

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The County Counsel has prepared the following title and summary of the chief purpose and points of the proposed measure:

COMPENSATION LIMITS AND BUDGET REDUCTIONS FOR MEMBERS OF THE COUNTY BOARD OF SUPERVISORS. INITIATIVE CHARTER AMENDMENT.

Changes the elected office of County Supervisor to a part-time position. Establishes the maximum monthly compensation for the office of County Supervisor to a total amount of \$5,000 plus a cost of living adjustment not to exceed 5% annually. Cost to the County of all County Supervisor benefits, including but not limited to, salary, health insurance, life insurance, leave, retirement, memberships, portable communication devices, and vehicle allowances shall be included in the \$5,000. Establishes a maximum total annual budget for each Member of the Board of Supervisors at an amount not to exceed five (5) times the annual compensation amount for each Member. Limits retirement benefits for the position of County Supervisor to that of regular, non-sworn-peace officer, County employees. Eliminates the participation by any County Supervisor in the County's 401(k), 401(a), or 457(b) Plan.

NOTICE OF INTENT TO CIRCULATE PETITION

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the County of San Bernardino for the purpose of amending the County Charter of the County of San Bernardino. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

Statement of Reasons

In 2005 the San Bernardino County Board of Supervisors sponsored Measure P, marketing it as "term limits" when in fact it raised supervisors' salary by fifty percent over two years. The measure only limited terms to 12 years beyond any terms the members had already served or were currently serving.

Upon approval of Measure P, Board members then voted to give themselves a substantial increase in benefits, including the option of a county-paid health insurance policy that exceeded \$25,000 per year. Board members also participate in multiple county-paid retirement plans and are given a substantial automobile and communication device allowance, further increasing their total compensation package and cost to the taxpayers.

During the several-year period in which the Board members facilitated substantial increases to their own compensation packages, they consistently reduced the amount of times each year they meet to deliberate over the People's business and listen to the People's concerns in open forum. They have now limited their number of meetings to 27 out of 52 weeks per year. In other words, they are meeting approximately half of the year while receiving full-time compensation.

In November 2010, the Board of Supervisors created by ordinance, without voter approval, the non-elected position of "County Executive Officer" whose powers and authority far exceed that of the former "County Administrative Officer" position, thus reducing their own scope of authority. As part of that ordinance, the Board also included a "non-interference" clause, limiting their ability to act on behalf of their constituents if the County Executive Officer or his designees act in detriment to a member of the public. The contract for this non-elected "County Executive Officer" includes language requiring a 4/5th vote to terminate his employment and allows termination only under a very narrow set of circumstances usually reserved for elected officials guilty of malfeasance in office.

The Board of Supervisors has continually increased the number of members of their personal staffs and has rewarded them with highly paid contracts, some of which approach \$225,000 in salary and benefits. The total cost to taxpayers for the salary and benefits of these staff members now exceeds \$6 million per year.


Members of the Board of Supervisors have used taxpayer funds to lease for themselves top-of-the-line vehicles and lavish office space for district offices. Taxpayers have been burdened with multi-million dollar office remodels. Car insurance policies, vehicle maintenance, and fuel have been purchased or completed at taxpayer expense so that the supervisors and their

families can drive county-owned vehicles out of the country and/or out of state while on vacation.

The San Bernardino County Board of Supervisors has violated the trust placed in its members by the voters to act on behalf of the residents in a fiscally responsible manner. Board members have proven they require a higher level of oversight and restrictions placed upon them by the residents of San Bernardino County.

The only way to achieve these goals is to amend the County Charter to provide for . . .

Signed:


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**Petition for Submission to Voters of Proposed Amendment
to the Charter of the County of San Bernardino:**

The proposed Charter Amendment reads as follows:

**The San Bernardino County
Elected Officials Pay Reduction Act**

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

SECTION 1. Statement of the People's Intent

(a)The People of the County of San Bernardino [the People] recognize that the San Bernardino County Board of Supervisors meeting schedule is governed by the San Bernardino County Code Chapter 1, Section 12.0101, Rule 1, which reads: "Regular meetings of the Board of Supervisors of the County of San Bernardino shall generally be held on Tuesdays at 9:00 a.m. Meetings will not be held on Tuesdays when the preceding Monday is a legal holiday. All meeting dates shall be determined by an annual meeting calendar, as adopted and amended by the Board of Supervisors each year."

(b)The People of the County of San Bernardino further recognize that the above-quoted code section allows for the San Bernardino County Board of Supervisors to meet up to 42 times per calendar year for regularly-scheduled sessions.

(c)The People of the County of San Bernardino, pursuant to the calendar adopted by the Board Supervisors for each of the past two calendar years, find that the San Bernardino County Board of Supervisors has elected to hold regular meetings only 27 times

throughout each calendar year, thus limiting the citizens the ability to publicly address the Board on matters of public concern.

(d) Additionally, the San Bernardino County Board of Supervisors sponsored a Charter Amendment to provide themselves with a fifty percent increase in salary over a two-year period, marketing it as "term limits."

(e) Upon passage of the above Charter Amendment, the San Bernardino County Board of Supervisors passed a county ordinance increasing each of its member's benefit package by another \$25,000 per year.

(f) On November 16, 2010, the San Bernardino County Board of Supervisors passed Ordinance No. ____ to delegate many important aspects of their authority to an unelected County Executive Officer with little oversight and added a non-interference provision limiting their ability to resolve issues on behalf of their constituents.

(g) Finally, despite a serious countywide economic downturn, the San Bernardino County Board of Supervisors has maintained a large and highly paid staff whose salaries and benefits will exceed \$6 million in 2011. Chiefs of Staff exceed annual salaries and benefits of \$200,000 and at least one secretary's total compensation package exceeds \$100,000.

(h) The People oppose the San Bernardino County Board of Supervisors' ability to financially enrich themselves and their personal staff members while at the same reducing their authority and responsibilities without a vote by the People.

(i) The People believe that the members of the San Bernardino County Board of Supervisors should receive compensation commensurate with the service they have provided to the People and that the People should determine their total compensation package.

(j) The People recognize that the members of the San Bernardino County Board of Supervisors require an adequate level of support staff to assist them in serving the People and through this Charter Amendment provide funding equal to or greater than members of the California Legislature.

(k) The People intend the following Measure to amend the Charter of the County of San Bernardino, as follows:

SECTION 2. The Charter of the County of San Bernardino is Amended to Read as Follows:

ARTICLE I, SECTION 1: ELECTION OF BOARD OF SUPERVISORS BY DISTRICT

SECTION 1. The Board of Supervisors shall consist of five members, one from each supervisorial district. The Supervisors shall be nominated and elected at the time

and in the manner provided by general laws, except that provided that each supervisor shall be elected by the electors of such district and not by the electors of the County at large. The position of County Supervisor shall be considered a part-time position.

“Part-time” is defined as attending a minimum of two regular board meetings per month. Members may hold full-time employment and must comply with economic disclosure requirements as set forth in the County Code and the California Government Code, as required.

ARTICLE VI: COUNTY ELECTED OFFICIALS' SALARIES

~~SECTION 1. The annual salaries of elected County Officials, excepting that of Superintendent of County Schools and other than members of the Board of Supervisors, shall be set by, but shall never exceed, the average of the salaries paid corresponding officials in the following California Counties: Riverside, Kern, San Diego, Orange and Ventura. The salaries shall be computed each year on December 1 as follows: On December 1, 1985, 70% of the average, on December 1, 1986, 80% of the average, on December 1, 1987, 90% of the average, and on December 1, 1988, and thereafter, 100% 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% of the annual salary of the elected official 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 officials 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 this section.~~

~~The annual salaries of members of the Board of Supervisors shall be set by, but shall never exceed, the average of the salaries paid members of the Board of Supervisors in the following California Counties: Riverside, Orange, San Diego and Los Angeles. Commencing December 1, 2006, the salaries of the members of the Board of Supervisors shall be 90% of the average of the representative Counties. On December 1, 2007, the salaries of the members of the Board of Supervisors shall be 95% of the average of the representative Counties. On December 1, 2008, and thereafter, salaries of the members of the Board of Supervisors shall be 100% of the average of the representative Counties. The salaries shall be adjusted at such times as the representative Counties are adjusted. Commencing January 1, 2007, the Chair of the Board of Supervisors shall be paid a differential equal to 7.5% of the salary of a Board member in recognition of the additional duties of that office.~~

SECTION 1. 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 communication devices, and vehicle allowances. This compensation amount shall be in full compensation for all services by the respective member of the Board of Supervisors.

Annually, the compensation of Supervisors shall be increased by the percentage of increase in the cost of living, to be determined by the County Auditor-Controller as of November 1st of each year as shown in the Bureau of Labor Statistics Consumer Price Index for the Los Angeles Region, not to exceed five percent (5%) per year, provided that such adjustments shall be rounded to the nearest \$100. Any amount of increase in the cost of living in excess of five percent (5%) may be accumulated and applied to increase in salary in future years.

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

SECTION 2. The compensation amount provided in Article VI, Section 1 shall not include amounts deemed to be mandatory employer contributions and/or payments under state or federal law, including, but not limited to, contributions for social security, workers' compensation, unemployment insurance, Public Employee Retirement System, and reimbursement for actual expenses.

SECTION 3. ARTICLE I, SECTION 10 is Added to the Charter of the County of San Bernardino as Follows:

ARTICLE I, SECTION 10: BOARD OF SUPERVISORS BUDGET

The total annual budget for each Member of the Board of Supervisors, including, but not limited to, all office operations, and including staff member salaries, office equipment, rent, vehicle allowances, credit cards, health insurance, life insurance, leave, retirement, memberships, and portable communication devices shall not exceed five (5) times the annual compensation amount for each Member as provided in Article VI, Section 1 of this Charter. Compensation for each member of the Board of Supervisors shall be separate and apart from the foregoing amount.

At no time shall any County resources be directed to supplant this provision through any other county department or division including the County Administrative Office.

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

SECTION 4. ARTICLE VI, SECTION 6 is Added to the Charter of the County of San Bernardino as Follows:

ARTICLE VI, SECTION 6: RETIREMENT BENEFITS OF MEMBERS OF THE BOARD OF SUPERVISORS

SECTION 6. Upon the commencement of the next regular individual respective term of each member of the Board of Supervisors, each member of the Board of Supervisors shall thereafter be limited to annual retirement pension benefits of regular, non-sworn- peace officer, County employees. Any supplemental retirement allowance and/or contribution on behalf of the respective Supervisors is hereby eliminated, including, but not limited to, participation in the County's 401(k) and 401(a) retirement plans; participation in the County's 457(b) plan is eliminated; and any matching payment(s) on behalf of any or all of the Supervisors by the County.

For each member of the Board of Supervisors who is a participant in the County retirement system and/or any successor retirement system ("retirement system"), the

earnable compensation amount used to calculate the relevant pension formula shall consist of wages derived from the respective Supervisor's hourly rate equivalent. All other forms of compensation, including, but not limited to, automobile allowance, health benefits, insurance, portable communication device allowance, and leave accrual cash-outs shall be excluded.

The Board of Supervisors shall not take any action, by ordinance, resolution, or otherwise, which increases the retirement benefits of members of the Board of Supervisors, with the exception of statutorily-established cost of living adjustments, without first obtaining the approval of a majority of those qualified electors voting on the matter.

Prior to placement of any proposed increased benefits on the ballot, the retirement system shall prepare, or have prepared on its behalf, an actuarial study of the cost and the funded and unfunded actuarial accrued liability attributable to the retirement benefit changes proposed by the amendment. Such actuarial study shall be available to the public and a summary of the actuarial study shall be published in the ballot pamphlet.

SECTION 5: EFFECTIVE DATE

To the extent permitted by law, the provisions of this Charter Amendment shall be effective upon the commencement of the next regular individual respective term of each member of the Board of Supervisors.

SECTION 6. 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 the word or 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 of it, irrespective of the fact that any other condition, word or application to any situation, be held invalid.

SECTION 7. DETERMINING CONSISTENCY

To ensure that our intent 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.

SECTION 8. CONFLICTING MEASURES

If any other 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 subject matter.

■ **END OF MEASURE**