SUBJECT: RESOLUTION PROPOSING AMENDMENTS TO CHARTER AND RESCINDING PRIOR RESOLUTION ADOPTED SEPTEMBER 17, 2002

SOURCE: CITY ATTORNEY

COMMENT: At the last City Council Meeting, upon review of the impartial analysis of the Charter Measures prepared by the City Attorney, it was requested that consideration of an additional Measure, as an alternative to Measure F, be placed on the October 15, 2002 Agenda.

Measure F would amend the Freeholders Charter of the City of Porterville to provide that the Council select its President (Mayor) and Vice-President after each general municipal election, and permit their removal at any other time by a 4/5 vote of the Council. The alternative Measure (Measure G) would also provide that the Council reorganize after each general municipal election; however, removal at any other time would be permitted by a majority vote of the Council. If both Measures receive a majority of favorable votes, the Measure that receives the most favorable votes will become effective.

Resolution No. 148-2002 was already adopted by the City Council on September 17, 2002, and was submitted to the County Elections Department. Consequently, a new Resolution has been prepared containing all of the Amendments and Measures, including the alternative Measure concerning reorganization of the Council, and rescinding Resolution No. 148-2002.

If this Resolution is adopted, the Notice of Election will be prepared for publication during the period of October 28 through November 11, 2002.

RECOMMENDATION: The Council may do either of the following:

1. Adopt the new draft resolution, including the additional Measure for a majority vote to remove the Mayor.

2. Take no action. (Resolution No. 148-2002 then remains in effect.)

Attachment: 1) Draft Resolution proposing Amendments to the Charter, including revisions.
RESOLUTION NO. ____-2002

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
PROPOSING AMENDMENTS TO THE FREEHOLDERS CHARTER OF SAID CITY OF
PORTERVILLE

WHEREAS, pursuant to Elections Code Sections 9255 et seq., the City of Porterville may make
amendments to its City Charter; and

WHEREAS, the City Council of the City of Porterville, on its own motion, desires to propose to the
electors of the City of Porterville amendments to the Charter of the City of Porterville;

NOW, THEREFORE, BE IT RESOLVED, as follows:

A. The City Council of the City of Porterville, on its own motion, hereby proposes to the electors
of the City of Porterville, the following amendments to the Freeholders Charter of the City of Porterville:

2003 FREEHOLDERS CHARTER AMENDMENT #1

Sections 4, 7, 10, 12, 13, 14, 19, 21, 22, 23, 24, 41, 42, 43, 51, 53, 60, 65, 66, 67 and 73 are hereby
amended to read in their entirety as set forth herein below, a portion of Section 16, consisting of the second
complete paragraph thereof, is amended to read as set forth herein below, and Sections 4.1 and 4.2 are
hereby added to read as set forth herein below:

Sec. 4. General powers of city; official seal.

The City of Porterville, by and through its Council and other officials, shall have and may
exercise all powers necessary or appropriate to a municipal corporation and the general welfare of
its inhabitants, which are not prohibited by the constitution, and which it would be competent for
this Charter to set forth particularly or specifically; and the specifications herein of any particular
powers shall not be held to be exclusive or any limitation upon this general grant of power. General
Powers of the city include, but are not limited to, the powers necessary or appropriate to promote
the health, welfare and education of its inhabitants. The city shall have and use a common seal and
the official seal hereinbefore adopted and now in use by said city shall continue to be the official seal
of said city.

Sec. 4.1. 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 nonprofit corporation thereof, or the
United States or any of its agencies or instrumentalities.

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Sec. 4.2. Liberal interpretation.

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 any of the powers granted by this Charter.

Sec. 7. Elective officers to be residents.

In order to be eligible to hold any elective office in the City of Porterville, a person must be a resident and elector therein, and shall have resided in said city for at least thirty days next preceding the filing of their nominating papers, or equivalent declaration or candidacy, and be an elector at the time of said filing.

Sec. 10. Time and place of council meetings; meetings to be open to public; council to adopt rules for conduct of its own proceedings.

The council shall provide by ordinance for the time and place of holding its meetings. Special meetings shall be called in accordance with the provisions of general law. There shall be at least one (1) regular meeting in each month. Any regular meeting may be adjourned to a date and hour certain, and such adjourned meeting shall be a regular meeting for all purposes.

Except for special meetings with the legislative bodies of other political subdivisions, or informational meetings held within the community where no action is to be taken, all meetings of the council shall be held in the city hall, unless by reason of fire, flood, or other disaster, or lack of seating capacity, the city hall cannot be used for that purpose, and all meetings shall be open to the public. The council shall adopt rules for conducting its proceedings and may punish its members or other persons present at any meeting for disorderly conduct.

Sec. 12. How council acts on legislative matters; resolutions; records of votes; requirement that all members vote; how ordinances headed; ordaining clause; ordaining clause of ordinances passed by initiative; when ordinances to be passed; publication; effective date of ordinances; certain matters required to be passed by ordinance; repeal of ordinances; revision of ordinances; ordinances to be signed by mayor and attested by clerk.

The council shall act in legislative matters by ordinance or resolution only. Other action of the council, unless herein otherwise provided, may be taken by resolution, motion, or order.

The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the record of the proceedings of the council. Upon the request of any member of the council, the ayes and noes shall be taken and recorded upon any vote. All members present at any meeting must vote; provided that no such member of the council shall cast a vote when to do so would be contrary to the applicable provisions of state law, including the laws pertaining to conflict of interest.

No ordinance or resolution shall be passed without receiving the affirmative votes of at least three members of the council.

Each ordinance shall be headed by a brief title which shall indicate the purport thereof.
The ordaining clause of all ordinances adopted by the council shall be, “The Council of the City of Porterville do ordain as follows:”

The ordaining clause of all ordinances passed by the vote of the electors of the city, through the exercise of the initiative shall be, “The People of the City of Porterville do ordain as follows:”

No ordinance shall be passed by the council at any time other than at a regular meeting, or until its publication at least once in the official newspaper of the city at least three days before its final passage.

Except an ordinance calling or otherwise relating to an election, no ordinance passed by the council of the City of Porterville, except when otherwise specially required by the laws of the state, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a declaration of, and the facts constituting its urgency and is passed by a four-fifths (4/5) vote of the council, and no ordinance granting a franchise, shall go into effect before thirty (30) days from its final passage.

Except as otherwise provided by general law, or this Charter, no action providing for the granting of any franchise, or for the establishing or changing fire zones, or for the imposing of any penalty, shall be taken except by ordinance.

No ordinance, or portion thereof, shall be repealed except by ordinance. No ordinance shall be revised, reenacted or amended by reference to its title only; but the ordinance to be revised or reenacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto shall be set forth and adopted according to the method provided in this section for the enactment of ordinances, and such revision, re-enactment, amendment, or addition, shall be made by ordinance only.

All ordinances shall be signed by the mayor and attested by the city clerk.

Sec. 13. Legislative officers; administrative officers; other officers and commissions; consolidation of offices.

The legislative officers of the City of Porterville shall consist of five (5) members of the council, one of whom shall act as mayor. In addition, there shall be the following administrative officers who shall be appointed by the council: a city manager, a city attorney and a city clerk.

The council may, by ordinance provide for such other officers as deemed necessary and the council may further establish by ordinance commissions deemed by it to be necessary or proper to aid in the orderly administration of the City of Porterville.

All members of commissions and legislative committees shall be appointed by the council. The council may appoint members to other boards or committees. Administrative officers may appoint members to temporary administrative committees.

The council may, at any time, when in its judgment, the interest of the city so demands, by a four-fifths (4/5) vote thereof, consolidate by ordinance two or more city administrative offices and place the same in charge of one such officer.
Sec. 14. Official bonds; where filed.

When in this Charter not otherwise prescribed, the council shall determine which officers shall give bonds for the faithful performance of their official duties, and shall fix the amount of said bonds. Such officers before entering upon their official duties, shall execute a bond to the city in the penal sum required, which bond shall include any other office of which they may be ex-officio incumbent. Said bonds shall be approved by the council, filed with the city clerk, and paid for by the city; provided, however, that the bond of the city clerk when approved as aforesaid shall be filed with the city treasurer. Nothing in this section shall prevent the authorization or furnishing of a blanket bond to assure the honesty or faithful performance of any of its officers or employees.

Sec. 16, paragraph 2: A portion of Section 16, consisting of the second complete paragraph thereof, is amended by substituting, in lieu thereof, the following:

If any legislative officer of the city shall remove from the city or absent himself/herself therefrom for more than thirty (30) days consecutively without permission of the council, or for said period shall wilfully fail or refuse to perform the duties of his/her office, through able to do so, or shall fail to qualify, or shall resign, or be convicted of a felony or a crime of moral turpitude, or be adjudged mentally incompetent, his/her office shall thereupon become vacant.

Sec. 17. Appointment and removal of officers and employees; grounds of removal; hearing prior to removal.

Except as may be otherwise in this Charter provided, the affirmative vote of three (3) members of the council shall be required for the appointment of or the removal of any administrative officer for cause. “For cause” includes, but is not limited to, refusal to perform the duties of his/her office, being adjudged mentally incompetent, or being convicted of a felony or crime of moral turpitude. The administrative officer is entitled to a hearing before the council on the validity of the grounds providing the basis for removal for cause.

The council may remove any of its administrative officers at its pleasure, without cause stated or at hearing had, by the affirmative vote of four members cast in favor of such removal, and the determination of the council in such matters shall be final and conclusive.

Sec. 19. Duties of the mayor generally.

The mayor shall be the executive head of the city. In case of riot, insurrection, extraordinary emergency, or other disaster, he/she shall be responsible for making a public declaration of a state of emergency and shall assume all other responsibilities required of him/her pursuant to the city’s disaster plan.

In the name and on behalf of the city, he/she shall sign all contracts, deeds, bonds and other legal instruments in which the city is a party.

He/she shall represent the city at all ceremonial functions of a social or patriotic character when it is desirable or appropriate to have the city represented officially thereat.

In the absence of the mayor, for whatever reason, the vice president of the council shall assume the duties as mayor pro tempore.
Sec. 21. City manager; to become resident; powers and duties; bond.

The city manager shall be the administrative head of the city government. The City Manager shall establish residency in the City of Porterville within a reasonable period of time within the discretion of the Council. His/her powers and duties shall be as follows:

(a) To see that all ordinances are enforced.

(b) To appoint except as otherwise provided in this Charter, all heads of departments, subordinate officials and employees, and remove the same, except as otherwise herein provided, and have general supervision and control over the same.

(c) Repealed.

(d) To see that all the provisions of all franchises, permits, and privileges granted by the city are fully observed, and report to the council any violation thereof.

(e) To act, as purchasing agent for the city, should he/she be so appointed by the council.

(f) To attend all meetings of the council unless excused therefrom by the council or mayor.

(g) To examine or cause to be examined, without notice, the conduct of any officer or employee of the city.

(h) To keep the council advised as to the needs of the city.

(i) To devote his/her entire time to the interests of the city.

(j), (k) Repealed.

(l) Repealed.

(m) To possess such other powers and perform such additional duties as are prescribed by this Charter, or may be prescribed by ordinance.

(n) Repealed.

Sec. 22. City manager pro tem.

In case of an illness, scheduled vacation or scheduled absence from the city of the city manager, for a period of up to thirty (30) days, the individual designated as the deputy city manager shall serve as city manager pro tem. In the event that a deputy city manager has not been designated or the deputy city manager is otherwise unable to serve, the city manager shall appoint one of the existing directors of the city departments to serve as city manager pro tem.

In the case of any other absence, excluding a vacancy of the city manager position, from the city of the city manager, or his/her temporary disability to act as such, the council shall appoint a city manager pro tem, who shall possess the powers and discharge the duties of the city manager during such absence or disability only; provided, however, that a city manager pro tem shall have no authority to appoint or remove any city department director except with the unanimous formal approval of all of the members of the council. In the event that the city manager position is vacant,
the council shall appoint a city manager or acting/interim city manager in accordance with Sections 13 and 17 of this Charter.

Sec. 23. City clerk; to be clerk of the council when so appointed; duties; to keep corporate seal.

The city clerk shall be clerk of the council when so appointed by the council.

It shall be the duty of the city clerk to attend all sessions of the council and keep a full and correct record of the proceedings of each of said bodies. The proceedings of the council shall be kept in a book marked “Minutes of the Council.” He/she shall keep a book marked “Ordinances” into which he/she shall copy all city ordinances certifying that each such copy is a full and correct copy of the original ordinance, and stating that the same has been published as required by law. Said record copy, so certified, shall be prima facie evidence of the contents of the ordinance, and of its passage and publication and shall be admissible as such evidence in any court or proceedings. Such record shall not be filed but shall be returned to the custody of the city clerk. He/she shall also keep a book marked “Resolutions,” into which he/she shall copy all resolutions passed by the council. Both the books containing ordinances and resolutions, shall be adequately and comprehensively indexed. He/she shall conduct promptly, and keep a systematic record of all correspondence between the council and third parties relating to city business.

He/she shall be the keeper of the corporate seal of the city, and shall affix the same to instruments or writings requiring authentication. He/she shall safely keep all records, documents, ordinances, resolutions, books and such other papers and matters, as may be regularly delivered into his/her custody or required by law or ordinance to be filed with him/her.

Sec. 24. Director of finance; payment of demands; to check annual tax roll.

The city manager shall appoint the director of finance of the city, who shall serve as the general accountant of the city. He/she shall receive and preserve in his/her office all accounts, books, vouchers, documents and papers relating to the accounts of the city, its debts, revenues and other financial affairs. He/she shall keep an account of all moneys paid into and out of the treasury; and keep informed as to the exact condition of the treasury at all times.

Every demand upon the treasury, before its approval by the council, must be presented to the director of finance, who shall satisfy himself/herself whether the money is legally due, and its payment authorized by law. If satisfactory, he/she shall draw a warrant upon the treasury for the payment thereof. Every demand approved by the director of finance shall specify on its face the several items composing it, with the amounts and dates thereof. The approval of the council shall not be necessary to draw warrants for the payment of regular salaries of officials and employees of the city, or for payment of any obligation previously authorized by law, or by resolution or order of the council.

He/she shall render each month a statement to the council showing the financial condition of the city, and annually a like statement covering all of the financial transactions of the city during the year previous.

After the annual tax roll has been completed, and before it is deposited with the collector, the director of finance shall make a check of the roll correcting any errors that may be found and endorse same with his/her approval.
Sec. 39. Fiscal year.

The fiscal year of the city shall commence on the first day of July of each year, or at such other time as may be fixed by ordinance.

Sec. 41. Repealed.

Sec. 42. Annual tax levy to be affixed.

The council, not later than its second regular meeting in August, shall fix a rate of taxation sufficient to raise the amounts established by council action pursuant to Section 44. The council shall notify the County Assessor who shall thereupon compute and carry out the amount of tax so levied on each parcel of property contained in the assessment roll for the City.

Sec. 43. Limitation on tax levy. Repealed.

Sec. 51. Annual budget contents; publication.

Not later than thirty days before the end of the city’s fiscal year, the city manager shall submit to the council an estimate of the expenditures and revenues of the city departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the manager.

Sufficient copies of such estimate shall be prepared and submitted that there may be copies on file in the office of the council for inspection by the public, unless the council shall publish the same in a newspaper.

After duly considering the estimate and making such corrections or modifications thereto as shall seem advisable to it, the council shall by resolution adopt a general budget and such resolution shall operate as an appropriation of funds to the amounts and for the purposes set forth in the budget so adopted. At any meeting after the adoption of the budget, the council, by a vote of three (3) members, may amend or supplement so as to authorize the transfer of unused balances for one purpose to another purpose or to appropriate available revenues not included in the budget.

Sec. 53. Written Investment Policy.

The city manager shall recommend and the city council by resolution shall adopt a policy to govern the investment of all city monies, which policy shall be consistent with applicable state law and shall, at a minimum, provide for the investment of all monies in such a manner as to assure the preservation and safety of principal and the integrity of record keeping; identify the types of allowable investments; and provide for the safekeeping of securities.

Sec. 60. Financial interests prohibited.

City officers and employees are prohibited from having a financial interest in any contract, sales or purchases in accordance with applicable State law.

Sec. 65. Newspaper advertising and printing.

The council shall advertise annually for the submission of sealed proposals or bids from newspapers of general circulation in the city, for the publication of all ordinances and other legal
notices required to be published. The newspaper to whom such contract is awarded shall be known and designated as the official newspaper. The rates for publishing public notices shall not exceed the customary rates charged for publishing legal notices of a private character.

Contracts for legal advertising shall be awarded to the lowest responsible bidder, provided no contract for legal advertising shall be awarded to any newspaper except a daily newspaper of general circulation, as defined by the Government code.


The public shall have access to public records kept and maintained by the city in accordance with the law.

All officers and boards shall deliver to their successors all papers, books, records, archives and other properties pertaining to their respective offices or departments, in the possession or control of any such officer or department and the council shall provide adequate means for their safekeeping.

Sec. 67. Interference with performance of duties of city manager; interference by city manager in elections.

No member of the council shall in any manner attempt to influence or coerce the city manager in the making of any appointment or the purchase of supplies in accordance with applicable state and federal law.

The council shall deal with the administrative functions of the city through the city manager. The council shall only have direct contact with the directors of the city’s departments for the purpose of asking questions.

Political activities of and campaign contributions by the city’s legislative officers, administrative officers, and employees shall be governed in accordance with applicable state and federal law. All legislative and administrative officers and all city employees are prohibited from engaging in political activities during working hours. City officers and employees are prohibited from engaging in political activities at their workplace. Furthermore, city officers and employees are prohibited from engaging in political activities on city property, provided this prohibition does not pertain to property that is otherwise open to the public for the purpose of engaging in political activities.

Sec. 73. Natural or other disasters.

The city shall have in place a disaster plan, consistent with County, State and Federal policies, to be implemented in the event of an emergency or disaster.

[In addition, wherever masculine pronouns appear in the Charter, they are herewith changed to gender neutral language.]
2003 FREEHOLDERS CHARTER AMENDMENT #2

Section 5 and a portion of Section 9, consisting of the second complete paragraph thereof are amended by substituting in lieu thereof, the following:

Sec. 5. When elections to be held; special elections; procedure for elections for local improvements or levies of assessment or bonded indebtedness.

General municipal elections shall be held in said city at the same time as the Primary election for State Offices for the State of California under and pursuant to the general laws of the State of California governing elections in charter cities, so far as the same may be applicable, and except as herein otherwise provided. All other municipal elections that may be held by authority of this Charter or of general laws shall be known as special municipal elections, and shall be held, substantially as in this Charter provided for general municipal elections; providing, however, that special elections to authorize any municipal or local public improvement, or the levy of assessment therefor, or to create a municipal bonded indebtedness, shall be held in conformity with any general law of the state relative thereto under which any such proceeding is instituted by the council, in case such general law provides for the procedure and manner of holding elections thereunder.

Sec. 9, Paragraph 2:

The members of the council shall be elected by the qualified voters of the city at a general municipal election to be held in the said City at the same time as the Primary election for State Offices for the State of California. They shall hold office for the period of four (4) years from and after the Monday next succeeding the day of their election and until their successors are elected, and qualified; provided the respective terms of any Council Member presently serving or elected at the time of the adoption of this amendment shall be extended one additional year to the even-numbered year following the expiration of their respective terms.

2003 FREEHOLDERS CHARTER AMENDMENT #3

Sections 6 and 16 are amended by substituting in lieu thereof, the following:

Sec. 6. Initiative, referendum and recall.

Ordinances may be initiated, or the referendum exercised on ordinances passed by the council, under and in accordance with the Constitution and general laws of the state. Any elective officer may be recalled from office under and pursuant to the provisions of the Constitution and general laws, provided that a special election shall be held at the same time as the recall election, in accordance with the Constitution and general laws of the state, for the purpose of electing officers to fill the place or places of the officers sought to be recalled.
Sec. 16. Vacancies in office; when offices declared vacant.

A vacancy in any legislative office, from whatever cause arising excluding any vacancy created due to a successful recall election, shall be filled by appointment by the council, such appointee to hold office until the next general municipal election, when a successor shall be chosen by the electors for the unexpired term; provided, that if the council fails to agree or for any other reason does not fill such vacancy within thirty days after the same occurs, then such vacancy shall be filled by the mayor; provided, however, that if for any reason the seats of a majority of the council shall become vacant, then the city clerk shall call a special election at once to fill the vacancies for the unexpired terms, and the same shall be conducted substantially in the manner provided for general municipal elections.

If any legislative officer of the city shall remove from the city or absent himself/herself therefrom for more than thirty (30) days consecutively without permission of the council, or for said period shall willfully fail or refuse to perform the duties of his/her office, though able so to do, or shall fail to qualify, or shall resign, or be convicted of a felony or a crime of moral turpitude, or be adjudged mentally incompetent, his/her office shall thereupon become vacant.

2003 FREEHOLDERS CHARTER AMENDMENT #4

A portion of Section 9, consisting of the third complete paragraph thereof, is amended by substituting, in lieu thereof, the following:

Sec. 9, Paragraph 3:

The members of the council shall each receive the sum of fifty dollars ($50.00) for each council meeting actually attended; the mayor shall receive the sum of sixty dollars ($60.00) for each meeting of the council actually attended. The members of the council shall not receive compensation for more than seven (7) meetings in any one calendar month. In addition, the council shall be reimbursed for necessary expenses incurred for authorized city business.

2003 FREEHOLDERS CHARTER AMENDMENT #5

A portion of Section 9, consisting of the fifth complete paragraph thereof, is amended by substituting, in lieu thereof, the following:

Sec. 9, Paragraph 5:

The council shall reorganize at its next meeting following each municipal election and shall choose one of their number to serve as president of the council to be known as mayor. At this time the council shall also choose one of their number to serve as vice-president, and he/she shall act as mayor pro tempore in case of the absence, sickness or other disability of the mayor. The mayor and mayor pro tempore shall serve a two year term, but either may be removed at any time by a four-fifths (4/5) vote of the council. If the council removes the mayor prior to the expiration of his/her term pursuant to this provision, the council shall choose one of their number to serve as mayor until the next organizational meeting.

(This Amendment and Amendment #6 both address the same provision of the Charter, but provide for different proposed revisions. As between these two measures, in the event that both receive a
favorable majority vote, the measure receiving the greatest number of favorable votes will become operative.]

2003 FREEHOLDERS CHARTER AMENDMENT #6

A portion of Section 9, consisting of the fifth complete paragraph thereof, is amended by substituting, in lieu thereof, the following:

Sec. 9, Paragraph 5:

The council shall reorganize at its next meeting following each municipal election and shall choose one of their number to serve as president of the council to be known as mayor. At this time the council shall also choose one of their number to serve as vice-president, and he/she shall act as mayor pro tempore in case of the absence, sickness or other disability of the mayor. The mayor and mayor pro tempore shall serve a two year term, but either may be removed at any time by a majority vote of the council. If the council removes the mayor prior to the expiration of his/her term pursuant to this provision, the council shall choose one of their number to serve as mayor until the next organizational meeting.

[This Amendment and Amendment #5 both address the same provision of the Charter, but provide for different proposed revisions. As between these two measures, in the event that both receive a favorable majority vote, the measure receiving the greatest number of favorable votes will become operative.]

2003 FREEHOLDERS CHARTER AMENDMENT #67

Section 9.1 is added to read as follows:

Sec. 9.1 Public Participation.

The council shall continue to 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.

2003 FREEHOLDERS CHARTER AMENDMENT #78

Section 48 is amended by substituting in lieu thereof, the following:

Sec. 48. Payment of city money; expenditures and indebtedness; presentation of demands; warrants on treasury.

The City Council, by ordinance approved by 4/5th majority vote of the Council, shall establish the maximum amount of money to be expended and/or indebtedness incurred on behalf of the City without first requiring specific Council authorization, except as otherwise provided for in this Charter; provided further that said maximum amount once established by ordinance shall not be adjusted until after each general Council election, commencing with the first such election occurring after January 1, 2004, and then only by a 4/5th majority vote.

All demands against the city shall, before being paid, be presented to and approved by the proper board, commission or officer, as herein provided. Demands for which no appropriation has
been made shall be presented to the city manager, provided, that any person dissatisfied with the refusal of the city manager to approve any demand, in whole or in part, may present the same to the council, and the approval of such demand by the council shall have the same effect as its approval by the city manager; and provided further, that if the council shall provide for other boards or commissions, it may make provision for the presentation to and approval by any such board or commission of demands for liabilities incurred by them.

The council may provide for a revolving cash fund as authorized by ordinance by four-fifths majority vote of the Council; provided that effective January 1, 2004, and following every Council election thereafter, the City Council may, by a four-fifths (4/5) majority vote, adjust the revolving cash fund. The amount shall be paid to the city manager, and used by him/her for the payment in cash, of expenditures provided for in the budgets that cannot conveniently be paid otherwise. He or she shall account to the council for all payments by him or her out of said fund when making demand for the replenishment of the same, and at such other times as the council may require, and they shall thereupon be charged against the proper appropriations.

All demands approved by the proper board, commission or officer shall be presented to the director of finance, who shall examine the same, and if the amount thereof is legally due and there remains on his/her books an unexhausted balance or an appropriation against which the same may be charged, he/she shall approve such demand and draw and sign his/her warrant on the treasurer therefor, payable out of the proper fund. Objections of the director of finance to any demand may be overruled by the council, and the director of finance shall thereupon draw his/her warrant as directed by the council. Such warrants, when presented to the treasurer, shall be paid by him/her out of the fund therein designated, if there be sufficient money in such fund for that purpose. A warrant not paid for lack of funds shall be registered, and all registered warrants shall be paid in the order of registration when funds are available therefor; all such registered warrants shall bear interest at the rate of six percent (6%) per annum. The director of finance shall draw his/her warrants for payment of municipal or other bonds payable out of the funds in the treasury upon presentation and surrender of the proper bonds or coupons without approval of anybody or officer. The council may make further regulations by ordinance regarding the presentation, approval and payment of demands against the city.

2003 FREEHOLDERS CHARTER AMENDMENT #89

Section 61 is amended by substituting in lieu thereof, the following:

Sec. 61. Competitive bidding for contract work for erection, improvement and repair of public buildings, etc., where the amount is in excess of fifteen thousand dollars ($15,000).

When a required expenditure exceeds fifteen thousand dollars ($15,000), it shall be contracted for and let to the lowest responsible bidder after notice, provided that effective January 1, 2004, and following every Council election thereafter, the Council may adjust this expenditure cap by the same percentage change in the San Francisco Construction Price Index.

As used in this section public project means a project for the erection, improvement and repair of public buildings and works; work in or about streams, embankments, or other work for protection against overflow; street sewer work except maintenance or repair; furnishing supplies or materials for any such project, including maintenance or repair of streets, sewers or water lines.
The council may reject any or all bids presented and may, at its discretion, readvertise for other bids, or, the council may, after rejecting bids, determine and declare by a four-fifths (4/5) vote of all of its members that the work in question may be more economically or satisfactorily performed by day labor, or the labor or materials purchased at a lower price in the open market and after the adoption of a resolution to this effect it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section.

The notice inviting sealed bids shall set a date for the opening of bids; the first publication shall be at least ten (10) days before the date of the opening of the bids; shall be published at least twice not less than five (5) days apart in the official newspaper selected by the council.

In case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, the council may, by resolution passed by a vote of four-fifths (4/5) of its members, determine and declare that the public interest or necessity demands the immediate expenditure of public money to safeguard life, health, or property, and thereupon they may proceed without advertising for bids or receiving the same, to expend, or enter into a contract involving the expenditure of any money required in such emergency, on hand in the city treasury and available for such purpose.

B. A special Municipal Election to consider the above referenced Charter Amendments is hereby called for March 4, 2003, for the City of Porterville and is to be consolidated with the General Municipal Election to be held on that date.

C. That on the ballot to be used at the Special Municipal Election, insofar as the same pertains to the proposed amendments to the Freeholders Charter of the City of Porterville, in addition to any matters required by law, there shall be printed substantially the following:

1. Measure ‘B’ to amend numerous Sections of the Freeholders Charter of the City of Porterville to make certain technical, non-substantive revisions which do not materially alter, increase or decrease the home rule powers of the City of Porterville.

   “Should the Charter be amended to make certain technical, non-substantive revisions which do not materially alter, increase or decrease the home rule powers of the City of Porterville?”

2. Measure ‘C’ to amend the Freeholders Charter of the City of Porterville to change the election date for Council seats to be the same as the date for the California State Primary election for State officers.

   “Should the Charter be amended to change the election date for Council seats to be the same as the date for the California State Primary election for State officers?”

3. Measure ‘D’ to amend the Freeholders Charter of the City of Porterville to change the method of filling Council vacancies which occur as a result of a recall to provide that a special election shall occur at the same time as the recall election to fill any such vacancy created by a successful recall.

   “Should the Charter be amended to change the method of filling Council vacancies which occur as a result of a recall to provide that a special
election shall occur at the same time as the recall election to fill any such vacancy created by a successful recall?"

4. Measure ‘E’ to amend the Freeholders Charter of the City of Porterville to increase the compensation paid to Council Members to $50.00 per meeting and to the Mayor $60.00 per meeting.

“Should the Charter be amended to increase the compensation paid to Council Members to $50.00 per meeting and to the Mayor $60.00 per meeting?”

5. Measure ‘F’ to amend the Freeholders Charter of the City of Porterville to establish the time for the Council to select its President (Mayor) and Vice-President, the length of the term of said offices, and permitting their removal by a 4/5th vote of the Council.

“Should the Charter be amended to establish the time for the Council to select its President (Mayor) and Vice-President, the length of the term of said offices, and permitting their removal by a 4/5th vote of the Council?”

[This Measure and Measure G both address the same provision of the Charter, but provide for different proposed revisions. As between these two Measures, in the event both receive a favorable majority vote, the Measure that receives the greatest number of favorable votes will become operative.]

6. Measure ‘G’ to amend the Freeholders Charter of the City of Porterville to establish the time for the Council to select its President (Mayor) and Vice-President, the length of the term of said offices, and permitting their removal by a majority vote of the Council.

“Should the Charter be amended to establish the time for the Council to select its President (Mayor) and Vice-President, the length of the term of said offices, and permitting their removal by a majority vote of the Council?”

[This Measure and Measure F both address the same provision of the Charter, but provide for different proposed revisions. As between these two Measures, in the event both receive a favorable majority vote, the Measure that receives the greatest number of favorable votes will become operative.]

7. Measure ‘H’ to amend the Freeholders Charter of the City of Porterville to add a Section to encourage public participation in City matters and affairs.

“Should the Charter be amended to add a Section to encourage public participation in City matters and affairs?”

8. Measure ‘I’ to amend the Freeholders Charter of the City of Porterville to allow the current City Council to set, by ordinance approved by 4/5th vote, both the maximum amount of expenditure of City funds allowed without prior Council approval, and to provide for the amount in a revolving cash fund, provided that said amounts can only be subsequently increased after each future City Council election.

“Should the Charter be amended to allow the current City Council to set, by ordinance approved by 4/5th vote, both the maximum amount of
9. Measure ‘J’ to amend the Freeholders Charter of the City of Porterville to increase the minimum cost of public works projects which must be subject to competitive bidding requirements to $15,000.00 and to provide for automatic increases in said amount every two years.

“Should the Charter be amended to increase the minimum cost of public works projects which must be subject to competitive bidding requirements to $15,000.00 and to provide for automatic increases in said amount every two years?”

D. Resolution No. 148-2002 is hereby rescinded in its entirety.

E. That the City Clerk of the City of Porterville be, and is hereby authorized and instructed to, publish said proposed Amendments in the Porterville Recorder, a newspaper of general circulation, as required by the provisions of Elections Code Section 12114 and Government Code Section 6066.

PASSED, ADOPTED AND APPROVED this 15th day of October, 2002.

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Gordon T. Woods, Mayor

ATTEST:

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John Longley, City Clerk