

VOTER INFORMATION PAMPHLET

Containing

MEASURES L & M

CONTRA COSTA COUNTY

TUESDAY, NOVEMBER 7, 2006

Arguments in favor of or against the proposed measures are the opinions of the authors.



If you would like to receive this information in Spanish please call (925) 646-4166; if you have already requested voting information in Spanish, the information will be mailed to you automatically.

Si desea recibir esta información en español, por favor llame al (925) 646-4166, si ya solicitó información para votar en español, ésta será enviada automáticamente por correo.

Measure L..... Pages 1 - 14
Measure M..... Pages 15 - 19

MEASURE L
CONTRA COSTA COUNTY URBAN LIMIT LINE

Shall the voters amend the Contra Costa County General Plan (2005-2020) and the County's 65/35 Land Preservation Plan Ordinance (County Ordinance Code, Chapter 82-1) to: (i) extend the term of the County's Urban Limit Line to the Year 2026; (ii) require voter approval to expand the line by more than 30 acres; (iii) adopt a new Urban Limit Line Map; and (iv) establish new review procedures?

COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF
MEASURE L

In 1990, voters in Contra Costa County approved Measure C-1990, the 65/35 Contra Costa County Land Preservation Plan Ordinance ("65/35 Ordinance"), which expires in 2010. Measure C-1990 limited urban development to no more than 35 percent of the land in the County and required that at least 65 percent be preserved for agriculture, open space, wetlands, parks, and other non-urban uses. Measure C-1990 also established the County's Urban Limit Line ("ULL"), a line beyond which no urban land use can be designated.

In 1988, County voters approved Measure C-1988, which imposed a sales tax for local transportation purposes. In 2004, voters approved Measure J, which extended that sales tax 25 years. The County must have a ULL, developed and maintained in accord with the "Principles of Agreement for Establishing the Urban Limit Line" ("Principles"), which was part of Measure J, to receive the sales tax proceeds. To comply with the Principles, the ULL must be extended beyond 2010.

To continue to be eligible to receive the sales tax proceeds, the Principles require the County, by March 31, 2009, to either establish a ULL based on the mutual agreement of the County and cities or obtain voter approval of a County ULL. The County and cities were unable to agree upon a ULL. The County therefore seeks voter approval of the extension of the County's ULL to continue to be eligible to receive the sales tax proceeds.

In July 2005, the County took steps to initiate a new, voter-approved ULL, including carrying out an environmental review and preparing a ballot measure. The environmental review resulted in a conclusion that the proposed ballot measure will not result in any significant impacts on the environment.

If this ballot measure is approved by the voters, the measure would amend the County's General Plan (2005-2020) and the 65/35 Ordinance to accomplish the following: (1) extend the term of the 65/35 Ordinance from December 31, 2010, to December 31, 2026; (2) require four-fifths vote of the County Board of Supervisors and voter approval to expand the ULL by more than 30 acres (but voter approval is not required if four-fifths of the Board finds after a public hearing that there is substantial evidence in the record that the ULL expansion is necessary to avoid an unconstitutional taking of private property or is necessary to comply with state or federal law); (3) provide for periodic reviews of the ULL by the Board of Supervisors and a required review in 2016 involving an evaluation of housing and job needs; (4) adopt a new ULL map; and (5) retain the 65/35 land preservation standard and protections for the County's prime agricultural land.

This measure will become effective immediately if approved by a majority of the voters voting on the measure.

ARGUMENT IN FAVOR OF MEASURE L

Protecting Contra Costa County's remaining open space and agricultural lands, discouraging urban sprawl, and preventing traffic congestion from getting any worse, are concerns that matter to all County residents. These concerns are not new. In 1990 the voters enacted the County's Urban Limit Line, approved under Measure C: The Contra Costa County 65/35 Land Preservation Plan Ordinance, which established a line beyond which no urban land uses could be approved during the term of the County's General Plan. The Measure C-1990 ordinance runs for 20 years and is due to expire in 2010.

Over the past 16 years, the Urban Limit Line has protected thousands of acres of open space and agricultural lands and has succeeded in channeling growth into areas of the County most appropriate for urban development. Through Measure L, the Board of Supervisors asks the voters to extend the term of the County's Urban Limit Line to the year 2026.

What does a "yes" vote on Measure L mean? A "yes" vote will extend the term of the Urban Limit Line for another 20 years insuring the continued protection and preservation of the County's open space and agricultural lands. A "yes" vote will require voter approval for future expansion of the Urban Limit Line by more than 30 acres, meaning that through 2026 the voters will decide whether the unincorporated, rural areas of Contra Costa County should be urbanized. A "yes" vote will

provide certainty in the County’s land use planning process, promoting orderly development in the unincorporated communities of the County with adequate public services to accommodate future growth (roads, water, sewer, etc.). A “yes” vote will maintain eligibility for local funds under the ½ cent transportation sales tax program approved by voters in 2004.

We strongly urge voters to approve Measure L.

John Gioia, Supervisor, District I

Gayle B. Uilkema, Supervisor, District II

Mary Nejedly Piepho, Supervisor District III

Mark DeSaulnier, Supervisor, District IV

Federal D. Glover, Supervisor, District V

**ARGUMENT AGAINST
MEASURE L**

None filed.

**FULL TEXT OF
MEASURE L**

**2006 VOTER-APPROVED
CONTRA COSTA COUNTY
URBAN LIMIT LINE**

The People of the County of Contra Costa County hereby ordain as follows:

SECTION 1. TITLE

This measure shall be entitled the **2006 Voter-Approved Contra Costa County Urban Limit Line.**

SECTION 2. SUMMARY

This measure amends the Land Use Element of the Contra Costa County General Plan (2005-2020) and the 65/35 Contra Costa Land Preservation Ordinance in the following ways: (1) It extends the term of

the 65/35 Land Preservation Plan Ordinance from December 31, 2010 to December 31, 2026. (2) It provides that, through December 31, 2026, the General Plan cannot be amended to expand the Urban Limit Line by more than 30 acres without a four-fifths vote of the Board of Supervisors and approval of the voters. (3) It provides for periodic reviews of the Urban Limit Line, including a mandatory mid-point review in Year 2016 involving an evaluation of land supply to satisfy 20-year housing and job needs in Contra Costa County. (4) It incorporates a new and revised Urban Limit Line Map that reflects the approvals of city Urban Limit Lines or Urban Growth Boundary maps by voters in the cities of Antioch, Pittsburg, and San Ramon and also reflects other non-substantive boundary changes at various locations. (5) Finally, the measure retains the 65/35 land preservation standard and protections for the County's prime agricultural land.

SECTION 3. STATEMENT OF PURPOSE AND FINDINGS

The voters approve this measure based on the following facts and considerations:

- A. In November 1990 the voters approved Measure C-1990, the 65/35 Contra Costa County Land Preservation Plan Ordinance (Chapter 82-1 of the County Ordinance Code), which limited urban development in Contra Costa County to no more than thirty-five (35) percent of the land in the County and required that at least 65 percent of all land in the County would be preserved for agriculture, open space, wetlands, parks, and other non-urban uses. Measure C-1990 also established a countywide Urban Limit Line identifying non-urban agricultural, open space, and other areas beyond which no urban land use could be designated during the term of the General Plan.
- B. County Ordinance Code Section 82-1.028 currently provides that the Urban Limit Line will remain in effect until December 31, 2010. This measure would extend the duration of the 65/35 Land Preservation Plan (which includes the Urban Limit Line) to December 31, 2026, thus extending the protection to the County's non-urban and open space areas for an additional 16 years. Because the factors contributing to the need to adopt the 65/35 Land Preservation Plan still exist, it is appropriate to extend these protections through the year 2026.
- C. The procedure by which the Urban Limit Line may be changed, either by the Board of Supervisors or by action of the voters, is described at page 3-9, Land Use Element, Contra Costa County

General Plan, and in Contra Costa County Ordinance Code Section 82-1.018. To provide additional protection to the County's non-urban and open space areas, this measure would require that, through December 31, 2026, the General Plan cannot be amended to expand the Urban Limit Line by more than 30 acres without a four-fifths vote of the Board of Supervisors and approval of the voters.

- D. This measure would establish a procedure to allow the Board of Supervisors to review the Urban Limit Line on a 5-year cycle, commencing in 2011, to consider whether changes should be made to reflect changing times. This measure would also require a 10-year comprehensive review of the Urban Limit Line in 2016 to determine whether there is sufficient land available to satisfy housing and jobs needs for Contra Costa County for the following 20 years. Because housing and job needs, as well as social and environmental factors, may change over the years, it is appropriate to provide for this review procedure in 2016, which is the mid-point of the extended term, to determine whether expansion of the Urban Limit Line should be considered to meet the changing needs of the County.

SECTION 4. IMPLEMENTATION

To implement this measure, the Contra Costa County General Plan (2005-2020) and Chapter 82-1, 65/35 Land Preservation Plan Ordinance, Contra Costa County Ordinance Code, are amended as follows:

A. GENERAL PLAN AMENDMENTS

1. CHANGE TO GENERAL PLAN MAP DIAGRAM

At page 3-10, Land Use Element, Contra Costa County General Plan (2005-2020), Figure 3-1, Urban Limit Line Map (black and white version sized 8"x 11"), and a color version of Urban Limit Line Map (11" x 17" insert to the General Plan) are hereby amended, as shown on Figure One: Contra Costa County Urban Limit Line Map, which is attached to this measure. Each will be titled: "Contra Costa County Urban Limit Line Map" and adopted to show the boundary of the Urban Limit Line, as approved by this measure.

2. CHANGE TO GENERAL PLAN TEXT

The General Plan is hereby amended to revise the text of "CHANGES TO THE URBAN LIMIT LINE", at page 3-9 of the Land Use Element of the Contra Costa County General Plan, as follows. New text shown in bold italics and underline **example** is added to the existing text while text in strikeout font ~~example~~ is deleted from the existing text. Text in ordinary font is unchanged by this measure.

CHANGES TO THE URBAN LIMIT LINE

There shall be no change to the ULL that would violate the 65/35 Land Preservation Standard. ~~The ULL will only be changed by a 4/5 vote of the Board of Supervisors after holding a public hearing and making one or more of the following findings based on substantial evidence in the record:~~ **There will be no change to the ULL except in the manner specified herein. There will be no change to the ULL unless the Board of Supervisors first holds a public hearing at which it approves the change or changes, by a four-fifths vote, after making one or more of the following findings based on substantial evidence in the record:**

- (a) a natural or man-made disaster or public emergency has occurred which warrants the provision of housing and/or other community needs within land located outside the ULL;
- (b) an objective study has determined that the ULL is preventing the County from providing its fair share of affordable housing or regional housing as required by State law, and the Board of Supervisors finds that a change to the ULL is necessary and the only feasible means to enable the County to meet these requirements of State law;
- (c) a majority of the cities that are party to a preservation agreement and the County have approved a change to the ULL affecting all or any

- portion of the land covered by the preservation agreement;
- (d) a minor change to the ULL will more accurately reflect topographical characteristics or legal boundaries;
 - (e) an objective study has determined that a change to the ULL is necessary or desirable to further the economic viability of the east Contra Costa County Airport, and either (i) mitigate adverse aviation related to environmental or community impacts attributable to Buchanan Field, or (ii) further the County's aviation related needs;
 - (f) a change is required to conform to applicable California or federal law.
 - (g) a five (5) year ~~periodic~~ ***cyclical*** review of the ULL has determined, based on criteria and factors for establishing the ULL set forth above, that new information is available (from city or County growth management studies or otherwise) or circumstance have changed, warranting a change to the ULL.

Any General Plan amendment that would expand the ULL by more than 30 acres shall require voter approval of the proposed General Plan amendment, following the public hearing and the four-fifths vote of the Board of Supervisors approving the General Plan amendment and making one or more of the findings set forth in subsections (a) through (g) above. Notwithstanding the foregoing, a proposed General Plan amendment to expand the ULL by more than 30 acres does not require voter approval if, after a public hearing, the Board of Supervisors by a four-fifths vote approves the General Plan amendment and makes either of the following findings based on substantial evidence in the record: (i) the expansion of the ULL is necessary to avoid an unconstitutional taking of private property; or (ii) the expansion of the ULL is necessary to comply with state or federal law. Expansions of the

ULL totaling 30 acres or less do not require voter approval.

[ADD THE FOLLOWING NEW PARAGRAPHS UNDER THE HEADING “CHANGES TO THE URBAN LIMIT LINE”, at page 3-9 of the Land Use Element of the General Plan as follows]

The Board of Supervisors may conduct a cyclical review of the ULL every five years.

The Board of Supervisors will review the boundary of the ULL in the year 2016. The purpose of the year 2016 review is to determine whether a change to the boundary of the County’s Urban Limit Line Map is warranted, based on facts and circumstances resulting from the County’s participation with the cities in a comprehensive review of the availability of land in Contra Costa County sufficient to satisfy housing and jobs needs for 20 years thereafter. This review of the ULL is in addition to any other reviews of the ULL the Board of Supervisors may conduct.

Any change to the ULL proposed as a result of any review authorized by this section must be adopted pursuant to the procedures set forth in this section. These provisions are effective until December 31, 2026.

B. ORDINANCE CODE CHANGES

1. To be consistent with the amendments to the General Plan that change the boundary of the Urban Limit Line, the People of the County of Contra Costa hereby enact Ordinance No. 2006-06 as follows:

TEXT OF PROPOSED ORDINANCE
Ordinance No. 2006-06

Section 1. Title. This ordinance shall be entitled the “2006 Voter-Approved Contra Costa County Urban Limit Line.”

Section 2. Summary. This ordinance amends Chapter 82-1 of the County Ordinance Code to extend the term of the County's Urban Limit Line to the year 2026, to establish new procedures to review the boundaries of the Urban Limit Line and to prohibit expansion of the line by more than 30 acres without voter approval.

Section 3. Ordinance Code Section 82-1.010 is amended to read as follows (new text to be inserted is shown in bold italics and underline **[example]**, text in strikeout font ~~[example]~~ is deleted from the existing text and text in ordinary font is unchanged by this measure):

82-1.010 Urban limit line. To ensure the enforcement of the 65/35 standard set forth in Section 82-1.006, an urban limit line shall be established, in approximately the location depicted on the ~~illustrative 65/35 Contra Costa County Land Preservation Plan Map attached as Exhibit A to Ordinance No. 90-66~~ **"Contra Costa County Urban Limit Line Map" adopted by the voters on November 7, 2006.** The urban limit line shall ~~be~~ ***is*** incorporated into the county's open space conservation plan. The urban limit line shall ~~limit~~ ***limits*** potential urban development in the county to thirty-five percent of the land in the county and shall ~~prohibit~~ ***prohibits*** the county from designating any land located outside the urban limit line for an urban land use. The criteria and factors for determining whether land should be considered for location outside the urban limit line should include (a) land which qualifies for rating as Class I and Class II in the Soil Conservation Service Land Use Capability Classification, (b) open space, parks and other recreation areas, (c) lands with slopes in excess of twenty-six percent, (d) wetlands, and (e) other areas not appropriate for urban growth because of physical unsuitability for development, unstable geological conditions, inadequate water availability, the lack of appropriate infrastructure, distance from existing development, likelihood of substantial environmental damage or substantial injury to fish or wildlife or their habitat, and other similar factors. (Ords. **2006-06 §3**, 91-1 § 2, 90-66 § 4).

Section 4. Ordinance Code Section 82-1.018 is amended to read as follows (new text to be inserted is shown in bold italics and underline ***[example]***, text in ~~strikeout font [example]~~ is deleted from the existing text and text in ordinary font is unchanged by this measure):

82-1.018 Changes to the urban limit line.

(a) There shall be no change to the urban limit line that violates the 65/35 standard set forth in Section 82-1.006. ~~After adoption of the new general plan, as~~ ***Except as otherwise provided in this Section, as*** long as there is no violation of the 65/35 standard, the urban limit line can be changed by a four-fifths vote of the board of supervisors after holding a public hearing and making one or more of the following findings based on substantial evidence in the record:

(1) A natural or manmade disaster or public emergency has occurred which warrants the provision of housing and/or other community needs within land located outside the urban limit line;

(2) An objective study has determined that the urban limit line is preventing the county from providing its fair share of affordable housing, or regional housing, as required by state law, and the board of supervisors finds that a change to the urban limit line is necessary and the only feasible means to enable the county to meet these requirements of state law;

(3) A majority of the cities that are party to a preservation agreement and the county have approved a change to the urban limit line affecting all or any portion of the land covered by the preservation agreement;

(4) A minor change to the urban limit line will more accurately reflect topographical characteristics or legal boundaries;

(5) A five-year periodic ***cyclical*** review of the urban limit line has determined, based on the criteria and factors for establishing the urban limit line set forth in Section 82-1.010 above, that new information is available (from city or county growth management studies or otherwise) or circumstances have changed, warranting a change to the urban limit line;

(6) An objective study has determined that a change to the urban limit line is necessary or desirable to further the economic viability of the East Contra Costa County Airport, and either (i) mitigate adverse aviation-related environmental or community impacts attributable to Buchanan Field, or (ii) further the county's aviation related needs; or

(7) A change is required to conform to applicable California or federal law.

~~(b) Any such change shall be subject to referendum as provided by law. Changes to the urban limit line under any other circumstances, shall require a vote of the people.~~

(b) Except as otherwise provided in this subsection, any proposed general plan amendment that would expand the urban limit line by more than 30 acres will require voter approval of the proposed general plan amendment in addition to and following a four-fifths vote of the board of supervisors approving the general plan amendment and making one or more of the findings required by subsection (a) above. Notwithstanding the foregoing, a proposed general plan amendment to expand the urban limit line by more than 30 acres does not require voter approval if, after a public hearing, the board of supervisors by a four-fifths vote makes either of the following findings based on substantial evidence in the record: (i) the expansion of the urban limit line is necessary to avoid an unconstitutional taking of private property; or

(ii) the expansion of the urban limit line is necessary to comply with state or federal law. Proposed expansions of 30 acres or less do not require voter approval.

(c) The board of supervisors may conduct a cyclical review of the urban limit line every five years.

(d) The board of supervisors will review the boundary of the urban limit line in the year 2016. The purpose of the year 2016 review is to determine whether a change to the boundary of the county's urban limit line map is warranted, based on facts and circumstances resulting from the county's participation with the cities in a comprehensive review of the availability of land in Contra Costa County sufficient to meet housing and jobs needs for 20 years. This review of the urban limit line is in addition to any other reviews of the urban limit line the board of supervisors may conduct.

(e) Any change to the urban limit line proposed as a result of any review authorized by this section will not be effective unless it is approved pursuant to the procedures set forth in this section. (Ords. *2006-06 §4*, 91-1 §2, 90-66 §4.)

Section 5. Ordinance Code Section 82-1.028 is amended to read as follows (new text to be inserted is shown in bold italics and underline [***example***] while text in strikethrough font [~~example~~] is deleted from the existing text and text in ordinary font is unchanged by this measure):

82-1.028 Duration.

The provisions of this chapter shall be in effect until ~~December 31, 2010~~ ***December 31, 2026***, to the extent permitted by law. (Ords. *2006-06 §5*, 91-1 § 2, 90-66 § 4).

SECTION 5. EFFECTIVE DATE

This measure shall become effective immediately upon approval by the voters. Upon the effective date, Section 4.A) 1. CHANGE TO GENERAL PLAN MAP DIAGRAM and Section 4.A) 2. CHANGE TO GENERAL PLAN TEXT of this measure are hereby inserted into the Contra Costa County General Plan (2005-2020), as one of the four consolidated general plan amendments for calendar year 2006 allowed under state law. Upon the effective date, Ordinance No. 2006-06 is hereby enacted as a County ordinance, amending the County Ordinance Code.

SECTION 6. SEVERABILITY

If any portion of this ordinance is hereafter determined to be invalid by a court of competent jurisdiction, all remaining portions of this ordinance shall remain in full force and effect. Each section, subsection, sentence, phrase, part or portion of this ordinance would have been adopted and passed regardless of whether any one or more section, subsections, sentences, phrases, parts or portions was declared invalid or unconstitutional.

SECTION 7. AMENDMENT OR REPEAL

Except as otherwise provided herein, this measure may be amended or repealed only by the voters of Contra Costa County at a countywide election.

2006 Voter-Approved Contra Costa County Urban Limit Line Map

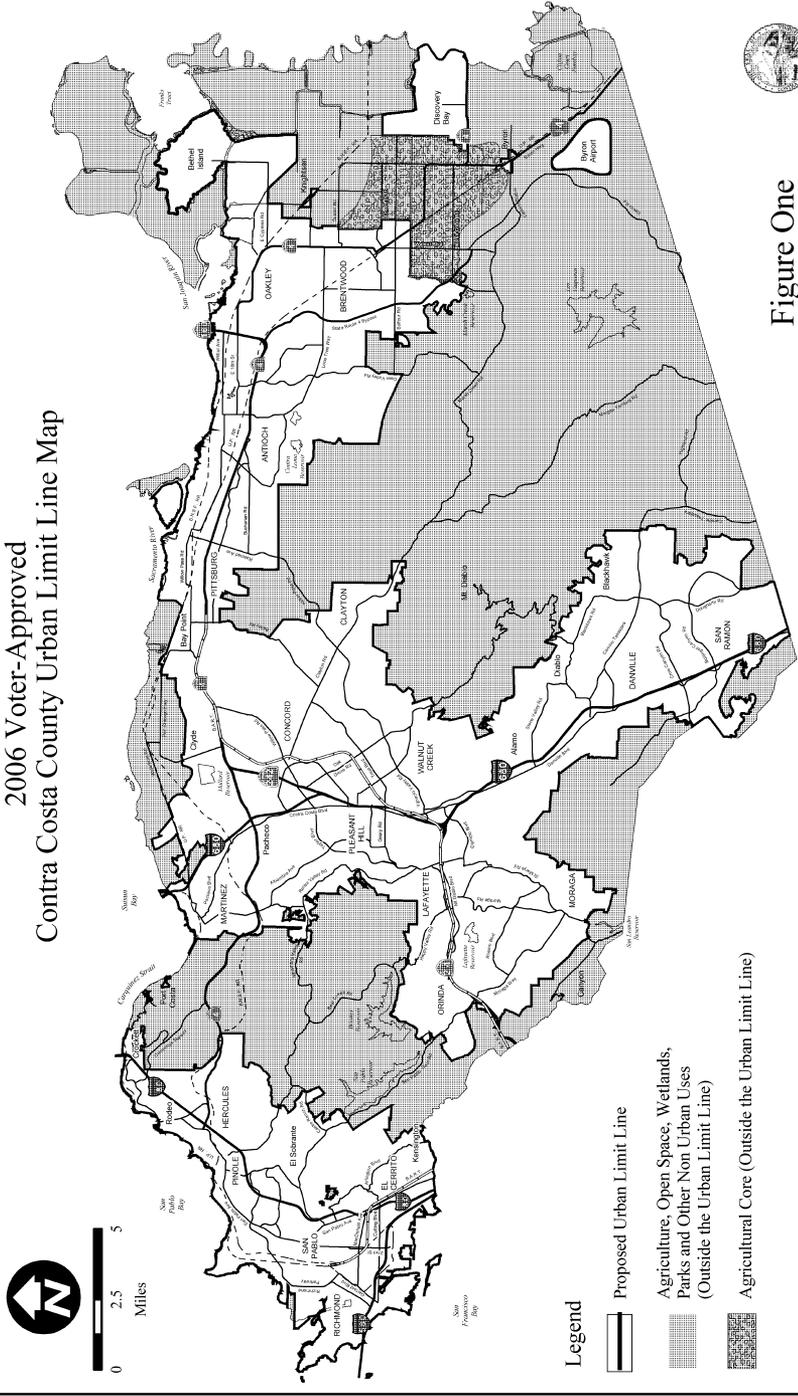


Figure One



CONTRA COSTA COUNTY

Prepared by Contra Costa County Community Development Dept.

MEASURE M
CONTRA COSTA COUNTY RETIREMENT BOARD ORDINANCE

Shall Ordinance No. 2006-40 of the Contra Costa County Board of Supervisors be adopted to authorize the alternate member appointed by the Board of Supervisors to the Contra Costa County Employees' Retirement Association Board of Retirement to serve as the alternate for a County Supervisor member of the Board of Retirement?

**COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF
MEASURE M**

The Contra Costa County Employees' Retirement Association is a cost-sharing multiple-employer defined benefit pension plan governed by the California Constitution and the County Employees Retirement Law of 1937. The plan is administered by the Retirement Board.

The Retirement Board is made up of nine members. The Contra Costa County Board of Supervisors appoints four persons to be members of the Retirement Board ("appointees"). All four appointees must be eligible to vote in the County and may not be connected with County government, but one appointee may be a member of the Board of Supervisors ("Supervisor-appointee").

Certain Retirement Board members have been authorized by statute to have alternates. Before 2006, however, an alternate was not authorized for the four appointees. Under a new statute, effective January 1, 2006, the Board of Supervisors is authorized to appoint one floating alternate for its four appointees to the Retirement Board. Pursuant to this statute, the Board of Supervisors has appointed an alternate. The alternate may vote as a member of the Retirement Board only when one of the four appointees is absent from a Retirement Board meeting for any cause. If there is a vacancy with respect to one of the four appointees, the alternate fills the vacancy until a successor qualifies. The alternate is entitled to the same compensation as the four appointees. However, the alternate may not serve as an alternate for the Supervisor-member unless a majority of voters approve that arrangement.

This ballot measure asks the voters to decide whether the alternate may serve as an alternate to the Supervisor-member.

A "yes" vote is a vote to approve the alternate serving as an alternate for the Supervisor-member.

A "no" vote is a vote against the alternate serving as an alternate for the Supervisor-member.

ARGUMENT IN FAVOR OF MEASURE M

Decisions of the County Retirement Board can have a significant financial impact on Contra Costa County. The Retirement Board sets employer-paid retirement rates and the County is legally obligated to make payments as determined by the Retirement Board for its employee retirement benefit costs. Higher rates and costs mean that the County has less money available for law enforcement, healthcare, libraries and other services and programs important to our county's businesses and residents.

Currently there is an alternate for every member of the County Retirement Board except the member who is a County Supervisor. Consequently, when the County Supervisor member cannot attend a meeting, there is no alternate to take his/her place. This is neither fair nor equitable.

New state law allows for an alternate for a County Supervisor member of the County Retirement Board if approved by a majority of the electorate.

Authorizing an alternate for the County Supervisor member on the County Retirement Board will not increase the number of alternates or result in any increased costs. The same alternate will serve for all Board-appointed Retirement Board members.

A "YES" on Measure M:

- increases the County's ability to protect taxpayer interests;
- allows full representation of the County and its taxpayers on the County Retirement Board;
- adds no additional costs for Retirement Board alternates.

Please vote "YES" on "M."

Supervisor John Gioia, Chair, Board of Supervisors

Supervisor Mary N. Piepho, Vice Chair, Board of Supervisors

William J. Pollacek, Contra Costa County Treasurer-Tax Collector

Stephen J. Ybarra, Contra Costa County Auditor-Controller

**ARGUMENT AGAINST
MEASURE M**

None filed.

**FULL TEXT OF
MEASURE M**

TEXT OF PROPOSED ORDINANCE NO. 2006-40

The People of the County of Contra Costa hereby ordain as follows:

Section 1. Title

This ordinance shall be entitled "Alternate for County Supervisor on County Retirement Board."

Section 2. Summary

This ordinance will add Article 38-4.10 to the Contra Costa County Ordinance Code to permit the alternate member appointed by the Board of Supervisors to the Contra Costa County Employees' Retirement Association Board of Retirement to serve as the alternate for a County Supervisor member of the Retirement Board.

Section 3. Statement of Purpose and Findings

The voters of Contra Costa County approve this ordinance based on the following facts and considerations.

- A. The County Employees' Retirement Act of 1937 sets forth the membership composition requirements for nine-member Retirement Boards. One elected member represents safety employees (e.g., fire and law enforcement), one elected member represents retired employees, two elected members represent general (non-safety) employees, and four members appointed by the Board of Supervisors (4th, 5th, 6th and 9th members) represent the employers, Contra Costa County and other member public agencies. The County Treasurer-Tax Collector serves as an ex officio member of the Retirement Board.

- B. Retirement Board members appointed by the Board of Supervisors must be persons eligible to vote in the County but have no connection to County government, except that one of the members may be a member of the Board of Supervisors (i.e.,

a County Supervisor). A County Supervisor currently serves as a Board of Supervisors' appointee to the Retirement Board.

- C. The Retirement Act allows alternates to serve for certain members of the Retirement Board. There is an alternate for the member representing retirees and an alternate for the general and safety members. The Treasurer-Tax Collector also has an alternate.
- D. Government Code section 31520.12, enacted in 2005, authorized the Board of Supervisors to appoint an alternate member for its appointees to the Retirement Board. An alternate member has been appointed by the Board, but the alternate member does not currently serve as an alternate for the County Supervisor member. This is because Government Code section 31520.12 requires that, if the Board of Supervisors appoints a County Supervisor to the Retirement Board, the alternate member appointed by the Board of Supervisors may not serve as the alternate for the County Supervisor member "unless service by an alternate member for an appointed supervisor member is approved by the majority of the electors in the County."
- E. Because the Retirement Board sets employer-paid retirement rates, decisions of the Retirement Board can have a significant impact on County finances. Consequently it is important that the County be fully represented on the Retirement Board. Currently, when a County Supervisor who is appointed as a Retirement Board member is unable to attend a Retirement Board meeting, no alternate can take his or her place. The purpose of this ordinance is to remedy that situation by allowing the Board-appointed alternate to also serve as the alternate for a County Supervisor member of the Retirement Board.

Section 4. Authorization and Implementation

Article 38-4.10, authorizing the alternate member appointed by the Board of Supervisors to the Contra Costa County Employees' Retirement Association Board of Retirement to serve as the alternate for a County Supervisor member, is added to the County Ordinance Code to read:

Article 38-4.10

Alternate for County Supervisor on County Retirement Board

38-4.1002 Alternate May Serve For County Supervisor. If the board of supervisors appoints a county supervisor as the fourth, fifth, sixth or ninth member of the board of retirement, and by resolution appoints an alternate member for its appointees to the board of retirement, the alternate member may serve as the alternate for the county supervisor member. (Ord. 2006-40 §4 [Govt. Code § 31520.12].)

Section 5. Effective Date. This measure shall become effective immediately upon approval by a majority of the electors in the County.