
APPENDIX

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

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

APPENDIX CHARTERS

CHARTER AMENDMENTS—1982

Charter Chapter Number	City-County	Date of Election	Date of Filing
1	City of Pasadena	June 2, 1981	March 1, 1982
2	City of Chula Vista.....	May 27, 1975	March 25, 1982
3	City of Chula Vista.....	April 13, 1976	March 25, 1982
4	City of Chula Vista.....	April 12, 1977	March 25, 1982
5	City of Chula Vista.....	Nov. 7, 1978	March 25, 1982
6	City of Chula Vista.....	Nov. 6, 1979	March 25, 1982
7	City of Chula Vista.....	Nov. 3, 1981	March 25, 1982
8	City of Chula Vista.....	June 6, 1978	March 25, 1982
9	City of Culver City	Nov 6, 1979	April 9, 1982
10	City of Roseville	April 13, 1982	April 22, 1982
11	City of Placentia	April 13, 1982	May 3, 1982
12	City of Oakland.....	April 17, 1979	May 13, 1982
13	City of Long Beach	April 13, 1982	May 18, 1982
14	City of Redwood City	April 13, 1982	June 10, 1982
15	City of Pomona	April 13, 1982	June 1, 1982
16	City of Los Angeles	June 8, 1982	June 30, 1982
17	City of Salinas	June 8, 1982	July 1, 1982
18	City of San Jose.....	June 8, 1982	July 14, 1982
19	City and County of San Francisco	June 8, 1982	July 16, 1982
20	County of Tehama	June 8, 1982	July 27, 1982
21	City of Inglewood.....	June 8, 1982	July 28, 1982
22	City of Bakersfield	June 8, 1982	August 16, 1982
23	City and County of San Francisco	Nov. 2, 1982	Nov. 16, 1982
24	City of Santa Barbara	Nov. 2, 1982	Nov. 29, 1982
25	City of Glendale	Nov. 2, 1982	Dec. 2, 1982
26	City of Huntington Beach	Nov. 2, 1982	Dec. 9, 1982
27	City of Albany	Nov. 2, 1982	Dec. 9, 1982
28	City of Los Angeles	Nov. 2, 1982	Nov. 29, 1982
29	County of Los Angeles	Nov. 2, 1982	Dec. 13, 1982
30	City of Palo Alto.....	Nov. 2, 1982	Dec. 10, 1982
31	City of San Jose.....	Nov. 2, 1982	Dec. 13, 1982
32	City of Tulare	Nov. 2, 1982	Dec. 10, 1982
33	City of Petaluma.....	Nov. 2, 1982	Dec. 9, 1982
34	County of Placer.....	Nov. 2, 1982	Dec. 16, 1982
35	City of Chula Vista.....	Nov. 2, 1982	Dec. 17, 1982
36	County of San Diego.....	Nov. 2, 1982	Dec. 17, 1982
37	City of Sunnyvale	Nov. 2, 1982	Dec. 23, 1982
38	City of Hayward	Nov. 2, 1982	Dec. 28, 1982
39	City of Redondo Beach.....	Nov. 2, 1982	Dec. 29, 1982
40	City of Santa Ana	Nov. 2, 1982	Dec. 29, 1982

Charter Chapter 1—City of Pasadena

Amendments to the Charter of the City of Pasadena

[Filed with the Secretary of State March 1, 1982.]

Section 1509.8 is amended by adding the following paragraphs:

Except as hereafter provided, any allowance hereinbefore enumerated (referred to as "the" or "an allowance") shall not be increased or decreased by more than 2 percent in any year, regardless of the increase or decrease in the cost of living. The limitation set forth in the preceding sentence, hereinafter referred to as the 2 percent cap, shall apply to any increases or decreases which become effective after July 13, 1981.

Provisos and Exceptions:

(a) Pre-1969 Retirees. In no case shall an allowance which has been increased by operation of subsection (b) of Section 1508 be decreased by operation of this Section below the allowance which was payable pursuant to the Charter as the same existed on June 30, 1969.

(b) Post-1969 Retirees. The 2 percent cap shall not apply to allowances first payable after June 30, 1969, and before July 14, 1981, nor to allowances increased by operation of subsection (a) of Section 1508 pursuant to elections of eligible members.

(c) Post-1981 Retirees.

Option 1. Unless 2 or 3 is elected as hereinafter provided, and allowance first payable after July 13, 1981 shall be increased or decreased by more than 2 percent in any year if such larger increase or decrease results from providing a cost of living increase or decrease, without the 2 percent cap, on the following portion of the member's allowance

(1) The total allowance then being received; multiplied by a fraction composed of

(2) The member's years in service prior to July 14, 1981; divided by

(3) The member's total years in service at retirement, or, in the case of a death allowance, at the member's death, and no cost of living increase or decrease on the remainder of the allowance. For any year in which the foregoing results in a cost of living increase or decrease in excess of 2 percent of the total allowance then being received, the allowance shall automatically be increased (or decreased) by the larger cost of living increase (or decrease).

Option 2. By written notice to the Retirement Board within 90 days after retirement, a member may elect that the preceding paragraph (Option 1) not apply to the allowance, in which case the cost of living increases and decreases shall be limited by the 2 percent cap under all circumstances. Any such election shall be irrevocable.

Option 3. By written notice to the Retirement Board within 90 days after July 13, 1981, a member may elect that Option 1 not apply to the allowance, in which case the cost of living increases or decreases shall not be limited by the 2 percent cap on the following portion of the allowance

(1) The total allowance then being received; multiplied by a fraction composed of

(2) An amount calculated to equal the allowance payable had the member retired for the same cause or died on July 13, 1981, except that for a member receiving a retirement allowance calculated pursuant to Section 1509.15, the variable based on age at retirement used in calculating the amount pursuant to this Paragraph 2, shall be the variable appropriate to the member's actual retirement age

(3) The total allowance received before application of any cost of living benefit and no cost of living increase or decrease shall apply to the remainder of the allowance. Any such election shall be irrevocable.

Section 1509.81 is amended by adding thereto a paragraph to read:

Where a member has irrevocably elected Option 3 pursuant to Section 1509.8 within the 90 days after July 13, 1981, and upon delivery of such notice of election to the Retirement Board, the member shall not be required to make further contributions pursuant to this section. Contributions already received which are attributable to the period from July 13, 1981, and the date of notice shall be returned to the member.

Certified to be a true copy by Jo Heckman, Chairman of the Board of Directors and Dorothy Martin, Acting City Clerk.

Date of Special Municipal Election: June 2, 1981.

Charter Chapter 2—City of Chula Vista

Amendments to the Charter of the City of Chula Vista

[Filed with the Secretary of State March 25, 1982.]

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

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

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

Sec. 508. Department Heads; Appointment Powers.

Each department head and appointive officer shall have the power to appoint and remove such deputies, assistants, subordinates and employees

as are provided for by the City Council for his department or office, subject to the civil service provisions of this Charter and the rules and regulations promulgated thereunder, or as provided by ordinance of the Council as authorized by Sec. 500(a) of this Charter, and subject to the approval of the City Manager being first had and received.

Article XI, Section 1106 amended to read as follows:

Sec. 1106. Tax Limits.

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

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

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

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

Article XI, Section 1109 amended to read as follows:

Sec. 1109. Contracts on Public Works.

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

Projects involving the expenditure of five thousand dollars (\$5,000.00) or less may be awarded without written contract by the Director of Public Works with the approval of the City Manager. Whenever practicable, the

Director of Public Works or the Purchasing Agent shall obtain informal bids. The project shall be awarded to the lowest responsible bidder whose bid is determined to be, in all respects, most advantageous to the public interest. The Director of Public Works may solicit such bids personally, by telephone or by mail, and shall submit to the Purchasing Agent and the City Manager a written account of the procedures used and the bids thus obtained. A copy of said informal bidding procedure shall be filed in the Office of the City Clerk as a public record.

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

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

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

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

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

Certified to be a true copy by Thomas D. Hamilton Jr., Mayor and Jennie M. Fulasz, City Clerk.

Date of Special Municipal Election: May 27, 1975.

Charter Chapter 3—City of Chula Vista

Amendments to the Charter of the City of Chula Vista

[Filed with the Secretary of State March 25, 1982.]

Amend Article 8, Section 803 by repealing and deleting Subsection 5 of Section 803.

Sec. 803. Rules and Regulations.

Amend Article 8, Section 807 by repealing and deleting said Section 807.

Sec. 807. Removal or Suspension of Employees.

Entire Section Repealed and Deleted.

Amend Article 3, Section 308 to read as follows:

Sec. 308. Place of Meetings.

All regular meetings shall be held in the Council Chamber of the City Hall and shall be open to the public. If, by reason or fire, flood or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor, or, if he should fail to act, by three members of the City Council.

It is further provided that any special meetings may be held within any place suitable and desirable for public assembly within the City of Chula Vista or areas contiguous thereto to facilitate the public participation in the business of the City, subject to the requirements of notice as provided in this Charter and the laws of the State of California. Further, the City Council may meet in joint session at an appropriately designated official place of meeting with the governing body or bodies of any other governmental agency in the County of San Diego, subject to notification as required hereinabove.

At such special meeting called at the time and place and in the manner provided herein, the City Council may not pass upon any ordinance or resolution, or make any final decision on the matters being discussed at said meeting except that final actions may be taken at joint meetings with other governmental agencies held at a regular place of meeting of such agency.

Certified to be a true copy by Thomas D. Hamilton, Jr., Mayor and Jennie M. Fulasz, City Clerk.

Date of General Municipal Election: April 13, 1976.

Charter Chapter 4—City of Chula Vista

Amendments to the Charter of the City of Chula Vista

[Filed with the Secretary of State March 25, 1982.]

Article IV, Sections 400 and 401 amended to read as follows:

Sec. 400. City Manager.

Appointment; Salary. There shall be a City Manager who shall be the executive officer of the City. He shall be appointed by and serve at the pleasure of the City Council. He shall be chosen on the basis of his administrative qualifications and shall be paid a salary, fixed by the Council, commensurate with his responsibilities.

Removal. The City Manager may be removed from office by motion of the City Council adopted by at least three affirmative votes.

Ineligibility. No person shall be eligible to receive appointment as City Manager while serving as a member of the City Council, nor within one year after he has ceased to be a City Councilman.

Sec. 401. City Manager; Powers and Duties.

Generally. The City Manager shall be the head of the administrative branch of the City government. He shall be responsible to the City Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities and duties, the City Manager shall have power and be required to:

(a) Appointment and Removal of Employees and Officers.

Subject to the provisions of Section 500 of Article V of the Charter, the City Manager shall appoint all department heads and officers of the City except elective officers and those department heads and officers whose power of appointment is vested in the City Council, and pass upon and approve all proposed appointments and removals by department heads and other appointive officers.

(b) Prepare the budget annually, submit such budget 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 to him desirable;

(e) Establish a centralized purchasing system for all City offices, departments and agencies;

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

(g) Enforce the laws of the State pertaining to the City, the provisions of this Charter and the ordinances of the City; and

(h) Perform such other duties consistent with this Charter as may be

required of him by the City Council.

Amend Article IV, Section 611 to read as follows:

Sec. 611 Civil Service Commission.

There shall be a Civil Service Commission consisting of five (5) members to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any salaried City office or employment.

The members of the Civil Service Commission shall be nominated and appointed in the following manner:

Two (2) members shall be appointed by the City Council from a list of four (4) persons to be nominated by election of the employees in the Classified Service, two (2) members shall be appointed by the City Council directly, and the fifth shall be appointed by the City Council from a list of three (3) persons nominated by the four (4) thus appointed. The successor of any member of the Commission shall be nominated and appointed in the same manner as such member was nominated and appointed.

The term of the members of the Civil Service Commission shall be four (4) years. Members shall hold office until their respective successors are appointed. The terms of members shall commence on the first day of July and as soon as practicable upon the appointment of three (3) members after ratification of this amendment, the Civil Service Commission shall organize by electing one of its members to serve as chairman at the pleasure of the Commission. All proceedings of said Commission shall be open to the public and a majority vote of the entire membership of such Commission shall be necessary for it to take action.

Amend Article XI, Section 1108 to read as follows:

Sec. 1108 Bonded Debt Limit.

The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen percent (15%) of the total assessed valuation, for the purposes of City taxation, of all the real and personal property within the City.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in full compliance with the provisions of the State Constitution and of this Charter. No bonds payable out of any revenues of the City or of any department thereof, shall be issued without assent of a majority of the voters voting upon the proposition of issuing the same, at an election at which such propositions shall have been duly submitted to the qualified electors of the City.

Certified to be a true copy by Frank A. Scott, Mayor and Jennie M. Fulasz, City Clerk.

Date of General Municipal Election: April 12, 1977.

Charter Chapter 5—City of Chula Vista

Amendments to the Charter of the City of Chula Vista

[Filed with the Secretary of State March 25, 1982.]

Article III, Section 313 of the Charter is amended to read as follows:
Sec. 313. Ordinances; Publication.

Within 15 days after its passage, the City Clerk shall cause each ordinance to be published at least once in a newspaper of general circulation published and circulated in the city, or if there is none, the clerk shall cause it to be posted in at least three public places in the city or published in a newspaper of general circulation printed and published in the county and circulated in the city. 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 ordinances shall be posted in the manner and at the time required by this section.

The publication or posting of ordinances, as required may be satisfied by: (1) Publication of the full text, or a summary thereof prepared by the City Attorney, of a proposed ordinance or proposed amendment to an existing ordinance, and posting of a certified copy of the full text thereof in the office of the City Clerk, at least 10 days prior to the City Council meeting at which the proposed ordinance or amendment is to be heard, and publication of the full text, or a summary thereof, of any ordinance or amendment adopted by the City Council, and posting of a certified copy of the full text of such adopted ordinance or amendment in the office of the City Clerk along with the names of those Council members voting for and against the ordinance or amendment within 15 days of adoption; or (2) A display advertisement of at least one-quarter of a page in a newspaper of general circulation in the city of any proposed ordinance or amendment at least 10 days prior to the City Council meeting at which it is to be heard, and of any adopted ordinance or amendment within 15 days after its adoption, if the City Attorney determines it is not feasible to prepare a fair and adequate summary of the proposed or adopted ordinance or amendment, and if the City Council so orders. The advertisement shall indicate the general nature of, and provide information about, the proposed or adopted ordinance or amendment, including information sufficient to enable the public to obtain copies of the complete text of such proposed ordinance or amendment.

Certified to be a true copy by Will T. Hyde, Mayor and Jennie M. Fulasz, City Clerk.

Date of Special Municipal Election: November 7, 1978.

Charter Chapter 6—City of Chula Vista

Amendments to the Charter of the City of Chula Vista

[Filed with the Secretary of State March 25, 1982.]

Article III, Section 304(c) is amended to read as follows:

An amendment to the Charter of the City of Chula Vista amending Article III, Section 304(c) thereof establishing the Mayor's salary at \$12,000 per year and authorizing the City Council to increase the salary annually by not more than 5%.

Certified to be a true copy by Will T. Hyde, Mayor and Jennie M. Fulasz, City Clerk.

Date of Special Municipal Election: November 6, 1979.

Charter Chapter 7—City of Chula Vista

Amendments to the Charter of the City of Chula Vista

[Filed with the Secretary of State March 25, 1982.]

Article IV, Section 902 is amended to read as follows:

Sec. 902. Procedure for Holding Elections.

Unless otherwise provided by ordinance hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exists or may hereafter be amended, for the holding of elections in general law cities so far as the same are not in conflict with this Charter. Said elections, other than those elections for Councilmembers or Mayor, may at the discretion of the City Council, be conducted by a mailed ballot in lieu of the polling place method.

Certified to be a true copy by Gregory R. Cox, Mayor, and Jennie M. Fulasz, City Clerk.

Date of Consolidated General Election: November 3, 1981.

Charter Chapter 8—City of Chula Vista

Amendments to the Charter of the City of Chula Vista

[Filed with the Secretary of State March 25, 1982.]

Charter revised to read as attached:

THE CHARTER

ARTICLE I. INCORPORATION AND SUCCESSION.

§ 100. Names and Boundaries.

- § 101. Succession, Rights and Liabilities.
- § 102. Ordinances.
- § 103. Continuance of Contracts.
- § 104. Effective Date of Charter.

ARTICLE II. POWERS.

- § 200. Powers of City.
- § 201. Powers Vested in Council.

ARTICLE III. CITY COUNCIL.

- § 300. Members, Eligibility and Terms.
- § 301. Powers.
- § 302. Compensation for Councilmembers.
- § 303. Vacancies.
- § 304. Presiding Officer, Mayor.
- § 305. Prohibited Acts.
- § 306. Regular Meetings.
- § 307. Special Meetings.
- § 308. Place of Meetings.
- § 309. Quorum; Proceedings.
- § 310. Citizen Participation.
- § 311. Adoption of Ordinances and Resolutions.
- § 312. Ordinances.
- § 313. Publishing of Legal Notices.

ARTICLE IV. CITY MANAGER.

- § 400. City Manager.
- § 401. City Manager; Powers and Duties.
- § 402. Participation at Council Meetings.
- § 403. City Manager Pro Tempore.

ARTICLE V. OFFICERS AND EMPLOYEES.

- § 500. Appointment and Removal of Officers and Department Heads.
- § 501. Administrative Departments.
- § 502. City Clerk; Powers and Duties.
- § 503. City Attorney; Powers and Duties.
- § 504. Director of Finance; Powers and Duties.
- § 505. Duties of Officers and Employees.
- § 506. Administering Oaths.
- § 507. Department Heads; Appointment Powers.
- § 508. Illegal Contracts; Financial Interest.
- § 509. Acceptance of Other Office.
- § 510. Nepotism.
- § 511. Official Bonds.
- § 512. Oath of Office.

ARTICLE VI. APPOINTIVE BOARDS AND COMMISSIONS.

- § 600. In General.
- § 601. Appropriations and Compensation.
- § 602. Appointments; Terms and Vacancies.
- § 603. Meetings; Chairman.

- § 604. Oaths; Affirmations.
- § 605. Planning Commission.
- § 606. Planning Commission; Powers and Duties.
- § 607. Board of Library Trustees.
- § 608. Board of Library Trustees; Powers and Duties.
- § 609. Civil Service Commission.
- § 610. Civil Service Commission; Powers and Duties.
- § 611. Parks and Recreation Commission.
- § 612. Parks and Recreation Commission; Powers and Duties.

ARTICLE VII. CIVIL SERVICE.

- § 700. Merit Principle.
- § 701. Unclassified and Classified Service.
- § 702. Rules and Regulations.
- § 703. Appointments from Classified Service Positions.
- § 704. Temporary Appointments.
- § 705. Abolishment of Positions.
- § 706. Contract for Performance of Administrative Functions.
- § 707. Improper Political Activity.

ARTICLE VIII. RETIREMENT.

- § 800. State System.

ARTICLE IX. ELECTIONS.

- § 900. General Municipal Elections.
- § 901. Special Municipal Elections.
- § 902. Procedure for Holding Elections.
- § 903. Initiative, Referendum and Recall.

ARTICLE X. FISCAL ADMINISTRATION.

- § 1000. Fiscal Year.
- § 1001. Annual Budget. Preparation by the City Manager.
- § 1002. Budget. Submission to the City Council.
- § 1003. Budget. Public Hearing.
- § 1004. Budget. Further Consideration and Adoption.
- § 1005. Budget. Appropriations.
- § 1006. Tax Limits.
- § 1007. Tax System.
- § 1008. Bonded Debt Limit.
- § 1009. Contracts on Public Works.
- § 1010. Centralized Purchasing.
- § 1011. Competitive Bidding.
- § 1012. Cash Basis Fund.
- § 1013. Capital Outlays Fund.
- § 1014. Departmental Trust Fund.
- § 1015. Presentation of Demands.
- § 1016. Registering Warrants.
- § 1017. Independent Audit.

ARTICLE XI. BOARD OF EDUCATION.

- § 1100. Number and Term.

§ 1101. Terms of Members.

§ 1102. Eligibility.

§ 1103. Vacancies.

ARTICLE XII. FRANCHISES.

§ 1200. Granting of Franchises.

§ 1201. Resolution of Intention. Notice and Public Hearing.

§ 1202. Term of Franchise.

§ 1203. Grant to be in Lieu of all Other Franchises.

§ 1204. Eminent Domain.

§ 1205. Duties of Grantees.

§ 1206. Exercising Rights Without Franchise.

ARTICLE XIII. MISCELLANEOUS.

§ 1300. Definitions.

§ 1301. Violations.

§ 1302. Validity.

ARTICLE I. INCORPORATION AND SUCCESSION.

Sec. 100. Name and Boundaries.

The City of Chula Vista shall be a municipal corporation under the name of "City of Chula Vista". The boundaries of the City shall be the boundaries established by law.

Sec. 101. Succession, Rights and Liabilities.

The City of Chula Vista shall own, possess and control all rights and property of every kind and nature owned, possessed or controlled by it and shall be subject to all its debts, obligations and liabilities.

Sec. 102. Ordinances.

All lawful ordinances, resolutions and regulations, or portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent therewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

Sec. 103. Continuance of Contracts.

All contracts entered into by the City, or for its benefit, prior to the effective date of this Charter, shall continue in full force and effect.

Sec. 104. Effective Date of Charter.

The effective date of this Charter is December 15, 1949 and totally revised pursuant to direction of the voters on June 6, 1978.

ARTICLE II. POWERS.

Sec. 200. Powers of City.

The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise, or act pursuant to, any and all rights, powers, privileges or procedures, heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise, or act pursuant to, under the Consti-

tution of the State of California. The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, the generality of the foregoing provisions.

Sec. 201. Powers Vested in Council.

All powers of the City, except as otherwise provided in this Charter, shall be vested in the City Council.

ARTICLE III. CITY COUNCIL.

Sec. 300. Members, Eligibility and Terms.

There shall be a City Council of five members, consisting of four Councilmembers and a Mayor, elected from the City at large at the times and in the manner provided in this Charter.

No person shall be eligible to hold office as members of the City Council unless they are residents of the City of Chula Vista, and at the time of their election or appointment, qualified electors of the City or of territory annexed thereto.

The term of each member of the City Council shall commence on the first Tuesday following election and shall continue until a successor qualifies. Ties among candidates for any office shall be settled by the casting of lots.

No person shall be eligible for nomination and election to the office of City Councilmember or Mayor for more than two (2) consecutive terms, and no person who has held a Council office for a period of two (2) consecutive terms or the office of Mayor for two (2) consecutive terms, may again seek nomination and election to said offices of Council or Mayor respectively until a period of one (1) year from the termination of the second term for Councilmember or Mayor has elapsed; provided, however, that any person who is appointed by the Council to fill the office of Council or Mayor or elected in a special election for the balance of a regular term of Mayor for a period of two (2) years or less may seek nomination and election for two (2) full terms thereafter.

Each Council seat shall be numbered one (1) through four (4) respectively. Persons seeking election to the City Council shall at the time of filing nomination papers, select one of said seats as the Council position for which they seek election.

Persons running for a Council office shall designate one of the two numbered Council seats as memorialized by resolution of the Chula Vista City Council on file in the office of the City Clerk. Should a vacancy occur at any time in a Council seat or seats, if said vacancy is to be filled by a special election as provided in Section 303 of the Charter, candidates for said vacancy shall similarly designate the appropriate numbered seat on their nominating papers.

Any person to be elected for any numbered Council seat 1 through 4 or the office of Mayor for which nomination papers have been filed must receive a majority of all votes cast for said Council seat or the office of Mayor, and if, and in the event that no candidate for such numbered Council seat or office of Mayor, receives a majority of the votes cast, the two candidates receiving the highest number of votes for said seat shall run in a special runoff election to be conducted on the second Tuesday in

June following the general municipal election conducted for the purpose of electing Councilmembers, and in the case of the office of Mayor, a special election shall be conducted the second Tuesday in June following the general municipal election conducted for the purpose of electing the Mayor.

Sec. 301. Powers.

The City Council shall judge the qualifications of its members as set forth by the Charter. It shall judge all election returns. It may establish rules for the conduct of its proceedings and evict or prosecute any member or other person for disorderly conduct at any of its meetings. Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council. The City Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute an infraction and shall be punishable in the same manner as violations of this Charter are punishable.

The City Council shall cause the City Clerk to keep a correct record of all its proceedings and at the demand of any member, or upon the adoption of any ordinance, resolution, or order for the payment of money, the City Clerk shall call the roll and shall cause the ayes and naves taken on such question to be entered in the minutes of the meeting.

Sec. 302. Compensation for Councilmembers.

The four Councilmembers shall receive, as compensation for their services, the amount authorized under State law for Council of general law and charter cities, in accordance with the schedule established by such State law provisions, upon the enactment of the necessary ordinance providing for such salary. They shall receive reimbursement on order of the City Council for Council-authorized travel and other expenses when on official duty of the City. In addition, each Councilmember shall receive the sum of one-hundred dollars (\$100.00) per month which amount shall be deemed to be reimbursement of other out-of-pocket expenditures and costs imposed in serving the office. The City Council may also provide, by resolution, for the payment to Councilmembers of an allowance of a sum certain per month to reimburse them for the additional demands and expenses made upon and incurred by them in serving as Councilmembers.

Sec. 303. Vacancies.

A vacancy in the office of any member of the City Council from whatever cause arising, shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next general municipal election and until a successor qualifies. At the next general municipal election following any vacancy, a Councilmember or Mayor shall be elected to serve for the remainder of any unexpired term of said office.

If a member of the City Council is absent from all regular meetings of the City Council for a period of thirty days consecutively from and after the last regular City Council meeting attended by such member, unless

by permission of the City Council expressed in its official minutes, or is convicted of a felony or crime involving moral turpitude, the office shall become vacant.

The City Council shall declare the existence of any vacancy. In the event it shall fail to fill a vacancy by appointment within thirty days after such office shall have been so declared vacant, it shall forthwith cause an election to be held to fill such vacancy.

Sec. 304. Presiding Officer, Mayor.

(a) Mayor. There shall be elected at the general municipal election a Mayor who shall hold office for a term of four years and until a successor is elected and qualified.

(b) Duties. The Mayor shall be a member of the City Council and shall perform all the functions and have all of the powers and rights of a duly elected Councilmember. In addition to said powers and duties, the Mayor shall have the power and duty:

- (1) to report to the City Council annually and from time to time on the affairs of the City and to recommend for its consideration such matters as deemed expedient, and
 - (2) to be the official head of the City for all political and ceremonial purposes and to be recognized by the courts for the purpose of serving civil process, for the signing of all legal instruments and documents, and by the Governor for emergency purposes, and
 - (3) in the time of public danger or emergency, the Mayor, with the consent of the Council, and for such period as the Council may fix, to take command of the police, maintain order and enforce the law, and
 - (4) to assume the primary, but not the exclusive responsibility, for interpreting to the people the policies, programs and needs of the City government and for informing the people of any major change in policy or program. The Mayor may represent the City in any and all matters involving other governmental agencies, provided that no act, promise, commitment or agreement entered into or committed by the Mayor shall be binding upon the City of Chula Vista unless duly authorized or ratified by the City Council, and
 - (5) to represent the City in all regional public agencies which require an elected City official, unless otherwise determined by the City Council, and
 - (6) to supervise the operation of the Mayor/Council office and personnel assigned thereto, and
 - (7) to perform such other duties consistent with the office as may be prescribed by this Charter or delegated to the Mayor or imposed on the Mayor by the City Council if not inconsistent with the provisions of this Charter, and
 - (8) to exercise the function as Mayor of the City during the usual business hours that the offices of the City are open, and such other hours and times as shall be necessary to discharge in full the duties imposed upon the Mayor.
- (c) Compensation. The Mayor shall receive an annual salary of twelve

thousand dollars (\$12,000.00) per year payable at the rate of one thousand dollars (\$1,000.00) per month and shall receive reimbursement on order of the Council for Council-authorized travel and other expenses when on official duty out of the City, and in addition, shall receive the sum of fifty dollars (\$50.00) per month, which amount shall be deemed to be reimbursement of other out-of-pocket expenditures. The City Council may also provide, by resolution, for the payment to the Mayor of an allowance of a sum certain per month, as reimbursement for the additional demands and expenses made upon and incurred by the Mayor.

The salary provided herein may be annually increased beyond said amount by an ordinance or amendment thereto enacted by the City Council in accordance with the limitations set by the Government Code of the State of California for the annual increase of compensation for Councilmembers.

(d) Mayor Pro Tempore. The City Council shall designate one of its members as Mayor Pro Tempore, who shall serve in such capacity at the pleasure of the City Council. The Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence or disability.

Sec. 305. Prohibited Acts.

No member of the Council shall directly or indirectly, by suggestion or otherwise, attempt to unduly influence the City Manager or other officer appointed or confirmed by the Council in their performance of duties.

The Mayor and the Councilmen are hereby individually and collectively prohibited from performing any administrative or executive functions except as same may be authorized by this Charter or by ordinance of the City of Chula Vista.

Except for the purpose of inquiry, the Council and its members shall deal with that part of the administrative service for which the City Manager is responsible solely through the City Manager.

A violation of the provisions of this section by any member of the Council shall constitute misconduct for which the offending member may be removed from office by the Council.

Sec. 306. Regular Meetings.

The City Council shall hold regular meetings at least once each month at such times as it shall fix by ordinance or resolution and may adjourn or readjourn any regular meeting to a date and hour certain which shall be specified in the order of adjournment, such meeting shall be held at the hour for holding regular meetings. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day.

Sec. 307. Special Meetings.

A special meeting may be called at any time by the Mayor or by a majority of the members of the City Council by delivering personally or by mail written notice to each member of the City Council and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally or by mail at least 24 hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the City Council. Such written notice may be dis-

pensed with as to any member who at or prior to the time the meeting convenes files with the City Clerk a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

Sec. 308. Place of Meetings.

All meetings shall be held in the Council Chamber of the City Hall and shall be open to the public. If, by reason of fire, flood or other emergency it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor, or, if the Mayor should fail to act, by three members of the City Council.

It is further provided that any special meeting may be held within any place suitable and desirable for public assembly within the City of Chula Vista or areas contiguous thereto to facilitate the public participation in the business of the City, subject to the requirements of notice as provided in this Charter and the laws of the State of California. Further, the City Council may meet in joint session at an appropriately designated official place of meeting with the governing body or bodies of any other governmental agency in the County of San Diego, subject to notification as required hereinabove.

At such special meeting called at the time and place and in the manner provided herein, the City Council may not pass upon any ordinance or resolution, or make any final decision on the matters being discussed at said meeting except that final actions may be taken at joint meetings with other governmental agencies held at a regular place of meeting of such agency.

Sec. 309. Quorum; Proceedings.

Three members of the City Council shall constitute a quorum to do business but a less number may adjourn from time to time. In the absence of all the members of the City Council from any regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. Notice of a meeting adjourned by less than a quorum or by the Clerk shall be given by the Clerk or may be waived by consent in the same manner as specified in this Charter for the giving or waiving of notice of special meetings of the City Council but need not specify the matters to be acted upon.

Sec. 310. Citizen Participation.

All citizens shall have the right personally, or through counsel, to present grievances at any regular meeting of the Council, or offer suggestions for the betterment of municipal affairs.

Sec. 311. Adoption of Ordinances and Resolutions.

(a) Generally. With the sole exception or ordinances which take effect upon adoption referred to in this article, no ordinance shall be adopted by the City Council on the day of introduction, nor within five days thereafter, nor at any time other than at a regular or adjourned regular meeting. At the time of adoption of an ordinance or resolution, it shall be read in full, unless after the reading the title thereof, the further reading thereof is waived by unanimous consent of the Councilmembers present.

In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting, held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

(b) For Payment of Money. No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting.

(c) Votes Required; Execution and Attestation. Unless a higher vote is required by other provisions of this Charter, the affirmative votes of at least three members of the City Council shall be required for the enactment of any ordinance or resolution, or for the making or approving of any order for the payment of money. All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.

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

Sec. 312. Ordinances.

(a) Enactment of Ordinances. The enacting clause of all ordinances adopted by the City Council shall be substantially as follows: "The City Council of the City of Chula Vista does ordain as follows:"

(b) Publication of Ordinances. Within 15 days after its passage, the City Clerk shall cause each ordinance to be published at least once in a newspaper of general circulation published and circulated in the City, or if there is none, the Clerk shall cause it to be posted in at least three public places in the City or published in a newspaper of general circulation printed and published in the county and circulated in the City. 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 ordinances shall be posted in the manner and at the time required by this section.

The publication or posting of ordinances, as required may be satisfied by: (1) Publication of the full text, or a summary thereof prepared by the City Attorney, of a proposed ordinance or proposed amendment to an existing ordinance, and posting of a certified copy of the full text thereof in the office of the City Clerk, at least 10 days prior to the City Council meeting at which the proposed ordinance or amendment is to be heard, and publication of the full text, or a summary thereof, of any ordinance or amendment adopted by the City Council, and posting of a certified copy of the full text of such adopted ordinance or amendment in the office of the City Clerk along with the names of those Councilmembers voting for and against the ordinance or amendment within 15 days of adoption; or (2) A display advertisement of at least one-quarter of a page in a newspaper of general circulation in the City of any proposed ordinance or amendment within 15 days after its adoption, if the City Attorney determines it is not feasible to prepare a fair and adequate summary of the

proposed or adopted ordinance or amendment, and if the City Council so orders. The advertisement shall indicate the general nature of, and provide information about, the proposed or adopted ordinance or amendment, including information sufficient to enable the public to obtain copies of the complete text of such proposed ordinance or amendment.

(c) *Codification of Ordinances.* Any and all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances but not less than three copies thereof shall be filed for use and examination by the public in the Office of the City Clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Subsequent amendments to sections of the code shall be enacted in the same manner as herein required for the amendment of ordinances generally.

Detailed regulations pertaining to the construction of buildings, plumbing and wiring, when arranged as a comprehensive code, may likewise be adopted by reference in the manner provided in this section.

(d) *Effective Date of Ordinances.* All ordinances shall become effective on the thirty-first day after adoption except the following which shall take effect upon adoption:

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

(e) *Amendment of Ordinances.* The amendment of any section or sections of an ordinance may be accomplished solely by the reenactment of such section or sections at length as amended.

Sec. 313. Publishing of Legal Notices.

(a) *Newspapers Generally.* In the event that there is more than one newspaper of general circulation published and circulated in the City, the City Council annually, prior to the beginning of each fiscal year, shall publish a notice inviting bids and contract for the publication of all legal notices or other matter required to be published in a newspaper of general circulation published and circulated in said City, during the ensuing fiscal year. In the event there is only one newspaper of general circulation published in the City, then the City Council shall have the power to contract with such newspaper for the printing and publishing of such legal notices without being required to advertise for bids therefor. The newspaper with which any such contract is made shall be designated the official newspaper for the publication of such notices or other matter for the period of such contract.

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

(c) Posting. In the event there is no newspaper of general circulation published and circulated in the City, then all legal notices or other matter may be published by posting copies thereof in at least three public places in the City.

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

ARTICLE IV. CITY MANAGER

Sec. 400. City Manager.

(a) Appointment; Salary. There shall be a City Manager who shall be the executive officer of the City; to be appointed by and serve at the pleasure of the City Council. The City Manager shall be chosen on the basis of administrative qualifications and shall be paid a salary, fixed by the Council, commensurate with responsibilities.

(b) Removal. The City Manager may be removed from office by motion of the City Council adopted by at least three affirmative votes.

(c) Ineligibility. No person shall be eligible to receive appointment as City Manager while serving as a member of the City Council, nor within one year after ceasing to be a City Councilmember.

Sec. 401. City Manager; Powers and Duties.

Generally. The City Manager shall be the head of the administrative branch of the City government, and be responsible to the City Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities and duties, the City Manager shall have power and be required to:

(a) Appointment and Removal of employees and Officers.

Subject to the provisions of Section 500 of Article V of the Charter, the City Manager shall appoint all department heads and officers of the City except elective officers and those department heads and officers whose power of appointment is vested in the City Council, and pass upon and approve all proposed appointments and removals by department heads and other appointive officers.

(b) Prepare the budget annually, submit such budget 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) Establish a centralized purchasing system for all City offices, departments and agencies;

(f) Prepare rules and regulations governing the contracting for, purchasing, storing, distribution or disposal of all supplies, materials and equipment required by any office, department or agency of the City

government and recommend them to the City Council for adoption by it by ordinance;

(g) Enforce the laws of the State pertaining to the City, the provisions of this Charter and the ordinances of the City; and

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

Sec. 402. Participation at Council Meetings.

The City Manager shall be accorded a seat at the City Council table and shall be entitled to participate in the deliberations of the City Council but shall not have a vote.

Sec. 403. City Manager Pro Tempore.

The City manager shall appoint, subject to the approval of the City Council, one of the other officers or department heads of the City to serve as City Manager Pro Tempore during any temporary absence or disability of the City Manager.

ARTICLE V. OFFICERS AND EMPLOYEES

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

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

(b) Removal. Officers and employees in the Unclassified Service appointed by the City Council may be removed by them at any time by a majority vote of the members of the Council, and such officers and department heads in the Unclassified Service appointed by the City Manager may be removed at any time and, in the case of appointees in the Unclassified Service, the order of the City Council or the City Manager affecting said removal shall be final and conclusive. The position of said officers and employees shall be declared vacant if said officer or employee is convicted of a felony or crime involving moral turpitude. Any appointee or employee in the Unclassified Service so removed by the City Manager or the City Attorney may, however, within five (5) days after receipt of a notice of dismissal, demand a written statement of the reason for such dismissal, a copy of which shall be forthwith filed with the City Council. Upon receipt of such written statement so furnished by the City Manager or the City Attorney to the City Council, the Council shall fix a time and place for a public hearing, at which hearing the Council shall have authority to

investigate the facts set forth in said written communication from the City Manager or the City Attorney containing the reason for said dismissal, and determine the truth or falsity of said facts. Council shall reports its findings and recommendations made as a result of such hearing, and cause a copy of said findings to be delivered to the City Manager or the City Attorney and file the original with the City Clerk. The dismissed appointee or employee in such cases shall have the right to file with the Council a written reply or answer to any charges filed by the City Manager or the City Attorney. All written documents, including the City Manager's or the City Attorney's written reasons for such dismissal, and the reply of the dismissed appointee or employee, the findings and decisions of the Council, and any documentary evidence used at the hearing shall be filed with the proper office of the City as public records, open for inspection at any time. Nothing herein contained, however, shall be construed as in any way limiting the authority and power of the City Manager or the City Attorney to remove any appointee or employee in the Unclassified Service of the City, so appointed or employed, and all such removals shall be final and conclusive.

Sec. 501. Administrative Departments.

The City Council may by ordinance not inconsistent with this Charter provide for the creation of additional departments and the assignment of general functions to such added departments, and may also abolish specific functions performed and the department performing such abolished functions.

The City Manager shall be responsible for the organizational structure of all departments subject to the City Manager's direction, including their divisions, sections, crews and other necessary unit components and shall assign duties, delegate administrative powers, and provide staff for the departments for which the City Manager is responsible.

The City Council shall control by budget the number and compensation of all positions, unless otherwise mandated by this Charter. Each department so created shall be headed by an officer designated as department head who shall be appointed by the City Manager, subject to the approval of the City Council.

Sec. 502. City Clerk; Powers and Duties.

The City Clerk shall have power and be required to:

- (a) Attend all meetings of the City Council and be responsible for the recording and maintaining of 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;
- (b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter; keep all books properly indexed and open to public inspection when not in actual use;
- (c) Maintain separate books in which a record shall be made of all written contracts and official bonds;
- (d) Be the custodian of the seal of the City;

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

(f) Be ex-officio assessor, unless the City Council has availed itself, or does in the future avail itself, of the provisions of the general laws of the State relative to the assessment of property and the collection of City taxes by the County officers, or unless the City Council by ordinance provides otherwise; and

(g) Have charge of all City elections.

Sec. 503. City Attorney; Powers and Duties.

To become 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. The City Attorney shall have power and be required to:

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

(b) Represent and appear for the City and any city officer or employee, or former City officer or employee, in any or all actions and proceedings in which the City or any such officer or employee in or by reasons of his or her official capacity, is concerned or is a party;

(c) Attend all regular meetings of the City Council and give his or her opinion in writing whenever requested to do so by the City Council or by any of the boards or officers of the City;

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

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

(f) Prosecute, if so directed by ordinance of the City Council, all offenses against the ordinances of the City and for such offenses against the laws of the State as may be required by law, and shall have concurrent jurisdiction with the District Attorney of the County of San Diego to prosecute persons charged with or guilty of the violation of the State laws occurring within the City limits of the City of Chula Vista for offenses constituting misdemeanors;

(g) Devote such time to the duties of office as may be specified in the ordinance or resolution fixing the compensation for such office; and

(h) Surrender to successor 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 any litigation or matter or to assist the City Attorney therein.

Sec. 504. Director of Finance; Powers and Duties.

There shall be a Finance Department headed by a Director of Finance, who shall have power and be required to:

(a) Have charge of the administration of the financial affairs of the City under the direction of the City Manager;

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

(c) Supervise and be responsible for the disbursement of all monies and have control over all expenditures to insure that budget appropriations

are not exceeded; audit all purchase orders before issuance; audit and approve before payment all bills, invoices, payrolls, or demands against the City government and with the advice of the City Attorney, when necessary, determine the regularity, legality and correctness of such claims, demands or charges;

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

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

(f) 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; as of the end of each fiscal year and within one hundred and twenty days thereafter, submit to the City Council a summary statement of receipts and disbursements by departments and funds, including opening and closing fund balances in the treasury, and cause said statement to be published once in the official newspaper;

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

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

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

Sec. 505. Duties of Officers and Employees.

The City Council, by ordinance, may assign additional functions or duties to offices, departments or agencies established by this Charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

Where the positions are not incompatible, the City Council may combine in one person the powers and duties of two or more offices created or provided for in the Charter. No office provided in this Charter to be filled by appointment by the City Manager may be combined with an office provided in this Charter to be filled by appointment by the City Council.

However, the City Council may transfer or consolidate functions of the City government to or with appropriate functions of the State or County government, or may make use of such functions of the State or County

government. In such case, the provisions of this Charter providing for the function of the City government so transferred or consolidated are suspended, and shall be covered by ordinance or resolution establishing such transfer or consolidation. Any such transfer or consolidation may be repealed in like manner.

Sec. 506. Administering Oaths.

Each department head or deputy shall have the power to administer oaths and affirmations on connection with any official business pertaining to that department.

Sec. 507. Department Heads; Appointment Powers.

Each department head and appointive officer shall have the power to appoint and remove such deputies, assistants, subordinates and employees as are provided for by the City Council for their department or office, subject to the civil service provisions, or as provided by ordinance of the Council as authorized by Section 500(a) of this Charter, and subject to prior approval of the City Manager.

Sec. 508. Illegal Contracts; Financial Interest.

No member of the City Council, department head or other officer of the City (except a member of any board or commission), shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party.

No member of any board or commission shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party and which comes before the board or commission of which such person is a member, for approval or other official action or which pertains to the department, office or agency of the City with which such board or commission is connected.

Any contract, sale or transaction in which there shall be such an interest, as specified in this section, shall become void at the election of the City, when so declared by resolution of the City Council.

No member of the City Council, department head or other officer of the City, or member of any board or commission shall be deemed to be financially interested, within the meaning of the foregoing provisions, in any contract made with a corporation where the only interest in the corporation is that of a stockholder and the stock so owned shall amount to less than three percent (3%) of all of the stock of such corporation issued and outstanding.

If any member of the City Council, department head or other officer of the City, or member of a board or commission shall be financially interested as aforesaid, upon conviction thereof, shall forfeit the office in addition to any other penalty which may be imposed for such violation of this Charter.

Sec. 509. Acceptance of Other Office.

Any elective officer of the City who shall accept or retain any salaried public office, except as provided in this Charter, shall be deemed thereby to have vacated said office under City government.

Sec. 510. Nepotism.

The City Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the

third degree of any one or more members of such City Council, provided that such prohibition shall not apply to persons who achieved permanent salaried status prior to the date upon which any such relative became elected or appointed to such City Council.

No department head or other officer having appointive power shall appoint to a salaried position under the City government any person who is a relative by such appointing authority within the third degree by blood or marriage, provided that such prohibition shall not apply to persons who achieved permanent salaried position prior to the effective date of such appointing authority assuming such position, and provided the City Manager approved in writing such appointment.

Sec. 511. Official Bonds.

The City Council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officials or employees who are required by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

There shall be no personal liability upon, or any right to recover against, a superior officer, or his or her bond, for any wrongful act or omission of a subordinate, unless such superior officer was a part to, or conspired in, such wrongful act or omission.

Sec. 512. Oath of Office.

Each member of the City Council and of every board and commission and each officer, department head and full-time employee, before beginning the duties of the 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; that I will, in all respects, observe the provisions of this Charter and the ordinances of the City of Chula Vista; that I will faithfully discharge the duties of the office of (here inserting the name of office) according to the best of my ability; and that I do not advocate the overthrow of the government of the United States by force or violence.”

ARTICLE VI. APPOINTIVE BOARDS AND COMMISSIONS

Sec. 600. In General.

There shall be the boards and commissions enumerated in this article which shall have the powers and duties set forth in this Charter. In addition, the City Council, may create, by ordinance, such boards or commissions as, in its judgment, are required and may grant to them such powers and duties as are consistent with the provisions of this Charter. Such boards and commissions shall consult with and advise the Mayor, Council or City Manager as may be provided herein or in the ordinances establishing such boards and commissions, but they shall have no authority to direct the conduct of any department.

Sec. 601. Appropriations and Compensation.

(a) Appropriations. The City Council shall include in its annual

budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards and commissions.

(b) Compensation. The members of boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the City Council.

Sec. 602. Appointments; Terms and Vacancies.

(a) Appointments and Terms. The members of each of such boards or commissions shall be appointed, and shall be subject to removal, by motion of the City Council adopted by at least three affirmative votes. The members thereof shall serve for a term of four (4) years and until their respective successors are appointed and qualified. Members of such advisory boards and commissions shall be limited to a maximum of two (2) consecutive terms and an interval of two (2) years must pass before a person who has served two (2) consecutive terms may be reappointed to the commission upon which the member had served; provided, further, that for the purpose of this section, an appointment to fill an unexpired term of less than two (2) years in duration shall not be considered as a term; however, any appointment to fill an unexpired term in excess of two (2) years shall be considered to be a full term.

(b) Initial Classification of Appointees. The members first appointed to such boards and commissions shall so classify themselves by lot so that each succeeding July 1st the term of one (1) of their number shall expire. If the total number of members of a board or commission to be appointed exceeds four (4), the classification by lot shall provide for the grouping of terms to such an extent as is necessary in order that the term of at least one (1) member shall expire on each succeeding July 1st.

(c) Vacancies. Vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the City Council. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term. If a member of a board or commission is absent from three (3) regular meetings of such board or commission, consecutively, unless by permission of such board or commission expressed in its official minutes, or is convicted of a felony or crime involving moral turpitude, or ceases to be a qualified elector of the City, the office shall become vacant and shall be so declared by the City Council.

Sec. 603. Meetings; Chairman.

As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer for the ensuing year. Each board or commission shall hold regular meetings as required by ordinance of the City Council, and such special meetings as such board or commission may require. All proceedings shall be open to the public.

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

The City Manager shall designate a secretary for the recording of min-

utes for each such boards and commission, who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations which shall be consistent with this Charter and copies of which shall be kept on file in the office of the City Clerk where they shall be available for public inspection. Each shall have the same power as the City Council to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it.

Sec. 604. Oaths; Affirmations.

Each member of any such board or commission shall have the power to administer oaths and affirmations in any investigations or proceedings pending before such board or commission.

Sec. 605. Planning Commission.

There shall be a City Planning Commission consisting of seven (7) members to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government. The number of members to comprise the commission may be changed by ordinance of the City Council to not less than five (5) nor more than nine (9) members.

The services of the Director of Public Works, City Attorney and Director of Building and Housing shall be made available to such commission.

Sec. 606. Planning Commission; Powers and Duties.

The Planning Commission shall have the power and duty to:

- (a) Recommend to the City Council, after a public hearing thereon, the adoption, amendment, or repeal of a Master Plan or any part thereof for the physical development of the City; and
- (b) Exercise such functions with respect to land subdivisions, planning and zoning as may be prescribed by ordinance.

Sec. 607. Board of Library Trustees.

There shall be a Board of Library Trustees consisting of five (5) members to be appointed by the City Council from the qualified electors of the City and no member of said board shall hold any paid office or employment in the City government.

Sec. 608. The Board of Library Trustees shall have the power and duty to:

- (a) Act in any advisory capacity to the City Council in all matters pertaining to City libraries; and
- (b) Recommend to the City Council the adoption of such bylaws, rules and regulations as it may deem necessary for the administration and protection of City libraries.

Sec. 609. Civil Service Commission.

There shall be a Civil Service Commission consisting of five (5) members to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any salaried City office or employment.

The members of the Civil Service Commission shall be nominated and appointed in the following manner:

Two members shall be appointed by the City Council from a list of four (4) persons to be nominated by election of the employees in the Classified Service, two (2) members shall be appointed by the City Council directly,

and the fifth shall be appointed by the City Council from a list of three (3) persons nominated by the four (4) thus appointed. The successor of any member of the Commission shall be nominated and appointed in the same manner as such member was nominated and appointed.

The term of the members of the Civil Service Commission shall be four (4) years. Members shall hold office until their respective successors are appointed. The terms of members shall commence on the first day of July and as soon as practicable upon the appointment of three (3) members after ratification of this amendment, the Civil Service Commission shall organize by electing one of its members to serve as chairman at the pleasure of the Commission. All proceedings of said Commission shall be open to the public and a majority vote of the entire membership of such Commission shall be necessary for it to take action.

Sec. 610. Civil Service Commission; Powers and Duties.

The Civil Service Commission shall have power and be required to:

(a) Recommend to the City Council after a public hearing thereon, the adoption, amendment or repeal of civil service rules and regulations not in conflict with this article;

(b) Hear appeals of any person in the Classified Service relative to any suspension, demotion or dismissal;

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

(d) Such other duties and powers as the City Council may, by ordinance or resolution, confer upon the Commission in order to carry out the principles of civil service in accordance with the laws of the State of California and this Charter and to assist in the implementation of proper employer-employee relations.

Sec. 611. Parks and Recreation Commission.

There shall be a Parks and Recreation Commission consisting of at least five (5) members to be appointed by the City Council from the qualified electors of the City and no member of said Commission shall hold any paid office or employment in the City government. The number of members to comprise the Commission may be changed by ordinance of the City Council.

In the event the City Council contracts with other agencies interested in recreation and parks for joint exercise of any such functions, such contract may provide for representation on the Commission of representatives of such agencies during the existence of such contract or extensions thereof.

Sec. 612. Parks and Recreation Commission; Powers and Duties.

The Parks and Recreation Commission shall have the power and duty to:

(a) Act in an advisory capacity to the City Council in all matters pertaining to parks, recreation and playgrounds;

(b) Consider the annual budget for parks and recreation purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the City Manager, and

(c) Assist in the planning of a recreation program for the inhabitants

of the City, promote and stimulate public interest therein and to that end, solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein.

ARTICLE VII. CIVIL SERVICE

Sec. 700. Merit Principle.

Appointments and promotions in the Classified Service of the City shall be made according to merit and fitness and from eligible lists to be established in accordance with civil service rules and regulations adopted in the manner provided in this Charter.

Sec. 701. Unclassified and Classified Service.

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

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

1. All elective officers;
2. City Manager, Director of Finance, City Clerk, City Attorney, Assistant or Deputy City Attorneys, Assistant City Manager, a private secretary to the City Manager, a private secretary to the Mayor and Council, a private secretary to the City Attorney, department heads; or as provided in Section 500 of this Charter.
3. All members of boards and commissions;
4. Positions in any class or grade created for a special or temporary purpose and which may exist for a period of not more than ninety (90) days in any one calendar year;
5. Persons employed to render professional, scientific, technical or expert service of any occasional and exceptional character;
6. Part-time employees paid on an hourly or per diem basis; and
7. Persons employed to fill positions which have been created for work and/or projects funded entirely or in part by grants made to the City.

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

Sec. 702. Rules and Regulations.

The Civil Service rules and regulations shall provide for the following matters, in addition to such others as the Civil Service Commission may deem necessary, proper or expedient to carry on the intent and purpose of the Civil Service provisions of this Charter.

(a) The classification of all positions in the Classified Service.

(b) The selection, employment, advancement, suspension, demotion, discharge and retirement of all persons in the Classified Service.

(c) The recruitment of applicants for City positions through public advertisement inviting applications and by the establishment of lists according to the merit and fitness of the applicants, to be determined by free examinations in accordance with such rules. The holding of promotional examinations to fill vacancies where promotional examinations are practicable in the opinion of the Civil Service Commission.

(d) The certification of three names standing highest on the eligible list to the appointing authority to fill a position in the Classified Service, unless

the Civil Service Commission, with the consent of the appointing power, authorized the certification of less than three names on an eligible list and, in the opinion of such Commission and such appointing power, conditions warrant such action.

Sec. 703. Appointments from Classified Service Positions.

In the event an officer or employee of the City holding a position in the Classified Service is appointed to a position in the Unclassified Service, and should within six months thereafter be removed or resign therefrom the officer or employee shall revert to their former position in the Classified Service without loss of any rights or privileges and upon the same terms and conditions as though service had been continuous in said position.

Sec. 704. Temporary Appointments.

(a) Temporary appointments to the head of any department where a vacancy may occur shall be made by the City Manager, subject to Council approval.

(b) Temporary appointments shall be made by the head of each department in which such a vacancy may occur, subject to the approval of the City Manager, of persons not on the eligible list in the event that no eligible list has been prepared for this position, or that those on the eligible list are not immediately available, or during the suspension of an employee or officer, or pending final action on proceedings to review a suspension, demotion or dismissal of an employee or officer. Such temporary appointments shall not continue for a longer period than six months. No credit shall be allowed in the giving of examinations for service rendered under a temporary appointment.

Sec. 705. Abolishment of Positions.

Whenever in the judgment of the City Council it becomes necessary in the interest of economy or because the necessity for the position involved no longer exists, the City Council may abolish any position or employment in the Classified Service and discharge or reduce the position or employment. Should such employee or officer holding such position or employment involving all or the major part of the same duties be reinstated or created within two years, the employee or officer discharged or reduced shall be appointed thereto in preference to any other qualified persons on the eligible list for such position.

Sec. 706. Contract for Performance of Administrative Functions.

The City Council may contract with the governing body of a city or county within the state, or with a state department or other public or private agency for the preparation or conducting of examinations for positions in the City service or for the performance of any other personnel administration service.

Sec. 707. Improper Political Activity.

No elective or appointive officer or employee of the City of Chula Vista, whether employed in the Classified or Unclassified Service, shall:

(a) Directly or indirectly use, promise, threaten or attempt to use any official influence in the aid of any partisan political activity, or to affect the result of any election to partisan or political office or upon any other corrupt condition or consideration;

(b) Solicit or coerce from any other officer or employee of the City of

Chula Vista, any political assessment, subscription or contribution;

(c) Use any office or position with the City in any activity in support or opposition to any person running for the City of Chula Vista Council or Mayor.

Nothing in this article shall be construed to prevent any such officer or employee from becoming or continuing to be a member of a political club or organization, or from attendance at a political meeting, or from enjoying entire freedom from all interference in casting their vote or from seeking or accepting election or appointment to public office. Any willful violation thereof or violation through culpable negligence shall be sufficient grounds to authorize the discharge of an officer or employee.

No person in the Classified Service, or seeking admission thereto, shall be employed, promoted, demoted or discharged, or in any way favored or discriminated against because of political opinions or affiliations or because of race or religious belief, except that no one shall be eligible to hold a position with this City who advocates the overthrow of our form of government by force or violence.

ARTICLE VIII. RETIREMENT

Sec. 800. State System.

Plenary authority and power are hereby vested in the City, its City Council and its several officers, agents and employees to do and perform any act, or exercise any authority granted, permitted, or required under the provisions of the State Employees' Retirement Act, as it now exists or may hereafter be amended, to enable said City to continue as a contracting city participating in the said retirement system. The City Council may terminate any such contract with the Board of Administration of the State Employees' Retirement System only under authority granted by ordinance adopted by a majority vote of the electors of the City, voting on such proposition at any election at which such proposal is presented.

ARTICLE IX. ELECTIONS

Sec. 900. General Municipal Elections.

General municipal elections for the election of Councilmembers and for such purposes as the City Council may prescribe shall be held in said City on the date of the general municipal election for general law cities in each even numbered year commencing in 1980 and in the event that a runoff election should be required, said runoff shall be held on the date of the statewide primary election in said even numbered year.

The Mayor shall be elected on the date established by the state legislature for election of school governing boards. In the event that said date is changed to an even numbered year, the incumbent Mayor's term shall be extended and the Mayor shall hold office until said latter date and until a mayoral successor is qualified.

Sec. 901. Special Municipal Elections.

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

Sec. 902. Procedure for Holding Elections.

Unless otherwise provided by ordinance hereafter enacted, all elections

shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exists or may hereafter be amended, for the holding of elections in general law cities so far as the same are not in conflict with this Charter. Said elections except for Councilmembers and Mayor may, at the discretion of the City Council, be conducted by means of a mailed ballot eliminating customary polling place operations.

Sec. 903. Initiative, Referendum and Recall.

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

ARTICLE X. FISCAL ADMINISTRATION

Sec. 1000. Fiscal Year.

The fiscal year of the City government shall begin on the first day of July each year and end on the thirtieth day of June of the following year.

Sec. 1001. Annual Budget. Preparation by the City Manager.

The City Manager, acting through the Director of Finance, shall set a date for obtaining from each department head estimates of revenues and expenditures for the department, detailed in such manner as may be prescribed by the City Manager. In preparing the proposed budget, the City Manager shall review the estimates, hold conferences thereon with the department heads, respectively, and may revise the estimates as deemed advisable.

Sec. 1002. Budget. Submission to the City Council.

At least thirty-five days prior to the beginning of each fiscal year, the City Manager shall submit the proposed budget to the City Council. 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.

Sec. 1003. 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.

Sec. 1004. Budget. Further Consideration and Adoption.

After the conclusion of the public hearing, the City Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before June 30, it shall adopt the budget with revisions, if any, by the affirmative votes of at least three members. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy thereof, certified by the City Clerk, shall be filed with the person

retained by the City Council to perform auditing functions for the Council and a further copy shall be placed and shall remain on file in the Office of the City Clerk where it shall be available for inspection. The budget so certified shall be reproduced and copies made available for the use of departments, offices and agencies of the City.

Sec. 1005. Budget. Appropriations.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered except appropriations for specific capital projects incomplete at the end of the fiscal year.

At any meetings after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least four members.

Sec. 1006. Tax Limits.

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

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

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

Sec. 1007. Tax System.

The procedure for the assessment, levy and collection of taxes upon property, taxable for municipal purposes may be prescribed by ordinance of the City Council.

Sec. 1008. Bonded Debt Limit.

The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen percent (15%) of the total assessed valuation, for the purposes of City taxation, of all the real and personal property within the City.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at

which the question is submitted to the electors and unless in full compliance with the provisions of the State Constitution and of this Charter. No bonds payable out of any revenues of the City or of any department thereof, shall be issued without assent of a majority of the voters voting upon the proposition of issuing the same, at an election at which such propositions shall have been duly submitted to the qualified electors of the City.

Sec. 1009. Contracts on Public Works.

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

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

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

All bids of more than five thousand dollars (\$5,000.00) shall be accompanied by either a certified or cashier's clerk, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the City. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount be so specified, then in an amount not less than

ten percent (10%) of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract within the time specified in the notice inviting bids or specifications referred to therein, the amount of his bidder's security shall be declared forfeited to the City and shall be collected and paid into its general fund and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

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

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

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

Sec. 1010. Centralized Purchasing.

A centralized purchasing system shall be established for all City departments, offices and agencies. The City Manager shall recommend and the City Council shall consider and adopt, by ordinance, rules and regulations governing the contracting for, purchasing, storing, distribution or disposal of all property, supplies, materials and equipment required or possessed by any department, office or agency of the City government.

Sec. 1011. Competitive Bidding.

Before making purchases for or contracts for, supplies, materials or equipment, ample opportunity shall be given for competitive bidding under such rules and regulations and with such exceptions as the City Council may prescribe in the ordinance setting up such rules and regulations. When making purchases for the City, merchants with places of business located within the City shall be given the preference, quality and prices being equal.

Sec. 1012. Cash Basis Fund.

The City Council shall maintain a revolving fund, to be known as the "Cash Basis Fund", for the purpose of placing the payment of the running expenses of the City on a cash basis. A reserve shall be built up in this fund from any available sources in an amount which the City Council deems sufficient with which to meet all lawful demands against the City for the first five months, or other necessary period, of the succeeding fiscal year

prior to the receipt of ad valorem tax revenues. Transfers may be made by the City Council from such fund to any other fund or funds of such sum or sums as may be required for the purpose of placing such funds, as nearly as possible, on a cash basis. All monies so transferred from the cash basis fund shall be returned thereto before the end of the fiscal year.

Sec. 1013. Capital Outlays Fund.

A fund for capital outlays generally is hereby created to be known as the "Capital Outlays Fund". The City Council may create, by ordinance, a special fund or funds for a special capital outlay purpose. The City Council may levy and collect taxes for capital outlays and may include in the annual tax levy a levy for such purposes, in which event it must apportion and appropriate to any such fund or funds the monies derived from such levy. It may not, in making such levy, exceed the maximum tax rate provided for in this Charter, unless authorized by the affirmative votes of a majority of the electors voting on the proposition at any election at which such question is submitted. The City Council may transfer to any such fund any unencumbered surplus funds remaining on hand in the City at any time.

Once created, such fund shall remain inviolate for the purpose for which it was created; if for capital outlays generally, then for any such purposes, and if for a special capital outlay, then for such purpose only, unless the use of such fund for some other purpose is authorized by the affirmative votes of a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted.

If the purpose for which any special capital outlay fund has been created has been accomplished, the City Council may transfer any unexpended or unencumbered surplus remaining in such fund to the fund for capital outlays generally, established by this Charter.

Sec. 1014. Departmental Trust Fund.

The City Council shall prescribe, by ordinance, for the setting up of a "Departmental Trust Fund" into which the collections of the various departments, offices and agencies shall be deposited daily by the respective officers handling the receipt of such collections. Withdrawals from such fund may be made by the Director of Finance only on order signed by the proper department or division head and for the following purposes only:

(a) The making of refund of bail which has been exonerated or of other refundable deposits;

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

Petty Cash Funds. The City Council may provide for revolving petty cash funds, to be paid to the City Manager or departments or division heads and used for payment in cash of expenditures provided for in the budgets that cannot conveniently be paid otherwise.

Sec. 1015. Presentation of Demands.

Any demand against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the Director of Finance, who shall examine the same. If the amount thereof is legally due and there remains on his books an unex-

hausted balance of an appropriation against which the same may be charged, the Director of Finance shall approve such demand and draw a warrant on the City treasury therefor, payable out of the proper fund. Objections of the Director of Finance may be overruled by the City Council and the warrant ordered drawn.

The Director of Finance shall transmit such demand, with approval or rejection thereof endorsed thereon, and warrant, if any, to the City Manager. If a demand is one for an item included within an approved budget appropriation, it shall require the approval of the City Manager, otherwise, it shall require the approval of the City Council, following the adoption by it of an amendment to the budget authorizing such payment. Any person dissatisfied with the refusal of the City Manager to approve any demand, in whole or in part, may present the same to the City Council, which, after examination into the matter may approve or disapprove the demand in whole or in part.

Sec. 1016. Registering Warrants.

Warrants on the City treasury which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from the date of registration at such rate as shall be fixed by the City Council by resolution.

Sec. 1017. Independent Audit.

The City Council shall employ, at the beginning of each fiscal year, a qualified accountant who, at such time or times as may be specified by the City Council, shall examine the books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds and all such other officers, employees or departments as the City Council may direct. As soon as practicable after the end of the fiscal year, a final audit and report shall be made by such accountant directly to a meeting of the City Council. One detailed copy shall be submitted to each member, one to the City Manager, Director of Finance and City Attorney, respectively, and three additional copies to be placed on file in the Office of the City Clerk where they shall be available for inspection by the general public.

ARTICLE XI. BOARD OF EDUCATION

Sec. 1100. Number and Term.

There shall be a Board of Education which shall consist of five members elected from the School District at large, at the times and in the manner in this Charter provided, and who shall serve a term of four years and until their successors are elected and qualified. Members of the Board of Education shall receive compensation for their services in such amount as may be provided by the Education Code of the State of California. Such payments as authorized by the Education Code shall be paid from the General Fund of the Chula Vista School District and shall commence upon the adoption by the Board of Education of the appropriate resolution or ordinance authorizing such payment from the General Fund of the District.

Sec. 1101. Terms of Members.

At each general municipal election, either two or three members of said

Board, as the case may be, shall be elected to fill the vacancies caused by the expiration of terms. The terms of each member of the Board of Education shall commence on the first Tuesday following election and shall continue until a successor is elected and qualified. Ties among candidates may be settled by the casting of lots.

Sec. 1102. Eligibility.

No person shall be eligible to hold office as a member of the Board of Education unless said person is a qualified elector of the territory comprising the School District.

Sec. 1103. Vacancies.

Generally. A vacancy in the Board of Education from whatever cause arising shall be filled by appointment by the Board of Education within sixty days after such vacancy occurs; the Board's power to fill such vacancy by appointment shall cease upon the expiration of the said sixty day period. Such appointee shall hold office until a successor is elected and qualified. At the next general municipal election following any vacancy, a new member shall be elected to serve for the remaining period of any unexpired term.

Declaration of Vacancy. If a member of the Board of Education is absent from all regular meetings of the Board for a period of sixty days, consecutively, unless by permission of the Board expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be an elector of the School District, the office shall become vacant and shall be so declared by the Board of Education.

ARTICLE XII. FRANCHISES

Sec. 1200. Granting of Franchises.

Any person, firm or corporation furnishing the City or its inhabitants with transportation, communication, terminal facilities, water, light, heat, gas, power, refrigeration, storage or other public utility or service or using the public streets, ways, alleys, or places for the operation of plants, works, or equipment for the furnishing thereof or traversing any portion of the City for the transmitting or conveying of any such service elsewhere, may be required by ordinance to have valid and existing franchises therefor. The City Council is empowered to grant such franchise to any person, firm or corporation, whether operating under an existing franchise or not. The City Council may prescribe the terms and conditions of any such grant. It may also provide by procedural ordinance, the method of procedure and additional terms and conditions of such grants, or the making thereof, subject to the provisions of this Charter. Nothing in this section, or elsewhere in this article shall apply to the City or any department thereof, when furnishing any such utility or service.

Sec. 1201. Resolution of Intention. Notice and Public Hearing.

Before granting any franchise, the City Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour and place when and where any persons having any interest therein or any objection to the granting thereof may appear before the

City Council and be heard thereon. It shall direct the City Clerk to publish said resolution at least once, within fifteen days of the passage thereof, in the official newspaper. Said notice shall be published at least ten days prior to the date of hearing.

At the time set for the hearing, the City Council shall proceed to hear and pass upon all protests and its decision thereon shall be final and conclusive. Thereafter, it may grant or deny the franchise on the terms and conditions specified in the resolution of intention to grant the same, subject to the right of referendum of the people. If the City Council shall determine that changes should be made in the terms and conditions upon which the franchise is proposed to be granted, a new resolution of intention shall be adopted and like proceedings had thereon.

Sec. 1202. Term of Franchise.

Every franchise, other than an indeterminate franchise, shall state the term for which it is granted, which shall not exceed twenty-five years.

A franchise grant may be indeterminate, that is to say, it may provide that it shall endure in full force and effect until the same, with the consent of the Public Utilities Commission of the State of California, shall be voluntarily surrendered or abandoned by its possessor, or until the State of California, or some municipal or public corporation, thereunto duly authorized by law, shall purchase, or shall condemn and take under the power of eminent domain, all property actually used and useful in the exercise of such franchise and situate within the territorial limits of the state, municipal or public corporation purchasing or condemning such property, or until the franchise shall be forfeited for noncompliance with its terms by the possessor thereof.

Sec. 1203. Grant to be in Lieu of all Other Franchises.

Any franchise granted by the City hereunder with respect to any given utility service shall be in lieu of all other franchises, rights or privileges owned by the grantee, or by any successor of the grantee to any right under such franchise granted hereunder, for the rendering of such utility service within the limits of the City as they now or may hereafter exist, except any franchise derived under Section 19 of Article XI of the Constitution of California as said section existed prior to the amendment thereof adopted October 10, 1911. The acceptance of any franchise hereunder shall operate as an abandonment of all such other franchises, rights and privileges within the limits of the City as such limits shall at any time exist.

Any franchise granted hereunder shall not become effective until written acceptance thereof shall have been filed by the grantee thereof with the City Clerk. Such acceptance shall be filed within ten days after the adoption of the ordinance granting the franchise, or any extension thereof granted by the City Council, and when so filed, such acceptance shall constitute a continuing agreement of such grantee that if and when the City shall thereafter annex, or consolidate with, additional territory, any and all franchises, rights and privileges owned by the grantee therein, except a franchise derived under said Constitutional provisions, shall likewise be deemed to be abandoned within the limits of such territory. No grant of any franchise may be transferred or assigned by the grantee except by consent in writing of the City Council and unless the transferee

or assignees thereof shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant or by procedural ordinance and by this Charter.

Sec. 1204. Eminent Domain.

No franchise grant shall in any way, or to any extent, impair or affect the right of the City to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing therein contained shall be construed to contract away or to modify or to abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to any public utility.

Sec. 1205. Duties of Grantees.

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

(a) Comply with all lawful ordinances, rules and regulations theretofore or hereafter adopted by the City Council in the exercise of its police power governing the construction, maintenance and operation of its plants, works or equipment;

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

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

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

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

Sec. 1206. Exercising Rights without Franchise.

The exercise by any person, firm, or corporation of any privilege for which a franchise is required, without possessing a valid and existing franchise therefor, shall be an infraction and shall be punishable in the same manner as violations of this Charter are punishable and each day that such condition continues to exist shall constitute a separate violation.

ARTICLE XIII. MISCELLANEOUS

Sec. 1300. Definitions.

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

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

(b) "City" is the City of Chula Vista, and "department", "board", "commission", "agency", "officer", or "employee", is a department,

board, commission, agency, officer or employee, as the case may be, of the City of Chula Vista.

(c) "County" is the County of San Diego.

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

Sec. 1301. Violations.

Every act punishable by fine or penalty shall be by ordinance. The violation of any provision of this Charter shall be deemed an infraction and shall be punishable upon conviction by a fine of not more than \$50 within a one-year period, \$150 for a second offense within a one-year period and \$250 for a third offense within a one-year period.

Sec. 1302. Validity.

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

Certified to be a true copy by Will T. Hyde, Mayor and Jennie M. Fulasz, City Clerk.

Date of Primary Election: June 6, 1978.

Charter Chapter 9—City of Culver City

Amendments to the Charter of the City of Culver City

[Filed with the Secretary of State April 9, 1982.]

REVISED CHARTER OF THE CITY OF CULVER CITY

ARTICLE I. NAME OF CITY

Section 100. Name.

The municipal corporation now existing and known as the "CITY OF CULVER CITY" shall remain and continue to exist a body politic and corporate, as at present, in fact and in law.

ARTICLE II. BOUNDARIES

Section 200. Boundaries.

The territory of the City shall be that contained in the boundaries established as of January 21, 1947, and as changed since that date in the manner provided by law.

ARTICLE III. SUCCESSION

Section 300. Rights and Liabilities.

The City of Culver City, as successor in interest of the municipal corporation of the same name, heretofore created and existing, shall own, possess, control, and in every way succeed to and become the owner of rights and of property of every kind and nature by said existing municipal corporation owned, possessed or controlled and shall be subject to all the debts, obligations, liabilities and duties of said existing corporation.

Section 301. Ordinances Continued in Effect.

All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superseded by proper authority.

Section 302. Rights of Officers and Employees Preserved.

Nothing in this Charter contained, except as specifically provided, shall affect or impair the civil service, pension, and retirement rights or privileges of officers or employees of the City, or of any office, department or agency thereof, existing at the time this Charter takes effect.

Section 303. 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 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.

The members of the City Council and of the Board of Education of the Culver City United School District, the City Clerk and City Treasurer in office at the time this Charter takes effect shall continue in office until the expiration of their respective terms and until their successors are elected and qualified.

Section 304. 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 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 or may be contained or perfected hereunder.

Section 305. 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 306. Effective Date of Charter.

This Charter shall be effective when accepted and filed by the Secretary of State.

ARTICLE IV. POWER OF CITY**Section 400. Powers of City.**

The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and

limitations as may be provided in this Charter and in the State Constitution. The enumeration in this Charter of any particular power shall not be held to exclude other powers nor to be any limitation upon this general grant of power.

Additionally, the City shall have the power to:

1. Constitute, regulate, and govern the City police force.
2. Provide for subgovernment in all or any part of the City, and
3. Shall have plenary authority subject only to the restrictions of this Charter and Article XI of the State Constitution to provide the manner in which, the method by which, the times at which, and the terms for which the several municipal officers and employees whose compensation is paid by the City shall be elected or appointed, and for their removal and for their compensation, and for the number of deputies, clerks and other employees that each shall have, and for the compensation, method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employees.

It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the State Constitution.

Section 401. Procedures.

The City shall have the power to act in accordance with any lawful procedure.

Section 500. City Council, Clerk and Treasurer Terms.

The City Council shall consist of five members elected from the city at large, at the times and in the manner in this Charter provided, and who shall serve for a term of four years.

The City Clerk and City Treasurer shall be elected from the city at large and shall serve for a term of four years.

The terms of all members of the City Council, City Clerk and City Treasurer shall commence on the first Monday following their election and each shall serve until a successor is elected and qualified. Any ties in voting shall be settled by the casting of lots.

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

Section 501. City Council, Clerk and Treasurer Eligibility.

Only a resident of the City who is a lawfully registered voter shall be eligible to hold an elective office of the City. Candidates for election to any such office must have been lawfully registered voters of the City for the 30 days immediately preceding the filing of their nomination papers.

Section 502. Compensation of Elected Officials.

The members of the City Council shall receive compensation for their services in accordance with the provisions of the State law as set forth in the Government Code.

The City Clerk and the City Treasurer shall receive compensation for their services in accordance with an ordinance or resolution adopted by the City Council, which compensation shall not be diminished after their election or during their terms of office except by the affirmative votes of at least four members of the City Council.

Section 503. City Council, Clerk and Treasurer Vacancy.

A vacancy in any elective office of the City shall be filled by appointment by the City Council, such appointee to hold office until a successor is elected and qualified. If the vacancy occurs before the first day to file nomination papers for the next general municipal election and is not filled at a special election before that day, any unexpired term shall be filled at the general election.

If a vacancy is not filled by appointment within 30 days after its occurrence, the City Council shall immediately call a special election to fill the vacancy. The election shall be held not later than 120 days after the occurrence of the vacancy, provided that the election need not be called if it cannot be held at least 180 days before the next general municipal election. A person elected at a special election shall hold office for the remainder of any unexpired term and until a successor is elected and qualified.

Section 504. Council Member Forfeiture of Office.

The office of a member of the City Council who, without consent of the City Council is absent from all regular City Council meetings for a period of 60 consecutive days and the first regular meeting thereafter, said period to be computed from the last regular Council meeting attended by the member, or who is convicted of a crime involving moral turpitude, or ceases to be a resident and lawfully registered voter of the City, shall automatically be forfeited upon the happening of any such event and said office thereupon shall become vacant and shall be so declared by the City Council.

Section 505. Selection of Mayor: Duties.

(a) At the first meeting following any general or special municipal election at which Councilmembers are elected and at the second meeting in April in odd numbered years, the City Council shall elect one of its members as its presiding officer, who shall have the title of Mayor and shall serve at the pleasure of the Council. The Mayor shall have a voice and a vote in all its proceedings, shall be the official head of the City for all ceremonial purposes, and shall perform such other duties as may be prescribed by this Charter or as may be imposed by the City Council consistent with the office of Mayor.

(b) **Selection of Vice Mayor.**

The City Council shall also elect one of its members as Vice Mayor who shall perform the duties of the Mayor during the absence or disability of the Mayor.

(c) A Councilmember who has held the office of Mayor or Vice Mayor for one year shall not be eligible for reelection to that same office until one year has elapsed.

Section 506. Powers Vested in the City Council.

All powers of the City shall be vested in the City Council, subject to the

provisions of this Charter and of the Constitution of the State of California.

Section 507. Council Meetings. Place. Time.

The Council Chambers of the City Hall shall be the primary place of all meetings.

The City Council by a four-fifths vote may order a regular meeting to be held not less than seven days thereafter at a place within the City other than the Council Chambers.

Upon making a finding that the public interest requires it, the City Council, by a four-fifths vote, may order a meeting adjourned to another location within the City and to a time during the same day on which the order is made.

If for any reason it shall be unsafe to meet in the Council Chambers, meetings may be held for the duration of the unsafe condition at a place within the City designated by the Mayor, or by three Councilmembers.

At the time an order is made to hold a meeting at a place other than the Council Chambers, the City Clerk shall immediately post conspicuously on or near the outside main entrance of the Council Chambers a copy of the order and shall maintain the notice so posted until the meeting is held.

Regular Meetings

The City Council shall hold regular meetings at least twice each month, at such times as it shall fix by ordinance or resolution and may adjourn or readjourn any regular meeting to a date certain, which shall be specified in the order of adjournment and when so adjourned, each adjourned meeting shall be a regular meeting for all purposes.

Section 508. Special Meetings of Council.

A special meeting of the Council may be called at any time by the Mayor, or by a majority of the Councilmembers, by delivering personally or by mail written notice to each Councilmember and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally or by mail at least 24 hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted; no other business shall be considered at such meeting. Such written notice may be dispensed with as to any Councilmember who at or prior to the time the meeting convenes files with the City Clerk a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any Councilmember who is actually present at the meeting at the time it convenes.

Section 509. Council Proceedings.

Three members of the City Council shall constitute a quorum to do business, but a less number may adjourn from time to time. The City Council shall judge the qualifications of its members as set forth by the Charter and shall judge all election returns. Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council.

It shall have the power and authority to compel the attendance of witnesses, to examine them under oath, and to compel the production of

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

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

Section 510. Adoption of Ordinances and Resolutions.

With the sole exception of ordinances which take effect upon adoption, hereinafter referred to, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five days thereafter, nor at any time other than at a regular or adjourned regular meeting. At the time of adoption of an ordinance or resolution it shall be read in full, unless, after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the Councilmembers present. In the event that any ordinance is altered after its introduction, the same shall be reintroduced and not finally adopted except at a regular or adjourned regular meeting, held not less than five days after the date upon which such ordinance was so reintroduced. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

The affirmative votes of at least three members of the City Council shall be required for the introduction or enactment of any ordinance or resolution, or for the making or approving of any order for the payment of money.

Requirement for Payment of Money. Order. No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting.

Emergency Ordinances

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

Section 511. Ordinances. Enactments.

In addition to such acts of the City Council as are required by statute or by this Charter to be by ordinance, every act of the City Council establishing a fine or other penalty or granting a franchise shall be by ordinance.

The enacting clause of all ordinances shall be substantially as follows: "The City Council of the City of Culver City does ordain as follows:"

Section 512. Ordinances. Publication.

The City Clerk shall cause each ordinance within 15 days after its adoption to be published at least once in a newspaper designated by the City Council.

Section 513. Codification of Ordinances.

Any and all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed, for use and examination by the public, in the office of the City Clerk, prior to the adoption thereof. Subsequent amendments to sections of the code shall be enacted in the same manner as herein required for the amendment of ordinances generally.

Detailed regulations pertaining to any subject, such as the construction of buildings, plumbing, wiring or other subjects which require extensive regulations, after having been arranged as a comprehensive code, may likewise be adopted by reference in the manner hereinabove provided.

Section 514. Ordinance. When Effective.

No ordinance shall become effective until thirty days from and after the date of its adoption, except, the following, which shall take effect upon adoption:

- (a) An ordinance calling or otherwise relating to an election;
- (b) An improvement proceeding ordinance adopted under some law, or procedural ordinance;
- (c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation; or
- (d) An emergency ordinance adopted in the manner herein provided.

Section 515. Ordinances. Violation. Penalty.

Violation of an ordinance of the City is a misdemeanor unless by ordinance it is made an infraction and such violation may be prosecuted in the name of the people of the State of California or may be redressed by civil action.

The City Council by ordinance may fix the penalty by fine or imprisonment, or both, for misdemeanors and by fine, only, for infractions.

Section 516. Ordinances. Amendments.

The amendment of any section or sections of an ordinance may be accomplished solely by the reenactment of such section or sections at length as amended.

Section 517. Publishing of Legal Notices.

The City Council shall designate one newspaper circulated within the City for the publication of all notices and other matter required to be published in a newspaper. A change to another newspaper shall not be made until a notice of the intention to change is published in the designated newspaper.

Additionally, all legal notices or other matter required to be published shall be posted in at least three public places within the city.

The charges for such publications in the designated newspaper shall not exceed the rates which the general public is charged for similar publications.

In the event the designated newspaper is unavailable then the posting in three public places shall be sufficient.

Section 518. Citizen Participation.

No citizen shall be denied the right personally, or through counsel, to present grievances at any regular or special meeting of the Council, or offer suggestions for the betterment of municipal affairs.

Section 600. Offices to be Appointed by the City Council.

The City Council shall appoint the Chief Administrative Officer and the City Attorney and all other department heads. The powers and duties of department heads shall be prescribed by ordinance or resolution. The City Council by ordinance may create, modify, or abolish any department.

Section 601. City Clerk, Powers and Duties.

The City Clerk shall have power and be required to:

- (a) Attend all meetings of the City Council, unless excused by the City Council, and record and maintain a full and true record of all the proceedings of the City Council in books that shall bear appropriate titles and be devoted to such purposes. 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 a correct copy, giving the number of said ordinances or resolution and, as to an ordinance requiring publication, stating that the same has been published and 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) Maintain a general accounting system for the City government and each of its offices, departments and agencies;
- (f) Submit to the City Council, through the Chief Administrative Officer, a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial conditions of the City; and as of the end of each fiscal year, submit a complete financial statement and report; and
- (g) Audit and approve before payment all claims and demands or charges against the City government and, with the advice of the City Attorney, when necessary, determine the regularity, legality, and correctness of such claims, demands or charges.

The City Clerk shall have the power to appoint and remove such deputies as are provided for by the City Council subject to the Civil Service System of the City and the rules and regulations promulgated thereunder.

Section 602. City Treasurer, Powers and Duties.

The City Treasurer shall be the custodian of all public funds belonging to or under control of the City, or of any office, department or agency thereof, and shall have power and be required to:

- (a) Receive and have custody of all moneys receivable by the City from any source;
- (b) Deposit all moneys received in such depositories as may be designated by resolution of the City Council and in compliance with all

of the provisions of the State Constitution and laws of the State governing the handling, depositing and securing of public funds;

- (c) Disburse moneys on demands properly audited in the manner provided for in this Charter; and
- (d) Prepare and submit to the City Council monthly written reports of all receipts, disbursements and fund balances copies of which reports shall be filed with the Chief Administrative Officer.

The City Treasurer shall have the power to appoint and remove such deputies as are provided for by the City Council subject to the Civil Service System of the City and the rules and regulations promulgated thereunder.

Section 603. City Attorney.

To become eligible for appointment as City Attorney, the appointee shall have been admitted to practice as an attorney in all of the state courts of California. The City Attorney shall have power and be required to:

- (a) Represent and advise the City Council and all City officers in all matters of law pertaining to their offices;
- (b) Represent and appear for the City and any City officer or employee or former City officer or employee, in any or all actions and proceedings in which the City or any such officer or employee, in or by reason of his 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, unless excused, and give opinions in writing and advice whenever requested to do so by the City Council, or by any of the boards or officers of the City;
- (d) Approve the form of all bonds given to and all contracts made by the City, endorsing his approval thereon in writing;
- (e) Prepare any and all proposed ordinances or resolutions for the City and amendments thereto; and
- (f) Prosecute on behalf of the people such criminal cases for violations of this Charter, of City ordinances and state laws, as in the opinion of the City Attorney or the Chief of Police require his attention.

ARTICLE VII. BOARD OF EDUCATION

Section 700. Number and Term.

The Board of Education shall consist of five (5) members, elected from the School District at large, for a term of four (4) years.

Section 701. Board of Education: Eligibility.

Only a resident of the School District who is a lawfully registered voter shall be eligible to hold office as a member of the Board of Education. Candidates for election to such office must be lawfully registered voters of the School District for the thirty (30) days immediately preceding the filing of their nomination papers.

Section 702. Vacancies.

A vacancy in the Board of Education from whatever cause arising shall be filled by appointment by the Board of Education, such appointee to hold office until his/her successor is elected and qualified.

If the vacancy occurs before the first day to file nomination papers for the next Board of Education election, a Board member shall be elected at that election as successor to any appointee, or to fill the vacancy if it has not been filled before said first day, for the remainder of any unexpired term.

If the Board of Education does not fill the vacancy within sixty (60) days after the occurrence of the vacancy, it shall call a special election to fill the vacancy, to be held not later than one hundred and twenty (120) days after the occurrence of the vacancy, provided that such special election need not be called if a regular Board of Education election will be held within one hundred and eighty (180) days from the occurrence of the vacancy.

If a vacancy is to be filled or if a successor to an appointee is to be elected at a regular Board of Education election to fill the remainder of an unexpired term, then of the members elected to the Board of Education at said regular election, that member receiving the lowest number of votes shall be deemed to have been elected to fill the vacancy or to succeed the appointee, if any, to the unexpired term. Those members receiving the highest number of votes shall be deemed to have been elected for the regular four-year term which normally commences in that election year.

If a member of the Board of Education absents himself/herself from all regular meetings of the Board for a period of sixty days, consecutively, from and after the last regular board meeting attended by such member, unless by permission of the Board expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a lawfully registered voter and resident of the School District, the member's office thereupon shall become vacant and shall be so declared by the Board of Education.

Section 703. Officers.

At the annual organizational meeting of the Board of Education, the Board shall elect a president, vice-president and clerk, and no officer of the Board shall serve more than two consecutive years in the same office.

Section 704. Special Elections.

The Board of Education may, at its discretion, call an election for any reason sanctioned by law at any time it deems appropriate.

ARTICLE VIII. APPOINTIVE BOARDS AND COMMISSIONS

Section 800. In General.

The Council shall by ordinance, establish boards and commissions enumerated in this article, and such additional boards or commissions as in its judgment are required, and may grant to any board or commission such powers and duties as are consistent with the provisions of this Charter.

Section 801. Appropriations.

The City Council shall appropriate annually sufficient funds for the efficient and proper functioning of such boards and commissions.

Section 802. Appointment. Term.

The members of each of such boards or commissions shall be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in city government. They shall

be subject to removal by motion of the City Council adopted by at least four affirmative votes. The members thereof shall serve for a term of four years and until their respective successors are appointed and qualified.

The members first appointed to such boards and commissions shall so classify themselves by lot that the term of one of each of their number shall expire each succeeding July 1st. Where the total number of the members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the pairing of terms to such an extent as is necessary in order that the terms of at least one and not more than two shall expire in each succeeding year.

Thereafter, any appointment to fill an unexpired term shall be for such unexpired period.

Section 803. Existing Boards.

The members of the boards and commissions holding office when this charter takes effect shall continue to hold office thereafter until their respective terms of office shall expire and until their successors shall be appointed and qualified.

Section 804. Meetings. Chairman.

As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer, at the pleasure of the board or commission.

The City Council shall designate a secretary for each of such boards and commissions, who shall keep a record of its proceedings and transactions, and it may provide for additional compensation therefor. Each board or commission may prescribe its own rules and regulations, which shall be consistent with this Charter and shall be subject to the approval of the City Council. Copies of such rules shall be kept on file in the office of the City Clerk where they shall be available for public inspection.

Section 805. Oaths. Affirmations.

Each member of any such board or commission, and the secretary thereof, shall have the power to administer oaths and affirmations in any investigation or proceeding pending before such board or commission.

Section 806. Charter Commissions.

A. There shall be a Commission consisting of five members which shall have the power and responsibility, including but not limited to:

- (1) After a public hearing thereon, recommend to the City Council the adoption, amendment or repeal of the General Plan, or any part thereof, for the physical development of the City;
- (2) Exercise such control over land subdivisions as is granted to it by the governing body of the City and by the laws of the State of California;
- (3) Make recommendations concerning proposed public works and for the clearance and rebuilding of blighted or substandard areas within the City; and
- (4) Exercise such functions with respect to zoning or building as may be prescribed by ordinance.

B. There shall be a Commission consisting of five members which shall have the power and responsibility, including but not limited to:

- (1) Act in an advisory capacity to the City Council on personnel administration;
- (2) After a public hearing thereon, recommend to the City Council adoption of amendments or repeal of the civil service rules and regulations;
- (3) Make any investigation which it may consider desirable concerning the administration of personnel in the municipal service and report its findings to the City Council;
- (4) Provide a procedure for handling the appeals of any employee in the classified service who is suspended, demoted or removed from his employment. Such procedure shall provide for the employee to have the option of a hearing before the Commission, or before a special hearing officer or board composed of person (s) qualified to hear and make findings and recommendations on such matters. No hearing officer or member of such board shall be a resident, employee or officer of the City.

C. There shall be a Commission consisting of five members which shall have power and responsibility, including but not limited to:

- (1) Act in an advisory capacity to the City Council in all matters pertaining to public parks, playgrounds, recreation, music and cultural activities.

ARTICLE IX. CIVIL SERVICE

Section 900. Merit Principle.

Appointments and promotions in the administrative service of the City shall be made according to merit and fitness, to be ascertained, so far as practicable, by competitive examination.

The Civil Service System adopted by the City Council pursuant to State law and in effect prior to the effective date of this Charter, shall continue in full force and effect unless changed by ordinance of the City Council or by amendment to the rules and regulations heretofore approved by the City Council. As provided in the State enabling act referred to above, the City Council shall not have the authority to withdraw any departments, officers or employees, heretofore placed in Classified Service, from the operation of such system, either by outright repeal of the Civil Service ordinance or otherwise, unless and until the withdrawal thereof shall have been submitted to the qualified electors of the City at a regular or special municipal election held in the City and shall have been approved by not less than a two-thirds vote of the electors voting on such proposition.

Section 901. Appointments from Civil Service Positions.

In the event an employee of the City holding a position in the Classified Service is appointed to a position in the Unclassified Service, and should thereafter within two years be removed or resign therefrom, he shall revert to his former position in the Classified Service upon the same terms and conditions as if he had remained in said position continuously.

Section 902. Improper Political Activity.

No officer or employee of the City shall engage in political activities during working hours.

No person shall engage in political activities within facilities used by the

City for the conduct of government business.

Section 903. Prohibitions.

No person shall willfully make any false statements, certificate, mark, rating or report in regard to any application, test certification, or appointment held or made under the Civil Service System or in any manner commit or attempt any fraud preventing the impartial execution of such Civil Service System or rules and regulations made thereunder.

ARTICLE X. RETIREMENT SYSTEM

Section 1000. Public Employees Retirement System.

Plenary authority and power are hereby vested in the City, its Council and its several officers, agents, and employees to do and perform any act or exercise any authority granted, permitted, or required under the provisions of the Public Employees' Retirement Law, as it now exists or hereafter may be amended, to enable the City to continue as a contracting City under the Public Employees' Retirement System. The Council may terminate the contract with the Board of Administration of the Public Employees' Retirement System, whereby all employees are members of the System, only under authority granted by ordinance adopted by a majority vote of the legally registered voters of the City, voting on such proposition at an election at which such proposal is presented.

ARTICLE XI. GENERAL PROVISIONS RELATING TO OFFICERS AND EMPLOYEES

Section 1100. Official Bonds.

The Council shall fix by ordinance the amounts and terms of the official bonds of all officers or employees who are required by ordinance or resolution to give such bonds. All bonds shall be executed by a responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

Section 1101. Oath of Office.

All officers and employees of the City before they enter upon the duties of their respective offices shall take and subscribe to the following oath or affirmation:

"I, . . . , do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter."

Section 1102. Illegal Contract, Financial Interest.

Except as provided by State law, officers and employees of the City shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members.

Officers and employees of the City shall not be purchasers at any sale or vendors at any purchase made by them in their official capacity.

The office and employment of an officer or employee shall be forfeited

upon conviction of a violation of this section.

Section 1103. Duties of Officers and Employees.

The City Council by ordinance may assign additional functions or duties to offices, departments or agencies established by this Charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

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

ARTICLE XII. ELECTIONS

Section 1200. General Municipal Elections.

General Municipal Elections for the filling of all elective offices, other than the Board of Education, shall be held in said City on the second Tuesday in April in each even numbered year. The election of members of the Board of Education shall be held in accordance with State Law.

Expenses for Board of Education elections shall be paid by the School District.

Section 1201. Special Municipal Elections.

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

Section 1202. Procedure for Holding Elections.

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

Section 1203. Initiative, Referendum and Recall.

The right of the initiative and referendum and of the recall of elective officers are reserved to the electors of the City and, (unless otherwise provided by ordinance, hereafter enacted), the provisions of the Elections Code of the State of California as the same now exist or may hereafter be amended, governing the initiative, referendum and the recall of municipal officers, shall apply insofar as such provisions of the Elections Code are not in conflict with this Charter.

ARTICLE XIII. FINANCIAL AND FISCAL MATTERS

Section 1300. Fiscal Year.

The fiscal year of the City government shall begin on the first day of July of each year and end on the thirtieth day of June of the following year.

Section 1301. Tax System.

Unless otherwise provided by ordinance, the City shall continue to use, for the purpose of ad valorem municipal taxation, the county system of assessment and tax collection, as such system is now in effect or may hereafter be amended and insofar as such provisions are not in conflict with this Charter.

If the City Council fails to fix the rate and levy taxes on or before August 31, in any year, the rate for the next preceding fiscal year shall thereupon

be automatically adopted and a tax at such rate shall be deemed to have been levied on all taxable property in the City for the current fiscal year.

Section 1302. Tax Limits.

Exclusive of special levies permitted by this Charter, the City Council shall not levy a property tax in excess of One (\$1.00) Dollar on each One Hundred (\$100.00) Dollars of the assessed value of taxable property in the City for municipal purposes, unless authorized by the affirmative votes of two-thirds of the electors voting on the proposition at any election at which the question of such additional levy for municipal purposes is submitted to the electors.

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

- (a) A tax sufficient to meet all liabilities of the City for principal and interest of all bonds or judgments due and unpaid, or to become due during the ensuing fiscal year; and
- (b) A tax sufficient to meet all obligations of the City to the Public Employees' Retirement System, or other system for the retirement of City employees due and unpaid or to become due during the ensuing fiscal year.

Special levies, in addition to the above may be made annually, based on City council approved estimates, for the following specific purposes: parks, recreation, refuse disposal, city planning, libraries, advertising and promotion. The proceeds of any such special levy shall be used for no other purpose than that specified.

Section 1303. Bonded Debt Limit.

The bonded indebtedness of the City may not exceed the sum of fifteen (15%) percent of the total assessed valuation of all the real and personal property within the City.

Section 1304. Contracts for Public Works.

Every public works project to be performed by an independent contractor involving an expenditure of more than \$25,000 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 responsible bidder after notice by publication in the newspaper designated by the City Council pursuant to Section 517 hereof 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 re-advertise in its discretion.

The City Council by four affirmative votes may award such a contract without complying with bidding procedures provided a public hearing is held on the award of the contract. Notice of the public hearing shall be published as provided hereinabove and shall state the name of the proposed contractor, scope of the contract and compensation. Such contract may be let without advertising for bids and without a public hearing 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 at least four affirmative votes.

Section 1305. Centralized Purchasing.

Under the control and direction of the Chief Administrative Officer there shall be established a centralized purchasing system for all city departments and agencies. The Chief Administrative Officer shall recommend and the City Council shall consider and adopt by ordinance, rules and regulations governing the contracting for, purchasing, storing and distribution of all supplies, materials and equipment required by any office, department or agency of the City government.

Section 1306. Reserve Funds.

The City Council shall maintain sufficient cash reserves for the purpose of placing the payment of operating expenses of the City on a cash basis. The reserves shall be built from any available sources which in combination with anticipated revenues shall be sufficient to meet all lawful demands against the City. Transfers may be authorized by the City Council from one fund to another fund or funds in such amounts as may be required to place those funds as nearly as possible on a cash basis. In case of such transfers, monies shall be returned to the fund from which they were transferred as they become available.

Section 1307. Capital Funds.

The funds for capital improvements, generally, heretofore created, are hereby continued in existence. The City Council by ordinance may create a special fund or funds for a special capital improvement purpose. The Council may levy and collect taxes for capital improvements and may include in the annual tax levy a levy for such purposes in which event it must apportion and appropriate to any such fund or funds the money derived from such levy. It may not, in making such levy, exceed the maximum tax rate provided for in this Charter, unless authorized by the affirmative votes of a majority of the electors voting on the proposition at any election at which such question is submitted. The Council may transfer to any such fund any unencumbered surplus funds remaining on hand in the City at any time.

Once created, such fund shall remain inviolate for the purposes for which it was created; if, for capital improvements, generally, then for any such purposes and if for a special capital improvement, then for such purposes only unless the assent of the voters is expressed to the use of such fund for some other purpose by majority vote of the electors voting in favor thereof at a general or special election at which such proposition is submitted.

Section 1308. Departmental Trust Fund.

The Council may prescribe by ordinance for the setting up of a Treasurer's Departmental Trust Fund into which the collections, by the various departments, may be deposited at frequent intervals during each month, with advice of each deposit being furnished to the City Treasurer. Withdrawals from such fund may be made by the City Treasurer only on order signed by the proper department head and only for purposes set forth in ordinance establishing the Fund.

Section 1309. Warrants on Treasury.

All demands, except those for payment of municipal or other bonds, shall be presented and approved in such manner as may be prescribed by

ordinance. Demands shall not be authorized for payment unless first approved by the City Clerk. The City Clerk's approval shall certify that the demands are unexhausted fund balances or appropriations against which the demands may be charged. Upon such certifications, the Clerk shall draw warrants on the City Treasurer therefore, payable out of the proper funds. Demands disapproved by the City Clerk may be approved by action of the City Council and the warrants ordered drawn.

Section 1310. Actions Against City. Claim Required.

No suit may be brought on any claim for money or damages against the City or any Board, Commission, officer or employee thereof until a claim for the same has been presented and rejected in whole or in part in accordance with procedures adopted by the City Council for the regulations of claims, subject to the provisions of State law.

Section 1311. Independent Audit Required.

The City Council shall employ at the beginning of each fiscal year an independent, qualified public accountant or firm of such accountants who, at such time or times as may be specified by the City Council, shall examine the books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds and all such other officers, employees, departments, or agencies as the City Council may direct. As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such accountant or firm to the City Council, one copy thereof to be distributed to each member, one to the City Attorney and the City Treasurer, respectively, two to the Chief Administrative Officer, and three additional copies to be placed on file in the office of the City Clerk where they may be available for inspection by the general public, and a copy of the financial statements as of the close of the fiscal year shall be published in a newspaper of general circulation. Such accountant or firm shall have no personal interest, direct or indirect, in the fiscal affairs of the City Government or of any of the officers of the City.

Section 1312. Annual Budget. Preparation.

The Chief Administrative Officer, personally, or through the Controller if one exists, shall obtain from each head of any department, office or agency of the City, estimates of revenues and expenditures for such department, office or agency, detailed in such manner as may be prescribed by the Chief Administrative Officer. The Chief Administrative Officer shall review the estimates, hold conferences thereon with the department, office and agency heads, respectively, and prepare such proposed budget as the Chief Administrative Officer deems advisable.

Section 1313. Budget. Submission to City Council.

At least forty-five days prior to the beginning of each fiscal year, the Chief Administrative Officer shall submit to the City Council the proposed budget as prepared by him. After reviewing the proposed budget 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 a newspaper of general circulation.

Copies of the proposed budget shall be available for public inspection

in the office of the City Clerk at least ten days prior to said hearing.

Section 1314. Budget. Public Hearing.

At the time so advertised, or at any time to which said public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

Section 1315. Budget. Further Consideration and Adoption.

At the conclusion of the public hearing the City Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before June 30, it shall adopt the budget with revisions, if any, by the affirmative votes of at least three members. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy thereof, certified by the City Clerk, shall be filed with the Chief Administrative Officer, and with the Controller if one exists, and a further copy shall be placed, and shall remain on file, in the office of the City Clerk where it shall be available for public inspection. Copies of the adopted budget shall be made available for the use of departments, offices and agencies of the City.

Section 1316. Budget. Appropriations.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

Amendment to Budget

At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least four members.

ARTICLE XIV. FRANCHISES

Section 1400. Granting of Franchises.

The City Council by ordinance may grant a franchise to furnish the City and its inhabitants with any public utility or service and to use the public streets therefor.

Before granting any franchise, the City Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall set forth the time and place when and where any person having any objection to the franchise may appear before the City Council and be heard thereon. Council shall direct the Clerk to publish said resolution at least once within fifteen days of the passage thereof. The time fixed for such hearing shall be not less than twenty nor more than sixty days after the passage of said resolution.

At the hearing, the City Council shall proceed to hear and pass upon all protest and its decision thereon shall be final and conclusive. Thereafter, it may grant, or deny, the franchise, subject to the right of referendum of the people.

Section 1401.

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

ARTICLE XV. MISCELLANEOUS

Section 1500. Definitions.

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

- (a) "Shall" is mandatory, and "may" is permissive;
- (b) "City" is the City of Culver City and "department", "board", "commission", "agency", "officer", or "employee", is a department, board, commission, agency, officer or employee, as the case may be, of the City of Culver City.

Section 1501. Violations.

The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine of not exceeding Five Hundred (\$500.00) Dollars or by imprisonment for a term of not exceeding six months or by both such fine and imprisonment.

Section 1502. Validity.

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

Certified to be a true copy by Paul A. Jacobs, Mayor and Pauline C. Dolce, City Clerk.

Date of Special Municipal Election: November 6, 1979.

Charter Chapter 10—City of Roseville

Amendments to the Charter of the City of Roseville

[Filed with the Secretary of State April 22, 1982.]

Section 2.02 is amended to read as follows:

Sec. 2.02. Elective Officers.

The electors of the City shall elect a council of five (5) members, at large, for a four (4) year term of office. The council shall constitute the legislative and governing body of the City and shall have authority, except as otherwise provided in this Charter, to exercise all powers of the City, and to adopt such ordinances and resolutions as may be proper in the exercise thereof. The mayor and members of the City Council in office at the time of the approval of the amendment to this section of this Charter shall continue to hold office and discharge their duties for the balance of the term for which they were elected, or until their successors are elected

and qualified. Two and three councilmembers shall be elected alternately at the general municipal election each even-numbered year. No councilmember shall serve more than two (2) consecutive four-year terms, commencing as of a date subsequent to April 9, 1974.

Sections 2.06 and 2.07 are amended to read as follows:

Sec. 2.06. City attorney.

The council shall appoint a city attorney to serve at its pleasure. The pleasure of the council in appointing or discharging the city attorney shall be exercised by at least three affirmative votes. The attorney shall act as legal advisor to and counsel for the council and manager in matters relating to their official duties. He shall represent the city in litigations in which the city is interested; shall provide written legal opinion on official matters when requested by the council or manager; shall review for legal correctness contracts, bonds, franchises, and other instruments in which the city is concerned, and perform such other duties as may be prescribed for him by ordinance, by administrative code, or otherwise by law.

Sec. 2.07. City manager.

The council shall appoint a chief administrative officer of the city government who shall be entitled city manager, and who shall serve at the pleasure of the council. The pleasure of the council in appointing or discharging the city manager shall be exercised by at least three affirmative votes. If a vacancy occurs in this position, the council shall select a manager within ninety (90) days from the time such vacancy occurs. The manager shall be selected on the basis of his training, experience and other administrative qualifications for the office, without regard to his political or religious preferences or his place of residence at the time of appointment. No councilmember shall be eligible for the position of manager within two (2) years after the expiration of his latest councilmanic term.

Section 3.01 is amended to read as follows:

Sec. 3.01. Eligibility for office.

Only United States citizens may be officers of the city and only registered qualified electors who have been residents of the city or any territory legally annexed thereto at the time nomination papers are issued to the candidate pursuant to the general election law, shall be eligible to an elective city office.

Section 7.21 is amended to read as follows:

Sec. 7.21. Bids for contracts; certified checks or bid bonds; performance bonds.

Competitive prices or bids for all purchases and public works and improvements performed by contract shall be obtained where practicable and the purchase made from, or the contract awarded to, the lowest and best responsible bidder; provided, that the council may waive the bidding requirements prescribed in this section in the purchase of noncompetitive items. Sealed bids shall be asked for in all transactions involving the expenditure of ten thousand dollars (\$10,000.00) or more, and the transaction evidenced by written contract submitted to and approved by the council. Annually, at the same time the budget ordinance is adopted, the council may in that ordinance establish an inflation or deflation adjustment to the base of \$10,000.00 to take economic changes into account. Such

adjustment shall be determined utilizing reliable indicators or indices or price increases or decreases. Once adopted, the adjustment shall be added to or subtracted from the base of \$10,000.00 so that sealed bids shall be asked for in all transactions involving the expenditure of the adjusted base. The council may reject any and all bids. In all transactions where sealed bids are required, the council may demand a deposit by each bidder in the form of a certified check or bid bond in an amount which shall be specified in the call for bids. The council may require a faithful performance or surety bond of the successful bidder. Calls for sealed bids shall be published in a newspaper of general circulation of the city, not less than five (5) days before the deadline for submission of bids, unless the council declares by resolution that an emergency exists. Detailed purchasing and contract award procedure shall be prescribed by ordinance.

Section 4.06 is amended to read as follows:

Sec. 4.06. Council rules.

The council shall determine its own rules and order of business subject to the following provisions. There shall be a journal of proceedings of all council meetings approved by the council and signed by the mayor and clerk and to which the public shall have access at all reasonable times. Within seven (7) days after any regular or special council meeting, a copy of the journal or proceedings shall be posted on a bulletin board in the city hall. A vote upon all ordinances and resolutions shall be taken individually by an affirmative and negative vote and entered upon the journal, except that where the vote is unanimous it shall be necessary only to so state. There shall be no standing committees of the council.

Section 5.02 is amended to read as follows:

Sec. 5.02. Enactment, amendment and repeal of ordinances.

Ordinances may be enacted, amended or repealed by the affirmative vote of not less than three (3) councilmen, except that when an ordinance is given immediate effect, Section 5.03 of this charter shall govern. Unless by the affirmative vote of not less than three councilmen, no office shall be created or abolished, no tax or assessment be imposed, no street, alley or public ground be vacated, no real estate or any interest therein be sold or disposed of, no private property be taken for public use, nor any vote of the council be reconsidered or rescinded, nor any money appropriated except as otherwise provided by this charter. Except in the case of ordinances which are declared to be urgency ordinances, no ordinance shall be finally passed by the council until two (2) weeks after the meeting at which the ordinance is introduced. Introduction of an ordinance shall require the affirmative vote of not less than three (3) councilmen. At least the title and a summary of the ordinance as introduced shall be published in a newspaper of general circulation in the city at least one week before the final passage, either separately or as part of any published proceedings of the council. No ordinance shall be amended by reference to its number and title only, but the section or sections of the ordinance amended shall be reenacted and published in full in a newspaper of general circulation in the city. An ordinance may be repealed in total by reference to its number and title only and publication of the action may be similarly limited.

Section 5.04 is amended to read as follows:

Sec. 5.04. Publication of ordinances.

Each ordinance passed by the council shall be published in full at least once within fourteen (14) days after its adopted in a newspaper of general circulation in the city, either separately or as a part of any published proceedings of the council provided that this section shall not apply to urgency ordinances provided for in Section 5.03 and technical codes provided for in Section 5.05 of this charter. All ordinances and their amendments shall be recorded by the clerk in a book to be called "The Ordinance Book" and it shall be the duty of the mayor and clerk to authenticate such records by their official signatures.

Section 5.05 is amended to read as follows:

Sec. 5.05. Technical codes.

The council may adopt in whole or in part any provision of state law or any detailed technical regulations as a city ordinance or code by citation of such provision of state law or by reference to any recognized standard code and it shall be clearly identified in the ordinance adopting the same as an ordinance of the city. Where any recognized official or unofficial standard code is so adopted in whole or in part, it may be published by filing one copy of the law or code in the office of the clerk, and the publication of revised or altered sections shall be in the manner prescribed in this charter for the adoption of other ordinances. Any subsequent amendment to or revision of such adopted law or code or detailed technical ordinance may be adopted and published in the same manner.

Section 5.08 is amended to read as follows:

Sec. 5.08. Compilation and codification of ordinances.

The council shall, within one year after the adoption of this charter, cause any or all properly enacted and unrepealed ordinances of the city to be compiled, consolidated, revised, indexed and arranged, including such restatements and substantive changes as are necessary for clarity, in a comprehensive ordinance code. Such code may be adopted by reference by passage of an ordinance in the same manner as other ordinances of the city. Such code need not be published in the manner required for other ordinances, but not less than one copy thereof shall be filed for use and examination by the public in the office of the city clerk prior to the adoption thereof. Subsequent amendments to the code shall be enacted in the same manner as herein required for the amendment of ordinances generally.

Section 7.12 is amended to read as follows:

Sec. 7.12. Advertisement and sale of bonds.

All bonds to be sold by the city shall be advertised for sale at least once in a newspaper of general circulation in the city and in such financial journals as may be deemed necessary to stimulate competitive bidding, at least fifteen (15) days before the bond sale in the manner required by state law.

Section 7.14 is amended to read as follows:

Sec. 7.14. Unissued bonds.

If any bonds are not sold within five (5) years after authorization, such authorization shall, with respect to such bonds, be null and void, and such

bonds shall be cancelled.

Section 7.17 is amended to read as follows:

Sec. 7.17. Presentation of demands.

The procedure for processing demands shall be established by the council by ordinance. If a demand is one for an item included within an approved budget appropriation, it shall require the approval of the city manager; otherwise it shall require the approval of the council. Any person dissatisfied with the refusal of the manager to approve any demand, in whole or in part, may present the same to the council, which, after examining into the matter, may approve or disapprove the demand, in whole or in part.

Section 7.19 is amended to read as follows:

Sec. 7.19. Independent audit.

The council shall provide for a running audit of all accounts and books of the city by a firm of certified public accountants who are in no other way connected with the city government. Such accountant or accountants shall be employed at the beginning of the fiscal year for a minimum of two (2) years and a maximum of four (4) years. The accountant or accountants so employed shall examine the books, records, inventories, and reports of all officers and employees who receive, handle or disburse public funds and of such other officers, employees, departments and agencies of the city government as the council may require. A comprehensive audit shall be made covering each fiscal year; such audit report shall be submitted to the council and shall be open to public inspection.

Section 1.055 is amended to read as follows:

Sec. 1.055. Genders.

The citizens of Roseville intend that where a male pronoun is used in this Charter it includes the female gender on an equal basis.

Certified to be a true copy by Harry Crabb, Jr., Mayor and Pauline Brockman, City Clerk.

Date of General Municipal Election: April 13, 1982.

Charter Chapter 11—City of Placentia

Amendments to the Charter of the City of Placentia

[Filed with the Secretary of State May 3, 1982.]

Section 700 was amended to read as follows:

Section 700. Number and Term. In addition to the members of the City Council, the other elected officers of the City shall be the City Clerk and City Treasurer. They shall be elected from the City at large at the times and in the manner in this Charter provided, and each shall serve for a term of four years and until his successor is elected and qualified.

The regular election of the City Clerk shall be held on the second Tuesday of April in even numbered years at the same time and in conjunc-

tion with the regular election for two (2) City Councilmembers. The regular election for City Treasurer shall be held at the same time as and in conjunction with the regular election for three (3) City Councilmembers. The candidates receiving the highest number of votes for each of these offices shall be elected. The terms of the City Clerk and the City Treasurer shall commence on the first Tuesday following such election. Any ties in voting shall be settled by the casting of lots.

The City Clerk and City Treasurer shall be elected for a term of four (4) years.

Certified to be a true copy by Donald A. Hoyt, Jr., Mayor and Doris B. Black, City Clerk.

Date of Regular General Municipal Election: April 13, 1982.

Charter Chapter 12—City of Oakland

Amendments to the Charter of the City of Oakland

[Filed with the Secretary of State May 13, 1982.]

Section 2601 and 2615 are amended to read as follows:

Section 2601. In order to continue in force and make effectual pensions and retirements already existing or that may be granted in the future in favor of members of the Police or Fire Departments, the systems heretofore existing under the provisions of Articles XIV and XV of this Charter are hereby combined into one system to be known as the Police and Fire Retirement System and the funds heretofore created, existing and known as the Police Relief and Pension Fund and the Firemen's Relief and Pension Fund are hereby combined in a common fund to be known and designated as the Police and Fire Retirement Fund. This System and Fund shall be managed and administered by a Board hereby created to be known and designated as the Police and Fire Retirement Board, which shall be the successor of and shall have the powers and duties heretofore possessed and exercised by the Board of Trustees of the Police Relief and Pension Fund and the Board of Trustees of the Firemen's Relief and Pension Fund. This Retirement Board shall consist of seven (7) members as follows: The Mayor of the City, one active member of the Police Department, one active member of the Fire Department, a life insurance executive of a local office, a senior officer of a local bank, a community representative, and a Police-Fire retired member who shall be elected from the retired members of the Fire Department for a first three (3) year term commencing the first day of the month next following his election, and from the retired members of the Police Department for the next successive three (3) year term, and thereafter alternately from the retirement rolls of each of said departments for successive three (3) year terms. The election of the first such Police-Fire retired member by the vote of the retired members of the Fire Department shall be held within ninety

(90) days following the effective day of this amendment in the manner heretofore established by and under the supervision of the Retirement Board. In the event an active or retired Police-Fire member does not serve out his three (3) year term his successor shall be elected from the department which has most recently elected him for the remainder of said unexpired three (3) year term. All members elected from the Police and Fire Departments or from the police-fire retirement rolls shall be elected by vote of the active or retired members of the respective departments as the case may be and the Retirement Board may from time to time revise the manner of conducting such elections.

Section 2615.

(1) No member of the System who is retired for service or disability under this Article shall hold any elective or appointive position in the service of the City of Oakland, including membership on Boards or Commissions, except that retired members of the Police and Fire Departments may serve on the Police and Fire Retirement Board as provided in Section 2601, nor shall any such person receive any payment for service rendered to the City, provided that service such as an election officer or juror shall not be affected by this section.

(2) Retired members of the System or dependents of such members under the provisions of this Article shall not be subject to residence requirements.

Certified to be a true copy of Lionel J. Wilson, Mayor and Arrece Jame-son, City Clerk.

Date of Municipal Nominating Election: April 17, 1979.

Charter Chapter 13—City of Long Beach

Amendments to the Charter of the City of Long Beach

[Filed with the Secretary of State May 18, 1982.]

Section 1801 is amended to read as follows:

Sec. 1801. Bids for Contracts To Be Called.

All contracts, except as otherwise provided in this Charter, or by general law, for the City or any of the departments or public institutions thereof, must be made by the City Manager with the lowest responsible bidder whose bid is in regular form, after one publication of a notice calling for bids in a daily newspaper of general circulation in the City. Said notice shall contain a brief description of the services, supplies, materials, equipment or labor required, the amount of bonds required of the successful bidder, and state the hour and day on which said bids will be opened.

The foregoing notwithstanding, the Director of Library Services, in accordance with procedures provided by and with the written approval of the City Manager, and with such faithful performance bonds, if any, as the City Manager may deem reasonably necessary, is authorized to con-

tract on behalf of the City, without advertising for bids, for the purchase of books, pamphlets, government documents, serials, continuations, periodicals, recordings, videotapes, films, or an on-line acquisition system, and such other similar goods and services furnished to the City Library all in an amount not to exceed that set by the City Council each year in the annual budget for such goods and services.

The City Council, by resolution adopted by the affirmative vote of five members of the City Council, may authorize the City Manager to enter into a contract on behalf of the City, in writing or otherwise, without advertising for bids for services, supplies, materials, equipment or labor for actual emergency work.

Certified to be a true copy by Eunice N. Sato, Mayor and Shelba Powell, City Clerk.

Date of Special Municipal Election: April 13, 1982.

Charter Chapter 14—City of Redwood City

Amendments to the Charter of the City of Redwood City

[Filed with the Secretary of State June 10, 1982.]

Section 3½ amended to read as follows:

Section 3½. Acquisition and Disposal of Property.

Public notice shall be given by publication in the official newspaper once at least five (5) days prior to the acquisition of any real property when the purchase price to be paid by the city equals or exceeds the sum of two thousand dollars (\$2,000.00), unless such acquisition is to be accomplished pursuant to the general laws of the State by condemnation in eminent domain proceedings, or unless such acquisition is necessary in connection with public improvement proceedings accomplished pursuant to law.

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

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

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

(c) Every sale or lease of city property under the jurisdiction of the City

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

(d) Any city real property having an appraised value of two hundred fifty dollars (\$250) or less may be sold without public notice or public bid as required by this section; provided, however, that no such property shall be sold for less than ninety percent (90%) of the appraised value thereof. Any city personal property having an appraised value of five thousand dollars (\$5,000) or less may be sold without public notice or public bid as required by this section; and, further, such property may be sold for any reasonable amount irrespective of its appraised value.

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

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

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

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

Section 9 is amended to read as follows:

Section 9. The Council.

The Council shall be comprised of seven councilmen, including the

Mayor, and shall be the legislative body of the city, each of the members of which, including the Mayor, shall have the right to vote upon all questions before it.

Councilmen shall be elected at each general municipal election and shall hold office for the term of four years from and after the Monday next succeeding the day of such election and until their successors are elected and qualified. The councilmen in office at the time of this charter taking effect shall continue in office until the end of the terms for which they were respectively elected.

Any vacancy occurring in the Council shall be filled by appointment by the remaining councilmen; but in the event that said remaining councilmen fail to fill such vacancy by appointment within 60 days after 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 election, at which date a person shall be elected to serve for the remainder of such unexpired term. In case a member of the Council is absent from the city for a period of 90 days, unless by permission of the Council, his office shall by the Council be declared vacant and the same filled as in the case of other vacancies.

The Council may provide by resolution for compensation of its members in an amount not to exceed that allowed for Council members of general law cities of equivalent population. Adjustments to the initial rate of compensation established after the effective date of the amendment hereto providing for compensation by reference to Councilmember compensation of general law cities may be made in amounts not to exceed those allowed for general law city council members. Provision for payment in accordance with the foregoing may be made when the amendment hereto providing for such compensation is filed with the Secretary of State, but in no event before July 1, 1982.

No councilman shall be eligible during the term for which he was appointed or elected to hold any other office or employment with the city, except as a member of any board, commission, or committee thereof, of which he is constituted such member by general law or by this Charter.

Section 49(a) is amended to read as follows:

(1) Section 49(a). Contracts.

Except as otherwise provided herein, all public work requiring an expenditure of funds under the jurisdiction of the Board of Port Commissioners in excess of ten thousand dollars (\$10,000) shall be accomplished pursuant to the provisions of Section 67 and 68 hereof concerning solicitation or public advertisement for bids. All powers and duties therein conferred upon the City Council are, in relation to all matters concerning the Port, hereby conferred and imposed upon Board of Port Commissioners, and all powers and duties therein conferred upon the city manager are, in relation to all matters concerning the Port, hereby conferred and imposed upon the Port Manager. Plans and specifications must be on file in the office of the Board, subject to public inspection at the time of solicitation of bids or publication of notice inviting public bids.

In the event of extraordinary fire, flood, storm, epidemic, public disas-

ter, or if necessary to accomplish emergency rehabilitation or repair of operative facilities to prevent loss of Port revenue, the Board may, upon adoption of a resolution by four-fifths ($\frac{4}{5}$ ths) vote of its members, declare that the public interest and necessity requires the immediate performance of emergency public work or service. Upon adoption of such resolution the Board may order such emergency expenditures as are necessary to accomplish such work without public advertisement or bid.

Section 67 is amended to read as follows:

(2) Section 67. Contracts.

Any public work or improvement costing more than ten thousand dollars (\$10,000) shall be executed by contract, except where a specific work or improvement is authorized by the City Council based on detailed estimates submitted by the department authorized to execute such work or improvement directly. Every contract for any public work or improvement which is estimated to cost more than ten thousand dollars (\$10,000) but less than twenty thousand dollars (\$20,000) shall be awarded to the lowest responsible bidder after solicitation of bids without public advertisement. Every contract for any public work or improvement which is estimated to cost twenty thousand dollars (\$20,000) or more shall be awarded to the lowest responsible bidder after public advertisement and competition as may be prescribed by ordinance. The City Council shall have the power to reject any and all bids, and solicit or advertise again. All solicitations and advertisements as to contracts shall contain a reservation of the foregoing right. All contracts entered into by the city shall be signed by the city manager and any other officer or officers of the city as the council may by ordinance provide.

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

Date of General Municipal Election: April 13, 1982.

Charter Chapter 15—City of Pomona

Amendments to the Charter of the City of Pomona

[Filed with the Secretary of State June 1, 1982.]

Sections 202 and 203 are amended to read as follows:

Section 202. Councilmanic Districts. The City is hereby divided into four councilmanic districts.

Section 203. Changes in Boundaries of Councilmanic Districts. The boundaries of said councilmanic districts, but not the number thereof, may be changed by ordinance adopted by the Council by a four-fifths vote of all its members; provided, that districts established by the Council shall be as nearly equal in population as practicable, and provided further that the Council shall not change the boundaries of districts more than once in any two-year period and no such change shall be made within the period of

one hundred twenty days preceding a general municipal election. The foregoing limitations shall not apply to changes made necessary by annexations to the City. After the Council has once exercised its power to change the boundaries of districts, territory annexed to the City shall immediately be added to the district specified by ordinance adopted by the Council.

Section 507 is amended to read as follows:

Section 507. **Vote Required.** Except in cases where a higher vote is required by other provisions of this Charter, the affirmative votes of at least three members of the Council shall be required for the adoption of any ordinance or resolution or for the taking of any action which under Section 505 requires the taking of ayes and noes by roll call, except actions requiring the taking of ayes and noes solely by reason of the demand of a member. Other actions may be taken by majority vote of the members present. A vacancy on the Council, when it may be filled by appointment, may be filled by a majority vote of the then members of the Council.

Section 402 is amended to read as follows:

Section 402. **Eligibility.** To be eligible to hold the office of Mayor or Councilman, a person must be a citizen of the United States, and must be a qualified elector of the City. A Councilman must also be a resident of the councilmanic district from which he is nominated at the times he is nominated and elected. In the event any Councilman shall cease to be a resident of the district from which he (or, in the case of an appointee, his predecessor) was nominated his office shall immediately become vacant and shall be filled in the same manner as herein provided for other vacancies; provided, that where a Councilman ceases to be a resident of the district from which he (or, in the case of an appointee, his predecessor) was nominated solely because of a change in the boundaries of any district as in this Charter provided, he shall not lose his office by reason of such change.

Section 713 is amended to read as follows:

Section 713. **Political Activity.** Whoever, being a City officer or being in nomination for or while seeking election or appointment to any City office, shall use or promise to use, directly or indirectly, any official authority or influence, whether then possessed or merely anticipated, to aid any other person to secure any office or appointment in the service of the City or any increase of salary, upon the condition that such other person's vote or political influence shall be given or used in behalf of any candidate, officer or political party or association, or upon any other corrupt condition, shall be guilty of a misdemeanor. Every person found guilty of such misdemeanor as aforesaid, shall upon conviction thereof, be liable to be punished by a fine of not less than one hundred dollars or more than one thousand dollars, or to be imprisoned not less than ten days or more than one year, or to both said fine and said imprisonment in the discretion of the court. If the person convicted be a public officer, he shall, in addition to any other punishment imposed, be deprived of his office and be forever debarred and disqualified from holding any position in the service of the City.

Section 1008 is amended to read as follows:

Section 1008. **Ballots.** At the primary election and at the general mu-

nicipal election, the office of Mayor shall appear first upon the ballot, followed by such offices of Councilmen as are to be voted on, in the numerical order of the numbers of the Councilmanic districts to which they relate. There shall be nothing on any ballot indicative of the party affiliation or support of any candidate.

Section 602 is amended to read as follows:

Section 602. Eligibility. No person shall be eligible to appointment as City Administrator while serving as a member of the Council nor within three years after he has ceased to be such member.

Section 701 is amended to read as follows:

Section 701. Other Officers to be Appointed by Council. There shall be a City Clerk, a City Attorney, and a City Treasurer, each of whom shall be appointed by the affirmative vote of a majority of all then members of the Council, shall serve at the pleasure of the Council and may be removed at any time by the affirmative vote of a majority of all then members of the Council.

Section 1108. Tax Procedure. (Repealed)

Section 1109. Tax Limits. (Repealed)

Section 603(a) is amended to read as follows:

Section 603. Powers and Duties. The City Administrator shall be the head of the administrative branch of the City government and shall be responsible to the Council for the proper administration of the affairs of the City. Without limiting the generality of the foregoing sentence, the City Administrator shall have the power and duty:

(a) To appoint, and when he deems necessary, to suspend or remove, but subject to the personnel merit system provisions of this Charter, the Director of Finance and all other officers and department heads of the City except elective officers and except those officers and department heads the power of whose appointment is vested in the Council or in the Board of Library Trustees; provided, that all such appointments and removals shall be subject to the approval of the Council before becoming effective, but provided, further, that a temporary appointment for a period not to exceed sixty days may be made by the City Administrator without Council approval.

Section 604. Assistant City Administrator. (Repealed)

Section 1303 is amended to read as follows:

Section 1303. Contracts to be Let by Council on Competitive Bidding. Every contract involving a project for the construction, improvement, or repair of public buildings, public works, streets, drains, sewers, utilities, parks or playgrounds, and every contract for the purchase of supplies or materials for any such project, where the total contract price for the same exceeds the sum set for general law cities by the California Government Code Section 37902, shall be let by the Council to the lowest responsible bidder after notice published in a newspaper in the City at least once not later than ten days before the time fixed for opening bids. In the event that there is no newspaper published in the City, then such notice shall be posted in three public places in the City at least ten days before the time fixed for opening bids.

Even though the total expenditures required for a project may exceed

the sum set for general law cities by Section 37902 Government Code, separate contracts may be let without competitive bidding if the contract or contracts involving the same project let to the same contractor do not in total exceed the sum of five thousand dollars.

The Council may reject any and all bids. If no bids are received or if the Council determines that the bids received are not satisfactory, it may again advertise for bids in like manner or it may determine and declare that, in its opinion, based on estimates approved by the City Administrator, the work in question may be performed more economically by the City with its own employees or the supplies or materials may be purchased more economically on the open market, and if the Council so determines and declares by resolution it may proceed to have such work performed by the City with its own employees or such supplies or materials purchased in the open market, without further observance of the provisions of this section.

The provisions of this section shall not apply to any project for the maintenance or repair of public buildings, public works, streets, drains, sewers, utilities, parks or playgrounds if the Council determines that such work can be performed more economically by a City department than by contracting for the doing of such work. The provisions of this section also shall not apply to letting of any contract for work, supplies or material which the Council, by the affirmative vote of at least four-fifths of its then members, finds to be urgently needed for the immediate preservation of life, health or property.

Section 1602 is amended to read as follows:

Section 1602. Violations. The violation of any provision of this Charter or of any ordinance of the City shall constitute a misdemeanor, or an infraction at the discretion of the City Council, and may be prosecuted in the name of the people of the State of California or may be redressed by civil action. Any such violation, if a misdemeanor, shall upon conviction be punishable by a fine of not exceeding five hundred dollars or by imprisonment for a term of not exceeding six months or by both such fine and imprisonment; and if an infraction, shall upon conviction be punishable by a fine of not exceeding two hundred and fifty dollars.

Certified to be a true copy by Adrian T. Wright, Mayor and Joyce Herr, City Clerk.

Date of Special Municipal Election: April 13, 1982.

Charter Chapter 16—City of Los Angeles

Amendments to the Charter of the City of Los Angeles

[Filed in the office of the Secretary of State June 30, 1982.]

Articles XVII and XVIII of the Charter amended by amending Section 186½ of Article XVII and Section 190.10 of Article XVIII; and by adding

a new Section 184.96 to Article XVII and a new Section 190.143 to Article XVIII: which sections as amended or added are to read as follows:

Sec. 184.96. (A) (1) Cost of living adjustments of any pension hereafter granted pursuant to the provisions of this Article shall, as of the effective date of this Section, be subject to certain limitations as hereinafter more specifically provided:

At the time each such pension shall become eligible for cost of living adjustments, as provided in this Article, it shall be adjusted in accordance with a formula which shall take into account years of service and partial years of service served by a member prior to the effective date of this Section, hereafter referred to as "prior service" and years of service and partial years of service served subsequent to such effective date, hereafter referred to as "subsequent service". Cost of living adjustments shall consist of two parts, one of which shall be on account of all prior service of the retired former member and the other part on account of all subsequent service of the retired former member. As to prior service, such former member shall be entitled to have his or her pension increased or decreased as of the dates provided therefor by Section 184.7, by the percentage of the annual increase or decrease in the cost of living as shall be determined by the Board of Pension Commissioners pursuant to Section 184.7, and in accordance with the formula hereafter set forth, and such prior service shall be known as the "uncapped cost of living portion". As to subsequent service, such former member shall be entitled to have his or her pension increased or decreased, as of the dates provided therefor by Section 184.7, by a percentage not to exceed an increase or decrease of 3% in any given year and, in accordance with the formula hereafter set forth, and such subsequent service shall be known as the "capped cost of living portion".

(2) The applicable formula to be employed in calculating the total cost of living adjustment to which retired former members, whose cost of living adjustments are subject to the conditions and limitations contained in this Section are entitled, shall be as follows: The percentage that prior years of service of a member bears to the total years of service of such member shall be applied to his or her pension when computing cost of living adjustments and that amount shall be considered the uncapped cost of living portion; and the remaining amount of the pension shall be considered the capped cost of living portion. For purposes of applying the above formula, the total years of service to be considered shall not exceed thirty years.

(3) Pensions which become payable before July 1 of any year, but subsequent to the preceding July 1, will be adjusted as to the uncapped cost of living portion and the capped cost of living portion on a prorated basis whereby one-twelfth ($\frac{1}{12}$) of the annual adjustment shall be applied for each completed month since such pension commenced.

(4) Pensions payable to the eligible survivors of deceased former members or retired former members shall receive cost of living adjustments according to the formula provided in this Section, whereby such formula will be based upon the years of prior service and years of subsequent service of the deceased former member or the retired deceased former

member as applied to the pension upon which the survivor's pension will be calculated.

(B) The capped cost of living portion may be subject to discretionary cost of living adjustments as hereinafter specified. To the extent that the percentage of the capped cost of living portion of the cost of living adjustment provided in Subsection (A) hereof is less than the annual change in the cost of living as determined pursuant to the provisions of Section 184.7 of this Article, the City Council may grant discretionary cost of living adjustments of the capped cost of living portion in addition to the annual cost of living adjustments, subject to the following conditions and requirements:

(1) Discretionary adjustments may not be provided more frequently than once every three (3) years, counting from the effective date of this Section and, after a discretionary adjustment has once been made, counting from the date the last discretionary adjustment became effective.

(2) Discretionary adjustments shall not exceed one-half ($\frac{1}{2}$) of the difference between the percentage of the annual increases in the cost of living, as determined pursuant to the provisions of Section 184.7 of this Article and of the annual capped cost of living portion adjustments made pursuant to the provisions of this Section for each of the preceding three (3) years. Discretionary adjustments shall be allocated to each of the three (3) years for which an adjustment is made.

(3) Discretionary adjustments herein provided shall be subject to the following limitations: If a pension became payable on or after the July 1 immediately preceding the effective date of such adjustment, it shall not be so adjusted; and any pension which shall have become payable at a time within the three (3) year period (but prior to the immediately preceding July 1) shall be prorated on a monthly basis to the number of completed months for which the pension was received, provided that survivorship pensions paid pursuant to the provisions of this Article shall be adjusted by basing eligibility on the date upon which the retired former member's pension became effective.

(4) Discretionary cost of living adjustments may be provided only by ordinance. Ordinances providing discretionary adjustments may not be finally adopted until the City Council has first obtained and published a report from the actuary or actuaries of the Fire and Police Pension System indicating the present value of the liabilities that will be created by the proposed discretionary adjustment. This report must identify the annual funding cost of amortizing this liability over the funding period provided by the provisions of this Article.

(5) Ordinances adopted pursuant to this Subsection must be adopted by not less than two-thirds of the membership of the Council, subject to the veto of the Mayor and readoption by the Council in the same manner as other ordinances requiring a two-thirds vote. No such ordinance may be finally adopted by the Council until the expiration of at least thirty (30) days after its first presentation to the Council, nor until after a public hearing has been held thereon. Ordinances adopted pursuant to this Subsection shall be published no later than November 30 and shall become effective January 1.

(6) All adjustments provided in this Subsection are to be applied prospectively only and shall not be understood to permit retroactive adjustments of pensions.

(C) In no event shall pensions adjusted pursuant to the provisions of Subsection (B) of this Section ever be decreased below the amount received by the eligible recipient of a pension under the provisions of this Article when such pension first became payable to him or her.

(D) Should any provision of this Section at any time be held to be invalid, in its application to certain persons or periods of time, such invalidity shall not affect the validity of that or any other provision as to other persons entitled to benefits hereunder or the applicability as to other periods of time.

Sec. 186½. Each member of the Fire Department and of the Police Department included within the pension provisions of this Article shall contribute to said Fire and Police Service Pension Fund in the manner as hereinafter in this Section provided.

The administrative head of each such department shall cause to be shown on each and every payroll of said department a deduction of six percent (6%) of the amount of salary, as shown on each such payroll, of each such member whose name appears thereon, and shall certify to the Controller on each such payroll the amount to be deducted from the compensation of each such member whose name appears thereon, and shall cause to be drawn a payroll check in favor of the Board of Pension Commissioners for the total amount of deduction shown on each payroll of such department, and said board shall deposit said payroll check to the credit of the Fire and Police Service Pension Fund. It shall be the duty of the administrative head of each department to cause to be furnished a copy of each and every such payroll hereinbefore mentioned to the said Board of Pension Commissioners.

Each member shall be deemed to consent and agree to each deduction made as provided for herein and the payment of each payroll check to such member shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by each member during the period covered by such payroll, except such claims as such member has to the benefits or payments provided for in this Article.

Every person who is a member of the Fire and Police Pension System on July 1, 1982 shall, upon termination of employment, be entitled to a refund of contributions made by him or her pursuant to the provisions of this Section. A person not a member on July 1, 1982 and whose employment terminated prior to said date, shall not be entitled to a refund of contributions made by him or her during periods of membership prior to said July 1, 1982.

The refund of contributions shall be subject to the following conditions and limitations:

Upon termination of employment as a member of the Fire Department or the Police Department for any reason except retirement pursuant to the provisions of this Article, a member shall be entitled to have refunded to him or her all contributions made by such member to the Fire and Police Service Pension Fund prior to the effective date of this Section, plus

6% per annum interest on such contributions calculated in the same manner as if interest had regularly been credited to the member's contribution, compounded as of the last day of the last pay period of December and to the end of the last pay period preceding the effective date of termination of employment.

Starting July 1, 1982 the board shall maintain an individual account of the contributions by each member, as hereinabove provided. Regular interest shall be credited to such individual accounts as of the last day of June and December of each year after July 1, 1982, at such rate as the board may deem proper in light of the earnings of the funds of the Fire and Police Pension System, exclusive of profits and losses on principal heretofore or hereafter resulting from sales of securities. No such interest shall be credited at any other time; provided, however, that such interest shall be credited to the individual account of a member whose employment is terminated for any reason for any period of service between the next preceding last day of June or December and the end of the pay period preceding the date of such termination at the rate at which regular interest was last credited to members' individual accounts. Should a member entitled to a refund of contributions fail to demand payment thereof within ten (10) years from the date of termination of employment of the member, said contributions shall be transferred to such reserve account or accounts of the Fire and Police Pension System as the board, in its sole discretion, may determine and, thereafter, any action or proceeding to enforce payment thereof to any such member or his or her estate shall be forever barred.

Members who elect to receive a refund of contributions, forfeit the right to benefits provided in this Article. After payment of any pension benefit has commenced, said member forfeits the right to a refund of the member's contributions. Members who return to active duty from a disability pension may not thereafter have contributions made by them prior to their retirement on such disability pension refunded.

Members shall have the right to designate persons who shall be entitled to receive monies to which a member would otherwise be entitled upon termination of employment, to be payable to such designated person or persons upon the member's death; provided, however, that no such monies shall become payable if any person should be entitled to any other benefit provided in this Article. The board shall adopt appropriate forms for the designation by members of persons who shall be such member's beneficiaries.

Sec. 190.10. Contributions of System Members.

Deductions shall be made from the salaries of System Members, and such deductions shall be deposited to the credit of and paid into the new System Service Pension Fund, all as hereinafter provided in this Section.

The administrative head of the Fire Department and of the Police Department shall cause to be shown on each and every payroll of such department a deduction equal to the sum of the following items:

- (1) 6% of the amount of salary, as shown on each such payroll, of each System Member whose name appears thereon; and
- (2) That percentage of the amount of salary, as shown on each such

payroll, of each System Member whose name appears thereon, but not to exceed 1% thereof, which shall be equal to $\frac{1}{2}$ of the cost of the cost of living benefits provided in this Article as shall be determined by the Board upon an actuarial valuation obtained by it pursuant to Section 190.08.

The Board, from time to time, shall certify in writing to the administrative head of each such department and to the Controller any change in the deductions to be made pursuant to (2) above, and any such change shall become effective as of the next following July 1.

The administrative head of each such department shall certify to the Controller on each such payroll the amount to be deducted from the salary of each System Member whose name appears thereon, and shall cause to be drawn a payroll check in favor of the Board for the total amount of deductions from the salaries of such System Members as shown on each payroll of such department, and the Board shall deposit said payroll check to the credit of the New System Service Pension Fund. It shall be the duty of the administrative head of each such department to cause to be furnished to the Board a copy of each and every such payroll.

Each System Member shall be deemed to consent and agree to each deduction as provided herein, and the payment of each payroll check to such System Member shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such System Member during the period covered by each such payroll check, except such claims as such System Member may have to the benefits or payments provided by this Article. Every person who is a System Member on July 1, 1982 shall, upon termination of employment, be entitled to a refund of contributions made by him or her pursuant to the provisions of this Section. A person not a System Member on July 1, 1982 and whose employment terminated prior to said date, shall not be entitled to a refund of contributions made by him or her during periods of membership prior to said July 1, 1982.

The refund of contributions shall be subject to the following conditions and limitations:

Upon termination of employment as a Department Member for any reason except retirement pursuant to the provisions of this Article, a System Member shall be entitled to have refunded to him or her all contributions made by such System Member to the New System Service Pension Fund prior to the effective date of this Section, plus 6% interest per annum on such contributions calculated in the same manner as if interest had regularly been credited to the System Member's contributions, compounded as of the last day of the last pay period of December and to the end of the last pay period preceding the effective date of termination of employment.

Starting July 1, 1982, the Board shall maintain an individual account of the contributions by each System Member, as hereinabove provided. Regular interest shall be credited to such individual accounts as of the last day of June and December of each year after July 1, 1982, at such rate as the Board may deem proper in light of the earnings of the funds of the New Pension System, exclusive of profits and losses on principal heretofore or hereafter resulting from sales of securities. No such interest shall

be credited at any other time; provided, however, that such interest shall be credited to the individual account of a System Member whose employment is terminated for any reason for any period of service between the next preceding last day of June or December and the end of the pay period preceding the date of such termination at the rate at which regular interest was last credited to System Members' individual accounts. Should a System Member entitled to a refund of contributions fail to demand payment thereof within ten (10) years from the date of termination of employment of the System Member, said contributions shall be transferred to such reserve account or accounts of the New Pension System as the Board, in its sole discretion, may determine and, thereafter, any action or proceeding to enforce payment thereof to any such former System Member or his or her estate shall be forever barred.

System Members who elect to receive a refund of contributions, forfeit the right to benefits provided in this Article. After payment of any pension benefit has commenced, said System Member forfeits the right to a refund of the System Member's contributions. System Members who return to active duty from a disability pension may not thereafter have contributions made by them prior to their retirement on such disability pension refunded. A terminated System Member who had elected to have contributions returned, but who reenters service and again becomes a System Member shall, notwithstanding any provision of this Article to the contrary, not be entitled to credit for years of service previously earned unless he or she shall first have repaid the amount of contributions and interest and an amount calculated as interest which would have been earned between the date of original termination of status as a System Member and the date of reentry into service as a Department Member.

System Members shall have the right to designate persons who shall be entitled to receive monies to which a System Member would otherwise be entitled upon termination of employment, to be payable to such designated person or persons upon the System Member's death; provided, however, that no such monies shall become payable if any person should be entitled to any other benefit provided in this Article. The Board shall adopt appropriate forms for the designation by System Members of persons who shall be such System Member's beneficiaries.

Sec. 190.143. Limitations on Cost of Living Adjustments.

(A) (1) Cost of living adjustments of any pension hereafter granted pursuant to the provisions of this Article shall, as of the effective date of this Section, be subject to certain limitations as hereinafter more specifically provided:

At the time each such pension shall become eligible for cost of living adjustments, as provided in this Article, it shall be adjusted in accordance with a formula which shall take into account years of service and partial years of service served by a System Member prior to the effective date of this Section, hereafter referred to as "prior service" and years of service and partial years of service served subsequent to such effective date, hereafter referred to as "subsequent service". Cost of living adjustments shall consist of two parts, one of which shall be on account of all prior service of the retired Member and the other part on account of all subse-

quent service of the Retired Member. As to prior service, such Retired Member shall be entitled to have his or her pension increased or decreased as of the dates provided therefor by Section 190.14, by the percentage of the annual increase or decrease in the cost of living as shall be determined by the Board of Pension Commissioners pursuant to Section 190.14, and in accordance with the formula hereafter set forth, and such prior service shall be known as the "uncapped cost of living portion". As to subsequent service, such Retired Member shall be entitled to have his or her pension increased or decreased, as of the dates provided therefor by Section 190.14, by a percentage not to exceed an increase or decrease of 3% in any given year and, in accordance with the formula hereafter set forth, and such subsequent service shall be known as the "capped cost of living portion".

(2) The applicable formula to be employed in calculating the total cost of living adjustment to which Retired Members whose cost of living adjustments are subject to the conditions and limitations contained in this Section are entitled, shall be as follows: The percentage that prior years of service of a System Member bears to the total years of service of such System Member shall be applied to his or her pension when computing cost of living adjustments and that amount shall be considered the uncapped cost of living portion; and the remaining amount of the pension shall be considered the capped cost of living portion. For purposes of applying the above formula, the total years of service to be considered shall not exceed thirty years.

(3) Pensions which become payable before July 1 of any year, but subsequent to the preceding July 1, will be adjusted as to the uncapped cost of living portion and the capped cost of living portion on a prorated basis whereby one-twelfthth ($\frac{1}{12}$) of the annual adjustment shall be applied for each completed month since such pension commenced.

(4) Pensions payable to the eligible survivors of deceased former System Members or Retired Members shall receive cost of living adjustments according to the formula provided in this Section, whereby such formula will be based upon the years of prior service and years of subsequent service of the deceased System Member or deceased Retired Member as applied to the pension upon which the survivor's pension will be calculated.

(B) The capped cost of living portion may be subject to discretionary cost of living adjustments as hereinafter specified. To the extent that the percentage of the capped cost of living portion of the cost of living adjustments provided in Subsection (A) hereof is less than the annual change in the cost of living as determined pursuant to the provisions of Section 190.14 of this Article, the City Council may grant discretionary cost of living adjustments of the capped cost of living portion in addition to the annual cost of living adjustments, subject to the following conditions and requirements:

(1) Discretionary adjustments may not be provided more frequently than once every three (3) years, counting from the effective date of this Section and, after a discretionary adjustment has once been made, counting from the date the last discretionary adjustment became effective.

(2) Discretionary adjustments shall not exceed one-half ($\frac{1}{2}$) of the difference between the percentage of the annual increases in the cost of living, as determined pursuant to the provisions of Section 190.14 of this Article and of the annual capped cost of living portion adjustments made pursuant to the provisions of this Section for each of the preceding three (3) years. Discretionary adjustments shall be allocated to each of the three (3) years for which an adjustment is made.

(3) Discretionary adjustments herein provided shall be subject to the following limitations: If a pension became payable on or after the July 1 immediately preceding the effective date of such adjustment, it shall not be so adjusted; and any pension which shall have become payable at a time within the three (3) year period (but prior to the immediately preceding July 1) shall be prorated on a monthly basis to the number of completed months for which the pension was received, provided that survivorship pensions paid pursuant to the provisions of this Article shall be adjusted by basing eligibility on the date upon which the Retired Member's pension became effective.

(4) Discretionary cost of living adjustments may be provided only by ordinance. Ordinances providing discretionary adjustments may not be finally adopted until the City Council has first obtained and published a report from the actuary or actuaries of the New Pension System indicating the present value of the liabilities that will be created by the proposed discretionary adjustment. This report must identify the annual funding cost of amortizing this liability over the funding period provided by the provisions of this Article.

(5) Ordinances adopted pursuant to this Subsection must be adopted by not less than two-thirds of the membership of the Council, subject to the veto of the Mayor and readoption by the Council in the same manner as other ordinances requiring a two-thirds vote. No such ordinance may be finally adopted by the Council until the expiration of at least thirty (30) days after its first presentation to the council, nor until after a public hearing has been held thereon. Ordinances adopted pursuant to this Subsection shall be published no later than November 30 and shall become effective January 1.

(6) All adjustments provided in this Subsection are to be applied prospectively only and shall not be understood to permit retroactive adjustments of pensions.

(C) In no event shall pensions adjusted pursuant to the provisions of Subsection (B) of this Section ever be decreased below the amount received by the eligible recipient of a pension under the provisions of this Article when such pension first became payable to him or her.

(D) Should any provision of this Section at any time be held to be invalid, in its application to certain persons or periods of time, such invalidity shall not affect the validity of that or any other provision as to other persons entitled to benefits hereunder or the applicability as to other periods of time.

Sections 82, 239.7, 385 and 386(b) Charter of the City of Los Angeles are amended and Section 220(8) is added, and Section 386(a) (6) is repealed, all to read as follows:

Sec. 82. Any action by any of said Departments named in Section 70 authorizing the acquisition or sale of real property, approving of contracts which obligate the city for a longer period of time than one year, or which involves values in excess of Twenty Thousand Dollars (\$20,000), or which involves a rule of general application to be followed by the public, shall be taken by the head of the department by order or resolution, provided, however, that the Board of Commissioners of the Departments of Airports, Harbor, and Water and Power may each authorize its General Manager to contract on behalf of its Department where the contract does not involve values in excess of One Hundred Thousand Dollars (\$100,000). Every order or resolution adopting a rule of general application to be followed by the public shall be published once in a daily newspaper and shall take effect upon such publication. Such rules when adopted by orders of general managers of departments named in Section 70(c) shall be subject to the approval of the Mayor.

Sec. 220(8). Notwithstanding any other provision of this charter, the requirement for security deposits including surety bonds and faithful performance bonds and annual bid bonds as prescribed elsewhere in this charter may, in the general manager's discretion, be omitted when letting contracts for purchases of materials, supplies and equipment, and for the rental, repair and maintenance thereof.

Sec. 239.7. The Board shall have power to order and contract for the expenditure of all money derived from the sale of bonds of the City issued for airport improvements, and of all money in the Airport Revenue Fund. Whenever the Board shall have approved and authorized any work or improvement, and shall have appropriated the necessary money therefor, the general manager shall have power to let any necessary contract in connection with such work or improvement. In cases of emergency where the circumstances render it impossible to secure bids for the furnishing of labor or materials without undue delay or loss to the City, the general manager may, with approval of the Board, let such contract without advertising for bids.

Notwithstanding any other provision of this Charter, the requirement for security deposits including surety bonds and faithful performance bonds and annual bid bonds as prescribed elsewhere in this Charter may, in the general manager's discretion, be omitted when letting contracts for purchases of materials, supplies and equipment, and for the rental, repair and maintenance thereof.

Sec. 385. Every contract involving an expenditure of more than five hundred dollars (\$500) shall, except in cases of urgent necessity, as provided in Section 386 of this charter, be made in writing, the draft whereof shall be approved by the board, officer or employee authorized to make the same, and signed on behalf of the city by the Mayor, or some other person authorized thereto by resolution of the Council in the case of a contract authorized by the Council, or, in the case of other contracts, by the board, officer or employee, as the case may be, authorized to make the same; provided, however, that the approval of the City Attorney of any such contract as to form, as required by this charter, except contracts for the purchase of materials or of labor and materials involving the sum of

twenty thousand dollars (\$20,000) or less and except those contracts of the Departments of Airports, Harbor, and Water and Power for the purchase of materials, supplies and equipment, and for the rental, repair and maintenance thereof, involving values not in excess of one hundred thousand dollars (\$100,000) shall be endorsed thereon before the Council or such board, officer or employee shall have the power to approve the same. Excepted from this provision are all contracts for purchases made by the Purchasing Agent under the provisions of Section 391.

Sec. 386(a) (6) is hereby repealed.

Sec. 386(b). Except as provided in subparagraph (a) above, the City of Los Angeles shall not be, and is not bound by any contract involving the expenditure of more than twenty-five thousand dollars (\$25,000) unless the officer, board, or employee authorized to contract shall first have complied with the procedure for competitive bidding established by this section.

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

Date of Special City Election: June 8, 1982.

Charter Chapter 17—City of Salinas

Amendments to the Charter of the City of Salinas

[Filed with the Secretary of State July 1, 1982.]

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

Sec. 5. City Council—Powers of the City.

All the powers of the City, except as otherwise provided by this Charter, are hereby vested in a Council of five members, consisting of a Mayor and four Councilmen, who shall be elected from the City at large. No person shall be eligible to hold the office of Mayor or Councilman unless on the date of his election he is a qualified elector of the City of Salinas and unless he shall have been a resident of the City of Salinas, or of territory lawfully annexed thereto, for at least twenty-eight days next preceding his election thereto, or his appointment to fill a vacancy therein, and shall forfeit his office upon ceasing to reside therein. No candidate shall file for more than one elective office. Designation for the office as Mayor or as Councilman, as the case may be, shall be used on all nomination papers, certificates of election and all election papers referring to the office.

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

That Section 10 is amended to read as follows:

Sec. 10. Penalty for absence.

A member of the Council who is absent from three consecutive regular

meetings shall forfeit his seat unless excused by the Council on account of absence from the City or illness. The reasons for such absence shall be entered upon the minutes.

That Section 11 is amended to read as follows:

Sec. 11. Election of Mayor.

Commencing with the 1983 general municipal election and every fourth year thereafter, one of the offices of City Councilman, to be filled at such election, shall be designated as the office of Mayor to be filled at such election. The person elected as Mayor shall hold office for four years from and after 12:00 o'clock noon of the first day of July next succeeding his election, and until his successor is elected and qualifies.

In the case of a vacancy in the office of Mayor for any reason, the Council shall fill the vacancy by appointment. If the Council fails to fill it within thirty days, it shall immediately cause an election to be held to fill the vacancy. A person appointed or elected to fill a vacancy shall hold office for the unexpired term of the former incumbent.

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

Date of Special Municipal Election: June 8, 1982.

Charter Chapter 18—City of San Jose

Amendments to the Charter of the City of San Jose

[Filed with the Secretary of State July 14, 1982.]

Section 1217 is amended to read as follows:

Sec. 1217. Bid Requirements.

Except as hereinafter otherwise provided, each purchase of supplies and materials and each purchase of equipment, the expenditure for which exceeds the amount which a general law city of the State of California may legally expend for a "public project" (as defined by State law) without a contract let to a lowest responsible bidder after notice, shall be contracted for and let to the lowest responsible bidder after notice; provided and excepting, however, that in no event need any purchase of supplies and materials, or any purchase of equipment, be contracted for or let to a lowest responsible bidder if the expenditure for such supplies and materials, or the expenditure for such equipment, does not exceed Three Thousand Five Hundred Dollars (\$3,500).

Except as hereinafter otherwise provided, when the expenditure required for a specific "public works project" (hereinafter defined), excluding the cost of any materials, supplies or equipment which City may have acquired or may separately acquire therefor, exceeds the amount which a general law city of the State of California may legally expend for a "public project" (as defined by State law) without a contract let to a lowest responsible bidder after notice, it shall be contracted for and let to

the lowest responsible bidder after notice; provided and excepting, however, that in no event need a specific "public works project" be contracted for or let to a lowest responsible bidder if the expenditure for such "public works project", excluding the cost of any materials, supplies or equipment which the City may have acquired or may separately acquire therefor, does not exceed Three Thousand Five Hundred Dollars (\$3,500).

The notice inviting bids shall set a date for the opening of bids, and shall be published at least once, at least ten (10) days before the date set for opening of bids, in a newspaper of general circulation in the City. All bids, including such bidder's security as may be required, shall be presented under sealed cover. If the successful bidder fails to execute the contract within the time specified in the notice inviting bids or in the specifications referred to therein, the amount of the security required, if any, may be declared forfeited to the City and may be collected and paid into its General Fund, and all bonds so forfeited may be prosecuted and the amount thereof collected and paid into such fund. All bids shall be publicly opened, and the aggregate bid of each bidder declared at a time and place specified in the notice inviting bids. The Council shall have the right to waive any informalities or minor irregularities in bids or bidding.

In its discretion, the Council may reject any or all bids presented. If it rejects all bids, the Council may, in its discretion, readvertise. If two or more bids are the same and the lowest, the Council may accept the one it chooses. If no bids are received, the Council may readvertise, or may acquire the materials, supplies or equipment for which no bids are received, or have the "public works project" for which no bids are received done, without further complying with this Section. If, after rejecting all bids for any supplies, materials or equipment, the Council finds and declares that the bids were excessive, it may have such supplies, materials or equipment purchased at a lower price without further complying with this Section. If, after rejecting all bids for any "public works project" and after readvertising for bids, the Council finds and declares that the bids were excessive, it may have such "public works project" done by City employees without further complying with this Section.

For purposes of this Section, "public works project" shall be deemed to mean and is hereby defined as a project for the construction, erection, improvement or demolition of any public building, street, bridge, drain, ditch, canal, dam, tunnel, sewer, water system, fire alarm system, electrical traffic control system, street lighting system, parking lot, park or playground; provided and excepting that "public works project" shall not be deemed to mean or include the maintenance of any of said things, or any repairs incidental to such maintenance, or the planting, care or maintenance of trees, shrubbery or flowers. Also, the provisions of this Section shall not apply to any of the following: (a) the purchase or acquisition of any supplies, materials or equipment from any public or governmental body or agency or from any public utility which is either publicly owned or is regulated by the Public Utilities Commission of the State of California; (b) the purchase of any supplies, materials, or equipment which can be obtained from only one vendor or manufacturer; (c) any public work done for the City by any public or governmental body or agency; (d) any

public work done by any public utility which is either publicly owned or is regulated by the Public Utilities Commission of the State of California where such work involves any property of such public utility or is otherwise of direct concern to both the City and such public utility; (e) any public work done by a subdivider, developer or owner of real property in connection with the subdivision or development by him of any real property, notwithstanding the fact that such may be subject to entire or partial reimbursement from the City; (f) work involving highly technical or professional skill where the peculiar technical or professional skill or ability of the person selected to do such work is an important factor in his selection; (g) expenditures deemed by the Council to be of urgent necessity for the preservation of life, health or property, provided the same are authorized by resolution of the Council adopted by the affirmative vote of at least five (5) members of the Council and containing a declaration of the facts constituting the urgency; and (h) situations where solicitation of bids would for any reason be an idle act.

Certified to be a true copy by Janet Gray Hayes, Mayor and Helen E. Jackson, City Clerk.

Date of General Municipal Election: June 8, 1982.

Charter Chapter 19—City and County of San Francisco

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

[Filed with the Secretary of State July 16, 1982.]

Section 2.202 is amended to read as follows:

2.202. President and Committees of the Board.

At 12 o'clock noon on January 8, 1982, the term of office of the president of the board of supervisors shall expire and said office shall be assumed by the member who received the highest number of votes at the November 4, 1980 supervisorial election. Thereafter, at 12 o'clock noon on the 8th day of January, 1983, and every second year thereafter, the member receiving the highest number of votes at the last preceding supervisorial election shall assume the office of president of the board. When a vacancy occurs in the office of the president of the board, the supervisors shall elect one of their members as president for the unexpired portion of the term.

Section 6.304 is amended to read as follows:

6.304. Disbursements in Advance of Revenues.

The board of supervisors, by annual tax levy, may gradually build up the cash reserve fund authorized and created by the provisions of section 6.306 of this charter. Said fund shall be used exclusively (1) for the payment in any fiscal year of legally budgeted expenditures for such year in anticipation of the collection, after the close of such fiscal year, of legally collectable taxes and other revenues, as set forth in the budget and the

appropriation ordinance for such fiscal year, and (2) for paying that portion of the authorized expenses of the city and county for any fiscal year, which, as certified to said board by the controller, becomes due and payable and must be paid prior to the receipt of tax payments for such fiscal year; provided, that such cash reserve fund shall not at any time exceed the estimated expenditures for the first five months of the then current fiscal year, less the amount of estimated revenues and receipts from sources other than tax rate revenues.

In the event that funds are not available in such a cash reserve fund to meet authorized expenditures of any fiscal year, the board of supervisors, on the recommendation of the controller and the mayor, and the written approval of the officer, board or commission responsible for the management and control of the fund from which it is proposed that the temporarily idle balances be transferred or loaned may, by ordinance, authorize the treasurer to make temporary transfers or loans for specified periods of idle unencumbered balances in any fund in his custody, except a pension fund, at not less than the current rate of interest paid by the banks to the city and county on city and county funds deposited with such banks. Such approval by the officer, board or commission concerned shall specify the amount proposed to be transferred or loaned from such fund will not be needed for the purpose of such fund prior to the date specified for its return. The fund from which such transfer or loan is made shall be charged or encumbered with the amount of such transfer or loan and such amount shall not be considered as available in such fund for any other appropriation or encumbrance for which any expenditures or payments must be made prior to the date on which the transfer or loan is repaid. Any transfer or loan of a temporarily idle balance made as hereinabove authorized during the first half of any fiscal year shall be repaid prior to the first day of January of said year, and any transfer or loan made during the remaining one-half of said fiscal year shall be repaid prior to the 15th day of May of said year. Such loans shall be secured by and made solely in anticipation of the collection of taxes levied or to be levied for the current fiscal year, and such loans shall constitute the first demand on and shall be repaid from the first tax collections for such fiscal year; provided, however, that tax anticipation loans made as hereinafter in this section authorized, shall constitute a prior lien on said taxes levied or to be levied or collected.

The board of supervisors shall have the power to borrow money by the issuance of tax anticipation notes, temporary notes, commercial paper, or any other short-term debt instruments in the manner provided by the statutes of the State of California or pursuant to ordinance of the board of supervisors.

Section 6.314 is added to read as follows:

6.314. Investment of Pension Monies.

Notwithstanding any other provisions of this charter, except for those contained in Section 3.303, the retirement board shall have the exclusive authority to administer, receive, hold and disburse pension monies for the making of legal investments.

Section 8.510 is amended to read as follows:

8.510. Actuarial Tables, Rates and Valuations.

The mortality, service and other tables and the rates of contributions for members as recommended by the actuary and the valuations determined by him and approved by the retirement board shall be conclusive and final, and the retirement system shall be based thereon. The total amount, as determined by the actuary and approved by the board, of the contributions required during any fiscal year of the city and county under the retirement system shall be paid into the retirement system by the city and county during such year. Liabilities accruing under the retirement system because of services rendered to the city and county by persons prior to the date their respective classes become eligible for membership in the system, and administrative costs under the system, shall be met by contributions to the retirement system by the city and county, in addition to any amounts contributed to meet liabilities accruing because of services rendered by such persons after becoming members of the system, provided that such prior service liabilities may be met by annual appropriations instead of by one appropriation for the total amount of liabilities; and provided further, that such appropriation for any one year shall not be less than the amount disbursed during that year on account of prior service. All expenses in connection with such fund or funds as may be established, including but not limited to travel and transportation costs, investment seminar expenses, postage, insurance, telephone, and subscriptions to investment publications, shall be paid from the accumulated contributions of the city and county.

Notwithstanding the provisions of section 8.509(H), (5), said actuarial valuation and said investigation into the experience under the system shall be made as determined by the retirement board; provided, however, that said actuarial valuation shall be made not less than once every two years. All expenses in connection with said actuarial valuation and said investigation into the experience under the system; all expenses incurred by financial audits and accounting systems and procedures; and, all expenses of administration of plan benefits, including legal expenses thereof, shall be paid from the accumulated contributions of the city and county.

Contributions to the retirement system required of the city and county shall be charged by the controller against the general fund or the school, utility, bond or other special fund under which the service was rendered, on account of which the contribution is required; provided that contributions required on account of service rendered by any person prior to becoming a member of the system, under a temporary fund, such as bond or county roads funds, or a fund then no longer existing, may be charged against the general fund, and provided further, that any contributions required on account of persons receiving benefits under subdivision (c) of section 8.507, shall be charged against the general fund.

Certified to be a true copy by Quentin L. Kopp, President, Board of Supervisors and John L. Taylor, Clerk, Board of Supervisors.

Date of Primary Election: June 8, 1982.

Charter Chapter 20—County of Tehama

Amendments to the Charter of the County of Tehama

[Filed with the Secretary of State July 27, 1982.]

Article II, Section 1 of the Tehama County Charter is amended to read as follows:

Article II, Section 1 of the Tehama County Charter is amended to read:

ARTICLE II.—BOARD OF SUPERVISORS

Sec. 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 laws, except and provided that each Supervisor shall be elected by the electors of the county at large. (Article 11, section 4, subdivision A-3, California constitution)

Certified to be a true copy by Barbara V. Crowley, Chairperson, Board of Supervisors, and Floyd A. Hicks, County Clerk.

Date of Primary Election: June 8, 1982.

Charter Chapter 21—City of Inglewood

Amendments to the Charter of the City of Inglewood

[Filed with the Secretary of State July 28, 1982.]

Section 1.5 of Article VII is amended to read as follows:

Section 1.5. A majority of the votes cast for all candidates for each City elective office is required for election to such office. If a candidate is not elected to any city office to be filled at any municipal election, a runoff election shall be held no more than 70 days after such election. The runoff election ballot shall list only those candidates who received the two highest vote counts for each city office unfilled at the Municipal Election. This section shall apply to the election of members of the Board of Education.

Certified to be a true copy by Lee Weinstein, Mayor and Iris A. Crochet, City Clerk.

Date of Special Municipal Election: June 8, 1982.

Charter Chapter 22—City of Bakersfield

Amendments to the Charter of the City of Bakersfield

[Filed with the Secretary of State August 16, 1982.]

Section 67 is amended to read as follows:

Date of General Municipal Election

Section 67. A general municipal election for the election of members of the Council, and for such other purposes as the Council may prescribe, shall be held in the City of Bakersfield on the first Tuesday after the first Monday in November of each odd-numbered year, except as otherwise provided by ordinance of the Council to coincide with the Consolidated General District and School Governing Board Election. The person having the highest number of votes given for each office shall be elected. The elected members of the Council shall hold office until their successors are elected or appointed and qualified.

Section 15 is amended to read as follows:

Term of Office

Section 15. Councilmembers shall be elected for a term of four (4) years and shall serve until their successors are elected or appointed and have qualified, commencing in the year 1983. The terms of Councilmembers who took office on March 19, 1979 shall be extended to the second regular Council meeting following the first Tuesday after the first Monday in November of 1983. The terms of Councilmembers who took office on March 16, 1981 shall be extended to the second regular Council meeting following the first Tuesday after the first Monday in November of 1985. Councilmember terms may be altered to coincide with the Consolidated General District and School Governing Board Election as may be provided by ordinance pursuant to Section 67 of this Charter.

Certified to be a true copy by Mary K. Shell, Mayor and City Clerk of the Council of the City of Bakersfield, Philip Kelmar.

Date of Special Municipal Election: June 8, 1982.

Charter Chapter 23—City and County of San Francisco

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

[Filed with the Secretary of State November 16, 1982.]

Section 2.100 is amended to read as follows:

2.100. Composition and Salary.

The board of supervisors shall consist of 11 members elected at large. Each member of the board shall be paid a salary of \$23,924 per year and each shall execute an official bond to the city and county in the sum of \$5,000.

Section 3.530 is amended to read as follows:

Section 3.530. Police Department.

The police department shall consist of a police commission, a chief of police, a police force, an office of citizen complaints and such clerks and

employees as shall be necessary and appointed pursuant to the provisions of this charter, and shall be under the management of a police commission consisting of five members who shall be appointed by the mayor, and each of whom shall receive an annual compensation of twelve hundred dollars (\$1200). The term of each commissioner shall be four years, commencing at 12:00 o'clock noon on the 15th day of January in the years 1945, 1946 and 1948 respectively, and two terms commencing on the 15th day of January in the year 1976. The incumbents serving as members of the commission on the effective date of this amendment, increasing the membership of the commission, shall continue to hold their respective positions, subject to the provisions of the charter, for the remainder of the terms for which they have been respectively appointed. Not less than one member of said commission shall be a woman.

The police commissioners shall be the successors in office of the police commissioners holding office in the city and county on January 3, 1972, and shall have all the powers and duties thereof, except as otherwise in this charter provided. They shall have the power and duty to organize, reorganize and manage the police department. They shall by rule and subject to the fiscal provisions of the charter, have power to create new or additional ranks or positions in the department which shall be subject to the civil service provisions of the charter; provided that the police commission subject to the recommendation of the civil service commission and the approval of the board of supervisors may declare such new or additional ranks or positions to be exempt from the civil service provisions of the charter. If the civil service commission disapproves any such exemption, the board of supervisors may approve such exemptions by a majority vote of the members thereof. The police commission may in their discretion designate the rank or ranks from which appointments to such exempt ranks or positions shall be made. Appointments to any non-civil service rank or position above the rank of captain as may be created hereunder shall be designated only from the civil service rank of captain. If any new or additional rank or position is created pursuant hereto pending the adoption of salary standards for such rank or position, the police commission shall have power to recommend the basic rate of compensation therefor to the board of supervisors who shall have the power to fix the rate of compensation for said new rank or position and it shall have the power, and it shall be its duty without reference or amendment to the annual budget, to amend the annual appropriation ordinance and the annual salary ordinance to include the provisions necessary for paying the basic rate of compensation fixed by said board of supervisors for said new rank or position for the then current fiscal year. Thereafter the compensation for said new rank or position shall be fixed as provided for in Section 8.405 of this charter; provided, however, nothing contained in this section shall be deemed to interfere with the provisions of section 8.405 of this charter relating to parity or compensation for police officers and firemen for the fourth year of service and thereafter. The police commission shall also have power to establish and from time to time change the order or rank of the non-civil service ranks in the police department.

All positions in the police department legally authorized shall be con-

tinued, and incumbents therein legally appointed thereto shall be continued as officers and employees of the department under the conditions governing their respective appointments and except as otherwise provided in this charter.

Section 3.530-2 is added to read as follows:

Section 3.530-2. Office of Citizen Complaints.

The police commission shall have the power and duty to appoint a director of the office of citizen complaints who shall hold office at its pleasure. The appointment shall be exempt from the civil service requirements of this charter. The director may never have been a uniformed member or employee of the department. The director of the office of citizens complaints shall be the appointing officer under the civil service provisions of this charter for the appointment, removal or discipline of employees of the office of citizens complaints.

The police commission shall have the power and duty to organize, reorganize, and manage the office of citizen complaints. Subject to the civil service provisions of this charter, the office of citizen complaints shall include investigators and hearing officers. No full-time or part-time employee of the office of citizen complaints shall previously served as a uniformed member of the department. Subject to rule of the police commission, the director of the office of citizen complaints may appoint part-time hearing officers who shall be exempt from the civil service requirements of this charter. Compensation of said hearing officers shall be at rates recommended by the police commission and established by the board of supervisors or by contract approved by the board of supervisors.

Complaints of police misconduct or allegations that a member of the police department has not properly performed a duty shall be promptly, fairly, and impartially investigated by staff of the office of citizen complaints. The office of citizen complaints shall investigate all complaints of police misconduct or that a member of the police department has not properly performed a duty, except those complaints which on their face clearly indicate that the acts complained of were proper and those complaints lodged by other members of the police department. The office of citizen complaints shall recommend disciplinary action to the chief of police on those complaints that are sustained. The director of the office of citizen complaints shall schedule hearings before hearing officers when such is requested by the complainant or member of the department and, in accordance with rules of the commission, such a hearing will facilitate the fact-finding process.

Nothing herein shall prohibit the chief of police or a commanding officer from investigating the conduct of a member of the department under his or her command, or taking disciplinary or corrective action, otherwise permitted by this charter, when such is warranted; and nothing herein shall limit or otherwise restrict the disciplinary powers vested in the chief of police and the police commission by other provisions of this charter.

The office of citizen complaints shall prepare in accordance with rules of the police commission monthly summaries of the complaints received and shall prepare recommendations quarterly concerning policies or practices of the department which could be changed or amended to avoid

unnecessary tension with the public or a definable segment of the public while insuring effective police services. In carrying out its objectives the office of citizen complaints shall receive prompt and full cooperation and assistance from all departments, officers, and employees of the city and county. The director of the office of citizen complaints may also suggest and the chief of police shall require the testimony or attendance of any member of the police department to carry out the responsibilities of the office of citizen complaints.

The annual appropriations for all costs of the office of citizens complaints shall not exceed sixty percent of the costs incurred by the police department internal affairs bureau for the fiscal year ending June 30, 1981, adjusted annually thereafter for inflation.

Section 6.205 is amended to read as follows:

Section 6.205. Powers and Duties of the Board of Supervisors.

On or 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 the acquisition of Municipal Railway revenue vehicles and related structures, facilities, machinery and other equipment reasonably necessary for upkeep and maintenance of said vehicles. Proposed expenditures for other additions, betterments, extensions or other capital costs shall not 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, other than for Municipal Railway revenue vehicles and related structures, facilities, machinery and other equipment reasonably necessary for upkeep and maintenance of said vehicles, the total provision for such purposes shall not exceed an amount equivalent to three-quarters of one cent (\$.0075) on each one hundred dollars (\$100) valuation of property subject to taxation by the city and county and provided further that proposed expenditures for additions, betterments, extensions or other capital costs in excess thereof, except for Municipal Railway revenue vehicles and related structures, facilities, machinery and other equipment reasonably necessary for upkeep and maintenance of said vehicles 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, nor later than the first 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 6.407 is added to read as follows:

Section 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 utility. Appropriations from such funds shall be 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 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.

Section 7.311 is added to read as follows:

Section 7.311. Bonds, notes or other evidence of indebtedness for financing the acquisition, construction, improvement and equipping of industrial, manufacturing, research and development, commercial and energy facilities.

(a) The board of supervisors may, by resolution, from time to time authorize the issuance of bonds, notes or other evidence of indebtedness to assist private parties in the financing or refinancing of the acquisition, construction, improvement and equipping of facilities suitable for industrial, manufacturing, research and development, commercial and energy uses or other facilities and activities incidental to such industrial, manufacturing, research and development, commercial and energy facilities or for the purpose of refunding such bonds, notes or other evidence of indebtedness. The issuance of such bonds, notes or other evidence of indebtedness shall be pursuant to procedures adopted by ordinance of the board of supervisors. The repayment of principal, interest and other charges on such financial assistance by the private parties receiving such assistance shall be the sole source of monies pledged for repayment of such bonds, notes or other evidence of indebtedness. Bonds, notes or other evidence

of indebtedness issued under the provisions of this section shall not be deemed to constitute a debt or liability of the City and County of San Francisco or a pledge of the faith and credit of the City and County of San Francisco, but shall be payable solely from funds specified in this section. The issuance of such bonds, notes or other evidence of indebtedness shall not directly, indirectly, or contingently obligate the board of supervisors to levy or to pledge any form of taxation whatever or to make any appropriation for their payment.

(b) Nothing in this section shall affect the authority of the board of supervisors to authorize the issuance of bonds, notes or other evidence of indebtedness under any other applicable provision of this Charter or any other applicable provisions of the general laws of the State of California.

(c) All legislation necessary for the issuance of bonds, notes or other evidence of indebtedness under this section shall not be subject to the voter approval requirement of section 7.300.

Section 8.451 is amended to read as follows:

Section 8.451. Police Department.

(a) The word "member" or "members" as used in this section shall mean the members in the police department set forth in section 3.531 of this charter.

(b) The basic week of service for each member shall be forty hours and the annual compensation set forth in Section 3.531 of this charter shall be based upon said basic week of service.

(c) Each member shall be entitled to at least two days off during each week, except as hereinafter provided.

(d) Whenever in the judgment of the chief of police public interest or necessity requires the services of any member to serve in excess of the basic week of service during any week, the chief of police may permit said service, and said member shall be compensated therefor or shall receive equivalent time credited to him in lieu thereof in accordance with this sub-section. For service performed in excess of the basic week, member shall, as requested by the member, be compensated on the basis of time and one-half in accordance with the ratio which said excess service bears to the basic week of service and the annual compensation provided therefor in Section 3.531 or in lieu thereof equivalent time off duty with pay at the rate of time and one-half.

(e) Nothing contained in this section shall be deemed to interfere with a vacation, as provided for in Section 8.440 of this charter, or the normal days off per week; provided, however, that when in the judgment of the chief of police public interest or necessity requires the services of any member to serve on his vacation, or part thereof, or normal days off, the chief of police may permit said member to serve during said vacation, or part thereof, or normal days off, and he shall receive additional compensation for the period so served. Said additional compensation shall be computed on the basis of time and one-half in accordance with the ratio which said extra service performed bears to the basic week of service and the annual compensation provided therefor in Section 3.531.

(f) Nothing in this section shall abridge or limit in any way the provisions of Section 301, Part 1 of the San Francisco Municipal Code, approving

rule 32 of the civil service commission, insofar as sick leave and disability leaves for members are concerned.

(g) Whenever in the judgment of the police commission the efficient performance of police duty requires that one or more members of the police department should report for roll call, orders, and assignments, prior to going on duty, the said commission may designate a period not to exceed fifteen minutes in any one day for said reporting, and the said periods of fifteen minutes need not be compensated for in money or in time off with pay.

(h) Notwithstanding the provisions of any of the foregoing subsections, the members of the police department shall be entitled to the days declared to be holidays for employees whose compensations are fixed on a monthly basis in the schedules of compensations adopted by the board of supervisors pursuant to the provisions of Section 8.401 of the charter as additional days off with pay. Members shall be compensated on the basis of time and one-half as herein computed or shall be granted equivalent time off duty with pay at the rate of time and one-half, as requested by the member.

(i) The provisions of this section changing compensation for service in excess of the basic week of service from straight time compensation and equivalent time off duty with pay to time and one-half for compensation and for time off duty with pay shall be effective on and after July 1, 1983.

Section 8.509 is amended to read as follows:

Section 8.509. Retirement—Miscellaneous Officers and Employees On and After July 1, 1947.

Miscellaneous officers and employees, as defined in this section, who are members of the retirement system under this section of the Charter on February 1, 1969, shall be members of the retirement system, subject to the following provisions of this section, in addition to the provisions contained in Sections 3.670, 3.672, 8.500, 8.510 and 8.520 of this charter notwithstanding the provisions of any other section of the charter, provided that the retirement system shall be applied to persons employed on a part-time, temporary or substitute basis only as the board of supervisors shall determine by ordinance enacted by three-fourths vote of all members of the board. Miscellaneous officers and employees of the said departments who are members of the retirement system under section 8.507 of the charter on February 1, 1969 shall continue to be members of the system under section 8.507 and shall not be subject to any of the provisions of this section, except as specifically provided in this section.

(A) The following words and phrases as used in this section, unless a different meaning is plainly required by the context, shall have the following meaning:

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

“Compensation,” as distinguished from benefits under the workmen’s compensation laws of the State of California shall mean all remuneration whether in cash or by other allowances made by the city and county, for

service qualifying for credit under this section.

“Compensation earnable” shall mean the compensation as determined by the retirement board, which would have been earned by the member had he worked, throughout the period under consideration, the average number of days ordinarily worked by persons in the same grade or class of positions as the positions held by him during such period and at the rate of pay attached to such positions, it being assumed that during any absence he was in the position held by him at the beginning of the absence, and that prior to entering city-service he was in the position first held by him in city-service.

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

“Average final compensation” shall mean the average monthly compensation earned by a member during any five consecutive years of credited service in the retirement system in which his average final compensation is the highest, unless the board of supervisors shall otherwise provide by ordinance enacted by three-fourths vote of all members of the board.

For the purposes of the retirement system and of this section, the terms “miscellaneous officer or employee,” or “member,” as used in this section shall mean any officer or employee who is not a member of the fire or police departments as defined in the charter for the purpose of the retirement system, under section 8.507 of the charter.

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

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

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

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

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

(B) Any member who completes at least twenty years of service in the aggregate credited in the retirement system and attains the age of fifty years, or at least ten years of service in the aggregate credited in the retirement system, and attains the age of sixty years, said service to be computed under subsection (C) hereof, may retire for service at his option. Members shall be retired on the first day of the month next following the attainment by them of the age of sixty-five years. A member retired after reaching the age of sixty years shall receive a service retirement allowance at the rate of 2 per cent of said average final compensation for each year of service; provided, however, that upon the compulsory retirement of a member upon his attainment of the age of sixty-five years, if the allowance available to such member pursuant to the provisions of subsection (F) of this section shall be greater in amount than the service retirement allowance otherwise payable to such member under this subsection

(B), then such member shall receive as his service retirement allowance, in lieu of the allowance otherwise payable under this subsection (B), an allowance computed in accordance with the formula provided in said subsection (F). The service retirement allowance of any member retiring prior to attaining the age of sixty years, after rendering twenty years or more of such service and having attained the age of fifty years, computed under subsection (G), shall be an allowance equal to the percentage of said average final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, for each year of service, computed under subsection (G):

Age at Retirement	Percent for Each Year of Credited Service
50	1.0000
50 $\frac{1}{4}$	1.0250
50 $\frac{1}{2}$	1.0500
50 $\frac{3}{4}$	1.0750
51	1.1000
51 $\frac{1}{4}$	1.1250
51 $\frac{1}{2}$	1.1500
51 $\frac{3}{4}$	1.1750
52	1.2000
52 $\frac{1}{4}$	1.2250
52 $\frac{1}{2}$	1.2500
52 $\frac{3}{4}$	1.2750
53	1.3000
53 $\frac{1}{4}$	1.3250
53 $\frac{1}{2}$	1.3500
53 $\frac{3}{4}$	1.3750
54	1.4000
54 $\frac{1}{4}$	1.4250
54 $\frac{1}{2}$	1.4500
54 $\frac{3}{4}$	1.4750
55	1.5000
55 $\frac{1}{4}$	1.5250
55 $\frac{1}{2}$	1.5500
55 $\frac{3}{4}$	1.5750
56	1.6000
56 $\frac{1}{4}$	1.6250
56 $\frac{1}{2}$	1.6500
56 $\frac{3}{4}$	1.6750
57	1.7000
57 $\frac{1}{4}$	1.7250
57 $\frac{1}{2}$	1.7500
57 $\frac{3}{4}$	1.7750
58	1.8000
58 $\frac{1}{4}$	1.8250
58 $\frac{1}{2}$	1.8500
58 $\frac{3}{4}$	1.8750

59	1.9000
59 $\frac{1}{4}$	1.9250
59 $\frac{1}{2}$	1.9500
59 $\frac{3}{4}$	1.9750

In no event shall a member's retirement allowance exceed seventy-five percent of his average final compensation.

Before the first payment of a retirement allowance is made, a member retired under this subsection or subsection (C) of this section, may elect to receive the actuarial equivalent of his allowance, partly in an allowance to be received by him throughout his life, and partly in other benefits payable after his death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the board of supervisors to govern similar elections by other members of the retirement system, including the character and amount, of such other benefits; provided, however, that at any time within 30 days after the date on which his compulsory retirement would otherwise have become effective, a member who has attained the age of 65 years may elect, without right to revocation, to withdraw his accumulated contributions, said election to be exercised in writing on a form furnished by the retirement system and filed at the office of said system and a member so electing shall be considered as having terminated his membership in said system on the date immediately preceding the date on which his compulsory retirement would otherwise have become effective and he shall be paid forthwith his accumulated contributions, with interest credited thereon. Notwithstanding the provisions of section 8.514 of the charter, the portion of service retirement allowance provided by the city and county's contributions shall be not less than \$100 per month upon retirement after thirty years of service and after attaining the age of sixty years, and provided further that as to any member within fifteen years or more of service at the compulsory retirement age of sixty-five, the portion of the service retirement allowance provided by the city and county's contribution shall be such that the total retirement allowance shall not be less than \$100 per month. In the calculations under this subsection of the retirement allowance of a member having credit for service in a position in the evening schools and service in any other position, separate retirement allowances shall be calculated, in the manner prescribed for each class of service, the average final compensation in each case being that for the respective class of service; provided that the aggregate retirement allowance shall be taken into account in applying the provisions of this subsection providing for a minimum retirement allowance. Part time service and compensation shall be reduced to full time service and compensation in the manner prescribed by the board of supervisors, and when so reduced shall be applied on full time service and compensation in the calculation of retirement allowances.

(C) Any member who becomes incapacitated for performance of duty because of disability determined by the retirement board to be of extended and uncertain duration, and who shall have completed at least ten years of service credited in the retirement system in the aggregate, computed

as provided in subsection (G) hereof, shall be retired upon an allowance of one and eight-tenths percent of the average final compensation of said member, as defined in subsection (A) hereof for each year of credited service, if such retirement allowance exceeds forty percent of his average final compensation; otherwise one and eight-tenths percent of his average final compensation multiplied by the number of years of city-service which would be credited to him were such city-service to continue until attainment by him of age sixty, but such retirement allowance shall not exceed forty percent of such average final compensation. In the calculation under this subsection of the retirement allowance of a member having credit for service in a position in the evening schools and service in any other position, separate retirement allowances shall be calculated, in the manner prescribed for each class of service, the average final compensation in each case being that for the respective class of service; provided that the average final compensation upon which the minimum total retirement allowance is calculated in such case shall be based on the compensation earnable by the member in the classes of service rendered by him during the one (1) year immediately preceding his retirement. Part time service and compensation shall be reduced to full time service and compensation in the manner prescribed by the board of supervisors, and when so reduced shall be applied as full time service and compensation in the calculation of retirement allowances. The question of retiring a member under this subsection may be brought before the retirement board on said board's own motion, by recommendation of any commission or board, or by said member or his guardian. If his disability shall cease, his retirement allowance shall cease, and he shall be restored to service in the position or classification he occupied at the time of his retirement.

(D) No modification of benefits provided in this section shall be made because of any amounts payable to or on account of any member under workmen's compensation laws of the State of California.

(E) If a member shall die, before his retirement, regardless of cause:

(1) If no benefit is payable under subdivision (2) of this subsection (E), a death benefit shall be paid to his estate or designated beneficiary consisting of the compensation earnable by him during the six months immediately preceding death, plus his contributions and interest credited thereon.

(2) If, at the date of his death, he was qualified for service retirement by reason of service and age under the provisions of subsection (B) of this section, and he has designated as beneficiary his surviving spouse, who was married to him for at least one full year immediately prior to the date of his death, one-half of the retirement allowance to which the member would have been entitled if he had retired for service on the date of his death shall be paid to such surviving spouse who was his designated beneficiary at the date of his death, until such spouse's death or remarriage, or if there be no surviving spouse, to the unmarried child or children of such member under the age of eighteen years, collectively, until every such child dies, marries or attains the age of eighteen years, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. If, at the death of such surviving spouse, who was receiving

an allowance under this subdivision (2), there be one or more unmarried children of such member under the age of eighteen years, such allowance shall continue to such child or children, collectively, until every such child dies, marries or attains the age of eighteen years, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. If the total of the payments of allowance made pursuant to this subdivision (2) is less than the benefit which was otherwise payable under subdivision (1) of this subsection, the amount of said benefit payable under subdivision (1) less an amount equal to the total of the payments of allowance made pursuant to this subdivision (2) shall be paid in a lump sum as follows:

(a) If the person last entitled to said allowance is the remarried surviving spouse of such member, to such spouse.

(b) Otherwise, to the surviving children of the member, share and share alike, or if there are no such children, to the estate of the person last entitled to said allowance.

The surviving spouse may elect, on a form provided by the retirement system and filed in the office of the retirement system before the first payment of the allowance provided herein, to receive the benefit provided in subdivision (1) of this subsection in lieu of the allowance which otherwise would be payable under the provisions of this subdivision. If a surviving spouse, who was entitled to make the election herein provided, shall die before or after making such election but before receiving any payment pursuant to such election, then the legally appointed guardian of the unmarried children of the member under the age of eighteen years may make the election herein provided before any benefit has been paid under this subsection (E), for and on behalf of such children if in his judgment it appears to be in their interest and advantage, and the election so made shall be binding and conclusive upon all parties in interest.

If any person other than such surviving spouse shall have and be paid a community property interest in any portion of any benefit provided under this subsection (E), any allowance payable under this subdivision (2) shall be reduced by the actuarial equivalent, at the date of the member's death, of the amount of benefits paid to such other person.

Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his estate or designated beneficiary in the manner and subject to the conditions prescribed by the board of supervisors for the payment of a similar death benefit upon the death of other retired members.

(F) Should any miscellaneous member cease to be employed as such a member, through any cause other than death or retirement, all of his contributions, with interest credited thereon, shall be refunded to him subject to the conditions prescribed by the board of supervisors to cover similar terminations of employment and reemployment with and without redeposit of withdrawn accumulated contributions of other members of the retirement system, provided that if such member is entitled to be credited with at least ten years of service or if his accumulated contributions exceed one thousand dollars (\$1,000), he shall have the right to elect, without right of revocation and within 90 days after said termination of

service, or if the termination was by lay-off, 90 days after the retirement board determines the termination to be permanent, whether to allow his accumulated contributions to remain in the retirement fund and to receive benefits only as provided in this paragraph. Failure to make such election shall be deemed an irrevocable election to withdraw his accumulated contributions. A person who elects to allow his accumulated contributions to remain in the retirement fund shall be subject to the same age requirements as apply to other members under this section for service retirement but he shall not be subject to a minimum service requirement. Upon the qualification of such member for retirement by reason of age, he shall be entitled to receive a retirement allowance which shall be the actuarial equivalent of his accumulated contributions and an equal amount of the contributions of the city and county, plus 1% percent of his average final compensation for each year of service credited to him as rendered prior to his first membership in the retirement system. Upon the death of such member prior to retirement, his contributions with interest credited thereon shall be paid to his estate or designated beneficiary.

(G) The following time and service shall be included in the computation of the service to be credited to a member for the purpose of determining whether such member qualifies for retirement and calculating benefits:

(1) Time during which said member is a member of the retirement system and during and for which said member is entitled to receive compensation because of services as a miscellaneous officer or employee.

(2) Service in the fire and police departments which is not credited as service of a member under this section shall count under this section upon transfer of a member of either of such departments to employment entitling him to membership in the retirement system under this section, provided that the accumulated contribution standing to the credit of such member shall be adjusted by refund to the member or by payment of the member to bring the account at the time of such transfer to the amount which would have been credited to it had the member been a miscellaneous employee throughout the period of his service in either of such departments at the compensation he received in such departments.

(3) Time during which said member is absent from a status included in paragraphs (1) or (2) next preceding which is not deemed absence from service under the provisions of Section 8.520 of the charter and for which such member is entitled to receive credit as service for the city and county by virtue of contributions made in accordance with the provisions of such section.

(4) Prior service determined and credited as prescribed by the board of supervisors for persons who are members under Section 8.507.

(5) The board of supervisors, by ordinance enacted by a three-fourths vote of its members, may provide for the crediting as service under the retirement system of service, other than military service, rendered as an employee of the federal government and service rendered as an employee of the State of California or any public entity or public agency in the State of California. Said ordinance shall provide that all contributions required as the result of the crediting of such service shall be made by the member

and that no contributions therefor shall be required of the city and county.

(H) All payments provided under this section shall be made from funds derived from the following sources, plus interest earned on said funds:

(1) There shall be deducted from each payment of compensation made to a member under Section 8.509 a sum equal to seven and one half percent of such payment of compensation. The sum so deducted shall be paid forthwith to the retirement system. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the board of supervisors for crediting interest to contributions of other members of the retirement system, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member under Section 8.509, or shall be paid to said member or his estate or beneficiary as provided in Sections 8.509(e) and 8.509(f).

(2) Contributions based on time included in paragraphs (1) and (3) of subsection (G), and deducted prior to July 1, 1947, from compensation of persons who become members under this section, and standing with interest thereon, to the credit of such members on the records of the retirement system on said date, shall continue to be credited to the individual accounts of said members and shall be combined with and administered in the same manner as the contributions deducted after said date.

(3) The total contributions, with interest thereon, made by or charged against the city and county and standing to its credit, on July 1, 1948, in the accounts of the retirement system, on account of persons who become members under this section, shall be applied to provide the benefits under this section.

(4) The city and county shall contribute to the retirement system such amounts as may be necessary, when added to the contributions referred to in the preceding paragraphs of this subsection (H), to provide the benefits payable under this section. Such contributions of the city and county to provide the portion of the benefits hereunder which shall be based on service rendered by each member prior to the date upon which his rate of contribution is determined in paragraph (1), subsection (H), shall not be less during any fiscal year than the amount of such benefits paid during said year. Such contributions of the city and county to provide the portion of the benefits hereunder which shall be based on service rendered by respective members on and after the date stated in the next preceding sentence, shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total salaries paid during said year, to persons who are members under this section, said percentage to be the ratio of the value of the effective date hereof, or at the later date of a periodical actuarial valuation and investigation into the experience under the system, of the benefits thereafter to be paid under this section, from contributions of the city and county, less the amount of such contributions, and plus accumulated interest thereon, then held by said system to provide said benefits on account of service rendered by respective member after the date stated in the sentence next preceding, to the value at said respective dates of

salaries thereafter payable to said members. Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service before retirement and of death after retirement. Said percentage shall be changed only on the basis of said periodical actuarial valuation and investigation into the experience under the system. Said actuarial valuation shall be made every even-numbered year and said investigation into the experience under the system shall be made every odd-numbered year.

Notwithstanding the provisions of this subdivision (5), any additional liabilities created by the amendments of this Section 8.509 contained in the proposition therefor submitted to the electorate on November 6, 1973, shall be amortized over a period of 30 years.

(5) To promote the stability of the retirement system, through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the city and county held by the system to provide the benefits under this section, shall be a part of the fund in which all other assets of said system are included. Nothing in the section shall affect the obligations of the city and county to pay to the retirement system any amounts which may or shall become due under the provisions of the charter prior to the effective date hereof, and which are represented on July 1, 1947, in the accounts of said system by debits against the city and county.

(I) Upon the completion of the years of service set forth in subsection (B) of this section as requisite to retirement, a member shall be entitled to retire at any time thereafter in accordance with the provisions of said subsection (B), and nothing shall deprive said member of said right.

(J) No person retired under this section, for service or disability and entitled to receive a retirement allowance under the retirement system shall serve in any elective or appointive position in the city and county service, including membership on boards and commissions, nor shall such persons receive any payment for service rendered to the city and county after retirement, provided that service as an election officer or juror shall not be affected by this section.

(K) Any section or part of any section in this charter, insofar as it should conflict with this section, or with any part thereof, shall be superseded by the contents of this section. In the event that any word, phrase, clause or subsection of this section shall be adjudged unconstitutional, the remainder thereof shall remain in full force and effect.

(L) Notwithstanding the provisions of subsections (B), (C), (F) and (I) of this section, any member convicted of a crime involving moral turpitude committed in connection with his duties as an officer or employee of the City and County of San Francisco, shall, upon his removal from office or employment pursuant to the provisions of this charter, forfeit all rights to any benefits under the retirement system except refund of his accumulated contributions; provided, however, that if such member is qualified for service retirement by reason of service and age under the provisions of subsection (B) of this section, he shall have the right to elect, without right of revocation and within 90 days after his removal from

office or employment, whether to withdraw all of his accumulated contributions or to receive as his sole benefit under the retirement system an annuity which shall be the actuarial equivalent of his accumulated contributions at the time of such removal from office or employment.

(M) The amendments of this section contained in the proposition therof submitted to the electorate on November 6, 1973, shall be effective on the first day of the month next following their ratification by the State Legislature. Said amendments do not and shall not increase any allowance first in effect prior to the effective date of said amendments, nor shall they give any person retired prior to said effective date, or his successors in interest, any claim against the city and county for any increase in any retirement allowance paid or payable for time prior to said effective date.

The amendment of Section 8.509 contained in the proposition submitted to the electorate on November 2, 1982 shall be effective July 1, 1983.

Certified to be a true copy by Quentin L. Kopp, President Board of Supervisors and John L. Taylor, Clerk Board of Supervisors.

Date of General Election: November 2, 1982.

Charter Chapter 24—City of Santa Barbara

Amendments to the Charter of the City of Santa Barbara

[Filed with the Secretary of State November 29, 1982]

Section 500 is amended to read as follows:

Section 500. City Council. Terms.

The elective officers of the City shall consist of a City Council of seven (7) members, including the Mayor, all to be elected from the City at large at the times and in the manner provided in this Charter and who shall serve for terms of four (4) years and until their respective successors qualify.

The Mayor and members of the City Council in office at the time this Charter amendment takes effect shall continue in office until their successors are elected and qualified. Three (3) members of the City Council shall be elected at the General Municipal Election to be held in April, 1969 (to succeed the members whose terms expire in 1969), and each fourth year thereafter. Three (3) members of the City Council shall be elected at the General Municipal Election to be held April, 1971 (to succeed the members whose terms expire in 1971), and each fourth year thereafter. The Mayor shall be elected as Mayor, separate and apart from the other members of the City Council, at the General Municipal Election held in April, 1969, and each fourth year thereafter.

The term of the Mayor and each member of the City Council shall commence on the first Tuesday following the receipt of certification of election results. Ties in voting among candidates for office shall be settled

by the casting of lots.

Section 503 is amended to read as follows:

Section 503. Vacancies.

A vacancy on the City Council, occurring as the result of the election of a member of the City Council to the office of Mayor, shall be filled by appointment by the City Council, within thirty (30) days of the election, of the unelected candidate who received the highest number of votes for election to the City Council at said election. Said person shall serve the remaining term of the City Councilmember who was elected to the office of Mayor.

A vacancy on the City Council, or in the Office of Mayor, from whatever cause arising other than expiration of term or the election of a member of the City Council to the Office of Mayor, shall be filled by appointment by the City Council within thirty (30) days of the occurrence of such vacancy unless it occurs less than one hundred (100) days before a general municipal election, in which case the office shall remain vacant until the election. In the event there is no unelected City Council candidate at the election at which a member of the City Council is elected Mayor, the City Council vacancy shall be filled as provided in this paragraph. The person appointed shall serve until the next general municipal election at which time any unexpired term shall be filled by election. In the event that a vacancy occurs after the final date for publishing the notice of election for a general municipal election and the term of office does not expire until the next succeeding general municipal election, the vacancy shall be filled by appointment by the City Council, within thirty (30) days after the election, of the unelected candidate who received the highest number of votes for election to the City Council at said election.

If the Mayor or other member of the City Council absents himself from all regular meetings of the City Council for a period of sixty (60) days consecutively from and after the last regular Council meeting attended by him, unless by permission of the City Council expressed in its official minutes, or if convicted of a crime involving moral turpitude, or ceases to be an elector of the City, his office shall become vacant. The City Council shall declare the existence of any such vacancy.

Section 507 is amended to read as follows:

Section 507. Special Meetings.

A special meeting may be called at any time by the Mayor, or by a majority of the members of the City Council, by written notice to each member of the City Council and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally or by mail and must be received at least twenty-four (24) hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting. Such written notice may be dispensed with as to any person entitled thereto who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any person who is actually present at the meeting at the time it convenes.

Section 515 is amended to read as follows:

Section 515. Ordinance. Violation. Penalty.

A violation of any ordinance of the City shall constitute a misdemeanor or infraction and 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 any violation of a City ordinance shall be the sum of one thousand dollars (\$1,000.00), or a term of imprisonment for a period not exceeding six (6) months, or both.

Section 702 is amended to read as follows:

Section 702. Administrative Departments.

The City Council may provide by ordinance or resolution not inconsistent with this Charter for the organization, conduct and operation of the several offices and departments of the City as established by this Charter, for the creation of additional departments, divisions, offices and agencies and for their consolidation, alteration or abolition. It may further provide by ordinance or resolution for the assignment and reassignment of functions, duties, offices and agencies to offices and departments, and for the number, titles, qualifications, powers, duties and compensation of all officers and employees, consistent with this Charter. Each department so created shall be headed by an officer as department head. Notwithstanding the provisions of the section, the Fire and Police Departments shall continue and remain as separate departments of the City.

When the positions are not incompatible, the City council may combine in one (1) person the powers and duties of two (2) or more officers, provided, however, that the same person shall not hold the positions of City Treasurer and Director of Finance.

The titles of the administrative departments and employees used in this Charter may be changed by the City Council by ordinance or resolution for administrative convenience and efficiency.

Section 802 is amended to read as follows:

Section 802. Appointments. Terms.

The members of each of the board or commissions hereinafter named in this Article shall be appointed by the City Council from the qualified electors of the City, shall remain qualified electors during their term of office, and shall not hold any full time paid office or employment in the City government. They shall be subject to removal by motion of the City Council adopted by the affirmative votes of a majority of the total membership thereof. The members thereof shall serve for terms of four (4) years and until their respective successors are appointed and qualified. The terms shall be staggered so that the number of terms on any such board or commission expiring in any year shall not differ by more than one (1) from the number of terms expiring any other year. Such terms shall expire on December thirty-first of the appropriate year. A vacancy occurring before the expiration of a term shall be filled by appointment for the remainder of the unexpired term.

Section 806 is amended to read as follows:

Section 806. Planning Commission. Powers and Duties.

There shall be a Planning Commission consisting of seven (7) members.

The City Attorney, or one (1) of his assistants or deputies, shall attend all meetings of the Planning Commission unless excused therefrom. The Planning Commission shall have the power and duty to:

(a) Recommend to the City Council, after a public hearing thereon, the adoption, amendment or repeal of a General Plan, or any part thereof, and any specific or precise plans it may deem advisable for guidance in the physical development of the City.

(b) Exercise such functions with respect to land subdivisions as shall be provided by ordinance not inconsistent with the provisions of this Charter.

(c) Exercise such functions with respect to zoning, buildings, land use, redevelopment, conservation, proposed public works and related matters as may be prescribed by ordinance not inconsistent with the provisions of this Charter.

(d) Perform such other functions not inconsistent with this Charter as may be delegated to it by the City Council.

Section 814 is amended to read as follows:

Section 814. Architectural Board of Review. Powers and Duties.

There shall be an Architectural Board of Review composed of nine (9) members. At least two (2) members of such Board shall be licensed architects, and at least three (3) other members shall possess professional experience in related fields, including but not limited to, landscape architecture, building design, structural engineering or industrial design. Four (4) members shall constitute a quorum, one (1) of which shall be an architect; provided that should a quorum of regular members not be present, not more than one (1) ex officio member may be counted to constitute a quorum. The Board shall have the power and duty to:

(a) Review and approve, conditionally approve or disapprove all applications for a building permit for the erection or exterior alteration of any type, nature or kind of building, structure or sign that may be specified by ordinance as requiring such action within any area, district or zone of the City. Any application for a building permit for the erection or exterior alteration of any such type, nature or kind of building, structure or sign within any such area, district or zone shall be referred to said Board before issuance, together with plans, elevations and site plans therefor. Any applicant may appeal in writing to the City Council from any action or decision of the Architectural Board of Review, whereupon the City Council may approve, conditionally approve or disapprove such application and the decision of the City Council shall be final. No such building permit shall be issued except in accordance with the approval of the Architectural Board of Review, or on appeal of the City Council. The City Council shall, by ordinance consistent with this Charter, implement the provisions of this section.

(b) Consider and be guided by in approving, conditionally approving or disapproving any such application or permit, the protection and preservation as nearly as is practicable of the natural charm and beauty of the area in which the City is located and the historical style, qualities and characteristics of the buildings, structures and architectural features associated with and established by its long, illustrious and distinguished past.

(c) Perform such other functions or duties, not inconsistent with this

Charter, as may be prescribed by ordinance.

Section 1007 is amended to read as follows:

Section 1007. Suspension, Demotion and Dismissal.

Every person holding an office or position in the Classified Service who shall have completed the probationary period therein shall be entitled to retain his office or position during good behavior so long as it exists under the same or a different title, subject, however, to suspension, demotion or dismissal as in this section provided. Any such person may be suspended, demoted or dismissed by the appointing power, subject to the provisions of this Charter, for incompetence, habitual intemperance, immoral conduct, insubordination, repeated discourteous treatment of the public or fellow employees, dishonesty, conviction of a felony, inattention to duties, engaging in prohibited political activities, acts inimical to the public service, physical or mental incompetency, or other ground of penalty or forfeiture specified by the Constitution or by this Charter.

Any such person who is suspended, demoted or dismissed shall be entitled to receive, upon his request, a hearing by the Board of Civil Service Commissioners to review such suspension, demotion or dismissal. Such request for a hearing shall be filed in the Office of the City Clerk for delivery to the said Board. A public hearing shall be called and held on the matter by said Board within twenty (20) days and written notice of the time and place thereof shall be given to the employee in person or by mail at least ten (10) days before the hearing. Such employee shall be given the opportunity at such hearing to be heard in his defense in person or by counsel. Hearings may be conducted informally and the legal rules of evidence need not apply.

The Board shall make written findings which shall state as to each charge whether or not such charge is sustained. Such Board shall also set forth in writing its conclusions and recommendations based upon such findings and within ten (10) days after concluding the hearing, it shall certify its findings, conclusions, recommendations and its decision based thereon to the board or officer from whose action the appeal was taken, and to the City Administrator and City Council. The same shall also be available to the public.

The decision of the Board shall affirm, modify or rescind the action taken as in its judgment shall seem warranted by the evidence and by the applicable provisions of this Charter and any ordinance, rules or regulations adopted hereunder; and such decision shall be final and conclusive.

Where an appeal is taken to the Board from an order of dismissal, the vacancy in the position shall be considered a temporary vacancy pending final action by the Board and may be filled only by a temporary appointment.

Notwithstanding any other provision of this Charter, a reduction in pay shall not constitute a demotion if it results from a position reallocation or reclassification as defined by ordinance or resolution or is a part of a plan to reduce salaries and wages in connection with a general economy or curtailment program.

Nothing in this section shall restrict the right to make bonafide reductions in force or to enact legislation requiring retirement for disability or age.

As used in this Charter, the words dismiss, remove and discharge, in all their forms and tenses, shall be synonymous and interchangeable.

Section 1207. Tax Limits. REPEALED.

Section 1208. Tax Procedure. REPEALED.

Section 1213 is amended to read as follows:

Section 1213. Capital Outlays Fund.

A fund for capital outlays generally is hereby created, to be known as the "Capital Outlays Fund" and to be a continuation of any existing Capital Outlays Fund. The City Council may create by ordinance a special fund or funds for a special capital outlay purpose. It may not, in making such levy, exceed the maximum tax rate provided for in this Charter, unless authorized by the affirmative votes of a majority of the electors voting on the proposition at any election at which such question is submitted. The City Council may transfer to any such fund any unencumbered surplus funds remaining on hand in the City at any time.

Once created, such fund shall remain inviolate for the purpose for which it was created; if for capital outlays generally, then for any such purposes, and if for a special capital outlay, then for such purpose only, unless the use of such fund for some other capital outlay purpose is authorized by the affirmative votes of a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted.

If the purpose for which any special capital outlay fund has been created has been accomplished, the City Council may transfer any unexpended and unencumbered surplus remaining in such fund to the fund for capital outlays generally, established by this Charter.

Section 1306 is amended to read as follows:

Section 1306. Elections to be Conducted by Mail Ballot.

The City Council may, by resolution, authorize the conduct of an election by mail. The procedure to be followed will be in accordance with provisions of the Elections Code of the State of California.

Section 1507 is amended to read as follows:

Section 1507. General Plan and Zoning Ordinance Amendments Limitations.

It is hereby declared to be the policy of the City that its land development shall not exceed its public services and physical and natural resources. These include, but are not limited to, water, air quality, wastewater treatment capacity, and traffic and transportation capacity. All land use policies shall provide for a level and balance of residential and commercial development which will effectively utilize, but will not exhaust, the City's resources in the foreseeable future. In making land use decisions, the City shall be guided by the policies set forth in this section. In furtherance of these policies, no amendments to the City's General Plan and Zoning Ordinance shall be effective unless approved by five (5) affirmative votes of the City Council. Upon such approval, General Plan and Zoning Ordinance amendments shall be conclusively presumed to comply with the policies set forth herein.

Certified to be a true copy by Sheila Lodge, Mayor and Richard D. Thomas, City Clerk.

Date of Special Municipal Election: November 2, 1982.

Charter Chapter 25—City of Glendale

Amendments to the Charter of the City of Glendale

[Filed with the Secretary of State December 2, 1982]

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

Article IV, Section 3, Compensation.

Compensation for council members is hereby set, and from time to time shall be changed, in accordance with the schedule applicable to the City of Glendale set forth in the provisions of the Government Code relating to salaries of council members in general law cities.

Sections 1, 2, 3 and 5 of Article V are amended to read as follows:

FIRST: Section 1 of Article V is amended to read:

Article V, Section 1, General municipal elections.

General municipal elections of officers and for such other purposes as the Council may prescribe shall be held in the City on the first Tuesday in April in each odd-numbered year.

SECOND: Section 2 of Article V is amended to read:

Section 2, Procedures for conducting elections.

Elections shall be called by the Council by ordinance or resolution. Unless otherwise provided by ordinance, all elections shall be held in accordance with the provisions of the Election Code of the State of California, as it exists or is amended, for the holding of municipal elections, so far as the same are not in conflict with this Charter. No primary elections shall be held.

THIRD: Section 3 of Article V is amended to read:

Article V, Section 3, Canvass of elections.

The Council shall canvass the returns of an election at its first regular meeting following the election, unless otherwise provided in the ordinance or resolution calling the election.

FOURTH: Section 5 of Article V is repealed.

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

Article VI, Section 2, Council meetings.

The Council shall hold regular meetings at such times as it shall fix by ordinance or resolution. If a regular meeting falls on a holiday such meeting shall be held on the next business day.

Special Council meetings may be called at any time by the Mayor, or by three members of the Council, acting in accordance with State law.

Any regular, adjourned regular, special, or adjourned special meeting may be adjourned to a time and place specified in the order of adjournment. Any adjourned regular meeting is a regular meeting for all purposes.

All council meetings shall be held in the council chamber of the City Hall, or in a place to which any meeting may be adjourned for the purpose of taking evidence or holding hearings. Final deliberation and actual voting by the council shall take place in the City Hall council chamber.

Provided, however, if by reason of fire, flood, reconstruction, or other emergency it shall be unsafe to meet in the council chamber, the meetings shall be held for the duration of the reconstruction or emergency at a place designated by the Mayor or by three members of the Council.

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

Article VI, Section 3, Quorum: Action franchises, etc.

Three members of the council shall constitute a quorum, but a less number may adjourn from time to time. No franchise shall be granted, ordinance passed, budget adopted, supplemented or amended, appropriation made, or payment of money ordered unless three members of the council concur in such action. Any tie vote constitutes no action, and the matter shall be carried from agenda to agenda until the tie is broken, or the council determines to remove item from agenda.

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

Article VI, Section 9, Contracts requiring competitive bids.

Except as otherwise required in this Charter, no contract for supplies, material, labor, or other valuable consideration, or for the construction, improvement, repair, or maintenance of public works shall be authorized by the Council except to the lowest responsible bidder after competitive bidding. The Council may reject any and all bids. Competitive bidding shall not be required for:

- (a) Labor or services rendered by any City officer or employee;
- (b) Labor, material, supplies, or services furnished by one City department to another City department.
- (c) Contracts for labor, material, supplies or services which are available from only one vendor;
- (d) Contracts for labor, materials, supplies or services or for the construction, improvement, repair, or maintenance of public works involving the expenditure of no more than \$15,000.00;
- (e) Contracts relating to the acquisition of real property;
- (f) Contracts for professional or unique services;
- (g) Contracts for labor, material, supplies and services for actual emergency work;
- (h) Contracts with other governmental entities, or their contractors, for labor, materials, supplies or services.

The Council, after rejecting bids, or if no bids are received, may re-advertise for bids, or may have the work done by City forces if it determines that City forces can economically do the work, or it may have the contract negotiated without further bidding.

Upon recommendation of the City Manager, the Council may dispense with competitive bidding for any contract when it determines that it is in the best interests of the City so to do and acts by resolution setting forth the reason for such action.

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

Article VI, Section 12, Councilmembers holding other city offices.

A councilmember shall not hold any other City office or City employment except as authorized by State law or ordinarily necessary in the performance of the duties as a councilmember. No former councilmember shall hold any compensated City office or City employment until two

years after leaving the office of councilmember.

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

Article VI, Section 16, Certified public accountant to be employed annually.

At least once a year the council shall employ a certified public accountant who shall investigate the transactions and accounts of all officers having the collections, custody or disbursement of public money, or having the power to approve, allow or audit demands on the treasury, and render a report of his investigation to the council.

Section 19 of Article VI is amended to read as follows:

Article VI, Section 19, Duties of city clerk.

The City Clerk shall:

- (a) Attend all meetings of the Council.
- (b) Be responsible for recording and maintaining a full and true record of all the proceedings of the Council.
- (c) Maintain a permanent record of all ordinances and resolutions adopted by the Council, including the certificate of the Clerk stating that such document was duly adopted by the Council with the date of adoption and, with respect to an ordinance, that it has been published in accordance with this Charter; all said records shall be properly indexed and open to public inspection when not in actual use.
- (d) Maintain a permanent record of all written contracts and official bonds.
- (e) Be custodian of the seal of the City.
- (f) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City, and certify copies of official records.
- (g) Conduct all city elections.
- (h) Perform such other duties connected with the office as may be prescribed by the Council.

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

Article IX, Section 1, City manager selection, compensation and qualifications.

The Council shall appoint a city manager who:

- (a) Shall serve at the pleasure of the Council;
- (b) Shall be the Chief Administrative Officer of the City;
- (c) Shall be chosen on the basis of administrative qualifications;
- (d) Shall be compensated as directed by the Council commensurate with the responsibilities of the office;
- (e) Shall not have served on the Council within a period of two years immediately preceding the date of appointment;
- (f) Shall establish, within ninety days of the effective date of appointment, and maintain a residence within the City;
- (g) Shall engage in no other business or occupation, except as may be permitted by the Council;
- (h) Appoint and remove at his pleasure, a secretary.

The appointment of the City Manager requires the affirmative vote of three members of the Council. An action to remove, suspend, or request the resignation of the City Manager, requires the affirmative votes of

three members of the Council, provided, however, that during a period of 135 days after a councilmanic election the Council shall take no action to remove, suspend or request the resignation of the City Manager, except by a unanimous vote of the entire council.

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

Article XXIII, Section 27, Penalties, violation of ordinances.

The violation of the Charter or ordinance of the City shall be a misdemeanor. Fines and penalties shall be set by the council, but the maximum fine or penalty for any such violation shall be the sum of five hundred dollars or a term of imprisonment for a period not exceeding six months, or both such fine and imprisonment. The council by ordinance may provide that a violation of an ordinance shall be classified as an infraction and set the fine for a violation thereof.

Section 30 added to Article XXIII to read as follows:

Article XXIII, Section 30, Administering oaths.

The head of each department and such deputies or assistants as such department head may designate shall have power to administer oaths and affirmations in connection with any official business of the city.

Section 2, Subsection 11 of Article XXIV is amended to read as follows:

Article XXIV, Section 2, Civil Service, Duties of civil service commission generally; rules.

The commission shall prescribe, amend and enforce rules for the classified service, subject to the approval of the council, which shall have the force and effect of law; shall keep minutes of its proceedings and records of its examinations; and shall, as a board or through a single commissioner, make investigations concerning the enforcement and effect of this article and of the rules and efficiency of the service. It shall make an annual report to the council.

The rules shall provide:

(1) Classification of positions. For the classification of all positions in the classified service.

(2) Competitive examinations—Generally. For open, competitive examinations to test the relative fitness of applicants for all such positions, except for which competition has been suspended, as provided in this article.

(3) Same—Public advertisement. For public advertisement of all competitive examinations.

(4) Eligible lists. For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing in examination. Such lists shall remain in force not longer than two years nor less than one year provided that the commission may cancel any list established from an open examination which contains the names of not more than three persons whose names have been submitted for appointment and the persons not appointed.

(5) Grounds for rejection of candidates or eligibles. For the rejection of candidates or eligibles who fail to comply with the requirements of the commission in regard to age, residence, sex, physical condition, or who have been guilty of crime or infamous or disgraceful conduct, or who have attempted any deception or fraud.

(6) Procedure as to appointments. For the appointment of one of the three persons standing highest on the appropriate eligible list, except when competition has been suspended as provided in this article; provided that the appointing agency may appoint a person from an eligible list containing less than three names; and provided further that any person whose name has been certified three times without appointment shall have his name dropped to the end of said list.

(7) Probation period. For a period of probation not exceeding twelve months before appointments or promotions are made complete.

(8) Temporary or seasonal appointments. For temporary appointments to permanent positions and appointments to temporary or seasonal positions, when there is no appropriate eligible list; provided, that no permanent position shall be filled by temporary appointees for a period longer than six months except when due to a leave of absence or in case of emergency. Appointments to temporary or seasonal positions and temporary appointments due to a leave of absence may be for such period of time as may be fixed by the commission. The commission shall determine whether any position is in character temporary, seasonal or permanent. The acceptance or refusal to accept temporary or seasonal employment on the part of a person on an eligible list shall not be a bar to appointment to a permanent position from said eligible list.

(9) Transfer; demotion; reinstatement. For transfer from one position to a similar position, or to a lower position upon request of the employee affected, and for reinstatement within one year of persons who, without fault or delinquency on their part, are separated from the service or reduced.

(10) Promotion. For promotion based upon competitive examination and records of efficiency, character, conduct and seniority; provided, that promotional examination shall be open only to those persons who are employed in positions designated by the commission as appropriate for promotional purposes, who have served in any such position or positions for an aggregate of at least six months, and who satisfy the preliminary requirements of the commission for the position to be filled. Examinations may be exclusively promotional or may be combined with original examinations. Unless the commission finds that it would not be consistent with the best interests of the city, a vacancy, except one for which competition has been suspended, as provided in this article, shall be filled by promotion.

(11) Suspension without pay. For suspension without pay for a period not to exceed ninety days.

(12) Adoption and amendment of rules generally. For the adoption and amendment of rules only after public notice and hearing.

(13) Appointment of unskilled laborers. For the appointment of unskilled laborers after such tests as to fitness as the commission may prescribe.

(14) Further provisions as to adoption of rules. For the adoption of such rules not inconsistent with the provisions of this Charter as may be necessary and proper to carry out the provisions of this article.

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

Date of Special Municipal Election: November 2, 1982.

Charter Chapter 26—City of Huntington Beach

Amendments to the Charter of the City of Huntington Beach

[Filed with the Secretary of State December 9, 1982.]

Section 300 is amended to read as follows:

Section 300. CITY COUNCIL, ATTORNEY, CLERK AND TREASURER. TERMS. The elective officers of the city shall consist of a City Council of seven members, a City Clerk, a City Treasurer and a City Attorney, all to be elected from the city at large at the times and in the manner provided in this Charter and who shall serve for terms of four years and until their respective successors qualify.

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

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

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

Section 700 is amended to read as follows:

Section 700. GENERAL MUNICIPAL ELECTIONS. General municipal elections shall be held in the city on the first Tuesday after the first Monday in November in each even-numbered year.

Certified to be a true copy by Robert P. Mandic, Jr., Mayor and Alicia

M. Wentworth, City Clerk.

Date of Special Municipal Election: November 2, 1982.

Charter Chapter 27—City of Albany

Amendments to the Charter of the City of Albany

[Filed with the Secretary of State December 9, 1982]

Section 8.01, Chapter VIII is amended to read as follows:

VIII. CIVIL SERVICE

Section 8.01. Municipal Civil Service.

(a) There shall be a Municipal Civil Service, hereinafter referred to as the Classified Service. Membership in the Classified Service is defined in Section 8.05(a) of this Chapter. There shall be a Civil Service Board, hereinafter referred to as the Board, to administer the Classified Service.

(b) The City Council is authorized to pass ordinances pertaining to the Civil Service System. Ordinance provisions affecting the Classified Service shall require a four-fifths ($\frac{4}{5}$) vote of the City Council, and shall include not less than one (1) public hearing on the subject matter of the ordinance.

(c) There shall be a Board consisting of five (5) members who serve without compensation. Each member of the City Council shall have the right to make one (1) appointment. If a Councilmember is unable to appoint, or declines to do so, within thirty (30) days of a vacancy on the Board, then a majority of the Council can make the appointment for that Councilmember.

(d) Members of the Board may be removed by a vote of at least four (4) members of the Council. Board Member terms shall be concurrent with the term of the Councilmember who appointed them.

(e) No officer, employee, or member of another Board, Commission, or City Council shall be eligible for appointment to the Civil Service Board.

Section 8.02 is amended to read as follows:

Section 8.02. Organization.

(a) The Civil Service Board shall choose one (1) member to serve as Chairperson.

(b) The City Council shall provide a person to serve as a secretary and administrative assistant to the Civil Service Board.

(c) Procedures for organization of the Board, any employees thereof, and duties not hereinafter specified, may be established by resolution.

Section 8.03 is amended to read as follows:

Section 8.03. Powers and Duties.

(a) The Board shall formulate rules and regulations governing the selection, promotion, reinstatement, re-employment, transfer, of all persons who are in the Classified Service in accordance with any ordinance adopted and/or amended by the City Council.

(b) The Civil Service Board shall hold written, oral, and any such other examinations as may be appropriate for applicants for employment, promotion, re-employment, reinstatement, or transfer, and shall maintain

records and certified lists as appropriate. If any open examination is held, the Board shall give reasonable preference to existing City employees within the same department, provisions of Section 8.04 (a) of this Chapter notwithstanding.

(c) There shall be a Hearing Board. The Hearing Board shall hear disputes related to members of the Classified Service, the exact nature and severity of such disputes to be defined by ordinance. Members of the Civil Service Board have the authority to serve as members of the Hearing Board.

Section 8.04 is amended to read as follows:

Section 8.04. Discrimination Prohibited.

(a) All appointments, promotions, or other personnel decisions affecting the status of an employee shall be based upon selection of the best qualified individual.

(b) No person in the Classified Service, or seeking admission thereto, shall be appointed, promoted, demoted, or discharged, or in any way favored or discriminated against because of political opinions, or affiliations or because of religious belief.

Section 8.05 is amended to read as follows:

Section 8.05. Effect on Employees in Police and Fire Departments and Other Departments.

(a) All members, who are part of the Classified Service prior to the adoption of Chapter VIII, Sections 8.01 et seq., shall be considered as members with their present status of the Classified Service under the system as now adopted. Employees, not part of the previous Classified Service, shall have no change in status until rules, regulations, ordinances or procedures have been passed which may include additional employees. All future employees hired to positions which are part of the Classified Service at this time shall so remain part of the Classified Service.

(b) The City Council is empowered to define other positions to be included in the Civil Service System and to expand the system to include additional members by ordinance.

Section 8.06 is amended to read as follows:

Section 8.06.

The cost of conducting examinations and other duties of the Civil Service Board shall be charged against the general fund of the City. These costs shall be certified by the Civil Service Board and, when so certified, shall be paid by the City Council in the same manner as other charges against the City.

Section 8.07 is amended to read as follows:

Section 8.07. Severability.

If any section, subsection, clause, or phrase of this law is for any reason held to be unconstitutional, such decisions shall not affect the validity of the remaining sections, subsections, clauses or phrases of this law.

Section 3.09 be added to the Charter to read as follows:

Section 3.09. Safety Service Departments.

(a) There is hereby created a Police Department which shall be administered by the Chief of Police. The department shall consist of such sworn and non-sworn personnel whose ranks, duties, and compensation are set

forth by the City Council through ordinance or resolution.

(b) There is hereby created a Fire Department which shall be administered by the Fire Chief. The department shall consist of such personnel whose ranks, duties, and compensation are set forth by the City Council through ordinance or resolution.

(c) The Fire and Police Departments may not be consolidated, except upon a vote of the electorate.

Certified to be a true copy by Ruth J. Ganong, Mayor and Jacqueline Bucholz, City Clerk.

Date of General Election: November 2, 1982.

Charter Chapter 28—City of Los Angeles

Amendments to the Charter of the City of Los Angeles

[Filed with the Secretary of State November 29, 1982.]

Article XXXV of the Charter of the City of Los Angeles is amended by amending (d) and (n) of Section 521 and Section 523 thereof, to read as follows:

Sec. 521. Definitions and Certain Conditions Governing the Provisions of this Article.

(d) "Member of the Fire Department" means persons duly and regularly appointed in the Fire Department, under civil service rules and regulations or provisions of this Charter, or both, governing the making of original regular and permanent appointments therein which require the serving of probationary periods but not of original emergency or temporary appointments therein, to perform duties as a firefighter or as a paramedic or civilian ambulance employee for the City, under whatever designation such persons may be described in any salary or departmental ordinance providing salaries for the members of said department, provided, however, that such persons shall be members of said department only until their status as such shall be terminated by reason of retirement, resignation or discharge therefrom or for any other reason.

(n) "Final Average Salary" means an amount equivalent to a monthly average of salary actually received during any twelve (12) consecutive months of service as a Plan Member as designated by the Plan Member. In the absence of such designation, the last twelve (12) consecutive months preceding the date upon which retirement would become effective shall be used as the basis for the calculation of Final Average Salary.

For Plan Members employed as paramedics or civilian ambulance employees who have formerly been members of the City Employees' Retirement System, and who, pursuant to the provisions of Section 523 of this Article have become Plan Members, the determination of Final Average Salary shall include periods of city service for which such Plan Members have elected to acquire Years of Service credit by transfer of their contri-

butions from the City Employees' Retirement System to the Safety Members Pension Plan. If a Plan Member should die before having made such election, his or her surviving spouse may make the election in place of the Plan Member.

For the purposes of determining Final Average Salary, periods during which the Plan Member receives less than full salary on account of injury or illness, pursuant to any applicable ordinance of the City, shall be included in the calculation of Final Average Salary based upon the salary, including any length of service pay, special pay, assignment pay or hazard pay, the Plan Member would have received but for the injury or illness.

Included in the calculation of Final Average Salary shall be Length of Service Pay, Special Pay, Assignment Pay and Hazard Pay actually received during the twelve (12) consecutive months used to determine Final Average Salary. To the extent that Hazard Pay was not received during all or any part of the twelve (12) consecutive months used to determine Final Average Salary, then it shall be included in the calculation of Final Average Salary only if the Plan Member retires at the same rank as that occupied by him or her at a time when Hazard Pay was received during a period or periods other than the twelve (12) months used to determine Final Average Salary, and for each such completed twelve (12) month period during which the Plan Member served at that rank and received Hazard Pay, he or she shall be entitled to have included in the Final Average Salary ten (10%) percent of the Hazard Pay which would have been payable had the hazardous duty been performed during the period for which the Final Average Salary is calculated; provided, however, that the total amount includable in the Final Average Salary for Hazard Pay may not exceed 100 percent of the amount the Plan Member would have received had he or she been entitled to Hazard Pay during the entire twelve (12) month period utilized in the calculation of Final Average Salary.

Overtime compensation or payments of money to the member not designated as salary by an ordinance of the City shall not be considered for purposes of calculating Final Average Salary.

Notwithstanding any of the foregoing, if a Retired Plan Member were to be restored to active duty as a Department Member and thereby again were to become a Plan Member and if he or she again were to retire or to be retired without having performed his or her duties for at least one (1) year subsequent to such restoration, which year shall not include any time off from work by reason of any injury or illness which had been caused by or contributed to by any injury or illness which had been sustained or suffered by him or her prior to such restoration, the Final Average Salary which shall be applicable to his or her later retirement shall be the Final Average Salary which had been applicable to his or her previous retirement.

Should a Plan Member not have completed twelve (12) consecutive months of service as a Plan Member, then and in that event only shall the Final Average Salary be calculated as a monthly average of all consecutive calendar months completed, and, if the Plan Member has completed less than one (1) month of total service as a Plan Member, the salary actually

received shall be used to calculate its monthly equivalent.

Sec. 523. Plan Members.

(a) Each person who shall be appointed as a Department Member on or subsequent to the effective date of this Article shall become a Plan Member upon graduation by such person from training at the Police or Fire Academies or equivalent facility imparting basic training as a firefighter or police officer and maintained as such by the City of Los Angeles. Upon becoming a Plan Member, a person may elect to purchase Years of Service credit for the period of such training in accordance with rules adopted by the Board of Pension Commissioners.

A person formerly a System Member under the provisions of Article XVII or XVIII of the City Charter whose membership had previously terminated by reason of resignation or discharge shall upon again being appointed as a Department Member become a Plan Member as of the effective date of such appointment. In the event such person did not receive a refund of contributions upon his or her termination as a System Member, then the definition of "Years of Service" elsewhere contained in this Article shall be controlling with respect to such person's entitlement to service credit; further, such person need not make back contributions on account of such former service and does not have any right to have contributions formerly made by him or her under the provisions of Article XVII or XVIII refunded in the event he or she should subsequently terminate as a Plan Member. In the event such person received a refund of his or her contributions under the provisions of Article XVII or XVIII as a result of his or her termination, then such person's entitlement to Years of Service credit for the period of such former service shall be conditioned upon such person electing to repay and having paid to the Safety Members Pension Plan the amount of previously refunded contributions, with interest thereon and an amount calculated as interest which would have been earned between the date of such termination and the date of entry into service as a Plan Member in accordance with rules adopted by the Board of Pension Commissioners. In the event such member does not elect to so repay, the term Years of Service as elsewhere used in this Article shall not include any periods prior to his or her becoming a Plan Member, notwithstanding the definitions contained in subsections (t) and (u) of Section 521 herein.

(b) In addition to those Department Members described in subsection (a) of this section, paramedics or civilian ambulance employees shall become Plan Members upon the effective date of this subsection, except that persons employed as paramedic trainees shall become Plan Members only upon their certification, as provided by law, as mobile intensive care paramedics or equivalent. Upon certification Plan Members may elect to purchase Years of Service credit for the period of such training in accordance with rules to be adopted by the Board of Pension Commissioners.

If such a Plan Member has periods of membership in the City Employees' Retirement System while he or she was a paramedic or civilian ambulance employee, such Plan Member shall be entitled to elect to acquire Years of Service credit for such periods of membership in the City Employees' Retirement System. Upon such election his or her contribu-

tions, plus interest credited thereon, and his or her city service credit shall be transferred to the Safety Members Pension Plan in accordance with rules to be adopted by the Board of Pension Commissioners.

A surviving spouse of a Plan Member may complete the purchase of Years of Service credit elected by the Plan Member.

No Plan Member may receive double benefits by receiving credit for Years of Service for the same periods of city service from the City Employees' Retirement System and under the provisions of this Article. Further, no Plan Member may transfer credit received from the City Employees' Retirement System while employed in a capacity other than paramedic or civilian ambulance employee.

Upon the election by a Plan Member to acquire Years of Service credit, the released liability of the City Employees' Retirement System shall be transferred to the Safety Members Pension Plan. For the purposes of this subsection, the phrase released liability means the City's share of the actuarially determined present value of benefits under the City Employees' Retirement System as of the date of transfer.

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

Date of Special Municipal Election: November 2, 1982.

Charter Chapter 29—County of Los Angeles

Amendments to the Charter of the County of Los Angeles

[Filed with the Secretary of State on December 13, 1982.]

Section 47.5 is added to Article X to read as follows:

Discharge of Striking Employees.

(a) No employee of the County of Los Angeles shall instigate, participate in, or afford leadership to a strike against the County of Los Angeles, or engage in any form of concerted action to withhold service from said County, or any of its departments, commissions or agencies.

(b) A strike or concerted action to withhold services from said County, or any of its departments, commissions or agencies shall be defined as the failure of any employee or group of employees to report for duty, the absence of an employee or group of employees from duty, the stoppage of work or the abstinence in whole or in part from full, faithful and proper performance of the duties of employment, for the purposes of inducing, influencing or coercing a change in the conditions, compensation, rights, privileges or obligations of employment or of intimidating, coercing or unlawfully influencing others not to remain in or assume public employment; provided, however, that nothing herein shall limit or impair the right of any employee or group of employees to express or communicate a complaint or opinion on any matter related to conditions of public employment, so long as the same is not designed to and does not interfere

with the full, faithful and proper performance of the duties of public employment.

(c) Any employee of the County of Los Angeles who instigates, participates in or affords leadership to a strike against the County of Los Angeles or any of its departments, commissions or agencies, or engages in any form of concerted action to withhold services therefrom shall be subject to discharge from County service and said person shall not be reinstated or returned to the employ of the County of Los Angeles: except that the employee may apply to return to County service as a new employee and may be employed in accordance with the regular employment practices of the County in effect at the time for the position sought.

(d) In the event of any such strike or concerted action, it shall be the duty of the Chief Administrative Officer or appropriate appointing authority to identify any employee of the County under his jurisdiction who is in violation of the provisions of this Section, and to initiate discharge proceedings against such employee in accordance with the applicable provisions of this Charter. Prior to initiating such a discharge proceeding, the Chief Administrative Officer or appropriate appointing authority shall provide notice to the employee of the charges against the employee and shall provide the employee with a timely opportunity to respond thereto. If the Chief Administrative Officer, or other appropriate appointing authority, after completing an investigation, determines that the charges are supported by the evidence submitted, and that the employee instigated, participated in, or afforded leadership to a strike against the County of Los Angeles or any of its departments, commissions or agencies, or engaged in any form of concerted action to withhold services therefrom, said appointing authority shall discharge the employee involved, and said person shall not be reinstated or returned to the employment of the County of Los Angeles; except as stated in paragraph (c) of this Section.

(e) In determining whether an employee engaged in a strike or in any form of concerted action to withhold service from said County or any of its departments, commissions or agencies, the Chief Administrative Officer or appropriate appointing authority shall use the following presumption which is rebuttable: Any employee who is absent from work without permission or who abstains wholly or in part from the full performance of the employee's duties in the employee's normal manner without permission, on the date or dates when a strike or concerted action to withhold services occurs, shall be presumed to have engaged in such strike or in concerted action to withhold services on such date or dates.

(f) A discharge imposed pursuant to this Section shall be appealable to the Civil Service Commission. However, notwithstanding other provisions of this Charter, in deciding whether the discharge of an employee for violating the provisions of this Section is proper, the Civil Service Commission shall be bound by the presumption stated in paragraph (e) of this Section. If, in the opinion of the Civil Service Commission, this presumption is not rebutted by a preponderance of the probative evidence, the Civil Service Commission shall sustain the discharge of the employee, and the County shall not be required to reinstate the employee.

(g) No officer, board, commissioner, appointing authority, or other

agent of the County, elected or appointed, shall have the power to grant amnesty and/or to waive any of the provisions of this Section, and/or to authorize, appease, condone or consent to any employee's instigating, participating in, or affording leadership to a strike against the County of Los Angeles or any of its departments, commissions or agencies, or engaging in any form of concerted action to withhold services therefrom. No person exercising any authority, supervision, or direction over the County of Los Angeles, or any of its boards, commissions or agencies shall have the power to authorize, approve, condone or consent to a strike or other concerted activity prohibited by this Section; and no such person shall authorize, approve, condone or consent to such strike or other concerted activity prohibited by this Section.

(h) Every employee of the County of Los Angeles, whether employed on the effective date of this Section or thereafter employed, shall be furnished a copy of the provisions of this Section and shall acknowledge receipt thereof by executing the following statement which shall be filed with the office of the Civil Service Commission:

"I hereby acknowledge receipt of a copy of the provisions of Section 47.5 of the Charter of the County of Los Angeles and agree that I understand that during my term of employment with the County, I shall neither instigate, participate in, or afford leadership to a strike against the County of Los Angeles, or any of its departments or agencies, or engage in any concerted action to withhold my services from the County of Los Angeles, or any of its departments or agencies."

"I further understand that if I instigate, participate in or afford leadership to such a strike or engage in any such concerted action I shall be subject to discharge and shall not be reemployed by the County; except that I may apply to return to County service as a new employee and may be employed in accordance with the regular employment practices of the County in effect at that time for the position which I seek."

"Furthermore, I understand that I will be rebuttably presumed to have engaged in such a strike or other prohibited concerted action against the County of Los Angeles, its commissions, departments and agencies, if I am absent from work without permission or if I abstain wholly or in part from the full performance of my duties in the normal manner without permission from the appropriate appointing authority on the date or dates when a strike or other form of concerted action to withhold services from said County, or any of its commissions, departments or agencies occurs."

"I further understand that no officer, board, commissioner or appointing authority of the County, elected or appointed, shall have the power to grant amnesty to any person who violates the prohibition in Section 47.5 of the Charter against instigating, participating in, or affording leadership to a strike against the County, or engaging in any concerted action to withhold services from the County, or any of its departments, commissions, or agencies."

(i) In the event that an employee organization has instigated, participated in or afforded leadership to a strike against the County of Los Angeles, or any of its departments, commissions or agencies; or to any concerted action to withhold service therefrom; the Board of Supervisors

of the County of Los Angeles is hereby prohibited from granting any improvement of wages, hours or working conditions to employees represented by that organization beyond those in effect or last offered by the County prior to the commencement of such strike or concerted activity, until the commencement of the meet and confer negotiations for the next bargaining year at a time regularly scheduled for commencement under County policy and provisions governing such negotiations. This remedy shall not preclude the County of Los Angeles from securing any other equitable or legal relief to which it may be entitled under state law.

(j) If any provisions of this Section 47.5 or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Section which can be given effect without the invalid provisions or application; and to this end the provisions of this Section are severable.

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

Date of General Election: November 2, 1982.

Charter Chapter 30—City of Palo Alto

Amendments to the Charter of the City of Palo Alto

[Filed with the Secretary of State December 10, 1982.]

Article VI is amended to read as follows:

Article VI. The Recall, Initiative and Referendum.

Sec. 1. Recall. Proceedings may be commenced for recall of any councilmember by the service, filing and publication of a notice of intention to circulate a recall petition. Proceedings may not be commenced unless, at the time of commencement, such councilmember has held office for at least six months and no recall petition has been filed against such councilmember within the preceding six months.

The petition demanding the recall of the councilmember sought to be recalled, signed by registered voters equal in number to at least twelve percentum of the number of registered voters at the last general municipal election, shall be filed with the clerk. One election is sufficient for the recall of one or more councilmembers, but a separate petition is necessary to propose the recall of each councilmember.

No signature may be affixed to the petition until the proponents have served, filed and published a notice of intention to circulate a recall petition, containing the name of the councilmember sought to be recalled, a statement in not more than five hundred words of the grounds on which the recall is sought, and the name and address of at least one proponent. The notice of intention shall be served, personally or by certified mail, on the councilmember sought to be recalled, and a copy thereof with a

certificate of the time and manner of service shall be filed with the clerk. A separate notice of intention shall be filed for each councilmember sought to be recalled.

Within seven days after the filing of the notice of intention, the councilmember sought to be recalled may file with the clerk an answer in not more than five hundred words to the statement of the proponents and, if an answer is filed, shall serve a copy thereof, personally or by certified mail, on one of the proponents named in the notice of intention. The statement and answer are intended solely for the information of the voters and no insufficiency in the form or substance thereof shall affect the validity of the election or proceedings. The notice, statement and answer, if any, shall then be published in a newspaper of general circulation by the City Clerk.

No signature may be affixed to a recall petition until the County Registrar of Voters has received two blank copies of the petition and has advised the proponents in writing that the form and wording are in order.

Seven days after the publication of the notice, statement and answer, if any, by the City Clerk and provided all the requirements of this section re Notice of Intention, answers, and form of petition have been met, the recall petition may be circulated and signed. The petition shall bear a copy of the notice of intention, statement and answer, if any. If the councilmember has not answered, the petition shall so state. Signatures shall be secured and the petition filed within ninety days from the filing of the notice of intention. If such petition is not filed within the time permitted by this section, the same shall be void for all purposes.

The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter of the municipality shall be competent to solicit said signatures. Unless and until it be proven otherwise by official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified voters. Each signer of said petition shall at the time of signing the petition include his printed name and his place of residence, giving street and number, and if no street or number exists, then a designation of his place of residence which will enable the location to be readily ascertained and the name of the city. A place at least one inch wide shall be left blank after each name for the use of the clerk in verifying the petition.

Each section of the petition shall have attached to it a declaration signed by the circulator of that section of the petition, setting forth all of the following:

- (a) The printed name of the circulator.
- (b) The residence address of the circulator, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.
- (c) That the circulator circulated that section and saw the appended signatures being written.
- (d) That according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it

purports to be.

(e) That the circulator is a registered voter of the electoral jurisdiction of the officer sought to be recalled.

(f) The dates between which all the signatures to the petition were obtained.

(g) The circulator shall certify to the content of the declaration as to its truth and correctness, under penalty of perjury, with the signature of his name at length, including given name, middle name or initial, or initial and middle name. The circulator shall date the declaration immediately following his signature.

Within fifteen (15) business days from the date of filing such petition, the clerk shall examine and ascertain from the records of registration whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary the council shall allow the clerk extra help for that purpose, and the clerk shall attach to said petition his certificate showing the result of said examination. If, by the said certificate, the petition is shown to be insufficient, it may be amended by additional signatures within ten days from the date of said certificate. The clerk shall, within fifteen (15) business days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect.

If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay, and the council shall thereupon order and fix a date for holding the said election within the time set by the general laws of the State of California. Candidates for this election shall file with the city clerk within the nomination period set by the general laws of the State of California.

At least ten (10) days prior to the recall election, the clerk shall mail to each voter a sample ballot and a separate printed copy of the statement of the proponents and of the answer, if any, of the councilmember sought to be recalled. If the recall of more than one councilmember is sought, the statement and answer for each shall be printed together and shall be clearly distinguished from those of any other councilmember.

There shall be printed on the recall ballot, as to each councilmember whose recall is to be voted on, the question: 'Shall (name of person) be recalled from the office of councilmember?' followed by the words 'yes' and 'no.' If a majority of those voting on any question voted in favor of the removal of an incumbent, such incumbent shall be deemed removed from office upon the qualification of the successor.

On the recall ballot, under each question, there shall be printed the names of those persons who have been nominated in the manner provided herein as candidates to succeed the incumbent if such incumbent is recalled. No vote cast shall be counted for any candidate for the office unless the voter also voted on the question of the recall of the person sought to be recalled from that office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If the vote recalls the councilmember, the candidate who has received the highest number of votes for the office shall be declared elected for the

unexpired term of the former incumbent. If the person who received the highest number of votes fails to qualify within ten days after receiving the certificate of election the office shall become vacant. Said election shall be conducted, returned, and the results thereof declared, in all respects as are all other municipal elections; provided, that if there be any conflict of provisions this charter shall control.

Sec. 2. Initiative. Any proposed ordinance may be submitted to the council by a petition signed by qualified and registered electors of the city equal in number to the percentage hereinafter required. The petition shall set forth a copy of the proposed ordinance.

An initiative petition, in order to be valid, must meet the following requirements:

(a) A notice of intention to circulate an initiative petition must be published in a newspaper of general circulation in the city once prior to the affixing of any signature to any petition and shall be substantially in the following form:

Notice of Intent to Circulate Initiative Petition

Notice is hereby given of the intention of the persons whose names appear hereon to circulate an initiative petition within the City of Palo Alto for the purpose of A statement of the reasons of the proposed action as contemplated in said petition is as follows:

(b) A copy of the notice of intention, together with an affidavit of publication, shall be filed with the clerk prior to the affixing of any signature to any petition.

(c) Immediately after the publication and filing of the notice of intention to circulate, the initiative petition may be circulated and filed.

The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. Each section of the petition shall contain a copy of the notice of intention to circulate and a copy of the proposed ordinance. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter of the municipality shall be competent to solicit said signatures. Unless and until it be proven otherwise by official investigation, it shall be presumed that the petition presented contain the signatures of the requisite number of qualified voters.

Each signer of said petition shall at the time of signing the petition include his printed name and place of residence, giving street and number, and if no street or number exists, then a designation of his place of residence which will enable the location to be readily ascertained and the name of the city. A place of at least one inch wide shall be left blank after each name for the use of the clerk in verifying the petition.

In addition to the requirements specified above, each section shall have attached thereto the affidavit of the person soliciting the signatures stating:

(1) The name and address of the circulator and a statement that he or she is qualified registered voter.

(2) That all the signatures affixed to the section were made in his or her presence.

(3) That to the best of his or her knowledge and belief, each signature is the genuine signature of the person whose name it purports to be.

(4) The dates between which all signatures were obtained.

(5) The signature of the circulator. No other affidavit thereto shall be required.

Within fifteen (15) business days from the date of filing such petition, the clerk shall examine and ascertain from the records of registration whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary the council shall allow the clerk extra help for that purpose, and the clerk shall attach to said petition his certificate showing the result of said examination.

If the petition accompanying the proposed ordinance be signed by qualified and registered electors equal in number of six percentum of the number of registered voters at the last general municipal election the council must either pass such ordinance without alteration or submit the same to the electorate at the next general municipal election that shall occur at any time not less than eighty-eight days from the date of the clerk's certificate of sufficiency. But if such petition is signed by qualified and registered electors equal in number to twelve percentum of said number of registered voters at the last general municipal election and contains a request that such ordinance be submitted to a vote of the people at a special election, then the council must either pass the ordinance without alteration or submit the same to the electorate at a special election to be called within the period provided by the general laws of the State of California.

If the clerk's certification shows that the petition is insufficient by reason of the failure to obtain sufficient valid signatures thereon, a supplemental petition, in form a duplicate of the original petition, bearing new additional signatures may be filed within ten days of the mailing of the certificate of insufficiency to the proponents of the initiative. Supplemental petitions shall be processed by the clerk in the same manner as set forth herein with respect to original petitions.

The ballots used when voting upon such proposed ordinance shall contain the words 'For the Ordinance,' and 'Against the Ordinance' (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall become a valid and binding ordinance of the City. The council may at such election submit any amendment thereto to that it may deem proper, and the ballots used at such election shall contain the words 'For the Amendment,' or 'Against the Amendment,' or ordinance (naming the ordinance), and also stating the nature of the proposed amendment. If a majority of the qualified electors voting on said proposed amendment shall vote in favor thereof, such ordinance shall thereupon be deemed amended in accordance therewith. The council may also propose and submit any ordinance to the electors, and such ordinance, upon receiving a majority of the votes of the electors voting thereon, shall be deemed to have been adopted and shall be a valid and binding ordinance of the City. Such ordinances shall be considered as adopted upon the date the Council conducts the official canvas of the election and shall go into

effect ten days after that date. Any ordinance adopted by the electors under the provisions of this section cannot be repealed or amended, except by a vote of the people obtained in the manner hereinabove stated, unless such ordinance shall otherwise provide.

Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section; provided, that there shall not be held under this section of the charter more than one special election in any period of twelve months.

Sec. 3. Referendum. Any ordinance, other than such as may be required to be passed at a particular time or for the purpose of complying with a charter or general law, and excepting such ordinances or measures for the immediate preservation of the public peace, health, or safety, shall be subject to a referendum as herein provided. Provided further that the petition for such referendum be filed within thirty days (30) from the final passage of such ordinance, and the same shall not be effective during said period during which the same is subject to referendum.

The council may, of its own motion, submit any ordinance or question of policy to a referendum.

A referendum petition asking that a particular ordinance named therein be submitted to a vote of the electorate, in order to be valid, must meet the following requirements;

(a) A notice of intention to circulate a referendum petition must be published in a newspaper of general circulation in the City once prior to the affixing of any signature to any petition and shall be substantially in the following form:

Notice of Intent to Circulate Referendum Petition

Notice is hereby given of the intention of the persons whose names appear hereon to circulate a referendum petition within the City of Palo Alto for the purpose of A statement of the reasons of the proposed action as contemplated in said petition is as follows:

(b) The notice of intention shall be filed with the clerk prior to the affixing of any signature to any petition.

(c) Immediately after the publication and filing of the notice of intention to circulate the referendum petition may be circulated and filed. The petition shall bear a copy of the notice of intention to circulate. Signatures shall be secured and the petition filed within thirty days of the date of the adoption or passage of the ordinance filed with the clerk. If such petition is not filed within the time required by this section, the same shall be void for all purposes.

The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. Each section shall contain the number and title of the ordinance proposed to be referended and a statement that the purpose of the petition is to referend such ordinance. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter of the municipality shall be competent to solicit said signatures. Each signer of said petition shall at the time of signing the petition include his printed name and place of residence, giving street and number, and if no street or

number exists, then a designation of his place of residence which will enable the location to be readily ascertained and the name of the city. A place of at least one inch wide shall be left blank after each name for the use of the clerk in verifying the petition.

Each section shall have attached thereto the affidavit of the person soliciting signatures to the same stating:

(1) The name and address of the circulator and a statement that he or she is a registered voter of Palo Alto.

(2) That all the signatures affixed to the section were made in his or her presence.

(3) That to the best of his or her knowledge and belief, each signature is the genuine signature of the person whose name it purports to be.

(4) The dates between which all signatures were obtained.

(5) The signature of the circulator. No other affidavit thereto shall be required.

Unless and until it be proven otherwise by official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified voters.

Within fifteen (15) business days from the date of filing such petition, the clerk shall examine and ascertain from the records of registration whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary the council shall allow the clerk extra help for that purpose, and the clerk shall attach to said petition his certificate showing the result of said examination. If the clerk's certification shows that the petition is insufficient by reason of the failure to obtain sufficient valid signatures thereon, a supplemental petition, in form a duplicate of the original petition, bearing new additional signatures may be filed within ten days of the mailing of the certificate of insufficiency to the proponents of the referendum. Supplemental petitions shall be processed by the clerk in the same manner as set forth herein with respect to original petitions. If the petition is signed by qualified and registered electors equal in number to six percentum of the number of registered voters at the last general municipal election and the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay and it shall be the duty of the council to reconsider such ordinance. If the council fails to entirely repeal such ordinance, it shall be the duty of the council to submit the question of the approval or rejection of such ordinance to the electors at the next general municipal election or a special election that shall be held not less than eighty-eight days from the date of the clerk's certificate of sufficiency and, until such election is held and the ordinance approved by the electors, such ordinance shall be suspended and inoperative.

The ballots used when voting upon such ordinance shall contain the words "For the Ordinance" and "Against the Ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall become a valid and binding ordinance on the City.

If the ordinance voted upon is approved, it shall have the same force and effect of any other ordinance adopted by council and may be amended at

any time as though no election were held. If the ordinance voted upon is disapproved, the council may not adopt a substantial similar ordinance for a period of at least one year from the date of election.

Certified to be a true copy by Fred S. Eyerly, Mayor and Ann J. Tanner, City Clerk.

Date of Special Election: November 2, 1982.

Charter Chapter 31—City of San Jose

Amendments to the Charter of the City of San Jose

[Filed with the Secretary of State December 13, 1982.]

Section 1108 is amended to read as follows:

Section 1108. Mandatory Separation from Service.

Any member of the Police or Fire Department of the City who is also a member of any Police and/or Fire Department retirement plan or system of the City must be separated from any position in the Police or Fire Department of the City upon his attaining the age of sixty-five (65) years, such separation to be effective no later than the last day of the calendar month within which he attains such age.

Subject to the provisions of other sections of this Charter, the Council may at any time provide for mandatory separation of officers or employees, other than persons holding elective offices, from specified positions in the Civil Service at an earlier age if and when the Council deems such to be for the good of the Civil Service.

Certified to be a true copy by Janet Gray Hayes, Mayor and Helen E. Jackson, City Clerk.

Date of General Municipal Election: November 2, 1982.

Charter Chapter 32—City of Tulare

Amendments to the Charter of the City of Tulare

[Filed with the Secretary of State December 10, 1982.]

Sections 23 and 46 are amended to read as follows:

Section 23. When the expenditure required for the purchase of any supplies exceeds the sum of \$15,000.00, the Purchasing Agent shall advertise for sealed proposals in the manner hereinafter prescribed for proposals for public work and the contract shall be awarded by the Council to the lowest responsible bidder, provided that the Council may reject all bids and order the Purchasing Agent to buy in the open market at a price less than the lowest bid received from a responsible bidder, and provided

that if no bids are received, the Council may order the Purchasing Agent to buy in the open market.

Until the Council shall otherwise provide by Ordinance, the City Manager shall otherwise act as Purchasing Agent.

Section 46. All Public buildings and work, when the expenditure therefor shall exceed the sum of \$15,000.00, shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for five (5) consecutive days in a daily newspaper of general circulation published in the City for sealed proposals for the work contemplated. Provided, that the Council may reject any and all bids, if deemed excessive, and re-advertise for bids or provide for the work to be done by the Department of Public Works.

All contracts shall be approved as to form by the City Attorney, and shall be signed by the Mayor, and attested to by the City Clerk.

No contract is valid, except in the case where the work to be done is to be paid for by special assessment, unless the City Auditor shall endorse thereon his certificate that there remains an unexpended balance of an appropriation or proceeds of a bond issue applicable thereto.

Certified to be a true copy by Phil Vandegrift, Mayor and William Fishbough, City Clerk.

Date of Special Municipal Election: November 2, 1982.

Charter Chapter 33—City of Petaluma

Amendments to the Charter of the City of Petaluma

[Filed with the Secretary of State December 9, 1982.]

Article III amended to read as follows:

ARTICLE III. ELECTIONS.

Sec. 4. General and Special Municipal Elections.

A municipal election shall be held on the same day as the statewide general election in November of 1984 and biennially thereafter. All such elections shall be known as regular municipal elections. All other municipal elections which may be held shall be known as special municipal elections.

Those city officers whose terms would otherwise expire in June of 1983 shall, instead, continue in office until the first regular meeting of the City Council in January of 1985, and until their successors are elected and qualify.

Those city officers whose terms would otherwise expire in June of 1985 shall, instead, continue in office until the first regular meeting of the City Council in January of 1987, and until their successors are elected and qualify.

Except as herein otherwise specifically provided, all regular and special municipal elections of this city are to be held in accordance with the

provisions of the Elections Code of the State of California, including all amendments thereto.

The conduct and carrying on of all city elections shall be under the control of the Council and the Mayor. The Council shall, by ordinance or resolution, make provisions for holding all city elections, and may district and subdivide the municipality into municipal election precincts for the holding of municipal elections and may consolidate such precincts in the municipality for such elections, and may adopt for such precincts the precincts established by the Board of Supervisors of Sonoma County in this City.

Section 8. Certificate of Election.

After the result of an election is declared, or when an appointment is made, the City Clerk under his or her hand and official seal, shall issue a certificate therefor and serve the same personally or by depositing such certificate with the postage prepaid, in the United States post office in Petaluma, addressed to the person elected or appointed, and such person must, within sixty days after receiving such certificate, file his official bond, if a bond is required of him by this Charter or the ordinances of the City, and take and subscribe to the oath of office and any other oath required of him by this Charter or any statute of the State of California which oath must be filed with the City Clerk. All elective officers shall take office at the first regular meeting of the City Council in January after the result of each election shall have been officially declared, and shall hold office for such term as in this Charter provided and until the election and qualification of their successors.

Article IV is amended to read as follows:

ARTICLE IV. ELECTIVE OFFICERS.

Section 15. Mayor's Term of Office.

The Mayor shall hold office for a term of four years from and after the first regular meeting of the City Council in January, after his or her election and until his or her successor is elected and qualified.

Section 16. Councilmen's Term of Office.

The Councilmen shall hold office for a term of four years from and after the first regular meeting of the City Council in January after their election, and until their successors are elected and qualified.

Certified to be a true copy by Fred V. Mattei, Mayor and Patricia E. Bernard, City Clerk.

Date of Special Municipal Election: November 2, 1982.

Charter Chapter 34—County of Placer

Amendments to the Charter of the County of Placer

[Filed with the Secretary of State December 16, 1982.]

Section 204 of Article II is amended to read as follows:

Meetings. The Board shall provide by ordinance for a manner, time and place of holding all regular meetings.

Section 301 (b) is added to Article III to read as follows:

It is the purpose of this Charter to allow the people of Placer County to have self government and home rule; silence in the Charter on a given subject does not relegate the county to compliance with the general law.

Section 302 (h) of Article III is amended to read as follows:

Contracting for Services. The Board may contract with an independent contractor to provide any services required of, or performed by, the county if it is more economical to do so.

Section 608 (a) is added to Section IV to read as follows:

Preference to County Products and Services: When the combinations of price, quality, terms and other conditions of sale are substantially equal, the county shall give preference in purchasing to Placer County goods, services and suppliers.

Section 608 (b) is added to Article VI to read as follows:

Indexing of Bid Amounts: Whenever bidding is required by general law, the threshold amount required for bidding shall be \$30,000 for roads and \$20,000 for contracts other than for roads. Such threshold amounts shall then be adjusted annually by the percentage change in the Engineering News Record Index or subsequent index.

Certified to be a true copy by Larry B. Sevison, Chairman, Board of Supervisors and Gay Trombley, County Clerk.

Date of General Election: November 2, 1982.

Charter Chapter 35—City of Chula Vista

Amendments to the Charter of the City of Chula Vista

[Filed with the Secretary of State December 17, 1982.]

Section 300 of Article III is amended to read as follows:

ARTICLE III. CITY COUNCIL.

Section 300. Members, Eligibility and Terms.

There shall be a City Council of five members, consisting of four Councilmembers and a Mayor, elected from the City at large at the times and in the manner provided in this Charter.

No person shall be eligible to hold office as members of the City Council unless they are residents of the City of Chula Vista and at the time of their election or appointment, qualified electors of the City or of territory annexed thereto.

The term of each member of the City Council shall commence on the first Tuesday following election and shall continue until a successor qualifies. Ties among candidates for any office shall be settled by the casting of lots.

No person shall be eligible for nomination and election to the office of

City Councilmember or Mayor for more than two (2) consecutive terms, and no person who has held a Council office for a period of two (2) consecutive terms or the office of Mayor for two (2) consecutive terms, may again seek nomination and election to said offices of council or Mayor respectively until a period of one (1) year from the termination of the second term for Councilmember or Mayor has elapsed; provided, however, that any person who is appointed by the Council to fill the office of Council or Mayor or elected in a special election for the balance of a regular term of Mayor for a period of two (2) years or less may seek nomination and election for two (2) full terms thereafter.

Each Council seat shall be numbered one (1) through four (4) respectively. Persons seeking election to the City Council shall at the time of filing nomination papers, select one of said seats as the Council position for which they seek election.

Persons running for a Council office shall designate one of the two numbered Council seats as memorialized by resolution of the Chula Vista City Council on file in the office of the City Clerk. Should a vacancy occur at any time in a Council seat or seats, if said vacancy is to be filled by a special election as provided in Section 303 of the Charter, candidates for said vacancy shall similarly designate the appropriate numbered seat on their nominating paper.

Any person to be elected for any numbered Council seat 1 through 4 or the office of Mayor for which nomination papers have been filed shall be deemed elected upon receipt of the highest number of votes for the particular seat or the office of Mayor.

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

ARTICLE IX. ELECTIONS.

Section 900. General Municipal Election.

General municipal elections for the election of Councilmembers and for purposes as the City Council may prescribe shall be held in the City of Chula Vista on the first Tuesday after the first Monday in November in each odd numbered year. Said general municipal election for the election of Mayor and such other purposes shall be held on the first Tuesday after the first Monday in November in each even numbered year. The terms of incumbent Councilmembers and Mayor shall be appropriately extended to said date and until a Councilmember or Mayor is qualified.

Section 304, subsection (c) is amended to read as follows:

ARTICLE III

Section 304. Presiding Officer, Mayor.

(c) Compensation. The Mayor shall receive an annual salary of twenty-four thousand dollars (\$24,000.00) per year and shall receive reimbursement on order of the Council for Council-authorized travel and other expenses when on official duty out of the City, and in addition, shall receive the sum of fifty dollars (\$50.00) per month, which amount shall be deemed to be reimbursement of other out-of-pocket expenditures. The City Council may also provide, by resolution, for the payment to the Mayor of an allowance of a sum certain per month, as reimbursement for

the additional demands and expenses made upon and incurred by the Mayor.

The salary provided herein may be annually increased beyond said amount by an ordinance or amendment thereto enacted by the City Council in accordance with the limitations set by the Government Code of the State of California for the annual increase of compensation for Councilmembers.

Section 308 of Article III is amended to read as follows:

Section 308. Place of Meetings.

All meetings shall be held in the Council Chamber in the Civic Center or such other appropriate conference room located in the Civic Center and shall be clearly noticed and open to the public. If, by reason of fire, flood or other emergency it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor, or, if the Mayor should fail to act, by three members of the City Council.

It is further provided that any special meeting may be held within any place suitable and desirable for public assembly within the City of Chula Vista or areas contiguous thereto to facilitate the public participation in the business of the City, subject to the requirements of notice as provided in this Charter and the laws of the State of California. Further, the City Council may meet in joint session at an appropriately designated official place of meeting with the governing body or bodies of any other governmental agency in the County of San Diego, subject to notification as required hereinabove.

At such special meeting called at the time and place and in the manner provided herein, the City Council may not pass upon any ordinance or resolution, or make any final decision on the matters being discussed at such meeting except that final actions may be taken at joint meetings with other governmental agencies held at a regular place of such agency.

Section 500 of Article V is amended to read as follows:

ARTICLE V. OFFICERS AND EMPLOYEES.

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

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

(b) Removal. Officers and employees in the Unclassified Service appointed by the City Council may be removed by them at any time by a majority vote of the members of the Council, and such officers and department heads in the Unclassified Service appointed by the City Manager may be removed by him at any time and, in the case of appointees in the Unclassified Service, the order of the City Council or the City Manager affecting said removal shall be final and conclusive. The position of said officers and employees shall be declared vacant if said officer or employee is convicted of a felony or crime involving moral turpitude. Any appointee or employee in the Unclassified Service so removed by the City Manager, City Attorney or City Clerk may, however, within five (5) days after receipt of a notice of dismissal, demand a written statement of the reason for such dismissal, a copy of which shall be forthwith filed with the City Council. Upon receipt of such written statement so furnished by the City Manager, the City Attorney or City Clerk to the City Council, the Council shall fix a time and place for a public hearing, at which hearing the Council shall have authority to investigate the facts set forth in said written communication from the City Manager, the City Attorney or the City Clerk containing the reason for said dismissal, and determine the truth or falsity of said facts. Council shall report its findings and recommendations made as a result of such hearing, and cause a copy of said findings to be delivered to the City Manager, the City Attorney or the City Clerk, and file the original with the City Clerk. The dismissed appointee or employee in such cases shall have the right to file with the Council a written reply or answer to any charges filed by the City Manager, the City Attorney or the City Clerk. All written documents, including the City Manager's the City Attorney's or the City Clerk's written reasons for such dismissal, and the reply of the dismissed appointee or employee, the findings and decisions of the Council, and any documentary evidence used at the hearing shall be filed with the proper office of the City as public records, open for inspection at any time. Nothing herein contained, however, shall be construed as in any way limiting the authority and power of the City Manager, the City Attorney or the City Clerk to remove any appointee or employee in the Unclassified Service of the City, so appointed or employed, and all such removals shall be final and conclusive.

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

ARTICLE VII. CIVIL SERVICE.

Section 701. Unclassified and Classified Service.

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

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

1. All elective officers;
2. City Manager, Assistant City Manager, Deputy City Manager, Director of Finance, City Clerk, Deputy City Clerk, City Attorney, Assistant or Deputy City Attorneys, a private secretary to the City Manager, a private secretary to the Mayor and Council, a private secretary to the City Attorney, department heads; or as provided in

Section 500 of this Charter.

3. All members of boards and commissions;
4. Positions in any class or grade created for a special or temporary purpose and which may exist for a period of not more than ninety (90) days in any one calendar year;
5. Persons employed to render professional, scientific, technical or expert service of any occasional and exceptional character;
6. Part-time employees paid on an hourly or per diem basis; and
7. Persons employed to fill positions which have been created for work and/or projects funded entirely or in part by grants made to the City or as provided and as designated by the City Council pursuant to Section 500 of this Charter.

(b) Classified Service. The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service provided, however, that the City Council may place management level positions in the Unclassified Service by an ordinance adopted by a four-fifth's vote.

Sections 1001, 1006 and 1008 of Article X is amended to read as follows:

ARTICLE X. FISCAL ADMINISTRATION.

Section 1001. Annual Budget. Preparation by the City Manager.

The City Manager shall set a date for obtaining from each department head or other responsible City officer estimates of revenues and expenditures for the particular department or office detailed in such manner as may be prescribed by the City Manager. In preparing the proposed budget, the City Manager shall review the estimates and confer with the party submitting such estimates and revise such estimates as deemed advisable.

Section 1006. Tax Limits.

The tax limit for any ad valorem tax on real property shall be as prescribed by Article XIII A of the Constitution of the State of California.

Section 1008. Bonded Debt Limit.

The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen percent (15%) of the total assessed valuation for the purpose of City taxation of all the real and personal property within the City.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in full compliance with the provisions of the State Constitution and of this Charter. No bonds payable out of any revenues of the City or of any department thereof, shall be issued without assent of a majority of the voters voting upon the proposition of issuing the same, at any election at which such propositions shall have been duly submitted to the qualified electors of the City.

The City may issue bonds, notes or other obligations, any portion of the proceeds of which will be used to finance in whole or in part the acquisi-

tion, construction, equipping or improvement of any public utility, industrial or commercial facility and which will be payable in whole or in part out of any revenues derived from the operation of such public utility system or payments received from such industrial or commercial facility without the assent of the voters provided that neither the faith and credit of the City or any department thereof nor the taxing power of the City is pledged to the payment of principal or interest of such bonds, notes or other obligations.

Section 1009 of Article X is amended to read as follows:

Section 1009. Contracts on Public Works.

In the construction, reconstruction, or repair of public buildings, streets, drains, sewers, parks, playgrounds and other public works, the furnishing of supplies, materials, equipment or contractual services for same shall be done by written contract approved as to form and legality by the City Attorney.

Every project involving an expenditure of twenty-five thousand dollars (\$25,000.00) or more for the construction, reconstruction, improvement or repair of public buildings, streets, drains, sewers, utilities, parks and playgrounds and other public works, and the furnishing of supplies, materials, equipment or contractual services for same shall be done by written contract except as otherwise provided in this chapter, and the Council, upon the recommendation of the City Manager, shall let said contract to the lowest responsible bidder after notice by publication in the official newspaper for sealed bids for the work contemplated by one or more insertions, the first of which shall be at least ten days before the time for opening bids. If the cost of said public works project is more than the sum of ten thousand dollars (\$10,000.00) but less than twenty-five thousand dollars (\$25,000.00), the City Council may let said contract without advertising for bids after the City Manager or his designated agent has secured competitive prices from interested contractors; which shall be considered by the Council before said contract is let.

If the project involves the expenditure of ten thousand (\$10,000.00) or less, the City Manager may cause such written contract to be let without advertising for bids. However, except in emergencies, the City Engineer or the Purchasing Agent shall obtain informal bids. The project shall be awarded to the lowest responsible bidder whose bid is determined to be, in all respects, most advantageous to the public interest. The City Engineer may solicit such bids personally, by telephone or by mail, and shall submit to the Purchasing Agent and the City Manager a written account of the procedures used and the bids thus obtained. A copy of said informal bidding procedure shall be filed in the Office of the City Clerk as a public record.

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

ment or repair by appropriate City forces.

All bids of more than twenty-five thousand dollars (\$25,000.00) shall be accompanied by either a certified 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 is specified, then in an amount not less than ten percent (10%) of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract within the time specified in the notice inviting bids or specifications referred to therein, the amount of his bidder's security shall be declared forfeited to the City and shall be collected and paid into its general fund and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

The City Council shall be competent to award any contract by comparison of bids on the basis of several factors including time completion. Such an award shall be secured by a surety bond as hereinabove provided with adequate sureties and penalties, and provided, further, that for any contract awarded solely or partially on a specified time for completion, the Council shall not extend such time limits unless such extension be recommended by the City Manager and the head of the department concerned.

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

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

Sections 1014 and 1015 of Article X amended to read as follows:

Section 1014. Departmental Trust Fund.

The City Council shall prescribe, by ordinance, for the setting up of a "Departmental Trust Fund" into which the collections of the various departments, offices and agencies shall be deposited daily by the respective officers handling the receipt of such collections. Withdrawals from such fund may be made by the Director of Finance only on order signed by the proper department or division head.

Section 1015. Presentation of Demands.

Any demand against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the Director of Finance, who shall examine the same. If the amount thereof is legally due and there remains on his books an unexhausted balance of an appropriation against which the same may be charged, the Director of Finance shall approve such demand and draw a warrant on the City treasury therefor, payable out of the proper fund. Objections of the Director of Finance may be overruled by the City Council and the warrant ordered drawn.

Certified to be a true copy by Gregory R Cox, Mayor and Jennie M. Fulasz, City Clerk.

Date of Municipal Election: November 2, 1982.

Charter Chapter 36—County of San Diego

Amendments to the Charter of the County of San Diego

[Filed with the Secretary of State December 17, 1982.]

That Section 908.2 of Article IX amended to read as follows:

Section 908.2: The Unclassified Service consists of:

- (a) elective officers, their chief deputies, and special assistants employed by elective officers;
- (b) the Assistant District Attorney, the Chief Deputy District Attorney, the Chief of the Bureau of Investigation, the Assistant Chief of the Bureau of Investigation and the Confidential Secretary to the District Attorney, and not more than three special assistants designated by the District Attorney;
- (c) the Under-Sheriff and not more than three special assistants or deputies designated by the Sheriff;
- (d) members of appointed boards and commissions;
- (e) an Executive Secretary employed by the Civil Service Commission;
- (f) the Superintendent of Schools;
- (g) persons serving without compensation;
- (h) officers and employees whose appointments must be approved by the State;
- (i) students engaged in regularly established, accredited training programs;
- (j) persons employed as guards or keepers in law enforcement agencies, including the offices of Sheriff, Marshal and Probation Officer, for less than ninety-one working days during a fiscal year;
- (k) deputy registrars of voters employed only to register electors and election workers;
- (l) persons employed seasonally as guards, custodians, rangers, or caretakers in County parks;
- (m) persons employed for temporary expert professional services in positions that have been exempted from the Classified Service by the Personnel Director for a specified period; and
- (n) persons employed for less than ninety-one working days during a fiscal year on a part-time or intermittent basis in positions exempted from the Classified Service by the Personnel Director.

First. That Section 401.4 of Article IV is repealed.

Second. That Section 401.4 is added to Article IV to read:

Section 401.4: A vacancy or vacancies in the office of supervisor are filled in one of the following ways, as determined by the remaining members of the Board:

1. By appointment by the remaining members of the Board for the unexpired term.

2. By appointment by the remaining members of the Board until the qualification of a successor elected at a special election called by the remaining members of the Board.

3. By election at a special election call by the remaining members of the Board.

If a vacancy is to be filled by special election the special election must be called by the remaining members of the Board within 45 days of the vacancy. A special election to fill a vacancy in the office of supervisor shall consist of a special primary election and if necessary, a special general election. A special primary election shall be held in the supervisorial district in which the vacancy occurred on a Tuesday, at least 56 days, but not more than 63 days, following the adoption of the resolution calling the special election, except that any such special primary election may be conducted within 180 days following the adoption of such resolution in order that the special primary election or special general election may be consolidated with the next regularly scheduled statewide election.

Candidates at the special primary election shall be nominated in the manner set forth in the Elections Code for the nomination of candidates for a nonpartisan office for a direct primary election, except that nomination papers shall not be circulated prior to the adoption of the resolution calling the special election and shall be filed with the Registrar of Voters for examination not less than 39 days before the special primary election.

If only one candidate qualifies for the special primary election, that candidate shall be appointed to the vacancy by the remaining members of the Board for the unexpired term, shall serve exactly as if elected to such vacancy, and no special primary election or special general election to fill the vacancy shall be held. A candidate who receives a majority of all votes in the special primary election is elected to fill the vacancy for the unexpired term, and no special general election shall be held. In the event there are no more than two candidates for a vacancy, the office shall be voted upon at the special primary election, and no special general election shall be held.

When no candidate receives a majority of all votes in the special primary election, a special general election shall be held on the fourth Tuesday after the special primary election. The two candidates who received the highest number of votes in the special primary election shall be the candidates in the special general election, and the one who receives the higher number of votes in the special general election is elected to fill the vacancy for the unexpired term.

In a special election to fill a vacancy in the office of supervisor, the Board may authorize either the special primary election or the special general election, or both, to be conducted wholly by mail, provided that the special primary election or the special general election to be conducted by mail does not occur on the same date as the statewide election with which it has been consolidated. In no event may a special primary election or a special general election be conducted on the day after a state holiday.

Certified to be a true copy by Jim Bates, Chairman of the Board of Supervisors of the County of San Diego and Porter D. Cremans, Clerk of the Board of Supervisors.

Date of Special Election: November 2, 1982.

Charter Chapter 37—City of Sunnyvale

Amendments to the Charter of the City of Sunnyvale

[Filed with the Secretary of State December 23, 1982.]

Section 602 of Article VI is amended to read:

Section 602. Qualifications. No person shall be eligible to hold office as a member of the City Council unless he/she shall be a registered voter of the City at the time of his/her nomination or appointment.

Section 604 of Article VI is amended to read:

Section 604. Vacancies. Except as otherwise provided herein, in the event of a vacancy in the City Council from whatever cause arising, the City Council shall call a Special Municipal election for the purpose of filling such vacancy. In the event of a vacancy in the City Council created by the death of a member, where the unexpired term of the deceased member does not exceed one hundred and eighty (180) days, the City Council shall, within 60 days after such office shall have been declared vacant, fill such vacancy by appointment. Should the Council fail to fill the vacancy within the 60-day period, it shall treat such vacancy in the same manner as one created by a cause other than death.

Any Special Municipal Election called to fill an unexpired term shall be held within one hundred and twenty (120) days from the date the Council declares the vacancy to exist. The Council shall promptly declare or take the required steps to declare the existence of the vacancy. Such special election shall be consolidated with a general municipal or statewide election if a municipal or statewide election is scheduled within one hundred and eighty (180) days from the date that the vacancy is declared. As used herein, the next general municipal or statewide election means the next such election at which it is legally possible to place the matter on the ballot and elect a successor.

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

In addition to any other cause from which vacancies in the City Council may occur, the office of a member of the City Council shall become vacant and it shall be so declared by the Council where such member is absent from all regular meetings of the Council for a period of sixty (60) days consecutively from and after the last regular Council meeting attended by such member, unless by permission of the Council expressed in its official minutes; or such member is convicted of a crime involving moral turpitude; or he/she ceases to be an elector of the City of Sunnyvale or ceases

to maintain his/her principal place of residence within the City limits during his/her term of office.

Section 606 of Article VI is amended to read:

Section 606. Vice Mayor. The City Council shall also designate one of its members as Vice Mayor. The Vice Mayor shall perform the duties of the Mayor during his/her absence or disability.

Section 609 of Article VI is amended to read:

Section 609. Special Meetings. Special meetings may be called at any time by the Mayor, or by four members of the City Council by written notice delivered personally or by mail to each member at least twenty-four hours before the time specified for the proposed meeting, and to each local newspaper of general circulation, radio or television station requesting notice in writing. The call and notice shall specify the time and place of the meeting if held at other than the location specified in Section 610. A special meeting shall also be validly called, without the giving of such written notice to the members, if all members shall give their consent, in writing, to the holding of such meeting and such consent is on file in the office of the City Clerk at the time of holding such meeting. A telegraphic communication from a member consenting to the holding of a meeting shall be considered a consent in writing. At any special meeting only such matters may be considered as are referred to in such written notice or consent.

In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the City Council may hold a special meeting without complying with the 24-hour notice requirement of this section. For purposes of this section, "emergency situation" means any of the following:

(a) Work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the City Council.

(b) Crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the members of the City Council.

In the event the 24-hour notice is not given, then such meeting shall be conducted in accordance with the provisions of California Government Code Section 54956.5 or any successor legislation.

Section 613 of Article VI is amended to read:

Section 613. Proceedings. The City Council shall establish rules for the conduct of its proceedings and punish any member or other person for disorderly conduct at any meetings. It shall have the power and authority to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor.

The City Council shall direct the City Clerk to cause the publication in a newspaper widely circulated within the City, of items listed on the agenda prepared for regular meetings of the City Council which the City Clerk shall deem of significance or of interest to the residents of Sunnyvale. Such publication shall be in accordance with procedures which shall

be established by ordinance of the City Council, and shall be designed to provide reasonable public notice in a manner which will permit current information to be disseminated widely within the city. In addition, the City Clerk shall be directed to furnish the City Library with at least two (2) sets of packets containing materials in support of agenda items at the same time that such materials are made available to the members of the City Council; confidential or otherwise privileged materials shall be excluded therefrom. Nothing contained in this section shall prevent the City Council from taking action on any item not shown on such agenda, nor shall failure to comply with any provision of this section invalidate any action taken by the City Council.

The City Council shall cause the City Clerk to keep an accurate record of all its proceedings and, at the demand of any member, or upon the adoption of any ordinance or resolution for the payment of money, the City Clerk shall call the roll and shall cause the "ayes" and "noes" taken on any question, to be entered in the minutes of the meeting. In any event, the City Clerk shall keep such records and shall make such entries into the minutes of the meetings necessary for publication in accordance with the provisions set forth below.

The City Council shall direct the City Clerk to cause the publication, of the minutes of the regular and special meetings of the City Council or of the digest of those actions taken at such meetings which the City Clerk shall deem of significance or of interest to the residents of Sunnysvale, excepting therefrom matters which may not be disclosed as a result of recognized legal privileges. Such publication shall be in accordance with the procedures established by ordinance pursuant to this section, for the publication of the City Council agenda.

Such publication shall occur within a reasonable time after such meetings. The minutes or the digest of the actions taken, as hereinabove described, shall include but not be limited to a description of the items of the agenda acted upon in sufficient detail to inform the public of the nature of the action taken, the vote on such items and the names of the members of the Council voting for or against each item. Absences, together with abstentions and the reasons therefor shall also be published.

Section 703 of Article VII is amended to read:

Section 703. Ordinances. Publication. The City Clerk shall cause each ordinance to be published at least once within fifteen days after its adoption in accordance with procedures established by ordinance of the City Council for the publication of legal notices, or, as an alternative method of publication, the Council, in its discretion, may order copies of any ordinance to be posted in three prominent places in the City together with a single publication of a notice setting forth the date of adoption, the title of the ordinance and a list of the places where copies of such ordinance are posted.

Section 707 of Article VII is amended to read:

Section 707. Ordinances. Municipal Code. Amendment. The amendment of any section or sections of an ordinance, or of any section or sections of the Municipal Code, may be accomplished by adoption of an ordinance setting forth the proposed amendments, and referencing or

setting forth those relevant portions of the section or sections of the ordinance or Municipal Code necessary to express the intent of the amendment. Such amending ordinance shall not be required to set forth at length the amended section or sections.

Section 708 of Article VII is amended to read:

Section 708. Publishing of Legal Notices. The City Council shall adopt, by ordinance, procedures for the publication of notices or other matter required, by law, to be published. Such procedures shall comply with such requirements of law as are binding upon chartered cities and, consistent with such laws, shall be designed to provide reasonable public notice, taking into consideration factors including, but not limited to, the desire to provide widespread dissemination of public notice, schedule of publication to ensure currency of notice, cost, and convenience. Such procedures may include alternative means of giving legal notice, such as posting, where publication is not feasible and where such alternative methods are permitted by law. Such procedures may provide that failure to comply with the procedures shall not invalidate any action taken. Any reference in this Charter or any other provision of law to publication in the official newspaper shall be deemed satisfied by publication in accordance with the procedures established by ordinance pursuant to this section.

Section 908 of Article IX is amended to read:

Section 908. City Attorney. There shall be a City Attorney appointed by the City Council. To become eligible for appointment as City Attorney, the appointee shall have been admitted to practice as an attorney at law before the Supreme Court of the State of California, and shall have been engaged in the practice of law for at least three years prior to his/her appointment.

The City Attorney shall have power and be required to:

- (a) Represent and advise the City Council and all City officers in all matters of law pertaining to their offices;
- (b) Represent and appear for the City, its Council, boards and commissions, in any or all legal actions or proceedings in which they or any of them are concerned or are a party.

Upon request of a current or former officer or employee of the City, defend such officer or employee in any legal action or proceeding brought against him/her, in his/her official or individual capacity, or both, on account of an act or omission in the scope of his/her employment as an officer or employee of the City, whenever the City is required by the General Laws of the State of California to provide such defense or whenever the Council elects to provide such defense even though not required to do so. Provided, however, that the City Attorney may refuse to provide such defense whenever, in his/her opinion, his/her providing such defense would conflict with his/her other duties or responsibilities, in which event the City, if required by the General Laws of the State of California to provide such defense or if it elects to provide such defense though not required by the General Laws to do so, shall provide other legal counsel for such purpose.

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

and may employ other attorneys to take charge of any litigation or matter, or to assist the City Attorney therein:

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

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

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

(f) Prosecute on behalf of the people all criminal cases for violation of this Charter and of City ordinances;

(g) On vacating the office, surrender to his/her successor all books, papers, files and documents pertaining to the City's affairs;

(h) Perform such other legal functions and duties incident to the execution of the foregoing powers as may be necessary, and perform such other legal services as may be required by the City Council.

Section 1007 of Article X is amended to read:

Section 1007. Personnel Board. There shall be a Personnel Board consisting of five members to be appointed by the City Council. To be eligible for appointment, each appointee shall neither hold public office or employment nor be a candidate for any other public office or position and shall not be an officer of any local, state, or national partisan political club or organization.

The members of the Personnel Board shall be selected and appointed in the following manner: three of the members shall be appointed by the City Council directly. Two of the members shall be appointed by the City Council from a list of five persons to be nominated by election of the employees in the Classified Service.

The successor of any member of the Board shall be appointed in the same manner as such member was appointed.

The term of each member in office when this section becomes effective shall end on June 30, 1968.

All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the board shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the board and said position shall be declared vacant by the City Council.

Section 1009 of Article X is amended to read:

Section 1009. Planning Commission. There shall be a City Planning Commission consisting of seven members to be appointed by the City Council, none of whom shall hold any paid office or employment in the City government, except that the City Manager, or his/her designated representative, shall serve as an ex officio member of the commission.

All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the commission shall cease to be an elector of the city or shall cease to main-

tain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the Commission and said position shall be declared vacant by the City Council.

Section 1011 of Article X is amended to read:

Section 1011. Parks and Recreation Commission. There shall be a City Parks and Recreation Commission consisting of five members to be appointed by the City Council, none of whom shall hold any paid office or employment in the City government.

All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the Commission shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the Commission and said position shall be declared vacant by the City Council.

Section 1013 of Article X is amended to read:

Section 1013. Board of Library Trustees. There shall be a Board of Library Trustees consisting of five members to be appointed by the City Council. No member of the Board shall hold any paid office or employment in the City government.

The term of each member in office when this section becomes effective shall end on June 30, 1968.

All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the board shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the City, then such person shall become ineligible to continue to serve as a member of the board and said position shall be declared vacant by the City Council.

Sections 1015 and 1016 shall be added to Article X to read as follows:

Section 1015. Heritage Preservation Commission. There shall be a Heritage Preservation Commission consisting of seven members to be appointed by the City Council, none of whom shall hold any paid office or employment in the City government.

Notwithstanding any other provisions of this Charter, each member in office when this section becomes effective shall continue to serve until the expiration of his/her current term.

All persons appointed shall be registered voters of the City and shall maintain their principal place of residence within the City at the time of their appointment. If at any time during their term any member of the Commission shall cease to be an elector of the City or shall cease to maintain their principal place of residence within the city, then such person shall become ineligible to continue to serve as a member of the Commission and said position shall be declared vacant by the City Council.

Section 1016. Heritage Preservation Commission. Powers and Duties. The Heritage Preservation Commission shall have power to:

- (a) Act in any advisory capacity to the City Council in all matters pertaining to heritage resources, landmark sites and landmark districts.
- (b) Exercise such functions with respect to any landmark site or land-

mark district as may be prescribed by ordinance.

Section 1102 of Article XI is repealed.

Section 1309 of Article XIII is amended to read:

Section 1309. **Contracts on Public Works.** Every project involving an expenditure of more than an amount, to be determined from time to time by ordinance of the City Council, 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 responsible bidder after notice of publication in the official newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids.

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

The City Council, without advertising for bids, or after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, the work in question may be performed better or more economically by the City with its own employees, and after adoption of a resolution to this effect by at least four affirmative votes 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 motion passed by at least four affirmative votes and containing a declaration of the facts constituting such urgency.

No advertising for bids or awarding of a contract based thereon shall be required when the improvement or work is to be furnished or performed by a public utility subject to the jurisdiction of the California Public Utilities Commission.

Section 1316 of Article XIII is amended to read:

Section 1316. **Actions Against City.** No suit shall be brought for money or damages against the City, or any board, commission or officer thereof, on any cause of action for which this Charter or the General Law requires a claim to be presented, until a claim or demand for the same has been presented as provided in any ordinance adopted under Section 1314, and such claim and demand has been rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Failure to complete action approving or rejecting any claim or demand within the time established by ordinance or the General Law shall be deemed a rejection thereof.

Section 1319 of Article XIII is repealed.

Section 1405 shall be added to Article XIV to read as follows:

Section 1405. **Campaign Disclosure.** All candidates for the office of City Councilmember, and all committees supporting such candidate, shall file with the City a campaign statement containing the full name, street address, occupation and employer of, and the cumulative amount of contributions made by, any person who has made contributions in a cumulative amount of \$100 or more to said candidate or committee. Any campaign statement filed pursuant to General Law or any ordinance which contains the required information and which is required to be filed

in sufficient time to allow publication in accordance with the provisions of this section shall satisfy the filing requirements of this section. In the event the General Law does not require the filing of such a campaign statement, or does not require its filing in sufficient time to allow publication, the City Council shall adopt, by ordinance, procedures for the filing of such campaign statements. For the purpose of this section, definitions contained in the Political Reform Act of 1974 (Government Code Sections 81000, et seq.) shall apply. Any failure to file a campaign statement required by General Law or by an ordinance in a timely manner, which prevents the publication of required information in accordance with procedures established pursuant to this section, shall constitute a violation of this section.

The City Council shall direct the City Clerk to cause the publication of the name and occupation of, and the cumulative amount of contributions made by, any person whose cumulative contributions to any candidate or committee equal or exceed \$100, along with the name of the candidate or committee to which the contributions were made, on the Saturday immediately preceding the date of the Municipal Election. The City Council shall adopt, by ordinance, procedures for such publication.

Certified to be a true copy by Dianne McKenna, Mayor and Thomas F. Lewcock, City Clerk.

Date of General Election: November 2, 1982.

Charter Chapter 38—City of Hayward

Amendments to the Charter of the City of Hayward

[Filed with the Secretary of State December 28, 1982.]

Section 617. Requirements of ordinances, emergency ordinances. Except as hereafter provided, no ordinance shall be adopted by the Council on the day of its introduction, nor within one week thereafter, nor at any time other than at a duly assembled meeting. If an ordinance is altered after its introduction (except for the correction of typographical or clerical errors), it shall be adopted at a meeting held at least one week after the date of such alteration.

At the time of introduction or adoption of an ordinance, the title thereto need only be read, unless reading of the ordinance in full is requested by any member of Council.

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

Publication requirements. Before final adoption of an ordinance, a notice indicating its title, a subject matter index, the date of its introduc-

tion, and the date, time, and place it will be considered for final adoption, and that copies of the full text thereof are available for examination by the public in the office of the City Clerk, shall be published once in a newspaper of general circulation within the City at least three days before the final adoption meeting date.

A similar notice indicating the adoption of an emergency ordinance and the vote thereon shall be published once within one week after its adoption.

Section 623. Ordinance violation. Penalty. A violation of any ordinance of the City shall constitute a misdemeanor unless by the terms of such ordinance its violation shall constitute an infraction. A violation of any ordinance of the City may be prosecuted in the name of the People of the State of California or may be redressed by civil action.

Section 1207. Repealed.

Section 1303. Public works contracts. The Council by ordinance shall establish requirements and procedures for competitive bidding upon and award of contracts for public works. The ordinance may provide that all bids may be rejected, and that under specified conditions advertising and bidding may be dispensed with.

Certified to be a true copy by Alex Giuliani, Mayor and Paloma R. Weaver, City Clerk.

Date of State General Election: November 2, 1982.

Charter Chapter 39—City of Redondo Beach

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

[Filed with the Secretary of State, December 29, 1982.]

Section 6.4 amended to read as follows:

Sec. 6.4. Vacancies; special election.

Any vacancy in the City Council, or any elective office, shall be filled as follows:

(a) If less than two (2) years remain in the unexpired term of the vacant office, such vacancy shall be filled by appointment by the majority of the remaining members of the City Council within thirty (30) days following the vacancy. The Mayor shall not have the right to veto any Council appointment made pursuant to this section, but may vote to break a tie. If the Council fails to fill the vacancy as provided herein, the Mayor shall make such appointment within fifteen (15) days following the Council's failure to fill the vacancy. Any appointee shall hold office until the first day of the month following the next General Municipal Election and until his successor is elected and qualified.

(b) If two (2) years or more remain in the unexpired term of the vacant office, the City Council shall forthwith order a special election to be held

to fill the vacancy for the remainder of the unexpired term.

Section 6.6, Article VI, be repealed.

Section 11.1 is amended to read as follows:

Sec. 11.1. City Treasurer.

The City Treasurer shall be the custodian of all public funds belonging to or under the control of the City, or of any office, department or agency thereof. The City Treasurer shall devote his full time to the duties of the office and shall not engage in private business practice during City business hours. He shall have the power and be required to:

(a) Receive and have custody of all moneys collected by the City from any source;

(b) Deposit all moneys received in such depositories as may be designated by resolution of the City Council;

(c) Disburse moneys on demands properly audited and approved in the manner provided for in this Charter or by ordinance of the City of Redondo Beach;

(d) Prepare and submit to the City Clerk monthly written reports of all receipts, disbursements and funds balances, copies of which reports shall be filed with the City Manager;

(e) Prepare and submit to the City Manager monthly reports as to the failure of any department heads, officers and/or employees within the City failing to promptly turn over moneys to the Treasurer as required by this Charter or by ordinances of said city;

(f) Collect City taxes and license fees;

(g) Invest and reinvest funds according to State law; provided, however, that the City Council may adopt investment guidelines by resolution.

The City Treasurer may appoint deputies for whose acts he and his bondsmen are responsible. The deputies shall hold office at the pleasure of the City Treasurer.

The effective date of this Charter Amendment shall be April 1, 1983.

Certified to be a true copy by Barbara J. Doerr, Mayor and John Oliver, City Clerk.

Date of Special Municipal Election: November 2, 1982.

Charter Chapter 40—City of Santa Ana

Amendments to the Charter of the City of Santa Ana

[Filed with the Secretary of State December 29, 1982.]

Text of amended charter sections are as follows:

Sec. 400. Number, selection and terms of members.

The city council shall consist of seven (7) members elected at the times and in the manner provided in this charter, each of whom shall serve a term of four (4) years. The term of each member shall begin following such election, at the first regularly scheduled meeting of the city council

following certification of election results, and each shall serve except as otherwise provided for in this charter, until his successor is elected and qualified. Each office of council member shall be a separate office and one of such offices shall be assigned to each of the wards of the city. Candidates for each office of council member shall be nominated from such ward by the electors of such ward, but all council members shall be elected by the vote of the electors of the city at large.

Sec. 401.1. Order of filling offices.

The offices of council member from wards one, three, five and seven shall be filled at the general municipal election held in 1984, and the offices of council member from wards two, four, and six shall be filled at the general municipal election held on April 5, 1983, and in 1986. Thereafter, the offices of council member from wards one, three, five and seven and from wards two, four, and six shall be filled alternately at the general municipal elections held in the years in which the terms of such offices respectively expire.

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

Sec. 420. Violation and penalty.

The city council may make the violation of its ordinances a misdemeanor or infraction which may be prosecuted in the name of the People of the State of California or may be redressed by civil action and may prescribe punishment for such misdemeanor or infraction in the same manner as provided in the penal code of the State of California as the same now reads or as hereafter amended.

Sec. 421. Contracts, purchases, public works—Formalities.

The city shall not be bound by any contract, except as hereinafter provided, unless the same shall be made in writing by order of the city council and signed by some officer in behalf of the city who has been authorized to do so by the city council. The approval of the form of all contracts shall be endorsed thereon by the city attorney, or his designated representative.

The city council may authorize by the affirmative votes of a majority of its members, any officer of the city to bind the city on contracts in writing without advertising and without previous approval by the city council of each specific item for the payment of charges for materials, supplies, labor, equipment or other valuable consideration furnished the city, in amounts not exceeding five hundred dollars (\$500.00) in any one contract. Further, the city council may authorize, by the affirmative votes of a majority of its members, the city manager to bind the city on contracts in writing without advertising and without previous approval by the city council of each specific item for the payment of charges for materials, supplies, labor, equipment, other valuable consideration to be furnished the city, or for emergency public works construction (as hereinafter defined), in amounts not exceeding the sum of ten thousand dollars (\$10,000.00) without a contract let to the lowest responsible bidder after notice, in any one contract. Nothing herein contained shall authorize any person to bind the city on any such contract if the same be a portion of a larger purchase or

series of purchases which, in the aggregate, exceed the authority herein specified.

Every contract involving an expenditure of more than ten thousand dollars (\$10,000.00) for materials, supplies, labor, equipment, other valuable consideration, or for public works construction (as hereinafter defined) shall be made by the city council with the lowest and best bidder after publication for at least two (2) days in a newspaper of general circulation in the city of notice calling for bids and fixing a period during which such bids will be received, which shall be for not less than ten (10) days after the first publication of said notice.

The city council may reject any and all such bids presented and may readvertise in its discretion. After rejecting such bids, or if no bids are received, the city council may determine and declare that, in its opinion based on estimates submitted by the city manager, the work may be performed better or more economically by the city with its own employees, or the materials, supplies, labor, equipment or other valuable consideration can be obtained at a lower cost, and after the adoption of a motion to this effect by the affirmative votes of a least two-thirds ($\frac{2}{3}$) of the members of the council, the council may proceed to have said work done or purchase made or contract executed in the manner stated, without further observance of the provision of this section. Such contracts likewise may be let without advertising for bids, if such work, materials, supplies, labor, equipment or other valuable consideration shall be deemed by the city council to be of urgent necessity for the preservation of life, health, or property, and shall be authorized by motion passed by the affirmative votes of at least two-thirds ($\frac{2}{3}$) of the members of the city council and containing a declaration of the facts constituting such urgency.

For purposes of this section, "public works construction" shall be deemed to mean a project for the erection or improvement of public buildings, streets, drains, sewers, parks, or playgrounds. Maintenance and repair of public buildings, streets, drains, sewers, parks, or playgrounds shall not be considered as public works construction.

Any contract involving expenditure of public funds, even though not required to be let by competitive bidding after publication of notice, shall nevertheless be entered into only after review of such alternative sources of supply or performance as may be available in competition with one another and selection therefrom on the basis of obtaining maximum quality goods, services or performance at a minimum cost. The city manager shall recommend and the city council shall consider and adopt by ordinance rules and regulations governing the contracting and purchasing of all services, supplies, materials, and equipment required by any officer, department, agency, officer, or employee of the city government.

Nothing contained in this section shall prohibit any contract for public works construction with, or the purchase or acquisition of any materials, supplies, labor, equipment or other valuable consideration from or through, any public or governmental body or agency without compliance with the bidding provisions of this section.†

† Correction of text of Section 421 as approved at a Special Municipal Election November 2, 1982, and filed with the Secretary of State August 1, 1983.

Sec. 703. City attorney; qualifications, power and duties.

To become eligible for the position of city attorney the person appointed shall be an attorney-at-law duly licensed as such under the laws of the State of California. He shall devote such time to the duties of his office as may be specified in the ordinance or resolution fixing the compensation of such office. He shall have the power and be required to:

- (a) Represent and advise the city council and all city officers in all matters of law pertaining to their offices;
- (b) Attend all meetings of the city council and give his advise or opinion in writing whenever requested to do so by the city council or by any of the officers and boards of the city;
- (c) Prepare or approve all proposed ordinances or resolutions for the city, and amendments thereto;
- (d) Prosecute on behalf of the people such criminal cases for violation of this charter, or city ordinances, and of misdemeanor offenses and infractions arising upon violations of the laws of the state as in his opinion, or that of the city council, or of the city manager, warrant his attention;
- (e) Represent and appear for the city, any city officer or employee, or former city officer or employee, in any or all actions and proceedings in which the city or any such officer or employee, in or by reason of his official capacity, is concerned or is a party;
- (f) Approve the form of all bonds given to, and all contracts made by, the city, endorsing his approval thereon in writing;
- (g) On vacating the office, surrender to his successor 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 any litigation or matter or to assist the city attorney therein.

Sec. 904. Meetings; chairman.

The election of each chairman and vice-chairman shall be held at the meetings of the respective boards and commissions during the month of July of each year. The board or commission, in the event of a vacancy in the office of the chairman or vice-chairman, shall elect one of its members for the unexpired term. The chairman shall have the responsibility for informing the city council of board, commission, or committee actions or inactions and the reasons therefore.

Each board or commission, other than the personnel board, shall hold a regular meeting at least once a month with reasonable provision for attendance by the public. The city manager shall designate a secretary for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board and commission shall prescribe rules and regulations governing its operations which shall be consistent with this charter and shall be filed with the clerk of the council for public inspection. The personnel board shall meet monthly, provided there is business on the agenda to come before it. In the event no business is placed on the board's agenda before the Friday preceding the tentative Wednesday meeting date, no meeting need be held; provided, however, that in no event shall more than three months

intervene between meetings of such board.

Sec. 907. Board of recreation and parks—Membership.

The members of the board of recreation and parks shall be appointed from the qualified electors of the city. Seven (7) members shall be appointed as required by this charter.

One additional member shall be appointed by the governing board of each school district operating one or more elementary schools located within the City of Santa Ana, except that there shall not be more than four (4) such additional members. If more than four (4) school districts operate elementary schools within the city, appointment of the additional members shall be made by the governing boards of those districts having the largest assessed value of property lying within the City of Santa Ana. No member of the board of recreation and parks shall hold any paid office or employment in the city government.

Sec. 908. Same—Powers and duties.

The board of recreation and parks shall have power and be required to:

- (a) Consider matters that may be referred to it by the city council, the city manager, or the director of recreation and parks and render such counsel and advice in regard thereto as may be requested by the referring authorities; and consider all matters regarding programs, usages, or services of the department of recreation and parks other than administrative matters;
- (b) By its own motion, make such studies and investigations as it may deem necessary for the formulation of recreation and park policies, or to determine the wisdom and efficacy of the policies, plans, and procedures dealing with recreation and park matters and report its findings and recommendations to the city council, the city manager, or the director of recreation and parks, or to any or all such authorities as it may see fit.
- (c) Recommend to the city council and the city manager as to the acceptance or rejection of offers of donations of money, personal property, or real estate to be used for recreation and park programs; and additionally, it shall make recommendations on the sale, transfer, or usage of existing or future park property;
- (d) Consider the annual budget during the process of its preparation by the director of recreation and parks and make recommendations with respect thereto to the city manager and the city council;
- (e) Solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies concerned with recreation and park programs of the city.

Sec. 911. Personnel Board—Membership.

The personnel board shall consist of seven (7) members to be appointed by the city council from the qualified electors of the city. None of the members shall be removed from office without reasonable and sufficient cause, in accordance with procedures as provided by ordinance. None of the members shall hold public office or employment or be a candidate for any other public office or position, be an officer of any local, state or national partisan political club or organization, or while a member of the

personnel board or for a period of one (1) year after he has ceased for any reason to be a member, be eligible for appointment to any salaried office or employment in the service of the city.

Sec. 912. Same—Powers and duties.

The personnel board shall have power and be required to:

- (a) Hear appeals pertaining to the suspension, demotion, or dismissal of any officer or employee having permanent status in any office, position, or employment in the civil service; and as otherwise provided for in the civil service rules and regulations.
- (b) Consider matters that may be referred to it by the city council or the city manager and render such counsel and advice in regard thereto as may be requested by the referring authorities;
- (c) By its own motion, make such studies and investigations as it may deem necessary for the formulation of civil service policies, or to determine the wisdom and efficacy of the policies, plans, and procedures dealing with civil service matters and report its findings and recommendations to the city manager or the city council, or to both such authorities, as it may see fit;
- (d) Conduct public hearings on all proposed amendments to or repeal of civil service rules and regulations in the manner as prescribed by ordinance, and advise the council of its findings in such matters within sixty (60) days.

Sec. 1000. Civil service system.

A civil service system shall be as follows in addition to necessary rules of implementation to be established by ordinance and as may be recommended by the personnel board:

- (a) That the most qualified and competent employees shall be appointed and promoted, based upon fair and equitable competition for the positions to ensure the highest quality city government.
- (b) That no political or other outside influences shall affect appointments or promotions.
- (c) That there shall be equal opportunity for all persons regardless of age, sex, race, religion, creed, marital status, physical handicap, or national origin.
- (d) That there is equitable treatment of all civil service employees in matters of discipline, layoff or dismissal from the city service.

The system should be established in such a manner to ensure the accomplishment of the foregoing standards in appointments, promotions, discipline, lay-offs or dismissals of civil service employees.

The civil service rules and regulations shall provide for such matters as the city council and the personnel board may deem necessary, proper or expedient to carry out the intent and purpose of the civil service provisions of this Charter. These rules and regulations shall provide:

- (a) Preference for veterans for appointment to civil service positions consistent with the principle of merit.
- (b) Vacancies in positions of the higher classes in the civil service of the city shall be filled with preference to employees occupying positions of lower classes having duties and responsibilities which can

reasonably be considered as affording training and experience for the performance of the duties of the higher class.

- (c) That persons achieving eligibility for a position in the civil service shall retain that eligible status for a time sufficient to offer an opportunity to be appointed to a position in the civil service.
- (d) That the right to exercise disciplinary and dismissal powers is vested respectively in the officers of the City who have the power of appointment as to any position in the personnel system. Actions relating to suspension, demotion or dismissal for reasonable and sufficient cause may be taken by the officer having the power of appointment to the position.

Sec. 1002. Civil Service and excepted service.

The civil service system of the City shall cover all employees of the city not excepted by this section.

- (a) The excepted service shall comprise the following offices and positions:

- (1) The individual offices held by all elective officers;
- (2) The city manager and his assistants, if any;
- (3) The city attorney and his legal assistants, if any;
- (4) The clerk of the council;
- (5) The director of finance;
- (6) The director of personnel, if any;
- (7) The head of each department of the city not otherwise specified herein, and the chief administrative officer of the community redevelopment agency of the City of Santa Ana, and of the housing authority of the City of Santa Ana, but not including the police chief or the fire chief;
- (8) One private secretary to the city manager;
- (9) All members of boards and commissions;
- (10) Positions occupied by persons employed to render professional, scientific, technical, or expert service of an occasional and exceptional nature;
- (11) Positions in any class or grade created for a special or temporary purpose, and which are to exist for a period of not longer than ninety (90) days;
- (12) Positions of any class or grade exempted from the civil service for a maximum of six (6) months in any calendar year provided that the personnel board upon application of the city manager and after public notice and hearings recommends to the city council such exemption and the city council grants such exemption by motion adopted by two-thirds ($\frac{2}{3}$) of its members. Any such exemption shall not affect the tenure of any person whose appointment has become final under civil service.
- (13) Part-time positions or employments requiring less than twenty (20) regular hours of employment per week,
- (14) School crossing guards;
- (15) All positions occupied by persons employed to replace em-

ployees ordered to active duty, enlisted, or drafted for military service during a national emergency or when this country has declared war and until the expiration of the time when such replaced employee could demand his former position of employment under federal or state statutes.

- (b) The civil service shall comprise all positions not specifically included by this section in the excepted service.
- (c) In the event an officer or employee of the city holding a position in the civil service is appointed to a position in the excepted service and should subsequently be removed therefrom, he shall revert to his former position in the civil service without loss of any rights or privileges and upon the same terms and conditions as if he had remained in said position continuously.

Sec. 1004. Position Classification and pay plan.

The city manager shall prepare, install and maintain a position classification and pay plan covering all positions in both the civil and the excepted services of the city, subject to civil service rules and regulations and the approval of the city council.

The city manager shall develop the pay plan, after meeting and conferring with employees' organizations as required by law.

Sec. 1105. Oath of office.

Each member of the city council and of every board and commission and each officer and full-time employee shall, before entering upon the duties of his office, take and subscribe an oath or affirmation as prescribed by law and to be filed and kept in the office of the director of personnel.

Sec. 1201. General municipal.

General municipal elections for the election of officers and for such other purposes as the city council may prescribe shall be held in the City of Santa Ana on the first Tuesday after the first Monday in November in each even numbered year. However, in the event the state legislature hereafter prescribes a different day for holding of the statewide general election, general municipal elections shall be held upon such day as prescribed for the statewide general election.

Text of Repealed Charter Sections are as follows:

Sec. 104. Continuance of present officers and employees.

All officers and employees of the city at the time this charter takes effect shall continue in the performance of their duties until provision shall have been made in accordance with this charter for the performance or discontinuance of such duties.

Sec. 105. Transfer of records and property.

All records, property, and equipment of any office, department, or agency, or part thereof, all of the powers and duties of which are assigned to any other office, department, or agency by this charter, shall be transferred and delivered to the office, department, or agency to which such powers and duties are so assigned. If part of the powers and duties of any office, department, or agency, or part thereof is by this charter assigned to another office, department, or agency, all records, property, and equipment relating exclusively thereto shall be transferred and delivered to the

office, department, or agency to which such powers and duties are so assigned.

Sec. 107. Ordinances continued in effect.

All ordinances and resolutions and all rules, regulations, and orders legally made by any office, department, agency, or officer of the city, in force at the effective date of this charter, and not inconsistent herewith, shall remain in force until amended, repealed, or superseded as provided herein.

Sec. 108. Continuance of contracts and public improvements.

All contracts entered into by the city, or for its benefit, prior to the taking of effect of this charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of existing laws or may be continued or perfected under this charter.

Sec. 109. Pending actions and proceedings.

No action or proceeding, civil or criminal, pending at the time when this charter shall take effect, brought by or against the city or any office, department, agency, or officer thereof, shall be affected or abated by the adoption of this charter or by anything it contains; but all such actions or proceedings may be continued notwithstanding that functions, powers, and duties of any office, department, agency, or officer party thereto may be by or under this charter be assigned or transferred to another office, department, agency, or office, 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.

Sec. 705. Director of public works; qualifications, powers and duties.

To become eligible for the position of director of public works, the person appointed by the city manager subject to the civil service provisions of this charter shall be duly licensed as a registered civil engineer under the laws of the State of California and be qualified to administer and direct an integrated department of public works. The director of public works shall have power and be required to:

- (a) Have charge of the administration of the public works affairs of the city under the direction of the city manager;
- (b) Have the powers and perform the duties, in person or by deputy, imposed by law upon the street superintendent and the city engineer;
- (c) Direct all of the engineering work of the city, whether it is performed by the forces of the city or by outside contractors, in making the necessary preliminary, construction, and general surveys and in preparing designs, plans, estimates, and specifications for public works improvements and betterments; keep the engineering records of the city; and perform the engineering work requested by other departments of the city;
- (d) Conduct research in public works methods, procedure, practices, and equipment, and develop better and more efficient means of conducting the work of the department;

- (e) Supervise the public works improvements and betterments of the city; whether such construction work is done by contractors or by the forces of the city, except for certain specialized kinds of construction work that can, as designated by the city manager, be better handled by other city departments;
- (f) Supervise the operation and maintenance of the water supply and distribution systems of the city, and generally manage the water utility operations;
- (g) Operate and maintain the sanitary and storm water sewer systems of the city;
- (h) Supervise the collection and disposition of all garbage and trash approved for municipal collection, whether such collection or disposition is done by contractors or by city forces, and the cleaning of the streets of the city;
- (i) Supervise the maintenance of the streets of the city including the pavement, sidewalks, and curbs; the operation and maintenance of the ornamental light system; the operation and maintenance of the overhead street lighting system; and the cleaning of weeds from private lots as may be specified by ordinance;
- (j) Control the excavation in city streets, the encroachment in the streets, the movement of oversize loads over city streets, and the construction or maintenance by utility companies, other city departments, or private citizens of structures or improvements in the streets;
- (k) Recommend to the city council through the city manager as to (1) the amount of bond required to be given by public works contractors; (2) the approval or disapproval of such bonds prior to or at the time of executing contracts for such work or improvement; (3) the time when such work or improvement shall commence; (4) the time within which the same shall be completed; and (5) the extensions of time for completion thereof by the contractor therefor (when such times are not specified by ordinance).
- (l) Exercise all powers and duties that are now or may hereafter be imposed by law to estimate or determine the benefits, damages, and costs incident to a proposed change of grade of, or any improvement of, any public street.

Sec. 706. Director of recreation and parks; qualifications, powers and duties.

To become eligible for the position of director of recreation and parks, the person appointed by the city manager subject to the civil service provisions of this charter shall be qualified by experience in recreation and park administration. The director of recreation and parks shall have power and be required to:

- (a) Have charge of the promotion, development, and administration of the recreation program and park affairs of the city under the direction of the city manager;
- (b) Develop, manage, and maintain recreation areas, parks, parkways, playgrounds, gardens, and other areas owned, leased, or used for

recreation purposes, and facilities in connection therewith;

- (c) Supervise recreation activities not conducted by the city but conducted in parks and other recreation areas of the city;
- (d) Render landscape development and maintenance services required by other city departments to the extent practicable;
- (e) Develop and carry out a planned program for beautification of the city;
- (f) Look to the board of recreation and parks for counsel and advice on public recreation and park matters;
- (g) Solicit to the fullest extent practicable the cooperation of school authorities and other public and private agencies concerned with the recreation and park programs of the city.

Sec. 1001. Rules and regulations.

Civil service rules and regulations as provided for in this article shall have the force and effect of law only after having been adopted in an ordinance or ordinances by the city council.

The civil service rules and regulations shall provide for such matters as the city council and the personnel board may deem necessary, proper, or expedient to carry out the intent and purpose of the civil service provisions of this charter.

Sec. 1003. Appointments from competitive service to excepted service.

In the event an officer or employee of the city holding a position in the competitive service is appointed to a position in the excepted service, and should subsequently be removed therefrom, he shall revert to his former position in the competitive service without loss of any rights or privileges and upon the same terms and conditions as if he had remained in said position continuously.

Sec. 1005. Recruitment and examinations.

Examinations of applicants for positions in the competitive service shall be practical and relate to those matters which fairly test the relative capacity of the applicants to discharge the duties of the positions to which they seek to be appointed.

No person may be an applicant who is not a citizen of the United States, or who has not resided in the City of Santa Ana for at least one year next preceding the date of such examination. The residential requirement may be waived by the city manager, upon approval of the personnel board as to particular examinations, whenever he believes such waiver is in the public interest, but in each instance he must declare in the proceedings the reasons therefor.

In all examinations for entrance into the competitive service of the city, veterans who attain a passing grade shall be allowed an additional preferential credit of five (5) per cent, and disabled veterans obtaining a passing grade shall be allowed a preferential credit of ten (10) per cent, of the maximum, possible grade for such examination. The term "veteran" means a person who has served on active duty in the armed forces of the United States in time of war or armed intervention (and prior to the cessation of hostilities, as declared by the president or the congress of the

United States) for a period of at least ninety (90) days and has received an honorable discharge or release from active duty.

Sec. 1006. Promotions.

Vacancies in positions of the higher classes in the competitive service of the city shall, as far as practicable, be filled by promotion of employees occupying positions of lower classes having duties and responsibilities which can reasonably be considered as affording training and experience for the performance of the duties of the higher class; provided that the city manager, with the approval of the personnel board, may hold examinations for positions of such higher classes on the basis of open competitive examinations or both open and promotional competitive examinations in the manner to be provided in the civil service rules and regulations. Eligibility for promotional examination shall be subject to civil service rules and regulations.

In promotional examinations where all applicants are employees of the city, civil service rules and regulations may provide for additional preferential credit based upon years of service to the city, such preferential credit not to exceed five (5) per cent of the maximum possible grade for such examination.

Sec. 1007. Eligible lists; certification and appointment.

Upon completion of any examination, the city manager shall cause to be prepared and shall approve an eligible list with the persons who passed such examination being listed in relative order of the points they received, from highest to lowest. Such eligible list shall remain in effect for two (2) calendar years unless within such period, the city manager, or such person under the city manager having charge of personnel administration, shall not be able to certify for appointment the number of persons required under the provisions of this section.

Upon receipt of notice of a vacancy in the competitive service, the city manager or such person under the city manager having charge of personnel administration, shall certify to the appointing power the names of the three (3) highest candidates on the eligible list for such position. The appointing power may appoint, of the three (3) thus certified, whichever one in his opinion is best qualified for such position. No candidate may be certified more than four (4) times for any one class or classified position from an eligible list resulting from any one examination.

If no eligible list for the classification exists, or an existing list for the classification contains less than the required three (3) persons who are eligible and available for appointment, the city manager, or such person under the city manager having charge of personnel administration, shall so notify the appointing officer who may appoint one of the lesser number of persons or may make a temporary appointment to the vacancy, at his discretion. Such temporary appointment may not be for a longer period than one hundred and eighty (180) calendar days after the first day of such temporary appointment, nor may temporary appointments be made to any position a cumulative total of more than one hundred and eighty (180) calendar days in one calendar year following the first (1st) day on which the position is filled by a temporary appointment.

Upon appointment to a position in the competitive service, other than

a temporary appointment, the person so appointed or promoted shall hold probationary status in such position and in the class to which it has been allocated. The duration of the period of probationary status shall be determined by the civil service rules and regulations provided for in this article but in no instance shall extend over a period of more than one (1) year. During such probationary period the employee may be rejected at any time without right of a hearing before the personnel board. When an employee has been retained continuously in probationary status for the required period, he shall achieve permanent status.

An employee rejected during the probationary period from a position to which he has been promoted shall be reinstated to the position from which he was promoted, unless he is dismissed from the service of the city in addition to the rejection, in which event he shall have the right of a hearing before the personnel board as to such order of dismissal in the manner prescribed in section 1008 of this article.

Sec. 1008. Suspension; demotions; dismissals.

(a) Right to exercise the disciplinary and dismissal powers hereinafter provided is vested respectively in the officers of the city who have the power of appointment as to any position in the personnel system.

(b) Any employee serving a probationary period in a position in the competitive service shall be subject to suspension without pay for a period not to exceed ninety (90) days, demotion or dismissal, and the employee so disciplined or discharged shall not have a right of appeal, except that an employee who held permanent status in some other position or employment included within the competitive service immediately prior to his appointment to probationary status shall not be discharged without written notice of charges, an opportunity to answer, a written decision as hereinafter provided and right of appeal to the personnel board.

(c) Any employee, other than one serving a probationary period, holding a position in the competitive service shall be subject to suspension without pay for a period not to exceed ninety (90) days, or to demotion, or to dismissal subject to the following:

(1) Prior thereto the employee shall receive notice of the proposed action and of the grounds for such action; a written copy of the charges; a reasonable time, not to exceed ten (10) days unless the appointing authority authorizes a longer time, to answer the charges; and a written decision of the appointing authority. A copy of the charges shall be filed with the director of personnel, and each charge upon which such suspension, demotion or dismissal is based shall be separately stated.

(2) A right of appeal to the personnel board as provided in this article. However, such appeal shall not stay the imposition of suspension, demotion or dismissal following the written decision of the appointing authority.

(d) Each or any of said actions relating to suspension, demotion, or dismissal may be taken by the officer having power of appointment to the position for reasonable and sufficient cause.

(e) Each such employee shall have ten (10) days after receipt of the written decision of the appointing authority in which to file a notice