

SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



FROM: Executive Office

SUBMITTAL DATE:  
May 13, 2010


SUBJECT: Public Safety and Taxpayer Protection Act of 2010 County Initiative Petition

RECOMMENDED MOTION: That the Board of Supervisors order a report on the effect of the proposed initiative pursuant to Elections Code §9111.

BACKGROUND: The Public Safety and Taxpayer Protection Act of 2010 County Initiative (see Attachment A), if adopted by a majority vote of the electorate, would prohibit the 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 beneficiary without first obtaining a majority vote of qualified voters. A petition for this initiative was filed with the Registrar of Voters on April 5, 2010. The Registrar of Voters has examined the petition pursuant to Elections Code §9115 and has declared the signatures on the petition to be sufficient.

According to Elections Code §9118, the Board of Supervisors has three options:

- (a) Adopt the ordinance without alteration at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented;

  
Karen L. Johnson, Management Analyst

FINANCIAL  
DATA

Current F.Y. Total Cost:

N/A

Current F.Y. Net County Cost:

N/A

Annual Net County Cost:

N/A

In Current Year Budget:

N/A

Budget Adjustment:

N/A

For Fiscal Year:

N/A

SOURCE OF FUNDS: N/A

Positions To Be  
Deleted Per A-30

☐


Requires 4/5 Vote

☐

C.E.O. RECOMMENDATION:

APPROVE

BY:

  
Kathryn Field

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended with the formation of an ad-HOC Committee, consisting of Supervisor Stone, Supervisor Buster and County Counsel to prepare a comprehensive analysis and report back June 15, 2010 at 9:00 a.m.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley

Nays: None


Absent: None

Date: May 18, 2010

xc: EO, Co.Co., Supvr. Buster, Supvr. Stone

Kecia Harper-Ihem  
Clerk of the Board

By:

  
Deputy

Prev. Agn. Ref.:

District: All

Agenda Number:

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

3.79

Dep't Recomm.: ☐ Policy  
Per Exec. Off.: ☐ Policy  
Consent: ☐ Policy  
Consent: ☐ Policy

- (b) Submit the ordinance, without alteration, to the voters pursuant to subdivision (b) of Elections Code §1405, unless the ordinance petitioned for is required to be, or for some reason is, submitted to the voters at a special election pursuant to subdivision (a) of Elections Code §1405; or
- (c) Order a report pursuant to Elections Code §9111 at the regular meeting at which the certification of the petition is presented.

Elections Code §9111 allows the Board to refer the proposed initiative measure to any county agency or agencies for a report on the fiscal impact and any other matters the Board requests to be in the report. Based on discussions with County Counsel, the Executive Office recommends that the Board order a report so that the impact of the adoption of the measure may be fully understood.

The report must be presented to the Board within 30 days of the acceptance of the certification of the sufficiency of the petition from the Registrar of Voters. When the report is presented to the Board, it shall either adopt the ordinance within 10 days or order an election pursuant to Elections Code § 9118, subdivision (b).

## 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 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.4<sup>th</sup> 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.