

DRAFT MENDOCINO COUNTY CHARTER #14

CA Constitution Article 2, Section 1:

All political power is inherent in the people. Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require.

We, the sovereign people of Mendocino County, in order to secure the benefits of home rule, increase citizen participation in county government, improve efficiency, and provide for a responsible and cooperative county government, do hereby ordain and establish for its government this Charter.

We the sovereign citizens of Mendocino County declare the following Rights: The Rights to clean air, clean water, safe food; the Rights to scenic preservation, protection of the commons, and a sustainable economic and energy future.

ARTICLE I: NAME AND RIGHTS OF THE COUNTY

Sec. 1. The County of Mendocino, State of California, 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. Article 11 of the California Constitution:

- Sec. 4 (h) Charter counties shall have all the powers that are provided by this Constitution or by statute for counties.
- Sec. 7. A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws;

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 Mendocino," 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 2. Boundaries of the Several Counties \[23100. - 23158.\] / Section 23123](#)

ARTICLE II: BOARD OF SUPERVISORS

Sec. 1. The governing body of the county is a Board of Supervisors of five members elected by district.

Sec. 2. Residence Requirements.

A candidate for election as supervisor shall be an elector in the district and shall have resided in the district prior to nomination for election. Once elected to the office of supervisor, a person shall remain a resident in the district in which they are elected or be deemed to have vacated the office.

Sec. 3. Term of Office.

The term of office of supervisor is four years. Any supervisor who resigns with less than two full years remaining until the expiration of the term shall be deemed, for the purpose of this section, to have served a full four-year term. The term of office commences at noon on the first Monday after the January 1st succeeding their election.

The supervisor for each of the First, Second and Forth Districts shall be elected in one year. The supervisor for each of the Third and Fifth Districts shall be elected two years later.

Sec. 4. Filling of Vacancies.

Whenever a vacancy occurs in the office of supervisor, the unexpired term shall be filled by election. If the vacancy occurs more than 90 days but less than 120 days before a scheduled primary, general, or special election, involving the district in which the vacancy has occurred, then the election to fill the vacancy shall be consolidated with the scheduled election. If the vacancy occurs more than 120 or less than 90 days before a scheduled primary, general, or special election involving the district in which the vacancy has occurred, then the vacancy shall be filled at a special election called by the Board of Supervisors to take place not less than 90 nor more than 120 days after the vacancy occurs. The special election shall be conducted in accord with the provisions of general state law regarding special elections. The candidate with the highest number of votes shall be elected to fill the unexpired term.

Sec. 5. Compensation.

Compensation of supervisors shall be fixed by ordinance.

Sec. 6. Setting of Meetings.

The Board of Supervisors shall provide by ordinance for the frequency, manner and time of holding all regular and special meetings. The Board of Supervisors is encouraged to hold at least one meeting per calendar year in each supervisorial district.

Sec. 7. Election of Officers.

The Board of Supervisors, annually at the first meeting following the first Monday in January, shall elect a presiding officer, a presiding officer pro tem and an alternate presiding officer pro tem. The presiding officer shall preside at all meetings. In the absence or inability to act of the presiding officer, the presiding officer pro tem or alternate presiding officer pro tem shall act with all the authority of the presiding officer. The Board of Supervisors may adopt procedures governing the conduct of Board meetings and activities.

Sec. 8. Quorum.

Three members of the Board shall constitute a quorum for the transaction of business. No act of the Board shall be valid unless at least three members are present and concur, except in those instances in which the general law of the state requires a higher vote, in which instances the general law shall prevail.

Sec. 9. Ineligibility for Appointments.

No supervisor, during the term of office and for one year thereafter, shall be eligible for appointment to any county office, position or employment for which a salary is paid. Salary does not include expense reimbursement.

Sec. 10. Recall.

Any supervisor is subject to removal from office by recall.

Sec. 11. Powers and Duties.

Except as provided for in subsection (c) herein below, the Board of Supervisors shall have all the powers and shall perform all the duties vested in it by the Constitution, general law, and this charter.

a. The Board shall:

- (1) Adopt a statement of the goals of the county reflecting the quality and direction of the activities of county government for the enhancement of human and physical resources of the county. At least annually, prior to the end of the first quarter of the calendar year, the Board shall review the adopted goals and modify them as necessary.
- (2) Appoint or remove the Chief Executive Officer. At least once each year, the Board shall review and evaluate the Chief Executive Officer's performance. The Board shall review, accept, reject or modify all performance evaluations performed by the Chief Executive Officer.
- (3) Appoint or remove members of boards and commissions. Except as otherwise provided for herein, or by superseding federal or state law, the members of all county boards and commissions shall serve at the pleasure of the Board of Supervisors. Except as otherwise provided for herein, non-elected department heads shall serve at the pleasure of the Board of Supervisors. Appoint, suspend, or remove all department heads except those for whose election or appointment this charter makes other provision. Appointments shall be made on the basis of executive and administrative qualifications as determined by screening and selection procedures comparable to those used for classified management personnel.
- (4) Appoint a Board of Land Use to hear appeals from the decisions of the Planning Commission.
- (5) Appoint a Board of Equalization to provide taxpayers with a system for appealing the valuation placed on their property by the Assessor. Appoint, suspend or remove all department heads except those for whose election or appointment this charter makes other provision. Appointments shall be made on the basis of executive and administrative qualifications as determined by screening and selection procedures comparable to those used for classified management personnel.
- (6) Adopt the annual budget.
- (7) Provide for the number, powers and duties of all appointed officers and employees.
- (8) Establish by ordinance or resolution the compensation of other officers and employees.
- (9) Provide for publication of the powers, duties, procedures and rules of operation of all county offices and departments and for public access to such publications.
- (10) Take such measures as may be necessary to implement this charter.

(11) Adopt a uniform format that, as a minimum, shall provide for responses to findings and recommendations of reports of the Grand Jury pursuant to Section 933 et seq. of the Penal Code.

(12) Adopt a policy as to financial participation paid by the county for its officers and employees in non-county organizations, and require public disclosure of the cost to the county of such participation.

(13) At least once each year, the Board shall review and evaluate the County Counsel's performance.

(14) The Board of Supervisors shall adopt a policy and procedures for wide distribution of the Grand Jury Final Report and the Board of Supervisors Response to the Final Report.

b. The Board may.

(1) Create, abolish, consolidate, segregate, assign or transfer the powers and duties of any appointive office, department, division, board or commission to the extent not in conflict with this charter, including creating a Department of Finance.

(2) Consolidate, segregate, assign or transfer the powers and duties of any elective office or division thereof to the extent authorized by general law and not in conflict with this charter.

(3) Appoint, suspend and remove a Clerk of the Board of Supervisors.

(4) Require periodic or special report of expenditures and costs of operation, examine all records and accounts and inquire into the conduct of any office, commission, department or other entity to which the county contributes funds.

(5) Require the attendance of any officer or employee of the county at any meeting of the Board for the purpose of information, advice and assistance.

c. Exception to Board of Supervisor's powers:

Increases to current benefit assessments on real property, or the imposition of any benefit assessment not previously imposed on real property shall not be effective unless and until approved by a majority of the voters voting in the geographic area in which the assessment will be imposed. A continuation of a previous benefit assessment in the same or lower amount is not covered by this section. This requirement does not apply to special taxes, any assessments imposed by a special district, or any assessments required to pay bonded indebtedness. The voting requirements shall only apply to County benefit assessments on real property, and shall not apply to taxes imposed by any special district. The requirements of this section shall not apply to any increase to any current benefit assessment, nor to the imposition of any new benefit assessment, which is subject to the property owner balloting and majority protest procedures established by Section 4 of Article XIII D of the California Constitution.

Sec. 12. Communications with Employees

Board of Supervisors' directions, recommendations or instructions to boards, commissions, department heads, or officers shall be by formal Board action.

This section does not limit an individual Supervisor's right to obtain information or request advice or assistance in accordance with normal operating policies.

Sec. 13. The Board of Supervisors in conjunction with the Mendocino County Public Bank Board of Directors, authorizes and exercises authority over the Mendocino County Public Bank.

Sec. 14. The following business practices shall be utilized in Mendocino County:

a. The Board of Supervisors and the Chief Executive Officer, whenever feasible and in accordance with state and federal law and negotiated agreements, shall utilize county businesses, and county nonprofit corporations, including unions with local chapters, to perform work for the county.

b. The Board of Supervisors shall do business with corporations as business entities ("artificial persons") that can be chartered, regulated or disenfranchised by county, state or federal law. The corporations shall not be considered to have the Rights granted to human beings ("natural persons") by the writers of the U.S. Bill of Rights, or in those enumerated in this charter.

Sec. 15. The Board of Supervisors shall protect the agriculture of the county by using the Mendocino County Policy #43 Adopted June 2006: Precautionary Principle by acting through the Agricultural Commissioner to prohibit the use of neonicotinoids, a type of insecticide, which is a major cause of bee hive collapse.

ARTICLE III: CHIEF EXECUTIVE OFFICER

Sec. 1. Chief Executive Officer

The Chief Executive Officer is the chief executive officer of the county.

Sec 2. Appointment and Removal.

The Chief Executive Officer shall be appointed by the Board of Supervisors on the basis of executive and administrative qualifications and experience. The Chief Executive Officer is evaluated by the Board, serves at its pleasure and may be removed at any time by an affirmative vote of three or more of its members.

Sec. 3. Compensation.

The Chief Executive Officer's compensation shall be commensurate with the responsibilities of the Chief Executive Officer. The Chief Executive Officer may not engage in any other business or occupation without the prior approval of the Board of Supervisors.

Sec. 4. Duties.

The Chief Executive Officer shall be responsible to the Board of Supervisors for the proper and efficient administration of such of the affairs of the county as are or hereafter may be placed in the charge of the Chief Executive Officer, or under the jurisdiction or control of the Chief Executive Officer, pursuant to the provisions of this Charter, or of any ordinance, resolution or order of the Board of Supervisors. In addition to other powers and duties herein provided, the Chief Executive Officer shall have the duty and power to:

1. Coordinate the work of all offices and departments, both elective and

appointive, and devise ways and means to achieve efficiency and economy in all county operations.

2. Formulate and present to the Board plans to implement policies and accomplish goals established by the Board.

3. Recommend an annual budget after reviewing requests of all departments and agencies for which the Board is responsible or which request county funds.

4. Have responsibility for the administration of the budget after its adoption by the Board.

5. Provide for in-depth analysis and review of all county programs on a regular basis in such a manner that the Board may make policy decisions.

6. Provide and implement systems of adequate checks and controls to safeguard county money and property.

7. Work with all other government entities, federal, state, regional and local, in the best interest of the entire county.

8. On at least an annual basis, review and appraise the performance of all appointed department heads, except County Counsel, and submit the appraisal to the Board of Supervisors.

9. Coordinate the review and publication of a county long-range fiscal plan and the annual statement of goals as adopted by the Board of Supervisors.

ARTICLE IV: DEPARTMENT HEADS, BOARDS AND COMMISSIONS

Sec 1. Powers and Duties.

Department heads, boards and commissions shall have all the powers and shall perform all the duties vested in them by this charter, by ordinance, and by general law when not in conflict with this charter or with ordinances adopted pursuant to this charter. All department heads and officers of the county, both elected and appointed, shall cooperate with the Chief Executive Officer so that the Chief Executive Officer may achieve complete coordination of all county activities.

Sec. 2. Elected Department Heads

a. The following officers shall be elected every four or six years as provided by general law.

- Tax Collector-Treasurer-Chair of Mendocino Bank Commission (consolidated)
- Sheriff-Coroner (consolidated)
- District Attorney
- Assessor-Clerk-Recorder (consolidated)
- Auditor-Controller (consolidated)

b. The duties of the Assessor-Clerk-Recorder shall be to perform the mandated duties of recording, indexing, and maintaining for public access, all documents authorized by law to be recorded. This Division records marriage certificates, files birth and death certificates, indexes these records, and maintains these records for public access. Records in this office date back to the beginning of the County. It is imperative that records be well preserved and easily accessible as current property transactions depend on the accuracy and availability of previously recorded documents. Therefore, the Recorder's duties include inspecting deeds for fraud or inconsistencies to insure the accuracy of the information, especially in the case of foreclosures involved with MERS (Mortgage

Electronic Registration System) in the chain of title. The Recorder will require the servicing entity to file either a copy of the authorization to sign in-lieu-of-self, or an *Affidavit of Authenticity* appended with CA Penal Code 115.5 under penalty of perjury. If this Affidavit is not returned within a specified time with valid signatures, the foreclosure shall not be recorded.

c. The duty of the Auditor-Controller is to make thorough inspection and examination 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 one 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 herein 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. 24051 California Government Code provides annual audit.) (cr. Sec. 24900 California Government Code et seq.)

d. The duties of the Tax Collector/Treasurer shall be as follows:

1. The duty of the Tax Collector shall be to administer the billing, collection, and reporting of property tax revenues levied annually, including secured, unsecured, and supplemental tax assessments, including tax bills issued due to change of property ownership or new construction completed. Properties that remain tax delinquent for five or more years may be sold at Public Auction. The Tax Collector also shall administer the collection of transient occupancy taxes, Business Improvement District assessments, and business licenses.

2. The duty of the Treasurer shall be to be responsible for the collection, custody, investment, and disbursements of the funds of the County, School Districts, Special Districts, and Trust Funds. All monies collected by the aforementioned entities shall be deposited in the Mendocino County Bank, which is the County of Mendocino doing business as the Mendocino County Bank, or as otherwise established in accordance with constitutional and statutory provisions. The funds shall be pooled and used for investment purposes, while segregating the individual account transactions for interest apportionment purposes. The guiding principles of the investment policy shall be in this order: (1) Safety, (2) Liquidity, (3) Yield, (4) Ethical Investing. Investments shall be placed with the objective of obtaining a respectable rate of return, not attempting to maximize yield at the expense of safety, liquidity, availability, or ethical investing.

3. The Treasurer shall be the chair of a nine member Board of Directors, which shall operate, manage, and control the Mendocino County Public Bank.

Sec. 3. County Counsel.

The Board of Supervisors shall appoint a County Counsel who shall have the same duties as a County Counsel appointed under the general law except that he/she shall also sit as an advisor to the Board of Directors of the Mendocino County Public Bank. The County Counsel shall serve for four years from the time of appointment. The four-year term shall commence eighteen (18) months after each Presidential election. In the event that a vacancy occurs during a term, the

Board of Supervisors shall promptly fill that vacancy for the remainder of the term. The Board of Supervisors may appoint an interim County Counsel for up to six (6) months while it is selecting a new County Counsel to fill the vacancy. During a term, the County Counsel may be removed from office in the same manner as provided for under general law.

County Counsel shall not be entitled to the expectation of successive appointments. At least ninety (90) days prior to the end of a term, the Board of Supervisors shall notify the incumbent County Counsel if he or she will be appointed to a successive term. If such notification is given, the successive term will commence immediately upon completion of the prior term.

Sec. 4. Appointed Department Heads.

The position of department head shall be designated by ordinance. Department heads serve at the pleasure of their appointing authority, the Board of Supervisors. Department heads shall have and may delegate the power to appoint, supervise, suspend and remove all persons employed in their departments subject to the provisions of Article V. of this Charter.

Sec. 5. Boards and Commissions.

Members of all boards and commissions shall be county residents to the extent permitted by law. If a member required to be a resident ceases to reside in the county, the seat becomes vacant.

Whenever the county is required to, or invited to nominate or appoint a person to a board, commission, committee or other body, other than those established by Mendocino County, the jurisdiction of which affects only a region of the county, then the Board of Supervisors shall nominate or appoint a person who resides in that affected region. In the alternative, the Board of Supervisors may fill the position with a member of the Board whose district includes the affected region. The Board of Supervisors, by ordinance, shall establish terms of office, conditions for removal from office, and may provide for the qualifications of members of boards and commissions and for their compensation.

Sec. 6: Vacancies

The Board of Supervisors shall provide for public notice of vacancies on boards and commissions and of the method by which citizens may apply for appointments.

If a vacancy occurs in an elective office other than the Board of Supervisors, the Board shall fill it as provided by general law. The appointee shall hold office until the next general election.

Sec. 7: Agricultural Commissioner

The appointment and employment of the Agriculture Commissioner shall be as provided for by general law.

Sec. 8: Probation Officer

The appointment and employment of the Probation Officer shall be as provided for by general law.

ARTICLE V: PERSONNEL

Sec. 1. Policy.

It shall be the policy of the county to recruit, select and retain the best-qualified officers and employees, and to effect equal opportunity for all persons at all levels of county employment in accordance with provisions of the charter and pursuant to state and federal law.

The county shall appoint, evaluate, transfer, promote, compensate, discipline, and dismiss employees on the basis of job related qualifications, performance, merit, and equal employment opportunity.

Equality of employment rights shall not be abridged or denied to persons employed or seeking employment on the basis distinctions of any kind, such as race, color, sex, language, religion, political or other opinion or affiliation, national or social origin, sexual preference, property, birth or other status, marital status (excluding nepotism), age, physical handicaps, or any non job-related factor pursuant to state and federal law.

In the event of bankruptcy of the County, pension obligations of County employees shall be paid.

The Board of Supervisors shall establish and amend, by Resolution, Personnel Rules in accordance with this Charter to implement the foregoing policies and other provisions of this charter.

Sec. 2. Civil Service.

This section is enacted pursuant to provisions of Government Code 31100 et seq. for the purpose of maintaining the limited Civil Service System for the county.

The Civil Service System shall be limited to those matters and the jurisdiction defined and described in section 502.3.

The provisions of the county's limited Civil Service System shall apply to officers and employees who have achieved civil service status as provided for in the Personnel Rules adopted and as may be amended, by the Board of Supervisors or in any Memoranda of Understanding implemented in accordance with Government Code section 3500, et seq. (Meyer-Milias Brown Act), and who are not exempted from coverage as unclassified employees.

a. Classified and Unclassified Employees

The classified service consists of all positions in which employees have achieved civil service status except those positions designated as unclassified below.

The unclassified service consists of:

- a. elected county officers;
- b. appointed department heads;
- c. all appointed boards, committees and commissions;
- d. all persons serving without compensation (compensation does not include incidental fees and expenses);
- e. casual patient and inmates at county institutions;
- f. the following administrative personnel charged with making policy decisions: Deputy Director of Welfare; Undersheriff; The Undersheriff shall have the right to return to a former classified position in accord with county ordinance;
- g. any person holding a confidential position to each member of the Board of Supervisors;
- h. persons employed to render professional, scientific, technical or expert services on a temporary basis for a specific project;
- I. persons covered under State Merit Systems;
- j. persons employed as independent contractors pursuant to contracts, as authorized by the Board of Supervisors.
- k. persons otherwise

excluded by operation of law.

The Board of Supervisors shall have the right for good cause and after written notice to affected parties, to make *de minimis* changes, which amend the foregoing list.

b. Civil Service Commission

The Board of Supervisors shall appoint a Civil Service Commission in the County of Mendocino. The Civil Service Commission shall consist of five members, one nominated by each supervisor and appointed by the Board of Supervisors. Each member of the Commission shall be a qualified elector of the county and not an employee or officer of the county. The term of each Civil Service Commissioner shall be coterminous with the term of the nominating supervisor. Members may only be removed during a term by the Board of Supervisors for neglect of duty, malfeasance or misconduct in office, or other good cause shown.

The Civil Service Commission may designate one or more of its members or a neutral hearing officer, if agreed upon by the parties, to hear appeals within the purview of the Commission subject to the provisions of section 502.3.

The Civil Service Commission shall prescribe and maintain Commission Procedures, approved by resolution of the Board of Supervisors, which provide for the orderly conduct of the Commission's business.

c. Scope of Authority of Civil Service Commission

The Civil Service Commission shall hear only the following matters:

1. discipline of classified employees with permanent status; 2. complaints of unlawful discrimination in personnel matters; 3. other matters as may be provided for in the Personnel Rules, Memoranda of Understanding between the county and representing employee organizations, or Board Policy.

d. Disciplinary Actions

Any officer or employee in classified civil service who, in accordance with the Personnel Rules, has achieved civil service status, may be dismissed, suspended without pay, or reduced in rank or compensation by the appointing authority. Such action shall be taken in accordance with procedures set forth in the Personnel Rules and shall include provision of written notice of the proposed action, the location of all written material, reports or documents upon which the action is based, and the right of the employee to respond orally or in writing. Employees in classified service may appeal the final determination of the appointing authority to the Civil Service Commission. The Commission shall, upon request of the employee, order a hearing in accordance with procedures set forth in the Personnel Rules and the Commission's Procedures.

The Commission may either affirm, modify or revoke the decision of the appointing authority in disciplinary actions. The findings and decision of the Commission or authorized designee shall be final and binding, shall be certified to the department head or officer whose action was the subject of the hearing, and forthwith enforced and followed by the department head or officer.

e. Other remedies

The Civil Service Commission may, in appeals of discrimination complaints or other matters as provided for in section 502.3, have the authority to direct remedial actions as provided for in rules provided for by the Board of

Supervisors or as provided by Memoranda of Understanding or agreement of the parties.

f. Subpoenas

The Chair of the Civil Service Commission, or a designee authorized by the Commission Procedure Rules, shall have the power to issue subpoenas and subpoenas *duces tecum*. Compensation for persons subpoenaed shall be as provided for in the Commission's Rules.

This power shall be exercised and enforced in the same manner as the subpoena power granted to the Board of Supervisors in the California Government Code, except that the power shall extend only to matters within the Commission's lawful jurisdiction.

Witnesses subpoenaed by the Commission shall be paid fees in the same amount and in the same manner as provided for in the California Government Code.

Subpoenas shall be signed by the chairman or secretary of the Commission.

Any member of the Commission, or any member otherwise so empowered may administer oaths to, or take affirmations from, witnesses before the Commission.

Sec. 3. Compensation of Elected Officials, Officers and Employees.

Compensation for elected officials, officers and employees shall be prescribed by the Board of Supervisors by Ordinance, Resolution or Memoranda of Understanding. Except temporarily in emergency situations, the wages shall not fall below the prevailing wages for that type of work in the county or state.

ARTICLE VI: ELECTIONS

Sec. 1. Except as otherwise provided in this charter, all elections to nominate or elect candidates and to vote on ballot questions shall be conducted pursuant to the general law of the State of California. Candidates for elections within Mendocino County shall be chosen by Instant Run-off Voting (IRV), which allows voters to rank candidates in order of preference (i.e., first, second, third, fourth, and so on). Voters have the option to rank as many or as few candidates as they wish, but can vote without fear that ranking less favored candidates will harm the chances of their most preferred candidates. First choices are then tabulated, and if a candidate receives a majority of first choices, he or she is elected. If nobody has a clear majority of votes on the first count, the candidate who receives the fewest first place choices is eliminated. All ballots are then retabulated, with each ballot counting as one vote for each voter's highest ranked candidate who has not been eliminated. Specifically, voters who chose the now-eliminated candidate will now have their ballots added to the totals of their second ranked candidate -- just as if they were voting in a traditional two-round runoff election -- but all other voters get to continue supporting their top candidate who remains in the race. The weakest candidates are successively eliminated and their voters' ballots are added to the sums of their 2nd choices until a candidate earns a majority of votes.

Sec. 2. Candidates shall pay for the cost of their statement of qualifications in the ballot pamphlet unless the Board of Supervisors determines otherwise.

Sec. 3. Initiative, Referendum, Recall

The electors of the county may by majority vote and pursuant to general law:

- a. Exercise the powers of initiative and referendum.
- b. Recall an elected officer who has held office for six months.
- c. Amend, revise or repeal this charter.

The general law regarding adopting, amending, revising or repealing a charter applies except as follows:

If a majority of the electors voting at a general or special election vote in favor of the proposed charter or revised charter, it is deemed ratified and it takes effect when filed with the Secretary of State.

Sec. 4. Charter Amendment or Repeal

An amendment to an existing charter, or the repeal of an existing charter, may be proposed either by the Board of Supervisors or by a petition signed by at least 10% of the electors who voted at the last gubernatorial election. The amendment or repeal is placed before the voters at the next general or special countywide election. Alternatives may be voted on at the same election. If a majority of the electors voting at the election vote in favor of the amendment or repeal, it is deemed ratified and takes effect when filed by the Secretary of State. If the provisions of two or more measures approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail.

Sec. 5. The Board of Supervisors may regulate campaign spending in county elections. Furthermore, the Board of Supervisors may disallow funding from outside the county and may institute public financing of campaigns.

ARTICLE VII: FINANCE

Sec. 1. Local County Vendor Preference

When the combinations of price, quality, terms and conditions of sale are within 10%, the county shall give preference to vendors located within the County for the purchase of goods and supplies, up to maximum \$100,000 limit per contract.

Sec. 2. Contract Administration.

The Board of Supervisors shall not authorize the payment of money or other compensation for the performance of any service or function by a private entity except pursuant to a written contract meeting all legal requirements for county contracts as established by the Board of Supervisors. Each contract shall identify the county officer or employee with responsibility for administering the contract in accordance to State law.

Sec. 3. The Mendocino County Public Bank

a. The Board of Supervisors or the Treasurer shall allocate money from the County General Fund or locate other sources to capitalize the bank, which will be the County of Mendocino doing business as the Mendocino County Public Bank, or as otherwise established in accordance with constitutional and statutory provisions. Subsequently it shall be self-supporting and shall return to the General Fund profits not needed for projects.

b. The Treasurer shall be the Chair of the Board of Directors of the Mendocino County Public Bank (the Bank Board). The other members of the Bank Board shall be the Agricultural Commissioner, the Executive Director of the EDFC (Economic

Development and Finance Corporation), the District Superintendent of Schools or his/her designee, one current or retired officer of a local bank or its equivalent, one current or retired officer of a local credit union or its equivalent, one retired officer of a state or federally chartered bank, the Chair of the Citizen's Advisory Committee of the Bank, and the President of the Mendocino College or designee. There will be one seat on the Bank Board for a representative of each government agency that keeps their money in the Public Bank.

c. The Bank Board shall appoint the Bank President and other employees of the Mendocino County Bank and determine their salaries; the Board of Supervisors shall confirm those appointments and salaries.

d. The Bank Board shall evaluate the management performance and customer service of the Public Bank, and shall recommend overall improvements in methods, procedures and operating policies.

e. The County Treasurer and Bank Board in conjunction with the Board of Supervisors shall exercise authority over the Mendocino County Bank profits. Either body may vote to allocate money from bank profits deposited in the Invest Mendocino Fund for projects or infrastructure improvements to benefit the people of the County of Mendocino with the second body providing ratification of those allocations (e.g., Board of Supervisors allocates; Board of Directors ratifies or vice versa).

f. The Bank Board and the Board of Supervisors shall assure that the Mendocino County Public Bank utilizes county revenues for the benefit of county residents and businesses by funding local projects, significantly reducing county debt service costs, and recycling returns on investments back into the General Fund. The following programs shall be included but not limited to the purview of the Public Bank;

1. underwrite general obligation bonds for infrastructure projects.
2. partner with community banks and credit unions to increase their liquidity.
3. finance sustainable economic development within the County.
4. finance PACE (Property Assessed Clean Energy) tax liens in second tier status. The Board of Supervisors shall direct the Building Inspector to inspect the clean energy work.
5. make low interest student loans to qualified students
6. assist with disaster relief financing.
7. shall support the local economy by increasing the availability of loans in times of economic downturn.

g. The Board of Supervisors, with consent of the Bank Board, shall appoint from diverse citizen applicants a Citizens' Advisory Committee of five members to meet as needed and make recommendations to the Bank Board and the Board of Supervisors about projects or services that the Mendocino County Public Bank should undertake to best serve the people of Mendocino County. The Chair of the Citizens' Advisory Committee shall be appointed to sit on the Bank Board as a voting member.

h. The Bank Board as authorized by the Board of Supervisors may purchase at current market value or acquire by Eminent Domain if the title is in question, properties being fraudulently foreclosed or in danger of being fraudulently

foreclosed. The Bank shall refinance those mortgages based on current market value, and current interest rates to enable the credit-worthy residents to remain in their homes, in order to maintain property values and protect property tax revenues for the County. After acquiring any properties by Eminent Domain, the Mendocino County Bank shall notify bank servicers through publication in a newspaper that they no longer have servicing rights to those named properties.

i. The Treasurer and the Board of Supervisors shall assure that the Mendocino County Public Bank does not compete with local retail banks or credit unions.

ARTICLE VIII: GENERAL

Sec. 1. Charter Review.

The Board of Supervisors shall convene a Charter Review Committee within two (2) years of the effective date of this charter and within five (5) years of the last charter review thereafter. The committee shall review the charter and, after at least two (2) public hearings, make recommendations for amendments to or revisions of this charter to the Board.

Sec. 2. General Law Governs.

Unless otherwise set forth in this charter, the general laws set forth in the Constitution of the State of California and the laws of the State of California shall govern. To the extent allowed under the California Constitution and state laws this Charter shall supersede state laws inconsistent with the Charter, except as herein specifically provided.

Sec. 3. Grand Jury.

Every county officer and employee shall cooperate in providing the Grand Jury with any requested information or documents, except when disclosure is prohibited by law. The Board of Supervisors shall establish the format for county responses to the Grand Jury report.

Sec. 5. Implementation of Charter Duties.

The mandatory provisions of this charter shall be carried out as expeditiously as is possible.

ARTICLE IX: SEVERABILITY.

In the event that any one or more of the articles or provisions of this Charter contained herein shall, for any reason, be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other articles or provisions of this Charter, and this Charter shall be construed as if such invalid, illegal, or unenforceable article or provision had never been contained herein.