

**MEMORANDUM
OFFICE OF THE
COUNTY COUNSEL
COUNTY OF PLACER**

TO: Board of Supervisors
FROM: Anthony J. La Bonté, Placer County Counsel
DATE: June 10, 2008
SUBJECT: Ballot Measures – Compensation of Board of Supervisors; Terms of Employment of County Counsel

Action Requested:

That the Board consider and approve the following ballot measures:

1. An ordinance proposing that Section 207 of the County Charter be amended to adjust the salaries of the members of the Board of Supervisors from \$30,000 to \$48,000 and add a cost-of-living adjustment for subsequent years and directing the County Clerk-Recorder/Registrar of Voters to place the ballot measure before the voters of the County.
2. An ordinance proposing that Section 507 of the County Charter be amended to change the terms of employment of the County Counsel to conform with Government Code 27641 and directing the County Clerk-Recorder/Registrar of Voters to place the ballot measure before the voters of the County.

Background

On May 27, 2008, a majority of the Board directed this office to prepare ordinances (as provided by Sections 23701 and 23730 of the Government Code) that would place two proposed amendments to the County Charter on the ballot of the November 4, 2008 general election. The first ordinance would propose the amendment of Section 207 of the County Charter to adjust the compensation of the Board of Supervisors from \$30,000 per year to \$48,000 per year, with increases in future years to be based on the Consumer Price Index. The second ordinance would propose the amendment of the terms of employment of the County Counsel from at-will, subject to removal from office at any time with the vote of a majority of the Board of Supervisors to a four-year term consistent with Government Code Section 27641. Ordinances that would accomplish these directives are attached.

As a reminder, the deadline for ballot measures to be submitted to the Office of the Clerk-Recorder/Registrar of Voters is July 2, 2008 in order to be placed on the ballot of the November 4, 2008 general election.

Attachment: Ordinances (2)

**Before the Board of Supervisors
County of Placer, State of California**

In the matter of:

An Ordinance Proposing The
Amendment Of Section 207 Of The
Placer County Charter To Adjust
Compensation Of The Board Of
Supervisors; And Ordering The
Question To Be Placed On The
Ballot Of Statewide General Election
To Be Held November 4, 2008

Ord. No.: _____

First Reading: _____

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____ by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

CHAIRMAN, BOARD OF SUPERVISORS

Attest:
Clerk of said Board

**THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA,
DOES HEREBY ORDAIN THAT:**

WHEREAS, Section 207 of the Placer County Charter was amended by the voters of Placer County in 1992 to cap compensation for Supervisors in a maximum amount of \$30,000.00 per annum; and

WHEREAS, as a result of that initiative, Section 207 currently reads as follows:

Sec. 207 Compensation. *Members of the Board of Supervisors shall receive compensation as established by ordinance from time to time. Until the effective date of the first such ordinance subsequent to the effective date of the Charter, members of the Board of Supervisors shall continue to receive the same compensation as now provided for by law.*

Each member of the Board of Supervisors shall receive compensation in the maximum amount of \$30,000.00 per annum, which amount shall include the actual cost to the county of all benefits of whatever kind or nature, including but not limited to salary, per diem compensation, allowances, expense reimbursement, credit cards, health insurance, life insurance, leave, and retirement.

WHEREAS, on December 29, 1993, the Superior Court of Placer County in Ferreira vs. Williams, Case No. SCV-00553, ruled that the mandatory employer contributions for social security, workers' compensation, unemployment insurance, PERS, and reimbursement for actual expenses cannot be included in this compensation cap; and

WHEREAS, since 1992 there has been no modification of the compensation cap adopted by the voters in 1992; and

WHEREAS, the 2007-2008 Placer County Charter Review Committee has determined that the amount of time required to perform the duties of a Supervisor of the Board in Placer County is at least equivalent to a full-time position and has recommended that the compensation of the Board of Supervisors be increased; and

WHEREAS, the Board of Supervisors is authorized to propose amendments to the County Charter to the electorate; and

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Board of Supervisors of the County of Placer, State of California, that:

1. The Board of Supervisors orders that the following question be placed as a County measure on the ballot of the Statewide General Election to be held November 4, 2008, and that the County Clerk-Recorder/Registrar of Voters take all actions necessary to effect such action:

Shall Article II, Section 207 of the Placer County Charter be amended to adjust the current \$30,000.00 maximum compensation for Placer County Supervisors, put in place by the voters of Placer County in 1992, to a maximum of \$48,000, effective January 1, 2009, with such amount adjusted each January 1 thereafter in accordance with a specially designated U.S. Department of Labor Consumer Price Index?

_____ **Yes**

_____ **No**

2. That if a majority of the electorate approves the above question, that Section 207 of the Placer County Code shall be amended as follows:

Sec. 207 Compensation. Members of the Board of Supervisors shall receive compensation as established by ordinance from time to time. Until the effective date of the first such ordinance subsequent to the effective date of the Charter, members of the Board of Supervisors shall continue to receive the same compensation as now provided for by law.

Each member of the Board of Supervisors shall receive compensation in the maximum amount of ~~\$30,000.00~~ **\$48,000** per annum, which amount shall include the actual cost to the county of all benefits of whatever kind or nature, including but not limited to salary, per diem compensation, allowances, expense reimbursement, credit cards, health insurance, life insurance, leave, and retirement.

Effective January 1, 2010, the maximum compensation set by this provision shall be adjusted by a cost of living adjustment equal to a percent as determined each preceding year as measured by the index entitled "Bureau of Labor Statistics, Consumer Price Index, U.S. Cities Average, Urban Wage Earners & Clerical Workers."

3. This ordinance is effective immediately pursuant to California Government Code Section 25123(a.)

**Before the Board of Supervisors
County of Placer, State of California**

In the matter of:

**Ordinance Proposing Amendment Of
Section 507 Of The Placer County
Charter Affecting Terms Of
Employment Of The County Counsel;
And Ordering The Measure To Be
Placed On The Ballot Of Statewide
General Election To Be Held
November 4, 2008**

Ord. No: _____

First Reading: _____

The following Ordinance was duly passed by the Board of Supervisors of the County of

Placer at a regular meeting held _____ by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

CHAIRMAN, BOARD OF SUPERVISORS

Attest:
Clerk of said Board

**THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF
CALIFORNIA, DOES HEREBY ORDAIN THAT:**

WHEREAS, the 2007-2008 Placer County Charter Review Committee recommended that a Charter amendment be proposed to amend Section 507 of the Placer County Charter to change the employment of the County Counsel from serving at the pleasure of the Board of Supervisors to terms consistent with Section 27641 of the Government Code; and

WHEREAS, Section 507 of the Placer County Charter currently reads as follows:

Sec. 507 County Counsel. The County Counsel shall be appointed by the Board of Supervisors and serve at its pleasure. Unless his duties are otherwise prescribed or modified by an ordinance of the Board, he shall have all the powers and duties of a County Counsel now or hereafter set forth in the general laws; and

WHEREAS, Government Code Section 27641 provides that, under general state law, a county counsel shall serve for a four-year term and can only be removed from office during that term for neglect of duty, malfeasance or misconduct in office, or other good cause shown; and

WHEREAS, the 2007-2008 Placer County Charter Review Committee suggested that the change be made to as it was felt that state law was more in keeping with the goal of Placer County receiving the best possible legal advice

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Board of Supervisors of the County of Placer, State of California, that:

1. The Board of Supervisors orders that the following question be placed as a County measure on the ballot of the Statewide General Election to be held November 4, 2008:

Shall Article V, Section 507 of the Placer County Charter be amended to change the terms of the County Counsel's employment from serving at the pleasure of the Board of Supervisors to employment consistent with state general law, which provides for a four year term and removal during that term for neglect of duty, malfeasance or misconduct in office, or other good cause shown ?

_____ **Yes**

_____ **No**

2. That if a majority of the electorate approves the above question, that Section 507 of the Placer County Code shall be amended as follows:

*Sec. 507 County Counsel. The County Counsel shall be appointed by the Board of Supervisors and serve at its pleasure **according to the terms of Government Code section 27641 as currently enacted or hereafter amended including any successor statute enacted by the State Legislature to replace it.** Unless his duties are otherwise prescribed or modified by an ordinance of the Board, he shall have all the powers and duties of a County Counsel now or hereafter set forth in the general laws.*

3. This ordinance is effective immediately pursuant to California Government Code Section 25123, as it relates to an election.