

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



FROM: County Counsel

SUBMITTAL DATE:
April 14, 2010

SUBJECT: Report on County Charter Process and Ballot Measure Proposing the Adoption of a Riverside County Charter

RECOMMENDED MOTION: That the Board of Supervisors:

1. Receive and file the above-referenced Report; and
2. Direct County Counsel to return to the Board on May 4, 2010 with a proposed County charter that specifies the manner in which Board vacancies are to be filled.

BACKGROUND: On April 6, 2010, the Board of Supervisors considered whether it should propose to the electorate the adoption of a County charter, the sole purpose of which would be to specify how Board vacancies are to be filled (hereinafter "charter proposal"). The Board asked staff to report on the charter process in general and to identify what would be required to place the charter proposal on the November 2010 ballot. The Board further requested an analysis of AB 1671 - proposed state legislation that relates to the filling of Board vacancies. (Continued)

Katherine A. Lind Katherine A. Lind for
PAMELA J. WALLS, County Counsel

Departmental Concurrence

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

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

C.E.O. RECOMMENDATION:

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Stone and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended, and IT WAS FURTHER ORDERED that County Counsel prepare the draft Charter to be brought back May 4, 2010 at 9:00 a.m.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
 Nays: None
 Absent: None
 Date: April 20, 2010
 xc: Co.Co., COB

Kecia Harper-Ihem
 Clerk of the Board
 By: *Kecia Harper-Ihem*
 Deputy

3.6

Policy
 Policy
 Consent
 Consent
 Dept't Recomm.:
 Per Exec. Ofc.:

Prev. Agn. Ref.:	District:	Agenda Number:
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Charters in General

A charter is a locally written and voter-approved document that serves as a county's own constitution. A charter is adopted by a majority vote of the electorate. A charter becomes effective once filed with the Secretary of State. A charter may be revised, amended or repealed in the same manner as it was adopted.

Other County Charters

Currently, fourteen (14) counties have charters (Alameda, Butte, El Dorado, Fresno, Los Angeles, Orange, Placer, Sacramento, San Bernardino, San Diego, San Francisco, San Mateo, Santa Clara and Tehama). Orange County has adopted a charter which solely addresses the filling of Board vacancies. The Orange County Charter successfully survived challenge in *The People ex rel. Joe Kerr v. County of Orange* (2003) 106 Cal.App.4th 914. A county by county overview of how vacancies are filled in these charter counties, prepared by Orange County, is attached hereto as Exhibit A.

Charter Proposal

The Board is considering a single issue charter that would specify how Board vacancies are to be filled. 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 enactment of the charter would remain in full force and effect and may only be modified or repealed by a vote of the electorate.

Should the Board decide to present the charter proposal to the electorate, it will need to determine whether it would like to retain the discretion to fill vacancies, call special elections to fill vacancies, or authorize the Governor to fill vacancies. The Board will also need to determine whether it wishes to require a Mail Ballot special election and whether it wishes to specify a window within which a special election may be held. Orange County's Charter, for example, attached hereto as Exhibit B, provides that a special election must be held "not less than fifty-six (56) days nor more than seventy (70) days after the vacancy occurs". If this Board does not specify an election window, a special election could be held no sooner than ninety (90) days after the vacancy occurs. The estimated cost of a special election is \$482,000.00 - \$532,000.00.

Statutory Requirements and Timelines Related to Placing a Charter Proposal on the Ballot

The Board of Supervisors, on its own motion, may submit the charter proposal to the electorate at either a general or special election, provided the proposal has been advertised at least eighty-eight (88) days before the election. (Government Code section 23711.) If the electorate votes in favor of the charter proposal, it would be deemed to be ratified, but would not take effect until accepted and filed by the Secretary of State. (Government Code section 23712.)

In order to place the charter proposal before the electorate at the November 4, 2010 general election, the charter proposal would need to be approved by the Board and submitted to the Registrar of Voters no later than August 6, 2010. The Special County Charter Measure Calendar prepared by the Registrar of Voters is attached hereto as Exhibit C.

AB 1671

Under existing law, the Governor is required to fill a Board vacancy. AB 1671 (Jefferies) as amended April 12, 2010, would require the Governor to fill the vacancy within ninety (90) days and, if the Governor failed to do so, would require the Board of Supervisors to do one of the following: (1) appoint an individual to fill the vacancy within ninety (90) days of the last day the Governor could have filled the vacancy, (2) call a special election to fill the vacancy or (3) authorize the Governor to appoint an individual to fill the vacancy within thirty (30) days of the Board's authorizing vote. If the Governor failed to appoint an individual within thirty (30) days of the authorizing vote, AB 1671 would require the Board of Supervisors to appoint an individual as specified in (1) above, call a special election as specified in (2) above, or vote to leave the vacancy open until the next regular election at which a successor could be elected. Any person appointed or elected would hold office until the election and qualification of his or her successor at the next general election. AB 1671 would apply only to general law counties, not charter counties.

A previous version of the bill took the power to fill a Board vacancy away from the Governor and vested it from the outset in the Board of Supervisors, but that version of the bill has been superseded by the April 12, 2010, version summarized above. Unless the bill is amended again to vest such power in the Board, a charter would give the Board greater control in the event of a vacancy

EXHIBIT "A"

COUNTY BY COUNTY OVERVIEW OF HOW VACANCIES ARE FILLED

ALAMEDA	Board fills
BUTTE	Governor fills
EL DORADO	Election
FRESNO	Board/Election depending on time remaining in term
LOS ANGELES	Governor fills
ORANGE	Special Election
PLACER	Board fills
SACRAMENTO	Election/Board depending on time remaining in term
SAN BERNARDINO	Board fills
SAN DIEGO	Board fills or calls election
SAN FRANCISCO	Mayor appoints
SAN MATEO	Board fills or calls an election
SANTA CLARA	Board fills or calls an election
TEHAMA	General Law governs

CHARTER COUNTIES

Methods of Filling Vacancies

ALAMEDA

Board of Supervisors fills vacancy. If Board fails to act on appointment within 60 days, the Governor fills the vacancy.

BUTTE

The Governor fills the vacancy. An election to fill the unexpired term takes place at the next general election at which County officers are elected, and the winner of the election serves until the term regularly expires.

EL DORADO

Unexpired terms are filled by election. If the vacancy takes place more than 90 days and less than 120 days before a scheduled primary/general/special election involving the district in which the vacancy occurred, the vacancy will be filled at the scheduled election. If the vacancy is more than 120 or less than 90 days from a district election, the Board calls a special election.

FRESNO

If the vacancy occurs in the final year of the term of office, the vacancy is filled by unanimous vote of the remaining Board members. If no appointment is made within 30 days, the Governor fills the vacancy.

If a vacancy occurs with more than one year remaining on the term, the Board calls a special election not less than 75 or more than 90 days after the call for election, unless the election date as provided in Section 2504 of the Elections Code falls not less than 75 or more than 120 days after the call, then the special election is consolidated with such election. The person elected serves the remaining unexpired term. If no candidate receives the majority of all votes cast and not less than 18 months remain in the term from the date of the vacancy, a runoff between the two top vote getters is held.

LOS ANGELES

The Governor fills the vacancy. A Supervisor is elected at the next general election to fill the unexpired term, unless the term expires the first Monday in December succeeding the election.

ORANGE

If a vacancy occurs in the first 1,095 days of the term of office, the vacancy is filled by a vote at a special election not less than 56 nor more than 70 days after the vacancy occurs. If the vacancy occurs within 180 days of a regularly scheduled election, the issue may be consolidated. If the vacancy occurs within the final year of the term, the vacancy is filled by the person receiving the highest number of votes in the March primary election. If that person does not assume office, the Board may appoint, and if they fail to do so within 30 days, a special election is called to fill the vacancy.

PLACER

Vacancy is filled by unanimous vote of the remaining supervisors. If members fail to appoint in 30 days the Governor fills the vacancy. The appointee must have been a resident of the District 30 days prior to appointment.

SACRAMENTO

Vacancies that occur within the first 730 calendar days are filled by special election. Vacancies 731-1,095 days into term are filled by Board appointment. If no appointment is made within 30 days a special election is held.

Vacancies 1,096-1,399 days into term are filled by Board appointment. If no appointment is made, the vacancy is filled by the person elected in the June primary or November general election and shall serve the rest of the term and the entire new term. Vacancies 1,400-1,460 days into term are filled by the person elected in the primary or general election who shall serve the rest of the term and the entire new term.

SAN BERNARDINO

The Board, by majority vote, fills the vacancy amongst qualified electors of supervisorial district in which the vacancy exists. An election shall be held at the next general election for the unexpired term unless the term expires the first Monday of December next succeeding the election. If the Board fails to appoint in 30 days, the Governor makes an appointment.

SAN DIEGO

Within 30 days, the Board either fills the vacancy by appointment until the remaining term expires or until qualification of the successor at a special election, or the Board may immediately call a special election. If vacancy is not filled in 30 days, a special election must be called. The special election shall consist of a primary and if necessary a special general election. The special primary shall be held on a Tuesday, at least 56 days but not more than 63 days following the adoption of the resolution calling the special election. However, the special election may be conducted within 180 days to consolidate with a regularly scheduled statewide election.

SAN FRANCISCO

The Mayor of San Francisco appoints a qualified successor. If more than 29 months remain in the term, the appointee serves until the next general municipal or statewide election occurring not less than 120 days after the appointment, at which time an election is held to fill the unexpired term.

SAN MATEO

Within 30 days the Board either makes an appointment or calls a special election. If the Board fails to act within 30 days, the election official calls an election. The election must be held not less than 102 days or more than 131 days from the order calling the election, except that an election may be held on a regularly established election day if it falls within 270 days of the order for the special election. The candidate with the highest number of votes fills the unexpired term.

SANTA CLARA

Vacancies are filled by Board appointment, or the Board shall call an election. If an appointment or call for election is not done within 45 days, the Governor shall make the appointment. If an election is called, it shall be held within 120 days after the vacancy occurs, and a runoff, if necessary, shall occur not more than 56 days after the election. If the Board makes an appointment, an election shall be held at the next direct primary or general election, except that no election will be held within 180 days of the vacancy or within the year preceding the year in which the term expires. In an election, the candidate receiving the highest number of votes wins.

TEHAMA

General law governs vacancies.

EXHIBIT "B"

Orange County Charter



April 4, 2002

ORANGE COUNTY CHARTER

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Measure “V” – 3/5/02 Election

PREAMBLE

We, the citizens of Orange 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 I – 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. If the vacancy occurs in the first 1095 days of the term of office, the vacancy shall be filled by a vote of the electors of that district at a special election to be called by the Board of Supervisors not less than 56 days nor more than 70 days after the vacancy occurs. If the vacancy occurs within 180 days of a regularly scheduled election held throughout the supervisorial district, the election to fill the vacancy may be consolidated with that regularly scheduled election.

The person receiving the highest number of votes in that election shall fill the vacancy.

- B. If the vacancy occurs within the final year of the term, the vacancy shall be filled by the person receiving the highest number of votes for Supervisor in that district in the March primary election that year. If that person for any reason does not assume the office for the remainder of the term, the Board of Supervisors is hereby authorized to appoint a person to fill the vacancy. If the Board of Supervisors does not make such an appointment within 30 days following the certification of the March primary election results or following the failure of that person to assume the office, whichever comes later, the Board of Supervisors shall call a special election to be held not less than 56 nor more than 70 days thereafter to fill the vacancy.

The person receiving the highest number of votes in that special election shall fill the vacancy.

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 Orange.

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



Ordinances of the County of Orange 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.

EXHIBIT "C"




SPECIAL COUNTY CHARTER MEASURE
NOVEMBER 2, 2010
(E.C. §§ 9100 et seq., 9255 et seq., 10400; G.C. §§ 23700 et seq.)

The materials contained in this calendar represent the research and opinions of the staff at the Riverside County Registrar of Voters. The contents of this calendar and any legal interpretations contained herein are not to be relied upon as being correct either factually or as legal opinion. Reliance on the content without prior submission to and approval of your appropriate public counsel is at the reader's risk.

Please call (951) 486-7200 if you have any questions or comments or visit our website at www.voteinfo.net. Thank you.

DATE	PERSON RESPONSIBLE	DESCRIPTION
August 6 (88)	Board of Supervisors	<p><i>LAST DAY TO CALL ELECTION (E.C. §§ 10400, 10403; G.C. §§ 23711, 23730)</i></p> <p>The Board of Supervisors shall call the election no later than 88 days prior to the date of election.</p>
August 6 (88)	Board of Supervisors	<p><i>BOUNDARY CHANGES (E.C. § 12262)</i></p> <p>Last day boundary changes may be made for this election.</p>
August 6 (88)	Registrar of Voters	<p><i>PUBLISH NOTICE OF ELECTION (G.C. § 23711)</i></p> <p>Registrar of Voters will publish once in a newspaper of general circulation a Notice of Election. The Notice will include the date of the election, the purpose of the election, the hours the polls will be open, and the deadline for filing arguments.</p>
August 6 (88)	Board of Supervisors / Registrar of Voters	<p><i>PROPOSED CHARTER (G.C. §§ 23709, 23711)</i></p> <p>The Board of Supervisors shall submit the complete text of the proposed charter no later than this date. The Registrar of Voters shall cause a copy of the proposed charter to be printed. A copy of the proposed charter shall be made available to any voter upon request.</p> <p> PUBLIC EXAM PERIOD (E.C. § 9190) There will be a 10-day exam period for the proposed charter. The period will be held August 7 thru August 16.</p>
August 6 (88)	County Auditor	<p><i>FISCAL IMPACT STATEMENT (E.C. § 9160)</i></p> <p>The board of supervisors may direct the county auditor to review the measure and determine whether the substance thereof, if adopted, would affect the revenues or expenditures of the county. He or she shall prepare a fiscal impact statement which estimates the amount of any increase or decrease in revenues or costs to the county if the proposed measure is adopted. The fiscal impact statement is "official matter" within the meaning of Section 13303, and shall be printed preceding the arguments for and against the measure. The fiscal impact statement may not exceed 500 words in length.</p> <p> PUBLIC EXAM PERIOD (E.C. § 9190) There will be a 10-day exam period for the proposed charter. The period will be held August 7 thru August 16.</p>

**SPECIAL COUNTY CHARTER MEASURE
NOVEMBER 2, 2010
(E.C. §§ 9100 et seq., 9255 et seq., 10400; G.C. §§ 23700 et seq.)**

DATE	PERSON RESPONSIBLE	DESCRIPTION
August 11 (83)	Board of Supervisors	<p><i>LAST DAY TO WITHDRAW MEASURE (E.C. § 9605)</i></p> <p>Whenever a legislative body has ordered that a measure be submitted to the voters of any jurisdiction at an election, the order of election shall not be amended or withdrawn after this date.</p>
August 16 (78)	County Counsel	<p><i>LAST DAY TO SUBMIT IMPARTIAL ANALYSIS (E.C. § 9160)</i></p> <p>Last day for County Counsel to submit impartial analysis to Registrar of Voters. The analysis shall be printed in the pamphlet preceding the arguments for or against the measure. The analysis is limited to 500 words.</p> <p> <i>PUBLIC EXAM PERIOD (E.C. § 9190)</i> There will be a 10-day exam period for the Impartial Analysis. The period will be held August 17 thru August 26.</p>
August 16 (78)	Proponents / Opponents	<p><i>LAST DAY TO FILE ARGUMENTS (E.C. §§ 9162, 9163, 9164, 9166)</i></p> <p>Last day set by Registrar of Voters to submit arguments in favor or against the measure. Arguments may not exceed 300 words. No more than five signatures shall appear with any arguments. Authors of Argument form shall accompany all arguments.</p> <p> <i>PUBLIC EXAM PERIOD (E.C. § 9190)</i> There will be a 10-day exam period for arguments. The period will be held August 17 thru August 26.</p>
August 26 (68)	Proponents / Opponents	<p><i>REBUTTALS (E.C. §§ 9167)</i></p> <p>Last day for the same authors of the primary argument to file rebuttals with the Registrar of Voters by close of business. Rebuttals are limited to 250 words. Statement of Authors of Arguments form must be attached to the rebuttal.</p> <p> <i>PUBLIC EXAM PERIOD (E.C. § 9190)</i> There will be a 10-day exam period for Rebuttals. The period will be held August 27 thru September 5.</p>
Sept. 7 (56)	Registrar of Voters	<p><i>ORDER PRINTING OF ELECTION MATERIAL (E.C. §§ 9190)</i></p> <p>Suggested date to prepare copy for printer and order ballots.</p>





SPECIAL COUNTY CHARTER MEASURE
NOVEMBER 2, 2010
(E.C. §§ 9100 et seq., 9255 et seq., 10400; G.C. §§ 23700 et seq.)

DATE	PERSON RESPONSIBLE	DESCRIPTION
Sept. 20 (43)	Registrar of Voters	<p><i>SATELLITE LOCATION PRESS RELEASE (E.C. § 3018)</i></p> <p>Notice of satellite locations shall be made by the elections official by the issuance of a general news release, issued not later than 14 days prior to voting at the satellite location, except that in a county with a declared emergency or disaster, notice shall be made not later than 48 hours prior to voting at the satellite location. The news release shall set forth the following information:</p> <ul style="list-style-type: none"> 🇺🇸 The satellite location or locations. 🇺🇸 The dates and hours the satellite location or locations will be open. 🇺🇸 A telephone number that voters may use to obtain information regarding vote-by-mail ballots and the satellite locations.
Sept. 23 – Oct. 23 (40 – 10)	Registrar of Voters	<p><i>MAIL SAMPLE BALLOTS AND OTHER ELECTION MATERIAL TO VOTERS (E.C. §§ 9190, 13303)</i></p> <p>Between these dates the Registrar of Voters shall mail a sample ballot to each voter, who is registered at least 29 days prior to the election.</p>
Oct. 1 – Oct. 5 (32 – 28)	Committees / Registrar of Voters	<p><i>FILING PERIOD FOR FIRST PRE-ELECTION CAMPAIGN DISCLOSURE STATEMENT (G.C. §§ 84200.5, 84200.8)</i></p> <p>Filing period for 1st pre-election campaign statement covers transactions through September 30. Statements must be sent by personal delivery or first class mail.</p>
October 4 (29)	Registrar of Voters	<p><i>MAILED BALLOT PRECINCTS (E.C. §§ 3005, 3010, 3017, 3018, 3020, 4000 et seq.)</i></p> <p>Approximate date to mail notices to voters in mailed ballot precincts, send official ballot and election material.</p>
Oct. 4 – Oct. 26 (29 - 7)	Registrar of Voters	<p><i>VOTE-BY-MAIL VOTER BALLOT APPLICATIONS (E.C. §§ 3001, 3006, 3021, 3200)</i></p> <p>Applications for Vote-by-Mail ballots may be made in person or by mail during this time frame.</p>
October 4 (29)	Registrar of Voters	<p><i>PRECINCTS, POLLING PLACES & ELECTION OFFICERS (E.C. §§ 12280 et seq., 12300 et seq.)</i></p> <p>Last day for Registrar of Voters to establish polling places and appoint election officers for this election. Immediately following appointment, the Registrar shall mail appointment notices to election officers.</p>
Oct. 4 – Oct. 26 (29 – 7)	Registrar of Voters	<p><i>PUBLISH POLLING PLACES (E.C. § 12105)</i></p> <p>The elections official shall, not less than one week before the election, publish the list of the polling places designated for each election precinct.</p>

**SPECIAL COUNTY CHARTER MEASURE
NOVEMBER 2, 2010
(E.C. §§ 9100 et seq., 9255 et seq., 10400; G.C. §§ 23700 et seq.)**

DATE	PERSON RESPONSIBLE	DESCRIPTION
Oct. 4 – Oct. 23 (29 – 10)	Registrar of Voters	<i>PUBLISH CENTRAL COUNTING PLACE (E.C. § 12109)</i> The elections official shall, not less than 10 days before the election, publish the notice of central counting place.
Oct. 17 – Oct. 21 (16 – 12)	Committees / Registrar of Voters	<i>FILING PERIOD FOR SECOND PRE-ELECTION CAMPAIGN DISCLOSURE STATEMENT (G.C. §§ 84200.5, 84200.8)</i> Filing period for 2 nd pre-election campaign statement covers transactions through October 18. Statements must be sent by personal delivery or guaranteed overnight service.
Oct. 18 (15)	Registrar of Voters	<i>COLLECTION CENTERS PUBLIC NOTICE (E.C. § 15260)</i> In establishing a collection center, the elections official may designate a group of precincts which the center shall serve and this designation shall be available for public inspection no later than 15 days before the election.
Oct. 18 (15)	Registrar of Voters	<i>CLOSE OF REGISTRATION (E.C. §§ 2106 & 2107)</i> Last day to register or transfer registration for this election.
Oct. 19 (14)	Registrar of Voters	<i>VOTE-BY-MAIL PROCESSING PUBLIC NOTICE (E.C. § 15104)</i> The elections official shall notify vote-by-mail voter observers and the public at least 48 hours in advance of the dates, times, and places where vote-by-mail ballots will be processed and counted.
Oct. 19 – Oct. 26 (14 – 7)	Registrar of Voters	<i>POST ELECTION OFFICERS & POLLING PLACES (E.C. §12105.5)</i> Not less than one week before the election, the elections official shall post a list of all current polling places and a list of election officers appointed by the 15 th day before the election. The elections official shall post this list in his or her office and on his or her Web site. The list shall remain posted for 30 days after completion of the canvass.
Oct. 22 (11)	Registrar of Voters	<i>PROCESS BALLOTS (E.C. § 15101 et. seq.)</i> When ballots are to be counted by computer, the Registrar of Voters may begin processing ballots 7 business days prior to the election. No count may be made until after the polls close on election day.
Oct. 26 (7)	Registrar of Voters	<i>LOGIC AND ACCURACY TESTING (E.C. § 15000)</i> No later than seven days prior to any election, the elections official shall conduct a test or series of tests to ensure that every device used to tabulate ballots accurately records each vote.

SPECIAL COUNTY CHARTER MEASURE
NOVEMBER 2, 2010
(E.C. §§ 9100 et seq., 9255 et seq., 10400; G.C. §§ 23700 et seq.)

DATE	PERSON RESPONSIBLE	DESCRIPTION
Oct. 29 (4)	Registrar of Voters	<p><i>MANUAL TALLY PUBLIC NOTICE (E.C. § 15360)</i></p> <p>The manual tally shall be a public process, with the official conducting the election providing at least a five day public notice of the time and place of the manual tally and of the time and place of the selection of the precincts to be tallied prior to conducting the tally and selection.</p>
Nov. 2		<p><i>ELECTION DAY</i></p> <p>The polls will be open from 7:00 a.m. and will close at 8:00 p.m. Vote-by-Mail ballots may be turned in, before the polls close, at any polling place in the county.</p>
Nov. 4 (+2)	Registrar of Voters	<p><i>CANVASS ELECTION RETURNS (E.C. § 15301 et seq.)</i></p> <p>Registrar of Voters shall commence the official canvass on this day.</p>
Nov. 5 – Nov. 17 +(3 - 15)	Registrar of Voters	<p><i>ONE PERCENT MANUAL TALLY (E.C. § 15360)</i></p> <p>During the Official Canvass the Elections Official shall conduct a public manual tally in 1 percent of the precincts chosen at random by the elections official.</p>
Nov. 30 (+28)	Registrar of Voters	<p><i>SEND STATEMENT OF RESULTS (E.C. §§ 15372, 15374)</i></p> <p>As soon as the canvass is completed, the Registrar of Voters shall send a statement of the results of the election to the Board of Supervisors.</p> <p>The Statement shall show:</p> <ul style="list-style-type: none">  The whole number of votes cast in the district.  The measures voted upon.  The number of votes given at each precinct for and against each measure.
Nov. 30 (+28)	Registrar of Voters	<p><i>POST ELECTION OFFICERS & POLLING PLACES (E.C. § 12105.5)</i></p> <p>Not later than 28 days after the election, the elections official shall post an updated list of polling places and election officers that actually served on the election day. The elections official shall post this list in his or her office and on his or her Web site. The list shall remain posted for 30 days after completion of the canvass.</p>
Dec. 2 (+30)	Registrar of Voters	<p><i>COST OF ELECTION</i></p> <p>Approximate date to send invoice to jurisdiction for cost of election.</p>
Jan. 1 – Jan. 31	Committees / Registrar of Voters	<p><i>FILING PERIOD FOR SEMI-ANNUAL CAMPAIGN DISCLOSURE STATEMENT (G.C. § 84200)</i></p> <p>Statement covers transactions through June 30. Statements must be sent by personal delivery or first class mail.</p>
<p>Note: Whenever a date prescribed by law falls on a weekend or holiday, such act may be performed on the next business day (E.C. § 15; G.C. §§ 6700, 6701)</p>		

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



FROM: Supervisor Bob Buster

SUBMITTAL DATE: April 6, 2010

SUBJECT: Ballot measure establishing a charter for local control in Riverside County

RECOMMENDED MOTION: That the Board of Supervisors direct staff to:

1. Identify the statutory requirements and timelines necessary to place an initiative on the November 2010 ballot for the purpose of seeking a voter approved charter for Riverside County and initiate the process;
2. The purpose of the charter shall be to address the filling of vacancies on the Board of Supervisors;
3. Report back to the Board within 30 days with recommendations on how best to proceed.

BACKGROUND: Riverside County is bound by general law which requires the Governor to make an appointment should a vacancy occur on the county Board of Supervisors. Counties, with the public's support, can adopt charters that create local options for filling vacancies.

After the unexpected death of Supervisor Roy Wilson in August 2009, Riverside County had no choice but to wait more than two months for a decision from Sacramento and another month for the appointment to take effect. During that time, the board was forced to delay matters of great importance to fourth-district residents as well as budget votes affecting the entire county.

(continued on 2nd page)

Bob Buster

**Bob Buster
Supervisor, 1st District**

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Stone and duly carried, IT WAS ORDERED that the above matter is approved as recommended, and IT WAS FURTHER ORDERED that staff to report back on April 20, 2010.

Ayes: Buster, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: April 6, 2010
xc: Supvr. Buster, EO, Co.Co., COB

Kecia Harper-Ihem
Clerk of the Board
By: *[Signature]*
Deputy

Prev.Agn.ref

Dist.

ENC 3.6

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

**BACKGROUND continued: Ballot measure establishing a charter for local control in
Riverside County**

The Board of Supervisors now faces the possibility that another vacancy may open up in the third district after November. The county would again find itself at the mercy and the convenience of Governor's office. The county confronts unprecedented challenges, and neither the Board of Supervisors nor our residents can afford to be without representation.

The current law that governs Riverside County sets no time limit for the Governor to select an appointee. Charters can provide for more timely solutions that place urgent local needs above state political maneuvering.

All of Riverside County's larger neighboring counties have their own charters. San Bernardino, San Diego and Los Angeles counties approved theirs many decades ago. Orange County passed its charter in 2002. More than 100 California cities have charters, including Riverside County cities such as Riverside, La Quinta, Norco, Palm Desert, Rancho Mirage and Palm Springs.

The Orange County charter, approved by voters in March 2002, made only one substantive change to county's governance— it instituted local control over the filling of Board vacancies. The charter has been tested and validated in the courts.

Residents of Riverside County have lost faith in the state government's ability to manage its own affairs, much less those of local counties. A charter could help to insulate Riverside County board appointments from Sacramento dysfunction and give us the local control we need.

PRESENTED PROPOSED RIVERSIDE COUNTY CHARTER
AT THE RIVERSIDE COUNTY BOARD OF SUPERVISOR MEETING THAT TOOK PLACE ON
4-20-10
BY
DARYL TERRELL

RIVERSIDE COUNTY CHARTER

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PREAMBLE

We, the residents of the County of Riverside, with a desire for self-determination in selecting our county elected officials adopt this charter to initiate the process to govern our county to protect our rights and to promote a just, honorable, and efficient government.

ARTICLE I - 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. In the event a vacancy occurs in the Office of Supervisor, the remaining members of the Board of Supervisors by unanimous vote shall within thirty (30) days of the vacancy fill the vacancy either by appointment amongst qualified electors, who have been a resident of supervisorial district 30 days prior to appointment for the unexpired term, by appointment until the qualification of a successor elected at a special election or by calling a special election. If the remaining members of the Board of Supervisors fail to fill the vacancy within such thirty (30) day period, the remaining members of the Board of Supervisors shall immediately cause a special election to be held to fill such vacancy. A special election to fill a vacancy in the Office of Supervisor shall consist of a special primary election and if necessary, a special general election. A special

primary election shall be held in the Supervisorial district in which the vacancy occurred on a Tuesday, at least 56 days, but not more than 63 days, following the adoption of the resolution calling the special election, except that any such special primary election may be conducted within 180 days following the adoption of such resolution in order that the special primary election or special general election may be consolidated with the next regularly scheduled statewide election.

- B. Candidates at the special primary election shall be nominated in the manner set forth in the Elections Code for the nomination of candidates for a nonpartisan office for a direct primary election, except that nomination papers shall not be circulated prior to the adoption of the resolution calling the special election and shall be filed with the Registrar of Voters for examination not less than 43 days before the special primary election.

If only one candidate qualifies for the special primary election, that candidate shall be appointed to the vacancy by the remaining members of the Board of Supervisors for the unexpired term, shall serve exactly as if elected to such vacancy, and no special primary election or special general election to fill the vacancy shall be held. A candidate who receives a majority of all votes in the special primary election is elected to fill the vacancy for the unexpired term, and no special election shall be held. In the event there are no more than two candidates for a vacancy, the office shall be voted upon at the special primary election, and no special general election shall be held.

When no candidate receives a majority of all votes in the special primary election, a special general election shall be held on the fourth Tuesday after the special primary election. The two candidates who received the highest number of votes in the special primary election shall be the candidates in the special general election, and the one who receives the higher number of votes in the special general election is elected to fill the vacancy for the unexpired term. Write-in candidates are permitted in the special primary election in accordance with state general law. However, no write-in candidates are permitted to participate in the special general election.

C. In a special election to fill a vacancy in the Office of Supervisor, the Board of Supervisors may authorize either the special primary election or the special general election, or both, to be conducted wholly by mail, provided that the special primary election or the special general election to be conducted by mail does not occur on the same date as the statewide election with which it has been consolidated. In no event may a special primary election or a special general election be conducted on the day after a state holiday.

ARTICLE II - AUDITOR-CONTROLLER

201. Chief Accounting and Disbursing Officer.

The Auditor-Controller is the chief accounting and disbursing officer of the county.

202. Terms of Office.

The term of the Office of Auditor-Controller is four (4) years.

203. Filling of Vacancies.

Notwithstanding any other provision of law, whenever a vacancy occurs in the Office of Auditor-Controller, the vacancy shall be filled as follows:

A. In the event a vacancy occurs in the Office of Auditor-Controller, the Board of Supervisors by unanimous vote shall within thirty (30) days of the vacancy fill the vacancy either by appointment amongst qualified electors, who have been a resident of the county 30 days prior to appointment for the unexpired term, by appointment until the qualification of a successor elected at a special election or by calling a special election. If the Board of Supervisors fails to fill the vacancy within such thirty (30) day period, the Board of Supervisors shall immediately cause a special election to be held to fill such vacancy. A special election to fill a vacancy in the Office of Auditor-Controller shall consist of a special primary election and if necessary, a special general election. A special primary election shall be held in the county in which the vacancy occurred on a Tuesday, at least 56 days, but not more than 63 days, following the adoption of the resolution calling the special election, except that any such special primary election may be conducted within 180 days following the adoption of such resolution in order that the

special primary election or special general election may be consolidated with the next regularly scheduled statewide election.

- B. Candidates at the special primary election shall be nominated in the manner set forth in the Elections Code for the nomination of candidates for a nonpartisan office for a direct primary election, except that nomination papers shall not be circulated prior to the adoption of the resolution calling the special election and shall be filed with the Registrar of Voters for examination not less than 43 days before the special primary election.

If only one candidate qualifies for the special primary election, that candidate shall be appointed to the vacancy by the Board of Supervisors for the unexpired term, shall serve exactly as if elected to such vacancy, and no special primary election or special general election to fill the vacancy shall be held. A candidate who receives a majority of all votes in the special primary election is elected to fill the vacancy for the unexpired term, and no special election shall be held. In the event there are no more than two candidates for a vacancy, the office shall be voted upon at the special primary election, and no special general election shall be held.

When no candidate receives a majority of all votes in the special primary election, a special general election shall be held on the fourth Tuesday after the special primary election. The two candidates who received the highest number of votes in the special primary election shall be the candidates in the special general election, and the one who receives the higher number of votes in the special general election is elected to fill the vacancy for the unexpired term. Write-in candidates are permitted in the special primary election in accordance with state general law. However, no write-in candidates are permitted to participate in the special general election.

- C. In a special election to fill a vacancy in the Office of Auditor-Controller, the Board of Supervisors may authorize either the special primary election or the special general election, or both, to be conducted wholly by mail, provided that the special primary election or the special general election to be conducted by mail does not occur on the same date as the statewide election with which it has been consolidated. In no event may a special primary

election or a special general election be conducted on the day after a state holiday.

ARTICLE III - SHERIFF- CORONER

301. Chief Law Enforcement Officer.

The Sheriff-Corner is the chief law enforcement officer of the county.

302. Terms of Office.

The term of the Office of Sheriff - Coroner is four (4) years.

303. Filling of Vacancies.

Notwithstanding any other provision of law, whenever a vacancy occurs in the Office of Sheriff-Coroner, the vacancy shall be filled as follows:

- A. In the event a vacancy occurs in the Office of Sheriff-Coroner, the Board of Supervisors by unanimous vote shall within thirty (30) days of the vacancy fill the vacancy either by appointment amongst qualified electors, who have been a resident of the county 30 days prior to appointment for the unexpired term, by appointment until the qualification of a successor elected at a special election or by calling a special election. If the Board of Supervisors fails to fill the vacancy within such thirty (30) day period, the Board of Supervisors shall immediately cause a special election to be held to fill such vacancy. A special election to fill a vacancy in the Office of Sheriff-Coroner shall consist of a special primary election and if necessary, a special general election. A special primary election shall be held in the county in which the vacancy occurred on a Tuesday, at least 56 days, but not more than 63 days, following the adoption of the resolution calling the special election, except that any such special primary election may be conducted within 180 days following the adoption of such resolution in order that the special primary election or special general election may be consolidated with the next regularly scheduled statewide election.
- B. Candidates at the special primary election shall be nominated in the manner set forth in the Elections Code for the nomination of candidates for a nonpartisan office for a direct primary election, except that nomination papers shall not be circulated

prior to the adoption of the resolution calling the special election and shall be filed with the Registrar of Voters for examination not less than 43 days before the special primary election.

If only one candidate qualifies for the special primary election, that candidate shall be appointed to the vacancy by the Board of Supervisors for the unexpired term, shall serve exactly as if elected to such vacancy, and no special primary election or special general election to fill the vacancy shall be held. A candidate who receives a majority of all votes in the special primary election is elected to fill the vacancy for the unexpired term, and no special election shall be held. In the event there are no more than two candidates for a vacancy, the office shall be voted upon at the special primary election, and no special general election shall be held.

When no candidate receives a majority of all votes in the special primary election, a special general election shall be held on the fourth Tuesday after the special primary election. The two candidates who received the highest number of votes in the special primary election shall be the candidates in the special general election, and the one who receives the higher number of votes in the special general election is elected to fill the vacancy for the unexpired term. Write-in candidates are permitted in the special primary election in accordance with state general law. However, no write-in candidates are permitted to participate in the special general election.

C. In a special election to fill a vacancy in the Office of Sheriff-Coroner, the Board of Supervisors may authorize either the special primary election or the special general election, or both, to be conducted wholly by mail, provided that the special primary election or the special general election to be conducted by mail does not occur on the same date as the statewide election with which it has been consolidated. In no event may a special primary election or a special general election be conducted on the day after a state holiday.

ARTICLE IV - DISTRICT ATTORNEY

401. Public Prosecutor.

The District Attorney is the chief public prosecutor of the county.

402. Terms of Office.

The term of the Office of District Attorney is four (4) years.

403. Filling of Vacancies.

Notwithstanding any other provision of law, whenever a vacancy occurs in the Office of District Attorney, the vacancy shall be filled as follows:

A. In the event a vacancy occurs in the Office of District Attorney, the Board of Supervisors by unanimous vote shall within thirty (30) days of the vacancy fill the vacancy either by appointment amongst qualified electors, who have been a resident of the county 30 days prior to appointment for the unexpired term, by appointment until the qualification of a successor elected at a special election or by calling a special election. If the Board of Supervisors fails to fill the vacancy within such thirty (30) day period, the Board of Supervisors shall immediately cause a special election to be held to fill such vacancy. A special election to fill a vacancy in the Office of District Attorney shall consist of a special primary election and if necessary, a special general election. A special primary election shall be held in the county in which the vacancy occurred on a Tuesday, at least 56 days, but not more than 63 days, following the adoption of the resolution calling the special election, except that any such special primary election may be conducted within 180 days following the adoption of such resolution in order that the special primary election or special general election may be consolidated with the next regularly scheduled statewide election.

B. Candidates at the special primary election shall be nominated in the manner set forth in the Elections Code for the nomination of candidates for a nonpartisan office for a direct primary election, except that nomination papers shall not be circulated prior to the adoption of the resolution calling the special election and shall be filed with the Registrar of Voters for examination not less than 43 days before the special primary election.

If only one candidate qualifies for the special primary election, that candidate shall be appointed to the vacancy by the Board of Supervisors for the unexpired term, shall serve exactly as if elected to such vacancy, and no special primary election or

special general election to fill the vacancy shall be held. A candidate who receives a majority of all votes in the special primary election is elected to fill the vacancy for the unexpired term, and no special election shall be held. In the event there are no more than two candidates for a vacancy, the office shall be voted upon at the special primary election, and no special general election shall be held.

When no candidate receives a majority of all votes in the special primary election, a special general election shall be held on the fourth Tuesday after the special primary election. The two candidates who received the highest number of votes in the special primary election shall be the candidates in the special general election, and the one who receives the higher number of votes in the special general election is elected to fill the vacancy for the unexpired term. Write-in candidates are permitted in the special primary election in accordance with state general law. However, no write-in candidates are permitted to participate in the special general election.

- C. In a special election to fill a vacancy in the Office of District Attorney, the Board of Supervisors may authorize either the special primary election or the special general election, or both, to be conducted wholly by mail, provided that the special primary election or the special general election to be conducted by mail does not occur on the same date as the statewide election with which it has been consolidated. In no event may a special primary election or a special general election be conducted on the day after a state holiday.

ARTICLE V - TREASURER-TAX COLLECTOR

501. Chief Finance Officer.

The Treasurer-Tax Collector is the chief finance officer of the county.

502. Terms of Office.

The term of the Office of Treasurer-Tax Collector is four (4) years.

503. Filling of Vacancies.

Notwithstanding any other provision of law, whenever a vacancy occurs in the Office of Treasurer-Tax Collector, the vacancy shall be filled as follows:

A. In the event a vacancy occurs in Office of Treasurer-Tax Collector, the Board of Supervisors by unanimous vote shall within thirty (30) days of the vacancy fill the vacancy either by appointment amongst qualified electors, who have been a resident of the county 30 days prior to appointment for the unexpired term, by appointment until the qualification of a successor elected at a special election or by calling a special election. If the Board of Supervisors fails to fill the vacancy within such thirty (30) day period, the Board of Supervisors shall immediately cause a special election to be held to fill such vacancy. A special election to fill a vacancy in the Office of Treasurer-Tax Collector shall consist of a special primary election and if necessary, a special general election. A special primary election shall be held in the county in which the vacancy occurred on a Tuesday, at least 56 days, but not more than 63 days, following the adoption of the resolution calling the special election, except that any such special primary election may be conducted within 180 days following the adoption of such resolution in order that the special primary election or special general election may be consolidated with the next regularly scheduled statewide election.

B. Candidates at the special primary election shall be nominated in the manner set forth in the Elections Code for the nomination of candidates for a nonpartisan office for a direct primary election, except that nomination papers shall not be circulated prior to the adoption of the resolution calling the special election and shall be filed with the Registrar of Voters for examination not less than 43 days before the special primary election.

If only one candidate qualifies for the special primary election, that candidate shall be appointed to the vacancy by the Board of Supervisors for the unexpired term, shall serve exactly as if elected to such vacancy, and no special primary election or special general election to fill the vacancy shall be held. A candidate who receives a majority of all votes in the special primary election is elected to fill the vacancy for the unexpired term, and no special election shall be held. In the event there are no more than two candidates for a vacancy, the office shall be voted upon at the special primary election, and no special general election shall be held.

When no candidate receives a majority of all votes in the special primary election, a special general election shall be held on the fourth Tuesday after the special primary election. The two candidates who received the highest number of votes in the special primary election shall be the candidates in the special general election, and the one who receives the higher number of votes in the special general election is elected to fill the vacancy for the unexpired term. Write-in candidates are permitted in the special primary election in accordance with state general law. However, no write-in candidates are permitted to participate in the special general election.

C. In a special election to fill a vacancy in the Office of Treasurer-Tax Collector, the Board of Supervisors may authorize either the special primary election or the special general election, or both, to be conducted wholly by mail, provided that the special primary election or the special general election to be conducted by mail does not occur on the same date as the statewide election with which it has been consolidated. In no event may a special primary election or a special general election be conducted on the day after a state holiday.

ARTICLE VI - ASSESSOR-COUNTY CLERK-RECORDER

601. Chief Document, Record Management, and Property Assessor.

The Assessor-County Clerk-Recorder is the chief document, record management and property assessment officer of the county.

602. Terms of Office.

The term of the office of Assessor-County Clerk-Recorder is four (4) years.

603. Filling of Vacancies.

Notwithstanding any other provision of law, whenever a vacancy occurs in the Office of Assessor-County Clerk-Recorder, the vacancy shall be filled as follows:

A. In the event a vacancy occurs in Office of Assessor-County Clerk-Recorder, the Board of Supervisors by unanimous vote shall within thirty (30) days of the vacancy fill the vacancy either by appointment amongst qualified electors, who have been a resident of the county 30 days prior to appointment for the unexpired term, by appointment until the qualification of a

successor elected at a special election or by calling a special election. If the Board of Supervisors fails to fill the vacancy within such thirty (30) day period, the Board of Supervisors shall immediately cause a special election to be held to fill such vacancy. A special election to fill a vacancy in the Office of Assessor-County Clerk-Recorder shall consist of a special primary election and if necessary, a special general election. A special primary election shall be held in the county in which the vacancy occurred on a Tuesday, at least 56 days, but not more than 63 days, following the adoption of the resolution calling the special election, except that any such special primary election may be conducted within 180 days following the adoption of such resolution in order that the special primary election or special general election may be consolidated with the next regularly scheduled statewide election.

- B. Candidates at the special primary election shall be nominated in the manner set forth in the Elections Code for the nomination of candidates for a nonpartisan office for a direct primary election, except that nomination papers shall not be circulated prior to the adoption of the resolution calling the special election and shall be filed with the Registrar of Voters for examination not less than 43 days before the special primary election.

If only one candidate qualifies for the special primary election, that candidate shall be appointed to the vacancy by the Board of Supervisors for the unexpired term, shall serve exactly as if elected to such vacancy, and no special primary election or special general election to fill the vacancy shall be held. A candidate who receives a majority of all votes in the special primary election is elected to fill the vacancy for the unexpired term, and no special election shall be held. In the event there are no more than two candidates for a vacancy, the office shall be voted upon at the special primary election, and no special general election shall be held.

When no candidate receives a majority of all votes in the special primary election, a special general election shall be held on the fourth Tuesday after the special primary election. The two candidates who received the highest number of votes in the special primary election shall be the candidates in the special general election, and the one who receives the higher number of votes in the special general election

is elected to fill the vacancy for the unexpired term. Write-in candidates are permitted in the special primary election in accordance with state general law. However, no write-in candidates are permitted to participate in the special general election.

- C. In a special election to fill a vacancy in the Office of Assessor-County Clerk-Recorder, the Board of Supervisors may authorize either the special primary election or the special general election, or both, to be conducted wholly by mail, provided that the special primary election or the special general election to be conducted by mail does not occur on the same date as the statewide election with which it has been consolidated. In no event may a special primary election or a special general election be conducted on the day after a state holiday.

ARTICLE VII - GENERAL

701. 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.

702. 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.

703. 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.

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Daryl Terrell

Address: Moreno Valley
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: 951-269-0390

Date: 4-20-10 **Agenda #** 3.6

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:
 Support **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

 Support **Oppose** **Neutral**

I give my 3 minutes to: _____