

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: County Counsel

SUBMITTAL DATE:
April 28, 2010

SUBJECT: Submitting County Charter to Voters of Riverside County

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. 2010-151 proposing a Riverside County Charter for adoption by the voters at a special election consolidated with the statewide general election on November 2, 2010;
2. Approve the introduction of Ordinance No. 897 and at the following Board meeting on May 18, 2010 (second reading) adopt Ordinance No. 897; and
3. Authorize up to two (2) members of the Board to file a ballot argument (and any rebuttal) on behalf of the Board in support of the proposed Riverside County Charter, and further authorize the designated Board member(s) to determine which other voters or associations may join in signing the argument/rebuttal.

Departmental Concurrence

(continued next page)

PAMELA J. WALLS, County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$	In Current Year Budget:
	Current F.Y. Net County Cost:	\$	Budget Adjustment:
	Annual Net County Cost:	\$	For Fiscal Year:

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

BY:
Tina Grande

County Executive Office Signature

Dept't Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

2010 MAY 23 PM 8:17
RECEIVED BY TELEPHONE

Prev. Agn. Ref.: | **District:** | **Agenda Number:** 3.23

BACKGROUND: On April 20, 2010, the Board of Supervisors directed County Counsel (Agenda Item No. 3.6) to prepare a proposed charter and the necessary documents to place the proposed charter on the November 2, 2010 ballot.

The purpose of the proposed charter is to address how Board vacancies are to be filled. Consistent with Board direction during the April 20, 2010 meeting, the proposed charter allows for significant local control over the filling of Board vacancies. Within thirty (30) days of a vacancy, the remaining members of the Board would have three options: 1) to appoint a person to fill the vacancy for the unexpired term; 2) call a special election and appoint a successor to serve until the election and qualification of a candidate elected at the special election; or 3) call a special election. If the Board fails to choose one of these alternatives within the thirty (30) day period, the Board loses the discretion over the manner of filling the vacancy and must thereafter immediately cause a special election to be called to fill the vacancy. The special election to fill the vacancy shall be held at least 56 days, but no more than 70 days following the adoption of the ordinance calling for a special election, except that any such special election may be consolidated with a general statewide election occurring within one-hundred and eighty (180) days of the adoption of the ordinance. The candidate receiving the highest number of votes would fill the vacancy for the unexpired term. This means that a plurality rather than a majority will elect a person, avoiding the added cost of a runoff election. The proposed charter would also allow for the special election to fill the vacancy to be conducted wholly by mail.

With respect to all other matters, general law set forth in the Constitution of the State of California and laws of the State of California would govern the operations of the County. The charter would not abridge or modify the rights of citizens to propose initiatives and referenda (including amendments to the charter) and would provide that any ordinances adopted by the electorate prior to the enactment of the charter would remain in full force and effect and may only be modified or repealed by a vote of the electorate.

Resolution No. 2010-151 and Ordinance No. 897 set the measure for election on the November 2, 2010 ballot in accordance with Government Code sections 23711 and 23730. Statutes require that a County charter election be advertised not less than 88 days prior to the date of election. The deadline for the Board to approve the proposed charter and adopt the attached resolution and ordinance is August 6, 2010.

2 RESOLUTION NO. 2010-151

3 PROPOSING A RIVERSIDE COUNTY CHARTER FOR ADOPTION
4 BY THE VOTERS AT A SPECIAL ELECTION TO BE CONSOLIDATED
5 WITH THE STATEWIDE GENERAL ELECTION ON NOVEMBER 2, 2010

6 WHEREAS, in accordance with the provisions of California Government Code section
7 23711, the Board of Supervisors of the County of Riverside, on its own motion, may propose a charter
8 and submit the proposal for adoption to the voters at any general or special election; and

9 WHEREAS, the Board of Supervisors of the County of Riverside has determined that it is
10 in the best interests of the County of Riverside that a charter be enacted for the County of Riverside; now,
11 therefore,

12 BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of
13 Riverside, State of California, in regular session assembled on May 4, 2010, that pursuant to California
14 Government Code section 23711 the Proposed Riverside County Charter attached hereto and incorporated
15 herein shall be submitted for adoption to the qualified voters of the County of Riverside at a special
16 election to be consolidated with the statewide general election on November 2, 2010.

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24 FORM APPROVED COUNTY COUNSEL
BY Pamela J. Walls 4/29/10
PAMELA J. WALLS DATE

PROPOSED RIVERSIDE COUNTY CHARTER

PREAMBLE	1
ARTICLE I - BOARD OF SUPERVISORS	1
101. Governing Body	1
102. Terms of Office	
103. Filling of Vacancies	1
ARTICLE II - GENERAL	2
201. Initiative and Referenda	2
202. General Law Governs	2
203. County Ordinances Enacted by the Voters Remain in Effect	2

PREAMBLE

We, the citizens of Riverside County, with a desire for self-determination in selecting our county elected officials and to initiate the process to govern our county by charter government, do hereby adopt this charter.

ARTICLE 1 - BOARD OF SUPERVISORS

101. Governing Body.

The governing body of the county is a Board of Supervisors of five (5) members elected by and from designated supervisorial districts.

102. Terms of Office

The term of the office of supervisor is four (4) years.

103. Filling of Vacancies

Notwithstanding any other provision of law, whenever a vacancy occurs in the office of supervisor, the vacancy shall be filled as follows:

A. The remaining members of the Board shall, within thirty (30) days of the vacancy, fill the vacancy by doing one of the following: (i) appointing a successor for the unexpired term; (ii) calling a special election and appointing a successor to serve until the election and qualification of a candidate at the special election; or (iii) calling a special election. If the

remaining members of the Board fail to fill the vacancy within the thirty-day (30) period, the remaining members of the Board shall lose the discretion to fill the vacancy and shall immediately call a special election to fill such vacancy. A special election shall be held in the supervisorial district in which the vacancy occurred no less than fifty-six (56) days, but no more than seventy (70) days, after adoption of the ordinance calling the special election, except that special election may be held within one hundred eighty (180) days after the adoption of such ordinance if the special election is consolidated with the next regularly scheduled statewide election. The person receiving the highest number of votes in the special election shall fill the vacancy for the unexpired term.

B. If only one candidate qualifies for a special election, the remaining members of the Board shall appoint that candidate to the vacancy for the unexpired term. The appointee shall serve exactly as if elected to such vacancy, and no special election to fill the vacancy shall be held.

C. The Board may authorize a special election to be conducted wholly by mail, unless the special election to be conducted by mail would occur on the same date as, or would be consolidated with, a statewide election. In no event shall a special election be conducted on the day after a state holiday.

ARTICLE II - GENERAL

201. Initiative and Referenda.

This charter does not abridge or modify the rights of citizens to propose initiatives and referenda (including amendments to this charter) as provided for in the general laws of the State of California.

202. General Law Governs.

Except as expressly set forth in this charter, the general law set forth in the Constitution of the State of California and the laws of the State of California shall govern the operations of the County of Riverside.

203. County Ordinances Enacted by the Voters Remain in Effect.

Ordinances of the County of Riverside adopted by the voters prior to the enactment of this charter shall remain in full force and effect and may only be modified or repealed by a vote of the people.

1 ORDINANCE NO. 897

2
3 AN ORDINANCE OF THE COUNTY OF RIVERSIDE
4 CALLING A SPECIAL ELECTION AND ORDERING ITS CONSOLIDATION
5 WITH THE STATEWIDE GENERAL ELECTION FOR THE PURPOSE OF
6 SUBMITTING TO THE VOTERS OF RIVERSIDE COUNTY THE PROPOSITION OF
7 WHETHER A CHARTER SHALL BE ADOPTED FOR THE COUNTY OF RIVERSIDE
8

9 The Board of Supervisors of the County of Riverside ordains as follows:

10 Section 1. A special election is hereby called to be consolidated with the statewide
11 general election held on November 2, 2010 for the purpose of submitting to the qualified electors of the
12 County of Riverside the following proposition of whether a charter shall be adopted for the County of
13 Riverside:

PROPOSED RIVERSIDE COUNTY CHARTER		
Shall the charter for the County of Riverside as prepared and proposed by the Riverside County Board of Supervisors be adopted?	YES	
	NO	

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18 The complete text of the proposed Riverside County Charter is set forth in Resolution
19 No. 2010-151 adopted by the Board of Supervisors on May 4, 2010, a copy of which is on file with the
20 Clerk of said Board. A complete text of the proposed Riverside County Charter shall be made available
21 to any voter upon request.

22 Section 2. Pursuant to Part 3 (commencing at section 10400) of Division 10 of the
23 Elections Code, the special election to amend the County Charter to be held in the County of Riverside
24 on November 2, 2010, shall be and is hereby ordered consolidated with the statewide general election to
25 be held on the same date.

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1 Section 3. The special election precincts, polling places, precinct board members and
2 election officers shall be the same as those provided for the statewide general election to be held
3 November 2, 2010, and the election shall be held in all respects as if there were only one election and one
4 form of ballot, namely the form of ballot used at the statewide general election.

5 Section 4. This ordinance shall take effect immediately upon its adoption.

6 BOARD OF SUPERVISORS OF THE COUNTY
7 OF RIVERSIDE, STATE OF CALIFORNIA

8 By: _____
9 Chairman

10 ATTEST:
11 CLERK OF THE BOARD

12 By: _____
13 Deputy

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16 (SEAL)

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23 FORM APPROVED COUNTY COUNSEL
24 BY: Pamela J. Walls 4/29/10
25 PAMELA J. WALLS DATE