

Title CHA. The Charter

Note

Editor's Note: The Charter consists of Stats. 1955, p. 3718. It was adopted pursuant to Section 8 of article XI of the state Constitution, ratified by the qualified voters of the city at an election held on November 2, 1954, approved by the State Legislature on January 5, 1955 and filed with the Secretary of State on January 10, 1955.

Catchlines have been supplied by the editor where particular sections of the original had no catchline. Except for corrections of printing errors and the employment of a uniform system of capitalization, the Charter remains unchanged in this volume.

Preamble

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

Article I. Incorporation, Succession, and Powers

§ 1.01. Corporate name; seal.

The municipal corporation now existing and known as the City of Roseville shall remain and continue a body politic and corporate in name and in fact, by the same name. The City may have and use a common seal, and alter the same at its pleasure.

(Amended by General Municipal Election on November 2, 2010)

§ 1.02. Boundaries.

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

(Amended by General Municipal Election on November 2, 2010)

§ 1.03. Rights and liabilities.

The City of Roseville shall remain vested with, and continue to have, hold, and enjoy all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. The City shall be subject to all the liabilities that now exist against the municipal corporation.

(Amended by General Municipal Election on November 2, 2010)

§ 1.04. Continuance of ordinances.

All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this

charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superseded by proper authority.

§ 1.05. Charter review and amendments.

At least every ten (10) years, the City council shall appoint a citizen committee of not less than nine (9) members whose charge shall be to review the charter and present, or cause to be presented, to the City council a written report recommending those amendments, if any, which should be made to the charter. Appointees shall be subject to confirmation by a majority of the City council.

(Amended by General Municipal Election on November 7, 2000; amended by General Municipal Election on November 2, 2010; Amended by General Municipal Election on November 3, 2020)

§ 1.055. (Reserved)

(Amended by General Municipal Election on November 2, 2010)

§ 1.06. Continuance of 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 by anything herein contained, but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any officer, office, department or agency a party thereto, may be assigned or transferred by or under this charter to another officer, office, department or agency, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this charter.

(Amended by General Municipal Election on November 2, 2010)

§ 1.07. Powers of the City.

The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject to such restrictions and limitations as may be provided in this charter and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California.

The enumeration in this charter of any particular power shall not be held to be exclusive of, or any limitation upon, this general grant of power.

(Amended by General Municipal Election on November 2, 2010)

Article II. Plan of Government

§ 2.01. Form of government.

The intent of this charter is to adopt the council-manager form of government.

(Amended by General Municipal Election on November 2, 2010)

§ 2.02. Elective officers.

The electors of the City shall elect a council of five (5) members each of whom shall be elected by district by the voters in that district for a four (4) year term of office. Commencing with the General Municipal Election in November of 2020 and every four (4) years thereafter, the voters in the odd-numbered electoral districts shall elect a councilmember. Commencing with the General Municipal Election in November of 2022 and every four (4) years thereafter, the voters in the even-numbered electoral districts shall elect a councilmember. The council shall constitute the legislative and governing body of the City and shall have authority, except as otherwise provided in this charter, to exercise all powers of the City, and to adopt such ordinances and resolutions as may be proper in the exercise thereof. No councilmember shall serve more than two (2) consecutive four (4) year terms, commencing as of a date subsequent to April 9, 1974. A partial term of less than two (2) years served due to appointment or election to a vacant council seat does not count as a term for purposes of this section. However, a combination of an appointment to a vacant council seat followed by a subsequent election to fill the remainder of the unexpired term of that same vacant seat shall count as a term for purposes of this section.

(Res. No. 240; amended April 13, 1982; amended April 10, 1984; amended December 22, 1993; amended by General Municipal Election on November 7, 2000; amended by General Municipal Election on November 2, 2010; Amended by General Municipal Election on November 3, 2020)

§ 2.03. Assumption of office by, meeting of council, and seating of mayor and vice mayor.

The council shall be sworn in and assume office, subject to the qualifying provisions of this charter, upon receipt of a certified statement of the results of the election pursuant to California Elections Code 15372, as it may be hereafter amended. The council shall hold its first meeting at that time. Following the certification of the 2020 General Municipal Election, the councilmember who received the highest number of votes in the 2018 election shall be seated as mayor for a two (2) year term and the City clerk shall draw lots among all of the electoral districts except the district where the mayor resides to determine the selection of the initial vice mayor. The selected councilmember shall be seated as vice mayor for a two (2) year term. Following each General Municipal Election thereafter, a vice mayor shall be seated by rotation in sequential order of the five (5) districts. Upon termination of a councilmembers' term of office as vice mayor, the vice mayor shall be seated as mayor. The mayor and vice mayor shall each serve a two (2) year term.

(Amended May 20, 1980; amended December 22, 1993; amended by General Municipal Election on November 7, 2000; amended by General Municipal Election on November 2, 2010; Amended by General Municipal Election on November 3, 2020)

§ 2.04. Powers and duties of mayor.

The mayor shall be the official head of the City government for purposes of ceremony and serve as the presiding officer at meetings of the council, in which meetings the mayor may speak and vote as any other councilmember. The mayor shall not have the power of veto or regular administrative duties and shall exercise such powers, and only such powers, as shall be specifically conferred or required by law.

(Amended by General Municipal Election on November 2, 2010)

§ 2.05. Vice mayor.

In the temporary absence or disability of the mayor, the vice mayor shall exercise the duties and prerogatives of the mayor. The mayor shall, whenever possible, notify the City clerk of the mayor's intended absence from the City and shall in every instance notify the City clerk at the time the mayor reassumes duties. In the event both the mayor and vice mayor are unable to perform their duties, the council may appoint one of its members to act only as chair of a meeting.

(Amended by General Municipal Election on November 2, 2010)

§ 2.06. City attorney.

The council shall select a City attorney to serve at its pleasure. The pleasure of the council in selecting or discharging the City attorney shall be exercised by at least three (3) affirmative votes. The City attorney shall be selected on the basis of training, experience and other administrative qualifications for the office, without regard to political or religious preferences or place of residence at the time of selection. The City attorney shall act as legal advisor to and counsel for the council and City manager in matters relating to their official duties. The City attorney shall represent the City in litigation in which the City is interested; shall provide written legal opinion on official matters when requested by the council or City manager; shall review for legal correctness contracts, bonds, franchises and other instruments in which the City is concerned, and perform such other duties as may be prescribed by ordinance, by administrative code, or otherwise by law. The City attorney may appoint and remove deputy or assistant attorneys, which deputies and assistants shall serve at the City attorney's pleasure, provided that recruitment of such attorneys shall be through the merit system.

(Amended April 13, 1982; amended by General Municipal Election on November 7, 2000; Amended by General Municipal Election on November 2, 2010)

§ 2.07. City manager.

The council shall select a chief administrative officer of the City government who shall be entitled City manager, and who shall serve at the pleasure of the council. The pleasure of the council in selecting or discharging the City manager shall be exercised by at least three (3) affirmative votes. If a vacancy occurs in this position, the council shall select a City manager within a reasonable amount of time. The City manager shall be selected on the basis of training, experience and other administrative qualifications for the office, without regard to political or religious preferences or place of residence at the time of selection. No councilmember shall be eligible for the position of City manager within two (2) years after the expiration of the councilmember's latest term.

(Amended April 13, 1982; amended by General Municipal Election on November 7, 2000; Amended by General Municipal Election on November 2, 2010)

§ 2.08. Temporary City manager or City attorney.

The council may designate a qualified administrative officer of the City to assume the duties and authority of the City manager in circumstances in which the City manager will be absent from the City or it is anticipated that the City manager will be disabled for a period of three (3) months or more. The City manager shall appoint an acting City manager in those cases where the City manager will be absent from the City or it is anticipated that the City manager will be disabled for a shorter period than three (3) months.

The council may designate a qualified attorney at law to assume the duties and authority of the City attorney in circumstances in which the City attorney will be absent from the City or it is anticipated that the City attorney will be disabled for a period of three (3) months or more. The City attorney shall appoint an acting City attorney in those cases where the City attorney will be absent from the City or it is anticipated that the City attorney will be disabled for a shorter period than three (3) months.

(Amended by General Municipal Election on November 7, 2000; Amended by General Municipal Election on November 2, 2010)

§ 2.09. Council-manager relationships.

The City manager shall be responsible to the council for the administration of all units of the City government under the City manager's jurisdiction and for carrying out policies adopted by the council. Except for the purposes of inquiry, the council and its members shall deal with administrative officers and employees solely through the City manager.

(Amended by General Municipal Election on November 2, 2010)

§ 2.10. City manager's duties and authority.

The City manager shall supervise the administrative affairs of the City. The City manager shall be charged with the preservation of the public peace and health, the safety of persons and properties, the enforcement of law, and the development and utilization of the City's resources. The City manager shall keep the council informed of the condition and needs of the City and shall make such reports and recommendations as the City manager may deem desirable and perform such other duties as may be prescribed by this charter or required by ordinance or resolution of the council not inconsistent with this charter. The City manager shall have the right to take part in the discussion of all matters coming before the council but not the right to vote.

(Amended by General Municipal Election on November 2, 2010)

§ 2.11. Powers of City manager as to administrative officers and employees.

The City manager shall have the power to appoint and remove, subject to the provisions of this charter, all administrative officers and employees of the City except those appointed by the City attorney; or may, at the City manager's discretion, authorize the head of a department or office responsible to the City manager to appoint and remove subordinates in such department or office. The City manager shall appoint a City clerk, a City treasurer, and such other heads of administrative offices, organization units and activities as the City manager may deem necessary. The City manager may combine, or personally hold, any such administrative offices herein or otherwise established, or may delegate parts of the responsibilities of the City manager's office to designated subordinates.

(Amended by General Municipal Election on November 2, 2010)

§ 2.12. City treasurer.

The City treasurer shall have such duties as may be prescribed by the City manager and shall be responsible for the custody of all moneys and evidences of value belonging to the City, or held in trust by the City. The City treasurer shall receive and give a receipt for all money due the City including that which may be collected by other City officials or employees. The City treasurer shall keep, deposit and disburse, all City funds in accordance with law. The City treasurer shall have such powers and duties in regard to the collection, custody, and disbursements of funds belonging to other political subdivisions of the state as may be conferred upon the City treasurer by law. The council may contract for the provision of some or all of the foregoing services by third parties.

(Amended by General Municipal Election on November 7, 2000; Amended by General Municipal Election on November 2, 2010)

§ 2.13. City clerk.

The City clerk shall be responsible to, and have such duties as may be prescribed by the City manager and shall attend and keep a permanent journal of proceedings at all meetings of the council. The City clerk shall record and certify all council ordinances and resolutions. The City clerk shall be custodian of the City seal and official City records, the custody of which is not otherwise

provided for by council, ordinance, or administrative order of the City manager. The City clerk shall be the chief elections official of the City in all elections, including consolidated elections and shall prescribe and may furnish the forms for all petitions provided for by this charter. The City clerk shall have the power to administer oaths of office.

(Amended by General Municipal Election on November 7, 2000; Amended by General Municipal Election on November 2, 2010)

§ 2.14. Boards, and commissions, and committees.

The council may by ordinance create or abolish boards, and commissions, and committees with respect to specific municipal functions as it may deem necessary. The council shall in each case prescribe the number, manner of appointment, length of term, and duties of members of such boards, commissions, and committees who shall serve without compensation but may be reimbursed for necessary expenses incurred in the performance of their official duties. In all cases, except that of the personnel board required by Section 8.01 and the board of appeals, the council shall provide for an appeal by any interested or aggrieved person from the decision of any boards, commission, or committee to the council. The council's decision shall be final. All members of such boards, commissions, or committees shall be residents of the City at the time of their appointment and continuously during their term of office. Boards, commissions, and committees existing at the time this charter is approved by the legislature shall continue to serve until action is taken by the council as provided for in this charter.

(Amended by General Municipal Election on November 7, 2000; amended by General Municipal Election on November 2, 2010; Amended by General Municipal Election on November 3, 2020)

§ 2.15. Administrative organization.

Within the framework established by this charter, the administrative organization of the City shall be set forth in administrative directives which shall be developed by the City manager. Administrative offices may be created or eliminated by the council only upon recommendation by the City manager.

(Amended by General Municipal Election on November 7, 2000; Amended by General Municipal Election on November 2, 2010)

Article III. Provisions Regarding Officers and Employees

§ 3.01. Eligibility for office.

Only United States citizens may be elected or appointed officers of the City. Furthermore, in order to be eligible for City office, any councilmember elected or appointed to represent an electoral district must reside in that district and be a registered voter in that district, and any candidate for city council must reside in, and be a registered voter in, the district in which the candidate seeks election at the time nomination papers are issued.

(Res. No. 240; amended April 13, 1982; amended by General Municipal Election on November 2, 2010; Amended by General Municipal Election on November 3, 2020)

§ 3.02. Oath of office and bond.

Every elective officer, the City manager, and every department head of the City, before assuming the duties of office, shall take and subscribe to each constitutional oath of office. Each of these officers of the City shall provide such bonds for faithful performance of their duties as may be required by law. The required oaths and bonds shall be filed with the City clerk; provided that the oath and bond

required of the City clerk, if any, shall be filed with the City treasurer. All such bonds shall be corporate surety bonds and the premiums thereon shall be paid by the City.

(Amended by General Municipal Election on November 2, 2010)

§ 3.03. Surety bonds.

All City officers or employees receiving, disbursing, or responsible for City funds shall be bonded. The council may require any officer or employee to give a bond, conditioned upon the faithful and proper performance of the duties of office or employment, and approved by and in such amount as the council shall determine. All such bonds shall be corporate surety bonds and the premiums thereon shall be paid by the City. No such bond shall be issued for a term exceeding four (4) years. No bond required by this section shall be renewed upon its expiration or in the event of the reappointment of any officer or employee to a position for which a bond is required, but a new bond shall be furnished. The resignation, removal, or discharge of any officer or employee of the City shall not, nor shall the election or appointment of another to office or employment, exonerate such officer or employee or sureties from any liability incurred by them. Nothing in this section shall prevent the council from authorizing the furnishing of a blanket position bond to assure the honesty or faithful performance of any of its officers or employees.

(Amended by General Municipal Election on November 2, 2010)

§ 3.04. Financial interests prohibited.

City officers shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members; and shall not be purchasers at any sale, or vendors at any purchase, made by them in their official capacity. It is the intent of the foregoing to incorporate by reference, as though set forth in full herein, the provisions of Article 4 of Title 1, commencing with Section 1090 of the California **Government Code**.

(Res. No. 240; amended by General Municipal Election on November 7, 2000; Amended by General Municipal Election on November 2, 2010)

§ 3.05. Compensation of council members and mayor.

- a. The council may enact an ordinance providing that each member of the council shall receive a salary, the amount of which shall be determined by the following schedule:
 1. If the City's population is between 50,000 and 75,000 persons, inclusive, the salary shall be five hundred dollars (\$500) per month for each councilmember, and the mayor shall receive an additional amount of fifty dollars (\$50) per month.
 2. If the City's population exceeds 75,000 persons, the salary shall be six hundred dollars (\$600) per month for each councilmember and the mayor shall receive an additional fifty dollars (\$50) per month.
- b. Councilmembers may, upon order of the council, be reimbursed for reasonable and necessary expenses actually incurred in the service of the City.

(Res. No. 240; amended by General Municipal Election on November 5, 1985; amended by General Municipal Election on November 7, 2000; Amended by General Municipal Election on November 2, 2010)

§ 3.06. Compensation of City manager, City attorney and other officers and employees.

The rates and other terms of compensation of the City manager and the City attorney shall be fixed by the council. Except as otherwise provided in this charter the compensation of all officers and employees of the City shall be fixed by the City manager within the limits of budget appropriations and in accordance with a comprehensive pay plan adopted by the council.
(Amended by General Municipal Election on November 2, 2010)

§ 3.07. (Reserved)

(Amended by General Municipal Election on November 7, 2000; Amended by General Municipal Election on November 2, 2010)

§ 3.08. Employee welfare benefits.

The council may provide for the retirement of the City's non-elective officers and employees and make available to them any group life, hospital, health or accident insurance, either independently of, or as a supplement to, any retirement or other employee welfare benefits in effect at the time of approval of this charter by the legislature or otherwise provided by law.
(Amended by General Municipal Election on November 2, 2010)

§ 3.09. Councilmember vacancies.

- a. An office becomes vacant on the happening of any of the following events before the expiration of the councilmember's term:
 1. Upon any of the grounds listed in Section 1770 of the California Government Code as it now exists or may hereafter be amended.
 2. Upon termination of residency in an electoral district by a councilmember elected or appointed to that district unless a substitute residence within the district is immediately declared and established within thirty (30) calendar days after the termination of residency.
- b. When a vacancy is, for any reason, anticipated in advance of its actual occurrence, the council shall initiate the appointment or election process in anticipation of the vacancy. The councilmember who will be vacating the seat may not participate in the process.
- c. Any vacancy on the council may be filled by a majority vote of the remaining councilmembers within sixty (60) calendar days after the vacancy occurs. A person appointed by the council to fill a vacancy shall hold office until the next feasible election. A councilmember elected to fill a vacancy thereafter shall hold office for the remainder of the unexpired term. No person may be appointed to the council more than once.
- d. If the council fails, for any reason, to fill such vacancy within the sixty (60) day period set forth in subsection **c**, it shall forthwith call an election for the earliest possible date to fill such vacancy. A councilmember elected to fill a vacancy shall hold office for the remainder of the unexpired term.
- e. In the event of a vacancy in the office of mayor, the vice mayor shall be seated as mayor and shall hold office for the remainder of the unexpired term being assumed. In the event of a vacancy in the office of vice mayor, a vice mayor shall be seated from the electoral district next in rotation and shall hold office for the remainder of the unexpired term being assumed. The filling of vacancies pursuant to this subsection, however, shall not disrupt the normal mayoral and vice mayoral rotation and shall not result in reducing a mayor's or vice mayor's scheduled term.

(Res. No. 240; amended by General Municipal Election on November 7, 2000; amended by General Municipal Election on November 2, 2010; Amended by General Municipal Election on November 3,

2020)

§ 3.10. Recall.

The holder of any elective office, whether elected or appointed thereto, may be removed therefrom by recall in the manner prescribed by the constitution and general laws of the state.

§ 3.11. Separations from office.

All books, documents, and other personal property purchased by the City and all records, documents, and other papers prepared by officials in the discharge of their duties shall be and remain the property of the City. The council shall prescribe by ordinance appropriate procedures with respect to resignations of officers and employees and with respect to the orderly transfer of records, assets, and other effects in the custody of such officers and employees, to their successors or supervisors.

(Amended by General Municipal Election on November 2, 2010)

Article IV. Procedure of the City Council

§ 4.01. Regular meetings.

The council shall hold regular meetings on the first and third Wednesday of each month; provided that, if a regular meeting date falls on a legal holiday, the meeting shall be held at the same hour, same day the following week or may be canceled. An agenda will provide the time and place of the meetings.

(Res. No. 240; Amended by General Municipal Election on November 3, 2020)

§ 4.02. Special meetings.

Special meetings may be called by the City clerk, City manager, City attorney, or by written request of the mayor or any three (3) councilmembers by providing each councilmember with at least seventy-two (72) hours' written notice, except that for time sensitive business, only twenty-four (24) hours' written notice is required. Written notice shall be served personally, electronically, or left at each councilmembers' usual place of residence, and shall be publicly posted in accordance with the timeframes set forth in this section. Business transacted at any special meeting shall be limited to the subjects recited in the notice of such meeting.

(Amended by General Municipal Election on November 7, 2000; amended by General Municipal Election on November 2, 2010; Amended by General Municipal Election on November 3, 2020)

§ 4.03. Meetings to be public.

Except for closed sessions permitted by general state law, all council meetings shall be open to the public and citizens shall have a reasonable opportunity to be heard.

(Amended by General Municipal Election on November 7, 2000; Amended by General Municipal Election on November 2, 2010)

§ 4.04. Quorum.

Three (3) councilmembers shall be a quorum for the transaction of business at council meetings except as otherwise provided by this charter. In the absence of a quorum, a lesser number of councilmembers or the City clerk may adjourn the meeting to a later date.

(Amended by General Municipal Election on November 2, 2010)

§ 4.05. Attendance and conduct at meetings.

The council may, by vote of not less than two (2) of its members, enforce orderly conduct and compel the attendance of its members and other City officers at its meetings. Any member of the council or other officer of the City who refuses to attend such meetings or conducts themselves in a disorderly manner thereat shall be deemed guilty of misconduct in office. Upon council request the City manager shall designate a police official or officer to serve as the sergeant-at-arms of the council.

(Amended by General Municipal Election on November 2, 2010)

§ 4.06. Council rules.

The council shall determine its own rules and order of business subject to the following provisions. There shall be a journal of proceeding or minutes of all council meetings approved by the council and to which the public shall have access at all reasonable times. Within seven (7) days after any regular or special council meeting, the actions taken by the council at the meeting shall be available on the City's website, and within thirty (30) days after any regular or special council meeting, action minutes of the meeting shall be prepared by the council for its approval.

A vote upon all ordinances and resolutions shall be taken individually by an affirmative or negative vote and entered upon the journal, except that where the vote is unanimous it shall be necessary only to so state.

(Amended April 13, 1982; amended by General Municipal Election on November 7, 2000; amended by General Municipal Election on November 2, 2010; Amended by General Municipal Election on November 3, 2020)

Article V. Legislation

§ 5.01. Form of legislation.

All legislation of the City carrying a penalty for its violation or appropriating money shall be by council ordinance. Each ordinance shall relate to a single subject, which shall be expressed in its title, and upon passage shall be further identified by a number. The enacting clause of all ordinances shall be "The City of Roseville ordains;". Other acts, statements, or decisions of the council reflecting the opinion or will of the council may be adopted by motion or resolution.

(Amended by General Municipal Election on November 2, 2010)

§ 5.02. Enactment, amendment and repeal of ordinances.

Ordinances may be enacted, amended or repealed by the affirmative vote of not less than three (3) councilmembers, except that when an ordinance is given immediate effect, Section **5.03** of this charter shall govern. Unless by the affirmative vote of not less than three (3) councilmembers, no office shall be created or abolished, no tax or assessment be imposed, no street, alley or public ground be vacated, no real estate or any interest therein be sold or disposed of, nor any vote of the council be reconsidered or rescinded nor any money appropriated except as otherwise provided by this charter. Except in the case of ordinances which are declared to be urgency ordinances, no

ordinance shall be finally passed by the council until two (2) weeks after the meeting at which the ordinance is introduced. Introduction of an ordinance shall require the affirmative vote of not less than three (3) councilmembers. At least the title and a summary of the ordinance as introduced shall be published in a newspaper of general circulation in the City at least one week before the final passage, either separately or as part of any published proceedings of the council. No ordinance shall be amended by reference to its number and title only, but the section or sections of the ordinance amended shall be reenacted and shall be either published or posted as provided in Section **5.04** of this charter. An ordinance may be repealed in total by reference to its number and title only and publication of the action may be similarly limited.

(Res. No. 240; amended April 13, 1982; amended by General Municipal Election on November 5, 1985; amended by General Municipal Election on November 7, 2000; Amended by General Municipal Election on November 2, 2010)

§ 5.03. When ordinances take effect.

The effective date of all ordinances shall be prescribed herein, but the effective date shall not be earlier than thirty (30) days after their enactment nor before publication thereof, except that ordinances relating to an election, relating to street improvement proceedings, relating to taxes or appropriations for the usual and current expenses of the City, or ordinances immediately necessary for the preservation of the public peace, health or safety may be given earlier effect by the affirmative vote of not less than three (3) councilmembers if three (3) or four (4) councilmembers are present at the meeting, and by the affirmative vote of not less than four (4) councilmembers if five (5) councilmembers are present at the meeting. In case an ordinance is given effect earlier than thirty (30) days after its enactment, all requirements for publication may be met by posting copies thereof in conspicuous locations in three (3) public places in the City, and the City clerk shall, immediately after such posting, enter in the ordinance book under the record of the ordinance a certificate stating the time and place of such publication by posting, which certificate shall be conclusive evidence of the due publication and posting of the ordinance.

(Res. No. 240; Amended by General Municipal Election on November 2, 2010)

§ 5.04. Publication of ordinances.

Each ordinance passed by the council shall either be published in full at least once within fourteen (14) days after it is adopted in a newspaper of general circulation in the City, either separately or as part of any published proceedings of the council, or shall within fourteen (14) days after its adoption be posted in full in at least three (3) public places in the City; provided, however, that this section shall not apply to urgency ordinances provided for in Section **5.03** and technical codes provided for in Section **5.05** of this charter. All ordinances and their amendments shall be recorded by the City clerk in a book to be called "The Ordinance Book," and it shall be the duty of the mayor and City clerk to authenticate such records by their official signatures.

(Amended April 13, 1982; amended April 10, 1984; Amended by General Municipal Election on November 2, 2010)

§ 5.05. Technical codes.

The council may adopt in whole or in part any provision of state law or any detailed technical regulations as a City ordinance or code by citation of such provision of state law or by reference to any recognized standard code and it shall be clearly identified in the ordinance adopting the same as an ordinance of the City. Where any recognized official or unofficial standard code is so adopted in whole or in part, it may be published by filing one (1) copy of the law or code in the office of the City clerk, and the publication of revised or altered sections shall be in the manner prescribed in this charter for the adoption of other ordinances. Any subsequent amendment to or revision of such

adopted law or code or detailed technical ordinance may be adopted and published in the same manner.

(Amended April 13, 1982; Amended by General Municipal Election on November 2, 2010)

§ 5.06. Penalties.

The council may provide in any ordinance penalties for its violation. Penalties for the violations of City ordinances shall not exceed those permitted by state law.

(Amended by General Municipal Election on November 2, 2010)

§ 5.07. (Reserved)

(Amended by General Municipal Election on November 7, 2000; Amended by General Municipal Election on November 2, 2010)

§ 5.08. Compilation and codification of ordinances.

The council shall, within one (1) year after the adoption of this charter, cause any or all properly enacted and unrepealed ordinances of the City to be compiled, consolidated, revised, indexed and arranged, including such restatements and substantive changes as are necessary for clarity, in a comprehensive ordinance code. Such code may be adopted by reference by passage of an ordinance in the same manner as other ordinances of the City. Such code need not be published in the manner required for other ordinances, but not less than one (1) copy thereof shall be filed for use and examination by the public in the office of the City clerk prior to the adoption thereof. Subsequent amendments to the code shall be enacted in the same manner as herein required for the amendment of ordinances generally.

(Amended April 13, 1982; Amended by General Municipal Election on November 2, 2010)

§ 5.09. Initiative and referendum.

Ordinances may be initiated, or the referendum exercised on ordinances passed by council in accordance with the provisions of the general laws of the state as the same now exist or many hereafter be amended applicable to general law cities.

(Res. No. 240)

§ 5.10. (Reserved)

(Amended by General Municipal Election on November 7, 2000; Amended by General Municipal Election on November 2, 2010)

§ 5.11. Rules of ordinance construction; severability.

Ordinances passed by the council are declared to be severable. If any portion of an ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the ordinances which can be given effect without the invalid portion or application, provided that such remaining portions are not determined by the court to be inoperable.

Article VI. Elections

§ 6.01. General and Special Municipal Elections.

General Municipal Elections for the election of officers and for such other purposes as the council may prescribe, shall be held in the City on the date specified by the **Elections Code** of the State of California for State-wide general elections (**Elections Code** Section 2550). Such General Municipal Elections shall be conducted in each even-numbered year. All other municipal elections that may be held by authority of this charter, or of general law, or by ordinance, shall be known as Special Municipal Elections.

(Res. No. 240; amended April 10, 1984; amended December 22, 1993; Amended by General Municipal Election on November 2, 2010)

§ 6.02. Procedure for holding elections.

Unless otherwise provided by ordinances hereafter enacted or this charter, all elections shall be held in accordance with the provisions of the **Elections Code** of the State of California, as the same now exist or may hereafter be amended, for the holding of elections in cities, insofar as the same are not in conflict with this charter. The City clerk shall be the chief elections official of the City in all elections, including consolidated elections. Any local or special election may be conducted by mail, provided that all of the following conditions are met:

- (a) The council authorizes the use of mail ballots for the election.
- (b) The election does not occur on the same date as a statewide direct primary election or statewide general election.
- (c) The election is not a special election to fill a vacancy in a statewide office or the office of Representative in the United States Congress, State Senator, or Member of the Assembly.
- (d) At least one polling place for the election shall be provided, the location of which shall be determined by the City clerk.

(Res. No. 240; amended by General Municipal Election on November 7, 2000; Amended by General Municipal Election on November 2, 2010)

Article VII. Fiscal Administration

§ 7.01. 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 General Municipal Election on November 2, 2010)

§ 7.02. Budget procedure.

The City manager shall prepare and shall recommend a budget for the ensuing fiscal year to the council on or before the first regular meeting in June. The budget document shall present a comprehensive financial plan for the ensuing fiscal year, including at least the following information:

- A. Statements of the bonded and other indebtedness of the City, including the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds.

- B. Estimates of all proposed expenditures for each department and office of the City, showing in addition the expenditures for the last preceding fiscal year, appropriations and anticipated expenditures for the current fiscal year, and reasons for recommended departures from the current expenditure pattern.
- C. Detailed estimates of all anticipated revenue sources of the City, with a comparative statement of the amounts received by the City from each of such sources for the last preceding fiscal year and the amounts expected to be received for the current fiscal year.
- D. A statement of the estimated balance or deficit, as of the end of the current fiscal year, for all funds.
- E. Such other supporting schedules as the council may request or are otherwise required by law.
(Res. No. 60-3, § 1; amended by General Municipal Election on November 7, 2000; Amended by General Municipal Election on November 2, 2010)

§ 7.03. Budget review; hearings and adoption.

After review of the budget recommended by the City manager, the council shall make such revisions as it may deem advisable at a noticed public meeting and shall set the time for holding a public hearing thereon. Not less than ten (10) days prior to said public hearing, the council shall cause to be published a notice thereof in a newspaper of general circulation in the City. Copies of the proposed budget shall be available for public inspection in the office of the City clerk for a period of at least ten (10) days prior to said hearing.

(Amended by General Municipal Election on November 7, 2000; Amended by General Municipal Election on November 2, 2010)

§ 7.04. Interested citizens to be heard at budget hearing.

At the time advertised, or at any time to which such public hearing shall from time to time be adjourned, the council shall hold a public hearing on the proposed budget, at which interested citizens desiring to be heard shall be given such opportunity.

§ 7.05. Revision and final adoption of budget; copy for inspection.

After the conclusion of the public hearing the council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before June 30, it shall adopt the budget with revisions, if any, by the affirmative votes of at least three (3) councilmembers. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy thereof, certified by the City clerk, shall remain on file in the office of the City clerk where it shall be available for inspection.

(Amended by General Municipal Election on November 2, 2010)

§ 7.06. Appropriations; transfers.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered, except as provided later in this section and in Section 7.08.

No money shall be drawn from the City treasury nor shall any obligation for the expenditure of

money incurred, except pursuant to the budget appropriation. The council may, by ordinance adopted by the affirmative vote of at least three (3) councilmembers, transfer any unencumbered appropriation balance or any portion thereof, from one department, fund or agency to another, or appropriate available revenue not included in the budget.

(Res. No. 240; amended by General Municipal Election on November 7, 2000; Amended by General Municipal Election on November 2, 2010)

§ 7.07. (Reserved)

(Amended by General Municipal Election on November 7, 2000; Amended by General Municipal Election on November 2, 2010)

§ 7.075. Utility reserve fund.

The council shall annually set aside from the income of each of its revenue producing public utilities the following amounts and in the following order, to wit: First; An amount fully sufficient for the payment of principal, interest, reserve fund and sinking fund requirements of any revenue bonds or general obligation bonds secured in whole or in part from such utility revenues, the proceeds of which bonds have been applied to the acquisition, construction or completion of such public utilities. Second: An amount sufficient to pay or provide for the payment of maintenance and operation of such public utilities, including a reserve for maintenance and operation.

Thereafter the council may set aside an amount, from any surplus moneys remaining, to create and maintain a separate utility reserve fund for each public utility. The amount to be set aside in such separate utility reserve fund shall not exceed a sum which, according to the estimate of the City manager and approved by the council, shall be sufficient to meet normal depreciation of such public utility. Such utility reserve funds, if established, shall be used for the replacement, betterment and extension of each of said public utilities and, in addition, may be used for the payment of the principal of and interest on, or retirement prior to maturity of, any revenue bonds of the City or any general obligation bonds secured in whole or in part from such public utility revenues, the proceeds of which bonds have been applied to the acquisition, construction or completion of any such utility, if and to the extent that other funds are not then available for such payment.

(Res. No. 68-10, § 1; amended by General Municipal Election on November 7, 2000; Amended by General Municipal Election on November 2, 2010)

§ 7.08. Capital outlay fund; taxation for public improvement.

The council shall, by ordinance, establish capital outlay funds for specified capital improvement purposes, and such other special funds as it may deem necessary. The council may levy and collect taxes for such purposes, but shall not, in making such a levy, exceed the maximum tax rate provided for in this charter unless authorized by the affirmative votes of a majority of the electors voting on the proposition at any regular or special election at which such question is submitted. The council may transfer to any such fund any unencumbered surplus funds on hand at any time. Such special funds, created by or supplemented with tax revenues upon which a vote of the electors has been required, shall remain inviolate for the purposes for which they were created unless the use of such funds for some other purpose is authorized by the affirmative vote of a majority of the electors voting thereon on such proposition at a general or special election. Any unexpended and unencumbered surplus remaining in such special funds after the purpose for which the special fund was created has been accomplished may be transferred by the council to its general funds or to other special funds.

§ 7.09. Tax system.

The council shall, by ordinance, provide a system for the assessment, levy, and collection of special taxes and assessments upon property. The council may, in its discretion, authorize the officers of Placer County to perform any functions for the City relating to the assessment of property, the collection of taxes, the collection of assessments levied for municipal improvements, the sale of property for nonpayment of taxes or special assessments, and the redemption of property from sales.

(Amended by General Municipal Election on November 2, 2010)

§ 7.095. (Reserved)

(Added by General Municipal Election on November 7, 2000; Amended by General Municipal Election on November 2, 2010)

§ 7.10. Limit of levy; purpose of levy; manner of making special assessments.

Special assessments for local improvements shall be levied in the manner prescribed by state law.

(Amended by General Municipal Election on November 2, 2010)

§ 7.11. Power to incur indebtedness.

The bonded indebtedness of the City may not in the aggregate exceed the sum of fifteen (15%) percent of the total assessed valuation of property within the City, with the exception of any indebtedness that has been or may hereafter be incurred for the purposes of acquiring, constructing, extending, replacing, or maintaining municipally owned utilities, for which purposes a further indebtedness may be incurred by the issuance of bonds, subject as to amount only to the provisions of the constitution and laws of the State of California.

The council may, after authorization by the affirmative vote of a majority of the electors voting on the proposition at any regular or special election, issue revenue bonds or any other evidence of indebtedness authorized by state law. Neither such revenue bonds, nor the interest accruing thereon, shall be, or evidence, indebtedness of the City. Such bonds, and the interest accruing thereon, shall be a charge upon, and payable solely from the revenues derived from the operation of such works, facilities or property, and shall not be a charge, lien, encumbrance, legal or equitable, upon, nor shall any recourse on account thereof be had against any other income, receipts, revenues or funds of the City, and neither the credit nor the taxing power of the City shall be deemed to be pledged to, or charged with, such payment, nor shall the holder of any such bond have any right to compel the exercise of any taxing power of the City.

(Amended by General Municipal Election on November 2, 2010)

§ 7.12. Advertisement and sale of bonds.

All bonds to be sold by the City and payable from the City's general fund or any of its enterprise funds shall be advertised for sale at least once in a newspaper of general circulation in the City and in such financial journals as may be deemed necessary to stimulate competitive bidding, at least fifteen (15) days before the bond sale in the manner required by state law. The provisions of this section shall not be interpreted to require public bidding in the event such bonds are sold to a public financing authority.

(Amended April 13, 1982; amended by General Municipal Election on November 7, 2000; Amended by General Municipal Election on November 2, 2010)

§ 7.13. Preparation and record of bonds.

Each bond shall contain on its face a statement specifying the purpose for which the same is issued and it shall be unlawful for any officer of the city to use the proceeds thereof for any other purpose, and any officer of the City who shall violate this provision shall be deemed guilty of misconduct of office. All bonds issued by the City shall be signed by such officer or officers as may be designated by the City council and countersigned by the City clerk, under the seal of the City. The City manager shall be responsible for establishing and maintaining a complete and detailed record of all bonds issued by the city. Upon the payment of any bond, the same shall be marked "Canceled" or shall be destroyed.

(Amended by General Municipal Election on November 2, 2010)

§ 7.14. Unissued bonds.

If any bonds are not sold within five (5) years after authorization, such authorization shall, with respect to such bonds, be null and void, and such bonds shall be canceled.

(Amended April 13, 1982)

§ 7.15. Budget control.

At least three (3) times during the fiscal year, and more often if required by the council, the City manager shall submit to the council data showing the relation between the estimated income and expenses and actual income and expenses to date; and if it shall appear that the income is less than anticipated, the council may reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the cash income.

(Amended by General Municipal Election on November 2, 2010)

§ 7.16. Depository.

The council shall designate a depository or depositories for City funds and shall provide for the regular deposit of all City moneys. The council shall require such security for City deposits as it deems desirable and as is authorized or permitted by law, except that personal surety bonds, of themselves, shall not be deemed proper security.

(Amended by General Municipal Election on November 2, 2010)

§ 7.17. (Repealed)

§ 7.18. Actions against the City.

No suit shall be brought on any claim for money or damages against the City or any department, officer or agency thereof until a demand for the same has been presented to the City clerk and rejected in whole or in part.

All claims and the processing thereof shall conform to the laws of the State of California relating to claims against local public entities.

(Res. No. 240; Amended by General Municipal Election on November 2, 2010)

§ 7.19. Independent audit.

The Council shall provide for an annual audit of the City by a firm of independent certified public accountants who are in no other way connected with the City government. The firm shall be retained subject to the restrictions and limitations prescribed by state law. A comprehensive audit shall be made covering each fiscal year to assure that the City's financial transactions, accounts and records are maintained in accordance with the requirements of the City charter, state and federal laws and generally accepted accounting principles. Such audit report shall be submitted to the council and shall be open to public inspection.

(Amended April 13, 1982; amended by General Municipal Election on November 2, 2010; Amended by General Municipal Election on November 3, 2020)

§ 7.20. Purchasing and contracts.

Except as otherwise provided in this charter, the City manager shall be responsible for all City purchasing, but may delegate the responsibility to any appointed subordinate.

(Amended by General Municipal Election on November 2, 2010)

§ 7.21. Bids for contracts; certified checks for bid bonds; performance bonds.

Competitive prices or bids for all purchases and public works and improvements shall be obtained where practicable and the purchase made from, or the contract awarded to, the lowest responsible bidder; provided, that the council may waive the bidding requirements prescribed in this section in the purchase of noncompetitive items or in case of an emergency. Sealed bids shall be asked for in all transactions involving the expenditure of seventy-five thousand dollars (\$75,000.00) or more, and in the case of public works, the transaction evidenced by a written contract submitted to and approved by the council. The council may reject any and all bids. In all transactions where sealed bids are required, the council may demand a deposit by each bidder in the form of a certified check or bid bond in an amount which shall be specified in the call for bids. The council may require a faithful performance or surety bond of the successful bidder. Calls for sealed bids shall be published in a newspaper of general circulation of the City and/or on the City's website, not less than five (5) days before the deadline for submission of bids, unless the council declares by resolution that an emergency exists. Detailed purchasing and contract award procedures shall be prescribed by ordinance.

(Res. No. 60-2, § 1; amended April 13, 1982; Res. No. 86-108 § 4; amended June 18, 1986; amended by General Municipal Election on November 2, 2010; Amended by General Municipal Election on November 3, 2020)

§ 7.22. Contracts with other public jurisdictions.

The council may, without competitive bidding, enter into a contract with other public jurisdictions established by law, for furnishing goods or services to the City or its inhabitants, or for furnishing goods or services by the City to such public jurisdictions or their inhabitants, or for furnishing goods and services jointly to the inhabitants of the City and the inhabitants of other such public jurisdictions, subject to such restrictions and limitations as may be prescribed by state law.

(Amended by General Municipal Election on November 2, 2010)

§ 7.23. (Repealed)

§ 7.24. Approval of contracts by City attorney.

All contracts shall be approved as to legal form by the City attorney.
(Amended by General Municipal Election on November 7, 2000; Amended by General Municipal Election on November 2, 2010)

Article VIII. Personnel Administration

§ 8.01. Personnel board.

A personnel board consisting of five (5) resident and qualified voters shall be appointed by the council for four (4) year overlapping terms of office. Vacancies shall be filled by council appointment for the expired portion of the term. A member of the personnel board shall be removed from office by the council only for malfeasance, misfeasance or nonfeasance and after charges have been filed and such member has been given a reasonable opportunity to defend themselves in an open public hearing before the council. In the event of a vacancy on the personnel board, other than vacancies caused by expiration of the terms of members, the city council shall appoint a person to fill the unexpired term. Such an appointment to fill an unexpired term shall not be considered as one of the two term limit. The board shall provide for its own organization and rules for conduct of meetings; provided, that all meetings shall comply with the public meeting requirements of state law. Three (3) members shall constitute a quorum. Members of the board shall serve without pay, but shall be entitled to actual and reasonable expenses incurred outside of the City in the performance of their duties.

No member of the personnel board shall serve more than two (2) consecutive terms.

Reappointment of incumbents to the personnel board shall be for four-year (4) terms in accordance with this section.

(Res. No. 240; amended by General Municipal Election on November 7, 2000; amended by General Municipal Election on November 2, 2010; Amended by General Municipal Election on November 3, 2020)

§ 8.02. Powers and duties of the personnel board.

The personnel board shall have the power and shall be required:

- a. To advise the council and administrative officials on all matters relating to personnel administration in the City service.
- b. To investigate and pass upon the complaint of an employee or group of employees alleging unfair treatment resulting from a management decision, or lack of decision; concerning the interpretation of City rules or regulations governing personnel practices or working conditions within the control of the department head; in which case, the decision of the board, with regard to the interpretation of said rules or regulations, shall be binding upon the appointing authority.
- c. To investigate and pass upon the claim of any person that their application for employment or promotion has not been processed and considered pursuant to the provisions of this charter and the personnel rules governing the classified service; in which case, the decision of the board shall be binding on the appointing authority.
- d. To hear appeals from any action of suspension, reduction in rank or pay, or discharge of any employee in the classified service and to report its findings and decisions in writing to the appointing authority; such findings and decisions shall be final and binding on the appointing authority.
- e. To subpoena witnesses and administer oaths.

(Res. No. 240; amended by General Municipal Election on November 7, 2000; Amended by General

§ 8.03. Human resources director.

The human resources director shall be appointed by the City manager. The human resources director shall be responsible for directing the personnel program of the City in accordance with the provisions of this charter and ordinances supplemental thereto.

(April 11, 1972; Amended by General Municipal Election on November 2, 2010)

§ 8.04. Personnel rules.

It is the intention of this article to provide for a merit system of employment in City service. The council shall enact by ordinance a set of rules governing classified municipal employment which shall, among other things, provide:

- a. For the classification of all positions in the classified service.
- b. For open, free and competitive examinations to test the relative fitness of applicants for such positions, and or reasonable publication and public advertisement of all examinations and for promotion based upon competitive examinations or records of efficiency, character, conduct and seniority, or upon examination and record.
- c. For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing on the examination, except if waived or modified in the personnel rules, and for the certifications of those on the appropriate list to the manager or department heads for appointment to fill vacancies and for the manner in which appointments shall be made from such list.
- d. For the period of time in which eligible lists shall continue in effect.
- e. For a period of probation not to exceed one (1) year, both on original and promotional appointments, before the appointment is made permanent, during which time, in the case of an original appointment, the probationer may be discharged or, in the case of a promotion, returned to a position of their former classification by the head of the department of office in which employed. Provided, however, that no period of absence from work, leave, or limited duty assignment shall be credited toward completion of the probationary period, nor shall any overtime or additional work beyond normal working hours be credited towards completion of the probationary period.
- f. For the rejection of candidates of eligibility who fail to comply with a bona fide occupational qualification in regard to age or sex or who fail to comply with a qualification standard which is job-related and consistent with business necessity; or who have been convicted of a crime which adversely affects their qualification for the position applied for; or who have attempted any deception or fraud in connection with an examination for employment by the City.
- g. For the employment with examination of provisional employees, in cases of emergency pending appointment from an eligible list, but no such provisional employment shall continue for more than thirty (30) days after the establishment of an eligible list for the position held, and in no event for more than (90) days.
- h. For transfer from one (1) position to a similar position in the same class and grade, for reinstatement after resignation, layoff or reduction in class or grade.
- i. For the discipline of employees by suspension, demotion, discharge or other actions not inconsistent with the provisions of this article.
- j. For the certification to the chief finance officer of the City of names and classifications of all

persons legally employed in the City service, without which certifications this officer shall not authorize the issuance of salary paychecks.

(April 11, 1972; amended by General Municipal Election on November 2, 2010; Amended by General Municipal Election on November 3, 2020)

§ 8.05. Special provisions relating to examinations.

All examinations shall be impartial and shall deal with the duties and requirements of the positions to be filled. They may be oral, written or based on observed performance or educational and experience record, or any combination thereof. Unskilled laborers may be appointed in the order of priority of application after passing such tests of fitness as the human resources director may prescribe. The human resources director may develop an apprenticeship program for the recruitment and promotion of employees in the skilled trades.

(April 11, 1972; Amended by General Municipal Election on November 2, 2010)

§ 8.06. Special services.

The council, upon recommendation of the City manager may contract with other political subdivisions of the state, or with any state department, or with an experienced private agency for the furnishing of personnel, fiscal or other consultative services.

(April 11, 1972; amended by General Municipal Election on November 7, 2000; Amended by General Municipal Election on November 2, 2010)

§ 8.07. Classified and unclassified services.

The employments in the City service are hereby divided into the classified and unclassified service. The unclassified service shall consist of (a) officers elected by the people and persons appointed to fill vacancies in elective offices; (b) the members of boards and commissions as provided by this charter; (c) the City manager, assistant City manager, City attorney, deputy, associate or assistant attorneys, the heads of one or more departments, and all persons holding an assistant department head position who were hired or promoted to that position after March 5, 2014, as provided for in this charter; (d) persons employed in a professional or scientific capacity to conduct or complete a special inquiry, investigation, examination or project, not to exceed thirty-six (36) months full-time employment or equivalent without a break of at least three (3) months; (e) persons employed for a temporary, seasonal or special purpose for a period not to exceed fifteen hundred (1,500) hours employment or the equivalent thereof in any twelve (12) month period; (f) reserve firefighters and reserve police officers; and (g) disaster service workers whether recruited or conscripted. The classified service shall comprise all positions not specifically included in the unclassified service.

(April 11, 1972; amended by General Municipal Election on November 7, 2000; amended by General Municipal Election on November 2, 2010; Amended by General Municipal Election on November 3, 2020)

§ 8.08. (Repealed)

§ 8.09. through § 8.11. (Repealed)

(Repealed by Referendum April 11, 1972)

Article IX. Franchises

§ 9.01. When franchises are required.

No person, firm or corporation shall exercise any franchise right or privilege in the City for furnishing its inhabitants with transportation, communication, terminal facilities, water, light, heat, gas, power, video or any other public utility or service, except insofar as it may be entitled to do so, pursuant to state or federal law, unless it shall have obtained a grant therefore in accordance with the provisions of this article of this charter and in accordance with the procedure prescribed by ordinance. Nothing contained in this article shall be construed to invalidate any lawful franchise heretofore granted or to necessitate the obtaining of a new franchise for a use which a franchise holder shall have in a valid unexpired franchise. Nothing contained in this article shall be construed to apply to the City, or any department thereof, when furnishing any public utility or service, except that for purposes of accounting for the value of the occupation of public right of way, City-owned utilities may pay an in-lieu of franchise fee not to exceed four percent (4%) of total operating and capital expenditures to the City's general fund. All in lieu of franchise fee revenue received shall be budgeted and appropriated solely for police, fire, parks and recreation or library services.

(Amended by General Municipal Election on November 7, 2000; Amended by General Municipal Election on November 2, 2010)

§ 9.02. Certain carriers and utilities exempt.

Nothing in this article shall be construed as applying to or requiring the carriers of freight or passengers not operating over a fixed route, or other public utilities or services not specifically described in this article, to obtain a franchise to operate within the City unless required so to do by ordinance of the City of Roseville.

(Amended by General Municipal Election on November 2, 2010)

§ 9.03. Operation without franchise.

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

§ 9.04. Authority and procedure in granting franchises.

The council shall, by ordinance, prescribe the terms and conditions under which franchises will be granted, subject to the provisions of this charter, and the detailed procedure for granting franchises. Such ordinance shall provide:

- a. For the publication of notice of franchise applications;
- b. For protests against the granting of such franchises;
- c. For the holding of public hearings on such applications;
- d. For the publication of the ordinance granting the franchise in the manner provided for in Section **5.04** of this charter.

(Amended by General Municipal Election on November 7, 2000; Amended by General Municipal Election on November 2, 2010)

§ 9.05. Authorization by ordinance.

The council is empowered to grant by ordinance to any person, firm, or legally authorized corporation, whether operating under an existing franchise or not, a franchise to use the public streets, ways, alleys and places, as the same now or may hereafter exist, for the purposes described in Section 9.01 of this charter and for such other purposes as are permitted by state law. The said ordinance shall prescribe the terms and conditions under which the franchise will be granted in accordance with the applicable provisions of this charter and any ordinances adopted pursuant thereto, and may in such franchise impose such other and additional terms and conditions not in conflict therewith as in the judgment of the council are in the public interest or as the people, by initiative, indicate they desire to have so imposed.

§ 9.06. Reservation of privilege; bids.

No franchise shall be granted without reserving to the City adequate consideration for the privilege conferred.

The council may grant a franchise by ordinance or may, in its discretion, advertise for bids for the sale of a franchise upon a basis, not in conflict with the provisions of this charter to be set out in the advertisement for bids and notice of sale; provided, that no bidding shall be had or required upon any renewal of a franchise, surrender of existing franchise or parts thereof, or in settlement of litigation between the grantee and the City.

(Amended by General Municipal Election on November 7, 2000; Amended by General Municipal Election on November 2, 2010)

§ 9.07. Terms of franchises.

Every franchise shall be either for a fixed term not to exceed thirty (30) years, or for an indeterminate period. If for a fixed term, the franchise shall state the term for which it is granted. If for an indeterminate period, it shall set forth the terms and conditions under which it may be terminated; provided that each such franchise shall vest in the City the right, at any time upon six (6) months' notice in writing, to acquire and possess the property of the grantee. No exclusive franchise shall ever be granted.

(Amended by General Municipal Election on November 2, 2010)

§ 9.08. Right of acquisition of property not affected.

No franchise grant shall in any way or to any extent impair or affect the right of the City to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing herein contained shall be construed to contract away or to modify or to abridge either for a term or in perpetuity the City's right of eminent domain with respect to any public utility. Every franchise grant shall reserve to the City the right to purchase the property of such utility upon six (6) months' written notice, either at an agreed price or a price to be determined in a manner to be prescribed in the grant, or in the manner prescribed by the procedural ordinance hereinabove mentioned. In fixing the price to be paid by the City for any utility, no allowance shall be made for franchise value (other than the actual amount paid to the City at the time of the franchise acquisition), good will, going concern, earning power, or increased value of right-of-way.

(Amended by General Municipal Election on November 2, 2010)

§ 9.09. Provisions of franchise.

Every franchise shall provide all regulations necessary or proper to secure in the most ample manner the safety, accommodation, comfort, and convenience of the public. To this end, every franchise shall provide for the establishment of reasonable standards of service and quality of

product and require proper and adequate extensions of plant or service and the maintenance thereof at the highest practical standard of efficiency.

§ 9.10. Right of City to change grade, location or use of streets, etc.

Every franchise shall provide that the City shall, upon reasonable notice, have the right at any time, without liability or obligation to the grantee, to change the grade, location, alignment or use of any street, way, alley or place in, upon or over which the grantee has installed or operates facilities, equipment, lines or other devices.

(Amended by General Municipal Election on November 2, 2010)

§ 9.11. Lease, assignment or alienation.

No franchise heretofore or hereafter granted by the City shall ever be leased, assigned, or otherwise alienated without the express consent of the City by ordinance, and no dealing with the lessee or assignee on the part of the City to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent.

(Amended by General Municipal Election on November 2, 2010)

§ 9.12. Right of revocation.

Every franchise shall reserve to the City the right to revoke the franchise at any time for nonuse, failure to begin construction within the prescribed time, or other violations of the terms of the franchise.

(Amended by General Municipal Election on November 2, 2010)

§ 9.13. Rates, fares and charges.

Every franchise shall provide for the establishment and adjustment of rates, fares, and charges for service, where not otherwise prohibited by state law.

Article X. Municipally-Owned Utilities

§ 10.01. General powers respecting utilities.

The City shall possess all powers granted to cities by state law to construct, condemn, purchase, acquire, add to, maintain, and operate, either within or outside its corporate limits, including, but not by way of limitation, public utilities for supplying water, light, heat, power, gas, transportation, sewage and refuse collections, treatment and disposal services, or any of them, to the municipality and the inhabitants thereof; and also to sell and deliver any of the utility services above mentioned outside its corporate limits, to the extent permitted by state law. Notwithstanding the foregoing, after January 1, 2021 the City shall not provide retail potable water service to new service areas outside its corporate limits. Each City-owned utility shall be financially self-sufficient, and shall fully compensate the City general fund for all goods, services, real property and rights to use or operate on or in City-owned real property.

(Amended by General Municipal Election on November 7, 2000; amended by General Municipal Election on November 2, 2010; Amended by General Municipal Election on November 3, 2020)

§ 10.02. Rates; collection of utility charges.

The Council shall have the power to classify and to fix and, from time to time to revise such rates and charges as it may deem advisable for supplying the inhabitants of the City and others with such utility services as the City may provide. For nonresidential electric utility customers, the council may, by ordinance, fix such rates and charges upon such terms and conditions as the council deems advisable. The council shall, by ordinance, provide for the collection of all public utility charges made by the City, and the attendant exercise, on behalf of the city, of all actions or remedies permitted by law.

(Amended by General Municipal Election on November 7, 2000; amended by General Municipal Election on November 2, 2010; Amended by General Municipal Election on November 3, 2020)

§ 10.03. Disposal of utility plants and property.

The City shall not sell, exchange, lease, or in any way alienate or dispose of the property, easements, or other equipment, privileges, or assets which are essential parts of any utility which it may acquire, unless and except the proposition for such purpose shall first have been submitted and approved by a majority vote of the electors voting thereon at a general or special municipal election. All contracts, negotiations, licenses, grants, leases, or other forms of transfer in violation of this provision shall be void and of no effect as against the City. The provisions of this section shall not, however, be interpreted to preclude the sale, exchange, or other disposal to the advantage of the City, of parts of a utility's property and assets which are not essential to continued effective utility service and the disposal of which will not prejudice municipal interests. The provisions of this section shall also not be interpreted to preclude the sale, exchange, or other disposal to the advantage of the City, of parts of a utility's property and assets which sale, exchange or transfer is made pursuant to a plan of finance approved by the City council for the purpose of acquiring, constructing, extending, replacing or maintaining municipally owned utilities and does not adversely affect the continued effective utility service or prejudice municipal interests.

(Amended by General Municipal Election on November 7, 2000; Amended by General Municipal Election on November 2, 2010)

Article XI. Roseville Independent Redistricting Commission

§ 11.01. Purpose.

The purposes of this article are to establish a redistricting process that is open and transparent and allows public comment on the drawing of City council district boundaries, ensure that the district boundaries are drawn according to the redistricting criteria set forth in this article and applicable state and federal laws, and ensure that the redistricting process is conducted with integrity, fairness, and without personal or political considerations.

(Added by Measure R in the General Municipal Election on November 3, 2020)

§ 11.02. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section.

"Child" means a biological, adopted, or foster child, stepchild, legal ward, child of a domestic partner, or a child to whom the commissioner stands in loco parentis. This definition of a child is applicable

regardless of age or dependency status.

"Commission" means the Roseville Independent Redistricting Commission established by this article.

"Consultant" means a person, whether or not compensated, retained to advise the commission or a commission member regarding any aspect of the redistricting process. Consultant excludes outside legal counsel.

"Family member" means a spouse, parent, sibling, child, or in-law.

"Federal decennial census" means the national decennial census taken under the direction of the United States Congress at the beginning of each decade.

(Added by Measure R in the General Municipal Election on November 3, 2020)

§ 11.03. Established.

- A. There is hereby established the Roseville Independent Redistricting Commission. The exclusive authority to redraw council district boundaries is vested in the commission. Accordingly, the council shall have no role in developing or adopting a redistricting report or a map.
- B. The commission shall:
 - 1. Be independent of council control.
 - 2. Conduct an open and transparent process enabling full public consideration of and comment on the drawing of council district boundaries.
 - 3. Comply with the provisions in this article and state and federal law.
 - 4. Conduct itself with integrity and fairness.
- C. The commission may adopt for itself rules of procedure not in conflict with this article or state or federal law.

(Added by Measure R in the General Municipal Election on November 3, 2020)

§ 11.04. Duties.

No earlier than August 1, 2021, and August 1 in each year ending in the number one (1) thereafter, but no later than one hundred and fifty-one (151) calendar days before the City's next regular election occurring after March 1, 2022, and after March 1 in each year ending in the number two (2) thereafter, the commission shall adopt a final map establishing new council district boundaries and a final report explaining its decision. These districts shall be used for the election or recall of councilmembers, and for filling any councilmember vacancies.

(Added by Measure R in the General Municipal Election on November 3, 2020)

§ 11.05. Composition.

- A. The commission shall consist of eleven (11) commissioners and five (5) alternates. Alternates may fully participate in commission deliberations but may not vote and may not be counted towards the establishment of a quorum. Alternates are subject to the same terms of office, qualifications, restrictions, and standards of conduct as other commissioners under this article.
- B. At its first meeting, the commission shall select one (1) commissioner to serve as chair and one (1) to serve as vice chair. The commission may designate other officers from its membership,

and may establish subcommittees and ad hoc committees. Subcommittees and ad hoc committees shall report on their actions at the next meeting of the commission.
(Added by Measure R in the General Municipal Election on November 3, 2020)

§ 11.06. Qualifications and restrictions.

- A. Each commissioner and alternate shall meet all of the following qualifications:
 - 1. Be at least eighteen (18) years of age on the date of application.
 - 2. Been a resident of the City for at least three (3) years immediately preceding the date of application.
- B. A person shall not be appointed to serve on the commission if any of the following applies:
 - 1. If the person or any family member of the person has been elected or appointed to, or been a candidate for, council in the eight (8) years preceding the person's application.
 - 2. If the person or the person's family member has done any of the following in the four (4) years preceding the person's application:
 - a. Served as an officer of, employee of, or paid political consultant to, a campaign committee or a candidate for council.
 - b. Served as a staff member or a political consultant to, or who has contracted with, a currently serving councilmember or Placer County supervisor.
 - c. Contributed five hundred dollars (\$500) or more in a year to any seated councilmember or current candidate for council, as adjusted pursuant to Section **2.60.065** of the Roseville Municipal Code.
 - 3. If the person or the person's family member served as an officer of, employee of, or paid consultant to, a political party or as an elected or appointed member of a political party central committee in the eight (8) years preceding the person's application.
 - 4. If the person currently serves as a staff member or a political consultant to an elected official holding a partisan office.
 - 5. If the person is a paid employee of the City or a current City councilmember.
 - 6. If the person is a paid employee of any redistricting contractor or consultant.
- C. A commissioner shall not do any of the following:
 - 1. While serving on the commission, endorse, work for, volunteer for, or make a campaign contribution to, a candidate for council.
 - 2. Be a candidate for council if less than five (5) years has elapsed since the date of the member's appointment to the commission.
 - 3. For four (4) years commencing with the date of his or her appointment to the commission:
 - a. Accept employment as a staff member of, or political consultant to, a councilmember or candidate for council.
 - b. Receive a noncompetitively bid contract with the City.
 - 4. For two (2) years commencing with the date of his or her appointment to the commission, accept an appointment to the council.
- D. The commission shall not be comprised entirely of members who are registered to vote with the

same political party preference.

- E. If an applicant to the Roseville Independent Redistricting Commission currently serves on another City of Roseville board or commission, he or she may serve on the Roseville Independent Redistricting Commission if selected, as long as he or she agrees not to serve on another board or commission during his or her term of office on the Roseville Independent Redistricting Commission. Once sworn into office on the Roseville Independent Redistricting Commission, the commissioner shall be deemed to have forfeited their previous board or commission position.
- F. Members of the commission shall serve without compensation.
(Added by Measure R in the General Municipal Election on November 3, 2020)

§ 11.07. Selection.

- A. The City clerk shall in each year ending in the number zero initiate and widely publicize an application process, open to all City residents who meet the requirements of Section **11.06**, in a manner that promotes a qualified commissioner applicant pool that is large and reflective of the diversity of the City. In addition to an application, all applicants shall file a Statement of Economic Interests (Form 700) with the City clerk.
- B. The City clerk shall review each submitted application for completeness. If the City clerk deems an application to be incomplete, the City clerk shall notify the applicant of such and provide the applicant an opportunity to complete the application. The submittal deadline shall not be extended to allow correction of incomplete applications.
- C. Upon close of the application submittal period, the City clerk shall review all applications and remove incomplete applications and remove individuals who are disqualified under Section **11.06** from among the commission applicants.
- D. At a time and place open to the public, and subject to at least ten (10) calendar days public notice, the City clerk shall select the initial eight (8) members of the commission. For purposes of selection to the commission, the City shall be generally divided into four (4) geographical quadrants: a northwest quadrant, a northeast quadrant, a southeast quadrant, and a southwest quadrant. The City clerk shall randomly select two (2) persons from each of the four (4) quadrants. To implement this paragraph, the City clerk shall determine a randomized method that meets professional standards and best achieves a random selection.
- E. The commissioners selected pursuant to subsection **D** shall thereafter select three (3) at-large commissioners and five (5) at-large alternates from the remaining applicants. The order in which the alternates shall be seated on the commission as voting members shall be established by a random method at the time they are selected. The selection must be made at a publicly noticed meeting after the public has had the opportunity to provide written and oral comment. The commissioners shall make each selection on the basis of the applicant's relevant analytical skills, ability to comprehend and apply the applicable state and federal legal requirements, familiarity with the City's neighborhoods and communities, familiarity with the City's demographics and geography, ability to be impartial, and apparent ability to work cooperatively with other commissioners.
- F. The commission shall be fully established no later than December 1, 2020, and thereafter no later than December 1 in each year ending in the number zero
- G. If a commissioner resigns or is removed from the commission, the next alternate in line shall fill the vacancy as a voting commissioner.

(Added by Measure R in the General Municipal Election on November 3, 2020)

§ 11.08. Removal.

The commission may remove a commissioner for substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, but only after providing the subject commissioner written notice and an opportunity for a response at a public meeting.

(Added by Measure R in the General Municipal Election on November 3, 2020)

§ 11.09. Redistricting criteria.

A. The commission shall draw its final map so that:

1. Council districts are substantially equal in population as required by the United States Constitution. Population equality shall be based on the total population of residents of the City as determined by the latest federal decennial census.
2. Council district boundaries comply with the United States Constitution, the California Constitution, the federal Voting Rights Act of 1965, and any other requirement of state or federal law applicable to charter cities.

B. The commission shall adopt district boundaries using the following criteria as set forth in the following order of priority:

1. To the extent practicable, council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous. Areas that are separated by a railyard or a highway are not contiguous.
2. To the extent practicable, the geographic integrity of any local neighborhood, local neighborhood association boundaries, or local community of interest shall be respected in a manner that minimizes its division. A "community of interest" is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.
3. Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the City.
4. Where it does not conflict with the preceding criteria in this subdivision, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.
5. Other commission-adopted criteria that do not conflict with the other requirements and criteria listed in this section or with state or federal law.

C. The commission shall not adopt council district boundaries for the purpose of favoring or discriminating against a political party.

D. The commission shall not consider place of residence of any individual, including any incumbent or political candidate, in the creation of a map.

(Added by Measure R in the General Municipal Election on November 3, 2020)

§ 11.10. Adoption of redistricting report and map.

A. The commission shall file a preliminary redistricting plan and draft map with the City clerk, along with a written statement of findings and reasons for adoption, which shall include the criteria employed in the process and a full analysis and explanation of decisions made by the commission. The City clerk shall publish the preliminary redistricting plan and draft map at least thirty (30) calendar days prior to the adoption of a final redistricting report and final map.

- B. During the thirty (30) calendar day period after publication, the commission shall hold at least five (5) public hearings, including one (1) public hearing in each existing council district.
- C. After having heard comments from the public on the preliminary redistricting plan and draft map, the commission shall adopt a final redistricting report and final map. A commission-adopted final redistricting report and final map has the force and effect of law and is effective thirty (30) calendar days after it is filed with the City clerk and shall remain effective until the adoption of new district boundaries following the next federal decennial census. The council may not rescind, supersede, or revise the district boundaries adopted by the commission.
- D. After the final map is adopted, the City clerk shall number each council district such that, for as many residents as possible, the number of the council district they reside in remains the same.
- E. The final redistricting report and final map shall be subject to referendum in the same manner as ordinances.
- F. If the commission does not adopt council district boundaries by the deadlines set forth in this article, the City attorney shall immediately file a petition in Placer County Superior Court for an order adopting council district boundaries. The map prescribed by the court shall be used for all subsequent council elections until a final redistricting report and final map are adopted by the commission to replace it.

(Added by Measure R in the General Municipal Election on November 3, 2020)

§ 11.11. Incumbents.

The term of office of any councilmember who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which the councilmember was elected. Accordingly, upon any redistricting pursuant to the provisions of this article, each incumbent councilmember will continue, during the remainder of the councilmember's term, to represent the electoral district to which the councilmember was elected prior to such redistricting.

(Added by Measure R in the General Municipal Election on November 3, 2020)

§ 11.12. Addition of new territory.

If the boundaries of the City expand by the addition of new territory, including through annexation of unincorporated territory or consolidation with another city, the City clerk shall add that new territory to the nearest existing council district without changing the boundaries of other council district boundaries as prescribed by California **Government Code** Section 21623, as it now exists or may hereafter be amended.

(Added by Measure R in the General Municipal Election on November 3, 2020)

§ 11.13. Administration.

- A. The council shall appropriate sufficient funds to support the work of the commission, including funds necessary to recruit commissioners, meet the operational needs of the commission, conduct any community outreach to solicit broad public participation in the redistricting process, pay for City staff time associated with supporting the work of the commission, hire any necessary consultants, and obtain any necessary redistricting tools or resources.
- B. The City manager, City clerk, and City attorney shall assign sufficient staff to support the commission. The City clerk or the City clerk's designee shall serve as secretary to the commission. The City attorney or the City attorney's designee shall serve as legal counsel to the commission.

- C. Subject to funds appropriated to the commission, the commission may retain consultants following the City's standard procurement processes and the council shall approve any applicable consultant agreements. The commission shall retain the sole authority for determining the selection criteria for consultants.
- D. The commission is subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the **Government Code**) and the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the **Government Code**).

(Added by Measure R in the General Municipal Election on November 3, 2020)

§ 11.14. Dissolution.

Each commission established under this article shall cease operations and dissolve on the ninety-first day following approval of a final redistricting report and final map, unless a referendum against the final redistricting report and final map has qualified or a lawsuit has been filed to enjoin or invalidate the final redistricting report and final map, in which case the commission shall continue operations until a final redistricting report and final map is implemented by the City. Notwithstanding the foregoing, if a lawsuit to enjoin or invalidate a final redistricting report and final map is filed later than the ninety-first day following approval of a final redistricting report and final map, the commission shall automatically revive and continue operations during the pendency of such lawsuit and until a final redistricting report and final map is implemented by the City.

(Added by Measure R in the General Municipal Election on November 3, 2020)

Article XII. Miscellaneous

§ 12.01. Construction of the charter.

The word "City" wherever it occurs in this charter, means the City of Roseville. The word "council" wherever it occurs in this charter, means the City council of the City of Roseville. The words "City manager," "City attorney," "City clerk," "City treasurer," and the "boards" and "commissions" mentioned in this charter refer to the respective City officials of the City of Roseville.

(Amended by General Municipal Election on November 2, 2010)

§ 12.02. Section headings.

The section headings used in this charter are for convenience only and shall not be considered part of this charter.

§ 12.03. Violations.

The violation of any provisions of this charter shall unless otherwise specifically provided herein, be deemed a misdemeanor and be punishable upon conviction by a fine of not exceeding one thousand dollars or by imprisonment for a term of not exceeding one (1) year or by both such fine and imprisonment.

§ 12.04. Effect of illegality of any part of charter.

If any section, subsection, sentence, clause or phrase of this charter is for any reason held to be

unconstitutional or void, such decision shall not affect the validity of the remaining separable portions of this charter. The people of the City of Roseville hereby declare that they would have adopted this charter and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or void.

§ 12.05. Effective date of charter.

This charter shall take effect from the time of approval of the same by the state legislature.

Editor's note—The charter was approved by the state legislature on January 5, 1955.

§ 12.06. (Reserved)

(Added by General Municipal Election on November 5, 1985; amended by General Municipal Election on November 7, 2000; Amended by General Municipal Election on November 2, 2010)