

PROPOSED CHARTER OF THE CITY OF EXETER
CALIFORNIA

FINAL CHARTER

June 16, 1998

Submitted to the Voters of the City of Exeter
by the Exeter City Council

Special Election of November 3, 1998

PROPOSED CHARTER OF THE CITY OF EXETER

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FINAL CHARTER

HOME RULE CHARTER OF THE CITY OF EXETER, CALIFORNIA
JUNE 16, 1998

Preamble:

The citizens of Exeter enact this Charter to preserve and enhance the quality of life in our community. It is our intention to provide local control of our municipal government, to assure economic and fiscal independence and to promote the public health, safety and welfare of our community to the extent permissible under the constitution and laws of the United States and California.

ARTICLE I

NAME AND BOUNDARIES

Section 1.1. Name

The Municipal corporation now existing and known as the City of Exeter shall remain and shall continue to exist as a municipal corporation under the name "City of Exeter", but as a California Constitution Home Rule Charter City.

Section 1.2. Boundaries

The boundaries of the City shall be as now established, and may be changed in the future as provided by law, by this Charter, or by ordinance.

Section 1.3. Public Participation

The Council shall encourage the organization of and communication with representative neighborhood groups throughout the City to encourage citizen participation, to seek advice and input and to provide information to the public relative to City matters and affairs.

ARTICLE II

POWERS, DUTIES AND OBLIGATIONS OF THE CITY

Section 2.1. Municipal Affairs

The City Council may adopt and enforce all ordinances, resolutions, rules and regulations in respect to municipal affairs, subject only to restrictions and limitations provided in this Charter, the United States and California Constitutions and applicable laws, and decisions of courts with competent jurisdiction. As regards municipal affairs, and all powers granted herein and hereby, this Charter shall supersede all laws inconsistent therewith.

Section 2.2. Powers of the City

The City shall have all powers legally permissible for a City to have under the United States and California Constitutions and laws as fully and as completely as though those powers were specifically enumerated in this Charter.

Section 2.3 General Law Powers

Nothing in this Charter shall be construed to prevent or restrict the City from exercising any and all rights, powers and privileges heretofore or hereafter granted or prescribed by the General Laws of California. All general law powers of cities in California are hereby declared to be possessed by the City.

Section 2.4 Intergovernmental Powers

The City may exercise and perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by agreement or otherwise, with any one or more states or any agency of California, or any governmental jurisdiction or non-profit corporation thereof, or the United States or any of its agencies or instrumentalities.

Section 2.5 Residual Powers

The citizens of the City of Exeter hereby reserve to themselves through and to their City government all residual powers as may be made available to them by and under the United States and California Constitutions.

Section 2.6 Utilities and Enterprises

The City shall have the power to acquire, develop, engage in, operate and manage any and all utilities and enterprises which the City Council shall deem appropriate for a public purpose.

Section 2.7 Duties and Obligations of the City Council

The City Council shall have the power and it shall be the duty, obligation and responsibility of the Council to develop and implement plans and programs and to provide financial and physical resources sufficient to accomplish the duties and obligations set out in this Charter.

ARTICLE III

GOVERNANCE AND ORGANIZATION

Section 3.1 Governing Body

The City shall have a City Council composed of five Councilmembers, elected by the voters of the City at large for four year terms, as provided by ordinance. The City Council shall be the legislative and governing body of the City. The Council shall select a Mayor and a Mayor Pro-tem from its membership, as provided by ordinance.

Section 3.2 Eligibility

No person shall be eligible to hold the office of Councilmember unless he/she is a legally registered voter and resident of the City.

Section 3.3 Regular Election

The regular election of Councilmembers shall be held on the same date as the County of Tulare consolidated General Election in even numbered years, unless such date is changed by ordinance.

Section 3.4 Elections

Unless otherwise provided by ordinance, all elections shall be held in accordance with the provisions of the California Elections Code governing municipal elections.

Section 3.5 Exercise of City Council Powers

A. Method of Actions. The City Council shall by ordinance determine and delineate those actions which the City Council shall accomplish by ordinance, by resolution or by motion, and restrictions on actions which may be accomplished by emergency ordinance.

B. Rules of Procedure. The City Council shall by ordinance make provision for its rules, the setting of meeting dates and times, determination of quorum, filling of Council vacancies, notice of meetings, agendas, keeping of minutes and records of actions, voting and other necessary rules of procedure, decorum and the governance of its proceedings.

Section 3.6 Powers and Duties of the City Council

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

B. Duties of the City Council. The City Council shall make policy for the City and be responsible to the people of Exeter 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 Administrator and all matters under his/her purview;
3. Carrying out all provisions of this Charter, City ordinances and applicable State and federal laws and regulations;
4. Conducting reviews and taking actions for the effective governance and financing of the City;
5. Performing such other duties as may be assigned to the City or the Council by State law, ordinance or resolution or this Charter.

ARTICLE IV

TAXES AND FINANCING

Section 4.1 Tax Limit

No City tax shall be imposed or increased in rate by the City Council without an affirming vote of the voters as required by applicable State law and California Constitution provisions.

Section 4.2 Franchise of Public Utilities and Enterprises

The City Council shall have the power by ordinance to grant a franchise to utilize the public streets, rights-of-way and air rights by any public utility, enterprise or activity not owned by the City, provided an annual franchise fee is paid to the City equal to the costs incurred by the City in alleviating the damage done to those rights-of-way during the term of the franchise, and to defray and mitigate any inconvenience suffered by the traveling public.

Section 4.3 Debt Financing

The City Council by ordinance may issue all manner of securities and incur all manner of indebtedness, provided, however, general obligation debt of the City shall at no time exceed the amount allowed by State law and applicable California Constitution's provisions.

Section 4.4 Purchasing and Contracting

A. Purchasing. The City Council shall by ordinance provide for a purchasing system assuring a maximum of competition for the lowest price consistent with a stated level of quality. The City Council, however, may provide exceptions to such competitive processes in the case of an emergency, for the purchase of non-competitive items, in securing specialized or professional services or to secure copyrighted or patented products.

B. Contracting. The City Council by ordinance may adopt prevailing wage, geographic boundaries and other guidelines and restrictions, including local bidding preference, governing public works and other City contracts.

C. Open Market Purchases. The City Council by ordinance shall provide for the rejection of bids for the purchase of supplies, materials, services and contract construction and, by subsequent four-fifths vote of the Council, may proceed to contract to have such work done or supplies, materials and services acquired directly in the open market, without further observance of the foregoing provisions of this Section.

D. Direct Public Work. The City Council shall have the power by ordinance to provide a complete procedure whereby the City may perform public improvement works and repairs for other public entities.

E. Maintenance of City Properties. Nothing in this Section shall be construed to require the care, repair or maintenance of streets, City-owned utilities or properties to be let to or by contract.

ARTICLE V

GENERAL PROVISIONS AND TRANSITION

Section 5.1 Violations

The City Council by ordinance shall categorize and provide for penalties for misdemeanor and infractions within the general laws. Further, the City Council shall provide for fines, penalties, enforcement of City ordinances, infractions and regulations, and for willful violations of this Charter.

Section 5.2 Enforcement

Violations of City ordinances or of provisions of this Charter may be prosecuted in the name of the People of the State of California or redressed by civil action. Compliance with any mandated duty prescribed in this Charter may be had through civil action or, if appropriate, criminal proceedings.

Section 5.3 Forfeiture of Office

Notwithstanding the criminal and civil procedures and penalties provided for herein, a Councilmember shall forfeit office pursuant to this Charter if a court of law has found after the judgment has become final and all appeals exhausted that the Councilmember has willfully violated this Charter or any provision thereof, or willfully has failed to carry out any provision of this Charter.

Section 5.4 Amendment

This Charter may be amended by majority vote of the City's voters. Amendments to this Charter may be framed and proposed by Council ordinance, voter initiative, or by a Charter Commission.

Section 5.5 Transition

All City Ordinances, resolutions, rules, regulations and agreements which are in force when this Charter becomes effective shall remain in effect until repealed.

Section 5.6 Continuity

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

B. Officers and Employees. On the effective date of this Charter all present officers and employees of the City shall retain their respective offices and employment as provided by ordinance.

C. Non-Interference With Court Orders. Nothing herein shall be construed to interfere with or to modify any order or decision of any court of competent jurisdiction, provided, however, this Charter shall in all respects supersede any such court order or decision which does not apply specifically to home rule charter cities under the Constitution of California.

Section 5.7 Severability

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

END OF CHARTER

ADOPTED BY THE VOTERS OF THE CITY OF EXETER

ON THE 3rd DAY OF NOVEMBER, 1998.

Alex Torres
Mayor, City of Exeter

ATTEST: Roy Chase
City Clerk

ATTEST:

FILED WITH AND CHAPTERED BY THE CALIFORNIA SECRETARY OF STATE, AND EFFECTIVE ON THE
_____ DAY OF _____, 1998.

PROPOSED AND SUBMITTED BY THE CITY COUNCIL OF THE CITY OF EXETER, CALIFORNIA FOR
VOTER APPROVAL

on the 23rd day of June, 1998.

Alex Torres
Alex Torres, Mayor

Catherine A. Kulick
Catherine A. Kulick, Mayor Pro Tem

Clifton Bush
Clifton Bush, Councilmember

Bailey Hagar, Jr.
Bailey Hagar, Jr., Councilmember

Victor Howell
Victor Howell, Councilmember

RECOMMENDED TO THE EXETER CITY CHARTER COMMISSION BY THE EXETER CITIZENS CHARTER
ADVISORY COMMITTEE:

James Andrews
James Andrews, Member

Floyd Brown
Floyd Brown, Member

Ruby Clinton
Ruby Clinton, Member

Clifford E. Good
Clifford E. Good, Member

Ernie Hernandez
Ernie Hernandez, Member

Margaret Mercer
Margaret Mercer, Member

Retta L. Niday
Retta L. Niday, Member

Tim M. Powell
Tim M. Powell, AIA, Member

Seldon Kempton
Seldon Kempton, Member

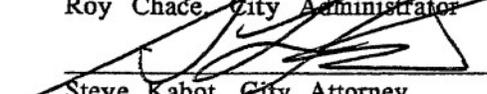
STAFF TO COMMISSION AND COMMITTEE:



Roy Chace, City Administrator



Betty Darby, Deputy City Clerk



Steve Kabot, City Attorney