



To: Members of the RCRC Board of Directors
From: Staci Heaton, Acting Vice President Governmental Affairs
Arthur J. Wylene, General Counsel
Date: April 20, 2021
Re: Assembly Bill 428 (Mayes) – Board of Supervisors Terms Limits and Compensation – **ACTION**

Summary

This memo provides an overview of Assembly Bill 428 (Mayes) regarding term limits and compensation for county Boards of Supervisors. RCRC staff is recommending that the Board of Directors adopt a “Support” position.

Background

State law currently allows counties to establish term limits for members of the Board of Supervisors, subject to voter approval. There is presently no minimum or maximum number of terms that may be provided for Board members under such a measure. San Bernardino County voters recently approved Measure K, which limits Supervisors in that county to a single term. This has generated statewide discussion regarding whether a one-term limit allows for adequate experience and accountability of county Board members, particularly if such measures become more common. AB 428 would provide that when term limits are imposed for a county Board of Supervisors, the limit must be no fewer than two terms.

State law also provides that the Board of Supervisors shall prescribe the compensation of all county officers. This has been interpreted by caselaw to include setting compensation for the Board of Supervisors itself, which is consistent with the relevant provisions of the California Constitution. AB 428 would explicitly codify that the Board of Supervisors is included in the definition of county officers for whom the Board is required to prescribe compensation.

Issue

AB 428 is presently supported by the California State Association of Counties, the Urban Counties of California, and San Bernardino County, among others. These supporters argue that while term limits serve an important purpose in communities that choose to adopt them, they also come at a cost of experience. They note that a single term simply does not allow for development of expertise or detailed understanding of County operations. Further, it does not allow for the kind of accountability a reelection provides. The imposition of a one-term limit will shift the balance of power to unelected staff and

special interest groups, and erode voters' rights to democratically voice their opinions of elected representative's performance at the ballot box. Supporters contend that ensuring a minimum of two four-year terms allows for elected county Supervisors to gain experience in managing a complex set of service obligations and financial responsibilities in order to most effectively implement county, state, and federal policies.

Codification of the Board of Supervisors' responsibility to set its own compensation does not change current law, at least with respect to general law counties. (It is not entirely clear whether this provision of the bill would be held applicable to charter counties, or whether the Legislature even has constitutional authority to dictate the means of setting Board compensation in charter counties.)

Staff Recommendation

RCRC staff recommends a "Support" position on Assembly Bill 428. As noted by supporters, a one-term limit appears inadequate for Board members to develop necessary experience in county government, or to provide for accountability through the reelection process. This two-term minimum provided in this bill will ensure that the Board, as a whole, has the necessary expertise to provide for continuity of county operations, without unduly impairing the voters' ability to establish meaningful term limits.

Attachments

- Copy of Assembly Bill 428 (Mayes)
- California State Association of Counties and Urban Counties Caucus Joint Letter of Support (Dated April 6, 2021)