

TEHAMA COUNTY CHARTER

Updated as of November 6, 1984

The Tehama County Charter was adopted by the voters in 1916 and ratified by the Legislature in 1917. Through the years there were occasional minor amendments and in 1960 the Board of Supervisors appointed a Charter Committee. This committee recommended the elimination of many of the charter provisions. These recommendations were submitted to the voters and adopted in 1960. There have been only a few changes since that time. Where there are no charter provisions, the general law of California governs.

We, the People of the County of Tehama, do ordain and establish for its government this Charter.

ARTICLE I - — NAME AND RIGHTS OF COUNTY

Sec. 1: The County of Tehama, State of California, as it now exists, is a body corporate and politic, and as such has all the powers specified by the Constitution and laws of the State of California, and by this Charter, and such other powers as are necessarily implied.

(cr. Article 11, Section 7 ½ of the California Constitution, Boundaries of County, Section 23152 of the Government Code, Sections 23700—23732 of the Government Code.)

Sec. 2: The powers mentioned in the preceding section can be exercised only by a Board of Supervisors, or by agents and officers acting under their authority or by authority of law or of this Charter.

Sec. 3: The corporate name shall be "County of Tehama", which must be thus designated in all actions and proceedings touching its corporate rights, properties and duties. Its boundaries and county seat shall remain the same as they now are until otherwise changed by law.

ARTICLE II - — BOARD OF SUPERVISORS

Sec. 1: The Board of Supervisors shall consist of five members, one member from each Supervisorial District. Each member of the Board of Supervisors shall be nominated and elected by the district which he or she represents, and not at large, at the time and in the manner provided by general laws. (Amendment passed by voters in general election held November 4, 2008)

Sec. 2: Approval by the voters of the measure amending Section 1 of this Charter shall not affect the time of expiration of the term of any Supervisors nor the existing sequence of selection wherein Supervisors for Districts 3 and 4 are elected at one General Election and Supervisors for Districts 1, 2 and 5 at the next. (Amendment passed by voters in general election held November 4, 2008)

Sec. 3: No new office shall be created by the Board of Supervisors except by ordinance. (Note: Under the general law most new offices may be created by resolution.)

Sec. 4: The Supervisors shall appoint all County and District officers other than elective officers, their assistants and deputies, except as otherwise provided in this Charter. The Board shall provide by ordinance for the terms of office and for the compensation of these appointive officers and its other appointees, unless such terms of office and compensation are otherwise provided by law or by this Charter. (Note: See 69-247 Opinion Attorney General ruled Probation Officer and his Deputies are subject to the control of the Board of Supervisors rather than the Superior Court Judge as is the case under general law. There has been no ruling as to assistants and deputies of elected officials.)

Sec. 5: In all cases in which the Board of Supervisors are authorized by law or by this Charter to fix the compensation, of any officer, such compensation shall be fixed prior to the election or appointment of such officer, and shall not be increased or diminished during the term for which officer shall be elected or appointed.

The provisions of this section are suspended for the period during which the United States is engaged in war and for one year after the termination of hostilities therein as proclaimed by the President of the United States, and during such period any salaries fixed by Ordinance shall become effective as provided in said Ordinance. cr. - Article 11, Section 5 California Constitution. Ops. A. G. 47, 156 in 1966, ruled that the Viet Nam conflict suspended the rule against raising elected officials salaries. The Judge of Superior Court and Justice Court and certain other officials may be raised during their term of office even though a war does not exist.

(Note: Article II, Section 5 of the Tehama County Charter was declared "unconstitutional, void, and of no effect" in a final judgment of the Tehama County Superior Court in Case No. 17937, July 18, 1975.)

Sec. 6: No money shall be transferred from one fund to another, as provided by law, except by a four-fifths vote of the Supervisors. cr. - Sec. 29125 and 29130., Government Code.

Sec. 7: Whenever a vacancy occurs on the Board of Supervisors, the remaining members of the Board of Supervisors shall fill the vacancy, provided that, if they shall fail to fill the vacancy within ninety (90) days following its occurrence, the Governor shall fill the vacancy. The appointee shall hold office until the election and qualification of their successor. In such case, there shall be elected at the next general election a supervisor to fill such vacancy for the unexpired term, unless such term expires on the first Monday after the first day of January succeeding said election. (Amendment passed by voters in special election June 3, 2014)

ARTICLE III - — COUNTY OFFICERS OTHER THAN SUPERVISORS

Sec. 1: The County Officers other than Supervisors shall be a Sheriff, a County Clerk, a Treasurer, a Recorder, a License Collector, a Tax Collector, a Public Administrator, a Coroner, a Surveyor, a Road Commissioner, a District Attorney, an Auditor an Assessor, a Superintendent of Schools, an Agricultural

Commissioner, a Sealer of Weights and Measures, a County Physician, a Health Officer, a Probation Officer, a Public Guardian, and such others as are or shall be provided for by the Constitution, or by the General Law, or by this Charter. (Amendment passed by voters in general election held November 8, 2005)

Sec. 2: The following County offices are hereby consolidated:

- (a) The Public Guardian shall be ex-officio Public Administrator. (Amendment passed by voters in general election held November 8, 2005)
- (b) The Clerk shall be ex-officio Recorder.
- (c) The Assessor shall be ex-officio Tax Collector and License Collector.
- (d) The County Physician shall be ex-officio County Health Officer.
- (e) The Agricultural Commissioner shall be ex-officio Director of Weights and Measures.

(cr. - Sec. 24300 Government Code.) See new amendments.

- (f) The county clerk shall be ex-officio clerk of the Board of Supervisors and the clerk shall be responsible for the duties of the clerk of the board as set out in the statutes of the State of California, accurately recording and indexing of the Supervisors' minutes, maintaining the security of mailed and hand-delivered documents sent to the Board of Supervisors for action and processing, assure compliance with the public records act, thus guaranteeing the public their right to view all action taken by the Board of Supervisors, and preserving the official records of the Board of Supervisors for historical knowledge and research. (Amendment passed by voters in general election held November 6, 1984)

Sec. 3: (a) A Sheriff, a Clerk and ex-officio Recorder, a Treasurer, an Assessor and ex-officio Tax Collector and License Collector, a District Attorney, an Auditor, a Coroner, and a Superintendent of Schools shall be elected as provided by general law.

- (b) Notwithstanding the general law or any other provision of this Charter, the Public Guardian and ex-officio Public Administrator shall be appointed by the Board of Supervisors and shall serve at their will and pleasure. (Amendment passed by voters in general election held November 8, 2005)

Sec. 4: By ordinance the Board of Supervisors may consolidate the duties of the those offices where consolidation is authorized by the general law. Where offices are consolidated pursuant to the Charter or ordinance the Board by ordinance may elect to separate the duties so consolidated, and reconsolidate them in any other manner permitted by the general law or separate the duties without the reconsolidation, and provide that the duties of each office shall be performed by a separate person. When the duties are united and consolidated, the person elected to fill the united and consolidated offices shall take the oath and give the bond required for each and discharge all the duties pertaining to each. No consolidation or separation shall be effected except upon a 4/5th vote of the Board of Supervisors, after a public hearing held at least 90 days prior thereto, finding the change to be in the public interest. Provided, however, that if the duties of

any of the offices specified in Article III, Sec. 3 are separated that each shall thereafter be an elective office; and provided further that no consolidation or separation of elective county offices may be made effective before expiration of the terms provided by law.

Sec. 5: The Sheriff of the County of Tehama shall perform the duties of the Constable in the Judicial District in which the County Seat is situated. (Note: Under General Law Constable is a separate Office.)

Sec. 6: The Road Commissioner shall be appointed by the Board of Supervisors for a term of four years. He may be removed from office at any time by the Board of Supervisors for inefficiency, neglect of duty, misconduct in office, or other good cause shown. (Note: Sec. 2006 of the Streets and Highways Code provides that there is no term of office.)

Sec. 7: The Probation Officer shall be appointed, supervised and removed from office in accordance with the general law of the State of California.

(Ord. 664 <1, 1974, adopted by voters on November 5, 1974))

ARTICLE IV - - SALARIES

Sec. 1: The Board of Supervisors shall by Ordinance fix the compensation of all county officers other than Supervisors.

Sec. 2: Notwithstanding any ordinance currently in force, the salary of each member of the Board of Supervisors beginning January 1, 1989 shall be one thousand forty five (\$1045.00) dollars per month. This salary shall not be changed except by a vote of the people at the time of a general election.

(Ord. 1425 <1, 1988)

Sec. 3: Subject to the provisions of this Charter, it shall be the duty of the Board of Supervisors, by ordinance adopted from time to time to fix and regulate the appointment and number of Assistants, Deputies, Clerks, Attaches, and other persons to be employed from time to time, in the several offices of the County, and also by ordinance, subject to the provisions of this Charter, to prescribe and regulate the powers, duties, qualifications and compensation of such persons, the times at which they shall be appointed and the manner of their appointment and removal.

(cr. - Salary Ordinance, Sec. 24300 and 28140, California Government Code.)

Sec. 4: In all cases in which an officer is to receive a fixed salary, whether such salary be fixed by this Charter or by the Board of Supervisors, such salary shall be in full compensation for all services by such officer; and in all cases in which such officer is, by General Law, entitled to charge or receive any fees or commissions, it shall be the duty of such officer to charge, collect and receive such fees or commissions, and to pay the same monthly to the County treasurer.

(cr. - Sec. 24350 California Government Code.)

ARTICLE V - — AUDITOR, REPORTS AND ACCOUNTS

Sec. 1: Every county officer, other than the Auditor, and every District Officer, shall within sixty days after entering upon the discharge of the duties of his office, make and file with the Auditor, a complete detailed inventory of all property belonging to, possessed by or in control of his office, received by him from his predecessor; and the Auditor, within the same time, shall file a like inventory as to his office with the Clerk of the Board of Supervisors.

(cr. - Sec. 24051 California Government Code provides annual audit.)

Sec. 2: The Auditor shall not audit nor shall the Treasurer pay the monthly salary of any officer whose duty it is to make reports and accounts to the Auditor as required by general law or this Charter, which are overdue, until such reports and accounts shall have been made to the Auditor and accepted by him.

Sec. 3: It shall be the duty of the Auditor to make thorough inspection and examination from time to time and at least once each year of the books and accounts of all County and District officers and of the methods of keeping the accounts and transacting the business of such officers, and to prescribe in writing as to any or all of the offices such rules, regulations, forms and methods as to keeping the accounts thereof, and as to making the reports and accounts hereinbefore provided for, as the Auditor shall deem proper; and it shall be the duty of each and all of such officers to comply with such requirements of the Auditor.

(cr. - Sec. 24900 California Government Code et seq.)

ARTICLE VI - — CONSERVING GROUNDWATER RESOURCES

Sec. 1: Any extraction of groundwater from lands within the County of Tehama for off-parcel use is forbidden unless that extraction is made in the manner prescribed by law.

Sec. 2: The board of supervisors of Tehama County shall, for the purposes of protecting and conserving groundwater resources for the people of Tehama County, promulgate necessary and appropriate law.