Orange County Charter

Approved by the Electorate March 5, 2002
Amended November 4, 2008, June 5, 2012 and June 3, 2014

ORANGE COUNTY CHARTER

Table of Contents

PREAMBLE 2

ARTICLE I – BOARD OF SUPERVISORS 2

101. Governing Body 2
102. Terms of Office 2
103. Filling of Vacancies 2

ARTICLE II – GENERAL 3

201. Initiative and Referenda 3
202. General Law Governs 3
203. County Ordinances Enacted by the Voters Remain in Effect 3

ARTICLE III - VOTER APPROVAL OF RETIREMENT SYSTEM BENEFIT INCREASES 3

301. Approval of Retirement System Benefit Increases 3

ARTICLE IV - MANDATORY MINIMUM PENSION SELECTION.

401. Minimum Pension Selection 4

CHARTER HISTORY 4

PREAMBLE

We, the citizens of Orange County, with a desire for self-determination in selecting our county elected officials and to initiate the process to govern our county by charter government, do hereby adopt this charter.

ARTICLE I – BOARD OF SUPERVISORS

101. Governing Body

The governing body of the county is a Board of Supervisors of five (5) members elected by and from designated supervisorial districts.

102. Terms of Office

The term of the office of supervisor is four (4) years.

103. Filling of Vacancies

Notwithstanding any other provision of law, whenever a vacancy occurs in the office of supervisor, the vacancy shall be filled as follows:

A. If the vacancy occurs in the first 1095 days of the term of office, the vacancy shall be filled by a vote of the electors of that district at a special election to be called by the Board of Supervisors not less than 56 days nor more than 70 days after the vacancy occurs. If the vacancy occurs within 180 days of a regularly scheduled election held throughout the supervisorial district, the election to fill the vacancy may be consolidated with that regularly scheduled election.

   The person receiving the highest number of votes in that election shall fill the vacancy.

B. If the vacancy occurs within the final year of the term, the vacancy shall be filled by the person receiving the highest number of votes for Supervisor in that district in the March primary election that year. If that person for any reason does not assume the office for the remainder of the term, the Board of Supervisors is hereby authorized to appoint a person to fill the vacancy. If the Board of Supervisors does not make such an appointment within 30 days following the certification of the March primary election results or following the failure of that person to assume the office, whichever comes later, the Board of Supervisors shall call a special election to be held not less than 56 nor more than 70 days thereafter to fill the vacancy.

   The person receiving the highest number of votes in that special election shall fill the vacancy.

ARTICLE II – GENERAL

201. Initiative and Referenda

This charter does not abridge or modify the rights of citizens to propose initiatives and referenda (including amendments to this charter) as provided for in the general laws of the State of California.

202. General Law Governs

Except as expressly set forth in this charter, the general law set forth in the Constitution of the State of California and the laws of the State of California shall govern the operations of the County of Orange.

203. County Ordinances Enacted by the Voters Remain in Effect

Ordinances of the County of Orange adopted by the voters prior to the enactment of this charter shall remain in full force and effect and may only be modified or repealed by a vote of the people.

ARTICLE III - VOTER APPROVAL OF RETIREMENT SYSTEM BENEFIT INCREASES

301. Approval of Retirement System Benefit Increases

(a) The Board of Supervisors shall not take any action, by ordinance, resolution, or otherwise, which increases the retirement benefits of any employee, legislative officer or elected official of the County of Orange in the Orange County Employees Retirement System or any successor retirement system ("retirement system"), with the exception of statutorily-established cost of living adjustments, salary increases, and annual leave or compensatory time cash-outs, without first obtaining the approval of a majority of those qualified electors voting on the matter.

(b) Prior to placement of any proposed increased benefits on the ballot, the retirement system shall prepare, or have prepared on its behalf, an actuarial study of the cost and the funded and unfunded actuarial accrued liability attributable to the retirement benefit changes proposed by the amendment. Such actuarial study shall be available to the public and a summary of the actuarial study shall be published in the ballot pamphlet.

(c) Nothing in subsection (a) of this section shall prevent the County from negotiating tentative agreements with employee organizations for retirement benefit increases permitted by state law provided, however, that no tentative agreement for an increase in benefits, with the exception of statutorily-established cost of living adjustments, salary increases, and annual leave or compensatory time cash-outs, of any employee, legislative officer or elected official under such retirement system, shall become binding or effective until approved by a majority of those qualified electors voting on the matter. The Board of Supervisors shall have no authority to enter into final or binding agreements with any bargaining unit regarding retirement system benefit increases until and unless those increases to retirement system benefits are approved by a majority of those qualified electors voting on the matter.

(d) The provisions of this section shall become operative on January 1, 2009.

ARTICLE IV - MANDATORY MINIMUM PENSION SELECTION

401. Minimum Pension Selection

Individuals elected or appointed to the County of Orange Board of Supervisors on or after June 5th 2012 are required to enroll in the minimum pension option offered to Orange County employees, which is the 1.62% at 65 pension plan.

ARTICLE V - ELECTED OFFICIAL PENSION CONTRIBUTIONS

501. Elected Official Pension Contributions

The County shall not pay the employee retirement contributions referenced under Government Code Section 31581.1 (as of October 1, 2013) and Government Code Section 31581.2 (as of October 1, 2013), for elected, appointed, or reelected Members of the Board of Supervisors or other County elected officials who begin a term on or after June 4, 2014.

CHARTER HISTORY

Articles I & II – Measure "V" – 3/5/02 Election
Article III – Measure "J" – 11/4/08 Election (effective 1/1/09)
Article IV – Measure "B" – 6/5/12 Election (effective 6/5/12)
Article V – Measure "A" – 6/3/14 Election (effective 6/4/14)