

## THE CHARTER\*

**Sections:****Article I. - In General****Art. I, § 1 - Body politic; powers generally.**

The County of Butte as it now exists is a body politic, and as such has all the powers specified by the constitution and laws of the State of California, and by this Charter.

**Art. I, § 2 - Exercise of powers by board of supervisors.**

The powers mentioned in the preceding section can be exercised only by a board of supervisors, by agents and officers acting under their authority or by authority of the constitution of the State of California, the laws of the State of California, or this Charter.

**Art. I, § 3 - Official name.**

The official name of said county shall be "County of Butte." It must be thus designated in all actions and proceedings touching its rights, property and duties.

**Art. I, § 4 - Boundaries.**

The boundaries of said county shall remain the same as they now are, until otherwise changed in the manner provided by law.

**Article II. - Board of Supervisors****Art. II, § 1 - County divided into five supervisorial districts; boundaries of districts.**

The County of Butte is hereby divided into five supervisorial districts, the boundaries of which shall be and remain as they now are until otherwise changed, as provided in this Charter.

**Art. II, § 2 - Number of members of board; election and term of members; residence requirements.**

The County of Butte shall have a board of supervisors, consisting of five members, each of whom must be an elector of the supervisorial district which he represents, must reside therein during his incumbency, must have been a resident of the county for five years immediately preceding his election, and shall be elected by the electors of the district which he is to represent. The term of office of supervisors shall be four years, and until their successors are elected and qualify, except as hereinafter provided.

**Editor's note**—"The five year residency requirement in this section was declared unconstitutional by the California Supreme Court in the case of Zeilengo v. Nelson (1971) 4 Cal. 3d 716; 94 Cal. Rptr. 602; 484 P. 2d 578. Now see Government Code Section 25041."

Art. II, § 3 - Term of first members.

At the general election to be held in November, 1918, supervisors shall be elected from the second and fifth supervisorial districts, whose terms of office shall begin at noon on the first Monday after the first day of January, 1919, and shall end at noon on the first Monday after the first day of January, 1921.

Art. II, § 4 - Redistricting.

The board of supervisors must by ordinance during the year 1919, and between the first day of January and the first day of July thereof, redistrict the County of Butte into five supervisorial districts as nearly equal in population as may be possible. The redistricting ordinance shall take effect on the first Monday after the first day of January, 1921, at noon; except that, for the purpose named in section 5 of this article, it shall take effect on the first day of August, 1919.

Art. II, § 5 - Election in 1920.

At the general election to be held in November 1920, supervisors shall be elected in each of the five supervisorial districts as established by the ordinance in section 4 hereof provided for. The five supervisors so elected shall take office at noon on the first Monday after the first day of January, 1921. Immediately upon their qualification they shall so classify themselves by lot that three of their number shall hold office for four years, and two of their number for two years, and the supervisors elected at the election held in 1922 and every two years thereafter shall hold office for four years.

Art. II, § 6 - Changing boundaries of districts.

After the year 1921, whenever it appears from the United States census that the population in any supervisorial district exceeds or lacks more than twenty-three percent as compared with the population in another district or districts, then the board of supervisors shall change the boundaries of such district or districts so that the population of each district shall be so nearly equal as possible. Any changes in the boundaries of any district must be made in accordance with general law.

(Ord. No. 1113, § 1(a)1, 9-1-70, ratified 11-3-70)

Art. II, § 7 - Vacancies.

Whenever a vacancy occurs in the board of supervisors, the governor shall fill such vacancy by appointment, and the appointee shall hold office until the election and qualification of his successor. Such election shall take place at the next general election at which county officers are elected. The person elected shall hold office for the remainder of the unexpired term.

Art. II, § 8 - Chairman; chairman pro tempore; administration of oaths; quorum.

The board of supervisors shall at its first meeting in January of each year, elect a chairman who shall preside at all meetings. In case of his absence or inability to act, the members present must by an order entered of record select one of their number to act as chairman pro tempore. Any member of the board of supervisors may administer oaths when necessary in the performance of his official duties. A majority shall constitute a quorum, and no act of the board shall be valid or binding unless three members concur thereon, except as otherwise required by law.

(Ord. No. 1113, § 1(a)2, 9-1-70, ratified 11-3-70)

### Article III. - General Powers of the Board of Supervisors

#### Art. III, § 1 - Generally.

- (a) The board of supervisors shall have all the jurisdiction and power which is now or which may hereafter be granted by the constitution and laws of the State of California, or by this Charter, except as limited in this Charter.
- (b) Except as hereinafter provided in subsection (c), the board of supervisors and all other county officials are prohibited from the use of any local funds in programs administered by the Butte County Department of Welfare.
- (c) The board of supervisors may provide local funds for the administration of services not to exceed the maximum amount of welfare funds utilized in fiscal year 1978-1979, as adopted in the County of Butte 1978-1979 budget.

(Ord. No. 2548, § 1(a), 8-14-86, ratified 11-4-86)

**Editor's note**—Subsections (b) and (c) were voided by the Butte County Superior Court as in conflict with state law on a matter of statewide concern. See Board of Supervisors v. McMahon (1990) 219 Cal. App. 3d 284, at pp. 292—293; 268 Cal. Rptr. 219, at pp. 221—222.

#### Art. III, § 2 - Duties as to bonds and compensation of county officers.

It shall be the duty of the board of supervisors:

- (a) Before any officer elected or appointed hereunder qualifies, to fix the amount of the bond to be required of such officer and the manner of the approval thereof. The bond of any officer holding an ex-officio office must be made to cover liability for the faithful performance of the duties of both offices and must be one bond.
- (b) To fix the compensation of county and township officers which are now or may hereafter be provided for by the constitution, the general law or this Charter, whose compensations are not fixed and provided for by this Charter.

#### Art. III, § 3 - Number and compensation of deputies, assistants, etc.

The board of supervisors shall at least once annually determine the number of deputies, assistants, clerks and stenographers, except as herein otherwise expressly provided, for each and every county officer and shall at said time fix the compensation of each and every deputy, assistant, clerk or stenographer. (1923, p. 1558; 1933, p. 3228; Ord. No. 1113, § 1(a)3, 9-1-70, ratified 11-3-70)

**Cross reference**—In connection with this section, see article IV, § 7 of this Charter.

#### Article IV. - County Officers Other Than Supervisors

##### Art. IV, § 1 - County officers designated.

County officers, other than members of the board of supervisors shall be a sheriff, a county clerk, a treasurer, a recorder, a tax collector, a license collector, a public administrator, a coroner, a surveyor, a district attorney, an auditor, an assessor, a superintendent of schools, an agricultural commissioner, a welfare officer, a probation officer, a health officer, a county physician, a road commissioner, a county librarian, and other such officers as are now or may hereafter be provided for by the constitution, by general law or by this Charter. (1923, p. 1554; 1933, p. 3228; Ord. No. 3842, § 1 (part), 11-05-02)

##### Art. IV, § 2 - Consolidation of offices.

The following offices are hereby consolidated:

- (a) The public guardian shall be ex officio public administrator;
- (b) The sheriff shall be ex officio coroner;
- (c) The treasurer shall be ex officio tax collector and ex officio license collector;
- (d) The health officer shall be ex officio physician;
- (e) The clerk shall be ex officio recorder.

(1923, p. 1554; 1933, p. 3228; Ord. No. 1113, § 1(a)6, 9-1-70, ratified 11-3-70; Ord. No. 1909, § 1(a), 2-28-78, ratified 6-6-78; Ord. No. 2547, § 1(a), 8-14-86, ratified 11-4-86; Ord. No. 3842, § 1 (part), 11-05-02)

##### Art. IV, § 3 - Election of officers; exceptions.

All county officers except the welfare officer, probation officer, the agricultural commissioner, the health officer, the county physician, the county librarian, the road commissioner, the surveyor, and such other officers as are now or hereafter may be appointive by the constitution, general law or this Charter shall be elected in the manner provided by law.

(1933, p. 3228; Ord. No. 3842, § 1 (part), 11-05-02)

##### Art. IV, § 4 - Powers and duties generally of officers.

Each county officer shall have the powers and perform the duties now or hereafter prescribed by general law, except as otherwise provided in this Charter, and shall have and perform such other powers and duties as are prescribed by this Charter.

Art. IV, § 5 - Terms of appointive officers.

The appointive county officers shall not be appointed for a term exceeding four years, and the term of each elective county officer shall be four years, beginning at noon on the first Monday after the first day of January succeeding his election, and until such time as his successor shall be elected and shall qualify, except as otherwise provided in this Charter.

(1933, p. 3228)

Art. IV, § 6 - Compensation of officers.

The compensation of members of the board of supervisors shall be regulated by the legislature of the State of California by statute applicable to the class of county in which Butte County is now, or shall hereafter be placed. The board of supervisors shall regulate and set the salaries of county and township officers, including judges of inferior courts except as otherwise provided by the Constitution of the State of California.

(1923, p. 1554; 1933, p. 3228; 1945, p. 3032; 1949, c. 20; Ord. No. 1113, § 1(a)4, 9-1-70, ratified 11-3-70)

Art. IV, § 7 - Assistants, deputies, clerks and stenographers.

The offices of such assistants, deputies, clerks, stenographers and other necessary employees are hereby created. The incumbents shall be appointed and be subject to removal pursuant to the provisions of a merit system to be established by ordinance by the board of supervisors. The number of such offices or the salaries of such assistants, deputies, clerks, stenographers and other necessary employees may be increased or decreased by the board of supervisors at such times as may be to the best interest of the county, and such salaries shall be paid to them at the same time, in the same manner, and out of the same fund as the salaries of the county officers are paid, except as in this Charter otherwise provided.

(1933, p. 3228; Ord. No. 1699, § 1(a), 3-30-76, ratified 6-8-76)

**Note—** In connection with this section, see also art III, § 3.

Art. IV, § 8 - Disposition of fees, fines and commissions.

All fees, fines and commissions of any kind or nature collected by any county or township officer, board, commission or employee shall be paid into the county treasury on the first Monday of each month. The payment shall be accompanied by a detailed statement of the same in writing, a duplicate copy of which shall be filed with the auditor at the same time.

Art. IV, § 9 - Vacancy in elective county office.

(a) Whenever a vacancy occurs in an elective county or township office other than the board of supervisors or

office of the county superintendent of schools, said board shall fill such vacancy in the manner provided by general law.

(Ord. No. 2546, § 1(a), 8-14-86, ratified 11-4-86)

#### Art. IV, § 10 - Expenses of office.

Each county officer shall be allowed, in addition to salaries as provided for herein, such expenses as are now payable to him under the provisions of the general law or this Charter, provided that all such expenses shall be limited to actual and necessary expenses incurred by each officer in the performance of his particular duties, and provided further that the board of supervisors may by ordinance, set forth additional limitations and additional rules which may define and set forth procedure to determine what are actual and necessary expenses as referred to herein.

(Ord. No. 1113, § 1 (a)5, 9-1-70, ratified 11-3-70)

#### Art. IV, § 11 - Increase or decrease of compensation of appointive officers, assistants, deputies, etc.

The compensation of appointive county officers, assistants, deputies, clerks, or other employees, as stated in Section 3 of Article III of the Butte County Charter may be increased or decreased by the board of supervisors as provided by law.

(1933, p. 3228; 1949, c.20)

#### Article V. - Township Officers

##### Art. V, § 1 - Reserved.

**Editor's note**—Section 1, article V, prescribing the number of justices of the peace and constables, was repealed at a special charter revision election held Nov. 3, 1970, pursuant to Ord. No. 1113, enacted Sept. 1, 1970.

##### Art. V, § 2 - Election of justices and constables.

Justices of the peace and constables shall be elected at the time and in the manner and for the term now or hereafter provided by law.

##### Art. V, § 3 - Provision for judicial districts, judges, constables, marshals; exception when another inferior court system provided.

The board of supervisors shall provide by ordinance for one or more judicial districts and for one or more judges for each judicial district and one constable or marshal as the case may be in each judicial district; and may provide for deputy constables or deputy marshals as the board deems necessary, provided further that should the legislature hereafter, instead of the system of courts now established by law, substitute some other system of inferior courts, then and in that event, it shall not be compulsory upon the board of supervisors to make any set number of judges or constables or marshals for said districts, and the board may discontinue the existence of the offices as provided herein, and; that the board shall provide for such number of inferior justices or judges as may be necessary for the needs of the

county under such substituted system; provided further the board of supervisors may, by ordinance, appoint the sheriff of the County of Butte as ex officio constable or marshal to any judicial district, and in such event the incumbent marshals or constables may be employed as deputy sheriffs and provided further that the reference made herein to marshals shall apply only to the extent allowed under the constitution and laws of the State of California.

(Ord. No. 1113, § 1(a)(8), 9-1-70, ratified 11-3-70)

**Amendment note**—Section 3, Article V, was amended at a special charter revision election held Nov. 3, 1970, to read as set out. Formerly the section provided for the appointment of justices of the peace and constables in each judicial township.

Art. V, § 4 - Salaries of township officers generally.

Township officers shall receive such salaries as may be provided by the board of supervisors by ordinance, subject to the limitation provided in this Charter. Said ordinance shall be passed only by a four-fifths vote.

Art. V, § 5 - Fees, fines, etc., not to be retained.

The salaries so fixed shall be in full compensation for all services of said justices of the peace and constables in criminal cases, provided that each constable shall be allowed and paid the actual and necessary expense of transporting prisoners after conviction to the county jail, which shall be paid out of the county general fund; and provided further that no justice of the peace or constable shall retain any fee, fine or other money collected by him for his own use.

Art. V, § 6 - Expenses.

Each township officer shall be allowed, in addition to his salary, such expenses as are now payable to him under the provision of the general law, or this Charter provided, however, that all such expenses shall be limited to actual and necessary expenses, and provided further that the board of supervisors may by ordinance, set forth additional limitations and additional rules which may define and set forth procedure to determine what are actual and necessary expenses as referred to herein.

(Ord. No. 1113, § 1 (a)9, 9-1-70, ratified 11-3-70)

**Amendment note**—Section 6, Article V, was amended at a special charter revision election held Nov. 3, 1970, by adding the second proviso clause and by the elimination of the words "and shall not include board and lodging" from the first proviso clause.

Art. V, § 7 - When salaries paid.

The salaries of township officers shall be paid at the same time, in the same manner and out of the same fund as the salaries of county officers.

Art. V, § 8 - Powers and duties of township officers.

Each township officer shall have the powers and perform the duties now or hereafter prescribed by general law, except as in this Charter otherwise provided.

Art. V, § 9 - Term "township officer" defined.

Wherever the term township officer is made reference to in this charter, that term shall be deemed to include justice court officers.

(Ord. No, 1113, § 1(a)10, 9-1-70, ratified 11-3-70)

**Amendment note**—Section 9 was added to Article V at a special charter revision election held Nov. 3, 1970.

Article VI. - Constabulary Department

Art. VI, § 1 - Department established; composition; constables made ex officio deputy sheriffs.

There is hereby created a constabulary department, which shall consist of the sheriff and of all constables in the county, who are hereby made ex officio deputy sheriffs.

Art. VI, § 2 - Executive head; organization; duties of constables.

The sheriff shall be the executive head of said department, and shall so organize the same as to give the county efficient and effective police protection. Each constable shall be subject to the orders of the sheriff in criminal matters, and in addition to the duties required of them by law, the constables must serve civil process within their respective townships, or elsewhere, when requested by the sheriff to do so.

Article VII -

**Editor's note**—Article VII of the original act was repealed by 1927, p. 2253.

Article VIIa. - County Free Library

Art. VIIa, § 1 - Library created; county librarian to be in charge.

There is hereby created a county free library which shall be in charge of the county librarian.

(1923, p. 1554)

Art. VIIa, § 2 - Appointment of county librarian.

The county librarian shall be appointed by the board of supervisors.

(1923, p. 1554; 1933, p. 3228)

Art. VIIa, § 3 - Maintenance in accordance with state law.



The county free library shall be maintained in accordance with an act entitled "An Act to Provide for the Establishment and Maintenance of County Free Libraries in the State of California, and repealing an act entitled, 'An Act to Provide County Library Systems, approved April 12, 1909, and all acts and parts of acts in conflict with this act,' approved February 25, 1911, and all amendments thereto."

(1923, p. 1554)

#### Article VIII. - Auditing and Accounting

##### Art. VIII, § 1 - Inauguration of accounting system.

The auditor shall on or before July 1, 1918, inaugurate and install in each county and township office an up-to-date and modern system of accounting, so that the books of all county officers shall be of uniform system.

##### Art. VIII, § 2 - Filing of monthly report of collection of fees, etc., with auditor.

Each county and township officer or employee who collects fees, fines or any money due the county shall file with the auditor, on or before the fifteenth day of each month, an itemized statement showing from what source the fees, fines or other moneys, were received during the preceding month; and shall also include in this report an itemized statement of all expenses incurred by the said officer during the preceding month including his salary and that of all his deputies; and the auditor must not pay any officer his salary until he files said monthly report and pays all fees, fines and other money collected, into the county treasury.

##### Art. VIII, § 3 - County officers' estimate of expense of office; exceeding amount of estimate.

Each county officer shall file with the auditor or county administrative officer, as the board of supervisors directs, on or before a date each year as set by law, an estimate of the amount that he will need to run his office for the forthcoming fiscal year, and in no case shall he be permitted to expend more than is allowed his office in the budget, except as permitted by the board of supervisors pursuant to law.

(Ord. No. 1113, § 1(a)11, 9-1-70, ratified 11-3-70)

**Amendment note**—Section 3, Article VIII, was amended to read as set out at a special charter revision election held Nov. 3, 1970. Formerly each county officer was required to file with the auditor on or before July 15th of each year an estimate of operating expenses; expenditures exceeding his budget allowance could be approved by unanimous vote of the board of supervisors from the county officers' emergency fund.

##### Art. VIII, § 4 - Compiled report for the board.

The auditor, or the county administrative officer, as designated by the board shall prepare a compiled report for the board containing all budget and tax information as required by law, and in the form required by law, and within the time as required by law and shall submit same to the board within the time required by law.

(Ord. No. 113, § 1(a)12, 9-1-70, ratified 11-3-70)

**Amendment note**—Section 4, Article VIII, was amended to read as set out at a special charter revision election held Nov. 3, 1970. Formerly the auditor was required to make an annual report after July 15, and before September 1. The section specified the contents of the report.

Art. VIII, § 5 - Indebtedness of county to be set forth in report.

The auditor must set forth in the annual report all indebtedness, existing and outstanding against the county on the thirtieth day of June of each year.

Art. VIII, § 6 - Uniform system of reports; reports to be sworn to.

All reports of county and township officers shall be made under a uniform system prescribed by the auditor, and this report must be subscribed and sworn to before an officer authorized to administer oaths.

Art. VIII, § 7 - Tax matters to be stated in reports.

The auditor must set forth in his annual report, in addition to the matters hereinbefore set forth, the total assessed value of all property in the county as shown by the last assessment roll, the tax rate as levied by the board of supervisors, the total amount of taxes proposed to be raised, the actual amount of taxes paid into the county, and the total amount of delinquent taxes remaining unpaid on the thirtieth of April of each year.

Art. VIII, § 8 - Submission of budget for approval; reducing or raising estimates.

When the auditor has completed his annual budget he shall submit it to the board of supervisors for approval. In passing upon the estimate the board of supervisors may eliminate or reduce the amount of any item, but in no case may it increase the estimates made by the auditor, though it may request that officer to reconsider his estimate on the particular item thereof. If the auditor for good reason raises the estimate, then the board may adopt the raised estimate.

Art. VIII, § 9. - (Repealed)\*

\* **Editor's note**—This section was repealed by 1923, p. 1554.

Art. VIII, § 10 - Printing of annual report; disposition of copies.

The auditor shall have his annual report printed in pamphlet form, in a number to be designated by the board of supervisors; one copy of said report must be filed with the board of supervisors, one with the grand jury, one with the judge of the superior court, and the balance for general distribution.

Art. VIII, § 11 - Annual Inventory.

The auditor acting in conjunction with the board of supervisors, must have prepared on the first day of July of each year, a complete inventory of all property owned by the county. All property, of every kind and description, purchased for the county during the year, must be listed by the auditor and included in the said inventory. Each year this inventory shall be checked by the auditor to see if all property shown in the inventory of the preceding year is on hand. If there is

any property missing, the auditor must report the same to the board of supervisors, and it shall be the duty of the board of supervisors to have an investigation immediately made by the district attorney, to locate said property, or to see what disposition has been made of the same, and to take proper action in regard thereto.

Art. VIII, § 12 - Reserved.

**Editor's note**—Section 12, Article VIII, which limited the tax rate, was repealed at a special charter revision election held Nov. 8, 1970, pursuant to Ord. No. 1113, enacted Sept. 1, 1970.

Art. VIII, § 13 - Auditor's endorsement prerequisite to allowance of claims.

No claims against the county shall be allowed by the board of supervisors or paid, unless they have been checked by the auditor and until they have his approval endorsed thereon in writing.

Article IX -

**Editor's note**—Article IX of the original act was repealed by 1927, p. 2253.

Article X. - Road Department

Art. X, § 1 - Formation of road districts; purposes of formation; incurring indebtedness.

The board of supervisors may provide for the formation of road districts for the care, maintenance, repair and supervision of roads, highways and bridges; and for the formation of highway construction divisions, for the construction of roads, highways and bridges; for the inclusion in any such district or division of the whole or any part of any incorporated city or town upon ordinance passed by such incorporated city or town authorizing the same, and upon the assent to such inclusion by a majority of the qualified electors of such incorporated city or town or portions thereof proposed to be so included at an election held for that purpose; for the organization, government, powers and jurisdiction of such district or division, for raising revenues therein for such purposes, by taxation, upon the assent of a majority of the qualified electors of such district or division, voting at an election held for that purpose; for the incurring of indebtedness therefor by the county, district or division for such purposes, respectively, by the issuance and sale by the county of bonds of the county, district or division, and the expenditure of the proceeds of the sale of such bonds, for levying and collection taxes against property of the county, district or division, as the case may be, for the payment of the principal and interest of such indebtedness at maturity; provided, that any such indebtedness shall not be incurred without the assent of two-thirds of the qualified electors of the county, district or division, as the case may be, voting at an election held for the purpose, nor unless before or at the time of incurring such indebtedness, provision be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due and also for a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same; and the procedure for voting, issuing and selling such bonds, except in so far as the same shall be otherwise prescribed in this Charter, shall conform to general law for the authorization and incurring of bonded indebtedness so far as applicable; provided further, that the construction, care, maintenance, repair and supervision of roads, highways and bridges, for which aid from the state is granted shall be subject to such regulations and conditions as may be imposed by the legislature.

Art. X, § 2 - Director of public works.

The board of supervisors shall appoint a director of public works, who shall thereafter serve at the pleasure of the board of supervisors. The director of public works shall be a civil engineer and shall have had prior to his appointment, at least 3 years actual experience in road construction. He need not be an elector of the county, but must reside therein during his service as director of public works. He shall, under the general direction and supervision of the board of supervisors, have complete direction and control over all work of construction, improvements, maintenance and repair of county roads, highways and bridges.

(1940 1st Ex. Sess., p. 300; Ord. No. 1113, § 1(a)16, 9-1-70, ratified 11-3-70)

**Amendment note**—Section 2, Article X, was amended to read as set out at a special charter revision election held Nov. 3, 1970. Formerly said section pertained to the appointment, etc. of the road engineer.

Art. X, § 3 - Powers and duties of road commissioner.

The county road commissioner shall:

- (a) Make all surveys, maps, plans, specifications and estimates necessary or required for the construction, improvement, maintenance and repair of the county highways and bridges.
- (b) Examine and inspect the work performed on such roads, highways and bridges and report to the board of supervisors as to whether or not the work has been done in accordance with the plans and specifications on contracts therefore.
- (c) Approve and certify to the progress, estimates and allowances for work performed under all contracts for the construction, improvement and maintenance or repair of county roads, highways and bridges.
- (d) Inspect or cause to be inspected, all county roads, highways and bridges within the county, and under the general direction of the board of supervisors and ex officio road commissioners, keep such roads, highways and bridges clear of obstructions and in good repair; employ all men, teams, watering carts and all help necessary therefore, when the same is not let by contract, and report to the board of supervisors with respect to such inspection and such work from time to time as required by said board; certify to the correctness of all payrolls for work done by day labor or force account on county roads, highways, and bridges.
- (e) Have control and management under the general supervision of the board of supervisors of all county rock quarries, oil pits, depots, gravel pits and other materials, property, implements, tools, machinery and instruments and other appurtenances necessary for the construction, improvement, maintenance and repair of county roads, highways, and bridges, and for the plans therefore.
- (f) Devote his entire time to the performance of his duties to the exclusion of all other business occupations. He shall not be either directly or indirectly, interested in any contract or works, nor shall he be so interested in the purchase of supplies, tools or materials of any kind used in the carrying out of any of his duties under the provisions of this Charter.
- (g) Prepare annually a proper budget showing in detail the needs of the county for construction, improvement, maintenance or repair to county roads, highways and bridges for the ensuing year and submit the same to the county auditor and board of supervisors at least sixty days prior to the date of the

meeting at which the board of supervisors is required to fix the county tax rate.

- (h) Make a written report to the board of supervisors at their regular meeting each month, in which he shall state the amount and character of work done during the preceding month, the progress of any contracts under way, approximate cost of the work, and matters of interest pertaining to same. In this report, he shall call the attention of the board of supervisors to any repairs or construction work he deems important to have made or done, and make recommendations therefore, and inform and advise the board of supervisors of all matters pertaining to the public roads, highways, streets, bridges or other public work, which in his judgment should be brought to their attention. This report shall contain the recommendation and acceptance or rejection of any public work completed, and all official announcements, or statements which the commissioner is required to make to the board.
- (i) The county road commissioner shall classify and compute the total mileage of county roads according to state law.

(1923, p. 1554; 1949, c. 20; Ord. No. 3842, § 2 (part), 11-05-02)

Art. X, § 4 - Reserved.

**Editor's note**—Section 4, Article X, pertaining to district foremen and assistants, was repealed at a special charter revision election held Nov. 3, 1970, pursuant to Ord. No. 1113, enacted Sept. 1, 1970.

Art. X, § 5 - Tools, machinery and equipment.

The road commissioner shall make requisition upon the board of supervisors for the purchase of all tools, implements, machinery, materials and supplies required to carry out the provisions of this Charter, and said requisition shall state plainly the estimated costs of the article or articles to be purchased. He shall approve all claims for the same before such claims are audited and passed before the board of supervisors. He shall be the custodian and be responsible for all equipment under his control. All such property shall be stored and protected from the weather when no in use. An inventory of all property in his custody shall made annually and kept on file in the office of the road commissioner.

(Ord. No. 3842, § 2 (part), 11-05-02)

Art. X, § 6 - Approval, etc., of claims for county road work.

No claims against the county for work done on its roads, highways, streets, bridges, aqueducts or in connection therewith, shall be passed by the board of supervisors or paid for by the treasurer or the county unless they shall have endorsed thereon the written approval of the road commissioner and the auditor.

(Ord. No. 3842, § 2 (part), 11-05-02)

Art. X, § 7 - Office; location of equipment.

The board of supervisors shall provide for and assign to the road commissioner and his assistants a suitable office or offices in the courthouse or some place conveniently located with reference thereto, together with all the office tools, implements and other equipment necessary for the performance of the duties herein prescribed.

(Ord. No. 3842, § 2 (part), 11-05-02)

Art. X, § 8 - Term "road commissioner" defined.

That whenever the term road commissioner appears in the Charter, it would be deemed to also include the office of the director of public works, and provided further that the director of public works shall have other duties as are required by law or as directed by the board of supervisors. (1940, p. 300; Ord. No. 1116, § 1(a)15, 9-1-70, ratified 11-3-70; Ord. No. 3842, § 2 (part), 11-05-02)

**Amendment note**—Section 8, Article X, was amended to read as set out, at that special charter revision election held Nov. 3, 1970. Formerly the section provided the term of office of the road commissioner and for his removal from office.

Article XI. -

**Editor's note**—Article XI of the original act was repealed by 1927, p. 2253 after having been amended by 1923, p. 1554.

Article XII. - Miscellaneous

Art. XII, § 1 - Removal of county officers from office.

The holder of any elective or appointive county or township office, his deputies or assistants, shall be subject to removal from office by recall in the manner provided by general law, as applicable to counties and townships.

Art. XII, § 2 - Reserved.

**Editor's note**—Section 2, Article XII, pertaining to increase or decrease of officer's compensation during term of office, (1983, p. 8228; 1945, p. 3032) was repealed at a special charter revision election held Nov. 8, 1970, pursuant to Ord. No. 1113, adopted Nov. 3, 1970.

Art. XII, § 3 - Coercement by board of supervisors; county officers.

No member or members of the board of supervisors shall directly or indirectly coerce or attempt to coerce the head of any county department or other county officer appointed or confirmed by the board of supervisors in the performance of the duties of his office, or attempt to exact promises from any candidate for any such office relative to any appointment or removal of any county officer or employee; and provided further that no county officer shall request or require any employee within his department to assist said officer in any political activities pertaining to the election of such officer nor request or require from any employee within the department of said officer any contribution of money for the election of said officer.

(1933, p. 3228; Ord. No. 1113, § 1(a) 18, 9-1-70, ratified 11-3-70)

**Amendment note**—Section 3, Article XII, was amended to read as set out at a special charter revision election held Nov. 3, 1970. The amendment deleted the former first sentence relating to political activity by appointive officers or employees and added the proviso clause.

## Art. X, § 4 - Severability clause.

If any article, section or part of this Charter shall be for any reason judicially determined to be invalid, such invalidity shall not affect the remaining portions hereof.

## Art. X, § 5 - Application of state law.

The constitution and general laws of the State of California shall apply to all matters not provided for in this Charter.

## Art. X, § 6 - Gender of terms.

Words used in this Charter in the masculine gender include the feminine.

## Art. X, § 7 - Effective date.

This Charter shall take effect and be in force from and after its approval by the Legislature of the State of California, except as herein otherwise provided.

## CHARTER COMPARATIVE TABLE

| Ord. No. | Date   | Election Held | Section | Charter Sec.     |
|----------|--------|---------------|---------|------------------|
| 1113     | 9-1-70 | 11-3-70       | 1(a)    | Art. II, § 6     |
|          |        |               | 2       | Art. II, § 8     |
|          |        |               | 3       | Art. III, § 3    |
|          |        |               | 4       | Art. IV, § 6     |
|          |        |               | 5       | Art. IV, § 10    |
|          |        |               | 6       | Art. IV, § 2     |
|          |        |               | 7       | Art. V, § 1 rpld |
|          |        |               | 8       | Art. V, § 3      |
|          |        |               | 9       | Art. V, § 6      |
|          |        |               | 10      | Art. V, § 9      |
|          |        |               | 11      | Art. VIII, § 3   |

|           |                             |
|-----------|-----------------------------|
| 12        | Art. VIII, § 4              |
| 13        | Art. VIII, <u>§ 12</u> rpld |
| 14        | Art. X, § 4 rpld            |
| 15        | Art. X, § 8                 |
| 16        | Art. X, § 2                 |
| <u>17</u> | Art. XII, § 2 rpld          |
| <u>18</u> | Art. XII, § 3               |

|      |          |          |      |                          |
|------|----------|----------|------|--------------------------|
| 1699 | 3-30-76  | 6-8-76   | 1(a) | Art. IV, § 7             |
| 1909 | 2-28-78  | 6-6-78   | 1(a) | Art. IV, § 2             |
| 2546 | 8-14-86  | 11-4-86  | 1(a) | Art. IV, § 9(a)          |
| 2547 | 8-14-86  | 11-4-86  | 1(a) | Art. IV, § 2             |
| 2548 | 8-14-86  | 11-4-86  | 1(a) | Art. III, § 1(6), (C)    |
| 3842 | 11-05-02 | 11-05-02 | 1    | Art. IV, §§ 1—3          |
|      |          |          | 2    | Art. X, §§ 3 and 5—<br>8 |