



Proposal Presented by the  
Charter Ad Hoc Committee

# COUNTY CHARTER *REFORM* 2020

# Why is a Charter Important?

- The charter of a county is its “constitution.” A charter 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.

# Why Revise the Charter?

- The County Charter was approved in 1913 and, although amended many times, contains much of its original language.
- We now have the opportunity 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.
  - Modernize the use of pronouns and other terms to make the Charter more **up-to-date**.

# Why Revise the Charter?

- The public also has the opportunity to vote on the crucial issues of:
  - requiring **county health officer orders** to be reviewed by the elected representatives of the people;
  - **term limits** of the Board of Supervisors;
  - **salary** of the Board of Supervisors and Countywide elected officials;

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# Why Revise the Charter?

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- **filling of vacancies** of elected officials, including removing the Governor's role in this;
- creation of a **redistricting commission** to ensure public input on the drawing of Supervisorial district boundaries;
- addressing **emergency preparedness** in the future; and
- safeguarding the **electoral process** by requiring County election campaign finance regulations and effective enforcement thereof.
- Regulating **lobbyists** to ensure transparency.

# Why Revise the Charter?

- Finally, a revised Charter will be 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**.

# Review of Health Officer's Orders

- All orders issued by the County Health Officer that are addressed to the public at large shall be reviewed by the Board of Supervisors at a public meeting of the BOS within 30 days of issuance.
  - This provision ensures that such orders of a non-elected official will be reviewed by the elected representatives of the people of the County.

# Emergency Preparedness

- The County shall establish and maintain a discretionary strategic stockpile of vital supplies, equipment, and such other properties needed for the protection of life and property in the event of a natural, biological, infectious disease, or any other disaster or emergency.

# Term Limits

## Board of Supervisors

- **Current Charter:** Limit of 3 consecutive terms (irrespective of district); less than  $\frac{1}{2}$  a term does not count as a term.
- **Proposal:** Limit of a **total** of 3 terms (irrespective of district); less than  $\frac{1}{2}$  a term does not count as a term.

# Term Limits

## Board of Supervisors

12 of 58 counties (8 of 14 charter counties) have term limits

### 2 Terms in Total

- San Diego
- San Joaquin

### 2 Consecutive Terms

- Orange
- El Dorado
- San Francisco

### 3 Terms in Total

- Del Norte
- Lassen

### 3 Consecutive Terms

- San Bernardino
- Los Angeles
- San Mateo
- Santa Clara
- Ventura

# Compensation - Amount

## Board of Supervisors

- **Current Charter:** Annual total compensation (salary and benefits) is automatically set every four years at the average of total compensation of Supervisors in Riverside, Orange, and San Diego Counties.
  - Since total compensation is **fixed** for all Supervisors, the salary amount of each Supervisor depends upon the value of the benefits received by each Supervisor (the greater the value of benefits, the lower the salary, and vice versa)

# Compensation - Amount

## Board of Supervisors

### ■ Proposed:

- Set Supervisor base salary at a level equal to 80% of the salary of a Superior Court Judge.
- Supervisors' benefits equals Exempt Group (department head) benefits.
- Any future increase, based on increases of Judge salaries or increases in Exempt Group benefits, goes into effect only if approved by BOS at a public hearing.
- This provision applies to Supervisors elected in Nov. 2022 and thereafter.

# Compensation - Amount

## Board of Supervisors

Comparison with other counties in order of population

| County         | Population   | % of a Superior Court Judge's salary |
|----------------|--------------|--------------------------------------|
| Los Angeles    | 10.2 million | 100%                                 |
| San Diego      | 3.3 million  | 90%                                  |
| Orange         | 3.2 million  | 80%                                  |
| Riverside      | 2.4 million  | 80%                                  |
| San Bernardino | 2.2 million  | 80% (Proposed)                       |
| Santa Clara    | 1.9 million  | 80%                                  |
| Alameda        | 1.7 million  | 80%                                  |

# Compensation - Transparency

## Board of Supervisors

- **Current Charter:** The salary and benefits that every County elected official is eligible to receive shall be posted on the County website.
- **Proposed:** The above postings shall be improved by having a prominent link on the County website homepage.

# Compensation

## Countywide Elective Officers

- **Proposed:** Annual salaries of Countywide elective officers shall be set by, but shall never exceed, the average of the salaries paid to the *corresponding officials* in five specified California Counties, with a 4% cap on increases, calculated annually. This is the formula set forth in the current Charter.

# Duties of BOS members

## Board of Supervisors

- **Proposed:** The Board of Supervisors has all the powers granted to it by the Constitution of California, the general law, and this Charter. The Board of Supervisors shall exercise such powers and perform such duties as are required by the Constitution of California, this Charter, and ordinance, and by the general law except as otherwise provided in the Constitution of California, this Charter, and any ordinance adopted pursuant to this Charter.

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# Duties of BOS members

## Board of Supervisors

- **Proposed:** Given the size and complexity of San Bernardino County, the office of Supervisor is recognized as position that requires a considerable investment of time and due diligence from Board Members in order to effectively fulfill their duties in service to the public. These duties include but are not limited to: representing the interest of the public during public meetings of the BOS; participating in the response to natural disasters and other emergencies; conducting meetings with members of the public; ensuring that the County is effectively represented with respect to federal, state, and other local government agencies; and reviewing issues impacting the County and its residents, businesses, built and natural environment, and health and safety. Members of the Board of Supervisors also have duties with respect to, and must attend the meetings of, many other public entities and other entities, as described further below.

(continued)

# Duties of BOS members

## Board of Supervisors

- *Service on Other Boards.* Each member of the Board of Supervisors shall serve on such public entity or other entity governing boards, commissions and committees, as designated by or appointed in accordance with, and perform such duties as are required by, the Constitution of California, this Charter, general law, ordinance or contract, as may be amended from time to time. The public entity or other entity governing boards commissions, and committees include, without limitation, as of July 28, 2020, the following:

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# Duties of BOS members

## Board of Supervisors

- Agua Mansa Industrial Growth Association
- Arrowhead Regional Medical Center Joint Conference Committee
- Behavioral Health Commission
- Big Bear Area Regional Wastewater Agency
- Big Bear Valley Recreation and Park District
- Bloomington Recreation and Park District
- Board of Supervisors Governed County Service Areas
- CAL-ID Remote Access Network Board
- California State Association of Counties
- Children and Families Commission (First 5)
- Children's Policy Council
- Crafton Hills Open Space Conservancy
- Head Start Shared Governance Board
- High Desert Corridor Joint Powers Authority
- Indian Gaming Local Benefit Committee
- Indian Wells Groundwater Authority
- In-Home Supportive Services Public Authority
- Inland Counties Emergency Medical Agency
- Inland Empire Economic Partnership
- Inland Empire Health Plan
- Inland Empire Public Facilities Corporation
- Inland Valley Development Agency
- Interagency Council on Homelessness
- Mojave Desert Air Quality Management District
- Mojave Desert and Mountain Recycling Authority
- Morongo Basin Transit Authority
- Mountain Area Regional Transit Authority
- National Association of Counties
- Ontario International Airport Authority

# Duties of BOS members

## Board of Supervisors

- Omnitrans Board of Directors
- Quad State Local Governments Authority
- San Bernardino County Employees' Retirement Association Board of Retirement
- San Bernardino County Financing Authority
- San Bernardino County Fire Protection District
- San Bernardino County Flood Control District
- San Bernardino County Industrial Development Authority
- San Bernardino County Law Library Board of Trustees
- San Bernardino County Local Agency Formation Commission
- San Bernardino County Transportation Authority
- San Bernardino Municipal Water District Advisory Committee on Water Policy
- Santa Ana River Parkway Policy Advisory Group
- Santa Ana Watershed Project Authority OWOW Steering Committee
- Solid Waste Advisory Taskforce
- South Coast Air Quality Management District
- Southern California Associated Governments
- Southern California Water Committee
- Successor Agency to the San Bernardino County Redevelopment Agency
- Upper Santa Ana River Washland Management and Habitat Conservation Plan Taskforce

# Duties of BOS members

## Board of Supervisors

- Urban Counties Caucus
- Victor Valley Economic Development Authority
- Victor Valley Transit Authority
- Victor Valley Wastewater Reclamation Authority

This list of public agencies and other entities is based on information available as of July 2020 and is an information item only.

# Redistricting Commission

- **Proposed:** The Board of Supervisors shall adopt an ordinance establishing a redistricting commission. It shall be advisory or independent, and shall ensure that when Supervisor district boundaries are redrawn:
  - Public input is effectively solicited and considered;
  - The Voting Rights Act and other laws are complied with;
  - Neighborhood and community interests are considered;
  - The interests of other stakeholders are considered; and
  - The process is transparent.

# Election Integrity

- **Proposed:** The Board of Supervisors shall establish by ordinance the regulation of campaign finance and the effective enforcement of such ordinance.
  - The County currently has an *ordinance* that establishes campaign contribution limits and transparency requirements.
- **Proposed:** The Board of Supervisors shall by ordinance prohibit certain political activity on County premises.

# Election Integrity

- **Proposed:** Election statements required by the Political Reform Act may be filed electronically with the Registrar of Voters, and shall be posted on-line.
  - County *ordinance* currently provides for this. Having the Charter require it ensures its continuation.
  - Transparency will also be improved by requiring better on-line access to ROV data.

# Lobbyist Transparency

- **Proposed:** The Board of Supervisors shall establish by ordinance requirements regarding lobbyist transparency.

# Filling of Vacancies

## Board of Supervisors

- **Current Charter:** Vacancy filled by appointment by majority vote of remaining Supervisors. Appointee holds office until election and qualification of a successor. An election shall be held to fill the vacancy for the unexpired term at the next general election unless the term expires on the 1<sup>st</sup> Monday of December next succeeding the election. If the Board doesn't take action in 30 days, the Governor appoints.

# Filling of Vacancies

## Board of Supervisors

- **Proposed:** Remaining members of BOS can, within 60 days of vacancy, appoint or call a special election.
  - If appointment within first 18 months of term, appointee holds office until mid-term election; special election for second half of term.
  - If appointment made after first 18 months of term, appointee holds office for remainder of term.
- If BOS doesn't act within 60 days of vacancy, a special election is automatically held for remainder of term.
- There are provisions allowing mail-only ballot elections.

# Filling of Vacancies

## Board of Supervisors

- **Proposed:** (cont.)
  - The Board of Supervisors shall adopt an ordinance setting forth the procedure for such appointment or special election.
  - The option removes the authority of the Governor to make appointments in the absence of Board of Supervisors' action.

# Filling of Vacancies

## Countywide Elective Officers

- Countywide Elective Officers (as currently combined):
  - District Attorney
  - Sheriff-Coroner-Public Administrator
  - Auditor-Controller/Treasurer/Tax Collector
  - Assessor-Recorder-County Clerk (appointive)
- **Current Charter:** Any vacancy in any of the above offices shall be filled by the Board of Supervisors by appointment for the unexpired term.

# Filling of Vacancies

## Countywide Elective Officers

- **Proposed:** BOS can, within 60 days of vacancy, appoint or call a special election.
  - If appointment within first 18 months of term, appointee holds office until mid-term election; special election for second half of term.
  - If appointment made after first 18 months of term, appointee holds office for remainder of term.
- If BOS doesn't act within 60 days of vacancy, a special election is automatically held for remainder of term.
- There are provisions allowing mail-only ballot elections.

# Commencement of Term

## Board of Supervisors

- **Current Charter:** Terms commence on the first Monday of December after the election.
- **Proposed:** Terms commence on the first Monday after the first day of January after the election. Aligns with State and Countywide elected officers.
  - 1<sup>st</sup>, 3<sup>rd</sup>, and 5<sup>th</sup> District Supervisors commence term on Dec. 7, 2020, and end term on Jan. 6, 2025.
  - Current 2<sup>nd</sup> and 4<sup>th</sup> District Supervisors end term on Jan. 2, 2023.
  - 2<sup>nd</sup> and 4<sup>th</sup> District Supervisors elected in Nov. 2022 follow new charter provision.

# Election of Chair & Vice Chair

## Board of Supervisors

- **Current Charter:** Two years and no provision pertaining to removal.
- **Proposed:** The BOS shall by ordinance provide for the appointment of the Chair and Vice Chair of the BOS and the removal of the Chair.

# Preamble

- The current Charter has no preamble.
- **Proposed:** We the People of San Bernardino County, do establish this charter to provide for more local control to serve the diverse communities of the largest geographic county in the United States by advancing freedom, equality, justice, health, safety, and prosperity with effective, transparent, accountable, innovative, and inclusive governance.

# Countywide Elective Officers

- The current Charter provides that the following officers are elective:
  - District Attorney (constitutionally required)
  - Sheriff (constitutionally required)
  - Coroner
  - Public Administrator
  - Auditor-Controller
  - Treasurer
  - Tax Collector
  - Assessor (constitutionally required)
  - Recorder
- The Charter provides that the County Clerk is appointive.
- **Proposed:** Continue with status quo.

# Appointive County Officers

- **Current Charter:** Appointive County officers under the general laws are appointive under the charter.
- **Proposed:** The BOS shall appoint the Chief Executive Officer, the County Counsel, and the Clerk of the BOS. The CEO shall appoint all other appointive County officers, unless such authority is otherwise designated by state law, the Charter, or by ordinance. Such officers shall serve as established by state law, the Charter, or by ordinance.

# Board and Commissions

- **Proposed:** The Board of Supervisors may establish, by ordinance, boards and commissions.

# Other New Provisions

- **Responsibilities of Public Office.** The Board of Supervisor shall describe, by ordinance, the public service obligations of County officers and employees.
- **Training of Elected Officers and Employees.** The Board of Supervisors shall establish, by ordinance, training requirements pertaining to ethics, the prohibition of discrimination and harassment, the prohibition of nepotism, and other areas pertinent to public service.

# Other New Provisions

- **Charter Review.** The Board of Supervisors shall establish, by ordinance, a Charter review committee.
- **Referendum of Ordinances.** Describes that ordinances not otherwise exempt under the general laws are subject to referendum prior to their effective date.
- **County Code Review Process.** The BOS shall, by ordinance, establish a procedure for the review of the County Code on a periodic basis for purposes of efficiency and effectiveness.

# Other New Provisions

- **Personnel System.** The Board of Supervisors shall, by ordinance, establish a personnel system.
- **Limitation on Exercise of Eminent Domain.** Describes eminent domain prohibition on transfer of condemned property to a private party without the consent of the condemned property's owner.
- **Rules of Order.** The Board of Supervisors [may or shall], by ordinance or policy, establish rules of order for the meetings of the Board of Supervisors.

# Routine Provisions

- **County Powers.** Describes the powers exercised by the County.
- **County Authority.** Describes the authority of the Board of Supervisors, its agents and officers who may exercise County powers.
- **County Name.** Describes the County's official name and its use; affirms the County's boundaries and seat.

# THANK YOU

