

CHARTER - CITY OF IRVINE

We, the People of the City of Irvine, State of California, do ordain and establish this Charter as the organic law of the City of Irvine under the Constitution of the State of California.

Footnotes:

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Editor's note— *The city adopted this Charter on the fourth day of November, 1975. It was filed with the secretary of state by chapter 27 of 1976.*

ARTICLE I. - INCORPORATION AND SUCCESSION

Section 100. - Name and boundaries.

The City of Irvine, hereinafter termed the City, shall continue to be a municipal corporation under its present name, "City of Irvine." The boundaries of the City shall be as established at the time this Charter takes effect, or as they may be changed thereafter in the manner authorized by law.

Section 101. - Rights and liabilities of the City.

The City 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 legally enforceable debts, obligations, liabilities, and contracts.

Section 102. - Ordinances, codes and other regulations.

All ordinances, codes, resolutions, rules, regulations, and portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, shall continue in force until they shall have been duly repealed, amended, changed, or superseded by proper authority as provided herein.

Section 103. - Officers and employees.

Subject to the provisions of this Charter, the present officers and employees of the City shall continue to perform the duties of their respective offices and employments under the same conditions as those of the existing offices and positions until the election or appointment and qualification of their successors, subject to such removal and control as herein provided.

Section 104. - Pending actions and proceedings.

No action or proceeding, civil or criminal, pending at the time when this Charter takes effect, brought

by or against the City or any officer, office, department or agency thereof, shall be affected or abated by the adoption of this Charter or anything herein contained.

ARTICLE II. - POWERS OF CITY

Section 200. - Powers.

The City shall have all powers possible for a City to have under the Constitution and laws of the State of California as fully and completely as though they were specifically enumerated in this Charter specifically, but not by way of limitation, the City shall have the power to make and enforce all laws and regulations with respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted, or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California. The enumeration in this Charter of any particular power, duty or procedure shall not be held to be exclusive of, or any limitation or restriction upon, this general grant of power.

Section 201. - Intergovernmental relations.

The City may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more cities, counties, states, or civil divisions or agencies thereof, or the United States or any agency thereof. In addition to the foregoing the City may delegate the exercise of its powers or the performance of any of its functions to any city, county, state, civil division or agency thereof or the United States or any agency thereof.

ARTICLE III. - FORM OF GOVERNMENT

Section 300. - Form of government.

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

ARTICLE IV. - THE CITY COUNCIL

Section 400. - Mayor and City Council.

Commencing with the general municipal election of November 2024, the City Council, hereinafter termed "Council," shall consist of a Mayor and six (6) Council members elected to office in the manner, at the times, and in the sequence provided in this Charter.

The Mayor shall serve a term of two (2) years and shall be elected from the City at large. Any person who serves two (2) full terms as Mayor shall not be eligible to serve again as Mayor. If a Mayor serves a partial term in excess of one (1) year, it shall be considered a full term for the purpose of this provision. Other than as set forth herein, compensation, vacancies and the filling of vacancies shall be the same for the office of Mayor as provided for the office of Council member by this Charter. The Mayor, in addition to serving as the presiding officer of the Council, shall have all of the rights, powers and duties of a Council member and shall be a member of the Council.

The term of office for each Council member shall be four (4) years and shall be elected on a by-district basis from one (1) of the six (6) single-member Council Districts of the City, as established pursuant to Section 400.1. Alternatively, and successively, three four-year terms shall be filled at one general municipal election and three four-year terms at the next such election, consistent with the sequence of terms of Council members in the fifth paragraph of this Section 400. Any person who serves two (2) full terms as a Council member shall not be eligible to serve again as a Council member. If a Council member serves a partial term in excess of two (2) years, it shall be considered a full term for the purpose of this provision.

Notwithstanding the first sentence in the third paragraph of this Section 400, the second sentence in the first paragraph of Section 401, or the first sentence of the second paragraph of Section 401, the Mayor and Council members in office at the time this Charter provision takes effect shall continue in office until the expiration of their respective terms and until their successors are elected and qualified, so long as they remain legally registered voters and residents of the City. Recall proceedings, if any, of any Council member(s) serving the remainder of a term pursuant to this provision, and the election of a successor to such Council member(s) to complete that term, shall be conducted at large. If any Council seat held by a Council member serving the remainder of a term pursuant to this provision becomes vacant prior to the end of such term by means other than the recall, such Council seat shall be filled by appointment or election at large; provided, however, that if the vacating Council member resides in either the Council District designated 5 or the Council District designated 6 then, notwithstanding Section 403, a by-district election shall be held for the District where the vacating Council member resides at the earliest feasible date.

The Mayor shall be elected at the general municipal election held in November 2024, and each second year thereafter. One (1) Council member from each of the four (4) Council Districts designated 1, 2, 3, and 4 shall be elected at the general municipal election held in November 2024. Notwithstanding the term of

office specified in the first paragraph of this Section 400, the Councilmember elected from the Council District designated 1 at the November 2024 general election shall hold office for a term of two (2) years and until their successor qualifies; the remaining three (3) Council members selected at the November 2024 general election shall each serve a term of four (4) years and until their respective successors qualify. One (1) Council member from each of the three (3) Council Districts designated 1, 5, and 6 shall be elected at the general municipal election held in November 2026, and shall each serve a term of four (4) years and until their respective successors qualify.

The term of the Mayor and a Council member shall commence at the next regularly scheduled meeting of the Council following certification of the election results by the election official or such earlier other date as may be established by ordinance of the Council, and they shall serve until their successor qualifies. Any ties in voting for Mayor or Council member shall be settled by the casting of lots. No person shall simultaneously hold both the office of Mayor and Council member.

The term limits shall not apply to any term that began before November 4, 2014.

As used herein the term "qualifies" shall mean, in addition to the provisions of the general law, having taken the oath of office following the election and their term of office shall have commenced.

(Amend. of 9-8-78; Amend. of 6-3-86; Amend. of 3-1-88, § 1; Amend. of 6-7-88; Amend. of 11-5-91; Amend. of 11-4-14; Ord. No. 24-10, § 1, 3-5-24)

Editor's note— The amendment of § 400 adopted Sept. 8, 1978, was approved at an election held Nov. 7, 1978. It was filed with the secretary of state by chapter 6 of 1979. A further amendment was approved at an election held June 3, 1986. It was filed with the secretary of state Jan. 2, 1987, as Charter chapter 4, further amendment was adopted at an initiative referendum held Nov. 3, 1987, and filed with the secretary of state Feb. 16, 1988, as Charter chapter 1. The section was further amended at an election held June 7, 1988, and filed with the secretary of state July 15, 1988, as Charter chapter 12. The section was further amended at an election held Nov. 5, 1991, and filed by the secretary of state and became effective Dec. 16, 1991, as Charter chapter 25. The section was further amended at an election held Nov. 4, 2014, and filed by the secretary of state and became effective Jan. 21, 2015, as Charter chapter 6. The section was further amended at an election held March 5, 2024, and filed by the secretary of state and became effective May 28, 2024, as Charter chapter 10.

Section 400.1. - Districts.

For the purpose of electing the Council Members commencing with the November 2024 general municipal election, the City shall be divided into six (6) single-member districts (each such district a "District" and, collectively, "Districts"). The names and the respective boundaries of the Districts shall be as set forth in City Council Resolution 23-88. Following each decennial federal census, and at other such

times as are authorized by applicable law, the City Council may, by ordinance or resolution, adjust the boundaries of any or all of the Districts of the City so that the Districts shall be as nearly equal in population as may be, consistent with law applicable to the creation and rearrangement of the boundaries of local districts. Any territory annexed to or consolidated with the City shall, prior to or concurrently with completion of the proceedings therefore, be added to an adjacent District or Districts by the City Council by ordinance, which addition shall be effective upon completion of the annexation or consolidation proceedings notwithstanding any other provision of the Charter to the contrary.

(Ord. No. 24-10, § 1, 3-5-24)

Section 401. - Eligibility.

No persons shall be eligible to hold the office of Mayor unless they are a legally registered voter and resident of the City. Commencing with filing of nomination or such other equivalent declaration of candidacy as may be required or authorized by law in connection with the general municipal election of November 2024, no person shall be eligible to hold the office of Council Member unless they are a legally registered voter and resident of their respective District, as established pursuant to Section 400.1, and nominated and elected only by the voters of their respective District.

Every Council Member or candidate for Council Member shall be and remain a qualified voter in the District from which they seek office from the time of filing nomination papers or such other equivalent declaration of candidacy as may be required or authorized by law, throughout the full term of their office, if elected or appointed in lieu of election. No creation of a District or change in the boundary or location of any District shall abolish or terminate the term of office of any Council Member prior to the expiration of the term of office for which the Council Member was elected or appointed in lieu of election, notwithstanding any other provision of this Section, Section 400, or Section 400.1.

(Ord. No. 24-10, § 1, 3-5-24)

Section 402. - Compensation.

Compensation for Council member is hereby set, and from time to time shall be changed, in accordance with the provisions of the Government Code relating to salaries of Council members in general law cities. Such compensation may be increased or decreased other than as set forth above by an affirmative vote of a majority of the voters voting on the proposition at any election.

Section 403. - Vacancies, forfeiture of office. Filling of vacancies.

- (a) A vacancy shall exist on the Council, and shall be declared by the Council, upon the occurrence of any of the events enumerated in the provisions of the Government Code pertaining to

vacancies in public offices.

- (b) A declaration by the Council of a vacancy resulting from forfeiture of office shall be subject to judicial review, provided that within two weeks after such declaration an appropriate action, or proceeding for review is filed in a court having jurisdiction of the action or proceeding. During the pendency of any such action or proceeding, anyone appointed by the Council or elected by the people to fill such vacancy shall have all the rights, duties, and powers of a Council member and shall continue in such office as provided herein unless and until said court rules the declaration of the Council invalid and such ruling has become final.
- (c) The method of filling vacancies on the City Council shall be as prescribed by ordinance of the City Council.

Section 404. - Powers vested in the Council.

All powers of the City shall be vested in the Council except as otherwise provided in this Charter.

Section 405. - Council organization, meetings and rules of order.

Officers of the Council (other than the elected Mayor), the time, place and the method of calling meetings, the rules of order for the conduct of proceedings by the City Council and the order of succession in the event of a vacancy in the office of Mayor shall be as established by ordinance of the City Council.

(Amend. of 3-1-88, § 2)

Editor's note— An amendment to § 405 was approved at an initiative referendum held Nov. 3, 1987; filed with the secretary of state Feb. 16, 1988, as Charter chapter 1; and was adopted by the council Mar. 1, 1988.

Section 406. - Citizen participation.

Subject to the rules governing the conduct of Council meetings, any citizen, personally or through counsel, shall have the right to present grievances at any regular meeting of the Council, or offer suggestions for the betterment of municipal affairs.

Section 407. - Adoption of ordinances and resolutions.

With the exception of ordinances which take effect upon adoption pursuant to this Article, no ordinance shall be adopted by the Council on the day of its introduction, nor within five days thereafter. An ordinance effective upon adoption as provided herein may be introduced and adopted at the same time. All ordinances shall be read by title only either at the time of introduction or at the time of adoption

unless three members of the Council request that the ordinance be read in full. In the event that any ordinance is altered after its introduction, it shall not be finally adopted except at a meeting held not less than five days after the date upon which such ordinance was altered. Correction of a typographical or clerical error shall not constitute an alteration within the meaning of the foregoing sentence.

Unless otherwise required by this Charter, the affirmative votes of at least three members of the Council shall be required for the enactment of any ordinance, resolution or order for the payment of money.

All ordinances and resolutions of the City Council shall be signed by the Chairman of the Council and attested by the City Clerk.

Any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health, or safety and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if it is passed by at least four affirmative votes.

Section 408. - Ordinances. Posting.

The City Clerk shall cause each ordinance to be posted in at least three public places in the City in lieu of publication unless publication is requested by the City Council or otherwise required by law.

Section 409. - Adoption of Codes by Reference.

Detailed regulations pertaining to any subject, when arranged as a comprehensive code, may be adopted by reference by the passage of an ordinance for such purpose. Such code need not be posted or published in the manner required for the enactment of ordinances. Any or all ordinances of the City may be compiled, consolidated, revised, indexed, including such restatement and substantive change as is necessary in the interest of clarity, and arranged as a comprehensive ordinance code. Such ordinance code may be adopted by reference as provided herein. Copies of any adopted code of regulations shall be made available for purchase at a reasonable price.

Section 410. - Ordinances. When Effective.

An ordinance shall become effective after the thirtieth day following its adoption, or at any later date specified therein, except the following, which shall take effect upon adoption:

- (a) An ordinance calling or otherwise relating to an election.
- (b) An ordinance declaring the amount of money necessary to be raised by taxation, fixing the rate of taxation, levying the annual tax upon property, or levying any other tax.
- (c) An emergency ordinance adopted in the manner provided for in this Article.

ARTICLE V. - CITY MANAGER

Section 500. - City Manager. Selection and qualifications.

There shall be a City Manager who shall be the chief administrative officer of the City. The Council shall appoint the person who it believes to be best qualified on the basis of executive and administrative qualifications, with special reference to experience in, and knowledge of, accepted practice in respect to the duties of the office as set forth in this Charter.

Section 501. - City Manager. Appointment, removal, powers and duties.

The appointment, removal, powers and duties of the City Manager shall be as established by ordinance of the City Council.

ARTICLE VI. - CITY CLERK

Section 600. - City Clerk.

There shall be a City Clerk who shall be appointed by and serve at the pleasure of the Council.

Section 601. - Powers and duties.

The City Clerk or a duly authorized representative shall:

- (a) Attend all meetings of the Council and be responsible for the recording and maintaining of a full and true record of all of the proceedings of the Council in books that shall bear appropriate titles and be devoted to such purpose.
- (b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each document stating that said document is the original or a correct copy, and with respect to an ordinance, stating that said ordinance has been posted or published in accordance with this Charter. All of said books shall be properly indexed and open to public inspection.
- (c) Maintain separate books in which a record shall be made of all written contracts and official bonds.
- (d) Be the custodian of the seal of the City.
- (e) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City, and certify copies of official records.

- (f) Conduct all City elections.
- (g) Perform such other duties as may be prescribed by the Council.

ARTICLE VII. - OFFICERS AND EMPLOYEES

Section 700. - Administrative departments.

- (a) The Council may establish City departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices, and agencies.
- (b) Except as otherwise provided by this Charter, all departments, offices, and agencies under the direction and supervision of the City Manager shall be administered by an officer appointed by and subject to the direction and supervision of the City Manager. With the consent of the Council, the City Manager may serve as the departmental administrator of one or more such departments, offices, or agencies or may appoint one person as the departmental administrator of two or more of them.
- (c) The Council may provide for the number, titles, and compensation of all officers and employees.

Section 701. - City Attorney. Powers and duties.

There shall be a City Attorney who shall be appointed and subject to removal by a majority vote of the Council. The City Attorney shall serve as chief legal adviser to the Council, the City Manager, and all City departments, offices, and agencies and shall be under the administrative direction of the City Manager. The City Attorney shall represent the City in all legal proceedings and shall perform such other duties as may be prescribed by the Council.

Section 702. - Treasurer.

There shall be a Treasurer who shall be appointed and may be removed by the Council. The Treasurer shall be under the administrative direction of the City Manager and shall perform those duties required by law, and provided by ordinance or resolution.

Section 703. - Departmental administrators. Appointive powers.

Each departmental administrator shall have the power to appoint, supervise, suspend, or remove such assistants, deputies, subordinates, and employees as are provided for by the Council for the department, subject to approval of the City Manager and subject to the provisions of the personnel rules and regulations adopted by the City Council.

Section 704. - Administering oaths.

Each departmental administrator and such of the deputies thereof as he or she may designate shall have the power to administer oaths and affirmations in connection with any official business pertaining to his or her department.

Section 705. - Official bonds.

The Council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officers or employees who are required by ordinance or resolution to give such bonds. All bonds shall be executed by a responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

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

ARTICLE VIII. - COMMISSIONS, COMMITTEES AND AGENCIES

Section 800. - In general.

The commissions and committees heretofore established by the Council shall continue to exist and exercise the powers and perform the duties conferred upon them; provided, however, that the Council may abolish any and all of said commissions and committees and may alter the structure, membership, powers and duties thereof.

In addition, the Council may create such other agencies as in its judgment are required and may grant to them such powers and duties as are not inconsistent with the provisions of this Charter.

Section 801. - Appropriations.

The Council shall include in its annual budget such appropriations of funds as the Council shall determine to be sufficient for the efficient and proper functioning of commissions, committees and agencies.

Section 802. - The appointment, removal, terms of office and procedural rules.

The election, appointment, removal, and terms of office of commissions, committee and agency members and the rules and regulations pertaining to the conduct of commission, committee or agency business shall be as prescribed by ordinance or resolution of the City Council.

Section 803. - Existing membership.

The members of the commissions and committees holding office when this Charter takes effect shall continue to hold office thereafter until their respective terms of office shall expire and until their successors are appointed and qualify, subject to being removed from office as provided herein.

Section 804. - Compensation. Vacancies.

The members of commissions and agencies shall receive such compensation as may be specified by the Council and shall also receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures are authorized by the Council.

ARTICLE IX. - ELECTIONS

Section 900. - General municipal elections.

Commencing with the general municipal election in 1992, general municipal elections for the election of officers and for such other purposes as the Council may prescribe shall be held in the City on the first Tuesday after the first Monday in November of even-numbered years, except as otherwise provided by ordinance of the City Council.

(Amend. of 9-8-78; Amend. of 11-6-90)

Editor's note— The amendment to § 900 adopted Sept. 8, 1978, was approved at an election held Nov. 7, 1978. It was filed with the secretary of state as Charter chapter 6 of 1979. The amendment approved at an election held Nov. 6, 1990, was filed with the secretary of state as Charter chapter 6 of 1990. It was subsequently adopted by council action on Apr. 9, 1991.

Section 901. - Special municipal elections.

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

Section 902. - Procedure for holding elections.

Unless otherwise provided by ordinance hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code for the holding of municipal elections, so far as the same are not in conflict with this Charter.

Section 903. - Initiative, referendum and recall.

There are hereby reserved to the voters of the City the power of the initiative and referendum and of the recall of municipal elective officers. The provisions of the Elections Code governing the initiative and referendum and the recall of municipal officers shall apply so far as the same are not in conflict with this Charter.

Section 904. - City Council sponsored tax proposals— $\frac{2}{3}$ vote requirement.

Notwithstanding any conflicting provision of this Charter, no City Council sponsored proposal to impose, extend or increase a tax shall be presented at an election unless the ordinance or resolution proposing to impose, extend or increase such tax is approved by at least a two-thirds vote of the total members of the City Council. As used in this section, the term "tax" shall mean both a "general tax" and a "special tax" as defined in Article XIIC, Section 1, subdivisions (a) and (d), respectively, of the California Constitution.

(Ord. No. 18-08, § 1, 6-5-18)

Editor's note— This section was added at an election held June 5, 2018, and filed with the Secretary of State July 26, 2018, as Charter Chapter 8.

ARTICLE X. - FISCAL ADMINISTRATION

Section 1000. - Fiscal year.

The fiscal year of the City government shall begin on the first day of July of each year and end on the thirtieth day of June of the following year. The Council may by ordinance change the fiscal year.

Section 1001. - Submission of budget and budget message.

The City Manager shall submit to the City Council a proposed budget for the ensuing fiscal year, and an accompanying message at such time as the City Council shall prescribe. The budget will be adopted by the City Council before the beginning of the fiscal year.

Section 1002. - General tax limits.

The Council shall not levy a property tax for general municipal purposes in excess of the maximum rate applicable to the City on the effective date of this Charter; provided, however, that a tax in excess of such rate may be levied if authorized for general law cities by the general laws of the State or if authorized by the affirmative votes of a majority of the voters voting on a proposition to increase such levy. The number of years that such additional levy is to be made shall be specified in such proposition. Nothing herein contained shall preclude the Council from establishing separate taxing areas within the City for the levy of property taxes, nor preclude the levy of a tax in excess of such maximum rate if authorized by the general laws of the State or if authorized by the affirmative votes of a majority of the voters within the area voting on a proposition to increase such levy.

Section 1003. - Tax procedure.

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

Section 1004. - Contracts on public works.

Every project involving an expenditure of more than Four Thousand Dollars (or such other amount as may be prescribed by ordinance) for the construction of public works shall be let by the Council by contract to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids. The Council may reject any and all bids presented and may readvertise in its discretion. The Council, after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the City Manager, the work in question may be performed better or more economically by the City with its own employees and, after the adoption of a resolution to this effect by at least four affirmative votes, may proceed to have said work done without further observance of the provisions of this section.

Such contracts may be let and such purchases made without advertising for bids, if such work shall be deemed by the Council to be of urgent necessity for the preservation of life, health, or property, and shall be authorized by resolution passed by at least four affirmative votes of the Council and containing a declaration of the facts constituting such urgency.

Section 1005. - Presentation and audit of demands.

Any demand against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the Director of Finance who shall examine the same. If the amount thereof is legally due and there remains an unexhausted balance of an appropriation against which the same may be charged, he or she shall approve such demand and draw his or her warrant on the Treasurer therefor, payable out of the proper fund.

The Director of Finance shall transmit such demand, with his or her approval or rejection thereof endorsed thereon, and warrant, if any, to the City Manager. The City Manager shall cause the same to be transmitted to the Council which may then approve or disapprove payment thereof.

Section 1006. - Registering warrants.

Warrants on the Treasurer which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from the date of registration at such rate as shall be fixed by the Council by resolution.

Section 1007. - Claims against the City.

The provisions of the general laws of the date establishing conditions precedent to the commencement of any action or proceeding or bringing suit against the City, its officers, and employees shall govern, except as modified by the City Council.

Section 1008. - Independent audit.

The City Council shall employ a certified public accountant who shall, at such times as may be specified by the City Council examine the books, records, inventories and reports of all officers and employees who receive, handle, or disburse public funds and all such other officers, employees, or departments as the City Council may direct. As soon as practicable after the end of the fiscal year, a final certified audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, one to the City Manager, Director of Finance, Treasurer, and City Attorney, respectively, and three additional copies to be placed on file in the office of the City Clerk where they shall be available for inspection by the general public.

ARTICLE XI. - FRANCHISES

Section 1100. - Granting of franchises.

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

Section 1101. - Term of franchise.

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

Section 1102. - Eminent domain.

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

franchise granted by the City is granted upon the condition, whether expressed in the grant or not, that such franchise shall not be given any value before any court or other public authority in any proceeding of any character in excess of any amount actually paid by the grantee to the City at the time of the grant.

Section 1103. - Procedure for granting franchises.

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

ARTICLE XII. - MISCELLANEOUS

Section 1200. - Definitions.

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

- (a) "Shall" is mandatory, and "may" is permissive.
- (b) "City" is the City of Irvine and "department," "board," "commission," "committee," "agency," "officer," or "employee" is a department, board, commission, committee, agency, officer, or employee, as the case may be, of the City of Irvine.
- (c) "City Code" is the Code of the City of Irvine.
- (d) "Council" is the City Council of the City.
- (e) "Council member" is a member of the Council.
- (f) "Departmental administrator" is the person in charge of a City department or function.
- (g) "Government Code" is the California Government Code as it exists upon adoption of this Charter, or is thereafter amended.
- (h) "Law" includes ordinance.
- (i) "State" is the State of California.
- (j) "Voter" is a legally registered voter.

Section 1201. - Violations.

A violation of this Charter or of any ordinance of the City shall constitute a misdemeanor and may be prosecuted in the name of the People of the State of California or may be redressed by civil action filed by the City. The maximum fine or penalty for any violation of a City ordinance shall be the same as established by the general laws for a misdemeanor.

Section 1202. - Validity.

If any provision of this Charter, or the application thereof to any person or circumstance, is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

CHARTER COMPARATIVE TABLE

This table is a chronological listing of the amendments incorporated into the Charter. The original Charter was approved at an election held November 4, 1975, and was filed with the secretary of state by chapter 27 of 1976.

Council Adoption Date	Electorate Approval Date	Filed With Secy. of State Year/Charter Chapter	Section	Section This Charter
—	11-4-75	1976 27	100—1202	100—1202
9-8-78	11-7-78	1979 6	1	400
			2	900
—	6-3-86	—	1	400
3-1-88	11-3-87	1988 1	1	400
—	6-7-88	1988 12	1	400
			2	405
4-9-91	11-6-90	1990 6	—	900

	11-5-91	1991 25	1	400
(Ord. No.) <u>14-05</u>	11-4-14	2015 6	2	400
(Ord. No.) <u>18-08</u>	6-5-18	2018 8	1 Added	904
(Ord. No.) <u>24-10</u>	3-5-24	2024 10	1	400
			Added	<u>400.1</u>
				401