

Attachment 1 – Draft Charter for Policy Discussion Purposes Only

We, the people of the City of Orange, seeking to strengthen our ability to govern ourselves locally, do hereby adopt this Charter under the Constitution of the State of California.

Article I Incorporation, Succession, and Powers

Section 100. Name and Boundaries

The City of Orange shall continue to be a municipal corporation under the same name and possessed of all the property and interests of which it was possessed at the time the Charter takes effect. The boundaries of the City shall be the boundaries as established at the time the Charter takes effect, or as may later be changed in the manner authorized by law.

Section 101. Powers

The City of Orange shall have all powers possible for a Charter City to have under the Constitution and laws of the State of California as fully and completely as though they were specifically enumerated in the Charter, subject only to the limitations contained in the Charter.

Section 102. Ordinances, Resolutions, and Other Regulations

All lawful ordinances, resolutions, rules, and regulations, and portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed, or superseded by proper authority.

Section 103. Continuance of Contracts and Public Improvements

All contracts entered into by the City, or for its benefit, prior to the taking of effect of this Charter, shall continue in full force and effect. Public improvements for which proceedings have been instituted under laws existing at the time this Charter takes effect, in the discretion of the City Council, may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws or may be continued or perfected under this Charter.

Article II Expenditures of Taxpayer Money

Section 200. Balanced Budget

The City Council must adopt a balanced budget each fiscal year. The adopted budget shall not provide for projected expenditures in excess of projected revenues. After adoption of the budget, in the event that revised estimates of expected revenues or expenditures, or both, show that expenditures will exceed estimated revenues, expenditures should be reduced or revenues increased, or both, to ensure that actual expenditures do not exceed actual revenues for that fiscal year. Nothing in this Section shall be construed to prohibit the adoption of a multi-year budget, provided that it is a balanced budget.

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Section 201. Taxpayer Money Prohibited in Candidate Campaigns

A City officer shall not expend, and a candidate shall not accept, any taxpayer dollars or public moneys for the purpose of seeking elective office.

Section 202. Public Safety Funding

The amount allocated in the City budget to the Fire Department, Police Department, and Code Enforcement Division shall total in aggregate at least two-thirds (2/3) of the General Fund.

Section 203. El Modena Library Branch

The amount allocated in the City budget to the Orange Public Library must ensure the maintenance of at least one branch library within the portions of the City of Orange known as El Modena.

Section 204. Waiving of Fees

To support economic development, by ordinance, the City Council may identify temporary periods throughout the fiscal year where select fees may be waived.

Article III Elections

Section 300. General Municipal Elections

General municipal elections for the election of officers and for such other purposes as the City Council may prescribe shall be held in the City on the first Tuesday after the first Monday in November in each even-numbered year and shall be consolidated with the statewide general election in the manner provided in the California Elections Code. However, in the event the State Legislature hereafter prescribes a different day for the holding of the statewide general election, general municipal elections shall be held upon such day in each even-numbered year as prescribed for the statewide general election.

Section 301. Special Municipal Elections

All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections.

Section 302. Initiative, Referendum, and Recall

The powers of the initiative and referendum and of the recall of elected municipal officers are hereby reserved to the electors of the City. Unless otherwise provided by ordinance, hereafter enacted, the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, governing the initiative, the referendum, and the recall of the municipal officers shall apply to use thereof in the City insofar as such provisions of the Elections Code are not in conflict with this Charter.

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Section 303. Council Districts

- (a) The City Council shall consist of six members and a separately elected Mayor. The Mayor will be directly elected by the voters of the City. The other six members of the City Council shall be elected by districts in six single-member districts, meaning one member of the City Council shall be elected from each district, by the voters of that district alone.
- (b) After each federal decennial census, the City Council shall adopt boundaries for all of the council districts of the City, a process that shall be known as “redistricting.”
- (c) After completing a redistricting pursuant to subsection (b), the City Council shall not redistrict until after the next federal decennial census, unless a court orders the City Council to redistrict, the City Council is settling a legal claim that the council district boundaries are unconstitutional or illegal, the boundaries of the city have changed from the addition or subtraction of territory causing a City population change of ten percent or more, or the number of council members elected by districts is changed.

Section 304. Ballot Designations

- (a) Notwithstanding the Elections Code, a candidate for City elected office who holds a position as a City Commissioner, County Commissioner, State Commissioner, or Federal Commissioner at the time of filing candidate nomination documents may elect to designate their commission position as their principal profession, occupation, or vocation for purposes of Government Code Section 13107(a)(3). Nothing in this section shall be construed to prevent a candidate from:
 - 1) using their commission position in conjunction with one or two other principal professions, occupations, or vocations for their ballot designation
 - 2) electing not to use their commission position as one of their principal professions, occupations, or vocations for their ballot designation
- (b) The City requests that the Secretary of State, County Registrar of Voters, and any judicial officer deem a City Commissioner to be a principal profession, occupation, or vocation for purposes of Government Code Section 13107(a)(3) when an Orange City Commissioner is a candidate for a non-City office. The City declares that service on an Orange City Commission entails significant involvement on the part of the commissioners.
- (c) Nothing in this section shall be construed to authorize the use of the word “retired” in conjunction with a commissioner ballot designation.

Article IV Elected Officers

Section 400. Elected Officers

The elected officers of the City shall consist of a Mayor, a City Treasurer, and six City Council members. Subject to the provisions of this Charter, the Mayor, City Treasurer, and City Council

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members in office at the time this Charter takes effect shall continue in office until the expiration of their respective terms and until their successors are elected and qualified.

Section 401. Mayor’s Powers and Duties

The Mayor shall be the Chair of the City Council and shall preside over its meetings. Otherwise, the Mayor shall have the same rights, privileges, powers and duties as are held by members of the City Council and shall be regarded as a member of the City Council for all purposes except to the extent expressly inconsistent with any other provision of this Charter or other applicable law. Except as specified in this article, Article V, and Section 303, all references in this Charter to the “City Council” or to “City Council members” shall be inclusive of the Mayor.

Section 402. Mayor’s Term and Election

The Mayor shall serve a term of four years and shall be elected at each general municipal election.

Section 403. Vice Mayor

Each December after the election of the Mayor, the City Council shall designate one of its members as the Vice Mayor, who shall serve at the pleasure of the City Council. The Vice Mayor shall perform the duties of the Mayor during the Mayor’s absence or disability or at the Mayor’s request.

Section 404. City Treasurer’s Term and Election

The City Treasurer shall serve a term of four years. The City Treasurer shall be elected in the general municipal election held in any year evenly divisible by four.

Section 405. City Council Terms and Election

The members of the City Council shall serve a term of four years. Three members of the City Council shall be elected in the general municipal election held in any year evenly divisible by four, and three members of the City Council shall be elected in the general municipal election held in any even-numbered year not evenly divisible by four.

Section 406. Election Consolidation

Pursuant to Section 300, the general municipal election shall be consolidated with the statewide general election. There shall be no primary elections for the elected officers of the City. Nothing in this section shall be construed to prevent the City Council from calling a special municipal election to be consolidated with a statewide primary election.

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Article V Term Limits

Section 500. Mayor

No person shall hold the office of Mayor for more than two, four-year terms in a lifetime.

Section 501. City Council Member

No person shall hold the office of member of the City Council for more than three, four-year terms in a lifetime.

Section 502. Partial Terms

If a person shall hold an office for less than fifty percent of a term, then that term shall not be counted toward the limits in this article.

Section 503. Application

Pursuant to Government Code Section 36502(b), the limits in this article shall apply prospectively only

Article VI Appointed Officers and Employees

Section 600. City Manager and City Attorney

The City Council shall appoint the City Manager and the City Attorney.

Section 601. Fire Chief, Police Chief, City Clerk, and Other Department Heads

The City Manager shall appoint the Fire Chief, the Chief of Police, City Clerk and the heads of other City departments

Section 602. Removal

The City Council may remove the City Manager and the City Attorney. The City Manager may remove the Chief of Police, Fire Chief, City Clerk, and heads of other City departments.

Section 603. Core Services Performed by City Employees

Firefighters, police officers, emergency medical services personnel, and librarians are deemed personnel performing core services of the City, which must be performed by City employees and may not be contracted out to other governments, private-sector companies, or nonprofit organizations. However, nothing in this section shall prevent the City from entering into mutual aid agreements, assistance agreements, and other specialized service agreements on an as-needed basis.

Section 604. Classification and Compensation Study

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At least once every ten years, the City shall conduct a Classification and Compensation study to review significant changes in job duties, classification specifications, and compensation levels. The study shall also review changes in operations, organizational structure, reporting relationships, and staffing since the last such study.

Article VII Vacancies in Office

Section 700. Permanent Vacancy

In the event of a vacancy in an elected office as defined under the California Government Code Section 1770, the City Council shall fill the vacancy by appointment within sixty days or call for a special election. The person appointed or elected to fill a vacancy shall serve the remainder of the unexpired term. Notwithstanding the Elections Code, a person appointed to fill a vacancy who seeks the same office in a general municipal election is not required to use the word “Appointed” in conjunction with the title of their City office in the ballot designation filed by that person in their nomination documents.

Section 701. Temporary Vacancy

Pending trial, the City Council may, by a three-fourths vote, suspend any elected or appointed officer, against whom prosecution has commenced in felony criminal proceedings. By a majority vote, the City Council may elect to end the suspension at any time, and the officer returned to office. However, the suspension must automatically end, and the officer returned to office, upon acquittal, dismissal of charges by the prosecutor, or dismissal of charges by the judge. By a three-fourths vote, the City Council may choose to extend the suspension in the case of a hung jury unless the prosecutor informs the City Attorney that charges will not be refiled against the officer.

Article VIII Compensation of Elected Officers

Section 800. City Treasurer

The compensation of the City Treasurer shall be set by the City Council. The City Council shall vote upon any change to the City Treasurer’s compensation no later than June 30 of the year in which the election for City Treasurer takes place, and any such change in compensation shall not take effect until the commencement of the City Treasurer’s next term of office.

Section 801. City Council Member

Effective upon the operative date of this Charter, the compensation of City Council members is set at the full limit provided for in Government Code Section 36516(a)(2), as amended from time to time by the State Legislature. The compensation shall increase at an amount equal to inflation as specified in Government Code Section 36516(a)(4)(B), as amended from time to time by the

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State Legislature, but not to exceed three percent (3%), or if necessitated by Government Code Section 36516(a)(3), as amended from time to time by the State Legislature.

Section 802. Benefits

The City shall the City Council members in the same health, dental, vision, and life insurance plans and same retirement plans, including, but not limited to, the California Public Employees Retirement System, that are made available and paid by the City for its employees. Nothing in this section shall prevent a City elected officer from deferring a portion of their own compensation into an alternative retirement plan.

Section 803. Exclusions

Any amounts paid by the City to reimburse a City elected officer for actual and necessary expenses incurred in the performance of official duties shall not be included for purposes of determining salary pursuant to this article. Any amounts paid by the City for a City elected officer's retirement, health and welfare, and federal social security benefits shall not be included for purposes of determining salary under this article, provided that the same benefits are available and paid by the City for its employees.

Section 804. Waiver of Compensation

A City elected officer may waive any or all compensation provided by this article.

Article IX

Appointive Boards, Commissions, and Committees

Section 900. Establishment

The City Council shall establish appointive boards, commissions, and committees by ordinance and shall specify in such ordinance the powers, duties, and membership of each, except as otherwise specified in this article.

Section 901. Planning Commission

The Planning Commission shall consist of seven members. Each member of the City Council shall appoint one Commissioner for a term concurrent with the City Council member's term of office. Any Commissioner may be removed by the City Council member who appointed that Commissioner or by a majority vote of the City Council.

Section 902. Public Library Board of Trustees

The Public Library Board of Trustees shall consist of seven members. Each member of the City Council shall appoint one Trustee for a term concurrent with the City Council member's term of office. Any Trustee may be removed by the City Council member who appointed that Trustee or by a majority vote of the City Council.

Section 903. Citizens Oversight Committee

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- (a) The Citizens Oversight Committee shall provide citizens' oversight in connection with expenditures of tax revenues generated by Article X.
- (b) Any tax measure proposed to the voters shall include a Citizens Oversight Committee. The City Council shall elect as to whether the Committee specified by subsection (a) shall serve as the Citizens Oversight Committee for that tax measure. If the City Council elects to designate a separate committee for such measure, then such committee shall be structured as described in subsection (c).
- (c) Any Citizens Oversight Committee shall consist of fourteen members:
 - 1) Each member of the City Council shall appoint one member of the Committee for a term concurrent with the City Council member's term of office.
 - 2) The Chief of Police shall appoint one member of the Committee for a four-year term.
 - 3) The Fire Chief shall appoint one member of the Committee for a four-year term.
 - 4) The largest association of businesses within the boundaries of the City shall appoint one member of the Committee for a four-year term.
 - 5) Unless otherwise represented to avoid duplicate representation, the association representing the largest number of City employees shall appoint one member of the Committee for a four-year term.
 - 6) Unless otherwise represented to avoid duplicate representation, the association representing the largest number of City management employees shall appoint one member of the Committee for a four-year term.
 - 7) Unless otherwise represented to avoid duplicate representation, the association representing the largest number of City firefighters shall appoint one member of the Committee for a four-year term.
 - 8) Unless otherwise represented to avoid duplicate representation, the association representing the largest number of City police officers shall appoint one member of the Committee for a four-year term.

Any member of the Committee may be removed by the person or entity who appointed that member or by a majority vote of the City Council.

Section 904. Continuation of Existing Boards, Commissions, and Committees

Subject to the provisions of this Charter, the ordinances regarding appointive boards, commissions, and committees in place at the time of the adoption of this Charter shall remain in effect and may be amended by the City Council in the standard manner that ordinances are amended, and their members shall continue in office until the expiration of their respective terms and until their successors are appointed and qualified.

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Article X Taxation

Section 1000. Transient Occupancy Tax

- (a) The Uniform Transient Occupancy Tax Ordinance of the City in place at the time of the adoption of this Charter shall remain in effect and may be amended by the City Council in the standard manner that ordinances are amended, except as otherwise specified in this section.
- (b) For the privilege of occupancy in any hotel with eleven or more rooms, each transient is subject to and shall pay a tax in the amount of fourteen percent of the rent charged by the operator.
- (c) For the privilege of occupancy in any hotel with ten or fewer rooms, each transient is subject to and shall pay a tax in the amount of ten percent of the rent charged by the operator.

Section 1001. Large Parking Operator Tax

In any parking facility owned or operated by an entity that provides at least two hundred parking spaces within the boundaries of the City, each occupant is subject to and shall pay a tax in the amount of fourteen percent of the parking fee for the privilege of occupancy of the space.

Section 1002. Franchise Tax

A franchise tax of four percent of gross receipts shall be paid by any company granted a cable, fiber, telephone (including, but not limited to, cellular), Internet, trash disposal, or pipeline franchise in the City. A utility franchise tax of four percent of gross receipts shall be paid by any company serving as the City's gas, water, or electric utility.

Section 1003. Pursuant to Article XIII C, Section 3 of the State Constitution, the initiative power shall not be prohibited or otherwise limited in matters of reducing or repealing any tax specified in this article of this Charter. The power of initiative to affect local taxes shall be applicable to the taxes specified in this article of this Charter, and the signature requirement shall be the same as that applicable to statewide statutory initiatives.

Article XI Political Reform

Section 1100. Electronic Filing

The City Council shall provide by ordinance for the electronic filing of campaign statements, reports, and other required documents. The City Council shall provide by ordinance for the electronic filing of statements of economic interests. Persons electronically filing documents shall not be required to submit paper copies of such documents, and wet signature requirements shall be waived for such electronically filed documents.

Section 1101. Campaign Contribution Limits

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- (a) No person shall make, and no City candidate or treasurer of a controlled committee of a City candidate shall solicit or accept any contribution aggregating more than \$1,500.00 (one thousand, five hundred dollars) per election. In February of each odd-numbered year beginning in 2027, the City Council shall, by ordinance, adjust the contribution limit to reflect any cumulative increase or decrease in the Consumer Price Index for all consumers for the local metropolitan statistical area as announced by the United States government since the last adjustment. Such adjustments shall be rounded off to the nearest hundred dollars for the limitations on contributions.
- (b) The contribution limitations of this Section shall not apply to a City candidate's contribution of his or her separate or community property funds to his or her own City Candidate Committee or campaign. Contributions by a spouse from separate property shall be subject to the limitations set forth in this Section. In February of each odd-numbered year beginning in 2027, the City Council shall, by ordinance, adjust the contribution limit to reflect any cumulative increase or decrease in the Consumer Price Index for all consumers for the local metropolitan statistical area as announced by the United States government since the last adjustment. Such adjustments shall be rounded off to the nearest hundred dollars for the limitations on contributions.

Section 1102. Gift Ban

For purposes of the Orange Gift Ban Ordinance, no item with a value of \$25.00 or less shall be deemed a gift.

Article XII Miscellaneous

Section 1200. Eminent Domain

The City may not exercise the power of eminent domain to acquire property from any private Owner thereof, without such Owner's consent, when the purpose of the acquisition is to convey the property so acquired to any private party. As used in this section, "Owner" means the owner of the fee title interest in the property to be acquired. Nothing contained in this section shall be deemed to prohibit acquisitions of property interests by eminent domain for the purpose of either:

- (a) conveying such acquired interests to the owner of other property affected by a public acquisition of property in order to mitigate impacts of the acquisition or the project to be constructed on such other property; or
- (b) the development of any facilities to be operated by the City or any facilities of which the City is or shall be an owner.

Section 1201. Sales of City Assets

Pursuant to Government Code Section 37350, the City may purchase, lease, receive, hold, and enjoy real and personal property, and control and dispose of it for the common benefit.

Section 1202. Public Utilities

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Pursuant to Public Utilities Code Sections 10051, 10061(a)-(b) and (d)(e), the City Council may sell and dispose of any public utility that the City owns. Public Utilities Code Sections 10052-10060 and Section 10061(c) shall not apply in the City of Orange.

Article XIII Legal Provisions

Section 1300. Violations

A violation of this Charter or of any ordinance of the City shall constitute a misdemeanor and may be prosecuted in the name of the People of the State of California or may be redressed by civil action filed by the City. The maximum fine or penalty for any violation of a City ordinance shall be the same as established by the general laws for a misdemeanor.

Section 1301. Amendment

- (a) Amendments to this Charter shall be proposed and submitted to the electors of the City in the manner provided by the Constitution of the State of California and Section 1104 of this Charter.
- (b) Notwithstanding subsection (a), in the event that the Legislature renumbers a section of state law referenced in this Charter effective on or after January 1, 2026, the City Council may, upon advice of the City Attorney, amend this Charter to reflect that renumbering, but such amendment must be approved by a unanimous vote of all City Council members with no abstentions or absences.

Section 1302. Definitions

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

- (a) Whenever the term “City” occurs in this Charter, it means the City of Orange, and whenever the term office, department, agency, board, commission, officer, or employee, as the case may be, is used, it means an office, department, agency, board, commission, officer, or employee of the City of Orange;
- (b) “Shall” is mandatory, and “may” is permissive;
- (c) “State” is the State of California;
- (d) “Federal” is the United States of America.

Section 1303. Effect of Invalidity in Part

If any section, subsection, sentence, clause, or phrase of this Charter, or any amendment thereto, is for any reason held to be unconstitutional or otherwise invalid, that decision shall not affect the validity of the remaining portions of this Charter. The people of the City of Orange hereby declare that they would have ratified and adopted this Charter and each section, subsection, sentence, clause, and phrase thereof, and any amendment thereto, irrespective of the fact that any one or more other sections, subsections, sentences, clauses, phrases, or amendment be declared unconstitutional or otherwise invalid.

Section 1304. Effective Date

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This Charter shall take effect on January 1, 2027.

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