

**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.

(continued next page)

Pamela J. Walls

PAMELA J. WALLS, County Counsel

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: APPROVE

BY: *Tina Grande*
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Benoit, seconded by Supervisor Buster and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved with the recommended changes and that the Ordinance is approved as introduced with waiver of the reading

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
 Nays: None
 Absent: None
 Date: May 4, 2010
 xc: Co.Co., ROV, All BOS, COB

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

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

Dept's Recomm.: Consent Policy
 Per Exec. Ofc.: Consent Policy

Departmental Concurrence

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.

17 ROLL CALL:

18 Ayes: Buster, Tavaglione, Stone, Benoit, and Ashley
19 Nays: None
Absent: None

20 The foregoing is certified to be a true copy of a resolution duly
21 adopted by said Board of Supervisors on the date therein set forth.

22 KECIA HARPER-IHEM, Clerk of said Board

23 By: _____ Deputy

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

PROPOSED RIVERSIDE COUNTY CHARTER

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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, on a date specified by the Registrar of Voters that is 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 (100) 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.