

# **THE CHARTER OF THE CITY OF CHICO**

We, the people of the City of Chico, State of California, do ordain and establish this Charter as the organic law of said city under the Constitution of said state.

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### **ARTICLE I. INCORPORATION AND SUCCESSION.**

**Section 100. Name of city.**

The municipal corporation now existing in the County of Butte, State of California, and known as the City of Chico shall remain and continue a body politic and corporate in name and in fact by the name of the City of Chico.

#### **Section 101. Definition of “city.”**

Whenever in this Charter the word “city” occurs, it means the City of Chico; and every “department,” “board,” “commission,” “agency,” “officer,” or “employee,” whenever either is mentioned, means a department, board, commission, agency, officer or employee of the City of Chico.

#### **Section 102. Boundaries.**

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

#### **Section 103. Rights and liabilities.**

The city shall remain vested with, and continue to have, hold, and enjoy all property, rights of property and rights of action of every nature and description now pertaining to this 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 104. Continuance of vested rights.**

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 or for its benefit prior to the taking effect of this Charter shall be continued and perfected hereunder. Public improvements, for which legislative steps 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 105. Continuance of ordinances and resolutions.**

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at the time this Charter takes effect, and not inconsistent therewith, shall continue in full force until amended or repealed.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 106. Continuance of present council members, officers and employees.**

All council members, officers and employees, when this Charter takes effect, shall continue to hold and exercise their respective offices or employment under the terms of this Charter until the election or appointment and qualification of their successors.

(Res. No. 126 80-81 §7 (part), Measure G (part), Passed 4-7-81, Filed in Office of Secretary of State 6-8-81; Res. No. 112 93-94 §7, Measure G (part), Passed 6-7-94, Filed in the Office of Secretary of State 10-3-94; Measure L (part), Passed 11-2-04, Filed in Office of Secretary of State 12-9-04)

### **ARTICLE II. POWERS OF THE CITY.**

#### **Section 200. Legislative power of the city.**

The legislative power of the city shall be vested in a body to be designated as the council, and in the people through the initiative and the referendum.

#### **Section 201. General powers.**

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 the Constitution of the State of California, or provision of this Charter. The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, any general power of the city.

### **ARTICLE III. FORM OF GOVERNMENT.**

#### **Section 300. Council-manager form of government.**

The municipal government provided by this Charter shall be known as the “council- manager” form of government.

### **ARTICLE IV. ELECTIVE OFFICERS.**

#### **Section 400. Enumeration.**

The elective officers of the city shall be seven council members.

(Res. No. 84 74-75 §3(b), Passed 4-8-75, Filed in Office of Secretary of State 4-21-75; Res. No. 126 80-81 §7 (part), Measure G (part), Passed 4-7-81, Filed in Office of Secretary of State 6-8-81)

#### **Section 401. Terms generally.**

A. Council members shall be elected to office at each general municipal election held in the manner hereinafter provided

by this Charter. Upon election, council members shall assume office at 7:30 p.m. on the first Tuesday in December following the date of their election and shall hold office for a term of four years thereafter and until successors are elected and qualified.

B. If, on the date an incoming councilmember is to assume office, the identity of the person elected to such office has not been finally determined, then no person shall be deemed qualified to assume such office until the first meeting held by the council following the date the identity of the person elected to such office has been finally determined and if, on the date an incoming councilmember is to assume office, there is any uncertainty as to which outgoing councilmember has been succeeded, then such uncertainty shall be resolved by the remainder of the council at its meeting on such date.

C. Term Limits.

i. A person is ineligible to hold office as a member of the city council if that person has served as a member of the city council, including any services as mayor, vice-mayor, or mayor pro tempore, for three (3) consecutive full terms. Nothing in this section shall act to bar any person from serving as a member of the city council after at least two (2) years have elapsed from the person's last full term as a member of the city council.

ii. For the purpose of the term limits set forth in this section, a person who was appointed or elected to a vacant city council position for an unexpired term of more than one-half the original term shall be deemed to have served a full term. Any person who resigns or is removed from office during a term shall be deemed to have served a full term.

iii. The term limits established by this section shall apply prospectively, to those terms of office which commence on or after November 6, 2018. Only those terms of office commencing on or after November 6, 2018 shall be counted towards the term limit established by this Subsection 401.C.

(Assembly Concurrent Resolution No. 142, Ch. 135, Statutes of 1965; Res. No. 84 74-75 §3(a), Passed 4-8-75, Filed in Office of Secretary of State 4-21-75; Res. No. 20 76-77 §1, Measure B, Passed 11-2-76, Filed in Office of Secretary of State 11-23-76; Res. No. 126 80-81 §§1 and 7 (part), Measures A and G (part), Passed 4-7-81, Filed in Office of Secretary of State 6-8-81; Res. No. 25 84- 85 §1 (part), Passed 11-6-84, Filed in Office of Secretary of State 1-3-85; Res. No. 112 93-94 §1, Measure A (part), Passed 6-7-94, Filed in Office of Secretary of State 10-3-94; Res. No. 58-18, Measure S, Passed 11-6-18, Filed in Office of Secretary of State 1-2-18)

**Section 402. Elected by council district.**

A. The city is hereby divided into seven council districts, as defined by the city council. Council districts established by the city council shall be as nearly equal in population and as compact as practical.

B. The city council shall evaluate and adopt boundaries for each council district following each decennial federal census. Any adjustment of council district boundaries shall be made before the first day of November of the year following the year in which each decennial federal census is taken. The preceding limitations shall not apply to changes made necessary by changes to city boundaries. The city council may adopt new council district boundaries at any other time when permitted by the Elections Code of the State of California.

C. Council members shall be nominated and elected by council district at a general municipal election provided for in Article V, Section 500, of this charter.

D. Council members shall be a resident of the council district for which the person is nominated at the time nomination papers are issued, and throughout their term;

E. If any member of the city council ceases to be a resident of the council district from which the member (or, in the case of an appointee, a predecessor) was nominated, the office shall immediately become vacant and shall be filled in the same manner as herein provided for other vacancies.

F. If a member of the city council ceases to be a resident of the council district from which the member (or, in the case of an appointee, a predecessor) was nominated solely because of a change in the boundaries of any district as provided for in this Charter, the member shall not lose office during that term by reason of such change.

(Assembly Concurrent Res. No. 142, Ch. 135, Statutes of 1965; Res. No. 75 76-77 §1, Measure A, Passed 3-8-77, Filed in Office of Secretary of State 5-2-77; Res. No. 126 80-81 §§1 and 7 (part), Measures A and G (part), Passed 4-7-81, Filed in Office of Secretary of State 6-8-81; Res. No. 57-20 §2 (part), Passed 12-8-20, Filed in Office of Secretary of State 1-12-21)

**Section 403. Eligibility of candidates.**

Candidates for city councilmember shall have all of the following qualifications at the time nomination papers are issued: (a) reside in the city, such residency having been for such period of time, if any, provided by state law for general law cities; (b) be over the age of twenty-one (21) years; and (c) be a qualified voter as defined by the Elections Code of the State of California.

(Assembly Concurrent Res. No. 148, Ch. 96, 1971; Res. No. 84 74-75 §3(c), Passed 4-8-75, Filed in Office of Secretary of State 4-21-75; Res. No. 126 80-81 §7 (part), Measure G (part), Passed 4-7-81, Filed in Office of Secretary of State 6-8-81; Res. No. 25 84-85 §2, Passed 11-6-84, Filed in Office of Secretary of State 1-3-85)

**Section 404. Repealed by Resolution No. 126 80-81, §1 (part), Measure A (part), Passed 4-7-81, Filed in Office of Secretary of State 6-8-81.**

#### **Section 405. Same - Forfeiture of office for failure to attend meetings or conviction of certain crimes, etc.**

If a member of the city council is absent three (3) consecutive regular meetings, such member shall forfeit such member's office unless excused by the council for cause and so recorded in its official minutes. If a member of the city council is adjudged legally incompetent, or ceases to be an elector of the city, or is convicted of a crime involving moral turpitude, such member's office shall become vacant and shall be so declared by the council.

(Res. No. 126 80-81 §7 (part), Measure G (part), Passed 4-7-81, Filed in Office of Secretary of State 6-8-81)

#### **Section 406. Vacancies.**

A. Any vacancy in the office of councilmember shall be filled for the remainder of the unexpired term by special election called by the council to elect a successor and to be held as soon as practicable. However, a special election need not be called if (1) the term of the vacant office ends less than six months from the date the vacancy occurred or, when a declaration of vacancy by the council is necessary to establish the vacancy, the effective date of the vacancy so declared, and (2) the election cannot be held earlier than the 42nd day before the next general municipal election for election of council members.

B. Notwithstanding subsection A, during the first 30 days of any vacancy, the council may, in lieu of calling a special election, fill the vacancy by appointment of a person qualified to be a candidate for city councilmember. The appointee shall hold office until the first Tuesday in December following the next general municipal election and until the appointee's successor qualifies. At the next general municipal election following any such appointment, a successor shall be elected to serve for the remainder of any unexpired term.

(Res. No. 75 76-77 §1, Measure B (part), Passed 3-8-77, Filed in Office of Secretary of State 5-2-77; Res. 126 80-81 §§1 and 7 (part), Measures A and G (part), Passed 4-7-81, Filed in Office of Secretary of State 6- 8-81; Res. No. 25 84-85 §1 (part), Passed 11-6-84, Filed in Office of Secretary of State 1-3-85; Res. No. 112 93-94 §1, Measure A (part), Passed 6-7-94, Filed in Office of Secretary of State 10-3-94; Measure J, Passed 11-2-04, Filed in Office of Secretary of State 12-9-04)

#### **Section 407. Repealed by Resolution No. 84 74-75 §3(b), Passed 4-8-75, Filed in Office of Secretary of State 4-21-75.**

#### **Section 408. Repealed by Resolution No. 84 74-75 §3(b), Passed 4-8-75, Filed in Office of Secretary of State 4-21-75.**

#### **Section 409. Oath of office.**

An elective officer of the city, before entering upon the duties of the office to which such officer was elected, shall take the oath of office as provided for in the Constitution of the State of California and shall file the same with the city clerk.

(Res. 126 80-81 §7 (part), Measure G (part), Passed 4-7-81, Filed in Office of Secretary of State 6-8-81.)

### **ARTICLE V. ELECTIONS.**

#### **Section 500. General municipal elections.**

A. General municipal elections for the election of council members of the city, and for such other purposes as the city council may prescribe, shall be held in the city on the first Tuesday after the first Monday in November of each even-numbered year.

B. Council members representing council districts 1, 3, 5 and 7 shall be elected commencing in the year 2020 and in each fourth year thereafter. The members of the city council representing council districts 2, 4, and 6 shall be elected commencing in the year 2022 and in each fourth year thereafter.

(Assembly Concurrent Res. No. 142, Ch. 135, Statutes of 1965; Res. No. 84 74-75 §3(b), Passed 4-8-75, Filed in Office of Secretary of State 4-21-75; Res. No. 20 76-77 §1, Measure A, Passed 11-2-76, Filed in Office of Secretary of State 11-23-76; Res. 126 80-81 §§1 and 7 (part), Measures A and G (part), Passed 4-7-81, Filed in Office of Secretary of State 6-8-81; Res. No. 25 84-85 §1 (part), Passed 11-6-84, Filed in Office of Secretary of State 1-3-85; Res. No. 112 93-94 §1, Measure A (part), Passed 6-7-94, Filed in Office of Secretary of State 10-3-94; Res. No. 57-20 §2 (part), Passed 12-8-20, Filed in Office of Secretary of State 1-12-21)

#### **Section 501. Special municipal elections.**

All other municipal elections may be held by authority of general law, or by ordinance, and shall be known as special municipal elections. The city council may determine that any special municipal election shall be held by mailed ballot notwithstanding any provision of the general law to the contrary.

(Assembly Concurrent Res. No. 142, Ch. 135, Statutes of 1965; Res. No. 84 74-75 §3(b), Passed 4-8-75, Filed in Office of Secretary of State 4-21-75; Res. No. 146 95-96 §1, Measure I, Passed 11-5-96, Filed in Office of Secretary of State 12-19-96)

#### **Section 502. Procedure for holding elections.**

Unless otherwise provided by ordinance, all elections shall be held in accordance with the provisions of the California

Elections Code applicable to elections in general law cities, insofar as the same are not in conflict with this Charter.

The council shall, by ordinance or resolution, order the calling and holding of elections within the city.

(Assembly Concurrent Res. No. 142, Ch. 135, Statutes of 1965; Res. No. 84 74-75 §3(b), Passed 4-8-75, Filed in Office of Secretary of State 4-21-75; Measure L (part), Passed 11-2-04, Filed in Office of Secretary of State 12-9-04))

### **Section 503. Initiative, referendum and recall.**

The provisions of the Election Code of the State of California<sup>1</sup> governing the initiative, the referendum and the recall of municipal officers shall apply to the use thereof in the city.

Notes

<sup>1</sup> See Elections Code §§1700 to 1777.

### **Section 504. Repealed by Measure L (part), Passed 11-2-04, Filed in Office of Secretary of State 12-9-04.**

## **ARTICLE VI. THE COUNCIL.**

### **Section 600. Membership.**

The city council shall consist of seven council members, each elected by council district in the manner provided for in Article IV, Elective Officers.

(Res. No. 126 80-81 §7 (part), Measure G (part), Passed 4-7-81, Filed in Office of Secretary of State 6-8-81; Res. No. 57-20 §2 (part), Passed 12-8-20, Filed in Office of Secretary of State 1-12-21)

### **Section 601. Remuneration.**

A. Each councilmember shall receive the maximum monthly salary allowed for councilmembers in general law cities on the salary schedule set forth in California Government Code section 36516(a), as that schedule now exists or may hereafter be amended. This salary shall be adjusted pursuant to that schedule whenever the official population of the city increases or decreases, as determined by the latest decennial federal census, a subsequent census, or the state Department of Finance. The mayor shall receive, in addition to this remuneration as a councilmember, a monthly salary equal to twenty percent (20%) of the monthly salary of a councilmember. Each councilmember, including the mayor, may also be reimbursed for reasonable and necessary expenses actually incurred in the service of the city, provided that an appropriation for such expenses has been made in the budget adopted by the council as provided by this Charter.

B. Notwithstanding subsection A, an ordinance approved by a majority of the voters voting on the measure may adjust the salary for the office of councilmember or mayor or both offices, to take effect at the commencement of the next term of office or such later time as the ordinance may provide.

(Res. No. 126 80-81 §7 (part), Measure G (part), Passed 4-7-81, Filed in Office of Secretary of State 6-8-81; Res. No. 17 85-86 §1, Passed 11-5-85, Filed in Office of Secretary of State 3-12-86; Measure I, Passed 11-2-04, Filed in Office of Secretary of State 12-9-04)

### **Section 602. Meetings.**

A. The council shall meet in regular session at 7:30 p.m. on the first Tuesday of each month, provided, however, that the council may designate a different time and date by ordinance subject to the following conditions: (1) such ordinance shall provide for meetings no less often than once each month; and (2) such ordinance shall provide for a regular meeting at 6:00 p.m. of the first Tuesday in December of each even-numbered year.

B. The council may meet at such other times as it shall determine. A special meeting may be called by the mayor, or any four (4) members. Written notice of such special meeting and the purposes thereof shall be given to each member of the council not less than twenty-four (24) hours before the meeting or within that time prescribed by state law, whichever is greater. At any special meeting, only such matters may be acted upon as are referred to in the said written notice or consent. All meetings shall be held in the council chamber building of the city unless another location is designated by ordinance, or in such a place to which any such meeting may be adjourned.

(Assembly Concurrent Resolution No. 105, Ch. 71, 1973; Res. No. 25 84-85 §1 (part), Passed 11-6- 84, Filed in Office of Secretary of State 1-3-85; Res. No. 17 85-86 §2, Passed 11-5-85, Filed in Office of Secretary of State 3-12-86; Res. No. 112 93-94 §1, Measure A (part), Passed 6-7-94, Filed in Office of Secretary of State 10-3-94; Res. No. 71-16 , Passed 11-8-16)

### **Section 603. Mayor, vice-mayor, mayor pro tempore.**

A. The mayor and vice-mayor shall be chosen by the council at its first meeting in December in each even-numbered year to serve for a term of two (2) years. Should a vacancy occur in either the office of mayor or vice-mayor, the council shall elect a successor to serve for the remainder of the unexpired term.



B. The mayor shall preside over the sessions of the council and shall sign official documents when the signature of the mayor is required by law. The mayor shall be recognized as the official head of the city for all public and ceremonial purposes, and by the Governor for military purposes. In times of emergency, the mayor may take command of the police, maintain order and enforce laws for a period not exceeding forty-eight (48) hours, and the mayor shall be the judge of what constitutes such public dangers or emergencies; such command may be continued for a longer period by a majority of the city council at a special meeting called for that purpose. The mayor shall exercise such other powers and perform such other duties as may be prescribed by law or ordinance or by resolution of the council, except as limited by this Charter. The mayor shall possess no veto power.

C. The vice-mayor shall, in the absence of the mayor, assume all his or her powers and duties.

D. When both the mayor and vice-mayor are absent, the council may choose one of its own members to act as mayor pro tempore.

(Res. No. 84 74-75 §3(a), Passed 4-8-75, Filed in Office of Secretary of State 4-21-75; Res. No. 75 76-77 §1, Measure B (part), Passed 3-8-77, Filed in Office of Secretary of State 5-2-77; Res. No. 126 80-81 §§1 and 7 (part), Measures A and G (part), Passed 4-7-81, Filed in Office of Secretary of State 6-8-81; Res. No. 25 84-85 §1 (part), Passed 11-6-84, Filed in Office of Secretary of State 1-3-85; Res. No. 112 93-94 §3, Measure C and §4, Measure D (part), Passed 6-7-94, Filed in Office of Secretary of State 10-3-94)

#### **Section 604. Powers of council.**

Subject to the provisions and restrictions of this Charter and of the Constitution of the State of California, the council shall have the power in the name of the city to perform any and all acts appropriate to a municipal corporation.

#### **Section 605. Appointment of officers and commission members.**

The Council shall have the power and authority to appoint a city manager, a city attorney, city clerk and the members of the various boards and commissions. All other officers and department heads shall be appointed by the city manager, subject to confirmation by the council; except that the park director shall be appointed by the city manager subject to confirmation by both the council and the Bidwell Park and Playground commission, the airport manager shall be appointed by the city manager subject to confirmation by both the council and the airport commission, and any assistant city attorney or deputy city attorney shall be appointed by the city attorney subject to confirmation by the council.

(Res. No. 96 84-85, §1 (part), Measure A (part), Passed 4-9-85, Filed in Office of Secretary of State 4-16-85; Res. No. 112 93-94 §3, Measure C and §4, Measure D (part), Passed 6-7-94, Filed in Office of Secretary of State 10-3-94)

#### **Section 606. Power of subpoena; failure to obey subpoena.**

The council shall have the power and authority to compel attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas may be issued in the name of the city and be attested to by the city clerk. Disobedience of such subpoenas or the refusal to testify, other than upon constitutional grounds, shall constitute a misdemeanor.

#### **Section 607. Rules of procedure.**

The council shall determine its own rules and order of business, subject, but not limited to, the following provisions:

A. There shall be a Journal of Proceedings of all council meetings which shall be open to the public, except as otherwise provided by law.

B. The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the Journal of Proceedings of the council. Upon the request of any member, the ayes and noes shall be taken and recorded on any vote.

C. A majority of the council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and postpone the consideration of pending business.

D. The council shall appoint such standing and other committees as it may deem necessary.

#### **Section 608. Council members ineligible to other city positions.**

A. No councilmember shall

1. Be appointed to any board or commission provided for in this Charter except as designated in the Charter or state law;

2. Hold any other municipal office; or

3. Hold any city employment for compensation paid out of public moneys belonging to or under the control of the city.

B. Upon expiration of the last term of a councilmember and for a period of 12 months thereafter, the former council member may not be elected or appointed to any office created, or the compensation of which was increased, by the council while the former member served on the council.

(Res. No. 126 80-81, §7 (part), Measure G (part), Passed 4-7-81, Filed in Office of Secretary of State 6-8-81; Measure L



(part), Passed 11-02-04, Filed in Office of Secretary of State 12-9-04)

#### **Section 609. Ordinances and resolutions generally.**

Legislative action shall be taken by the council only by means of an ordinance or resolution. Unless otherwise specified in this Charter ordinances and resolutions shall be adopted upon receiving the affirmative votes of a majority of a quorum of the council present at any regular meeting.

#### **Section 610. Ordinance - Title and enacting clause.**

The title of an ordinance shall be sufficient if it refers to the general subject matter of the provisions being enacted, amended or repealed, or to the general purpose of the ordinance, and it need not refer to the specific provisions affected or otherwise delineate or describe the particular additions, deletions or changes made by said ordinance. No ordinances shall be ineffective or void by reason of any defect in the title thereof. The introductory reading of said title shall constitute notice of all of the provisions of said ordinance set out in the copy of said ordinance maintained in the office of the city clerk.

The enacting clause of every ordinance passed by the council shall be: "Be it ordained by the Council of the City of Chico." Ordinances initiated by the people shall have an enacting clause: "Be it ordained by the People of the City of Chico."

(Res. No. 84 74-75 §3(e), Passed 4-8-75, Filed in Office of Secretary of State 4-21-75)

#### **Section 611. Same - Adoption and publication.**

A. No ordinance, other than an emergency ordinance, shall be adopted by the council within five days after its introduction, nor at other than a regular or an adjourned regular meeting. At the time of introduction, an ordinance shall become a part of the proceedings of said meeting in the custody of the city clerk's office available for inspection and review by all interested persons during regular business hours and until such time as said ordinance is adopted and inserted in the records of the city for adopted ordinances as provided in this Charter. The city clerk need not so maintain a copy of any ordinance not adopted within six months of its introduction. No ordinance may be adopted more than six months after its introduction unless the same is again introduced as hereinabove provided. An ordinance may be introduced and adopted by the reading of the title only, provided that upon the request of any councilmember, and with the consent of a majority of the council present, an ordinance shall be read in full.

B. An ordinance altered or amended after its introduction and before adoption shall be re-introduced and shall not be adopted within five (5) days of its re-introduction. Corrections of typographical errors or clerical errors which do not change the intent expressed in the ordinance shall not be deemed alterations or amendments within the meaning of this subsection.

C. Every ordinance must be published in full or in summary, as authorized by State law; once in the official newspaper of the city, or in such other form as it may be sent to the voters. One copy of every ordinance introduced shall be posted by the clerk within twenty-four hours after introductory reading on the public bulletin board in the municipal building of the city, and another copy thereof shall be available in the council chambers during each meeting at which said ordinance is considered by the council for review by all persons interested therein.

(Municipal Election 11/7/00)

#### **Section 612. Same - Emergency ordinances.**

Any ordinance declared by the council to be necessary as an emergency measure for preserving the public peace, welfare, health or safety, and containing a statement of the reasons for its urgency, may be introduced by reading in full, and adopted at the same meeting if passed by at least four (4) affirmative votes. No such emergency ordinance shall remain in effect for a period longer than six (6) months. The city council may also adopt an interim zoning ordinance as an emergency measure provided such interim zoning ordinance is adopted in the manner provided by state law.

(Res. No. 17 85-86 §3, Passed 11-5-85, Filed in Office of Secretary of State 3-12-86)

#### **Section 613. Same - Amendment.**

No ordinance shall be revised, reenacted or amended by reference to its title only; but the ordinance may be revised or reenacted, or the section, sections, or subsections thereof to be amended, or the new section, sections, or subsections to be added thereto shall be set forth at length as to the particular section, sections, or subsection to be so revised, reenacted or adopted and adopted in the method provided in Section 611 of this Charter. No ordinance or section or subsection thereof shall be repealed except by an ordinance adopted in the manner provided in this Charter, provided that an ordinance, section or subsection thereof may be repealed by reference to the number of the ordinance, section or subsection and to the title of the ordinance or section.

(Assembly Concurrent Res. No. 163, 1969, Ratified 4-8-69)

#### **Section 614. Same - Sale, exchange, lease or purchase of real property.**

The sale or exchange of real property owned by the city shall be authorized by resolution adopted by the affirmative vote of at least five (5) members of the council, provided that this section shall not apply to properties dedicated to the City of Chico for park purposes by Annie E. K. Bidwell or Guy R. Kennedy, by deed or will, and such properties shall not be conveyed or exchanged.

The purchase or lease (whether as lessor or lessee) of real property shall be approved by the council, except as otherwise provided in this Charter.

(Res. No. 25 84-85 §4, Passed 11-6-84, Filed in Office of Secretary of State 1-3-85; Res. No. 111 89-90 §2, Passed 6-5-90, Filed in Office of Secretary of State 10-4-90; Measure L (part), Passed 11-2-04, Filed in Office of Secretary of State 12-9-04))

#### **Section 615. Same - Attesting.**

All ordinances and resolutions shall be attested to by the city clerk, but need not be signed by any other officer except as otherwise required by this Charter.

(Res. No. 84 74-75 §3(a), Passed 4-8-75, Filed in Office of Secretary of State 4-21-75)

#### **Section 616. Same - Effective date.**

Except as otherwise herein provided to the contrary, ordinances shall become effective on the 30th day following date of adoption, provided that such ordinance has been published as provided by Section 611 within fifteen (15) days from date of adoption. In the event publication has not been so made, then such ordinance shall become effective on the 15th day following the date of publication. The following ordinances are expressly excepted from the foregoing requirements, and shall take effect upon adoption:

- A. An ordinance calling or otherwise relating to an election;
- B. An improvement proceeding ordinance adopted under some law or procedural ordinance;
- C. An emergency ordinance adopted in the manner provided for in this article.

(Res. No. 17 85-86 §4, Passed 11-5-85, Filed in Office of Secretary of State 3-12-86)

#### **Section 617. Same - Codification and adoption by reference.**

Ordinances establishing rules and regulations for the construction of buildings, including, but not limited to the installation of plumbing, electrical wiring, outdoor signs, or other similar work of construction or installation, and governing conditions hazardous to life and property, and a code of existing and properly adopted ordinances where such rules and regulations or ordinance codes have been printed as a code or codes in book form may be adopted by reference to such code or codes or such portions thereof in the manner provided by the general laws of the State of California. Ordinances of the City of Chico may adopt by reference as all or a part of such ordinance all or any portion of any general law of the State of California, without including the specific wording of such law in such ordinance.

### **ARTICLE VII. THE CITY MANAGER.**

#### **Section 700. Qualification.**

There shall be a city manager who shall be the chief administrator of the city. The city manager shall be appointed by the council and shall serve at its pleasure. The city manager shall not be removed from office except by the affirmative vote of at least four (4) members of the council. The city manager shall be chosen on the basis of executive and administrative qualifications. The city manager need not be a resident of the city or state at the time of appointment.

(Res. No. 126 80-81 §7 (part), Measure G (part), Passed 4-7-81, Filed in Office of Secretary of State 6-8-81; Municipal Election 11/7/00)

#### **Section 701. Duties and authority generally.**

The city manager shall be the chief executive officer and the head of the administrative branch of the city government. The city manager shall be responsible to the council for the administration of all units of the city government under the city manager's jurisdiction and for carrying out policies adopted by the council. The city manager shall be charged with the preservation of the public peace, welfare, health, the safety of persons and property, the enforcement of law and the development and utilization of the city's resources.

The city manager shall:

- A. Appoint, discipline and remove, subject to the personnel system ordinance of the city, all officers and employees of the city except as otherwise provided by this Charter. The city manager may authorize the head of any department or office to appoint, discipline or remove subordinates in such department or office.
- B. Prepare the budget annually, submit it to the council, and be responsible for its administration after its adoption.
- C. Prepare and submit to the council as of the end of the fiscal year, a complete report on the finances, physical inventory and administrative activities of the city for the preceding year.
- D. Keep the council advised of the financial condition and future needs of the city and make such recommendations on any matter as may to the city manager seem desirable.
- E. Perform such other duties as may be prescribed by this Charter or required of the city manager by the council not inconsistent with this Charter.

The city manager may have the privilege to take part in the discussion of all matters coming before the council, but shall not vote.

(Res. No. 126 80-81 §7 (part), Measure G (part), Passed 4-7-81, Filed in Office of Secretary of State 6-8-81)

## **ARTICLE VIII. EXECUTIVE AND ADMINISTRATIVE ORGANIZATIONS.**

### **Section 800. Establishment by ordinance.**

After obtaining and considering the recommendations of the city manager, the council shall provide by ordinance, not inconsistent with this Charter, for the organization, function, conduct and operation of the several offices, departments, and boards and commissions of the city, and may provide for the creation of additional departments, boards and commissions, divisions, offices and agencies, and for their consolidation, alteration, abolition, or reassignment.

## **ARTICLE IX. APPOINTIVE OFFICERS AND EMPLOYEES.**

### **Section 900. Enumerated.**

The officers of the city shall consist of a city manager, city clerk, city attorney, city finance director, and such other officers as are required by law, or as the council may provide by ordinance.

(Res. No. 17 85-86 §5, Passed 11-5-85, Filed in Office of Secretary of State 3-12-86; Res. No. 112 93-94 §7, Measure E and Measure G (part), Passed 6-7-94, Filed in Office of Secretary of State 10-3-94)

### **Section 901. Residence requirements.**

There shall be no residence requirements for any city officer or employee, except that by ordinance the city council may require that specific officers or employees reside within a reasonable and specified distance from their place of employment or other designated locations upon finding that such residence is reasonably related to performance of the officer's or employee's job.

(Res. No. 84 74-75 §3(a), Passed 4-8-75, Filed in Office of Secretary of State 4-21-75)

### **Section 902. Oath of office.**

Every officer, employee, department head and appointed official of the city, before entering upon the duties of the office for or to which such officer, employee or department head was employed, appointed or elected, shall take the oath of office as provided for in the Constitution of the State of California, and shall file the same with the city clerk.

(Res. No. 126 80-81 §7 (part), Measure G (part), Passed 4-7-81, Filed in Office of Secretary of State 6-8-81)

### **Section 903. Official bonds.**

The city council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officials or employees who are required by law to give such bonds. All shall be executed by responsible corporate surety, shall be approved as to form by the city attorney, and shall be filed with the city clerk. Premiums on official bonds shall be paid by the city.

There shall be no personal liability upon, or any right to recover against, a superior officer, or such superior officer's bond, for any wrongful act or omission of such superior officer's subordinate, unless such superior officer was a part to, or conspired in, such wrongful act or omission.

(Res. No. 126 80-81 §7 (part), Measure G (part), Passed 4-7-81, Filed in Office of Secretary of State 6-8-81)

### **Section 904. Duties to be established by ordinance; combining departments or offices; suspending or abolishing offices.**

The council shall provide by ordinance or resolution, not inconsistent with this Charter, for the powers and duties of all officers and department heads of the city. Where the positions are not incompatible, the council may combine in one person the powers and duties of two or more offices created or provided for in the Charter. When the city has contracted with the County of Butte for the assessment and collection of taxes, the council may suspend or abolish any office relating to the assessment or collection of taxes. No office provided herein to be filled by appointment by the city manager may be combined with an office provided herein to be filled by appointment of the council.

(Senate Concurrent Res. No. 59, Ch. 100, Statutes of 1963, page 4858)

### **Section 905. Powers and duties of city clerk.**

The city clerk shall:

A. Attend meetings of the council and be responsible for the recording and maintaining of a full and true record of all proceedings of the council in books that shall bear appropriate title and be devoted to such purpose; call the roll of the council and record the council members present, absent or excused.

B. Maintain books in which shall be recorded respectively all duly adopted ordinances and resolutions, and, as to an ordinance requiring publication, an affidavit of publication or posting shall be affixed thereto.

- C. Maintain books in which a record shall be made of all written contracts and official bonds.
- D. Keep all aforementioned books properly indexed.
- E. Be the custodian of the seal of the city.
- F. Administer oaths or affirmations, taking affidavits and depositions pertaining to the affairs and business of the city and certify copies of the official records.
- G. Have charge of all elections to be conducted by the city, provided, that the city may contract with the County of Butte or any public officer authorized to conduct elections for the performance of all duties of conducting such elections.
- H. Perform such other duties consistent with this Charter as may be required by the council or by law.

(Res. No. 84 74-75 §3(a), Passed 4-8-75, Filed in the Office of Secretary of State 4-21-75; Res. No. 112 93- 94 §6, Measure F (part), Passed 6-7-94, Filed in Office of Secretary of State 10-3-94)

#### **Section 906. Qualifications, powers and duties of city attorney.**

The city attorney shall be an attorney at law, duly admitted to practice by the Supreme Court of the State of California, and licensed by said state to practice therein, and shall have been engaged in the practice of law in the state for a period of not less than five (5) years immediately prior to appointment. The city attorney shall:

- A. Represent and advise the city council, city officers, boards and commissions in all matters of law pertaining to their offices.
- B. Represent and appear for the city in any or all actions or proceedings in which the city is concerned or is a party, and represent and appear for any city officer, employee, board or commission, or former city officer, employee, board or commission, in any or all actions and proceedings in which any such officer, employee, board or commission is concerned or is a party arising out of any act or omission committed in the course and scope of the employment or performance of the official duties of such officer, employee, board or commission.
- C. Attend meetings of the city council and give advice or render an opinion in writing whenever requested to do so by the city council, or by any of the boards, commissions or officers of the city, provided that the city attorney may require such request to be submitted in writing.
- D. Approve the form of all contracts made by and all bonds given to the city, endorsing such contracts or bonds with such approval.
- E. Prepare or approve any and all proposed ordinances or resolutions for the city and amendments thereto.
- F. Appoint, discipline and remove any assistant city attorney, deputy city attorney or legal technician, provided that the appointment of a person by the city attorney to the position of assistant city attorney or deputy city attorney shall be subject to confirmation by the city council.

(Res. No. 126 80-81 §7 (part), Measure G (part), Passed 4-7-81, Filed in Office of Secretary of State 6-8-81; Res. No. 112 93-94 §4, Measure D (part), and §6, Measure F (part), Passed 6-7-94, Filed in Office of Secretary of State 10-3-94)

#### **Section 906.1 Repealed by Resolution No. 112 93-94 §4, Measure D (part), Passed 6- 7-94, Filed in Office of Secretary of State 10-3-94.**

#### **Section 907. Repealed by Resolution No. 126 80-81 §3, Measure C, Passed 4-7-81, Filed in Office of Secretary of State 6-8-81.**

#### **Section 908. Finance director.**

The finance director shall be responsible for administration of the financial affairs of the city.

The finance director shall have custody of all public funds belonging to the city or to any office, department, board or commission or agency thereof, and shall administer all such funds in compliance with the provisions of the Constitution and laws of the State of California governing the collection, handling, depositing, investment and securing of public funds.

The finance director shall submit to the council through the city manager monthly statements of receipts, disbursements and balances in such form as to show the exact financial condition of the city. At the end of each fiscal year the finance director shall submit a complete and detailed financial statement.

(Res. No. 126 80-81 §7 (part), Measure G (part), Passed 4-7-81, Filed in Office of Secretary of State 6-8-81; Res. No. 17 85-86 §6, Passed 11-5-85, Filed in Office of Secretary of State 3-12-86; Res. No. 112 93-94 §7, Measure G (part), Passed 6-7-94, Filed in Office of Secretary of State 10-3-94)

#### **Section 909. Compensation of officers, department heads and employees.**

The compensation of all city officers and department heads, except as otherwise provided in this Charter, shall be fixed by the council by resolution, and the compensation of all other city employees shall be determined in accordance with the

personnel system ordinance. No officer, department head or employee shall be allowed any fees, perquisites, emoluments or compensation for the performance of the duties of the employment or office for or to which such officer, department head or employee was employed, appointed or elected, other than reimbursement for necessary expenses, and the compensation as determined in the manner herein provided.

(Res. No. 126 80-81 §7 (part), Measure G (part), Passed 4-7-81, Filed in Office of Secretary of State 6-8-81; Res. No. 17 85-86 §7, Passed 11-5-85, Filed in Office of Secretary of State 3-12-86)

**Section 910. Repealed by Measure L (part), Passed 11-2-04, Filed in Office of Secretary of State 12-9-04.**

**Section 911. Nepotism**

The council shall not appoint to a salaried position under the city government any person who is a relative by blood or marriage within the second degree of any one or more of the members of such council. Neither shall any board or commission, department head, or other officer having appointive power appoint any relative within such degree to any salaried position.

**Section 912. Delivery of books, papers, etc., to successors.**

All papers, books, documents, records, archives and other properties prepared for or purchased by the city shall be and remain the property of the city.

All officers, department heads, boards, commissions, and employees, upon leaving office, shall deliver to their successors all such papers, documents, records, books, archives and other such properties pertaining and belonging to their respective offices or department in their possession or under their control.

**Section 913. Inspection of books and records.**

Except as otherwise provided by law, all books and records of every office and department shall be open to the inspection of any citizen during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office.

**Section 914. Copies from books or records.**

Duly certified copies of records open for inspection shall be provided by the officer, department head or employee having the same in custody to any person demanding the same and paying the fee, if any, set by resolution of the council.

**ARTICLE X. APPOINTIVE BOARDS AND COMMISSIONS.**

**Section 1000. Generally.**

There shall exist within the city each of the boards and commissions provided for by this article and any other board or commission now or hereafter established by ordinance of the council. Each such board and commission shall have the powers and duties provided for in this Charter and/or established by ordinance or resolution of the council; provided, however, that no power granted to a board or commission herein shall be deemed to be equal to or greater than that of the council.

(Res. No. 126 80-81 §7 (part), Measure G (part), Passed 4-7-81, Filed in Office of Secretary of State 6-8-81; Res. No. 96 84-85 §1 (part), Measure A (part), Passed 4-9-85, Filed in Office of Secretary of State 5-16-85)

**Section 1000.1. Number of members.**

The number of members comprising any board or commission shall be determined by ordinance of the council; provided, however, that no board or commission shall consist of less than five members.

(Res. No. 96 84-85 §1 (part), Measure A (part), Passed 4-9-85, Filed in Office of Secretary of State 5-16-85)

**Section 1001. Appointments; terms.**

A. Members of each board or commission shall be appointed by the council. In order to be eligible for an appointment to any board or commission, persons shall be residents of the city and qualified voters as defined by the Elections Code of the State of California.

B. Members of each board or commission shall be appointed to serve a term of four (4) years and until their respective successors are appointed and qualified. The ordinance determining the number of members to comprise any board or commission shall provide that the four-year terms of members shall be staggered so that a substantially equal number of members shall have their terms commence at 7:30 p.m. on January 1st of every second year, except with respect to commissions having more than seven (7) members, who shall have their terms staggered so that a substantially equal number of the members thereof shall have their terms commence at 7:30 p.m. on January 1st of each year.

C. A member of any board or commission may be removed from office at any time at the discretion of the council by an action of the council adopted by at least four (4) affirmative votes.

(Res. No. 84 74-75 §3(a), passed 4-8-75, Filed in Office of Secretary of State 4-21-75; Res. No. 25 84-85 §1 (part), Passed



11-6-84, Filed in Office of Secretary of State 1-3-85; Res. No. 112 93-94 §1, Measure A (part), Passed 6-7-94, Filed in Office of Secretary of State 10-3-94)

**Section 1002. Repealed by Resolution 96 84-85 §1 (part), Measure A (part), Passed 4-9-85, Filed in Office of Secretary of State 4-16-85.**

### **Section 1003. Organization.**

A. Each board or commission shall, at the first regular meeting of each calendar year, organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission.

B. Each board or commission shall hold regular meetings as required by ordinance of the council, and such special meetings as each board or commission may require. Written notice of such special meeting and the purpose thereof must be given not less than twenty-four (24) hours before the meeting to each member of the board or commission calling such special meeting, or within that time prescribed by state law, whichever is greater. All meetings and proceedings shall be open to the public, except as otherwise provided by law. Each board or commission shall keep a record of its proceedings and transactions, and a copy thereof shall be filed monthly with the city manager.

(Res. No. 25 84-85 §1 (part), Passed 11-6-84, Filed in Office of Secretary of State 1-3-85; Res. No. 17 85- 86 §8, passed 11-5-85, Filed in Office of Secretary of State 3-12-86; Res. No. 111 89-90 §3, Passed 6-5-90, Filed in Office of Secretary of State 10-4-90; Res. No. 112 93-94 §1, Measure A (part), Passed 6-7-94, Filed in Office of Secretary of State 10-3-94)

### **Section 1004. Compensation.**

Members of boards and commissions shall serve without compensation for their services, as such, but may be reimbursed for necessary travel and other expenses incurred on official duty when such expenditures have been budgeted or otherwise authorized by the council.

Measure L (part), Passed 11-2-04, Filed in Office of Secretary of State 12-9-04)

### **Section 1005. Vacancies.**

Vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the council for the unexpired portion of the term of the vacant office. If a member of a board or commission is convicted of a crime involving moral turpitude or ceases to be an elector of the city, the member's office shall become vacant and shall be so declared by the council.

Measure L (part), Passed 11-2-04, Filed in Office of Secretary of State 12-9-04)

### **Section 1006. Bidwell Park and Playground commission - Creation and appointment of members; suspension.**

The council shall appoint a board of park commissioners to be known as the Bidwell Park and Playground commission except during such time as the council shall, by resolution or ordinance, have determined that the conditions for suspension of the Bidwell Park and Playground commission exist, as hereinafter provided in subsection 1 of this section, which condition of suspension so determined shall have the effects set out in subsection 2 herein:

1. Conditions of Suspension. The conditions of suspension referred to in this section are as follows:

a. Bidwell Park, Children's Playground and such other city parks and playgrounds as the city council deems appropriate are leased to another public entity.

b. The territory of said public entity includes entirely within its boundaries the territory within the city limits of the city of Chico.

c. The terms of the agreement pursuant to which said properties are leased requires the lessee public entity to operate, maintain, and improve said properties for the benefit of the citizens and residents of the city of Chico, and may provide for the use of said properties by residents and citizens of the territory of the public entity, as well as others who may not be practically excluded.

d. The lease agreement referred to above shall provide that the level of uses and benefit of said properties by citizens and residents of the city shall not be significantly curtailed or altered without consent of the council.

e. The agreement referred to herein need not be specifically denoted a lease agreement so long as the effect is the same, and provided further that nothing herein authorizes the sale or conveyance of title to any of said park or playground properties to any public entity.

2. Determination and Effect of Suspension. At any time that the conditions for suspension set out in subdivision 1 herein exist, the council may by resolution or ordinance find and determine such existence and order that a state of suspension exists. In the same manner, the council may rescind such resolution or ordinance by finding and determining that the conditions for suspension do not exist, provided, however, that they shall, at the same time, appoint a board of park commissioners as provided in the initial provision of this section. Upon an order that a state of suspension exists the following shall occur:

a. All powers and duties conferred upon the Bidwell Park and Playground commission in this Charter or in the ordinances of the city of Chico shall cease and the terms of the members of such commission shall be forthwith terminated.



b. The council shall be responsible for the propagation, planting, removing, pruning, and maintenance of all trees and shrubberies on the streets and along the sidewalks of the city. The council shall adopt such ordinances as may be necessary to exercise such responsibilities and may in such ordinances delegate the responsibility to any other board, commission or department of the city as it determines.

c. The council shall accept the donations, legacies or bequests referred to in Section 1006.2 of this Charter.

d. The council shall perform or provide by ordinance for the performance of all other responsibilities of the Bidwell Park and Playground commission regardless of the source of the imposition of such responsibility.

Upon a determination by the council that the conditions for suspension do not exist, the provisions of this subsection 2 shall cease to apply and the powers, duties and responsibilities of the Bidwell Park and Playground commission shall again exist as though no suspension had occurred.

(Res. No. 60 74-75 §1, Passed 3-4-75, Filed in Office of Secretary of State 4-21-75; Res. No. 96 84-85 §2, Measure B, Passed 4-9-85, Filed in Office of Secretary of State 4-16-85; Res. No. 111 89-90 §4, Passed 6-5-90, Filed in Office of Secretary of State 10-4-90)

#### **Section 1006.1. Same - Powers and duties.**

The Bidwell Park and Playground commission, except when suspended as provided in this Charter, shall have the following powers and duties:

A. The power and duty to operate and maintain all of the parks and playgrounds owned by the city and to adopt such rules and regulations as may be necessary to govern and control the use of such parks and playgrounds.

B. The power and duty to provide for the propagation, planting, removing, pruning and maintenance of all trees and shrubberies along the streets and sidewalks of the city and to adopt such rules and regulations as may be necessary to govern and control the planting, removal, pruning, and maintenance of such trees and shrubberies.

C. The power to enter into leases and contracts in connection with the operation of the properties under its supervision; provided, however, that any lease in excess of 15 years or any contract which encumbers city funds shall first require prior approval of the council; and, provided further, that no power granted herein shall be deemed to confer upon the Bidwell Park and Playground commission the right to sell or convey title to any city property.

D. The power to confirm the appointment of the park director by the city manager, as hereinbefore provided in this Charter.

(Res. No. 60 74-75 §1, Passed 3-4-75, Filed in Office of Secretary of State 4-21-75; Res. No. 96 84-85 §1 (part), Measure A (part), Passed 4-9-85, Filed in Office of Secretary of State 4-16-85)

#### **Section 1006.2. Same - Acceptance and disposition of donations, legacies or bequests.**

In the name of the city, except when suspended as provided in this Charter, the Bidwell Park and Playground commission may accept donations, legacies or bequests for the aid and improvement of the parks and playgrounds under its supervision, provided that all moneys derived from such donations, legacies or bequests shall, unless otherwise provided under the terms of such donations, legacies or bequests, be deposited in the treasury of the city to be used for the aid and improvement of the parks and playgrounds of the city subject to the terms of such donations, legacies or bequests.

(Res. No. 60 74-75 §1 Passed 3-4-75, Filed in Office of Secretary of State 4-21-75)

#### **Section 1007. Airport commission - Generally; appointment of members.**

The council shall appoint a board of airport commissioners to be known as the airport commission.

##### **Section 1007.1. Same - Powers and duties.**

The airport commission shall have the following powers and duties:

A. The power and duty to operate and maintain all airports and airport properties belonging to or under the control of the city and to adopt such rules and regulations as may be necessary to govern the use of such airports and airport properties.

B. The power to enter into leases and contracts in connection with the operation of all airports and airport properties belonging to or under the control of the city; provided, however, that any lease in excess of 15 years or any contract which encumbers city funds shall first require prior approval of the council; and, provided further, that no power granted herein shall be deemed to confer upon the airport commission the right to sell or convey title to any city property.

C. The power to confirm the appointment of the airport manager made by the city manager as hereinbefore provided in this Charter.

(Res. No. 96 84-85 §1 (part), Measure A (part), Passed 4-9-85, Filed in Office of Secretary of State 4-16-85)

#### **Section 1008. Repealed by Resolution No. 126 80-81 §4 (part), Measure D (part), Passed 4-7-81. Filed in Office of Secretary of State 6-8-81.**

##### **Section 1008.1. Repealed by Resolution No. 126 80-81 §4 (part), Measure D (part), Passed 4-7-81, Filed in Office of**

**Secretary of State 6-8-81.**

**Section 1008.2. Repealed by Resolution No. 126 80-81 §4 (part), Measure D (part), Passed 4-7-81, Filed in Office of Secretary of State 6-8-81.**

**Section 1008.3. Repealed by Resolution No. 126 80-81 §5 (part), Measure E (part), Passed 4-7-81, Filed in Office of Secretary of State 6-8-81.**

**Section 1008.4. Repealed by Resolution No. 126 80-81 §4 (part), Measure D (part), Passed 4-7-81, Filed in Office of Secretary of State 6-8-81.**

**Section 1009. Repealed by Assembly Concurrent Resolution No. 163, 1969, Ratified 4-8-69.**

**Section 1009.1. Repealed by Assembly Concurrent Resolution No. 163, 1969, Ratified 4-8-69.**

## **ARTICLE XI. FISCAL ADMINISTRATION.**

### **Section 1100. The fiscal year.**

Unless otherwise provided by ordinance, the fiscal year of the City of Chico shall begin on the first day of July of each year and end on the 30th day of June the following year.

### **Section 1101. Tax system.**

The council may, by ordinance, provide a system for assessment and for the levy and collection of city taxes upon real and personal property.

(Senate Concurrent Res. No. 59; Res. No. 17 85-86 §9, Passed 11-5-85, Filed in Office of Secretary of State 3-12-86)

### **Section 1102. Annual or biennial budget.**

The city manager shall prepare and present to the council a proposed budget for the ensuing fiscal year on or before the first day of the month preceding the commencement of such fiscal year. However, if the council elects to prepare a biennial budget pursuant to Section 1103, the city manager shall prepare and present to the council a proposed biennial budget for the next two succeeding fiscal years on or before the first day of the month preceding commencement of the first fiscal year addressed in such budget. The city manager shall append to each proposed budget the budget requests of those city departments, boards, and commissions for which special funds are established.

(Measure K, Passed 11-2-04, Filed in Office of Secretary of State 12-9-04)

### **Section 1103. Budget - Adoption; fixing of tax rates and assessments.**

A. The council shall consider and adopt by resolution a preliminary budget for the ensuing fiscal year during the month immediately preceding commencement of that fiscal year and shall adopt by resolution a final budget for that fiscal year at or before its first regular meeting held in such fiscal year.

B. Notwithstanding subsection A, the council may, in its sole discretion, elect to adopt a biennial budget for the next two (2) succeeding fiscal years in lieu of annual budgets for such fiscal years. Such election shall be made by resolution of the council adopted before the first day of January preceding commencement of the first fiscal year to be addressed by a biennial budget. Thereafter, the council shall consider and adopt by resolution a preliminary biennial budget during the month immediately preceding commencement of the first fiscal year of the biennial period to be addressed by such budget, and adopt by resolution a final biennial budget at or before its first regular meeting held in the first fiscal year of the biennial period addressed by such budget.

The council shall continue to consider and adopt biennial budgets unless and until the council, by resolution adopted before the first day of January preceding a fiscal year, elects to return to the preparation and adoption of an annual budget, commencing with the next fiscal year.

C. When adopting a final annual or biennial budget, the council may establish any tax rates or assessments as to taxes or assessments authorized by law to be included on the County of Butte property tax roll and collected simultaneously with property taxes.

(Res. No. 81 68-69, Measure D, Passed 4-8-69; Assembly Concurrent Res. No. 163, 1969, Ratified 4-8-69; Measure K, Passed 11-2-04, Filed in Office of Secretary of State 12-9-04)

### **Section 1104. Funds.**

There are hereby created the general, park, and airport funds and such other funds as may be established by the city council. All monies accruing to such funds shall be used only for the purposes for which such funds are established.

(Res. No. 81 68-69, Measure E, Passed 4-8-69; Assembly Concurrent Res. No. 163, 1969, Ratified 4-8-69; Res. No. 126 80-81 §5 (part), Measure E (part), Passed 4-7-81, Filed in Office of Secretary of State 6-8-81; Res. No. 17 85-86 §10, Passed 11-5-85, Filed in Office of Secretary of State 3-12-86)

**Section 1105. Repealed by Resolution No. 126 80-81 §5 (part) Measure E (part), Passed 4-7-81, Filed in Office of Secretary of State 6-8-81.**

**Section 1106. Special taxes.**

Whenever the council determines that the public interest demands an expenditure for municipal purposes which cannot be provided for out of the ordinary revenues of the city, it may submit to the qualified voters at a regular or special election, a proposition to provide for such expenditure, by levying a special tax, but no such special tax shall be levied unless authorized by the affirmative vote of the electors voting at such an election or as provided by the Constitution of the State of California.

(Res. No. 126 80-81 §6, Measure F, Passed 4-7-81, Filed in Office of Secretary of State 6-8-81, Measure L (part), Passed 11-2-04, Filed in Office of Secretary of State 12-9-04)

**Section 1107. Revenue bonds.**

The council shall have the power to cause to be issued revenue bonds for the purpose of financing the acquisition, construction or reconstruction of public or publicly owned improvements of an income-producing character, either pursuant to the provisions of a procedural ordinance duly and regularly adopted by the council, or pursuant to the provisions of any general law of the State of California. If a procedural ordinance is adopted by the city it may, by reference, include therein any or all of the provisions of any one or more General Law Revenue Bond Acts or Assessment District Acts of the State of California.

**Section 1108. Limitation on bonded indebtedness.**

The city shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed fifteen (15) percent of the total assessed valuation, for purpose of city taxation, of all the real and personal property within the city.

**Section 1109. Independent audit.**

At the beginning of each fiscal year, the council shall engage an independent certified public accountant, or public accountant licensed by the State Board of Accountancy, to act as auditor for the city, such engagement to be at the pleasure of the council. The auditor shall perform an annual audit of the books, financial records and related documents of the city in accordance with generally accepted auditing standards. On or prior to the first regular city council meeting in February of each year, unless an extension is granted by the council, the auditor shall submit to the council a report on the audit for the preceding fiscal year in such detail as the council may direct.

In addition to the regular annual audit, the auditor shall perform such other professional services as the council may require.

(Assembly Concurrent Res. No. 105, Ch. 71, 1973; Res. 126 80-81 §7 (part), Measure G (part), Passed 4-7-81, Filed in Office of Secretary of State 6-8-81; Res. No. 146 95-96 §1, Measure M, Passed 11-5-96, Filed in Office of Secretary of State 12-19-96)

**Section 1110. Public works contracts.**

City contracts which provide for the construction of a public works project, exclusive of maintenance and repair work, shall be competitively bid whenever the estimated cost of such public works project is equal to or exceeds the cost of a public works project required to be competitively bid under the general laws of the state of California applicable to public works contracts. Notice of intention to receive proposals shall be posted at least two weeks before the date of opening of the bids on the city's website, and it shall be posted in at least one public place in the city that has been designated for the posting of public notices; however, the council may designate a different method of notice by ordinance subject to the following conditions: (1) such ordinance shall provide for notice at least two weeks before the date of opening of the bids; and (2) such ordinance shall require notice to be posted in at least one public place in the city that has been designated for the posting of public notices. Such notice may give a description of the work to be done or may refer to plans and specifications on file in such office as may be specified in such notice. Should the bids received be deemed excessive or unsatisfactory, for any reason, or should no bids be received, the council, board or commission letting the contract may, by a majority vote of all its members, provide for the work to be done by the city manager.

(Assembly Concurrent Res. No. 105, Ch. 71, 1973; Res. No. 111 89-90 §5, Passed 6-5-90, Filed in Office of Secretary of State 10-4-90; Res. No. 71-16, Passed 11-8-16)

**Section 1111. Form of contract.**

All contracts shall be in writing, approved by the city attorney, and executed in the name of the city by an officer or officers authorized to sign the same.

**Section 1112. Regulation of public works contracts.**

The formation, regulation and administration of contracts for public works is a municipal affair. This Charter and ordinances and resolutions adopted pursuant to it provide the basis of all contracts for or relating to public works to be designed, erected, constructed, installed, repaired, altered, improved, operated or maintained by the city. The general laws of the state shall not be deemed or construed to apply to any public works or contract for public works, including but not limited to the

bidding or letting, terms and conditions, plans and specifications, or manner of administration of such contracts. However, the city may invoke, adopt, or incorporate by reference, in any ordinance, resolution, contract or plans and specifications for a public work, or relating to public works generally, all or part of any provision of the general laws of the state, including all or part of the Public Contract Code. (Measure L (part), Passed 11-2-04, Filed in Office of Secretary of State 12-9-04)

#### **Section 1113. Centralized purchasing.**

The city council shall adopt, by ordinance, policies and procedures governing centralized purchases of supplies and equipment for and by all city departments, boards, commissions, offices and agencies. Measure L (part), Passed 11-2-04, Filed in Office of Secretary of State 12-9-04)

#### **Section 1114. Contracts for legal publications.**

The council shall annually let contracts for publication of legal notices and official advertisements for the ensuing fiscal year. For this purpose the city clerk shall notify by mail each newspaper of general circulation in the city, as defined by California Government Code Section 6008, that sealed bids for such publications are to be received setting forth the details of the publications contemplated to be done. Each bidder shall include with its bid a verifiable statement of both net paid circulation and net unpaid circulation of its newspaper within the city. The council may accept more than one bid for these publications in any year and the city may then utilize one or more of these approved newspapers for any such publications.

In determining which bids are lowest and best, the council shall take into consideration the circulation, publication rates, and frequency of publication.

The council shall not accept any bid at a rate higher than that regularly charged by such bidding newspaper for the same or similar publications or advertising from other customers and may reject any and all bids.

The council may, if no acceptable bid is received, adopt any other legal method for legal publications.

If there is only one newspaper of general circulation in the City, the council may contract with it without advertising for bids.

(Res. No. 75 76-77 §1, Measure E (part), Passed 3-8-77, Filed in Office of Secretary of State 5-2-77; Measure L (part), Passed 11-2-04, Filed in Office of Secretary of State 12-9-04; Res. No. 71-16 , Passed 11-8-16)

#### **Section 1115. Claims, demands, and actions.**

The city council shall adopt, by ordinance, procedures for the presentation of contract and tort claims for money or damages as prerequisite to suit against the city, its boards, commissions, agencies or departments and its elected officials as well as its officers, employees, or agents.

### **ARTICLE XII. FRANCHISES.**

#### **Section 1200. Granting of franchises.**

Any person, firm or corporation furnishing the city or its inhabitants with any public utility or public service of any kind, or using the public streets, ways, alleys, or places for the operation of plants, works or equipment for the furnishing thereof, or traversing any portion of the city for any purpose, may be required by ordinance to have a valid and existing franchise therefor.

The council shall provide, by ordinance, the method of procedure and the terms and conditions under which such franchises may be granted. Such ordinance shall provide for public notice and public hearings. Any ordinance granting any franchise or privilege shall be published at the expense of the applicant therefor.

The council is empowered to grant such franchise by ordinance and to prescribe the terms and conditions of such grant. 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 by eminent domain proceedings in the manner provided by law.

### **ARTICLE XIII. Repealed by Resolution No. 84 74-75 §3(b), Passed 4-8-75, Filed in Office of Secretary of State 4-21-75.**

### **ARTICLE XIV. PERSONNEL SYSTEM.**

#### **Section 1400. Establishment by ordinance.**

Any officer authorized or empowered to appoint, employ, suspend or discharge, or fix the compensation of heads of departments, subordinate officials, officers, assistants, or employees of the city, shall exercise such authority or power subject to and in compliance with the provisions of any ordinance adopted by the city council establishing a personnel system.

(Res. No. 96 84-85 §1 (part), Measure A (part), Passed 4-9-85, Filed in Office of Secretary of State 4-16-85)

### **ARTICLE XV. MISCELLANEOUS.**

#### **Section 1500. Definitions.**

Unless the provision or context otherwise requires, as used in this Charter:

- A. "Shall" is mandatory, and "may" is permissive;
- B. "City" is the City of Chico and "department," "board," "commission," "agency," "officer," or "employee," is a department, board, commission, agency, officer or employee, as the case may be, of the City of Chico;
- C. "County" is the County of Butte;
- D. "State" is the State of California;
- E. "Official newspaper of the city" is any newspaper which has been awarded a contract pursuant to Section 1114 of this Charter;
- F. The word "Council," wherever it occurs in this Charter, means the city council of the City of Chico.

(Res. No. 75 76-77 §1, Measure E (part), Passed 3-8-77, Filed in Office of Secretary of State 5-2-77)

#### **Section 1501. Powers relative to streams and channels.**

The city shall have power to improve the streams and channels within and without the city limits; to widen, straighten and deepen the channels thereof and remove obstructions therefrom; to construct and maintain embankments and other works to protect the city from overflow.

#### **Section 1502. Effective date of Charter.**

For the purpose of qualification and nomination of candidates for elective offices and the election of officers to fill offices created by this Charter, this Charter shall take effect from the time of its final approval by the state legislature. For all other purposes, it shall take effect on Tuesday, May 2, 1961, following approval by the legislature.

#### **Section 1503. Severability of provisions of Charter.**

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 1504. Applicability of general laws of state to city.**

All general laws of the state applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this Charter, or with ordinances or resolutions hereafter enacted, shall be applicable to the city.

#### **Section 1505. Violations; penalties.**

A violation of any provision of this Charter or of any ordinance or resolution of the city, or any order issued by any officer, agent or employee of the city pursuant to such ordinance or resolution shall be deemed an infraction unless such provision shall otherwise provide that such violation is a misdemeanor. All infractions shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or as set by ordinance, and all misdemeanors shall be punished by a fine and/or imprisonment not exceeding the maximum penalty allowed under the general laws of the state for misdemeanors. A minimum penalty, not in excess of the maximum penalty provided for herein, may be adopted by ordinance with respect to any particular violation.

(Assembly Concurrent Res. No. 122, Ch. 124, 1972; Res. No. 111 89-90 §6, Passed 6-5-90, Filed in Office of Secretary of State 10-4-90, Measure L (part), Passed 11-2-04, Filed in Office of Secretary of State 12-9-04)

### **TABLE OF CHARTER AMENDMENTS**

**Council Res. No.   Date Approved   Date Effective   Subject**

04 00-01     11-7-00     12-28-00     Amends §§611 and 700