

**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.

- a. Given current budgetary constraints, taxpayers should be protected against increases in retirement and death benefits provided to public safety employees without voter approval.
- b. 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.
- c. 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.
- d. 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.

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

- d. 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.
- e. Retirement System. The CalPERS or any successor retirement system.

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

- a. 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.
- b. 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.
- c. 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.).
- d. 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.

- 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.

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.

**(Reference Ord. 900, item 3.19 of 07-27-10)**