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# CHARTER

City of  
*Shafter*

**ELECTION**  
**JUNE 6, 1995**

CHARTER CHAPTER 18  
FILED WITH THE SECRETARY OF STATE ON JUNE 19, 1995  
FOR PUBLICATION IN THE STATUTES OF 1995.

THE ADOPTED CHARTER OF THE CITY OF SHAFTER

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JUN 19 1995

BILL JONES, Secretary of State  
By *Lith Perutilla*  
Deputy Secretary of State

CHARTER CHAPTER 18 CITY OF SHAFTER  
CHARTER OF THE CITY OF SHAFTER, CALIFORNIA  
[Filed with Secretary of State June 19, 1995]

Preamble:

The Citizens of the City of Shafter enact this charter to better city government, to provide and enhance the public health, safety, well being and moral integrity of its residents, that we may share in and preserve the quality of life of this rural community for ourselves, our families, our neighbors, and our businesses now and in the future.

ARTICLE I

INCORPORATION, NAME AND FORM OF GOVERNMENT

Section 1.01. Name:

The municipal corporation now existing and known as the City of Shafter shall remain and continue to exist as a municipal corporation under its present name of "City of Shafter."

Section 1.02. Boundaries:

The boundaries of the City of Shafter shall be as now established and as may be changed in the future in a manner provided by law.

Section 1.03. Form of Government:

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

ARTICLE II  
DEFINITIONS

Section 2.01. Definitions:

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

- A. "Shall" is mandatory and "may" is permissive.
- B. "City" is the City of Shafter and "department," "commission," "agency," "authority," "committee," "officer," or "employee" is a department, commission, agency, authority, committee, officer, or employee, as the case may be, of the City of Shafter.
- C. "Council" is the City Council of the City of Shafter.
- D. "Council Member" is a member of the Council.
- E. "Law" includes ordinance.
- F. "State" is the State of California.
- G. "Federal" is the government of the United States of America.
- H. "Voter" shall be as defined by State law.
- I. "He," "She," and "He/she" shall be interchangeable without regard to gender.
- J. "Officer" is an agent of the City of Shafter who holds an office of trust, authority, or command for the City of Shafter. An officer may be: an elected official; an appointed official, a contract employee or contractor; or an employee of the City of Shafter.

### ARTICLE III

#### POWERS AND DUTIES OF THE CITY

##### Section 3.01. Powers of the City:

The City shall have all powers possible for a general law or charter city to have under the Constitutions of the United States and of the State of California and all applicable State laws as fully and as completely as though they were specifically enumerated in this Charter.

A. General Law Powers. Nothing in this Charter shall be construed to prevent or restrict the City from exercising or consenting to any and all rights, powers and privileges heretofore or hereafter granted or prescribed by general laws of the State.

B. Municipal Affairs. The City shall have full authority and control over its municipal affairs. The City shall effectuate such authority and control, shall make and enforce all ordinances and regulations with respect to municipal affairs, subject only to restrictions and limitations provided in this Charter and applicable State Constitutional provisions and decisions of courts with competent jurisdiction. As regards municipal affairs, this Charter shall supersede all laws inconsistent therewith.

C. Intergovernmental Powers. The City may exercise any of its powers, perform any of its functions, and participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states, the State of California, the United States or any of its agencies, or any governmental agency or local government, district, special district, the County of Kern, or any other agency or authority created by the State or the city or under any State or federal law or constitutional provision.

D. Construction. The powers of the City under this Charter shall be construed liberally in favor of the City. The specific mention of particular powers in the Charter shall not be construed as limiting in any way the powers granted the City in this Article or by this Charter.

Section 3.02. Duties and Obligations of the City:

It shall be the duty, obligation and responsibility of the City and the Council to:

- Develop plans and programs as set out in this Charter and required by applicable State and Federal law.
- Provide adequate financial resources to carry out such plans and programs.
- And Implement such plans and programs.

A. Balanced City Activities. The Council shall budget for, make provision for, and at all times provide for and maintain a balanced and full range of quality City services, activities and facilities. The goal of these quality City services, activities and facilities is to provide equitably for the quality of life for all economic, social, ethnic and age groups and geographical areas within the City.

ARTICLE IV

MAYOR AND COUNCIL

Section 4.01. Council:

There shall be a Council of five members elected by the voters of the City at large.

A. Eligibility. Only registered voters of the City shall be eligible to hold the office of Council Member.

B. Regular Election. The regular election of Council Members shall be held on dates established by ordinance.

C. Who Elected. The candidates receiving the greatest number of votes at each election shall be elected, whether by majority or plurality.

D. Procedure for Holding Elections. Unless otherwise provided by ordinance, all City elections shall be held in accordance with the provisions of the California Elections Code insofar as such Code is not in conflict with this Charter or an ordinance adopted pursuant to this Charter.



E. Council Election and Terms. All Council Members shall serve a term of four years except as set out hereinafter in this Charter.

1. A regular Council election shall be held in November of 1996 at which election voters shall elect three Council Members, unless such date is changed by ordinance. Elections for Council Members shall be held every four years thereafter, unless such dates are changed by ordinance.

2. A regular Council election shall be held in November of 1998 at which election voters shall elect two Council Members, unless such date is changed by ordinance. Elections for Council Members shall be held every four years thereafter, unless such dates are changed by ordinance.

F. Commencement of Term. The terms of Council Members shall commence as soon as possible after canvass of the election is certified, provided, however, that no Council Member shall be installed prior to filing by said Council Member of all disclosure or other statements required by ordinance or State law.

Section 4.02. General Powers of the Council:

All powers of the City shall be vested in the Council, except as otherwise provided by this Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by this Charter and by law.

A. Duties of the Council: The Council shall make policy for the City. In addition, the Council shall be responsible to the people of Shafter for, but not limited to the following duties and responsibilities:

1. Considering ordinances and resolutions and adopting those which it determines to be necessary for the governance, proper administration and adequate financing of the City.

2. Providing oversight of the City Manager and all City activities under his/her purview and at least annually evaluate the performance of the City Manager.

3. Insure all provisions of this Charter, ordinances, and applicable State and federal laws are carried out.

4. Conducting such reviews and taking such actions as may be required for the effective governance and financing of the City, including, without limitation, the preparation of a multi-hazard functional emergency disaster plan.

5. Performing such other duties as may by this Charter, State law, ordinance or resolution be assigned to the Council, but in no way conflict with the duties of the City Manager as set out in this Charter.

Section 4.03. Mayor:

There is hereby created the office of Mayor. Only a member of the Council shall be eligible to hold the office of Mayor. The Council shall select the Mayor, who shall serve as Mayor at the pleasure of the Council. Selection of the Mayor shall occur at the first regularly scheduled Council meeting following: the canvass of the votes of an election for Council members; the certification of the results of the election; and after administering the oath of office to each person elected. Selection of the Mayor shall be by majority vote of the entire Council.

Section 4.04. Duties of Mayor:

The duties of the Mayor shall be assigned by the Council by ordinance. These duties shall include but not be limited to the duties listed in this Section.

The Mayor shall be the chief representative of the City and shall:

- A. Represent the City for ceremonial purposes.
- B. Preside at meetings of the Council.
- C. Represent the City in intergovernmental relations, personally or by a representative designated by him/her with the concurrence of the Council.
- D. Possess the authority and attributes of a Council Member.

E. Possess such authority and perform such duties as are granted or required by the Council. These additional duties shall not conflict with any other provision of this Charter, or with the authority of the City Manager.

Section 4.05. Mayor Pro Tem:

There is hereby created the office of Mayor Pro Tem. Only a member of the Council shall be eligible to hold the office of Mayor Pro Tem. The Council shall select the Mayor Pro Tem, who shall serve as Mayor Pro Tem at the pleasure of the Council. In the absence or inability of the Mayor to serve, the Mayor Pro Tem shall possess and perform the duties of Mayor.

Section 4.06. Council Compensation and Expenses:

The Council may determine the salary and compensation of the Mayor, Mayor Pro Tem, and Council Members by ordinance, but no ordinance increasing such salary shall become effective until the commencement of the terms of Council Members elected at the next regular Council election. The Mayor, Mayor Pro Tem and Council Members shall receive reimbursement for their actual and necessary expenses incurred in the performance of their duties of office, such reimbursement to be made pursuant to a schedule of expenses adopted by the Council by resolution.

Section 4.07. Prohibitions on Council:

No Council Member shall hold any other City office or City employment during the term for which elected or appointed to the Council or for two years thereafter.

Nothing in this Section shall be construed to prohibit the Council from selecting any current or former Council Member to represent the City on the governing board of any regional or intergovernmental agency.

A. Personnel Restriction. Neither the Council nor any of its members may in any manner control or require the appointment or removal of any City department head or employee whom the City Manager or any subordinate of the City Manager is empowered to appoint.

B. Restriction on Interference With City Manager. Neither the Mayor nor any Council Member shall interfere with the execution of the powers and duties of the City Manager. Except for purposes of inquiry, the Mayor and Council Members shall deal with the administrative service solely through the City Manager. Neither the Mayor nor any Council Member shall give orders to, discipline or threaten any subordinate of the City Manager, either publicly or privately. The Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of City officers, department heads, and employees.

Section 4.08: Council Vacancies:

The office of a Council Member shall become vacant upon the member's death, resignation, removal from office or forfeiture of office in any manner authorized by State law. Whenever a vacancy in the Council arises, from whatever cause arising, the vacancy shall be filled by the Council as provided herein.

A. Filling of Vacancy. Within 15 working days of the occurrence of the Council vacancy, following a published notification of such vacancy, persons eligible for and interested in filling the vacancy shall file a standard application with the City Clerk. On the 16th working day following creation of the vacancy, the City Clerk shall provide to the remaining Council Members the applications of all eligible applicants. Within 30 calendar days of receipt of applications or as soon thereafter as possible, the Council by majority vote shall make an appointment from among the eligible applicants. In the event a Council Member vacancy occurs within three (3) months prior to a regularly scheduled election of Council Members, the Council may, by majority vote of the entire Council, elect not to appoint a Council Member by methods prescribed in this section.

B. Limit on Appointment. Notwithstanding Section 4.01E hereof, no appointed Council Member may serve more than two years prior to standing for election at the next regular municipal election.

C. Forfeiture of Office. A Council Member shall forfeit that office if the Council Member:

1. Lacks any qualification for the office prescribed by this Charter or by law, at any time during the term of office for which elected.

2. Violates any express provision of this Charter or fails to execute or abide by any mandatory provision hereof.
3. Is convicted of a crime involving moral turpitude.
4. Fails to attend three consecutive regular meetings of the Council without being excused by the Council.
5. Fails to attend 85% (eighty-five percent) of the meetings of the Council during any twelve month period, without having been excused by the Council.
6. Is found guilty of violating any other standards for the conduct of Council Members, as established by ordinance.

The determination of forfeiture under subsections 1, 2, or 6 of this section 4.08.C., shall be made as follows: any one or more Council Members shall file a written complaint with the City Council alleging a violation of subsection 1, 2, or 6 by a Council Member. For purposes of determining whether a Council Member has violated this Charter pursuant to subsection 2 above or has violated any ordinance establishing standards for the conduct of Council Members pursuant to subsection 6 above, the City shall conduct an administrative hearing. The City shall by ordinance establish procedures for conducting the administrative hearing and qualifications for the appointment of a hearing officer, who shall be a person other than a City officer or Council Member. For purposes of conducting a hearing hereunder, the Council shall appoint a hearing officer by resolution. A Council Member shall be deemed to have forfeited office as of the date the hearing officer issues an order finding that a Council Member has violated this Charter or an ordinance pursuant to subsections 2 or 6 above.

Section 4.09. Council Organization, Meetings and Rules:

The process for the selection of Mayor and Mayor Pro Tem, the time and place of regular meetings, the method of calling meetings, the rules of order for the conduct of proceedings by the council, and the selection of Mayor Pro Tem in the event of a vacancy in that office shall be as established by ordinance.

Section 4.10. Independent Audit:

The Council shall provide for an independent annual audit of all City financial accounts and documents and may provide for more frequent or more specialized audits as it deems necessary.

A. Auditor Limitations. All audits shall be made by a certified public accountant firm experienced in city auditing.

1. The selection of the audit firm shall be made no later than 60 days before the end of the first fiscal year to be audited.
2. The selected audit firm shall have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers.
3. The selected audit firm may not provide services to the City other than audit and directly allied financial reporting services for one year after the conduct of any annual audit.

B. Selection of Auditor. The Council shall select such audit firm for a period of up to three years. The selected firm may not succeed itself as City auditor after three consecutive years, but may serve for three consecutive one-year terms, or any combination not exceeding a total of three consecutive years, unless the Council shall by Resolution make specific findings that a longer term should be awarded.

C. Audit Submitted at Council Meeting. The annual audit and systems review letter shall be submitted by the audit firm at a regular meeting of the Council. The audit report shall be available and open to public inspection at least ten (10) days prior to the Council meeting at which it is presented.

D. Staff Response to Audit Systems Letter. Following receipt of the annual audit by the Council, the City Manager shall prepare a work plan addressing each suggestion or recommendation contained in the audit and systems review letter. The work plan shall be submitted to the Council within sixty (60) days of receipt of the audit by the Council, and shall be implemented within 24 months after approval of the work plan by the Council.

Section 4 11. Ordinances in General:

Ordinances adopted by the Council shall be enacted or repealed in the form: "The City Council of the City of Shafter does hereby ordain as follows:"

A. Form of Ordinance. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. An ordinance may be read by title only at the time of its introduction, and must be available to the public in full text when introduced.

The title of an ordinance shall reflect accurately the subject of the ordinance.

B. Adoption of Ordinance. An ordinance may be introduced by any Council Member at any regular Council meeting. The second reading and adoption of the introduced ordinance shall be conducted at a regular meeting of the Council. The ordinance may be read by title only at second reading.

C. Ordinance Availability. The City Clerk shall be provided a copy of any proposed ordinance prior to its introduction and adoption, and shall make copies of proposed ordinances available at reasonable cost of duplication to the public or interested persons. The public shall have an opportunity to be heard on the proposed ordinance at any meeting the proposed ordinance is considered.

D. Ordinance Effect. All ordinances other than emergency ordinances shall go into effect thirty (30) days after adoption, or such later date as may be specified in the ordinance or State law.

E. Adoption of Codes by Reference. The Council may adopt standard codes, compilations and codifications by reference, without specific verbatim publication, or codification in the City Code.

F. Publication of Ordinance. The City Clerk shall publish every ordinance adopted by the Council, in full text or as a brief summary thereof, within twenty (20) days following such adoption, in a newspaper of general circulation in the City or, if there is no newspaper of general circulation in the City, by posting in three public places.

Section 4.12. Urgency Ordinances:

To meet a public urgency affecting life, health, property or the public peace, or to respond to urgent matters as defined by the Council, the Council may adopt urgency ordinances at any regular, adjourned or special meeting. Urgency ordinances may not grant, renew or extend a franchise or authorize the borrowing of money.

A. Introduction. An urgency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an urgency ordinance and shall contain, after the enacting clause, a declaration stating that an urgency exists or stating the urgency of the matter covered in the proposed ordinance, and describing such urgent matter in clear and specific terms.

B. Adoption. An urgency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least four members shall be required for adoption if the Council consists of five members, at least three members if the Council consists of four members, and all three members if the Council consists of only three members.

C. Publication and Effective Date. After adoption of an urgency ordinance it shall be published as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify.

D. Re-Adoption of Urgency Ordinance. Each urgency ordinance which the Council wishes to continue in force and effect for a period longer than sixty (60) days shall be re-introduced and re-adopted within sixty (60) days pursuant to the procedures set out in 4.11 hereof.



ARTICLE V

CITY MANAGER

Section 5.01. City Manager Appointment:

The City shall operate under the Council-Manager form of government. The Office of City Manager is hereby created. The Council shall appoint a City Manager through the mechanism of an employment agreement. The Council shall establish the duties of the City Manager by ordinance, which duties shall include but not be limited to the duties assigned by this Charter. The City Manager shall:

A. Serve At Pleasure. Serve at the pleasure of the Council.

B. Chief Executive. Be the chief executive and administrative officer of the City.

C. How Chosen. Be chosen solely on the basis of administrative qualifications.

D. Salary. Be paid a salary fixed by the Council commensurate with the responsibilities of the position.

E. Suspension or Termination. The City Manager may be suspended or terminated only by a resolution approved by a majority of the total membership of the Council.

Section 5.02. Restriction on Dismissal. During a period of one hundred twenty (120) days immediately following the date of installation of any person newly elected to the Council at a regular or special City election, or of any person newly appointed to the Council, the Council shall take no action, whether immediate or prospective, to remove, suspend, request the resignation of, or to reduce the salary or benefits of the City Manager.

Section 5.03. Powers and Duties of City Manager:

The City Manager shall be responsible to the Council for the proper administration of all affairs of the City and shall:

A. Appointment of Employees. Appoint, remove and discipline all employees of the City pursuant to requirements set out in this Charter and an ordinance establishing a merit system of appointment and employment.

B. Delegation of Authority. Have the power to delegate the appointment, removal, and discipline of subordinate employees to the department heads to which those employees are assigned.

C. Supervision of Departments. Direct and supervise the administration of all departments, offices and agencies of the City.

D. Annual Budget. Prepare annually, submit, and administer the budget, capital improvement plan and other plans and programs of the City as required by this Charter or as required by the Council.

E. Keeping Council Informed. Keep the Council advised of the financial condition, current and future needs of the City. The City Manager shall make such recommendations to the Council concerning the affairs of the City as he/she shall deem necessary or desirable.

F. Enforcing Laws and Contracts. Provide for enforcement and faithful execution of all laws, regulations and rules of the City, all Charter provisions, all acts of the Council, and administration of all contracts to which the City is a party.

G. Annual Report. Submit to the Council and make available to the public a comprehensive annual financial and administrative report on the finances and activities of all City departments and agencies.

H. Initiating Reports. Make such other reports to the Council as it may require or the City Manager may desire, concerning the needs and operations of City programs, departments, offices and agencies.

I. Restrictions. Engage in no incompatible business, occupation or activities.

J. Receive Notices. Receive notice of all meetings of the Council, and all City boards, committees, and commissions.

K. Participating in Meetings. Be entitled to participate in the deliberations of any City board, committee, and commission, but shall have no vote therein.

L. Attending Meetings. The City Manager shall be entitled to attend all Council meetings, both public and closed, and shall have the right to take part in all discussions held at all such meetings, but shall have no vote. The City Manager shall not be entitled to attend any closed session of the Council when dismissal of or other disciplinary actions involving the City Manager are discussed.

M. Other Duties. Perform such other duties consistent with this Charter as may be required by the Council.

Section 5.04. Absence or Disability of City Manager:

The City Manager shall in writing by letter filed with the City Clerk, designate an Acting City Manager on those occasions the City Manager will be absent from the City for longer than forty eight (48) hours. The Council shall designate an Acting City Manager in the event of the disability of or at the request of the City Manager.

ARTICLE VI

DEPARTMENTS, AGENCIES AND EMPLOYEES

Section 6.01. Departments and Department Heads:

The City Manager shall recommend and the Council shall by ordinance create, reorganize and abolish departments as necessary for the effective management of the City, in addition to those created by this Charter.

A. Department Head Appointments. The City Manager shall appoint a head of each department. That person shall be qualified in the field of expertise encompassed within the department of assignment.

B. Department Head Removal. All department heads shall serve at the pleasure of the City Manager and be subject to his/her direction and supervision.

C. Requirements. All department heads shall be City employees for the purposes of powers and duties. Department heads shall be provided employment agreements by the City Manager setting out terms and conditions of employment, pay, benefits, goals and objectives, a requirement for at least annual and regular performance evaluations, obligations, and termination. Such agreements may not exceed four years in term.

D. Restrictions. No department head may engage in any incompatible business, occupation or activity, which restrictions shall be set out in a conflict of interest ordinance.

#### Section 6.02. City Clerk:

The Office of City Clerk is hereby created. The City Clerk shall be a department head. The duties of the City Clerk shall be to act as Clerk to the Council and all other City agencies and authorities, to fulfill all duties thereof enumerated in this Charter, to maintain the integrity of and to provide for public access to, safety of, and inspection of all City public records, and to perform all duties required of a City Clerk by State law.

#### Section 6.03. City Attorney and Legal Services:

The Office of City Attorney is hereby created. The City Attorney shall be a department head and may be either a full or part time employee, or such services may be contracted to a law firm experienced in municipal law.

The City Attorney shall be the chief legal officer of the City, whose duties shall include but not be limited to:

A. Duties. Advising the Council, individual Council Members, the City Manager and his/her assistants, and department heads regarding the law relating to City affairs and other matters as directed by the City Manager.

B. Approval of Contracts. Review and approve all City contracts as to legal form.

C. Special Counsel. The Council may retain special counsel when representation by the City Attorney would create an impermissible conflict.

D. Special Counsel. The City Manager may obtain special counsel when special expertise is required.

#### Section 6.04 Personnel System:

The Council shall provide by ordinance for the establishment, regulation and maintenance of a personnel system. This personnel system shall govern those City human resource policies and procedures necessary for effective administration of the employees of the City.

A. Merit System. The goal of the personnel system is to provide the highest level of service to the residents and businesses of the community. All appointments and promotions of City officers and employees shall be made solely on the basis of merit and fitness. Consistent with all applicable federal and state laws, the personnel system shall be so designed as to be based on performance and merit.

B. Non-Discrimination. The personnel system shall be based on the principles of fairness and non-discrimination. This personnel system shall at all times be in compliance with all applicable non-discrimination laws, rules and regulations.

C. Personnel Ordinance. The ordinance creating the personnel system shall include, but not be limited to an integrated classification and pay plan, selection processes, force reduction, working conditions, provisional and exempt appointments, discipline and dismissal, in-service training, grievances, relationships with employee organizations, regular and periodic employee performance evaluations, and incentive plans.

Section 6.05. Boards, Commissions and Committees:

The Council may by resolution or ordinance create and appoint members to advisory boards, commissions and committees, prescribe their powers and duties, determine the number and qualification of the members, their method of selection, term of office and removal, and fix their compensation, if any.

A. Advisory Only. All boards and commissions shall only be advisory to the Council, and may not exercise any administrative or management powers. Any Planning Commission established may exercise such powers as State law allows, within restrictions thereon as set by the Council by ordinance.

B. Use of Ad Hoc Advisory Bodies. The Council shall utilize citizen advisory bodies established for a specific purpose, to review, advise on and assist the Council, City Manager, and department heads, as the Council may deem to be necessary and appropriate. Such advisory bodies shall be comprised of individuals with specific qualifications appropriate to the assignment. All such ad hoc advisory bodies shall be limited to a life of one year in which to complete its assigned role. The life of any such ad hoc advisory body may not be extended beyond one year or the life of the project for which the advisory committee was formed.

C. Appointment Forfeiture by Advisory Body Members. Members of any and all advisory boards, committees, commissions, and ad hoc advisory bodies created by the Council shall serve at the will and pleasure of the Council and shall automatically forfeit such appointment if the member:

1. Lacks any qualification for the appointment prescribed by this Charter or by law at any time during the term of appointment.
2. Violates any provision of this Charter or fails to execute or abide by any mandatory provision hereof, or of any applicable City ordinance.
3. Is convicted of a crime involving moral turpitude.
4. Fails to attend three (3) consecutive regular or special meetings of the advisory body without being excused by vote of the members of the body on which serving.

5. Fails to attend 85% (eighty-five percent) of the meetings of the advisory or ad hoc body during any twelve month period, without having ben excused by the body on which serving.
6. Is found guilty of violating any other standards for the conduct of its members, as established by ordinance.

## ARTICLE VII

### FINANCIAL PROCEDURES

#### Section 7.01. Property Tax Limits and Procedure:

The Council may not levy a property tax for general municipal purposes in excess of the maximum rate applicable to the City on the effective date of this Charter; provided, however, that a property tax in excess thereof may be levied only if authorized by the State Constitution or State law.

A. Separate Taxing Areas. The Council may establish separate taxing areas within the City for the levy of a tax in excess of such maximum rate if authorized by the State Constitution, State law, by ordinance, or by the affirmative votes of a majority of the voters within the area voting on a proposition to impose or to increase such levy.

B. Procedure for Assessment. The procedure and authority for the assessment, levy and collection of taxes may be prescribed by ordinance and, in the absence of such an ordinance the procedure and authority applicable thereto shall be that prescribed by State law.

#### Section 7.02 Revenues:

The Council shall maintain a revenue structure adequate to meet City financial requirements for execution of the balanced programs determined by the Council necessary to carry out the duties, obligations and mandates of this Charter. This revenue structure shall be balanced equitably between taxes, fees, utility and enterprise charges, and

assessments, and comply with the judicially-determined requirements, definitions and intent of the California Constitution.

Section 7.03. Special Funds and Accounts:

The Council shall by ordinance provide, and the annual budget shall identify and shall make adequate provision for reserve accounts in each fund, or a special fund, for emergencies, uninsured losses, depreciable fixed asset replacement, utility and enterprise facility perpetual replacement. In addition, the annual budget shall identify and make adequate provision for any other such reserves as the City Manager might recommend and the Council approve.

A. Reserve Computations. The annual financial report and budget shall be supported by statements and computational schedules providing the basis for, support for and use of all reserve accounts and funds hereby required, or as may be established.

B. Inviolable Funds. Such special funds and accounts shall remain inviolate for the purpose for which they were created unless the use of any such fund or account for some other purpose is authorized by an ordinance adopted by vote of four members of the Council after holding of a noticed and advertised public hearing.

Section 7.04. Annual Review of Costs and Fees:

Annually, during consideration of the annual budget, the Council shall review the costs of all City services and set fees it shall determine appropriate to recover costs thereof as it shall determine, pursuant to the provisions of the State constitution and applicable State law.

Section 7.05. Purchasing and contracting:

The Council shall by ordinance provide for a purchasing and contracting system assuring a maximum of competition for the lowest price consistent with a stated level of quality. The purchasing and contracting system shall provide for but not be limited to:



A. Delegation of Authority. Administration of the system by the City Manager, who shall be empowered to make purchases and to award contracts for amounts within dollar limits set by ordinance and to delegate his/her authority to any appointed subordinate.

B. Informal Bid Process. An informal bid solicitation process for purchases and contracts in amounts within limits as determined by ordinance.

C. Award of Contracts and Purchases. Award of contracts and purchases to the lowest responsible bidder or vendor meeting specifications, except as provided herein.

D. Sealed Competitive Bids. Sealed bids for competitive purchases involving the expenditure of amounts above dollar limits set by ordinance.

E. Waiver of Bids. Waiver of competitive bidding for purchase of non-competitive items and contracting for services, in emergencies, for copyrighted and patented items and services, and for professional or specialized services for which a written finding is filed with the City Clerk regarding the reason for non-competitive, emergency or sole source acquisition.

F. Prohibition. Prohibition of splitting contracts or purchases to avoid dollar limits.

G. Rejections. Rejection by the Council of any and all bids.

H. Bid Bonds. Requirement of a bid bond or cashiers check for all sealed bids.

I. Public Notification. Full public notification of all calls for sealed bids by provision of ten (10) days notice through appropriate publication.

J. Public Works Determinations. Determination of which public works or improvement projects are to be performed by City forces and which are to be let to contract.

K. Local Bidding Preference. Provide the capability, by resolution, to allow local bidding preferences for public works, purchases, and other City contract awards.

L. Other Matters. Other matters as shall be determined to be required by the Council.

Section 7.06 Budgeting and Accounting:

The Council, by ordinance, shall provide for an integrated budgeting and financial management system. Each fund shall have a balanced budget. The ordinance shall provide for the following:

A. Annual Budget. An annual budget and budget message by the City Manager for the ensuing fiscal year shall be submitted on or before the first working day of the last month of the current fiscal year.

B. Comprehensive Financial Plan. The budget shall provide a complete financial plan for all City funds, agencies and activities for the ensuing fiscal year. The budget document shall contain summaries and totals adequate to provide a comprehensive and consolidated view of the City's financial condition.

C. Contents of Budget. Other budgetary requirements may be made by the Council by ordinance.

D. Budget Adoption. The Council shall adopt the annual budget by affirmative vote of a majority of its members, on or before the last working day of the last month of the current fiscal year. If it fails to adopt the budget by this date the budget proposed by the City Manager shall be deemed adopted.

E. Supplemental Appropriations. Prior to the Council making any supplemental appropriation the City Manager shall certify that monies in excess of those estimated in the budget are available for appropriation.

F. Budgetary Transfers. The City Manager may transfer monies between departments, divisions, programs and accounts within funds and departments, but within dollar or percentage of fund limits set by the Council annually as a part of the budget. The Council, by resolution, may transfer monies between funds and from unappropriated balances or fund balances to any fund or appropriation account.

G. Capital Improvement Plan. A capital improvement plan and budget encompassing five or more years shall be prepared and presented, or updated, by the City Manager and presented to the Council each year.

H. Capital Plan Adoption. The Council shall adopt the capital improvement plan by resolution on or before the beginning of the first fiscal year covered by the plan, and revisions annually as a part of the annual budgetary process.

I. Public Documents. A copy of the annual budget, annual financial report, and capital improvement plan shall be filed with the City Clerk as public records. These public records shall be made available to the public for inspection and review.

Section 7.07. Emergency Appropriations:

To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations, provided monies are available in unappropriated fund balances.

Section 7.08. Lapse of Appropriations:

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until expended, revised or repealed. The purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement or encumbrance.

Section 7.09. Debt: The City by ordinance or resolution may issue all manner of securities and incur all manner of indebtedness for any municipal purpose, including the construction of all manner of public buildings and facilities, but within the following limits:

A. General Obligation Debt Limit. The City shall not incur an indebtedness evidenced by general obligation bonds if the principal amount of outstanding general obligation bonds at the time of issuance shall in the aggregate exceed the sum of 10 percent of the actual cash value of all real property taxable by the City.

B. Other Indebtedness of the City. There shall not be a limitation on indebtedness of the City which is 1) issued for the purpose of financing or refinancing the acquisition, construction or completion of public improvement projects, the payment of which is not a general obligation of the City, and which is secured by a lien upon or levy of a special tax on real property within an identified geographical area or district; or 2) payable from revenue from a dedicated utility, enterprise, special agency, authority, special fund, pledge, or any other agencies or jurisdictions; or so long as the City Council determines that a designated revenue source is available to service the debt. Notwithstanding the limitations on indebtedness, as set forth in subsection A and this subsection B, the City may issue bonds or other forms of securities for the purpose of defeasing or refunding any previously issued City indebtedness.

Section 7.10. Investments:

The City Manager shall be responsible for the investment of City funds. The City Council shall annually adopt, by resolution, an investment policy to govern all investments. All funds shall be invested in a manner to insure safety of the investment consistent with the adopted investment policy.

A. Written Policy. The written investment policy shall include, but not be limited to the following:

- \* Types of allowable investments.
- \* Guidelines for safe investments.
- \* Safekeeping of securities.
- \* Annual review by the City Auditor.

B. State Law. Investments shall at all times be in compliance with all provisions of the laws of the State of California governing the receipt, handling, deposit and security of public monies. The City's policy governing investments may be more conservative or restrictive than State law but in no manner shall the investment policy be less restrictive.

Section 7.11. Miscellaneous Fiscal Procedures:

The Council shall by ordinance provide for appropriate and necessary financial procedures. These procedures shall comply with State law unless the ordinance specifies otherwise:

- A. Petty Cash. The creation and administration of petty cash accounts.
- B. Claims and Demands. Claims and demands against the City.
- C. Warrants and Checks. Issuance and redemption of checks drawn on the City treasury, and, if the City Manager so determines in writing, the use of warrants.
- D. Actions. Actions against the City.

ARTICLE VIII

ELECTIONS

Section 8.01 Election Procedures:

Unless otherwise provided by ordinance, all elections shall be held in accordance with the provisions of the State Elections Code for the holding of municipal elections, so far as that Code is not in conflict with this Charter. If a conflict exists between this Charter and State law on the issue of elections, the provisions of this Charter shall govern.

- A. Special Elections. The Council may call special elections for such purposes as the Council may prescribe. A special election may be held on any date specified by the Council.
- B. Initiative, Referendum and Recall. The electors of the City reserve to themselves the powers of initiative and referendum and the recall of elective officers, to be exercised in the manner prescribed by State law.

ARTICLE IX  
GENERAL PROVISIONS

Section 9.01. Conflicts of Interest:

The use of public office or employment for private gain is prohibited; provided, however, that nothing set forth herein shall prohibit elected officials and other officers of the City from receiving salary and employment benefits from the City or from participating in decision-making which is not prohibited by State Law or by any ordinance adopted by the Council. The Council shall implement this prohibition by ordinance adopting and assuring compliance with the laws of the State of California regarding such conflicts. This Ordinance also shall prohibit, but not be limited to prohibiting the following:

A. Appearances For Influence. Appearances or statements made to influence City officials on behalf of private interests in violation of State law.

B. Compensated Influence. A former Council Member or City officer or employee being compensated in any way for attempting to influence any action of the Council or City for two years after the end of service on the Council or with the City.

C. Ethics. Definitions of lapses of ethics in the dealings of City officers and employees with each other, the public, businesses and other governmental agencies and jurisdictions.

D. Violations. In addition to any fines or other punishments for violations of conflict of interest regulations, any person convicted of a violation of this Section shall be ineligible for a period of five years following such conviction to hold any City office or employment. If an officer or employee of the City is convicted of a violation of this section, he/she shall be deemed to have automatically forfeited his/her office or position.

Section 9.02. Franchises:

The Council may grant a franchise to any person, partnership, corporation or other legal entity capable of exercising the privilege conferred, whether operating under an existing

franchise or not, and may prescribe the terms, conditions and limitations of such grant, including the compensation to be paid to the City therefor, which compensation shall be as determined by the Council.

A. Franchise Ordinance. The Council may prescribe by ordinance the method and procedure for granting franchises, together with additional terms and conditions for making such grants.

B. Franchise Procedure. No person, partnership, corporation or other legal entity shall furnish the City or its inhabitants or properties lying within the City limits, or any portion of the City, with any service which uses any portion of the public streets, ways, easements, alleys or places in the city as the same now exist or may hereafter exist, for any purpose without a City franchise secured under the procedures set out hereunder, except insofar as he/she or it may be entitled to do so by direct authority of the California Constitution, the Constitution or laws of the United States, or final decisions of courts of competent jurisdiction. Nothing in this Subsection B shall be construed to limit the ability of the City to seek, accept and to grant easements for specific purposes over specific parcels of public property.

C. Franchise Term. The term of a franchise shall be determined by the Council by ordinance. All franchises shall include a provision which reserves to the City the right to take over at any time the works, plant and property constructed under the grant at their depreciated physical valuation and without compensation for franchise or goodwill.

D. Acquisition. No franchise shall in any way or to any extent impair or affect the right of the City to acquire the property of the possessor thereof by purchase or condemnation, and nothing therein shall be construed to contract away or to modify or abridge the City's right of eminent domain with respect to the property of the possessor of any franchise.

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

F. Resolution of Intent. Before granting any franchise, the Council shall adopt a resolution declaring its intention to grant same and stating the name of the proposed grantee, the character of the proposed franchise, and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix the day, hour and place when and where any person having an interest in or objecting to the granting of such franchise may appear before the Council to be heard thereon. Said resolution shall be published at least once, not less than ten (10) days prior to said hearing, in a newspaper of general circulation .

G. Franchise Adoption. After hearing all persons desiring to be heard, the Council may deny or, by ordinance may grant the franchise on the terms and conditions specified in the resolution. No ordinance granting a franchise shall be adopted as an urgency ordinance.

Section 9.03. Violations:

A violation of any ordinance of the City or willful violation of any provision of this Charter shall constitute a misdemeanor unless by ordinance it is made an infraction. The maximum fine or penalty for a misdemeanor or infraction shall be as established by the State Law, unless a contrary intention is expressed in the ordinance.

A. Enforcement. Such violation may be prosecuted in the name of the People of the State of California or redressed by civil action.

B. Charter Compliance. Compliance with any mandated duty prescribed in this Charter may be had through civil action or, if appropriate, criminal proceedings.

C. Violation of Charter. Notwithstanding the criminal penalties provided for above, a Council Member shall forfeit office pursuant to Sections 3.08.C.2 or 3.08.C.3 of this Charter if a court of law or a hearing officer, pursuant to Section 3.08.C of this Charter, has found that the Council Member has violated this Charter or an ordinance as provided in Sections 3.08.C.2 or C.6 of this Charter.



## ARTICLE X

### CHARTER AMENDMENT

#### Section 10.01. Charter Amendment:

Amendments to this Charter shall be approved by a majority of the voters of the City at a regular election as set by State law, or by this Charter.

A. How Amended. An amendment to this Charter may be framed and proposed in any manner provided by law, or by any of:

1. An ordinance of the Council containing the full text of the proposed amendment.
2. A report with specific full text as prepared by a duly elected Charter Commission as created pursuant to State law.
3. An initiative by the voters of the City.

B. Amendment Election. If a majority of the registered voters of the City voting upon a proposed Charter amendment vote in favor of it, the amendment shall become effective at the time fixed in the amendment, but if no time is therein fixed, at the time the approved amendment is filed with the Secretary of State by the City Clerk and chaptered by the State. The City Clerk shall file the results of a Charter amendment election with the Secretary of State within forty-five days following the election.

#### Section 10.02. Decennial Review:

Within 60 days of reporting the official results for the City by the United States Bureau of the Census for each decennial census of population, the Council shall create a Citizens Charter Advisory Committee which, within not more than six months, shall review the City Charter and make any recommendations to the Council regarding any revisions which it may feel to be beneficial to the City. Each decennial Committee shall review the minutes and intent documents of the preceding Committee, and consider the appropriateness of previously considered issues.

## ARTICLE XI

### TRANSITION/SEVERABILITY

#### Section 11.01. Transition/Severability Provision:

All City ordinances, resolutions, orders and regulations, or portions thereof, which are in force when this Charter becomes effective shall remain in effect until repealed, except to the extent they are inconsistent with, disagree in any respect with, or interfere with the effective operation of this Charter or of ordinances adopted pursuant hereto.

A. Severability of Provisions. If any provision of this Charter is held to be invalid the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid the application of the Charter and its provisions or circumstances shall not be affected thereby.

#### Section 11.02. Transition of Current Elected Officials:

At the time of the adoption of this Charter Council Members then serving shall serve until the end of the term for which they have been elected, and until their successors have been elected and qualified.

#### Section 11.03. Continuity of Laws, Officers & Employees:

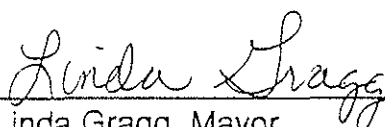
The City shall continue to own, possess and control all rights and property of every kind and nature owned, possessed or controlled by it on the effective date of this Charter, and shall be subject to all its debts, obligations and liabilities.


A. Continuation of Acts. All lawful ordinances, resolutions, and rules and regulations in force on the effective date of this Charter and not in conflict or inconsistent herewith are continued in force until repealed or amended.

B. Continuation of Officers and Employees. All officers and employees of the City as of the date this Charter is approved and adopted shall retain their

respective offices and employment subject only to provisions of this Charter and applicable employment policies.

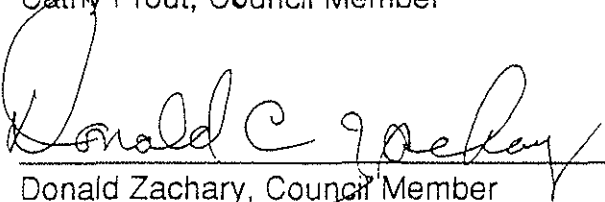
PROPOSED AND SUBMITTED BY THE CITY COUNCIL OF THE CITY OF SHAFTER, CALIFORNIA, FOR VOTER APPROVAL on this 28th day of February, 1995.

  
\_\_\_\_\_  
Linda Gragg, Mayor

  
\_\_\_\_\_  
Garry Nelson, Mayor Pro Tem

  
\_\_\_\_\_  
Gary Knox, Council Member

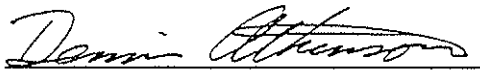
  
\_\_\_\_\_  
Cathy Prout, Council Member

  
\_\_\_\_\_  
Donald Zachary, Council Member

CITY OF SHAFTER CITIZENS CHARTER ADVISORY COMMITTEE

Recommended to the Shafter City Council for:

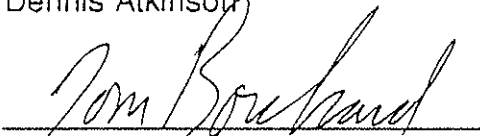
- \* public review and comment,
- \* City Council adoption,
- \* placement on the June 6, 1995 election ballot.



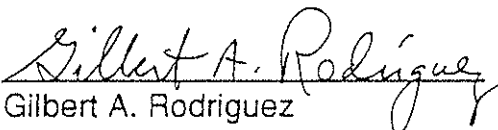
Dennis Atkinson



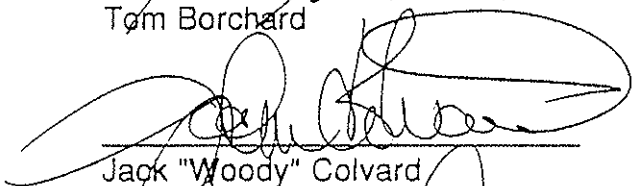
Jeff Millwee



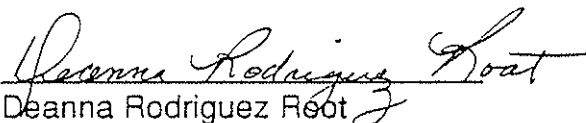
Tom Borchard



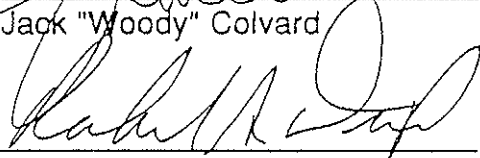
Gilbert A. Rodriguez



Jack "Woody" Colvard



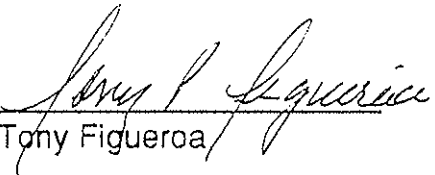
Deanna Rodriguez Root



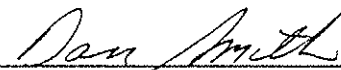
Richard Dixon



Phyllis Salazar




Tony Figueroa



Dan Smith



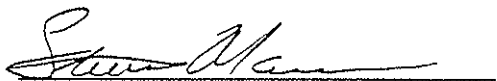
Vern Kern



Roxanne Steinbrecher

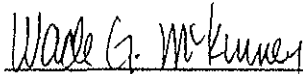


John M. Lollar

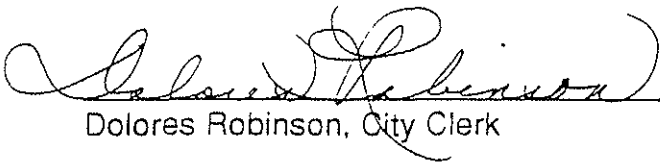


Steve Mann

STAFF TO SHAFTER CHARTER COMMISSION, SHAFTER CITY COUNCIL, AND  
SHAFTER CITIZENS CHARTER ADVISORY COMMITTEE:



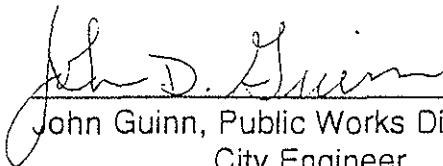
Wade McKinney, City Manager



Dolores Robinson, City Clerk

Stephen P. Deitsch S/S

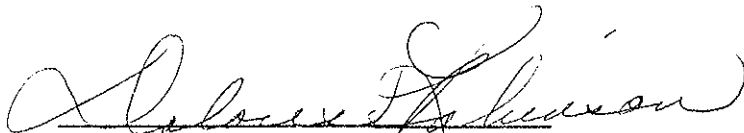
Stephen P. Deitsch, City Attorney



John Guinn, Public Works Director  
City Engineer

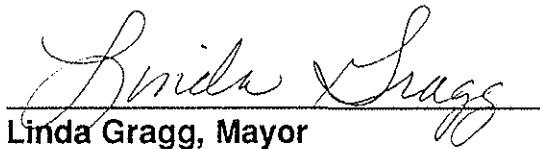
CERTIFIED COPY OF  
THE CHARTER OF THE CITY OF SHAFTER

I, Dolores Robinson, City Clerk of the City of Shafter, hereby certify that the attached is an exact copy of the City of Shafter Charter voted and passed by the citizens of the City of Shafter on June 6, 1995.

  
Dolores Robinson, City Clerk

CERTIFIED COPY OF  
THE CHARTER OF THE CITY OF SHAFTER

I, Linda Gragg, Mayor of the City of Shafter, hereby certify that the attached is an exact copy of the City of Shafter Charter voted and passed by the citizens of the City of Shafter on June 6, 1995.

  
Linda Gragg, Mayor