

CITY OF VALLEJO

CHARTER



Effective: November 5, 2013

CHARTER

CHARTER

Assembly Concurrent Resolution No. 197

Adopted in Assembly August 7, 1970

	James D. Driscoll
	<i>Chief Clerk of the Assembly</i>

Adopted in Senate August 11, 1970

	Darryl R. White
	<i>Secretary of the Senate</i>

This resolution was received by the Secretary of State this 14th day of August, 1970, at 11 o'clock a.m.

	H.P. Sullivan
	<i>Secretary of State</i>

RESOLUTION CHAPTER 183

Assembly Concurrent Resolution No. 197 - Approving the adoption of the Charter of the City of Vallejo, County of Solano, State of California, ratified by the qualified electors of the city at a general election held therein on the second day of June, 1970.

Whereas, Proceedings have been taken and had for the proposal, adoption, and ratification of a charter for the City of Vallejo, a municipal corporation in the County of Solano, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

Certificate of Mayor and City Clerk of the City of Vallejo County of Solano, State of California

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State of California)

County of Solano)

We, the undersigned, Florence E. Douglas, Mayor of the City of Vallejo, and Helen G. Seeber, City Clerk of the City of Vallejo, do hereby certify and declare as follows:

That the City of Vallejo, a municipal corporation of the County of Solano, State of California, now is and was at all times herein referred to a city containing a population of more than three thousand five hundred (3,500) inhabitants; as ascertained by the last preceding census taken under the authority of the Congress of the United States or the Legislature of the State of California; and

That a general municipal election duly held in said city on the 1st day of April, 1969, under and in accordance with law and the provisions of Section 8 of Article XI of the Constitution of the State of California, a board of fifteen (15) freeholders, duly qualified, was elected in and by said city by the qualified electors thereof to prepare and propose a new charter for the government of said city; and

That said board of freeholders did prepares and propose a charter, and an alternative and separate proposition relating thereto, for the government of said City of Vallejo; and

That said charter, and alternative proposition No. 2 and separate proposition No. 3, were signed by a majority of the board of freeholders on the 4th day of March, 1970, and filed with the City Clerk of said City of Vallejo on the 5th day of March, 1970; and

That said proposed charter, including said alternative and separate propositions relating thereto, was thereafter published in the Vallejo Morning Times-Herald, the official newspaper of said City of Vallejo, said newspaper being of general circulation in said City of Vallejo, and the said charter, including said alternative and separate propositions relating thereto, being published as aforesaid for a period of one (1) day, on the 18th day of March, 1970, the date of publication thereof being made within fifteen (15) days after the filing thereof; and

That said board of freeholders, prior to the filing of said proposed charter and alternative and separate propositions, designated the 2nd day of June, 1970, as the date for submission of said proposed charter and alternative and separate propositions to the electors of said city; and

That the City Council of the City of Vallejo, being the legislative body of said city, pursuant to Section 8 of Article XI of the Constitution of the State of California, duly passed and adopted on the 16th day of March, 1970, its Resolution No. 70-202 N.C., calling a serial municipal charter election in the City of Vallejo on the 2nd day of June, 1970, for the purpose of submitting said proposed charter, including alternative and separate propositions relating thereto, to the electors of said city, and consolidating said special municipal charter election with the State of California Direct Primary Election to be held on June 2, 1970;

That by resolution duly adopted on the 31st day of March, 1970, the Board of Supervisors of the County of Solano ordered consolidation of said special municipal charter election with said Direct Primary Election;

That copies of said proposed charter, including alternative and separate propositions relating thereto, were printed in convenient pamphlet form and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California, and copies thereof were mailed to each of the qualified electors of said city;

That said legislative body of the City of Vallejo did until the day fixed for the election upon such proposed charter and alternative and separate propositions advertise in said Vallejo Morning Times-Herald a notice that copies thereof might be had upon application therefor;

That said special municipal charter election was duly called, held and conducted in the time, form and manner required by law on said 2nd day of June, 1970, being the date of the general election next following the expiration of sixty days after completion of the publication of said proposed charter, including the alternative and separate propositions relating thereto;

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That a majority of the qualified voters on said proposed charter, identified on the printed election ballots as Measure E, voted in favor of the ratification of and did ratify said proposed charter;

That a majority of the qualified voters voting on said alternative proposition No. 2, identified on the printed election ballots as Measure F, voted against the ratification of said alternative proposition No. 2 failed to pass.

That a majority of the qualified voters voting on said separate proposition No. 3, identified on the printed election ballots as Measure G, voted in favor of the ratification of and did ratify said separate proposition No. 3, adding Section 810 to Article VIII of said proposed new Charter.

That the County Clerk of the County of Solano conducted, and on June 23, 1970, officially completed the canvass of all ballots cast at said Consolidated Direct Primary Election and said special municipal charter election consolidated therewith as aforesaid; and that the Board of Supervisors of said County of Solano met on June 23, 1970, at its usual place of meeting and officially approved said canvass of said elections as conducted, completed and presented to said Board of Supervisors by said County Clerk, and said County Clerk on the 1st day of July, 1970, certified the results of said special charter election to the City Council of the City of Vallejo;

That said City Council of the City of Vallejo, in accordance with law and pursuant to said Resolution No. 70-202 N.C., calling said special municipal charter election, did meet on Monday, the 6th day of July, 1970, at its usual place of meeting, and did duly and regularly cause to be spread on its minutes a statement of the results of said special municipal charter election as ascertained by said canvass;

That said charter, including said separate proposition No. 3, adding Section 810 to Article VIII thereof, and being a part thereof, so ratified by the majority of the qualified voters of said city voting at said special municipal charter election, is in the words and figures following, to-wit:

THE CHARTER OF THE CITY OF VALLEJO

We, the people, of the City of Vallejo, State of California, do ordain and establish this Charter as the fundamental law of said City under the Constitution of said State.

Article I - Incorporation: Succession: Form of Government

Article II - Powers of the City

Article III - Mayor and Council

Article IV - Officers Appointed by the Council

Article V - City Manager

Article VI - Administrative Organization

Article VII - Fiscal Administration

Article VIII - Personnel Administration and Civil Service

Article IX - Franchises

Article X - Elections

Article XI - General Provisions

Article I

Incorporation: Succession: Form of Government

Section 100 Name.

Section 101 Boundaries.

Section 102 Rights and Liabilities.

Section 103 Continuance of Laws.

Section 104 Continuance of Officers and Employees.

Section 105 Transfer of Records and Property.

Section 106 Form of Government.

Section 100 Name.

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

Section 101 Boundaries.

The boundaries of the City of Vallejo existing at the time this Charter takes effect shall continue as the boundaries of said City until changed in the manner authorized by law.

Section 102 Rights and Liabilities.

The City shall continue to own, hold, possess, use, control and in every way succeed to and become the owner of rights and of property of every kind and nature now owned, controlled, possessed or claimed by it and shall be subject to all of its debts, obligations, liabilities and contracts.

Section 103 Continuance of Laws.

All lawful ordinances, resolution, rules and regulations or portions thereof now in force and not in conflict or inconsistent herewith are continued in force until they have been duly repealed or amended.

Section 104 Continuance of Officers and Employees.

All officers and employees of the City now serving shall continue in their offices or employments until removed or replaced in the manner provided by authority of this Charter.

Section 105 Transfer of Records and Property.

The transfer of any function from one department to another by this Charter or by any lawful ordinance or administrative authority, also authorizes the corresponding transfer of all necessary records, property and equipment necessary to such functions.

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Section 106 Form of Government.

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

Article II

Powers of the City

Section 200 Powers.

Section 201 Procedures.

Section 202 Intergovernmental Relations.

Section 200 Powers.

The City shall have the right and power to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this Charter and 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 the general laws of the State.

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.

Section 201 Procedures.

The City shall have the power to act pursuant to procedure established by any law of the State unless a different procedure is required by this Chapter.

Section 202 Intergovernmental Relations.

The City may exercise any of its powers or perform any of its functions jointly, or in cooperation, by contract or otherwise, with any one or more cities, counties, states, or civil divisions or agencies thereof, or the United States or any agency thereof.

Article III

Mayor and Council

Section 300 Elective Offices.

Section 301 Qualifications.

Section 302 Term of Office.

Section 302.1 Limitation of Terms of Office.

Section 303 Vacancies, Filling of.

Section 304 Vacancy, What Constitutes.

Section 305 Compensation.

Section 306 Mayor's Allowance.

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Section 308 Meetings of the Council.

Section 309 Quorum.

Section 310 Council Action.

Section 311 Enactment of Ordinances.

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Section 313 Amendment of Ordinances.

Section 314 Publication.

Section 315 Codification.

Section 316 Effective Date of Ordinances.

Section 317 Penalty for Violation of Ordinances.

Section 318 Powers and Duties of the Mayor.

Section 319 The Vice-Mayor.

Section 300 Elective Offices.

The elective officers of the City shall be the Mayor and six Councilmembers.

(Amendment adopted by electors of the city, 11/17/00.)

Section 301 Qualifications.

No person shall be eligible to or continue to hold any elective office of the City, either by election or appointment, unless he/she is an elector thereof or of territory lawfully annexed thereto for at least thirty (30) days next preceding the last day for filing of nomination papers as fixed by applicable State law, or an equivalent number of days prior to hiker appointment. The residency requirement provided herein shall apply with equal force to write-in candidates.

(Amendment adopted by the electors of the city, 3/8/77; amendment adopted by the electors of the city, 4/17/73; amendment adopted by the electors of the city, 11/7/00.)

Section 302 Term of Office.

Each elective officer shall hold office for a term of four (4) years commencing at 7:00 p.m. on the first Tuesday following January 1 after the general municipal election at which he/she was elected, and until his/her successor is elected and assumes office.

Notwithstanding the four-year-term limit set forth above:

- a. Any elective officer whose term of office would have otherwise expired in December 2015, shall continue in his/her office until 7:00 p.m. of the first Tuesday following January 1, 2017, or until his or her successor is elected and assumes office.
- b. Any elective officer whose term of office would have otherwise expired in December 2017 shall continue in his/her office until 7:00 p.m. of the Tuesday following January 1, 2019, or until his or her successor is elected and assumes office.

(Amendment adopted by the electors of the city, 11/6/79; amendment adopted by the electors of the city, 3/8/77; amendment adopted by the electors of the city, 6/4/74; amendment adopted by the

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electors of the city, 11/7/89; amendment adopted by the electors of the city, 11/7/00; amendment adopted by the electors of the city, 11/5/13.)

Section 302.1 Limitation of Terms of Office.

No elective officer of the City may hold office for more than two consecutive four-year terms as either Mayor or Councilmember, nor serve in both offices of Mayor and Councilmember for longer than three consecutive four year terms. No person who has held an elective office, or acted as an elected officer for more than two years of a term to which some other person was elected shall be elected to an elective office more than two consecutive subsequent terms. Any person who has served the maximum number of terms as set forth in this Section shall not serve again until at least two years have passed since his/her last date of holding office.

(Added by the electors of the city, 3/8/77; amendment adopted by the electors of the city, 11/7/00.)

Section 303 Vacancies, Filling of.

Any vacancy occurring in the office of Councilmember during an elected term of office (due to resignation, disqualification, inability to serve or death) shall be filled first by the unsuccessful candidate from the most recent general election receiving the next highest number of votes still remaining on the list of eligibles if the person is available, accepts and is qualified to serve. If no one on the list of eligibles is available, accepts or is ruled unqualified to serve, the Council, by majority vote of the remaining members, shall appoint a qualified person to fill the vacancy. Any such appointee shall hold office until 7:00 p.m. on the first Tuesday in December next succeeding the date of the next general municipal election and until his/her successor qualifies. At the next general municipal election following any vacancy, a successor shall be elected to serve the remainder of the unexpired term. Whenever a vacancy exists in the office of Mayor during an elected term of office (due to resignation, disqualification, inability to serve or death), the vacancy shall be filled by the Vice-Mayor. The Vice-Mayor shall serve a term limited by the existing procedures now being utilized by the Council to elect a Vice-Mayor. At the next general or "special" municipal election following any vacancy, a successor shall be elected to serve the remainder of the unexpired term.

(Amendment adopted by electors of the city, 11/6/79; amendment adopted by the electors of the city, 3/8/77; amendment adopted by the electors of the city, 6/4/74; amendment adopted by the electors of the city, 11/7/89; amendment adopted by the electors of the city, 11/9/00.)

Section 304 Vacancy, What Constitutes.

An elective office shall be declared vacant by the Council when the person elected or appointed thereto fails to qualify within fifteen days after his/her certificate of election or appointment has been received, dies, resigns, ceases to be a resident of the City, is absent continuously from the City for a period of more than thirty days without permission from the Council, misses three consecutive regular meetings of the Council without permission from the Council, is convicted of a felony, is judicially determined to be incompetent, forfeits the office under any provision of this Charter, or is removed from office by judicial procedure.

(Amendment adopted by the electors of the city, 11/7/00.)

Section 305 Compensation.

The Mayor and each Councilmember shall receive the compensation heretofore fixed by Charter until changed by Charter amendment or ordinance. Such compensation fixed by ordinance shall not exceed the amount which the City Council of a general law city, of comparable population, can prescribe under the provisions of State law. In addition, the Mayor and each Councilmember shall receive

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reimbursement for itemized routine and ordinary expenses incurred in official duty or such reasonable and adequate, as identified in the city's Administrative Rules, in an amount as may be established by ordinance, which amount shall be deemed to be reimbursement to them of routine and ordinary expenses imposed upon them by virtue of their office.

(Amendment adopted by the electors of the city, 11/7/89; amendment adopted by the electors of the city, 11/7/00.)

Section 306 Mayor's Allowance.

In addition, the Mayor shall receive for use in the discharge of the duties and obligations of the office, an allowance to be fixed by ordinance, payable in equal monthly installments, for which vouchers need not be furnished.

(Amendment adopted by the electors of the city, 11/7/00.)

Section 307 Council.

The Council shall be composed of the Mayor and six Councilmembers. The Council shall be the governing body of the City. All powers of the City shall be vested in the Council except as otherwise provided by law or in this Charter.

(Amendment adopted by the electors of the city, 11/7/00.)

Section 308 Meetings of the Council.

At 7:00 p.m. on the first meeting in December following each regular municipal election, the Council shall meet at the established Council meeting place, at which time and place the newly elected Members of Council shall assume the duties of their office: Thereafter, the Council shall meet at least forty (40) times before the next meeting in December following and the Council shall meet at least two (2) times each month. A schedule of regular meetings shall be adopted at the first meeting in December each year for a period of two (2) years hence. Special meetings may be held at the regular place of meeting, either on the call of the Mayor, or on the request of three Members of Council upon twenty-four (24) hours' written notice to each member of the Council. Such notice shall be personally served or left at a place which shall be designated by each Member of Council, provided, however, that such notice may be waived by the written consent of all the members of the Council. Regular meetings may be held at places other than the regular meeting place only in an emergency in which the regular meeting place is untenable, or upon the posting of a public notice at the regular meeting place that the Council is hereby meeting elsewhere, to be designated on the notice, for some purpose of public convenience. Special meetings may be held at locations in the City other than the regular meeting place as determined appropriate by the Council and specified in the notice calling for the special meeting. All regular or special sessions of the Council shall be open to the public, except for executive sessions permitted by law.

(Amendment adopted by the electors 11/6/79; amendment adopted by the electors of the city, 3/8/77; amendment adopted by the electors of the city, 6/4/74; amendment adopted by the electors of the city, 11/7/89; amendment adopted by the electors of the city, 11/7/00.)

Section 309 Quorum.

A majority of the Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

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Section 310 Council Action.

The Council shall provide by ordinance for the order of business and rules of pure for the conduct of Council meetings. The Council shall act by ordinance, resolution, or motion. The "Ayes" and Noes" shall be taken on the passage of all ordinances and resolutions, and entered upon the journal of proceedings of the Council. Each proposed ordinance or resolution shall be introduced in written or printed form. Except as otherwise provided by this Charter or by general law, the vote of the majority of the members of the Council shall be necessary to adopt any ordinance, resolution, or motion.

Section 311 Enactment of Ordinances.

In addition to such acts of the Council as are required by statute or by this Charter to be by ordinance, every act of the Council establishing a penalty or granting a franchise shall be by ordinance. The enacting clause of all ordinances shall be: "The Council of the City of Vallejo does ordain as follows:"

Section 312 Adoption of Ordinances and Resolutions.

Except for emergency ordinances, no ordinance shall be adopted by the Council on the day of its introduction, nor within five days thereafter, nor except at a regular or adjourned regular meeting. At the time of adoption of an ordinance or resolution, it shall be read in full unless copies have been available to the public before or during the meeting at which the ordinance or resolution is under consideration, or unless after the reading of its title the further reading thereof is waived by unanimous consent. If an ordinance is altered after its introduction (except for the correction of typographical or clerical errors) it shall not be adopted except at a regular or adjourned regular meeting held not less than five days after the date of such alteration. Any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety and containing a statement of the reasons for its urgency may be introduced and adopted at the same meeting if passed by at least five affirmative votes. Emergency appropriations to meet a pressing need for public expenditure, for other than a regular or recurring requirements, to protect the public health, safety or welfare may be made as an emergency ordinance.

Section 313 Amendment of Ordinances.

Any section or subsection of an ordinance may be amended solely by the re-enactment of such section or subsection at length, as amended.

Section 314 Publication.

All ordinances and amendments to ordinances shall be published in the manner required by this Charter.

Section 315 Codification.

The duly adopted and effective ordinances of the City may be compiled and aged as a comprehensive ordinance code, which may be adopted by reference by the passage of an ordinance for such purpose. Such code need not be published as required for other ordinances, but not less than three copies thereof shall be available for examination by the public prior to the adoption thereof. Subsequent amendments to the code shall be by ordinance. Detailed regulations pertaining to any subject such as the construction of buildings, plumbing, wiring or other subjects which require extensive regulations, maps, or exhibits, after having been aged as a comprehensive code, may likewise be adopted by reference in the manner hereinabove provided.

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Section 316 Effective Date of Ordinances.

No ordinance adopted by the Council shall become effective until 30 days from and after the date of its adoption, except the following, which shall take effect upon adoption or upon a date specified therein:

- (a) An ordinance calling or otherwise relating to an election;
- (b) An improvement proceeding ordinance adopted under some law or procedural ordinance;
- (c) An ordinance declaring the amount of money necessary to be raised by taxation, fixing the rate of taxation, levying the annual tax upon property or making an appropriation for the usual current expenses and outlays of the City;
- (d) An emergency ordinance adopted in the manner provided in this Charter; and
- (e) An ordinance annexing areas to the City.

Section 317 Penalty for Violation of Ordinances.

The Council may make the violation of its ordinances a misdemeanor which may be prosecuted in the name of the people of the State of California or may be redressed by civil action.

Section 318 Powers and Duties of the Mayor.

The Mayor shall preside at meetings of the Council, shall have a vote in all matters before the Council, and shall be recognized as the head of the City government for all ceremonial purposes.

Section 319 The Vice-Mayor.

On the first Tuesday following January 1 of each year, the Council shall elect from amongst its members a Vice-Mayor who shall serve for a term of one year and until a successor is elected by the Council. In addition to the regular duties as a Member of Council, the Vice-Mayor shall perform the duties of the Mayor during the Mayor's absence or disability; and may perform at any time any duty of the office of the Mayor as may be delegated by the Mayor.

(Amendment adopted by the electors of the city, 11/6/79; amendment adopted by the electors of the city, 3/8/77; amendment adopted by the electors of the city, 6/4/74; amendment adopted by the electors of the city, 11/7/00; amendment adopted by the electors of the city, 11/5/13.)

Article IV

Officers Appointed by the Council

Section 400 City Manager.

Section 401 City Attorney.

Section 402 Boards and Commissions.

Section 403 Advisory Boards.

Section 404 Policy Boards or Commissions.

Section 405 Rule Making and/or Appellate Boards.

Section 406 Composition and Terms.

Section 407 Removal of Appointive Personnel.

Section 408 Acting City Manager.

Section 409 Conferring Additional Duties.

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Section 400 City Manager.

There is hereby created the office of City Manager, who shall be the chief executive and administrative officer of the City. He/She shall be appointed by resolution approved by at least a majority of all the members of the Council solely on the basis of proven executive and administrative qualifications. He/She must be a citizen of the United States, need not when appointed be a resident of the City or State, but shall become a resident of the City within 90 days after the appointment, and remain a resident during his/her tenure. No member of the Council shall be eligible for appointment as City Manager or acting City Manager during the term for which he/she was elected or for one year thereafter. The City Manager shall have the duties and powers prescribed by this Charter or by ordinance.

(Amendment adopted by the electors of the city, 11/7/00.)

Section 401 City Attorney.

There shall be a City Attorney, appointed by the Council, who shall serve as legal advisor to the Council, the City Manager, and all City departments, offices and agencies, shall represent the City in legal proceedings, and shall perform other duties as directed by the Council. He/She shall have been at the time of his/her appointment admitted to practice and engaged in the practice of law in the State of California. The Council may appoint, or empower the City Attorney, at his/her request to employ, without regard to civil service provisions, special legal counsel, appraisers, engineers, and other technical and expert services necessary for the handling of any pending or proposed litigation, proceeding, or other legal matter.

(Amendment adopted by the electors of the city, 11/7/00.)

Section 402 Boards and Commissions.

The Council may create by ordinance such boards and commissions as may be required for the proper operation of any function or agency of the City, and prescribe their duties and powers, terms, compensation and reimbursement for expenses, if any, subject to the provisions of this Article. Such boards may be advisory, policy, appellate and/or rule making. Members of boards and commissions shall be appointed by the Council. Vacancies shall be filled for the unexpired terms in the same manner as original appointments are made.

Section 403 Advisory Boards.

The Council may create an advisory board for any department or function in which it finds greater citizen participation to be of particular mutual interest to the City government and to the people. Such advisory boards may by ordinance be empowered to advise the Council, the City Manager and the department head on matters of policy and public interest related to the department or function concerned, to investigate and make advisory reports on such matters to appropriate authorities, and to render such other specific services as are consistent with the role of an advisory board.

Section 404 Policy Boards or Commissions.

The Council may create policy boards or commissions to assist in the operation of any function or service of the City which is supported in whole or in part by the revenue derived from its operations or which requires the long range investment and management of funds. Such policy board or commission may be authorized to prescribe regulations governing the operation of the function or service; to prescribe

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rates and conditions for rendering service; to adopt an operating budget; to develop and approve long range capital plans for the acquisition, improvement and extension of properties; and to arrange for the financing thereof in accordance with applicable law.

Section 405 Rule Making and/or Appellate Boards.

The Council may create boards and commissions empowered to adopt rules to govern the operations of any City department or function, or to hear appeals from actions taken under such rules or the laws governing the operation of such department or function. Rules and amendments thereto made by such a board or commission shall be effective only on approval by the City Council. The Council may not on its own motion amend such rules, but shall return those it disapproves with a statement of the reasons therefor for further consideration by the board or commission. Decisions by any such board or commission on matters in its jurisdiction, in which it has appellate authority, shall have the force and effect prescribed by this Charter, by ordinance, or by applicable general law.

Section 406 Composition and Terms.

Each board or commission shall be composed of not less than five members. The members of boards and commissions holding office at the time this Section takes effect shall continue to hold office for the terms to which they were appointed or until the board or commission is abolished or modified under the authority of this Article. An ordinance creating a policy or rule making or appellate board or commission shall provide for a system of overlapping terms to assure continuity of plans and policy.

Section 407 Removal of Appointive Personnel.

- a. The affirmative vote of at least five members of the Council shall be required to remove any member of a board or commission serving a fixed term.
- b. The affirmative vote of at least a majority of all the members of the Council shall be required to remove the City Manager or the City Attorney except as provided in subsection (c) of this Section.
- c. The affirmative vote of at least five members of the Council shall be required to remove the City Manager or the City Attorney within 60 days after their initial appointment or within 60 days after any election at which members are elected to the City Council.
- d. Before the City Manager may be finally removed, he/she may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than 15 days nor later than 30 days after the request is filed. The City Manager may file a written reply with the Council not later than five days before the hearing.

(Amendment adopted by the electors of the city, 11/7/00.)

Section 408 Acting City Manager.

By letter filed with the City Clerk, the City Manager shall designate (if this classification or position exists and the Manager desires), and subject to approval of the Council, the Assistant City Manager to exercise the powers and perform the duties of the City Manager during his/her temporary absence or disability. The Council may revoke such designation at any time and appoint another officer of the City to serve until the City Manager shall return or his/her disability shall cease; provided, however, that the Council shall designate an acting City Manager pending a new appointment whenever the position is vacant for any other cause.

(Amendment adopted by the electors of the city, 11/7/00.)

Section 409 Conferring Additional Duties.

The imposing of duties on a particular office by this Charter shall not limit the right of the Council to confer on any officer, board or commission such additional powers as it may find necessary and consistent with the purpose of such officer, board or commission.

Article V

City Manager

Section 500 Powers and Duties of City Manager.

Section 501 Department Heads Responsible to City Manager.

Section 502 Emergency Powers.

Section 503 Noninterference.

Section 500 Powers and Duties of City Manager.

The City Manager shall be the chief administrative officer of the City. He/She shall be responsible to the Council for the administration of all City affairs placed in his/her charge by or under this Charter or by ordinance not contrary to this Charter. He/She shall have the following powers and duties:

- a. He/She shall appoint, and when he/she deems it necessary for the good of the service, suspend or remove all City employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law or this Charter. He/She may authorize any administrative officer who is subject to his/her direction and supervision to exercise these powers with respect to subordinates in that officers department, office or agency.
- b. He/She shall direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law.
- c. He/She shall attend all Council meetings unless excused due to temporary absence or disability. In the event of such absence or disability, a designated representative shall attend the Council meetings on the City Manager's behalf. The City Manager or designated representative shall have the right to take part in discussion, but may not vote.
- d. He/She shall see that all laws, provisions of this Charter, and acts of the Council, subject to enforcement by him/her or by officers subject to his/her direction and supervision, are faithfully executed.
- e. He/She shall prepare and submit the annual budget and capital program to the Council.
- f. He/She shall submit to the Council and make available to the public a complete report on finances and administrative activities of the City as of the end of the fiscal year.
- g. He/She shall make such other reports as the Council may require concerning the operations of City departments, offices and agencies subject to his/her direction and supervision.
- h. He/She shall keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City as he/she deems advisable.
- i. He/She shall investigate the operations of the departments and other agencies of the City and all contracts to which the City is a party, and assure proper performance.
- j. He/She shall investigate complaints concerning utility operations and see that all permits, privileges and franchises granted by the City are faithfully performed.

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- k. When dated by the City Council, he/she shall represent the City in its inter-governmental relations, and negotiate contracts for joint governmental actions, subject to Council approval.
- l. He/She shall perform such other duties as are specified in this Charter or may be required by the Council.

(Amendment adopted by the electors of the city, 11/7/00.)

Section 501 Department Heads Responsible to City Manager.

The heads of the administrative departments under the City Manager shall be directly responsible to him/her for the efficient administration of their respective departments. The City Manager may designate acting department heads when necessary to assure the continuity of the City's business. He/She shall have the power, with the approval of the Council, and without reference to personnel provisions of this Charter, to employ experts or consultants to perform work or give advice connected with the departments of the City when he/she finds such work or advice necessary.

(Amendment adopted by the electors of the city, 11/7/00.)

Section 502 Emergency Powers.

In the case of general conflagrations, riots, floods, or other emergencies menacing life or property, the City Manager shall marshal all the forces of the different departments of the City for the maintenance of the general security, and shall have the power to deputize or otherwise employ without reference to Civil Service such other persons as he/she may consider necessary for the purpose of protecting the City and its residents; provided, that in an emergency in which military control is established under State or National law, the City Manager shall exercise hiker emergency powers subject to lawful military authority.

(Amendment adopted by the electors of the city, 11/7/00.)

Section 503 Noninterference.

Except for the purpose of inquiry into the affairs of the City and the conduct of any City department, office or agency, the Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager and neither the Council nor its members shall give orders to any officer or employee either publicly or privately nor shall they attempt to coerce or influence the City Manager in respect to any contract or purchase of supplies or any other administrative action or in any manner direct or request the appointment of any person to, or his/her removal from, office by the City Manager or his/her subordinates. Violation of the provisions of this Section by a member of the Council shall be a misdemeanor, conviction of which shall immediately result in forfeiture of the office of the convicted member.

(Amendment adopted by the electors of the city, 11/7/00.)

Article VI

Administrative Organization

Section 600 Administrative Organization Authorized.

Section 601 Functions and Services Authorized.

Section 602 Continuation of Departments and Offices.

Section 603 Boards and Commissions Continued.

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Section 600 Administrative Organization Authorized.

The Council shall by ordinance provide the form of organization through which the functions of the City are to be administered. Any combination of duly authorized duties, powers and functions which in the judgment of the Council will provide the most efficient and economical service possible, consistent with the public interest and in keeping with accepted principals of municipal administration, may be authorized by such ordinance. All departments, offices, and agencies of the City except the Office of City Attorney shall be under the direction and supervision of the City Manager and shall be administered by an officer or employee appointed by him/her subject to his/her discretion. With the consent of the Council, the City Manager may serve as the head of one or more departments, offices or agencies or may appoint one person as the head of two or more of them.

(Amendment adopted by the electors of the city, 11/7/00.)

Section 601 Functions and Services Authorized.

The Council by ordinance, in carrying out the provisions of Section 600, may establish such new departments, offices or agencies or combine or eliminate existing units as are in its judgment desirable.

Section 602 Continuation of Departments and Offices.

The departments and offices heretofore created by the Charter, by ordinance or by administrative order, are continued until modified by ordinances adopted pursuant to this Article.

Section 603 Boards and Commissions Continued.

The Council shall provide by ordinance for the continuation of the following boards and commissions:

- a. The Civil Service Commission, to be a rule making and appellate commission as defined in Section 405 of this Charter.
- b. The Library Board, to be an advisory board as defined in Section 403 of this Charter.
- c. The Planning Commission, to be a rule making and appellate commission as defined in Section 405 of this Charter.

Article VII

Fiscal Administration

Section 700 Fiscal Year.

Section 701 Budget Preparation.

Section 702 Council Hearing and Approval.

Section 703 Budget Revisions.

Section 704 (Repealed by the electors of the city, 11/7/00.)

Section 705 (Repealed by the electors of the city, 11/7/00.)

Section 706 Tax Collection.

Section 707 General Revenues.

Section 708 (Repealed by the electors of the city, 11/7/89.)

Section 709 Capital Outlay Funds.

Section 710 Unappropriated Reserve Fund.

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Section 711 Revolving Funds.

Section 712 Discretionary Funds.

Section 713 Other Funds.

Section 714 Control and Use of Public Utilities Funds.

Section 715 Accounting System.

Section 716 Authorization and Control of Expenditure.

Section 717 Purchasing or Contracts.

Section 718 Contracts to Next Lowest Bidder.

Section 719 Conflicts of Interest.

Section 720 Inventory and Accountability.

Section 721 Independent Audit.

Section 722 Fees.

Section 723 Deposits.

Section 724 (Repealed by the electors of the city, 11/7/00.)

Section 725 Investments.

Section 726 Bonds.

Section 727 General Bonded Indebtedness.

Section 728 Utility Bonded Indebtedness.

Section 729 Revenue Bonds.

Section 700 Fiscal Year.

The fiscal year of the City shall commence on the first day of July each year.

Section 701 Budget Preparation.

The City Manager and City Council shall prepare a five year strategic and financial plan to be reviewed and updated annually. The annual budget shall correlate to the proposed plan.

At least 45 days prior to the beginning of each fiscal year, the City Manager shall submit to the Council a budget of proposed expenditures and estimated revenues. This shall include a general fund budget in which proposed expenditures shall not exceed estimated revenues accompanied by an explanatory budget message in such form as he/she deems desirable or as the Council may require. For such purpose, the City Manager, on such schedule and under such terms as he/she may prescribe, shall obtain from the head of each department or other agency of the City estimates of revenue and expenditure in such detail and with such supporting plans and data as he/she may require. The City Manager may revise such estimates in any manner he/she deems advisable. The explanatory budget message of the City Manager to the Council shall explain the budget, both in fiscal terms and in terms of work programs, shall outline the proposed financial policies of the City for the ensuing fiscal year, shall propose priorities for capital expenditures, and shall describe other important features of the budget plan. It shall state the reasons for salient changes from the previous year in cost and revenue items, shall explain any major changes in financial policy, and shall enable the Council to compare the prior and

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current years' revenues and expenditures to which such proposed revenues and expenditures relate. Estimates of revenue shall include surpluses to be carried over from the current year, plus miscellaneous revenues.

(Amendment adopted by the electors of the city, 11/7/00.)

Section 702 Council Hearing and Approval.

After submission of the budget by the City Manager, the Council shall publish in one or more newspapers of general circulation in the City the following: a general summary of the budget, information as to times and places where copies of the budget are available for inspection by the public, and the time and place for a public hearing on the budget which shall be no less than two weeks after such publication.

After the public hearing, the Council may revise the budget in any manner it finds necessary and shall adopt a budget for the ensuing fiscal year no later than the last day of the current fiscal year.

If it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the Council adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

(Amendment adopted by the electors of the city, 11/7/00.)

Section 703 Budget Revisions.

At any time during the fiscal year the City Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency, and upon written request by the City Manager, the Council, after having given one week's notice of intention to do so, may by resolution transfer part or all of any unencumbered appropriation balance from one department, office or agency, to another or may appropriate available funds not included in the budget.

Section 704 (Repealed by the electors of the city, 11/7/00.)

Section 705 (Repealed by the electors of the city, 11/7/00.)

Section 706 Tax Collection.

The Council shall provide by ordinance for the collection of all taxes and other revenues due the City, either under the direction of the City Manager or by agreement with the County of Solano, the State of California, or any other agency regularly engaged in the collection of a given tax or other revenue.

Section 707 General Revenues.

The Council may, by ordinance, provide for any tax, license or permit fee, service charge or other kind of revenue permitted by this Charter or by the Constitution or general laws of the State.

Section 708 (Repealed by the electors of the city, 11/7/89.)

Section 709 Capital Outlay Funds.

The Council shall create such "Capital Outlay Funds" as may be required to finance the improvements specified in the creation of such funds, and each such fund shall remain inviolate to the purposes for which it was created, whether general or specific, unless the use of any such fund for some other purposes is authorized by the affirmative votes of a majority of the voters voting on such a proposition at a general or special election at which such proposition is submitted; provided, that when the purpose for any Capital Outlay Fund has been accomplished, the Council may transfer any unexpended or unencumbered surplus remaining in such fund to any other general or specific Capital Outlay Fund. The money for Capital Outlay Funds may be provided by the apportionment of a specific part of the general tax levy herein provided, by the allotment of all or a portion of other lawfully available revenues, or by the transfer of unencumbered surplus funds not specifically reserved for other purposes.

Section 710 Unappropriated Reserve Fund.

The Council shall establish a fund known as the "Unappropriated Reserve Fund" for the purpose of meeting unforeseen contingencies and emergencies of the City, for such amount as may be established by the Council. Said fund shall remain intact except for the affirmative vote of at least five members of the Council, with a statement declaring the reason for its use.

Section 711 Revolving Funds.

The Council may by ordinance create revolving funds by the initial appropriation of available money and may require that they shall their be maintained in whole or in part by service charges or other levies appropriate to the purpose of each fund.

Section 712 Discretionary Funds.

The Council may from time to time appropriate discretionary funds, not to exceed \$1,000 at one time, to be expended at the direction of the City Manager for investigative or other specified purposes, without reference to the auditing provisions of the Charter or any ordinance enacted under it; provided, that the City Manager shall semi-annually and at other times required by Council certify by affidavit that any of such funds expended have been for the purposes specified.

Section 713 Other Funds.

The Council shall create by ordinance such other special funds as are required for proper accounting and fiscal management, or required as a condition of receiving funds from any other government.

Section 714 Control and Use of Public Utilities Funds.

All funds derived from the operation of any public utility or enterprise by the City shall be deposited in the City treasury, to be managed and expended in accordance with the following policies:

- a. From the proceeds of the operation of the utility or enterprise, there shall first be provisions for payment of all personnel-related costs.
- b. There shall next be provided funds required to redeem and pay interest on any bond issued for that utility or enterprise which will become due and payable during the next fiscal year.

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- c. There shall next be provision for current non-personnel operating expenditures, including current maintenance of the physical plant; purchase of materials; supplies and equipment; advertising and the cost of services rendered by other City Departments.
- d. There shall next be provisions for additions and improvements foreseen as necessary to meet future requirements of the public, which is not to exceed in any one year 10 percent of the established value of the utility or enterprise.
- e. There shall next be paid to the general fund an amount equivalent to franchise fees and City taxes as if the utility or enterprise were privately owned, and for the fair value of any commodity or resource received from the City to make possible the operation of the General Fund.
- f. There shall next be provided an adequate reserve to finance replacements required by the normal depreciation of the utility's or enterprise's plant and equipment.
- g. All remaining operating profits, the amount of which has been determined by the City Manager with the approval of the City Council, shall be transferred to the general fund.

(Amendment adopted by the electors of the city, 11/7/00.)

Section 715 Accounting System.

The City Manager shall direct the establishment and supervise the maintenance of a uniform system of accounting, applicable to all departments and other agencies of the City, conforming to modern and accepted practices of public and governmental accounting, which shall be adequate to account for all money on hand and for all income and expenditures in such detail as will provide complete and informative data concerning the financial affairs of the City, and in such manner as will be readily susceptible to audit and review.

(Amendment adopted by the electors of the city, 11/7/00.)

Section 716 Authorization and Control of Expenditure.

No expenditure of City funds shall be made except for the purposes and in the manner specified in an appropriation by the Council. The City Manager shall establish and direct such systems of internal control and audit as he/she may find necessary to insure the fulfillment of the purpose of this Section.

(Amendment adopted by the electors of the city, 11/7/00.)

Section 717 Purchasing or Contracts.

The City Manager shall purchase or contract for the equipment, materials, supplies and services required by the City, for which expenditures have been authorized in the budget or by other action of the Council. The Council shall establish by ordinance the conditions under which competitive bidding shall be required, shall specify those amounts and conditions under which Council approval is required for specific items of purchase, and shall prescribe conditions under which all bids may be rejected and new bids invited. In the case of materials, supplies, equipment, services and public works projects, a preference not to exceed five percent (5%) may be allowed to firms or individuals who regularly maintain a place of business and transact business in the City. The Council shall establish by ordinance a procedure for determining the amount of any such preference and whether a firm or individual is eligible for such preference.

(Amendment adopted by the electors of the city, 11/7/89.)

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Section 718 Contracts to Next Lowest Bidder.

If any contractor fails to enter into any contract awarded to him/her after public advertisement and competitive bidding, the Council may direct the re-advertising of the original proposal or any modification thereof, or may award the contract to the next lowest responsible bidder without re-advertising, provided that such award is not made more than 90 days after the opening of bids.

(Amendment adopted by the electors of the city, 11/7/00.)

Section 719 Conflicts of Interest.

No officer or employee of the City shall have any financial interest in any contract, sale or transaction to which the City is a party, if having such interest constitutes a violation of the State law. The penalty for violation of this Section shall be as provided by State law.

Section 720 Inventory and Accountability.

The City Manager shall establish and maintain an inventory of the City's real and personal property, and shall establish a system for maintaining accountability for such property, and for the orderly disposal of any property for which the City no longer has use. The Council shall establish by ordinance the type or value of items to be regarded as expendable, to be exempt from specific accountability, and may authorize the conditions under which obsolete, wasted or items no longer needed by the City may be disposed of by sale or otherwise.

Section 721 Independent Audit.

The Council shall employ at the beginning of each fiscal year an independent public accountant who shall at such time or times as may be specified by the Council and at such other times as he/she shall determine, 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 or departments as the Council may direct. The Council may direct that such accountant may conduct the independent audit throughout the fiscal year and make reports at intervals required by the Council, but a report for the entire fiscal year shall be filed within 45 days after the closing of the books for said fiscal year, and copies of such reports shall be filed with the Council and with the City Manager, and shall be available for public inspection and review.

(Amendment adopted by the electors of the city, 11/7/00.)

Section 722 Fees.

All charges, fees, commissions and percentages collected or received by any officer or employee of the City in the performance of any official duty as such officer or employee, or in the performance of the duties of any office held ex officio, shall be the property of the City.

Section 723 Deposits.

The City Manager shall arrange for the daily deposit in the City treasury or in designated banks of all funds collected by any department or other agency of the City. Separate records shall be maintained for each separate fund established by this Charter or by ordinance.

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Section 724 (Repealed by the electors of the city, 11/7/00.)

Section 725 Investments.

After taking into account the amounts required to meet the current and pending requirements of the City, the City Manager may arrange for the term deposit or investment in securities authorized by law of any balances available for such purpose, and the yield therefrom shall be credited as revenue to each fund from which investments are made.

Section 726 Bonds.

The Council shall determine by ordinance which officers and employees shall be subject to group or individual bonds to assure the faithful performance of official duties, shall fix the amount of such bonds, and shall provide payment of the premium of such bonds by the City.

Section 727 General Bonded Indebtedness.

Whenever the Council determines that the public interest requires the construction, acquisition, completion, initial equipping, remodeling or repair of any improvement, the cost of which, in addition to the other expenditures of the City, will exceed the income and revenue provided for it in any one year, they may by ordinance submit a proposition to incur an indebtedness evidenced by general obligation bonds for such purpose, and proceed therein as provided in the Constitution and general laws of the State.

Section 728 Utility Bonded Indebtedness.

Whenever the electorate, by majority vote of those voting on a proposition submitted at any regular or special municipal election, authorize the acquisition of a public utility by the City, the Council is empowered to finance, by borrowing, the acquisition of privately owned utility properties and/or the purchase of land pertinent thereto, vehicles, machinery, materials and the cost of all construction and property installations for utility purposes. Bonds issued for such purposes shall not be general obligation bonds of the City, but shall be secured by the assets of such utilities only. The Council is also hereby empowered to finance the improvement or extension of any public utility now owned by the City by means of such bonds secured by the assets of the utility. Resolutions authorizing the issuance of such bonds for acquisition or extension of utilities shall require the affirmative vote of five members of the City Council.

Section 729 Revenue Bonds.

Bonds which are payable only out of such revenues as may be specified in such bonds may be issued when the City Council by ordinance shall have established a procedure for the issuance of such bonds. Such bonds payable only out of revenues, shall not constitute all indebtedness or general obligation of the City.

(Amendment adopted by the electors of the city, 11/7/89.)

Article VIII

Personnel Administration and Civil Service

Section 800 Appointments and Promotions.

Section 801 The Competitive Civil Service.

Section 802 Provisional Appointments.

Section 803 Personnel Ordinance.

CHARTER

Section 804 (Repealed by the electors of the city, 11/7/89.)

Section 805 Continuation.

Section 806 Improper Political Activity.

Section 807 Public Employees Retirement System.

Section 808 Subpoena Power by Civil Service Commission.

Section 809 (Repealed by vote of the electors of the city, 6/8/10.)

Section 810 (Repealed by vote of the electors of the city, 11/4/80.)

Section 800 Appointments and Promotions.

All appointments and promotions in the competitive civil service shall be based on ability and experience as determined by tests and records of achievement, subject to such more specific standards as set forth in personnel rules as adopted under provisions of Section 803 of this Charter.

Section 801 The Competitive Civil Service.

The competitive civil service of the City shall include all offices and employments in the City government except the following which shall be in the unclassified service:

- a. Offices required by this Charter to be filled by election or appointment by the City Council.
- b. The heads of the separate departments and the executive officers of boards and commissions established by this Charter or by ordinance pursuant thereto.
- c. One assistant and one secretary to the City Manager and one secretary to the Mayor.
- d. The heads of major divisions of departments and technical, professional or confidential employees when recommended by the City Manager with the concurrence of the City Council and approval of the Civil Service Commission, upon such terms, conditions and limitations as the Civil Service Commission may impose at the time of its approval.
- e. Part-time employees who are regularly employed for less than one-third time throughout the year, or who are employed in seasonal employment for not more than 90 days in any consecutive 12 months.
- f. Those engaged by contract for special services of a professional, scientific or technical character, or where the service is essentially nonpersonal in character.
- g. Employees whose salary is paid, in whole or in part, from funds received by the City of Vallejo by reason of a gift, grant or loan from the federal or state government, or both, or from a private, tax-exempt entity and whose employment is subject to special qualifications, terms or limitations imposed as a condition of receiving such funding not applicable to employees in the competitive civil service of the City.

(Amendment adopted by the electors of the city, 6/4/74.)

Section 802 Provisional Appointments.

Provisional appointments to positions in the competitive civil service, in the absence of an appropriate eligible list may be made pending the creation of an eligible list, but such provisional appointments may not exceed six months and may not be renewed or extended.

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(Amendment adopted by the electors of the city, 11/7/00.)

Section 803 Personnel Ordinance.

The City Council shall by ordinance provide a modern system of personnel administration, including but not necessarily limited to provisions for:

- a. An orderly system of positive recruiting and competitive examinations for entrance to the civil service, free of all political, religious, racial and other considerations not consistent with the merit principle, and properly advertised;
- b. A system for promotions within the service based on competitive examinations or demonstrated merit as shown by records of performance and seniority, or some combination thereof;
- c. Appointment from among the candidates on the eligible lists;
- d. A probationary or working test period of employment for the various job classifications, during which an employee may be removed from the service without right of appeal;
- e. The classification of positions according to their duties and responsibilities;
- f. Vacation, sick leave and holidays with pay under terms reasonably consistent with prevailing practice in other places of public and private employment and for leaves of absence without pay;
- g. Payment for authorized and required overtime work;
- h. The conditions under which the City may adopt and support a plan of health and welfare benefits for the employees;
- i. The training of employees both in their current duties and for advancement;
- j. The setting of performance standards and goals and the evaluation of employees a minimum of every twelve (12) months in relation to such standards and goals, to the end of improved public service and the development of the individual employee;
- k. Established procedures for the timely and orderly adjustment of grievances or complaints by an employee or a group of employees concerning the application or interpretation of this Charter, or of ordinances, rules, policies, practices, or procedures affecting the relationship of the City as an employer and the employee or group of employees and for which no other method of solution is authorized or required by this Charter or other applicable provisions of law;
- l. The effect of resignation from the competitive service on the status of the employee and his/her rights to reinstatement within a limited period of time;
- m. Adequate assurance that the tenure of employees who pass the probationary period shall be permanent, subject to good behavior, the satisfactory performance of duties, the availability of funds and the need for service;
- n. The disciplining of employees by suspension with or without pay or by demotion or dismissal by the City Manager or other appropriate appointing authority upon charges duly filed and based on causes named in the ordinance;
- o. The hearing of appeals by the Civil Service Commission from action taken under (n) above when such appeal is filed within a specified time and in accordance with specified procedures and the reversal or modification of suspensions, demotions, or dismissals by the Civil Service Commission when in its judgment equity so requires; the decision of the Civil Service Commission in such matters shall be final;
- p. Procedure for laying off employees for lack of work or lack of funds in accordance with seniority and quality of service, and or the subsequent preference in reemployment of those laid off;

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- q. Conferring probationary or permanent status on employees of any other governmental agency or public utility whose functions are assumed by the City;
- r. The making of rules by the Civil Service Commission to give effect to this Article and to the ordinance adopted pursuant hereto.

(Amendment adopted by the electors of the city, 11/7/89.)

Section 804 (Repealed by the electors of the city, 11/7/89.)

Section 805 Continuation.

The rules of the Civil Service Commission shall remain effective until modified as authorized by charter or ordinance.

(Amendment adopted by the electors of the city, 11/7/00.)

Section 806 Improper Political Activity.

No City officer or employee shall engage in or participate in any political activity which the City Council, consistent with law, may proscribe by ordinance, nor shall any City officer or employee engage in or participate in any political activity contrary to any general law applicable to such officer or employee. However, a City employee holding a position in the competitive service and filing as a candidate for a compensated City office shall be required to request, and he/she shall be granted, a leave of absence without pay until the date of the election and until his/her term of office expires if he/she is elected.

(Amendment adopted by the electors of the city, 11/7/00.)

Section 807 Public Employees Retirement System.

Plenary authority and power are hereby vested in the City, its Council and its several officers, agents, and employees to do and perform any act, or exercise any authority granted, permitted, or required under the provisions of the Public Employees' Retirement Law as it now exists or hereafter may be amended, to enable the City to continue as a contracting City under such retirement system. The Council may terminate any such contract with the Board of Administration of the Public Employees' Retirement System without reducing benefits only under authority granted by ordinance adopted by a majority of the voters of the City voting on such proposition at an election at which such proposal is presented.

Section 808 Subpoena Power by Civil Service Commission.

The Civil Service Commission shall have the power to issue subpoenas to compel the production of books, papers and documents and to take testimony on any matter pending before it. If any person subpoenaed fails or refuses to appear or to produce required documents or to testify, a majority of the Commission may find him/her in contempt, and shall have the power to take proceedings in that behalf provided by the general law of the State.

(Amendment adopted by the electors of the city, 11/7/00.)

Section 809 (Repealed by vote of the electors of the city, 6/8/10.)

Section 810 (Repealed by vote of the electors of the city, 11/4/80.)

Article IX

Franchises

Section 900 Franchises.

Section 901 Notice of Intention and Public Hearing.

Section 902 Term of Franchise.

Section 903 Right to Acquire.

Section 900 Franchises.

The Council shall have authority to grant or issue franchises by ordinance for the transaction of business or the providing of services or for the use of public streets or other public places. The Council shall provide by ordinance the procedure for the granting or issuing thereof, the taxes, charges, fees or other compensation to be paid therefor and the penalties for the violation thereof.

Section 901 Notice of Intention and Public Hearing.

Not less than fifteen days prior to the granting of any franchise the Council shall by resolution declare its intent to take such action, naming the proposed grantee, the character of the franchise, and the terms and conditions under which it is proposed to be granted. Such resolution shall set the time and place of public hearing at which protests will be heard. If after such hearing the Council shall decide to issue the franchise with any substantive change in grantee or terms and conditions, further public hearings shall be called and held in the same manner for the hearing of objections to such proposed changes.

Section 902 Term of Franchise.

Each franchise shall state the term for which it is granted, which shall not exceed 30 years.

Section 903 Right to Acquire.

No franchise grant shall be construed to impair or affect the right of the City, acting pursuant to law, to acquire the property of the grantee either by purchase or through the exercise of the right of eminent domain.

Article X

Elections

Section 1000 General Municipal Elections.

Section 1001 Special Municipal Elections.

Section 1002 Procedure for Holding Elections.

Section 1003 Initiative, Referendum and Recall.

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Section 1000 General 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 first Tuesday after the first Monday in November in each even-numbered year commencing in November 2016.

(Amendment adopted by the electors of the city, 11/6/79; amendment adopted by the electors of the city, 6/4/74; amendment adopted by electors of the city, 11-5-13.)

Section 1001 Special Municipal Elections.

All other municipal elections that may be held by authority of this Charter or of any law shall be known as special municipal elections.

Section 1002 Procedure for Holding Elections.

Unless otherwise provided by ordinance, 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 hereafter may be amended, for the holding of municipal elections so far as the same are not in conflict with this Charter.

Section 1003 Initiative, Referendum and Recall.

The People of the City reserve to themselves the powers of initiative and referendum and the recall of elected officials, to be exercised in the manner prescribed by general law of the State.

Article XI

General Provisions

Section 1100 Publication.

Section 1101 Prevailing Wage.

Section 1102 Gifts in Trust.

Section 1103 Oaths and Affirmations.

Section 1104 Suits Against the City.

Section 1105 (Repealed by the electors of the city, 11/7/89.)

Section 1106 Oath of Office.

Section 1107 Definitions.

Section 1108 Headings.

Section 1109 Violations.

Section 1110 Validity and Separability.

Section 1111 Effective Date.

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Section 1100 Publication.

The Council shall annually, after competitive bidding, designate an "Official Newspaper" and award to it a contract for the publication of all notices required by this Charter, by ordinance or general law. To qualify as the official newspaper, it must be published in the City at least weekly and have a verified paid circulation of at least 2,000 copies. The Council may reject bids which it finds to propose rates exceeding those customarily charged by the bidder for the publication of legal notices of a private character. The Council shall by ordinance designate the times and conditions under which notice shall be published of the enactment of ordinances, invitations to bid and awards of contracts, notices of intention to grant franchises, holding of elections and other matters requiring public notice in accordance with this Charter, any ordinance enacted pursuant thereto or general State law. Such ordinance governing publication may modify the times and conditions provided by general State law for any publication, but in the absence of such specific modification or waiver of notice required by State law, such State law shall govern.

Section 1101 Prevailing Wage.

Every contract for the construction of public works to be performed at the expense of the City must provide that the contractor, and all sub-contractors shall pay their employees on said work a salary or wage at least equal to the prevailing salary or wage for work of similar character in the locality in which the public work is performed. The contractor or subcontractor shall as a penalty forfeit to the City an amount as provided by State law for each calendar day or portion thereof for each employee paid less than the prevailing salary or wage for any public work done under the contract, and all contracts for public works awarded by the City shall include a stipulation to this effect.

(Amendment adopted by the electors of the city, 11/7/89; amendment adopted by the electors of the city, 11/7/00.)

Section 1102 Gifts in Trust.

The Council shall have power to accept gifts in trust for the City and control, manage, dispose of and otherwise administer the same in accordance with the terms thereof.

Section 1103 Oaths and Affirmations.

Every officer of the City and every member of a policy and rule making and appellate board and commission (including the secretaries thereof) shall have, in all matters relevant to the office, the power to administer oaths and affirmations.

(Amendment adopted by the electors of the city, 11/7/00.)

Section 1104 Suits Against the City.

No suit shall be brought on any claim for money or damages against the City or any of its agencies unless a demand has first been presented to the appropriate official and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Except where a shorter period of time is otherwise provided by law, all claims for damages against the City must be presented within six months after the occurrence or transaction on which the claim is based.

(Amendment adopted by the electors of the city, 11/7/00.)

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Section 1105 (Repealed by the electors of the city, 11/7/89.)

Section 1106 Oath of Office.

Every officer of the City before entering upon the duties of his/her office shall take the oath of office as provided by the Constitution of this State.

(Amendment adopted by the electors of the city, 11/7/00.)

Section 1107 Definitions.

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

- a. "Shall" is mandatory and "may" is permissive.
- b. "City, is the City of Vallejo and "department, "board," commission, agency," "officer" or "employee" is a department, board, commission, agency, officer or employee, as the case may be, of the City of Vallejo.
- c. "County" is the County of Solano.
- d. "State" is the State of California.
- e. "Council" is the City Council of the City of Vallejo.
- f. "Member" or "Member of the Council" means any one of the seven members of the Council, including the Mayor.
- g. "Officer" means the elective and appointive officers provided in this Charter and the administrative head of any department or agency or major subdivision thereof created by authority of Article VI.

(Amendment adopted by the electors of the city, 11/7/00)

Section 1108 Headings.

Article and Section headings appearing in this Charter are for illustration and information and do not in any manner affect the scope, meaning or intent of the provisions of this Charter.

Section 1109 Violations.

The violation of any provisions of this Charter shall be deemed a misdemeanor.

Section 1110 Validity and Separability.

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

Section 1111 Effective Date.

For the purposes of nominating and electing the Mayor and members of the City Council, this Charter shall take effect from the time of its approval by the State Legislature. For all other purposes, it shall take effect at 8:00 p.m. on the Tuesday next succeeding the date of the general municipal election after its approval by the Legislature.

CHARTER

(Amendment adopted by the electors of the city, 11/7/00.)

CHARTER FOOTNOTES

1. Charter was adopted by the voters of the City of Vallejo on June 2, 1970.
2. Charter was ratified by the California Legislature on August 11, 1970.
3. The effective date of Charter is April 27, 1971.

