

RESOLUTION NO. 2020-126

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO CALLING AN ELECTION ON THE INITIATIVE PETITION/MEASURE ENTITLED “THE SAN BERNARDINO COUNTY SUPERVISOR COMPENSATION REDUCTION AND TERM LIMITS.”

On Tuesday June 23, 2020, on motion of Supervisor Gonzales, duly seconded by Supervisor Lovingood and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

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 limitations that apply to the office; and

WHEREAS, on March 20, 2020, the Initiative Petition/Measure entitled “The San Bernardino County Supervisor Compensation Reduction and Term Limits” was filed with the County of San Bernardino Registrar of Voters; and

WHEREAS, 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 the Certification of Initiative Petition/Measure to the Board of Supervisors; and

WHEREAS, pursuant to Elections Code section 9118, the Board of Supervisors is required to 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, on May 19, 2020, pursuant to Elections Code section 9111, the Board of Supervisors directed staff to determine how the ordinance, if adopted by the voters, would affect the appointments to boards of outside agencies and to determine other unintended consequences and report back on June 9, 2020; and

WHEREAS, on June 9, 2020, the Board of Supervisors decided to submit the ordinance, without alteration, to the voters pursuant to Elections Code section 1405 on November 3, 2020;

NOW, THEREFORE, BE IT RESOLVED by the San Bernardino County Board of Supervisors as follows:

SECTION 1. An election shall be conducted on November 3, 2020, to submit to the voters a Measure to adopt an ordinance entitled “The San Bernardino County Supervisor Compensation Reduction and Term Limits.” Said ordinance is attached hereto as Exhibit “A.”

SECTION 2. Measure “___” to be submitted to the voters shall be as follows:

<p>Measure “___” THE SAN BERNARDINO COUNTY SUPERVISOR COMPENSATION REDUCTION AND TERM LIMITS.</p> <p>Shall the measure entitled “The San Bernardino County Supervisor Compensation Reduction and Term Limits” that will amend the County Charter to impose a term limit of one term for all Districts beginning December of 2020 and reduce the total compensation for each member of the Board of Supervisors to \$5,000 per month be adopted?</p>	YES	
	NO	

SECTION 3. Measure “_____” shall go into effect only if approved by a majority of the qualified voters voting in an election to be held on November 3, 2020, and shall become effective ten (10) days after the Board of Supervisors has, by Resolution, declared that such Measure was approved by a majority of the voters voting thereon.

SECTION 4. The San Bernardino County Board of Supervisors hereby order that the election on this Measure be consolidated with any and all elections in the same territory to be conducted on November 3, 2020.

SECTION 5. The election will be held and conducted by the San Bernardino County Registrar of Voters as required by Federal and State law and all of the proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating the election with which this election is consolidated.

SECTION 6. The Clerk of the Board of Supervisors is hereby instructed to file a certified copy of this Resolution with the San Bernardino County Registrar of Voters.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Bernardino, State of California, by the following vote:

AYES: SUPERVISORS: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

* * * * *

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, LYNNA MONELL, Clerk of the Board of Supervisors of the County of San Bernardino, State of California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of June 23, 2020. #42 LA

LYNNA MONELL
Clerk of the Board of Supervisors

By _____
Deputy

EXHIBIT A

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.