

CHARTER
of the
County of San Bernardino

As amended by Charter Amendments
Adopted through November 7, 2006

CHARTER

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CHARTER

CHARTER OF THE
COUNTY OF SAN BERNARDINO
State of California
INCLUDING CHARTER AMENDMENTS ADOPTED THROUGH NOVEMBER 1985

FOREWORD

'Even when laws have been written down, they ought not always to remain unaltered.'
- Aristotle.

The story of San Bernardino County's Charter before 1913 was the campaign for its adoption. The story after 1913 has been one of campaigns for its amendment.

The Charter was framed and adopted in accordance with provisions of Section 7 1/2 of Article XI of the Constitution of California. A board of fifteen freeholders was selected at a special election held May 14, 1912. Drawn up by this board, the Charter was presented to the County electors November 15, 1912. A majority favored adoption. Both houses of the State Legislature voted approval and the Charter was filed with the Secretary of State, April 7, 1913.

Since that time, 36 amendments to the original Charter have been proposed and 27 have been adopted by the voters. Those amendments which have been adopted are:

1. Approved by the Legislature January 30, 1915; published on Page 1726, Statutes and Amendments to the Codes, 1915; election of officers other than Supervisors.
2. Approved March 24, 1919; published on Page 1454, Statutes and Amendments to the Codes, 1919; addition of Article 2 1/2.
3. Approved January 29, 1923; published on Page 1294, Statutes and Amendments to the Codes, 1923; salary of Sheriff fixed.
5. Approved January 27, 1925; published on Page 1185, Statutes and Amendments to the Codes, 1925; traffic officers.
6. Approved January 18, 1927; copied in this book from a copy certified by the Secretary of State and filed in the office of the Clerk of the Board of Supervisors of this County; salaries fixed by Supervisors.
7. Approved January 6, 1943; amends Article I, Sections 1 and 2, election of Supervisors by district, rather than County-wide balloting.
8. Approved January 15, 1945; amends Article I, Section 10; provides salaries of Supervisors to be fixed by legislature.
9. Approved January 15, 1945; amends Article III, Section 1, provides number of officers in Class A Justice Court fixed by general law.
10. Approved January 15, 1945; amends Article VI, Section 1, Supervisors may suspend provision prohibiting wartime raise in compensation for elective officers.
12. Approved January 25, 1957 amends Article II, Section 9; establishes office of County Counsel.

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13. Approved January 25, 1957; amends Article II, Section 10; establishes office of Registrar of Voters.
17. Approved January 25, 1957; amends Article V, Section 2; provides filing of reports by County officers.
18. Approved January 25, 1957; amends Article V, Section 6; provides inspection of books of County and Judicial District Officers by Auditor.
19. Approved January 25, 1957; amends Article VII, Section 1; fixes compensation of elective officers.
20. Approved January 25, 1957; amends Article VII, Section 3; provides biweekly salary payment.
21. Approved January 25, 1957; adds Section 6 to Article 2 1/2; establishes County Board of Education.
22. Approved February 19, 1959; amends Section I to Article IV; establishes office of County Purchasing Agent.
23. Approved February 19, 1959; adds Section 4 1/2 to Article VII; provides for establishment of fixed benefit retirement system for employees ineligible for federal insurance.
24. Approved February 8, 1967; amends Article V relating to reports and accounts.
25. Approved March 15, 1971; amends Articles I, II, III, IV, and VII, and repeals Articles 2 1/2 and VI to eliminate obsolete and unnecessary language and renumber Charter provisions.
26. Approved March 15, 1971; adds Section 1.1 to Article II and repeals Sections 9 and 10 of Article II and Article IV to place all County department heads in the Unclassified Service.
28. Filed and operative December 26, 1974; repeals Section 6 of Article I and Sections 1 and 5 of Article VI, to eliminate obsolete and unnecessary language and bring Charter into conformity with the California Constitution.
29. Filed and operative December 26, 1974; repeals Section 1.1 of Article II and amends Sections 2, 5, and 10 of Article II to bring Charter into conformity with California Constitution and reflect and provide greater flexibility in the governmental structure and administration of the County.
30. Filed and operative May 2, 1979; adds Section 9 to Article I to provide procedures for and limitations on setting of salaries for supervisors. (Repealed by Amendment 36, filed and operative November 18, 1985).
31. Filed and operative May 2, 1979; adds an unnumbered section to Article VI (Miscellaneous) requiring any increase in compensation of county-elected officers to be approved by the voters. Initiative amendment. (Repealed by Amendment 36, filed and operative November 18, 1985).

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33. Filed and operative November 16, 1981; adds Section 3A to Article II to make office of County Clerk appointive rather than elective.
36. Filed and operative November 18, 1985; adds Section I to Article VI to provide procedures for and limitations on setting of salaries for elected officials. Section 9 of Article I is repealed; unnumbered initiative amendment in Article VI is repealed.
37. Filed and operative November 7, 2006; adds Section 5 of Article VI to limit eminent domain and protect property rights.
38. Filed and operative November 7, 2006; amends Section 2 of Article I to limit terms of office and amends Section 1 of Article VI to set salaries for Board of Supervisors.

CHARTER

ARTICLE I

BOARD OF SUPERVISORS

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.

ELECTION OF BOARD OF SUPERVISORS BY DISTRICT

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, commencing with a term of office that begins in December 2006. 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.

TERM OF BOARD OF SUPERVISORS

STAGGERED ELECTION OF SUPERVISORS

SECTION 3. The Board of Supervisors, and each supervisor, shall have and perform such powers and duties as are or shall be provided by general laws, except as otherwise provided in this Charter and not in conflict with the provisions hereof; and shall have and perform such other and further powers and duties as are or shall be provided for in this Charter.

GENERAL POWER OF BOARD OF SUPERVISORS

SECTION 4. At the first regular meeting of the Board of Supervisors after noon of the first day of January following an election of supervisors, the Board shall elect one of its members as Chairman of the Board to serve until noon of the first Monday after the first day in January two years thereafter.

ELECTION OF CHAIRMAN OF THE BOARD

SECTION 5. The Chairman of the Board of Supervisors shall be the general executive agent of the Board. It shall be his duty, subject to regulation and control by the Board, to exercise general supervision over the official conduct of all County officers and officers of all districts and other subdivisions of the County charged with the assessment, collection, safekeeping, management, or disbursement of public revenue; also over all County institutions, buildings and property. He shall report to the

DUTIES OF CHAIRMAN OF THE BOARD

CHARTER

Board from time to time with such recommendations as he shall deem proper. He shall devote his entire time during usual office hours to the duties of his office. He shall keep an office in the room or rooms where the Board usually meets, and shall be in attendance at such office during usual office hours, except when elsewhere engaged in the performance of his official duties.

SECTION 6. Repealed by Amendment 28 filed and operative December 26, 1974.

SECTION 7. A supervisor may be removed from office in the manner provided by law. Any vacancy in the office of supervisor will be filled by appointment by majority vote of the remaining members of the Board from amongst the qualified electors of the supervisorial district in which such vacancy exists. The appointee shall hold office until the election and qualification of his successor. An election shall be held to fill the vacancy for the unexpired term at the next general election unless the term expires on the first Monday of December next succeeding the election. Nomination and election of a supervisor for the unexpired term shall be by district in like manner as hereinbefore provided for such officer. In the event the Board of Supervisors shall not appoint to fill a vacancy within a 30-day period, such appointment shall be made by the Governor.

REMOVAL OF SUPERVISOR: FILLING OF VACANCY BY MEMBERS OF BOARD

SECTION 8. It shall be the duty of the Board of Supervisors by ordinance to insure that any elective officer required by general law to post individual bond shall do so and that any other County officers or employees required to be bonded shall be covered under a master bond.

BONDS OF COUNTY OFFICERS AND EMPLOYEES

Section 9 of Article I of the Charter is repealed.
The unnumbered initiative amendment in Article VI added by County Charter Amendment Number Thirty-one is repealed.

SECTION 9. Repealed by Amendment 36, filed and operative November 18, 1985.

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ARTICLE II

OTHER COUNTY OFFICERS

SECTION 1. The County officers other than supervisors shall be such officers as are required or authorized by the Constitution, this Charter, general law or by ordinance of the Board of Supervisors.

COUNTY OFFICERS OTHER THAN SUPERVISORS

SECTION 2. The Board of Supervisors may, by ordinance, consolidate any two or more County offices or may separate any offices now or hereafter consolidated. In the event of consolidation of an elective office with an appointive office, such consolidated office shall be filled in the same manner in which the elective office is filled.

BOARD OF SUPERVISORS CONSOLIDATING COUNTY OFFICES

SECTION 3. All County offices in this County, now or hereafter existing, other than the office of supervisor, that would under the general laws of this State be filled by election, if no County Charter had been adopted, are hereby declared to be and are made elective County offices and the incumbents thereof are declared to be and are made elective County officers, and all such elective County officers shall be elected at the general election at which the Governor is elected, and shall take office at twelve o'clock meridian on the first Monday after the first day of January next succeeding their election and shall hold office until their successors are elected or appointed and qualified, and all such elective County officers shall be nominated and elected in the manner provided by general laws for the nomination and election of such officers.

COUNTY OFFICES DEEMED ELECTIVE

WHEN COUNTY OFFICERS ELECTED

TERM OF OFFICE, NOMINATION AND ELECTION OF COUNTY OFFICER

SECTION 3A. Notwithstanding the provisions of Section 3 of this Article, the office of County Clerk shall be an appointive office to be filled and held in the same manner as set forth in Section 4.

OFFICE OF COUNTY CLERK

SECTION 4. All County offices in this County that would, under the general laws, be filled by appointment if no County Charter had been adopted, and all County offices hereafter created or existing in this County under or pursuant to general law, in which such general law a method of filling such offices by appointment is provided, are hereby declared to be and are made appointive County offices, and the incumbents thereof are declared to be and are made appointive County officers; and all such appointive County offices be respectively filled in the same manner, and by the same appointing body or person as is provided in such general laws, and such appointive County officer shall be appointed and hold office for the same time and upon the same conditions as to tenure of office and subject to the same right of removal as though such appointment had been made under such general laws provided nothing in this section contained shall be deemed to relate to the appointment of assistants, deputies, attaches, and other persons to be employed in such appointive offices.

COUNTY OFFICES DEEMED APPOINTIVE

FILLING OF APPOINTIVE COUNTY OFFICES

CHARTER

SECTION 5. The Board of Supervisors shall establish, where not otherwise expressly provided by law, the number, qualifications, powers and duties of all County officers and employees. Compensation of officers and employees shall be established by ordinance. All such officers and employees, except those designated by the Board of Supervisors by ordinance shall be in the Classified Service of the County and subject to Civil Service rules and regulations. Nothing herein shall be deemed to impinge upon any authority otherwise conferred by law upon an officer to appoint deputies. The appointment of any deputy must be made in writing and filed in the office of the County Clerk, and until such appointment is so made and filed, no one shall be or act as such deputy. Nothing herein contained shall be deemed to limit the authority of the Board of Supervisors to employ persons for positions in the Unclassified Service and to fix their compensation by contract.

BOARD OF SUPERVISORS SETS
STANDARDS FOR SUCH
EMPLOYEES

COMPENSATION OF COUNTY
OFFICERS AND EMPLOYEES

APPOINTMENT OF DEPUTY FILED
WITH COUNTY CLERK

SECTION 6. Any County officer other than supervisor may be removed from office in the manner provided by law; also any such officer may be removed by a four-fifths vote of the Board of Supervisors, for cause, after first serving upon such officer a written statement of alleged grounds for such removal, and giving him a reasonable opportunity to be heard in the way of explanation or defense.

NOTICE OF GROUNDS FOR
REMOVAL; DEFENSE

SECTION 7. Any vacancy in a County office other than that of supervisor, shall be filled by the Board of Supervisors by appointment for the unexpired term.

FILLING VACANCY IN COUNTY
OFFICE

SECTION 8. Repealed by Amendment #26, approved March 15, 1971.

SECTION 9. Repealed by Amendment #26, approved March 15, 1971.

SECTION 10. Each county officer shall be the appointing authority for all assistants, deputies, clerks, attaches and other persons employed or serving in his office, whenever a vacancy shall exist.

COUNTY OFFICER APPOINTING
ASSISTANTS

CHARTER

ARTICLE III

JUSTICE COURT OFFICERS

SECTION 1. There shall be one judge and one constable for each judicial district containing a justice court.

JUDGE AND CONSTABLE FOR JUSTICE COURT

SECTION 2. Justice Court judges and constables shall be nominated and elected at the times and in the manner and for the terms provided by general law. Vacancies in the office of judge or constable of a justice court shall be filled by majority vote of the Board of Supervisors for the unexpired term.

NOMINATING, ELECTING, FILLING VACANCIES IN JUSTICE COURT

SECTION 3. Compensation of justice court judges and constables shall be fixed by the Board of Supervisors and shall in every case be a fixed salary but such salary need not be uniform in the justice courts nor in proportion to population.

COMPENSATION OF JUSTICE COURT OFFICIALS

ARTICLE IV

Repealed by Amendment 26, approved March 15, 1971

CHARTER

ARTICLE V

REPORTS AND ACCOUNTS

SECTION 1. Each County officer or employee in charge of any office, department, service or institution of the County, each officer of a judicial district, each judge, or the clerk, secretary, or other administrative officer of each court of record and the executive head of each special district whose affairs and funds are under the supervision and control of the Board of Supervisors or for which the Board is ex-officio the governing body shall, within five days or within an extension of time allowed by the Board, after entering upon the discharge of the duties of his office, make and file with the Auditor a complete detailed inventory of all property belonging or pertaining to his office, received by him from his predecessor. The Auditor shall keep a "Property Account" for each such officer or employee, who shall be charged with all property received by him from his predecessor and all property thereafter received; and such officer or employee shall be officially responsible for all property so charged to him until the same shall properly be consumed, disposed of, or accounted for as authorized or provided by the Board of Supervisors or properly delivered to his successor.

**FILING OF INVENTORY UPON
DISCHARGE OF DUTIES**

**AUDITOR TO KEEP PROPERTY
ACCOUNT**

SECTION 2. Every such officer or employee shall annually as of the date and within the time specified by the Board of Supervisors, make and file with the Auditor an inventory showing in detail all County property in his possession or in his charge and shall report in detail what property of or pertaining to his office has during such period been lost, destroyed, consumed, transferred and to whom, or otherwise disposed of.

ANNUAL INVENTORY

SECTION 3. Every such officer or employee shall monthly, within five days after the expiration of each calendar month, make and file with the Auditor an account for such month, showing in detail all moneys received by him, in his official capacity, from any and all sources, during such month, and also, showing in detail the disposition of any and all moneys received by him during such month.

MONTHLY REPORT TO AUDITOR

SECTION 4. It shall be the duty of the Auditor to examine and audit each and all such reports and accounts as received by him and if it shall appear to him that any such report or account is erroneous, or not sufficiently full, complete or detailed, he shall forthwith, in writing, direct the attention of the officer or employee making such report or account to such apparent error or insufficiency, and require from such officer or employee such correction or such new or supplemental or further report or account as the Auditor shall deem proper; and it shall be the duty of such officer or employee to comply forthwith with such requirement of the Auditor.

**DUTIES OF AUDITOR UPON
RECEIPT OF ABOVE REPORT**

SECTION 5. The Auditor shall not issue his warrant for the salary of any officer or employee whose duty it is to make reports and accounts to the Auditor as aforesaid, until after such reports and accounts shall have been made to the Auditor and accepted by him.

**REPORT TO PRECEDE PAYMENT
OF SALARY**

CHARTER

SECTION 6. It shall be the duty of the Auditor to make thorough audits from time to time, and not less than annually, of all books, accounts, money, and securities of all departments, offices, boards, institutions, and special districts under the control of the Board of Supervisors, of the methods of keeping the accounts, and of the existence and effectiveness of internal controls in the transacting of the business of such departments, offices, boards, institutions, and special districts. It shall be the duty of the Auditor to file with the Board of Supervisors from time to time, and not less than annually, written reports as to the condition of accounts and records of all departments, offices, boards, institutions, and special districts under the control of the Board of Supervisors with such comments and recommendations as he shall deem proper to promote efficiency and economy; and it shall be his duty in such reports to point out particularly any known or apparent misconduct, neglect, or failure in regard to official duty. It shall also be the duty of the Auditor to make special examinations and reports as to any particular office or officer whenever directed so to do by the Board of Supervisors.

AUDIT OF DEPARTMENTAL ACCOUNTS

REPORT TO BOARD OF SUPERVISORS

SECTION 7. The Auditor and the officer or employee in charge of each department, office, board, institution, or special district shall jointly prescribe in writing, subject to the approval of the Board of Supervisors, such rules, regulations, forms and methods as to the keeping of the accounts thereof as they shall deem necessary. The Auditor shall prescribe in writing such rules and regulations, subject to the approval of the Board of Supervisors, and forms and methods as to making the reports and accounts hereinbefore provided by this Article as he shall deem necessary; and it shall be the duty of each and every officer or employee to comply therewith.

BILLING AND REGULATIONS REGARDING KEEPING OF ACCOUNTS

SECTION 8. It shall be the duty of the Board of Supervisors to employ from time to time, and not less than annually, an accountant, licensed by the State of California, whose duty shall be to make a thorough audit and report as to the condition of the accounts and records of the Auditor's office. Additionally, in the event of succession to the office of Auditor of a new person through election or appointment, the Board of Supervisors shall contract for the independent audit of that office in the manner hereinbefore provided to commence within 15 days after the new Auditor assumes office or as soon thereafter as may be practicable. The Board may, whenever it shall deem it necessary or expedient so to do, employ an accountant, licensed by the State of California, to audit and report as to any other office or officer, independent of and in addition to any report or account made or required to be made by the Auditor.

LICENSED ACCOUNTANT TO AUDIT

NEW AUDIT IN CASE OF NEW COUNTY AUDITOR

CHARTER

ARTICLE VI

MISCELLANEOUS

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 2 In all cases in which an officer is to receive a fixed salary, such salary shall be in full compensation for all service by such officer; and in all cases in which such officer is, by general law, entitled to charge or receive any fees or commissions, it shall be the duty of such officer to charge, collect and receive such fees and commissions, and to pay the same monthly to the County Treasurer; provided, that the necessary actual traveling expenses properly incurred by any officer or by any assistant,

COUNTY ELECTED OFFICIALS SALARIES

SALARY OF COUNTY OFFICER IS FULL COMPENSATION

TRAVELING EXPENSES LEGAL CHARGE AGAINST COUNTY

CHARTER

deputy, clerk or attaché of such officer, in the performance of his official duties, shall be a legal charge against the County.

SECTION 3. All annual salaries of officers, assistant, deputies, clerks and attaches, whether fixed by general law or by this Charter or by the Board of Supervisors, shall be payable in equal biweekly or other period installments as determined by the Board of Supervisors. Compensation earned during any pay period shall not be payable prior to the payday established for that period.

PAY PERIODS ESTABLISHED BY
BOARD OF SUPERVISORS

COMPENSATION NOT PAYABLE
PRIOR TO PAY DAY

SECTION 4. The Board of Supervisors may, by ordinance, provide for the appointment of a Civil Service Commission and prescribe its duties and fix the compensation and terms of office of its members; and the Board may prescribe such Civil Service rules and regulations as they shall deem proper to govern themselves in the appointment of any or all officers, assistants, deputies, clerks and attaches, whose appointment it is authorized to make, by general law or by this Charter.

APPOINTMENT AND REGULATION
OF CIVIL SERVICE COMMISSION

CIVIL SERVICE RULES AND
REGULATIONS

Section 5. The County may not exercise the power of eminent domain to acquire property from any private Owner thereof, without such Owner's consent, when the purpose of the acquisition is to convey the property so acquired to any private party. As used in this section, "Owner" means the owner(s) of the fee title interest in the property to be acquired.

LIMIT EMINENT DOMAIN AND
PROTECT PROPERTY RIGHTS

UNNUMBERED INITIATIVE AMENDMENT.

Repealed by Amendment Number 36 filed and operative November 18, 1985.