The Charter (Changes recommended as of April 2010)

-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 Ceity 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.

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Preamble

We, the people of the <u>Ceity</u> of Roseville, State of California, do ordain and establish this cha<u>rp</u>ter as the organic law of said <u>Ceity</u> under the Constitution of said State.

Article I. Incorporation, Succession, and Powers

Sec. 1.01. Corporate name; seal.

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

Sec. 1.02. Boundaries.

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

Sec. 1.03. Rights and liabilities.

The Ceity 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 Ceity shall be subject to all the liabilities that now exist against the municipal corporation.

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effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superseded by proper authority.

Sec. 1.05. Reserved Charter review and amendments.

At least every ten (10) years, the City council shall appoint a citizen commission 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.)

Sec. 1.055. Genders.

The citizens of Roseville intend that where a male pronoun is used in this charter it includes the female gender on an equal basis. (Amended April 13, 1982.)

Sec. 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 Ceity 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.

Sec. 1.07. Powers of the **Ceity**.

The Ceity 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.

Article II. Plan of Government

Sec. 2.01. Form of government.

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

Sec. 2.02. Elective officers.

The electors of the Ceity shall elect a council of five (5) members, at large, for a four (4) year term of office. The council shall constitute the legislative and governing body of the Ceity and shall have authority, except as otherwise provided in this charter, to exercise all powers of the Ceity, and to adopt such ordinances and resolutions as may be proper in the exercise thereof. Two (2) and three (3) council-members shall be elected alternately at the General Mmunicipal Eelection each even-numbered year. No council-member shall serve more than two (2) consecutive four (4) year terms, commencing as of a date subsequent to April 9, 1974. A partial term served due to appointment to a vacant seat does not count as one (1) of the two (2) consecutive four (4) year terms. (Amended by General Mmunicipal Eelection on November 7, 2000: amended December 22, 1993: amended April 10, 1984: amended April 13, 1982: Res. No. 240.)

Sec. 2.03. Assumption of office by, meeting of council, and seating of mayor and mayor pro temporevice mayor.

The council shall be sworn in and assume office, subject to the qualifying provisions of this charter, from and after twelve o'clock noon on the second Monday next succeeding the day of their election, and 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. At such meeting following the regular election of November 2012, the councilmember with the greatest seniority on the council shall be seated as mayor, and Tthe council-member who received the highest number of votes in the latest election with the second greatest seniority on the council shall be seated as vice mayor. Thereafter, the positions of mayor and vice mayor shall rotate annually, at the regular meeting held closest to the anniversary date of the last previous rotation, or in election years, at the meeting at which newly elected councilmembers assume office. The position of mayor shall be assumed by the councilmember who served as mayor pro tem vice mayor for the previous year. The position of mayor pro tem

vice mayor shall be seated as vice mayor assumed by the councilmember with the next greatest seniority on the council who has not previously served. Seniority shall be determined by the length of time served on the council. Councilmembers who are re-elected are deemed to be continuing members and seniority shall be measured from the date of first joining the council, except that a previous term separated by a period of years shall not be counted. If a councilmember declines to serve, is unable to serve, or resigns as mayor or vice mayor, the next senior member of the council shall assume the position. In the event of a tie in seniority, or upon any failure of the foregoing procedure, the mayor or vice mayor shall be selected by lot and/or drawing. The vice mayor's term of office shall commence upon his or her assumption of office and continue until the election, qualification and assumption of office of his or her successor following the next general municipal election. Upon the termination of a councilmember's term of office as vice mayor, he or she shall be seated as mayor. The mayor's term of office shall commence upon his or her assumption of office and continue until the assumption of his or her successor following the next general municipal election. (Amended by general municipal election on November 7, 2000; amended December 22, 1993; amended May 20, 1980.)

Sec. 2.04. Powers and duties of mayor.

The mayor shall be the official head of the Ceity 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. The mayor shall be recognized as the official head of the city by the courts for the purpose of serving civil process and by the governor for military purposes.

Sec. 2.05. Mayor pro tempore Vice mayor.

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

Sec. 2.06. City attorney.

The council shall select a Ceity attorney to serve at its pleasure. The pleasure of the council in selecting or discharging the Ceity attorney shall be exercised by at least three (3) affirmative votes. The Ceity attorney shall be selected on the basis of his training, experience and other administrative qualifications for the office, without regard to his political or religious preferences or his place of residence at the time of his the 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 Ceity in litigations in which the Ceity 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 Ceity 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 <u>City</u> attorney's pleasure, provided that recruitment of such attorneys shall be through the merit system. (Amended by <u>General Memunicipal Eelection on November 7, 2000: amended April 13, 1982.)</u>

Sec. 2.07. <u>City</u> manager.

The council shall select a chief administrative officer of the Ceity government who shall be entitled Ceity manager, and who shall serve at the pleasure of the council. The pleasure of the council in selecting or discharging the Ceity 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 his training, experience and other administrative qualifications for the office, without regard to his political or religious preferences or his 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 his the councilmember's latest councilmanic term. (Amended by General Mmunicipal Eelection on November 7, 2000: amended April 13, 1982.)

Sec. 2.08. Temporary <u>City</u> manager or <u>City</u> attorney.

The council may designate a qualified administrative officer of the <u>Ceity</u> to assume the duties and authority of <u>the City</u> manager in circumstances in which the <u>City</u> manager will be absent from the <u>Ceity</u> or it is anticipated that the <u>City</u> manager will be disabled for a period of three (3) months or more. The <u>City</u> manager shall appoint an acting <u>City</u> manager in those cases where the <u>City</u> manager will be absent from the <u>Ceity</u> or it is anticipated that the <u>City</u> 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 <u>City</u> attorney in circumstances in which the <u>City</u> attorney will be absent from the <u>Ceity</u> or it is anticipated that the <u>City</u> attorney will be disabled for a period of three (3) months or more. The <u>City</u> attorney shall appoint an acting <u>City</u> attorney in those cases where the <u>City</u> attorney will be absent from the <u>Ceity</u> or it is anticipated that the <u>City</u> attorney will be disabled for a shorter period than three (3) months. (Amended by <u>General Mmunicipal Eelection on November 7, 2000.)</u>

Sec. 2.09. Council-manager relationships.

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

Sec. 2.10. <u>City Manager's duties and authority.</u>

The <u>City</u> manager shall supervise the administrative affairs of the <u>Ceity</u>. <u>He The City manager</u> 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 <u>Ceity</u>'s resources. <u>He The City manager</u> shall keep the council informed of the condition and needs of the <u>Ceity</u> and shall make such reports and recommendations as <u>he the City manager</u> may deem desirable and perform such other duties as may be prescribed by this charter or

required of him by ordinance or resolution of the council not inconsistent with this charter. He 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.

Sec. 2.11. Powers of <u>City</u> manager as to administrative officers and employees.

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

Sec. 2.12. <u>City Treasurer.</u>

The <u>City</u> treasurer shall have such duties as may be prescribed by the <u>City</u> manager and shall be responsible for the custody of all moneys and evidences of value belonging to the <u>Ceity</u>, or held in trust by the <u>Ceity</u>. <u>He The City treasurer</u> shall receive and give a receipt for all money due the <u>Ceity</u> including that which may be collected by other <u>Ceity</u> officials or employees. <u>He The City treasurer</u> shall keep, deposit and disburse, all <u>Ceity</u> funds in accordance with law. <u>He The City treasurer</u> 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 <u>him the City treasurer</u> by law. The council may contract for the provision of some or all of the foregoing services by third parties. (Amended by <u>General Mmunicipal Eelection</u> on November 7, 2000.)

Sec. 2.13. City Clerk.

The <u>City</u> clerk shall be responsible to, and have such duties as may be prescribed by the <u>City</u> manager and shall attend and keep a permanent journal of proceedings at all meetings of the council. <u>He The City clerk</u> shall record and certify all council ordinances and resolutions. <u>He The City clerk</u> shall be custodian of the <u>Ceity seal</u> and official <u>Ceity records</u>, the custody of which is not otherwise provided for by council, ordinance, or administrative order of the <u>City manager</u>. <u>He The City clerk</u> shall be the chief elections official of the <u>Ceity in all elections</u>, including consolidated elections and shall prescribe and may furnish the forms for all petitions provided for by this charter. <u>He The City clerk</u> shall have the power to administer oaths of office. (Amended by <u>General Mmunicipal Eelection on November 7, 2000.)</u>

Sec. 2.14. Boards and commissions.

The council shall by ordinance create a planning commission and a library board personnel board, and may create or may abolish such other boards and commissions 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 and commissions 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

Ppersonnel Bboard, the council shall provide for an appeal by any interested or aggrieved person from the decision of any board or commission to the council. The council's decision shall be final. All members of such boards and commissions shall be residents of the Ceity at the time of their appointment and continuously during their term of office. Boards and commissions 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 Mmunicipal Eelection on November 7, 2000.)

Sec. 2.15. Administrative organization.

Within the framework established by this charter, the administrative organization of the Ceity 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 Memunicipal Eelection on November 7, 2000.)

Article III. Provisions Regarding Officers and Employees

Sec. 3.01. Eligibility for office.

Only United States citizens may be elected officers of the Ceity. Only registered qualified electors who have been residents of the Ceity or any territory legally annexed thereto at the time nomination papers are issued to the candidate pursuant to the general election law, shall be eligible to an elective Ceity office. (Amended April 13, 1982: Res. No. 240.)

Sec. 3.02. Oath of office and bond.

Every elective officer, the Ceity manager, and every department head of the Ceity, before assuming the duties of his office, shall take and subscribe to each constitutional oath of office. Each of these officers of the Ceity 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 Ceity clerk; provided that the oath and bond required of the Ceity clerk, if any, shall be filed with the Ceity treasurer. All such bonds shall be corporate surety bonds and the premiums thereon shall be paid by the Ceity.

Sec. 3.03. Surety bonds.

All Ceity officers or employees receiving, disbursing, or responsible for Ceity 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 his 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 Ceity. 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 Ceity shall not, nor shall the election or appointment of another to his office or employment, exonerate such officer or employee or his sureties from any liability incurred by him or 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.

Sec. 3.04. Financial interests prohibited.

Ceity 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. (Amended by General Mmunicipal Eelection on November 7, 2000: Res. No. 240.)

Sec. 3.05. Compensation of council members and mayor.

- a. The City Ccouncil may enact an ordinance providing that each member of the City council shall receive a salary, the amount of which shall be determined by the following schedule:
- 1. If the <u>Ceity</u>'s population is between 50,000 and 75,000 persons, inclusive, the salary shall be five hundred dollars (\$500) per month for each council-member, and the mayor shall receive an additional amount of fifty dollars (\$50) per month.
- 2. If the Ceity'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. Council-members may, upon order of the City Ccouncil, be reimbursed for reasonable and necessary expenses actually incurred in the service of the Ceity. (Amended by General Memunicipal Eelection on November 7, 2000: amended by General Memunicipal Eelection on November 5, 1985: Res. No. 240.)

Sec. 3.06. Compensation of city manager, city attorney and other officers and employees.

The rates and other terms of compensation of the <u>Ceity</u> manager and the <u>Ceity</u> attorney shall be fixed by the council. Except as otherwise provided in this charter the compensation of all officers and employees of the <u>Ceity</u> shall be fixed by the <u>City</u> manager within the limits of budget appropriations and in accordance with a comprehensive pay plan adopted by the council.

Sec. 3.07. Reserved.

(Amended by General Mmunicipal Eelection on November 7, 2000.)

Sec. 3.08. Employee welfare benefits.

The council may provide for the retirement of the Ceity'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.

Sec. 3.09. Councilmanie Councilmember vacancies.

The provisions of Section 1770 of the Government Code of the State of California as they now exist or may hereafter be amended shall govern the existence of a vacancy. Any vacancy on

the council shall be filled by a majority vote of the remaining councilmenmembers within thirty (30) days after the vacancy occurs. If the council fails, for any reason, to fill such vacancy within said thirty-(30) day period, it shall forthwith call an election for the earliest possible date to fill such vacancy. A person appointed by the council to fill a vacancy shall hold office until the General Memunicipal Eelection and until his a successor qualifies. The candidates receiving the most votes shall serve the longer, if any, of the unexpired terms, and in case of ties, the terms shall be fixed by lot. A councilmanmember elected to fill a vacancy shall hold office for the remainder of the unexpired term. (Amended by General Memunicipal Eelection on November 7, 2000: Res. No. 240.)

Sec. 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.

Sec. 3.11. Separations from office.

All books, documents, and other personal property purchased by the <u>Ceity</u> and all records, documents, and other papers prepared by officials in the discharge of their duties shall be and remain the property of the <u>Ceity</u>. 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.

Article IV. Procedure of the City council

Sec. 4.01. Regular meetings.

The council shall hold regular meetings on the first Wednesday of each month; provided that, if a regular meeting date falls on a legal holiday, the meeting shall be held the following day. It shall provide by resolution for the time of day and place of its meetings. (Res. No. 240.)

Sec. 4.02. Special meetings.

Special meetings may be called by the <u>City</u> clerk on the written request of the mayor or any three (3) council<u>menmembers</u> by providing each council<u>menmember</u> with twenty-four (24) hours' written notice served personally or left at <u>his their</u> usual place of residence. Business transacted at any special meeting shall be limited to the subjects recited in the notice of such meeting. (Amended by <u>General Mmunicipal Eelection on November 7, 2000.)</u>

Sec. 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 Mmunicipal Eelection on November 7, 2000.)

Sec. 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 Celerk may adjourn the meeting to a later date.

Sec. 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 Ceity officers at its meetings. Any member of the council or other officer of the Ceity who refuses to attend such meetings or conducts himself 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.

Sec. 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 proceedings or minutes of all council meetings approved by the council and signed by the mayor and <u>City</u> clerk and to which the public shall have access at all reasonable times. Within seven (7) days after any regular or special council meeting, a synopsis of the actions taken by the <u>city</u> council at the meeting shall be posted on a bulletin board in the <u>Ceity</u> hall, and within thirty (30) days after any regular or special council meeting, minutes of the meeting shall be prepared by the <u>City Cc</u>lerk and presented to the <u>City Cc</u>ouncil for its approval.

A vote upon all ordinances and resolutions shall be taken individually by an affirmative and or negative vote and entered upon the journal, except that where the vote is unanimous it shall be necessary only to so state. (Amended by Ggeneral Mmunicipal Eelection on November 7, 2000: amended April 13, 1982.)

Article V. Legislation

Sec. 5.01. Form of legislation.

All legislation of the Ceity 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 Ceity 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.

Sec. 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 Ceity 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 re-enacted 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. (Amended by Ggeneral Mmunicipal Eelection on November 7, 2000: amended by Ggeneral Mmunicipal Eelection on November 5, 1985: amended April 13, 1982: Res. No. 240.)

Sec. 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 Ceity, 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) councilmenmembers if three (3) or four (4) councilmenmembers are present at the meeting, and by the affirmative vote of not less than four (4) councilmenmembers if five (5) councilmenmembers 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 Ceity, and the City clerk shall, immediately after such posting, enter in the ordinance book under the record of the ordinance a certificate under his hand 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.)

Sec. 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 Ceity, 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 Ceity; 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 10, 1984: amended April 13, 1982.)

Sec. 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 Ceity 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 Ceity. 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 <u>City</u> 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.)

Sec. 5.06. Penalties.

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

Sec. 5.07. Reserved.

(Amended by General Mmunicipal Eelection on November 7, 2000.)

Sec. 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 Ceity 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 Ceity. 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 Ceity 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.)

Sec. 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.)

Sec. 5.10. Reserved.

(Amended by General Mmunicipal Eelection on November 7, 2000.)

Sec. 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

Sec. 6.01. General and Sspecial Mmunicipal Eelections.

General Mmunicipal Eelections for the election 01 of officers and for such other purposes as the council may prescribe, shall be held in the Ceity on the date specified by the Elections

Code of the State of California for State-wide general elections (Elections Code Section 2550). Such <u>G</u>general <u>M</u>municipal <u>E</u>elections shall be conducted in each even-numbered year. All other municipal elections that <u>many may</u> be held by authority of this charter, or of general law, or by ordinance, shall be known as <u>S</u>special <u>M</u>municipal <u>E</u>elections. (Amended December 22, 1993: amended April 10, 1984: Res. No. 240.)

Sec. 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 Ceity Celerk shall be the chief elections official of the Ceity 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 City C 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 <u>Ceity Eclerk</u>. (Amended by <u>General Mmunicipal Eelection on November 7, 2000: Res. No. 240.)</u>

Article VII. Fiscal Administration

Sec. 7.01. Fiscal year.

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

Sec. 7.02. Budget procedure.

The <u>City</u> 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 Ceity, 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 Ceity, 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 <u>Ceity</u>, with a comparative statement of the amounts received by the <u>Ceity</u> 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. (Amended by General Memunicipal Eelection on November 7, 2000: Res. No. 60-3, § 1.)

Sec. 7.03. Budget review; hearings and adoption.

After review of the budget recommended by the <u>City</u> 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 <u>Ceity</u>. Copies of the proposed budget shall be available for public inspection in the office of the <u>City</u> clerk for a period of at least ten (10) days prior to said hearing. (Amended by <u>General Mmunicipal Eelection on November 7, 2000.)</u>

Sec. 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.

Sec. 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) council members. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy thereof, certified by the <u>City</u> clerk, shall remain on file in the office of the <u>City</u> clerk where it shall be available for inspection.

Sec. 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 Ceity 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) council members, 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. (Amended by General Mmunicipal Eelection on November 7, 2000: Res. No. 240.)

Sec. 7.07. Reserved.

(Amended by General Mmunicipal Eelection on November 7, 2000.)

Sec. 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 City Ccouncil 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 Ceity Mmanager and approved by the Ccouncil, 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, maybe used for the payment of the principal of and interest on, or retirement prior to maturity of, any revenue bonds of the Ceity 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. (Amended by General Mmunicipal Eelection on November 7, 2000: Res. No. 68-10, § 1.)

Sec. 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.

Sec. 7.09. Tax system.

The council shall, by ordinance, provide a system for the assessment, levy, and collection of city special taxes and assessments taxes upon property. The council may, in its discretion, authorize the officers of Placer County to perform any functions for the Ceity 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.

If the council fails to fix the rate and levy taxes on or before August 31, in any year, the rate for the next preceding fiscal year shall thereupon be automatically adopted and a tax at such rate shall be deemed to have been levied on all taxable property in the city for the current fiscal year.

Section 7.095. Utility User's Tax Reserved.

The provisions contained in Chapter 4.32 of the Roseville Municipal Code, relating to the Utility User's Tax, are hereby ratified and are incorporated herein as of the date of voter approval hereof. All Utility User's Tax Revenue received shall be budgeted and appropriated solely for police, fire, parks and recreation or library services. (Added by general municipal election on November 7, 2000.)

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

Exclusive of special levies permitted by this charter, the council shall not levy a property tax in excess of one dollar and thirty cents (\$1.30) on each one hundred (\$100.00) dollars of the assessed value of taxable property in the city for municipal purposes, unless authorized by the affirmative votes of a majority of the electors voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the electors. The number of years that such additional levy is to be authorized shall be specified in such proposition. There shall be levied and collected at the time and in the same manner as other property taxes for municipal purposes are levied and collected, as additional taxes, if no other provision for payment thereof is made;

a. A tax sufficient to meet all liabilities of the city for principal and interest on all bonds or judgments due and unpaid, or to become due during the ensuing fiscal year; and

b. A tax sufficient to meet all obligations of the city to the employees' retirement system, if any, due and unpaid or to become due during the ensuing fiscal year.

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

Sec. 7.11. Power to incur indebtedness.

The bonded indebtedness of the <u>Ceity</u> may not in the aggregate exceed the sum of fifteen (15%) percent of the total assessed valuation of property within the <u>Ceity</u>, 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 Ceity. 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 Ceity, and neither the credit nor the taxing power of the Ceity 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 Ceity.

Sec. 7.12. Advertisement and sale of bonds.

All bonds to be sold by the Ceity and payable from the Ceity'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 Ceity 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 by General Memunicipal Eelection on November 7, 2000: amended April 13, 1982.)

Sec. 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 Ceity who shall violate this provision shall be deemed guilty of misconduct of office. All bonds issued by the Ceity shall be signed by such officer or officers as may be designated by the Ceity Ccouncil and countersigned by the City clerk, under the seal of the Ceity. 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.

Sec. 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.)

Sec. 7.15. Budget control.

At the beginning of each quarterly period least three (3) times during the fiscal year, and more often if required by the council, the Ceity 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.

Sec. 7.16. Depository.

The council shall designate a depository or depositories for Ceity funds and shall provide for the regular deposit of all Ceity moneys. The council shall require such security for Ceity 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.

Sec. 7.17. Repealed.

Sec. 7.18. Actions against the **Ceity**.

No suit shall be brought on any claim for money or damages against the <u>Ceity</u> or any department, officer or agency thereof until a demand for the same has been presented to the <u>Ceity</u> 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.)

Sec. 7.19. Independent audit.

The council shall provide for a running audit of all accounts and books of the Ceity by a firm of certified public accountants who are in no other way connected with the Ceity government. Such accountant or accountants shall be employed at the beginning of the fiscal year for a minimum of two (2) years and a maximum of four (4) years. The accountant or accountants so employed shall, examine the books, records, inventories, and reports of all officers and employees who receive, handle or disburse public funds and of such other officers, employees, departments and agencies of the Ceity government as the council may require. A comprehensive audit shall be made covering each fiscal year; such audit report shall be submitted to the council and shall be open to public inspection. (Amended April 13, 1982).

Sec. 7.20. Purchasing and contracts.

Except as otherwise provided in this charter, the <u>City</u> manager shall be responsible for all <u>Ceity</u> purchasing, but <u>he</u> may delegate <u>his</u> the responsibility to any <u>appointed</u> subordinate. <u>appointed</u> by him.

Sec. 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 many waive the bidding requirements prescribed in this section in the purchase of noncompetitive items or in case of an emergency, and may adopt by ordinance a modified competitive bidding procedure that includes a preference or advantage for bidders with a place of business located within the City of Roseville. Sealed bids shall be asked for in all transactions involving the expenditure of ten thousand dollars (\$10,000.00) nineteen thousand five hundred dollars (\$19,500.00) or more, and in the case of public works, the transaction evidenced by a written contract submitted to and approved by the council. Annually, at the same time the budget ordinance is adopted, the council may in that ordinance establish an inflation or deflation adjustment to the base of \$10,000.00 \$19,500.00 to take economic changes into account. Such adjustment shall be determined utilizing reliable indicators or indices of price increases or decreases. Once adopted, the adjustment shall be added to or subtracted from the base of \$10,000.00 \$19,500.00 so that sealed bids shall be asked for in all transactions involving the expenditure of the adjusted base. 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 Ceity, 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. (Amended June 18, 1986: Res. No. 86-108 § 4; amended April 13, 1982: Res. No. 60-2, § 1.)

Sec. 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 Ceity or its inhabitants, or for furnishing goods or services by the Ceity to such public jurisdictions or their inhabitants, or for furnishing goods and services jointly to the inhabitants of the eCity and the inhabitants of other such public jurisdictions, subject to such restrictions and limitations as may be prescribed by state law.

Sec. 7.23. Determination as to which public works to be performed by Ceity forces or contracts.

The council shall determine which public works or improvement projects are to be performed by Ceity forces and which are to be let by contract in the manner prescribed in this article.

Sec. 7.24. Approval of contracts by attorney.

All contracts shall be approved as to legal form by the <u>Ceity</u> attorney. (Amended by <u>General Mmunicipal Eelection on November 7, 2000.)</u>

Article VIII. Personnel Administration

Sec. 8.01. Personnel board.

A personnel board consisting of five (5) resident and qualified voters shall be appointed by the city council for four- (4) year overlapping terms of office. Vacancies shall be filled by the council by appointment for the unexpired portion of the term. A member of the personnel board shall be removed from office by the city 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. 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 Ceity 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. (Amended by Ggeneral Mmunicipal Eelection on November 7, 2000: Res. No. 240.)

Sec. 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 Ceity 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 Ceity 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 his 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. (Amended by <u>G</u>eneral <u>M</u>municipal <u>E</u>election on November 7, 2000: Res. No. 240.)

Sec. 8.03. Personnel director. Human Resources Director.

The <u>personnel director human resources director</u> shall be appointed by the <u>City manager</u>. <u>HeThe human resources director</u> shall be responsible for directing the personnel program of the <u>Ceity in accordance with the provisions of this charter and ordinances supplemental thereto. (4-11-72.) (April 11, 1972)</u>

Sec. 8.04. Personnel rules.

It is the intention of this article to provide for a merit system of employment in the Ceity 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 and for the certification 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 histheir 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 or of eligibles eligibility who fail to comply with a bona tide 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; and physical handicap or condition; or 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 Ceity.
- g. For the employment without 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 ninety (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 Ceity of names and classifications of all persons legally employed in the Ceity service, without which certifications this officer shall not authorize the issuance of salary paychecks. (4-11-72.)

Sec. 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 personnel director human resources director may prescribe. The personnel human resources director may develop an apprenticeship program for the recruitment and promotion of employees in the skilled trades. (4-11-72.)

Sec. 8.06. Special services.

The council, upon recommendation of the <u>City</u> 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. (Amended by <u>Gg</u>eneral <u>Mm</u>unicipal <u>Ee</u>lection on November 7, 2000: 4-11-72.)

Sec. 8.07. Classified and unclassified services.

The employments in the Ceity 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, and the heads of one or more departments 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 nine (9) months fifteen hundred (1,500) hours full-time employment or the equivalent thereof in any twelve (12) month period without a break in employment of at least three (3) months; (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. (Amended by General Mmunicipal Eelection on November 7, 2000: 4-11-72.)

Sec. 8.08. Repealed.

Secs. 8.09 to 8.11.

Repealed by Referendum April 11, 1972.

Article IX. Franchises

Sec. 9.01. When franchises are required.

No person, firm or corporation shall exercise any franchise right or privilege in the Ceity for furnishing its inhabitants with transportation, communication, terminal facilities, water, light, heat, gas, power, television, cable television video or any other public utility or service, except insofar as he or it may be entitled to do so by direct authority to the Constitution of the State of California or of the United States, pursuant to state or federal law, unless he or 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 Ceity, 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 Mmunicipal Eelection on November 7, 2000.)

Sec. 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 Ceity unless required so to do by ordinance of the City of Roseville.

Sec. 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.

Sec. 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 <u>Gg</u>eneral <u>M</u>municipal <u>E</u>election on November 7, 2000.)

Sec. 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.

Sec. 9.06. Reservation of privilege; bids.

No franchise shall be granted without reserving to the Ceity 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 Ceity (Amended by General Memunicipal Eelection on November 7, 2000.)

Sec. 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 Ceity 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.

Sec. 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 Ceity 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 Ceity'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 Ceity for any utility, no allowance shall be made for franchise value (other than the actual amount paid to the Ceity at the time of the franchise acquisition), good will, going concern, earning power, or increased value of right-of-way.

Sec. 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.

Sec. 9.10. Right of Ceity to change grade, location or use of streets, etc.

Every franchise shall provide that the <u>Ceity</u> 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.

Sec. 9.11. Lease, assignment or alienation.

No franchise heretofore or hereafter granted by the <u>Ceity</u> shall ever be leased, assigned, or otherwise alienated without the express consent of the <u>Ceity</u> by ordinance, and no dealing with the lessee or assignee on the part of the <u>Ceity</u> 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.

Sec. 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.

Sec. 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

Sec. 10.01. General powers respecting utilities.

The Ceity shall possess all the powers granted to cities by state law to construct, condemn and purchase, 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. Each Ceity-owned utility shall be financially self-sufficient, and shall fully compensate the Ceity general fund for all goods, services, real property and rights to use or operate on or in Ceity-owned real property. (Amended by General Mmunicipal Eelection on November 7, 2000.)

Sec. 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 Ceity and others with such utility services as the Ceity may provide. For nonresidential electric utility customers, the council may, by ordinance, delegate the power to fix such rates and charges to the City Manager, 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 Ceity, and the attendant exercise, on behalf of the city, of all actions or remedies permitted by law. (Amended by General Mmunicipal Eelection on November 7, 2000.)

Sec. 10.03. Disposal of utility plants and property.

The Ceity 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 Ceity. The provisions of this section shall not, however, be interpreted to preclude the sale, exchange, or other disposal to the advantage of the Ceity, 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 Ceity, 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 Mmunicipal Eelection on November 7, 2000.)

Article XI. Reserved

(Amended by General Mmunicipal Eelection on November 7, 2000.)

Article XII. Miscellaneous

Sec. 12.01. Construction of the charter.

The word "Ceity" 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.

Sec. 12.02. Section headings.

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

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 12.06. Reserved.

(Amended by <u>G</u>general <u>M</u>municipal <u>E</u>election on November 7, 2000: added by <u>G</u>general <u>M</u>municipal <u>E</u>election on November 5, 1985.)