

Title CHA. The Charter

Editor's note. The Charter consists of Statutes 1933, p. 2904, as amended. It was adopted pursuant to section 8 of article XI of the state constitution, ratified by the qualified electors at a special municipal election held on October 22, 1931, approved and adopted by the state legislature and filed with the secretary of state on January 27, 1933. Amendments are indicated by the historical citations following the amended sections in parentheses. Unless so indicated, the Charter derives unchanged from the original act. A frontal analysis consisting of a numerical listing of the catchlines has been added and a uniform system of capitalization has been employed.

Article I.

Sec. 1. Name.

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

Article II.

Sec. 1. Boundaries.

The boundaries of the City of Oroville shall continue as now established, and the territory embraced therein may be added to or diminished in accordance with the laws of the State of California governing the annexation and exclusion of territory by municipalities.

Article III.

Sec. 1. Powers of the city.

The City of Oroville may appear, sue and defend in all courts and places in all matters and proceedings; may have and use a common seal and alter the same at pleasure; may, subject to the restrictions contained in this Charter, purchase, receive, hold and enjoy, sell, lease and convey real and personal property; receive bequests, gifts and donations of all kinds of property in fee simple, or in trust for charitable and other purposes; and do all acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, or lease or otherwise dispose of the same in accordance with the terms of any gift, bequest or trust; may improve any river or channels flowing through the city or adjoining the same; widen, straighten and deepen the channels thereof, and remove obstructions therefrom; construct and maintain embankments and other works to protect the city from overflow.

All rights and titles to property, all rights and obligations under contracts or trusts, and all causes of action of any kind in any court or tribunal vested in the City of Oroville or in any officer or employee thereof in his or her official capacity, at the time this Charter becomes effective,^[1] as well as all liabilities in contract or tort and causes of action involving the same insofar as they affect the city and/or any officer or employee thereof in his or her official capacity which shall be outstanding at the time this Charter becomes effective, shall continue without abatement or modification by reason of any provision hereof.

All ordinances or resolutions in force at the time this Charter takes effect and not inconsistent therewith shall continue in force until amended or repealed.^[2]

All public improvements or other proceedings legally authorized prior to this Charter shall be carried to completion under previously existing laws or under this Charter.^[3]

The powers or duties vested in city officers, boards or commissions by law superseded by this Charter shall be exercised, continued and carried out by their successors or by other city officers, boards or commissions, consistent with the provisions of this Charter.

All functions of the city, and the powers and duties of officers and employees charged with the performance therefor, as these shall have been apportioned among departments and officers, and institutions, utilities, bureaus or other subdivisions thereof, as existing at the time this Charter shall go into effect, shall continue to be the functions of such departments and offices and the powers and duties of officers and employees assigned thereto, except as in, or under the authority of, this Charter otherwise specifically provided.

The legally authorized officers and employees of each of said departments and officers or subdivisions thereof shall continue as the officers and employees of said departments and offices or subdivisions thereof, subject to the conditions governing their respective appointments to such positions and except as in this Charter otherwise provided; and where part of the functions and duties of any department or office are by this Charter transferred or placed in any other department or office, the persons performing such functions and duties, shall be transferred therewith.

The compensations legally authorized for the several officers and employees shall be continued subject to the other provisions of the Charter.

The city may make and enforce all laws, ordinances and regulations necessary, convenient or incidental to the exercise of all rights and powers in respect to its affairs, officers and employees and shall have all rights and powers appropriated to a city, subject only to the restrictions and limitations provided in this Charter, including the power to acquire and construct plants, works, utilities, areas, highways and institutions outside the boundaries of the city, and maintenance and operations of the same, and the exercise of functions or maintenance of services outside the boundaries of the city, including the expenditure of funds therefor through any agency.

The specifications or enumeration in this Charter of particular powers shall not be exclusive.

The exercise of all rights and powers of the city when not prescribed in this Charter shall be as provided by ordinance or resolution of the city council.

[1] *As to effective date of Charter, see Char., art. XXX, § 7.*

[2] *See also, Char., art. XXX, § 4 as to ordinances continued in force.*

[3] *See also, Char., art. XXX, § 5 as to contracts continuing in force.*

Article IV.

Sec. 1. Elections.

General elections shall be held in the City of Oroville on the first Tuesday after the first Monday in November of each even-numbered year, under and pursuant to the general laws governing elections, so far as the same may be applicable, and except as herein otherwise provided. Persons

elected in April of 1981, or their successors, shall hold office until November 12, 1984, and persons elected in April of 1983, or their successors, shall hold office until November 10, 1986.

Where there are full council terms and short council terms to be filled, the persons elected by the highest number of votes shall be elected to the full term offices. In the event that two or more persons shall be elected by the same number of votes, their term shall be fixed by lot.

(1941, p. 3484; 1955, c. 185; amended by vote of the people, April 12, 1983)

Article V.

Sec. 1. Initiative, referendum and recall.

Ordinances may be initiated, or the referendum exercised on ordinances passed by the council, under and in accordance with the constitution and general laws of the state, and any elective officer may be recalled from office under and in pursuance of the provisions of the constitution and general laws; provided, however, that initiative, referendum or recall petitions, must be signed by at least 25% of the number of electors voting at the last general municipal election.

Article VI.

Sec. 1. Officers and employees.

The officers of the City of Oroville shall be a mayor, six members of the council, a city clerk, a city attorney, a city treasurer, a city engineer, a street superintendent, a chief of police, a fire chief, a health officer, a planning commission, a park, playground and recreation commission, and a board of five library trustees; provided, the council may by ordinance provide for such subordinate officers, assistants, deputies, clerks and employees as it deems necessary.

The members of the council shall be elected from the city at large and shall hold office for four years and until their successors are elected and qualified.

The city clerk and one or more deputy city clerks shall be appointed and hold office at the pleasure of the city council.

The city treasurer shall be elected and shall hold office for four years and until a successor is elected and qualified.

All other officers, assistants, deputies, clerks and employees shall be appointed as provided in this Charter or as the council may provide by ordinance in case no provision for their appointment is herein made, and they shall hold their respective offices or positions at the pleasure of the appointing power, except as otherwise herein provided.

Except as otherwise provided in this Charter, where the appointment of any officer, assistant, deputies, clerks or employees is vested in the council, the appointment and removal must be made by a five-sevenths vote of the members. Where such appointment is vested in any other body the appointment and removal must be made by a four-fifths vote of the members of such body.

No increase or reduction shall be made in the compensation paid any appointive officer unless made by a five-sevenths vote of the council or a four-fifths vote of such other body.

(1941, p. 3480; amended by vote of the people, April 12, 1983; amended by vote of the people, November 8, 1988)

Article VII.

Sec. 1. The council.

The legislative body of the City of Oroville shall consist of a mayor and six persons elected at large which body shall be known as the council.

The members of the council shall be elected by the qualified voters of the city at a general municipal election to be held therein every even-numbered year as hereinbefore provided.

They shall hold office for a period of four years from and after the first Tuesday in January next succeeding the day of their election and until their successors are elected and qualified; provided, the respective terms of the first council elected under this Charter shall be as follows, the three persons elected by the highest number of votes shall hold office for four years, the three persons elected by the next highest number of votes shall hold office for two years. In the event that two or more persons shall be elected by the same number of votes, their term shall be fixed by lot.

The members of the council and the mayor shall receive as compensation five dollars for each regular meeting attended; provided, however, that the total sum to be received by any one councilmember shall not exceed the sum of ten dollars per month.

The members of the council shall not be elected or appointed to any office or employment with the city, except as otherwise provided in this Charter.

In the event of resigning they shall not be entitled to vote on the selection of their successors.

The council shall have the power by ordinance to provide for and appoint such other commissions and officials as may seem in its discretion necessary and proper, such officers shall serve at the discretion of the council, and at a salary to be fixed by the council.

The council shall have the power by ordinance to combine any city offices, which in its discretion seems for the best interests of the city.

(Amended by vote of the people, November 8, 1988)

Sec. 2. Meetings.

The council shall meet at 8:00 p.m. on the first Tuesday in January following the general municipal election and canvass the returns thereof. Should the first Tuesday fall on a holiday, the meeting shall be held the following day.

The new members and all newly elected officers shall then be inducted into office and a vice mayor shall be appointed as provided in Article VIII, section 1a.

The council shall hold a regular meeting at least once a month at such time as it shall fix by ordinance.

Special meetings may be called at any time by the mayor or by three councilmembers in accordance with the provisions of Section 54056 of the **Government Code** of the State of California as the same may be from time to time amended.

All meetings of the council shall be held in the City Hall unless the council by ordinance provides for another meeting place, and all meetings shall be open to the public; provided, however, that whenever necessary or convenient to hold any meeting at some other place within the City of Oroville, the clerk may, upon written instruction by the mayor and after notice to the members of the council, designate another meeting place by posting written notice thereof at the regular place of meeting at least one hour prior to the time thereof. Such notice shall designate the place where and the time when such meeting is to be held, and a copy of such notice and the clerk's certificate of the posting thereof together with the mayor's instructions as aforesaid shall be read into and filed with the minutes of such meeting.

The council shall adopt rules for conducting its proceedings.

(1941, p. 3480; amended by vote of the people, November 8, 1988; amended by vote of the people,

November 6, 1990)

Sec. 3. Quorum.

A majority of the council shall constitute a quorum for the transaction of any business, except as herein otherwise provided, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

Sec. 4. Ordinances.

All proposed ordinances introduced in the council shall be in printed or typewritten form.

The enacting clause of all ordinances passed by the council shall read as follows: "The council of the City of Oroville do ordain as follows:".

The affirmative vote of a majority of the council shall be necessary to adopt any ordinance, resolution or claim against the city, which vote shall be taken by ayes and noes and entered upon the record.

No ordinance shall be passed by the council on the day of its introduction, nor within five days thereafter, nor at any time other than a regular meeting.

A proposed ordinance may be amended or modified between the time of its introduction and the time of its final passage, provided its general scope and original purposes are retained.

All ordinances shall be signed by the mayor and attested by the city clerk, and shall be published in an adjudicated newspaper of general circulation and circulated in the City of Oroville.

In lieu thereof, the publication of ordinances may be satisfied by either of the following actions:

1. The city council may publish a summary of a proposed ordinance or proposed amendment to an existing ordinance. Such summary shall be prepared by an official designated by the city council. A summary shall be published and a certified copy of the full text of the proposed ordinance or proposed amendment shall be posted in the office of the city clerk at least five days prior to the city council meeting at which the proposed ordinance or amendment or alteration thereto is to be adopted. Within 15 days after adoption of the ordinance or amendment, the city council shall publish a summary of the ordinance or amendment with the names of those city council members voting for and against the ordinance or amendment and the city clerk shall post in the office of the city clerk a certified copy of the full text of such adopted ordinance or amendment along with the names of those city council members voting for and against the ordinance or amendment; or
2. If the city official designated by the city council determines that it is not feasible to prepare a fair and adequate summary of the proposed or adopted ordinance or amendment, and if the city council so orders, a display advertisement of at least one-quarter page in a newspaper of general circulation printed and published in the County of Butte and circulated in the city shall be published at least five days prior to the city council meeting at which the proposed ordinance or amendment or alteration thereto is to be adopted. Within 15 days after adoption of the ordinance or amendment, a display advertisement of at least one-quarter page shall be published. The advertisement shall indicate the general nature of, and provide information about, the proposed or adopted ordinance or amendment including information sufficient to enable the public to obtain copies of the complete text of such ordinance or amendment, and the names of those city council members voting for and against the ordinance or amendment.

Notwithstanding the foregoing, any ordinance declared by the council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing the reasons for its urgency, may be introduced and passed at one and the same meeting, and if passed by a five-sevenths vote shall become effective immediately.

(Amended by vote of the people, November 5, 1996)

Article VIII.

Sec. 1. Mayor.

The mayor shall be elected and shall hold office for four years and until his or her successor is elected and qualified.

The mayor shall be the executive head of the city. In case of riot, insurrection or extraordinary emergency he or she shall assume general control of the city government, and all its branches and be responsible for the suppression of disorders and the restoration of normal conditions.

In the name and on behalf of the city he or she shall sign all contracts, deeds, bonds and other legal instruments to which the city is a party, and he or she shall represent the city at all ceremonial functions of a social or patriotic character when it is desirable and appropriate to have the city represented officially thereat.

He or she shall preside at all meetings of the council and shall vote as a member of the council, and shall receive such compensation as is hereinbefore provided for members of the council.

Sec. 1a. Vice mayor.

There shall be a vice mayor who shall be appointed by the city council to hold office at the pleasure of the council. He or she shall be a duly qualified and acting member of the council. In the event of the termination of his or her tenure of office as councilmember from any cause whatsoever, thereupon his or her tenure of office as vice mayor shall forthwith cease and determine. The appointment and removal of the vice mayor may be made by a majority vote of the council.

The vice mayor shall act as mayor pro tempore in the case of absence, illness, death or other disability of the mayor and while so acting shall have all of the rights, powers and duties of the mayor.

Sec. 2. Right of subpoena.

The mayor or vice mayor shall have power to administer oaths and affirmations concerning any demand upon the treasury, and in all matters relating to the duties of the city council, and to witnesses examined in any investigation had by said council, or by any committee thereof duly authorized to make such investigation. Said mayor or vice mayor may issue subpoenas under his or her hand and the seal of such city, attested by the city clerk, to compel the attendance of witnesses before such city council or committee thereof.

(1941, p. 3480.)

Article IX.

Sec. 1. Planning commission.

There shall be a board of planning commissioners consisting of the mayor as an ex-officio member without vote except in the case of a tie; and seven citizens to be appointed by the council to serve for four years each, without compensation.

The city planning commission shall have and exercise all the powers and duties which are now or

may hereafter be granted to or imposed upon said department by state law, and such additional powers and duties as may be granted or imposed by ordinance for the regulation and control of the platting and subdivision of lands.

No ordinance shall be adopted by the council creating districts or zones for the purpose of regulating the use of lands, the height, bulk, location or use of buildings therein, and no ordinance changing, amending or altering any such ordinance shall be adopted until it shall have first been submitted to the board of city planning commissioners for report and recommendation.

It shall be the duty of the planning commission within thirty days from the receipt of any such request from the council for its recommendation in regard to any such ordinance, to make and file its report thereon with the council, and should said board of city planning commissioners recommend against the approval of any such ordinance herein mentioned, the council may adopt such ordinance only upon majority vote of the whole of said council.

Should the board of city planning commissioners recommend the approval of any such ordinance, or fail to make any recommendation within the time mentioned herein, said council may adopt such ordinance by a majority vote of the whole council.

All plans for the location of public parks or public playgrounds shall be submitted to the city planning commission for report and recommendation. Such report shall be advisory only.

The department shall make reports and recommendations to the council and to the various departments of the city government on all matters involving the location of such public improvements.

The city planning commission shall initiate studies and make reports and recommendations to the council and the various departments of the city government on subjects related to the opening and widening of streets and other physical conditions, connected with the development and expansion of the city.

It shall each year render to the mayor and council a report of its activities during the preceding year, and its proposals for the future. The first city planning commission under this Charter shall be appointed by the council for one, two, three and four year terms respectively. Thereafter the members of said board shall be appointed as provided herein. At least three of the four members appointed as aforesaid shall have been members of the city planning commission immediately prior to this Charter taking effect.

(1961, c. 181; amended by vote of the people, April 12, 1983; amended by vote of the people, November 6, 1990)

Article X.

Sec. 1. Park commission.

There shall be a park commission consisting of five members to be appointed by the council each to serve for a term of five years, without compensation.

The department of parks shall have the power and duty:

1. To manage and control the parks owned or operated by the City of Oroville.
2. To establish, maintain and operate parks, with structures therein appropriate to park purposes, within or without city limits.
3. To construct and operate, sell, rent or lease concessions or privileges to be exercised in the parks for the operation of boathouses, refreshment stands, restaurants, amusement places or devices, parcel checking rooms and lockers and other similar purposes.
4. To establish schedules of charges for special services.

5. To grant to the department of playgrounds and recreation the right to establish, maintain and operate playground and recreation facilities on lands under the control of the department of parks upon such terms and conditions as shall be fixed by the board of park commissioners.
6. To have charge over and care of trees, plants and lawns in parking along public streets, subject to street improvements authorized by the city.
7. To appoint a superintendent of parks who shall have general supervision of all parks and under direction of the park commission.

Appropriation may be made from the general city funds for park purposes. All money arising from appropriations above referred to or received by the department of parks from fees, sales, gifts or otherwise in connection with the operation of the department shall be placed to the credit of the department of parks in a fund to be known as the park fund.

No money in the park fund shall be used for any purpose other than the financial support of the department of parks.

The board of park commissioners shall have power to control and order, in the manner in this Charter provided, the expenditure of all money coming into the park fund, or from the sale of bonds authorized by the city for financing the work of the park department, and to appropriate and expend the same for the purposes of the department, in accordance with the provisions of this Charter.

Said board may invest any surplus funds under its control in bonds or other evidences of indebtedness of the United States, the State of California, or of any political subdivision thereof, and the income derived therefrom shall be deposited in the city treasury to the credit of the park fund.

No real property shall be acquired by the city for park sites unless such sites are first approved by the board of park commissioners.

Said board shall have full control over all park sites and no such sites shall be devoted to any other purpose in whole or in part without permission from said board.

Whenever funds are donated by any person or persons for the acquisition or construction of any building, structure, work or improvement in a public park, and the donor or donors thereof shall, at the time of such donation, request the appointment of a special commission to take charge of the expenditure of such funds and to supervise the construction of such improvement, the council may, in its discretion, if said proposed improvement will increase the value of such park for park purposes, provide by ordinance for the appointment by the mayor, subject to the conformation by a majority of the council, of a special commission to take charge of the supervision of the construction of such improvement and the expenditure of funds donated therefor.

In the event funds are donated in the manner provided for in this section for the maintenance of any such improvement at the time of construction thereof or otherwise, the council may, by ordinance, create a commission to be appointed under the provisions of this section, which shall have such powers and duties as to such construction or maintenance as may be conferred upon it by such ordinance.

All lands belonging to the city which may hereafter be set apart, or dedicated for the use of the public as a public park, shall forever remain to the use of the public inviolate.

Article XI.

Sec. 1. City attorney.

There shall be a city attorney who shall be appointed by the city council, to hold office at the pleasure of the council. He or she shall be an attorney-at-law, admitted to practice before the supreme court of the State of California, and shall have been in actual practice in the state for at least three years next preceding his or her appointment.

All other things being equal, an attorney who has had special training or experience in municipal corporation law shall be appointed to this office if practicable.

The city attorney shall be legal advisor of the council and all other city officials. He or she shall draft all ordinances, resolutions, contracts or other legal documents, or proceedings required by the council, or other officials, except as may be otherwise provided.

He or she shall prosecute personally on behalf of the people all contested criminal cases before the police court and shall perform such other legal services from time to time as the council may require without compensation in addition to his or her salary, unless such service requires his or her presence outside the City of Oroville.

He or she shall attend all meetings of the council unless excused therefrom by the council or mayor.

Article XII.

Sec. 1. City clerk.

The city clerk shall be the clerk of the council.

It shall be the duty of the city clerk or a deputy designated by him or her, to attend all sessions of the council and keep a full and correct record of the proceedings.

The proceedings of the council shall be kept in a book marked "Minutes of the Council." He or she shall keep a book marked "Ordinances," into which he or she shall copy all city ordinances, certifying that each is a full and correct copy of the original ordinance, and stating that the same has been published as required by law.

Said record copy so certified shall be prima facie evidence of the contents of the ordinance, and of its passage and publication, and shall be admissible as such in any court or other proceeding. Such record shall not be filed, but shall be returned to the custody of the city clerk. He or she shall also keep a book marked "Resolutions" into which he or she shall copy all resolutions passed by the council.

Both the books containing ordinances and resolutions shall be adequately and comprehensively indexed.

He or she shall conduct promptly, and keep a systematic record of, all correspondence between the council and others relating to city business.

He or she shall be the keeper of the corporate seal of the city and shall affix the same to instruments or writings requiring authentication.

He or she shall safely keep all records, documents, ordinances, resolutions, books, and such other papers and matters, as may be regularly delivered into his or her custody or required by law or ordinance to be filed with him or her.

He or she shall report to the city council monthly, a detailed statement of the receipts and disbursements of the city government and the state of the various funds, and show the balances of the budgeted appropriation, and of any special improvement fund that may exist; and at the expiration of the fiscal year make a detailed statement of the receipts and disbursements of the city during said year, specifying the different sources of revenue and the amount received from each, the several appropriations made by the city council, and the amount of money expended under each, and the objects for which they were made.

(Amended by vote of the people, April 12, 1983)

Article XIII.

Note: Article XIII, of the Charter of the City of Oroville, relating to City Assessor and Board of

Appraisers, is repealed. (Repealed by vote of the people, April 12, 1983)

Article XIV.

Sec. 1. Expert accountant.

The city shall retain a Certified Public Accountant to audit annually, in accordance with generally accepted auditing standards, the financial statements and accounts of the city.

It shall be the duty of the city clerk to keep on public display in his or her office a report of such audit for a period of sixty days after said audit has been filed.

(Amended by vote of the people, April 12, 1983)

Article XV.

Sec. 1. City treasurer.

There shall be a city treasurer who shall be elected every four years at the general election. It shall be his or her duty to collect all taxes assessed by the city assessor otherwise.

He or she shall receive and keep safely all moneys and securities belonging to the city and coming into the hands, and pay out the same only on warrants signed by the proper officials, including the principal and interest due on bonds of the city, including improvement bonds.

The treasurer shall deposit within forty-eight hours of its receipt with a responsible banking institution, in the city, all funds coming into his or her possession, and shall obtain from such banking institution bonds or other collateral as security therefor, as provided by law.

(Amended by vote of the people, April 12, 1983)

Article XVI.

Sec. 1. City engineer.

There shall be a city engineer who shall be appointed by the city council to hold office at the pleasure of the council.

It shall not be necessary that he or she be a resident of the city at the time of his or her appointment.

As city engineer he or she shall be the custodian of, and responsible for, all maps, plans, profiles, field notes and other records and memoranda belonging to the city, pertaining to his or her office and the work thereof, all of which he or she shall keep in proper order and condition, with full indices thereof.

He or she shall turn the same over to his or her successor upon relinquishing his or her office, who shall give him or her duplicate receipts therefor, one of which he or she shall file with the city clerk.

All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or her or under his or her direction or control during his or her term of office, shall be the property of the city.

He or she shall have supervision over all public work relating to the grading, paving, cleaning, lighting, watering and repairing of streets, the building of sewers and the disposal of sewage, garbage and rubbish, also of all other matters of an engineering character.

He or she shall have been at the time of his or her appointment a licensed and practicing civil

engineer for a period of at least three years.

All other things being equal an engineer who has had special training or experience in municipal engineering shall be appointed to this office if practicable.

Article XVIa.

Sec. 1. Superintendent of streets.

There shall be a superintendent of streets who shall be appointed by the council, to hold office at the pleasure of the council. He or she shall perform such duties as may be prescribed now or hereafter, by ordinance or the general laws of the state.

Article XVII.

Note: Article XVII, of the Charter of the City of Oroville, relating to city court and city judge, is repealed. (Repealed by vote of the people, November 8, 1988)

Article XVIII.

Sec. 1. Chief of police.

There shall be a chief of police who shall be appointed by the city council to hold office at the pleasure of the council. He or she shall be the head of the police department of the city, shall make rules and regulations for the management of the department, and shall have all the powers that are now or may hereafter be conferred upon other peace officers by the laws of the state. It shall be the duty of the chief of police to preserve the public peace, and to suppress riots, tumults and disturbances. The orders of the chief of police shall be promptly executed by the police officers of the city, and every citizen shall lend the chief of police aid when so requested for the arrest of offenders, the maintenance of public order or the protection of life and property.

The chief of police shall execute and return all process issued to the chief of police by legal authority. The chief of police shall have authority and it is hereby made the duty of the chief of police to arrest persons violating any law of the state or ordinance of the city.

Persons convicted of violating city ordinances and sentenced to jail may be confined in the county jail of Butte County. The chief of police shall have such other powers and duties as may be prescribed by the council by ordinance.

(Amended by vote of the people, November 8, 1988; amended by vote of the people, November 5, 1996)

Article XIX.

Sec. 1. Chief of fire department.

There shall be a fire chief who shall be appointed by the city council and hold office at the pleasure of the council. He or she shall be head of the fire department of the city, and shall have charge of and supervision over all matters relating to the prevention and extinction of fires, and of all measures necessary to guard and protect all property impaired thereby. During the time of a fire, he or she shall have supreme authority over the territory involved therein, and all persons in the immediate vicinity of the fire during such time, including police officers, shall be subject to his or her orders.

The fire chief shall make rules and regulations for the government of the department, subject to the approval of the council.

Article XX.

Sec. 1. Health officer.

There shall be a health officer who shall be appointed by the city council and shall hold office at the pleasure of the council. He or she shall be a person who has been licensed to practice medicine in the State of California, or who has received special training in and been granted credentials in public health work. He or she shall exercise general supervision over the health and cleanliness of the city, and take all necessary measures for the preservation and promotion thereof. He or she shall enforce all laws, ordinances and regulations relative to the preservation and improvement of the public health, including those for the prevention of disease, the suppression of unsanitary conditions, and the inspection and supervision of the production, transportation, storage and sale of foodstuffs.
(Amended by vote of the people, November 8, 1988)

Article XXI.

Sec. 1. Oath of office.

Every officer shall take and subscribe to the constitutional oath of office before entering upon the performance of his or her official duties.

Sec. 2. Official bonds.

All officers handling city funds and such other officers as the council may determine must give bonds for the faithful performance of their duties. The amount of said bonds shall be fixed by the city council. Such officers, before entering upon their official duties, shall execute a bond to the city in the penal sum required. Said bonds shall be approved by the council and filed with the city clerk, except the bond of the city clerk, which shall be filed with the mayor.

Sec. 3. Administering oaths.

Every elective officer and every chief appointive official, including all members of boards and commissions provided for in this Charter, or by ordinance, shall have the power to administer oaths or affirmations, in connection with any matter appertaining to the business of the city.

Sec. 4. Compensation.

The council shall by resolution fix the compensation of all officers, also the compensation of all deputies, assistants and employees of such officers.
(Amended by vote of the people, November 8, 1988)

Sec. 5. Reports of fees and commissions.

Article XXI Section 5, of the Charter of the City of Oroville, relating to reports of fees and

commissions, is repealed. (Repealed by vote of the people, November 8, 1988)

Article XXII.

Sec. 1. Vacancies.

- A. Any vacancy occurring in any office, from whatever cause arising shall be filled by appointment by the council; and, in the case of a vacancy in the office of mayor, vice mayor, or councilmember such appointment may be made by a majority vote of the council; provided, further, that if such vacancy exists in any elective office, such appointee shall hold office only until the first Monday after the next succeeding general municipal election at which election a person shall be elected to serve for any balance of the unexpired term. Candidates for office for such unexpired term shall qualify in the manner provided in article IV, section No. 1 of this Charter.
- B. In the event a vacancy occurs in any elective office within twenty days before the next succeeding general municipal election then such vacancy may be filled by temporary appointment by majority vote of the council for the interim until the induction to office of councilmember elected thereat, at which time such vacancy shall be filled by the new council as hereinabove provided.
- C. In the event that a vacancy exists in any elective or appointive office and the council fails to agree or for any reason does not fill such vacancy within sixty days after the same occurs, then such vacancy shall be filled by appointment by the mayor. Such appointment shall be for the time and of like effect as though made by the council as hereinabove provided.
- D. In the event that the seats of a majority of the council shall become vacant, then the city clerk shall call a special election at once to fill the vacancies for the unexpired terms, and such election shall be conducted substantially in the manner provided by law for holding general municipal elections.
- E. Except as herein otherwise provided, if any member of the city council of the city shall move from the city, or fail to attend three consecutive regular city council meetings without the permission of the council, or shall resign, or be convicted of a felony, or be adjudged insane, or dies, his or her office shall thereupon become vacant.
- F. Notwithstanding any provision in this Charter contained, whenever any person has been elected or appointed to office and for any reason fails or neglects to file the official oath or bond, if required, or for any reason fails to qualify within thirty days after the commencement of the term of office, the council may declare the office vacant and proceed to fill the vacancy as hereinabove provided.

(1941, p. 3480; amended by vote of the people, November 8, 1988; amended by vote of the people, November 6, 1990)

Sec. 2. Additional duties of officers.

In addition to duties herein specified, all officers and boards shall perform such other appropriate duties appertaining to their office as may be prescribed by ordinance or by the general laws.

Article XXIII.

Sec. 1. Library.

The free public library of the city shall be managed under and in accordance with the provisions of the general laws of the state relating to free public libraries.

(Amended by vote of the people, April 12, 1983)

Article XXIV.

Note: Sections 5 to 14. Repealed by vote of the people, April 12, 1983.

Sec. 1. Fiscal year.

The fiscal year of the city shall begin on the first day of July of each year, and end on the thirtieth day of June of the following year.

(Amended by vote of the people, April 12, 1983)

Sec. 2. Tax system.

The council shall provide a system for the assessment, levy, and collection of city taxes upon real and personal property. By mutual agreement, the County of Butte shall perform those municipal functions which relate to the assessment of property for purposes of taxation, the equalization and collection of taxes levied for municipal purposes, the collection of assessments, and the sale of property for non-payment of taxes or assessments.

It shall be the duty of the finance officer, within the time prescribed by law, to compute the tax rates required to service outstanding municipal debt, and submit same to the city council.

Should the council fail to fix the tax rates within the time prescribed, then the tax rates of the previous year shall constitute the rates for the current year.

(Amended by vote of the people, April 12, 1983)

Sec. 3. Annual budget.

On or before the first day of June of each year, the city administrator shall present to the council a proposed budget for the ensuing fiscal year. Such budget shall constitute the Preliminary Budget of the City of Oroville, and a copy of same shall be on file in the office of the city clerk. Not less than five days after the preliminary budget is filed, the city clerk shall fix a time for a budget public hearing.

Final adoption of the budget shall be not later than the first regular council meeting in July. Tax rates for purposes of the service of outstanding municipal debt shall be fixed not earlier than the first meeting in July, nor later than the last day of August.

(Amended by vote of the people, April 12, 1983)

Sec. 4. Annual financial report.

It shall be the duty of the finance officer to prepare annually a consolidated financial report of the city, including such statements and schedules as may be necessary to adequately describe the financial condition of the city, and the results of its operations for the fiscal year. Insofar as practical, these statements shall be prepared in accordance with generally accepted accounting principles as applied to municipal corporations, and shall be subject to audit, as described in Article XIV above.

(Amended by vote of the people, April 12, 1983)

Article XXV.

Sec. 1. Limit of bond indebtedness.

The bonded debt of the city shall at no time exceed a total of three and seventy-five one hundredths percent (3.75%) of the taxable value of all property taxable for city purposes; provided, however, that bonds issued for the acquisition, extension, betterment, or maintenance of municipally owned public utilities shall not be counted as part of such limitation.

Provided further, however, that such bonds shall have been voted by the electors of the City of Oroville.

Provided further, that on the initiative of the council by an appropriate resolution, and a majority vote of the electors at the next general municipal election thereafter, this limit may be lowered or raised.

(Amended by vote of the people, April 12, 1983)

Article XXVI.

Note: Article XXVI of the Charter of the City of Oroville relating to "Special Taxes and Bonds" is repealed. (Repealed by vote of the people, April 12, 1983.)

Article XXVII.

Sec. 1. Advertising the city; inducing immigration.

The council may appropriate and spend money from the funds of the city for any or all of the following purposes: Exhibitions, celebrations, fairs, entertainment of public guests, inducing immigration, and generally for the purpose of advertising the city.

- A. Provided, however, that any amount so appropriated and spent is equaled by the public body soliciting such funds from the council, and that such appropriation made by the council does not constitute more than 50% of such expenditure contemplated.
- B. Provided further, that the total appropriated for such expenditure shall not exceed 4 cents on the \$100.00 of assessed valuation in any one year.

Article XXVIII.

Sec. 1. Street and other public improvements.

- A. The improvement, widening, extending, opening and closing of streets, or rights of way owned by the city, or in which the city has an easement, whether within or without the limits thereof, and the planting of trees thereon, and the making of other improvements authorized by laws of the state, may be done, and assessments therefor may be levied in conformity with, and under the authority conferred by the general laws of the state now in effect, or which may hereafter be enacted.
- B. Provided, that no such improvement shall be undertaken or enforced when the cost of such improvement exceeds the assessed valuation of any parcel of real property in front of which the improvement is to be made, as such assessed valuation appears on the assessment roll of the city for the previous year.

Where such improvement happens by reason of special conditions to exceed the assessed value of any one parcel of real property in the area to be improved, the city council may declare that it is in the public interest that such amount over said assessed valuation shall be paid from the general fund of the city.

If it appears that the assessed valuation of any one parcel of real property will prevent the formation of an improvement district, any citizen may call for a review of the assessed valuation of the real property in the proposed district, whereupon the board of appraisers shall reappraise and determine what valuation is right and proper.

Provided also, that the petitions for the improvement shall bear the signatures of the owners of 51% of the street frontage of property within the proposed district, before the city council can order the work to proceed.

- C. Provided, however, that the council may by ordinance adopt a procedure for the opening, extending, widening, closing and improvement of streets, alleys, rights of way or other public places, the laying of pipe and conduits, and the removal from buildings, lots and grounds, and the sidewalks opposite thereto, of dirt, rubbish, weeds, and other rank growth and materials, which may injure or endanger neighboring property, or the health or welfare of the inhabitants of the city, and for making and enforcing assessments against the property benefited, or affected thereby, or from which removal is made, for the cost of such improvements or removal, and may make such assessments a lien on such property superior to all other claims or liens thereon, except state, county and city taxes.
- D. Provided, that no such ordinance shall prevent the council from proceeding under any of the general laws of the state now in effect or which may hereafter be enacted, subject, however, in all cases to the provisions of subsection **B** of this article; provided, however, that where the work or improvement undertaken under such ordinance or general law is necessary for the promotion or maintenance of public health or safety and the council by resolution so finds, the council may proceed subject to such ordinance or general law and the provisions of subsection **B** shall not apply thereto.

(1941, p. 3480)

Sec. 2. Contract work.

In the erection, improvement and repair of all public buildings and works, in all street and sewer work or in or about embankments or other works for protection against overflow, and in furnishing any supplies or materials for the same, the Local Agency Public Construction Act of the State of California **Public Contract Code** as the same now exists or may hereafter be amended shall apply.

(1955, c. 185; amended by vote of the people, November 8, 1988)

Sec. 3. Interest in contracts, etc., prohibited.

No officer or employee of the city shall be or become directly or indirectly interested in, or in the performance of, any contract, or work or business, or in the sale or purchase of any article, the expense, price, or consideration of which is payable from the city funds, or in the purchase or lease of any real estate or other property belonging to or taken by the city, except in his or her official capacity, on behalf of the city.

If any person in this section designated, other than in such official capacity, shall, during the time for which he or she was elected or appointed, acquire an interest in any contract with or work done for the city or any department, branch or office thereof, or in any franchise, right, or privilege granted by the city, unless the same shall be devolved upon him or her by law, he or she shall forfeit his or her office and be forever barred and disqualified from being elected, appointed or employed in the service of the city, and all such contracts shall be voidable at the option of the city council.

The ownership of less than five percent of the capital stock or shares of a corporation or association with which a contract may be made shall not be considered as constituting an interest in the contract within the meaning of this section.

Sec. 4. Contracts.

The council shall advertise annually for sealed proposals or bids for printing and furnishing all letterheads, stationery, tax bills, account books and other printed matter likely to be required during the fiscal year.

Contracts for advertising or printing, as the case may be, shall be awarded to the lowest responsible bidder, provided no contract for advertising shall be awarded to any newspaper except a newspaper of general circulation, as that term is defined by Chapter 1 of Division 7 of Title 1 of the **Government Code**.

Any city officer may purchase and bind the city to pay for any item included in his or her budget not exceeding \$100.00 in any one complete purchase.

By order duly adopted by a vote of five members, the council may authorize any official to bind the city without advertising, in an amount not to exceed \$2,000.00.

All purchases shall be made and contracts for work shall be awarded in accordance with the Local Agency Public Construction Act of the State of California Public Contracts Code as the same now exists or may hereafter be amended.

(1955, c. 185; amended by vote of the people, November 8, 1988)

Article XXIX.

Sec. 1. Franchises.

Every franchise or privilege to construct, maintain or operate any railroad, or other means of transportation in or over any street or highway, or to lay pipes or conduits, or erect poles or wires or other structures in or across any street or highway for the transmission of gas, electricity, or other commodity, or for the use of public property or places now or hereafter belonging to the city, shall be granted under and in pursuance of the provision of the general laws of the state relating to the granting of franchises; provided no new franchise or the renewal of an existing franchise shall be granted except upon condition that at least two percent of the gross annual receipts derived from the use of such franchise shall be paid to the city. In all cases the applicant for a franchise shall advance the cost of advertising the same.

Every such franchise shall require the grantee thereof to agree to a joint use of its property to others, wherever practicable, and nothing herein shall be construed as prohibiting the council from requiring other conditions not inconsistent with the constitution or general laws.

No franchise or privilege so granted shall be sold, leased, assigned or otherwise alienated without the express consent of the council given by ordinance and subject to the referendum.

Within six months after this Charter takes effect, every public utility and every owner of a public utility franchise, shall file with the city clerk, certified copies of all the franchises owned or claimed, or under which any such utility is operated.

The city shall compile and maintain a public record of all public utility franchises and of all public utility fixtures in the streets of the City of Oroville.

Article XXX. Miscellaneous

Sec. 1. Official records.

All books and records of every office and department shall be open to the inspection of any citizen during business hours, subject to proper rules and regulations for the efficient conduct of business of such department or office; provided, the records of the police department shall not be subject to such inspection except by permission of the proper police authorities.

Copies or extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same and paying or tendering the fee for such copies or extracts, and an additional fee for certifying. The city council, by resolution duly adopted, shall set the fee to be charged for copies or extracts and for certifying.

All officers and boards shall deliver to their successors all papers, books, documents, records, archives, and other properties pertaining to their respective offices or departments, in their possession or under their control.

(Amended by vote of the people, April 12, 1983)

Sec. 2. General laws applicable.

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

The council may adopt and enforce ordinances which in relation to municipal affairs, shall control as against the general laws of the state.

Provided, that where a procedure for the exercising of any rights or powers belonging to a city, is provided by statute of the State of California, such procedure shall control and be followed unless a different procedure is provided in, or by ordinance enacted under authority of this Charter.

(1955, c. 185; amended by vote of the people, April 12, 1983)

Sec. 3. Continuing officers and employees.

All officers, assistants, and employees in office when this Charter takes effect, shall continue to hold and exercise their respective offices or employment, under and subject to the terms and provisions of this Charter until the election or appointment and qualification of their successors in the manner prescribed in this Charter.

Sec. 4. Continuing ordinances in force.

All lawful ordinances, resolutions, and regulations in force at the time this Charter shall take effect,^[1] and not inconsistent with its provisions, are hereby continued in force until the same shall have been duly amended, repealed or superseded.

[1] See note to section 7 of this article.

Sec. 5. Continuing contracts in force.

All vested rights of the city shall continue and shall not in any manner be affected by the adoption of this Charter, nor shall any right, liability, pending suit or prosecution, either in behalf of or against the city, be affected by the adoption of this Charter. All contracts entered into by the city prior to the taking effect of this Charter shall continue in full force and effect. All public work begun prior to the taking effect of this Charter shall be continued and perfected hereunder.

Sec. 6. Validity.

If any article, section, or part of a section of this Charter is held legally invalid, it shall not be held to invalidate or impair the validity of any other section or part of 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.

Sec. 7. When Charter effective.

This Charter shall go into effect upon its approval by the legislature, except for the purpose of electing the officers provided for herein; for which purpose it shall go into effect on the expiration of the terms of the present elected officials.

[1] ***Editor's note:** The Charter was approved by the state legislature and filed with the secretary of state on January 27, 1933.*

Article XXXI. Initiative Measure to Be Submitted Directly to the Voters

Editor's note: This article was added in 2000.

Sec. 1. Title.

This measure shall be known as the People's Choice Prison Initiative (People's Initiative).

Sec. 2. Findings.

In order to maintain the quality of life as sought by the residents of the City of Oroville, it is hereby accepted as a right and an obligation:

1. To preserve the current level of health and safety services and other welfare issues as they relate to the residents of the City of Oroville;
2. To maintain the right to an orderly and evenly distributed rate of growth, keeping within the ability of the city to accommodate growth without straining available resources, be they provided by man or be they natural;
3. To be able to preserve the quality of public services, health services, social workers, sewage treatment plants and landfill adequacy, which are often threatened by excessive and rapid population growth impacts.

In keeping within the process prescribed in the California Election Code, the voters of the City of Oroville hereby exercise their right to the Initiative process whereby a constituency may obtain the will of the voters to decide on important issues which impact them directly.

Therefore the people of the City of Oroville do ordain as follows:

Sec. 3. City of Oroville's boundaries, etc.

That the entire City of Oroville, and all the territory included within the city boundaries are hereby zoned prison-free by the enactment of this, the People's Initiative.

Sec. 4. Prison Initiative enacted.

Should this initiative be enacted, any consideration of prison or any facility that has a function of incarcerating or housing prisoners shall be put forth on the ballot for approval by the voters disclosing to them the following:

- a. The proposed location of the prison;
- b. The type of prison (e.g. maximum security, minimum security, etc.);
- c. The size of prison;
- d. How the various factors impacting the public shall be mitigated;
- e. A commitment from the state, federal or any other agency that they will pay for the increased cost of direct and indirect services that result from the prison and that any cost incurred by the enforcement of this Section (4), Subparagraph (e) shall be borne by them;
- f. Any and all potential changes to the disclosed information.

Sec. 5. Transmittal to State.

Upon adoption of this initiative, the city council shall immediately transmit a copy of the initiative to the Governor of the State of California, the California Department of Corrections, and all other appropriate state agencies.

Sec. 6. Severability.

If any subsection, part, subpart, paragraph, subparagraph, clause or phrase of this initiative or any amendments or revision of this initiative is for any reason held to be invalid, the remaining portions will not be affected, but will remain in full force and in effect.

Sec. 7. Amendment.

No part of this initiative shall be amended or repealed except by passage of a ballot measure approved by a majority of voting.

Article XXXII.

Sec. 1. Impartial Arbitration for Fire Department.

- A. **Impartial Arbitration - Declaration of Policy.** It is hereby declared to be the policy of the City of Oroville that strikes by fire fighters are not in the public interest and should be prohibited, and that a method should be adopted for peacefully and equitably resolving disputes that might otherwise lead to such strikes.
- B. **Prohibition Against Strikes.** No City of Oroville fire fighters shall willfully engage in a strike against the City. Any such employee against whom the City brings charges of failing to report for work as part of a strike shall be subject to dismissal from his or her employment in the event the charges are sustained upon conclusion of the proceedings that are required by law for the imposition of disciplinary action upon said employee.

- C. **Obligation to Negotiate in Good Faith.** The City of Oroville through its duly authorized representatives, shall negotiate in good faith with recognized employee organizations which represent fire fighters, engineers and captains of the City of Oroville Fire Department 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 any negotiated agreement. Unless and until agreement is reached through negotiations between the City of Oroville and a recognized employee organization for the Fire Department bargaining unit, or a determination is made through the arbitration procedure hereinafter provided, no existing benefits or conditions of employment for said fire department employees shall be eliminated or changed.
- D. **Impasse Resolution Procedures.** All disputes or controversies pertaining to wages, hours, or terms and conditions of employment which remain unresolved after good faith negotiations between the City of Oroville and the recognized Fire Department employee organization involved in the dispute 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.

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

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**. 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 med-arb issues and dispute. The Arbitration Board may also adopt such other procedures that are designated to encourage an agreement between the parties, expedite the arbitration hearing process, or reduce the costs of the arbitration process.

At 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 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 with those factors traditionally taken into consideration in the determination of wages, hours, and other terms and conditions of public and private employment, including, but not limited to, changes in the average consumer price index of goods and services, the wages, hours, and other terms and conditions of employment of other employees performing similar services, and the financial condition of the City of Oroville and its ability to meet the cost of the award.

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 day period the parties may meet privately, attempt to resolve their differences, and by mutual agreement amend or modify any of the decisions 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, incorporating any amendments or modifications agreed to by

the parties, shall be publicly disclosed and shall be binding upon the parties. The City of Oroville and the recognized employee organization shall take whatever action is necessary to carry out and effectuate the final Arbitration Board award and incorporate any amendments or modifications agreed to by the parties as provided above.

The expenses of any arbitration convened pursuant to this article, including the fee for the services of the Chairperson of the Arbitration Board, 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.

- E. **Conflicts With Other Charter Provisions.** This Article shall supersede all other provisions of the Oroville City Charter which may be in conflict with the requirements of this Article.
(Added by vote of the people, March 2, 2004)