SIMPLE HOME RULE CHARTER

City of Orange, California

We, the people of the City of Orange, seeking to preserve local control, strengthen fiscal responsibility, protect taxpayer resources, and ensure that decisions affecting our community are made by the people closest to those decisions, do hereby adopt this Charter under the Constitution of the State of California.

It is our intent to establish a flexible Home Rule Charter that preserves the Council-Manager form of government, maintains transparency and accountability, protects public safety and neighborhood quality of life, and provides the City with greater authority over municipal affairs including contracting, procurement, elections, and local governance.

This Charter shall be interpreted broadly in favor of municipal self-governance and local control.

ARTICLE I

INCORPORATION AND POWERS

Section 100. Name

The City of Orange shall continue to be a municipal corporation under its present name of the "City of Orange."

Section 101. Boundaries

The boundaries of the City shall continue as established unless changed in the manner authorized by law.

Section 102. Powers

The City shall have all powers possible for a Charter City under the Constitution and laws of the State of California, including the full power to make and enforce all laws and regulations with respect to municipal affairs.

The enumeration of powers in this Charter shall not be deemed exclusive and shall not restrict the authority of the City to govern local affairs.

Section 103. Continuation of Existing Laws

All lawful ordinances, resolutions, rules, regulations, contracts, rights, obligations, and liabilities existing at the time this Charter takes effect shall remain in full force unless modified pursuant to this Charter.

ARTICLE II

MUNICIPAL AFFAIRS AND GENERAL LAWS

Section 200. Municipal Affairs

The City of Orange has the power to make and enforce all laws respecting its municipal affairs as described by this Charter and established by the California Constitution, California statutes, and judicially defined law. This power is limited only as set forth in this Charter and the California Constitution.

Such powers are in addition to those granted or prescribed by applicable law for municipal corporations within the State of California. Each responsibility of governance set forth in this Charter is declared to be a municipal affair or concern.

The enumeration by this Charter of any particular power shall not constitute a limitation upon the City's general grant of powers under applicable law.

Section 201. General Laws

In addition to the powers granted by this Charter and the California Constitution, the City has the power and authority to adopt, make, exercise, and enforce all legislation, laws, and regulations and to take all actions and exercise any and all rights, powers, and privileges allowed by law. In the event of any conflict between this Charter and the general laws of the State of California, the provisions of this Charter shall control.

Section 202. Enactment of Laws and Exercise of Authority

Elected and appointed officials who exercise the powers granted by this Charter are prohibited from favoring or unlawfully discriminating against persons based upon a legally protected classification.

When enacting laws pursuant to this Charter, the City Council shall include findings that such laws promote public health, safety, welfare, fiscal responsibility, and the long-term interests of the residents of the City of Orange.

Section 203. Land Use

Except as otherwise provided by ordinance of the City Council, the City shall continue to be governed by California law as it applies to general law cities with respect to land use matters, including without limitation General Plan consistency, zoning regulations, subdivision laws, and housing law compliance.

ARTICLE III

FORM OF GOVERNMENT

Section 300. Council-Manager Form of Government

The municipal government established by this Charter shall be known as the Council-Manager form of government.

Section 301. Powers Vested in City Council

All powers of the City shall be vested in the City Council except as otherwise provided by this Charter or by law.

ARTICLE IV

CITY COUNCIL

Section 400. Composition

The City Council shall consist of the Mayor and the number of Council Members established by ordinance of the City Council, elected in a manner consistent with applicable law.

The Mayor shall be elected at large by the voters of the entire City unless otherwise provided by ordinance and approved by the voters where required by law.

Council Members may be elected by district, at-large, or through any lawful combination thereof as established by ordinance and in compliance with state and federal law.

If district-based elections are used, the City Council shall establish and adjust district boundaries in accordance with applicable law following each federal decennial census or as otherwise required by law.

Nothing in this Charter shall require the City to maintain a fixed number of districts, and the City Council may modify the number of districts or method of election by ordinance, subject to voter approval where required by law.

Section 401. Mayor

The Mayor shall serve as the presiding officer of the City Council and shall have all rights, powers, and duties of a Council Member.

Section 402. Mayor Pro Tempore

The City Council shall annually select one of its members to serve as Mayor Pro Tempore.

Section 403. Eligibility

Any person elected to the office of Mayor or Council Member must be a registered voter and resident of the City and, for district seats, a resident of the district represented.

ARTICLE V

TERM LIMITS

Section 500. Mayor

No person shall serve as Mayor for more than two four-year terms in a lifetime.

Section 501. Council Members

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

Section 502. Partial Terms

Service of more than two years of an unexpired term shall be considered a full term for purposes of term limits.

ARTICLE VI

MUNICIPAL AFFAIRS, PROCUREMENT, AND LOCAL CONTROL

Section 600. Procurement and Contracting

The City shall have full authority over municipal contracting procedures, public works procurement, bidding thresholds, design-build authority, best-value procurement, alternative project delivery methods, professional services selection, and all other contracting methods allowed to Charter Cities under the California Constitution, including authority to establish exemptions from state public contracting statutes where permitted to charter cities.

Such procedures may be established, modified, or waived by ordinance or resolution of the City Council where permitted by law.

Section 601. Prevailing Wage

The City Council may establish by ordinance the procedures applicable to public works contracting and prevailing wage requirements for municipal affairs consistent with constitutional authority and applicable law.

Nothing in this section shall be construed to prohibit the City from applying state prevailing wage requirements where required by law or where determined by the City Council to be in the public interest.

Section 602. Eminent Domain

The City may not exercise the power of eminent domain to acquire private property for conveyance to another private party without the owner's consent, except where necessary for mitigation of impacts caused by a public project or for the development, operation, or maintenance of facilities owned or operated by the City.

Section 603. Sales of City Assets

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

Section 604. Public Utilities

Pursuant to applicable law, the City Council may sell and dispose of any public utility owned by the City, subject to all requirements of state law and voter approval where required.

Section 605. Liberal Construction

This Charter shall be liberally construed in favor of the exercise of authority by the City over municipal affairs.

The powers granted by this Charter are intended to be permissive rather than restrictive, and the enumeration of any specific power shall not be construed as limiting the general authority of the City to govern local affairs.

ARTICLE VII

VACANCIES IN OFFICE

Section 700. Permanent Vacancy

In the event of a vacancy in an elected office, as defined by California Government Code Section 1770, the City Council shall fill the vacancy by appointment within sixty (60) days or call a special election in accordance with applicable law.

The person appointed or elected to fill the vacancy shall serve the remainder of the unexpired term.

Notwithstanding the California Elections Code, a person appointed to fill a vacancy who seeks election to the same office in a subsequent general municipal election shall not be required to use the word "Appointed" in conjunction with the title of that City office as part of the ballot designation filed in the nomination documents.

Section 701. Temporary Vacancy

Pending trial, the City Council may, by a three-fourths vote of the full City Council, suspend any elected or appointed officer against whom felony criminal proceedings have formally commenced.

By a majority vote of the full City Council, the City Council may terminate the suspension at any time and restore the officer to office.

The suspension shall automatically terminate, and the officer shall be restored to office, upon acquittal, dismissal of charges by the prosecuting authority, or dismissal of charges by a court of competent jurisdiction.

In the event of a hung jury, the City Council may, by a three-fourths vote of the full City Council, extend the suspension unless the prosecuting authority confirms that charges will not be refiled.

Any action taken pursuant to this section shall be consistent with applicable law and subject to review by the City Attorney.

ARTICLE VIII

FISCAL RESPONSIBILITY

Section 800. Balanced Budget

The City Council shall adopt a balanced budget each fiscal year.

Section 801. Independent Audit

An independent annual audit shall be conducted and presented to the City Council and made available to the public.

Section 802. Tax Measures

Nothing in this Charter shall alter voter approval requirements required by the California Constitution for the imposition, extension, or increase of taxes.

Any City-sponsored tax proposal placed on the ballot shall require approval by at least two-thirds of the full City Council.

ARTICLE IX

LEGAL PROVISIONS

Section 900. Violations

A violation of this Charter or any ordinance of the City shall be subject to an administrative citation and/or misdemeanor in accordance with this Charter and the Orange Municipal Code.

Section 901. Amendment

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 applicable law.

Section 902. Definitions

“City” means the City of Orange. “Shall” is mandatory and “may” is permissive.

Section 903. Severability

If any section of this Charter is held invalid, the remaining portions shall remain in full force and effect.

Section 904. Effective Date

This Charter shall take effect upon voter approval and filing with the Secretary of State as required by law.