

MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



1.1

On motion of Supervisor Ashley, seconded by Supervisor Buster and duly carried by unanimous vote, IT WAS ORDERED, FOUND AND DETERMINED that the following ordinances were duly published:

<u>ORDINANCE</u>	<u>DATE</u>	<u>NEWSPAPER</u>
No. 899	August 4, 2010	The Press-Enterprise

I hereby certify that the foregoing is a full, true and correct copy of an order made and entered on September 14, 2010 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors  
Dated: September 14, 2010  
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in and  
for the County of Riverside, State of California.

(seal)

By: , Deputy  
AGENDA NO.

1.1

ATTACHMENTS FILED WITH  
THE CLERK OF THE BOARD

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WITH THE CLERK OF THE BOARD

# THE PRESS-ENTERPRISE

3450 Fourteenth Street  
Riverside CA 92501-3878  
951-684-1200  
951-368-9018 FAX

PROOF OF PUBLICATION  
(2010, 2015.5 C.C.P.)

Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: Ord. 900 Proposing Ord. No 899

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673 and under date of August 25, 1995, Case Number 267864; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

08-04-10

I Certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: Aug. 4, 2010  
At: Riverside, California



BOARD OF SUPERVISORS  
P.O. BOX 1147  
COUNTY OF RIVERSIDE  
RIVERSIDE CA 92502

Ad #: 10352356

PO #:

Agency #: \_\_\_\_\_

Ad Copy:

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

## ORDINANCE NO. 900

AN ORDINANCE OF THE COUNTY OF RIVERSIDE  
PROPOSING RIVERSIDE COUNTY ORDINANCE NO. 899 FOR ADOPTION BY  
THE VOTERS AT THE STATEWIDE GENERAL ELECTION ON  
NOVEMBER 2, 2010

The Board of Supervisors of the County of Riverside ordains as follows:  
Section 1. In accordance with Elections Code section 9140, the Board of Supervisors may submit to the voters an ordinance for the enactment of any ordinance. The ordinance shall be voted upon at any succeeding regular or special election and, if it receives a majority of the votes cast, the ordinance shall be enacted accordingly.

Section 2. The Board of Supervisors has determined that Proposed Ordinance No. 899 would be in the best interests of the County of Riverside.

Section 3. Proposed Ordinance No. 899, attached hereto and incorporated herein, shall be submitted for adoption to the qualified voters of the County of Riverside at the statewide general election on November 2, 2010.

Section 4. Pursuant to Elections Code section 13119, the form of the measure shall appear on the ballot as follows:

### PROPOSED RIVERSIDE COUNTY ORDINANCE

Shall Ordinance No. 899, requiring voter approval for increases in public safety employee retirement benefits or decreases in job related pre-retirement death benefits, and allowing decreases in retirement benefits, be adopted? YES   
NO

Section 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon its adoption in accordance with Elections Code section 9141(a)(1).

### PROPOSED ORDINANCE NO. 899

AN ORDINANCE OF THE COUNTY OF RIVERSIDE PROHIBITING INCREASES  
IN AND ALLOWING DECREASES IN PUBLIC SAFETY PENSIONS WITHOUT  
VOTER APPROVAL

The people of the County of Riverside ordains as follows:

Section 1. TITLE. This ordinance shall be known as the Taxpayer Protection and Fiscal Responsibility Act of 2010.

#### Section 2. FINDINGS.

- Given current budgetary constraints, taxpayers should be protected against increases in retirement and death benefits provided to public safety employees without voter approval.
- Widows and orphans of public safety employees whose death has been determined to be job related, however, shall be protected and benefits paid to such beneficiaries upon the death of the public safety employee shall not be reduced without voter approval.
- Given the County's fiscal crisis, retirement benefits for future public safety employees may need to be reduced. It is the intent that the Board of Supervisors continue to retain the discretion to reduce retirement benefits to the extent permitted by law.
- Existing public safety employees have a right to receive certain retirement benefits that were promised them upon employment. This ordinance does not allow the reduction of retirement benefits or death benefits which would constitute an unlawful impairment of contract in violation of Article 1, Section 10 of the United States Constitution or Article 1, Section 9 of the Constitution of the State of California.

Section 3. PURPOSE. The purpose of this ordinance is to prohibit increases in public safety employee retirement and death benefits without voter approval and to clarify that the Board of Supervisors retains the discretion to decrease public safety employee retirement and death benefits, to the extent permitted by law, without voter approval.

#### Section 4. DEFINITIONS.

- Death Benefits. Pre-retirement death benefits offered to public safety employees and their survivors as of the effective date of this measure.
- Public Safety Employees. Employees who are defined as safety employees under the California Public Employee Retirement System ("CalPERS") or any successor retirement system.
- Retirement Benefits. 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.
- Retirement Benefit Formula. 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.
- Retirement System. The CalPERS or any successor retirement system.

#### Section 5. LIMITATIONS ON CHANGES TO RETIREMENT AND DEATH BENEFITS.

- The Board of Supervisors shall not take any action, by ordinance, resolution, or otherwise, which increases the retirement benefit formula of, or increases 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 subdivision shall not apply to cost of living adjustments, salary increases and annual leave or compensatory time cash outs.
- The Board of Supervisors hereby retains the discretion to decrease the retirement benefit formula of, or decrease 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 subdivision shall not apply to pre-retirement benefits paid to the beneficiaries of a public safety employee whose death has been determined to be job-related. A reduction of such benefits for those beneficiaries of public safety employees whose death has been determined to be job-related shall not be made without first obtaining the approval of a majority of those qualified electors voting on the matter.
- Before submitting any increase in the retirement benefit formula or death benefits to a vote of the electorate, or decreasing the retirement formula or death benefits, the County shall meet and confer with public safety employee representative groups if required by the Myers Milias Brown Act (Government Code section 3505 et seq.).
- No reduction in retirement benefits or death benefits shall be taken which would constitute an unlawful impairment of contract in violation of Article 1, Section 10 of the United States Constitution, as well as Article 1, Section 9 of the Constitution of the State of California. If CalPERS ceases to offer the 3% at 50 benefit formula or if Riverside County ceases to contract with CalPERS for retirement and death benefits, the County shall not be required to offer the same retirement benefit formula and pre-retirement death benefits to public safety employees unless the failure to do so would constitute an unlawful impairment of contract under the federal or state constitutions or violate federal or state law.

Section 6. AMENDMENTS. This ordinance shall not be modified, amended or repealed, except by a majority vote of those qualified electors voting on the measure.

#### Section 7. CONFLICTS AND COMPETING MEASURES.

- In the event this ordinance conflicts with the terms of any other ordinance, resolution or policy of the County, this ordinance shall control.
- 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 com-

peting 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.

Section 8. SEVERABILITY. If any provision or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. It is hereby declared that the ordinance and each and every provision and portion thereof would have been adopted irrespective of the fact that any one or more provisions or portions thereof be declared invalid or unconstitutional.

Section 9. EFFECTIVE DATE. Pursuant to section 9122 of the Elections Code, this ordinance shall take effect ten days after the vote is declared by the Board of Supervisors.

Marion Ashley, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on July 27, 2010, the foregoing Ordinance consisting of five (5) sections was adopted by said Board by the following vote:

AYES: Buster, Stone, Benoit and Ashley

NAYS: None

ABSENT: Tavaglione

Kecia Harper-Ihem, Clerk of the Board

By: Cecilia Gil, Board Assistant