
APPENDIX

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

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

CONTENTS

Charter Chapter Number		Page
1	Amendments to the Charter of the City of Salinas	21
2	Amendments to the Charter of the City of Merced	23
3	Amendments to the Charter of the City of San Diego	27
4	Amendments to the Charter of the City of Napa	31
5	Amendments to the Charter of the City of Compton	31
6	Amendments to the Charter of the City of Santa Ana.....	35
7	Amendments to the Charter of the City of Santa Barbara ..	36
8	Amendments to the Charter of the City of Alameda	39
9	Amendments to the Charter of the City of Vallejo.....	40
10	Amendments to the Charter of the City of Torrance	42
11	Amendments to the Charter of the City of Seal Beach	42
12	Amendments to the Charter of the City of Modesto	44
13	Amendments to the Charter of the City of Los Angeles.....	45
14	Amendments to the Charter of the City of Inglewood	48
15	Amendments to the Charter of the City of Santa Clara	48
16	Amendments to the Charter of the City of Chico.....	49
17	Amendments to the Charter of the City of Merced	51
18	Amendments to the Charter of the City of Alhambra	52
19	Amendments to the Charter of the County of San Mateo ..	53
20	Amendments to the Charter of the City of Glendale.....	54
21	Amendments to the Charter of the City of Grass Valley	55
22	Amendments to the Charter of the City of Richmond	59
23	Amendments to the Charter of the City of Redondo Beach	62
24	Amendments to the Charter of the City of Santa Ana.....	63
25	Amendments to the Charter of the City of Los Angeles.....	65
26	Amendments to the Charter of the City of Compton	72
27	Amendments to the Charter of the City of Santa Monica ..	75
28	Amendments to the Charter of the City of Pasadena	77
29	Amendments to the Charter of the City of Porterville	79
30	Amendments to the Charter of the City of Placentia	79
31	Amendments to the Charter of the City of Stockton	80
32	Amendments to the Charter of the City of San Diego	85
33	Amendments to the Charter of the City and County of San Francisco	88
34	Amendments to the Charter of the City of Riverside	100
35	Amendments to the Charter of the City of Sacramento	100

Charter Chapter 1—City of Salinas

Amendments to the Charter of the City of Salinas

[Filed with Secretary of State January 7, 1977.]

Section 5 of the Charter is amended to read as follows:

Sec. 5. CITY COUNCIL—POWERS OF THE CITY. All the powers of the city, except as otherwise provided by this Charter, are hereby vested in a council of five members, who shall be elected from the city at large. No person shall be eligible to hold the office of Councilman unless on the date of his election he is a qualified elector of the City of Salinas and unless he is a registered voter of the City at the time nomination papers are issued to such person or at the time of his appointment to fill a vacancy therein, and shall forfeit his office upon ceasing to reside therein.

If, at any municipal election for members of the City Council, there shall be no choice between candidates by reason of two or more candidates having received an equal number of votes, then the City Council shall proceed to determine the election of such candidates by lot.

Section 7 of the Charter is amended to read as follows:

Sec. 7. SAME—NEXT ELECTION. The Council in office during the year 1977 shall provide for an election to be held on the first Tuesday in June of that year for the purpose of electing qualified electors to succeed to those Council offices whose terms are about to expire by limitation; thereafter an election shall be held on the first Tuesday in June of every second year for the purpose of electing qualified electors to succeed to those Council offices whose terms are about to expire by limitation, or with respect to which a vacancy exists due to resignation or otherwise. Provided, that with respect to any such election to be held in any year, including the year 1977, the Council may by ordinance or resolution, provide for such election to be held at an earlier date for the purpose of consolidation with any election to be conducted in the County of Monterey, State of California on a regular election date during any such year as such date may be established by the Elections Code of the State of California.

Section 9 of the Charter is amended to read as follows:

Sec. 9. SAME—COMPENSATION. Members of the Council shall receive as compensation for their services a monthly salary of two hundred dollars each, excepting the Mayor, who shall receive as compensation for all services rendered by him, a monthly salary of four hundred dollars.

Section 27 of the Charter is amended to read as follows:

Sec. 27. SAME—GENERAL MUNICIPAL ELECTIONS. General municipal elections for the elections of officers and for such other purposes as the Council may prescribe, shall be held in said city on the first Tuesday in June, except as otherwise provided pursuant to Section 7, of each odd-numbered year, commencing with the year 1977.

Section 29 of the Charter is amended to read as follows:

Sec. 29. SAME—CANVASSING THE RETURNS. On the first Monday after any election, and at the usual hour and place of meeting, the

Council shall meet and canvass the returns, and declare the result; provided, that if a consolidated election is held pursuant to Section 7, the Council may, by ordinance or resolution, authorize the performance of these duties by the County of Monterey.

Section 30 of the Charter is amended to read as follows:

Sec. 30. SAME—NOTIFYING THE SUCCESSFUL CANDIDATES. After the result of an election is declared the city clerk, under his hand and official seal, shall issue a certificate thereof, and serve the same personally or by mail upon the person elected, provided that if a consolidated election is held pursuant to Section 7, the Council may, by ordinance or resolution, authorize the performance of this duty by the County of Monterey.

Section 34 of the Charter is amended to read as follows:

Sec. 34. SAME—RECORDING AND PUBLICATION. All ordinances and resolutions shall be deposited with the city clerk, who shall keep and maintain them. All ordinances shall be published once in some newspaper, published and circulated in Salinas, selected and designated by the Council for that purpose, within fifteen days after adoption. The publication of all ordinances granting any franchise or privilege shall be at the expense of the applicant therefor.

Section 81 of the Charter is amended to read as follows:

Sec. 81. PUBLIC WORK NOT PAID FOR BY ASSESSMENT. In all public work, excepting work on sewers and emergency work, where the estimated cost of the work is in excess of \$5,000 or such other amount as may be determined by law to apply to general law cities, the Council shall advertise for sealed bids in such manner as they may provide, and the contracts shall be awarded to the lowest responsible bidder, provided that the Council shall have authority to reject any or all bids; provided, however, that when the estimated cost of the work is between \$1,000 and \$5,000, informal bids shall be received from two or more bidders, if available, without the necessity of advertising; provided, further, that for any public work, if the Council shall be advised by the City Manager that the work can be done for a sum less than the lowest responsible bid, it shall then be their privilege to reject all bids and to order the work done by day's work under the supervision and direction of the City Manager.

Section 86 of the Charter is amended to read as follows:

Sec. 86. CLAIMS AND DEMANDS—PRESENTATION OF CLAIMS FOR DAMAGES. All claims for damages against the city must be verified and filed with the City Clerk within one hundred days after the occurrence, event, or transaction from which the damages allegedly arose, or within such shorter time as is otherwise provided by law, and shall set forth in detail the name and address of the claimant, the time, date, place, and circumstances of the occurrence, and extent of the injuries or damages sustained. All such claims shall be approved or rejected by order of the City Council and the date thereof given.

Section 87 of the Charter is amended to read as follows:

Sec. 87. SAME—PRESENTATION OF OTHER CLAIMS. All other claims or demands against the city, except salaries, interest coupons on bonds, and bonds of the funded debt, must be in writing and may be in

the form of a bill, invoice, payroll, or formal demand. Each such claim or demand shall be filed with the City Finance Director for examination. If the City Finance Director finds the amount thereof is legally due, he shall recommend approval thereof; otherwise he shall disapprove it. The City Finance Director shall thereupon present said claim or demand, with his recommended approval thereof, to the City Council, which shall examine and allow, in whole or in part, or reject, all such claims or demands. The City Council may allow, in whole or in part, any such claims or demand previously disapproved by the City Finance Director. The action of the Council respecting all claims or demands shall be recorded in the minutes of the Council.

Section 111 of the Charter is amended to read as follows:

Sec. 111. VIOLATION OF CHARTER AND ORDINANCES. The violation of any provision of this charter shall be deemed a misdemeanor. The violation of any provision of any ordinance of the city shall be deemed a misdemeanor, unless specifically declared by ordinance to be an infraction. Any person sentenced to imprisonment for a violation of a provision of this Charter, or of any ordinance, may be imprisoned in the City Jail, or in the County Jail of the county in which the City of Salinas is situated, in which case the expense of such imprisonment shall be a charge in favor of such county against the City of Salinas.

Certified to be a true copy by Henry K. Hibino, Mayor, and Evelyn Reynolds, City Clerk.

Date of municipal election: November 2, 1976.

Charter Chapter 2—City of Merced

Amendments to the Charter of the City of Merced

[Filed with Secretary of State January 12, 1977.]

Section 417 of the Charter is amended to read as follows:

Sec. 417. A violation of any ordinance of the City shall constitute an infraction unless by ordinance it is made a misdemeanor. Such violation may be prosecuted in the name of the people of the state of California or may be redressed by civil action. The maximum fine or penalty for any violation of a City ordinance which is an infraction shall be \$500. The maximum penalty for any violation of a City ordinance which is a misdemeanor shall be the sum of \$1,000 or a term of imprisonment for a period not exceeding one year, or both such fine and imprisonment.

Section 600 of the Charter is amended to read as follows:

Sec. 600. Officers to be appointed by the City Council.

In addition to the city manager, the city council shall appoint the city attorney who shall serve at the pleasure of the city council and may be removed by a motion of the city council adopted by at least four affirmative votes. Subject to the civil service provisions of this Charter, the city

council shall appoint the city clerk who shall serve at its pleasure.

Subject to the civil service provisions of this Charter, all other officers and department heads of the city shall be appointed by the city manager and shall serve at the pleasure of the city manager.

Section 801 of the Charter is amended to read as follows:

Sec. 801. Unclassified and classified service.

The civil service of the city shall be divided into the unclassified and the classified service.

(a) The unclassified service shall comprise the following officers and positions:

1. All elective officers;
2. City manager, city attorney, finance officer, and one private secretary to the city manager;
3. All members of boards and commissions;
4. Positions in any class or grade created for a special or temporary purpose, and which would exist for a period of not longer than ninety days in any one calendar year;
5. Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character; and
6. Part-time employees paid on an hourly or per diem basis.

The personnel board, upon application of the appointing officer or board, and after public notice and hearing, by the affirmative votes of four of the members, may exempt any position in any class or grade for a maximum period of six months in any calendar year. Any such exemption shall not affect the tenure of any person whose appointment has become final under civil service.

Any person holding a position or employment included in the classified service who, on the effective date of this Charter, shall have served continuously in such position or in some other position included in the classified service, for a period of six months immediately prior to such effective date, shall assume regular status in the classified service in the position held on such effective date without preliminary examination or working tests and shall thereafter be subject in all respects to the provisions of the civil service system provided for in this Charter.

The person holding the position of the city clerk or city treasurer, formerly elective offices, if he shall have served continuously in such position for the period of six months immediately prior to such effective date, shall likewise assume regular status in the classified service; as to the city clerk, in the position of city clerk under this Charter and, as to the city treasurer, in a position having similar duties in the department headed by the finance officer.

(b) The classified service shall comprise all positions not specifically included by this section in the unclassified service.

Section 704 of the Charter is amended to read as follows:

Sec. 704. Meetings; chairman.

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

ordinance of the city council, and such special meetings as it may require. All proceedings shall be open to the public.

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

The city manager shall designate a secretary for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own 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. It shall have the same power as the city council to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it.

Section 1106 of the Charter is amended to read as follows:

Sec. 1106. Tax limits.

(a) The city council shall not levy a property tax in excess of \$2 annually on each \$100 of the assessed value of taxable property in the city for municipal purposes, unless authorized by the affirmative votes 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) There shall be levied and collected at the 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; and

2. In the event the city shall become a contracting city under the state employees' retirement system, a tax sufficient to meet all obligations of the city to such system for the retirement of city employees, due and unpaid or to become due during the ensuing fiscal year.

(c) Special levies, in addition to the above may be made annually in amounts not to exceed the limits enumerated in this section, respectively, on each \$100 of the assessed value of taxable property in the city:

1. For recreation and parks, 20 cents; and

2. For city planning, 10 cents.

The proceeds of any such special levy shall be used only for the respective purposes for which it is levied.

Section 1109 of the Charter is amended to read as follows:

Sec. 1109. Contracts on public works.

Every project involving an expenditure of more than \$5,000 for the construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks, and playgrounds shall be let 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 city council may reject any and all bids presented and may re-advertise in its discretion.

The city 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 five affirmative votes of the council may proceed to have said work done in the manner stated, without further observance of the provisions of this section. Such contracts likewise may 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 motion passed by at least five affirmative votes of the council and containing a declaration of the facts constituting such urgency.

Section 1114 of the Charter is amended to read as follows:

Sec. 1114. Cash funds.

All funds collected daily by any city department shall be deposited through the finance officer to appropriate general or special funds.

Petty cash funds. The city council may provide for revolving petty cash funds, to be paid to the city manager or department or division heads and used for payment in cash of expenditures provided for in the budgets that cannot conveniently be paid otherwise.

Section 1115 of the Charter is amended to read as follows:

Sec. 1115. Presentation of demands.

Each demand against the city shall be presented to the finance officer, who shall examine the same. If the amount thereof is legally due and there remains on his books an unexhausted balance or an appropriation against which the same may be charged, he shall approve such demand and draw his check or warrant on the city treasury therefor, payable out of the proper fund. Objections of the finance officer may be overruled by the city council and the check or warrant ordered drawn.

The finance officer shall transmit such demand, with his approval or rejection thereof endorsed thereon, and check or warrant, if any, to the city manager. If a demand is one for an item included within an approved budget appropriation, it shall require the approval of the city manager, otherwise it shall require the approval of the city council. Any person dissatisfied with the refusal of the city manager to approve any demand, in whole or in part, may present the same to the city council, which, after examining into the matter may approve or disapprove the demand in whole or in part.

Section 1117 of the Charter is amended to read as follows:

Sec. 1117. Actions against city.

No suit shall be brought on any claim for money or damage against the city or any board, or officer thereof until a demand for the same has been presented as herein provided and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Except in those cases where a shorter time is otherwise provided by law, all claims for damages against the city must be presented to the finance officer within 100 days after the occurrence, event, or transaction from which the damages allegedly arose, and shall set forth in detail the name and address of the claimant, the time, date, place, and circumstances of the occurrence and

the extent of the injuries or damages received; all other claims or demands shall be presented within 100 days after the last item of the account or claim accrued.

In all cases such claims shall be approved or rejected in writing and the date thereof given. Failure to act upon any claim or demand within 45 days from the day the same is filed with the finance officer shall be deemed a rejection thereof.

Certified to be a true copy by William P. Quigley, Mayor, and William H. Cunningham, Deputy City Clerk.

Date of municipal election: November 2, 1976.

Charter Chapter 3—City of San Diego

Amendments to the Charter of the City of San Diego

[Filed with Secretary of State January 12, 1977.]

Section 28 of Article V is amended to read as follows:

Section 28. DUTIES OF THE MANAGER.

It shall be the duty of the Manager to supervise the administration of the affairs of the City except as otherwise specifically provided in this Charter; to make such recommendation to the Council concerning the affairs of the City as may seem to him desirable; to keep the Council advised of the financial condition and future needs of the City; to prepare and submit to the Council the annual budget estimate and such reports as may be required by that body, including an annual report of all the Departments of the City; to see that the ordinances of the City and the laws of the State are enforced; and to perform such other duties as may be prescribed by this Charter or required of him by ordinance or resolution of the Council. Except as otherwise provided in this Charter, all other administrative powers conferred by the laws of the State upon any municipal official shall be exercised by the Manager or persons designated by him. He shall assume the position of Director of any Department under his control for which a Director has not been appointed. The Directors, or heads of the administrative Departments under the Manager shall be immediately responsible to him for the efficient administration of their respective Departments. The Manager may set aside any action taken by a Director or Department subordinate responsible to him, and may supersede him in authority in the functions of his office or employment. Where no provision has been made by ordinance authorizing a subordinate official to act as departmental head in case of a vacancy, the Manager may designate an interim acting head or perform personally the functions of the office. The Manager, as Chief Budget Officer of the City, shall be responsible for planning the activities of the City government and for adjusting such activities to the finances available. To this end he shall prepare annually a complete financial plan for the ensuing year and shall

be responsible for the administration of such a plan when adopted by the Council. He shall be charged with the bringing together of estimates covering the financial needs of the City, with the checking of these estimates against the information relative to past expenditures and income, with the preparation of the budget document and supporting schedules and with the presentation of the budget to the Council. He shall have the power to employ experts, or consultants to perform work or give advice connected with the Departments of the City when such work or advice is necessary in connection therewith. If the cost of hiring said expert or consultant exceeds a sum to be established by ordinance of the City Council, no such expert or consultant shall be hired without approval of the Council. The Council shall provide sufficient funds in the annual appropriation ordinance or by supplemental appropriation ordinances for such purposes and shall charge such additional services against the appropriation of the respective Departments.

The Manager shall execute all contracts for the Departments under his control. He shall approve all requisitions and vouchers for said Departments in person or through such assistants as he may designate for the purpose.

The Manager may prescribe such general rules and regulations as he may deem necessary or expedient for the general conduct of the administrative Departments. The Director of each Department shall in like manner prescribe such rules and regulations as may be deemed necessary and expedient for the proper conduct of each Department, not inconsistent with the general rules and regulations prescribed by the Manager.

In order to expedite the work of any Department or to adequately administer an increase in the duties which may devolve on any Department or to cope with periodic or seasonal changes, the Manager, subject to Civil Service regulations, is empowered to transfer employees temporarily from one Department to perform similar duties in another Department. Likewise each Department head shall have power to transfer employees from one Division to another within his Department.

The Manager may direct any Department or Division to perform work for any other Department or Division. Such powers to transfer employees or to direct the performance of work shall not apply to the Police or Fire Departments.

During January of each year the Manager shall present to the Council an annual report of the City's affairs for the previous fiscal year.

In case of general conflagration, rioting, flood, or other emergency menacing life and property, the Manager shall marshal all the forces of the different Departments of the City for the maintenance of the general security, and shall have the power to deputize or otherwise employ such other persons as he may consider necessary for the purpose of protecting the City and its residents. The Council may, however, in any such emergencies authorize the Mayor to take command of the police, maintain order and enforce the law.

And in such authorized emergencies the Manager shall be subordinate to and shall carry out such duties as may be assigned to him by the Mayor.

Section 94 of Article VII is amended to read as follows:

Section 94. CONTRACTS.

In the construction, reconstruction or repair of public buildings, streets, utilities and other public works, 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 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 stockholder 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.

Certified to be a true copy by Pete Wilson, Mayor, and Edward Nielsen, City Clerk.

Date of Municipal election: November 2, 1976.

Charter Chapter 4—City of Napa

Amendment to the Charter of the City of Napa

[Filed with Secretary of State January 25, 1977.]

Section 95.1 is added to the Charter to read as follows:

Section 95.1. City Council of the City of Napa shall be authorized to increase the tax levy set forth in Section 95 of this Charter by an additional sum not to exceed six cents on each \$100 assessed valuation for the purpose of providing emergency medical technician services "Paramedic" through the Fire Department.

Certified to be a true copy by Ralph C. Bolin, Mayor, and Allen R. Thorpe, City Clerk.

Date of municipal election: November 2, 1976.

 Charter Chapter 5—City of Compton
Amendments to the Charter of the City of Compton

[Filed with Secretary of State January 25, 1977.]

Section 500 is amended to read as follows:

Section 500. Enumeration of Terms of Elected Officials. The elective officers of the City shall consist of:

A City Council composed of five (5) members who are registered voters of the City, four to be residents of their respective districts and nominated and elected by their respective districts. The fifth to be both nominated and elected from the City at large and to be known as the Mayor:

a City Clerk; and

a City Treasurer.

All of the elected officers shall serve for a term of four (4) years. The terms of office of the members of the City Council residing in districts Two and Three, and the terms of office of the Mayor, City Clerk, City Treasurer and City Attorney elected in 1969 shall expire in the year 1973. The terms of office of the present members of the City Council residing in districts One and Four shall expire in the year 1971.

The terms of all elective officers shall commence on July First following their election and each shall serve until his successor is elected and qualified. Any ties in voting shall be settled by the casting of lots.

Provided however, that the City Council, on and after the operative date (as the term "operative date" is hereafter defined) shall be composed of seven (7) members, six (6) to be residents of their respective districts and nominated and elected from the City at large, and the seventh to be both nominated and elected from the City at large and to be known as the Mayor.

At any time when the City Council finds by ordinance adopted by not less than four (4) affirmative votes that the population of the City exceeds

100,000 persons, the City Council shall thereupon, and within sixty (60) days after the effective date of such ordinance, adopt an ordinance by at least three (3) affirmative votes dividing the City into six (6) Districts for the purpose of electing members of the Council.

Said districts so revised and fixed shall comprise as nearly as practicable equal numbers of voters as determined by records of the registration of voters of Los Angeles County on file with the Registrar of Voters of said County and be composed of contiguous and compact territory and bound ed by natural boundaries or street lines.

The ordinance shall provide for districts so that each Councilman then in office will reside within the district bearing the number of the district from which he was elected and District 5 and District 6 shall not include the residence of any of the members of the Council except that either such district may include residence of the Mayor.

Within thirty (30) days after the effective date of the ordinance establishing six (6) council districts, the Council shall, in the manner provided by law, call a special election for the purpose of holding an election for a councilman from District 5 and a councilman from District 6. If any candidate receives a majority for either of such offices, the City Council shall declare such candidate, or candidates (as the case may be) elected. If no candidate for either or both of such office receives a majority, a final election shall be held on the Fourth Tuesday following said election between the two candidates receiving the highest vote in the first election for each or either of said offices. Following said second election, the City Council shall declare the candidate receiving the highest vote for each or either of said offices elected.

Such election, including the nominations, notice, canvass and other proceedings, shall follow as near as may be practicable the procedures for elections. The Council may provide procedures for such elections by ordinance.

When the Council has declared a candidate elected for District 5 and a candidate elected for District 6, the provisions for a seven (7) member City Council shall become operative at 12:01 a.m. on the seventh day after such declaration or if candidates are declared elected in the two districts at different times, at 12:01 a.m. on the seventh day after the last such declaration. Such seventh day is herein defined as the operative date.

The councilman elected in the first instance from District 5 shall serve a term that shall commence on the operative date and shall end at the same time that the term of the councilman from District 1 ends. The councilman elected in the first instance from District 6 shall serve a term that shall commence on the operative date and end at the same time as the term of the councilman from District 2 ends.

Councilmen thereafter elected from Districts 5 and 6 shall serve for a term of four (4) years.

On and after the operative date, the City shall be divided into six (6) districts notwithstanding the provisions of Section 501 of this Charter.

Notwithstanding the provisions of Section 502 of the Charter, and after the operative date, the City Council may change the boundaries of the Six Districts into which the City has been divided by ordinance adopted by

at least five (5) affirmative votes whenever, in the opinion of the City Council, such is necessary to better equalize the population among the respective districts.

On and after the operative date whenever the provisions of the Charter call for three (3) affirmative votes, or the concurrence of three (3) members of the City Council, or otherwise provide for an action to be taken by three (3) members of the City Council, such provisions shall be construed to require four (4) affirmative votes, or the concurrence of four (4) members of the City Council or otherwise provide for an action to be taken by four (4) members of the City Council.

On and after the operative date whenever the provisions of this Charter call for four (4) affirmative votes, or the concurrence of four (4) members of the City Council, or otherwise provide for an action to be taken by four (4) members of the City Council such provisions shall be construed to require six (6) affirmative votes, or the concurrence of six (6) members of the City Council, or otherwise provide for an action to be taken by six (6) members of the City Council.

Notwithstanding the provisions of Section 502 of this Charter, on and after the operative date a person shall be deemed to have been a resident of the City or a district for one (1) year preceding the election if he has resided for a period of one (1) year at a place which is, at the time of election, within the City or the District. (Amended June 3, 1957 and June 30, 1969)

Section 1108 is amended to read as follows:

Section 1108. Suspension, Demotion, and Dismissal. The City Council and the elective and appointive officers having appointive power are vested with the right to exercise the disciplinary and removal powers hereinafter provided.

An employee serving a probationary period in any office, position or employment shall be subject to removal therefrom without right of appeal but subject to his right of reinstatement to the position in the Classified Service from which he has promoted, or transferred, if any.

An employee other than one serving a probationary period, holding a position in the Classified Service shall be subject to suspension without pay for a period of not exceeding thirty (30) days in any one (1) calendar year, or to demotion or removal from his position, for misconduct, incompetency, inefficiency, or for failure to observe the rules or regulations of the department, office or agency, or to cooperate reasonably with his superiors or fellow employees, but subject to the right of the employee to appeal to the Personnel Board in the manner set forth herein.

Such employee shall be entitled to receive, upon request, at the office of the board or officer taking such action, not later than the second business day thereafter, a written statement in item form of the reasons therefor, a copy of which statement shall be furnished to the Personnel Board. He shall have ten (10) days after the receipt of such statement within which to file an answer to such statement of charges should he desire to do so.

The answer shall be filed in the office of the City Clerk and with the Clerk of the Personnel Board. In his answer, or if no statement of charges

has been made available to him as required, such employee may request a hearing by the Personnel Board to review such suspension, demotion or removal which shall be called and held provided for in the rules and regulations. Hearing may be conducted informally and the rules of evidence need not apply.

Within ten (10) days after concluding the hearing, the Personnel Board shall certify its findings and recommendations to the City Manager. The suspension, demotion, or removal order by the City Manager or other official, from whose action the appeal was taken, shall be sustained unless the said Board shall by majority vote, render its decision finding that the suspension, demotion, or removal was made without sufficient cause. If the Board shall find that the person suspended, demoted, or removed was so suspended, demoted or removed without sufficient cause, said Board in its order shall provide that said person shall be reinstated forthwith to the position from which he was suspended, demoted or removed, and shall order paid to him the salary to which he would have been entitled had he not been suspended, demoted or removed. In filing its decision, the Board shall also make and file written findings of fact covering in general terms the issues involved.

In the absence of fraud or bad faith, the findings and decisions of said Board shall be final and conclusive subject to appeal to the City Council.

Upon written appeal of either the employee or the City Manager to the City Clerk within ten (10) days of a decision of the Personnel Board, or within ten (10) days of the date the decision should have been rendered, a hearing shall be conducted on the record of the proceeding before the Personnel Board before the City Council at the earliest reasonable time as is consistent with City Council at the earliest reasonable time as is consistent with City Council's agenda. The appealing and responding parties may be present at the Council and may present written and oral arguments in their favor, and answer any questions from members of the City Council. If no hearing before the Personnel Board was held, the City Council may hold a full hearing at its discretion.

A reduction in pay shall be a demotion, under this section, unless it is a part of a plan to reduce salaries and wages in connection with a general economy or curtailment program.

The City Manager and any other officer or board in whom is vested by law the power to make transfers, promotions, demotions, reinstatements, lay-offs, and to suspend or dismiss employees, shall retain such power subject to the provisions of this Charter and the rules established hereunder, it being the intent and spirit of this Charter to provide a fair and just approach to municipal employment in order that city employees may be selected and promoted on a merit basis, but in no sense to impair the efficiency of the public service.

Section 1700 is amended to read as follows:

Section 1700. Definitions. Unless the provisions or the context otherwise requires, as used in this Charter:

- (a) "Shall" is mandatory, and "may" is permissive.
- (b) "He" means both masculine and the feminine gender.

Section 1104.1 is amended to read as follows:

Section 1104.1. Residency. Every person employed by the City of Compton shall be and shall continue to be a resident of the City of Compton within ninety (90) days of the effective date of this Section. The effective date shall mean the earliest date after ratification and filing by Secretary of State of this Section, on which this Section is enforceable under State and Federal Law.

Certified to be a true copy by Doris A. Davis, Mayor, and Charles Davis, City Clerk.

Date of municipal election: November 2, 1976.

Charter Chapter 6—City of Santa Ana

Amendments to the Charter of the City of Santa Ana

[Filed with Secretary of State February 4, 1977]

Section 101.1 is amended to read as follows:

Section 101.1. Wards of the City. The City Council shall divide the City into seven wards or nine wards as required by the provisions of Section 101.3 herein, by ordinance according to the following formula:

Each of the wards is to be as nearly equal in population as possible. The wards shall be composed of contiguous and compact territory and bounded by natural boundaries or street lines wherever possible. Any territory hereafter annexed to or consolidated with the City shall become a part of the ward to which it is most contiguous, pending any redistricting necessary to promote equality of population among the wards.

Section 101.2 is amended to read as follows:

Section 101.2. Wards, boundary changes.

Ward boundaries shall not be altered except as reasonably necessary to promote greater equality of population among the wards when such necessity is shown by the most recent federal decennial census, or by more current census data certified by the city council as sufficiently reliable and detailed to serve as a basis for ward boundary alteration, or by annexation or consolidation of territory. Such boundary alteration shall be made only by ordinance adopted by affirmative vote of at least two-thirds ($\frac{2}{3}$) of the full membership of the city council in accordance with Section 101.4. Any such ordinance adopted within 120 days immediately preceding any election of council members shall not become effective until the day following such election.

Section 101.3 is amended to read as follows:

Section 101.3. Wards, increase in number of.

Whenever census data described in section 101.2 discloses that the population of the city of Santa Ana exceeds 240,000 people, the city council shall adopt an ordinance in accordance with the requirements of sections 101.2 and 101.4 to increase the number of wards to nine.

Section 400 is amended to read as follows:

Section 400. City Council: Number, Selection and Terms of Members.

The City Council shall until the provisions of Section 101.3 become operative, consist of seven (7) members elected at the times and in the manner provided in this Chapter, each of whom shall serve a term of four (4) years. The term of each member shall begin the first Tuesday following such election and each shall serve except as otherwise provided for in this Chapter, until his successor is elected and qualified. Each office of Councilman shall be a separate office and one of such offices shall be assigned to each of the wards of the City. Candidates for each office of Councilman shall be nominated from such ward by the electors of such ward and shall be residents of such ward, but all Councilmen shall be elected by the vote of the electors of the City at large.

Section 401.1 is amended to read as follows:

Section 401.1. Order of filling offices.

The offices of Councilman from wards one, three, five and seven shall be filled at the general municipal election held on the first Tuesday of April, 1977, and the offices of Councilman from wards two, four, and six shall be filled at the general municipal election held on the first Tuesday of April, 1979. Thereafter, the offices of Councilman from wards one, three, five and seven and from wards two, four, and six shall be filled alternately at general municipal elections held at the end of the terms of such offices respectively. The offices of Councilman from ward eight shall be filled at the same election as the offices for wards two, four, and six, and the offices of Councilman from ward nine shall be filled at the same election as the offices of Councilman from wards one, three, five and seven, except that the first elections for the offices of Councilman from wards eight and nine shall be at the next general municipal election subsequent to the formation of the wards for terms of office expiring on the date of the next general municipal election for such offices, respectively, as hereinabove provided.

The candidate elected from each ward at each such election shall be the candidate receiving the highest number of votes cast for any candidate from said ward.

Certified to be a true copy by John Garthe, Mayor, and Florence I. Malone, City Clerk.

Date of municipal election: November 2, 1976.

Charter Chapter 7—City of Santa Barbara

Amendments to the Charter of the City of Santa Barbara

[Filed with Secretary of State March 21, 1977.]

Section 502 of Article V is amended to read as follows:

Section 502. COMPENSATION. The members of the City Council, except the Mayor, shall receive as compensation for their services a salary

in the sum of Four Hundred Dollars (\$400.00) per month. The Mayor shall receive for his services a compensation in the sum of Seven Hundred Dollars (\$700.00) per month. In addition, the Mayor and each member of the City Council shall receive reimbursement on order of the City Council for Council authorized traveling and other expenses when on official duty upon submission of an itemized expense account therefor, or may receive an advance for such purposes subject to such accounting. In addition, members shall receive such uniform, reasonable and adequate amount as may be established by ordinance, which amount shall be deemed to be reimbursement to them of other routine and ordinary expenses and costs imposed upon them by virtue of their serving as City Councilmen, including the Mayor.

Section 519 of Article V is amended to read as follows:

Section 519. CONTRACTS ON PUBLIC WORKS. Except as hereinafter provided, every project for the construction or improvement (excluding maintenance and repair) of public buildings, works, streets, drains, sewers, utilities, parks, playgrounds, harbor facilities, and airport facilities, and each separate purchase of materials or supplies for the same shall be let to the lowest responsible bidder after notice by publication in a newspaper of general circulation by two or more insertions, the first of which shall be at least ten days before opening bids. The City Council may reject any and all bids presented and may readvertise at its discretion.

In the interest of efficiency and fiscal economy, the City may dispense with public bidding if it makes either or both of the following findings:

- (1) the project can be performed more efficiently and more economically by City employees or by City employees working in conjunction with private contractors or subcontractors;
- (2) the materials, supplies, or services can be purchased at a lower price in the open market.

In the event that the City Council makes the appropriate finding or findings, it may cause the project to be performed pursuant to subsection (1) above and/or the materials, supplies, or services purchased pursuant to subsection (2) above.

Such contracts may be let and such purchases made without the aforementioned findings being made if such work or the purchase of such materials, supplies, or services 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 the affirmative votes of at least two-thirds of the total members of the City Council.

Projects for the extension, replacement or expansion of the transmission or distribution system of the Water Department operated by the City may be excepted from the requirements of this section by the affirmative vote of a majority of the total members of the City Council.

Section 1202 of Article XII is amended to read as follows:

Section 1202. BUDGET. SUBMISSION TO CITY COUNCIL. At least sixty days prior to the beginning of each fiscal year, the City Administrator shall submit to the City Council the proposed budget as prepared by him After reviewing 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 1211 of Article XII is amended to read as follows:

Section 1211. SALARIES. ANNUAL ADJUSTMENT. In order to provide understandable methods of salary setting which will result in compensation reasonable to employees and tax payers alike, the salary administration policy and procedures for the City shall be implemented in a manner consistent with modern public personnel administration.

(a) The City Administrator shall annually review the salary schedules, rates of compensation, and related benefits of all the Officers, Management Employees, General Employees, and Police and Fire Employees of the City, as such employee groups may be defined by ordinance, in accordance with the wage compensation policy hereinafter set forth.

(b) The compensation of Police and Fire employees of the City shall be set forth by ordinance or resolution. Said compensation may be adjusted, annually or otherwise, to reflect the results, if any, of any employer/employee negotiations which may be required by law. Notwithstanding any provisions of this Charter, the economic ability of the City to pay compensation in any form shall be paramount.

(c) The compensation of General Employees of the City shall be set forth by ordinance or resolution. Said compensation may be adjusted, annually or otherwise, to reflect the results, if any, of any employer/employee negotiations which may be required by law. Notwithstanding any provisions of this Charter, the economic ability of the City to pay compensation in any form shall be paramount.

(d) Compensation for Management Employees of the City shall be in accordance with the Management Compensation Plan specified by ordinance. The salaries of Management Employees shall be annually reviewed and adjusted on the basis of comparability with other public jurisdictions having departmental divisions of similar size and positions. In recommending salary adjustments to the Council, the City Administrator shall take into account cost-of-living indices, recruitment difficulties, staff organization, and responsibility.

(e) The City Council shall annually by ordinance or resolution effective on the first day of July of each year adjust the salary schedules and rates of compensation of all City officers and employees, other than City Councilmen, in accordance with the provisions of this section.

(f) This section shall become operative and effective on January 1, 1974. (Approved by election held April 17, 1973).

Notwithstanding the foregoing provisions of this Section: (1) when the functions, duties, demands or responsibilities of a position or classification are substantially changed, (2) when a sufficient number of applicants for a class or position is not available, (3) when the ability, capabilities, background or experience of the occupant of an office or position are substantially different from those of the previous occupant, or (4) when a new

position is created, the City Council may change and establish the salary for any such office, position or classification so as to be fair and just and compatible with the facts, circumstances and considerations as above set forth. Salary schedules or rates shall not be changed except in accordance with this Section.

Certified to be a true copy by David T. Shiffman, Mayor, and Richard D. Thomas, City Clerk.

Date of municipal election: March 8, 1977.

Charter Chapter 8—City of Alameda

Amendments to the Charter of the City of Alameda

[Filed with Secretary of State March 21, 1977.]

Section 2-14 is amended to read as follows:

Sec. 2-14. No person shall be eligible for the office held by that person for two complete consecutive terms immediately prior to the term for which the person seeks election or appointment. This section shall not apply to the office of Auditor or Treasurer or prevent persons in office from completing their terms.

Section 10-2 is amended to read as follows:

Sec. 10-2. Each of said Boards, except the Public Utilities Board, Social Service Human Relations Board and the City Planning Board, shall consist of five members. Upon nomination of the Mayor, the Council shall appoint, between May 1 and July 1 of each year, one member of each such Board for a term commencing on the first day of July following such appointment and continuing for four years, and thereafter until the successor of such member is appointed and qualified.

Section 10-4.1 is amended to read as follows:

Sec. 10-4.1. The City Planning Board shall consist of seven members. Upon nomination of the Mayor, the Council shall appoint, between May 1 and July 1 of each year, such members as are necessary to maintain a full Board, for terms commencing on the first day of July following such appointment and continuing for four years and thereafter until the successor of such member is appointed and qualified; provided, however, that no more than two terms shall expire in any year other than by resignation of a member.

Section 10-1 is amended to read as follows:

Sec. 10-1. The following Boards are hereby established: Board of Education; Public Utilities Board; Civil Service Board; City Planning Board; Social Service Human Relations Board; Library Board.

Section 10-4 is amended to read as follows:

Sec. 10-4. The Social Service Human Relations Board shall consist of nine members. Upon nomination of the Mayor, the Council shall appoint, between May 1 and July 1 of each year, at least two members of such Board

for terms commencing on the first day of July following such appointment and continuing for four years and thereafter until a successor of such member is appointed and qualified.

Section 15-1 is amended to read as follows:

Sec. 15-1. The Social Service Human Relations Board shall have the power:

(A) To encourage the formation of private social welfare organizations to meet needs not already provided for and to foster all worthy philanthropic enterprises.

(B) Such other duties and powers as may be delegated by ordinance.

Section 2-4 is amended to read as follows:

Sec. 2-4. The salary attached to the following offices shall be fixed by the Council at not less than the following amounts per annum: Auditor, \$3,600.00; Treasurer, \$3,600.00; City Manager, \$4,000.00; City Attorney, \$3,000.00; City Clerk, \$2,400.00. Each Councilman shall receive \$50.00 for each meeting of the Council which he shall attend; provided, that no Councilman shall receive such fees for more than two meetings in any one calendar month.

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

Date of municipal election: March 8, 1977.

Charter Chapter 9—City of Vallejo

Amendments to the Charter of the City of Vallejo

[Filed with Secretary of State March 24, 1977]

Section 301 is amended to read as follows:

Section 301. **QUALIFICATIONS.** No person shall be eligible to or continue to hold any elective office of the City, either by election or appointment, unless he is an elector thereof, and shall have been a resident thereof or of territory lawfully annexed thereto for at least thirty (30) days next preceding the last day for filing of nomination papers as fixed by applicable State law, or an equivalent number of days prior to his appointment. The residency requirement provided herein shall apply with equal force to write-in candidates.

Section 302 is amended to read as follows:

Section 302. **TERM OF OFFICE.** Each elective officer shall hold office for a term of four (4) years from and after 8.00 p.m. of the first Monday in April next succeeding the general municipal election at which he was elected, and until his successor is elected and qualified. The Mayor and the Councilmen serving upon the revision of this Section shall continue to serve for the terms to which they were elected, except that such terms shall expire at 8:00 p.m. on the first Monday in April rather than the first Monday of July of said year.

Section 303 is amended to read as follows:

Section 303. VACANCIES, FILLING OF. Any vacancy occurring in an elective office shall be filled by appointment by a majority of the remaining members of the City Council. Any such appointee shall hold office until 8:00 p.m. on the first Monday in April next succeeding the date of the next general municipal election and until his successor qualifies. At the next general municipal election following any vacancy, a successor shall be elected to serve the remainder of the unexpired term.

Section 308 is amended to read as follows:

Section 308. MEETINGS OF THE COUNCIL. At 8:00 p.m. on the first Monday in April following each general municipal election, the Council shall meet at the established Council meeting place, at which time and place the newly elected Councilmen shall assume the duties of their office. Thereafter, the Council shall meet at least once each week at a time to be fixed by ordinance. Special meetings may be held at the regular place of meeting, either on the call of the Mayor, or on the request of three Councilmen, upon twenty-four (24) hours written notice to each member of the Council. Such notice shall be personally served or left at a place which shall be designated by each member of the Council; provided, however, that such notice may be waived by the written consent of all the members of the Council. Regular or special meetings may be held at places other than the regular meeting place only in an emergency in which the regular meeting place is untenable, or upon the posting of a public notice at the regular meeting place that the Council is meeting elsewhere, to be designated on the notice, for some purpose of public convenience. All regular or special meetings of the Council shall be open to the public, except for executive sessions permitted by law.

Section 319 is amended to read as follows:

Section 319. THE VICE-MAYOR. At its first meeting in April of each year, the Council shall elect from amongst its members a Vice-Mayor who shall serve for a term of one year and until his successor is elected by the Council. In addition to his regular duties as a Councilman, the Vice-Mayor shall perform the duties of the Mayor during the Mayor's absence or disability, and may perform at any time any duty of the office of the Mayor delegated to him by the Mayor.

Section 302.1 is added to read as follows:

Section 302.1. LIMITATION OF TERMS OF OFFICE. No elective officer of the City may hold office for more than two consecutive four-year terms as either Mayor or Councilman, nor serve in both offices of Mayor and Councilman for longer than three consecutive four-year terms. No person who has held an elective office, or acted as an elected officer for more than two years of a term to which some other person was elected shall be elected to an elective office more than two consecutive subsequent terms. Any person who has served the maximum number of terms as set forth in this Section shall not serve again until at least two years have passed since his last date of holding office. The Mayor and Councilmen serving at the adoption of this Section shall not have current or prior terms counted in computing the number of terms served.

Certified to be a true copy by Florence E. Douglas, Mayor, and Mildred R. Watson, City Clerk.

Date of municipal election: March 8, 1977.

Charter Chapter 10—City of Torrance

Amendment to the Charter of the City of Torrance

[Filed with Secretary of State March 25, 1977]

Section 602 is amended to read as follows:

SECTION 602. TERMS

a) The elective officers of the City shall be elected from the City at large and, except members of the Board of Education, shall hold office for a term of four (4) years from and after the Tuesday next succeeding the date of such election and until their successors are elected and qualified.

b) No person shall be elected as Mayor for more than two consecutive full terms; provided, however, that such person may be successively elected to additional terms as Mayor in full compliance with this subsection where the first of such two full terms succeeds the term of another person.

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

Date of municipal election: November 2, 1976.

Charter Chapter 11—City of Seal Beach

Amendments to the Charter of the City of Seal Beach

[Filed with Secretary of State April 11, 1977]

Section 912, of Article IX, is amended to read as follows:

Section 912. Notification of Proposed Disciplinary Action, Response. Any permanent employee in the competitive service whose demotion, dismissal, reduction in pay, or four (4) to ten (10) suspension has been recommended, must receive a written statement of the reasons for the recommended disciplinary action, including the specific charges, at least five (5) working days prior to the proposed effective date of the action, except where the employee's misconduct is of such a serious character as to create an emergency situation. In such case, the employee may be ordered by the City Manager on immediate leave of absence following which order the City Manager has one (1) working day in which to provide the employee with a written statement of the reasons for the recommended disciplinary action.

The employee shall have five (5) working days after receipt of the statement of charges and recommended disciplinary action in which to

answer the charges. If the employee fails to respond, the charges shall be deemed admitted and the recommended disciplinary action may be imposed. If the employee answers the charges, the authority recommending the discipline must consider the response in deciding whether to impose the recommended discipline. If the recommended discipline is affirmed, the authority recommending the discipline must file charges with the Civil Service Board and immediately serve a copy of the charges upon the employee after which the disciplinary action may be imposed.

Section 913 of Article IX, is amended to read as follows:

Section 913. Disciplinary Hearing. Within ten (10) working days after the filing of the charges, the Civil Service Board shall hold a disciplinary hearing. The hearing need not be conducted according to technical rules relating to evidence. The employee shall have the right to be represented by an attorney or spokesman. Within ten (10) working days after concluding the hearing the Civil Service Board shall certify its findings and decision and shall affirm, revoke or modify the action taken, as in its judgment seems warranted. The action of the Civil Service Board shall be final.

Section 912.1 is added to Article IX, to read as follows:

Section 912.1. Discharge of Striking Employees. No person employed in the competitive service of the City of Seal Beach shall instigate, participate in or afford leadership to a strike against the City of Seal Beach or engage in any form of concerted action to withhold service from said City. In the event of any such strike or concerted action against the City, it shall be the duty of the City Manager or Personnel Officer to ascertain the identity of any employee of the City who is in violation of the provisions of this section and to notify such employee in writing that due to his violation of the provisions of this section said employee is discharged from the employment of said City.

Within three working days from receipt of such notice, said discharged employee has the right to respond to said notice in writing and to request an informal hearing to consider his reinstatement. Within five working days from receipt of said timely request, the City Manager or Personnel Officer must schedule an informal hearing, at which hearing the City Manager or Personnel Officer shall determine whether or not the employee has violated the provisions of this Section.

If from the hearing, the City Manager or Personnel Officer determines that the discharged employee has willfully engaged in a strike or concerted action against the City, the City Manager or Personnel Officer shall refuse to reinstate said person. Notwithstanding any other provision of this charter, said person shall not have the right to a hearing before the Civil Service Board and shall not be reinstated or returned to the employment of the City of Seal Beach except as a new employee who is employed in accordance with the regular employment practices of the City in effect at that time for the particular position of employment.

If, however, from the hearing, the City Manager or Personnel Officer determines that the discharged employee has not willfully engaged in a strike or concerted action against the City, said discharged employee shall be immediately reinstated to his former position without loss of any compensation.

No officer, board or commissioner of the City, elected or appointed, shall have the power to grant amnesty to any person charged with a violation of the provisions of this section.

Every person in the competitive service of the City of Seal Beach on or after the effective date of this section shall be furnished a copy and apprised of the provisions of this section and shall sign and give to the personnel officer the following declaration:

"I hereby acknowledge receipt of a copy of the provisions of Section 912.1 of the Charter of the City of Seal Beach and have read and understand the provisions thereof."

In the event of any strike or concerted action to withhold service from the City of Seal Beach by an employee organization, or employees represented thereby, the City Council is hereby prohibited from granting any improvement in wages, hours or working conditions beyond those in effect or last offered to the striking organization or employees represented thereby by the City prior to the commencement of such strike or concerted activity, and is prohibited from considering the granting of any such improvement beyond that which may have been last offered by the City prior to the strike or concerted activity until the commencement of meet and confer negotiations in the next subsequent calendar year at the time regularly scheduled for commencement under adopted City Council policy governing such negotiations.

Certified to be a true copy by Thomas E. Blackman, Mayor, and Jerdys Weir, City Clerk.

Date of municipal election: March 8, 1977.

Charter Chapter 12—City of Modesto

Amendment to the Charter of the City of Modesto

[Filed with Secretary of State April 14, 1977.]

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

Section 1109. Personnel Commission, Powers and Duties. The Personnel Commission shall have power and be required to:

(a) Act in an advisory capacity to the Council and the City Manager on personnel administration;

(b) Hear or cause to be heard appeals of any person in the classified service relative to any suspension, demotion or dismissal. Hearing Officers may be used to hear appeals and prepare recommendations for the Commission or to conduct hearings before the Commission;

(c) Make any investigation which it may consider desirable concerning the administration of personnel in the municipal service and report its findings to the Council and the City Manager;

(d) Perform such other duties with reference to Personnel administration not inconsistent with this Charter as the Council may require by

ordinance or resolution.

Certified to be a true copy by Lee H. Davies, Mayor, and Norrine Coyle, City Clerk.

Date of municipal election: March 8, 1977.

Charter Chapter 13—City of Los Angeles

Amendments to the Charter of the City of Los Angeles

[Filed with Secretary of State April 15, 1977]

Section 190.11 of Article XVIII is amended to read as follows:

Section 190.11. Any System Member under the age of 70 years who shall have 20 years of service or more shall be retired by order of the Board from further active duty as a Department Member either (a) upon the filing of his written application therefor or (b) upon the filing of a written request therefor by or on behalf of the head of the department in which he is a Department Member if it shall be determined by the Board to be for the good of such department, other than for a cause or reason which would entitle such System Member to a disability pension pursuant to Section 190.12, and the Board, if it shall so determine, shall state the cause or reason therefor in its order retiring such System Member. After a System Member has attained the age of 70, he shall annually submit to an examination by a regularly licensed, practicing physician selected by the head of his department who shall render a written report to such department as to whether or not the System Member is physically and mentally fit to continue his duties as a Department Member. If the System Member is found not to be physically and mentally fit to so continue his duties, he shall be retired effective the first day of the calendar month next succeeding that month in which the physician's report was received by the Board. Any such Retired Member shall be paid thereafter and for life a monthly service pension in an amount which shall be equal to a percentage of his Normal Pension Base, to wit: for less than 25 years of service, 2% thereof for each year of service; for 25 years of service, 55% thereof; and for each year of service over 25 years of service, an additional 3% thereof, not exceeding in all, however, a maximum of 70% thereof, which maximum of 70% shall be applicable regardless of the Retired Member's length of service as a System Member or his age at retirement. No Retired Member, retired pursuant to this section, ever shall be paid any pension pursuant either to subsection (a) or subsection (b) of Section 190.12.

Section 220.1, Subsection (1), Paragraph (c) third unnumbered paragraph and added paragraph, of Article XXII, is amended to read as follows:

Section 220.1. When any person attains the age of seventy (70), he or she shall annually submit to an examination by one or more regularly licensed, practicing physicians selected by the General Manager of the Department of Water and Power, which physician or physicians shall

render a written report to said General Manager as to whether or not the person is physically and mentally fit to continue his or her duties as an employee of the Department. If, based upon such report, the General Manager finds that said person is not physically or mentally fit to so continue his or her duties, he shall notify the Board of Administration that said person is to be retired effective the first day of the calendar month next succeeding the date of such notification, and said person shall be so retired.

A person who at the time he or she reaches age seventy (70) has acquired fifteen (15) years of Department service credit towards retirement under the terms and conditions prescribed by said Plan and System shall not thereafter receive any further retirement service credit. A person who at the time he or she reaches age seventy (70) has not acquired fifteen (15) years of such Department service credit towards retirement under the terms and conditions prescribed by said Plan and System shall continue to receive retirement credit for Department service subsequent to age seventy (70) until such person's total retirement service credit equals fifteen (15) years of Department service, at which time the person shall not receive any further retirement service credit.

Section 508, Subsection A of Article XXXIV, is amended to read as follows:

Section 508.

A. (1) A member who shall have reached the age of seventy (70) years or more, regardless of length of city service, shall be retired upon filing with the Board of Administration his or her written application therefor designating therein the date upon which such retirement shall be effective, which date shall be not less than thirty (30) nor more than sixty (60) days from and after the filing of such application.

The right of a person to commence employment with the city and to be entitled to membership at age seventy (70) or older or to continue employment with the city and membership in the system past age seventy (70) shall, in addition to all conditions that may be imposed in the Charter, by ordinance, or otherwise under applicable rules and regulations, be subject to the following conditions:

(a) Within the ninety (90) days following a member's seventieth birthday, or as soon thereafter as practicable, and at least once annually thereafter, the member's appointing authority shall have such member examined by one or more regularly licensed, practicing physicians, employed or retained by the city. Each such physician shall render a written report to said appointing authority as to whether or not the member is physically and mentally capable of performing the duties of the position to which he or she is assigned as of the date of such examination. If the appointing authority shall find that the member is not physically or mentally capable of performing such duties, the appointing authority shall so notify the Board of Administration in writing, and the member shall be retired effective the first day of the calendar month next following the date such notification is received by the Board.

(b) Prior to the employment of a person who is age seventy (70) or older, the appointing authority shall have such prospective employee

examined by one or more regularly licensed, practicing physicians employed or retained by the City. Each such physician shall render a written report to said appointing authority as to whether or not the prospective employee is physically and mentally capable of performing the duties of the position for which he or she is being considered. If the appointing authority shall find that the prospective employee is not physically or mentally capable of performing such duties, he or she shall not be employed. If employed, each such employee shall be examined at least once annually in accordance with the provisions of paragraph (a) of this section.

(c) A member who is employed after attaining age seventy (70), or who at the time he or she reaches age seventy (70) has not completed fifteen (15) years of city service, shall receive retirement credits for city service subsequent to age seventy (70) only until such member's total retirement credits equal fifteen (15) years of city service at which time the member shall not receive any further retirement credits.

A member who at the time he or she reaches age seventy (70) has completed fifteen (15) years of city service shall not thereafter receive any further retirement credits.

(d) A member shall continue to make contributions to the City Employees' Retirement Fund, as provided by Section 507 of this article, as modified by any ordinance adopted pursuant to Section 512.2 of the Charter, after he or she reaches age seventy (70), whether such member continues to acquire retirement credits or not.

(e) Notwithstanding any definition of the phrase "Final Compensation" in this article or in any ordinance adopted pursuant to Section 512.2 hereof to the contrary, "Final Compensation" of a member age seventy (70) or older shall be calculated upon the annual compensation earnable of the member during the last twelve (12) months of service for which he or she made contributions to the System or during any other twelve (12) consecutive months of service designated by the member for which he or she made contributions to the system.

(2) There shall be no mandatory retirement age for elected officers of the City or persons appointed to an elective office and members in that capacity shall be exempt from the requirement of annual examinations to determine physical or mental fitness as otherwise herein provided. There shall also be no limitation on the accrual of service retirement credits of members occupying an elective office of the city. However, nothing herein contained shall restrict or modify provisions in this article that may otherwise impose restrictions on benefit entitlements of officers of the city.

Section 512.2, Subsection (b), third unnumbered paragraph, of Article XXXIV, is amended to read as follows:

Section 512.2.

(b) By an ordinance adopted as provided in this section, the Council may modify the provisions of this article which determine membership and eligibility for benefits in the interest of equitable treatment of members.

Certified to be a true copy by John S. Gibson, Jr., President of the Council of the City of Los Angeles, and Rex E. Layton, City Clerk.

Date of municipal election: April 5, 1977.

Charter Chapter 14—City of Inglewood

Amendments to the Charter of the City of Inglewood

[Filed with Secretary of State April 21, 1977]

Section 1.5 is added to Article VII, to read as follows:

Section 1.5. A majority (more than half) of the votes cast for all candidates for each City elective office is required for the election of a candidate for such office. If a candidate is not elected to each of the City offices appearing on the general municipal election ballot, a runoff election shall be held at a time which shall not be more than seventy (70) days after the general municipal election. Each City office for which a candidate was not elected at the general municipal election shall appear on the runoff election ballot and only the names of those candidates for each such office who received the two (2) highest vote counts for that office shall appear on the runoff election ballot.

This section shall not apply to the election of members of the Board of Education. Members of the Board of Education shall continue to be elected by a plurality of the votes cast at the general municipal election and as provided for in this Charter.

Section 2 of Article VII is amended to read as follows:

Section 2. All elections held within said city shall be called and ordered held by either ordinance or resolution.

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

Date of municipal election: April 5, 1977.

Charter Chapter 15—City of Santa Clara

Amendments to the Charter of the City of Santa Clara

[Filed with Secretary of State April 27, 1977]

Section 600.01 is added to Article VI to read as follows:

Section 600.01. General Municipal Elections.

A regular election shall be held in the City of Santa Clara in each succeeding odd-numbered calendar year commencing with the year 1979 on the first Tuesday after the first Monday in March as presently established by the Election Code of the State of California as a regular election date, or on such other substitute regular election date from time to time

established by the State which is closest to above first referenced date and is in the period of January through the first week of April, inclusive, of such year. The regular election shall be held for the election of each municipal elective officer whose term of office regularly expires in such year, and for such other purposes as the Council may prescribe. Each such regular election shall be known as the general municipal election of the City, and shall be in lieu of all others previously so called. All other municipal elections that may be called under the authority of this Charter, or by the general laws, shall be known as special elections.

Section 600.02 is added to Article VI to read as follows:

Section 600.02. Consolidation of elections.

Any special election may be consolidated with a general municipal election and any municipal election may be consolidated with any State, County, or School District election held in the City or part thereof, in which case only one ballot need be printed for such consolidated election.

Certified to be a true copy by William A. Gissler, Mayor, and A. S. Belick, City Clerk.

Date of municipal election: April 5, 1977.

Charter Chapter 16—City of Chico

Amendments to the Charter of the City of Chico

[Filed with Secretary of State May 2, 1977.]

Section 402 is amended to read as follows:

Section 402. Elected at Large.

Councilmen of the city shall be elected at large at the general municipal elections provided for in Article V, Section 500 of this charter.

Section 404 is amended to read as follows:

Section 404. Councilmen—Election and terms of office.

The terms of office of members of the city council shall be four (4) years, commencing on the first Tuesday in May following their election in the odd-numbered years, provided, however, that effective upon the general municipal election of 1981, as to any councilmen elected in a general municipal election held in March, said councilmen shall take office on the first Tuesday in April.

Section 406 is amended to read as follows:

Section 406. Same—Vacancies.

A vacancy in an elective municipal office, from whatever cause arising, shall be filled by appointment by the city council, such appointee to hold office until the first Tuesday in May following the next general municipal election and until his successor qualifies, provided, however, that as to councilmen appointed to fill vacancies and whose terms would expire in 1981 or later, they shall hold office until the first Tuesday in April following the next general municipal election when such election is held in March.

At the next general municipal election following any vacancy, a successor shall be elected to serve for the remainder of any unexpired term. In the event the council shall fail to fill a vacancy by appointment within thirty (30) days after such office shall have been declared vacant, it shall cause an election to be held forthwith to fill such vacancy.

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, provided, however, that effective in 1981 said choice of mayor and vice-mayor shall be made at the council's meeting on the first Tuesday in April when the general municipal election is held in March. 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 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 1008.4 is amended to read as follows:

Section 1008.4. Library commission—Suspension.

a. Whenever the council, by resolution or ordinance, shall have determined that the County of Butte and the City have entered into an agreement whereby the County, in consideration for the City's grant of use to County of City's library facilities, furnishings, fixtures and library collection, shall provide free library services to the citizens of the City of Chico, or whenever the Council shall have determined that the County has built a single library facility adequate for the use of the inhabitants of the Chico urban area, the Council shall suspend the operation of the library commission.

b. The Council may perform or provide by ordinance for the performance of all responsibilities of the library commission during any suspension imposed pursuant to this section.

Section 1114 is amended to read as follows:

Section 1114. Contracts for official publications.

The Council shall annually let contracts for official publications for the ensuing fiscal year. For this purpose the Council shall notify by mail each newspaper of general circulation, as defined by the criteria set out in

California Government Code Section 6008 as said section provided on December 31, 1976, within the city, that sealed bids for such publications are to be received setting forth the details of the legal and display publications contemplated to be done. Each bidder shall include with its bid a verifiable statement of both net paid circulation and net unpaid circulation of its newspaper within the city. The Council may accept more than one bid for official publications in any year; during any such year the city may utilize one or more of said newspapers which bids are accepted for any legal publications.

In determining which bids are lowest and best, the Council shall take into consideration the circulation, publication rates, and frequency of publication.

The Council shall not accept any bid at a rate higher than that regularly charged by such bidding newspaper for the same or similar publications or advertising from other customers and may reject any and all bids.

The Council may, in the event that no acceptable bid is received, adopt any other legal method for legal publications.

Section 1500 e. is amended to read as follows:

Section 1500. Definitions.

e. Official newspaper of the city is any newspaper which has been awarded a contract pursuant to Section 1114 of this Charter.

Certified to be a true copy by Ronald E. Stewart, Mayor, and Barbara A. Evans, City Clerk.

Date of municipal election: March 8, 1977.

Charter Chapter 17—City of Merced

Amendments to the Charter of the City of Merced

[Filed with Secretary of State May 2, 1977]

Section 600 is amended to read as follows:

Section 600. Officers to be appointed by the City Council.

In addition to the City Manager, the City Council shall appoint the City Attorney and Finance Officer, who shall serve at the pleasure of the City Council and may be removed by motion of the City Council adopted by at least four affirmative votes. Subject to the civil service provisions of this Charter, the City Council shall appoint the City Clerk who shall serve at its pleasure.

Subject to the civil service provisions of this Charter, all other officers and department heads of the City shall be appointed by the City Manager and shall serve at the pleasure of the City Manager.

Section 604 is amended to read as follows:

Section 604. Finance Officer; powers and duties.

The Finance Officer shall have power and be required to:

(a) Have charge of the administration of the financial affairs of the City

under the direction of the City Manager;

(b) Compile the budget expense and revenue estimates for the City Manager;

(c) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to insure that budget appropriations are not exceeded; audit all purchase orders before issuance; audit and approve before payment all bills, invoices, payrolls, demands, or charges against the city government and, with the advice of the City Attorney, when necessary, determine the regularity, legality, and correctness of such claims, demands or charges.

(d) Maintain a general accounting system for the city government and each of its offices, departments, and agencies;

(e) Keep separate accounts for the items of appropriation contained in the City budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; require reports of the receipts and disbursements from each receiving and expending agency of the city government to be made daily or at such intervals as he may deem expedient;

(f) Submit to the City Council and the City Manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City; and as of the end of each fiscal year, submit a complete financial statement and report;

(g) Collect all taxes, assessments, license fees, and other revenues of the City, or for whose collection the City is responsible, and receive all money receivable by the City from the county, state, or federal government, or from any court, or from any office, department, or agency of the City,

(h) Have custody of all public funds belonging to or under the control of the City or any office, department, or agency of the city government, and deposit all funds coming into his hands in such depository as may be designated by resolution of the City Council, or, if no such resolution be adopted, by the City Manager, and in compliance with all of the provisions of the State Constitution and laws of the state, governing the handling, depositing and securing of public funds; and

(i) Supervise the keeping of current inventories of all property of the City by all City departments, offices, and agencies.

Certified to be a true copy by William P. Quigley, Mayor, and Dorothy C. Penner, Deputy City Clerk.

Date of municipal election: April 19, 1977.

Charter Chapter 18—City of Alhambra

Amendment to the Charter of the City of Alhambra

[Filed with Secretary of State May 4, 1977.]

Section 11.5 is added to Article III to read as follows:

Sec. 11.5. *Limitations on Terms of Councilmen*

No person shall be a candidate for election to the office of city councilman after having been elected to the office for three consecutive four-year terms

No person shall be a candidate for election to the office of city councilman who has held the office for more than two years of a four-year term and has been elected to the office for the next following two four-year terms.

Nothing in this section shall prevent any person who has formerly held the office of city councilman from being a candidate for election to the office if at least three years have elapsed since his last term of office has expired.

This section shall not apply to any person holding the office of city councilman on the date of its approval by the voters of the city.

Certified to be a true copy by Ernest Duncan, Mayor, and Dorothy Outwater, City Clerk.

Date of municipal election: November 2, 1976.

Charter Chapter 19—County of San Mateo

Amendments to the Charter of the County of San Mateo

[Filed with Secretary of State May 9, 1977.]

Section 2(e) is added to Article III to read as follows:

(e) To provide, or to request the Civil Service Commission to provide, for the hiring of unemployed persons in the classified or unclassified service under Federal or other special programs designed to relieve unemployment.

Section 4 of Article VI is amended to read as follows:

Section 4. *Supervisory Appointments.* The Board of Supervisors shall, subject to the provisions of this charter, appoint an agricultural commissioner, the county manager, a librarian, a planning commission, a sealer of weights and measures and a recreation commission.

Section 8 of Article VII is repealed.

Section 9 of Article XIV is amended to read as follows:

Section 9. *Powers and Duties of the Commission.* The Commission shall prescribe and amend, subject to the provisions of this Article, such rules as may be necessary to insure the selection and retention of employees in the classified service upon a basis of merit and fitness. Such rules may provide, at the request of the Board of Supervisors, for the hiring of unemployed persons in the classified or unclassified service under Federal or other special programs designed to relieve unemployment. Such rules also may provide for the suspension, disciplining, or removal of such employees. Such rules shall be binding upon the Board of Supervisors, elec-

tive officials, boards and commissions, and all employees in the service of the County.

The said rules shall provide for the administration, by or under the direction of the Commission, of all matters pertaining to the classified service regarding applications, examination, eligibility, promotions, applicants, classification, and job analysis and specifications. In addition, the said rules shall provide for the procedures to be followed by the Board of Supervisors, the County Manager, or department heads as they pertain to the classified service regarding appointments, demotions, transfers, dismissals, resignations, layoffs, and reemployments.

Certified to be a true copy by John M. Ward, Chairman of the Board of Supervisors, and Marvin Church, County Clerk.

Date of school district election: March 8, 1977.

Charter Chapter 20—City of Glendale

Amendments to the Charter of the City of Glendale

[Filed with Secretary of State May 11, 1977.]

Section 1 of Article VIII is amended to read as follows:

Sec. 1. Qualifications; appointment and removal of deputies and assistants.

The city attorney shall, at the time of his appointment, be an attorney duly admitted to practice law in the State of California, and shall have been actually engaged in the practice of law in this state for a period of at least four years next before his appointment. He shall appoint and remove all such deputies and assistants as the council may authorize, subject to the approval of the council.

Section 2 of Article VIII is amended to read as follows:

Sec. 2. Duties.

It shall be his duty when directed by the council to prosecute on behalf of the people, all criminal cases for violations of this Charter and of city ordinances, and to attend to all suits and other matters to which the city is a party or in which the city may be legally interested. He shall be in attendance at every meeting of the council, unless excused therefrom, by the mayor or the council. He shall give his advice or opinion in writing whenever required by the council or other officers. He shall be under the administrative direction of the city manager and shall be the legal advisor of all city officers; he shall approve the forms of all bonds given to and all contracts made with the city; he shall, when required by the council, or any member thereof, draft all proposed ordinances for the city, and amendments thereto; and shall do and perform all such things touching his office as the council may require of him, and at the expiration of his term shall surrender to his successor all books, papers and documents pertaining to the city's business.

Section 5 of Article IV is added to read as follows:

Sec. 5. Delegation of ministerial duties.

Whenever a ministerial power is granted or a ministerial duty is imposed upon a city officer by this Charter, such power may be exercised or such duty performed by an assistant, deputy or other authorized person unless this Charter expressly provides otherwise.

Delegation of a power or duty may be by expressed grant, written or oral; it may be implied by custom, practice, or when it is ordinary or necessary in the performance of another duty or responsibility so delegated. An officer may ratify any act which he has the power to delegate.

The council shall have the power to limit by ordinance the delegation of any power or responsibility under this section.

Certified to be a true copy by Carroll W. Parcher, Mayor, and Merle H. Hagemeyer, City Clerk.

Date of municipal election: April 5, 1977.

Charter Chapter 21—City of Grass Valley

Amendments to the Charter of the City of Grass Valley

[Filed with Secretary of State May 18, 1977.]

Section 4 of Article V is amended to read as follows:

Article V. LEGISLATIVE DEPARTMENT

Section 4: Eligibility for Office: No person shall be eligible for election to, or to hold, any elective office of said City unless he shall have been a resident and a registered voter thereof or of territory legally annexed thereto on or prior to the date of such election or appointment, for at least thirty (30) days at the time nomination papers are issued to the candidate or thirty (30) days next preceding his appointment to fill a vacancy therein.

Section 3 of Article VI is amended to read as follows:

Article VI. THE COUNCIL, POWERS AND DUTIES

Section 3: Adjournment of Regular Meetings: If all councilmen are absent from any regular meeting, the city clerk shall declare the meeting adjourned to a stated day and hour. He shall cause a written notice of the adjournment to be delivered personally to each councilman at least twenty-four (24) hours before the adjourned meeting.

Section 4 of Article VI is amended to read as follows:

Article VI. THE COUNCIL, POWERS AND DUTIES

Section 4: Special Meetings: Special meetings may be called by the Mayor, or by a majority of the members of the council, but written notice of every such meeting must be served personally upon every member not joining in the call and to each local newspaper of general circulation, radio

or television station requesting notice in writing, not less than twenty-four (24) hours before the time of such special meeting or left at the place of residence or of business of such person to be served not less than twenty-four (24) hours before the time of such special meeting

Such notice must state the subject or subjects to be considered or acted upon and must state the time of such meeting.

Written notice may be dispensed with if all councilmen give their written consent to the meeting, and the consent is filed in the clerk's office when the meeting is held. A councilman may give such consent by telegram.

At any special meeting the city council shall act only on matters referred to in the notice of consent.

Section 1 of Article VIII is amended to read as follows:

Article VIII. ADMINISTRATION

Section 1. Administrative Officers, Boards, Departments and Commissions:

There shall be the following Officers, Boards, Departments and Commissions, who shall perform the duties assigned to them by this charter or by ordinances or resolutions: Director of Public Works, City Engineer, City Planner, Director of Parks and Recreation, Planning Commission, Police Department, City Clerk, City Auditor, City Assessor, City Treasurer, City Attorney, Building Inspector, Department of Health, Fire Department, Board of Library Trustees, and such other Officers, Boards, Departments or Commissions as may be hereafter established by ordinance.

Except as otherwise provided in this charter all officers and their assistants, deputies, clerks and employees shall be appointed by the City Council and shall hold office or position at its pleasure. The compensation of all officers and employees excepting members of the Council shall be fixed by the Council.

The removal of any of them shall be only on a four fifths ($\frac{4}{5}$) vote of the whole of such Council.

Section 16 of Article VIII is amended to read as follows:

Article VIII. ADMINISTRATION

Section 16. City Attorney:

a) The City Attorney shall have been admitted and qualified to practice before the Supreme Court of the State of California for at least three (3) years next preceding his appointment. The City Attorney shall be legal advisor of the Council and all other city officials, boards and departments, and when requested in writing for a legal opinion by any city official or the head of any department of the City (except the Board of Education) concerning city business, his opinion must be in writing. He shall prosecute all violations of City Ordinances and shall draft all ordinances, resolutions, contracts and other legal documents and instruments required by the Council.

Section 6 of Article IX is amended to read as follows:

Article IX. CIVIL SERVICE

Section 6: Disciplinary Action: Every officer and employee shall retain his office or employment, so long as it exists under the same or a different title, during good behavior, and shall not be suspended, fined, demoted, removed, or otherwise penalized, except as in this paragraph provided. This paragraph is subject, however, to every provision of the Constitution, and applicable State Statutes designated as a general ground or general grounds of forfeiture of office or employment or imposing a criminal liability. No person who has served a probationary period in a permanent office or employment, shall be removed therefrom or penalized therein except on written charges by the Council, Department heads or qualified elector of the City. Such written charges shall be specific as to time, place and circumstance, and after opportunity to be heard in his own defense, personally or by Counsel. Charges must be preferred within ninety (90) days after discovery of the commission of the alleged offense. Pending such a hearing, the appointing authority may suspend the accused for not more than thirty (30) days, unless the hearing be delayed beyond that time by act of the accused. A copy of the charges and written notice of the time and place of hearing shall be given the accused personally or shall be mailed to him by registered mail at his last known address by Personnel Commission not less than ten (10) days before the hearing. If he fails to appear thereat, without showing good cause for such failure to appear, he may be dismissed without further proceeding. If he appears at the time and place set, the Personnel Commission shall publicly hear and determine the charges, and may exonerate, reprimand, fine, suspend, demote or dismiss the accused, and its order except for bad faith or lack of evidence, shall be final. The Personnel Commission shall hear and act on every signed written complaint, specific as to time, place and circumstance, filed against an officer or employees. The Personnel Commission shall have the power to prefer charges of its own motion. Any penalty herein provided for may be imposed for incompetence, habitual intemperance, being intoxicated while on duty, immoral conduct, insubordination, repeated discourteous treatment of the public, dishonesty, conviction of a felony, inattention to duties, engaging in prohibited political activity, or other grounds of penalty or forfeiture specified by the Constitution, City Charter, or applicable State Statute. Nothing herein shall restrict the right to make bonafide reductions in force, or to enact legislation requiring retirement for disability or age.

Section 8 of Article X is amended to read as follows:

Article X. FINANCES

Section 8: Tax Limit: Exclusive of special levies permitted by this charter, the Council shall not levy a property tax in excess of the total levy authorized by general law cities of the State of California, unless authorized by the affirmative vote of the majority vote 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 propositions.

Section 12 of Article X is amended to read as follows:

Article X. FINANCES

Section 12. Actions against City:

No suit based upon contract for money shall be brought on against the City or any department, officer, or agency thereof until a demand for the same has been presented as herein provided and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. All such claims and demands against the City must be presented to the City Clerk within ninety (90) days after the last item of the account or claim accrued, and said claim shall set forth in detail the name and address of the claimant, the time, date, place and circumstances of the transaction upon which the claim is based, and the amount of the claim.

In all cases such claims shall be approved or rejected in writing and the date thereof given. Failure to act upon any claim or demand within sixty (60) days from the day the same is filed with the City Clerk shall be deemed a rejection thereof.

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

Article XI. ELECTIONS

Section 3: Procedure for Nominations and Elections:

Unless otherwise provided by ordinance, hereafter enacted, all nominations and elections shall be governed in accordance with the provisions for the holding of elections in general law cities of the State of California, insofar as the same are not in conflict with this Charter.

Article XIII—PUBLIC SCHOOLS—*Repealed*

Article XIV—CITY COURT—*Repealed*

Section 2 of Article XV is amended to read as follows:

Article XV. PUBLIC WORKS AND SUPPLIES

Section 2: Provisions in all contracts:

b) Contracts on Public Works: Except as hereinafter provided, every contract involving an expenditure of more than Five Thousand Dollars (\$5,000.00) for the construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds shall be let 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 (10) days before the time for opening bids.

The Council may reject any and all bids presented and may readvertise in its discretion.

The Council, without advertising for bids, or after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, 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 (4) affirmative votes it may proceed to have said work done in the manner stated, without further observance of the provisions of this subsection. Such contracts likewise may be let 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 motion passed by at least four (4) affirmative votes and

containing a declaration of the facts constituting such urgency. And provided further, that the respective city departments shall do the ordinary work in making repairs and maintenance with its regular City employees without calling for bids for the doing of said work or the purchase of supplies, material or equipment but doing of said work shall be subject to the provisions of this Charter on purchase of materials, supplies and equipment.

Section 2 of Article XV is amended to read as follows:

Article XV. PUBLIC WORKS AND SUPPLIES

Section 2. Provisions in All Contracts:

e) **Competitive Bidding:** All purchases or contracts for supplies, materials or equipment involving an expenditure of more than Five Thousand Dollars (\$5,000.00) shall be let 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 (10) days before the time for opening bids, provided, however, the Council, without advertising for bids or after rejecting bids or if no bids are received, may declare and determine that in its opinion the supplies, materials or equipment may be purchased more economically by the City and after the adoption of a resolution to this effect by at least four (4) affirmative votes it may proceed to purchase such supplies, materials or equipment without further observance of the provisions of this subsection. The Council may by passage of a resolution, authorizing same by four (4) affirmative votes of the members thereof, authorize the purchase of supplies, materials or equipment without advertising for bids if such purchase shall be deemed by the Council to be of urgent necessity for the preservation of life, health or property.

Section 5 of Article XVI is amended to read as follows:

Article XVI. MISCELLANEOUS

Section 5: Discrimination:

No person in the service of the City of Grass Valley or seeking admission thereto, shall be discriminated against because of his or her political or religious opinions or affiliations, or on account of race, color, national origin, ancestry or sex.

Certified to be a true copy by Edward J. Tellam, Mayor, and Nellie L. Martin, City Clerk

Date of municipal election: May 3, 1977.

Charter Chapter 22—City of Richmond

Amendments to the Charter of the City of Richmond

[Filed with Secretary of State May 25, 1977.]

Section 1, second paragraph, of Article XI, is amended to reads as follows:

There is hereby created a Pension Board which shall consist of seven members, namely, the Mayor, City Manager, Director of Finance, two members appointed by the Mayor, with the concurrence of five members of the City Council, each of whom shall be and remain a resident of this City in order to be a member of said Board and serve a term of five years, one representative of the Police Department and one representative of the Fire Department. Said Board shall be constituted as of the first of the month after the effective date of this amendment. The representative of the Police Department and of the Fire Department shall serve a term of five (5) years. Separation from employment with the City of Richmond on the part of either of such department representatives shall result in a vacancy on said Board and any such vacancy so caused or arising in any other manner shall be filled for the unexpired term of the particular representative who leaves said Board through the following election procedure, except that retirement pursuant to this Article XI by a representative who is on said Board shall not result in a vacancy on said Board: A new representative for the particular department shall be elected by secret ballot vote of the active members in the Police and Firemen's Pension Fund System of the department and of the retired members of such department who are receiving pensions pursuant to this Article XI. Such election procedure shall also apply to the election of a representative of the Police Department and a representative of the Fire Department upon the expiration of the term of such representative. A procedure for conducting such elections shall be established by the City Clerk. Either an active member of the Police and Firemen's Pension Fund System in the department for whom a representative is to be elected or a retired member of such department who is receiving a pension under this Article XI may be elected to said Board to represent the particular department. Four (4) members of said Board shall constitute a quorum for the transaction of business. All action of the Board shall be concurred in by four (4) members. The City Attorney and City Clerk shall be ex-officio members of the Board without vote in the proceedings. The City Clerk shall be ex-officio Clerk of said Board and shall keep a record of the proceedings of the Board in the manner provided for keeping a record of the proceedings of the City Council. Said board shall meet at least once each month. The amendment of this paragraph by virtue of the Special Municipal Charter Amendment Election held in this City on May 10, 1977, shall not preclude the representatives of the Central Labor Council of Contra Costa County affiliated with the AFL-CIO and the Council of Richmond Industries who are on said Board from completing their terms of office.

Section 3 of Article XII is amended to read as follows:

Sec. 3. In determining the period of service necessary to render any such employee eligible for a pension under the provisions hereof, aggregate service only shall be considered, dating from the date which such employee commenced employment with the City of Richmond, including time served by such employee in a probationary status, subject to the exception stated in the last sentence of this section. Such service need not be continuous and may be in any capacity or capacities, and any rights acquired by service shall not be lost by reasons of resignations or with-

drawal from the service except as otherwise expressly provided. For the purpose of determining aggregate service in the employ of said City under Section 2 of this Article XII, where an employee served as an employee of the Housing Authority of the City of Richmond, California, prior to commencing employment with said City, the aggregate amount of time such employee served as an employee with said Housing Authority shall be deemed to be service in the employ of said City and, accordingly, to be part of the employee's aggregate service in the employ of said City if such employee contributes to the General Pension Fund of the City such percentage of the total gross salary which the employee earned during the period of employment with said Housing Authority as the employee would have had to contribute had the employee earned such total gross salary as a City employee and been a member of the City's General Pension Fund System during said period, which contribution shall be as determined by the Finance Director of this City.

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

Section 23. Notwithstanding any other provision of this Article to the contrary, 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 Amendment 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, except that any person who is 65 years old or older and who is retired on a limited annual pension shall, commencing with the effective date of the amendment of this section adopted at the Special Municipal Charter Amendment Election held on May 10, 1977, receive as a monthly minimum, Three Hundred Dollars (\$300.00) per month. 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.

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

There is hereby created a General Pension Board which shall consist of seven members, namely, the Mayor, City Manager, Director of Finance, two members appointed by the Mayor, with the concurrence of five members of the City Council, each of whom shall be and remain a resident of this City in order to be a member of said Board and serve a term of five years, and two members to be elected by secret ballot vote of the rank and file of such employees and of such employees who have retired and are receiving pensions pursuant to this Article XII every five (5) years under a procedure for conducting such election established by the City Clerk;

provided that separation from the service on the part of either of such elected members, except separation from the service by retirement pursuant to this Article XII, shall result in a vacancy on said Board, and such vacancy so caused or arising in any manner shall be filled by election as aforesaid for the unexpired term. Either an individual who is in the rank and file of such employees or any of such employees who have retired and are receiving pensions pursuant to this Article XII may be so elected to said Board. Four (4) members of said Board shall constitute a quorum for the transaction of business. All action of the Board shall be concurred in by four (4) members. The City Attorney and City Clerk shall be ex-officio members of the Board without vote in the proceedings. The City Clerk shall be ex-officio Clerk of said Board and shall keep a record of the proceedings of the Board in the manner provided for keeping a record of the proceedings of the City Council. Said Board shall meet at least once each month after the effective date of this amendment. The amendment of this paragraph by virtue of the Special Municipal Charter Amendment Election held in this City on May 10, 1977, shall not preclude any members who have been previously appointed or elected to said Board from completing their terms of office.

Certified to be a true copy by Nathaniel Bates, Mayor, and Harlan J. Heydon, City Clerk.

Date of municipal election: May 10, 1977.

Charter Chapter 23—City of Redondo Beach

Amendments to the Charter of the City of Redondo Beach

[Filed with Secretary of State May 25, 1977]

Section 16.1 of Article XVI is amended to read as follows:

Section 16.1. Board Members.

The government and control of the public schools shall be vested in the Board of Education, consisting of five (5) members who shall have been residents of the territory included in the Redondo Beach City School District at least two (2) years next preceding the day of their election. They shall be elected at large by the qualified voters of the district and shall serve for a four (4) year term (except as hereinafter provided for the transition from three year terms to four year terms), without compensation, except necessary expenses contracted when acting as a designated representative of the Board of Education as provided in the Education Code of the State of California.

At the Redondo Beach City School District election held in March of 1975, one member of the Board of Education shall be elected for a term of four years to fill the office expiring March 31, 1975.

At the Redondo Beach City School District election held in March of 1976, two members of the Board of Education shall be elected for terms

of three years to fill the offices expiring March 31, 1976.

At the Redondo Beach City School District election held in March of 1977, two members of the Board of Education shall be elected for terms of four years to fill the offices expiring March 31, 1977.

At the Redondo Beach City School District election held in March 1979, three members of the Board of Education shall be elected for a term of four years to fill the offices expiring March 31, 1979.

Section 16.4 of Article XVI is amended to read as follows:

Section 16.4. Absentee voters.

Any voter, who expects to be absent from his election precinct, or who will be unable to vote therein by reason of physical disability on the day on which any election is held, may cast a ballot upon complying with the provisions set forth in the Elections Code, Chapter 5, pertaining to Absent Voting as the same now exists or as it may be amended.

Certified to be a true copy by David K. Hayward, Mayor, and Fred M. Arnold, City Clerk.

Date of municipal election: April 19, 1977.

Charter Chapter 24—City of Santa Ana

Amendments to the Charter of the City of Santa Ana

[Filed with Secretary of State May 26, 1977.]

Section 400 is amended to read as follows:

Section 400. City Council: Number, Selection and Terms of Members.

The City Council shall until the provisions of Section 101.3 become operative, consist of seven (7) members elected at the times and in the manner provided in this Chapter, each of whom shall serve a term of four (4) years. The term of each member shall begin following such election, on the second Tuesday in April and each shall serve except as otherwise provided for in this Chapter, until his successor is elected and qualified. Each office of Councilman shall be a separate office and one of such offices shall be assigned to each of the wards of the City. Candidates for each office of Councilman shall be nominated from such ward by the electors of such ward and shall be residents of such ward, but all Councilmen shall be elected by the vote of the electors of the City at large.

Section 401.1 is amended to read as follows:

Section 401.1. Order of filling offices.

The offices of Councilman from wards one, three, five and seven shall be filled at the general municipal election held in 1977, and the offices of Councilman from wards two, four, and six shall be filled at the general municipal election held in 1979. Thereafter, the offices of Councilman from wards one, three, five and seven and from wards two, four and six shall be filled alternately at general municipal elections held in the years in which the terms of such offices, respectively, expire. The office of

Councilman from ward eight shall be filled at the same election as the offices for wards two, four and six, and the office of Councilman from ward nine shall be filled at the same election as the offices of Councilman from wards one, three, five and seven, except that the first elections for the offices of Councilman from wards eight and nine shall be at the next general municipal election subsequent to the formation of the wards for terms of office to expire following the next general municipal election for such offices, respectively, as hereinabove provided.

The candidate elected from each ward at each such election shall be the candidate receiving the highest number of votes cast for any candidate from said ward.

Section 403 is amended to read as follows:

Section 403. Vacancies.

In the event of a vacancy in the city council, for whatever cause, the city council shall declare the office vacant and fill the same by appointment. In each case the person so appointed shall hold office until the second Tuesday in April of the year in which the next general municipal election is held and until his successor is elected and qualified for the remainder of an unexpired term. Such appointee must, at the time of his appointment and continuously for one (1) year prior thereto, have been and be a resident of the ward from which his predecessor was elected. If the city council shall fail to fill a vacancy by appointment within thirty (30) days after such an office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy.

If a member of the city council absents himself from all regular meetings of the city council for a period of sixty (60) days consecutively from and after the last regular city council meeting attended by such member, unless by permission of the city council expressed in its official minutes, his office shall become vacant and shall be so declared by the city council.

Section 1201 is amended to read as follows:

Sec. 1201. General Municipal.

General municipal elections for the election of officers and for such other purposes as the City Council may prescribe shall be held in the City of Santa Ana on the first Tuesday in April in each odd numbered year, or on such earlier date in any such year as the Council may prescribe for purposes of consolidating a general municipal election with another election.

Section 1203 is amended to read as follows:

Sec. 1203. Procedures for holding.

Unless otherwise provided by ordinance, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, insofar as the same are not in conflict with this charter.

Section 1204 is amended to read as follows:

Sec. 1204. Consolidated Elections.

The city may consolidate its general municipal election with the election of any public district, county, or other political subdivision, including any elementary, unified, high school, or community college district, or community college district trustee area, which is included, all or part,

within the boundaries of the city. Such consolidation shall be effected upon the order of the governing bodies or officer or officers calling the elections pursuant to the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended.

Certified to be a true copy by Vernon S. Evans, Mayor, and Florence I. Malone, City Clerk.

Date of municipal election: April 5, 1977.

Charter Chapter 25—City of Los Angeles

Amendments to the Charter of the City of Los Angeles

[Filed with Secretary of State June 13, 1977.]

Section 3, Subsection (1) is amended by adding subparagraph (d), to read as follows:

(d) 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 \$10,000,000.00 per year shall be levied in the fiscal year commencing July 1, 1977, and for each of the two succeeding fiscal years, and sufficient to yield \$9,850,000 in the following fiscal year. Taxes collected as a result of the rate imposed pursuant to this subparagraph shall be placed in the Police Department Emergency Command Control Communications System Trust Fund and shall be expended, through budgetary procedures, exclusively for the orderly completion of the Emergency Command Control Communications System already under construction with joint City and Federal financing as approved by the Board of Police Commissioners on January 13, 1977, and by the City Council on February 17, 1977 (Council File No. 77-500). Prior to the expenditure of money in the Police Department Emergency Command Control Communications System Trust Fund, the Council, by a two-thirds vote, shall have adopted an expenditure program establishing a completion schedule for the System. The expenditure program may be modified by the Council from time to time but only by a two-thirds vote. Money in the Police Department Emergency Command Control Communications System 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.

Section 268.5 is added to read as follows:

Sec. 268.5. Board of Education—Filling Vacancy by Election.

In lieu of filling a vacancy in the office of Member of the Board of Education as provided in Section 267, the Board of Education may, if it so desires, contract with the City of Los Angeles for the calling and conducting of a special election or elections for the purpose of filling such vacancy.

Such contract shall be subject to approval by the City Council, and shall contain a provision that the Los Angeles Unified School District shall pay for all costs incurred in conducting the special election or elections. Unless otherwise specified in the contract, within 30 days of the City Council's approval of the contract for calling and conducting a special election pursuant to this section, the Council shall adopt an ordinance calling a special election for the purpose of filling such vacancy and provide in such ordinance the time for holding the election; whether consolidation with any other scheduled election will be sought; the procedures for nominating candidates, including the amount of the filing fee, if any, to be paid by candidates; and other matters pertaining to such election. 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 of Member of the Board of Education as are required at a Primary Nominating or General Municipal 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 office as between the two candidates receiving the highest number of votes at the prior election. The time for holding such election and any other matter pertaining to such election shall be provided for in such ordinance. The votes at any such special elections shall be canvassed and the results thereof declared by the City Council in the same manner as in a regular election.

Section 316.1 is amended to read as follows:

Sec. 316.1. Candidate's Filing Fee.

The City Council may by ordinance provide for a filing fee or substitute therefor to be paid to the City Clerk by each candidate for elective office.

Section 316.2 is amended to read as follows:

Sec. 316.2. Candidate's Declaration of Intention.

Each candidate for nomination to any elective office shall sign and file with the City Clerk a sworn declaration of intention to become a candidate for the office designated therein. The declaration of intention to become a candidate must be made on forms prepared and furnished by the City Clerk, which shall include thereon provision for an affidavit by the candidate filing such declaration of intention that he possesses all necessary legal qualifications to be a candidate for the office designated therein. The declaration of intention to become a candidate shall be filed not earlier than ninety days, nor later than eighty-five days, prior to the primary nominating election.

A candidate may not file a declaration of intention to become a candidate for more than one office at the same primary nominating election. Prior to the issuance of a nominating petition, as provided in Section 318.1, a candidate may withdraw his declaration of intention to become a candidate for the office designated therein by signing a written statement across the face thereof that he has withdrawn the same. In such case a candidate may file a new declaration of intention to become a candidate for another office designated therein not later than eighty-five days prior to the primary nominating election. No credit or allowance shall be given for any filing fee or portion thereof previously paid. Failure to file a new

declaration of intention to become a candidate as herein provided will not affect the withdrawal of any previous declaration of intention to become a candidate.

Section 318.1 is amended to read as follows:

Sec. 318.1. Candidate's Nominating Petition—Furnished by City Clerk.

The City Clerk shall prepare and furnish to each candidate having a valid and effective declaration of intention to become a candidate on file, as provided for in Section 316.2 (or to his representative upon such candidate's written request), the nominating petition required to be signed by qualified electors as provided in this Charter. No nominating petition shall be furnished, or circulated, unless prepared and furnished by the City Clerk as provided in this section. The City Clerk shall not furnish any nominating petition except as authorized herein.

Section 320 is amended to read as follows:

Sec. 320. Nominating Petitions—Filing—Certification by City Clerk.

Nominating petitions shall be filed with the City Clerk not more than eighty days and not less than sixty-five days prior to the primary nominating election, and the City Clerk shall endorse thereon the date of filing. No nominating petition shall be filed with the City Clerk until the filing fee therefor required by ordinance has been paid in full or the substitute therefor filed with the City Clerk.

The City Clerk, upon filing with him of a nominating petition, shall determine whether or not the petition is signed by the requisite number of qualified registered electors. Within ten days after filing of such petition with the City Clerk, he shall attach his certificate thereto showing the result of his examination.

Section 326 is amended to read as follows:

Sec. 326. Nonpartisan Ballot.

There shall be nothing on any ballot indicative of the party affiliation, source of candidacy or support of any candidate.

Section 97.6 is amended to read as follows:

Sec. 97.6. Referrals—Public Uses.

(1) No ordinance, order or resolution shall be adopted by the Council authorizing, ordering or involving any of the following enumerated matters unless such ordinance, order or resolution shall have first been submitted to the City Planning Commission for report and recommendation concerning the relation of the matter involved to and its effect upon the General Plan, and applicable specific plans and any plans being prepared by the Department of City Planning;

(a) The acquisition, establishing, opening, widening, narrowing, straightening, abandoning or vacating of any public street, road, highway, alley, square, park, playground, airport, public building site, or other public way, ground or open space, but not including easements for local sanitary sewers, storm drains or slopes, nor the temporary transfer of jurisdiction over any portion of a street to another local agency.

(b) The location, appearance, and width of any bridge, viaduct, subway, tunnel or elevated roadway for the use of pedestrian or vehicular traffic, or the location and appearance of any public building.

(2) Upon the receipt of any such proposed ordinance, order or resolution, it shall be the duty of the City Planning Commission to make and file its report and recommendations thereon with the Council within the time prescribed by ordinance. If the Commission recommends approval or fails to make any recommendation within the prescribed time, the Council may adopt such ordinance, order or resolution by majority vote of the whole Council. If the Commission recommends against the approval thereof, the Council may adopt same only upon a two-thirds vote of the whole Council.

(3) If the ordinance, order or resolution mentioned in subsection (1) relates to the vacation of a street or the acquisition of a right of way, the Council may act without first submitting the matter to the City Planning Commission if the Commission has previously acted on the matter and the ordinance, order or resolution presented for adoption by the Council is in conformance with the character, scope or purpose of the matter already submitted to the Commission. The effect of the initial approval or disapproval of an ordinance, order or resolution by the Commission, or the effect of its failure to recommend, shall affect the voting requirement by the Council on each subsequent action in the same manner as the voting requirement is affected under subsection (2).

Section 422 is amended to read as follows:

Sec. 422. Street Improvements—By State or County.

The city shall have power to permit, by resolution or ordinance, the improvement of any of its streets or highways, by the state or county, or by the board, commission or agency thereof, out of any funds of the state or county available for such purpose, and to provide in such resolution or ordinance for the compliance by the city with all requirements of the law authorizing such street improvements.

Section 386, subsections (g) and (i) are amended to read as follows:

(g) Except as provided in subdivision (i), within thirty days after the contract is awarded to the successful bidder, said bidder shall execute the contract and post the faithful performance bond. The contract shall comply with Section 389, where the same is applicable.

(i) If the successful bidder fails to enter into the contract awarded him and to supply the necessary faithful performance bond within thirty days after the award, then the sum posted in cash or by certified or cashier's check or guaranteed by the bid bond is forfeited to the City. Such forfeiture shall not preclude recovery of any sum over and above the amount posted or guaranteed to which the City sustains damage by reason of such default or failure to contract.

Section 220.1, subsection (1), paragraph (b) and final unnumbered paragraph of paragraph (c), of Article XXII are amended 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 for the same period of City service;

That in addition to the provisions of the foregoing paragraph, and under such terms and conditions as said plan and system shall prescribe, said plan and system may enter into reciprocal agreements with the City Employees' Retirement System of The City of Los Angeles relating to the measurement, credit and transfer of contributions and benefits for employees who have contributions on deposit and are eligible for benefits under both retirement systems;

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;

[Final unnumbered paragraph of Paragraph (c)]

That any person eligible to participate in the benefits of said plan and system may be retired from the service of said Department prior to normal retirement date upon the written application of such person; provided, that such retirement is recommended by the General Manager of said Department and approved by the Board of Water and Power Commissioners; and provided further, that such person is fifty-five years of age or over, and shall have been employed in said Department for such period of time as the provisions of said plan and system may prescribe; or such person, regardless of age, shall have either been employed in said Department for at least thirty years, or rendered at least a total of thirty years of service to said Department and other City departments under such terms and conditions as said plan and system shall provide; or such person, regardless of age, or duration of service, is receiving benefits under said plan and system for permanent total disability, and elects to accept a retirement allowance in lieu of such benefits.

Section 85 is repealed.

Section 123 is repealed.

Section 66 is amended to read as follows:

Sec. 66. Salaries Fixed by Ordinance.

The City Council shall, by ordinance, fix the salaries of all officers and employees of the city, including those officers and employees provided for in departments having control of their own definite revenues and funds, whose salaries are not fixed or otherwise provided for by this Charter.

Salaries which have been fixed by the Boards of Commissioners of departments having control of their own definite revenues and funds shall remain in effect until changed by ordinance.

Section 86 is amended to read as follows:

Sec. 86. Departments Controlling Own Funds—Responsibilities of Commissions.

The board of each department referred to in Section 70(a) shall provide suitable quarters, equipment and supplies for the department. It shall create the necessary positions in said department, authorize the necessary

deputies, assistants and employees and fix their duties, and may require bonds of any or all such employees for the faithful performance of their duties.

Section 425 is amended to read as follows:

Sec. 425. Prevailing Wage.

In fixing the compensation to be paid to persons in the city's employ, the Council shall, in each instance, provide a salary or wage at least equal to the prevailing salary or wage for the same quality of service rendered to private persons, firms or corporations under similar employment, in case such prevailing salary or wage can be ascertained.

The provisions of that certain Act of the Legislature of the State of California entitled "An act to provide for the payment of not less than the general prevailing rate of wages on public works, and not less than the general prevailing rate of wages for legal holiday and overtime work on public works, providing for the ascertainment of such general prevailing rate by the public body awarding the contract and its insertion in the contract and call for bids for the contract, providing for the keeping of records of the wages paid all workers engaged in public work and the inspection of such records by the proper public officials, providing for a forfeiture for each calendar day, or portion thereof, any worker is paid less than the said rate and for a stipulation to this effect in the contract, and providing other penalties for violation of the provisions thereof" (approved May 25, 1931, Statutes 1931, Chapter 397), as amended or as hereafter shall be amended, are hereby accepted and made applicable to the City of Los Angeles, its departments, boards, officers, agents and employees notwithstanding the exemption of said city therefrom created by Section 5 of Article XI of the Constitution of the State of California with respect to municipal affairs.

Section 144 is amended to read as follows:

Sec. 144. Harbor Department Contracts.

The Board of Harbor Commissioners shall have power to order and contract for the expenditure of all money derived from the sale of harbor improvement bonds of the city, and of all money in the harbor revenue fund; provided, that the general manager shall have the power to contract for the expenditure of such funds in accordance with the provisions of the budget appropriations or of appropriations made subsequent to the budget. In cases of emergency, where the circumstances of the case render it impossible or impracticable to secure bids without undue delay or risk of loss to the City, the Board may let any contract without advertising for bids; provided, that where the Board has appropriated the necessary money therefor and when a meeting of the Board cannot be had in time to meet any such emergency, the general manager may let any such contract, not exceeding twenty thousand dollars, without advertising for bids; and provided, further, that where the general manager lets any such emergency contract, he shall immediately report that fact to the Board and in said report shall recite the facts constituting the emergency and prospective loss to the City.

Section 144.1 is added to read as follows:

Sec. 144.1. Waiver of Contractor's Bonds.

In the general manager's discretion, the requirement for the surety bond and faithful performance bond or annual bid bond prescribed in subdivisions (d) and (g) of Section 386 may be omitted, when letting contracts for purchases of materials, supplies and equipment, and for rental, repair and maintenance of such materials, supplies and equipment.

Section 239.7 is amended to read as follows:

Sec. 239.7. Airport Department Contracts.

The Board shall have power to order and contract for the expenditure of all money derived from the sale of bonds of the City issued for airport improvements, and of all money in the Airport Revenue Fund. Whenever the Board shall have approved and authorized any work or improvement, and shall have appropriated the necessary money therefor, the general manager shall have power to let any necessary contract in connection with such work or improvement. In cases of emergency where the circumstances render it impossible to secure bids for the furnishing of labor or materials without undue delay or loss to the City, the general manager may, with the approval of the Board, let such contract without advertising for bids.

Certified to be a true copy by John S. Gibson, Jr., President of the City Council, and Rex E. Layton, City Clerk.

Date of municipal election: May 31, 1977.

Charter Chapter 26—City of Compton

Amendments to the Charter of the City of Compton

[Filed with Secretary of State June 18, 1977]

Section 1009 is amended to read as follows:

Section 1009. Personnel Board. There shall be a Personnel Board consisting of five (5) members to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any salaried City public office or City employment, nor while a member of the Board or for a period of one (1) year after he has ceased for any reason to be a member, be eligible for appointment to any salaried office or employment in the service of the City or to any elective office.

The Board shall be appointed and serve in the same manner as other boards and commissions except that Personnel Board members may be removed by motion of the City Council adopted by at least three (3) affirmative votes.

Section 500 is amended to read as follows.

Section 500. Enumeration of Terms of Elected Officials. The elective officers of the City shall consist of:

A City Council composed of five (5) members who are registered voters of the City, four (4) to be residents of their respective districts and nominated and elected from the City at large. The fifth to be both nominated

and elected from the City at large and to be known as the Mayor; a City Clerk; a City Treasurer; and a City Attorney.

All of the elected officers shall serve for a term of four (4) years. The terms of office of the members of the City Council residing in Districts Two and Three, and the terms of office of the Mayor, City Clerk, City Treasurer, and City Attorney elected in 1969 shall expire in the year 1973. The terms of office of the present members of the City Council residing in Districts One and Four shall expire in the year 1971.

The terms of all elective officers shall commence on July First following their election and each shall serve until his successor is elected and qualified. Any ties in voting shall be settled by the casting of lots.

Provided, however, the City Council, on and after the operative date (as the term "operative date" is hereafter defined) shall be composed of seven (7) members, six (6) to be residents of their respective districts and nominated and elected from the City at large, and the seventh to be both nominated and elected from the City at large, and to be known as the Mayor.

At any time when the City Council finds by ordinance adopted by not less than four (4) affirmative votes that the population of the City exceeds 100,000 persons, the City Council shall thereupon, and within sixty (60) days after the effective date of such ordinance, adopt an ordinance by at least three (3) affirmative votes dividing the City into six (6) districts for the purpose of electing members of the Council.

Said districts so revised and fixed shall comprise as nearly as practicable equal numbers of voters as determined by records of the registration of voters of Los Angeles County on file with the Registrar of Voters of said County and be composed of contiguous and compact territory and bounded by natural boundaries of street lines.

The ordinance shall provide for districts so that each Councilman then in office will reside within the district bearing the number of the district from which he was elected and District 5 and District 6 shall not include the residence of any of the members of the Council except that either such districts may include the residence of the Mayor.

Within thirty (30) days after the effective date of the ordinance establishing six (6) council districts, the Council shall in the manner provided by law, call a special election for the purpose of holding an election for a councilman from District 5 and a councilman from District 6. If any candidate receives a majority for either of such offices, the City Council shall declare such candidate or candidates (as the case may be) elected. If no candidate for either or both of such offices receives a majority, a final election shall be held on the Fourth Tuesday following said election between the two candidates receiving the highest vote in the first election for each or either of said offices. Following said second election, the City Council shall declare the candidate receiving the highest vote for each or either of said offices elected.

Such election, including the nominations, notice, canvass and other proceedings, shall follow as near as may be practicable the procedures for elections. The Council may provide procedures for such elections by ordinance.

When the Council has declared a candidate elected for District 5 and a candidate elected for District 6, the provisions for a seven (7) member City Council shall become operative at 12:01 a.m. on the seventh day after such declaration or if candidates are declared elected in the two districts at different times, at 12:01 a.m. on the seventh day after the last such declaration. Such seventh day is herein defined as the operative date.

The Councilman elected in the first instance from District 5 shall serve a term that shall commence on the operative date and shall end at the same time that the term of the councilman from District 1 ends. The Councilman elected in the first instance from District 6 shall serve a term that shall commence on the operative date and end at the same time as the term of the councilman from District 2 ends.

Councilmen thereafter elected from Districts 5 and 6 shall serve for a term of four (4) years.

On and after the operative date, the City shall be divided into six (6) districts notwithstanding the provisions of Section 501 of this Charter.

Notwithstanding the provisions of Section 502 of the Charter, and after the operative date, the City Council may change the boundaries of the Six Districts into which the City has been divided by ordinance adopted by at least five (5) affirmative votes whenever, in the opinion of the City Council, such is necessary to better equalize the population among the respective districts.

On and after the operative date whenever the provisions of the Charter call for three (3) affirmative votes, or the concurrence of the three (3) members of the City Council, or otherwise provide for an action to be taken by three (3) members of the City Council, such provisions shall be construed to require four (4) affirmative votes, or the concurrence of four (4) members of the City Council or otherwise provide for an action to be taken by four (4) members of the City Council.

On and after the operative date whenever the provisions of the Charter call for four (4) affirmative votes, or the concurrence of four (4) members of the City Council, or otherwise provide for an action to be taken by four (4) members of the City Council, such provisions shall be construed to require six (6) affirmative votes, or the concurrence of six (6) members of the City Council, or otherwise provide for an action to be taken by six (6) members of the City Council.

Notwithstanding the provisions of Section 502 of this Charter, on and after the operative date, a person shall be deemed to have been a resident of the City or a district for one (1) year at a place which is, at the time of the election within the City or the District.

Certified to be a true copy by Doris A. Davis, Mayor, and Charles Davis, City Clerk.

Date of municipal election: June 7, 1977.

Charter Chapter 27—City of Santa Monica

Amendments to the Charter of the City of Santa Monica

[Filed with Secretary of State June 23, 1977.]

Section 710 is amended to read as follows:

Section 710. Personnel Director, Powers and Duties. The Personnel Director shall have power and be required to:

(a) Give wide publicity, through appropriate channels in each case, to all announcements of competitive examinations to the end of encouraging qualified persons to take such examinations;

(b) Hold competitive examinations for all appointments in the Classified Service, restricting such examinations to persons reasonably qualified to perform the duties of the position;

(c) Prepare and recommend to the Personnel Board and the City Council, Civil Service rules and regulations;

(d) Make periodic studies of the classification plan based on the duties, authority, and responsibility of positions in the City service and make recommendations as to improvements therein;

(e) Prepare and maintain a pay plan for the City service;

(f) Develop and establish training and educational programs for persons in the City service; and

(g) Investigate periodically the operation and effect of the personnel provisions of this Charter and the rules promulgated thereunder and report findings and recommendations to the City Manager and the Personnel Board.

Section 1011 is amended to read as follows:

Section 1011. Personnel Board. There shall be a Personnel Board consisting of five members to be appointed by the City Council from the qualified electors of the City. To be eligible for appointment, each appointee shall neither hold public office or employment nor be a candidate for any other public office or position and shall not be an officer of any local, state or national partisan political club or organization.

The members of the Personnel Board shall serve for a term of five years and until their respective successors are appointed and qualified. The terms of such members shall be staggered so that the term of one thereof shall expire on each succeeding July 1st. Any vacancy on the Board shall be filled by the City Council for the unexpired term.

Section 1012 is amended to read as follows:

Section 1012. Personnel Board. Powers and Duties. The Personnel Board shall have the power and be required to:

(a) Approve or disapprove the appointment by the City Manager of a Personnel Director. If the Board takes no action on such an appointment within 30 calendar days of receiving written notice from the City Manager of intention to make an appointment, the appointment stands as approved;

(b) After a public hearing thereon, recommend to the City Council the adoption, amendment or repeal of Civil Service rules and regulations;

(c) Make any investigation which it may consider desirable concerning the administration of personnel in the municipal service and report its

findings to the City Council, City Manager, and the Personnel Director;

(d) Hear appeals of any officer or employee in the classified service who is suspended, demoted or removed, and report in writing to the appointing authority, City Manager, and City Council its findings, conclusions, and recommendations; and

(e) Act in an advisory capacity to the City Council and the Personnel Director on personnel administration.

Section 1101 is amended to read as follows:

Section 1101. Fair Employment Practice. All persons shall have equal opportunity to obtain and hold employment, and to advance therein, from or under any board, department, officer or agency in this Charter enumerated or provided for, without discrimination prohibited by state or federal law.

The right of Association and Petition. All employees of the City are to be free from interference, coercion, and restraint in associating themselves together for their mutual benefit in connection with their public employment. They may designate representatives of their own choosing and collectively or individually they may exercise their right of petition to the City Council or to the board, officer or commission having jurisdiction of such matters concerning wages, hours or conditions of employment.

Section 1102 is amended to read as follows:

Section 1102. Classified Service. The Civil Service of the City shall be divided into the Unclassified and the Classified Service.

(a) The Unclassified Service shall comprise the following officers and positions:

1. Members of the City Council;
2. City Manager and the entire staff of the immediate office;
3. City Attorney and the entire staff;
4. Chief of Police.
5. All members of Boards and Commissions; and
6. Persons employed to render professional, scientific, technical or expert service or temporary and unskilled labor of an occasional and exceptional character, or during times of emergency involving the public safety and so declared by the City Council, a person employed as a civil defense coordinator, or other coordinator appointed by reason of such emergency.

(b) The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service.

Section 1105 is amended to read as follows:

Section 1105. Recruitment. Examinations of applicants for positions in the Classified Service shall be practical and relate to those matters which fairly test the relative capacity of the applicants to discharge the duties of the position to which they seek to be appointed.

Section 1106 is repealed.

Section 1107 is amended to read as follows:

Section 1107. Performance Evaluations. A system of compulsory, periodic, at least annually, efficiency ratings shall be established by the Personnel Director for all employees in the Classified Service, subject to

the approval of the Personnel Board.

Special rating forms shall be designed for such classifications as require them in order that the quality of performance, by each person rated, of the required functions of the position may be accurately reflected through their use.

The City Manager shall be required to rate all department heads and subordinate officers. The department heads shall rate all officers and employees in their respective departments.

Promotions shall be on the basis of ascertained merit, credit and seniority in service and examination. Vacancies shall be filled by promotion upon competitive examinations unless the appointing authority in particular instances believes it impractical or not in the best interest of the public service, and the reasons therefor are submitted to and approved by the Personnel Board.

Section 1108 is amended to read as follows:

Section 1108. Appointments. Upon the receipt of notice of a vacancy in the Classified Service, the Personnel Director shall certify to the appointing authority the names of the three highest candidates on the eligible list for such position. If less than three names are on the eligible list, the appointing authority may request the establishment of a new eligible list. No candidate may be certified more than three times for any one Classified position.

When no eligible lists are available, the Personnel Board, under such rules and regulations as it shall prescribe, may authorize the appointing authority to make temporary appointments in the Classified Service which shall remain in force until regular appointments can be made, but in no case to exceed ninety (90) days in order to prevent the stoppage of public business and in order to meet extraordinary conditions.

Section 1111 is amended to read as follows:

Section 1111. Political Activists. All employees in the Classified Service shall be subject to current state and federal laws regulating political activities of said employees.

Certified to be a true copy by Donna O'Brien Swink, Mayor, and Joyce Snider, City Clerk.

Date of municipal election: April 12, 1977

Charter Chapter 28—City of Pasadena

Amendments to the Charter of the City of Pasadena

[Filed with Secretary of State July 1, 1977]

Section 1509.81 is amended to read as follows:

Section 1509.81. COST OF LIVING BENEFITS: FUNDING OF. For the purpose of paying increased benefits according to Section 1509.8 hereof, the city and members shall, for the 10 consecutive years ending

June 30, 1987, each contribute to the Retirement Fund an amount equal to 2.5% of the member's compensation, and thereafter the city and members shall each contribute to said Retirement Fund either an amount equal to 2.5% of the members compensation or an amount equal to that percentage of the member's compensation as determined by and based upon an actuarial reserve basis pursuant to the then current actuarial studies at the discretion of the City Board of Directors for such period of time as the said Board of Directors shall determine. The required contributions of members shall be required as a deduction from the compensation of each member.

The Board of Directors, in proposing the foregoing amendment, hereby declares that it is the intent that if a court of competent jurisdiction subsequently declares that the foregoing amendment deprives one or more members of a benefit to which such member is legally entitled, then the charter provision in force and effect on June 30, 1977, shall be substituted for the foregoing amendment. In addition the contribution rate necessary for city and member shall be adjusted so as to achieve the funding objectives of the section as it read on June 30, 1977, and the city shall deduct from member's contribution account of a retired member the amount of any underpayment.

Section 1509.92 is amended to read as follows:

Section 1509.92. CITY CONTRIBUTIONS. City contributions for service retirement benefits, including those for members retiring for disability at age 50 and over, shall be determined on the basis of a normal contribution rate which shall be computed as a level percentage of compensation which, when applied to the future compensation of the average new member entering the system, together with the required member contributions, will be sufficient to provide for the payment of all prospective benefits of such member. The portion of liability not provided by the normal contributions shall be amortized over a 30-year period ending June 30, 2007. This method is commonly referred to as the Entry Age Normal Cost Funding Method.

City contributions for death and disability, excluding retirement for disability age 50 and over, shall be equal to the amounts actually disbursed for such deaths or disabilities during the year not provided by member contributions.

Section 1511 is amended by adding the following to read:

Section 1511. Effective July 1, 1977, all new members of the Fire Department or Police Department shall become members of the said Public Employees Retirement System as established by contract between the City and State. Every active member of the Fire and Police Retirement System shall become a member of said State System unless the member waives the said State System. A member waiving said State System shall remain a member of the Fire and Police Retirement System. City may withdraw from the System employer and employee contributions determined by the State actuary to be required to fund prior service benefits for those members transferring into the State System.

Certified to be a true copy by Robert G. White, Chairman of the Board

of Directors of the City of Pasadena, and Harriett C. Jenkins, City Clerk.
Date of municipal election: April 19, 1977.

Charter Chapter 29—City of Porterville

Amendments to the Charter of the City of Porterville

[Filed with Secretary of State August 29, 1977]

Section 5 is amended to read as follows:

Section 5. General Municipal Elections shall be held in said city on the first Tuesday after the first Monday in March of each odd numbered year under and pursuant to the general laws of the State of California governing elections in charter cities, so far as the same may be applicable, and except as herein otherwise provided.

The first general election in said city under this charter amendment shall be held on the first Tuesday of March, 1979. 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, providing, however, that special elections to authorize any municipal or local public improvement, or the levy of assessment therefor, or to create a municipal bonded indebtedness, shall be held in conformity with any general law of the state relative thereto under which any such proceeding is instituted by the council, in case such general law provides for the procedure and manner of holding elections thereunder.

Section 7 is amended to read as follows:

Section 7. No person shall be eligible to hold any elective office in the City of Porterville unless he be a resident and elector therein, and shall have resided in said City for at least 30 days next preceding his filing his nominating papers or equivalent declaration or candidacy and be an elector at the time of said filing.

Section 7, second paragraph is repealed.

Certified to be a true copy by Earl E. Smith, Jr., Mayor, and C. G. Huffaker, City Clerk.

Date of municipal election: April 5, 1977.

Charter Chapter 30—City of Placentia

Amendments to the Charter of the City of Placentia

[Filed with Secretary of State October 25, 1977.]

Section 601 of Article VI is amended to read as follows:

Sec. 601. No person shall be eligible to hold office as a member of the

City Council unless he shall be a qualified elector at the time of his nomination, and shall have been a resident of the City for at least that minimum period provided for under State law for General law cities next preceding the date of his election or appointment.

Section 701 of Article VII is amended to read as follows:

Sec. 701. No person shall be eligible to hold the offices of City Clerk or City Treasurer unless he be a qualified elector at the time of his nomination and shall have been a resident of the City for at least that minimum period provided for under State law for General law cities next preceding the date of his election or appointment.

Certified to be a true copy by Robert B. Lyons, Mayor, and Edmund M. Ponce, City Clerk.

Date of municipal election: April 13, 1976.

Charter Chapter 31—City of Stockton

Amendments to the Charter of the City of Stockton

[Filed with Secretary of State November 2, 1977]

Section 2 of Article VI is amended to read as follows:

ARTICLE VI

Section 2. The council shall consist of nine members who shall be elected as provided herein, one from each of the nine districts of the City of Stockton, as fixed and established pursuant to Article II of this charter.

Commencing with the general municipal election of 1971, each member of the city council shall be elected by the electors of his district and shall hold office for a term of four years beginning November 1 next after his election and until his successor is elected and qualified. On the second Tuesday in October, 1971, five councilmembers shall be elected to replace those councilmembers whose terms shall expire on October 31, 1971, and shall take office on November 1, 1971; on the second Tuesday in October, 1973, four councilmembers shall be elected to replace those councilmembers whose terms shall expire on October 31, 1973, and shall take office on November 1, 1973.

At each subsequent general election the number of councilmembers to be elected shall be equal to the number of terms to expire under the aforesaid provisions of the ensuing 31st day of October, to-wit: alternately five or four.

Each member of the city council must have been a resident and qualified elector of the district of the City of Stockton, or territory legally annexed thereto, from which he is nominated and elected or appointed for a period of not less than thirty [30] days prior to the filing of his nomination papers or his appointment.

Any member of the council moving from his district during his terms shall automatically forfeit his office, the same to be refilled by the council

from the electors of that district. Absence from five consecutive regular meetings, unless excused by resolution of the council, shall operate to vacate the seat of any member so absent.

If a vacancy shall occur in the office of any councilmember, the council shall appoint a person to fill such vacancy. Such vacancy in the council shall be filled by the council from the electors of the district in which the vacancy occurs. If at any municipal election held under the provisions of this charter, a councilmember be not elected from each district by reason of a tie vote among any of the candidates therefor, then the council, after the qualification of the persons elected to the office of councilmember at such election, shall select by lot one of the persons receiving such tie vote to fill such office. In each case, the person so appointed shall hold office until the 31st day of October next following the next general election, and at such election a person shall be elected to hold office for the remainder of any unexpired term.

Section 1 of Article VII is repealed.

Section 3 of Article XXXII is amended to read as follows:

ARTICLE XXXII

Section 3. There is hereby created, subject to the provisions of this act, a civil service commission, which shall be composed of five members, none of whom shall hold any other public office, place or position of employment with the City of Stockton. The members of such commission shall be appointed to staggered terms of three years by the legislative body of the City of Stockton. That the legislative body of the City of Stockton shall provide by ordinance or resolution for the payment of the services of the commissioners. The failure upon the part of the said legislative body of the City to appoint said commissioners, shall be deemed a violation of this act and shall be punishable as such. No person shall be appointed as a member of such commission who is not a citizen of the United States and a resident and elector of the City of Stockton. Any member of such commission may be removed from office by the legislative body of the City for incompetency, incompatibility or dereliction of duty or malfeasance in office or other good cause, provided, however, that no member of the commission shall be removed until charges have been preferred in writing, due notice given and a full hearing had. The members of such commission shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by this act. Three members of such commission shall constitute a quorum and the votes of any three members of such commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission under or by virtue of the provisions of this act. At the expiration of each of the terms so provided for, a successor shall be appointed for a term of three years. Vacancies in the civil service board from whatever cause shall be filled by a majority vote of the legislative body of the City for the unexpired term. Whenever the word "Commission" is used herein, it shall mean the Civil Service Commission.

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

ARTICLE XXII

Section 10. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the departments and divisions of the city for the respective objects and purposes thereof. In addition, the personnel listings and assignments, programs and projects set out in the budget shall be considered part of the financial plan of all city activities for the ensuing fiscal year unless specifically excepted in the resolution adopting the budget.

All appropriations shall lapse at the end of the fiscal year to the extent they shall not have been expended or encumbered except where the council may have, by resolution, provided for the continuance of an appropriation beyond the end of the fiscal year.

No part of any appropriation shall be transferred from one department or division to another department or division unless authorized by the City Council. The City Council may, by resolution, delegate to the city manager the authority to make transfers or appropriations from one division of a department to another division of the same department in amounts not to exceed \$14,000 per year for each such transfer of appropriation made.

The city manager may at any time transfer any unencumbered appropriation or portion thereof between general classifications of appropriations within a department or division. The city manager shall report in writing to the Council at its next regular meeting any such transfer together with a statement of fact necessitating the same.

The council may, by resolution, appropriate available revenues and reserves not included in the annual budget and may, at any time, make emergency appropriations to protect the public health, safety and welfare. Such appropriations must be authorized by a majority vote and shall be made with the recommendation of the city manager. Provision shall be made in the annual budget for a contingency reserve which shall be under the exclusive control of the city manager. The city manager may, in writing, authorize the transfer from the contingency account to the budgets of any department to meet proposed expenditures, the circumstances of which preclude the use of regular processes for the transfer of appropriations. The city manager shall report in writing to the city council at its next regular meeting all such transfers, supported by a statement of necessity.

Section 4, subsection (b) of Article XXXII is amended to read as follows:

ARTICLE XXXII

Section 4.

(b) All tests shall be practical and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment or promotion is to be made.

Section 6 of Article XXXII is amended to read as follows:

ARTICLE XXXII

Section 6. (a) FILING. Any applicant for a position in the City of Stockton under civil service must submit said application on a form prescribed by the Commission.

(b) APPLICATION FORM. No application form shall contain questions or inquiries that in any fashion can operate to discriminate against

any individual by reason of color, race, sex, religion or national origin. All questions or inquiries must relate to qualifications necessary to perform duties of the position.

(c) **CHARACTER AND FITNESS.** The Commission shall establish by its Rules, specific qualifications for appointment to positions, which may include but not be limited to, educational prerequisites, age limits, mental, moral and physical fitness and other bona fide occupational qualifications. These specific qualifications shall be ascertained by the most appropriate methods of measurement deemed advisable by the Commission so that the best qualified individuals are appointed to positions.

Section 8, subsections (a), (b) and (d), of Article XXXII are amended to read as follows:

ARTICLE XXXII

Section 8. (a) The chief examiner shall provide examinations in accordance with this act and the regulations of the commission. Such examinations shall be public, competitive, and open to all persons who may be lawfully appointed to any position within the class for which such examinations are held, with limitations specified by this act, or in the rules of the commission as to health, habits, moral conduct and prerequisite qualifications to perform the duties of such position.

(b) In examining applicants for eligibility for appointment to entrance level classes, to the extent authorized by the Commission, the chief examiner or his authorized representatives may use a combination of valid testing instruments, which may include but not be limited to written tests, which shall count fifty percent (50%) of the total passing score, oral examinations, performance examination and agility tests designed to measure individual characteristics necessary to perform the specific duties of the job, for the purpose of obtaining the most qualified employees for the City of Stockton Fire and Police Departments. Methods of ranking and weighting of scores shall be determined by the Commission and will be stated on the examination announcement.

The Commission may waive examination requirements for the appointment of qualified lateral entry candidates.

(d) All tests shall be practical and shall consist only of subjects which fairly determine the capacity of the persons examined to perform the duties of the position to which appointment is to be made. No credit shall be allowed for service rendered under a temporary appointment. No question in any test shall relate to religious or political opinions or affiliations. No questions which are misleading or unfair or in the nature of catch questions shall be asked. As many tests shall be held as may be necessary to provide eligibles for each class or position and to meet all requisites and to fill all positions held by temporary appointees. From the return and report of the chief examiner or examiners based on tests and other factors to be considered as provided in Section 8(b) and (c) the civil service commission shall establish a list of eligibles for each grade of the persons who shall attain such minimum score or scores as may be fixed by the rules of the commission and who may be lawfully appointed. Such persons shall take rank upon the list in the order of their relative performance as

determined by the tests and other factors named above, without reference to priority of time of tests.

Section 13 of Article XXXII is amended to read as follows:

ARTICLE XXXII

Section 13. No recommendations, other than allowed by the rules of the commission, in favor of any person who shall apply for any office, place, position or employment under civil service, or for examination or registration under the provisions of this act or the rules and regulations adopted by the Commission pursuant thereto, except in case of former employees as to ability, when such recommendations as to character or ability are specifically required by said rules and regulations, shall be given to or considered by any person concerned in making any examination, registration, appointment or promotion under the provisions of this act or the rules or regulations adopted thereunder. No recommendation under the authority of this act shall relate to the religious or political opinions, affiliations or services of any person whosoever, nor shall any appointment, change in, or removal from, any office, place, position or employment under the provisions of this act be in any manner affected or influenced by such opinions, affiliations or services.

Section 6 of Article XXIII is amended to read as follows:

Section 6. All proposals shall be made upon printed forms to be prepared by the city and furnished upon application, with the form for the affidavit hereinafter provided for, printed thereon. Each bid shall have thereon the affidavit of the bidder that such bid is genuine and not sham or collusive, or made in the interest or behalf of any person named therein, and that the bidder has not directly or indirectly induced or solicited any other bidder to put in a sham bid or any person, firm or corporation to refrain from bidding, and that the bidder has not in any manner sought by collusion to secure to himself an advantage over any other bidder. Any bids made without such affidavit or in violation thereof, and also any contract let thereunder shall be absolutely void unless a correct affidavit is received after the bid deadline with approval of six (6) members of the city council. All bids shall be clearly and distinctly written and if any erasure or interlineation occurs therein, before bid is filed with the city clerk, said erasure or interlineation must be initialed by the person authorized to prepare and execute the bid. Every bid offered shall be accompanied by cash or a cashier's check of a responsible bank or a check certified by a responsible bank, payable to the order of the city auditor for an amount not less than ten percent of the aggregate of the proposal, or a bidder's bond executed as surety by some corporation authorized to issue surety bonds in the State of California, made out in favor of the city for an amount not less than ten percent of the aggregate of the proposal, and no proposal shall be considered unless accompanied by such check or bidder's bond.

Section 7 of Article XXIII is amended to read as follows:

Section 7. No person, firm, or corporation shall be allowed to make or file or be interested in more than one bid for the same work or for furnishing the same materials, unless alternative bid be called for or said interest

is limited to a subproposal to a bidder or a quotation of prices on materials or equipment to a bidder, and if, on the opening of said bids, more than one bid appears in which the same person, firm, or corporation is interested, all such bids shall be rejected, except as above provided

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

Date of municipal election: October 21, 1977.

Charter Chapter 32—City of San Diego

Amendments to the Charter of the City of San Diego

[Filed with Secretary of State November 4, 1977.]

Section 94 of Article VII is amended to read as follows:

Section 94. CONTRACTS.

In the construction, reconstruction or repair of public buildings, streets, utilities and other public works, when the expenditure therefor shall exceed the sum established by ordinance of the City Council, 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 is of a lesser amount than the figure established by ordinance of the City Council, the Manager 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 before said contract is let. The Council may, however, establish by ordinance an amount below which the Manager may order the performance of any construction, reconstruction or repair work by appropriate City forces without approval by Council. When such Council approval is required, the Manager's recommendation shall indicate justification for the use of City forces and shall indicate whether the work can be done by 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 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 stockholder 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.

Section 120 of Article VIII is amended to read as follows:

Section 120. LIMITATIONS AND CREDITS.

No question in any test shall relate to race, or to political or religious opinions, affiliations or service, and no appointment, transfer, layoff, promotion, reduction, suspension or removal shall be affected or influenced by race or such opinions, affiliations or service. In all original examinations the Civil Service Commission shall in addition to all other credits, give a credit of five per cent of the total credits specified for such examinations to all those who have served in the United States Armed Forces during any period of time in which a Federal act of conscription was in effect and who have been honorably discharged from active service, provided that this credit is granted to each applicant only upon the first employment after discharge from service, and is not granted to applicants retired from the service on full pensions. The spouse of any veteran who, while in such service, was physically or mentally incapacitated so as to prevent employment in any remunerative occupation, and also the surviving spouse of any veteran killed or who died while in such service, shall receive a credit of five per cent upon the first employment after such veteran's discharge or death.

Section 131 of Article VIII is amended to read as follows:

Section 131. FALSE STATEMENT BY APPLICANT.

Any applicant for any office or employment in the classified service who shall knowingly make any false statement deemed material to eligibility for the position sought in connection with any test shall thereby forfeit his right to be entered upon the eligible register, and in case he has been appointed to an office or employment he shall forfeit it and may not be entitled for a period up to three years thereafter, within the discretion of and until notified by the Civil Service Commission, to take any Civil Service test or be eligible for appointment to any office or employment in the service of the City.

Certified to be a true copy by Pete Wilson, Mayor, and Charles G. Abdelnour, City Clerk.

Date of municipal election: September 20, 1977.

Charter Chapter 33—City and County of San Francisco
Amendments to the Charter of the City and County of San Francisco

[Filed with Secretary of State November 25, 1977]

Section 2.203-3 is added to read as follows:

Sec. 2.203-3. Administrative Assistants to Members of the Board of Supervisors.

Notwithstanding any other provisions or limitations of this charter, specifically section 8.300, there may be one (1) administrative assistant for each member of the board of supervisors, who shall be appointed by the member and shall serve at the member's pleasure. These individuals shall be responsible for such duties and responsibilities as the member shall prescribe.

Section 3.100 is amended to read as follows:

Sec. 3.100. Functions, Powers and Duties

The mayor shall be the chief executive officer of the city and county upon whom process issued by authority of law shall be served. He shall be an elective officer and his compensation shall be fixed in accordance with the salary standardization provisions of this charter. The mayor shall devote his entire time and attention to the duties of the office, and shall not devote time or attention to any other occupation or business activity.

He shall furnish an official bond in the sum of twenty-five thousand dollars (\$25,000).

He shall appoint, and at his pleasure may remove, an executive secretary and one confidential secretary, and one stenographer. The board of supervisors may annually appropriate additional sums to be expended by the mayor for purposes and duties incidental to the administration of the office of mayor, which shall be subject to the provisions of this charter relative to appropriations and the payment of claims.

He shall, at the first meeting of the board of supervisors in October of each year, communicate by message to the supervisors a general statement of the condition of the affairs of the city and county, and recommend the adoption of such measures as he may deem expedient and proper.

The mayor shall be responsible for the enforcement of all laws relating to the municipality and for the review and submission of the annual executive budget; he shall supervise the administration of all departments under boards and commissions appointed by him; he shall receive and examine, without delay, all complaints relating to the administration of the affairs of the city and county, and immediately inform the complainant of findings and actions thereon; and he shall coordinate and enforce cooperation between all departments of the city and county. The mayor shall have the power to postpone final action on any franchise that may be passed by the supervisors until such proposed franchise shall have been voted on at the next election.

The mayor shall appoint such members of boards or commissions and other officers as provided by this charter.

He shall appoint for the unexpired term of the office vacated, a qualified person to fill any vacancy occurring in any elective office.

The mayor shall have a seat but no vote in the board of supervisors and in any board or commission appointed by him, with the right to report on or discuss any matter before such board or commission concerning the departments or affairs in his charge. He shall have power to designate a member of the board of supervisors to act as mayor in his absence. Should he fail, neglect or refuse so to do, the supervisors shall elect one of their number to act as mayor during his absence. When a vacancy occurs in the office of mayor, it shall be filled for the unexpired portion of the term by the supervisors. In case of a disaster which causes the mayor to be absent or unavailable and the supervisors for any reason whatsoever are unable to elect one of their number to act as mayor or to fill any vacancy that might occur in the office of mayor, the following persons shall act a mayor in the order of succession hereinafter designated: (1) president of the board of supervisors, (2) chairman of the finance committee of the board of supervisors, (3) senior member of the board of supervisors, who is that member having the greatest number of years of service as a member of the board, and in the event that one or more members have equal seniority then by alphabetical order of surname among such members, and (4) chief administrative officer. Said person so designated shall act as mayor during such period of absence or unavailability of the mayor until such time as the supervisors can take appropriate action either to elect an acting mayor or to fill the vacancy as the case may be. Every person who has served as mayor of the city and county, so long as he remains a resident thereof, shall have a seat in the board of supervisors and may participate in its debates, but shall not be entitled to a vote or to compensation.

In case of public emergency involving or threatening the lives, property or welfare of the citizens, or the property of the city and county, the mayor shall have the power, and it shall be his duty, to summon, organize and direct the forces of any department in the city and county in any needed service; to summon, marshal, deputize or otherwise employ other persons, or to do whatever else he may deem necessary for the purpose of meeting the emergency. The mayor may make such studies and surveys as he may deem advisable in anticipation of any such emergency.

Section 3.200 is amended to read as follows:

Sec. 3.200. Appointment; Qualifications; Term of Office

The mayor shall appoint a qualified person as chief administrative officer, subject to confirmation and approval by the board of supervisors. The appointee shall have been a resident of the State of California for at least five years immediately preceding his appointment. The requisite qualifications of such appointee shall be administrative and executive ability and experience for the position to be filled. No person appointed and qualified as chief administrative officer shall serve a term of office longer than ten (10) years; provided, however, that the term of the person so appointed shall not extend beyond the age of compulsory retirement as set forth in the retirement provisions of this charter.

He shall be subject to suspension and removal in the same manner as elective officers. He shall also be subject to removal by a vote of not less than two-thirds of the board of supervisors, on the basis of written charges, and, if he so request, only after a public hearing on such charges before

the board of supervisors not less than five days nor more than fifteen days after the filing thereof and prior to the date on which the supervisors shall vote on the question of his removal, but on the filing of written charges, and pending and during such hearing, the supervisors, by majority vote, may suspend him from office. The written charges and any reply thereto by the chief administrative officer shall be entered at length in the journal of the board of supervisors. The action of the board of supervisors in removing the chief administrative officer shall be final.

Section 3.201 is amended to read as follows:

Sec. 3.201. Functions, Powers and Duties

The chief administrative officer shall be responsible to the mayor and to the board of supervisors for the administration of all affairs of the city and county that are placed in his charge by the provisions of this charter and by ordinance, and to that end, except as otherwise provided in section 9.102 of this charter, and the general laws of this state respecting the registration of voters, the holding of elections and all matters pertaining to elections in a city and county, he shall have power and it shall be his duty to exercise supervision and control over all administrative departments which are under his jurisdiction; to appoint the heads of departments under his control and the members of advisory and other boards provided by this charter or by ordinance to be appointed by the chief administrative officer; to prescribe general rules and regulations for the administrative service under his control; to have a voice but no vote in the board of supervisors, with the right to report on or to discuss any matter before the said board concerning the affairs of the departments in his charge; to make such recommendations and propose such measures to the mayor, the board of supervisors, or committees thereof, concerning the affairs of the city and county in his charge as he may deem necessary; to coordinate the functioning of the several departments of the city and county charged with powers and duties relating to control of traffic; and to provide for the budgeting and control of publicity and advertising expenditures of the city and county.

The chief administrative officer may designate an officer or an employee in any department under his jurisdiction to exercise the powers and perform the duties of any county office not specifically designated by this charter.

The chief administrative officer may designate the recorder to exercise the powers and perform the duties of the registrar of voters and to occupy the offices of registrar of voters and recorder, receiving a single salary therefor to be fixed in accordance with the salary standardization provisions of this charter.

The chief administrative officer shall appoint his executive assistant who shall serve at his pleasure, and which position shall not be subject to the civil service provisions of this charter; provided, however, that any person who has civil service status to the position of executive assistant on the date of approval of this amendment by the electorate shall continue to have civil service status to said position under the civil service provisions of this charter.

Section 6.203 is amended to read as follows:

Sec. 6.203. Powers and Duties of the Mayor

The mayor shall hold such public hearings on these budget estimates as he may deem necessary and he may increase, decrease or reject any item contained in the estimates, he may, without reference or amendment to the detail schedule of positions and compensations, decrease any total amount for personal services contained in the estimates, excepting that he shall not increase any amount nor add any new item for personal services, materials, supplies or contractual services, but may add to the requested appropriations for any public improvement or capital expenditure; but he shall add to requested appropriations for any public improvement or capital expenditure 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 mayor.

Not later than the 15th day of April in each year, the mayor shall transmit to the board of supervisors the consolidated budget estimates for all departments and offices of, and the proposed budget for, the city and county for the ensuing fiscal year, including a detailed estimate of all revenues of each department and an estimate of the amount required to meet bond interest, redemption and other fixed charges of the city and county, and the revenues applicable thereto. He shall, by message accompanying such proposed budget, comment upon the financial program incorporated therein, the important changes as compared with the previous budget, and bond issues, if any, as recommended by him.

The mayor shall submit to the board of supervisors, at the time that he submits said budget estimates and said proposed budget, a draft of the annual appropriation ordinance for the ensuing fiscal year, which shall be prepared by the controller. This shall be based on the proposed budget and shall be drafted to contain such provisions and detail as to furnish an adequate basis for fiscal and accounting control by the controller of each revenue and expenditure appropriation item for the ensuing fiscal year.

Section 6.205 is amended to read as follows:

Sec. 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 6.206 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, and may without reference or amendment to the detail schedule of positions and compensations, decrease any total amount for personal services contained in the proposed budget, but shall not increase any amount or add any new item for personal services or materi-

als, 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, commission 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.

Section 7.201 is amended to read as follows:

Sec. 7.201. Public Works Contract Procedure by Ordinance

Notwithstanding any other provision of this charter and in particular the provisions of section 7.200, the board of supervisors shall by ordinance determine the monetary limits not to exceed ten thousand dollars (\$10,000), within which the construction, reconstruction or repair of public buildings, streets, utilities or other public works or improvements may be done by contract or by written order or by the employment of the necessary labor and purchase of the necessary materials and supplies directly by the city and county, consistent, save as to monetary limits, with the manner provided for in section 7.200 and section 7.100.

Section 7.202 is amended to read as follows:

Sec. 7.202. Progressive Payments

Any contract may provide for progressive payments, if the advertisement for sealed proposals shall so specify. No progressive payments under any contract shall be made which, with prior payments, shall exceed in amount ninety percent of the value of the work and labor and materials furnished; provided, however, that when the department head or the purchaser of supplies, as the case may be, who is authorized to approve or sign the contract pursuant to section 7.200 (hereafter in this section 7.202 called the "city representative") determines that the contract is fifty percent or more complete, contractor is making satisfactory progress and there is no specific cause for greater withholding, progressive payments may be made not to exceed in amount the lesser of either ninety-five percent of the value of the work and labor and material furnished or ninety-five percent of the contract price, and provided further that when the city representative determines that the contract is ninety-five percent complete, funds withheld may be reduced to an amount equal to one hundred twenty-five percent of the estimated value of the work yet to be completed as determined by the city representative.

If the advertisement for sealed proposals shall so specify and if adequate provisions are made to protect the city and county from loss, any contract may provide for progressive payments for equipment and material purchased by the contractor for the project and stored by the contractor prior to actual physical incorporation into the project.

Section 8.327 is amended to read as follows:

Sec. 8.327. Promotions in Uniformed Forces of Police and Fire Departments

(a) Except as specifically provided in this or other sections of this charter, all promotions in the uniformed forces of the police and fire departments, respectively, shall be made from the next lower civil service rank attained by examinations, as herein set forth, giving consideration also to meritorious public service and seniority of service and a clean record in the respective departments, and all promotive examinations in said departments shall be entirely of a written character and all questions asked or problems given in said examinations shall pertain to matters concerning the duties of the position or rank for which the examination is held.

The civil service commission shall provide for promotion in the police department on the basis of examinations and tests as hereinabove set forth at least once every four years for each promotive position or rank in the police department and questions asked or problems given in said examination shall be related to material taken from a bibliography promulgated within the police department from time to time by the police commission which will be prepared in consultation with the civil service commission; provided, however, that any such bibliography shall be promulgated within the police department not less than six months prior to the date of any promotive examination within the police department.

The civil service commission shall provide for promotion in the fire department on the basis of examinations and tests within at least forty-nine months of the date of adoption of the most recent eligible list for each

promotive position or rank for which examination is held. Such examinations and tests may be entirely of a written character, or of a type as may be recommended by the fire commission and approved by the civil service commission. The civil service commission shall consult with the fire commission on the construction and content of such examinations and tests and shall construct them from materials developed or recommended by the San Francisco Fire Department in order to select the best and highest qualified members of said department for promotion.

(b) Fifteen per cent of the total credits obtainable under any promotive examination for eligibles for the police department shall be allowed for seniority of service, which said credits shall be distributed as follows:

(1) For Promotion to the Rank of Sergeant of Police:

One per cent of the total credits allowed for the entire examination shall be allowed for each year of service in the department until a total of fifteen per cent of the credits of the entire examination is reached;

(2) For Promotion to the Rank of Lieutenant of Police:

Six-tenths of one per cent of the total credits allowed for the entire examination shall be allowed for each year of service in the department until a total of nine per cent of said total credits of the entire examination is reached, and in addition thereto six-tenths of one per cent of the total credits allowed for the entire examination shall be allowed for each year of service in the rank of corporal or sergeant until a total of six per cent of the credits of the entire examination is reached.

(3) For Promotion to the Rank of Captain of Police:

Forty-five hundredths of one per cent of the total credits allowed for the entire examination shall be allowed for each year of service in the department until a total of nine per cent of said total credits for said examination is reached, and in addition thereto six-tenths of one per cent of the total credits allowed for the entire examination shall be allowed for each year of service in the rank of lieutenant until a total of six per cent of the credits of the entire examination is reached.

(4) In addition to the foregoing credits for seniority, six per cent of the total credits allowed for said examination shall be allowed each applicant for a clean record in the department. All members of the department who have performed acts of meritorious public service and have not heretofore received credit for such meritorious public service in a promotional examination and all members of the department who shall perform acts of meritorious public service prior to March 5, 1954, shall be allowed in addition to a maximum for four credits for said examination according to the judgment of the commission. Credits for meritorious public service, in a promotional examination within the police department shall not be allowed by the civil service commission except as herein provided.

(c) Eight per cent of the total credits allowed for any promotive examination in the fire department shall be allowed for seniority of service, which said credits shall be distributed as follows:

(1) For Promotion to the Rank of Lieutenant in the Fire Department:

One per cent of the total credits allowed for the entire examination shall be allowed for each year of service in the fire department until a maximum of eight per cent is reached;

(2) For Promotion to all Ranks Above Lieutenant in the Fire Department:

One and six-tenths per cent of the total credits allowed for the entire examination shall be allowed for each year of service in the fire department as an officer in the rank held by the applicant at the time of the examination until a total of eight per cent of the credits of the entire examination is reached.

(3) A member of the fire department who receives an overall passing mark on a promotive examination and has been the subject of departmental disciplinary action resulting in suspension(s) shall have deducted from the score attained on the entire examination the product of two-thirds of a point times the number of days suspended. In the event said deduction results in a score in the entire examination below the passing mark established by the civil service commission, the member shall be deemed to have failed the examination; provided, however, that no candidate having taken a promotional examination that could have subjected the examinee to point deductions as herein provided may be subjected to point deductions for this same departmental disciplinary action in future promotional examinations.

(4) In promotional examinations in the fire department, seniority of service and educational promotional credits as herein set forth shall be added to credit obtained by the applicant in the examination and shall be taken into consideration by the civil service commission in determining the passing mark and the position of the member on the eligible list.

(d) In promotional examinations in the police department, seniority of service and a clean record in said department shall be added to the credit obtained by the applicant in the written portion of said examination, and shall be taken into consideration by the commission in determining the passing mark and the position of the applicant upon the list of eligibles.

(e) In computing the credits for service in the police department, fractional parts of the year shall not be considered.

In the fire department, full months of service shall be considered in computing service credits. A full month of service shall be defined as being assigned by the chief of department to duties in the next higher rank for a cumulative total of eighteen watches, a "watch" being defined for purposes of this section as that period of time that would entitle a permanent member working in that rank to one day's pay. Such fractional credits may be considered only if received for service rendered prior to the closing date for applications for the promotive position as determined by the civil service commission.

(f) Vacancies occurring in the several ranks of captain, bureau of fire prevention and public safety; lieutenant, bureau of fire prevention and public safety; lieutenant, bureau of fire investigation; inspector, bureau of fire prevention and public safety; and investigator, bureau of fire investigation shall be subject to competitive examination, and the provisions of section 8.326 and this section of the charter relating to the fire department shall apply except as otherwise provided herein. Personnel of the fire department eligible to participate in examinations for the rank of captain, bureau of fire prevention and public safety, shall come from the ranks of

lieutenant, bureau of fire prevention and public safety, and lieutenant, bureau of fire investigation. Personnel of the fire department eligible to participate in examinations for the rank of lieutenant, bureau of fire prevention and public safety, and lieutenant, bureau of fire investigation, shall come from the ranks of inspector, bureau of fire prevention and public safety, and investigator, bureau of fire investigation. Personnel of the fire department eligible to participate in examinations for the rank of inspector, bureau of fire prevention and public safety, and investigator, bureau of fire investigation, shall come from the ranks of hoseman, truckman and chief's operator. Officers and members of the bureau of fire prevention and public safety and officers and members of the bureau of fire investigation are not eligible to participate in promotional examinations for the ranks other than those ranks provided for the bureau of fire prevention and public safety and bureau of fire investigation.

(g) Eight per cent of the total credits allowed for any promotive examination shall be allowed for seniority of service, which credits shall be distributed as follows:

(1) For promotion to the rank of inspector, bureau of fire prevention and public safety, and investigator, bureau of fire investigation:

One per cent of the total credits allowed for the entire examination shall be allowed for each year of service in the fire department until the maximum of eight per cent is reached;

(2) For promotion to the rank of lieutenant, bureau of fire prevention and public safety, and lieutenant, bureau of fire investigation:

One and six-tenths per cent of the total credits allowed for the entire examination shall be allowed for each year of service in the rank of inspector, bureau of fire prevention and public safety, and investigator, bureau of fire investigation, until a total of eight per cent of the credits of the entire examination is reached;

(3) For promotion to the rank of captain, bureau of fire prevention and public safety:

One and six-tenths per cent of the total credits allowed for the entire examination shall be allowed for each year of service in the ranks of lieutenant, bureau of fire prevention and public safety, and lieutenant, bureau of fire investigation, until a total of eight per cent of the credits of the entire examination is reached.

(h) Credits for seniority of service in the fire department as set forth herein shall apply to all promotive examinations administered after the effective date of this section as amended; provided, however, that for the promotive examination for lieutenant in the fire department next administered after the effective date of this section as amended, seniority of service credits shall be distributed as follows:

One percent of the total credits allowed for the entire examination shall be allowed for each year of service in the fire department until a maximum of twelve per cent is reached.

(i) A member of the fire department upon completion of the required probationary period may claim educational promotional credits, which credits must have been attained prior to the closing date for applications for the promotive position as determined by the civil service commission.

Educational promotional credits for purposes of this section shall consist of units of college or university credit awarded in courses relevant to the San Francisco fire service. The relevancy of units of credit and the number of such units applicable to the respective promotive ranks of the fire department shall be initially determined from time to time by a committee which shall be chosen by and serve at the pleasure of the chief of department. The committee shall report its determinations to the fire commission. The fire commission must establish such educational promotional credits as it deems appropriate, subject to the approval of the civil service commission. Said committee shall consist of five members determined as follows:

(1) No less than three of the members of said committee shall be members of a paid fire department of the rank of battalion chief or higher, with no less than two of the three being members of the San Francisco Fire Department;

(2) One committee member shall possess an advanced degree in education and be a member of the faculty of an accredited college or university;

(3) One member of the committee shall be a member of the recognized employee organization for the uniformed firefighters of the fire department nominated by said organization and confirmed by the chief of department;

(j) Educational promotional credits shall be distributed as follows:

For Promotion to All Ranks Below the Rank of Assistant Chief:

Seven per cent of the total credits allowed for the entire examination shall be allowed for possession of an associate of science degree in fire science technology, provided that a majority of the college or university units required for the degree are relevant to the San Francisco fire service to be determined as provided herein, and further that the member also successfully completes all the fire service-related credits for the promotional rank. No member may claim educational promotional credit for such a degree after once having made a claim therefor in a promotional examination in which appointment from the resulting eligible list is secured.

In lieu of the credit allowed for possession of an associate of science degree, five per cent of the total credits allowed for the entire examination shall be allowed for successful completion of all of the fire service-related credits for the rank examined for as determined herein.

In the event less than all the fire service-related credits for the promotive rank are successfully completed by the member, the fire commission, subject to the approval of the civil service commission, shall from time to time provide for proration of educational promotional credits for each fire service-related credit successfully completed to a maximum of two and one-half per cent of the total credits allowed for the entire examination.

For Promotion to the Rank of Assistant Chief:

Seven per cent of the total credits allowed for the entire examination shall be allowed for possession of a bachelor of science or arts degree, provided that: (1) a majority of the college or university credits required for the degree are relevant to the fire service as determined herein; and

(2) the member also successfully completes all the fire service-related credits for assistant chief as determined herein.

In lieu of the credit allowed for possession of a bachelor of science or arts degree, five per cent of the total credits allowed for the entire examination shall be allowed for successful completion of all of the fire service-related credits for assistant chief as determined herein:

In the event less than all the fire service-related credits for the rank of assistant chief are successfully completed by the member, the fire commission, subject to the approval of the civil service commission, shall from time to time provide for proration of educational promotional credits for each fire service-related credit successfully completed to a maximum of two and one-half per cent of the total credits allowed for the entire examination.

(k) The maximum per cent of educational promotional credits that may be distributed to a member for any one promotive examination shall not exceed seven per cent of the total credits allowed for the entire examination. No member may claim educational promotional credit for college, university or fire service-related credits after once having made a claim therefor in a promotive examination in which appointment from the resulting eligible list is secured, except when such credits are included in the curriculum for a degree entitling a member to credit as provided herein.

(l) Educational promotional credits as provided herein shall be allowed on all promotive examinations in the fire department administered after the effective date of this section, as amended; provided, however, that educational promotional credits shall not be allowed for that promotive examination next administered after the effective date of this section, as amended, for promotion to the following ranks or positions: lieutenant; captain; battalion chief; assistant chief; lieutenant, bureau of fire prevention and public safety; lieutenant, bureau of fire investigation; and captain, bureau of fire prevention and public safety.

(m) The committee established herein shall upon formation promptly adopt appropriate rules and procedures for the conduct of its business. The civil service commission may by rule administer the provisions of this section pursuant to the authority granted in Section 3.661.

The effective date of this section as amended herein shall be the first day of the month following filing of the amendment with the Secretary of State as provided by law.

Section 8.538 is added to read as follows:

Sec. 8.538. Increasing of Certain Retirement Allowances in Effect Prior to July 1, 1977

Every retirement allowance payable to a male person, or to the beneficiary of a male person, retired prior to July 1, 1977, as a member under the provisions of sections 8.507, 8.509, 8.544 or 8.568 and subject to an optional modification pursuant to an election exercised under section 16.75 of the San Francisco Administrative Code is hereby increased for time commencing January 1, 1978, to the amount it would have been if such allowance had been computed, on the date such allowance was first effective,

on the basis of the mortality tables applicable to the retirement system on January 1, 1978.

This section does not give any person retired under the provisions of sections 8.507, 8.509, 8.544 or 8.568, or such person's successors in interest, any claim against the city and county for any increase in any retirement allowance paid or payable for time prior to January 1, 1978.

Any adjustment of retirement allowances made pursuant to the provisions of section 8.526 of this charter for time after June 30, 1978, shall be based upon the amount of the original retirement allowance plus the amount of the increase to be applied by the provisions of this section.

Section 10.100 is amended to read as follows:

Sec. 10.100. Definitions

(a) "Retirement system" or "system" shall mean San Francisco City and County Employees' Retirement System as created in section 8.603 of the charter.

(b) "Retirement board" shall mean "retirement board" as created in section 3.670 of the charter.

(c) "Charter" shall mean the charter of the City and County of San Francisco.

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

(e) References throughout this charter to the exclusion or the exemption from the civil service provisions of this charter shall be construed to mean, exclusive of those civil service provisions that relate to examination, appointment and removal.

(f) Notwithstanding any provisions to the contrary, this provision with respect to advertising shall control. Whenever advertising or publication is required by the provisions of this charter, it shall mean one publication in a newspaper of general circulation published in San Francisco. A newspaper of general circulation shall be defined as a newspaper published for the dissemination of local or telegraphic news and intelligence of a general character, which has a bona fide circulation of at least 50,000 copies per calendar week and is printed in the city and county on three or more days in a calendar week. The board of supervisors shall pass an ordinance by July 1, 1978 defining and designating a newspaper or newspapers as the official newspaper or official newspapers for advertising or publication for specific types of official advertising for the city and county as defined and described by the board of supervisors in said ordinance. The board of supervisors by ordinance may provide that a copy of each edition of said newspaper or newspapers of general circulation carrying official advertising shall be delivered free of cost to each branch of the public library of the city and county.

Whenever such newspaper or newspapers of general circulation are not able to publish and circulate for any reason, the board of supervisors shall designate by resolution a substitute medium or media designed to give reasonable publicity in lieu of publication in a newspaper or newspapers of general circulation until such time as such newspaper or newspapers resume publication and circulation.

Certified to be a true copy by Quentin L. Kopp, President, Board of Supervisors, and Gilbert H. Boreman, Clerk, Board of Supervisors.
Date of municipal election: November 8, 1977.

Charter Chapter 34—City of Riverside

Amendment to the Charter of the City of Riverside

[Filed with Secretary of State December 1, 1977.]

Section 1304, subsection (f) is amended to read as follows:

Sec. 1304. (f) For the annual payment by each utility into the general fund in twelve (12) equal monthly installments during each fiscal year, an amount not to exceed 11.5% of the gross operating revenues, exclusive of surcharges, of each specific utility for the last fiscal year ended and reported upon by independent public auditors.

Certified to be a true copy by Ben H. Lewis, Mayor, and Alice A. Hare, City Clerk.

Date of municipal election: November 8, 1977.

Charter Chapter 35—City of Sacramento

Amendments to the Charter of the City of Sacramento

[Filed with Secretary of State December 20, 1977.]

Articles I through XXVII are repealed.

Articles I through XVI are added to read as follows:

Article I. Introductory

Sec. 1 Name.

The municipal corporation now existing and known as the City of Sacramento shall remain and continue a body politic and corporate in name and fact by the name of the City of Sacramento and by such name shall have perpetual succession.

Sec. 2 Boundaries.

The boundaries of the City of Sacramento, as they exist on the effective date of this section, shall continue until changed in the manner authorized by law.

Sec. 3 Rights in succession.

The City of Sacramento, hereinafter termed the city, shall have, exercise and enjoy all the rights, immunities, powers, benefits, privileges and franchises now possessed, enjoyed, owned or held by it

Sec. 4 Continuance of laws.

All lawful ordinances, resolutions, rules and regulations or portions

thereof now in force and not in conflict or inconsistent herewith are continued in force until they have been duly repealed or amended.

Sec. 5 Offices.

The city council may establish departments, divisions, offices and positions of employment not established by this Charter or created thereunder and shall have the power to abolish, merge or consolidate same.

The city council may also provide for the performance by the County of Sacramento of all or any municipal functions which may now or hereafter be performed by said county, including municipal functions specifically provided for in this Charter. The city council may abolish the appropriate city departments, offices and employments when such municipal functions are to be provided by the County of Sacramento.

Article II. Powers

Sec. 10 General Powers.

The city shall have the right and power to make and enforce all the laws and regulations in respect to municipal affairs, subject only to the restrictions provided in this Charter; provided that nothing herein shall be construed to prevent or restrict the city from exercising or consenting to, and the city is hereby authorized to exercise, any and all rights, powers and privileges heretofore or hereafter granted or prescribed by the general laws of the state including those specifically applicable to general law cities; provided, also that where the general laws of the state provide a procedure for the carrying out and the enforcement of any rights or powers belonging to the city, said procedure may be followed unless a different procedure is provided or required by the Charter, ordinance or resolution.

It is the intention of the people in adopting this section to take advantage of the provisions of section 5 of article XI of the Constitution of the State of California giving cities Home Rule as to municipal affairs.

Sec. 11 Water supply and meters.

The supply of water for the City of Sacramento for municipal and domestic purposes shall always be owned and controlled as a municipal utility and shall be administered by the city government. No water meters shall ever be attached to residential water service pipes; provided, however, that the city council in its discretion may regulate by meter the charges for water supply of all other water users.

Article III. The City Council

Sec. 20 Powers.

All powers of the city shall be vested in the city council except as otherwise provided in this Charter.

Sec. 21 Composition.

The legislative body of the city shall be a city council of nine members, consisting of the mayor and eight other members. Each council member other than the mayor shall be nominated and elected by the electors of the district in which such person resides as provided in article X.

Sec. 22 Districts.

The city is hereby divided into eight council districts, designed First through Eighth Districts, respectively. Council districts in existence upon

the effective date of this Charter shall continue to exist until altered as provided in section 24. The title of the office of each member of the council other than the mayor shall bear the number accorded the district of such member.

Sec. 23 District standards.

Council districts shall be as nearly equal in population as required under the Federal and State Constitutions. In establishing or changing the boundaries of districts, consideration shall be given to the following factors: topography, geography, cohesiveness, continuity, integrity and compactness of territory, community of interests of the districts, existing neighborhoods and community boundaries.

Sec. 24 Reapportionment of districts.

(a) Within six months after a regular United States census, the city council shall examine the boundaries of each council district for compliance with the population standard set forth in section 23 and by ordinance shall modify the boundaries of districts, if necessary, to bring all district boundaries into compliance with said standard. The term a "regular United States census" shall mean a comprehensive population census which is held at regular intervals prescribed by Congress and produces population data equivalent to that described as "Block Data" in the 1970 decennial census.

(b) For purposes of this section the six-month period shall begin upon the availability of population data equivalent to that described as "Block Data" in the 1970 census.

Sec. 25 Redistricting.

District boundaries may be changed by ordinance, provided that any such revised district boundaries shall comply with the population standard set forth in section 23 except that territory annexed or consolidated with the city shall at the time of such annexation or consolidation be added by ordinance to an adjacent district or districts pending the examination of district boundaries as provided in paragraph (a) of section 24.

Sec. 26 Terms of Office.

Each member of the city council other than the mayor shall serve for a term of four years and until a successor qualifies.

Sec. 27 Qualifications of members.

Each member of the council or candidate therefor, other than for the office of mayor, at the date of candidacy and election or appointment, shall be an elector and a resident in such member's district for not less than 30 days preceding the date of candidacy and election or appointment, as the case may be, and must continue to reside in such district during the term of office, except that no boundary change under section 24 or 25 shall disqualify a member from serving the remainder of the term. The term "elector" means a person who qualifies to vote at either a state election or federal election held in the State of California. "Date of candidacy" shall mean the date of filing nominating papers or equivalent declaration of candidacy.

Sec. 28 Vacancies.

A vacancy on the city council other than the office of the mayor shall be filled by special election to be called by the council as provided in

section 154 of this Charter, unless such vacancy occurs within one year of the next general election at which such office would normally be filled, in which case the vacancy shall be filled by appointment by a majority of the remaining members of the council. A person elected or appointed to fill a vacancy shall hold office for the unexpired term of the former incumbent.

Absence from five consecutive regular meetings of the city council, unless excused by resolution of the council, shall operate to vacate the seat of the mayor or council member so absent.

Sec. 29 Salary.

Each member of the council shall receive as salary the sum of twenty dollars for each council meeting attended; provided, that the total salary of each member of the council shall not exceed one hundred dollars in any one month.

Sec. 30 Rules, quorum and voting.

(a) The city council shall determine its rules of procedure according to rules which it shall adopt.

(b) A majority of the members of the council then in office shall constitute a quorum, except that a lesser number may adjourn from time to time and may compel attendance of absent members in a manner provided by ordinance or resolution.

(c) The city council shall act only by ordinance, resolution or motion. Except as otherwise provided in the Charter, the affirmative vote of five council members of the council shall be necessary to pass any ordinance, resolution or motion. The council shall be a continuing body and no measure pending before such body shall abate or be discontinued by reason of the expiration of the term of office or removal of the members of said body or any of them.

Sec. 31 Meetings.

(a) The city council shall hold regular meetings at such times and places as may be fixed by resolution, except that the council shall meet after 5 p.m. not less than one evening each week.

(b) All meetings of the city council and its committees shall be called and conducted in the manner prescribed by State laws regarding matters of statewide concern which are in effect at the time of the meeting.

Sec. 32 Ordinances.

(a) Every proposed ordinance shall be introduced in writing. The enacting clause of each ordinance enacted by the council shall be "Be it Enacted by the Council of the City of Sacramento." The enacting clause of each ordinance enacted by the initiative or referendum process shall be "Be it Enacted by the People of the City of Sacramento." Each ordinance shall contain a title which shall state in general terms the subject or subjects contained in the ordinance.

(b) Except as otherwise provided elsewhere in this Charter, and with the exception of ordinances which take effect immediately upon adoption, ordinances shall be adopted in compliance with either the procedure set forth in subsection (c) or subsection (d) of this section.

(c) The ordinance shall be first passed by the Council for publication of title. At least six days shall elapse between the date the ordinance was

passed for publication of title and the date it is adopted by the Council. The title of the ordinance shall be published by printing said title in a newspaper of general circulation published within the City designated by the Council as the official newspaper of the City, no later than the third day immediately preceding the date of the adoption of the ordinance. No part of any ordinance, or proposed ordinance, other than its title, need be published.

(d) In lieu of the procedure set forth in subsection (c) of this section, ordinances shall be published in the official newspaper of the City within ten days after adoption by the Council.

(e) Ordinances which take effect immediately upon adoption, may be adopted without compliance with subsections (b), (c) or (d) of this section.

(f) Except as otherwise provided in this Charter, each adopted ordinance shall become effective at the expiration of thirty (30) days after adoption or at any later date specified herein.

(g) The following ordinances shall take effect immediately upon adoption or at such later dates as may be specified therein:

(1) An ordinance calling for or otherwise relating to an election;

(2) An ordinance adopted as and declared by the city council to be an emergency measure, containing a statement of the facts constituting such emergency, if adopted by the affirmative votes of at least six members of the council; provided, that no measure making a grant, renewal or extension of a franchise or other special privilege or regulating the rate to be charged for its service by a public utility, other than one operated by the city, may be so enacted; and

(3) An ordinance adopted pursuant to a state law by virtue of which such ordinance shall be effective immediately.

(h) Nothing contained in this section shall be deemed to require an ordinance when an ordinance is not otherwise required.

Sec. 33 Records.

The city council shall require the city clerk to keep a permanent public record of its proceedings showing all action considered and taken, motions and records, the text of ordinances and resolutions introduced or adopted and all amendments thereto proposed or adopted, and the vote of each council member regarding any matter before the city council or any committee thereof.

Sec. 34 Investigations.

The city council or any duly appointed committee of the members of the council may make investigations into the affairs of the city government and the conduct of any department, office, agency, officer or employee thereof, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails to obey a lawful order issued in the exercise of these powers by the city council or a committee of the council shall be guilty of a misdemeanor and punishable by fine or imprisonment, or both, in such amount and for such time as prescribed by state law for misdemeanors.

Sec. 35 Limitation on future employment.

No member of the council during the term for which such person shall

have been elected or appointed or for one year after such person ceases to hold office, shall be eligible for any appointive office or position in the city, carrying compensation, and created by this Charter, by ordinance or by resolution. An elective office which has been filled by appointment by reason of a vacancy in that office shall not be considered an appointive office under this section.

Article IV. Mayor

Sec. 40 Mayor—Functions.

(a) The presiding officer of the city council shall be the mayor.

(b) The mayor:

(1) Shall be recognized as the official head of the city for the performance of all duties lawfully delegated to the mayor by this Charter, by action of the council or by other laws.

(2) Shall provide leadership within the community in the sense that the mayor shall have the primary, but not exclusive, responsibility of interpreting the policies, programs and needs of city government to the people, and as the occasion requires, may inform the people of any change in policy or program;

(3) Shall have the right but not the exclusive power to make recommendations to the city council on matters of policy and program that require council decisions;

(4) Shall be a member of the city council and shall be entitled to make and second motions on matters before the city council and vote on city council actions, but shall possess no veto power over actions of the city council;

(5) Shall be included within the terms “council” and “city council” used in this Charter unless otherwise expressly provided;

(6) May propose ordinances and resolutions which shall be considered by the city council;

(7) Shall appoint and may remove members of the boards and commissions and advisory agencies in accordance with article XV except as otherwise provided in this Charter;

(8) Shall have and exercise such other powers and duties as provided in this Charter, the laws of the state, and ordinances and resolutions of the city.

Sec. 41 Mayor—Qualifications.

The mayor or candidate therefor, at the date of candidacy and election or appointment, shall be an elector and a resident of the city not less than 30 days prior to the date of candidacy and election or appointment, as the case may be, and shall continue to reside in the city during the term of office. The term “elector” shall have the meaning given in section 27 of article III. “Date of candidacy” shall mean the date of filing nomination papers or equivalent declaration of candidacy.

Sec. 42 Mayor—Election.

The mayor shall be elected from the city at large as provided in section 152 of article X of this Charter.

Sec. 43 Mayor—Term.

The term of office of mayor shall be four years, and until a successor qualifies.

Sec. 44 Mayor—Compensation and expenses.

The compensation and reimbursement of the mayor shall be established as provided in section 29 of article III of this Charter. In addition thereto, the mayor shall be entitled to an annual appropriation in the sum of eighteen hundred dollars (\$1800) for the purposes of entertainment and sundry expenses for which the mayor need furnish no vouchers.

Sec. 45 Vice-Mayor; Mayor Pro Tem.

At the first council meeting in January of each year, the city council shall elect one of its members, other than the mayor, to serve as vice-mayor during the ensuing calendar year.

During any absence of the mayor from the city or a meeting of the city council, the vice-mayor shall be the acting mayor until the mayor returns. In addition, if the mayor becomes incapable of acting as mayor and incapable of delegating duties, or if a vacancy exists in the office of mayor, the vice-mayor shall become the acting mayor.

In the event of the absence, vacancy in office or inability of both the mayor and vice-mayor to perform their duties, the council may appoint one of its members to serve as mayor pro tem. The mayor pro tem shall temporarily act in the capacity of an acting mayor. Any person serving as an acting mayor under this section shall continue to hold office as a member of the city council.

An acting mayor shall possess all powers of the office of mayor and shall be subject to all prescribed duties for such office.

Sec. 46 Mayor—Vacancy.

A vacancy in the office of the mayor shall be filled by special election to be called by the city council as provided in section 154 of this Charter, unless such vacancy occurs within one year of the next general election at which the office of mayor would normally be filled, in which case the vacancy shall be filled by appointment by a majority of the members of the city council then in office. A person elected or appointed to fill a vacancy in the office of mayor shall hold office for the unexpired term of the former incumbent.

Article V. City Manager

Sec. 60 City Manager—Appointment, qualifications and removal.

There shall be a city manager who shall be appointed by the city council. The city manager shall be selected solely on the basis of executive and administrative qualifications. The city manager shall be appointed by and shall serve at the pleasure of the city council.

Sec. 61 Functions.

The city manager shall be the chief executive officer of the city and shall be responsible for the effective administration of the city government. The city manager shall have the power and it shall be the city manager's duty:

- (a) To see that all laws and ordinances are enforced;
- (b) To administer and exercise supervision and control over all offices, departments and services of the city government under the jurisdiction and control of the city manager;
- (c) To act in an advisory capacity to the city council with respect to officials not under the jurisdiction and control of the city manager;

(d) Except as otherwise provided in this Charter, to appoint all heads or directors of departments of the city and all subordinate officers and employees with power to discipline and remove any officer or employee so appointed, subject to the civil service provisions of this Charter; provided, further, that all officers and employees of the city appointed by the city manager who are exempt from the rules and regulations of the civil service board pursuant to Charter section 83 may be suspended or removed at the pleasure of the city manager;

(e) To make such recommendations to the mayor and city council as the city manager shall deem appropriate concerning the operation, affairs and future needs of the city;

(f) To attend all regular and special public meetings of the city council with the right to participate in the discussion of matters pending before the council but without the right to vote on such matters;

(g) To see that all terms or conditions imposed in favor of the city or the people of the city in any contract, franchise, lease or permit are faithfully kept and performed; and upon knowledge of any violation thereof to notify the city council of such violation;

(h) When authorized to do so by the provisions of this Charter or by ordinance or resolution, to execute, on behalf of the city all contracts, franchises, lease or permits or any other document requiring the execution of which is required by an officer of the city;

(i) To keep the city council fully advised as to the operations, financial conditions and needs of the city;

(j) To prepare the annual budget in accordance with Charter section 111;

(k) To perform such other duties consistent with this Charter as may be prescribed by the city council.

Sec. 62 Non-interference with city manager.

No member of the city council shall directly or indirectly coerce or attempt to coerce the city manager relative to the appointment or removal of any city officer or employee which is made by the city manager, but prior to the making of any appointment or removal of any head or director of any department or division of the city, the city manager shall endeavor to advise the city council of his intention to do so.

The city council and its members shall deal solely and directly through the city manager with respect to the part of city government under the direction and supervision of the city manager; provided, that nothing herein shall limit the power of the city council, or members thereof, to do the following:

(a) to conduct investigations as provided in section 34 of this Charter, or

(b) to contact officers and employees of the city for the purpose of inquiry or obtaining information that is a public record, or

(c) to contact officers and employees designated by the city manager for the purpose of advising said officers and employees of citizen complaints relating to the operation of city government.

Sec. 63 Removal of City Manager.

The city manager cannot be removed from office except by a vote of

six members of the city council. The city manager shall not be subject to removal from office within twelve months of the date that the city manager first assumes the duties of office except for incompetence, malfeasance, misfeasance or neglect of duty. If the removal is proposed within the first twelve months, the city manager may demand written charges and a public hearing before the city council prior to the date upon which his removal becomes effective; but the decision of the city council shall be final, conclusive and binding upon the city manager, and pending such hearing the council may suspend the city manager from duty without loss of normal compensation.

Article VI. Other Appointive Officers.

Sec. 70 Appointive officers.

The following other city officers shall be appointed by the city council:

- (a) City Clerk;
- (b) City Attorney;
- (c) City Treasurer; and

(d) Such other officers and employees of its own body as it deems necessary.

Sec. 71 City Clerk.

The city council shall appoint a city clerk who shall have custody of and shall be responsible for the official seal and records of the city. The city clerk shall act as secretary of the city council and all other boards, commissions and agencies of the city. The city council shall prescribe the qualifications, additional duties and compensation of the city clerk. The city clerk shall appoint subject to the civil service provisions of this Charter, such deputies and employees as the council may by resolution prescribe.

Sec. 72 City Attorney.

The city council shall appoint a city attorney and shall prescribe the qualifications, duties and compensation of such officer. The city attorney shall serve as legal counsel to the city government and all officers, departments, boards, commissions and agencies thereof, and shall have such other powers and duties as may be prescribed by state law and by ordinance or resolution of the city council. In situations where the city attorney determines there is a conflict in representation by that office, the city council may authorize the retention of other legal counsel to represent one of the conflicting parties. The city attorney shall appoint all other members of the city attorney's office.

Sec. 73 City Treasurer.

The city treasurer shall be responsible for the deposit and investment of all funds of the city treasury not made subject to the control of others pursuant to this Charter. The city treasurer shall keep the city council fully advised as to the deposit and investment of funds subject to his control. The city council shall prescribe the qualifications, additional duties, and compensation of the city treasurer. The city treasurer shall appoint, subject to the civil service provisions of this Charter, such deputies and employees as the council may by resolution prescribe.

Sec. 74 Mayor's staff.

The mayor shall appoint such members of the mayor's staff, exempt

from the civil service system, as may be provided by resolution. The compensation paid to such staff members shall be fixed by resolution of the council. The mayor's staff shall serve at the pleasure of the mayor.

Sec. 75 Method of suspension and removal of appointive officers and employees.

Every appointive officer appointed by the city council as provided in section 70 of this article may be suspended or removed at the pleasure of the city council.

Sec. 76 Duty to inform council.

Each appointive officer specified in section 70 shall have the duty to promptly and fully inform the city council of any act of misfeasance or malfeasance known to said appointive officer to have been committed by any officer or employee of the city if such act might significantly and adversely affect the finances or operations of the city. The city council, by ordinance or resolution, may further define the procedures and provisions determined to be necessary to implement and operate under this section.

Article VII. Civil Service

Sec. 80 Creation of board.

The civil service board shall consist of five citizens of the city who shall have no connection with city government. The city council shall appoint said board members for five year terms. Board members in office on the effective date of this section shall continue in office during their unexpired terms unless removed as provided by law. Vacancies on the civil service board from whatever cause shall be filled by the city council for the unexpired term.

Sec. 81 Secretary.

The city manager shall appoint a director of personnel who shall serve as secretary of the civil service board. The director of personnel shall act as chief examiner and supervise all examinations, subject to the direction of the board. The director of personnel shall also perform such other duties as are prescribed by this Charter, by the city manager, by the civil service board or by ordinance or resolution of the city council.

Sec. 82 Power to administer oaths.

The secretary of the civil service board and such other employees in the civil service office authorized by the board by order duly entered in the minutes shall have the power and authority to take affidavits and administer oaths in all matters relating to civil service.

Sec. 83 Exemptions and classified service.

The officers and employees of the city who shall be exempt from the rules and regulations of the civil service board shall include:

- (a) Officers directly elected by the people;
- (b) Members of advisory boards and commissions;
- (c) The city manager, and any person or persons employed as assistant city manager, and confidential secretary;
- (d) Those officials of the city government responsible for the operation of a city department or division, along with those persons who may be employed as assistants to such officials; and
- (e) Those employees occupying positions in classes which are filled

only on a part-time, seasonal, or limited term basis.

The city council shall, by resolution, designate those classes of positions, employees in which shall be considered exempt from the rules and regulations of the civil service board, in accordance with the intent and meaning of this section.

Sec. 84 Examinations.

For the purpose of establishing eligible registers from which positions in the classified service shall be filled, it shall be the duty of the civil service board to conduct competitive examinations open to all persons who lawfully may be appointed to any position within the class for which such examinations are held, and who meet the minimum qualifications requisite to the performance of the duties of such position as established by the civil service board.

Positions in the higher classes shall be filled, as far as is practicable and consistent with the best interests of the service, by promotion following competitive tests of employees in lower classes holding permanent civil service status. The civil service board, shall, by rule, establish regulations for promotional eligibility, except that in the police and fire departments, all higher uniform positions in the classified service shall be filled from eligible registers established as a result of promotional examination only, and no such member shall be eligible for promotion to a higher class until that person has served at least three (3) years in such department and that in subsequent promotions the member must have held the rank from which that person is promoted for at least two (2) years.

All officers or employees shall be chosen or promoted, whenever a list of eligibles is furnished by the civil service board, from the three candidates standing highest on the list.

Sec. 85 Preferences.

In all tests and examinations held by the civil service board pursuant to the provisions of this Charter, any person who at the time of taking such test or examination has served in the army, navy, marine corps or revenue marine service of the United States in time of war and who received an honorable discharge therefrom or who, after such service of the United States in time of war, has continued in such service or who has been released from active duty because of disability resulting from such service in time of peace or under other honorable conditions, as such persons are defined by state law in effect at that time and who has attained a percentage qualifying such applicant for any position under civil service regulations, shall be allowed an increase of ten points above the credit such applicant has attained in such examination. Preference under this section does not apply to promotions, or to promotion examinations.

Sec. 86 Record of efficiency.

Success in similar positions in the employ of the city shall be considered in estimating the standing of a candidate and to that end the board shall, wherever feasible, cause to be kept a record of efficiency of all city employees.

Sec. 87 Discriminations.

No person in the classified service or seeking admission thereto shall be appointed, promoted, demoted or discharged or in any way favored or

discriminated against because of political opinions or affiliations or because of race, color or religious belief.

Sec. 88 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 85 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.

Sec. 89 Probations.

Appointment or promotion to office or employment in the classified service shall not be deemed complete until a period of probation has elapsed. The civil service board shall by rule establish a probationary period for each class in the classified service. A probationer may be discharged or reduced at any time within the probationary period and thereupon shall have no right to appeal under section 92 of this Charter.

Sec. 90 Right of appeal.

If discharged after the expiration of said period, the employee so discharged may appeal in accordance with the provisions of section 92 of this Charter.

Sec. 91 Disciplinary power.

The city manager or other official or board in whom is vested disciplinary or removal power shall be allowed full freedom in his or its action on such matters, it being the intent and spirit of this article to provide a fair and honest approach to municipal employment for every inhabitant of the city, but in no sense to handicap or curtail the responsible administrative officer in securing efficient service.

Sec. 92 Power and duties of the civil service board.

(a) It shall be the duty of the civil service board to:

(1) Adopt and maintain the classification plan. The classification plan shall consist of classes of positions in the classified service defined by class specifications, including title, a description of duties and responsibilities and a statement of employment standards to be required of applicants for employment in each class. From time to time as it deems necessary, the board may establish additional classes and divide, combine, alter or abolish existing classes.

Each position in the classified service shall be allocated by the director of personnel to one of the classes established by the plan; provided, that whenever a new or additional position is authorized by the city manager, the director of personnel shall allocate each proposed position to an appropriate existing class or recommend the creation of new class to the civil service board.

When action is taken by the board to establish additional classes or to

divide, combine, alter or abolish existing classes, or upon the reallocation of positions by the director of personnel, the civil service board shall determine the manner in which the incumbents of positions affected shall attain status.

(2) Formulate rules and regulations covering the examination of applicants for positions in the classified service and the promotion of employees in the classified service, including rules for preparation of examination announcement notices, accepting applications, administering examinations, eligibility for promotion, seniority credits, establishing eligible registers and reinstatement lists, certification, appointment, probationary period, and any other matter necessary to the recruitment and selection of employees.

(3) Hear appeals, upon written request from any employee in any city department in the classified service, who may be suspended without pay, demoted, dismissed, or otherwise disciplined by the appointing authority. The board shall define the manner, time, and place by which such appeal shall be heard and the judgment of the board shall be final.

(4) Hear appeals, upon written request, from any employee in any city department in the classified service, with reference to the allocation or reallocation of his position by the director of personnel.

(5) Provide, by rule, for the interpretation and administration of ordinances affecting personnel, when specifically directed to do so by the city council; and to provide, by rule, for the regulation of any other matter pertaining to personnel administration not in contradiction with the provisions of this section.

(b) The board, subject to budgetary approval of the city council, may employ or contract for hearing officers to hear appeals of the actions specified in paragraphs (3) and (4) of subsection (a) of this section and to prepare recommendations for the board. The board may adopt rules and regulations to implement this subsection.

Article VIII. Certain Departmental and Personnel Provisions

Sec. 95 Organization of fire department.

The fire department shall consist of a chief of the department and such other employees as the city council may from time to time prescribe.

Sec. 96 Powers and duties of the fire chief.

The fire chief shall have control, management and direction of all members of the fire department in the lawful exercise of the chief's functions with full power to detail any of the members to such public service as the chief may direct. The chief shall recommend to the city manager members of the force for demotion or dismissal and can suspend and prefer charges against any officer or member.

Sec. 97 Vacancies above the grade of firefighter.

When a vacancy arises in the fire department above the grade of firefighter, the chief of the fire department may, with the approval of the city manager, assign a member of the department from the next lower rank to fill the position until such time as the absent member shall return or the vacancy be filled by appointment. The member so assigned shall, during the member's incumbency, receive the salary attached to the position thus

temporarily held.

Sec. 98 Firefighters.

No member of the fire department shall be allowed, without the consent of the city council, to receive any money, gratuity or compensation for any service rendered as a firefighter.

The members of the fire department shall not engage in any other employment, work, profession, business or enterprise that is inconsistent, incompatible, in conflict with, or adversely affects the performance of their duties as firefighters, or that is inimical to the most effective performance of the mission of the Sacramento Fire Department or the best interest of the city.

The city council shall have the exclusive and non-delegable authority and duty to define, interpret and implement the terms of this section by resolution and such definition and interpretation shall be final and conclusive. The process and procedure followed by the city council in so defining, interpreting and implementing this section shall be by unilateral legislative action not subject to and expressly excluded from any meeting and conferring procedure with employee organizational representatives that is or may be provided for under any other law. In the event a court or administrative body of competent jurisdiction renders a final judgment or order invalidating this paragraph or any part thereof then the terms and provisions of this section as hereinabove provided shall be null and void and this section shall thereupon on the effective date of such final judgement or order and thereafter read as follows:

No member of the fire department shall be allowed, without the consent of the city council, to receive any money, gratuity or compensation for any service rendered as a firefighter. The members of the fire department shall not follow any other profession, calling or business, but shall devote their entire time to the performance of their duties, nor shall they be allowed pay for any period during which they shall absent themselves from public duty, except as in this Charter provided.

Sec. 99 Organization of police department.

The police department shall consist of a chief of police, a police force and all such other officers, clerks, employees and attachés as the city council may from time to time prescribe.

Sec. 100 Powers and duties of the chief of police.

The chief of police shall have control, management and direction of all members of the police department in the lawful exercise of the chief's functions with full power to detail any of the members to such public service as the chief may direct. The chief shall recommend to the city manager members of the force for demotion or dismissal and can suspend and prefer charges against any officer or member.

Sec. 101 Vacancies above the grade of police officer.

When a vacancy arises in the police department above the grade of police officer, the chief of the police department may, with the approval of the city manager, assign a member of the department from the next lower rank to fill the position until such time as the absent member shall return or the vacancy be filled by appointment. The member so assigned shall, during the member's incumbency, receive the salary attached to the

position thus temporarily held.

Sec. 102 Police officers.

It shall be the duty of each member of the police force to be acquainted with the provisions of this Charter, with all ordinances of the city and with all laws of the state defining public offenses and regulating criminal proceedings.

No member of the police force shall be allowed to receive, without the consent of the city council, any money, gratuity or compensation for any service rendered as an officer.

The members of the police force shall not engage in any other employment, work, profession, business or enterprise that is inconsistent, incompatible, in conflict with, or adversely affects the performance of their duties as police officers, or that is inimical to the most effective performance of the mission of the Sacramento Police Department or the best interests of the city.

The city council shall have the exclusive and non-delegable authority and duty to define, interpret and implement the terms of this section by resolution and such definition and interpretation shall be final and conclusive. The process and procedure followed by the city council in so defining, interpreting and implementing this section shall be by unilateral legislative action not subject to and expressly excluded from any meeting and conferring procedure with employee organizational representatives that is or may be provided for under other law. In the event a court or administrative body of competent jurisdiction renders a final judgment or order invalidating this paragraph or any part thereof then the terms and provisions of this section as hereinabove provided shall be null and void and this section shall thereupon on the effective date of such final judgment or order and thereafter read as follows:

No member of the police force shall be allowed to receive, without the consent of the city council, any money, gratuity or compensation for any service rendered as an officer except rewards which have been publicly offered for the apprehension and conviction of criminals. The members of the police force shall not follow any other profession, calling or business, but shall devote their entire time to the performance of their official duties, nor shall they be allowed pay for any period during which they shall absent themselves from public duty, except as in this Charter provided. It shall be the duty of each member of the police force to become acquainted with the provisions of this Charter, with all ordinances of the city and with all laws of the state defining public offenses and regulating criminal proceedings.

Sec. 103 Salaries of employees.

The annual compensation of the employees of the city shall be fixed by resolution of the city council. All salaries shall be paid not less frequently than semimonthly and shall be in full compensation for all duties and services performed by such employees of the city.

Sec. 104 Number of employees.

The city council by resolution shall fix the number of employees to be employed, from time to time, in the offices, departments and divisions of the city.

Sec. 105 Rewards.

The city council may, on notice from the city manager, reward any city employee for conduct which is heroic or meritorious. The form or amount of such reward shall be discretionary with the city council, but shall not exceed in any one instance one month's salary.

Sec. 106 Vacancies in certain cases.

If any employee of the city shall be convicted of a felony or malfeasance in office or be absent for one month from the city without leave, that office shall immediately become vacant, and the vacancy shall be filled as in this Charter provided.

Sec. 107 Vacations.

All employees of the City of Sacramento shall be entitled to vacation allowances on the following basis:

(a) During the first calendar year of employment, and after the completion of at least six (6) months of service, employees shall be entitled to a vacation allowance on a pro-rata basis of ten (10) working days per year for the number of months worked prior to the beginning of the first calendar year.

(b) Upon the completion of one calendar year and continuing thereafter through the fifth calendar year of employment, all employees shall be entitled to a vacation allowance of ten (10) working days per year.

(c) Upon the completion of five calendar years and continuing thereafter through the fifteenth calendar year of employment, all employees shall be entitled to a vacation allowance of fifteen (15) working days per year.

(d) Upon the completion of fifteen calendar years of employment and continuing thereafter, all employees shall be entitled to a vacation allowance of twenty (20) working days per year; provided, further, that such employees so qualified to receive twenty (20) working days of yearly vacation allowance shall have the option, to be exercised not later than the first day of December in each year, to receive pro-rata payment for five (5) days of such vacation in lieu of using such five (5) days for vacation purposes.

For the purpose of this section, the first calendar year shall be considered to be the period between January 1 and December 31 next following the employee's original date of appointment. For the purpose of computing vacation time, each employee shall be considered to work not more than five (5) days each week. Vacation time shall not be earned when an employee is absent from duty without pay, except that there shall be no reduction in the yearly vacation allowance if such time absent from duty without pay does not exceed ten (10) days per year.

Upon termination of employment for any reason, after completion of at least six (6) months of service, an employee entitled to receive vacation allowance shall be paid in a lump sum for all unused accumulated vacation time. All vacation shall be taken at such time as the executive head of the department in which such officer or employee may be serving shall direct.

Any city employee in the Reserve Corps, Naval Reserve, Marine Corps, or National Guard of the United States Army and Navy, when called for the annual period of intensive training, shall be permitted to participate therein and shall not suffer loss of pay through such absence nor shall such

period devoted to said training be construed as the annual vacation of such employee but said employee shall have in addition thereto, the usual vacation period or pay allotted to city employees.

The civil service board shall by rule define and interpret the terms of this section and such definition and interpretation shall be conclusive; shall by rule provide for the regulation and accumulation of vacations; shall by rule define those categories of temporary employment in which employees shall not be entitled to earn vacation allowance; and shall by rule provide for the method of computation of accumulated or unused vacation allowance for employees leaving city service.

Sec. 108 Longevity pay.

All regular full-time employees of the City of Sacramento, meeting such requirements as may be established by the city council to carry out the provisions of this section, shall be entitled to receive longevity pay on the following basis:

(a) Upon completion of twenty (20) years of service, an employee shall receive yearly thereafter a lump sum of \$100 in addition to said employee's regular compensation; said amount to be paid during the month of July of each year next succeeding the completion of said twenty (20) years of service; and

(b) Upon completion of twenty-five (25) years of service, an employee shall receive yearly thereafter a lump sum of \$200 in addition to said employee's regular compensation and in addition to the longevity allowance described in paragraph (a) preceding, said amount to be paid during the month of July of each year next succeeding the completion of said twenty-five (25) years of service.

No deductions for retirement system contributions shall be made from any amount paid to an employee for longevity, and such longevity pay shall be excluded from an employee's earnings when computing retirement allowances.

The city council shall, by ordinance, adopt rules and regulations for employee eligibility and administration of the provisions of this section.

Sec. 109 Employee defined.

As used in this Article, the term "employee" shall include any officer of the city other than the mayor, members of the council and appointive members of city boards and commissions.

Article IX. Fiscal Administration

Sec. 110 Fiscal year.

The fiscal year for the city shall be determined by ordinance enacted by the city council.

Sec. 111 Budget.

Each department, office and agency of the city shall provide in the form and at the time directed by the city manager all information required by the city manager to develop a budget conforming to modern budget practices and procedures as well as specific information which may be prescribed by the council. Not later than 60 days prior to the commencement of each fiscal year or such greater period as the council may prescribe, the city manager shall prepare and present to the city council, in

such form and manner as it may prescribe, budget recommendations for the next succeeding fiscal year. Following public budget hearing, the city council shall adopt by resolution a budget of proposed expenditures and appropriations necessary therefor for the ensuing year, failing which the appropriations for current operations of the last fiscal year shall be deemed effective until the new budget and appropriation measures are adopted. The budget may be amended during the fiscal year in accordance with the procedure established by the council.

Sec. 112 Levy of property tax.

Not later than the date set by state law for this purpose, the city council shall by resolution fix the rate of property tax to be levied and levy the tax upon all taxable property in the city. Such rate shall be adequate to meet all obligations of the city for the fiscal year, taking into account estimated revenue from all other sources. Should the city council fail to fix the rate and levy taxes within the time prescribed, the rate for the last preceding fiscal year shall thereupon be automatically effective, and a tax at such rate shall be levied upon all taxable property in the city for the current fiscal year.

Sec. 113 Cash pool operations.

Municipal obligations may be financed by cash pool operations and utilization of a warrant or check system. Except for those funds restricted by bond indentures, state or federal law, other sections of this Charter or specific conditions of the legislation creating them, temporary transfers between funds are permitted.

Sec. 114 Funds.

The city council shall create, reduce or eliminate such funds as are required for proper accounting and fiscal management, or required as a condition of receiving funds from any other government, or to fulfill any bonded or other contractual obligation of the city.

Sec. 115 Accounting system.

The city manager shall establish and maintain a system of financial procedures, accounts and controls for the city government and each of its departments, offices and agencies which shall conform to generally accepted principles of accounting which shall be adequate to account for all monies on hand and for all income and expenditures in such detail as will provide complete and informative data concerning the financial affairs of the city and as will be readily susceptible to audit and review.

Sec. 116 Receipts and expenditures.

All monies received by the city shall be deposited in the city treasury, and no monies shall be disbursed from the treasury without the approval of the city manager or of another officer duly authorized by him. No expenditure of city funds shall be made except for the purposes and in the manner specified by an appropriation of the city council; nor shall any disbursement be made unless obligations are properly supported by accounting evidence, sufficient money is available in the city treasury and there is an adequate unencumbered appropriation balance in the proper account classification.

Sec. 117 Annual audit.

The city manager upon approval of the city council shall engage each

year an independent certified public accountant who shall examine and report to the council on the annual financial statement of the city. The accountant shall have free access to the books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds, and of such other officers, employees, or departments as the city council may direct. The accountant shall submit an audit as soon as practicable after the closing of the books for the fiscal year for which he is engaged. Copies of such audit reports shall be filed with the city council, and shall be available for public inspection and review.

Sec. 118 Official Bonds

The city council shall determine by ordinance which officers and employees shall be subject to group or individual bonds to insure the faithful performance of official duties, shall fix the amount of such bonds and shall provide payment of the premium of such bonds by the city.

Sec. 119 Revenue bonds.

The city council may issue revenue bonds for any lawful purpose in such manner and upon such terms and conditions as it may fix and establish by the provisions of a procedural ordinance.

Article X. Elections

Sec. 150 Election code.

The city council shall adopt an election code ordinance, providing an adequate and complete procedure to govern city elections, including the nomination of candidates for all elective offices. All elections provided for by this Charter, for choice of officers, shall be conducted in the manner prescribed by said election code ordinance or as said code is hereafter amended.

Sec. 151 Nominations.

Nominations of candidates for all elective offices shall be made in the manner prescribed by the election code ordinance.

Sec. 152 Elections.

(a) The general city election shall be held on the first Tuesday after the first Monday in November of each odd-numbered year, and the primary city election shall be held on the sixth Tuesday before the date of the general city election of the same year, or, if either of these days falls on a legal holiday other than an election holiday, then the election shall be held on the next succeeding day which is not a legal holiday. All other elections which may be held under this Charter shall be known as special elections.

(b) At the primary election, there shall be chosen by the voters of each council district with a council member whose term expires at the end of or during the same year as the election, two candidates for the office of council member from that district. When the term of office of mayor expires at the end of or during the same year as the election, there shall be chosen by the voters of the entire city at the primary election two candidates to fill the office of mayor. Notwithstanding any other provision in this Charter to the contrary, in the event that any candidate for nomination to the office of council member or the mayor shall receive a majority of the votes cast for all the candidates for nomination for such seat or office

at such primary election, the candidates so receiving such majority of all votes shall be deemed to be, and declared by the city council to be, elected to such office.

(c) At the general election, the voters of each council district in which a primary election was held shall select from among the two candidates chosen at the primary election in each district one candidate to succeed to the office of the council member whose term expires at the end of or during the same year as the election.

Sec. 153 Taking office.

All elected officials shall take office the third Tuesday following the first Monday in the month of November in the year of their election, and their terms of office shall commence on said date.

Sec. 154 Special elections to fill vacant offices.

A special election to fill a vacancy in office of the mayor or council member shall be called by the city council as soon as said vacancy occurs, but in no event later than 14 days following the date upon which said vacancy occurs.

The special election to fill said vacant office shall be held on the next regular election date following the date upon which said election is called at which time permits said election to be lawfully held, or at an earlier date as may be fixed by the city council. The candidate receiving the greatest vote in said election shall be elected to fill said vacant office.

As used in this section, the term "regular election date" means the primary municipal election date for council elections and any election date specified in section 2500 of the Elections Code of the State of California as the same now reads or may be hereafter amended.

Sec. 155 Application of general law.

Unless otherwise provided for by ordinances hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code and Government Code of the State of California, as the same now exist or may be hereafter amended, for the holding of elections in cities, insofar as the same are not in conflict with this Charter.

Article XI. Initiative, Referendum, Recall

Sec. 160 General.

The powers of the initiative, referendum and the recall of elected municipal officers are hereby reserved to the electors of the city. The provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, governing the initiative and referendum and the recall of municipal officers in cities shall be applicable insofar as the same are not in conflict with this Charter; provided, however, that the number of signatures which shall be required for the exercise of the power of initiative shall be as provided in section 161.

Sec. 161 Initiative.

To initiate proceedings for the exercise of the power of the initiative, either of the following provisions shall apply as is applicable:

(a) If the petition is signed by duly qualified electors of the city equal in number to at least fifteen percent (15%) of the registered voters of the city, and contains a request that the proposed ordinance be submitted

immediately to a vote of the people at a special election, the city council shall either adopt said ordinance within fifteen (15) days after it is presented to the city council by the city clerk, or immediately call a special election at which the ordinance, without alteration, shall be submitted to a vote of the voters of the city.

(b) If the petition is signed by duly qualified electors of the city equal in number to at least ten percent (10%) of the registered voters of the city, and the ordinance petitioned for is not required by subsection (a) to be, or for any reason is not, submitted to the voters at a special election, and is not adopted without alteration by the city council, then the proposed ordinance, without alteration, shall be submitted by the city council to the voters at the next primary or general municipal election at which said proposition may appear regularly on the ballot or at the next statewide primary or general election into which a special city election may be lawfully consolidated, whichever is the first to occur.

(c) The total number of registered voters of the city shall be determined according to the county clerk's last official report of registration to the Secretary of State.

Sec. 162 Referendum.

All ordinances which may be passed by the city council shall be subject to referendum, whenever the use of the initiative or referendum is permitted by state law applicable to cities.

Sec. 163 Recall.

The holder of any elective office may be recalled, in the manner provided by state law applicable to cities, by the electors after such person has held office six months.

Sec. 164 Elections code.

The city council may include procedural provisions in the elections code ordinance consistent with this article.

Article XII. Board of Education

Sec. 170 Organization.

The government of the Sacramento City Unified School District shall be vested in a board of education consisting of seven members who shall be nominated and elected from the district at large. Except as otherwise provided herein, the board of education shall be elected in accordance with, shall possess the powers prescribed by and shall be subject to the limitations contained in article IX of this Charter, as said article read on June 7, 1976.

Sec. 171 Elections; compensation; vacancies; resident requirements; terms of office.

(a) The members of the board of education shall be elected for a term of four years, three to be elected at a regular election and four to be elected at the next regular election. Each member of the board shall receive the sum of \$20 00 per meeting attended not to exceed the sum of \$100.00 per month.

(b) Vacancies in the board of education from whatever cause shall be filled by the remaining members of the board of education for the remainder of the unexpired term. If the remaining members fail to agree, the

vacancy shall be filled as provided by general law.

(c) Members of the board shall be residents of the Sacramento City Unified School District.

Sec. 172 Qualification.

Candidates for election to the board of education shall be qualified electors of the district at the time of the filing of their nomination papers.

Sec. 173 Election by general laws.

On or after January 1, 1980, all other provisions of this article shall have no force and effect and the election, term of office, qualification and compensation of the board of education of the Sacramento City Unified School District shall be governed by the Education Code and general laws of the state of California.

Article XIII. Franchises, Licenses, Permits, Leases and Sales

Sec. 180 Franchises, licenses, permits.

The city council shall have authority to grant or issue franchises, licenses and permits for the transaction of business of the providing of services, or for the use of public streets or other public places. The city council shall provide by ordinance uniform procedures for the granting or issuing thereof, the taxes, charges, fees or other compensation to be paid therefor and the penalties for the violation thereof.

Sec. 181 Leases, sales.

The city council shall have authority to lease or sell real and personal property owned or controlled by the city in accordance with such uniform procedure as it shall adopt by ordinance, provided, however, that no lease of real property shall be for a term in excess of 55 years or for such longer term as may be allowed by general state law.

Sec. 182 Right to acquire.

No franchise grant shall be construed to impair or affect the right of the city, acting pursuant to law, to acquire the property of the grantee either by purchase or through the exercise of the right of eminent domain.

Article XIV. Public Contracts and Supplies

Sec. 200 Ordinance governing purchasing and contracts—Duty of chief administrative officer or representative.

The city manager, or his designated representatives, shall purchase, or contract for the purchase of, goods, equipment, materials, supplies, services, or for the undertaking of any public project in the manner prescribed by ordinance enacted by the city council, except as otherwise provided herein.

Sec. 201 Same—Requirements of competitive bidding for public projects.

Any ordinance adopted to implement section 200 of this article shall provide, in the case of a contract for the undertaking of any public project, where the amount therefor equals or exceeds \$5,000, that said contract will be open to competitive bidding and that the procedures for such bidding shall include the public advertisement thereof and an award to the lowest responsible bidder.

Sec. 202 Same—Requirements of competitive bidding for supplies, etc.

Any ordinance adopted to implement section 200 of this article shall provide, in the case of any purchase or contract for goods, equipment, materials and supplies, except materials and supplies as defined in Section 204 of this article, where the amount therefor equals or exceeds ten thousand dollars (\$10,000.00) or the amount set by state statute for general law cities, whichever amount is greater, that said purchase or contract will be open to competitive bidding, and that the procedures for such bidding shall include the public advertisement thereof and an award to the lowest responsible bidder.

Sec. 203 Same—Rights of city council.

Notwithstanding any provision of this article to the contrary, the council may do any of the following: reject any and all bids received for any purchase or contract; readvertise for new bids after such rejection; provide for the suspension of competitive bidding for any contract or purchase upon a finding by a two-thirds ($\frac{2}{3}$) vote that such action is in the best interests of the city; provided that any work required by the city may be performed by city employees.

Sec. 204 Same—Public project defined.

As used in this article, public project means:

(a) A project for the erection, improvement, and remodeling of public buildings and works.

(b) Work in or about streams, bays, water fronts, embankments, or other work for protection against overflow.

(c) Street, sewer or water work except maintenance or repair.

(d) Furnishing supplies or materials for any such project.

Sec. 205. Same—Competitive bidding under state law.

The provisions of this article shall not apply to any contract entered into pursuant to or under any special assessment proceeding wherein competitive bidding proceedings are specified by laws of the State of California.

Article XV. Boards, Commissions and Agencies

Sec. 230 Boards and Commissions—Creation and appointments.

The city council shall provide by ordinance for such boards and commissions as may be required by law or deemed desirable, shall prescribe their functions, and may prescribe qualifications and conditions of service on such boards and commissions, including compensation and reimbursement for expenses, terms of office, method of appointment and removal. Except as otherwise expressly provided in this Charter, the mayor shall appoint all members of boards and commissions, subject to the concurrence of a majority of the city council.

Sec. 231 Functions of boards and commissions.

Except as otherwise provided in this Charter, the authority and functions of boards and commissions shall be specified by ordinance or resolution, consistent with applicable federal and state law.

Sec. 232 Removal of members of boards and commissions.

For good cause, neglect of duty or misconduct in office, a member of a city board or commission who has been appointed for a specified term by the city council or by the mayor with the approval of the city council, may be removed from office during such term by the city council. Such

member may be removed only after such member has been given a copy of the charges against such member at least ten days prior to a hearing to be held on the charges. At the hearing the member shall have an opportunity to be heard in person or by counsel.

Article XVI. Miscellaneous Provisions

Sec. 250 Continuing provisions of former charter.

(a) The city council shall adopt ordinances to continue in effect, without substantial modification, the following provisions of the Charter of the City of Sacramento as the same existed on the date immediately preceding the adoption of this article:

Section 264. E. B. Crocker Art Gallery.

Section 265. Ann Land Memorial Fund.

Section 266. William Land Park Fund.

(b) Ordinances required to be adopted under this section shall be adopted as soon as possible on or immediately following the effective date of this article.

(c) Ordinances required to be adopted under this section may be amended from time to time to conform same to any order or judgment of a court of competent jurisdiction.

(d) Except as otherwise provided herein, ordinances adopted under this section shall continue in full force and effect unless repealed or amended by ordinance submitted to and approved by the electorate of the city.

Sec. 251 Conflicts of interest.

The city council by ordinance shall adopt regulations as the council, in its sole discretion determines to be appropriate, governing conflicts of interest applicable to city officers and employees, members of boards and commissions, and elected officials and candidates for elective office of the city. The council shall not be required to negotiate or meet and confer with officers, employees or employee organizations regarding the adoption of such regulations.

Sec. 252 Severability.

If any provision of this Charter, or the application thereof to any person or circumstances is held invalid, the remainder of this Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Sec. 253 Injury in performance of duty.

Except as hereinafter provided, any city employee who is disabled, whether temporarily or permanently, by injury or illness arising out of and in the course of his duties, shall be entitled to such medical, surgical, and hospital treatment, including nursing, medicines and medical and surgical supplies and apparatus as may be required on account of such injury or illness, the same to be provided by the city. Such employee shall become entitled during the period of such temporary disability, regardless of his period of service with the city, to leave of absence while so disabled without loss of salary, in lieu of temporary disability payments, if any, which would be payable under Division 4 of the Labor Code of the State of California, for the period of such disability, but not exceeding one year,

or until such earlier date as he is retired upon a retirement allowance. Compensation and benefits payable to or on behalf of the employee under this section, shall be reduced, in the manner fixed by the city council, by the amount of any compensation and benefits payable to or on behalf of said employee under Division 4 of the Labor Code of the State of California. Compensation and benefits paid under this section shall be considered as in lieu of compensation and benefits payable to or on account of said employee under said state law and shall be in satisfaction and discharge of the obligation of the city to pay such compensation and benefits under such state law. The benefits provided in this section shall be limited to full-time officers and employees of the city and, except as provided herein, shall not be extended to persons employed by the city on a seasonal, limited-term, part-time or substitute basis, or elective officers or appointive members of city boards and commissions. The city council, by ordinance enacted by two-thirds of all members thereof, may permit employees of the city, other than full-time officers and employees of the city, to receive all or a portion of the compensation and benefits provided to full-time officers and employees by the provisions of this section.

Sec. 254 Effective date.

All amendments to this Charter contained within the ballot proposition which approved the enactment of this article shall take effect on January 1, 1978, except as otherwise expressly provided in this Charter. The term "effective date" as used in this article shall mean January 1, 1978, and the term "this Charter" as used in this article shall mean the city charter, as amended on the effective date.

Article XXIX (Sacramento City Employees Retirement System) is renumbered to be Article XVII of said charter.

Section 379 of said Article XVII is amended to read as follows:

Sec. 379 Cost-of-living adjustment.

The city council shall enact an ordinance or ordinances prescribing the conditions according to which, as of July 1 of each year, every monthly allowance payable to or on account of a member of this system whose retirement or death as a member of this system occurred prior to July 1 of the preceding year shall be increased or decreased by a percentage of the allowance then being received. Such percentage shall approximate, to the nearest one-tenth of one percent, the percentage of annual increase or decrease, if any, in the cost of living during the whole of the preceding calendar year by reference to the current U.S. Department of Labor, Bureau of Labor Statistics' Consumer Price Index for the San Francisco-Oakland area (or the Sacramento area, in the event the Index is established for the Sacramento area), for the whole of the preceding calendar year; provided that such increase or decrease shall not exceed three percent of any allowance in any year, regardless of the percentage of change in cost of living; and provided further that no allowance shall be reduced below the amount payable at death or retirement. The amount of any monthly allowance payable to a survivor or beneficiary upon death of a retired person shall be the amount which would be payable as of the date of death had payment of such allowance begun on the date of retirement, and shall thereafter be adjusted in accordance with this section.

The amount of any cost of living increase or decrease in any year which is in excess of the maximum annual allowance adjustment of three percent provided in this section shall be accumulated from year to year and included in the computation of increases or decreases in succeeding years. The provisions of this paragraph shall be applied to the allowance of individual beneficiaries by classes based upon the fiscal year in which the member retired or died, so that each allowance shall have applied to it only such increase or decrease as shall have accumulated during or after the fiscal year in which the member retired or died. No allowance shall be reduced by operation of this section below the amount payable at the time of retirement.

Increases in allowances payable pursuant to this section shall be funded by contributions of the members subject to this section and contributions of the city. The individual member's contribution shall be at the rate of 6.7% of his contributions (excluding additional contributions under section 404). The city's contribution shall be determined by the board in accordance with its funding policy in section 385 at a rate required to fund the cost of increases under this section and former Charter section 354 not provided by member contributions. The board shall provide for transfer to members' accounts under this section of the portion of accumulated contributions under former Charter section 354 which were made by members thereunder becoming subject to this section.

The council shall afford any member of this system who is in the employ of the city on the effective date of the ordinance or ordinances enacted pursuant to this section who is not a member of Section 399 Plan the right to elect to receive the benefits provided by former Charter section 354 in the manner provided therein. The council shall prescribe procedures for the exercise of such election by any such member by making an individual affirmative irrevocable election to continue to receive the benefits provided by former Charter section 354 rather than to receive the benefits provided by this section. The council shall provide a thirty (30) day period for the making of said election.

The council shall provide by ordinance for the continuation of benefits provided by former Charter section 354 for members of this system who make said election. The provisions of said ordinance shall substantially conform to the provisions of former Charter section 175.29; provided, however, that in fixing the rates for member contributions the board shall assume that all persons who are members of this system or are members of PERS and are in the employ of the city would continue to make contributions and receive benefits under former Charter section 354.

Certified to be a true copy by Phillip L. Isenberg, Mayor, and Lorraine Magana, City Clerk.

Date of municipal election: September 27, 1977.