



# City Charter

## City of Placentia

We, the people of the City of Placentia, State of California do ordain and establish this Charter as the organic law of said City under the Constitution of said State.

Filed June 29, 1965  
with the Secretary of State

Amendment dates:

April 11, 1972; April 13, 1976; April 11, 1978; April 8, 1980; April 13, 1982; November 5, 1985; November 8, 1988; November 11, 2002 , November 8, 2016

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# CHARTER

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## **Article I—Name of City**

### **Section 100. Name.**

The municipal corporation now existing and known as the “CITY OF PLACENTIA” shall remain and continue to exist as a municipal corporation under the name of “City of Placentia.”

## **Article II—Boundaries**

### **Section 200. Boundaries.**

The territory of the City shall be that contained within its present boundaries as now established, with the power and authority to change the same in the manner provided by State law.

## **Article III—Succession**

### **Section 300. Rights and liabilities.**

The City of Placentia shall continue to own, possess, control, and in every way succeed to and become the owner of rights and of property of every kind and nature by said existing municipal corporation owned, possessed or controlled and shall be subject to all the debts, obligations, liabilities and duties of said existing corporation.

### **Section 301. Ordinances continued in effect.**

All lawful ordinances, resolutions, rules and regulations, or 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effect, and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.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 302. Rights of officers and employees preserved.**

Nothing in this Charter contained, except as specifically provided, shall affect or impair the employment, pension or retirement rights or privileges of officers or employees of the City, or of any office, department or agency thereof, existing at the time this Charter takes effect.

### **Section 303. Continuance of present officers and employees.**

The present officers and employees of the City shall continue without interruption to perform the duties of their respective offices and employments upon the same terms and conditions and for the compensation provided by the existing ordinances, resolutions, rules or laws, but subject to such removal, amendment and control as is provided or permitted in this Charter, and, as to offices which are changed, abolished or superseded by this Charter, until the election or appointment and qualification of their respective successors under this Charter.

**Section 304. Continuance of contracts and public improvements.**

All contracts entered into by the City, or for its benefit, prior to the taking effect of this Charter, and then in effect shall continue in full force and effect. Public improvements for which proceedings have been instituted under laws or other provisions 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 and other provisions or may be continued or perfected hereunder.

**Section 305. Pending actions and proceedings.**

No action or proceeding, civil or criminal, pending at the time when this Charter takes effect, brought by or against the City or any office, department or agency thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any officer, office, department or agency party thereto, by or under this Charter, may be assigned or transferred to another officer, office, department or agency, but in that event, the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

**Section 306. Effective date of charter.**

This Charter shall take effect upon its approval by the State Legislature. The members of the City Council, the City Clerk, and the City Treasurer, in office at the time of the approval of this Charter by the State Legislature, shall continue to hold office and to discharge the duties thereof until the election and qualification of their successors, respectively, under this Charter.

**Article IV—Powers of City****Section 400. Powers of city.**

The City shall have power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter or in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California.

The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, this general grant of power.

**Section 401. Procedures.**

The City shall have the power and may act pursuant to procedure established by any law of the State, unless a different procedure is required by this Charter.

**Article V—Form of****Government Section****500. Form of****government.**

The municipal government provided by this Charter shall be known as the “Council- Administrator” form of government.

**Article VI—City Council****Section 600. Number and term.**

- A. Council Terms. There shall be a City Council consisting of five members elected from the City by district, at the times and in the manner in this Charter provided. The term of office for members of the City Council shall be four years, or in the case of an appointment or election to an unexpired term of office, the term of office shall be equal to the unexpired term of office, and until their respective successors qualify. No person shall serve more than three consecutive terms of office as a member of the City Council, including any portion of an unexpired term of office to which such person has been appointed or elected. The term limit provisions of this section shall apply prospectively only and shall apply only to terms of office commencing on or after the date this amendment to the City Charter was approved by the City’s electorate. (Amended by the electorate of the city at an election held on November 5, 2002.)
- B. Regular Election. The regular election of the City Council members shall be held on the first Tuesday, following the first Monday, in November of each even-numbered year. The candidates receiving the highest number of votes shall be elected. The term of all members shall commence at the first regular Council meeting following the certification of the election results and each member shall serve until a successor is elected and qualified. Any ties in voting shall be settled by the casting of lots. (Amended by the electorate of the city at an election held November 5, 1985.)
- C. Council Districts. The City is hereby divided into five (5) Council districts, to be determined by the City Council in any manner provided by law. Candidates for Council seats shall be nominated and elected by such district and shall be residents of such district.
- D. Changes in Boundaries of Council Districts. The boundaries of said Council districts, but not the number thereof, may be changed by ordinance adopted by the Council by a three-fifths (3/5) vote of all its members; provided, that districts established by the Council shall be as nearly equal in population and as geographically compact as practical. Boundaries shall be evaluated within at least one (1) year subsequent to the availability of the information from each decennial United States census or on another basis adopted by three-fifths (3/5) vote of the total membership of the Council; however, the Council shall not change the boundaries of districts more than once in any two-year period and no such change shall be made within the period of one hundred eighty (180) days preceding a

general municipal election. The preceding limitations shall not apply to changes made necessary by changes to the City boundaries. After the Council has once exercised its power to change the boundaries of districts, these changes shall immediately be reflected in the district boundaries specified by ordinance adopted by the Council.

- E. Current Office Holders. The five members of the city council in office at the time this section takes effect shall continue in office until their terms expire.
  
- F. Council Elections Sequenced. The members of the Council of the second and fourth Council districts shall be elected commencing in the year 2018 to the Council seats then open, and in each fourth year thereafter. The members of the Council of the first, third and fifth Council districts shall be elected commencing in the year 2020 to the Council seats then open, and in each fourth year thereafter.

**Section 601. Eligibility.**

No person shall be eligible to hold office as a member of the City Council unless he shall be a qualified elector at the time of his nomination and shall have been a resident of the City for at least that minimum period provided for under State law for General law cities next preceding the date of his election or appointment. Each member of the Council must also be a resident of the council district from which the member is nominated at the times the member is nominated and elected. In the event any member of the Council shall cease to be a resident of the district from which the member (or, in the case of an appointee, a predecessor) was nominated, the office shall immediately become vacant and shall be filled in the same manner as herein provided for other vacancies by a resident of that district. If a member of the Council ceases to be a resident of the district from which the member (or, in the case of an appointee, a predecessor) was nominated solely because of a change in the boundaries of any district as in this Charter provided, the member shall not lose office during that term by reason of such change. (Amended by the electorate of the city at the election held April 3, 1976: amended by Assembly Concurrent Resolution No. 96 Paragraph 1, ratified by the qualified electors of the city at a general municipal election held April 11, 1972)

**Section 602. Compensation.**

The Mayor and Members of the City Council shall receive one hundred fifty dollars (\$150.00) per month, as compensation for their services, and shall receive reimbursement for necessary travel and expenses when on official duty on order of the City Council. (Amended by the electorate of the city at an election held April 8, 1980)



**Section 603. Vacancies.**

A vacancy in the City Council from whatever cause arising shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next general municipal election and until his successor is elected and qualified. At the next general municipal election following any vacancy, a Councilman shall be elected to serve for the remainder of any unexpired term. As used in this paragraph, the next general municipal election shall mean the next such election at which it is possible under the law to place the matter on the ballot and elect a successor.

If a member of the City Council absents himself from all regular meetings of the City Council for a period of sixty days consecutively from and after the last regular City Council meeting attended by such member unless by permission of the City Council expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be an elector of the City, his office shall become vacant and shall be so declared by the City Council. In the event the City Council shall fail to fill a vacancy by appointment within thirty days after such office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy.

In the event that a majority of the City Council offices are vacated, from whatever cause arising, the member or members of the Planning Commission with the longest continuous service on said commission shall automatically succeed to an office on the City Council until three of the said offices have been filled and the procedure hereinabove set forth for filling vacancies by appointment can be followed. Longest continuous service shall be computed, for purposes of this section, from the date and sequence of appointment to the Planning Commission.

**Section 604. Presiding officer.**

(a) **MAYOR.** At the meeting at which the City Council approves the certification of election results following any general or special municipal election at which members of the City Council are elected, and at any time when there is a vacancy in the office of Mayor, the City Council shall meet and shall elect one of its members as its presiding officer, who shall have the Title of Mayor. The Mayor shall have a voice and vote in all City Council proceedings. The Mayor shall be the official head of the City for all purposes including ceremonial. The Mayor shall perform such other duties as may be prescribed by this Charter or as may be imposed by the City Council consistent with the office. The Mayor shall serve in such capacity at the pleasure of the City Council.

(b) **MAYOR PRO TEMPORE.** The City Council shall also designate one of its members as Mayor Pro Tempore who shall serve in such capacity at the pleasure of the City Council. The Mayor Pro Tempore shall perform the duties of the Mayor during any absence or disability of the Mayor. (Amended by the electorate of the city at an election held on November 5, 2002)

**Section 605. Powers vested in the city council.**

All powers of the City shall be vested in the City Council, subject to the provisions of this Charter and to the Constitution of the State of California.

**Section 606. Power to tax.**

The City Council shall be empowered to levy a property tax on the assessed value of taxable property in the City for all municipal purposes.

**Section 607. Bonded debt limit.**

The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen percent of the total assessed valuation, for purposes of City taxation, of all the real and personal property within the City.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in full compliance with the provisions of the State Constitution and of this Charter.

**Section 608. Contracts on public works.**

Every contract involving an expenditure of more than Twenty-Five Thousand (\$25,000.00) Dollars for the construction or improvement (excluding maintenance and repair) of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds, and each separate purchase of materials or supplies for the same, where the expenditure required for such purchase shall exceed the sum of Twenty-Five Thousand (\$25,000.00) Dollars shall be let either to the lowest responsible bidder after notice by publication in the official newspaper by two or more insertions, the first of which shall be at least ten days before the time of opening bids, or by best value processes, including but not limited to use of design-build and construction manager at risk approaches, adopted by the City Council by ordinance in cases where the City Council finds such processes will reduce project cost, expedite project completion, or provide unique design features.

The City Council may reject any and all bids presented and may re-advertise in its discretion. After rejecting bids, or if no bids are received, the City Council may declare and determine that, in its opinion, the work in question may be performed better or more economically by the City with its own employees, or that the materials or supplies may be purchased at a lower price in the open market, and after the adoption of a resolution to this effect by a majority vote of the entire membership of the City Council, it may proceed to have said work done or such material or supplies purchased in the manner stated, without further observance of the provisions of this section.

When the City Council deems, by four affirmative votes, there is urgent necessity for the preservation of life, health or property, purchase of such materials or supplies and contracts for the construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds may be let without advertising for bids. The City shall not be bound by the California Public Contracts Code except as expressly provided in this Charter or as expressly required by the City Council by ordinance. (Amended by the electorate of the city at an election held on November 5, 2002; Amended by Assembly Concurrent Resolution No. 96 Paragraph 2, ratified by the qualified electors of the city at a general municipal election held April 11, 1972)

**Section 609. Publishing of legal notices.**

In the event that there is more than one newspaper of general circulation in the City, the City Council annually, prior to the beginning of each fiscal year, shall publish a notice inviting bids and contract for the publication of all legal notices or other matter required to be published in a newspaper of general circulation in said City during the ensuing fiscal year. In the event there is only one newspaper of general circulation in the City, then the City Council shall have the power to contract with such newspaper for the printing and publishing of such legal notices without being required to advertise for bids therefor. The newspaper with which any such contract is made shall be designated the official newspaper for the publication of such notices or other matter for the period of such contract.

In no case shall the contract prices for such publication exceed the customary rates charged by such newspaper for the publication of legal notices of a private character.

In the event there is no newspaper of general circulation in the City or if no such newspaper will accept the rates permitted herein, then all legal notices or other matter may be published by posting copies thereof in at least three public places in the City, one of which places shall be the City Hall.

No defect or irregularity in proceedings taken under this section, or failure to designate an official newspaper, shall invalidate any publication where the same is otherwise in conformity with this Charter or law or ordinance. (Amended by the electorate of the city at the election held April 11, 1978)

**Section 610. Legislative-administrative relationship.**

The City Council shall be responsible for the policy matters of the City government and the City Administrator for the administration thereof. The City Council shall give orders and instructions to the City Administrator by a majority vote of the City Council at a lawfully held meeting. No individual member of the City Council shall interfere with the execution by the City Administrator of his powers and duties, or order, directly or indirectly, or order or request, directly or indirectly, the appointment of any person to an office or employment, or his removal therefrom, by the City Administrator, or by any of the department heads in the administrative service of the City. Except for the purpose of inquiry, individual members of the City Council shall deal with the administrative service under the City Administrator solely through the City Administrator and shall not give orders, either public or privately, to any subordinates of the City Administrator.

**Section 611. Regular meetings.**

The City Council shall hold regular meetings at least twice each month, at such times and in such places as it shall fix by ordinance or resolution, and may adjourn or readjourn any regular meeting to a date and time certain, which shall be specified in the order of adjournment; and when so adjourned, each adjourned meeting shall be a regular meeting for all purposes. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day.

**Section 612. Special meetings.**

A special meeting may be called at any time by the Mayor, or by three members of the City Council, by written notice to each member of the City Council and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting. Such written notice may be dispensed with as to any person entitled thereto who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any person who is actually present at the meeting at the time it convenes.

**Section 613. Place of meetings.**

All meetings of the City Council shall be held in the Council Chambers or in such place to which any such meeting may be adjourned; provided, that if by reason of fire, flood, overcrowding, or other emergency it shall be unsafe or impractical to meet at the regular meeting place, the Council may for the duration of the situation or emergency meet at some other place designated in writing by the Mayor or, if he fails to act, by any three Council members.

**Section 614. Quorum. Proceedings.**

A majority of the members of the City Council shall constitute a quorum to do business but a less number may adjourn from time to time. In the absence of all the members of the City Council from any regular meeting or adjourned regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. The City Clerk shall cause written notice of a meeting adjourned by less than a quorum or by the City Clerk to be delivered personally or by mail to each councilman at least twenty-four hours before the adjourned meeting, or such notice may be dispensed with in the same manner as specified in this Charter for dispensing with notice of special meetings of the City Council. The City Council shall judge the qualifications of its members as set forth by the Charter. It shall judge all election returns. Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council.

The City Council may establish rules for the conduct of its proceedings and punish any member or other person for disorderly conduct at any meetings. It shall have the power and authority to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it.

Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor.

The City Council shall cause the City Clerk to keep a correct record of all its proceedings and at the demand of any member or upon the adoption of any ordinance, resolution, or order for the payment of money, the City Clerk shall call roll and shall cause the ayes and noes taken on any question, to be entered in the minutes of the meeting. Electro-mechanical displays may be

used to indicate voting in lieu of voice vote. (Amended by the electorate of the city at the election held April 11, 1978)

### **Section 615. Adoption of ordinances and resolutions.**

With the sole exception of ordinances which take effect upon adoption, hereinafter referred to, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five days thereafter, nor at any time other than at a regular or adjourned regular meeting. At the time of introduction or adoption, an ordinance or resolution shall be read in full, unless, after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the Councilmembers present. The reading of titles may be satisfied by printing the full title on the meeting agenda. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting, held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting.

The affirmative votes of at least three members of the City Council shall be required for the enactment of any ordinance or resolution, or for the making or approving of any order for the payment of money.

**EMERGENCY ORDINANCES.** Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health or safety and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least four affirmative votes. (Amended by the electorate of the city at an election held April 8, 1980)

### **Section 616. Ordinance enactments.**

In addition to such acts of the City Council as are required by statute or by this Charter to be by ordinance, every act of the City Council establishing a fine or other penalty or granting a franchise shall be by ordinance.

The enacting clause of all ordinances shall be substantially as follows: "The City Council of the City of Placentia does ordain as follows:"

### **Section 617. Ordinance publication.**

The City Clerk shall cause each ordinance to be published at least once in the official newspaper or pursuant to Section 609 of this Charter, within fifteen days after its adoption. The publication of ordinances, as required by this section, may be satisfied by the City Clerk publishing a summary of the ordinance and posting in the office of the City Clerk a certified copy of the full text of such ordinance along with the names of those Councilmembers voting for and against the ordinance, within fifteen (15) days after its adoption. (Amended by the electorate of the city at an election held April 8, 1980)

**Section 618. Codification of ordinances.**

Any and all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed, and arranged as a comprehensive ordinance code, and such code may be adopted by reference by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed, for use and examination by the public, in the office of the City Clerk, prior to the adoption thereof. Such code shall be amended only by ordinance and shall be kept up to date annually.

Detailed regulations pertaining to any subject, such as zoning, the construction of buildings, plumbing, wiring or other subjects which require extensive regulations, after having been arranged as a comprehensive code, may likewise be adopted by reference in the manner hereinabove provided. Maps, charts, and diagrams also may be adopted by reference in the same manner.

**Section 619. Ordinance when effective.**

No ordinance shall become effective until thirty days from and after the date of its adoption, except the following, which shall take effect upon adoption:

- (a) An ordinance calling or otherwise relating to an election;
- (b) An improvement proceeding ordinance adopted under some special law or procedural ordinance relating thereto;
- (c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation; or
- (d) An emergency ordinance adopted in the manner herein provided.

**Section 620. Ordinance. Violation. Penalty.**

Except as otherwise designated by an ordinance adopted by the City Council, a violation of any ordinance of the City shall constitute a misdemeanor which may be prosecuted in the name of the people of the State of California or may be redressed by civil action. The maximum fine for any violation of a City ordinance shall be the sum of One Thousand Dollars (\$1000.00), or a term of imprisonment for a period not exceeding one year, or both such fine and imprisonment. Any person either convicted of a violation of any ordinance of the City, or, in a civil action determined to have violated any ordinance of the City, shall also be liable, and shall reimburse the City, for all costs incurred by the City in the investigation of the violation and enforcement of the City's ordinances. (Amended by the electorate of the city in an election held November 5, 2002; Amended by the electorate of the city at the election held April 11, 1978)

**Article VII—Other Elected Officers****Section 700. Number and term.**

In addition to the members of the City Council, the other elected officers of the City shall be the City Clerk and the City Treasurer. They shall be elected from the city at large at the times and in the manner in this Charter provided, and each shall serve for a term of four years and until his successor is elected and qualified.

The regular election of the City Clerk shall be held on the first Tuesday, following the first Monday, in November in even-numbered years at the same time and in conjunction with the regular election of two (2) City Councilmembers. The regular election for the City Treasurer shall be held at the same time and in conjunction with the regular election for three (3) City Councilmembers. The candidates receiving the highest number of votes for each of these offices shall be elected. The terms of the City Clerk, and City Treasurer shall commence at the first regular Council meeting following certification of election results. Any ties in voting shall be settled by the casting of lots.

The City Clerk and City Treasurer shall be elected for a term of four (4) years. (Amended by the electorate of the city at an election held November 5, 1985: amended by the electorate of the city at the election held April 13, 1982)

**Section 701. Eligibility.**

No person shall be eligible to hold the offices of the City Clerk or City Treasurer unless he be a qualified elector at the time of his nomination and shall have been a resident of the City for at least that minimum period provided for under State law for General law cities next preceding the date of his election or appointment. (Amended by the electorate of the city at the election held April 13, 1976: amended by Assembly Concurrent Resolution No. 96 Paragraph 3, ratified by the qualified electors of the city at a general municipal election held April 11, 1972)

**Section 702. Compensation.**

The City Clerk shall receive one hundred fifty dollars (\$150.00) per month for his services, and the City Treasurer shall receive fifty dollars (\$50.00) per month compensation for his services; provided that they shall receive reimbursement for necessary travel and other expenses when on official duty on order of the City Council. (Amended by the electorate of the city at the election held November 8, 1988: amended by the electorate of the city at an election held April 8, 1980)

**Section 703. Vacancies.**

A vacancy in the office of City Clerk or City Treasurer, from whatever cause arising, shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next general municipal election and until his successor is elected and qualified. At the general municipal election following any vacancy, an officer shall be elected to serve for the remainder of the unexpired term.

If the City Clerk or the City Treasurer is convicted of a crime involving moral turpitude or ceases to be an elector of the City, his office shall become vacant and shall be so declared by the City Council.

In the event the City Council shall fail to fill a vacancy by appointment within thirty days after such office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy.

#### **Section 704. City Clerk. Powers and Duties.**

The City Clerk shall have power and be required to:

(a) Attend all meetings of the City Council, unless excused, and record and maintain a full and true record of all of the proceedings of the City Council in books which shall bear appropriate titles and be devoted to such purposes. Such books shall have a general index sufficiently comprehensive to enable a person readily to ascertain matters contained therein;

(b) Maintain ordinance and resolution books into which shall be recorded all City ordinances and resolutions with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, giving the number of said ordinance or resolution and, as to an ordinance or resolution requiring publication, stating that the same has been published or posted in accordance with this Charter or other applicable law;

(c) Be the custodian of the seal of the City; and

(d) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City, and certify copies of official records.

#### **Section 705. City Treasurer. Powers and Duties.**

The City Treasurer shall be the custodian of all public funds belonging to or under control of the City, or of any office, department or agency thereof.

### **Article VIII—Appointive Officers**

#### **Section 800. Appointing authorities.**

The City Council shall appoint and remove the City Administrator. A resolution adopted by three affirmative votes at a regular meeting of the City Council shall be required to either appoint or remove the City Administrator.

The City Administrator shall appoint and remove all other non-elected City officers; provided that the City Council shall be empowered to employ or contract for the professional services of the City Attorney, the City Auditor, the City Health Officer and other services as needed, and provided, further, that no appointment shall be made by the City Administrator unless the City Council has provided by ordinance for the establishment of the office or department to be directed by the appointee.



An elected official, during his term of office, shall neither hold any other position with the City nor be assigned duties in addition to those set forth for his elected office by this Charter, for which position or duties full or partial compensation is paid by the City.

No official, officer or employee appointed by the City Council shall be removed from his office or position with the City during the ninety (90) day period immediately subsequent to any municipal election of persons to the City Council. (Amended by the electorate of the city at the election held April 11, 1978)

#### **Section 801. City Administrator. Appointment.**

The City Administrator shall be chosen on the basis of his executive and administrative qualifications. He shall be paid a salary commensurate with his responsibilities as chief administrative officer of the City. No City Councilman shall receive such appointment during the term for which he shall have been elected, nor within two years after expiration of his term.

#### **Section 802. City Administrator. Powers and Duties.**

The City Administrator shall be the chief executive officer and the head of the administrative branch of the City government. He shall be responsible to the City Council for the proper administration of all affairs of the City, except as otherwise provided in this Charter, and he shall have power and be required to:

- (a) Appoint and remove, subject to the provisions of this Charter, all department heads of the City except as otherwise provided by this Charter, and pass upon and approve all proposed appointments and removals of subordinate employees by department heads;
- (b) Prepare the budget annually and submit it to the City Council and be responsible for its administration after adoption;
- (c) Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year;
- (d) Keep the City Council advised of the financial condition and future needs of the City and make such other recommendations as may seem to him desirable;
- (e) Exercise control of all administrative offices and departments of the City and of all appointive offices and employees except those directly appointed by the City Council; and
- (f) Perform such other duties as may be prescribed by this Charter or required of him by the City Council; not inconsistent with this Charter.

#### **Section 803. City Administrator. Council table.**

The City Administrator shall be accorded a seat at the City Council table and shall be entitled to participate in the discussions of the City Council, but shall not have a vote.

**Section 804. City Administrator. Pro Tempore.**

The City Administrator shall appoint, subject to the approval of the City Council, one of the other officers of the City to serve as City Administrator Pro Tempore during any temporary absence or disability of the City Administrator.

**Section 805. Assistant City Administrator.**

In the event that the City Council provides for the appointment of an Assistant City Administrator, he shall be appointed by, and be under the supervision and direction of, the City Administrator.

**Section 806. City Attorney. Powers and duties.**

The City Attorney shall be licensed to practice law in the State of California and shall have the power and be required to:

(a) Represent and advise the City Council and all City officers in all matters of law pertaining to their offices;

(b) Represent and appear for the City and any City officer or employee or former City officer or employee, in any or all actions and proceedings in which the City or any such officer or employee, in or by reason of his official capacity, is concerned or is a party, but the City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein;

(c) Attend all meetings of the City Council, unless excused, and give his advice or opinion in writing whenever requested to do so by the City Council, or by any of the boards or officers of the City;

(d) Approve the form of all bonds given to and all contracts made by the City, endorsing his approval thereon in writing;

(e) Prepare any and all proposed ordinances or resolutions for the City, and amendments thereto;

(f) Prosecute on behalf of the people all criminal cases for violation of this Charter and of City ordinances, and misdemeanor offenses arising upon violation of the laws of the State unless otherwise provided by the City Council; and

(g) On vacating the office, surrender to his successor all books, papers, files and documents pertaining to the City's affairs.

## **Article IX—Appointive Boards and Commissions**

### **Section 900. In general.**

In addition to the Commissions specified herein the City Council may create by ordinance such advisory Boards or Commissions as in its judgment are required, and may grant to them such powers and duties as are consistent with the provisions of this Charter. (Amended by the electorate of the city at the election held April 11, 1978)

### **Section 901. Appropriations.**

The City Council shall include in its annual budget sufficient appropriations of funds for the efficient and proper functioning of such boards and commissions.

### **Section 902. Appointment. Term.**

The members of such Boards or Commissions shall be appointed by the City Council. They shall be subject to removal by motion of the City Council adopted by at least three affirmative votes. The members thereof shall serve for a term of four years, unless a lesser term is provided by a resolution adopted by the City Council, and until their respective successors are appointed and qualified. The members first appointed to such Boards and Commissions shall so classify themselves by lot that the term of one of each of their number shall expire each succeeding July 1st. Where the total number of the members of a Board or Commission to be appointed exceeds four, and is less than eight, no more than two terms of office shall expire in any one year, and the classification by lot shall provide for the pairing of terms to such an extent as is necessary in order that the terms of at least one and not more than two shall expire in each succeeding year. Where the total number of members of a Board or Commission to be appointed exceeds eight, no more than three terms of office shall expire in any one year, and the classification by lot shall provide for the matching of terms to such an extent as is necessary in order that the terms of at least two and not more than three shall expire in each succeeding year. Any appointment to fill an unexpired term shall be for such unexpired period. The members of such Boards or Commissions shall be residents of the City. (Amended by the electorate of the city at an election held November 5, 2002; Amended by the electorate of the city at the election held April 11, 1978: amended by Assembly Concurrent Resolution No. 96 Paragraph 4, ratified by the qualified electors of the city at a general municipal election held April 11, 1972)

### **Section 903. Meetings. Chairman.**

As soon as practicable after its creation and following the first day of July of every year, each of such boards and commissions shall elect one of its members to serve as presiding officer, at the pleasure of the board or commission.

Each board or commission shall hold a regular meeting at least once each month, except that a board or commission created by ordinance may be otherwise governed by the ordinance creating same.

The City Administrator shall designate a City employee to act as secretary for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each

board or commission may prescribe its own rules and regulations which shall be consistent with this Charter or with the ordinance creating it and copies of which shall be kept on file in the office of the City Clerk where they shall be available for public inspection. (Amended by the electorate of the city at the election held April 11, 1978)

**Section 904. Oaths. Affirmations.**

Each member of any such board or commission, and the secretary thereof, shall have the power to administer oaths and affirmations in any investigation or proceeding pending before such board or commission.

**Section 905. Planning Commission.**

There shall be a Planning Commission appointed by the City Council, which shall consist of seven members from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government.

**Section 906. Planning Commission. Powers and duties.**

The Planning Commission shall have the power and be required to:

- (a) After a public hearing thereon, recommend to the City Council the adoption, amendment or repeal of the General Plan, or any part thereof for the physical development of the City;
- (b) Exercise such control over land subdivisions as is granted to it by the governing body of the City and by the laws of the State of California;
- (c) Make recommendations concerning proposed public works and for the clearance and rebuilding of blighted or substandard areas within the City; and
- (d) Exercise such functions with respect to zoning as may be prescribed by ordinance not inconsistent with this Charter.

**Article X—General Provisions Relating to Officers and Employees**

**Section 1000. Official bonds.**

The City Council shall fix by ordinance the amounts and terms of the official bonds of all officials or employees who are required by this Charter or by ordinance to give such bonds. All bonds shall be approved as to form by the City Attorney and shall be filed with the City Clerk. Premiums of official bonds shall be paid by the City.

In all cases wherein an employee of the City is required to furnish a faithful performance bond, there shall be no personal liability upon, or any right to recover against, his superior officer or other officer or employee, or the bond of the latter, unless such superior officer, or other officer or employee is a party to, or has conspired in, the wrongful act causing directly or indirectly such loss.

**Section 1001. Oath of office.**

Each member of the City Council, of every board and commission, and each officer provided for in this Charter before entering upon the discharge of the duties of his office, shall take, subscribe to and file with the City Clerk the following oath or affirmation:

“I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of (here inserting name of office) according to the best of my ability.”

**Section 1002. Illegal contract, financial interest.**

No member of the City Council shall be financially interested, as that term is defined at Government Code Section 87103 as it is presently worded or may hereafter be amended, in any contract, sale or transaction to which the City is a party and neither shall any Board or Commission member or City official or employee be financially interested in any contract, sale or transaction to which the City is a party and which comes before said Board or Commission or official or employee, or department of the City with which he is connected, for official action. Any such contract or transaction in which there shall be such an interest shall become void at the election of the City, when so declared by resolution of the City Council. No City Councilman or member of any Board or Commission shall vote or participate in any contract or transaction in which he is directly or indirectly financially interested whether as an employee or stockholder of the corporation or otherwise. If an officer of the City, during the term of which he was elected or appointed shall vote or participate, or shall be financially interested as aforesaid upon conviction thereof, he shall forfeit his office. (Amended by the electorate of the city at the election held April 11, 1978: amended by Assembly Concurrent Resolution No. 96 Paragraph 5, ratified by the qualified electors of the city at a general municipal election held April 11, 1972)

**Section 1003. Administering oaths.**

Each department head and his deputies shall have the power to administer oaths and affirmations in connection with any official business pertaining to his department.

**Section 1004. Department heads. Appointment powers.**

Each department head shall have the power to appoint, suspend, and remove such deputies, assistants, subordinates and employees as are provided for by the City Council for his department upon the following conditions:

(a) Subject to the provisions of this Charter and the rules and regulations promulgated hereunder; and

(b) Subject to the prior approval of the City Administrator except for deputies, assistants, subordinates and employees of the City Council and the City Attorney.

**Article XI—Elections****Section 1100. General municipal elections.**

General municipal elections for the filling of elective offices under this Charter shall be held in said City on the first Tuesday, following the first Monday, in November in each even-numbered year commencing with the year 1986. (Amended by the electorate of the city at an election held November 5, 1985)

**Section 1101. 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 1102. Procedure for holding elections.**

Unless otherwise provided by ordinance, hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, for the holding of elections in general law cities insofar as the same are not in conflict with this Charter.

**Section 1103. Initiative, referendum and recall.**

The provisions of the Elections Code of the State of California as the same now exist or may hereafter be amended, governing the initiative, referendum and the recall of 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.

**Article XII—Fiscal Administration****Section 1200. Fiscal year.**

The fiscal year of the City government shall begin on the first day of July of each year and end on the thirtieth day of June the following year.

**Section 1201. Tax system.**

Unless otherwise provided by ordinance, the City shall continue to use, for the purpose of ad valorem municipal taxation, the County system of assessment and tax collection, as such system is now in effect or may hereafter be amended and insofar as such provisions are not in conflict with this Charter.

If the City Council fails to fix the rate and levy taxes on or before August 31, in any year, the rate for the next preceding fiscal year shall thereupon be automatically adopted and a tax at such rate shall be deemed to have been levied on all taxable property in the City for the current fiscal year.

**Section 1202. Annual budget preparation.**

At such date as he shall determine, the City Administrator, or an officer designated by him, shall obtain from each department head estimates of revenue and expenditures for his department, detailed in such manner as may be prescribed by the City Administrator. In preparing the proposed budget, the City Administrator shall review the estimates, shall hold conferences thereon with the department heads, respectively, and may revise the estimates as he may deem advisable.

**Section 1203. Budget. Submission to city council.**

At least thirty-five days prior to the beginning of each fiscal year, the City Administrator shall submit to the City Council the proposed budget as prepared by him. After reviewing same and making such revisions as it may deem advisable, the City Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least one insertion in the official newspaper.

Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten days prior to said hearing.

**Section 1204. Budget. Public hearing.**

At the time so advertised, or at any time to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given an opportunity to do so.

**Section 1205. Budget. Further consideration and adoption.**

After the conclusion of the public hearing, the City Council shall further consider the proposed budget and make any revision thereof that it may deem advisable, and on or before June 30 it shall adopt the budget with revisions, if any, by the affirmative votes of at least three members. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy thereof, certified to by the City Clerk, shall be placed, and shall remain on file, in the office of the City Clerk where it shall be available for inspection. The budget so certified shall be reproduced and copies made available for the use of all officers, departments and agencies of the City.

**Section 1206. Budget appropriations.**

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several offices, departments or agencies for the respective objects and purposes therein specified. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least three members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenues not included in the budget.

**Section 1207. Centralized purchasing.**

There shall be established under the control and direction of the City Administrator a centralized purchasing system for all city departments and agencies. The City Administrator shall recommend and the City Council shall consider and adopt by ordinance, rules and regulations governing the contracting for, purchasing, storing and distribution of all supplies, materials and equipment required by any office, department or agency of the City government.

**Section 1208. Competitive bidding.**

Subject to the provisions of Section 608, before making any purchase of, or contract for, supplies, materials or equipment, vendors shall be given ample opportunity for competitive bidding, under such rules and regulations and with such exceptions as the City Council may prescribe by ordinance.

**Section 1209. Cash basis fund.**

The City Council shall maintain a revolving fund, to be known as the “Cash Basis Fund,” for the purpose of placing the paying of the running expenses of the City on a cash basis. A sufficient reserve shall be built up in this fund from any available source with which to meet all lawful demands against the City for the first five months, or other necessary period, of the succeeding fiscal year prior to the receipt of ad valorem tax revenues. Transfers may be made by the City Council from such fund to any other fund or funds of such sum or sums as may be required for the purpose of placing such funds, as nearly as possible, on a cash basis.

All moneys so transferred from the Cash Basis Fund shall be returned thereto before the end of the fiscal year.

**Section 1210. Capital outlay fund.**

A fund for capital outlays, generally, is hereby created, to be known as the “Capital Outlay Fund.” The City Council by ordinance may create a special fund or funds for a special capital outlay purpose. The City Council may transfer to any such fund any unencumbered surplus funds remaining on hand in the City at any time.

Once created, such fund shall remain inviolate for the purposes for which it was created; if, for capital outlays, generally, then for any such purposes and if for a special capital outlay, then for such purpose only, unless the assent of the voters is expressed to the use of such fund for some other purpose by majority vote of the electors voting in favor thereof at a general or special municipal election at which such proposition is submitted; provided that if the purpose for which a special capital outlay fund was created has been accomplished, the City Council may transfer any remaining surplus to the general capital outlay fund.



**Section 1211. Claims and demands. Presentation and payment.**

All demands against the City shall be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the duly appointed finance officer within one hundred days after the last item of the account or claim accrued, and he shall examine the same. If the amount thereof is legally due and there remains on his books an unexhausted balance of an appropriation against which the same may be charged, he shall approve such demand and pay same out of the proper fund. Otherwise, he shall reject it. Objections of the duly appointed finance officer may be overruled by the City Council and the demand ordered paid.

The duly appointed finance officer shall transmit such demand, with his approval or rejection thereof endorsed thereon to the City Administrator. If a demand is one for an item included within an approved budget appropriation, it shall require the approval of the City Administrator before payment; otherwise it shall require the approval of the City Council, following the adoption by it of an amendment to the budget authorizing such payment. Any person dissatisfied with the refusal of the City Administrator to approve a demand, in whole or in part, may present the same to the City Council which, after examining into the matter, may approve or reject the demand in whole or in part.

Checks shall be paid out of the fund designated if there be sufficient money in the fund for that purpose. A check not paid for lack of funds shall be registered, and all registered checks shall be paid in the order of their registration when funds therefor are available.

The duly appointed finance officer of the City shall cause checks to be drawn for payment of municipal or other bonds, payable out of other funds in the treasury upon presentation and surrender of the proper bonds or coupons, upon the approval of the City Treasurer.

**Section 1212. Petty cash funds.**

The City Council may provide for revolving petty cash funds to be paid to the City Administrator or department heads and used for payment in cash of expenditures provided for in the budgets, which cannot conveniently be paid otherwise. The City Administrator, or such department heads, shall account to the City Council and the duly appointed finance officer for all disbursements made therefrom when making demand for replenishment of the same and at such other times as the Council may require, and the amounts shall thereupon be charged against the proper appropriations.

**Section 1213. Actions against City.**

No suit shall be brought on any claim for money or damages against the City, or any board, commission or officer thereof, on any cause of action for which this Charter or the general law requires a claim to be presented, until a demand for the same has been presented as in this Charter provided and such claim and demand has been rejected in whole or in part. Any such claim shall fully comply with the requirements for the presentation and consideration of claims as set forth in the applicable sections of the general law of the State.

Every claim for money or damages against the City, or any board or commission thereof, shall be filed with the City Clerk, who shall thereupon present the same to the City Council, officer, board or commission authorized by this Charter to incur or pay the expenditure. In all cases, such claims shall be processed as required by the general law of the State.

#### **Section 1214. Independent audit.**

The City Council shall employ, at the beginning of each fiscal year, a certified public accountant who, from time to time, shall examine the books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds, and of such other officers, employees or departments as the City Council may direct. At the end of the year, a final audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, one to the City Administrator, one to the City Attorney, one to the City Treasurer, one to the duly appointed finance officer, and three additional copies to be placed on file in the office of the City Clerk where they may be available for inspection by the general public.

#### **Section 1215. Revenue bonds.**

The City shall have the power to issue revenue bonds for the purpose of financing the acquisition, construction, extension, improvement or repair of any municipal revenue producing facilities, but no such bonds shall be issued unless the same shall first be authorized by the affirmative vote of a majority of those electors voting on the question of incurring such indebtedness at any election at which such question is submitted to the electors of the City. The Council may issue and sell bonds so authorized, may fix the terms and conditions thereof, and may make, fix and establish such covenants, conditions, terms and provisions as it deems necessary or desirable to facilitate the issuance and sale of the bonds or for the protection and security of the holders thereof. Bonds issued pursuant to this section shall not be general obligations of the City but shall be payable, principal and interest, solely from revenues or other special funds specifically pledged to that purpose.

### **Article XIII—Franchises**

#### **Section 1300. Granting of franchises.**

The City Council is empowered to grant by ordinance a franchise to any person, firm or corporation, whether operating under an existing franchise or not, to use the public streets, ways, alleys and places as the same now or may hereafter exist, for the construction and operation of plants, works, or equipment, necessary or convenient in connection with its transportation, communication, water, light, heat, power, refuse collection, storage, cable television, or any other public utility or service. The City Council may prescribe the terms and conditions of any such grant. It may also provide, by procedural ordinance, the method of procedure and additional terms and conditions for making such grants, subject to the provisions of this Charter. (Amended by the electorate of the city at an election held November 5, 2002)

**Section 1301. Resolution of intention, notice and public hearing.**

Before granting any franchise, the City Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise, and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour, and place, when and where any persons having any interest therein or any objection to the granting thereof may appear before the City Council and be heard thereon. It shall direct the City Clerk to publish said resolution at least once within fifteen (15) days of the passage thereof in the official newspaper. The time fixed for such hearing shall not be less than twenty (20) nor more than sixty (60) days after the passage of said resolution.

At the time set for the hearing, the City Council shall proceed to hear and pass upon all protests and its decision thereon shall be final and conclusive. Thereafter, it may grant, or deny, the franchise, subject to the right of referendum of the people.

**Section 1302. Term of franchise.**

Every franchise shall state the term for which it is granted, which may be indeterminate.

An indeterminate franchise shall endure in full force and effect until the same, with the consent of the Public Utilities Commission of the State of California, shall be voluntarily surrendered or abandoned by its possessor, or until the State of California, or some municipal or public corporation, thereunto duly authorized by law, shall purchase by voluntary agreement or shall condemn and take, under the power of eminent domain, all property actually used and useful in the exercise of such franchise and situate within the territorial limits of the State, municipal or public corporation purchasing or condemning such property, or until the franchise shall be forfeited for noncompliance with the terms by the possessor thereof.

**Section 1303. Grant to be in lieu of all other franchises.**

Any franchise granted by the City with respect to any given utility facilities shall be in lieu of all other franchises, rights or privileges owned by the grantee, or by any successor of the grantee, to any rights under such franchise, with respect to such utility facilities within the limits of the City as they now or may hereafter exist. The acceptance of any franchise hereunder shall operate as an abandonment of all such other franchises, rights and privileges within the limits of the City as such limits shall at any time exist, in lieu of which such franchise shall be granted.

Any franchise granted hereunder shall not become effective until written acceptance thereof shall have been filed by the grantee thereof with the City Clerk. Such acceptance shall constitute a continuing agreement of such grantee that, if and when the City shall thereafter annex, or consolidate with, additional territory, any and all other such franchises, rights and privileges owned by the grantee therein shall likewise be deemed to be abandoned within the limits of such territory.

**Section 1304. Eminent domain.**

No franchise grant shall in any way or to any extent impair or affect the right of the City to acquire the property of the grantee thereof either by purchase or through the exercise of the

right of eminent domain, and nothing herein contained shall be construed to contract away or to modify or to abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to any public utility. Every franchise grant shall reserve to the City the right to purchase the property of such utility either at an agreed price or at a price determined in a manner prescribed by law.

### **Section 1305. Duties of grantee.**

By its acceptance of any franchise hereunder, the grantee shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant or by procedural ordinance and shall further agree to:

- (a) Comply with all lawful ordinances, rules and regulations theretofore or thereafter adopted by the City Council in the exercise of its police power;
- (b) Pay to the City on demand the cost of all repairs to public property made necessary by any of the operations of the grantee under such franchise;
- (c) Indemnify and hold harmless the City and its officers from any and all liability for damages proximately resulting from any operation under such franchise;
- (d) Remove and relocate without expense to the City any facilities installed, used and maintained under the franchise if and when made necessary by any lawful change of grade, alignment or width of any public street, way, alley or place, including the construction of any subway or viaduct, or if the public peace, health, safety or welfare so demands; and
- (e) Pay to the City, during the life of the franchise, such compensation as the City Council may prescribe in the grant.

## **Article XIV—Miscellaneous**

### **Section 1400. Definitions.**

Unless the provision or the context otherwise requires, as used in this Charter;

- (a) "Shall" is mandatory and "may" is permissive.
- (b) "City" is the City of Placentia and "department," "board," "commission," "agency," "officer," or "employee," is a department, board, commission, agency, officer, or employee, as the case may be, of the City of Placentia.
- (c) "County" is the County of Orange.
- (d) "State" is the State of California.

**Section 1401. Violations.**

The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine not exceeding One Thousand Dollars (\$1000.00), or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment. Any person convicted of a violation of any provision of this Charter, or, in a civil action determined to have violated any provision of this Charter, shall also be liable, and shall reimburse the City, for all costs incurred by the City in the investigation of the violation and enforcement of the City Charter. (Amended by the electorate of the city at an election held November 5, 2002)

**Section 1402. Validity.**

If any provision of this Charter, or the application thereof to any person or circumstance is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.