

010033

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The County Counsel has prepared the following title and summary of the chief purpose and points of the proposed measure:

TITLE:

INITIATIVE REQUIRING A MAJORITY VOTE OF THE ELECTORATE FOR THE BOARD OF SUPERVISORS TO INCREASE OR DECREASE RETIREMENT BENEFITS OR PRE-RETIREMENT DEATH BENEFITS OF ANY PUBLIC SAFETY EMPLOYEE AND REQUIRING THE COUNTY OF RIVERSIDE TO CONTINUE THE CURRENT CALPERS (California Public Employee Retirement System) RETIREMENT FORMULA

SUMMARY:

This measure, if adopted by the voters of Riverside County, would prohibit the Riverside County Board of Supervisors from taking any action to increase or decrease the current retirement benefit formula or increase or decrease the current death benefits to any past, current or future public safety employee or past, current or future beneficiary, without first obtaining a majority vote of qualified electors who vote on the matter. Voter approval would not be required for cost of living adjustments, salary increases, and annual leave or compensatory time cash-outs.

If adopted by the voters of Riverside County, this measure would also require the County of Riverside to continue to offer the same CalPERS 3% @ 50 Benefit Formula, or substantially similar benefit, for retirement of public safety employees, as defined by CalPERS, even if CalPERS ceases to offer the 3% @ 50 and even if the County of Riverside were to cease to contract with CalPERS. It would also require the County of Riverside to continue to offer the same, or substantially similar, pre-retirement death benefits to public safety employees.

“Public Safety Employees” for purposes of the measure are defined as all local police officers, local sheriffs, firefighters, safety officers, county peace officers, and school safety members, employed by a contracting agency who have by contract been included within the system.

“Retirement Benefits” are defined as to include Service Retirement, Disability Retirement, Industrial Disability Retirement, Survivor Continuance and Retiree Health benefits of public safety employees and their survivors. “Death Benefits” are defined to include pre-retirement death benefits offered to beneficiaries of public safety employees.

NOTICE TO THE PUBLIC

**THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER.
YOU HAVE THE RIGHT TO ASK.**

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NOTICE OF INTENT TO CIRCULATE COUNTY INITIATIVE PETITION

Notice is hereby given by the person whose names appears hereon of his intention to circulate within the County of Riverside, State of California, an initiative petition to enact the attached ordinance. A copy of the initiative is attached and incorporated by reference in this Notice.

A statement of the reasons for the proposed action as contemplated in the petition is as follows:

I am proposing the attached measure because:

- 1) The taxpayers of Riverside County should have the right to approve or reject any increases in the current formula for retirement and death benefits for public safety employees (such as sheriffs and firefighters);
- 2) Public safety employees deserve to know that their widow and orphans will be protected from any decreases in their benefits by requiring that such decreases be put to a public vote;
- 3) The County will benefit by being able to accurately forecast its future retirement if changes in the formula for retirement and death benefits of public safety officers cannot be made without a vote of the electorate;
- 4) Retired public safety employees, who have already earned their current retirement benefits through years of dedicated service to the people of Riverside County, are entitled to rely on those benefits not decreasing in the future.

s/ Ruben Rasso, Retired Deputy Sheriff, 5100 Humbolt Court, Riverside, California 92507

The People of the County of Riverside ordain as follows:

SECTION 1. TITLE.

This ordinance shall be known and may be cited as the *Public Safety and Taxpayer Protection Act of 2010*.

SECTION 2. FINDINGS.

- (a) Given current budgetary constraints, the People of Riverside County find that it is necessary and appropriate to protect taxpayers by prohibiting any increases in the current formula for retirement and death benefits provided to public safety employees without a vote of the electorate.
- (b) It is also the desire of the People of Riverside County to protect its public safety employees by ensuring that the widows and orphans of the County's firefighters, sheriff and other public safety employees are provided for if they are killed in the line of duty.
- (c) The People of Riverside County further determine that it will promote budgetary stability to prohibit changes in the formula for retirement and death benefits of public safety officers without a vote of the electorate, so as to allow the County to accurately forecast its future retirement expenditures.
- (d) The People of Riverside County further recognize that reducing the retirement benefits for current employees would be an unlawful impairment of contract in violation of Article I, Section 10 of the United States Constitution, as well as Article I, Section 9 of the Constitution of the State of California
- (e) The People of Riverside County find that fulfilling these goals – of freezing retirement benefits for public safety employees while ensuring that the families of public safety employees killed in the line of duty are provided for – will help the County continue to attract and retain skilled and experienced public safety employees by providing them and their families with predictability in their retirement and death benefits.

SECTION 3. Chapter 3.10 is added to the Riverside County Code to read:

CHAPTER 3.10 RETIREMENT BENEFITS FOR PUBLIC SAFETY EMPLOYEES

Section 3.10.010 Definitions.

For purposes of this Chapter, the following definitions apply:

- (a) “Retirement Benefits” means those retirement benefits offered to public safety employees and their survivors as of the effective date of this measure, and includes Service Retirement, Disability Retirement, Industrial Disability Retirement, Survivor Continuance, and Retiree Health Benefit.
- (b) “Death Benefit” means those pre-retirement death benefits offered to beneficiaries of public safety employees as of the effective date of this measure.
- (c) “Retirement Benefit Formula” means the retirement benefit formula currently in place for public safety employees, which is known as “3% @ 50”, and includes the current limitation on these benefits of 90% of final compensation.
- (d) “Retirement System” means the California Public Employee Retirement System (“CalPERS”) or any successor retirement system
- (e) “Public Safety Employees” means those employees who are defined as safety employees under CalPERS as of the effective date of this measure, including but not limited to firefighters and peace officers.

Section 3.10.020 Limitations on Changes To Retirement and Death Benefits.

The Board of Supervisors shall not take any action, by ordinance, resolution, or otherwise, which increases or decreases the retirement benefit formula of, or increases or decreases pre-retirement death benefits to the beneficiaries of, any past, current, or future public safety employee of Riverside County in the retirement system, without first obtaining the approval of a majority of those qualified electors voting on the matter. This section shall not apply to cost of living adjustments, salary increases, and annual leave or compensatory time cash outs.

Section 3.10.030 Effect Of Changes In Retirement System

This ordinance shall apply with equal force to any Retirement System in place now or in the future. If CalPERS ceases to offer the 3% @ 50 Benefit Formula, or if Riverside County ceases to contract with CalPERS for retirement and death benefits, the County shall nonetheless continue to offer the same retirement benefit formula and pre-retirement death benefits to public safety employees. If the same retirement benefit formula or the same pre-retirement death benefits are not available under the retirement system then in force, the County shall provide retirement and death benefits that are substantially similar.

SECTION 4. AMENDMENTS.

This ordinance shall not be modified, amended or repealed, except by a majority vote of those qualified electors in Riverside County voting on the matter.

SECTION 5. CONFLICTS AND COMPETING MEASURES.

- (a) In the event this ordinance conflicts with the terms of any other ordinance, resolution, or policy of the County, this ordinance shall control.
- (b) In the event that another measure ("competing measure") appears on the same ballot as this ordinance which seeks to adopt or impose provisions that differ in any regard to, or supplement, the provisions or requirements contained in this ordinance, the voters hereby expressly declare their intent that if both the competing measure and this ordinance receive a majority of votes cast, and if this ordinance receives a greater number of votes than the competing measure, this ordinance shall prevail in its entirety over the competing measure without regard to whether specific provisions of each measure directly conflict with each other.
- (c) In the event that the competing measure and this ordinance receive a majority of votes cast, and the competing measure receives a greater number of votes than this ordinance, this ordinance shall be deemed complementary to the competing measure. To this end, and to the maximum extent permitted by law, the provisions of this ordinance shall be fully adopted except to the extent that specific provisions contained in each measure are deemed to be in direct conflict with each other on a "provision by provision" basis pursuant to *Yoshisato v. Superior Court* (1992) 2 Cal.4th 978.

SECTION 6. SEVERABILITY.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The People of Riverside County hereby declare that they would have adopted the ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 7. EFFECTIVE DATE.

The provisions of this ordinance shall be considered as adopted upon the date that the vote is declared by the Board of Supervisors and shall go into effect 10 days after that date, as provided for in Section 9122 of the California Elections Code.