

1 **ATTACHMENT "A"**  
2 **MEASURE "\_\_\_" TAXPAYER PROTECTION AND GOVERNMENT REFORM**

3 **Section I. Statement of Purpose**

4 The purpose of this measure is to prohibit the elected Board of Supervisors of  
5 San Bernardino County from increasing taxes without a vote of the people, prevent  
6 elected County Supervisors from voting to increase their salary, and facilitate effective  
7 representation in county government.

8 **Section II. Charter Amendment**

9 A. Article II of the Charter of San Bernardino County is hereby amended as  
10 follows (with new language underlined and repealed language in strikeout text):

11 **Article II: Board of Supervisors**

12 **Section 201. Governing Body.**

13 The Board of Supervisors is the governing body of San Bernardino County. The  
14 Board of Supervisors shall consist of five persons, hereafter identified as  
15 Members or Supervisors.

16 **Section 202. Election.**

17 Supervisors shall be elected by Supervisorial District. Each candidate for the  
18 office of County Supervisor shall be an elector in the District which the candidate  
19 seeks to represent and shall be elected by the electors of such District. Except  
20 as otherwise provided in this Charter, candidates shall be nominated and elected  
21 pursuant to the general law. The five Supervisorial Districts shall be apportioned  
22 by ordinance pursuant to the general law and this Charter. A County Supervisor  
23 must reside in his or her District during the Supervisor's incumbency.

24 **Section 203. Term of Office.**

25 At each general election, there shall be elected two or three Supervisors, as the  
26 case may be, for a term of four years beginning at noon on the first Monday after  
27 the first day of January next following their election and ending at noon on the  
28 first Monday after the first day of January 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.

However, the term for the County Supervisors elected from the First, Third, and  
Fifth Supervisorial Districts on either March 3, 2020, or November 3, 2020, shall  
~~commence at noon on Monday, December 7, 2020, and end at noon on~~  
Monday, January 6, 2025. The term for the County Supervisors elected from the  
Second and Fourth Supervisorial Districts on either June 5, 2018, or November  
6, 2018, shall end at noon on Monday, January 2, 2023.

1                   **Section 204. Term Limits.**

2                   No person may serve for more than three terms as County Supervisor,  
3                   regardless of the District represented. For the First, Third, and Fifth Supervisorial  
4                   Districts, any term or portion of a term served prior to noon on Monday, January  
5                   6, 2025, shall not count toward the term limit. For the Second and Fourth  
6                   Supervisorial Districts, any term or portion of a term served prior to noon on  
7                   Monday, January 2, 2023, shall not count toward the term limit. For the First,  
8                   Third and Fifth Supervisorial Districts, after noon on Monday, January 6, 2025,  
9                   and for the Second and Fourth Supervisorial Districts, after noon on Monday,  
10                  January 2, 2023, any~~Any~~ County Supervisor who serves more than one-half of a  
11                  term, either through election or appointment, shall be deemed for purposes of  
12                  this section to have served a full term. For the First, Third and Fifth Supervisorial  
13                  Districts, after noon on Monday, January 6, 2025, and for the Second and Fourth  
14                  Supervisorial Districts, after noon on Monday, January 2, 2023, any~~Any~~ County  
15                  Supervisor who resigns or is removed from office with less than one-half of a  
16                  term remaining shall be deemed for purposes of this section to have served a full  
17                  term. ~~This section shall only apply to those Supervisors who are first elected to~~  
18                  ~~the Board of Supervisors after the effective date of this section, and who have~~  
19                  ~~not previously served on the Board of Supervisors. Members of the Board of~~  
20                  ~~Supervisors who were elected before the effective date of this section may serve~~  
21                  ~~only the number of terms allowed at the time of the last election before the~~  
22                  ~~effective date of this section.~~

14                   **Section 205. Chair and Vice Chair of the Board of Supervisors.**

15                   The Board of Supervisors shall elect from among its Members a Chair and a Vice  
16                   Chair of the Board of Supervisors. The election, term of office, duties, and  
17                   removal of the Chair and Vice Chair shall be provided for by ordinance,  
18                   resolution, or policy of the Board of Supervisors.

17                   **Section 206. Powers and Duties of the Board of Supervisors.**

18                   The Board of Supervisors has all the powers granted to it by the Constitution of  
19                   California, the general law, and this Charter. The Board of Supervisors shall  
20                   exercise such powers and perform such duties as are required by the  
21                   Constitution of California, this Charter, and ordinance, and by the general law  
22                   except as otherwise provided in the Constitution of California, this Charter, and  
23                   any ordinance adopted pursuant to this Charter.

24                   Given the size and complexity of San Bernardino County, the elected office of  
25                   County Supervisor is recognized as a position that requires a considerable  
26                   investment of time and due diligence from Board Members in order to effectively  
27                   fulfill their duties in service to the public. These duties include but are not limited  
28                   to: ensuring fiscal responsibility; representing the interest of the public during  
                    public meetings and hearings of the Board of Supervisors; 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. The elected position of County Supervisor  
                    requires Supervisors to be responsive to the needs of the public on a 24 hours a  
                    day, seven days a week basis.

1 Furthermore, Members of the Board of Supervisors also have duties with respect  
2 to, and must attend the meetings of, many other public entities and other entities.  
3 Each member of the Board of Supervisors shall serve on such public entity or  
4 other entity governing boards, commissions and committees, as designated by or  
5 appointed in accordance with, and perform such duties as are required by, the  
6 Constitution of California, this Charter, general law, ordinance, or contract, as  
7 may be amended from time to time. Such public entities and other entity  
8 governing boards, commissions, and committees include, without limitation, as of  
9 August 1, 2022 ~~July 28, 2020~~, the following:

- 10 • Agua Mansa Industrial Growth Association
- 11 • Arrowhead Regional Medical Center Joint Conference Committee
- 12 • Behavioral Health Commission
- 13 • Big Bear Area Regional Wastewater Agency
- 14 • Big Bear Valley Recreation and Park District
- 15 • Bloomington Recreation and Park District
- 16 • Board of Supervisors Governed County Service Areas
- 17 • CAL-ID Remote Access Network Board
- 18 • California State Association of Counties
- 19 • Children and Families Commission (First 5)
- 20 • Children's Policy Council
- 21 • Crafton Hills Open Space Conservancy
- 22 • Head Start Shared Governance Board
- 23 • ~~High Desert Corridor Joint Powers Authority~~
- 24 • Indian Gaming Local Benefit Committee
- 25 • Indian Wells Valley Groundwater Authority
- 26 • In-Home Supportive Services Public Authority
- 27 • Inland Counties Emergency Medical Agency
- 28 • Inland Empire Economic Partnership
- Inland Empire Health Plan

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- 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
- 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 International Airport 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

- 1 • Solid Waste Advisory Taskforce
- 2 • South Coast Air Quality Management District
- 3 • Southern California Associated Governments
- 4 • Southern California Water Coalition
- 5 • Successor Agency to the San Bernardino County Redevelopment Agency
- 6 • Upper Santa Ana River Washland Management and Habitat Conservation
- 7 Plan Taskforce
- 8 • Urban Counties Caucus
- 9 • Victor Valley Economic Development Authority
- 10 • Victor Valley Transit Authority
- 11 • Victor Valley Wastewater Reclamation Authority
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13 **Section 207. Limitations on Taxing Authority.**

14 Any tax increase passed by the Board of Supervisors must be approved by a  
 15 4/5's vote of the Board of Supervisors and be placed on the ballot at the next  
 16 available statewide general election, following the timelines in the Elections  
 17 Code, for approval by qualified voters. Additionally, the Board of Supervisors,  
 18 when acting as the governing body of a Board-governed Special District, the San  
 19 Bernardino County Fire Protection District, or the San Bernardino County Flood  
 20 Control District must approve any tax increase by a 4/5's vote and place the tax  
 21 increase on the ballot at the next available statewide general election, under the  
 22 timelines in the Elections Code, for approval by qualified voters. If a tax is  
 23 proposed by property owners this section does not apply.

24 **Section 2087. Filling of Vacancies.**

25 If there is a vacancy in the office of County Supervisor, the remaining Members  
 26 of the Board of Supervisors shall within 60 days of the effective date of the  
 27 vacancy either appoint a replacement Supervisor or call a special election. The  
 28 appointee shall be from among the qualified electors of the Supervisorial District  
 in which such vacancy exists. Nomination and election of a Supervisor shall be  
 by district as provided in Section 202.

If the effective date of the appointment is no less than 130 days from the  
 statewide general election in November of an even-numbered mid-term year of  
 the vacant office, the appointment is provisional to the first Monday after the first  
 day of January next following the election. When making the appointment, the  
 remaining Members of the Board of Supervisors shall call for a special election  
 for this office for the remaining term and shall order the special election to be  
 consolidated with such statewide general election. The special election shall be

1 a single-winner election. The candidate receiving the highest number of votes is  
2 elected.

3 If the effective date of the appointment is less than 130 days from the statewide  
4 general election in November of an even-numbered mid-term year of the vacant  
5 office, then the appointee shall serve the remainder of the term of the office.

6 If the remaining Members of the Board of Supervisors do not make an  
7 appointment and instead call a special election, the special election shall be held  
8 on the next established election date, as defined in Division 1 (commencing with  
9 Section 1000) of the Elections Code, that is no less than 130 days from the date  
10 that the special election is called. When calling a special election to be held on  
11 the next established election date that is no less than 130 days from the date that  
12 the election is called, the remaining members of the Board of Supervisors may  
13 authorize the election to be conducted wholly by mail, provided that the special  
14 election is not held on the same date as a statewide primary or general election  
15 or is not consolidated, as defined in Elections Code section 10400, with any other  
16 election. The special election shall be a single-winner election. The candidate  
17 receiving the highest number of votes is elected.

18 If the remaining Members of the Board of Supervisors do not make an  
19 appointment or call a special election within 60 days of the effective date of the  
20 vacancy, then a special election shall be held to fill the vacancy. The special  
21 election shall be held on the next established election date, as defined in Division  
22 1 (commencing with Section 1000) of the Elections Code, that is no less than 130  
23 days from the 60th day after the effective date of the vacancy. In the discretion  
24 of the Register of Voters, the special election to be held on the next established  
25 election date that is no less than 130 days from the 60th day after the effective  
26 date of the vacancy may be conducted wholly by mail, provided that the special  
27 election is not held on the same date as a statewide primary or general election  
28 or is not consolidated, as defined in Elections Code section 10400, with any other  
election. The special election shall be a single-winner election. The candidate  
receiving the highest number of votes is elected.

If an election is required pursuant to this section and the date of such election as  
required by one of the preceding paragraphs of this section would be less than  
180 days from the statewide primary election applicable to the Supervisorial  
District as set forth in Section 203, then notwithstanding such preceding  
paragraph, the regular nomination and election process shall be followed  
pursuant to Sections 202, 203, and 204.

**Section 2098. Compensation of the Board of Supervisors.**

Members of the Board of Supervisors shall be paid an annual base salary that is  
equal to 80 percent of the annual base salary prescribed by law for Judges of the  
Superior Court of San Bernardino County, and shall be provided, to the extent  
legally permissible, the regular benefits that are offered to Exempt Group  
employees in the benefits category for department heads as provided by  
ordinance.

Thereafter, the annual base salary of the Members of the Board of Supervisors  
shall be changed at such times and in such percentages as changes made by  
law to the Judges of the Superior Court of San Bernardino County, except as  
otherwise provided in this paragraph. Any increase in the salary of the Members

1 of the Board of Supervisors pursuant to this paragraph shall only become  
2 effective after there has been an election for any member of the Board of  
3 Supervisors. ~~only if such increase is ratified pursuant to an ordinance that is~~  
4 ~~introduced at a noticed public hearing and is thereafter approved. The Board of~~  
5 ~~Supervisors may approve a salary increase that is less than the amount~~  
6 ~~permitted under this paragraph.~~

7 Thereafter, the benefits provided to the Members of the Board of Supervisors  
8 shall be changed at such times and in such amounts as changes made to  
9 Exempt Group employees in the benefits category for department heads as  
10 provided by ordinance, except as otherwise provided in this paragraph. Any  
11 increase in the benefits of the Members of the Board of Supervisors pursuant to  
12 this paragraph shall only become effective after there has been an election for  
13 any member of the Board of Supervisors. ~~only if such increase is ratified~~  
14 ~~pursuant to an ordinance that is introduced at a noticed public hearing and is~~  
15 ~~thereafter approved. The Board of Supervisors may approve a benefit increase~~  
16 ~~that is less than the benefit increase permitted under this paragraph.~~

17 The salary and benefits that members of the Board of Supervisors are eligible to  
18 receive shall be posted on the County website and accessible from a link located  
19 on the home page of the County website.

20 ~~This section shall only apply to those Supervisors who are elected to the Board~~  
21 ~~of Supervisors after the effective date of this section.~~

#### 22 **Section 21009. Staff Members of the Board of Supervisors.**

23 The staff members of the Board of Supervisors shall serve in the unclassified  
24 service at the pleasure of the Board of Supervisors. The terms and conditions of  
25 employment of such staff members shall be established by contract approved by  
26 the Board of Supervisors. A contract for any such staff members may be  
27 terminated without cause, by the individual employing Supervisor or by action of  
28 the Board of Supervisors by four votes.

#### 29 **Section 2110. Removal of a Supervisor.**

30 Any Supervisor may be removed from office in the manner provided by law.

#### 31 **Section 2124. Rules of Order.**

32 The Board of Supervisors shall adopt by ordinance, from time to time, rules of  
33 order for the conduct of meetings of the Board of Supervisors.

### 34 **SECTION III. Information regarding Measure “K” which was approved by the voters** 35 **on November 3, 2020 but has not taken effect.**

- 36 A. Measure “K” was found unconstitutional by the San Bernardino County  
37 Superior Court in *Board of Supervisors v. Monell* (Case No.:  
38 CIVSB2025319). The case is currently on appeal and as of July 26, 2022,  
there is no final decision on the appeal.

- 1 B. Measure “K” seeks to amend the San Bernardino County Charter to  
2 include the following language:
  - 3 i. “At each general election, there shall be elected two or three  
4 supervisors, as the case may be, for a term of four years beginning at  
5 noon on the first Monday in December next following their election and  
6 ending at noon on the first Monday in December four years thereafter.  
7 Supervisors shall be elected from the First, Third, and Fifth  
8 Supervisorial Districts in those years in which a presidential election is  
9 held, and supervisors shall be elected from the Second and Fourth  
10 Supervisorial Districts in those years in which a gubernatorial election  
11 is held. No person shall be elected and qualified for the office of  
12 member of the Board of Supervisors if such person has been elected  
13 or served in such office for one term. This shall apply to all  
14 Supervisors of all Districts beginning in December 2020. The limitation  
15 on terms shall not apply to any unexpired term to which a person is  
16 elected or appointed if the remainder of the unexpired term to which a  
17 person is elected or appointed is less than one-half of the full four-year  
18 term of office.”
  - 19 ii. “The total compensation of each member of the Board of Supervisors  
20 shall be five thousand dollars (\$5,000.00) per month, which amount  
21 shall include the actual cost to the County of all benefits of whatever  
22 kind or nature including but not limited to salary, allowances, credit  
23 cards, health insurance, life insurance, leave, retirement,  
24 memberships, portable communications devices, and vehicle  
25 allowances. This compensation shall be in full compensation for all  
26 services by the respective member of the Board of Supervisors. The  
27 forgoing compensation provisions shall not be changed except by a  
28 vote of the people at the time of a general election.”
- C. If the proposed Charter Amendments in Section II of this Measure are approved, they would replace the provisions contained in Measure “K”.

**SECTION IV. Effective Date**

- A. To the extent permitted by law, the provision of these Charter Amendments shall be effective upon voter approval of the initiative as provided by California law.
- B. On the effective date of this measure as provided by California law (the “Effective Date”), all provision of this amendment are inserted into and become part of the San Bernardino County Code of Ordinances.
- C. No provision of the San Bernardino County Code of Ordinances that is inconsistent with this measure shall be enforced after the Effective Date.

**SECTION V. Severability**

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If any word or words of this 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 measure, and the application of any part of this measure to other situations, shall continue in full force and effect. We, the people of San Bernardino County, declare that we would have adopted this measure, and each word to it, irrespective of the fact that any other condition, word, or application to any situation, be held invalid.

**SECTION VI. 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 measure and shall be applied in accordance with their plain meaning, rather than according to any contrary provisions or interpretation of the Charter of San Bernardino County.
- B. Adoption of this 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 VII. Conflicting Measures**

If any measure, appearing on a future ballot, addresses the issues of Supervisor terms or Supervisor compensation, in a way that conflicts with the treatment of these subjects in this measure, and if that measure is approved by a majority vote of those voting on the measure, then Section 207 (on taxation) of the Charter of San Bernardino County will be repealed.

**SECTION VIII. Amendment**

No term or provision of this 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.