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San Bernardino County Board of Supervisors v. Monell

Court of Appeal, Fourth District, Division 2, California - May 25, 2023 - Cal.Rptr.3d - 2023 WL 3643245 - 2023 Daily Journal D.A.R. 4954

County board of supervisors filed a combined complaint and writ petition in which board sought a declaration that voter-approved initiative that amended county charter to limit a supervisor to a single four-year term and to limit a supervisor's compensation to $5,000 a month was invalid and an injunction and writ of mandate preventing initiative's enforcement.

After a trial as a writ petition, the Superior Court entered a ruling that granted the mandate petition and struck down the initiative in its entirety. Proponent of initiative appealed, and board cross-appealed.

The Court of Appeal held that:

- Passage of a superseding measure did not render the appeal and cross-appeal moot;
- Regulatory interests justified the term limit, which was not a severe restriction on rights under the First and Fourteenth Amendments;
- On its face, the compensation cap did not violate federal and state minimum-wage laws;
- Any conflict between the compensation cap and county ordinance that required elected county officials to be provided with certain benefits was not a basis to find that the compensation cap was invalid;
- The terms of the newly elected supervisors began on the date provided by the county charter, i.e., the first Monday in December following the election;
- Pursuant to state statute, initiative went info effect ten days after the vote was declared by the board;
- Term limit did not kick out of office those supervisors who were already serving a term beyond their first time, but it would bar them from serving another term later; and
- Compensation cap could not apply to supervisors elected at the same election that approved the initiative.

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