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AB-428 Local government: board of supervisors. (2021-2022)

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Assembly Bill No. 428

CHAPTER 462

An act to amend Sections 25000 and 25300 of the Government Code, relating to local government.

[Approved by Governor October 04, 2021. Filed with Secretary of State October 04, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 428, Mayes. Local government: board of supervisors.

Existing law requires each county to have a board of supervisors and provides for the organization and powers of the board of supervisors. Existing law allows the board of supervisors of any general law or charter county to adopt or the residents of the county to propose, by initiative, a proposal to limit or repeal a limit on the number of terms a member of the board of supervisors may serve on the board of supervisors. Existing law also requires the board of supervisors to prescribe the compensation for all county officers.

This bill would require that, when term limits are imposed, the limit must be no fewer than 2 terms. This bill would specify that the board of supervisors is included in the definition of county officers for whom the board of supervisors is required to prescribe compensation. The bill would specify that it would not affect any term limits that were legally in effect prior to January 1, 2022, in any county.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 25000 of the Government Code is amended to read:

25000. (a) Each county shall have a board of supervisors consisting of five members. Not more than three members shall be elected at the same general election. If the terms of office of more than three members of the board expire at the same time, at the first regular meeting after January 1st following their election the members so elected shall so classify themselves by lot that three members shall serve for four years, and two for two years. Thereafter the term of office of each member shall be four years.

(b) (1) Notwithstanding any other provision of law, the board of supervisors of any general law or charter county may adopt or the residents of the county may propose, by initiative, a proposal to limit to no fewer than two terms or repeal a limit on the number of terms a member of the board of supervisors may serve on the board of supervisors. Any proposal to limit the number of terms a member of the board of supervisors may serve on the board of supervisors shall apply prospectively only and shall not become operative unless it is submitted to the electors of the county at a regularly scheduled election and a majority of the votes cast on the question favor the adoption of the proposal.

(2) The changes made to this subdivision by the act that added this paragraph shall not affect any term limits that were legally in effect prior to January 1, 2022, in any county.

SEC. 2. Section 25300 of the Government Code is amended to read:

25300. The board of supervisors shall prescribe the compensation of all county officers, including the board of supervisors, and shall provide for the number, compensation, tenure, appointment and conditions of employment of county employees. Except as otherwise required by Section 1 or 4 of Article XI of the California Constitution, such action may be taken by resolution of the board of supervisors as well as by ordinance.