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APPENDIX

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

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

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## Charter Chapter 1—City of San Diego

*Amendments to the Charter of the City of San Diego*

[Filed with Secretary of State January 20, 1978 ]

Section 113 of Article VII of the Charter is amended to read as follows:  
Section 113. Official Advertising.

All official advertising of The City of San Diego shall be done by contract. In June of each odd numbered year the Purchasing Agent must publish a notice in a daily newspaper of said City for ten days calling for proposals to do all the advertising of said City.

The bidder must be the responsible publisher of a newspaper in said City having a bona fide daily circulation and which has been regularly published in said City for at least two years immediately preceding his bid. The award of said advertising shall in all cases be made to the lowest responsible bidder. The newspaper to which the award of advertising is made shall be known and designated as the "City Official Newspaper." "Official advertising," within the meaning of this section shall include only such advertising as shall be required to be published by law.

Section 26 of Article V of the Charter is amended to read as follows:

Section 26. Administrative Code.

The existing Departments, Divisions and Boards and existing Offices of the City Government are hereby continued unless changed by the provisions of this Charter or by ordinance of the Council. The Council shall by ordinance, by majority vote, adopt an administrative code providing for the detailed powers and duties of the administrative offices and departments of the City Government, based upon the provisions of this Charter. Thereafter except as established by the provisions of this Charter, the Council may change, abolish, combine, and rearrange the departments, divisions and boards of the City Government provided for in said administrative code, but such ordinance creating, combining, abolishing or decreasing the powers of any department, division or board shall require a vote of two-thirds of the members elected to the Council. The Council may by ordinance, if authorized so to do by the general law of the State, provide that any function of the City may be performed by the County or that any function of the County may be performed by the City, provided the respective legislative bodies authorize and approve such transfer and assumption of function. There may also be established a combined City and County district for the performance of any function.

Section 110 of Article VII of the Charter is amended to read as follows:

Section 110. Claims Against the City.

Whenever it is claimed that The City of San Diego is liable to any person because of injuries suffered by such person, either to person or property, because of negligence of the City or its officers, a verified claim for damages shall be presented in writing and filed with the designated City official of The City of San Diego within one hundred (100) days after the occurrence giving rise to the claim for damages.

Whenever it is claimed that The City of San Diego is obligated to pay money to any person because of contract or by virtue of operation of law,

a demand or claim for such money shall be presented in writing and filed with the Auditor and Comptroller of The City of San Diego within one hundred (100) days after the last item of the account or claim has accrued.

Each claim for damages because of tort shall specify the name and address of the claimant, the date and place of the accident and the extent of the injuries or damages received.

Each claim or demand for money due because of contract or operation of law shall specify the name and address of the claimant, a brief description of the contract or a brief recital of the facts giving rise to the obligation of the City imposed by law.

The time limit of one hundred (100) days shall not begin to run against a claimant whose claim or demand for money due is because of operation of law until such claimant shall have actual notice of the existence of such claim.

No suit shall be brought on any claim for money or damages against The City of San Diego until a demand for the same has been presented, as herein provided.

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

Section 30. Removal of Unclassified Officers and Employees.

Officers and employees in the unclassified service appointed by the Manager or other appointing authority not under control of the Manager may be removed by such appointing authority at any time.

Appropriate rules and regulations shall be promulgated to establish procedures as may be necessary by which the dismissal provided for in this article shall be processed and effectuated.

Nothing contained herein shall be construed as in any way limiting the authority and power of the Manager or such other appointing authority not under the control of the Manager to remove any such unclassified officer or employee appointed or employed by them and any order effecting said removal shall be final and conclusive.

Section 70 of Article VII of the Charter is amended to read as follows:

Section 70. Power to Fix Salaries.

The Council shall have the power to fix salaries of the City Manager, the City Clerk, the City Treasurer, the City Auditor and Comptroller, and all other officers under its jurisdiction. All members of Commissions shall serve without compensation except where otherwise provided by State law or this Charter. Except as otherwise provided by law, the City Manager and other departmental heads outside of the departments under control of the City Manager shall have power to recommend salaries and wages subject to the personnel classification determined by the Civil Service Commission, of all other officers and employees within the total amount contained in the Annual Appropriation Ordinance for personal service in each of the several departments of the City Government. All increases and decreases of salary or wages of officers and employees shall be determined at the time of the preparation and adoption of the budget, and no such increase or decrease shall be effective prior to the fiscal year for which the budget is adopted; provided, however, that if during any fiscal year, the Council should find and determine that because of a significant change in living costs, the salaries and wages fixed for such fiscal year



are not comparable to the level of other salaries and wages of other public or private employments for comparable services and as a result, the best interests of the City are not being protected or are in jeopardy, said Legislative Body, upon recommendation of the Manager or other department head, and if funds are available, may revise such salary and wage schedules to the extent necessary to protect the City's interests.

Section 130 of Article VIII of the Charter is amended to read as follows:

Section 130. Compensation Established.

The Council shall by ordinance, prior to the beginning of each fiscal year, establish a schedule of compensation for officers and employees in the Classified Service, which shall establish a minimum and maximum for any grade and provide uniform compensation for like service. It shall be the duty of the Civil Service Commission to prepare and furnish to the Council, prior to the adoption of said ordinance, a report identifying classifications of employees in the Classified Service which merit special salary consideration because of recruitment or retention problems, changes in duties or responsibilities, or other special factors the Commission deems appropriate. An increase in compensation, within the limits provided for any grade, may be granted at any time by the City Manager or other appointing authority upon the basis of efficiency and seniority record, after having first received the approval of the Civil Service Commission therefor.

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

Date of municipal election: November 8, 1977.

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## Charter Chapter 2—City of Torrance

### *Amendments to the Charter of the City of Torrance*

[Filed with Secretary of State March 27, 1978]

Section 621 is added to the City Charter to read as follows:

Section 621. Special Powers and Duties of the Clerk.

a) The City Clerk shall keep at least one (1) original copy of each contract and conveyance executed or accepted by direction of the City Council. Said documents shall be kept in a secure manner and sufficiently indexed to enable a person readily to ascertain matters contained therein.

b) The City Clerk shall maintain a central records system for storage of all records of the various city departments referred by the various departments and the public. Said documents may be retained either in their original state or as photographed, microphotographed, or reproduced on film in a form approved for permanent photographic records by state law. Said documents shall be sufficiently indexed to enable a person readily to ascertain matters contained therein.

c) The City Clerk shall supervise all micrographic or other record reproduction functions pertaining to city records retention under his control.

d) The City Clerk, subject to the provisions of Section 500 of this Charter, shall conduct all municipal elections as shall be required by law, and shall keep and maintain the necessary records and facilities for registering voters, administering oaths of office, and accepting the filing of election and campaign documents in accordance with law.

e) The City Clerk shall be the agent for service of legal process on the City of Torrance.

f) The City Clerk shall conduct openings of bids for public works projects undertaken by the City.

g) The City Clerk shall acknowledge the execution of all instruments executed by the City that are required to be acknowledged.

h) The City Clerk shall have such other powers and perform such other duties not otherwise delegated or in conflict with this Charter as may be assigned by the City Council.

i) The City Clerk may delegate and/or redelegate the performance of any of the foregoing duties among employees of the Clerk's office.

j) The City Clerk, or Deputy City Clerks may attest the signatures of City officials on written contracts or conveyances.

Section 610 of the City Charter is amended to read as follows:

Section 610. The Mayor.

The Mayor shall preside at the meetings of the City Council, and in case of his absence or inability to act, the City Council shall appoint a Mayor Pro Tempore, who shall serve only until such time as the Mayor returns and is able to act, and for such period shall have all the powers and duties of the Mayor. The Mayor shall be a member of the City Council for all purposes and shall have all the rights, powers and duties of a member of the City Council in addition to those powers and duties conferred upon him by virtue of his office as Mayor. Unless otherwise expressly provided to the contrary, any provision in this Charter which relates to the City Council or to members of the City Council shall be interpreted to include the Mayor as a member of the City Council. The Mayor shall sign all warrants drawn on the City Treasury, and shall sign all written contracts required by ordinance to be approved by the City Council and all conveyances made up or entered into by said City. The Mayor shall have the power to administer oaths and affirmations, to take affidavits and to testify the same under his hand. The Mayor is authorized to acknowledge the execution of all instruments executed by said City that are required to be acknowledged.

Section 713 of the City Charter is amended to read as follows:

Section 713. Special Meetings.

Special meetings may be called at any time by the Mayor, or by a majority of the members of the City Council upon compliance with the notice requirements for special meetings prescribed by state law; provided, however, that any special meeting of the City Council shall be a validly called special meeting without the giving of such written notice, as provided, if all members of the City Council shall give their consent,

in writing, to the holding of such meeting, and such consent is on file in the office of the City Clerk at the time of holding such meeting. A telegraphic communication from a Councilman consenting to the holding of the meeting shall be deemed to be a consent in writing, within the meaning of the terms as expressed in the foregoing sentences. At any special meeting the powers of the City Council to transact business shall be limited to matters referred to in such written notice or written consent.

Section 941 of the City Charter is repealed.

Section 1442 of the City Charter is amended to read as follows:

Section 1442. Actions Against City.

No suit shall be brought against the City or any Board or Commission thereof on any claim for money or damages or for the taking of property 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 must be presented within the time prescribed by law.

Every claim brought against the City or any Board or Commission thereof for money or damages or for the taking of property shall be verified by the person making the claim and filed with the City Clerk who shall thereupon present the same to the City Council, officer, Board or Commission authorized by this Charter to incur or pay the expenditures or alleged indebtedness or liability represented thereby. In all cases, such claims shall be approved or rejected in writing and the date thereof given.

Section 727 of the City Charter is amended to read as follows:

Section 727. Ordinance Violation; Misdemeanor.

A violation of any ordinance of the City shall be deemed a misdemeanor and may be prosecuted by the authorities of the City in the name of the People of the State of California, or may be redressed by civil action or both at the option of said authorities.

Section 604 of the City Charter is amended to read as follows:

Section 604. Compensation.

The members of the Board of Education shall receive no compensation for their services as such. The members of the City Council shall receive compensation in the amount of One Hundred Dollars (\$100) per month, payable on the same dates as City employees, and in addition thereto shall receive their actual and necessary expenses while engaged on City business at the direction of the City Council. Any member of the City Council making demand for reimbursement for traveling or other expenses shall provide the Director of Finance with vouchers covering such expenses, together with a sworn statement to the effect that such expenses were actually incurred in good faith by said party while on official City business. The compensation of any member of the City Council appointed or elected to fill a vacancy shall be the same as that payable to such member whose office was vacated.

Certified to be a true copy by James R. Armstrong, Mayor, and Sherie L. Nelson, City Clerk.

Date of municipal election: March 7, 1978.

## Charter Chapter 3—City of Fresno

*Amendments to the Charter of the City of Fresno*

[Filed with Secretary of State March 27, 1978 ]

Section 304 of the City Charter is amended to read as follows:

Section 304. Eligibility, City Residence.

No person shall be eligible to hold an elective office unless he is, and shall have been for a period of at least thirty days immediately preceding the filing of his nomination paper for such office or his appointment to such office, a resident of the City, and unless he is, and shall have been at the time of assuming such office, an elector of the City.

Section 304.1 is added to the City Charter to read as follows:

Section 304.1. Eligibility, District Residence.

Commencing with the 1979 general municipal election, each candidate for elective office shall, at the time his nomination paper is filed, and each Councilman elected at that election and thereafter elected or appointed shall, during his term of office, reside within the Council district corresponding in number to the office to which he is elected or appointed. The boundaries of such districts shall be determined by the Council by ordinance adopted not less than one hundred and twenty days prior to the 1979 general municipal election, and shall be redetermined by the Council by ordinance adopted not later than one hundred and twenty days following the publication of each decennial federal census thereafter; provided, that the population disparity among districts shall not exceed ten percent at the time of any such boundary determination or redetermination.

No incumbent shall be excluded from office during his term by any boundary change excluding his residence from the district corresponding in number to the office to which he was elected. The Council may adopt, by ordinance, rules and procedures for district boundary determination, not inconsistent with this Charter, including, but not limited to, provision for allocation of newly-annexed territory to districts.

Section 305 (a) of the City Charter is amended to read as follows:

Section 305. Vacancies.

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

Certified to be a true copy by Daniel K. Whitehurst, Mayor and Jacqueline L. Ryle, City Clerk.

Date of municipal election: May 31, 1977.

Charter Chapter 4—City of Long Beach

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

[Filed with Secretary of State April 10, 1978.]

Section 195 of the City Charter is repealed.

Section 199 of the City Charter is amended to read as follows:

**DUTIES OF THE LIBRARIAN**

Sec. 199. (1) The Librarian shall purchase all necessary books, papers, publications, and special library equipment.

(2) The Librarian shall submit monthly to the City Manager such reports as the City Manager shall require.

Section 84 of the City Charter is amended to read as follows:

**ELECTION OF MAYOR**

Sec. 84. At their meeting held on the first Tuesday in June after each General Municipal Election, the members of the City Council shall elect one member thereof as president of the City Council, who shall be designated as the "Mayor of the City of Long Beach," and the said member so elected shall serve as such Mayor for the term of two years, and until his successor is so elected and qualified.

Section 35.1 is added to the City Charter to read as follows:

**DEFERRED COMPENSATION**

Sec. 35.1. Notwithstanding any other provision of this Charter, the City may establish a deferred compensation plan in accordance with applicable State and Federal laws and regulations. Officers and employees who enter into an agreement with the City under such a deferred compensation plan shall be deemed to have been compensated pursuant to Section 35 of this Charter.

Section 100 of the City Charter is amended to read as follows:

**CLASSIFICATIONS**

Sec. 100. The Civil Service of the City is hereby divided into the unclassified and classified service.

1. The unclassified service shall include:

(a) All officers elected by the people and all employees of such elected officers;

(b) The City Manager and all employees of the City Manager Department;

(c) The City Clerk and all employees of the City Clerk;

(d) Department heads, one assistant department head, bureau heads, division heads, and one clerical position for each;

(e) Employees engaged in technical recreation work in the Recreation Department;

(f) Members of all appointive boards.

2. The classified service shall comprise all positions not specifically included in this charter in the unclassified service. There shall be in the classified service the following three classes, to be known as the competitive class, the noncompetitive class and the casual labor class.

(a) The competitive class shall include all positions and employment for which it is practicable to determine the merit and fitness of applicants by competitive examinations;

(b) The noncompetitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character, as may be determined by the rules of the Board;

(c) The casual labor class shall include all positions of casual or as needed employment, as may be determined by the rules of the Board.

3. Subject to the power of the City Council to establish positions of employment, the power of creating classifications of employees in the classified civil service shall be with the Civil Service Board.

Section 331 of the City Charter is repealed.

Section 132.170 is added to the City Charter to read as follows:

#### VERIFICATION AND REPORT OF CASH IN CITY TREASURY

Sec. 132.170. The City Auditor shall verify the cash in the City Treasury at least once a quarter and shall make a written report thereof to the City Council.

Section 132.145 of the City Charter is amended to read as follows:

#### AUDIT OF DEMANDS, CLAIMS AND PAYROLLS

Sec. 132.145. All demands, claims and payrolls shall be presented to the City Auditor, who immediately shall audit them and he shall satisfy himself whether the same have been correctly computed and whether the money is legally due and remains unpaid, and whether the payment thereof is authorized by law. If the City Auditor approves such demand or claim, he shall endorse his approval upon the voucher accompanying such claim or demand, and he shall also sign his name to the warrant or warrants on the City Treasurer.

If the City Auditor approves such payroll, he shall endorse his approval thereon and sign his name thereto, and he shall also sign his name to the payroll warrant or warrants, or payroll check or checks accompanying such payroll.

If, after audit and examination as herein required, the City Auditor disapproves any demand, claim or payroll in its entirety, or if, in his judgment, after conference with the officer, board, commission or employee who approved said claim, demand or payroll, such claim, demand or payroll should be allowed only for a less amount than approved by such officer, board, commission or employee, he shall immediately transmit the same to the City Council with his reasons for disapproval; provided, that any such claim, demand or payroll payable out of a fund under the jurisdiction and control of any board or commission shall be transmitted immediately to such board or commission, together with the City Auditor's reasons for disapproval.

Any demand, claim or payroll so transmitted by the City Auditor to the City Council, or to any such board or commission, shall be considered promptly by the City Council or by the board or commission to which such claim, demand or payroll is transmitted, together with the objections of the City Auditor thereto. The City Council, or, in case such claim, demand or payroll is transmitted to a board, or commission, then such board or commission to which such claim, demand or payroll is transmitted, may overrule or sustain the objections of the City Auditor to such demand, claim or payroll, and its action shall be endorsed thereon, certified to by the City Clerk in the case of claims, demands or payrolls so considered by the City Council and certified to by the secretary of the respective board or commission in the case of claims, demands or payrolls so considered by such board or commission.

If the action of the City Council, or of any such board or commission, is to overrule the objections of the City Auditor to such claim, demand or payroll, then such claim, demand or payroll shall thereupon be returned to the City Auditor and the City Auditor shall forthwith sign his name to the warrant or warrants, or check or checks accompanying such claim, demand or payroll. If the action of the City Council or of any such board or commission, is to sustain the objections of the City Auditor to any such claim, demand or payroll, such claim, demand or payroll shall thereupon be returned to the office, department, board or commission in which the voucher or payroll was prepared.

The signature of both the City Auditor and City Treasurer shall be required to be placed upon any warrant or warrants, and/or check or checks, prior to being transmitted or delivered to the payee or payees named thereon. Said signature may be affixed thereto by the facsimile signature of said City Auditor and said City Treasurer.

Section 254 of the City Charter is amended to read as follows:

#### TRANSFER OF APPROPRIATIONS

Sec. 254. The City Council, upon written recommendation of the City Manager, may authorize the transfer of any portion of the unencumbered balance of an appropriation which is surplus from one department to another department financed from the same fund. If the transfer affects the appropriations for the department of an elected official or other department not under the City Manager's administrative jurisdiction, the concurrence of the department head in the recommendation for transfer shall be required.

Transfers within a departmental budget may be made if authorized by the City Manager for those departments under his jurisdiction, with the approval of the City Council, or if authorized by the department head of other departments.

No indebtedness of the City shall be incurred in any year in excess of the income and revenues provided in the Budget for that year without the assent of two thirds ( $\frac{2}{3}$ ) of the qualified electors of the City voting at an election.

No indebtedness or liability incurred in any one year shall be paid out of the income or revenue of any future year; PROVIDED, that collections

during any fiscal year of income accrued during a prior fiscal year may be used to pay indebtedness incurred during that fiscal year. (Amendment of Feb. 1962)

Section 296 of the City Charter is amended to read as follows:

#### OPENING OF BIDS

Sec. 296. On the day and at the hour named in the notice calling for bids, the City Manager or his designated representative, shall publicly open and declare all bids received, and at that time, or at such time as the City Manager may determine, shall accept the lowest regular responsible bid, or reject all bids and return all deposits accompanying said bids; and may, at his option, abandon all proceedings, or readvertise for bids in a like manner.

Certified to be a true copy by Thomas J. Clark, Mayor and Elaine Hamilton, City Clerk.

Date of municipal election: March 21, 1978.

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### Charter Chapter 5—City of Anaheim

#### *Amendment to the Charter of the City of Anaheim*

[Filed with Secretary of State April 25, 1978]

Article XII, Section 1207 of the City Charter is amended to read as follows:

#### Section 1207. Tax Limits.

(a) Except as otherwise provided in this Section, the City Council shall not levy an annual property tax for municipal purposes in excess of the property tax rate estimated to be required to produce an annual property tax revenue so received by the City for the 1977-1978 fiscal year as adjusted by a percentage equal to the following:

(1) The percentage increase in the resident population of the City from January 1, 1977, to January 1 of the current year estimated by the Department of Finance of the State of California, plus

(2) The percentage increase in the California Consumer Price Index for all items from April 1, 1977, to April 1 of the current year as determined by the California Department of Industrial Relations.

Should said annual property tax rate produce a property tax revenue in excess of the property tax revenue otherwise allowable by the provisions of this paragraph, said excess revenue shall be set aside and reserved by the City for the next following fiscal year and shall be deducted from the maximum property tax revenue otherwise permitted to be raised for said following fiscal year pursuant to this paragraph.

As used in this Section, 'property tax rate' shall mean any rate of tax which is levied per unit of assessed value of taxable property within the City.

In the event the information specified in subparagraphs (1) and (2)



above is discontinued or otherwise unavailable, the City Council may designate an alternative source therefor.

(b) In addition to the tax levied pursuant to Paragraph (a) of this Section, there shall be levied and collected at the same time and in the same manner as other property taxes for municipal purposes, if no other provision for payment thereof is made:

(1) A tax sufficient to meet all liabilities of the City of principal and interest of all bonds and judgments due and unpaid, or to become due during the ensuing fiscal year, which constitute general obligations of the City; and

(2) A tax sufficient to meet all obligations of the City under the State Employees' Retirement System, the Federal Insurance Contributions Act, or other plan, for the retirement of City employees, due and unpaid or to become due during the ensuing fiscal year.

(c) In the event of an emergency which constitutes a danger to the public health, safety or welfare, or of a general disaster, which requires the City to incur additional costs and obligations which cannot be met under the maximum property tax levies otherwise permitted by this Section, the City Council may levy an additional tax which produces additional property tax revenues in an amount not exceeding that which is necessary to satisfy said costs and obligations. Such a tax levy shall be authorized only upon an affirmative vote of three-fifths of the total membership of the City Council and shall be levied for one (1) year only.

In the event that the property tax rate has been set when an additional rate is authorized pursuant to this paragraph, such additional rate may be levied in the next following fiscal year.

Certified to be a true copy by John Seymour, Mayor and Linda D. Roberts, City Clerk.

Date of municipal election: April 11, 1978.

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## Charter Chapter 6—City of Placentia

### *Amendments to the Charter of the City of Placentia*

[Filed with Secretary of State May 15, 1978.]

Section 609 of the City Charter is amended to read as follows:

Section 609. Publishing of Legal Notices. In the event that there is more than one newspaper of general circulation in the City, the City Council annually, prior to the beginning of each fiscal year shall publish a notice inviting bids and contract for the publication of all legal notices or other matter required to be published in a newspaper of general circulation in said City during the ensuing fiscal year. In the event there is only one newspaper of general circulation in the City, then the City Council shall have the power to contract with such newspaper for the printing and publishing of such legal notices without being required to advertise for

bids therefor. The newspaper with which any such contract is made shall be designated the official newspaper for the publication of such notices or other matter for the period of such contract.

In no case shall the contract prices for such publication exceed the customary rates charged by such newspaper for the publication of legal notices of a private character.

In the event there is no newspaper of general circulation in the City or if no such newspaper will accept the rates permitted herein, then all legal notices or other matter may be published by posting copies thereof in at least three public places in the City, one of which places shall be the City Hall.

No defect or irregularity in proceedings taken under this section, or failure to designate an official newspaper, shall invalidate any publication where the same is otherwise in conformity with this Charter or law or ordinance.

Section 614 of the City Charter is amended to read as follows:

Section 614. Quorum Proceedings. A majority of the members of the City Council shall constitute a quorum to do business but a less number may adjourn from time to time. In the absence of all the members of the City Council from any regular meeting or adjourned regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. The City Clerk shall cause written notice of a meeting adjourned by less than a quorum or by the City Clerk to be delivered personally or by mail to each councilman at least twenty-four hours before the adjourned meeting, or such notice may be dispensed with in the same manner as specified in this Charter for dispensing with notice of special meetings of the City Council. The City Council shall judge the qualifications of its members as set forth by the Charter. It shall judge all election returns. Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council.

The City Council may establish rules for the conduct of its proceedings and punish any member or other person for disorderly conduct at any meetings. It shall have the power and authority to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it.

Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor.

The City Council shall cause the City Clerk to keep a correct record of all its proceedings and at the demand of any member or upon the adoption of any ordinance, resolution, or order for the payment of money, the City Clerk shall call roll and shall cause the ayes and noes taken on any question, to be entered in the minutes of the meeting. Electro-mechanical displays may be used to indicate voting in lieu of voice vote.

Section 620 of the City Charter is amended to read as follows:

Section 620. Ordinance Violation Penalty. A violation of any ordinance of the City shall constitute a misdemeanor and may be prosecuted in the name of the people of the State of California or may be redressed by civil action. The maximum fine or penalty for any violation of a City

ordinance shall be the sum of Five Hundred Dollars (\$500.00), or a term of imprisonment for a period not exceeding six months, or both such fine and imprisonment.

Section 800 of the City Charter is amended to read as follows:

Section 800. Appointing Authorities. The City Council shall appoint and remove the City Administrator. A resolution adopted by three affirmative votes at a regular meeting of the City Council shall be required to either appoint or remove the City Administrator.

The City Administrator shall appoint and remove all other non-elected City officers; provided that the City Council shall be empowered to employ or contract for the professional services of the City Attorney, the City Auditor, the City Health Officer and other services as needed, and provided, further, that no appointment shall be made by the City Administrator unless the City Council has provided by ordinance for the establishment of the office or department to be directed by the appointee.

An elected official, during his term of office, shall neither hold any other position with the City nor be assigned duties in addition to those set forth for his elected office by this Charter, for which position or duties full or partial compensation is paid by the City.

No official, officer or employee appointed by the City Council shall be removed from his office or position with the City during the ninety (90) day period immediately subsequent to any municipal election of persons to the City Council.

Section 900 of the City Charter is amended to read as follows:

Section 900. In General. In addition to the Commissions specified herein the City Council may create by ordinance such advisory Boards or Commissions as in its judgment are required, and may grant to them such powers and duties as are consistent with the provisions of this Charter.

Section 902 of the City Charter is amended to read as follows:

Section 902. Appointment. Term. The members of such Boards or Commissions shall be appointed by the City Council. They shall be subject to removal by motion of the City Council adopted by at least three affirmative votes. The members thereof shall serve for a term of four years, unless a lesser term is provided by a resolution adopted by the City Council, and until their respective successors are appointed and qualified. The members first appointed to such Boards and Commissions shall so classify themselves by lot that the term of one of each of their number shall expire each succeeding July 1st. Where the total number of the members of a Board or Commission to be appointed exceeds four, the classification by lot shall provide for the pairing of terms to such an extent as is necessary in order that the terms of at least one and not more than two shall expire in each succeeding year. Thereafter, any appointment to fill an unexpired term shall be for such unexpired period.

Section 903 of the City Charter is amended to read as follows:

Section 903. Meetings. Chairman. As soon as practicable after its creation and following the first day of July of every year, each of such boards and commissions shall elect one of its members to serve as presiding officer, at the pleasure of the board or commission.

Each board or commission shall hold a regular meeting at least once

each month, except that a board or commission created by ordinance may be otherwise governed by the ordinance creating same.

The City Administrator shall designate a City employee to act as secretary 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 or with the ordinance creating it and copies of which shall be kept on file in the office of the City Clerk where they shall be available for public inspection.

Section 1002 of the City Charter is amended to read as follows:

**Section 1002. Illegal Contract, Financial Interest.** No member of the City Council shall be financially interested, as that term is defined at Government Code Section 87103 as it is presently worded or may hereafter be amended, in any contract, sale or transaction to which the City is a party and neither shall any Board or Commission Member or City official or employee be financially interested in any contract, sale or transaction to which the City is a party and which comes before said Board or Commission or official or employee, or department of the City with which he is connected, for official action. Any such contract or transaction in which there shall be such an interest shall become void at the election of the City, when so declared by resolution of the City Council. No City Councilman or member of any Board or Commission shall vote or participate in any contract or transaction in which he is directly or indirectly financially interested whether as an employee or stockholder of the corporation or otherwise. If an officer of the City, during the term of which he was elected or appointed shall vote or participate, or shall be financially interested as aforesaid upon conviction thereof, he shall forfeit his office.

Certified to be a true copy by George F. DeJesus, Mayor and Doris B. Black, City Clerk.

Date of municipal election: April 11, 1978.

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## Charter Chapter 7—City of Cypress

### *Amendments to the Charter of the City of Cypress*

[Filed with Secretary of State May 17, 1978 ]

Sections 701 through 705 of the City Charter are repealed.

Section 402 of the City Charter is amended to read as follows:

**Section 402. Compensation.** Compensation for Councilmen is hereby set, and from time to time shall be changed, in accordance with the schedule set forth in the Government Code establishing salaries of Councilmen in general law cities, as the same may from time to time be amended. Such compensation may be increased or decreased by an affirmative vote of a majority of the voters voting on the Proposition at any election.

Section 403 (b) of the City Charter is amended to read as follows:

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

(b) A Councilman shall forfeit his office if he (1) lacks at any time while holding office any qualification for election prescribed by this Charter or by law, (2) violates any provision of this Charter, (3) is convicted of a designated crime as specified in the Constitution and laws of the State, (4) without consent of the Council is absent from all regular Council meetings for a period of sixty consecutive days and the first regular Council meeting thereafter, said period to be computed from the last regular Council meeting he attends. A declaration by the Council of a vacancy resulting from forfeiture of office shall be subject to judicial review, provided that within two weeks after such declaration an appropriate action, or proceeding, for review is filed in a court having jurisdiction of the action or proceeding. During the pendency of any such action or proceeding, anyone appointed by the Council to fill such vacancy shall have all the rights, duties, and powers of a Councilman, and shall continue in such office as provided herein unless and until said court rules the declaration of the Council invalid and such ruling has become final.

Section 412 of the City Charter is amended to read as follows:

Section 412. Place of Meetings. All regular Council meetings shall be held in the Council Chamber of the City Hall, or in a place to which any meeting may be adjourned. If, by reason of fire, flood, or other emergency, it shall be unsafe to meet in the Council Chamber, the meetings may be held for the duration of the emergency at a place designated by the Mayor, or if he should fail to act, by three members of the Council.

Section 413 of the City Charter is amended to read as follows:

Section 413. Proceedings. The Council shall cause the City Clerk to keep a correct record of all its proceedings. The Council may establish rules for the conduct of its proceedings. It may evict any member or other person for disorderly conduct at any of its meetings. Each member of the Council shall have the power to administer oaths and affirmations in any proceeding pending before the Council. The Council shall have the power to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas shall be issued in the name of the City, signed by the Mayor, and attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify, shall constitute a misdemeanor; the Mayor shall report such disobedience to a judge of a court of competent jurisdiction for further proceedings.

Upon enactment of any ordinance or of any resolution or order for payment of money, or upon the demand of any member, the City Clerk shall call the roll and shall cause the ayes and noes taken on the question to be entered in the Minutes of the meeting.

Section 415 of the City Charter is amended to read as follows:

Section 415. Adoption of Ordinances and Resolutions. With the exception of ordinances which take effect upon adoption, referred to in this Article, no ordinance shall be adopted by the Council on the day of its introduction, nor within five days thereafter. At the time of its introduction, an ordinance shall become a part of the proceedings of such meeting in the custody of the City Clerk. Ordinances and resolutions need not be

read in full prior to enactment, and may be enacted by title only, unless a Councilman requests a full reading thereof. In the event that any ordinance is altered after its introduction, it shall not be finally adopted except at a meeting held not less than five days after the date upon which such ordinance was altered. Correction of a typographical or clerical error shall not constitute an alteration within the meaning of the foregoing sentence.

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

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

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

Section 802 of the City Charter is amended to read as follows:

Section 802. Appointments. Terms. The number of members of boards and commissions shall be specified by the Council. Except as otherwise provided by ordinance, each member of each board or commission shall be appointed for a term of four years and shall serve until his successor qualifies. All such appointments shall be made and appointees shall be subject to removal of the Council adopted by at least three affirmative votes. In the event an incumbent is removed or otherwise vacates his office, his successor shall be appointed for a full four year term.

Section 804 of the City Charter is amended to read as follows:

Section 804. Meetings. Chairman. Each board or commission shall hold regular meetings as the Council may require, and such special meetings as otherwise may be necessary. The provisions of Section 411, hereof, relating to the Ralph M. Brown Act, shall apply to all meetings of said board and commissions and, subject to the provisions of said Act, all meetings shall be open to the public.

The City Manager may designate a City employee 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 procedures and rules of operation which shall be kept on file in the office of the City Clerk where they shall be available for public inspection. Subject to any regulations and procedures established by the Council, each board or commission shall have the power to compel the attendance of witnesses, to examine them under oath, to compel the production of evidence before it, and to administer oaths and affirmations. Disobedience of any subpoena, or refusal to testify shall be a misdemeanor and such conduct shall be reported to the Mayor and procedures may be taken pursuant to Section 413 hereof.

Section 805 of the City Charter is amended to read as follows:

Section 805. Compensation. Vacancies. The members of boards and commissions shall receive such compensation as may be specified by the Council and shall also receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have

received authorization by the Council.

Any vacancy in any board or commission, from whatever cause arising, shall be filled by appointment by the Council. Any appointment to fill such vacancy shall be for four years.

Section 901 of the City Charter is amended to read as follows:

Section 901. Special Municipal Elections. Other municipal elections shall be known as special municipal elections and may be called from time to time by the Council on whatever dates the Council deems appropriate regardless of any election dates established by state law.

Section 1004 of the City Charter is amended to read as follows:

Section 1004. Council Action of Budget. The Council shall consider the proposed budget and make any revision thereof that it may deem advisable; and on or before July 1, or such other date as it shall designate, it shall adopt the budget. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated. If it fails to adopt the budget by said date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the Council adopts a budget for the ensuing fiscal year.

Section 1013 of the City Charter is amended to read as follows:

Section 1013. Presentation and Audit of Demands. Any demand against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the Director of Finance, or such other official as the Council may designate, who shall examine the same. If the amount thereof is legally due and there remains on his books an unexhausted balance of an appropriation against which the same may be charged, he shall approve such demand and draw his warrant on the Treasurer therefor, payable out of the proper fund.

The Director of Finance, or other designated official, shall transmit such demand, with his approval or rejection thereof endorsed thereon, and warrant, if any, to the City Manager. The City Manager shall cause the same to be transmitted to the Council which may then approve or disapprove payment thereof.

Section 1016 of the City Charter is amended to read as follows:

Section 1016. Independent Audit. The City Council shall employ at the beginning of each fiscal year, a certified public accountant who shall, at such time or times as may be specified by the City Council, and at such other times as he shall determine, examine the books, records, inventories and reports of all officers and employees who receive, handle, or disburse public funds and all such other officers, employees, or departments as the City Council may direct. As soon as practicable after the end of the fiscal year, a final certified audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, one each to the City Manager, and such other officials as the Council may designate, and three additional copies to be placed on file in the office of the City Clerk where they shall be available for inspection by the general public.

Section 400 of the City Charter is amended to read as follows:

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

Each Councilman in office at the time this Charter takes effect shall continue in office until the end of the term for which he was elected or appointed.

No person shall be eligible for election or appointment to the Council who, at the time he would take office, would have previously served on the Council for eight or more years; provided, however, that service on the Council prior to the effective date of this provision shall be disregarded in determining eligibility for office.

Certified to be a true copy by Donald G. Hudson, Mayor and Darrell Essex, City Clerk.

Date of municipal election: November 8, 1977.

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### Charter Chapter 8—City of Culver City

#### *Amendment to the Charter of the City of Culver City*

[Filed with Secretary of State June 5, 1978.]

Section 500.1 is added to the City Charter to read as follows:

Section 500.1. Notwithstanding Section 500 hereof (providing a four-year term for the office of City Clerk and City Treasurer), for the purpose of alternating the election dates for the offices of City Clerk and City Treasurer, the current term of the office of the City Clerk is hereby extended, for one time only, until a successor is elected and qualified for a term of four years at the general municipal election to be held in 1982.

Certified to be a true copy by Richard M. Alexander, Mayor and Harry D. Jones, City Clerk.

Date of municipal election: April 11, 1978.



## Charter Chapter 9—City of Redwood City

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

[Filed with Secretary of State June 12, 1978.]

Section 3½ of the Charter of the City of Redwood City is hereby amended to read as follows:

Section 3½. Acquisition and Disposal of Property:

Public notice shall be given by publication in the official newspaper once at least five (5) days prior to the acquisition of any real property when the purchase price to be paid by the city equals or exceeds the sum of two thousand dollars (\$2,000), unless such acquisition is to be accomplished pursuant to the general laws of the State by condemnation in eminent domain proceedings or unless such acquisition is necessary in connection with public improvement proceedings accomplished pursuant to law.

Any sale or lease of City owned property, except leases of property under the jurisdiction of the Board of Port Commissioners, shall be accomplished in accordance with the following procedure:

(a) Public notice of any proposed sale of city property, and of any lease of city property under the jurisdiction of the City Council, shall be given at least once a week for two weeks in the official newspaper. Such notice shall contain a statement that any and all bids may be rejected and the property may be readvertised. If the property is to be leased the notice shall state generally the term and conditions of such lease.

(b) Prior to the sale of any city property, the City Assessor shall appraise the same and determine the current market value thereof. With the approval of the City Council or the Board of Port Commissioners, as the case may be, the City Assessor may obtain the services of other qualified persons to assist him in such appraisal.

(c) Every sale or lease of city property under the jurisdiction of the City Council may be made only to the highest responsible bidder at public auction or upon sealed bids to the City Council. Every sale of city property under the jurisdiction of the Board of Port Commissioners may be made only to the highest responsible bidder at public auction or upon sealed bids to said Board of Port Commissioners. Every lease of city property under the jurisdiction of the Board of Port Commissioners shall be made in accordance with the provisions of Section 48(a) of this Charter. In all instances where bids are received any and all bids may be rejected and the property readvertised or removed from the market. No sale of any city property shall be made for less than ninety percent (90%) of the appraised value thereof.

(d) Any city real property having an appraised value of two hundred fifty dollars (\$250) or less may be sold without public notice or public bid as required by this section; provided, however, that no such property shall be sold for less than ninety percent (90%) of the appraised value thereof. Any city personal property having an appraised value of one thousand dollars (\$1,000) or less may be sold without public notice or public bid as required by this section; and, further, such property may be sold for any reasonable amount irrespective of its appraised value.

(e) Any sale of real property under the jurisdiction of the City Council having an appraised value of less than seventy-five thousand dollars (\$75,000) shall be authorized only by resolution adopted by the affirmative vote of at least five-sevenths ( $\frac{5}{7}$ ths) of all members of the Council. Any such sale of real property having an appraised value in excess of seventy-five thousand dollars (\$75,000) shall be authorized only by ordinance of the City Council adopted by the affirmative vote of at least five-sevenths ( $\frac{5}{7}$ ths) of all members of the Council. Any sale of real property under the jurisdiction of the Board of Port Commissioners having an appraised value of less than seventy-five thousand dollars (\$75,000) shall be authorized only by resolution adopted by the affirmative vote of at least four-fifths ( $\frac{4}{5}$ ths) of all members of the Board. Any such sale of real property having an appraised value in excess of seventy-five thousand dollars (\$75,000) shall be authorized only by ordinance of the Board of Port Commissioners adopted by the affirmative vote of at least four-fifths ( $\frac{4}{5}$ ths) of all members of the Board. Any ordinance required hereunder shall be subject to the referendum provisions of this Charter.

(f) Any lease of real property under the jurisdiction of the City Council for a term of more than one (1) calendar month shall be authorized by resolution of the Council. Any lease of real property for a lesser period shall be authorized by the City Council by motion duly made and carried.

(g) No lease of property under the jurisdiction of the City Council shall be made for a term longer than fifty (50) years.

(h) No city property shall be exchanged for other property until an appraisal of all property included in the exchange has been made by the City Assessor and the value of the property to be received by the city equals or exceeds the value of the property to be disposed of by the city.

Section 48a of the Charter of the City of Redwood City is hereby amended to read as follows:

**Section 48a. Sale and Leases of Real Property:**

No sale of any real property under the jurisdiction of the Board of Port Commissioners shall be made except in accordance with the provisions of Section 3½ of this charter and all powers and duties therein imposed on the Council are hereby conferred and imposed on the Board of Port Commissioners with respect to property under its jurisdiction. Every lease of real property under the jurisdiction of the Board of Port Commissioners for a term in excess of one (1) month shall be approved by ordinance after public hearing held on the question of such approval. Such ordinances shall be subject to the referendum provisions of this charter. Every lease of real property under the jurisdiction of the Board of Port Commissioners for a term of one (1) calendar month or less shall be approved by said Board by motion duly made and carried, and may be granted without public notice, hearing, or bid. No lease of real property under the jurisdiction of the Board of Port Commissioners shall be made for a term longer than fifty (50) years.

Section 8 of the Charter of the City of Redwood City is hereby amended to read as follows:

**Section 8. Eligibility of Elective Officers:**

No person shall be eligible for election to, or hold any elective office of

said city unless such person shall have been a resident and elector thereof for at least 30 days next preceding the time of filing nominating papers or equivalent declaration of candidacy for such office, or such person's appointment to fill a vacancy therein.

Section 32 of the Charter of the City of Redwood City is hereby amended to read as follows:

**Section 32. City Clerk:**

The city clerk shall be clerk of the council and the board of equalization and shall attend all meetings and shall keep in separate books full and true records of all proceedings of each of said bodies. The clerk shall keep the original or a copy of all ordinances with a certificate of the clerk annexed thereto, stating it is a true and full record thereof. The clerk shall also keep a declaration or other proof of publication pertaining to each ordinance.

Said original or record copy, with such certificate and proof of publication shall be prima facie evidence of the contents of such ordinance and of the passage thereof and of publication pertaining thereto. The clerk shall also keep an index to the minutes of the council and to all ordinances.

The city clerk shall be the custodian of the city seal, and shall affix the same to all official certificates made by said clerk, and to all papers when directed by the council to attest to execute the same.

The clerk shall have power to administer oaths and affirmations, to take affidavits, and to certify the same. The clerk shall have such other powers and perform such other duties as may be provided by this charter or by statute or by ordinance or order of the city manager.

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

**Section 34. City Treasurer:**

There shall be a city treasurer, who shall be appointed by the city council. It shall be the treasurer's duty to receive and safely keep all moneys and securities belonging to the city and coming into said treasurer's hands, and to pay out the same only on warrants signed by the proper officers, except the principal and interest due on bonds of the city, including improvement bonds thereof.

The treasurer shall deposit, with such depositories as are provided by law all funds coming into said treasurer's possession, and shall obtain from such depositories collateral as security therefor, as provided by law. All interest on money so deposited shall accrue to the benefit of the City.

The council, in the case of general municipal funds, and the Board of Port Commissioners, in the case of Port funds, may authorize the treasurer to invest such public moneys as are not required for immediate expenditure in such securities or other certificates of indebtedness as are provided by law for the investment of public funds, generally. Such authority may include the power to sell or exchange such securities and reinvest the proceeds thereof. If so authorized, the treasurer shall thereafter assume full responsibility for such transactions until such authority is revoked and shall make a monthly report of such transactions to the council concerning the investments of general municipal funds and to the Board of Port Commissioners concerning the investment of Port funds.

Section 50b of the Charter of the City of Redwood City is hereby

amended to read as follows:

**Section 50b. Revenue Bonds:**

1. The provisions of this section shall supersede and control all other provisions of this charter in conflict herewith.

2. The term 'enterprise' as used in this section means any or all facilities and improvements, including any or all improvements to any thereof, referred to or described in paragraph 2 or 3 of Section 47f of the charter and under the jurisdiction of the Board.

3. Notwithstanding any provision of this charter to the contrary, and without complying with Section 48e, the Board shall have the power to acquire, construct, improve and finance any enterprise in the Port Area. For the payment of the cost of any enterprise or any part thereof (including all incidental expenses, interest during construction, reserve funds and other funds necessary for the better securing of the bonds hereinafter referred to) the Board may, by resolution adopted by the affirmative votes of four-fifths ( $\frac{4}{5}$ ths) of all its members and approved by the affirmative votes of a majority of all the members of the Council and without compliance with Section 65 of the charter by the Board or the Council, issue revenue bonds in the name of the Board payable exclusively from any or all revenues of such enterprise.

4. Such revenue bonds shall be issued by the Board pursuant to the provisions of the Revenue Bond Law of 1941 (California Government Code Sections 54300 and following) as the same may, from time to time, be amended (and all of the provisions of said Law, as amended, are incorporated in this section by reference and made a part hereof): excepting, however, that no election shall be required for the issuance of any revenue bonds by the Board; that the terms 'local agency' and 'legislative body' as used in said Law shall mean the Board; and that the term 'enterprise' as used in said Law shall have the meaning set forth in paragraph 2 of this section.

5. If any revenue bonds shall be issued under this section, then Section 48b and the first two paragraphs and the first sentence of the third paragraph of Section 48c of the Charter shall be inapplicable so long as any such revenue bonds shall remain outstanding and unpaid. The general fund of the city shall not be liable, and the credit or taxing power of the city shall not be pledged, for the payment of any such revenue bonds or their interest and such bonds shall not be secured by a legal or equitable pledge of, or charge, lien or encumbrance upon, any of the property of the City or the Board or any income or receipts of the City or the Board excepting only revenues of the enterprise.

6. The authorization granted to the Board by this section to issue revenue bonds is complete and no authorization for their issuance shall be required except as provided in this section and Section 65 of the Charter shall not apply; provided, however, that the provisions of this section shall constitute an alternative method of financing and that the city may, in its discretion, provide for the financing of any facilities or improvements in the Port Area in any other manner permitted by the Charter or the laws of the State of California, including the issuance of general obligation bonds of the city therefor.

7. Revenue bonds issued under this section shall not be taken into consideration in determining the bonded indebtedness which the city is authorized to incur and shall be excluded from any limitation provided by Section 65 or otherwise by this Charter or by law on the amount of bonded indebtedness of the city.

Section 69 of the Charter of the City of Redwood City is repealed.

Section 76 of the Charter of the City of Redwood City is repealed.

Section 92 of the Charter of the City of Redwood City is hereby amended to read as follows:

Section 92. Amendment of Charter:

This charter may be amended in accordance with the provisions of Section 3, Article XI, of the Constitution of the State of California, or any amendment thereof or provision substituted therefor.

Certified to be a true copy by Michael J. Barrett, Mayor and Jacqueline C. Hildebrand, City Clerk.

Date of municipal election: April 11, 1978.

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#### Charter Chapter 10—City and County of San Francisco

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

[Filed with Secretary of State June 26, 1978]

Section 7.306 is amended to read as follows:

#### 7.306 Airport Revenue Bonds

(a) Upon the recommendation of the airports commission the board of supervisors shall by resolution submit to the qualified voters of the City and County of San Francisco, at an election held for that purpose, the proposition of issuing bonds pursuant to the Revenue Bond Law of 1941, as it now reads or may hereafter be amended, for the purpose of acquiring, constructing, improving or developing airports or airport facilities under the jurisdiction of the airports commission in accordance with the terms and conditions recommended by the airports commission. If the proposition is approved by a majority of the voters voting on the proposition, the airports commission may from time to time authorize by appropriate resolution the sale of bonds; provided, however, notwithstanding any other provisions in this charter, no election shall be required

(1) for bonds approved in fact by the board of supervisors prior to January 1, 1977; or

(2) for bonds necessary to fund airport capital improvements approved in principle by a resolution adopted by three-fourths of the members of the board of supervisors prior to April 1, 1977; or

(3) for bonds issued to refund an existing indebtedness if the refunding bonds would result in lower total bond payments.

(b) Revenue bonds issued pursuant to this section shall bear a rate of

interest not to exceed that which may be fixed and prescribed by the airports commission without regard to the limitations contained in the Revenue Bond Law of 1941. The bonds issued by the commission pursuant to the provisions of this section shall not constitute or evidence indebtedness of the city and county but shall constitute and evidence only indebtedness of the said commission payable solely out of revenues received by the commission from airports or airport facilities operated or controlled by it.

(c) Airport revenue bonds issued for such purposes pursuant to this section shall not be included in the bonded debt limit provided for in section 6.401 of this charter. Nothing in this section shall prevent the city and county from issuing general obligation bonds for the purpose of acquiring, constructing, improving or developing airports or airport facilities under the commission's jurisdiction, subject to the bond issue procedure provided for in this charter.

Section 8.404 is amended to read as follows:

**8.404 Salaries and Benefits of Carmen**

The wages, conditions and benefits of employment as provided for in this section of the various classifications of employment of platform employees and coach or bus operators of the municipal railway as compensation, shall be determined and fixed annually as follows:

(a) On or before the first Monday of August of each year, the civil service commission shall certify to the board of supervisors for each classification of employment the average of the two highest wage schedules in effect on July 1st of that year for comparable platform employees and coach or bus operators of other surface street railway and bus systems in the United States operated primarily within the municipalities having each a population of not less than 500,000 as determined by the then most recent census taken and published by the director of the census of the United States, and each such system normally employing not less than four hundred (400) platform employees or coach or bus operators, or platform employees, coach and bus operators.

(b) The board of supervisors shall thereupon fix a wage schedule for each classification of platform employees and coach and bus operators of the municipal railway which shall not be in excess of the average of the two highest wage schedules so certified by the civil service commission for each such classification.

(c) When, in addition to their usual duties, such employees are assigned duties as instructors of platform employees or coach or bus operators they shall receive additional compensation that shall be subject to negotiation in addition to the rate of pay to which they are otherwise entitled under the wage schedule as herein provided.

(d) The rates of pay fixed for platform employees and coach and bus operators as herein provided shall be effective from July 1st of the year in which such rates of pay are certified by the civil service commission.

(e) The terms wage schedule and wage schedules wherever used in this section are hereby defined and intended to include only the maximum rate of pay provided in each such wage schedule.

(f) At the time the board of supervisors fixes the wage schedule as

provided in (b) above, the board of supervisors may fix as conditions and benefits of employment other than wages as compensation for platform employees and coach or bus operators of the municipal railway, conditions and benefits not to exceed those conditions and benefits granted by collective bargaining agreements to the comparable platform employees and coach or bus operators of the two systems used for certification of the average of the two highest wage schedules by the civil service commission. The board of supervisors may establish such conditions and benefits notwithstanding other provisions or limitations of this charter, with the exception that such conditions and benefits shall not involve any change in the administration of, or benefits of the retirement system, health service system or vacation allowances as provided elsewhere in this charter. For all purposes of the retirement system as related to this section, the word "compensation" as used in section 8.529 of this charter shall mean the "wage schedules" as fixed in accordance with paragraphs (a) and (b) above, including those differentials established and paid as part of wages to platform employees and coach and bus operators of the municipal railway, but shall not include the value of those benefits paid into the fund established as herein provided. Provided that when in the two systems used for certification as provided above, vacation, retirement and health service benefits are greater than such similar benefits provided by this charter for platform employees, coach or bus operators of the municipal railway, then an amount not to exceed the difference of such benefits may be converted to dollar values and the amount equivalent to these dollar values shall be paid into a fund. The fund shall be established to receive and to administer said amounts representing the differences in values of the vacation, retirement and health service benefits, and to pay out benefits that shall be jointly determined by representatives of the city and county government and the representatives of the organized platform employees and coach and bus operators of the municipal railway. The civil service commission shall adopt rules for the establishment and general administration of the fund as herein provided. Such rules shall provide for a joint administration of the fund by representatives of the city and county government, which shall include representatives of the administrator of the agency responsible for the municipal railway and representatives of the organized platform employees, coach and bus operators of the municipal railway. Such rules may provide a procedure for final and binding arbitration of disputes which may arise between representatives of the city and county government and the representatives of the organized platform employees and coach and bus operators of the municipal railway. Such rules shall provide that all investments of the fund shall be of the character legal for insurance companies in California. Such rules and any amendments thereto shall be effective upon approval by the board of supervisors by ordinance.

(g) Notwithstanding any provisions of this charter, including other subparts of this section, the board of supervisors may, after meeting and conferring with and reaching agreement with the employee organization certified as the representative for municipal railway operators, fix wages and benefits of employment other than wages for platform employees and

coach and bus operators of the municipal railway under this section for periods in excess of one year. Any ordinance fixing wages and benefits of employment other than wages adopted pursuant to this section for a period of more than one year shall contain a provision to the effect that during said period of time it shall be unlawful for the employees receiving the compensation so fixed to engage in a strike, work stoppage or conduct delaying or interfering with work at city and county facilities. Wages and benefits of employment other than wages established under this Section shall not in any year exceed the limits established under paragraphs (b) and (f) of this Section.

(h) Not later than the 25th day of August, the board of supervisors shall have the power and it shall be its duty, subject to the fiscal provisions of the charter but, without reference or amendment to the annual budget, to amend the annual appropriation ordinance and the annual salary ordinance as necessary to include the provisions for paying the rates of compensation and conditions and benefits other than wages fixed by the board of supervisors as in this section provided for platform employees and coach or bus operators for the then current fiscal year.

On recommendation of the civil service commission the board of supervisors shall establish a rate for trainee platform men and bus or coach operators at a level reflecting the current labor market but below the basic hourly rate for motorman, conductor and bus operator.

Section 8.452 is amended to read as follows:

#### 8.452 Fire Department

The chief of department shall recommend and the fire commission shall provide by rule for work schedules or tours of duty for the officers and members occupying the several ranks of the fire department; provided, however, that the normal work week determined on an annual basis for such officers and members shall not exceed 48.7 hours. No tour of duty shall exceed 14 hours except in the event of an emergency requiring the members of the department to remain on duty beyond this limitation. No such officer or member shall be required to work more than twenty-four consecutive hours except in a case of conflagration, emergency or disaster requiring the services of more than the available on-duty officers and members of the uniformed force of the department. Officers and members may exchange watches with permission of the chief of the department and time worked on such exchange of watches shall not be construed as time in violation of the maximum hours established herein. Each such officer and each such member shall be entitled to at least one (1) day off duty during each week.

When, in the judgment of the chief of department, it is in the public interest that any such officer or member shall work on his day off and said officer or member consents to so work, he may at the direction of the chief of department work on said day off, and in addition to the regular compensation provided for said officer or member as set forth in this charter, said officer or member shall be entitled to be compensated at his regular rate of pay as provided for herein for extra time served, or he shall be allowed the equivalent time off.

In any computation in the administration of the San Francisco City and



County Employees' Retirement System in which the compensation, as defined in any provisions relating to the retirement system, is a factor, compensation for overtime provided for in this section shall be excluded, and no such overtime compensation shall be deemed as compensation for any purpose relating to such retirement provisions.

Officers and members of the uniformed force shall be entitled to the days declared to be holidays for employees whose compensations are fixed on a monthly basis in the schedule of compensations adopted by the board of supervisors, pursuant to the provisions of section 8.401 of the charter, as additional days off with pay. Officers or members required to perform service in said department on said days shall be compensated on the basis of straight time as herein computed or shall be granted equivalent time off duty with pay in the judgment of the fire commission.

For payroll purposes, that portion of each tour of duty which falls within each calendar day shall constitute a single tour of duty. The rate of compensation for the service performed by officers or members on a holiday or for service performed by on an assigned day off, as in this charter provided, shall be calculated by dividing the annual rates of pay for each fiscal year by the number of single tours of duty as scheduled for the several ranks in the fire fighting companies in said fiscal year.

Section 9.100-1 is amended to read as follows:

**9.100-1 Election of Mayor, Assessor, District Attorney, City Attorney, Sheriff, Treasurer and Public Defender**

Notwithstanding any other provisions or limitations of this charter, the mayor, assessor, district attorney, city attorney, sheriff, treasurer and public defender shall be elected at large by the voters of the city and county in the manner prescribed in this section.

At the general municipal election in 1975, and at the general municipal election in every fourth year thereafter, there shall be elected a mayor; provided, however, that should no candidate for the office of mayor receive at the general municipal election a majority of the votes cast for all candidates for said office, the two candidates receiving the highest numbers of votes cast for any of such candidates shall thereby qualify as candidates for the office of mayor at a runoff election to be held on the second Tuesday of the next ensuing December. The mayor shall be elected for a term of four years, from the commencement of his respective term as herein specified. Each term of office of a duly elected mayor shall commence at twelve o'clock noon on the 8th day of January following the date of his election.

No person elected as mayor shall be eligible, for a period of one year after his last day of said service as mayor, for appointment to any full time position carrying compensation in the city and county service.

At the general municipal election in 1979, and at the general municipal election in every fourth year thereafter, there shall be elected a district attorney; provided, however, that should no candidate for the office of district attorney receive at the general municipal election a majority of the votes cast for all candidates for said office, the two candidates receiving the highest numbers of votes cast for any of such candidates shall thereby qualify as candidates for the office of district attorney at a runoff

election to be held on the second Tuesday of the next ensuing December. The district attorney shall be elected for a term of four years, from the commencement of his respective term as herein specified. Each term of office of a duly elected district attorney shall commence at twelve o'clock noon on the 8th day of January following the date of his election.

At the general municipal election in 1979, and at the general municipal election in every fourth year thereafter, there shall be elected a sheriff; provided, however, that should no candidate for the office of sheriff receive at the general municipal election a majority of the votes cast for all candidates for said office, the two candidates receiving the highest numbers of votes for any of such candidates shall thereby qualify as candidates for the office of sheriff at a runoff election to be held on the second Tuesday of the next ensuing December. The sheriff shall be elected for a term of four years, from the commencement of his respective term as herein specified. Each term of office of a duly elected sheriff shall commence at twelve o'clock noon on the 8th day of January following the date of his election.

At the general municipal election in 1981, and at the general municipal election in every fourth year thereafter, there shall be elected a city attorney; provided, however, that should no candidate for the office of city attorney receive at the general municipal election a majority of the votes cast for all candidates for said office, the two candidates receiving the highest numbers of votes cast for any of such candidates shall thereby qualify as candidates for the office of city attorney at a runoff election to be held on the second Tuesday of the next ensuing December. The city attorney shall be elected for a term of four years, from the commencement of his respective term as herein specified. Each term of office of a duly elected city attorney shall commence at twelve o'clock noon on the 8th day of January following the date of his election.

At the general municipal election in 1981, and at the general municipal election in every fourth year thereafter, there shall be elected a treasurer; provided, however, that should no candidate for the office of treasurer receive at the general municipal election a majority of the votes cast for all candidates for said office, the two candidates receiving the highest number of votes cast for any of such candidates shall thereby qualify as candidates for the office of treasurer at a runoff election to be held on the second Tuesday of the next ensuing December. The treasurer shall be elected for a term of four years, from the commencement of his respective term as herein specified. Each term of office of a duly elected treasurer shall commence at twelve o'clock noon on the 8th day of January following the date of his election.

At the primary election in 1982, and at the primary election in every fourth year thereafter, there shall be elected an assessor; provided, however, that should no candidate for the office of assessor receive at the primary election a majority of the votes cast for all candidates for said office, the two candidates receiving the highest number of votes cast for any of such candidates shall thereby qualify as candidates for the office of assessor at a runoff election to be held at the next general election. The assessor shall be elected for a term of four years, from the commencement of his respec-

tive term as herein specified. Each term of office of a duly elected assessor shall commence at twelve o'clock noon on the 8th day of January following the date of his election.

At the primary election in 1982, and at the primary election in every fourth year thereafter, there shall be elected a public defender; provided, however, that should no candidate for the office of public defender receive at the primary election a majority of the votes cast for all candidates for said office, the two candidates receiving the highest number of votes cast for any of such candidates shall thereby qualify as candidates for the office of public defender at a runoff election to be held at the next general election. The public defender shall be elected for a term of four years, from the commencement of his respective term as herein specified. Each term of office of a duly elected public defender shall commence at twelve o'clock noon on the 8th day of January following the date of his election.

Section 9.100-2 is added to read as follows:

**9.100-2 Runoff Election of Members of the Board of Supervisors when Elected by Districts**

Notwithstanding any other provisions or limitations of this charter, whenever the members of the board of supervisors shall be elected by districts by the voters of the city and county they shall be elected in the manner prescribed by this charter; provided, however, that should no candidate in a district receive a majority of all votes cast for all candidates for such district supervisor office, the two candidates receiving the highest number of votes cast for any of such candidates shall thereby qualify as candidates for such district supervisor office at a runoff election to be held on the second Tuesday of the next ensuing December.

Section 9.103 is amended to read as follows:

**9.103 Municipal Elections**

On Tuesday after the first Monday in November in 1931 and every second year thereafter, there shall be held in the city and county an election to be known as the general municipal election, at which the electors of the city and county shall choose such officers or qualify such candidates as are required by this charter to be elected or qualified at that time.

In the event that a runoff election is required to be held pursuant to the provisions of sections 9.100-1 or 9.100-2 of this charter, on the second Tuesday in December in each year in which such a runoff election is required to be held as aforesaid, there shall be held an election to be known as the municipal runoff election at which the electors of the city and county shall elect such officers as are required by this charter to be elected at that time. Only those officers for which a runoff election is required to be held shall be voted on at any such municipal runoff election, and no other office or measure shall be voted on at said election.

Special municipal elections shall be called by the registrar when required by this chapter on the filing of appropriate initiative, referendum or recall petitions, as provided by this charter, and may be called by the supervisors for bond issues, declarations of policy, or for the voting on candidates for city and county offices not subject to election at general municipal elections or municipal runoff elections.

All provisions of the general laws of this state, including penal laws, respecting the registration of voters, initiative, referendum and recall petitions, elections, canvass of returns and all matters pertinent to any and all of these, shall be applicable to the city and county except as otherwise provided by this charter or by ordinance adopted by the board of supervisors as authorized by this charter relative to any rights, powers or duties of the city and county or its officers. When not prohibited by general law, the supervisors by ordinance may provide that the publication of precincts and polling places shall be by posting only.

Section 9.104 is amended to read as follows:

#### 9.104 Nomination of Elective Officers

The name of a candidate for an elective office shall be printed upon the ballot when a declaration of candidacy and certificates of not less than twenty nor more than thirty sponsors shall have been filed on his behalf, and when the nomination shall have been made in the following manner: The candidate, not more than seventy-five days before the municipal election in November, shall file with the registrar a declaration of his candidacy, in the form prescribed by the registrar for all candidates, including statements of his qualifications not to exceed one hundred words, subscribed by him before the registrar. The registrar shall forthwith certify to the said subscription and its date and retain and file the declaration. The candidate shall pay to the registrar at the time of filing his declaration of candidacy a sum equal to two percent (2%) of the current annual salary for the office for which he is a candidate. In lieu of such filing fee, a candidate may submit to the registrar signatures of voters registered in San Francisco as provided in the general laws of this state. After said declaration shall have been signed, certified and filed, and not later than sixty days before the election each candidate shall file with the registrar, on forms furnished by him, not less than twenty nor more than thirty sponsors, who are electors qualified to vote at the said municipal election and who shall sign and certify under the penalty of perjury to the qualifications of said candidate.

In the event the registrar shall refuse to file such declaration of candidacy, petition in lieu of filing fee or certificate of a sponsor thereof, he shall forthwith designate in writing on the declaration, petition or certificate the defect thereof, or other reason for refusing to file the same, and shall return the same to the party tendering it. No defect in any declaration, petition or certificate presented to the registrar shall prevent the filing of another declaration, petition or certificate within the period allowed for presenting the declaration, petition or certificate. The name of every candidate who has been duly and regularly nominated shall be placed on the ballot under the title of the office for which he is a candidate, provided that a candidate whose nomination has been completed, may, not less than fifty days before a municipal election, withdraw as a candidate by filing with the registrar his withdrawal, naming the office; such withdrawal must be signed and sworn to by the person withdrawing.

The name of every municipal candidate, except supervisorial candidates, who has been nominated for an office to be elected throughout the city and county as hereinbefore provided shall be placed on the ballot in

accordance with the general laws of the state, under the heading of the office for which said candidate has been nominated in the following manner: In elections to be held when there are no supervisorial elections, the name of the candidate highest on the list of candidates for any particular office shall be printed first on the ballot under the proper heading for said office in the lowest numbered assembly district in the city and county. Thereafter, in each succeeding assembly district, the name of the candidate appearing first for said office in the last preceding assembly district shall be placed last and the order of the names of the other candidates for said office shall remain unchanged: In elections to be held when there are supervisorial elections, the name of the candidate highest on the list of candidates for any particular office shall be printed first on the ballot under the proper heading for said office in the lowest numbered supervisorial district in the city and county. Thereafter, in each succeeding supervisorial district, the name of the candidate appearing first for said office in the last preceding supervisorial district shall be placed last and the order of the names of the other candidates for said office shall remain unchanged.

In the event that the number of candidates in any group shall exceed the number of assembly districts or supervisorial districts in the city and county, then the total number of candidates in such group shall be divided by the number of assembly districts or supervisorial districts and the quotient of said division, if an integral number, or, if it be a fractional number, then the next highest integral number, shall be the number of candidates to be taken from the beginning of the list of said candidates and placed at the end of said list of candidates in each succeeding assembly district or supervisorial district.

Immediately under the name of each candidate and not separated therefrom by any line may appear, at the option of the candidate, one of the following designations:

(a) Words designating the city, county, district or state office which the candidate then holds. Such designation shall not include a party affiliation of the candidate.

(b) If the candidate be a candidate for the same office which he then holds, and only in that event, the word "incumbent."

(c) The profession, vocation or occupation of the candidate in not more than nine words.

In all cases words so used shall be printed in eight-point roman boldface capitals and lower-case type.

No incumbent shall have any further preference in the location of his name on said ballot unless the same is permitted by this section.

The registrar shall preserve in his office for a period of four years all candidate's declarations, petitions and all sponsors' certificates filed in accordance with this section.

Certified to be a true copy by Dianne Feinstein, President Board of Supervisors and Gilbert H. Boreman, Clerk Board of Supervisors.

Date of municipal election: June 6, 1978.

Charter Chapter 11—City of San Luis Obispo

*Amendments to the Charter of the City of San Luis Obispo*

{Filed with Secretary of State June 30, 1978 }

Charter of the City of San Luis Obispo is revised to read as follows:

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Article I. Incorporation and Application

Section 101. Name of the City.

The Municipal Corporation now existing and known as "The City of San Luis Obispo" shall remain and continue a body politic and corporate, as at present, in fact and in law, and by such name shall have perpetual succession.

Section 102. Boundaries.

The boundaries of the City of San Luis Obispo shall continue as now established until changed in a manner authorized by law.

Section 103. Effective Date of Charter.

This Charter shall not take effect until accepted and filed by the Secretary of State pursuant to the provisions of Section 34464 of the Government Code.

Section 104. General Law Applicable.

All general laws of the State applicable to municipal corporations, now or hereafter enacted and which are not in conflict with the provisions of this Charter or with ordinances or resolutions adopted in pursuance of this Charter, shall be applicable to the City.

Section 105. Amendments.

This Charter may be amended in accordance with the provisions of the Constitution and laws of the State of California.

Section 106. Definitions.

When used in this Charter the masculine gender includes the feminine and neuter. The present tense includes the past and future tenses, and the future, the present. The singular number includes the plural, and the

plural, the singular. "Shall" is mandatory and "May" is permissive. "Oath" includes affirmation.

The word "City" wherever it occurs in this Charter, means the City of San Luis Obispo, and every Commissioner, Commission, Department, Board, Officer, Employee, wherever mentioned in this Charter means the Commissioner, Commission, Department, Board, Officer, or Employee, as the case may be, of the City of San Luis Obispo. The word "Council" when used in this Charter means the Council of the City of San Luis Obispo.

#### Section 107. Conflicts.

Any municipal ordinance, resolution, or motion duly approved by the City Council which is in effect at the time this Charter is made effective shall continue in force unless it is in conflict with any provision of this Charter, at which time it shall become null and void.

#### Section 108. Validity of Charter.

If any section, subsection, sentence, clause or phrase of this Charter is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining separable portions of this Charter. The people of the City of San Luis Obispo hereby declare that they would have adopted this Charter and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or void.

#### Section 109. Violation of Charter.

The violation of any provision of this Charter shall be deemed a misdemeanor, and may be prosecuted by the authorities of the City in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. The maximum penalty upon conviction for the violation of any provision of this Charter shall be a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment for a term not exceeding one year or both such fine and imprisonment. Any person sentenced to imprisonment for the violation of a provision of this Charter may be imprisoned in the city jail, or in the county jail of the county in which the City of San Luis Obispo is situated.

The City Administrative Officer shall be responsible for the enforcement of the provisions of the Charter.

### Article II. Form and Powers of Municipality

#### Section 201. Form of Government.

The municipal government provided by this Charter shall be known as the "Council-Mayor-Administrative Officer" form of municipal government.

#### Section 202. Governing Body.

All powers herein granted to and vested in the City of San Luis Obispo shall, except as herein otherwise provided, be exercised by a Council to be designated the Council of the City. The Council shall be the governing body of the City and, subject to express limitations of this Charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the Constitution and laws of the State of California.

### Section 203. Powers of City.

The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution and laws of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution and laws of the State of California. The enumeration in this Charter of any particular power shall not be held to be exclusive of or any limitation upon this general grant of power.

### Section 204. Organization of City Government.

After obtaining and considering the recommendations of the City Administrative Officer, the Council shall provide by ordinance or resolution, not inconsistent with this Charter, for the powers and duties of all officials and employees of the City and for the organization, function, conduct, and operation of the various departments of the City and may provide for the creation of additional departments, divisions, offices, and agencies, and for their consolidation, alteration, or abolition.

### Section 205. Consolidation of Functions.

The Council may transfer or consolidate functions of the City government to or with appropriate functions of the State or County government, or may make use of such functions of the State or County government, and in case of any such transfer or consolidation, the provisions of this Charter providing for the function of the City government so transferred or consolidated, shall be deemed suspended during the continuance of such transfer or consolidation, to the extent that such suspension is made necessary or convenient and is set forth in the ordinance or resolution establishing such transfer or consolidation. Any such transfer or consolidation may be repealed in like manner.

## Article III. Municipal Elections

### Section 301. Procedure.

Unless otherwise provided by ordinance hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exists or may hereafter be amended.

### Section 302. General Municipal Elections.

General municipal elections to fill elective offices shall be held in the City on the first Tuesday after the first Monday in March in each odd numbered year.

### Section 303. Special Municipal Elections.

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

### Section 304. Initiative, Referendum and Recall.

The provisions of the Elections Code of the State of California, as the same now exists or may hereafter be amended governing the initiative, referendum and recall of municipal officers, shall apply to the use thereof in this City insofar as the provisions of the Elections Code are not in conflict with this Charter.



## Article IV. Elective Officials

## Section 401. Enumeration.

The elective officers of the City of San Luis Obispo shall be a Mayor and four Council members each of whom, including the Mayor, shall have the right to vote on all questions coming before the Council.

## Section 402. Election at Large.

The Mayor shall be elected at the general municipal election on a general ticket from the City at large.

The Council members shall be elected at the general municipal election from the City at large, two being selected biennially.

## Section 403. Eligibility for Office.

No person shall be eligible for election to, or to hold, the office of Mayor or Council member of said City unless said person is and shall have been a resident thereof, or of territory legally annexed thereto, on or prior to the date of such election or appointment, for at least thirty (30) days next preceding said person's election thereto or appointment to fill a vacancy therein, and is an elector thereof at the time of such election or appointment.

## Section 404. Terms of Office.

The term of the Mayor shall be two years, and the terms of the Council members shall be four years.

Terms shall commence on the first day of April at twelve o'clock noon following the election and each shall serve until a successor is elected or appointed and qualified. Ties in voting shall be settled by the casting of lots.

## Section 405. No Limitation of Terms.

There shall be no limitation on the number of terms for which any elected official may serve.

## Section 406. Vacancies.

An elective office becomes vacant when the incumbent thereof dies, resigns, is removed from office under recall proceedings, is adjudged insane, convicted of felony, or of an offense involving a violation of the Mayor or Council member's official duties, or ceases to be a resident of the City, or has been absent from the State without leave granted by the City Council for more than sixty (60) consecutive days, or fails to attend the meetings of the Council for a like period without being excused therefrom by said body.

A vacancy in the Council shall be filled for the remainder of the unexpired term, if any, at the next regular municipal election following not less than seventy-two (72) days upon the occurrence of the vacancy, but the Council by a majority vote of its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term or new term takes office. If the term still has two (2) years until expiration at the time of the next regular municipal election, the election to that seat shall be separated from the election for the other Council candidates. If the Council fails to fill the vacancy within thirty (30) days following its occurrence, it shall call a special municipal

election to fill the vacancy, to be held not sooner than ninety (90) days or not later than one hundred and twenty (120) days following the occurrence of the vacancy. The election shall be governed by the provisions of Article III.

A person elected to fill a Council vacancy for an unexpired term shall take office on the first Tuesday following his election. Notwithstanding any other provisions of this Charter, a minority of the members of the Council may fill vacancies on the Council by appointment in the event that a majority of the Council seats becomes vacant.

**Section 407. Mayor—Powers and Duties.**

The Mayor shall preside at all meetings of the City Council and perform such other duties consistent with the office as may be imposed by the Council or by vote of the people. The Mayor shall be entitled to, and must vote when present, but shall possess no veto power. As presiding officer of the Council the Mayor will faithfully communicate the will of the Council majority to the Administrative Officer in matters of policy.

The Mayor shall present an annual work program to the Council for its consideration at the first meeting in May. The Mayor shall have the responsibility for forwarding the work program approved by the Council.

The Mayor shall be recognized as the official head of the City for all ceremonial purposes, and by the Governor for military purposes. In time of public danger or calamity, the Mayor shall take command of the public forces, maintain order, and enforce laws.

The Mayor 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.

**Section 408. Mayor Pro Tempore.**

The Council shall elect one of its members to be Vice Mayor. During the temporary absence or disability of the Mayor, the Vice Mayor shall act as Mayor Pro Tempore. In case of the temporary absence or disability of both the Mayor and Vice Mayor, the Council shall elect one of its members to be Mayor Pro Tempore. In case of vacancy in the office of Mayor, the Vice Mayor shall act as Mayor until such vacancy can be filled as provided in this Charter.

**Section 409. Council Member To Hold No Other Office.**

No member of the Council shall hold any other municipal office or hold any office or employment the compensation of which is paid out of the municipal monies; nor be elected or appointed to any office created or the compensation of which is increased by the Council, while a member thereof, until one year after the expiration of the term for which elected.

**Section 410. Compensation.**

The Mayor and each Council member shall receive compensation for services, as such, payable monthly. The Mayor shall be compensated at a rate different from that of Council members.

The expenses incurred for Council-approved official business shall be reimbursed. Compensation for Mayor and Council members shall be reviewed, and when warranted, adjusted biennially in odd-numbered years effective July 1.

The compensation for the Mayor and Council members shall remain in

effect upon the adoption of this Charter, but the rate may be revised by the electorate as recommended by initiative or referendum.

#### Article V. Council Powers and Procedures

##### Section 501. General Powers of the Council.

Subject to the provisions and restrictions contained in this Charter and the delegation of power, if any, to any person, officer, Board, or Commission, the Council shall have the power in the name of the City, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants and which are not specifically forbidden by the Constitution and laws of the State of California, or which now or hereafter it would be competent for this Charter to specifically enumerate.

No enumeration or specific statement herein of any particular powers shall be held to be exclusive of, or a limitation of, the foregoing general grant of powers.

##### Section 502. Meetings of Council.

The Council shall provide by ordinance for the time and place of holding its meetings and the manner in which its special meetings may be called. Public interest and convenience shall be the primary considerations when decisions are made as to time, location, and frequency.

Except as otherwise provided by law, all meetings of the Council shall be open to the public.

##### Section 503. Quorum.

A majority of the Council members shall constitute a quorum for the transaction of business.

##### Section 504. Rules of Procedure.

The Council shall determine its own rules of procedures.

##### Section 505. Voting.

The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the Council. Upon the request of any member, the ayes and noes shall be taken and recorded on any vote. All members, when present, must vote. Failure or refusal to vote shall be construed as an affirmative vote.

##### Section 506. Majority Rule.

No ordinance, resolution or motion shall be passed or become effective without receiving the affirmative vote of at least three members of the Council.

##### Section 507. Administering Oaths: Subpoenas.

Each member of the Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the Council. The Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoena or the refusal to testify (upon other than constitutional grounds), shall be deemed contempt and shall be punishable as provided by the general laws of this State.

**Section 508. Limitations.**

No member of the Council shall be appointed to or serve as a voting member of any City Board, Committee, Commission, or Authority, whether composed of citizen volunteers, City employees, or a combination of both. This is not to be construed as prohibiting members of the Council from serving on Committees or Subcommittees of the Council itself, or of agencies representing other levels of government.

**Article VI. Legislative Actions**

**Section 601. Method of Action by Council.**

All action by the Council shall be taken only by means of ordinance, resolution, or oral motion duly made and passed.

Ordinances shall become a part of the Municipal Code and so remain until amended or voided. All municipal laws relating to taxation or to possible criminal action against an offender shall be in the form of ordinances.

Resolutions shall be serially numbered and filed sequentially in the office of the City Clerk.

Oral motions shall be recorded only in the minutes of any regular or special meeting of the Council.

**Section 602. Requirements of Ordinances.**

With the sole exception of ordinances which take effect upon adoption referred to in this article, no ordinance shall be passed by the Council on the day of its introduction nor within five (5) days thereafter, nor until its publication at least once in full in a newspaper of the City of San Luis Obispo at least three (3) days before its adoption; and in case of amendment being made thereto before the final adoption of the ordinance, the amended portion or portions of said ordinance must in like manner be republished at least one day before its adoption as amended, provided that no less than a full section shall be published. The correction of typographical or clerical errors shall not constitute an amendment within the meaning of the foregoing sentence.

**Section 603. Enactment.**

The enacting clause of every ordinance passed by the Council shall be: "Be it ordained by the Council of the City of San Luis Obispo." The enacting clause of every ordinance initiated by the people shall be: "Be it ordained by the People of the City of San Luis Obispo."

**Section 604. Effectiveness.**

Except as otherwise provided in this Charter, every ordinance and every measure passed by the Council shall go into effect at the expiration of thirty (30) days after its final passage, unless otherwise provided in said ordinance or measure; provided, however, that no such ordinance or measure shall go into effect in less than thirty (30) days from its final passage. But ordinances declared by the Council to be necessary as emergency measures as hereinafter provided, ordinances ordering or otherwise relating to elections, ordinances relating to public improvements, the cost of which is to be borne wholly or in part by special assessments, and taxing ordinances, may go into effect at the will of the Council.

**Section 605. Emergency Legislation.**

Any ordinance declared by the Council to be necessary as an emergency

measure, for preserving the public peace, health or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at once at the same meeting if passed by at least four affirmative votes.

**Section 606. Amending Ordinances.**

No ordinance shall be amended by reference to its title, but the sections thereof to be amended shall be re-enacted at length as amended; and any amendments passed contrary to the provisions of this section shall be void.

**Section 607. Repeal.**

No ordinance nor section thereof shall be repealed except by an ordinance adopted in the manner provided in this Charter. This is not to prohibit the voiding or expiration of any ordinance when such voiding or expiration is provided for in the ordinance itself.

**Section 608. Codification of Ordinances.**

Any or all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled and codified in accordance with the provisions of the laws of the State of California as the same now exist or may hereafter be amended.

Detailed regulations pertaining to the construction of buildings, plumbing and wiring, fire prevention and similar matters, when arranged as a comprehensive code, may likewise be adopted by reference in the manner provided by State law.

**Section 609. Violation of Ordinances.**

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

**Article VII. Appointive Officials**

**Section 701. General Description.**

The officials of the City of San Luis Obispo shall consist of a City Administrative Officer, a City Treasurer, a City Clerk, a City Attorney, and such assistants or deputies as the Council may deem necessary. Such officials shall be appointed by and may be removed only by the affirmative votes of a majority of the members of the Council. All other officials and department heads of the City shall be appointed by and may be removed by the City Administrative Officer.

**Section 702. Duties of Officials and Employees.**

After obtaining and considering the recommendations of the City Administrative Officer, the Council shall provide in a manner not inconsistent with this Charter, for the powers and duties of all officials and employees of the City.

**Section 703. City Administrative Officer.**

The City Administrative Officer shall be the administrative head of the government of the City. As such, the City Administrative Officer shall be responsible to the Council for the efficient implementation of its policy and effective administration of all the affairs of the City government which the office controls. Any action, determination or omission of the Administrative Officer or staff shall be subject to review by the Council

but no individual Council member or the Mayor shall overrule, change or modify any such action, determination or omission except by affirmative vote of at least three members of said Council at a duly constituted session.

The Administrative Officer shall advise and make recommendations to the Council concerning any conditions or governmental situations which need Council direction or policy determination.

The Administrative Officer will insure that the Council, as a whole or as individuals, are permitted timely and complete freedom of access to requested information.

#### Section 704. Qualifications.

The City Administrative Officer shall be chosen on the basis of administrative qualifications; need not be a resident of the City or the State at the time of appointment, but during tenure in office shall reside within the City.

#### Section 705. Eligibility of Council Members.

No member of the City Council shall, during the term for which elected or appointed, or for one year thereafter, be eligible to hold the position of City Administrative Officer.

#### Section 706. Combining of Offices.

Where the positions are not incompatible, the Council may combine in one person the powers and duties of two or more offices created or provided for in the Charter.

#### Section 707. Nepotism.

The Council shall not appoint to a salaried position under the City government, any person who is a relative by blood or marriage within the third degree of any one or more members of such Council, and neither shall any department head or other officer having appointive power appoint any relative of the Council or themselves within such degree to any such position. Nothing herein shall prevent the City Administrative Officer from supplementing the provisions of this section.

#### Section 708. Equal Opportunity Employment.

All persons seeking employment with the City and all City employees shall be treated equally and without discrimination prohibited by Federal, State or local laws.

#### Section 709. Employment Policy.

The City Council shall adopt a Personnel Policy Ordinance, prescribing hiring, discharge and performance standards for Council appointees, department heads, and other appointive officials.

No official appointed by the City Council shall be terminated within the three (3) months following a municipal election. No official subject to appointment by the City Administrative Officer shall be terminated within the three (3) months immediately following the appointment of a new City Administrative Officer. Any notice of termination, transfer, or demotion shall state the effective date of the action and a copy shall be filed with the Personnel Department.

#### Section 710. Oath of Office.

Every official of the City, before entering upon the duties of the office, shall take the oath of office as provided for in the Constitution of this State, and shall file the same with the City Clerk.

### Section 711. Compensation of Officials and Employees.

The compensation of all City officials and employees, except as otherwise provided in this Charter, shall be by salary to be fixed by ordinance or resolution. No official or employee shall be allowed any fees, perquisites, emoluments, rewards or compensation for any work performed as an official or employee, aside from the salary or compensation as fixed by the Council, but all fees received in connection with official duties shall be paid into the City Treasury.

### Section 712. Official Bonds.

The Council shall, by ordinance or resolution, determine what officials and other persons in the service of the City shall give bond either of an individual type or be included in a master bond, for the faithful performance of their duties and/or honesty, and shall fix the amounts of such bond or bonds, and each of such officers and other persons shall before entering upon the duties of office or employment, execute a bond to the City in the penal sum provided by such ordinance or resolution, including in the same bond the duties of all offices of which the official or person is made, by this Charter or otherwise, ex officio incumbent. Such bonds must be examined by the City Attorney and approved by the City Council. All bonds when approved shall be filed with the City Clerk, except the City Clerk's bond, if any, which shall be filed with the City Administrative Officer. All the provisions of any law of this State relating to the official bonds of officials as then existing shall apply to such bonds, except as herein otherwise provided. In all cases where surety company bonds are approved by the Council, the premium therefore shall be paid by the City.

## Article VIII. Fiscal Administration

### Section 801. The Fiscal Year.

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

### Section 802. Annual Budget.

On such date in each year as shall be fixed by the Council, the City Administrative Officer shall send to the Council a careful estimate, in writing, of the amounts, specifying in detail the objects thereof required for the business and proper conduct of the various departments, offices, Boards and Commissions of the City, over which the office has control, during the next ensuing year. The City Administrative Officer shall also at said time submit to the Council an estimate of the amount of income from all sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

### Section 803. Public Hearing on the Budget.

After reviewing the proposed budget as submitted by the City Administrative Officer and making such revisions as it may deem advisable, the Council shall determine the time for holding of a public hearing, and shall cause a notice thereof to be published not less than ten (10) days prior to said hearing by at least one insertion in a newspaper in the City of San Luis Obispo. Copies of the proposed budget shall be available for inspection by the public at the office of the City Clerk at least ten (10) days prior to said hearing. At the time so advertised or at any time to which such public

hearing shall from time to time be adjourned, the Council shall hold a public hearing on the proposed budget at which interested persons desiring to be heard shall be given such opportunity.

**Section 804. Adoption of the Budget.**

After the conclusion of the public hearing the Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and thereafter it shall adopt the budget with revisions, if any. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the various departments or activities therein described. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered. At any meeting after the adoption of the budget, the Council may amend or supplement the budget by motion adopted by a majority vote of the Council.

**Section 805. Grants and Subsidies.**

Sufficient funds may be budgeted by the Council for grants, subsidies, contributions, subventions and the like to economic, promotional, environmental, cultural, or other agencies whose operations are unrelated to those of the City but who contribute largely to the quality of life of the City. Such funds shall be allotted only after a public hearing on consideration of an application by the requesting group or agency. Such application shall include complete justification of the need for the requested aid.

**Section 806. Income From Public Utilities.**

All income derived from the operation and management of any public utility by the City shall be devoted exclusively to the payment of the expenses of operating, maintaining, improving, or bettering such public utility, and to the payment of any debts and interest thereon which may have been incurred for the acquiring, improving, operating, or maintaining of such utility.

**Section 807. Tax Limitation.**

(A) General. The Council shall not levy a property tax for municipal purposes for any fiscal year, greater than eighty-five cents (85¢) on each one hundred dollars of assessed value of taxable property in the City, except as otherwise provided in this section, unless authorized by the affirmative votes of the majority of the electorate voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the electors. The number of years that such additional levy is to be made shall be specified in such proposition.

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

1. A tax sufficient to meet all obligations of the City for principal and interest of all bonds or judgments due and unpaid or to become due during the ensuing fiscal year which constitute the general obligations of the City;
2. A tax sufficient to meet all obligations of the City to the Public Employees' Retirement System for retirement of the City Employees, if



any, due and unpaid or to become due during the ensuing fiscal year.

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

1. For public improvements and betterments: Thirty cents (30¢)
2. For library purposes: Twenty cents (20¢)
3. For park and recreation purposes: Twenty cents (20¢)

The proceeds from any special levies shall belong to and be paid into restricted funds set aside for their respective purposes and shall be expended only for such purposes.

Section 808. Accounts Payable.

Monies shall be drawn from the City Treasury only in the manner prescribed by ordinance of the Council.

Section 809. Claims Against the City.

(A) No suit shall be brought on any claim for money or damages against the City or any Board, or official 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 claims for damages against the City must be presented to the City Clerk within the time limits prescribed by the laws of the State of California 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.

(B) The provisions of the foregoing subsection (A) shall not prohibit payment on invoice, claims for goods, wares, materials, and/or services supplied to the City, and the provisions for payment on account of said items shall be set out by an ordinance adopted by the Council.

Section 810. Independent Audits.

The Council shall employ, at the beginning of each fiscal year, an independent certified public accountant who, at such time or times as may be specified by the Council, at least annually, shall examine the books, records, inventories, and reports of all officials, employees, departments, and agencies who receive, handle, or disburse public funds. As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such accountant to the council, one copy thereof to be distributed to each member, one each to the City Clerk, the City Treasurer, the City Administrative Officer, and City Attorney respectively, and three additional copies to be placed on file in the office of the City Clerk where they shall be available for inspection by the general public for the period required by the laws of the State of California. Restricted and special assessment district funds shall be segregated in the audit report.

Article IX. Public Works and Contracts

Section 901. Public Works to be Done by Contract.

(A) Except as provided in subsection (D) of this section, every project involving an expenditure of City monies of more than the amount specified in Section 37902 of the Government Code of the State of California,

as the same now exists or may hereafter be amended for the construction or improvement of public buildings, works, drains, sewers, utilities, parks, playgrounds, and streets (exclusive of projects for resurfacing, maintenance, and repair of streets) shall be let by contract to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least ten (10) calendar days before the time for opening bids.

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

(C) The Council, after rejecting bids or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the City Administrative Officer 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 of the Council pursuant to Section 37905 of the Government Code 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 resolution passed by at least four (4) affirmative votes of the Council and containing a declaration of the facts constituting such urgency.

(D) Nothing in this section shall be construed to apply to any project involving the expenditure of City monies by the City for public works in cooperation with a developer or subdivider for oversize facilities or such cooperative extension or replacement of mains and appurtenances. For those projects the City shall have the authority to make funds available to the cooperating developer or subdivider on a fixed formula basis established at least annually by Council resolution.

#### Section 902. Collusion.

(A) Any officer or employee of the City, or of any department thereof, who shall willfully aid or assist a bidder in securing a contract to furnish labor, materials or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another, or who shall willfully mislead any bidder in regard to the character of the materials or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract or who shall knowingly certify to a greater amount of labor performed than has been actually

performed, or to the receipt of a greater amount or different kind of materials or supplies than has been actually received, any of the above which is to the detriment of the City, shall be deemed guilty of malfeasance and shall be removed from office.

(B) If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bids being made, then the contract so awarded shall be null and void, and the Council shall advertise for a new contract for said work, or provide for such public work to be done by the City.

(C) If at any time it shall be found that the person to whom a contract has been awarded has colluded with any other party or parties, including a City officer or employee, during the administration of the contract, then the contract so awarded shall be null and void and any funds paid pursuant to it shall be returned to the City. Any City officer or employee guilty of such collusion to the detriment of the City may be prosecuted pursuant to State law or charged with a misdemeanor for violation of this Charter.

#### Section 903. Purchases of Supplies and Equipment.

The City Council by ordinance or resolution shall adopt policies and procedures, including appropriate bidding regulations, governing purchases of supplies and equipment. Purchases of supplies and equipment shall be made only in accordance with the adopted policies and in accordance with all provisions of law governing the same.

The City Council also shall by ordinance or resolution adopt policies and procedures for the contracting for personal services. Such personal services shall be contracted for only in accordance with the adopted procedures and in accordance with all provisions of law governing the same.

#### Section 904. Abridgement of Contract.

Inasmuch as a contract is a legal document attesting to the terms of an agreement providing for an exchange of services for a mutually-agreed-upon compensation in return, each separate deletion, modification, or addition shall be completed in writing, signed by authorized representatives of the contractor and the City, and filed with the City Clerk within thirty (30) calendar days.

Any willful abridgement of any provision of a contract, without a written memorandum as required above, shall be considered a breach of contract and a misdemeanor.

#### Section 905. Progress Payments.

Any contract may provide for progressive payments if the ordinance or resolution authorizing such work includes such a provision. No progressive payments may be provided for or made at any time which with prior payments, if there have been such, shall exceed in amount at any time ninety percent (90%) of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than ninety percent (90%) of the contract price before the completion and acceptance of the work.

#### Section 906. Sale or Lease of City Property.

The following regulations shall be applicable to City-owned property: No sale or lease of real property nor any sale of personal property of a

value in excess of One Hundred Dollars (\$100.00) nor any lease or personal property for a period exceeding three (3) years shall be authorized by the Council except by resolution passed by the affirmative vote of three-fifths ( $\frac{3}{5}$ ) of all the members of the Council.

**Section 907. Exemptions.**

Nothing in this article shall be construed to apply to the acquisition or purchase of natural gas, telephone service, electricity, electric power or electric energy by the City for any use or purpose.

**Article X. Licenses and Franchises.**

**Section 1001. Granting of Franchises.**

The City Council is empowered to grant by ordinance a franchise to any person, firm or corporation, whether operating under an existing franchise or not, to furnish the City and its inhabitants with transportation, communication, terminal facilities, water, light, heat, power, refrigeration, storage, or any other public utility of public service, and to use the public streets, ways, alleys, and other places, as the same now or may hereafter exist, for the construction and operation of plants, works, or equipment necessary or convenient for traversing any portion of the City for the transmitting or conveying of any service elsewhere. The City Council may prescribe the terms and conditions of any such grant. It may also provide, by procedural ordinance, the method of procedure and additional terms and conditions for making such grants, subject to the provisions of this Charter.

**Section 1002. Resolution of Intention, Notice, and Public Hearing.**

Before granting any franchise, the City Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour and place when and where any persons having any interest therein or any objection to the granting thereof may appear before the City Council and be heard thereon. It shall direct the City Clerk to publish said resolution at least once within fifteen (15) days of the passage thereof in a newspaper in the City of San Luis Obispo. The time fixed for such hearing shall not be less than twenty (20) nor more than sixty (60) days after the passage of said resolution. At the time set for the hearing, the City Council shall proceed to hear and pass upon all protests, and its decision thereon shall be final and conclusive. Thereafter, it may grant or deny the franchise, subject to the right of referendum of the people.

**Section 1003. Term of Franchise.**

Every franchise shall state the term for which it is granted, which, unless it be indeterminate as provided for herein, shall not exceed thirty-five (35) years. No franchise may be renewed until three (3) years before its term expires. A franchise grant may be indeterminate, that is to say, it may provide that it shall endure in full force and effect until the same, with the consent of the Public Utilities Commission of the State of California, shall be voluntarily surrendered or abandoned by its possessor, or until the State of California, or some municipal or public corporation, thereunto duly authorized by law, shall purchase by voluntary agreement or shall

condemn and take, under the power of eminent domain, all property actually used and useful in the exercise of such franchise and situated within the territorial limits of the State, municipal or public corporation purchasing or condemning such property, or until the franchise shall be forfeited for non-compliance with its terms by the possessor thereof.

Section 1004. Grant to be in Lieu of all Other Franchises.

Any franchise granted by the City with respect to any given utility service shall be in lieu of all other franchises, rights, or privileges owned by the grantee, or by any successor of the grantee to any rights under such franchise, for the rendering of such utility service within the limits of the City as they now or may hereafter exist, except any franchise derived under Section 19 of Article XI of the Constitution of California as said section existed prior to the amendment thereof adopted October 10, 1911. The acceptance of any franchise hereunder shall operate as an abandonment of all such franchises, rights, and privileges within the limits of the City as such limits shall at any time exist, in lieu of which such franchise shall be granted. Any franchise granted hereunder shall not become effective until written acceptance thereof shall have been filed by the grantee thereof with the City Clerk. Such acceptance shall be filed within ten (10) days after the adoption of the ordinance granting the franchise and when so filed, such acceptance shall constitute a continuing agreement of such grantee that if and when the City shall thereafter annex, or consolidate with, additional territory, any and all franchises, rights, and privileges owned by the grantee therein, except a franchise derived under said constitutional provision, shall likewise be deemed to be abandoned within the limits of such territory.

Section 1005. Eminent Domain.

No franchise grant shall in any way or to any extent impair or affect the right of the City to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing herein contained shall be construed to contract away or to modify or to abridge either for a term or in perpetuity the City's right of eminent domain with respect to any public utility. Every franchise grant shall reserve to the City the right to purchase the property of such utility either at an agreed price or a price to be determined in a manner to be prescribed in the grant, or in the procedural ordinance hereinabove mentioned. In fixing the price to be paid by the City for any utility, no allowance shall be made for franchise value (other than the actual amount paid to the City at the time of the franchise acquisition), good will, going concern, earning power, increased cost of reproduction, severance damage, or increased value of right of way.

Section 1006. Duties of Grantee.

By its acceptance of any franchise hereunder, the grantee shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant or by procedural ordinance, and shall further agree to:

(A) Comply with all lawful ordinances, rules, and regulations theretofore or thereafter adopted by the City Council in the exercise of its police power, governing the construction, maintenance, and operation of its

plants, works, or equipment;

(B) Pay to the City on demand the cost of all repairs to public property made necessary by any of the operations of the grantee under such franchise;

(C) Pay to the owner on demand the cost of all repairs to private property made necessary by any of the operations of the grantee under such franchise;

(D) Indemnify and hold harmless the City and its officials from any and all liability for damages proximately resulting from any operations under such franchise;

(E) Remove and relocate without expense to the City any facilities installed, used and maintained under the franchise if and when made necessary by any lawful change of grade, alignment, or width of any public street, way, alley, or place, including the construction of any subway or viaduct; and

(F) Pay to the City during the life of the franchise, a percentage, to be specified in the grant, of the gross annual receipts of the grantee within the limits of the City, or such other compensation as the City Council may prescribe in the grant.

The City Administrative Officer shall be responsible for the enforcement of all provisions of the grant.

#### Section 1007. Violations.

The exercise by any person, firm or corporation of any privilege for which a franchise is required, without procuring such franchise, shall be a misdemeanor, and each day that such condition continues to exist shall constitute a separate violation.

### Article XI. Personnel Administration

#### Section 1101. Rules and Regulations.

After obtaining and considering the recommendations of the City Administrative Officer, the Council shall provide by ordinance or resolution, not inconsistent with this Charter, for personnel rules and regulations governing all City employees.

#### Section 1102. Personnel Board.

The Council may establish a Personnel Board consisting of five (5) members whose duties shall be advisory only.

#### Section 1103. Political Activities.

The political activities of all City employees shall conform to pertinent provisions of the Federal and State laws.

#### Section 1104. Employee Candidacy for Public Office.

Nothing in Section 1103 shall be construed to prevent any full-time employee from seeking election or appointment to public office. Upon becoming a candidate for elective office for the City of San Luis Obispo, any such person shall request and be granted a leave of absence, without pay, to remain in effect during the period of time such person is a candidate.

#### Section 1105. Retirement.

The City Council shall be authorized to enter into a contract with the Board of Administration of the Public Employees' Retirement System of

California which shall include all employees of the City of San Luis Obispo. Should the contract at any time be broadened, the City Council may have the contract amended to provide the improved coverage.

The Council may terminate the contract or negotiate another contract with reduced employee coverage with the Board of Administration of the Public Employees' Retirement System only upon authority approved by a majority vote of the electorate.

## Article XII. Boards and Commissions

### Section 1201. Authority.

The City Council shall have the authority to establish by ordinance citizen Committees, Commissions, Boards, and Authorities as required by the State of California or as the Council deems necessary to give it advice or assistance. Such authorizing ordinances shall clearly define goals, responsibilities, and jurisdiction of such a body.

The Council shall have the authority to establish by resolution any temporary or "ad hoc" citizen Committees with limited lifespan and clearly defined objectives specified in such a resolution.

### Section 1202. Eligibility, Appointment, and Length of Terms.

All registered voters within the City, except part or full-time officials and management employees of the City, shall be eligible for appointment, and shall be selected and appointed by any method deemed appropriate by the Council.

No Committee member shall be appointed to a term exceeding four (4) years. Committee members may be reappointed to serve additional terms.

### Section 1203. Vacancies.

If a vacancy occurs in the body created by the Council, that vacancy may be filled by the Council for the unexpired term of such a position. A member of any such body may be removed by three (3) affirmative votes of the Council.

### Section 1204. Bylaws and Procedures.

Each body established by ordinance shall present in writing to the Council for approval its bylaws for procedure: purpose, specific functions, meetings, officers, budget, etc.

### Section 1205. Annual Reports.

By May 1 of each year, each established body shall report to the Council on its activities for the preceding year, as well as its proposed activities and requested budget for the forthcoming year.

### Section 1206. Functional Review.

Every five (5) years of a standing Committee's life, the activities of such a body shall be reviewed by a citizens' "ad hoc" Committee and recommendations presented to the Council for modification or continuation of function, or for termination. The Council, at its discretion, may refer this task to the Personnel Board.

Section 405 of the City Charter is amended to read as follows:

### Section 405. Limitation of Terms.

Neither the Mayor nor any member of the Council shall serve in the same office for more than eight (8) years in succession.

Section 1102 of the City Charter is amended to read as follows:

Section 1102. Personnel Board.

The Council shall establish a Personnel Board consisting of five members whose duties shall be advisory only.

Section 727 is added to the City Charter to read as follows:

Section 727. Voter Approval of Annexations.

Except for territory which is dedicated solely and entirely to a permanent public use, no annexation of territory to the City shall become effective until approved by a vote of the people at a general or special election held after the final decision by the Council to annex such territory.

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

Date of municipal election: June 6, 1978.

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Charter Chapter 12—County of Fresno

*Amendment to the Charter of the County of Fresno*

[Filed with Secretary of State July 11, 1978.]

Section 10 of the County Charter is amended to read as follows:

Section 10. At its first meeting in each calendar year, the Board of Supervisors shall designate one of its members as Chairman to serve during such year and until his successor is designated. Beginning with the January 1979 meeting and each January thereafter, the senior member of the Board in terms of total years served on the Board, shall be designated Chairman provided that no member shall be eligible for a further term until each of the other four districts has had a member who has served as Chairman; and provided further that, no member shall be eligible until he has served at least eleven months on the Board. In the event two or more eligible members have equal seniority in office, the member who represents a district which has last had a Chairman most remote in time shall be designated Chairman. A member entitled to be designated Chairman pursuant to these provisions, may waive such designation, and the member otherwise eligible next in seniority shall be so designated. A member waiving designation as herein provided shall, for the purpose of future designation, have his seniority dated from the date of such waiver, as though he had not made such waiver and had served a term as Chairman during such year. The Chairman shall preside at all meetings provided that, in case of absence or inability to act, the members present shall select one of their number to act as Chairman pro tem. Any member of the Board may administer oaths when necessary in the performance of official duties. A majority of the members shall constitute a quorum, and no act of the Board shall be valid or binding unless a majority of the members concur therein.

Certified to be a true copy by John R. Donaldson, Chairman of the Board of Supervisors and S. Greenwood, Deputy Clerk of the Board of Supervisors.

Date of municipal election: June 6, 1978.



## Charter Chapter 13—City of Huntington Beach

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

[Filed with Secretary of State July 17, 1978.]

The Charter of the City of Huntington Beach is amended to read as follows:

Article I  
Incorporation and Powers of the City

Section 100. Name. The municipal corporation now existing and known as the City of Huntington Beach shall remain and continue to exist as a municipal corporation under its present name of "City of Huntington Beach."

Section 101. Seal. The City shall have an official seal which may be changed from time to time by ordinance. The present official seal shall continue to be the official seal of the City until changed in the manner stated.

Section 102. Boundaries. The boundaries of the City shall continue as now established until changed in the manner authorized by law.

Section 103. Powers of City. The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter or in the Constitution of the State of California.

Section 104. Construction. The general grant of power to the City under this Charter shall be construed broadly in favor of the City. The specific provisions enumerated in this Charter are intended to be and shall be interpreted as limitations upon the general grant of power and shall be construed narrowly. If any provision of this Charter, or the application thereof to any person or circumstance is held invalid, the remainder of the Charter and the application of such provision to other persons or circumstances, shall not be affected thereby.

Section 105. Intergovernmental Relations. The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof.

Article II  
Form of Government

Section 200. Council-Administrator Form of Government. The municipal government provided by this Charter shall be known as the Council-Administrator form of government.

### Article III Elective Offices

**Section 300. Powers Vested in City Council.** All powers of the City shall be vested in the City Council except as otherwise provided in this Charter.

**Section 301. Meetings and Location.**

(a) **Regular Meetings.** The City Council shall hold regular meetings at least twice each month at such time as it shall fix by ordinance or resolution and may adjourn or re-adjourn any regular meeting to a date and hour certain which shall be specified in the order of adjournment and when so adjourned each adjourned meeting shall be a regular meeting for all purposes. If the hour to which a meeting is adjourned is not stated in the order of adjournment, such meeting shall be held at the hour for holding regular meetings. If at any time any regular meeting falls on a holiday such regular meeting shall be held on the next business day.

(b) **Special Meetings.** A special meeting may be called at any time by the Mayor, or by a majority of the members of the City Council, by written notice to each member of the City Council and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting. If any person entitled to such written notice files a written waiver of notice with the City Clerk, it may be dispensed with. Such waiver may be given by telegram. This notice requirement shall be considered fulfilled as to any person who is actually present at the meeting at the time it convenes. In the event of an emergency affecting the public peace, health or safety, a special meeting may be called as provided in this section with less than twenty-four hours written notice by the Mayor Pro Tem in the Mayor's absence or by any member of the City Council in the absence of both the Mayor and Mayor Pro Tem provided that the nature of the emergency is set forth in the minutes of the meeting.

(c) **Place of Meetings.** All regular meetings shall be held in the Council Chambers of the City or in such place within the City to which any such meeting may be adjourned. If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place within the City as is designated by the Mayor, or, if he should fail to act, by a majority of the members of the City Council.

(d) **Open Meetings.** All regular and special meetings of the City Council shall be open and public, and all persons shall be permitted to attend such meetings, except that the provisions of this section shall not apply to executive sessions. Subject to the rules governing the conduct of City Council meetings, no person shall be denied the right to be heard by the City Council.

**Section 302. Quorums, Proceedings and Rules of Order.**

(a) **Quorum.** A majority of the members of the City Council shall constitute a quorum to do business but a lesser number may adjourn from time to time. In the absence of all the members of the City Council from any regular meeting or adjourned regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. The City Clerk shall cause written notice of a meeting adjourned by less than a quorum or by the City Clerk to be delivered personally or by mail to each Council member at least twenty-four hours before the time to which the meeting is adjourned, or such notice may be dispensed with in the same manner as specified in this Charter for dispensing with notice of special meetings of the City Council.

(b) **Proceedings.** The City Council shall judge the qualification of its members as set forth by the Charter. It shall judge all election returns. Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council. The City Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas shall be issued in the name of the City and be attested by the City Clerk. They shall be served and complied with in the same manner as subpoenas in civil actions. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable. The City Council shall have control of all legal business and proceedings and all property of the legal department, and may employ other attorneys to take charge of or may contract for any prosecution, litigation or other legal matter or business.

(c) **Rules of Order.** The City Council shall establish rules for the conduct of its proceedings and evict or prosecute any member or other person for disorderly conduct at any of its meetings. Upon adoption of any ordinance, resolution, or order for payment of money, or upon the demand of any member, the City Clerk shall call the roll and shall cause the ayes and noes taken on the question to be entered in the minutes of the meeting.

**Section 303. Presiding Officer.** At the Council meeting at which any Council member is installed following any general or special municipal election, and at any time when there is a vacancy in the office of Mayor, the City Council shall meet and shall elect one of its members as its presiding officer, who shall have the title of Mayor. The Mayor may make and second motions and shall have a voice and vote in all its proceedings. The Mayor shall be the official head of the City for all ceremonial purposes; shall have the primary but not the exclusive responsibility for interpreting the policies, programs and needs of the City government to the people, and as occasion requires, may inform the people of any major change in policy or program; and shall perform such other duties consistent with the office as may be prescribed by this Charter or as may be imposed by the City Council. The Mayor shall serve in such capacity at the pleasure of the City Council.

**Section 304. Mayor Pro Tempore.** The City Council shall also designate one of its members as Mayor Pro Tempore, who shall serve in such

capacity at the pleasure of the City Council. The Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence or disability or at the Mayor's request.

**Section 305. Non-Interference with Administration.** Except as otherwise provided in this Charter, no member of the City Council shall order, directly or indirectly, the appointment by the City Administrator, or by any of the department heads in administrative service of the City, of any person to any office or employment, or removal therefrom. Except for the purpose of investigation and inquiry, the members of the City Council shall deal with the administrative service under the jurisdiction of the City Administrator solely through the City Administrator, and no member of the City Council shall give orders to any subordinate of the City Administrator, either publicly or privately.

**Section 306. Official Bonds.** The City Council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officials or employees who are required by this Charter or by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City. A blanket bond may be used if it provides the same protection as the required separate bond would provide.

In all cases wherein an employee of the City is required to furnish a faithful performance bond, there shall be no personal liability upon, or any right to recover against, the employee's superior officer or other officer or employee or the bond of the latter, unless such superior officer, or other officer or employee is a party to the act or omission, or has conspired in the wrongful act directly or indirectly causing the loss.

**Section 307. Vacancies, Forfeitures and Replacement.**

(a) **Vacancies.** A vacancy in the City Council or in any other office designated as elective by this Charter, from whatever cause arising, shall be filled by appointment by the City Council.

(b) **Forfeiture.** If a member of the City Council is absent from all regular meetings of the City Council for a period of thirty consecutive days 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, the office shall become vacant. If an elected City officer is convicted of a crime involving moral turpitude or ceases to be an elector of the City, the office shall become vacant. The City Council shall declare the existence of such vacancy. Any elective officer of the City who shall accept or retain any other elective public office, except as provided in this Charter, shall be deemed thereby to have vacated the office under the City government.

(c) **Replacement.** In the event it shall fail to fill a vacancy by appointment within sixty days after such office shall become vacant, the City Council shall forthwith cause an election to be held to fill such vacancy for the remainder of the unexpired term.

**Section 308. Conflict of Interest, Nepotism.**

(a) **Conflict of Interest.** The City Council shall adopt or approve rules and regulations regulating conflicts of interest and promoting fair dealing

in all City business.

(b) Nepotism. The City Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the third degree of any one or more of the members of such City Council, nor shall the City Administrator or any department head or other officer having appointive power appoint any relative of such person or of any Council member within such degree to any such position. This provision shall not affect the employment or promotional status of a person who has attained a salaried position with the City prior to the existence of a situation contemplated by this provision; however, Council members or officers with appointive powers in such a situation shall disqualify themselves from all decisions affecting the employment and promotional status of such person.

#### Article IV

##### Appointive Offices and Personnel

Section 400. City Administrator. Composition, Term, Eligibility, Removal.

(a) Composition. There shall be a City Administrator who shall be the chief administrative officer of the City.

(b) Term. The Administrator shall be appointed by the affirmative vote of at least a majority of the members of the City Council and shall serve at the pleasure of the City Council; provided, however, that the person occupying the office shall not be removed from office except as herein provided.

(c) Eligibility. The Administrator shall be chosen on the basis of executive and administrative qualifications, with special reference to actual experience in and knowledge of accepted practice as regards the duties of the office as herein set forth. No person shall be eligible to be appointed City Administrator or Acting City Administrator while serving as a member of the City Council nor within one year following the termination of membership on the City Council.

(d) Removal. The City Administrator shall not be removed from office during or within a period of ninety days next succeeding any municipal election at which a member of the City Council is elected. At any other time the City Administrator may be removed only at a regular meeting of the City Council and upon the affirmative vote of a majority of the members of the City Council. At least thirty days prior to the effective date of removal, the City Administrator shall be furnished with a written notice stating the Council's intentions and, if requested by the City Administrator, the reasons therefor. Within seven days after receipt of such notice, the City Administrator may by written notification to the City Clerk request a public hearing before the City Council, in which event the Council shall fix a time for a public hearing which shall be held at its regular meeting place before the expiration of the thirty-day period above referred to. The City Administrator shall appear and be heard at such hearing. After furnishing the City Administrator with written notice of the intended removal, the City Council may suspend the Administrator from duty, but his compensation shall continue until removal as herein pro-

vided. In removing the City Administrator, the City Council shall use its uncontrolled discretion and its action shall be final and shall not depend upon any particular showing or degree of proof at the hearing, the purpose of which is to allow the City Council and the City Administrator to present to each other and to the public all pertinent facts prior to the final action of removal.

**Section 401. Powers and Duties.** Except as otherwise provided in this Charter, the City Administrator shall be responsible to the City Council for the proper administration of all affairs of the City. Without limiting this general grant of powers and responsibilities, the City Administrator shall have the power and be required to:

(a) Appoint, promote, demote, suspend or remove department heads, officers and employees of the City except elective officers. However, no department head shall be appointed or removed until the City Administrator shall first have reviewed such appointment or removal with the City Council and have received approval for such appointment or removal by a majority vote of the full City Council.

(b) Prepare the budget annually, submit it to the City Council, and be responsible for its administration upon adoption.

(c) Prepare and submit to the City Council as of the end of each fiscal year, a complete report on the finances of the City, and annually or more frequently, a current report of the principal administrative activities of the City.

(d) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem desirable.

(e) Maintain a centralized purchasing system for all City offices, departments and agencies.

(f) Prepare, administer and enforce rules and regulations recommended to and adopted by the City Council governing the contracting for, purchase, inspection, storage, inventory, distribution and disposal of all supplies, materials and equipment required by any office, department or agency of the City government.

(g) Be responsible for the compliance by the City with the laws of the State pertaining to the City, the provisions of this Charter and the ordinances, franchises and rights of the City.

(h) Subject to policy established by the City Council, exercise control of all administrative offices and departments of the City and of all appointive officers and employees except those directly appointed by the City Council and prescribe such general rules and regulations as he may deem necessary or proper for the general conduct of the administrative offices and departments of the City under his jurisdiction.

(i) Perform such other duties consistent with this Charter as may be required by the City Council.

**Section 402. Acting City Administrator.** During any temporary absence or disability of the City Administrator, the Assistant City Administrator shall serve as Acting City Administrator. During any temporary absence or disability of both the City Administrator and the Assistant City Administrator, the City Administrator shall appoint one of the other officers or department heads of the City to serve as Acting City Administra-

tor. In the event the City Administrator fails to make such appointment, such appointment may be made by the City Council.

Section 403. Personnel. In addition to the City Council, a City Clerk, a City Treasurer, a City Attorney and City Administrator, the officers and employees of the City shall consist of such other officers, assistants, deputies and employees as the City Council may provide by ordinance or resolution. The City Council shall establish such reasonable compensation and fringe benefits as are appropriate by ordinance or resolution for such offices, officials and employees except as herein provided.

The City Council shall maintain by ordinance a comprehensive personnel system for the City. The City Administrator, Assistant City Administrator and any officers designated as elective by the Charter shall be exempt. The system shall consist of the establishment of minimum standards of employment and qualifications for the various classes of employment and procedures to be followed in advancement, demotion, suspension and discharge of employees included within the system, as the City Council shall determine to be for the best interest of the public service. The ordinance shall designate the appointive officers and employees who shall be included within the system. By subsequent ordinances the City Council may amend the system or the list of appointive officers and employees included within the system, provided, however, that once included within the system, no officer or employee shall be withdrawn therefrom (unless the office or position is actually abolished or eliminated) without the approval of such withdrawal at a regular or special election by a majority of the voters voting on such proposition. The system shall comply with all other provisions of this Charter.

Section 404. Retirement System. The City shall participate in a retirement system.

Section 405. Boards, Commissions and Committees. The City Council shall establish such boards, commissions and committees as are deemed necessary for the orderly functioning of the City. All such boards, commissions and committees shall report directly to the City Council.

## Article V

### Ordinances and Resolutions

Section 500. Regular Ordinances. Enactment, Adoption, Publication, Amendment, When Effective and Codification.

(a) Enactment. In addition to such other acts of the City Council as are required by this Charter to be taken by ordinance, every act of the City Council establishing a fine or other penalty, or granting a franchise, shall be by ordinance. The enacting clause of all ordinances shall be substantially as follows: "The City Council of the City of Huntington Beach does ordain as follows:" No order for the payment of money shall be adopted or made at other than a regular or adjourned regular meeting. Upon introduction and second reading, an ordinance shall be read by title only. Unless a higher vote is required by other provisions of this Charter, the affirmative vote of at least four of the City Council shall be required for the enactment of any ordinance or for the making or approving of any order for the payment of money. All ordinances shall be signed by the

Mayor and attested by the City Clerk.

(b) Adoption. A regular ordinance shall be adopted only at a regular or adjourned regular meeting held no less than five days after its introduction. In the event that any ordinance is altered after its introduction, it shall be finally adopted only at a regular or adjourned regular meeting held no less than five days after the date it was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

(c) Publication. The City Clerk shall cause each ordinance to be posted in three places designated by the City Council within the City and to be published by title with a brief summary at last once within fifteen days after its adoption in a daily, semiweekly or weekly newspaper, published in the County or the City and circulated in the City, which is selected by the City Council for that purpose.

(d) Amendment. The amendment of any section or subsection of an ordinance may be accomplished solely by the re-enactment of such section or subsection at length, as amended.

(e) When Effective. Every ordinance shall become effective thirty days from and after the date of its adoption, except the following, which shall take effect upon adoption:

- (1) An ordinance calling or otherwise relating to an election;
- (2) An improvement proceeding ordinance adopted under some special law or procedural ordinance relating thereto;
- (3) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of property taxation, or levying the annual tax upon property.
- (4) An emergency ordinance adopted in the manner provided in this Charter.

(f) Codification. Detailed regulations pertaining to any subject and comprehensive codifications of valid ordinances may be adopted by reference, with the same effect as an ordinance, in the manner set forth herein; however, such regulations and codifications need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to adoption. Ordinances codified shall be repealed as of the effective date of the codification. Amendments to the code shall be enacted by ordinance.

Section 501. Emergency Ordinances. Any ordinance declared by the City Council to be necessary as an emergency measure for the immediate preservation of the public peace, health, or safety, and containing a statement of the reasons for its urgency, may be adopted in the manner provided in Section 500 except that such emergency ordinance may be introduced, enacted and adopted at one and the same regular or special meeting and shall take effect immediately upon adoption if passed by at least five affirmative votes.

Section 502. Resolutions. The City Council may act by resolution or minute order in all actions not required by this Charter to be taken by ordinance.

Section 503. Publishing of Legal Notices. The City Council shall



cause to be published all legal notices and other matters required to be published by law in a daily, semiweekly or weekly newspaper published in the County or the City and circulated in the City which is selected by the City Council for that purpose. No defect or irregularity in proceedings taken under this section shall invalidate any publication where it is otherwise in conformity with this Charter or law or ordinance.

## Article VI

### Fiscal Administration

**Section 600. Fiscal Year.** The fiscal year of the City shall be from July 1 to June 30 unless otherwise established by ordinance.

**Section 601. Annual Budget, Preparation by the City Administrator.** At such date as the City Administrator shall determine, each board or commission and each department head shall furnish to the City Administrator, personally, or through the Director of Finance, estimates of the department's, board's or commission's revenue and expenditures for the ensuing fiscal year, detailed in such manner as may be prescribed by the City Administrator. In preparing the proposed budget, the City Administrator shall review the estimates, hold conferences thereon with the respective department heads, boards or commissions as necessary, and may revise the estimates as may be deemed advisable.

**Section 602. Annual Budget. Submission to the City Council.** The City Administrator shall submit the proposed budget to the City Council at least sixty days prior to the beginning of each fiscal year. After reviewing the proposed budget and making such revisions as it may deem advisable, the City Council shall hold a public hearing thereon at least fifteen days prior to the beginning of each fiscal year and shall cause to be published a notice thereof not less than ten days prior to said hearing. 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 603. Annual Budget. Public Hearing.** At the time so advertised or at any time to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

**Section 604. Annual Budget. Further Consideration and Adoption.** At the conclusion of the public hearing the City Council shall further consider the proposed budget and make any revisions thereof it may deem advisable and on or before the last day of the fiscal year it shall adopt the budget with revisions, if any, by the affirmative vote of at least a majority of the total members of the Council. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. Copies thereof, certified by the City Clerk, shall be filed with the City Administrator, Director of Finance, City Treasurer and the person retained by the City Council to perform the post audit function, and a further copy shall be placed, and shall remain on file in the office of the City Clerk where it shall be available for public inspection. The budget so certified shall be reproduced and copies made available for the use of the public and of departments, offices and agencies of the City.

Section 605. Annual Budget Appropriations. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named; provided, however, that the City Administrator may transfer funds from one object or purpose to another within the same department, office or agency. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any public meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative vote of at least a majority of the total members of the City Council.

Section 606. Determination of City Tax Rate. The City Council shall prescribe by ordinance for the assessment, levy and collection of taxes upon property which is taxable for municipal purposes. If the City Council fails to fix the rate and levy taxes on or before August 31 in any year, the rate for the next preceding fiscal year shall thereupon be automatically adopted and a tax at such rate shall be deemed to have been levied on all taxable property in the City for the current fiscal year.

Section 607. Tax Limits.

(a) The City Council shall not levy a property tax for municipal purposes in excess of One Dollar annually on each One Hundred Dollars of the assessed value of taxable property in the City, except as otherwise provided in this section, unless authorized by the affirmative vote of a majority of the electors voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the electors. The number of years that such additional levy is to be made shall be specified in such proposition.

(b) There shall be levied and collected at the same time and in the same manner as other property taxes for municipal purposes are levied and collected, as additional taxes not subject to the above limitation, if no other provision for payment thereof is made:

1. A tax sufficient to meet all liabilities of the City of principal and interest of all bonds and judgments due and unpaid, or to become due during the ensuing fiscal year, which constitute general obligations of the City; and

2. A tax sufficient to meet all obligations of the City for the retirement system in which the City participates, due and unpaid or to become due during the ensuing fiscal year.

(c) Special levies, in addition to the above and not subject to the above limitation, may be made annually, based on City Council approved estimates, for the following specific purposes, but not to exceed the following respective limits for those purposes for which limits are herein set forth, to wit: parks and recreation and human services not to exceed \$0.20 per One Hundred Dollars; libraries not to exceed \$0.15 per One Hundred Dollars; promotional interests and cultural affairs not to exceed \$0.07 per One Hundred Dollars; and civil defense and disaster preparedness not to exceed \$0.03 per One Hundred Dollars. The proceeds of any special levy shall be used for no other purpose than that specified.

**Section 608. Vote Required for Tax Measures.** No tax, property tax, or other measure whose principal purpose is the raising of revenue, or any increase in the amount thereof, shall be levied, enacted or established except by ordinance adopted by the affirmative vote of at least five (5) members of the City Council; provided, however, that any tax levied or collected pursuant to Section 607 (b) of this Charter shall be exempt from the minimum voting requirement of this section.

This section shall not apply to any license, permit, or any other fee or charge whose principal purpose is to pay or reimburse the City for the cost of performing any regulatory function of the City under its police power in connection with the City's duty to preserve or maintain the public peace, health, safety and welfare.

This section shall not apply to any user or service fee or charge provided such fee or charge is directly related to such use or service, is charged to the user or person receiving such service, and is to pay or reimburse the City for the costs of providing such use or service.

This section shall not apply to any fee or charge relating to any franchise or proprietary function of the City.

**Section 609. Real Estate Transfer Tax.** The City Council shall not levy a tax on the transfer or conveyance of any interest in real property unless authorized by the affirmative vote of a majority of the electors voting on a proposition submitted to the electors to authorize such tax at a general or special election.

**Section 610. Bonded Debt Limit.** The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of 12 percent of the total assessed valuation, for purposes of City taxation, of all the real and personal property within the City.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative vote of the majority required by law of the electors voting on such proposition at any election at which the question is submitted to the electors.

**Section 611. Revenue Bonds.** Bonds which are payable only out of such revenues, other than taxes, as may be specified in such bonds, may be issued when the City Council by ordinance shall have established a procedure for the issuance of such bonds. Such bonds, payable only out of revenues, shall not constitute an indebtedness or general obligation of the City. No such bonds payable out of revenues shall be issued without the assent of the majority of the voters voting upon the proposition for issuing the same at an election at which such proposition shall have been duly submitted to the registered voters of the City.

It shall be competent for the City to make contracts and covenants for the benefit of the holders of any such bonds payable only from revenues and which shall not constitute a general obligation of the City for the establishment of a fund or funds, for the maintaining of adequate rates or charges, for restrictions upon further indebtedness payable out of the same fund or revenues, for restrictions upon transfer out of such fund, and other appropriate covenants. Money placed in any such special fund for the payment of principal and/or interest on any issue of such bonds or to assure the application thereof to a specific purpose shall not be expended

for any other purpose whatever except for the purpose for which such special funds were established and shall be deemed segregated from all other funds of the City and reserved exclusively for the purpose for which such special fund was established until the purpose of its establishment shall have been fully accomplished.

**Section 612. Sale of Public Utility.** No public utility now or hereafter owned or operated by the City shall be sold, leased or otherwise transferred or disposed of unless authorized by the affirmative votes of at least a majority of the total membership of the City Council and by the affirmative vote of at least a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted.

**Section 613. Execution of Contracts.** Except as hereinafter provided, the City shall be bound by a contract only if it is made in writing, approved by the City Council and signed on behalf of the City by the Mayor and City Clerk or by a City officer designated by the City Council and only upon the direction of the City Council. Exceptions to this procedure are as follows:

(a) By ordinance or resolution the City Council may authorize the City Administrator or other officer to bind the City, with or without a written contract, for the acquisition of equipment, materials, supplies, labor, services or other items included within the budget approved by the City Council, and may impose a monetary limit upon such authority.

(b) By ordinance or resolution, the City Council may provide a method for the sale or exchange of personal property not needed in the City service or not fit for the purpose for which intended, and for the conveyance of title thereto.

(c) Contracts for the sale of the products, commodities or services of any public utility owned, controlled or operated by the City may be made by the manager of such utility or by the head of the department or City Administrator upon forms approved by the City Administrator and at rates fixed by the City Council.

**Section 614. Contracts on Public Works.** Except as hereinafter expressly provided, every contract involving an expenditure of more than Twenty-five Thousand Dollars (\$25,000) for the construction or improvement (excluding maintenance and repair) of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds, and each separate purchase of materials or supplies for the same, where the expenditure required for such purchase shall exceed the sum of Twenty-five Thousand Dollars (\$25,000), shall be let to the lowest responsible bidder after notice by publication in accordance with Section 503 by two 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 advertise in its discretion. After rejecting bids, or if no bids are received, or without advertising for bids if the total amount of the contract or project is less than Twenty-five Thousand Dollars (\$25,000), the City Council 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, or that the materials or supplies may be purchased at a lower price in the open market, and after the adoption of a resolution to this

effect by the affirmative vote of a majority of the total members of the City Council, it may proceed to have said work done or such materials or supplies purchased in the manner stated without further observance of the provisions of this section.

All public works contracts exceeding the sum of Twenty-five Thousand Dollars (\$25,000) may be let and purchases exceeding the sum of Twenty-five Thousand Dollars (\$25,000) may be made without advertising for bids if such work or the purchase of such materials or supplies 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 at least five affirmative votes of the City Council.

Projects for the extension, replacement or expansion of the transmission or distribution system of any existing public utility operated by the City or for the purchase of supplies or equipment for any such project or any such utility 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 615. Granting of Franchises.** The City Council shall by ordinance regulate the granting of franchises for the City.

**Section 616. Independent Audit.** The City Council shall provide for an independent annual audit of all City accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The Council may, without requiring competitive bids, designate such accountant or firm annually provided that the designation for any particular fiscal year shall be made no later than thirty days after the beginning of such fiscal year. As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member. Additional copies of the audit shall be placed on file in the office of the City Clerk where they shall be available for inspection by the general public, and a copy of the financial statement as of the close of the fiscal year shall be published in the official newspaper.

## Article VII

### Elections

**Section 700. General Municipal Elections.** General municipal elections shall be held in the City on the second Tuesday in April in each even-numbered year.

**Section 701. Special Municipal Elections.** All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections.

**Section 702. Procedure for Holding Election.** All elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exists or hereafter may be amended, for the holding of municipal elections, so far as the same are not in conflict with this Charter.

**Section 703. Initiative, Referendum and Recall.** There are hereby reserved to the electors of the City the powers of the initiative and refer-

endum and of the recall of municipal elective officers. The provisions of the Elections Code of the State of California, as the same now exists or hereafter may be amended, governing the initiative and referendum and the recall of municipal officers, shall apply to the use thereof in the City so far as such provisions of the Elections Code are not in conflict with the provisions of this Charter.

**Section 704. Nomination Papers.** Nomination papers for candidates for elective municipal office must be signed by not less than twenty nor more than thirty electors of the City.

## Article VIII Miscellaneous

**Section 800. Transition.** Elective officers and elective officers whose offices are made appointive of the City shall continue to hold such offices until the completion of their current terms and the election or appointment and qualification of their respective successors under this Charter. All boards, commissions and committees presently in existence shall continue to act in accordance with their original grant of authority until such time as the City Council adopts appropriate ordinances pertaining to their activities or for one year, whichever occurs first. All lawful ordinances, resolutions, rules and regulations, and portions thereof, in force at the time this Charter takes effect and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

**Section 801. Definitions.** Unless the provisions or the context otherwise requires, as used in this Charter:

(a) "Shall" is mandatory, and "may" is permissive.

(b) "City" is the City of Huntington Beach and "department," "board," "commission," "agency," "officer," or "employee" is a department, board, commission, agency, officer or employee, as the case may be, of the City of Huntington Beach.

(c) "County" is the County of Orange.

(d) "State" is the State of California.

(e) The masculine includes the feminine and the feminine includes the masculine.

(f) The singular includes the plural and the plural the singular.

(g) "Person" includes firm and corporation.

**Section 802. Violations.** The violation of any provision of this Charter shall be a misdemeanor and shall be punishable upon conviction by a fine not exceeding Five Hundred Dollars (\$500) or by imprisonment for a term of not exceeding six months or by both such fine and imprisonment, and each day that any such violation continues shall constitute a separate violation.

Section 500 of the City Charter is amended to read as follows:

**Section 500. City Council, Attorney, Clerk and Treasurer. Terms.** The elective officers of the City shall consist of a City Council of seven members, a City Clerk, a City Treasurer and a City Attorney, all to be elected from the City at large at the times and in the manner provided in this Charter and who shall serve for terms of four years and until their

respective successors qualify.

Subject to the provisions of this Charter, the five members of the City Council in office at the time this Charter takes effect shall continue in office until the expiration of their respective terms and until their successors are elected and qualified, and shall constitute the City Council until two additional members are elected as hereinafter provided. Four members of the City Council shall be elected at the general municipal election held in April, 1966, and each fourth year thereafter. Three members of the City Council shall be elected at the general municipal election held in April, 1968, and each fourth year thereafter. No person shall be elected as a member of the City Council for more than two consecutive terms and no person who has been a member for more than two years of a term to which some other person was elected a member shall be elected to the City Council more than one further consecutive term.

In the event this Charter shall not take effect in time to elect four members of the City Council at the general municipal election held in April, 1966, and only two members of the City Council are then elected, a special election shall be called and held not less than sixty (60) nor more than ninety (90) days after the effective date of this Charter to elect two additional members of the City Council for the remainder of the terms expiring in April, 1970.

Subject to the provisions of this Charter, the City Clerk, City Treasurer and City Attorney in office at the time this Charter takes effect shall continue in office until the expiration of their respective terms and the qualification of their successors. A City Clerk and City Treasurer shall be elected at the general municipal election held in April, 1968, and each fourth year thereafter. A City Attorney shall be elected in April, 1966, and each fourth year thereafter.

The term of each member of the City Council, the City Clerk, the City Treasurer and the City Attorney shall commence on the first Monday following his election. Ties in voting among candidates for office shall be settled by the casting of lots.

Certified to be a true copy by Ron Shenkman, Mayor and Alicia M. Wentworth, City Clerk.

Date of municipal election June 6, 1978.

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## Charter Chapter 14—City of Palo Alto

### *Amendments to the Charter of the City of Palo Alto*

[Filed with Secretary of State July 19, 1978.]

Article VIII-A, Sections 2, (b) and (c) are amended to read as follows:  
 (b) Time of election. The election and recall of members of the board of education shall be held at the times and in the manner provided by the Education Code of the State of California.

(c) **Term of office.** The term of office of the members of the board of education shall be four years from and after the first day of April succeeding their election and until their successors are elected and qualified. The term of office of the member of the board of education which commenced July 1, 1975, shall expire March 31, 1979. The term of office of the member of the board of education which commenced April 1, 1977, shall expire March 31, 1981. The term of office of the member of the board of education which commenced April 1, 1978, shall expire March 31, 1983.

Article V is added to the City Charter to read as follows:

#### Article V

#### Compulsory Arbitration for Fire and Police Department Employee Disputes

**Section 1. Declaration of Policy.** It is hereby declared to be the policy of the City of Palo Alto that strikes by firefighters and peace officers are not in the public interest and should be prohibited, and that a method should be adopted for peacefully and equitably resolving disputes that might otherwise lead to such strikes.

**Section 2. Prohibition Against Strikes.** If any firefighter or peace officer employed by the City of Palo Alto willfully engages in a strike against the City, said employee shall be dismissed from his or her employment and may not be reinstated or returned to City employment except as a new employee. No officer, board, council or commission shall have the power to grant amnesty to any employee charged with engaging in a strike against the City.

**Section 3. Obligation to Negotiate in Good Faith.** The City, through its duly authorized representatives, shall negotiate in good faith with the recognized fire and police department employee organizations on all matters relating to the wages, hours, and other terms and conditions of City employment, including the establishment of procedures for the resolution of grievances submitted by either employee organization over the interpretation or application of any negotiated agreement including a provision for binding arbitration of those grievances. Unless and until agreement is reached through negotiations between the City and the recognized employee organization for the fire or police department or a determination is made through the arbitration procedure hereinafter provided, no existing benefit or condition of employment for the members of the fire department or police department bargaining unit shall be eliminated or changed.

**Section 4. Impasse Resolution Procedures.** All disputes or controversies pertaining to wages, hours, or terms and conditions of employment which remain unresolved after good faith negotiations between the City and either the fire or police department employee organization shall be submitted to a three-member Board of Arbitrators upon the declaration of an impasse by the City or by the recognized employee organization involved in the dispute.

After reaching a decision, the Arbitration Board shall mail or otherwise deliver a true copy of its decision to the parties. The decision of the



Arbitration Board shall not be publicly disclosed and shall not be binding until ten (10) days after it is delivered to the parties. During that ten day period the parties may meet privately, attempt to resolve their differences, and by mutual agreement amend or modify any of the decisions of the Arbitration Board. At the conclusion of the ten day period, which may be extended by mutual agreement between the parties, the decision of the Arbitration Board together with any amendments or modifications agreed to by the parties shall be publicly disclosed and shall be binding upon the parties. The City and the recognized employee organization shall take whatever action is necessary to carry out and effectuate the award.

The expense of any arbitration convened pursuant to this article, including the fee for the services of the Chairman of the Arbitration Board, shall be borne equally by the parties. All other expenses which the parties may incur individually are to be borne by the party incurring such expenses.

Representatives designated by the City and representatives of the recognized employee organization involved in the dispute, controversy or grievance shall each select one arbitrator to the Board of Arbitrators within three (3) days after either party has notified the other, in writing, that it desires to proceed to arbitration. The third member of the Arbitration Board shall be selected by agreement between the two arbitrators selected by the City and the employee organization, and shall serve as the neutral arbitrator and Chairman of the Board. In the event that the arbitrators selected by the City and the employee organization cannot agree upon the selection of the third arbitrator within ten (10) days from the date that either party has notified the other that it has declared an impasse, then either party may request the State of California Conciliation Service to provide a list of seven (7) persons who are qualified and experienced as labor arbitrators. If the arbitrators selected by the City and the employee organization cannot agree within three (3) days after receipt of such list on one of seven (7) to act as the third arbitrator, they shall alternately strike names from the list of nominees until only one name remains and that person shall then become the third arbitrator and chairman of the Arbitration Board.

Any arbitration convened pursuant to this article shall be conducted in conformance with, subject to, and governed by Title 9 of Part 3 of the California Code of Civil Procedure.

At the conclusion of the arbitration hearings, the Arbitration Board shall direct each of the parties to submit, within such time limit as the Board may establish, a last offer of settlement on each if the issues in dispute. The Arbitration Board shall decide each issue by majority vote by selecting whichever last offer of settlement on that issue it finds most nearly conforms with those factors traditionally taken into consideration in the determination of wages, hours, and other terms and conditions of public and private employment, including, but not limited to, changes in the average consumer price index for goods and services, the wages, hours, and other terms and conditions of employment of other employees performing similar services, and the financial condition of the City and its ability to meet the cost of the award.

Certified to be a true copy by Scott T. Carey, Mayor and Ann J. Tanner, City Clerk.

Date of municipal election: June 6, 1978.

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Charter Chapter 15—City of Eureka

*Revised Charter of the City of Eureka*

[Filed with Secretary of State July 24, 1978.]

Charter of the City of Eureka is revised to read as follows:

Article I

Name and Seal; Form of Government; Boundaries; Municipal Affairs

Section 100. Name and Seal.

The municipal corporation now existing, known as the City of Eureka, shall remain and continue a body politic and corporate under the name of the City of Eureka, and by that name shall have perpetual succession, and may have and use a common seal alterable at the pleasure of the City Council.

Section 101. Form of Government.

The government provided by this Charter shall be known as the "Council-Manager" form of government.

Section 102. Boundaries.

The boundaries of the City of Eureka now existing shall continue until changed in the manner authorized by law.

Section 103. Municipal Affairs.

The City of Eureka may make and enforce all ordinances and regulations in respect to municipal affairs, subject only to restrictions and limitations provided in the Constitution of the State of California and in this Charter and in respect to other matters shall be subject to general laws. With respect to municipal affairs this Charter shall supersede all laws inconsistent herewith.

Article II

Elections

Section 200. Kinds of Elections.

Elections to be held in the City for the purpose of electing officers of said City and for all other purpose are of three (3) kinds:

Primary Municipal Elections

General Municipal Elections

Special Municipal Elections

Section 201. Wards.

The City is hereby divided into five (5) wards, numbered consecutively from one (1) to five (5), inclusive, the respective boundaries of which shall be as established on the effective date of this section; provided, that the Council shall by ordinance change such boundaries from time to time to provide equal representation among the five (5) wards in compliance

with the one person-one vote principle. The qualified electors of the City voting as a whole shall elect one (1) member of the Council from each of the five (5) wards of the City.

**Section 202. Dates of Primary and General Municipal Elections.**

For filling the elective offices of Mayor, five (5) Council Members and five (5) Directors of the Board of Education, commencing with the year 1980, a primary municipal election shall be held on the same date as the State of California direct primary election and consolidated therewith. Municipal measures may also be submitted to the electorate at said primary municipal election. If any of the officers to be elected do not receive a majority of the votes cast for such office at said primary municipal election, or if additional measures not submitted at the primary municipal election are to be submitted to the electorate, a general municipal election shall be held on the same date as the State of California general election and consolidated therewith. The two candidates receiving the highest number of votes at the primary general election for an office for which no candidate received a majority of the votes cast for that office at the primary municipal election shall oppose each other at the general municipal election. Municipal measures may also be submitted to the electorate at said general municipal election.

**Section 203. Officers to be Elected at Elections After Adoption of Revised Charter.**

After the adoption of this revised Charter, at the election(s) to be held in 1980 two (2) Council Members and three (3) Directors of the Board of Education shall be elected to replace those Council Members and Directors of the Board of Education whose terms were scheduled to expire prior to this revision on the fourth Tuesday in April, 1981. At the election(s) to be held in 1982, a Mayor, three (3) Council Members and two (2) Directors of the Board of Education shall be elected to replace the Mayor, those Council Members and Directors of the Board of Education whose terms were scheduled to expire prior to this revision on the fourth Tuesday in April, 1983. At each subsequent municipal election(s) the number of Council Members and Directors of the Board of Education to be elected shall be equal to the number of terms to expire at the ensuing first regular meeting of the Council or the Board of Education, as the case may be, following the general municipal election date.

**Section 204. Canvass of Returns.**

On the first Tuesday after any municipal election, the Council shall meet at its regular meeting place to duly canvass the returns of such election and declare the results thereof. Newly elected officers shall be installed in their respective offices as provided in Section 205 of this Charter.

**Section 205. Time of Taking Office; Term.**

All elected officers, after they have qualified as provided in this Charter, shall take office at the first regular meeting of the body to which they have been elected after the general municipal election date and shall hold their offices for the term of four years or until their successors are elected and qualified.

**Section 206. Special Municipal Elections.**

Special municipal elections shall be held on such dates as fixed by the Council therefor except as otherwise provided in this Charter.

Section 207. Procedure for Holding Elections.

Unless otherwise provided by ordinance, all municipal 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 or superseded, for the holding of elections in general law cities, insofar as the same are not in conflict with this Charter.

Article III  
City Council

Section 300. Legislative Authority.

The legislative powers of the City of Eureka shall be vested in a Council of five (5) members.

Section 301. Qualifications of Council Members.

No person shall be eligible for the office of Council Member unless such person is at the time of assuming such office an elector of the City and was a registered voter and a resident of the City and of the ward from which such person is seeking election at the time nomination papers are issued to such person as provided for in Section 22842 of the Elections Code of the State of California as the same now exists or may hereafter be amended or superseded. The Council shall be the judge of the election and qualifications of its members. If a Council Member fails to continue to be a resident of the ward from which such member was elected, the office shall, by reason thereof, become vacant; provided, that in case of redistricting or redivision of wards is made whereby the lines or boundaries thereof are changed, this provision with regard to residence shall not apply to the current term of any Council Member whose residence has been changed thereby from the ward from which the member was elected and in which the member resided.

Section 302. Filling Vacancies in Office of Council Member.

If for any reason there occurs a vacancy in the office of Council Member, the Mayor and Council shall, within thirty (30) days from the commencement of the vacancy either fill the vacancy by appointment by the Mayor with the approval of a majority of the Council Members or the Council shall call a special municipal election to fill the vacancy; provided, that no such special municipal election shall be called if a primary municipal election is to be held within ninety (90) days from the commencement of the vacancy. Such a special municipal election shall be held on the next regularly established election date not less than seventy-four (74) days from the call of the special municipal election. The person so appointed or elected shall possess the qualifications hereinbefore prescribed for Council Members, and shall hold office for the unexpired term of the former incumbent.

Section 303. Council Meetings.

All meetings of the Council shall be public and shall be held in the City Hall of the City or at such other place or places as may be designated by the Council by resolution. Regular meetings of the Council shall be held at such times as may be established by Council resolution. Special meet-

ings of the Council may be called by the Mayor or three members of the Council, and the only business that may be transacted at special meetings is that which is enumerated or set forth in the call for the special meeting.

**Section 304. Quorum.**

Three (3) members of the Council shall constitute a quorum, and the affirmative vote of three members shall be necessary for the passage of an ordinance or the final transaction of any business.

Less than a quorum may adjourn from time to time, and compel the attendance of absent members in the manner and under the penalties prescribed by ordinance.

**Section 305. Actions by Council.**

The Council may act by ordinance, resolution or motion.

**Section 306. Mayor Pro Tem.**

The Council shall elect one of its members as Mayor Pro Tem who shall preside at all meetings of the Council during the absence of the Mayor, and shall, in case of sickness or inability of the Mayor, or his absence from the City, act as Mayor of the City.

**Section 307. Rules; Punishment and Expulsion of Council Members; Subpoenas.**

The Council shall establish rules for its proceedings. It shall have power to punish its members for disorderly conduct, committed in its presence, and may expel any member for malfeasance in office by an affirmative vote of four of its members. It shall have the power to issue subpoenas to compel the attendance of witnesses, and the production of all papers relating to any business before the Council, and may punish disobedience of its subpoena, or contemptuous or disorderly conduct committed in its presence, by a fine not exceeding fifty dollars (\$50.00) or imprisonment not exceeding ten (10) days, or by both such fine and imprisonment.

**Section 308. Administration of Oaths and Affirmations.**

All Council Members shall have the power to administer oaths and affirmations relative to any business brought before or under consideration of the Council.

**Section 309. Minutes of Council Meetings.**

Minutes of all Council Meetings shall be kept by the City Clerk or a Deputy City Clerk under the direction of the City Council, and the ayes and noes on each action taken by the Council shall be entered in the minutes.

**Section 310. Salaries and Expenses of Council Members.**

The monthly salary of each Council Member shall be \$200.00 and each Council Member may be reimbursed for actual and necessary expenses incurred by such member in the performance of official duties.

**Section 311. Establishment of Boards, Commissions and Committees.**

The Council may create advisory or appellate boards, commissions and committees, prescribe their duties and fix their compensation, if any. The members thereof shall be appointed by the Mayor with the approval of the Council, subject to the following requirements:

(a) On or before December 31 of each year, the City Council shall cause to have prepared an appointments list of all regular and ongoing boards, commissions and committees the members of which are appointed

as herein provided. The appointees' list shall contain the following information:

(1) A list of all appointive terms which will expire during the next calendar year, with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position.

(2) A list of all boards, commissions and committees whose members serve at the pleasure of the Mayor and City Council, and the necessary qualifications for each position.

(b) The appointments list shall be made available to members of the public for a reasonable fee which shall not exceed actual cost.

(c) Whenever an unscheduled vacancy occurs in any board, commission or committee for which the Mayor and City Council have the appointing power, whether due to resignation, death, termination or other causes, a special vacancy notice shall be posted in the office of the City Clerk, and in other places as directed by the Mayor and City Council, within twenty (20) days after the vacancy occurs. Final appointment to the board, commission or committee shall not be made for at least ten (10) working days after the posting of the notice in the City Clerk's office. Notwithstanding the provisions of this subsection (c), the Mayor and City Council may, if they find that an emergency exists, fill the unscheduled vacancy immediately. Persons appointed to fill such a vacancy shall only serve on an acting basis until the final appointment is made pursuant to this subsection (c).

The chairman of each board, commission and committee shall have the power to administer oaths and affirmations relative to any business brought before or under consideration by the respective board, commission or committee of which he is the chairman.

## Article IV

### Mayor

#### Section 400. Qualifications of Mayor.

The Mayor of the City of Eureka shall be elected as an officer of the City separate and apart from the Council. No person shall be eligible for the office of Mayor unless he is at the time of assuming such office at least twenty six (26) years of age and an elector of the City. In addition he shall be a registered voter and a resident of the City at the time nomination papers are issued to him as provided for in Section 22842 of the Elections Code of the State of California as the same now exists or may hereafter be amended or superseded.

#### Section 401. Duties of Mayor.

The Mayor shall preside at all meetings of the Council; shall decide by his vote all tie votes of the Council; shall approve or disapprove all ordinances as herein provided; shall make the appointments authorized by this Charter with approval of the Council; shall be recognized as the head of the city government for all ceremonial purposes, and by the Governor for the purposes of military law and during periods of state or local emergency or disaster; but shall have no regular administrative duties.

#### Section 402. Notification of Special Meetings of the City Council and

**Notification of and Attendance at Other Meetings.**

The Mayor shall be duly notified by the City Clerk of all special meetings of the Council when called by its members. He shall also be notified by the City Clerk of the time and place of all regular or special meetings of boards, commissions, and committees, and shall have the right and privilege of being present at all such meetings.

**Section 403. Vacancy in Office of Mayor.**

When a vacancy occurs in the office of Mayor, the Council shall within thirty (30) days from the commencement of the vacancy, either fill the vacancy by appointment or call a special municipal election to fill the vacancy; provided, that no such special municipal election shall be called if a primary municipal election is to be held within ninety (90) days from the commencement of the vacancy. Such a special municipal election shall be held on the next regularly established election date not less than seventy-four (74) days from the call of the special municipal election. The person so appointed or elected shall possess the qualifications hereinbefore prescribed for Mayor and shall hold office for the unexpired term of the former incumbent. No member of the Council during the term for which he shall have been elected or appointed shall be eligible to fill such vacancy.

**Section 404. Other Offices Prohibited.**

The Mayor shall not, during the term for which the Mayor has been elected or appointed, hold any other elected salaried public civil office.

**Section 405. Salary and Expenses of Mayor.**

The monthly salary of the Mayor shall be \$250.00, and the Mayor may be reimbursed for actual and necessary expenses incurred by the Mayor in the performance of official duties.

**Section 406. Administration of Oaths and Affirmations.**

The Mayor shall have the power to administer oaths and affirmations relative to any business or affairs of the City.

## Article V Ordinances

**Section 500. Enacting Clause.**

The enacting clause of all ordinances shall be in these words: "Be it Ordained by the Council of the City of Eureka as follows:"

**Section 501. Amendment of Ordinances.**

No ordinance shall be amended by reference to its title only, but the section or subsection thereof to be amended shall be re-enacted at length, as amended.

**Section 502. One Subject.**

Every Ordinance shall embrace but one subject which shall be clearly

indicated in the title. In all cases where the subject is not so expressed in the title, the ordinance shall be void as to the matter not expressed in the title.

**Section 503. Reconsideration.**

When any bill is put upon its final passage and fails to pass, if a motion is made to reconsider, the vote upon such motion shall not be taken until the next regular meeting of the Council.

**Section 504. Adoption of Ordinances.**

The procedure for the adoption of ordinances shall be as follows:

When an ordinance is first introduced it shall be known as a bill. If such bill receives the three (3) affirmative votes required for its introduction, it shall be put upon its final passage no sooner than three (3) days after its introduction; provided, that no bill for the grant of any franchise shall be put upon its final passage within thirty (30) days after its introduction; and provided further that an urgency ordinance may be passed by a four-fifths vote of the City Council. Every bill after it has finally passed the Council shall be signed by the Mayor Pro Tem and then presented forthwith to the Mayor. The Mayor shall return the bill to the Council within ten (10) days (Sundays excepted) after receiving it. If the Mayor approves it, the Mayor must sign it, and the same shall then become an ordinance; but if the Mayor shall disapprove it, it shall be returned, with the Mayor's objections in writing, to the Council. If the bill is not returned with such approval or disapproval within the time specified herein, it shall take effect as an ordinance as if the Mayor had approved the same.

**Section 505. Action by Council After Mayor Disapproval.**

When a bill is returned to the Council with the Mayor's disapproval, the Council shall cause the objections of the Mayor to be entered in its minutes and proceed to consider the vote on the bill. If, after such consideration, the bill is passed by an affirmative vote of not less than four (4) members of the Council, it shall take effect as an ordinance as if the Mayor had approved the same. If the bill shall fail, on being so considered, to receive four (4) affirmative votes of the Council it shall then be finally lost.

**Section 506. Publication or Posting.**

All ordinances shall be published or posted in the manner prescribed by the Council.

**Section 507. Effective Date.**

No ordinance passed by the Council shall take effect until thirty (30) days after its passage and approval as an ordinance, except the following ordinances:

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



its passage and adoption.

**Section 508. Codification or Compilation in Book Form.**

The Council shall either cause to have the ordinance of the City of Eureka codified in accordance with the provisions of state law for codification of city ordinances and provide for keeping such city code current and updated, or it shall, every three (3) years, cause all the ordinances of the City of Eureka to be reviewed, compiled and published in book form.

**Article VI**

**Administration**

**Section 600. City Manager.**

There shall be a City Manager appointed by the Council, who shall be the administrative coordinator of the city government and shall serve at the pleasure of the City Council. The City Manager shall be chosen solely on the basis of executive and administrative qualifications, with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of the office as hereinafter set forth.

**Section 601. Council Members Ineligible.**

No member of the City Council shall, during the time for which such member was elected or appointed, or for one year thereafter, be eligible to hold the position of City Manager or City Manager pro tem.

**Section 602. Duties of the City Manager.**

Subject to policy prescribed by the Council, the City Manager shall have the power and duty to:

(a) Supervise the administrative affairs of the city except as otherwise specifically provided in this Charter.

(b) Provide the Council with such information as may be requested or needed for the Council to perform its duties.

(c) Make such recommendations to the Council concerning the affairs of the city as the City Manager may deem desirable, including the proposal of ordinances and resolutions the City Manager finds necessary for effective management or in the public interest.

(d) Keep the Council advised of the financial condition and future needs of the city.

(e) See that the ordinances of the city and the applicable laws of the State are enforced.

(f) Appoint, discipline and remove all department heads of the city under the jurisdiction of the City Manager provided that the appointment or dismissal of department heads shall be subject to approval of the Council.

(g) Act as purchasing agent for the city and all offices, boards, commissions and committees.

(h) Investigate the operations of departments and other agencies of the city, and of all contracts to which the city is a party, and assure proper performance.

(i) Investigate complaints concerning utility operations and see that all permits, privileges and franchises granted by the city are faithfully performed.

(j) When directed by the City Council, represent the City in its inter-

governmental relations, and negotiate contracts for joint governmental actions subject to Council approval.

(k) If so authorized by ordinance, perform the duties imposed by law on a City Clerk, Auditor, Assessor, Tax Collector or Treasurer and deputize others to act for the City Manager in such matters to the extent permitted by law.

(l) Exercise general supervision over all public property under control of the city.

(m) Attend all meetings of the City Council unless excused, and such meetings of the boards, commissions and committees as the City Manager chooses, or which the City Manager is directed to attend by the Council, and participate in discussions at such meetings.

(n) Perform such other duties as may be prescribed by this Charter or required of the City Manager by ordinance or resolution of the Council.

(o) Recommend to the City Council such general rules and regulations as the City Manager may deem necessary or expedient in the general conduct of the administrative departments under the jurisdiction of the City Manager.

(p) Devote full-time to the duties of the office and to the interests of the city.

#### Section 603. Department Heads Responsible to City Manager.

The heads of the administrative departments under the City Manager shall be directly responsible to the City Manager for the efficient administration of their respective departments. The City Manager may designate acting department heads, subject to the approval of the Council, when necessary to assure the continuity of the City's business. The City Manager shall have the power, with the approval of the Council, to employ expert consultants to perform work or give advice connected with the departments of the city when the City Manager finds such work or advice necessary.

#### Section 604. Emergency Powers.

In the case of general conflagration, rioting, floods or other emergency menacing life or property, the City Manager shall at the direction of the Mayor, marshal all of the forces of the different departments of the city for the maintenance of the general security.

#### Section 605. Interference with City Manager.

No member of the Council shall by suggestion or otherwise attempt to influence or coerce the City Manager for personal gain, nor shall any member of the Council discuss directly or indirectly or attempt to exact any promise from any candidate for City Manager concerning appointments to city offices or employment. Except for the purpose of inquiry, Council Members shall deal with the administrative service for which the City Manager is responsible solely through the City Manager, and not through subordinates of the City Manager. A violation of the provisions of this Section by any member of the Council shall constitute a misdemeanor for which the offending member may be charged in any court of competent jurisdiction, and if found guilty the sentence imposed shall include removal from office. No prohibition herein contained shall be construed

to mean that any member of the Council shall in any respect be prohibited from informing the City Manager as to any fact with the Council Member's knowledge which might be of value in assisting the City Manager to appoint or employ qualified persons, or to discharge any unqualified person.

**Section 606. City Manager Pro Tem.**

The City Council shall appoint one of the officers of the City to serve as Manager pro tem during any absence or disability of the City Manager.

**Section 607. Administrative Organization Authorized.**

The Council shall by ordinance provide the form of organization through which the functions of the city are to be administered. Any combination of duly authorized duties, powers and functions which in the judgment of the Council will provide the most efficient and economical service possible consistent with the public interest and in keeping with accepted principles of municipal administration may be authorized by such ordinance.

All departments or other administrative sub-divisions so created shall be administered by the City Manager or by a department head, unless otherwise authorized by this Charter.

The functions and services which shall be included in the administrative organization herein authorized may include but are not necessarily limited to the following:

- (a) The planning and regulation of land use.
- (b) The regulation of building and housing standards and regulations governing occupancy.
- (c) Cultural and recreational programs.
- (d) The protection and improvement of the public health.
- (e) The protection of persons and property and the preservation of the peace.
- (f) The prevention and extinguishing of fires.
- (g) The development, maintenance and operation of parks and recreation areas.
- (h) The acquisition, construction and maintenance of public works.
- (i) The acquisition, construction, maintenance and operation of public utilities and enterprises, including but not limited to power and light, fuel and heat, water, harbors, airports, vehicular parking and transportation.
- (j) All necessary administrative and fiscal services.
- (k) Any other function or service specifically authorized by Charter or authorized or permitted by State Law.

**Section 608. City Attorney.**

There is hereby created the office of City Attorney, who shall be the chief legal advisor and prosecutor of the city. The City Attorney shall be appointed by and serve at the pleasure of the Council and shall have been at the time of appointment admitted to practice and engage in the practice of law in the State of California and must be a citizen of the United States. The City Attorney shall advise all officers and agencies of the city on legal matters referred to the City Attorney, shall draft such ordinances, resolutions, contracts and other legal documents as directed by the City

Council or requested by the City Manager, shall prosecute violations of city ordinances and shall act as counsel in behalf of the city or any of its officers or agencies in litigation involving any of them in their official capacity. The City Attorney shall administer the office of City Attorney subject to policies prescribed by the Council. The Council may empower the City Attorney, at the request of the City Attorney, to employ special legal counsel, appraisers, engineers and other technical and expert services necessary for the handling of any pending or proposed litigation, proceeding or other legal matter. The City Attorney shall approve, as to form, all official and other bonds given to or for the benefit of said City, and no contract shall become enforceable as against said City without the endorsement thereon of the City Attorney's approval thereof.

**Section 609. City Clerk.**

The Council shall appoint or provide for the appointment of a City Clerk who shall serve at the pleasure of the Council. The City Clerk will perform all duties as prescribed in this Charter or by Ordinance.

**Section 610. Creation and Abolition of Offices and Employments; Salaries.**

The City Council may create offices and employments in addition to those provided by this Charter. Whenever in the judgment of the Council no necessity exists for the continuation of any appointed office or employment created or provided by this Charter, except that of City Manager, the Council shall discontinue such office or employment.

The Council shall by ordinance or resolution determine the salaries of all officers and employees of the City except as otherwise provided in this Charter.

**Section 611. Contracts with Temporary Help Firms.**

The City Council may contract with temporary help firms for temporary help to assist city agencies, departments or offices during any peak load, temporary absence, or emergency, provided the Council determines that it is in the economic interest of the city to provide such temporary help by contract, rather than employing persons for such purposes. Use of temporary help under this section shall be limited to a period of not to exceed ninety (90) days for any single peak load, temporary absence, or emergency situation. Temporary help furnished by temporary help firms pursuant to contract as authorized by this section shall not be deemed to be officers or employees of the city and Article VIII of this Charter shall have no application to such temporary help.

## Article VII

### Fiscal Administration

**Section 700. Property Taxation.**

The Council of the City of Eureka shall annually fix the rate of taxation to be levied, and levy the taxes upon all property, both real and personal, in the city, necessary to raise sufficient revenue to carry on the various departments of the Municipal Government for the current fiscal year; provided, that the rate of taxation so levied shall not exceed in any year One and  $\frac{5}{100}$  Dollar for each One Hundred Dollars upon the assessed

value thereof, except for the payments of principal and interest of the bonded debt of the city, if any; and provided further, that in addition to said One and  $\frac{5}{100}$  Dollar rate, the Council may levy a tax of not more than Ten Cents for each One Hundred Dollars upon the assessed value thereof, to be used for recreational purposes only.

**Section 701. Funds to be Established.**

The Council shall, before fixing the rate of annual city tax, establish by ordinance separate funds representing the several funded obligations of the city, if any, and of the several departments requiring municipal expenditures, including a General Fund, and the percentage of said levy shall be named for each fund, and the whole amount of taxes and revenue of the city apportioned accordingly; and no transfers shall be made except of balances in excess, or from the General Fund to meet deficiencies, or to provide for the redemption of city bonds, if any.

**Section 702. Fiscal Year.**

The fiscal year of the city shall commence on the first day of July of each year.

**Section 703. Budget Preparation.**

At least 45 days prior to the beginning of each fiscal year, the City Manager shall submit to the Council a budget of proposed expenditures and estimated revenues, accompanied by an explanatory budget message. For such purpose, the City Manager, on such schedule and under such terms as may be prescribed by the City Manager, shall obtain from the head of each department or other agency of the city their estimates of revenue and expenditure in such detail and with such supporting plans and data as the City Manager may require. The City Manager may revise such estimates in any manner the City Manager deems advisable. The explanatory budget message of the City Manager to the Council shall explain the budget, shall outline the proposed financial policies of the city for the ensuing fiscal year, shall propose priorities for capital expenditures, and shall describe the important features of the budget plan. It shall state the reasons for salient changes from the previous year in cost and revenue items, and shall explain any major changes in financial policy. The budget shall be submitted in such form as to enable the Council to compare the prior and current years' revenue and expenditures to which such proposed revenues and expenditures relate. Estimates of revenue shall include surpluses to be carried over from the current year, plus miscellaneous revenues from all sources other than the tax on property, the balance to be raised by the general property tax, and an estimate of the tax rate required for the purpose.

**Section 704. Budget Hearing and Approval.**

After submission of the budget by the City Manager, the Council shall review it in such detail as it deems necessary, and after a public hearing held not less than 10 days after public notice thereof, may revise the budget in any manner it finds necessary. Not later than the last day of the fiscal year the Council shall adopt a budget for the ensuing fiscal year, failing which the last fiscal year allotments shall be effective until the budget is adopted. From the effective date of the budget, the several

amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named.

**Section 705. Budget Transfers.**

At any meeting after the adoption of the budget, the Council may amend or supplement the budget by motion so as to authorize the transfer of unused balances appropriated for one department to another department, or to appropriate available funds not included in the budget; and may authorize the City Manager to transfer funds between purposes within departments.

**Section 706. Assessment.**

The Council shall provide by ordinance for the assessment of property for the purpose of taxation, either under the direction of the City Manager or by agreement with the County of Humboldt in the manner provided by law.

**Section 707. Tax Collection.**

The Council shall provide by ordinance or resolution for the collection of all taxes and other revenues due the City, either under the direction of the City Manager or City Clerk or by agreement with the County of Humboldt, the State of California, or any other agency regularly engaged in the collection of a given tax or other revenue.

**Section 708. General Revenues.**

The Council may, by ordinance or resolution, provide for any tax, license or permit fee, service charge or other kind of revenue authorized by this Charter or by the Constitution or general laws of the State, and not prohibited by the Charter or by the Constitution.

**Section 709. Purchasing.**

The City Manager shall purchase or contract for the equipment, materials, supplies and services required by the City, for which expenditures have been authorized in the budget or by other action of the Council. The Council shall establish by ordinance or resolution the conditions under which purchases shall be made only after competitive bidding, shall specify these amounts and conditions under which Council approval is required for specific items of purchase, and shall prescribe conditions under which all bids may be rejected and new bids invited. In the case of materials, supplies and equipment a preference of not to exceed five percent may be allowed to firms or individuals who regularly maintain a place of business and transact business in, or maintain an inventory of merchandise for sale in the city.

**Section 710. Public Works.**

Any city improvement estimated to cost more than \$15,000 shall be performed under contract with sealed bid and accompanying performance bond, except where such improvement is authorized by the Council to be made directly by a city department in conformity with detailed plans, specifications and estimates. All such contracts for more than \$15,000 shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance or resolution provided that all bids may be rejected for cause, and new bids may be sought in accordance with the original procedure. Alterations in contracts

affecting the scope of work, time requirements, cost or any other substantive provisions affecting cost or the city's interests, shall be approved by the Council after considering the recommendations of the City Manager.

**Section 711. Terms of Contracts.**

No contract for equipment, materials or supplies shall be made by the city for a longer term than one year; provided that contracts with other governmental agencies, for utility services the rates for which are regulated by the state or national government, for public works improvements for which funds have been provided or for services, may be for a longer term in the discretion of the City Council.

**Section 712. Accounting System.**

The City Manager shall direct the establishment and supervise the maintenance of a uniform system of accounting applicable for all departments and other agencies of the city, conforming to modern accepted practices of municipal 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 in such manner as will be readily acceptable to audit and review.

**Section 713. Authorization and Control of Expenditure.**

No expenditure of city funds shall be made except for the purposes and in the manner specified in an appropriation by the Council. The City Manager shall establish and direct such systems of internal control and audit as the City Manager may find necessary to insure the fulfillment of the purpose of this Section.

**Section 714. All Money to Treasury.**

All public monies collected by any officer, or employee, of the city shall be paid into the City Treasury, without any deduction on account of any claim for fees, commissions, or any other cause or pretense; and the compensation of any officer, employee, or other person so collecting money, shall be paid by demands upon the Treasury, duly audited as other demands are audited and paid.

**Section 715. Suits Must be Preceded by Demand.**

No suit shall be brought upon any claim for money or damages against the City of Eureka 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. Nor shall suit be brought against said city upon any such claim or demand, if the same shall be in whole approved and audited as provided herein; provided, that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to a writ of mandate, or other proceeding, against the said Council, or any Board, Commission or Committee or officer of said city, to compel it, or him, to act upon such demand or claim, or to pay the same when so audited.

**Section 716. Independent Audit.**

The Council shall employ at the beginning of each fiscal year a certified public accountant who shall, at such time or times as may be specified by the Council and at such other times as the certified public accountant shall

determine, examine 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 department as the Council may direct. The Council may direct that such certified public accountant may conduct the independent audit throughout the fiscal year and make reports at intervals required by the Council, but a report for the entire fiscal year shall be filed within 30 days after the closing of the books for said fiscal year, and copies of such reports shall be filed with the Council and with the City Manager, and shall be available for public inspection and review.

**Section 717. General Bonded Indebtedness.**

Whenever the Council determines that the public interest requires the construction, acquisition, completion, initial equipping, remodeling or repair of any improvement, the cost of which, in addition to the other expenditures of the city, will exceed the income and revenue provided for it in any one year, it may by ordinance submit a proposition to incur an indebtedness evidenced by general obligation bonds for such purpose and proceed therein as provided in the Constitution and general laws of the State.

**Section 718. Utility Bonded Indebtedness.**

Whenever the electorate, by majority vote of those voting on a proposition submitted at any regular or special municipal election, authorize the acquisition of a public utility by the city, the Council is empowered to finance the acquisition of privately owned utility properties and/or the purchase of land pertinent thereto, vehicles, machinery, materials and the cost of all construction and property installations for utility purposes by borrowing. Bonds issued for such purposes shall not be general obligation bonds of the city, and shall be secured by the assets and revenues of such utilities only. The Council is also hereby empowered to finance the improvement or extension of any public utility now owned by the city by means of such bonds secured by the assets of the utility. Resolutions authorizing the issuance of such bonds for acquisition or extension of utilities shall require the affirmative vote of a majority of the City Council.

**Section 719. Revenue Bonds.**

Whenever the Council determines that it is in the public interest to acquire, construct, or improve or finance any enterprise when it is feasible to finance exclusively from the revenues of said enterprise, it may by resolution submit a proposition to the voters to incur a bonded indebtedness for such purpose to be secured by revenue bonds subject to all of the terms and procedures provided by State law. Such resolution shall state clearly the revenues which may be obligated, which may be all those permitted by general law.

**Section 720. Off-Street Vehicular Parking.**

The Council is hereby expressly authorized to exercise the powers vested by law in any city to provide off-street vehicular parking facilities and to provide for the financing thereof in whole or in part from revenues derived therefrom.



## Article VIII

## Officers and Employees

## Section 800. Personnel Merit System.

There shall be a personnel merit system in the City of Eureka which shall include all offices and employees in the city government except:

(a) offices required by this Charter to be filled by election or appointment by the Mayor and/or City Council.

(b) one assistant and one secretary to the City Manager, one secretary to the Mayor, and one secretary to the Council;

(c) part-time or temporary employees who are regularly employed for less than one-half time throughout the year, or who are employed in seasonal employment for not more than 120 days in any consecutive 12 months; and

(d) those engaged by contract for special services of a professional, scientific or technical nature, or where the service is essentially non-personal in character.

All appointments and promotions in the personnel merit system of the city shall be based on merit as determined by tests and by records of achievement.

## Section 801. Provisional Appointments.

Provisional appointments to positions in the personnel merit system may be made pending the creation of eligible lists, but such provisional appointments may not exceed four (4) months and may not be renewed or extended.

## Section 802. Personnel Ordinance.

The City Council shall by ordinance provide a modern system of personnel administration based on the personnel merit principle required by this Article, consistent with modern accepted practices in public personnel administration, and giving due consideration to the relative interests of the city as an employer and of its employees.

## Section 803. Removal or Suspension.

Any officer or employee of the city subject to the personnel merit system who shall be removed or suspended by proper authority having charge of his appointment, shall have a written notice of the cause of his removal or suspension from duty, and he shall have an opportunity to be heard on the cause of his removal or suspension at a public hearing of the City Council or personnel board.

## Section 804. Oath of Office.

Every officer and employee shall, before entering upon the duties of their respective offices or employments, take and subscribe the oath or affirmation required by the Constitution of the State of California.

## Section 805. Official Bonds.

Officers or employees receiving and disbursing or accounting for public funds are to provide an official bond. The City Council shall determine by ordinance which other officers and employees are to provide such bond, and shall determine the amount and terms thereof. All bonds shall be executed by a responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the city. There shall be no personal liability

upon, or any right to recover against, a superior officer or his bond for any wrongful act or omission of his subordinate, unless such superior officer was a party to or conspired in such wrongful act or omission.

**Section 806. Officers Holding Other Office.**

Any elective officer of the City who shall during his term of office hold or retain any other elective public office to which compensation is attached, or who shall hold any other position, office or employment the compensation of which is paid by the City, except as otherwise provided in this Charter or by law, shall be deemed thereby to have vacated the office held by him under the city government.

**Section 807. Prohibited Interest in Contracts, Work or Business of the City.**

No member of the Council, and no officer or employee of the city, shall be or become directly or indirectly financially interested in, or with the performance of, any contract, work, or business, or in the sale of any article, the expense, price or consideration of which is payable from the City Treasury, or in the purchase or lease of any real estate or property belonging to or taken by the city, or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the city; provided, however, that any member of a board, commission or committee serving without compensation may contract to sell personal or real property to the city to be used by a department of the city, board, commission or committee other than the board, commission, or committee on which he serves; and provided further, that no officer or employee shall be deemed to be financially interested, within the meaning of the foregoing provisions, if such interest is not a prohibited interest under, and disclosure is made in accordance with the provisions of Article 4, Chapter 1, Division 4, Title 1 of the Government Code of the State of California as the same now exists or may hereafter be amended, or under the provisions of the Political Reform Act of 1974 as the same now exists or may hereafter be amended or an applicable local conflict of interest code adopted pursuant to said Political Reform Act of 1974.

Any member of the Council, or any officer or employee of this city, violating the provisions of this section, or who shall be directly or indirectly interested in any franchise, right, or privilege granted by the city while he is such officer, member, or employee, unless the same shall devolve upon him by law, shall forfeit his office or employment, and be forever disqualified from holding any position in the service of the city; and all contracts made, or rights or franchises granted, in violation of this section shall be absolutely void.

**Section 808. Prohibited Acts of Officers and Employees.**

No officer or employee of the city shall be or become a surety on any bond given to the city, or to any person for the benefit of the city; nor shall any officer or employee of the city give or promise to give any person any portion of such officer's or employee's compensation, or any money, or thing of value, or any position, in consideration of having been or being nominated, appointed, voted for, or elected to any office or employment under the city. No officer or employee of the city shall, while in office, accept any donations or gratuity in money or anything of value, either

directly or indirectly from any subordinate employee, or from any candidate or applicant for any position under such officer or employee, or from any person seeking special favors or considerations. Any person violating the provisions of this Section shall forfeit his office and employment with the city.

**Section 809. Absence from City; Malfeasance in Office or Conviction of Felony.**

If any officer of the city shall absent himself therefrom for more than thirty days, consecutively, without the permission of the Council, or be convicted of a felony or of malfeasance in office, his office shall be and become vacant, and such vacancy shall be filled, as in this Charter provided.

**Section 810. Non-Discrimination.**

No officer or employee in any department of the city government shall ever be appointed or removed for or on account of partisanship, political opinions, race, color, ethnic origin, religious beliefs, sex or marital status.

## Article IX

### Franchises

**Section 900. Award of Franchise; Abandonment.**

All grants of franchises by the Council shall be awarded to the highest responsible bidder in accordance with a franchise ordinance adopted by the Council or if no such ordinance has been adopted, in pursuance of the general laws of the State of California. Whenever any franchise shall have been in disuse, in whole or in part, for the period of one year, there being no legal impediment to the use thereof, it shall be deemed abandoned and forfeited to the extent of such disuse, and said franchise, or part thereof, so in disuse, shall no longer be used or enjoyed. When in the exercise of any franchise, use has been made in any way of any street or alley of the city, such street or alley shall be put in good repair, and all the materials or obstructions which have been placed therein in the exercise of such franchise shall be removed therefrom at the expense of the person or company who has held such franchise whenever the franchise is abandoned or falls into disuse.

## Article X

### Initiative, Referendum and Recall

**Section 1000. Reservation to People of Right of Initiative, Referendum and Recall.**

The people reserve to themselves the right of initiative, referendum and recall of the elected officials, and the Council may on its own motion refer matters to referendum vote, all in the manner prescribed by general law.

## Article XI

### Schools

**Section 1100. Board of Education; Wards; Eligibility.**

The government of the School Department of the City shall be vested

in a Board of Education to consist of five members who shall receive no compensation. The qualified electors of the school district shall as a whole elect one member of the Board for each of the five wards of the school district. Such wards shall have the boundaries as established on the effective date of this section; provided that the Board of Education shall change such boundaries from time to time to provide equal representation among the five (5) wards in compliance with the one person-one vote principle.

No person shall be eligible for the office of Member of the Board of Education unless such person is at the time of assuming such office an elector of the school district and was a registered voter and a resident of the school district and of the ward from which such person is seeking election at the time nomination papers are issued to such person as provided for in Section 22842 of the Elections Code of the State of California as the same now exists or may hereafter be amended or superseded. If a member of the Board of Education fails to continue to be a resident of the ward from which he was elected, the office shall, by reason thereof, become vacant; provided, that in case a redistricting or redivision of wards is made whereby the lines or boundaries thereof are changed, this provision with regard to residence shall not apply to the current term of any member of the Board of Education whose residence has been changed thereby from the ward from which the member was elected and in which the member resided.

Each member of the Board of Education shall have the power to administer oaths and affirmations relative to any business brought before or under consideration by the Board of Education.

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

#### Section 1101. Organization of Board of Education.

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

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

Mayor of the City shall cast the deciding vote. The appointee shall be a resident of the ward in which the vacancy occurred.

**Section 1102. Administration of Schools.**

The Board of Education shall administer the schools in conformance with the Education Code of the State.

**Section 1103. Application of Charter.**

In the event the city is included within a unified school district, the provisions of this Charter shall not apply thereto, and the government, organization and administration of such unified school district shall be as prescribed by the Education Code of the State.

## Article XII

### Miscellaneous Provisions

**Section 1200. Books Open to Public Inspection.**

All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Copies and extracts from such books and records duly certified shall be given by the officer having the same in custody to any person demanding upon payment of a reasonable fee.

**Section 1201. Records and Other Personal Property of City.**

All books, papers, plats, charts, records, files, and stationery belonging to the city, made, or made use of, by any officer, or employee of the city in the performance of official duties, shall be deemed and considered as belonging to the city, and shall be delivered to the successor in office, who shall give duplicate receipts in writing therefor, one of which shall be filed with the City Clerk.

**Section 1202. Definitions.**

Unless the provisions or the context otherwise requires, as used in this Charter:

- (a) "Shall" is mandatory and "may" is permissive.
- (b) "City" is the City of Eureka and "department", "board", "commission", "committee", "agency", "officer" or "employee" is a department, board, commission, committee, agency, officer or employee, as the case may be, of the City of Eureka.
- (c) "County" is the County of Humboldt.
- (d) "State" is the State of California.
- (e) "Council" is the City Council of the City of Eureka.
- (f) "Mayor" is the Mayor of the City of Eureka.
- (g) "Member", "Member of the Council" or "Council Member" means any one of the five members of the Council.

**Section 1203. Headings.**

Article and section headings appearing in this Charter are for illustration and information and do not in any manner affect the scope, meaning or intent of the provisions of this Charter.

**Section 1204. Validity and Separability.**

If any provision of this Charter or the application thereof to any person or circumstance is held invalid the remainder of the Charter and the application of such provisions to other persons or circumstances shall not be affected thereby.

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

Date of municipal election: June 6, 1978.

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Charter Chapter 16—City of Redondo Beach

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

[Filed with Secretary of State July 28, 1978.]

Section 16.3 of the City Charter is amended to read as follows:

Sec. 16.3. Elections.

The election of members of the Board of Education shall be held in the Redondo Beach City School District on the first Tuesday after the first Monday in March of each succeeding odd-numbered year to fill the offices of members whose terms expire on March 31st next succeeding the election. Each person elected at a regular biennial governing board member election shall hold office for a term of four years from April 1st next succeeding his election. Board of Education elections shall be consolidated with General Municipal Elections.

Section 18 of the City Charter is amended to read as follows:

Sec. 18. General Municipal Elections.

General Municipal Elections to fill elective offices shall be held in said city on the first Tuesday after the first Monday in March of each succeeding odd-numbered year to fill the offices of persons whose terms expire on March 31st next succeeding the election. Each person elected at a General Municipal Election shall hold office for a term of four years from April 1st next succeeding his election. General Municipal Elections shall be consolidated with Board of Education elections.

Section 6.1 of the City Charter is amended to read as follows:

Sec. 6.1. Eligibility.

No person shall be eligible to file as a candidate for or hold office as a member of the City Council unless he shall be a qualified elector at the time of filing his nomination papers, and shall have been a resident of the city for at least thirty (30) days immediately preceding the date of such filing. In addition, the candidate for City Council either by election or appointment, shall have been a resident of the district which he seeks to represent for at least thirty (30) days immediately prior to filing his nomination papers or the date of his appointment.

Section 8.1 of the City Charter is amended to read as follows:

Sec. 8.1. Mayor, Eligibility.

No person shall be eligible to file as a candidate or hold office as Mayor unless he shall be a qualified elector at the time of filing his nomination papers and shall have been a resident of the city for at least thirty (30) days immediately preceding the date of such filing or appointment.

Section 10.3 of the City Charter is amended to read as follows:

Sec. 10.3.

No person shall be eligible to file as a candidate or hold office as City Clerk or City Treasurer under Article X unless he shall be a qualified elector at the time of filing his nomination papers and shall have been a resident of the city for at least thirty (30) days immediately preceding the date of such filing or appointment.

Section 10.4 of the City Charter is amended to read as follows:

Sec. 10.4.

No person shall be eligible to file as a candidate or hold office as City Attorney under Article X unless he shall be a qualified elector at the time of filing his nomination papers and shall have been a resident of the city for at least thirty (30) days immediately preceding the date of such filing or appointment.

Section 16.1 of the City Charter is amended to read as follows:

Sec. 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. No person shall be eligible to hold the office of member of the Board of Education unless he shall have been a resident of the territory included in the Redondo Beach City School District for at least thirty (30) days immediately preceding the date of filing his declaration of candidacy. They shall be elected at large by the qualified voters of the district and shall serve for a four (4) year term, 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.

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

Date of municipal election: June 6, 1978.

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Charter Chapter 17—City of Santa Ana

*Amendments to the Charter of the City of Santa Ana*

[Filed with Secretary of State August 2, 1978.]

Section 200 of the City Charter is amended to read as follows:

Sec. 200. Powers of the City.

The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. The City shall also have all other rights, powers and privileges which are not prohibited by, or in conflict with, the State Constitution or this Charter and which it would be proper to specifically set forth in this Charter, even though such are not herein set forth. It shall also have the power to exercise any and all rights, powers, privileges heretofore or hereafter established, granted, or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal

corporation might or could exercise under the Constitution and laws of the State of California.

The enumeration or specification in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, the generality of the foregoing provisions.

The City shall have the power to act pursuant to procedure established by any law of the State, unless a different procedure is established by this Charter or by ordinance.

Section 409 of the City Charter is amended to read as follows:

Sec. 409. City Council: Meetings.

The Council shall provide, by ordinance or resolution, not inconsistent with other provisions of this section, for the time, place, and manner of holding its meetings. Copies of such ordinances or resolutions shall be kept on file in the office of the clerk of the council where they shall be available for public inspection. To the extent that they are not inconsistent with other sections of this Charter, the provisions of Chapter 9 of Part 1 of Division 2 of Title 5 of the Government Code, as they now exist or may hereafter be amended, insofar as they relate to the right of the public to attend meetings of Council, the adjournment of regular or adjourned regular meetings, the calling of special meetings, and the holding of executive sessions, shall govern meetings of the Council. No business shall be considered at any special meeting other than such as is specified in the notice of such meeting.

Section 410 of the City Charter is amended to read as follows:

Sec. 410. City Council: Quorum.

A majority of the members of the City Council shall constitute a quorum to do business, but a lesser number may adjourn from time to time. Except as otherwise provided elsewhere in this Charter or by law, no ordinance, resolution or motion shall be passed, adopted, or become effective unless it receives the affirmative vote of a majority of the full membership of the City Council. In the absence of all of the members of the City Council from any regular meeting, the Clerk of the Council may declare the same adjourned to a stated day and hour.

Section 413 of the City Charter is amended to read as follows:

Sec. 413. Ordinances and Resolutions: Adoption.

Every ordinance shall be introduced in writing in the form in which it is to be finally passed. A copy of each ordinance and written resolution shall be available in the Council's chambers for public inspection during any Council meeting at which the same is to be passed or adopted. No ordinance shall be passed finally on the day it is introduced, except for emergency ordinances as hereinafter defined in Section 415, nor within six (6) days thereafter, nor at any time other than at a regular or adjourned regular meeting. In the event that any ordinance, other than an emergency ordinance, is altered after its introduction, except for the correction of typographical or clerical errors, the same shall not be finally adopted except at a regular or adjourned regular meeting, held not less than six (6) days after the date upon which such ordinance was so altered. The rights and powers conferred on the City Council shall be exercised by ordinance when so provided by this Charter or by law. Each act of the City Council



establishing a fine or other penalty or granting a franchise shall be by ordinance.

No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting.

All ordinances and written resolutions shall be signed by the mayor and attested by the clerk of the council.

Section 416 of the City Charter is amended to read as follows:

**Sec. 416. Ordinances: Publication.**

Except as otherwise provided elsewhere in this Charter, and with the exception of ordinances which take effect immediately upon adoption, no ordinance shall be adopted unless (a) it is first passed for publication of title, (b) the title of the ordinance is published as hereinafter provided in this section, and (c) at least six (6) days have elapsed between the date it was passed for publication of title and the date it is adopted. The title of an ordinance shall be deemed to have been "published", as said term is hereinabove used in this section if such title is printed in a newspaper of general circulation in the City no later than the third day immediately preceding the date of its adoption. No part of any ordinance, or proposed ordinance, other than its title, need be published.

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

**Sec. 417. Ordinances: When Effective.**

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 therein.

The following ordinances shall take effect immediately upon adoption:

- (a) An ordinance calling or otherwise relating to an election;
- (b) An ordinance adopted pursuant to a State law by virtue of which such ordinance shall be effective immediately;
- (c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying the annual tax upon property;
- (d) An emergency ordinance adopted in the manner provided for in this Charter;
- (e) An ordinance providing for an appropriation for the usual current expenses of the City;
- (f) An ordinance relating to a bond issue.

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

Section 418 of the City Charter is amended to read as follows:

**Sec. 418. Ordinances: Amendment.**

No section of any ordinance or of any code shall be amended unless the whole section to be amended is set forth as amended.

Section 421 of the City Charter is amended to read as follows:

**Sec. 421. Contracts, Purchases, Public Works—Formalities.**

The City shall not be bound by any contract, except as hereinafter provided, unless the same shall be made in writing by order of the City Council and signed by some officer in behalf of the City who has been authorized to do so by the City Council. The approval of the form of all contracts shall be endorsed thereon by the city attorney, or his designated representative.

The City Council may authorize by the affirmative votes of a majority of its members, any officer of the City to bind the City on contracts in writing without advertising and without previous approval by the City Council of each specific item for the payment of charges for materials, supplies, labor, equipment or other valuable consideration furnished the City, in amounts not exceeding two hundred dollars (\$200.00) in any one contract. Further, the City Council may authorize, by the affirmative votes of a majority of its members, the city manager to bind the City on contracts in writing without advertising and without previous approval by the City Council of each specific item for the payment of charges for materials, supplies, labor, equipment, other valuable consideration to be furnished the City, or for public works construction (as hereinafter defined), in amounts not exceeding the sum of five thousand dollars (\$5,000.00) without a contract let to the lowest responsible bidder after notice, in any one contract. Nothing herein contained shall authorize any person to bind the City on any such contract if the same be a portion of a larger purchase or series of purchases which, in the aggregate, exceed the authority herein specified.

Every contract involving an expenditure of more than five thousand dollars (\$5,000.00) for materials, supplies, labor, equipment, other valuable consideration, or for public works construction (as hereinafter defined) shall be made by the City Council with the lowest and best bidder after the publication for at least two (2) days in a newspaper of general circulation in the City of a notice calling for bids and fixing a period during which such bids will be received, which shall be for not less than ten (10) days after the first publication of said notice. The City Council may reject any and all such bids presented and may readvertise in its discretion. After rejecting such bids, or if no bids are received, the City Council may determine and declare that, in its opinion based on estimates submitted by the city manager, the work may be performed better or more economically by the City with its own employees, or the materials, supplies, labor, equipment or other valuable consideration can be obtained at a lower cost, and after the adoption of a motion to this effect by the affirmative votes of at least two-thirds ( $\frac{2}{3}$ ) of the members of the Council, the Council may proceed to have said work done or purchase made or contract executed in the manner stated, without further observance of the provision of this section. Such contracts likewise may be let without advertising for bids, if such work, materials, supplies, labor, equipment or other valuable consideration 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 the affirmative votes of at least two-thirds ( $\frac{2}{3}$ ) of the members of the City Council and containing a declaration of the facts constituting such urgency.

For purposes of this section, "public works construction" shall be deemed to mean a project for the erection or improvement of public buildings, streets, drains, sewers, parks, or playgrounds. Maintenance and repair of public buildings, streets, drains, sewers, parks, or playgrounds shall not be considered as public works construction.

Any contract involving expenditure of public funds, even though not required to be let by competitive bidding after publication of notice, shall nevertheless be entered into only after review of such alternative sources of supply or performance as may be available in competition with one another and selection therefrom on the basis of obtaining maximum quality goods, services, or performance at minimum cost. The city manager shall recommend and the City Council shall consider and adopt by ordinance rules and regulations governing the contracting and purchasing of all services, supplies, materials, and equipment required by any office, department, agency, officer, or employee of the City government.

Nothing contained in this section shall prohibit any contract for public works construction with, or the purchase or acquisition of any materials, supplies, labor, equipment or other valuable consideration from or through, any public or governmental body or agency without compliance with the bidding provisions of this section.

Section 424 of the City Charter is deleted in its entirety.

Section 1008 of the City Charter is amended to read as follows:

Sec. 1008. Suspension; Demotions; Dismissals.

(a) Right to exercise the disciplinary and dismissal powers hereinafter provided is vested respectively in the officers of the City who have the power of appointment as to any position in the personnel system.

(b) Any employee serving a probationary period in a position in the competitive service shall be subject to suspension without pay for a period not to exceed ninety (90) days, demotion or dismissal, and the employee so disciplined or discharged shall not have a right of appeal, except that an employee who held permanent status in some other position or employment included within the competitive service immediately prior to his appointment to probationary status shall not be discharged without written notice of charges, an opportunity to answer, a written decision as hereinafter provided and right of appeal to the personnel board.

(c) Any employee, other than one serving a probationary period, holding a position in the competitive service shall be subject to suspension without pay for a period not to exceed ninety (90) days, or to demotion, or to dismissal subject to the following:

(1) Prior thereto the employee shall receive notice of the proposed action and of the grounds for such action; a written copy of the charges; a reasonable time, not to exceed ten (10) days unless the appointing authority authorizes a longer time, to answer the charges; and a written decision of the appointing authority. A copy of the charges shall be filed with the director of personnel, and each charge upon which such suspension, demotion or dismissal is based shall be separately stated.

(2) A right of appeal to the personnel board as provided in this article. However, such appeal shall not stay the imposition of suspension, demotion or dismissal following the written decision of the appointing authority.

(d) Each or any of said actions relating to suspension, demotion, or dismissal may be taken by the officer having power of appointment to the position for reasonable and sufficient cause.

(e) Each such employee shall have ten (10) days after receipt of the

written decision of the appointing authority in which to file a notice requesting a hearing before the personnel board. Such request for a hearing shall be filed with the director of personnel. If a hearing is requested, the personnel board shall thereupon set a date for hearing the matter at its earliest convenience. Hearing procedures shall be informal, and the rules of evidence generally applicable to administrative proceedings shall apply.

Such employee shall have an opportunity at such hearing to be heard in person or by counsel and the right to subpoena witnesses. Except as otherwise provided by law, all hearings held under the provisions of this section shall be open to the public.

(f) The personnel board shall make written findings which shall state as to each charge whether or not such charge is sustained. The personnel board shall also set forth in writing its conclusions and recommendations based upon such findings, and within ten (10) days after concluding the hearing, it shall certify its findings, conclusions, and recommendations to the officer from whose action the appeal was taken, and to the city manager and the City Council.

(g) If, with respect to a suspension, demotion, or dismissal, the personnel board shall conclude that the employee charged was not guilty of the act or omission resulting in such suspension, demotion, or dismissal, a recommendation by it of reinstatement without loss of pay shall be binding upon the appointing authority who forthwith shall order such reinstatement. In the event that the personnel board shall conclude that the employee was guilty of the act or omission resulting in such suspension, demotion, or dismissal but that the penalty was not warranted under the circumstances, the personnel board may review the severity and appropriateness of the punishment. A recommendation by it of a greater or lesser punishment or of reinstatement with or without loss of pay shall be binding upon the appointing authority, who forthwith shall order the same.

If, with respect to a suspension, demotion or dismissal, the personnel board concludes that the employee was guilty of the act or omission resulting in such suspension, demotion or dismissal, and that such punishment was warranted, such decision shall be final.

(h) Vacancies created under this section may be filled by the appointing authority by temporary appointment pending the completion of any proceedings taken hereunder.

(i) A reduction in pay shall be treated as a demotion under this section, unless the reduction in pay is part of a plan of reclassification of positions or of a plan to reduce salaries and wages in connection with a general economy or curtailment program, or is the result of a finding by the appointing authority that the employee's performance does not justify the continuance of a level of pay that is dependent upon meritorious service. A failure to grant an increase in pay at a time when an increase would otherwise have been granted as a part of a plan to increase salaries and wages throughout the city service shall not be treated as a demotion under this section.

(j) The personnel board may adopt procedural rules to govern the

conduct of its hearings.

Section 1009 of the City Charter is amended to read as follows:

**Sec. 1009. Layoffs.**

All layoffs within the Competitive Service occasioned by the abolishment of a position, the combination of duties of two or more positions, or the reduction in number of employees in a given class shall be governed by seniority in service and performance. Re-employment shall be in the reverse order of layoffs.

Section 1010 of the City Charter is amended to read as follows:

**Sec. 1010. Prohibitions.**

(a) No officer or employee of the City shall in any way favor or discriminate against any employee of the City or any applicant for employment with the City because of his or her race, age, color, religion, sex or national origin.

(b) No officer or employee of the City shall engage in any political activities in violation of Chapter 9.5 of Division 4 of Title 1 of the California Government Code (commencing with Section 3201) as the same exists on the date of adoption of this section or as the same may be thereafter amended, or in violation of any other provisions of applicable law.

(c) No officer or employee of the City and no candidate for any City office shall, directly or indirectly, solicit any assessment, subscription, or contribution, whether voluntary or involuntary, for any political candidate, for Santa Ana municipal office from anyone on an eligible list, or, with the exception of elective officers and members of appointive boards and commissions, anyone holding a position in the service of the City.

(d) No person shall willfully or through culpable negligence make any false statement, certificate, mark, rating, or report in regard to any application, test certification, or appointment held or made under the provisions of this Article or in any manner commit or attempt any fraud preventing the impartial execution of such provisions of this Article or of the rules and regulations made hereunder.

Section 1014 of the City Charter is amended to read as follows:

**Sec. 1014. Work Stoppages.**

Any officer or employee of the City who engages in any strike, sickout, or other partial or total stoppage of work shall be summarily subject to suspension, demotion or dismissal by the appointing authority without right of appeal to the personnel board.

Section 1015 of the City Charter is amended to read as follows:

**Sec. 1015. Penalty for Violation of Article.**

In addition to the penalties provided for in this Charter for violations of its provisions, any person who by himself or with others violates any of the provisions of this Article shall upon conviction thereof be ineligible for a period of three (3) years for employment in the service of the City and shall immediately forfeit his office or position if he be an officer or employee of the City.

Section 1101 of the City Charter is deleted in its entirety.

Section 1102 of the City Charter is deleted in its entirety.

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

**Sec. 1106. Officers of the City.**

The officers of the City shall be:  
 Members of the City Council,  
 City Manager,  
 City Attorney,  
 Clerk of the Council,

Such other officers as shall be specified by ordinance.

Section 1107 of the City Charter is amended to read as follows:

Sec. 1107. Gifts to Officers and Employees Prohibited.

It shall be unlawful for any person or organization that is financially interested in any decision pending action by any agency, officer or employee of the City, or in any contract to which the City is a party to make any gifts aggregating in value more than \$25.00 in any one calendar month to any officer, or employee of the City. No person or organization shall be deemed to have a financial interest in a decision or contract by reason of any interest which is shared by a significant portion of the general public. No gift is unlawful which is similarly made or offered to a significant portion of the general public. Any person who makes, acts as the agent or intermediary in the making of, or arranges for the making of, any gift which is unlawful hereunder is guilty of a misdemeanor. Any officer or employee who receives any gift which he knows, or reasonably should know, is unlawful hereunder is guilty of a misdemeanor.

Section 1203 of the City Charter is amended to read as follows:

Sec. 1203. Elections: 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, for the holding of elections in general law cities, insofar as the same are not in conflict with this Charter.

Section 1400 of the City Charter is amended to read as follows:

Sec. 1400. Employees' Retirement System.

(a) Duty to Provide Retirement System.

Except as hereinafter otherwise provided, the Council shall provide, by ordinance or ordinances, for the creation, establishment and maintenance of a retirement plan or plans for all officers and employees of the City. Such plan or plans need not be the same for all officers and employees. Subject to other provisions of this Article, the Council may at any time, or from time to time, amend or otherwise change any retirement plan or plans or adopt or establish a new or different plan or plans for all or any officers or employees.

(b) Authority to Join Other Systems.

Subject to other provisions of this Article, the City, by and through its Council, is hereby empowered, but not required, to join or continue as a contracting agency in any retirement or pension system or systems existing or hereafter created under the laws of the State of California or of the United States of America to which municipalities and municipal officers or employees are eligible for membership.

(c) Continuance of Existing Retirement System.

Until otherwise provided by ordinance, the City shall continue to participate in the Public Employees' Retirement System of the State of Cali-

fornia, as the same now exists or may hereafter be amended. The City Council may not terminate any such contract with the Public Employees' Retirement System of the State of California, and may not amend any such contract in a manner which would decrease or eliminate any benefit accruing to persons employed by the City at the time of such contract termination or amendment, unless such amendment shall substitute a retirement system or systems providing equal or greater benefits for said persons.

(d) Exclusions.

The Council in its discretion may exclude all or any of the following persons from any or all retirement plans, to wit:

Persons mentioned in subsections (b) 1, 6, 7, 8, 9, 10, 11, and 13 of Section 1002 of this Charter;

Persons in City service primarily for training, study or educational purposes;

Persons employed or paid on a part-time, per diem, per hour or any basis other than a monthly basis.

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

Date of municipal election: June 6, 1978.

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Charter Chapter 18—County of San Mateo

*Amendments to the Charter of the County of San Mateo*

[Filed with Secretary of State August 9, 1978.]

Section 3 of Article I of the San Mateo County Charter is amended to read as follows:

Section 3. Vacancies. How Filled. When a vacancy occurs on the board of supervisors, it shall be filled as provided in this section.

(a) The board of supervisors, by a majority vote of the remaining board members, may call a special election to fill the vacancy for the remainder of the term; provided that the board must call said election within 30 days of the effective date of such vacancy.

(b) If the board of supervisors does not call a special election to fill the vacancy within 30 days of the effective date of such vacancy, then the vacancy shall be filled as provided by general law.

(c) The special election shall be held not less than 102 days, and not more than 131 days, from the order calling said election; provided, however, that the special election may be held on a regularly established election date as provided by general law if such date falls within 270 days from the order calling the special election.

(d) The special election shall be conducted in accordance with the provisions of general law governing the direct primary, so far as they may be applicable, except that the county clerk shall have the authority to

prescribe the time periods for securing signatures in lieu of a filing fee, for circulating and filing nomination papers, for publishing the notice of election, and for applying for absentee ballots. The candidate receiving the highest number of votes for the office shall be declared elected for the remainder of the term.

Section 9 of Article VII of the San Mateo County Charter is amended to read as follows:

Section 9. Director of Health and Welfare. The county manager shall appoint a director of health and welfare who shall devote his full time to his duties and shall have administrative supervision over the health, sanitary and social service of the county, and all hospitals and other health and welfare institutions for this service shall be under his direction. He shall have power to appoint, suspend or remove such subordinate officials as may be authorized by the board of supervisors, and the appointees to said offices as a qualification for such appointment shall have had training and experience for their respective positions. He shall supervise the work of all health, sanitation, and social service agencies which the county may establish hereafter or undertake for any municipality within the county, whether by contract or consolidation, and of any sanitary or mosquito abatement function which the county may assume at the request of existing districts, or by law. He shall be vested with such other powers and functions, and shall perform such other duties as now are, or hereafter may be, vested in and conferred upon him by general law or by the board of supervisors.

Certified to be a true copy by E. J. Bacciocco, Chairman of the Board of Supervisors, Eileen Kenyon White, Executive Officer, Board of Supervisors, and Marvin Church, County Clerk.

Date of municipal election: June 6, 1978.

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### Charter Chapter 19—City of Santa Barbara

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

[Filed with Secretary of State August 14, 1978.]

Section 520 of Title V of the Charter of the City of Santa Barbara is amended to read as follows:

Section 520. Disposition of Real Property or a Public Utility. No land acquired by the City for or dedicated to public park or recreation purposes and no beach property or public utility now or hereafter owned or operated by the City shall be sold, leased or otherwise transferred, encumbered or disposed of unless authorized by the affirmative votes of at least a majority of the total membership of the City Council and by the affirmative votes of at least a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted. Concessions, permits or leases compatible with and accessory to the pur-



poses to which the property is devoted by the City and which are permitted by contract from and regulated by the City shall not be subject to this paragraph.

No other land owned by the City, unless the value thereof is less than five thousand dollars (\$5,000.00) shall be sold, transferred or disposed of or encumbered, unless such sale, transfer, disposition or encumbrance be made or approved by ordinance which shall be subject to referendum.

Section 1101 of Title XI of the Charter of the City of Santa Barbara is amended to read as follows:

Section 1101. Continuation of Present Pension System. Nothing contained in this Article shall be deemed or construed to impair or detract from, in any manner whatsoever, the continued and full enjoyment of all vested rights, privileges and benefits and the continuance of all provisions of the pension system provided for in Article XV-A and other provisions of the immediately preceding Charter of the City as amended to the effective date of this Charter, as to all present and existing members and beneficiaries of said system as of the effective date of this Charter; provided, however, that no new or additional members shall thereafter be added to or included in said pension system.

Wherever in said pension system, reference is made to the "Board of Police and Fire Commissioners", the same shall be deemed to refer to the appointing power under this Charter. The Board of Fire and Police Pension Commissioners, established by said Charter as so amended shall continue to exist, function and operate and new members be appointed thereto until, and only until, such time as there shall no longer be any member or beneficiary of said system in existence, whereupon said pension system and said Board of Fire and Police Pension Commissioners shall terminate. In lieu of appointment of an active member of the Police Department and Fire Department as provided in Article XV-A, the Mayor, with consent of the City Council, may appoint a retired member of the Police Department and Fire Department.

Notwithstanding the provisions of said preceding Charter, the Board of Fire and Police Pension Commissioners may invest any funds placed under its jurisdiction for investment pursuant to said Article XV-A of said preceding Charter in any securities or assets in which the funds of the State Employees' Retirement System may lawfully be invested at the time of such investment, subject, however, to all conditions, limitations and requirements imposed by law upon the investment of such funds of the State Employees' Retirement System at such time.

Section 1407 of Title XIV of the Charter of the City of Santa Barbara is amended to read as follows:

Section 1407. Franchise Amendment. No franchise amendment shall be effective unless approved by five (5) affirmative votes of the City Council.

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

Date of municipal election: June 6, 1978.

Charter Chapter 20—County of San Diego

*New Charter for the County of San Diego*

[Filed with Secretary of State August 21, 1978.]

Charter of the County of San Diego is repealed and a new Charter for the County of San Diego is enacted to read as follows:

**SAN DIEGO COUNTY CHARTER**

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## CHARTER

San Diego County

State of California

### PREAMBLE

We, the People of the County of San Diego, adopt this Charter to protect our rights and to promote a just, honorable, and efficient government.

### Article I

#### Definitions

Section 100: General Law. General law means the Constitution, Statutes, and Codes of the State of California.

Section 101: State. State means the State of California.

Section 102: County. County means the County of San Diego.

Section 103: Board. Board means the Board of Supervisors of the County of San Diego.

Section 104: Officers. Officers includes elective and appointive County officers as specifically designated by general law, by this Charter, or by ordinance of the Board.

Section 105: Employees. Employees includes deputies and all other persons whose personal services are engaged for compensation by the County, except officers and independent contractors.

Section 106: Departments. Departments includes County agencies, departments, offices, institutions, boards, commissions, committees, and all other branches and divisions of County administration.

### Article II

#### Initiative, Referendum, and Recall

Section 200: Initiative, Referendum, and Recall. The People of the County may exercise the initiative, referendum, and recall provisions of general law.

### Article III

#### County Powers

Section 300: County Powers. As a political subdivision of the State, the County has all the powers specifically stated and necessarily implied in general law and this Charter, including the power to assess, levy, and collect taxes.

Section 301: County Authority. The County may exercise its powers only through a five-member Board of Supervisors or through persons authorized by general law, this Charter, or the Board.

### Article IV

#### Board of Supervisors

Section 400: Number and Apportionment of Districts. For the purpose of electing Supervisors, the County is divided into five legally apportioned districts.

Section 400.1: After each Federal decennial census, the districts of the County shall be reapportioned by the Board in the manner specified by general law and in such a way that the area of at least two districts is as

substantially outside the City of San Diego as the population will permit. Failure of the Board to so redistrict within one year constitutes misconduct in office.

**Section 401: Election and Appointment of Supervisors.** The voters in each of the County's five districts nominate and elect one Supervisor from their district to serve on the Board for a four-year term, beginning at noon on the first Monday after January first following election, and to hold office until the qualification of a successor.

**Section 401.1: Elections of Supervisors occur every two years: Supervisors for the first, second and third districts are elected at one general election; Supervisors for the fourth and fifth districts are elected at the alternate general election.**

**Section 401.2: A candidate for election or appointment as Supervisor shall fulfill residency and elector requirements established by general law.**

**Section 401.3: A candidate who receives a majority of all votes in the primary election is elected. When no candidate is so elected, the two candidates who receive the highest number of votes in the primary are the candidates in the general election, and the one who receives the higher number of votes in the general election is elected. In the event there are only two candidates for one office, the office shall be voted upon at the ensuing general election instead of the primary election.**

**Section 401.4: When a vacancy occurs in the office of Supervisor, it is filled by appointment of a majority of the remaining members of the Board. If the Board fails to make an appointment within thirty days of a vacancy, the Governor makes the appointment. The appointee holds office until the election and qualification of a successor. The successor is elected at the next general election, either to complete the term, if it does not expire the following January, or to begin a new four-year term of office.**

**Section 402: Compensation.** Salaries of Supervisors are established by ordinance of the Board.

**Section 402.1: While holding office and for one year after a Supervisor is ineligible for appointment to or employment in any other County position providing compensation.**

**Section 403: Election of Presiding Officer.** At its first meeting following the first Monday after January first, the Board shall elect a Presiding Officer and a Presiding Officer Pro Tem. The Presiding Officer Pro Tem has full authority to act if the Presiding Officer is absent or unable to act.

**Section 404: Quorum.** Three Supervisors constitute a quorum for the transaction of business. Acts of the Board are invalid unless three Supervisors concur.

## Article V

### Powers and Duties of the Board of Supervisors

**Section 500: General Powers.** The Board has the jurisdiction and all powers granted to it by general law and this Charter.

**Section 500.1: The Board has the power to establish, by ordinance, appointive offices other than those required by general law and this Charter and to combine and, having combined, to separate them.**

Section 500.2: Unless otherwise specified in this Charter, the Board has the power to fill, by appointment, any vacancy that occurs in an elective office. The appointee holds office until the election and qualification of a successor. The successor is elected at the next primary election, or at the next primary and general elections, to complete the term, if it does not expire the following January, or to begin a new term of office.

Section 500.3: The Board may suspend from office, at its discretion, an officer who has been indicted for official misconduct, an offense involving moral turpitude, or an infamous crime. The Board shall fill the vacancy until final legal action is determined.

Section 500.4: At the request of a city or special district within the County, the Board may provide for the County's assumption of functions of the city or special district which correspond to those of the County. The terms of the agreement shall be established in writing by the County and the city or special district, and they may include provisions for payment to the County and employment by the County of city or special district personnel.

Section 501: Duties. Unless otherwise specified in this Charter, the Board shall, by ordinance, appoint or provide for the appointment of all nonelective officers and employees.

Section 501.1: The Board shall establish, by ordinance, the number of nonelective employees.

Section 501.2: The Board shall, at least annually, adopt an ordinance to establish the compensation of all officers and employees, providing uniform compensation for like services. Although any officer may consent to a decrease in pay, the Board may neither increase nor decrease the compensation of an elective officer ninety days before election or during the term of office for which the officer was elected. When establishing compensation, the Board shall consider, among other factors, the following:

- (a) the prevailing rate of compensation paid and fringe benefits provided by private employers in the County and by other public employers in the State for similar quality or quantity of service;
- (b) the fringe benefits provided by the County; and
- (c) the revenues available to the County for payment of compensation.

Section 501.3: The Board shall require adequate bond, the premium for which is paid by the County, from all officers and employees who handle funds and, when necessary, from other officers and employees.

Section 501.4: The Board shall adopt, by ordinance, an administrative code establishing the powers and duties of all officers and the procedures and rules of operation of all departments.

Section 501.5: The Board shall provide for the regulation of the marking and operation of County vehicles.

## Article VI

### Elective Officers

Section 600: Elective Officers. In addition to Supervisors, the elective officers are:

Assessor,  
 County Clerk,  
 District Attorney,  
 Members of the County Board of Education,  
 Recorder,  
 Sheriff,  
 Tax Collector, and  
 Treasurer,

each of whom is nominated and elected according to general law.

Section 601: Limitation of Terms. No person shall be eligible to serve as an elective County Officer in the same elective office for more than three (3) successive four-year elective terms or, if elected for six-year terms, for more than two (2) successive six-year elective terms. Any person appointed or elected as an elective County Officer to fill an unexpired term shall, however, be eligible to serve three (3) successive four-year elective terms or, if elected for six-year terms, two (2) successive six-year elective terms, upon the expiration of the unexpired term for which he was appointed or elected. This section shall become operative on the 15th day of January, 1977 and shall apply to any person serving as an elective County Officer on that date; provided, however, that the provisions of this section shall not apply to any person, other than a member of the Board of Supervisors, holding a County elective office on November 2, 1976.

Section 602: Consolidation of the Offices of Treasurer and Tax Collector. The offices of Treasurer and Tax Collector shall be consolidated at the time specified in Section 602.1, and the duties of the Treasurer/Tax Collector, including all of the duties now performed by both, shall be performed by one person elected by general law.

Section 602.1: If either the current Treasurer or the current Tax Collector vacates office, the consolidation shall take place immediately, and the other officer shall assume the duties of the consolidated office for the remainder of the term for which he was elected. If neither one vacates office, a Treasurer/Tax Collector shall be elected at the general election in 1978 for a four-year term which shall begin at noon on January 8, 1979.

Section 603: County Board of Education: The County Board of Education, which administers the Department of Education, consists of five members elected from and by the voters of their districts.

Section 603.1: Each member of the County Board of Education holds office for a six-year term, beginning on the first Monday after January first following election, and continues to serve until the election and qualification of a successor. Elections are held according to the expiration of each member's term.

Section 603.2: Any vacancy on the County Board of Education is filled from the district in which it occurs within thirty days by appointment of the remaining members of the County Board of Education or thereafter by appointment of the Board of Supervisors. The appointee holds office only until the next election, at which time a person is elected to fill the unexpired term.

Section 603.3: The County Board of Education may, by resolution, change the boundaries of educational districts; however, a change of boundaries may not be made between February first and December first

of an even-numbered year, may not affect the term of office of an incumbent member, and may not take effect until a certified copy of the resolution has been filed with and approved by the Board of Supervisors.

Section 603.4: The County Board of Education shall, by a majority vote, appoint the Superintendent of Schools for a four-year term. They may, by a four-fifths vote, remove the Superintendent for cause.

Section 604: Restrictions on the District Attorney. The District Attorney and the District Attorney's deputies may not engage in private law practice.

Section 605: Sheriff. The Sheriff shall organize the Sheriff's Department for efficient and effective law enforcement.

## Article VII

### Appointive Officers and Boards

Section 700: Appointive Officers. The appointive officers include:

Agricultural Commissioner,  
 Auditor and Controller,  
 Clerk of the Board of Supervisors,  
 Coroner,  
 County Counsel,  
 County Librarian,  
 County Veterinarian,  
 Director of Medical Institutions,  
 Director of Parks and Recreation,  
 Director of Personnel,  
 Director of Public Health,  
 Director of Public Welfare,  
 Director of Transportation,  
 Director of Veteran Services,  
 Probation Officer,  
 Public Administrator,  
 Purchasing Agent,  
 Registrar of Voters,  
 Sealer of Weights and Measures,  
 Superintendent of Schools,

and all other officers who may be required by general law or ordinance.

Section 701: Status of Appointive Officers. The Chief Administrative Officer and those appointive officers and their principal assistants who have been appointed to their positions since January 21, 1969, except the County Counsel, the County Counsel's principal assistant, and officers in the Unclassified Service, are in the Executive Service of the County. The County Counsel, the County Counsel's principal assistant, and those appointive officers and their principal assistants who entered before that date remain in the Classified Service.

Section 702: Executive Service. Appointments to the Executive Service shall be made in the same manner as appointments to the Classified Service.

Section 702.1: Officers in the Executive Service may be removed, upon recommendation of the Chief Administrative Officer, by a four-fifths



vote of the Board; principal assistants in the Executive Service may be removed, with the approval of the Chief Administrative Officer, by their appointing authorities. However, a person to be removed from the Executive Service has the right not only to request and receive a public hearing before the Board, the procedures for which shall be established by ordinance of the Board, but also to learn grounds for removal and present evidence at that hearing.

**Section 703:** Chief Administrative Officer. The Chief Administrative Officer exercises the Board's administrative supervision over affairs of the County delegated to that officer and over all departments, except the Civil Service Commission and the offices of Assessor, Superintendent of Schools, District Attorney, and Sheriff.

**Section 703.1:** The Chief Administrative Officer shall be appointed by the Board in the same manner as persons are appointed to the Classified Service. The Chief Administrative Officer may be removed by a unanimous vote of all members of the Board fifteen days after written notice of intention to remove or by a four-fifths vote of all members of the Board thirty days after notification.

**Section 703.2:** The Chief Administrative Officer assists the Board in coordinating the functions and operations of the County.

**Section 703.3:** The Chief Administrative Officer is responsible for carrying out all of the Board's policy decisions that pertain to the functions assigned to that officer.

**Section 703.4:** The Chief Administrative Officer supervises the expenditures of all departments and reports to the Board whether those expenditures are necessary.

**Section 703.5:** The Chief Administrative Officer shall attend Board meetings and shall have the right to report on or discuss any matters before the Board which concern the affairs of any of the departments under that officer's supervision.

**Section 703.6:** For assistance in carrying out official duties, the Chief Administrative Officer may call upon officers and employees in departments under the Chief Administrative Officer's supervision, so long as that assistance falls within the legally authorized scope of their activities.

**Section 703.7:** To promote efficiency, the Chief Administrative Officer may recommend to the Board and to the Civil Service Commission the temporary transfer of personnel within the departments under that officer's supervision. The Chief Administrative Officer may also recommend to the Board the creation or abolition of positions in any departments. New positions shall not be created or filled without the recommendation of the Chief Administrative Officer.

**Section 703.8:** Any decision of the Chief Administrative Officer may be appealed, by the head of the affected department, to the Board, whose decision is final.

**Section 704:** County Counsel. The County Counsel acts as legal advisor to the Board and represents the County and its officers, in their official capacity, in civil actions and proceedings in which they are involved, except when an officer is a defendant in an action prosecuted by the State or County.

Section 704.1: The County Counsel performs all of the duties of a district attorney, except those of a public prosecutor, and all duties which a County Counsel is authorized by statute to perform.

Section 704.2: The County Counsel represents the Public Administrator in estate matters administered by that officer, collects the attorney's fee allowed by law, and pays it into the County Treasury.

Section 704.3: When the County Counsel determines that a conflict of interest exists in the performance of a duty and chooses to be disqualified, the Board may ask the District Attorney to perform that duty. However, the Board retains the power to employ counsel to assist the County Counsel at other times.

Section 704.4: With the Board's approval, the County Counsel and the District Attorney may agree to perform any of each other's functions; however, the agreement may be canceled at any time by the County Counsel, by the District Attorney, or by the Board.

Section 704.5: The County Counsel and the County Counsel's deputies may not engage in private law practice.

Section 705: Purchasing Agent. Except in cases of emergency, the Purchasing Agent shall make all purchases for the County and may make them only upon receipt of a requisition signed by an official authorized by the Board. Emergency purchases may be made by others authorized by the Board, but they shall be subsequently either approved by the Purchasing Agent or ratified by a four-fifths vote of the Board. Purchases of property for the County are invalid unless made as specified in this Section.

Section 705.1: Except in cases of emergency, the Purchasing Agent may not issue a formal purchase order without the Auditor and Controller's certification that sufficient funds are, or will become, available in the proper fund.

Section 705.2: The Purchasing Agent shall follow the rules and procedures established by ordinance of the Board for the purchase of necessary materials, supplies, furnishings, and property.

Section 705.3: A Supervisor or an officer shall not attempt, directly or indirectly, to influence or coerce the Purchasing Agent in the performance of duty. Except for the purpose of inquiry, a Supervisor shall not deal directly with the Purchasing Agent for the purpose of buying supplies. The Board shall conduct official business with the Purchasing Agent only as a Board convened in regular session.

Section 706: Director of Transportation. The Director of Transportation acts as County Engineer and Road Commissioner and County Surveyor.

Section 706.1: The Director of Transportation has control over County rock quarries and gravel pits.

Section 706.2: The Director of Transportation, subject to regulations prescribed by the Board, has control over the construction and maintenance of all County roads and bridges, and related material and property, except work done under contract. The Director shall inspect contract work as it progresses and shall approve it, in a written report to the Board, after it has been completed.

Section 706.3: The Director of Transportation may not authorize work on a road or bridge until all rights of way have been obtained, approved by the County Counsel, and accepted by the Board.

Section 706.4: The Director of Transportation provides estimates for each proposed construction job. If the estimates are approved by the Board and incorporated in the final budget, they are binding. Neither the Director nor any other person may approve the use of labor, material, or equipment, the cost of which will exceed approved estimates on a project. The continuation of a project in excess of approved estimates can be authorized only by a four-fifths vote of the Board.

Section 706.5: The Board may specify whether construction work on a County road or bridge will be done by contract or by the County and may, by a four-fifths vote, authorize nonbudgeted construction work on a road or bridge if the Auditor and Controller certifies that funds are available.

Section 707: Director of Public Health. The Director of Public Health administers the Department of Public Health.

Section 708: Restrictions on the Public Administrator. The Public Administrator may not act as a private administrator, executor, or administrator with the will annexed.

Section 709: Probation Officer. The Board's appointment of the Probation Officer is subject to confirmation by a majority of the judges of the San Diego Superior Court.

Section 710: Citizen Advisory Board. The Board shall, by ordinance, establish and empower citizen advisory boards on public health and welfare.

Section 710.1: The Board may compensate, consolidate, or separate citizen advisory boards.

Section 710.2: In selecting the members of advisory boards, the Board shall consider, among other factors, qualifications, race, age, sex, and location of residence. Each advisory board shall be representative of the entire County.

## Article VIII

### Budget and Accounting

Section 800: Budget. The preparation and adoption of the County Budget and the appropriation, accounting, and transfer of funds are governed by general law and this Charter.

Section 801: Auditor and Controller. As the chief accounting officer of the County, the Auditor and Controller shall:

(a) in accordance with general law and generally accepted accounting principles, maintain accounts of the financial transactions of all departments and of those districts whose funds are kept in the County Treasury;

(b) prescribe and supervise accounting systems and necessary financial reports; and

(c) prepare reports the Board or the Chief Administrative Officer considers necessary for management of County operations.

Section 801.1: The Auditor and Controller shall provide for an audit:

(a) if a vacancy occurs in the office of a department head;

- (b) if statute or ordinance requires;
- (c) if the Board requests;
- (d) if, in the Auditor and Controller's judgment, circumstances demand; or
- (e) if an officer requests one for that officer's department and obtains the approval of the Board.

Section 801.2: The Auditor and Controller shall file reports of all audits with the Board.

Section 802: External Audit. The Board shall order an annual audit of County financial statements to be conducted by a certified public accountant in accordance with generally accepted auditing standards. The audit shall be completed and the report submitted to the Board as soon as possible after the end of the fiscal year, and copies of the report shall be made available for public inspection by the Clerk of the Board.

Section 803: Access to Records. The Auditor and Controller or an authorized deputy shall have the cooperation of officers and employees, and access to records and documents necessary to conduct an audit or investigation.

Section 803.1: Failure of an officer or employee to cooperate with the Auditor and Controller or an authorized deputy during an audit or investigation constitutes misconduct, and the Auditor and Controller may file a written complaint with the Board. If the Board, after investigation, finds the complaint valid, it shall suspend the person immediately without pay and may not order the suspension lifted until it determines that the reasonable requests of the auditor or investigator have been satisfied.

Section 804: Expenditures. Money in the County Treasury may not be drawn or obligated except in accordance with general law or this Charter.

Section 804.1: An investigation of a claim against the County Treasury may be conducted by the Auditor and Controller. If the legality of the claim cannot be established, payment will be denied and the claim returned, with an explanation, to the requesting officer.

## Article IX

### Personnel System

Section 900: Employment Policy. The County shall hire, transfer, promote, or discipline individuals on the basis of job-related qualification, merit, and equal opportunity without regard to age, color, creed, handicap, national origin, political affiliation, race, religion, sex, or any other non-job-related factor.

Section 901: Civil Service Commission. The Civil Service Commission consists of five persons appointed by the Board, all of whom shall be electors of the County and not more than four of whom shall be of the same sex.

Section 901.1: Each Commissioner serves a six-year term beginning and ending at noon on the first Monday after January first and continues to serve until the appointment and qualification of a successor. No more than one Commissioner's term may expire in the same year.

Section 901.2: A Commissioner may be removed by a four-fifths vote

of the Board provided the Commissioner is served a written statement containing the reasons for removal, the statement is recorded in the Board minutes, and the Commissioner is allowed the opportunity to be heard publicly.

Section 901.3: A vacancy on the Commission shall be filled by the Board for the unexpired term.

Section 901.4: During and for one year after time of service, a Commissioner is ineligible to hold any other public office.

Section 902: General Duties of the Civil Service Commission. The Civil Service Commission shall:

- (a) administer the Personnel Department;
- (b) elect a president;
- (c) appoint a Director of Personnel to serve as secretary of the Commission and to appoint all other Classified employees authorized by the Board;
- (d) provide in its rules for regular meetings at least monthly;
- (e) keep minutes of its proceedings and records of its examinations;
- (f) prescribe, amend, and enforce rules for the Classified Service;
- (g) investigate, either as a group or as individuals, the enforcement and effect of this Article and the rules and efficiency of the civil service.

Section 903: Investigative Powers. To enforce the civil service provisions of this Charter, the Civil Service Commission has the power to investigate the conduct and operation of all departments, to administer oaths, and to subpoena witnesses, records, books, and papers.

Section 903.1: The Commission has the power to take legal action, in the manner provided by general law for boards of supervisors, against a person who, by failing to comply with its subpoena or by refusing to testify, shall be considered in contempt.

Section 904: Appointment of Employees. Officers have the power to appoint employees the Board may, by ordinance, authorize.

Section 904.1: Unless otherwise specified in this Article, employees shall serve and may be removed from service at the pleasure of their appointing authorities.

Section 905: Citizenship Requirements for Employment. The Board may establish, by ordinance, whatever citizenship requirements are legal for employment in public service.

Section 905.1: Persons in the service of the County may not certify, employ, appoint, pay, or authorize or issue warrants to persons who do not meet the citizenship requirements for employment adopted by the Board. However, this Section does not apply to the employment of:

- (a) native-born women of the United States who have married aliens;
- (b) specialists or technical experts temporarily employed by departments for special education, investigation, or research;
- (c) persons employed during extraordinary emergencies caused by fire, flood, or other calamity endangering health, life, or property;
- (d) persons employed to work upon public, military, or naval defenses in time of war;
- (e) members of the faculty or teaching force in public schools of this County;

(f) students engaged in a regularly established, accredited training program;

(g) persons who have declared their intention to become citizens of the United States, unless they fail to secure a certificate of naturalization within six months after the time they are entitled by law to secure one.

Section 905.2: A person who violates Section 905.1 is guilty of a misdemeanor and, if convicted, shall be punished by a fine not exceeding five hundred dollars and/or imprisonment not exceeding six months.

Section 906: Civil Service. The County civil service is divided into the Unclassified and the Classified Service. (The Executive Service is covered in Sections 701 and 702.)

Section 906.1: The Unclassified Service consists of:

(a) elective officers, their chief deputies, and confidential or special investigators employed by elective officers;

(b) the Assistant District Attorney, the Chief Deputy District Attorney, and not more than three confidential or special investigators designated by the District Attorney;

(c) the Under-Sheriff and not more than three confidential investigators or deputies designated by the Sheriff;

(d) members of appointed boards and commissions;

(e) trustees of the Law Library;

(f) members of the Civil Service Commission;

(g) persons serving without compensation;

(h) officers and employees whose appointments must be approved by the State;

(i) students engaged in regularly established, accredited training programs;

(j) persons employed as guards, keepers, or matrons in law enforcement agencies, including the offices of Sheriff, Marshal, and Probation Officer, for less than ninety-one working days during a calendar year;

(k) deputy registrars of voters employed only to register electors;

(l) persons employed seasonally as guards, custodians, rangers, or caretakers in County parks;

(m) persons employed for temporary expert professional services in positions that have been exempted from the Classified Service by the Civil Service Commission for a specified period; and

(n) persons employed for less than ninety-one working days during a fiscal year on a part-time or intermittent basis in positions exempted from the Classified Service by the Civic Service Commission.

Section 906.2: The Classified Service comprises all officers and employees not included by this Charter in the Unclassified Service. (The Executive Service is covered in Sections 701 and 702.)

Section 907: Classified Service Rules. Rules for the Classified Service shall provide for:

(a) the standardization and classification, according to duties and responsibilities, of all positions and salaries;

(b) the gradation of positions in a way that will permit and encourage the filling of higher grades through transfers and promotions;

(c) the preparation and administration of promotional and open com-

petitive examinations to measure the relative fitness of applicants and to rank successful candidates on eligible lists in the order of their standing;

(d) temporary and emergency appointments when persons on the eligible list are not immediately available or when there is no eligible list from which a position can be filled.

Section 907.1: Rules for the Classified Service have the effect and force of law.

Section 908: Merit System. The Civil Service Commission shall provide for a merit system in all departments for all persons in the Classified Service.

Section 908.1: Promotions are based upon merit as determined by competition.

Section 908.2: Classified persons shall not be transferred, promoted, or reinstated to positions in other classes with different essential qualifications until they have met the qualifications and tests required for those positions.

Section 909: Competitive Qualifying Examinations. A competitive qualifying examination for a position in the Classified Service shall be prepared in consultation with the appointing authority and shall be compiled by the Civil Service Commission or the Director of Personnel.

Section 909.1: An examination shall be based in part on topics suggested by the appointing authority.

Section 909.2: An examination shall be announced publicly at least ten days before it is administered.

Section 910: Temporary Suspension of Competitive Examinations. The Civil Service Commission may suspend competitive examinations to qualify applicants for a position in the Classified Service if:

(a) it is a new position or a vacant position that requires extraordinary scientific, professional, or expert qualifications; and

(b) the Commission obtains satisfactory evidence that competitive examinations are impracticable and that the position can best be filled by the selection of a person of recognized attainments.

However, the Commission may not apply a suspension generally to a position, and it shall report each suspension, along with the reasons for it, to the Board.

Section 911: Eligibility. Candidates for Classified Service positions are ranked on eligible lists in order of their eligible list grades: that is, according to their combined examination scores, rated on a maximum scale of one hundred, and preferential credits to which Sections 912, 912.1, and 912.2 may entitle them.

Section 911.1: Eligible lists remain in force for one year, but they may be extended by the Civil Service Commission for up to two additional years.

Section 912: Preferential Credits. In open examinations the Civil Service Commission shall, in addition to all other credits, give a credit of five percent of the maximum rating prescribed for the examination to successful examinees who have served during a war (as war is now defined in Section 205 of the State's Revenue and Taxation Code or as it may be defined if that Section is amended) in the military or naval service of the

United States, including all uniformed auxiliaries authorized by Congress, and who have subsequently been separated, placed on inactive duty, or retired under honorable conditions without full pensions. However, the Commission gives the credit to veterans only once, only upon their first employment or reemployment after disengagement from service, and only during the eight-year period following their disengagement.

Section 912.1: The surviving spouse of a person who died in the service specified above or who cannot engage in a remunerative occupation because of a disability connected with the service specified above receives a credit of five percent on every open examination taken and passed.

Section 912.2: A person who has been separated, placed on inactive duty, or retired under honorable conditions from the service specified above and who has a service-connected disability, as recognized under Federal law, receives a five percent credit that is separate and distinct from the one authorized by Section 912 on every open examination taken and passed.

Section 913: Hiring Process for the Classified Service. When a position in the Classified Service is to be filled, the head of the department under which it falls notifies the Civil Service Commission. The Commission certifies the names and addresses of the top three candidates on the eligible list for the class or grade to which the position belongs. It also certifies the names of those whose eligible list grades are within two percentage points of the third highest candidate's, although it may, at its discretion, specify a lesser percentage in a particular case. The appointing authority may select one of the candidates certified for the position.

Section 914: Probationary Period. Every person in the Classified Service shall serve a probationary period of six to twelve months, as the Civil Service Commission may determine.

Section 914.1: An appointing authority has the right to dismiss a person in the Classified Service during the probationary period if the appointing authority considers the employee unsatisfactory for or incompetent to fulfill the duties of the position.

Section 914.2: A Classified person dismissed during the probationary period does not have the right to a hearing before the Commission; however, at the Commission's discretion, the person's name may be retained on the eligible list for certification to other departments.

Section 915: Tenure. A person in the Classified Service retains tenure during good behavior.

Section 916: Disciplinary Action. A person in the Classified Service may be removed, demoted, suspended without pay or with reduced pay, transferred to another position, reprimanded, or restored to a position with equitable pay by a procedure that conforms to this Article and the rules of the Civil Service Commission for any of the following reasons: incompetency, inefficiency, insubordination, dishonesty, intemperance, immorality, profanity, discourteous treatment of the public or other employees, willful disobedience, violation of the provisions of this Article or of the rules and regulations of the Commission, or any other failure of good behavior or any other act that is incompatible with or inimical to the public service.



Section 916.1: Before a Classified person who has completed the probationary period may be removed, suspended, or reduced in rank or compensation, the appointing authority shall file with the Commission and serve on the person a written order stating the specific reasons for the disciplinary action. The person may appeal the order to the Commission within five days after the date of receipt and may reply to the order in writing within ten days after the date of filing. If the person appeals the order, the Commission shall initiate a hearing within two weeks of the filing date and shall, without delay, fully hear and determine the matter and affirm, modify, or revoke the order. The Commission may, at its discretion, appoint one of its members, a hearing board, or an officer to hear the appeal and submit findings and a proposed decision. However, the Commission shall review the matter before taking final action. The Commission's findings and decision shall be certified to and enforced and followed by the appointing authority who submitted the order.

Section 916.2: A Classified person who appeals a disciplinary order has the right to appear personally, to produce evidence, and to have counsel and a public hearing.

Section 916.3: A citizen of the county has the right to file charges against a person in the Classified Service in the manner set forth above. If a citizen does so, the Commission shall follow the same procedure.

Section 917: Salaries. The salaries of all persons in the Classified Service shall be standardized and classified by the Civil Service Commission, shall be uniform for like service in each grade, and shall be approved by the Board in its annual appropriation ordinance.

Section 917.1: In establishing the standardization and classification of salaries, the Commission shall consider the factors set forth in Section 501.2.

Section 917.2: Before approving salaries, the Board shall consider the standardization and classification recommended by the Commission at no less than two meetings to be held at least thirty days after the recommendation has been submitted.

Section 917.3: Salaries may not be paid except in accordance with the standardization and classification established by the Commission and approved by the Board.

Section 918: Vacation. The Civil Service Commission shall, with the approval of the Board, provide in its rules for the regulation and accumulation of vacation for persons in the Classified Service, and the Board shall provide similar benefits for persons other than elective officers in the Unclassified Service.

Section 919: Reimbursement for Travel. A person who is required to travel in the performance of official County duty shall receive, in addition to regular compensation, reimbursement for actual necessary expenditures for transportation, lodging, and meals.

Section 919.1: The Board shall fix a maximum reimbursement for lodging, for meals, and for transportation that shall apply uniformly to all persons, including Supervisors.

Section 920: Regulation of Political Activities. Officers and employees shall not engage in political activities during hours when they

have been directed to perform assigned duties.

**Section 921: Prohibition of Nepotism.** No more than one person related by blood or marriage to an officer or department head may be employed at any time in the department of that officer or department head.

**Section 922: Labor on Public Works.** Labor on public works in this County is governed by general law.

**Section 923: Independent Contractors.** Nothing in this Article prevents the County from employing an independent contractor when the Civil Service Commission, upon recommendation of the Board, determines that services can be provided more economically and efficiently by an independent contractor than by persons employed in the Classified Service.

**Section 924: Independent Contracts for Special Improvements.** Whenever the Board, acting as the legislative body for the County or a special district, determines to perform work under a law governing special improvement proceedings, it may provide by independent contracts for necessary engineering and legal services.

**Section 925: Supplemental Ordinances.** If a portion of this Charter relating to civil service is held to be unconstitutional, the Board shall, by ordinance, supplement this Article to provide for a civil service system for the County.

## Article X

### General Provisions

**Section 1000: Conflict of Interest.** The following are ineligible to hold County offices: attorneys, agents, officers, majority stockholders, and employees of firms, associations, and corporations doing business under franchises granted by or contracts made with the County; persons doing that business; and persons with a financial interest in those franchises or contracts.

**Section 1001: Prohibition of Bribes.** A person who, directly or indirectly, offers, solicits, gives, or takes a bribe in connection with a County purchase is guilty of a misdemeanor and, if convicted, shall be punished by a fine not exceeding five hundred dollars and/or by imprisonment for a period not exceeding one year.

**Section 1002: Violation of Charter.** Unless otherwise specified in this Charter, a violation of a provision of this Charter constitutes misconduct in office.

**Section 1003: Severance Clause.** If a provision of this Charter is held to be invalid or unconstitutional, the validity or constitutionality of the remaining portions of this Charter shall not be affected.

Certified to be a true copy by Lucille V. Moore, Chairwoman of the Board of Supervisors and Porter D. Cremans, Clerk of the Board of Supervisors.

Date of municipal election: June 6, 1978.

## Charter Chapter 21—City of Pacific Grove

*Amendment to the Charter of the City of Pacific Grove*

[Filed with Secretary of State September 11, 1978.]

Article 8 of the Charter of the City of Pacific Grove is amended to read as follows:

Article 8. General municipal elections shall be held in said City on the second Tuesday in April in each odd-numbered year under and pursuant to the provisions of the General Laws of the State of California so far as the same may be applicable, except as herein otherwise provided. The City Council may by ordinance shift the date of any general municipal election by not more than 60 days in order to combine it with other local elections. All other municipal elections that may be held by authority of this Charter or of General Law shall be known as special municipal elections. At the time of filing, each candidate for an elective office shall file with the City Clerk a sworn statement containing the following information: (A) his name; (B) the office for which he is candidate; (C) his present residence and occupation; (D) the public offices he ever held, if any, as principal, deputy or employee; (E) the experience, training or education he has received which, in his opinion, would qualify him to fill the office for which he is a candidate. Said form shall be posted in a conspicuous public place in the City offices.

Certified to be a true copy by Florus C. Williams, Mayor and William S. Pitt, City Clerk.

Date of municipal election: June 6, 1978

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 Charter Chapter 22—City of San Leandro
*Enactment of a New Charter for the City of San Leandro*

[Filed with Secretary of State November 6, 1978.]

The City Charter is enacted to read as follows:

Charter of the City of San Leandro

Article I. Succession, Form of Government, Powers

Section 100: Name. The municipal corporation now existing and known as the City of San Leandro shall remain and continue to be a body politic and corporate in fact and in law by the name of the City of San Leandro, and shall hereinafter be referred to as the City.

Section 105: Boundaries. The boundaries of the City shall be the boundaries existing on the effective date of this Charter, until changed in the manner authorized by law.

Section 110: Succession, Rights and Liabilities. The City shall continue to own, possess and control all rights and property of every kind and

nature owned, possessed or controlled by it on the effective date of this Charter, and shall be subject to all its debts, obligations and liabilities.

**Section 115: Continuance of Laws.** All lawful ordinances, resolutions, and rules and regulations in force on the effective date of this Charter and not in conflict or inconsistent herewith are continued in force until repealed or amended.

**Section 120: Continuance of Officers and Employees.** The present officers and employees of the City shall retain their respective offices and employments, subject, however, to the provisions of this Charter.

**Section 125: Form of Government.** The government established by this Charter shall be the Mayor-Council-Manager form of government.

**Section 130: Powers.** The City shall have to power to make and enforce all ordinances and regulations in respect to municipal affairs, subject only to restrictions and limitations provided in this Charter or in the Constitution of the State of California. The City shall have all the powers that are provided by the Constitution or by statute for cities. The City may exercise any of its powers jointly with other public agencies, and may agree with the County of Alameda for the assumption and discharge by the County of any of the City's municipal functions.

## Article II. City Council: Membership, Compensation

**Section 200: Composition.** The City Council, hereinafter referred to as the Council, shall consist of six Council Members and the Mayor.

**Section 205: Qualification of Council Members.**

(a) Any person is eligible to hold office as elected Council Member if such person is a registered voter of the City and a resident of the geographical area which constituted the district from which such person was nominated at the time of filing nomination papers, and was a resident of such area and a registered voter of the City at the time of filing nomination papers and for a period of thirty days immediately preceding the date of filing.

(b) Any person is eligible to hold office as appointed Council Member if such person is a registered voter of the City and a resident of the geographical area which constitutes the district from which such person's elected predecessor was nominated, and was a resident of such area and a registered voter of the City at the time of appointment and for a period of thirty days immediately preceding appointment.

**Section 210: Qualification of Mayor.** Any person is eligible to hold office as elected Mayor if such person is a registered voter of the City and was a registered voter of the City at the time of filing nomination papers and for a period of thirty days immediately preceding the date of filing. Any person is eligible to hold office as appointed Mayor if such person is a registered voter of the City and was a registered voter of the City for a period of thirty days immediately preceding appointment.

**Section 215: Nomination of Council Members.** Each candidate for election to the office of Council Member shall be nominated from the district in which such candidate resides by the signatures of registered voters residing within said district.

**Section 220: Nomination of Mayor.** Each candidate for election to the

office of Mayor shall be nominated from the City at large by the signatures of registered voters residing within the City.

**Section 225: Election of Council.**

(a) All Council Members and the Mayor shall be elected by the registered voters of the City at large. One Council Member shall be elected from each Council Member District.

(b) If at any election two or more persons receive an equal and highest number of votes for any office, the City Clerk shall order a public recount of the ballots cast for that office to be conducted in the manner provided by the Elections Code of the State of California. The expense of such recount shall be borne by the City.

(c) If the results of such recount indicate that two or more persons have received an equal and highest number of votes for any office, the City Clerk shall so certify to the Council. Upon receipt of the Clerk's certificate, the Council shall call a special election among the persons having an equal and highest number of votes for such office. The election shall be conducted and canvassed in the manner provided for general municipal elections.

**Section 230: Districts.** The boundaries of Council Member districts shall be the boundaries existing upon the effective date of this Charter, until changed by ordinance of the Council. Within one year after publication of the results of each federal census, and within one year after a determination that the population of the City has changed by five percent or more since the most recent division of the City into districts, the Council by ordinance shall divide the City into six districts numbered one through six. Each district shall consist of geographically compact contiguous territory and shall contain, as nearly as possible, equal numbers of residents. District boundaries shall approximate election precinct boundaries established by the Board of Supervisors of the County of Alameda. No change in district boundaries shall operate to disqualify an incumbent from office before the expiration of the term for which such person was elected or appointed.

**Section 235: Term of Office.** Council Members and the Mayor shall hold office for four years commencing on the first day of May following their election and until their successors are elected and qualified.

**Section 240: Incompatible Office or Employment.** A Council Member or Mayor who accepts or retains an incompatible public office or incompatible public employment after taking office on the Council shall be deemed thereby to have resigned as Council Member or Mayor.

**Section 245: Vacancies: Existence.** A vacancy shall exist in the office of Council Member or Mayor when the person elected or appointed to such office fails to qualify or becomes disqualified, or upon the occurrence of any event which, under the general laws, would cause a vacancy in such office.

**Section 250: Vacancies: Filling.** A vacancy in the office of Council Member or Mayor shall be filled by appointment by the Council. The appointee shall hold office until the next general municipal election and until a successor is elected and qualified. Any unexpired remainder of the term of such office shall be filled by the voters at such election. If the

Council fails to fill such vacancy within sixty days after its existence, the Council shall call a special election, at which the unexpired remainder of the term of such office shall be filled by the voters.

**Section 255: Compensation of Council Members.** All provisions of the Government Code of the State of California relating to compensation, benefits and reimbursement for expenses applicable to members of a City Council of a general law city shall be applicable to Council Members.

**Section 260: Compensation of Mayor.** The Mayor shall receive a salary established by ordinance. In addition, the Mayor shall be entitled to the same benefits and reimbursement for expenses as are Council Members.

**Section 265: Limitation on Terms of Council Members.** No person shall be eligible for the office of Council Member who has served two complete four year terms as Council Member immediately prior to the term for which such person seeks election or appointment.

**Section 270: Limitation on Terms of Mayor.** No person shall be eligible for the office of Mayor who has served two complete four year terms as Mayor immediately prior to the term for which such person seeks election or appointment.

### Article III. City Council: Functions

**Section 300: Powers of Council.** All powers of the City shall be vested in the Council, except as otherwise provided in this Charter.

**Section 305: Powers and Duties of Mayor.** The Mayor shall be the political head of the City. The Mayor shall:

- (a) recommend City policy;
- (b) recommend to the Council appropriate and necessary legislation;
- (c) recommend programs for the physical, economic, social and cultural development of the City;
- (d) be responsible for public relations activities and represent the City for ceremonial purposes;
- (e) represent the City in intergovernmental relations, personally or by delegated representative, at the direction of the Council;
- (f) preside at meetings of the Council;
- (g) establish and dissolve ad hoc committees, subject to approval by the Council;
- (h) possess the authority to suspend implementation of any action taken by the Council by filing with the City Clerk, within three days after such Council action, a notice of suspension thereof. Such suspension shall constitute a motion for reconsideration of the action taken, to be voted upon by the Council at its next regular meeting;
- (i) provide leadership and marshal citizen participation in City activities;
- (j) report to the public from time to time on the affairs of the City;
- (k) possess the authority and attributes of a Council Member;
- (l) possess such authority and perform such duties as are granted or required by this Charter or by the Council.

**Section 310: Vice Mayor.** At its first regular meeting in May of each year, the Council shall designate one of its members Vice Mayor, to serve

for a period of one year and until a successor is elected and qualified. In the absence of the Mayor, the Vice Mayor shall possess and perform the powers and duties of the Mayor.

**Section 315: Regular Meetings.** The Council shall hold regular meetings at least twice each month at such times as it shall fix by ordinance or resolution.

**Section 320: Place of Meetings.** All regular Council meetings shall be held in the Civic Center Complex.

**Section 325: Quorum.** A majority of the Council shall constitute a quorum for the transaction of business.

**Section 330: Actions.** The Council by ordinance shall establish rules of procedure for taking actions. Such rules shall:

- (a) provide that Council actions shall require the affirmative votes of a majority of the entire Council membership.
- (b) provide for the introduction, publication, adoption, amendment, effective date and codification of ordinances;
- (c) provide for the introduction and adoption of resolutions.

**Section 335: Public Participation.** No one shall be denied the right, personally or through counsel, to present grievances or offer suggestions for the betterment of municipal affairs at any regular meeting of the Council, nor to speak to the subject of any special meeting.

**Section 340: Publication of Legal Notices.** The Council by ordinance shall provide for a method of publication of legal notices.

**Section 345: Interference in Administrative Service.** Neither the Mayor nor any Council Member shall interfere with the execution of the powers and duties of the City Manager, or order, directly or indirectly, the City Manager or any department head to appoint or remove any person to or from any office or employment with the City. Except for the purpose of inquiry, the Mayor and Council Members shall deal with the administrative service under the City Manager solely through the City Manager and neither the Mayor nor any Council Member shall give orders to any subordinate of the City Manager, either publicly or privately.

**Section 350: Boards and Commissions.** The Council by ordinance shall create boards and commissions as necessary to facilitate governmental operations in all appropriate fields, including, not not limited to:

- (a) Board of Zoning Adjustments;
- (b) Historical-Cultural Commission;
- (c) Human Resources Commission;
- (d) Library Board;
- (e) Personnel Relations Board;
- (f) Planning Commission;
- (g) Recreation and Parks Commission.

An ordinance creating a board or commission shall specify its powers and duties, number of members and their terms of office, and such other matters as the Council deems appropriate. The Council by ordinance may consolidate, reorganize and rename any of such boards and commissions, provided that no board or commission shall be abolished except upon a determination by the Council after public hearing that the functions of such board or commission are no longer necessary for the proper adminis-

tration of the City's business. The City Manager shall designate the officers and employees who shall provide staff assistance to each board and commission.

#### Article IV. Administration

**Section 400: City Manager: Appointment.** The Council shall appoint a City Manager, who:

- (a) shall serve at the pleasure of the Council;
- (b) shall be the chief administrative officer of the City;
- (c) shall be chosen on the basis of administrative qualifications;
- (d) shall be paid a salary fixed by the Council commensurate with the responsibilities of the position;
- (e) shall not have served on the Council within a period of one year immediately preceding the date of appointment.

During a period of ninety days immediately following the date of installation of any person newly elected to the Council at a regular or special municipal election or of any person newly appointed to the Council, the Council shall take no action, whether immediate or prospective, to remove, suspend, request the resignation of, or reduce the salary of, the City Manager.

**Section 405: City Manager: Powers and Duties.** The City Manager shall be responsible to the Council for the proper administration of all affairs of the City, and:

- (a) shall appoint, remove and discipline all administrative officers of the City, except as otherwise provided by or pursuant to this Charter;
- (b) shall approve, modify or disapprove all recommendations for appointment of, removal of, and disciplinary actions to be taken against, employees by administrative officers of the City, except as otherwise provided by or pursuant to this Charter;
- (c) shall, annually, prepare and submit to the Council a proposed budget for the ensuing fiscal year, and properly administer the budget as adopted by the Council;
- (d) shall keep the Council advised of the financial condition and future needs of the City, and make such recommendations to the Council concerning the affairs of the City as are deemed necessary or desirable;
- (e) shall provide for enforcement of all laws and regulations which the City is required to administer;
- (f) shall engage in no incompatible business or occupation;
- (g) shall perform such other duties consistent with this Charter as may be required by the Council.

**Section 410: City Manager: Meetings.** The City Manager:

- (a) shall be accorded a seat at the Council table and at all meetings of boards and commissions;
- (b) shall be entitled to participate in the deliberations of the Council, boards and commissions, but shall not have a vote;
- (c) shall receive notice of all special meetings of the Council, boards and commissions.

**Section 415: City Manager: Assistants; Acting City Manager.** The City Manager shall appoint:



(a) professional assistants to positions authorized by the Council for the proper administration of the City Manager's office. Such assistants:

- (1) shall serve at the pleasure of the City Manager;
- (2) shall exercise such powers and perform such duties of the City Manager as are specified by the City Manager;

(b) subject to the approval of the City Council, an administrative officer of the City to serve as Acting City Manager during any temporary absence or temporary disability of the City Manager. The Acting City Manager shall exercise all the powers and perform all the duties of the City Manager.

**Section 420: Departments and Divisions.** The Council by ordinance shall create, reorganize and abolish departments and divisions thereof as necessary for the proper administration of the City's business. The City Manager shall appoint an administrative officer to head each department. Such department heads shall serve at the pleasure of the City Manager. The City Manager also may appoint an administrative officer of the City to serve as a deputy for the purpose of performing any legally required act of a department head.

**Section 425: City Attorney: Appointment; Powers and Duties.** The Council shall appoint a City Attorney, who:

- (a) shall serve at the pleasure of the Council;
- (b) shall be the chief legal officer of the City;
- (c) shall perform such duties consistent with this Charter as may be required by the Council;
- (d) shall recommend to the Council proposals for additions to, deletions from, and amendments of this Charter as are deemed necessary or desirable.

**Section 430: City Attorney: Assistants; Acting City Attorney.** The Council, upon recommendation of the City Attorney, shall appoint:

- (a) professional assistants to positions authorized by the Council for the proper administration of the City Attorney's office. Such assistants:
  - (1) shall serve at the pleasure of the Council;
  - (2) shall exercise such powers and perform such duties of the City Attorney as are specified by the City Attorney;
- (b) a professional assistant to serve as Acting City Attorney during any temporary absence or temporary disability of the City Attorney. The Acting City Attorney shall exercise all the powers and perform all the duties of the City Attorney.

**Section 435: City Clerk.**

(a) The Council shall appoint a City Clerk, who shall serve at the pleasure of the Council, and shall perform such duties consistent with this Charter as may be required by the Council.

(b) The Council by ordinance may consolidate the office and functions of the City Clerk with that of the City Manager.

**Section 440: Fidelity Bonds.** The Council shall determine the need for and the amounts of fidelity bonds for the officers and employees. Bond premiums shall be paid by the City.

**Section 445: Public Employees Retirement System.** The City shall remain a contracting agency under the provisions of the Public Em-

ployees' Retirement Law until this section is repealed in the manner authorized by law.

#### Article V. Fiscal Administration

**Section 500: Fiscal Year.** The fiscal year of the City shall begin on the first day of July of each year and end on the thirtieth day of June of the following year.

**Section 505: Proposed Budget.** At least thirty-five days prior to the beginning of each fiscal year, the City Manager shall submit to the Council a proposed budget for such fiscal year, and shall file a copy of the proposed budget with the City Clerk for inspection by the public.

**Section 510: Budget: Public Hearing.** The Council shall hold a public hearing on the proposed budget. Notice of the hearing shall be published once in the official newspaper not less than ten days prior to the date of the hearing. All interested persons shall be heard at the hearing.

**Section 515: Budget: Adoption; Amendment.** After the conclusion of the public hearing, and not later than June 30, the Council by resolution shall adopt the budget with such revisions as it deems necessary. A copy of the adopted budget shall be available for inspection in the office of the City Clerk.

The Council may amend the budget at any time by resolution adopted by five affirmative votes.

**Section 520: Budget: Appropriations; Expenditures.** The budget shall provide appropriations to such capital and operating funds as are required for proper accounting and fiscal management. Expenditures of City funds shall be made only in accordance with such appropriations, and only upon presentation of accounting evidence of a City obligation. Appropriations to capital funds may be carried for not more than five fiscal years.

**Section 525: Property Tax: Procedure.** The Council by ordinance shall provide a procedure for the assessment, levy and collection of taxes upon property.

**Section 530: Property Tax: Levy; Limit.** Annually, within the time provided by law, the Council by ordinance shall levy a tax upon all property taxable by the City at a rate adequate to meet obligations of the City for the fiscal year. The tax levied upon each One Hundred Dollars of the assessed valuation of property shall not exceed, in the aggregate:

(a) One Dollar for general municipal purposes, including:

(1) fifteen cents for libraries;

(2) twenty cents for recreation and parks;

(b) additional amounts required to pay the cost of retirement and pension benefits under the provisions of the Public Employees' Retirement Law;

(c) additional amounts authorized by the voters of the City for specified purposes.

**Section 535: Bonded Debt Limit.** The indebtedness of the City evidenced by general obligation bonds shall at no time exceed fifteen percent of the assessed valuation of all property taxable by the City.

**Section 540: Public Works Contracts.** The Council by ordinance shall provide for a method of competitive bidding upon and award of contracts

for public works, other than maintenance and repair, requiring an expenditure of an amount which, under the general laws, would require bidding. The ordinance shall permit:

(a) the award of contracts without competitive bidding in emergencies;

(b) The accomplishment of public works by City employees.

Section 545: Purchasing and Personal Services. The Council by ordinance shall provide for a method of contracting for the purchase of equipment and supplies and for the obtaining of personal services. The ordinance shall provide ample opportunity for competitive bidding, with such exceptions as are necessary.

Section 550: Signatures on Checks. City checks shall bear the facsimile signatures of the City Manager and the Finance Director or their respective assistants.

Section 555: Independent Audit. The Council shall provide for an annual independent audit of the City's fiscal affairs by a holder of a valid permit to practice public accountancy issued by the State Board of Accountancy.

#### Article VI. Elections

Section 600: General Municipal Elections. General Municipal elections for the election of officers and for such other purposes as are required by law or as the Council may prescribe shall be held on the second Tuesday in April of each even-numbered year.

Section 605: Special Municipal Elections. The Council may, and when required by law shall, call special municipal elections for such purposes as are required by law or as the Council may prescribe. A special municipal election may be held on any date specified by the Council.

Section 610: Conduct of Municipal Elections. The Council by ordinance may provide for the method of conducting municipal elections. Any matter not provided for by ordinance or by this Charter shall be governed by the provisions of the general laws.

Section 615: Initiative, Referendum and Recall. The electors of the City reserve to themselves the powers of initiative and referendum and the recall of elective officers, to be exercised in the manner prescribed by the Elections Code of the State of California.

#### Article VII. Miscellaneous

Section 700: Franchises. The Council by ordinance may require, and provide a procedure for, the obtaining of a franchise for the furnishing of any utility, service or commodity, or the use of public streets or other public places or the traversing of any part of the City for such purpose.

Section 705: Nepotism. No person shall be appointed to the office of Council Member or Mayor or to any permanent salaried office or employment if such person is related by blood or marriage within the third degree to a Council Member or Mayor or to the appointing officer.

Section 710: Violations. A violation of any provision of this Charter shall constitute a misdemeanor punishable by imprisonment in the County jail not exceeding six months, or by fine not exceeding five hun-

dred dollars, or by both.

Section 715: Severability. If any provision of this Charter, or the application thereof to any person or circumstance is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Certified to be a true copy by Valance Gill, Mayor and Richard H. West, City Clerk.

Date of municipal election: June 6, 1978.

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Charter Chapter 23—County of San Mateo

*Revised San Mateo County Charter*

[Filed with Secretary of State November 30, 1978.]

Charter of the County of San Mateo is revised to read as follows:

PREAMBLE

We, the people of San Mateo County, adopt this Charter to provide a local government responsive to our social, economic, physical and environmental needs and goals in a democratic, just and efficient manner.

Article I

Powers of the Electors

101. Elections. Except as otherwise provided in this Charter, all elections to nominate or elect candidates and to vote on ballot questions shall be conducted pursuant to the general law of the State of California.

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

102. Initiative, Referendum, Recall and Charter Change. The electors of the County may by majority vote and pursuant to general law:

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

Article II

Board of Supervisors

201. Governing Body. The Board of Supervisors is the governing body of the County of San Mateo. The Board consists of five members.

202. Election. Supervisors are elected at large. The five supervisorial districts shall be apportioned by ordinance pursuant to general law.

Candidates for the office of Supervisor shall be electors in the district which they seek to represent. If a Supervisor ceases to reside in that district, the seat becomes vacant.

Except as otherwise provided in this Charter, Supervisors shall be nominated and elected pursuant to general law for a term of four years.

203. Vacancies. If a vacancy occurs on the Board of Supervisors, the

Board may, within 30 days of the effective date of the vacancy, call a special election to fill the vacancy. If the Board does not call a special election within 30 days, the vacancy shall be filled as provided by general law.

The special election shall be held not less than 102 days and not more than 131 days from the order calling the election, except that it may be held on an election date regularly established by general law if that date falls within 270 days from the order calling the special election.

The election shall be conducted pursuant to the general law governing the direct primary so far as applicable, except that the County Clerk may prescribe the periods for securing signatures in lieu of a filing fee, for circulating and filing nomination papers, for publishing the notice of election and for applying for absentee ballots. The candidate receiving the highest number of votes is elected for the remainder of the term.

204. **Ineligibility for Appointments.** No Supervisor during the term of office or for one year thereafter is eligible for appointment to any County office, position or employment carrying compensation except for reimbursement of authorized expenses.

205. **Meetings.** The Board shall meet in regular session at least once in each of four weeks every month unless a regular meeting day is a holiday. The Board shall provide by ordinance for the manner, time and place of holding all regular meetings and for the procedure for calling special meetings.

206. **Powers and Duties.** The Board of Supervisors shall have all the powers and shall perform all the duties vested in it by the Constitution, general law and this Charter.

a. The Board shall:

(1) Appoint, suspend or remove the County Manager and at least once each year review and appraise the Manager's performance.

(2) Appoint or remove for cause members of boards and commissions.

(3) Adopt the annual budget.

(4) Provide for the number, powers and duties of all appointed officers and employees.

(5) Establish by ordinance the compensation of Supervisors and by ordinance or resolution the compensation of other officers and employees.

(6) Provide the publication of the powers, duties, procedures and rules of operation of all County offices and departments and for public access to such publications.

(7) Take such measures as may be necessary to implement this Charter.

b. The Board may:

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

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

(3) Appoint, suspend and remove an Executive Officer of the Board of Supervisors.

(4) Require periodic or special reports of expenditures and costs of

operation, examine all records and accounts and inquire into the conduct of any office, commission, department or other entity to which the County contributes funds.

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

(6) Provide or 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.

(7) Provide for the assumption by the County of any function of a public agency when requested to do so by the agency and provide or request the Civil Service Commission to provide for the manner in which employees of the agency may become county employees and the rights, if any, which shall accrue to them for their service with the agency.

207. **Communication with Employees.** A Supervisor shall communicate recommendations or instructions to officers and employees under the County Manager's supervision only through the Manager. This section does not limit a Supervisor's right to obtain information.

### Article III

#### County Manager

301. **Chief Administrative Officer.** The County Manager is the chief administrative officer of the County.

302. **Appointment and Removal.** The County Manager shall be appointed by the Board of Supervisors on the basis of executive and administrative qualifications and experience.

Applicants for the position of County Manager shall be solicited widely and shall be screened by the usual personnel procedure. The Personnel Director shall then select a panel competent to evaluate the qualifications of the candidates. The panel shall interview the screened candidates and submit to the Board of Supervisors a list of from three to seven of the best qualified candidates. The Board shall make its selection from this list.

The County Manager is evaluated by the Board, serves at its pleasure and may be removed by an affirmative vote of three of its members.

303. **Vacancy.** In the event of a vacancy or disability, the Board of Supervisors shall immediately appoint a County officer or employee to serve as Acting County Manager until the Board either determines that the Manager is able to resume the duties of the office or appoints a new County Manager.

304. **Compensation.** The County Manager's compensation shall be commensurate with the responsibilities of the chief administrative officer. The Manager may not engage in any other business or occupation.

305. **Duties.** The County Manager is responsible to the Board of Supervisors for the proper and efficient administration of the County government. The Manager shall:

a. Coordinate the work of all offices and departments, both elective and appointive, and devise ways and means to achieve efficiency and economy in all County operations.

b. Appoint, suspend or remove subject to confirmation by the Board of

Supervisors all department heads except those for whose election or appointment this Charter makes other provision. Appointments shall be on the basis of executive and administrative qualifications as determined by screening and selection procedures comparable to those used for classified management personnel.

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

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

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

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

g. Provide and implement systems of adequate checks and controls to safeguard County money and property.

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

The County Manager shall have such other powers and shall perform such other duties as are consistent with this Charter.

306. Board Meetings. The County Manager may attend any meeting of the Board of Supervisors, except that attendance at a meeting at which the Manager's evaluation or removal is considered shall be at the Board's discretion.

The County Manager may participate in the deliberations of the Board but may not vote.

#### Article IV

##### Department Heads, Boards and Commissions

401. Powers and Duties. Department heads, boards and commissions shall have all the powers and shall perform all the duties vested in them by this Charter, by ordinance, and by general law when not in conflict with ordinances adopted pursuant to the Charter.

All department heads and officers of the County, both elected and appointed, shall cooperate with the County Manager so that the Manager may achieve complete coordination of all County activities.

402. Assessor. The Assessor shall be elected.

403. Controller. The Controller shall be elected.

404. Coroner. The Coroner shall be elected.

405. County Clerk-Recorder. The County Clerk-Recorder shall be elected.

406. District Attorney. The District Attorney shall be elected.

407. Sheriff. The Sheriff shall be elected.

408. Superintendent of Schools. The Superintendent of Schools shall be elected.

409. Treasurer-Tax Collector. The Treasurer-Tax Collector shall be elected.

410. County Counsel. The District Attorney is ex-officio County Counsel.

411. Separation of Coroner and Sheriff's Office. The offices of Coroner and Sheriff may not be combined.

412. Term of Elective Offices. The term of office of all elected officers is four years. The officers shall serve until their successors are qualified unless sooner removed as provided by this Charter or general law.

413. Department Heads. The position of department head shall be designated by ordinance. Department heads shall have and may delegate the power to appoint, supervise, suspend and remove all persons employed in their departments subject to the provisions of Article V.

414. Boards and Commissions. County boards and commissions are those required by general law and those established by ordinance.

Members of boards and commissions shall be County residents. If a member ceases to reside in the County, the seat becomes vacant.

The Board of Supervisors, by ordinance, shall establish terms of office and may provide for the qualifications of members of boards and commissions and for their compensation. Qualifications for members of the Civil Service Commission are prescribed in Article V.

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

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

416. First Appointment. The first appointment to any office which had previously been elective shall be effective at the conclusion of the term for which the office was last filled by election.

## Article V

### Personnel

501. Personnel Policy. It shall be the policy of the County to recruit, select and retain the best qualified officers and employees and to effect equal opportunity for all persons at all levels of County employment.

Appointments and promotions shall be made on the basis of merit and in conformity with the principles of equal opportunity and affirmative action.

Equality of employment rights shall not be abridged or denied to persons employed or seeking employment on the basis of race, color, sex, national origin, handicap, religious or political opinion or affiliation, or union membership.

502. Classified and Unclassified Services.

a. The classified service consists of all positions except those designated in subsection 502.b. Persons in the classified service who have served a prescribed probationary period are permanent employees.

b. The unclassified service consists of:

- (1) Elected officers.
- (2) Members of boards and commissions.
- (3) The County Manager and one principal assistant.
- (4) Department heads.
- (5) Persons employed to render professional, scientific, technical, or



expert services on a temporary basis for a specific project.

(6) Part-time physicians and resident physicians employed in clinics, institutions and hospitals.

(7) Persons required to possess a license to practice law.

(8) Two deputy sheriffs in the office of the Sheriff.

(9) Special officers or investigators in the offices of the Sheriff and the District Attorney.

(10) One person holding a confidential position to each elected board or commission, including the Board of Supervisors.

(11) One person holding a confidential position to each elected department head.

503. Status of Present Employees. Incumbents in positions which are removed from the classified service shall remain in the classified service if they have permanent status in the position on the effective date of the change.

Incumbents in positions which become classified shall have permanent status if they have occupied the position for one year unless the Civil Service Commission establishes a different probationary period. If they have occupied the position for three months but are not yet eligible for permanent status, they shall be probationary employees.

504. Civil Service Commission. The Civil Service Commission consists of five electors of the County appointed by the Board of Supervisors for four-year terms. There shall be one member from each supervisorial district. No commissioner may be a County employee.

Commission rules shall provide for regularly scheduled public meetings and for the procedure for calling special meetings.

505. Civil Service Commission Rules. The Commission shall prescribe rules to insure the selection and retention of employees in the classified service on the basis of merit and fitness. The rules are binding on all officers, boards, commissions and employees. The Commission may inspect the records of any county office or department to insure adherence to this Article and the rules of the Commission. It shall hold public hearings before adopting or amending rules.

a. The rules shall include provisions for:

(1) Standardization and classification of all positions in the classified service.

(2) Examination of candidates for appointment and promotion.

(3) Establishment of appropriate eligible lists.

(4) Certification of eligible candidates to the appointing authority.

(5) Length of probationary periods.

(6) Temporary appointments not to exceed six months in the absence of an eligible list.

(7) Criteria and procedures for demotion, reduction in force, and reemployment.

(8) Criteria and procedures for suspension, dismissal and other disciplinary action.

b. The rules may, at the request of the Board of Supervisors, include provisions for:

(1) The hiring of unemployed persons in the classified or unclassified

service under federal or other special programs designed to relieve unemployment and their suspension, disciplining or removal.

(2) The manner in which employees of an agency, the functions of which are absorbed by the county, may become county employees and the rights, if any, which shall accrue to them for their service with the agency.

506. **Disciplinary Action.** Employees in the classified and unclassified services may be suspended without pay for not more than thirty days or may be demoted or dismissed. No permanent employee in the classified service may be suspended, demoted or dismissed except for reasonable cause.

507. **Hearings and Appeals.**

a. Employees in the classified service may appeal to the Commission any action contrary to this Article or the rules of the Commission which is detrimental to their employment status.

b. Within five days of a demotion, suspension or dismissal, the appointing authority shall provide the employee with a written statement of charges and file a copy with the Commission. Within fourteen days of the receipt of the written charges, the employee may reply in writing and ask the Commission for a hearing.

c. Upon receipt of the request, the Commission shall order a hearing. The employee may appear in person and has the right to be represented by himself or herself, by counsel or by another person. If the Commission sustains the employee, it shall order reinstatement and may order payment of all or part of the compensation withheld.

d. The Commission may subpoena witnesses, require the production of records and information pertinent to an investigation, and administer oaths.

e. Agreements between the County and recognized employee organizations may provide procedures for appeal of disciplinary action other than to the Commission and for resolving other grievances, to be exercised at the employee's option.

f. Decisions rendered pursuant to this section are binding on all officers, boards, commissions and employees.

508. **Compensation.** The Board of Supervisors shall by ordinance or resolution establish the pay and benefits of employees. When applicable, such compensation shall be determined after meeting and conferring with recognized employee organizations.

509. **Attention to Duties.** No appointive officer or employee serving with compensation may engage in any other business or occupation during working hours.

510. **Conflicts of Interest.** All laws pertaining to conflicts of interest shall be applicable to all officers, employees and members of boards and commissions.

511. **Nepotism.** A person may not be appointed to any position which is under the line of supervision of a relative to the third degree by blood or marriage.

512. **Political Activities.** The Board of Supervisors may, by ordinance, restrict or prohibit the political activities of officers and employees during working hours.

## Article VI

## Finance

601. Fiscal Provisions. General law shall govern the assessment of property, the levy and collection of taxes, the adoption of the County budget, and the appropriation, accounting and transfer of funds unless otherwise provided for in this Charter or by ordinance.

602. Controller. The Controller is the chief accounting and auditing officer of the County. The Controller shall:

a. Exercise general control over all accounting systems and the financial activities of all County offices and agencies.

b. Establish a financial reporting system.

c. Prepare reports at least monthly on the financial activities of the County and the balance of all funds. Department heads shall furnish to the Controller the information required for preparation of the reports.

d. Conduct internal audits.

603. Annual Audits. The Board of Supervisors shall have an annual audit made by a certified public accountant. The auditor shall report on the County's financial transactions and records and the effectiveness of internal controls.

604. Deposits. All monies received by a County office or agency shall be reported to the Controller and deposited with the Treasurer not later than the business day following receipt unless a later date is authorized by ordinance.

605. Travel Expenses. The Board of Supervisors shall establish by ordinance a maximum reimbursement for authorized travel expenses. An itemized account of expenses shall be filed with and approved by the Controller before payment is made.

606. Preference to County Products. When the combinations of price, quality, terms and conditions of sale are substantially equal, the County shall give preference in purchasing to San Mateo County goods, services and suppliers.

607. Park and Open Space Program.

a. There is a County park and open space acquisition and development fund in the County treasury. Each fiscal year the Board of Supervisors shall transfer from the general fund to the County park and open space acquisition and development fund an amount of money which shall be an amount equal to the amount that would be raised for that year by a tax of ten cents per one hundred dollars of assessed valuation of the County of San Mateo.

b. The Board of Supervisors shall appropriate the money in the County park and open space acquisition and development fund for the acquisition, development, or acquisition and development of real property or any interest therein for County park and open space purposes, and the fund shall not be expended for any other purpose.

c. The County shall not acquire real property for any park purpose until the Board of Supervisors has determined that the acquisition is in conformity with the adopted Park and Open Space Element of the County General Plan

d. If the Constitution or statutes of the State of California are amended

during the effective period of this section to place a ceiling on property taxes that may be levied by the County of San Mateo and the Board of Supervisors after public hearing determines that such limitation conflicts with its ability to comply with this section, then the Board of Supervisors may suspend by resolution the provisions of this section for each applicable fiscal year to the extent of such conflict.

e. If all or a part of the County of San Mateo should, without an affirmative vote of the electorate therein, become subject to the jurisdiction of a public agency other than the State of California, which agency's jurisdiction includes territory in two or more counties and which agency has the power of imposing a tax, levy, or assessment for the purpose of preserving, conserving or acquiring real property for park or open space purposes, the Board of Supervisors may, after public hearings, determine that the appropriation authorized by this section shall not be made. Such a determination shall be made annually at the time of determining the final budget of the County.

f. This section shall expire at the end of the 1982-83 fiscal year; provided, however, any unobligated monies remaining in the fund on June 30, 1983, shall be used only for the purposes set forth in subparagraph (b) of this section.

#### Article VII

##### Judiciary

The court system of the County is that provided by the general law of the State.

#### Article VIII

##### General

801. Charter Review. The Board of Supervisors shall convene a Charter review committee within eight years of the last complete Charter review. The committee shall review the Charter and after public hearings, make appropriate recommendations for amendment or revision to the Board.

802. Constitutionality. If any provision of this Charter or its application to any person or circumstance is held invalid, the remainder of the Charter and the application of the provision to other persons or circumstances shall not be affected.

Certified to be a true copy by E. J. Bacciocco, Chairman of the Board of Supervisors and Eileen Kenyon White, Executive Officer, Board of Supervisors.

Date of municipal election: November 7, 1978.

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Charter Chapter 24—City of Long Beach

### *Amendments to the Charter of the City of Long Beach*

[Filed with Secretary of State December 5, 1978]

Article XXVII and Sections 304, 305, 306, 307, 307.1 and 308 of the Charter are repealed.

Section 17 of the Charter is amended to read as follows:

#### Ordinances and Resolutions

Sec. 17. Ordinances and resolutions are the formal acts of the City Council reduced to writing and passed under legal restrictions governing action thereon. Orders include all other acts which, being less formal in character, require only to be passed by the majority of the City Council present and spread upon the minutes. No ordinance shall be placed upon its final passage upon the same day it has been introduced, except emergency measures as provided in Section 25 of this Charter. Neither ordinance nor resolution shall be in full force and effect unless it shall have received the affirmative votes of not less than five (5) members of the City Council.

No ordinance passed by the City Council shall go into effect before the expiration of thirty days from the time of its final passage, except when otherwise required by the general laws of the State of California, or by the provisions of this Charter, and except an ordinance for the immediate preservation of the public peace, health and safety, which contains a statement of its urgency and is passed by the vote of five (5) members of the City Council.

Article XXVII and Sections 304 and 305 are added to the Charter to read as follows:

#### Article XXVII

##### Initiative, Referendum and Recall

Sec. 304. Powers Reserved to the People. The powers of the initiative and referendum and the recall of elected city officers are hereby reserved to the voters of the City. The provisions of the Elections Code of the State of California, governing the exercise of the powers of initiative and referendum in cities, and governing the exercise of the power of recall of municipal officers, shall apply to the exercise of those powers in the City in so far as such provisions are not in conflict with the provisions of this Charter; provided, however, that for the purposes of the initiative and referendum, the words "next regular municipal election" set forth in said Elections Code shall mean all statewide elections and only the City's primary nominating election where the City Attorney, City Auditor and City Prosecutor are voted on.

Sec. 305. Propositions Proposed by City Council. The City Council may on its own motion or at the request of the Board of Harbor or Water Commissioners submit to the voters of the City any proposed ordinance, order or resolution, legislative, administrative or executive, that the City Council or either such Board might adopt. If a majority of those voting on such proposed ordinance, order or resolution vote in favor of the same, it shall be deemed to be adopted upon the declaration of the result of such election by the Council and in the case of an ordinance it shall take effect

ten (10) days after that date and have the same force and effect as an ordinance adopted under the provisions of the Election Code of the State of California relating to initiative.

Certified to be a true copy by Thomas J. Clark, Mayor and Elaine Hamilton, City Clerk.

Date of municipal election: November 7, 1978.

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Charter Chapter 25—City and County of San Francisco

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

[Filed with Secretary of State December 5, 1978.]

Section 3.405 is amended to read as follows:

**3.405 Treasurer**

The treasurer shall be an elective officer. He shall furnish an official bond in the sum of two hundred thousand dollars (\$200,000). He shall appoint, and at his pleasure may remove, one chief assistant.

Effective July 1, 1979, the office and duties of tax collector are consolidated into the office of treasurer. The treasurer shall appoint a tax collector who shall hold office 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 tax collector on the effective date of this amendment shall continue to have civil service status for said position under the civil service provisions of this charter.

Section 3.502 is added to read as follows:

**3.502 Contractual Authority Limitation**

Notwithstanding any other provision of this charter, contracts entered into by a department, board or commission having anticipated revenue to the city and county of one million dollars or more, or the modification, amendment or termination of any such contract which when entered into had anticipated revenues of one million dollars or more, shall be subject to approval of the board of supervisors by ordinance.

Section 3.510 is amended to read as follows:

**3.510 Governmental Services, Purchasing, Real Estate, Public Works, Electricity, Public Health, and County Agricultural Department; Health Advisory Board; and Coroner's Office**

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

Department of Governmental Services, which shall include the functions and personnel of the offices of registrar of voters, recorder, public

administrator and such other functions as may be assigned by the chief administrative officer, and shall be administered by the chief administrative officer.

The public administrator shall appoint and at his pleasure may remove an attorney. He may also appoint such assistant attorneys as may be provided by the budget and annual appropriation ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

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

Health Advisory Board. There is hereby created a health advisory board of seven members, three of whom shall be physicians and one a dentist, all regularly certificated. Members of the board shall serve without compensation. They shall be appointed by the chief administrative officer for terms of four years; provided, however, that those first appointed shall classify themselves by lot so that the terms of one physician and one lay member shall expire in 1933, 1934 and 1935, respectively, and the term of one member in 1936.

Such board shall consider and report on problems and matters under the jurisdiction of the department of public health and shall consult, advise



with and make recommendations to the director of health relative to the functions and affairs of the department. The recommendations of such board shall be made in writing to the director of health and to the chief administrative officer.

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

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

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

Section 3.661 is amended to read as follows:

### 3.661 General Powers and Duties

(a) The civil service commission shall be the employment and personnel department of the city and county and shall determine appointments on the basis of merit and fitness, as shown by appropriate tests. The commission shall classify, and from time to time may reclassify, in accordance with duties and responsibilities of the employment, and training and experience required, all places of employment in the departments and offices of the city and county not specifically exempted by this charter from the civil service provisions thereof, or which may be created hereafter by general law and not specifically exempted from said civil service provisions. The commission shall likewise classify all other positions or other places of employments in the city and county service specifically exempted from the civil service provisions of this charter, but which, by the provisions of section 8.401, thereof, are made subject to classification for salary standardization purposes on the basis of duties and responsibilities of the employment and training and experience required. The civil service commission shall be the judge of such classification.

The commission shall also, in accordance with duties and responsibilities, allocate, and from time to time may reallocate, the positions to the various classes of the classification. The allocation or reallocation of a position shall not adversely affect the civil service rights of an occupant regularly holding such position. No person shall hold a position outside of the classification to which he has been appointed, provided that every employee of any department or office shall discharge any of the duties pertaining to such department or office to which his chief may temporarily assign him.

The class titles and class numbers assigned to positions by the commission shall be used in all records, reports, statements and communications, including the compensation schedule, annual budget and salary ordinance, payrolls, and appropriation ordinances.

The commission shall adopt rules to carry out the civil service provisions of this charter and, except as otherwise provided in this charter, such rules shall govern applications; examinations; eligibility; duration of eligible lists; certification of eligibles; appointments; promotions; transfers; resig-

nations; lay-offs or reduction in force, both permanent and temporary, due to lack of work or funds, retrenchment, or completion of work; the filling of positions, temporary, seasonal and permanent; classification; approval of payrolls; and such other matters as are not in conflict with this charter. The commission may, upon one week's notice, make changes in the rules, which change shall thereupon be printed, and be in force; provided that no such changes in rules shall affect a case pending before the commission. The secretary may certify eligibles and payrolls and conduct examinations under the rules of the commission.

The commissioners shall have power to institute and prosecute legal proceedings for violations of any of the civil service provisions of this charter.

(b) The civil service commission shall establish an inspection service for the purpose of investigating the conduct of and action of appointees in all positions and of securing records of service for promotion and other purposes. All departments shall cooperate with the commission in making its investigations and any person hindering the commission or its agents shall be subject to suspension.

(c) Notwithstanding any other provisions of this Charter, the civil service commission shall by rule establish procedures to review and resolve allegations of discrimination on the basis of race, religion, sex, national origin, ethnicity, age, physical handicap, political affiliation, sexual orientation, ancestry, marital status, color, medical condition or other non-merit factors. The determination reached under civil service commission procedures shall be final and shall forthwith be enforced by every employee and officer.

Section 4.103 is amended to read as follows:

#### 4.103 Superior Court Appointments

The powers and duties of the superior court are prescribed by state law. The board of supervisors shall provide for the maintenance of the superior court in accordance with the fiscal provisions of this charter.

Effective July 1, 1979, the functions and personnel of the office of county clerk shall be and are hereby placed under the direction of the superior court.

Section 7.402-1 is added to read as follows:

7.402-1 Lease of Real Property in Excess of Ten Years or having Revenue of at least One Million Dollars.

Notwithstanding any other provision of this charter, the lease of real property by any department, board or commission for a period of time in excess of ten years, or having anticipated revenue to the city and county of one million dollars or more, or the modification, amendment or termination of any lease, which when entered into was for a period of time in excess of ten years, or had an anticipated revenue to the city and county of one million dollars or more, shall be subject to approval of the board of supervisors by ordinance.

Section 8.310 is amended to read as follows:

#### 8.310 Declaration of Personnel Policy

(a) All appointments in the public service shall be made for the good of the public service and solely upon merit and fitness, as established by

appropriate tests, without regard to partisan, political, social or other considerations. No person shall in any way be favored or discriminated against in employment or opportunity for employment because of race, color, sex, sexual orientation, political affiliation, age, religion, national origin or other non-merit factors.

(b) Notwithstanding anything to the contrary in subsection (a) or any other provisions of the charter, it shall be the policy of the City and County of San Francisco, consistent with a policy of acquiring qualified personnel for the service of the city and county, to encourage the hiring of blind persons. It shall further be the policy of the City and County of San Francisco that no otherwise qualified blind person shall be discriminated against in examination, re-examination, appointment, reappointment, waiver of eligibility for appointment or reappointment, promotion or demotion in any class, subclass or position in the civil service unless eyesight is indispensable for the performance of the duties and responsibilities of the class, subclass or position. It shall be the duty of the commission to classify, and from time to time it may reclassify, places of employment in the civil service the duties of which may be efficiently performed by qualified blind persons and to conduct appropriate examinations which will fairly test the capacity of blind persons as well as sighted persons to perform such duties.

Section 8.321 is amended to read as follows:

#### 8.321 Examination of Applicants

All applicants for places in the classified service shall submit to examinations which shall be competitive provided, however, that no examination shall be deemed to be competitive unless two or more persons shall participate, except that any such examination may be held for one qualified applicant on recommendation of the civil service commission and approval by resolution of the board of supervisors, after a finding by the board that reasonable publicity of the proposed examination has been given. Such examinations shall be without charge to the applicants. The commission shall control all examinations and may employ suitable persons in or out of the public service to act as examiners. The examinations used shall measure the relative capacities of the persons examined to perform the functions, duties and responsibilities of the classification to which they seek appointment. Examinations shall consist of selection techniques which will test fairly the relative qualifications, merit and fitness of the applicants for the positions to be filled.

Examinations may include written tests to determine job-related aptitude, knowledge, or achievements and oral tests by qualifications appraisal boards. The civil service commission shall establish rules governing the size and composition of qualification appraisal board. Qualification appraisal boards may consider, in the case of employees of the City and County of San Francisco, all prior performance evaluations completed on civil service forms and in the case of all applicants may consider prior work experience, assessment center evaluations, and work samples as a part of their evaluation of candidates for employment to any position. Appropriate rosters of eligibles established by a trade, craft or occupation joint apprenticeship committee recognized by the State of California Depart-

ment of Industrial Relations, Division of Apprenticeship Standards, may be utilized to fill apprenticeship positions or as the basis for establishing apprenticeship eligibility lists. The commission shall be the sole judge of the adequacy of the tests to rate the capacity of the applicants to perform service for the city and county. The commission may, for each examination, establish a passing mark or may determine the total number of persons who shall constitute the list of eligibles. The commission shall prepare from the returns of the examiners the list of eligibles, arranged in order of relative performance. No question submitted to applicants shall refer to political or religious opinions or fraternal affiliations.

Section 8.322 is amended to read as follows:

#### 8.322 Protest of Written Questions and Answers

After the written portion of a civil service examination has been held, the questions used and the answers thereto shall be available for review by the participants. This review period shall not apply to questions and answers on any continuous or standardized entrance or concurrent entrance and promotive written test. During the review period, participants shall have an opportunity to protest questions or answers they believe to be incorrect or improper. After all protested items have been acted on and after the official rating key has been adopted, and the identification sheets have been opened, further changes in the rating key shall not be made.

Section 8.323 is amended to read as follows:

#### 8.323 Protest of Tentative List of Eligibles

Following the completion of any examination, a tentative list of eligibles shall be posted for the inspection of the public and of participants. The posting period shall be for a minimum of three (3) working days for entrance examinations or five (5) working days for promotional or combined entrance and promotional examinations. During this period a fee for the inspection of the papers of each eligible shall be charged by the civil service commission. The amount of such fee shall be established by ordinance of the board of supervisors. The fee shall be waived for eligibles who wish to inspect their own papers. Inspection of papers shall include all documents supporting the eligible's rank and score, except neither the identity of the examiner giving any mark or grade in an oral examination nor the questions and answers on any continuous or standardized entrance or concurrent entrance and promotive written test, shall be provided. Only participants in the examination may review the questions used in the examination. If no protests are received during the posting period, the eligible list is automatically adopted. If protests are received during the posting period, the investigation and action of the general manager, personnel, shall be expedited so that final adoption of the eligible list is not delayed beyond sixty (60) days after the date of posting. Eligibles who, as a result of their ranking, would receive a notice of appointment regardless of the outcome of the protests may be offered employment from adopted lists pending the resolution of any protests and amendment to the adopted eligible list.

Section 8.326 is amended to read as follows:

#### 8.326 Promotions in General

Except as specifically provided for in section 8.327, the Civil Service

Commission shall provide for examinations on an entrance, promotive or combination entrance and promotive basis. Consideration shall be given to permanent employees in separate promotive examinations and in promotive examinations which are combined with entrance examinations for city and county service when the passing mark has been attained and may include evaluation of work performance and other credits. When an examination announcement is issued for a class on both a promotive and entrance basis, there shall be one resulting list of eligibles which shall include all successful candidates both promotive and entrance in order of relative performance.

Section 8.340 is amended to read as follows:

#### 8.340 Dismissal During Probation Period

Any person appointed to a permanent position shall serve a probationary period. The civil service commission shall by rule establish a probationary period of not less than six months service and up to a maximum of twelve months service for each classification, provided that the probationary period for entrance positions in the uniform rank of the police department, fire department, sheriff's department and San Francisco International Airport Police Force shall be for one year. Probationary periods of twelve months and up to a maximum of twenty-four months may be established for executive and management classifications. At any time during the probationary period the appointing officer may terminate the appointment upon giving written notice of such termination to the employee and to the civil service commission specifying the reasons for such termination. Except in the case of members of the uniformed ranks of the police and fire departments the civil service commission shall review the termination. The civil service commission shall by rule establish the procedures for such review. If the appointment resulted from an entrance examination the commission may declare such person dismissed or may return the name to the list of eligibles under such conditions for further appointment as the commission may deem just. If the appointment resulted from a promotional examination the employee shall have the right of appeal and hearing before the civil service commission. The commission shall render a decision within thirty days after receipt of the notice of termination and (a) may declare such person dismissed; or (b) order such person reinstated in his position without prejudice, and the commission may in its discretion order that the employee be paid salary from time of the termination of his appointment; or (c) order the return of such person to a position in the classification from which he was promoted and may reestablish the employee's eligibility to a list of eligibles for the same promotive classification under such conditions as the commission may deem just. The decision of the commission shall be final. Immediately prior to the expiration of the probationary period the appointing officer shall report to the civil service commission as to the competence of the probationer for the position, and if competent, shall recommend permanent appointment. Nothing in this section shall preclude the civil service commission from reviewing terminations for the purpose of future employability including terminations in the uniformed ranks of the police and fire departments.

Section 8.341 is amended to read as follows:

**8.341 Dismissal for Cause**

No person employed under the civil service provisions of this charter, exclusive of members of the uniformed ranks of the police and fire departments as provided under section 8.343 hereof, in a position defined by the commission as "permanent" shall be removed or discharged except for cause, upon written charges, and after an opportunity to be heard in his own defense. Pending such hearing, the appointing officer may suspend the person so accused if the accusation against the accused person involves misappropriation of public funds or property, misuse or destruction of public property, drug addiction or habitual intemperance, mistreatment of persons, immorality, acts which would constitute a felony or misdemeanor involving moral turpitude, or acts which present an immediate danger to the public health and safety; but such suspension shall not be valid for more than thirty days, unless hearing upon the charges shall be delayed beyond such time by the act of the accused person. When charges are made, the appointing officer shall, in writing, notify the person accused of the time and place when the charges will be heard, by mailing such statement to his last known address. The hearing shall be conducted forthwith by a qualified and unbiased hearing officer employed under contract by the city and county and selected by procedures set forth in the rules of the civil service commission. The hearing officer shall publicly hear and determine the charges, and may exonerate, suspend or dismiss the accused.

If the employee is exonerated the hearing officer may, at his discretion, remit the full period of the suspension or any portion thereof and may order payment of salary to the employee for the prescribed period of time under suspension, and the report of such period of suspension shall thereupon be expunged from the record of service of such employee.

The civil service commission shall immediately be notified of the charges when made, of the hearing, and of the finding thereon. The finding of the hearing officer shall be final.

The civil service commission may hear and determine any charge filed by a citizen or by any member of or authorized agent of the commission when the appointing officer neglects or refuses to bring such charge against the employee within thirty days of notification to the department head of the occurrence or event given rise to the charge. Removal or discharge may be made for any cause upon written charges and after the employee has had the opportunity to be heard in his own defense.

Nothing in this section shall limit or restrict rules adopted by the commission governing lay-offs or reduction in force or providing for the removal of any appointee who has abandoned his position as defined by civil service commission rule.

Section 8.343 is amended to read as follows:

**8.343 Fine, Suspension and Dismissal in Police and Fire Departments**

Members of the uniformed ranks of the fire or the police department guilty of any offense or violation of the rules and regulations of their respective departments, shall be liable to be punished by reprimand, or by fine not exceeding one month's salary for any offense, or by suspension

for not to exceed three months, or by dismissal, after trial and hearing by the commissioners of their respective departments; provided, however, that the chief of each respective department for disciplinary purposes may suspend such member for a period not to exceed ten days for violation of the rules and regulations of his department. Any such member so suspended shall have the right to appeal such suspension to the fire commission or to the police commission, as the case may be, and have a trial and hearing on such suspension. Written notice of appeal must be filed within 10 days after such suspension and the hearing of said appeal must be held within 30 days after the filing of said notice of appeal. If the commission shall reverse or alter the finding of the chief, it shall in the case of a reversal and in other cases it may in its discretion, order that the member affected be paid salary for the time of his suspension. In the event the chief should exercise such power of suspension, the member involved shall not be subject to any further disciplinary action for the same offense.

Subject to the foregoing members of the uniformed ranks of either department shall not be subject to dismissal, nor to punishment for any breach of duty or misconduct, except for cause, nor until after a fair and impartial trial before the commissioners of their respective departments, upon a verified complaint filed with such commission setting forth specifically the acts complained of, and after such reasonable notice to them as to time and place of hearings as such commission may, by rule, prescribe. The accused shall be entitled, upon hearing, to appear personally and by counsel; to have a public trial; and to secure and enforce, free of expense, the attendance of all witnesses necessary for his defense.

Section 8.344 is amended to read as follows:

#### 8.344 Exoneration of Charges

If, as provided for in section 8.343 a member of the uniformed ranks of the police and fire departments is suspended by the chief of the respective department pending hearing before the police or fire commission for charges filed against him and subsequently takes a leave of absence without pay pending his trial before the commission, and, if after such trial he is exonerated of the charges filed against him, the commission may, at its discretion, remit the suspension and leave of absence without pay and may order payment of salary to such member for the time under suspension and on leave of absence without pay, and the report of such suspension and leave of absence without pay shall thereupon be expunged from the record of service of such member.

Section 8.361 is amended to read as follows:

#### 8.361 Military and War Effort Leaves of Absence

Leaves of absence shall be granted to officers and employees of the City and County of San Francisco and non-certificated officers and employees of the San Francisco Unified School District for service in the armed forces of the United States or the State of California or for service on ships operated by or for the United States government in time of war and for such time thereafter as may be provided by rule of the civil service commission, but not to exceed two (2) years after the cessation of hostilities, except in case of disability incurred while in active service with the armed forces or the merchant marine when such disability shall extend beyond such period.

The phrase "time of war", wherever it occurs in this section, is defined in Section 8.324 of this Charter.

Whenever any officer or employee of the City and County of San Francisco, or any non-certificated officer or employee of the San Francisco Unified School District shall, by order of the government of the United States or by lawful order of any of its departments or officers, or by lawful order of the State of California, or any of its departments or officers, be directed in time of peace to report and serve in the armed forces of the United States, or in the armed forces of the State of California, said officer or employee shall be entitled to a leave of absence from his office or position during the time of such service and for a period not to exceed three (3) months after the expiration thereof. Officers and employees entering or being inducted into any of the services requiring military leave as provided in this section shall file with the civil service commission a copy of the orders necessitating such service prior to the effective date of the leave of absence. Leaves granted pursuant to the provisions of this and the preceding paragraph of this section shall be designated "military leaves."

The board of supervisors may, on the recommendation of the civil service commission, provide by ordinance that leaves of absence shall be granted to officers and employees during time of war for other service directly connected with the prosecution of the war or national defense or preparedness. Leaves granted under authority of ordinances enacted pursuant to the provisions of this paragraph shall be designated "war effort leaves."

In time of war, or while any act authorizing compulsory military service or training is in effect, the board of supervisors, upon recommendation of the civil service commission, may provide by ordinance that subject to rules of the civil service commission leaves of absence shall be granted to officers and employees of the City and County of San Francisco and non-certificated officers and employees of the San Francisco Unified School District for sea duty as licensed officers aboard ships operated by or for the United States government.

Any officer or employee on military leave, who, prior to such leave, has been appointed to a permanent position in the city and county service, shall be entitled to resume such position at the expiration of his leave, and in determining and fixing rights, seniority, salary and otherwise, which have accrued and shall inure to the benefit of such officer or employee, the term of military leave shall be considered and accounted a part of his service under the city and county.

Persons serving on active duty, not including reserve service, in the armed forces of the United States or the State of California during time of war, who have standing on an eligible list, shall retain their places thereon, and upon presenting an honorable discharge or certificate of honorable active service from such military service within the period of time and subject to the conditions as prescribed by rules of the civil service commission, shall be preferred for appointment for a period of four (4) years after the cessation of hostilities in the order of standing upon such



register at the time of entering such military service and before candidates procuring standing through an examination held subsequent to the entrance of such eligibles into the military service. If while in said military service the names of such persons are reached for certification to permanent positions, appointments shall be made to serve until such persons in the military service shall present to the civil service commission an honorable discharge or certificate of honorable active service within the period of time and subject to the conditions as prescribed by rules of the civil service commission, but not more than one (1) year after the date of discharge of each such eligible, when they shall be certified and assume the duties of positions in said class and their certification to said position for all purposes of seniority shall be deemed to be the date when their names on such eligible lists were reached for certification, provided that each appointee to a position shall serve such probationary period as is required in section 8.340 of this charter, and provided that such employee while serving on such probation shall be permitted to participate in any promotive examination to which his classification is eligible but shall not be entitled to certification by virtue of such promotional examination prior to satisfactory completion of said probationary period and provided further that no such persons shall be certified to entrance positions in the uniformed ranks of the police department who are more than thirty-five (35) years of age or in the fire department who are more than thirty-two (32) years of age unless the names of such persons were reached for certification to such positions before such persons reached said age.

Persons who participate in a regular written civil service examination and who by reason of their active services in time of war in the United States Army, United States Navy, United States Marine Corps, United States Air Force, or United States Coast Guard are unable to complete all parts of the examination and who present their orders or other competent proof of service in the same manner as is required of eligibles, shall acquire standing on eligible lists in accordance with the relative excellence attained by participation in the part or parts of the examinations already completed; provided that upon presenting their honorable discharges or certificates of honorable active service within the time limits specified in this section covering eligibles, they must qualify in the remainder of the examinations. When qualified they shall be certified as of the date they would have been reached for certification in accordance with the relative excellence attained by their participation in the entire examination.

The civil service commission shall adopt rules to govern the administration of leaves as herein provided and to govern lay-offs occasioned by the return of officers, employees, or eligibles who have been appointed and granted leave or certified as provided in this section.

Section 8.363 is amended to read as follows:

**8.363 Leaves due to Illness or Disability**

The civil service commission by rule shall provide for leaves of absence, due to illness or disability, which leave or leaves may be cumulative, if not used as authorized, provided that the accumulated unused period of sick leave shall not exceed six (6) months, regardless of length of service. Those persons who are officers and employees on the effective date of this

amended section may receive a cash payment only for unused sick leave accumulated prior to said effective date and remaining unused on the date of the officer's or employee's retirement, or death or separation caused by industrial accident. Those persons who become officers and employees after the effective date of this amended section shall not be entitled to or receive a cash payment or compensation of any type for accumulated unused sick leave. A violation or abuse of the provisions of said rule and ordinance by any officer or employee shall be deemed an act of insubordination and inattention to duties.

The board of supervisors shall approve, amend or reject all amendments to the rules governing leaves of absence as proposed by the civil service commission; provided, that before making any amendment thereto the board of supervisors shall request the civil service commission to review and report on said proposed amendment.

Section 8.517 is added to read as follows:

**8.517 Elimination of Mandatory Retirement**

Notwithstanding the provisions of subsection (B) of section 8.509 and section 8.584-2, members subject to said sections shall not be required to retire upon attainment of the age of 65 years. Any member who attains the age of 65 years with less than 10 years of credited service in the aggregate in the retirement system and who would have been subject to compulsory retirement upon the attainment of the age of 65 years in the absence of the provisions of this section 8.517 may elect to retire upon the first day of the month next following the month in which he or she attains the age of 65 years and receive the allowance he or she would have received if this section 8.517 had not been in effect; provided, however, that any such member who elects not to so retire and continues as a member after the first day of the month next following his or her attainment of the age of 65 years shall not be entitled to receive a service retirement allowance until completion of the years of credited service required by the provisions of said subsection (B) of section 8.509 or section 8.584-2, as the case may be, in order to qualify for service retirement.

The provisions of this section 8.517 do not and shall not entitle any person retired under the retirement system to be re-employed.

Certified to be a true copy by Dianne Feinstein, President, Board of Supervisors and Gilbert H. Boreman, Clerk Board of Supervisors.

Date of municipal election: November 7, 1978.

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Charter Chapter 26—County of Fresno

*Amendment to the Charter of the County of Fresno*

[Filed with Secretary of State December 8, 1978]

Section 43 of the Charter is amended to read as follows:

Section 43. No person applying for employment by the County and

who is related within the third degree, whether by blood or marriage, to a member of the Board of Supervisors or any elected or appointed department head whatsoever, shall be employed by the County, except that the Board of Supervisors may by unanimous vote of all members present, provided there are at least four members so present, find that by reason of unusual qualifications of the applicant, or the existence of other unusual circumstances, the best interest of the County would be served by employing such person and accordingly, authorize such employment.

Certified to be a true copy by John R. Donaldson, Chairman of the Board of Supervisors and M. G. Wingett, Clerk of the Board of Supervisors.

Date of municipal election: November 7, 1978.

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#### Charter Chapter 27—County of Sacramento

### *Amendment to the Charter of the County of Sacramento*

[Filed with Secretary of State December 8, 1978 ]

Section 37A is added to the Charter to read as follows:

Section 37A. Compensation and Positions; Board Actions. Except as otherwise required by state law, the Board of Supervisors may provide for the compensation of officers and employees by resolution or contract with recognized employee organizations, as well as by ordinance and may establish or eliminate positions by resolution, as well as by ordinance.

Certified to be a true copy by E. Henry Kloss, Chairman of the Board of Supervisors and Betty D. Poohar, Clerk of the Board of Supervisors.

Date of municipal election: November 7, 1978.

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#### Charter Chapter 28—County of Los Angeles

### *Amendment to the Charter of the County of Los Angeles*

[Filed with Secretary of State December 11, 1978.]

Section 47 of Article X of the Charter of the County of Los Angeles is amended to read as follows:

Section 47. In fixing compensation to be paid to persons under the classified civil service, the Board of Supervisors shall be governed by applicable State statutes and County ordinances.

Certified to be a true copy by Peter F. Schabarum, Chairman of the Board of Supervisors and James S. Mize, Executive Officer, Clerk of the Board of Supervisors.

Date of municipal election: June 6, 1978.

## Charter Chapter 29—County of Los Angeles

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

[Filed with Secretary of State December 11, 1978.]

Section 44.7 of the Charter of Los Angeles County is amended to read as follows:

Section 44.7. Nothing in this Article shall prevent the County, when the Board of Supervisors finds that work can more economically or feasibly be performed by independent contractors, from entering into contracts for the performance of such work. The Board of Supervisors shall adopt an ordinance specifying criteria for entering into contracts, and specifying competitive bidding procedures for the award of such contracts.

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

**Section 30—Purpose of Civil Service System**

The purpose of this article is to establish a Civil Service System for the classified service which shall provide County government with a productive, efficient, stable, and representative work force by:

(1) Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills relevant to the work to be performed.

(2) Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected.

(3) Assuring fair treatment of applicants and employees in all aspects of personnel administration without discrimination based on political affiliation, race, color, national origin, sex, religious creed or handicap and with proper regard for their privacy and constitutional rights as citizens.

(4) Assuring that employees are protected against coercion for political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

Section 31 of the Charter of the County of Los Angeles is amended to read as follows:

**Section 31—Civil Service Commission**

The Civil Service Commission shall consist of five members appointed by the Board of Supervisors. Each member of the Commission shall be appointed for a four year term and shall serve until a successor is appointed and qualified. The term of a Commissioner appointed prior to November 7, 1978, shall expire four years after appointment or on November 7, 1978, whichever is later. Any vacancy on the Commission shall be filled by the Board of Supervisors for a full four year term beginning on the date of appointment. No member shall hold any other salaried County office, nor shall have been, within the year next preceding appointment, an active executive officer in any political organization. Each member shall

be an elector of the County. The Board of Supervisors by a four-fifths vote of all the members may remove a member of the Commission during his or her term of office, but only upon stating in writing the reasons for such removal and allowing such member an opportunity to be publicly heard in his or her own defense.

Section 32 of the Charter of the County of Los Angeles is amended to read as follows:

**Section 32—Director of Personnel**

The Board of Supervisors shall appoint the Director of Personnel who shall, under the general direction of the Board of Supervisors, administer the Civil Service system in accordance with the provisions of this Charter and the Civil Service Rules. The Director of Personnel shall, under the direction of the Board of Supervisors, perform such other duties as may be prescribed by said Board pursuant to the provisions of Section 22<sup>3</sup>/<sub>4</sub> hereof. The Director of Personnel shall appoint all assistants, deputies, and other persons in the department.

Section 33.7 of the Charter of the County of Los Angeles is repealed.

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

**Section 34—Functions of the Commission**

The Civil Service Commission shall serve as an appellate body in accordance with the provisions of Sections 35(4) and 35(6) of this article and as provided in the Civil Service Rules.

The Commission shall propose and, after a public hearing, adopt and amend rules to govern its own proceedings.

In any hearing conducted by the Commission or by a hearing officer appointed by the Commission, the Commission or the hearing officer shall have the power to subpoena and require the attendance of witnesses and the production thereby of books and papers pertinent to the hearing and each Commissioner or hearing officer shall have the power to administer oaths to such witnesses.

Section 35 of the Charter of the County of Los Angeles is amended to read as follows:

**Section 35—Civil Service Rules**

Rules of the Civil Service System shall be adopted by the Board of Supervisors only after a public hearing.

Rules of the Civil Service System shall provide for:

(1) Establishment and maintenance of a classification plan and the classification of all positions which are included in the system.

(2) Recruitment of persons to fill positions, either on an open or promotional basis, evaluation of qualifications of applicants, the establishment and maintenance of lists of qualified persons ranked according to their relative qualifications to hold designated positions, and certification of such lists to appointing powers. Appointments from lists may be made on a permanent, temporary, or recurrent basis. In the absence of an appropriate list, where the Director of Personnel finds an emergency exists, emergency appointments may be made. Such appointments may not exceed 90 days and may not be extended. Appointments to permanent positions shall be final only after the completion of a probationary period.

(3) Establishment of County-wide policies and systems for the evaluation of employee performance and for employee development.

(4) Procedures for appeal of allegations of political discrimination and of discrimination based on race, sex, color, national origin, religious opinions or affiliations or handicap made by County employees, regardless of status, and by applicants for employment.

(5) Procedures for layoff or reduction in lieu of layoff by the appointing power for reasons of economy or lack of work.

(6) Civil Service Commission hearings on appeals of discharges and reductions of permanent employees.

(7) Transfer and promotion of employees between County departments and districts participating in the Civil Service System and governed ex-officio by the Board of Supervisors.

Existing Civil Service Rules will remain in effect until such time as revisions are adopted by the Board of Supervisors.

Section 36 of the Charter of the County of Los Angeles is amended to read as follows:

**Section 36—Certification of Payroll**

The Auditor shall not approve any salary or compensation for services to any person holding or performing the duties of a position in the classified service, unless the payroll account for such salary or compensation shall bear the certificate of the Director of Personnel that the persons named therein have been appointed or employed in accordance with the provisions of this article and the rules established thereunder.

Sections 37, 38, 39 and 40 of the Charter of the County of Los Angeles are repealed.

Section 33 of the Charter of the County of Los Angeles is amended to read as follows:

Sec. 33. The Civil Service of the County is hereby divided into the unclassified and the classified service.

The unclassified service shall comprise:

(a) All officers elected by the people.  
 (b) Members of all commissions, committees and boards created by this Charter, statute or ordinance.

(c) All heads of County agencies and departments.

(d) In the office of the District Attorney: The Chief and one other deputy. Bureau Chiefs, Assistant Bureau Chiefs, Administrative Deputy—District Attorney, Chief Field Deputy, three Special Assistants, one secretary, and three detectives; and special counsel and special detectives for temporary employment.

(e) In the office of the Sheriff: The Undersheriff, or Chief Deputy, one Executive Assistant, one Executive Secretary, three Field Deputies, two Assistant Sheriffs, and eight Division Chiefs. In the office of Assessor: The Chief Deputy, one Assistant Assessor, one Executive Secretary, three Special Assistants, and four Directors.

(f) Superintendents, principals and teachers in the school system.

(g) All officers and other persons serving the County without compensation.

(h) In the office of each Supervisor: All Deputies. Some or all of these Deputies may by ordinance be given a job title other than Deputy.

The classified service shall include all other positions now existing or hereafter created.

Section 33.5(a) is added to the Charter of the County of Los Angeles to read as follows:

Sec. 33.5(a). Notwithstanding any other provision of this Charter, any person employed as an Executive Assistant, Executive Secretary, Field Deputy, Division Chief, Assistant Sheriff, in the office of the Sheriff, or as an Assistant Assessor, Executive Secretary, Special Assistant, or Director in the office of the Assessor, or as a Bureau Chief, Assistant Bureau Chief, Administrative Deputy—District Attorney or Chief Field Deputy in the office of the District Attorney on the effective date of this section shall remain in the classified service for so long as he holds the position that he held on the effective date of this section.

Any other provision of this Charter notwithstanding, a vacancy in the position of Assistant Sheriff shall be filled without examination or creation of an eligibility list by appointment from among sworn personnel holding a current permanent appointment as an Inspector or higher position in the classified service in the office of the Sheriff.

Any other provision of this Charter notwithstanding, a vacancy in the position of Division Chief shall be filled without examination or creation of an eligibility list by appointment from among sworn personnel holding a current permanent appointment as a Captain or a higher position in the classified service in the office of Sheriff.

Any other provision of this Charter notwithstanding, a vacancy in the position of Assistant Assessor or Director shall be filled without examination or creation of an eligibility list by appointment from among those persons holding a current permanent appointment in the classified service in the office of the Assessor.

Any other provision of this Charter notwithstanding, a vacancy in the position of Bureau Chief and Assistant Bureau Chief shall be filled without examination or creation of an eligibility list by appointment from among those persons holding a current permanent appointment as a Deputy District Attorney Grade IV or higher attorney position in the classified service of the office of the District Attorney.

Any other provision of this Charter notwithstanding, a vacancy in the position of Administrative Deputy—District Attorney shall be filled without examination or creation of an eligibility list by appointment from among those persons holding a permanent appointment to a classified position under this Charter.

Section 33.8 is added to the Charter of the County of Los Angeles to read as follows:

Sec. 33.8. Notwithstanding any other provision of this Charter, any person employed as a Supervisor's Deputy on the effective date of this section and whose position as Supervisor's Deputy is removed from the classified service on said date and placed in the unclassified service, shall continue to have the same rights as if his position had not been placed in the unclassified service.

Section 50 of the Charter of the County of Los Angeles is amended to read as follows:

Section 50

The provisions of State law applicable to the recall of County officers shall apply to the recall of elected County officers.

Section 56½ is added to the Charter of the County of Los Angeles to read as follows:

Sec. 56½. The County shall not have the power to provide for the assumption or discharge by County officers of any of the functions of a county formed after June 1, 1978, from territory which prior to that date was part of the County of Los Angeles. Nothing in this section shall be construed to prohibit mutual aid pacts.

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

Date of General Election: November 7, 1978.

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Charter Chapter 30—City of Compton

*Amendment to the Charter of the City of Compton*

[Filed with Secretary of State December 12, 1978.]

Section 1301 of the City Charter is amended to read as follows:

Section 1301. Primary Nominating Elections. Primary nominating elections shall be held on the third Tuesday in April in each odd-numbered year for the purpose of nominating not exceeding two candidates for each of the elective offices in which vacancies have occurred since the preceding general municipal election, and for such other purposes as may be provided by Charter or ordinance. The primary nominating election may be consolidated with the election of the Compton Unified School District.

Certified to be a true copy by Lionel B. Cade, Mayor and Charles Davis, City Clerk.

Date of municipal election: November 7, 1978.

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Charter Chapter 31—City of Los Angeles

*Amendments to the Charter of the City of Los Angeles*

[Filed with Secretary of State November 30, 1978]

Section 255.1 is added to the City Charter to read as follows:

Sec. 255.1. (a) Notwithstanding other provisions of this Charter, members of the Board of Education shall be elected from districts numbered 1 to 7, inclusive, as provided in this section. District boundaries shall be established by the City Council by ordinance, which shall go into effect



upon publication. Each district shall contain, as nearly as practicable, one-seventh of the total population of the Los Angeles Unified School District as shown by the Federal census immediately preceding the establishment of the boundaries. The boundaries shall be redistricted within the time limits prescribed for redistricting in Section 6.

(b) Members of the Board of Education shall hold their respective offices for a term of four years. The first election for members of the Board of Education from Districts 1, 3, 5, and 7 shall be the Primary Nominating Election or General Municipal Election, as the case may be, held in the year 1979. The first election for members of the Board of Education from Districts 2, 4, and 6 shall be the Primary Nominating or General Municipal Election, as the case may be, held in the year 1981. Members of the Board of Education holding office numbers 2, 4, and 6 at the time this section takes effect shall continue in office for the balance of their respective unexpired terms, except that if a vacancy occurs the appointed or elected successor shall hold the office only for the balance of the unexpired term.

(c) No person shall be eligible to nomination or election to the Office of Member of the Board of Education who shall not have been a registered voter of the Los Angeles Unified School District and a resident of the district from which he or she is nominated or elected for at least 30 days next preceding the first day upon which candidates could declare their intention to run for office at such election. No person shall be eligible to appointment to fill a vacancy on the Board of Education who shall not have been a registered voter and resident of the district wherein the vacancy exists for at least 30 days prior to the appointment.

(d) Persons signing any petition for the nomination of any person to the Office of Member of the Board of Education shall be registered voters and residents of the district from which the person named in the petition seeks to be elected, or in the case of a recall petition, of the district from which such Member was elected, or the district as it exists by reason of redistricting as otherwise provided in this section. The names of persons who are not registered voters and residents of the respective district involved shall not be counted in determining the sufficiency of any such nomination or recall petition.

(e) Any authority with respect to the City election process, including recall, granted by the Charter to an elector of the City, without qualification as to place of residence within the City, may be exercised by an elector of the Unified School District with respect to the election and recall process for the Board of Education.

(f) Territory added to the Los Angeles School District subsequent to the adoption of a districting ordinance shall be added to an adjacent and contiguous district or districts by the City Council by ordinance.

(g) Except as provided in this section, the election of Members of the Board of Education of the Los Angeles Unified School District shall be conducted in accordance with provisions of the Charter and applicable ordinances consistent with this section. The Council, without amending the City Election Code, may adopt supplemental ordinances where necessary or desirable for the purpose of carrying out the provisions of this section. Such ordinances shall become effective upon publication.

Section 436 is added to Article XXXI of the City Charter to read as follows:

Sec. 436. Except as herein specifically permitted, the City of Los Angeles, its officers, employees, agencies and instrumentalities shall be prohibited both directly and indirectly from appropriating funds, issuing bonds, lending credit, diverting funds received or to be received under existing grants, levying taxes or assessments, incurring expenses, making or undertaking any capital expenditures, or entering into any agreements in aid or in furtherance of the promotion of the 1984 Summer Olympic Games unless the direct and indirect costs to be incurred (or incurred prior to the adoption of this section but after selection of the City of Los Angeles by the International Olympics Committee as the host city for the 1984 Summer Olympic Games) by the City of Los Angeles, its officers, employees, agencies and instrumentalities in connection therewith do not exceed the direct receipts received or to be received no later than June 30, 1985 by the City in connection with said 1984 Olympic Games. Notwithstanding the foregoing: (a) the City of Los Angeles shall not be prohibited from enacting admissions, ticket, parking and similar attendance-connected taxes on Olympic Game events and/or increasing the Transient Occupancy (Bed) Tax rate for the purpose of raising funds to be used in connection with the promoting, staging, hosting or conducting of said 1984 Olympic Games; and (b) the City of Los Angeles may appropriate for the promotion of the 1984 Summer Olympic Games from projected revenues the sum of up to Five Million Dollars.

“Direct receipts received,” as used herein, shall include projected revenues which are realized to the extent that prior appropriations have not been made on the basis thereof.

“Direct receipts to be received,” as used herein, means receipts which the City is assured of by firm and binding written contractual commitments from financially responsible private entities or by firm and binding written commitments from other governmental entities or agencies or instrumentalities, requiring payment in full to the City on or before June 30, 1985.

“Financially responsible private entities,” as used herein, means entities having a net worth of not less than four times the amount of each such entity’s commitment to the City.

“Net worth,” as used herein, means assets less liabilities, at the time of making such commitment, with “net worth,” “assets,” and “liabilities” being construed and further defined in accordance with generally accepted accounting principles. To establish net worth for purposes of qualifying as a financially responsible private entity each such entity must provide a current financial statement certified as correct in accordance with generally accepted accounting principles by a Certified Public Accountant licensed by the State of California.

“Direct and indirect costs,” as used herein, do not include costs of items such as incidental added wear and tear on public thoroughfares and buildings or incidental services performed by City employees which are part of their normal duties, but do include all other costs incurred in the use of City personnel or equipment to perform services in aid or in further-

ance of said 1984 Olympic Games.

“Promotion,” as used herein, means hosting, promoting, staging, conducting or financing of the 1984 Summer Olympic Games, including the providing of any services, facilities or equipment in connection with such Games.

“Projected revenues,” as used herein, means projected receipts from taxes enacted on Olympic events, and projected receipts from any increase in the Transient Occupancy (Bed) Tax rate for purposes of promoting such Games. Projections of revenue made under this Section shall be subject to approval by the City Council taking into consideration, in the exercise of reasonable judgment, periodic reports relating to such projections which shall be submitted by the City Administrative Officer and any other relevant information from any reliable source.

The Council may, consistent with this section, establish such procedures and methods as are considered necessary to implement the provisions hereof.

This section shall be deemed to have been repealed on January 1, 1986; provided, however, that its provisions shall continue to be in effect and applicable to any action taken or funds expended prior to that date with regard to the 1984 Summer Olympic Games.

Section 126 is added to Article IX of the City Charter to read as follows:

Section 126. Use of Independent Contractors.

Nothing in this Article shall be deemed or construed as preventing the City Council, or a Board of Commissioners in the case of those departments having control of their own revenues and funds, from entering into contracts for the performance of work when it is determined by the City Council or the Board of Commissioners that such work can be performed more economically or feasibly by independent contractors than by City employees. The authority of the City Council set forth in this section may be delegated to departments and officers of the City under such rules and procedures as the City Council may prescribe. Nothing in this section shall limit the application of Sections 385 to 390 of the Charter relating to contracts and competitive bidding for contracts.

Section 266 of the City Charter is amended to read as follows:

Section 266. Primary Nominating Elections shall be held in said City on the last Tuesday in March in every odd-numbered year, and General Municipal Elections shall be held in said City on the second to last Tuesday in May of every odd-numbered year, except in the event that either of said days shall be a legal holiday, in which event the election otherwise to be held on such day shall be held the following day.

Section 104 of the City Charter is amended to read as follows:

Section 104. (a) Subject to the conditions set forth in this section, in all original examinations held pursuant to this chapter, the Board of Civil Service Commissioners shall, in addition to all other credits, give a credit of five percent of the total credits specified for such examinations to all persons who receive a passing score on such examinations and who have served in the armed forces of the United States during time of war or armed insurrection, or during any time when the United States is engaged in active military operations against any foreign power, whether or not

war has been formally declared, or when the United States is assisting the United Nations in actions involving the use of armed forces to restore international peace and security, provided that such persons are honorably discharged, or are honorably discharged from active service, although then on the reserve list.

(b) The five percent credit shall be granted for a period of five years from the date of release from active service of an eligible person or five years from the date such person becomes available for employment. A person shall be deemed unavailable for employment if the person is a student engaged in a training or educational process approved by the Board or is hospitalized as a result of a service-connected injury or illness.

(c) A five percent credit for a period not to exceed five years shall be given to widows or widowers of persons killed while in such service as hereinabove described. Such five-year period shall commence to run from the date the spouse is deceased.

(d) A five percent credit for a period not to exceed five years shall be given to spouses of persons who are unable to work because of disabilities resulting from such service as hereinabove described. Such five-year period shall commence to run from the date the Board determines that the person became unable to work.

(e) Notwithstanding any time limitations set forth in other parts of this section, the five percent credit shall be provided to all persons with disabilities resulting from such service as hereinabove described without regard to the date of discharge. For purposes of this subsection, a person shall be deemed disabled if the disability is certified by the Veterans Administration or its successor agency.

Sections 290(a) and 290(g) of the City Charter are amended to read as follows:

(a) A petition signed by qualified electors equal in number to at least fifteen percent of the registered voters eligible to vote for the office, the incumbent of which is sought to be removed, demanding the submission to the electors of the city of the question whether the incumbent of such office shall be removed by vote of such electors, and if so removed, the election of a successor of such incumbent, shall be addressed to the Council and filed with the City Clerk. If said petition demands the submission of the question of the removal of a member of the Board of Education, said fifteen percent shall be computed upon the total number of registered voters eligible to vote for candidates for the Board of Education divided by the number of members of the Board of Education. In the case of Councilmen, the fifteen percent above provided for shall be computed upon said total number of registered voters within the district from which the Councilman, for whose recall the petition asks, was elected, and only the signatures of registered voters living within the district, as provided in Section 6(2) (a) of this charter, shall be counted in computing said fifteen percent, and only voters residing within such district shall be entitled to vote at the recall election. Such petition shall contain a general statement of the grounds for which such removal is sought, of not more than three hundred words in length, and the sufficiency of such statement shall not be subject to review; provided, however, that no petition for the

removal of any elective officer shall be so filed until he has actually held his office for three months.

(g) Upon the presentation of such recall petition to the Council by the City Clerk, the Council shall thereupon, by ordinance, order the holding of a special election for the purpose of submitting to the electors of the city at large or in the district, as the case may be, the question whether such officer shall be recalled, and if recalled, for the election of his successor. Such special election shall be held not less than seventy-five days nor more than ninety days after the date of the certificate of the City Clerk to the sufficiency of such recall petition; provided, however, that if any other election for any purpose at which all the qualified voters of the city are entitled to vote, is to occur not less than sixty days nor more than six months after the date of such certificate, like Council may, in its discretion, order the holding of such recall election, and the consolidation thereof with such other election, occurring not less than sixty days nor more than six months after the date of said certificate of the City Clerk.

Certified to be a true copy by John Ferraro, President, City Council and Rex E. Layton, City Clerk.

Date of municipal election: November 7, 1978.

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Charter Chapter 32—City of Inglewood

*Amendment to the Charter of the City of Inglewood*

[Filed with Secretary of State December 18, 1978.]

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

Section 5: In the event any vacancy or vacancies shall exist in the membership of said Board of Education, the same shall be filled in accordance with the general law of the State of California as it now provides or hereafter shall be amended.

Certified to be a true copy by Merle Mergell, Mayor and Iris A. Crochet, City Clerk.

Date of General election: November 7, 1978.

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Charter Chapter 33—City of Seal Beach

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

[Filed with Secretary of State December 21, 1978.]

The Charter of the City of Seal Beach is amended to read as follows:

#### Article IV Elective Officers

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

Section 401. Eligibility. Except as provided in Section 514, no person shall be eligible to hold office as a member of the City Council unless he is, and shall have been for at least one year immediately preceding his nomination or appointment, a qualified elector of the district from which he is nominated or appointed. No person shall be eligible to hold office as City Clerk unless he is, and shall have been, for at least one year immediately preceding his nomination or appointment, a qualified elector of the City.

Section 421. Compensation of the City Clerk. The City Clerk shall receive, at stated times, a compensation fixed by ordinance.

#### Article V Elections

Section 503. First Elections. The first primary nominating election which shall be for members of the City Council for Districts 2 and 4 and the City Clerk shall be held in the City of Seal Beach on the fourth Tuesday in April, 1964, and the first general municipal election for such districts and offices shall be held in the City of Seal Beach on the first Tuesday of June, 1964, or thereafter such primary and general elections for such districts and offices shall be held every four years.

The second primary nominating election which shall be for members of the City Council for Districts 1, 3 and 5 shall be held in the City of Seal Beach on the fourth Tuesday in April, 1966, and the second general municipal election for such Districts 1, 3 and 5 shall be held in the City of Seal Beach on the first Tuesday in June, 1966, and thereafter such primary and general elections for such districts shall be held every four years.

Section 513. Majority Elects. The candidates who shall receive the highest number of votes in the general municipal election for his respective office shall be declared elected to such office. The entire electorate of the City of Seal Beach shall be entitled to vote at the General Municipal Election for one candidate for the office of City Clerk and for one candidate for the office of the City Councilman from the district in which the elector resides, and only one member of the City Council shall be elected from each district.

#### Article VI City Manager

Section 604. Powers and Duties. The City Manager shall be the head

of the administrative branch of the City government. He shall be responsible to the City Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities and duties, the City Manager shall have the power and be required to:

(a) To enforce all laws and ordinances of the City and to see that all franchises, permits and privileges granted by the City are faithfully observed.

(b) To exercise administrative control over all departments, divisions and employees of the City government, except the City Attorney and City Clerk.

(c) To appoint, promote, discipline and remove employees of the City, except the City Attorney and City Clerk, subject to the rules and regulations of the Civil Service Commission.

(d) To organize or reorganize such offices, positions, departments or units under his direction as may be indicated in the interest of efficient, effective and economical conduct of the city's business.

(e) To attend all meetings of the City Council unless excused therefrom by the City Council.

(f) To recommend to the City Council for adoption such measures and ordinances as he deems necessary or expedient.

(g) To serve as finance officer and to keep the City Council fully advised as to the financial conditions and needs of the City. The City Manager shall be the chief financial officer of the City.

(h) To prepare and submit to the City Council the annual budget and be responsible for its administration after adoption by the Council.

(i) To recommend a comprehensive salary plan for all City employees and to recommend changes in line with current conditions.

(j) To organize for and supervise the purchase of all supplies for all departments or divisions of the City. No expenditure shall be submitted or recommended to the City Council except on report and approval of the City Manager.

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

(l) To investigate all complaints in relation to matters concerning the administration of the government of the City and in regard to the services maintained by public utilities in the City.

(m) To exercise general supervision over all public buildings, public parks and all other public property which is under the control and jurisdiction of the City Council.

(n) To devote his entire time to the duties and interests of the City, except as may be specifically authorized by the City Council.

(o) To represent the City in discussions of administrative and policy questions between the City and other levels of government, i.e., county, state, federal and other cities, when and if requested by the Council to do so.

## Article VII

## Officers

Section 700. Officers. The officers of the City shall be the following:

- (a) The five members of the City Council, who shall be elected.
- (b) A City Clerk, who shall be elected.
- (c) A City Treasurer, who shall be the Finance Director.
- (d) A City Manager, who shall be appointed by the City Council.
- (e) A City Attorney, who shall be appointed by the City Council.
- (f) The incumbents of such other offices as the City Council may by ordinance, or resolution, establish.

Section 703. Treasurer and Finance Director. As Treasurer, the Finance Director shall be required to:

(a) Collect any license fees or other revenues of the City, or for whose collection the City is responsible and receive all taxes or other 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.

(b) Have custody of all public funds belonging to or under 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, then in such depository designated in writing 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.

(c) Disburse moneys on demand audited in the manner provided for in the Charter.

(d) Prepare and submit to the City Council monthly written reports of all receipts, disbursements and fund balances, copies of which reports shall be filed with the City Manager.

Certified to be a true copy by Frank J. Laszlo, Mayor and Jerdys Weir, City Clerk.

Date of municipal election: November 7, 1978.

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Charter Chapter 34—County of Santa Clara

*Amendment to the Charter of the County of Santa Clara*

[Filed with Secretary of State December 22, 1978.]

Section 604 of the County Charter is amended to read as follows:

Section 604

(a) The Board of Supervisors shall establish a county park fund in the county treasury. Each fiscal year the Board of Supervisors shall transfer from the general fund to the county park fund an amount of money which shall not be less than an amount estimated by the Auditor-Controller to equal the amount that would be raised for that year by a tax of ten cents (\$0.10) per One Hundred Dollars (\$100.00) of assessed valuation of the



County of Santa Clara. In addition, the Board of Supervisors shall transfer into such fund all other monies received from the United States Government, State of California, or any other public agency or any person for county park purposes. Any interest earned on the investment of money in the county park fund shall be credited to the fund.

(b) The Board of Supervisors shall appropriate the money in the county park fund for the acquisition, development, or acquisition and development of real property for county park purposes and for the maintenance and operation of county parks. At least 50% of the funds transferred from the general fund for fiscal years 1978–79 through 1986–87 shall be used for the acquisition of real property for county park purposes. Not more than 30% of the funds transferred from the general fund in any fiscal year may be appropriated for the maintenance and operation of county parks.

(c) The county shall not acquire real property for any park purpose until the Board of Supervisors has determined that the acquisition is in conformity with the adopted county parks and recreation element of the general plan.

(d) This section shall be operative commencing with the 1978–79 fiscal year and shall be repealed at the end of the 1986–87 fiscal year; provided, however, any unobligated monies remaining in the fund on June 30, 1987, shall be used only for the purposes set forth in subparagraph (b) of this section.

Certified to be a true copy by Rod Diridon, Chairperson of the Board of Supervisors and Donald M. Rains, Clerk of the Board of Supervisors.  
Date of General Election: November 7, 1978.

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#### Charter Chapter 35—City of Downey

### *Amendments to the Charter of the City of Downey*

[Filed with Secretary of State December 26, 1978.]

Section 512 of Article V of the City Charter is amended to read as follows:

**Section 512. Ordinances. Enactment. Publication.**

In addition to such other acts of the City Council as are required by this Charter to be by ordinance, every act of the City Council establishing a fine or other penalty, or granting a franchise, shall be by ordinance.

The enacting clause of all ordinances shall be substantially as follows: "The City Council of the City of Downey does ordain as follows:".

The City Clerk shall cause each ordinance to be published at least once in the official newspaper within fifteen days after its adoption.

As an alternative to the publication of an ordinance as specified herein, the City Clerk may cause a summary of a proposed ordinance to be prepared and published in the official newspaper and post a copy of such summary with a copy of the full text of the proposed ordinance at least ten

days prior to the date it is to be submitted to the City Council for adoption, and the publication in the official newspaper of a summary of any ordinance adopted by the City Council and a posting of a certified copy of the full text of such adopted ordinance in the office of the City Clerk along with the names of the Council members voting for and against the ordinances within fifteen days after the date of its adoption.

Section 1211 of the City Charter is amended to read as follows:

Section 1211. Contracts on Public Works.

Except, as hereinafter expressly provided, every contract involving an expenditure of more than Seven Thousand Five Hundred Dollars (\$7,500.00) for the construction or improvement (excluding maintenance and repair) of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds, and each separate purchase of materials or supplies for the same, where the expenditure required for such purchase shall exceed the sum of Seven Thousand Five Hundred (\$7,500.00), shall be let to the lowest responsible bidder after notice by publication in the official newspaper by two (2) or more insertions, the first of which shall be at least ten (10) days before the time for opening bids.

The City Council may reject any and all bids presented and may advertise in its discretion. After rejecting bids, or if no bids are received, or without advertising for bids if the total amount of the contract or project is Fifteen Thousand Dollars (\$15,000.00) or less, then the City Council 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, or that the materials or supplies may be purchased at a lower price in the open market, and after the adoption of a resolution to this effect by the affirmative vote of a majority of the total members of the City Council, it may proceed to have said work done or such materials or supplies purchased in the manner stated, without further observance of the provisions of this Section. Such contracts may be let and such purchases made without advertising for bids if such work or the purchase of such materials or supplies shall be deemed by the City Council to be urgent necessity for the preservation of life, health or property, and shall be authorized by the affirmative vote of at least two-thirds of the total membership of the City Council.

The limitations as provided in this Section may be increased by adoption of a resolution by the affirmative vote of two-thirds ( $\frac{2}{3}$ ) of the total members of the City Council, provided, however, that such increase shall not be greater in percentage than the percentage change in the construction cost index of the Los Angeles Metropolitan Area as reported by the Engineering News Record from the effective date of this section to the date of the change.

Projects for the extension, construction or improvement of any public utility system operated by the City or for the purchase of supplies or equipment for any such project or any such utility may be excepted from the requirements of this Section by the affirmative vote of a majority of the total members of the City Council.

Certified to be a true copy by William L. Greene, Mayor and Robert L. Shand, City Clerk.

Date of municipal election: November 7, 1978.

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Charter Chapter 36—County of Butte

*Amendment to the Charter of the County of Butte*

[Filed with Secretary of State December 26, 1978.]

Section 2 of Article IV of the County Charter is amended to read as follows:

§2. Consolidation of offices.

The following offices are hereby consolidated:

- (a) The district attorney shall be ex officio public administrator;
- (b) The sheriff shall be ex officio coroner;
- (c) The treasurer shall be ex officio tax collector and ex officio license collector;
- (d) The surveyor shall be ex officio road engineer;
- (e) The health officer shall be ex officio county physician;
- (f) The clerk shall be ex officio recorder.

Certified to be a true copy by Robert A. Winston, Chairman of the Board of Supervisors and Clark A. Nelson, County Clerk.

Date of municipal election: June 6, 1978.

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Charter Chapter 37—City of Santa Rosa

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

[Filed with Secretary of State December 27, 1978.]

Section 32 of the City Charter is amended to read as follows:

Section 32. Council Vacancy

Sec. 32.1. A council vacancy may be filled by appointment by the Council or the Council may call a special election to fill the vacancy. If the Council fails to fill a Council vacancy within thirty days after it occurs, the Council shall then call a special election to be held as soon as practicable.

If for any reason the seats of a majority of the Council shall become vacant, the City Clerk shall then call a special election to fill the vacancies for the unexpired terms, such election to be conducted substantially in the manner provided for by General Law.

Sec. 32.2. The City Council shall call a special election to choose a successor to such Council appointee whenever a sufficient petition is filed within seventy-five days after their appointment if there are 50,000 or less registered electors or within ninety days if there are more than 50,000 registered electors. To be sufficient the petition must be signed by regis-

tered electors representing 7.5 per cent of the first 50,000 registered electors plus 5 percent of the next 50,000 registered electors. If there are more than 100,000 registered electors, a petition signed by 5 per cent shall be sufficient signatures.

Whenever a petition has been verified and the Council determines it is sufficient there shall be a special election held as soon as practicable.

Sec. 32.3. An appointee shall hold office until a successor is elected for the unexpired term at the next municipal election or until a successor is elected at a special election held in accordance with this section. Any person elected to the Council pursuant to this section shall serve the balance of the unexpired term.

Sec. 32.4. If any officer of the City shall remove himself from the City or absent himself therefrom for more than thirty days consecutively without the prior permission of the Council or shall fail to qualify or shall resign or be convicted of a felony or adjudged incompetent, his office shall thereupon become vacant.

Certified to be a true copy by Donna M. Born, Mayor and Kenneth R. Blackman, City Clerk.

Date of municipal election: November 7, 1978.

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GOVERNOR'S REORGANIZATION  
PLAN NO. 1 of 1978

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**GOVERNOR'S REORGANIZATION  
PLAN NO. 1 OF 1978**

Received by Assembly May 1, 1978, and approved June 17, 1978; received by Senate May 1, 1978, and approved June 19, 1978.

Takes effect on July 1, 1978, by operation of Government Code Section 12080.5.

