

ORDINANCE NO. 02-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE AMENDING TITLE 2 OF THE ORANGE MUNICIPAL CODE BY ADDING CHAPTER 2.09 RELATING TO CITY COUNCIL HEALTH AND RETIREMENT BENEFITS

WHEREAS, in November 2011, the City Council adopted an ordinance eliminating health and retirement benefits that applied prospectively to future Mayors and City Councilmembers; and

WHEREAS, most cities in Orange County offer benefits to their Councilmembers; and

WHEREAS, the lack of benefits offered to City Councilmembers often dissuades interest or ability for citizens to serve as elected officials; and

WHEREAS, Government Code Sections 53201 and 53208 provide the authority for the City Council to receive health benefits that are paid by the City; and

WHEREAS, Government Code Section 53213 authorizes the City to establish a deferred compensation (retirement) plan for its employees, including City Councilmembers, and Empower is the City's designated retirement plan for part-time employees not participating in the California Public Employees' Retirement System.

WHEREAS, Government Code Section 53207 permits a City Councilmember to waive any or all of the health benefits permitted by this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORANGE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I:

This Ordinance is not a project under the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15378, because it involves administrative activities of the City that will not result in direct or indirect physical changes in the environment.

SECTION II:

Title 2, of the Orange Municipal Code is hereby amended to add Chapter 2.09 entitled "City Council Health and Retirement Benefits", which shall read as follows:

Chapter 2.09 – CITY COUNCIL HEALTH AND RETIREMENT BENEFITS

2.09.010 - Authority.

The authority for the City Council to receive health and retirement benefits is set forth in Government Code Sections 53201, 53208, and 53213.

2.09.020 – Health Benefits.

Notwithstanding any other provision of Title 2 of the Orange Municipal Code, City Councilmembers while actively serving in office may receive health benefits paid directly by the City to the service provider as follows:

- A. Single-party premiums covering the Councilmember for any City-offered medical plan.
- B. Single-party premiums covering the Councilmember for any City-offered dental plan.
- C. Single-party premiums covering the Councilmember for any City-offered vision plan.

2.09.030 – Waiver.

A City Councilmember may waive any or all health benefits permitted by this Chapter. Waiver of any or all health benefits does not entitle a Councilmember to additional consideration for a cash-in-lieu payment.

2.09.040 – Defined Contribution Retirement Plan.

As authorized by Government Code Section 53213, City Councilmembers while actively serving in office shall participate in a defined contribution retirement plan in lieu of Social Security contributions. The City shall contribute three and three-fourths percent (3.75%) of the Councilmember’s eligible earnings, or that amount required by law, toward the retirement plan. Councilmembers shall contribute three and three-fourths percent (3.75%) of their eligible earnings, or that amount required by law, toward the retirement plan.

SECTION III:

To the extent required to implement the provisions of this Ordinance, City staff is directed to modify any Administrative Policies in conflict herewith, and modify any other contract relating to health or retirement benefits, and return to the City Council for City Council approvals deemed necessary.

SECTION IV:

If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

SECTION V:

The City Clerk is hereby directed to certify the adoption of this Ordinance and cause the same to be published as required by law. This Ordinance shall take effect thirty (30) days from and after the date of its final passage.

ADOPTED this 28th day of March, 2023.



Daniel R. Slater, Mayor, City of Orange

ATTEST:



Pamela Coleman, City Clerk, City of Orange

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF ORANGE)

I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the 14th day of March, 2023, and thereafter at the regular meeting of said City Council duly held on the 28th day of March, 2023 was duly passed and adopted by the following vote, to wit:

AYES: COUNCILMEMBERS: Slater, Dumitru, Tavoularis, Bilodeau
NOES: COUNCILMEMBERS: Barrios, Gutierrez, Gyllenhammer
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None



Pamela Coleman, City Clerk, City of Orange