
APPENDIX

GOVERNOR'S REORGANIZATION
PLAN NO. 2 OF 1975

**GOVERNOR'S REORGANIZATION
PLAN NO. 2 OF 1975**

Received by Assembly May 2, 1975, and approved June 17, 1975; received by Senate May 2, 1975, and approved June 25, 1975.

Takes effect on August 8, 1975, by operation of Government Code Section 12080.5.

**REORGANIZATION OF THE EXECUTIVE
BRANCH OF CALIFORNIA STATE
GOVERNMENT**

Reorganization Plan No. 2 of 1975

May 2, 1975

HON. MERVYN M. DYMALLY, *President
and Members of the Senate*

HON. LEO T. MCCARTHY, *Speaker
and Members of the Assembly*

Pursuant to Section 12080.2 of the Government Code, I
hereby transmit Reorganization Plan No. 2 of 1975.

Respectfully,

A handwritten signature in black ink that reads "Edmund G. Brown Jr." with a stylized flourish at the end.

EDMUND G. BROWN JR.
Governor

GOVERNOR'S MESSAGE

Reorganization Plan No. 2 of 1975

In accordance with Section 12080.2 of the Government Code, I am submitting Reorganization Plan No. 2 of 1975 for review by the Legislature. The Plan has already been submitted to the Legislative Counsel and the Commission on California State Government Organization and Economy as required by Section 8523 of the Government Code. I have found the reorganization action included in this Plan to be in the public interest.

The Department of Industrial Relations was established in 1927 as an amalgamation of previously existing independent agencies. Among these was the Industrial Welfare Commission, precursor of the present Division of Industrial Welfare, established in 1913 to administer the minimum wage law for women and minors. The new Department also included the former Bureau of Labor Statistics, precursor of the present Divisions of Labor Statistics and Research and Labor Law Enforcement, established in 1883, which investigated conditions of employment and enforced labor laws. These separate entities have been maintained within the Department as distinct program elements.

As the programs of the Division of Labor Law Enforcement and the Division of Industrial Welfare have evolved, the distinction between the two has been reduced to technical detail and method of operation rather than any real difference in function and responsibility. Recent federal court cases have made special protective measures for women constitutionally questionable. In 1973 the

Legislature amended the role of the Industrial Welfare Commission, which historically was charged with establishing protective measures for women and minors. The Industrial Welfare Commission now adopts and issues orders setting minimum wages, hours of employment and standards for working conditions for all workers. The Division of Industrial Welfare enforces the orders in all California places of employment. The Division of Labor Law Enforcement investigates and evaluates facts and conditions of employment, hours of work, violations of compulsory workers' compensation laws, etc., and additionally enforces all labor laws, including laws relating to women and minors, not specifically assigned to any other agency. Maintenance of separate divisions with such overlapping responsibilities and functions has resulted in duplication of effort, facilities and administrative staff.

The purpose of this reorganization is to eliminate this duplication, resulting in greater efficiency and thereby providing an increased level of service without subsequent increased cost to taxpayers.

The Plan provides for a new division, the Division of Labor Standards Enforcement, within the Department of Industrial Relations. The new division will carry out all the functions and responsibilities presently divided between the Divisions of Labor Law Enforcement and Industrial Welfare. The Divisions of Labor Law Enforcement and Industrial Welfare will be abolished and the employees of these divisions will be transferred to the new, consolidated division.

The reorganization will have these beneficial results:

1. Estimated savings of at least \$70,000 per year are expected from: a) the reduction of 40 district offices in 23 locations to 23 consolidated offices (without any sacrifice of geographical coverage); b) the reduction in travel expenses resulting from smaller geographical assignments for each professional staff member; and c) the elimination of one Chief position and related expenses.
2. By combining present separate district offices, a larger staff will be able to more efficiently cover the same geographical area, reducing nonproductive travel and increasing the level of service to each district. Despite the increased size of the labor force, present staffing of the two divisions is 19% below the staffing in 1966. Consolidation and its resulting efficiencies will better enable the new division to respond to the increased workload that has occurred.
3. As a result of larger district office staffs, the new division will be better able to utilize trainee positions, which are the only viable means of increasing employment of women and minority persons who are not available in appreciable numbers at the journeyman level—the present recruitment level for both Labor Law Enforcement and Industrial Welfare. Consolidation, therefore, provides a greater opportunity to correct the present under-representation of women and minorities in this program area.
4. Aggrieved workers will no longer be confused by the technical distinction between the jurisdictions of the two divisions since the consolidated division will have jurisdiction over all

matters pertaining to conditions of employment, wages, benefits, hours, employment of minors, etc.

5. Employers will no longer be simultaneously investigated by two agencies because of alleged violations of related labor laws and Orders.

REORGANIZATION ACTIONS

A Division of Labor Standards Enforcement is established in the Department of Industrial Relations. The Division of Labor Standards Enforcement is under the direction of an executive officer known as the Chief, Division of Labor Standards Enforcement, who is appointed by the Governor, subject to confirmation of the Senate, and holds office at the pleasure of the Director of Industrial Relations. The annual salary of the Chief shall be determined by the Department of Finance.

The Division of Labor Law Enforcement in the Department of Industrial Relations is abolished, and its functions, authorities and responsibilities are transferred to the new Division of Labor Standards Enforcement. All functions, authorities and responsibilities of the Labor Commissioner, who is Chief of the Division of Labor Law Enforcement, are transferred to the Chief, Division of Labor Standards Enforcement.

The Division of Industrial Welfare in the Department of Industrial Relations is abolished and its functions, authorities and responsibilities are transferred to the new Division of Labor Standards Enforcement. All functions, authorities, and responsibilities of the Chief, Division of Industrial Welfare are transferred to the Chief, Division of Labor Standards Enforcement.

GENERAL PROVISIONS

This Reorganization plan is effective on the date specified by Government Code Section 12080.5. On the effective date, the plan shall become operative.

TRANSFER OF EMPLOYEES

Pursuant to Government Code Section 12080.3 and 19370, all employees serving in the State Civil Service, other than temporary employees, in the Divisions of Labor Law Enforcement and Industrial Welfare in the Department of Industrial Relations are transferred to the new Division of Labor Standards Enforcement. The status, positions, and rights of such persons shall not be affected by their transfer and shall con-

tinue to be retained by them pursuant to the State Civil Service Act, except as to positions the duties of which are vested in a position exempt from civil service.

The personnel records of all transferred employees shall remain in the Department of Industrial Relations.

TRANSFER OF PROPERTY

The property of the Division of Labor Law Enforcement is transferred to the Division of Labor Standards Enforcement.

The property of the Division of Industrial Welfare is transferred to the Division of Labor Standards Enforcement.

TRANSFER OF FUNDS

All unexpended balances of appropriations and other funds available to the Division of Labor Law Enforcement and the Division of Industrial Welfare shall be transferred to the Division of Labor Standards Enforcement for the use or the purpose for which the appropriations or other funds were originally available.

TERMINATION OF THE AFFAIRS OF AGENCIES ABOLISHED

The affairs of the Division of Labor Law Enforcement and the affairs of the Division of Industrial Welfare shall be terminated as rapidly as possible by the Chief, Division of Labor Standards Enforcement.

Governor's Reorganization Plan

No. 2

May 2, 1975

REFERRED TO COMMITTEE ON GOVERNMENTAL ORGANIZATION

An act to amend Sections 21, 56, 61, 64, 70, 72, 73, and 74 of, to amend the heading of Chapter 2 (commencing with Section 70) of Division 1, to amend the heading of Chapter 4 (commencing with Section 79) of Division 1 of, to add Sections 79, 80, 81, 82, 83, 87, 88, 89, and 89.5 to, to repeal Sections 70.5, 79, and 89 of, the Labor Code, relating to the reorganization of the executive branch of the California state government.

LEGISLATIVE COUNSEL'S DIGEST

Governor's Reorganization Plan No. 2.

Under existing law there is in the Department of Industrial Relations the Division of Labor Law Enforcement and the Division of Industrial Welfare.

This bill would abolish the Division of Labor Law Enforcement and the Division of Industrial Welfare and create a new Division of Labor Standards Enforcement within the Department of Industrial Welfare. The Division of Labor Standards Enforcement would succeed to all present functions and responsibilities of the Divisions of Labor Law Enforcement and Industrial Welfare. The new division would be under the direction of the Labor Commissioner, the Chief of the Division of Labor Standards Enforcement.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21 of the Labor Code is
2 amended to read:

3 21. "Labor Commissioner" means Chief of the
4 Division of Labor ~~Law~~ *Standards* Enforcement.

5 SEC. 2. Section 56 of the Labor Code is amended to
6 read:

7 56. The work of the department shall be divided into
8 at least ~~eight~~ *seven* divisions known as the Division of
9 Industrial Accidents, the Division of Industrial Safety, the
10 Division of Labor ~~Law~~ *Standards* Enforcement, the
11 Division of Fair Employment Practices, ~~the Division of~~
12 ~~Industrial Welfare~~, the Division of Labor Statistics and
13 Research, the Division of Apprenticeship Standards, and
14 the State Compensation Insurance Fund.

15 SEC. 3. Section 61 of the Labor Code is amended to
16 read:

17 61. The provisions of Chapter 1 (*commencing with*
18 *Section 1171*) of Part 4 of Division ~~H~~ *2* of ~~this code~~ shall
19 be administered and enforced by the department
20 through the Division of ~~Industrial Welfare~~ *Labor*
21 *Standards Enforcement*.

22 SEC. 4. Section 64 of the Labor Code is amended to
23 read:

24 64. The director may enter into reciprocal
25 agreements with the labor department or corresponding
26 agency of any other state or with the person, board,
27 officer or commission authorized to act for and on behalf
28 of such department or agency, for the collection in such
29 other state of claims or judgments for wages and other
30 demands based upon claims previously assigned to the
31 Division of Labor ~~Law~~ *Standards* Enforcement.

32 SEC. 5. The heading of Chapter 2 (*commencing with*
33 *Section 70*) of Division 1 of the Labor Code is amended
34 to read:

1 CHAPTER 2. ~~DIVISION OF INDUSTRIAL WELFARE~~
2 COMMISSION
3

4 SEC. 6. Section 70 of the Labor Code is amended to
5 read:

6 70. There is in the Division of ~~Industrial Welfare~~
7 *Labor Standards Enforcement* the Industrial Welfare
8 Commission which consists of five members, at least one
9 of whom shall be a woman. The members of the
10 commission shall be appointed by the Governor.

11 SEC. 7. Section 70.5 of the Labor Code is repealed.

12 ~~70.5. The annual salary of the Chief of the Division of~~
13 ~~Industrial Welfare is provided for by Chapter 6 of Part 1~~
14 ~~of Division 3 of Title 2 of the Government Code.~~

15 SEC. 8. Section 72 of the Labor Code is amended to
16 read:

17 72. One of the members of the Industrial Welfare
18 Commission may be appointed Chief of the Division of
19 ~~Industrial Welfare~~ *Labor Standards Enforcement*. The
20 members of the commission, other than the member who
21 is appointed Chief of the Division of ~~Industrial Welfare~~
22 *Labor Standards Enforcement*, shall receive twenty-five
23 dollars (\$25) for each day's actual attendance at meetings
24 of the commission and shall receive their actual and
25 necessary expenses incurred in the performance of their
26 duties.

27 SEC. 9. Section 73 of the Labor Code is amended to
28 read:

29 73. The Division of ~~Industrial Welfare~~ *Labor*
30 *Standards Enforcement* shall appoint such staff as needed
31 to carry out its duties and shall loan such personnel as
32 needed to the commission in the performance of its
33 respective functions, and shall fix their salaries in
34 accordance with law. Personnel loaned to the
35 commission shall be under the supervision of the Chief of
36 the Division of ~~Industrial Welfare~~ *Labor Standards*
37 *Enforcement*.

38 It is not the intent of the Legislature that the
39 amendment of this section made at the 1969 Regular
40 Session of the Legislature shall be used to justify a budget

1 request for additional funds for the division. It is the
 2 intent of the Legislature that at those times when the
 3 commission is revising its orders, permanent personnel of
 4 the division, at no additional budget expense, be loaned
 5 temporarily to assist the commission in the performance
 6 of its functions.

7 SEC. 10. Section 74 of the Labor Code is amended to
 8 read:

9 74. The Chief of the Division of ~~Industrial Welfare~~
 10 *Labor Standards Enforcement*, for the purpose of
 11 enforcing Industrial Welfare Commission orders and
 12 provisions of this code, may issue subpoenas to compel
 13 the attendance of witnesses and production of books,
 14 papers, and records. Obedience to subpoenas issued by
 15 the chief of the division shall be enforced by the courts.

16 The chief and enforcement deputies of the Division of
 17 ~~Industrial Welfare~~ *Labor Standards Enforcement* may
 18 administer oaths and examine witnesses under oath for
 19 the purpose of enforcing Industrial Welfare Commission
 20 orders and provisions of this code.

21 SEC. 11. The heading of Chapter 4 (commencing
 22 with Section 79) of Division 1 of the Labor Code is
 23 amended to read:

24

25 CHAPTER 4. DIVISION OF LABOR ~~LAW~~ *STANDARDS*
 26 ENFORCEMENT

27

28 SEC. 12. Section 79 of the Labor Code is repealed.

29 ~~79. The headquarters of the Division of Labor Law~~
 30 ~~Enforcement, hereafter in this chapter referred to as the~~
 31 ~~division, shall be located in San Francisco.~~

32 SEC. 13. Section 79 is added to the Labor Code, to
 33 read:

34 79. There is in the Department of Industrial Relations
 35 the Division of Labor Standards Enforcement. The
 36 Division of Labor Standards Enforcement shall be under
 37 the direction of an executive officer known as the Chief,
 38 Division of Labor Standards Enforcement, who shall be
 39 appointed by the Governor, subject to confirmation of
 40 the Senate, and shall hold office at the pleasure of the

1 Director of Industrial Relations. The annual salary of the
2 chief shall be determined by the Department of Finance.

3 SEC. 14. Section 80 is added to the Labor Code, to
4 read:

5 80. The headquarters of the Division of Labor
6 Standards Enforcement, hereafter in this chapter
7 referred to as the division, shall be located in San
8 Francisco.

9 SEC. 15. Section 81 is added to the Labor Code, to
10 read:

11 81. The employees of the division shall devote their
12 full time to the work of the division and shall receive their
13 actual necessary traveling expenses. The division shall
14 maintain offices in San Francisco, Los Angeles,
15 Sacramento, San Diego, Oakland, Fresno, San Jose, and in
16 such other places as the Labor Commissioner may deem
17 necessary.

18 SEC. 16. Section 82 is added to the Labor Code, to
19 read:

20 82. (a) The Division of Labor Standards
21 Enforcement succeeds to, and is vested with, all of the
22 powers, duties, purposes, responsibilities, and jurisdiction
23 of the Division of Labor Law Enforcement, which is
24 hereby abolished.

25 (b) All powers, duties, purposes, and responsibilities of
26 the Labor Commissioner, who is Chief of the Division of
27 Labor Law Enforcement, are hereby transferred to the
28 Labor Commissioner who is the Chief of the Division of
29 Labor Standards Enforcement.

30 (c) Any regulation or other action made, prescribed,
31 issued, granted, or performed by the abolished Division
32 of Labor Law Enforcement in the administration,
33 performance, or implementation of a function
34 transferred pursuant to subdivision (a) of this section
35 shall remain in effect and shall be deemed to be a
36 regulation or action of the Division of Labor Standards
37 Enforcement unless and until repealed, modified, or
38 rescinded by such division.

39 (d) Whenever any reference is made in any law to the
40 abolished Division of Labor Law Enforcement, it shall be

1 deemed to be a reference to, and to mean, the Division
2 of Labor Standards Enforcement.

3 SEC. 17. Section 83 is added to the Labor Code, to
4 read:

5 83. (a) The Division of Labor Standards
6 Enforcement succeeds to, and is vested with, all of the
7 powers, duties, purposes, responsibilities, and jurisdiction
8 of the Division of Industrial Welfare, which is hereby
9 abolished.

10 (b) All powers, duties, purposes, and responsibilities of
11 the Chief, Division of Industrial Welfare are hereby
12 transferred to the Chief, Division of Labor Standards
13 Enforcement.

14 (c) Any regulation or other action made, prescribed,
15 issued, granted, or performed by the abolished Division
16 of Industrial Welfare in the administration, performance,
17 or implementation of a function transferred pursuant to
18 subdivision (a) of this section shall remain in effect and
19 shall be deemed to be a regulation or action of the
20 Division of Labor Standards Enforcement unless and
21 until repealed, modified, or rescinded by such division.

22 (d) Whenever any reference is made in any law to the
23 abolished Division of Industrial Welfare it shall be
24 deemed to be a reference to, and to mean, the Division
25 of Labor Standards Enforcement.

26 SEC. 18. Section 87 is added to the Labor Code, to
27 read:

28 87. All persons, other than temporary employees,
29 serving in the state civil service and engaged in the
30 performance of a function transferred pursuant to this
31 chapter, or engaged in the administration of a law, the
32 administration of which is transferred pursuant to this
33 chapter, shall, in accordance with Section 19370 of the
34 Government Code, remain in the state civil service and
35 are hereby transferred to the Division of Labor Standards
36 Enforcement. The status, positions, and rights of such
37 persons shall not be affected by their transfer and shall
38 continue to be retained by them pursuant to the State
39 Civil Service Act, except as to positions the duties of
40 which are vested in a position that is exempt from civil

1 service.

2 SEC. 19. Section 88 is added to the Labor Code, to
3 read:

4 88. The personnel records of all employees
5 transferred pursuant to Section 87 shall remain in the
6 Department of Industrial Relations.

7 SEC. 20. Section 89 of the Labor Code is repealed.

8 ~~89. The employees of the division shall devote their
9 full time to the work of the division and shall receive their
10 actual necessary traveling expenses. The division shall
11 maintain offices in San Francisco, Los Angeles,
12 Sacramento, San Diego, Oakland, Fresno, San Jose and in
13 such other places as the Labor Commissioner may deem
14 necessary.~~

15 SEC. 21. Section 89 is added to the Labor Code, to
16 read:

17 89. The Division of Labor Standards Enforcement
18 shall have possession and control of all records, books,
19 papers, offices, equipment, supplies, moneys, funds,
20 appropriations, land, and other property, real or personal,
21 held for the benefit or use of the Division of Labor Law
22 Enforcement and the Division of Industrial Welfare with
23 respect to the functions transferred pursuant to this
24 chapter.

25 SEC. 22. Section 89.5 is added to the Labor Code, to
26 read:

27 89.5. The Division of Labor Standards Enforcement
28 may expend the money in any appropriation or in any
29 special fund in the State Treasury made available by law
30 for the administration of the statutes the administration
31 of which is committed to it pursuant to this chapter, or for
32 the use, support, or maintenance of any board, bureau,
33 commission, department, office, or officer whose duties,
34 powers, and functions have been transferred to, and
35 conferred upon, the Division of Labor Standards
36 Enforcement pursuant to this chapter. Such expenditures
37 by the Division of Labor Standards Enforcement shall be
38 made in accordance with law in carrying out the purposes
39 for which the appropriations were made or the special
40 funds created.

1 SEC. 23. It is the intent of the Legislature that the
2 affairs of the Division of Labor Law Enforcement and the
3 affairs of the Division of Industrial Welfare be terminated
4 as rapidly as possible by the Chief of the Division of Labor
5 Standards Enforcement.

○

**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 Torrance

Amendments to the Charter of the City of Torrance

[Filed with Secretary of State January 9, 1975.]

CHARTER AMENDMENT NO. 1

Sections 603 and 800 of the Charter of the City of Torrance are amended to read in their entirety as follows:

Section 603. Vacancies.

a) Any vacancies occurring in any of the elective offices provided for in this Charter, other than of members of the Board of Education, shall be filled by appointment by the City Council. Vacancies in the Board of Education shall be filled by appointment by the Board of Education.

b) In the event of the City Council or the Board of Education, respectively, failing to fill a vacancy by appointment within thirty (30) days after such vacancy occurs, the City Council or the Board of Education, as the case may be, must immediately, after the expiration of said thirty (30) days, cause an election to be held to fill such vacancy.

c) Any person appointed or elected to fill any vacancy on the City Council shall hold office only until the next regular municipal election at which time a person shall be elected to serve for the remainder of such unexpired term. Any person appointed or elected to fill a vacancy on the Board of Education shall hold office for the remainder of the unexpired term.

d) In the election of members of the City Council or members of the Board of Education, where full terms and one (1) 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 terms or term and the persons receiving the next highest vote shall be elected for the unexpired terms or term, as the case may be.

Section 800. Board of Education.

a) The control of the public schools of this City shall be vested in the Board of Education, which shall consist of five members; the qualifications and removal of which shall be as prescribed in this Charter.

b) Notwithstanding any other provisions of this Charter, the members of the Board of Education shall be elected at elections called, held, and conducted in accordance with the Education Code of the State of California, and shall hold office for a term of four (4) years as prescribed by law for members of governing boards of unified school districts.

CHARTER AMENDMENT NO. 2

Section 510 of the Charter of the City of Torrance is amended to read in its entirety as follows:

Section 510. General Municipal Election.

General municipal elections shall be held in said City on the first Tuesday after the first Monday in March in each even numbered year.

CHARTER AMENDMENT NO. 4

Section 1440 of the Charter of the City of Torrance is repealed and Sections 931, 1411 and 1441 of said Charter are amended to read in their entirety as follows:

Section 931. Special Powers and Duties of City Manager.

The City Manager shall be specifically charged with the performance of the following duties and shall have the following powers, in addition to those enumerated above:

a) He shall enforce all municipal ordinances, franchises, leases, contracts, permits and privileges granted by the City.

b) He shall purchase all supplies, property or equipment needed or required by the City in accordance with such regulations as the City Council shall prescribe by ordinance.

c) He shall prepare and submit to the City Council an annual budget estimate at least two (2) months prior to the date when the annual tax rate must be established, and in this connection, the City Manager shall have plenary power to demand of the various executive departments and elective officials of the City a full and complete statement of the estimated expenditures of such departments and elective officials for the ensuing fiscal year, and the reasons for such expenditures. The City Manager may include or exclude such items from said budget estimate as he may deem advisable. Should any such head of such department or elective official fail to submit such a statement within thirty days after demand, the City Manager shall thereupon have the right to take possession of all books and fiscal records of such department or elective official and retain the same thereafter until such time as the City Council shall order them returned to such department head or elective official and the City Council may likewise engage the service of such subordinate employees as may be necessary to maintain such books and records.

The City Council shall hold at least two public hearings upon said annual budget estimate and may increase the total estimated expenditures set forth therein only upon an affirmative vote of four members of the City Council.

d) He shall make such recommendations to the City Council or the County Board of Equalization regarding taxes, assessments and/or the annual assessment roll as he may deem advisable.

e) He shall have general supervision and control over all City property, including public buildings, parks and playgrounds.

f) He shall advise the City Council concerning the financial needs, conditions, and requirements of the City, and may make such recommendations to the City Council in connection therewith as he may deem advisable.

g) He shall attend all meetings of the City Council or of the members thereof when public matters are under consideration or discussion, except when his suspension, removal or reduction of his salary is under consideration by the City Council.

h) He may examine, without notice, the official conduct or the official accounts or records, of any officer or employee of the City.

i) The City Manager shall devote his entire time to the interests of the City and shall not engage in any private business.

j) He shall perform such other duties and powers as may be conferred upon him by the City Council by resolution or ordinance.

k) The City Manager may delegate and/or redelegate any of the foregoing duties to any municipal department or to the head or chief official of any such department.

Section 1411. Council Action on Budget.

a) After reviewing said proposed annual budget as compiled by the City Manager from information secured from department heads, and making such modifications as it may deem advisable, the Council shall adopt the same by resolution. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices, agencies, and programs therein named.

b) After adoption of the budget, the Council may amend the budget by motion adopted by the affirmative vote of at least four (4) members. In its authorization of expenditures, either budgeted or unbudgeted, the City Council shall not incur any indebtedness in excess of the limitations imposed by this Charter.

c) After adoption of the budget, the City Manager may make such changes within the budget totals and allocations of any department during the fiscal year as he deems reasonably necessary in order to meet the City's needs or goals; provided, however, that the City Manager may not increase the number of employee positions allocated in the budget for any department without the Council having amended the budget therefor.

Section 1441. Demands and Audits.

a) All demands against the City shall be presented and paid in accordance with such regulations as the City Council shall prescribe by ordinance.

b) The accounts of the City shall be audited at least once in each fiscal year by a person (or persons) licensed by the State of California as a certified public accountant. Such accountant(s) shall be selected by the City Council and shall not be an employee of the City.

Certified to be a true copy by Ken Miller, Mayor, and Vernon W. Coil, City Clerk.

Date of municipal election: November 5, 1974.

Charter Chapter 2—County of Tehama

Amendment to the Charter of the County of Tehama

[Filed with Secretary of State January 30, 1975.]

Section 7 is added to Article III, to read:

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

Certified to be a true copy by Floyd A. Hicks, County Clerk.

Date of election: November 5, 1974.

Charter Chapter 3—City of Long Beach

Amendments to the Charter of the City of Long Beach

[Filed with Secretary of State January 31, 1975.]

Subsection (11) of Section 217 and Sections 132.135, 2291, 293, 294, 294.1, 295 and 297 are amended to read as follows:

Sec. 217.

* * * * *

(11) To make contracts in the name of said Board to carry into effect the powers granted the Board of Water Commissioners in this Charter; provided, that all contracts wherein the expenditure of funds of the Water Department exceeds the amount established by ordinance of the City Council for City departments, except contracts for labor, materials or supplies for actual emergency work, shall be made and entered into upon competitive bidding as provided in Article XXVI of this Charter, and all powers and duties therein conferred or imposed upon the City Council and/or City Manager are hereby conferred and imposed upon the Board. At the time of publication of notice inviting bids, specifications of the supplies or materials required, or the plans and specifications of the work to be done, must be on file in the office of the Board, subject to public inspection. Except as provided in Section 294.1, all supplies and/or materials, not required to be obtained upon competitive bidding, or for actual emergency work, shall be procured for said Board by the City Purchasing Agent, in accordance with procedures prescribed therefor by the City Manager as shall not be in conflict with this Charter or other applicable law.

Sec. 132.135. Except as otherwise provided in this charter, every claim and demand against the city and payroll of the city shall, before presentation to the City Auditor, be approved by the City Manager or a person or persons designated by the City Manager to sign claims, demands and payrolls in lieu of said City Manager, by affixing one of the authorized signatures to the voucher attached to such claim or demand, or by affixing one of the authorized signatures to a register of vouchers indicating for each disbursement the name of the payee, voucher number and the amount of the claim or demand, or by affixing one of the authorized signatures to the City payroll. If the City Manager, or one of his designated representatives, disapproves a voucher, he shall remove said voucher document from current payments, delete it from the accompanying register of vouchers and return it to the City Accountant for cancellation and certify the remaining vouchers for transmittal to the City Auditor, provided, that the City Council may, by ordinance, require such further approval of such claims, demands or payrolls, or any thereof, as it may see

fit; provided, further, that where any claim, demand or payroll is chargeable to or payable out of any fund under the jurisdiction and control of any board or commission of the city, then any such claim, demand or payroll shall, before presentation to the City Auditor, be approved in such manner as said board or commission may, by resolution or order, designate.

Contracts

Sec. 2291. All contracts, except where the expenditure involved does not exceed the amount established by ordinance of the City Council for city departments shall be made and entered into upon competitive bidding in the manner and form as provided in Article XXVI of this Charter, and all powers and duties therein conferred or imposed upon the City Council are, in relation to all matters connected with the port, hereby conferred and imposed upon the Board, and all powers and duties therein conferred or imposed upon the City Manager are, in relation to all matters connected with the port, hereby conferred and imposed upon the General Manager of the Harbor Department. Plans and specifications at the time of publication of notice inviting such bidding must be on file in the office of the Board, subject to public inspection. Except as provided in Section 294.1, all supplies and/or materials not required to be obtained upon competitive bidding, or for actual emergency work, shall be procured for said Board by the City Purchasing Agent, in accordance with procedures prescribed therefor by the City Manager as shall not be in conflict with this Charter or other applicable law.

Contracts

Sec. 293. The City of Long Beach shall not be and is not bound by any contract, except as otherwise provided herein, unless the same is made in writing, by order of the City Council, and signed by the City Manager or by some other person in behalf of the City authorized so to do by the City Manager; provided, that the approval of the form of the contract by the City Attorney shall be endorsed thereon before the same shall be signed on behalf of the City, but the City Council, by ordinance duly adopted, may authorize the City Manager, or any commission, board or agent of the City, with the written approval of the City Manager, to bind the City without a contract in writing for the payment of services, supplies, materials, equipment and labor or other valuable consideration furnished to the City of Long Beach in an amount not exceeding the limit established by ordinance of the City Council. The Board of Harbor Commissioners and the Board of Water Commissioners may authorize contracts, in writing or otherwise, without advertising for bids, for the payment of services, supplies, materials, equipment and labor or other valuable consideration furnished to the City of Long Beach in an amount not exceeding the limit established by ordinance of the City Council.

Bids for Contracts to Be Called

Sec. 294. All contracts, except as otherwise provided in this charter, or by general law, for the city or any of the departments or public institutions thereof, must be made by the City Manager with the lowest responsible bidder whose bid is in regular form, after one publication of a notice

calling for bids in the official newspaper of the city; said notice shall contain a brief description of the services, supplies, materials, equipment or labor required, and the amount of bonds required of the successful bidder, and state the hour and day on which said bids will be opened; said bids shall be opened not less than five days nor more than thirty days after such publication of the notice calling for bids; except that the City Council may, by resolution adopted by the affirmative vote of five members of the City Council, authorize the City Manager to enter into a contract on behalf of the city, in writing or otherwise, without advertising for bids for services, supplies, materials, equipment or labor for actual emergency work.

Sec. 294.1. The requirements of sections 293 and 294 of this Charter shall not apply to purchases made on behalf of the City from any governmental body, officer or agency by the City Manager and the General Managers of the Harbor and Water Departments.

The City, the Board of Harbor Commissioners and the Board of Water Commissioners may participate in joint and cooperative purchasing of services, supplies, materials, equipment and labor with other cities, counties, districts, state and federal governments or other governmental agencies, singly, jointly, or in districts or associations, by purchasing under their contracts on a voluntary and selective basis when authorized by a resolution of the City Council, Board of Harbor Commissioners or Board of Water Commissioners, respectively. Such purchasing shall be in accordance with enabling legislation under federal and state statutes and revisions, amendments, executive orders, and rules and regulations pertaining thereto.

Sealed Bids Accompanied With Certified Check Required

Sec. 295. All bids, except for services, supplies, materials, equipment and labor not exceeding the limit established by ordinance of the City Council, must be sealed bids, accompanied by a certified check payable to the City, and drawn on a solvent bank of the United States of America, or a satisfactory bond for an amount equal to ten per centum of the bid. No bid bond will be required when the City advertises for advancement of funds pursuant to provisions of this charter.

Bond for Faithful Performance of Contract Required

Sec. 297. The City Manager and the General Managers of the Harbor and Water Departments shall require such faithful performance bonds as may be required by the City Council, the Board of Harbor Commissioners and the Board of Water Commissioners, respectively, to be filed with contracts entered into by them on behalf of the City, and such other bonds as may be required by law, but excluding contracts for materials, supplies and equipment and contracts not exceeding the limit established by ordinance of the City Council. All such bonds shall have the approval of the City Attorney endorsed thereon before the contract is signed by the City Manager or the General Managers of the Harbor and Water Departments on behalf of their respective boards, or other person authorized so to do, and when such contract is so signed, the ten per centum (10%) accompanying the bid shall be returned to the bidder. If the bidder to whom the

contract is awarded shall, for ten (10) days after such contract is tendered to him for signature, fail or neglect to enter into such contract and file the required bond or bonds, the City Treasurer shall draw the money due on the certified check or bank draft accompanying the bid or declare the bond accompanying the bid forfeited and collect the money due thereon and pay the same into the City Treasury, and under no circumstances shall the check or the proceeds thereon be returned to the defaulting bidder.

Section 132.100 is amended to read as follows:

Sec. 132.100. The City Auditor shall be elected by the qualified electors of the City of Long Beach, and shall hold office for three (3) years, and until his successor has been elected and qualified.

1. The City Auditor shall be a Certified Public Accountant or a Public Accountant with a current license to practice in the State of California; or
2. The City Auditor shall hold the professional designation as "Certified Internal Auditor" awarded by the Institute of Internal Auditors, Inc.; and
3. The City Auditor shall have held at least one of the professional designations indicated above for a period of five (5) years or more on the date of election as City Auditor.

Sections 202c, 202d and 202n are amended to read as follows:

Sec. 202c. The Director of Recreation of the City of Long Beach shall be appointed by the City Manager with confirmation by the City Council and shall serve as Coordinating Director for the Playground and Public Recreation Program of the City of Long Beach and of the City Schools. This section shall not be construed as to grant the Director of Recreation of the City of Long Beach the authority to supervise any of the employees or otherwise direct any activities of the Recreation Program of the City Schools without obtaining the expressed approval of the Recreation Commission and the Superintendent of Schools.

Sec. 202d. The City Manager, upon the recommendation of the director shall appoint or discharge such supervisors, assistants, and other employees as shall be necessary, and none of the supervisors, assistants, or others engaged in technical recreation work shall be under civil service.

Sec. 202n. Should it be determined by either the unanimous vote of the Board of Education, or the unanimous vote of the Playground and Public Recreation Commission, or of both, that it is advisable to discontinue the coordinated plan of playground and recreation and supervision and administration, as in this article provided, then written notice of such decision shall be given to the other Board herein named by the board making such decision, and one (1) year thereafter such plan shall be discontinued; then in that event, all the foregoing provisions of this chapter shall remain in full force and effect, except that the number of members of the Playground and Public Recreation Commission shall be reduced to seven (7), and the Superintendent of Public Schools and member of the Board of Education shall no longer by virtue of their office be members thereof.

Section 115a is added, to read:

Sec. 115a. Commencing with the elections in 1977, the members of the Board of Education shall be elected as set forth in this Article XII on the third Tuesday in March instead of the first Friday in April as provided

in Section 115 of this Article XII.

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

Charter Chapter 4—City of Redwood City

*Amendments to the Charter of the City of
Redwood City*

[Filed with Secretary of State March 20, 1975.]

Section 47f is amended to read as follows:

“Section 47f. Powers and Duties of the Board:

“The Board of Port Commissioners shall have the complete and exclusive power, and it shall be its duty for and on behalf of the City of Redwood City:

“(1) To sue and defend in the name of the City of Redwood City in all actions and proceedings wherein there is involved any matter within the jurisdiction of the Board.

“(2) To make provision for the needs of commerce, shipping and navigation of the Port, to promote, develop, construct, reconstruct, alter, repair, maintain, equip and operate all waterfront properties including piers, wharves, sea walls, docks, basins, channels, slips, landings, warehouses, floating and other plants or works, dredge, and reclaim land, construct, equip and operate terminal trackage with sidings and turnouts and railroad connections between docks, piers, and other Port structures, and connect the same with mainline tracks, and to establish, equip and operate all other facilities or aids incident to the development, protection and operation of the Port, as may be deemed proper and desirable in its judgment, and it may modify its plans from time to time as the requirements of commerce, shipping and navigation may demand, and as part of such development and operation to provide for tugs, dredges, fireboats, barges, cold storage plants, and all other publicly-owned facilities or appliances, incident to the operation of the Port, and of such number and character, and in such places as the Board may deem feasible and proper.

“(3) To take charge of, control and supervise the Port of Redwood City, including all the waterfront properties, and land adjacent thereto, or under water, structures thereon, and approaches thereto, storage facilities and other facilities, and all rights and interest belonging thereto, which are now or may hereafter be owned or possessed by the City of Redwood City.

“(4) To have control and jurisdiction of the area hereinafter defined as the “Port Area,” and to make and enforce therein general rules and regulations, to the extent that may be necessary or requisite for Port purposes or harbor development, and in carrying out the powers elsewhere vested in the Board; provided, however, that with the approval of the Council, the Board may relinquish to the Council control of portions

of the said area and likewise, upon request of the Board, the Council may, by ordinance, enlarge the Port Area.

“(5) To require owners of the water terminal properties and facilities within the Port to keep the same in proper condition and repair and to maintain them with especial reference to the safety of persons and property and the reduction of fire hazard or nuisance, and it shall have the right to inspect such terminal facilities at reasonable times.

“(6) To regulate and control all public service and public utilities operated in connection with, or for the promotion and accommodation of commerce, navigation or fishery in the Port Area, to fix the proper license fees to be paid to the City by any person, firm or corporation operating any such public service or utility; and to fix and regulate the rates or tolls to be charged or collected for services furnished by any such public service or utility. The Board shall have the right, at all reasonable times, to have access to, and in person, or by its duly authorized representatives, to examine the books, papers, maps and records showing the affairs, transactions, property and financial condition of such persons, firms or corporations, and to require reports respecting said matters from such persons, firms or corporations at such times and in such form as the Board may prescribe. The amounts of the license fees to be paid to the City by any such person, firm or corporation, operating any such public service or utility, and the rates or tolls to be charged and collected for service furnished or supplied by such public service or utility shall be fixed by the Board by ordinance.

“(7) To fix all rates, dockage, rentals, tolls, pilotage, wharfage, and charges, for the use and occupation of the public facilities or appliances of the Port, and for services rendered by the Port Department, and to provide for the collection thereof.

“(8) To purchase materials and supplies without soliciting or advertising for bids in an amount not exceeding five thousand dollars (\$5,000). Every contract for any purchase of materials and supplies, the estimated cost of which is more than five thousand dollars (\$5,000) but less than ten thousand dollars (\$10,000), shall be awarded to the lowest responsible bidder after solicitation of bids without public advertisement. Every contract for any purchase of materials and supplies, the estimated cost of which is ten thousand dollars (\$10,000) or more, shall be awarded to the lowest responsible bidder after public advertisement therefor. The Board shall have the power to reject any and all bids, and solicit or advertise again. All solicitations and advertisements as to purchases shall contain a reservation of the foregoing right.

“(9) To enter into contracts, agreements, leases, or stipulations, germane to the scope of its powers and duties.

“(10) To let all work by contract or order it done by day labor, as the Board may determine.

“(11) To employ and appoint a Port Manager, who shall hold his position during the pleasure of the Board, and such other officers, employees and agents as may be necessary in the efficient and economical carrying out of its functions and to prescribe and fix their duties, authority and compensation, and to require such officers, employees and agents to give

a bond in such an amount as the Board may require for the faithful discharge of their duties. All offices and places of employment in the permanent service of the Board shall be created by ordinance duly passed.

“(12) To provide and equip offices.

“(13) To expend all funds necessary to the carrying out of the powers and duties herein expressed.

“(14) To adopt and enforce such ordinances, orders, regulations and practices, as are necessary for the proper administration and discharge of its duties and powers, or for the management and government of the Port, and its facilities.

“(15) To prescribe fines, forfeitures and penalties for the violation of any provision of Sections 47 to 50a of this Charter, or of any ordinance, but no penalty shall exceed five hundred dollars (\$500) fine, or six months imprisonment, or both.

“(16) To have and exercise the right of eminent domain within the “Port Area,” on behalf of and in the name of the City of Redwood City, for Port purposes, harbor development or the carrying out of any of the powers granted to said Board, and to exclusively find and determine by ordinance adopted by a four-fifths (4/5ths) vote of all its members the public interest and necessity thereof.

“(17) To appoint a Port Attorney who shall be the same person who is at that time City Attorney and who shall continue to act as Port Attorney during such time as he may continue to be City Attorney, whose duty it shall be to pass upon the form and legality of all contracts within the jurisdiction of the Board, give legal advice to the Board on official matters, defend and (subject to directions from the Board) prosecute or compromise all actions at law or in equity and special proceedings for or against the City of Redwood City or any officer thereof in his official capacity, pertaining to matters within the jurisdiction of the Board. The Board shall fix and provide for his compensation which shall be in addition to his compensation from the City as City Attorney.

“(18) To do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the City, or any of the provisions of Sections 47 to 50a of this Charter, and to exercise all powers not in conflict with the Constitution of the State, or with this Charter, germane to the scope of its powers, purposes and duties.”

Section 49a is amended to read as follows:

“Section 49a. Contracts:

“Except as otherwise provided herein, all public work requiring an expenditure of funds under the jurisdiction of the Board of Port Commissioners in excess of five thousand dollars (\$5,000) shall be accomplished pursuant to the provisions of Sections 67 and 68 hereof concerning solicitation or public advertisement for bids. All powers and duties therein conferred upon the City Council are, in relation to all matters concerning the Port, hereby conferred and imposed upon the Board of Port Commissioners, and all powers and duties therein conferred upon the City Manager are, in relation to all matters concerning the Port, hereby conferred and imposed upon the Port Manager. Plans and specifications must be on file in the office of the Board, subject to public inspection, at the time of

solicitation of bids or publication of notice inviting public bids.

"In the event of extraordinary fire, flood, storm, epidemic, public disaster, or if necessary to accomplish emergency rehabilitation or repair of operative facilities to prevent loss of Port revenue, the Board may, upon adoption of a resolution by four-fifths (4/5ths) vote of its members, declare that the public interest and necessity requires the immediate performance of emergency public work or service. Upon adoption of such resolution the Board may order such emergency expenditures as are necessary to accomplish such work without public advertisement or bid."

Section 67 is amended to read as follows:

"Section 67. Contracts:

"Any public work or improvement costing more than five thousand dollars (\$5,000) shall be executed by contract, except where a specific work or improvement is authorized by the City Council based on detailed estimates submitted by the department authorized to execute such work or improvement directly. Every contract for any public work or improvement which is estimated to cost more than five thousand dollars (\$5,000) but less than ten thousand dollars (\$10,000) shall be awarded to the lowest responsible bidder after solicitation of bids without public advertisement. Every contract for any public work or improvement which is estimated to cost ten thousand dollars (\$10,000) or more shall be awarded to the lowest responsible bidder after public advertisement and competition as may be prescribed by ordinance. The City Council shall have the power to reject any and all bids, and solicit or advertise again. All solicitations and advertisements as to contracts shall contain a reservation of the foregoing right. All contracts entered into by the City shall be signed by the City Manager and any other officer or officers of the City as the Council may by ordinance provide."

Section 68 is amended to read as follows:

"Section 68. City May Perform Its Own Work, Etc.:

"If the City Council shall reject all bids, it may, in lieu of soliciting or advertising for new bids, determine and declare by a five-sevenths (5/7ths) vote of all its members that the work in question may be more economically or satisfactorily performed by day labor, or the materials or labor purchased at a lower price in the open market, and after the adoption of a resolution to this effect, it may proceed to have the same done in the manner stated without further observance of the provisions of Section 67 hereof; and

"Provided that, in the case of a great public calamity, such as extraordinary fire, flood, storm, epidemic, or other disaster the Council may, by resolution passed by a vote of five-sevenths (5/7ths) of all its members, determine and declare that the public interest or necessity demands the immediate expenditure of public money to safeguard life, health, or property, and thereupon they may proceed, without soliciting or advertising for bids or receiving the same, 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 "

Section 51 is amended to read as follows:

"Section 51. Budget:

“Not later than the first regular Council meeting in May, the City Manager shall submit to the Council a proposed budget for all departments to be known as the general budget. Said budget shall include estimates of the revenues and expenditures of the City departments for the ensuing year. These estimates shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the Manager. The classification of the estimates of expenditures shall be as nearly uniform as possible for all departments and shall give the following information:

“(a) A detailed estimate of the expense of conducting each department as submitted by the department.

“(b) Expenditures for corresponding items for the last two fiscal years.

“(c) Estimated expenditures and appropriations for corresponding items for the current fiscal year.

“(d) Such other information as is required by the Council or that the City Manager may deem advisable to submit.

“Sufficient copies of such budget shall be prepared and submitted so that there may be copies on file in the City Clerk’s office for inspection by the public, unless the Council publish the same in the official newspaper. The Council shall have the power to revise, correct or modify said proposed budget in any particular.”

Section 59 is amended to read as follows:

“Section 59. Payment of City Moneys:

“Money shall be drawn from the treasury only on warrants as herein prescribed. Every demand against the City, from whatever source, excepting the Public Library, when approved by the City Manager, and when allowed by the Council, shall be signed by the Mayor; and a warrant prepared by the City Auditor shall be issued and signed by the Mayor and City Clerk or such other officers as the Council may designate; provided, however, that whenever prescribed by the City Council such demand shall be approved by the City Auditor, who shall satisfy himself that the money is legally due and its payment authorized by law. No demand shall be allowed, approved, audited, or paid unless it shall specify each item of the claim and the date thereof; provided, however, that warrants for salaries of officers and employees shall be allowed by the Auditor and paid at such regular intervals as prescribed by ordinance, from the treasury without the necessity of any demand therefor or approval thereof as in this section prescribed for other claims.”

Section 60 is hereby deleted from the charter.

Section 62 is amended to read as follows:

“Section 62. Surplus Returned to General Fund:

“At the close of each fiscal year, if all demands against each fund have been paid or satisfied, and all disputed or contested demands fully determined, the Council shall direct the Auditor to transfer all surplus moneys to the general fund, except such surplus moneys as may be in the several interest and sinking funds and in such other funds the disposition of whose surplus moneys is otherwise provided for.”

Certified to be a true copy by Ray A. Weymouth, Mayor, and Jacqueline

C. Hildebrand, City Clerk.

Date of municipal election: March 4, 1975.

Charter Chapter 5—City of Inglewood

Amendment to the Charter of the City of Inglewood

[Filed with Secretary of State April 15, 1975]

Section 10 of Article IV is amended to read as follows:

“Section 10:

“In the event a vacancy occurs in an elective municipal office, the City Council shall immediately call a special election to fill the unexpired term, such election to be held within and not to exceed 120 days from the date of said vacancy.

“Such special election shall be consolidated with a general municipal or statewide election if a municipal or statewide election is scheduled within 180 days from the date of said vacancy.

“As used in this section, the next general municipal or statewide election shall mean the next such election at which it is legally possible to place the matter on the ballot and elect a successor.

“Any person elected to fill a vacancy shall serve for the remainder of the unexpired term and until his successor is qualified.

“If the Council first determines and finds by Resolution that a temporary appointment is essential to the proper conduct of city business, the Council may appoint a person to fill any vacancy to serve until the special, general municipal or statewide election and until the person elected has qualified.”

Certified to be a true copy by Merle Mergell, Mayor, and Helen Rieck, City Clerk.

Date of municipal election: April 1, 1975.

Charter Chapter 6—City of Long Beach

Amendments to the Charter of the City of Long Beach

[Filed with Secretary of State April 17, 1975]

Section 112 is amended to read as follows:

Political Belief and Activity

Sec. 112. No person in the employ of the City or seeking admission thereto, shall be appointed, reduced, or removed, or in any way favored or discriminated against because of political opinions, activities, or affiliations, or because of race, color, sex, religious belief or national origin.

Section 342 is added, to read:

Sec. 342. All offices and positions of employment, except the offices listed in Section 28 hereof, shall be created by resolution of the City Council; provided, however, that the offices and positions of employment in the Harbor and Water Departments shall be created by resolution of the respective boards of said Departments. The provisions of this section shall supersede and control all other provisions of this charter in conflict therewith, including but not limited to Sections 128, 132.105, 155, 162, 203, 210a(1) and 228(19).

Section 232 is amended to read as follows:

Officers

Sec. 232. The City Planning Commission shall elect its chairman from among the appointed members for a term of one year and may create and fill such other offices as may be required. The Commission may appoint such executives and employees as it may deem necessary for its work, subject to the approval of the City Manager. The head of the department so appointed shall also require the confirmation of the City Council. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the City Council, which shall provide the funds, equipment and accommodations necessary for the Commission's work.

Certified to be a true copy by Elaine Hamilton, City Clerk.

Date of municipal election: March 18, 1975.

Charter Chapter 7—City of Chico

Amendments to the Charter of the City of Chico

[Filed with Secretary of State April 21, 1975]

Section 1006 is amended to read as follows:

Section 1006. Bidwell Park and Playground Commission—Creation and Appointment of Members: Suspension

The Council shall appoint a Board of Park Commissioners to be known as the Bidwell Park and Playground Commission except during such time as the Council shall, by resolution or ordinance, have determined that the conditions for suspension of the Bidwell Park and Playground Commission exist, as hereinafter provided in Subsection 1 of this section, which condition of suspension so determined shall have the effects set out in Subsection 2 herein:

1. Conditions of suspension.

The conditions of suspension referred to in this section are as follows:

a. All park and playground properties of the City of Chico including Bidwell Park, Children's Playground, City Plaza, and Junction Park, but not necessarily including other landscaped areas of the City, are leased to another public entity.

b. The territory of said public entity includes entirely within its boundaries the territory within the city limits of the City of Chico.

c. The terms of the agreement pursuant to which said properties are leased requires the Lessee public entity to operate, maintain, and improve said properties for the benefit of the citizens and residents of the City of Chico, and may provide for the use of said properties by residents and citizens of the territory of the public entity, as well as others who may not be practically excluded.

d. The lease agreement referred to above shall provide that the level of use and benefit of said properties by citizens and residents of the City shall not be significantly curtailed or altered without consent of the Council.

e. The lease agreement referred to herein shall reduce the city taxpayers burden for support of said properties by elimination of the levy and collection of city taxes for the purpose of support of said properties, and the levy and collection of taxes based on a lesser tax rate applicable to the support of said properties within the territory of said public entity.

f. The agreement referred to herein need not be specifically denoted a lease agreement so long as the effect is the same, and provided further that nothing herein authorizes the sale or conveyance of title to any of said park or playground properties to any public entity.

2. Determination and effect of suspension.

At any time that the conditions for suspension set out in subdivision 1 herein exist, the Council may by resolution or ordinance find and determine such existence and order that a state of suspension exists. In the same manner, the Council may rescind such resolution or ordinance by finding and determining that the conditions for suspension do not exist, provided, however, that they shall, at the same time, appoint a board of Park Commissioners as provided in the initial provision of this Section. Upon an order that a state of suspension exists the following shall occur:

a. All powers and duties conferred upon the Bidwell Park and Playground Commission in this Charter or in the ordinances of the City of Chico shall cease and the terms of the members of such Commission shall be forthwith terminated.

b. The power of the Council to levy and collect annual taxes for the park fund as provided in Section 1104 of this Charter shall be suspended.

c. The Council shall be responsible for the propagation, planting, replanting, removing, pruning, and caring for the trees and shrubberies on the streets and along the sidewalks of the City. The Council shall adopt such ordinances as may be necessary to exercise such responsibilities and may in such ordinances delegate the responsibility to any other board, commission or department of the City as it determines.

d. The Council shall accept the donations, legacies or bequests referred to in Section 1036.2 of this Charter.

e. The Council shall perform or provide by ordinance for the performance of all other responsibilities of the Bidwell Park and Playground Commission regardless of the source of the imposition of such responsibility.

Upon a determination by the Council that the conditions for suspension do not exist, the provisions of this subsection 2 shall cease to apply and the

powers, duties and responsibilities of the Bidwell Park and Playground Commission shall again exist as though no suspension had occurred.”

Section 1006.1 is amended to read as follows:

“Section 1006.1 Same—powers and duties.

“The Bidwell Park and Playground Commission, except when suspended as provided in this Charter, shall have the power and responsibility to govern, manage and direct all of the parks and playgrounds owned by the City, and shall be responsible for the propagation, planting, replanting, removing, pruning and caring for the trees and shrubberies along the streets and sidewalks of the City, as provided by ordinance.”

Section 1006.2 is amended to read as follows:

“Section 1006.2 Same—acceptance and disposition of donations, legacies or bequests.

“In the name of the City, except when suspended as provided in this Charter, the Bidwell Park and Playground Commission may accept donations, legacies or bequests for the aid and improvement of the parks and playgrounds under its supervision, provided that all monies derived from such donations, legacies or bequests shall, unless otherwise provided under the terms of such donations, legacies or bequests, be deposited in the treasury of the City to be used for the aid and improvement of the parks and playgrounds of the City, subject to the terms of such donations, legacies or bequests.”

Certified to be a true copy by Eugene A. Ringel, Mayor, and Barbara A. Evans, City Clerk.

Date of municipal election: March 4, 1975.

Charter Chapter 8—City of Chico

Amendments to the Charter of the City of Chico

[Filed with Secretary of State April 21, 1975]

Section 401 is amended to read as follows:

“Section 401. Terms generally.

“Councilmen shall hold office for a term of four years from and after 7:30 p.m. of the first Tuesday in May following the date of their election and until successors are elected and qualified, provided, however, that if the election of any councilman is not finally determined on said date, for any reason, then such councilman shall take office at the commencement of the first meeting held by the council after such councilman’s election has become finally determined. Any uncertainty as to which outgoing councilman has not been succeeded shall be determined by the remainder of the council at its meeting held on the first Tuesday in May following the date of election.”

Section 603 is amended to read as follows:

“Section 603. Mayor, vice-mayor, mayor pro tempore.

“At its meeting on the first Tuesday in May in each odd numbered year, the council shall choose one of its members as presiding officer to be known as the mayor, and another to be known as vice-mayor, to serve for a term of two years. Should a vacancy occur in either office, the council shall elect a successor to serve for the remainder of the unexpired term.

“The mayor shall preside over the sessions of the council and shall sign official documents when the signature of the mayor is required by law. He shall be recognized as the official head of the city for all public and ceremonial purposes and by the Governor for military purposes. In times of emergency, the mayor may take command of the police, maintain order and enforce laws for a period not exceeding forty-eight hours, and he himself shall be the judge of what constitutes such public dangers or emergencies; such command may be continued for a longer period by a majority vote of the city council at a special meeting called for that purpose.

“He shall exercise such other powers and perform such other duties as may be prescribed by law or ordinance or by resolution of the council, except as limited by this charter. The mayor shall possess no veto power.

“The vice-mayor shall, in the absence of the mayor, assume all his powers and duties. When both the mayor and vice-mayor are absent, the council may choose one of its own members to act as mayor pro tempore.”

Section 615 is amended to read as follows:

“Section 615. Same—attesting.

“All ordinances and resolutions shall be attested to by the city clerk, but need not be signed by any other officer except as otherwise required by this charter.”

Section 901 is amended to read as follows:

“Section 901. Residence requirements.

“There shall be no residence requirements for any city officer or employee, except that by ordinance the city council may require that specific officers or employees reside within a reasonable and specified distance from their place of employment or other designated locations upon finding that such residence is reasonably related to performance of the officer’s or employee’s job.”

Section 905 is amended to read as follows:

“Section 905. Powers and duties of city clerk.

“The city clerk shall: (a) attend all meetings of the council and be responsible for the recording and maintaining of a full and true record of all proceedings of the council in books that shall bear appropriate title and be devoted to such purpose; call the roll of the council and record the councilmen present, absent or excused. (b) maintain books in which shall be recorded respectively all duly adopted ordinances and resolutions, and, as to an ordinance requiring publication, an affidavit of publication or posting shall be affixed thereto. (c) maintain books in which a record shall be made of all written contracts and official bonds. (d) keep all aforementioned books properly indexed. (e) be the custodian of the seal of the city. (f) administer oaths or affirmations, taking affidavits and depositions pertaining to the affairs and business of the city and certify copies of the official records. (g) have charge of all elections to be conducted by the

city, provided, that the city may contract with the County of Butte or any public officer authorized to conduct elections for the performance of all duties of conducting such elections. (h) perform such other duties consistent with this charter as may be required by the council or by law."

Section 1001 is amended to read as follows:

"Section 1001. Appointments; terms.

"The members of each board or commission shall be appointed by the council. In order to be eligible for an appointment to any board or commission, persons shall be residents of the city and qualified voters as defined by the Elections Code of the State of California. The members thereof shall serve a term of four years and until their respective successors are appointed and qualified. The ordinance determining the number of members to comprise any board or commission shall provide further that the four year terms of members shall be staggered so that a substantially equal number of members shall have their terms commence at 7:30 p.m. on June 10th of every second year, except with respect to commissions having more than seven members, who shall have their terms staggered so that a substantially equal number of the members thereof shall have their terms commence at 7:30 p.m. on June 10th of each year. A member of any board or commission may be removed from office at any time at the discretion of the council by an action of the council adopted by at least four affirmative votes."

Section 407 is repealed.

Section 408 is repealed.

Article XIII is repealed.

Section 400 is amended to read as follows:

"Section 400. Enumeration.

"The elective offices of the city shall be seven councilmen."

Section 500 is amended to read as follows:

"Section 500. General municipal elections.

"General municipal elections for the election of councilmen of the city, and for such other purposes as the council may prescribe, shall be held in the city on the first Tuesday after the first Monday in April of each odd numbered year."

Section 501 is amended to read as follows:

"Section 501. Special municipal elections.

"All other municipal elections may be held by authority of general law, or by ordinance, and shall be known as special municipal elections."

Section 502 is amended to read as follows:

"Section 502. Procedure for holding elections.

"Unless otherwise provided by ordinances hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California for the holding of elections in general law cities, insofar as the same are not in conflict with this Charter.

The council shall, by ordinance or resolution, order the calling and holding of general elections within the city.

The election ordinance or resolution shall specify the objects, times and places for holding such elections, and the names of the inspectors, judges of election and the clerks for each voting precinct into which the city shall

be divided for the holding of and making returns for such election. The number of election officers at each precinct shall not exceed six, at least three of whom shall be present at all times during the election.”

Section 403 is amended to read as follows:

“Section 403. Eligibility of candidates.

“Candidates for city councilmen shall have all of the following qualifications at the time of filing nomination papers; (a) reside in the city, such residency having been for such period of time, if any, provided by state law for general law cities; (b) be over the age of twenty-one years; and (c) be a qualified voter as defined by the Elections Code of the State of California.”

Section 610 is amended to read as follows:

“Section 610. Ordinance—title and enacting clause.

“The title of an ordinance shall be sufficient if it refers to the general subject matter of the provisions being enacted, amended or repealed, or to the general purpose of the ordinance, and it need not refer to the specific provisions affected or otherwise delineate or describe the particular additions, deletions or changes made by said ordinance. No ordinances shall be ineffective or void by reason of any defect in the title thereof. The introductory reading of said title shall constitute notice of all of the provisions of said ordinance set out in the copy of said ordinance maintained in the office of the city clerk.

“The enacting clause of every ordinance passed by the council shall be: “Be it ordained by the Council of the City of Chico”. Ordinances initiated by the people shall have an enacting clause: “Be it ordained by the People of the City of Chico”.”

Section 611 is amended to read as follows:

“Section 611. Same—adoption and publication.

“(a) No ordinance, other than an emergency ordinance, shall be adopted by the council within five days after its introduction, nor at other than a regular or an adjourned regular meeting. At the time of introduction, an ordinance shall become a part of the proceedings of said meeting in the custody of the city clerk who shall maintain a copy thereof in the city clerk’s office available for inspection and review by all interested persons during regular business hours and until such time as said ordinance is adopted and inserted in the records of the city for adopted ordinances as provided in this Charter. The city clerk need not so maintain a copy of any ordinance not adopted within six months of its introduction. No ordinance may be adopted more than six months after its introduction unless the same is again introduced as hereinabove provided. An ordinance may be introduced and adopted by the reading of the title only, provided that upon the request of any councilman, and with the consent of a majority of the council present, an ordinance shall be read in full.

“(b) An ordinance altered or amended after its introduction and before adoption shall be reintroduced and shall not be adopted within five days of its re-introduction. Corrections of typographical errors or clerical errors which do not change the intent expressed in the ordinance shall not be deemed alterations or amendments within the meaning of this subsection.

“(c) Every ordinance must be published once in the official newspaper

of the city, or in such other form as it may be sent to the voters. One copy of every ordinance introduced shall be posted by the clerk within twenty-four hours after introductory reading on the public bulletin board in the municipal building of the city, and another copy thereof shall be available in the council chambers during each meeting at which said ordinance is considered by the council for review by all persons interested therein.

“(d) The clerk shall thereafter note on the posted copy and all copies maintained in the clerk’s office and council chambers any corrections, alterations or amendments which may occur after the time of the introductory reading.

“(e) Failure of the clerk to post said ordinance, make said ordinance available, or make corrections thereon as provided in subsections (c) and (d) hereof, shall not affect the validity of any ordinance otherwise regularly adopted.

“(f) Where the council is authorized to act by resolution, such resolution shall be read by title only, except that it shall be read in full upon request of a council member with the consent of a majority of the council members present. The title of a resolution need only refer to the general subject matter of the resolution, and defects therein shall not affect the validity of the resolution.”

Certified to be a true copy by Eugene A. Ringel, Mayor, and Barbara A. Evans, City Clerk.

Date of municipal election: April 8, 1975.

Charter Chapter 9—City of Mountain View

Amendment to the Charter of the City of Mountain View

[Filed with Secretary of State April 22, 1975.]

Section 500 is amended to read as follows:

Sec. 500. Term of office.

Except as otherwise provided in this section, the members of the council shall hold office for a term of four (4) years from and after the first Tuesday following their election and continuing until their respective successors qualify.

No person shall be eligible to serve as a member of the city council for more than two successive four-year elective terms. Any person appointed or elected to the city council to fill an unexpired term of not more than two years in length shall, however, be eligible to serve two successive four-year elective terms upon the expiration of the unexpired term for which he was appointed or elected.

Ties among candidates for any office shall be settled by the drawing of lots.

Certified to be a true copy by Jean Hixson, City Clerk.

Date of municipal election: March 4, 1975.

Charter Chapter 10—City of Tulare

Amendment to the Charter of the City of Tulare

[Filed with Secretary of State April 28, 1975.]

Section 11 is amended to read as follows:

“Section 11. Except as otherwise provided, all elections shall be held and conducted, as nearly as may be, in accordance with the Elections Code of the State of California as amended from time to time. The regular municipal elections shall be held on the date and in accordance with the laws governing the date of election of school district governing board members, and the election shall be held and conducted in accordance with the same laws, as amended from time to time.”

Certified to be a true copy by William H. Fishbough, City Clerk.
Date of municipal election: April 8, 1975.

 Charter Chapter 11—City of Fresno
Amendments to the Charter of the City of Fresno

[Filed with Secretary of State April 30, 1975]

Section 303 is amended to read as follows:

Section 303. Term of Office. Except as otherwise provided in this section, the terms of elective offices shall be four years. Incumbents shall hold office until their successors are elected and qualified.

At the first election under this Charter the Councilmen elected for the offices designated as Number One, Number Three and Number Five shall serve until the third Tuesday in April, 1959, or until their successors are elected and qualified, and the Councilmen elected for the offices designated as Number Two, Number Four and Number Six shall serve until the third Tuesday in April, 1961, or until their successors are elected and qualified. The Mayor elected at said first election under this Charter shall serve until the third Tuesday in April, 1961, or until his successor is elected and qualified. The offices of Councilmen designated as Number One, Number Three and Number Five shall be filled subsequently at the general municipal election held in April, 1959, and each fourth year thereafter until 1979. In 1979 and every fourth year thereafter, the offices of Councilmen designated as Number One, Number Three and Number Five shall be filled at the general municipal election held in March. The offices of Councilmen designated as Number Two, Number Four and Number Six and the office of Mayor shall be filled subsequently at the general municipi-

pal election held in April, 1961, and each fourth year thereafter until 1977. In 1977 and every fourth year thereafter, the offices of Councilmen designated as Number Two, Number Four and Number Six and the office of Mayor shall be filled at the general municipal election held in March.

Ties in voting among candidates for any office shall be settled by the drawing of lots.

Section 305 is amended to read as follows:

Section 305. Vacancies.

(a) An elective office becomes vacant when the incumbent thereof dies, resigns, is removed from office under recall proceedings, is adjudged insane, is convicted of a felony or of an offense involving a violation of his official duties, ceases to be a resident of the City, neglects to qualify within the time prescribed by the provisions of this Charter, is absent from the State without leave for more than sixty consecutive days, or fails to attend the meetings of the body of which he is a member for a like period without being excused therefrom by such body.

(b) The Council shall declare the existence of any vacancy except a vacancy caused by death or resignation. Such declaration shall be a final determination of the existence of the vacancy unless a court review is sought within thirty days after such declaration.

(c) A resignation is effective when received by the City Clerk unless a different time is stated in the resignation.

(d) A vacancy in an elected office shall be filled as follows:

(1) A vacancy may be filled by appointment by the Council if:

(i) the Council declares the existence of the vacancy or the incumbent dies or resigns in the final year of a term, and

(ii) the appointment is made within thirty days after the Council declares the existence of the vacancy or the incumbent dies or resigns.

(2) Any vacancy not filled pursuant to paragraph (1) shall be filled by a special election to be held not sooner than ninety days after the Council calls such election nor later than the next regular election date after the expiration of such ninety days.

(e) Any person appointed or elected to fill a vacancy shall serve for the remainder of any unexpired term and until his successor qualifies. If a person appointed to fill a vacancy is a candidate for the same office which he then holds, the designation under the candidate's name on the ballot may be the words "appointed incumbent" or may be words designating the profession, vocation, or occupation of the candidate.

(f) If the Council fails either to fill a vacancy by appointment or to call a special election within thirty days after the incumbent dies, or his resignation is effective, or the declaration of the existence of the vacancy becomes final, the salary or other compensation of each member of the Council shall cease until the Council calls such special election.

Section 608 is amended to read as follows:

Section 608. Ordinances, Violation Penalty. The Council may make the violation of its ordinances a misdemeanor or an infraction which may be prosecuted in the name of the People of the State of California, or may be redressed by civil action. The Council may prescribe punishment for a violation which constitutes a misdemeanor by a fine not to exceed one

thousand dollars (\$1,000) or by imprisonment not to exceed one year, or by both such fine and imprisonment, and may prescribe punishment for a violation which constitutes an infraction.

Section 1409 is amended to read as follows:

Section 1400. General Municipal Elections. General municipal elections for the election of officers and for such other purposes as the Council may prescribe shall be held in the City on the first Tuesday after the first Monday in March in each odd numbered year, commencing with the year 1977.

Certified to be a true copy by Jacqueline L. Ryle, City Clerk.

Date of municipal election: April 15, 1975.

Charter Chapter 12—City of Redondo Beach

*Amendments to the Charter of the City of
Redondo Beach*

[Filed with Secretary of State April 30, 1975]

Section 26 is added to Article XXVI, to read as follows:

“Sec. 26. Mayor and City Council.

“No person shall serve more than two full terms as Councilman from any combination of districts, or Mayor. If a person serves a partial term in excess of two years, it shall be considered a full term for the purpose of this provision. Previous and current terms of office shall be counted for the purpose of applying this provision to future elections although all persons presently in office shall be permitted to complete their present terms.”

Section 8.5 of Article VIII is amended to read as follows:

Section 8.5. Mayor Pro Tem.

“If the Mayor shall be absent from any meeting of the City Council, the City Council shall appoint one of its members as Mayor Pro Tem to act during such meeting who shall have during the date of his appointment all the powers of the Mayor as enumerated in Article VIII of this charter, except the power of veto.”

Section 10 of Article X is amended to read as follows:

Section 10. Enumeration and Term.

“The elective officers of the City, other than the Mayor and Council, shall consist of:

- (a) A City Clerk.
- (b) A City Treasurer.
- (c) A City Attorney.

“All of the elective officers shall serve for a term of four (4) years.”

Subsections (g) and (i) of Section 11.2 of Article XI are amended to read as follows:

Section 11.2, subsections (g) and (i). City Attorney.

“(g) The City Attorney shall be entitled to additional compensation

over and above the salary specified during his term of office for any and all work required of him or handled by him for and on behalf of the City of Redondo Beach before any Court, Commission, Tribunal, or Board, with the exception of appearances in criminal cases and in addition thereto he shall be entitled to reasonable compensation for work performed by him in connection with bonds, assessments or special improvement proceedings.”

“(i) The City Attorney may appoint a Deputy City Attorney who shall act as City Prosecutor and who shall attend all Court sessions, except preliminary hearings. He shall have such other duties as may from time to time be assigned to him by the City Attorney with the approval of the City Manager and shall be paid a salary commensurate with the duties assigned. The City Prosecutor shall not be included in the classified service and shall be subject to removal by the City Attorney.”

Section 11.3 of Article XI is repealed.

Article XIII is repealed.

Section 15.2 of Article XV is amended to read as follows:

Section 15.2. Memberships, Appointments, Terms.

“The members of each Board or Commission, except the Taxation and Budget Commission, shall be appointed by the Mayor, subject to confirmation by the City Council. The members shall serve for a term of four (4) years. If the Mayor shall have failed to obtain confirmation of an appointment of a commissioner to fill a vacancy within sixty (60) days after such vacancy occurs, any member of the Council may nominate an eligible person to fill such vacancy. Four (4) affirmative votes of the Council to appoint such nominated person shall result in the appointment of that person to fill the vacancy. The members first appointed to such boards and commissions shall be appointed in such manner that each succeeding July 1st, the term of at least one of their number, and not more than two, shall expire. Thereafter any appointment to fill an unexpired term shall be for such unexpired period. The Taxation and Budget Commission shall be appointed by the City Manager and any member thereof may be removed by four (4) affirmative votes of the City Council.”

Section 16.5 of Article XVI is amended to read as follows:

Section 16.5. Vacancies.

“In the event any vacancy or vacancies exist in the membership of the said Board of Education, the same shall be filled as provided in the Education Code of the State of California as it now exists or as it shall be hereafter amended.”

Certified to be a true copy by Fred M. Arnold, City Clerk.

Date of municipal election: April 15, 1975.

Charter Chapter 13—City of San Luis Obispo
*Amendments to the Charter of the City of
 San Luis Obispo*

[Filed with Secretary of State May 6, 1975]

Section 723 is amended to read as follows:

“Section 723. Violation of Ordinances.

“The violation of any ordinance adopted and published by the City Council shall constitute a misdemeanor unless by ordinance it is made an infraction. Both misdemeanors and infractions may be prosecuted or may be redressed in the manner provided by the general law of the State.”

Paragraph (3) of Section 724 is amended to read as follows:

“Section 724. Public Works and Supplies.

“(3) ^{*}Public ^{*}Work to be ^{*}Done by ^{*}Contract. ^{*}In the erection, improve-
 ment and repair of all public buildings and works, in all street and sewer
 work, done under and by authority of the laws of the State creating a
 bonded indebtedness, and in furnishing any supplies or materials for the
 same, or for any other use by the City, when the expenditure exclusive of
 engineering costs required for the same exceeds the sum of One Thousand
 Dollars (\$1,000) but does not exceed the sum of Five Thousand Dollars
 (\$5,000), three informal bids are required; when over Five Thousand
 Dollars (\$5,000), formal bids are required, and the contract shall be let to
 the lowest responsible bidder after notice by publication in a newspaper
 of the City of San Luis Obispo by at least one insertion, which shall be at
 least ten (10) days before the time for opening bids; provided, however,
 the Council may be a three fifths ($\frac{3}{5}$) vote reject any and all bids, if
 deemed excessive or otherwise contrary to the best interests of the public,
 and readvertise for bids, or provide for the work to be done or supplies
 or materials purchased under the direction of the City Administrative
 Officer, provided the total cost submitted by the City Administrative
 Officer shall not exceed the lowest acceptable bid submitted. In case no
 bid is received, the Council may likewise provide for the work to be done
 or supplies or materials purchased under the direction of the City Ad-
 ministrative Officer. When the estimate of the cost of said work by the
 Director of Public Works shows that said work can be done for an equal
 or less cost than that of the lowest bid, then any of the work herein
 mentioned may be done by the Department of Public Works, and the said
 department shall be deemed the contractor, with the right to enforce all
 liens, and with the same powers, rights, duties and obligations as are made
 and provided by the laws of the State for contractors who have entered
 into contracts to do such work as the lowest responsible bidder.”

Section 1207 is amended to read as follows:

Section 1207. Public Work to Be Done by Contract.

“Every project involving an expenditure of public monies of more than Five Thousand Dollars (\$5,000) exclusive of engineering costs, for the construction or improvement of public buildings, works, drains, sewers,

utilities, parks, playgrounds and streets (exclusive of projects for resurfacing, maintenance and repair of streets) shall be let by contract to the lowest responsible bidder after notice by publication in a newspaper in the City of San Luis Obispo by one or more insertions, the first of which shall be at least ten days before the time for opening bids.”

Certified to be a true copy by Kenneth E. Schwartz, Mayor, and J. H. Fitzpatrick, City Clerk.

Date of municipal election: March 4, 1975.

Charter Chapter 14—City of Eureka

Amendments to the Charter of the City of Eureka

[Filed with Secretary of State May 16, 1975]

Section 201 of Article II is amended to read as follows:

“Section 201. Date of Election.

“Commencing with the year 1977 general municipal elections for filling the elective offices of Mayor, five members of the Council and five Directors of the Board of Education shall be held on the regular election date prescribed by the general law for school district governing board elections of the State. At the general municipal election in 1977, two members and three Directors of the Board of Education shall be elected to fill the offices of members of the Council and Directors of the Board of Education whose terms were scheduled to expire prior to this amendment on the first Tuesday following the third Tuesday in April 1977, and shall take office on the first Tuesday following the general municipal election in 1977. At the general municipal election in 1979, a Mayor, three members of the Council and two Directors of the Board of Education shall be elected to fill the offices of Mayor and members of the Council and Directors of the Board of Education whose terms were scheduled to expire prior to this amendment on the first Tuesday following the third Tuesday in April 1979, and shall take office on the first Tuesday following the general municipal election in 1979. At each subsequent general municipal election, the number of members of the Council and Directors of the Board of Education to be elected shall be equal to the number of terms to expire on the first Tuesday following such general municipal election.”

Section 1000 of Article X is amended to read as follows:

“Section 1000. School Department.

“The government of the School Department of the City shall be vested in a Board of Education to consist of five members who shall receive no compensation. The qualified electors of the school district shall as a whole elect one member of the Board for each of the five wards of the school district. No person shall be eligible to be elected to the Board of Education who has not resided in the District for one year and in the ward for which he is elected for at least six months preceding his election and if he fails

to continue to be a resident of such ward, his office shall by reason thereof become vacant; provided, however, that in the event ward boundaries are legally changed, this provision shall not apply for balance of the term for which the member was elected. Each member of the Board shall hold office for a period of four years, or until his successor shall be elected or appointed. The term of office of present members shall not be affected by the adoption of this section.

If only one or no person has been nominated for the office of member of the Board of Education for each school ward of the City to be filled at any general municipal election, the provisions of the Education Code of the State dispensing with elections for insufficient number of candidates shall apply and an election for member of the Board of Education shall not be held, and thereupon appointments to fill the office of member of the Board of Education shall be made as provided in the Education Code."

Section 1001 of Article X is amended to read as follows:

"Section 1001. Board of Education, Organization.

"The Board of Education shall hold an organizational meeting at the time and in the manner provided by the Education Code of the State of California to elect one of their members President of the Board, whose term of office shall be two years.

"The Board shall hold regular meetings at least once in each month at such time as shall be determined by its rules. Special meetings may be called at any time by the President or any two members of the Board. A majority of the members shall constitute a quorum for the transaction of business, and an affirmative vote of three members shall be necessary to pass any measure. The sessions of the Board shall be public and its records open for public inspection. The Board may determine the rules of its proceedings and the ayes and noes shall be taken when demanded by any member and entered upon the records of the Board. Any vacancy occurring in the Board shall be filled until the next municipal election by a majority vote of the remaining Directors, and in the case of a tie vote the Mayor of the City shall have the casting vote. The appointee shall be a resident of the ward in which the vacancy occurred."

Certified to be a true copy by Sam J. Sacco, Mayor, and Patricia A. Banducci, City Clerk.

Date of municipal election: April 15, 1975.

Charter Chapter 15—City of Albany

Amendments to the Charter of the City of Albany

[Filed with Secretary of State May 16, 1975]

Sections 38A and 38B are added, to read as follows:

"Section 38A. Limitation on Terms. Any person who shall have been elected to two (2) successive terms as a member of the Board of Education

shall be ineligible to serve again in that office until an intervening period of two (2) years has elapsed. Election to an unexpired term pursuant to Section 38(f) of this Charter shall constitute election to a term as a member of the Board. This Section shall not operate to create a vacancy or vacancies on the Board as constituted on the effective date of this Section."

"Section 38B. Place on Ballot. The order of names of candidates for the Board of Education shall be determined by lot, conducted by the City Clerk, and the names placed on the ballot as determined by the said lot drawing."

Sections 23, 24 and 49(a) are amended to read as follows:

"Section 23. Public Library.

"There shall be a board of library trustees consisting of five members, who shall be appointed by the Council and shall serve without compensation. Each member of the Council shall have the power to nominate one member of the board. The board of trustees shall have charge of the administration of the free public library of the city.

"Members of this commission may be removed by a majority vote of the Council, by resolution of the Council.

"Procedures for appointment, removal, terms and qualifications of members, not inconsistent with this Section, may be established by ordinance by the Council.

"Provided, however, upon the recommendation of the board of library trustees, the City Council may, by ordinance transfer the administration and operation of the city's free library to another public entity; the ordinance may provide for the appointment by the Council of appropriate representatives to the succeeding public entity, and upon the said transfer the duties of the board of library trustees shall be limited to that of an advisory board to the City Council."

"Section 24. Planning and Zoning Commission.

"There shall be a planning and zoning commission, consisting of five members, who shall be appointed by the Council and shall serve without compensation. Each member of the Council shall have the power to nominate one member of the commission. The planning and zoning commission shall have the power and be required to (a) recommend to the Council the adoption, amendment; or repeal of the master plan or any part thereof for the physical development of the city, and (b) exercise such functions with respect to land subdivisions, planning and zoning as may be presented by ordinance.

"Members of this commission may be removed by a majority vote of the Council, by resolution of the Council.

"Procedures for appointment, removal, terms and qualifications of members, not inconsistent with this Section, may be established by ordinance by the Council."

"Section 49. Civil service for members of police and fire departments.

"(a) There shall be a civil service board, consisting of five members, who shall be appointed by the Council and shall serve without compensation. Each member of the Council shall have the power to nominate one member of said board. Members of this commission may be removed by

a majority vote of the Council, by resolution of the Council. Said civil service board shall also act as the trial board referred to in paragraph (r) in this Section. No officer or employee of the City of Albany shall be eligible for such appointment, unless prior thereto or simultaneously with his acceptance thereof, said person terminates his other connection with the city as such officer or employee.

“Procedures for appointment, removal, terms and qualifications of members, not inconsistent with this Section, may be established by ordinance by the Council.”

Section 13 is amended as follows:

The second sentence of the first paragraph thereof is deleted.

The last sentence of the second paragraph is deleted.

The following third paragraph is added:

“The qualifications for the city engineer shall be established, by ordinance, by the City Council, which qualifications shall be first established within ninety (90) days from the adoption of this paragraph.”

Section 8 is amended by deleting the following words: “five park commissioners.”

Certified to be a true copy by Patricia A. George, City Clerk.

Date of municipal election: April 15, 1975.

Charter Chapter 16—City of Alameda

Amendment to the Charter of the City of Alameda

[Filed with Secretary of State May 24, 1975.]

Section 2-5 of Article II is amended to read as follows:

“Sec. 2-5. Every officer of the City referred to in Section 2-12 of this Charter shall be a resident of the City during his tenure of office. Employees of the City, other than such officers, shall reside within the City, or within such distance of the City limits thereof as the Council may by ordinance prescribe.”

Certified to be a true copy by C. J. Corica, Mayor, and Ethel M. Pitt, City Clerk.

Date of municipal election: March 11, 1975.

Charter Chapter 17—City of Richmond

Amendments to the Charter of the City of Richmond

[Filed with Secretary of State May 29, 1975]

Article XIII, Section 6, is amended by adding the following:

“The absence of any member of the Personnel Board from more than three regularly scheduled meetings of the Board within any twelve consecutive months period shall constitute an automatic resignation from the Board. Such a resignation shall not, however, disqualify an individual from subsequently being appointed to the same or any other City board or commission. The provisions of this paragraph shall operate prospectively so as to apply only to absences which occur after the effective date of this paragraph. Any and all absences of any member occurring prior to that date which did not result in removal of the member from the Board by the City Council are hereby excused. In the event of any such automatic resignation, the vacancy shall be filled for the unexpired portion of the term of the resigned member through the same procedure that was used for the appointment of the resigned member to the Board.”

Article XII, Section 23, is amended to read as follows:

“Sec. 23. Notwithstanding any other provision of this Article, the minimum full service pension for employees or their dependents presently retired on the date of the adoption of this section, or placed on retirement after the date of the adoption of this section, shall, commencing with the effective date of the amendment of this section adopted at the Special Municipal Charter Election held on May 13, 1975, be Three Hundred Dollars (\$300.00) per month. Persons who are retired on a limited annual pension, shall, commencing with the effective date of the amendment of this section adopted at said Special Municipal Charter Amendment Election receive, as a monthly minimum, a proportionate share of Three Hundred Dollars (\$300.00) per month, in accordance with the proportionate share presently being received or awarded after the date of adoption of this section. A “full service pension” is one which has been awarded pursuant to Section 2 of this Article or a pension awarded pursuant to Section 5(a), paragraph one (service connected disability), of this Article. A “limited annual pension” is one which has been awarded pursuant to Section 5(a), paragraph two (non-service connected disability), or Section 5(b) of this Article.”

Article XI, Section 2, is amended by adding subsection (f), to read as follows:

“(f) Notwithstanding any other provision of this Article XI to the contrary, if a member of the Police or Fire Department continues in service after having accumulated the maximum additional bonus allowance provided for in paragraph (c) of this Section 2, there shall no longer be any deduction made from such member’s salary by the City for pension purposes under Article XI of this Charter nor any contribution by the City for pension purposes under said Article XI, as such article is now or hereafter worded, in relation to such member’s salary during the remainder of such member’s employment with the City of Richmond as a member of the Police or Fire Department.”

Article XI, Section 5, subsection (a), is amended to read as follows:

“(a) Should any member of the police or fire departments, by reason of bodily injury received in, or sickness resulting from the discharge of his duties in his department, become so physically disabled as to render necessary his retirement from active service, the Pension Board shall order and

direct that such person so retired be thereafter paid during his lifetime, unless cancelled and terminated by the Pension Board as hereinafter provided, a yearly pension equal to one-half ($\frac{1}{2}$) the amount of the salary attached to the rank or position held by him in such department at the date of such retirement; provided, that in case of any change of salary at any time after the date of such retirement for such rank or position, the pension shall after each and every such change be one-half ($\frac{1}{2}$) of such salary as changed.

“In granting a disability pension, pursuant to the paragraph directly above, the Board shall require, as a condition to his receiving said pension, the pensioner to submit his claim to the Workmen’s Compensation Appeals Board of the State of California, and in the event that the said Workmen’s Compensation Appeals Board makes a finding that the disability was non-service connected, then the Board shall review the matter to determine whether or not the said disability pension shall be revoked. The City Council, after the aforesaid finding and the review by the Board, shall also have the right to review the matter and may, on its own motion, grant or revoke said disability pension.

“Should any such employee after twelve (12) years of service become totally permanently disabled by reason of injury or sickness not received in or resulting from the discharge of his duties as such employee, the Pension Board shall order and direct that such person so disabled be retired and thereafter paid during his lifetime, unless cancelled and terminated by the Pension Board, as hereinafter provided, a yearly pension equal to such proportionate share of one-half ($\frac{1}{2}$) of the amount of annual salary attached to the position held by him during the three (3) years prior to the date of such retirement as the number of years actually served bears to twenty-five (25) years.”

Certified to be a true copy by Richard N. Nelson, Mayor, and Harlan J. Heydon, City Clerk.

Date of municipal election: May 13, 1975.

Charter Chapter 18—City of Long Beach

Amendments to the Charter of the City of Long Beach

[Filed with Secretary of State June 3, 1975.]

Section 344 is added, to read as follows:

Sec. 344. Notwithstanding any other expressed or implied provisions of this Charter which limit the expenditure of public funds and are inconsistent herewith the City Council may, by ordinance, establish for all City departments, including the Water and Harbor Departments, imprest cash funds, and the procedures for the expenditure therefrom, in accordance with generally accepted accounting principles, for the purpose of acquiring materials, supplies and services, making refunds, advancing or reim-

bursing travel expenses to City employees and other minor expenditures deemed necessary by the City Manager.

Section 343 is added, to read as follows:

Sec. 343. Notwithstanding any express or implied record retention provisions of this Charter to the contrary, officers and employees of the City are not required to keep, maintain or preserve any City records or writings of any kind or character in excess of the period prescribed by the general law of the State of California.

Section 101 is amended to read as follows:

Preferences.

Sec. 101. In all Civil Service examinations except promotional examinations, the Board shall, in addition to all other credits, give to veterans passing the examination, a credit of ten additional points.

Veterans as used herein shall mean all persons released or discharged from active service under honorable conditions, who shall have served for a period of one hundred and eighty-one (181) days or more during time of war in the Armed Forces of the United States or in the Coast Guard. Time of war shall include the periods of December 7, 1941 through December 31, 1946; June 27, 1950 through July 27, 1953; August 5, 1964 through July 1, 1973, and any other periods of expedition of the Armed Forces of the United States specified by the Civil Service Board, subject to confirmation by the City Council.

Such credit shall likewise be granted to the unremarried spouses of deceased veterans and to the spouses of disabled veterans who themselves are not qualified for employment, but whose spouses are qualified. For purposes of this section, disabled veteran is defined as a veteran possessing at least a thirty (30) per cent service connected disability certified by the Veterans Administration.

Eligibility to receive the benefits of this section is limited to a term of ten (10) years from the date of discharge or release from active service or removal from disability status by the Veterans Administration; except that a disabled veteran or the spouse of such disabled veteran, or the unremarried spouse of a deceased veteran shall not be subject to said eligibility limitation.

Documentary proof of eligibility for Veteran's Preference Credits and exemption from the eligibility limitation must be submitted prior to approval of the Eligible List by the Civil Service Board. In the case of a tie grade between a veteran and non-veteran, the veteran shall be ranked highest.

Sections 14 and 15 and Article VII are amended to read as follows:

Term of City Council

Sec. 14. The City Council shall be elected at a general municipal election, as provided in this Charter, and, except when filling a vacancy, shall serve a term of three (3) years, beginning on the first Monday after the first day of July after their election, and until their successors are elected and qualified.

Vacancies

Sec. 15. Absence from five (5) consecutive regular meetings, unless excused by resolution of the City Council, shall operate to vacate the seat of any member so absent. Whenever a vacancy in the City Council shall occur, such vacancy shall be filled at a special election to be called for that purpose. Said election shall be held in the district for which the councilman is to be elected, and shall be called within sixty (60) days after the occurrence of such vacancy. Said election shall be held within one hundred twenty (120) days after the occurrence of such vacancy, unless the same shall occur within one hundred twenty (120) days of a primary nominating election provided for in Section 45 of this Charter, in which event such vacancy may be filled by the City Council. Such special election shall be held within such district in the manner to be provided by the City Council by resolution.

Article VII. Nominations and Elections

Sec. 44. General Classification of Elections. Municipal elections held in the City of Long Beach shall be classified as of three kinds, to wit:

1. Primary nominating elections,
2. General municipal elections,
3. Special municipal elections.

Sec. 45. Primary and General Elections—When Held. The primary nominating election for elective officers of the City shall be held in the City of Long Beach on the third Tuesday in March. The general municipal election for elective officers of the City shall be held in the City of Long Beach on the second Tuesday in May and candidates so elected shall serve until the election and qualification of their successors. Such primary and general municipal elections shall be held in the City of Long Beach every three years.

Sec. 46. Special Elections. All other municipal elections that may be held in the City of Long Beach by the authority of the Constitution of the State of California, this Charter, or general law, or by ordinance of the City shall be known as special municipal elections.

Sec. 47. Propositions. The City Council shall have the power to submit to the electors of the City of Long Beach, at any election, any measure or proposition required to be submitted by the Constitution, this Charter, general law or by ordinance or resolution of the City.

Sec. 48. Nominations. Candidates for elective offices, except for the offices of member of the City Council, to be voted for at any general municipal election, shall be nominated by the city at large at the primary nominating election and candidates for the offices of member of the City Council to be voted for at any general municipal election, shall be nominated by the respective district to be represented, at a primary nominating election.

Sec. 49. Two Candidates Receiving Highest Number of Votes at Primary Election. The two candidates receiving the highest number of votes for any given office at the primary nominating election shall be the candidates, and the only candidates, for such office whose names shall be printed upon the ballots to be used at the general municipal election.

Sec. 50. Majority Vote at Primary Election—Except Council Members. In the event that any candidate for nomination to an elective office, except the office of member of the City Council, shall receive a majority of the votes cast for all the candidates for nomination to such office at any primary nominating election, the candidate so receiving such majority of votes shall be deemed to be and declared by the City Council to be elected to such office.

Sec. 51. Resolution Ordering Election List of Candidates—Publication. The City Council shall, by resolution, order the holding of all elections not less than thirty (30) days before the day of the primary nominating election and not less than thirty (30) days before the day of the general municipal election, the City Clerk shall enter the names of the candidates nominated in a list with the offices to be filled, and shall certify such list to the City Council as being the list of candidates nominated as required by law and the City Council shall cause said certified list of names, and the offices to be filled to be published as required by the Elections Code of the State of California.

Sec. 52. Write In Candidates. No person whose name has been written in upon a ballot for an office at the primary nominating election may have his name placed upon the ballot as a candidate for that office for the ensuing general municipal election unless at that primary nominating election he received for that office votes equal in number to one (1) percent of all votes cast for that office.

Sec. 53. Entire Electorate to Vote. The candidate who shall receive the highest number of votes in the general municipal election for his respective office shall be declared elected to such office. The entire electorate of the City of Long Beach shall be entitled to vote at the general municipal election for one candidate for office of member of the City Council from each district, and only one member of the City Council shall be elected from each district.

Sec. 54. Printing. Notwithstanding the limitations set forth in Article XXVI, hereof, the City Clerk shall, with the approval of the City Council, select a printing and consulting firm or firms by negotiation to provide the necessary ballots, cards and other printed election materials and supplies and advice necessary to assure that the election or elections be conducted in a timely manner and within the legal requirements of law. The City Clerk shall select any such printing and consulting firm or firms based upon their experience in handling municipal elections and ability to produce the printed materials and supplies with the necessary specialized equipment to insure timely delivery and proper quality and quantity of such election materials and supplies for such ensuing election or elections.

Sec. 55. State Elections Code. Unless otherwise provided by this Charter or ordinance adopted by the City Council, all municipal elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exists or may hereafter be amended, governing municipal elections.

Certified to be a true copy by Elaine Hamilton, City Clerk.
Date of municipal election: May 13, 1975.

Charter Chapter 19—City of Huntington Beach

*Amendment to the Charter of the
City of Huntington Beach*

[Filed with Secretary of State June 5, 1975]

Section 1221 of Article XII is added, to read as follows:

“Section 1221. Real Estate Transfer Tax.

“The City Council shall not levy a tax on the transfer or conveyance of any interest in real property unless authorized by the affirmative votes of a majority of the electors voting on a proposition submitted to the electors to authorize such a tax at a general or special election. Any ordinance heretofore adopted by the City Council levying a tax on the transfer or conveyance of any interest in real property prior to the effective date of this amendment shall be of no further force and effect.”

Certified to be a true copy by Alicia M. Wentworth, City Clerk.

Date of municipal election: May 27, 1975

Charter Chapter 20—City of Compton

Amendments to the Charter of the City of Compton

[Filed with Secretary of State June 10, 1975]

Section 1301 is amended to read as follows:

“Section 1301. Primary Nominating Elections. Primary nominating elections shall be held on the date in odd numbered years set forth in the California Education Code, as applicable to elections to the governing board of Compton Unified School District, for the purpose of nominating not exceeding two candidates for each of the elective municipal offices in which vacancies have occurred since the preceding general municipal election or wherein terms will expire at the next general municipal election, and for such other purposes as may be provided by Charter or ordinance. Notwithstanding the foregoing, the election date may be changed by ordinance adopted not later than December 1 of any even numbered year to permit consolidation of the next primary election with an election of another public entity.”

Section 1302 is amended to read as follows:

“Section 1302. General Municipal Elections. General municipal elections shall be held on the first Tuesday in June in each odd numbered year for the purpose of electing officers of the City to fill the vacancies and expiring terms in the elective offices and for such other purpose as may be provided by Charter or ordinance. Notwithstanding the foregoing, the general election date may be changed by ordinance adopted not later than December 1 of any even numbered year, if the date stated in the ordi-

nance is not later than June 15th of the odd numbered year and will permit consolidation of the next election with that of another public entity.”

Certified to be a true copy by Charles Davis, City Clerk.

Date of municipal election: April 15, 1975.

Charter Chapter 21—City of Chula Vista

Amendments to the Charter of the City of Chula Vista

[Filed with Secretary of State June 10, 1975]

Sections 500 and 508 of Article V are amended to read as follows:

Sec. 500. Appointment and Removal of Officers and Department Heads.

(a) *Appointment.* The City Manager, City Attorney and City Clerk shall be appointed by and serve at the pleasure of the City Council and shall be in the Unclassified Service. In addition, there shall be in the Unclassified Service a private secretary for the City Manager, City Attorney and the Mayor and Council who shall be appointed by the respective officers for whom they serve. All other officers and department heads of the City and the Assistant City Manager shall be appointed by the City Manager subject to the approval of the City Council. The City Attorney shall also appoint Assistant or Deputy City Attorneys as may be authorized by the Council, subject to the approval of the Council, who shall be in the Unclassified Service. It is further provided that the City Council may, by ordinance, determine that other positions of management level employees, i.e., Assistant and Deputy Department Heads, may be placed in the Unclassified Service as adopted by a four-fifth's vote of the Council.

Sec. 508. Department Heads; Appointment Powers.

Each department head and appointive officer shall have the power to appoint and remove such deputies, assistants, subordinates and employees as are provided for by the City Council for his department or office, subject to the civil service provisions of this Charter and the rules and regulations promulgated thereunder, or as provided by ordinance of the Council as authorized by Sec. 500(a) of this Charter, and subject to the approval of the City Manager being first had and received.

Section 1106 of Article XI is amended to read as follows:

Sec. 1106. Tax Limits.

(a) *Property Taxes.* The City Council shall not levy a property tax, for municipal purposes, in excess of one dollar and eighty cents (\$1.80) annually on each one hundred dollars of the assessed value of taxable property in the City, except as otherwise provided in this Section, unless authorized by the affirmative vote of a majority of the electors voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the electors. The number of years that such additional levy is to be made shall be specified in such proposition.

(b) *Additional Taxes.* There shall be levied and collected at the same time and in the same manner as other property taxes for municipal purposes are levied and collected, as additional taxes, if no other provision for payment thereof is made:

1. A tax sufficient to meet 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, which constitute general obligations of the City; and

2. A tax sufficient to meet all obligations of the City to the State Employee's Retirement System for the retirement of City employees, due and unpaid or to become due during the ensuing fiscal year.

Section 1109 of Article XI is amended to read as follows:

Sec. 1109. Contracts on Public Works.

Every project involving an expenditure of eight thousand dollars (\$8,000.00) or more for the construction, reconstruction, improvement or repair of public buildings, streets, drains, sewers, utilities, parks and playgrounds and other public works, and the furnishing of supplies, materials, equipment or contractual services for same shall be done by written contract except as otherwise provided in this chapter, and the Council, upon the recommendation of the City Manager, shall let said contract to the lowest responsible bidder after notice by publication in the official newspaper for sealed bids for the work contemplated by one or more insertions, the first of which shall be at least ten days before the time for opening bids. If the cost of said public works project is more than the sum of five thousand dollars (\$5,000.00) but less than eight thousand dollars (\$8,000.00), the City Council may let said contract without advertising for bids after the City Manager or his designated agent has secured competitive prices from interested contractors; which shall be considered by the Council before said contract is let.

Projects involving the expenditure of five thousand dollars (\$5,000.00) or less may be awarded without written contract by the Director of Public Works with the approval of the City Manager. Whenever practicable, the Director of Public Works or the Purchasing Agent shall obtain informal bids. The project shall be awarded to the lowest responsible bidder whose bid is determined to be, in all respects, most advantageous to the public interest. The Director of Public Works may solicit such bids personally, by telephone or by mail, and shall submit to the Purchasing Agent and the City Manager a written account of the procedures used and the bids thus obtained. A copy of said informal bidding procedure shall be filed in the Office of the City Clerk as a public record.

The City Council may, however, declare and determine that, in its opinion, based upon estimates approved by and the recommendations of the City Manager, said projects may be excepted from the requirements of this section because the work in question may be performed better or more economically by the City with its own employees, and by a resolution to this effect, adopted by at least four affirmative votes of the Council, order the performance of any such construction, reconstruction, improvement or repair by appropriate City forces.

All bids of more than five thousand dollars (\$5,000.00) shall be accompanied by either a certified or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the City. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified, then in an amount not less than ten percent (10%) of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract within the time specified in the notice inviting bids or specifications referred to therein, the amount of his bidder's security shall be declared forfeited to the City and shall be collected and paid into its general fund and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

The City Council shall be competent in awarding any contract to compare bids on the basis of time completion, provided that when any award has been made in consideration, in whole or in part, of the relative time estimates of bidders for the completion of the work, the performance in accordance with such time limits shall be secured by a surety bond as hereinabove provided with adequate sureties and penalties, and provided, further, that for any contract awarded solely or partially on a specified time for completion, the Council shall not extend such time limits unless such extension be recommended by the City Manager and the head of the department concerned.

The City Council may reject any and all bids presented and may re-advertise in its discretion.

Contracts may likewise be let without advertising for bids if such work shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by resolution passed by at least four affirmative votes of the Council and containing a declaration of the facts constituting such urgency; provided, however, that nothing in this section shall prevent the City Manager from taking any and all means necessary to make emergency repairs in the event of immediate need arising from any calamity or disaster.

Certified to be a true copy by Jennie M. Fulasz, City Clerk.

Date of municipal election: May 27, 1975.

Charter Chapter 22—City of Los Angeles

Amendments to the Charter of the City of Los Angeles

[Filed with Secretary of State June 27, 1975]

CHARTER AMENDMENT NO. 1

Subsection (1) of Section 3 of the Charter of the City of Los Angeles is hereby amended by adding subparagraph (c) thereto to read as follows:

(c) Notwithstanding the provisions of subparagraph (a) of this subsection, an additional tax rate of an amount on each One Hundred Dollars

(\$100.00) of the assessed value of taxable property in the City estimated to be sufficient to yield \$4,750,000.00 per year may be levied in the fiscal year commencing July 1, 1975 and for each of the nine succeeding fiscal years. Taxes collected as a result of the rate imposed pursuant to this subparagraph shall be placed in the Fire Department Facilities Trust Fund, and shall be expended, through budgetary procedures, exclusively for the orderly completion of Fire Department projects set forth in Council File No. 75-330 and for other Fire Department improvement projects determined by the Council to be of equivalent or greater value to the City. Prior to the expenditure of money in the Trust Fund, the Council, by a two-thirds vote, shall have adopted an expenditure program establishing a completion schedule for such projects or groups of them. The expenditure program may be modified by the Council from time to time but only by a two-thirds vote. Money in the Trust Fund may be used to reimburse other funds of the City for advances made to the Trust Fund. No money remaining in the Trust Fund at the close of a fiscal year shall be transferred to the "Reserve Fund" as provided in Section 382.

CHARTER AMENDMENT NO. 2

Article XVII of the Charter of the City of Los Angeles hereby is amended by amending Paragraph (1) of Subsection (B) of Section 184.9 thereof; and Article XVIII of the Charter of the City of Los Angeles hereby is amended by amending Paragraph (1) of Subsection (B) of Section 190.141 thereof, the amended paragraphs to read as follows:

Sec. 184.9

(B) The percentage of increase or decrease in the cost of living hereafter shall be applied pursuant to Section 184.7 and the terms and conditions contained in this section:

(1) To the pension of any retired member, heretofore or hereafter retired pursuant to Section 182, upon the July 1st following (a) the date of his retirement or (b) the effective date of this paragraph of this section, whichever shall be the later.

Sec. 190.141

(B) The percentage of increase or decrease in the cost of living hereafter shall be applied pursuant to Section 190.14 and the terms and conditions contained in this section:

(1) To the pension of any Retired Member, heretofore or hereafter granted pursuant to Subsection (a) of Section 190.12 upon the July 1st following (a) the date of his retirement or (b) the effective date of this paragraph of this section, whichever shall be the later.

CHARTER AMENDMENT NO. 3

Subsection (10) of Section 42 of the Charter of the City of Los Angeles is hereby amended to read as follows:

(10) (a) The City Attorney may appoint such assistants, deputies, clerks, stenographers, and other persons as the Council, by ordinance, shall prescribe; provided, however, that each assistant must, at the time of appointment, be qualified to practice in all of the courts of the State and

must have been so qualified at least two years next preceding the appointment.

(b) 1. No person shall be removed, suspended or reduced in grade without good cause who shall have served continuously as an attorney in the Office of the City Attorney for two years or more immediately preceding such action or who shall have served continuously in any other capacity in the Office of the City Attorney for one year or more immediately preceding such action. The time during which persons serve at the pleasure of the City Attorney as prescribed in subsection (10) (c) shall not be considered in the computation of time periods under this provision.

2. Every person having served for those periods enumerated in subsection (10) (b) 1 who is removed, suspended, or reduced in grade, shall have the right to appeal to an impartial trier of fact in accordance with written rules promulgated by the City Attorney. Such rules and any amendments thereto shall, before they become effective, be submitted to the Council. If the Council approves such rules, or if the Council fails to disapprove the rules within 60 days after submission thereof, they shall become effective. The rules shall provide for service upon the person involved of a written statement of grounds and for a fair hearing by an impartial trier of fact who may: (1) deny the appeal; (2) sustain the appeal and order that the appellant be reinstated with full back pay to the position from which removed, suspended, or reduced in grade; or (3) sustain the appeal in part and deny it in part and substitute as a lesser penalty either a suspension or a reduction in grade as may be appropriate. The trier of fact shall have the power to administer oaths and affirmations, examine witnesses under oath, and compel the attendance of witnesses and the production of evidence at the hearing by subpoena to be issued by the City Clerk.

3. Notwithstanding any other provision of this subsection, any person employed in the Office of the City Attorney is subject to layoff due to lack of work, lack of funds, or abolishment of position in a manner consistent with the principles contained in Section 125. The rules promulgated pursuant to subsection (10) (b) 2 shall establish the procedures for such layoffs and for the establishment of reserve lists.

(c) Notwithstanding any other provisions of this subsection, each City Attorney may appoint to serve at the pleasure of the City Attorney from among persons not then employed in the Office of the City Attorney no more than four assistants who meet the qualifications of subsection (10) (a) and no more than four other persons. At the time of such appointments, the City Attorney shall file with the City Clerk a statement identifying the persons so appointed. The appointment of all persons serving at the pleasure of the City Attorney shall terminate when the succeeding City Attorney is sworn in, unless such persons shall be reappointed by the succeeding City Attorney. In the event there is no vacancy in the class of positions to which a person is appointed under this provision, and should the Council fail to authorize an additional position, the person in the class to which the appointment is to be made having the least seniority in that class and higher classes shall be reassigned to a position in any other lower class of positions in which such person has displacement rights based on seniority under the provisions of subsection (10) (b) 3 or, at such person's

option, may be transferred to any vacant position in the Office at the same or lower level class for which such person is found by the City Attorney to be qualified.

CHARTER AMENDMENT NO. 6

Section 307 of the Charter of the City of Los Angeles is hereby amended to read as follows:

Sec. 307. No person shall be eligible to nomination or election to any office under this charter who at the time of his or her nomination and election is not a qualified elector of this city, and shall not have been a resident of the city for at least 30 days next preceding the first day upon which candidates could declare their intention to run for office at such election, as prescribed in Section 316.2 hereof, and to be eligible to nomination or election to the office of member of the Council the person nominated or elected must have been a resident of the district from which he or she is nominated or elected for at least 30 days next preceding the first day upon which candidates could declare their intention to run for office at such election, as prescribed in Section 316.2 hereof; provided, however, that where an election is to be held to fill a vacancy in any elective office under this charter and where no provision is made in this charter for the filing of a declaration of intention to run for such office, the 30 day residency requirement hereinabove prescribed shall be measured from and precede the first day upon which candidates are permitted to secure nominating petitions for such office from the City Clerk.

No person shall be eligible for appointment to a vacancy in any elective office under this charter who at the time of such appointment is not a qualified elector of this city and shall not have been a resident of the city for at least 30 days next preceding such appointment, and to be eligible for appointment to a vacancy in the office of member of the Council the person appointed must have been a resident of such district for at least 30 days next preceding such appointment.

CHARTER AMENDMENT NO. 8

Article XXXIV of the Charter of the City of Los Angeles hereby is amended by amending two paragraphs of Section 504 thereof, designated "Debt-type Securities" and "Equity-type Securities", which amended paragraphs are to read as follows:

Sec. 504. Retirement Fund.

* * * * *
Debt-Type Securities.

The Board, upon the same terms and conditions contained in the first paragraph of Section 1372 of the California Financial Code, as of the effective date of this section, may invest one hundred percent of the fund in debt-type securities, such as bonds or debentures but not limited thereto, which then shall be legal investments for savings banks or for pension and retirement funds under the provisions of said paragraph. Securities purchased in accordance with the aforementioned provisions may be exchanged for other securities meeting the same requirements when the General Manager of the City Employees' Retirement System, in concurrence with the recommendation of investment counsel, and within guide-

lines established by the Board of Administration, determines it would be to the advantage of the fund to exchange such securities.

The board, as provided with respect to County Employees' Retirement Systems in the third paragraph of Section 1372 of the California Financial Code as of the effective date of this section, may invest up to but not exceeding twenty percent of the fund, determined on a cost basis, in debt-type securities, such as bonds or debentures but not limited thereto, whether or not such securities are expressly authorized by and whether or not they qualify under the provisions of the first paragraph of said section, in which in the informed opinion of the Board of Administration it is prudent to invest retirement funds.

Equity-type Securities.

The board may invest up to, but not exceeding 25% of the assets of the fund, determined on a basis of cost to said fund, in common or preferred stocks or shares of any corporation, provided, with regard to such common or preferred stock, that,

(1) Such stock is registered on a national securities exchange, as provided in the Securities Exchange Act of 1934 as amended, or

a) is the common stock of a bank which is a member of the Federal Deposit Insurance Corporation and has capital funds represented by capital, surplus and undivided profits of at least 50 million dollars, or

b) is the common stock of an insurance company which has capital funds represented by capital, special surplus funds and unassigned surplus of at least 50 million dollars, or

c) is preferred stock.

(2) such corporation has total assets of at least 100 million dollars,

(3) there are no arrears of dividend payments on preferred stock of such corporation.

(4) such corporation has paid a cash dividend on its common stock in each of its 5 fiscal years next preceding the date of investment and the aggregate net earnings available for dividends on its common stock for such period have been at least equal to the amount of such dividends paid, provided, that if such corporation acquired its property or assets or any substantial portion thereof within such period by consolidation or merger with, or by purchase or otherwise from, any other corporation or unincorporated business enterprise, the earnings and dividends of the several predecessor or constituent corporations or enterprises may be consolidated and adjusted in accordance with generally accepted accounting principles in order to ascertain whether such requirements have been met,

(5) such investment in any one corporation may not exceed 5% of the common stock or shares outstanding, and

(6) such investment in the common stock of any one corporation may not exceed 2% of the assets of the Retirement Fund determined on the basis of cost.

CHARTER AMENDMENT NO. 9

Articles XVII and XVIII of the Charter of the City of Los Angeles are hereby amended by amending the fourth paragraph of Section 180 (designated "Preferred Stocks"), Paragraph (2) of Section 186.2, the fifth para-

graph of Section 190.07 (designated "Preferred Stocks"), and Section 380 thereof, to read as follows:

Sec. 180.

* * * * *
Preferred Stocks.

In order for any preferred stock to be eligible, the common stock of issuing corporation must be eligible for investment under the terms of this section.

Sec. 186.2.

* * * * *
(2) A sum equal to the dollar amount shown in the last rendered actuarial valuation to be required to amortize the unfunded liabilities of the system; said unfunded liabilities being defined as the present value of all of the assumed obligations of the system, less the present value of the future contributions to be made by the City under the preceding subsection and by the members under Section 186½, and less the assets of the Fire and Police Service Pension Fund and of the Fire and Police General Pension Fund. The amortization period shall be seventy years beginning with the fiscal year 1967-1968.

For the purpose of providing funds to meet the budget of the Fire and Police Pension System and of its Fire and Police Service Pension Fund and of its Fire and Police General Pension Fund the Council or Controller shall annually levy, in addition to all other taxes levied by the City, a tax clearly sufficient to provide the total amount of all items in said budget.

Sec. 190.07.

* * * * *
Preferred Stocks.

In order for any preferred stock to be eligible, the common stock of the issuing corporation must be eligible for investment under the terms of this section.

Sec. 380.

All money paid into the city treasury shall be credited to and kept in separate funds in accordance with the provisions of this charter, the law, or ordinance. The following funds are hereby established: Fire and police general pension fund, fire and police service pension fund, new system general pension fund, new system service pension fund, general fund, harbor revenue fund, library fund, park fund, playground and recreation fund, power revenue fund, reserve fund, water revenue fund, and such bond funds, interest funds, sinking funds, trust funds, and other funds as may be required by law or ordinance. For the purpose of this charter, the general fund is established as a medium of control of and accounting for municipal activities other than activities authorized or contemplated by special funds. All revenues and receipts which are not by law or charter pledged or encumbered for special purposes shall be credited to the general fund.

CHARTER AMENDMENT NO. 10

Article XXII of the Charter of The City of Los Angeles is hereby amended by amending Paragraph (b) of Subsection (1) of Section 220.1 of said Charter, the amended paragraph to read as follows:

(b) That all benefits under the retirement, disability and death benefit features of said plan and system shall be granted only upon such terms and conditions as the provisions of said plan and system may prescribe; except, that the qualifying period for a minimum pension benefit under the retirement feature of said plan and system shall be no shorter than the five (5) years prescribed for the City Employees' Retirement System under the first sentence of the second paragraph of Subsection B of Section 508 of Article XXXIV of this Charter, or any amendment thereto, or any modification thereof by ordinance under the authority of Section 512.2 of this Charter;

That at the option, and in accordance with the written designation, of (i) each contributing member of said plan and system on the effective date of this subparagraph, (ii) each person entering such membership subsequent thereto, (iii) each former member who retired from the service of said Department on or after July 1, 1967 who is eligible to participate in the benefits of said plan and system on the effective date of this subparagraph, and (iv) each survivor of such a former member who is eligible to participate in the benefits of said plan and system on the effective date of this subparagraph, all or any portion of city service rendered before retirement from the service of said Department by such member or former member to departments of the City other than said Department during any period or periods in which such member or former member was regularly employed, on a full-time basis or on a part-time basis of at least one-half the time required of employees in the same group or class of service on a full-time basis, including service as a fireman or as a policeman and any period for which such member or former member shall have been entitled to credit under any pension or retirement system authorized or provided by this charter, shall, subject only to such reasonable terms, conditions, and contributions together with interest thereon, as said plan and system may prescribe, be deemed to be service rendered to said Department for purposes of calculating any benefits payable pursuant to said plan and system after the effective date of this subparagraph, provided, however, that such member, person, former member or survivor is not receiving and is not entitled to receive for such city service, at the time of exercise of such option, any benefit from any other pension or retirement system of The City of Los Angeles;

That said Department may, at its election and upon such terms and conditions as said plan and system may prescribe, pay into the Water and Power Employees' Retirement Fund, on behalf of any employee who shall have been on leave of absence while in the armed forces of the United States, and who shall have returned to active duty in said Department after his discharge or release from said armed forces under conditions other than dishonorable, any sum or sums not exceeding in the aggregate the total amount of contributions which said plan and system would have required said Department and such employee to pay into said fund for the account of such employee had his active service in said Department not been interrupted by such leave of absence; provided, that said plan and system shall prescribe the basis of compensation upon which any such sum or sums shall be calculated; and provided, further, that any sum or sums

paid into said fund by said Department pursuant to the provisions of this paragraph shall be made available to such employee only for the purpose of retirement;

That benefits under the retirement feature of said plan and system, at the election of said Department and to the extent and upon such terms and conditions as said plan and system may prescribe, also may be based on any period commencing on or after December 7, 1941, during which an employee was absent from active service in said Department as a consequence of the state of war existing between the United States and Japan, if at least a portion of such absence resulted from his evacuation, exclusion or relocation pursuant to orders issued by the commanding officer of the Western Defense Command for the evacuation or exclusion of persons of Japanese ancestry from such area.

CHARTER AMENDMENT NO. 11

Sections 267 and 268 of the Charter of the City of Los Angeles are hereby amended to read as follows:

Sec. 267. The officers elected at a primary or general municipal election shall, after they have qualified, as provided in this charter, enter upon the discharge of the duties of the offices to which they have been elected, on the first day of July next succeeding their election, and shall, except as otherwise provided for in this charter, serve until their successors have been elected and qualified.

In the event of a vacancy in any elective office, other than Member of the Board of Education, the Council shall fill the same by appointment. In such case, the person so appointed shall hold office for the unexpired term and until his or her successor shall have been elected and qualified.

In the event of a vacancy in the office of Member of the Board of Education said Board shall fill the same by appointment. The person so appointed shall hold office for the unexpired term and until his or her successor shall have been elected and qualified.

No person shall be eligible for any such appointment unless he or she shall possess the qualifications set forth in Section 307 of this charter. Any person so appointed to fill a vacancy in an elective office may be removed from office by the recall in the same manner as if he or she had been elected to said office.

Sec. 268. Filling Vacancies—Alternate Method.

In Lieu of filling a vacancy in any elective office, other than Member of the Board of Education, as provided in Section 267, the Council may, if it so desires, call a special election by ordinance for the purpose of filling such vacancy and provide in such ordinance the time for holding such election and its consolidation with any other election and the procedure for nominating candidates, including the amount of the filing fee, if any, to be paid by candidates and other matters pertaining to such election. If no candidate at such special election receives a majority of the votes cast therein, the City Council shall call another special election by ordinance for the purpose of determining who shall be elected to the subject office as between the two candidates receiving the highest number of votes at the prior election. The time for holding such election and its consolidation

with any other election and other matters pertaining to such election shall be provided for in such ordinance. The votes at each of such special elections shall be canvassed and the results thereof declared by the City Council in the same manner as in a regular election. In the case of a tie vote the Council shall decide which candidate receiving an equal number of votes is elected to so fill such vacancy in office. No person may be nominated as a candidate to be voted for at such special election who does not possess the necessary qualifications for election to the office as provided in Section 307.

CHARTER AMENDMENT NO. 12

Section 23 of the Charter of the City of Los Angeles is hereby amended by adding subsection (d) thereto to read as follows:

(d) The Council shall provide by ordinance for the succession from among its members to the powers and duties of the President Pro Tempore in case of sickness, absence from the City, or disability, or in the case of a vacancy in that office.

Certified to be a true copy by Rex E. Layton, City Clerk.

Date of municipal election: May 27, 1975.

Charter Chapter 23—City of Monterey
*Amendments to the Charter of the
 City of Monterey*

[Filed with Secretary of State July 3, 1975]

The Charter of the City of Monterey is amended by amending certain sections, adding certain sections, repealing certain sections, and renumbering all sections, to read as follows:

CHARTER
 City of Monterey
 California

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CITY OF MONTEREY
CALIFORNIA

Article I

Name, Boundaries, and Powers of the City

Section 1.1 Name:

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

(Unchanged. Former Section 1.)

Section 1.2 Boundaries:

The boundaries of the City of Monterey shall continue as now established until changed in some manner authorized by law.

(Unchanged. Former Section 2.)

Section 1.3 Rights and Liabilities:

The City of Monterey shall remain vested with and continue to have, hold, and enjoy, all property, rights of property, and rights of action of every nature and description now pertaining to said municipality and is hereby declared to be the successor to same. No right, liability, pending suit or prosecution on behalf of, or against, the City shall be affected by the adoption of this Charter. All contracts entered into by the City prior to the taking effect of this Charter shall continue in full force and effect.

(Unchanged. Former Section 3.)

Section 1.4 Powers:

The City of Monterey by and through its Council, appointees, officers, employees and agents, shall have and may exercise all powers concerning its municipal affairs and the welfare of its inhabitants granted to chartered municipal corporations by the Constitution of the State of California and not otherwise limited therein. This Charter is not intended nor shall it be construed as a limitation of any power granted chartered cities by said Constitution unless specifically set forth herein.

Unless specifically limited herein, the powers of the City shall include those granted general law cities by State law.

All general laws of the State applicable to municipal corporations now existing or hereinafter enacted, and which are not in conflict with this Charter or any ordinance of the City now existing or hereinafter enacted, shall be applicable to the City. The Council may adopt and enforce ordinances or regulations which, in relation to municipal affairs, shall control as against the general laws of the State.

Section 1.5 Inalienable Rights of City:

The rights of the City in and to its waterfront, wharf property, land under water, public landings, wharves, and docks, are hereby declared inalienable.

Article II

Elections, Initiative, Referendum and Recall

Section 2.1 Elective Officers:

Elective officers of the City of Monterey shall be a Mayor and four Council members.

Section 2.2 Eligibility of Elective Officers:

No person shall be eligible for election to, or hold, any elective office of the City unless he/she shall have been a resident and elector of the City for the period of time and have such other qualifications as are prescribed by State law for Council members of general law cities.

Section 2.3 Elections:

General municipal elections shall be held in said City on the second Tuesday in May of each odd-numbered year under and pursuant to the provisions of the general laws of the State of California governing elections in cities so far as the same may be applicable and except as herein otherwise provided. All other municipal elections that may be held by authority of this Charter or of general law shall be known as special municipal elections and shall be held substantially as in this Charter provided for general municipal elections. Elections to incur bonded indebtedness, to impose special assessments or to annex territory shall be held in conformance with the general laws of the State.

Section 2.4 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 results thereof. The Council shall install any newly elected officers as soon after said canvass as possible, provided, however, no officer shall be installed prior to the filing by said officer of all disclosure statements required by ordinance or State law.

Section 2.5 Vacancies:

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 a successor is elected and installed. Such successor shall be elected for the unexpired term of his/her predecessor at the general municipal election next succeeding such appointment. Should the council fail to fill any such vacancy within forty days after the same occurs, then it shall be filled by appointment by the Mayor.

If the offices of a majority or more of the Council become vacant, the City Clerk shall call a special municipal election to fill said vacancies, which election shall be held within sixty days of the existence of said vacancies. Each candidate elected at such election shall hold office for the unexpired term of his/her predecessor. The candidate or candidates receiving the highest number of votes shall be deemed to fill the longest unexpired term or terms.

The vacancies, whether occurring by recall, resignation, legal disability or physical disability, shall be filled by the persons holding the following offices and in the following order: Chairman of the Planning Commission, Chairman of the Parks and Recreation Commission, Chairman of the Library Board of Trustees. Said persons shall serve as interim elective officers until said vacancies are filled by election and the newly elected officers are installed. Said persons shall be sworn in by the City Clerk in the same manner and form as elected officers as soon as possible after the vacancy or vacancies occur and shall have all the rights, duties and obligations of an elected officers during said interim appointment.

In the event of a vacancy in the office of the Mayor, the remaining elective officers, including any interim elective officers appointed pursuant to this section, shall elect one of their number to serve as Mayor during the period of said vacancy.

Section 2.6 Initiative, Referendum and Recall:

Unless otherwise provided by ordinance hereafter enacted, the provisions of the Elections Code of the State of California, as the same now exists or may hereafter be amended, governing the initiative, referendum and the recall of municipal officers shall apply in the City insofar as such provisions of the Elections Code are not in conflict with this Charter.

With regard to recall, any elective officer may be recalled from office under and in pursuance of the provisions of the Constitution and general laws, provided, however, that in no case shall candidates be elected to fill the place or places of any officer sought to be recalled, but in case of such recall such office shall be deemed vacant and shall be filled by appointment like other vacancies in elective offices. Provided, further, that should a majority or more of the Council be recalled, the City Clerk shall call a special election to fill such vacancies which shall be held within sixty days of the existence thereof.

**Article III
The Mayor**

Section 3.1 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 his/her installation and until his/her successor is elected and qualified commencing with the first general municipal election held under the provisions of this Charter. The Mayor shall receive no compensation and 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/she is constituted such member by general law.

A Mayor shall be the chief legislative officer of the City. He/she shall represent the City in all ceremonial functions of a patriotic or social character when it appears to him/her desirable that the City be officially represented thereat and shall, consistent with the provisions hereof, possess such other powers and perform such other duties as may be prescribed by this Charter, by law, by ordinance, or by resolution of the Council.

The Council shall, from one of its members, elect a Mayor pro tempore who shall, during the absence or disability of the Mayor, exercise the powers and perform the duties of said office. In case of a vacancy in the office of the Mayor, the Mayor pro tempore shall act as Mayor until the vacancy in said office is filled as provided in this Charter. The Council shall determine the length of office of the Mayor pro tempore and may, without cause or notice, remove the Mayor pro tempore from office by the affirmative vote of three of its members.

Article IV City Council

Section 4.1 The Council:

The Council shall be comprised of the Mayor and said four Council members and shall be the legislative body of the City, each of the members of which, including the Mayor, shall have the right to vote upon all questions coming before it.

Two Council members shall be elected at each general municipal election and shall hold office for the term of four years from and after their installation in office and until their successors are elected and qualified.

The Council members shall receive no compensation and no Council member 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/she is constituted such member by general law. Council members appointed to or required by law to be members of such board, commission, or committee shall accept any compensation which is part of such service and shall pay such moneys into the City treasury.

No former Council member shall hold any compensated appointive City office or regular City employment until one year after the expiration of the term for which he/she was elected to the Council.

The Council shall establish a personnel system not in conflict with Section 5.1 herein.

The Council may make investigations into the affairs of the City and the conduct of any City department, office, or agency.

The Council shall from time to time designate an official Seal of the City of Monterey.

All powers granted to and vested in the City of Monterey by law or by the provisions of this Charter shall, except as herein otherwise provided, be exercised by the Council, to be designated the "Council of the City of Monterey". The Council shall be the governing body of the City, and subject to the express limitations of this Charter, shall be vested with all powers necessary or convenient for a complete and adequate system of municipal government consistent with the Constitution of the State including all powers now or hereafter granted by general law.

Section 4.2 Meetings of the Council:

The Council shall provide by ordinance for the time and place of holding its meetings and the manner in which its special meetings may be called; provided, however, that there shall be at least one regular meeting each month. Any regular meeting may be adjourned to a date and hour certain, and such adjourned meetings shall be a regular meeting for all purposes. All legislative sessions of the Council, whether regular or special, shall be open to the public.

Section 4.3 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 postpone the consideration of or action upon pending business in like manner. Attendance at meetings of absent members of the Council may be compelled in such manner and under such penalties as may be prescribed by ordinance.

Section 4.4 Conduct of Meetings:

The Council shall determine its own rules of procedure and may punish its members or other persons present at any meeting for disorderly conduct.

Section 4.5 Legislations:

The Council shall act in legislative matters by ordinance or resolution only. Other action of the Council, unless herein otherwise provided, may be taken by resolution, motion, or order.

In addition to other acts required by law or specific provisions of this Charter to be done by ordinance, acts which provide for the following shall be done by ordinance:

- (a) Establish or change time and place of regular or special meetings of the City Council.
- (b) Provide for a fine or another penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.
- (c) Fix the salaries and vacations of City employees.
- (d) Grant, renew, extend or amend a franchise.
- (e) Levy any tax.
- (f) Conveyance or acquisition of any interest in real property except:
 - (1) Leases of less than five years' duration, including option to renew.
 - (2) Property dedicated for public use as part of any subdivision.
 - (3) Accession to property of other public agencies by operation of law upon annexation of territory.
 - (4) Encroachments granted pursuant to the Encroachment Permit procedures.
 - (5) Licenses not to exceed one year duration.
- (g) Except as otherwise provided by general law of this Charter, any action providing for any public improvement or the expenditure of public money in excess of \$5,000.00.
- (h) Consolidation of any office set forth in Section 5.3 herein.
- (i) Establish a personnel system.

The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the record of the proceedings of the Council. Upon request of any member of the Council, the ayes and noes shall be taken and recorded upon any vote. All members at any meeting must vote.

No ordinance or resolution shall be passed without receiving the affirmative vote of at least three members of the Council. Each ordinance or resolution shall be headed by a brief title which shall indicate the purport thereof.

The ordaining clause of all ordinances adopted by the Council shall be, "*The Council of the City of Monterey does ordain as follows:*" The ordaining clause of all ordinances passed by the vote of the electors of the City through exercise of the initiative shall be, "*The People of the City of Monterey do ordain as follows:*"

No ordinance shall be passed by the Council on the day of its introduction, or within five days thereafter, or at any time other than a regular or adjourned meeting or until its publication at least once in the official

newspaper of the City at least three days before its adoption. In the case of an ordinance being amended before its adoption as amended, and where such amendment is made for the correction of clerical errors or omission of form only, then such ordinance need not be republished.

Ordinances and resolutions need not be read either in whole or in part prior to their adoption except as may be otherwise required by ordinance or general law.

An ordinance shall take effect thirty days after its final passage except an ordinance shall take effect immediately if it is an ordinance:

- (a) Relating to an election.
- (b) For the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency, and is passed by a four-fifths vote of the Council.
- (c) Relating to street improvement proceedings.
- (d) Relating to taxes for the usual and current expenses of the City.
- (e) Covered by particular provisions of law prescribing the manner of its passage and adoption.

No ordinance, or portion thereof, shall be repealed except by ordinance. No ordinance shall be revised, reenacted, or amended by reference to its title only, but the ordinance to be amended or the new section or sections to be added thereto shall be set forth and adopted according to the method provided in this section for the enactment of ordinances, and such revision, reenactment, amendment, or addition, shall be by ordinance only.

All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.

Section 4.6 Subordinate Officers and Employees:

The Council shall have the power to create and a abolish by ordinance or resolution all officers, deputyships, employments, boards and commissions other than those created by this Charter, to fix the powers and duties thereof, and to determine the procedure for removing any such officer, deputy, employee or committeeman therefrom, except as in this Charter otherwise provided.

Section 4.7 Appointment and Removal of Officers, Employees, and Appointees:

(a) Appointment of Officers and Employees:

(1) The Council shall appoint the City Manager by affirmative vote of three of its members.

(2) The Council shall appoint by affirmative vote of three of its members, all members of municipal boards, commissions and committees and representatives of the City to other agencies, except members of the Library Board of Trustees.

(3) The City Manager shall appoint all other officers and employees of the City except as otherwise herein provided.

(b) Removal of Officers:

(1) The Council may remove any of its appointees at pleasure without cause stated or hearing had by affirmative vote of four members, and may remove any of its appointees for cause after a hearing by affirmative vote of three of its members.

(2) The City Manager may remove any of the chief appointive officers appointed by him/her at pleasure, provided that

(i) Said officer is served with at least three days' written notice of the reason for such removal.

(ii) Said officer shall have the right of appeal to and hearing before the City Council, the procedures for which shall be established by ordinance.

(c) Removal of Subordinate Officers and Employees:

(1) The City Manager may remove all other officers and employees only for cause. An officer or employee removed for cause shall have a right of appeal to and hearing before the City Council. The procedures for removal for cause, appeal and hearing shall be established by ordinance.

(d) Limitations on Removals:

(1) The Council shall not remove any officers within three months next succeeding a general municipal election except for cause.

(2) The City Manager shall not remove any chief appointive officer within three months next succeeding his/her appointment except for cause.

(e) Suspension in Lieu of Removal:

(1) Any officer or employee, in lieu of removal, may be suspended up to thirty days without pay for the same reasons or on the same grounds and on the same procedure as herein provided for removal.

Section 4.8 Residential Qualification:

All members of City boards and commissions shall be residents of the City of Monterey.

Section 4.9 Interference With or by City Manager:

Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the City Manager or any of his/her subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

Except for purpose of investigations, the Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

Neither the City Manager nor any appointive officer or employee of the City shall take any active part in securing, or shall contribute money toward, the nomination or election of any elective candidate for municipal office.

Section 4.10 Contract Work:

In the erection, improvement and repairs of all public works and in furnishing supplies, labor or materials for the same, or for other use or purpose, when the expenditure required for the same shall exceed the sum of five thousand dollars (\$5,000.00), the same shall be awarded by contract and shall be let by the Council to the lowest responsible bidder after notice by publication in the official newspaper. Security for due execution and performance of any such contract may be required of the bidder and successful contractor respectively. The detailed procedure for

carrying out the provisions of this section shall be prescribed by ordinance.

Provided, that the Council may reject any and all bids presented and may, in its discretion, readvertise for other bids.

Provided, further, that after rejecting bids, the Council may determine and declare by a four-fifths vote of all of its members that the work in question may be more economically or satisfactorily performed by day labor, or the materials or labor may be purchased at a lower price in the open market, and after the adoption of a 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 section.

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 members, determine and declare that the public interest or necessity demands the immediate expenditure of public money to safeguard life, health or property and thereupon it may proceed without advertising for bids or receiving the same 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.

Provided, further, the Mayor or Mayor pro tempore is empowered to make immediate expenditures of public moneys or to contract on behalf of the City for materials or services necessary to safeguard life or property whenever the Governor of the State of California, the President of the United States, or other designated State or Federal authorities have declared the City, or an area in which the City is included, to be a disaster area, or said persons have declared a state of emergency to exist or other similar designation.

Section 4.11 Franchises:

The City Council may by ordinance provide a procedure for the granting of franchises or grant franchises pursuant to the procedure provided by the State law. Franchises may be granted for fixed or indeterminate time and shall provide for adequate compensation to the City for the privilege conferred.

Article V

City Manager and Administrative Department

Section 5.1 City Manager:

The City Manager shall be chosen by the Council without regard to political consideration and with reference solely in his/her qualifications for such office.

The powers and duties of the City Manager shall be:

- (a) To see that all ordinances are enforced.
- (b) To appoint, except as otherwise provided in this Charter or by general law, all heads of departments and other City officers and employees and remove the same at pleasure except as otherwise herein prescribed and to have general supervision and control over all officers and employees whether appointed by himself/herself or the Council.
- (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 violation thereof.

(e) To attend all meetings of the Council unless excused therefrom by three members thereof or by the Mayor.

(f) To examine or cause to be examined without notice the conduct or the official accounts or records of any officer or employee of the City.

(g) To keep the Council advised as to the needs of the City.

(h) To have general supervision over all City property including public buildings, parks and playgrounds.

(i) To appoint such advisory boards as he/she may deem desirable to advise and assist in his/her work, provided the members of such boards shall receive no compensation.

(j) To appoint a Secretary to the City Manager who may be removed from office by him/her at any time without a hearing and such removal shall not be subject to disapproval by the Council and whose salary shall be fixed by ordinance.

(k) To possess such other powers and perform such additional duties as are prescribed by this Charter or may be prescribed by ordinance; provided, however, that the powers or duties of any City office or employment created by the provisions of this Charter shall not be consolidated with those of the City Manager other than that of the City Clerk.

Section 5.2 City Manager Pro Tem:

In case of the extended absence from the City of the City Manager, or his/her temporary disability to act as such, or a temporary vacancy in the office of City Manager, the Council shall appoint a City Manager pro tem who shall possess the powers and discharge the duties of the City Manager during such absence, disability, or temporary vacancy, but any such appointment shall not exceed six months; provided, however, that a City Manager pro tem shall have no authority to remove any City official or employee except with the unanimous formal approval of all members of the Council. The City Manager pro tem need not have the qualifications of the City Manager.

Section 5.3 City Officers:

(a) Chief Appointive Officers: The chief appointive officers of the City shall be a City Manager, Assistant City Manager, City Clerk, City Attorney, Finance Director, Director of Public Works, Chief of Police, Fire Chief, Planning Director, Director of Parks and Recreation, and Librarian. The Council may, at any time when in its judgment the interest of the City so demands, by a four-fifths vote thereof, consolidate by ordinance the powers and duties of two or more City officers except where the same are prescribed in this Charter, and in such case may, by ordinance, prescribe additional powers and duties therefor consistent with the provisions hereof.

(b) Powers and Duties of Appointive Officers: The appointive officers shall have the following powers and duties, provided, however, that the Council or the City Manager may from time to time prescribe additional powers and duties of any appointed officer not in conflict with this

section. All appointive officers, except the City Manager, shall be responsible to the City Manager for the conduct and performances of their offices.

(1) City Manager: Shall manage all other officers and employees of the City and shall be responsible for carrying out the policies and directives of the Council.

(2) Assistant City Manager: Shall have such duties and responsibilities as are delegated to him/her by the City Manager.

(3) City Clerk: Shall maintain all ordinances, resolutions and other records and documents delivered to him/her as may be required by law, ordinance or established procedure. Shall attend all sessions of the Council and keep a record of the proceedings. Shall maintain the Corporate Seal of the City and shall affix same with his/her signature to documents or records requiring authentication.

(4) City Attorney: Shall be legal advisor to the Council and the officers and employees of the City when acting in their official capacities. Shall at all times be a member in good standing of the California State Bar Association.

(5) Finance Director: Shall be the chief accounting officer of the City and shall prepare and maintain all financial records of the City. Shall act as treasurer and shall execute any documents in said capacity where required by ordinance or general law.

(6) Director of Public Works: Shall be the administrator of the Department of Public Works. Shall also serve as City Engineer and Superintendent of Streets, and in said capacity shall execute all documents as required or empowered to do so by ordinance or general law. Shall at all times be a Civil Engineer registered to practice as such in the State of California.

(7) Chief of Police: Shall administer the Police Department, and be responsible for the protection of life and property, for the enforcement of State and local law, for the provision of emergency public safety services, and for the provision of crime prevention.

(8) Fire Chief: Shall administer the Fire Department, and be responsible for the protection of life and property, for the provision of emergency fire protection services and for the provision of community fire prevention.

(9) Planning Director: Shall be responsible for preparing comprehensive plans for the City and the administration of the zoning ordinance and shall serve as secretary to the Planning Commission.

(10) Director of Parks and Recreation: Shall administer the Department of Parks and Recreation and shall serve as secretary to the Parks and Recreation Commission.

(11) Librarian: Shall administer the library facilities and programs and shall serve as secretary to the Library Board of Trustees.

Section 5.4 Compensation of Appointive Officers and Employees:

The compensation of all appointive officers and employees of the City, except officials and members of boards, commissions and committees serving gratuitously, shall be fixed, increased or changed by ordinance adopted by the four-fifths vote of the Council, only subject to the provisions of this Charter regarding minimum compensation. No officer or employee

shall be allowed any fee, perquisite, emolument or stipend in addition to, or save as embraced in the salary or compensation fixed for such office by the Council, and all fees received by such officer in connection with his/her official duties shall be paid by him/her into the City treasury.

Section 5.5 Official Bonds:

Except as prescribed by this Charter, the Council shall fix the amount of all bonds to be required of City officers and employees, the mode of approving the same, and shall determine the particular officers and employees who shall be required to furnish such bonds.

All of the provisions of any general law of the State relative to official bonds not inconsistent with this Charter shall be complied with.

Section 5.6 Oath of Office:

Every officer of the City, before entering upon the duties of his/her office, shall take and subscribe the oath of office as provided for in the Constitution of the State and shall file the same forthwith with the City Clerk.

Section 5.7 Resignations:

No candidate for any City office or employment shall be required to tender his/her resignation in writing or otherwise to any person at or prior to his/her appointment and qualification, and no resignation in writing or otherwise shall be valid or binding unless filed within three days from and after the execution thereof in the office of the City Clerk.

Article VI

Fiscal Administration

Section 6.1 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.

Section 6.2 Expert Accountant:

The City shall employ a certified public accountant annually to investigate the accounts and transactions of all City officers and employees having the collection, custody or disbursement of public money or property, or the power to approve, allow or audit demands on the City treasury. As part of the annual audit, the money and securities in the City treasury shall be verified.

Section 6.3 Budget:

Not later than thirty days before the time for fixing the annual tax levy, the City Manager shall submit to the Council an estimate of the expenditures and revenues of the City departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments.

At the same time the annual budget is submitted to the Council, the City Manager shall file with the City Clerk an inventory of all personal property, except expendable supplies, owned by the City.

Section 6.4 Public Improvements and Street Work:

All public improvements, including the improving, widening, opening, extending and closing of streets, lanes, or alleys may be done and made in pursuance of the general laws of the State or procedural ordinances adopted by the Council or the electors, and the whole or any portion of

the cost thereof paid out of the City treasury or assessed on the property fronting on the improvement or the district of lands benefitted.

Section 6.5 Disposition of City Money:

Every officer receiving or in possession of any moneys belonging to or for the use of the City shall, within forty-eight hours thereafter, notify the Finance Director thereof and thereupon pay the same forthwith into the treasury on order of the Finance Director for the benefit and to the credit of the funds to which such moneys severally belong, provided, however, that Saturdays, Sundays, legal holidays and other days on which the City offices are closed for business shall not be considered in computation of the forty-eight hour period.

Section 6.6 Payment of City Moneys:

Money shall be drawn from the treasury only upon warrants as herein prescribed. No demand shall be allowed, approved, audited or paid unless it shall specify each item of claim and the date thereof. The Finance Director shall satisfy himself whether the money is legally due and its payment authorized by law. Specific rules pertaining to signature requirements shall be established by ordinance.

Provided, however, the warrants for salaries fixed by ordinances of officers and offices specifically created by this Charter shall be allowed by the Finance Director and paid regularly from the treasury without the necessity of any demand therefor or approval thereof as in this section prescribed for claims, and at such time not in conflict with this Charter as may be prescribed by ordinance.

Section 6.7 Uniform Accounts and Reports:

The Council shall prescribe uniform forms of accounts which shall be observed by all officers and departments of the City which receive or disburse City moneys. Whenever an act shall be passed by the Legislature of the State providing for uniform municipal accounts or reports, the City authorities shall be governed thereby.

Section 6.8 Leases of City Property:

In every lease of City property for a term of over five years, the basic amount of the rental shall be fixed by the Council, and the lease shall provide that such amount shall in no event be lowered during the term thereof.

Provision shall be made in all such leases for a revision of the amount of the rental at stated periods of not less than three nor more than five years each during the term of any such lease, and that such revision shall be made by a board of appraisers consisting of one appraiser appointed by the Council and one appraiser appointed by the lessee. Any increase in the amount of any such rental agreed upon by said appraisers shall bind their principals. In the event of their failure to agree upon the amount of such increase within twenty days from and after their appointment, said two appraisers may appoint a third appraiser as a member of said board and the determination of the majority shall be final and conclusive and binding upon all concerned. Should the two appraisers appointed by the Council and lessee respectively fail for thirty days from and after their appointment to agree upon the amount of the increase of the rental or to appoint a third appraiser, in any case, then upon the petition in writing of either

party to any such lease, the Presiding Superior Court Judge of Monterey County is hereby empowered to appoint the third appraiser upon such board.

In the event that the Council demands a revision of the amount of the rental set forth in any such indenture of lease as herein provided, the lessee shall within ten days from and after receiving notice in writing of such demand, appoint its appraiser as in this section provided and forthwith notify the Council in writing of such appointment; provided, that should the lessee fail for said period last named to make and give notice of such appointment as aforesaid, then upon application of the lessor, said Presiding Superior Court Judge of Monterey County is hereby empowered to make the same, and the determination of such board so constituted shall bind and be conclusive upon all parties to the lease. Provided further, that in no case shall any such board of appraisers be authorized to lower the amount of the basic rental fixed by the Council.

All such leases shall provide also that the Council may terminate the same at its pleasure and repossess the premises therein described upon three months' notice thereof and upon paying to the lessee the market value of any improvements made or put upon said premises by the lessee or prior lessees. The market value of such improvements shall be determined by a board of appraisers appointed as aforesaid and the determination of such board of appraisers shall be binding on all parties in interest, provided, however, that the Council shall not terminate any such lease or repossess any such premises except for a public use and purpose. Provided further, that that no lease of City property shall be made for a term of more than fifty years.

Section 6.9 Taxation:

Except as otherwise herein provided, the Council shall, by ordinance, provide a system for the assessment, equalization, levy, and collection of taxes which, as nearly as may be, shall conform to the system provided by the general laws of the State; provided, that all sales for delinquent taxes shall be made to the City of Monterey. Should the Council fail to fix the tax rate within the time prescribed, then the tax rate of the previous year shall constitute the rate for the current year.

Section 6.10 Annual Tax Levy:

The Council must finally adopt, not later than at its first 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 amount estimated to be required in the annual budget as herein provided, less the amounts estimated to be received from fines, licenses, and other sources of revenue.

Section 6.11 Special Tax Levy:

The Council shall have the power to levy and collect taxes in addition to the taxes herein provided for municipal purposes, sufficient to pay and maintain the sinking fund for the bonded indebtedness of the City.

Section 6.12 Limit of Tax Levy:

The tax levy authorized by the Council to meet the municipal expenses for each fiscal year shall not exceed the rate of two dollars (\$2.00) on each one hundred dollars (\$100.00) of the assessed valuation of the real and

personal property within the City except as this Charter otherwise provides. The money collected from such levy shall be placed in the general fund of the City and may be apportioned as determined by the Council.

The foregoing limitation shall not apply in the event of any great necessity or emergency, in which case it may be temporarily suspended for any one fiscal year if authorized by ordinance adopted by the vote of the electors of the City.

Section 6.13 County Collection of Taxes:

The Council is hereby authorized to contract with the County of Monterey for the collection by the County of all taxes on real and personal property, assessments, liens or other levies made by the City.

Section 6.14 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.

Section 6.15 Moneys Received from the Sale of Cemetery Lots:

All moneys received from the sale of lots in Cementerio El Encinal owned by the City shall be expended for cemetery purposes of said City only.

Article VII Public Library

Section 7.1 Public Library and Board of Library Trustees:

There shall be a Board of Library Trustees consisting of five members to be appointed by the Mayor with the approval of three members of the Council. No person shall be eligible for appointment to the Board of Library Trustees unless he/she shall have been a resident and elector of the City of Monterey for at least three years next preceding his/her appointment, provided that Trustees in office at the time of adoption of this Charter amendment shall continue to hold office until the expiration of their terms. Terms of Library Trustees shall be four years, two of which shall start July 1, 1954, and end June 30, 1958, and three of which shall start July 1, 1956, and end June 30, 1960.

The Board of Library Trustees shall have the following powers, duties, and responsibilities:

a) To select all books, magazines, periodicals, recordings, films, pictures, photographs, programs received through electronic media, docu-

ments, or any other cultural items for circulation from or study in the Monterey Public Library.

b) To make and enforce such bylaws, rules and regulations as it may deem necessary for the administration of the Monterey Public Library program.

c) To appoint and remove the Librarian, who shall be the department head, and any such other library personnel as may be necessary for the operation of the library program.

d) To perform such additional duties and have such additional powers as may be prescribed by ordinance.

There shall be maintained a Library Trust Fund which shall consist of the present Library Trust Fund together with all gifts, devises or bequests received for the use of the Library hereafter and all miscellaneous revenues of the Library, except fines. Expenditures from said fund shall be made by the Council for such library purposes as are requested by the Library Board and as are in conformity with the conditions of any such gifts, devises, or bequests.

Article VIII General Provisions

Section 8.1 Prohibited Interests:

The prohibition of certain financial interests and acts of elected officials and other specified officers shall be governed by the general laws of the State.

Section 8.2 Claims Against the City for Personal Injury and Damages:

The general laws of the State of California shall apply to any claim for damages or injury against the City of Monterey or any of its officers or employees.

Section 8.3 Amendment of Charter:

This Charter may be amended pursuant to the Constitution and general laws of the State of California.

Section 8.4 Newspaper Advertising and Printing:

The Council shall advertise biannually in each even numbered year 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 and matters 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.

Section 8.5 Official Records:

All books and records of every office and department shall be open to the inspection of any citizen during business hours, subject to proper rules and regulations for the efficient conduct of the business of such department, provided, that the records of the Police Department shall not be subject to such inspection except by permission of the proper police authorities.

All officers and boards shall deliver to their successors all papers, books,

records, archives, and other properties pertaining to their respective offices or departments in the possession or control of any such officer or department and the Council shall provide adequate means for their safe-keeping.

Section 8.6 Zoning Systems:

The City of Monterey is hereby declared to be primarily a residential City and the Council shall have the power to establish such zoning system within the City as may in its judgement be most beneficial, and in such zoning system may prohibit the erection or maintenance of any class or classes of buildings within certain areas, and may classify and reclassify the zones established. The Council may also prescribe the character of materials and method of construction of buildings erected within any zone area, and may establish set-back lines as it may consider necessary and proper.

Certified to be a true copy by Beth C. Lyons, Assistant City Clerk.
Date of municipal election: May 13, 1975.

Charter Chapter 24—City of Berkeley

Amendments to the Charter of the City of Berkeley

[Filed with Secretary of State September 18, 1975]

Section 47 is added to Article VIII, to read as follows:

Section 47. Citizens' Assistant.

The City Council shall by ordinance establish the office of Citizens' Assistant. The Citizens' Assistant shall be appointed by the Council, by a $\frac{2}{3}$ majority, and be responsible for processing citizen requests for information and assistance, and for investigating complaints on any governmental matter, regardless of jurisdiction.

In the performance of these duties, the Citizens' Assistant may inquire into any aspect of government, and any department, agency, officer or employee, and shall have the power to compel the production of all public records kept by a municipal agency and the testimony of witnesses by subpoena.

The Citizens' Assistant shall submit an annual report to the City Council and such interim reports as may be deemed appropriate, commenting upon the functioning of city government and recommending appropriate policies or changes in policy.

The Citizens' Assistant shall be appointed for a term of five years; he or she and his or her staff shall be exempt from civil service rules and shall be independent from all other city offices. He or she may be removed for cause by a $\frac{2}{3}$ vote of the Council.

Section 27 of Article VII is amended to read as follows:

Section 27. The City Manager.

The Council shall appoint an officer, known as the City Manager, who shall be the administrative head of the Municipal Government and who

shall be responsible for the efficient administration of all departments. The City Manager shall receive such salary as may be fixed by the Council. The City Manager shall be chosen by the Council without regard to his or her political beliefs, and solely on the basis of executive and administrative qualifications.

Except as otherwise provided in this charter, the City Manager shall be appointed for an indefinite period, and cannot be removed from office except by a vote of five members of the Council. The City Manager shall serve at the will of the Council, and in case of removal may demand written charges and a public hearing thereon before the Council, prior to the date upon which this final removal is to take place; but the decision and action of the Council upon such hearing shall be final, and pending such hearing the Council may suspend the City Manager from duty.

During the absence or disability of the City Manager, the Council shall designate some properly qualified person to perform his or her duties. Whenever a vacancy occurs in this office, the Council shall immediately proceed to appoint a City Manager.

Section 20 of Article V is amended to read as follows:

Section 20. Administering oaths, subpoenas.

The City Council or, when authorized by ordinance, any subcommittee of the Council, Board, Commission or Committee, shall have the power to subpoena witnesses, take testimony under oath and require the production of records by subpoena. Every elected officer, every department head and every member of any such Board, Commission or Committee, when authorized by such Board, Commission or Committee, shall have the power to administer oaths and affirmations. The Chief of Police must, on request of any such body, detail a police officer or officers to serve such subpoena. Any person so subpoenaed who neglects or refuses to appear, to produce any records or refuses to testify or answer any question, which a majority of such body shall decide to be proper and pertinent, shall be subject to contempt proceedings brought in accordance with the general laws of the State.

Sections 5(3), 5(4), 6 and 6½ of Article III are amended, Sections 7(6), 7(10), 7(12), 7(13), 7(16), 7(17), 7(18), 7(19), and 7(21) of Article IV are amended; Sections 14, 14.1, 17, 18 and 19 of Article V are amended; Sections 21 and 24 of Article VI are amended; Section 62 of Article X is amended; Section 74 of Article XII is amended; Section 97 of Article XV is amended; and Section 109 of Article XVI is amended, the amended sections to read as follows:

Section 5(3) Withdrawal of signatures on nomination papers.

Any signer to a nomination paper may withdraw his or her name from the same by filing with the City Clerk a verified revocation of his or her signature before the filing of the nomination paper with the Clerk, and not otherwise. Anyone who has so withdrawn his or her signature may sign a nomination paper for another candidate for the same office.

Section 5(4) Withdrawal of candidate.

Any person who has been nominated as a candidate may, not later than fifty days before the day of election, cause his or her name to be withdrawn from nomination by filing with the City Clerk a request therefor in writ-

ing, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of remaining candidates for any office does not equal the number to be elected for that office, then other nominations for such office may be made by filing nomination papers therefor not later than forty-five days prior to such election.

Section 6. Votes for Deceased Candidates.

Whenever a candidate whose name appears upon the ballot at a general municipal election dies before the time of the closing of the polls on the day of election, the votes cast for such deceased candidate shall be counted in determining the results of the election for the office for which the decedent was a candidate. If the deceased candidate receives the highest number of the votes cast for the office, or if more than one is to be elected to such office and the deceased candidate receives sufficient votes to be one of those elected for such office, he or she shall be considered elected and the office to which he or she was elected shall be vacant at the beginning of the term for which he or she was elected. The vacancy thus created shall be filled in the same manner as if the candidate had died subsequent to taking office for that term.

Section 6½. Candidate's statements of qualifications.

At the time of filing his or her nomination papers, each candidate for an elective office may file with the City Clerk a verified statement showing the name of the candidate, the office for which he or she is a candidate, his or her place of residence, place of birth, present occupation, what public offices he or she has held, whether he or she is a taxpayer in the City of Berkeley, a statement giving information as to his or her experience and qualifications, and a recent photograph, to the end that the electors may be in a position to estimate his or her fitness to fill the office, and the names of not less than five or more than twenty residents of the City of Berkeley to whom he or she refers. Until otherwise provided by ordinance, such statements shall not exceed two hundred words in length. At the time of filing said statement, each candidate shall also pay to the City Clerk a printing fee which, until otherwise provided by ordinance, shall be the sum of \$35.00. The City Clerk shall cause said candidate's statements to be printed in some convenient form and shall mail a copy of said statements to each registered voter with the sample ballot, provided that no name to which the candidate refers shall be included in the publication by the clerk unless the written consent of the person named is filed with the City Clerk. The provisions of this section are self-executing, but the City Council, by ordinance, may more definitely prescribe the form of said candidate's statement. The printing fees so collected by the City Clerk shall be paid into the City Treasury, and the expense of printing said candidates' statements shall be paid from the City Treasury. No refund from printing fees shall be made to candidates, nor shall any extra charge be made, regardless of whether the printing expense is more or less than the amount of the fees received.

Section 7 (6) Notice of intention to circulate petition; statement.

No signature may be affixed to the petition until the proponents have served, filed and published a notice of intention to circulate a recall petition, containing the name of the officer sought to be recalled and the title

of his or her office, a statement in not more than 500 words of the grounds on which the recall is sought, and the name and address of at least one proponent. The notice of intention shall be served, personally or by certified mail, on the officer sought to be recalled, and a copy thereof with a certificate of the time and manner of service shall be filed with the City Clerk.

Section 7 (10) Signatures.

The signatures to the petition need not all be appended to one paper but may be in sections. Each signer shall add to his or her signature the date of his or her signing and his or her residence, giving street and number. If no street or number exist, then a designation of the place of residence shall be given which will enable the location to be readily ascertained. The petition, when filed, must have designated therein the name or number of the respective precinct in which each of the signers resides.

Section 7 (12) Clerk's examination of petition; supplemental petition.

In order to be acceptable for filing, the petition must on its face purport to have appended to it signatures of voters in the required number. Within 15 days from the date of filing the petition, the Clerk shall examine and from the records of registration ascertain whether or not the petition is signed by the requisite number of voters. He or she shall attach to the petition his or her certificate showing the result of his or her examination. If the Clerk's certificate shows the petition is insufficient, a supplemental petition, in form a duplicate of the original petition, may be filed within 15 days of the date of the certificate of insufficiency.

Section 7 (13) Insufficient petition.

The Clerk shall, within 15 days after the supplemental petition is filed, examine it, and if his or her certificate shows that the petition is still insufficient, no action shall be taken thereon. The petition shall remain on file as a public record, and the failure to secure sufficient names shall not prejudice the filing later of an entirely new petition to the same effect.

Section 7 (16) Form of recall question.

There shall be printed on the recall ballot, as to each officer whose recall is to be voted on, the following question: "Shall (name of person) be recalled from the office of (title of the office)?" Following which question shall be the words "yes" and "no" on separate lines, with a voting square at the right of each, in which the voter shall indicate in the manner prescribed his or her vote for or against the recall.

Section 7 (17) Ballot; nominees; counting votes.

On the recall ballots, under each question, there shall be printed the names of those persons who have been nominated, in the manner provided by this Charter for nominations at municipal elections, as candidates to succeed the incumbent if he or she is recalled from office by the recall election. No vote cast shall be counted for any candidate for the office unless the voter also voted on the question of the recall of the person sought to be recalled from that office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office.

Section 7 (18) Canvass of votes (Paragraph four only)

A person appointed to office under this section shall hold office for the remainder of the unexpired term of the recalled officer whose position he or she is appointed to fill.

Section 7 (19) Declaration of election of candidate; failure to qualify; filling vacancy.

If the vote recalls the officer, the candidate who has received the highest number of votes for the office shall be declared elected for the unexpired term of the former incumbent. If the person who received the highest number of votes fails to qualify within 10 days after the declaration of his or her election, the office shall become vacant and shall be filled according to law.

Section 7 (21) Disqualification from office.

A person who has been recalled, or who has resigned from office while recall proceedings were pending against him or her, shall not be a candidate for nor appointed to such office within one year after his or her resignation or recall.

Section 14. Mayor's term of office.

The Mayor shall hold office for a term of four years from and after the first day of May after being elected and until a successor is elected and qualified.

Section 14.1. Auditor's term of office.

The Auditor shall hold office for a term of four years from and after the first day of July after being elected and until a successor is elected and qualified.

Section 17. Bonds (first paragraph only)

The Mayor, the Auditor, each Councilmember and each School Director shall, before entering upon the duties of their respective offices be covered by an official bond with a surety company as sole surety.

Section 18. Oath of office.

Every officer of the City, including the City Manager, before entering upon the duties of their respective offices shall take the oath of office as provided for in the Constitution of this State, and shall file the same with the City Clerk.

Section 19. Salaries (first paragraph only)

The Councilmembers shall receive remuneration for the performance of their official duties at the rate of \$300.00 per month, and the Mayor shall receive \$600.00 per month. If the Mayor or any member of the Council is absent from one or more regular meetings of the Council during any calendar month, unless excused by the Council in order to attend to official business of the City, he or she shall be paid only one-fourth of the monthly remuneration for each regular meeting of the Council which he or she attended during such month.

Section 21. The Mayor's powers

The Mayor shall be the chairman of the Council, and shall preside at the meetings of the Council and perform such other duties consistent with his or her office as may be imposed by the Council. He or she shall be entitled to a vote on all matters coming before the Council, but shall possess no veto power. He or she shall be recognized as the official head of the City

for all ceremonial purposes, by the courts for the purposes of serving civil processes, and by the Governor for military purpose. He or she may use the title of Mayor in any case in which the execution of contracts or other legal instruments in writing, or other necessity arising from the general laws of this State, may so require; but this shall not be construed as conferring upon him or her administrative or judicial functions or other powers or functions of a Mayor, under the general laws of the State. The powers and duties of the Mayor shall be such as are conferred upon him or her by this amendment, together with such others as may be conferred by the Council in the pursuance of the provisions of this amendment, and no others.

Section 24. Mayor to have City's books examined.

The Mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a certified public accountant, who shall examine, at least once during the year, the books, records and reports of the Auditor and of all officers and employees who receive or disburse City moneys, and the books, records and reports of such other officers and departments as the Mayor may direct, and annually, after the close of each fiscal year, make a report of such examination. Such report shall be presented to the Mayor and copies thereof shall be filed with the Auditor, City Manager and City Clerk. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise all officers, clerks and employees of the City, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him or her for examination such books and papers of his or her office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his or her office. The Council shall provide for the payment of the services of such accountant.

Section 62. Money to meet warrants or checks.

When the running expenses of the City have been placed on a cash basis, warrants payable on demand shall be drawn upon the Treasurer, or against any funds in his or her hands, or checks drawn upon deposits maintained in a bank or banks, only when at the time of the drawing and issuing of such warrants or checks there shall be sufficient money in the appropriate fund in the treasury or bank or banks to pay said warrants or checks.

Section 74. Franchises to operate.

No person, firm or corporation shall exercise any franchise right or privilege mentioned in this Article, except insofar as he, she, or it may be entitled to do so by direct authority of the Constitution of the State of California or of the United States, in the City of Berkeley, unless he, she, or it shall have obtained a grant therefor in accordance with the provisions of this Article of this Charter and in accordance with the procedure prescribed by ordinance. Nothing in this Article contained shall be construed to invalidate any lawful franchise heretofore granted nor to necessitate the obtaining of a new franchise for a use for which a franchise holder shall have a valid unexpired franchise.

Section 97. President of the Board.

The Board of Education shall annually elect one of its own members to

be President of the Board. He or she may be removed by the affirmative vote of four members. The President shall have no other vote than his or her vote as member of the Board.

Section 109. When this Charter takes effect.

For the purpose of nominating candidates and electing Mayor, Auditor, Councilmembers and School Directors in accordance with this Charter, this Charter shall take effect from the time of the approval of the same by the Legislature; for all other purposes it shall take effect on the first day of July, 1909.

Sections 28, 30, 31, 32, 33 and 35 of Article VII are amended, and new Section 29 is added to Article VII, the amended and new sections to read as follows:

Section 28. Powers and duties of City Manager.

The City Manager shall be responsible to the Council for the implementation of Council policy and for the efficient administration of all the affairs of the City. The City Manager shall have the following powers and duties:

(a) To see that all laws and ordinances are duly enforced, and the City Manager is hereby declared to be beneficially interested in their enforcement and to have the power to sue in the proper court to enforce them.

(b) Except as otherwise provided in this Charter, to appoint, discipline or remove all officers and employees of the City, subject to the Civil Service provisions of this Charter. The appointment of a department head by the City Manager shall become effective upon affirmative vote of five members of the Council. Neither the Council nor any of its committees or members shall dictate or attempt to dictate, either directly or indirectly, the appointment of any specific person to office or employment by the City Manager. 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.

(c) To exercise control over all departments, divisions and bureaus of the City Government and over all the appointive officers and employees thereof.

(d) Except when the Council is considering the City Manager's removal, to attend all regular meetings of the Council and its committees, with the right to take part in discussions, but without power to vote. The City Manager shall receive notice of all special meetings.

(e) To recommend to the Council for adoption such measures and ordinances as may be deemed necessary.

(f) To make investigations into the affairs of the City, or any department or division thereof, or any contract, or the proper performance of any obligation running to the City.

(g) To prepare and submit to the Council for its consideration the proposed annual budget.

(h) To keep the Council at all times fully advised as to the financial condition and needs of the City.

(i) To submit to the Council, at least once each month, a list of all claims

and bills approved by the City Manager for payment.

(j) To devote full time to the duties and interests of the City.

(k) To perform such other duties as may be prescribed by this Charter or be required by ordinance or resolution of the Council.

The City Manager shall be charged with the general supervision of all public utility companies insofar as they are subject to municipal control; the City Manager shall keep fully informed as to their compliance in all respects with the law, and shall see that all franchises granted by the City are faithfully observed. The City Manager shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and revoke, cancel or annul all franchises that may have been granted by the City to any person, firm or corporation, which have become forfeitable in whole or in part, or which for any reason are illegal and void and not binding upon the City. The City Attorney, on demand of the City Manager, must institute and prosecute the necessary actions to enforce the provisions of this subsection.

Section 30. Library trustees.

Five Library Trustees shall be appointed and may be removed by a vote of five members of the Council and one of such trustees must be appointed by the Council from its own members. The Board of Library Trustees shall have power to manage the library and to appoint, discipline and dismiss all officers and employees of the library.

Section 31. Creation of departments and job classifications.

The Council shall have power by ordinance to create and discontinue departments and job classifications, and to prescribe the duties thereof.

Section 32. Compensation of officers and employees.

The Council shall fix the compensation of all officers and employees on recommendation of the City Manager, except as in this Charter otherwise provided. No officer or employee shall be allowed any fees, prerequisites, emoluments, rewards or compensation, aside from the salary or compensation as fixed by the Council, but all fees received by him or her in connection with his or her official duties shall be paid into the City Treasury.

Section 33. Reports of departments.

Each department and commission shall annually on such date as may be fixed by the Council, render to the City Manager and the Council a full report of all operations of such department or commission for the year.

Section 35. Councilmembers to hold no other office.

No member of the Council shall hold any other position, office or employment, the compensation of which is paid by the City, except as otherwise provided in this Charter.

No member of the Council, during the term for which he or she has been elected or appointed, or within one year after the term's expiration, shall be appointed to the office of the City Manager or as a department head.

No member of the Council, during the term for which he or she has been elected or appointed, or within one year after the term's expiration, shall be appointed to any other position, office or employment the compensation of which is paid by the City, if such other position, office or

employment was created or the compensation increased by the Council while he or she was a member.

This section shall not prevent the appointment of any member of the Council to any non-compensated position, office or employment or from being appointed to fill a vacancy in the office of Mayor.

Section 29. Probation period.

The Council may by ordinance prescribe a probation period for a City Manager or department head appointed after the effective date of this section. At the end of the probation period the City Manager or department head may be retained only upon affirmative vote of five members of the Council.

Certified to be a true copy by Edythe Campbell, City Clerk.

Date of municipal election: April 15, 1975.

Charter Chapter 25—City of Watsonville

*Amendments to the Charter of the City
of Watsonville*

[Filed with Secretary of State October 8, 1975.]

Section 703 of Article VII is amended to read as follows:

“Section 703. Powers and Duties. The City Manager shall be responsible to the Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities and duties, the City Manager shall have power and be required to:

(a) Take a continuing interest in the effectiveness and economy of all administrative arrangements throughout the City;

(b) Insure that administrative activities with which two (2) or more departments are concerned are effectively coordinated;

(c) Appoint, suspend and/or remove, subject to the personnel provisions of this Charter, all department heads, officers and employees of the City except those department heads and officers appointment of whom is vested in the Council. The City Manager may authorize the head of any department or office to appoint or remove subordinates in such office;

(d) Prepare the budget annually, submit it to the Council, and be responsible for its administration after its adoption;

(e) Prepare and submit to the Council as of the end of the fiscal year a comprehensive report on the finances and administrative activities of the City for the preceding year;

(f) Make and execute contracts on behalf of the City involving expenditures budgeted or appropriated by the Council, subject to such rules or regulations as may be adopted by the Council by ordinance or resolution;

(g) Keep the Council advised of the financial condition and future needs of the City and make such recommendations on any matter as may to him seem desirable;

(h) See that the laws of the State pertaining to the City, the provisions of this Charter and the ordinances of the City are enforced;

(i) Submit a monthly report to the Council covering significant activities of City agencies, offices and departments under his supervision and any significant changes in administrative rules and procedures promulgated by him;

(j) Submit special reports in writing to the Council in answer to any requests for information when requested of him by the Council; and

(k) Perform such other duties consistent with this Charter as may be required of him by the Council.”

Section 904 of Article IX is amended to read as follows:

“Section 904. Meetings: Chairmen. As soon as practicable following their original appointment, and following the first day of January of each year thereafter, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold regular meetings as provided by resolution of the Council and such special meetings as such board or commission may require. Except as is otherwise provided by the laws of this State, all proceedings shall be open to the public.

“The affirmative or negative vote of a majority of the entire membership of such board or commission shall be necessary for it to take action.

Unless otherwise provided, the City Manager shall provide a secretary for the recording of the minutes of each of such boards and commissions who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own procedural rules and regulations which shall be consistent with this Charter and copies of which shall be kept on file in the office of the City Clerk where they shall be available for public inspection. Each board or commission shall have the same power as the Council to compel the attendance of witnesses, to examine them under oath, to compel the attendance of witnesses, to examine them under oath, to compel the production of evidence before it and to administer oaths and affirmations in any investigation or proceeding pending before it.”

Section 909 of Article IX is amended to read as follows:

“Section 909. Personnel Commission: Powers and Duties. The Personnel Commission shall have the power and duty to:

(a) Act in an advisory capacity to the Council and the City Manager or other appointive power on matters relating to personnel administration;

(b) Recommend to the Council upon request, the adoption, amendment or repeal of the personnel rules and regulations referred to in Section 1002 of this Charter;

(c) Hear appeals of any officer or employee holding a regular position in the competitive service pertaining to suspension, demotion, dismissal or disciplinary action as provided for in Article X;

(d) Make any investigation which it may consider desirable concerning the conditions of employment and the administration of personnel in the municipal service and report its findings to the Council, the City Manager and any other appointive power; and

(e) Perform such other duties relating to personnel matters as may be prescribed by the Council not inconsistent with the provisions of this Charter”.

Section 1002 of Article X is amended to read as follows:

“Section 1002. Personnel Rules and Regulations. The Council shall implement the personnel system by adopting rules and regulations governing its administration.”

Certified to be a true copy by Dorothy Bennett, City Clerk.

Date of municipal election: May 13, 1975.

Charter Chapter 26—City of Stockton

Amendments to the Charter of the City of Stockton

[Filed with Secretary of State November 3, 1975]

Article XI, Section 3, is amended to read as follows:

The Police Department shall be under the control, management, and direction of a chief of police. The chief shall be appointed by and shall hold office at the pleasure of the city manager. The appointment shall be made from among the members of the Police Department above the rank of police officer. The demotion of the chief of police shall not accomplish dismissal from the department, but upon such demotion the rank and grade held immediately prior to appointment as Chief of Police shall be restored.

Article XI, Section 4, is amended to read as follows:

In the event of the absence or disability of the chief of police, or a vacancy in such office, the city manager shall designate the deputy chief of police, a captain or a lieutenant to assume charge of the department until the chief returns or until a successor is appointed.

Article XI, Section 5, is amended to read as follows:

The chief of police shall suppress all riots, disturbances and breaches of the peace, and to that end may call on any person for aid. The chief shall, in the performance of police duties, have the powers and responsibilities of a sheriff in similar cases.

Subject to the approval of the city manager and the rules and regulations of the Civil Service Commission, the chief of police shall direct and supervise the personnel of the department and have charge of the property and equipment thereof. In addition, the chief of police shall have the following duties: full power to detail any officer or member of the department to such public service as may be necessary; recommend in writing to the city manager that disciplinary action be taken against members of the department pursuant to Article XXXII hereof, when in the judgment of the chief of police, it is deemed necessary, stating reasons therefor, and shall immediately file a copy of said recommendations with the Civil Service Commission; shall exercise all powers and duties provided by the

general laws or ordinances of the city council; shall devote full time to the discharge of the duties of the office.

Article XI, Section 6, is amended to read as follows:

The chief of police shall have the power to appoint, without competitive examination, a deputy chief of police from among the members of the department from the rank of sergeant of police and above. After appointment the deputy chief of police shall hold said rank at the pleasure of the chief of police. Demotion from the office of deputy chief of police by the chief of police shall not result in dismissal from the department, but the rank and grade held immediately prior to appointment as deputy chief of police shall be restored unless charges of dismissal or demotion are brought as provided elsewhere in this charter.

Article XI, Section 7, is amended to read as follows:

The city council shall authorize the appointment and provide for the compensation of such extra police officers as may, from time to time, become necessary for temporary duty. The city manager may authorize the appointment of special police officers to be paid by the persons, firms, or corporations petitioning for the same. All extra and special police officers shall possess all of the powers and discharge all of the duties of regular police officers, shall be under the direction and control of the city manager, and shall be subject to and shall obey all rules and regulations of the police department.

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

The provisions of this act shall have the effect of placing both the fire department of the City of Stockton and the police department of the City of Stockton under civil service rules and regulations, and each of said departments shall have and retain its separate organization and identity under the direction of a chief of each department, which separate organization shall consist of such officers and employees as the legislative body of the city may from time to time by ordinance or resolution determine and designate.

Article XXXII, Section 4e, is amended to read as follows:

Hearings and Investigations; How Conducted. All hearings and investigations before the commission, or designated commissioner or chief examiner, shall be governed by this act and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission nor designated commissioner or chief examiner shall be bound by the technical rules of evidence. No informality in any proceedings or hearing or in the manner of taking testimony before the commission or designated commissioner or chief examiner shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission; provided, however, that no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least two of the other four members.

Article XXXII, Section 4h, is amended to read as follows:

Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position, and as a result thereof with other permissible factors establish

eligible lists for the various classes of positions and to provide that police officers laid off because of curtailment of expenditures, reductions in force and for like causes, head the list in the order of their seniority to the end that they shall be the first to be reemployed.

Article XXXII, Section 6a, is amended to read as follows:

Citizenship. An applicant for a position in the police and fire department under civil service must be a citizen of the United States of America who can read and write the English language.

Article XXXII, Section 7, is amended to read as follows:

When an employee in the classified service, who has been performing his duties in a satisfactory manner, as shown by the records of the department in which the employee has been employed, is laid off because of lack of funds or has been on authorized leave of absence and is ready to report for duty when a position is open the commission shall cause the name of such employee to be placed on the reemployment lists for the appropriate class for reemployment within two years thereafter when vacancies occur. The order in which names shall be placed on the reemployment list for any class shall be established by rule. A permanent employee who has resigned in good standing may, with the recommendation of the chief of the department and the City Manager and the consent of the civil service commission, be restored to a reemployment list of the same class of previous position within a period of one year from the effective date of resignation.

Article XXXII, Section 8g, is amended to read as follows:

All probationary police officers with not less than eighteen months' service to be considered as eligible for the rank of police officers, all police officers with not less than five years' service in the Stockton Police Department to be considered as eligible for the rank of sergeant, and all sergeants of said department who have held the rank of sergeant for at least two years last past continuously to be considered as eligible for the rank of lieutenant, and all lieutenants of said department to be considered eligible for the rank of captain. All members of said department above the rank of police officer are to be considered as eligible for the rank of police chief.

Article XXXII, Section 9, is amended to read as follows:

Whenever a position in the classified service of the police or fire department becomes vacant, the appointive officer, if it is desired to fill the vacancy, shall make requisition upon the commission for the name and address of a person eligible for appointment thereto. The Commission shall certify the name of the person highest on the eligible list from the class to which the vacant position has been allocated, who is willing to accept employment except in the case of appointing an assistant fire chief. If more than one vacancy is to be filled, an additional name shall be certified for each additional vacancy. On original appointment the appointing power shall appoint such persons to such vacant position on probation. On promotional police appointments, except those of chief, the appointing power shall appoint persons to such vacant position on probation for a period of twelve months. During the probationary period for promotional police appointments and unless charges of dismissal or demotion are brought as elsewhere provided in this Charter, the appointing

authority, upon the recommendation of the chief of the Police Department, may demote the appointee to the former rank, provided that the reasons are specified in writing, served on the person and filed with the Commission. Any person so demoted, may, within ten (10) days from the time of the demotion, file with the Commission a written demand for an investigation, whereupon the Commission shall conduct such investigation, whereupon the Commission shall conduct such investigation. The investigation shall be confined to the determination of the question as to whether such demotion was or was not made for political or religious reasons and was or was not made in good faith for cause. After such investigation, the Commission may affirm the demotion or, if it shall find that the demotion was made for political or religious reasons or was not made in good faith for cause, shall order the immediate reinstatement of such persons to the office, place or position or employment from which such person was demoted, which reinstatement shall if the Commission so provides, in its discretion, be retroactive and entitle such persons to such pay or compensation as would have been received had the person not been demoted. The findings of the Commission shall be certified in writing to the appointing power and shall be forthwith enforced by such officer. The Commission when conducting an investigation and hearing under this section shall consider that this promotional probationary period is regarded as an intrinsic part of the examination process and that the same is utilized for closely observing the promotional appointee's work for securing the most effective adjustment of a probationer's qualifications to this higher rank and for the purpose of eliminating any probationer from attaining permanent status in said higher rank whose work performance does not meet the required standards of duties and responsibilities. The Commission shall make suitable rules and regulations regarding the measurement of such probationary period consistent with the provisions of the Civil Service Act and, in the Commission's opinion, consistent with good personnel administration.

Whenever a position of assistant fire chief becomes vacant, the appointive officer, if it is desired to fill the vacancy, shall make requisition upon the commission for the names of persons eligible for appointment thereto. The commission shall certify the three names at the top of the eligible list for such class or, in the event of two or more vacancies in the class, the commission shall certify two names more than the number of vacancies. If insufficient names are available to meet this requirement, the appointing authority may request additional certification, whereupon the civil service commission shall schedule and conduct an examination to provide the number of eligibles required. Any one of the names so certified may be appointed to the vacancy regardless of standing on the eligible list and not on probation. Whenever requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the commission shall forthwith certify the name of the person eligible for appointment to the appointing power and said appointing power shall forthwith appoint the person so certified, to said position. No person so certified shall be laid off, suspended, given leave of absence from duty, transferred or reduced in pay or grade, except for

reasons which will promote the good of the service, specified in writing after an opportunity to be heard by the commission, and then only with its consent and approval.

Appointments shall be regarded as taking effect upon the date when the person certified for appointment reports for duty. A person tendered certification may waive or refuse certification in writing for a period for reasons satisfactory to the commission and such waiver or refusal shall not affect the standing or rights to certification to the first vacancy in the class occurring after the expiration of such period. If no such waiver or refusal has been filed and the period therefor has expired and the person tendered certification fails to report for duty forthwith after tender of certification has been made, the person's name, may at the discretion of the commission, be stricken from all lists for such class. Acceptance or refusal of temporary appointment or of an appointment to a position exempt from the provisions of this list shall not affect the standing of any person on the list for permanent appointment.

Article XXXII, Section 11.1, is amended to read as follows:

Any member of the police or fire department who, in time of war or national emergency as proclaimed by the President or Congress, or when any of the armed forces of the United States are serving outside of the United States or its territories pursuant to order or request of the United Nations, or while any national conscription act is in effect, leaves or has left said office or position prior to the end of the war, or the termination of the national emergency or during the effective period of any such order or request of the United Nations or prior to the expiration of the National Conscription Act, to join the armed forces of the United States and who does or did without unreasonable and unnecessary delay join the armed forces, or, being a member of any reserve force or corps of any of the armed forces of the United States or of the militia of this State, is or was ordered to duty therewith by competent military authority and served or serves in compliance with such orders, shall have a right, if released, separated or discharged under conditions other than dishonorable, providing said member was on an eligible list for promotion and would have been promoted to the next higher rank during the period of such military service had he not been absent on such military service, to be appointed to such next higher rank subject to passing a satisfactory physical medical examination, if employment is resumed with the police department or fire department within three (3) months after the termination of his active service with the armed forces, but not later than six (6) months after the end of the war or national emergency or military or police operations under the United Nations or after the Governor finds and proclaims that, for the purposes of this section, the war, national emergency, or United Nations military or police operation no longer exists, or after the expiration of the National Conscription Act.

In order to preserve the promotional rights guaranteed by this section and still maintain the operating efficiency of the departments, the appointing power, with the approval of the commission may make temporary appointments to a higher rank to fill vacancies, such temporary appointments to be for an indefinite term and pending the exercise of the

promotional rights conferred upon returning veterans by the provisions of this section. The time limitations imposed by Section 11, of this Article on provisional and temporary emergency appointments shall not apply to temporary appointments made under this subsection 11.1.

Article XXXII, Section 12, is amended to read as follows:

No commissioner or any other person shall, individually or in cooperation with any one or more persons, defeat, deceive or obstruct any person in respect to the right of examination or registration according to the rules and regulations of this act or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified, pursuant to the provisions of this act, or aid in so doing; or make false representation concerning the same or concerning the person examined or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chance of any person examined, registered or certified, or to be examined, registered or certified, or persuade any other person or to permit or aid in any manner any other person to impersonate the person in connection with any examination or registration or application or request to be examined or registered.

Article XXXII, Section 15, is amended to read as follows:

No person employed under civil service or registered on the eligible list of the classified service, coming under the provisions of this act, shall be a candidate for popular election to any public office, unless such person shall immediately resign from the office, place, position or employment which the person then holds under civil service, or in the case of persons on the eligible list of the classified service, unless such persons shall immediately have their names stricken from such eligible list. Any person who shall be a candidate for popular election to any public office, contrary to the provisions of this section, shall forfeit all right to the office, place, position or employment which said person then holds under civil service or may have on the eligible list of the classified service.

Article XXXII, Section 17, is amended to read as follows:

The appointing authority may suspend any member of the fire department or police department of the City of Stockton, for cause, for a reasonable period, not exceeding 60 work days at any one time, with loss of salary or other compensation. The appointing authority shall not be authorized to suspend the same person for a total of more than 90 work days during any one fiscal year. No suspension shall be made except upon written charges made by the appointing officer and served upon the accused and filed with commission, with the privilege to the accused of serving upon the appointing authority a written answer and explanation of such charges and filing a copy of the same with the commission.

Any person so suspended may, within ten days from the time of suspension, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such suspension was or was not made in good faith for cause.

The hearing under this section shall be conducted by the commission in the same manner as the hearing upon demotion set forth in Section 18 hereof and the commission, upon such hearing and investigation, may

affirm said suspension or if it shall find that the suspension was made for political or religious reasons or was not made in good faith for cause, shall order that the suspension be revoked and set aside. The decision of the commission shall be final and there shall be no appeal therefrom. The findings of the commission shall be certified in writing to the appointing power and shall be forthwith enforced by such officer.

Article XXXII, Section 18, is amended to read as follows:

No person in the classified service who shall have been permanently appointed or inducted into civil service under the provisions of this act, excepting the chief of the police department, shall be demoted, except for cause, and only upon the written accusations of the appointing officer and upon the written accusations of the chief of the department under whose jurisdiction the person is employed, a written statement of which accusation, in general terms, shall be served upon the accused and a duplicate filed with the commission.

Any person so demoted, excepting the chief of the police department, may, within ten days from the time of demotion, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such demotion was or was not made for political or religious reasons and was or was not made in good faith for cause. After such investigation the commission may affirm the demotion or if it shall find that the demotion was made for political or religious reasons or was not made in good faith for cause, shall order the immediate reinstatement of such person to the office, place, or position or employment from which such person was demoted, which reinstatement shall, if the commission so provides, in its discretion, be retroactive and entitle such person to such pay or compensation as the person would have received had the person not been demoted. The commission, upon such investigation, in lieu of affirming the demotion, may modify the order of demotion by directing a suspension without pay for a given period and subsequent restoration to the person's grade prior to demotion. The findings of the commission shall be certified in writing to the appointing power and shall be forthwith enforced by such officer.

All investigations made by the commission pursuant to the provisions of this section shall be by public hearing after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel and presenting the accused's defense and may for said purposes have subpoenas issued and require the attendance of witnesses to present the accused's defense. If the accused party is dissatisfied with the judgment or decision of the commission, the accused may appeal to the Superior Court of the State of California, in and for the County of San Joaquin, within the time and in the same manner as set forth in Section 19 hereof. The said Superior Court shall proceed to hear said appeal and the decision of the said Superior Court shall be limited to the determination of whether the judgment, order or decision was or was not made for political or religious reasons or was or was not made in good faith for cause. The Superior Court shall be authorized to make any decision or judgment

which the commission is authorized to make. The findings of the said Superior Court shall be certified in writing to the appointing officer of the City of Stockton and shall be forthwith enforced by such officer.

Article XXXII, Section 19, is amended to read as follows:

No person in the classified service who shall have been permanently appointed or inducted into civil service under the provisions of this act shall be removed or discharged except for cause and only upon the written accusation of the appointing officer or any taxpayer in the City of Stockton, and upon the written recommendation of the chief of the department under whose jurisdiction the person is employed, a written statement of which accusation, in general terms, shall be served upon the accused and a duplicate filed with the commission.

Any person so removed or discharged may, within ten days from the time of removal or discharge, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such removal or discharge was or was not made for political or religious reasons and was or was not made in good faith for cause. After such investigation the commission may affirm the removal or discharge was made for political or religious reasons or was not made in good faith for cause, shall order the immediate reinstatement or reemployment of such person in the office, position or employment from which such person was removed or discharged, which reinstatement shall, if the commission so provides, in its discretion, be retroactive and entitle such person to pay or compensation from the time of such removal or discharge. The commission, upon such investigation, in lieu of affirming the removal or discharge, may modify the removal or discharge by directing a suspension without pay for a given period and subsequent restoration to duty or demotion in classification, grade or pay; the findings of the commission shall be certified in writing to the appointing power and shall be forthwith enforced by such officer.

All investigations made by the commission pursuant to the provisions of this section, shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel and presenting the accused's defense and may for said purpose have subpoenas issued and require the attendance of witnesses to present the accused's defense. If the accused is dissatisfied with the judgment or order made by the commission or a majority thereof, the said accused may appeal therefrom to the Superior Court of the State of California, in and for the County of San Joaquin. Such appeal shall be taken by serving the commission, within thirty (30) days after the entry of such judgment or order by the commission, a written notice of appeal, stating the grounds thereof, and demanding a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to such judgment or order be filed by the commission with such court. The commission shall, within ten days after the filing of such notice, make, certify and file such transcript with such court.

When a party appeals to the said Superior Court from a judgment or

order of removal or discharge, the action or complaint or accusation must be tried anew in said Superior Court. The said Superior Court of the State of California, in and for the County of San Joaquin, shall thereupon proceed to hear and determine such appeal and the hearing before said Superior Court shall be conducted in the same manner and for the same purpose and reasons as the hearing and investigation before the commission and the said Superior Court shall have and is hereby given the same authority to make any order, judgment or decision which the said commission is authorized to make. The findings of said Superior Court shall be certified in writing to the appointing power of the City of Stockton and shall be forthwith enforced by such officer.

This section shall not be applicable to the removal by demotion of the chief of the police department.

Article XXXII, Section 23, is amended to read as follows:

(a) When a member of either fire department or police department becomes sick and/or disabled to such an extent as to render the member unable and unfit to properly perform required duties in said department, the fact shall be reported, or caused to be properly reported to the chief of the department. The chief of the department shall promptly investigate the same and if necessary, grant the member a leave of absence on account of sickness and/or disability.

(b) All members of either the fire department and/or police department who may be granted leaves of absence on account of sickness and/or disability must file with the chief of the department once each week, or oftener at the discretion of the chief of the department, a certificate from a regularly certified physician, clearly specifying the character and nature of such sickness or disability. No member of either of said departments who shall be off duty, with pay, on account of sickness or disability, shall, in any case, be granted a leave of absence for a period exceeding sixty days, without special written permission of the appointing officer.

(c) Any person in the fire or police departments of the City of Stockton may be required to take a physical examination from the city physician when in the opinion of the City Manager such examination is necessary. Upon warning by the city physician it shall be the duty of the employee to correct remediable physical deficiencies or conditions within a reasonable time or incur disciplinary action. If the physical examination discloses that the employee is no longer fit for duty, the employee shall be removed from the department subject, of course, to disability retirement payments if eligible thereto. In the event that the city physician finds either that the employee has a remediable physical deficiency or condition or that the employee is no longer fit for duty, the employee shall have recourse, if desired, to the civil service commission, provided that the employee must request a hearing from the commission in writing within 15 days of the time that written notice of the finding above mentioned is served upon him. The civil service commission shall receive medical evidence from the city physician and from the physicians chosen by the employee and from such other physicians as desired by the commission. The civil service commission shall make a full inquiry into the accuracies of the findings above mentioned and shall make its own findings and decision thereon.

Appeal from such findings and decision may be taken by the employee to the Superior Court of San Joaquin County.

Article XXXII, Section 41, is amended to read as follows:

The provisions of this Article shall be liberally construed to the end that the intent and purpose thereof may be given effect, and particularly to the effect that both the fire department and the police department of the City of Stockton shall be operated upon the civil service rules and regulations herein provided.

Whenever the term "police officer" is used in this Article, it shall be deemed to be applicable to members of the classified service of the police department of either sex and irrespective of any prior description used for the position held by such members.

Certified to be a true copy by Manuel Silveria, Mayor, and John M. Jarrett, City Clerk.

Date of municipal election: October 14, 1975.

Charter Chapter 27—City of Irvine

Charter of the City of Irvine

[Filed with Secretary of State November 14, 1975]

We, the People of the City of Irvine, State of California, do ordain and establish this Charter as the organic law of the City of Irvine under the Constitution of the State of California.

Article I
Incorporation and Succession

Section 100. Name and Boundaries. The City of Irvine, hereinafter termed the City, shall continue to be a municipal corporation under its present name, "City of Irvine". The boundaries of the City shall be as established at the time this Charter takes effect, or as they may be changed thereafter in the manner authorized by law.

Section 101. Rights and Liabilities of the City. The City shall continue to own, possess, and control all rights and property of every kind and nature owned, possessed, or controlled by it at the time this Charter takes effect and shall be subject to all its legally enforceable debts, obligations, liabilities, and contracts.

Section 102. Ordinances, Codes and Other Regulations. All ordinances, codes, resolutions, rules, regulations, and portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, shall continue in force until they shall have been duly repealed, amended, changed, or superseded by proper authority as provided herein.

Section 103. Officers and Employees. Subject to the provisions of this Charter, the present officers and employees of the City shall continue to perform the duties of their respective offices and employments under the same conditions as those of the existing offices and positions until the

election or appointment and qualification of their successors, subject to such removal and control as herein provided.

Section 104. Pending Actions and Proceedings. No action or proceeding, civil or criminal, pending at the time when this Charter takes effect, brought by or against the City or any officer, office, department or agency thereof, shall be affected or abated by the adoption of this Charter or anything herein contained.

Article II Powers of City

Section 200. Powers. The City shall have all powers possible for a City to have under the Constitution and laws of the State of California as fully and completely as though they were specifically enumerated in this Charter. Specifically, but not by way of limitation, the City shall have the power to make and enforce all laws and regulations with respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted, or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California. The enumeration in this Charter of any particular power, duty or procedure shall not be held to be exclusive of, or any limitation or restriction upon, this general grant of power.

Section 201. Intergovernmental Relations. The City may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more cities, counties, states, or civil divisions or agencies thereof, or the United States or any agency thereof. In addition to the foregoing the City may delegate the exercise of its powers or the performance of any of its functions to any city, county, state, civil division or agency thereof or the United States or any agency thereof.

Article III Form of Government

Section 300. Form of Government. The municipal government established by this Charter shall be known as the "Council-Manager" form of government.

Article IV The City Council

Section 400. City Council. The City Council, hereinafter termed "Council", shall consist of five Council members elected to office from the City at large in the manner provided in this Charter. The term of office shall be four years. Alternatively, and successively, three four-year terms shall be filled at one general municipal election and two four-year terms at the next such election, consistent with the sequence of terms of Council members existing on the effective date hereof. The term of a Council member shall commence on the first Tuesday following his or her election, and he or she shall serve until his or her successor qualifies. Any ties in

voting shall be settled by the casting of lots.

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

Section 401. Eligibility. No person shall be eligible to hold the office of Council member unless he or she is a legally registered voter and resident of the City.

Section 402. Compensation. Compensation for Council member is hereby set, and from time to time shall be changed, in accordance with the provisions of the Government Code relating to salaries of council members in general law cities. Such compensation may be increased or decreased other than as set forth above by an affirmative vote of a majority of the voters voting on the proposition at any election.

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

(a) A vacancy shall exist on the Council, and shall be declared by the Council, upon the occurrence of any of the events enumerated in the provisions of the Government Code pertaining to vacancies in public offices.

(b) A declaration by the Council of a vacancy resulting from forfeiture of office shall be subject to judicial review, provided that within two weeks after such declaration an appropriate action, or proceeding for review is filed in a court having jurisdiction of the action or proceeding. During the pendency of any such action or proceeding, anyone appointed by the Council or elected by the people to fill such vacancy shall have all the rights, duties, and powers of a Council member and shall continue in such office as provided herein unless and until said court rules the declaration of the Council invalid and such ruling has become final.

(c) The method of filling vacancies on the City Council shall be as prescribed by ordinance of the City Council.

Section 404. Powers Vested in the Council. All powers of the City shall be vested in the Council except as otherwise provided in this Charter.

Section 405. Council Organization, Meetings and Rules of Order. Officers of the Council, the time, place and method of calling meetings and the rules of order for the conduct of proceedings by the City Council shall be as established by ordinance of the City Council.

Section 406. Citizen Participation. Subject to the rules governing the conduct of Council meetings, any citizen, personally or through counsel, shall have the right to present grievances at any regular meeting of the Council, or offer suggestions for the betterment of municipal affairs.

Section 407. Adoption of Ordinances and Resolutions. With the exception of ordinances which take effect upon adoption pursuant to this Article, no ordinance shall be adopted by the Council on the day of its introduction, nor within five days thereafter. An ordinance effective upon adoption as provided herein may be introduced and adopted at the same time. All ordinances shall be read by title only either at the time of introduction or at the time of adoption unless three members of the Council request that the ordinance be read in full. In the event that any ordinance is altered after its introduction, it shall not be finally adopted except at a

meeting held not less than five days after the date upon which such ordinance was altered. Correction of a typographical or clerical error shall not constitute an alteration within the meaning of the foregoing sentence.

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

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

Any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health, or safety and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if it is passed by at least four affirmative votes.

Section 408. Ordinances. Posting. The City Clerk shall cause each ordinance to be posted in at least three public places in the City in lieu of publication unless publication is requested by the City Council or otherwise required by law.

Section 409. Adoption of Codes by Reference. Detailed regulations pertaining to any subject, when arranged as a comprehensive code, may be adopted by reference by the passage of an ordinance for such purpose. Such code need not be posted or published in the manner required for the enactment of ordinances. Any or all ordinances of the City may be compiled, consolidated, revised, indexed, including such restatement and substantive change as is necessary in the interest of clarity, and arranged as a comprehensive ordinance code. Such ordinance code may be adopted by reference as provided herein. Copies of any adopted code of regulations shall be made available for purchase at a reasonable price.

Section 410. Ordinances. When Effective. An ordinance shall become effective after the thirtieth day following its adoption, or at any later date specified therein, except the following, which shall take effect upon adoption:

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

Article V City Manager

Section 500. City Manager. Selection and Qualifications. There shall be a City Manager who shall be the chief administrative officer of the City. The Council shall appoint the person who it believes to be best qualified on the basis of executive and administrative qualifications, with special reference to experience in, and knowledge of, accepted practice in respect to the duties of the office as set forth in this Charter.

Section 501. City Manager. Appointment, Removal, Powers and Duties. The appointment, removal, powers and duties of the City Manager shall be as established by ordinance of the City Council.

Article VI City Clerk

Section 600. City Clerk. There shall be a City Clerk who shall be appointed by and serve at the pleasure of the Council.

Section 601. Powers and Duties. The City Clerk or a duly authorized representative shall:

(a) Attend all meetings of the Council and be responsible for the recording and maintaining of a full and true record of all of the proceedings of the Council in books that shall bear appropriate titles and be devoted to such purpose.

(b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each document stating that said document is the original or a correct copy, and with respect to an ordinance, stating that said ordinance has been posted or published in accordance with this Charter. All of said books shall be properly indexed and open to public inspection.

(c) Maintain separate books in which a record shall be made of all written contracts and official bonds.

(d) Be the custodian of the seal of the City.

(e) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City, and certify copies of official records.

(f) Conduct all City elections.

(g) Perform such other duties as may be prescribed by the Council.

Article VII Officers and Employees

Section 700. Administrative Departments.

(a) The Council may establish City departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices, and agencies.

(b) Except as otherwise provided by this Charter, all departments, offices, and agencies under the direction and supervision of the City Manager shall be administered by an officer appointed by and subject to the direction and supervision of the City Manager. With the consent of the Council, the City Manager may serve as the departmental administrator of one or more such departments, offices, or agencies or may appoint one person as the departmental administrator of two or more of them.

(c) The Council may provide for the number, titles, and compensation of all officers and employees.

Section 701. City Attorney. Powers and Duties. There shall be a City Attorney who shall be appointed and subject to removal by a majority vote of the Council. The City Attorney shall serve as chief legal adviser to the Council, the City Manager, and all City departments, offices, and agencies and shall be under the administrative direction of the City Manager. The City Attorney shall represent the City in all legal proceedings and shall perform such other duties as may be prescribed by the Council.

Section 702. Treasurer. There shall be a Treasurer who shall be appointed and may be removed by the Council. The Treasurer shall be

under the administrative direction of the City Manager and shall perform those duties required by law, and provided by ordinance or resolution.

Section 703. Departmental Administrators. Appointive Powers.

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

Section 704. Administering Oaths. Each departmental administrator and such of the deputies thereof as he or she may designate shall have the power to administer oaths and affirmations in connection with any official business pertaining to his or her department.

Section 705. Official Bonds. The Council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officers or employees who are required by ordinance or resolution to give such bonds. All bonds shall be executed by a responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

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

Article VIII

Commissions, Committees, and Agencies

Section 800. In General. The commissions and committees heretofore established by the Council shall continue to exist and exercise the powers and perform the duties conferred upon them; provided, however, that the Council may abolish any and all of said commissions and committees and may alter the structure, membership, powers and duties thereof.

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

Section 801. Appropriations. The Council shall include in its annual budget such appropriations of funds as the Council shall determine to be sufficient for the efficient and proper functioning of commissions, committees and agencies.

Section 802. The Appointment, Removal, Terms of Office and Procedural Rules. The election, appointment, removal, and terms of office of commissioners, committee and agency members and the rules and regulations pertaining to the conduct of commission, committee or agency business shall be as prescribed by ordinance or resolution of the City Council.

Section 803. Existing Membership. The members of the commissions and committees holding office when this Charter takes effect shall continue to hold office thereafter until their respective terms of office shall expire and until their successors are appointed and qualify, subject to being removed from office as provided herein.

Section 804. Compensation. Vacancies. The members of commissions and agencies shall receive such compensation as may be specified by

the Council and shall also receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures are authorized by the Council.

Article IX Elections

Section 900. General Municipal Elections. General municipal elections for the election of officers and for such other purposes as the Council may prescribe shall be held in the City on the day designated by the Legislature for general municipal elections in general law cities except as otherwise provided by ordinance of the City Council.

Section 901. Special Municipal Elections. Other municipal elections shall be known as special municipal elections and may be called from time to time by the Council.

Section 902. Procedure for Holding Elections. Unless otherwise provided by ordinance hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code for the holding of municipal elections, so far as the same are not in conflict with this Charter.

Section 903. Initiative, Referendum and Recall. There are hereby reserved to the voters of the City the power of the initiative and referendum and of the recall of municipal elective officers. The provisions of the Elections Code governing the initiative and referendum and the recall of municipal officers shall apply so far as the same are not in conflict with this Charter.

Article X Fiscal Administration

Section 1000. Fiscal Year. The fiscal year of the City government shall begin on the first day of July of each year and end on the thirtieth day of June of the following year. The Council may by ordinance change the fiscal year.

Section 1001. Submission of Budget and Budget Message. The City Manager shall submit to the City Council a proposed budget for the ensuing fiscal year, and an accompanying message at such time as the City Council shall prescribe. The budget will be adopted by the City Council before the beginning of the fiscal year.

Section 1002. General Tax Limits. The Council shall not levy a property tax for general municipal purposes in excess of the maximum rate applicable to the City on the effective date of this Charter; provided, however, that a tax in excess of such rate may be levied if authorized for general law cities by the general laws of the State or if authorized by the affirmative votes of a majority of the voters voting on a proposition to increase such levy. The number of years that such additional levy is to be made shall be specified in such proposition. Nothing herein contained shall preclude the Council from establishing separate taxing areas within the City for the levy of property taxes, nor preclude the levy of a tax in excess of such maximum rate if authorized by the general laws of the State or if authorized by the affirmative votes of a majority of the voters within the area voting on a proposition to increase such levy.

Section 1003. Tax Procedure. The procedure for the assessment,

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

Section 1004. Contracts on Public Works. Every project involving an expenditure of more than Four Thousand Dollars (or such other amount as may be prescribed by ordinance) for the construction of public works shall be let by the Council by contract to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids. The Council may reject any and all bids presented and may readvertise in its discretion. The Council, after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the City Manager, the work in question may be performed better or more economically by the City with its own employees and, after the adoption of a resolution to this effect by at least four affirmative votes, may proceed to have said work done without further observance of the provisions of this section.

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

Section 1005. Presentation and Audit of Demands. Any demand against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the Director of Finance who shall examine the same. If the amount thereof is legally due and there remains an unexhausted balance of an appropriation against which the same may be charged, he or she shall approve such demand and draw his or her warrant on the Treasurer therefor, payable out of the proper fund.

The Director of Finance shall transmit such demand, with his or her approval or rejection thereof endorsed thereon, and warrant, if any, to the City Manager. The City Manager shall cause the same to be transmitted to the Council which may then approve or disapprove payment thereof.

Section 1006. Registering Warrants. Warrants on the Treasurer which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from the date of registration at such rate as shall be fixed by the Council by resolution.

Section 1007. Claims Against the City. The provisions of the general laws of the State establishing conditions precedent to the commencement of any action or proceeding or bringing suit against the City, its officers, and employees shall govern, except as modified by the City Council.

Section 1008. Independent Audit. The City Council shall employ a certified public accountant who shall, at such times as may be specified by the City Council examine the books, records, inventories and reports of all officers and employees who receive, handle, or disburse public funds and all such other officers, employees, or departments as the City Council

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

Article XI Franchises

Section 1100. Granting of Franchises. The Council may grant a franchise to any person, partnership, corporation, or other legal entity capable of exercising the privilege conferred, whether operating under an existing franchise or not, and may prescribe the terms, conditions, and limitations of such grant, including the compensation to be paid to the City therefor. The Council may prescribe by ordinance or resolution the method or procedure for granting franchises, together with additional terms and conditions for making such grants. In the absence of such provision the method provided by the general laws of the State shall apply.

Section 1101. Term of Franchise. No franchise shall be granted for a longer period than twenty-five years, unless there be reserved to the City the right to take over at any time the works, plant, and property constructed under the grant at their physical valuation and without compensation for franchise or good will.

Section 1102. Eminent Domain. No franchise or grant of a franchise shall in any way or to any extent impair or affect the right of the City to acquire the property of the possessor thereof by purchase or condemnation, and nothing therein contained shall be construed to contract away or to modify or abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to the property of the possessor of any franchise. Every franchise granted by the City is granted upon the condition, whether expressed in the grant or not, that such franchise shall not be given any value before any court or other public authority in any proceeding of any character in excess of any amount actually paid by the grantee to the City at the time of the grant.

Section 1103. Procedure for Granting Franchises. Before granting any franchise, the City Council shall adopt a resolution declaring its intention to grant same and stating the name of the proposed grantee, the character of the proposed franchise, and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour, and place when and where any person having an interest in or objecting to the granting of such franchise may appear before the Council and be heard thereon. Said resolution shall be published at least once, not less than ten days prior to said hearing, in the official newspaper. After hearing all persons desiring to be heard, the Council may by ordinance deny or grant the franchise on the terms and conditions specified in the resolution. No ordinance granting a franchise shall be adopted as an emergency ordinance.

Article XII
Miscellaneous

Section 1200. Definitions. Unless the provision or the context otherwise requires, as used in this Charter:

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

Section 1201. Violations. A violation of this Charter or of any ordinance of the City shall constitute a misdemeanor and may be prosecuted in the name of the People of the State of California or may be redressed by civil action filed by the City. The maximum fine or penalty for any violation of a City ordinance shall be the same as established by the general laws for a misdemeanor.

Section 1202. Validity. If any provision of this Charter, or the application thereof to any person or circumstance, is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Certified to be a true copy by Arthur W. Anthony, Mayor, and Carol J. Flynn, City Clerk.

Date of municipal election: November 4, 1975.

Charter Chapter 28—City of Hayward

Amendment to the Charter of the City of Hayward

[Filed with Secretary of State November 19, 1975.]

Section 809 is added, to read as follows:

(a) It is hereby declared to be the policy of the City to endeavor to establish and maintain, without labor strife and dissension, wages, hours, and other terms and conditions of employment for the uniformed members of the Fire Department which are fair and competitive with comparable private and public employment. To such purpose, the City hereby recognizes the efficacy of and adopts the principles of binding arbitration

as an equitable and necessary alternative means to arrive at a fair resolution of terms of wages, hours, and other terms and conditions of employment for such employees when the parties have been unable to resolve these questions through negotiations.

(b) The City, through its duly authorized representatives, shall bargain in good faith with the recognized employee organization for the unit composed of all the uniformed employees of the Fire Department as to all matters relating to the wages, hours and terms and conditions of employment of such employees. Unless and until agreement is reached through the bargaining process, or a determination is made through the arbitration procedure hereinafter provided, no existing benefit or employment condition applicable to the said uniformed forces shall be changed or eliminated.

(c) Pursuant to the public policy hereinabove declared, the City or the recognized employee organization for the uniformed members of the Fire Department may, as the result of an impasse in bargaining, refer any unresolved issues to binding arbitration under the provisions of this Section.

(d) When an impasse has been reached, any unresolved dispute or controversy pertaining to wages, hours, or other terms and conditions of employment, or any unresolved dispute or controversy pertaining to the interpretation or application of any negotiated agreement covering uniformed members of the Fire Department shall be submitted to an impartial arbitrator.

(e) An impasse may be declared by either the City or the recognized employee organization in the event good faith bargaining or other mutually agreed upon settlement methods concerning the dispute or controversy fail to result in an agreement between the parties. Representatives designated by the City and representatives of the recognized employee organization shall select the arbitrator. In the event that said parties cannot agree upon the selection of an arbitrator within five days from the date of any impasse, then the California State Conciliation Service shall be requested to nominate five (5) persons, all of whom shall be qualified and experienced as labor arbitrators. If the representatives of the recognized employee organization and the City cannot agree on one of the five to act as arbitrator, they shall strike names from the list of said nominees alternately until the name of one nominee remains who shall thereupon become the arbitrator. Every effort shall be made to secure an award from the impartial arbitrator within thirty (30) calendar days after submission of all issues to him.

(f) The arbitration proceedings herein provided shall be governed by Sections 1280, et seq., of the California Code of Civil Procedure. The arbitrator's award shall be submitted in writing and shall be final and binding on all parties. The City and the affected employee organization shall take whatever action is necessary to carry out and effectuate the award. The expenses of arbitration, including the fee for the arbitrator's services, shall be borne equally by the parties. All other expenses which the parties may incur individually are to be borne by the party incurring such expenses.

(g) In any arbitration under subsection (c) of this section, the arbitrator is directed to take into consideration the City's purpose and policy to create and maintain wages, hours, and other terms and conditions of employment which are fair and competitive with comparable private and public employment and which are responsive to changing conditions and changing costs and standards of living. The arbitrator shall also consider the interest and welfare of the public and the availability and sources of funds to defray the cost of any changes in wages, hours and conditions of employment. The arbitrator shall also consider such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of employment conditions through voluntary collective bargaining, mediation, fact finding, and arbitration between the parties, in the public service or in private employment.

(h) Nothing herein shall be construed to prevent the parties from submitting controversies or disputes to mediation, fact finding or other reasonable method to finally resolve the dispute should the City and the recognized employee organization in the controversy or dispute so agree.

Certified to be a true copy by Ilene S. Weinreb, Mayor, and Paloma R. Weaver, City Clerk.

Date of municipal election: November 4, 1975.

Charter Chapter 29—City and
County of San Francisco

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

[Filed with Secretary of State November 24, 1975]

Section 7.403 is amended to read as follows:

7.403 Sale or Lease of Park Land; Use of Certain Park Land for the Construction of Water Quality and Sewerage Facilities

(a) Notwithstanding any other provisions of this charter, whenever lands which are or shall be used or intended for use for parks or squares are no longer needed for park or recreational purposes, such lands may be sold or otherwise disposed of, or their use for park purposes may be abandoned or discontinued; provided that nothing herein shall be construed to authorize the discontinuance or abandonment of the use of such lands, or any change in the use thereof which will cause the reversion of such lands to private ownership, or cause the forfeiture of the ownership thereof in fee by the City and County of San Francisco, or as authorizing the discontinuance of the use of park lands acquired in any proceeding wherein a local assessment based on benefits was or shall be levied to provide funds for such acquisition; and provided further that the general laws of the State of California authorizing municipal corporations to abandon or to discontinue the use of land for park purposes, authorizing the

sale or other disposition of such lands, and providing procedures therefor and for matters relating thereto, shall be applicable to the City and County of San Francisco and to all lands held or used by it for park purposes and shall govern and control exclusively in respect thereto.

(b) Except as provided in subsection (c) the recreation and park commission shall not lease any part of the lands under its control nor permit the building or maintenance or use of any structure on any park, square, avenue or ground, except for recreation purposes, and each letting or permit shall be subject to approval of the board of supervisors by ordinance. The commission may lease to the highest responsible bidder for a term of not to exceed fifty years and upon such other terms and conditions as it may determine, subsurface space under any public park or square and the right and privilege to conduct and operate therein a public automobile parking station, provided that the said construction, when completed, and the operation will not be, in any material respect or degree, detrimental to the original purpose for which said park or square was dedicated or in contravention of the conditions of any grant under which said park or square might have been received. The revenues derived from any such lease shall be credited to the recreation and park department fund.

(c) The recreation and park commission shall have the power to lease or rent any stadium or recreation field under its jurisdiction for athletic contests, exhibitions and other special events and may permit the lessee to charge an admission fee.

(d) Upon approval by the recreation and park commission, that parcel of land south of the Zoo and between the Great Highway Extension and Skyline Boulevard set forth and described in parcel map entitled "Parcel Map Showing Certain Park Land Proposed to be Used Jointly," recorded August 12, 1975, in Parcel Map Book Number One at page 96 in the office of the recorder of the City and County of San Francisco, may be used for the construction of water quality and sewerage facilities, and any facilities so constructed shall be under the control, management, and direction of the department of public works. Any recreation or zoo facilities constructed on said parcel shall remain under the control, management, and direction of the recreation and park commission.

Section 8.403 is deleted from the Charter.

Sections 6.205 and 6.305 are amended to read as follows:

6.205 Powers and Duties of the Board of Supervisors

The board of supervisors shall fix the date or dates, not less than ten days after receipt from the mayor, for consideration of and public hearings on the proposed budget and proposed appropriation ordinance. The board of supervisors may, by a two-thirds vote of all members thereof, shorten, extend or otherwise modify the time fixed in this section or in sections 6.200, 6.202, 6.203 or 6.205 of this charter for the performance of any act by any officer, board or commission.

The board of supervisors may decrease or reject any item contained in the proposed budget, but shall not increase any amount or add any new item for personal services or materials, supplies, or contractual services, for any department, unless requested in writing so to do by the mayor, on the recommendation of the chief administrative officer, board, commis-

sion or elective officer, in charge of such department.

The board of supervisors may increase or insert appropriations for capital expenditures and public improvements, but shall do so only after such items have first been referred to the department of city planning and a report has been rendered thereon regarding conformity with the master plan. It shall be the duty of the department of city planning to render its reports in writing within thirty days after said referral. Failure of the department of city planning to render any such report in such time shall be deemed equivalent to a report.

The budget estimates of expenditures for any utility, within the estimated revenues of such utility, shall not be increased by the board of supervisors.

In the event the public utilities commission and the mayor shall propose a budget for any utility which will exceed the estimated revenue of such utility, it shall require a vote of two-thirds of all members of the board of supervisors to approve such budget estimate and to appropriate the funds necessary to provide for the deficiency.

Such budget of expenditures in excess of estimated revenues may be approved to provide for and include proposed expenditures for additions, betterments, extensions or other capital costs, in amount not to exceed three-quarters of one cent (\$.0075) on each one hundred dollars (\$100) valuation of property assessed in and subject to taxation by the city and county, provided that whenever tax support is required for additions, betterments, extensions or other capital costs the total provision for such purposes shall not exceed an amount equivalent to three-quarters of one cent (\$.0075) on each one hundred dollars (\$100) valuation of property subject to taxation by the city and county and provided further that proposed expenditures for additions, betterments, extensions or other capital costs in excess thereof shall require financing by authorization and sale of bonds. This section shall have precedence over section 6.407 (a) of this charter and any other section deemed in conflict herewith.

After public hearing, and not earlier than the 15th of May, nor later than the 1st day of June, the board shall adopt the proposed budget as submitted or as amended and shall pass the necessary appropriation ordinance.

6.305 Transfers

Upon written recommendation of the chief administrative officer, or board or commission for the use of which funds have been appropriated, and the approval of the mayor, the board of supervisors may transfer an unencumbered balance, or part thereof, of an appropriation made for the use of one department, to another. No such transfer shall be made of utility, bond, school, pension or trust funds, except by way of loans as in this charter provided. On request of a department head and approval by the chief administrative officer, board or commission, respectively, amounts up to ten percent (10%) of funds appropriated for contractual services, materials and supplies, equipment, and other specific purposes except personal services may be transferred and used for another purpose within the department. No such transfer of funds shall be used for personal services, or for personal service contracts, or for items that were the subject of previous budgetary denial by the mayor or the board of supervi-

sors, except that the board of supervisors may, by ordinance, adopt regulations for the transfer of funds appropriated for specific personal services for use for other specific personal services, and may, by ordinance, require the review and approval by the board of supervisors or a committee of the board of supervisors of the transfer of funds so appropriated. Department heads shall report without delay all such transfers to the mayor, board of supervisors, and the controller. On request of a department head and approval by the chief administrative officer, board or commission, respectively, and on the authorization of the controller, any funds appropriated for a specific purpose of such department which become surplus may be transferred and used for another specific purpose within the department; provided, however, that such surplus shall not be transferred to a capital improvement project unless such project shall have been previously approved in accordance with the provisions of sections 3.527, 6.202, 6.203 or 6.205 of this charter. The controller shall prescribe the method to be used in making payments for interdepartmental services.

Sections 3.530, 3.540 and 3.660 are amended to read as follows:

3.530 Police Department

The police department shall consist of a police commission, a chief of police, a police force and such clerks and employees as shall be necessary and appointed pursuant to the provisions of this charter, and shall be under the management of a police commission consisting of five members who shall be appointed by the mayor, and each of whom shall receive an annual compensation of twelve hundred dollars (\$1200). The term of each commissioner shall be four years, commencing at 12:00 o'clock noon on the 15th day of January in the years 1945, 1946 and 1948 respectively, and two terms commencing on the 15th day of January in the year 1976. The incumbents serving as members of the commission on the effective date of this amendment, increasing the membership of the commission, shall continue to hold their respective positions, subject to the provisions of the charter, for the remainder of the terms for which they have been respectively appointed. Not less than one member of said commission shall be a woman.

The police commissioners shall be the successors in office of the police commissioners holding office in the city and county on January 3, 1972, and shall have all the powers and duties thereof, except as otherwise in this charter provided. They shall have the power and duty to organize, reorganize and manage the police department. They shall by rule and subject to the fiscal provisions of the charter, have power to create new or additional ranks or positions in the department which shall be subject to the civil service provisions of the charter; provided that the police commission subject to the recommendation of the civil service commission and the approval of the board of supervisors may declare such new or additional ranks or positions to be exempt from the civil service provisions of the charter. If the civil service commission disapproves any such exemption, the board of supervisors may approve such exemptions by a majority vote of the members thereof. The police commission may in their discretion designate the rank or ranks from which appointments to such exempt ranks or positions shall be made. Appointments to any non-civil service

rank or position above the rank of captain as may be created hereunder shall be designated only from the civil service rank of captain. If any new or additional rank or position is created pursuant hereto pending the adoption of salary standards for such rank or position, the police commission shall have power to recommend the basic rate of compensation therefor to the board of supervisors who shall have the power to fix the rate of compensation for said new rank or position and it shall have the power, and it shall be its duty without reference or amendment to the annual budget, to amend the annual appropriation ordinance and the annual salary ordinance to include the provisions necessary for paying the basic rate of compensation fixed by said board of supervisors for said new rank or position for the then current fiscal year. Thereafter the compensation for said new rank or position shall be fixed as provided for in section 8.405 of this charter; provided, however, nothing contained in this section shall be deemed to interfere with the provisions of section 8.405 of this charter relating to parity or compensation for police officers and firemen for the fourth year of service and thereafter. The police commission shall also have power to establish and from time to time change the order or rank of the non-civil service ranks in the police department.

All positions in the police department legally authorized shall be continued, and incumbents therein legally appointed thereto shall be continued as officers and employees of the department under the conditions governing their respective appointments and except as otherwise provided in this charter.

3.540 Fire Department

The fire department shall be under the management of a fire commission, consisting of five members, who shall be appointed by the mayor; and each of whom shall receive an annual compensation of twelve hundred dollars (\$1200). The term of each commissioner shall be four years, commencing at 12:00 o'clock noon on the 15th day of January in the years of 1948, 1949, and 1950, respectively, two terms commencing on the 15th day of January in the year 1976. The incumbents serving as members of the commission on the effective date of this amendment shall continue to hold their respective offices subject to the provisions of the charter, for the remainder of the terms for which they have been respectively appointed. Not less than one member of said commission shall be a woman.

The fire commissioners shall be successors in office of the fire commissioners holding office in the city and county at the time this charter shall go into effect, and shall have all the powers and duties thereof, except as in this charter otherwise provided. The chief of department shall have power to send fire boats, apparatus and men outside the City and County of San Francisco for fire-fighting purposes.

The commissioners shall have the power and duty to organize, reorganize and manage the fire department. They shall by rule and subject to the fiscal provisions of the charter, have power to create new or additional ranks or positions in the department which shall be subject to the civil service provisions of the charter; provided that the fire commission subject to the recommendation of the civil service commission and the approval of the board of supervisors may declare such new or additional

ranks or positions to be exempt from the civil service provisions of the charter. If the civil service commission disapproves any such exemption, the board of supervisors may approve such exemptions by a majority vote of the members thereof. The fire commission shall designate the civil service rank from which a non-civil service rank or position shall be appointed. Appointments to any non-civil service rank or position as may be created hereunder shall hold civil service status in the department in the civil service rank from which they were appointed. In no rank below that of assistant chief shall the compensation attached to a non-civil service rank or position equal or exceed the next higher civil service rank or position from which they were appointed and for this purpose the next higher civil service rank above H-2 fireman shall be H-20 lieutenant. If any new or additional rank or position is created pursuant hereto pending the adoption of salary standards for such rank or position, the fire commission shall have power to recommend the basic rate of compensation therefor to the board of supervisors and said board of supervisors shall have the power to fix the rate of compensation for said new rank or position and it shall have the power, and it shall be its duty, without reference or amendment to the annual budget, to amend the annual appropriation ordinance and the annual salary ordinance to include the provisions necessary for paying the basic rate of compensation fixed by said board of supervisors for said new rank or position for the then current fiscal year. Thereafter the compensation for said new rank or position shall be fixed as provided for in section 8.405 of this charter; provided, however, nothing contained in this section shall be deemed to interfere with provisions of section 8.405 of this charter relating to parity or compensation for police officers and firemen for the fourth year of service and thereafter.

Positions of officers and employees of the fire department legally authorized shall continue, and the incumbents therein legally appointed thereto shall continue as the officers and employees of the department under the conditions governing their respective appointments, and except as in this charter otherwise provided.

3.660 Commission; Composition; Meetings

There is hereby established a civil service commission which is charged with the duty of providing qualified persons for appointment to the service of the city and county.

The civil service commission shall consist of five members appointed by the mayor. The commissioners in office at the time of the adoption of this charter, and this charter section as amended, shall continue in office until the expiration of the terms for which they were appointed, and their successors shall be appointed for terms of six years beginning on the 1st day of July immediately following the expiration of the terms for which they were appointed; provided, however; that the terms of appointment of the two additional members, whose offices are created by the amendment shall expire on June 30, 1981, and their successors shall be appointed for terms of six years beginning on the first day of July immediately following. Not less than one member of said commission shall be a woman.

The persons so appointed shall, before taking office, make under oath and file in the office of the county clerk the following declaration: "I am

opposed to appointments to the public service as a reward for political activity and will execute the office of civil service commissioner in the spirit of this declaration.”

A commissioner may be removed only upon charges preferred, in the same manner as in this charter provided for elective officers. Each of the commissioners shall receive a monthly salary of one hundred dollars (\$100).

Special meetings of the commission for the purpose of considering and adopting examination questions shall not be open to the public. The regular meetings of the civil service commission shall be open to the public and held at such a time as will give the general public and employees of the city and county adequate time within which to appear before the commission after the regular daily working hours of 8 a.m. to 5 p.m. Such person or persons shall be given an opportunity to be heard by the commission before final action is taken in any case involving such person or persons.

Section 3.500 is amended to read as follows:

3.500 Boards and Commissions

Each board and commission appointed by the mayor, or otherwise provided by this charter, shall have powers and duties as follows:

(a) To prescribe reasonable rules and regulations not inconsistent with this charter for the conduct of its affairs, for the distribution and performance of its business, for the conduct and government of its officers and employees, and for the administration, custody and protection of property under its control and books, records and papers appertaining to its affairs; provided, however, that each board and commission shall adopt a rule requiring that each member present at a meeting of such board or commission when a question is put shall vote for or against it, unless he is excused from voting by a motion adopted by a majority of the members present. The board of supervisors, by ordinance, may provide that rules and regulations of any board or commission, or general orders of any department head issued by authority of any board or commission that are public records subject to public disclosure as provided by state law shall be posted or otherwise adequately publicized. The board or commission proposing any rule or regulation, or amendment thereto, or repeal thereof, shall conduct public hearings prior to the adoption of said rule, regulation or amendment thereto, or repeal thereof. Said hearing shall be conducted only after the proposed rule, regulation, amendment or repeal has been calendared for the board or commission hearing for at least one week. The Board of Supervisors may by ordinance provide that no public hearing need be held nor a notice be given relating to the adoption of any particular rule, regulation, general order, or amendment thereto, or repeal thereof by any board or commission where the publication or public hearing of such would jeopardize the security of the general public or the officers or employees of the department administered by said board or commission.

(b) To appoint one of its members as president to hold office for such term as each such board or commission by its rules or regulations, not inconsistent with this charter, may prescribe.

(c) To establish such standing or special committees as it shall deem necessary.

(d) To receive, on behalf of the city and county, gifts, devises and bequests for any purpose connected with or incidental to the department or affairs placed in its charge, and to administer, execute and perform the terms and conditions of trusts or any gift, devise or bequest which may be accepted by vote of the people or by the board of supervisors for the benefit of such department or purpose, and to act as trustees, under any such trust, when so authorized to do by the board of supervisors. The title to all real and personal property now owned or hereafter acquired by gift, devise, bequest or otherwise, by and for the purposes of any board or commission shall vest in the city and county.

(e) To require such periodic or special reports of departmental operations, costs and expenditures under its control as may be necessary and, exclusive of the board of supervisors, to submit an annual report to the mayor.

(f) To hold meetings at regular fixed dates and at regular meeting places, which dates or places shall not be changed except as in the manner provided by section 2.200 for the meeting times and places of the board of supervisors. All such meetings and all special meetings and all meetings of all committees, whether composed of more than or less than a majority of the parent board or commission, shall be open and public; provided, however, that nothing contained in this subsection shall be construed to prevent any board or commission or committee thereof, respectively, from holding executive sessions during a regular or special meeting to: (1) consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by another officer, employee or person unless such officer or employee requests a public hearing; (2) confer with legal counsel under circumstances in which the lawyer-client privilege conferred by the laws of the State of California may lawfully be claimed; and (3) confer with the attorney general, district attorney, sheriff or chief of police or their respective deputies, on matters posing a threat to the security of public buildings or a threat to the public's right of access to public services or public facilities. Except as hereinabove set forth, any action taken at a meeting other than a regular or special open and public meeting provided for by this subsection, shall be void.

(g) To hold special meetings for the purposes and in the manner provided by the board of supervisors by ordinance, provided that no matter may be considered at any special meeting unless specifically designated in the notice calling such special meeting.

(h) To appoint a secretary, a superintendent, or other executive to be the administrative head of the affairs under its control who, unless otherwise specifically provided, shall not be subject to the civil service provisions of this charter, and shall hold office at its pleasure.

(i) To require a bond or other security from each such executive officer and from any employee in such form as the board of supervisors may authorize and in such amount as the mayor, on the recommendation of the controller, may approve, the premiums on such bond to be paid by the city and county.

A quorum for the transaction of official business shall consist of a majority of all the members of each board or commission, but a smaller number may adjourn from time to time and compel the attendance of absent members in the manner and subject to penalties to be provided by ordinance. A majority, two-thirds, three-fourths, or other vote specified by this charter for any board or commission shall mean a majority, two-thirds, three-fourths, or other vote of all the members of such board or commission. Each board or commission shall keep a record for the proceedings at each meeting and a copy thereof shall be forwarded promptly to the mayor. Except for the purpose of inquiry, each board or commission, in its conduct of administrative affairs under its control, shall deal with such matters solely through its chief executive officer.

Each board or commission relative to the affairs of its own department, shall deal with administrative matters only in the manner provided by this charter, and any dictation, suggestion or interference herein prohibited on the part of any member of a board or commission shall constitute official misconduct; provided, however, that nothing herein contained shall restrict the power of hearing and inquiry as provided in this charter.

Section 8.340 is amended to read as follows:

8.340 Dismissal During Probation Period

Any person appointed to a permanent position shall be on probation for a period of six months, provided that the probationary period for entrance positions in the uniform rank of the police department, fire department, sheriff's department and San Francisco International Airport Police Force shall be for one year. At any time during the probationary period the appointing officer may terminate the appointment upon giving written notice of such termination to the employee and to the civil service commission specifying the reasons for such termination. Except in the case of uniformed members of the police and fire departments the civil service commission shall inquire into the circumstances. If the appointment resulted from an entrance examination the commission may declare such person dismissed or may return the name to the list of eligibles under such conditions for further appointment as the commission may deem just. If the appointment resulted from a promotional examination the employee shall have the right of appeal and hearing before the civil service commission. The commission shall render a decision within thirty days after receipt of the notice of termination and (a) may declare such person dismissed; or (b) order such person reinstated in his position without prejudice, and the commission may in its discretion order that the employee be paid salary from time of the termination of his appointment; or (c) order the return of such person to the position from which he was promoted. The decision of the commission shall be final. Immediately prior to the expiration of the probationary period the appointing officer shall report to the civil service commission as to the competence of the probationer for the position, and if competent, shall recommend permanent appointment.

Section 8.105 is amended and Section 8.105-1 is added, to read as follows:

8.105 Conflict of Interest and other Prohibited Practices

(a) No member of any board or commission shall accept any employ-

ment relating to the business or the affairs of any person, firm or corporation which are subject to regulation by the board or commission of which he is a member. No officer or employee of the city and county, shall be or become, directly or indirectly, interested in, or in the performance of, any contract, work or business, or in the sale of any article, the expense, price or consideration of which is payable from the treasury; or in the purchase or lease of any real estate or other property belonging to, or taken by, the city and county, or which shall be sold for taxes and assessments, or by virtue of legal process at the suit of the city and county; nor shall any person in this section designated during the time for which he was elected or appointed, acquire an interest in any contract with, or work done for, the city and county, or any department or officer thereof, or in any franchise, right or privilege granted by the city and county, unless the same shall be devolved upon him by law; and any such contract or transaction in which there shall be such an interest shall be null and void; nor shall any person in this section become surety upon any bond given to the city and county; nor shall any person mentioned in this section give or promise any money or other valuable thing, or any portion of his compensation, in consideration of his nomination, appointment, or election to any city and county office or employment; or accept any donation or gratuity in money or other valuable thing, either directly or indirectly, from any subordinate or employee or from any candidate or applicant for a position as employee or subordinate under him.

(b) It shall be the duty of every officer and employee who shall have knowledge of any violation of the provisions of this section immediately to report such violation to the district attorney, for possible criminal action and failing so to do may be removed from his office or employment.

(c) No officer or employee of the city and county shall wilfully or knowingly disclose any privileged information concerning property, government, or affairs of the city and county, unless a duty to do so is imposed upon said person by law, nor shall that person use any privileged information obtained by him by virtue of his office or employment to advance the financial or other private interest of himself or others.

(d) No person who has served as an officer or employee of the city and county shall within a period of two (2) years after termination of such service or employment appear before the board or agency of the city and county of which he was a member in order to represent any private interest, provided, however, that said officer or employee may appear before said board or agency for the purpose of representing himself.

(e) No officer or employee of the city and county shall receive, directly or indirectly, any compensation, reward or gift from any source except compensation from the City and County of San Francisco, or any other governmental agency to which he has been duly appointed for any service, advice, assistance or other matter related to the governmental processes of the city and county, except for fees for speeches or published writing.

(f) No officer or employee shall have an interest in any matter for his consideration or determination which arises from a close business association of a continuing nature. A close business association of a continuing

nature means any undertaking for profit, including, but not limited to, a corporation, partnership, officeholding or employment in or by any labor or employee organization, trust, proprietorship, association, or joint venture.

(g) The civil service commission with respect to officers and employees whose positions are subject to the civil service provisions of the charter other than officer and members of the fire and police departments, the fire commission with respect to officers and members of the fire department and the police commission with respect to officers and members of the police department, are each empowered to prescribe and enforce such reasonable rules and regulations as each commission deems necessary to effectuate the purposes and intent of this section. Such rules and regulations may provide for restrictions against activities, employments and enterprises other than those described or mentioned herein when such restrictions are found necessary for the preservation of the honor or efficiency of the city and county civil service or for the protection of the best interests of the city and county service in any respect.

(h) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon a final judgment of conviction of same, such person shall be removed from office.

(i) A prohibited conflict of interest exists whenever an officer or employee of the city and county must pass judgment upon a matter which either directly or indirectly affects a private party who is a child or spouse of the officer or employee.

(j) An officer or employee shall not be deemed interested in or in the performance of any contract, work, business, or the sale of any article, the expense, price or consideration of which is payable from the treasury, nor shall he be deemed interested in the purchase or lease of any real estate or other property belonging to, or taken by, the city and county, or which shall be sold for taxes and assessments, or by virtue of legal process at the suit of the city and county, nor shall he be deemed interested in any franchise, right or privilege granted by the city and county, within the meaning of subsection (a) unless such contract, work, business, sale, purchase, lease, franchise, right or privilege is awarded, entered into, or authorized by him in his capacity as officer or employee, or by an officer or employee under his supervision and control, or by a board or commission of which he is a member.

(k) An officer of the city and county shall not be deemed to have a conflicting interest in any transaction described in subsection (j) awarded, entered into or authorized by a board or commission of which he is a member if he has only a remote interest therein and the fact of such interest is disclosed to the board or commission of which he is a member and noted in its official records and the board or commission authorizes, approves, or ratifies the transaction in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer or member with the remote interest, unless the transaction must be awarded to the highest or lowest responsible bidder as the case may be on a particular day and the vote of such officer or member is necessary to a quorum on that day.

(l) As used in this section “remote interest” means:

(1) The ownership of less than three per cent of the shares of a corporation for profit;

(2) That of an officer in being reimbursed for his actual and necessary expenses incurred in the performance of official duty; provided, however, that the city and county treasurer is solely responsible for such reimbursement and that only those expenses which are strictly necessary for the performance of that duty shall be reimbursed;

(3) That of a parent in the earnings of his minor child for personal services.

(m) All contracts, work, business, sales, purchases, leases, franchises, rights or privileges herein mentioned heretofore awarded, entered into or authorized by any board or commission of the City and County of San Francisco in which an officer or member had a remote interest as hereinabove defined are hereby ratified and confirmed.

(n) The provisions of subsections (j) through (m) of this section shall not be applicable to any officer or employee who influences or attempts to influence the award, execution or authorization of any transaction described in subsection (j), in which he has a direct or indirect interest.

(o) No member of any board or commission of the city and county shall knowingly vote on or in any way attempt to influence the outcome of governmental action on any measure or question involving his own character or conduct, his right as a member, his appointment to any office, position, or employment, or on any measure or question wherein the said member’s financial interest is immediate, particular, and distinct from the public interest. The word “knowingly” as used in this paragraph shall mean actual or constructive knowledge of the existence of the interest which would disqualify the vote under the provisions of this section.

If under any provision of this charter or of any ordinance, resolution, rule or regulation, action on any measure or question must be taken on a particular day and such action cannot be taken by a qualified voting quorum of the board or commission on that day by reason of the disqualification from voting under the provisions of this section, said action may be postponed until, but not later than, there are sufficient qualified members present to vote and take action on said measure or question. The term “a qualified voting quorum” as used in this paragraph shall mean the presence of a sufficient number of qualified voting members of the board or commission to take either affirmative or negative action on the measure or question before the board or commission.

(p) The city attorney, the district attorney of the City and County of San Francisco or any resident or group of residents of the City and County of San Francisco may bring a suit in the superior court to compel compliance with the provisions of this section.

8.105-1 Conflict of Interest—Regulation by Ordinance

The provisions of section 8.105 shall not apply to any member serving as a representative of any profession, trade, business, union or association on any board, commission or other body heretofore or hereafter created by an ordinance of the City and County of San Francisco which requires that the membership consist in whole or in part of representatives of

specific professions, trades, businesses, unions or associations. Conflicts of interest and prohibited practices of such members and the penalties therefor shall be as prescribed by the ordinance creating such board, commission or other body or by an amendment thereto.

Section 9.104 is amended to read as follows:

9.104 Nomination of Elective Officers

The name of a candidate for an elective office shall be printed upon the ballot when a declaration of candidacy and certificates of not less than twenty nor more than thirty sponsors shall have been filed on his behalf, and when the nomination shall have been made in the following manner: The candidate, not more than seventy-five days before the municipal election in November, shall file with the registrar a declaration of his candidacy, in the form prescribed by the registrar for all candidates, including statements of his qualifications not to exceed one hundred words, subscribed by him before the registrar. The registrar shall forthwith certify to the said subscription and its date and retain and file the declaration. The candidate shall pay to the registrar at the time of filing his declaration of candidacy a sum equal to two percent (2%) of the current annual salary for the office for which he is a candidate. In lieu of such filing fee, a candidate may submit to the registrar signatures of voters registered in San Francisco as provided in the general laws of this state. After said declaration shall have been signed, certified and filed, and not later than sixty days before the election each candidate shall file with the registrar, on forms furnished by him, not less than twenty nor more than thirty sponsors, who are electors qualified to vote at the said municipal election and who shall sign and certify under the penalty of perjury to the qualifications of said candidate.

In the event the registrar shall refuse to file such declaration of candidacy, petition in lieu of filing fee or certificate of a sponsor thereof, he shall forthwith designate in writing on the declaration, petition or certificate the defect thereof, or other reason for refusing to file the same, and shall return the same to the party tendering it. No defect in any declaration, petition or certificate presented to the registrar shall prevent the filing of another declaration, petition or certificate within the period allowed for presenting the declaration, petition or certificate. The name of every candidate who has been duly and regularly nominated shall be placed on the ballot under the title of the office for which he is a candidate, provided that a candidate whose nomination has been completed, may, not less than fifty days before a municipal election, withdraw as a candidate by filing with the registrar his withdrawal, naming the office; such withdrawal must be signed and sworn to by the person withdrawing.

The name of every candidate who has been nominated for office as hereinbefore provided shall be placed on the ballot in alphabetical order in accordance with the initial letter of his surname, under the heading of the office for which said candidate has been nominated in the following manner: The name of the candidate highest on the alphabetical list of candidates for any particular office shall be printed first on the ballot under the proper heading for said office in the lowest numbered assembly district in the city and county. Thereafter, in each succeeding assembly

district, the name of the candidate appearing first for said office in the last preceding district shall be placed last and the order of the names of the other candidates for said office shall remain unchanged.

In the event that the number of candidates in any group shall exceed the number of assembly districts in the city and county, then the total number of candidates in such group shall be divided by the number of assembly districts and the quotient of said division, if an integral number, or, if it be a fractional number, then the next highest integral number, shall be the number of candidates to be taken from the beginning of the list of said candidates and placed at the end of said list of candidates in each succeeding assembly district.

Immediately under the name of each candidate and not separated therefrom by any line may appear, at the option of the candidate, one of the following designations:

(a) Words designating the city, county, district or state office which the candidate then holds.

(b) If the candidate be a candidate for the same office which he then holds, and only in that event, the word "incumbent."

(c) The profession, vocation or occupation of the candidate in not more than nine words.

In all cases words so used shall be printed in eight-point roman boldface capitals and lower-case type.

No incumbent shall have any further preference in the location of his name on said ballot unless the same is permitted by this section.

The registrar shall preserve in his office for a period of four years all candidates' declarations, petitions and all sponsors' certificates filed in accordance with this section.

Section 3.100-1 is added, to read as follows:

3.100-1 Emergency Powers; Limitations

Notwithstanding any of the provisions in section 3.100 or any other provisions of this charter, the mayor, in meeting a public emergency involving or threatening the lives, property or welfare of the citizens, or the property of the city and county, shall act only with the concurrence of a majority of all the members of the board of supervisors, or a majority of the members thereof who shall be immediately available in the event of a disaster which causes any member of said board to be absent or unavailable, both as to the need to declare an emergency and as to the action proposed to be taken by the mayor to meet the purported emergency. The provisions of section 2.201 of the charter shall not be applicable thereto.

Section 8.345 is added, to read as follows:

8.345 Disciplinary Action Against Striking Employees

The people of the City and County of San Francisco hereby find that the instigation of, or participation in, strikes against said city and county by any member of the uniformed forces of the police or fire departments constitutes a serious threat to the lives, property and welfare of the citizens of said city and county and hereby declares as follows:

No uniformed member of the police and fire departments employed under the civil service provisions of this charter shall instigate, participate

in, or afford leadership to a strike against the city and county, or engage in any picketing activity in furtherance of such a strike. In the event of any such strike against the city and county, it shall be the duty of the appropriate appointing officer of the city and county to ascertain the identity of any officer or employee of the city and county under his jurisdiction who is in violation of the provisions of this section and to initiate dismissal proceedings against said officer or employee in accordance with the provisions of section 8.341 of this charter. Any citizen of the city and county may file written charges against an officer or employee in violation of the provisions of this section and the appropriate appointing officer shall receive and investigate, without delay, any such written charge and forthwith inform said citizen of findings and action, or proposed action thereon.

If the appointing officer, after a hearing, determines that the charges are supported by the evidence submitted, said appointing officer shall dismiss the employee involved and said employee shall not be reinstated or returned to City and County of San Francisco employment except as a new employee who is employed in accordance with the regular employment practices of the city and county in effect for the particular position of employment.

In the event any appointing officer determines that he shall be unable to meet constitutional due process requirements in providing a timely hearing to any officer or employee charged hereunder, he may, subject to the budget and fiscal provisions of the charter, engage the services of one or more qualified hearing officers to conduct hearings hereunder. In conducting said hearings, any hearing officer shall have the same powers as granted to an appointing officer hereunder.

No officer, board or commission of the City and County shall have the power to grant amnesty to any person charged with a violation of any of the provisions of this section.

In order to bring the provisions of this section to the attention of any person who may be affected thereby, each member of the uniformed force of the police department and each member of the uniformed force of the fire department on the effective date of this section, and each person appointed to the position of Q2 police officer or the position of H2 fireman on or after the effective date of this section shall be furnished a copy of the provisions of this section and shall make under oath and file in the office of the civil service commission the following declaration: "I hereby acknowledge receipt of a copy of the provisions of Section 8.345 of the Charter of the City and County of San Francisco and hereby declare that during the term of my employment in either the Police Department or the Fire Department of said City and County, I shall neither instigate, participate in or afford leadership to a strike against said City and County nor engage in any picketing activity in furtherance of such a strike."

A dismissal imposed pursuant to this section (8.345) shall not be appealable to the civil service commission.

Section 8.405 is amended to read as follows:

8.405 Salaries of Uniformed Forces in the Police and Fire Departments

(a) Not later than the 1st day of August of each year, the civil service

commission shall survey and certify to the board of supervisors rates of compensation paid police officers or patrolmen employed in the respective police departments in all cities of 350,000 population or over in the State of California, based upon the latest federal decennial census. For the purpose of the civil service commission's survey and certification the rates contained in said certification shall be the average paid to police officers or patrolmen performing the same or essentially the same duties as police officers or patrolmen in the City and County of San Francisco.

Thereupon the board of supervisors shall have power, and it shall be its duty, by ordinance, to fix rates of compensation for the members of the police department whose annual compensations are set forth in section 3.531 of this charter and said rates shall be in lieu of said annual compensations and shall be effective from the 1st day of July of the current fiscal year.

The rates of compensation, fixed in said ordinance,

(1) for the fourth year of service and thereafter for police officers, police patrol drivers and women protective officers the compensation shall be fixed at a rate which is the average wage paid to the police officers or patrolmen in regular service in the cities included in the certified report of the civil service commission. "Average wage" as used in this paragraph shall mean the sum of the averages certified by the civil service commission divided by the number of cities in said certification;

(2) for the first, second and third year of service for police officers, police patrol drivers and women protective officers shall include the same amount of adjustment as that used in fixing the rates of compensation for the fourth year of service for the same class;

(3) for said members of the police department other than police officers, police patrol drivers and women protective officers shall include the same per cent of adjustment as that established by said ordinance for police officers in the fourth year of service; and

(4) shall be set at the dollar amount nearest the fractional amount which may result from percentage adjustment specified in this section, half dollars being taken to the next higher dollar amount.

The rates of compensation set forth in the budget estimates, the budget and the annual salary ordinance shall be those fixed by the board of supervisors as in this section provided and appropriations therefor shall be based thereon.

The expression "rates of compensation," as used in this section in relation to said survey, is hereby declared to apply only to a basic amount of wages, with included range scales, and does not include such working benefits as might be set up by any other city by way of holidays, vacations, other permitted absences of any type whatsoever, overtime, night or split shift, or pay for specialized services within a classification or rank, or other premium pay differentials of any type whatsoever. The foregoing enumeration is not exclusive, but it is the intent of this section that nothing other than a basic amount of wages, with included range scales, is to be included within the meaning of "rates of compensation."

Working benefits and premium pay differential of any type shall be allowed or paid to members of the police department referred to herein

only as is otherwise provided in this charter.

For all purposes of the retirement system, the expression "rates of compensation" as used in this section, shall mean "salary attached to the rank" as used in section 166 of the charter of 1932, as amended, and, with the addition of fifteen dollars per month now provided in subsection (b) with respect to members assigned to two-wheel motorcycle traffic duty, shall also mean "compensation earnable" as used in section 8.549.

The term "police officers or patrolmen" as used in this section shall mean the persons employed in the police departments of said cities of 350,000 population or over or of the City and County of San Francisco, to perform substantially the duties being performed on the effective date of this section by police officers, police patrol drivers and women protective officers in the San Francisco Police Department.

In determining years of service necessary for a police officer, women protective officer and police patrol driver to receive the annual compensation is provided for herein, service rendered prior to the effective date of this amendment shall be given full credit and allowed.

The absence of any police officer, woman protective officer, or police patrol driver on military leave, as defined by section 8.361 of this charter, shall be reckoned a part of his service under the city and county, for the purpose of computing years of service in gaining added compensation as provided for herein.

On the recommendation of the chief of police, the commission may reward any member of the department for heroic or meritorious conduct. The form or amount of said reward to be discretionary with the commission, but not to exceed one month's salary in any one instance.

If any member of the department appointed as an assistant inspector is a sergeant at the time of the appointment or is appointed a sergeant thereafter, he shall receive the rate of compensation attached to the rank of sergeant.

(b) Not later than the 1st day of August of each year the civil service commission shall survey, and certify to the board of supervisors, rates of pay paid to members assigned to two-wheel motorcycle traffic duty in the respective police departments of all cities of 350,000 population or over in the State of California, based upon the latest decennial census. For the purpose of the civil service commission's survey and certification the rates contained in said certification shall be the average paid to members assigned to two-wheel motorcycle traffic duty in the cities surveyed.

Thereupon the board of supervisors shall have power, and it shall be its duty by ordinance to fix the rate of pay for the members of the police department who are assigned to two-wheel motorcycle traffic duty, at a rate of pay which is the average wages paid to members in regular service in the cities included in the certified report of the civil service commission who are assigned to two-wheel motorcycle traffic duty. "Average wage" as used in this paragraph shall mean the sum of the averages certified by the civil service commission divided by the number of cities in said certification. Said rates shall be in lieu of said annual compensations and shall be effective from the first day of July of the current fiscal year.

Said rate of pay shall be in addition to the rate of compensation provided

for in subsection (a).

In no event shall the additional rate so fixed be less than \$15.00 per month.

(c) Not later than the 1st day of August of each year, the civil service commission shall survey and certify to the board of supervisors rates of compensation paid firemen employed in the respective fire departments of all cities of 350,000 population or over in the State of California, based upon the latest federal decennial census. For the purpose of the civil service commission's survey and certification the rates contained in said certification shall be the average paid to firemen performing the same or essentially the same duties as firemen in the City and County of San Francisco.

Thereupon the board of supervisors shall have the power, and it shall be its duty, by ordinance, to fix rates of compensation for the members of the fire department whose annual compensations are set forth or otherwise provided in section 3.542 of this charter, and said rates shall be in lieu of said annual compensations and shall be effective from the 1st day of July of the current fiscal year.

The rates of compensation, fixed in said ordinance,

(1) for the fourth year of service and thereafter the rate of compensation shall be fixed at a rate which is the average compensation paid firemen in regular service in the cities included in the certified report of the civil service commission. "Average wage" as used in this paragraph shall mean the sum of the averages certified by the civil service commission divided by the number of cities in said certification;

(2) for the first, second and third year of service for firemen shall include the same amount of adjustment as that used in fixing rates of compensation for the fourth year of service for the same class;

(3) for said members of the fire department other than firemen shall include the same per cent of adjustment as that established by said ordinance for firemen in the fourth year of service; and

(4) shall be set at the dollar amount nearest the fractional amount which may result from percentage adjustment specified in this section, half dollars being taken to the next higher dollar amount.

The expression "rates of compensation" as used in this section, in relation to said survey, is hereby declared to apply only to a basic amount of wages, with included range scales, and does not include such working benefits as might be set up by any other city by way of holidays, vacations, other permitted absences for any type whatsoever, overtime, night or split shift, or pay for specialized services within a classification or rank, or other premium pay differentials of any type whatsoever. The foregoing enumeration is not exclusive, but it is the intent of this section that nothing other than a basic amount of wages, with included range scales, is to be included within the meaning of "rates of compensation."

Working benefits and premium pay differentials of any type shall be allowed or paid to members of the fire department referred to herein only as is otherwise provided in this charter.

For all purposes of the retirement system, the expression "rates of compensation," as used in subsections (c) and (d) of this section shall mean

“salary attached to the rank” as used in section 169 of the charter of 1932, as amended and “compensation earnable” as used in section 8.549.

The term “firemen” as used in this section shall mean the persons employed, in the fire departments of said cities of 350,000 population or over or of the City and County of San Francisco, to perform substantially the duties being performed on the effective date of this section by drivers, stokers, tillermen, truckmen, or hosemen, in the San Francisco Fire Department.

The expression “members of the fire department” does not include members of the fire commission.

The absence of any officer or member of the fire department on military leave of absence, as defined by section 8.361 of this charter, shall be reckoned a part of his service under the city and county, for the purpose of computing years of service in gaining added compensation as provided in this charter.

On the recommendation of the chief of department, the commission may reward any officer or member of the department for heroic or meritorious conduct, the form or amount of said award to be discretionary with the fire commission, but not to exceed one month’s salary in any one instance.

The rates of compensation for the ranks of captain, bureau of fire prevention and public safety, and lieutenant, bureau of fire prevention and public safety, and lieutenant, bureau of fire investigation, shall be thirteen per cent (13%) above the compensation established for the ranks of captain and lieutenant as provided for in this section. The rates of compensation for the ranks of inspector, bureau of fire prevention and public safety, and investigator, bureau of fire investigation, shall be ten per cent (10%) above the compensation established for the rank of chief’s operator as provided for in this section. The rate of compensation shall be set at the dollar amount nearest the fractional amount which may result from percentage adjustment specified in this subsection, half dollars being taken to the next higher dollar amount.

(d) The rate of compensation fixed pursuant to the provisions of subsection (a) for police officers, police patrol drivers and women protective officers for the fourth year of service and thereafter and the rate of compensation fixed pursuant to the provisions of subsection (c) for firemen for the fourth year of service and thereafter shall be the same. Such rate shall not exceed the highest average rate of compensation fixed pursuant to subsections (a) and (c) above, whether it be paid to police officers, patrolmen or firemen; provided, further, that the minimum rate of compensation attached to the rank of sergeant in the police department shall be equal to the rate of compensation attached to the rank of lieutenant in the fire department.

(e) Not later than the 25th day of August the board of supervisors shall have the power and it shall be its duty, subject to the fiscal provisions of the charter but, without reference or amendment to the annual budget, to amend the annual appropriation ordinance and the annual salary ordinance as necessary to include the provisions of paying the rates of compensation fixed by the board of supervisors as in this section provided for

uniformed members of the police and fire departments for the then current fiscal year.

(f) The board of supervisors may, in addition to the rates of compensation as established by this charter, and at the same time said rates of compensation are established, increase said rates of compensation by an amount equal to the difference between the average yearly cost of living increase of the cities used for comparison in determining the rates of compensation and the actual cost of living increase for the San Francisco Bay Area. The statistical data for the determination shall be obtained from the United States Department of Labor, and when making this determination the consumer price index shall be adjusted as of the same date for all comparison cities.

In the event the U. S. Department of Labor discontinues the compilation and publication of consumer price indexes, the board of supervisors shall appoint a statistical fact finding committee to determine the same data pursuant to the methods used by the Department of Labor. In the event of a dispute between the board of supervisors and the employees of the police and fire departments concerning the cost of living adjustment, and an agreement cannot be reached, then the matter shall be submitted to the voters at the next election, with the recommendation of the board of supervisors and that of the employees concerning the cost of living adjustment set forth separately.

The results of the election concerning the choice of the two disputed cost of living positions shall be effective on the first day of July of the current fiscal year.

Section 8.452 is amended to read as follows:

8.452 Fire Department

The chief of department shall recommend and the fire commission shall provide by rule for work schedules or tours of duty for the officers and members occupying the several ranks of the fire department; provided, however, that no tour of duty shall exceed 14 hours except in the event of an emergency requiring the members of the department to remain on duty beyond this limitation. No such officer or member shall be required to work more than one hundred and twenty (120) hours in any fifteen-day period, nor shall any officer or member be required to work more than twenty-four consecutive hours except in case of a conflagration, emergency or disaster requiring the services of more than the available on-duty officers and members of the uniformed force of the department. Officers and members may exchange watches with permission of the chief of department and time worked on such exchange of watches shall not be construed as time in violation of the limitation of 120 hours in any fifteen-day period nor twenty-four consecutive hours. Each such officer and each such member shall be entitled to at least one (1) day off duty during each week.

When, in the judgment of the chief of department, it is in the public interest that any such officer or member shall work on his day off and said officer or member consents to so work, he may at the direction of the chief of department work on said day off, and in addition to the regular compensation provided for said officer or member as set forth in this charter, said

officer or member shall be entitled to be compensated at his regular rate of pay as provided for herein for said extra time served, or he shall be allowed the equivalent time off.

In any computation in the administration of the San Francisco City and County Employees' Retirement System in which the compensation, as defined in any provisions relating to the retirement system, is a factor, compensation for overtime provided for in this section shall be excluded, and no such overtime compensation shall be deemed as compensation for any purpose relating to such retirement provisions.

Officers and members of the uniformed force shall be entitled to the days declared to be holidays for employees whose compensations are fixed on a monthly basis in the schedule of compensations adopted by the board of supervisors, pursuant to the provisions of section 8.401 of the charter, as additional days off with pay. Officers or members required to perform service in said department on said days shall be compensated on the basis of straight time as herein computed or shall be granted equivalent time off duty with pay in the judgment of the fire commission.

For payroll purposes, that portion of each tour of duty which falls within each calendar day shall constitute a single tour of duty. The rate of compensation for the service performed by officers or members on a holiday or for service performed on an assigned day off, as in this charter provided, shall be calculated by dividing the annual rates of pay for each fiscal year by the number of single tours of duty as scheduled for the several ranks in the fire fighting companies in said fiscal year.

Certified to be a true copy by Gilbert H. Boreman, Clerk of the Board of Supervisors.

Date of municipal election: November 4, 1975.

Charter Chapter 30—City of San Diego

Amendment to the Charter of the City of San Diego

[Filed with Secretary of State December 1, 1975]

Section 18 of Article III is amended to read as follows:

Section 18. Authentication and Publication of Ordinances and Resolutions.

Upon its final passage each ordinance or resolution shall be authenticated by the signatures of the Mayor and the City Clerk and shall be recorded in a book kept for that purpose. Within fifteen days after final passage each ordinance or resolution of a general nature shall be published at least once in such manner as may be provided by this Charter or by ordinance.

Section 12 of Article III is amended by adding a new paragraph to be inserted between the fifth and sixth paragraphs, to read as follows:

Council members, including the Mayor, shall devote full time to the duties of their office and not engage in any outside employment, trade,

business or profession which interferes or conflicts with those duties.

Certified to be a true copy by Pete Wilson, Mayor, and Edward Nielsen, City Clerk.

Date of municipal election: November 5, 1974.

Charter Chapter 31—City of San Diego

*Amendments to the Charter of the City of
San Diego*

[Filed with Secretary of State December 1, 1975]

Articles II, III and V are amended by amending Sections 10, 12 and 40, respectively, to read as follows:

Section 10. Elections.

The regular municipal primary election shall be held on the third Tuesday in September in each odd-numbered year, and the general municipal election shall be held on the first Tuesday after the first Monday in November of the same year, or, if either of these days falls on a legal holiday, then the election shall be held on the next succeeding day which is not a legal holiday; provided, however, that commencing with the year 1984 the elections to the offices of Mayor and City Attorney shall be held every four (4) years. The municipal primary election for these offices shall be held on the same date in each election year as the California State primary election, and the general municipal election for these offices shall be held on the same day as the California State general election for that year. All other municipal elections which may be held under this charter shall be known as special municipal elections.

At the municipal primary election there shall be chosen by the electors of each Council district two candidates for the office of any councilmen from a district whose term expires the succeeding December.

There shall be chosen by all of the electors of the City not more than twice the number of candidates necessary to fill any office of any other officer whose term expires the succeeding December.

In the event that any candidate, other than council candidates, for nomination to any office for which only one person is to be elected, shall receive a majority of the votes cast for all the candidates for nomination to such office at such primary election, the candidate so receiving such majority of all votes shall be deemed to be, and declared by the Council to be, elected to such office.

At the general municipal election the electors of the whole City shall select from among the candidates chosen at the primary election in each district one candidate for the office of the Councilman whose term expires the succeeding December, and there shall be chosen by all of the electors of the whole City from among the candidates chosen at the primary one candidate to succeed any other elective officer whose term expires in De-

ember succeeding the election.

After the result of an election for any office is declared, or when an appointment is made, the City Clerk, under his hand and official seal, shall issue a certificate therefor, and shall deliver the same immediately to the person elected or appointed, and such person must within ten days after receiving such certificate file his official bond, if one be required for his office, and take and subscribe to the oath of office required of him by this Charter, which oath must be filed with the City Clerk.

Section 12. The Council.

The Council shall be composed of nine (9) Councilmen, including the Mayor, and shall be the legislative body of the City, each of the members of which, including the Mayor, shall have the right to vote upon all questions before it.

At the municipal primary and general election in 1979, a Mayor shall be chosen by the electors for a term of five (5) years. A Mayor shall thereafter be elected for a term of four (4) years in the manner prescribed by Section 10 of this charter. The Mayor shall hold office for the term prescribed from and after 10 a.m. the first Monday after the first day of December next succeeding his election and until his successor is elected and qualified.

Councilmen shall be elected at a general municipal election held in the odd-numbered years and, except as hereinafter provided, shall hold office for the term of four (4) years from and after 10 a.m. the first Monday after the first day of December next succeeding their election and until their successors are elected and qualified. Upon any redistricting pursuant to the provisions of this Charter, incumbent councilmen will continue to represent the district in which they reside, unless as a result of such redistricting more than one incumbent councilman resides within any one district, in which case the City Council may determine by lot which councilman shall represent each district. At the next municipal primary and general elections following a redistricting, councilmen shall be elected from those districts not represented and from those districts represented by incumbent councilmen whose terms expire as of the general election in said year. If as a result of any redistricting more than a simple majority of the City Council as redistricted shall be elected at the general election next following any such redistricting, the City Council prior to any such election shall designate one or more new districts for which the initial councilmanic term shall be two (2) years in order to retain staggered terms for councilmen.

The one-year district residency requirement of Section 7 of this Charter shall not apply to a person, herein called "prospective candidate," who seeks to be a candidate for election or appointment to the office of councilman and is otherwise eligible for the office, if all of the following conditions apply: a redistricting has occurred less than one year before prospective candidate, if elected or appointed, would take office; as a result of the redistricting, the district of prospective candidate's residence has changed to a district in which no councilmanic election will be held at the next succeeding municipal election; prior to filing his candidacy for election or appointment, prospective candidate moves his residence into a district bordering upon the district into which prospective candidate's

residence has been placed by the redistricting.

Any vacancy occurring in the Council shall be filled from the District in which the vacancy occurs by appointment by the remaining Councilmen; but in the event that said remaining Councilmen fail to fill such vacancy by appointment within thirty (30) days after the vacancy occurs, they must immediately cause an election to be held to fill such vacancy; provided, however, that any person appointed to fill such vacancy shall hold office only until the next regular municipal election, at which date a person shall be elected to serve for the remainder of such unexpired term.

It is the duty of councilmen to attend all Council meetings. The Council shall vacate the seat of any councilman who is absent from eight (8) consecutive meetings or fifty percent (50%) of any scheduled meetings within a month unless the absence thereof is excused by resolution of the Council.

Council members, including the Mayor, shall devote full time to the duties of their office and not engage in any outside employment, trade, business or profession which interferes or conflicts with those duties.

The rate of pay of each Councilman shall be Five Thousand Dollars (\$5,000.00) a year.

No Councilman shall be eligible during the term for which he was appointed or elected to hold any other office or employment with the City, except as Mayor or City Attorney and as a member of any Board, Commission or Committee thereof, of which he is constituted such a member by general law or by this Charter.

Section 40. City Attorney.

At the municipal primary and general election in 1977, a City Attorney shall be elected by the people for a term of seven (7) years. A City Attorney shall thereafter be elected for a term of four (4) years in the manner prescribed by Section 10 of this Charter. The City Attorney shall be the chief legal adviser of, and attorney for the City and all Departments and offices therein in matters relating to their official powers and duties. The attorney and his deputies shall devote their full time to the duties of the office and shall not engage in private legal practice during the term for which they are employed by the City, except to carry to a conclusion any matters for which they have been retained prior to taking office.

The City Attorney shall appoint such deputies, assistants, and employees to serve him, as may be provided by ordinance of the Council, but all appointments of subordinates other than deputies and assistants shall be subject to the Civil Service provisions of this Charter.

It shall be his duty, either personally or by such assistants as he may designate, to perform all services incident to the legal department; to give advice in writing when so requested, to the Council, its Committees, the Manager, the Commissions, or Directors of any department, but all such advice shall be in writing with the citation of authorities in support of the conclusions expressed in said written opinions; to prosecute or defend, as the case may be, all suits or cases to which the City may be a party; to prosecute for all offenses against the ordinances of the City and for such offenses against the laws of the State as may be required of him by law;

to prepare in writing all ordinances, resolutions, contracts, bonds, or other instruments in which the City is concerned, and to endorse on each his approval of the form or correctness thereof; to preserve in his office a docket of all cases in which the City is interested in any of the courts and keep a record of all proceedings of said cases; to preserve in his office copies of all written opinions furnished by him to the Council, Manager, Commission, or any officer. Such docket, copies and papers shall be the property of the City, and the City Attorney shall, on retiring from office, deliver the same, together with all books, accounts, vouchers, and necessary information, to his successor in office.

He shall have charge and custody of all legal papers, books, and dockets belonging to the City pertaining to his office, and, upon a receipt therefor, may demand and receive from any officer of the City any book, paper, documents, or evidence necessary to be used in any suit, or required for the purpose of his office.

He shall apply, upon order of the Council, in the name of the City, to a court of competent jurisdiction for an order or injunction to restrain the misapplication of funds of the City or the abuse of corporate powers, or the execution or performance of any contract made in behalf of the City which may be in contravention of the law or ordinances governing it, or which was procured by fraud or corruption. He shall apply, upon order of the Council, to a court of competent jurisdiction for a writ of mandamus to compel the performance of duties of any officer or commission which fails to perform any duty expressly enjoined by law or ordinance.

The City Attorney shall perform such other duties of a legal nature as the Council may by ordinance require or as are provided by the Constitution and general laws of the State.

The Council shall have authority to employ additional competent technical legal attorneys to investigate or prosecute matters connected with the departments of the City when such assistance or advice is necessary in connection therewith. The Council shall provide sufficient funds in the annual appropriation ordinance for such purposes and shall charge such additional legal service against the appropriation of the respective Departments.

The salary of the City Attorney shall be fixed by the Council and set forth in the annual appropriation ordinance, provided that the salary of the City Attorney may not be decreased during his term of office, but in no event shall said salary be less than \$15,000.00 per year.

In the event of a vacancy occurring in the office of the City Attorney by reason of any cause, the Council shall have authority to fill such vacancy, which said authority shall be exercised within thirty (30) days after the vacancy occurs. Any person appointed to fill such vacancy shall hold office until the next regular municipal election, at which time a person shall be elected to serve the unexpired term. Said appointee shall remain in office until his successor is elected and qualified.

Article III and Article VII are amended by amending Sections 16 and 75, respectively, to read as follows:

Section 16. Introduction and Passage of Ordinances and Resolutions.
Ordinances shall be introduced in the Council only in written or printed

form. All ordinances, except annual appropriation ordinances and ordinances codifying or rearranging existing ordinances, shall be confined to one subject, and the subject or subjects of all ordinances shall be clearly expressed in the title. Ordinances making the annual tax levy, the annual appropriation ordinance, any ordinance calling or relating to elections, ordinances recommended by the City Manager or other independent department heads transferring or appropriating money already appropriated by the annual appropriation ordinance, ordinances establishing or changing the grade of a public highway, and emergency ordinances as defined by Section 17 of this Charter, may be passed by the Council on the day of their introduction. Other ordinances, however, shall be passed only after twelve (12) calendar days have elapsed between the day of their introduction and the day of their final passage. Each ordinance shall be read in full prior to the final passage of such ordinance, unless such reading shall be dispensed with by a vote of not less than a majority of the members elected to the Council, and not then unless there shall have been available for the consideration of each member of the Council and the public prior to the day of its final passage a written or printed copy of said ordinance. The yeas and nays shall be taken upon the passage of all ordinances and entered upon the journal of the proceedings of the Council. The yeas and nays shall be taken and entered upon the passage of all resolutions receiving a split vote, or upon the request of two or more members of the Council. The enacting clause of ordinances passed by the Council shall be "Be it ordained by the Council of The City of San Diego." The enacting clause of ordinances submitted by the initiative shall be "Be it ordained by the People of The City of San Diego."

Section 75. Annual Tax Levy.

The Council shall adopt, not later than the last day in August of each year, an ordinance levying upon the assessed valuation of all property in the City, a rate of taxation sufficient to raise the amount 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, using as a basis the value of the property as assessed by the County Assessor, as the same may be equalized and returned to the Council by the County Auditor as provided by general law. The Council shall immediately thereafter transmit to the County Auditor of the County of San Diego, a statement of such rate or rates so fixed by it.

Article V is amended by amending Section 35 to read as follows:

Section 35. Purchasing Agent.

The Purchasing Agent shall make all purchases of supplies, materials, equipment, and insurance required by the various Departments or offices of the City, except as may be otherwise provided by the Council or this Charter. He shall prepare in consultation with the administrative officers of the City standard specifications for all supplies, materials, equipment, and insurance necessary for use by the various Departments or offices of the City.

In purchasing any supplies, materials, equipment and insurance required by various Departments or offices of the City, if the cost of said supplies, materials, equipment and insurance exceeds a sum to be estab-

lished by ordinance of the City Council, no such purchase shall be made without advertising for sealed proposals therefor. Notices calling for such sealed proposals shall be published for one day in the official newspaper of the City, and a contract let for such purpose only after the expiration of ten days following said advertising. If the cost of the said supplies, materials, equipment and insurance required by said City falls within a dollar range also established by ordinance of the City Council, the said purchase may be made by said Purchasing Agent without advertising for sealed proposals, but not until said Purchasing Agent has secured competitive prices from merchants or other persons interested in making the sale to said City and not until the Purchasing Agent has been authorized by the Council to make such purchase. Purchases of supplies, materials, equipment and insurance required by the various Departments or offices of the City which do not exceed in cost a sum established by ordinance of the City Council may be made by the Purchasing Agent directly upon the request of the department interested.

The Council shall by ordinance provide for the sale, exchange or other disposal by the Purchasing Agent of any surplus, used, obsolete or depreciated personal property belonging to the City.

The Council by resolution may order the purchase without advertising for bids of surplus commodities from the United States of America, or any agency thereof, or from any other public corporation, state or municipal, or any agency thereof. The Council may authorize the Purchasing Agent to participate in joint and cooperative purchasing with any other public corporation, state or municipal, or agencies thereof. The Council may also authorize said Purchasing Agent to sell to any other public corporation, state or municipal, any supplies, material and equipment which said City may have been able to purchase in quantity at a reduced price.

Supplies shall be furnished upon requisition either from the stores under the control of the Purchasing Agent or by purchase, and whenever so purchased shall be paid for by the Department or office furnished therewith. It shall be the duty of the Purchasing Agent to inspect or cause to be inspected all purchases, and reject any of those which are not up to the standard specifications provided therefor, and he shall not approve any bid or voucher for articles which are not in conformity with specifications, or which are at variance with any contract. The Purchasing Agent shall not furnish supplies to any Department or office unless there be to the credit thereof an available unencumbered balance sufficient to pay for such supplies.

Materials, supplies or equipment not needed by a Department or office, but necessary to another Department or office, may be transferred by the Purchasing Agent and a proper record made of the transaction. He shall have charge of such storerooms and warehouses of the City as the Manager may provide or the Council by ordinance may authorize. The Council, may, upon recommendation of the Manager, authorize the Purchasing Agent to purchase materials, supplies, or equipment in common use by the Departments and offices in large quantities and store the same until requisitioned by the Departments or offices for use. The Council shall provide a sufficient revolving fund in the annual appropriation ordinance of an

adequate amount for the purpose of creating a store's account and stock for future supply of the Departments and offices when needed.

The Purchasing Agent shall keep a record of all sources of supply, of all quotations received, of all awards made, of all inspections, of all requisitions filed, and of all vendors furnishing commodities to the City. He shall perform such other duties as may be prescribed by general law or ordinance or by the Manager.

Article V is amended by amending Section 55 to read as follows:

Section 55. Park and Recreation.

The City Manager shall have the control and management of parks, parkways, plazas, beaches, cemeteries, street trees, landscaping of City-owned property, golf courses, playgrounds, recreation centers, recreation camps and recreation activities held on any City playgrounds, parks, beaches and piers, which may be owned, controlled or operated by the City. The City Council shall by ordinance adopt regulations for the proper use and protection of said park property, cemeteries, playgrounds and recreation facilities, and provide penalties for violations thereof. The Manager is charged with the enforcement of such regulations.

All real property owned in fee by the City heretofore or hereafter formally dedicated in perpetuity by ordinance of the Council or by statute of the State Legislature for park, recreation or cemetery purposes shall not be used for any but park, recreation or cemetery purposes without such changed use or purpose having been first authorized or later ratified by a vote of two-thirds of the qualified electors of the City voting at an election for such purpose. However, real property which has been heretofore or which may hereafter be set aside without the formality of an ordinance or statute dedicating such lands for park, recreation or cemetery purposes may be used for any public purpose deemed necessary by the Council.

Whenever the City Manager recommends it, and the City Council finds that the public interest demands it, the City Council may, without a vote of the people, authorize the opening and maintenance of streets and highways over, through and across City fee-owned land which has heretofore or hereafter been formally dedicated in perpetuity by ordinance or statute for park, recreation and cemetery purposes.

The City Manager shall also have charge of the management, control, preservation, regulation, improvement and embellishment of all public burial grounds and cemeteries belonging to the City, and the sale of lots therein. At least twenty percent of the net proceeds from the sale of all cemetery lots shall be deposited with the City Treasurer and be kept in a fund to be known as the Cemetery Perpetuity Fund. This fund shall be administered by the Funds Commission and shall be invested in such income-producing securities as the Funds Commission may decide. The principal of the perpetuity fund (subject to such accretion or diminution as may result from investing the same) shall not be available for meeting expenses for maintenance or upkeep of the cemeteries in any manner whatsoever. All income derived from the investment of the moneys in said perpetuity fund, together with the balance of the sale price of said lots not placed in the perpetuity fund, shall be expended in the maintenance and

upkeep of the cemeteries and the perpetual care and upkeep of all graves and lots in said cemeteries; provided, however, that if in any one year such income is more than needed for the purpose of such maintenance, upkeep and perpetual care the Council may direct that the excess over and above that needed as above provided may be used for any other municipal purpose. If the income from said investments of said perpetuity fund and the balance of the sale price of said lots each year are not sufficient to maintain the cemeteries and to provide perpetual care and upkeep of all graves and lots in said cemeteries the Council shall annually appropriate from other revenues an amount sufficient to enable the City to provide perpetual care and upkeep of all graves and lots in the cemeteries.

Article VII is amended by amending Section 94 to read as follows:

Section 94. Contracts.

In the construction, reconstruction, or repair of public buildings, streets, utilities and other public works, and in furnishing supplies, materials, equipment or contractual services for the same, when the expenditure therefor shall exceed the sum of \$2,500.00, the same shall be done by written contract, except as otherwise provided in this Charter, and the Council, on the recommendation of the Manager or the head of the Department in charge if not under the Manager's jurisdiction, shall let the same to the lowest responsible and reliable bidder, not less than ten days after advertising for one day in the official newspaper of the City for sealed proposals for the work contemplated. If the cost of said public contract work exceeds the sum of \$1,000.00, but is not in excess of \$2,500.00, the Council may let said contract without advertising for bids, but not until the Purchasing Agent of the City shall have secured competitive prices from contractors interested, which shall be taken under consideration by said Council before said contract is let. The Council may, however, upon the recommendation of the Manager and by a vote of two-thirds of the members elected to the Council, order the performance of any such construction and reconstruction or repair work by appropriate City forces when the estimates submitted as part of the Manager's recommendation indicate that the work can be done by the City forces more economically than if let by contract.

In case of a great public calamity, such as extraordinary fire, flood, storm, epidemic or other disaster the Council may, by resolution passed by a vote of two-thirds of the members elected to the Council, determine and declare that the public interest or necessity demands the immediate expenditure of public money to safeguard life, health or property, and thereupon they may proceed, without advertising for bids or receiving the same, 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. All contracts before execution shall be approved as to form and legality by the City Attorney.

Each bidder shall furnish with his bid such security or deposit insuring the execution of the contract by him as shall be specified by the Council or as provided by general law.

For contracts exceeding \$25,000.00, the Council shall require each contractor to insure the faithful performance of his contract by delivering to

the City a surety bond in an amount specified by the Council, executed by a surety company authorized to do business in the State of California; provided, however, that in all contracts the Council shall require the retention of sufficient payments under the contract to insure the protection of the City against labor or material liens.

The Council, on the recommendation of the Manager, or the head of the Department not under the jurisdiction of the Manager, may reject any and all bids and readvertise for bids. The Council may provide that no contract shall be awarded to any person, firm or corporation if prison or alien labor is to be employed in performing such contract, or if the wage schedule for employees engaged in performing such contract is based on more than eight hours of labor per day. Any contract may be let for a gross price or on a unit basis and may provide for liquidated damages to the City for every day the contract is uncompleted beyond a specified date. It shall be competent in awarding any contract to compare bids on the basis of time completion, provided that when any award has been made in consideration, in whole or in part, of the relative time estimates of bidders for the completion of the work, the performance in accordance with such time limits shall be secured by a surety bond as hereinabove provided with adequate sureties and penalties, and provided further, that for any contract awarded solely or partially on a specified time for completion the Council shall not extend such time limits unless such extension be recommended by the Manager and the head of the Department concerned.

No officer, whether elected or appointed, of The City of San Diego shall be or become directly or indirectly interested in, or in the performance of, any contract with or for the The City of San Diego, or in the purchase or lease of any property, real or personal, belonging to or taken by said City or which shall be sold for taxes or assessments or by virtue of legal process or suit of said City. Any person wilfully violating this section of the Charter shall be guilty of a misdemeanor and shall immediately forfeit his office and be thereafter forever barred and disqualified from holding any elective or appointive office in the service of the City. No officer, whether elected or appointed, shall be construed to have an interest within the meaning of this section unless the contract, purchase, lease, or sale shall be with or for the benefit of the office, board, department, bureau or division with which said officer is directly connected in the performance of his duties and in which he or the office, board, department, bureau or division he represents exercises legislative, administrative or quasi-judicial authority in the letting of or performance under said contract, purchase, lease or sale.

All contracts entered into in violation of this section shall be void and shall not be enforceable against said City; provided, however, that officers of this municipality may own stock in public utility service corporations and the City permitted to contract for public utility service when the rates for such service are fixed by law or by virtue of the Public Utilities Commission of the State of California; and provided further, that no officer shall be prohibited from purchasing the services of any utility whether publicly or privately owned, whether or not the rates are fixed by law or by the Public Utilities Commission of the State of California; and provided

further, that in designating any bank as a depository for the funds of said City, any officer interested as a stock holder or otherwise in such bank shall not be deemed to have an interest in such City contract within the meaning of this section, and in each of the cases enumerated herein such contracts shall be valid and enforceable obligations against the municipality.

Article VII is amended by amending Section 98 to read as follows:

Section 98. Alteration in Contracts.

Whenever it becomes necessary in the opinion of the City Manager to make alterations in any contract entered into by the City, such alterations shall be made only when authorized by the Council upon written recommendation of the Manager, whenever the cost of such alterations increases the amount of the contract by more than the amount authorized by ordinance passed by the Council. No such alterations, the cost of which exceeds the amount authorized by ordinance, shall be valid unless the new price to be paid for any supplies, materials, or work under the altered contract shall have been agreed upon in writing and signed by the contractor and the Manager prior to such authorization by the Council. All other alterations shall be made by agreement in writing between the contractor and the Manager.

Article VIII is amended by amending Section 129 to read as follows:

Section 129. Removals, Suspension and Layoffs.

Any officer or employee of the City in the classified service may be removed from office or employment for cause by the appointing authority. Written notice of removal given to any officer or employee, or written notice left at or mailed to his or her usual place of residence, shall be sufficient to put any such removal into effect. The person so notified may, within five days after such notice, demand a written statement of the reasons therefor and the right to be heard before the Civil Service Commission. Upon such demand the appointing authority ordering the removal shall supply the person notified thereof and the Civil Service Commission with a written statement of the reasons therefor, and the Commission shall fix a time and place for a public hearing. Following the public hearing, and such investigation as the Civil Service Commission may see fit to make, the Commission shall report its findings and recommendations to the authority responsible for the removal as specified in the notice. Thereupon the authority making the removal shall make such final disposition of the matter as may be determined by the Civil Service Commission. The decision of the Civil Service Commission in any such case shall be final. A copy of the written statement of reasons given for removal, and a copy of any written reply thereto by the officer or employee involved, together with a copy of the decision of the Civil Service Commission shall be filed as a public record in the office of the Civil Service Commission.

Any officer or employee of the City in the classified service may be suspended from office or employment for cause by the appointing authority. Written notice of suspension given to any officer or employee, or written notice left at or mailed to his or her place of residence, shall be sufficient to put any such suspension into effect. The person so notified

may, within five days after such notice, demand a written statement of the reasons therefor and a right to appeal said suspension. Upon such demand the officer making the suspension shall supply the person notified thereof and the Civil Service Commission with a written statement of the reasons therefor. The appellant shall be accorded all rights and privileges pursuant to law. The Civil Service Commission shall by rules or regulations, establish procedures for conducting hearings and/or investigations, and reporting findings and recommendations to the appointing authority. All findings and recommendations in any such case shall be final.

The Civil Service Commission shall promulgate rules and regulations necessary to govern layoffs for lack of funds, lack of work, or insufficient appropriation to meet the salary requirements necessary to maintain existing personnel in any office or department of the City of San Diego.

Certified to be a true copy by Pete Wilson, Mayor, and Edward Nielsen, City Clerk.

Date of municipal election: November 4, 1975.

Charter Chapter 32—City of Sacramento

*Amendment to the Charter of the City of
Sacramento*

[Filed with Secretary of State December 12, 1975]

Section 48 is amended to read as follows:

Section 48. Employee Development Programs

Notwithstanding any other provision of this Charter, the civil service board may provide for the establishment of programs, including trainee programs, designed to attract and utilize persons with minimal qualifications, but with the potential for development, in order to provide career development opportunities for such persons, including but not limited to members of disadvantaged groups, handicapped persons, and veterans entitled to preference under section 45 of this article. Such programs may provide for probationary and permanent appointment to the classified service upon the satisfactory completion of the training period prescribed by the civil service board. The civil service board shall provide for the establishment of such programs when requested to do so by the city council.

Certified to be a true copy by Phillip L. Isenberg, Mayor, and Jaci Pappas, City Clerk.

Date of municipal election: November 4, 1975.

Charter Chapter 33—City of Sunnyvale

*Amendments to the Charter of the City of
Sunnyvale*

[Filed with Secretary of State December 31, 1975]

Section 700 is amended to read as follows:

Section 700. Term and Election. Each member of the City Council shall be elected from the City at large at the General Municipal Election for a term of four years from and after the Tuesday next following the member's election, and until a successor is elected and qualified. The term of each Councilmember in office at the adoption of this amendment, or at the time of any change in the date for the election of governing board members of elementary school districts, shall be increased or decreased to the extent necessary to allow the General Municipal Election at which the seat occupied by such Councilmember is to be filled, to be held concurrently with such school district election.

The office of each member of the Council is a separate elective office to be separately filled at any election.

No person shall be a candidate for more than one elective office.

No incumbent member of the Council shall be a candidate for a Council seat other than the one which that person then holds.

No person shall be eligible to serve as a member of the Council for more than two (2) successive four-year elective terms. Any person who fills an unexpired term of not more than two years in length shall, however, be eligible to serve two (2) successive four-year elective terms after the expiration of the unexpired term which he/she filled.

The person receiving the highest number of all the votes cast for a particular elective office at any election shall be deemed and declared elected to that office.

Each Council seat shall be designated by a number from 1 through 7 and shall be known as "Councilmember Seat Number _____". The designation given to each elective office shall be used in all elections, nomination papers, certificates of election, and all other papers pertaining to such office, and to designate the incumbent of such office.

Seats numbered 1, 2, and 3 shall be filled at the General Municipal Election held in the year 1977 and every fourth year thereafter. Seats numbered 4, 5, 6, and 7 shall be filled at the General Municipal Election held in the year 1979 and every fourth year thereafter.

Section 701 is amended to read as follows:

Section 701. Qualifications. No person shall be eligible to hold office as a member of the City Council unless he/she shall be a qualified elector at the time of his/her nomination, and shall have been a resident of the City for at least two years next preceding the date of his/her election or appointment.

Section 702 is amended to read as follows:

Section 702. Compensation. In addition to reimbursement for necessary traveling and other expenses actually incurred when on official duty

in or out of the City on order of the City Council, each member of the City Council shall receive as salary, each month, the sum of \$200 per month, and the Mayor shall receive as salary, each month, the sum of \$300 per month, respectively. If a member of the City Council, or the Mayor, does not attend all meetings of the City Council or study sessions called on order of the City Council and held during the month, his/her salary for such month shall be reduced by the sum of \$25 for each meeting or study session not attended unless he/she is absent on official duty with the consent of or on order of the City Council.

Section 703 is amended to read as follows:

Section 703. Vacancies. Except as otherwise provided herein, in the event of a vacancy in the City Council from whatever cause arising, the City Council shall call a Special Municipal Election for the purpose of filling such vacancy. In the event of a vacancy in the City Council created by the death of a member, where the unexpired term of the deceased member does not exceed one hundred and eighty (180) days, the City Council shall, within 60 days after such office shall have been declared vacant, fill such vacancy by appointment. Should the Council fail to fill the vacancy within the 60 days period, it shall treat such vacancy in the same manner as one created by a cause other than death.

Any Special Municipal Election called to fill an unexpired term shall be held within one hundred and twenty (120) days from the date the Council declares the vacancy to exist. The Council shall promptly declare or take the required steps to declare the existence of the vacancy. Such special election shall be consolidated with a general municipal or statewide election if a municipal or statewide election is scheduled within one hundred and eighty (180) days from the date that the vacancy is declared. As used herein, the next general municipal or statewide election means the next such election at which it is legally possible to place the matter on the ballot and elect a successor.

Any person elected or appointed to fill a vacancy shall serve for the remainder of the unexpired term and until his/her successor is elected and qualified.

In addition to any other cause from which vacancies in the City Council may occur, the office of a member of the City Council shall become vacant and it shall be so declared by the Council where such member is absent from all regular meetings of the Council for a period of sixty (60) days consecutively from and after the last regular Council Meeting attended by such member, unless by permission of the Council expressed in its official minutes; or such member is convicted of a crime involving moral turpitude; or he/she ceases to be an elector of the City of Sunnyvale.

Section 704 is amended to read as follows:

Section 704. Presiding Officer. Mayor. The City Council shall select 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/she shall be the official head of the City for all ceremonial purposes. He/she shall perform such other duties as may be prescribed by this Charter or as may be imposed by the City Council consistent with his/her office. The Mayor shall serve in such capacity at the pleasure of the City Council.

Section 705 is amended to read as follows:

Section 705. Mayor Pro Tempore. The City Council shall also designate one of its members as Mayor Pro Tempore. The Mayor Pro Tempore shall perform the duties of the Mayor during his/her absence or disability.

Section 709 is amended to read as follows:

Section 709. Place of Meetings. All meetings shall be convened in the Council Chambers of the City Hall but may be thereafter adjourned to such other location as may be selected by the City Council. All meetings of the City Council shall be open to the public. If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor, or, if he/she should fail to act, by four members of the City Council.

Section 712 is amended to read as follows:

Section 712. Proceedings. The City Council shall establish rules for the conduct of its proceedings and punish any member or other person for disorderly conduct at any meetings. It shall have the power and authority to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor.

The City Council shall direct the City Clerk to cause the publication, in a newspaper of general circulation in the City of Sunnyvale, of items listed on the agenda prepared for regular meetings of the City Council which the City Clerk shall deem of significance or of interest to the residents of Sunnyvale. In addition, the City Clerk shall be directed to furnish the City Library with at least two (2) sets of packets containing materials in support of agenda items at the same time that such materials are made available to the members of the City Council; confidential or otherwise privileged materials shall be excluded therefrom.

The City Council shall cause the City Clerk to keep an accurate record of all its proceedings and, at the demand of any member, or upon the adoption of any ordinance or resolution for the payment of money, the City Clerk shall call the roll and shall cause the "ayes" and "noes" taken on any question, to be entered in the minutes of the meeting. In any event, the City Clerk shall keep such records and shall make such entries into the minutes of the meetings necessary for publication in accordance with the provisions set forth below.

The City Council shall direct the City Clerk to cause the publication, in a newspaper of general circulation in the City of Sunnyvale, of the minutes of the regular and special meetings of the City Council or of the digest of those actions taken at such meetings which the City Clerk shall deem of significance or of interest to the residents of Sunnyvale, excepting therefrom matters which may not be disclosed as a result of recognized legal privileges.

Such publication shall occur within a reasonable time after such meetings. The minutes or the digest of the actions taken, as herein above

described, shall include but not be limited to a description of the items of the agenda acted upon in sufficient details to inform the public of the nature of the action taken, the vote on such items and the names of the members of the Council voting for or against each item. Absences, together with abstentions and the reasons therefor shall also be published.

Section 800 is amended to read as follows:

Section 800. Appointment. The City Manager shall be chosen by the City Council on the basis of his/her executive and administrative qualifications, but need not be a resident of the City or State at the time of his/her appointment, but he/she shall reside within the City during his/her tenure of office. No City Councilmember shall receive such an appointment during the term for which he/she shall have been elected, nor within two years thereafter.

Section 801 is amended to read as follows:

Section 801. Compensation. The City Manager shall be paid a salary commensurate with his/her responsibilities as chief administrative officer of the City, which salary shall be established by ordinance or resolution.

Section 802 is amended to read as follows:

Section 802. Powers and Duties. The City Manager shall be the chief executive officer and the head of the administrative branch of the City government. He/she shall be responsible to the City Council for the proper administration of all affairs of the City and to that end, subject to the personnel provisions of this Charter, he/she shall have power and shall be required to:

(1) Appoint and remove, subject to the Civil Service provisions of this Charter, all officers and employees of the City, except as otherwise provided by this Charter, and except as he/she may authorize the head of a department or office to appoint and remove subordinates in such department or office;

(2) Prepare the budget annually and submit it to the City Council and be responsible for its administration after adoption;

(3) Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year;

(4) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him/her desirable;

(5) Make investigations into the affairs of this City, or any department or division thereof, or any contract, or the proper performance of any obligation running to the City;

(6) Submit to the City Council, at each meeting for its approval, the list of all claims and bills approved for payment by him/her; and

(7) Perform such other duties as may be prescribed by this Charter or required of him/her by the City Council, not inconsistent with this Charter.

Section 803 is amended to read as follows:

Section 803. Rules and Regulations. The City Manager may prescribe such general rules and regulations as he/she may deem necessary or expedient for the general conduct of the administrative offices and

departments of the City under his/her jurisdiction.

Section 806 is amended to read as follows:

Section 806. Removal of the City Manager. The City Council shall appoint the City Manager for an indefinite term and may remove him/her by a majority vote of its members.

Section 807 is amended to read as follows:

Section 807. Prohibition Against Councilmanic Interference. Neither the City Council nor any of its members shall order or request directly or indirectly the appointment of any person to an office or employment or his/her removal therefrom, by the City Manager, or by any of the department heads in the administrative service of the City. The City Council and its members shall deal with officers and employees in the administrative service under the jurisdiction of the City Manager solely through the City Manager except:

(1) For a specific question from a member of the Council concerning a matter either pending before the Council or which the member intends to present to the Council, and which can be answered by furnishing routine information immediately available from the records of the officer or employee to whom it is directed, and which does not require the officer or employee either to discuss or express any opinion concerning any existing or proposed policy of the Council or the City Manager; or

(2) In connection with an investigation into the affairs of the City or the conduct of any City department or office which the City Council by the affirmative vote of at least four of its members has undertaken.

In order to conduct such an investigation, the Council may do any of the following:

(a) Instruct or grant permission to any one or more of its members to discuss with an officer or employee any matters which the member or members to whom permission is granted or who are so instructed believe to be pertinent or relevant to the subject of the investigation;

(b) Subpoena witnesses;

(c) Administer oaths;

(d) Take testimony; or

(e) Require the production of evidence.

Any City Councilmember violating the provisions of this section, or voting for a resolution or ordinance in violation of this section, shall be guilty of a misdemeanor and, upon conviction thereof, shall cease to be a Councilmember.

Section 808 is amended to read as follows:

Section 808. Adoption of Ordinances and Resolutions. With the sole exception of ordinances which take effect upon adoption, hereinafter referred to, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five days thereafter nor at any time other than at a regular or adjourned regular meeting. At the time of adoption of an ordinance or resolution it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the Councilmembers present. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting, held not less than five

days after the date upon which such ordinance was so altered. The corrections of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting.

Unless a higher vote is required by the other provisions of this Charter, the affirmative votes of at least four members of the City Council shall be required for the enactment of any ordinance or resolution, or for the making or approving of any order for the payment of money.

Section 902 is amended to read as follows:

Section 902. Appointive Officers. Duties. Each appointive officer shall perform the duties imposed upon him/her by this Charter, by ordinance, or resolution and, if under the jurisdiction of the City Manager, shall perform such other duties relating to his/her office as may be required of him/her by the City Manager.

Section 908 is amended to read as follows:

Section 908. City Attorney. There shall be a City Attorney appointed by the City Council. To become eligible for appointment as City Attorney, the appointee shall have been admitted to practice as an attorney at law before the Supreme Court of the State of California, and shall have been engaged in the practice of law for at least three years immediately prior to his/her appointment.

The City Attorney shall have power and be required to:

- (a) Represent and advise the City Council and all City officers in all matters of law pertaining to their offices;
- (b) Represent and appear for the City, its Council, boards and commissions, in any or all legal actions or proceedings in which they or any of them are concerned or are a party.

Upon request of a current or former officer or employee of the City, defend such officer or employee in any legal action or proceeding brought against him/her, in his/her official or individual capacity, or both, on account of an act or omission in the scope of his/her employment as an officer or employee of the City, whenever the City is required by the General Laws of the State of California to provide such defense or whenever the Council elects to provide such defense even though not required to do so. Provided, however, that the City Attorney may refuse to provide such defense whenever, in his/her opinion, his/her providing such defense would conflict with his/her other duties or responsibilities, in which event the City, if required by the General Laws of the State of California to provide such defense or if it elects to provide such defense though not required by the General Laws to do so, shall provide other legal counsel for such purpose.

The City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter, or to assist the City Attorney therein.

(c) Attend all meetings of the City Council and give his/her advice or opinion in writing whenever requested to do so by the City Council, or by any of the boards or officers of the City;

(d) Approve the form of all bonds given to and all contracts made by

the City, endorsing his/her approval thereon in writing;

(e) Prepare any and all proposed ordinances or resolutions for the City, and amendments thereto;

(f) Prosecute on behalf of the people all criminal cases for violation of this Charter and of City ordinances;

(g) On vacating the office, surrender to his/her successor all books, papers, files and documents pertaining to the City's affairs;

(h) Perform such other legal functions and duties incident to the execution of the foregoing powers as may be necessary, and perform such other legal services as may be required by the City Council.

Section 909 is amended to read as follows:

Section 909. Official Bonds. The City Council shall fix by ordinance the nature, amounts and terms of the official bonds of all officers or employees who are required by ordinance to give such bonds. Provided, however, that all officers and employees having custody or control of public funds shall be required to be bonded.

All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the officer designated by ordinance. Premiums on official bonds shall be paid by the City. A blanket bond may be used if it provides the same protection as separate bonds which may be required would provide.

In all cases wherein an officer or employee of the City is required to furnish a faithful performance bond there shall be no personal liability upon, or any right to recover against his/her superior officer or other officer or employee, or on the bond of the latter, for any wrongful act or omission of the former, unless such superior officer, or other officer or employee was a party to, or conspired in, such wrongful act or omission.

Section 910 is amended to read as follows:

Section 910. Oath of Office. Each member of the City Council, of every board and commission and each officer and department head, before entering upon the discharge of the duties of his/her office, shall take, subscribe to and file with the City Clerk the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of (here inserting the name of office) according to the best of my ability."

Section 1002 is amended to read as follows:

Section 1002. Appointments. Terms. Except as otherwise provided in this Article, the members of each of such boards or commissions shall be appointed, and shall be subject to removal, by motion of the City Council adopted by at least four affirmative votes.

Except as otherwise provided in this Article, the members of such boards and commissions shall serve for a term of four years and until their respective successors are appointed and qualified. No member of any board or commission shall be eligible to serve for more than one successive four year term nor shall such member be eligible for appointment to the same or to any other board or commission for two years after the expiration of the full term for which the member was appointed and served. Any

person appointed to a board or commission to fill an unexpired term of not more than two years in length shall, however be eligible to serve one successive four year term upon the expiration of the unexpired term for which such person was appointed.

Unless otherwise provided, the members first appointed to boards and commissions composed of four members 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 the members of a board or commission to be appointed 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 1004 is amended to read as follows:

Section 1004. Meetings. Chairperson. As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold regular meetings as required by resolution of the City Council, and such special meetings as it may require. All meetings shall be open and public.

Section 1005 is amended to read as follows:

Section 1005. Compensation. Vacancies. The members of boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses when on official duty out of the City on order of the City Council.

Except as otherwise herein provided, any vacancies in any board or commission from whatever cause arising, shall be filled by appointment by the City Council. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission absents himself/herself from three regular meetings of such board or commission, consecutively, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his/her office shall become vacant and shall be so declared by the City Council.

Section 1009 is amended to read as follows:

Section 1009. Planning Commission. There shall be a City Planning Commission consisting of seven members to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government, except that the City Manager, or his/her designated representative, shall serve as an ex officio member of the Commission.

Section 1102 is amended to read as follows:

Section 1102. Appointments from the Classified to the Unclassified Service. In the event an officer or employee of the City holding a position in the Classified Service is appointed to a position in the Unclassified Service, and should subsequently be removed therefrom, he/she shall revert to his/her former position in the Classified Service without loss of any rights or privileges and upon the same terms and conditions as if he/she had remained in said position continuously. Should such person be

eligible for retirement under the retirement system at the time of such subsequent removal, upon recommendation of the City Manager he/she shall be retired in lieu of being restored to his/her former position.

Section 1107 is amended to read as follows:

Section 1107. Prohibitions. No person shall wilfully or corruptly make any false statement, certificate, mark, rating or report in regard to any application, test, certification, or appointment held or made under the personnel provision of this Charter or in any manner commit or attempt any fraud preventing the impartial execution of such personnel provisions or rules and regulations made hereunder.

Any person who by himself/herself or with others wilfully or corruptly violates any of the provisions of this Article shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment. Any person convicted hereunder shall be ineligible for a period of five years for employment in the City service and shall, if he/she is an officer or employee of the City, immediately forfeit his/her office or position.

Section 1301 is amended to read as follows:

Section 1301. Annual Budget. Preparation by the City Manager. At such date as he/she shall determine, the City Manager shall obtain from each office, department or agency of the City, estimates of revenue and expenditures for such office, department or agency, detailed in such manner as may be prescribed by the City Manager. In preparing the proposed budget, the City Manager shall review the estimates, shall hold conferences thereon with the head of such office, department or agency, respectively, and may revise the estimates as he/she may deem advisable.

Section 1302 is amended to read as follows:

Section 1302. Budget. Submission to City Council. At least thirty-five days prior to the beginning of each fiscal year, the City Manager shall submit to the City Council the proposed budget as prepared by him/her. After reviewing the same and making such revisions as it may deem advisable, the City Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least one insertion in the official newspaper.

Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten days prior to said hearing.

Section 1304 is amended to read as follows:

Section 1304. Budget. Further Consideration and Adoption. After the conclusion of the public hearing, the City Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable, and on or before June 30 it shall adopt the budget with revisions, if any, by the affirmative vote of at least four members. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy thereof, certified by the City Clerk, shall be filed with the City Manager, or his/her designated representative, and a further copy shall be placed and shall remain on file in the Office of the City Clerk where it shall be available for inspection. The budget so certified shall be reproduced and

copies made available for the use of departments, offices and agencies of the City.

Section 1400 is amended to read as follows:

Section 1400. General Municipal Elections. There shall be a General Municipal Election to fill elective offices in the odd-numbered years on the date established under General Law for the election of governing board members of elementary school districts.

Section 1600 is amended to read as follows:

Section 1600. Franchises. When Required. No person, firm or corporation shall furnish the City or its inhabitants, or any portion thereof, with

transportation,	electricity,
communication,	gas,
terminal facilities,	power,
wharves,	refrigeration,
water,	storage,
light,	garbage, waste or refuse removal,
heat,	taxicab service,

or any other public utility or service, or use the public streets, ways, alleys or places in the City of Sunnyvale as the same now or may hereafter exist, for any of such purposes, or for the operation of plants, works, or equipment for the furnishing thereof, or traverse any portion of the City for the transmitting or conveying of any such utility or service elsewhere, except insofar as he/she or it may be entitled to do so by direct authority of the Constitution of the State of California, or the Constitution or laws of the United States, unless he/she or it shall have obtained a grant of franchise therefor in accordance with the provisions of this Article and in accordance with the procedure prescribed by ordinance.

Nothing in this Article shall be construed to invalidate any lawful franchise heretofore granted nor to necessitate the obtaining of a new franchise for a use for which a franchise holder shall have a valid unexpired franchise or spur track permit.

Section 1800 is amended to read as follows:

Section 1800. Definitions. Unless the provision or the context otherwise requires, as used in Charter:

(a) "Shall" is mandatory and "may" is permissive.

(b) "City" is the City of Sunnyvale and "department", "board", "commission", "agency", "officer", or "employee", is a department, board, commission, agency, officer or employee, as the case may be, of the City of Sunnyvale.

(c) All references to gender shall be to both the masculine and feminine gender; such objective may be accomplished through the use of a slash mark between the masculine and feminine pronouns such as "he/she" or "him/her". Any reference in this charter to "man" as a suffix indicative of the masculine gender, shall be stricken out and be replaced by either "member" or "person".

The changes incorporated in paragraph (c), immediately above, shall be reflected throughout this Charter in the next official printing thereof.

Certified to be a true copy by Donald E. Koreski, Mayor, and John E. Dever, City Clerk.

Date of municipal election: November 4, 1975.