

THE CHARTER OF THE CITY OF BIG BEAR LAKE



Incorporated:	November 28, 1980
Charter Established:	November 8, 1983
Charter Amendment:	June 4, 1985
	December 13, 2010

CITY OF BIG BEAR LAKE

ARTICLE I. INCORPORATION AND SUCCESSION

Section 100. Name and Boundaries.

The City of Big Bear Lake, hereinafter termed the City, shall continue to be a Municipal Corporation under its present name, "City of Big Bear Lake". The boundaries of the City shall be as established at the time this Charter takes effect, or as they may be changed thereafter in the manner authorized by law.

Section 101. Right and Liabilities of the City.

The City shall continue to own, possess, and control all rights and property of every kind and nature owned, possessed, or controlled by it at the time this Charter takes effect and shall be subject to all its legally enforceable debts, obligations, liabilities, and contracts.

Section 102. Ordinances, Codes and Other Regulations.

All ordinances, codes, resolutions, rules, regulations, and portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, shall continue in force until they shall have been duly repealed, amended, changed, or superseded by proper authority as provided herein.

Section 103. Officers and Employees.

Subject to the provisions of this Charter, the present officers and employees of the City shall continue to perform the duties of their respective offices and employments under the same conditions as those of the existing offices and positions until the election or appointment and qualification of their successors, subject to such removal and control as herein provided.

Section 104. 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 officer, office, Department or agency thereof, shall be affected or abated by the adoption of this Charter or anything herein contained.

ARTICLE II. POWERS OF CITY

Section 200. Powers.

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

Specifically, but not by way of limitation, the City shall have the power to make and enforce all laws and regulations with respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers, 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, duty or procedure shall not be held to be exclusive of, or any limitation or restriction upon, this general grant of power.

Section 201. Intergovernmental Relations.

The City may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with anyone or more cities, counties, states, or civil divisions or agencies thereof, or the United States or any agency thereof. In addition to the foregoing the City may delegate the exercise of its powers or the performance of any of its functions to any city, county, state, civil division or agency thereof or the United States or any agency thereof.

ARTICLE III. FORM OF GOVERNMENT

Section 300. Form of Government.

The Municipal government established by this Charter shall be known as the "Council-Manger" form of government.

ARTICLE IV. THE CITY COUNCIL

Section 400. City Council.

The City Council, hereinafter, termed "Council", shall consist of five council members elected to office from the city at large in the manner provided in this chapter. The term of office shall be four years.

Alternatively, and successively, three four-year terms shall be filled at one general municipal election and two four-year terms at the next such election, consistent with the sequence of terms of Council member existing on the effective date hereof. The term of a Council member shall commence at the next regularly scheduled meeting following receipt by the City Clerk of the results from the County. Any ties in voting shall be settled by the casting of lots.

Each Council member in office at the time this Charter takes effect shall continue in office until November 30 following the end of the term for which he or she was elected or appointed subject to the right of the people to recall a Council member from office as provided herein.

Section 401. Eligibility.

No person shall be eligible to hold the office of Council member unless he or she is a legally registered voter and resident of the City.

Section 402. Compensation.

Compensation for Council member is hereby set, and from time to time shall be changes, in accordance with the provisions of the Government Code relating to salaries of Council members in general law cities. Such compensation may be increased or decreased other than as set forth above by an affirmative vote of a majority of the voters voting on the proposition at any election.

Section 403. Vacancies, Forfeiture of Office, Filling of Vacancies.

- (a) A vacancy shall exist on the Council, and shall be declared by the Council, upon the occurrence of any of the events enumerated in the provisions of the Government code pertaining to vacancies in public offices.
- (b) A declaration by the Council of a vacancy resulting from forfeiture of office shall be subject to judicial review, provided that within two weeks after such declaration an appropriate action, or proceeding for review is filed in a court having jurisdiction or the action of proceeding. During the pendency of any such action or proceeding, anyone appointed by the Council or elected by the people to fill such vacancy shall have all the rights, duties, and powers of a Council member and shall continue in such office as provided herein unless and until said court rules the declaration of the Council invalid and such ruling has become final.
- (c) The method of filling vacancies on the City Council shall be as prescribed by the ordinance of the City Council.

Section 404. Powers Vested in the Council.

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

Section 405. Council Organization, Meetings and Rules of Order.

Officers of the Council, the time, place and method of calling meetings and the rules of order for the conduct of proceedings by the City Council shall be established by ordinance of the City Council.

Section 406. Citizen Participation.

Subject to the rules governing the conduct of Council meetings, any citizen, personally or through counsel, shall have the right to present grievances at any regular meeting of the Council, or offer suggestions for the betterment of municipal affairs.

Section 407. Adoption of Ordinances and Resolutions.

With the exception of ordinances which take effect upon adoption pursuant to this Article, no ordinance shall be adopted by the Council on the day of its introduction, nor within five days thereafter. An ordinance effective upon adoption as provided herein may be introduced and adopted at the same time. All ordinances shall be read by title only either at the time of introduction or at the time of adoption unless three members of the members of Council request that the ordinance be read in full. In the event that any ordinance is altered after its introduction, it shall not be finally adopted except at a meeting held not less than five days after the date upon which such ordinance was altered. Correction of a typographical or clerical error shall not constitute an alteration within the meaning of the foregoing sentence.

Unless otherwise required by the Charter, the affirmative votes of at least three members of the Council shall be required for the enactment of any ordinance, resolution or order for the payment of money.

All ordinances and resolutions of the City Council shall be signed by the Chairman of the Council and attested by the City Clerk.

Any ordinance declared by the 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 it is passed at least four affirmative votes.

Section 408. Ordinances. Posting.

The City Clerk shall cause each ordinance to be posted in at least three public places in the City in lieu of publication unless publication is requested by the City Council or otherwise required by law.

Section 409. Adoption of Codes by Reference.

Detailed regulations pertaining to any subject, when arranged as a comprehensive code, may be adopted by reference by the passage of an ordinance for such purpose. Such code need not be posted or published in the manner required for the enactment of ordinances. Any or all ordinances of the City may be compiled, consolidated, revised, indexed, including such restatement and substantive changes as is necessary in the interest of clarity, and arranged as a comprehensive ordinance code. Such ordinance code may be adopted by reference as provided herein. Copies of any adopted code of regulations shall be made available for purchase at a reasonable price.

Section 410. Ordinances. When Effective.

An ordinance shall become effective after the thirtieth day following its Adoption, or at any later date specified therein, except the following, which shall take effect upon adoption:

- (a) An ordinance calling or otherwise relating to an election.
- (b) An ordinance declaring the amount of money necessary to be raised by taxation, fixing the rate of taxation, levying the annual tax upon property, or levying any other tax.
- (c) An emergency ordinance adopted in the manner provided for in this Article.

ARTICLE V. CITY MANAGER*

Section 500. City Manager. Selection and Qualifications.

There shall be a City Manager who shall be the chief administrative officer of the City. The council shall appoint the person who it believes to be best qualified on the basis of executive and administrative qualifications, with specific reference to experience in, and knowledge of, accepted practice in respect to the duties of the office as set forth in this Charter.

Section 501. City Manager. Appointment, Removal, Powers and Duties.

The appointment, removal, power and duties of the City Manager, shall be as established by ordinance of the City Council, including the manager's control and supervision of all appointed officials.

* Code References – City Council, I.E., City Manager, I.C.

ARTICLE VI. CITY CLERK

Section 600. City Clerk.

There shall be a City Clerk who shall be appointed by and serve at the pleasure of the Council.

Section 601. Powers and Duties.

The City Clerk or a duly authorized representative shall:

- (a) Attend all public meetings of the Council and be responsible for the recording and maintain of a full and true record of all of the proceedings of the Council in books that shall bear appropriate titles and be devoted to such purpose.
- (b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each document stating that said document is the original or a correct copy, and with respect to an ordinance, stating that said ordinance has been posted or published in accordance with this Charter. All of said books shall be properly indexed and open to public inspection.
- (c) Maintain separate books in which a record shall be made of all written contracts and official bonds.
- (d) Be the custodian of the seal of the City.
- (e) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City, and certify copies of official records.
- (f) Conduct all City elections.
- (g) Perform such other duties as may be prescribed by the Council.

ARTICLE VII. OFFICERS AND EMPLOYEES

Section 700. Administrative Departments.

- (a) The council may establish City Departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices, and agencies.
- (b) Except as otherwise provided by this Charter, all departments, offices, and agencies under the direction and supervision of the City Manager shall be administered by an officer appointed by and subject to the direction and supervision of the City Manager. With the consent of the Council, the City Manager may serve as the departmental administrator or one of more such departments, offices, or agencies or may appoint one person as the departmental administrator of two or more of them.
- (c) The Council may provide for the number, titles, and compensation of all officers and employees.

Section 701. City Attorney. Powers and Duties.

There shall be a City Attorney who shall be appointed and subject to removal by a majority vote of the Council. The City Attorney shall serve as chief legal adviser to the Council, the City Manager, and all City Departments, offices, and agencies and shall be under the administrative direction of the City Manager. The City Attorney shall represent the City in all legal proceedings and shall perform such other duties as may be prescribed by the Council.

Section 702. Treasurer.

There shall be a Treasurer who shall be appointed and may be removed by the Council. The treasurer shall be under administrative direction of the City Manager and shall perform those duties required by law, and provided by ordinance and resolution.

Section 703. Departmental Administrators. Appointive Powers.

Each departmental administrator shall have the power to appoint, supervise, suspend, or remove such assistants, deputies, subordinates, and employees as are provided for by the Council for the department, subject to approval of the City Mangers and subject to the provisions of the personnel rules and regulations by the City Council.

Section 704. Administrating Oaths.

Each departmental administrator and such of the deputies thereof as he or she may designate shall have the power to administer oaths and affirmations in connection with any official business pertaining to his or her department.

Section 705. Official Bonds.

The Council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officer or employees who are required by ordinance or resolution to give such bonds. All bonds shall be executed by a responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

There shall be no personal liability upon, or any right to recover against, a superior officer, or his or her bond, for any wrongful act or omission of his or her subordinate, unless such superior officer was a party to, or conspired in, such wrongful act or omission.

ARTICLE VIII. COMMISSIONS, COMMITTEES AND AGENCIES

Section 800. In General.

The commissions and committees heretofore established by the Council shall continue to exist and exercise the powers and perform the duties conferred upon them; provided, however, that the Council may abolish any and all of said commissions and committees any may alter the structure, membership, powers and duties thereof.

In addition, the Council may create such agencies as in its judgment are required and may grant to them such powers and duties as are not inconsistent with the provisions of this Charter.

Section 801. Appropriations.

The Council shall include in its annual budget such appropriations of fund as the Council shall determine to be sufficient for the efficient and proper functioning of commissions, committees and agencies.

Section 802. The appointment, Removal, Terms of Office and Procedural Rules.

The election, appointment, removal, and terms of office of commissions, committee and agency members and the rules and regulations pertaining to the conduct of commission, committee or agency business shall be prescribed by ordinance or resolution of the City Council.

Section 803. Existing Membership.

The members of the commissions and committees holding office when this Charter takes effect shall continue to hold office thereafter until their respective terms of office shall expire and until their successors are appointed and qualify, subject to being removed from office as provided herein.

Section 804. Compensation. Vacancies.

The members of commissions and agencies shall receive such compensation as may be specified by the Council and shall also receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures are authorized by the Council.

Section 805. Department of Water and Power.

There is hereby created a Department of Water and Power, hereinafter called "Department".

Section 806. Board of Commissioners. Appointment.

There is hereby a Board consisting of five (5) members which shall be known as the Board of Water and Power Commissioners ("BOARD"). Members of such board shall be appointed by the City Council. Any member of the Board may be removed at any time for good cause by the affirmative vote of three (3) members of the City Council following written notice of the charges and a hearing. Vacancies shall be filled by the majority vote of the City Council, for the unexpired term. No person shall be eligible for appointment to, or shall remain a member of, said Board unless at the time of appointment, and at all times during his or her tenure on the Board, he or she shall be an elector of the area served by the Department, as it may change from time to time. No city Council member, City employee, City commissioner, or elected or appointed governing board member of any governmental agency (other than the members of the Board) having jurisdictional boundaries which at least partially overlap the area served by the Department, may be appointed to or remain a member of the Board.

Section 807. Property Records.

The first board appointed hereunder shall, within thirty (30) days after confirmation by the City Council, and thereafter their successors shall biennially meet and organize by the election of one (1) of their number as Chairperson. The Board shall within a reasonable time thereafter, not to exceed one (1) year, make an inventory of all the property and assets of the City of Big Bear Lake pertaining to the Department that is on hand and/or in use, and shall estimate the value of all such property to determine the whole amount the City has invested in its Water and Power system., and shall keep records of the inventory, including all properties, afterwards acquired, together with a record of the disposition of any property of said Department which has been, or may be sold, lost, destroyed or worn out, and notify the City Clerk of all such matters.

Section 808. Powers.

The Board of Water and Power Commissioners is hereby authorized and empowered:

1. To establish and collect all water rates, proceeds from sales, and rentals, which shall be deposited in the Water Revenue Fund and to generally regulate, control, manage, renew, repair and extend the water system of the City of Big Bear Lake;
2. To establish and collect all power rates and proceeds from sales, which shall be deposited in the Power Revenue Fund, and generally regulate, control, manage, renew, repair and extend the power generation and distribution system of the City of Big Bear Lake;
3. To employ a general manager, and such other person in addition to existing City staff, as the necessities of the water and power services may require, and to fix and pay out of the Water Revenue Fund the Compensation of any and all water employees, and from the Power Revenue Fund, the compensation of the power employees, and to require of any employee an adequate bond for the faithful performance of his or her duties;
4. To incur any indebtedness or liability not exceeding in any year the income and revenue provided for such year, subject to the debt limitation provisions of the Constitution of the State of California;
5. To make rules and regulations governing the conduct of said Board and the members thereof, and the Employees thereof, and providing compensation and benefits to which they may be entitled as established by the City and its employees.

Section 809. Fiscal Matters.

The board shall have power to control and order the expenditure of all money received from sale or use of water and power, for the defraying of expenses or maintenance and repairs and operation of the water and power systems any for any expenses for addition to the same; and for supplying the City of Big Bear Lake's customers with water and power for any and all purposed; provided that all such money shall be deposited in and to the credit of the funds to be known as the Water Revenue Fund and the Power Revenue Fund. Such funds shall be kept separate and apart from other moneys of the City of Big Bear Lake and shall only be drawn from said fund upon demands authenticated by the Board.

The Board shall have such additional powers and perform such other duties as may be granted or imposed elsewhere in this Charter, or by Charter sections not in conflict with these provisions.

No grant of power to any Department or board of city government shall be construed to restrict the power of the City Council to enact ordinances under the police power of the City, except as otherwise Specifically provided.

Section 810. General Manager.

The Board shall appoint and shall have power to remove a general manager for the Department, who shall be a full-time employee of the Department.

Section 811. General Manger– Duties.

The general manager, under the control and management of the Board, shall administer the affairs of the Department, including the following duties:

1. To appoint, direct, discharge, suspend, or transfer the employees of the Department, other than the Secretary of the Board and the chief accounting employee, all subject to applicable rules and regulations of the City of Big Bear Lake;
2. To exercise such further powers in the administration of the Department as may be conferred upon him or her by the Board.

Section 812. General Manager– Reporting.

The general manager of the Department at least once a month shall file with the Board and the City Council a written report on the work of the Department.

Section 813. Adoption of Budget.

The Board shall, prior to the beginning of each fiscal year, adopt an annual departmental budget.

Section 814. Financial Officer.

No money shall be drawn from any fund under the control of the Department, except upon demands authenticated by the signature of the chief accounting employee of the Department, who shall be directly appointed by the Board and shall be directly responsible to it in the discharge of his or her duties.

Section 815. Property and Contracts.

The City shall not sell, lease or otherwise dispose of its properties or rights in any waters or water right of properties used in the generation of electric energy or the right to develop electric or other power, now or hereafter owned or controlled by the City, without the assent of a majority of the qualified voters of the City voting on the proposition at a general or special election. The City may sell and distribute water and electric energy to its consumers for their own use, and, if necessary, to provide for the interchange and/or sale of surplus water or electric energy and standby or emergency service. Properties located within or outside the City that are unnecessary to the operation of the water and power systems may be sold by authorization from the Board and the City Council. Any agency, other than the Department, which sells or distributes water or electric power within the City must obtain a franchise for such activity from the City of Big Bear Lake.

The Board may enter into contracts with any public agency for the exchange of water; provided that any such water so exchanged by the City shall be replaced in full to the City within a reasonable period.

Section 816. Scope of Department– Powers and Duties.

The Department shall have the power and duty:

1. To construct, operate, maintain, extend, manage and control works and property for the purpose of supplying the City and its inhabitants with water and electric energy, or either, and to acquire and take, by purchase, lease, condemnation or otherwise, and to hold, in the name of the City and all property situated within or without the City, and within or without the state, that may be necessary or convenient for such purpose.
2. To regulate and control the use, sale and distribution of water and electric energy owned or controlled by the City; the collection of water and electric rates, and the granting of permits for connection with said water or electric work; and to fix the rates to be charged for such connection; and, subject to the approval of the City Council by ordinance, to fix the rates to be charged for water or electric energy for use within or without the City, and to prescribe the time and the manner of payment of the same. Such rates shall be so fixed at least every two (2) years; provided, that rates charged inside the City may not be greater than the rates outside the City for the same or similar uses.
3. To supply and distribute, at rates fixed by the Board, with concurrence of the City Council, any surplus water or electric energy, not required for the use of consumers served by the City within its limits, to consumers outside the City for their own use, and to municipal uses, or for resale, disposal or distribution, to consumers within their limits; provided, that the supplying or distribution of such surplus water or surplus electric energy shall, in any case, be subject to the paramount right of the City.
4. To sue and be sued, and to require the services of the City Attorney in all cases to which the Board or the Department is a party or to engage such additional legal services as may be required.

5. To sell, from time to time, such personal properties owned by the Department which are no longer necessary or suitable for the use of such Department.
6. All sums collected by the Department shall be deposited in the City Treasury to the credit of funds to be known respectively as the Water Revenue Fund and Power Revenue Fund; and the money so deposited in each such fund shall be kept separate and apart from other money of the City, and shall be drawn only from said fund upon demands authenticated by the signature of the chief accounting employee of the Board.

Section 817. Fiscal Limitations.

All moneys in or belonging to the Water Revenue Fund or the Power Revenue Fund shall be appropriated or used solely for purposes of the Department of Water and Power.

Section 818. Savings Clause.

Should any portion of the Charter Amendment be in conflict with the laws of the federal, state or local government, it shall have no effect on any other portion of this Amendment.

ARTICLE IX. ELECTIONS

Section 900. General Municipal Elections.

General municipal elections for the election of officers and for such other purposes as the Council may prescribe shall be held in the City on the first Tuesday after the first Monday in November of even-numbered years except as otherwise provided by ordinance of the City Council.

Section 901. Special Municipal Elections.

Other municipal elections shall be known as special municipal elections and may be called from time to time by the Council.

Section 902. 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 for the holding of municipal elections, so far as the same are not in conflict with this Charter.

Section 903. Initiative, Referendum and Recall.

There are hereby reserved to the voters of the City the power of the initiative and referendum and of the recall of municipal elective officers. The provisions of the Elections Code governing the initiative and referendum and the recall of municipal officers shall apply so far as the same are not in conflict with this Charter.

ARTICLE X. FISCAL ADMINISTRATION

Section 1000. 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. The council may by ordinance change the fiscal year.

Section 1001. Submission of Budget and Budget Message.

The City Manager shall submit to the City Council a proposed budget for the ensuing fiscal year, and an accompanying message at such time as the City Council shall prescribe. The budget will be adopted by the City Council before the beginning of the fiscal year.

Section 1002. General Tax Limits.

The Council shall not levy a property tax for general municipal purposes in excess of the maximum rate applicable to the City on the effective date of this Charter provided, however, that a tax in excess of such rate may be levied if authorized for general law cities by the general laws of the State or if authorized by the affirmative votes of a majority of the voters voting on a proposition to increase such levy. The number of the years that such additional levy is to be made shall be specified in such proposition. Nothing herein contained shall preclude the Council from establishing separate taxing areas within the City for the levy of a tax in excess of such maximum rate if authorized by the general laws of the State or if authorized by the affirmative votes of a majority of the voters within the area voting on a proposition to increase such levy.

Section 1003. Tax procedure.

The procedure for the assessment, levy and collection of taxes may be prescribed by ordinance of the Council; and in the absences of such an ordinance the procedure applicable thereto shall be that prescribed by the general laws of the State.

Section 1004. Contracts on Public Works.

Every project involving an expenditure of more than Four Thousand Dollars (or such other amount as may be prescribed by ordinance) for the construction of public works shall be let by the Council by contract to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids. The council may reject any and all bids presented and may readvertise in its discretion. The lowest responsible bidder shall be determined by examination of the work, the project and the qualifications of the bidder. The council, after rejecting bids, or if no bids are received, may declare and determine that in its opinion, based on estimates approved by the City Manager the work in question may be performed better or more economically by the City with its own employees and, after the adoption of a resolution to this effect by at least four affirmative votes, may proceed to have said work done without further observance of the provisions of this section.

Such contracts may be let and such purchases made without Advertising for bids, if such work shall be deemed by the Council to be of urgent necessity for the preservation of life, health, property, and shall be authorized by resolution passed by at least four affirmative votes of the Council and containing a declaration of the facts constituting such urgency.

Section 1005. Presentation and Audit of Demands.

Any demand against the City must 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 City Manager or his designee who shall examine the same. If the amount thereof is legally due and there remains an unexhausted balance of an appropriation against which the same may be charged, he or she shall approve such demand and draw his or her warrant on the Treasurer therefor, payable out of the proper fund.

The City Manager shall cause the same to be transmitted to the Council which may be then approve or disapprove payment thereof.

Section 1006. Registering Warrants.

Warrants on the Treasurer which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their

Registration when funds therefor are available and shall bear interest from the date of registration at such rate as shall be fixed by the Council by resolution.

Section 1007. Claims Against the City.

The provisions of the general laws of the State establishing conditions precedent to the commencement of any action or proceeding or bringing suit against the City, its officers, employees shall govern, except as modified by the City Council.

Section 1008. Independent Audit.

The City Council shall employ a certified public accountant who shall, at such times as may be specified by the City Council examine the books, records, inventories and reports of all officers and employees who Receive, handled, or disburse public funds and all such other officers, employees, or departments as the City Council may direct.

As soon as practicable after the end of the fiscal year, a final certified audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, two to the City Managers, one to the Treasurer and City Attorney, respectively, and three additional copies to be placed on file in the office of the City Clerk where they shall be available for inspection by the general public.

ARTICLE XI. FRANCHISES

Section 1100. Granting of Franchises.

The council may grant a franchise to any person, partnership, corporation, or other legal entity capable of exercising the privilege conferred, whether operating under an existing franchise or not and may prescribe the terms, conditions and limitations of such grant, including the compensation to be paid in the City thereof. The Council may prescribe by ordinance or resolution the method or procedure for granting franchises, together with additional terms and conditions for making such grants. In the absence of such provision the method provided by then general laws of the State shall apply.

Section 1101. Term of Franchise.

No franchise shall be granted for a longer period than twenty-five years unless there be reserved to the City the right to take over at any time the works, plant and property constructed under the grant at their physical valuation and without compensation for franchise or good will.

Section 1102. Eminent Domain.

No franchise or grant of a franchise shall in any way or to any extent impair or affect the possessor thereof by purchase or condemnation and nothing therein contained shall be construed to contract away or to modify or abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to the property of the possessor of any franchise. Every franchise granted by the City is granted upon the Condition, whether expressed in the grant or not, that such franchise shall not be given any value before any court or other public authority in any proceeding of any character in excess of any amount actually paid by the grantee to the City at the time of the grant.

Section 1103. Procedure for Granting Franchises

Before granting any franchise, the City Council shall adopt a resolution declaring its intention to grant same and stating the name of the proposed grantee, the character of the proposed 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 person having an interest in or objecting to the granting of such franchise may appear before the Council and be heard thereon. Said resolution shall be published at least once, not less than ten days prior to said hearing, in the official newspaper. After hearing all persons desiring to be heard, the Council may by ordinance deny or grant the franchise on the terms and conditions specified in the resolution. No ordinance granting a franchise shall be adopted as an emergency ordinance.

ARTICLE XII. MISCELLANEOUS

Section 1200. 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 Big Bear Lake and "department", "board", "commission", "committee", "agency", "officer", or "employee" is a department, board, commission, committee, agency, officer, or employee, as the case may be, of the City of Big Bear Lake.
- (c) "City Code" is the Code of the City of Big Bear Lake.
- (d) "Council" is the City Council of the City.
- (e) "Council Member" is a member of the Council.
- (f) "Departmental administrator" is the person in charge of a City department or function.
- (g) "Government Code" is the California Government Code as it exists upon adoption of this Charter, or is thereafter emended.
- (h) "Law" includes ordinance.
- (i) "State" is the State of California.
- (j) "Voter" is legally registered voter.

Section 1201. Violations.

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

