

DATE: October 18, 2001

TO: Mayor and City Council Members

FROM: City Attorney

SUBJECT: ORDINANCE NO. 946 - AN ORDINANCE SUBMITTING AMENDMENTS TO SECTIONS 2.04(G), 2.08(B)(3), 2.08(B)(4), 2.09, 3.02, 3.03(E), 4.01(B), 5.04(A)(2), 5.05(G), 5.05(I), 5.05(K), 5.08(C), 9.02, 9.03(B) AND 9.03(C) OF THE CHARTER OF THE CITY OF FOLSOM TO A VOTE OF THE ELECTORATE AT THE GENERAL MUNICIPAL ELECTION ON MARCH 5, 2002

BACKGROUND

The City Charter of Folsom was adopted on June 5, 1990. In June of 2000, Council Member Howell proposed several amendments to the City Charter. To obtain input on the proposed amendments, the City Council established the Ad Hoc Charter Advisory Committee to review the City Charter and to consider amendments as might be necessary. The City Attorney presented the recommendations of the Ad Hoc Charter Advisory Committee to the City Council at the July 17, 2001 City Council meeting. At that time, the City Council directed the Neighborhood Services Manager to conduct community workshops on the proposed amendments. The public workshops were held on September 12 and 20, 2001, at the Rotary Club House and Folsom Community Center, respectively.

City Council members also asked the City Attorney to analyze whether any of the proposed amendments to the Charter could be handled through revisions to the Folsom Municipal Code. On September 18, 2001, the City Attorney presented that analysis to the City Council for their review. The City Council elected not to make any changes to Charter Sections 2.07(A), 2.07(D), 3.01, 3.01(C), 4.05, 4.06, 4.07 and 5.05(D) either by ordinance or by placing the issue before the voters. The City Council further elected not to add a new Section 2.14 requiring a review of the Charter every 10 years.

The Charter amendments as originally proposed by the Ad Hoc Charter Advisory Committee are analyzed and summarized in the Final Report and Recommendations of the Ad Hoc Charter Advisory Committee, which is attached as Attachment 1 to this staff report. A redlined version of the current Charter that shows the originally proposed amendments in context is appended to the Committee's memorandum.

Additionally, at the request of Council Member Howell, the City Council is being asked to consider three further amendments to the City Charter.

The first change is the deletion of the language “as are deemed necessary or desirable” in Section 3.03(E).

The second change relates to the purchasing and contracting provisions in Section 5.04. Section 5.04(A) delegates certain authority to the City Manager to award contracts for amounts of \$10,000 or less (adjusted annually) without using a competitive bid process. Council Member Howell proposes to change Section 5.04 (A)(2) to lower the limit on when the competitive bid process should be used when one vendor is awarded multiple contracts within a three year period. Currently, Section 5.04(A)(2) provides that competitive bidding is required if contracts in an amount of \$10,000 or less cumulatively total \$100,000 in a three year period. Council Member Howell proposes lowering this dollar amount to \$50,000 in a three year period.

Council Member Howell’s third change involves the addition of language to Section 4.01(B), regarding department head removal. Currently, Section 4.01(B) provides that all department heads shall serve at the pleasure of the City Manager and be subject to the direction and supervision of the City Manager. Council Member Howell proposes the addition of language stating that “The City Manager may only remove the City Attorney after providing ten (10) days advance notice to the City Council.”

ANALYSIS

Pursuant to Section 8.01 of the City of Folsom Charter, amendments to the Charter must be approved by a majority of the voters. Although there are various methods to present proposed charter amendments, any amendments that are generated from the City Council must be in an ordinance adopted by a majority vote of the City Council. The ordinance must contain the full text of the Charter amendment. Ordinances require two readings of the City Council for approval. See Charter Section 2.12(B).

The changes recommended by the Ad Hoc Charter Advisory Committee, except for those changes considered by the City Council on September 18, 2001, are presented by way of ordinance. The proposed amendments to Sections 3.03(E), 4.01(B) and 5.04(A)(2), while not part of the Ad Hoc Charter Advisory Committee’s proposed changes, are included for your consideration. The City Council must conduct two readings of the ordinance and approve it by majority vote to place the proposed amendments on the March 2002 ballot.

The City may consolidate the Charter amendment issue with the primary election in March 2002 at an estimated cost of \$11,770. Alternatively, if presented on the ballot at the general election in November of 2002, the cost would be approximately \$9,209. These figures are based upon the current registered voters within the City. The Sacramento County administrative deadline for placing an item on the March 2002 ballot

is November 13, 2001. The deadline pursuant to the Elections Code, however, is December 7, 2001.

ALTERNATIVES

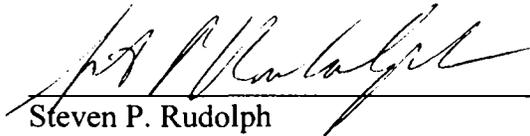
The City Council has several alternatives with respect to these proposed Charter revisions.

- (1) Conduct the first reading of the ordinance as proposed in its entirety.
- (2) Direct the preparation of an alternate ordinance proposing Charter amendments other than as presented in Ordinance No. 946.
- (3) Determine not to consider proposed Charter amendments at this time.

ATTACHMENTS

1. Final Report and Recommendations of the Ad Hoc Charter Advisory Committee
2. Ordinance No. 946 – An Ordinance Submitting Amendments to Sections 2.04(G), 2.08(B)(3), 2.08(B)(4), 2.09, 3.02, 3.03(E), 4.01(B); 5.04(A)(2), 5.05(G), 5.05(I), 5.05(K), 5.08(C), 9.02, 9.03(B) and 9.03(C) Of The Charter Of The City Of Folsom To A Vote Of The Electorate At The General Municipal Election On March 5, 2002

Respectfully submitted,



Steven P. Rudolph
City Attorney



AD HOC CHARTER ADVISORY COMMITTEE

Robert Holderness, Chair
Glenn Fait, Vice-Chair

MEMORANDUM

To: Mayor
Vice Mayor
Council Members

From: Robert G. Holderness, Chair
Ad Hoc Charter Advisory Committee

Date: June 4, 2001

Re: Final Report and Recommendations of the
Ad Hoc Charter Advisory Committee

The Ad Hoc Charter Advisory Committee has completed its review of the Charter of the City of Folsom. The Committee is proposing amendments to the following sections of the Charter: 2.04(G), 2.07(A), 2.07(D), 2.08(B)(3), 2.08(B)(4), 2.09, 2.14, 3.01, 3.01(C), 3.02, 4.05, 4.06, 4.07, 5.05(D), 5.05(G), 5.05(I), 5.05(K), 5.08(C), 9.02, 9.03(B) AND 9.03(C). The recommended changes are discussed below.

PROPOSED CHARTER AMENDMENTS:

The following analysis will summarize the provisions of the proposed amendments. The references to section numbers correspond with the applicable sections in the Charter. A redlined version of the current Charter that shows the proposed changes in context is appended hereto as Attachment 1.

1. Section 2.04(G)

Section 2.04(G) of the City Charter currently grants the Mayor the power to establish and dissolve ad hoc committees for a term not to exceed one year. The proposed amendment will allow an ad hoc committee to have a term of two years.

2. Section 2.07(A) Restrictions on Holding Two Offices

The Committee has proposed to add language to this section that would prevent a former council member from holding any compensated appointive office or employment with

the City until one year after the expiration of the term for which the member was elected to council.

3. Section 2.07(D) Restriction on City Utility or Enterprise

The Committee has expanded this section to set forth specific utilities and enterprises which would fall under its aegis.

4. Section 2.08(B)(3) Forfeiture of Office

This section presently provides that any council member who is convicted of a crime involving moral turpitude forfeits their office. It is the suggestion of the Committee that the language and intent of this section be enlarged to also include the automatic forfeiture of office by any council member who pleads guilty or “no contest” to any crime involving moral turpitude.

5. Section 2.08(B)(4)

The Committee was informed that there was no present mechanism for Council review of absences of its members. It was therefore suggested that the section be modified to eliminate that portion of the section which required member absence to be excused by the Council.

6. Section 2.09 Public Participation

As written, this section requires the adoption of an ordinance that encourages the organization of neighborhood groups throughout the City. This ordinance was considered to be unnecessary by the Committee and it is recommending that the ordinance language be removed.

7. Addition of Section 2.14 Charter Review

The Committee is recommending the addition of a charter requirement that the charter itself be reviewed every ten years.

8. Section 3.01 City Manager Appointment

Section 3.01 of the Charter currently states, in part, that “[t]he City Council shall appoint a City Manager for an indefinite term through the mechanism of an employment agreement the same as those afforded department heads under this Charter.” The proposed amendment would delete the phrase “the same as those afforded the department heads under the charter,” and add the following provision: “The employment agreement shall be reviewed and approved by a majority of the City Council.”

9. Section 3.01(C) How Chosen

The Committee is recommending that this section be expanded to include language regarding selection based on the training and experience of any qualified applicants for the position of City Manager, rather than relying solely on their administrative qualifications.

10. Section 3.02 Restriction on Dismissal

The Charter presently provides that no action to remove the City Manager can take place during the first 90 days after the installation or appointment of a new City Council member. The Committee has voted to eliminate this section.

11. Section 4.05 Planning Commission

The Charter Committee voted to approve an addition to Section 4.05 to provide for term limits of the Planning Commissioners. A Commissioner would serve a maximum of eight consecutive years, with a minimum two-year hiatus before being able to return to the Planning Commission. It was felt that this would provide an increased opportunity for wider and more varied public participation.

12. Section 4.06 Parks and Recreation Commission

The Charter Committee voted to approve an addition to Section 4.06 to provide for term limits of the Parks and Recreation Commissioners. A Commissioner would serve a maximum of eight consecutive years, with a minimum two-year hiatus before being able to return to the Parks and Recreation Commission. It was felt that this would provide an increased opportunity for wider and more varied public participation.

13. Section 4.07 Boards and Commissions

The Charter Committee voted to approve an addition to Section 4.07 to provide for term limits of all Commissioners and Board Members. A Member or Commissioner would serve a maximum of eight consecutive years, with a minimum two-year hiatus before being able to return to a Board or Commission. It was felt that this would provide an increased opportunity for wider and more varied public participation.

14. Section 5.05(D) Comprehensive Financial Plan

This section sets forth the requirements of the City budget. The Committee is recommending that language specifically referencing the line-item format of the budget be included in this section.

15. Section 5.05(G) Budget Adoption

In order to permit the City to function fiscally and to promote a full and comprehensive review of the budget by Council, the Committee is suggesting a modification of this section to permit the Preliminary Budget to function as the interim budget until the final budget can be reviewed and ratified by Council.

16. Section 5.05(I) Emergency Appropriations

At present, the Charter requires a four-fifths vote to approve an emergency appropriation. The Committee is recommending that additional language be added to this section that permits emergency appropriations by a simple majority of the Council in the event that there is an unfilled vacancy on the Council.

17. Section 5.05(K) Budgetary Transfers

The City Manager is required to report budgetary transfers to the City Council in writing on a quarterly basis. The Committee is proposing to require a monthly reporting of such activity.

18. Section 5.08(C) Miscellaneous Fiscal Procedures

Based upon a report by the Finance Director, the Committee was informed that cities do not issue “warrants” and it is suggested that all reference to the term “warrants” be deleted from this section.

19. Section 9.02 Transition of Current Elected Officials

This section contains certain grandfathering provisions concerning the retention and term of previously elected officials. As the City has moved beyond this transition phase, this section is no longer relevant and it is recommended that it be deleted.

20. Section 9.03(B) Continuity of Laws, Officers and Employees

This section was included in the Charter to ensure the continuity of office of certain employees and commissioners after the Charter was originally adopted by the voters. As the City has moved beyond this transition phase, this section is no longer relevant and it is recommended that it be deleted.

21. Section 9.03(C) Continuity of Laws, Officers and Employees

This section was included in the Charter to ensure the continuity of office of certain employees and commissioners after the Charter was originally adopted by the voters. As the City has moved beyond this transition phase, this section is no longer relevant and it is recommended that it be deleted.

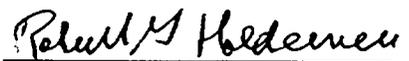
22. Re-Number

For the sake of continuity, it was approved to renumber Section 9.03 to Section 9.02

CONCLUSION

This concludes the work of the Ad Hoc Charter Advisory Committee.

Respectfully submitted,



Robert Holderness, Chair
Ad Hoc Charter Advisory Committee

**Attachment 1
to Final Report and Recommendation
of the Ad Hoc Charter Advisory
Committee**

CHARTER OF THE CITY OF
FOLSOM, CALIFORNIA

March 6, 1990

Preamble:

The citizens of the City of Folsom do enact and establish this Charter in order to form a better City government for all citizens of Folsom, to provide for the public health, safety, welfare and morals, to improve the means of cooperation and assistance with neighboring governmental jurisdictions, and to preserve and enhance the quality of life for Folsom's citizens, their children, and their neighbors.

Through adoption and enactment of this City Charter the citizens of the City of Folsom hereby do declare their express intent and purpose to be and to remain forever a separate and independent City.

Boundaries of City:

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

ARTICLE I. POWERS OF THE CITY

Section 1.01. Powers of the City:

The City shall have all powers possible for a city to have under the Constitution and laws of the State of California as fully and 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, and the City is hereby authorized any and all rights, powers and privileges heretofore or hereafter granted or prescribed by general laws of the state.

B. **Municipal Affairs.** The City may make and enforce all ordinances and regulations in respect to municipal affairs, subject only to restrictions and limitations provided in this Charter and in respect to other matters subject to applicable general laws. As regards municipal affairs, this Charter shall supersede all laws inconsistent therewith.

C. **Intergovernmental Powers.** The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any 1 or more states and the State of California, or any state civil division or agency, or the United States or any of its agencies.

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

ARTICLE II. MAYOR AND CITY COUNCIL

Section 2.01. City Council:

There shall be a City Council of 5 members elected by the voters of the City at large.

A. **Registered Voters Eligible.** Only resident registered voters of the City shall be eligible to hold the office of Councilmember.

B. **Regular Election.** The regular election of Councilmembers shall be held on the second Tuesday of November in even-numbered years, in the manner provided by state law.

C. **Councilmember Term.** The terms of Councilmembers shall be 4 years and shall begin the second Monday in December following their election and qualification.

D. **Staggered Terms.** The terms of Councilmembers shall be staggered, with 3 Councilmembers being elected in 1990 and each 4 years thereafter, and 2 Councilmembers in 1992 and each 4 years thereafter.

Section 2.02. General Powers of the City Council:

All powers of the City shall be vested in the City 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 law.

Section 2.03. Mayor:

There is hereby created the office of Mayor. Only a member of the City 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.

Section 2.04. Duties of Mayor:

The Mayor shall be the representative of the City. The Mayor shall:

- A. Recommend City policy;
- B. Recommend to the Council appropriate and necessary legislation;
- C. Recommend programs for the physical, economic, social and cultural development of the City;
- D. Be responsible for public relations activities and represent the City for ceremonial purposes;
- E. Represent the City in intergovernmental relations, personally or by a representative designated by him/ her with the concurrence of the Council;
- F. Preside at meetings of the Council;
- G. Establish and dissolve ad hoc committees, subject to the approval of the Council, but no such committee shall exist for more than ~~1 year~~ two years;
- H. Possess the authority to suspend implementation of any action taken by the Council, excepting an emergency ordinance, by filing with the City Clerk, within 3 days after such Council action, a notice of suspension thereof. Such suspension shall constitute a motion for reconsideration of the action taken, to be voted on by the Council at its next regular meeting, provided, however, that this authority shall be applied only once per specific action item;
- I. Provide leadership and marshal citizen participation in City activities and civic affairs;
- J. Report to the public from time to time on the affairs of the City;
- K. Be, and possess the authority and attributes of a Councilmember;

L. Meet regularly and as appropriate with the City Manager for the purpose of providing policy guidance relative to the actions of the Council, expressing the desires of the Council and its members, and to monitor the administrative implementation of Council policies;

M. Together with the Council, at least annually evaluate the performance of the City Manager;

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

Section 2.05. Vice Mayor:

There is hereby created the office of Vice Mayor. The City Council shall select the Vice Mayor, who shall serve as Vice Mayor at the pleasure of the Council. In the absence of the Mayor, the Vice Mayor shall possess and perform the duties of the Mayor.

Section 2.06. City Council Compensation and Expenses:

The City Council may determine the annual salary of the Mayor, Vice Mayor, and Councilmembers by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of Council-members elected at the next regular election. The Mayor, Vice Mayor and Councilmembers shall receive their actual and necessary expenses incurred in the performance of their duties of office.

Section 2.07. Prohibitions on City Council:

A. **Restriction on Holding 2 Offices.** Except where authorized by state law, no Councilmember shall hold any other elected public office during the term for which the member was elected to the Council. No Councilmember shall hold any other City office or City employment during the term for which the member was elected to the Council. No former council member shall hold any compensated appointive office or employment with the city until one year after the expiration of the term for which the member was elected to the council. Nothing in this Section shall be construed to prohibit the Council from selecting any current or former Councilmember to represent the City on the governing board of any regional or other intergovernmental agency.

B. **Restriction on Personnel Powers.** Neither the Council nor any of its members shall in any manner control or demand 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. But the Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such department heads and employees.

C. **Restriction on Interference With City Manager.** Neither the Mayor nor any Councilmember shall interfere with the execution of the powers and duties of the City Manager. Except for purposes of inquiry, the Mayor and Councilmembers shall deal with the administrative service solely through the City Manager and neither the Mayor nor any Councilmember shall give orders to any subordinate of the City Manager, either publicly or privately.

D. **Restriction on City Utility or Enterprise.** No City owned utility or enterprise, or utility for the supplying of water, light, heat, power, gas, transportation, sewage and refuse

collections, treatment and disposal services, or any portion thereof, including property, easements or other equipment, which lies within the corporate boundaries of the City may be sold, leased for more than 2-years, contracted to, or put to franchise to any non-governmental party without complying with the procedures set out in Section 7.02 hereof, and being approved by a majority vote at an election.

Section 2.08. Council Vacancies and Forfeiture of Office:

A. **Vacancy.** The office of a Councilmember shall become vacant upon the member's death, resignation, removal from office or forfeiture of office in any manner authorized by state law. The method of filling vacancies on the City Council shall be as provided by state law.

B. **Forfeiture of Office.** A Councilmember shall forfeit that office if the Councilmember:

1. Lacks at any time during the term of office for which elected any qualification for the office prescribed by this Charter or by law,
2. Violates any express prohibition of this Charter,
3. Pleads guilty, enters a plea of nolo contendere or Is convicted of a crime involving moral turpitude, or
4. Fails to attend 3 consecutive regular meetings of the Council without being excused ~~by the Council.~~

Section 2.09. Public Participation:

No one shall be denied the right, personally or through counsel, to present grievances or offer suggestions for the betterment of municipal affairs at any regular meeting of the City Council, nor to speak to the subject of any special meeting.

The Council shall ~~by ordinance~~ encourage the organization of and communication with representative neighborhood groups throughout the City to:

- A. Encourage citizen participation;
- B. Seek advice and input on and provide information to the public relative to City matters and affairs.

Section 2.10. Council Organization, Meetings and Rules:

Selection of officers of the City Council, 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 order of succession in the event of a vacancy in the office of Mayor and Vice Mayor shall be as established by ordinance.

Section 2.11. Independent Audit:

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

A. **Auditor To Have No Interest in City Affairs.** All audits shall be made by a certified public accountant firm experienced in City auditing. The audit firm shall have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers, and may not provide services to the City other than audit services.

B. **Designation of Auditor.** The Council shall, through a request for qualifications

and proposal process, designate such audit firm annually or for a period not exceeding 3 years, but the designation for any particular fiscal year shall be made no later than 30 days before the beginning of such fiscal year.

C. **Comprehensive Audit and Evaluation.** The annual audit shall be comprehensive of all departments and agencies, and shall include an evaluation of the city budgeting and accounting system as to compliance with generally accepted accounting principles and modern practices for an integrated and computerized city financial management system utilizing all possible modern accounting and control techniques and procedures.

D. **Audit Submitted at Regular Meeting.** The annual audit shall be submitted to the Council at a regular meeting and shall be open to public inspection.

Section 2.12. Ordinances in General:

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

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.

No ordinance shall contain more than 1 subject, which shall be clearly expressed in its title.

B. **Adoption of Ordinance.** An ordinance may be introduced by any Councilmember at any regular or special meeting of the Council. The second reading and adoption of the introduced ordinance shall be conducted at a regular, adjourned, or special meeting of the Council, which meeting shall be not less than 5 calendar days after its introduction. The ordinance may be read by title only at second reading.

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

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

E. **Publication of Ordinance.** The City Clerk shall publish every ordinance adopted by the City Council within 20 days following such adoption in a newspaper of general circulation in the City or, in the case where there is no newspaper of general circulation in the City, by posting in 3 public places accessible to the public. The ordinance may be published in full text or as a brief summary thereof.

Section 2.13. Emergency Ordinances:

To meet a public emergency affecting life, health, public welfare, property or the public peace, the City Council may adopt emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, or authorize the borrowing of money except as provided herein for emergency appropriations.

A. **Form and Manner of Emergency Ordinance.** An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it plainly shall be designated as an emergency ordinance and shall contain, after the enacting clause, a

declaration stating that an emergency exists and describing the emergency in clear and specific terms.

B. **Four Votes Required.** An emergency 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 4 of the members of the Council shall be required for adoption.

C. **Publication of Emergency Ordinance.** After adoption an emergency ordinance shall be published and printed as prescribed for other adopted ordinances. An emergency ordinance shall become effective upon adoption or at such later time as it may specify.

D. **Automatic Repeal of Emergency Ordinances.** Every emergency ordinance shall automatically stand repealed as of the 121st day following the date on which it was adopted, but this requirement shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Section 2.14 Charter Review

Every ten years, the City Council shall provide for a review of the City Charter.

ARTICLE III. CITY MANAGER

Section 3.01. City Manager Appointment:

The City Council shall appoint a City Manager for an indefinite term through the mechanism of an employment agreement, ~~the same as those afforded department heads under this Charter.~~ The employment agreement shall be reviewed and approved by a majority of the City Council. The City Manager:

A. **Serve At Pleasure.** Shall serve at the pleasure of the Council;

B. **Chief Executive.** Shall be the chief executive and administrative officer of the City;

C. **How Chosen.** Shall be chosen solely on the basis of training, experience, and other administrative qualifications for the position, and, at time of appointment need not be a resident of the State or City;

D. **Salary.** Shall be paid a salary fixed by the Council commensurate with the responsibilities of the position;

E. **Dismissal Hearing.** Shall have the right to a public hearing on any motion to remove or to suspend his/her employment, which public hearing shall be held only after provision of 10 days' published notice prior to the Council voting on the motion to remove or to suspend the City Manager.

~~Section 3.02. Restriction on Dismissal.~~

~~During a period of 90 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 duties, salary or benefits of the City Manager.~~

Section 3.03. Powers and Duties of City Manager:

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

A. **Appointment of Employees.** Shall appoint, remove and discipline all employees of the City pursuant to requirements set out in this Charter;

B. **Delegation of Authority.** May delegate the appointment, removal and discipline of subordinate employees to the department heads to which those employees are assigned, but shall approve, modify or disapprove all recommendations for such appointment, removal, and disciplinary actions to be taken against employees by department heads or other employees of the City;

C. **Supervision of Departments.** Shall direct and supervise the administration of all departments, offices and agencies of the City;

D. **Annual Budget.** Shall annually prepare, submit, and administer the budget and capital improvement plan of the City as set out in this Charter;

E. **Keep Council Informed.** Shall keep the Council advised of the financial condition and future needs of the City, and make such recommendations to the Council concerning the affairs of the City as are deemed necessary or desirable;

F. **Enforce Laws and Contracts.** Shall provide for enforcement and faithful execution of all laws, regulations and rules of the City, all provisions of this Charter, and all acts of the Council, and shall administer all contracts of which the City is a party;

G. **Submit Reports.** Shall 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, which report shall be filed with the City Council within 6 months of the end of each fiscal year;

H. **Make Reports.** Shall make such other reports to the Council as it may require or the City Manager may desire, concerning the operations of City departments, offices and agencies;

I. **Restrictions.** Shall engage in no incompatible business, occupation or activities;

J. **Attend Meetings.** Shall attend all Council meetings and have the right to take part in discussion but shall have no vote, except the City Manager may not be entitled to attend closed sessions of the Council when dismissal of or other disciplinary actions involving the City Manager are discussed;

K. **Participation.** Shall be entitled to participate in the deliberations of any City board, committee, and commission, but shall not have a vote therein;

L. **Receive Notices.** Shall receive notice of all meetings of the City Council, boards, committees, and commissions;

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

Section 3.04. City Manager's Office:

The City Manager shall appoint such professional assistants as he/she shall determine to be needed to positions authorized by the Council.

A. **Service of Assistants.** Such assistants shall serve at the pleasure of the City Manager and, for the purposes of terms and conditions of employment, shall be considered to be department heads.

B. **Duties of Assistants.** Such assistants shall have such powers and perform such duties as are specified by the City Manager.

C. **Secretary.** The Secretary to the City Manager shall serve at the pleasure of the City Manager but shall have permanent status subject to all rights and limitations in the City merit system.

D. **Acting 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 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 IV. DEPARTMENTS, AGENCIES AND EMPLOYEES

Section 4.01. Departments and Department Heads:

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

A. **Department Head Appointments.** The City Manager shall appoint a head of each department, which department head 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 the direction and supervision of the City Manager.

C. **Requirements.** Department heads shall be City employees for the purposes of powers and duties, and shall be provided employment agreements by the City Manager setting out the terms and conditions of employment, pay, benefits, goals and objectives, a requirement for periodic and regular performance evaluations, obligations, and termination.

Section 4.02. City Clerk:

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

Section 4.03. City Attorney:

The office of City Attorney is hereby created. The City Attorney shall be the chief legal officer of the City, and:

A. **Duties.** Shall advise the City Council, individual Councilmembers, the City Manager and his/her assistants, and department heads regarding the law relating to City affairs.

B. **Additional Duties.** Shall represent the City in all legal proceedings, prepare all ordinances and other needed legal documents, select and retain specialist counsel where there is a need for such specialized legal services, and perform such other duties as may be prescribed by ordinance.

C. **Department Head.** May be a full time department head of the City, or may be contracted as a department head.

D. **Approval of Contracts.** Shall review and approve all City contracts as to legal

form.

E. **Special Counsel.** The City Council may retain special counsel in any matter where representation by the City Attorney would create an impermissible conflict, including the discipline or dismissal of the City Manager.

Section 4.04. Personnel System:

The City Council shall provide by ordinance for the establishment, regulation and maintenance of a merit system governing personnel policies necessary to effective administration of the employees of the City's departments and offices.

A. **Merit System Components.** Such merit system of personnel administration shall include, but not be limited to classification and pay plans, 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.

B. **Employee Selection.** The merit system shall provide for open, publicly posted, and competitive employee selection processes utilizing, where and when feasible, validated examinations at entry level and objective evaluative processes for all other classifications.

Section 4.05. Planning Commission:

There shall be a Planning Commission of 7 members, each of whom must be a resident and registered voter of the City. Each member of the Council shall appoint 1 member whose term shall run concurrent with that of the Councilmember so appointing. Two members shall be appointed by the Council for 2-year terms. The powers, duties, qualifications, removal, and compensation, if any, of the Commission shall be set by ordinance.

Planning Commissioners shall serve a maximum of eight consecutive years with a minimum two-year hiatus before returning to the Commission. Members may be held over the term limit to permit appointment of new members.

Section 4.06. Parks and Recreation Commission:

There shall be a Parks and Recreation Commission consisting of 7 members, each of whom must be a resident and registered voter of the City. Each member of the Council shall appoint 1 member whose term shall run concurrent with that of the Councilmember so appointing. Two members shall be appointed by the Council for 2-year terms. The powers, duties, qualifications, removal, and compensation, if any, of the Commission shall be set by ordinance.

Parks and Recreation Commissioners shall serve a maximum of eight consecutive years with a minimum two-year hiatus before returning to the Commission. Members may be held over the term limit to permit appointment of new members.

Section 4.07. Boards and Commissions:

The City Council may by ordinance create other Boards and Commissions and 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. All boards and commissions only shall be advisory to the Council. Each member of any Board or Commission shall be a resident and registered voter of the City.

Board Members and Commissioners would serve a maximum of eight consecutive years with a minimum two-year hiatus before returning to the Board or Commission. Members may be held over the term limit to permit appointment of new members.

ARTICLE V. FINANCIAL PROCEDURES

Section 5.01. General Tax Limits and Procedure:

The City 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 tax in excess thereof may be levied if authorized by state general law, or if authorized by the affirmative votes of a majority of the City's voters voting on a proposition to increase such levy.

A. **Statement on Years of Levy.** The number of years that any such additional levy is to be made shall be specified in such proposition.

B. **Separate Taxing Areas.** Nothing herein contained shall preclude the Council from establishing separate taxing areas within the City for the levy of a tax in excess of such maximum rate if authorized by 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.

C. **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 5.02. Special Funds:

The City Council shall, by ordinance, establish capital outlay and reserve funds for specified capital improvement and replacement purposes, and such other special funds as it may deem necessary.

A. **Inviolate Funds.** Such special funds shall remain inviolate for the purpose for which they were created unless the use of such funds for some other purpose is authorized by an ordinance adopted by a four-fifths vote of the Council after holding of a public hearing.

B. **Disposition of Special Funds.** Any unexpended and unencumbered balance remaining in any such special fund after the purpose for which the special fund was created has been accomplished shall be transferred by the Council to the General Fund or to the most appropriate other special fund.

Section 5.03. Investments:

Investment of monies held by the City and any of its agencies shall be made pursuant to policy set by ordinance. Such policy shall comply with guidelines for the investment of public monies as recommended by Moody's and Standard and Poor's credit rating services.

Section 5.04. Purchasing and Contracting:

The City 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:

A. **Delegation of Authority.** Control of the system by the City Manager, who shall be empowered to make purchases and to award contracts for amounts of \$10,000 or less, adjusted

in amount annually as set out herein in Subsection C;

1. Delegation of responsibility by the City Manager to any appointed subordinate;

2. A requirement that should contracts or purchases in amount of \$10,000 or less be awarded to any 1 vendor or contractor cumulatively totalling \$100,000 in any 3-year period then, in that event, the competitive process set out herein shall be followed should such process otherwise be required hereunder;

3. An informal bid solicitation process for purchases and contracts in amount between \$10,001 and \$24,999;

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

C. Sealed Competitive Bids. Sealed bids for competitive purchases involving the expenditure of \$25,000 or more, but this amount and all dollar amounts set out in this section shall be revised by the Council annually as part of the annual budget by a revision factor determined by utilizing reliable indicators or indices of price changes;

D. 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;

E. Other Procedures. Provision for step procurement involving request for information, request for proposal, request for technical services, and joint contract or purchase awards for subcontracts, and joint bidding with or purchasing through other governmental jurisdictions;

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 certified check for all sealed bids;

I. Public Notification. Full public notification of all calls for sealed bids by provision of 10 days' notice through appropriate publications;

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

Section 5.05. Budgeting and Accounting:

The City Council shall by ordinance provide for an integrated budgeting and financial management system for the City. The ordinance shall provide for the following, which shall be required:

A. Fiscal Year. Establishment of a fiscal year;

B. 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;

C. Budget Message. The budget shall include a budget message by the City Manager, which message shall provide an explanation of the budget, both in fiscal terms and in terms of the work programs. The message shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major

changes from the current year in financial policies, expenditures, revenues or financial position, together with the reasons for such changes, summarize the City's debt position, and include such other material as the City Manager deems desirable;

D. Comprehensive Financial Plan. The budget shall provide a complete financial plan of all City funds, agencies and activities for the ensuing fiscal year and shall be in such form as the City Manager deems desirable or that the Council may require. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated revenues of all funds and agencies; all carry-over fund balances and reserves; and all proposed expenditures, including debt service, for the ensuing fiscal year. The budget shall contain sufficient salaries to provide a comprehensive and consolidated view of the city's financial position. and shall be supported in the line-item format;

E. Contents of Budget. Sections of the budget shall contain:

1. The proposed goals and objectives and appropriations for current operations during the ensuing year, detailed for each fund by organization unit, and program, purpose or activity, and the method of financing such proposed appropriations;
2. Comparative amounts for actual and estimated income and expenditures for the current fiscal year and actual income and expenditures for the preceding fiscal year;
3. Proposed capital expenditures during the ensuing fiscal year, detailed for each fund by organization unit when practicable, and the proposed method of financing each such capital expenditure; and
4. Anticipated income, expense, profit, loss, and reserves, and the purpose of said reserves, for each utility and enterprise fund;

F. Overexpenditures Prohibited. The total of proposed expenditures shall not exceed the total of estimated revenues plus carried forward fund balance, exclusive of reserves, for any fund;

G. Budget Adoption. The Council shall adopt the annual budget by affirmative vote of at least 3 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~~ become the interim budget until the Council adopts a final budget ;

H. Supplemental Appropriations. Prior to the City Council making any supplemental appropriation the City Manager shall certify that monies in excess of those estimated in the budget are available for appropriation. Any such supplemental appropriation shall be made for the fiscal year by resolution up to the amount of any excess;

I. Emergency Appropriations. A process shall be devised by which the Council can, by four-fifths vote only, make emergency appropriations to respond to a public emergency affecting life, health, public welfare, property or the public peace. In the event an unfilled vacancy exists on the City Council, the emergency appropriation may be approved by a majority vote of the remaining Council;

J. Appropriations Reductions. Appropriations may be reduced any time during the fiscal year by the Council or City Manager if it appears probable to either that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized. When appropriations are reduced the City Manager shall report to the Council at its next meeting, indicating the estimated amount of the deficit, any remedial actions taken, and recommendations as to any other steps to be taken;

K. Budgetary Transfers. The City Manager may transfer monies between

departments and divisions, and programs and accounts within departments and divisions, but only the Council by resolution may transfer monies between funds and from unappropriated balances or fund balances to any fund or appropriation account. All such transfers made by the City Manager shall be reported in writing ~~quarterly~~ monthly to the Council;

L. **Lapse of Appropriations.** All appropriations, except for capital expenditures, shall lapse at the end 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 capital appropriation shall be deemed abandoned after 3 years pass without disbursement from or encumbrance against the appropriation;

M. **Capital Improvement Plan.** A capital improvement plan and budget encompassing 5 or more years shall be prepared and presented, or updated, by the City Manager and presented to the Council each year. The capital improvement plan shall include:

1. A general summary of its contents;
2. A list of all capital improvements and other proposed capital projects which are proposed to be undertaken during the term of the capital improvement plan, with appropriate supporting information as to the necessity for each proposed project or acquisition;
3. Cost estimates and recommended time schedules for each improvement or other capital expenditure;
4. Method of financing for each proposed capital project;
5. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired;

N. **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;

O. **Public Document.** Copies of the annual budget, annual financial report, the capital improvement plan, and all appropriate summarizing documents, shall be made available to the public for inspection and review;

P. **Public Hearing Required.** Each of the annual budgets in the capital improvement plans shall be the subject of a public hearing before the City Council. Ten days' posted notice shall be provided for said hearing;

Q. **Two Year Budget.** A 2-year operational budget may be substituted for the required annual budget, in which case the budget shall be prepared and presented in 2 annual increments and all uses of the term "annual" in this Section may be revised by ordinance to permit the creation of the 2-year budget;

R. **Quarterly Reports.** Within 30 days after the end of each quarter during the fiscal year, and more often if required, the City Manager shall submit to the Council a financial and management report showing the relation between budgeted and actual revenues and appropriations, expenditures and encumbrances to date.

Section 5.06. Debt:

The City by ordinance or resolution may issue all manner of securities and incur all manner of indebtedness, but within the following limits:

A. **General Obligation Bond Limit.** Indebtedness of the City as evidenced by issued general obligation bonds shall at no time exceed 10 percent of the assessed valuation of all property taxable by the City;

B. **Other Debt Limit.** Indebtedness of the City other than voted general obligation

bonds shall at no time exceed 10 percent of the assessed valuation of all property taxable by the City;

C. **Definition and Exemption.** The term “indebtedness” as used in subsections A and B of this Section shall not include bonds or other obligations denoting indebtedness which are issued for the purpose of financing or refinancing the acquisition, construction, or completion of public improvements or 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 district.

Section 5.07. Depositories:

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

Section 5.08. Miscellaneous Fiscal Procedures:

The City Council shall by ordinance provide for the following, which procedures shall comply with state law unless the ordinance specifies otherwise:

- A. **Petty Cash.** The creation and administration of petty cash funds;
- B. **Claims and Demands.** Claims and demands against the City;
- C. ~~Warrants and Checks.~~ Issuance, and redemption of warrants and the use of checks drawn on the City treasury; and
- D. **Actions.** Actions against the City.

ARTICLE VI. ELECTIONS

Section 6.01. 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 the same are not in conflict with this Charter.

- 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 the State Elections Code.

ARTICLE VII. GENERAL PROVISIONS

Section 7.01. Conflicts of Interest:

The use of public office for private gain is prohibited. The City Council shall implement this prohibition by ordinance adopting and assuring compliance with the laws of the State of California regarding such conflicts, which ordinance also shall prohibit the following:

- A. **Appearances For Influence.** Appearances by or statements made to, or influence exercised by City officials or employees before or to other City agencies on behalf of private interests;

B. **Compensated Influence.** A former Councilmember or City officer or employee being compensated in any way for attempting to influence any action of the Council or City for 1 year after the end of service on the Council or with the City;

C. **Violations.** In addition to any fines or other punishments for violations of conflicts of interest regulations, any person convicted of a violation of this section shall be ineligible for a period of 5 years following such conviction to hold any City office or position and, if an officer or employee of the City, shall immediately forfeit his or her office or position.

Section 7.02. Franchises:

The City 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.

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.

C. **Franchise Term.** No franchise shall be granted for a period of longer than 25 years unless there be reserved to the City the right to take over at any time the works, plant and property constructed under the grant at their physical valuation and without compensation for franchise or goodwill.

D. **Acquisition of Properties.** 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 contained shall be construed to contract away or to modify or abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to the property of the possessor of any franchise.

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 proceeding of any character 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 10 days prior to said hearing, in the official newspaper.

G. **Franchise Adoption.** After hearing all persons desiring to be heard, the Council may by ordinance deny or grant the franchise on the terms and conditions specified in the

resolution. No ordinance granting a franchise shall be adopted as an emergency ordinance.

Section 7.03. 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 Folsom and "department," "commission," "agency," "officer," or "employee" is a department, commission, agency, officer, or employee, as the case may be, of the City of Folsom.
- C. "Council" is the City Council of the City of Folsom.
- D. "Councilmember" is a member of the City Council.
- E. "Law" includes ordinance.
- F. "State" is the State of California.
- G. "Voter" shall be as defined by state law.

Section 7.04. Violations:

The provisions of this Charter or of any ordinance of the City shall be enforced by any method or procedure provided for by ordinance of the City.

The sanction for a violation of the provisions of this Charter or of any ordinance of the City shall be established by ordinance. (Added by a vote of the people, March 26, 1996 election).

Section 7.05. American Bridge Crossing Site:

The first bridge constructed across the American River within the City limits of the City of Folsom shall be a bridge which connects Folsom Boulevard and Folsom-Auburn Road, which bridge shall contain not more than four (4) vehicular traffic lanes and, if deemed necessary by the City Council, may provide for bicycle and pedestrian lanes and space for rail transit. Such newly constructed bridge shall not be a beltway. (Added by vote of the people, Res. 4532, 1994).

ARTICLE VIII. CHARTER AMENDMENT

Section 8.01. 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, but may be framed and proposed:

- A. **How Amended.** In the manner provided by law by any of:
 - 1. Ordinance of the City 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 45 days following the election.

ARTICLE IX. TRANSITION/SEVERABILITY

Section 9.01. Transition/Severability Provision:

All City ordinances, resolutions, orders and regulations which are in force when this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances adopted pursuant thereto.

A. **Inconsistent Acts.** To the extent that the constitution and laws of the State of California permit, all laws relating to or affecting this City or its agencies, officers or employees which are in force when this Charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.

B. **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 9.02. Transition of Current Elected Officials:~~

~~At the time of the adoption of this Charter those persons serving in elected office shall continue to serve until the following conditions are met:~~

~~A. **Councilmembers.** Councilmembers shall serve until the end of the term for which they have been elected, and until their successors have been elected and qualified;~~

~~B. **City Clerk.** The City Clerk shall serve until the end of the term for which that officer has been elected, or until the position otherwise is vacated, except the acceptance of an employment agreement as a department head shall act to vacate the elected office of City Clerk;~~

~~C. **City Treasurer.** The City Treasurer shall serve until the end of the term for which that officer has been elected, or until the position otherwise is vacated.~~

Section 9.03. Continuity of Laws, Officers and 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.** The present officers and employees of the City shall retain their respective offices and employments subject to the provisions of this Charter.~~

~~C. **Commission Transition.** The transition of membership on the Planning Commission and the Parks and Recreation Commission from the method of appointment which existed prior to the adoption of this Charter and that which is established by this Charter shall be as determined by ordinance.~~