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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 8, 1978.**

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**CHARTER AMENDMENTS—1979**

Charter Chapter Number	City—County	Date of Election	Date of Filing
1	City of Anaheim .....	Nov. 7, 1978	Jan. 2, 1979
2	County of San Diego .....	Nov. 7, 1978	Jan. 8, 1979
3	City of San Diego .....	Nov. 7, 1978	Jan. 12, 1979
4	City of San Jose .....	Nov. 7, 1978	Jan. 19, 1979
5	City of Alhambra .....	Nov. 7, 1978	Jan. 22, 1979
6	City of Irvine .....	Nov. 7, 1978	Feb. 5, 1979
7	City of Piedmont .....	Nov. 7, 1978	Feb. 23, 1979
8	City of Santa Cruz .....	March 6, 1979	March 14, 1979
9	City of Fresno .....	March 6, 1979	April 4, 1979
10	City of Santa Barbara .....	March 6, 1979	April 9, 1979
11	City of San Rafael .....	March 6, 1979	April 9, 1979
12	City of Santa Monica .....	April 10, 1979	April 18, 1979
13	City of Pacific Grove .....	April 10, 1979	May 2, 1979
14	County of San Bernardino .....	June 6, 1978	May 2, 1979
15	County of San Bernardino .....	Nov. 7, 1978	May 2, 1979
16	City of Pasadena .....	April 17, 1979	May 9, 1979
17	City of San Bernardino .....	March 6, 1979	May 17, 1979
18	City of Alameda .....	March 6, 1979	May 18, 1979
19	City of Palo Alto .....	May 8, 1979	May 30, 1979
20	City of Salinas .....	June 5, 1979	Oct. 3, 1979
21	City of Stockton .....	Oct. 9, 1979	Oct. 24, 1979
22	City of Oakland .....	May 15, 1979	Nov. 7, 1979
23	County of Tehama .....	Nov. 6, 1979	Nov. 16, 1979
24	City of San Bernardino .....	Nov. 6, 1979	Nov. 23, 1979
25	City of Santa Clara .....	Nov. 6, 1979	Nov. 26, 1979
26	City and County of San Francisco .....	Nov. 6, 1979	Nov. 27, 1979
27	City of Sacramento .....	Sept 25, 1979	Dec. 5, 1979
28	City of Los Angeles .....	Nov. 6, 1979	Dec. 6, 1979
29	City of Vallejo .....	Nov. 6, 1979	Dec. 6, 1979
30	City of Palo Alto .....	Nov. 6, 1979	Dec. 12, 1979
31	City of San Diego .....	Nov. 6, 1979	Dec. 17, 1979
32	City of Long Beach .....	Nov. 6, 1979	Dec. 28, 1979



## Charter Chapter 1—City of Anaheim

*Amendments to the Charter of the City of Anaheim*

[Filed with Secretary of State January 2, 1979.]

Article V, Section 515 is amended to read as follows:

Section 515. ORDINANCES. VIOLATION. PENALTY.

A violation of any ordinance of the City shall constitute a misdemeanor unless by ordinance it is made an infraction. Any such violation may be prosecuted in the name of the People of the State of California and/or may be redressed by civil action. The maximum fine or penalty for conviction of any misdemeanor shall be the sum of Five Hundred Dollars, or a term of imprisonment for a period not exceeding six months, or both. The City Council may provide by ordinance the persons imprisoned in the City Jail for violation of law or ordinance may be compelled to labor on public works. The maximum fine or penalty for conviction of any infraction shall be as set forth by state law.

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

Section 703. CITY ATTORNEY, POWERS AND DUTIES.

To become and remain eligible for City Attorney, the person appointed shall be an attorney at law duly licensed as such under the laws of the State of California, and shall have been engaged in the practice of law for at least three years prior to such appointment. The City Attorney shall have the power and may be required to:

(a) Represent and advise the City Council and all City officers in all matters of law pertaining to their offices.

(b) Prosecute on behalf of the people any or all criminal cases arising from violation of the provisions of this Charter or of City ordinances and such state misdemeanors as the City has the power to prosecute, unless otherwise provided by the City Council.

(c) Represent and appear for the City in any or all actions or proceedings in which the City is concerned or is a party and represent and appear for any City officer or employee, or former City officer or employee, in any or all civil actions or proceedings in which such officer or employee is concerned or is a party for any act arising out of such employment or by reason of such official capacity.

(d) Attend all regular meetings of the City Council, unless excused, and give advice or opinion orally or in writing whenever requested to do so by the City Council or by any of the boards or officers of the City.

(e) Approve the form of all contracts made by and all bonds given to the City, endorsing approval thereon in writing.

(f) Prepare any and all proposed ordinances and City Council resolutions and amendments thereto.

(g) Devote entire time to the duties of the office.

(h) Perform such legal functions and duties incident to the execution of the foregoing powers as may be necessary.

(i) Surrender to the successor City Attorney all books, papers, files and documents pertaining to the City's affairs.

The City Council shall have control of all legal business and proceedings

and may employ other attorneys to take charge of or may contract for any prosecutions, litigation or other legal matters or business.

Article XII, Sections 1202 and 1203 are amended to read as follows:

**Section 1202. BUDGET, SUBMISSION TO CITY COUNCIL.**

At least sixty days prior to the beginning of each fiscal year, the City Manager shall prepare and submit to the City Council the proposed budget. After reviewing same and making such revisions as it may deem advisable, the City Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least one insertion in the official newspaper. Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten days prior to said hearing.

**Section 1203. 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. Said public hearing shall be commenced and public testimony first received on said proposed budget no less than forty-five days prior to the adoption of the budget by the City Council.

Article XII, Section 1211 is amended to read as follows:

**Section 1211. CONTRACTS ON PUBLIC WORKS.**

Except as hereinafter expressly provided, every contract involving an expenditure in excess of an amount as specified in Title 4, Division 3, Chapter 6 of the Government Code of California as amended from time to time, for the construction or improvement (excluding maintenance and repair) of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds, shall be let to the lowest and best responsible bidder after notice by publication in the official newspaper 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 readvertise in its discretion.

The City Council, without advertising for bids if the total amount of the work is less than Fifty Thousand Dollars (\$50,000), or after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the City Manager, the work in question may be performed better or more economically by the City with its own employees, and after the adoption of a resolution to this effect by the affirmative vote of a majority of the total members of the City Council, it 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 the affirmative vote of at least two-thirds of the total members of the City Council.

Projects for the extension, replacement or expansion of the transmission

or distribution system of any existing public utility operated by the City may be excepted from the requirements of this Section by the affirmative vote of a majority of the total members of the City Council.

The City Council may by ordinance establish procedures for the procurement of materials, supplies and equipment for use in the construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds.

Article XII is amended by adding Section 1222 to read as follows:

**Section 1222. SALE OF MUNICIPAL PROPERTY.**

Except as otherwise required by law, no municipal property, real or personal, of a market value in excess of Fifty Thousand Dollars (\$50,000.00) shall be sold, transferred, exchanged, or title otherwise conveyed, except by sale to the highest bidder after notice by publication in the official newspaper of the City by two or more insertions, the first of which shall be at least ten days prior to the time for opening bids.

The City Council may reject any and all bids received and, in its discretion, may readvertise. The City Council shall reject any bids received which are offers of less than the fair market value of the property as established by an appraisal by the City prior to the opening of such bids.

The City Council may sell, transfer, exchange, or otherwise convey title to any municipal property of a fair market value in excess of Fifty Thousand Dollars (\$50,000.00) without advertising for bids or otherwise complying with the provisions of this Section where the City Council finds and determines said sale, transfer, exchange, or conveyance to be in the best interests of the City, and the same is authorized by the affirmative votes of at least two-thirds of the total members of the City Council.

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

Date of Special Municipal Election: November 7, 1978.

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Charter Chapter 2—County of San Diego

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

[Filed with Secretary of State January 8, 1979 ]

That section 603.1 of Article VI is amended to read:

Section 603.1: At the completion of the present incumbent's term of office, each newly elected member of the County Board of Education shall hold office for a four year term beginning on the first Monday after January first following election, and continue to serve until the election and qualification of a successor.

That section 603.2 of Article VI is amended to read:

Section 603.2: A vacancy on the County Board of Education is filled from the district in which it occurs within forty-five days by appointment of a majority of the remaining members of the County Board of Education or

thereafter by appointment by the Board of Supervisors. 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.

That section 603.4 of Article VI is amended to read:

Section 603.4: The County Board of Education shall, by majority vote, appoint the Superintendent of Schools either to serve at its pleasure, or on a fixed term contract which shall not exceed four years. The Board of Education may, by majority vote, remove the Superintendent.

That section 1005 is added to Article X to read:

Section 1005. Operative Date. The amendment to sections 603.1, 603.2 and 603.4 shall be operative on July 1, 1979 if theretofore filed with the Secretary of State according to general law after ratification by the voters at the general election on November 7, 1978.

That section 805 of Article VIII is added to read:

Section 805: Budget Appropriation and Property Tax Revenue Limitations. For Fiscal Years 1979-80, 1980-81 and 1981-82, the total San Diego County annual budget appropriations and property tax revenues shall not exceed the total annual appropriations and property tax revenues adopted by the Board of Supervisors for Fiscal Year 1978-79, except for adjustments relating to cost of living and requirements of law. The Board shall by ordinance designate an appropriate cost of living index to be used to implement this provision. Appropriations made after adoption of the County budget may only be approved upon a four-fifths vote of the Board. In no event shall the total number of staff years funded by such appropriations for Fiscal Year 1981-82 exceed one staff year for each one hundred and sixty residents of the County.

That section 805.1 of Article VIII is added to read:

Section 805.1: The Board may make appropriations in excess of the limits provided for in Section 805 upon Board action declaring an emergency to exist. Emergency appropriations shall not be considered for purposes of determining appropriation limits for subsequent years.

That section 805.2 of Article VIII is added to read:

Section 805.2: The Board may make appropriations in excess of the limits provided for in Section 805 to comply with mandates of the courts or requirements of State or Federal law which, without discretion, require additional services or make more costly the provision of the existing level of services.

That section 805.3 of Article VIII is added to read:

Section 805.3: The Board may make appropriations in excess of the limit provided for in Section 805 to assume the responsibility of providing services or programs previously provided by another entity or level of government.

That section 805.4 of Article VIII is added to read:

Section 805.4: The majority of electors voting in an election may authorize a level of appropriation in excess of that established by Section 805.

That section 805.5 of Article VIII is added to read:

Section 805.5: If the State Constitution or state law is amended to pro-

vide for appropriation limitations for local government, Section 805 shall be of no force and effect.

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 General Election: November 7, 1978.

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Charter Chapter 3—City of San Diego

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

[Filed with Secretary of State January 12, 1979]

Amend Section 18 of Article III of the Charter of The City of San Diego to read as follows:

**“Section 18. AUTHENTICATION AND PUBLICATION OF ORDINANCES AND RESOLUTIONS**

Upon its final passage each ordinance or resolution shall be authenticated by the signatures of the Mayor and the City Clerk and shall be recorded in a book kept for that purpose. Within fifteen days after final passage the title and number of each ordinance or resolution of a general nature, together with a digest thereof prepared by the City Attorney, shall be published at least once in such manner as may be provided by this Charter or by ordinance. The publication shall be accompanied by the notice that the full text of the ordinance or resolution is available for perusal in the office of the City Clerk.”

Amend Section 71 of Article VII of the Charter of The City of San Diego to read as follows:

**“Section 71. PREPARATION AND PASSAGE OF ANNUAL APPROPRIATION ORDINANCE**

Upon receipt of the Manager's estimate the Council shall prepare an appropriation ordinance using such estimate as a basis. The form, arrangement and itemization of the appropriation ordinance shall be determined and prescribed by the Auditor and Comptroller, and City Attorney. Provision shall be made by the Council for a minimum of two (2) public hearings upon the appropriation ordinance either before a Committee of the Council or before the Council sitting as a committee of the whole. Following the public hearings, the appropriation ordinances shall take the same course in the Council as other ordinances and shall be adopted during the month of July. The Council may reduce or eliminate any item, may increase any amount or add any new item for personal services, contractual services, materials, supplies, and equipment for any Department. However, the appropriation for the general operations of the City excluding water utilities funds, capital improvements, bond interest and redemption, retirement system contributions, grant funded programs, all other special funds in existence prior to the effective date of this section

and expenditures to pay judgments or extraordinary claims or to defray the cost of emergency measures as defined in Section 17 of this Charter shall not exceed the prior year's appropriation for general operations of the City, with the stated exclusions, adjusted by no more than three quarters ( $\frac{3}{4}$ ) of the percentage change in the price index added to any percentage increase in population growth. For purposes of this limitation, the term "percentage change in price index" shall be the percentage change from the first full quarter of the prior calendar year to the first full quarter of the current calendar year in the costs of goods and services purchased by local governments, as determined by the City Auditor and Comptroller from information published by United States Department of Commerce or other official government sources. The term "percentage increase in population growth" shall be any percentage increase from the first full quarter of the prior calendar year to the first full quarter of the current calendar year in the total population of the City as estimated by the Planning Director. This limitation shall not apply to any expenditure approved by a majority of the qualified electors of the City voting at a general or special election subsequent to the effective date of this section. In the event that the revenues for the general operations of the City, with the stated exclusions, exceed the appropriation for such operations by more than 5%, such excess shall be used solely for tax reductions or tax refunds in a manner determined by the City Council. Upon final passage, the appropriation ordinance shall be published in the manner provided for the publication of other ordinances."

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

Date of General Municipal Election: November 7, 1978.

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#### Charter Chapter 4—City of San Jose

### *Amendments to the Charter of the City of San Jose*

[Filed with Secretary of State January 19, 1979]

Sections 401, 402, 403, 404, 410, 500, 601, 605, 805, 901, 1601 and 1603 of the Charter are amended to read as follows:

**SECTION 401. COMPOSITION OF COUNCIL.** The Council shall consist of seven (7) members until December 31, 1980 and eleven (11) members on and after January 1, 1981, one of whom shall be the Mayor, each of whom shall have the right to vote on all matters coming before the Council. Until such time as the Council consists of eleven (11) members, the provisions of this Section and of Sections 403, 404, 410, and 1603, as these Sections read immediately prior to the effective date of this Section, shall continue to apply to the offices of the seven-member Council. Except as otherwise provided elsewhere in this Charter and excepting the Mayor who shall be elected at general municipal elections from the

City at large, each member of the Council shall be elected, as hereinafter provided, at general municipal elections by one of ten (10) Districts designated by number within the City. The term "by Districts" as used in this Article IV shall mean the signing of nomination papers and the election of eligible persons, as defined in Section 404, to the offices of members of the Council by the voters of each District alone.

The office of each member of the Council, including the office of the member who is to be Mayor, is and shall be deemed to be a separate office to be separately filled. The person receiving the majority of the votes cast for each designated office shall be declared elected; and, except as may be otherwise provided elsewhere in this Charter, no person shall be deemed or declared elected to any such designated office unless the person receives a majority of the votes cast for such office.

The effective date of this Section shall be deemed to mean the date this Section as it now reads becomes effective.

**SECTION 402. TERMS OF OFFICE.** The terms of all members of the Council holding office, or elected to terms commencing, on January 1, 1979, excepting the Mayor, shall expire on December 31, 1980, notwithstanding any other provision of this Charter. Ten (10) members of the Council, excepting the Mayor, shall be elected by Districts at the general municipal election held in 1980.

If, for any reason, the operation of this Section and of any other Section(s) of this Charter amended together with this Section should be delayed, so that ten (10) Council members are not elected by Districts at the general municipal election held in 1980, then in that event the election of ten (10) Council members by Districts shall commence with the general municipal election to be held in 1982, and all provisions of this Charter as so amended regarding the Council, its members, the terms of office and election of members, excepting the Mayor, or the vote of Council members shall apply as modified only with regard to calendar dates and consistently with the holding of such election in 1982.

Except as provided herein below, the regular term of office of each member of the Council shall be four (4) years. At the first regular meeting of the City Council in January, 1981, the Council shall determine by lot whether the members elected at the general municipal election held in 1980 by the odd-numbered Districts or those elected by the even-numbered Districts shall hold office for a term of two (2) years ending on December 31, 1982; and at the general municipal election held in 1982, members shall be elected for a regular term of four (4) years by those Districts whose members' terms expire on December 31, 1982. Thereafter, members representing both the odd-numbered and even-numbered Districts shall be elected at general municipal elections held in each fourth (4th) year succeeding the year in which members were last elected by such Districts for a regular term of four (4) years. Each member's term shall commence on the first day of January next following, and end on the last day of December in the fourth calendar year succeeding, the date of the member's election.

Subject to other provisions of this Charter, the Mayor, whose term of office as Mayor and member of the Council would expire on December

31, 1982 under the Charter as it existed immediately prior to the effective date of this Section, shall continue to hold office as Mayor and member of the Council until such date. At the general municipal election to be held in the year 1982, and at the general municipal election held in each fourth year succeeding 1982, a person shall be elected to fill the seat of said Mayor for a term of four (4) years, commencing on the first day of January next following, and ending on the last day of December in the fourth calendar year succeeding, the date of such person's election.

The effective date of this Section shall be deemed to mean the date this Section as it now reads becomes effective.

**SECTION 403. ELECTIONS BY DISTRICTS.** For the purpose of electing members of the Council, excepting the Mayor, the City shall be divided into ten (10) numbered Districts as nearly equal in population as practicable. The boundaries of the ten Districts shall be established initially by reference to that certain map of the City of San Jose, entitled "Election Districts of the City of San Jose", filed and displayed in the office of the City Clerk, and drafted according to data contained in the official census of the City as taken in 1975 and certified by the City Clerk. Thereafter the boundaries of such Districts shall be subject to alteration and change under the provisions of this Section.

Following the taking of each federal decennial census, commencing with the 1980 federal decennial census, but no earlier than three (3) months and no later than six (6) months following receipt by the City Clerk of a written publication containing an enumeration of population by blocks derived from such census, the Council shall by ordinance redistrict the City into ten (10) numbered Districts. Such ordinance shall be adopted according to the provisions of Article VI, Section 604 and shall become effective at the expiration of thirty (30) days after adoption of the ordinance; provided, however, that if such ordinance becomes effective on or after the first day on which nomination papers may be filed for an election to the office of member of the Council, excepting the Mayor, then such ordinance shall not apply, or be deemed to apply, to that election or to the person elected to the office of member at such election.

Within thirty (30) days following receipt by the City Clerk of said written publication containing an enumeration of population by blocks derived from such census, the Council shall appoint an advisory commission whose purpose shall be to study and make appropriate recommendations with respect to such redistricting. Said advisory commission shall consist of one (1) member from each District, who shall be appointed by the Council member from that District, and a Chairperson chosen from the City at large, who shall be appointed by the Mayor. Within sixty (60) days following its appointment, said advisory commission shall make its report and recommendations to the Council, which shall duly consider said report and recommendations in adopting any redistricting ordinance; provided, however, that if the commission fails to submit its report and recommendations to the Council within said period, the Council shall adopt the ordinance nonetheless within the period of time required under this Section.

Except as provided hereinabove, such Districts shall be used for all

elections of members of the Council, including their recall, and for filling any vacancy in the office of member of the Council, subsequent to the effective date of such ordinance and until new Districts are established. Districts so formed shall be as nearly equal in population as practicable according to such federal decennial census. Any territory heretofore or hereafter annexed to or consolidated with the City but not included within a District shall, prior to or concurrently with completion of the proceedings therefor, be added to an adjacent District or Districts by the Council by ordinance, which shall become effective at the expiration of thirty (30) days after adoption and shall apply to all elections held on and after its effective date.

Any ordinance adopted by the Council and establishing, changing, or altering the boundaries of any District shall describe the new boundaries by reference to a map on file in the office of the City Clerk and/or, by a metes-and-bounds description.

In any redistricting, the Council shall make the Districts as nearly equal in population as may be practicable, and may, in establishing the boundaries of the Districts, give consideration to (a) natural boundaries, street lines and/or City boundaries; (b) geography; (c) cohesiveness, contiguity, integrity and compactness of territory; and (d) community of interests within each District.

Upon any redistricting pursuant to the provisions of this Charter, each incumbent member of the Council will continue, during the remainder of the member's term, to hold office and to represent the District by which the member was elected prior to such redistricting, notwithstanding any provision of Section 404 requiring a member to be a resident of the District represented by such member.

**SECTION 404. ELIGIBILITY.** A person shall not be eligible to take or hold office as a member of the Council, including the Mayor, unless the person satisfies all of the following conditions:

(a) The person must have been a citizen of the United States for at least one year immediately preceding the commencement of the four-year term or lesser period of time for which the person is elected or appointed, and must be a citizen of the United States during incumbency.

(b) The person must have been a resident of the City of San Jose and, excepting the Mayor, of the District represented by the person as member, for at least thirty (30) days immediately preceding the last day specified by law for the filing of nomination papers with the City Clerk for such office or, if appointed, preceding the date of the person's appointment to fill a vacancy, and must be a resident of the City of San Jose and of such District during incumbency.

(c) If elected to said office at a general municipal election, the person must have been a registered elector of the City of San Jose on the last day specified by law for the filing of nomination papers with the City Clerk for such office, and must have continued being a registered elector of the City of San Jose without interruption from said day to and including the date of commencement of the four-year term or lesser period of time for which the person is elected.

(d) If appointed to such office, the person must have been a registered

elector of the City of San Jose at the time of the person's appointment and thereafter to and including the date of commencement of the four-year term or lesser period of time for which the person is appointed.

A person shall not be eligible to be a candidate at any election for any above-mentioned office if the person would not be eligible under the above provisions of this Section to take office if elected.

**SECTION 410. FILLING OF VACANCIES.** A vacancy in any elective office, from whatever cause arising, shall be filled by the Council, by majority vote of its remaining members, until the last day of December immediately following the next general municipal election; and at such next general municipal election a successor shall be elected for the remainder, if any, of the unexpired term provided, however, that if such vacancy occurs on or after the first day on which nomination papers may be filed for election to the office of member at the next municipal election which is required by the provisions of Section 1600 to be held at the same time that the State-wide Direct Primary Election is held, then the vacancy shall be filled by the Council, by majority vote of its remaining members, for the entire unexpired term. Any member of the Council so appointed shall, as of the date of the member's appointment, be eligible to hold office as provided in Section 404.

If the Council should fail to fill a vacancy by appointment within sixty (60) days after occurrence of such vacancy, it shall forthwith cause an election to be held to fill such vacancy for the unexpired term.

If all the offices of members of the Council and of the Mayor should become vacant and no member of the Council remains to fill any of said vacancies, successors may be appointed pursuant to the general laws of the State of California to fill such vacancies until qualified persons are elected to fill such offices. In such cases the City Clerk, as soon as reasonably possible, shall call and conduct a special municipal election to fill such offices for the remainder, if any, of the unexpired terms.

No person shall be deemed or declared elected to the office of Mayor or to any seat on the Council at any hereinabove or hereinafter mentioned municipal election unless the person receives a majority of the votes cast for such office. Ties at any election shall be decided by lot during open meeting of the Council, under the direction of the Council.

**SECTION 500. ELECTION AND TERM.** There shall be a Mayor of the City of San Jose. Except as otherwise provided elsewhere in the Charter, the Mayor shall be elected by a majority of the votes cast at a general municipal election from the City at large, for a term of four (4) years from and after the first day of January following the year of the election. Any incumbent member of the Council may run for the seat of Mayor, and the Mayor may run for the seat of Mayor or for any other seat on the Council for which the Mayor is otherwise eligible; however, no member of the Council shall hold more than one seat thereof, and no person may be a candidate for more than one seat.

No person who has been elected to the office of Mayor for two (2) successive four-year terms, before or after the effective date of this Section, shall be eligible to run for election to the office of Mayor, nor to serve as such, for any additional successive term; but the above shall not disquali-

fy any person from running for election to the office of Mayor, nor from further service as Mayor, for any term or terms which are not successive, nor for any parts of terms which are not successive.

The effective date of this Section shall be deemed to mean the date this Section as it now reads becomes effective.

**SECTION 601. COUNCIL ACTION, VOTE REQUIRED.** Except as otherwise provided elsewhere in this Charter, no ordinance, resolution or motion shall be passed, adopted, or become effective unless it receives the affirmative vote of at least either (a) four (4) members of the Council, if the vote is taken on or before December 31, 1980; or (b) six (6) members of the Council, if the vote is taken on or after January 1, 1981.

**SECTION 605. ORDINANCES; EFFECTIVE DATE.** 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 for or otherwise relating to an election;
- (b) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing a rate of ad valorem taxation or levying the annual tax on property;
- (c) An ordinance providing for a tax levy or appropriation for the usual current expenses of the City;
- (d) An ordinance adopted as and declared by the Council to be an urgency measure necessary for the immediate preservation of the public peace, health or safety, containing a statement of the facts constituting such urgency, if adopted by the affirmative vote of at least five (5) members of the Council if the vote occurs on or before December 31, 1980 or by not less than eight (8) members of the Council if the vote occurs on or after January 1, 1981;
- (e) An ordinance relating to a bond issue;
- (f) An ordinance adopted pursuant to a State law by virtue of which such ordinance shall be effective immediately.

Nothing contained in this Section shall be deemed to require an ordinance when an ordinance is not otherwise required.

**SECTION 805. OFFICE OF CITY AUDITOR.** The office of City Auditor is hereby established. The first City Auditor under this Charter shall be the person last elected to the office of City Auditor under the immediately preceding Charter provided he holds such office at the time this Charter takes effect, or, if he does not hold such office at such time, a person to be appointed by the Council to such office as soon as such can reasonably be done after this Charter takes effect. He shall hold such office for a term extending to and ending on the 30th day of June, 1969. Thereafter, the City Auditor shall be appointed by the Council. Each such appointment shall be made as soon as such can reasonably be done after the expiration of the latest incumbent's term of office. Each such appointment shall be for a term ending four (4) years from and after the date of expiration of the immediately preceding term; provided, that if a vacancy should occur in such office before the expiration of the former incumbent's term, the Council shall appoint a successor to serve only for the

remainder of said former incumbent's term.

The office of City Auditor shall become vacant upon the happening before the expiration of his term of any of the events set forth in subsections (a), (b), (c), (d), (e), (h), (i), (j), (k) and (l) of Section 409 of this Charter. The Council, by resolution adopted by not less than six (6) members of the Council on or before December 31, 1980 or by not less than ten (10) members of the Council on or after January 1, 1981, may remove an incumbent from the office of City Auditor, before the expiration of his term, for misconduct, inefficiency, incompetence, inability or failure to perform the duties of such office or negligence in the performance of such duties, provided it first states in writing the reasons for such removal and gives the incumbent an opportunity to be heard before the Council in his own defense; otherwise, the Council may not remove an incumbent from such office before the expiration of his term.

The City Auditor shall have the following powers and duties:

(a) Conduct a continuing post audit of all the fiscal transactions of the City including but not limited to the examination and analysis of fiscal procedures and the examination, checking and verification of accounts and expenditures;

(b) Prepare and submit to the City Council, in each calendar month, a written report of his activities and findings in the immediately preceding calendar month, together with such recommendations, if any, as he may have to improve the administration of the fiscal affairs of the City;

(c) Perform such other auditing functions, consistent with other provisions of this Charter, and prepare and submit such other reports, as may be required of him by the Council.

**SECTION 901. APPOINTMENT AND REMOVAL.** The City Attorney and City Clerk shall be appointed and may at any time be removed by the Council. Except as otherwise provided by this Charter, all other officers, department heads and employees of the City, except members of boards and commissions, shall be appointed by the City Manager and, except as otherwise provided elsewhere in this Charter, shall serve at his pleasure.

The Council shall appoint, and may at any time remove, an Acting City Attorney, Acting City Clerk and Acting City Auditor to perform the functions and duties of the respective offices in the case of the absence or disability of the City Attorney, City Clerk, or City Auditor.

The City Manager shall appoint a person to act as the head of a department or office, other than the office of City Clerk, City Attorney, and City Auditor, in the case of absence or disability of the head of such department or office.

**SECTION 1601. SPECIAL MUNICIPAL ELECTIONS.** All municipal elections, other than those specified in Section 1600, shall be deemed to be special municipal elections. No special municipal election shall be held at any time other than the times specified in Section 1600 for the holding of general municipal elections, except in any of the following situations: (a) Where such election is held pursuant to Section 410 to fill a vacancy in the Council; (b) Where such election is held pursuant to the initiative, referendum and recall provisions of Sections 1603 and 1604; (c)

Where the Council is required to call such an election pursuant to any provision of Sections 34450 and following of the California Government Code; (d) Where such election is consolidated with a State or County election held in the County of Santa Clara; or (e) Where the holding of a special municipal election at another time is authorized by the affirmative vote of not less than six (6) members of the Council if the vote occurs on or before December 31, 1980 or ten (10) members of the Council if the vote occurs on or after January 1, 1981. Subject to the above provisions, special municipal elections shall be held at such times and for such purposes as the Council may authorize.

**SECTION 1603. INITIATIVE, REFERENDUM AND RECALL.** The powers of initiative, referendum and the recall of elected municipal officers are hereby reserved to the electors of the City. The provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, governing the initiative and referendum and the recall of municipal officers in cities shall be applicable insofar as the same are not in conflict with this Charter; provided, however, that the number of signatures which shall be required for the exercise of said reserved powers shall be as follows:

(a) **INITIATIVE.** To initiate proceedings for the exercise of the power of initiative, either of the following provisions shall apply as is applicable:

(1) If the petition is signed by duly qualified electors of the City equal in number to at least eight percent (8%) of the number of persons eligible to vote at the general municipal election next preceding the filing of the petition, and contains a request that the proposed ordinance be submitted immediately to a vote of the people at a special election, the Council shall either pass the proposed ordinance for publication, without alteration, at the regular meeting at which it is presented by the City Clerk and adopt said ordinance within ten (10) days after it is so presented, or immediately call a special election at which the ordinance, without alteration, shall be submitted to a vote of the voters of the City.

(2) If the petition is signed by duly qualified electors of the City equal in number to at least five percent (5%) of the number of persons eligible to vote at the general municipal election next preceding the filing of the petition, and the ordinance petitioned for is not required to be, or for any reason is not, submitted to the voters at a special election, and is not adopted without alteration by the Council, then the proposed ordinance, without alteration, shall be submitted by the Council to the voters at the next general municipal election.

In the event that a petition is submitted in accordance with the provisions of either subparagraphs (1) or (2) of this subsection (a), and the Council submits said proposed ordinance to a vote of the voters of the City, the Council may not at the same time submit an alternative ordinance.

(b) **REFERENDUM.** To initiate proceedings for the exercise of the power of referendum, the petition shall be signed by duly qualified electors of the City equal in number to at least eight percent (8%) of the number of persons eligible to vote at the general municipal election next preceding the filing of the petition.

(c) **RECALL OF THE MAYOR.** To initiate proceedings for the exercise of the power of recall of the Mayor, the petition shall be signed by duly qualified electors of the City equal in number to at least twelve percent (12%) of the number of persons eligible to vote at the general municipal election next preceding the filing of the petition.

(d) **RECALL OF COUNCIL MEMBER.** To initiate proceedings for the exercise of the power of recall of a Council member elected by a District, the petition shall be signed by duly qualified electors of the District equal in number to at least twelve percent (12%) of the number of persons residing in the District eligible to vote at the general municipal election next preceding the filing of the petition.

Certified to be a true copy by Janet Gray Hayes, Mayor and Francis L. Greiner, City Clerk.

Date of General Municipal Election: November 7, 1978

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Charter Chapter 5—City of Alhambra

*Amendment to the Charter of the City of Alhambra*

[Filed with Secretary of State January 22, 1979.]

Section 192h is added to Article XXIVa to read as follows:

Sec. 192h Removal of Striking Employees.

No employee of the City of Alhambra shall participate in, or afford leadership to a strike against the City of Alhambra, or engage in any form of concerted action to withhold service from said City. In the event of any such strike or concerted action against the City, it shall be the duty of the City Manager, or other appointing authority to ascertain the identity of any employee of the City under his jurisdiction who is in violation of the provisions of this section and to initiate dismissal proceedings against such employee in accordance with the applicable provisions of this charter and the Alhambra Municipal Code. Any citizen of the City may file written charges against an employee in violation of the provisions of this section. The appropriate appointing authority shall, upon receipt of such written charges, investigate without delay any such written charge, and forthwith inform said citizen of the findings and action, or proposed action, to be taken thereon.

Appointing authorities shall cause timely hearings to be held for any employee charged hereunder. If the City Manager, or other appointing authority, after a hearing, determines that the charges are supported by the evidence submitted, and that the employee willfully engaged in the strike or action, said appointing authority shall dismiss the employee involved, and said person shall not be reinstated or returned to the City of Alhambra employment except as a new employee who is employed in accordance with the regular employment practices of the City in effect at that time for the particular position of employment.

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

Every employee of the City of Alhambra on the effective date of this section, and each person employed on or after the effective date of this section, shall be furnished a copy and apprised of the provisions of this section. In the event of any strike or concerted action to withhold service from the City of Alhambra by an employee organization, or employees represented thereby, the City Council is hereby prohibited from granting any improvement in wages, hours or working conditions beyond those in effect or last offered to the striking organization or employees represented thereby by the City prior to the commencement of such strike or concerted activity, and is prohibited from considering the granting of any such improvement beyond that which may have been last offered by the City prior to the strike or concerted activity until the commencement of meet and confer negotiations in the next subsequent calendar year at the time regularly scheduled for commencement under adopted city council policy governing such negotiations.

Notwithstanding any other provision of this charter, a dismissal imposed pursuant to this section shall not be appealable.

Certified to be a true copy by J. Parker Williams, Mayor and Dorothy Outwater, City Clerk.

Date of General Municipal Election: November 7, 1978

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### Charter Chapter 6—City of Irvine

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

[Filed with Secretary of State February 5, 1979]

Section 400 of Article IV, is amended to read as follows:

The City Council, hereinafter termed "Council", shall consist of five Council members elected to office from the City at large in the manner provided in this Charter. The term of office shall be four years. Alternatively, and successively, three four-year terms shall be filled at one general municipal election and two four-year terms at the next such election, consistent with the sequence of terms of Council members existing on the effective date hereof. The term of a Council member shall commence on July 1 following his or her election, and he or she shall serve until his or her successor qualifies. Any ties in voting shall be settled by the casting of lots.

Each Council member in office at the time this Charter Amendment takes effect shall continue in office until June 30 following the end of term for which he or she was elected or appointed subject to the right of the people to recall a Council member from office as provided herein.

Section 900 of Article IX is amended to read as follows:

General municipal elections for the election of officers and for such other purposes as the Council may prescribe shall be held in the City on the first Tuesday after the First Monday in June of even numbered years except as otherwise provided by ordinance of the City Council.

Certified to be a true copy by Bill Vardoulis, Mayor and Raye A. Kingsbury, City Clerk.

Date of Special Municipal Election: November 7, 1978.

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Charter Chapter 7—City of Piedmont

*Amendments to the Charter of the City of Piedmont*

[Filed with Secretary of State February 23, 1979.]

Article 7 of Section 47 is amended to read as follows:

**ARTICLE 7.** Ordinary Death; Termination of Employment; Death Before Eligibility. Except members who are then eligible for retirement, in the event a member hereafter dies from natural causes before retirement, (and his death is not due to an injury, disability or disease received in the course of his employment and in the performance of his duty), a sum equal to the aggregate amount of payments paid by such member into said fund together with the pro rata of interest earned by such deceased member's contributions to the fund from the date of deposit as determined by the pension board, and a sum equal to twice the monthly salary the deceased member received for his last month of active service shall be paid from said fund, and not otherwise, to his heirs or legal representatives or to such person said member shall have nominated by written designation, duly executed and filed with said board; provided, however, that in the event said member is married, the nomination shall not be considered valid unless the execution thereof is joined in by his lawful wife.

In the event a member who is then eligible for retirement hereafter dies from natural causes before retirement, (and his death is not due to an injury, disability, or disease received in the course of his employment and the performance of his duty), such member shall be considered as having retired the day before his death, and his widow, as defined in article 12, shall have the option of receiving either the benefits to which she would be entitled under article 10 as the survivor of a retired member, or the payments from the fund provided in the first paragraph of this article 7. Such option may be effectively exercised by the member, prior to this death, so as to be binding upon his widow under procedures established by the pension board. If there is no surviving widow payments shall be made from the fund in accordance with the first paragraph of this article 7.

If a member leaves the service before retirement said member shall be paid from the fund monies equal to the aggregate amount of payments

paid by said member into the fund, together with the pro rata of interest earned by such member's contribution to the fund from the date of deposit as determined by the pension board, and that member shall have the right upon reemployment in the service of the police or fire departments of the City within a period of three (3) years from the date of his leaving such service to redeposit the amount withdrawn together with interest on such amount at an interest rate to be determined by the pension board. Such redeposit must be elected and the first payment must be made by the reinstated member within one hundred eighty (180) calendar days from the date of his reemployment.

The member shall have the option to repay the amount over a period, at an interest rate and upon terms to be determined by the pension board. Such payments shall be made by deduction from each payroll and/or pension check received by the member from the City. If for any reason repayment is not completely made through deductions from payroll and/or pension checks, the member shall nevertheless be obligated to repay the balance owing to the fund.

A reemployed member who elects to redeposit his withdrawn monies with the fund shall thereby regain credit for his past service with the City police or fire departments under the pension and, notwithstanding any other provision of article 47 of the Charter, a reemployed member who does not elect to redeposit such monies with the fund shall not regain such past service credit.

Notwithstanding any provisions of article 7 hereof, the pension board may grant to any member who is laid off by the City and is subject to being rehired by the City, at his request a postponement of payment of his monies from the fund for a period to be set by the pension board.

Also in the event a retired member and his widow hereafter die before the member and his widow collectively have received in pension payments a sum equal in the aggregate to the aggregate amount paid by said member into said fund, a sum equal to the difference between the said aggregate sum received in pension payments by said retired member and his widow and the aggregate sum paid into said fund by said member plus his pro rata of interest earned by his contributions to the fund from the date of deposit to date of retirement as determined by the pension board shall be paid from said fund, and not otherwise to his heirs or legal representatives or to such person said member shall have nominated by written designation, duly executed and filed with the said board, provided, however, that in the event said member is married, the nomination shall not be considered valid unless the execution thereof is joined in by his lawful wife.

Notwithstanding any payments paid to any member as provided in article 7 herein, no payments theretofore made to the fund by the city shall be withdrawn by said city except for the payments made or authorized under the provisions of article 6 and 10 hereof.

Section 48 of the Charter is amended to read as follows:

**ARTICLE 1.** The City of Piedmont through its council and its authorized officials is hereby granted all powers, not prohibited by the Constitution of the State, necessary and appropriate for the establishment,

maintenance and regulation of a civil service system for the selection, tenure, promotion, suspension and removal of appointive officers and employees of the city. Within sixty (60) days from the time this section 48 of the city Charter is approved by the Legislature, the city council shall enact an ordinance adopting such civil service system, which said ordinance, amongst other provisions, shall contain appropriate provisions, not inconsistent with the following provisions of this section, for the selection, employment, classification, advancement, suspension and discharge of appointive officers and employees, which said provisions may limit and restrict the provisions of sections 21 and 22 of this Charter, except as hereinafer provided. Any suspension, demotion, reduction of pay, or discharge of, or any fine against, any officer or employee placed under such civil service system shall be for cause, and shall not be finally effective unless and until such officer or employee shall have been served with written charges, and he shall have full opportunity to be heard thereon at a public hearing. The wilful engagement of any person under said civil service system in any of the political activities prohibited by Title 4 Division 5 Chapter 1 Article 2 of the Government Code of California, shall be a sufficient ground to authorize the discharge of any such person.

ARTICLE 2. The said ordinance adopting such system shall contain provisions placing all appointive officers and employees of the City of Piedmont under such civil service system, except members of boards and commissions, the city attorney, the city treasurer, the city administrator, if any, the city auditor, the city engineer, the city tax collector, the city clerk, the building inspector, all part time employees of said city and all professionally educated persons and experts employed by contract by the city in their professional capacity and shall provide that the chief of the police department, the chief of the fire department, the superintendent of streets, the superintendent of parks and the superintendent of recreation shall be subject to removal without cause, but shall be entitled, upon demand, to be served with written reasons for such removal and to be heard thereon at a public hearing. If, however, any of them shall be removed from the office for cause other than intemperance, dishonest or immoral conduct, conviction of a felony, or a misdemeanor involving moral turpitude, he shall revert to his former position under the civil service system, if any, without loss of any rights or privileges thereunder, and upon the same terms and conditions as if he had remained in said position continuously, and the city council shall have the right to reduce one grade in rank members of the department to which such former officer shall have returned. Additional appointive officers or employees (including those excepted from the civil service system by this article) may, from time to time, by ordinance of the city council, be placed under such civil service system. The city council shall not have the authority to withdraw any appointive office or employment from the operation of such civil service system unless and until the withdrawal thereof shall have been submitted to the qualified electors of said city at a special or regular municipal election held in said city, and shall have been approved by not less than a majority vote of the electors voting on such proposition.

ARTICLE 3. There is hereby established a civil service commission,

the duties of which shall be to recommend to the city council rules for competitive examinations and for the administration of the civil service system and a position classification plan, to make investigations concerning any matter touching such administration to hear appeals submitted by any person under the civil service system relating to his employment status or conditions, to make reports to the city council, and to perform such other duties related to civil service as may be prescribed by the city council.

On or before the effective date of this article, the city council shall appoint a civil service commission of three (3) electors, two (2) of whom shall serve for four (4) years and one (1) of whom shall serve for two (2) years. Thereafter appointment shall be for a term of four (4) years or to complete an unexpired term, all appointments to the civil service commission, including those to fill any vacancy therein, shall be made by the council by a four-fifths ( $\frac{4}{5}$ ) vote of all its members. No member of the civil service commission shall hold any other public office of the said city, and each member of said commission shall have been a resident and an elector of said city for at least two (2) years next preceding the date of his appointment. The city council may appoint or designate a personnel officer and prescribe for such officer such powers and duties in relation to the civil service system as may be deemed advisable, and may contract with any agency for conducting competitive examinations of applicants and the performance of other services in connection with the civil service system.

ARTICLE 4. All appointive officers or employees of the city (other than the employees who have temporary or probationary appointments), who, under the provisions hereof, are placed under the civil service system, and who shall have served in such position continuous for a period of at least six (6) months prior to the time this Charter amendment shall have become effective, and all such officers or employees who are on leaves of absence at the time this Charter amendment shall become effective, are hereby automatically inducted into such office or employment, under civil service and without examination or investigation, as completely and effectively as if such person had been permanently appointed thereto under civil service, after examination and investigation.

ARTICLE 5. The basic work week for each member of the fire department shall be established by the city council and shall not exceed sixty-seven and two-tenths (67.2) hours per week, except when public necessity requires services in excess thereof. All members of the fire department are subject to duty, irrespective of the foregoing schedule, when public necessity requires such services, or because of sickness or unavoidable cause a shift is undermanned. Any member or members of the fire department required to perform in excess of the basic work week shall have added compensation or time off with pay for said extra services performed.

ARTICLE 6. The basic work week for each member of the police department shall be established by the city council and shall not exceed forty (40) hours per week except when public necessity may require services in excess thereof. Any member or members of the police department required to perform in excess of the established basic work week shall have added compensation or time off with pay for said extra services performed.

ARTICLE 7. Articles 5 and 6, or any parts thereof, may be amended or repealed by an ordinance approved by not less than a majority vote of the electors voting thereon.

Certified to be a true copy by Connie Shapiro, Mayor and John D. Nolan, City Clerk.

Date of the Special Municipal Election: November 7, 1978.

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Charter Chapter 8—City of Santa Cruz

*Amendments to the Charter of the City of Santa Cruz*

[Filed with Secretary of State March 14, 1979]

By amending Section 601 of Article VI, Sections 804, 805, 806, 809, 811, 812, and 813 of Article VIII, Sections 1106 and 1111 of Article XI, Sections 1305 and 1306 of Article XIII, and Section 1411 of Article XIV of the Charter of the City of Santa Cruz, to read as follows:

Section 601. Council, Number, Term. The elective officers of this City shall be seven councilmembers who shall constitute the Council. They shall be elected from the City at large as provided in Article VII for a term of four years and until their successors have been elected and qualified. The Council shall be the legislative body of this City, each of the members of which, including the Mayor, shall have the right to vote upon all questions before it. No member of the Council shall be eligible for reelection for two years after the expiration of the second consecutive full term for which such person was elected.

Section 804. City Manager. Appointment. The City Manager shall be appointed upon the basis of executive and administrative qualifications. The City Manager need not be a resident of the City or of this State at the time of appointment, but shall become and thereafter remain a bona fide resident of this City promptly after appointment. The City Manager shall be paid a salary commensurate with the responsibilities of chief administrative officer of the City. No councilmember shall receive such appointment during the term for which such member shall have been elected, nor within one year after the expiration of such term. Within ninety (90) days after the election of the first Council hereunder, the Council shall appoint a City Manager.

Section 805. City Manager Pro-Tem. The City Manager shall appoint, subject to the approval of the Council, one of the other officers of the City to serve as Manager Pro-Tem during any temporary absence or disability of the City Manager. The Council may revoke its approval at any time and appoint another officer of the City to serve until the Manager shall return or such disability shall cease. The City Manager Pro-Tem shall have no authority to appoint or remove any City officer or employee except with the formal approval of the Council.

Section 806. City Manager. Powers and Duties. The City Manager shall be the chief executive officer and the head of the administrative branch of the City government, shall be responsible to the City Council for the proper administration of all affairs of the City, and shall have the power and be required to:

(a) Appoint and remove, subject to the Civil Service provisions of this Charter, all department heads of the City except as otherwise provided by this Charter, and pass upon and approve all proposed appointments and removals of subordinate employees by department heads. No person related to the City Manager by blood or by marriage shall be eligible for office or employment in the City;

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

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

(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) See that all ordinances are enforced;

(f) See that the provisions of all franchises, permits and privileges granted by the City are fully observed, and to report to the Council any violation thereof;

(g) Exercise general supervision over all privately owned public utilities operating within the City;

(h) Prepare rules and regulations governing the contracting for, purchasing, inspection, storing, inventory, distribution or disposal of all supplies, materials and equipment required by any office, department or agency or the City government and recommend them to the Council for adoption by ordinance;

(i) Examine, or cause to be examined, without notice, the conduct of any officer or employee of the City;

(j) Act as Personnel Director until the Council shall establish a separate office thereof;

(k) From time to time, in order to facilitate the prompt, economical and efficient dispatch of City business, assign officers and employees from any department or office to perform such duties or services in connection with any other department or office or to work in more than one such department or office;

(l) Perform such other duties as may be prescribed by this Charter or required by the City Council, not inconsistent with this Charter.

Section 809. No Interference Between the Council and City Manager. Neither the Council, nor any member, shall direct or request the appointment or removal of any person to, or from office by the City Manager or by any other appointing officer, or in any manner take part in the appointment or removal of an officer or employee in the administrative service of the City. Except for the purpose of inquiry, the Council and its members shall deal with the administrative services solely through the City Manager, and neither the Council nor any member thereof shall give orders to any City officer, either publicly or privately. Any Councilmember who

violates this provision, or votes for a resolution or ordinance in violation hereof, shall be guilty of a misdemeanor and upon conviction thereof shall cease to be a Councilmember.

**Section 811. City Clerk. Powers and Duties.** The City Clerk shall be the Clerk of the Council, and shall have the power and be required to:

(a) Attend all meetings of the City Council and record and maintain a full and true record of all of the proceedings of the City Council in books that shall bear appropriate titles and be devoted to such purpose. Such books shall have a general index sufficiently comprehensive to enable a person readily to ascertain matters contained therein;

(b) Maintain ordinance and resolution books, into which shall be recorded all City ordinances and resolutions with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, giving the number of said ordinance or resolution and, as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter;

(c) Be the custodian of the seal of the City;

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

(e) Attend to the publication of all ordinances and all public notices when so directed by the Council or City Manager;

(f) Have charge of all City elections;

(g) Perform such other duties as are required of him by law, ordinance, or direction of the City Manager.

**Section 812. City Attorney. Appointment. Powers and Duties.** The City Attorney shall be a citizen of the United States admitted to the practice of law in all the courts of this State.

The City Attorney shall have the power and be required to:

(a) Represent and advise the City Council and all City officers, commissions or boards or departments in all matters pertaining to their office;

(b) Represent and appear for the City and any officer or employee, in any and all actions and proceedings in which the City or any officer or employee, in or by reason of their official capacity, is concerned or is a party, but the City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein;

(c) Attend all meetings of the City Council and give legal advice or opinions in writing whenever requested to do so by the City Council, or by any of the boards or officers of the City;

(d) Approve the form of all bonds given to and all contracts made by the City, endorsing such approval thereon in writing;

(e) Prepare any and all proposed ordinances or resolutions for the City and amendments thereto;

(f) Prosecute, on behalf of the People, all criminal cases for violation of this Charter or of City ordinances;

(g) Perform such other acts relating to the office as the Council shall require; and

(h) On vacating the office, surrender all books, papers, files and docu-

ments pertaining to the City's affairs.

Section 813. Director of Finance. Powers and Duties. There shall be a Department of Finance, the head of which shall be Director of Finance. Except as otherwise provided in this Charter, the Director of Finance, shall have charge of the administration of the financial affairs of the City; and shall have the power and be required to;

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

(b) Supervise and be responsible for the disbursement of all public moneys and have control over all expenditures to insure that budget appropriations are not exceeded;

(c) Maintain a general accounting system for the City government and each of its departments, offices and agencies; keep books for and prescribe the financial forms to be used by each department, office, and agency; keep separate accounts for each item of the appropriations in the City budget, each of which account shall show the amount of the appropriation, the amount paid therefrom, the unpaid obligations against it, and the unencumbered balance; require reports of receipts and disbursements from each receiving and disbursing agency of the City government to be made daily or at such other intervals as may be deemed expedient; prepare for the City Manager in July of each year a complete financial statement and report as of the end of the preceding fiscal year;

(d) Require and supervise keeping of current inventories of all property, real and personal, by the respective officers in charge thereof and periodically audit the same;

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

(f) Collect all taxes, assessments, utility charges, license fees, and receive and have custody of all moneys receivable by the City from any source;

(g) Deposit all moneys received in such depositories as may be designated by resolution of the City Council or, if no resolution be adopted, by the City Manager, and in compliance with all of the provisions of the State Constitution and laws of the State governing the handling, depositing and securing of public funds;

(h) Disburse moneys on demands properly audited in a manner provided for in this Charter;

(i) Audit and approve before payment, all bills, invoices, payrolls, demands or charges against the City government, and, with the advice of the City Attorney, determine the regularity, legality, and correctness of such claims, demands or charges;

(j) Perform such other duties as are required by law, or ordinance, or direction of the City Manager.

Section 1106. Classification. There shall be a Classification Plan of all positions in the Classified Service. The Personnel Director shall make periodic studies of such classification plan and recommend any changes deemed desirable.

Section 1111. Probation. All original and promotional appointments shall be for a probationary period. The probationary period shall be established by ordinance or resolution, and shall be for a period of not less than six (6) months for any position. During the probationary period, the officer or employee may be rejected at any time without right of appeal or hearing in any manner.

An officer or employee rejected during the probationary period from a position to which that person has been promoted shall be reinstated to the position from which that person was promoted unless charges are filed that such person is discharged for cause.

Section 1305. Administering Oaths. Each department head and deputy shall have the power to administer oaths and affirmations in connection with any official business pertaining to that department.

Section 1306. Department Heads. Appointment Powers. Each department head shall have the power to appointment and remove such deputies, assistants, subordinates and employees as are provided for by the City Council for that department upon the following conditions:

- (a) Subject to the Civil Service provisions of this Charter and the rules and regulations promulgated thereunder; and
- (b) Subject to approval of the City Manager being first had and received.

Section 1411. Transfer of Appropriations. Upon the recommendation of the City Manager, or with the City Manager's consent, the Council may, by resolution at any time, transfer funds from the unbudgeted reserve to any department or office that the Council may approve.

By amending Section 605 of the Charter of the City of Santa Cruz, to read as follows:

Section 605. Council Vacancies. A vacancy in the City Council from whatever cause arising, shall be filled by appointment by the City Council, or by special election called by the Council.

If a vacancy is filled by appointment, the appointee shall hold office until the first Tuesday following the next general municipal election and until a successor is elected and takes the oath of office. At the next general municipal election following any vacancy, a councilmember shall be elected to serve for the remainder of any unexpired term.

If a vacancy is filled by special election, the person receiving the highest number of votes shall, upon taking the oath of office, serve for the remainder of the unexpired term of the former incumbent and until a successor has been elected and takes the oath of office.

In the event a vacancy has not been filled by appointment or an election called within sixty (60) days after such office shall have been declared vacant, the Council shall forthwith call an election to fill such vacancy.

A City Council office shall become vacant and shall be so declared by the Council if a person elected or appointed to the Council fails to take the oath of office within sixty (60) days after the election or appointment, is absent from all regular meetings of the Council for sixty (60) days unless expressly permitted by the City Council in its official minutes, ceases to be an elector of the City, or is convicted of a crime involving moral turpitude.

By amending Section 701 of Article VII and Section 604 of Article VI of the Charter of the City of Santa Cruz, to read as follows:

"Section 701. General Municipal Elections. General municipal elections for the filling of elective offices and for such other purposes as the Council may prescribe, shall be held in said City on the first Tuesday after the first Monday in November, in each odd numbered year commencing with the year 1981. At the general municipal election in November of 1981, three members of the City Council shall be elected, and at the general municipal election of 1983, four members of the City Council shall be elected. The terms of said elected members shall commence respectively on the third Tuesday in November of 1981, and the third Tuesday in November of 1983, and their terms will expire, respectively, on the first Tuesday following the general municipal election held in 1985 and 1987. Any ties in voting shall be settled by the casting of lots.

Section 604. Presiding Officer-Mayor. The Council shall elect one of its members who shall have the title of Mayor, shall preside at meetings of the Council, and shall be recognized as the titular head of the City government for all ceremonial purposes and by the Governor for purposes of military law, but shall have no regular administrative duties. The Council shall also elect a Vice-Mayor, who shall act as Mayor during the absence or disability of the Mayor, and if a vacancy occurs, shall become Mayor for the completion of the unexpired term. Both the Mayor and the Vice-Mayor shall be elected from among the councilmembers at the second meeting in March in 1979, and at the second meeting in March in 1980, for one year and until their successors have been elected. Commencing in 1981, and thereafter, both the Mayor and the Vice-Mayor shall be elected from among the councilmembers at the second meeting in November of each year for one year, and until their successors have been elected.

By amending Section 602 of Article VI thereof, to read as follows:

Section 602. Qualifications. A person shall be eligible to be nominated for, or to hold office as a member of the Council, only if such person is a registered qualified voter of this City, and shall have been for at least thirty (30) days next preceding nomination or appointment, a resident of the City of Santa Cruz, or of territory annexed thereto.

By amending Section 613 of Article VI, thereof, to read as follows:

Section 613. Publication of Ordinances. The City Clerk shall cause each proposed ordinance, other than an emergency ordinance or an ordinance which takes effect upon adoption, to be published at least once in a newspaper of general circulation at least three (3) days before its adoption; or, as an alternative method of publication, the Council may order copies of any proposed ordinance to be posted at least three (3) days prior to its adoption in three (3) prominent places in the City, and cause a single publication in a newspaper of general circulation of a notice setting forth the title of the ordinance, a short statement of its contents, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

The City Clerk shall cause each emergency ordinance or ordinance which takes effect upon adoption to be published at least once in a newspaper of general circulation within fifteen (15) days after its adoption.

By amending Section 619 of Article VI thereof, to read as follows:

Section 619. Violation of Ordinance. Penalty. A violation of any ordinance of the City shall constitute either a misdemeanor or an infraction, either of which may be prosecuted in the name of the People of the State of California, or may be redressed by civil action. The Council shall specify any violation of ordinances which are to constitute misdemeanors, and all other violations shall constitute infractions. A maximum fine or penalty for any violation of a City ordinance which constitutes a misdemeanor shall be the sum of five hundred dollars (\$500.00) or a term of imprisonment for a period not to exceed six (6) months, or both such fine and imprisonment. The maximum penalty for any violation of a City ordinance which constitutes an infraction shall be solely by a fine in the sum of five hundred dollars (\$500.00).

By repealing Section 1102 of Article XI, Sections 1302 and 1303 of Article XIII, and Section 1405 of Article XIV of the Charter of the City of Santa Cruz, which now reads as follows:

Section 1102. Fair Employment Practice. All citizens shall have equal opportunity to obtain and hold employment and to advance therein, from or under any board, department, officer or agency in this Charter enumerated or provided for, without discrimination because of race, religion, color, national origin or ancestry.

Section 1302. Oath of Office. Each member of the City Council, of every board and commission and each officer provided for in this Charter before entering upon the discharge of the duties of his office, shall take, subscribe to and file with the City Clerk the following oath or affirmation:

I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of (here inserting name of office) according to the best of my ability.

Section 1303. Illegal Contract, Financial Interest. No member of the City Council shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party and neither shall any City official or employee interested in any contract, sale or transaction to which the City is a party and which comes before said official or employee, or the 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 member of the City Council, City official or employee shall be deemed to be financially interested, within the meaning of the foregoing provisions, in any contract made with a corporation by reason of the ownership of stock in such corporation, unless said stock owned by him shall amount to at least three (3%) per cent of all the stock of such corporation issued and outstanding. No City Councilman or member of any board or commission shall vote on or participate in any contract or transaction in which he is directly or indirectly financially interested, whether as a stockholder of the corporation, or otherwise. If any officer of the City, during the term for which he was elected or appointed shall so vote or participate or shall be financially interested as aforesaid, upon

conviction thereof, he shall forfeit his office.

Section 1405. **Limit of Tax Levy.** Except as in this Charter provided, the tax levy for each fiscal year shall not exceed the rate of one dollar and fifty cents on each one hundred dollars of the assessed value of all real and personal property within the City.

By amending Section 1413 of Article XIV thereof, to read as follows:

Section 1413. **Lapse of Appropriations.** All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended of lawfully committed, and unexpended funds shall then revert to or become part of the general fund of the City, except such appropriations as are required by law to be continuously so appropriated from year to year.

By amending Section 1415 of Article XIV thereof, to read as follows:

Section 1415. **Contracts for Public Works.** Any public works or improvements costing more than five thousand dollars (\$5,000.00) shall be executed by contract, except where a specific work or improvement is authorized by the Council to be performed directly by a City department or officer in conformity with detailed plans, specifications and estimates. All such contracts for more than five thousand dollars (\$5,000.00) shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance or resolution, provided the Council or the City Manager, when so authorized, shall have the power to reject all bids and may readvertise in its discretion. All advertisements as to such contract shall so provide. All contracts entered into by the City shall be signed by the City Manager or other officer or officers as the Council may by ordinance or resolution prescribe.

In the event of an emergency creating an imminent threat to life, health or property, the Council may pass a resolution authorizing the execution of contracts, without advertising for bids, for specified public works or improvements in excess of five thousand dollars (\$5,000.00) to correct such emergency conditions. Such resolution shall state the facts constituting the emergency and shall be passed by the affirmative vote of at least five (5) members of the Council.

By amending Section 1425 of Article XIV thereof, to read as follows:

Section 1425. **Departmental Trust Fund.** The City Council may prescribe by ordinance for the setting up of a Finance Departmental Trust Fund into which the collections of the Police Department, License Collector, Building Officer, or other departments or officers, may be deposited by the respective officers at frequent intervals during each month, with the advice of each deposit being furnished to the Director of Finance. Withdrawals from such fund may be made by the Director of Finance only on order signed by the proper department head and only for the following purposes:

(a) The making of refund of bail which has been exonerated, or of other refundable deposits, revolving fund advances authorized by the City Council, or for the correction of clerical or ministerial errors in the receipt of payments to the City; and

(b) The making of settlements with City funds at the end of each calendar month for collections accumulated during such month.

By repealing Sections 304, 305, 306 and 307 of Article III thereof, which sections now read as follows:

Section 304. Continuance of Present Officers and Employees. The present officers and employees shall, without interruption, continue to perform the duties of their respective offices and employments for the compensation provided by the preceding Charter, or existing ordinances, resolutions, rules or laws, until the appointment and qualification of their successors under this Charter and subject to such removal and control as is herein provided.

Section 305. Continuance of Contracts and Public Improvements. All contracts entered into by the City, or for its benefit, prior to the taking effect of this Charter shall continue in full force and effect. Public improvements for which proceedings have been instituted under laws or charter provisions existing at the time this Charter takes effect, in the discretion of the City Council, may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws and charter provisions, or may be continued or perfected hereunder.

Section 306. Pending Actions and Proceedings. No action or proceeding, civil or criminal, pending at the time when this Charter takes effect, brought by or against the City or any office, department or agency thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any office, department or agency party thereto, by or under this Charter may be assigned or transferred to another office, department or agency, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Section 307. Effective Date of This Charter. For the purpose of nominating and electing members of the City Council, this Charter shall take effect from the time of its approval by the Legislature. For all other purposes, it shall take effect on the Tuesday next succeeding the date of the election of the first City Council hereunder at eight (8:00) o'clock P.M. The members of the City Council in office at the time of the approval of this Charter by the Legislature, shall continue to hold office and to discharge the duties thereof until the election and qualification of their successors under this Charter.

Certified to be a true copy by Lawrence A. Edler, Mayor and Norma J. Hislop, City Clerk.

Date of General Municipal Election: March 6, 1979.

## Charter Chapter 9—City of Fresno

*Amendment to the Charter of the City of Fresno*

[Filed with Secretary of State April 4, 1979.]

Section 1208 is amended to read as follows:

**SECTION 1208. COMPETITIVE BIDDING.**

(a) Every contract involving an expenditure of City moneys of more than fifteen hundred dollars above the limitation on expenditures for public projects without noticed bidding applying to general law cities under the California Government Code, for materials, supplies, equipment, or for public works construction, shall be let to the lowest responsible bidder after notice by publication in a newspaper of general circulation within the City by one or more insertions, the first of which shall be at least seven days before time for opening bids. The Council may reject any and all bids presented and may readvertise in its discretion. Such contracts may be let without advertising for bids, if such purchase shall be deemed by the Council to be of urgent necessity for the preservation of life, health, or property and shall be authorized by resolution passed by at least five affirmative votes of the Council and containing a declaration of the facts constituting the urgency.

(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 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 may be declared forfeited to the City and may 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.

(c) The provisions of this section shall not apply to work done by the City with its own personnel and/or equipment, or to materials, supplies, or equipment obtained or purchased from *or through* any governmental agency.

(d) All bids shall be submitted in a sealed envelope and shall be filed with the officer in charge of the purchasing function no later than the opening time specified in the notice inviting bids, who shall receive and be custodian of such bids and keep the same confidential until they are opened and declared.

(e) All bids received shall be publicly opened and declared at the time and at the place fixed in the notice inviting bids.

(f) Thereafter, the bids shall be tabulated and analyzed by the officer in charge of the purchasing function, who shall submit them, together with recommendations thereon, to the Chief Administrative Officer. The Chief Administrative Officer shall review the bids and submit them to the Council, along with his recommendations, at the next regular meeting of the Council.

(g) The Council shall have the right to waive any informality or minor irregularity in a bid.

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

Date of the General Municipal Election: March 6, 1979.

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Charter Chapter 10—City of Santa Barbara

*Amendment to the Charter of the City of Santa Barbara*

[Filed with Secretary of State April 9, 1979.]

Section 1300 of Title XIII is amended to read as follows:

Section 1300. GENERAL MUNICIPAL ELECTIONS.

General municipal elections for the election of officers, and for such other purposes as the City Council may prescribe shall be held in the City on the first Tuesday after the first Monday in November in each odd numbered year. The first such general municipal election shall be held on the first Tuesday after the first Monday in November 1981.

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

Date of Special Municipal Election: March 6, 1979

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Charter Chapter 11—City of San Rafael

*Amendment to the Charter of the City of San Rafael*

[Filed with Secretary of State April 9, 1979]

Amendments to the Charter to read as follows:

ARTICLE XIII—PUBLIC WORKS AND CONTRACTS, was amended by amending Sections 3, “Public Work To Be Done By Contract” and 3.1, “When Purchase of Supplies, Materials, Machinery or Equipment Shall Be By Contract”, to read as follows:

Sections 3 and 3.1 of Article XIII be amended so as to delete therefrom the following words: “Thirty-five Hundred (\$3500.00) Dollars” and substitute in place and stead thereof the following words: “Five Thousand (\$5000.00) Dollars”.

ARTICLE III—POWERS OF THE CITY, Section 12, “Leases of Property”, was amended to read as follows:

Section 12 of Article III, be amended so as to delete therefrom the words: “to corporations or individuals, for the purpose of maintenance and operation of any public utility owned by the City and to provide for the lease of any lands now or hereafter owned by the City, except buildings or lands donated, purchased, acquired or used for public parks or public libraries.”, and substituting in the place and stead thereof the following words: “all City-owned property excepting therefrom leases of five (5)

years or less and/or leases where the total rent is Six Thousand (\$6000.00) Dollars or less”.

ARTICLE VI—CITY OFFICIALS, Section 1 “Elective Officers” and Section 11 “Appointive Officers” were amended to read as follows, which amendments shall be effective at midnight on November 7, 1983, the day prior to the General Municipal Election in 1983:

Section 1 of Article VI be amended so as to delete therefrom the following words: “a City Tax and License Collector”.

Section 11 of Article VI be amended so as to insert between the words: “a City Treasurer, a City Engineer”, the following: “a City Tax and License Collector”.

ARTICLE IV—ELECTIONS, Section 1 “General and Special Elections” was amended to read as follows:

Section 1 of Article IV be amended so as to delete therefrom the following word: “March” and substitute in place and stead thereof the following word: “November”. Also insert between the words: “Of each odd-numbered year” “and shall be known as the general municipal election” the following words: “or as hereafter provided by the State Legislature under general law provisions determining the date of election for the governing board members of a school district,”; changes to be effective in 1981.

Certified to be a true copy by Lawrence E. Mulryan, Mayor and Jeanne M. Leoncini, City Clerk.

Date of General Municipal Election: March 6, 1979

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## Charter Chapter 12—City of Santa Monica

### *Amendments to the Charter of the City of Santa Monica*

[Filed with Secretary of State April 18, 1979.]

Section 1110 of the City Charter is amended to read as follows:

#### SECTION 1110. SUSPENSION, DEMOTION AND DISMISSAL.

The City Council and all officers having appointive authority are vested with the right to exercise the disciplinary and removal powers hereinafter provided.

An employee serving a probationary period in an office, position or employment, shall be subject to removal therefrom without right of appeal.

An employee, other than one serving a probationary period, holding a position in the Classified Service shall be subject 1) to suspension without pay for a period of not exceeding thirty (30) days in any one calendar year, 2) to demotion, or removal from his/her position for misconduct, incompetency, inefficiency or for failure to observe the rules or regulations of the department, office or agency, or to co-operate reasonably with his/her superior or fellow employees but subject to the right of the employee to appeal to the Personnel Board in the manner set forth herein.

Such employee shall be entitled to receive upon request, at the office of the board or officer taking such action, not later than the tenth calendar day thereafter, a written statement in which shall be stated separately each of the charges against the employee upon which such suspension, demotion or removal is based, a copy of which statement shall be furnished the Secretary of the Personnel Board. The employee shall have ten calendar days after the receipt of such statement of charges to file an answer to such charges should he or she desire to do so.

The answer shall be filed in the office of the City Clerk and with the Secretary of the Personnel Board. In the answer, such employee may request a hearing by the Personnel Board to review such suspension, demotion or removal which shall be called and held as provided for in the rules and regulations. Hearings may be conducted informally and the rules of evidence need not apply. The Personnel Board shall make written findings, conclusions and recommendations which shall state for each charge whether or not such charge is sustained and whether just cause exists for discipline.

If, with respect to a demotion, such Personnel Board shall conclude that such demotion or removal was without just cause, a recommendation by it of reinstatement without loss of pay shall be binding upon the appointing power who forthwith shall order such reinstatement and in such event the conclusions and recommendation of the Personnel Board shall be final and no appeal may be taken therefrom. If the Personnel Board concludes that such demotion or removal was with just cause, any recommendation by it shall be advisory only and shall not be binding on the appointing power and in such instance and in the instance of a suspension the decision of the appointing power shall be final and no appeal may be taken therefrom. Vacancies created under this section may be filled by the appointing authority by temporary appointment pending the completion of any proceedings taken hereunder.

A reduction in pay shall be a demotion, under this section, unless it is a part of a plan to reduce salaries and wages in connection with a general economy or curtailment program. A failure to grant an increase to an individual at a time when increases are granted generally as a part of a plan to increase salaries and wages throughout the City service shall likewise be a demotion.

Article XVIII of the City Charter is enacted as follows:

#### ARTICLE XVIII. RENT CONTROL

Section 1800. Statement of Purpose. A growing shortage of housing units resulting in a low vacancy rate and rapidly rising rents exploiting this shortage constitute a serious housing problem affecting the lives of a substantial portion of those Santa Monica residents who reside in residential housing. In addition, speculation in the purchase and sale of existing residential housing units results in further rent increases. These conditions endanger the public health and welfare of Santa Monica tenants, especially the poor, minorities, students, young families, and senior citizens. The purpose of this Article, therefore, is to alleviate the hardship caused by this serious housing shortage by establishing a Rent Control Board empowered

to regulate rentals in the City of Santa Monica so that rents will not be increased unreasonably and so that landlords will receive no more than a fair return on their investment.

In order to accomplish this purpose, this Article provides for an elected rent control board to ensure that rents are at a fair level by requiring landlords to justify any rents in excess of the rents in effect one year prior to the adoption of this Article. Tenants may seek rent reductions from the rent in effect one year prior to the adoption of this Article by establishing that those rents are excessive. In addition to giving tenants an opportunity to contest any rent increase, this Article attempts to provide reasonable protection to tenants by controlling removal of controlled rental units from the housing market and by requiring just cause for any eviction from a controlled rental unit.

Section 1801. Definitions. The following words or phrases as used in this Article shall have the following meanings:

(a) Board: The term "Board" refers to the appointed or elected rent control board established by this Article.

(b) Commissioners: The members of the Board and interim Board are denominated Commissioners.

(c) Controlled Rental Units: All residential rental units in the City of Santa Monica, including mobile homes and mobile home spaces, and trailers and trailer spaces, except:

(1) Rental units in hotels, motels, inns, tourist homes and rooming and boarding houses which are rented primarily to transient guests for a period of less than fourteen (14) days.

(2) Rental units in any hospital, convent, monastery, extended medical care facility, asylum, non-profit home for the aged, or dormitory owned and operated by an institution of higher education.

(3) Rental units which a government unit, agency or authority owns, operates, manages or in which governmentally-subsidized tenants reside only if applicable Federal or State law or administrative regulation specifically exempt such units from municipal rent control.

(4) Rental units in owner occupied dwellings with no more than three (3) units.

(5) Rental units and dwellings constructed after the adoption of this Article; this exemption does not apply to units created as a result of conversion as opposed to new construction.

(d) Housing service: Housing services include but are not limited to repairs, maintenance, painting, providing light, hot and cold water, elevator service, window shades and screens, storage, kitchen, bath and laundry facilities and privileges, janitor services, refuse removal, furnishings, telephone, parking and any other benefit, privilege or facility connected with the use or occupancy of any rental unit. Services to a rental unit shall include a proportionate part of services provided to common facilities of the building in which the rental unit is contained.

(e) Landlord: An owner, lessor, sublessor or any other person entitled to receive rent for the use and occupancy of any rental unit, or an agent, representative or successor of any of the foregoing.

(f) Rent: All periodic payments and all nonmonetary consideration,

including but not limited to, the fair market value of goods or services rendered to or for the benefit of the landlord under an agreement concerning the use or occupancy of a rental unit and premises, including all payments and consideration demanded or paid for parking, pets, furniture, subletting and security deposits for damages and cleaning.

(g) **Rental Housing Agreement:** An agreement, oral, written or implied, between a landlord and tenant for use or occupancy of a rental unit and for housing services.

(h) **Rental Units:** Any building, structure, or part thereof, or land appurtenant thereto, or any other rental property rented or offered for rent for living or dwelling house units, and other real properties used for living or dwelling purposes, together with all housing services connected with use or occupancy of such property such as common areas and recreational facilities held out for use by the tenant.

(i) **Tenant:** A tenant, subtenant, lessee, sublessee or any other person entitled under the terms of a rental housing agreement to the use or occupancy of any rental unit.

(j) **Recognized Tenant Organization:** Any group of tenants, residing in controlled rental units in the same building or in different buildings operated by the same management company, agent or landlord, who requests to be so designated.

(k) **Rent Ceiling:** Rent ceiling refers to the limit on the maximum allowable rent which a landlord may charge on any controlled rental unit.

(l) **Base Rent Ceiling:** The maximum allowable rent established in Section 1804(b).

**Section 1802. Interim Rent Control Board:** No later than thirty (30) days after the adoption of this Article, the City Council of the City of Santa Monica shall appoint a five-member Interim Rent Control Board. No person shall be appointed to the Interim Rent Control Board unless he or she is a duly qualified elector of the City of Santa Monica. The Interim Board shall exercise the following powers and duties until the Permanent Board is elected in accordance with the provisions of Section 1803(d) and assumes office:

(1) Require registration of all controlled rental units under Section 1803(q).

(2) Seek criminal penalties under Section 1810.

(3) Seek injunctive relief under Section 1811.

**Section 1803. Permanent Rent Control Board:**

(a) **Composition:** There shall be in the City of Santa Monica a Rent Control Board. The Board shall consist of five elected Commissioners. The Board shall elect annually as chairperson one of its members to serve in that capacity.

(b) **Eligibility:** Duly qualified electors of the City of Santa Monica are eligible to serve as Commissioners of the Board.

(c) **Full Disclosure of Holdings:** Candidates for the position of Commissioner shall submit a verified statement listing all of their interests and dealings in real property, including but not limited to its ownership, sale or management, during the previous three (3) years.

(d) **Election of Commissioners:** Commissioners shall be elected at gen-

eral municipal elections in the same manner as set forth in Article XIV of the Santa Monica City Charter, except that the first Commissioners shall be elected at a special municipal election held within ninety (90) days of the adoption of this Article. The elected Commissioners shall take office on the first Tuesday following their election.

(e) **Term of Office:** Commissioners shall be elected to serve terms of four years, beginning on the first Tuesday following their election, except that of the first five Commissioners elected in accordance with Section 1803 15, 1985, and the remaining three Commissioners shall serve until April 18, 1983. Commissioners shall serve a maximum of two full terms.

(f) **Powers and Duties:** The Board shall have the following powers and duties:

(1) Set the rent ceilings for all controlled rental units.

(2) Require registration of all controlled rental units under Section 1803 (q).

(3) Establish a base ceiling on rents under Section 1804 (b).

(4) To make adjustments in the rent ceiling in accordance with Section 1805.

(5) Set rents at fair and equitable levels in order to achieve the intent of this Article.

(6) Hire and pay necessary staff, including hearing examiners and personnel to issue orders, rules and regulations, conduct hearings and charge fees as set forth below.

(7) Make such studies, surveys and investigations, conduct such hearings, and obtain such information as is necessary to carry out its powers and duties.

(8) Report annually to the City Council of the City of Santa Monica on the status of controlled rental housing.

(9) Remove rent controls under Section 1803 (r).

(10) Issue permits for removal of controlled rental units from rental housing market under Section 1803 (t).

(11) Administer oaths and affirmations and subpoena witnesses.

(12) Establish rules and regulations for deducting penalties and settling civil claims under Section 1809.

(13) Seek criminal penalties under Section 1810.

(14) Seek injunctive relief under Section 1811.

(g) **Rules and Regulations:** The Board shall issue and follow such rules and regulations, including those which are contained in this Article, as will further the purposes of the Article. The Board shall publicize its rules and regulations prior to promulgation in at least one newspaper of general circulation in the City of Santa Monica. The Board shall hold at least one (1) public hearing to consider the views of interested parties prior to the adoption of general adjustments of the ceilings for maximum allowable rents under Section 1805, and any decision to decontrol or re-impose control for any class of rental units under Section 1803 (r). All rules and regulations, internal staff memoranda, and written correspondence explaining the decisions, orders, and policies of the Board shall be kept in the Board's office and shall be available to the public for inspection and copying. The Board shall publicize this Article so that all residents of Santa

Monica will have the opportunity to become informed about their legal rights and duties under rent control in Santa Monica. The Board shall prepare a brochure which fully describes the legal rights and duties of landlords and tenants under rent control in Santa Monica. The brochure will be available to the public, and each tenant of a controlled rental unit shall receive a copy of the brochure from his or her landlord.

(h) Meetings: The Board shall hold at least forty-eight (48) regularly scheduled meetings per year. Special meetings shall be called at the request of at least three Commissioners of the Board. The Board shall hold its initial meeting no later than 15 days after taking office.

(i) Quorum: Three Commissioners shall constitute a quorum for the Board.

(j) Voting: The affirmative vote of three Commissioners of the Board is required for a decision, including all motions, regulations, and orders of the Board.

(k) Compensation: Each Commissioner shall receive for every meeting attended seventy-five dollars (\$75.00), but in no event shall any Commissioner receive in any twelve month period more than forty-seven hundred and fifty dollars (\$4,750) for services rendered.

(l) Dockets: The Board shall maintain and keep in its office all hearing dockets.

(m) Vacancies: If a vacancy shall occur on the Board, the Board shall within thirty (30) days appoint a qualified person to fill such a vacancy until the following municipal election when a qualified person shall be elected to serve for the remainder of the term.

(n) Financing: The Board shall finance its reasonable and necessary expenses by charging landlords annual registration fees in amounts deemed reasonable by the Board. The first annual registration fee shall be set by the Board within thirty days after assuming office. The Board is also empowered to request and receive funding when and if necessary, from any available source for its reasonable and necessary expenses. Notwithstanding the preceding provisions of this paragraph, the City Council of the City of Santa Monica shall appropriate sufficient funds for the reasonable and necessary expenses of the Interim Board and Board during the six month period following adoption of this Article.

(o) Recall: Commissioners may be recalled in accordance with the provisions of Article XIV of the Charter of the City of Santa Monica.

(p) Staff: The Board shall employ and pay such staff, including hearing examiners and inspectors, as may be necessary to perform its functions efficiently in order to fulfill the purposes of this Article.

(q) Registration: Within sixty (60) days after the adoption of the Article, the Board shall require the registration of all controlled rental units, which shall be re-registered at times deemed appropriate by the Board. The initial registration shall include the rent in effect at the time on the date of the adoption of this Article, base rent ceiling, the address of the rental unit, the name and address of the landlord, the housing services provided to the unit, a statement indicating all operating cost increases since the base rent ceiling, and any other information deemed relevant by the Board. The Board shall require the landlord to report vacancies in the

controlled rental units and shall make a list of vacant controlled rental units available to the public. If the Board, after the landlord has proper notice and after a hearing determines that a landlord has willfully and knowingly failed to register a controlled rental unit, the Board may authorize the tenant of such a nonregistered controlled rental unit to withhold all or a portion of the rent for the unit until such time as the rental unit is properly registered. After a rental unit is properly registered, the Board shall determine what portion, if any, of the withheld rent is owed to the landlord for the period in which the rental unit was not properly registered. Whether or not the Board allows such withholding, no landlord who has failed to register properly shall at any time increase rents for a controlled rental unit until such units are properly registered.

(r) Decontrol: If the average annual vacancy rate in any category, classification, or area of controlled rental units exceeds five (5) percent, the Board is empowered, at its discretion and in order to achieve the objectives of this Article, to remove rent controls from such category, classification or area. The Board may determine such categories, classifications, or areas for purposes of decontrol consistent with the objectives of this Article. In determining the vacancy rate for any category, classification or area of controlled rental units, the Board shall consider all available data and shall conduct its own survey. If units are decontrolled pursuant to this subsection, controls shall be reimposed if the Board finds that the average annual vacancy rate has thereafter fallen below five (5) percent for such category, classification or area.

(s) Security Deposits: Any payment or deposit of money the primary function of which is to secure the performance of a rental agreement or any part of such agreement, including an advance payment of rent, shall be placed in an interest bearing account at an institution whose accounts are insured by the Federal Saving and Loan Insurance Corporation until such time as it is returned to the tenant or entitled to be used by the landlord. The interest on said account shall be used by the landlord to offset operating expenses and shall be a factor in making individual rent adjustments under Section 1805. In lieu of complying with this requirement, the landlord may pay interest directly to the tenant in accordance with the requirements of any state law.

(t) Removal of Controlled Rental Unit from Rental Housing Market: Any landlord who desires to remove a controlled rental unit from the rental housing market by demolition, conversion or other means is required to obtain a permit from the Board prior to such removal from the rental housing market in accordance with rules and regulations promulgated by the Board. In order to approve such a permit, the Board is required to make each of the following findings:

- (1) That the controlled rental unit is not occupied by a person or family of very low income, low income or moderate income.
- (2) That the rent of the controlled rental unit is not at a level affordable by a person or family of very low income, low income or moderate income.
- (3) That the removal of the controlled rental unit will not adversely affect the supply of housing in the City of Santa Monica.
- (4) That the landlord cannot make a fair return on investment by

retaining the controlled rental unit.

Notwithstanding the foregoing provisions of this subsection, the Board may approve such a permit:

(1) If the Board finds that the controlled rental unit is uninhabitable and is incapable of being made habitable in an economically feasible manner, or

(2) If the permit is being sought so that the property may be developed with multifamily dwelling units and the permit applicant agrees as a condition of approval that the units will not be exempt from the provisions of this Article pursuant to Section 1801(c) and that at least fifteen (15) percent of the controlled rental units to be built on the site will be at rents affordable by persons of low income.

Section 1804. Maximum Allowable Rents.

(a) Temporary Freeze: Rents shall not be increased during the one hundred-twenty (120) day period following the date of adoption of this Article.

(b) Establishment of Base Rent Ceiling: Beginning one-hundred-twenty (120) days after the adoption of this Article, no landlord shall charge rent for any controlled rental units in an amount greater than the rent in effect on the date one year prior to the adoption of this article. The rent in effect on that date is the base rent ceiling and is a reference point from which fair rents shall be adjusted upward or downward in accordance with Section 1805. If there was no rent in effect on the date one year prior to the adoption of this Article, the base rent ceiling shall be the rent that was charged on the first date that rent was charged following the date one year prior to the adoption of this Article.

(c) Posting: As soon as the landlord is aware of the maximum allowable rent, the landlord shall post it for each unit in a prominent place in or about the affected controlled rent units. The Board may require that other information it deems relevant also be posted.

Section 1805. Individual and General Adjustment of Ceilings on Allowable Rents.

(a) The Board may, after holding those public hearings prescribed by Section 1803(g), set and adjust upward or downward the rent ceiling for all controlled rental units in general and/or for particular categories of controlled rental units deemed appropriate by the Board. Such an adjustment, however, need not take effect immediately, and the Board may decide that new rent ceilings shall not take effect until some reasonable date after the above-stated time periods.

(b) Each year the Board shall generally adjust rents as follows:

(1) Adjust rents upward by granting landlords a utility and tax increase adjustment for actual increases in the City of Santa Monica for taxes and utilities.

(2) Adjust rents upward by granting landlords a maintenance increase adjustment for actual increases in the City of Santa Monica for maintenance expenses.

(3) Adjust rents downward by requiring landlords to decrease rents for any actual decreases in the City of Santa Monica for taxes.

In adjusting rents under this subsection, the Board shall adopt a formula

of general application. This formula will be based upon a survey of landlords of the increases or decreases in the expenses set forth in this subsection.

(c) Petitions: Upon receipt of a petition by a landlord and/or a tenant, the maximum rent of individual controlled rental units may be adjusted upward or downward in accordance with the procedures set forth elsewhere in this Section. The petition shall be on the form provided by the Board. Notwithstanding any other provision of this Section, the Board or hearing examiner may refuse to hold a hearing and/or grant a rent adjustment if an individual hearing has been held and decision made with regard to maximum rent within the previous six months.

(d) Hearing Procedure: The Board shall enact rules and regulations governing hearings and appeals of individual adjustment of ceilings on allowable rents which shall include the following:

(1) Hearing Examiner: A hearing examiner appointed by the Board shall conduct a hearing to act upon the petition for individual adjustment of ceilings on allowable rents and shall have the power to administer oaths and affirmations.

(2) Notice: The Board shall notify the landlord if the petition was filed by the tenant, or the tenant, if the petition was filed by the landlord, of the receipt of such a petition and a copy thereof.

(3) Time of Hearing: The hearing officer shall notify all parties as to the time, date and place of the hearing.

(4) Records: The hearing examiner may require either party to a rent adjustment hearing to provide it with any books, records and papers deemed pertinent in addition to that information contained in registration statements. The hearing examiner shall conduct a current building inspection and/or request the City to conduct a current building inspection if the hearing examiner finds good cause to believe the Board's current information does not reflect the current condition of the controlled rental unit. The tenant may request the hearing examiner to order such an inspection prior to the date of the hearing. All documents required under this Section shall be made available to the parties involved prior to the hearing at the office of the Board. In cases where information filed in a petition for rent ceiling adjustment or in additional submissions filed at the request of hearing examiner is inadequate or false, no action shall be taken on said petition until the deficiency is remedied.

(5) Open hearings: All rent ceiling adjustment hearings shall be open to the public.

(6) Right of assistance: All parties to a hearing may have assistance in presenting evidence and developing their position from attorneys, legal workers, recognized tenant organization representatives or any other persons designated by said parties.

(7) Hearing record: The Board shall make available for inspection and copying by any person an official record which shall constitute the exclusive record for decision on the issues at the hearing. The record of the hearing, or any part of one, shall be obtainable for the cost of copying. The record of the hearing shall include: all exhibits, papers and documents required to be filed or accepted into evidence during the proceedings; a

list of participants present; a summary of all testimony accepted in the proceedings; a statement of all materials officially noticed; all recommended decisions, orders and/or rulings; all final decisions, orders and/or rulings, and the reasons for each final decision, order and/or ruling. Any party may have the proceeding tape recorded or otherwise transcribed at his or her own expense.

(8) **Quantum of Proof and Notice of Decision:** No individual adjustment shall be granted unless supported by the preponderance of the evidence submitted at the hearing. All parties to a hearing shall be sent a notice of the decision and a copy of the findings of fact and law upon which said decision is based. At the same time, parties to the proceeding shall also be notified of their right to any appeal allowed by the Board and/or to judicial review of the decision pursuant to this Section and Section 1808 of this Article.

(9) **Consolidation:** All landlord petitions pertaining to tenants in the same building will be consolidated for hearing, and all petitions filed by tenants occupying the same building shall be consolidated for hearing unless there is a showing of good cause not to consolidate such petitions.

(10) **Appeal:** Any person aggrieved by the decision of the hearing examiner may appeal to the Board. On appeal, the Board shall affirm, reverse or modify the decision of the hearing examiner. The Board may conduct a de novo hearing or may act on the basis of the record before the hearing examiner without holding a hearing.

(11) **Finality of Decision:** The decision of the hearing examiner shall be the final decision of the Board in the event of no appeal to the Board. The decision of the hearing examiner shall not be stayed pending appeal; however, in the event that the Board on appeal reverses or modifies the decision of the hearing examiner, the landlord, in the case of an upward adjustment in rent, or the tenant, in the case of a downward adjustment of rent, shall be ordered to make retroactive payments to restore the parties to the position they would have occupied had the hearing examiner's decision been the same as that of the Board's.

(12) **Time for decision:** The rules and regulations adopted by the Board shall provide for final Board action on any individual rent adjustment petition within one-hundred and twenty (120) days following the date of filing of the individual rent adjustment petition.

(13) **Board Action in Lieu of Reference to Hearing Examiner:** The board, on its own motion or on the request of any landlord or tenant, may hold a hearing on an individual petition for rent adjustment without the petition first being heard by a hearing examiner.

(e) In making individual and general adjustments of the rent ceiling, the Board shall consider the purposes of this Article and shall specifically consider all relevant factors including but not limited to increases or decreases in property taxes, unavoidable increases or decreases in operating and maintenance expenses, capital improvement of the controlled rental unit as distinguished from normal repair, replacement and maintenance, increases or decreases in living space, furniture, furnishings or equipment, substantial deterioration of the controlled rental unit other than as a result of ordinary wear and tear, failure on the part of the

landlord to provide adequate housing services or to comply substantially with applicable housing, health and safety codes, federal and state income tax benefits, the speculative nature of the investment, whether or not the property was acquired or is held as a long term or short term investment, and the landlords rate of return on investment. It is the intent of this Article that upward adjustments in rent be made only when demonstrated necessary to the landlord making a fair return on investment.

(f) No rent increase shall be authorized by this Article because a landlord has a negative cash flow as the result of refinancing the controlled rental unit if at the time the landlord refinanced the landlord could reasonably have foreseen a negative cash flow based on the rent schedule then in existence within the one year period following refinancing. This paragraph shall only apply to that portion of the negative cash flow reasonably foreseeable within the one year period following refinancing of the controlled rental unit and shall only apply to controlled rental units refinanced after the date of adoption of this Article.

(g) No rent increase shall be authorized by this Article because a landlord has a negative cash flow if at the time the landlord acquired the controlled rental unit, the landlord could reasonably have foreseen a negative cash flow based on the rent schedule then in existence within the one year period following acquisition. This paragraph shall only apply to that portion of the negative cash flow reasonably foreseeable within the one year period following acquisition of a controlled rental unit and shall only apply to controlled rental units acquired after the date of adoption of this Article.

(h) No landlord shall increase rent under this Section if the landlord:

(1) Has failed to comply with any provisions of this Article and/or regulations issued thereunder by the Board, or

(2) Has failed to comply substantially with any applicable state or local housing, health or safety law.

Section 1806. Eviction. No landlord shall bring any action to recover possession or be granted recovery of possession of a controlled rental unit unless:

(a) The tenant has failed to pay the rent to which the landlord is entitled under the rental housing agreement and this Article.

(b) The tenant has violated an obligation or covenant of his or her tenancy other than the obligation to surrender possession upon proper notice and has failed to cure such violation after having received written notice thereof from the landlord in the manner required by law.

(c) The tenant is committing or expressly permitting a nuisance in, or is causing substantial damage to, the controlled rental unit, or is creating a substantial interference with the comfort, safety or enjoyment of the landlord or other occupants or neighbors of the same.

(d) The tenant is convicted of using or expressly permitting a controlled rental unit to be used for any illegal purpose.

(e) The tenant, who had a rental housing agreement which has terminated, has refused, after written request or demand by the landlord, to execute a written extension or renewal thereof for a further term of like duration and in such terms as are not inconsistent with or violative of any

provisions of this Article and are materially the same as in the previous agreement.

(f) The tenant has refused the landlord reasonable access to the controlled rental unit for the purpose of making necessary repairs or improvements required by the laws of the United States, the State of California or any subdivision thereof, or for the purpose of showing the rental housing unit to any prospective purchaser or mortgagee.

(g) The tenant holding at the end of the term of the rental housing agreement is a sub-tenant not approved by the landlord.

(h) The landlord seeks to recover possession in good faith for use and occupancy of herself or himself, or her or his children, parents, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

(i) The landlord seeks to recover possession to demolish or otherwise remove the controlled rental unit from rental residential housing use after having obtained all proper permits from the City of Santa Monica.

Notwithstanding the above provisions, possession shall not be granted if it is determined that the eviction is in retaliation for the tenant reporting violations of this Article, for exercising rights granted under this Article, including the right to withhold rent upon authorization of the Board under Section 1803(q) or Section 1809 or for organizing other tenants. In any action brought to recover possession of a controlled rental unit, the landlord shall allege and prove compliance with this Section.

Section 1807. Non-Waiverability: Any provision, whether oral or written, in or pertaining to a rental housing agreement whereby any provision of this Article for the benefit of the tenant is waived, shall be deemed to be against public policy and shall be void.

Section 1808. Judicial Review: A landlord or tenant aggrieved by any action or decision of the Board may seek judicial review by appealing to the appropriate court within the jurisdiction.

Section 1809. Civil Remedies:

(a) Any landlord who demands, accepts, receives, or retains any payment of rent in excess of the maximum lawful rent, in violation of the provisions of this Article or any rule, regulation or order hereunder promulgated, shall be liable as hereinafter provided to the tenant from whom such payments are demanded, accepted, received or retained, for reasonable attorney's fees and costs as determined by the court, plus damages in an amount of five hundred dollars (\$500) or three (3) times the amount by which the payment or payments demanded, accepted, received or retained exceeds the maximum lawful rent, whichever is the greater.

(b) In lieu of filing a civil action as provided for in Section 1809(a), the Board shall establish by rule and regulation a hearing procedure similar to that set forth in Section 1805(d) for determination of the amount of the penalty the tenant is entitled to pursuant to Section 1809(a). After said determination, the tenant may deduct the penalty from future rent payments in the manner provided by the Board.

(c) If the tenant from whom such excessive payment is demanded, accepted, received or retained in violation of the foregoing provisions of this Article or any rule or regulation or order hereunder promulgated fails to bring a civil or administrative action as provided for in Section 1809(a)

and 1810(b) within one-hundred and twenty (120) days from the date of occurrence of the violation, the Board may settle the claim arising out of the violation or bring such action. Thereafter, the tenant on whose behalf the Board acted is barred from also bringing an action against the landlord in regard to the same violation for which the Board has made a settlement or brought an action. In the event the Board settles said claim, it shall be entitled to retain the costs it incurred in settlement thereof, and the tenant against whom the violation has been committed shall be entitled to the remainder.

(d) The appropriate court in the jurisdiction in which the controlled rental unit affected is located shall have jurisdiction over all actions brought under this Section.

Section 1810. **Criminal Remedies:** Any landlord violating this Article shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this Article shall be punished by a fine of not more than five hundred dollars (\$500), or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.

Section 1811. **Injunctive Relief:** The Board, and tenants and landlords of controlled units, may seek relief from the appropriate court within the jurisdiction within which the affected controlled rental unit is located to restrain or enjoin any violation of this Article and of the rules, regulations, orders, and decisions of the Board.

Section 1812. **Partial Invalidity:** If any provision of this Article or application thereof to any person or circumstances is held invalid, this invalidity shall not affect other provisions or applications of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable. This Article shall be liberally construed to achieve the purposes of this Article and to preserve its validity.

Certified to be a true copy by Pieter van den Steenhoven, Mayor and Youce Snider, City Clerk.

Date of General Municipal Election: April 10, 1979.

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### Charter Chapter 13, City of Pacific Grove

#### *Amendment to the Charter of the City of Pacific Grove*

[Filed with Secretary of State May 2, 1979]

Article 8 is amended to read as follows:

“Article 8. General municipal elections shall be held in said City on the first Tuesday after the first Monday in November in each even numbered year commencing with the year 1980, 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 terms of office prescribed in this Charter for Mayor and Councilmembers shall

accordingly be adjusted for any such officer elected prior to November of 1980. 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. Willams, Mayor and William S. Pitt, City Clerk.

Date of General Municipal Election: April 10, 1979.

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Charter Chapter 14—County of San Bernardino

*Amendment to the Charter of the County of  
San Bernardino*

[Filed with Secretary of State May 2, 1979.]

Section 9 is added to Article I to read as follows:

SECTION 9. A. The following procedures and limitations shall apply in making any adjustments in the annual salary in any fiscal year for members of the Board of Supervisors.

1. In June of 1978, June of 1979, and in June of each subsequent odd-numbered year, any increase shall be limited to the annual change in the local Consumer Price Index or seven percent (7%), whichever is lower. The Board of Supervisors shall request the outgoing Grand Jury to review and approve the application of the formula before any increase may be paid.

2. In June of 1980 and in June of each subsequent even-numbered year, any increase will be based on a comprehensive review and recommendation of the then-incumbent Grand Jury, which review shall be requested by the Board of Supervisors. The Board shall request the Grand Jury to consider at least the following factors:

- (a) The County's rank among the counties of California in population with the salary range appropriate for the ranking;
- (b) The current economic condition of county government;
- (c) The changes in duties, responsibilities, and activities that may affect members of the Board of Supervisors;
- (d) The expense allowances including per diem, automobiles and travel;

Any increase above the Grand Jury recommendation or any increase above twelve percent (12%) may not become effective unless approved

by a  $\frac{1}{5}$  vote of the Board of Supervisors and a majority of the electors of the County voting thereon at a referendum election.

B. The office of member of the Board of Supervisors shall be the primary occupation of each member of the Board and shall require that the member work an average of at least forty (40) hours per week in performance of the duties of that office to qualify for the full-time compensation established for the office.

Certified to be a true copy by Robert O. Townsend, Chairman Board of Supervisors and Andree Disharoon, Clerk of the Board of Supervisors.

Date of Special Election: June 6, 1978.

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Charter Chapter 15—County of San Bernardino

*Amendment to the Charter of the County of  
San Bernardino*

[Filed with Secretary of State May 2, 1979 ]

Article VI is amended to add an unnumbered Section to read as follows:

Provides that no increase in compensation of Elected County Officials in San Bernardino County, State of California, including those whose compensation is determined by the Board of Supervisors, shall be come operative without approval of a majority vote of the voter of said County at a statewide general election. Provides that on effective date of this section, the amount of compensation for any above elected offices shall be the amount that it was on December 1, 1977?

Certified to be a true copy by Robert O. Townsend, Chairman Board of Supervisors and Andree Disharoon, Clerk of the Board.

Date of Special Election: November 7, 1978.

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Charter Chapter 16—City of Pasadena

*Amendments to the Charter of the City of Pasadena*

[Filed with Secretary of State May 9, 1979.]

That the Charter of the City of Pasadena be amended as follows:

a) By amending Section 402 to read:

“Section 402. ELIGIBILITY. Each Board member shall be qualified elector and resident of the district from which the member is elected or appointed.”

b) By amending Section 403 to read:

“Section 403. CHANGE OF RESIDENCE. A Board member who changes residence from one district of the City to another district may

remain in said office during the remainder of the term for which said member was elected or appointed.”

c) By adding Section 403.5 between Sections 403 and 404 to read:

“Section 403.5. VACANCY DEFINED. If any Board member shall cease to be a resident of the City, shall be absent without permission of the Board from all regular Board meetings for 60 consecutive days from the last regular meeting attended, shall resign, shall be adjudged legally incompetent, or shall be otherwise barred from holding office by reason of state or federal law, that office shall thereupon be declared vacant by majority vote of the Board.”

d) By amending Section 404 to read:

“Section 404. VACANCY-APPOINTMENT. If a vacancy occurs in the Board, the remaining members shall within 75 days after such occurrence appoint a qualified resident voter of the unrepresented district who shall hold office until the office is filled at the next general municipal election. If the Board cannot agree on one person to fill the vacancy, the replacement shall be chosen by lot.

Nothing herein provided shall limit the power of the Board to provide by ordinance for the continuity of the City government in the event of war, enemy-caused disaster or common accident in which a majority of the members of the Board are killed, missing or injured so as to be unable to perform their duties.”

Certified to be a true copy by Ellis W. Jones, M.D., Chairman of the Board of Directors of the City of Pasadena and Harriett C. Jenkins, City Clerk.

Date of General Municipal Election: April 17, 1979.

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## Charter Chapter 17, City of San Bernardino

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

[Filed with Secretary of State May 17, 1979.]

Article II, Section 24, is amended to read as follows:

“The Office of Mayor shall be a full time position and the incumbent shall not engage in any business, professional or occupational activities which interfere with the discharge of the duties of such office. The salary of the Mayor shall be set by the Common Council, provided that the salary shall not be reduced during the term of any incumbent except by the affirmative vote of five Councilmen; nor shall it be increased at any time except after the approval of the proposed increase by a majority of the electors voting at a citywide election.”

Article II, Section 14-A is amended to read as follows:

“A vacancy in the Common Council, from whatever cause arising, shall be filled for the unexpired term thereof through the election of a successor Councilman by the qualified electors of the ward in which the vacancy has

occurred. Such Councilman shall have been a qualified elector and resident of the ward for at least thirty (30) consecutive days next preceding the date of filing of nomination papers for the office.

Said election shall be held at the time established by the Mayor and Common Council and shall be conducted in the manner provided for by general law; provided that the Mayor and Common Council shall have power by ordinance to provide for the manner of holding such election and such ordinance shall prevail over the general law.”

Article II, Section 22, Article III, Sections 42 and 45, Article IV, Section 55, Subsections (f) and (g) and Article XIII, Section 233, are repealed.

Certified to be a true copy by W. R. Holcomb, Mayor and Shauna Clark, Acting City Clerk.

Date of Primary Municipal Election: March 6, 1979.

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Charter Chapter 18, City of Alameda

*Amendments to the Charter of the City of Alameda*

[Filed with Secretary of State May 18, 1979]

Section 2-2 is amended to read:

“Sec. 2-2. (A) The following offices are hereby established and the incumbents thereof shall be appointed or removed by a vote of a majority of the full Council: City Manager, City Attorney, City Clerk.

(B) 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 incumbents in the aforementioned appointive offices.”

Section 10-9 is amended to read:

“Sec. 10-9. A member of any such board may be removed by the vote of a majority of the Council.”

Section 2-5 is amended to read:

“Sec. 2-5. Every elected officer of the City shall be 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. Every elected officer and every officer appointed to a Board or Commission shall be a resident of the City during his tenure of office. Employees of the City, other than such officers, shall reside within the City, or within such distance of the City limits thereof as the Council may by ordinance prescribe.”

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

Date of Special Municipal Charter Amendment Election: March 6, 1979.

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## Charter Chapter 19—City of Palo Alto

*Amendment to the Charter of the City of Palo Alto*

[Filed with Secretary of State May 30, 1979.]

ARTICLE VIII-A, Board of Education, Section 2 (c) is amended to read as follows:

“(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 the month succeeding their election and until their successors are elected and qualified. The term of office of the members of the board of education which commenced July 1, 1975, shall expire in 1979. The term of office of the member of the board of education which commenced April 1, 1977, shall expire in 1981. The term of office of the member of the board of education which commenced April 1, 1978, shall expire in 1983.”

Certified to be a true copy by Alan Henderson, Vice Mayor and Ann J. Tanner, City Clerk.

Date of General Municipal Election: May 8, 1979.

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 Charter Chapter 20—City of Salinas
*Amendments to the Charter of the City of Salinas*

[Filed with Secretary of State October 3, 1979]

That Section 1 of the Charter of Salinas is amended to read as follows:  
“Sec. 1. Name of City.

The municipal corporation now existing and known as Salinas shall hereafter be known as City of Salinas, and shall remain a body politic and corporate in fact and in law by the name of City of Salinas, and may hereinafter be referred to as City of Salinas or City.”

That Section 2 of the Charter of Salinas is amended to read as follows:  
“Sec. 2. 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 section, as amended, in the name of the municipal corporation heretofore known as Salinas; and shall be subject to all its debts, obligations and liabilities existing on said date.”

That Section 4 of the Charter of Salinas is amended to read as follows:  
“Sec. 4. Boundaries.

The boundaries of the City shall be the boundaries existing on the effective date of this section, as amended, except that the boundaries of the City may be changed in the manner authorized by law.”

That Section 22 of the Charter of Salinas is amended to read to follows:  
“Sec. 22. Time of Council meeting.

Regular meetings of the Council shall be held, called and noticed in such

manner and at such times and places as may be prescribed by ordinance or resolution, except that it shall meet regularly once each month.”

That Section 23 of the Charter of Salinas is amended to read as follows:

“Sec. 23. Special meetings.

Special meetings of the Council shall be held, called and noticed in such manner and at such times and places as may be prescribed by ordinance or resolution.”

That Section 53 of the Charter of Salinas is amended to read as follows:

“Sec. 53. Fire department.

The Council shall, by ordinance or resolution, provide for the organization, maintenance, government, control and operation of a fire department.”

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

“Sec. 86. Claims and demands—Presentation of claims for damages.

The Council may, by ordinance or resolution, prescribe the procedure for filing, handling, disposing and dealing with any other aspect of claims for damages against the City.”

Section 117 of the Charter is repealed.

Section 118 of the Charter is repealed.

Certified to be a true copy by James Woods, Mayor and Evelyn Reynolds, City Clerk.

Date of General Municipal Election: June 5, 1979.

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## Charter Chapter 21—City of Stockton

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

[Filed with Secretary of State October 24, 1979]

Section 1 of Article XXIV and Section 2 of Article VI are hereby amended and shall be as follows:

#### ARTICLE XXIV

SECTION 1. A general municipal election shall be held on the first Tuesday after the first Monday in November of each odd numbered year for the election of persons to the elective offices of the City.

#### ARTICLE VI

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

Commencing with the general municipal election of 1981, each member of the City Council will be elected by the electors of his district and shall hold office for a term of four years beginning December 1 next after their election and until their successor is elected and qualified. On the first Tuesday after the first Monday in November, 1981, four councilmembers shall be elected to replace those councilmembers whose terms shall expire

on November 30, 1981, and shall take office on December 1, 1981. On the first Tuesday after the first Monday in November, 1983, five councilmembers shall be elected to replace those councilmembers whose terms shall expire on November 30, 1983, and shall take office on December 1, 1983.

At each subsequent general election the number of councilmembers to be elected shall be equal to the number of terms to expire under the aforesaid provisions of the ensuing 30th day of November, to wit; four or five.

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

Any member of the council moving from their district during their term shall automatically forfeit their office, the same to be refilled by the council from the electors of that district. Absence from five consecutive regular meetings, unless excused by resolution of the council, shall operate to vacate the seat of any member so absent.

If a vacancy shall occur in the office of any councilmember, the council shall appoint a person to fill such vacancy. Such vacancy in the council shall be filled by the council from the electors of the district in which the vacancy occurs. If at any municipal election held under the provisions of this charter, a councilmember be not elected from each district by reason of a tie vote among any of the candidates therefor, then the council, after the qualification of the persons elected to the office of councilmember at such election, shall select by lot one of the persons receiving such tie vote to fill such office. In each case, the person so appointed shall hold office until the 30th day of November next following the next general election, and at such election a person shall be elected to hold office for the remainder of any unexpired term.

Section 11 of Article XXXII is hereby amended and shall be as follows.

#### ARTICLE XXXII

**SECTION 11.** If necessary to prevent the stoppage of public business or inconvenience to the public, but not otherwise, the appointing power, with the approval of the commission, may authorize the filling of a position by provisional appointment, pending the establishment of a re-employment or employment list. No person who does not possess the minimum required qualifications for such position, as may be prescribed by the commission, shall be permitted to serve in any such temporary position. Such provisional appointment shall continue only until the establishment of a re-employment or employment list; in no case shall such employment exceed a total of four months. No person shall receive more than one provisional appointment or serve more than four months as provisional appointee in any one fiscal year.

In any case of emergency the appointive officer of the city may make such temporary emergency appointments, either in the fire department and/or police department, as in his judgment are necessary. All such temporary emergency appointments shall be immediately certified in

writing to the commission, providing, however, that no emergency appointment shall exceed four months' duration.

Section 15 of Article XXXII is hereby amended and shall be as follows:

#### ARTICLE XXXII

SECTION 15. No person employed under civil service or registered on the eligible list of the classified service, coming under the provisions of this act, shall accept election or appointment to any incompatible public office, unless such person shall immediately resign from the office, place, position or employment which the person then holds under civil service, or in the case of persons on the eligible list of the classified service, unless such persons will immediately have their names stricken from such eligible list.

Section 19 of Article XXXII is hereby amended and shall be as follows:

#### ARTICLE XXXII

SECTION 19. No person in the classified service who shall have been permanently appointed or inducted into civil service under the provisions of this act shall be removed or discharged except for cause and only upon the written accusation of the appointing officer or any taxpayer in the City of Stockton, and upon the written recommendation of the chief of the department under whose jurisdiction the person is employed, a written statement of which accusation, in general terms, shall be served upon the accused and a duplicate filed with the commission.

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

All investigations made by the commission pursuant to the provisions of this section, shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel and presenting the accused's defense and may for said purpose have subpoenas issued and require the attendance of witnesses to present the accused's defense. If the accused is dissatisfied with the judgment or

order made by the commission or a majority thereof, the said accused may appeal to the Superior Court of the State of California, pursuant to the provisions of Section 1094.5 of the Code of Civil Procedure.

This section shall not be applicable to the removal by demotion of the chief or deputy chiefs of the police department, or the deputy fire chief.

Section 27 of Article XXXII is hereby amended and shall be as follows:

#### ARTICLE XXXII

SECTION 27. Except in cases of conflagration, flood or similar emergency the basic working time of any member of the Fire Department, excepting the Chief of the Fire Department or Deputy Chief of the Fire Department, shall not be more than fifty-six (56) hours per week averaged over a twelve-week period. All working shifts for the Fire Suppression Division shall commence at 8:00 A.M. of each day.

Section 28 of Article XXXII is hereby amended and shall be as follows:

#### ARTICLE XXXII

SECTION 28. The chief and subordinate officers and permanent members of the fire department shall earn and be allowed to subsequently use a vacation of not less than fifteen (15) working days during each year of service. Probationary personnel shall earn vacation days at a rate established by the city council. Such vacations shall be at such times as the chief of the department shall direct and shall be without loss of pay.

Certified to be a true copy of Arnold I. Rue, Mayor, and John M. Jarrett, City Clerk.

Date of General Municipal Election: October 9, 1979.

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### Charter Chapter 22—City of Oakland

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

[Filed with Secretary of State November 7, 1979 ]

Amend Section 303 of the Charter of the City of Oakland, effective July 1, 1979, to read as follows:

SECTION 303: City Auditor. The City Auditor shall be nominated and elected in the same manner, for the same term, and at the same election, as the Mayor. To be eligible to the office a person must be a qualified elector of the State of California, and shall be a resident of the City at the time of filing nomination papers and for the thirty (30) days immediately preceding the date of filing, and shall be certified by the California State Board of Accountancy as a Certified Public Accountant or by the Institute of Internal Auditors as a Certified Internal Auditor. The salary of the office shall be set by the Council and may not be reduced during the City Auditor's term of office, except as a part of a general reduction of salaries for all officers and employees in the same amount or proportion. The City Auditor shall have the power and it shall be his duty

to audit the books, accounts, money and securities of all departments and agencies of the City and such other matters as the Council may request; to report to the Council periodically the results of such audits and to advise and make recommendations to the City Manager regarding accounting forms design, fiscal and statistical reports and the methods or procedures for maintaining the accounts and accounting system throughout all departments, offices and agencies of the City. The City Auditor shall report to the Council instances of noncompliance with accepted accounting principles where recommendations for compliance have not been implemented by the City Manager after reasonable time and opportunity. He shall be represented in all legal matters by the City Attorney except as provided otherwise in Section 301.

Certified to be a true copy by Lionel J. Wilson, Mayor, and Arrece Jameson, City Clerk.

Date of Municipal General Election: May 15, 1979.

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Charter Chapter 23—County of Tehama

*Amendment to the Charter of the County of Tehama*

[Filed with Secretary of State November 16, 1979.]

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

Section 1: The Board of Supervisors shall consist of five members, one member from each Supervisorial District. The Supervisors shall be nominated and elected at that time and in the manner provided by general law, which shall be the election of supervisors by District.

Certified to be a true copy by Shan Patterson, Chairman of the Board of Supervisors, and Floyd A. Hicks, Clerk of the Board.

Date of Special Statewide and District Election: November 6, 1979.

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Charter Chapter 24—City of San Bernardino

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

[Filed with Secretary of State November 23, 1979 ]

Article VIII, Section 140, is amended to read as follows:

“The purchase of any goods, equipment, materials, supplies, or other personal property, except purchases from other governments or governmental agencies or as otherwise excepted by law, shall be made in the manner prescribed by ordinance which shall provide that such purchases or contracts for purchases where the amount therefor equals or exceeds the amount fixed by such ordinance, shall be open to competitive bidding

and that the procedures for such bidding shall include public advertisement therefor and an award to the lowest and best bidder. The Mayor and Common Council or any board or officer advertising for sealed proposals hereunder shall have the power to reject any and all bids and readvertise at their discretion.”

Article III, Section 33 is amended to read as follows:

“After the passage of each ordinance, and at all times thereafter, the City Clerk shall maintain on file and open to public inspection a certified copy of the full text of the ordinance. Within fifteen (15) days after the passage of each ordinance, it shall be published by the City Clerk once in a newspaper of general circulation published and circulated in the City with the names of the members of the Common Council voting for and against the ordinance and the name of the Mayor approving or disapproving the ordinance. The publication of the ordinance may be satisfied by the publication of the entire ordinance or by the publication of a summary of the ordinance, the number and title of the ordinance, and the names of the members of the Common Council voting for and against the ordinance and the name of the Mayor approving or disapproving the ordinance. Such summary shall be prepared by the City Clerk, or other official designated by the Mayor and Common Council, and approved by the City Attorney. The publication shall include a statement that the full text of the ordinance is available for inspection in the office of the City Clerk. The Mayor and Common Council may direct the publication of the entire ordinance in special cases. Ordinances shall not be published in a newspaper if the charge exceeds the customary rate charged by the newspaper for publication of private legal notices, but such ordinance shall be posted by the City Clerk in at least three public places in the City within fifteen (15) days after passage of the ordinances. Except as otherwise provided in this Charter, an ordinance shall not take effect or be valid unless it is published in substantially the manner and at the time required herein.”

Certified to be a true copy by W. R. Holcomb, Mayor and Shauma Clark, City Clerk.

Date of Special Municipal Election: November 6, 1979.

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Charter Chapter 25—City of Santa Clara

*Amendment to the Charter of the City of Santa Clara*

[Filed with Secretary of State November 26, 1979]

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

“Section 600.01 Municipal elections.

Commencing with the year 1981, a regular election shall be held in the City of Santa Clara on the regular election dates as from time to time established by the California Legislature to select governing board members in the Santa Clara Unified School District or successor. The regular

election shall be held for the election of each municipal elective officer whose term of office regularly expires at that time, and for such other purposes as the Council may prescribe. Each such regular election shall be known as the general municipal election of the City, and shall be in lieu of all others previously so called. All other municipal elections that may be called under the authority of this Charter, or by the general laws, shall be known as special elections."

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

Date of Special Municipal Election: November 6, 1979.

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Charter Chapter 26—City and County of San Francisco

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

[Filed with Secretary of State November 27, 1979]

Section 3.201 is amended to read as follows:

**3.201 Functions, Powers and Duties**

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

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

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

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

The chief administrative officer shall appoint a confidential secretary who shall serve at his pleasure, and which position shall not be subject to the civil service provisions of this charter.

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 deputy director of public works for operations, a deputy director of public works for engineering, a deputy director of public works for financial management and administration, and an assistant to the director of public works, each of whom shall

hold office at the pleasure of said director. The director of public works shall designate a deputy or other employee to perform the duties of city engineer. Said deputy or employee 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 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 15-day period has elapsed.

Department of Electricity, which shall be administered by a chief of department. The premises of any person, firm or corporation may, for the purpose of police or fire protection, be connected with the police or fire signal or telephone system of the city and county upon paying a fair compensation for such connection and the use of the same, provided that any such connection shall require the approval of the chief of the department of electricity and shall not in any way overload or interfere with the proper and efficient operation of the circuit to which it is connected. The conditions upon which such connection shall be made and the compensation to be paid therefor shall be fixed by the board of supervisors by ordinance upon the recommendation of the chief of 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 10 years' practice in his profession immediately preceding his appointment thereto; provided, however, that the physician or surgeon requirement may be waived by the board of supervisors. He shall be appointed by the chief administrative officer and shall hold office at his pleasure.

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

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

Health Advisory Board. There is hereby created a health advisory board of seven members, three of whom shall be physicians and one a dentist, all regularly certificated. Members of the board shall serve without compensation. They shall be appointed by the chief administrative officer for terms of four years; provided, however, that those first appointed shall classify themselves by lot so that the terms of one physician and one lay member shall expire in 1933, 1934 and 1935, respectively, and the term of one member in 1936.

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

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

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

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

If in the election of November 6, 1979 two or more propositions amend-

ing section 3.510 of this charter receive the number of votes necessary for their adoption, then notwithstanding any other provision of this charter, the city attorney shall incorporate their provisions into one section.

Section 3.673 is added to read as follows:

### 3.673 Nature of the Fund

The retirement fund is a trust fund to be administered by the retirement board in accordance with the provisions of this charter, solely for the benefit of the members and retired members of the system and their survivors and beneficiaries.

Section 6.200 is amended to read as follows:

### 6.200 Preparation and Submission of Budget Estimates

The budget estimate for every department and office of the city and county, whether under an elective or an appointive officer or a board or commission, and separately for each utility under the control of the public utilities commission, shall be filed by the executive of such department with, and shall be acted upon by, such board or commission. All budget estimates shall be compiled in such detail as shall be required on uniform blanks furnished by the controller. The public utilities commission and the board of education must hold public hearings on their respective budget proposals. Each such elective and appointive officer, board or commission shall file with the controller for check as to form and completeness two copies of the budget estimate as approved, annually upon a date that the board of supervisors shall fix by ordinance.

The chief administrative officer shall obtain in ample time to pass thereon budget estimates from the heads of departments or offices subject to his control, and, after adjusting or revising the same he shall transmit such budget estimates to the controller, upon a date that the board of supervisors shall fix by ordinance.

The controller shall check such estimates and shall upon his request, be furnished with any additional data or information. Not later than a date that the board of supervisors shall fix by ordinance, he shall consolidate such budget estimates and transmit the same to the mayor.

He shall at the same time transmit to the mayor a summary and recapitulation of such budget estimates, segregated by separate departments or offices and units thereof, or by purposes for nondepartmental expenditures, and arrange according to classification of objects of expenditure, as required by the controller, to show the amount of proposed expenditures and estimated revenues in comparison with the current and previous fiscal year's expenditures and revenues.

He shall submit at the same time (1) statements showing revenues and other receipts, including the estimated unencumbered surplus in any item or fund at the beginning of the ensuing fiscal year, segregated according to specific or general purposes to which such revenues or receipts are legally applicable, for the last complete fiscal year and for the first six months of the current fiscal year, with estimates thereof for the last six months of the current fiscal year, together with estimates of such revenues and receipts for the ensuing fiscal year; (2) statements of the amounts required for interest on, and sinking fund or redemption of, each outstanding bond issue, and for tax judgments, and other fixed charges, together

with estimates of interest required on bonds proposed to be sold during the ensuing fiscal year, and statements of the city's authorized debt, and judgments outstanding at the time the budget estimates are submitted.

Section 6.203 is amended to read as follows:

**6.203 Powers and Duties of the Mayor**

The mayor shall hold such public hearings on these budget estimates as he may deem necessary and he may increase, decrease or reject any item contained in the estimates, he may, without reference or amendment to the detail schedule of positions and compensations, decrease any total amount for personal services contained in the estimates, excepting that he shall not increase any amount nor add any new item for personal services, materials, supplies or contractual services, but may add to the requested appropriations for any public improvement or capital expenditure; but he shall add to requested appropriations for any public improvement or capital expenditure only after such items have first been referred to the department of city planning and a report has been rendered thereon regarding conformity with the master plan. It shall be the duty of the department of city planning to render its reports in writing within thirty days after said referral. Failure of the department of city planning to render any such report in such time shall be deemed equivalent to a report. The budget estimates of expenditures for any utility, within the estimated revenues of such utility, shall not be increased by the mayor.

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

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

Section 6.205 is amended to read as follows:

**6.205 Powers and Duties of the Board of Supervisors**

On and before June 30th of each year the board of supervisors shall, except for equipment and capital improvements, enact an interim appropriation ordinance and an annual salary ordinance in accordance with a procedure set forth by ordinance, provided, however, that the interim appropriation ordinance and annual salary ordinance so enacted shall reflect the rates of compensation established by section 8.401 of this charter, and not later than August 25th of each year shall amend said ordinances pursuant to sections 8.404 and 8.405 of this charter.

The board of supervisors shall fix the date or dates, not less than ten days after receipt from the mayor, for consideration of and public hearings on the proposed budget and proposed appropriation ordinance. The board of supervisors may, by a two-thirds vote of all members thereof, shorten, extend or otherwise modify the time fixed in this section or in sections 6.200, 6.202, 6.203 or 6.206 of this charter for the performance of any act by any officer, board or commission.

The board of supervisors may decrease or reject any item contained in the proposed budget, and may without reference or amendment to the detail schedule of positions and compensations, decrease any total amount for personal services contained in the proposed budget, but shall not increase any amount or add any new item for personal services or materials, supplies, or contractual services, for any department, unless requested in writing so to do by the mayor, on the recommendation of the chief administrative officer, board, commission or elective officer, in charge of such department.

The board of supervisors may increase or insert appropriations for capital expenditures and public improvements, but shall do so only after such items have first been referred to the department of city planning and a report has been rendered thereon regarding conformity with the master plan. It shall be the duty of the department of city planning to render its reports in writing within thirty days after said referral. Failure of the department of city planning to render any such report in such time shall be deemed equivalent to a report.

The budget estimates of expenditures for any utility, within the estimated revenues of such utility, shall not be increased by the board of supervisors.

In the event the public utilities commission and the mayor shall propose a budget for any utility which will exceed the estimated revenue of such utility, it shall require a vote of two-thirds of all members of the board of supervisors to approve such budget estimate and to appropriate the funds necessary to provide for the deficiency.

Such budget of expenditures in excess of estimated revenues may be approved to provide for and include proposed expenditures for additions, betterments, extensions or other capital costs, in amount not to exceed three-quarters of one cent (\$.0075) on each one hundred dollars (\$100) valuation of property assessed in and subject to taxation by the city and county, provided that whenever tax support is required for additions, betterments, extensions or other capital costs the total provision for such purposes shall not exceed an amount equivalent to three-quarters of one cent (\$.0075) on each one hundred dollars (\$100) valuation of property subject to taxation by the city and county and provided further that proposed expenditures for additions, betterments, extensions or other capital cost in excess thereof shall require financing by authorization and sale of bonds. This section shall have precedence over section 6.407 (a) of this charter and any other section deemed in conflict herewith.

After public hearing, and not earlier than the 15th day of July, not later than the first day of August of each year the board of supervisors shall adopt the proposed budget as submitted or as amended and shall adopt

the annual appropriation ordinance accordingly, which shall supersede the interim appropriation ordinance.

Section 6.206 is amended to read as follows:

**6.206 Veto**

Any item in an appropriation ordinance passed pursuant to section 6.205 of this charter except for bond interest, redemption or other fixed charges, may be vetoed in whole or in part by the mayor within ten days of receipt by him from the clerk of the board of supervisors of the ordinance as passed by the board, and the board of supervisors shall act on such veto not later than the 20th day of August.

Section 6.311 is amended to read as follows:

**6.311 Receipt, Deposit and Investment of Funds**

Disbursement of all public or other funds in the custody of the treasurer, except reimbursement transfers between departments as provided in section 6.305, shall be made only on warrants drawn by the controller. All moneys and checks received by any officer or employee of the city and county for, or in connection with the business of, the city and county, shall be paid or delivered into the treasury not later than the next business day after its receipt, and shall be receipted for by the treasurer. Daily statements of such receipts and deposits shall be prepared and transmitted to the controller and the treasurer. All pension funds and securities shall be deposited with the treasurer.

However, said pension funds and securities may be held by a recognized financial institution at the direction of the retirement board with the treasurer and controller retaining custody of authorized receipts of said pension funds and securities.

The deposit of public funds shall be governed by state law enacted under authority of Article XIII, Section 38 and 39 of the Constitution.

The treasurer shall not be responsible for any loss of public moneys resulting from a deposit thereof made in accordance with the provisions of this section. The treasurer shall be responsible for the safekeeping of all securities deposited by banks. The transfer of money for deposits shall be at the expense of the depository.

Funds received as gifts for a specific purpose, by donation, bequest, legacy or other wise, and held in trust for the benefit of the city and county may, with the approval of the controller, be invested by the officer, board or commission charged with control and administration of such trust or funds in securities legal for savings banks.

All interest on moneys deposited shall accrue to the benefit of the city and county, except that interest derived from the deposit of any bond, utility, pension, trust or other fund created for a specific purpose shall accrue to such fund. Public money, other than that of the city and county, coming into the hands of the treasurer shall be kept as provided by law.

Section 6.401 is amended to read as follows:

**6.401 Limitations on Bonded Indebtedness**

(a) No bonded indebtedness shall be incurred by the city and county which together with the amount of bonded indebtedness outstanding shall exceed 12 percent of the assessed value of all real and personal property in the city and county subject to taxation for city and county purposes.

Bonded indebtedness heretofore or hereafter created for water supply, storage or distribution purposes, sewers and sewerage collection, disposal and treatment, water pollution control, and the acquisition, construction or completion of air transportation facilities and bonded indebtedness created pursuant to section 7.302 hereof shall be exclusive of the limitation on the amount of bonded indebtedness of the city and county contained in this section; provided, however, that any bonded indebtedness for sewers and sewerage collection, disposal and treatment, and for water pollution control, must be financed by sewerage service charges for the foregoing exclusion to be applicable.

(b) Any and all indebtedness assumed for the purpose of accepting the transfer and assuming jurisdiction and control of the harbor of San Francisco and the facilities thereof in accordance with the terms and conditions of Statutes 1968, ch. 1333 shall not be included in the bond debt limit provided for in subsection (a), and if thereafter any additional bonded indebtedness is incurred to improve said harbor in connection with the operation thereof, said bonded indebtedness so incurred shall also be exempt from the limitations contained in subsection (a).

(c) A bonded indebtedness for the construction, completion or acquisition of foreign trade zones and the acquisition of necessary lands, buildings and equipment authorized by the electors in accordance with the provisions of this charter shall be exclusive of the bonded indebtedness of the city and county limited by this charter.

(d) Notwithstanding the provisions of Section 6.400 or any other provision of this charter to the contrary, revenue to meet current annual interest and redemption or sinking fund for outstanding general obligation bonds issued for the acquisition, construction or any extension of any utility under the jurisdiction of the Public Utilities Commission, shall always be provided out of the tax levy.

Section 6.407 is amended to read as follows:

#### 6.407 Utility Revenues and Expenditures

(a) Receipts from each utility operated by the public utilities commission shall be paid into the city and county treasury and maintained in a separate fund for each such utility. Appropriations from such funds shall be made for the following purposes for each such utility in the order named, viz: (1) for the payment of operating expenses, pension charges, and proportionate payments to such compensation and other insurance and accident reserve funds as the commission may establish or the board of supervisors may require; (2) for repairs and maintenance; (3) for reconstruction and replacements as hereinafter described; (4) for the payment of interest and sinking funds on the bonds issued for acquisition, construction or extensions; (5) for extensions and improvements, and (6) for a surplus fund. The board of supervisors shall transfer to the general fund each year an amount equal to the annual interest and redemption or sinking fund on general obligation bonds issued for acquisition, construction or extension of any utility under the jurisdiction of the Public Utilities Commission.

(b) The salaries and general expenses of the commission or bureaus thereof not chargeable to a specific department shall be apportioned fairly

among the departments under the control of the public utilities commission in such manner as the commission may deem appropriate, and such apportionment shall be shown as expenses of such department.

(c) For the purpose of computing net income, the public utilities commission, on the basis of an appraisal of the estimated life and the then current depreciated value of the several classes of property in each utility, shall determine the amount of reasonable annual depreciation for each utility. During the fiscal year 1937-1938 and at least every five years thereafter, the commission shall make an appraisal or may revise the last preceding appraisal of the value and probable useful life of each of the several classes of property of each utility, and shall, on the basis of said appraisal, redetermine the amount of the reasonable annual depreciation for each utility.

(d) For the purpose of providing funds for reconstruction and replacements due to physical and functional depreciation of each of the utilities under the jurisdiction of the commission, the commission must create and maintain a reconstruction and replacement fund for each such utility, sufficient for the purposes mentioned in this section, and in accordance with an established practice for utilities of similar character, which shall be the basis for the amount necessary to be appropriated annually to provide for said reconstruction and replacements.

(e) If any accumulation in the surplus fund of any utility shall, in any fiscal year, exceed 25 percent of the total expenditures of such utility for operation, repairs and maintenance for the preceding fiscal year, such excess may be transferred by the board of supervisors to the general fund of the city and county, and shall be deposited by the commission with the treasurer to the credit of such general fund.

(f) Any budget of expenditures for any public utility in excess of estimated revenues may be approved to provide for and include proposed expenditures for additions, betterments, extensions or other capital costs, in amount not to exceed \$.0075 on each \$100 valuation of property assessed in and subject to taxation by the city and county, provided that whenever tax support is required for additions, betterments, extensions or other capital costs the total provision for such purposes shall not exceed an amount equivalent to \$.0075 on each \$100 valuation of property subject to taxation by the city and county and provided further that proposed expenditures for additions, betterments, extensions or other capital costs in excess thereof shall require financing by authorization and sale of bonds. This section shall have precedence over section 6.205 of this charter and any other section deemed in conflict herewith.

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.

Notwithstanding anything to the contrary in this or any other provision of the charter, an employee who has been certified from a regularly adopted eligible list to a non-permanent position in a civil service classification shall be permitted to participate in promotional examinations on the same terms and conditions as a person holding a permanent appointment to a position in that same classification, subject to a demonstration of satisfactory job performance in the non-permanent position for a period and in the manner provided by rule of the civil service commission. The provisions of this section as herein amended shall only be applicable to promotive examinations announced after its effective date.

Section 8.329 is amended to read as follows:

**8.329 Certification of Eligibles: Rule of Three**

Whenever a position controlled by the civil service provisions of this charter is to be filled, the appointing officer shall make a requisition to the civil service commission for a person to fill it. Thereupon, the commission shall certify to the appointing officer the names and addresses of the three persons standing highest on the list of eligibles for such position. In case the position is promotive, the commission shall certify the names of the three persons standing highest on such list. If there are fewer than three names on the list from which certification is to be made, there shall be certified the number thereon. The appointing officer shall fill the position by the appointment of one of the persons certified. The provisions of this section as herein amended at the election of November 2, 1976, shall be applicable only to lists of eligibles finally adopted by the civil service commission pursuant to the provisions of section 8.323 of this charter on or after the effective date of this amendment. In making such certification, sex shall be disregarded except when a statute, a rule of the commission or the appointing officer specifies sex.

From the requisition of the appointing officer or otherwise, the commission shall determine whether the position is, in character, temporary, seasonal or permanent, and shall notify the candidate in accordance therewith to the end that the candidate may have knowledge of the probable duration of employment. The commission shall provide for such waiver of temporary or seasonal employment as it may deem just to candidates.

Notwithstanding anything to the contrary in this or any other provision of the charter, an employee who has been certified from a regularly adopted eligible list to a non-permanent position in a civil service classification shall be entitled to appointment to a permanent position within that same classification before the commission certifies to the appointing officer the names and addresses of persons standing higher on the list of eligibles who are not then current employees, subject to a demonstration of satisfactory job performance in the non-permanent position for a period and in the manner provided by rule of the commission. The provisions of this section as herein amended shall only be applicable to requisitions for permanent positions filled from and after January 1, 1980.

Certified to be a true copy by John L. Molinari, President, Board of Supervisors, and Gilbert H. Boreman, Clerk, Board of Supervisors.  
Date of Municipal Election: November 6, 1979.

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Charter Chapter 27—City of Sacramento

*Amendments to the Charter of the City of Sacramento*

[Filed with Secretary of State December 5, 1979.]

Section 374 is hereby amended to read as follows and to be effective January 1, 1980:

Sec. 374. Duty to continue existing system.

The council shall provide, by ordinance or ordinances, for the continuance, as part of the retirement system, of all employee retirement plans in operation upon the effective date of this article. Except as otherwise specifically provided in this article, no such plan, or any provision thereof, shall be modified or amended except through the adoption of an ordinance approved by a majority of the voters voting upon such proposition at a general municipal election or a special municipal election called for such purpose. Allowances existing in favor of or on account of retired employees of the city at the time of the adoption of this article shall be continued in force in accordance with the provisions under which said allowances were made. Except as provided in Sec. 379, nothing in this article shall be construed as changing the status of members of such existing plans or the benefits thereunder. Notwithstanding any other provision in this article, the council shall provide by ordinance for continuation of the benefits of transferred members (as defined in former Charter Sec. 359 and 360) pursuant to former Charter Sec. 359 through 366; provided, however, that any such transferred member shall have the right to elect in the manner provided by Sec. 401 to have his rate of contribution, as required by former Charter Sec. 365, based upon the rate of contribution for members of the plan established by Charter Sec. 399.

The council shall enact an ordinance or ordinances prescribing the conditions by which any member of the system retired for service or disability under the provisions of former Charter Sec. 173, 175.13 or 302 may make an election to receive a reduced retirement allowance during the member's lifetime in order that the member's surviving spouse may receive a continuation allowance. The provisions of said ordinance or ordinances shall substantially conform to the provisions of Charter Sec. 435a, provided that no continuation allowance shall be payable unless one would otherwise be payable under the provisions of the Charter which apply to the member and provided further that the continuation allowance under former Charter Sec. 173 shall be two-thirds of the member's reduced allowance.

Section 379 is hereby amended to read as follows and to be effective January 1, 1980:

**Sec. 379. Cost-of-living adjustment.**

The city council shall enact an ordinance or ordinances prescribing the conditions according to which, as of July 1 of each year, every monthly allowance payable to or on account of a member of this system whose retirement or death as a member of this system occurred prior to July 1 of the preceding year shall be increased or decreased by a percentage of the allowance then being received. Such percentage shall approximate, to the nearest one-tenth of one percent, the percentage of annual increase or decrease, if any, in the cost of living during the whole of the preceding calendar year by reference to the current U.S. Department of Labor, Bureau of Labor Statistics' Consumer Price Index for the San Francisco-Oakland area (or the Sacramento area, in the event the Index is established for the Sacramento area), for the whole of the preceding calendar year; provided that such increase or decrease shall not exceed three percent of any allowance in any year, regardless of the percentage of change in cost of living; and provided further that no allowance shall be reduced below the amount payable at death or retirement.

In addition to the increase provided in the preceding paragraph, the city council shall enact an ordinance or ordinances prescribing the conditions according to which, as of July 1 of each year, every monthly allowance payable to or on account of a member of this system whose retirement or death as a member of this system occurred on or after July 1 of the preceding year shall be increased or decreased by a percentage of the allowance then being received. For each whole month of the preceding fiscal year during which a member was retired or for each whole month of the preceding fiscal year after the member's death, such percentage shall approximate one-twelfth of the percentage of annual increase or decrease (to the nearest one-tenth of one percent), if any, in the cost of living during the whole of the preceding calendar year by reference to the current U.S. Department of Labor, Bureau of Labor Statistics' Consumer Price Index for the San Francisco-Oakland area (or the Sacramento area, in the event the Index is established for the Sacramento area), for the whole of the preceding calendar year; provided that such increase or decrease shall not exceed three percent of any allowance in any year, regardless of the percentage of change in cost of living; and provided further that no allowance shall be reduced below the amount payable at death or retirement. The provisions of this paragraph shall apply only to members whose retirement or death occurred on or after July 2, 1979.

The amount of any monthly allowance payable to a survivor or beneficiary upon death of a retired person shall be the amount which would be payable as of the date of death had payment of such allowance begun on the date of retirement, and shall thereafter be adjusted in accordance with this section.

The amount of any cost of living increase or decrease in any year which is in excess of the maximum annual allowance adjustment of three percent provided in this section shall be accumulated from year to year and included in the computation of increases or decreases in succeeding years. The provisions of this paragraph shall be applied to the allowance of individual beneficiaries by classes based upon the fiscal year in which the member

retired or died, so that each allowance shall have applied to it only such increase or decrease as shall have accumulated during or after the fiscal year in which the member retired or died. No allowance shall be reduced by operation of this section below the amount payable at the time of retirement.

Increases in allowances payable pursuant to this section shall be funded by contributions of the members subject to this section and contributions of the city. The individual member's contribution shall be at the rate of 6.7% of his contributions (excluding additional contributions under Sec. 404). The city's contribution shall be determined by the board in accordance with its funding policy in Sec. 385 at a rate required to fund the cost of increases under this section and former Charter Sec. 354 not provided by member contributions. The board shall provide for transfer to members' accounts under this section of the portion of accumulated contributions under former Charter Sec. 354 which were made by members thereunder becoming subject to this section.

The council shall provide by ordinance for the continuation of benefits provided by former Charter Sec. 354 for members of this system who have elected to receive the benefits provided by former Charter Sec. 354. The provisions of said ordinance shall substantially conform to the provisions of former Charter Sec. 175.29 and shall include the provisions of the second paragraph of this section; provided, however, that in fixing the rates for member contributions the board shall assume that all persons who are members of this system or are members of PERS and are in the employ of the city would continue to make contributions and receive benefits under former Charter Sec. 354.

Section 435a is hereby added to read as follows and become effective January 1, 1980:

Sec. 435a. Optional continuation allowance for surviving spouse.

Notwithstanding the provisions of Sec. 435, the council shall enact an ordinance or ordinances prescribing the conditions according to which any member retired for service or disability may irrevocably elect to receive a reduced retirement allowance during such member's lifetime in order that the member's surviving spouse may receive a continuation allowance, provided that the member was married at the time of retirement, is married to a different person at the time of death, was married to such different spouse at least two years prior to the date of death and the surviving spouse would otherwise qualify for a continuation allowance. The surviving spouse's continuation allowance shall be one-half of the member's reduced retirement allowance. The ordinance or ordinances shall provide that the election shall be made within sixty days after the date the retired member remarries or within thirty days after the enactment of the ordinance, in the case of a retired member who on the effective date of this section has been married to a different spouse than at the time of retirement for more than sixty days. The ordinance or ordinances shall further provide that the reduction in the member's allowance shall be made by the retirement system manager and shall be calculated on an actuarial basis so that the reduction in the member's allowance is actuarially equivalent to one-half of the continuation allow-

ance which the surviving spouse will receive. The reduction shall become effective on the date of election. A member may make only one election under this section. This section shall not apply to persons electing an optional allowance under Charter Sec. 443.

It is the intent of this section that one-half of the cost of the continuation allowance which the surviving spouse is to receive will be borne by the member in the form of the reduction in the member's allowance. The reduction in the member's allowance shall be calculated on an actuarial basis.

Certified to be a true copy by Phillip L. Isenberg, Mayor, and Lorraine Magana, City Clerk.

Date of Special Municipal Election: September 25, 1979.

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Charter Chapter 28—City of Los Angeles

*Amendments to the Charter of the City of Los Angeles*

[Filed with Secretary of State December 6, 1979]

The Charter of the City of Los Angeles is hereby amended by adding Section 266.2 thereto to read as follows:

Sec. 266.2 Election Days—Los Angeles Unified School District

Notwithstanding any other provisions of this charter, for the purpose of electing Members of the Board of Education of the Los Angeles Unified School District, primary nominating elections shall be held in said District on the second Tuesday in April in every odd-numbered year, and general municipal elections shall be held in said District on the first Tuesday after the first Monday in June in every odd-numbered year, except that in the event either of said days shall be a legal holiday, the election otherwise to be held on such day shall be held on the following day; provided, however, that this section shall not become operative until such time as the days specified in this section for the holding of elections within the Los Angeles Unified School District are adopted by the voters of the City of Los Angeles as the days for holding primary nominating elections and general municipal elections in said City.

The Charter of the City of Los Angeles is hereby amended by adding Section 266.1 thereto to read as follows:

Sec. 266.1 Election Days—City of Los Angeles

Notwithstanding any other provisions of this charter, primary nominating elections shall be held in said city on the second Tuesday in April in every odd-numbered year, and general municipal elections shall be held in said city on the first Tuesday after the first Monday in June in every odd-numbered year, except that in the event either of said days shall be a legal holiday, the election otherwise to be held on such day shall be held on the following day; provided, however, that this section shall not become operative until such time as the days specified in this section for

the holding of elections within the City are adopted by the voters of the Los Angeles Unified School District as the days for holding primary nominating elections and general municipal elections for Members of the Board of Education of said District.

Section 342.1 is hereby added to the Charter of the City of Los Angeles to read as follows:

**Sec. 342.1 Changes in Assessment Ratio.**

In any year in which the assessment ratio for property tax purposes is changed from that in effect on January 1, 1979, the maximum property tax rate authorized in subsection (1) (a) of Section 3 and other applicable law shall not exceed that which would produce the amount of revenue that would have been produced if the assessment ratio had not been changed; the minimum appropriations required in Section 158 and subsection (a) of Section 173 shall be in amounts that would have been required if the assessment ratio had not been changed; and after the adoption of this section, no revenue shall be required to be set aside for purposes listed in subsection (1) (b) of Section 3.

Section 219.4, paragraph (6) of Section 220, Sections 221 and 228, and Subdivision (a) of Subsection 2 of Section 229 of the Charter of the City of Los Angeles are hereby amended to read:

**Sec. 219.4.** The Board of Water and Power Commissioners shall have power and authority (subject to authorization or approval by ordinance) to contract with others (including all or any of the following: The United States or any of its agencies, any state or state agency, and any corporation, public or private, within or without the State of California), for the construction, ownership, operation and maintenance of facilities for the generation, transformation and transmission of electric energy.

Any such contract may provide for a sharing of the use and benefits of such facilities and of the capital charges and other obligations associated therewith. The term of any such contract may extend over the period of the useful life of the facilities involved.

Notwithstanding any other provisions in this charter, the Board of Water and Power Commissioners shall have the power and authority to enter into contracts with The United States or any of its agencies, any state or state agency, corporation or entity, public or private, within or without the State of California for the sale, exchange or pooling of electric energy or capacity.

**Sec. 220.** The Department of Water and Power shall have the power and duty:

\* \* \*

(6) To lease, for a term not exceeding five years, any or all of the lands under its control for agricultural or other purposes, which shall not conflict with the beneficial uses of said lands by the city for the purposes for which they are held by the board; and, except as otherwise provided in this charter, to sell, from time to time, such personal property, placed under its control, as shall not be longer necessary or suitable for the use of such department. The board shall have the right, in conjunction with the joint use of poles, pole facilities, or underground utility trenches or facilities,

with other utilities owning and maintaining poles, pole facilities, or underground utility trenches or facilities, to buy, sell or lease interests in poles, pole facilities, or underground utility trenches or facilities, owned or controlled by said other utilities or by said board, and to contract with said utilities for the construction of said poles, pole facilities or underground utility trenches or facilities. Any such contract may provide for a sharing of the capital charges and any other obligations associated therewith. The board also shall have the right to enter into agreement with department customers to engage in co-generation projects; to finance the sale and use of such systems, equipment, devices or materials as may be designed to conserve the use of water or electric energy; and to buy, sell or exchange such by-products as steam, hot water, chilled water or other thermal energy products that result from or are produced in connection with electrical power generation. No real property nor any rights or interests in real property held by said board shall be sold, leased or otherwise disposed of, or in any manner withdrawn from its control, save as above provided, unless by written instrument duly authorized by ordinance of the city and a resolution of the board, and duly executed by the city and the board, and subject to the provisions of Section 219.

Sec. 221. None of the money in or belonging to the water revenue fund or the power revenue fund shall be appropriated or used for any purpose except the following purposes pertaining to the municipal works from or on account of which such money was received, to-wit:

First: For the necessary expenses of operating and maintaining such works.

Second: For the payment of the principal and interest, or either, due or coming due during the fiscal year in which the revenues in said fund or funds are received, or are to be received, upon outstanding notes, certificates, or other evidences of indebtedness issued against revenues from such works, or bonds or other evidences of indebtedness, general or district, heretofore or hereafter issued for the purpose of such works, or parts thereof.

Third: For the necessary expenses of constructing, extending and improving such works, including the purchase of lands, water rights and other property; also the necessary expenses of conducting and extending the business of the department pertaining to such works; also the necessary expenses of advertising for, soliciting for, and increasing the business of the department and for promoting the sale or conservation of the products of said department; also for reimbursement to another bureau on account of services rendered, or material, supplies, or equipment furnished; also for expenditures for purposes for which bonds, or evidences of indebtedness provided for in this charter, shall have been authorized, subject to reimbursement as soon as practicable, from monies derived from the sale or issuance of such bonds or evidences of indebtedness.

Fourth: For the development or use of systems, equipment, devices or materials by department customers as will result in or are designed to result in the conservation of or the more efficient utilization of water, electric energy and related departmental services; provided, however, that except for research, development and load management activities the

department shall not actively engage in the design or installation of water and electric energy conservation systems, equipment, devices or materials in or on residential customer premises other than for the financing thereof; and provided further, that the expenditure of water or power revenue funds for financing the installation of conservation systems, equipment, devices or material in or on residential customer premises shall be in accordance with rules and regulations to be adopted by the Board of Water and Power Commissioners after public hearings.

Fifth: To return and pay into the general fund of the city, from time to time, upon resolution of the board, from any surplus money in either such revenue fund, any sums paid by the city from funds raised by taxation for the payment of the principal or interest of any municipal bonds issued by the city for or on account of any municipal works to which such revenue fund pertains, or of liability arising in connection with the construction, operation or maintenance of the municipal works to which said fund pertains.

Sixth: For defraying the expenses of any pension system applicable to the employees of the department, that shall be established by the city.

Seventh: For establishing and maintaining a reserve fund to insure the payment at maturity of the principal and interest on all bonds now outstanding or hereafter issued for the purpose of the municipal works, and such other reserve funds pertaining to such works as the board may provide for by resolution subject to the approval of the Council by ordinance. The money set aside and placed in such fund or funds so created shall remain in said fund or funds until expended for the purposes thereof and shall not be transferred to the "reserve fund" of the city.

Eighth: To be transferred as provided in Section 382 of this charter.

Sec. 228. In the exercise of the powers granted by this Article the Department of Water and Power may acquire and take, by purchase, lease, condemnation or otherwise, and hold, in the name of the city, any and all property, real or personal, that may be necessary or convenient for the purpose of extending and increasing the electric business of the Department and promoting the sale or conservation of its products through the conducting and holding of annual expositions for the encouragement of domestic and foreign trade, through and for industrial, commercial and cultural development, or purposes incidental thereto.

Sec. 229. Creation and Refunding of Bonded Indebtedness of the Department.

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Sub-sec. 2. Power to borrow money, to issue revenue bonds, and to refund indebtedness.

Subd. (a). The Department of Water and Power shall have the power to borrow money from time to time for the purpose of acquiring, constructing, reconstructing, replacing, extending or improving works for supplying the city and its inhabitants with water or electric energy, and for the purpose of financing the installation of such systems, devices, equipment and materials on customer premises as are designed to conserve water and electric energy, and to issue and to sell bonds, as hereinafter defined, to evidence the indebtedness created by such borrowing.

Certified to be a true copy by John Ferraro, President, City Council, and Rex E. Layton, City Clerk.

Date of General Election: November 6, 1979.

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Charter Chapter 29—City of Vallejo

*Amendments to the Charter of the City of Vallejo*

[Filed with Secretary of State December 6, 1979.]

Charter Sections 1000, 302, 303, 308 and 319 are amended to read as follows:

“Section 1000. GENERAL MUNICIPAL ELECTIONS. General municipal elections for the election of officers and for such other purposes as the Council may prescribe shall be held in the City on the first Tuesday after the first Monday in November in each odd-numbered year.”

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

“Section 303. VACANCIES, FILLING OF. Any such appointee shall hold office until 8:00 p.m. on the first Monday in December next succeeding the date of the next general municipal election and until his or her successor qualifies. At the next general municipal election following any vacancy, a successor shall be elected to serve the remainder of the unexpired term.”

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

shall be open to the public, except for executive sessions permitted by law.”

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

Section 308 is amended to read as follows:

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

Certified to be a true copy by Terry A. Curtola, Jr., Mayor, and Mildred R. Watson, City Clerk.

Date of Special Municipal Charter Election: November 6, 1979.

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### Charter Chapter 30—City of Palo Alto

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

[Filed with Secretary of State December 12, 1979]

Sections 2, 3, 8, and 10 of Article III of the Charter of the City of Palo Alto are amended to read as follows:

“Sec. 2. Number; term. Commencing July 1, 1971, said council shall be composed of nine members, each of whom shall at the time of assuming such office be an elector and shall have been a resident of the City of Palo

Alto for at least thirty days next preceding the final filing date for nomination papers for such office. The members of said council shall be known as councilmen, councilwomen, or council members and their terms of office shall be four years, commencing on the first day of January next succeeding their election. The terms of council members who took office on July 1, 1977, shall expire on December 31, 1981.

“Sec. 3. Time of election. A regular election shall be held in the City of Palo Alto on the first Tuesday after the first Monday in November of each odd numbered year, and the same shall be known as the general municipal election. All other municipal elections that may be called under the authority of this charter, or by the general laws, shall be known as special elections.

“Sec. 8. Mayor; election; duties. The council shall, at its first meeting in January, elect one of its number as its presiding officer, who shall have the title of mayor, and one of its number to be vice mayor, who shall serve for one year after their election, and until their successors are elected and qualified. The mayor and vice-mayor elected in July 1981 shall serve until election and qualification of their successors in January 1982. The mayor shall preside at all meetings of the council, shall sign all official documents when the signature of the council or mayor is required by law, and shall act as official head of the city on public or ceremonial occasions. The mayor shall not have any regular administrative duties but may act as ex officio member of all boards, commissions, and committees. The mayor shall vote as other members of the council, but shall have no power of veto. The mayor shall have the power to administer oaths and affirmations. The mayor shall perform such other duties as from time to time are assigned by the council. When the mayor is absent from any meeting of the council or incapable of performing his or her duties, the vice-mayor shall, during such time, have the full powers of the mayor. A vacancy in the positions of mayor or vice mayor shall be filled by the council for the unexpired term.

“Sec. 10. Vacancy on council. A vacancy on the council may be filled by a majority of the remaining members of the council, and the appointee shall hold office until the first day of January succeeding the next election at which council members are to be elected. At the next election succeeding any vacancy a council member shall be elected to serve for the unexpired term. If the council fails to fill such vacancy within 60 days of such vacancy or the council chooses to fill such vacancy by election, it shall forthwith call a special election, at which a council member shall be elected to serve for the unexpired term.”

Certified to be a true copy by Alan Henderson, Mayor, and Ann J. Tanner, City Clerk.

Date of Special Election: November 6, 1979.

## Charter Chapter 31—City of San Diego

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

[Filed with Secretary of State December 17, 1979]

Amend Section 7 of Article II and Section 12 of Article III of the Charter of The City of San Diego to read as follows:

**Section 7. ELECTIVE OFFICERS RESIDENCY REQUIREMENT.**

An elective officer of the City shall be a resident and elector of the City.

In addition, every Council member shall be an actual resident and elector of the district from which the Council member is nominated. Any Council member who moves from the district of which the Council member was a resident at the time of taking office forfeits the office, but no Council member shall forfeit office as a result of redistricting.

The Council shall establish by ordinance minimum length of residency requirements for candidacy to elective office, whether by appointment or election.

**Section 12. THE COUNCIL.**

The Council shall be composed of nine (9) Council members, including the Mayor, and shall be the legislative body of the City, each of the members of which, including the Mayor, shall have the right to vote upon all questions before it.

At the municipal primary and general election in 1979, a Mayor shall be chosen by the electors for a term of five (5) years. A Mayor shall thereafter be elected for a term of four (4) years in the manner prescribed by Section 10 of this Charter. The Mayor shall hold office for the term prescribed from and after 10 a.m. the first Monday after the first day of December next succeeding his election and until his successor is elected and qualified.

Council members shall be elected at a general municipal election held in the odd-numbered years and, except as hereinafter provided, shall hold office for the term of four (4) years from and after 10 a.m. the first Monday after the first day of December next succeeding their election and until their successors are elected and qualified. Upon any redistricting pursuant to the provisions of this Charter, incumbent Council members will continue to represent the district in which they reside, unless as a result of such redistricting more than one incumbent Council member resides within any one district, in which case the City Council may determine by lot which Council member shall represent each district. At the next municipal primary and general elections following a redistricting, Council members shall be elected from those districts not represented and from those districts represented by incumbent Council members whose terms expire as of the general election in said year. If as a result of any redistricting more than a simple majority of the City Council as redistricted shall be elected at the general election next following any such redistricting, the City Council prior to any such election shall designate one or more new districts for which the initial term shall be two (2) years in order to retain staggered terms for Council members.

Any vacancy occurring in the Council shall be filled from the District in which the vacancy occurs by appointment by the remaining Council

members; but in the event that said remaining Council members fail to fill such vacancy by appointment within thirty (30) days after the vacancy occurs, they must immediately cause an election to be held to fill such vacancy; provided, however, that any person appointed to fill such vacancy shall hold office only until the next regular municipal election, at which date a person shall be elected to serve for the remainder of such unexpired term.

It is the duty of Council members to attend all Council meetings. The Council shall vacate the seat of any Council member who is absent from eight (8) consecutive meetings or fifty percent (50%) of any scheduled meetings within a month unless the absence thereof is excused by resolution of the Council.

Council members, including the Mayor, shall devote full time to the duties of their office and not engage in any outside employment, trade, business or profession which interferes or conflicts with those duties.

No Council member shall be eligible during the term for which he was appointed or elected to hold any other office or employment with the City, except as Mayor or City Attorney and as a member of any Board, Commission or Committee thereof, of which he is constituted such a member by general law or by this Charter.

Amend Section 31 of Article V and Section 134 of Article VIII of the Charter of The City of San Diego to read as follows:

**Section 31. POLITICAL ACTIVITIES.**

(a) No officer or employee of the City, except elected officers and unsalaried members of commissions, shall during regular hours of employment take an active part opposing or supporting any candidates in any City of San Diego political campaign or make contributions thereto in behalf of any candidates, nor shall such person seek signatures to any petition seeking to advance the candidacy of any person for any municipal office. Nothing in this section shall be construed to prevent any officer or employee, whether Classified or Unclassified, from seeking election or appointment to public office or from being active in State and Federal political campaigns, in any bond issue campaign including municipal bond issues, or from being active in local political campaigns.

(b) Every municipal employee shall prohibit the entry into any place under his control occupied for any purpose of the municipal government, of any person for the purpose of therein making, collecting, receiving, or giving notice of any political assessment, subscription, or contribution.

**Section 134. POLITICAL INFLUENCE PROHIBITED.**

No person shall use or promise to use his influence or official authority to secure any appointment or prospective appointment, to any position in the service of the City as a reward or return for partisan political service.

Amend Section 66 of Article VI of the Charter of The City of San Diego to read as follows:

**Section 66. BOARD OF EDUCATION.**

The government of the San Diego Unified School District shall be vested in a Board of Education, composed of five members who shall be nominated and elected at the regular municipal primary elections and the general municipal elections at the same time as the election of Council

members. At the municipal primary election there shall be chosen by the registered voters of each Board of Education District two candidates for the office of any Board of Education member from a District whose term expires the succeeding December. At the general municipal election the registered voters of the whole San Diego Unified School District shall select from among the candidates chosen at the primary election in each district one candidate for the office of each Board of Education member whose term expires the succeeding December. Each candidate for the Board of Education shall have been a registered voter of the San Diego Unified School District and an actual resident of the election district from which he seeks to be nominated for thirty (30) days immediately preceding filing of a nominating petition. The members shall serve for a term of four years from and after 10 a.m. the first Monday after the first day of December next succeeding this election and until their successors are elected and qualified, except as herein provided. Any vacancy occurring in the Board shall be filled from the election district in which the vacancy occurs by appointment by the remaining Board members; but in the event that said remaining members fail to fill such vacancy by appointment within thirty (30) days after the vacancy occurs, they must immediately cause to be held a primary election in the district in which the vacancy occurs and a general election within the entire school district to fill such vacancy; provided, however, that any person appointed to fill such vacancy shall hold office only until the next regular municipal election, at which date a person shall be elected to serve for the remainder of such unexpired term.

For the purpose of electing members of the Board of Education, the San Diego Unified School District shall be divided into five (5) districts as nearly equal in population as practicable. For the first primary and regular election held under this section, as amended, the boundaries of such election districts shall be established by the Board of Education as such Board existed on the effective date of the amendment to this section. Thereafter, the boundaries of such election districts shall be subject to alteration and change under the provisions of this section. The Board of Education, by resolution, may change and alter the boundaries of the election districts and in the resolution may describe the new boundaries by reference to a map on file in the office of the City Clerk; a metes and bounds description of the new boundaries need not be contained in said resolution.

Amend Section 117 of Article VIII of the Charter of The City of San Diego to read as follows:

**Section 117. UNCLASSIFIED AND CLASSIFIED SERVICES.**

Employment in the City shall be divided into the Unclassified and Classified Service.

(a) The Unclassified Service shall include:

1. All elective City Officers
2. Members of all boards and commissions
3. All department heads and one principal assistant or deputy in each department
4. One assistant to Mayor
5. City Manager, Assistant City Manager, and Assistants to the City

Manager

6. City Clerk
7. Budget Officer
8. Purchasing Officer
9. Treasurer
10. All Assistant and Deputy City Attorneys
11. Industrial Coordinator
12. The Planning Director
13. A Confidential Secretary to the Mayor, City Council, City Manager, Police Chief, City Attorney
14. Officers and employees of San Diego Unified School District
15. Persons employed in positions for expert professional temporary service when such positions are exempted from the Classified Service for a specified period of temporary service by order of the Civil Service Commission
16. Interns including, but not limited to, Administrative Interns and Legal Interns, temporarily employed in regularly established training programs as defined in the job specifications of the City
17. Managerial employees having significant responsibilities for formulating or administering departmental policies and programs. Each such position shall be exempted from the Classified Service by ordinance, upon the initiation of the appropriate appointing authority and after receiving the advisory review and comment of the Civil Service Commission and the approval of the City Council

(b) The Classified Service shall include all positions not specifically included by this section in the Unclassified Service; provided, however, that the incumbents in the positions of the Planning Director and the Principal Assistant to the Planning Director on January 1, 1963 shall remain in the Classified Service until the respective positions are vacated by the incumbents.

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

Date of General Municipal Election: November 6, 1979.

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Charter Chapter 32—City of Long Beach

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

[Filed with Secretary of State December 28, 1979]

Section 303b is added to the Charter to read as follows:

Sec. 303b. **CONTRACTS FOR WORK USUALLY PERFORMED BY CITY EMPLOYEES**

Notwithstanding any provisions of this Charter respecting the employment or use of employees of the City, the City Council or any Commission, when acting with regard to matters within their authority and jurisdiction,

may approve and authorize contracts with private contractors for the performance of work or services usually performed by employees of the City, provided:

(a) The Council determines by ordinance, adopted by a vote of two-thirds ( $\frac{2}{3}$ ) of its members or by resolution adopted by a vote of four-fifths ( $\frac{4}{5}$ ) of the members of any Commission, and supported by findings expressed therein, that the work or services to be contracted for can be performed by a private contractor as efficiently, effectively and at an estimated lower cost to the City than if said work or services were performed by employees of the City; and

(b) In addition to the determinations regarding efficiency, effectiveness and estimated lower cost, said ordinance or resolution shall declare that the Council or Commission has considered all other relevant factors and has determined that the performance of said work or services by a private contractor will not be detrimental or adverse to the best interests of the citizens of the City; and

(c) No such contract shall be entered into for the performance of work or services which the provisions of this Charter or other applicable law provide are to be performed by specified officers or employees of the City, or for work or services usually performed by the City's policemen and firemen; and

(d) All contracts for work or services authorized to be performed by a private contractor pursuant to this section shall be subject to and in accordance with the provisions of this Charter or other applicable State and Federal law relating to contracting.

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

Date of Special Municipal Election: November 6, 1979.