



Interoffice Memo

DATE: August 22, 2022

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County Counsel

TO: **MELISSA EICKMAN**
Public Information Manager
Elections Office of the Registrar of Voter

SUBJECT

**COUNTY COUNSEL IMPARTIAL ANALYSIS- INITIATIVE PETITION/MEASURE ENTITLED
"TAXPAYER PROTECTION AND GOVERNMENT REFORM" ELECTION TO BE HELD ON
NOVEMBER 8, 2022**

This Measure would amend the San Bernardino County Charter to add section 207 to Article II. Section 207 would require that before any tax increase could be imposed by the County (1) the Board of Supervisors (Board) must approve the proposed tax increase by a 4/5ths vote of the Board, and (2) the proposed tax increase must be placed on the ballot at the next statewide general election and approved by the voters. These requirements also apply when the Board is acting as the governing body of a Board-governed Special District, the San Bernardino County Fire Protection District or the San Bernardino County Flood Control District. If a tax is proposed by property owners these requirements do not apply.

This Measure would also amend Charter section 204 to revise the timing for the limit on Supervisors serving three four-year terms. Any term served prior to January 2, 2023 for the Second and Fourth Districts and prior to January 6, 2025 for the First, Third and Fifth Districts would not count for purposes of the term limits.

This Measure would amend Section 209 of Article II of the County Charter to state that any increase in salary for a Board member shall only become effective after there has been an election for any member of the Board. The County Charter sets the total compensation for each member of the Board at an annual base salary that is equal to 80% of the annual base salary received by Judges of the Superior Court of San Bernardino County, and provides, to the extent legally permissible, that the Supervisors receive the regular benefits that are offered to Exempt Group employees in the benefits category for department heads.

This Measure was placed on the ballot by an ordinance adopted by the San Bernardino County Board of Supervisors.

If the proposed Charter Amendments in this Measure are approved by the voters, they would replace the provisions in Measure "K". Measure "K," which was approved by the voters on November 3, 2020, was found unconstitutional by the San Bernardino Superior Court in Board v. Monell (Case No. CIVSB2025319). The Court's ruling has been appealed and as of August 22, 2022, there is no final decision on the appeal. Measure "K" would amend the County Charter to limit each Supervisor to one four-year term. Measure "K" would set total compensation for each Supervisor at \$5,000 per month. This compensation amount would include the actual cost to the County of all benefits including, but not limited to salary, allowances, credit cards, health


insurance, life insurance, leave, retirement, memberships, portable communication devices, and vehicle allowances.

A yes vote on this Measure requires that before any tax increase could be imposed by the County (1) the Board must approve the proposed tax increase by a 4/5ths vote, and (2) the proposed tax increase must be placed on the ballot for a vote. The Measure revises the timing for the limit on Supervisors serving three four-year terms and sets a Supervisor's salary equal to 80% of a Judge's salary, plus benefits.

A no vote on this Measure will keep the County Charter as it is currently written, including any voter approved amendments to the County Charter found constitutional by the courts.

The above statement is an impartial analysis of Ordinance No. 4441 and Measure D. If you desire a copy of the ordinance or measure, please call the elections official's office at (909) 387-8300 and a copy will be mailed at no cost to you.

TOM BUNTON
County Counsel



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