County~~
24 ~~Superintendent of Schools and Members of the Board of Supervisors, shall be set by,~~
25 ~~but shall never exceed, the average of the salaries paid to corresponding officers in the~~
26 ~~following California Counties: Riverside, Kern, San Diego, Orange and Ventura. The~~
27 ~~salaries shall be computed each year on December 1 as follows: On December 1, 1985,~~
28 ~~70 percent of the average, on December 1, 1986, 80 percent of the average, on~~
~~December 1, 1987, 90 percent of the average, and on December 1, 1988, and~~
~~thereafter, 100 percent of the average; provided, however, that on December 1, 1989,~~
~~and each December 1 thereafter, regardless of the amount of increase in the average~~
~~salaries from the other counties, no increase shall exceed 4 percent of the annual salary~~
~~of the elected officer unless submitted to and approved by the voters of the County at a~~
~~County-wide election. Where no comparable offices exist in a majority of named~~
~~counties, the salary of the office shall be adjusted by the average of the percentage~~
~~adjustments of the other county officers governed by this section. No provision of this~~
~~amendment shall provide retroactive benefits. No salary adjustment shall be made on~~
~~December 1, 1985, for any elected official whose salary has been adjusted since~~
~~November 7, 1978, but such salaries shall be adjusted thereafter in accordance with~~

1 ~~this section. This section is intended to operate as a continuous application of the third~~
2 ~~paragraph of Section 1 of Article VI of the County Charter of 1913.~~

3 ~~The salary and benefits that elective County officers are eligible to receive shall be~~
4 ~~posted on the County website and accessible from a link located on the home page of~~
5 ~~the County website.~~

6 Beginning January 1, 2025, the base salary for the elective County officers, except (1)
7 those covered under Section 309, (2) the County Superintendent of Schools, and (3)
8 Members of the Board of Supervisors, shall be set by the average of the base salaries
9 paid to officers holding the most similar position in the following California counties:
10 Orange, Riverside, Los Angeles, San Diego and Ventura. In calculating the base salary
11 of the elective County officers, the salary paid to the individual holding the most similar
12 office in the five identified counties to the elective County officer shall be used,
13 regardless of whether the position has been consolidated with other elected offices or
14 appointed positions. The base salary of the County officers shall be set based upon this
15 section, regardless of whether the elective County office has been consolidated with
16 other elective County offices in Section 301 or appointed positions. The base salary
17 shall be adjusted annually on January 1 as provided in this paragraph.

18 The individuals holding the positions of Auditor-Controller/Treasurer/Tax Collector and
19 Assessor-Recorder on November 5, 2024, shall not have their base salary reduced
20 pursuant to this Section, and shall receive base salary increases of 4% annually on
21 January 1 while they occupy that specific elective County office, including any future
22 consecutive elected terms.

23 Beginning January 1, 2025, in addition to base salary, the elective County officers shall
24 receive compensation and benefits pursuant to the Salaries and Working Conditions of
25 the County-Wide Elected Officials Ordinance, as amended or replaced by ordinance
26 approved by the Board of Supervisors.

27 The salary and benefits that elective County officers are eligible to receive shall be
28 posted on the County website and accessible from a link located on the home page of
29 the County website.

30 B. Article III, Section 309, Compensation of County Sheriff and District Attorney, is
31 added to the Charter of San Bernardino County as follows (with the new language
32 underlined):

33 **Section 309. Compensation of County Sheriff and District Attorney.**

34 Beginning January 1, 2025, the base salary for the County Sheriff and District Attorney
35 shall be the average of the salaries paid to the Sheriff and District Attorney in the
36 following California counties: Orange, Riverside, Los Angeles, San Diego and Ventura.
37 In calculating the base salary of the County Sheriff and District Attorney based on the
38 salaries in the five identified counties, the salary paid to the individuals holding the

1 offices of Sheriff and District Attorney in those counties shall be used, regardless of
2 whether the position has been consolidated with other elected offices or appointed
3 positions. The base salary of the County Sheriff and District Attorney shall be set
4 based upon this section, regardless of whether the elected office has been
5 consolidated with other elective County offices or appointed positions. The base salary
6 shall be adjusted annually on January 1 of each year as provided in this paragraph.

7 Beginning January 1, 2025, in addition to base salary the County Sheriff and District
8 Attorney shall receive compensation and benefits pursuant to the Salaries and Working
9 Conditions of the County-Wide Elected Officials Ordinance, as amended or replaced by
10 an ordinance approved by the Board of Supervisors.

11 The salary and benefits that the County Sheriff and District Attorney are eligible to
12 receive shall be posted on the County website and accessible from a link located on the
13 home page of the County website.

14 C. Article VIII, Law Enforcement Funding, is added to the Charter of San Bernardino
15 County as follows (with the new language underlined):

16 **ARTICLE VIII, LAW ENFORCEMENT FUNDING**

17 **Section 801. Definitions**

18 For purposes of Article VIII the following definition applies:

19 "Patrol Personnel" means all Deputy Sheriffs, Detectives/Corporals, Sergeants,
20 Lieutenants, and Captains whose job duties directly support the operations of
21 County unincorporated patrol stations.

22 **Section 802. Minimum Unincorporated County Patrol Personnel Funding**

23 The Board of Supervisors shall allocate a minimum amount of funding in its annual
24 budget to fund County Patrol Personnel's direct salary and benefit costs for
25 operations in the unincorporated area of the County.

26 This minimum amount shall be the average of actual Patrol Personnel salary and
27 benefit costs in the unincorporated area of the County in the three (3) preceding
28 fiscal years. Minimum amounts shall exclude all Patrol Personnel salary and
29 benefit costs associated with cities that contract with the County for law
30 enforcement services and shall also exclude any funding received for Patrol
31 Personnel salary and benefit costs that is designated as "one-time" funding (as
32 opposed to "ongoing" funding).

33 The Board of Supervisors may annually suspend the minimum funding budget
34 requirement of this section for up to twelve (12) months by resolution approved by a

1 four-fifths (4/5) majority of the entire Board which includes a declaration of a fiscal
2 emergency.

3 Should the Board of Supervisors approve a resolution that includes a declaration of
4 a fiscal emergency, the up to 12-month suspension period shall not be included in
5 the three-year average, unless in a separate vote all five members of the Board of
6 Supervisors vote unanimously to include the up to 12-month suspension period in
7 the three year average.

8 If the up to 12-month suspension period is not included, the three-year average will
9 be based on the most recent three years with no declared fiscal emergency.

10 **Section 803. Accountability and Transparency**

11 The Sheriff of San Bernardino County shall publish an annual report detailing:

- 12 (i) The total number of calls for service in the unincorporated area
13 and deputy reports issued for the two (2) prior fiscal years.
- 14 (ii) The current and two (2) prior fiscal years' adopted unincorporated
15 Patrol Personnel salary and benefit budgets approved by the
16 Board of Supervisors.
- 17 (iii) The calculated minimum allocation for the current fiscal year's
18 unincorporated Patrol Personnel budget. The calculation will
19 include all components detailed under Section 802, Minimum
20 Unincorporated County Patrol Personnel Funding.

21 The annual report shall be made available to the public and published on the
22 County's official website in December of each year.

23 **Section III. Effective Date**

- 24 A. To the extent permitted by law, these Charter Amendments and their various
25 provisions shall be effective upon voter approval of this ballot measure as
26 provided by California law.
- 27 B. On the effective date of this measure as provided by California law (the
28 "Effective Date"), all provisions of this amendment are inserted into and
become part of the San Bernardino County Charter.
- 29 C. No provision of the San Bernardino County Code of Ordinances that is
inconsistent with this ballot measure shall be enforced after the Effective
Date.
- 30 D. Any resident of the County shall have the right to file a lawsuit to compel the
Board of Supervisors to comply with the provisions of this measure.

31 **Section IV. Severability**

32 If any word or words of this measure, or its application to any situation, are held
invalid or unenforceable, in a final judgment that is no longer subject to rehearing,

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review, or appeal by a court of competent jurisdiction, then that word or those words are severed and the remaining part of this measure, and the application of any part of this measure to other situations, shall continue in full force and effect. We, the people of San Bernardino County, declare that we would have adopted this measure, and each word in it, irrespective of the fact that any other condition, word, or application to any situation, be held invalid. We, the people of San Bernardino County, further declare that we would have adopted the provisions regarding minimum unincorporated County Patrol Personnel funding, compensation for the County Sheriff, District Attorney and other elective County officers, and the annual accountability and transparency reporting by the County Sheriff, whether presented together or separately, and irrespective of the fact that any of those provisions are held invalid.