

CHARTER

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 on May 3, 1965, May 3, 1971, May 3, 1977, May 15, 1981, May 4, 1993, November 8, 1994, November 5, 1996, and November 6, 2012 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 as at present a body politic and corporate 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 the city. It shall be subject to all the liabilities that now exist against it.

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. Every reference in this Charter to state or federal law shall mean that law as it exists when the provision of this Charter making that reference takes effect or as it may thereafter be amended.

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.

Unless otherwise provided by ordinance, the municipal government established by this Charter shall be conducted under 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.

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 in the council.

Section 2. - General powers.

Subject to the provisions and restrictions of this Charter 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 to do and perform in the name of the city all acts and things appropriate to a municipal corporation and to 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 the city unless he or she shall have been a resident and a registered voter thereof at the time nomination papers are issued to the candidate or at the time of his or her appointment to fill a vacancy.

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.

If two or more persons are elected by the same number of votes, the terms of each shall be decided by lot. A tie for the last council seat to be filled at an election shall also be decided by lot.

ARTICLE VI - THE COUNCIL, POWERS AND DUTIES

Section 1. - Meetings.

The council shall hold regular monthly meetings 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 of the council shall be held in compliance with the Ralph M. Brown Act, California Government Code § 54950 et seq.

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 a quorum concurs; provided, however, that any action to approve or amend the budget or otherwise to authorize an expenditure of money shall require three affirmative votes.

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 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.
- (b) Powers and Duties. The mayor shall be the representative of the city. In the name and on behalf of the city he or she 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, minute action, or order of the council.

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

Section 5. - Judge qualifications of members.

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

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.

- (a) Any member of the council who is absent from all regular council meetings for sixty (60) days consecutively without permission of the council, shall forfeit his or her office.
- (b) Any vacancy occurring in the council shall be filled by a person appointed by a majority vote of the council except that a vacancy shall be filled by election if:
 - a. the council shall so determine,
 - b. the council shall fail to make an appointment within 60 days of its occurrence, or
 - c. an appointment would result in a majority of councilmembers having been appointed rather than elected to office; an appointment following the cancellation of an election due to insufficient qualified candidates shall not constitute an appointment for this purpose.
- (c) An appointee shall serve during the unexpired term and until a successor is elected and qualified.
- (d) 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 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 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 adopted 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 adoption of any ordinance; provided that

- (a) amendments germane to the subject of any proposed ordinance may be made when it is brought up for adoption; and
- (b) 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 ($\frac{4}{5}$) 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 summary or in full in an adjudicated newspaper in the city.

Section 2. - Effective date of ordinances.

Except as otherwise provided in this Charter, every ordinance shall go into effect thirty days after its adoption, unless otherwise provided in the ordinance itself. No ordinances adopted by the council granting any franchise or privilege shall go into effect in less than thirty days from its final passage provided, however, that the following may go into effect at the will of the council:

- (a) ordinances ordering or otherwise relating to elections;
- (b) ordinances relating to public improvements, the cost of which is to be borne wholly or in part by special assessments;
- (c) urgency ordinances authorized by section 1, subdivision (b) of this article; and
- (d) ordinances providing for tax levies or appropriations for the usual current expense of the city or the rate of tax to be levied.

Section 3. - Amendments.

No ordinance shall be amended by reference to its title, but the sections or subsections thereof to be amended shall be restated 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 a copy 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, who shall perform the duties assigned to them by this Charter or by ordinances or resolutions: city attorney, clerk, treasurer, city administrator or city manager and such other officers, boards, department or commissions as may be established by ordinance.

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 established by this Charter.

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 council may transfer or consolidate functions of the city government to or with appropriate functions of the state, county, or another municipal 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 voters of the city for their approval.

Section 3. - 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 city administrator. The premium of such bonds shall be paid by the city.

Section 4. - 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 official duties. Such oaths shall be filed with the clerk. The oath of the city clerk shall be filed with the city administrator.

Section 5. - 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 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, and certify copies of official records;
- (g) Have charge of all city elections; and
- (h) Exercise such other powers or perform such other duties as may be imposed by the council by ordinance or resolution.

Section 6. - Independent audit.

The council shall contract for an annual audit of the books of the city consistent with the requirements of applicable law.

Section 7. - City treasurer.

- (a) The city treasurer shall receive and safely keep all money coming into his or her hands as treasurer.
- (b) He or she shall comply with all laws governing the deposit and securing of public funds and the handling of trust funds in his possession.
- (c) He or she shall pay out money only on warrants signed by legally designated persons.
- (d) The city treasurer shall submit to the city administrator and council written report and accounting of all receipts, disbursements, and fund balances monthly or on such other basis as the council shall prescribe.

Section 8. - 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 five years next preceding his or her 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 the council or city administrator concerning city business, his or her opinion must be in writing. He or she 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 the city, and all contracts with the city, and no contract shall become enforceable as against the city without the endorsement thereon of such approval unless the council shall otherwise provide by ordinance, resolution, or order appearing in the minutes of the council.

- (c) Attendance at Council Meetings: He or she 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 office he or she 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 or her successor and the city shall provide a means of safeguarding the same.
- (f) Additional Powers and Duties: He or she 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 9. - Planning commission.

The council shall establish a planning commission by ordinance, which shall address the powers, duties, qualification, removal, and compensation, if any, of the commission.

ARTICLE IX - CIVIL SERVICE

Section 1. - Policy.

The council shall establish a merit system by ordinance to provide an equitable and uniform procedure for the administration of personnel matters and 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.

Section 2. - The civil service system.

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 that position. No department head may be removed except upon a four-fifths (4/5) vote of the Council.

Section 3. - Personnel commission.

By Ordinance the Council may establish a Personnel Commission.

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. The 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 schedule 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 an adjudicated newspaper in the city.

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 the 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 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 three members.

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 three members so as to authorize the transfer of unused balances appropriated for one purpose to another, 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 [percent] (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, all nominations and elections shall be governed by 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 Charter.

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. So far as they are not in conflict with this Charter, the provisions of the California Elections Code governing the initiative and referendum and of the recall of municipal officers shall apply in the city.

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 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 the hearing, in an adjudicated newspaper in the city. After hearing all persons desiring to be heard, the council may by ordinance or resolution deny or grant the franchise on the terms and conditions specified in the ordinance or resolution. No ordinance granting a franchise shall be adopted as an emergency ordinance. A franchise adopted by resolution shall be subject to referendum just as if adopted by ordinance.

Section 3. - Term of franchise.

No franchise shall be granted for a longer period than twenty-five years, unless:

- (a) 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; or
- (b) The council shall determine by a $\frac{4}{5}$ vote that a term of up to 50 years is in the best interest of the City.

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 either by purchase or through the exercise of the right of eminent domain including, without limitation, property of any public utility.

ARTICLE XIII - CONTRACTS AND CENTRALIZED PURCHASING

Section 1. - Contracts.

All contracts shall be drawn under the supervision of the city attorney unless the council shall otherwise provide by ordinance, resolution or order appearing in the minutes of the council. 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) Contracts on Public Works: Except as hereinafter provided, every contract involving an expenditure of more than the ceiling established by the Uniform Public Construction Cost

Accounting Act, Public Contracts Code § 22010 et seq. 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 an adjudicated newspaper in the city 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.

Nothing in this Charter shall prevent the council from exercising the authority granted by the Uniform Public Construction Cost Accounting Act, Public Contracts Code § 22010 et seq. or from awarding contracts for the design and construction of a public work under the "design-build" approach.

(b) Competitive Bidding:

1. All purchases or contracts for supplies, materials, or equipment involving an expenditure of more than \$145,000 or in a lesser amount as may be established by ordinance shall be let to the lowest responsible bidder after notice by publication in an adjudicated newspaper in the city by one or more insertions, the first of which shall be at least ten (10) days before the time for opening bids. The \$145,000 figure stated immediately above may be adjusted by ordinance from time to time to reflect the change occurring after January 1, 2013 in the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose Standard Metropolitan Statistical Area (1982-84=100) published by the Bureau of Labor Statistics of the U.S. Department of Labor or any successor to that index.
2. 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 by the city by the adoption of a resolution to this effect by at least four (4) affirmative votes finding that:

- (i) The purchase may be made more economically without such procedures, or
- (ii) The purchase is of urgent necessity for the preservation of life, health, or property.
- (c) To the extent permitted by state and federal law, the council may establish by ordinance specified and limited bid advantages for firms based within a specified distance of the city. The city may enact such an ordinance in recognition of the fact that local firms and local employees help support Grass Valley's economy and provide air and water quality benefits for local citizens.

Section 3. - Centralized purchasing.

The 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.

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 on 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.

Section 3. - Invalidity.

If any section or part of a section of this Charter is determined by a court of competent jurisdiction to be invalid, that determination shall not 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 invalidated.

Section 4. - Discrimination.

No person in, or applicant to, the service of the City of Grass Valley 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 unlawful basis.

Section 5. - Personal in contracts.

Any willful violation of California Government Code § 1090 or other applicable laws regarding conflicts of interest by an official of the city shall be grounds for removal from office pursuant to California Government Code § 3060 in addition to any other penalty established by law for the offense.

Section 6. - Forfeiture of office.

- (a) Forfeiture of Office for Fraud: Every officer who shall willfully approve, allow or pay any demand on the treasury not authorized by law, shall be liable to the city individually and on his or her official bond for the amount of the demand and shall forfeit office and be forever 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 the manner provided by state law.

Section 10. - Property.

All property of the city, both real and personal, may be acquired, purchased, leased, sold, or

exchanged in the manner provided for the acquisition, purchase, lease, sale, or exchange of public property by the laws of the State of California for general law cities.

Section 11. - Violations of Charter or ordinances.

The violation of any provision of this Charter or any ordinance 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 this Charter or an ordinance.