

Chapter 99.01 CHARTER GRASS VALLEY, CALIFORNIA

Section 99.01.010 CHARTER GRASS VALLEY, CALIFORNIA

ADOPTED

SEPTEMBER 18, 1951

AMENDED

May 3, 1965

May 3, 1971

May 3, 1977

May 15, 1981

May 4, 1993

November 8, 1994

November 5, 1996

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GRASS VALLEY CITY CHARTER

Adopted by majority vote of the voters of the City of Grass Valley at Special Election September 18, 1951.

Effective date July 1, 1953.

Amended by majority vote of the electors of the City at May 3, 1965, May 3, 1971, May 3, 1977, May 15, 1981, May 4, 1993, November 8, 1994 and November 5, 1996 General Municipal Elections.

ARTICLE I

NAME OF CITY

RIGHTS, LIABILITIES AND DEFINITIONS

Section 1: Name of City

The municipal corporation now existing and known as the City of Grass Valley, shall remain and continue a body politic and corporate as at present in fact and in law by the name of the City of Grass Valley, and by such name shall have perpetual succession.

Section 2: Rights and Liabilities

The City of Grass Valley shall remain vested with and continue to have, hold and enjoy, all property, rights and rights of action of every nature and description, now pertaining to said municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality.

Section 3: Definitions:

Whenever in this charter the word "city" occurs, it means the City of Grass Valley; and every department, board or officer, and whenever mentioned, means a department, board or officer, as the case may be, of the City of Grass Valley. Whenever in this charter the word "council" occurs, it means the city council of the City of Grass Valley. Whenever in this charter, the word "state" occurs, it means the State of California. Whenever the term "general laws" is used herein, it means general laws of this state. The masculine gender includes the feminine.

ARTICLE II

BOUNDARIES

The boundaries of the City of Grass Valley shall continue as now established until changed in the manner authorized by law.

ARTICLE III

POWERS OF THE CITY

The city shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this charter and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the state, by this charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the state of California. The enumeration in this charter of any particular power shall not be held to be exclusive of, or any limitation upon, this general grant of power.

ARTICLE IV

FORM OF GOVERNMENT

Section 1: Council-Administrator: Established.

The municipal government established by this charter shall be known as the "Council-Administrator" form of government.

Section 2: City Administrator. Selection and Qualifications:

There shall be a city administrator who shall be the chief administrative officer of the city. The council shall appoint the person it believes to be best qualified on the basis of executive and administrative qualifications, with specific reference to experience in, and knowledge of, accepted practice in respect to the duties of the office as set forth in this charter.

Section 3: City Administrator. Appointment, Removal, Powers and Duties.

The appointment, removal, compensation, powers and duties of the city administrator shall be established by ordinance of the city council.

ARTICLE V

LEGISLATIVE DEPARTMENT

Section 1: Legislative Powers:

The legislative power of the City of Grass Valley shall be vested in the people through the initiative and referendum and the council.

Section 2: General Powers:

Subject to the provisions and restrictions in this charter contained and the valid delegation by this charter of any powers to any person, officer, board or committee, which delegation of power, if any, shall control, the council shall have the power, in the name of the city to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants and which are not specifically forbidden by the Constitution of the State of California, of which now or hereafter it would be competent for this charter to specifically enumerate. No enumeration or specific statement herein of any particular powers shall be held to be exclusive of, or a limitation of, the foregoing general grant of powers.

Section 3: Legislative Department:

The legislative body of the City of Grass Valley shall consist of five persons elected at large and to be known as the council.

Section 4: Eligibility for Office

No person shall be eligible for election to, or to hold, any elective office of said city unless he shall have been a resident and a registered voter thereof of territory legally annexed thereto at the time nomination papers are issued to the candidate or at the time of his appointment to fill a vacancy therein.

Section 5: Election of City Council:

Councilmembers shall be elected at large at the general municipal election, to be held the first Tuesday after the first Monday of each November in even-numbered years. The members of the council shall hold office for four (4) years from and after seven p.m. of the day of the first regular meeting of council in December following the election and until their successors are elected and qualified. The terms of office of councilmembers (2) elected at the May 7, 1991 general municipal election shall be until a successor is elected or appointed and qualified following the November 8, 1994 general municipal election.

The terms of office of the councilmembers (3) elected at the May 4, 1993 general municipal election shall be until a successor is elected or appointed and qualified following the November 5, 1996 general municipal election.

If two or more persons are elected by the same number of votes, the terms of each shall be decided by lot.

Article VI

THE COUNCIL, POWERS AND DUTIES

Section 1: Meetings

The city council shall hold regular meetings monthly at times fixed by ordinance or resolution. It may adjourn any regular or adjourned meeting to a date specified in the order of adjournment. When so adjourned, the adjourned meeting is a regular meeting for all purposes.

Section 2: Place of Meetings

Meetings of the council shall be held at a place designated by ordinance, resolution or order of the council. Meetings held outside the corporate limits of the city shall be limited to discussion of and/or action on those matters actually necessitating the meeting. Meetings shall be public.

Section 3: Quorum:

A majority of the council constitutes a quorum for transaction of business. Less than a majority may adjourn from time to time and compel attendance of absent members in the manner and under the penalties prescribed by ordinance or resolution. No act of the council, however, shall be valid unless a majority of all of the elected members concur therein.

Section 4: Mayor--Vice Mayor:

(a) Election by Council:

The council shall, at its first regular meeting in December succeeding its election, elect from its members an officer of the city to have the title of mayor, who shall preside at meetings of the council and shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties. The council shall also elect a vice mayor who shall act as mayor during the absence or disability of the mayor, and, if a vacancy

shall occur, shall become mayor for the completion of the unexpired term. The mayor and the vice mayor shall be elected for the term of two (2) years. The terms of office for the mayor and vice mayor elected following the May 4, 1993, general municipal election shall be until their successors are elected by council at its first regular meeting in December following the November 8, 1994, general municipal election.

(b) Powers and Duties:

The mayor shall be the representative of the city. In the name and on behalf of the city he shall sign all legal instruments and documents to which the city is a party except where otherwise provided herein or by general law, ordinance or resolution of the council.

The mayor may make or second any notion and may vote and present and discuss any matter as a member of the council.

Section 5: Judge of Qualifications of Members:

The city council is judge of the qualifications of its members and of election returns. It shall determine contested elections of city officers.

Section 6: Rules of Conduct:

The council shall determine its own rules of procedure, and may punish its members or other persons present at any meeting, for disorderly conduct.

Section 7: Records

The council shall cause a correct record of its proceedings to be kept. The votes shall be recorded and entered therein.

Section 8: Vacancies:

Any member of the council who is absent from all regular meetings thereof for sixty (60) days consecutively from the last regular meeting without permission of the council, shall forfeit his office. Any vacancy occurring in the council shall be filled by a person appointed by a majority vote of the council. Said person appointed shall serve during the unexpired term and until the successor is elected and qualified. If, for any reason the seats of a majority of the council shall become vacant, the city clerk shall call a special election to fill the vacancies for the unexpired portions of the term, which election shall be conducted as hereinafter provided for at the general municipal election.

Section 9: Compensation:

The city council may determine the annual compensation of the mayor, vice mayor and the councilmembers by ordinance, but no ordinance increasing such compensation shall become effective until the date of commencement of the terms of councilmembers elected at the next regular election. Compensation for councilmembers shall be no greater than the maximum amount and as may be from time to time changed in accordance with the provisions of the Government Code relating to compensation of councilmembers in general law cities of comparable size.

The mayor, vice mayor and councilmembers shall receive their actual and necessary expenses

incurred in performance of their duties of office.

Section 10: Legislation:

The council shall act in legislative matters by ordinance or resolution only. Other action of the council, unless herein otherwise provided may be taken by resolution, motion or order.

ARTICLE VII

ORDINANCES

Section 1: Enacting Clause and Adoption:

The enacting clause of every ordinance passed by the council shall be: "Be it ordained by the council of the City of Grass Valley." The enacting clause of every ordinance initiated by the people shall be: "Be it ordained by the people of the City of Grass Valley." At least five (5) days must elapse between the introduction and the final passage of any ordinance; provided, that amendments germane to the subject of any proposed ordinance may be made when it is brought up for final passage; provided, any ordinance declared by the council to be necessary as an emergency measure for preserving the public peace, health or safety and containing the reason for its urgency, may be introduced and passed at one and the same meeting, regular or special, and if passed by a four-fifths (4/5) vote, shall become effective immediately. A final vote on any other ordinance or any vote on any appropriation must be taken only at a regular, adjourned regular or special meeting. Every ordinance must be signed by the mayor, attested by the clerk and published once in the official newspaper.

Section 2: Effective Date of Ordinances:

Except as otherwise provided in this charter, every ordinance shall go into effect at the expiration of thirty days after its final passage, unless otherwise provided in said ordinance or measure. No ordinances or measures passed by the council granting any franchise or privilege shall go into effect in less than thirty days from its final passage. But ordinances declared by the council to be necessary as emergency measures, as hereinafter provided, ordinances ordering or otherwise relating to elections, ordinances relating to public improvements, the cost of which is to be borne wholly or in part by special assessments and ordinances providing for tax levies or appropriations for the usual current expense of the city or the rate of tax to be levied may go into effect at the will of the council.

Section 3: Amendments:

No ordinance shall be amended by reference to its title, but the sections or sub-sections thereof to be amended shall be reenacted at length as amended; and any amendment passed contrary to the provisions of this section shall be void.

Section 4: Codification

Any or all properly enacted and unrepealed ordinances of the city may be compiled, consolidated, revised, and indexed, including such restatements and substantive changes as are necessary for clarity, in a comprehensive ordinance code, and such code may be adopted by reference by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three (3) copies thereof shall be filed for use and examination by the public in the office of the city clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Subsequent amendments to sections of the code shall be enacted in the same manner as herein required for the amendment of ordinances generally.

Detailed regulations pertaining to subjects which require extensive regulations, after having been arranged as comprehensive codes, may be adopted by reference.

ARTICLE VIII

ADMINISTRATION

Section 1: Administrative Officers, Boards, Departments and Commissions:

There shall be the following officers, boards, departments and commissions, who shall perform the duties assigned to them by this charter or by ordinances or resolutions: director of public works, city engineer, city planner, planning commission, police department, city treasurer, city attorney, building inspector, fire department, and such other officers, boards, department or commissions as may be hereafter established by ordinance.

Except as otherwise provided in this charter all officers and their assistants, deputies, clerks and employees shall be appointed by the city council and shall hold office or position at its pleasure. The compensation of all officers and employees shall be fixed by the council.

Section 2: Consolidation of Offices

More than one office and the powers and duties thereof may be consolidated under a single office by ordinance or resolution of the council. Additional powers, functions, and duties may be assigned by ordinance or resolution to any office, board, department or commission hereby established.

The council may abolish or change any office established by ordinance or resolution, and may prescribe, distribute, and consolidate the functions and duties of offices so established.

Notwithstanding the foregoing the city council may transfer or consolidate functions of the city government to or with appropriate functions of the state or county government as permitted by law, and in case of such transfer or consolidation, the provisions of this charge providing for the function of the city government so transferred or consolidated, shall be deemed suspended during the continuance of such transfer or consolidation, to the extent that such suspension is made necessary or convenient and is set forth in the ordinance establishing such transfer or consolidation. Any such transfer or consolidation may be repealed by ordinance.

Before a final decision is made by the council to consolidate its police department with another jurisdiction or have police services provided by another agency, this question must be submitted to the

electors of the city for their approval.

Before a final decision is made by the council to consolidate its fire department with another jurisdiction or have fire services provided by another agency, the approval of both the City Council and the Board of Fire Delegates is required.

Section 3: Department Rules:

Each department head shall have power to prescribe and enforce reasonable rules and regulations not inconsistent with this charter or ordinances of the city, or general laws of the state, for the conduct of the employees of the department of which he is in charge, for the distribution and transaction of its business and for records and property under his control.

Section 4: Official Bonds:

The council shall determine by ordinance or resolution which officers shall give bonds for the faithful performance of their official duties and fix the amount of such bonds. Such officers, before entering upon their duties, shall execute bonds to the city in the penal sum required, which bonds shall include other offices of which they may be ex-officio incumbents. Said bonds shall be approved by the council and filed with the city clerk. That of the city clerk shall be filed with the mayor. The premium of such bonds shall be paid by the city.

Section 5: Oath of Office:

Each officer or member of a board, department or commission shall take the constitutional oath of office and subscribe thereto before entering upon his official duties. Such oaths shall be filed with the clerk. The oath of the city clerk shall be filed with the mayor.

Section 6: Director of Public Works:

There shall be department of public works, the head of which shall be the director of public works. He shall have charge of streets, water, lighting and sewer systems of the city; and shall exercise such other powers or perform such other duties as may be imposed by the council by ordinance or resolution.

Section 7: City Engineer:

The city engineer shall be the custodian of, and responsible for, all maps, plans, profiles, field notes and other records and memoranda belonging to the city, pertaining to his office and the work thereof, all of which he shall keep in proper order and condition with full indices thereof. He shall turn the same over to his successor upon relinquishing his office, who shall give him duplicate receipts therefor, one of which he shall file with the city clerk.

All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work in behalf of the city, made or done by him or under his direction or control during his term of office shall be the property of the city, and shall be kept in the city vaults. He shall perform all engineering work and surveying in prosecuting public improvements in or for the city, and in relation to public streets, lanes, alleys, ways, places and real property of the city, and shall possess such other

powers and perform such additional duties not in conflict with this charter, as may be prescribed by ordinance or resolution or the general laws of the state.

Section 8: Building Inspector:

The building inspector shall supervise and be responsible for the inspection and regulation of building construction and alteration, and enforce all ordinances and laws pertaining thereto; he shall supervise and be responsible for the inspection and regulation of plumbing, electrical, heating and cooling installations and enforce all ordinances and laws pertaining thereto.

Section 9: Police Department:

There shall be a police department, the head of which shall be the chief of police. As such head, he shall have power and be required to:

- (a) Preserve the public peace,
- (b) Execute and return all process issued to him by legal authority,
- (c) Exercise all the powers that are now or may hereafter be conferred upon sheriffs and other peace officers by the laws of the state,
- (d) Exercise such other powers and perform such other duties as may be imposed by the council by ordinance or resolution.

Section 10: Fire Department

(a) Organization:

The Fire Department of the City of Grass Valley shall consist of a fire chief, a Board of Fire Delegates and such other officers and employees as may be deemed necessary.

(b) Board of Fire Delegates:

The Board of Fire Delegates shall be composed as herein provided. The Grass Valley Volunteer Firefighters, at their regular meeting or meetings in December of each year, shall elect five (5) of its members, who, together with the Fire Chief as an ex-officio, non-voting member, shall constitute the Board of Fire Delegates. They shall meet in January of the year following their election, to reorganize by the election of the president, vice-president, and such other officers as they may deem necessary.

The Board of Fire Delegates shall have the power to make policies and procedures governing the Fire Department provided that they do not conflict with this charter or ordinances of the City of Grass Valley. Any policy or procedure of the Board of Fire Delegates may be appealed to or reviewed by the City Council whose decision shall be final.

(c) Fire Chief:

As head of the Fire Department the fire chief shall:

- (1) Have general control, management and direction of the Fire Department.
- (2) Have exclusive control of the workings of the Fire Department during a conflagration or fire and shall have supreme authority over the territory involved therein, and all persons in the immediate vicinity of the fire during such time, shall be subject to the chief's orders.
- (3) Aid in the enforcement of all fire ordinances.
- (4) Examine buildings being erected or modified.

(5) Report violations of fire prevention and extinguishment ordinances when directed by proper authorities and institute proceedings therefor.

(6) Inquire into, and keep a record of the cause of every fire occurring in the city.

(7) Perform such other duties imposed upon the chief by the Board of Fire Delegates, City ordinances or such general laws as the City Council shall agree to accept by ordinance or resolution.

(d) As of July 1, 1997, all full time positions with the Grass Valley Fire Department, except for the Fire Chief, will be subject to the provisions of Article IX of this charter.

Section 11: City Clerk:

The city clerk shall be required to and shall have the power to:

(a) Attend all meetings of the city council and be responsible for the recording and maintaining of a full and true record of all the proceedings of the council in books that shall bear appropriate titles and be devoted to such purposes.

(b) Maintain separate books, in which a record shall be recorded respectively of all ordinances and resolutions, with the certificate of the clerk annexed to each thereof stating the same to be the original or a correct copy and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this charter.

(c) Maintain separate books, in which a record shall be made of all written contracts and official bonds.

(d) Keep all aforementioned books properly indexed and open to public inspection when not in actual use.

(e) Be the custodian of the seal of the city.

(f) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the city, certify copies of official records; and

(g) Have charge of all city elections.

(h) Exercise such other powers or perform such other duties as may be imposed by the council by ordinance or resolution.

Section 12: Independent Audit:

The city council employ for a stipulated compensation, every two (2) years at least, a certified public accountant who shall examine the books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds and all such other officers, employees or departments as the city council may direct. Such accountant shall have unlimited privilege of investigation and the right to examine under oath or otherwise all officers or employees of the city and all such officers or employees shall give all required assistance and information to such accountant and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office.

Section 13: City Treasurer:

(a) The city treasurer shall receive and safely keep all money coming into his hands as treasurer.

(b) He shall comply with all laws governing the deposit and securing of public funds and the

handling of trust funds in his possession.

(c) He shall pay out money only on warrants signed by legally designated persons.

(d) Regularly, at least once each month, the city treasurer shall submit to the city administrator written report and accounting of all receipts, disbursements, and fund balances. He shall file a copy with the legislative body.

Section 14: City Attorney:

(a) The city attorney shall have been admitted and qualified to practice before the Supreme Court of the State of California for at least three (3) years next preceding his appointment. The city attorney shall be legal advisor of the council, and all other city officials, boards and departments, and when requested in writing for a legal opinion by any city official or the head of any department of the city concerning city business, his opinion must be in writing. He shall prosecute all violations of city ordinances and shall draft all ordinances, resolutions, contracts and other legal documents and instruments required by the council.

(b) Approvals of Bonds and Contracts:

He shall approve, as to form, all official and other bonds given for the benefit of said city, and all contracts with said city, and no contract shall become enforceable as against said city without the endorsement thereon of such approval.

(c) Attendance at Council Meetings:

He shall perform such other legal services as the council may direct and shall attend all meetings of the council unless excused therefrom by three (3) members or by the mayor.

(d) Inability to Act:

When from any cause the city attorney is unable to perform the duties of his office he may, with the consent of the council, appoint some other qualified attorney temporarily to act in his place, and whenever, in the judgment of the council, the interests of the city require it, it may employ assistant counsel.

(e) Records:

The city attorney shall deliver all books, records, documents, and personal property of every description, owned by the city to his successor in office and the city shall provide a means of safeguarding the same.

(f) Additional Powers and Duties:

He shall possess such other powers, and perform such additional duties, not in conflict with this charter, as may be prescribed by ordinance or resolution or imposed upon the chief legal officer of municipalities by law.

Section 15: Planning Commission:

(a) There shall be a city planning commission consisting of five (5) persons to be appointed by the city council to serve for a term of four (4) years.

(b) The powers, duties, qualification, removal and compensation, if any, of the commission shall be established by ordinance.

ARTICLE IX

CIVIL SERVICE

Section 1: Policy:

(a) A merit system shall be established to provide an equitable and uniform procedure for the administration of personnel matters; to ensure that employment be made on the basis of merit and fitness so that the best qualified persons available are brought into the service of the City; and to make certain that employment by the City provides for security of tenure.

Section 2: The Civil Service System:

The City Council shall provide, by ordinance, for the regulation and maintenance of a Civil Service system governing personnel policies necessary to the effective administration of the employees of the City's departments and offices. No ordinance or other personnel rule, regulation or policy shall be adopted unless approved and recommended by the Personnel Commission. All regular employees shall be included within the Civil Service system except as follows:

- (1) All elective offices;
- (2) All members of boards and commissions;
- (3) All Department Heads;
- (4) City Administrator and deputies, if any; and
- (5) City Attorney and deputies, if any.

Any person on the effective date of this Charter amendment holding a position of employment which was previously included in the Civil Service system, shall be entitled to Civil Service status for the duration of his/her employment in said position. No department head may be removed except upon a four fifths (4/5) vote of the Council.

Section 3: Personnel Commission Created:

(a) There is hereby created a Personnel Commission consisting of five (5) members, who and whose immediate families shall have no monetary connection with the City government. Their term of office shall be four (4) years as provided herein. The members shall be appointed by the City Council. Annually one of the members, by a majority vote of the Commission shall be elected chairman. Members may be removed from the Personnel Commission by a four-fifths (4/5) vote of the Council, for malfeasance, neglect of duty or inefficiency.

(b) Members shall serve until their successors have been appointed and duly qualified.

Section 4: Powers of the Personnel Commission:

(a) The Personnel Commission shall act as an independent agency of the City charged with the duty to ensure the proper and impartial functioning of the Civil Service system and to advise the Council and City Administrator on matters relating to personnel administration.

(b) Commission meetings shall be held on a regular basis as the Chairman or a majority of the members determine appropriate. Such meetings shall be open to the public, except as to those matters

which are authorized by law to be conducted in closed session.

(c) The Commission shall hear appeals of employees within the Civil Service pertaining to grievances and disciplinary action as provided herein. The determination of the Commission with respect to any such appeals shall be final and binding upon the City.

Section 5: Appointments:

All appointments to the civil Service shall be made by the City Council in accordance with the provisions of the Civil Service Rules and Regulations.

Section 6: Abolishment of Positions--Layoffs--Reinstatement:

(a) Whenever in the judgement of the City Council it becomes necessary, in the interests of economy and efficiency or because of need for the performance of the work no longer exists, the City council may abolish any position or positions in the Civil Service.

(b) The employee or employees holding such positions are to be laid off in accordance with the Civil Service Rules and Regulations.

Section 7: Disciplinary Action:

(a) The Department Head or the appointing authority shall have the authority to discharge, demote, reduce in pay, reprimand, suspend or otherwise discipline any employee in the Civil Service, in accordance with the procedure as established by the Civil Service Rules and Regulations.

(b) Employees in the Civil Service shall have the right to appeal as provided by the Civil Service Rules and Regulations and in accordance with State law. All appeals shall be conducted in accordance with the requirements of this Charter and the Civil Service Rules and Regulations.

Section 8: Staffing and Funding:

(a) The City Council shall provide the Commission with sufficient staffing and funding as reasonably necessary to properly discharge its function. In no event shall control of Commission funding be used to impair the independence or impartiality of the Commission.

(b) Commissioners shall receive compensation for their attendance at meetings equal to that received by members of the City Planning Commission.

(c) The Commission shall have the authority to select its own part time clerical staff and for matters pertaining to grievances and discipline, legal counsel.

ARTICLE X

FINANCES

Section 1: Fiscal Administration:

Expenditures and Indebtedness: No money shall be expended and no indebtedness shall be incurred

on behalf of the city, for any purpose, unless and until the same shall have been authorized by ordinance, resolution or order of the council, or in case of bonds, by vote of the people.

Section 2: Fiscal Year:

The fiscal year of the city government shall begin on the first day of July of each year and end on the 30th day of June of the following year, unless the council shall provide otherwise by ordinance or resolution.

Section 3: Budgets:

Not later than the first day of the last month of the fiscal year, the city administrator shall submit to the council a proposed budget for all of the offices, departments, and agencies, to be known as the General Budget. Said budget shall include estimates of the revenues and expenditures of each city department, office, or agency, for the ensuing year.

After reviewing the proposed budget and making such revisions as it may deem advisable, the council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least one insertion in the official newspaper.

Copies of the proposed budget shall be available for inspection by the public in the office of the city clerk at least ten (10) days prior to said hearing.

At the time so advertised, or at any time to which such public hearing shall from time to time be adjourned, the council shall hold a public hearing on the proposed budget.

After the conclusion of the public hearing the council shall further consider the proposed budget and make any revisions thereof that it may deem advisable, and before the first day of the succeeding fiscal year, it shall adopt the budget with revisions, if any, by the affirmative votes of at least four (4) members. Upon final adoption of the budget it shall be in effect for the ensuing fiscal year. A certified copy thereof shall be filed in the office of the city clerk where it shall be available for inspection. The budget so certified shall be reproduced and copies made available for the use of departments, officers, and agencies of the city.

Section 4: Appropriations:

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named.

All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered or set aside for capital outlay.

At any meeting after the adoption of the budget, the council may amend or supplement the budget by motion adopted by the affirmative votes of at least four (4) members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget.

Section 5: Tax Procedure:

The procedure for the assessment, levy and collection of taxes may be prescribed by ordinance of the council; and in the absence of such an ordinance the procedure applicable thereto shall be that prescribed by the general laws of the state.

Section 6: Revenue Bonds:

The council shall have power to issue revenue bonds for the purpose and by the procedures now or hereafter authorized by the general laws of the State of California, including the issuance of refunding revenue bonds.

Section 7: Limit of Bonded Indebtedness:

The bonded debt of the city shall at no time exceed a total of fifteen (15%) of the assessed valuation of all property taxable for city purposes; provided, however, that bonds issued for the acquisition, extension, betterment or maintenance of municipally owned public utilities shall not be considered in fixing such limitation.

ARTICLE XI

ELECTIONS

Section 1: General Municipal Elections:

General municipal elections for the election of officers and for such other purposes as the council may prescribe shall be held in the city on first Tuesday after the first Monday in November of even-numbered years except as otherwise provided by ordinance of the city council to be concurrent with State General Election.

Section 2: Special Municipal Elections:

Other municipal elections shall be known as special municipal elections and may be called from time to time by the council.

Section 3: Procedure for Nominations and Elections:

Unless otherwise provided by ordinance, hereafter enacted, all nominations and elections shall be governed in accordance with the provisions for the holding of elections in general law cities of the State of California, insofar as the same are not in conflict with this chapter.

Section 4: Initiative, Referendum and Recall:

There are hereby reserved to the electors of the city the powers of the initiative and referendum and of the recall of municipal elective officers. The provisions of the Elections Code of the State of California,

as the same now exists or may hereafter be amended governing the initiative and referendum and of the recall of municipal officers, shall apply to the use thereof in the city so far as such provisions of the Elections Code are not in conflict with this charter.

ARTICLE XII

FRANCHISES

Section 1: Granting of Franchises:

The council may grant a franchise to any person, partnership, corporation, by other legal entity capable of exercising the privilege conferred, whether operating under an existing franchise or not, and may prescribe the terms, conditions, and limitations of such grant, including the compensation to be paid in the city therefor. The council may prescribe by ordinance or resolution the method or procedure for granting franchises, together with additional terms and conditions for making such grants. In the absence of such provision the method provided by the general laws of the state shall apply.

Section 2: Procedure for Granting Franchises:

Before granting any franchise, the city council shall adopt a resolution declaring its intention to grant same and stating the name of the proposed grantee, the character of the proposed franchise, and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour, and place when and where any person having an interest in or objecting to the granting of such franchise may appear before the council and be heard thereon. Said resolution shall be published at least once, not less than ten days prior to said hearing, in the official newspaper. After hearing all persons desiring to be heard, the council may by ordinance deny or grant the franchise on the terms and conditions specified in the resolution. No ordinance granting a franchise shall be adopted as an emergency ordinance.

Section 3: Term of Franchise:

No franchise shall be granted for a longer period than twenty-five years, unless there be reserved to the city the right to take over at any time the works, plant, and property constructed under the grant at their physical valuation and without compensation for franchise or good will.

Section 4: Eminent Domain:

No franchise grant shall in any way, or to any extent, impair or affect the right of the city to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing therein contained shall be construed to contract away or to modify or to abridge, either for a term or in perpetuity, the city's right of eminent domain with respect to any public utility.

ARTICLE XIII

CONTRACTS AND CENTRALIZED PURCHASING

Section 1: Contracts:

All contracts shall be drawn under the supervision of the city attorney. All contracts must be in writing, executed in the name of the city, by an officer or officers authorized to sign the same, and must be countersigned by the city clerk who shall number and register the same in a book kept for that purpose.

Section 2: Provisions in All Contracts:

(a) **Progressive Payment of Contracts:** Any contract may provide for progressive payments if in the ordinance or resolution authorizing or ordering the work, permission is given for such payment. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at any time ninety percent (90%) of the contract price before the completion and acceptance of the work.

(b) **Contracts on Public Works:** Except as hereinafter provided, every contract involving an expenditure of more than Twenty-Five Thousand Dollars (\$25,000.00) or in a lesser amount as may be established by ordinance for the construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds shall be let to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least ten (10) days before the time for opening bids.

The Council may reject any and all bids presented and may readvertise in its discretion.

The Council, without advertising for bids, or after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, the work in question may be performed better or more economically by the city with its own employees and after the adoption of a resolution to this effect by at least four (4) affirmative votes it may proceed to have said work done in the manner stated, without further observance of the provisions of this subsection. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by the Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by motion passed by at least four (4) affirmative votes and containing a declaration of the facts constituting such urgency. And provided further, that the respective city departments shall do the ordinary work in making repairs and maintenance with its regular city employees without calling for bids for the doing of said work or the purchase of supplies, material or equipment but the doing of said work shall be subject to the provisions of this charter on purchase of materials, supplies and equipment.

(c) **Competitive Bidding:** All purchases or contracts for supplies, materials or equipment involving an expenditure of more than Twenty-Five Thousand Dollars (\$25,000.00) or in a lesser amount as may be established by ordinance shall be let to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least ten (10) days before the time for opening bids; provided, however, the Council, without advertising for bids or after rejecting bids or if no bids are received, may declare and determine that in its opinion the supplies, materials or equipment may be purchased more economically by the city and after the adoption of a resolution to this

effect by at least four (4) affirmative votes it may proceed to purchase such supplies, materials or equipment without further observance of the provisions by passage of a resolution, authorizing same by four (4) affirmative votes it may proceed to purchase such supplies, materials or equipment without further observance of the provisions of this subsection. The council may by passage of a resolution, authorizing same by four (4) affirmative votes of the members thereof, authorize the purchase of supplies, materials or equipment without advertising for bids if such purchase shall be deemed by the council to be of urgent necessity for the preservation of life, health or property.

Section 3: Centralized Purchasing:

The city council shall establish a centralized purchasing system for all city departments, offices and agencies. The city administrator or his designee shall recommend and the council shall consider and adopt all ordinances, rules and regulations governing the contract for purchasing, storing, distribution or disposal of all supplies, materials and equipment required by any department, office or agency of the city government.

ARTICLE XIV

MISCELLANEOUS

Section 1: General Laws:

All general laws of the state applicable to municipal corporations, now or thereafter enacted and which are not in conflict with the provisions of this charter or with ordinances, or resolutions adopted in pursuance of this charter, shall be applicable to the city when such general laws are accepted by the city council by ordinance or resolution.

Section 2: Continuity of Rights and Liabilities:

All vested rights of the city shall continue and shall not in any manner be affected by the adoption of this charter, nor shall any right, liability, pending suit or prosecution, either in behalf of or against the city, be affected by the adoption of this charter, unless otherwise herein expressly provided. All contracts entered into by the city for its benefit prior to the taking effect of this charter shall be continued and perfected hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this charter takes effect, may be carried to completion in accordance with the provisions of such laws.

Section 3: Invalidity:

If any section or part of a section of this charter proves to be invalid, it shall not be held to invalidate or impair the validity of any other section or part of a section, unless it clearly appears that such other section or part of a section is dependent for its operation upon the section or part of a section so held invalid.

Section 4: Discrimination:

No person in the service of the City of Grass Valley or seeking admission thereto, shall be discriminated against because of his or her political or religious opinions or affiliations, or on account of race, color, national origin, ancestry, sex, or other protected classes.

Section 5: Personal Interest in Contracts:

City councilmembers or other city officials and city employees shall not be interested in any contract made by them in their official capacity, or by any body of which they are members. Nor shall such persons be purchasers at any sale, or vendors at any purchase, made by them in their official capacity. Nor shall such persons receive any gratuity or advantage from any contract or persona furnishing labor or material for the same.

Any wilful violation of this section is a misdemeanor and grounds for removal from office.

Section 6: Forfeiture of Office:

(a) Forfeiture of Office for Fraud--Every officer who shall wilfully approve, allow or pay any demand on the treasury not authorized by law, shall be liable to the city individually and on his official bond, for the amount of the demand so approved, allowed, or paid, and shall forfeit such office and be forever barred and disqualified from holding any position in the service of the city.

(b) Forfeiture of Office for Other Causes--An elective office becomes vacant when the incumbent thereof is adjudged insane, convicted of felony, or of an offense involving a violation of his official duties, or ceases to be a resident of the city, or neglects to qualify within the time prescribed by the provisions of this charter or ordinance.

Section 7: Public Records:

City books and records shall be open to inspection as provided by the general laws of the state.

Section 8: Existing Ordinances:

All ordinances and resolutions in force at the time this Charter takes effect, and not inconsistent therewith, shall continue in full force until amended or repealed.

Section 9: Amendment of Charter:

This Charter may be amended in accordance with the provisions of Section 8, Article XI, of the Constitution of the State of California, or any amendment thereof or provision substituted therefor. Amendments to this charter shall be approved by a majority of the voters of the city at an election as set by state law, but shall be framed and proposed with the full text of the amendment by (1) ordinance of the city council; (2) a report as prepared by a duly elected charter commission as created pursuant to state law; or (3) by initiative by the voters of the city.

Section 10: Property:

All property of the city, both real and personal, may be acquired, purchased, leased, sold, or exchanged in the same manner as is provided for the acquisition, purchase, lease, sale, or exchange of public property by the laws of the State of California for general law cities as the same now exists or may hereafter be amended.

Section 11: Violations of Charter or Ordinances:

The violation of any provision of this charter or any ordinances of the city shall be deemed a misdemeanor unless by ordinance it is made an infraction. Such violation may be prosecuted in the name of the People of the State of California or redressed by civil action. The maximum fine or penalty for a misdemeanor or infraction shall be the same as established by the general laws, unless a contrary intention is expressed in the ordinance.

ARTICLE XV

SUCCESSION IN GOVERNMENT

Section 1: Continuation of Present Officers:

Until the election or appointment and induction into office of the officers and employees in this charter provided for, the present officers and employees shall without interruption, continue to perform the duties of their respective offices and employments for the compensation provided by existing ordinances or laws.

Section 2: Effective Date of Charter:

If these charter amendments are approved by the State Legislature, they shall take effect when the concurrent resolution of the Legislature approving these charter amendments is filed with the Secretary of State.

CERTIFICATE

WHEREAS, the City of Grass Valley, for years last past, has been and now is a city containing more than Three Thousand Five Hundred (3,500) inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States or of the Legislature of the State of California; and

WHEREAS, on the 14th day of July, 1950, at a municipal election duly and regularly held on that day in the City under and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the electors of said City did duly choose and elect

HOWARD C. BENNETTS
HAROLD BIGGS
EARL L. COVEY
ARLETTA M. DOUGLAS
DOROTHY DYKE
JOHN L. FRANK
CLARE F. HUGHES
JOHN J. LOOSER
VICTOR L. MONTRE
LAWRENCE M. MYERS
DON T. RADEMAKER
JOHN B. STENNETT
WM. H. STRICK
EDWARD C. WHITING
ELTON F. WILLIAMS

who were all electors of said City and eligible as candidates under said election, a Board of fifteen Freeholders to prepare a Charter for the government of said City; and

WHEREAS, the result of said election of Freeholders was duly declared by the legislative body of the City of Grass Valley on the 17th day July, 1950, and said electors thereafter duly qualified as such Freeholders in accordance with law;

BE IT KNOWN, that in pursuance of the provisions of said Constitution and within the period of one year after the result of said election was so declared, the Board of Freeholders has prepared and does not propose the foregoing Charter as the Charter for the government of the said City of Grass Valley; and

BE IT FURTHER KNOWN that said Board of Freeholders hereby requests said legislative body of the City of Grass Valley to cause the publication of said proposed Charter as provided in said Constitution and does hereby fix and designate Tuesday, the 18th day of SEPTEMBER, 1951, as the date for the special election at which the proposed Charter shall be submitted to the qualified electors of the City of Grass Valley for their ratification and adoption.

IN WITNESS WHEREOF, we, the duly elected, qualified and undersigned Freeholders of the City of Grass Valley, County of Nevada, State of California, have hereunto set our hands at the City of Grass Valley, County of Nevada, State of California, this 6th day of JUNE, 1951.

CLARE F. HUGHES, Chairman
ARLETTA M. DOUGLAS, Secretary
HOWARD C. BENNETTS
HAROLD BIGGS
EARL L. COVEY
DOROTHY DYKE
JOHN L. FRANK
JOHN J. LOOSER
VICTOR L. MONTRE
LAWRENCE M. MYERS

DON T. RADEMAKER
JOHN B. STENNETT
WM. H. STRICK
EDWARD C. WHITING
ELTON F. WILLIAMS

Freeholders of the City of Grass Valley, County of Nevada, State of California

ATTEST: ARLETTA M. DOUGLAS, Secretary of the Board of Freeholders

Date of publication: June 23, 1951

Chapter 99.01 CHARTER GRASS VALLEY, CALIFORNIA

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