



# CHARTER OF THE COUNTY OF ORANGE

INCLUDES AMENDMENTS  
THROUGH MARCH 3, 2020

THE CHARTER OF THE COUNTY OF ORANGE IS MAINTAINED BY:  
CLERK OF THE BOARD OF SUPERVISORS  
COUNTY ADMINISTRATION NORTH  
400 WEST CIVIC CENTER DRIVE, SIXTH FLOOR  
SANTA ANA, CA 92701  
714) 834-2206

# ORANGE COUNTY CHARTER

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## **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, at the time the vacancy occurs, the remaining term of office is 365 days or greater, then 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, except that 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, at the time the vacancy occurs, the remaining term of office is less than 365 days, but greater than 180 days, the vacancy shall be filled by any person receiving a majority of the votes in the statewide primary election that year. If that person for any reason does not assume the office for the remainder of the term, or if no person receives a majority of votes cast for supervisor in that district in the statewide primary election, then the Board of Supervisors is hereby authorized to fill the vacancy by either (1) calling a special election not less than 56 days nor more than 70 days after the vacancy occurs, or by (2) appointing a person to fill the vacancy, provided that the Board of Supervisors may not fill a vacancy by appointing a person who has filed nomination documents with the county elections official to qualify as a candidate for Supervisor in the November general election.
- C. If, at the time the vacancy occurs, the remaining term of office is 180 days or less, then the Chairman of the Board of Supervisors shall appoint such personnel as necessary to address the needs of the residents of the district and the vacancy shall be filled by the person receiving the highest number of votes cast for Supervisor in that district after the Board declares the results of the November general election.

## **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.

## **ARTICLE VI. - CAMPAIGN FINANCE AND ETHICS COMMISSION**

### **601. Establishment of the Campaign Finance and Ethics Commission.**

(a) The Board of Supervisors may by ordinance establish a Campaign Finance and Ethics Commission ("Commission") consisting of five members selected by the Board of Supervisors, to provide oversight of the County's Campaign Reform Ordinance, Lobbyist Registration and Reporting Ordinance, the Gift Ban Ordinance and sections 6 and 9 of the County Code of Ethics and Commitment to Public Service, in addition to such other duties, powers, and responsibilities as may be provided by the Board of Supervisors.

(b) In establishing a Commission, the Board of Supervisors may also provide for the appointment of its members and their terms of office, qualifications, removal, and compensation and for the Commission's jurisdiction, voting requirements, meeting schedule, staffing, and budget.

(c) In furtherance of the Commission's oversight, the Board of Supervisors may delegate to the Executive Director of the Commission, the power to issue subpoenas duces tecum to obtain bank records of the campaign account of any County Candidate or Elective County Officer as defined in section 1-6-4 of Orange County Campaign Reform Ordinance, and may delegate to hearing officers and the Chair of the Commission the power to issue subpoenas to compel the attendance of persons and things at administrative hearings.

## **ARTICLE VII. - COUNTYWIDE BALLOT MEASURES**

### **701. Auditor-Controller's Fiscal Impact Statement.**

For any countywide measure placed on the ballot, the Auditor-Controller shall review the measure and prepare a fiscal impact statement which estimates the amount, if any, of any increase or decrease in revenues or costs to the county as well as any applicable funding source or funding mechanism if the proposed measure is adopted. In preparing the fiscal impact statement, the Auditor-Controller shall not speculate, and shall identify only those fiscal impacts that are readily discernable. The fiscal impact statement is "official matter" within the meaning of Elections Code Section 13303, and shall be printed preceding the arguments for and against the measure. The fiscal impact statement may not exceed 500 words in length.

### **702. Vote Requirement to Propose Taxes to Voters for Approval**

No Board of Supervisors sponsored proposal to impose, extend or increase a tax shall be presented at an election unless the ordinance or resolution proposing to impose, extend or increase such tax is approved by at least a two-thirds vote of the total members of the Board of Supervisors. As used in this section, the term "tax" shall mean both a "general tax" and a "special tax" as defined in Article XIIC, Section 1, subdivisions (a) and (d), respectively, of the California Constitution. This section shall not apply to taxes proposed or levied pursuant to Government Code section 53311, *et seq.*

## **CHARTER HISTORY**

Articles I & II – Measure “V” – 3/5/02 Election (effective 4/28/02)

Article III – Measure “J” – 11/4/08 Election (effective 1/1/09)

Article IV – Measure “B” – 6/5/12 Election (effective 7/25/12)

Article V – Measure “A” – 6/3/14 Election (effective 11/26/14) \*Documents were revised

Article I (Amended) – Measure “G” – 11/4/14 Election (effective 11/26/14)

Article VI – Measure “A” – 6/7/16 Election (effective 7/11/16)

Article VII – Measure “B” – 6/7/16 Election (effective 7/11/16)

Article VII – Measure “A” – 3/3/20 Election (effective 4/13/20)