

**CHARTER
OF THE
CITY OF WOODLAKE
CALIFORNIA**

FINAL CHARTER

June 22, 1999

**Submitted to the Voters of the City of Woodlake
by the Woodlake City Council**

General Election March 7, 2000

FINAL CHARTER

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FINAL CHARTER
 CHARTER OF THE CITY OF WOODLAKE, CALIFORNIA
 JUNE 22, 1999

Preamble:

The citizens of Woodlake 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, welfare and morals of our community to the extent permissible under the constitution and laws of the United States and the State of California.

ARTICLE I
 NAME AND BOUNDARIES

Section 1.1 Name

The municipal corporation now existing and known as the City of Woodlake shall remain and shall continue to exist as a municipal corporation under the name “City of Woodlake”, 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 State law, by this Charter, or by ordinance.

Section 1.3 Public Participation

The City Council shall encourage 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 the State 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 cities or agencies of the State of California, or any governmental jurisdiction or non-profit corporation thereof, or the United States or any of its agencies or instrumentality's.

Section 2.5 Residual Powers

The citizens of the City of Woodlake 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 State Constitutions.

Section 2.6 Utilities and Enterprises

The City shall have the power to acquire, develop, engage in and operate and manage any and all utilities and enterprises which the City Council shall deem appropriate for a public purpose. The City of Woodlake shall be responsible for the maintenance, repair and/or replacement of all City owned and operated utilities which are located within the public right-of-way except those which may require modification or enlargement as a result of new development or other demand changes not caused or initiated by actions of the city government. Property owners or

residents will be responsible for the maintenance and repair of utility lines located outside the city right-of-way.

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 the Charter.

Section 2.8 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.

ARTICLE III
GOVERNANCE AND ORGANIZATION

Section 3.1 Governing Body

The City shall have a council composed of five Council members, 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 Vice Mayor from its membership, as provided by ordinance.

Section 3.2 Eligibility

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

Section 3.3 Regular Election

The regular election of Council members 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 Action. The City Council shall conduct its business by ordinance as set forth in the Government Code, by resolution of the Council or by motion and a majority vote of the Council.

B. Rules of Procedure. The City Council shall, by ordinance, make provision for its rules, the setting of meetings 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 State 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 Woodlake 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. Appoint and provide oversight of the City Administrator and all matters pertaining to his/her duties;
3. Carrying out all provisions of this Charter, City ordinances and applicable State and Federal laws and regulations;
4. Conducting reviews and taking actions that assure the effective governance and financing of the City;
5. Perform such other duties as may, by State law, ordinance or resolution or this Charter, be assigned to the City or the Council

Section 3.7 Compensation of City Council Members

Nothing in this Charter shall be construed as authorization to allow the payment of salaries to Council Members in any amount other than as permitted for the payment of salaries of Council Members of general law cities of the same size as Woodlake.

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 Woodlake voters as required by State law and applicable provisions of the California State Constitution.

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 may, by ordinance, 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 provisions of the California State Constitution.

Section 4.4 Purchasing and Contracting

A. Purchasing and Contracting. The city council shall, by ordinance, provide for a purchasing and construction contract award system which assures the greatest possible competition in the acquisition of goods, supplies, materials, equipment and in awarding construction projects, which are clearly described, by specification, at the lowest responsible price. The City Council may, however, 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 copy righted or patented products. The City Council may, by ordinance, make reasonable provisions for purchase or contracting incentives in favor of local merchants, suppliers or contractors.

B. Open Market Purchases. The City Council shall, provide for the rejection of bids for the purchase of supplies, materials, services and contract construction when written findings are made that the subject purchase or bid project does not satisfy the best interests of the City of Woodlake. Under those circumstances, the City 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.

C. Direct Public Work. The City council shall have the power, by ordinance, to provide a complete procedure whereby the City may perform public improvements works and repairs for other public entities.

D. 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.

E. Nonpayment of prevailing wages on Public Works Projects. To the maximum extent allowed by law, the City shall not be required or obligated to pay prevailing wage rates on public works or construction projects, except where required to do so by virtue of the source of funds utilized for the project and/or when, at the determination of the City Council, the Project is deemed to be a matter of statewide concern.

ARTICLE V
GENERAL PROVISIONS AND TRANSITION

Section 5.1 Violations

The City Council shall, by ordinance, categorize and provide for penalties for misdemeanors 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 ordinance 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 Council Member 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 Council Member has willfully violated this Charter or any provision thereof, or willfully 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, orders, rules, regulations and agreements which are in force when this Charter becomes effective shall remain in effect until repealed, except, to the extent they are inconsistent, disagree in any material respect with, or interfere with the effective operation of this Charter or of ordinances adopted pursuant thereto.

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 it's 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. The City Administrator and City department heads shall serve at the pleasure of the Appointing Authority. Nothing herein shall prohibit the appropriate Appointing Authority from entering into a written employment agreement with an "at will" employee, subject to the approval of the City Council. The City Administrator shall be responsible for the appointment of all city employees except for the City Attorney and City Clerk who will be appointed by the City Council.

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 provisions of the Constitution of the State 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 it's provision to any person or circumstance is held invalid the application of this Charter and it's provisions or circumstances shall not be effected thereby.

ADOPTED BY THE VOTERS OF THE CITY OF WOODLAKE

ON THE 7TH DAY OF MARCH, 2000.

Paul Gomez, Mayor City of Woodlake

ATTEST: _____
Ruth Gonzalez, City Clerk

FILED WITH AND CHAPTERED BY THE CALIFORNIA SECRETARY OF STATE, AND

EFFECTIVE ON THE _____ DAY OF _____ 2000.

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

on the 22nd day of June, 1999

Paul Gomez, Mayor

Francis Ortiz, Vice Mayor

Chuck Ray

Laura Armstrong

Jack Ritchie

RECOMMENDED by the
WOODLAKE CHARTER ADVISORY COMMISSION

Earl Mann, Chair

Genny M. Gonzalez, Vice Chair

Laurie Villegas

Frank Lupercio

Dan Haynes

Thelma Weeks

Ramona Lupercio

Jack Ritchie

Ralph Chapman III

Moise Correa

Gloria Gomez

Jose Perez

Al Valero

Lydia Perez

