

ASSEMBLY BILL

No. 2628

Introduced by Assembly Member Mansoor
(Coauthors: Assembly Members Allen, Hagman, and Harkey)
(Coauthors: Senators Correa and Walters)

February 21, 2014

An act to add Section 31520.13 to the Government Code, relating to county employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 2628, as introduced, Mansoor. County employees' retirement: Orange County.

The County Employees Retirement Law of 1937 (CERL) prescribes the membership composition requirements for boards of retirement in counties that are subject to certain provisions regarding safety members. CERL requires the retirement boards in these counties to be comprised of 9 members and one alternate member, as specified. CERL requires the 4th, 5th, 6th, and 9th members to be qualified electors of the county who are not connected with the county government, except that one may be a member of the county board of supervisors. The California Constitution prohibits modification of the composition of certain public retirement boards that include elected employee members without ratification by the electors of the jurisdiction in which the participants of the system are employed.

This bill would permit the Board of Supervisors of Orange County, by resolution adopted by majority vote, to appoint an alternate member for the 4th, 5th, 6th, or 9th member of the board of retirement. The bill would require that the alternate member be a qualified elector of the county who is not connected with the county government in any

capacity. The bill would require the alternate member to have the same term of office as the 9th member, would permit the alternate member to vote only if the 4th, 5th, 6th, or 9th member is absent from a board meeting, and would require the alternate member to fill a vacancy with respect to those members until a successor qualifies. The bill would entitle the alternate member to compensation equal to his or her counterparts for attendance without regard to whether he or she is a voting member and would generally provide the alternate member with the same rights, privileges, and responsibilities as his or her counterparts. The bill would permit the alternate member to hold positions on committees and participate in deliberations independent of his or her counterparts. The bill would prohibit the alternate member from serving until service of this type is approved by a majority of the electors in the county.

Vote: majority. Appropriation: no. Fiscal committee: no.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 31520.13 is added to the Government
 2 Code, immediately following Section 31520.12, to read:
 3 31520.13. (a) Notwithstanding Section 31520.1, and subject
 4 to the limitations of subdivision (d), the board of supervisors may,
 5 by resolution adopted by majority vote, appoint an alternate
 6 member for the fourth, fifth, sixth, and ninth members. The
 7 alternate member shall be a qualified elector of the county who is
 8 not connected with the county government in any capacity. The
 9 term of office of the alternate member shall run concurrently with
 10 the term of office of the ninth member. The alternate member shall
 11 vote as a member of the board only in the event that the fourth,
 12 fifth, sixth, or ninth member is absent for any cause. If there is a
 13 vacancy with respect to the fourth, fifth, sixth, or ninth member,
 14 the alternate member shall fill that vacancy until a successor
 15 qualifies.
 16 (b) The alternate member for the fourth, fifth, sixth, or ninth
 17 member shall be entitled to the same compensation as the fourth,
 18 fifth, sixth, or ninth member for attending a meeting, pursuant to
 19 Section 31521, whether or not the fourth, fifth, sixth, or ninth
 20 member attends the meeting.

1 (c) The alternate member for the fourth, fifth, sixth, or ninth
2 member shall be entitled to both of the following:

3 (1) The alternate member for the fourth, fifth, sixth, or ninth
4 member shall have the same rights, privileges, responsibilities,
5 and access to closed sessions as the fourth, fifth, sixth, or ninth
6 member.

7 (2) The alternate member for the fourth, fifth, sixth, or ninth
8 member may hold positions on committees of the board
9 independent of the fourth, fifth, sixth, or ninth member and may
10 participate in the deliberations of the board or any of its committees
11 to which the fourth, fifth, sixth, or ninth member has been
12 appointed whether or not the fourth, fifth, sixth, or ninth member
13 is present.

14 (d) The alternate member appointed pursuant to subdivision (a)
15 shall not serve as an alternate member for the fourth, fifth, sixth,
16 or ninth member unless service by an alternate member for an
17 appointed member is approved by the majority of the electors in
18 the county.

19 (e) This section shall apply only to Orange County.