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# APPENDIX

## COUNTY, CITY, AND CITY AND COUNTY CHARTERS AND CHARTER AMENDMENTS

as transmitted by the Secretary of State for inclusion in the official statutes in accordance with Section 3, Article XI, of the California Constitution as amended by vote of electors on November 5, 1974.

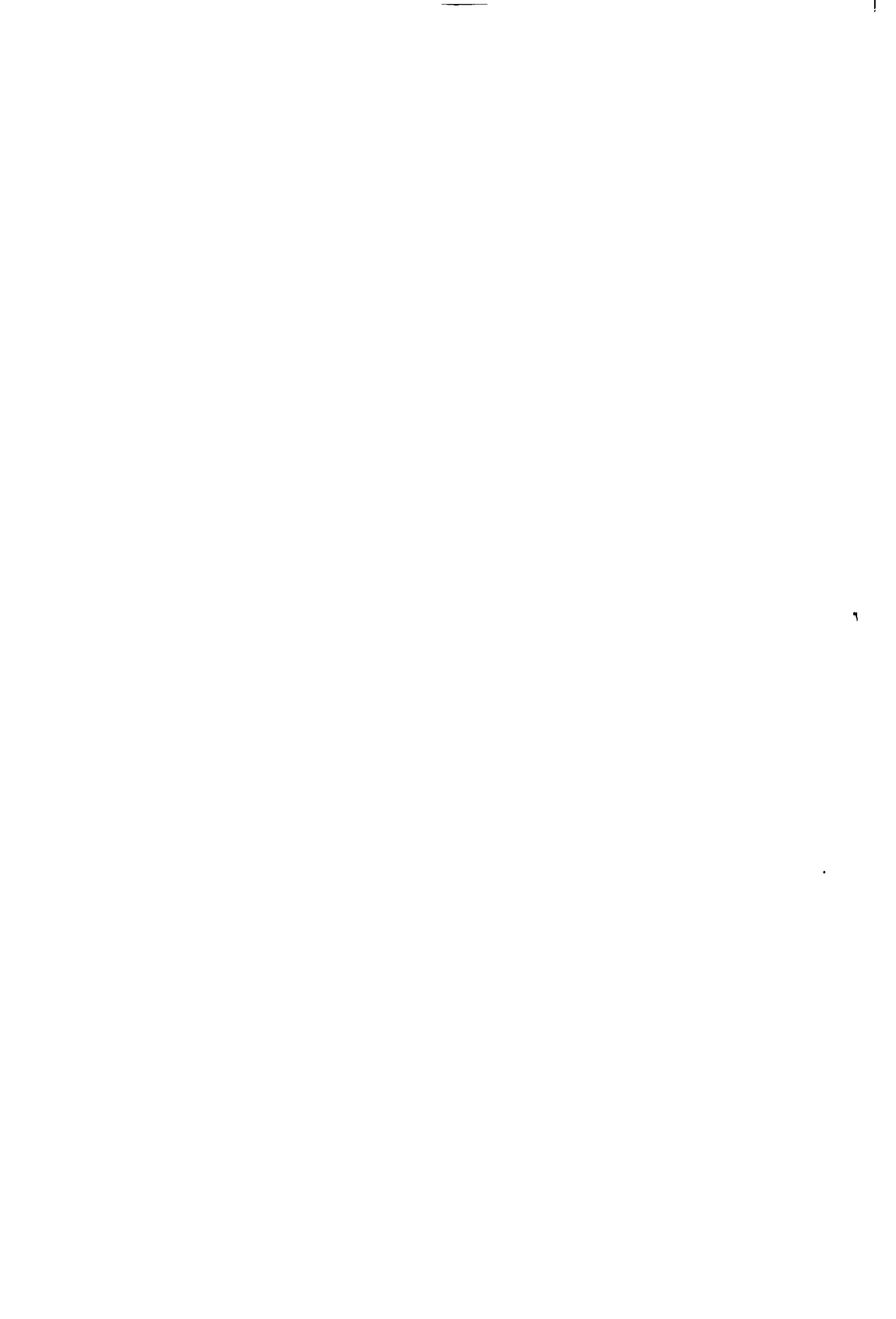
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## Charter Chapter 1—City of Visalia

*Amendments to the Charter of the City of Visalia.*

[Filed with Secretary of State November 23, 1974.]

Article III, Section 2, is amended by adding the following:

(21) Emergency Powers. Notwithstanding any general or special provision of this Charter, the Council, in order to insure continuity of governmental operations in periods of emergency resulting from disasters of whatever nature, shall have the power and immediate duty:

(a) To provide for prompt and temporary succession to the powers and duties of all City officers, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and

(b) To adopt such other measures as may be necessary and proper for insuring the continuity of City operations, including, but not limited to, the financing thereof. In the exercise of the powers hereby conferred, the Council in all respects shall conform to the requirements of this Charter except to the extent that in the judgment of the Council so to do would be impractical or would admit of an undue delay.

Article IV, Section 1, is amended to read as follows:

Section 1. The officers of the City of Visalia shall be five members of the Council, members of the Board of Education, five Library Trustees, a City Manager, a City Clerk, and a City Attorney. The Council may also provide by ordinance for additional offices and for the duties thereof, and for additional duties of officers herein provided for, but in no such manner as to encroach upon the duties of any officer as provided for by this Charter. The Council may also provide by ordinance for such subordinate officers, assistants, deputies, clerks and employees in the several offices and departments as they deem necessary. The members of the Council and the members of the Board of Education shall be elected from the City at large, as provided in this Charter; provided, however, that all qualified electors of the Visalia Unified School District shall also have the right to vote for members of the Board of Education. All other officers, assistants, deputies, clerks and employees shall be appointed as provided in this Charter, or as the Council may provide by ordinance in case no provision for their appointment is herein made, and shall hold their respective offices or positions at the pleasure of the appointing power. Where the appointment of any of said officers, assistants, deputies, clerks or employees, is vested in the Council, such appointment and any removal must be made by a three-fifths vote of the members of the appointing power.

Article V, Section 1, is amended to read as follows:

Section 1. General municipal elections, after the effective date of this Charter, for the election of officers and for such other purposes as the Council may prescribe shall be held on the date prescribed by the Education Code.

All other municipal elections that may be held by authority of this Charter, or of the general law, shall be known as special municipal elections.

Article V, Section 2, is repealed.

Article V, Section 3, is repealed.

Article V, Section 4, is repealed.

Article V, Section 5, is renumbered Section 2.

Article V, Section 6, is renumbered Section 3 and amended to read as follows:

Section 3. Terms of Elective Officers: Elective officers shall hold office for a period of four years from and after eight o'clock p.m. of the first Monday following the day of election, and until their successors are elected and qualified; provided further that any person elected to fill a vacancy shall serve for the remainder of the unexpired term. In the election of councilmen and members of the Board of Education, where full terms and one or more unexpired terms are to be filled, no distinction shall be made in nomination or voting between the full terms and the unexpired terms, but the person or persons elected by the highest number of votes shall be elected for the full term or terms, and the persons receiving the next highest vote shall be elected for the unexpired term or terms, as the case may be.

Article VI, Section 1, is amended to read as follows:

Section 1. The legislative power of the City of Visalia shall be vested in the people through the initiative and referendum, and in a body to be designated The Council. Each candidate for member of the Council shall have been an elector of the City for at least 30 days prior to the final date for filing nomination papers for the election at which he is a candidate.

Article VI, Section 5, Item (4), is amended to read as follows:

(4) Choose one of its members as presiding officer, to be called Mayor. The Mayor shall preside over the sessions of the Council, shall sign official documents when the signature of the Council or Mayor is required by law, and he shall act as the official head of the City on public and ceremonial occasions. He shall have power to administer oaths and affirmations. When the Mayor is absent from any meeting of the Council, the members of the Council may choose another member to act as Vice Mayor, and he shall for the time being, have the powers of the Mayor.

Article VI, Section 8, is amended to read as follows:

Section 8. Amending Ordinances: No ordinance shall be amended by reference to its title, but the sections thereof to be amended, shall be re-enacted at length as amended; and any amendment passed contrary to the provisions of this section shall be void, except the City Council may adopt and amend any standard code of technical regulations by reference thereto without the necessity of publishing said ordinances in their entirety; providing, however, that three (3) copies of the specific codes to be adopted by reference are available for inspection in the City Clerk's office between the introduction and passage of said ordinance.

Article, IX, Section 11, is amended to read as follows:

Section 11. Tax Rate: The total property tax for any one year shall not exceed one per cent of the assessed valuation, unless a special tax be authorized, as provided in this Charter; and the proceeds of any such special tax shall be used for no other purpose than that specified for which it was voted; provided, however, that in addition to said one per cent there shall be included in every annual levy, a sufficient amount to cover all liabilities of the City for principal and interest of all bonds or judgments due and unpaid or to become due during the ensuing fiscal year and not otherwise provided for.

Special Levies: Special levies in addition to the above may be made annually in amounts not to exceed the limits hereinafter enumerated in this section, respectively, on each \$100.00 of the assessed value of the taxable property in the City:

(1) For the support and maintenance of free public libraries and reading rooms, Thirty Cents (30¢).

(2) For the support and maintenance of parks, playgrounds and recreation centers, Thirty Cents (30¢).

The City shall spend each fiscal period not less than the total amount raised each year from special levies for the free public libraries and reading rooms, and the parks, playgrounds and recreation centers.

Article X, Section 1, is amended to read as follows:

Section 1. Board of Education: The control of the Public School Department of the City of Visalia, including the whole of the Visalia Unified School District, shall be vested in a Board of Education, which shall consist of members elected from the district at large.

Article XII, Section 1, is amended to read as follows:

Section 1. The Council may, by ordinance, provide for the appointment of a commission of five members to serve without compensation, and to act in an advisory capacity to the Council and City Manager in all matters pertaining to parks, playgrounds and recreation centers. This commission shall be known as the City Parks and Recreation Commission.

Article XVI, Section 21, is repealed.

Certified to be a true copy by Donna Hall, City Clerk.  
Date of municipal election: November 5, 1974.

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Charter Chapter 2—City of Santa Rosa

*Amendment to the Charter of the City of Santa Rosa.*

[Filed with Secretary of State November 26, 1974]

Section 33 is amended to read as follows:

Sec. 33. Contract Work. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, or in or about embankments or other works for the protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same shall exceed the sum of Five Thousand Dollars, or such higher sum as may subsequently be provided by the State Contract Act for the letting of bids by the State Department of Public Works, the same shall be done by contract and shall be let to the lowest responsible bidder, after notice by publication in the official newspaper;

Provided that the Council may reject any and all bids presented and may re-advertise in their discretion, and

Provided further, that after rejecting bids the Council may declare and determine by a four-fifths vote of all its members that in its opinion the work in question may be more economically or satisfactorily performed by day labor, or the materials or supplies purchased at a lower price in the open market, and after the adoption of a resolution to this effect, they may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section; and

Provided further, that in case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, the Council may, by resolution passed by a vote of four-fifths of all its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property, and thereupon may proceed to expend or enter into a contract involving the expenditure of any sum required for such emergency.

In the employment of labor by contract or day work, preference shall be given so far as practicable to local people as against non-residents, insofar as the same is not in conflict with the constitution or general laws.

Certified to be a true copy by Kenneth R. Blackman, City Clerk.  
Date of municipal election: November 5, 1974.



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Charter Chapter 3—City of Modesto

*Amendments to the Charter of the City of Modesto.*

[Filed with Secretary of State November 27, 1974 ]

Section 300 is amended to read as follows:

Section 300. General Municipal Elections. General Municipal Elections for the election of officers and for such other purposes as the Council may prescribe shall be held biennially on the first Tuesday after the first Monday in March of each odd numbered year commencing with the year 1975.

Section 1110 is amended to read as follows:

Section 1110. Culture Commission. There shall be a Culture Commission consisting of seven (7) members, five (5) of whom shall be registered electors of the City, and two (2) of whom shall live outside the City but shall be registered electors of the Modesto High School District of Stanislaus County. The Commission shall have the power and duty to:

(a) Act in an advisory capacity to the Council and the City Manager in all matters pertaining to art, literature, music and other cultural activities;

(b) Formulate and recommend annually to the Council a program relating to art, literature, music and other cultural activities;

(c) Promote the preservation of historic sites, landmarks, documents, paintings and other objects associated with the history of the City and its area, and develop educational interest in all such historical matters;

(d) Act in an advisory capacity to the Council, City Manager and Director of any Museum or Cultural Center that may be established by the Council.

Certified to be a true copy by W. T. Chynoweth, City Clerk.

Date of municipal election: November 5, 1974

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Charter Chapter 4—City of Pacific Grove

*New and Revised Charter of the City of Pacific Grove.*

[Filed with Secretary of State November 29, 1974 ]

### Article 1. Name

The municipal corporation now existing and known as “The City of Pacific Grove” shall remain and continue a body politic and corporate, as at present, in fact and in law, by the name of the “City of Pacific Grove,” and by such name shall have perpetual succession.

### Article 2. Boundaries

The boundaries of the City of Pacific Grove shall continue as now established and be changed only in a manner authorized by law.

### Article 3. Inalienable Rights of City

The rights of the City in and to its waterfront, lands under water, and such public wharves, docks and landings as may be hereafter thereon constructed are hereby declared inalienable.

### Article 4. Powers

The City of Pacific Grove by and through its Council and other officials, shall have and may exercise all powers necessary or appropriate to a municipal corporation and the general welfare of its inhabitants, which are not prohibited by the Constitution of the State and which it would be competent for this Charter to set forth particularly or specifically; and the specification herein of any particular powers shall not be held to be exclusive or any limitation upon this general grant of powers.

### Article 5. General Laws Applicable

All General Laws of the State applicable to municipal corporations now or hereafter enacted and which are not in conflict with the provisions of this Charter shall be applicable to the City of Pacific Grove, provided that the Council may adopt and enforce ordinances in compliance with the provisions of this Charter which shall control in relation to municipal affairs as against General Laws of the State.

### Article 6. Officers and Employees

The officers of the City of Pacific Grove shall consist of six councilmembers and a Mayor, a City Manager, a City Clerk, a City Treasurer, a City Attorney, other officers as provided by ordinance, and members of Commissions, Boards and Committees as provided by Charter and by ordinance; provided, the Council may by ordinance provide for such subordinate officers, assistants, deputies, clerks and employees as it deems necessary, and that the Council may at any time, when in its judgment the interest of the City so demands, consolidate by ordinance the powers and duties of two or more City officers, and

place the same in charge of one such officer. The Mayor and the members of the Council shall be elected from the City at large. All other officers, assistants, deputies, clerks, and employees shall be appointed as provided in this Charter, or as the Council may provide by ordinance in case no provision for their appointment is herein made, and they shall hold their respective offices or positions at the pleasure of the appointing power, except as otherwise herein provided.

#### Article 7. Residential Qualifications

No person shall be eligible to hold any elective office in said City unless he be a resident and elector herein, and shall have resided in said City for at least one year, next preceding the date of his election.

#### Article 8. Elections

General municipal elections shall be held in said City on the second Tuesday in April in each odd-numbered year under and pursuant to the provisions of the General Laws of the State of California so far as the same may be applicable, except as herein otherwise provided. The City Council may by ordinance shift the date of any general municipal election by not more than 30 days in order to combine it with other local elections. All other municipal elections that may be held by authority of this Charter or of General Law shall be known as special municipal elections. At the time of filing, each candidate for an elective office shall file with the City Clerk a sworn statement containing the following information: (A) his name; (B) the office for which he is candidate; (C) his present residence and occupation; (D) the public offices he ever held, if any, as principal, deputy or employee; (E) the experience, training or education he has received which, in his opinion, would qualify him to fill the office for which he is a candidate. Said form shall be posted in a conspicuous public place in the City offices.

#### Article 9. Canvass of Returns

The Council of said City shall meet at its usual meeting place on the first Tuesday after any municipal election, duly canvass the returns and declare the result thereof, and install the newly elected officers, if any.

#### Article 10. Oath of Office

Every officer shall take and subscribe to the oath of office as provided in the Constitution of the State before entering upon the performance of his official duties.

## Article 11. The Mayor

A Mayor shall be elected at each general municipal election and shall hold office for the term of two years from and after the Tuesday next succeeding the day of such election and until his successor is elected and qualified. The Mayor may receive compensation as provided by ordinance, but in no case shall the compensation exceed that amount which is permitted by State Law for General Law cities of comparable size to Pacific Grove. He shall be ineligible to hold any other office or employment with the City except as a member of any board, commission or committee thereof of which he is constituted such member by General Law. In case of riot, insurrection or extraordinary emergency the Mayor shall assume general control of the City government and all of its branches and be responsible for the suppression of disorders and the restoration of normal conditions. In the name and on behalf of the City he shall sign all contracts, deeds, bonds, and other legal instruments in which the City is a party. The Mayor or his designate shall represent the City at all ceremonial functions of a social or patriotic character when it is desirable or appropriate to have the City represented officially thereat. The Council shall choose one of its members to serve as Mayor pro tempore during the absence of the Mayor. The Mayor shall preside over all Council meetings and shall be entitled to one vote.

## Article 12. The Council

Three Councilmembers shall be elected at each general municipal election and shall hold office for the term of four years each from and after the Tuesday next succeeding the day of such election, and until their successors are elected and qualified.

A vacancy in an elective office shall be filled by appointment by the Council, such appointee to hold office until the next general municipal election and until his successor is elected and qualified. Such successor shall be elected for the unexpired term of his predecessor at the general municipal election next succeeding such appointment. Should the Council fail to fill any such vacancy within thirty days after the same occurs, then it shall be filled by appointment by the Mayor; provided, however, that if the offices of a majority, or more, of the Council shall become vacant, then the City Clerk shall call a special election at once to fill the vacancies for the unexpired terms, and the same shall be conducted substantially in the manner provided for general municipal elections.

If any Councilmember of the City shall remove from the City or absent himself therefrom for more than two consecutive regular meetings without good cause as determined by the Council, or shall fail to qualify, or shall resign or be convicted of a felony, or be adjudged mentally incompetent, his office shall thereupon become vacant.

The Councilmembers may receive compensation as provided by ordinance, but in no case shall the compensation exceed that amount

which is permitted by State Law for General Law cities of comparable size to Pacific Grove.

No Councilmember shall be eligible to hold any other office or employment with the City except as a member of any board, commission, or committee thereof, of which he is constituted such member by the General Law of the State.

#### Article 13. Meetings of the Council

All meetings of the Council shall be held in the Council Chambers, unless by reason of fire, flood or other disaster, the Council Chambers cannot be used for that purpose, and all meetings shall be open to the public. In case of a crowd too large to be accommodated in the Council Chambers, the Council may adjourn to another location large enough to accommodate those who wish to attend. There shall be two regular meetings of the Council in each month at a day and hour by ordinance determined, and any regular meeting may be adjourned to a date and hour certain, and such adjourned meeting shall be a regular meeting for all purposes. The Council shall adopt rules for the conduct of its proceedings and shall provide by ordinance the manner in which its special meetings may be called.

#### Article 14. Quorum

A majority of the Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

#### Article 15. Ordinances

The enacting clause of all ordinances passed by the Council shall read as follows: "The Council of the City of Pacific Grove does ordain as follows:" The enacting clause of all ordinances passed by the vote of the electors of the City through the exercise of the initiative or referendum shall be: "The people of the City of Pacific Grove do ordain as follows:"

The affirmative vote of a majority of the Council shall be necessary to adopt any ordinances, resolutions or claims against the City, which vote shall be taken by ayes and noes and entered upon the record, and upon the request of any member of the Council the ayes and noes shall be taken and recorded upon any vote.

No ordinance shall be passed by the Council on the day of its introduction nor within five days thereafter, nor at any time other than at a regular meeting, nor until its publication at least once in the official newspaper of the City at least three days before its adoption; provided, any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing the reasons for its urgency, may be introduced and if

passed by a five-sevenths vote shall become effective immediately.

A proposed ordinance may be amended or modified between the time of its introduction and the time of its final passage, provided its general scope and original purpose are retained. No ordinance or portion thereof shall be repealed, revised or amended except by ordinance, and all ordinances shall be signed by the Mayor and attested by the City Clerk. Except as provided by General Law, or by this Charter, no action providing for any specific public improvement, or for the expenditure or appropriation of public moneys, in an amount over Three Thousand Dollars (\$3,000.00), or for the acquisition, sale, lease, encumbering, or disposition of the real property of the City, or any interest therein, or for the levying of any tax or assessment, or for the granting of any franchise, or for the establishment or changing of fire limits, or business, residence, or other use zones, or for the imposing of any penalty, shall be taken except by ordinance.

Provided, however, that materials and supplies, equipment, furniture and fixtures, may be leased or purchased by said City and public moneys expended therefor in excess of Three Thousand Dollars (\$3,000.00) by resolution of said Council inviting sealed proposals through notice published by the City Clerk in the official newspaper at least once, five days or more prior to the time fixed in said resolution for the public opening and declaring of such bids.

#### Article 16. The Initiative and Referendum

The right of initiative and referendum is hereby preserved to the citizens of the City to be exercised in accordance with the procedures prescribed by the Constitution and General Laws of this State.

#### Article 17. The Recall

The recall may be exercised in accordance with the Constitution and General Laws of this State as to municipal officers.

#### Article 18. Oaths and Subpoenas

The Mayor, City Manager, and City Clerk shall have power to administer oaths, to issue subpoenas, to compel by subpoena the production of the books, papers and documents of the City and to take and hear testimony whenever necessary in carrying out their official duties.

#### Article 19. City Manager

There shall be a City Manager appointed by the affirmative vote of five-sevenths of the Council who shall be the administrative head of the City government. The City Manager shall be chosen by the Council without regard to political consideration and with reference solely to his qualifications for such office. The procedure for removal

of the City Manager shall be prescribed by ordinance.

It shall not be necessary that he reside in the City at the time of his appointment, but he shall become a resident thereof within sixty days thereafter and thereafter during his incumbency actually reside in said City.

The powers and duties of the City Manager shall be:

- a. To see that all ordinances are enforced.
- b. To appoint all heads of departments, subordinate officials and employees, and remove the same, and have general supervision and control over the same.
- c. To exercise general supervision over all privately owned public utilities operating within the City so far as the same are subject to municipal control.
- d. To see that the provisions of all franchises, leases, contracts, permits and privileges granted by the City are fully observed and to report to the Council any violations thereof.
- e. To act as purchasing agent for the City. He shall know the exact condition of the treasury at all times, and shall approve all demands before the same have been allowed by the Council if he is satisfied that the money is lawfully due.
- f. To attend all meetings of the Council unless excused therefrom by three members thereof or by the Mayor.
- g. To examine, or cause to be examined, without notice, the conduct, or the official accounts and records, of any officer or employee of the City.
- h. To keep the Council advised as to the needs of the City.
- i. To have supervision over all City property, including public buildings, parks and playgrounds.
- j. To appoint such advisory boards as he may deem desirable to advise and assist him in his work provided the members of such boards shall receive no compensation.
- k. To cause a quarterly statement of all funds in the treasury to be submitted to the Council. Such statements shall be submitted not later than the first meeting in November, February, May and August.

#### Article 20. City Manager Protempore

In case of the absence from the City of the City Manager, or his temporary disability to act as such, the Council shall appoint a City Manager protempore who shall possess the powers and discharge the duties of the City Manager during such absence or disability only, provided, however, that a City Manager protempore shall have no authority to appoint or remove any City officer or employee; provided that the Assistant City Manager (if any) shall be the City Manager protempore. If there is no Assistant City Manager, then the Council shall appoint a City Manager protempore as provided above.

### Article 21. Interference With or by City Manager

Neither the Council nor any of its committees or members shall dictate or attempt to dictate, either directly or indirectly, the appointment of any person to office or employment by the City Manager, or in any manner interfere with the City Manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager, either publicly or privately.

### Article 22. City Clerk

A City Clerk shall be appointed by the City Manager. The City Clerk shall be Clerk of the Council. It shall be the duty of the City Clerk, or his deputy, to attend all sessions of the Council and to keep an accurate record of the proceedings in a book marked "Minutes of the Council." He shall also keep a book marked "Ordinances" and record in it all City ordinances. The official City records in the custody of the City Clerk shall not be filed in any court proceeding or other action.

He shall be the keeper of the corporate seal of the City, and shall affix the same to instruments or writings requiring authentication.

The City Clerk and his deputies may certify affidavits and depositions pertaining to City affairs and business which may be used in any court proceedings in the State.

The City Clerk is the accounting officer of the City and shall maintain records readily reflecting the financial condition of the City. At the end of each fiscal year he shall prepare and present to the legislative body a summary statement of receipts and disbursements by departments and funds, including opening and closing fund balances in the treasury. The financial and accounting duties imposed upon the City Clerk may be transferred to a director of finance when such office has been established and the powers and duties thereof defined by ordinance.

The City Clerk shall perform such additional duties as are prescribed by ordinance.

### Article 23. City Treasurer

A City Treasurer shall be appointed by the City Manager. He shall receive and safely keep all money coming into his hands as treasurer. He shall pay out money only on warrants signed by legally designated persons. Regularly, at least once each month, the City Treasurer shall submit to the City Clerk and City Manager a written report and accounting of all receipts, disbursements, and fund balances. A copy of such reports shall be filed with the City Council as may be prescribed by ordinance. The City Treasurer shall perform such duties relative to



the collection of City taxes and license fees as are prescribed by ordinance.

#### Article 24. City Attorney

There shall be a City Attorney appointed by the City Council. He shall be an attorney-at-law, admitted to the bar of the Supreme Court of this State, and one who has been in actual practice in the State, for at least three years next preceding his appointment. All other things being equal, an attorney who has had special training for this office or experience in municipal corporation law shall be appointed to this office, if practicable. The City Attorney shall be legal advisor of the Council and shall be available to all other City officials on City business.

He shall prosecute all violations of City ordinances, and shall draft all ordinances, resolutions, contracts, or other legal documents or proceedings required by the Council or other officials, except as may be otherwise provided, and shall perform such legal services from time to time as the Council may require, and shall attend all meetings of the Council unless excused therefrom by three members thereof or by the Mayor. When from any cause the City Attorney is unable to perform the duties of his office, he shall with the consent of the Council appoint some other qualified attorney to act temporarily in his place. Whenever, in the judgment of the Council, the interests of the City require it, assistant counsel may be employed. The City Attorney shall deliver all books, records, papers, documents, and property of every description, under his control, owned by the City, to his successor in office, and shall possess such other powers, and perform such additional duties, not in conflict with this Charter, as may be prescribed by ordinance.

#### Article 25. Compensation

The Council shall fix the compensation of all City officers and employees. The compensation of all officers and employees shall be fixed by ordinance. Any fees received by any officer or employee in connection with his official duties shall be paid by him into the City treasury.

#### Article 26. Appointive Commissions and Boards

There shall be the Commissions and Boards enumerated in this Article which shall have the powers and duties as provided herein. The appointment of persons to serve on these Commissions and boards shall be made by the Mayor subject to the confirmation of a majority of the City Council.

Before making such appointments the Mayor shall consult with the Council and shall consider fully any and all nominations suggested by other members of the Council.

The City Council, by a majority vote of all members thereof, may

remove any member of any Commission or Board for cause.

Persons appointed to serve on such Commissions or Boards shall hold office for four years and for only two successive terms; provided, however, that any person having served two successive terms may be reappointed to fill an unexpired term of another member after being off the Commission or Board for at least one year. After the expiration of two years, any such former Commission or Board member may be reappointed.

Any person appointed to serve on such Commissions or Boards shall be a registered elector of the City and shall not hold any paid office or employment in the City government or be a member of any other Board as herein enumerated, or be a member of the City Council, except as an ex officio member without vote.

a. City Planning Commission.

There shall be a Planning Commission consisting of seven members, and shall have the following powers and duties:

(1) Recommend to the Council the adoption, amendment, or repeal of a General Master Plan, or any part thereof, for the physical development of the City.

(2) Exercise such functions with respect to land subdivisions, planning and zoning as may be prescribed by ordinance or resolution.

(3) Perform such other duties relating to planning and zoning as the Council may require by ordinance or resolution, or as may be prescribed by the General Laws of the State.

b. Library Board.

There shall be a Library Board consisting of five members and shall have the following powers and duties:

(1) Act in an advisory capacity to the Council and City Manager in all matters pertaining to the operation of a public library.

(2) Recommend to the City Council the adoption of such by laws, rules and regulations as it may deem necessary for the administration and protection of the City Library.

(3) Perform such other duties relating to the library service as the Council may require by ordinance or resolution.

c. Museum Board.

There shall be a Museum Board consisting of five members and shall have the following powers and duties:

(1) Act in an advisory capacity to the Council and City Manager in all matters pertaining to the operation of a public museum.

(2) Recommend to the City Council the adoption of such by laws, rules and regulations as it may deem necessary for the administration and protection of the City Museum.

(3) Perform such other duties relating to the museum service as the Council may require by ordinance or resolution.

d. Recreation Board.

There shall be a Recreation Board consisting of five members and shall have the following powers and duties:

(1) Act in an advisory capacity to the Council and City Manager in all matters pertaining to the operation of a City recreation program.

(2) Recommend to the City Council the adoption of such by laws, rules and regulations as it may deem necessary for the administration and operation of a City recreation program.

(3) Promote and stimulate public interest in a recreation program and solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein.

(4) Perform such other duties relating to the recreation program as the Council may require by ordinance or resolution.

#### Article 27. Approving Illegal Claims

Every officer who shall willfully and knowingly approve, allow, or pay, any demand on the treasury knowing it is not authorized by law, shall be liable to the City individually and on his official bond for the amount of the demand so approved, allowed, or paid, and if an appointive officer, shall forfeit his office and be forever disbarred and disqualified from holding any position in the service of the City.

#### Article 28. The Fiscal Year

The fiscal year of the City shall commence on the first day of July of each year or at such other time as may be fixed by ordinance.

#### Article 29. Budget

The City Manager shall submit the annual fiscal year budget to the Council at a time and in a form prescribed by ordinance.

Sufficient copies of such budget shall be prepared that there may be copies on file in the office of the City Clerk for inspection by the public, unless the Council shall publish the same in the official newspaper.

#### Article 30. Taxation

Except as otherwise herein provided, the Council, by ordinance, shall provide a system for the assessment, levy, collection, and equalization of taxes which, as nearly as may be, shall conform to the system provided by the General Laws of the State. The City shall have the privilege to enact by ordinance a license and privilege tax and excise taxes for the purpose of both regulation and revenue.

#### Article 31. Annual Tax Levy

The Council must finally adopt, not later than the second regular meeting in August, an ordinance levying upon the assessed valuation of all property in the City, a rate of taxation sufficient to raise the amounts estimated to be required in the annual budget and as herein provided, less the amounts estimated to be received from fines, licenses and other sources of revenue.

Should the Council fail to fix the tax rate within the time prescribed,

then the tax rate for the previous year shall constitute the rate for the current year.

#### Article 32. Limit and Apportionment of the Tax Levy

The tax levy authorized by the Council to meet the municipal expenses for each fiscal year shall not exceed the rate of One Dollar and Fifty-eight cents on each One Hundred Dollars of the assessed valuation of the real and personal property within the City, except as in this Charter otherwise provided. The moneys collected from such levy shall be placed in the general fund of the City and may be apportioned in separate funds as determined by the Council.

No transfer of money shall be made from one fund to another, except of balance in excess of the amount required in a fund or from the general fund to meet deficiencies, or to provide for the redemption of City bonds.

The foregoing limitation shall not apply in the event of any great necessity or emergency, in which case it may be temporarily suspended, provided that no increase over said limit, except as herein prescribed, shall be made in any fiscal year, unless authorized by ordinance adopted by the vote of the electors of the City.

#### Article 33. Special Tax Levy.

The Council shall have power to levy and collect additional taxes sufficient to pay interest on the bonded indebtedness of the City, and to pay and maintain the sinking fund thereof, and for the following purposes only:

(a) For the acquisition and (or) construction, as the case may be, of permanent public improvements, or real property, of public buildings and structures including equipping and furnishing the same, and the tax levied for any and all such purposes combined shall not exceed fifteen cents on each one hundred dollars of the assessed valuation of the real and personal property within the City, and no such acquisition or construction shall be charged against the general tax levied to meet current municipal expenses for each fiscal year.

(b) For the acquisition of equipment and supplies and provide training for personnel for a Civil Defense Program. The tax levy for such purpose shall not exceed five cents on each one hundred dollars of the real and personal property within the City.

#### Article 34. Tax Liens

All taxes and assessments levied, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March of each year, and may be enforced by actions to foreclose such liens

in any court of competent jurisdiction, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; provided that when real estate is offered for sale for City taxes due thereon, the same shall be sold to the City in like case and manner, and with like effect and right of redemption as it may be struck off and sold to the State when offered for sale for County taxes; and the Council shall have power to provide by ordinance for the procedure to be followed in such sales to the City and redemption thereafter.

#### Article 35. Deposit of City Moneys

All moneys collected for the City by any officer or department thereof shall be paid daily if possible, into the City treasury, credited to the funds to which such moneys severally belong.

#### Article 36. Payment of City Moneys

Money shall be drawn from the treasury only upon warrants as herein prescribed. Every demand against the City, from whatever source, must be presented to the City Manager. The City Manager shall satisfy himself whether the money demanded is legally due and its payment authorized by law. If he approves the demand it shall thereafter be presented to the City Council and if by them allowed shall be signed by the Mayor and City Clerk, and a warrant, numbered and dated the same as the demand, issued and signed by the same officers shall be drawn upon the treasury. No demand shall be approved or paid unless it shall specify each item of the claim and the date thereof.

Provided, however, that warrants may be approved by the City Manager and paid from the treasury without the necessity of being presented to the Council for materials and supplies and investments approved by law, if prior permission is so granted by the City Council.

Provided, however, that warrants for wages and salaries shall be approved by the City Manager and paid regularly from the treasury without the necessity of any demand therefor or approval thereof as in this article prescribed for other claims, and at such time not in conflict with this Charter, as may be prescribed by ordinance.

#### Article 37. Annual Audit

The Council shall employ a Certified or a thoroughly qualified Public Accountant annually to investigate and render a report on the transactions and accounts of all officers or employees having the collection, deposit, custody or disbursement of public money or property, or the power to approve, allow or audit demands on the treasury.

### Article 38. Inventory of City Property

An inventory of property belonging to the City shall be prepared and maintained as prescribed by ordinance and shall be open to inspection during normal business hours.

### Article 39. Franchises

Every franchise or privilege to construct, maintain, or operate any means or method of transportation on or over any street, lane, alley, or other public place within the City, or to lay pipes or conduits, or erect poles or wires or other structures in or across any public way or place, for the transmission of gas, electricity, or other commodity, or for the use of public property or places now or hereafter owned by the City, shall be granted under and in pursuance to the General Laws of the State relating to the granting of franchises; provided, no new franchise or the renewal of an existing franchise shall be granted except upon the condition that at least two per cent (2 per cent) of the gross annual receipts derived from the use of such franchise shall be paid the City. In all cases the applicant for a franchise shall advance the cost of advertising the same.

Every such franchise shall require the grantee thereof to agree to a joint use of its property with others wherever practicable, and nothing herein shall be construed as prohibiting the Council from requiring other conditions in granting the same not inconsistent with the Constitution and General Laws of the State. No franchise or privilege so granted shall be sold, leased, assigned, or otherwise alienated, without the express consent of the Council given by ordinance and subject to the referendum.

### Article 40. Contract Work

In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in furnishing any supplies or materials for the same when the expenditure required for the same shall exceed the sum of Three Thousand Dollars (\$3,000.00), the same shall be done by contract and shall be let to the lowest responsible bidder, after notice by publication in the official newspaper, and security for the due execution and performance of any such contract may be required by the bidder and successful contractor, respectively. The detailed procedure for carrying out the provisions of this Article shall be prescribed by ordinance.

Provided, that the Council may reject any and all bids presented and may re-advertise in their discretion, and provided further, that after rejecting bids the Council may declare and determine by a five-sevenths vote of all its members that in its opinion the work in question may be more economically or satisfactorily performed by day labor, or the materials or supplies purchased at a lower price in the open market, and after the adoption of the resolution to this effect, it

may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this Article; and

Provided further, that in case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, the Council may, by resolution pass by a vote of five-sevenths of all its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property, and thereupon they may proceed to expend, or enter into a contract involving the expenditure of any sum required in such emergency, on hand in the City treasury and available for such purpose.

#### Article 41. Official Records

All books and records of every office and department shall be open to inspection by any citizen during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office, provided, the records of the police department shall not be subjected to such inspection except by permission of the proper police authorities. Information provided by taxpayers on which tax assessments are based shall be confidential as shall all records so restricted by General Law.

Copies or extracts, duly certified, from said books and records open to inspection, shall be given by the officer having the same in custody to any person demanding the same and paying or tendering an established charge.

All officers, boards, commissions and committees shall deliver to their successors all papers, books, documents, records, archives and other properties pertaining to their respective offices or departments, in their possession or under their control.

#### Article 42. Newspaper Advertising

The Council shall advertise annually for the submission of sealed proposals or bids from all newspapers of general circulation in the City, for the publication of all ordinances and other legal notices required to be published. The newspaper to which such contract is awarded shall be known and designated as the Official Newspaper. The rates for publishing public notices shall not exceed the customary rates charged for publishing legal notices of a private character.

Contracts for advertising shall be awarded to the lowest responsible bidder of adequate circulation within the City.

No employee of the newspaper having the advertising contract shall be an employee of the City during the term of this contract.

#### Article 43. Political Activities

(a) No candidate for elective or appointive office in the City shall solicit any assessment, subscription, contribution or political service for

any political purpose from anyone on the employment lists of the city.

(b) One who holds or seeks election or appointment to any public office in the City shall not directly or indirectly use or promise or threaten to use authority or influence to secure any vote, political influence or action or contribution from any officer or employee of the City.

(c) No officer or employee of the City shall advertise the fact of his employment by the City in any public advertisement for a political candidate or ballot issue.

(d) Nothing herein contained applies to funds, contributions and services solicited or received to promote or defeat any ballot measure which would affect the rate of pay, hours of work, retirement, civil service or other working conditions of said officers and employees, provided such activity does not occur during working hours or in places of public duty.

#### Article 44. Conflict of Interest and Disclosure of Interest

All officers and employees of the City shall comply with the provisions of the General Law of the State and ordinances of the City in avoiding conflicts of interest and making disclosures of interest.

Certified to be a true copy by William S. Pitt, City Clerk.

Date of municipal election: November 5, 1974.

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#### Charter Chapter 5—City of Albany

#### *Amendments to the Charter of the City of Albany.*

[Filed with Secretary of State December 5, 1974 ]

The Charter of the City of Albany is amended by adding thereto Section 4A, Limitation on Terms, and Section 4B, Place on Ballot, as follows:

4A. Limitation on Terms. Any person who shall have been elected to two successive terms as a member of the Council shall be ineligible to serve again in that office until an intervening period of two years has elapsed. Election to an unexpired term pursuant to Section 29 of this Charter shall constitute election to a term as a member of the Council. This Section shall not operate to create a vacancy or vacancies on the Council as constituted on the effective date of this Section.

4B. Place on Ballot. The order of names of candidates for Council shall be determined by lot, conducted by the City Clerk, and the names placed on the ballot as determined by the said lot drawing.

The Charter of the City of Albany is amended by deleting from



Section 38(a) of said Charter the third sentence thereof which now reads, "They shall receive no compensation for their services as members of the Board of Education."

The Charter of the City of Albany is amended by deleting Section 49-n thereof, and adding the following, to make Section 49-n read:

There is hereby created a Police Department, which shall consist of the Chief of the Police Department, and one or more of the following classifications: captains, lieutenants, sergeants, police officers, and police officer-clerks. In addition, other classifications or sub-classifications may be designated when they are needed to designate duty or job functions.

To the end that there be no disruption in the present service of the Police Department, on the effective date of this section, the present title of inspector (II) shall become that of captain, the present title of inspector (I) shall become that of lieutenant, the present title of patrolmen shall become that of police officer, the present title of policewoman-clerk shall become that of police officer-clerk.

Certified to be a true copy by Patricia A. George, City Clerk.  
Date of municipal election: November 5, 1974.

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Charter Chapter 6—City of Santa Barbara

*Amendments to the Charter of the City of Santa Barbara.*

[Filed with Secretary of State December 5, 1974 ]

Charter Amendment No. 1—"C"

Section 1300 of Article XIII of the Charter of the City of Santa Barbara is amended to read as follows:

"Section 1300. General Municipal Elections. General municipal elections for the election of officers, and for such other purposes as the City Council may prescribe shall be held in the City on the first Tuesday after the first Monday in March in each odd numbered year. The first such general municipal election shall be held on the first Tuesday after the first Monday in March 1975."

Charter Amendment No. 3—"E"

The current language of Section 812 of the Charter of the City of Santa Barbara is deleted and the following language added to read as follows:

"Section 812. Airport Commission. There shall be an Airport Commission which shall be responsible for matters pertaining to

management and operation of the airport facilities of the City.

“The City Council shall, by ordinance, provide for the powers and duties of the Commission, the number of members, the qualifications of members, and the members’ term of office. All members shall be appointed by the City Council, but the ordinance may authorize appointment of members selected by other public entities. Notwithstanding Section 802 of this Charter, the members of the Commission need not be electors of the City, and may be non-residents.

“Notwithstanding other sections of this Charter, the Council may, by ordinance, grant to the Commission the power and duty to manage and operate the airport including (1) the selection and appointment of employees; (2) the execution of leases; (3) the construction, improvement, erection, maintenance and operation of all buildings, structures, accessories, equipment, utilities, appliances, materials and supplies, related to said airport; and (4) the acquisition of, disposition of or repair of facilities, equipment and supplies related to the airport.

“The Council may, by ordinance, authorize the commission to promulgate rules and regulations related to operation and maintenance of the airport including the fixing of rates, tolls, fees, rents, charges, or other payments to be made to or by the City in connection with the airport. However, all matters required to be accomplished by ordinance shall be submitted to the City Council for approval and adoption.”

#### Charter Amendment No. 4—“F”

Subsection (c) is added to Section 1207 of Article XII of the Charter of the City of Santa Barbara to read as follows:

“(c) The City Council shall not levy a tax on conveyance of real property unless authorized by the affirmative votes of a majority of the electors voting on a proposition submitted to the electors at a general or special election to levy such a tax.

“Any ordinance heretofore adopted by the Santa Barbara City Council levying a tax on conveyance of real property prior to the effective date of this amendment shall be of no further force and effect, except for any tax on conveyance of real property adopted by the Santa Barbara City Council pursuant to Part 6.7 (commencing with Section 11901) of Division 2 of the Revenue and Taxation Code.”

Certified to be a true copy by J. E. Newton, City Clerk.  
Date of municipal election: November 5, 1974.

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Charter Chapter 7—County of Los Angeles

*Amendments to the Charter of the County of Los Angeles.*

[Filed with Secretary of State December 11, 1974 ]

The Charter of the County of Los Angeles is amended by amending Section 22¾ and Section 31 thereof, to read:

Section 22¾. The Director of Personnel shall perform duties as provided in Article IX hereof.

To enable a consolidation of personnel functions of the County, other than personnel functions which are the responsibility of other appointing authorities pursuant to the provisions of this Charter, the Board of Supervisors may prescribe that the Director of Personnel exercise general supervision over and enforce all or any portion of the rules and procedures of the County's personnel system including, but not being limited thereto, the making of reports and recommendations to the Board of Supervisors with respect to the compensation of County employees and the administration of rules and procedures to be followed in the County's employer-employee relationships. All duties performed by the Director of Personnel, other than those performed pursuant to Article IX hereof, shall be under the direction of the Board of Supervisors.

Section 31. The Director of Personnel shall administer the Civil Service System under the direction of the Commission. The Director of Personnel shall, under the direction of the Board of Supervisors, perform such other duties as may be prescribed by said Board pursuant to the provisions of Section 22¾ hereof. The Director of Personnel shall appoint all assistants, deputies, and other persons in the department.

Certified to be a true copy by James S. Mize, Executive Officer-Clerk of the Board of Supervisors.

Date of election: November 5, 1974.

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Charter Chapter 8—County of Fresno

*Amendments to the Charter of the County of Fresno.*

[Filed with Secretary of State December 13, 1974.]

Section 12.1 is added to the charter, to read:

Section 12.1. The Board of Supervisors shall have the power to consolidate appointive county offices, institutions, departments, or divisions thereof, whenever the respective duties thereof are not inconsistent; and consolidate, segregate, transfer, abolish or reassign the powers, duties or functions of any such office, institution, department, or division.

Section 24 of the charter is repealed.

Certified to be a true copy by H. L. Masini, County Clerk and ex officio Clerk of the Board of Supervisors.

Date of election: November 5, 1974.

## Charter Chapter 9—City of Seal Beach

*Amendments to the Charter of the City of Seal Beach.*

[Filed with Secretary of State December 13, 1974 ]

Section 400 is amended to read as follows:

Section 400. Elective Officers. The elective officers of the city shall consist of a City Clerk elected from the City at large, a City Treasurer elected from the City at large, and five members of the City Council, one elected from each of the five Councilmanic districts as prescribed in Article V. The terms of elective officers shall be four years and until their respective successors qualify (except that the terms may be lengthened or shortened by not more than three months by change of the election date provided for in Article V.) The term of each elective officer shall commence on the seventh day following the General Municipal election at the hour of the completion of the canvass of the election returns.

Section 404 is amended to read as follows:

Section 404. City Council, Presiding Officer, Mayor. (a) Upon the completion of the canvass of the election returns of any municipal election at which any member or members of the City Council is or are elected, the City Council shall meet and shall elect one of its members as its presiding officer, who shall have the title of Mayor. The Mayor shall have a voice and vote in all its proceedings. He shall be the official head of the City for all ceremonial purposes. The Mayor shall also act in a liaison capacity between the City Council and the City Manager, and in such capacity shall advise the City Manager on matter of Council policy. He shall perform such other duties consistent with his office as may be prescribed by this Charter or as may be imposed by the City Council. The Mayor shall serve in such capacity at the pleasure of the City Council.

(b) Mayor Pro Tempore. At the time as a Mayor is selected, the City Council shall also designate one of its members as Mayor Pro Tempore, who shall serve in such capacity at the pleasure of the City Council. The Mayor Pro Tempore shall perform the duties of the Mayor during his absence or disability.

Section 417 is amended to read as follows:

Section 417. Ordinances. Violation. Penalty. A violation 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. Provided, however, the City Council may by ordinance provide that a violation of a specific ordinance shall

constitute an infraction with such prosecution, redress and penalty provisions as may be set forth in said ordinance. The maximum fine and imprisonment or other penalty for the violation of any city ordinance shall be the same as is provided in the laws of the State of California for the violation of an ordinance of a general law city as the laws of the State now provide or as they may hereafter be amended.

Section 422 is added, to read as follows:

Section 422. Members of the City Council. Consecutive Elective Terms. A member of the City Council shall not be elected to more than two consecutive elective four year terms.

Section 502 is amended to read as follows:

Section 502. General Municipal Elections. General municipal elections for the election of officers shall be held in the City on the second Tuesday in May in each even-numbered year commencing with the year 1976. The City Council may order any special municipal election consolidated with the general municipal election by following the procedure prescribed by law for the consolidation of special elections with municipal elections held in a general law city.

Section 515 is amended to read as follows:

Section 515. Councilmanic Districts. The five members of the City Council shall be elected by districts the boundaries of which shall be as defined by ordinance adopted by the City Council.

In 1980 and each 10th year thereafter, the City Council shall appoint a committee to study and report to the City Council on the advisability of redistricting the City. Upon receipt of any such committee report, and at any other time deemed necessary or desirable in order that the district boundaries be in accordance with constitutional requirement, fair and logical, the City Council may by ordinance change and redefine the boundaries of any or all of such districts. The boundaries so defined shall be established in such manner that the district shall, as nearly as practicable, constitute natural areas of contiguous and compact territory and provide fair representation on the City Council. Any territory hereafter annexed to or consolidated with the City shall, at the time of such annexation or consolidation, be added by ordinance of the City Council to an adjacent district or districts.

Section 802 is amended to read as follows:

Section 802. Appointments. Terms. The number of members to comprise such boards and commissions shall be specified by ordinance if not specified by this Charter. The members of each of such boards shall be commissioned and appointed by motion of the City Council adopted by at least three affirmative votes. Each member of the City Council shall nominate one qualified elector from said member's district to serve on each such board or commission. All such nominations shall be confirmed by at least three affirmative votes of the City Council. Such nominees shall hold no paid office or

employment in the City government and shall serve for terms to be fixed by ordinance, and until their respective successors are appointed and qualified, subject to removal by motion of the City Council adopted by at least three affirmative votes.

The members first appointed to such boards and commissions shall so classify themselves by lot that each succeeding July 1st the term of one of their number shall expire. If the total number of members of a board or commission exceeds four, the classification by lot shall provide for the grouping of terms to such an extent as is necessary in order that the term of at least one member shall expire on each succeeding July 1st.

Section 1013 is amended to read as follows:

Section 1013. Independent Audit. The City Council shall employ at the beginning of each fiscal year, a certified public accountant who shall, at such time or times as may be specified by the City Council, and at such other times as he shall determine, examine the official books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds and all such other officers, employees or departments as the City Council may direct. Within one hundred twenty days after the end of the fiscal year, unless such time shall be extended by the Council, a final audit and report shall be submitted by such accountant to the City Council, one copy thereof to each member, one to the City Manager, 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.

Certified to be a true copy by Jerdys Weir, City Clerk.  
Date of municipal election: November 5, 1974.

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### Charter Chapter 10—City of San Mateo

#### *Amendments to the Charter of the City of San Mateo.*

[Filed with Secretary of State December 20, 1974]

Section 2.01 is amended to read as follows:

Section 2.01 Composition, Eligibility, Election and Terms.

(c) The members of the city council shall be elected by the voters of the city at a general municipal election to be held therein every odd-numbered year as hereinafter provided. Two council members shall be elected at the general municipal election to be held the year immediately preceding Leap Year, and three council members shall be elected at the general municipal election to be held the year immediately after Leap Year. They shall hold office for terms commencing the first Monday next succeeding the day of their

election and until the general municipal election the fourth year thereafter and the election and qualification of their successors. In the event two or more candidates receive the same number of votes and it is necessary for any reason to break the tie, the tie shall be broken by drawing lots under the supervision of the city attorney at the earliest meeting of the council after such a tie has been determined.

Section 2.18 is amended to read as follows:

Section 2.18 City Attorney. Powers and Duties.

It shall not be necessary that he resides in the city at the time of his appointment, but he shall become a resident thereof within 180 days thereafter and thereafter, during his incumbency, actually reside in the city; provided, however, that the council may make an exception in a particular case and waive this requirement where the council finds such an exception to be for the best interest and benefit of the city. He shall receive such compensation for his services as the council shall determine.

Certified to be a true copy by Joan Hinckley, City Clerk.

Date of municipal election: November 5, 1974.

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Charter Chapter 11—City and County of San Francisco

*Amendments to the Charter of the City and County of San Francisco.*

[Filed with Secretary of State December 23, 1974]

Proposition B

Section 7.501 is amended to read as follows:

7.501 Zoning Amendments

The city planning commission shall consider and hold hearings on proposed ordinances and amendments thereto regulating or controlling the height, area, bulk, setbacks, location, use or related aspects of any building or structure or land, including but not limited to the zoning ordinance and other portions of the city planning code. Such proposals may be initiated by the board of supervisors and referred to the commission, or they may be initiated by the commission itself. In the case of a reclassification of property (change in district boundaries) or establishment, abolition or modification of a setback line, such proposals may be initiated by the application of interested property owners or their authorized agents.

Procedures for action on such matters shall be as prescribed by the board of supervisors by ordinance. The commission shall approve any such proposal in whole or in part, or shall disapprove it.

If the commission approves the proposal in whole or in part, it shall be presented to the board of supervisors together with the written approval of the commission, and the board may adopt such proposal, as approved, by ordinance by a majority vote.

If the commission disapproves the proposal in whole or in part, such action shall be final; except that in the case of a proposal initiated by the board, notice of the commission action shall be sent to the board without the necessity for an appeal; and except further that, in the case of a reclassification of property or a conditional use, or establishment, abolition or modification of a setback line initiated by application, appeal may be taken to the board of supervisors by filing written notice of appeal with the said board within thirty days after such action. Such notice of appeal shall be subscribed by the owners of at least twenty per cent of the property affected by such change, excluding any property that is owned by the City and County of San Francisco, the United States Government or the State of California, or any department or agency thereof, or by any special district, unless the owner of such property shall itself be a subscriber of the notice of appeal. An action of the city planning commission so appealed shall not become effective unless and until approved by the board of supervisors in accordance with this section.

Upon receiving such written notice of appeal, the board of supervisors or the clerk thereof shall set a time and place for hearing such appeal, which shall be not less than ten (10) nor more than thirty (30) days after the filing of such notice of appeal. The board of supervisors must decide such appeal within thirty (30) days of the time set forth for the hearing thereon, provided that, if the full membership of the board is not present on the last day on which said appeal is set or continued for hearing within said period, the board may postpone said hearing and decision thereon until, but not later than, the full membership of the board is present; provided, further, that the latest date to which said hearing and decision may be so postponed shall be not more than ninety (90) days from the date of filing of the appeal. Failure of the board of supervisors to act within such time limit shall be deemed to constitute approval by the board of the action of the city planning commission.

In acting upon any such appeal, or in acting upon any proposal initiated by the board of supervisors and disapproved by the commission said board of supervisors may disapprove the action of the commission, and in the event of any such disapproval, the board shall adopt the proposed ordinance or amendment thereto at the next regularly scheduled meeting of the board; provided, however, that in the case of any reclassification of property or a conditional use, or establishment, abolition or modification of a setback line, any such disapproval and adoption shall be by a vote of not less than two-thirds of all members of the board; except that in the event that one or more of the full membership of the board is disqualified or excused from voting because of an interest prohibited by general law or this charter, any such disapproval and adoption shall be by a vote of not less than



two-thirds of all members of the board that are not disqualified or excused; provided, however, that in the event that a quorum of all members of the board is disqualified or excused from voting because of an interest prohibited by general law or this charter, the action of the city planning commission shall be deemed approved.

Whenever any such proposed ordinance or amendment thereto, or any part thereof, initiated by application, has been disapproved by the city planning commission or by the board of supervisors on appeal, no application proposing the same or substantially the same ordinance or amendment shall be resubmitted to or reconsidered by the commission within a period of one year from the effective date of final action upon the earlier application.

### Proposition C

Section 9.112 is amended to read as follows:

#### 9.112 Material on Measures Mailed to Voters

Whenever any measure is required by this charter to be submitted to the voters of the city and county at any election, the registrar shall cause the measure or policy to be printed in pamphlet form and shall mail the same with a sample ballot to each voter, at least ten days prior to the election. This pamphlet may include any other matter required to be printed and mailed. The board of supervisors shall, by ordinance, provide for the format of said pamphlet and for the submission, review, selection, printing and inclusion of arguments in favor of or in opposition to any measure contained in said pamphlet.

With or upon the sample ballot mailed to each voter prior to a recall election, there shall be transmitted the reasons for demanding the recall of the officer as set forth in the recall petition, printed in not more than three hundred words, and with or upon the same ballot the printed statement of the officer in not more than three hundred words justifying his course in office.

Immediately after introduction in the board of supervisors, or filing with the clerk thereof, of any measure to be submitted to the voters, or of the filing of a petition of the voters for submission of any proposed amendment of the charter, in accordance with the provisions of article XI, section 3, of the constitution of California, the clerk of the board shall deliver a copy of such proposition to the controller. The controller shall thereupon prepare and transmit to the board of supervisors an impartial financial analysis of the measure, which shall include the amount of any increase or decrease in the cost of government of the city and county and its effect upon the tax rate. Such analysis shall be in form appropriate for mailing to the voters with a sample ballot. Upon vote of submission of any such proposition, and as to all propositions to create a bonded debt, the controller shall transmit a copy of such analysis in relation thereto to the registrar of voters, who shall mail one copy thereof to each voter with the sample ballot.

## Proposition D

Section 6.306 is amended to read as follows:

6.306 Cash Reserve Fund and Supplemental Appropriations

Unused and unencumbered appropriations or unencumbered balances existing at the close of any fiscal year in revenue or expense appropriations of the city and county for any such fiscal year, including such balances in revenue and expense appropriations provided under the provisions of section 6.400 (a) of this charter for libraries, parks and squares, playgrounds and civil service in any such fiscal year, but exclusive of revenue or money required by law to be held in school, bond, bond interest, bond redemption, pension, trust, utility or other specific funds, or to be devoted exclusively to specified purposes other than annual appropriations, and together with revenues collected or accruing from any source during any such fiscal year, in excess of the estimated revenue from such source as shown by the annual budget and the appropriation ordinance for such fiscal year, shall be transferred by the controller, at the closing of such fiscal year, to a "cash reserve fund" which is hereby created and which may be used only in the manner authorized by section 6.304 of this charter; provided, however, that when the balance in said cash reserve fund shall equal ten (10) per centum of the current or the last preceding tax levy no such transfer shall be made by the controller except on the recommendation of said controller, the approval of the mayor and the authorization of the board of supervisors, by majority vote.

Such unused and unencumbered appropriations, balance and revenue collections in excess of revenue estimates, as hereinbefore in this section defined, when not transferred to the cash reserve fund as hereinbefore in this section required or authorized, shall be held as surplus.

Such surplus shall be taken into account as revenue of the ensuing fiscal year; provided, however, that any such surplus created or existing in any fiscal year may be appropriated by the board of supervisors by means of an ordinance designated as a supplemental appropriation ordinance, on the recommendation of the chief administrative officer, or any board, commission or elective officer, respectively, and the approval and submission by the mayor of a supplemental budget estimate or request, in the same manner and subject to the same conditions, except time, as provided in this charter for the submission and approval of the annual budget and the appropriation ordinance.

In the event the chief administrative officer, or any board, commission or elective officer shall recommend a supplemental appropriation ordinance subsequent to the adoption of the budget for any fiscal year and prior to the close of said fiscal year containing any item which had been rejected by the mayor in his review of departmental budget estimates for said fiscal year or which had been rejected by the board of supervisors in its consideration of the mayor's proposed budget for said fiscal year, it shall require a vote of two-thirds

of all members of the board of supervisors to approve such supplemental appropriation ordinance.

No ordinance or resolution for the expenditure of money, except the annual appropriation ordinance, shall be passed by the board of supervisors unless the controller first certify to such board that there is a sufficient unencumbered balance in a fund that may legally be used for such proposed expenditure, and that, in the judgment of the controller, revenues as anticipated in the appropriation ordinance for such fiscal year and properly applicable to meet such proposed expenditure will be available in the treasury in sufficient amount to meet the same as it becomes due.

### Proposition G

Section 8.565 is amended to read as follows:

8.565 Members of Fire Department on January 8, 1932

Persons who are members of the fire department on the 8th day of January, 1932, shall become members of the retirement system on that date, subject only to the following provisions, in addition to the provisions contained in sections 3.670–3.672, 8.500–8.502, 8.510, 8.511, 8.520 and 8.560 of this charter.

a. Any member of the fire department who shall have completed twenty-five years of continuous service as a member of the fire department next preceding the date of his retirement, or any member of the fire department who shall have reached the age of fifty-five years and shall have completed twenty years of continuous service as a member of the fire department next preceding the date of his retirement, may retire from service at his option. Any member of the fire department who shall become physically disabled by reason of any bodily injury received in the performance of his duty may be retired from service on satisfactory proof thereof. The retirement board, by unanimous vote, may retire from service any aged, disabled or infirm member of the fire department who has arrived at the age of sixty years and who has completed twenty years of continuous service as a member of the department next preceding such age, who may be ascertained to be, by reason of such age, infirmity or other disability, unfit for the performance of his duties. Such retired member shall receive a monthly pension, payable throughout his life, equal to one-half the amount of the salary attached to the rank held by him three years prior to the date of his retirement hereinafter referred to as "pension" in this and the following section; provided that where such retirement is based on disability alone, in case the disability of such member shall cease, his pension shall cease, and he shall be restored to service in the rank he occupied at the time of his retirement. Should any said retired member die leaving a widow, who shall have been married to the decedent at least one year prior to the date of his retirement, such widow shall, as long as she may live and remain unmarried, be paid said pension; provided, further, that the widow of any said retired member who married said member after the

effective date of his retirement and at least one year prior to his death shall be paid said pension for time after December 31, 1974, as long as she may live and remain unmarried; provided, further, that should said widow die leaving a child or children under the age of sixteen years, said pension shall continue to be paid such child or such children collectively until the youngest child arrives at the age of sixteen years; and provided further, that should said retired member die leaving no widow but leaving an orphan child or children under the age of sixteen years, such child or children collectively shall receive said pension until the youngest child attains the age of sixteen years.

b. The family of any member of the fire department who shall die as a result of any injury received during the performance of his duty, or from sickness clearly, unmistakably and directly caused by and resulting from the discharge of such duty, or while eligible for a pension on account of years of service in the department, or who has served twenty consecutive years in the department and attained the age of fifty-five years, shall receive the following benefits.

First, should the decedent leave a widow to whom he was married prior to the date of the injury resulting in death, his widow shall, as long as she may live and remain unmarried, be paid a monthly pension equal to one-half of the salary attached to the rank held by the decedent at the time of his said injury; provided that the widow of any said retired member who married said member after the effective date of his retirement and at least one year prior to his death shall be paid said pension for time after December 31, 1974, as long as she may live and remain unmarried; provided, however, that should said widow die, leaving a child or children under the age of sixteen years, said pension shall continue to such child or children collectively until the youngest child arrives at the age of sixteen years.

Second, should the decedent leave no widow, but leave an orphan child or children under the age of sixteen years, such child or such children collectively shall receive said pension until the youngest child attains the age of sixteen years.

Third, should the decedent leave no widow and no orphan child or children, but leave a parent or parents dependent solely upon him for support, such parents so depending shall collectively receive said pension during such time as the retirement board may unanimously determine its necessity.

c. When any member of the department shall die from natural causes and before retirement, and when no pension is payable to his widow or children, there shall be paid to his estate or beneficiary a death benefit, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the board of supervisors for the death benefit of other members of the retirement system.

Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his estate or designated beneficiary, the amount of which and the conditions for payment of which shall be determined in the manner prescribed by the board of

supervisors for the payment of a similar death benefit upon the death of other retired members.

d. In addition to the other contributions required of the city and county under the retirement system, the city and county shall contribute to the retirement system during each fiscal year a sum which shall be equal to the liabilities accruing under the retirement system because of service rendered during such year by persons becoming members on the 8th day of January, 1932, under this section. If, subsequent to such fiscal year, it shall be determined that such contribution by the city and county was not sufficient to meet such liability, then the city and county shall make such additional contribution as may be necessary to make up the deficit.

e. No benefits shall be provided under the retirement system for, nor shall any contributions be required of, persons who become members of the retirement system under this section, in addition to the benefits specifically provided and contributions specifically required in such section. Any pension payable because of the death or retirement of any such person shall be reduced in the manner fixed by the board of supervisors, by the amount of any benefits payable to or on account of such person, under the Workmen's Compensation Insurance and Safety Law of the State of California.

f. Persons who are members of the fire department on the 8th day of January, 1932, shall have the option, to be exercised in writing on or before the 1st day of July, 1932, of becoming members of the retirement system under the provisions of section 8.567, which applies to persons who become members of the department after the 8th day of January, 1932. If such persons shall affirmatively exercise such option within the time specified, then they shall not receive any benefit under this section, but shall become members of the retirement system and shall receive benefits and make contributions on the same basis as persons who become members of the department after the 8th day of January, 1932, provided that a pension for each person affirmatively exercising such option shall be payable on account of service rendered to the city and county prior to the 8th day of January, 1932, by contributions of the city and county, which pension shall be the same percentage, regardless of the age of retirement, of his final compensation, as defined by the board of supervisors, for each year of service, as the contributions of the member and the city and county are calculated to provide upon retirement at age fifty-five for each year of service rendered as a member of the retirement system.

The amendments of subsections a. and b. of this section contained in the proposition therefor submitted to the electorate on November 5, 1974, do not and shall not give any person any claim against the city and county for any pension for time prior to January 1, 1975.

#### Proposition H

Sections 8.558 and 8.582 are added, to read as follows:

8.558 Definition of "final compensation"—Allowances first payable

prior to July 1, 1975.

Notwithstanding any other provision of this charter, but solely with respect to the determination of the amount of each retirement allowance payable to or on account of a person who retired for service or because of disability under the provisions of section 8.544 of the charter prior to July 1, 1975, "final compensation", for time commencing on July 1, 1975, shall mean the rate of remuneration (excluding remuneration for overtime) attached on July 1, 1975, to the rank or position upon which such person's retirement allowance was determined when first effective; provided, further, that each such allowance shall be increased or decreased as of July 1, 1976, and on July 1 of each succeeding year by an amount equal to 50% of the rate of change in the salary attached to said rank multiplied by the allowance which was payable for the month immediately preceding such July 1.

This section does not give any person retired under the provisions of said section 8.544, or his successors in interest, any claim against the city and county for any increase in any retirement allowance paid or payable for time prior to July 1, 1975.

This section does not authorize any decrease in the amount of any allowance from the amount being paid as of June 30, 1975.

No retirement allowance to which the definition of "final compensation" as set forth in this section is applicable shall be subject to adjustment under the provisions of section 8.526 for time commencing July 1, 1975. Contributions, with interest credited thereon, standing to the credit of a person whose retirement allowance is subject to the provisions of this section and which were made by such person pursuant to the provisions of section 8.526 shall, effective July 1, 1975, be combined with and administered in the same manner as such person's normal contributions. Contributions, with interest credited thereon, made by or charged against the city and county and standing to its credit on account of a person whose retirement allowance is subject to the provisions of this section and which were made by or charged against the city and county for the purposes of said section 8.526 shall be applied to provide the benefits under this section.

8.582 Definition of "final compensation"—Allowances first payable prior to July 1, 1975.

Notwithstanding any other provision of this charter, but solely with respect to the determination of the amount of each retirement allowance payable to or on account of a person who retired for service or because of disability under the provisions of section 8.568 of the charter prior to July 1, 1975, "final compensation", for time commencing on July 1, 1975, shall mean the rate of remuneration (excluding remuneration for overtime) attached on July 1, 1975 to the rank or position upon which such person's retirement allowance was determined when first effective; provided, further, that each such allowance shall be increased or decreased as of July 1, 1976, and on July 1 of each succeeding year by an amount equal to 50% of the rate of change in the salary attached to said rank multiplied by the allowance which was payable for the month immediately preceding such July 1.

This section does not give any person retired under the provisions of said section 8.568, or his successors in interest, any claim against the city and county for any increase in any retirement allowance paid or payable for time prior to July 1, 1975.

This section does not authorize any decrease in the amount of any allowance from the amount being paid as of June 30, 1975.

No retirement allowance to which the definition of "final compensation" as set forth in this section is applicable shall be subject to adjustment under the provisions of section 8.526 for time commencing July 1, 1975. Contributions, with interest credited thereon, standing to the credit of a person whose retirement allowance is subject to the provisions of this section and which were made by such person pursuant to the provisions of section 8.526 shall, effective July 1, 1975, be combined with and administered in the same manner as such person's normal contributions. Contributions, with interest credited thereon, made by or charged against the city and county and standing to its credit on account of a person whose retirement allowance is subject to the provisions of this section and which were made by or charged against the city and county for the purposes of said section 8.526 shall be applied to provide the benefits under this section.

### Proposition I

Section 3.510 is amended to read as follows:

#### Part Two: Administrative Departments under the Chief Administrative Officer

3.510 Finance and Records, Purchasing, Real Estate, Public Works, Electricity, Public Health, and County Agricultural Departments; Health Advisory Board; and Coroner's Office

The functions, activities and affairs of the city and county that are hereby placed under the direction of the chief administrative officer by the provisions of this charter, and the powers and duties of officers and employees charged with specific jurisdiction thereof, shall, subject to the provisions of section 11.102 and section 3.501 of this charter, be allocated by the chief administrative officer, among the following departments:

Department of Finance and Records, which shall include the functions and personnel of the offices of tax collector, registrar of voters, recorder, county clerk and public administrator, and shall be administered by a director of finance and records who shall be appointed by the chief administrative officer and hold office at his pleasure. The tax collector shall have power to examine the books of any business for which a license is issued and a fee charged on the basis of the receipts of such business, and for these purposes shall have the power of inquiry, investigation and subpoena, as provided by this charter.

The public administrator shall appoint and at his pleasure may

remove an attorney. He may also appoint such assistant attorneys as may be provided by the budget and annual appropriation ordinance.

Purchasing Department, which shall include the functions and personnel of the bureau of supplies, the operation of central stores and warehouses, and the operation of central garages and shops, and shall be administered by the purchaser of supplies who shall be appointed by the chief administrative officer and shall hold office at his pleasure.

Real Estate Department, which shall include the functions and personnel of the office of the right-of-way agent and also the control, management and leasing of the exposition auditorium.

Department of Public Works, which shall include the functions and personnel of the telephone exchange and which shall be in charge of and administered by the director of public works, who shall be appointed by the chief administrative officer and shall hold office at his pleasure.

The director of public works shall appoint a city engineer, who shall hold office at the pleasure of said director. He shall possess the same power in the city and county in making surveys, plats and certificates as is or may from time to time be given by law to city engineers and to county surveyors, and his official acts and all plats, surveys and certificates made by him shall have the same validity and be of the same force and effect as are or may be given by law to those of city engineers and county surveyors.

All examinations, plans and estimates required by the supervisors in connection with any public improvements, exclusive of those to be made by the public utilities commission, shall be made by the director of public works, and he shall, when requested to do so, furnish information and data for the use of the supervisors.

The department of public works shall semi-annually notify the tax collector of the amount of each assessment that becomes delinquent and the lot and block number against which such assessment is levied, and it shall be the duty of the tax collector to note such delinquency on each annual tax bill.

The department of public works shall have powers and duties relating to street traffic, subject to the laws relating thereto, as follows: (a) to cooperate with and assist the police department in the promotion of traffic safety education; (b) to receive, study and give prompt attention to complaints relating to street design or traffic devices or the absence thereof; (c) to collect, compile, analyze and interpret traffic and parking data and to analyze and interpret traffic accident information; (d) to engage in traffic research and traffic planning; and (e) to cooperate for the best performance of these functions with any department and agency of the city and county and the state as may be necessary.

The department shall submit to the traffic bureau of the police department, for its review and recommendation, all proposed plans relating to street traffic control devices; provided, however, that the bureau may waive submission and review of plans of particular devices designated by it. Failure of the said traffic bureau to submit to the



department its recommendation on any proposed plan within fifteen (15) days after receipt shall be considered an automatic approval of said traffic bureau. The department shall not, with respect to any traffic control devices, implement such plan until the recommendation of the traffic bureau has been reviewed or until the fifteen (15) day period has elapsed.

Department of Electricity, which shall be administered by a chief of department. The premises of any person, firm or corporation may, for the purpose of police or fire protection, be connected with the police or fire signal or telephone system of the city and county upon paying a fair compensation for such connection and the use of the same, provided that any such connection shall require the approval of the chief of the department of electricity and shall not in any way overload or interfere with the proper and efficient operation of the circuit to which it is connected. The conditions upon which such connection shall be made and the compensation to be paid therefor shall be fixed by the board of supervisors by ordinance upon the recommendation of the chief of the department.

Department of Public Health, which shall be administered by a director of health, who shall be a regularly licensed physician or surgeon in the State of California, with not less than ten years' practice in his profession immediately preceding his appointment thereto. He shall be appointed by the chief administrative officer and shall hold office at his pleasure.

The chief administrative officer shall have power to appoint and to remove an assistant director of public health for hospital services, who shall be responsible for the administrative and business management of the institutions of the department of public health, including, but not limited to, the San Francisco General Hospital, Laguna Honda Home, Hassler Health Home, and the Emergency Hospital Service, and who shall be exempt from the civil service provisions of the charter. The position of assistant director of public health for hospital services shall be held only by a person who possesses the educational and administrative qualifications and experience necessary to manage the institutions of the department of public health.

The director of public health shall have power to appoint and remove an administrator of San Francisco General Hospital who shall be exempt from the civil service provisions of the charter. The position of administrator shall be held only by a physician or hospital administrator who possesses the educational and administrative qualifications and experience necessary to manage the San Francisco General Hospital.

Health Advisory Board. There is hereby created a health advisory board of seven members, three of whom shall be physicians and one a dentist, all regularly certificated. Members of the board shall serve without compensation. They shall be appointed by the chief administrative officer for terms of four years; provided, however, that those first appointed shall classify themselves by lot so that the terms of one physician and one lay member shall expire in 1933, 1934 and

1935, respectively, and the term of one member in 1936.

Such board shall consider and report on problems and matters under the jurisdiction of the department of public health and shall consult, advise with and make recommendations to the director of health relative to the functions and affairs of the department. The recommendations of such board shall be made in writing to the director of health and to the chief administrative officer.

Coroner's office, which shall include the functions and personnel of the existing office of coroner as established at the time this charter shall go into effect.

County Agricultural Department, which shall be administered by a county agricultural commissioner and shall include functions established by state law and those assigned to it by or in accordance with provisions of this charter.

Department of Weights and Measures, which shall include the functions and personnel of the office of sealer of weights and measures as established at the time this charter shall go into effect.

The employee relations director shall be appointed by the chief administrative officer and shall hold office at his pleasure.

### Proposition J

Section 6.413 is added, to read as follows:

#### 6.413 Open Space Acquisition and Park Renovation Fund.

(a) There is hereby established an open space acquisition and park renovation fund, to be administered by the recreation and park commission. Monies therein shall be appropriated, transferred, expended, or used as provided for herein for those recreation and open space purposes determined by the city planning commission to be consistent with the recreation and open space element of the comprehensive plan of the city and county and in accordance with the "Recreation and Open Space Programs" to implement the recreation and open space element approved by the city planning commission on July 19, 1973, as from time to time modified by a majority vote of each of the city planning commission and recreation and park commission meeting jointly, and with the concurrence of the board of supervisors. The recreation and open space element of the comprehensive plan and the "Recreation and Open Space Programs", as from time to time modified, shall continue to identify neighborhoods which are in special need of recreation and open space facilities, and shall designate such neighborhoods as "high-need neighborhoods". Monies in the open space acquisition and park renovation fund shall be used to acquire by purchase, lease, exchange, eminent domain or otherwise, real property, interests therein, and improvement and development rights thereon and to develop and maintain land so acquired. Lands currently under the jurisdiction of the San Francisco port commission may be acquired by lease or otherwise and may be leased and administered with the funds provided for herein for purposes consistent with this section. The recreation and park commission and

the San Francisco port commission are hereby authorized to enter into contracts appropriate to carry out the purposes of this section.

(b) There is hereby imposed, pursuant to section 6.400 (a) (3) (d) of this charter, for a period of fifteen (15) years starting with the fiscal year 1975-76, an annual tax of ten cents (\$.10) for each one hundred dollars (\$100.00) assessed valuation to be utilized for the purposes provided for in this section. Revenues obtained thereby shall be in addition to, and not in place of, any sums normally budgeted for the recreation and park commission, and, together with interest earned thereon, shall be deposited into the open space acquisition and park renovation fund. In addition, all grants, gifts, and bequests paid to the city and county for open space acquisition and park renovation, and interest earned thereon, unless otherwise restricted, shall be deposited into the fund. Establishment of this fund is not intended to preclude any other similar programs or any similar use of funds by the city and county. All amounts paid into said fund shall be maintained by the treasurer, separate and apart from all other city and county funds, and shall be secured by his or her official bond.

(c) Monies in the fund shall be used for: (i) the acquisition and development of lands within or contiguous to "high-need neighborhoods", or lands on the northern waterfront and bay shoreline for recreation purposes; (ii) the acquisition and development of properties within the city and county for open space purposes; and (iii) the renovation of existing parks and recreation facilities within the city and county.

(d) Each year monies in the fund shall be used to match, on a dollar-for-dollar basis, private funds, grants, or donations given to the city and county for the purpose of renovating existing parks and recreational facilities up to an amount equal to fifteen per cent (15%) of the amount of the monies provided for the fund in that year. Each year monies in the fund shall be used without a matching requirement for the purpose of renovating existing parks and recreational facilities up to an amount equal to ten per cent (10%) of the amount of the monies provided for the fund in that year. Monies unspent in either category of this subsection after the end of one fiscal year shall be carried forward to the next fiscal year and shall be used only for the same purposes as they were originally set aside.

The remaining monies shall be used as hereafter indicated in subsection (e).

(e) In each of the first five years of the fund's existence, a minimum of fifty per cent (50%) of the remainder of the monies in the fund shall be used to acquire real property, and at least twenty-five per cent (25%) of the remainder of the monies in the fund shall be used for acquisition of properties within or contiguous to "high-need neighborhoods"; the balance of the remainder of the monies in the fund shall be used for administrative expenses and the maintenance and development of properties acquired through the fund.

At any time after the end of five years, the proportion of funds to be used for acquisition as herein set forth may be modified by the

board of supervisors. At any time after the end of ten years, if the then-current "Recreation and Open Space Programs" no longer shows any lands appropriate for open space and recreation purposes, then the limitation that funds may only be used for the maintenance and development of properties acquired from the fund may be modified in whole or in part by the board of supervisors to provide that funds may be used to expand the maintenance and development of other properties held by the recreation and park department in "high-need neighborhoods" identified in the then-current "Recreation and Open Space Programs".

(f) The recreation and park commission and the city planning commission shall hold at least one joint public meeting annually and shall at such time receive and review a report from the general manager of the recreation and park department on the implementation of the "Recreation and Open Space Programs", on expenditures made from the open space acquisition and park renovation fund, and on properties developed in the preceding year for recreation uses. The general manager of the recreation and park department shall also make general recommendations of further lands for acquisition, improvement, or development for approval by a majority of each of the recreation and park commission and the city planning commission meeting jointly, and with the concurrence of the board of supervisors.

### Proposition K

Sections 3.552 and 3.641 are amended to read as follows:

#### 3.552 Powers and Duties

The recreation and park commission shall have the complete and exclusive control, management and direction of the parks, playgrounds, recreation centers and all other recreation facilities, squares, avenues and grounds which are in the charge of the commission on the effective date hereof, or are thereafter placed in the charge of the commission, except as in this charter otherwise provided.

It shall also have power to construct new parks, playgrounds, recreation centers, recreation facilities, squares and grounds, and to erect and maintain buildings and structures on parks, playgrounds, squares, avenues and grounds, provided that all plans, specifications and estimates in connection therewith shall be prepared by the department of public works and be subject to approval by the recreation and park commission; provided, further, that no building or structure, except a building or structure necessary for maintenance, shall be erected, enlarged or expanded in Golden Gate Park unless the question of the erection, enlargement or expansion of said building or structure has been approved by a  $\frac{2}{3}$  vote of all the members of the board of supervisors. As used herein, the term "building or structure necessary for maintenance" shall mean nurseries, equipment storage facilities and comfort stations.

All contracts or orders for the work to be performed under such plans and specifications shall be awarded and executed by the director of public works with the approval of the recreation and park commission and shall be administered by the director of public works.

It shall be the duty of the recreation and park commission to make provision for the funds required for the operation and continuance of the duties herein assigned to the department of public works.

The persons performing the functions and duties transferred from the recreation and park department to the department of public works shall be transferred therewith, and such employees shall retain in the department of public works the same salary and civil service seniority status as they had in the recreation and park department.

It shall be the policy of the commission to promote and foster a program providing for organized public recreation of the highest standard.

The commission, through the general manager, shall utilize the property under its control and organize the personnel under its direction, to the end that all functions of the department be performed with the greatest possible efficiency.

#### 3.641 Relationship with City and County

In addition to all other approvals required by law, plans for all proposed buildings and improvements of the california academy of sciences including any additions, must be approved by the recreation and park commission and the art commission. The recreation and park commission is hereby authorized, subject to approval by the board of supervisors by ordinance, and subject to the provisions of section 3.552 of the charter, to set apart from time to time such portions of property under its control, as may be required for such buildings and improvements, sufficient grounds being allotted to secure the safety of the same from fire.

The erection of buildings or additions to buildings shall not be started by the california academy of sciences until it shall have submitted a statement satisfactory to the recreation and park commission of its ability to finance the proposed work to completion. All buildings and improvements heretofore or hereafter erected by or under the authority of said california academy of sciences in or on property owned or controlled by the City and County of San Francisco are and shall become the property of the City and County of San Francisco, but said buildings and improvements and all persons employed therein or thereabout shall be used and controlled exclusively by the said california academy of sciences under such proper rules and regulations as it may prescribe, subject, however, to the charter provisions relating to civil service and salary standardization with respect to employees of the city and county. The board of supervisors shall, by ordinance, prescribe the insurance to be furnished by the california academy of sciences to save the city and county harmless from claims for damages to persons or property arising from the construction or use of any of said buildings. Reasonable and appropriate charges may be made by the california

academy of sciences for admission to or use of the Alexander F. Morrison Planetarium and auditorium.

### Proposition M

Sections 8.559, 8.559-1, 8.559-2, 8.559-3, 8.559-4, 8.559-5, 8.559-6, 8.559-7, 8.559-8, 8.559-9, 8.559-10, 8.559-11, 8.559-12, 8.559-13 and Sections 8.585, 8.585-1, 8.585-2, 8.585-3, 8.585-4, 8.585-5, 8.585-6, 8.585-7, 8.585-8, 8.585-9, 8.585-10, 8.585-11, 8.585-12 and 8.585-13 are added, to read as follows:

8.559 Members of the Police Department on and after July 1, 1975

Notwithstanding the provisions of section 8.544 of this charter, *members of the police department*, as defined in section 8.559-1, who are members of the retirement system under section 8.544 on the effective date of this section and persons who become members of the retirement system under section 8.544 after said effective date and prior to July 1, 1975, shall have the option, to be exercised in writing on a form furnished by the retirement system and to be filed at the office of said system not later than June 30, 1975, of being members of the system under this section instead of said section 8.544, the election pursuant to said option to be effective as of July 1, 1975; provided that *such of said members who, during the period from the effective date of this section through June 30, 1975, are absent by reason of service in the armed forces of the United States or by reason of any other service included in section 8.520 (a) of this charter shall have the same option of electing to be members under this section instead of section 8.544, until ninety days after their return to service in the police department.*

Those persons who become members of the police department, as defined in section 8.559-1, on or after July 1, 1975, and those persons who elect to be members under this section as provided in the preceding paragraph, shall be members of the system subject to the provisions of sections 8.559, 8.559-1, 8.559-2, 8.559-3, 8.559-4, 8.559-5, 8.559-6, 8.559-7, 8.559-8, 8.559-9, 8.559-10, 8.559-11, 8.559-12 and 8.559-13 (which shall apply only to members under section 8.559) in addition to the provisions contained in section 3.670 to 3.672, both inclusive, and sections 8.500, 8.510 and 8.520 of this charter, notwithstanding the provisions of any other section of this charter, and shall not be subject to any of the provisions of section 8.544 of this charter.

#### 8.559-1 Definitions

The following words and phrases as used in this section, section 8.559 and sections 8.559-2 through 8.559-13, unless a different meaning is plainly required by the context, shall have the following meanings:

“Retirement allowance”, “death allowance” or “allowance”, shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life unless a different term of payment is definitely provided by the context.

“Compensation”, as distinguished from benefits under the

Workmen's Compensation Insurance and Safety Act of the State of California, shall mean the remuneration payable in cash, by the city and county, without deduction except for absence from duty, for time during which the individual receiving such remuneration is a member of the police department, but excluding remuneration paid for overtime.

"Compensation earnable" shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates of remuneration attached at that time to the ranks or positions held by him during such period, it being assumed that during any absence, he was in the rank or position held by him at the beginning of the absence, and that prior to becoming a member of the police department, he was in the rank or position first held by him in such department.

"Benefit" shall include "allowance", "retirement allowance", "death allowance" and "death benefit".

"Final compensation" shall mean the monthly compensation earnable by a member at the time of his retirement, or death before retirement, as the case may be, at the rate of remuneration attached at that time to the rank or position which said member held, provided that said member has held said rank or position for at least one year immediately prior to said retirement or death; and provided, further, that if said member has not held said rank or position for at least one year immediately prior to said retirement or death, "final compensation", as to such member, shall mean the monthly compensation earnable by such member in the rank or position next lower to the rank or position which he held at the time of retirement or death at the rate of remuneration attached at the time of said retirement or death to said next lower rank or position; provided however, that in the case of a member's death before retirement as the result of a violent traumatic injury received in the performance of his duty, "final compensation", as to such member shall mean the monthly compensation earnable by such member at the rate of remuneration attached on the date he receives such injury to the rank or position held by such member on that date.

For the purpose of sections 8.559 through 8.559-13, the terms "member of the police department", "member of the department", or "member" shall mean any officer or employee of the police department, excluding such officers and employees as are members of the retirement system under section 8.565 or section 8.568 of the charter, who was or shall be subject to the charter provisions governing entrance requirements of members of the uniformed force of said department, and said terms further shall mean, from the effective date of their employment in said department, persons employed on July 1, 1975, regardless of age, or employed after said date at an age not greater than the maximum age then prescribed for entrance into employment in said uniformed force, to perform the duties now performed under the titles of criminologist, photographer, police

patrol driver, police motor boat operator, woman protective officer, police woman or jail matron.

Any police service performed by such members of the police department outside the limits of the city and county and under orders of a superior officer of any such member, shall be considered as city and county service, and any disability or death incurred therein shall be covered under the provisions of the retirement system.

“Retirement system” or “system” shall mean San Francisco City and County Employees’ Retirement System as created in section 8.500 of the charter.

“Retirement board” shall mean “retirement board” as created in section 3.670 of the charter.

“Charter” shall mean the charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter genders, and singular numbers shall include the plural and the plural the singular.

“Interest” shall mean interest at the rate adopted by the retirement board.

#### 8.559-2. Service Retirement

Any member of the police department who completes at least twenty-five years of service in the aggregate and attains the age of fifty (50) years, said service to be computed under section 8.559-10, may retire for service at his option. Members shall be retired on the first day of the month next following the attainment by them of the age of sixty-five years. A member retired after meeting the service and age requirements in the two sentences next preceding, shall receive a retirement allowance equal to fifty-five per cent of the final compensation of said member, as defined in section 8.559-1, plus an allowance at the rate of four per cent of said final compensation for each year of service rendered in excess of twenty-five years; provided, however, that such retirement allowance shall not exceed seventy-five per cent of said member’s final compensation. A member retired after attaining the age of sixty-five years, but before completing twenty-five years of service in the aggregate computed under Section 8.559-10, shall receive a retirement allowance which bears the same ratio to fifty per cent of the final compensation of said member, as defined in section 8.559-1, as the service with which he is entitled to be credited bears to twenty-five years. If, at the date of retirement for service, or retirement for disability, resulting from an injury received in the performance of duty, said member has no wife, children or dependent parents, who would qualify for the continuance of the allowance after the death of said member, or with respect to the portion of the allowance which would not be continued regardless of dependents, or upon retirement for disability resulting from other causes, with respect to all of the allowance and regardless of dependents at retirement, a member retired under this section or section 8.559-3, may elect before the first payment of the retirement allowance is made, to receive the actuarial equivalent of his allowance or the portion which would not



be continued regardless of dependents, as the case may be, partly in a lesser allowance to be received by him throughout his life, and partly in other benefits payable after his death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the board of supervisors to govern similar election by other members of the retirement system, including the character and amount of such other benefits.

#### 8.559-3 Retirement for Incapacity

Any member of the police department who becomes incapacitated for the performance of his duty by reason of any bodily injury received in, or illness caused by the performance of his duty, shall be retired. If he is not qualified for service retirement, he shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in section 8.559-1, as his percentage of disability is determined to be. The percentage of disability shall be as determined by the Workmen's Compensation Appeals Board of the State of California upon referral from the retirement board for that purpose; provided that the retirement board may, by five (5) affirmative votes, adjust the percentage of disability as determined by said Appeals Board; and provided, further, that such retirement allowance shall be in an amount not less than fifty per cent nor more than ninety per cent of the final compensation of said member, as defined in section 8.559-1. Said allowance shall be paid to him until the date upon which said member would have qualified for service retirement had he lived and rendered service without interruption in the rank held by him at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date based on the final compensation, as defined in section 8.559-1, he would have received immediately prior to said date, had he lived and rendered service as assumed, but such allowance shall not be less than fifty-five per cent of such final compensation.

If, at the time of retirement because of disability, he is qualified as to age and service for retirement under section 8.559-2, he shall receive an allowance equal to the retirement allowance which he would receive if retired under section 8.559-2, but not less than fifty-five per cent of said final compensation. Any member of the police department who becomes incapacitated for performance of his duty, by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at least ten years of service in the aggregate, computed as provided in section 8.559-10, shall be retired upon an allowance of one and one-half per cent of the final compensation of said member as defined in section 8.559-1 for each year of service, provided that said allowance shall not be less than thirty-three and one-third per cent of said final compensation; provided, however, that if such member has completed at least 25 years of service in the aggregate, computed as provided in section 8.559-10, but has not yet attained the age of 50 years, he shall receive an allowance equal to the retirement allowance he would have

received if he had attained the age of 50 years and retired under section 8.559-2 as of the date of retirement for such incapacity. The question of retiring a member under this section may be brought before the retirement board on said board's own motion, by recommendation of the Police Commission, or by said member or his guardian. If his disability shall cease, his retirement allowance shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

#### 8.559-4 Death allowance

If a member of the police department shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his duty, a death allowance, in lieu of any allowance payable under any other section of the charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to his surviving wife throughout her life or until her remarriage. If the member, at the time of death, was qualified for service retirement, but had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he had been retired for service on the day of death, but such allowances shall not be less than fifty-five per cent of the final compensation earnable by said member immediately preceding death. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to the final compensation of said member at the date of death, until the date upon which said member would have qualified for service retirement, had he lived and rendered service without interruption in the rank held by him at death, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation he would have received immediately prior to said date, had he lived and rendered service as assumed, but such allowance shall not be less than fifty-five per cent of such monthly final compensation. If he had retired prior to death, for service or for disability resulting from injury received in, or illness caused by the performance of duty, the allowance payable shall be equal to the retirement allowance of the member, except that if he was a member under section 8.559 and retirement was for such disability, and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be reduced upon the date at which said member would have qualified for service retirement, in the same manner as it would have been reduced had the member not died. If there be no surviving wife entitled to an allowance hereunder, or if she dies or remarries before every child of such deceased member attains the age of eighteen years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. Should

said member leave no surviving wife and no children under the age of eighteen years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving widow otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife following the death of a member unless she was married to the member prior to the date of the injury or onset of the illness which results in death.

#### 8.559-5 Payment to Surviving Dependents

Upon the death of a member of the police department resulting from any cause, other than an injury received in or illness caused by performance of duty, (a) if his death occurred after qualification for service retirement, under section 8.559-2, or after retirement for service or because of disability which resulted from any cause other than an injury received in, or illness caused by performance of duty, three-fourths of his retirement allowance to which the member would have been entitled if he had retired for service at the time of death or three-fourths of the retirement allowance as it was at his death, as the case may be, shall be continued throughout life or until marriage, to his surviving wife, or (b) if his death occurred after the completion of at least twenty-five years of service in the aggregate but prior to the attainment of the age of fifty years, three-fourths of the retirement allowance to which he would have been entitled under section 8.559-2 if he had attained the age of 50 years on the date of his death shall be continued throughout life or until remarriage to his surviving wife, or (c) if his death occurred after retirement for disability by reason of injury received in or illness caused by performance of duty, his retirement allowance as it was at his death shall be continued throughout life or until remarriage, to his surviving wife, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date on which said member would have qualified for service retirement, in the same manner as it would have been adjusted had the member not died, or (d) if his death occurred after completion of at least ten years of service in the aggregate, computed as provided in section 8.559-10, an allowance in an amount equal to the retirement allowance to which the member would have been entitled pursuant to section 8.559-3 if he had retired on the date of death because of incapacity for performance of duty resulting from a cause other than bodily injury received in or illness caused by performance of duty shall be paid throughout life or until remarriage to his surviving wife. If there be no surviving wife entitled to an allowance hereunder, or if she dies or remarries before every child of such deceased member attains the age of eighteen years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. Should said member leave no surviving wife and no children under age of eighteen years,

but leave a child or children, regardless of age, dependent upon him for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving wife otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife unless she was married to the member prior to the date of the injury or onset of the illness which results in death if he had not retired, or unless she was married to the member at least one year prior to his death if he had retired.

As used in this section and section 8.559-4, "surviving wife" shall mean and include a surviving spouse, and shall also mean and include a spouse who has remarried since the death of the member, but whose remarriage has been terminated by death, divorce or annulment within five years after the date of such remarriage and who has not thereafter again remarried.

The surviving wife, in the event of death of the member after qualification for but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in section 8.559-8, in lieu of the allowance which otherwise would be continued to her under this section. If there be no surviving wife, the guardian of the eligible child or children may make such election, and if there be no such children, the dependent parent or parents may make such election. "Qualified for service retirement", "Qualification for service retirement" or "Qualified as to age and service for retirement", as used in this section and other sections to which persons who are members under section 8.559 are subject, shall mean completion of twenty-five years of service and attainment of age fifty, said service to be computed under section 8.559-10.

#### 8.559-6 Adjustment of Allowances

Every retirement or death allowance payable to or on account of any member under section 8.559 shall be increased or decreased as of July 1, 1976, and on July 1 of each succeeding year by an amount equal to fifty percent of any increase or decrease, respectively, in the rate of remuneration attached to the rank or position upon which such retirement or death allowance was based; provided, however, that no allowance shall be reduced below the amount being received by a member or his beneficiary on June 30, 1976, or on the date such member or beneficiary began to receive the allowance, whichever is later.

#### 8.559-7 Adjustment for Compensation Payments

That portion of any allowance payable because of the death or retirement of any member of the police department which is provided by contributions of the city and county, shall be reduced in the manner fixed by the board of supervisors, by the amount of any benefits other than medical benefits, payable by the city and county to or on account of such person, under any workmen's compensation law or any other general law and because of the injury or illness resulting in said death

or retirement. Such portion which is paid because of death or retirement which resulted from injury received in or illness caused by performance of duty, shall be considered as in lieu of all benefits other than medical benefits, payable to or on account of such person under such law and shall be in satisfaction and discharge of the obligation of the city and county to pay such benefits.

#### 8.559-8 Death Benefit

If a member of the police department shall die, before retirement from causes other than an injury received in or illness caused by the performance of duty, or regardless of cause, if no allowance shall be payable under section 8.559-4 or 8.559-5 preceding, a death benefit shall be paid to his estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the board of supervisors for the death benefit of other members of the retirement system. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his estate or designated beneficiary the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the board of supervisors for the death benefit of other members of the retirement system.

#### 8.559-9 Refunds and Redeposits

Should any member of the police department cease to be employed as such a member, through any cause other than death or retirement or transfer to another office or department, all of his contributions, with interest credited thereon, shall be refunded to him subject to the conditions prescribed by the board of supervisors to govern similar terminations of employment of other members of the retirement system. If he shall again become a member of the department, he shall redeposit in the retirement fund, the amount refunded to him. Contributions, with interest, which are credited because of service rendered in any other office or department and which will not be counted under section 8.559-10, to any person who becomes a member of the retirement system under this section, shall be refunded to him forthwith. Should a member of the police department become an employee of any other office or department, his accumulated contribution account shall be adjusted by payments to or from him as the case may be to make the accumulated contributions credited to him at the time of change, equal to the amount which would have been credited to him if he had been employed in said other office or department at the rate of compensation received by him in the police department and he shall receive credit for service for which said contributions were made, according to the charter section under which his membership in the retirement system continues.

#### 8.559-10 Computation of Service

The following time shall be included in the computation of the service to be credited to a member of the police department for the purposes of determining whether such member qualified for retirement and calculating benefits, excluding, however, any time, the

contributions for which were withdrawn by said member upon termination of his service while he was a member under any other charter section, and not redeposited upon reentry into service:

(1) Time during and for which said member is entitled to receive compensation because of services as a member of the fire or police department.

(2) Time during which said member served and received compensation as a jail matron in the office of the sheriff.

(3) Time during which said member is entitled to receive compensation while a member of the retirement system, because of service rendered in other offices and departments prior to July 1, 1949, provided that accumulated contributions on account of such service previously refunded, are redeposited, with interest from date of refund to date of redeposit, at times and in the manner fixed by the retirement board; and solely for purpose of determining qualification for retirement under section 8.559-3 for disability not resulting from injury received in, or illness caused by performance of duty, time during which said member serves, after July 1, 1949, and receives compensation because of services rendered in other offices and departments.

(4) Time during which said member is absent from a status included in paragraphs (1), (2) or (3) next preceding, by reason of service in the armed forces of the United States of America, or by reason of any other service included in section 8.520 of the charter, during any war in which the United States was or shall be engaged or during other national emergency, and for which said member contributed or contributes to the retirement system or for which the city and county contributed or contributes on his account.

#### 8.559-11 Sources of Funds

All payments provided for members under section 8.559 shall be made from funds derived from the following sources, plus interest earned on said funds:

(1) The normal rate of contribution for each member under section 8.559 shall be based on his age taken to the next lower complete quarter year, (a) at the date he became a member under section 8.544, in the case of persons who are members under that section, or (b) on his age at the date he becomes a member under section 8.559 in the case of persons who become members on or after July 1, 1973, without credit for service counted under section 8.559-10. The age of entrance into the police department shall be determined by deducting the member's service credited under section 8.559-10 as rendered prior to the date upon which his age is based for determination of his rate of contribution according to the sentence next preceding, from said age. The normal rate of contribution of each such member, to be effective from the effective date of membership under section 8.559, shall be such as, on the average for such member, will provide, assuming service without interruption, under section 8.559-2, one-third of that portion of the service retirement allowance to which he would be entitled, without continuance to dependents, upon first qualifying as

to age and service for retirement under that section, which is based on service rendered after the date upon which his age is based for determination of his rate of contribution according to the first sentence in this paragraph, and assuming the contribution to be made from that date. The normal rate of contribution, however, shall not exceed seven per cent.

(2) The dependent contributions of each member under this section which shall be required of each member throughout his membership in addition to the normal contributions, and in the same manner as normal contributions, shall be such as, on the average for such member, will provide, assuming service without interruption under section 8.559-2, and upon his first qualifying as to age and service for retirement under that section, one-third of the portion of his allowance, which is to be continued under section 8.559-5 after his death and throughout the life of a surviving wife whose age at said death is three years less than the age of said member. If, at the date of retirement for service or retirement for disability resulting from injury received in performance of duty, said member has no wife who would qualify for the continuance of the allowance to her after the death of said member, or upon retirement for disability resulting from other causes, regardless of his marital conditions, the dependent contributions with accumulated interest thereon, shall be paid to him forthwith. The dependent rate of contribution, however, shall not exceed the difference between seven per cent and the member's normal rate of contribution, and said dependent rate may be taken as a flat percentage of the member's normal rate, regardless of the age of qualification for service retirement.

(3) There shall be deducted from each payment of compensation made to a member under this section, a sum determined by applying the member's rates of contribution to such compensation payment. The sum so deducted shall be paid forthwith to the retirement system. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the board of supervisors for crediting interest to contributions of other members of the retirement system, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, or shall be paid to said member or his estate or beneficiary as provided in sections 8.559-8, 8.559-9 and 8.559-10.

(4) Contributions based on time included in paragraphs (1), (2) and (3) of section 8.559-10, and deducted prior to July 1, 1975, from compensation of persons who become members under section 8.559, and standing with interest thereon, to the credit of such members on the records of the retirement system on said date, together with contributions made by such members pursuant to the provisions of section 8.526 and standing with interest thereon to the credit of such members on the records of the retirement system on said date, shall continue to be credited to the individual accounts of said members and

shall be combined with and administered in the same manner as the contributions deducted after said date.

(5) The total contributions, with interest thereon, made by or charged against the city and county and standing to its credit, in the accounts of the retirement system, on account of persons who become members under section 8.559, shall be applied to provide the benefits under said section 8.559.

(6) The city and county shall contribute to the retirement system such amounts as may be necessary, when added to the contributions referred to in the preceding paragraphs of this section 8.559-11, to provide the benefits payable to members under section 8.559. Such contributions of the city and county to provide the portion of the benefits hereunder which shall be based on service rendered by each member prior to the date upon which his age is based for determination of his rate of contribution in paragraph (1) of this section 8.559-11, shall not be less during any fiscal year than the amount of such benefits paid during said year. Such contributions of the city and county to provide the portion of the benefits hereunder which shall be based on service rendered by respective members on and after the date stated in the next preceding sentence, shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year, to persons who are members under section 8.559, said percentage to be the ratio of the value on July 1, 1975, or at the later date of a periodical actuarial valuation and investigation into the experience under the system, of the benefits thereafter to be paid under this section, from contributions of the city and county, less the amount of such contributions, and plus accumulated interest thereon, then held by said systems to provide said benefits on account of service rendered by respective members after the date stated in the sentence next preceding, to the value of said respective dates of salaries thereafter payable to said members. Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service before retirement and of death after retirement. Said percentage shall be changed only on the basis of said periodical actuarial valuation and investigation into the experience under the system. Said actuarial valuation shall be made every even-numbered year and said investigation into the experience under the system shall be every odd-numbered year.

(7) To promote the stability of the retirement system through a joint participation in the result of variations in the experience under mortality, investment and other contingencies the contributions of both members and the city and county held by the system to provide the benefits under this section, shall be a part of the fund in which all other assets of said system are included. Nothing in this section shall affect the obligations of the city and county to pay to the retirement system any amounts which may or shall become due under the



provisions of the charter prior to July 1, 1975, and which are represented on said effective date, in the accounts of said system by debits against the city and county.

#### 8.559-12 Right to Retire

Upon the completion of the years of service set forth in section 8.559-2 as requisite to retirement, a member of the police department shall be entitled to retire at any time thereafter in accordance with the provisions of said section 8.559-2, and nothing shall deprive said member of said right.

#### 8.559-13 Limitation in Employment During Retirement

No person retired as a member under section 8.559 for service or disability and entitled to receive a retirement allowance under the retirement system shall serve in any elective or appointive position in the city and county service, including membership on boards and commissions, nor shall such person receive any payment for service rendered to the city and county after retirement, provided that service as an election officer or juror, or in the preparation for, or the giving of, testimony as an expert witness for or on behalf of the City and County of San Francisco before any court or legislative body shall not be affected by this section.

#### 8.585 Members of the Fire Department on and after July 1, 1975

Notwithstanding the provisions of section 8.568 of this charter, members of the fire department, as defined in section 8.585-1, who are members of the retirement system under section 8.568 on the effective date of this section and persons who become members of the retirement system under section 8.568 after said effective date and prior to July 1, 1975, shall have the option, to be exercised in writing on a form furnished by the retirement system and to be filed at the office of said system not later than June 30, 1975, of being members of the system under this section instead of said section 8.568, the election pursuant to said option to be effective as of July 1, 1975; provided that such of said members who, during the period from the effective date of this section through June 30, 1975, are absent by reason of service in the armed forces of the United States or by reason of any other service included in section 8.520(a) of this charter shall have the same option of electing to be members under this section instead of section 8.568, until ninety days after their return to service in the fire department.

Those persons who become members of the fire department, as defined in section 8.585-1, on or after July 1, 1975, and those persons who elect to be members under this section as provided in the preceding paragraph, shall be members of the system subject to the provisions of sections 8.585, 8.585-1, 8.585-2, 8.585-3, 8.585-4, 8.585-5, 8.585-6, 8.585-7, 8.585-8, 8.585-9, 8.585-10, 8.585-11, 8.585-12 and 8.585-13 (which shall apply only to members under section 8.585) in addition to the provisions contained in sections 3.670 to 3.672, both inclusive, and sections 8.500, 8.510 and 8.520 of this charter, notwithstanding the provisions of any other section of this charter, and shall not be subject to any of the provisions of section 8.568 of this charter.

### 8.585-1 Definitions

The following words and phrases as used in this section, section 8.585 and sections 8.585-2 through 8.585-13, unless a different meaning is plainly required by the context, shall have the following meanings:

“Retirement allowance”, “death allowance” or “allowance”, shall mean equal monthly payments, beginning to accrue upon the date of retirement, or upon the day following the date of death, as the case may be, and continuing for life unless a different term of payment is definitely provided by the context.

“Compensation”, as distinguished from benefits under the Workmen’s Compensation Insurance and Safety Act of the State of California, shall mean the remuneration payable in cash, by the city and county, without deduction except for absence from duty, for time during which the individual receiving such remuneration is a member of the fire department, but excluding remuneration paid for overtime.

“Compensation earnable” shall mean the compensation which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates of remuneration attached at that time to the ranks or positions held by him during such period, it being assumed that during any absence, he was in the rank or position held by him at the beginning of the absence, and that prior to becoming a member of the fire department, he was in the rank or position first held by him in such department.

“Benefit” shall include “allowance”, “retirement allowance”, “death allowance” and “death benefit”.

“Final compensation” shall mean the monthly compensation earnable by a member at the time of his retirement, or death before retirement, as the case may be, at the rate of remuneration attached at that time to the rank or position which said member held, provided that said member has held said rank or position for at least one year immediately prior to said retirement or death; and provided, further, that if said member has not held said rank or position for at least one year immediately prior to said retirement or death, “final compensation”, as to such member, shall mean the monthly compensation earnable by such member in the rank or position next lower to the rank or position which he held at the time of retirement or death at the rate of remuneration attached at the time of said retirement or death to said next lower rank or position; provided, however, that in the case of a member’s death before retirement as the result of a violent traumatic injury received in the performance of his duty, “final compensation”, as to such member shall mean the monthly compensation earnable by such member at the rate of remuneration attached on the date he receives such injury to the rank or position held by such member on that date.

For the purpose of sections 8.585 through 8.585-13, the terms “member of the fire department”, “member of the department”, or “member” shall mean any officer or employee of the fire department, excluding such officers and employees as are members of the

retirement system under section 8.565 or section 8.568 of the charter, who was or shall be subject to the charter provisions governing entrance requirements of members of the uniformed force of said department, and said terms further shall mean persons employed on July 1, 1975, or thereafter, regardless of age, to perform the duties performed under the titles of pilot of fireboats or marine engineer of fireboats or employed after July 1, 1975, at an age not greater than the maximum age then prescribed for entrance into employment in said uniformed force, to perform the duties performed by members of the salvage corps in the fire department, or duties performed under the title of hydrant-gatemen.

Any fire service performed by such members of the fire department outside the limits of the city and county and under orders of a superior officer of any such member, shall be considered as city and county service, and any disability or death incurred therein shall be covered under the provisions of the retirement system.

“Retirement system” or “system” shall mean San Francisco City and County Employees’ Retirement System as created in section 8.500 of the charter.

“Retirement board” shall mean “retirement board” as created in section 3.670 of the charter.

“Charter” shall mean the charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter genders, and singular numbers shall include the plural and the plural the singular.

“Interest” shall mean interest at the rate adopted by the retirement board.

#### 8.585-2 Service Retirement

Any member of the fire department who completes at least twenty-five years of service in the aggregate and attains the age of fifty (50) years, said service to be computed under section 8.585-10, may retire for service at his option. Members shall be retired on the first day of the month next following the attainment by them of the age of sixty-five years. A member retired after meeting the service and age requirements in the two sentences next preceding, shall receive a retirement allowance equal to fifty-five percent of the final compensation of said member, as defined in section 8.585-1, plus an allowance at the rate of four percent of said final compensation, for each year of service rendered in excess of twenty-five years; provided, however, that such retirement allowance shall not exceed seventy-five percent of said member’s final compensation. A member retired after attaining the age of sixty-five years, but before completing twenty-five years of service in the aggregate computed under section 8.585-10, shall receive a retirement allowance which bears the same ratio to fifty percent of the final compensation of said member, as defined in section 8.585-1, as the service with which he is entitled to be credited, bears to twenty-five years. If, at the date of retirement for service, or retirement for disability resulting from an injury received in

performance of duty, said member has no wife, children or dependent parents, who would qualify for the continuance of the allowance after the death of said member, or with respect to the portion of the allowance which would not be continued regardless of dependents, or upon retirement for disability resulting from other causes, with respect to all of the allowance and regardless of dependents at retirement, a member retired under this section, or section 8.585-3, may elect before the first payment of the retirement allowance is made, to receive the actuarial equivalent of his allowance or the portion which would not be continued regardless of dependents, as the case may be, partly in a lesser allowance to be received by him throughout his life, and partly in other benefits payable after his death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the board of supervisors to govern similar election by other members of the retirement system, including the character and amount of such other benefits.

#### 8.585-3 Retirement for Incapacity

Any member of the fire department who becomes incapacitated for the performance of his duty by reason of any bodily injury received in, or illness caused by performance of his duty, shall be retired. If he is not qualified for service retirement, he shall receive a retirement allowance in an amount which shall be equal to the same percentage of the final compensation of said member, as defined in section 8.585-1, as his percentage of disability is determined to be. The percentage of disability shall be as determined by the Workmen's Compensation Appeals Board of the State of California upon referral from the retirement board for that purpose; provided that the retirement board may, by five (5) affirmative votes, adjust the percentage of disability as determined by said Appeals Board; and provided, further, that such retirement allowance shall be in an amount not less than fifty percent nor more than ninety percent of the final compensation of said member, as defined in section 8.585-1. Said allowance shall be paid to him until the date upon which said member would have qualified for service retirement had he lived and rendered service without interruption in the rank held by him at retirement, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date based on the final compensation, as defined in section 8.585-1, he would have received immediately prior to said date, had he lived and rendered service as assumed, but such allowance shall not be less than fifty-five percent of such final compensation.

If at the time of retirement because of disability, he is qualified as to age and service for retirement under section 8.585-2, he shall receive an allowance equal to the retirement allowance which he would receive if retired under section 8.585-2, but not less than fifty-five percent of said final compensation. Any member of the fire department who becomes incapacitated for performance of his duty, by reason of a cause not included under the provisions of the immediately preceding sentences, and who shall have completed at

least ten years of service in the aggregate, computed as provided in section 8.585-10, shall be retired upon an allowance of one and one-half percent of the final compensation of said member as defined in section 8.585-1 for each year of service, provided that said allowance shall not be less than thirty-three and one-third percent of said final compensation; provided, however, that if such member has completed at least 25 years of service in the aggregate, computed as provided in section 8.585-10, but has not yet attained the age of 50 years, he shall receive an allowance equal to the retirement allowance he would have received if he had attained the age of 50 years and retired under section 8.585-2 as of the date of retirement for such incapacity. The question of retiring a member under this section may be brought before the retirement board on said board's own motion, by recommendation of the fire commission, or by said member or his guardian. If his disability shall cease, his retirement allowance shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

#### 8.585-4 Death Allowance

If a member of the fire department shall die before or after retirement by reason of an injury received in, or illness caused by the performance of his duty, a death allowance, in lieu of any allowance payable under any other section of the charter or by ordinance, on account of death resulting from injury received in or illness caused by the performance of duty, shall be paid, beginning on the date next following the date of death, to his surviving wife throughout her life or until her remarriage. If the member, at the time of death, was qualified for service retirement, but had not retired, the allowance payable shall be equal to the retirement allowance which the member would have received if he had been retired for service on the day of death, but such allowances shall not be less than fifty-five percent of the final compensation earnable by said member immediately preceding death. If death occurs prior to qualification for service retirement, the allowance payable shall be equal to the final compensation of said member at the date of death, until the date upon which said member would have qualified for service retirement, had he lived and rendered service without interruption in the rank held by him at death, and after said date the allowance payable shall be equal to the retirement allowance said member would have received if retired for service on said date, based on the final compensation he would have received immediately prior to said date, had he lived and rendered service as assumed, but such allowance shall not be less than fifty-five percent of such monthly final compensation. If he had retired prior to death, for service or for disability resulting from injury received in, or illness caused by the performance of duty, the allowance payable shall be equal to the retirement allowance of the member, except that if he was a member under section 8.585 and retirement was for such disability, and if death occurred prior to qualification for the service retirement allowance, the allowance continued shall be reduced upon the date at which said member would

have qualified for service retirement, in the same manner as it would have been reduced had the member not died. If there be no surviving wife entitled to an allowance hereunder, or if she dies or remarries before every child of such deceased member attains the age of eighteen years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. Should said member leave no surviving wife and no children under the age of eighteen years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving widow otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife following the death of a member unless she was married to the member prior to the date of the injury or onset of the illness which results in death.

#### 8.585-5 Payment to Surviving Dependents

Upon the death of a member of the fire department resulting from any cause, other than an injury received in or illness caused by performance of duty, (a) if his death occurred after qualification for service retirement, under section 8.585-2, or after retirement for service or because of disability which resulted from any cause other than an injury received in, or illness caused by performance of duty, three-fourths of his retirement allowance to which the member would have been entitled if he had retired for service at the time of death or three-fourths of the retirement allowance as it was at his death, as the case may be, shall be continued throughout life or until marriage, to his surviving wife, or (b) if his death occurred after the completion of at least twenty-five years of service in the aggregate but prior to the attainment of the age of fifty years, three-fourths of the retirement allowance to which he would have been entitled under section 8.585-2 if he had attained the age of 50 years on the date of his death shall be continued throughout life or until remarriage to his surviving wife, or (c) if his death occurred after retirement for disability by reason of injury received in or illness caused by performance of duty, his retirement allowance as it was at his death shall be continued throughout life or until remarriage, to his surviving wife, except that, if death occurred prior to qualification for service retirement allowance, the allowance continued shall be adjusted upon the date of which said member would have qualified for service retirement, in the same manner as it would have been adjusted had the member not died, or (d) if his death occurred after completion of at least ten years of service in the aggregate, computed as provided in section 8.585-10, an allowance in an amount equal to the retirement allowance to which the member would have been entitled pursuant to section 8.585-3 if he had retired on the date of death because of incapacity for performance of duty resulting from a cause other than bodily injury received in or illness caused by performance of duty shall be paid throughout life or

until remarriage to his surviving wife. If there be no surviving wife entitled to an allowance hereunder, or if she dies or remarries before every child of such deceased member attains the age of eighteen years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. Should said member leave no surviving wife and no children under age of eighteen years, but leave a child or children, regardless of age, dependent upon him for support because partially or totally disabled and unable to earn a livelihood or a parent or parents dependent upon him for support, the child or children and the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving wife otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife unless she was married to the member prior to the date of the injury or onset of the illness which results in death if he had not retired, or unless she was married to the member at least one year prior to his death if he had retired.

As used in this section and section 8.585-4, "surviving wife" shall mean and include a surviving spouse, and shall also mean and include a spouse who has remarried since the death of the member, but whose remarriage has been terminated by death, divorce or annulment within five years after the date of such remarriage and who has not thereafter again remarried.

The surviving wife, in the event of death of the member after qualification for but before service retirement, may elect before the first payment of the allowance, to receive the benefit provided in section 8.585-8, in lieu of the allowance which otherwise would be continued to her under this section. If there be no surviving wife, the guardian of the eligible child or children may make such election, and if there be no such children, the dependent parent or parents may make such election. "Qualified for service retirement", "Qualification for service retirement" or "Qualified as to age and service for retirement", as used in this section and other sections to which persons who are members under section 8.585 are subject, shall mean completion of twenty-five years of service and attainment of age fifty, said service to be computed under section 8.585-10.

#### 8.585-6 Adjustment of Allowances

Every retirement or death allowance payable to or on account of any member under section 8.585 shall be increased or decreased as of July 1, 1976, and on July 1 of each succeeding year by an amount equal to fifty percent of any increase or decrease, respectively, in the rate of remuneration attached to the rank or position upon which such retirement or death allowance was based; provided, however, that no allowance shall be reduced below the amount being received by a member or his beneficiary on June 30, 1976, or on the date such member or beneficiary began to receive the allowance, whichever is

later.

#### 8.585-7 Adjustment for Compensation Payments

That portion of any allowance payable because of the death or retirement of any member of the fire department which is provided by contributions of the city and county, shall be reduced in the manner fixed by the board of supervisors, by the amount of any benefits other than medical benefits, payable by the city and county to or on account of such person, under any workmen's compensation law or any other general law and because of the injury or illness resulting in said death or retirement. Such portion which is paid because of death or retirement which resulted from injury received in or illness caused by performance of duty, shall be considered as in lieu of all benefits, other than medical benefits, payable to or on account of such person under such law and shall be in satisfaction and discharge of the obligation of the city and county to pay such benefits.

#### 8.585-8 Death Benefit

If a member of the fire department shall die, before retirement from causes other than an injury received in or illness caused by the performance of duty, or regardless of cause, if no allowance shall be payable under section 8.585-4 or 8.585-5 preceding, a death benefit shall be paid to his estate or designated beneficiary, the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the board of supervisors for the death benefit of other members of the retirement system. Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his estate or designated beneficiary the amount of which and the conditions for the payment of which shall be determined in the manner prescribed by the board of supervisors for the death benefit of other members of the retirement system.

#### 8.585-9 Refunds and Redeposits

Should any member of the fire department cease to be employed as such a member, through any cause other than death or retirement or transfer to another office or department, all of his contributions, with interest credited thereon, shall be refunded to him subject to the conditions prescribed by the board of supervisors to govern similar terminations of employment of other members of the retirement system. If he shall again become a member of the department, he shall redeposit in the retirement fund, the amount refunded to him. Contributions, with interest, which are credited because of service rendered in any other office or department and which will not be counted under section 8.585-10, to any person who becomes a member of the retirement system under this section, shall be refunded to him forthwith. Should a member of the fire department become an employee of any other office or department, his accumulated contribution account shall be adjusted by payments to or from him as the case may be to make the accumulated contributions credited to him at the time of change, equal to the amount which would have been credited to him if he had been employed in said other office or



department at the rate of compensation received by him in the fire department and he shall receive credit for service for which said contributions were made, according to the charter section under which his membership in the retirement system continues.

#### 8.585-10 Computation of Service

The following time shall be included in the computation of the service to be credited to a member of the fire department for the purposes of determining whether such member qualified for retirement and calculating benefits, excluding, however, any time, the contributions for which were withdrawn by said member upon termination of his service while he was a member under any other charter section, and not redeposited upon reentry into service:

(1) Time during and for which said member is entitled to receive compensation because of services as a member of the fire or police department.

(2) Time during which said member is entitled to receive compensation while a member of the retirement system, because of service rendered in other offices and departments prior to July 1, 1949, provided that accumulated contributions on account of such service previously refunded, are redeposited, with interest from date of refund to date of redeposit, at times and in the manner fixed by the retirement board; and solely for purpose of determining qualification for retirement under section 8.585-3 for disability not resulting from injury received in, or illness caused by performance of duty, time during which said member serves, after July 1, 1949, and receives compensation because of services rendered in other offices and departments.

(3) Time during which said member is absent from a status included in paragraphs (1) and (2) next preceding, by reason of service in the armed forces of the United States of America, or by reason of any other service included in Section 8.520 of the charter, during any war in which the United States was or shall be engaged or during other national emergency, and for which said member contributed or contributes to the retirement system or for which the city and county contributed or contributes on his account.

#### 8.585-11 Sources of Funds

All payments provided for members under section 8.585 shall be made from funds derived from the following sources, plus interest earned on said funds:

(1) The normal rate of contribution for each member under section 8.585 shall be based on his age taken to the next lower complete quarter year, (a) at the date he became a member under section 8.568, in the case of persons who are members under that section, or (b) on his age at the date he becomes a member under section 8.585 in the case of persons who become members on or after July 1, 1975, without credit for service counted under section 8.585-10. The age of entrance into the fire department shall be determined by deducting the member's service credited under section 8.585-10 as rendered prior to the date upon which his age is based for determination of his rate of

contribution according to the sentence next preceding, from said age. The normal rate of contribution of each such member, to be effective from the effective date of membership under section 8.585, shall be such as, on the average for such member, will provide, assuming service without interruption, under section 8.585-2, one-third of that portion of the service retirement allowance to which he would be entitled, without continuance to dependents, upon first qualifying as to age and service for retirement under that section, which is based on service rendered after the date upon which his age is based for determination of his rate of contribution according to the first sentence in this paragraph, and assuming the contribution to be made from that date. The normal rate of contribution, however, shall not exceed seven percent.

(2) The dependent contributions of each member under this section which shall be required of each member throughout his membership in addition to the normal contributions, and in the same manner as normal contributions, shall be such as, on the average for such member, will provide, assuming service without interruption under section 8.585-2, and upon his first qualifying as to age and service for retirement under that section, one-third of the portion of his allowance, which is to be continued under section 8.585-5 after his death and throughout the life of a surviving wife whose age at said death is three years less than the age of said member. If, at the date of retirement for service or retirement for disability resulting from injury received in performance of duty, said member has no wife who would qualify for the continuance of the allowance to her after the death of said member, or upon retirement for disability resulting from other causes, regardless of his marital conditions, the dependent contributions with accumulated interest thereon, shall be paid to him forthwith. The dependent rate of contribution, however, shall not exceed the difference between seven percent and the member's normal rate of contribution, and said dependent rate may be taken as a flat percentage of the member's normal rate, regardless of the age of qualification for service retirement.

(3) There shall be deducted from each payment of compensation made to a member under this section, a sum determined by applying the member's rates of contribution to such compensation payment. The sum so deducted shall be paid forthwith to the retirement system. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the board of supervisors for crediting interest to contributions of other members of the retirement system, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, or shall be paid to said member or his estate or beneficiary as provided in sections 8.585-8, 8.585-9 and 8.585-10.

(4) Contributions based on time included in paragraphs (1), (2) and (3) of section 8.585-10, and deducted prior to July 1, 1975, from

compensation of persons who become members under section 8.585, and standing with interest thereon, to the credit of such members on the records of the retirement system on said date, together with contributions made by such members pursuant to the provisions of section 8.526 and standing with interest thereon to the credit of such members on the records of the retirement system on said date, shall continue to be credited to the individual accounts of said members and shall be combined with and administered in the same manner as the contributions deducted after said date.

(5) The total contributions, with interest thereon, made by or charged against the city and county and standing to its credit, in the accounts of the retirement system, on account of persons who become members under section 8.585, shall be applied to provide the benefits under said section 8.585.

(6) The city and county shall contribute to the retirement system such amounts as may be necessary, when added to the contributions referred to in the preceding paragraphs of this section 8.585-11, to provide the benefits payable to members under section 8.585. Such contributions of the city and county to provide the portion of the benefits hereunder which shall be based on service rendered by each member prior to the date upon which his age is based for determination of his rate of contribution in paragraph (1) of this section 8.585-11, shall not be less during any fiscal year than the amount of such benefits paid during said year. Such contributions of the city and county to provide the portion of the benefits hereunder which shall be based on service rendered by respective members on and after the date stated in the next preceding sentence, shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year, to persons who are members under section 8.585, said percentage to be the ratio of the value on July 1, 1975, or at the later date of a periodical actuarial valuation and investigation into the experience under the system, of the benefits thereafter to be paid under this section, from contributions of the city and county, less the amount of such contributions, and plus accumulated interest thereon, then held by said systems to provide said benefits on account of service rendered by respective members after the date stated in the sentence next preceding, to the value of said respective dates of salaries thereafter payable to said members. Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service before retirement and of death after retirement. Said percentage shall be changed only on the basis of said periodical actuarial valuation and investigation into the experience under the system. Said actuarial valuation shall be made every even-numbered year and said investigation into the experience under the system shall be every odd-numbered year.

(7) To promote the stability of the retirement system through a

joint participation in the result of variations in the experience under mortality, investment and other contingencies the contributions of both members and the city and county held by the system to provide the benefits under this section, shall be a part of the fund in which all other assets of said system are included. Nothing in this section shall affect the obligations of the city and county to pay to the retirement system any amounts which may or shall become due under the provisions of the charter prior to July 1, 1975, and which are represented on said effective date, in the accounts of said system by debits against the city and county.

#### 8.585-12 Right to Retire

Upon the completion of the years of service set forth in section 8.585-2 as requisite to retirement, a member of the fire department shall be entitled to retire at any time thereafter in accordance with the provisions of said section 8.585-2, and nothing shall deprive said member of said right.

#### 8.585-13 Limitation in Employment During Retirement

No person retired as a member under section 8.585 for service or disability and entitled to receive a retirement allowance under the retirement system shall serve in any elective or appointive position in the city and county service, including membership on boards and commissions, nor shall such person receive any payment for service rendered to the city and county after retirement, provided that service as an election officer or juror, or in the preparation for, or the giving of, testimony as an expert witness for or on behalf of the City and County of San Francisco before any court or legislative body shall not be affected by this section.

Certified to be a true copy by Robert J. Dolan, Clerk of the Board of Supervisors.

Date of election: November 5, 1974.

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### Charter Chapter 12—City of Los Angeles

#### *Amendment to the Charter of the City of Los Angeles.*

[Filed with Secretary of State December 26, 1974]

Section 121 is added to the Charter of the City of Los Angeles, to read as follows:

#### Sec. 121 Inclusion of Previously Exempt Employees.

Whenever the City Council, by ordinance, shall transfer functions or programs of the City Demonstration Agency from the Office of the Mayor to a new department of City government, the Board of Civil Service Commissioners, with the approval of the City Council by resolution, may include in the classified civil service any employees occupying positions assigned to such functions or programs. The

classification of the positions of such employees for purposes of inclusion in the classified civil service shall be determined prior to such inclusion in accordance with Section 100 of this Article, and the incumbents shall be deemed to have the necessary qualifications therefor. The employees, upon such inclusion, shall be deemed to be serving under probation in accordance with the provisions of the civil service rules in classes of positions as hereinbefore provided, regardless of the length of their prior employment.

Certified to be a true copy by Rex E. Layton, City Clerk.  
Date of municipal election: November 5, 1974.

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Charter Chapter 13—City of San Bernardino

*Amendments to the Charter of the City of San Bernardino.*

[Filed with Secretary of State December 26, 1974]

Article XIII, Section 253, is amended to read as follows:

“Section 253. An appointment or promotion shall not be deemed complete until an applicable period of probation of not more than one year has elapsed. The probationer may be discharged or reduced at any time within said period upon the recommendation of the head of the department in which said probationer is employed with the approval of a majority of the Civil Service Board. Periods of probation shall be fixed by resolution of the Mayor and Common Council and procedures for and effective dates of discharges and reductions shall be adopted by the Civil Service Board in its rules and regulations.”

Section 243 of Article XIII, which requires the publication in a local newspaper each month of all claims against the City Treasury, is repealed.

Certified to be a true copy by Lucille Goforth, City Clerk.  
Date of municipal election: November 5, 1974.