

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDINANCE NO.

An ordinance of the County of San Bernardino, State of California, adopting the initiative petition/initiative measure entitled “The San Bernardino County Supervisor Compensation Reduction and Term Limits”.

The County of San Bernardino, ordains as follows:

WHEREAS, on September 13, 2019, pursuant to Elections Code section 9100 et seq., proponents submitted a Notice of Intent to circulate the petition for the purpose of amending the County Charter to outline the terms of office for the County Supervisor position including the duties, compensation and limitation that apply to the office; and

WHEREAS, on March 20, 2020, the Initiative Petition/Measure was filed with the County of San Bernardino Registrar of Voters; and

WHEREAS, on or about on May 1, 2020, the County of San Bernardino Registrar of Voters certified the Initiative Petition/Measure; and

WHEREAS, on May 19, 2020, the County of San Bernardino Registrar of Voters presented to the Board of Supervisors (Board) the Certification of Initiative Petition/Measure; and

WHEREAS, pursuant to Elections Code section 9118, the Board shall either adopt the Initiative Petition/Measure by ordinance, without alteration, or submit the ordinance, without alteration, to the voters pursuant to Elections Code section 1405; and

WHEREAS, the Board desires to adopt the Initiative Petition/Measure by ordinance and without alteration.

NOW, THEREFORE, THE COUNTY OF SAN BERNARDINO DOES ORDAIN AS FOLLOWS:

SECTION 1. That, pursuant to Elections Code section 9118, the Initiative Petition/Measure attached hereto, marked Exhibit “A” hereof, and incorporated herein

1 by this reference as if fully set forth, is hereby adopted in its entirety.

2

3 SECTION 2. The provisions of this ordinance hereby adopted shall not be
4 repealed or amended except by a vote of the electorate of the San Bernardino County
5 in accordance with the requirements of Elections Code section 9125.

6

7 SECTION 3. This ordinance shall take effect as provided in Elections Code
8 section 9122.

9

10

CURT HAGMAN, Chairman
Board of Supervisors

11

12 SIGNED AND CERTIFIED THAT A COPY
13 OF THIS DOCUMENT HAS BEEN DELIVERED
14 TO THE CHAIRMAN OF THE BOARD

14

15 LYNNA MONELL, Clerk of the
Board of Supervisors

16

17

18

19

20

21

22

23

24

25

26

27

28

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

4 I, LYNNA MONELL, Clerk of the Board of Supervisors of the County of San
5 Bernardino, State of California, hereby certify that at a regular meeting of the Board of
6 Supervisors of said County and State, held on the _____ day of _____, 2020,
7 at which meeting were present Supervisors: _____

8 and the Clerk, the foregoing ordinance was passed and adopted by the following vote,
9 to wit:

10 AYES: SUPERVISORS:

11 NOES: SUPERVISORS:

12 ABSENT: SUPERVISORS:

13 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official
14 seal of the Board of Supervisors this ____ day of _____, 2020.

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

19 _____
20 Deputy

21 Approved as to Form:

22 MICHELLE D. BLAKEMORE
23 County Counsel

24 _____
25 Date: _____
26
27
28

FULL TEXT OF PROPOSED AMENDMENTS TO THE CHARTER OF THE COUNTY OF SAN BERNARDINO

(Additions are shown in underline and deletions are show in ~~strikeout~~)

THE SAN BERNARDINO COUNTY SUPERVISOR COMPENSATION REDUCTION AND TERM LIMITS INITIATIVE

The people of the County of San Bernardino County hereby declare and ordain as follows:

SECTION 1. STATEMENT OF PURPOSE

The purpose of this measure is to establish appropriate term limits and compensation for County Supervisors for the part time service performed by County Supervisors on behalf of the citizens.

SECTION 2. CHARTER AMENDMENT

SECTION 1: Sections 2 of Article 1 of the Charter of the County of San Bernardino is hereby amended in their entirety to read as follows:

“SECTION 2. At each general election, there shall be elected two or three supervisors, as the case may be, for a term of four years beginning at noon on the first Monday in December next following their election and ending at noon on the first Monday in December four years thereafter. Supervisors shall be elected from the First, Third, and Fifth Supervisorial Districts in those years in which a presidential election is held, and supervisors shall be elected from the Second and Fourth Supervisorial Districts in those years in which a gubernatorial election is held. No person shall be elected and qualified for the office of member of the Board of Supervisors if such person has been elected or served in such office for ~~three consecutive terms~~ one term. This shall apply to all Supervisors of all Districts beginning in December 2006 2020. The limitation on terms shall not apply to any unexpired term to which a person is elected or appointed if the remainder of the unexpired term to which a person is elected or appointed is less than one-half of the full four-year term of office.”

SECTION 2: A new Section 10 is hereby added to Article VI of the Charter of the County of San Bernardino, to read in its entirety as follows:

“SECTION 10: The total compensation of each member of the Board of Supervisors shall be five thousand dollars (\$5,000.00) per month which amount shall include the actual cost to the County of all benefits of whatever kind or nature including but not limited to salary, allowances, credit cards, health insurance, life insurance, leave, retirement, memberships, portable communications devices, and vehicle allowances. This compensation shall be in full compensation for all services by the respective member of the Board of Supervisors.

The foregoing compensation provisions shall not be changed except by a vote of the people at the time of a general election.

SECTION 3: The following portion of Section 1 of Article VI of the Charter of the County of San Bernardino is hereby repealed in its entirety and of no further force or effect:

~~**SECTION 1.** The annual compensation (including salary and benefits) of members of the Board of Supervisors, shall be set by, but shall never exceed, the average of the compensation payable to members of the Board of Supervisors in the following comparison California Counties: Riverside, Orange, and San Diego. For purposes of this section, “compensation” shall be defined as all salary paid, and the amount of all benefits payable to the Board member or payable on behalf of the Board member, but compensation shall not include amounts a county is otherwise legally obligated to pay to third parties, including but not limited to employer contributions to a defined benefit retirement system, Medicare, workers compensation or Social Security, and reimbursement for reasonable and necessary business expenses.~~

~~Compensation shall be set as follows: On December 1, 2013, compensation to be paid to members of the Board of Supervisors shall initially be established based on a survey of the compensation payable to members of the Board of Supervisors in the comparison counties. If the compensation paid to members of the Board of Supervisors is greater than the average compensation payable to Board members in comparison counties, salary shall be reduced such that compensation is within the comparison amount. If the compensation paid to members of the Board of Supervisors is less than the average compensation payable to Board members in the comparison counties, salary shall be increased such that compensation does not exceed average compensation payable in the comparison counties. Thereafter, compensation shall be recomputed every four years on December 1 based on a new survey of the compensation then payable to members of the Board of Supervisors in the comparison counties. Notwithstanding the foregoing, no member of the Board of Supervisors shall have the member's compensation reduced during their current term of office.~~

SECTION 3. EFFECTIVE DATE

A. To the extent permitted by law, the provisions of this Charter Amendment shall be effective upon voter approval of the initiative as provided by California law.

B. On the effective date of this initiative measure as provided by California law (the "Effective Date"), all provisions this initiative measure are inserted into and become part of the San Bernardino Code of Ordinances.

C. No provision of the San Bernardino Code of Ordinances that is inconsistent with this initiative measure shall be enforced after the Effective Date.

SECTION 4. SEVERABILITY

If any word or words of this initiative measure, or its application to any situation, are held invalid or unenforceable, in a final judgment that is no longer subject to rehearing, review or appeal by a court of competent jurisdiction, then that word or those words are severed and the remaining part of this initiative measure, and the application of any part of this initiative measure to other situations, shall continue in full force and effect. We, the people of the County of San Bernardino, declare that we would have adopted this initiative measure, and each word to it, irrespective of the fact that any other condition, word or application to any situation, be held invalid.

SECTION 5. DETERMINING CONSISTENCY

A. To ensure that the intent of this measure prevails and is subject to express, objective standards that cannot be changed through subsequent discretionary actions or interpretations, words shall be incorporated according to the intent expressed in this initiative measure and shall be applied in accordance with their plain meaning, rather than according to any contrary provision or interpretation in the Charter of the County of San Bernardino.

B. Adoption of this initiative measure is essential to the preservation of the quality of life, property values and the health, safety and general welfare interests of residents and property owners within San Bernardino County.

SECTION 6. CONFLICTING MEASURES

If any measure, appearing on the same ballot as this measure, addresses the same subject matter in a way that conflicts with the treatment of the subject matter in this measure, and if each measure is approved by a majority vote of those voting on each measure, then as to the conflicting subject matter the measure with the highest affirmative vote shall prevail, and the measure with the lowest affirmative vote shall be deemed disapproved as to the conflicting measure.

SECTION 7. AMENDMENT

No term or provision of this initiative measure may be changed or amended without a majority vote of the people on a ballot measure submitted to the electorate at a county-wide general election.