

Charter

STOCKTON CODE

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(Amended Election 11/4/14 effective 12/23/14)

INTRODUCTION

A history appendix presents the opportunity for setting down some interesting historical facts. By the year 1848, Charles M. Weber, German-born founder of Stockton, chose to honor Commodore Robert F. Stockton by bestowing his name on the fledgling community. Stockton was the first community in California to have an Anglo-American name, all others being of Spanish or Indian origin.

The City of Stockton was founded in June of 1849, during the year following the signing of the Treaty of Guadalupe Hidalgo between the United States and Mexico. The first Constitution of the State was approved by the voters in November of 1849.

California operated under this Constitution until its admission into the Union on September 9, 1850. In March of 1850 the Legislature passed an act which provided for the incorporation of cities. Stockton was incorporated pursuant to this act in July of 1850. Stockton was, therefore, founded before California had a constitution and incorporated before it was admitted to the Union.

It was the practice under the 1849 Constitution to enact special legislative city charters which were purely legislative enactments, not initiated by the cities. Stockton received its first Charter from the State Legislature in 1851. The city operated under several special charters until the enactment of a new state Constitution in 1879.

The new Constitution of 1879 revolutionized municipal government in California by permitting any city of over 100,000 people to frame its own Charter, subject to ratification by the Legislature. The Constitution was later amended to make the provision apply to any city having more than 3,500 population. Cities which have taken advantage of this provision of the Constitution are referred to as "local charter or home rule municipalities." Such a charter gives a city the right to deal with strictly municipal affairs and gives a city partial independence from the state legislature.

Stockton's first local Charter under the 1879 Constitution was approved by the voters in 1888 and ratified by the State Legislature in 1889. This Charter established a commission form of government, with the commission composed of department heads who also acted as legislators.

In the year 1921, there was considerable sentiment for a change from the commission form to the city manager-council form of government. Early in 1922, twelve leading civic organizations requested the Commission to call an election for the selection of fifteen freeholders who should propose a new charter. The Commission complied with this request and a freeholder's election was held in May of 1922. In September of 1922, the freeholders filed with the Commission a complete draft of the new Charter. This Charter was thereafter ratified by a majority of the electors at a special election held in November of 1922 and duly approved by the State Legislature in January, 1923.

The City Charter has been amended numerous times since it was originally approved in 1922.

A special acknowledgement to William Biddick, Jr. (City Attorney in 1954, Superior Court judge 1960-1980) for his contribution to this addendum.

ARTICLE I
THE BOUNDARIES OF THE CITY OF STOCKTON

*** Historical Note:**

The Charter proposed by the Board of Freeholders was passed at the Election on November 28, 1922. Additional amendments are noted within the text.

Section 100. Boundaries.

The boundaries of the City of Stockton are those fixed and prescribed by the City Council by Resolution No. 18,765, adopted October 5, 1953, except as they may have been or shall hereafter be altered pursuant to law subsequent to such date.

(Amended Election 10/12/71 effective 12/6/71)

ARTICLE II COUNCIL DISTRICTS

* Historical Notes:

Title: The title of Article II was amended at the Election of 10/12/71 effective 12/6/71. Section 2**: Repealed Election 10/12/71 effective 12/6/71.

Section 2.1**: Added Election 10/11/49 effective 12/19/49; Repealed Election 10/12/71 effective 12/6/71.

** These section numbers refer to a numbering system that was in place prior to the Election of 11/8/94.

Section 200. Council Districts.

The City of Stockton is divided into six Council districts.

(Amended Election 10/12/71 effective 12/6/71; Amended Election 11/4/86 effective 12/9/86; Amended Election 11/8/16 effective 12/3/16)

Section 201. Advisory Commission—Role in Redistricting.

- (a) On or before February 1, in the year following the decennial census, an Advisory Commission shall be established in the City. The Mayor shall appoint one member of the Commission who shall be a registered voter of the City. Each Councilmember shall appoint to the Commission one voter registered to vote in the Council District from which the appointing Councilmember was elected.
 - (b) The Commission shall use data from the decennial census and such further data as may illuminate the census data, to develop recommendations to the City Council as to the boundaries of Council districts.
 - (c) The Commission shall conduct public outreach and hearings throughout the City prior to making its recommendation. The Commission's recommendations to the Council shall be based on the factors set forth in section 202.
 - (d) The Commission shall forward its recommendation to the City Council within 120 days of the Commission's receipt of decennial census data.
- (Amended Election 11/8/16 effective 12/3/16)

Section 202. Redistricting Standards.

- (a) The districts shall continue to be as nearly equal in population as may be according to the latest federal decennial census.
 - (b) The districts shall comply with the applicable provisions of the United States Federal Voting Rights Act of 1965, Section 1973 of Title 42 of the United States Code, as amended and any other applicable provisions of federal or state law.
 - (c) In establishing the boundaries of the districts, the City may give consideration to the following factors: (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity, and compactness of territory, and (4) community of interest of the districts.
 - (d) Council districts shall be numbered sequentially with the Council District in the northeastern most section of the City numbered District 1.
- (Amended Election 11/8/16 effective 12/3/16)

Section 203. Council Determination of Boundaries of Council Districts.

The Council shall determine the boundaries of the council districts. Before adjusting the boundaries of a district, the Council shall hold at least one public hearing on the proposal to adjust the boundaries of the district prior to the public hearing at which the Council votes to approve, modify or reject the proposed boundaries.

(Amended Election 11/8/16 effective 12/3/16)

ARTICLE III
POWERS OF THE CITY

*** Historical Notes:**

Sections 3—24**: Section 8 was amended Election 5/31/32 effective 1/24/33.

Sections 3—24** were repealed Election 10/12/71 effective 12/6/71.

** These section numbers refer to a numbering system that was in place prior to the Election of 11/8/94.

Section 300. Name and General Grant of Powers.

The municipal corporation now existing and known as the City of Stockton shall remain and continue to exist as a municipal corporation under its present name of "City of Stockton."

The City of Stockton shall have the power to make and enforce all ordinances and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this Charter, the Constitution of the State of California, and the Constitution of the United States. It shall also have the power to exercise or act pursuant to any and all rights, privileges, powers, or procedures 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 and the Constitution of the United States.

The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, the generality of the foregoing provisions.

(Amended Election 10/12/71 effective 12/6/71; Amended Election 6/2/92 effective 12/2/92)

Section 301. Succession.

The City of Stockton shall continue to own, possess, and control all rights and property of every kind and nature, owned, possessed or controlled by it at the time this Charter takes effect and shall be subject to all its debts, obligations and liabilities.

(Amended Election 10/12/71 effective 12/6/71; Amended Election 6/2/92 effective 12/2/92)

ARTICLE IV THE CITY COUNCIL

* Historical Notes:

Article IV was repealed and added Sections 409—411 were added at Election 03/07/2000 effective 01/01/2001, Article IV was repealed and added at Election 11/3/92 effective 1/13/93. Prior history includes Election 10/12/26; Election 5/31/32 effective 1/24/33; Election 10/14/47 effective 3/3/48; Election 10/9/51 effective 3/6/52; Election 10/13/53 effective 3/16/54; Election 11/4/58 effective 3/2/59; Election 10/12/71 effective 12/6/71; Election 10/9/73 effective 1/17/74; Election 6/5/84 effective 6/26/84; Election 11/4/86 effective 12/9/86.

Section 400. Powers.

The City Council shall be the governing body of the municipality. All powers of the City shall be vested in the Council subject to the provisions of this Charter, the Constitution of the State of California and the Constitution of the United States. The Council may establish the method or methods by which any of such powers may be exercised.

Section 401. Membership.

The Council shall consist of seven members, six Councilmembers and the Mayor, each of whom shall have the right to vote on all matters coming before the Council.
(Amended Election 11/8/16 effective 12/3/16)

Section 402. Meetings.

The Council shall call and hold regular and special meetings in such manner and at such time and place within the City of Stockton as it may prescribe.

Section 403. Open Sessions.

All legislative sessions of the Council, whether regular or special, shall be open to the public except for sessions closed to the public as permitted by law. The public shall have access to the minutes and records of sessions open to the public at all reasonable times in accordance with applicable law.

Section 404. Quorum.

A majority of the members of the Council shall constitute a quorum for the transaction of business. Every member when present, must vote upon all propositions.

Section 405. Appointees.

The Council shall select the City Manager, City Attorney, City Clerk, City Auditor, and such other positions as may be provided for elsewhere in this Charter and such professional, technical and clerical employees to or for its own body as it may deem necessary; provided, however, that the Council shall not appoint to any position any business associate or any person related to the City Manager or any member of the Council by blood or marriage within the third degree, except that the foregoing prohibition against nepotism may be waived by a vote of at least 2/3 of the members of the Council if the Council finds that the proposed appointment is in the interest of the City. All such appointees shall serve at the pleasure of the Council in the unclassified service; and shall serve under such terms and conditions, salaries and benefits as are required of and received by other similar unclassified employees.

Section 406. Investigations.

The Council or any committee thereof duly authorized by the Council to do so, may investigate the financial transactions, and the official acts and conduct of any office or department of the City government. In conducting such investigations, the Council or any committee thereof shall have the authority to subpoena witnesses, administer oaths and require the production of evidence. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of any such subpoena or order shall be deemed contempt and shall be punishable as provided by the general laws of this State.

Section 407. Qualifications of Members.

The Council shall be the judge of the election and qualifications of its members. Except as otherwise provided in this Charter, the Council shall determine its rules of procedure. It may punish or expel any member for violation of its rules.

Section 408. Interference with City Manager.

Neither the Council nor any of its members nor the Mayor shall interfere with the execution by the City Manager of his or her powers and duties, nor in any manner dictate the appointment or removal of any City officers or employees whom the City Manager is empowered to appoint except as expressly provided in Charter Section 406. However, the Mayor and Councilmembers may express their views and fully and freely discuss with the City Manager anything pertaining to the appointment and removal of such officers and employees. Except for the purpose of inquiries and investigations under Charter Section 406, the Council, its members and the Mayor shall deal with City officers and employees who are subject to the direction and supervision of the City Manager, City Attorney, City Clerk or City Auditor, solely through the City Manager, City Attorney, City Clerk or City Auditor, respectively, and neither the Council nor its members nor the Mayor shall give orders to any of the subordinates of those appointees, either publicly or privately, except as otherwise provided in this Charter.

Section 409. (Reserved)

(Amended Election 11/8/16 effective 12/3/16)

Section 410. Compensation.

Each member of the Council, including the Mayor, shall be paid as compensation for his or her services as a member of the Council, for each calendar month during which he or she is a member of the Council, a monthly salary together with appropriate benefits, which shall be established by ordinance adopted pursuant to and in accordance with the provisions hereinafter set forth in the Section. No salary shall be established for any member of the Council, including the Mayor, except as provided in this Section.

Between March 1st and April 30th of every even-numbered year, the Council Salary Setting Commission shall recommend to the Council the amount of monthly salary and the benefits which it deems appropriate for the members of the Council for the two-year period commencing January 1st of the next year. The amount recommended for each Councilmember shall be the same.

Between March 1st and April 30th of a Mayoral election year, the Council Salary Setting Commission shall recommend to the Council the amount of monthly salary and the benefits which it deems appropriate for the Mayor for the entire term commencing on January 1st of the next year at the beginning of the term of the elected Mayor. The amount recommended for the Mayor shall exceed that of the other members of the Council.

No recommendation shall be made except upon the affirmative vote of three members of the Commission. Failure of the Commission to make a recommendation in any year within the time prescribed shall be deemed to mean a recommendation that no changes be made.

Each recommendation, together with the reasons therefor, shall be made in writing. Before it submits any such recommendation to the Council, the Commission shall conduct at least one public hearing on the matter. When such a recommendation has been submitted to the Council, it shall not thereafter be amended by the Commission.

The Council shall, by ordinance adopt the salaries as recommended by the Commission, or in some lesser amount, but in no event may it increase the amount. Salaries of the Councilmembers and Mayor may be reduced at any time by a 2/3 vote of the Council.

Salaries established by ordinance adopted pursuant to the provisions of this section shall remain in effect until amended by a subsequent ordinance adopted pursuant to the provisions of this Section.

The compensation being paid to the Councilmembers and Mayor as of the effective date of this section shall continue until established as required by this section. In the first year after passage, which will be the odd year, the Salary Setting Commission will make salary recommendations for the Mayor, however the Mayor's salary shall not be further adjusted for the remainder of the Mayor's current term of office. (Amended Election 11/4/14 effective 12/23/14; Amended Election 11/8/16 effective 12/3/16)

Section 411. City Offices.

The City Council may establish City departments in addition to those created by this Charter and may prescribe the functions, powers and duties of all departments, except that no department established by this Charter may be abolished. No function assigned by this Charter to a particular department may be discontinued or assigned to any other unless this Charter specifically so provides.

ARTICLE V
CITY COUNCIL ACTIONS

*** Historical Notes:**

Article V added Election 11/3/92 effective 1/13/93. Prior history includes Election 5/31/32 effective 1/24/33; Election 10/14/47 effective 3/3/48; Election 10/11/49 effective 12/19/49; Election 10/12/65 effective 11/1/65; Election 10/12/71 effective 12/6/71; Election 6/5/84 effective 6/26/84; Election 6/2/92 effective 12/2/92.

Title added Election 11/8/94 effective 5/22/95.

Section 500. Actions.

The City Council shall act only by ordinance, by resolution, or by motion. The individual vote of each member of the City Council shall be entered in the minutes of the City Council, except that where a vote is unanimous, it may be so recorded. All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.

(Amended Election 11/8/94 effective 5/22/95)

Section 501. Ordinance.

Every proposed ordinance shall be in writing in the form required for adoption. Each ordinance shall contain a title which shall state in general terms the subject or subjects contained in the ordinance.

Section 502. Repeals or Amends.

Any ordinance which repeals or amends an existing ordinance shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matters to be omitted by inclusion in brackets or by strikeout type and shall indicate new matters by underscoring, italics, or other clearly distinguishable means.

* See Historical Notes at beginning of Article.

(Amended Election 11/8/94 effective 5/22/95)

Section 503. Majority Votes.

No ordinance or resolution shall become effective without receiving the affirmative votes of a majority of the members of the City Council, except as otherwise specifically provided in this Charter.

(Amended Election 11/8/94 effective 5/22/95)

Section 504. Actions by Ordinance.

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the City Council shall be by ordinance which:

- (a) Adopt a municipal code or establish or abolish any City department;
- (b) Establish a rule or regulation for violation of which a fine or other penalty can be imposed;
- (c) Establish procedures for the adoption of fees;
- (d) Levy a tax or regulate the rate charged for its services by a public utility;

- (e) Establish or change zoning designations; and
- (f) Amend or repeal any ordinance previously adopted.

Acts other than those referred to in the preceding sentence may be done by ordinance, resolution, or motion.

Section 505. Public Hearing.

A public hearing shall be held by the City Council before taking final action on any ordinance, resolution, or motion establishing any tax, assessment, or fee schedule.

(Amended Election 11/8/94 effective 5/22/95)

Section 506. Publication of Title.

Except as otherwise provided in this Charter, and with the exception of ordinances which take effect immediately upon adoption as hereinafter referred to in this article, no ordinance shall take effect unless the title of the ordinance is published as hereinafter provided in this section.

The title of an ordinance shall be deemed to have been "published," as said term is used in this section if such title is printed in a newspaper of general circulation in the City at least once before its effective date. No part of any ordinance or proposed ordinance, other than its title, need be published.

Ordinances which take effect immediately upon adoption as provided in this Charter shall be published once by title within 10 days after their adoption.

(Amended Election 11/8/94 effective 5/22/95)

Section 507. Thirty Days After Passage.

Except as otherwise provided in this Charter, no ordinance passed by the City Council shall go into effect before 30 days after the time of its final passage.

(Amended Election 11/8/94 effective 5/22/95)

Section 508. Exceptions.

The preceding section 507 shall not apply to (1) ordinances establishing taxes, assessments, or fee schedules; (2) ordinances in proceedings under the general laws of the state for street work or improvements, or in any case where the procedure must be or is under such laws; or (3) ordinances for the immediate preservation of the public peace, health, or safety, which contain a statement of urgency and are passed by a vote of 2/3 of the members of the City Council.

(Amended Election 11/8/94 effective 5/22/95)

Section 509. Codified and Reproduced.

The City Council may cause ordinances to be codified and reproduced in book, pamphlet, loose-leaf, or other format for the use of the City, its officers, and the public.

(Amended Election 11/8/94 effective 5/22/95)

Section 510. Lease or Sale of Real Property.

Prior to any action by the City Council for the lease or sale of City's real property, notice shall be published

in the official newspaper of the City at least 10 days before such action is taken. In the case of leases of City's real property, said notice shall contain the name of the lessee, the term of the lease, the amount of the rental and the address of the location. The authorizing resolution shall state explicitly the terms and conditions of the proposed lease; provided, that no lease of City's real property shall be for a longer period than 55 years. In the case of the sale of City's real property, notice shall state explicitly the terms and conditions of the proposed sale as well as the names of the parties to the transaction, the amount of the sale, and the address of the location. The authorizing resolution shall state or incorporate by reference the terms and conditions of the proposed transaction as well as a legal description of such property.

(Amended Election 11/8/94 effective 5/22/95; Amended Election 11/8/16 effective 12/3/16)

Section 511. Proceedings Permitted by Law.

Except as otherwise provided in this article, the City Council may proceed in any matter permitted or required by law.

(Amended Election 11/8/94 effective 5/22/95)

**ARTICLE VI
ELECTIVE OFFICERS**

*** Historical Notes:**

Section 3**: Amended Election 4/12/55 effective 5/12/55; Repealed Election 10/12/71 effective 12/6/71.

Section 4**: Amended Election 10/12/26; Repealed Election 10/13/53 effective 3/16/54.

Section 7**: Amended Election 11/5/46 effective 1/10/47; Amended Election 10/11/49 effective 12/19/49.

Section 7.2**: Amended Election 4/12/55 effective 5/12/55; Repealed at Election 10/12/71 effective 12/6/71.

Section 7.3**: Repealed Election 10/13/53 effective 3/16/54.

** These section numbers refer to a numbering system that was in place prior to the Election of 11/8/94.

Section 600. Nomination and Election of the Mayor and Councilmembers.

Councilmembers and the Mayor shall be nominated and elected as provided in this Article.

(Amended Election 10/13/53 effective 3/16/54; Amended Election 4/12/55 effective 5/12/55; Amended Election 10/12/71 effective 12/6/71; Amended Election 11/4/86 effective 12/9/86; Amended Election 11/8/94 effective 5/22/95; Amended Election 03/07/2000 effective 01/01/2001; Amended Election 11/8/16 effective 12/3/16)

Section 601. Councilmembers Nominated and Elected by District.

- (a) The Councilmembers shall be nominated and elected from Council districts.
- (b) The voters of each Council district shall nominate two candidates for Councilmember at the primary municipal election. The two candidates must be residents of the districts from which they are nominated.
- (c) If a candidate for Councilmember nominated from a Council district receives the majority of the votes cast by the voters of that district at the primary municipal election, that candidate shall be deemed elected as Councilmember from that district at the primary municipal election.
- (d) If no candidate for Councilmember from a district receives a majority of the votes cast at the primary municipal election, the two candidates receiving the highest number of votes cast shall thereby qualify as candidates for the runoff election for Councilmember from that district. The runoff election for that Council district shall be held at the general municipal election.
- (e) All Councilmembers shall be elected to a term of four years beginning on January 1 of the year following their election.
- (f) Each member of the Council must reside in and be a qualified elector of the district from which said member is nominated and elected or appointed for a period of not less than 30 days prior to the filing of his nomination papers or his appointment. The term of office of any Councilmember who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which he or she was elected.
- (g) Any member of the Council moving from his or her district during his or her term shall automatically forfeit office, the same to be refilled by the Council from the electors of the district. Absence from five consecutive regular meetings, unless excused by resolution of the Council, shall operate to vacate the seat of any member so absent.

- (h) If a vacancy shall occur in the office of any Councilmember, the Council shall appoint a person to fill such a vacancy. The vacancy in the Council shall be filled by the Council from the electors of the district in which the vacancy occurs. Such person shall hold office until December 31st next following the next general election, and at such election a person shall be elected to hold office for the remainder of any unexpired term. If at any municipal election held under the provisions of this Charter, a Councilmember is not nominated or elected from a district by reason of a tie vote among any of the candidates therefor, then the Council shall select by lot one of the persons receiving such tie vote to fill such nomination or office.

(Amended Election 10/12/26; Amended Election 10/14/47 effective 3/3/48; Amended Election 6/2/70 effective 8/17/70; Amended Election 6/6/72 effective 7/26/72; Amended Election 10/9/73 effective 1/17/74; Amended Election 10/11/77 effective 11/2/77; Amended Election 10/9/79 effective 10/24/79; Amended Election 11/4/86 effective 12/9/86; Amended Election 11/8/94 effective 5/22/95; Amended Election 03/07/2000 effective 01/01/2001; Amended Election 11/8/16 effective 12/3/16)

Section 602. Mayor.

The Mayor shall be elected by the qualified electors of the City at large and shall hold such office for a term of four years beginning on January 1 of the year following the Mayor's election and until a successor is elected and qualified.

- (a) The voters of the entire City shall elect the Mayor at the primary municipal election; provided, however, that should no candidate for the office of Mayor receive at the primary municipal election a majority of the votes cast for all candidates for said office, the two candidates receiving the highest number of votes cast for any such candidates shall thereby qualify as candidates for the office of Mayor at the runoff election to be held at the general municipal election.
- (b) The Mayor must reside in and be a qualified elector of the City for a period of not less than 30 days prior to the filing of nomination papers or appointment.
- (c) Moving from the City during the term shall automatically forfeit the office. Absence from five consecutive regular meetings, unless excused by resolution of the Council, shall operate to vacate the office.
- (d) Any vacancy shall be refilled by the Council from the electors of the City. Any person so appointed shall hold office until December 31 next following the next general election, and at such election a person shall be elected to hold office for the remainder of any unexpired term.

(Amended Election 10/13/53 effective 3/16/54; Amended Election 4/12/55 effective 5/12/55; Amended Election 6/2/92 effective 12/2/92; Repealed and added Election 03/07/2000 effective 01/01/2001)

Section 603. Surety Bond.

The Mayor and each Councilmember shall, before entering upon the duties of office, give and execute to the City a bond for an amount not less than \$5,000. The City Council may by resolution increase the amount of the bond requirement. The City of Stockton will pay the costs of acceptable surety bonds. Every bond shall contain the conditions that the principal will well, truly, honestly, and faithfully perform the duties of office. The bonds of the Mayor and the several Councilmembers must be approved by the City Attorney, and the approval of the official bonds must be endorsed thereon. All bonds when approved shall be filed with the City Clerk. State law requirements which are not inconsistent with this Charter shall apply to bonds issued under the provisions of this Section.

(Repealed and added Election 03/07/2000 effective 01/01/2001)

Section 604. Oath of Office.

Every officer of the City, before entering upon the duties of his office, shall take the oath of office as provided for in the constitution of this State and shall file the same with the City Clerk.

(Amended Election 11/4/86 effective 12/9/86; Amended Election 11/8/94 effective 5/22/95; Repealed and added Election 03/07/2000 effective 01/01/2001)

Section 605. Holding Other Office.

No member of the Council shall hold any other City office or City employment during the term for which he or she was elected to the Council; provided and excepting, however, that a member of the Council may become a member of any advisory, administrative or governing body of any special district, entity, organization or committee when such is authorized by State law or where the offices are not incompatible. (Repealed and added Election 03/07/2000 effective 01/01/2001)

Section 606. Term Limits.

No person elected as Mayor shall be eligible to serve, or serve, as Mayor for more than two terms. No person elected as a Councilmember shall be eligible to serve, or serve, as Councilmember for more than two terms. Such service prior to January 1, 1989 shall not disqualify any person for further service as either Mayor or Councilmember.

(Added Election 03/07/2000 effective 01/01/2001; Amended Election 11/8/16 effective 12/3/16)

ARTICLE VII
NOMINATION AND ELECTIONS

*** Historical Notes:**

Sections 6-19**: Amended Election 10/11/49 effective 12/19/49; Amended Election 10/10/61 effective 2/13/62; Amended Election 6/2/70 effective 8/17/70; Repealed Election 10/12/71 effective 12/6/71.

** These section numbers refer to a numbering system that was in place prior to the Election of 11/8/94.

Section 700. Elections.

A primary municipal election, for the nomination and election of persons to the elective offices of the City, shall be consolidated with the statewide direct primary in each even-numbered year or, in the event no such statewide direct primary is held, shall be held on the first Tuesday after the first Monday in June in each even-numbered year. A general municipal election, for the election of persons to the elective offices of the City, shall be consolidated with the statewide general election in each even-numbered year or, in the event no such statewide general election is held, shall be held on the first Tuesday after the first Monday of November in each even-numbered year.

(Amended Election 10/12/71 effective 12/6/71; Amended Election 10/9/79 effective 10/24/79; Amended Election 11/4/86 effective 12/9/86; Amended Election 11/8/94 effective 5/22/95)

Section 701. Special Municipal Elections.

All other municipal elections that may be held in the City of Stockton by the authority of this Charter, of general law, or by ordinance of the City shall be known as special municipal elections.

(Amended Election 10/12/26; Amended Election 10/12/71 effective 12/6/71)

Section 702. Accordance with Elections Code of the State of California.

Except as otherwise provided in this Charter, all elections, including mail ballot elections, shall be held in accordance with the provisions of the Elections Code of the State of California, as the same may now exist or may hereafter be amended, for the holding of municipal elections. Any election that does not occur on the same date as a statewide primary election or statewide general election may be conducted by mail. The City Council shall have the power to submit to the electors of the City at any election any question required to be submitted by the California Constitution, this Charter, general law, or ordinance of the City; provided that if the California Constitution, this Charter, general law, or ordinance of the City requires the question to be submitted at a particular kind of election or within or at a specified time, it shall be so submitted.

(Amended Election 10/12/71 effective 12/6/71; Amended Election 11/8/94 effective 5/22/95)

Section 703. Nominating Papers.

Notwithstanding any provision of the Elections Code of the State of California to the contrary, nominating papers for candidates for the City Council and Mayor shall be signed by not less than 10 nor more than 25 persons. Each signer and each person who circulates a nominating paper for a candidate for the City Council shall be a resident and qualified elector of the same City Council district as that of the candidate. Each signer and each person who circulates a nominating paper for a candidate for Mayor shall be a resident of the City and a qualified elector of the City.

(Amended Election 10/12/71 effective 12/6/71; Amended Election 11/8/94 effective 5/22/95)

Section 704. Primary and General Election Candidates.

In the primary municipal election, the electors in each district from which a Councilmember is to be elected shall be entitled to vote for one candidate from their district; and, except as provided in Section 601, subsection (c), the two candidates for Councilmember in each district receiving the highest number of votes cast by the electors of their district shall be the candidates in the general municipal election. In the general municipal election, the electors shall be entitled to vote for one candidate from their district in each district from which a Councilmember is to be elected, and the candidate for Councilmember in each district receiving the highest number of votes cast shall be declared elected to such office.

If any provisions of this article or the application thereof to any persons or circumstances are held invalid, the invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provisions or applications, and to this end the provisions of this article are severable. (Amended Election 10/12/71 effective 12/6/71; Amended Election 11/4/86 effective 12/9/86; Amended Election 11/8/94 effective 5/22/95; Amended Election 11/8/16 effective 12/3/16)

ARTICLE VIII
RECALL OF ELECTIVE OFFICERS

*** Historical Notes:**

Section 6**: Repealed Election 6/2/70 effective 8/17/70.

Section 11**: Added Election 6/2/70 effective 8/17/70; Repealed Election 11/8/94 effective 5/22/95.

Section 12**: Added Election 10/12/71 effective 12/6/71; Repealed Election 11/8/94 effective 5/22/95.

** These section numbers refer to a numbering system that was in place prior to the Election of 11/8/94.

Section 800. Recall.

Every incumbent of the office of City Councilmember, whether elected by popular vote or appointed to fill a vacancy, is subject to recall by the voters of the Councilmember's district. The procedure to effect such removal from office shall be as hereafter in this article provided. Except as otherwise specifically provided in this Charter, every reference to procedures for the recall of a councilmember shall apply to the recall of the Mayor.

(Amended Election 6/2/70 effective 8/17/70; Amended Election 11/8/94 effective 5/22/95)

Section 801. Petition.

A petition for the recall of a City Councilmember shall be signed by qualified electors of the district from which the Councilmember was elected or appointed equal in number to not less than 20% of the number of registered voters of such district last officially reported to the Secretary of State of the State of California by the County Clerk of the County of San Joaquin. A petition for the recall of the Mayor shall be signed by qualified electors of the city equal in number to not less than 20% of the entire votes cast by the electors of the City at the last preceding election for the Mayor. Every petition for the recall of an elective officer of the City shall be addressed to the City Council and presented to the City Clerk. The petition must contain a statement of the reasons for the demand.

(Amended Election 6/2/70 effective 8/17/70; Amended Election 11/8/94 effective 5/22/95)

Section 802. Format and Signatures.

The signatures to a recall petition need not all be appended to one paper, but each signer shall add to the signature the signer's place of residence, giving the street and number and the date of signing. The petition, when filed, must have designated therein the name or number of the respective precinct in which each of the signers reside. Each petition shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient. Each separate action of the petition shall have attached an affidavit made by a voter of the affected territory which shall state that according to the best information and belief of the affiant, the following:

- (a) That each signature appearing on each section of the petition is the genuine signature of the person whose name it purports to be; and
- (b) That each signer of the petition or section thereof was, at the time of placing such signature on the petition, a registered, qualified voter of the affected territory; and
- (c) That the affiant personally observed each signer placing thereon the date of signature and the signer's residence address.

As used herein, the term "affected territory" shall mean the City, if the petition be for the recall of the Mayor, and if all of the voters of the City would be eligible to vote on the question of recall; or the district, if the petition be for the recall of a member of the City Council, and if only the voters of the Councilmember's district would be eligible to vote on the question of recall.

When a recall petition is presented for filing to the City Clerk, the City Clerk shall forthwith examine the same and ascertain whether it conforms to the requirements of this Charter. If such petition is not found to conform thereto, the City Clerk shall then and there, in writing, designate on said petition the defect, or omission, or reason why such petition cannot be filed, and shall return the petition to the person named therein as the person to whom the same may be returned in case said petition is found insufficient. The petition may then be amended and again presented to the City Clerk as in the first instance. The City Clerk shall forthwith proceed to examine the petition as hereinbefore provided.

Any signer of a recall petition may withdraw such signature from the same by filing with the City Clerk a verified revocation of the signature before the filing of the petition by the City Clerk, and not otherwise.

(Amended Election 11/8/94 effective 5/22/95; Amended Election 10/12/71 effective 12/6/71)

Section 803. Special Election.

If the officer sought to be removed does not resign within five calendar days after the City Clerk serves written notice of the certificate of sufficiency and if the recall petition requests a special election, the City Council shall cause a special election to be held in accordance with the timelines specified in the Elections Code of the State of California to determine whether the people will recall said officer. If a general municipal election is to occur within 90 days of the order for the recall election, the City Council may in its discretion postpone the holding of the special election to such general municipal election.

The officer sought to be removed shall, if such officer does not resign, continue to perform the duties of office until the election.

(Added Election 10/17/11 effective 11/28/11; Amended Election 11/8/94 effective 5/22/95; Amended Election 06/06/06 effective 08/04/06)

Section 804. Published Call for Election.

In the published call for the election there shall be printed in not more than 200 words the reasons for demanding the recall of the officer as set forth in the recall petition, and in not more than 200 words the officer may justify such officer's course in office.

(Amended Election 11/8/94 effective 5/22/95)

Section 805. Authorized Voters.

In an election for the recall of a City Councilmember, only the voters of the district from which the Councilmember was elected or appointed shall be entitled to vote. In an election called for the recall of the Mayor, the voters of the entire city shall be entitled to vote.

The ballot at said election shall provide the opportunity for each voter to vote "Yes" or "No" on the proposition whether the officer involved should be recalled.

In case the majority of the votes cast on the proposition of recalling the officer involved are "Yes," the officer shall be deemed recalled and the officer's right to hold the office shall terminate upon the declaration

by the canvassing board that a majority have voted in favor of the recall of the particular officer.
(Added Election 10/14/47 effective 3/3/48; Amended Election 6/2/70 effective 8/17/70; Amended Election 11/8/94 effective 5/22/95)

Section 806. Vacancy Appointments.

Any vacancy occasioned by a recall proceeding shall be filled by appointment by the City Council. In the case of the recall of a City Councilmember, the appointment shall be made from the electors from the district in which the vacancy occurs. In the case of a recall of the Mayor, the appointment shall be made from the electors of the city. Any person so appointed shall hold office until December 31st next following the next general election and at such election a person shall be elected to hold office for the remainder of any unexpired term.

(Repealed and added Election 11/8/94 effective 5/22/95)

Section 807. Exceptions for Recall.

No recall proceeding shall be commenced against an incumbent Councilmember or Mayor if the affected Councilmember or Mayor:

- (a) Has held office during the current term for a period of less than six calendar months, or,
- (b) Has had a recall election determined in his/her favor within the past 12 calendar months, or
- (c) Has six calendar months or less remaining in his/her term of office.

(Amended Election 11/8/88 effective 1/3/89)

Section 808. One Year Prohibition for Appointment to Office.

No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending, shall be appointed to any office within one year after such recall or resignation.

(Amended Election 11/8/94 effective 5/22/95)

Section 809. Ordinance of Necessity.

The City Council may by ordinance make such further regulations as may be necessary to carry out the provisions of this article.

(Amended Election 11/8/94 effective 5/22/95)

ARTICLE IX
INITIATIVE AND REFERENDUM ELECTION CODE GOVERNS

*** Historical Note:**

Title of Article amended Election 10/12/71 effective 12/6/71. Prior to the Election of 11/8/94, this Article was numbered XXVII.

Section 900. Provisions.

There is hereby reserved to the voters of the City the powers of the initiative and the referendum. The provisions of the Elections Code of the State of California, as they now exist or may hereafter be amended, governing the initiative and referendum in cities, shall apply to the use thereof in the City so far as they are not in conflict with the provisions of this Charter.

(Amended Election 10/14/47 effective 3/3/48; Amended Election 10/12/71 effective 12/6/71)

Section 901. Initiative Special Requirements.

Signatures on initiative petitions shall be secured and the petition filed with the City Clerk within 90 days from the first publication or posting of the notice of intention to circulate the petition.

(Amended Election 10/12/71 effective 12/6/71)

Section 902. Actions of City Council if Signatures at Least Ten Percent.

If the initiative petition is signed by voters of the City equal in number to at least 10% of the total number of voters of the City according to the last official report of registration by the County Clerk of the County of San Joaquin to the Secretary of State of California, the City Council shall either:

- (a) Introduce the ordinance without alteration at the regular meeting at which it is presented and adopt the ordinance within 14 days after it is presented; or
- (b) Immediately order a special election, to be held within the time set forth in the Elections Code of the State of California, at which the ordinance, without alteration, shall be submitted to the voters of the City.

(Amended Election 10/12/71 effective 12/6/71; Amended Election 03/04/03 effective 04-02-03)

Section 903. Actions by City Council if Signatures at Least Five Percent.

If the initiative petition is signed by voters of the City equal in number to at least 5% of the total number of voters of the City according to the last official report of registration by the County Clerk of the County of San Joaquin to the Secretary of State of the State of California, and the ordinance petitioned for is not required to be, or for any reason is not, submitted to the voters at a special election, and is not passed without change by the City Council, then the ordinance, without alteration, shall be submitted by the City Council to the voters at the next general municipal election occurring at least 45 days after the order of the City Council.

(Added Election 10/12/71 effective 12/6/71)

Section 904. Referendum: Special Requirements.

Any ordinance or measure that the City Council or the voters of the City shall have the authority to enact, the City Council may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided in

this Charter for ordinances or measures submitted on petition. At any special election called under the provisions of this Charter, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinance or measures herein provided for, if said other questions are such as may be legally submitted at such election. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

(Added Election 10/12/71 effective 12/6/71; Amended Election 11/8/94 effective 5/22/95)

ARTICLE X
OFFICERS AND EMPLOYEES

*** Historical Notes:**

The title of this Article was amended Election 11/8/94 effective 5/22/95. Prior to Election of 11/8/94 this Article was numbered VII.

Section 1**: Amended Election 10/11/49 effective 12/19/49; Amended Election 10/9/51 effective 3/6/52; Amended Election 10/13/53 effective 3/16/54; Repealed Election 10/11/77 effective 11/2/77.

Section 3**: Reserved.

Section 4**: Repealed Election 11/8/94 effective 5/22/95.

Section 5**: Amended Election 10/14/47 effective 3/3/48; Repealed Election 11/8/94 effective 5/22/95.

Section 6-7**: Repealed Election 10/14/47 effective 3/3/48.

Section 8**: Repealed Election 11/8/94 effective 5/22/95.

Section 10-13**: Repealed Election 11/8/94 effective 5/22/95.

** These section numbers refer to a numbering system that was in place prior to the Election of 11/8/94.

Section 1000. Restrictions.

* See Historical Notes at beginning of Article.

- A. No person elected or appointed to the City Council or to the office of Mayor shall be appointed to any City office, position or employment until one year has passed following the expiration of his or her service as a member of the City Council or Mayor.
- B. No officer or employee of the City shall receive any commission, money, or thing of value, or derive any profit, benefit, or advantage, directly or indirectly, from or by reason of any dealings with or service for the City by such officer or employee or others, except lawful compensation as such officer or employee.
- C. The City Council may elect to void any contract or transaction made in violation of this section.
- D. Any officer or employee who willfully violates this section shall forfeit such office or employment. (Amended Election 10/11/49 effective 12/19/49; Amended Election 11/8/94 effective 5/22/95; Amended Election 11/4/14 effective 12/23/14)

Section 1001. Vacation.

All officers and regular employees of the City shall be entitled to a vacation annually in accordance with the applicable memorandum of understanding, compensation plan or employee contract. Such vacation shall be at such time as the executive head of the department in which such officer or employee may be serving shall direct and shall be without loss of pay.
(Amended Election 11/8/94 effective 5/22/95; Amended Election 11/4/14 effective 12/23/14)

Section 1002. Qualifications Prescribed by Ordinance.

Notwithstanding any other provisions of this Charter to the contrary, in the event that the City assumes, by annexation, contract, or otherwise, any of the functions of any special district or any other agency or entity,

the City Council may prescribe by ordinance the qualifications and conditions, including, but not limited to, residency, rank, compensation, and seniority, applicable to the employment by the City of employees of the special district, agency or entity from which functions are assumed. Qualifications for and conditions of said employment shall comply with rules and regulations of the Civil Service Commission regarding retirement seniority, minimum age, and promotional eligibility.

(Amended Election 10/9/73 effective 1/17/74; Amended Election 11/8/94 effective 5/22/95; Amended Election 11/4/14 effective 12/23/14)

ARTICLE XI
THE MAYOR

Section 1100. Mayor.

There shall be a Mayor of the City of Stockton, elected pursuant to SECTION 602 of this Charter, who shall be a member of the Council. The Mayor shall devote his or her full time to the Office of Mayor. (Amended Election 11/4/80 effective 12/3/80; Amended Election 11/4/86 effective 12/9/86; Amended Election 11/8/94 effective 5/22/95; Repealed and added election 03/07/2000 effective 001/01/2001; Amended Election 11/8/16 effective 12/3/16)

Section 1101. Political Leader.

It is the intent of this Article that the Mayor shall be the political leader within the community by providing guidance and leadership to the Council, by expressing and communicating to those he or she serves the City's policies and programs and by assisting the Council in the informed, vigorous and effective exercise of its powers.

(Amended Election 11/4/86 effective 12/9/86; Amended Election 11/8/94 effective 5/22/95; Repealed and added election 03/07/2000 effective 001/01/2001)

Section 1102. Powers and Duties.

The Mayor shall have the following powers and duties:

- (a) To review with the City Manager, City Attorney and City Clerk prior to each Council meeting the items on the Council's agenda and to add matters thereto;
 - (b) To make recommendations to the Council on matters of policy and programs which require Council decision;
 - (c) To make recommendations to the City Manager on matters of policy and programs;
 - (d) To direct those officials appointed by the Council to prepare and provide information to the Council on matters of policy and programs which require Council decision;
 - (e) To request budgetary and any other information from those officials appointed by the Council that the Mayor determines is necessary for the conduct of the Mayor's duties;
 - (f) To appoint, with the advice and consent of the Council, a Chairman, a Vice-Chairman, one regular member and one alternate member to each standing, special and ad hoc committee of the Council;
 - (g) To appoint, with the advice and consent of the Council, such advisory boards, commissions and ad hoc committees as may be necessary or desirable to advise and assist in the work of the City Council. All members of the Council, including the Mayor and Vice-Mayor, may be so appointed;
 - (h) To appoint such other advisory boards and ad hoc committees as may be necessary or desirable to advise and assist in the work of the Mayor; provided, however, that the members of such advisory boards or ad hoc committees shall not receive any compensation;
 - (i) To address, not less than annually, the citizens of the City concerning the current status of City affairs and articulating the policy plans which the Mayor proposes for the City during the ensuing year;
- EXHIBIT 1

- (j) To inform the citizens, at other times during the year, of any matters of policy or programs which the Mayor believes are for the welfare of the community;
- (k) To recommend adjustments to the City Budget and to propose the modification or curtailment of any city service. If the Mayor recommends any increases in the City budget, the Mayor shall recommend the method of financing such expenditures. If the Mayor proposes the modification or curtailment of any city service, the Mayor shall provide specific recommendations and the reasons for such proposal;
- (l) To preside at meetings of the Council and to vote as a member of the Council without power of veto;
- (m) To preserve order at all Council meetings, to remove or cause the removal of any person from any meeting of the Council for disorderly conduct, to enforce the rules of the Council and to determine the order of business under the rules of the Council;
- (n) To select and appoint, with the advice and consent of the Council, such professional, technical and clerical employees to the office of Mayor as may be necessary or desirable to advise and assist in the work of the Mayor; provided, however, that the Mayor shall not appoint to any position any business associate or any person related to him or her or to the City Manager or to any member of the Council by blood and marriage within the third degree, except that the foregoing prohibition against nepotism may be waived by a vote of at least 2/3 of the members of the Council if the Council finds that the proposed appointment is in the interest of the City. All such appointees shall serve at the pleasure of the Mayor in the unclassified service; and shall serve under such terms and conditions, salaries and benefits as are similar to other unclassified employees. The Council shall provide in the annual budget funding for no less than three positions in the office of the Mayor, including the Mayoral Public Information Officer appointed by the Mayor pursuant to Section 1153 of Article XI-A; and
- (o) To exercise such other powers and perform such other duties as may be prescribed by the Council, provided the same are not inconsistent with this Charter;

Nothing in this Section shall be construed in any way as an infringement or limitation on the powers and duties of the City Manager as Chief Administrative Officer and head of the administrative branch of the City government as prescribed in other sections of this Charter.

Except as otherwise provided in this Charter, the Mayor shall possess only such authority over the City Manager and the administrative branch as he or she possesses as one member of the Council.

(Amended Election 5/31/32 effective 1/24/33; Amended Election 11/8/94 effective 5/22/95; Repealed and added election 03/07/2000 effective 001/01/2001; Amended Election 11/8/16 effective 12/3/16; Amended Election 11/5/2024 certified 12/10/2024)

Section 1103. Vice Mayor.

The Mayor shall nominate one of the Councilmembers to serve as Vice Mayor.

- (a) The term of the Vice Mayor shall commence upon ratification of the nomination by the Council and shall continue until the December 31 following the next general municipal election.
- (b) During the temporary absence or disability of the Mayor, the Vice Mayor shall act as Mayor. In case of the temporary absence or disability of both the Mayor and the Vice Mayor, the Council shall elect one of its members to be Mayor pro tempore. In case of vacancy in the office of the Mayor, the Vice Mayor shall act as Mayor until such vacancy can be filled as provided in this Charter.

(Added Election 03/07/2000, effective 01/01/2001)

ARTICLE XI-A
PUBLIC INFORMATION OFFICE

Section 1150. Public Information Office.

A Public Information Office is hereby established.

Section 1151. Public Information Officer.

The City of Stockton Public Information Office shall be administered by a Public Information Officer appointed by the City Manager who shall serve at his or her pleasure.

(Amended Election 11/5/2024 certified 12/10/2024)

Section 1152. Functions and Duties.

The Public Information Officer shall gather and disseminate to the public and to the news media, in a timely manner, accurate and complete information concerning the policies of the Council and other information regarding the City and the general region in which it is located.

(Added Election 03/07/2000, Effective 01/01/2001)

Section 1153. Mayoral Public Information Officer.

The Mayor shall be permitted to have a Mayoral Public Information Officer. The Mayoral Public Information Officer shall be appointed by the Mayor and shall serve at his or her pleasure.

The Mayoral Public Information Officer will be provided information necessary to fulfill his or her role in a reasonable and timely manner, as coordinated through the City of Stockton Public Information Office.

(Added Election 11/5/2024 certified 12/10/2024)

ARTICLE XII
THE CITY MANAGER

*** Historical Notes:**

Section 3**: Repealed Election 10/9/51 effective 3/6/52.

** This section number refers to a numbering system that was in place prior to the Election of 11/8/94.

Section 1200. Nomination.

The Mayor shall nominate one or more candidates for Council consideration for appointment to the position of City Manager. The City Manager shall be appointed by the Council for an indefinite term and shall not be removed from office except by a vote of a majority of the members of the Council; provided, however, that the City Manager shall not be removed from office within 12 months from the date his or her duties are assumed, except for incompetence, malfeasance, misfeasance, or neglect of duty. In the case of removal within the said period, the City Manager may demand that written charges be made and a public hearing be held thereon before the Council prior to the date on which removal shall take effect; the decision and action on such a hearing shall be final, and pending such a hearing, the Council may suspend the City Manager from duty. The Council shall designate a qualified person to perform the duties of the City Manager in the event of the absence or disability of the City Manager, or in case there is a vacancy in such office. Whenever a vacancy occurs in the office of City Manager, the Mayor shall immediately initiate a procedure for the selection of a City Manager.

(Amended Election 10/12/71 effective 12/6/71; Amended Election 11/8/94 effective 5/22/95; Repealed and Added Election 03/07/2000, Effective 01/01/2001)

Section 1201. Chief Administrative Officer.

The City Manager shall be the chief administrative officer of the City. He or she shall be responsible to the Council for the efficient administration of all the affairs of the City placed in his or her charge by or under this Charter. Without limiting the foregoing general grant of powers, responsibilities and duties, the City Manager shall have the following powers and duties:

- (a) Except as otherwise provided elsewhere in this Charter, the City Manager shall appoint all officers and employees of the City; and, when he or she deems it necessary for the good of the service, the City Manager may, subject to the above-mentioned limitations, suspend without pay, demote, discharge, remove or discipline any City officer or employee whom under this Charter is appointed by the City Manager; provided, however, that the City Manager shall not appoint to any position any business associate or any person related to him or her or to any member of the City Council by blood or marriage within the third degree, except that the foregoing prohibition against nepotism may be waived by a vote of at least 2/3 of the members of the City Council if the City Council finds that the proposed appointment is in the interest of the City;
- (b) Except as otherwise provided elsewhere by this Charter, the City Manager shall direct and supervise the administration of all departments, offices and agencies of the City;
- (c) The City Manager shall attend all regular and special meetings of the Council, other than closed executive sessions where the City Manager or another Council appointee is the subject of discussion, and to take part in its discussions, but not to vote. If the City Manager is unable to attend any regular or special meeting of the Council, he or she shall notify the Council in writing of such inability and set forth his or her reasons for non-attendance;

- (d) The City Manager shall be responsible for the faithful execution of all laws, provisions of this Charter, and acts of the Council which are subject to enforcement by the City Manager or by officers who are under the City Manager's direction and supervision;
- (e) The City Manager shall prepare and submit the annual budget to the Council in accordance with the provisions of Article XIX of this Charter;
- (f) The City Manager shall recommend to the Council for adoption such measures and ordinances as the City Manager may deem necessary or expedient;
- (g) The City Manager may make and execute contracts and authorize expenditures pursuant to Section 2002 of this Charter, on behalf of the City;
- (h) The City Manager shall submit an annual report on the finances and administrative activities of the City as of the end of the preceding fiscal year to the Council at a public meeting to be held within 30 days following receipt of the Annual Financial Statement. The annual report, which shall be personally certified by the City Manager to be accurate and complete, shall contain a statement indicating:
 - (1) Whether the revenues budgeted for the preceding fiscal year were actually received, and an explanation concerning any material differences between the total revenues budgeted and the revenues actually received;
 - (2) The extent to which expenditures budgeted actually were incurred, and an explanation for any material variance between budgeted expenditures and actual expenditures;
 - (3) The amount of the financial reserves of the City;
 - (4) All other information which, in the opinion of the City Manager, is necessary to provide an accurate and complete picture of the fiscal status and condition of the City. The report shall be in a form which is susceptible to confirmation by audit. It shall be made available to the public in the Office of the City Clerk.
- (i) The City Manager shall make such other reports as the Council from time to time may request concerning the operations of City departments, offices and agencies subject to his or her direction and supervision; shall keep the Council fully advised as to the financial condition and future needs of the City; and make such recommendations to the Council concerning the affairs of the City as he or she deems desirable or as requested by Council;
- (j) The City Manager shall appoint such advisory boards and committees as may be necessary or desirable to advise and assist in the work of the City Manager; provided, however, that the members of such boards shall not receive any compensation.
- (k) The City Manager shall exercise such other powers, and shall perform such other duties, as are specified in this Charter or as authorized or required by the Council.

(Amended Election 10/14/47 effective 3/3/48; Amended Election 10/12/71 effective 12/6/71; Amended Election 6/5/84 effective 6/26/84; Amended Election 11/8/94 effective 5/22/95; Repealed and Amended Election 03/07/2000, Effective 01/01/2001; Amended Election 11/4/14 effective 12/23/14)

ARTICLE XIII
DEPARTMENT OF LAW

Section 1300. Participants.

The Department of Law shall consist of a City Attorney, and such assistants, deputies, or clerks as the City Council may prescribe.

Section 1301. Qualifications.

The City Attorney shall be an attorney-at-law, duly licensed to practice in all the courts of California and prior to appointment must have engaged in the practice of law in the State of California for at least five years. Deputy City Attorneys shall be fully licensed attorneys-at-law at the time of their appointment. (Amended Election 10/13/53 effective 3/16/54; Amended Election 11/8/94 effective 5/22/95)

Section 1302. Appointment.

The City Council shall appoint the City Attorney, and the City Attorney shall appoint all other members of the Department.

Section 1303. Duties.

The City Attorney shall be the legal advisor of and attorney and counsel for the City and for all officers, boards and departments thereof in all matters relating to their official duties. The City Attorney shall conduct and carry on all suits, actions, and proceedings in behalf of or against the City, including prosecution on behalf of the people of all criminal cases arising from violations of the ordinances of the City; provided, however, that where there is a contractual duty on the part of an insurance carrier for the City to defend actions against the City, then the defense of said actions may be conducted as provided in said contract of insurance. The City Attorney shall prepare or approve as to form all contracts, bonds and other legal instruments to which the City is a party, and shall endorse on each the City Attorney's approval as to form and correctness thereof or evidence such approval as to form in separate writings to be filed and preserved with the records of the City Council.

(Amended Election 4/12/55 effective 5/12/55; Amended Election 10/12/71 effective 12/6/71; Amended Election 11/8/94 effective 5/22/95)

Section 1304. Opinions and Records.

The City Attorney shall maintain custody and control, for the period prescribed by general law in bound indexed books of records, of all written opinions given by the City Attorney to any officer or board and registers of all briefs and transcripts used in causes in which the City Attorney appears in behalf of the City and of all actions and proceedings under the City Attorney's charge. All such books, registers and records shall be the property of the City. The City Attorney shall deliver all such property to the successor in office, who shall prepare receipts in duplicate therefor, one of which shall be filed with the City Clerk.

(Amended Election 10/12/71 effective 12/6/71; Amended Election 11/8/94 effective 5/22/95)

Section 1305. Prohibition of Private Law Practice.

The City Attorney shall conduct no private law practice.

(Added Election 10/12/71 effective 12/6/71)

Section 1306. Retention of Outside Counsel.

The City Attorney shall not retain or employ outside counsel, except as hereinabove provided, without the approval of the City Council.

(Added Election 10/12/71 effective 12/6/71)

ARTICLE XIV
THE CITY CLERK

*** Historical Notes:**

Section 2**: Repealed Election 11/8/94 effective 5/22/95.

Section 3**: Amended Election 10/12/71 effective 12/6/71; Repealed Election 11/8/94 effective 5/22/95.

Section 4**: Repealed Election 11/8/94 effective 5/22/95.

Section 5**: Repealed Election 10/12/71 effective 12/6/71.

Section 6**: Repealed Election 11/8/94 effective 5/22/95.

Section 7**: Amended Election 11/4/86 effective 12/9/86; Repealed Election 11/8/94 effective 5/22/95.

** These section numbers refer to a numbering system that was in place prior to the Election of 11/8/94.

Section 1400. Duties.

The City Council shall appoint the City Clerk who shall serve at its pleasure. The Clerk shall appoint all other members of the department. It shall be the duty of the City Clerk to:

- (a) Attend all meetings of the Council either in person or by deputy, and be responsible for the recording and maintaining of a record of all the actions of the Council.
- (b) Be responsible for all books, papers, records, contracts, and archives belonging to the City, or to any department thereof, not in actual use by other officers or otherwise committed to their custody.
- (c) Keep all records of the Council and of the office of the City Clerk in such manner that the information contained therein will be readily accessible and open to the public as required by law until such time as any of the records may be destroyed or reproduced and the original thereof destroyed, in accordance with applicable law.
- (d) Be the custodian of the seal of the City.
- (e) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs of the business of the City and certify copies of the official records.
- (f) Have charge of all City elections.
- (g) Be responsible for the publication of all official advertising of the City.
- (h) Perform such other duties consistent with this Charter as may be required by action of the Council.
(Amended Election 11/8/94 effective 5/22/95; Amended Election 10/12/71 effective 12/6/71)

ARTICLE XV
CITY AUDITOR

*** Historical Notes:**

Article 1503 added Election 11/8/94 effective 5/22/95.

Articles 1500—1502 repealed and added Election 03/07/2000 effective 01/01/2001.

Articles 1503—1506 repealed Election 03/07/2000 effective 01/01/2001.

Section 1500. Appointment of City Auditor.

The City Council shall appoint the City Auditor who shall serve at its pleasure. The City Auditor shall be certified according to standards comparable to a Certified Public Accountant or a Certified Internal Auditor at time of appointment.

Section 1501. Powers and Duties.

The City Auditor shall have the following powers and duties:

- (a) Conduct or cause to be conducted annual post audits of all the fiscal transactions and accounts kept by or for the City. Such audits shall include but not be limited to the examination and analysis of fiscal procedures and the examination, checking and verification of accounts and expenditures. The audits shall be conducted in accordance with generally accepted auditing standards and accordingly shall include tests of the accounting records and other auditing procedures as may be considered necessary under the circumstances. The audits shall include the issuance of suitable reports of examination so the Council and the public will be informed as to the adequacy of the financial statements of the City.
- (b) Conduct performance audits, as assigned by Council. A "performance audit" means a post audit which determines with regard to the purpose, functions and duties of the audited agency all of the following:
 - (1) Whether the audited department, office or agency, is managing or utilizing its resources, including public funds, personnel, property, equipment and space in an economical and efficient manner.
 - (2) Causes of inefficiencies or uneconomical practices, including inadequacies in management information systems, internal and administrative procedures, organizational structure, use of resources, allocation of personnel, purchasing policies and equipment.
 - (3) Whether the desired results are being achieved.
 - (4) Whether objectives established by the Council or other authorizing body are being met.
- (c) Conduct special audits and investigations, as assigned by Council. "Special audits and investigations" mean assignments of limited scope, intended to determine:
 - (1) The accuracy of information provided to the Council.
 - (2) The costs and consequences of recommendations made to the Council.
 - (3) Other information concerning the performance of City Departments, Offices or Agencies as

requested by the Council.

- (d) The City Auditor shall have access to, and authority to examine any and all documents including but not limited to books, accounts, internal memoranda, writings and tapes, reports, vouchers, correspondence files and other records, bank accounts, money and other property of any City department, office or agency, whether created by the Charter or otherwise, with the exception of the office of any elected official.

It is the duty of any officer, employee or agent of the City having control of such records to permit access to, and examination thereof, upon the request of the City Auditor or his or her authorized representative. It is also the duty of any such officer, employee or agent to fully cooperate with, and to make full disclosure of all pertinent information.

- (e) Prepare and submit to the Council quarterly reports of the City Auditor's activities and findings in the immediately preceding three calendar months, together with any recommendations to improve the administration of the City.
- (f) Perform other auditing functions, consistent with other provisions of this Charter, and prepare and submit such other reports, as may be assigned by the Council.

Section 1502. Power of Appointment.

The City Auditor may appoint and prescribe the duties of the professional, technical and clerical employees employed in the Office of the City Auditor; provided, however, that the City Auditor shall not appoint to any position any business associate or any person related to him or her or to the City Manager or to any member of the Council by blood or marriage within the third degree, except that the foregoing prohibition against nepotism may be waived by a vote of at least 2/3 of the members of the Council if the Council finds that the proposed appointment is in the interest of the City. All such appointees shall serve at the pleasure of the City Auditor in the unclassified service; and shall serve under such terms and conditions, salaries and benefits as are similar to other unclassified employees;

Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any such officer or employee whom the City Auditor is empowered to appoint, but the Council may express its views and fully and freely discuss with the City Auditor anything pertaining to the appointment and removal of such officers and employees.

ARTICLE XVI
FIRE DEPARTMENT

*** Historical Notes:**

This amendment to previously numbered Section 7** [Measure V initiated by Stockton Firefighters Local 1229] was passed by a vote of 29,299 [52.3%] at the 11/3/92 election.

This amendment to previously numbered Section 8• [Measure U initiated by the City of Stockton] was passed by a vote of 28,929 [51.7%] at the 11/3/92 election.

Section 1605: Repealed Election 11/4/14 effective 12/23/14.

Section 9**: Repealed Election 10/12/71 effective 12/6/71.

Section 10**: Repealed Election 10/14/47 effective 3/3/48.

** These section numbers refer to a numbering system that was in place prior to the Election of 11/8/94.

Section 1600. Organization.

The Fire Department shall consist of a Fire Chief and such other officers, members, and employees as the Council may from time to time prescribe.

(Repealed Election 10/14/47 effective 3/3/48; Added Election 10/12/71 effective 12/6/71; Amended Election 11/02/10 effective 12/9/10)

Section 1601. Powers and Duties.

The Fire Department shall enforce all ordinances and laws and shall supervise all matters relating to the prevention, control, and extinguishment of fires and the protection of the property impaired thereby, and the prevention and control of fire hazards within the City.

(Repealed Election 10/14/47 effective 3/3/48; Added Election 10/12/71 effective 12/6/71; Amended Election 11/02/10 effective 12/9/10)

Section 1602. Fire Chief.

The Fire Department shall be under the control, management, and direction of a Fire Chief. The Fire Chief shall be appointed by the City Manager and shall hold that position at the pleasure of the City Manager.

The Fire Chief shall with the approval of the City Manager have management, control, and direction of the personnel of the Department and shall have charge of all property and equipment of such Department. The Fire Chief shall have full power to detail any officer or member of the Department to such public service as may be necessary. The Fire Chief shall recommend in writing to the City Manager that disciplinary action be taken against members of the Department if he or she deems it necessary, stating the reasons therefor, and shall immediately file a copy of said recommendations with the Civil Service Commission. The Fire Chief shall exercise all powers and duties provided by the general law or the ordinances of the City Council and shall devote his or her entire time to the discharge of the duties of this office.

(Repealed Election 10/14/47 effective 3/3/48; Added Election 10/12/71 effective 12/6/71; Amended Election 6/4/74 effective 8/21/74; Amended Election 11/02/10 effective 12/9/10)

Section 1603. Absence of Fire Chief.

In the event of the absence or disability of the Fire Chief, or vacancy in such office, the City Manager shall designate an interim Fire Chief to assume charge of the Department until the Chief returns or a successor

is appointed.

(Repealed Election 10/14/47 effective 3/3/48; Added Election 10/12/71 effective 12/6/71; Amended Election 10/9/73 effective 1/17/74; Amended Election 6/4/74 effective 8/21/74; Amended Election 11/02/10 effective 12/9/10)

Section 1604. Deputy Fire Chief.

The Fire Chief shall have the power to appoint at his or her discretion, without competitive examination, one or more Deputy Fire Chiefs. After appointment, the Deputy Fire Chief shall hold said position at the pleasure of the Fire Chief. If the Fire Chief demotes a Deputy Fire Chief, the Deputy Fire Chief shall be restored to the last civil service position, if any, held immediately prior to appointment as Deputy Fire Chief.

(Repealed Election 10/14/47 effective 3/3/48; Added Election 10/12/71 effective 12/6/71; Amended Election 10/9/73 effective 1/17/74; Amended Election 6/4/74 effective 8/21/74; Amended Election 11/02/10 effective 12/9/10)

Section 1606. Temporary Firefighters.

In case of emergency, the City Manager may appoint additional firefighters and officers for temporary service, who need not be in the classified service. Such authority may be exercised under the direction of the Fire Chief and for a specified time, and all such appointees shall be subject to and obey all rules and regulations of the Fire Department.

(Repealed Election 10/14/47 effective 3/3/48; Added Election 10/12/71 effective 12/6/71; Amended Election 11/02/10 effective 12/9/10)

Section 1607. (Reserved)

(Repealed Election 10/14/47 effective 3/3/48; Added Election 11/3/92 effective 1/13/93; Amended Election 11/02/10 effective 12/9/10; Repealed Election 11/5/2024 certified 12/10/2024)

Section 1608. Restrictions.

No memorandum of understanding (MOU) may be enforced unless the costs are fully and openly explained in public, the City Manager certifies that the MOU costs are appropriate and affordable under the City's budget, and the MOU is adopted by majority vote of the City Council.

(Repealed Election 10/14/47 effective 3/3/48; Added Election 11/3/92 effective 1/13/93; Amended Election 11/02/10 effective 12/9/10)

ARTICLE XVII
POLICE DEPARTMENT

*** Historical Notes:**

Section 3 ½**: Added Election 10/12/71 effective 12/6/71; Repealed Election 11/8/94 effective 5/22/95.

Section 4**: Repealed Election 10/14/47 effective 3/3/48; Added Election 10/12/71 effective 12/6/71; Amended Election 10/9/73 effective 1/17/74; Amended Election 10/14/75 effective 11/3/75; Repealed Election 11/8/94 effective 5/22/95).

Section 7**: Amended Election 10/12/71 effective 12/6/71; Amended Election 10/14/75 effective 11/3/75; Repealed Election 11/8/94 effective 5/22/95.

Section 8**: Repealed Election 10/12/71 effective 12/6/71.

Section 9**: Repealed Election 10/12/71 effective 12/6/71; Added Election 6/2/92 effective 12/2/92; Repealed Election 11/8/94 effective 5/22/95.

Section 10**: Repealed Election 10/12/71 effective 12/6/71.

Section 11**: Amended Election 10/14/47 effective 3/3/48; Repealed Election 10/12/71 effective 12/6/71.

Section 12**: Amended Election 11/4/58 effective 3/2/59; Repealed Election 10/12/71 effective 12/6/71.

** These section numbers refer to a numbering system that was in place prior to the Election of 11/8/94.

Section 1700. Organization.

The Police Department shall consist of a Chief of Police and such other officers, members, and employees as the Council may, from time to time, prescribe.

(Repealed Election 10/14/47 effective 3/3/48; Added Election 10/12/71 effective 12/6/71)

Section 1701. Powers and Duties.

The powers and duties of the Police Department shall include, but not be limited to, enforcing the penal provisions of this Charter, the penal ordinances of the City and the penal laws of the State of California and of the United States. The sworn officers of the Department shall have the powers and duties of peace officers as defined by state law.

(Repealed Election 10/14/47 effective 3/3/48; Added Election 10/12/71 effective 12/6/71; Amended Election 11/8/94 effective 5/22/95)

Section 1702. Chief of Police Appointment.

The Police Department shall be under the control, management, and direction of a Chief of Police. The Chief shall be appointed by and shall hold office at the pleasure of the City Manager. Appointment to the position of Police Chief can be made from qualified applicants within the Stockton Police Department or from qualified applicants who are not members of the Stockton Police Department. Such applicants must have peace officer status above the rank of police sergeant. If the City Manager demotes the Chief of Police, the Police Chief shall be restored to the last civil service position, if any, held with the City of Stockton immediately prior to appointment as Chief of Police.

(Repealed Election 10/14/47 effective 3/3/48; Added Election 10/12/71 effective 12/6/71; Amended Election 10/9/73 effective 1/17/74; Amended Election 10/14/75 effective 11/3/75; Amended Election 11/8/94 effective 5/22/95)

Section 1703. Powers and Duties of the Chief of Police.

The Chief of Police shall suppress all riots, disturbances and breaches of the peace, and to that end may call on any person for aid. The Chief shall, in the performance of police duties, have the powers and responsibilities of a sheriff in similar cases.

Subject to the approval of the City Manager and the rules and regulations of the Civil Service Commission, the Chief of Police shall direct and supervise the personnel of the Department and have charge of the property and equipment thereof. In addition, the Chief of Police shall have duties, including, but not limited to, the following: to detail any officer or member of the Department to such public service as may be necessary; to recommend in writing to the City Manager that disciplinary action be taken against members of the Department when in the judgment of the Chief of Police, it is deemed necessary; and to exercise all powers and duties provided by ordinances of the City Council, this Charter, and the laws of the State of California.

(Repealed Election 10/14/47 effective 3/3/48; Added Election 10/12/71 effective 12/6/71; Amended Election 10/14/75 effective 11/3/75; Amended Election 11/8/94 effective 5/22/95)

Section 1704. Deputy Chief of Police.

Subject to the approval of the City Manager, the Chief of Police shall have the power to appoint, without competitive examination, Deputy Chiefs of Police from among the members of the Department from the rank of Sergeant and above. After appointment, a Deputy Chief of Police shall hold said rank at the pleasure of the Chief of Police, subject to the approval of the City Manager. If the Chief of Police demotes the Deputy Chief of Police, the Deputy Chief of Police shall be restored to the last civil service position, if any, held immediately prior to appointment as Deputy Chief of Police.

(Amended Election 10/12/71 effective 12/6/71; Amended Election 10/9/73 effective 1/17/74; Amended Election 10/14/75 effective 11/3/75; Amended Election 11/8/94 effective 5/22/95)

ARTICLE XVIII
EMERGENCY PROVISIONS

*** Historical Note:**

Article added Election 11/8/94 effective 5/22/95.

Section 1800. Emergency Plans.

* See Historical Note at beginning of Article.

In order to provide for continuity of City government during any emergency declared by the City Council or otherwise declared pursuant to federal or state law, resulting from conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of the City of Stockton, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other condition, or other disaster of whatever nature, the City Council shall by ordinance:

- (a) Establish a City of Stockton Disaster Council which shall develop and recommend for adoption by the City Council, emergency and mutual aid plans and agreements and such ordinances, resolutions, rules, and regulations as necessary to implement such plans and agreements.
- (b) Designate the City Manager as the Director of Emergency Services and establish the powers and duties for that position.
- (c) Authorize the City Manager, only as necessary to protect the public health, safety and welfare, to waive any purchasing and employment provisions of this Charter, or any ordinances, resolutions, rules, and/or regulations applicable thereto during the existence of any emergency that has been declared by the City Council or the state pursuant to federal, state or local law.

Notwithstanding any other provision of this Charter, the City Council may enact any ordinances or resolutions, or establish any rules and regulations for the purpose of dealing with such emergency.

ARTICLE XIX
BUDGET AND FISCAL AFFAIRS: FISCAL AUTHORITY

*** Historical Notes:**

Sections 1906 through 1912 were added Election 03/07/2000, Effective 01/01/2001.

Prior to the Election of 11/8/94, this Article was numbered XXII. Article XXII was repealed and added at Election 10/9/73 effective 1/17/74. Prior history includes Election 10/12/26; Election 11/8/32 effective 1/24/33; Election 10/11/49 effective 12/19/49; Election 10/9/51 effective 3/6/52; Election 10/13/53 effective 3/16/54; Election 4/12/55 effective 5/12/55; Article name was changed at Election 11/8/94 effective 5/22/95.

Sections 7-9**: Added Election 10/9/73 effective 1/17/74; Repealed Election 11/8/94 effective 5/22/95.

Section 10**: Added Election 10/9/73 effective 1/17/74; Amended Election 10/11/77 effective 11/2/77; Repealed Election 11/8/94 effective 5/22/95.

Section 11-13**: Added Election 10/9/73 effective 1/17/74; Repealed Election 11/8/94 effective 5/22/95.

** These section numbers refer to a numbering system that was in place prior to the Election of 11/8/94.

Section 1900. Powers.

The City of Stockton shall have the power to make and enforce all ordinances and regulations in respect to the conduct of the fiscal affairs of the City, subject only to the restrictions and limitations provided in this Charter, the Constitution of the State of California, and the Constitution of the United States.

(Added Election 10/9/73 effective 1/17/74; Repealed and added Election 11/8/94 effective 5/22/95;
Repealed and Added Election 03/07/2000 Effective 01/01/2001)

Section 1901. Fiscal Year.

The fiscal year of the City of Stockton shall commence upon the first day of July of each year or such other time as may be fixed by ordinance.

(Added Election 10/9/73 effective 1/17/74; Repealed and added Election 11/8/94 effective 5/22/95;
Repealed and Added Election 03/07/2000 Effective 01/01/2001)

Section 1902. Taxes.

* See Historical Notes at beginning of Article.

The City shall, by ordinance, provide a system for the assessment, levy and collection of all City taxes.

(Added Election 10/9/73 effective 1/17/74; Repealed and added Election 11/8/94 effective 5/22/95)

Section 1903. Reserves.

The Council shall adopt a reserve policy intended to prudently protect the fiscal solvency of the City.

(Added Election 10/9/73 effective 1/17/74; Repealed and added Election 11/8/94 effective 5/22/95;
Repealed and Added Election 03/07/2000 Effective 01/01/2001; Amended Election 11/8/16 effective 12/3/16)

Section 1904. Economic Forecasts and Mayor's Budget Message.

The City Manager shall submit to the Council a five year economic forecast of expenditures and revenues for the City's General Fund, Enterprise Funds and significant operating funds. The five year economic

forecast shall be provided at least annually.

(Added Election 10/9/73 effective 1/17/74; Repealed and added Election 11/8/94 effective 5/22/95; Repealed and Added Election 03/07/2000 Effective 01/01/2001; Amended Election 11/8/16 effective 12/3/16)

Section 1905. Proposed Budget.

Not later than May 15th of the prior fiscal year, the City Manager shall prepare and present to the Council a proposed annual budget of recommended expenditures and appropriations for the next fiscal year necessary to support city operations within available resources.

The proposed annual budget shall include anticipated revenues, projected expenditures, transfers for each fund and/or department, proposed capital improvement plan, proposed fee schedule and projected current year annualized financial activity for comparability.

The total proposed expenditures shall not exceed the total of estimated income, estimated unencumbered balances of funds to be carried over from the preceding year and unencumbered available reserves.
(Amended Election 11/8/16 effective 12/3/16)

Section 1906. Budget Modifications and Adoption of Budget.

The Proposed Annual Budget as submitted by the City Manager shall be filed and available for inspection by the public in the office of the City Clerk and on the City's accessible website for at least 10 days prior to a public hearing to adopt the Annual Budget. The notice of hearing shall state the time and place of the hearing.

Following the public hearing, the Council shall adopt the Annual Budget with such revisions, if any, as it may deem desirable.

In the event the Council shall fail to adopt the budget by the beginning of the fiscal year, the various amounts proposed in the Proposed Annual budget shall be deemed appropriated until the Council adopts a budget for the fiscal year.

(Amended Election 11/8/16 effective 12/3/16)

Section 1907. Appropriations.

At any public Council meeting after the adoption of The Annual Budget, the Council may take action to increase or decrease the operating budget by resolution amending the budget by a majority of affirmative votes of the members.

No part of any appropriation shall be transferred from one fund to another fund unless authorized by the City Council.

No member of the Council, officer, department or agency of the City, during any budget year, shall expend or incur any obligation to expend money not authorized by or in excess of the amounts appropriated in the budget.

Except as otherwise provided in this Charter or where the Council may have, by resolution, provided for the continuance of an appropriation beyond the end of the fiscal year, all appropriations approved by the City Council shall lapse at the end of the fiscal year to the extent they shall not have been expended or encumbered, except for appropriations for capital and grant projects which shall continue to their completion unless a different rule has been established by action of the Council.

(Amended Election 11/8/16 effective 12/3/16)

Section 1908. Control of Expenditures by City Manager.

The City Manager shall have the responsibility and authority to implement and administer the Annual Budget and Capital Improvement Plan as approved by the Council and maintained by regulations, ordinances, and operating procedures, and shall advise the Council of the financial condition and future needs of the City.

(Amended Election 11/8/16 effective 12/3/16)

Section 1909. Annual Financial Statement.

As soon as practical after the close of the fiscal year, an annual financial statement shall be prepared in sufficient detail to show the financial condition of the City's funds for the preceding fiscal year. Such annual financial statement shall be prepared in accordance with generally accepted accounting principles.

(Amended Election 11/8/16 effective 12/3/16)

Section 1910. Annual Audit.

As soon as practical after the close of the fiscal year, an annual audit shall be made of the City's funds. Such audit shall be made by a firm of independent certified public accountants selected using Audit Committee recommendation and approved by the City Council. The audit shall be made in accordance with generally accepted audit standards for audits of public agencies.

The auditor shall have free access to the books, records, inventories and reports of the City. The audit shall be submitted as soon as practical after the closing of the books for the fiscal year for which the auditor is engaged by City Council. The audit shall be placed on file with the City Clerk and on the City's accessible website where they shall be available for inspection by the general public.

(Amended Election 11/8/16 effective 12/3/16)

Section 1911. Council Salary Setting Commission.

There shall be, and there is hereby established, a Council Salary Setting Commission. The following provisions shall be applicable thereto:

- (a) **Membership:** The Council Salary Setting Commission shall consist of five members appointed by the Civil Service Commission. Members must be qualified electors of the City at all times during their term of office.
- (b) **Terms of Office:** Except as provided herein below, the regular term of office of each member of the Council Salary Setting Commission shall be four years. The initial members of the Council Salary Setting Commission shall be appointed by the Civil Service Commission during the month of June 2000. Two of the members so appointed shall be appointed for a term expiring on December 31, 2002. Three of the members so appointed shall be appointed for a term expiring on December 31, 2004. Commencing in December 2002, the Civil Service Commission shall, during the month of December of each even-numbered year, make appointments to fill the offices of the members whose terms are expiring at the end of such even-numbered years. Such appointments shall be for regular terms of four years commencing on the first day of January of the following odd-numbered year and expiring on the thirty-first day of December of the second even-numbered year thereafter.
- (c) **Vacancies:** The Civil Service Commission may remove a member from office at any time for misconduct, inefficiency or willful neglect in the performance of the duties of his or her office

providing it first states in writing the reasons for such removal and gives such member an opportunity to be heard before the Civil Service Commission in his or her own defense. If a vacancy occurs before the expiration of a member's term, the Civil Service Commission shall appoint a qualified person to fill such vacancy for the remainder of the unexpired term of such member.

- (d) Powers and Duties: The Council Salary Setting Commission shall biennially make recommendations respecting salaries for members of the Council, including the Mayor, as provided in Charter Section 410.

(Amended Election 11/8/16 effective 12/3/16)

ARTICLE XX
PUBLIC CONTRACTS AND SUPPLIES

*** Historical Note:**

Prior to the Election of 11/8/94, this Article was numbered XXIII. Article XXIII was repealed and added Election 6/2/92 effective 12/2/92. Prior history includes Election 10/12/26; Election 10/9/45 effective 1/14/46; Election 10/14/47 effective 3/3/48; Election 10/11/49 effective 12/19/49; Election 10/10/61 effective 2/13/62; Election 10/12/71 effective 12/6/71; Election 10/11/77 effective 11/2/77; Election 11/4/80 effective 12/3/80; Election 6/5/84 effective 6/26/84.

Section 2000. Letting of Certain Contracts.

The City Council by ordinance shall provide for a competitive method of awarding contracts for public works, services, and the purchase of materials and supplies.
(Amended Election 11/4/14 effective 12/23/14)

Section 2001. Awarding of Contracts Without Bidding.

The ordinance shall permit the award of contracts without competitive bidding in cases where the City Council has approved findings which support and justify exceptions to the competitive bidding process. Those circumstances may include, but are not limited to:

- (a) Cases of emergencies;
- (b) Negotiated contracts following solicitation of competitive proposals instead of sealed bids;
- (c) Sole source vendors.

* See Historical Note at beginning of Article.
(Amended Election 11/4/14 effective 12/23/14)

Section 2002. City Manager Expenditure Authority.

The City Manager shall recommend and the City Council shall consider and adopt by ordinance the administrative spending authority of the City Manager.
(Amended Election 11/4/14 effective 12/23/14)

ARTICLE XXI FRANCHISES

* Historical Notes:

Section 8**: Amended Election 10/12/71 effective 12/6/71; Repealed Election 11/8/94 effective 5/22/95

Sections 11-33**: Amended Election 5/31/32 effective 1/24/33; Amended Election 10/11/49 effective 12/19/49; Repealed Election 10/12/71 effective 12/6/71.

** These section numbers refer to a numbering system that was in place prior to the Election of 11/8/94.

Section 2100. Franchises to Operate.

No person, firm, or corporation shall exercise any franchise right or privilege mentioned in this article in the City except insofar as such person, firm or corporation may be entitled to do so by the direct authority of the Constitution of the State of California or of the United States of America, unless a grant therefor shall have been obtained in accordance with the provisions of this article and the procedure established by ordinance.

(Amended Election 10/12/71 effective 12/6/71; Amended Election 11/8/94 effective 5/22/95)

Section 2101. Authority to Grant Franchises.

The City Council shall be empowered to grant by ordinance a franchise to any person, firm, or corporation, whether operating under an existing franchise or not, to furnish the City or its inhabitants with transportation, communication, terminal facilities, water, light, heat, gas, electricity, power, refrigeration, storage, or any other public utility or service; or to use the public streets, ways, alleys and places, as the same may now or hereafter exist, either separately or in connection therewith. The City Council shall, by ordinance, prescribe the terms and conditions of such grant. The City Council may also prescribe, by procedural ordinance, the method of procedure and additional terms and conditions of such grants, or the making thereof, subject to the provisions of this Charter; provided, however, that any such procedural ordinance shall make provisions for the giving of public notice for franchise applications, for protests against the granting of franchises, and for public hearings on such applications.

(Amended Election 10/12/71 effective 12/6/71)

Section 2102. Method of Granting Franchise.

The City Council may grant a franchise without calling for bids or may, in its discretion, advertise for bids for the sale of a franchise upon a basis, not in conflict with the provisions of this article, to be set out in the advertisement for bids and notice of sale.

(Amended Election 10/12/71 effective 12/6/71; Amended Election 11/8/94 effective 5/22/95)

Section 2103. Term of Franchise.

Every franchise shall be either for a fixed term or for an indeterminate period. If it is for a fixed term, the franchise shall set forth the term for which it is granted; if indeterminate, it shall set forth the terms and conditions under which it may be terminated.

(Amended Election 10/9/51 effective 3/6/52; Amended Election 10/12/71 effective 12/6/71)

Section 2104. Acceptance of Franchise.

Any franchise granted hereunder shall not become effective until written acceptance thereof shall have

been filed by the grantee with the City Clerk. Such acceptance shall be filed within 10 days after the final passage of the ordinance granting the franchise, or any extension thereof granted by the City Council.
(Repealed Election 10/9/51 effective 3/6/52; Added Election 10/12/71 effective 12/6/71)

Section 2105. Eminent Domain.

No franchise granted shall in any way, or to any extent, impair or affect the right of the City now or hereafter conferred on it by law to acquire the property of the grantee thereof either by purchase or through exercise of the right of eminent domain. Upon any such acquisition by the City, the compensation or price shall not include the value of the franchise. Nothing herein contained shall be construed to contract away or to modify or to abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to any public utility.

(Amended Election 10/12/71 effective 12/6/71)

Section 2106. Vote Required to Grant Franchise.

No ordinance granting a franchise shall become effective without receiving the affirmative vote of at least 2/3 of the members of the City Council.

(Amended Election 10/12/71 effective 12/6/71; Amended Election 11/8/94 effective 5/22/95)

Section 2107. Miscellaneous.

Nothing contained in this article shall be construed to:

- (a) Invalidate any lawful franchise heretofore granted, nor to necessitate the obtaining of a new franchise for a use which a franchise holder shall have a valid unexpired franchise;
- (b) Affect or impair any rights, powers, or privileges vested in, possessed by, or available to the City by virtue of previous Charter provisions relating to franchises;
- (c) Apply to the City, or any department thereof, when furnishing any public utility or service.

(Amended Election 10/12/71 effective 12/6/71; Amended Election 11/8/94 effective 5/22/95)

Section 2108. Exercising Rights Without Franchise.

The exercise by any person, firm, or corporation of any privilege for which a franchise is required without procuring such franchise shall be a misdemeanor, and each such day that such condition continues shall constitute a separate violation.

(Amended Election 10/12/71 effective 12/6/71)

ARTICLE XXII

PROVISIONS OF CALIFORNIA LAWS RELATIVE TO REVENUE BONDS

Section 2200. Revenue Bonds.

Notwithstanding the provisions of this Charter the City or any agency thereof, or created therefor, may issue revenue bonds and operate the facilities acquired thereunder under the provisions of any State of California law or laws pertaining to revenue bonds. Any provisions of this Charter to the contrary are to be disregarded.

(Added Election 10/11/49 effective 12/19/49; Amended Election 11/8/94 effective 5/22/95)

ARTICLE XXIII
ACQUISITION OF PUBLIC UTILITIES

Section 2300. Acquisition of Public Utility.

Notwithstanding any other provision of this Charter, neither the City of Stockton, nor any agency thereof, shall issue any bonds, the proceeds of which are to be used to acquire any facility of any public utility, without first obtaining the approval of the electors of the City voting on the question or the approval of the public utility.

(Added Election 10/9/73 effective 1/17/74; Amended Election 11/8/94 effective 5/22/95)

Section 2301. Clarification of Terms.

For purposes of this article:

- (a) An "agency" of the City of Stockton shall include, without limitation, any improvement or assessment district formed, created, organized or approved, directly or indirectly, by the City of Stockton or the City Council of the City of Stockton;
- (b) "Issue" shall include, without limitation, the direct or indirect creation, sale, or guaranty of any bond;
- (c) "Bonds" shall include, without limitation, general obligation, revenue, and assessment bonds and all other bonds of whatsoever nature which the City of Stockton or any agency thereof may now or hereafter be authorized to issue;
- (d) "Facility" shall include, without limitation, any utility system or part of a utility system;
- (e) "Approval of the electors of the City" shall be established when 2/3 or more of the electors voting on the question vote in favor of issuance of such bonds, except in the case of revenue bonds "approval of the electors of the City" shall be established when a majority of the electors voting on the question vote in favor of issuance of such revenue bonds.

(Added Election 10/9/73 effective 1/17/74; Amended Election 11/8/94 effective 5/22/95)

ARTICLE XXIV
CITY PLANNING COMMISSION

*** Historical Note:**

Prior to the Election of 11/8/94, this Article was numbered XXV. Article XXV was repealed Election 10/12/71 effective 12/6/71.

Section 2400. Appointment of Members; Terms of Office.

There shall be a City Planning Commission composed of a number of members equal to the number of members on the City Council including the Mayor. Each member of the City Council shall select a candidate from the district from which the Councilmember has been elected to be nominated for the position of Planning Commissioner. The Mayor shall nominate an at-large member of the Planning Commission. Each nominee shall become a member of the Planning Commission upon ratification by a majority vote of the City Council. Except as otherwise provided in this article, the Commission members shall be appointed for terms of four years. Any member of the Commission may be removed for cause by a majority vote of the City Council. Any member of the Commission moving from the district from which he or she was selected during his or her term shall automatically forfeit the office, the same to be refilled pursuant to the provisions of this article.

Commissioners appointed from odd-numbered districts shall hold office for a term ending January 31, 1999. Commissioners appointed from even-numbered districts as well as the at-large Commissioner shall hold office for a term ending January 31, 1997. Thereafter, all Commissioners shall be appointed to a term of four years, beginning February 1.

If a vacancy shall occur other than by expiration of term, it shall be filled by appointment for the unexpired portion of the term pursuant to the provisions of this article.

No person appointed as a Commissioner shall be eligible to serve for more than two consecutive terms. Terms of service as a Commissioner prior to January 1, 1991, shall not be applied to this limitation of terms.

(Added Election 11/6/90 effective 12/18/90; Amended Election 11/8/94 effective 5/22/95)

Section 2401. Powers and Duties.

The Planning Commission shall have the power and duty to:

- (a) Recommend to the Council, after a public hearing thereon, the adoption, amendment or repeal of a General Plan or any part thereof for the physical development of the City; and
- (b) Exercise such functions with respect to land subdivisions, planning and zoning as may be prescribed by ordinance or resolution or by state law.

(Added Election 11/6/90 effective 12/18/90; Amended Election 11/8/94 effective 5/22/94)

ARTICLE XXV
CIVIL SERVICE

*** Historical Notes:**

Sections 2504, 2505, 2506, 2511, 2512, 2526, 2529, 2530, 2531 repealed Election 06/06/06 effective 08/04/06.

Section 2513: The Election of 11/8/94 approved the renumbering of the Charter (See Article XXVII, Section 2702). Therefore, the sections referred to in the body of Section 2513 were previously numbered as follows:

Section 2512 was Section 11;

Section 2513 was Subsection 11.1.

Sections 24-26**: Added Election 10/8/35 effective 1/22/37; Repealed Election 10/12/71 effective 12/6/71.

Sections 29-31.5**: Added Election 10/8/35 effective 1/22/37; Amended Election 10/10/61 effective 2/13/62; Repealed Election 10/12/71 effective 12/6/71.

Sections 32.1-32.37**: Added Election 10/14/47 effective 3/3/48; Amended Election 10/11/49 effective 12/19/49; Amended Election 10/13/53 effective 3/16/54; Amended Election 10/10/61 effective 2/13/62; Repealed Election 10/12/71 effective 12/6/71.

** These section numbers refer to a numbering system that was in place prior to the Election of 11/8/94.

Section 2500. Departments Subject to Civil Service.

The provisions of this act shall have the effect of placing both the Fire Department of the City of Stockton and the Police Department of the City of Stockton under civil service rules and regulations, and each of said Departments shall have and retain its separate organization and identity under the direction of a Chief of each Department, which separate organization shall consist of such officers and employees as the legislative body of the City may from time to time by ordinance or resolution determine and designate. (Added Election 10/8/35 effective 1/22/37; Amended Election 10/14/75 effective 11/3/75)

Section 2501. Employees Subject to Civil Service.

Classified service of the City of Stockton shall include all employees of the Fire Department and Police Department, including the Chief of each Department, except that the Chief of Police and Deputy Chief of Police, and the Fire Chief and Deputy Fire Chief, shall be appointed and shall hold office as specified in Articles XVII and XVI of this Charter, respectively. Except as hereinbefore expressly provided, all appointments and promotions in the Fire Department and the Police Department shall be made solely on merit, efficiency, and fitness, which shall be ascertained by an open, competitive examination and impartial investigation.

No person shall be appointed to, reinstated in, transferred, suspended, demoted, or discharged from any such office, place, position, or employment contrary to the provisions of this Charter.

(Added Election 10/8/35 effective 1/22/37; Amended Election 10/10/61 effective 2/13/62; Amended Election 10/12/71 effective 12/6/71; Amended Election 10/9/73 effective 1/17/74; Amended Election 11/02/10 effective 12/9/10)

Section 2502. Civil Service Commission; Creation and Term of Office.

There is hereby created, subject to the provisions of this act, a Civil Service Commission, which shall be composed of five members, none of whom shall hold any other public office, place or position of employment with the City of Stockton. The members of such Commission shall be appointed to staggered

terms of three years by the legislative body of the City of Stockton. That the legislative body of the City of Stockton shall provide by ordinance or resolution for the payment of the services of the Commissioners. The failure upon the part of the said legislative body of the City to appoint said Commissioners, shall be deemed a violation of this act and shall be punishable as such. No person shall be appointed as a member of such Commission who is not a citizen of the United States and a resident and elector of the City of Stockton. Any member of such Commission may be removed from office by the legislative body of the City for incompetency, incompatibility or dereliction of duty or malfeasance in office or other good cause, provided, however, that no member of the Commission shall be removed until charges have been preferred in writing, due notice given and a full hearing had. The members of such Commission shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by this act. Three members of such Commission shall constitute a quorum the votes of any three members of such Commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the Commission under or by virtue of the provisions of this act. At the expiration of each of the terms so provided for, a successor shall be appointed for a term of three years. Vacancies in the Civil Service Board from whatever cause shall be filled by a majority vote of the legislative body of the City for the unexpired term. Whenever the word "Commission" is used herein, it shall mean the Civil Service Commission.

(Added Election 10/8/35 effective 1/22/37; Amended Election 10/9/73 effective 1/17/74; Amended Election 10/11/77 effective 11/2/77)

Section 2503. Functions and Duties of the Civil Service Commission.

Immediately after the appointment the Commission shall organize, by electing one of its members chairman and hold regular meetings at least once every 60 days, and may hold such additional meetings as may be required in the proper discharge of their duties. The Civil Service Commission shall appoint either the City Clerk of the City of Stockton, or one of the deputies in the office of the City Clerk to be Secretary of the Civil Service Board. The Commission may designate the Secretary to be Chief Examiner for the Board or one of the deputies in the office of the City Clerk or the Commission may designate one of their own members or any duly qualified person or agency as Chief Examiner for any particular examination or examinations, or part of said examination or examinations.

The Secretary and/or Chief Examiner of the Civil Service Commission may be subject to suspension or discharge at the discretion of the Commission. The Secretary of the Commission shall keep the records of the Commission, preserve all reports made to it, keep a record of all examinations held under its direction and perform such other duties as the Commission may prescribe. It shall be the duty of the Civil Service Commission:

- (a) To make suitable rules and regulations not inconsistent with the provisions of this act. Such rules and regulations shall provide in detail the manner in which examinations may be held and appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made, and may also provide general subject of personnel administration and which may be considered desirable to further carry out the general purposes of this act or which may be found to be in the interest of good personnel administration. Such rules and regulations may be changed from time to time. The rules and regulations and any amendments thereof shall be printed or mimeographed or multigraphed for free public distribution.
- (b) All tests shall be practical and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment or promotion is to be made.
- (c) The rules and regulations adopted by the Commission shall provide for the award of five points in

favor of all applicants for appointment or employment under civil service, who have served on active duty in any branch of the United States Armed Forces, including the National Guard and the United States Coast Guard for at last 181 consecutive days and have been honorably discharged. These credits shall apply to entrance examinations only.

- (d) The Commission may make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this act and the rules and regulations prescribed hereunder, inspect all institutions, departments, offices, places, positions and employments affected by this act and ascertain whether this act and all such rules and regulations are being obeyed. Such investigation may be made by the Commission or by any Commissioner designated by the Commission for that purpose. Not only must these investigations be made by the Commission as aforesaid, but the Commission must make like investigations upon petition of a citizen who is an elector of the City of Stockton, duly verified, stating that irregularities or abuses exist or setting forth in concise language in writing the necessity for such investigation. In the course of all investigations or hearings before the Commission, or designated Commissioner, or Chief Examiner, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents and accounts appertaining to the investigation or hearing and also to cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in the Superior Courts of the State of California and the oaths administered hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a Superior Court Judge of California in his judicial capacity; and failure upon the part of any person so subpoenaed to comply with the provisions of this Section shall be deemed a violation of this act and punishable as such.
- (e) Hearings and Investigations; How Conducted. All hearings and investigations before the Commission, or designated Commissioner or Chief Examiner, shall be governed by this act and by rules of practice and procedure to be adopted by the Commission, and in the conduct thereof neither the Commission nor designated Commissioner or Chief Examiner shall be bound by the technical rules of evidence. No informality in any proceedings or hearing or in the manner of taking testimony before the Commission or designated Commissioner or Chief Examiner shall invalidate any order, decision, rule or regulation made, approved or confirmed by the Commission; provided, however, that no order, decision, rule or regulation made by any designated Commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least two of the other four members.
- (f) To hear and determine appeals or complaints respecting the administrative work of the Personnel Department, appeals upon the allocation of positions, suspension, demotion or discharge of members, the rejection of an examination and such other matters as may be referred to the Commission.
- (g) Establish and maintain in card or other suitable form, a roster of all officers and employees.
- (h) Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position, and as a result thereof with other permissible factors establish eligible lists for the various classes of positions and to provide that Police Officers laid off because of curtailment of expenditures, reductions in force and for like causes, head the list in the order of their seniority to the end that they shall be the first to be reemployed.
- (i) When a vacant position is to be filled, to certify to the appointing authority, on written request, the name, or names, of the person, or persons, of the appropriate number highest on the eligible list for the class. If there is no such list, to authorize provisional or temporary appointment list for such class. Such temporary or provisional appointment shall not continue for a period longer than four months;

nor shall any person receive more than one provisional appointment or serve more than four months as a provisional appointee in any one fiscal year.

- (j) Within 60 days after the date of the taking effect of this act, the Commission shall classify all offices, places, positions and employments and adopt rules and regulations to carry out the purposes and provisions of this act. Within 90 days after the date of the taking effect of this act, the Commission shall hold examinations for the filling of all offices, places, positions and employments not filled by persons adopted or inducted into civil service as hereinafter provided. As soon as such examinations have been held and the eligible candidates have been ascertained, it shall be the duty of the Commission to certify to the appointing officer of the City, within 90 days after the taking of the test, the names and addresses of all such eligible candidates upon the roster as may be available for such offices, places, positions or appointments as are not then filled by persons adopted and inducted into civil service as hereinafter provided, and it shall be the duty of the appointing officer of the City to make selections and appointments from the lists so certified. Any person carried on the eligible list for a period of three years without being appointed or promoted, shall be dropped from said eligible list and shall thereafter not be eligible for appointment or promotion without re-examination.

- (k) Keep such records as may be necessary for the proper administration of this act.

(Added election 10/8/35 effective 1/22/37; Amended Election 10/14/75 effective 11/3/75; Amended Election 10/11/77 effective 11/2/77; Amended Election 03/02/04 effective 04/22/04)

Section 2504. (Repealed)

(Added Election 10/08/35 effective 01/22/37; Historical Note: Section 30 was repealed at Election 10/12/71 effective 12/06/71; Repealed election 06/06/06, effective 08/04/06)

Section 2505. (Repealed)

(Added election 10/08/35 effective 01/22/37; Amended election 10/10/61, effective 02/13/62; Amended election 10/11/77 effective 11/02/77; Repealed election 06/06/06, effective 08/04/06)

Section 2506. (Repealed)

(Added election 10/08/35 effective 01/22/37; Amended election 10/14/75 effective 11/03/75; Repealed Election 06/06/06 effective 08/04/06)

Section 2507. Establishment of Employment Lists.

- (a) The Chief Examiner shall provide examinations in accordance with this act and the regulations of the Commission. Such examination shall be public, competitive, and open to all persons who may be lawfully appointed to any position within the class for which such examinations are held, with limitations specified by this act, or in the rules of the Commission as to health, habits, moral conduct and prerequisite qualifications to perform the duties of such position.
- (b) In examining applicants for eligibility for appointment to entrance level classes, to the extent authorized by the Commission, the Chief Examiner or his authorized representatives may use a combination of valid testing instruments, which may include but not be limited to written tests, which shall count 50% of the total passing score, oral examinations, performance examination and agility tests designed to measure individual characteristics necessary to perform the specific duties of the job, for the purpose of obtaining the most qualified employees for the City of Stockton Fire and Police Departments. Methods of ranking and weighing of scores shall be determined by the Commission and will be stated on the examination announcement. The Commission may waive examination requirements for the appointment of qualified lateral entry candidates.

- (c) In examining or ranking applicants for promotional appointment list of eligibles, in the Fire and Police Departments, to the extent authorized by resolution of the Civil Service Commission, the Chief Examiner or the Chief Examiner's Commission authorized representatives may permit an oral examination to count not more than 30% of the aggregate score of an applicant for the rank of Sergeant in the Police Department and for the rank of Captain in the Fire Department and 35% of the aggregate score of an applicant for ranks above Sergeant in the Police Department and above Captain in the Fire Department. The procedures for the selection of the members of an Oral Board for Promotional Applicants shall be established by the Commission in the rules and regulations. Seniority credit may be permitted to count not more than 5% provided that such credit shall be added only to the total passing score.

Whatever rule is established by the Civil Service Commission to cover the percentage credit to be given to oral examinations, seniority credit shall apply to all examinations given for that rank in the affected departments for at least one year after the adoption of the rule. Promotional examinations shall be competitive and open only to persons appointed or inducted into the service under the provisions of this act.

- (d) All tests shall be practical and shall consist only of subjects which fairly determine the capacity of the persons examined to perform the duties of the position to which appointment is to be made. No credit shall be allowed for service rendered under a temporary appointment. No question in any test shall relate to religious or political opinions or affiliations. No questions which are misleading or unfair or in the nature of catch questions shall be asked. As many tests shall be held as may be necessary to provide eligibles for each class or position and to meet all requisites and to fill all positions held by temporary appointees. From the return and report of the Chief Examiner or examiners based on tests and other factors to be considered as provided in Section 2507(b) and (c), the Civil Service Commission shall establish a list of eligibles for each grade of the persons who shall attain such minimum score or scores as may be fixed by the rules of the Commission and who may be lawfully appointed. Such persons shall take rank upon the list in the order of their relative performance as determined by the tests and other factors named above, without reference to priority of time of tests.
- (e) The markings and test papers of each candidate shall be open to his own inspection. The markings and test papers of all persons upon the list of eligibles shall be open to inspection by the Chief of Police Department and Chief of the Fire Department and the appointive officer of the City and shall also be open to public inspection in the discretion of the Civil Service Commission. An error in the marking of any test other than an error of judgment, if called to the attention of the Commission within one month after the posting of an employment list resulting from such test, shall be corrected by it; alleged errors of judgment in the marking of any test if called to the attention of the Commission within one month after the posting of an employment list resulting from such test shall be considered by the Commission and may be corrected by it; provided, however, that such corrections shall not invalidate any certification or employment previously made. Notice of the time, place and general scope of every test and of the duties, pay and experience advantages or requisite for positions in the grade for which the test is to be held, shall be given by the Commission by posting such notice in three public places in the City of Stockton, one of which shall be in the office of the Commission, which said notice shall be posted for not less than two weeks prior to such examination. Such further notice shall be given as the Commission may prescribe.
- (f) All members of the Fire Department with not less than 18 months' service in said Department are to be considered as eligible for the rank of Firefighter, and all members of said department with not less than five years' service in said Department to be considered as eligible for the rank of Captain and all members of said Department who have held such last named rank for at least three years, last past continuously, to be considered eligible for the rank of Battalion Chief and all members of said

Department who have held such last named rank to be considered as eligible for the rank of Assistant Chief.

All members of said department above the rank of Captain who have held such rank for at least six months past continuously, to be considered as eligible for the office of Fire Chief.

- (g) All probationary Police Officers with not less than 18 months' service to be considered as eligible for the rank of Police Officers, all Police Officers with not less than five years' service in the Stockton Police Department to be considered as eligible for the rank of Sergeant, and all Sergeants of said Department who have held the rank of Sergeant for at least two years last past continuously to be considered as eligible for the rank of Lieutenant, and all Lieutenants of said Department to be considered eligible for the rank of Captain. All members of said Department above the rank of Police Officer are to be considered as eligible for the rank of Police Chief.
- (h) All promotions shall be made only to the next higher grade in the service and no grade shall be skipped, excepting in the case of appointment of the Fire Chief and in the case of the appointment of the Police Chief.

(Added Election 10/8/35 effective 1/22/37; Amended Election 10/10/61 effective 2/13/62; Amended Election 10/9/73 effective 1/17/74; Amended Election 6/4/74 effective 8/21/74; Amended Election 10/14/75 effective 11/3/75; Amended Election 10/11/77 effective 11/2/77; Amended Election 6/5/84 effective 6/26/84; Amended Election 11/5/02 effective 04-10-03)

Section 2508. Appointments to Vacant Positions, Certification.

Whenever a position in the classified service of the Police or Fire Department becomes vacant, the appointive officer, if it is desired to fill the vacancy, shall make requisition upon the Commission for the name and address of a person eligible for appointment thereto. The Commission shall certify the name of the person highest on the eligible list from the class to which the vacant position has been allocated, who is willing to accept employment except in the case of appointing an Assistant Fire Chief. If more than one vacancy is to be filled, an additional name shall be certified for each additional vacancy. On original appointment the appointing power shall appoint such persons to such vacant position on probation. On promotional Police appointments, except those of Chief, the appointing power shall appoint persons to such vacant positions on probation for a period of 12 months. During the probationary period for promotional Police appointments and unless charges of dismissal or demotion are brought as elsewhere provided in this Charter, the appointing authority, upon the recommendation of the Chief of the Police Department, may demote the appointee to the former rank provided that the reasons are specified in writing, served on the person and filed with the Commission. Any person so demoted, may, within 10 days from the time of the demotion, file with the Commission a written demand for an investigation, where upon the Commission shall conduct such investigation. The investigation shall be confined to the determination of the question as to whether such demotion was or was not made for political or religious reasons and was or was not made in good faith for cause. After such investigation, the Commission may affirm the demotion or, if it shall find that the demotion was made for political or religious reasons or was not made in good faith for cause, shall order the immediate reinstatement of such persons to the office, place or position or employment from which such person was demoted, which reinstatement shall if the Commission so provides, in its discretion, be retroactive and entitle such persons to such pay or compensation as would have been received had the person not been demoted. The findings of the Commission shall be certified in writing to the appointing power and shall be forthwith enforced by such officer. The Commission when conducting an investigation and hearing under this Section shall consider that this promotional probationary period is regarded as an intrinsic part of the examination process and that the same is utilized for closely observing the promotional appointee's work for securing the most effective adjustment of a probationer's qualifications to this higher rank and for the purpose of eliminating any probationer from attaining permanent status in said higher

rank whose work performance does not meet the required standards of duties and responsibilities. The Commission shall make suitable rules and regulations regarding the measurement of such probationary period consistent with the provisions of the Civil Service Act, and in the Commission's opinion, consistent with good personnel administration. Whenever a position of Assistant Fire Chief becomes vacant, the appointive officer, if it is desired to fill the vacancy, shall make requisition upon the Commission for the names of persons eligible for appointment thereto. The Commission shall certify the three names at the top of the eligible list for such class or, in the event of two or more vacancies in the class, the Commission shall certify two names more than the number of vacancies. If insufficient names are available to meet this requirement, the appointing authority may request additional certification, where upon the Civil Service Commission shall schedule and conduct an examination to provide the number of eligibles required. Any one of the names so certified may be appointed to the vacancy regardless of standing on the eligible list and not on probation. Whenever requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the Commission shall forthwith certify the name of the person eligible for appointment to the appointing power and said appointing power shall forthwith appoint the person so certified, to said position. No person so certified shall be laid off, suspended, given leave of absence from duty, transferred or reduced in pay or grade, except for reasons which will promote the good of the service, specified in writing after an opportunity to be heard by the Commission, and then only with its consent and approval. Appointments shall be regarded as taking effect upon the date when the person certified for appointment reports for duty. A person tendered certification may waive or refuse certification in writing for a period for reasons satisfactory to the Commission and such waiver or refusal shall not affect the standing or rights to certification to the first vacancy in the class occurring after the expiration of such period. If no such waiver or refusal has been filed and the period therefor has expired and the person tendered certification fails to report for duty forthwith after tender of certification has been made, the person's name, may at the discretion of the Commission, be stricken from all lists for such class. Acceptance or refusal of temporary appointment or of an appointment to a position exempt from the provisions of this list shall not affect the standing of any person on the list for permanent appointment.

(Added Election 10/8/35 effective 1/22/37; Amended Election 10/10/61 effective 2/13/62; Amended Election 6/4/74 effective 8/21/74; Amended Election 11/5/74 effective 8/18/75; Amended Election 10/14/75 effective 11/3/75)

Section 2509.

Notwithstanding any provisions of Section 2508 of this Article to the contrary, whenever an entrance position in the classified service of the Fire Department becomes vacant, the appointing authority, if it is desired to fill the vacancy, shall make requisition upon the Commission for the names and addresses of the persons eligible for appointment thereto. The Commission shall certify two more names than the number of vacancies of those individuals standing highest on the existing eligible list. The Chief of the Fire Department may select any one of the three eligibles so certified to fill the vacancy. On original appointment, the appointing authority shall appoint such persons to such vacant positions on probation.

(Added Election 11/4/80 effective 12/3/80)

Section 2510. Filling Vacant Position.

Notwithstanding any provisions of Section 2508 of this Article to the contrary, whenever an entrance position in the classified service of the Police Department becomes vacant, the appointing authority, if it is desired to fill the vacancy, shall make such appointment from the re-employment list if such list exists. If there is no re-employment list, the appointing authority shall make requisition upon the Commission for the names and addresses of the persons eligible for appointment thereto from the lateral entry list and the eligible list. The Commission shall certify two more names than the number of vacancies of

those individuals standing highest on the existing eligible list and all names on the lateral entry list. The appointing authority may select any one of the three eligibles so certified to fill the vacancy or any one from the lateral entry list. On original appointment, the appointing authority shall appoint such persons to such vacant positions on probation.

(Added Election 11/4/80 effective 12/3/80; Amended Election 11/4/86 effective 12/9/86)

Section 2511. (Repealed)

(Added election 10/08/35 effective 01/22/37; Repealed election 06/06/06 effective 08/04/06)

Section 2512. (Repealed)

(Added election 10/08/35 effective 01/22/37; Amended election 10/10/61 effective 02/13/62; Amended election 10/09/79 effective 10/24/79; Election 06/06/06 effective 08/04/06)

Section 2513. Military Service; Promotional Rights Upon Return.

Any member of the Police or Fire Department who, in time of war or national emergency as proclaimed by the President or Congress, or when any of the armed forces of the United States are serving outside of the United States or its territories pursuant to order or request of the United Nations, or while any national conscription act is in effect, leaves or has left said office or position prior to the end of the war, or the termination of the national emergency or during the effective period of any such order or request of the United Nations or prior to the expiration of the National Conscription Act, to join the armed forces of the United States and who does or did without unreasonable and unnecessary delay join the armed forces, or, being a member of any reserve force or corps of any of the armed forces of the United States or of the militia of this State, is or was ordered to duty therewith by competent military authority and served or serves in compliance with such orders, shall have a right, if released, separated or discharged under conditions other than dishonorable, providing said member was on an eligible list for promotion and would have been promoted to the next higher rank during the period of such military service had he not been absent on such military service, to be appointed to such next higher rank subject to passing a satisfactory physical medical examination, if employment is resumed with the Police Department or Fire Department within three months after the termination of his active service with the armed forces, but not later than six months after the end of the war or national emergency or military or Police operations under the United Nations or after the Governor finds and proclaims that, for the purposes of this Section, the war, national emergency, or United Nations military or Police operation no longer exists, or after the expiration of the National Conscription Act.

In order to preserve the promotional rights guaranteed by this Section and still maintain the operating efficiency of the departments, the appointing power, with the approval of the Commission may make temporary appointments to a higher rank to fill vacancies, such temporary appointments to be for an indefinite term and pending the exercise of the promotional rights conferred upon returning veterans by the provision of this Section. The time limitations imposed by Section 2512* of this Article on provisional and temporary emergency appointments shall not apply to temporary appointments made under this section 2513*.

* See Historical Notes at beginning of Article.

(Added Election 10/8/35 effective 1/22/37; Amended Election 10/14/75 effective 11/3/75)

Section 2514. False Marking, Grading, Etc.; Prohibited.

No Commissioner or any other person shall, individually or in cooperation with any one or more persons, defeat, deceive or obstruct any person in respect to the right of examination or registration according to the

rules and regulations of this act or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified, pursuant to the provisions of this act, or aid in so doing; or make false representation concerning the same or concerning the person examined or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chance of any person examined, registered or certified, or to be examined, registered or certified, or persuade any other person or to permit or aid in any manner any other person to impersonate the person in connection with any examination or registration or application or request to be examined or registered.

(Added Election 10/8/35 effective 1/22/37; Amended Election 10/14/75 effective 11/3/75)

Section 2515. Recommendation of Applicants.

No recommendations, other than allowed by the rules of the Commission, in favor of any person who shall apply for any office, place, position or employment under civil service, or for examination or registration under the provisions of this act or the rules and regulations adopted by the Commission pursuant thereto, except in case of former employees as to ability, when such recommendations as to character or ability are specifically required by said rules and regulations, shall be given to or considered by any person concerned in making any examination, registration, appointment or promotion under the provisions of this act or the rules or regulations adopted thereunder. No recommendation under the authority of this act shall relate to the religious or political opinions, affiliations or services of any person whatsoever, nor shall any appointment, change in, or removal from, any office place, position, or employment under the provisions of this act be, in any manner affected or influenced by such opinions, affiliations or services.

(Added Election 10/8/35 effective 1/22/37; Amended Election 10/11/77 effective 11/2/77)

Section 2516. Political Services Disregarded and Prohibited.

No person holding any office, place, position or employment subject to civil service is under any obligation to contribute to any political fund or to render any political service to any person or party whatsoever, and no person shall be removed, reduced in grade or salary or otherwise prejudiced for refusing so to do. No public officer, whether elected or appointed, shall discharge, promote, demote, or in any manner change the official rank, employment or compensation of any person under civil service or promise or threaten so to do, for giving or withholding or neglecting to make any contributions of money or service or any other thing of value, for any political purpose.

(Added Election 10/8/35 effective 1/22/37)

Section 2517. Candidate While Under Civil Service.

No person employed under civil service or registered on the eligible list of the classified service, coming under the provisions of this act, shall accept election or appointment to any incompatible public office, unless such person shall immediately resign from the office, place, position or employment which the person then holds under civil service, or in the case of persons on the eligible list of the classified service, unless such persons will immediately have their names stricken from such eligible list.

(Added Election 10/8/35 effective 1/22/37; Amended Election 10/14/75 effective 11/3/75; Amended Election 10/9/79 effective 10/24/79)

Section 2518. Tenure of Office of Civil Service Employees.

The tenure of everyone holding an office, place, position or employment under the provisions of this act shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted or reduced in rank for any of the following reasons:

- (a) Incompetency, inefficiency or inattention to or dereliction of duty.

- (b) Habitual intemperance, immoral conduct, any willful failure on the part of the employee to properly conduct himself or any willful violation of the provisions of this act or the rules and regulations to be adopted hereunder.
- (c) Dishonest or immoral conduct.
- (d) Drunkenness or use of intoxicating liquors, narcotics or any other habit forming drug, liquid or preparation, to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee or which precludes the employee from properly performing the functions or duties of any position under civil service.
- (e) Conviction of a felony or a misdemeanor involving moral turpitude.
(Added Election 10/8/35 effective 1/22/37)

Section 2519. Removal From Promotion List.

In addition to the suspension, demotion or removal of a member of the Fire Department or Police Department as provided in this Article, the appointing authority may request the Commission to remove from a departmental promotion list any member of the Fire Department or Police Department of the City of Stockton for cause. No such request shall be made except upon a written statement made by the appointing authority and served upon the employee affected and filed with the Commission.

Upon receipt of such request, the Commission shall conduct an investigation. The investigation shall be confined to the determination of the questions of whether such request was or was not made in good faith for cause, whether such removal is found to be within the intent of the general purposes of this act or whether such removal is found to be in the interest of good personnel administration.

The decision of the Commission shall be final.
(Added Election 10/9/73 effective 1/17/74)

Section 2520. Suspension.

The appointing authority may suspend any member of the Fire Department or Police Department of the City of Stockton, for cause, for a reasonable period, not exceeding 60 work days at any one time, with loss of salary or other compensation. The appointing authority shall not be authorized to suspend the same person for a total of more than 90 work days during any one fiscal year. No suspension shall be made except upon written charges made by the appointing officer and served upon the accused and filed with Commission, with the privilege to the accused of serving upon the appointing authority a written answer and explanation of such charges and filing a copy of the same with the Commission.

Any person so suspended may, within 10 days from the time of suspension, file with the Commission a written demand for an investigation, whereupon the Commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such suspension was or was not made in good faith for cause.

The hearing under this Section shall be conducted by the Commission in the same manner as the hearing upon demotion set forth in Section 2521 hereof and the Commission, upon such hearing and investigation, may affirm said suspension or if it shall find that the suspension was made for political or religious reasons or was not made in good faith for cause, shall order that the suspension be revoked and set aside. The decision of the Commission shall be final and there shall be no appeal therefrom. The findings of the Commission shall be certified in writing to the appointing power and shall be forthwith enforced by such officer.

(Added Election 10/8/35 effective 1/22/37; Amended Election 10/14/75 effective 11/3/75)

Section 2521. Demotion.

No person in the classified service who shall have been permanently appointed or inducted into civil service under the provisions of this act, excepting the Chief of the Police Department, shall be demoted, except for cause, and only upon the written accusations of the appointing officer and upon the written recommendations of the Chief of the Department under whose jurisdiction the person is employed, a written statement of which accusation, in general terms, shall be served upon the accused and a duplicate filed with the Commission.

Any person so demoted, excepting the Chief of the Police Department, may, within 10 days from the time of demotion, file with the Commission a written demand for an investigation, whereupon the Commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such demotion was or was not made for political or religious reasons and was or was not made in good faith for cause. After such investigation the Commission may affirm the demotion or if it shall find that the demotion was made for political or religious reasons or was not made in good faith for cause, shall order the immediate reinstatement of such person to the office, place, or position or employment from which such person was demoted, which reinstatement shall, if the Commission so provides, in its discretion, be retroactive and entitle such person to such pay or compensation as the person would have received had the person not been demoted. The Commission, upon such investigation, in lieu of affirming the demotion, may modify the order of demotion by directing a suspension without pay for a given period and subsequent restoration to the person's grade prior to demotion. The findings of the Commission shall be certified in writing to the appointing power and shall be forthwith enforced by such officer. All investigations made by the Commission pursuant to the provisions of this Section shall be by public hearing after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel and presenting the accused's defense and may for said purposes have subpoenas issued and require the attendance of witnesses to present the accused's defense. If the accused party is dissatisfied with the judgment or decision of the Commission, the accused may appeal to the Superior Court of the State of California, in and for the County of San Joaquin, within the time and in the same manner as set forth in Section 2522 hereof. The said Superior Court shall proceed to hear said appeal and the decision of the said Superior Court shall be limited to the determination of whether the judgment, order or decision was or was not made for political or religious reasons or was or was not made in good faith for cause. The Superior Court shall be authorized to make any decision or judgment which the Commission is authorized to make. The findings of the said Superior Court shall be certified in writing to the appointing officer of the City of Stockton and shall be forthwith enforced by such officer.

(Added Election 10/8/35 effective 1/22/37; Amended Election 10/14/75 effective 11/3/75)

Section 2522. Removal or Discharge.

No person in the classified service who shall have been permanently appointed or inducted into civil service under the provisions of this act shall be removed or discharged except for cause and only upon the written accusation of the appointing officer or any taxpayer in the City of Stockton, and upon the written recommendation of the Chief of the Department under whose jurisdiction the person is employed, a written statement of which accusation, in general terms, shall be served upon the accused and a duplicate filed with the Commission. Any person so removed or discharged may, within 10 days from the time of removal or discharge, file with the Commission a written demand for an investigation, whereupon the Commission shall conduct an investigation. The investigation shall be confined to the determination of the question of whether such removal or discharge was or was not made for political or religious reasons and was or

was not made in good faith for cause. After such investigation if the Commission determines the removal or discharge was made for political or religious reasons or was not made in good faith for cause it shall order the immediate reinstatement or re-employment of such person in the office, position or employment from which such person was removed or discharged, which reinstatement shall, if the Commission so provides, in its discretion, be retroactive and entitle such person to pay or compensation from the time of such removal or discharge.

The Commission, upon such investigation, in lieu of affirming the removal or discharge, may modify the removal or discharge by directing a suspension without pay for a given period and subsequent restoration to duty or demotion in classification, grade or pay; the findings of the Commission shall be certified in writing to the appointing power and shall be forthwith enforced by such officer.

All investigations made by the Commission pursuant to the provisions of this Section, shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel and presenting the accused's defense and may for said purpose have subpoenas issued and require the attendance of witnesses to present the accused's defense. If the accused is dissatisfied with the judgment or order made by the Commission or a majority thereof, the said accused may appeal to the Superior Court of the State of California, pursuant to the provisions of Section 1094.5 of the Code of Civil Procedure.

This Section shall not be applicable to the removal by demotion of the Chief or Deputy Chiefs of the Police Department, or the Deputy Fire Chief.

(Added Election 10/8/35 effective 1/22/37; Amended Election 10/14/75 effective 11/3/75; Amended Election 10/9/79 effective 10/24/79)

Section 2523. Official Roster.

It shall be the duty of the appointing authority to report to the Commission forthwith upon each appointment the name of the appointee, the title or character of the office, place, position or employment to which the appointment is made, the date of the commencement of service, and the salary or compensation therefor, and to report from time to time and upon the date of official action in or knowledge of each case any suspension of any person from any office, place, position or employment, or other changes, and to furnish such other information as the Commission may require in order to keep the roster hereinafter mentioned. The Commission shall keep in its office an official roster of all persons holding offices, places, positions and employments under the provisions of this act and shall enter therein all employments, demotions, transfers, reinstatements, resignations, suspensions, leaves of absence, removals and discharges, setting forth in each instance the date of commencement or termination of service or other change, the nature of the duties performed, and the salary or compensation therefor, together with sufficient information to show why and how such appointments or other changes were made. The said roster shall be kept so as to disclose readily to anyone desiring to inspect the same, all the said matters in connection with each office, place, position or employment subject to civil service, and in connection with persons employed therein. It shall be the duty of the Commission to certify to the legislative body of the City the name of each person appointed or employed in the classified civil service, stating in each case the title or character of the office, place, position or employment held by such person, the salary or compensation paid and the date of the commencement of service, and, also, so far as practical, the name of each person employed in violation of this act, or the rules and regulations established thereunder and to certify to the legislative body of the City, in like manner, every change occurring in any place, office, position or employment held by any persons in the classified civil service forthwith on the occurrence thereof. No officer or employee of the City of Stockton, so far as it concerns employees subject to civil service, shall draw, sign, countersign, authorize or honor any warrant or order for the payment of or pay any salary or compensation to any person in the classified service who is not certified by the Commission to the

legislative body of the City as hereinbefore provided. Any persons entitled to be certified aforesaid may maintain a proceeding by mandamus to compel the issuance of such certificate. Any sums paid contrary to the provisions of this Section may be recovered in any action in the name of the City from any officer or employee of such City paying the same, or from any officer signing, countersigning, drawing or issuing or authorizing the issuing, drawing, signing, or issuing of any warrant or order for the payment thereof and from the securities on his or her official bond. All moneys recovered in such action must when collected, after paying all expenses of such action be paid into the City Treasury.

(Added Election 10/8/35 effective 1/22/37)

Section 2524. Duty of All Officials and Employees to Assist the Commission.

It shall be the duty of all City officials and employees of the City to aid in all proper ways in carrying out the provisions of this act, and such rules and regulations as may from time to time be prescribed by the Commission thereunder and to afford the Commission, its members and employees all reasonable facilities and assistance to inspect all books, papers, documents and accounts applying or in any way appertaining to any and all offices, places, positions and employments subject to civil service and also to produce said books, papers, documents and accounts and attend and testify, whenever required so to do by Commission or any Commissioner.

(Added Election 10/8/35 effective 1/22/37)

Section 2525. Reports by the Commission.

The Commission shall investigate and report annually to the legislative body of the City concerning the administrative needs of the service, the personnel, the positions in the service and the compensation provided therefor, the examination held by the Commission, the appointments made, service ratings and removals in the civil service, the operation of the rules of the Commission and recommendations for promoting efficiency and economy in the service, with details of expenditure and progress of work. The legislative body of the City may require a report from said Commission at any time respecting any matter within the scope of its duties hereunder. The records of the Commission shall be open to public inspection by any citizen under reasonable supervision.

(Added Election 10/8/35 effective 1/22/37)

Section 2526. (Repealed)

(Added election 10/08/35 effective 01/22/37; Amended Election 10/14/75 effective 11/03/75; Repealed election 06/06/06 effective 08/04/06)

Section 2527. Period of Duty.

Except in cases of conflagration, flood or similar emergency the basic working time of any member of the Fire Department, excepting the Chief of the Fire Department or Deputy Chief of the Fire Department, shall not be more than 56 hours per week averaged over a 12 week period. All working shifts for the Fire Suppression Division shall commence at 8:00 A.M. of each day.

(Added Election 10/8/35 effective 1/22/37; Amended Election 10/8/57 effective 3/18/58; Amended Election 6/4/74 effective 8/21/74; Amended Election 10/9/79 effective 10/24/79)

Section 2528. (Repealed)

(Added Election 10/8/35 effective 1/22/37; Amended Election 10/9/79 effective 10/24/79; Repealed Election 11/02/10 effective 12/9/10)

Section 2529. (Repealed)

(Added election 10/08/35 effective 01/22/37; Amended election 10/14/47 effective 03/03/48; Repealed Election 06/06/06 effective 08/04/06)

Section 2530. (Repealed)

(Added election 10/08/35 effective 01/22/37; Amended election 10/10/61 effective 02/13/62; Amended Election 11/03/81 effective 12/04/81; Repealed election 06/06/06 effective 08/04/06)

Section 2531. Rewards and Compensation.

No officer or member of the Fire Department or Police Department shall be permitted, without the consent of the administrative head of the City, to accept any money, gratuity or compensation for any service he may render as a member of the Fire Department or Police Department, other or in addition to his regular salary. The legislative body of the City may, upon the recommendation of the Chief of the Department, reward any officer or member of the Department for conduct which is heroic or meritorious. The form or amount of such award shall be discretionary with the legislative body of the City, but not exceeding in any one instance one month's salary. The legislative body of the City may appropriate money for such rewards. (Added Election 10/8/35 effective 1/22/37)

Section 2532. (Repealed)

(Added election 10/08/35 effective 01/22/37; Repealed election 06/06/06 effective 08/04/06)

Section 2533. Non-Discrimination.

No person in the classified service or seeking admission thereto shall be appointed, promoted, demoted, suspended or discharged, or in any way favored or discriminated against because of political opinions or affiliations, or because of religious belief. (Added Election 10/8/35 effective 1/22/37)

Section 2534. Probationary Period.

- (a) Appointment of new members to the classified service of the Fire Department shall not be deemed complete until a probation period not to exceed 18 months has elapsed and a probationer may be discharged at any time within said period of 18 months. Successive temporary appointments shall not be allowed.
- (b) Appointment of new members to the classified service of the Police Department shall not be deemed complete until a probation period not to exceed 18 months has elapsed and a probationer may be discharged at any time within said period of 18 months. Successive temporary appointments shall not be allowed.

(Added Election 10/8/35 effective 1/22/37; Amended Election 10/9/73 effective 1/17/74; Amended Election 11/5/02 effective 04-10-03)

Section 2535. Appropriations.

It shall be the duty of the City Council or legislative body to make adequate provision to enable the Commission properly to carry out the purposes of this act. It shall be the duty of the officers of the City to allow the reasonable use of public buildings and rooms for the holding of any examinations or registrations provided for by this act and to provide the Commission with suitable convenient rooms and supply it with all office supplies and equipment necessary to carry on the business of the Commission and with such clerical assistance as may be necessary in all possible ways to facilitate the work of the Civil Service

Commission.

The cost of conducting examinations and other duties of the Civil Service Board shall be charged against the general fund of the City. The costs shall be certified by the Civil Service Board and when so certified shall be paid by the legislative body of the City in the same manner as other charges against the City.

(Added Election 10/8/35 effective 1/22/37)

Section 2536. Provisions.

The legislative body of the City of Stockton shall, immediately upon taking effect of this act, enact suitable ordinances to carry into effect the provision thereof, including among other things a provision providing for the punishment of such persons who may violate any of the provisions of this act.

(Added Election 10/8/35 effective 1/22/37)

Section 2537. Classified Service.

As the legislative body of the City, the Council may provide for the placing of any of the other employees of the City of Stockton, not mentioned or specified anywhere in this act, under civil service and under the jurisdiction of the Civil Service Commission provided for in this Article, in which event, the Commission shall make suitable rules and regulations and provide in detail the manner in which examinations may be held and appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made, and also provide for any other matters which may be considered desirable to further carry out the general purposes of this Section. The Commission may change such rules and regulations from time to time.

This Section shall be construed as a separate and distinct Section and not connected with or related to the civil service pertaining to the Fire and Police Departments of the City of Stockton as set forth in the preceding sections hereof, excepting that all of the employees placed under the civil service shall be under the jurisdiction of the Civil Service Commission provided for in this Article.

(Added Election 10/8/35 effective 1/22/37)

Section 2538. Interpretation of Act.

The provisions of this Article shall be liberally construed to the end that the intent and purpose thereof may be given effect, and particularly to the effect that both the Fire Department and the Police Department of the City of Stockton shall be operated upon the civil service rules and regulations herein provided.

Wherever the term "Police Officer" is used in this Article, it shall be deemed to be applicable to members of the classified service of the Police Department of either sex and irrespective of any prior description used for the position held by such members.

(Added Election 10/8/35 effective 1/22/37; Amended Election 10/14/75 effective 11/3/75)

Section 2539. Constitutionality of Act.

If any section, subsection, subdivision, sentence, clause or phrase of this act shall, for any reason, be held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the provision of this act.

(Added Election 10/8/35 effective 1/22/37)

Section 2540. Repeal of Conflicting Acts.

All provisions and/or clauses of the several City ordinances of the City of Stockton and all provisions,

sections and clauses of the Charter of the City of Stockton approved by the legislature in 1923, and all amendments thereto in conflict herewith are hereby expressly repealed.

(Added Election 10/8/35 effective 1/22/37)

Section 2541. Emergency Provisions.

The City Council shall have the power to suspend or waive any and all provisions of this Article in the event of an emergency. For the purposes of this Section, emergency is defined as any circumstance or condition which in the determination of the City Council, may adversely affect the public health, safety, welfare or morals of the City of Stockton. The powers granted to the City Council by this Section shall remain in effect for a period of not to exceed 90 days or the date upon which the emergency terminates, whichever period is less.

(Added Election 11/4/80 effective 12/3/80)

Section 2542. Appointments from Classified Service to Unclassified Service.

In the event an employee of the City, who holds a Classified Civil Service position is appointed to a position in the Unclassified Service, should subsequently be removed or resign from the Unclassified Service, he or she shall have the right, if he or she has not been guilty of conduct bringing discredit, as that term is presently or hereafter defined in Government Code Section 19572, upon the City, to be employed forthwith in a position consonant with his or her former classification in the Classified Service without loss of any rights or privileges and upon the same terms and conditions as if he or she had remained in said classification.

(Added Election 03/07/2000, Effective 01/01/2001)

ARTICLE XXVI
RETIREMENT AND DEATH BENEFITS

*** Historical Notes:**

The Title of Article XXXI was amended at Election 10/12/71 effective 12/6/71. Prior to the Election of 11/8/94, this Article was numbered XXXI.

Section 2½-2¾**: Added Election 10/12/43 effective 2/1/44; Amended Election 10/14/47 effective 3/3/48; Repealed Election 10/12/71 effective 12/6/71.

Section 4-6**: Added Election 10/8/35 effective 1/22/37; Repealed Election 10/12/71 effective 12/6/71.

** These section numbers refer to a numbering system that was in place prior to the Election of 11/8/94.

Section 2600. Retirement and Benefit Plans.

The City Council shall provide for a retirement and death benefit plan for officers and employees of the City.

(Amended Election 10/12/71 effective 12/6/71; Added Election 10/8/35 effective 1/22/37)

Section 2601. Choice of Plans.

The City Council may provide for such a plan by participation in any retirement and death benefit plan now existing or hereafter created under the laws of the State of California which municipalities and municipal officers and employees are eligible to join.

(Added Election 10/8/35 effective 1/22/37; Amended Election 10/12/71 effective 12/6/71)

Section 2602. Restrictions for Benefits.

The following shall not be included in any retirement and death benefit plan adopted pursuant to this article: independent contractors; part-time employees whose employment requires less than half the working hours required of full-time employees in the same group or class; elective officers of the City.

(Added Election 10/8/35 effective 1/22/37; Amended Election 10/12/71 effective 12/6/71; Amended Election 11/8/94 effective 5/22/94)

ARTICLE XXVII
MISCELLANEOUS

*** Historical Note:**

Sections 3-6**: Repealed Election 10/12/71 effective 12/6/71.

** These section numbers refer to a numbering system that was in place prior to the Election of 11/8/94.

Section 2700. Validity.

If any section or part of a section of this Charter proves to be invalid or unconstitutional, it shall not be held to invalidate or impair the validity or constitutionality 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 or unconstitutional.

(Amended Election 10/12/71 effective 12/6/71)

Section 2701. Continuation of Ordinances, Resolutions, and Regulations.

All ordinances, resolutions and regulations in force at the time this Charter takes effect, and not inconsistent therewith, are hereby continued in force until amended, repealed or rescinded.

(Amended Election 10/12/71 effective 12/6/71)

Section 2702. Renumber Charter Articles.

Following the 1994 general election, the City Clerk shall renumber all Charter articles sequentially.

(Added Election 11/8/94 effective 5/22/95)

Section 2703. Definitions.

Unless the provisions of the context otherwise require, as used in this Charter:

- (a) "Shall" is mandatory and "may" is permissive;
- (b) "City" is the City of Stockton 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 Stockton;
- (c) "Council" is the Council of the City of Stockton;
- (d) A "Councilmember" means any one of the members of the Council, excluding the Mayor;
- (e) "County" is the County of San Joaquin;
- (f) "State" is the State of California;
- (g) "Newspaper of general circulation within the City" is defined by Section 6000 of the Government Code of the State of California;
- (h) The masculine gender includes the feminine and neuter;
- (i) "Council Appointees" are the City Manager, the City Attorney, the City Clerk, and the City Auditor;
- (j) "Unclassified Service" are employees not subject to Civil Service;

(k) The terms "electors," "qualified electors" and "voters" are voters duly registered and qualified to vote in the next municipal election of the City of Stockton.

(Section 2703 Added Election 03/07/2000 effective 01/01/2001)

ARTICLE XXVIII
**IMPARTIAL AND BINDING ARBITRATION FOR SWORN POLICE AND FIRE
DEPARTMENT EMPLOYEE DISPUTES**

Section 2801. Declaration of Policy.

It is hereby declared to be the policy of the City of Stockton that maintaining effective public safety depends upon the maintenance of stable employer-employee relations and adequate staffing levels. In order to assure that effective public safety services are provided to all people of Stockton, a method is hereby adopted for peacefully and equitably resolving disputes that might otherwise lead to reductions in law enforcement staffing levels.

Strikes by police and firefighters, which endanger public safety, are generally prohibited as a matter of state law. Consistent with state law, the people of the City of Stockton hereby declare it to also be the policy of the City that strikes by firefighters or police officers employed by the City of Stockton endanger the public health, safety, and welfare, are against public policy, and are prohibited by this Charter.

(Added Election 11/5/2024 certified 12/10/2024)

Section 2802. Prohibition Against Strikes.

Consistent with the policy set forth in Section 2801, if any firefighter or police officer employed by the City of Stockton willfully engages in a strike against the City, said employee shall be dismissed from his or her employment and may not be reinstated or returned to City employment except as a new employee. No officer, board, council, or commission shall have the power to grant amnesty to any employee charged with engaging in a strike against the City.

Section 2803. Obligation to Negotiate in Good Faith.

The City, through its duly authorized representatives, shall negotiate in good faith with the recognized sworn police and fire department employee organizations on all matters relating to the wages, hours, and other terms and conditions of City employment, including the establishment of procedures for the resolution of grievances concerning the interpretation or application of a negotiated agreement. Unless and until agreement is reached through negotiations between authorized representatives of the City and the recognized sworn police and fire department employee organizations, respectively, or a determination is made through the impartial arbitration procedure hereinafter provided, no existing benefit, term or condition of employment for said employees in the recognized employee organizations shall be altered, eliminated, or changed.

Section 2804. Impasse Resolution Procedures.

- (a) All disputes or controversies pertaining to wages, hours, or terms and conditions of employment which remain unresolved after good faith negotiations between the City and the recognized sworn police and fire employee organizations, respectively, shall be submitted to a three-member Board of Arbitrators upon the declaration of an impasse by the City or by the recognized employee organization involved in the dispute.
- (b) Representatives designated by the City and representatives of the recognized employee organization involved in the dispute shall each select and appoint one arbitrator to the Board of Arbitrators ("Arbitration Board") within three (3) days after either party has notified the other, in writing, that it desires to proceed to arbitration. The third member of the Arbitration Board shall be selected by agreement between the City and the employee organization, and shall serve as the neutral arbitrator.

and Chairperson of the Board. In the event that the City and the recognized employee organization involved in the dispute cannot agree upon the selection of the third, neutral arbitrator within 10 days from the date that either party has notified the other that it has declared an impasse, either party may then request the State Mediation and Conciliation Service of the State of California Department of Industrial Relations to provide a list of seven (7) persons who are qualified and experienced as labor arbitrators. If the City and the employee organization cannot agree within three (3) days after receipt of such list on one of seven (7) persons to act as the neutral arbitrator, they shall alternately strike names from the list of nominees until one name remains and that person shall then become the neutral arbitrator and Chairperson of the Arbitration Board.

- (c) Any arbitration proceeding convened pursuant to this Article shall be conducted in conformance with, subject to, and governed by Title 9 of Part 3 of the California Code of Civil Procedure, as may be amended from time to time. The Arbitration Board shall hold public hearings, receive evidence from the parties, and cause a transcript of the proceedings to be prepared. The Arbitration Board, in the exercise of its discretion, may meet privately with the parties and mediate or mede-arb issues in dispute. The Arbitration Board may also adopt such other procedures that are designed to encourage an agreement between the parties, expedite the arbitration hearing process, or reduce the costs of the arbitration process.
- (d) In the event no agreement is reached prior to the conclusion of the arbitration hearings, the Arbitration Board shall direct each of the parties to submit, within such time limit as the Arbitration Board may establish, a last offer of settlement on each of the remaining issues in dispute. The Arbitration Board shall decide each issue by majority vote by selecting whichever last offer of settlement on that issue it finds most nearly conforms to those factors traditionally taken into consideration in the determination of wages, hours, benefits, and terms and conditions of public and private employment, including, but not limited to the following: changes in the average consumer price index for goods and services; the wages, hours, benefits, and terms and conditions of employment of California state and local public employees performing similar services to the extent that such can be reasonably done, including comparable classifications in the greater metropolitan area, and in the four California cities larger in population than Stockton and the four California cities next smaller in population than Stockton; and the financial condition of the City of Stockton and its ability to meet the costs of the decision of the Arbitration Board.
- (e) After reaching a decision, the Arbitration Board shall mail or otherwise deliver a true copy of its decision to the parties. The decision of the Arbitration Board shall not be publicly disclosed and shall not be binding until ten (10) days after it is delivered to the parties. During that ten (10) day period the parties shall meet privately, attempt to resolve their differences, and by mutual agreement amend or modify the decision of the Arbitration Board. At the conclusion of the ten (10) day period, which may be extended by mutual agreement between the parties, the decision of the Arbitration Board as it may be modified or amended by the parties, shall be publicly disclosed and shall be binding on the parties. The City and the employee organization shall take whatever action is necessary to carry out and effectuate the arbitration award. No other actions by the City Council or by the electorate to confirm or approve the decision of the Arbitration Board shall be permitted or required.
- (f) The expenses of any arbitration proceeding convened pursuant to this Article, including the fee for the services of the chairperson of the Arbitration Board and the costs of preparation of the transcript of the proceedings, shall be borne equally by the parties. All other expenses which the parties may incur individually are to be borne by the party incurring such expenses.