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ORDINANCE NO. 4183

AN ORDINANCE OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, PROPOSING COUNTY CHARTER AMENDMENT NUMBER FORTY TO THE CHARTER OF THE COUNTY OF SAN BERNARDINO; CALLING AN ELECTION THEREON; CONSOLIDATING SAID ELECTION WITH THE GENERAL ELECTION; PROCLAIMING SUCH ELECTION; GIVING NOTICE OF FINAL DATES FOR SUBMISSION OF ARGUMENTS.

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

SECTION 1.

WHEREAS, the County of San Bernardino, State of California, at all times herein mentioned has been and now is a body politic and corporate of the State of California and is now and has been since April 7, 1913, organized and acting under and by virtue of a Charter adopted under and pursuant to then section 7-1/2 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; and,

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

WHEREAS, the Board of Supervisors desires to place before the voters a Charter amendment to enact a permanent cap on compensation and mandatory transparency for members of the County Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of San Bernardino, State of California, pursuant to the provisions of section 3 of article XI of the Constitution of the State of California and of Chapter 5, Division 1, Title 3 of the Government Code (commencing with section 23700), that the Charter of the County of San Bernardino shall be amended by an amendment to be known as County Charter Amendment Number Forty.

1 BE IT FURTHER RESOLVED that the aforesaid proposed Charter amendment shall
2 be submitted to the electors of the County of San Bernardino at a special election to be held and
3 conducted on November 6, 2012, and that the polls shall be open from the hour of 7:00 a.m. to
4 8:00 p.m. on said Election Day. It is further ordered that said election be, and it is, hereby
5 consolidated with the General Election to be held on said day, and all precincts established, and all
6 election officers appointed, for said Consolidated Election shall be the precincts and election
7 officers for said special election, and said election officers shall conduct said election and make
8 return thereof according to law.

9 BE IT FURTHER RESOLVED that said proposed amendment be submitted as a
10 proposition on the ballot at the said Consolidated Election, and that the Registrar of Voters be, and
11 is hereby instructed to place the same on the ballot at said election in the following form:
12

13 COUNTY CHARTER AMENDMENT
14 CHARTER AMENDMENT NUMBER FORTY
15 OF THE COUNTY OF SAN BERNARDINO
16 TO ENACT A PERMANENT CAP ON COMPENSATION AND MANDATORY TRANSPARENCY
FOR MEMBERS OF THE COUNTY BOARD OF SUPERVISORS

17 Proposal submitted by the Board of Supervisors of the County of San Bernardino,
18 State of California, to amend the Charter of the County of San Bernardino as follows:

19 "Shall the Charter of the County of San Bernardino be amended to enact a
20 permanent cap on compensation and mandatory transparency for members of the County Board of
21 Supervisors?"

22 BE IT FURTHER RESOLVED that copies of the specific language of the proposed
23 County Charter Amendment Number Forty, as set forth in Attachment "A" hereto, be placed on file
24 and made available for public inspection in the offices of the County Clerk, the Registrar of Voters,
25 and the Clerk of the Board of Supervisors.


26 BE IT FURTHER RESOLVED that notice be, and it hereby is, given that the final
27 date for submission to the Registrar of Voters of arguments, not to exceed 300 words in length, for
28 or against the proposed Charter Amendment shall be August 23, 2012 and that such arguments

1 shall be submitted to the Registrar at the Office of the Registrar, 777 East Rialto Avenue, San
2 Bernardino, California, no later than 5:00 p.m. on said day. Rebuttal arguments not to exceed 250
3 words in length may be submitted to the Registrar at the above address no later than 5:00 p.m. on
4 August 31, 2012. All arguments and rebuttals submitted must be accompanied by a form
5 statement, signed by each author of the argument or rebuttal, which conforms to the provisions of
6 Elections Code section 9600.

7
8 BE IT FURTHER RESOLVED that a proclamation of election is hereby issued on
9 the said election and the proposition to be voted on in accordance with the terms hereinabove
10 stated.

11 BE IT FURTHER RESOLVED that pursuant to Article 11, section 3(d) of the
12 California Constitution, if provisions of two or more charter amendment measures approved at the
13 same election conflict, those of the measure receiving the highest affirmative vote shall prevail.

14 SECTION 2. This ordinance shall take effect immediately pursuant to the provisions
15 of section 25123 of the Government Code.

16 
17 **JOSIE GONZALES, Chair**
18 **Board of Supervisors**

19 SIGNED AND CERTIFIED THAT A COPY
20 OF THIS DOCUMENT HAS BEEN DELIVERED
21 TO THE CHAIRMAN OF THE BOARD

22 
23 **LAURA H. WELCH, Clerk of the**
24 **Board of Supervisors**

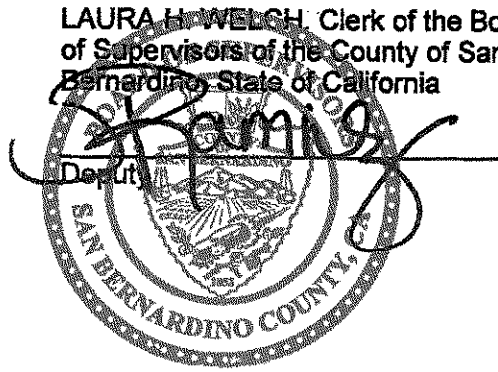
25 STATE OF CALIFORNIA)
26) ss.
27 COUNTY OF SAN BERNARDINO)

28 I, LAURA H. WELCH, Clerk of the Board of Supervisors of the County of San Bernardino, State of California, hereby certify that at a regular meeting of the Board of Supervisors of said County and State, held on the 7th day of August, 2012, at which meeting were present Supervisors: Mitzelfelt, Rutherford, Derry, Ovitt, Gonzales and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to wit:

AYES: SUPERVISORS: Mitzelfelt, Rutherford, Derry, Ovitt, Gonzales
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None

1
2 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of
the Board of Supervisors this 7th day of August, 2012.

3 LAURA H. WELCH, Clerk of the Board
4 of Supervisors of the County of San
Bernardino, State of California



5
6 Approved as to Form:

7 JEAN-RENE BASLE, County Counsel

8
9 By:


10 W. ANDREW HARTZELL
Principal Assistant County Counsel

11 Date:
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1 ATTACHMENT "A"
2 PROPOSED COUNTY CHARTER AMENDMENT NUMBER
3 FORTY TO ENACT A PERMANENT CAP ON COMPENSATION AND MANDATORY
4 TRANSPARENCY FOR MEMBERS OF THE COUNTY BOARD OF SUPERVISORS

5 The Charter of the County of San Bernardino, State of California is amended as
6 follows.

7 Section 1 of Article VI is amended, to read:

8 SECTION 1. The annual compensation (including salary and benefits) of
9 members of the Board of Supervisors, shall be set by, but shall never exceed, the average of the
10 compensation payable to members of the Board of Supervisors in the following comparison
11 California Counties: Riverside, Orange, and San Diego. For purposes of this section,
12 "compensation" shall be defined as all salary paid, and the amount of all benefits payable to the
13 Board member or payable on behalf of the Board member, but compensation shall not include
14 amounts a county is otherwise legally obligated to pay to third parties, including but not limited to
15 employer contributions to a defined benefit retirement system, Medicare, workers compensation or
16 Social Security, and reimbursement for reasonable and necessary business expenses.
17 Compensation shall be set as follows: On December 1, 2013, compensation to be paid to
18 members of the Board of Supervisors shall initially be established based on a survey of the
19 compensation payable to members of the Board of Supervisors in the comparison counties. If the
20 compensation paid to members of the Board of Supervisors is greater than the average
21 compensation payable to Board members in comparison counties, salary shall be reduced such
22 that compensation is within the comparison amount. If the compensation paid to members of the
23 Board of Supervisors is less than the average compensation payable to Board members in the
24 comparison counties, salary shall be increased such that compensation does not exceed average
25 compensation payable in the comparison counties. Thereafter, compensation shall be recomputed
26 every four years on December 1 based on a new survey of the compensation then payable to
27 members of the Board of Supervisors in the comparison counties. Notwithstanding the foregoing,
28 no member of the Board of Supervisors shall have the member's compensation reduced during
their current term of office.

1 Commencing December 1, 2013, the maximum salary and benefits that every
2 County elected official is eligible to receive shall be posted on the County website.

3
4 The annual salaries of elected County Officials, excepting that of Superintendent of
5 County Schools and other than members of the Board of Supervisors, shall be set by, but shall
6 never exceed, the average of the salaries paid to corresponding officials in the following California
7 Counties: Riverside, Kern, San Diego, Orange and Ventura. The salaries shall be computed each
8 year on December 1 as follows: On December 1, 1985, 70% of the average, on December 1,
9 1986, 80% of the average, on December 1, 1987, 90% of the average, and on December 1, 1988,
10 and thereafter, 100% of the average; provided, however, that on December 1, 1989, and each
11 December 1 thereafter, regardless of the amount of increase in the average salaries from the other
12 counties, no increase shall exceed 4% of the annual salary of the elected official unless submitted
13 to and approved by the voters of the county at a county-wide election. Where no comparable
14 offices exist in a majority of named counties, the salary of the office shall be adjusted by the
15 average of the percentage adjustments of the other county officials governed by this section. No
16 provision of this amendment shall provide retroactive benefits. No salary adjustment shall be
17 made on December 1, 1985, for any elected official whose salary has been adjusted since
18 November 7, 1978, but such salaries shall be adjusted thereafter in accordance with this section.
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